

commissions or allow adjustments to inmate calling rates to accommodate payment of unrestricted commissions creates a capricious, unpredictable, and possibly confiscatory result in violation of the Fifth and Fourteenth Amendments of the United States Constitution and of Sections Six and Thirteen of the Alabama Constitution; and

(5) The APSC Order exerts regulatory jurisdiction over inmate calling service in a number of areas, including video, wireless and internet protocol-based services, which services the APSC lacks jurisdiction to regulate under Alabama law.

Securus further avers that unless the APSC Order is stayed or superseded pending final adjudication or determination of the issues involved in this proceeding, Securus will be required by the APSC Order to charge and collect for its services in Alabama an unlawful, inadequate, unjust, and unreasonable rate, and will suffer significant and irreparable harm.

Appellant further shows this Honorable Court that no injury, loss, or inconvenience will result to the APSC if, pending the final determination of this cause on appeal, the APSC Order is stayed or superseded and Securus is allowed to retain its current schedule of rates and charges because, in

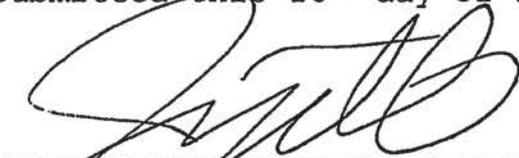
the event of a final determination by this Court that the ASPC Order is valid, Securus will refund to any customer any overcharge due the customer in accordance with the final ruling by this Court.

Securus estimates that the approximate amount by which its gross revenues would be decreased by the APSC Order for a period of six months will be \$242,500.

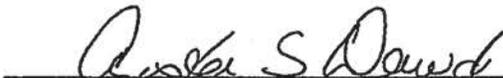
Accordingly Securus, now tenders to this Honorable Court and is ready to make and file a good and sufficient bond, conditioned as required by law in double the amount estimated by which Securus' revenues will be decreased during said period by reason of the decreased rates and charges ordered by APSC Order, and conditioned to pay all such loss or damages as any person, firm, or corporation may sustain (including all such excess rates, fares or charges as any such person, firm, or corporation may have paid during said period of time), pending this appeal in the event the APSC Order shall be sustained.

WHEREFORE, Securus prays that said bond be accepted and approved and that this Honorable Court direct that the APSC Order be stayed or superseded in accordance with Ala. Code §37-1-130.

Respectfully submitted this 16th day of December, 2014,



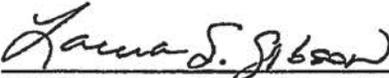
J. MARK WHITE (WHI001)



AUGUSTA S. DOWD (DOW003)



THOMAS E. WALKER (WAL017)



LAURA S. GIBSON (GIB024)

Attorneys for Securus Technologies, Inc.
WHITE ARNOLD & DOWD P.C.
2025 Third Avenue North, Ste. 500
Birmingham, AL 35203
(205) 323-1888

STATE OF TEXAS)

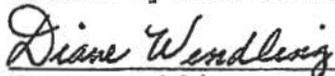
COUNTY OF Dallas)

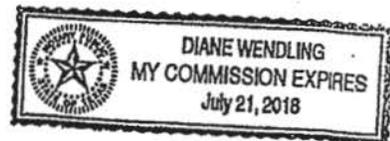
AFFIDAVIT

Before me a Notary Public, in and for said county and state, personally appeared Curtis L. Hopfinger, who being duly sworn, deposes and says: That he is the Director-Regulatory and Government Affairs of Securus Technologies, Inc. and is cognizant of the facts stated in the forgoing application; that he is authorized to make this affidavit on behalf of Securus Technologies, Inc.; and that the statements contained therein concerning the estimated amount by which the gross revenues of Securus Technologies, Inc. will be decreased during the period January 8, 2015 through June 8, 2015, inclusive, by reason of the decreased rates and unlimited facility site commissions sought to be made effective by the Alabama Public Service Commission pursuant to and by virtue of its order of December 9, 2014 are true and correct to the best of his information, knowledge and belief.


CURTIS L. HOPFINGER

Subscribed and sworn to before me this 9th day of December, 2014, as witness my hand and official seal.


Notary Public
My commission Expires: July 21, 2018



Security for Costs

We hereby acknowledge ourselves for security for costs of appeal. For the payment of all costs secured by this undertaking, we hereby waive our right of exemption as to personal property under the Constitution and the laws of the State of Alabama.

Executed with our seals this 16th day of December, 2014.



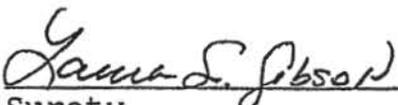
ANITA B. ELLISON
Notary Public
STATE OF ALABAMA

SECURUS TECHNOLOGIES, INC.



Appellant - Principal
J. MARK WHITE (WHI001)
As its: Attorney

 (L.S.)
Surety

 (L.S.)
Surety

Filed and Approved:

Date: _____

By: _____

GTL

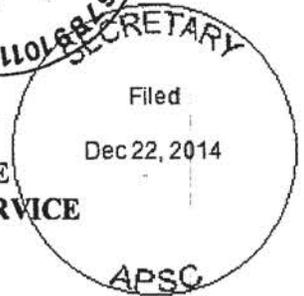
IN THE SUPREME COURT OF ALABAMA

GLOBAL TEL*LINK CORPORATION,)
BY AND ON BEHALF OF ITSELF AND)
ITS WHOLLY OWNED)
SUBSIDIARIES, DSI-ITI, LLC; PUBLIC)
COMMUNICATIONS SERVICES, INC.;)
and VALUE-ADDED)
COMMUNICATIONS, INC.;)
Appellants/Petitioners,)
v.)
ALABAMA PUBLIC SERVICE)
COMMISSION,)
Defendant/Appellee.)

CASE NO.: _____

ON APPEAL FROM THE
ALABAMA PUBLIC SERVICE
COMMISSION,

Docket 15957



APPLICATION FOR SUPERSÈDEAS AND ORDER THEREON

To the Alabama Supreme Court:

GLOBAL TEL*LINK CORPORATION, by and on behalf of itself and its wholly owned subsidiaries, DSI-ITI, LLC; PUBLIC COMMUNICATIONS SERVICES, INC; and VALUE-ADDED COMMUNICATIONS, INC. (hereafter collectively referred to as "GTL"), Appellants/Petitioners in the above-titled cause, pursuant to Title 37, Chapter 1 of the ALABAMA CODE and, more specifically, pursuant to §§ 37-1-140 and 37-1-141, inclusive, apply to this Honorable Court to stay or supersede the order of the Alabama Public Service Commission ("PSC") made and entered on December 9, 2014, in the underlying proceeding, ("PSC order"), from which an appeal is taken to this Court, until the final disposition of this appeal.

GTL avers that the Commission erred to the prejudice of GTL's substantial rights in its application of the law, and that the order is based upon facts contrary to the substantial weight of the

evidence.

As further grounds for this appeal, GTL avers that the PSC order is unlawful and void for the following reasons:

1. The PSC order exceeds both the regulatory authority held by PSC and what is otherwise necessary for PSC to achieve its objectives. For example:

a. The PSC order imposes certain reporting and tariff requirements on services that are not regulated at the state level, including video, wireless and Internet Protocol-based services. Alabama law prohibits the PSC from exercising jurisdiction over "any aspect of broadband service, broadband enabled services, [Voice Over Internet Protocol] services, or information services" regardless of the entity providing such services and "[n]otwithstanding any provision of law to the contrary." ALA. CODE § 37-2A-4(a);

b. The PSC order regulates billing and collections services which are outside the PSC's jurisdiction. See Long Distance Telephone Litigation, 783 So. 2d 800, 803 (Ala. 2000) (finding a company "that merely provides billing and collections services" is not a utility as defined under Alabama statutes, and is not within the PSC's jurisdiction).

2. The PSC order interferes with and regulates contractual relationships between GTL and third parties where PSC lacks jurisdiction to do so. For example:

a. The PSC order unlawfully attempts to extend the PSC's jurisdiction over financial transactions carried out by third parties who are outside the control of GTL, and are undisputably not subject to the PSC's authority.

3. The PSC order is contrary to the substantial weight of the evidence and is arbitrary and capricious, especially with respect to the order's new requirements regarding payment limits, minimum funding requirements, allowable calling lists, tariffs, and record keeping and reporting.

4. The PSC order creates a capricious, unpredictable, and possibly confiscatory result in violation of the Fifth and Fourteenth Amendments of the United States Constitution and of Sections Six and Thirteen of the Alabama Constitution. For example:

a. The PSC order adopts a \$0.30 per minute rate cap, but also allows for the payment by inmate calling service providers of unlimited site commissions. The PSC's failure to cap site commissions or allow adjustments to inmate calling rates to accommodate payment of site commissions results in a takings/due process violation;

b. The PSC order's new requirements on the issuance of refunds and the application of the Alabama Uniform Disposition of Property Act results in a due process/takings violation.

5. The PSC order operates as an ex post facto law and violates Section 22 of the Alabama Constitution by "impairing the obligation of contracts." For example:

a. The PSC specified that "agreements between providers and correctional facilities do not supersede [its] authority over rates and services." Thus, the PSC's new requirements must be implemented regardless of whether there is a change of law provision in any inmate calling service provider's contract.

6. The PSC order interferes with GTL's contractual and property rights by requiring GTL to immediately abide by, and comply with, regulations therein regulating and revising charges,

fees, and costs that are the subject of existing contracts between GTL and third parties, while the PSC has likewise observed that the Federal Communications Commission may exercise pre-emptive jurisdiction and assert federal authority over all intrastate inmate calling service matters and otherwise make dramatic changes across the board applicable to GTL. Consequently, the PSC order destroys all finality with regard to GTL's contractual relationships and subjects such contractual relationships to continuing uncertainty ahead of pre-emptive regulation by the Federal Communications Commission, all resulting in a financial loss and destruction of property rights belonging to GTL.

GTL further avers that unless the PSC order is stayed or superseded pending final adjudication or determination of the issues involved in this proceeding, GTL will be required by the PSC order to charge and collect for its services in Alabama an unlawful, inadequate, unjust, and unreasonable rate, and will suffer significant and irreparable harm.

GTL further shows this Honorable Court that no injury, loss, or inconvenience will result to the PSC if, pending the final determination of this cause on appeal, the PSC order is stayed or superseded, and GTL is allowed to retain its current schedule of rates and charges because, in the event of a final determination by this Court that the PSC order is valid, GTL will refund to any customer any overcharge due the customer in accordance with the final ruling by this Court.

GTL estimates that the approximate amount by which its gross revenues would be decreased by the PSC order for a period of six months will be \$100,000.00.

Accordingly, GTL now tenders to this Honorable Court and is ready to make and file a good and sufficient bond, conditioned as required by law in double the amount estimated by which GTL's revenues will be decreased during said period by reason of the decreased rates and charges ordered

by PSC order , and conditioned to pay all such loss or damages as any person, firm, or corporation may sustain (including all such excess rates, fares or charges as any such person, firm, or corporation may have paid during said period of time), pending this appeal in the event the PSC order shall be sustained.

WHEREFORE, GTL prays that said bond be accepted and approved and that this Honorable Court direct that the PSC order be stayed or superseded in accordance with ALA. CODE § 37-1-141.

Respectfully submitted on December 19, 2014.

/s/ J. Flynn Mozingo
JOE ESPY, III (ESP002)
J. FLYNN MOZINGO (MOZ003)
BENJAMIN J. ESPY (ESP005)
Attorneys for Appellants/Petitioners,
GLOBAL TEL*LINK CORPORATION

OF COUNSEL:

Melton, Espy & Williams, P.C.
Post Office Drawer 5130
Montgomery, AL 36103-5130
Telephone: (334) 263-6621
Facsimile: (334) 263-7252
jespy@mewlegal.com
fmozingo@mewlegal.com
bespy@mewlegal.com

7

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been electronically filed on December 19, 2014, with the Clerk of the Court using the ACIS filing system, and that a copy of same will be served upon the below listed party via United States Postal Service, properly addressed and postage prepaid:

Walter L. Thomas, Jr., Secretary
Alabama Public Service Commission
Post Office Box 304260
Montgomery, AL 36130

/s/ J. Flynn Mozingo
OF COUNSEL

IN THE SUPREME COURT OF ALABAMA

GLOBAL TEL*LINK CORPORATION,)

Plaintiff/Appellant,)

v.)

ALABAMA PUBLIC SERVICE)
COMMISSION,)

Defendant/Appellee.)

CASE NO.: _____

ON APPEAL FROM THE
ALABAMA PUBLIC SERVICE
COMMISSION,

Docket 15957

AFFIDAVIT

STATE OF Alabama)

COUNTY OF Mobile)

Before me a Notary Public, in and for said county and state, personally appeared Charles Stephen Yow, who being duly sworn, deposes and says: That he is the Chief Financial Officer and Treasurer of Global Tel*Link Corporation. In this capacity he is authorized to act on behalf of Global Tel*Link Corporation and its wholly owned subsidiaries that also provide inmate calling services, DSI-ITI, LLC, Public Communications Services, Inc., and Value-Added Communications, Inc. (collectively, "GTL"); that he is cognizant of the facts stated in the forgoing application; that he is authorized to make this affidavit on behalf of GTL; that the estimated amount by which the gross revenues of GTL will be decreased during the period January 8, 2014 through June 8, 2015, inclusive, by reason of the decreased rates and unlimited site commissions sought to be made effective by the Alabama Public Service Commission pursuant to and by virtue of its order of December 9, 2014 will be \$100,000; and that the statements in the foregoing application are true and correct to the best of his information, knowledge and belief.

Charles Stephen Yow
CHARLES STEPHEN YOW

Subscribed and sworn to before me
this 19th day of December, 2014, as
witness my hand and official seal.

Beverly J. Skumack
Notary Public

My commission Expires: 09/30/2017

Form ARAP-1 (front) Rev.1/97

NOTICE OF APPEAL TO THE (Check appropriate block)	Civil Action Number:
<input checked="" type="checkbox"/> SUPREME COURT OF ALABAMA	
<input type="checkbox"/> COURT OF CIVIL APPEALS OF ALABAMA	

IN THE _____ COURT OF _____ COUNTY, ALABAMA

APPELLANT Global Tel*Link Corporation, by and on behalf of itself and its wholly owned subsidiaries, DSI-ITI, LLC; Public Communications Services, Inc.; and Value-Added Communications, Inc.	
V. APPELLEE Alabama Public Service Commission	
TRIAL JUDGE N/A	
DATE OF JUDGMENT: December 9, 2014	DATE OF POST - JUDGMENT ORDER:

NOTICE IS HEREBY GIVEN THAT Global Tel*Link Corporation, et al. appeal(s) to the above-named court from the Final Judgment Order Adopting Revised Inmate Phone Service Rules entered in this cause. (describing it)

CHECK THE PROPER DESCRIPTION OF THE APPEALED CASE UNDER THE APPROPRIATE COURT:

SUPREME COURT 1. <input type="checkbox"/> Summary Judgment, amount claimed more than \$ 50,000 2. <input type="checkbox"/> Judgment Amount exceeds \$50,000 3. <input type="checkbox"/> Amount Sought in trial court more than \$50,000, Judgment for defendant 4. <input type="checkbox"/> Equitable Relief, except for domestic relations 5. <input checked="" type="checkbox"/> Other: appeal from Alabama Public Service Commission	COURT OF CIVIL APPEALS 1. <input type="checkbox"/> Summary Judgment, amount claimed \$ 50,000 or less 2. <input type="checkbox"/> Judgment Amount \$50,000 or less 3. <input type="checkbox"/> Amount Sought \$50,000 or less, judgment for defendant 4. <input type="checkbox"/> Workmen's Compensation 5. <input type="checkbox"/> Domestic Relations 6. <input type="checkbox"/> Other: _____
---	---

APPELLANT FILES WITH THIS NOTICE OF APPEAL:

1. <input checked="" type="checkbox"/> Security for costs of appeal	4. <input type="checkbox"/> Is exempted by law from giving security for costs of appeal by virtue of _____
2. <input type="checkbox"/> A supersedeas bond in the amount of \$ _____	
3. <input type="checkbox"/> Deposited cash security in the amount of \$ _____	

Filed 12/19/2014 (Date) Post Office Drawer 5130
Address Montgomery, AL 36103 Telephone Number (334) 263-6621
Circuit Clerk _____ J. Flynn Mozingo
Appellant or Attorney for Appellant
Email fmozingo@mewlegal.com

SECURITY FOR COSTS
We hereby acknowledge ourselves security for costs of appeal. For the payment of all costs secured by this undertaking, we hereby waive our right of exemption as to personal property under the Constitution and laws of the State of Alabama.
Executed with our seals this 19th day of December, 2014
Filed and approved: _____ (Date) Global Tel*Link Corporation, et al. (L.S.)
Appellant-principal
s/ Joe Espy, III (L.S.)
Surety
s/ J. Flynn Mozingo (L.S.)
Circuit Clerk _____
(Amended November 9, 1976; October 1, 1991.)
Surety

SUPERSEDEAS BOND
We, the undersigned principal and sureties, hereby acknowledge ourselves bound unto _____ in the sum of _____ Dollars, for the payment of which we bind ourselves, and each other, our heirs, executors, [(for amount of bond see Rule 8(a) and administrators, jointly and severally, and as part of this undertaking we hereby waive our rights of exemption as to personal property under the Constitution and laws of the State of Alabama.

WHEREAS, the above-named appellee (s) recovered a judgment against appellant (s) for the sum of _____ Dollars (and the further acts or duty _____) [describing judgment in addition to or other than for money only] _____ Dollars, the costs in that behalf expended.

NOW, therefore, the condition of the foregoing obligation is such that, if the appellant shall prosecute this appeal to effect, and satisfy such judgment, penalties, and costs including costs of appeal as may be rendered in this case, then the said obligation to be null and void, otherwise to remain in full force and effect.

Executed with our seals this _____ day of _____.

Filed and approved: _____ (Date) _____ Appellant-principal (L.S.)

Surety (L.S.)

Circuit Clerk

Surety (L.S.)

EXECUTION OF JUDGMENT STAYED:

Bond fixed at: \$ _____ (Not required for money judgment only.) _____ Circuit Judge (L.S.)

DESIGNATION OF RECORD ON APPEAL

DESIGNATION OF CLERK'S RECORD: Appellant requests the clerk to include the following checked materials in the clerk's record:

- | | |
|---|---|
| <ul style="list-style-type: none"> 1. <input type="checkbox"/> Complaint 2. <input type="checkbox"/> Answer 3. <input type="checkbox"/> Counter-claim 4. <input type="checkbox"/> Cross-Claim 5. <input type="checkbox"/> Third-party Complaint 6. <input type="checkbox"/> Third-party Answer 7. <input type="checkbox"/> Motion to dismiss 8. <input type="checkbox"/> Pretrial order | <ul style="list-style-type: none"> 9. <input checked="" type="checkbox"/> Entire record (less those items set forth in Rule 10 (a)) 10. <input type="checkbox"/> Motion for summary judgment 11. <input type="checkbox"/> Opposition to motion for summary judgment 12. <input type="checkbox"/> Final (Judgment) (Order) 13. <input type="checkbox"/> Motion for New Trial 14. <input type="checkbox"/> Ruling on Motion 15. <input type="checkbox"/> Others: _____ 16. <input type="checkbox"/> Exhibit Number: _____ |
|---|---|

TRANSCRIPT STATUS

- Transcript will not be ordered. [See Rule 10(b), ARAP.]
- Transcript will be ordered. [See Rules 10(b)(2) and 11 (a)(2), ARAP. Form 1A or 1B.] Court reporter(s): _____

NOTE: If more than one court reporter was involved in this case, you must file a Transcript Purchase Order Form in compliance with Rules 10(b) and 11(c), Form 1A or 1B of the ARAP, for each court reporter. (Amended October 1, 1991.)

CERTIFICATE OF FILING

I certify that I have this date filed with the clerk of the trial court the original and 2 copies of the foregoing notice of appeal (along with \$ 200 docket fee), and such other instruments as have been completed and included herein. A true copy of each of these items will be served by the clerk of the trial court on each of the following:

- 1) Clerk of the appellate court, (the \$ 200 docket fee shall be transmitted with this filing) or affidavit of hardship.
 - 2) Court Reporter.
 - 3) Counsel for appellee, or appellee if no counsel.
- Name: Walter L. Thomas, Jr., Secretary; Alabama Public Service Commission
Address: Post Office Box 304260; Montgomery, AL 36130

DATED this 19th day of December, 2014.

s/ J. Flynn Mozingo
Attorney for Appellant

(Amended October 1, 1991.)

BEFORE THE ALABAMA
PUBLIC SERVICE COMMISSION

RE: GENERIC PROCEEDINGS)
CONSIDERING THE)
PROMULGATION OF) DOCKET 15957
TELEPHONE RULES)
GOVERNING INMATE PHONE)
SERVICE)

SECURITY FOR COSTS

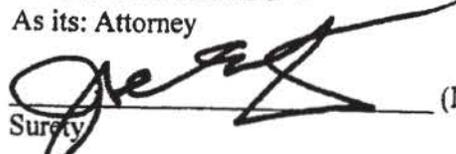
We hereby acknowledge ourselves for security for costs of appeal. For the payment of all costs secured by this undertaking, we hereby waive our right of exemption as to personal property under the Constitution and the laws of the State of Alabama.

Executed with our seals this 18th day of December, 2014.

GLOBAL TEL*LINK CORPORATION, by and on behalf of itself and its wholly owned subsidiaries, DSI-ITI, LLC; PUBLIC COMMUNICATIONS SERVICES, INC; and VALUE-ADDED COMMUNICATIONS, INC.


Appellant Principal
J. FLYNN MOZINGO

As its: Attorney


Surety (L.S.)

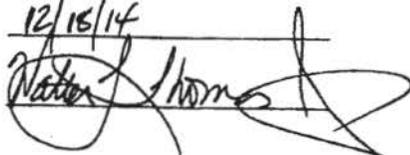

Surety (L.S.)

Filed and Approved:

Date:

12/15/14

By:



DOCKETING STATEMENT
Appeal to the Supreme Court of Alabama
 NOTE: completed Civil Case Cover Sheet must be attached

Appellate Case Number
 (to be filled in by appellate court)

COUNTY _____ CIVIL ACTION NUMBER _____ TRIAL JUDGE _____

I. PARTY/PARTIES FILING APPEAL (Appellant): Global Tel*Link Corporation, et al. (see attached)
APPELLANT'S ATTORNEY: J. Flynn Mozingo (334) 263-6621
 Post Office Drawer 5130 Montgomery AL Telephone Number 36103
 Address City State Zip Code

II. PARTY/PARTIES APPEALED APPEAL (Appellee): Alabama Public Service Commission
APPELLEE'S ATTORNEY: _____
 Post Office Box 304260 Montgomery AL Telephone Number 36130
 Address City State Zip Code

III. APPELLANT IS THE TRIAL COURT: Plaintiff Defendant Other **IV. IS THIS A CROSS-APPEAL?** Yes No

V. RELIEF AWARDED/REQUESTED: please check the appropriate block (s):
 A. Monetary damages were either sought or awarded, as set out below:
 1. Compensatory damages were: (a) awarded in the amount of \$ _____;
 (b) not awarded, but sought in the amount of \$ _____;
 (c) sought, but not awarded - the amount sought was not specified in the complaint.
 2. Punitive damages were: (a) awarded in the amount of \$ _____;
 (b) not awarded, but sought in the amount of \$ _____;
 (c) sought, but not awarded - the amount sought was not specified in the complaint.
 3. A general award of damages (not differentiating between compensatory and punitive) was: (a) made in the amount of \$ _____;
 (b) not made, but sought in the amount of \$ _____;
 (c) sought, but not made - the amount sought was not specified in the complaint.
 4. Other monetary damages (Type: _____) were: (a) awarded in the amount of \$ _____;
 (b) not awarded, but sought in the amount of \$ _____;
 (c) sought, but not awarded - the amount sought was not specified in the complaint.
 5. Was there a remittitur or additur at issue in the trial court? Yes No
 (if yes, please provide the details in the "FACTS" section on the back of this form)
 B. Equitable and/or declaratory relief was sought in the trial court
 C. Other
 (Please provide in the details of the issue(s) before the Court in the "ISSUES" section on the back of this form.)

VI. TYPE OF JUDGMENT OR ORDER APPEALED. (Please check one):
 A Judgment based on a jury Verdict D Order granting a New Trial G Dismissal
 B Judgment based on a Non-jury Decision E Judgment as a Matter of Law H Default Judgment
 C Judgment Notwithstanding the Verdict (JNOV) F Summary Judgment I Other

VII. IF THE CASE WENT TO TRIAL, HOW MANY DAYS DID THE TRIAL TAKE? N/A

VIII. FINALITY OF JUDGMENT: Date of entry of judgment or order appealed from: December 9 2014
 Month Day Year
 1. Is the judgment or order appealed from in compliance with rule 58, A.R.Civ.P.? Yes No
 2. Does the order appealed from constitute a disposition of all claims as to all parties? Yes No
 3. If not, did the trial court enter an order intended to make the order final pursuant to rule 54(b)? Yes No
 4. If the trial court intended to make the order appealed from final pursuant to rule 54 (b), did the court in the Rule 54 (b) order expressly determine that there was no just reason for delay and expressly direct that final judgment be entered? Yes No
 5. If the answer to question 2 is "NO", and the trial court did not make the order final by full compliance with Rule 54(b), please explain the basis for seeking appellate review and cite the authority for this appeal:
The order is a ruling on rates and charges by the Public Service Commission. Thus, part VIII is inapplicable thereto.

IX. POST-JUDGMENT MOTIONS: List all post-judgment motions by date of filing, type, and date of disposition (whether by trial court order or by the provisions of Rule 59.1, A.R.Civ.P.):

DATE OF FILING			TYPE OF POST-JUDGMENT MOTION	DATE OF DISPOSITION		
Month	Date	Year		Month	Date	Year
			N/A			

X. CONSTITUTIONAL ISSUES:

- 1. Are the provisions of Rule 44, A.R.App.P., applicable to this appeal?
- 2. If so, have the provisions been complied with?

Yes No
 Yes No

XI. NATURE OF CASE ON APPEAL: In the left column of boxes proceeding the categories listed below, check the box (check only one) that best describes or categorizes the basis or theory of the primary issue on appeal. In the right column of boxes, check any secondary theories that are applicable to the suit.

TORTS:

- 01 Bad Faith
- 02 Fraud
- 03 Legal Malpractice
- 04 Medical Malpractice
- 05 Other Malpractice
- 06 Products/AEMLD
- 07 Negligence (Vehicular)
- 08 Negligence (Gen./other)
- 09 Personal Property

- 10 Real property
- 11 Wrongful Death (All Types)
- 12 Wantonness
- 13 Conversion
- 14 Wrongful Employ Termination
- 15 Premises Liability
- 16 Outrage
- 29 Other: _____

CONTRACTS

- 30 Commercial

- 31 Personal
- 32 Pension
- 33 Insurance
- 34 Employment
- 38 Other: _____

OTHER:

- 40 Real Property
- 41 Civ Rights (Prisoner)
- 42 Civil Rights (Other)
- 43 Wills/Trusts/ Estates

- 44 Declaratory judgment
- 45 Injunction (Commercial)
- 46 Injunction (Employment)
- 47 Injunction (Other)
- 48 Extraordinary Writ
- 49 Pub. Service Comm
- 50 RR/Seaman(FELA)
- 51 RICO
- 99 Other: Appeal per

Ala. Code § 37-1-140

XII. APPELLATE REVIEW: Please take notice that your case may be initially reviewed by the Court of Civil Appeals. Pursuant to § 12-2-7, Code of Alabama 1975, the Supreme Court has the authority to transfer any civil case within its jurisdiction to the court of Civil Appeals, except cases presenting a substantial question of federal or state constitutional law; cases involving a novel legal question, the resolution of which will have significant statewide impact; utility rate cases appealed pursuant to § 31-1-140, Code of Alabama 1975, bond validation cases appealed pursuant to § 6-6-754, Code of Alabama 1975, or Alabama State bar disciplinary proceedings.

If you believe this case should not be transferred to the Court of Civil Appeals, please state with specificity the reason(s) why it should not be transferred, referring to pertinent sections of § 12-2-7. Reasons should be supported in the ISSUES and FACTS sections of this docketing statement.

This is an appeal of a utility rate case directly appealable to the Supreme Court under Ala. Code § 37-1-140.

XIII. ISSUES: Briefly summarize the issue(s) on appeal.

See attached.

XIV. FACTS: without argument, briefly summarize the facts to inform the court of the nature of the case.

See attached.

December 19, 2014

Date

s/ J. Flynn Mozingo

Signature of Attorney/Party Filing this Form

Attachment to Docketing Statement

XIII. ISSUES.

Whether the Public Service Commission order regulating rates and charges applicable to Appellant is an erroneous application of the law prejudicial to the Appellant's substantial rights and economic interests; is contrary to the substantial weight of the evidence; and is otherwise arbitrary and capricious; entered without authority or in excess of authority; constitutes a taking or confiscation of the Appellant's contractual and property rights in violation of the Constitution of the United States and the Alabama Constitution; arbitrarily and capriciously interferes with Appellant's contractual rights with third parties who are not subject to oversight by the Public Service Commission; and regulates matter pre-empted by, or within, the exclusive jurisdiction of the Federal Communications Commission.

XIV. FACTS.

On December 9, 2014, the Alabama Public Service Commission issued a lengthy order, numbering ninety-two pages excluding appendices, that promulgates and regulates rates and charges applicable to inmate phone services. The order seeks to impose new or revised rates; exclude the Appellant from charging certain existing fees and rates that are currently the subject of contracts with third parties who are not subject to oversight by the Public Service Commission; will result in a taking and confiscation of the Appellant's contractual rights; interfere with Appellant's contractual relations with third parties; and seeks to regulate activities and conduct already subject to the exclusive regulation or oversight of the Federal Communications Commission.

Exhibit 2

Order Granting Stay of Implementation Date



STATE OF ALABAMA
PUBLIC SERVICE COMMISSION
P.O. BOX 304260
MONTGOMERY, ALABAMA 36130

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CHRIS "CHIP" BEEKER, JR., ASSOCIATE COMMISSIONER

**IN RE: GENERIC PROCEEDING
CONSIDERING THE PROMULGATION
OF TELEPHONE RULES GOVERNING
INMATE PHONE SERVICE**

**CenturyLink's Motion for
Rehearing, Reconsideration or
Modification of the Further
Order Adopting Revised Inmate
Payphone Service Rules**

DOCKET 15957

ORDER STAYING IMPLEMENTATION DATE

BY THE COMMISSION:

On January 2, 2015, CenturyLink Public Communications, Inc., d/b/a CenturyLink ("CenturyLink") filed a Motion for Rehearing, Reconsideration or Modification of the Further Order Adopting Revised Inmate Payphone Service Rules which was entered by the Commission in the above-styled cause on December 9, 2014 (the "Final Order"). CenturyLink's Motion was submitted in accordance with ALA. Code § 37-1-105 (1975 as amended) and Rules 2 and 21 of the *Rules of Practice of the Alabama Public Service Commission* (the "Commission").

As noted in CenturyLink's Motion, the 92-page Final Order entered on December 9, 2014, was, pursuant to its terms, made effective on the date of its entry. However, the Final Order had an implementation date of thirty (30) days from its effective date, or January 8, 2015.

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The Final Order also provided a timetable for compliance by Inmate Calling Service providers with various aspects of the order.

CenturyLink's Motion pointed out that Securus Technologies, Inc. ("Securus") filed a Notice of Appeal from the Final Order with the Alabama Supreme Court and the Montgomery Circuit Court on December 16, 2014.¹ CenturyLink further noted in its Motion that Global Tel*Link Corporation ("GTL") and its subsidiaries followed suit in both the Alabama Supreme Court and the Montgomery County Circuit Court on December 19, 2014, but took the additional step of filing a Petition for Judicial Review in Montgomery County Circuit Court.² As pointed out by CenturyLink, both Securus and GTL allege, among other things, that the Final Order exceeds the Commission's authority and jurisdiction, has the effect of interfering with established third-party contracts, and is confiscatory in nature.

Pursuant to ALA. CODE § 37-1-141, both Securus and GTL filed Petitions to Stay or Supersede the Commission's Final Order in this matter pending final adjudication with the applicable courts. On December 30, 2014, the Supreme Court issued orders which accepted and approved the Supersedeas Applications of both Securus and GTL.

CenturyLink argued in its Motion that the approval of the Supersedeas Bonds of Securus and GTL by the Supreme Court has placed the proceedings in this Docket in a unique procedural

¹ *Securus Technologies, Inc. v. Alabama Public Service Commission*, In the Supreme Court of Alabama, Case No. 1140266; *Securus Technologies, Inc. v. Alabama Public Service Commission*, In the Circuit Court of Montgomery County, Alabama, CV-2014-000802.

² *Global Tel*Link Corporation, by and on behalf of itself and its wholly owned subsidiaries, DSI-ITI, LLC, Public Communications Services, Inc. and Value-Added Communications, Inc. v. Alabama Public Service Commission*, In the Supreme Court of Alabama, Case No. 114-0284; *Global Tel*Link Corporation, by and on behalf of itself and its wholly owned subsidiaries, DSI-ITI, LLC, Public Communications Services, Inc. and Value-Added Communications, Inc. v. Alabama Public Service Commission*, In the Circuit Court of Montgomery County, Alabama, CV-2014-902085.

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posture due to the fact that Securus and GTL will be operating under a different set of rules than other competing Inmate Calling Service providers in Alabama for the duration of their appeals. CenturyLink asserted that the uncertainties created by these circumstances will make uniform implementation of the Final Order among the Inmate Calling Service providers in Alabama difficult, if not impossible. CenturyLink further argued that the resulting uncertainties could impact state and local governmental bodies who may be faced with administering, renewing or rebidding Inmate Calling contracts during the pendency of the Securus and GTL appeals.

Based on the foregoing arguments, CenturyLink urged the Commission to delay the implementation of the December 9, 2014, Final Order until October 1, 2015. CenturyLink asserted that such action will ensure that all providers of Inmate Calling Service in Alabama are operating on a level playing field during the pendency of the appeals of Securus and GTL; will eliminate confusion and unintended impacts on local and governmental bodies in Alabama during the remainder of the fiscal year of 2015; will reduce the impact of the December 9, 2014, Final Order on existing contracts and will allow additional time for providers of Inmate Calling Service to implement necessary programming and billing changes.

After a consideration of the arguments set forth in CenturyLink's Motion and the recommendations of staff to impose a stay of the implementation date of our December 9, 2014, Final Order, we voted unanimously at our January 6, 2015, public meeting to stay the implementation of said Order until the earlier of final adjudication of the pending appeals of Securus and GTL, or July 1, 2015. We find such action to be most consistent with the public interest, convenience and necessity.

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We also note that after receiving requests for clarification from interested parties as to whether the Commission intended the compliance deadlines established in the Final Order to run from the Order's effective date or its implementation date, staff recommended the entry of further ordering provisions clarifying that all compliance deadlines set forth in the December 9, 2014, Order were intended to run from the implementation date of said Order and not its effective date of December 9, 2014. The Commission voted unanimously to issue such clarification at our January 6, 2015, public meeting and said provisions are addressed in the ordering paragraphs below.

IT IS, THEREFORE, ORDERED BY THE COMMISSION, That the implementation date of our Order entered in this cause on December 9, 2014, is hereby stayed until the earlier of final adjudication of all pending appeals of said order or July 1, 2015.

IT IS FURTHER ORDERED BY THE COMMISSION, That the Commission shall expressly reserve jurisdiction in this cause to revisit the nature and/or duration of the stay granted herein and shall issue a notice to all interested parties when an implementation date is finally determined in order to ensure timely compliance.

IT IS FURTHER ORDERED BY THE COMMISSION, That all compliance deadlines established in the December 9, 2014, Order entered in this cause shall run from the implementation date of said order which will be determined at a later date as discussed herein. The specific compliance deadlines impacted are set forth in Appendix A which is attached to this Order.