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November 14, 2013

Ex Parte Filing

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Room TW-A325  
Washington, D.C. 20554

Re: *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375

Dear Ms. Dortch:

On November 12, 2013, David Silverman of Global Tel\*Link (“GTL”), J.B. Ward, and I met with Nicholas Degani and Alison Nemeth of Commissioner Pai’s office to discuss GTL’s petition for a stay of the cost-based rule adopted in the Report and Order released on September 26, 2013 (“*Order*”).

We noted that the *Order*’s adoption of rate-of-return regulation is unlikely to survive judicial scrutiny, and that a number of petitions for reconsideration and review of the *Order* are likely to be filed. A limited stay would likely give the newly constituted Commission the flexibility to resolve issues raised in these petitions before embarking on all-out rate-of-return regulation, which would impose enormous burdens on the ICS industry and the Commission’s staff.

We emphasized that GTL has requested only a limited stay to address the most immediate and serious harms that will result if the *Order* is permitted to go into effect on schedule. A stay of the cost-based rule, and the *Order*’s related data reporting requirements and “safe harbors,” would not undermine the *Order*’s goal to make ICS more affordable for inmates and their families. If GTL’s stay petition is granted, the interstate ICS rate caps will remain in place. Those caps will give inmates and their families the relief they sought in their 2007 rulemaking petition. We also noted that a stay would defer the potential administrative burden on ICS providers and Commission staff, until the validity of rate of return, and other aspects of the *Order* that GTL and other providers plan to challenge, are adjudicated in a court of appeals.

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If you have any questions concerning this matter, please contact me at (202) 326-7921.

Sincerely,

  
Aaron M. Panner  
*Counsel for Global Tel\*Link*

cc: Nicholas Degani  
Alison Nemeth