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February 13, 2012

**VIA ECFS**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
446 12th Street, S.W.  
Washington, D.C. 20554

**Re: WC Docket No. 09-144 - *Securus Petition for Declaratory Ruling***

Dear Ms. Dortch:

By this letter, Global Tel\*Link Corporation (“GTL”) responds to certain allegations raised by CheapJailCalls.com (“CJC”) in its letter of January 26, 2012.<sup>1</sup> In requesting that the Federal Communications Commission (“Commission” or “FCC”) deny the Petition for Declaratory Ruling tendered by Securus Technologies, Inc. (“Securus”) in the instant proceeding, CJC has mischaracterized GTL’s position and product offerings.

CJC repeatedly claims that GTL and Securus are acting together in allegedly proffering “false information” about CJC’s service offerings.<sup>2</sup> As GTL made clear in its Reply Comments, it is an independent participant in this proceeding, and its practices are distinct from those of Securus.<sup>3</sup> Contrary to CJC’s assertions, GTL has never provided support, documentary or otherwise, for the definition of “call diversion.”<sup>4</sup> In addition, GTL’s Reply Comments did not address “dial around schemes.”

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<sup>1</sup> Letter from James K. Dank, President, CheapJailCalls.com, to Marlene H. Dortch, Secretary, Federal Communications Commission, re: *Securus Petition for Declaratory Ruling, WC Docket No. 09-144* (Jan. 26, 2012) (“CJC Letter”).

<sup>2</sup> CJC Letter at 2.

<sup>3</sup> CC Docket No. 90-313, *Policies and Rules Concerning Operator Service Providers; et al.*, Reply Comments of Global Tel\*Link Corporation, 2, 4, 15 (Sept. 10, 2009) (“GTL Reply Comments”) (“Regardless of whether GTL stands to benefit from the outcome of the instant proceeding, the relief requested in the Securus Petition is sought by Securus alone. GTL’s posture in this proceeding, or in any other related proceedings before the Commission or any other governmental body, is an outgrowth solely of its own practices.”).

<sup>4</sup> See GTL Reply Comments at 4. In filing its Petition for Declaratory Ruling, Securus merely attached and made reference to comments filed by GTL in an earlier proceeding, per Securus’s contention that a “call diversion”

CJC also claims that GTL is “impermissibly blocking services like CheapJailCalls.com, harming [CJC’s] business and reputation, and reducing valuable service options for inmates and their families.”<sup>5</sup> GTL denies this allegation of unlawful call blocking, and rejects CJC’s prejudicial characterization of GTL’s inmate communications services and equipment.

Inmate calling “presents an exceptional set of circumstances,” distinct from other types of telecommunications services.<sup>6</sup> As the FCC recognized over ten years ago, inmate calls require “special security measures” pursuant to “the security needs of prisons.”<sup>7</sup> Consequently, as an Inmate Phone Service Provider (“IPSP”), GTL must (1) facilitate call completion between inmates and those persons who wish to communicate with them, while (2) simultaneously aiding correctional and law enforcement officers in identifying and investigating any potential criminal activity arising from, or furthered by, the use of an inmate telephone system.

In effectuating its responsibility to correctional and law enforcement officers, GTL must accurately ascertain the identity and location of each person to whom an inmate is speaking. Third party services that exist solely to forward calls from a correctional facility to another number of the consumer’s choosing impede GTL’s abilities to do so. In affording consumers a local phone number untraceable to their true billing address, these entities imperil law enforcement’s ability to monitor, record, and locate the individuals with whom inmates converse by telephone. As GTL explained in its Reply Comments, it does not engage in wholesale blocking of these services.<sup>8</sup> Instead, GTL attempts to manually verify the identity of questionable called parties. Blocks are implemented on a call-by-call basis when a called party seeks to bypass security protections established by a correctional facility and GTL.

Specific safeguards of the sort employed by GTL have been recognized as necessary by the FCC, which has observed that “inmate calling services, largely for security reasons, are quite different from the public payphone services that non-incarcerated individuals use.”<sup>9</sup> According

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scheme was widespread. Cf. CC Docket No. 90-313, *Policies and Rules Concerning Operator Service Providers; et al.*, Petition for Declaratory Ruling, 9-10 (July 24, 2009).

<sup>5</sup> CJC Letter at 2-3.

<sup>6</sup> *Policies and Rules Concerning Operator Service Providers*, 6 FCC Rcd 2744, ¶ 15 (1991) (“Accordingly, inmate-only phones at correctional institutions will not be subject to any requirements under the [Operator Services] Act or the Commission’s rules”); see also, e.g., *Gilday v. Dubois*, 124 F.3d 277, 293-294 (1st Cir. 1997) (“As a prison inmate, Gilday can identify no federal or state right--constitutional or otherwise--to utilize a prison phone on his own terms.”); *Washington v. Reno*, 35 F.3d 1093, 1100 (6th Cir. 1994) (stating that “a prisoner’s right to telephone access is ‘subject to rational limitations in the face of legitimate security interests of the penal institution’”) (quoting *Strandberg v. City of Helena*, 791 F.2d 744, 747 (9th Cir.1986)); *Bellamy v. McMickens*, 692 F. Supp. 205, 214 (S.D.N.Y.1988) (noting that prisoners “have no right to unlimited telephone calls”).

<sup>7</sup> *Billed Party Preference for InterLATA 0+ Calls*, 16 FCC Rcd 22314, ¶ 15, n.46 (2001); see also, e.g., *Billed Party Preference for InterLATA 0+ Calls*, 13 FCC Rcd 6122, ¶ 57 (1998) (“With regard to such calls, it has generally been the practice of prison authorities at both the federal and state levels, including state political subdivisions, to grant an outbound calling monopoly to a single IXC serving the particular prison. This approach appears to recognize the special security requirements applicable to inmate calls.”).

<sup>8</sup> See GTL Reply Comments at 12.

<sup>9</sup> *Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, 17 FCC Rcd 3248, ¶ 9 (2002).

to the Commission, inmate calling services routinely rely upon “numerous blocking mechanisms,” frequently limit calls “to certain pre-approved numbers,” provide “listening and recording capabilities for all calls,” and ensure that inmate phones are “monitored for frequent calls to the same number, a sign of possible criminal activity, or a scheme to evade calling restrictions via call-forwarding or threeway calling.”<sup>10</sup> The FCC’s pronouncements conform with numerous judicial precedents, upholding measures implemented by correctional authorities to restrict access and/or use of inmate phones.<sup>11</sup>

GTL does not, as CJC appears to suggest, summarily block third-party services (or endorse others) pursuant to a subjective standard of “legitimacy.”<sup>12</sup> GTL applies carefully-tailored security measures in response to calls that may endanger correctional and law enforcement officers’ ability to monitor inmate calling practices. As GTL explained in its Reply Comments, this proceeding is not a forum on individual corporate practices. Instead, it is an opportunity to determine how call forwarding companies as a whole should be regulated, in light of potential harm to consumers and important public safety concerns surrounding the inmate calling industry. GTL once again urges the Commission to approach this proceeding on these grounds.

Respectfully submitted,

/s/ Chérie R. Kiser

Chérie R. Kiser

Counsel for Global Tel\*Link Corporation

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<sup>10</sup> *Id.*

<sup>11</sup> *See, e.g., Pope v. Hightower*, 101 F.3d 1382, 1383-85 (11th Cir. 1996) (upholding correctional institution’s telephone time usage policy and telephone calling lists); *Robbins v. Smith*, 595 F. Supp. 785, 789 (D. Mont. 1984) (determining that limiting prisoners to one outside call per week is a “reasonable measure[ ] required to manage the telephone communications of the general inmate population as a whole”).

<sup>12</sup> *See* CJC Letter at 2.