



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 20-966
August 27, 2020

**APPLICATIONS FILED FOR THE ACQUISITION OF CERTAIN ASSETS OF
LEGACY LONG DISTANCE INTERNATIONAL, INC.
D/B/A LEGACY INMATE COMMUNICATIONS
BY NETWORK COMMUNICATIONS INTERNATIONAL CORP.
D/B/A NCIC INMATE COMMUNICATIONS**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 20-207

Comments Due: September 10, 2020
Reply Comments Due: September 17, 2020

By this Public Notice, the Wireline Competition Bureau and the International Bureau (Bureaus) seek comment from interested parties on applications filed by Legacy Long Distance International, Inc. d/b/a Legacy Inmate Communications (Legacy) and Network Communications International Corp. d/b/a NCIC Inmate Communications (NCIC) (together, Applicants), pursuant to section 214 of the Communications Act of 1934, as amended, (Act) and sections 63.03-04, 63.18, and 63.24 of the Commission's rules, requesting approval for the acquisition of certain assets of Legacy by NCIC.¹

Legacy, a California corporation, is a wholly owned subsidiary of Jail Education Solutions, Inc. d/b/a Edovo, a Delaware corporation.² Legacy provides inmate communications services at correctional institutions nationwide.³ The proposed transaction involves the transfer of 66 inmate communications services agreements between Legacy and certain correctional institutions from Legacy to NCIC. These agreements are with jail facilities listed in Attachment A to this Public Notice and are located in the following states: Alabama, Arizona, California, Idaho, Massachusetts, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Oregon, South Carolina, Texas, Washington,

¹ 47 U.S.C. § 214; 47 CFR §§ 63.03-04, 63.18, 63.24; Joint Application of Legacy Long Distance International, Inc. d/b/a Legacy Inmate Communications and Network Communications International Corp. d/b/a NCIC Inmate Communications for Consent to Transfer Contracts, WC Docket No. 20-207 (filed Jun. 29, 2020) (Application). The assets subject to the Application are listed in Attachment A to this Public Notice.

² Application at 3.

³ *Id.*

North Carolina, and Nevada.⁴ Applicants state that Legacy is planning to withdraw as a service provider in the states it serves.⁵

NCIC, a Texas corporation, provides inmate communications services to correctional facilities in 50 states and Puerto Rico.⁶ William L. Pope and Jay Walters, both U.S. citizens, each own 50% of NCIC.⁷

Pursuant to the terms of the proposed Asset Sale and Assignment Agreement, NCIC agreed to acquire the specific inmate communications services contracts listed in Attachment A to this Public Notice that are currently held by Legacy. As a result of the proposed transaction, NCIC will provide inmate calling service to incarcerated individuals within the correctional facilities.⁸

Applicants assert that the proposed transaction is in the public interest and would “promote competition in the inmate telecommunications marketplace, allowing NCIC to become a stronger competitor, which will result in the continued aspiration to provide fair and reasonable rates, low fees and live, friendly customer support to family and friends of the incarcerated.”⁹ They state that upon closing, NCIC will offer services on “substantially the same terms and conditions as previously provided by Legacy.”¹⁰ Applicants maintain that the financial and managerial support of NCIC will further the development of new and better services for the benefit of customers.¹¹

⁴ *Id.* at 2, n.3; Letter from Sharon R. Warren, Consultant, to Marlene H. Dortch, Secretary, FCC, WC Docket No.20-207, at 1 (filed July 30, 2020) (July 30 Supplement Letter) (stating that Legacy is transferring contracts for services to jails to NCIC and that the proposed transaction with NCIC does not involve prison contracts); Letter from Sharon R. Warren, Consultant, to Marlene H. Dortch, Secretary, FCC, WC Docket No.20-207 (filed Aug. 25, 2020) (August 25 Supplement Letter) .

⁵ July 30 Supplement Letter at 1 (stating that Legacy will serve a few remaining customer contracts that will expire before the end of 2020, at which point, Legacy will finalize its withdrawal from the states it serves).

⁶ Application at 2.

⁷ *Id.* at 6.

⁸ *Id.* As part of Legacy’s plan to withdraw from the inmate calling service market, Legacy and Global Tel*Link Corporation (GTL) filed section 214 applications for the transfer to GTL of certain of Legacy’s correctional facility county contracts in several states and one state contract. *Applications Filed for the Acquisition of Certain Assets of Legacy Long Distance International, Inc. d/b/a Legacy Inmate Communications by Global Tel*Link Corporation*, WC Docket No. 20-218, Public Notice, DA 20-965 (WCB/IB 2020).

⁹ Application at 5. The Commission has long recognized that the inmate calling services market is different from other telecommunications markets. *Rates for Inmate Calling Services*, WC Docket No. 12-375, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 14107, 14128-29, paras. 39-41 (2013) (finding that market forces were not operating to ensure just, reasonable, and fair rates for inmate calling services, and that the absence of competitive pressures necessitated rate regulation). The Bureaus have evaluated inmate calling transactions in light of these market characteristics. *See Applications Granted for the Transfer of Control of CenturyLink Public Communications, Inc. to Inmate Calling Solutions, LLC D/B/A ICSolutions*, WC Docket No. 20-150, Public Notice, DA 20-866, at 3-4 and n.15 (WCB/IB 2020) (*citing Rates for Interstate Calling Services*, WC Docket 12-375, Report and Order on Remand and Fourth Further Notice of Proposed Rulemaking, FCC 20-111, at para. 5 (2020) (explaining that an inmate calling services provider once chosen by a correctional facility operates as a monopolist)).

¹⁰ Application at 4.

¹¹ *Id.*

GENERAL INFORMATION

The applications identified herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies.

Interested parties may file comments **on or before September 10, 2020** and reply comments **on or before September 17, 2020**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by paper. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- **Electronic Filers:** Comments may be filed electronically by accessing ECFS at <http://apps.fcc.gov/ecfs/>.
- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit one additional copy for each additional docket or rulemaking number.
 - Filings can be sent by commercial overnight courier or by first-class or overnight U.S. Postal Service mail.¹² All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th 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 or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 1-888-835-5322 (tty).

In addition, e-mail one copy of each pleading to each of the following:

- 1) Myrva Charles, Competition Policy Division, Wireline Competition Bureau, myrva.charles@fcc.gov;
- 2) Dennis Johnson or Jordan Reth, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov; jordan.reth@fcc.gov;

¹² In response to the COVID-19 pandemic, the FCC has closed its current hand-delivery filing location at FCC Headquarters. We encourage outside parties to take full advantage of the Commission's electronic filing system. Any party that is unable to meet the filing deadline due to the building closure may request a waiver of the comment or reply comment deadline, to the extent permitted by law. *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Filing*, Public Notice, DA 20-304 (rel. Mar. 19, 2020). <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

- 3) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and
- 4) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

The proceeding in this Notice shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules. 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), 47 CFR § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

To allow the Commission to consider fully all substantive issues regarding the applications in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.¹³ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

For further information, please contact Dennis Johnson, Wireline Competition Bureau, (202) 418-0809; Jordan Reth, Wireline Competition Bureau, (202) 418-1418; or David Krech, International Bureau, (202) 418-7443.

¹³ See 47 CFR § 1.45(c).

ATTACHMENT A

SECTION 214 AUTHORIZATIONS

A. International

<u>File Number</u>	<u>Authorization Holder</u>	<u>Authorization Number</u>
ITC-ASG-20200629-00101	Legacy Long Distance International, Inc.	ITC-214-19961125-00596 ¹⁴

B. Domestic

Applicants filed an application to transfer control of domestic section 214 authority in connection with the proposed transaction. In light of the multiple applications pending before the Commission with respect to this transaction and the public interest review associated with them, the domestic transfer of control application is not subject to streamlined treatment.¹⁵

List of Correctional Facility Contracts to be Transferred

Applicants request approval to assign the following Legacy correctional facility contracts to NCIC:¹⁶

Alabama

Albertville City Police Dept.
Guntersville City Police Dept.
Arab City Police Dept.
Daphne City Police Dept.
Dothan Police Dept.
Orange Beach Police Dept.
Montgomery County Detention Center
Houston County

Arizona

Hualapai Adult Detention Center
Colorado River Indian Tribes Detention
White Mountain Apache Corrections Center

California

Clovis Police Dept.
Lodi Police Dept.
Mariposa County Jail
Colusa County Jail
Hayward Police Dept.

¹⁴ Legacy will retain its international section 214 authorization, ITC-214-19961125-00596. NCIC will provide international service to its new customers pursuant to its existing international section 214 authorization, ITC-214-19970711-00394.

¹⁵ 47 CFR § 63.03.

¹⁶ August 25 Supplement Letter at Exh. A (Account List).

Fremont Police Department
El Segundo Police Dept.
Huntington Beach Police Dept.
Signal Hill Police Dept.
Manhattan Beach Police Dept.
Whittier Police Dept.
Buena Park Police Dept.
Redondo Beach Police Dept.
Costa Mesa Police Dept.
El Monte Police Dept.
Monterey Park Police Dept.
Gardena Police Dept.
Alhambra Police Dept.
Torrance Police Department
Inglewood Police Dept.
Pasadena Police Dept.
Beverly Hills Police Dept.
San Bernardino Juvenile Detention and Assessment Center
Hawthorne Police Dept.
Glendale Police Dept.
Burbank Police Dept.
Chula Vista City Jail

Idaho

Clark County Sheriff's Office
Clearwater County Sheriff's Dept.
Lewis County Sheriff's Office

Massachusetts

Boston PD

Missouri

Independence City Jail
Douglas County Sheriff
Montgomery County Jail

Nebraska

Lancaster Youth Services Center
Pierce County Sheriff

Nevada

Washoe County Jail
Elko County Sheriff's Office

New Mexico

Zuni Department of Corrections
Pueblo of Laguna Detention Facility
Donna Anna

North Carolina

Moore County Detention Center

Ohio

City of Middletown Police Dept.

Oklahoma

City of Tulsa Police Department
Cleveland County

Oregon

Benton County Jail

South Carolina

McCormick County Sheriff's Office

Darlington County Prison Farm

Texas

The Colony Police Dept.

City of Hurst Police Dept.

City of Lewisville

Walker County

Washington

Hoquiam Police Dept.

Adams County Sheriff's Dept.

Grays Harbor County Jail

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