

December 15, 2013

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**By ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

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

Dear Ms. Dortch:

Pursuant to Section 1.1206(b) of the FCC's rules, this notice is respectfully submitted to report a meeting between undersigned counsel for Martha Wright, et al. (the "Petitioners") and the following FCC staff members: Kalpak Gude, Deena Shetler, David Zesiger, Rhonda Lien, Lynne Engeldow and Jamie Susskind on December 12, 2013.

During the meeting, undersigned counsel presented his views that:

- The pending Petition for Stay filed by the Correctional Institutions should be denied because:
  - The Correctional Institutions do not have standing to seek a Stay because they are merely third-party beneficiaries of the unjust, unreasonable and unfair rates;
  - The Correctional Institutions will not suffer irreparable harm if the Stay is not granted; and
  - Many of the Correctional Institutions do not use the funds for the purposes that were indicated in their submission.
- The pending Petition for Stay filed by CenturyLink should be dismissed because:
  - CenturyLink failed to provide any new basis for granting the Stay that was not addressed in the November 21, 2013 Order.<sup>1</sup>
  - The Petitioners supplied additional evidence that the contracts between correctional facilities and CenturyLink included change of law provisions that would permit reformation of existing agreements.

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<sup>1</sup> See *Order Denying Stay Petitions and Petition to Hold in Abeyance*, DA 13-2236 (rel. Nov. 21, 2013)

- The pending Partial Petition for Stay filed by Pay Tel Communications should be dismissed because:
  - Pay Tel's main argument that it would not qualify for Safe Harbor rates is not sufficient basis for overturning three-tiered structure adopted by the FCC;
  - Pay Tel passes through its Biometric license fees referenced in its petition to ICS customers, so that fee should not be passed through as a recoverable cost;
  - Only a limited number of states actually impose price caps on local calls, so it would appear from the publically-available information that Pay Tel has failed to substantiate the claim that its costs are above the price caps and that jails should be exempted;
- A limited extension of time to file Comments would benefit the public so that the Ohio Department of Rehabilitation and Correction can provide "detailed, fact-specific comments."

Should there be any questions regarding this submission, please contact undersigned counsel.

Respectfully submitted,



Lee G. Petro

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