

March 23, 2016

BY ELECTRONIC FILING AND FEDERAL EXPRESS

Ms. Sara Clark
Secretary
Department of Telecommunications and Cable
1000 Washington Street, 8th Floor, Suite 820
Boston, MA 02118

Re: Petition of Recipients of Collect Calls from Prisoners at Correctional Institutions in Massachusetts Seeking Relief from the Unjust and Unreasonable Cost of such Calls – D.T.C. 11-16 – Motion for Extension of Time

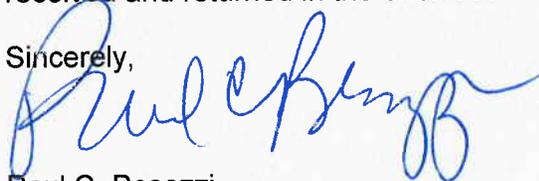
Dear Ms. Clark:

In accordance with 220 CMR 1.102:(5) enclosed for filing is an original of the Motion for Extension of Time of Securus Technologies, Inc. The Petitioners and other ICS parties do not object to the request for extension, which would be applicable to all parties.

Per Section II.A. of the original Procedural Order in this matter, the Motion is being filed electronically with the original and requisite copies prescribed by Section II.A.3., and transmitted via overnight delivery.

An extra copy of the Motion is enclosed to be stamped-in or otherwise marked as received and returned in the enclosed envelope.

Sincerely,



Paul C. Besozzi
Counsel For Securus Technologies, Inc.

cc: Service List for D.T.C. 11-16

**THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS
AND CABLE**

**Petition of Recipients of Collect Calls
from Prisoners at Correctional Institutions
in Massachusetts Seeking Relief from the Unjust
And Unreasonable Cost of such Calls**

DTC Docket No. 11-16

MOTION FOR EXTENSION OF TIME

In accordance with the provisions of 220 CMR 1.02:(5) and Section II.C of the Procedural Order, dated February 27, 2014,¹ Securus Technologies, Inc. (“Securus” or “Company”), acting through the undersigned counsel, does hereby move for an extension of time (“Motion”), to and including April 25, 2016, for Securus and the other parties to this proceeding to file and serve Initial Briefs as directed by the Notice of Briefing Schedule, dated March 18, 2016.² Further, Securus moves that the time for serving and filing Reply Briefs be extended to and including May 23, 2016. In support of its Motion, Securus sets forth the following grounds:

1. The Notice currently requires that Initial Briefs and Reply Briefs be filed and served no later than April 15, 2016 and May 13, 2016, respectively, so Securus is requesting a relatively brief ten day extension.

¹ D.T.C. 11-16, *Petition of Recipients of Collect Calls from Prisoners at Correctional Institutions in Massachusetts Seeking Relief from the Unjust and Unreasonable Cost of such Calls*, Procedural Order, February 27, 2014, p. 4 (Procedural Order).

² D.T.C. 11-16, *Petition of Recipients of Collect Calls from Prisoners at Correctional Institutions in Massachusetts Seeking Relief from the Unjust and Unreasonable Cost of such Calls*, Notice of Briefing Schedule, March 18, 2016, (Notice).

2. The extension has no impact on the application in Massachusetts of the provisions of the FCC's November 15, 2015 Order that were not stayed by the United States Court of Appeals for the District of Columbia Circuit (DC Circuit) on March 7, 2016.³

3. The DC Circuit is still considering the scope of that stay as it relates to intrastate rates. As the Notice states, on March 16, 2016, the FCC issued a Public Notice⁴ concluding that the interim rate caps applicable to interstate calls adopted in the Commission's 2013 Order on ICS rates⁵ would, pending action on the *FCC Order*, be applicable to intrastate rates as well. However, on March 18, 2016, the day the Notice was issued, Securus and other ICS providers filed an emergency motion asking the DC Circuit to modify its March 7 stay of portions of the FCC Order and make clear that the interim interstate rate caps were not to be applied to intrastate calls. As of this time the motion remains pending and there is no specific deadline for the DC Circuit to act.⁶ Thus, the applicability of the FCC's interim rate caps to intrastate calls is uncertain, a factor that has bearing on the Initial Briefs.

4. This case has been pending for some time. Preparing Initial Briefs will require some review of the record going back to 2012, particularly as it relates to the impact of the FCC Order on outstanding discovery requests, of which there are many.

³ *In the Matter of Rates for Interstate Inmate Calling Services*, Second Report and Order and Third Further Notice of Proposed Rulemaking, 30 FCC Rcd 12763 (2015), *partially stayed*, *Global Tel*Link v. F.C.C.*, No. 15-1461, Order, (D.C. Cir., March 7, 2016) ("FCC Order").

⁴ "Wireline Competition Bureau Addresses Applicable Rates for Inmate Calling Services and Effective Dates for Provisions of the Inmate Calling Service Second Report and Order," Public Notice, DA 16-280, March 16, 2016.

⁵ *In the Matter of Rates for Interstate Inmate Calling Services*, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 14107 (2013), *partially stayed*, *Securus Technologies, Inc. v. F.C.C.*, No. 13-1280, Order, (D.C.Cir., January 13, 2014) ("2013 Order").

⁶ See, e.g., *Global Tel*Link Motion To Enforce March 7, 2016 Partial Stay Pending Judicial Review*, available at <https://cdn.arstechnica.net/wp-content/uploads/2016/03/global-tel-link.pdf>.

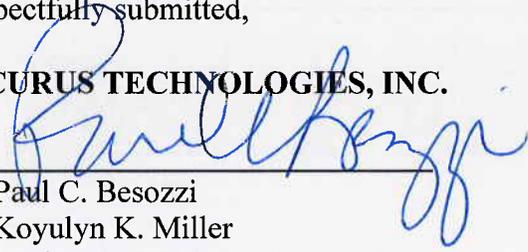
5. No party will be prejudiced by this brief additional extension. Counsel for Petitioners and for Global Tel Link have authorized Securus to represent that they have no objection to the requested extensions. Inmate Calling Solutions, LLC has similarly authorized Securus to indicate that it has no objection. The extension would apply to all parties.

6. The Department's rules permit the Hearing Officer to extend any time limit prescribed or allowed by 220 CMR 1.00 "for good cause shown."⁷ Securus respectfully submits that for the foregoing reasons there is good cause to extend the time for filing and serving Initial Briefs to and including April 25, 2016, and the time for filing and serving Reply Briefs to and including May 23, 2016.

WHEREFORE, for all of the foregoing reasons, Securus respectfully moves that the Department extend the time for filing and serving Initial Briefs to and including April 25, 2016, and extend the time for filing and serving Reply Briefs to and including May 23, 2016.

Respectfully submitted,

SECURUS TECHNOLOGIES, INC.

By 

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Dated: March 23, 2016

⁷ 220 CMR 1:02:(5).

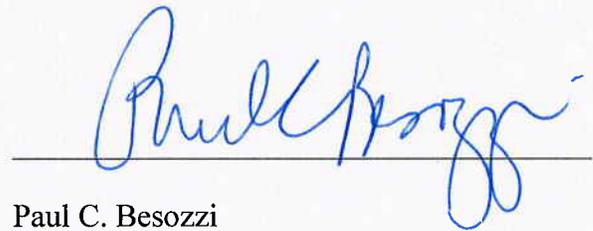
CERTIFICATE OF SERVICE

I, Paul C. Besozzi, hereby certify that on this 23rd day of March, 2016, I did serve, by Federal Express or first class mail, postage prepaid or by electronic mail a copy of the foregoing “Motion For Extension Of Time” on the parties listed on the Service List below issued by the Department:

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Sandra Merrick General Counsel Department of Telecommunications and Cable 1000 Washington Street, 8th Floor, Suite 820 Boston MA 02118-6500 Telephone: 617-305-3580 Email: sandra.e.merrick@state.ma.us	Lindsay DeRoche Director of Competition Division Department of Telecommunications and Cable 1000 Washington Street, 8th Floor, Suite 820 Boston MA 02118-6500 Telephone: 617-305-3580 Fax: 617-988-8258 Email: Lindsay.deroche@state.ma.us
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<p>Corey Pilz Deputy Director of Consumer Division Department of Telecommunications and Cable 1000 Washington Street, 8th fl. Suite 820 Boston MA 02118-6500 Telephone: 617-305-3580 Fax: 617-988-8268 Email: joseph.tiernan@state.ma.us</p>	<p>James Pingeon, Esq. Leslie Walker, Esq. Bonita Tenneriello Elizabeth Matos Alphonse Kamanzi Prisoners' Legal Services, Inc. 10 Winthrop Square, 3rd floor Boston, MA 02110 Telephone: 617-482-2773 Email: jpingeon@plsma.org lwalker@plsma.org btenneriello@plsma.org Imatos@plsma.org akamanzi@plsma.org</p>
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<p>Curtis Hopfinger Director, Government & Regulatory Affairs Securus Technologies, Inc. 14651 Dallas Parkway, Ste. 600 Dallas, TX 75254 Telephone: 972-277-0319 Fax: 972-277-0416 Email: chopfinger@securustech.net</p>	<p>Ken Dawson Director Contracts & Regulatory Inmate Calling Solutions, LLC d/b/a ICSolutions 2200 Danbury St. San Antonio, TX 78217 Telephone: 210-581-8104 Fax: 210-832-8915 Email: kdawson@icsolutions.com</p>

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