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REDACTED, FOR PUBLIC INSPECTION

ORIGINAL

February 15, 2017

VIA HAND FILING AND ECFS

ACCEPTED/FILED

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

FEB 15 2018

**Federal Communications Commission
Office of the Secretary**

RE: Request for Confidential Treatment, Petition for Limited Waiver and Extension of the TRS-URD Implementation Deadline, CG Docket Nos. 10-51, 03-123.

DOCKET FILE COPY ORIGINAL

Dear Ms. Dortch:

ZVRS Holding Company, parent company of CSDVRS, LLC d/b/a ZVRS ("ZVRS") and Purple Communications, Inc. ("Purple") hereby submits the attached Petition for Limited Waiver and Extension of the TRS-URD Implementation in the aforementioned dockets.

Pursuant to 47 C.F.R. §§ 0.457, 0.459, ZVRS and Purple request that the Commission provide confidential treatment for the company-specific, highly-sensitive and proprietary commercial information in the attached letter and withhold that information from public inspection. 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, ZVRS and Purple hereby state as follows:

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

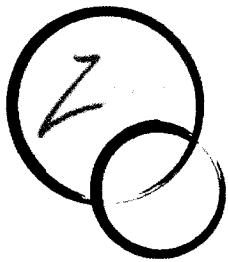
ZVRS and Purple request confidential treatment of the corporate proprietary information on ZVRS and Purple between the notations "[*****BEGIN CONFIDENTIAL INFORMATION***]**" and "[*****END CONFIDENTIAL INFORMATION***]**" in the attached petition and exhibits thereto.

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

ZVRS and Purple are submitting the attached petition and exhibits to request a limited waiver and extension of the TRS-URD implementation deadline in order to provide time for stakeholders address ongoing technical and procedural challenges in implementation.

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

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The confidential information in the attached petition and exhibits is highly-sensitive commercial information specific to the operations and strategies of ZVRS and 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.

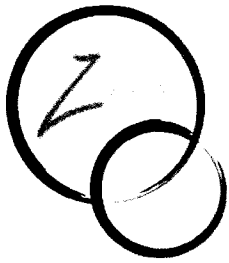
Disclosure of the information included in the petition could cause substantial competitive harm to ZVRS and Purple, because it would provide competitors insight into ZVRS's and Purple's confidential operational and strategy information, which would work to ZVRS's severe competitive disadvantage.

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

ZVRS and Purple routinely treat the information provided in the following petition as highly confidential and exercise 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.

ZVRS and Purple do not make the data provided in the following petition available to the public, and this information has not been previously disclosed to third parties, except where required by the Commission and the TRS-URD Administrator, each of whom protect the confidentiality of such submissions.



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

ZVRS and Purple request that the information identified in the following petition be treated as being confidential on an indefinite basis, as they cannot identify a date certain on which this information could be disclosed without causing competitive harm to ZVRS and Purple.

Respectfully submitted,

/s/Gregory Hlibok

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

Attachments

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

ACCEPTED/FILED

FEB 15 2018

Federal Communications Commission
Office of the Secretary

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

PETITION FOR LIMITED WAIVER AND EXTENSION OF THE TRS-URD IMPLEMENTATION DEADLINE

CSDVRS, LLC d/b/a ZVRS ("ZVRS") and Purple Communications, Inc. ("Purple") (collectively, the "Companies"), pursuant to sections 1.3 and 1.41 of the rules of the Federal Communications Commission ("Commission"), hereby request a limited waiver and extension of the deadline for providers of Video Relay Service ("VRS") to submit certain user registration information to the Telecommunications Relay Service User Registration Database ("TRS-URD") by February 28, 2018.¹ Specifically, the Companies urge the Commission to extend the deadline until the All Call Query ("ACQ") feature of the TRS-URD is fully functioning, and the customer confusion and unresolved technical issues affecting submissions to the database are addressed, as doing so will preserve access to VRS service for eligible users, provide certainty to providers, the Commission, and the TRS-URD administrator about the compensability of calls, and permit the TRS-URD to operate as envisioned in the Commission's rules and orders.

¹ 47 C.F.R. §§ 1.3, 1.41; *see also* 47 C.F.R. §§ 64.611(a)(3)(v), (4)(ii)-(iii); *Video Relay Service Providers May Begin Submitting Data to the TRS User Registration Database*, CG Docket Nos. 10-51, 03-123, Public Notice, DA 17-1246 (CGB rel. Dec. 29, 2017) ("December 29 PN").

The implementation of the TRS-URD has proven to be a complex, multifaceted process requiring coordination and engagement among VRS users, providers, the Commission, and the TRS-URD administrator, Rolka Loube. Each step of the implementation process—such as customer education and engagement, collection of customer information and consents, internal validation of customer information, transmission of data to Rolka Loube in appointed windows, and real-world, end-to-end testing of the verification mechanism with Rolka Loube—must be completed before use of the TRS-URD goes “live.” Despite best efforts by all involved, these implementation steps have not been flawlessly completed by VRS users, providers, Rolka Loube or the Commission. As a result (1) there is widespread confusion among the VRS user base regarding the requirement for users to provide consent for *each* of their providers (and not just one) to submit their registration data to the TRS-URD, and (2) there remain significant, unresolved technical issues affecting submissions to the TRS-URD, which will: (a) risk unnecessary disruptions to access to the functionally equivalent VRS to which users are entitled under the Americans with Disabilities Act and Section 225 of the Communications Act;² and (b) risk vital compensation to VRS providers such as ZVRS and Purple. As described herein, these unresolved issues place at risk *****BEGIN CONFIDENTIAL INFORMATION***** [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] *****END CONFIDENTIAL INFORMATION*****

² 47 U.S.C. § 225.

As discussed more fully herein, TRS-URD implementation has broken down in multiple respects, including: (1) significant customer confusion regarding the consent and information collection requirements, which has made it unduly difficult to obtain the required consents and threatens to cut off choice for eligible users; (2) ongoing, unresolved verification failure issues affecting submissions to the database; (3) the lack of fulsome, real-world, end-to-end testing to surface and resolve errors, which has forced providers to essentially conduct production testing in real time with the deadline looming; (4) delays in the implementation process have burdened VRS providers and users and increased the risk that collected information has become out-of-date, leading to substantial failures; (5) critical functionalities are not ready, including but not limited to the ACQ feature needed to provide the per-call verification and validation that will enable the TRS-URD to operate as intended; (6) the TRS-URD is not yet ready to accept registration information for sign language-proficient hearing users who receive TDNs for purposes of placing point-to-point calls; (7) the TRS-URD is not yet ready to accept registration information for public and enterprise videophones; (8) the apparent incompatibility between versions of the Lexis/Nexis identity product being used for the TRS-URD, increasing failure rates; and (9) in view of all of the technical issues, the significant uncertainty as to whether calls can be serviced and will be compensated.

Strict application of the February 28, 2018 TRS-URD implementation deadline while these circumstances persist, risking access to VRS, leaving the compensability of legitimate VRS calls hanging in the balance, and [***BEGIN CONFIDENTIAL INFORMATION***]

[REDACTED] [***END
CONFIDENTIAL INFORMATION***] is not in the public interest and betrays the Commission's goals in adopting the TRS-URD requirements. Thus, the Commission should

waive and extend the TRS-URD implementation deadline until such time as the Commission, the TRS-URD administrator, VRS providers, and VRS users have resolved these issues and fully implemented all functionality, including the ACQ feature. ACQ is necessary to provide the per-call validation and verification needed to make the TRS-URD operate as intended. We understand ACQ, the responsibility of Rolka Loube to provide, in coordination with the administrator of the TRS Numbering Directory (“iTRS Directory”), will not be operational for a few months. A waiver and extension of the TRS-URD deadline for providers, until ACQ is ready and available, will ensure that the TRS-URD, once implemented, will actually serve the good and worthy purposes underlying the registration and verification requirements.

I. BACKGROUND.

In 2013, the Commission adopted rules to establish the TRS-URD to “ensure accurate registration and verification of TRS users, achieve more effective prevention of waste, fraud, and abuse, and determine the number of individuals using VRS.”³ Under the rules establishing the TRS-URD, within 60 days of the release of a public notice that the TRS-URD is ready to begin accepting user registration information, VRS providers must submit, for each user for whom they serve as the default provider:

- Full name, full residential address, ten-digit telephone number (“TDN”) assigned in the TRS Numbering Directory, last four digits of the Social Security number or Tribal identification number, and date of birth;
- The user’s registered location information for emergency calling purposes;
- VRS provider name and dates of service initiation and termination;

³ December 29 PN at 1 (citing *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51, 03-123, Report and Order and Further Notice of Proposed Rulemaking, FCC 13-82, at ¶ 4 (2013) (“2013 VRS Reform Order”)).

- A digital copy of the user's written self-certification of eligibility for VRS and the date it was obtained by the provider;
- The date on which the user's identification was verified; and
- For existing users only, the date on which the user last placed a point-to-point or relay call.⁴

Before submitting this information to the TRS-URD, providers must first obtain and keep a record of customer consent by describing to the customer in writing, using clear and easily understandable language, the specific information being submitted, that the information is being provided to the TRS-URD to ensure the proper administration of the TRS program, and that failure to provide consent will result in the user being denied service.⁵ Following submission of this information, the TRS-URD administrator will conduct an identity verification check on the submitted information. After the 60-day period for data submission, providers may not register a new user or seek compensation for calls placed by users who fail the identity verification check.⁶

In April 2015, the Commission contracted with Rolka Loubé to develop and administer the TRS-URD. Since that time, ZVRS, Purple, and the other providers have been periodically meeting with Rolka Loubé and the Commission to discuss the implementation process and have undertaken development efforts to prepare to submit the required user registration data in the format and in accordance with the filing instructions prescribed by Rolka Loubé.

On December 29, 2017, the Commission's Office of Managing Director and Consumer and Governmental Affairs Bureau released a Public Notice announcing that the TRS-URD was "ready to accept registration information for registered VRS users."⁷ Under the Commission's

⁴ 47 C.F.R. § 64.604(a)(4).

⁵ *Id.* § 64.611(a)(4)(i).

⁶ *Id.* § 64.615(a)(5).

⁷ *December 29 PN* at 1.

rules, this release commenced a 60-day period ending February 28, 2018, by which date VRS providers must have submitted to the TRS-URD the above-described user registration information. Thereafter, “VRS providers may not register a new user, or seek compensation for calls placed by any registered user, who does not pass this identification verification check.”⁸

II. EFFORTS OF ZVRS AND PURPLE TO PREPARE FOR THE TRS-URD

As described more fully below, since the adoption of the TRS-URD requirements in 2013, and the selection of Rolka Loube as TRS-URD administrator in April 2015, ZVRS and Purple have each committed significant time and resources to preparing for implementation, both as a technical matter and in their efforts to gather the requisite customer information and consents.⁹ These efforts are ongoing and of the utmost importance to ZVRS and Purple, and their users.

A. ZVRS

ZVRS has worked diligently, since mid-2015, to prepare for the rollout of the TRS-URD. ZVRS has taken numerous steps to educate consumers about the TRS-URD requirements, collect the required information, and obtain users’ consent to submit their registration information to the database. As the information in the attached Exhibit A demonstrates,¹⁰ ZVRS began working to educate its users on the TRS-URD requirements on July 10, 2015, by sending an email alert describing the requirements to its user base and posting a video and information on the

⁸ *Id.* at 2; *see also* 47 C.F.R. §§ 64.611(a)(3)(v), (4)(ii)-(iii).

⁹ The Companies undertook these substantial preparations as they were subject to harshly declining compensation rates under the glide path adopted in the 2013 VRS Reform Order. This strained increasingly scarce resources while the implementation efforts dragged on and grew in complexity, with no compensation available under the glide path to cover the Companies’ costs.

¹⁰ *See* Exhibit A.

Company's webpage.¹¹ ZVRS began collecting user data and consents for the TRS-URD shortly thereafter, on July 31, 2015. Since the company first began collecting the data and consents in July 2015, there has been a webpage providing the form posted on its website for users to provide consent and their updated information. However, in the three years since the information was collected, some of it may have changed, requiring the Company to now go back to the user when their registration "fails."

In the intervening years, the company has continued to regularly communicate with its users about the need to provide the required information and consents. To ensure that these communications reach all of ZVRS's customers, these communications have taken a number of forms, including email alerts, video and informational posts on the ZVRS webpage, IVVR prompts, postcard notices, SMS alerts, and social media posts. These efforts to ensure that customers are aware of the TRS-URD requirements have been consistently repeated throughout 2015, 2016, and 2017, as well as a number of times in January and February 2018, following release of the *December 29 PN*.¹² Although they are not compensated for the costs of implementing this mandate, ZVRS has engaged in significant outreach efforts with respect to the TRS-URD.

ZVRS submitted test data to Rolka Loube 32 times between January and December 2017, has participated in regular TRS-URD meetings between Rolka Loube and VRS providers throughout the implementation planning process, and, like Rolka Loube, purchased a Lexis/Nexis product—in ZVRS's case, Instant ID (a better verification tool than the one used by Rolka Loube)—to conduct its own verification checks. ZVRS's team has been working on the

¹¹ See ZVRS, User Registration Database, available at <https://www.zvrs.com/about/fcc/user-registration-database/>.

¹² See Exhibit A. A sampling of these video alerts can be viewed at: <https://youtu.be/Lhb0XTigM5c> (Nov. 10, 2015); https://youtu.be/rZo4_rkNJdo (Sep. 6, 2016); <https://youtu.be/KN6lkkyhQYQ> (Jan. 10, 2018).

verification of user registration data on a daily basis, and continues to do so. Since the FCC issued the *December 29 PN*, ZVRS has submitted data to the TRS-URD on a frequent and ongoing basis, with failed verification rates ranging from *****BEGIN CONFIDENTIAL INFORMATION***** [REDACTED] *****END CONFIDENTIAL INFORMATION*****, with no clear explanation for these failure rates and the unpredictability of the results returned by the TRS-URD, as described below.¹³ For ZVRS, at least *****BEGIN CONFIDENTIAL INFORMATION***** [REDACTED]
[REDACTED]
[REDACTED] *****END CONFIDENTIAL INFORMATION*****. Should the unexplained and erroneous failures persist or worsen, the financial impact would be even more grave, and *****BEGIN CONFIDENTIAL INFORMATION***** [REDACTED]
[REDACTED] *****END CONFIDENTIAL INFORMATION***** ZVRS will continue to submit registration information for verification and work with Rolka Loube to identify and resolve issues. ZVRS will also continue to diligently seek to obtain the necessary customer consents in advance of the deadline. ZVRS obtained *****BEGIN CONFIDENTIAL INFORMATION***** [REDACTED] *****END CONFIDENTIAL INFORMATION***** consents in 2015. As of February 9, 2018, there remain *****BEGIN CONFIDENTIAL INFORMATION***** [REDACTED] *****END CONFIDENTIAL INFORMATION***** who have yet to provide the required consents. The Company has observed a marked uptick in the number of consents provided since the Commission's notice to customers three weeks before the deadline, but this notice from the Commission may have come too late, and is all the more reason for the Commission to provide more time to get this process right.

¹³ See Exhibit B.

B. Purple

Like ZVRS, Purple has devoted substantial time and resources to prepare for the TRS-URD, also described in Exhibit A hereto. Purple began collecting consents and required information for residential users in January 2014. Purple has consistently communicated the TRS-URD requirements to its customers since then, through email alerts, video and informational postings on its webpage, outreach by customer care representatives, and postcard notices to encourage users to update and provide consent to submit their registration information, and to inform them about the upcoming deadline. Purple sent notices to its customer base on a monthly basis through March 2016, and also assigned customer care representatives to reach out to customers whose registrations failed test verifications. Purple continues to make these communications in an effort to ensure that all customers are aware of the need to satisfy the TRS-URD requirements in order to continue receiving service, as demonstrated by a recent video and information alert posted to the Purple webpage.¹⁴

As these customer education efforts were ongoing, Purple spent two years writing code to submit user registration data to the TRS-URD, and participated in the regular TRS-URD meetings between Rolka Loube and the VRS providers. Purple submitted 98 test files to Rolka Loube between November 2015 and December 2017. Like Rolka Loube, Purple is also using Lexis/Nexis FlexID to verify registration data. Purple has submitted data to the TRS-URD on a frequent and ongoing basis since the *December 29 PN*, with failure rates ranging from *****BEGIN CONFIDENTIAL INFORMATION***** [REDACTED] *****END CONFIDENTIAL INFORMATION*****, with no clear explanation for these failure rates and

¹⁴ Purple, IMPORTANT! FCC Announces URD Deadline, *available at* <https://www.purplevrs.com/urd>.

the unpredictability of the results returned by the TRS-URD, as described below.¹⁵ The unexplained and erroneous verification failures call into question whether Purple will be compensated for a substantial portion of legitimate calls placed by eligible users. For Purple, at least *****BEGIN CONFIDENTIAL INFORMATION***** [REDACTED]

[REDACTED]

[REDACTED] *****END CONFIDENTIAL INFORMATION*****.

Should the unexplained and erroneous failures persist or worsen, the financial impact would be even more grave, and *****BEGIN CONFIDENTIAL INFORMATION***** [REDACTED]

[REDACTED] *****END CONFIDENTIAL**

INFORMATION***] Purple will also continue to diligently seek to obtain the necessary customer consents in advance of the deadline. Purple obtained *****BEGIN CONFIDENTIAL INFORMATION***** [REDACTED] *****END CONFIDENTIAL INFORMATION***** in 2016.

As of February 9, 2018, there remain *****BEGIN CONFIDENTIAL INFORMATION*****

[REDACTED] *****END CONFIDENTIAL INFORMATION*****] Purple users who have yet to provide the required consents. The Company has observed a marked uptick in the number of consents provided since the Commission's notice to customers three weeks before the deadline but, as noted below, more time is needed for the Commission's customer communications to have their intended effect.

¹⁵ See Exhibit B.

III. WAIVER AND EXTENSION OF THE TRS-URD IMPLEMENTATION DEADLINE IS NECESSARY TO PROVIDE THE COMMISSION, TRS-URD ADMINISTRATOR, AND PROVIDERS TIME TO RESOLVE THE TECHNICAL ISSUES AND CUSTOMER CONFUSION PLAGUING THE IMPLEMENTATION PROCESS.

Generally, the Commission's rules may be waived for good cause shown.¹⁶ The Commission may waive a rule where the particular facts make strict compliance with the rule inconsistent with the public interest.¹⁷ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy in electing to waive one or more of its rules.¹⁸ Notwithstanding the announcement in the *December 29 PN* that the TRS-URD was "ready" to begin accepting VRS user registration information, and as described more fully herein, there are a number of issues that call into question both the database's readiness and VRS users' awareness and understanding of the registration requirement and attending consent obligations. Each stakeholder in the implementation process —VRS users, providers, Rolka Loube, and the Commission—is dependent on the others, as follows:

- Obtaining customer consent is a threshold issue, as no submissions can take place without such consent.
- Customer consent, however, is largely dependent on the Commission, as well as providers, educating users about the consent and information collection requirements.
- Providers also must collect data from customers, the validity of which has a shelf life, negatively impacted by the time it has taken to get TRS-URD to this point. When a registration "fails" because the data has become out-of-date, providers must go back to users.
- Providers cannot adequately prepare for successful submission of data to the TRS-URD without the administrator providing clear, consistent formatting and filing instructions and meaningful opportunities to test the entire process end-to-end.

¹⁶ 47 CFR § 1.3.

¹⁷ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

¹⁸ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969) (*WAIT Radio*); *Northeast Cellular*, 897 F.2d at 1166.

- Rolka Loube cannot generate the necessary guidance and testing opportunities without fully engaging with providers and the Commission.
- Per-call verification and validation through ACQ is not yet available, inserting numerous disruptions to the registration, verification, provisioning, and porting processes and preventing the TRS-URD from functioning as intended.

In the context of all these interdependent parts, no one piece of the TRS-URD is truly “ready” to begin operating until all critical pieces are ready. As demonstrated below, the TRS-URD is not ready today, and it will not be ready on February 28, 2018. As a result of the customer confusion and technical issues that are plaguing the TRS-URD, strict application of the February 28, 2018 TRS-URD implementation deadline would contravene the public interest and justifies extension of the deadline.

Indeed, in June 2009, the Commission granted a five-month extension of the deadline for TDN registration under strikingly similar circumstances.¹⁹ There, as here, it was clear in the period leading up to the compliance deadline that customer confusion and technical issues with the implementation of the numbering solution had created a circumstance in which strict application of the deadline would undermine the goals of the numbering requirement and the public interest required an extension of the deadline to afford the Commission and all stakeholders an opportunity to resolve the issues affecting the implementation efforts. In granting the extension, the Bureau found that doing so would “ensure a more orderly transition to ten-digit numbering for users of Internet-based TRS by allowing for additional time for outreach and educational activities, as well as time to address any unresolved technical issues associated with the transition.”²⁰ The same rationale applies here, and the Commission should thus grant

¹⁹ See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, et al.*, Order, DA 09-1353 (CGB 2009).

²⁰ *Id.* at ¶ 2.

similar relief to ensure an “orderly” implementation of the TRS-URD, which will avoid disruptions in the availability of VRS to eligible users.

A. Customer Confusion Regarding the Consent and Information Collection Requirements, Despite the Repeated, Concerted Efforts of ZVRS and Purple to Educate Users on the Requirements, Has Hindered the Ability to Obtain Required Consents and Threatens to Cut Off Service to Eligible Users.

As required by the rules, ZVRS and Purple must obtain a customer’s consent before submitting that customer’s registration information to the TRS-URD.²¹ As detailed above, ZVRS and Purple have been diligently working to obtain these consents since July 2015, and January 2014, respectively, through repeated customer communication campaigns and assigning individual users to customer care representatives for outreach.

Despite these efforts, however, ZVRS and Purple encountered significant customer confusion related to the consent and information collection requirements. Many customers believed that they needed only to provide consent to a single provider, rather than *each* provider with whom they have an account. Still others expressed confusion and skepticism at the Companies’ requests for their sensitive information, and particularly the combination of elements such as date of birth and the last four digits of the user’s Social Security Number, and so refused to provide consent even when notified that the collection of this information is a Commission requirement. When these issues were raised with Rolka Loube and the Commission, ZVRS and Purple were advised to direct users expressing confusion or concern over the information collection to the Commission’s ASL Consumer Support Line. The Companies did so, and also included this information on their webpages and in customer communications, but this guidance burdened users with the responsibility of getting clarity on the TRS-URD requirements. Ultimately, the VRS user community needed to be informed of these requirements as part of a

²¹ 47 C.F.R § 64.611(a)(4)(i).

clear, consistent, and coordinated education campaign by not just the providers, who invested significant time and resources over the past several years to these efforts, but by the Commission as well.

In 2014, shortly after the adoption of the *2013 VRS Reform Order* establishing the TRS-URD, the Commission posted an ASL video FAQ on its website.²² Thereafter, for the next three to four years providers shouldered nearly the entire burden of community outreach alone, as it was not until February 2, 2018, more than halfway through the current 60-day TRS-URD information submission window, that the Commission again posted a video providing guidance to inform the deaf and hard of hearing community of the consent requirement. One week later, the Commission published additional guidance through the AccessInfo@fcc.gov mailing list, in an effort to further publicize the requirements. This guidance read, in part:

IMPORTANT NOTE TO VRS USERS: In order to continue using VRS from each of your providers, you must provide the information listed above (plus additional information if requested from your provider to verify your identity) **to each VRS provider** with whom you have a videophone number. You must also give consent **to each of your providers** to submit your registration information to the TRS User Registration Database. This means that if you have multiple devices and telephone numbers from different providers, and you submit your information and consent to only one of your providers, you will be able to continue using only that provider. In order to continue getting service through other providers, **you must separately submit your information to each of your providers, along with your consent for each provider to enter your information into the database.** All user information will be kept strictly confidential.

Failure to provide the necessary registration information and consent to each of your providers by February 28, 2018 may result in losing access to some of your VRS providers until such registration information and consent is provided.²³

²² <https://www.fcc.gov/general/trs-user-registration-database-faqs-asl-video>

²³ AccessInfo@fcc.gov, "New FCC ASL Video: February 28, 2018 Deadline for VRS User Registration," E-mail (Feb. 9, 2018) (emphasis in original).

While ZVRS and Purple are thankful for the Commission's support in communicating the requirements and the consequences of non-compliance to consumers, which the Companies have been messaging on a consistent basis for years, that support may have come too late. After years of customer confusion about the consent requirements, the first Commission foray into customer education in more than three years came with only three *weeks* left until many thousands of otherwise eligible VRS users face the prospect of losing access to some / all of their providers as a result of this confusion. Moreover, providers (particularly small providers such as ZVRS and Purple) will risk losing the market share they have worked so hard to gain and maintain because, without adequate consumer education about the consents, they are at this juncture unable to gain all of the user consents that are needed before submitting customer registration information to the TRS-URD. If the February 28, 2018 deadline holds, this will soon result in the inability by some VRS providers to serve all their customers. Moreover, it is important to note that a majority of customers hold TDNs with multiple providers. Some of them, due to confusion about the consent requirements, will likely end up losing TDNs they carry with smaller providers after the deadline but keep TDNs with the largest provider, since the largest provider has ample resource to register their customers. This would solidify the largest provider's market share and wipe out all of the smaller providers' years of efforts to grow and maintain market share and ensure a competitive market for VRS. These detrimental outcomes for VRS users and providers clearly contravene the public interest, and are unjustifiable. In view of the fact that one of the purposes underlying the establishment of the TRS-URD is to preserving the continued availability of VRS for eligible users—the Commission should, without hesitation, grant the extension of the TRS-URD implementation deadline requested herein.

B. The TRS-URD Is Not “Ready” in Light of Ongoing, Unresolved Verification Failure Issues, Insufficient Testing Opportunities, and the Lack of Critical Functionalities Needed to Make the Database Work as Intended and Avoid Disruptions to Users’ Access to VRS.

When the TRS-URD is fully functional, it will be an extremely effective and welcome tool for the deaf and hard of hearing community, VRS providers, and the Commission. It will streamline the verification and validation processes, provide certainty to both users and providers about which users are eligible for the service, and serve to prevent waste, fraud, and abuse in a way that preserves the continued availability of the service. The TRS-URD is not fully functional today, however. As the *December 29 PN* notes, the ACQ functionality needed to provide per-call validation, which is crucial to providing certainty that valid VRS calls will be compensated and enabling the TRS-URD to function as envisioned in the *2013 VRS Reform Order* and the Commission’s rules, is not yet available.²⁴ ACQ is an integral function of the TRS-URD,²⁵ which has not yet been fully implemented by Rolka in coordination with Neustar, Inc. (“Neustar”), as the iTRS Directory Administrator. The planned arrangement involves Rolka Loube sending batches of URD changes to Neustar after Rolka Loube verifies the TDNs in each batch of changes submitted by providers. This is not real-time processing, which is critical to the functioning of ACQ. ACQ is a real-time technology that must work promptly (sub-second) and accurately each time to provide a functionally equivalent service telephone service for the deaf and hard of hearing customers. However, ACQ has not been available and stable enough to give the providers the opportunity to test the integration and functioning of ACQ in any meaningful way. The Commission’s rules provide that VRS providers shall validate the eligibility of the VRS user by querying the URD database on a per-call basis otherwise the call cannot be

²⁴ *December 29 PN* at 2.

²⁵ *2013 VRS Reform Order* at ¶ 72.

processed.²⁶ ACQ would resolve the compensation issues by providing the per-call validation function it was designed to perform, giving providers needed certainty about the compensability of calls and removing the necessity for Rolka Loube to engage in extremely time-consuming manual processes to determine the validity of a call after the fact.²⁷ Without some method of obtaining real-time information, providers wouldn't be able to confirm the calling parties' credentials, and therefore cannot provide our service in compliance of the per-call validation requirement. Additionally, ACQ will enable Rolka Loube to make distinctions between device and user registrations, and between individual or enterprise users for purposes of compensability and compliance with the TRS-URD rules. Without ACQ, Rolka Loube cannot make the distinction between device and user registrations because device registration is not required at this time.

The TRS-URD is similarly not yet ready to accept registration information for sign language-proficient hearing users who receive TDNs for purposes of placing point-to-point calls.²⁸ Nor is the TRS-URD ready to accept registration information for public and enterprise videophones, as there remains an ongoing proceeding to address related issues.²⁹ The strict application of the February 28, 2018 deadline to submit information to a partially, minimally functional database, that is producing significant "failure" rates for some VRS providers, risks material disruptions to users' access to, and experience with, VRS, which is not a fair result for VRS users or providers. As described above, as of February 7, 2018, the unexplained and

²⁶ See 47 C.F.R. § 64.615(a)(1)(i)-(ii).

²⁷ In order to provide a resilient, scalable, compliant platform, it is imperative to implement VRS industry call processing rules without any human interaction. Human interaction reduces consistency in user experience, adds a discernable relay to the overall call setup process, and introduces the need for additional training and the need to continuously audit the process.

²⁸ *December 29 PN* at 2.

²⁹ *Id.* at 2-3.

erroneous failures affecting submissions to the TRS-URD place at risk [***BEGIN

CONFIDENTIAL INFORMATION***] [REDACTED]

[REDACTED] [***END CONFIDENTIAL INFORMATION***], even in the event of a “grace period” for failed registrations—which, as detailed below, is no guarantee that the problems underlying the failure issues will be resolved or that the risk to compensation for valid VRS calls will be eliminated. The Companies will continue to work diligently to identify and resolve the causes of these issues as the deadline nears, but it is just as likely that the issues of unexplained and erroneous rejections will worsen rather than improve. The public interest thus requires that the Commission extend the TRS-URD implementation deadline until necessary functionalities are operational and outstanding technical issues have been resolved following true, end-to-end testing of the verification and validation process. Although all stakeholders should continue to work purposefully and diligently to complete the hard work to make TRS-URD functional, get users registered with minimal “failures”, and get ACQ online for per-call validation, the Commission should not rush to require implementation of TRS-URD in the face of all the issues and problems that have now surfaced.

1. Insufficient Testing Opportunities and Unresolved Failure Issues Demonstrate that Additional Time Is Needed to Ensure the Readiness of the TRS-URD.

As other providers have noted, unexplained and erroneous verification failures have persisted since the TRS-URD was made available for submission of registration information. Sorenson Communications, LLC (“Sorenson”) explained to the Commission that “for a large number of existing users, it received false rejections, i.e., rejections for consumers who had

previously passed in earlier testing and who had no change in data.”³⁰ Purple has experienced the same issues identified by Sorenson. Purple has identified *****BEGIN CONFIDENTIAL INFORMATION***** [REDACTED] *****END CONFIDENTIAL INFORMATION***** who failed verification when submitted following the announcement of the TRS-URD’s readiness to accept data, but passed during previous testing. Of these customers, *****BEGIN CONFIDENTIAL INFORMATION***** [REDACTED] *****END CONFIDENTIAL INFORMATION***** show no changes to their address or name. Sorenson also notes that a significant number of failed verifications were, inexplicably, “due to the URD, based on Lexis/Nexis, now rejecting date of birth and/or last four digits of the Social Security Number information that had previously passed, even though such data does not change for a user.”³¹ As a result of these as yet unexplained and erroneous failures, Purple has experienced a troubling variability and unpredictability in the verification results returned by the TRS-URD, with failure rates ranging from *****BEGIN CONFIDENTIAL INFORMATION***** [REDACTED] *****END CONFIDENTIAL INFORMATION*****.³²

ZVRS has also had a similar experience to Sorenson, which notes that “the version of the Lexis/Nexis service being used by Rolka Loube appears to be slower to update changes in address than the version of Lexis/Nexis that Sorenson has purchased, again leading to false rejections.”³³ As detailed above, since the 60-day submission window opened, ZVRS has experienced a high degree of variability and unpredictability in the verification results returned by the TRS-URD, with failure rates ranging from *****BEGIN CONFIDENTIAL**

³⁰ Letter from John T. Nakahata, Counsel to Sorenson Communications, LLC, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123, 10-51, at 4 (filed Jan. 22, 2018) (“*Sorenson January 22 Ex Parte*”).

³¹ *Id.* at 4-5.

³² See Exhibit B.

³³ *Sorenson January 22 Ex Parte* at 5.

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The erroneous rejection of unchanged, accurate registration information and the apparent Lexis/Nexis identity product compatibility issues affecting verification submissions are the types of issues that would be expected to surface, and be resolved, through testing of the TRS-URD verification process. However, the various testing phases made available over the past few years, while helpful, were neither long enough nor comprehensive enough to identify issues that lead to erroneous rejections of submissions and ensure the readiness of the TRS-URD to begin accepting this data. Testing was not available for all file types, and the phases were not open long enough to conduct the real-world testing needed to identify and resolve issues. Additionally, the testing windows limited which file types could be tested, and providers who were unable to test a specific function within that window, for instance, because of limited resources or equipment failure,³⁴ were left with no additional opportunity to test before the release of the *December 29 PN*. There was no end-to-end testing available during the test window and, as such, the Companies were unable to verify that the logic they had built would work in a real-world scenario. Instead, true end-to-end “testing” of the TRS-URD only began on January 2, 2018, when the TRS-URD began accepting information in its production

³⁴ See Exhibit B.

³⁵ See *supra* Section II.A.

environment. With no opportunity to test, providers are forced to test any changes to logic and back-end programming in support of URD in production instead of having a test environment available for this purpose, surfacing errors for the first time as the deadline nears.³⁶ It makes no sense to conduct what essentially amounts to production environment testing on the TRS-URD during the critical 60-day submission period, with users' access to the service and the compensability of legitimate VRS calls hanging in the balance. Indeed, now that the TRS-URD is in production, ZVRS and Purple continue to identify scenarios that were not contemplated, and thus not tested, which require the development, deployment, and debugging of code to resolve these issues, further straining limited resources, all as the TRS-URD information submission deadline is upon us.

2. Delays in the TRS-URD Implementation Process Have Unduly Burdened VRS Users and Providers.

As described in Section II, *supra*, ZVRS and Purple have invested a great deal of time and effort over the past several years to prepare for the implementation of the TRS-URD. The Companies have been collecting the required information and consents for years, and dedicated scarce resources to developing and refining code to submit data to the TRS-URD database. However, the implementation process has been characterized by a number of false starts, in which it was suggested in the past that the notice announcing TRS-URD readiness was imminent, requiring dedication of additional resources to complete preparations, only to have the TRS-URD fail to materialize. Frequently, the providers would then receive new filing

³⁶ Rolka Loube notified providers in an email on February 14, 2018 that the test environment would be open and available on February 15, 2018. However, this is less than 2 weeks TRS-URD implementation deadline.

instructions that required significant revisions to the work already done, if not starting from scratch.³⁷

These false starts also burdened customers and strained ZVRS and Purple's relationships with their users, as notice of an imminent 60-day submission window would prompt additional outreach to customers about the need to provide or update information to retain access to service. When the announcement of the TRS-URD's readiness did not come, the Companies' credibility with their users diminished, making it more difficult to collect the required information in the future. A certain "boy who cried wolf" scenario has developed.

Finally, the repeated false starts and ongoing delay increase the likelihood that previously collected data has become out-of-date. Once the required information and consents were obtained over the past few years, providers were largely dependent upon the user to update his or her information if and when it changed. Because Purple and ZVRS began collecting data and consents in 2014 and 2015, respectively, delays in the implementation process have undoubtedly allowed some users' data to become out-of-date, which in turn increases the risk of failed verifications. For example, ZVRS obtained *****BEGIN CONFIDENTIAL INFORMATION***** [REDACTED] *****END CONFIDENTIAL INFORMATION***** consents in 2015, and Purple obtained *****BEGIN CONFIDENTIAL INFORMATION***** [REDACTED] *****END CONFIDENTIAL INFORMATION***** in 2016. This creates a perverse outcome, in which the Companies are at a greater risk of failing verification as a result of their diligence over the past few years in collecting information and consents.

³⁷ See *supra* Section II.A.

3. A "Grace Period" in which Providers Are Compensated for Calls Placed by Users Whose Registrations Fail Verification Is Not Sufficient to Address the Core Issues Affecting the TRS-URD Implementation Process.

ZVRS and Purple appreciate the Commission's discussion of a "grace period" to compensate providers for minutes from users whose TRS-URD registration has failed verification.³⁸ While ZVRS and Purple commend the Commission for acknowledging that something needs to be done, a grace period would address a symptom of these issues but not the cause. The current erroneous failure issues are not fully understood and there is no guarantee that they will be resolved by the end of any grace period the Commission may provide. Moreover, a grace period creates significant uncertainty and raises the specter that if the failure issues are not fully resolved, a substantial number of minutes will no longer be compensable, particularly threatening the viability of non-dominant providers like ZVRS and Purple, as detailed above.

Furthermore, ZVRS, Purple and other providers, have real concerns about the ability of Rolka or the FCC to implement this grace period as a practical matter. The question of how Rolka Loube or the Commission would identify and treat minutes from these "failed" users after they have been paid has not been resolved. A recently proposed solution is to compare the call detail record lists with the TDNs subject to review. However, this manual approach would be so cumbersome and time consuming as to make it impracticable and susceptible to error. Combined with Rolka Loube's additional task of manually reviewing erroneously failed registrations, ZVRS and Purple do not believe this is a workable solution. [***BEGIN

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³⁸ See *Sorenson January 22 Ex Parte*, at 5 ("Staff advised that for existing customers, the rules only require that information be submitted into the URD, not that verification be complete, by February 28. Staff confirmed that so long as information was timely entered, compensation will not be disallowed for consumers still in the manual collection and verification process with Rolka Loube, or on any appeal from Rolka Loube to the DRO.").

[REDACTED]
[REDACTED]
[REDACTED] [***END

CONFIDENTIAL INFORMATION***] Moreover, the uncertainty as to whether calls will be compensated, even under the “grace period” approach, would require ZVRS and Purple

[***BEGIN CONFIDENTIAL INFORMATION***] [REDACTED]
[REDACTED]

[REDACTED] [***END CONFIDENTIAL INFORMATION***] Any withholding, delay, or uncertainty with respect to compensation for legitimate VRS calls placed by eligible users creates unacceptable consequences for VRS providers and users, and thus contravenes the public interest. As a result, instead of the “grace period” approach, the Commission should extend the TRS-URD implementation deadline until the technical concerns are resolved and all necessary functionalities of the TRS-URD are in place, including ACQ. At that point, no grace period or other short-term relief will be needed to support the operation of a partially functional TRS-URD and the database can commence operations as intended, to the benefit of all VRS stakeholders.

4. The Implementation of the TRS-URD Without All Necessary Functionalities Will Unnecessarily and Materially Disrupt VRS Users’ Access to and Experience of the Service.

As currently proposed, the process by which the TRS-URD implementation will work beginning March 1, 2018 risks significant disruptions to VRS users’ access to the service. Presently, providers are only able to submit registration information twice daily, at 10:00 AM and 2:00 PM ET, Monday through Friday. Rolka Loubé previously represented that hourly processing, on a 24 hour, 7 day a week basis, would be available by the end of the 60-day submission window, but as of the most recent TRS-URD meeting with providers has stated that it can no longer guarantee the availability of even the hourly processing, in spite of the

requirement in the *2013 VRS Reform Order* that the TRS-URD be capable of “receiving and processing data provided by VRS providers both in *real-time* and via periodic batches.”³⁹ The lack of more frequent processing than twice daily, let alone real-time processing, raises the possibility that an eligible new user, or an eligible existing user whose confusion over the consent requirements led her to miss the deadline, will attempt to make a call and will have to wait until the following business day to access the service, because the TRS-URD is not functioning as intended.⁴⁰

Rolka Loube also recently stated that, before provisioning an iTRS TDN, providers must first verify the TDN with the TRS-URD before provisioning the number in the iTRS Numbering Directory. The practical effect of this, particularly in light of the limited processing windows, is likely to be that customers requesting to port their numbers to a new default provider will experience a material delay while waiting for the identity to be populated into or verified with the TRS-URD before the provider can even make its request to the iTRS Directory. This is likely to be especially harmful to the smaller providers such as ZVRS and Purple, who will bear the customer’s blame for the delay in most circumstances.

An extension of the deadline until ACQ is operational, and the verification processing mechanisms function as described in the *2013 VRS Reform Order* and the Commission’s rules, will resolve these questions. Additionally, the extension will allow stakeholders to resolve the remaining technical issues and will ensure access for deaf and hard of hearing users, providing the actual functionality the Commission envisioned in the *2013 VRS Reform Order*.

³⁹ *2013 VRS Reform Order* at ¶ 71 (emphasis added).

⁴⁰ Some customers would be forced to wait multiple calendar days, until the following Monday, if they registered with a provider after the Friday afternoon processing window.

IV. CONCLUSION

ZVRS and Purple fully support the implementation of the TRS-URD and look forward to the day it is fully operational, as its use will accrue to the benefit of all VRS stakeholders. However, as demonstrated hereinabove, the implementation of the TRS-URD is a complex process, involving multiple, interdependent steps by VRS users, providers, Rolka Loube, Neustar and the Commission—the majority of which are not yet complete. As a result, the TRS-URD is not “ready” in any practical sense and on many fronts, and implementation of an incomplete TRS-URD risks unnecessary interruptions to users’ civil rights access to the service and burdens providers with uncertainty about the compensability of calls and the process by which they register, verify, and validate the eligibility of their users. The unresolved issues plaguing the TRS-URD implementation endanger *****BEGIN CONFIDENTIAL INFORMATION*****

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] *****END**

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For the foregoing reasons, the Commission should extend the TRS-URD implementation deadline until the ACQ feature of the TRS-URD is fully functioning, and the customer confusion and unresolved technical issues affecting submissions to the database are addressed, as doing so will preserve access to VRS service for eligible users, provide certainty to providers, the Commission, and the TRS-URD administrator about the compensability of calls, and permit the TRS-URD to operate as envisioned in the Commission's rules and orders.

Respectfully submitted,

/s/Gregory Hlibok

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February 15, 2018

EXHIBIT A

Timeline of ZVRS and Purple Efforts to Educate Consumers and Obtain Required Information and Consents

	ZVRS	Purple
Unknown month and year		Purple URD alert IVVRs (splash screens) created.
2015		
Unknown month		Purple email notification of URD requirements sent.
JULY		
1st		Purple Video on URD requirements posted: https://youtu.be/ZUH97ZZ9zMg
10th	ZVRS URD video posted: https://youtu.be/99a6IFF-eZU	
	ZVRS email notification to users regarding URD requirements and availability of information on webpage.	
	Video and URD information posted on ZVRS home page.	
30th	ZVRS email notification to internal employees about URD Data collection.	
AUGUST		
6th	ASL Hotline phone number, link to FCC, and link to a vlog on URD added to the URD webpage.	
17th	ZVRS URD video posted: https://youtu.be/cMl77-ALDC8	
SEPTEMBER		
15th	ZVRS IVVR prompts for users to provide URD information and consent created	
18th	URD reminder postcard sent.	
OCTOBER		
	ZVRS Newsletter article containing a URD reminder.	
NOVEMBER		
10th	ZVRS URD video posted: https://youtu.be/Lhb0XTigM5c	

	ZVRS	Purple
	ZVRS email notification to user base reminding users of need to provide URD information and consents.	
17th		Purple URD Video Posted: https://youtu.be/oYHLrB9WtVU
2016		
FEBRUARY		
25		Purple URD Video Posted: https://youtu.be/ZUH97ZZ9zMg
MARCH		
		Purple "Urgent Notice" postcard notifying users of URD information and consent requirements sent.
SEPTEMBER		
6th	ZVRS URD video posted: https://youtu.be/rZo4_rkNJdo	
12th	ZVRS URD video posted: https://youtu.be/cAwwi9yGpbY	
NOVEMBER		
17th	URD email template created for Account Managers to use in customer outreach.	
30th	Updated URD form added to ZVRS New Customer Packet.	
DECEMBER		
1st	Follow-up Reminder email containing the above video: https://youtu.be/cAwwi9yGpbY	
29th	ZVRS URD reminder email sent to enterprise users	
2017		
FEBRUARY		
3rd	ZVRS FCC Compliance Video posted: https://youtu.be/ORDvhDsUPsw	
MARCH		
8th		Purple Customer Engagement URD Reminder email sent
MAY		

	ZVRS	Purple
15th		Purple URD postcard sent
2018		
JANUARY		
10th	First "Deadline warning" email notification to userbase sent.	First "Deadline warning" email notification sent to user base.
	URD Alert Warning Page posted to both ZVRS and Purple websites, containing a URD Deadline warning video: https://youtu.be/KN6lkkyhQYQ	URD Alert Warning Page posted to both ZVRS and Purple websites, containing a URD Deadline warning video: https://youtu.be/KN6lkkyhQYQ
16th	URD Reminder Video, with Greg Hlibok: https://youtu.be/cIX9GvJnPhE	URD Reminder Video, with Greg Hlibok: https://youtu.be/cIX9GvJnPhE
18th		Email notification sent to users whose registrations failed TRS-URD verification, containing a link to this video: https://youtu.be/BDYyCZ_ftWg
		SMS Alert sent out that read: "NAME, we are concerned about your VRS account. FCC announced URD deadline and your account is not updated yet. Don't lose service. Please call Purple customer care at 877-885-3172 to keep your VRS account active."
24th	Follow-up email notification to user base regarding need to provide URD information and consents and reminding users of the February 28, 2018 deadline sent.	Follow-up email notification to user base regarding need to provide URD information and consents and reminding users of the February 28, 2018 deadline sent.
25th	Follow-up email notification to user base regarding need to provide URD information and consents and reminding users of the February 28, 2018 deadline sent.	Follow-up email notification to user base regarding need to provide URD information and consents and reminding users of the February 28, 2018 deadline sent.
FEBRUARY		
6th		Follow-up email reminder on URD requirements and deadline sent
7th		Follow-up email reminder on URD requirements and deadline sent

	ZVRS	Purple
		Postcards mailed for both URD warning and failed registration to users who have not provided required information or consents, or whose registrations failed TRS-URD verification.
8th		Follow-up email reminder on URD requirements and deadline sent.
9th	IVVR splash screens reminding users of deadline and consequences of non-compliance uploaded	IVVR splash screens reminding users of deadline and consequences of non-compliance uploaded

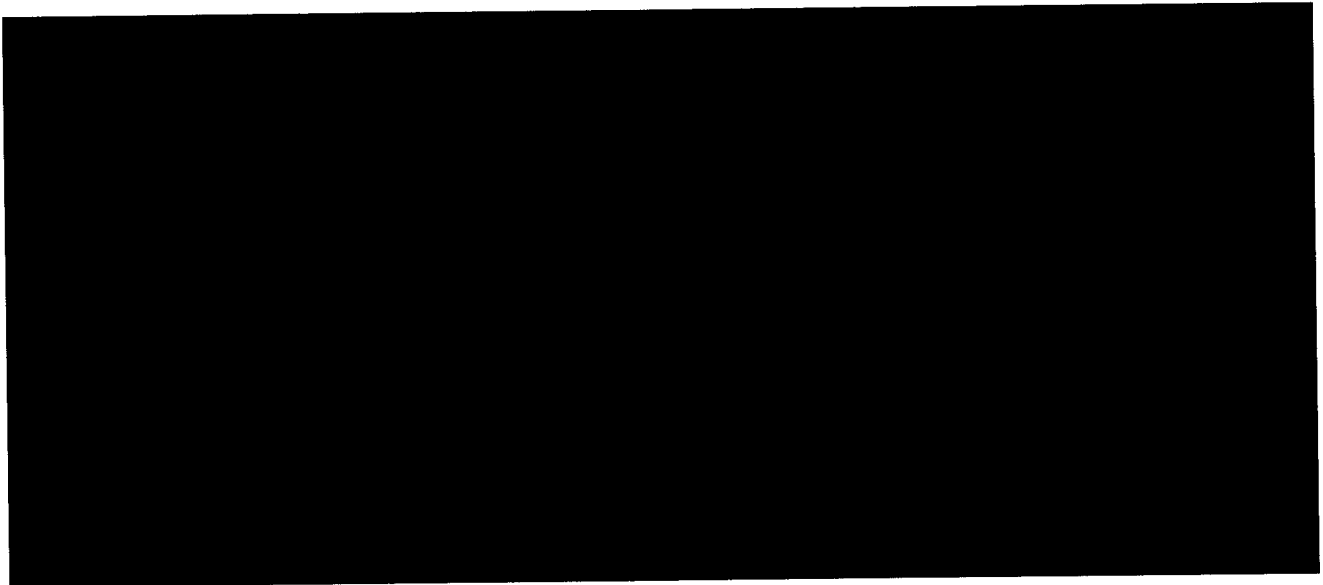
REDACTED, FOR PUBLIC INSPECTION

EXHIBIT B

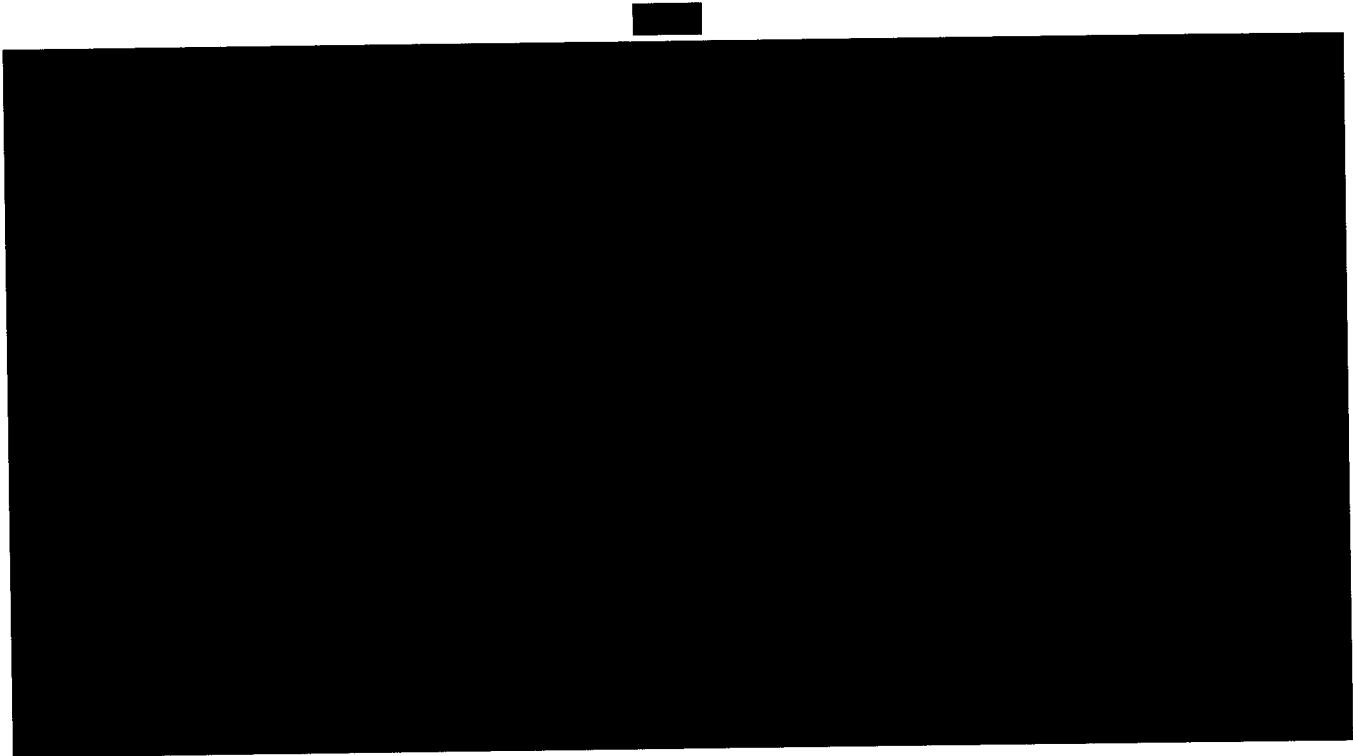
ZVRS and Purple TRS-URD Registration Verification Results Since Opening of 60-Day Submission Window

As of February 7, 2018

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