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REDACTED – FOR PUBLIC INSPECTION

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November 25, 2014

Accepted/Filed

NOV 25 2014

Federal Communications Commission
Office of the Secretary

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 Supplemental Confidential Submission of Information

Dear Ms. Dortch:

On behalf of Purple Communications, Inc. (Purple or the Company), the undersigned respectfully submits certain supplemental, confidential information responding to a Public Notice issued by the Federal Communications Commission (FCC or Commission) on November 7, 2014,[1] and to questions raised by Commission staff at a meeting with the Company on November 13, 2014. The attached confidential information supplements responses previously provided by Purple,[2] and includes a Request for Confidential Treatment and one (1) original Confidential version of Purple's supplemental responses.[3]

As the Company noted in its November 18, 2014 filing, Purple is pleased to have the opportunity to present this supplemental package of information to the Commission regarding its web and wireless caption service, and other information requested in continuing support of its

[1] *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) (Nov. 7 Public Notice).

[2] Purple submitted confidential information in response to the Nov. 7 Public Notice and Nov. 13 meeting on November 18, 2014. The new information provided herein pertains to Attachments 1, 4, and 5 of the Company's November, 18 2014 confidential submission.

[3] 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.

44 Offices in 21 Countries

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certification as a provider of Internet Protocol Captioned Telephone Service (IP CTS). The Company looks forward to continuing to work with staff as the Commission evaluates these additional materials and information. As reflected in the attachments, Purple believes it has demonstrated that the Company has adopted and is utilizing measures 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. Purple is willing, however, to provide any additional information requested by Commission staff to facilitate their review.

Confidential Treatment. As more fully described in the accompanying letter requesting confidential treatment for this supplemental 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.[4]

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.[5] 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."[6] 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."[7]

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 party because the Company voluntarily provided the information.[8] 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.

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[4] 47 C.F.R. § 0.459 (2014).

[5] *See id.*

[6] 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).

[7] *Critical Mass Energy Project v. Nuclear Regulatory Comm'n*, 975 F.2d 871, 879 (D.C. Cir. 1992).

[8] 47 C.F.R. § 0.459(e) (2014).

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

Respectfully submitted,

Monica S. Desai
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202-457-7535
Counsel to Purple Communications, Inc.

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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[1] of the Commission's rules – the undersigned hereby requests Confidential Treatment of the supplemental information attached hereto responding to a Public Notice issued by the FCC on November 7, 2014[2] and to questions raised by Commission staff at a meeting with the Company on November 13, 2014. The attached submission supplements responses previously provided by Purple.[3]

Purple requests Confidential Treatment for all of the supplemental information included here in Attachments 1 – 4 (collectively, Confidential Information). Accordingly, Purple requests that the supplemental Confidential Information be withheld from public inspection, and answers the questions set forth in Section 0.459(b) of the Commission's rules below.[4]

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[1] 47 C.F.R. § 0.459 (2014).

[2] *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) (Nov. 7 Public Notice).

[3] Purple submitted confidential information in response to the Nov. 7 Public Notice and Nov. 13 meeting on November 18, 2014. The new information provided herein pertains to Attachments 1, 4, and 5 of the Company's November 18, 2014 confidential submission.

[4] 47 C.F.R. § 0.459(b) (2014).

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

All of the supplemental 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.[5] 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.[6]

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

The supplemental 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 supplemental 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.[7] 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.[8] The Confidential Information concerns the business details of Purple's services, the divulgence of which could – to Purple's detriment – provide other, larger companies a tangible competitive edge.

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[5] *See* 5 U.S.C. § 554(b)(4) (2011).

[6] 47 C.F.R. § 0.459(a) (2014).

[7] *Id.* § 0.459(b)(3).

[8] *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[9] if details of its business and operations were publicly disclosed. If disclosed, the supplemental 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."[10]

(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 submitting 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 supplemental 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 supplemental 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.[11] 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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[9] *Id.* § 0.459(b)(5).

[10] *See Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, Report and Order, 13 FCC Rcd 24816 ¶ 8 (1998).

[11] *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 supplemental 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
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2550 M Street, NW
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202-457-7535
Counsel to Purple Communications, Inc.

ATTACHMENT 1

Third Party Testing Firm to Conduct Independent Testing [REDACTED]

ATTACHMENT 2

Third Party Testing Results
[REDACTED]

ATTACHMENT 3

Supplement to Training Instructions, ClearCaptions Web and Wireless Application [REDACTED]

ATTACHMENT 4

Additional Information Regarding Speed of Answer Calculations [REDACTED]

5

ATTACHMENT 5

Declaration of John Goodman

Attachment 5

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 supplemental 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 supplemental responses are true and correct.

Executed on this 25th day of November 2014.

John Goodman
Chief Legal Officer
Purple Communications, Inc.