

CAHILL GORDON & REINDEL LLP
EIGHTY PINE STREET
NEW YORK, NY 10005-1702

FLOYD ABRAMS
L. HOWARD ADAMS
ROBERT A. ALESSI
HELENE R. BANKS
ANIRUDH BANSAL
LANDIS C. BEST
BRADLEY J. BONDI
SUSAN BUCKLEY
KEVIN J. BURKE
JAMES J. CLARK
BENJAMIN J. COHEN
SEAN M. DAVIS
STUART G. DOWNING
ADAM M. DWORKIN
ANASTASIA EFIMOVA
JENNIFER B. EZRING
JOAN MURTAGH FRANKEL
JONATHAN J. FRANKEL

BART FRIEDMAN
CIRO A. GAMBONI
CHARLES A. GILMAN
JASON M. HALL
WILLIAM M. HARTNETT
CRAIG M. HOROWITZ
DOUGLAS S. HOROWITZ
TIMOTHY B. HOWELL
DAVID G. JANUSZEWSKI
ELAI KATZ
THOMAS J. KAVALER
BRIAN S. KELLEHER
DAVID N. KELLEY
RICHARD KELLY
CHÉRIE R. KISER*
EDWARD P. KRUGMAN
JOEL KURTZBERG
MARC R. LASHBROOK

TELEPHONE: (212) 701-3000
WWW.CAHILL.COM

1990 K STREET, N.W.
WASHINGTON, DC 20006-1181
(202) 862-8900

CAHILL GORDON & REINDEL (UK) LLP
24 MONUMENT STREET
LONDON EC3R 8AJ
+44 (0)20 7920 9800

WRITER'S DIRECT NUMBER

202-862-8950
ckiser@cahill.com

ALIZA R. LEVINE
JOEL H. LEVITIN
GEOFFREY E. LIEBMANN
ANN S. MAKICH
JONATHAN I. MARK
BRIAN T. MARKLEY
WILLIAM J. MILLER
NOAH B. NEWITZ
MICHAEL J. OHLER
ATHY A. O'KEEFFE
DAVID R. OWEN
JOHN PAPACHRISTOS
LUIS R. PENALVER
KIMBERLY PETILLO-DÉCOSSARD
MICHAEL W. REDDY
JAMES ROBINSON
THORN ROSENTHAL
TAMMY L. ROY

JONATHAN A. SCHAFFZIN
JOHN SCHUSTER
MICHAEL A. SHERMAN
DARREN SILVER
HOWARD G. SLOANE
JOSIAH M. SLOTNICK
RICHARD A. STIEGLITZ JR.
SUSANNA M. SUH
ANTHONY K. TAMA
JONATHAN D. THIER
JOHN A. TRIPODORO
GLENN J. WALDRIP, JR.
HERBERT S. WASHER
MICHAEL B. WEISS
S. PENNY WINDLE
DAVID WISHENGRAD
COREY WRIGHT
JOSHUA M. ZELIG
DANIEL J. ZUBKOFF

*ADMITTED IN DC ONLY

October 15, 2015

VIA ECFS

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

Re: WC Docket No. 12-375 - Global Tel*Link Corporation - Notice of *Ex Parte* Presentation

Dear Secretary Dortch:

On October 13, 2015, Global Tel*Link Corporation (“GTL”) representatives David Silverman, Executive Vice President and Chief Legal Officer, Michael K. Kellogg with the law firm of Kellogg Huber Hansen Todd Evans & Figel PLLC, and the undersigned met with Travis Litman, Senior Legal Advisor to Commissioner Jessica Rosenworcel, to discuss the Fact Sheet in the Federal Communications Commission (“FCC”) inmate calling services (“ICS”) proceeding.¹

The meeting covered:

- the apparent decision to reduce all rates to levels that are not supported by the record cost data, will not ensure fair compensation for ICS providers, and do not reflect the

¹ FACT SHEET: Ensuring Just, Reasonable, and Fair Rates for Inmate Calling Services (rel. Sept. 30, 2015), available at <https://www.fcc.gov/document/fact-sheet-ensuring-just-reasonable-fair-rates-inmate-calling>; see also *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, Order (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*”).

OCTOBER 15, 2015

- 2 -

FCC's well-established position that any effective new ICS policy must address ICS rates, ancillary charges, and site commissions to achieve a market-based result;²

- the apparent disregard for a rational implementation schedule that reflects the reality of the commercial marketplace and the need for carriers to renegotiate hundreds of contracts to accommodate the new rate regime;
- how the FCC's abandonment of a market-based approach to ICS radically will reduce or eliminate the availability of security features and GTL's ability to offer new technologies in direct conflict with the FCC's legislative mandates;³ and
- how the cost-based rates reflected in the Fact Sheet are a reversal of the FCC's statements in the *Second ICS FNPRM* and to the D.C. Circuit that the FCC was proposing a market-based approach to ICS rates, which "could moot or significantly alter the scope of the petitioners' challenges in [the] case to the FCC's transitional reforms" adopted in the *ICS Order and First FNPRM*.⁴

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

cc (via e-mail): Travis Litman

² See, e.g., Standard & Poor's Rating Services, *Research Update: Global Tel*Link Corp. Ratings Placed on CreditWatch Negative Following Proposed FCC Regulation* (Oct. 8, 2015), attached to WC Docket No. 12-375, Letter from Global Tel*Link Corporation (dated Oct. 8, 2015).

³ See, e.g., 47 U.S.C. § 157(a) ("It shall be the policy of the United States to encourage the provision of new technologies and services to the public."); 47 U.S.C. § 230(a), (b) (noting the benefits of Internet and interactive computer services and establishing it as "the policy of the United States . . . to promote the continued development of the Internet and other interactive computer services and other interactive media"); 47 U.S.C. § 254(b)(2) (stating the FCC shall base its policies on the principle that "[a]ccess to advanced telecommunications and information services should be provided in all regions of the Nation"); 47 U.S.C. § 1301, 1302 (finding that "deployment and adoption of broadband technology is vital" and stating the FCC "shall encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans").

⁴ *Second ICS FNPRM* ¶¶ 6, 47-48 (abandoning the "cost-based approach" from the *ICS Order and First FNPRM* and "moving to a market-based approach to encourage competition," which will "reduce rates to just and reasonable levels" and ensure fair ICS compensation); *Securus Technologies, Inc. v. FCC*, No. 13-1280, Uncontested Motion of the Federal Communications Commission to Hold Case in Abeyance at 3, 4 (filed Dec. 10, 2014) (stating it was now asking "'about a more market-based approach,' with permanent rate caps as a 'backstop'"); see also *Small Refiner Lead Phase-Down Task Force v. EPA*, 705 F.2d 506, 549 (D.C. Cir. 1983 ("Agency notice must describe the range of alternatives being considered with reasonable specificity.")).