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November 18, 2014

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

**Re: CONFIDENTIAL INFORMATION  
Purple Communications, Inc. Request for Confidential Treatment of Information  
and Confidential Submission of Information**

Dear Ms. Dortch:

On behalf of Purple Communications, Inc. (Purple or the Company), the undersigned respectfully submits certain confidential information responding to a Public Notice issued by the Federal Communications Commission (FCC or Commission) on November 7, 2014.<sup>1</sup> Purple is pleased to have the opportunity to present this comprehensive additional package of information to the Commission regarding its web and wireless caption service, and other information requested in continuing support of its certification as a provider of Internet Protocol Captioned Telephone Service (IP CTS). Purple stands willing to expeditiously provide any additional information requested by Commission staff, and looks forward to working with staff as the Commission evaluates the materials and information presented. As reflected in the attachments, Purple believes it has demonstrated that the Company has adopted and is utilizing measures that are sufficient to ensure that its provision of IP CTS meets or exceeds all TRS minimum standards and complies with all applicable Commission rules and orders, including acceptance and handling of emergency calls.

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<sup>1</sup> See *Notice of Grant of Conditional Certification for Purple Communications, Inc. to Provide Internet Protocol Captioned Telephone Service*, Public Notice, DA 14-1627, CG Docket Nos. 03-123 and 10-51 (Cons. & Gov. Affairs Bur. Nov. 7, 2014). This submission also provides responses to questions raised by Commission staff at a meeting with the Company on Thursday, November 13, 2014.

*Purple's Filing.* Enclosed please find a Request for Confidential Treatment and one (1) original Confidential version of Purple's responses.<sup>2</sup>

Purple's responses include Confidential Information related to:

- Purple's handling of e911 calls through its ClearCaptions web and wireless application;
- documentation of arrangements with service providers for routing and transmitting 911 calls;
- a description of 911 routing issues;
- the results of recent e911 testing and protocol for periodic testing going forward;
- Purple's speed of answer calculations; and
- a description of how Purple ensures that it is seeking reimbursement from the TRS Fund only for calls related to registered users.

*Confidential Treatment.* As more fully described in the accompanying letter requesting confidential treatment for its submission, Purple respectfully requests that the Company's responses and the accompanying documents located in the attachments hereto be withheld from public disclosure pursuant to Section 0.459 of the Commission's rules.<sup>3</sup>

This information is proprietary commercial and financial information that is routinely withheld from public disclosure. Under Section 0.459 of the Commission's rules, parties who submit confidential information to the Commission may file a request that the Commission not disclose the information to the public.<sup>4</sup> If that information is withholdable by the agency pursuant to a Freedom of Information Act ("FOIA") exemption, the Commission's rules require that the information remain confidential unless the Commission identifies a "compelling public interest in disclosure."<sup>5</sup> In this case, the information Purple is providing falls under FOIA Exemption 4, which exempts from public disclosure "commercial or financial information obtained from a Person" that is "confidential."<sup>6</sup>

If the Commission elects not to maintain the confidentiality of this information, Purple requests that the Commission return such information to Purple without disclosing it to any third

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<sup>2</sup> The Company is also submitting to the Office of the Secretary with the original one copy of the Confidential version, as well as an original and one copy of the redacted version of this filing pursuant to Section 1.51 of the Commission's rules. *See* 47 C.F.R. § 1.51.

<sup>3</sup> 47 C.F.R. § 0.459 (2014).

<sup>4</sup> *See id.*

<sup>5</sup> 5 U.S.C. § 552(b)(4) (2012); *see Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, Report and Order, GC Docket No. 96-55, 13 FCC Rcd 24816 ¶ 8 (Aug. 4, 1998) (internal quotation marks and citations omitted).

<sup>6</sup> *Critical Mass Energy Project v. Nuclear Regulatory Comm'n*, 975 F.2d 871, 879 (D.C. Cir. 1992).

party because the Company voluntarily provided the information.<sup>7</sup> Further, in the event that a request for inspection of this information is made, Purple requests a reasonable period of notice that will allow the Company the opportunity to defend against the request before the Commission releases any information for inspection.

Should you have any questions concerning the enclosed information, please contact the undersigned.

Respectfully submitted,



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Monica S. Desai  
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2550 M Street, NW  
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202-457-7535  
*Counsel to Purple Communications, Inc.*

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<sup>7</sup> 47 C.F.R. § 0.459(e) (2014).

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

**Re: CONFIDENTIAL INFORMATION  
Purple Communications, Inc. Request for Confidential Treatment**

Dear Ms. Dortch:

On behalf of Purple Communications, Inc. (Purple or the Company), and in accordance with Federal Communications Commission (FCC or Commission) rules – specifically Section 0.459<sup>1</sup> of the Commission’s rules – the undersigned hereby requests Confidential Treatment of the information attached hereto responding a Public Notice issued by the FCC on November 7, 2014.<sup>2</sup> Specifically, Purple requests Confidential Treatment for all of the information included here in Attachments 1 – 6 (collectively, Confidential Information). Accordingly, Purple requests that the Confidential Information be withheld from public inspection, and answers the questions set forth in Section 0.459(b) of the Commission’s rules below.<sup>3</sup>

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<sup>1</sup> 47 C.F.R. § 0.459 (2014).

<sup>2</sup> See *Notice of Grant of Conditional Certification for Purple Communications, Inc. to Provide Internet Protocol Captioned Telephone Service*, Public Notice, DA 14-1627, CG Docket Nos. 03-123 and 10-51 (Cons. & Gov. Affairs Bur. Nov. 7, 2014). This submission also provides responses to questions raised by Commission staff at a meeting with the Company on Thursday, November 13, 2014.

<sup>3</sup> 47 C.F.R. § 0.459(b) (2014).

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

All of the Confidential Information submitted herewith is confidential commercial information related to the business operations and internal practices of Purple and falls under Exemption 4 of the FOIA.<sup>4</sup> As explained further below, the Confidential Information contains proprietary commercial information. Accordingly, and pursuant to Section 0.459(a) of the Commission's rules, Purple requests that this information not be made available for public inspection.<sup>5</sup>

**(2) Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission.**

The Confidential Information is being provided to the Commission as part of a request for additional information made by the Consumer and Governmental Affairs Bureau (CGB) in relation to a Public Notice issued by CGB on November 7, 2014, as well as a meeting the Company had with Commission staff on November 13, 2014.

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

The information in Purple's submission is proprietary commercial information that is regularly withheld from public disclosure under Section 0.459(b)(3) of the Commission's rules.<sup>6</sup> The Confidential Information reveals details about Purple's contractual relationships with its vendors and service providers. The Confidential Information also reveals the details of Purple's internal procedures for testing its products. The disclosure of such information would cause harm to Purple. Purple has never made this sensitive commercial information available to the public, nor does the Company plan to do so in the future.

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

The information in Purple's submission is especially sensitive given the highly competitive nature of the Telecommunications Relay Services industry.<sup>7</sup> The Confidential Information concerns the business details of Purple's services, the divulgence of which could provide other, larger companies a tangible competitive edge to Purple's detriment.

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<sup>4</sup> See 5 U.S.C. § 554(b)(4) (2011).

<sup>5</sup> 47 C.F.R. § 0.459(a) (2014).

<sup>6</sup> *Id.* § 0.459(b)(3).

<sup>7</sup> See, *id.* § 0.459(b)(4).

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

As a small market player, Purple would suffer substantial competitive harm<sup>8</sup> if details of its business and operations were publicly disclosed. If disclosed, the information in Purple's submission would allow other companies in the Telecommunications Relay Services industry to use Purple's proprietary information to Purple's disadvantage. The Commission has previously provided assurances that it is "sensitive to ensuring that the fulfillment of its regulatory responsibilities does not result in the unnecessary disclosure of information that might put its regulatees at a competitive disadvantage."<sup>9</sup>

**(6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure.**

Through this request for Confidential Treatment, Purple's counsel is taking great care to ensure that its Confidential Information is not disclosed. Purple is filing a confidential version of this filing with the Office of the Secretary. Collectively, these actions show Purple's commitment to preventing public disclosure of the Company's Confidential Information.

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

The Confidential Information contained in this submission is not available to the public or to third parties other than instances in which a third party is engaged in a relevant contractual relationship with the Company.

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

Purple requests that the Confidential Information in Purple's submission be kept confidential in perpetuity. As discussed in response to question (1) above, the information provided herein is confidential commercial information under Exemption 4 of the FOIA.<sup>10</sup> Due to its highly proprietary nature, Purple would never make this information publicly available. Therefore, Purple requests that the Confidential Information be kept confidential permanently.

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<sup>8</sup> *Id.* § 0.459(b)(5).

<sup>9</sup> See *Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, Report and Order, 13 FCC Rcd 24816 ¶ 8 (1998).

<sup>10</sup> See 5 U.S.C. § 552(b)(4) (2011).

**(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 Confidential Information in Purple's submission contains proprietary commercial information, the disclosure of which would expose Purple to serious competitive harm in the Telecommunications Relay Services industry.

Should you have any questions concerning the foregoing request, please contact the undersigned.

Respectfully submitted,



Monica S. Desai  
Squire Patton Boggs (US) LLP  
2550 M Street, NW  
Washington, DC 20037  
202-457-7535  
*Counsel to Purple Communications, Inc.*

## **ATTACHMENT 1**

### **Purple's Handling of e911 Calls Through its ClearCaptions Web and Wireless App**

**[REDACTED]**

## **ATTACHMENT 2**

**Complete Documentation of Arrangements with  
Service Providers for Routing and Transmitting  
911 Calls with Appropriate Location and Callback  
Information**

**[REDACTED]**

## **ATTACHMENT 3**

### **Description of 911 Routing Issues to Rocklin**

**[REDACTED]**

## **ATTACHMENT 4**

**Results of Recent e911 Testing of ClearCaptions  
Web and Wireless App and Program and Protocol  
for Periodic Testing Going Forward**

**[REDACTED]**

## **ATTACHMENT 5**

# **Compliance with the Commission's Speed of Answer Requirements**

**[REDACTED]**

## **ATTACHMENT 6**

**Description of Measures to Ensure Purple  
Collects Reimbursement from the TRS Fund Only  
for Assisted Users Who Satisfy Registration and  
Certification Requirements**

**[REDACTED]**

**ATTACHMENT 7**  
**Declaration of John Goodman**

Attachment 7

**DECLARATION OF JOHN GOODMAN**

**PURPLE COMMUNICATIONS, INC.**

I, John Goodman, declare the following is true and correct to the best of my knowledge and belief:

I am the Chief Legal Officer of Purple Communications, Inc. (Purple or the Company). I have reviewed the Company's responses to: the Public Notice issued November 7, 2014 (*Notice of Grant of Conditional Certification for Purple Communications, Inc. to Provide Internet Protocol Captioned Telephone Service*, Public Notice, CG Docket Nos. 03-123 and 10-51, DA 14-1627 (Cons. & Gov. Affairs Bur. Nov. 7, 2014)) and subsequent questions posed by Commission staff during a meeting on November 13, 2014, and I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 18th day of November 2014.



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John Goodman

Chief Legal Officer

Purple Communications, Inc.