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\*ADMITTED IN DC ONLY

July 2, 2015

VIA ECFS

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: WC Docket No. 12-375 – Written *Ex Parte* Presentation  
Global Tel\*Link Corporation**

Dear Secretary Dortch:

Global Tel\*Link Corporation (“GTL”),<sup>1</sup> by its attorneys, hereby submits this written *ex parte* presentation in the above-referenced proceeding regarding the future regulation of inmate calling service (“ICS”).<sup>2</sup> This letter supplements the comments, reply comments, and other filings made by GTL in the above-referenced docket.<sup>3</sup> As explained in the Joint Provider Reform

<sup>1</sup> This filing is made 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.

<sup>2</sup> *Rates for Interstate Inmate Calling Services*, 28 FCC Rcd 14107 (2013) (“*ICS Order and First FNPRM*”), *pets. for stay granted in part sub nom. Securus Tech., Inc. v. FCC*, No. 13-1280 (D.C. Cir. Jan.13, 2014), *pets. for review pending sub nom. Securus Tech., Inc. v. FCC*, No. 13-1280 (D.C. Cir. filed Nov. 14, 2013) (and consolidated cases). *Rates for Interstate Inmate Calling Services*, 29 FCC Rcd 13170 (2014) (“*Second ICS FNPRM*”).

<sup>3</sup> See GTL January 2014 Reply Comments; GTL April 23, 2014 Ex-Parte Letter; GTL May 16, 2014 Ex-Parte Letter; GTL May 29, 2014 Ex-Parte Letter; GTL Response to One-Time Mandatory Data Collection (filed Aug. 22, 2014); Letter from Global Tel\*Link Corporation, Securus Technologies, Inc., and Telmate, LLC (filed

Marlene H. Dortch  
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Proposal, and GTL's April 3, 2015 Written Ex Parte Presentation, GTL and other providers have voluntarily committed to limit ancillary charges to a uniform, industry-defined list of charges that are priced based on backstop rate caps.<sup>4</sup> It is important to note that the fee amounts suggested by the Joint Provider Reform Proposal are backstop *caps*; and can only imposed when a correctional institution requests that the optional capability be available or otherwise approves the rate to be charged. This voluntary commitment to limit ancillary charges is conditioned on the Commission's adoption of a comprehensive ICS rate regime as contemplated by the Joint Provider Reform Proposal.<sup>5</sup> In connection with that commitment, GTL submits the attached Voluntary Commitments for ICS Ancillary Fees, which details the disclosures and practices GTL is willing to implement that would further define the parameters for applying ancillary charges.

Pursuant to Section 1.1206(b) of the FCC's rules, a copy of this notice is being filed in the appropriate docket.

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Sept. 15, 2014) (hereinafter "Joint Provider Reform Proposal" or the "Proposal"); GTL September 19, 2014 Ex-Parte Letter; GTL Supplemental Response to One-Time Mandatory Data Collection (filed Sept. 29, 2014); GTL October 2, 2014 Ex-Parte Letter; GTL November 6, 2014 Ex-Parte Letter; GTL Opposition to Pay Tel Communications, Inc.'s Petition for Extension of Waiver (filed Nov. 12, 2014); GTL Opposition to Pay Tel Communications, Inc.'s Supplement to Its Petition for Extension of Waiver (filed Nov. 17, 2014); GTL November 20, 2014 Ex-Parte Letter; GTL November 25, 2014 Ex-Parte Letter; GTL December 4, 2014 Ex-Parte Letter; GTL January 2015 Comments; GTL January 2015 Reply Comments; GTL March 25, 2015 Ex-Parte Letter; GTL April 3, 2015 Written Ex Parte Presentation; GTL April 29, 2015 Ex-Parte Letter; GTL May 18, 2015 Ex-Parte Letter; GTL June 16, 2015 Ex-Parte Letter; GTL June 29, 2015 Ex-Parte Letter; and GTL July 1, 2015 Ex-Parte Letter.

<sup>4</sup> The Commission's reliance on industry voluntary commitments when they are good for consumers and good for business is not a novel approach. See, e.g., *Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission's Rules to Improve Wireless Coverage Through the Use of Signal Boosters*, 28 FCC Rcd 1663, ¶¶ 30-31 (2013) (adopting a "blanket licensing framework" for consumer signal boosters rather than a "license-by-rule framework" in light of wireless providers' "voluntary commitment to permit subscribers to operate Consumer Signal Boosters on their networks"); *Federal-State Joint Board on Universal Service*, 19 FCC Rcd 1563, ¶ 30 (2004) (utilizing a carrier's agreement to comply with the CTIA Consumer Code for Wireless as evidence of compliance with required consumer protection and service quality standards); see also Statement of Commissioner Mignon L. Clyburn Regarding Launch of FCC's New "Bill" Shock Website (Apr. 20, 2012) (commending the "recent commitments by wireless carriers to voluntarily provide usage alerts" and "applaud[ing] CTIA for its continuing efforts to push the industry on voluntary efforts"); *FCC Advisory Committee Adopts Recommendations to Minimize Three Major Cyber Threats, Including an Anti-Bot Code of Conduct, IP Route Hijacking Industry Framework and Secure DNS Best Practices*, News Release (Mar. 22, 2012) (applauding the "voluntary commitments by the nation's largest Internet Service Providers" and stating that "[v]oluntary, multi-stakeholder actions exemplified by the CSRIC's recommendations, and the corporate commitments announced today, are the most effective approach for securing our networks while preserving the Internet as an open platform for innovation and communication"); FCC Chairman Michael Powell Statement on Wireless Industry Voluntary Consumer Code (Sept. 9, 2003) ("Ultimately, voluntary efforts, like the code, are not only good for consumers; they are good for business too. . .").

<sup>5</sup> As explained in the Joint Provider Reform Proposal and GTL's other filings in this docket, a comprehensive ICS regime would be simultaneous FCC action that establishes non-tiered backstop rate caps for all ICS rates, replaces site commissions with admin-support payments that reflect legitimate costs, and accepts the Joint Provider Reform Proposal backstop rate caps for ancillary charges.

Marlene H. Dortch  
Secretary  
July 2, 2015

Please contact me if you have any questions regarding this matter.

Respectfully submitted,

*/s/ Chérie R. Kiser*

Chérie R. Kiser

Counsel for Global Tel\*Link Corporation

Attachment

cc (via e-mail): Madeleine Findley  
Pamela Arluk  
Lynne Engledow  
Rhonda Lien  
Bakari Middleton  
Thomas Parisi

### **Voluntary Commitments for ICS Ancillary Fees**

Global Tel\*Link Corporation is prepared to make the following voluntary commitments regarding ancillary fees as part of the comprehensive implementation of the Joint Provider Reform Proposal.<sup>1</sup> These Voluntary Commitments will ensure consumers have the information needed to make informed choices about how they prefer to receive or initiate an Inmate Calling Service (“ICS”) call.

#### **Definitions**

1. Clear and concise means notice or disclosure that is apparent to and understood by the reasonable customer.
2. Debit Calling means a calling arrangement that allows an inmate to pay for ICS from an existing or established account funded by the inmate.
3. Effective Date means the date on which these Voluntary Commitments are first effective as reflected by the date on which the first signatory agrees to be bound by the commitments.
4. FCC means the Federal Communications Commission.
5. Inmate Calling Service or ICS means the offering of interstate or intrastate telephone calling capabilities from a telephone instrument set aside by authorities of a correctional institution for use by inmates.
6. Prepaid Calling means a calling arrangement that allows a consumer (non-inmate) to pay for ICS from an existing or established account funded by the consumer (non-inmate).
7. Prepaid Collect Calling means a calling arrangement that allows for an inmate to initiate an ICS call without having a pre-established billing arrangement and also provides a means, within that call, for the called party to establish an arrangement to be billed directly by the provider of ICS for future calls from the same inmate.

#### **Voluntary Commitments**

The ICS providers signing below, hereby voluntarily commit to adhere to the following principles, disclosures, and practices:

1. Each ICS provider shall offer the ability for consumers and inmates to pay for an inmate-initiated call without incurring a payment processing fee, such as a transaction or deposit fee, a

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<sup>1</sup> WC Docket No. 12-375 - Letter from Global Tel\*Link Corporation, Securus Technologies, Inc., and Telmate, LLC (filed Sept. 15, 2014) (hereinafter “Joint Provider Reform Proposal” or the “Proposal”).

money transfer fee, or a “convenience” payment processing fee. Such “no-charge” options include a mailed payment by check or money order.

2. ICS providers may impose four (4) types of ancillary fees in connection with their provision of ICS: (1) transaction or deposit fee; (2) money transfer fee; (3) validation fee; and (4) convenience payment processing arrangement fee.

3. ICS providers may impose a transaction or deposit fee up to \$7.95 per transaction when a customer chooses to use a credit card, debit card, or other customer arranged payment outlet to (1) establish or replenish a Prepaid Calling, Prepaid Collect Calling, or Debit Calling account, or (2) to pay an amount due in arrears. ICS providers shall inform the customer of the transaction or deposit fee amount prior to completion of the transaction. ICS providers may not increase the transaction or deposit fee amount above \$7.95 for three (3) years after the Effective Date.

4. ICS providers may impose a money transfer fee up to \$2.50 to administer payments processed by or generated through a third-party money transfer entity such as Western Union or MoneyGram. Such a fee would be in addition to the amounts charged by the third-party money transfer entity.

5. ICS providers may impose a per-call validation fee in an amount that is up to eight percent (8%) of the total amount charged for the call, excluding any per-minute admin-support payment that may be added to the per-minute rate for the call. The validation fee may be applied only when the fee is permitted to be imposed by a correctional institution and may be applied only at the rate approved by the correctional institution.

6. ICS providers may offer optional “convenience” payment processing arrangements for the payment of an ICS call subject to the conditions below. Optional “convenience” payment processing arrangements include, but are not limited to: (1) billing the cost of the ICS call directly to a credit or debit card; (2) billing the cost of the ICS call to an existing wireless telephone account; and (3) using a canteen, commissary, kiosk, barcode, or other payment processing arrangement.

ICS providers agree to satisfy the following conditions if optional payment processing arrangements are offered:

- (a) the payment processing arrangement was offered on the Effective Date;
- (b) the amount of the fee does not exceed the fee that the ICS provider applied for that same payment processing arrangement on the Effective Date;
- (c) the ICS provider continues to accept payment methods that are free of charge;
- (d) the ICS provider advises the consumer in clear and concise language of the amount of the fee and the availability of “no charge” payment options prior to imposition of the payment processing fee;
- (e) ICS providers may not increase the fee for any optional payment processing arrangement that existed on the Effective Date for three (3) years after the Effective Date; and

- (f) ICS providers shall fully inform customers of all payment methods available (including no-charge options), the payment processing charges associated with each payment method, the estimated time required to establish service applicable to each payment option, and any restrictions or limitations applicable to each payment method available. An ICS provider may provide this information to customer: (1) on its website, (2) in its web-posted rates, terms, and conditions, (3) orally when provided in a slow and deliberate manner and in a reasonably understandable volume, or (4) in other printed materials provided to a customer.
- (g) Each ICS provider shall make available a brief, clear, non-misleading, plain language description of these Voluntary Commitments, the permissible ancillary fees, and the associated fee amounts.
  - (i) ICS providers shall make such information available on the ICS provider's website in an easily accessible location. ICS providers shall clearly and conspicuously identify the location of such information on their websites.
  - (ii) ICS providers shall make such information available to any member of the general public in at least one location during regular business hours, such as the ICS provider's principal business office.
  - (iii) Such information shall be made available in an easy to understand format, and shall be presented clearly and prominently so that it can be noticed and understood by a reasonable customer.
  - (iv) An ICS provider's description of these Voluntary Commitments, the permissible ancillary fees, and the associated fee amounts must be sufficiently clear in presentation and specific enough in content so that the customer can accurately assess the information. ICS providers will evaluate the effectiveness of the disclosure based on such factors as the prominence of the disclosure in comparison to other information, the proximity and placement of the information, the absence of distracting elements, and the clarity and understandability of the text of the disclosure.
  - (v) ICS providers shall update the required information regularly and in a timely manner.
  - (vi) ICS providers shall clearly and conspicuously disclose on their websites and in other printed material any information the customer may need to make inquiries about these Voluntary Commitments, the permissible ancillary fees, and the associated fee amounts, such as a toll-free number, e-mail address, or web site address by which customers may inquire or dispute any charges.
  - (vii) ICS providers shall respond promptly to consumer complaints relating to ancillary fees charged by the ICS provider.

**Effective Date:** \_\_\_\_, \_\_, 2015

**Signatories to these Voluntary Commitments:**  
Global Tel\*Link Corporation