



Office of the Secretary

UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

November 20, 2017

Mr. Jay Libove
State of New Jersey

Re: *In the Matters of Tru Communication, Inc. dba TCPrinting.net, File No. 1723171, Docket No. C-4628; Md7, LLC, File No. 1723172, Docket No. C-4629; Decusoft, LLC, File No. 1723173, Docket No. C-4630*

Dear Mr. Libove:

Thank you for your comments regarding the Federal Trade Commission's proposed consent agreements in the above-entitled proceedings. Your comments indicate that you believe that the proposed consent agreements do not adequately sanction the respondent companies' ("the Companies") deceptive conduct.

The Commission shares your view that privacy enforcement is important. The complaints in these matters allege that the Companies made material misrepresentations, in violation of Section 5 of the FTC Act, and the proposed orders are designed to rectify this misconduct. The proposed consent orders prohibit each of the Companies from misrepresenting the manner and extent to which it is a member of, adheres to, complies with, is certified by, is endorsed by, or otherwise participates in any privacy or security program sponsored by a government or any self-regulatory or standard-setting organization. The Companies must each submit a compliance report to the Commission and adhere to specific notice and recordkeeping provisions for the duration of the order.

The Commission looks at a number of factors in determining appropriate relief that will deter future violations. In this case, we believe the consent order's prohibition against misrepresentations and the reporting, notice, and recordkeeping provisions, will deter future violations. In addition, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, should a Company violate the order, it will be subject to civil penalties of up to \$40,654 per violation per day (as provided by Section 5(l) of the FTC Act, 45 U.S.C. § 45(l), as adjusted by 16 C.F.R. § 1.98(c)). The prospect of paying civil penalties provides each Company with an incentive to comply with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue. We also believe that the Commission bringing these actions will deter other companies from engaging in similar conduct. As is the case with all Commission orders, Commission staff will closely monitor the conduct of these Companies to determine whether any violations occur.

The Commission has placed your comments on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Decision and Orders in the above-titled proceedings in final form without any modifications. The final Decision and Orders and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comments.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

November 20, 2017

Mr. Kevin Zelany
State of Michigan

*Re: In the Matter of Tru Communication, Inc., dba TCPrinting.net
File No. 1723171, Docket No. C-4628*

Dear Mr. Zelany:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. In your comment, you generally express support for the provisions of the consent agreement, and also raise a question about whether the 20-year sunset provision in the order is adequate or excessive.

The Commission appreciates your support of the proposed order. The Commission is committed to enforcing Privacy Shield, and believes that the proposed order will further this objective. With respect to the 20-year "sunsetting" provision, the 20-year sunset is consistent with the Commission's long-standing policy that administrative orders sunset in 20 years. This policy was published in the Federal Register in December 1995. The Commission thus limited its administrative orders in part because it determined that administrative orders that have not been violated during that time ordinarily will have served their purpose.

The Commission has placed your comment on the public record, pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Decision and Order in the above-titled proceeding in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary