

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

GLOBAL TEL*LINK, et al.,)	
)	
Petitioners,)	
)	
v.)	Case No. 15-1461 (and
)	consolidated cases)
FEDERAL COMMUNICATIONS)	
COMMISSION, and)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Respondents.)	

**MOTION FOR LEAVE TO FILE MOTION FOR
STAY PENDING JUDICIAL REVIEW**

The State of Oklahoma ex rel. Joe M. Allbaugh, Interim Director of the Oklahoma Department of Corrections and John Whetsel, Sheriff of Oklahoma County, Oklahoma (collectively “Oklahoma”) hereby move that this Court grant Oklahoma leave to file a motion for stay pending judicial review of the order of the Federal Communications Commission (“FCC”) issued in the proceeding *In re Rates for Interstate Inmate Calling Services*, Second Report and Order and Third Further Notice of Proposed Rulemaking, WC Docket No. 12-375, FCC 12-167 (Nov. 5, 2015) (“the Order”).

Although Oklahoma’s challenge to the Order has been consolidated with several other challenges in this Court, Oklahoma began its challenge in the United States Court of Appeals for the Tenth Circuit. On motion of the FCC, the Tenth Circuit transferred the case to this Court, which docketed it and consolidated it with other cases on Tuesday, February 16, 2016.

However, before Oklahoma entered this case and, indeed, before the Tenth Circuit even ordered Oklahoma’s challenge transferred, this Court entered a per curiam order requiring that all motions for a stay pending judicial review be filed by February 5, 2016. *See Order, Global Tel*Link v. F.C.C.*, No. 15-1461 (Feb. 3, 2016). The per curiam order also required the FCC to file its response

by February 12, 2016, and that any reply be filed by February 19, 2016. *Id.* Under a strict reading of this Court's order, Oklahoma would not be able to file a motion for a stay pending judicial review even though it was not present in this case until after the order's due date for stay motions.

Further, Oklahoma is the only party seeking a stay in this case that actually operates correctional facilities, has law enforcement interests, and receives rather than pays site commissions. Oklahoma thus has unique irreparable harms and a unique perspective on the public interest—both issues implicated by a motion for a stay. *See* D.C. Cir. R. 18(a)(1); *Virginia Petroleum Jobbers Ass'n v. Federal Power Comm'n*, 259 F.2d 921, 925 (D.C. Cir. 1958).

Lastly, recognizing the pressing nature of stay briefing, Oklahoma agrees to waive its right to file any reply brief in support of its motion should the Court grant its motion for leave to file.¹

For the foregoing reasons, Petitioners respectfully request that the Court grant leave for the Petitioners to file a motion for stay. A copy of Oklahoma's Motion for Stay of FCC Rule will be lodged with the Court.

Respectfully submitted,

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¹ Counsel for Oklahoma had a phone conversation with counsel for the FCC in advance of filing this motion. Counsel for the FCC informed counsel for Oklahoma that the FCC would oppose this motion for leave.