

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

In the Matter of)
)
Rates for Interstate Inmate Calling Services) WC Docket No. 12-375
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_____)

**GLOBAL TEL*LINK CORPORATION PETITION FOR WAIVER
OF DEADLINE TO IMPLEMENT RULE 64.6110 FOR PRISONS**

Pursuant to 47 C.F.R. § 1.3, Global Tel*Link Corporation (“GTL”),¹ by its undersigned counsel, respectfully submits this Petition seeking a temporary waiver of the March 17, 2016 deadline by which inmate calling service (“ICS”) providers must comply with Rule 64.6110 for prisons. Specifically, GTL requests an additional 90 day extension of time for GTL to implement the online posting requirements of Rule 64.6110 for prisons to June 20, 2016, which would correspond with the implementation deadline of the rule for jails. In support of this Petition, GTL states:

1. In the *Second ICS Order*,² the Federal Communications Commission (“Commission”) supplemented its existing consumer disclosure rules to require ICS providers to “clearly and accurately disclose their interstate, international and intrastate rates and ancillary service charges to consumers.”³ The Commission emphasized that it was not mandating a specific format for the required consumer disclosures, but found the Joint Provider Proposal offered a reasonable framework for making the required disclosures.⁴ The Joint Provider

¹ 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.

² WC Docket No. 12-375, *Rates for Interstate Inmate Calling Services*, Second Report and Order and Third Further Notice of Proposed Rulemaking, FCC 15-136 (rel. Nov. 5, 2015) (“*Second ICS Order*”).

³ *Second ICS Order* ¶ 278.

⁴ *Second ICS Order* ¶ 279.

Proposal recommended that an ICS provider provide the information to customers “(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.”⁵ Rule 64.6110 embraces this proposal by requiring: “Providers must clearly, accurately, and conspicuously disclose their interstate, intrastate, and international rates and Ancillary Service Charges to consumers on their websites or in another reasonable manner readily available to consumers.”⁶

2. As required under the Commission’s existing disclosure rules, GTL currently posts its interstate and international rates, terms and conditions on its website and also makes the information available at its headquarters location.⁷ Further, GTL complies with the Commission’s oral disclosure rule, which requires providers of inmate operator services to disclose to the consumer the total cost of the call prior to connecting it.⁸ In addition, GTL customer service representatives are available Monday-Friday from 7:00am to 11:00pm (Central) and Saturday-Sunday from 8:00am to 7:00pm (Central) to provide consumers with rate and fee information.⁹ GTL’s website and automated interactive voice response (“IVR”) system also are available 24 hours a day, seven days a week.¹⁰ Many of GTL’s correctional facility customers

⁵ WC Docket No. 12-375, Letter from Global Tel*Link Corporation, Securus Technologies, Inc., and Telmate, LLC at 6, n.16 (dated Sept. 15, 2014).

⁶ *Second ICS Order* at p.163.

⁷ Declaration of John Baker in Support of Global Tel*Link Corporation Petition for Waiver, ¶ 3 (attached hereto) (hereinafter “Baker Declaration”); *see also* 47 C.F.R. § 42.10(b).

⁸ Baker Declaration ¶ 3; *see also* 47 C.F.R. § 64.710.

⁹ Baker Declaration ¶ 3.

¹⁰ Baker Declaration ¶ 3.

also make rate and fee information available on their individual websites or through printed materials distributed at the correctional facility.¹¹

3. The new Rule 64.6110 takes effect for prisons on March 17, 2016, and for jails on June 20, 2016.¹² GTL requests a limited extension of time to allow it to implement the new disclosure requirements at the same time for both prisons and jails.

4. The Commission has authority to waive its rules for “good cause shown.”¹³ A waiver is appropriate when special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.¹⁴ Further, the Commission may waive a rule where particular facts make strict compliance inconsistent with the public interest, or based on considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.¹⁵ The Commission routinely has granted waivers when providers “have presented reasonable, specific schedules” for implementing required network changes¹⁶ and when the “waiver request is appropriately narrow in scope”¹⁷ such as the request here. Special circumstances therefore support grant of this limited waiver request.¹⁸

¹¹ For example, information regarding GTL’s rates and fees at South Carolina Department of Corrections facilities can be found at <http://www.doc.sc.gov/pubweb/family/TelephoneCalls.jsp>.

¹² 80 Fed. Reg. 79136 (Dec. 18, 2015).

¹³ 47 C.F.R. § 1.3.

¹⁴ *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

¹⁵ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990), citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969).

¹⁶ See, e.g., *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, 20 FCC Rcd 7709 (2005).

¹⁷ See, e.g., *Misuse of Internet Protocol (IP) Captioned Telephone Service*, 28 FCC Rcd 6454 (2013).

¹⁸ See, e.g., *Expansion of the Online Public File Obligations to Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees*, 29 FCC Rcd 15943, ¶ 48 (2014) (proposing to allow certain cable operators additional time to begin posting their political files online); *Telephone Number Portability*, 19 FCC Rcd 875, ¶ 8 (2004) (finding special circumstances exist because of “technology and operational limitations,” such as requiring the acquisition of hardware and software, network upgrades, and reliability and accuracy testing to meet Commission number portability requirements); *Rules and Policies Regarding Calling Number Identification*

5. GTL seeks to ensure that consumers have access to the rate and fee information they need to make informed choices regarding inmate calling products and services.¹⁹ To that end, GTL is in the process of revamping its website to provide consumers with a better user experience, including access to specific rate and fee information for each of the correctional facilities GTL serves.²⁰ This website upgrade will make it easier for consumers to navigate and locate information on the website, and will allow consumers to tailor their search to a particular correctional facility. The detailed, facility-specific rate and fee information will be available via GTL’s customer payment portal (www.connectnetwork.com), which also can be accessed from GTL’s corporate website (www.gtl.net). The vast majority of consumers seeking to interface with GTL currently use its ConnectNetwork website to open new prepaid accounts, monitor or add funds to existing prepaid accounts, or to get answers to their service questions.

6. GTL has been in the process of redesigning the ConnectNetwork website since early 2015.²¹ Planning for the project began in April 2015, design work finished in September, and now the company is building and testing new code, and assembling and packaging the new content for the website. The redesign effort has been spearheaded by GTL’s own information technology staff, and GTL has engaged numerous outside technology firms to assist. Launch of the new ConnectNetwork website is planned for the second quarter of 2016.²² The redesign of the ConnectNetwork website is a complete overhaul of the visual design, information layout, content, systems interface, and the basic infrastructure. As a result, consumers not only will

Service, 11 FCC Rcd 11437, ¶ 7 (1996) (recognizing “that unique technical problems constitute a special circumstance”).

¹⁹ *Second ICS Order* ¶ 278 (citing to GTL’s prior filings and statements).

²⁰ Baker Declaration ¶ 4.

²¹ Baker Declaration ¶ 4.

²² Baker Declaration ¶ 4.

have the ability to access facility-specific rates and fees consistent with Rule 64.6110 but much more.

7. The temporary waiver requested herein is necessary because GTL requires additional time to finalize the redesign and implement its new ConnectNetwork website for all of the facilities it serves at the same time.²³ GTL’s website provides information about all of its products offered at all the facilities it serves – prisons and jails. Its website is designed to apply to all customers, which is user-friendly and a more efficient and cost-effective way to operate. Absent the requested relief, GTL will be forced to “patch” rate information for its “prison” customers into the existing ConnectNetwork website, which will cause further delay in the launch of the redesigned website and further inconvenience customers.²⁴

8. In addition, GTL cannot fully implement the rate portion of the website redesign until it knows the new rates and fees for each of its 2400 correctional facility customers, which will be modified in the coming months based on negotiations arising from implementation of the *Second ICS Order*.²⁵ Further, the new rule requires GTL to post all of its intrastate rates on its website for the first time, which will be a substantial increase in the amount of information required to be posted. Nothing can be added to the new upgraded website until the redesign is completed, which will not be done by the March 17, 2016 deadline.²⁶

9. Grant of this waiver request also serves the public interest. The additional time to modify and upgrade GTL’s website ultimately will benefit consumers by providing them access to a more user-friendly web interface that provides detailed, facility-specific rate and fee

²³ Baker Declaration ¶ 5.

²⁴ Baker Declaration ¶ 5.

²⁵ Baker Declaration ¶ 5.

²⁶ Baker Declaration ¶ 5.

information. During the extension period (*i.e.*, between March 17, 2016 and June 20, 2016), consumers will continue to have access to GTL’s existing web-posted rates, terms, and conditions, GTL’s customer service representatives, GTL’s IVR system, and material distributed by correctional facilities all of which provide rate and fee information.²⁷ Customers also will continue to receive oral information before each call processed by GTL that provides the total cost of the call as required by the Commission’s existing disclosure rules.²⁸

10. Further, allowing GTL to manage the upgrade and redesign of its website in a comprehensive way consistent with the website’s design, use, and purpose is more efficient than requiring that the website be “patched” in multiple steps simply to track the Commission’s staged implementation deadlines for prisons and jails. These differing implementation deadlines were established to address anticipated resource demands to renegotiate existing contracts with different types of facilities,²⁹ which has no relevance or application to website design and operation for the disclosure or publication of rates.

²⁷ Baker Declaration ¶ 6.

²⁸ 47 C.F.R. § 64.710; *see also* Baker Declaration ¶ 6.

²⁹ *Second ICS Order* ¶ 256 (“We agree that these parties raise valid concerns regarding the time needed to transition all of the country’s jails to the new rate regime.”).

Accordingly and for the foregoing reasons, GTL respectfully requests that the Commission grant this Petition and extend the time for GTL to comply with the online posting requirements of Rule 64.6110 for prisons by 90 days (or until June 20, 2016) to allow the rule to take effect at the same time as the implementation deadline for jails.

Respectfully submitted,

GLOBAL TEL*LINK CORPORATION

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Dated: January 5, 2016

Its Attorneys

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**DECLARATION OF JOHN BAKER
IN SUPPORT OF GLOBAL TEL*LINK CORPORATION PETITION FOR WAIVER**

I, John Baker, state as follows:

1. I am the Senior Vice President of Consumer Products and Payment Channels for Global Tel*Link Corporation (“GTL”) and its affiliates. GTL and its affiliates provide inmate calling service (“ICS”) to approximately 2400 correctional facilities throughout the United States, including both “prisons” and “jails” as those terms have been defined by the Federal Communications Commission (“FCC”).

2. I provide this Declaration in support of GTL’s request for an additional 90 day extension of time for GTL to implement the consumer disclosure requirements of Rule 64.6110 for prisons, or until June 20, 2016, which would correspond with the implementation deadline for jails.

3. GTL currently posts its interstate and international rates, terms and conditions on its website and also makes the information available at its headquarters location. GTL also discloses to the consumer the total cost of the call prior to connecting it. GTL customer service representatives are available Monday-Friday from 7:00am to 11:00pm (Central), and Saturday-Sunday from 8:00am to 7:00pm (Central) to provide consumers with rate and fee information. GTL’s website and automated interactive voice response (“IVR”) system also are available 24 hours a day, seven days a week.

4. GTL is in the process of completely upgrading and redesigning its ConnectNetwork website, which will include the specific rate and fee information for each of the correctional facilities GTL serves. The detailed, facility-specific rate and fee information will be available via GTL's customer payment portal (www.connectnetwork.com), which also can be accessed from GTL's corporate website (www.gtl.net). Planning for the website redesign project began in April 2015, design work finished in September 2015, and now the company is in the process of building and testing new code as well as assembling and packaging the new content for the website. The website upgrade will not be completed until second quarter 2016. As part of the website redesign, GTL will allow consumers the ability to access facility-specific rates and fees.

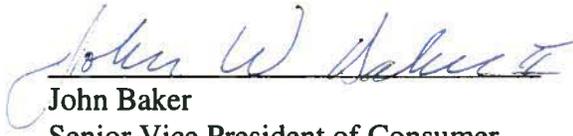
5. GTL requires additional time to complete the update and redesign of its website, which will include the applicable rates and fees for each of GTL's 2400 correctional facility customers, the rates for which may not be finalized until very close to the deadline for implementation. The redesign being implemented by GTL requires significant system modifications and will not be completed by the March 17, 2016 implementation deadline. The information technology changes necessary to expand and upgrade the website need to be completed before rate and fee content can be uploaded. It is more efficient, cost-effective, and technically practical to complete the upgrade for the entire website, rather than "patch" rate information into the existing website to meet the different, FCC-imposed implementation deadlines.

6. During the extension period (*i.e.*, between March 17, 2016 and June 20, 2016), consumers will continue to have access to GTL's existing web-posted rates, terms, and conditions, GTL's customer service representatives, and GTL's IVR system to obtain rate and

fee information. In addition, customers will continue to receive oral information regarding the total cost of a call prior to its completion as required by FCC rules.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on January 5, 2016

A handwritten signature in blue ink that reads "John W. Baker". The signature is written in a cursive style and is positioned above a horizontal line.

John Baker
Senior Vice President of Consumer
Channels and Payment Services
Global Tel*Link Corporation