



Office of the Secretary

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

June 19, 2014

Chris Connolly
Bath, United Kingdom

Re: In the Matter of Apperian, Inc., File No. 1423017; Atlanta Falcons Football Club LLC, File No. 1423018; Baker Tilly Virchow Krause, LLP, File No. 1423019; BitTorrent, Inc., File No. 1423020; Charles River Laboratories International, Inc., File No. 1423022; DataMotion, Inc., File No. 1423023; DDC Laboratories, Inc., File No. 1423024; Fantage.com, Inc., File No. 1423026; Level 3 Communications, LLC, File No. 1423028; PDB Sports, Ltd. d/b/a Denver Broncos Football Club, File No. 1423025; Reynolds Consumer Products Inc., File No. 1423030; The Receivable Management Services Corporation, File No. 1423031; and Tennessee Football, Inc., File No. 1423032.

Dear Mr. Connolly:

Thank you for your comments regarding the Federal Trade Commission's ("Commission" or "FTC") consent agreements in the above-entitled proceedings. 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), and has given them serious consideration.

In these 13 cases, the proposed complaints allege that the Respondents engaged in deceptive practices by falsely representing, either expressly or by implication, that they were current participants in the U.S.-EU Safe Harbor framework and/or the U.S.-Swiss Safe Harbor Framework (collectively "Safe Harbor framework") when, in fact, each company had allowed its self-certification to lapse. In some cases the proposed complaints also allege that those companies deceptively displayed the Safe Harbor Certification Mark. The proposed orders prohibit each company from misrepresenting the extent to which each 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 the government or any other self-regulatory or standard-setting organization, including, but not limited to, the Safe Harbor framework.

In your comments, you: (1) inquire whether several of the Respondents have been the subject of previous action by the Commission and if so, recommend that sanctions against those Respondents be strengthened; (2) urge the Commission to take action with respect to True Ultimate Standards Everywhere, Inc. ("TRUSTe") because some Respondents participated in TRUSTe's U.S.-EU Safe Harbor program and were re-certified by TRUSTe although their privacy policies included false statements about their participation in the Safe Harbor framework; (3) suggest that the Commission require certain Respondents to identify the dispute resolution provider they have chosen; (4) urge the Commission to strengthen the sanctions against Respondent DDC Laboratories,

In November 2013, the European Commission (“EC”) released a report on Safe Harbor

corresponding FTC press release for a summary of the allegations and the terms of the order to which a Respondent is bound.

In light of the considerations discussed above, the Commission has determined that the public interest would best be served by issuing the Decision and Orders in the above-entitled 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/>. It helps the Commission's analysis to hear from a variety of sources in its work, and it thanks you again for your comment.

By direction of the Commission, Commissioner McSweeney not participating.

Donald S. Clark
Secretary