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# [***Global Tel\*Link v. FCC***](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:5PK4-9CX1-F04K-Y07H-00000-00&context=)

United States Court of Appeals for the District of Columbia Circuit

September 26, 2017, Filed

No. 15-1461 Consolidated with 15-1498, 16-1012, 16-1029, 16-1038, 16-1046, 16-1057

**Reporter**

2017 U.S. App. LEXIS 18597 \*

Global Tel\*Link, Petitioner v. Federal Communications Commission and United States of America, Respondents, Centurylink Public Communications, Inc., et al., Intervenors

**Prior History:** **[\*1]**FCC-80FR79136.

[*Global Tel\*Link v. FCC, 859 F.3d 39, 866 F.3d 397, 2017 U.S. App. LEXIS 10428 (D.C. Cir., June 13, 2017)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:5NSJ-MB51-F04K-Y0B1-00000-00&context=)

**Core Terms**

en banc, petition for rehearing, intervenors

**Counsel:** For Global Tel\*Link, Petitioner (15-1461): Michael K. Kellogg, Aaron M. Panner, Attorney, Benjamin Stark Softness, Kellogg, Hansen, Todd, Figel & Frederick, PLLC, Washington, DC.

For Federal Communications Commission, Respondent (15-1461): Sarah Elizabeth Citrin, David Morris Gossett, Jacob M. Lewis, Associate General Counsel, Richard Kiser Welch, Deputy Associate General Counsel, Federal Communications Commission, (FCC) Office of General Counsel, Washington, DC.

For United States of America, Respondent (15-1461): Daniel Edward Haar, Attorney, Robert B. Nicholson, Attorney, Mary Helen Wimberly, Attorney, U.S. Department of Justice, ***Antitrust*** Division, Appellate Section, Washington, DC.

For Centurylink Public Communications, Inc., Intervenor for Petitioner (15-1461): Kevin Franz King, Robert Allen Long, Jr., Esquire, Covington & Burling LLP, Washington, DC.

For Indiana Sheriff's Association, Lake County Sheriff's Department, Marion County Sheriff's Office, Intervenor for Petitioners (15-1461): Tonya J. Bond, Attorney, Joanne Therese Rouse, Attorney, Plews Shadley Racher & Braun LLP, Indianapolis, IN; Karla L. Palmer, Hyman, Phelps & McNamara, PC, Washington, DC.

For Campaign**[\*2]** for Prison Phone Justice, Citizens United for Rehabilitation of Errants, DC Prisoners' Project of the Washington Lawyers' Committee for Civil Rights and Urban Affairs, Dedra Emmons, Ulandis Forte, Human Rights Defense Center, Laurie Lamancusa, Jackie Lucas, Darrell Nelson, Earl J. Peoples, Ethel Peoples, Prison Policy Initiative, United Church of Christ, Office of Communication, Inc., Charles Wade, Intervenor for Respondent (15-1461): Andrew Jay Schwartzman, Georgetown University Law Center, Washington, DC; Angela Julia Campbell, Attorney, Georgetown University Law Center, Institute for Public Representation, Washington, DC.

For Network Communications International Corp., Intervenor for Respondent (15-1461): Glenn S. Richards, Pillsbury Winthrop Shaw Pittman LLP, Washington, DC.

For The Leadership Conference on Civil and Human Rights (15-1461, 15-1498, 16-1012, 16-1029, 16-1038, 16-1046, 16-1057), Amicus Curiae for Petitioner: Deborah M. Golden, Attorney, Washington Lawyers' Committee for Civil Rights & Urban Affairs, Washington, DC.

For The County of Santa Clara, Amicus Curiae for Respondent (15-1461): Danny Yeh Chou, County of Santa Clara, Office of the County Counsel, San Jose, CA.**[\*3]**

For State of Minnesota, State of Illinois, State of New York, Commonwealth of Massachusetts, State of Washington, State of New Mexico (15-1461, 15-1498, 16-1012, 16-1029, 16-1046, 16-1057), Amicus Curiae for Respondent: Andrew Henry Tweeten, Assistant Attorney General, Office of the Attorney General, State of Minnesota, St. Paul, MN.

For District of Columbia (15-1461, 15-1498, 16-1012, 16-1029, 16-1038, 16-1046, 16-1057), Amicus Curiae for Respondents: Karl A. Racine, Office of the Attorney General, District of Columbia, Office of the Solicitor General, Washington, DC.

For Walter Chruby, Rocky Hobbs, Susan Mojica, Thomas Mojica, Dustin Murilla, Kaylan Stuart (15-1461, 15-1498, 16-1012, 16-1029, 16-1038, 16-1046, 16-1057), Amicus Curiae for Respondents: Joseph Marc Sellers, Cohen Milstein Sellers & Toll PLLC, Washington, DC.

For Securus Technologies, Inc., Petitioner (15-1498): Stephanie A. Joyce, Arent Fox LLP, Washington, DC; Andrew David Lipman, Esquire, Partner, Morgan, Lewis & Bockius LLP, Washington, DC.

For Federal Communications Commission, Respondent (15-1498): Sarah Elizabeth Citrin, David Morris Gossett, Jacob M. Lewis, Associate General Counsel, Richard Kiser Welch, Deputy Associate**[\*4]** General Counsel, Federal Communications Commission, Washington, DC.

For United States of America, Respondent (15-1498): Daniel Edward Haar, Attorney, Mary Helen Wimberly, Attorney, Robert B. Nicholson, Attorney, U.S. Department of Justice, Washington, DC.

For Centurylink Public Communications, Inc., Petitioner (16-1012): Robert Allen Long, Jr., Esquire, Kevin Franz King, Covington & Burling LLP, Washington, DC.

For Federal Communications Commission, Respondent (16-1012): David Morris Gossett, Federal Communications Commission, (FCC) Office of General Counsel, Washington, DC.

For United States of America, Respondent (16-1012): Daniel Edward Haar, Attorney, Mary Helen Wimberly, Attorney, Robert B. Nicholson, Attorney, U.S. Department of Justice, ***Antitrust*** Division, Appellate Section, Washington, DC.

For Telmate, LLC, Petitioner (16-1029): John Robert Grimm, Jared Paul Marx, Attorney, Brita Dagmar Strandberg, Harris, Wiltshire & Grannis LLP, Washington, DC.

For Federal Communications Commission, Respondent (16-1029): David Morris Gossett, Federal Communications Commission, (FCC) Office of General Counsel, Washington, DC.

For United States of America, Respondent (16-1029): Daniel Edward Haar,**[\*5]** Attorney, Mary Helen Wimberly, Attorney, Robert B. Nicholson, Attorney, U.S. Department of Justice, ***Antitrust*** Division, Appellate Section, Washington, DC.

For National Association of ***Regulatory*** Utility Commissioners, Petitioner (16-1038): Jennifer M. Murphy, Assistant, General Counsel, National Association of ***Regulatory*** Utility Commissioners, Washington, DC; James Bradford Ramsay, National Association of ***Regulatory*** Utility Commissioners, Washington, DC.

For Federal Communications Commission, Respondent (16-1038): David Morris Gossett, Federal Communications Commission, (FCC) Office of General Counsel, Washington, DC.

For United States of America, Respondent (16-1038): Daniel Edward Haar, Attorney, Mary Helen Wimberly, Attorney, Robert B. Nicholson, Attorney, U.S. Department of Justice, ***Antitrust*** Division, Appellate Section, Washington, DC.

For State of Minnesota, Amicus Curiae for Respondent (16-1038): Andrew Henry Tweeten, Assistant, Attorney General, Office of the Attorney General, State of Minnesota, St. Paul, MN.

For State of Illinois, State of New York, Commonwealth of Massachusetts, State of Washington, State of New Mexico, Amicus Curiae for Respondents (16-1038): Andrew Henry Tweeten,**[\*6]** Assistant, Attorney General, Office of the Attorney General, State of Minnesota, St. Paul, MN.

For Pay Tel Communications, Inc., Petitioner (16-1046): Julia Ambrose, Timothy Nelson, Marcus William Trathen, Brooks, Pierce, McLendon, Humphrey & Leonard, LLP, Raleigh, NC.

For Federal Communications Commission, Respondent (16-1046): David Morris Gossett, Federal Communications Commission, Washington, DC.

For United States of America, Respondent (16-1046): Daniel Edward Haar, Attorney, Mary Helen Wimberly, Attorney, Robert B. Nicholson, Attorney, U.S. Department of Justice, Washington, DC.

For State of Oklahoma, ex rel. Joseph M. Allbaugh, Interim Director of the Oklahoma Department of Corrections, Petitioner (16-1057): Jared Haines, Assistant Solicitor General, Mithun Mansinghani, Office of the Attorney General, State of Oklahoma, Litigation Section, Oklahoma City, OK.

For P. D. Taylor, Sheriff of Oklahoma County, Oklahoma, Petitioner (16-1057): Danny Honeycutt, Oklahoma County Sheriff's Office, Oklahoma City, OK.

For The Oklahoma Sheriffs' Association, on behalf of its members, Petitioner (16-1057): Christopher James Collins, Esquire, Collins, Zorn & Wagner, Oklahoma City, OK.

For Federal Communications**[\*7]** Commission, Respondent - Respondent (16-1057): David Morris Gossett, Jacob M. Lewis, Associate General Counsel, Richard Kiser Welch, Deputy Associate General Counsel, Federal Communications Commission, (FCC) Office of General Counsel, Washington, DC.

For United States of America, Respondent - Respondent (16-1057): Daniel Edward Haar, Attorney, Mary Helen Wimberly, Attorney, Robert B. Nicholson, Attorney, U.S. Department of Justice, ***Antitrust*** Division, Appellate Section, Washington, DC.

For Indiana Sheriff's Association, Marion County Sheriff's Office, Lake County Sheriff's Department, Intervenor for Petitioners (16-1057): Karla L. Palmer, Hyman, Phelps & McNamara, PC, Washington, DC; Tonya J. Bond, Attorney, Joanne Therese Rouse, Attorney, Plews Shadley Racher & Braun LLP, Indianapolis, IN.

For State of Arizona, Intervenor for Petitioner (16-1057): Dominic Emil Draye, Office of the Attorney General, State of Arizona, Phoenix, AZ.

For State of Arkansas, Intervenor for Petitioner (16-1057): Lee Philip Rudofsky, Solicitor, Office of the Attorney General, State of Arkansas, Little Rock, AR.

For State of Indiana, Intervenor for Petitioner (16-1057): Thomas M. Fisher, Solicitor General, Office**[\*8]** of the Attorney General, State of Indiana, Indianapolis, IN.

For State of Kansas, Intervenor for Petitioner (16-1057): Jeffrey Allyn Chanay, Office of the Kansas Attorney General, Topeka, KS.

For State of Louisiana, Intervenor for Petitioner (16-1057): David Glen Sanders, Assistant Attorney General, Louisiana Department of Justice, Litigation Division, Baton Rouge, LA; Patricia Hill Wilton, Louisiana Department of Justice, Baton Rouge, LA.

For State of Missouri, Intervenor for Petitioner (16-1057): Dean John Sauer, Attorney, John Andrew Hirth, Assistant Attorney General, Office of the Attorney General, State of Missouri, Jefferson City, MO.

For State of Nevada, Intervenor for Petitioner (16-1057): Lawrence J. Christopher VanDyke, Solicitor General, Office of the Attorney General, State of Nevada, Carson City, NV.

For State of Wisconsin, Intervenor for Petitioner (16-1057): Daniel Patrick Lennington, Assistant Attorney General, Misha Tseytlin, Attorney, Wisconsin Department of Justice, Madison, WI.

**Judges:** BEFORE: Garland, Chief Judge; Henderson, Rogers, Tatel, Griffith, Kavanaugh, Srinivasan, Millett, Pillard, and Wilkins, Circuit Judges; Edwards and Silberman, Senior Circuit Judges.

**Opinion**

**ORDER**

Upon consideration**[\*9]** of the petition of intervenors, the Wright Petitioners, for rehearing en banc, the responses thereto, and the absence of a request by any member of the court for a vote; the motion of intervenors, the Wright Petitioners, for leave to submit supplement to petition for rehearing en banc and the lodged supplement; and the motion of Susan Mojica, et al., for invitation to file brief as amici curiae in support of petition for rehearing en banc of the Wright Petitioners and the lodged brief, it is

**ORDERED** that the motions be granted. The Clerk is directed to file the lodged documents. It is

**FURTHER ORDERED** that the petition be denied.

**Per Curiam**

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