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*Via Electronic Comment Filing Submission (ECFS)*

January 18, 2016

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

RE: Structure and Practices of the Video Relay Service Program, CG Docket No. 10-51; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123; ASL Services Holdings, LLC Objection to Release of Confidential Information

Dear Secretary Dortch:

ASL Services Holdings, LLC (“ASL/Global VRS”) reiterates its objection to the release of confidential documents following submission of Acknowledgements of Confidentiality (“Acknowledgement”) under the *Protective Order* and *Second Protective Order*<sup>1</sup> in the above referenced matters (“Objection”) by Sorenson Communications, LLC’s (“Sorenson”) outside counsel, and other provider counsel for the purpose of obtaining Highly Confidential materials filed in these proceedings. Far from its opposition being “meritless” as Sorenson counsel characterizes, ASL/Global VRS’s opposition remains well-founded on seeking to protect sensitive proprietary information regarding the Company’s operations from competitors and their counsel that has not been established by counsel as enhancing the record in these proceedings.

Sorenson’s January 13, 2016 response to ASL’s December 28, 2015 Objection argues that ASL/Global VRS has appeared to conceded that Sorenson’s counsel has met the requirements for access under the First and Second Protective Orders and does not allege that counsel are involved in competitive decision making or are otherwise ineligible for access under the Orders. Further,

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<sup>1</sup> See *Structure and Practices of the Video Relay Service Program, Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 03-123 and 10-51, *Second Protective Order* DA 12-858 (May 31, 2012).

counsel claims that ASL/Global VRS has a “fundamentally misunderstanding” of the protective orders and suggests that its having served Acknowledgements in 2012 to which ASL/Global VRS did not object serves as precedence. ASL/Global VRS disagrees.

It is not ASL/Global VRS’ position to make a determination whether counsel has met the requirements for access under the First and Second protective orders. This is a procedural determination that only the Commission can make. It is also not ASL/Global VRS’ position to establish the relationship between counsel and counsel’s client. Neither has bearing on ASL/Global VRS’ objection.

Further, the procedures established under the *Second Protective Order* do not guarantee an absolute right to access. To be sure, paragraph 1 of the Second Protective Order clearly states that the Commission adopts

*procedures to provide more limited access to certain especially competitively sensitive information that may be filed in this proceeding, which, if released to competitors or those with whom the Submitting Party does business, would allow those persons to gain a significant advantage in the marketplace or in negotiations. We anticipate that such materials will be necessary to develop a more complete record on which to base the Commission’s decision [emphasis supplied].*

Paragraph 3 of the *Second Protective Order* underscores the Commission’s position in determining that submitted documents are Highly Confidential or otherwise subject to release in order to provide a more complete record. Sorenson has not established through its Acknowledgement or otherwise how its request would result in a more complete Commission record. To that end, ASL/Global VRS has every right to object to a blanket release of unspecified sensitive confidential information to competitors’ counsel simply on the basis of a generalized Acknowledgment.

And as to the 2012 Acknowledgement, ASL/Global VRS, a scant one year into its provision of video relay services at that time, was never directed to provide confidential information by the Commission, or would have had little information to provide at that juncture, and had no reason for objecting at that time. That ASL/Global VRS did not object in 2012 does not set precedence and should not now preclude ASL/Global VRS from its objection.

ASL/Global VRS has every right to object to a blanket release of unspecified information and reiterates its objection. The existence of the protective orders is to establish a process for protecting sensitive confidential information unless helpful to the Commission in its decision making process. Otherwise the entire basis for the existence of protective orders in these proceedings would have to be questioned if the act of submission of an Acknowledgement of Confidentiality alone could serve as a guarantee of access. ASL/Global VRS requests that the Highly Confidential information submitted in these proceedings be retained as confidential.

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Thank you for your attention to this matter. Questions may be directed to the undersigned.

Sincerely,

MILLER ISAR, INC.

A handwritten signature in blue ink, appearing to read "Andrew O. Isar". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Andrew O. Isar

Regulatory Consultants to  
ASL Services Holdings, LLC

cc: Mark D. Davis (via priority delivery and email)  
Gregory Hlibok (via email)

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CERTIFICATE OF SERVICE

I hereby certify that on this day, a true and correct copy of the foregoing Objection of ASL Services Holdings, LLC was sent by first class mail to the following individual:

Mark D. Davis  
Julie Veach  
E. Austin Bonner  
Harris, Witshire & Grannis LLP  
1919 M Street NW, Eighth Floor  
Washington, D.C. 20036

Respectfully submitted this December 28, 2015



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Regulatory Consultant to  
ASL Services Holdings, LLC