



REDACTED FOR PUBLIC INSPECTION

June 17, 2016

Received & Inspected

Via Overnight Mail

JUN 21 2016

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, Maryland 20743

DOCKET FILE COPY ORIGINAL FCC Mail Room

RE: Purple Communications, Inc. Annual Consumer Complaint Log Filing June 1, 2015-May 31, 2016 CG Docket 03-123

Purple Communications, Inc. ("Purple") hereby requests confidential treatment for the original and one copy of the attached Annual Consumer Complaint Log Filing June 1, 2015-May 31, 2016 (hereinafter, "2016 Complaint Log") pursuant to Section 0.459 of the Commission's rules.¹ The 2016 Complaint Log contains company-specific, proprietary commercial information that is not routinely available for public inspection and is safeguarded from competitors. Accordingly, it should be protected from disclosure pursuant to 47 C.F.R. § 0.457(d) and Exemption 4 of the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552(b)(4).² Below please find a statement of the reasons for withholding the materials from inspection as well as relevant facts surrounding this request.³

1. Identification of the specific information for which confidential treatment is sought – Purple requests that the 2016 Complaint Log attached – noted as "[Redacted]" in the public version of the presentation – be treated as confidential. Specifically, as explained above, the information contained in the 2016 Complaint Log qualifies as commercial and financial information under Exemption 4 of the FOIA, and thus, pursuant to Section 0.459(a) of the Commission's rules, Purple requests that the information not be made available for public inspection.

2. Identification of the Commission proceeding in which the information was submitted or a description of the circumstance giving rise to the submission – Purple is providing the 2016 Complaint Log to the Commission for its Annual Consumer Complaint Log filing per 47 C.F.R. §64.604(c)(1).

¹ 47 C.F.R. § 0.459

² 47 C.F.R. § 0.457(d); 5 U.S.C. § 552(b)(4).

³ See 47 C.F.R. § 0.459.

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3. Explanation of the degree to which the information is commercial or financial or contains a trade secret or is privileged – The 2016 Complaint Log is, in fact, confidential and specific to Purple. The 2016 Complaint Log is sensitive for competitive reasons. It is safeguarded from competitors and is not made available to the public. If the information contained in the 2016 Complaint Log is not protected, other relay providers could utilize it against Purple. Some of Purple's competitors make Annual Consumer Complaint Log filings confidentially for this very reason.

4. Explanation of the degree to which the information concerns a service that is subject to competition – The 2016 Complaint Log concerns relay services, which are subject to competition. As stated above, some of Purple's competitors make Annual Consumer Complaint Log filings confidentially.

5. Explanation of how disclosure of the information could result in substantial competitive harm – The disclosure of the 2016 Complaint Log could cause substantial competitive harm to Purple. Because other relay providers would have access to significant information regarding Purple's current capabilities, they could use the information in the 2016 Complaint Log to undermine Purple's position in the marketplace.

6. Identification of any measures taken by the submitting party to prevent unauthorized disclosure – Purple treats the information contained in the 2016 Complaint Log as confidential and takes significant care to ensure that it is not disclosed to its competitors or to the public in general.

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 information contained in the 2016 Complaint Log available to the public.

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 2016 Complaint Log be treated by the Commission as confidential on an indefinite basis because Purple cannot identify a certain date at which time this information could be disclosed without causing competitive harm to Purple. Purple has no plans to ever make the information contained in the 2016 Complaint Log available publicly due to its sensitive and proprietary nature.

9. Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted – The 2016 Complaint Log is being provided to the FCC per 47 C.F.R. § 64.604(c)(1). Should the Commission publicly disclose the information contained in the 2016 Complaint Log, providers will be discouraged from voluntarily submitting such detail, thus depriving the Commission of data necessary for identifying bona fide relay service providers and granting them certification. As a result, because disclosure is likely to impair the government's ability to obtain other important information in the future, confidential treatment should be granted to the 2016 Complaint Log, as defined herein. *See National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974).



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If a request is submitted for disclosure of the information contained in the 2016 Complaint Log, please provide sufficient notice to the undersigned to allow Purple to take appropriate steps to safeguard the confidentiality of the information.

Additionally, Purple has already provided the contact information required under 47 C.F.R. § 64.604(c)(2) and there has been no change to the information.

If there are any questions regarding this request, please do not hesitate to contact me.

Sincerely,

/s/

Lydia Yomogida
Senior Manager Legal and
Compliance Director

Attachment: [Redacted]