

CAHILL GORDON & REINDEL LLP
EIGHTY PINE STREET
NEW YORK, NY 10005-1702

FLOYD ABRAMS
L. HOWARD ADAMS
ROBERT A. ALESSI
HELENE R. BANKS
ANIRUDH BANSAL
LANDIS C. BEST
BRADLEY J. BONDI
SUSAN BUCKLEY
KEVIN J. BURKE
JAMES J. CLARK
BENJAMIN J. COHEN
SEAN M. DAVIS
STUART G. DOWNING
ADAM M. DWORKIN
ANASTASIA EFIMOVA
JENNIFER B. EZRING
JOAN MURTAGH FRANKEL
JONATHAN J. FRANKEL

BART FRIEDMAN
CIRO A. GAMBONI
PIERRE M. GENTIN
CHARLES A. GILMAN
JASON M. HALL
WILLIAM M. HARTNETT
CRAIG M. HOROWITZ
DOUGLAS S. HOROWITZ
TIMOTHY B. HOWELL
DAVID G. JANUSZEWSKI
ELAI KATZ
THOMAS J. KAVALER
BRIAN S. KELLEHER
DAVID N. KELLEY
RICHARD KELLY
CHÉRIE R. KISER*
EDWARD P. KRUGMAN
JOEL KURTZBERG

TELEPHONE: (212) 701-3000
WWW.CAHILL.COM

1990 K STREET, N.W.
WASHINGTON, DC 20006-1181
(202) 862-8900

CAHILL GORDON & REINDEL (UK) LLP
24 MONUMENT STREET
LONDON EC3R 8AJ
+44 (0)20 7920 9800

WRITER'S DIRECT NUMBER

202-862-8950

MARC R. LASHBROOK
ALIZA R. LEVINE
JOEL H. LEVITIN
GEOFFREY E. LIEBMANN
ANN S. MAKICH
JONATHAN I. MARK
BRIAN T. MARKLEY
WILLIAM J. MILLER
NOAH B. NEWITZ
MICHAEL J. OHLER
ATHY A. O'KEEFE
DAVID R. OWEN
JOHN PAPACHRISTOS
LUIS R. PENALVER
KIMBERLY PETILLO-DÉCOSSARD
MICHAEL W. REDDY
JAMES ROBINSON
THORN ROSENTHAL
TAMMY L. ROY

JONATHAN A. SCHAFFZIN
JOHN SCHUSTER
MICHAEL A. SHERMAN
DARREN SILVER
HOWARD G. SLOANE
JOSIAH M. SLOTNICK
RICHARD A. STIEGLITZ JR.
SUSANNA M. SUH
ANTHONY K. TAMA
JONATHAN D. THIER
JOHN A. TRIPODORO
GLENN J. WALDRIP, JR.
HERBERT S. WASHER
MICHAEL B. WEISS
S. PENNY WINDLE
DAVID WISHENGRAD
COREY WRIGHT
JOSHUA M. ZELIG
DANIEL J. ZUBKOFF

*ADMITTED IN DC ONLY

February 23, 2016

Via Electronic Mail and Federal Express

Sara Clark
Secretary
Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118

**Re: D.T.C. 11-16, Petition of Recipients of Collect Calls from Prisoners at
Correctional Institutions in Massachusetts**

Dear Secretary Clark:

Global Tel*Link Corporation ("GTL"), by its attorneys, respectfully submits the enclosed Opposition to Late-Filed Intervention and Request for Inclusion on the Service List, which also has been filed electronically. In accordance with the Procedural Order issued in the above-referenced matter, three (3) copies of this submission also have been sent to the Hearing Officer, and one copy has been sent to each Department staff member listed on the service list.

If you have any questions concerning this matter, please contact the undersigned.

Respectfully submitted,



Chérie R. Kiser
Counsel for Global Tel*Link Corporation

Enclosures

cc: Service List
William Pope, NCIC (via electronic mail and U.S. mail)

**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)	

**GLOBAL TEL*LINK CORPORATION
OPPOSITION TO LATE-FILED INTERVENTION AND
REQUEST FOR INCLUSION ON THE SERVICE LIST**

Pursuant to 220 CMR 1.03(1)(d), Global Tel*Link Corporation (“GTL”), by its attorneys, hereby respectfully files its Opposition to the Petition for Late-Filed Intervention and Request for Inclusion on the Service List (“Petition”) filed by Network Communications International Corporation (“NCIC”).¹ NCIC has not satisfied the requirements for intervention at this late date. GTL asks the Massachusetts Department of Telecommunications and Cable (“Department”) to deny NCIC’s request. In support of this Opposition, GTL states as follows:

1. The Department commenced this complaint proceeding in November of 2011² in response to a Petition that was directed to a defined group of service providers, which did not include NCIC.³ To date, a substantial record has been developed, including a public hearing, the exchange of discovery, and Department-issued decisions on the specific issues to be

¹ The Petition is not dated. Counsel for GTL received the Petition via U.S. Mail today, February 23, 2016.

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*, Letter from Kalun Lee, Hearing (Nov. 11, 2011).

³ 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) (noting that “the Department directed three parties, Global Tel*Link Corporation (“GTL”), Securus Technologies, Inc. (“Securus”), and Inmate Calling Solutions, LLC (“ICSolutions”), to respond”).

adjudicated.⁴ There is no doubt that NCIC has been aware of this proceeding, but only now has expressed its interest in participating in the proceeding and the market for inmate calling services in Massachusetts.

2. The Department's rules relating to the contents of petitions for intervention state, 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."⁵

3. NCIC's Petition makes broad and generalized statements, which fails to even come close to meeting this standard. NCIC's 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 claiming that it has been a "bold supporter of inmate telephone reform nationwide" is insufficient and demonstrates its lack of understanding of what this proceeding is about. Nor does its claim that its participation "will support the public interest" meet the requirements of the rule to "describe the manner in which the petitioner is substantially and specifically affected by the proceeding." Further, the Petition fails to address the other specific requirements of the rule.

4. While NCIC is included on the Department's list of registered telecommunications providers, it appears NCIC has no current tariff on file in Massachusetts to provide inmate calling services and no such tariff pending Department approval. In addition, to GTL's knowledge, NCIC currently does not provide any inmate calling services to any

⁴ 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 (Sept. 23, 2013).

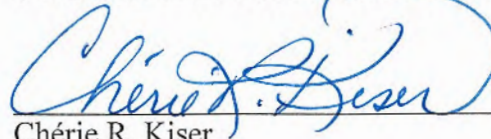
⁵ 220 CMR 1.103(1)(b).

correctional facility in Massachusetts. If NCIC is not offering inmate calling service in Massachusetts, it would be difficult to demonstrate how it can be “substantially and specifically affected by the proceeding” as required by the rule.

5. Accordingly, NCIC’s Petition fails to satisfy the clear requirements of the rules for intervening in this case, and its late-filed Petition should be denied.

Respectfully submitted,

GLOBAL TEL*LINK CORPORATION



Chérie R. Kiser
Angela F. Collins
CAHILL GORDON & REINDEL LLP
1990 K Street, N.W., Suite 950
Washington, DC 20006
202-862-8900 (telephone)
ckiser@cahill.com
acollins@cahill.com

Its Attorneys

Dated: February 23, 2016

CERTIFICATE OF SERVICE

I, Angela F. Collins, certify that on this 23rd day of February 2016, I served a copy of the foregoing Opposition to Late-Filed Intervention and Request for Inclusion on the Service List on the following via the method indicated:

Sara Clark, Secretary
Department of Telecommunications and Cable
1000 Washington Street, 8th Floor, Suite 820
Boston MA 02118-6500
Email: sara.clark@MassMail.state.ma.us
Email: dtcefiling@state.ma.us
Via Federal Express and Electronic Mail

Michael Scott
Hearing Officer
Department of Telecommunications and Cable
1000 Washington Street, 8th Floor, Suite 820
Boston MA 02118-6500
Email: Michael.scott@state.ma.us
Via Federal Express and Electronic Mail

Sandra Merrick
General Counsel
Department of Telecommunications and Cable
1000 Washington Street, 8th Floor, Suite 820
Boston MA 02118-6500
Email: sandra.e.merrick@state.ma.us
Via Electronic Mail and U.S. Mail

Lindsay DeRoche
Director of Competition Division
Department of Telecommunications and Cable
1000 Washington Street, 8th Floor, Suite 820
Boston MA 02118-6500
Email: lindsay.deroche@state.ma.us
Via Electronic Mail and U.S. Mail

Joseph Tiernan
Competition Division
Department of Telecommunications and Cable
1000 Washington Street, 8th Floor, Suite 820
Boston MA 02118-6500
Email: joseph.tiernan@state.ma.us
Via Electronic Mail and U.S. Mail

CERTIFICATE OF SERVICE

Joslyn Day
Director of Consumer Division
Department of Telecommunications and Cable
1000 Washington Street, 8th Floor, Suite 820
Boston MA 02118-6500
Email: joslyn.day@state.ma.us
Via Electronic Mail and U.S. Mail

Corey Pilz
Deputy Director of Consumer Division
Department of Telecommunications and Cable
1000 Washington Street, 8th Floor, Suite 820
Boston MA 02118-6500
Email: corey.r.pilz@state.ma.us
Via Electronic Mail and U.S. Mail

James Pingeon, Esq.
Leslie Walker, Esq.
Bonita Tenneriello, Esq.
Lizz Matos, Esq.
Alphonse Kamanzi
Prisoners' Legal Services, Inc.
10 Winthrop Square, 3rd Floor
Boston, MA 02110
Email: jpingeon@plsma.org
Email: lwalker@plsma.org
Email: btenneriello@plsma.org
Email: lmatos@plsma.org
Email: akamanzi@plsma.org
Via Electronic Mail and U.S. Mail

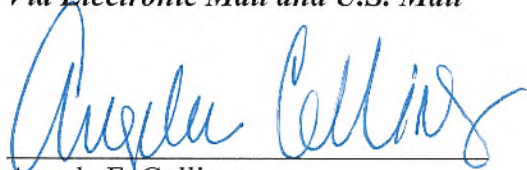
Patricia Garin, Esq.
Stern, Shapiro, Weisberg & Garin
90 Canal St., 5th Floor
Boston, MA 02114
Email: pgarin@sswg.com
Via Electronic Mail and U.S. Mail

Curtis Hopfinger
Director, Government and Regulatory Affairs
Securus Technologies, Inc.
14651 Dallas Parkway, 6th Floor
Dallas, Texas 75254
chopfinger@securustech.net
Via Electronic Mail and U.S. Mail

CERTIFICATE OF SERVICE

Ken Dawson
VP Contracts & Regulatory
Inmate Calling Solutions, LLC d/b/a ICSolutions
2200 Danbury Street
San Antonio, TX 78217
Email: kdawson@icsolutions.com
Via Electronic Mail and U.S. Mail

Paul C. Besozzi
Koyulyn K. Miller
Counsel for Securus Technologies, Inc.
Squire Patton Boggs LLP
2550 M Street NW
Washington D.C. 20037
Email: pbesozzi@squirepb.com
Email: koyulyn.miller@squirepb.com
Via Electronic Mail and U.S. Mail


Angela F. Collins