

February 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 – Opposition Of Securus Technologies, Inc. To Petition Of Network Communications International Corp. For Late Intervention And Request For Inclusion On The Service List

Dear Ms. Clark:

In accordance with 220 CMR 1.103:(1)(d) enclosed for filing is an original of the Opposition Of Securus Technologies, Inc. To Petition Of Network Communications International Corp. For Late Intervention And Request For Inclusion On The Service List.

Per Section II.A. of the original Procedural Order in this matter, the Opposition 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 Opposition 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
William L. Pope

Before 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

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**OPPOSITION OF SECURUS TECHNOLOGIES, INC. TO PETITION OF NETWORK
COMMUNICATIONS INTERNATIONAL CORP. FOR LATE INTERVENTION AND
REQUEST FOR INCLUSION ON THE SERVICE LIST**

Securus Technologies, Inc. (“Securus” or “Company”), acting through the undersigned counsel, and in accordance with 220 CMR 1.03:(1)(d), hereby opposes the “Petition For Late Intervention And Request For Inclusion On The Service List” (“Petition”) filed by Network Communications International Corporation (“NCIC”).¹ In support of its Opposition, Securus sets forth the following:

**I. PETITIONER DOES NOT SATISFY THE REQUIREMENTS FOR
INTERVENTION AT THIS LATE DATE**

The Department of Telecommunications and Cable (“Department”) commenced this proceeding in November of 2011, over four years ago.² To date, a substantial record has been developed, including decisions on the issues to be adjudicated.³ NCIC previously, despite its now

¹ The Petition itself is undated. The Certificate of Service certifies that it was served on all parties by U.S. Mail on February 16, 2016. Securus counsel did not receive the Petition until today February 23, 2016.

² Department Letter, dated November 11, 2011, to Parties 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.

³ See 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*, Hearing Officer Interlocutory Ruling, September 23, 2013.

professed interest in the market for inmate calling services in Massachusetts, has been standing on the sidelines.

The Department's rules relating to the contents of petitions for intervention state the following in relevant part:

“[The petition] shall describe the manner in which the petitioner is substantially and specifically affected by the proceeding. It shall state the contention of the petitioner, the relief sought and statutory or other authority therefor, and the nature of the evidence the petitioner will present if the petition is granted.” 220 CMR 1.103:(1)(b).

The Petition makes broad and generalized statements which wholly fail to meet this standard, particularly at this late date. Merely making a general assertion that it has a “significant interest in any proceeding that will determine the rules and regulations of prison telephone systems in Massachusetts” and incanting that it has been a “bold supporter of inmate telephone reform nationwide” and that its intervention “will support the public interest” does not “describe the manner in which the petitioner is substantially and specifically affected by the proceeding.” Moreover, the Petition nowhere addresses the other specific requirements of the rule.

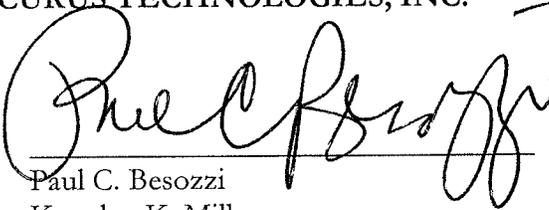
According to Securus's research, NCIC has no current tariff on file in Massachusetts to provide inmate calling services in the Commonwealth, and no such tariff pending approval. Nor, in so far as Securus is aware, does NCIC currently provide any inmate calling services at any correctional facility in Massachusetts. If NCIC is not doing so, it cannot be “substantially and specifically affected by the proceeding” as required by the rule.

II. CONCLUSION

NCIC's Petition fails to satisfy the clear requirements of the Department's rule for intervening in this case. According to information available to Securus, it is not even providing inmate calling service in Massachusetts; nor does it have an effective tariff to do so. Therefore, this late-filed Petition should be denied.

Respectfully submitted,

SECURUS TECHNOLOGIES, INC.

By: 

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Dated: February 23, 2016

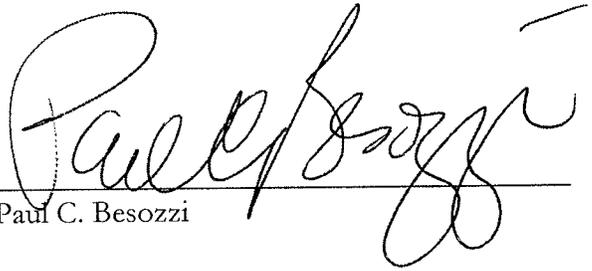
CERTIFICATE OF SERVICE

I, Paul C. Besozzi, hereby certify that on this 23rd day of February, 2016, I did serve, by Federal Express or first class mail, postage prepaid or by electronic mail a copy of the foregoing “Opposition of Securus Technologies, Inc. To Petition Of Network Communications International Corp. For Late Intervention And Request For Inclusion On The Service List” on the parties listed on the Service List below issued by the Department:

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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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