



January 2, 2019

**VIA HAND DELIVERY AND ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, D.C. 20554

**RE: Request for Confidential Treatment  
Annual Report of Purple Communications, Inc.; Fourth Amendment to Application  
of Purple Communications, Inc. for Full Certification to Provide Video Relay Service  
CG Docket Nos. 10-51, 03-123**

Dear Ms. Dortch:

Pursuant to Sections 64.606(g) and 1.65 of the rules of the Federal Communications Commission (“Commission”), Purple Communications, Inc. (“Purple”) hereby submits its annual report detailing its compliance with the Telecommunications Relay Service (“TRS”) rules and amending its pending application for full certification as a provider of Video Relay Service (“VRS”).<sup>1</sup> In accordance with the Commission’s rules,<sup>2</sup> attached are one original and four copies of the report. We are simultaneously filing a redacted version for public inspection in the Commission’s Electronic Comment Filing System.

Pursuant to 47 C.F.R. §§ 0.457, 0.459, Purple requests that the Commission provide confidential treatment for the company-specific, highly sensitive and proprietary commercial information in the attached report and withhold that information from public inspection. The confidential information has been redacted from the electronic version of the filing. The confidential information constitutes highly sensitive commercial information that falls within Exemption 4 of the Freedom of Information Act (“FOIA”).

In support of this request and pursuant to Section 0.459(b) of the Commission’s rules, Purple hereby states as follows:

**1. Identification of the specific information for which confidential treatment is sought.**

Purple requests confidential treatment with respect to the confidential information redacted from the version filed electronically with the Commission.

**2. Identification of the circumstance giving rise to the submission.**

Purple is submitting its annual report on its compliance with the TRS rules, in accordance with 47 C.F.R. § 64.606(g). The annual report includes updated corporate proprietary information per the requirements of 47 C.F.R. § 64.606(g).

**3. Explanation of the degree to which the information is commercial or financial or contains a trade secret or is privileged.**

<sup>1</sup> See 47 C.F.R. §§ 64.606(g), 1.65.

<sup>2</sup> See 47 C.F.R. §§ 0.457, 0.459, 1.419.

The confidential information in Purple's annual compliance report is highly sensitive commercial information specific to the operations and strategies of Purple. This information is generally safeguarded from competitors and is not made available to the public.

**4. Explanation of the degree to which the information concerns a service that is subject to competition.**

The confidential information involves VRS, a nationwide competitive service.

**5. Explanation of how disclosure of the information could result in substantial competitive harm.**

Disclosure of the redacted information could cause substantial competitive harm to Purple, because it would provide competitor's insight into confidential operational and strategy information, including the company's critical infrastructure, that would not otherwise be available, which would work to Purple's severe competitive disadvantage.

**6. Identification of any measures taken to prevent unauthorized disclosure.**

Purple routinely treats the redacted information as highly confidential and exercises significant care to ensure that such information is not disclosed to its competitors or the public.

**7. Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.**

Purple does not make the redacted information available to the public, and this information has not been previously disclosed to third parties, except where required by the Commission and the TRS Fund Administrator, each of whom protect the confidentiality of such submissions.

**8. Justification of the period during which the submitting party asserts that the material should not be available for public disclosure.**

Purple requests that the redacted information be treated as being confidential on an indefinite basis as it cannot identify a date certain on which this information could be disclosed without causing competitive harm to Purple.

Respectfully submitted,

/s/ Gregory Hlibok

Gregory Hlibok  
Chief Legal Officer  
and Chief Compliance Officer  
ZVRS Holding Company, parent company of  
Purple Communications, Inc.  
595 Menlo Drive  
Rocklin, CA 95765

Enclosures

cc: Eliot Greenwald  
TRSreports@fcc.gov

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Telecommunications Relay Services and	)	CG Docket No. 03-123
Speech-to-Speech Services for Individuals	)	
with Hearing and Speech Disabilities	)	
	)	
Structure and Practices of the Video Relay	)	CG Docket No. 10-51
Service Program	)	
	)	

**ANNUAL REPORT OF PURPLE COMMUNICATIONS, INC.  
AND FOURTH AMENDMENT TO APPLICATION OF PURPLE  
COMMUNICATIONS, INC. FOR FULL CERTIFICATION TO  
PROVIDE VIDEO RELAY SERVICE**

Pursuant to Sections 64.606(g) and 1.65 of the rules of the Federal Communications Commission (“FCC” or “Commission”),<sup>1</sup> Purple Communications, Inc. (“Purple”) hereby submits its Annual Report demonstrating compliance with the mandatory minimum standards established for Internet-based TRS providers and amending its pending application for full certification as a provider of Video Relay Service (“VRS”).<sup>2</sup> Purple received conditional certification to provide VRS on January 4, 2012.<sup>3</sup>

**I. Update to Information Required Under Section 64.606(a)(2) of the Commission’s Rules**

In accordance with Section 64.606(g)(1) of the Commission’s rules, this Annual Report updates, where necessary, the information and documentation contained in Purple’s Internet-Based TRS Certification Application submitted on September 30, 2016, as subsequently amended on March 1, 2017 and July 24, 2017, and January 4, 2018 (collectively, the “Purple

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<sup>1</sup> See 47 C.F.R. §§ 64.606, 1.65.

<sup>2</sup> See Purple Communications, Inc., Internet-Based TRS Certification Application, Update to Application for Full Certification, Request for Renewal of Conditional Certification, CG Docket 10-51 (filed Sept. 30, 2016) (“Purple Recertification Application”), *see also* Amendment to Application of Purple Communications, Inc. for Full Certification to Provide Video Relay Service, CG Docket Nos. 03-123 & 10-51 (filed Mar. 1, 2017); Second Amendment to Application of Purple Communications, Inc. for Full Certification to Provide Video Relay Service, CG Docket Nos. 03-123 & 10-51 (filed July 24, 2017).

<sup>3</sup> See *Notice of Conditional Grant of Application of Purple Communications, Inc. for Recertification as a Provider of Video Relay and Internet Protocol Relay Service Eligible for Compensation from the Interstate Telecommunications Relay Service (TRS) Fund*, Public Notice, CG Docket No. 10-51, DA 12-4 (CGB 2012).

Recertification Application”). Where no update is provided, Purple certifies that there are no changes to the information and documentation submitted in the Purple Recertification Application, as detailed below. The following information covers the time period from January 4, 2018 to November 30, 2018.

**A. A description of the forms of Internet-based TRS to be provided;  
(47 C.F.R. § 64.606(a)(2)(i))**

Purple provides Video Relay Service (“VRS”).

**B. A detailed description of how the applicant will meet all non-waived mandatory minimum standards applicable to each form of TRS offered;  
(47 C.F.R. § 64.606(a)(2)(ii))**

Purple includes a description of how it will meet all non-waived mandatory minimum standards applicable to VRS in Exhibit 1, attached hereto.

**1. In the case of VRS applicants or providers,**

**i. Operating five or fewer call centers within the United States, a copy of each deed or lease for each call center operated by the applicant within the United States; (47 C.F.R. § 64.606(a)(2)(ii)(A)(1))**

Purple operates more than five call centers within the United States.

**ii. Operating more than five call centers within the United States, a copy of each deed or lease for a representative sampling . . . of five call centers operated by the applicant within the United States, together with a list of all other call centers that they operate that includes the information required under §64.604(c)(5)(iii)(N)(2);  
(47 C.F.R. § 64.606(a)(2)(ii)(A)(2))**

The call center leases provided as part of Purple’s 2018 Annual Report remain current. A list of call centers operated by Purple is included at Exhibit 2.

On October 31, 2017, the Commission approved Purple’s application to participate in the At-Home VRS Call Handling Pilot Program, in which a limited number of Purple’s CAs will handle VRS calls from at-home workstations in full compliance with the requirements set forth in the Commission’s March 23, 2017 *VRS Improvements Order*.<sup>4</sup> The locations that are being

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<sup>4</sup> See Public Notice, *Authorizations Granted to CSDVRS, LLC, and Purple Communications, Inc., to Participate in the VRS At-Home Call Handling Pilot Program*, DA 17-1068, CG Docket Nos. 03-123 & 10-51 (CGB rel. Oct. 31, 2017); see also *Structure and Practices of the Video Relay Service Program*;

used in conjunction with Purple's participation in the At-Home VRS Call Handling Pilot Program are identified in Purple's call centers listed in Exhibit 2. [REDACTED]

- iii. **Operating call centers outside of the United States, a copy of each deed or lease for each call center operated by the applicant outside of the United States; (47 C.F.R. § 64.606(a)(2)(ii)(A)(3))**

Purple does not operate any VRS call centers outside the United States, as noted in Section IV.B of the Purple Recertification Application.

- iv. **A description of the technology and equipment used to support their call center functions; (47 C.F.R. § 64.606(a)(2)(ii)(A)(4))**

The description of the technology and equipment used to support Purple call center functions provided as part of Purple's 2018 annual report is unchanged.

- v. **Operating five or fewer call centers within the United States, a copy of each proof of purchase, lease or license agreement for all technology and equipment used to support their call center functions for each call center operated by the applicant within the United States; (47 C.F.R. § 64.606(a)(2)(ii)(A)(5))**

Purple operates more than five call centers within the United States.

- vi. **Operating more than five call centers within the United States, a copy of each proof of purchase, lease or license agreement for technology and equipment used to support their call center functions for a representative sampling . . . of five call centers operated by the applicant within the United States; a copy of each proof of purchase, lease or license agreement for technology and equipment used to support their call center functions for all call centers operated by the applicant within the United States must be retained by the applicant for three years from the date of the application, and submitted to the Commission upon request; (47 C.F.R. § 64.606(a)(2)(ii)(A)(6))**

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*Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Notice of Inquiry, Further Notice of Proposed Rulemaking, and Order, 32 FCC Rcd. 2436 (Mar. 23, 2017) ("VRS Improvements Order"); see generally 47 C.F.R. § 64.604(b)(8) (rules governing the At-Home VRS Call Handling Pilot Program).

Exhibit 3 includes proofs of purchase, leases, and/or license agreements for technology and equipment used to support the call center functions for a representative sampling of five call centers. The relevant call centers are [REDACTED]

Purple retains copies of proofs of purchase, lease, or license documentation as required and will submit the same to the Commission upon request.

- vii. Operating call centers outside of the United States, a copy of each proof of purchase, lease or license agreement for all technology and equipment used to support their call center functions for each call center operated by the applicant outside of the United States; (47 C.F.R. § 64.606(a)(2)(ii)(A)(7))**

Purple does not operate any VRS call centers outside of the United States, as noted in Section V.C of the Purple Recertification Application.

- viii. A complete copy of each lease or license agreement for automatic call distribution; (47 C.F.R. § 64.606(a)(2)(ii)(A)(8))**

Purple continues to utilize its own custom built automatic call distribution (“ACD”) system. [REDACTED]

- 2. For all applicants, a list of individuals or entities that hold at least a 10 percent equity interest in the applicant, have the power to vote 10 percent or more of the securities of the applicant, or exercise de jure or de facto control over the applicant, a description of the applicant's organizational structure, and the names of its executives, officers, members of its board of directors, general partners (in the case of a partnership), and managing members (in the case of a limited liability company); (47 C.F.R. § 64.606(a)(2)(ii)(B))**

Purple herein provides an updated list of officer and executives. All other ownership information that was provided as part of Purple’s 2018 Annual Report in response to this requirement remains current.

[REDACTED]



- 3. For all applicants, a list of the number of applicant's full-time and part-time employees involved in TRS operations, including and divided by the following positions: executives and officers; video phone installers (in the case of VRS), communications assistants, and persons involved in marketing and sponsorship activities; (47 C.F.R. § 64.606(a)(2)(ii)(C))**

Purple provides herein at Exhibit 4 a list of the number of applicant's full-time and part-time employees involved in TRS operations.

- 4. For all applicants, copies of employment agreements for all of the provider's employees directly involved in TRS operations, executives, and communications assistants, and a list of names of employees directly involved in TRS operations, need not be submitted with the application, but must be retained by the applicant for five years from the date of application, and submitted to the Commission upon request; (47 C.F.R. § 64.606(a)(2)(ii)(D))**

Purple retains copies of employment agreements as required and will submit the same to the Commission upon request.

- 5. For all applicants, a list of all sponsorship arrangements relating to Internet-based TRS, including on that list a description of any associated written agreements; copies of all such arrangements and agreements must be retained by the applicant for three years from the date of the application, and submitted to the Commission upon request; (47 C.F.R. § 64.606(a)(2)(ii)(E))**

This information is provided in Exhibit 5. Purple retains copies of sponsorship agreements as required and will submit the same to the Commission upon request.

**C. A description of the provider's complaint procedures;  
(47 C.F.R. § 64.606(a)(2)(iii))**

Purple VRS customers are directed to contact Purple VRS Customer Care via videophone or through an online form found at the Company's website. Customer complaints are logged by the VRS Customer Care team in the Company's customer management database. Complaints regarding VIs are forwarded to the Operations management team while complaints regarding technical issues are resolved by technical support.

Any customer may also contact the Purple Compliance department through the contact information provided on the FCC's relay provider contact page at <https://www.fcc.gov/general/internet-based-trs-providers>.

**D. A statement that the provider will file annual compliance reports demonstrating continued compliance with these rules. (47 C.F.R. § 64.606(a)(2)(iv))**

Purple will continue to file annual compliance reports demonstrating compliance with the Commission's rules governing Telecommunications Relay Service and containing the information required by Section 64.606(g) of the Commission's rules.

**II. Section 64.604(c)(13) Compliance Plan (47 C.F.R. § 64.606(g)(3))**

The compliance plan provided as part of Purple's 2018 Annual Report remains current.

**III. CPNI Certification and Statement (47 C.F.R. § 64.5109(e))**

Attached hereto as Exhibit 6 is Purple's Annual CPNI Certification and Statement.

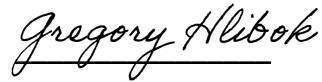
**IV. Certification (47 C.F.R. §§ 64.606(g)(2), *see also* 47 C.F.R. 64.606(a)(2)(v))**

The certification required under Sections 64.606(g)(2) and 64.606(a)(2)(v) of the Commission's rules is below the following page.

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Respectfully submitted,

  
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Gregory Hlibok  
Chief Legal Officer  
and Chief Compliance Officer  
ZVRS Holding Company, parent company  
of Purple Communications, Inc.  
(443) 574-7402  
ghlibok@zvrs.com

January 2, 2019

Exhibits

**CERTIFICATION**

I swear under penalty of perjury that I am Gregory Hlibok, Chief Legal Officer of ZVRS Holding Company, parent company of the above-named reporting entity, and that I have examined the foregoing submissions, and that all information required under the Commission's rules and orders has been provided and all statements of fact, as well as all documentation contained in this submission, are true, accurate, and complete.

*Gregory Hlibok*

Gregory Hlibok  
Chief Legal Officer  
And Chief Compliance Officer  
ZVRS Holding Company, parent company  
of Purple Communications, Inc.

Date: 12/31/2018

REDACTED

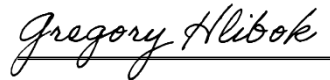
**EXHIBIT 6**

CPNI Certification and Statement

**2019 Annual TRS CPNI Certification: 47 C.F.R. § 54.5109**

I, Gregory Hlibok, certify that I am an officer of ZVRS Holding Company, parent company of Purple Communications, Inc. (the “Company”), and I have personal knowledge that the Company has established operating procedures that are adequate to ensure compliance with the Commission’s TRS consumer proprietary network information (“CPNI”) rules, 47 C.F.R. § 64.5101 *et seq.* (the “TRS CPNI Rules”).

Attached to this certification is an accompanying statement that explains how the Company’s operating procedures ensure that it is in compliance with the TRS CPNI Rules. The statement includes an explanation from January 4, 2018 to November 30, 2018, of any actions taken against data brokers, a summary of all customer complaints received concerning the unauthorized release of CPNI, and a report detailing all instances where the Company or its agents, contractors or subcontractors used, disclosed, or permitted access to CPNI without complying with the procedures specified in the TRS CPNI Rules.



Gregory Hlibok  
Chief Legal Officer  
and Chief Compliance Officer  
ZVRS Holding Company, parent company  
of Purple Communications, Inc.

Date: January 2, 2019

REDACTED