

**Before the  
COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

Petition of Recipients of Collect Calls from	)	
Prisoners at Correctional Institutions in	)	D.T.C. 11-16
Massachusetts Seeking Relief from the	)	
Unjust and Unreasonable Cost of such Calls	)	
_____	)	

**REPLY COMMENTS OF  
GLOBAL TEL\*LINK CORPORATION D/B/A VIAPATH TECHNOLOGIES**

Global Tel\*Link Corporation d/b/a ViaPath Technologies (“ViaPath”), by its attorneys and pursuant to the Request for Comments and Notice of Cancellation of Case Status Conference (the “Request”) issued by the Massachusetts Department of Telecommunications and Cable (the “Department”), respectfully submits its reply comments on the four questions raised in the Request regarding the status of this proceeding and the provision of incarcerated people’s communications services (“IPCS”)<sup>1</sup> in Massachusetts. In September 2013, the Department determined this proceeding would be limited to four areas: “the per-call surcharge assessed by ICS providers; the tariffed service and other fees assessed by ICS providers; the telephone service quality provided by Respondents, including the frequency of dropped calls and line noise; and Respondents’ billing practices.”<sup>2</sup> The initial comments submitted support a ruling that there is no further need for this proceeding.

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<sup>1</sup> Consistent with changes in federal law, ViaPath uses the term IPCS herein and continues to use the term inmate calling service or “ICS” when referring to historic actions or quoted materials. See ViaPath Initial Comments at n.1.

<sup>2</sup> 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, at 1-2 (Sept. 23, 2013). The “Respondents” were identified as ViaPath, Securus Technologies, and Inmate Calling Solutions. 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*, Order on Motions to Extend Time for Responses (Nov. 18, 2011).

First, the comments support the conclusion that the recently enacted Massachusetts legislation – Chapter 64 – resolves all concerns about IPCS rates, ancillary service charges, and billing matters.<sup>3</sup> Chapter 64 requires, in relevant part, the provision of voice communication services free of charge in correctional facilities to both the person initiating the communication and the person receiving the communication.<sup>4</sup> As the comments explain, Petitioners’ concerns that prompted the initiation of this proceeding have been resolved by the implementation of Chapter 64.<sup>5</sup> Petitioners themselves also acknowledge that “end users are no longer paying ICS rates or ancillary service costs and receive no bills for telephone service.”<sup>6</sup> Accordingly, the Department should close this proceeding with respect to: (1) the per-call surcharge assessed by IPCS providers; (2) the tariffed service and other fees assessed by IPCS providers; and (3) Respondents’ billing practices.

Second, the comments demonstrate the Department should close its review of Respondents’ service quality.<sup>7</sup> The previously-developed record on this issue is now “stale” and there has been no recent evidence of systematic service quality issues in Massachusetts correctional facilities.<sup>8</sup> Although Petitioners raise “concerns” regarding service quality,<sup>9</sup> they do not provide information on an actionable service quality issue that could be addressed by an IPCS

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<sup>3</sup> ViaPath Initial Comments at 5-7; Securus Initial Comments at 2-4.

<sup>4</sup> Chapter 64 of the Acts of 2023 (amending Chapter 127 of the General Laws to add new Section 87A).

<sup>5</sup> Securus Initial Comments at 4.

<sup>6</sup> Petitioners Initial Comments at 1.

<sup>7</sup> ViaPath Initial Comments at 8-10; Securus Initial Comments at 4-5. As ViaPath noted, in the alternative, the Department could continue to stay review of service quality matters pending resolution of the Federal Communications Commission proceeding to implement the Martha Wright-Reed Just and Reasonable Communications Act of 2022. *See* ViaPath Initial Comments at 9-10.

<sup>8</sup> Securus Initial Comments at 4.

<sup>9</sup> Petitioners Initial Comments at 1.

provider. Non-specific and generalized claims do not provide adequate information that would allow ViaPath or any other IPCS provider to address a specific service quality issue with a particular communication.<sup>10</sup> Further, Petitioners' allegations regarding the quality of WiFi service and headphones offered in Massachusetts correctional facilities are beyond the scope of this proceeding and the Department's oversight authority.<sup>11</sup>

Third, the comments do not support further Department action relating to payphones in public areas at correctional institutions.<sup>12</sup> Petitioners indicated they are not aware of any complaints relating to these payphones.<sup>13</sup> Other commenters likewise said they have received no inquiries from correctional facility administrators, released incarcerated individuals, or their visitors regarding the absence of a public payphone on the premises.<sup>14</sup>

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<sup>10</sup> These unsubstantiated claims also ignore the established procedures for addressing complaints. The Department's long-favored complaint policy is to first contact the provider to resolve the problem and file a complaint with the Department only if the provider is unable to resolve the problem in the first instance. *See, e.g.*, D.P.U. 18448, Rules and Practices Relating to Telephone Service to Residential Customers (for residential telephone complaints, requiring the customer to first notify the provider and then contact the Department if the customer is not satisfied with the resolution).

<sup>11</sup> *See, e.g.*, Mass. Gen. Law c. 25C, § 8 ("the department shall have no jurisdiction, general supervision, regulation or control over wireless service, including mobile radio telephone service or radio utilities"); Mass. Gen. Law c. 25C, § 6A ("no department, agency, commission or political subdivision of the commonwealth, shall enact, adopt or enforce, either directly or indirectly, any law, rule, regulation, ordinance, standard, order or other provision having the force or effect of law that regulates or has the effect of regulating, the entry, rates, terms or conditions of VoIP Service or IP enabled service"); *see also* Massachusetts Department of Telecommunications and Cable 2023 Annual Report, at 4 ("the Department does not regulate wireless, VoIP, or broadband internet service") (citing to Mass. Gen. Law c.25C, §§ 6A, 8), <https://www.mass.gov/info-details/dtc-reports>.

<sup>12</sup> ViaPath Initial Comments at 10-11; Securus Initial Comments at 6-7.

<sup>13</sup> Petitioners Initial Comments at 1.

<sup>14</sup> Securus Initial Comments at 6.

Fourth, the comments show there have been considerable developments in the IPCS industry since 2016.<sup>15</sup> These significant changes eliminate the need for the Department to move forward with this proceeding because the issues originally raised by Petitioners no longer exist.

### **CONCLUSION**

For the reasons set forth in ViaPath's initial comments and herein, ViaPath urges the Department to close this proceeding in light of the significant changes that have occurred since the Department originally stayed this proceeding. The comments demonstrate the issues identified by the Department for resolution have been addressed.

Respectfully submitted,

**GLOBAL TEL\*LINK CORPORATION  
D/B/A VIAPATH TECHNOLOGIES**

*/s/ Cherie R. Kiser*

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Cherie R. Kiser

Angela F. Collins

CAHILL GORDON & REINDEL LLP

1990 K Street, NW, Suite 950

Washington, DC 20006

202-862-8900

ckiser@cahill.com

acollins@cahill.com

Dated: April 29, 2024

Its Attorneys

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<sup>15</sup> ViaPath Initial Comments at 3-4, 11; Securus Initial Comments at 7-8.

## **CERTIFICATE OF SERVICE**

I, Angela F. Collins, certify that, on this 29th day of April 2024, I served a copy of the foregoing Reply Comments of Global Tel\*Link Corporation d/b/a ViaPath Technologies on the following via electronic mail:

Shonda Green, Secretary  
Department of Telecommunications and Cable  
Email: dtcefiling@mass.gov  
Email: shonda.green@mass.gov

Alan Gill, Presiding Officer  
Legal Division  
Department of Telecommunications and Cable  
Email: alan.gill@mass.gov

Sarah K. Monahan, General Counsel  
Legal Division  
Department of Telecommunications and Cable  
Email: sarah.k.monahan@mass.gov

Esther Laine, Director  
Competition Division  
Department of Telecommunications and Cable  
Email: esther.laine1@mass.gov

Joseph Tiernan, Deputy Director  
Competition Division  
Department of Telecommunications and Cable  
Email: joseph.tiernan@mass.gov

Joslyn Day, Director  
Consumer Division  
Department of Telecommunications and Cable  
Email: joslyn.day@mass.gov

Corey Pilz, Deputy Director  
Consumer Division  
Department of Telecommunications and Cable  
Email: corey.r.pilz@mass.gov

James Pingeon, Esq.  
Leslie Walker, Esq.  
Bonita Tenneriello

Elizabeth Matos  
Alphonse Kamanzi  
Prisoners' Legal Services, Inc.  
Email: jpingeon@plsma.org  
Email: lwalker@plsma.org  
Email: btenneriello@plsma.org  
Email: lmatos@plsma.org  
Email: akamanzi@plsma.org

Patricia Garin, Esq.  
Stern, Shapiro, Weisberg & Garin  
Email: pgarin@sswg.com

Ken Dawson, VP Contracts & Regulatory  
Inmate Calling Solutions, LLC d/b/a ICSolutions  
Email: kdawson@icsolutions.com

Paul C. Besozzi, Counsel for Securus Technologies, Inc.  
Squire Patton Boggs LLP  
Email: pbesozzi@squirepb.com

Mary R. Gardner, Assistant Attorney General  
Energy & Telecommunications Division  
Massachusetts Office of the Attorney General  
Email: mary.r.gardner@mass.gov

Adriana Bakhos, Litigation Support Specialist  
Energy & Telecommunications Division, Energy & Environment Bureau  
Massachusetts Office of the Attorney General  
Email: adriana.c.bakhos@mass.gov

Caroline Cohn, Staff Attorney  
National Consumer Law Center  
Email: ccohn@nclc.org

Michael Lozich, Senior Corporate Counsel and Director of Regulatory and Governmental Affairs  
Securus Technologies, LLC  
Email: mlozich@securustechnologies.com  
Email: michael.lozich@securustechnologies.com

Lee G. Petro  
Pillsbury Winthrop Shaw Pittman LLP  
Email: Lee.Petro@pillsburylaw.com

/s/ Angela F. Collins  
Angela F. Collins