

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

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

OPPOSITION TO MOTION FOR LEAVE TO FILE REPLY

The Wright Petitioners (the “Petitioners”) hereby submit this Opposition to the Motion for Leave to File Reply, filed by Securus Technologies, Inc. (the “Motion”).¹ The Motion seeks leave to submit a Reply to the “Opposition to Petition for Stay” filed by the Petitioners on December 29, 2015, and conveniently provided the FCC with the “form” of the Reply it seeks to submit.² The Motion (and the conveniently-provided Reply) claim that the Petitioners made “several assumptions and assertions that should be corrected.”³ Securus seeks to file the conveniently-provided Reply to “ensure that the record before the Commission is clear.”⁴

Leaving aside the merits of Securus’ arguments presented in the conveniently-provided Reply – as the FCC must do – the Motion must be dismissed as a clear violation of Section 1.45(d) of the FCC’s rules, and the “form” of the Reply must be stricken from the record without

¹ The Motion (and the underlying Petition for Partial Stay) was filed jointly by Andrew D. Lipman (Morgan, Lewis & Bockius, LLP) and Stephanie A. Joyce (Arent Fox LLP), as counsel for Securus Technologies, Inc., on January 5, 2016. Previously, Mr. Lipman indicated that he was participating in the proceeding “on behalf of certain clients with an interest in the regulation of inmate calling services (“ICS”).” See, e.g., *Written Ex Parte Submission of Andrew D. Lipman*, WC Dkt. 12-375, filed October 15, 2015.

² *Motion*, pg. 1 (citing Attachment).

³ *Id.*

⁴ *Id.*

further consideration. Specifically, Section 1.45(d) prohibits the submission of a reply, and Securus has failed to provide any legal support for its claim that the Motion should be granted.⁵

The submission of the unsupported Motion and Reply is yet another example of Securus' abuse of the FCC's rules and procedures in this proceeding. Previously, Securus was ordered to provide the confidential financial information to counsel who had signed Acknowledgements of Confidentiality under the Protective Order adopted in this proceeding, but it has refused to do so.⁶ More recently, Securus submitted *ex parte* presentations that the Wireline Competition Bureau found to violate Section 1.1203 of the FCC's rules because the submissions addressed the merits of the Second Report and Order in this proceeding, even before the document had been released, and well within the Sunshine Period.⁷

The submission of the Motion continues this trend. The Motion failed to provide any legal support for its submission, and must be seen as a blatant attempt to have the last word on its Petition, which the FCC's rules specifically prohibit. Securus was required to put its best foot forward in its Petition for Partial Stay, and the Petitioners submitted its Opposition. The rules do not contemplate any further submissions, and Securus utterly failed to provide any basis for the FCC to grant leave for it to do so.

⁵ See 47 C.F.R. 1.45(d) (2015) ("Replies to oppositions should not be filed and will not be considered."). See also *WTVG, Inc. and WUPW Broadcasting, LLC Petitions for Waiver of Section 76.92(f) of the Commission's Rules*, 25 FCC Rcd 12263, nt. 10 (2010), *University and Community College System of Nevada*, 24 FCC Rcd 2382, nt. 1 (2009), *APCC Services, Inc. v. NetworkIP, LLC*, 22 FCC Rcd 9080, nt. 9 (2007) (denying Motion for Leave to File Reply in light of "no showing of extraordinary circumstances to justify the filing of a reply not contemplated by the rules."). *Improving Public Safety Communications in the 800 MHz Band Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels*, 20 FCC Rcd 641, nt. 12 (2005).

⁶ See *Rates for Interstate Inmate Calling Services*, Order, DA 14-1432 (2014) ("IT IS FURTHER ORDERED that Securus MUST COMPLY with the terms of the Protective Order in this docket and provide Outside Counsel to Pay Tel Communications, Inc. the requested confidential data no later than October 6, 2014.").

⁷ See *Notice of Prohibited Presentations in the Matter of Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996 et al.*, Public Notice, DA 15-1341 (Nov. 20, 2015) (finding that Securus violated Section 1.1203 of the FCC's rules).

Therefore, Petitioners oppose the Motion for Leave to File Reply, and respectfully request that the FCC adopt an order denying the Motion and striking the Reply from the record in this proceeding.

Respectfully submitted,

By: 

Lee G. Petro

DRINKER BIDDLE & REATH LLP

1500 K Street N.W.

Suite 1100

Washington, DC 20005-1209

(202) 230-5857

January 6, 2016

CERTIFICATE OF SERVICE

I hereby certify that, on January 6, 2015, the forgoing Opposition was served via electronic mail on the following persons:

Marlene H. Dortch, Secretary
Federal Communications Commission
Marlene.Dortch@fcc.gov

Chairman Tom Wheeler
Federal Communications Commission
Tom.Wheeler@fcc.gov

Commissioner Mignon Clyburn
Federal Communications Commission
Mignon.Clyburn@fcc.gov

Commissioner Jessica Rosenworcel
Federal Communications Commission
Jessica.Rosenworcel@fcc.gov

Commissioner Ajit Pai
Federal Communications Commission
Ajit.Pai@fcc.gov

Commissioner Michael O’Rielly
Federal Communications Commission
Michael.ORielly@fcc.gov

Jonathan Sallet
General Counsel
Federal Communications Commission
Jonathan.Sallet@fcc.gov

Matthew DelNero, Chief
Wireline Competition Bureau
Federal Communications Commission
Matthew.Delnero@fcc.gov

Andrew Lipman
Morgan Lewis & Bockius LLP
andrew.lipman@morganlewis.com
Stephanie Joyce
Arent Fox LLP
stephanie.joyce@arentfox.com
Co-Counsel for Securus Technologies

By: 
Lee G. Petro