

**ZVRS**

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REDACTED FOR PUBLIC INSPECTION

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July 24, 2017

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JUL 24 2017

Federal Communications Commission
Office of the Secretary**VIA HAND DELIVERY AND ELECTRONIC FILING**

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

RE: Application of CSDVRS, LLC d/b/a ZVRS, as Indirectly Majority-Owned and Controlled by Kinderhook, for Full Certification to Provide Video Relay Service and Request for Confidential Treatment; CG Docket Nos. 03-123 and 10-51 *Fifth Amendment*

Dear Ms. Dortch:

On February 20, 2015, CSDVRS, LLC d/b/a ZVRS ("ZVRS"), as indirectly majority-owned and controlled by Kinderhook Capital Fund IV, L.P. and its affiliate Kinderhook Capital Fund IV-B, L.P., both of which are advised by Kinderhook Industries, LLC (collectively referred to herein as "Kinderhook"), submitted to the Federal Communications Commission ("Commission") an application (the "Application") for a full certification to provide Video Relay Service ("VRS") that is eligible for compensation from the Interstate Telecommunications Relay Service Fund ("TRS Fund").¹ ZVRS filed an amendment to the Application on July 14, 2015. ZVRS subsequently filed a second amendment to the Application on November 20, 2015, a third amendment on November 21, 2016, and a fourth amendment on March 1, 2017.

Pursuant to Section 1.65 of the Commission's rules, the applicants are filing the enclosed fifth amendment to the Application in order to advise the Commission of certain updates to the information supplied in the Application and subsequent amendments.

For the reasons stated in the Application, and pursuant to 47 C.F.R. §§ 0.457, 0.459, ZVRS requests that the Commission provide confidential treatment for the company-specific, highly sensitive and proprietary commercial information in the exhibits attached to the Application and withhold that information from public inspection. The confidential information has been redacted from the version electronically filed with the Commission. In addition, the

¹ ZVRS is currently operating pursuant to a conditional certification on an interim basis following the consummation of Kinderhook's acquisition of ZVRS on February 5, 2015. See Notice of Grant of Conditional Certification for CSDVRS, LLC, to Provide Video Relay Service After Its Acquisition by Kinderhook Capital Fund IV, L.P., Public Notice, 29 FCC Rcd 16237 (CGB 2014), recon. denied, Order, 30 FCC Rcd 583 (CGB 2015).

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confidential information constitutes highly sensitive commercial information that falls within Exemption 4 of the Freedom of Information Act ("FOIA").

In accordance with the Commission's rules,² attached are one original and four copies of the amendment. A redacted version for public inspection is being electronically filed via the Commission's Electronic Comment Filing System.

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

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

ZVRS 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.

ZVRS is amending its Application for full certification as a VRS provider, in accordance with 47 C.F.R. §§ 1.65, 64.606. The amended Application includes updated corporate proprietary information per the requirements of 47 C.F.R. § 64.606.

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

The confidential information in the attached fourth amendment to the Application is highly sensitive commercial information specific to the operations and strategies of ZVRS. 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 ZVRS, because it would provide competitors insight into confidential operational and strategy information, including the company's critical infrastructure, that would not otherwise be available, which would work to ZVRS's severe competitive disadvantage.

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

ZVRS 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.

² See 47 C.F.R. §§ 0.457, 0.459, 1.419.

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 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.

ZVRS 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 ZVRS.

Respectfully submitted,

/s/ Gregory Hlibok

Gregory Hlibok
Chief Legal Officer
ZVRS Holding Company, parent company
of CSDVRS, LLC
595 Menlo Drive
Rocklin, CA 95765

cc: Eliot Greenwald, Deputy Chief, Disability Rights Office, Consumer and Governmental
Affairs Bureau
TRSreports@fcc.gov

ACCEPTED/FILED

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

JUL 24 2017

Federal Communications Commission
Office of the Secretary

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)	CG Docket No. 10-51
Video Relay Service Program)	

**FIFTH AMENDMENT TO APPLICATION OF CSDVRS, LLC (D/B/A/ ZVRS), AS
INDIRECTLY MAJORITY-OWNED AND CONTROLLED BY KINDERHOOK, FOR
CERTIFICATION TO PROVIDE VIDEO RELAY SERVICE**

Pursuant to Section 1.65 of the Commission's rules,¹ CSDVRS, LLC d/b/a ZVRS ("ZVRS"), as indirectly majority-owned and controlled by Kinderhook Capital Fund IV, L.P. and its affiliate Kinderhook Capital Fund IV-B, L.P., both of which are advised by Kinderhook Industries, LLC (collectively referred to herein as "Kinderhook"), hereby submits this fifth amendment to the pending application (the "Application") filed on February 20, 2015 (and as amended on July 14, 2015, November 20, 2015, November 21, 2016, and March 1, 2017) seeking a full certification for ZVRS to provide Video Relay Service ("VRS") that is eligible for compensation from the Interstate Telecommunication Relay Service Fund ("TRS Fund").²

Specifically, ZVRS is submitting a revised Exhibit A, which provides an updated list of ZVRS call centers.³

¹ 47 C.F.R. § 1.65.

² ZVRS is currently operating pursuant to a conditional certification on an interim basis following the consummation of Kinderhook's acquisition of ZVRS on February 5, 2015. See *Notice of Grant of Conditional Certification for CSDVRS, LLC, to Provide Video Relay Service After Its Acquisition by Kinderhook Capital Fund IV, L.P.*, Public Notice, 29 FCC Rcd 16237 (CGB 2014), *recon. denied*, Order, 30 FCC Rcd 583 (CGB 2015).

³ 47 C.F.R. § 64.606(a)(2)(ii)(A)(2).

In addition, ZVRS has attached a revised Exhibit G which provides an updated list of the number of full-time and part-time ZVRS employees involved in ZVRS' TRS operations, categorized by the following positions: the executives and officers; persons involved in sales and installations; Communications Assistants; persons involved in marketing and sponsorship activities; and other functions.⁴

Finally, pursuant to Sections 64.604(c)(5)(iii)(N)(I)(iii) and (v) of the Commission's rules,⁵ ZVRS is amending the Application to note that on June 9, 2017, ZVRS executed an agreement ("Agreement") engaging Purple Communications, Inc. ("Purple") to provide interpreter services to ZVRS for overflow VRS calls ("Overflow Calls") in compliance with the mandatory minimum standards set forth in 47 C.F.R. § 64.604.⁶ Under the Agreement, Purple shall furnish commercially reasonable and adequate facilities, equipment, network hardware, software, connections and other infrastructure necessary to handle ZVRS Overflow Calls. A copy of the Agreement is available upon request by the Commission.

⁴ *Id.* § 64.606(a)(2)(ii)(C).

⁵ 47 C.F.R. § 64.604(c)(5)(iii)(N)(I)(iii), (v).

⁶ See Letter from Gregory Hlibok, Chief Legal Officer, ZVRS Holding Company to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 10-51 & 03-123 (filed July 17, 2017).

ZVRS remains committed to providing the highest quality service and a variety of innovative products that support the needs of relay consumers. For the reasons set forth in the Application, as amended herein, it is in the public interest to grant ZVRS, as indirectly majority-owned and controlled by Kinderhook, a full certification to receive direct compensation from the TRS Fund for the provision of VRS.

Respectfully submitted,

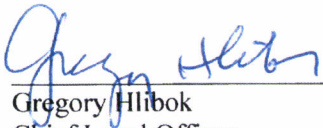
/s/ Gregory Hlibok

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

July 24, 2017

DECLARATION OF CORPORATE OFFICER

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



Gregory Hlibok
Chief Legal Officer
ZVRS Holding Company, parent company
of CSDVRS, LLC d/b/a ZVRS

Date: July 24, 2017

Exhibit A

List of ZVRS Call Centers

Address Line 1	Address Line 2	City	State	Zip

Exhibit G

TRS Personnel

Category of Position	Part Time Employees	Full Time Employees
Executives & Officers		
Other		
Communication Assistants		
Marketing & Sponsorship		
Sales & Installations		