

KELLOGG, HUBER, HANSEN, TODD, EVANS & FIGEL, P.L.L.C.

SUMNER SQUARE  
1615 M STREET, N.W.  
SUITE 400  
WASHINGTON, D.C. 20036-3209

(202) 326-7900

FACSIMILE:  
(202) 326-7999

November 25, 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 21, 2013, David Silverman of Global Tel\*Link (“GTL”), J.B. Ward, and I met with Valery Galasso of Commissioner Rosenworcel’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 GTL has substantial arguments that the *Order* is unlawful, including for the reason that the Commission failed to provide adequate notice that it was contemplating the adoption of a cost-based rate-making requirement. 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 individual ICS providers to set ancillary charges and interstate ICS rates based on costs, 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. And we noted that a limited stay may give the Commission greater flexibility to resolve

KELLOGG, HUBER, HANSEN, TODD, EVANS & FIGEL, P.L.L.C.

Marlene H. Dortch  
November 25, 2013  
Page 2

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.

\* \* \* \* \*

---

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: Valery Galasso