

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Rates for Interstate Inmate Calling Services

WC Docket No. 12-375

TELMATE, LLC
PETITION FOR WAIVER

Pursuant to Section 1.3 of the Commission's Rules,¹ Telmate, LLC respectfully requests a waiver of the video visitation component of the annual reporting requirement applicable to providers of inmate calling services.

There is good cause for the requested waiver because the United States Court of Appeals for the District of Columbia Circuit recently vacated the video visitation reporting requirement, holding that the requirement "is too attenuated to the Commission's statutory authority to justify."² While the court's mandate vacating the Commission's video visitation rule has not yet issued, and the existing video visitation reporting rule therefore remains in place as technical matter, it would not serve the public interest to require reporting that a federal court has held is beyond the Commission's authority.³

¹ 47 C.F.R. § 1.3.

² *Global Tel*Link v. FCC*, No. 15-1461, slip op. at 34 (D.C. Cir. June 13, 2017), *amended* Aug. 4, 2017.

³ *See Media Bureau Seeks Comment on TiVO Inc.'s Petition for Waiver*, DA 13-457, 28 FCC Rcd. 2857, ¶ 1 n.4 (2013) (holding that portion of waiver request pertaining to subsequently vacated rule was moot).

The vacated video reporting requirement would impose a significant burden on Telmate, as Telmate would be required to expend internal resources in order to gather and provide the video visitation information. Moreover, this effort would be expended in support of a requirement that has been vacated and thus is unlikely to ever be repeated. This expenditure of resources, which would necessarily divert Telmate personnel from deploying existing services and developing new services, is not in the public interest where the underlying reporting requirement has been held to be unlawful. As Global Tel*Link has noted,⁴ the Commission has recently granted waivers in similar circumstances in at least two instances, and waiver is likewise appropriate here.

Accordingly, Telmate respectfully requests that the Commission waive the video visitation reporting requirement for this calendar year. If the Commission does not waive the reporting requirement, Telmate requests, in the alternative, that its deadline for video visitation reporting be extended until 15 days after the Commission acts on this Petition for Waiver.

Respectfully submitted,



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⁴ Global Tel*Link Corporation Response to Written *Ex Parte* Presentations and, to Extent Necessary, Petition for Waiver at 3, WC Docket No. 12-375 (filed July 18, 2017).