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# [***Securus Techs., Inc. v. FCC***](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:5R7H-GN21-F04K-Y0TJ-00000-00&context=)

United States Court of Appeals for the District of Columbia Circuit

December 21, 2017, Filed

No. 16-1321 Consolidated with 16-1322, 16-1323, 16-1339, 16-1392, 16-1393

**Reporter**

2017 U.S. App. LEXIS 26360 \*

Securus Technologies, Inc., Petitioner v. Federal Communications Commission and United States of America, Respondents;Campaign for Prison Phone Justice, et al., Intervenors

**Notice:** PLEASE REFER TO *FEDERAL RULES OF APPELLATE PROCEDURE RULE 32.1* GOVERNING THE CITATION TO UNPUBLISHED OPINIONS.

**Prior History:** **[\*1]**FCC-81FR62818.

[*In re Rates for Interstate Inmate Calling Servs., 31 F.C.C.R. 9300, 2016 FCC LEXIS 2717 (F.C.C., Aug. 9, 2016)*](https://advance.lexis.com/api/document?collection=administrative-materials&id=urn:contentItem:5KFJ-JK60-01KR-937D-00000-00&context=)

**Core Terms**

caps

**Counsel:** For Securus Technologies, Inc., Petitioner (16-1321): Stephanie A. Joyce, Arent Fox LLP, Washington, DC; Andrew David Lipman, Esquire, Partner, Morgan, Lewis & Bockius LLP, Washington, DC.

For Federal Communications Commission, Respondent (16-1321, 16-1322): 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 (16-1321, 16-1322, 16-1323, 16-1339): Daniel Edward Haar, Attorney, Robert B. Nicholson, Attorney, Mary Helen Wimberly, Attorney, U.S. Department of Justice, ***Antitrust*** Division, Appellate Section, Washington, DC.

For Campaign 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 Respondents (16-1321):**[\*2]** Andrew Jay Schwartzman, Georgetown University Law Center, Washington, DC.

For Global Tel\*Link, Petitioner (16-1322): Michael K. Kellogg, Aaron M. Panner, Attorney, Benjamin Stark Softness, Kellogg, Hansen, Todd, Figel & Frederick, PLLC, Washington, DC.

For Telmate, LLC, Petitioner (16-1323): Brita Dagmar Strandberg, Jared Paul Marx, Attorney, Harris, Wiltshire & Grannis LLP, Washington, DC.

For Federal Communications Commission, Respondent (16-1323, 16-1339, 16-1392, 16-1393): David Morris Gossett, Federal Communications Commission, (FCC) Office of General Counsel, Washington, DC.

For State of Oklahoma, ex rel. Joseph M. Allbaugh, Interim Director of the Oklahoma Department of Corrections, Petitioner (16-1339): Mithun Mansinghani, Office of the Attorney General, State of Oklahoma, Litigation Section, Oklahoma City, OK.

For State of Arizona, Petitioner (16-1339): Dominic Emil Draye, Office of the Attorney General, Phoenix, AZ.

For State of Arkansas, Petitioner (16-1339): Nicholas Jacob Bronni, Deputy Solicitor General, Office of the Attorney General, State of Arkansas, Little Rock, AR.

For State of Kansas, Petitioner (16-1339): Jeffrey Allyn Chanay, Office of the Kansas Attorney General, Topeka,**[\*3]** KS.

For State of Indiana, Petitioner (16-1339): Thomas M. Fisher, Solicitor General, Office of the Attorney General, State of Indiana, Indianapolis, IN.

For State of Louisiana, Petitioner (16-1339): Patricia Hill Wilton, Louisiana Department of Justice, Baton Rouge, LA.

For State of Missouri, Petitioner (16-1339): John Andrew Hirth, Assistant Attorney General, Office of the Attorney General, State of Missouri, Jefferson City, MO.

For State of Nevada, Petitioner (16-1339): Lawrence J. Christopher VanDyke, Solicitor General, Office of the Attorney General, State of Nevada, Carson City, NV.

For State of Wisconsin, Petitioner (16-1339): Misha Tseytlin, Solicitor General, Daniel Patrick Lennington, Assistant Attorney General, Wisconsin Department of Justice, Madison, WI.

For National Association of ***Regulatory*** Utility Commissioners, on behalf of its members, Petitioner (16-1339): James Bradford Ramsay, Jennifer M. Murphy, Assistant General Counsel, National Association of ***Regulatory*** Utility Commissioners, Washington, DC.

For John Whetsel, Sheriff of Oklahoma County, Oklahoma, Petitioner (16-1339): Danny Honeycutt, Oklahoma County Sheriff's Office, Oklahoma City, OK.

For Oklahoma Sheriffs' Association,**[\*4]** on behalf of its members, Petitioner (16-1339): Christopher James Collins, Esquire, Collins, Zorn & Wagner, Oklahoma City, OK.

For Indiana Sheriff's Association, Marion County Sheriff's Office, Lake County Sheriff's Department, Petitioners (16-1339): Tonya J. Bond, Attorney, Joanne Therese Rouse, Attorney, Plews Shadley Racher & Braun LLP, Indianapolis, IN.

For Pay Tel Communications, Inc., Petitioner (16-1392): Marcus William Trathen, Julia Ambrose, Timothy Nelson, Brooks, Pierce, McLendon, Humphrey & Leonard, LLP, Raleigh, NC.

For United States of America, Respondent (16-1392, 16-1393): Mary Helen Wimberly, Attorney, U.S. Department of Justice, ***Antitrust*** Division, Appellate Section, Washington, DC.

For Centurylink Public Communications, Inc., Petitioner (16-1393): Robert Allen Long, Jr., Esquire, Kevin Franz King, Covington & Burling LLP, Washington, DC.

**Judges:** BEFORE: Rogers, Tatel, and Millett, Circuit Judges.

**Opinion**

**ORDER**

Upon consideration of the motions to govern future proceedings it is

**ORDERED** that the Order on Reconsideration, WC Docket No. 12-375, FCC 16-102 (Aug. 4, 2016), be summarily vacated insofar as it purports to set rate caps on inmate calling service. As all parties agree, the amended**[\*5]** rate caps in the Order on Reconsideration are premised on the same legal framework and mathematical methodology that this court rejected in [*Global Tel\*Link v. FCC, 866 F.3d 397 (D.C. Cir. 2017)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:5P5P-81Y1-F04K-Y0PT-00000-00&context=). It is

**FURTHER ORDERED** that this matter be remanded to the Federal Communications Commission for further consideration of the remaining provisions of the Order on Reconsideration in light of the disposition of this case and other related cases.

Pursuant to [*D.C. Circuit Rule 36*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5GYY-HRY1-6N19-F0RS-00000-00&context=), this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See *Fed. R. App. P. 41(b)*; [*D.C. Cir. Rule 41*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5GYY-HRY1-6N19-F0SD-00000-00&context=).

**Per Curiam**

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