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April 18, 2016

**Accepted/Files**

**APR 18 2016**

*Federal Communications Commission  
Office of the Secretary*

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

Ms. Alison Kutler  
Chief, Consumer & Governmental Affairs Bureau  
TRS Certification Program  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: **REDACTED – FOR PUBLIC INSPECTION**  
**ClearCaptions, LLC**  
**CG Docket No. 03-123**

Dear Ms. Dortch and Ms. Kutler:

On behalf of ClearCaptions, LLC (ClearCaptions), pursuant to Sections 0.457 and 0.459 of the Federal Communications Commission’s (FCC or Commission) rules, please find enclosed one original and one copy of a redacted version of the enclosed Internet-Based TRS Certification Application (“Application”) filed by ClearCaptions on April 18, 2016.<sup>1</sup> ClearCaptions is also submitting an electronic copy of the redacted version in the above-captioned docket in ECFS.

All information contained after the heading **\*\*\*BEGIN CONFIDENTIAL\*\*\*** and before the close heading **\*\*\*END CONFIDENTIAL\*\*\*** is confidential. All material contained inside those headings is proprietary commercial and business information that is

<sup>1</sup> See 47 C.F.R. §§ 0.457, 0.459.

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April 18, 2016

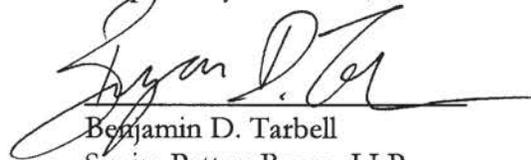
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not customarily disclosed to the public or within the industry and is subject to Exemption 4 under the Freedom of Information Act.<sup>2</sup>

As this information is submitted voluntarily and absent any requirement by statute, regulation, or the Commission, ClearCaptions requests that, in the event that the Commission denies ClearCaption's request for confidentiality, the Commission return the materials without consideration of the contents therein.<sup>3</sup>

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

Respectfully submitted,



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*Counsel to ClearCaptions, LLC*

cc: Gregory Hlibok  
Eliot Greenwald  
Bob Aldrich

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<sup>2</sup> 5 U.S.C. § 552(b)(4).

<sup>3</sup> 47 C.F.R. § 0.459(e).

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

In the Matter of )  
 )  
Telecommunications Relay Services and ) CG Docket No. 03-123  
Speech-to-Speech Services for Individuals )  
with Hearing and Speech Disabilities )  
 )  
 )

**INTERNET-BASED TRS CERTIFICATION APPLICATION**

**ClearCaptions LLC**

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April 18, 2016

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**I. Introduction and Summary**

Pursuant to 47 C.F.R. § 64.606(a)(2), and in accordance with the Commission’s Orders released on July 28 and October 17, 2011, ClearCaptions LLC (“ClearCaptions”) submits this application for certification as a provider of Internet-based telecommunications relay service (“iTRS”).<sup>1</sup>

ClearCaptions, currently a subsidiary of Purple Communications, Inc. (“Purple”), provides Internet Protocol Captioned Telephone Service (“IP CTS”) to enable deaf and hard of hearing persons to communicate via telephone. As part of a contemplated corporate reorganization as a result of which ClearCaptions would cease to be a wholly-owned subsidiary of Purple, ClearCaptions is seeking its own certification as a provider of IP CTS in this application. Once certified, ClearCaptions will submit requests for compensation and be accountable to the Commission for IP CTS independently of Purple. At that time, Purple will cease offering IP CTS, as Purple’s IP CTS offering would be provided entirely by ClearCaptions.

Since 2011, ClearCaptions has provided an innovative suite of communication services for individuals with hearing loss. ClearCaptions delivers captioning via IP CTS. ClearCaptions’ services are designed for delivery on a variety of platforms, including home phones, personal computers and mobile devices. ClearCaptions has demonstrated its commitment to actively and responsively working with its customers to ensure that its services meet their needs.

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<sup>1</sup> See 47 C.F.R. § 64.606(a)(2); *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Second Report and Order and Order, FCC 11-118 (July 28, 2011); *Structure and Practices of the Video Relay Service Program et al.*, CG Docket No. 10-51, FCC 11-155 (Oct. 17, 2011).

**II. Form of iTRS to Be Provided (47 C.F.R. § 64.606(a)(2)(i))**

ClearCaptions LLC will provide Internet Protocol Captioned Telephone Service, or IP CTS. Purple was granted certification to provide IP CTS on November 14, 2008,<sup>2</sup> and commenced providing IP CTS on January 9, 2011.<sup>3</sup> Purple subsequently obtained a temporary extension of its certification to provide IP CTS service on November 13, 2013,<sup>4</sup> and a conditional grant of a renewal of its certification to provide IP CTS on November 7, 2014.<sup>5</sup>

**III. Meeting Non-Waived Minimum Standards (47 C.F.R. § 64.606(a)(2)(ii))**

The chart below details how ClearCaptions will continue to meet all of the non-waived minimum standards applicable to IP CTS when provided by ClearCaptions independently of Purple.

<b>STANDARD</b>	<b>WAIVER</b>	<b>CLEARCAPTIONS' COMPLIANCE</b>
<b>CA Training</b> 47 C.F.R. § 64.604(a)(1)		ClearCaptions has developed a robust IP CTS Communications Assistant (CA) training program that includes over <b>***BEGIN CONFIDENTIAL***</b> <b>***END CONFIDENTIAL***</b> The training encompasses instruction on: voicing and diction; English comprehension (including dialects and accents); US geographical, historical and cultural names; and call processing. In addition, IP CTS CAs receive instruction regarding the Hard of Hearing community mores and etiquette. <b>***BEGIN</b>

<sup>2</sup> *Notice of Certification of GoAmerica, Inc., as a Provider of Internet Protocol Captioning Telephone Service (IP CTS) Eligible for Compensation from the Interstate Telecommunications Relay Service (TRS) Fund*, CG Docket No. 03-123, Public Notice, DA 08-2514 (Nov. 14, 2008).

<sup>3</sup> Email From John Goodman, Vice President and Chief Legal Office, Purple, to David Rolka, President, Rolka Loube Saltzer Associates (Mar. 19, 2014).

<sup>4</sup> *Notice of Temporary Extension of Certification of Purple Communications, Inc. as a Provider of Internet Protocol Captioned Telephone Relay Service*, CG Docket Nos. 03-123 & 10-51, Public Notice, DA 13-2176 (Nov. 13, 2013).

<sup>5</sup> *Notice of Grant of Conditional Certification for Purple Communications, Inc., To Provide Internet Protocol Captioned Telephone Service*, CG Docket Nos. 03-123 & 10-51, Public Notice, DA 14-1627 (Nov. 7, 2014).

STANDARD	WAIVER	CLEARCAPTIONS' COMPLIANCE
		<p><b>CONFIDENTIAL***</b></p>  <p><b>***END</b></p> <p><b>CONFIDENTIAL***</b></p>
<p><b>CA Skills</b> 47 C.F.R. § 64.604(a)(1)(ii)</p>	<p>Partial Waiver<sup>6</sup></p>	<p>As part of the training program described above, ClearCaptions ensures that its IP CTS CAs are sufficiently trained to effectively meet the specialized and unique communication needs of deaf and hard of hearing persons. Each has competent skill in typing, grammar, and spelling; is familiar with hearing- and speech-disability cultures, languages, and etiquette; and has clear and articulate voice communication skills.</p>
<p><b>CA Typing</b> 47 C.F.R. § 64.604(a)(1)(iii)</p>	<p>Waived<sup>7</sup></p>	<p>ClearCaptions uses voice recognition technology to generate text for the user. The requirement that ClearCaptions give oral-to-type tests of CA speed is waived as a ClearCaptions CA principally uses voice recognition technology to generate text for the user.</p>
<p><b>Gender Preference</b> 47 C.F.R. § 64.604(a)(1)(vi)</p>	<p>Waived<sup>8</sup></p>	<p>--</p>
<p><b>Confidentiality Rule</b> 47 C.F.R. § 64.604(a)(2)(i)</p>		<p>ClearCaptions prohibits its CAs from disclosing the content of any relayed conversation, except as authorized by 47 U.S.C. § 605, and specifies that they may not keep record of the contents of communications handled.</p>
<p><b>Accuracy/No Altering Rule</b> 47 C.F.R. § 64.604(a)(2)(ii)</p>		<p>ClearCaptions prohibits its CAs from intentionally altering a relayed conversation and requires that conversations be properly translated verbatim except as necessary to comply with federal, state, and local</p>

<sup>6</sup> *Telecommunications Relay Services & Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities* et al., CG Docket No. 03-123, Declaratory Ruling, FCC 06-182, ¶ 30 n. 105 (Jan. 11, 2007) (“2007 Waiver Order”) (waiving the requirement that CAs must be competent in interpreting American Sign Language (ASL) “where the user does not type the outbound message, the CA generates text for the user principally using voice recognition technologies (instead of typing), and the communications assistant does not play a role in setting up a call.”).

<sup>7</sup> 2007 Waiver Order ¶ 30 n. 105 (waiving the requirement that TRS providers must give CAs oral-to-type tests “where . . . the CA generates text for the user principally using voice recognition technologies (instead of typing)”).

<sup>8</sup> 2007 Waiver Order ¶ 30.

STANDARD	WAIVER	CLEARCAPTIONS' COMPLIANCE
		law, or if necessary to provide information to emergency responders.
<b>Sequential Calling</b> 47 C.F.R. § 64.604(a)(3)(i)	Waived <sup>9</sup>	--
<b>Call Length</b> 47 C.F.R. § 64.604(a)(3)(i)		ClearCaptions prohibits its CAs from limiting the number, type, or length of calls.
<b>Types of Calls</b> 47 C.F.R. §§ 64.604(a)(3)(ii) & (v)	Partial Conditional Exemption <sup>10</sup>	ClearCaptions offers relay service for registered customers using a specially designed PSTN-based phone, and/or a web-enabled display device, such as a PC, and/or through a wireless device, such as an iPhone or Android based smart phone. Regardless of the endpoint utilized, the user subscribes to their own voice provider, which the relay service is carrier agnostic. The user may make calls of the number, type, and length that they may choose based on the selected telecommunications carrier, and the calling plans that the user subscribes to. ClearCaptions does not charge long distance fees. ClearCaptions supports voice-to-text calling capability.
<b>Two-Line VCO, VCO-to-TTY, and VCO-to-VCO</b> 47 C.F.R. § 64.604(a)(3)(v)		ClearCaptions supports VCO. <sup>11</sup>
<b>Speed Dialing</b> 47 C.F.R. § 64.604(a)(3)(vi)(2)(B)		ClearCaptions provides speed dialing functionality. ClearCaptions phones support quick dialing by using redial and a built in phonebook. In addition, any carrier or network based speed dialing service would be supported using these phones.
<b>Three-Way Calling</b> 47 C.F.R. §		ClearCaptions provides three-way calling functionality. ClearCaptions phones allow for

<sup>9</sup> 2007 Waiver Order ¶ 30 n. 105 (waiving the requirement that CAs may not refuse sequential calls “where the user does not type the outbound message, the CA generates text for the user principally using voice recognition technologies (instead of typing), and the communications assistant does not play a role in setting up a call.”).

<sup>10</sup> 47 C.F.R. § 64.604(a)(3)(ii); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Report and Order, Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, FCC 14-125, ¶¶ 11-15 (Aug. 22, 2014) (“2014 Waiver Order”) (exempting iTRS providers from the “types-of-calls requirement – to the extent that this standard requires providers to offer specific billing options traditionally offered for wireline voice services – so long as providers . . . do not charge for long distance service.”).

<sup>11</sup> See 2014 Waiver Order ¶ 49 (concluding that “calls between two captioned telephone relay users are essentially a form of VCO-to-VCO and, accordingly, that a waiver of the VCO-to-VCO requirement is unnecessary for IP CTS and CTS providers.”).

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<b>STANDARD</b>	<b>WAIVER</b>	<b>CLEARCAPTIONS' COMPLIANCE</b>
64.604(a)(3)(vi)(3)(C)		customers who subscribe to three-way calling from their telecommunications provider to use the captioning service on their phones.
<b>Voice Mail</b> 47 C.F.R. § 64.604(a)(3)(vii) & (viii)		ClearCaptions provides to its users, as TRS features, answering machine and/or voice mail retrieval which allows customers to see captions when listening to messages that are recorded.
<b>Speed of Answer for IP CTS</b> 47 C.F.R. § 64.604(b)(2)		<p>ClearCaptions' service will meet the speed of answer requirements – 85% of all calls for IP CTS are answered within ten seconds as measured on a daily basis. It is ClearCaptions' goal to exceed the Commission's standards for speed of answer.</p> <p>ClearCaptions will be able to meet or exceed this requirement by staffing sufficient CAs to provide callers with efficient access under projected calling volumes, as well as having multiple centers with technology redundancy.</p>
<b>Equal Access to IXCs</b> 47 C.F.R. § 64.604(b)(3)	Conditional Exemption <sup>12</sup>	ClearCaptions does not charge for long distance service and is exempt from this requirement.
<b>24/7 Operations</b> 47 C.F.R. § 64.604(b)(4)(i)		ClearCaptions provides service 24 hours per day, seven days per week.
<b>Redundancy</b> 47 C.F.R. § 64.604(b)(4)(ii)		ClearCaptions operates with redundant network facilities to ensure reliable service, including uninterruptible power supplies for emergency use. ClearCaptions provides service in real time and maintains adequate facilities so that under projected calling volume the probability of a delayed response due to network congestion will be functionally equivalent to that experienced by a voice caller over the non-TRS telephone network.
<b>Caller ID</b> 47 C.F.R. § 64.604(b)(6)		For IP CTS calls using ClearCaptions' phone, the customer's underlying telecommunications carrier (not ClearCaptions) performs the call routing and passes through data to the interconnecting carrier. ClearCaptions is not in a position as a matter of call architecture to pass through any IP CTS call or numbering data beyond what is passed by the telecommunications carrier.
<b>Complaint Logs and Procedures</b>		ClearCaptions maintains a log of consumer complaints including all complaints concerning its

<sup>12</sup> 2014 Waiver Order ¶ 15 (exempting iTRS providers from the “equal access to interexchange carriers requirement” so long as providers “do not charge for long distance service.”); 47 C.F.R. § 64.604(b)(3).

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<b>STANDARD</b>	<b>WAIVER</b>	<b>CLEARCAPTIONS' COMPLIANCE</b>
47 C.F.R. §§ 64.604(c)(1) & (6)		<p>relay services. The log includes the date the complaint is filed, the nature of the complaint, the date of resolution, and an explanation of the resolution.</p> <p>ClearCaptions will continue to submit annual summaries of complaint logs indicating the number of complaints received in the 12 month period ending May 31 of each year by July 1 of that year.</p>
<p><b>Complaint Contact Point</b> 47 C.F.R. § 64.604(c)(2)</p>		<p>The contact person at ClearCaptions for TRS consumer information, complaints, grievances, inquiries and suggestions is:</p> <p>Lydia Yomogida Senior Manager Legal and Compliance Director ClearCaptions, LLC 595 Menlo Drive Rocklin, CA 95765 Telephone: 916-663-6914 Facsimile: 855-236-0840 Email: lydia.yomogida@purple.us Website: www.clearcaptions.com</p>
<p><b>Publicity re iTRS</b> 47 C.F.R. § 64.604(c)(3)</p>		<p>ClearCaptions makes an ongoing effort to educate the public concerning all forms of TRS. This is done through printed media, use of social media, in advertising, on ClearCaptions' web site, and in other available means of communication. ClearCaptions staff regularly participate at meetings and conventions where Hard of Hearing persons are likely to attend.</p>
<p><b>Rates</b> 47 C.F.R. § 64.604(c)(4)</p>		<p>ClearCaptions does not charge its customers for IP CTS service.</p>
<p><b>Data Submissions</b> 47 C.F.R. § 64.604(c)(5)</p>		<p>ClearCaptions will provide the TRS Fund Administrator and the FCC with true and adequate cost and other data as well as other historical and projected rate related information.</p> <p>ClearCaptions employs an automated record keeping system to capture data which is then submitted to the Fund Administrator in a standardized format.</p>
<p><b>Cost Information Submissions</b> 47 C.F.R. § 64.604(c)(5)(iii)(D)(1); 47</p>		<p>ClearCaptions will provide the TRS Fund Administrator with true and adequate cost information including but not limited to: total TRS minutes of use, total interstate TRS minutes of use,</p>

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<b>STANDARD</b>	<b>WAIVER</b>	<b>CLEARCAPTIONS' COMPLIANCE</b>
C.F.R. § 64.604(c)(5)(iii)(E)(3)		total TRS investment in general, and other historical and projected information reasonably requested by the administrator for purposes of computing payments and revenue requirements.
<b>Data Submissions</b> 47 C.F.R. § 64.604(c)(5)(iii)(D)(2)		ClearCaptions will provide the TRS Fund Administrator with all requisite data and information including that which is requested by the TRS Fund Administrator for each call for which compensation is sought.
<b>Speed of Answer Submissions</b> 47 C.F.R. §§ 64.604(c)(5)(iii)(D)(3) & (D)(4)		ClearCaptions will submit call record and speed of answer compliance data to the Fund Administrator electronically in a standardized format. ClearCaptions employs an automated record keeping system to capture such data.
<b>Certification of Submissions</b> 47 C.F.R. § 64.604(c)(5)(iii)(D)(5); 47 C.F.R. § 64.604(c)(5)(iii)(I)		A ClearCaptions senior executive with first hand knowledge of the accuracy of the information provided will, when submitting minutes to the Fund for compensation, certify under penalty of perjury that he or she has examined the report, that the minutes were handled in compliance with section 225 and the Commission's rules and orders and are not the result of impermissible financial incentives or payments to generate calls, and that any cost and demand data and statements of fact submitted are true and correct.
<b>Call Data Record Retention</b> 47 C.F.R. § 64.604(c)(5)(iii)(D)(7)		ClearCaptions maintains the requisite call detail records, records to support claims for payment from the TRS Fund, records used to substantiate the costs and expense data submitted in the annual relay service data request form, and all other data as provided in 47 C.F.R. § 64.604(c), in an electronic format that is easily accessible for a minimum of five years.
<b>Whistleblower Notice</b> 47 C.F.R. § 64.604(c)(5)(iii)(M)		ClearCaptions complies with the Whistleblower protections requirements. ClearCaptions provides an accurate and complete description of the TRS whistleblower protections (including the right to contact the FCC's Office of Inspector General or the FCC's Enforcement Bureau) to employees and contractors in writing. Internal written policies have been updated to include those whistleblower protections. Additionally, ClearCaptions has posted educational signs in all its facilities that include the OIG Hotline number.
<b>Treatment of TRS</b>		ClearCaptions does not use its subscribers' profile

<b>STANDARD</b>	<b>WAIVER</b>	<b>CLEARCAPTIONS' COMPLIANCE</b>
<p><b>Customer Information</b> 47 C.F.R. § 64.604(c)(7)</p>		<p>data for any purpose other than to connect TRS calls.<sup>13</sup> Neither ClearCaptions nor its employees sell, distribute, share, or reveal profile data unless compelled by law to do so.</p>
<p><b>No Incentives to Use IP CTS</b> 47 C.F.R. § 64.604(c)(8)</p>		<p>ClearCaptions does not offer or provide to any person or entity that registers to use IP CTS any form of direct or indirect incentives, financial or otherwise, to register for or use IP CTS.</p> <p>ClearCaptions does not offer to or provide to a hearing health care professional any direct or indirect incentives, financial or otherwise, tied to a consumer's decision to register for or use IP CTS. ClearCaptions does not enter into prohibited joint marketing arrangements with any hearing health care professionals.</p>
<p><b>IP CTS Registration and Certification</b> 47 C.F.R. § 64.604(c)(9) and August 1, 2014 Public Notice<sup>14</sup></p>		<p>Prior to requesting compensation from the TRS Fund for service provided to a new Assisted User on or after August 28, 2014, ClearCaptions registers the individual new user by obtaining the following registration information: the consumer's full name, date of birth, last four digits of the consumer's social security number, address, and telephone number. ClearCaptions notes the conditional waiver granted to IP CTS providers in the <i>2015 Waiver Order</i> allowing providers to obtain alternative identity-verifying documentation for those individuals who do not have Social Security Numbers.<sup>15</sup> Although ClearCaptions does not make use of this waiver at this time, ClearCaptions reserves the right to do so in the future in a manner consistent with the <i>2015 Waiver Order</i>.</p> <p>In addition, ClearCaptions obtains the individual's written self-certification made under penalty of</p>

<sup>13</sup> *Telecommunications Relay Services & Speech-to-Speech Services for Individuals with hearing & Speech Disabilities*, CC Docket No. 98-67, Report and Order and Further Notice of Proposed Rulemaking, FCC 00-56, ¶¶ 77-84 (2000) (defining “profile data” and limitations on its use).

<sup>14</sup> *Consumer and Governmental Affairs Bureau Reaffirms Application of Internet Protocol Captioned Telephone Service (IP CTS) Rule on User Registration and Certification*, CG Docket Nos. 13-24 & 03-123, Public Notice, DA 14-1127 (Aug. 1, 2014).

<sup>15</sup> *Misuse of Internet Protocol (IP) Captioned Telephone Service et al.*, CG Docket No. 13-24 et al., Order, DA 15-173, ¶ 1 (Feb. 6, 2015).

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STANDARD	WAIVER	CLEARCAPTIONS' COMPLIANCE
		<p>perjury that states that: the consumer has a hearing loss that necessitates use of captioned telephone service; the consumer understands that the captioning on captioned telephone service is provided by a live communications assistant who listens to the other party on the line and provides the text on the captioned phone; the consumer understands that the cost of captioning each Internet protocol captioned telephone call is funded through a federal program; and the consumer will not permit, to the best of the consumer's ability, persons who have not registered to use IP CTS to make captioned telephone calls on the consumer's registered IP captioned telephone service or device.<sup>16</sup></p> <p>The certification is made on a form separate from any other agreement or form, and is required to include a separate customer signature specific to the certification. Such certification is made under penalty of perjury.</p> <p>Per Public Notice DA 14-1127 released August 1, 2014, ClearCaptions notes that for users enrolling after August 28, 2014, even if the consumer accepts IP CTS equipment for free or at a price below \$75 from any source other than a governmental program, no independent, third party certification is required.<sup>17</sup></p>
<p><b>IP CTS Registration Records and Confidentiality</b> 47 C.F.R. § 64.604(c)(9)(x)</p>		<p>ClearCaptions maintains records of registration and certification information for a period of at least 5 years after the consumer ceases to obtain service from ClearCaptions.</p> <p>ClearCaptions maintains the confidentiality of any registration and certification information obtained, and does not disclose such registration and</p>

<sup>16</sup> See also *Misuse of Internet Protocol (IP) Captioned Telephone Service et al.*, CG Docket No. 13-24 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 13-118 (Aug. 26, 2013).

<sup>17</sup> *Consumer and Governmental Affairs Bureau Reaffirms Application of Internet Protocol Captioned Telephone Service (IP CTS) Rule on User Registration and Certification*, CG Docket Nos. 13-24 & 03-123, Public Notice, DA 14-1127, at 7 (Aug. 1, 2014).

STANDARD	WAIVER	CLEARCAPTIONS' COMPLIANCE
		certification information or the content of such registration and certification information except as required by law or regulation.
<b>IP CTS Additional Registration Information</b> 47 C.F.R. § 64.604(c)(9)(xi)		For customers enrolled with ClearCaptions prior to March 7, 2013, ClearCaptions obtained registration information and certification of hearing loss for those customers prior to February 24, 2015, or ceased providing service to those customers by that date. <sup>18</sup>
<b>IP CTS Settings</b> 47 C.F.R. § 64.604(c)(10)		The IP CTS equipment distributed by ClearCaptions includes a button, icon, or comparable feature that is easily operable and requires only one step to turn on captions.
<b>IP CTS Equipment Label</b> 47 C.F.R. § 64.604(c)(11)(iii)		ClearCaptions distributes IP CTS equipment that has a label on its face and in a conspicuous location with the required notification language. For ClearCaptions software, the notification appears when the customer logs in. A picture of this label has been previously provided to the Commission.
<b>IP CTS Equipment Records</b> 47 C.F.R. § 64.604(c)(11)(iv)		ClearCaptions maintains (for a minimum period of five years after the consumer ceases to obtain service from ClearCaptions) with each customer's registration records, as applicable, records indicating IP CTS equipment provided, amount paid, and whether the notification label was affixed to the equipment or mailed to the customer.
<b>Emergency Call Handling</b> 47 C.F.R. § 64.605		ClearCaptions provides emergency call handling service in full compliance with the Commission's rules. 911 calls for its users are handled and routed

<sup>18</sup> \*\*\*BEGIN CONFIDENTIAL\*\*\*



\*\*\*END CONFIDENTIAL\*\*\*

STANDARD	WAIVER	CLEARCAPTIONS' COMPLIANCE
		<p>to the applicable PSAP. ClearCaptions automatically prioritizes 911 calls at the top of the queue. If there is an unintended disconnection, steps are taken to try and reestablish contact. ClearCaptions ensures that information obtained as a result of emergency calls is limited to that needed to facilitate 911 services, is made available only to emergency personnel and call handlers, and is used for the sole purpose of ascertaining a user's location in an emergency situation or for other emergency/law enforcement purposes.</p>
<p><b>Speech-to-Speech Service</b></p>	<p>Waived<sup>19</sup></p>	
<p><b>Impermissible Use of CPNI</b> 47 C.F.R. §§ 64.5105, 64.5107, 64.5108, 64.5109, 64.5110</p>		<p>Purple (including ClearCaptions as its subsidiary) has adopted a detailed policy governing the use of CPNI in order to ensure compliance with the Commission's CPNI rules. ClearCaptions does not use, disclose, or permit access to CPNI for the purpose of marketing to a customer TRS offerings in a category for which ClearCaptions is not the customer's default provider without customer approval, unless otherwise permitted by the Commission's rules. ClearCaptions does not identify or track CPNI of customers that call competing TRS providers and does not use, disclose or permit access to CPNI related to a customer call to a competing TRS provider.</p> <p>ClearCaptions will retain records of any approval obtained for use of CPNI (and any associated notification to the customer of the customer's right to deny or restrict use of, disclosure of, and access to that customers' CPNI) pending the period that approval/disapproval is in effect and for 1 year thereafter. ClearCaptions provides notification to customers of the customer's right to deny or restrict use of, disclosure of, and access to CPNI containing the disclosures specified in 47 C.F.R. § 64.5108(c).</p> <p>ClearCaptions may use or disclose CPNI to the extent allowed or prescribed by the Commission's rules, including the investigation of fraud, waste, and abuse; the submission of minutes to the TRS Fund Administrator; the provision, installation, and</p>

<sup>19</sup> 2007 Waiver Order ¶ 30 n. 97.

STANDARD	WAIVER	CLEARCAPTIONS' COMPLIANCE
		<p data-bbox="784 226 1450 296">maintenance of relay services; and the marketing of adjunct-to-basic services.</p> <p data-bbox="784 338 1466 625">ClearCaptions has internal procedures and training to ensure that CPNI is only used as permitted by the Commission's rules. ClearCaptions takes all reasonable measures to discover and protect against attempts to gain unauthorized access to CPNI. ClearCaptions customers receive an email when their password, address, email address, or first or last name is changed.</p> <p data-bbox="784 667 1466 772">ClearCaptions will provide notification and maintain a record of any breach of its customers' CPNI as required by 47 C.F.R. § 64.5111.</p> <p data-bbox="784 814 1466 1024">Once the Commission grants ClearCaptions' application for certification and ClearCaptions becomes a certified iTRS provider, ClearCaptions will submit an annual certification of compliance with the Commission's CPNI rules as required by 47 C.F.R. § 64.5109.</p>

**IV. Entities With Ownership / Control Interest (47 C.F.R. § 64.606(a)(2)(ii)(B))**

Section 64.606(a)(2)(ii)(B) of the Commission's rules requires applicants to list all "individuals or entities that hold at least a 10 percent equity interest in the applicant, have the power to vote 10 percent or more of the securities of the applicant, or exercise de jure or de facto control over the applicant."<sup>20</sup>

This information is provided in Exhibit 1 to this Application.

**V. Description of Organizational Structure (47 C.F.R. § 64.606(a)(2)(ii)(B))**

Section 64.606(a)(2)(ii)(B) of the Commission's rules requires applicants to describe their organizational structure.<sup>21</sup>

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<sup>20</sup> 47 C.F.R. § 64.606(a)(2)(ii)(B).

<sup>21</sup> 47 C.F.R. § 64.606(a)(2)(ii)(B).

This information is provided in Exhibit 1 to this Application.

**VI. Names of Executives, Officers, Members of Board (47 C.F.R. § 64.606(a)(2)(ii)(B))**

Section 64.606(a)(2)(ii)(B) of the Commission’s rules requires applicants to provide “the names of its executives, officers, members of its board of directors, general partners (in the case of a partnership), and managing members (in the case of a limited liability company).”<sup>22</sup>

This information is provided in Exhibit 1 to this Application.

**VII. Number of TRS Employees (47 C.F.R. § 64.606(a)(2)(ii)(C))**

Section 64.606(a)(2)(ii)(C) of the Commission’s rules requires IP CTS applicants to provide “a list of the number of applicant’s full-time and part-time employees involved in TRS operations, including and divided by the following positions: executives and officers; . . . communications assistants, and persons involved in marketing and sponsorship activities[.]”<sup>23</sup>

This information is provided in Exhibit 2 to this Application.

**VIII. Maintaining Copies of Employment Agreements, Employee List (47 C.F.R. § 64.606(a)(2)(ii)(D))**

Section 64.606(a)(2)(ii)(D) of the Commission’s rules provides that “copies of employment agreements for all of the provider’s employees directly involved in TRS operations, executives, and communications assistants, and a list of names of employees directly involved in TRS operations, need not be submitted with the application, but must be retained by the applicant for five years from the date of the application, and submitted to the Commission upon request.”<sup>24</sup>

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<sup>22</sup> 47 C.F.R. § 64.606(a)(2)(ii)(B).

<sup>23</sup> 47 C.F.R. § 64.606(a)(2)(ii)(C).

<sup>24</sup> 47 C.F.R. § 64.606(a)(2)(ii)(D).

In accordance with this rule, ClearCaptions will maintain copies of the required employment agreements and employee list for five years from the date of this Application and submit such to the Commission upon request.

**IX. List of Sponsorship Agreements (47 C.F.R. § 64.606(a)(2)(ii)(E))**

Section 64.606(a)(2)(ii)(E) of the Commission’s rules requires applicants to provide “a list of all sponsorship arrangements relating to Internet-based TRS, including on that list a description of any associated written agreements.”<sup>25</sup>

**\*\*\*BEGIN CONFIDENTIAL\*\*\*** [REDACTED]

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

**X. Provider Compliance With Eligibility Requirements (47 C.F.R. § 64.606(a)(2)(ii)(F))**

Section 64.606(a)(2)(ii)(F) of the Commission’s rules requires applicants to describe the “measures taken by such applicants or providers to ensure that they do not and will not request or collect payment from the TRS Fund for service to consumers who do not satisfy the registration and certification requirements in §64.604(c)(9), and an explanation of how these measures provide such assurance.”<sup>26</sup>

Prior to requesting compensation from the TRS Fund for service provided to a new individual Assisted User on or after August 28, 2014, ClearCaptions registers the new consumer by obtaining the following registration information: the consumer’s full name, date of birth, last four digits of the consumer’s social security number, address, and telephone number.

In addition, ClearCaptions obtains the self-certification made under penalty of perjury via the Company’s registration website as prescribed in the Commission’s August 26, 2013 Order

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<sup>25</sup> 47 C.F.R. § 64.606(a)(2)(ii)(E).

<sup>26</sup> 47 C.F.R. § 64.606(a)(2)(ii)(F).

and Further Notice of Proposed Rulemaking.<sup>27</sup> The required certification is an online form separate from any other agreement or form, and includes a separate consumer acknowledgment specific to the certification.

Per the Commission's August 1, 2014 Public Notice, for users enrolling after August 28, 2014, no independent, third party certification is required even if a consumer accepts IP CTS equipment for free or at a price below \$75 from any source other than a governmental program.<sup>28</sup>

For customers enrolled with Purple prior to March 7, 2013, Purple obtained registration and certification for those customers prior to February 24, 2015, or ceased providing service to those customers by February 24, 2015.<sup>29</sup>

Through these measures, the use of regular audits, and by removing ineligible minutes from its compensation submissions, ClearCaptions ensures that it will not request compensation for minutes attributable to customers that do not meet the Commission's registration and certification requirements.

Additionally, ClearCaptions maintains the confidentiality of any registration and certification information obtained, and does not disclose such registration and certification information or the content of such registration and certification information except as required by law or regulation. ClearCaptions maintains records of registration and certification information for a period of at least five years after the consumer ceases to obtain service.

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<sup>27</sup> See also *Misuse of Internet Protocol (IP) Captioned Telephone Service et al.*, CG Docket No. 13-24 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 13-118 (Aug. 26, 2013).

<sup>28</sup> *Consumer and Governmental Affairs Bureau Reaffirms Application of Internet Protocol Captioned Telephone Service (IP CTS) Rule on User Registration and Certification*, CG Docket Nos. 13-24 & 03-123, Public Notice, DA 14-1127, at 7 (Aug. 1, 2014).

<sup>29</sup> See *supra* n. 18.



Commission's rules governing Telecommunications Relay Service and containing the information required by Section 64.606(g) of the Commission's rules.

**XIII. Certification (47 C.F.R. § 64.606(a)(2)(v))**

I swear under penalty of perjury that I am Bob Rae, President and CEO, an officer of the above-named applicant, and that I have examined the foregoing submissions, and that all information required under the Commission's rules and orders has been provided and all statements of fact, as well as all documentation contained in this submission, are true, accurate, and complete.

A handwritten signature in black ink, appearing to be 'BR', written over a horizontal line.

Bob Rae  
President and CEO  
ClearCaptions, LLC

Date: April 18, 2016

**EXHIBIT 1**

**Corporate Stakeholders, Structure, and Officers and Organizational Structure**

ClearCaptions LLC is a limited liability company. ClearCaptions LLC is currently a wholly-owned subsidiary of Purple. Purple and its shareholders are contemplating a potential reorganization through which ClearCaptions LLC will cease to be owned by Purple, **\*\*\*BEGIN**

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

**CONFIDENTIAL\*\*\***

The executives and officers of ClearCaptions LLC are as follows:

- Gordon L. Ellis, Vice President of Sales
- Rita Beier Braman, Vice President of Text Operations and National Quality Assurance
- Blaine Reeve, Chief Technology Officer

**\*\*\*BEGIN CONFIDENTIAL\*\*\***

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
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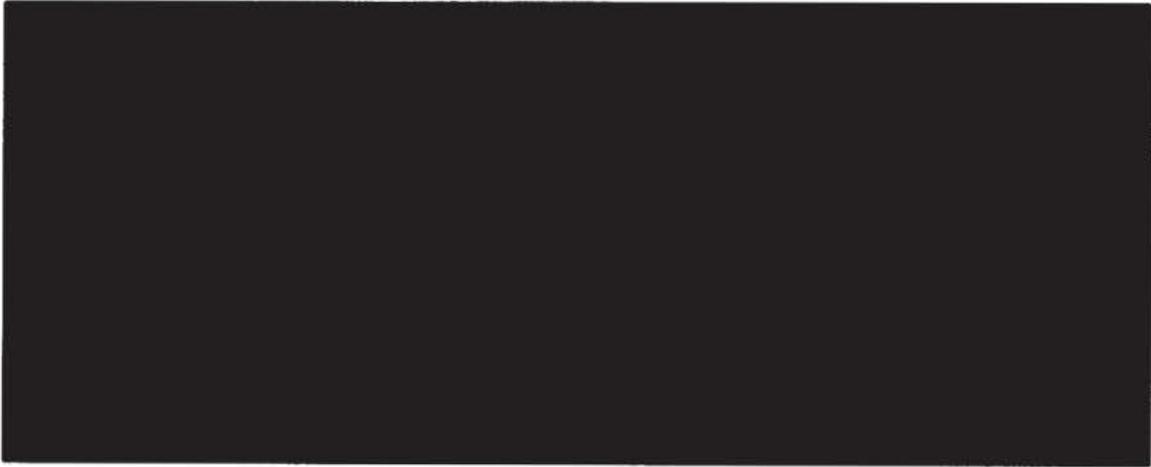
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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

**EXHIBIT 2**

**Number of ClearCaptions LLC Employees**

**\*\*\*BEGIN CONFIDENTIAL\*\*\***



**\*\*\*END CONFIDENTIAL\*\*\***