

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Implementation of the Pay Telephone	)	
Reclassification and Compensation	)	CC Docket No. 96-128
Provisions of the Telecommunications	)	
Act of 1996	)	

**Order**

**Adopted: March 24, 2004**

**Released: March 24, 2004**

By the Chief, Pricing Policy Division:

**Revised Filing Date:**

**Reply Comments Due: April 21, 2004**

1. On December 31, 2003, the Wireline Competition Bureau released the *Wright Public Notice* seeking comment on a Petition for Rulemaking or, in the Alternative, Petition to Address Referral Issues In a Pending Rulemaking (*Wright Petition*) filed by Martha Wright and other prison inmate and non-inmate petitioners (jointly, “the Wright Petitioners”).<sup>1</sup> The *Wright Public Notice* stated that comments would be due 20 days after publication of the public notice in the Federal Register, and reply comments would be due 30 days after Federal Register publication. The Federal Register published the *Wright Public Notice* on January 20, 2004.<sup>2</sup> Accordingly, comments were due by February 9, 2004, and reply comments were due by February 19, 2004. The Bureau subsequently granted the joint request of Evercom Systems, Inc., T-NETIX, Inc., and Corrections Corporation of America for a one-month extension of the deadline so that parties could file comments by March 10, 2004, and reply comments by March 31, 2004.<sup>3</sup>

2. On March 16, 2004, the Wright Petitioners filed a motion to extend the deadline for filing reply comments in this proceeding.<sup>4</sup> In their pleading, the Wright Petitioners contend that

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<sup>1</sup> Petition for Rulemaking Filed Regarding Issues related to Inmate Calling Services, Pleading Cycle Established, CC Docket No. 96-128, Public Notice, DA 03-4027 (WCB, rel. Dec. 31, 2003) (*Wright Public Notice*).

<sup>2</sup> See Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, Notice of Proposed Rulemaking, 69 FR 2697 (Jan. 20, 2004).

<sup>3</sup> Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, Order, DA 04-268 (WCB/PPD, rel. Feb. 3, 2004).

<sup>4</sup> Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, Motion for Extension of Time filed by Martha Wright *et al.* on March 16, 2004 (*Extension of Time Motion*).

many of the oppositions submitted in response to the Wright Petition are supported by multiple expert affidavits and studies each of which will require time-consuming analysis and rebuttal by the Wright Petitioners' expert.<sup>5</sup> The Wright Petitioners further assert that such analysis and rebuttal can not be completed in the current 15-day reply comment period.<sup>6</sup> T-NETIX, a commenter in the proceeding, has consented to the motion.<sup>7</sup> T-NETIX asserts that the extension is warranted given the extensive initial comments filed in response to the Wright Petition and the crucial legal and public policy issues at stake.<sup>8</sup> No oppositions to the request for an extension of time have been filed.

3. It is the policy of the Commission that extensions of time are not routinely granted.<sup>9</sup> In this instance, however, the Bureau finds that the commenters have shown good cause for an extension of the deadline for filing comments and reply comments in this proceeding. Because of the complexity of the issues, the related necessary economic analysis, and the length of the pleadings, we grant a limited extension so that parties may file reply comments by April 21, 2004. This matter shall continue to be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>10</sup> All other requirements discussed in the *Wright Public Notice* remain in effect.

4. ACCORDINGLY, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i) and the authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, that the Motion for Extension of Time filed by Martha Wright *et al.* IS GRANTED to the extent discussed herein.

#### FEDERAL COMMUNICATIONS COMMISSION

Tamara L. Preiss  
Chief  
Pricing Policy Division  
Wireline Competition Bureau

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<sup>5</sup> Extension of Time Motion at 2.

<sup>6</sup> Extension of Time Motion at 2.

<sup>7</sup> Letter from Stephanie A. Joyce, Counsel for T-NETIX, Inc. to Marlene H. Dortch, Secretary, FCC (filed March 17, 2004) (T-NETIX Letter).

<sup>8</sup> T-NETIX Letter at 1.

<sup>9</sup> 47 C.F.R. § 1.46(a).

<sup>10</sup> 47 C.F.R. § 1.1206.