Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of the	)	
	)	
Rules and Regulations Implementing	)	
	)	**CG Docket No. 02-278**
the Telephone Consumer Protection	)	
	)	
Act of 1991	)	

Reply Comments of Joe Shields on the Supplemental Comments of Global Tel*Link Corporation on Global Tel*Link Corporation's Petition for Expedited Clarification and Declaratory Ruling

On April 7th, 2015 the Commission posted the supplemental comment of Global Tel*Link Corporation on its petition for an expedited clarification and declaratory ruling holding that prerecorded messages to cell phones that attempt to set up a collect call are exempt from the TCPA's regulation of automated calls to cell phones.

Global Tel*Link Corporation makes several misrepresentations to the Commission which require comments. As is typical of petitioners that come to the Commission with a petition after they have been sued[1] the petitioner makes the ubiquitous and *ad nauseam* claims that all TCPA law suits are frivolous: "…subject to potential liability from numerous frivolous lawsuits under the TCPA." Global Tel*Link Corporation has not produced any court order that has held that any TCPA claim filed

[1] *Sergio Hernandez v. Global Tel*Link Corporation*, 8:14-CV-1536 –JVS(RNBx) currently pending in the Central District of California, *Alice Lee v. Global Tel*Link Corporation*, 2:15-CV-00063-RFB-VCF currently pending in the Central District of California, *Martin v. Global Tel*Link Corporation*, 4:15-cv-00449-DMR, currently pending in the Northern District of California and *Cohen v. Global Tel*Link Corporation*, 2:12-cv-05447-JFW-PJW, currently pending in the Central District of California.

against Global Tel*Link Corporation is frivolous! Such unfounded *ad nauseam* comments damage the credibility of Global Tel*Link Corporation.

The vast majority of TCPA claims are legally sound and not frivolous. TCPA law suits lead to increased awareness of the illegal behavior of legitimate companies in regards to their callous and indifferent treatment of cell numbers.

Global Tel*Link Corporation claims that it receives prior express consent from the called party. Global Tel*Link Corporation contradicts itself and readily admits that their IVR system "captures" the cell number and then delivers a prerecorded message to the captured cell number. The inmate is never told that a prerecorded message call will be made to a cell number. It is Global Tel*Link Corporation that determines: 1. whether or not to use a prerecorded message, 2. the content of the prerecorded message[2] and 3. whether or not to deliver a prerecorded message call to cellular telephone numbers.

Global Tel*Link Corporation also misrepresents the interaction with the called party. A live person could interact with the called party and introduce Global Tel*Link Corporation's service with no live interaction with the inmate. Again, Global Tel*Link Corporation seeks an exemption based solely on their convenience and to escape liability under the TCPA.

Global Tel*Link Corporation calls are not the same as the GroupMe text message calls. The GroupMe text messages are part of a spamviting operation. Five to six million spamviting texts are sent each day. The Commission showed its ignorance of the real world when it issued the GroupMe order. Consumers have no reason for filing complaints with the Commission due to the total lack of enforcement by the Commission. The lack

[2] The prerecorded message announces the availability of a service and is thus properly defined as a telemarketing call.

of complaints does not constitute evidence that no spamviting problem exists. Clearly it does exist.

But then the Commission's GroupMe order states: "We stress that our clarification in no way mitigates GroupMe's duty (or that of any other caller), except in emergencies, to obtain the prior express consent **of the called party** before placing an autodialed or prerecorded call to that party's wireless telephone number. The TCPA holds a caller liable for TCPA violations even when relying upon the assertion of an intermediary that the consumer has consented to the call." *In re GroupMe, Inc./Skype Communications S.A.R.L. Petition for Expedited Declaratory Ruling*, CG Docket No. 02-278, FCC 14-33 (March 27, 2014).

The Commission further clarified that: "We emphasize that the intermediary may only convey consent that has actually been provided by the consumer; the intermediary cannot provide consent on behalf of the consumer." *Id* Therefore, Global Tel*Link Corporation cannot claim that an inmate can provide prior express consent on behalf of the called party. Clearly, consent for prerecorded calls to cell phones can only come from the called party.

What Global Tel*Link Corporation is really seeking is limiting liability under the TCPA. The Commission cannot limit liability under the TCPA. Global Tel*Link Corporation asks the Commission to create an exemption from the prior express consent requirement of the called party. The Commission cannot create an exemption that is not provided for by the TCPA.

Global Tel*Link Corporation is a defendant in several class action law suits alleging that Global Tel*Link Corporation engaged in unjust enrichment by charging

unreasonably high, unfair, and excessive rates for telephone service to inmates and inmates families.. See *In re Rates for Interstate Inmate Calling Servs.,* 28 FCC Red. 15927, 15929 (F.C.C. Nov. 21, 2013) *("Interstate Inmate Calling Servs. II).* The Commission found that Global Tel*Link Corporation's inmate telephone rates had inflicted substantial and clear harm on the general public. To add insult to injury inmates and inmates families are literally captives of Global Tel*Link Corporation.

If the Commission grants the Global Tel*Link Corporation and the related 3G Collect petitions these entities will be free to inflict further substantial and clear harm on inmate families cell phone accounts. The Commission cannot justify allowing these entities to evade the prior express consent requirement of the TCPA and inflict substantial and clear harm to cell phone user's accounts.

The TCPA was enacted for precisely this situation – to ensure that only consenting cell phone users pay for prerecorded calls that offer to make a collect connection. Global Tel*Link Corporation can easily use live callers to obtain consent. The Commission must affirmatively deny the ridiculous petition and protect cell phone users from prerecorded collect calls. To grant an exemption for prerecorded collect calls to cell phones may make the Commission the butt of comedian's jokes worldwide!

Respectfully submitted,

_____/s/_____

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