

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

In the Matter of)	
)	
Rules and Regulations Implementing the)	
Telephone Consumer Protection Act of 1991)	CG Docket No. 02-278
)	
Petition of Global Tel*Link Corporation)	
For Expedited Clarification and Declaratory)	
Ruling Regarding Inapplicability of TCPA to)	
Inmate Initial Telephone Contact Notifications)	
_____)	

**GLOBAL TEL*LINK CORPORATION
PETITION FOR EXPEDITED CLARIFICATION AND DECLARATORY RULING**

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Dated: March 4, 2010

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PETITION FOR EXPEDITED CLARIFICATION AND DECLARATORY RULING

Global Tel*Link Corporation (“GTL”), by its counsel and pursuant to 47 C.F.R. § 1.2 of the rules and regulations of the Federal Communications Commission (“FCC” or “Commission”), hereby respectfully submits this Petition for Expedited Clarification and Declaratory Ruling that the Telephone Consumer Protection Act of 1991 (“TCPA”)¹ and its associated regulations are inapplicable to GTL’s practice of utilizing automatic notifications before completing inmate calls to the general public. The clarification and ruling issued by the FCC will permit GTL to fulfill its contractual obligations with its subscribers, correctional facilities, and the inmates that utilize its specialized telecommunications services at those correctional facilities free from the threat of frivolous and misapplied lawsuits brought under the TCPA. GTL’s request does not diminish the current enforcement of the TCPA. Rather, it ensures that the application of the TCPA remains consistent with its legislative intent while ensuring GTL can continue to provide this public safety benefit without the threat of private actions for TCPA violations.

¹ Telephone Consumer Protection Act of 1991, Pub. L. No. 102-243, 105 Stat. 2394 (1991), *codified at* 47 U.S.C. § 227.

BACKGROUND

GTL provides secure, customized, highly specialized telecommunications services to correctional facilities throughout the United States. GTL provides services to all types of correctional facilities, from the smallest county jails to twenty three of the nation's departments of correction. GTL has been serving the secure telecommunications needs of the corrections industry for almost twenty years. During this time, its service has evolved from traditional public payphones to sophisticated software-based security systems that not only connect inmates with friends and family by telephone but, just as importantly, assist law enforcement and correctional entities in their attempts to prevent illegal activities that may originate within their inmate populations, and prosecute such crimes when they occur.

GTL service relationships with correctional facilities typically are contracts established through a bidding process. Pursuant to these contracts, GTL agrees to enable and complete calls from incarcerated individuals to those individuals with whom the inmate is permitted to communicate. It is GTL's obligation under contract to: (1) ensure that all "permissible" inmate calls are transmitted to the called party; and (2) in states where it is permitted, to pay the correctional facility a commission. Inmate communications are only outbound, *i.e.*, calls cannot be placed to an inmate within a facility; calls may only be made from within the facility on a secure telecommunications platform to a person outside the facility and the carriage of a call placed by an inmate may never include a live operator. Additionally, unless an inmate has a debit calling account or prepaid calling card sanctioned by the facility for which the inmate has already provided funds, calls can only be made to persons on the outside by collect calls or by the creation of a prepaid account by the called party.

Calls placed by inmates to individuals with local exchange carriers that permit the receipt of collect calls and with whom GTL has a billing arrangement are automatically completed by the called party, unless the call is declined by the called party. In these situations, inmates calling a number for the first time are connected via an automated operator service (as inmate contact with a live operator is prohibited) and held until the called party either positively accepts the call or declines the call, thus terminating the call without party contact. These calls are person-to-person contacts, whether accepted or declined.

When an inmate attempts to call an individual for the first time, and that individual is not served by a local exchange carrier (“LEC”) with whom GTL has a billing arrangement or the inmate has dialed a called party’s cell phone, the call cannot be completed unless and until a billing arrangement with the called party is established. Inmates who make an initial attempt to contact a non-billable party are not connected. Instead, the inmate is notified that the call cannot be instantly completed, but will be completed once the called party is notified that the inmate is trying to make contact and agrees to accept the call by setting up an account to which the call can be charged.

GTL captures the telephone number of the called party and utilizes an automated interactive voice response notification (“IVR Notification”) to inform the called party that an inmate is trying to make contact. The IVR Notification announces that the inmate will be permitted to make contact if, and only if, the called party agrees to the contact and creates an account that can be billed for the call. The called party is prompted to respond during the message to either decline to receive calls from the inmate or agree to receive calls by creating an account to which the calls can be billed. By following prompts in the message, the called party

can create an account on the spot or can choose to do so at a later date by calling a supplied toll free number that connects the called party to a customer service representative.

But for the fact that the called party does not have a billable LEC or that the inmate has dialed a cell phone number, this call, too, would be a person-to-person call. The notification sent to the called party is not a solicitation - it is the only means by which an inmate can inform a person outside of a correctional facility that he or she is trying to make contact. GTL's notification is not a marketing solicitation; it is an informational call. It informs the called party that an inmate is trying to call him or her and if they want to receive the call, an account will need to be established. Once an account is created, the account holder can only be billed if an inmate calls that individual. An account holder cannot spend money or be charged on his or her account unless a call is placed by an inmate; inmate calling is outbound only, and charges can only apply if an out bound contact is positively accepted by the account holder. GTL has no means to encourage the expenditure of money for the services it provides to called parties of inmates, nor any incentive to advertise its services to the persons who hold GTL accounts. As a result of the calling patterns of inmates, GTL may invest resources in creating an account for a non-incarcerated individual, but that account may never be used or generate any revenue if an inmate never chooses to place a call to the account's telephone number.

GTL's revenue source is driven solely by its correctional facility subscribers and the individuals who are incarcerated in the facility. GTL has no means of knowing who on the outside of a facility would be interested in a GTL inmate telephone account until an inmate actually dials a specific number. It is always, then, the choice of the inmate to dial a specific number and the choice of the called party to accept and pay for a call or not. GTL is provided the telephone number by the inmate because there is a pre-existing relationship between the

inmate and the holder of the telephone number the inmate has dialed. The only “marketing” that GTL engages in is the preparation of the best possible RFP response to bids for inmate telephone and security services solicited by the correctional facilities.

GTL’s automated notification message is the ONLY form of announcement a called party will receive that an inmate is trying to reach the called party. This can be especially important for those persons who are completely unaware that a friend, family member, or legal client has been incarcerated. Inmates do not have the freedom to contact persons outside the facility at will. In many cases, called parties must be on an authorized list to receive inmate calls for security reasons pursuant to the GTL contract for services established with the correctional facility subscribers.

Thus, an initial attempt by the inmate to call an unauthorized individual or one who has not yet created a phone account will trigger three automated notifications sent to the called number. The called party’s response to the message halts the series of notices. No attempts to notify the called party are made after three unsuccessful attempts.

GTL is required to honor several obligations pursuant to its contract with the correctional facilities subscribers: (a) the obligation to the correctional facility to provide a secure communications system to connect inmates and individuals and collect revenue for the completed calls; (b) the obligation to inform those persons with whom the inmate seeks to communicate that the inmate is attempting to make contact; and (c) the fiduciary duty to the called party to stop such communications from an inmate should the called party so desire. GTL can only fulfill these obligations after an inmate has entered a telephone number for the first time into GTL’s inmate phone service platform. Whether or not the call generates revenue for GTL is entirely up to the called party. Due to the nature of the service provided, GTL has no means or

interest in soliciting business from consumers.

NEED FOR EXPEDITED RELIEF

The TCPA is well-known among consumers. Its success in halting infuriating sales calls during the dinner hour is to be heralded; an act as simple as placing one's name on the "Do Not Call" list actually stops the relentless flow of telephonic marketing and solicitations that once infiltrated our privacy without mercy. Also known to consumers is the private right of action that accompanies the receipt of telephonic marketing, along with its statutory monetary forfeiture due and owing to the harmed consumer if he or she receives an unwanted solicitation following the placement of one's telephone number on the "Do Not Call" list.²

It has become apparent to GTL that the ease with which a consumer can file an action and claim for monetary damages has become a favorite pursuit of persons inclined to engage in litigation as a source of income. GTL has expended tens of thousands of dollars defending its inmate initial notification attempts in suits brought by serial litigators. One such suit was eventually dismissed because the plaintiff's filing fee check bounced at the court; although not before GTL has spent upwards of \$30,000.00 to retain local counsel and file its own pleadings. A current suit which GTL is defending involves a Plaintiff who has admitted to bringing TCPA violation suits in the past. The plaintiff refuses to provide GTL with the number at which he alleges he received the notification, making it impossible for GTL to even investigate the complaint.

One threatened suit ended when the potential plaintiff called GTL to apologize for the accusation and request the creation of a prepaid account; the automated message she had received was in fact an attempted contact from a son she did not realize had been arrested and

² 47 U.S.C. § 227(b)(3).

jailed.

The automated messages that GTL is required to send to the numbers initially dialed by inmates are not the types of auto-dialed, or even predictive-dialed, calls that the TCPA seeks to prevent. Rather, they are in some ways analogous to the automated calls permitted to be sent by debt collectors, whose predictive dialing system has been exempt from application of the TCPA. It is not surprising that when the TCPA was drafted and extensively discussed prior to enactment and implementation, the automated messages associated with the need to attempt to put inmates in telephonic contact with persons outside their correctional facility was not contemplated. Inmate phone service is a telecommunications service available to a discrete portion of the public. The only persons who really think about it are those who know it through use.

Inmate phone service providers undertake to serve a select demographic with very precise obligations to their correctional facilities subscribers pursuant to contract. The obligation to attempt to notify the called parties of inmates that an account must be created prior to call completion exposes GTL to potential litigation each and every time this obligation is fulfilled. The potential is there whether the inmate has misdialed and the message is received by someone who knows no one in prison, whether the inmate dials the cell phone number of the person they wish to contact, or whether the inmate has placed a call to a true family member who seizes the notification as an opportunity to generate some income through a settlement with the provider via the TCPA private right of action.

Unlike debt collectors, who in many instances halted their collection practices while awaiting the outcome of ACA International's Petition for Declaratory Ruling, GTL cannot halt its attempts to put inmates in touch with their called parties. GTL will continue to be exposed to wrongful claims of TCPA violations until such time as the Commission clarifies that the TCPA

was not intended to prevent inmate initial call attempt notifications and issues a declaratory ruling ordering the same.

ARGUMENT

I. INITIAL INMATE CALL ATTEMPT NOTIFICATIONS ARE NOT THE AUTOMATED MESSAGES THE TCPA SEEKS TO PREVENT

The TCPA was drafted for the purpose of balancing the interests of the public and the legitimate telemarketing industry. Specifically, the TCPA cites the need to square “[i]ndividuals’ privacy rights, public safety interests, and commercial freedoms of speech and trade . . . in a way that protects the privacy of individuals and permits legitimate telemarketing practices.”³ It must be noted from the outset that the automated notifications sent by GTL to the telephone numbers provided to it by inmates are not telemarketing messages. The notifications strictly inform a called party how to establish an account for the purpose of receiving calls from an inmate; GTL has no influence on whether or not the called party chooses to do so or if the inmate chooses to call the person again.

In fact, GTL’s automated notifications serve both the privacy interests of the call recipient, and the interests of public safety in a way that cannot be achieved through the use of a live operator. GTL is in the business of providing a service to a triumvirate of parties: correctional facilities, inmates and inmates’ desired contacts. GTL personnel interact with the called parties’ of inmates, sometimes on a fairly familiar level, and GTL appreciates the sensitivities associated with knowing/loving/even hating someone who has been sent to prison. A large number of GTL account holders express their feelings of suffering, shame, and anger related to the incarceration of someone in their life, and welcome the opportunity to open and maintain accounts using a credit card that allows inmate calling accounts to remain very private

³ TCPA at § 2(9).

and devoid of ancillary human interaction. Coupled with GTL's adherence to the stringent requirements of the customer proprietary network information rules,⁴ inmates' contacts can remain virtually anonymous, if that is their wish.

The interest of the public's safety is preserved by all of GTL's procedures. The policies governing confinement severely restrict whom inmates may contact, and contact with unwilling third parties is never permitted. Inmate calling is, by rule and contract, accomplished using automated operator services. Calls to parties with collect call capability and prepaid or post-paid types of accounts are always announced and connected using an automated operator. This call set-up process ensures inmates have no ability to speak to, and potentially threaten or harass a live operator. This safety mechanism is applied in the follow-up notification to a called party who was unable to accept or decline an inmate's initial call attempt.

GTL's initial inmate call attempt notifications are not telemarketing messages and GTL is not a telemarketer. Merriam-Webster defines "marketing" as "the act or process of selling or purchasing in a market" or "the process or technique of promoting, selling, and distributing a product or service."⁵ The notifications are non-commercial in nature; each is the continuation of a contact initiated by an inmate that contains the information required to either communicate with the inmate or decline to communicate with the inmate. GTL neither entices nor encourages the called party to communicate with the inmate; it merely provides the instructions to follow should communication be desired. By following the instructions, the called party may also elect to prevent future contact attempts from inmates housed in correctional facilities served by GTL. GTL is not a telemarketer; it is a sole source vendor of inmate telephone service to correctional

⁴ 47 U.S.C. § 222.

⁵ Merriam-Webster Online Dictionary, <http://www.merriam-webster.com/dictionary/marketing>.

facilities subscribers. In transmitting the automated notifications, GTL is fulfilling its contractual obligation to attempt to complete every inmate call.

II. INITIAL INMATE CALL ATTEMPT NOTIFICATIONS FALL UNDER THE FCC'S AUTHORITY TO EXEMPT CERTAIN CALLS FROM TCPA APPLICATION

Section 227(b)(2)(B) authorizes the Commission to exempt noncommercial and certain other classes of calls from the prohibition on the delivery of artificial recordings to residential telephone numbers.⁶ However, Congress found that automated or prerecorded calls to cell phone numbers were a greater nuisance and invasion of privacy than calls to wireline numbers, largely in part because the cell phone owner was charged for the call.⁷ In 2008, the Commission ruled that automated calls using predictive dialers placed by debt collectors to cell phone numbers were exempt from TCPA enforcement due to the presumptive prior express consent provided by the cell phone owner to be contacted on their cell phone.⁸ GTL's notifications delivered to both residential wireline phone numbers and cell phones numbers should be afforded a similar exemption.

A. GTL's Initial Inmate Contact Notifications Delivered to Residential Wireline Phone Numbers Should Be Exempt from TCPA Application Pursuant to 47 U.S.C. § 227(b)(2)(B)(i), (ii)

Section 227(b)(2)(B)(i), (ii) states:

[T]he Commission – (B) may, by rule or order, exempt from the requirements of paragraph (1)(B) of this subsection, subject to such conditions as the Commission may prescribe – (i) calls that are not made for a commercial purpose; and (ii) such classes of or categories of calls made for commercial purposes as the Commission determines - (I) will not adversely affect the privacy

⁶ *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991: Request of ACA International for Clarification and Declaratory Ruling*, 23 FCC Rcd 559, ¶ 3 (2008) (“*Declaratory Ruling*”).

⁷ *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, 18 FCC Rcd 14014, ¶ 165 (2003) (“*2003 Order*”).

⁸ *Declaratory Ruling* ¶ 9.

rights that this section is intended to protect; and (II) do not include the transmission of any unsolicited advertisement. . .⁹

The Commission stated in the *Declaratory Ruling* that it has the authority to enact limited exemptions from the ban on automated calls to residential wireline phone numbers for calls that are not made for a commercial purpose or do not transmit an unsolicited advertisement.¹⁰

The notification sent to the phone number initially dialed by an inmate serves no commercial purpose. It does not sell or market a good or a service, or encourage the recipient to create an inmate phone call account. In fact, GTL understands that there are persons who wish to have no contact with an inmate, and so the very beginning of the message instructs the called party how to permanently decline all calls from inmates to the number provided to GTL by the inmate. The purpose of the call is twofold: to assist an inmate by the only telephonic means available (short of a contraband cell phone) to inform someone outside of a correctional facility that the inmate wants or needs to speak with him or her, and to fulfill a contractual obligation to the correctional facility subscriber that GTL will attempt to complete each and every call initiated by an inmate.

The notification is not an unsolicited advertisement. It states in the simplest, clearest fashion possible that an inmate from a specific facility is trying to reach the called party using GTL's phone system and that the called party can decline the attempt and future attempts, or create an account that permits the receipt of inmate calls either instantly, using a credit card and phone key pad, or by calling a toll-free number and speaking to a live customer service representative. As such, inmate initial call attempt notifications to residential wireline phones should be exempt from enforcement under the TCPA.

⁹ 47 U.S.C. § 227(b)(2)(B)(i), (ii).

¹⁰ *Declaratory Ruling* ¶ 2.

B. GTL’s Initial Inmate Contact Notifications Delivered to Cell Phone Numbers Should Be Exempt from TCPA Application Pursuant to the *Declaratory Ruling*

The *Declaratory Ruling* recognized that debt collection calls placed to cell phone numbers provided by the consumer as their preferred number for contact were not unsolicited commercial contacts, but in fact were contacts made with the “prior express consent” of the cell phone owner.¹¹ GTL has no discretion in attempting to complete calls to numbers provided by the initial dialing attempt of an inmate. It can be presumed that the inmate has dialed a cell phone number because that is the number at which the called party wishes to be reached. It is possible that the inmate has the prior express consent of the called party to be contacted at that number, or that the called party has abandoned a wireline residential phone entirely, as many telephone subscribers have done. Persons who receive calls from inmates often prefer to be reached on their cell phone because inmate calls to cell phones provide both parties to the call more freedom in terms of calling times.

Calls placed to wireline residential phones tend to dictate that the calls be placed by the inmate in the evening to increase the likelihood that the called party will be physically present to receive the call. In addition, correctional facility phones are busiest in the evening hours during the week, which can restrict an inmate’s talk time. Conversely, calls to cell phones can be placed more freely throughout the day and over the weekend because the called party can be virtually anywhere to receive the call.

More and more correctional facility subscribers are recognizing the inherent benefits of permitting inmates to call cell phones. Inmate calls to cell phones was once more widely prohibited but is gaining acceptance as more people switch their primary telephone service from

¹¹ *Id.* ¶ 9.

wireline service to solely wireless service. GTL is mindful that an inmate initial call attempt notification may deplete a cell phone subscriber's plan minutes. For this reason, the notification attempts are permanently abandoned after three attempts. The notifications, however, are designed to permit the cell phone owner to halt the attempts and future inmate calls forever within seconds of receiving the first notification call.

GTL cannot ignore its obligations to complete inmate calls to cell phones assuming all security and verification procedures have been met.¹² The IVR Notifications are required to give the called party an opportunity to choose whether or not to receive the inmate call. Therefore, such notification attempts should be exempt from enforcement actions under the TCPA.

III. INITIAL INMATE CALL ATTEMPT NOTIFICATIONS DO NOT VIOLATE RESTRICTIONS ON AUTOMATED TELEPHONE EQUIPMENT

The *Declaratory Ruling* affirmed the Commission's previous ruling that predictive dialers fall within the definition of automatic dialing systems for purposes of determining whether an automated call to a cell phone number violated the TCPA.¹³ GTL submits that its interactive voice recognition platform, which is used to send inmate initial call attempt notifications to called parties, is neither a predictive dialer, nor a form of autodialing as contemplated by the TCPA.

The TCPA defines an "automatic telephone dialing system" as "equipment which has the capacity (A) to store or produce telephone numbers to be called, using a random or sequential number generator; and (B) to dial such numbers."¹⁴ The statutory definition contemplates

¹² Pursuant to its contracts with correctional facilities, GTL is required to undertake more rigorous identity verification safeguards when creating a cell phone account for the called party of an inmate.

¹³ *Id.* ¶ 12.

¹⁴ 47 U.S.C. § 227(a)(1).

autodialing equipment that either stores or produces telephone numbers, and has, as a basic function, the capacity to dial numbers without human intervention.¹⁵

GTL's inmate initial call attempt notifications are sent to telephone numbers that have been dialed by an inmate in the first instance. No automated notification is sent unless an inmate makes a call to a number that cannot be completed. The notifications are not dialed by a human, they are dialed by interactive voice response software, but the number dialed by the software was provided by a human seeking to place a person-to-person collect call. The numbers dialed by inmates are stored only for the amount of time it takes to either receive a response to the message sent, or for three notifications to be delivered (which can occur within three days of the inmate's initial call attempt.) After that, the number is deleted. The software has no capability to select numbers to dial. The software is designed only to attempt to notify the called party of an attempted inmate call as soon as possible after the initial call has been placed.

As previously explained, GTL has no discretion under its contracts as to whether or not it attempts to complete a call placed by an inmate to a cell phone number, and those calls cannot be completed without the called party's consent to receive such inmate calls. The TCPA does not ban the use of automated dialing technology *per se*.¹⁶ GTL's IVR Notification practice does not raise any of the concerns the TCPA ban on autodialers is intended to address. On the contrary, GTL's use of IVR Notification serves the public interest by allowing correctional facility subscribers to manage the calling practices of inmates and protect the public at large from unwanted or threatening phone calls. Accordingly, GTL's IVR Notification practice should be exempt from the TCPA's restrictions on the use of automated telephone equipment.

¹⁵ 2003 Order ¶ 96.

¹⁶ Declaratory Ruling ¶ 14.

IV. GTL'S IVR NOTIFICATION PRACTICES ARE CONSISTENT WITH THE TCPA

Although the TCPA should not apply to GTL's IVR Notification practice, that practice nonetheless meets the technical and procedural standards presented in the TCPA. Artificial or prerecorded voice systems are required to:

- (1) state clearly, at the beginning of the message, the identity of the business, individual or other entity initiating the call; and,
- (2) during the message, clearly state the phone number or address of the business, individual or entity; and
- (3) automatically release the called party's line within 5 seconds of the end of the message so as not to tie up the line.¹⁷

GTL sends two automated notifications to the number dialed by an inmate. One script is:

An inmate from [Name of Correctional Facility] has attempted to place a collect call to this telephone number. This is the service provided by Global Tel Link for quality service. If you would like to discontinue this automated recording, press one. If you want to accept collect calls from [Name of Correctional Facility] through Global Tel*Link's AdvancePay automated payment service, press two. Or at your convenience you can call our AdvancePay payment service at 800-483-8314 at a later time. To repeat this message, press three.

If the called party presses one, the number dialed initially by the inmate and subsequently by the interactive voice recognition software is identified in GTL's database to not receive future calls from correctional facilities served by GTL. The other script GTL uses states:

This is Global Tel*Link with an important message. An inmate at [Name of Correctional Facility] has been unsuccessfully trying to make a collect call to this number. If you wish to receive these calls, you must set up an account with Global Tel*Link. Please call (800) XXX-XXXX to set up a direct billing account. To

¹⁷ 47 U.S.C. § 227(d)(3).

repeat this message press 1, to block future messages of this nature, press 2, to end this call press * or simply hang-up.

The called party has the option to block all future inmate calls from facilities served by GTL.

GTL endeavors to make these notifications as short as possible while conveying the necessary information to enable a called party to receive inmate calls. Each message identifies that the call is from GTL but was originated by an inmate at a specific facility. The name of the inmate is not transmitted until the called party acknowledges that he or she wants to accept the call(s) and sets up an account. This protects the privacy of the inmate. If the called party does not know the identity of the inmate from hearing the name of the facility, a call to GTL's toll-free number can provide assistance.

V. A DECLARATORY RULING THAT THE TCPA DOES NOT APPLY TO THESE INMATE INITIAL CALL ATTEMPT NOTIFICATIONS WILL QUASH STATE-LEVEL LAWSUITS WITHOUT THE NEED FOR FEDERAL PREEMPTION

It is the defense of frivolous lawsuits at the state level that causes GTL the most economic harm. Each and every lawsuit requires the retention of local counsel and the preparation of numerous state law-specific pleadings. Because states are permitted to enact laws that are more restrictive than the TCPA, each lawsuit requires a fresh analysis of the criteria being weighed and a time-consuming explanation of why the state's TCPA-derived law does not apply to GTL's IVR Notification practice.

GTL appreciates that a request for federal preemption of state laws in this area could take months, if not years, to achieve. However, GTL submits that a declaratory ruling that inmate initial call attempt notifications are not communications that fall within the purview of the TCPA will render the need for federal preemption moot. If the communications are not subject to the TCPA, then individual state laws derived from the TCPA also do not apply. If this result can be achieved, GTL can mitigate the economic damage threatened by individual state-level lawsuits

by relying on the requested declaratory ruling in a motion to dismiss. While this exercise may not reduce the cost or shorten the process in every instance, it would limit these lawsuits and acknowledge the public benefit served by the use of GTL's IVR Notification practices.

CONCLUSION

GTL's initial inmate phone contact notifications are the means to the fulfillment of GTL's obligations to correctional facilities, inmates, and the persons desiring contact with inmates to complete calls. When GTL is the selected vendor for inmate phone service at a correctional facility, GTL's system is an inmate's sole means of telephonic communications with persons outside the facility.

GTL neither solicits business nor advertises its services through these notifications; it merely informs called parties that an inmate is trying to make contact and offers the called party the choice of receiving these calls, or rejecting them. GTL is contractually bound to provide inmate initial call notification message, and this practice provides a legitimate and important public safety benefit. Without the ruling requested herein, each and every automated notification may subject GTL to the risk of litigation and the expense of defending its practice against enforcement actions brought under the TCPA.

Accordingly, for the foregoing reasons, GTL respectfully requests that the Commission expeditiously clarify that the rules implementing the TCPA do not apply to GTL's inmate initial call notification messages and issue a Declaratory Ruling that GTL's method of complying with its obligations to correctional facility subscribers, inmates and inmates' friends and families is not a violation subject to enforcement under the TCPA.

Respectfully submitted,

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Dated: March 4, 2010