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: April 14, 2004 **Released: April 14, 2004**

By the Chief, Pricing Policy Division:

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").[1] 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.[2] 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.[3] The Bureau then granted a request for extension of time filed by the Wright Petitioners so that parties could file reply comments by April 21, 2004.[4]

2. On March 26, 2004, the Ohio Department of Rehabilitation and Correction (the Ohio Department) filed a motion to accept its late-filed comments and under separate cover filed its

[1] 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*).

[2] *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).

[3] 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).

[4] Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, Order, DA 04-774 (WCB/PPD, rel. Mar. 24, 2004).

comments to the *Wright Petition*.[5] In its pleading, the Ohio Department explains that its technical coordinator attempted to file both comments and a supporting affidavit on March 8, 2004.[6] The Ohio Department asserts that its technical coordinator is new to the Commission's Electronic Comment Filing System process and that the technical coordinator did not learn that he was unsuccessful in his attempt to transmit the Ohio Department's comments and supporting affidavit until March 25, 2004.[7] The Ohio Department asserts that grant of its motion would serve the public interest and would assist in developing a complete record upon which to resolve the issues raised in the *Wright Petition*.[8] The Ohio Department contends that no party to the proceeding will be prejudiced by grant of its motion because the Commission extended the deadline for submission of reply comments to April 21, 2004.[9] Thus, all parties will have an opportunity to review the Ohio Department's comments before replies are due. No oppositions to the motion for acceptance of late-filed pleading have been filed.

3. The Bureau finds that the Ohio Department has shown good cause for granting its motion. Because of the lack of prejudice to any party and the public interest in developing a complete record, we grant the motion for acceptance of late-filed pleading filed by the Ohio Department of Rehabilitation and Correction. This matter shall continue to be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.[10] 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 Acceptance of Late-Filed Pleading filed by the Ohio Department of Rehabilitation and Correction IS GRANTED to the extent discussed herein.

FEDERAL COMMUNICATIONS COMMISSION

Tamara L. Preiss
Chief
Pricing Policy Division
Wireline Competition Bureau

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[5] Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, Motion for Acceptance of Late-Filed Pleading filed by the Ohio Department of Rehabilitation and Correction on March 26, 2004 (Ohio Department Motion).

[6] Ohio Department Motion at 1.

[7] Ohio Department Motion at 1.

[8] Ohio Department Motion at 1.

[9] Ohio Department Motion at 2.

[10] 47 C.F.R. § 1.1206.