

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

In the Matter of)	
)	
Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991)	CG Docket No. 02-278
)	
Establishing Just and Reasonable Rates for Local Exchange Carriers)	WC Docket No. 07-135
)	
Consumer and Governmental Affairs Bureau Seeks Comment on Robocalls and Call-Blocking Issues Raised by the National Association of Attorneys General on behalf of Thirty-Nine Attorneys General)	DA 14-1700
)	
_____)	

COMMENTS OF GLOBAL TEL*LINK CORPORATION

Global Tel*Link Corporation (“GTL”),¹ by its attorneys, hereby submits its comments on the request filed by the National Association of Attorneys General (“NAAG”),² which asked the Federal Communications Commission (“Commission” or “FCC”) to issue an opinion regarding telephone carriers’ legal ability to implement call-blocking technologies to stop the receipt of unwanted and harassing telemarketing calls.³

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

² Letter from National Association of Attorneys General to Tom Wheeler (dated Sept. 9, 2014) (“NAAG Letter”).

³ CG Docket No. 02-278, *et al.*, *Consumer and Governmental Affairs Bureau Seeks Comment on Robocalls and Call-Blocking Issues Raised by the National Association of Attorneys General on behalf of Thirty-Nine Attorneys General*, Public Notice, DA 14-1700 (rel. Nov. 24, 2014) (“NAAG Public Notice”). On December 17, 2014, the Commission extended the due date for initial comments and reply comments on the NAAG request to January 23, 2015 and February 9, 2015, respectfully. *See* CG Docket No. 02-278, *et al.*, *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, et al.*, Order, DA 14-1850 (rel. Dec. 17, 2014).

NAAG requests Commission input on the “legal and/or regulatory prohibitions, if any” that may “prevent telephone carriers from implementing call-blocking technology.”⁴ It further asks whether carriers may legally block certain types of calls in response to a customer’s request.⁵ The Commission should affirm that the use of call-blocking technologies is permissible and lawful in certain situations, and that all customers have the right to utilize call-blocking services, including those provided by their communications service provider. The Commission should further confirm that correctional institutions also may implement call-blocking technologies in their facilities for public safety and security purposes.

I. THE COMMISSION CONSISTENTLY HAS RECOGNIZED THE ABILITY OF CONSUMERS TO CONTROL THEIR COMMUNICATIONS SERVICES

The Commission has not held that blocking calls upon customer request is unlawful.⁶ Rather, the Commission has found that, “except in rare circumstances” it “does not allow carriers to engage in call blocking.”⁷ This is not a complete prohibition, however. The Commission’s policy has “no effect on the right of individual end users to choose to block incoming calls from unwanted callers.”⁸ The Commission has long supported the ability of customers to exercise control over their communications services by restricting, limiting or blocking the types of calls they make and/or receive, even when such call-blocking mechanisms are implemented by a communications provider.⁹

⁴ NAAG Letter at 2.

⁵ NAAG Letter at 2-3.

⁶ NAAG Public Notice at 3.

⁷ *Connect America Fund*, 26 FCC Rcd 17663, ¶ 973 (2011) (“2011 Order”) (quoting *Establishing Just and Reasonable Rates for Local Exchange Carriers; Call Blocking by Carriers*, 22 FCC Rcd 11629, ¶ 7 (2007) (“2007 Declaratory Ruling”)).

⁸ *2007 Declaratory Ruling* at n.21.

⁹ *See, e.g., North American Telecommunications Association Petition for Declaratory Ruling under § 64.702 of the Commission’s Rules Regarding the Integration of Centrex, Enhanced Services, and Customer Premises Equipment*, 101 FCC 2d 349, ¶ 46 (1985) (recognizing consumers may utilize “call block” features offered by their

Toll limitation services, for example, prevent consumers from making long distance calls for which a charge would be incurred.¹⁰ The Commission also requires carriers to offer subscribers the option to block 900 services in order to give consumers “a measure of control” over their telephone services.¹¹ Local exchange carriers also are required to provide international call-blocking services to business customers, which allows the customer to “decline to accept collect or third-party billed calls on its line.”¹² Consumers also may activate a variety of services such as call blocking, anonymous call rejection, and priority ringing to help them deal with unwanted calls.¹³ The Commission permits telecommunications relay service providers to offer anonymous call rejection as long as the consumer seeking to use the features subscribes to the service.¹⁴ Certain end user-initiated blocking mechanisms are also mandated at the state-level, such as the ability to prevent the completion of calls to pre-specified telephone numbers, such as local chatlines.¹⁵

local exchange carrier that allow the customer to block unwanted calls from designated numbers or to identify specific telephone numbers that will cause a unique ring).

¹⁰ See, e.g., 47 C.F.R. § 54.403(c); *Federal-State Joint Board on Universal Service*, 12 FCC Rcd 8776, ¶ 28 (1997) (finding toll limitation services help consumers “control” their telecommunications services); *Amendment of the Commission’s Rules and Policies to Increase Subscribership and Usage of the Public Switched Network*, 10 FCC Rcd 13003, ¶¶ 16-17 (1995) (recognizing that “long distance blocking services” have long been available to consumers).

¹¹ See, e.g., 47 C.F.R. § 64.1508; see also *Policies and Rules Concerning Interstate 900 Telecommunications Services*, 6 FCC Rcd 6166, ¶ 46 (1991).

¹² See, e.g., *Policies and Rules Concerning Operator Service Access and Pay Telephone Compensation*, 11 FCC Rcd 17021, ¶¶ 3, 41 (1996).

¹³ See, e.g., *Filing and Review of Open Network Architecture Plans*, 5 FCC Rcd 3103, ¶ 101 (1990) (noting that customers have access to network-based features such as: (1) selective call rejection, which enables customers to block incoming calls from certain telephone numbers; (2) selective call acceptance, which enables customers to block all calls except those originating from specified numbers; and (3) distinctive ringing, which alerts customers via a special ringing pattern when calls are received from a specified list of numbers).

¹⁴ See, e.g., *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, 19 FCC Rcd 12475, ¶ 74 (2004).

¹⁵ See, e.g., New York Case 05-C-0616, *Proceeding on Motion of the Commission to Examine Issues Related to the Transition to Intermodal Competition in the Provision of Telecommunications Services*, Order Concerning Chatline Blocking (Nov. 1, 2006).

The types of call-blocking technologies identified by the Attorneys General (NoMoRobo, Call Control, and Telemarketing Guard) are deployed by the customer or by the customer's service provider only upon the customer's request. Implementation of such technologies do not raise the same level of concern as a carrier's unilateral decision to block traffic as a result of a dispute or its refusal to exchange traffic with certain types of carriers, which are the types of circumstances that give rise to the Commission's general prohibition on call blocking.¹⁶ Use of the call-blocking technologies at issue in the Attorneys General request do not risk "degradation" of the national telecommunications network or affect "the ubiquity and seamlessness" of the network.¹⁷ The use of such technologies is supported by "the right of individual end users to choose to block incoming calls from unwanted callers,"¹⁸ and is consistent with the Commission's mandates under the Telephone Consumer Protection Act ("TCPA") to "protect residential telephone subscribers' privacy rights to avoid receiving telephone solicitations to which they object."¹⁹ Still, the Commission must ensure that any authorized call-blocking technology does not sweep desired calls with unwanted ones.²⁰

¹⁶ See, e.g., *2007 Declaratory Ruling* ¶ 5 (stating carriers cannot engage in self-help by blocking traffic due to disputes between carriers); *2011 Order* ¶ 973 (stating carriers cannot block Voice over Internet Protocol calls due to intercarrier compensation issues).

¹⁷ *2011 Order* ¶ 973; *Access Charge Reform*, 16 FCC Rcd 9923, ¶ 24 (2001).

¹⁸ *2007 Declaratory Ruling* at n.21.

¹⁹ 47 U.S.C. § 227(c)(1).

²⁰ Neither the TCPA nor the Attorneys General request to block "unwanted and harassing telemarketing calls" (NAAG Letter at 1) extends to the automated interactive voice response notifications GTL uses to inform an individual when an inmate is attempting to complete a telephone call to that individual. These informational notifications are required to announce to called parties that the call is from a correctional institution and to obtain positive acceptance of that call prior to completing the call. Informational, non-telemarketing calls, such as the informational notifications used by GTL, do not fall within the prior written consent requirements applicable to autodialed or prerecorded calls under the TCPA, and are exempted from the statute because they are calls "that are not made for a commercial purpose" or that "do not include the transmission of any unsolicited advertisement." See 47 U.S.C. § 227(b)(2)(B); *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, 27 FCC Rcd 1830 (2012). Accordingly, the Commission should act on GTL's long-pending Petition for Expedited Clarification and Declaratory Ruling filed in 2010, which requested the Commission to declare that the TCPA and its associated regulations are inapplicable to GTL's practice of utilizing automatic notifications before completing

II. CORRECTIONAL INSTITUTION CUSTOMERS RELY ON CALL-BLOCKING CAPABILITIES FOR PUBLIC SAFETY AND SECURITY PURPOSES

GTL provides secure, customized, highly-specialized communications services to correctional institutions throughout the United States. In recent years, inmate calling has progressed from public payphones to sophisticated software-based security systems that aid peace officers in their attempts to prevent or prosecute illegal activities that may originate within or involve prison populations. Correctional institutions, like any other consumer of communications services, must be permitted to utilize call-blocking technologies to ensure the safety and security of their facilities either on their own or in cooperation with their communications service provider.

For example, correctional institutions must have the ability to determine when or whether certain inmate-initiated calls may be completed.²¹ The Commission has long recognized that prison authorities have the right to “screen phone calls,” “employ numerous blocking mechanisms,” and limit calls to “certain pre-approved numbers.”²² The Commission also has found that with respect to call blocking specifically, “legitimate security concerns may justify [inmate calling service] providers blocking calls in certain circumstances.”²³ Correctional institutions must have the same flexibility and rights as other consumers to control, limit, or restrict the use of communications services within their facilities. Both public safety and

inmate-initiated calls to the general public. *See, e.g.*, CG Docket No. 02-278, Global Tel*Link Corporation Petition for Expedited Clarification and Declaratory Ruling (filed Mar. 4, 2010).

²¹ *See, e.g.*, WC Docket No. 12-375, Comments of Global Tel*Link Corporation, at 12-13 (filed Dec. 20, 2013); WC Docket No. 09-144, Reply Comments of Global Tel*Link Corporation, at 5-13 (filed Sept. 10, 2009).

²² *Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, 17 FCC Rcd 3248, ¶ 9 (2002).

²³ *Policies and Rules Concerning Operator Service Providers, et al.*, 28 FCC Rcd 13913, n.34 (2013) (“legitimate security concerns may justify ICS providers blocking calls in certain circumstances. For example, for security reasons, ICS providers may block attempts by inmates to call victims, witnesses, prosecutors and judges. . . . This Order should not, however, be interpreted to prevent ICS providers from blocking due to legitimate security concerns”).

correctional facility security permit inmate calling service providers to block calls as their correctional institution customers deem necessary.

CONCLUSION

Accordingly, for the foregoing reasons and those previously addressed by GTL in the Commission's inmate calling services docket, GTL respectfully submits that the use of call-blocking technology is permissible and lawful when implemented by a consumer, in response to a consumer request, or when public safety and security requires certain calls to be blocked.

Respectfully submitted,

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