

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
Securus Technologies, Inc.)	WC Docket No. 09-144
Petition for Declaratory Ruling)	

COMMENTS OF PAY TEL COMMUNICATIONS, INC.

Pay Tel Communications, Inc. (“Pay Tel”) hereby files these Comments in response to the Commission’s Public Notice, released August 10, 2009, seeking comment in the above-referenced proceeding. The Petition seeks a declaratory ruling that call diversion schemes—i.e., call forwarding or rerouting schemes outlined in the Petition—are a form of dial-around calling which Securus and other inmate calling service providers may block under the Commission’s TOCSIA implementation rulings.¹

Pay Tel fully supports the Petition and urges the Commission to expeditiously grant the relief requested by Securus.

Pay Tel, founded in 1986, is one of the Southeast’s leading inmate telephone service providers, serving confinement facilities in North Carolina, Georgia, Virginia, South Carolina, Tennessee, Florida, and Alabama. Pay Tel was the first inmate calling services provider, beginning in 1991, to offer customer service and billing dedicated solely to serving inmates and their families and was the first inmate calling services provider, also beginning in 1991, to offer in-house billing and prepaid calling plans with discounts on every call. Pay Tel’s founder and president, Vincent Townsend, is a recognized expert on fraud prevention in public communications and has served for many

¹ See Commission orders implementing the Telephone Operator Consumer Services Information Act of 1990 (“TOCSIA”), codified at 47 U.S.C. § 226.

years as the payphone industry's representative on the Telecommunications Fraud Prevention Committee of the Alliance for Telecommunications Industry Solutions.

Inmate calling service (ICS) is a highly-specialized service, as the Commission has recognized, due to the requirements of confinement facilities. Inmate calls are monitored and restricted in order to protect the public as well as identifiable persons such as judges, jurors and victims' families. Calls are also monitored and controlled to help prevent, deter and detect ongoing criminal activity conducted from the facility. Call control activities are, therefore, a critical component of law enforcement activities of the facility. In Pay Tel's experience, every confinement facility requires—as part of any ICS Request for Proposals—the installation of ICS equipment capable of monitoring and controlling inmate calling for the reasons described.

The call diversion schemes by “ConsCallHome” and others described and documented by Securus in its Petition undermine the ability of ICS providers to monitor and control inmate calling—which, in turn, undermines the efforts of law enforcement in these facilities. It is no exaggeration to say that call diversion schemes threaten the public safety. Pay Tel has numerous real-world examples where its call control and monitoring capability have been critical in either preventing or detecting ongoing criminal activity conducted from confinement facilities. *See* Exhibit A (Letter dated March 30, 2004 from Michael B. Talbert, Senior Special Agent, U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives; Letter dated January 26, 2004 from Sgt. Shawn Schwertfeger, Albemarle County Policy Department; and Letter dated March 31, 2004 from Officer Garlin W. Mills, Charlottesville Police Department).

For several months, Pay Tel has been concerned with unusual calling trends in several of its facilities where local calls have inexplicably increased while long distance calls have decreased. It is Pay Tel's belief that at least one explanation for this trend is the use of call diversion schemes. This suspicion was recently confirmed for one large county facility (Wake County, North Carolina) where a Pay Tel client admitted directly to Pay Tel's President in an email to using a local "rerouting" number provided by ConsCallHome. Upon investigation of this account, it was determined that this client supplied a phone number local to the Wake County facility along with a non-verifiable address in Wilmington, North Carolina when establishing an account with Pay Tel, indicating that this client is using the local number provided by ConsCallHome to substitute local for long distance calls. Other Pay Tel clients have admitted use of such call diversion schemes to Pay Tel customer service representatives. Based on these examples as well as Pay Tel's examination of unexplained deviations in traditional calling patterns, Pay Tel believes that use of call diversion schemes such as offered by ConsCallHome is widespread and increasing.

The call diversion schemes of ConsCallHome and similar entities are no different from three-way calling and other call forwarding devices which permit an inmate to place calls to the public unfettered by law enforcement monitoring and control capability. As Securus has demonstrated, there is ample basis in the record for extending the treatment afforded dial around calls under TOCSIA to these new call diversion schemes. Securus' Petition should be promptly granted.

Moreover, the companies identified by Securus in its Petition should be investigated for interfering with the regulated calling activities of companies like Securus

and Pay Tel, for falsely implying that their services are approved by the affected confinement facilities, and for failing to comply with the federal regulatory requirements attendant to the provision of PSTN-connectivity services.

Dated: August 31, 2009

Respectfully submitted,

PAY TEL COMMUNICATIONS, INC.

By:



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CERTIFICATE OF SERVICE

I, Marcus Trathen, hereby certify that the foregoing Comments of Pay Tel Communications, Inc. were served this 31st day of August, 2009 on the following persons identified below via electronic mail.



Lynne Hewitt Engledow
FCC, Wireline Competition Bureau
lynne.engledow@fcc.gov

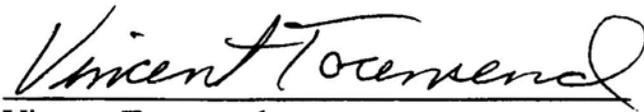
Best Copy and Printing, Inc.
fcc@bcpiweb.com

Declaration of Vincent Townsend

I, Vincent Townsend, declare and state as follows:

I am the President of Pay Tel Communications, Inc. I have read the foregoing Comments of Pay Tel Communications, Inc., and I declare under penalty of perjury under the laws of the United States of America that the foregoing information and materials contained in Sections (1) and (2) are true and correct to the best of my knowledge, information, and belief.

Dated: August 31, 2009

A handwritten signature in cursive script that reads "Vincent Townsend". The signature is written in black ink and is positioned above a horizontal line.

Vincent Townsend
President

EXHIBIT A

TO

COMMENTS OF

PAY TEL COMMUNICATIONS, INC.

WC DOCKET NO. 09-144



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

804 Moorefield Park Drive #201
Richmond, Virginia 23235

March 30, 2004

www.atf.gov

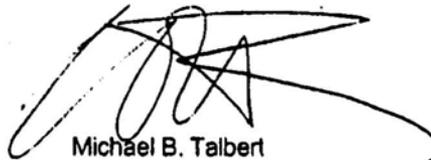
Lt. Col. Robert Beatty
Charlottesville/Albemarle Joint Security Complex
1160 Peregory Lane
Charlottesville, Virginia 22902

Dear Lt. Col. Beatty,

This correspondence is intended to serve as a formal acknowledgement of the continued superior investigative assistance given to Federal Law Enforcement by your facility. The cooperative nature and atmosphere created by the Command staff and implemented by the officers at the Charlottesville/Albemarle Joint Security Complex is remarkable. You and the staff's rapid response to request for record phone calls are without compare.

As you well know the Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is charged by congress to assist State, Local and other Federal Law Enforcement. It is incumbent that investigations are as wide reaching and as effective as possible. The phone recording system currently in place at the Charlottesville/Albemarle Joint Security Complex is an invaluable tool in this charge. The system has lead to the recovery of evidence in major criminal investigations, as well as, more routine criminal investigations. Defendants have provided incriminating statements and furthermore have identified witnesses and other co-conspirators pointed out partiers previously unknown to investigators. Other inmates have unwittingly provided information gleaned from cellmates while talking on the phone. The government has been able to act on and stop witness tampering and witness intimidation, when recorded calls and a vigilant staff have been at the helm. Without a doubt there would be a much further reaching arm of terror by these lawless gangsters if this tool were not in place.

I would again like to thank both yourself and Sgt. Sandridge for the continued support in our common pursuit of justice. Without your tireless work and these invaluable recordings a countless number of crimes would go unsolved and persons would be unnecessarily victimized. Thank you again.



Michael B. Talbert
Senior Special Agent



ACCREDITED LAW ENFORCEMENT AGENCY



COUNTY OF ALBEMARLE
POLICE DEPARTMENT
401 McIntire Road
Charlottesville, Virginia 22902-4596
Phone: (434) 296-5807 Fax: (434) 972-4061

*I completely agree.
John Isom
1-30-04*

January 26, 2004

Dear Superintendent Isom,

I am writing this letter on behalf of the Albemarle County Police Department and to extend our sincere appreciation and gratitude to several members of your staff. Sergeant Patrice Sandridge, Captain Todd Roland and Captain Charles Trader. Beginning in May, our agency began an in depth and complicated investigation involving an inmate at ACRJ. We were notified that this inmate had made several threats towards multiple subjects to include Commonwealth Attorneys and Judges, as well as a family member. Sgt. Sandridge was first called upon for assistance regarding monitoring the inmates phone calls and copying them for me. These became extremely valuable throughout the case and helped lead to the ultimate guilty plea. Sergeant Sandridge went above and beyond her responsibilities and uncovered crucial information, which was quickly relayed to investigators. Over time, it has been noticed that her valued performance remains consistent.

Captain Charles Trader and Captain Todd Rowland also played an intricate role in the case. The decision was made to "wire" another inmate as well as a cell for purposes of recording pertinent conversations of the suspect. Captains Trader and Roland were flexible and diligent in their efforts to orchestrate the combining of the inmates and making everything look legitimate. They also worked tirelessly when changing tapes and monitoring the recording that was installed within the jail itself. They worked with investigators getting important information to and from the informant and should be commended on their efforts.

It is cases like this, a joint effort for a common cause, which makes me proud to be a law enforcement officer. Without the efforts of your staff, this case may have been hard to prove and possibly not successful at all. Again, the work of your employees and their diligence and professionalism was certainly noticed throughout the investigation and culminated with a guilty plea on December 9, 2003. Please join me in commending and congratulating these officers on a highly successful effort.

Sincerely,
Shawn Schwertfeger
Sgt. Shawn Schwertfeger
Investigations Division

Sincerely,
John Parrent
Lt. John Parrent
Investigations Division

March 31, 2004

Lt. Col. Robert Beatty
Albemarle - Charlottesville Regional Jail
160 Peregrory Lane
Charlottesville, VA 22902

Dear Lt. Col. Beatty,

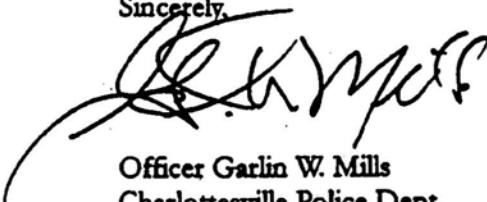
Over the past two years, I have had the opportunity to work with and evaluate the Pay - Tell Telephone System. This system is one of the most innovative investigative tools that I have found. Evidence obtained through the proper operation of this system has been valuable not only in State Court but Federal Court as well. This information which was brought forth on this system not only ensured convictions but also gather enough information for additional crimes which were committed.

As an example of this information, an incarcerated subject (who was incarcerated on misdemeanor charges) divulged enough information over the telephone, to stop a potential murder of a family. The information led law enforcement to a map of the victims home, (or a home which the victim and his family had lived in several years before) this was found inside of the inmates cell. This case was important to me because the map was to a house which my family and I had lived in seven years prior. The inmate had made threats to execute my family and myself. Information received after this revealed another map drawn on a wall which was in close proximity of my family's existing home.

I must reiterate that this system used properly has not only solved crimes, but has prevented crimes. This system has also built a solid bridge between Law Enforcement and Corrections.

In conclusion I must thank you and your invaluable staff for having the insight and fortitude to implement and operate this system which literally saved the lives of me and my family.

Sincerely,



Officer Garlin W. Mills
Charlottesville Police Dept.