

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

In the Matter of Petition for Declaratory  
Ruling of Securus Technologies, Inc.

WC Docket No. 09-144

**SECURUS TECHNOLOGIES, INC.  
OPPOSITION TO MILLICORP MOTION FOR LEAVE TO FILE OUT OF TIME**

Stephanie A. Joyce  
ARENT FOX LLP  
1717 K Street, N.W.  
Washington, D.C. 20036  
Telephone 202.857.6081  
Facsimile 202.857.6395  
Stephanie.Joyce@arentfox.com

*Counsel to Securus Technologies, Inc.*

Dated: November 22, 2013

Securus Technologies, Inc. (“Securus”), through counsel and pursuant to 47 C.F.R. § 1.46, opposes Millicorp’s untimely Motion for Leave to File Out of Time filed November 14, 2013 (“Motion”). Millicorp’s grounds for filing its Opposition to the Securus Application for Review two days late – that counsel for Millicorp miscalculated the filing deadline – fails to meet the “extremely unusual circumstances” that the Commission requires to accept a late filing.<sup>1</sup>

### **BACKGROUND**

Securus filed its Application for Review on October 28, 2013. By rule, any opposition to the Application was due November 12, 2013. On November 14, 2013, Millicorp filed an Opposition to the Application, seeking leave to file out of time due its counsel’s “miscalculation of this deadline.”<sup>2</sup> It served these papers on Securus via First Class Mail.

### **DISCUSSION**

The Commission has stated that it “adheres strictly to the standard that applicants seeking waiver of filing deadlines demonstrate unusual or compelling circumstances for their waiver requests.”<sup>3</sup> “This standard generally requires a showing that the untimely filing was caused by unforeseeable circumstances.”<sup>4</sup> The Commission will dismiss oppositions to an application for review that are filed late without “unusual or compelling circumstances.”<sup>5</sup>

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<sup>1</sup> See *Robert Newton on Request for Inspection of Records*, 28 FCC Rcd. 11581, 11582 ¶ 4 (July 26, 2013).

<sup>2</sup> Motion at 1.

<sup>3</sup> *Nicholasville B’cstg. Corp.*, Memorandum Opinion and Order, 4 FCC Rcd. 2574, 2576 n.1 (2013) (citing Public Notice, Mimeo 73 (rel. Oct. 4, 1985)).

<sup>4</sup> *Id.*

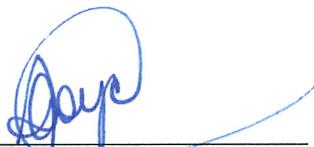
<sup>5</sup> *Id.*

Millicorp has failed to explain why its Opposition is two days late other than counsel's "miscalculation" of the deadline under Rule 1.115. These grounds do not satisfy the Commission's standard for deviating from known filing deadlines as described in the *Nicholasville Broadcasting* decision.

**CONCLUSION**

For all these reasons, the Commission should deny the Motion. In the alternative, should the Commission wish to consider the substance of Millicorp's Opposition, it should treat that filing as an *ex parte* submission filed after the close of briefing rather than as a formal Opposition to the Application for Review.

By: \_\_\_\_\_



Stephanie A. Joyce  
ARENT FOX LLP  
1717 K Street, N.W.  
Washington, D.C. 20036  
Telephone 202.857.6081  
Facsimile 202.857.6395  
Stephanie.Joyce@arentfox.com

*Counsel to Securus Technologies, Inc.*

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**CERTIFICATE OF SERVICE**

I hereby certify on this 22nd day of November, 2013, that the foregoing  
Opposition to Millicorp Motion for Leave to File Out of Time, was served via First Class and  
electronic\* mail on the following persons:

Marlene H. Dortch \*  
Secretary  
Federal Communications Commission  
Marlene.Dortch@fcc.gov

Chairman Tom Wheeler  
Federal Communications Commission  
445 12th Street, N.W.  
Washington, DC 20554

Commissioner Mignon Clyburn \*  
Federal Communications Commission  
Mignon.Clyburn@fcc.gov

Commissioner Michael O’Rielly  
Federal Communications Commission  
445 12th Street, N.W.  
Washington, DC 20554

Commissioner Jessica Rosenworcel \*  
Federal Communications Commission  
Jessica.Rosenworcel@fcc.gov

Commissioner Ajit Pai \*  
Federal Communications Commission  
Ajit.Pai@fcc.gov

Sean Lev \*  
General Counsel  
Federal Communications Commission  
Sean.Lev@fcc.gov

Julie Veach \*  
Chief  
Wireline Competition Bureau  
Federal Communications Commission  
Julie.Veach@fcc.gov

Phillip R. Marchesiello  
Wilkinson Barker Knauer LLP  
2300 N Street, NW  
Suite 700  
Washington, DC 20037

Cherie R. Kiser  
Cahill Gordon & Reindel LLP  
1990 K Street, NW  
Suite 950  
Washington, DC 20006

*Counsel to Millicorp*

*Counsel to Global Tel\*Link Corporation*

Michael Jeffreys-Bey  
#197457  
Jessup Correctional Institution (JCI)  
P.O. Box 534  
Jessup, MD 20794

Clarissa Ramon  
Public Knowledge  
1818 N Street, NW  
Suite 410  
Washington, DC 20036

Luis DelaRosa  
Spain Telecom, Inc.  
1220 Broadway  
Suite 803  
New York, NY 10001

Menachem M. Katz  
Aleph Institute  
9540 Collins Avenue  
Surfside, FL 33154

Larry J. Levine  
Pacific Telephone Company  
Post Office Box 215  
Moorpark, CA 93020

James K. Dank  
CheapJailCalls.com  
P.O. Box 8245  
Tampa, FL 33674

G. K. Butterfield  
Member of Congress  
2305 Rayburn House Office Building  
Washington, DC 20515

Major Roger Paxton  
Correctional Officer  
Richland County Jail  
73 East Second Street  
Mansfield, OH 44902

Tommie E. Joe  
Public Communications Services  
11859 Wilshire Blvd.  
Suite 600  
Los Angeles, CA 90025

Molly Woods  
Jail Commander  
Office of Sullivan County Sheriff  
24 South State Street  
Sullivan, IN 47882

James P. LaPine  
Jail Commander  
Switzerland County Jail  
405 Liberty Street  
Vevay, IN 47043

Stephanie B. Jackson  
NCIC Operator Services  
606 East Magrill  
Longview, TX 75601

Bill Robinson  
Corrections Concepts, Inc.  
P.O. Box 821433  
Dallas, TX 75382

Lee G. Petro  
Drinker Biddle & Reath LLP  
1500 K Street, NW  
Washington, DC 20005

*Counsel to CURE*

Michael S. Hamden  
Hamden Consulting  
1612 Homestead Road  
Chapel Hill, NC 27516

Jay A. Nolte  
Assistant Warden  
Columbiana County Jail  
P.O. Box 540  
Lisbon, OH 44432

Paul Jennings  
AGM, Inc.  
11859 Wilshire Blvd.  
Ste. 600  
Los Angeles, CA 90025

Mike Harris  
Jailer  
Pulaski County Detention Center  
300 Hail Knob Road  
Somerset, KY 42503

David C. Bartlett  
Jeffrey S. Lanning  
John E. Benedict  
CenturyLink  
701 Pennsylvania Ave., NW, Suite 820  
Washington, DC 20004

Donald K. Hall  
Jailer  
121 Lee Avenue  
Morehead, KY 40351

Janet Beckett  
107 Northwood Drive  
Fishers, IN 45038

Lt. Larry Mosley  
Jail Administrator  
Pickaway County Sheriff's Office  
Circleville, OH 43113

Anthony R. Bambocci  
Inmate Telephone, Inc.  
4200 Industrial Park Drive  
Altoona, PA 16602

Dale R. Osborn  
Executive Director  
Multi-County Correctional Center  
1514 Victory Road  
Marion, OH 43302

Harvey Pelfrey  
Administrator  
Three Forks Regional Jail  
2475 Center Street  
P.O. 695  
Beattyville, KY 41311

Marty V. Donini  
Sheriff  
Scioto County Sheriff's Office  
1025 Sixteenth Street  
Portsmouth, OH 45662

Capt. R. Gibson  
Jail Administrator  
Wood County Sheriff's Office  
1960 East Gypsy Lane Road  
Bowling Green, OH 43402

Granville Bud Potter  
Director  
Franklin County Community Based  
Correctional Facility  
1745 Alum Creek Drive  
Columbus, OH 43207

Dave Phalen  
Fairfield County Sheriff  
221 East Main Street  
Lancaster, OH 43130

Thomas J. Grills  
Ripley County Sheriff  
P.O. Box 686  
Versailles, IN 47042

Brad M. Little, Lt. Colonel  
1<sup>st</sup> Assistant Deputy Superintendent  
Berkshire County Sheriff's Office  
467 Cheshire Road  
Pittsfield, MA 01201

Capt. Mike Kyle  
Jail Administrator  
Ashland County Jail  
Justice Complex  
1205 East Main Street  
Ashland, OH 44805

Theodore B. Bruner  
Captain, Jail Administrator  
Darke County Sheriff's Office  
5185 County Home Road  
Greenville, OH 45331

Barry Harmon  
Jailer  
Boyle County Detention Center  
1860 S. Danville Bypass  
Danville, KY 40422

Lt. John Allen  
Allen County Sheriff's Office  
333 N. Main Street  
P.O. Box 1243  
Lima, OH 45802

Wayne H. Genereux  
Bristol County Sheriff's Office  
400 Faunce Corner Road  
North Dartmouth, MA 02747

Ken Dawson  
Inmate Calling Solutions, LLC  
5883 Rue Ferrari  
San Jose, CA 95138

Kermit D. Heaton  
Value-Added Communications  
3801 East Plano Pkwy.  
Suite 100  
Plano, TX 75074

Marcus W. Trathen  
Brooks, Pierce, McLendon, Humphrey &  
Leonard LLP  
Suite 1600  
Wachovia Capitol Center  
Post Office Box 1800  
Raleigh, NC 27602

*Counsel to Pay Tel Communications, Inc.*

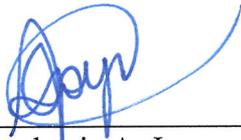
Jim Dennis  
Corrections Commission of Northwest Ohio  
03151 County Road 2425  
Stryker, OH 43557

James N. Richards  
Wayne County Sheriff's Office  
Justice Center  
201 W. North Street  
Wooster, OH 44691

Ralph C. Youmans  
Warden's Office  
Tioga County Prison  
1768 Shumway Hill Road  
Wellsboro, PA 16901

Barbara McCarty  
13500 Chenal Parkway  
Apt. 1203  
Little Rock, AR 72211

By: \_\_\_\_\_

  
Stephanie A. Joyce