



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



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

Name Withheld

November 20, 2017

*Re: In the Matter of Md7, LLC, File No. 1723172, Docket No. C-4629*

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. In your comment, you express support for the provisions of the consent agreement, and recommend imposing monetary penalties and mandating certification because you believe that the company's misrepresentation put other companies' customers' personal information at risk.

The Commission shares your view that privacy enforcement is important. The complaint in this matter alleges that the company made material misrepresentations, in violation of Section 5 of the FTC Act, and the proposed order is designed to rectify this misconduct. The proposed consent order prohibits the company 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. With respect to your suggestion that the company should submit to a certification process, note that the company must also submit a compliance report to the Commission and adhere to specific notice and recordkeeping provisions for the duration of the order.

Regarding monetary penalties, 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 Md7, LLC, to determine whether any violations occur.

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