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November 18, 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 14, 2013, David Silverman of Global Tel*Link (“GTL”), J.B. Ward, and I met with Rebekah Goodheart of Commissioner Clyburn’s office to discuss GTL’s petition for a stay of the rules requiring ICS providers to charge cost-based rates for interstate calls, adopted in the Report and Order released on September 26, 2013 (“*Order*”).

We noted that the *Order* is unlikely to survive judicial scrutiny, and that GTL has requested only a partial stay of the *Order* 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 rule requiring cost-based rates, and the *Order*’s related data reporting requirements and “safe harbors,” would not undermine the *Order*’s goal of making 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 explained that a stay would defer the potential administrative burden on ICS providers and Commission staff until the validity of the cost-based rate requirement, and other aspects of the *Order* that GTL and other providers plan to challenge, are adjudicated in a court of appeals. We also noted that a limited stay may give the Commission greater flexibility to resolve issues raised in petitions for reconsideration of the *Order* before embarking on all-out rate-of-return regulation, which would impose enormous burdens on the ICS industry and the Commission’s staff.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron M. Panner", followed by a horizontal line extending to the right.

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

cc: Rebekah Goodheart