

January 26, 2016

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

Re: **Purple Communications, Inc. Outside Counsel Response to
ASL/Global Objection to Acknowledgments of Confidentiality in CG
Docket Nos. 10-51 and 03-123.**

Dear Ms. Dortch:

I, the undersigned, Outside Counsel to Purple Communications, Inc. (“Purple”), write in response to the letter filed December 28, 2015 by Andrew O. Isar purportedly objecting to the disclosure of ASL Services Holdings, LLC’s (“ASL/Global’s”) Confidential or Highly Confidential Information pursuant to the *First Protective Order* and *Second Protective Order* in this proceeding (the “Protective Orders”).^{1,2} I submitted the relevant Acknowledgments of Confidentiality on December 15, 2015 on behalf of myself, Monica S. Desai, as well as on behalf of Koyulyn K. Miller and Benjamin D. Tarbell, all Outside Counsel to Purple (“Purple’s Outside Counsel”).^{3,4} ASL/Global’s objection is without merit and must be denied.

¹ ASL Services Holdings LLC Objection to Release of Confidential Information to Purple, CG Docket Nos. 10-51 & 03-123 (Dec. 28, 2015) (“ASL Objection to Purple Acknowledgments”); *see also Structure and Practices of the Video Relay Service Program et al.*, CG Docket Nos. 10-51 & 03-123, Protective Order, DA 12-402 (Mar. 14, 2012) (“*First Protective Order*”); *Structure and Practices of the Video Relay Service Program et al.*, CG Docket Nos. 10-51 & 03-123, Second Protective Order, DA 12-858 (May 31, 2012) (“*Second Protective Order*”).

² Purple’s Outside Counsel did not receive Andrew O. Isar’s objection letter of December 28, 2015 until January 19, 2016.

³ “Outside Counsel” is defined in the Protective Orders as “attorneys . . . retained by a party in this proceeding, provided that such attorneys are not involved in Competitive Decision-Making.” *See First Protective Order* ¶ 2; *Second Protective Order* ¶ 2.

ASL/Global does not contend that Outside Counsel do not meet the requirements for access under the *First Protective Order* or under the *Second Protective Order*. Nor does ASL/Global make any claim that Purple's Outside Counsel have any involvement in Purple's Competitive Decision-Making or are otherwise ineligible under the Protective Orders.⁵

It appears that ASL/Global's objection is generally to any requirement that it disclose information at all under the Protective Orders.⁶ ASL/Global wholly disregards the competitive protections those orders carry. ASL/Global contends that disclosure "could provide valuable competitive information to Purple[.]"⁷ But the Protective Orders prohibit Purple's Outside Counsel from disclosing such information to Purple.⁸ ASL/Global also states that it will not have "knowledge of the specific nature of the documents sought," although Purple's Outside Counsel will obtain the documents directly from ASL/Global.⁹

ASL/Global further argued in a letter in response to Sorenson that the *Second Protective Order* is not intended to be a blanket grant of access. This is evidenced, ASL/Global argues, by the fact that the intent of that order is to "provide more limited access to certain especially competitively sensitive information" and because Commission staff must approve the submittal of information as Highly Confidential.¹⁰ But these statements and procedures merely describe the function of the *Second Protective Order* – the submittal and review of a limited category of "Highly Confidential" information – as distinct from the function of the *First Protective Order* – the submittal and review of Confidential information generally.

⁴ Letter from Monica S. Desai, Counsel to Purple Communications, Inc., Squire Patton Boggs (US) LLP, CG Docket Nos. 10-51 & 03-123 (Dec. 15, 2015).

⁵ "Competitive Decision-Making" is defined in the Protective Orders as "a person's activities, association or relationship with any of its clients involving advice about or participation in the relevant business decisions or the analysis underlying the relevant business decisions of the client in competition with or a business relationship with the Submitting Party." See *First Protective Order* ¶ 2; *Second Protective Order* ¶ 2.

⁶ See ASL Services Holdings LLC Objection to Release of Confidential Information to Sorenson, CG Docket Nos. 10-51 & 03-123 (Dec. 28, 2015); ASL Services Holdings LLC Objection to Release of Confidential Information to CSDVRS, CG Docket Nos. 10-51 & 03-123 (Dec. 28, 2015); see also Sorenson Response to Objection to Acknowledgments of Confidentiality, CG Docket Nos. 10-51 & 03-123 (Jan. 13, 2016).

⁷ ASL Objection to Purple Acknowledgments at 2.

⁸ *First Protective Order* ¶ 10; *Second Protective Order* ¶ 13.

⁹ ASL Objection to Purple Acknowledgments at 2.

¹⁰ Corrected ASL Services Holdings LLC Response to Sorenson Response to ASL Objection to Release of Confidential Information to Sorenson, CG Docket Nos. 10-51 & 03-123 (Jan. 19, 2016).

Squire Patton Boggs (US) LLP

January 26, 2016

Page 3

In sum, ASL/Global's objections are misplaced and should be dismissed. Should you have any questions, please contact the undersigned.

Respectfully submitted,



Monica S. Desai
Squire Patton Boggs, LLP
2550 M Street, NW
Washington, DC 20037
202-457-7535
Counsel to Purple Communications, Inc.

cc: Gregory Hlibok
Andrew O. Isar