

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

In the Matter of)
)
Rates for Interstate Inmate Calling Services) WC Docket No. 12-375
)

To: The Commission

COMMENTS IN SUPPORT OF PETITION FOR PARTIAL STAY

Network Communications International Corp. (“NCIC”) hereby submits this filing (the “Comments”) in support of the Pay Tel Communications, Inc. (“Pay Tel”) Petition for Partial Stay (“Petition”) and requests that the Commission broadly grant the requested partial stay.¹ NCIC is a wholesale provider of inmate calling service (“ICS”) with hundreds of jails, city holding facilities and work release facilities utilizing their platform in almost every state in the contiguous United States. NCIC is mindful of its rates and fees and was the first large ICS provider to obtain and maintain an “A+” rating with the Better Business Bureau. NCIC has actively participated in this proceeding, including being the first provider to propose specific rate caps and funding fees for ICS and supporting the FCC’s efforts to reform the ICS industry.² Nonetheless, like Pay Tel, NCIC will suffer irreparable harm, in the form of unsustainable and

¹ See Petition of Pay Tel Communications, Inc. For Partial Stay of *Rates For Interstate Inmate Calling Services* Order (November 26, 2013). One party has filed an opposition to the Pay Tel Petition. See Martha Wright, *et al.*, Opposition to Petition for Partial Stay (December 3, 2013) (“Wright Opposition”). NCIC also supports the Petition for Stay filed by various correctional institutions, to the extent consistent with these comments. See Correctional Institutions Petition for Stay Pending Judicial Review, at 8-10 (November 12, 2013).

² See, e.g., Comments on Notice of Proposed Rulemaking, NCIC (March 25, 2013).

unrecoverable financial losses, without a partial stay of the *Report and Order*.³ Accordingly, for the reasons provided in the Petition, NCIC asks the FCC to broadly grant a partial stay of the *Report and Order* with respect to jails, pending the adoption of permanent ICS rules in this proceeding.

NCIC is aware that the Wireline Competition Bureau (“Bureau”) recently dismissed two petitions for stay of the *Report and Order*.⁴ The *Bureau Order*, however, does not change or otherwise impact this request for partial stay.⁵ First, unlike Pay Tel, which is seeking only a partial stay of the *Report and Order* as applied to the provision of ICS to jails, the petitioners in the *Bureau Order* sought stay of the entire *Report and Order*. Second, unlike Pay Tel, neither petitioner in the *Bureau Order* specifically challenged the FCC’s establishment of safe harbor rates without considering the differences in costs between the provision of ICS in prisons versus jails. One petitioner did argue that the FCC ignored the costs for the provision of ICS to jails in establishing the interim rate caps, but did not make that argument with respect to the safe harbor rates.⁶ Accordingly, for these reasons and those provided in the Petition, NCIC respectfully requests that the FCC broadly grant a partial stay of the *Report and Order*.

³ *In the Matter of Rates for Interstate Inmate Calling Services, Report and Order and Further Notice of Proposed Rulemaking*, 59 CR 169 (September 26, 2013) (“*Report and Order*”).

⁴ See *In the Matter of Rates for Interstate Inmate Calling Services, Order Denying Stay Petitions and Petition to Hold in Abeyance*, DA 13-2236 (WCB 2013) (“*Bureau Order*”); Securus Technologies, Inc. Petition for Stay of Report and Order Pending Appeal (FCC 13-133) (October 22, 2013) (“Securus Petition for Stay”); Petition of Global Tel*Link for Stay Pending Judicial Review (October 30, 2013).

⁵ Although the Wright Opposition references the *Bureau Order*, there is no demonstration that the *Bureau Order* is dispositive of the Pay Tel Petition.

⁶ See Securus Petition for Stay, at 15 (“Thus, the Commission’s decision to set rate caps based entirely on the costs of serving larger prison facilities under statewide contracts erroneously ignores the record evidence.”) (emphasis added); see *Bureau Order*, at ¶ 26 (“[T]he cost data

Respectfully submitted,

/s/

William L. Pope
President
Network Communications International Corp.
606 East Magrill
Longview, Texas 75601
Tel: (903) 757-4455
bpope@ncic.com

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used to establish both interim rate caps were data for the very kind of higher cost jails that Securus asserts the Commission ignored.”) (emphasis added).