



# PUBLIC NOTICE

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DA 15-482  
Released: April 21, 2015

## CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU SEEKS COMMENT ON SUPPLEMENT TO PETITION FOR EXPEDITED CLARIFICATION AND DECLARATORY RULING FROM GLOBAL TEL\*LINK

### CG Docket No. 02-278

Comment Date: May 21, 2015  
Reply Comment Date: June 6, 2015

With this Public Notice, we seek comment on a Supplement to the Petition for Expedited Clarification and Declaratory Ruling filed by Global Tel\*Link (GTL)<sup>1</sup> to the extent it seeks clarification of the Telephone Consumer Protection Act's<sup>2</sup> (TCPA) applicability to messages GTL did not address in its previously filed Petition.<sup>3</sup> Specifically, GTL asks the Commission to confirm that the TCPA and the Commission's rules<sup>4</sup> do not apply to the messages it sends to its customers about the status of their accounts and their ability to receive additional, future calls through GTL.<sup>5</sup> The TCPA and the Commission's rules require the prior express consent of the called party to place autodialed or artificial-or prerecorded-voice calls to wireless numbers.<sup>6</sup> In the Supplemental Petition, GTL asserts that the calls raised for the first time in the Supplemental Petition "serve the public interest and do not run afoul of the

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<sup>1</sup> See *Global Tel\*Link*, Supplement to Petition for Expedited Clarification and Declaratory Ruling, CG Docket No. 02-278 (filed April 3, 2015) (*Supplemental Petition*). Global Tel\*Link filed a separate, original Petition in 2010. *Global Tel\*Link*, Petition for Expedited Clarification and Declaratory Ruling, CG Docket No. 02-278 (filed March 4, 2010) (*Petition*). The Petition is pending before the Commission.

<sup>2</sup> Codified as 47 U.S.C. § 227.

<sup>3</sup> In its Petition, GTL asked the Commission to declare that the TCPA and the Commission's implementing rules are inapplicable to GTL's "use of automatic notifications before completing certain calls to certain persons dialed by inmates." *Consumer and Governmental Affairs Bureau Seeks Comment on Global Tel\*Link Corporation's Petition for Expedited Clarification and Declaratory Ruling*, CG Docket No. 02-278, Public Notice, 25 FCC Rcd 7084 (2010); *Petition* at 2. To the extent the Supplemental Petition addresses issues regarding those notifications, we do not seek comment on them here. Instead, we treat them as ex parte presentations in support of the Petition.

<sup>4</sup> 47 C.F.R. § 64.1200.

<sup>5</sup> *Supplemental Petition* at 1.

<sup>6</sup> 47 U.S.C. § 227(b)(1)(A); 47 C.F.R. § 64.1200(a)(1), (2).

TCPA or Congress' objectives in enacting the legislation.”<sup>7</sup> It also states that it obtains prior express consent for these calls.<sup>8</sup>

GTL employs interactive voice response notifications (IVR notifications) to effectuate collect calls between inmates and the person they are attempting to call.<sup>9</sup> GTL employs this technology when an inmate attempts to call a party who does not have the ability to accept collect call charges on the telephone number dialed by the inmate because: (1) the called party is served by a local exchange carrier with whom GTL does not have a billing arrangement; or (2) the called party is served by a Voice over Internet Protocol service provider or wireless service provider.<sup>10</sup> Once GTL assists the called party in establishing an account and billing arrangement, the inmate can complete calls to the called party.<sup>11</sup>

In its Supplemental Petition, GTL asks the Commission to confirm that it may use IVR notifications to inform its existing customers that their prepaid account balance is low, “which could jeopardize their ability to receive additional inmate-initiated calls.”<sup>12</sup> GTL states that, “[w]hen signing up for an AdvancePay account, the customer is informed that an automated system will contact the customer when funds on the prepaid account are low or for other billing-related purposes.”<sup>13</sup> GTL argues that it obtains the necessary prior express consent to place these calls “[w]hen an individual provides its wireless telephone number to GTL to establish an account” because providing the telephone number “reasonably evidences prior express consent by the cell phone subscriber to be contacted at that number regarding the customer’s account with GTL.”<sup>14</sup> We seek comment on the issues raised by these messages to inform existing customers that their prepaid account balance is low.

Pursuant to sections 1.415 and 1.419 of the Commission’s rules,<sup>15</sup> interested parties may file comments and reply comments on or before the respective dates indicated on the first page of this Notice. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.

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<sup>7</sup> *Supplemental Petition* at 1-2, 8-10.

<sup>8</sup> *Id.* at 8-13.

<sup>9</sup> *Id.* at 2.

<sup>10</sup> *Id.* According to GTL, Voice over Internet Protocol service providers and wireless service providers generally do not allow their customers to accept collect call charges. *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* at 5.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at 13 (internal quotation marks omitted).

<sup>15</sup> 47 C.F.R. §§ 1.415, 1.419.

- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.
- All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>16</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

**FOR FURTHER INFORMATION CONTACT:** Kristi Lemoine, Consumer and Governmental Affairs Bureau, Federal Communications Commission, 202-418-2467, and [kristi.lemoine@fcc.gov](mailto:kristi.lemoine@fcc.gov).

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<sup>16</sup> 47 C.F.R. §§ 1.1200 *et seq.*