

**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 64.6100(a) 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 64.6100(a) for prisons. Specifically, GTL requests a 90 day extension of time to implement the no minimum balance requirement of Rule 64.6100(a) for prisons so implementation corresponds with the deadline for jails. In support of this Petition, GTL states:

1. In the *Second ICS Order*,² the Federal Communications Commission (“Commission”) prohibited ICS providers from requiring inmates or end users to deposit a minimum amount of money in an ICS debit account (established by an inmate) or an ICS prepaid account (established by someone other than an inmate) in order to use debit or prepaid calling.³ Specifically, Rule 64.6100(a) states: “No Provider shall institute a minimum balance requirement for a Consumer to use Debit or Prepaid Calling.”⁴

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* ¶¶ 175-78.

⁴ *Second ICS Order* at p.162 (setting forth new rule 47 C.F.R. § 64.6100(a)).

2. Rule 64.6100(a) takes effect for prisons on March 17, 2016, and for jails on June 20, 2016.⁵ GTL requests a limited extension of time to implement the new prohibition on minimum deposits for prisons to allow the prohibition to take effect for both prisons and jails at the same time.

3. The Commission has authority to waive its rules for “good cause shown.”⁶ A waiver is appropriate when special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.⁷ Further, the Commission may waive a rule where particular facts make strict compliance inconsistent with the public interest, such as considerations of hardship, equity, or more effective implementation of overall policy can be achieved on an individual basis.⁸ The Commission routinely has granted waivers when providers “have presented reasonable, specific schedules” for implementing required network changes⁹ and when the “waiver request is appropriately narrow in scope”¹⁰ such as the request here. Special circumstances therefore support grant of this limited waiver request.¹¹

4. GTL provides inmate friends and family with the option of opening a prepaid account, known as an AdvancePay account. After the initial funding of the account, money is

⁵ 80 Fed. Reg. 79136 (Dec. 18, 2015).

⁶ 47 C.F.R. § 1.3.

⁷ *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

⁸ *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).

⁹ See, e.g., *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, 20 FCC Rcd 7709 (2005).

¹⁰ See, e.g., *Misuse of Internet Protocol (IP) Captioned Telephone Service*, 28 FCC Rcd 6454 (2013).

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

debited from the account based on the calls received and applicable fees. Additional funds may be added to AdvancePay accounts through GTL's website or its interactive voice response ("IVR") system, and other payment channels.

5. While many of the Commission's newly adopted ICS rules can be implemented separately for prisons and jails, Rule 64.6100(a) cannot. The temporary waiver is necessary because GTL's prepaid payment software, its IVR system, and its online and other payment channels are not facility-specific.¹² GTL has one system that processes account payments for all of its 2400 correctional facility customers. Compliance with the new rule requires a complete overhaul of GTL's payment systems and software, modifications to its IVR process, and adjustments to its payment processing website.¹³

6. GTL cannot implement changes to its systems on a facility-by-facility basis depending on whether the facility qualifies as a "prison" or "jail" under the Commission's rules. These changes must be implemented simultaneously across GTL's integrated payment system, which is used for accepting payments for calls originating from all of its 2400 correctional facility customers. GTL cannot tailor its payment software and systems to prohibit minimum payments for prisons on one date and for jails on another date, and the necessary system changes cannot be completed by the March 17, 2016 implementation deadline for prisons.¹⁴

7. The different implementation deadlines also create a conflict because AdvancePay accounts are associated with a specific telephone number or individual, not a particular correctional facility. An end user may open a single AdvancePay account to receive inmate-initiated calls from both prisons and jails. These facilities usually have different rate and

¹² Declaration of John Baker in Support of Global Tel*Link Corporation Petition for Waiver, ¶ 3 (attached hereto) (hereinafter "Baker Declaration").

¹³ Baker Declaration ¶ 3.

¹⁴ Baker Declaration ¶ 3.

fee structures. Until minimum deposit requirements are removed for all correctional facilities, an AdvancePay account receiving calls from both prisons and jails could result in a negative balance because of the rate/fee differences between facilities and the different Commission-adopted effective dates for prisons and jails.

8. Simultaneous implementation of the rule for prisons and jails also serves the public interest as it will eliminate customer confusion, especially for those consumers who receive calls from different types of facilities using their AdvancePay account. The Commission's reasons for adopting a staggered implementation period for its new ICS rules have no relevance to the prohibition on minimum balances. The Commission's decision to adopt differing effective dates for prisons and jails was focused on the implementation of the new rate regime and the time needed to renegotiate existing contracts to reflect that new regime.¹⁵ Further, consumers have the ability to request a refund of any unused funds when they close their account.

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 no minimum

¹⁵ *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.”).

balance requirements of Rule 64.6100(a) for prisons by 90 days to allow GTL to implement the rule at the same time as the rule takes effect for jails.

Respectfully submitted,

GLOBAL TEL*LINK CORPORATION

/s/ Chérie R. Kiser

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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 minimum balance prohibition in Rule 64.6100(a) for prisons to correspond with the implementation deadline of the rule for jails.

3. GTL’s prepaid payment software, its interactive voice response (“IVR”) system, and its online and other payment channels are not facility-specific. GTL has one software system that processes all payments. Compliance with the FCC’s new rule requires a complete overhaul of GTL’s payment systems and software, modifications to its IVR process, and adjustments to its payment processing website. GTL cannot implement the required changes to its systems on a facility-by-facility basis depending on whether the facility qualifies as a “prison” or “jail” under the FCC’s rules. These changes must be implemented simultaneously across all

of GTL's payment systems for all of its correctional facility customers, and these changes cannot be completed by the March 17, 2015 implementation deadline for prisons.

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 8, 2016

A handwritten signature in blue ink, appearing to read "John W. Baker", is written over a horizontal line.

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