

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of)	
)	
Motion of Securus Technologies, Inc.)	
for a Limited Waiver of Rule 4901:1-6-22)	Case No. 18-0890-TP-WVR
of the Ohio Administrative Code)	
)	
Application of Pay Tel Communications, Inc.)	
for a Waiver of Section 4901:1-6-22)	Case No. 18-0917-TP-WVR
of the Ohio Administrative Code)	

RESPONSE OF GLOBAL TEL*LINK CORPORATION TO WAIVER REQUESTS

NOW COMES Global Tel*Link Corporation (“GTL”)¹ and files this Response to the Motion of Securus Technologies, Inc. for a Limited Waiver of Rule 4901:1-6-22 of the Ohio Administrative Code and Request for Expedited Ruling and to Pay Tel Communications, Inc.’s Application for Waiver of Section 4901:1-6-22 of the Ohio Administrative Code filed in the above-referenced cases on May 21, 2018 and May 23, 2018, respectively (collectively, the “Waiver Requests”).

For the reasons stated herein, GTL does not oppose the Waiver Requests, but submits any extension of time to come into compliance with the new requirements of Rule 4901:1-6-22 (the “Revised Rule”) should be applied to all inmate operator service (“IOS”) providers in Ohio. In addition, GTL recommends the date for compliance with the Revised Rule be set for 45 days from the date the Commission addresses the issue of what rates and ancillary charges should be applied to intrastate IOS calls in Ohio. In support, GTL states as follows:

¹ This filing is being submitted by GTL on behalf of itself and its wholly owned subsidiaries that also provide inmate calling services in Ohio: Public Communications Services, Inc. (“PCS”) and Value-Added Communications, Inc. (“VAC”).

1. GTL and its subsidiaries are certificated providers of competitive telecommunications services in Ohio.² GTL has a tariff on file with the Commission, which sets forth the rates, terms, and conditions of the intrastate inmate calling services it provides to correctional facilities located in Ohio.

2. The revisions to Section 4901:1-6-22 of the Ohio Administrative Code were adopted in Case No. 14-1554-TP-ORD. Neither GTL nor its subsidiaries are listed as parties of record on the Commission's electronic docket for Case No. 14-1554-TP-ORD.³

3. The Revised Rule requires IOS providers to make certain disclosures on intrastate IOS calls and imposes caps on the amount of usage-sensitive charges and ancillary charges that may be applied to intrastate IOS calls. The Revised Rule is scheduled to become effective on May 24, 2018.

4. Under Section 4901:1-6-02, the Commission may waive its rules "for good cause shown, other than a requirement mandated by statute from which no waiver is permitted." The Revised Rule is not mandated by statute. GTL submits good cause exists for extension of the deadline for all IOS providers to come into compliance with the Revised Rule.

5. As explained by Securus and Pay Tel in the Waiver Requests, IOS providers operating in Ohio did not receive notice of the changes to the Revised Rule in adequate time to take the actions necessary to comply with and implement the Revised Rule. At a minimum, the Revised Rule will require IOS providers to file updated tariffs or price lists with the Commission, revise internal billing systems, update customer facing materials (websites,

² GTL provides service under Certificate No. 90-5632; PCS provides service under Certificate No. 90-6345; and VAC was granted authority in Case No. 93-1107-TP-ACE.

³ The Parties of Record for Case No. 14-1554-TP-ORD are available at: <https://dis.puc.state.oh.us/CaseRecord.aspx?Caseno=14-1554&link=POR>.

brochures, posters), and implement new voice prompts and customer service procedures in light of the new customer disclosures required under the Revised Rule.

6. Further, an extension of time is necessary to allow the Commission to clarify the rates it intended to apply under the Revised Rule.⁴ The Revised Rule requires the usage sensitive charge and ancillary charges for any intrastate IOS call to “be consistent with 47 C.F.R. part 64, subpart FF.” Under the Commission’s rules, any reference to “a regulation in the code of federal regulations is intended, and shall serve, to incorporate by reference the particular version of the cited matter that was effective on September 13, 2010.”⁵ Pursuant to this rule, there would be no intrastate IOS rate caps for usage sensitive charges and ancillary charges because 47 C.F.R. part 64, subpart FF did not exist on September 13, 2010.

7. GTL therefore recommends that the Commission extend the time for compliance with the Revised Rule to 45 days from the date the Commission addresses the issue of what rates and ancillary charges should be applied to intrastate IOS calls in Ohio. IOS providers cannot begin to revise their tariffs or update their billing systems without knowing with certainty what the new rates are.

8. Finally, while the Waiver Requests should be granted and applied to all IOS providers in Ohio, GTL notes there is no need for an extension of time to allow IOS providers to modify their existing correctional facility contracts to comply with the Revised Rule as suggested by Securus.⁶ GTL understands the Revised Rule applies prospectively only, and therefore does not apply to existing contracts.

⁴ Securus Waiver Request at 5.

⁵ O.A.C. § 4901:1-6-02.

⁶ Securus Waiver Request at 3.

CONCLUSION

For the foregoing reasons, GTL respectfully requests that the Commission apply the requested waiver to all IOS providers operating in Ohio, and extend the time for compliance with the revisions to Rule 4901:1-6-22 to 45 days after the Commission addresses the issue of what rates and ancillary charges should be applied to intrastate IOS calls in Ohio.

Respectfully submitted,

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Dated: May 24, 2018

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Response of Global Tel*Link Corporation to Waiver Requests was served upon the following individuals on May 24, 2018, *via* hand-delivery, electronic transmission, or first-class mail, U.S. postage prepaid.

/s/ Frank P. Darr

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Summary: Response Response to Waiver Request electronically filed by Angela F Collins on behalf of Global Tel*Link Corporation