



MULLEN  
COUGHLIN<sup>LLC</sup>  
ATTORNEYS AT LAW

NH DEPT OF JUSTICE  
MAY 31 '23 PM 8:08

426 W. Lancaster Avenue, Suite 200  
Devon, PA 19333

May 24, 2023

**VIA U.S. MAIL**

Consumer Protection Bureau  
Office of the New Hampshire Attorney General  
33 Capitol Street  
Concord, NH 03301

**Re: Notice of Data Event**

To Whom It May Concern:

We represent Proxi, LLC ("Proxi") located at 2701 N. Thanksgiving Way, Suite 100, Lehi, Utah 84043, and are writing to notify your office on behalf of Sunder Energy LLC of an incident that may affect the security of certain personal information relating to one (1) New Hampshire resident. This notice may be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, Proxi does not waive any rights or defenses regarding the applicability of New Hampshire law, the applicability of the New Hampshire data event notification statute, or personal jurisdiction.

**Nature of the Data Event**

On March 20, 2023, Proxi became aware of suspicious activity relating to a certain internal information system. In response, Proxi engaged outside forensic and data security specialists to investigate the nature and scope of the activity. Proxi determined that an unauthorized party gained access to its system and certain files were accessed and acquired between March 13, 2023, and March 15, 2023. In response, Proxi undertook a comprehensive review to determine what information was impacted and to whom it related. On March 30, 2023, Proxi confirmed the nature of scope of information impacted during the incident and to which Proxi clients that information related. Proxi provided notice of the incident to Sunder Energy LLC on April 18, 2023, Sunder Energy LLC requested that Proxi provide notice to this office on its behalf.

The information that could have been subject to unauthorized access includes name, Social Security number, financial account information, and if we were provided with an I-9, two of the following:

#### **Notice to New Hampshire Residents**

On May 24, 2023, Proxi provided written notice of this incident to one (1) New Hampshire resident at the direction of Sunder Energy LLC, 1750 W 11400 S, Suite 110, South Jordan, UT 84095. Written notice is being provided in substantially the same form as the letter attached here as *Exhibit A*.

#### **Other Steps Taken and To Be Taken**

Upon discovering the event, Proxi moved quickly to investigate and respond to the incident, assess the security of Proxi systems, and identify potentially affected individuals. Further, Proxi notified federal law enforcement regarding the event. Proxi is providing access to credit monitoring services for one (1) year, through IDX, to individuals whose personal information was potentially affected by this incident, at no cost to these individuals.

Additionally, Proxi is providing impacted individuals with guidance on how to better protect against identity theft and fraud, including advising individuals to report any suspected incidents of identity theft or fraud to their credit card company and/or bank. Proxi is providing individuals with information on how to place a fraud alert and security freeze on one's credit file, the contact details for the national consumer reporting agencies, information on how to obtain a free credit report, a reminder to remain vigilant for incidents of fraud and identity theft by reviewing account statements and monitoring free credit reports, and encouragement to contact the Federal Trade Commission, their state Attorney General, and law enforcement to report attempted or actual identity theft and fraud.

Proxi is providing written notice of this incident to relevant state regulators, as necessary.

Office of the Attorney General  
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**Contact Information**

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at [REDACTED].

Very truly yours,

S. Chandler Harris of  
MULLEN COUGHLIN LLC

SCH/dtg  
Enclosure

# **EXHIBIT A**

P R O X I

4145 SW Watson Avenue  
Suite 400  
Beaverton, OR 97005

To Enroll, Please Call:

1-800-939-4170

Or Visit:

[https://app.idx.us/account-  
creation/protect](https://app.idx.us/account-creation/protect)

Enrollment Code:

<<XXXXXXXX>>

<<Name 1>> <<Name 2>>

<<Address 1>>

<<Address 2>>

<<City>>, <<State>> <<Zip>>

May 24, 2023

## NOTICE OF DATA <<SECURITY INCIDENT/BREACH>>

Dear <<Name 1>> <<Name 2>>:

Proxi, LLC ("Proxi") is writing to notify you of a recent data security incident that may have impacted your personal information, which is in our possession due to our business relationship with <<Data Owner>>. In connection with this relationship, we received certain data from <<Data Owner>> which included information about you. This letter provides you with information about the incident, our response, and steps you may take to better protect against possible misuse of your information.

**What Happened?** On March 20, 2023, Proxi became aware of suspicious activity relating to a certain internal information system. In response, we engaged outside forensic and data security specialists to investigate the nature and scope of the activity. We determined that an unauthorized party gained access to our system and certain files were accessed and acquired between March 13, 2023 and March 15, 2023. In response, we undertook a comprehensive review to determine what information was impacted and to whom it related. On March 30, 2023, we determined that information related to you was contained in the impacted system, after which we notified <<Data Owner>>. At this time, we are unaware of any actual or attempted misuse of your information as a result of this incident.

**What Information Was Involved?** The investigation determined that information you provided to <<Data Owner>>, which may include

**What We Are Doing.** The confidentiality, privacy, and security of personal information within our care is critically important to us. Upon learning of the event, we investigated to determine the nature and scope of the incident, secured the environment, and notified law enforcement. We will be taking additional steps to improve security and better protect against similar incidents in the future. As an added precaution, Proxi is offering you access to <<12/24>> months of complimentary credit monitoring and identity protection services through IDX. Details of this offer and instructions on how to enroll in the services may be found in the attached *Steps You Can Take to Protect Personal Information*.

**What You Can Do.** We encourage you to remain vigilant against incidents of identity theft and fraud by reviewing your account statements. Additional information may be found in the attached *Steps You Can Take to Protect Personal Information*.

**For More Information.** We understand you may have questions that are not answered in this letter. If you have questions or concerns regarding this incident, we ask that you please contact our dedicated assistance line at 1-800-939-4170 between the hours of 9:00am and 9:00pm Eastern. You may also write to Proxi at 515 30th Street, Unit B, Newport Beach, CA 92663.

Sincerely,

Proxi Management

## STEPS YOU CAN TAKE TO HELP PROTECT PERSONAL INFORMATION

### Enroll in Credit Monitoring

1. **Website and Enrollment.** Go to <https://app.idx.us/account-creation/protect> and follow the instructions for enrollment using your Enrollment Code provided at the top of the letter. Please note the deadline to enroll is August 24, 2023.
2. **Activate the credit monitoring** provided as part of your IDX identity protection membership. The monitoring included in the membership must be activated to be effective. Note: You must have established credit and access to a computer and the internet to use this service. If you need assistance, IDX will be able to assist you.
3. **Telephone.** Contact IDX at 1-800-939-4170 to gain additional information about this event and speak with knowledgeable representatives about the appropriate steps to take to protect your credit identity.

### Monitor Your Accounts

Under U.S. law, a consumer is entitled to one free credit report annually from each of the three major credit reporting bureaus, Equifax, Experian, and TransUnion. To order your free credit report, visit [www.annualcreditreport.com](http://www.annualcreditreport.com) or call, toll-free, 1-877-322-8228. You may also directly contact the three major credit reporting bureaus listed below to request a free copy of your credit report.

Consumers have the right to place an initial or extended "fraud alert" on a credit file at no cost. An initial fraud alert is a 1-year alert that is placed on a consumer's credit file. Upon seeing a fraud alert display on a consumer's credit file, a business is required to take steps to verify the consumer's identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting seven years. Should you wish to place a fraud alert, please contact any one of the three major credit reporting bureaus listed below.

As an alternative to a fraud alert, consumers have the right to place a "credit freeze" on a credit report, which will prohibit a credit bureau from releasing information in the credit report without the consumer's express authorization. The credit freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a credit freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit. Pursuant to federal law, you cannot be charged to place or lift a credit freeze on your credit report. To request a security freeze, you will need to provide the following information:

1. Full name (including middle initial as well as Jr., Sr., II, III, etc.);
2. Social Security number;
3. Date of birth;
4. Addresses for the prior two to five years;
5. Proof of current address, such as a current utility bill or telephone bill;
6. A legible photocopy of a government-issued identification card (state driver's license or ID card, etc.); and
7. A copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft if you are a victim of identity theft.

Should you wish to place a credit freeze, please contact the three major credit reporting bureaus listed below:

<b>Equifax</b>	<b>Experian</b>	<b>TransUnion</b>
<a href="https://www.equifax.com/personal/credit-report-services/">https://www.equifax.com/personal/credit-report-services/</a>	<a href="https://www.experian.com/help/">https://www.experian.com/help/</a>	<a href="https://www.transunion.com/credit-help">https://www.transunion.com/credit-help</a>
888-298-0045	1-888-397-3742	1 (800) 916-8800
Equifax Fraud Alert, P.O. Box 105069 Atlanta, GA 30348-5069	Experian Fraud Alert, P.O. Box 9554, Allen, TX 75013	TransUnion Fraud Alert, P.O. Box 2000, Chester, PA 19016
Equifax Credit Freeze, P.O. Box 105788 Atlanta, GA 30348-5788	Experian Credit Freeze, P.O. Box 9554, Allen, TX 75013	TransUnion Credit Freeze, P.O. Box 160, Woodlyn, PA 19094

### **Additional Information**

You may further educate yourself regarding identity theft, fraud alerts, credit freezes, and the steps you can take to protect your personal information by contacting the consumer reporting bureaus, the Federal Trade Commission, or your state Attorney General. The Federal Trade Commission may be reached at: 600 Pennsylvania Avenue NW, Washington, DC 20580; [www.identitytheft.gov](http://www.identitytheft.gov); 1-877-ID-THEFT (1-877-438-4338); and TTY: 1-866-653-4261. The Federal Trade Commission also encourages those who discover that their information has been misused to file a complaint with them. You can obtain further information on how to file such a complaint by way of the contact information listed above. You have the right to file a police report if you ever experience identity theft or fraud. Please note that in order to file a report with law enforcement for identity theft, you will likely need to provide some proof that you have been a victim. Instances of known or suspected identity theft should also be reported to law enforcement and your state Attorney General. This notice has not been delayed by law enforcement.

*For District of Columbia residents*, the District of Columbia Attorney General may be contacted at: 400 6th Street, NW, Washington, DC 20001; 202-727-3400; and [oag.dc.gov](http://oag.dc.gov).

*For Maryland residents*, the Maryland Attorney General may be contacted at: 200 St. Paul Place, 16th Floor, Baltimore, MD 21202; 1-410-528-8662 or 1-888-743-0023; and <https://www.marylandattorneygeneral.gov/>.

*For New Mexico residents*, you have rights pursuant to the Fair Credit Reporting Act, such as the right to be told if information in your credit file has been used against you, the right to know what is in your credit file, the right to ask for your credit score, and the right to dispute incomplete or inaccurate information. Further, pursuant to the Fair Credit Reporting Act, the consumer reporting bureaus must correct or delete inaccurate, incomplete, or unverifiable information; consumer reporting agencies may not report outdated negative information; access to your file is limited; you must give your consent for credit reports to be provided to employers; you may limit "prescreened" offers of credit and insurance you get based on information in your credit report; and you may seek damages from violator. You may have additional rights under the Fair Credit Reporting Act not summarized here. Identity theft victims and active duty military personnel have specific additional rights pursuant to the Fair Credit Reporting Act. We encourage you to review your rights pursuant to the Fair Credit Reporting Act by visiting [www.consumerfinance.gov/f/201504\\_cfpb\\_summary\\_your-rights-under-fcra.pdf](http://www.consumerfinance.gov/f/201504_cfpb_summary_your-rights-under-fcra.pdf), or by writing Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.

*For New York residents*, the New York Attorney General may be contacted at: Office of the Attorney General, The Capitol, Albany, NY 12224-0341; 1-800-771-7755; or <https://ag.ny.gov/>.

*For North Carolina residents*, the North Carolina Attorney General may be contacted at: 9001 Mail Service Center, Raleigh, NC 27699-9001; 1-877-566-7226 or 1-919-716-6000; and [www.ncdoj.gov](http://www.ncdoj.gov).

*For Rhode Island residents*, the Rhode Island Attorney General may be reached at: 150 South Main Street, Providence, RI 02903; [www.riag.ri.gov](http://www.riag.ri.gov); and 1-401-274-4400. Under Rhode Island law, you have the right to obtain any police report filed in regard to this incident. There are 3 Rhode Island residents impacted by this incident.