

**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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**REPLY COMMENTS OF GLOBAL TEL\*LINK CORPORATION  
ON PETITION FOR WAIVER OF DEADLINE TO  
IMPLEMENT RULE 64.6100(a) FOR PRISONS**

Global Tel\*Link Corporation (“GTL”),<sup>1</sup> by its undersigned counsel and pursuant to the *Public Notice* issued by the Federal Communications Commission (“Commission” or “FCC”) on January 13, 2016,<sup>2</sup> respectfully submits these Reply Comments in support of its 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.<sup>3</sup> GTL’s Petition requested a limited waiver to permit it to implement the no minimum balance requirement of Rule 64.6100(a) for prisons to correspond with the implementation deadline for jails. GTL has demonstrated that “good cause” exists to grant its waiver request,<sup>4</sup> and the comments filed by the Wright Petitioners provide no basis for denying GTL’s Petition.<sup>5</sup>

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<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> WC Docket No. 12-375, *Wireline Competition Bureau Seeks Comment on Global Tel\*Link Corporation’s Petition for Waiver of Deadline to Implement Rule 64.6100(a) for Prisons*, Public Notice, DA 16-43 (rel. Jan. 13, 2016) (“*Public Notice*”).

<sup>3</sup> WC Docket No. 12-375, Global Tel\*Link Corporation Petition for Waiver of Deadline to Implement Rule 64.6100(a) for Prisons (filed Jan. 8, 2016) (“*Petition*”); *see also* 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, p.162 (rel. Nov. 5, 2015) (“*Second ICS Order*”) (setting forth new rule 47 C.F.R. § 64.6100(a)).

<sup>4</sup> 47 C.F.R. § 1.3; *see also* *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

<sup>5</sup> WC Docket No. 12-375, Comments Regarding Global Tel\*Link Petition for Waiver (filed Jan. 28, 2016) (“*Wright Petitioners’ Comments*”).

Waivers are appropriate when special circumstances warrant a deviation from the general rule based on considerations of hardship, equity, or more effective implementation of overall policy.<sup>6</sup> GTL has made such a showing. GTL provided a Declaration from John Baker, GTL’s Senior Vice President of Consumer Channels and Payment Services, and the individual responsible for implementing changes to GTL’s payment systems. Mr. Baker explained that GTL cannot tailor its payment software and systems to prohibit minimum payments for prisons on one date and for jails on another date, and that the necessary system changes cannot be completed by the March 17, 2016 implementation deadline for prisons.<sup>7</sup> As detailed in its Petition and supporting Declaration, GTL’s prepaid payment software, its interactive voice response (“IVR”) system, and its online and other payment channels are not facility-specific.<sup>8</sup> GTL has one system that processes account payments for all of its 2400 correctional facility customers. Any changes must be implemented simultaneously across GTL’s integrated payment system. Compliance with the new rule requires a complete overhaul of GTL’s payment system and software, modifications to its IVR process, and adjustments to its payment processing website.<sup>9</sup>

The Petition and Mr. Baker’s supporting statements demonstrate that special circumstances exist to support the grant of GTL’s limited waiver request.<sup>10</sup> GTL has “presented

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<sup>6</sup> *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969); *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).

<sup>7</sup> Petition ¶¶ 5-6; Baker Declaration ¶ 3.

<sup>8</sup> Petition ¶¶ 5-6; Baker Declaration ¶ 3.

<sup>9</sup> Baker Declaration ¶ 3.

<sup>10</sup> *See, e.g., 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”).

[a] reasonable, specific schedule[]” for implementing the required network changes<sup>11</sup> and its waiver request is “appropriately narrow in scope.”<sup>12</sup> GTL is in the best position to assess the “difficulties” associated with its implementation of Rule 64.6100(a).<sup>13</sup> GTL has justified its waiver request consistent with Commission precedent despite the Wright Petitioners’ claims otherwise.<sup>14</sup>

In addition, GTL’s size has nothing to do with whether it has met the standard for FCC grant of its waiver request.<sup>15</sup> Nevertheless, the Wright Petitioners’ assumption is wrong. The large number of correctional facilities served by GTL makes compliance with Rule 64.6100(a) more difficult. As explained in its Petition, GTL’s payment processing systems are not facility-specific, and changes cannot be implemented on a facility-by-facility basis depending on whether the facility qualifies as a “prison” or “jail” under the Commission’s rules.<sup>16</sup> GTL’s “market share” is not determinative of whether the limited waiver requested here has met the standard required for grant of this waiver.<sup>17</sup>

Finally, as GTL explained in its Petition, simultaneous implementation of the rule for prisons and jails serves the public interest as it will eliminate customer confusion, especially for those consumers who receive calls from different types of facilities using their GTL AdvancePay account.<sup>18</sup> Grant of GTL’s Petition “will not undermine the purpose of Section 64.6100(a)”<sup>19</sup>

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<sup>11</sup> See, e.g., *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, 20 FCC Rcd 7709 (2005).

<sup>12</sup> See, e.g., *Misuse of Internet Protocol (IP) Captioned Telephone Service*, 28 FCC Rcd 6454 (2013).

<sup>13</sup> Wright Petitioners’ Comments at 2.

<sup>14</sup> Wright Petitioners’ Comments at 3.

<sup>15</sup> Wright Petitioners’ Comments at 2, 4.

<sup>16</sup> Petition ¶¶ 6; Baker Declaration ¶ 3.

<sup>17</sup> Wright Petitioners’ Comments at n.8.

<sup>18</sup> Petition ¶¶ 7-8.

<sup>19</sup> Wright Petitioners’ Comments at 2.

because the Commission’s decision to adopt different effective dates for prisons and jails was focused on perceived differences in the amount of time needed to renegotiate existing contracts to reflect the new regime.<sup>20</sup> The regulatory purpose for which the staggered implementation periods were adopted is not relevant to the prohibition on minimum balances and ignores how businesses operate.<sup>21</sup>

For the foregoing reasons and those stated in its Petition and accompanying Declaration, GTL respectfully requests that the Commission grant its Petition and grant the requested limited waiver for GTL to comply with the no minimum balance requirements of Rule 64.6100(a) for prisons to allow GTL to implement the rule at the same time the rule takes effect for jails.

Respectfully submitted,

**GLOBAL TEL\*LINK CORPORATION**

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<sup>20</sup> *Second ICS Order* ¶ 256 (“Accordingly, we adopt a six-month transition period for jails, in order to give providers and jails enough time to negotiate (or renegotiate) contracts to the extent necessary to comply with all of the rules adopted herein. We do not believe an extended transition is necessary for prisons to obtain new or revised contracts, however.”).

<sup>21</sup> Petition ¶ 8.