



STATE OF ALABAMA
PUBLIC SERVICE COMMISSION
P.O. BOX 304260
MONTGOMERY, ALABAMA 36130

TWINKLE ANDRESS CAVANAUGH, PRESIDENT

JOHN A. GARNER, EXECUTIVE DIRECTOR

JEREMY H. ODEN, ASSOCIATE COMMISSIONER

CHRIS "CHIP" BEEKER, JR., ASSOCIATE COMMISSIONER

**IN RE: GENERIC PROCEEDING
CONSIDERING THE PROMULGATION
OF TELEPHONE RULES GOVERNING
INMATE PHONE SERVICE**

**CenturyLink's Motion for
Rehearing, Reconsideration or
Modification of the Further
Order Adopting Revised Inmate
Payphone Service Rules**

DOCKET 15957

ORDER STAYING IMPLEMENTATION DATE

BY THE COMMISSION:

On January 2, 2015, CenturyLink Public Communications, Inc., d/b/a CenturyLink ("CenturyLink") filed a Motion for Rehearing, Reconsideration or Modification of the Further Order Adopting Revised Inmate Payphone Service Rules which was entered by the Commission in the above-styled cause on December 9, 2014 (the "Final Order"). CenturyLink's Motion was submitted in accordance with ALA. Code § 37-1-105 (1975 as amended) and Rules 2 and 21 of the *Rules of Practice of the Alabama Public Service Commission* (the "Commission").

As noted in CenturyLink's Motion, the 92-page Final Order entered on December 9, 2014, was, pursuant to its terms, made effective on the date of its entry. However, the Final Order had an implementation date of thirty (30) days from its effective date, or January 8, 2015.

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The Final Order also provided a timetable for compliance by Inmate Calling Service providers with various aspects of the order.

CenturyLink's Motion pointed out that Securus Technologies, Inc. ("Securus") filed a Notice of Appeal from the Final Order with the Alabama Supreme Court and the Montgomery Circuit Court on December 16, 2014.¹ CenturyLink further noted in its Motion that Global Tel*Link Corporation ("GTL") and its subsidiaries followed suit in both the Alabama Supreme Court and the Montgomery County Circuit Court on December 19, 2014, but took the additional step of filing a Petition for Judicial Review in Montgomery County Circuit Court.² As pointed out by CenturyLink, both Securus and GTL allege, among other things, that the Final Order exceeds the Commission's authority and jurisdiction, has the effect of interfering with established third-party contracts, and is confiscatory in nature.

Pursuant to ALA. CODE § 37-1-141, both Securus and GTL filed Petitions to Stay or Supersede the Commission's Final Order in this matter pending final adjudication with the applicable courts. On December 30, 2014, the Supreme Court issued orders which accepted and approved the Supersedeas Applications of both Securus and GTL.

CenturyLink argued in its Motion that the approval of the Supersedeas Bonds of Securus and GTL by the Supreme Court has placed the proceedings in this Docket in a unique procedural

¹ *Securus Technologies, Inc. v. Alabama Public Service Commission*, In the Supreme Court of Alabama, Case No. 1140266; *Securus Technologies, Inc. v. Alabama Public Service Commission*, In the Circuit Court of Montgomery County, Alabama, CV-2014-000802.

² *Global Tel*Link Corporation, by and on behalf of itself and its wholly owned subsidiaries, DSI-ITI, LLC, Public Communications Services, Inc. and Value-Added Communications, Inc. v. Alabama Public Service Commission*, In the Supreme Court of Alabama, Case No. 114-0284; *Global Tel*Link Corporation, by and on behalf of itself and its wholly owned subsidiaries, DSI-ITI, LLC., Public Communications Services, Inc. and Value-Added Communications, Inc. v. Alabama Public Service Commission*, In the Circuit Court of Montgomery County, Alabama, CV-2014-902085.

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posture due to the fact that Securus and GTL will be operating under a different set of rules than other competing Inmate Calling Service providers in Alabama for the duration of their appeals. CenturyLink asserted that the uncertainties created by these circumstances will make uniform implementation of the Final Order among the Inmate Calling Service providers in Alabama difficult, if not impossible. CenturyLink further argued that the resulting uncertainties could impact state and local governmental bodies who may be faced with administering, renewing or rebidding Inmate Calling contracts during the pendency of the Securus and GTL appeals.

Based on the foregoing arguments, CenturyLink urged the Commission to delay the implementation of the December 9, 2014, Final Order until October 1, 2015. CenturyLink asserted that such action will ensure that all providers of Inmate Calling Service in Alabama are operating on a level playing field during the pendency of the appeals of Securus and GTL; will eliminate confusion and unintended impacts on local and governmental bodies in Alabama during the remainder of the fiscal year of 2015; will reduce the impact of the December 9, 2014, Final Order on existing contracts and will allow additional time for providers of Inmate Calling Service to implement necessary programming and billing changes.

After a consideration of the arguments set forth in CenturyLink's Motion and the recommendations of staff to impose a stay of the implementation date of our December 9, 2014, Final Order, we voted unanimously at our January 6, 2015, public meeting to stay the implementation of said Order until the earlier of final adjudication of the pending appeals of Securus and GTL, or July 1, 2015. We find such action to be most consistent with the public interest, convenience and necessity.

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We also note that after receiving requests for clarification from interested parties as to whether the Commission intended the compliance deadlines established in the Final Order to run from the Order's effective date or its implementation date, staff recommended the entry of further ordering provisions clarifying that all compliance deadlines set forth in the December 9, 2014, Order were intended to run from the implementation date of said Order and not its effective date of December 9, 2014. The Commission voted unanimously to issue such clarification at our January 6, 2015, public meeting and said provisions are addressed in the ordering paragraphs below.

IT IS, THEREFORE, ORDERED BY THE COMMISSION, That the implementation date of our Order entered in this cause on December 9, 2014, is hereby stayed until the earlier of final adjudication of all pending appeals of said order or July 1, 2015.

IT IS FURTHER ORDERED BY THE COMMISSION, That the Commission shall expressly reserve jurisdiction in this cause to revisit the nature and/or duration of the stay granted herein and shall issue a notice to all interested parties when an implementation date is finally determined in order to ensure timely compliance.

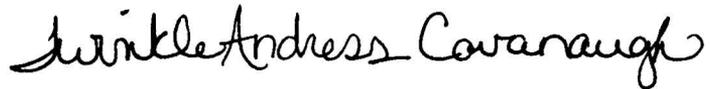
IT IS FURTHER ORDERED BY THE COMMISSION, That all compliance deadlines established in the December 9, 2014, Order entered in this cause shall run from the implementation date of said order which will be determined at a later date as discussed herein. The specific compliance deadlines impacted are set forth in Appendix A which is attached to this Order.

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IT IS FURTHER ORDERED, That this Order shall be effective as of the date hereof.

DONE at Montgomery, Alabama, this 16th day of January, 2015.

ALABAMA PUBLIC SERVICE COMMISSION



Twinkle Andress Cavanaugh, President



Jeremy H. Oden, Commissioner



Chris "Chip" Beeker, Jr., Commissioner

ATTEST: A True Copy



Walter L. Thomas, Jr., Secretary

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Appendix A

Order Paragraph Number	Current	Change to Read
6.43	The petition for waiver must be filed with the Commission within thirty (30) days from the effective date for this Order.	The petition for waiver must be filed with the Commission within thirty (30) days from the implementation date for this Order.
8.23	ICS providers shall submit to the Commission's Utility Services Division, within 15 days from the effective date of this Order...	ICS providers shall submit to the Commission's Utility Services Division, within 15 days from the implementation date of this Order...
8.25	For payment transfer fees charged the provider's customers by Western Union/MoneyGram that exceed \$5.95 as of the 15th day from the effective date of this Order...	For payment transfer fees charged the provider's customers by Western Union/MoneyGram that exceed \$5.95 as of the 15th day from the implementation date of this Order...
8.26	By the 45th day from the effective date of this Order...	By the 45th day from the implementation date of this Order...
10.04	Therefore, we conclude that submission of the abbreviated tariff ten (10) days following the effective date of this Order...	Therefore, we conclude that submission of the abbreviated tariff ten (10) days following the implementation date of this Order...
13.05	The effective date of the Order is as provided herein.	The implementation date of the Order is as provided herein.
Appendix B (Row 1)	Effective Date	Implementation Date
N/A	Intentionally Blank	Intentionally Blank

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Order Paragraph Number	Current	Change to Read
Appendix B (Row 2)	Beginning First Anniversary Following Effective Date	Beginning First Anniversary Following Implementation Date
Appendix B (Row 3)	Beginning Second Anniversary Following Effective Date	Beginning Second Anniversary Following Implementation Date
Appendix F, Page 1 of 3 Footnote 1	The effective date is the effective date for this Order.	The effective date is the implementation date for this Order.
Appendix G Page 10 of 13 Item 6	Providers will submit an abbreviated tariff within ten (10) days following the effective date of this Order.	Providers will submit an abbreviated tariff within ten (10) days following the implementation date of this Order.
Appendix G Page 10 of 13 Item 7	The provider's complete tariff shall be submitted with sixty (60) days following the effective date of this Order.	The provider's complete tariff shall be submitted with sixty (60) days following the implementation date of this Order.
Appendix G Page 10 of 13 Footnote 11	...provider filing of the complete tariff 60 days after the effective date.	...provider filing of the complete tariff 60 days after the implementation date.
Appendix G Page 11 of 13 Item 3	Beginning with the effective date of the Order:	Beginning with the implementation date of the Order:
Appendix G Page 13 of 13 Item 6	...as of the 15th day from the effective date of this Order	...as of the 15th day from the implementation date of this Order