



## GUIDANCE FOR LAW ENFORCEMENT & GOVERNMENT ENTITIES

Pulse may be asked to assist local, state, and/or federal law enforcement agencies (LEAs), and government entities in criminal or administrative investigations. Pulse protects subscriber privacy in accordance with applicable law and its subscriber privacy policies. To obtain Pulse subscriber information, LEAs and government entities must provide Pulse with a valid legal request appropriate for the matter or information will not be released.

Pulse reviews and evaluates each request on a case-by-case basis and considers any special procedural or legal requirements or applicable laws while protecting the privacy of our subscribers, business information, and its general records. Unless a lawful request or court order explicitly directs Pulse not to do so, Pulse may provide information to a subscriber regarding government requests for information about that customer in advance. **In the event you do not want the pertinent customer to be notified of the existence of your request for information, your request for subscriber information to Pulse should include a non-disclosure statement requesting that Pulse not disclose the request's existence to the customer and the basis for non-disclosure. Pulse will assess the request and withhold or disclose the request in accordance with applicable law and Pulse policies.**

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## LEA & GOVERNMENT ENTITY CONTACT INFORMATION

Pulse and Pulse's legal team responds to valid legal requests from local, state, and federal law enforcement agencies, and state and federal government entities for information and records relating to Pulse's residential and commercial subscribers.

### How to submit a request to Pulse

For the most up-to-date contact information, visit our website at: <https://www.PulseFiber.org/lea>.

General Inquiries \*: [PulseLegal@LovelandPulse.com](mailto:PulseLegal@LovelandPulse.com)

Fax (non-exigent) \*: (970) 775-8789

Exigent Circumstances: (970) 775-8788 (24x7x365)

Mail \*: 815 14th ST SW, Suite C240, Loveland, CO 80537

Where there is an emergency (exigent circumstance) wherein immediate action is necessary to:

- prevent physical harm to someone;
- prevent destruction of relevant evidence;
- assist in the efforts for locating an escaped suspect;
- assist in some other consequence improperly frustrating legitimate law enforcement efforts;

Pulse will expedite and release subscriber information without legal process. **Proper legal process must be submitted within seventy-two (72) hours after the emergency/exigent circumstance has subsided.**

Contact Pulse's Exigent Circumstances line at (970) 775-8788. An email with requested information, along with relevant facts and circumstances of the emergency must also be supplied to [PulseLegal@LovelandPulse.com](mailto:PulseLegal@LovelandPulse.com).

\* Include a cover letter/page with your contact information and any relevant information. No cover letter is initially required for emergency disclosure requests.



## TYPES OF LEGAL REQUESTS

**Court Orders.** A court order must be signed by a judge, indicating that the law enforcement officer or government entity has made the requisite showing required under the law that the records requested are relevant and material to an ongoing investigation. A wiretap, pen register, and trap and trace all require a court order for processing.

**Subpoena.** A law enforcement official or government entity may issue a subpoena to seek evidence relevant to the investigation of a possible crime. This can include a state or federal grand jury, trial, or statutorily authorized administrative subpoena. 18 U.S.C. 2703(c)(2)(A)-(F) limits the types of information that can be released in response to a subpoena as follows:

- Customer name and address, including email address.
- Call detail and record of internet usage (bandwidth usage; DHCP logs; RADIUS logs).
- Length of service and types of service.
- Telephone or other subscriber account identifying numbers, including IP addresses.
- Payment records, including means and methods of payment.

**Warrants.** Warrants require a government entity or law enforcement agency to demonstrate that there is “probable cause,” or a reasonable belief that the person whose records are being sought has committed, is committing, or is about to commit a crime. A warrant may be used to obtain basic subscriber or transactional information.

**Consent from subscriber.** Law enforcement may obtain subscriber records upon showing that lawful consent was obtained from the subscriber.

**Child exploitation.** Lawful demands for subscriber information that relate to the exploitation of children are prioritized. To provide a faster response, the demand must state that the matter involves or potentially involves the exploitation of children. Pulse will make information available to the National Center for Missing and Exploited Children as required by 18 USC 2258A.

**FISA.** 50 USC 1801-1862 and USC 2511 submissions to Pulse should be coordinated with the applicable FBI field office. A special agent or other authorized FBI employee must make the request of Pulse.

**Pen Register/Trap and Trace Device.** 18 USC 3123 provides a mechanism for authorizing and approving the installation and use of a pen register or trap and trace device pursuant to court order. This may include sending the order to be executed by Pulse’s upstream voice provider(s).

**National Security Letters.** Delivery of all National Security Letters should be coordinated with the local FBI field office and provided to Pulse by an authorized FBI agent.

**Wiretaps and Interception of Communication.** 18 USC 2511 provides a mechanism for authorizing and approving the interception of a wire, oral, or electronic communication pursuant to a court order. This may include sending the order to be executed by Pulse’s upstream voice provider(s) and may include using a third-party for lawful interception of data.

**Note: Unless the subscriber has consented, Pulse, as an IPTV (Over-the-Top, (OTT)) operator, is prohibited by 47 USC 551(c)(2)(D) from providing any information on records to state and federal law enforcement agencies and government entities revealing cable subscriber selection of video**



programming in response to a warrant, court order, or subpoena under the provisions above, and can only provide such in response to a specific court order that complies with 47 USC 551(h). Please contact [PulseLegal@LovelandPulse.com](mailto:PulseLegal@LovelandPulse.com) for details.

**Colorado Open Records Requests.** Requests for records under the Colorado Open Records Act, CRS 24-72-201 *et seq.*, should be submitted to the Loveland City Clerk's Office by using the following page: <https://www.lovgov.org/city-government/city-clerk/colorado-open-records-request-form>.

**Civil Matters.** Submissions of legal requests for civil matters must be served through Pulse's legal team via [PulseLegal@LovelandPulse.com](mailto:PulseLegal@LovelandPulse.com) and/or facsimile at (970) 775-8789. Attorney-signed subpoenas are insufficient when seeking any subscriber information or records; Pulse must receive a judge-signed court order providing for notice to the subscriber and an opportunity to challenge any disclosure before releasing subscriber information in a civil matter. All records in such instances are deemed confidential and limited to use in litigations.

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## WHAT PULSE CAN PROVIDE

### Telephone Numbers and Call Detail Records

Pulse can provide certain account information when provided with a VoIP telephone number it currently has or has served or included as a subscriber contact number. This can include subscriber and billing information, call detail records, CALEA surveillance, pen and register, and trap and trace requests.

### Internet Protocol (IP) Addresses

Please confirm that the IP address is assigned to Pulse by running a query at <https://search.arin.net/>. Pulse's residential customers are assigned with dynamic IP addresses. Business customers may be assigned dynamically or statically based on customer preference. It is therefore necessary that all requests for subscriber information based on IP address include the specific date, time, and time zone for which information is sought. IP address logs are retained for one hundred eighty (180) days.

### Other Pulse Products and Services

If you believe that Pulse may be able to assist with other products or services offered by Pulse, send all appropriate information to [PulseLegal@LovelandPulse.com](mailto:PulseLegal@LovelandPulse.com), or via facsimile at (970) 775-8789.

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## WHAT TO INCLUDE

**Requests.** Requests should include the street address, account number (if known), phone number, email address, Internet Protocol address(es), or other identifiable information about the subscriber.

**Internet Protocol (IP) Addresses.** Requests should include the full IPv4 and/or IPv6 address(es). The date(s), time, and time zone sought relating to the subscriber. Date ranges may be included but must include a start and end time for subscriber verification. Source and/or Destination ports should be included when that information is available. Incomplete IPv4 or IPv6 addresses will not be processed (e.g., 162.142.46.x or 2605:6dc0:: for IPv4 and IPv6, respectively).



**Names.** Pulse responds to requests for identification based on a name exactly as it is written on the request. For example: if the request asks for information relating to John Doe in Loveland, and Pulse's records reveal a J. Doe or Jim Doe in Loveland, Pulse may require additional legal process to determine if it has responsive information. If initials or nicknames are used, include all variations of the subject's name.

**Addresses.** Requests based on an address must include the full street address, including the house or apartment number, street name, city, state, zip, and specific period covered (subscribers may change addresses).

**Account Numbers.** Incomplete account numbers cannot be processed.

**Financial Information.** Requests must include a complete credit card number, the date the payment being referenced was processed, the amount of the payment, and the card issuer. Requests involving a bank account must include the account and routing numbers. **Send this information via facsimile to (970) 775-8789 rather than email if it includes complete payment information such as debit, credit, or banking details.**

**Payment History.** Requests must include the date, amount of payment(s), the account number used to make the payment(s), or if cash was used. If a request seeks information about how a payment was made (e.g., in person, at a store, or over the phone), it should specifically request such information.

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## PRESERVATION REQUESTS

If an agency is in the process of obtaining a legal request, it may request that subscriber information in Pulse's server(s) be preserved beyond its normal retention period. Information responsive to the preservation request may be retained up to ninety (90) days, after which if no valid legal request is made, or no extension is sought, the information may be deleted in accordance with our retention periods. Any extension request must be received prior to the expiration of the initial period, or before the extension's original deadline.

Successive requests may be made for subscriber information. Successive requests for subscriber information may be extended up to one year (365 days) from the original request.

Requests that generate large volumes of data on a hard disk or solid-state drive will only allow for one ninety (90) day extension, up to a total retention time of one hundred eighty (180) days. These requests typically include pen and register, trap and trace, wiretaps, and lawful intercept requests, wherein raw or scrubbed data is stored on servers for law enforcement use.

If law enforcement or an agency seeks real-time data after submitting a preservation request, a valid wiretap or pen register/trap and trace order must be presented rather than successive preservation requests.

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## COSTS

Pulse reserves the right to seek reimbursement for processing and responding to legal process as permitted by law. Pulse's policy is to discuss reimbursement with you before we incur any costs (except



in emergencies). Stored record disclosures generally do not incur charges unless lengthy. Wiretaps and pen register/trap and trace orders require a substantial commitment of Pulse's resources.

**Pen Register/Trap and Trace/Wiretap/Lawful Intercept.** A cost of \$1,100 will be assessed for initial set-up (including first month of intercept service or any part thereof), and \$850 for each subsequent month or any part thereof in which the order or any extensions are active.

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END OF GUIDANCE FOR LAW ENFORCEMENT