

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

In the Matter of	)	
	)	
Rates for Interstate Inmate Calling Services	)	WC Docket No. 12-375
	)	
Comment Sought on Pay Tel Communications, Inc.	)	DA 14-1606
Petition for Extension of Waiver	)	
_____	)	

**OPPOSITION OF GLOBAL TEL\*LINK CORPORATION  
TO PAY TEL COMMUNICATIONS, INC.’S SUPPLEMENT  
TO ITS PETITION FOR EXTENSION OF WAIVER**

Global Tel\*Link Corporation (“GTL”)<sup>1</sup> hereby submits this Opposition to Pay Tel Communications, Inc.’s Supplement to its Petition for Extension of Waiver.<sup>2</sup>

On November 12, 2014, GTL filed an opposition<sup>3</sup> to Pay Tel’s request for an extension of the “limited, temporary waiver” of interim interstate inmate calling service rate caps, in part because Pay Tel had disregarded the Commission’s February 11, 2014 directive to use the waiver period “to pursue any necessary intrastate rate changes through the applicable state processes.”<sup>4</sup> Pay Tel’s *November Supplement* proves that GTL was correct and that Pay Tel is not entitled to an extension.

---

<sup>1</sup> These comments are filed by GTL on behalf of itself and its wholly owned subsidiaries that also provide interstate inmate calling services: DSI-ITI, LLC, Public Communications Services, Inc. and Value-Added Communications, Inc.

<sup>2</sup> WC Docket No. 12-375, Notice of Ex Parte Presentation – Supplemental Information re: Petition of Pay Tel Communications, Inc. for Extension of Waiver of Interim ICS Rates (Nov. 11, 2014) (“*November Supplement*”). Although the *November Supplement* is dated November 11, according to the Commission’s website, it was not received by the Commission until November 12 and not posted until November 14. GTL was therefore unable to respond to it in its November 12 Opposition. See <http://apps.fcc.gov/ecfs/comment/view?id=60000978129> and WC Docket No. 12-375, Opposition of Global Tel\*Link Corporation to Pay Tel Communications, Inc.’s Petition for Extension of Waiver (Nov. 12, 2014) (“*GTL Opposition*”).

<sup>3</sup> See *GTL Opposition*.

<sup>4</sup> *Rates for Interstate Inmate Calling Services*, 29 FCC Rcd 1302, ¶ 1 (2014) (“*Waiver Order*”).

As discussed in *GTL's Opposition*, when the Commission granted the waiver to Pay Tel, the Commission specifically limited the length of the waiver and repeatedly stated that the purpose of the waiver was to afford Pay Tel time to pursue relief “at the state level and with the individual facilities it serves.”<sup>5</sup> A review of Pay Tel’s *Extension Petition*<sup>6</sup> demonstrates that, rather than using this time as the Commission intended, Pay Tel did next to nothing in the nine months given it by the Commission to address intrastate rates.<sup>7</sup>

Pay Tel’s *November Supplement* drives this point home.

In October 2013, as part of its initial Petition for a Waiver,<sup>8</sup> Pay Tel claimed that unless the Commission granted it a waiver, it would have a shortfall of \$1,666,412.<sup>9</sup> The Commission granted the waiver to give Pay Tel the opportunity to reduce its purported intrastate shortfall. Now, more than a year later, Pay Tel claims it will have a shortfall of \$1,676,915 – *more than it claimed over a year ago*.<sup>10</sup> Pay Tel even touts that the amount has not been reduced, stating that “[t]his updated projection is consistent with the projected net intrastate shortfall of \$1,666,412 shown in Pay Tel’s January 8, 2014 Petition for Waiver.”<sup>11</sup> According to Pay Tel: “This

---

<sup>5</sup> *Waiver Order* ¶ 19.

<sup>6</sup> WC Docket No. 12-375, Pay Tel Communications, Inc.’s Petition for Extension of Waiver (Oct. 31, 2014) (“*Extension Petition*”).

<sup>7</sup> *See GTL Opposition* at 3-5.

<sup>8</sup> WC Docket No. 12-375, Pay Tel Communications, Inc.’s Petition for Waiver of Interim Interstate ICS Rates (Jan. 8, 2014).

<sup>9</sup> *Id.* at 14. *See also* WC Docket No. 12-375, Notice of Ex Parte Presentation – Supplemental Information re: Pay Tel Communications, Inc.’s Petition for Waiver of Interim Interstate ICS Rates, 1 (Jan. 16, 2014) (“using the Commission’s cost-based rate caps as proxies for costs, Pay Tel will be faced with a net intrastate shortfall of \$1,666,412 if forced to lower interstate rates to the rates specified in the Order released September 26, 2013”).

<sup>10</sup> *November Supplement* at 2 (“using the Commission’s cost-based rate caps as proxies for Pay Tel’s costs, Pay Tel will be faced with a net intrastate shortfall of \$1,676,915 if forced to lower interstate rates to the FCC’s interim rate caps”).

<sup>11</sup> *November Supplement* at n.8.

analysis shows that Pay Tel's operations under the waiver have not significantly altered or impacted the basic problem identified by Pay Tel with respect to application of the interim interstate rate caps to Pay Tel."<sup>12</sup> In other words, the Commission – to the detriment of Pay Tel's customers and competitors – gave Pay Tel a special waiver so that it could improve its situation; Pay Tel disregarded the Commission's order, and Pay Tel now has the audacity to come back before the Commission asking for a further waiver because its situation has not changed. This request ignores the fact that it was Pay Tel's obligation to work to change its situation, which it failed to do.

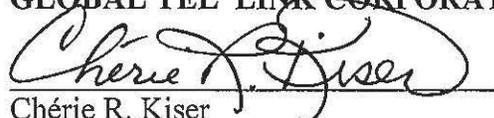
In short, the waiver was designed to give Pay Tel the chance to reduce its projected shortfall, and Pay Tel failed to take significant action to do so. Pay Tel should not now be rewarded for its lack of action by being granted a second waiver. For the above reasons and those stated in the *GTL Opposition*, the Commission should deny Pay Tel's Petition for an Extension.

David Silverman  
Senior Vice President and General Counsel  
GLOBAL TEL\*LINK CORPORATION  
12021 Sunset Hills Road  
Suite 100  
Reston, VA 20190  
(703) 955-3886  
dsilverman@gtl.net

Dated: November 17, 2014

Respectfully submitted,

**GLOBAL TEL\*LINK CORPORATION**



Cherie R. Kiser  
Gail Johnston\*  
CAHILL GORDON & REINDEL LLP  
1990 K Street, NW, Suite 950  
Washington, DC 20006  
(202) 869-8900  
ckiser@cahill.com  
gjohnston@cahill.com

Its Attorneys

\*Resident in New York

<sup>12</sup> *November Supplement* at 2.