



Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

August 9, 2017

Secretary Marlene H. Dortch
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

**Re: *Ex Parte* filing:
WC Docket 17-126
WC Docket 12-375
GN Docket 13-111**

Dear Secretary Dortch:

The Human Rights Defense Center (HRDC), publisher of *Prison Legal News* (PLN), respectfully makes this *ex parte* submission regarding the clear conflict of interest that exists with respect to the Senate confirmation of Ajit Pai as Chairman of the Federal Communications Commission (FCC or Commission), given the fact that he represented Securus Technologies, Inc. (Securus) as its attorney while employed as a partner with the law firm of Jenner & Block, LLP immediately preceding his confirmation as FCC Commissioner in May 2012.

Based on the following, not only does Mr. Pai's conduct give the appearance of a conflict of interest, there appears to be an actual conflict. Namely, he has never stopped representing the interests of his client Securus Technologies. Based on this conflict we request that Mr. Pai recuse himself from all decisions involving Securus Technologies in particular and the Inmate Calling Services (ICS) industry in general, and that he disclose any financial interests in same.

Mr. Pai clearly identified Securus as his client in information he submitted prior to the November 30, 2011 hearing before the U.S. Senate Committee on Commerce, Science, and Transportation (the Committee) to consider the nominations of Jessica Rosenworcel and Ajit Pai to the Federal Communications Commission:

[T]he complete list of *my* clients is as follows: AOL, Inc.; Cablevision Systems Corp.; Cerberus Capital Management, L.P.; Charter Communications, Inc.; General Dynamics Corp., C4 Systems; Guggenheim Partners, LLC; The Nielsen Company; and *Securus Technologies, Inc.* (Emphasis added)

(Attachment 1, excerpt).

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Since joining the FCC as a Commissioner in 2012, Mr. Pai has vigorously and consistently taken actions to undercut **all** federal regulation of the ICS industry. Securus enjoys kickback-based monopoly contracts with more than 3,400 correctional facilities, and as a result can exploit and price-gouge at least 1.2 million prisoners and their families in 48 states. (**Attachment 2 at 1**). The lack of federal regulation guarantees the company's ability to continue to generate obscene profits at the expense of prisoners and their family members.

An updated questionnaire was completed as part of the pending process to confirm Mr. Pai as Chairman of the Commission. (**Attachment 3, excerpt**). While the bulk of the information contained in this document is the same as submitted to the Senate in 2011, care was taken to re-characterize the relationship between Mr. Pai and Securus:

[T]he complete list of *those* clients is as follows: AOL, Inc.; Cablevision Systems Corp.; Cerberus Capital Management, L.P.; Charter Communications, Inc.; General Dynamics Corp., C4 Systems; Guggenheim Partners, LLC; The Nielsen Company; and *Securus Technologies, Inc.* (Emphasis added)

Id.

Only Mr. Pai can (and should) explain why he decided to represent his relationship with Securus differently in the Committee's 2017 questionnaire than in his 2011 questionnaire.

Mr. Pai also failed to disclose the participation of a Securus employee on a panel he created for an FCC Field Hearing on contraband cell phones held in South Carolina on April 6, 2016. Mr. Pai announced the agenda and panelists for the hearing on March 2016, in which he identified Mr. Dan Wigger as "Vice President and Managing Director for solution vendor CellBlox." (**Attachment 4**). While that may have been true, Mr. Pai failed to disclose that CellBlox was purchased by Securus in January 2015, and that Securus announced *its* hiring of Mr. Wigger in March 2015 "to be responsible for the day-to-day management of our Managed Access Systems (MAS) business that installs propriety high tech software, preventing contraband wireless device use in prisons and jails in the United States." HRDC submitted a letter dated April 7, 2016 that requested clarification of this issue by Mr. Pai; we did not receive a response. (**Attachment 5**).

Perhaps the most significant action taken by Mr. Pai to benefit Securus and the ICS industry was a letter issued by the Commission under Mr. Pai's leadership on January 31, 2017, a mere eight days after he learned of his appointment as FCC Chairman by President Trump. (**Attachment 6**). A petition for rulemaking commonly referred to as the "Wright Petition" had been pending on the FCC's docket since 2003, and in recent years the Commission had been working towards comprehensive reform of the prison telephone industry, having issued an order in 2013¹ that capped the rates for interstate calls from detention facilities and subsequent orders in 2015² and 2016³ that capped the rates for intrastate calls from detention facilities. Intrastate calls represent around 85-90% of all calls from detention facilities. Several ICS providers, including Securus, appealed the FCC's 2015 order and oral argument was set for February 6, 2017.

¹ See Rates for Interstate Inmate Calling Services, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 14107 (2013) (https://apps.fcc.gov/edocs_public/attachmatch/FCC-13-113A1.pdf)

² See Rates for Interstate Inmate Calling Services, WC Docket No. 12-375, Second Report and Order and Third Further Notice of Proposed Rulemaking, 30 FCC Rcd. 12763 (2015) (https://apps.fcc.gov/edocs_public/attachmatch/FCC-15-136A1.pdf)

³ See Rates for Interstate Inmate Calling Services, WC Docket No. 12-375, Order on Reconsideration, 31 FCC Rcd 9300 (2016) (https://apps.fcc.gov/edocs_public/attachmatch/FCC-16-102A1.pdf)

One week before the hearing, and again only eight days after Mr. Pai was appointed Chairman of the Commission, Deputy General Counsel David M. Gossett filed a letter with the DC Circuit Court of Appeals informing them that he was not authorized to defend the Commission's authority to cap intrastate ICS phone rates. (**Attachment 7**).

Following the Court's ruling, Mr. Pai issued a statement that said, in part, "Today, the D.C. Circuit agreed with my position that the FCC exceeded its authority when it attempted to impose rate caps on intrastate calls made by inmates. Looking ahead, I plan to work with my colleagues at the Commission, Congress, and all stakeholders to address the problem of high inmate calling rates in a lawful manner." (**Attachment 8**).

Notably, Mr. Pai omitted the fact that the Court had "agreed" with his position only after he hamstrung the FCC's attorneys by not allowing them to defend the Commission's jurisdiction over intrastate ICS calls. Further, he has not indicated since that time how he plans to address exploitive prison phone rates, which have existed for decades, in a "lawful manner."

It is worth noting that Mr. Pai has dissented on **all** votes taken by the Commission related to comprehensive reform of the ICS industry, which includes his former client. In fact, his dissent to the Commission's 2013 order⁴ that resulted in the February 2014 implementation of interstate rate caps for prison telephone calls appears to have become the framework for the subsequent appeals filed by ICS providers. Despite his acknowledgement that the prison phone industry represents a "market failure" and his opposition to any regulation of the ICS industry, Mr. Pai has failed to advance any means or alternatives to protect consumers from the exploitation and price gouging they suffer at the hands of the ICS industry, including Securus, his former client. This total abdication of any regulatory oversight or role benefits only hedge fund-owned ICS companies and their government collaborators while financially penalizing the poorest, most vulnerable members of American society and the public at large.

Currently pending before the FCC is the purchase of Securus Technologies by Platinum Equities, another hedge fund. Once again Mr. Pai is going to act on an issue that inures exclusively to the benefit of Securus Technologies, his former client, and against the public interest in general and captive market of millions of prisoners and their families whose human contact is monetized for the benefit of Securus and its hedge fund owners in particular. (**See, e.g., Attachment 9**).

To uphold the high ethical standards to which the American public and taxpayers are entitled, and to avoid even the appearance of this obvious conflict of interest, HRDC respectfully requests that Mr. Pai recuse himself from all actions and decisions involving both Securus Technologies and the ICS industry. Further, we call on Mr. Pai to disclose any financial relationships he has with Securus or any other ICS providers, or companies that own ICS providers.

Thank you for your time and attention to this matter.

Sincerely,


Paul Wright
Executive Director, HRDC

⁴ See Rates for Interstate Inmate Calling Services, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 14107 (2013) (https://apps.fcc.gov/edocs_public/attachmatch/FCC-13-113A1.pdf)

Attachment 1

S. HRG. 112-480

**NOMINATIONS OF
JESSICA ROSENWORCEL AND AJIT PAI
TO THE FEDERAL COMMUNICATIONS COMMISSION**

HEARING

BEFORE THE

**COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE**

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

NOVEMBER 30, 2011

Printed for the use of the Committee on Commerce, Science, and Transportation



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ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

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A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Ajit Varadaraj Pai.
2. Position to which nominated: Member, Federal Communications Commission (FCC).
3. Date of Nomination: November 1, 2011.
4. Address (List current place of residence and office addresses):
 Residence: Information not released to the public.
 Office: Jenner & Block LLP, 1099 New York Avenue, N.W., Suite 900, Washington, D.C. 20001-4412.
5. Date and Place of Birth: January 10, 1973; Buffalo, New York.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).
 Spouse: Janine Van Lancker, Assistant Professor of Medicine, Allergy and Sinus Center, Medical Faculty Associates, George Washington University Medical Center, 2150 Pennsylvania Avenue, N.W. Washington, D.C. 20037-3201.
 Child: Alexander Madhav Pai, born August 26, 2011.
7. List all college and graduate degrees. Provide year and school attended.
 Harvard University, B.A. (1994)
 University of Chicago, J.D. (1997)
8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

Post-Undergraduate Employment

Jenner & Block LLP. Partner (April 2011 to present).
 Federal Communications Commission, Office of General Counsel. Special Advisor to the General Counsel (March 2010–April 2011); Deputy General Counsel (December 2007–February 2010); Associate General Counsel (July 2007–December 2007).
 U.S. Senate Judiciary Committee, Subcommittee on the Constitution, Civil Rights, and Property Rights. Chief Counsel (February 2005–June 2007).
 U.S. Department of Justice, Office of Legal Policy. Senior Counsel (May 2004–February 2005).
 U.S. Senate Judiciary Committee, Subcommittee on Administrative Oversight and the Courts. Deputy Chief Counsel (March 2003–May 2004).
 Verizon Communications Inc. Associate General Counsel (February 2001–March 2003).
 U.S. Department of Justice, Antitrust Division, Telecommunications Task Force. Trial Attorney, Attorney General's Honors Program (December 1998–February 2001).
 Hon. Martin L.C. Feldman, U.S. District Court, Eastern District of Louisiana. Law Clerk (September 1997–September 1998).
 Kirkland & Ellis. Summer Associate (June 1997–September 1997). Latham & Watkins. Summer Associate (June 1996–September 1996).
 Lathrop & Norquist (now Lathrop & Gage LLP). Summer Associate (August 1995–September 1995).
 Hon. Kathryn H. Vratil, U.S. District Court, District of Kansas. Summer Law Clerk (June 1995–July 1995).

The management-level jobs I have held include Deputy General Counsel and Associate General Counsel at the Federal Communications Commission; Partner at Jenner & Block LLP (my current position); Chief Counsel at the U.S. Senate Judiciary Committee's Subcommittee on the Constitution, Civil Rights, and Property Rights; and Deputy Chief Counsel at the U.S. Senate Judiciary Committee's Subcommittee on Administrative Oversight and the Courts.

The non-managerial jobs I have held which relate to the position for which I have been nominated include Special Advisor to the General Counsel at the Federal Communications Commission; Senior Counsel at the U.S. Department of Justice, Office of Legal Policy; Associate General Counsel at Verizon Communications Inc.; and

Trial Attorney at the U.S. Department of Justice, Antitrust Division, Telecommunications Task Force.

9. Attach a copy of your resume. A copy is attached.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last five years: None.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last five years.

Partner, Jenner & Block LLP (April 2011 to present).

Co-Trustee, Radha V. Pai Children's Trust (entire time period).

Co-Trustee, Varadaraj S. Pai Children's Trust (entire time period).

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

Kansas Bar. Member during entire reporting period.

District of Columbia Bar. Member (December 3, 2001–September 30, 2003, June 18, 2004 to present). Member, Nominations Committee (November 2010 present).

Federalist Society for Law and Public Policy Studies. Member during entire reporting period; Member, Executive Committee, Administrative Law Practice Group (January 2011 to present).

South Asian Bar Association-District of Columbia. Member during entire reporting period; Member of the Board (2001–02).

Federal Communications Bar Association. Member (2008–09).

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt: No.

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period.

I have not contributed \$500 or more to any individual, campaign organization, political party, political action committee, or similar entity over the past ten years. I have not held any offices with any state or national political party, political action committee, or campaign committee during the same period. Between November 6–8, 2006, I served as a volunteer for the Republican National Committee in Montana.

15. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

Marshall Memorial Fellowship, awarded by the German Marshall Fund of the United States (2011).

16. Please list each book, article, column, or publication you have authored, individually or with others. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

Article, "Congress and the Constitution: The Legal Tender Act of 1862," 77 Oregon Law Review 535 (1998).

Comment, "Should a Grand Jury Subpoena Override a District Court's Protective Order?," 64 University of Chicago Law Review 317 (1997).

I have not given any speeches on topics relevant to the position for which I have been nominated.

17. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

I have not done so.

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for ap-

pointment to the position for which you have been nominated, and why do you wish to serve in that position?

With respect to my background, first and foremost, I have extensive Commission experience. I worked in the agency's Office of General Counsel (OGC) for almost four years on a wide variety of communications law issues and administrative matters. Because OGC's Administrative Law Division (which I supervised for a time as Deputy General Counsel) reviews virtually every significant proposed Commission decision, I had a broad and deep view of the agency's overall docket, and worked on a wide variety of media, wireline, wireless, spectrum, and public safety issues. Over time, I also interacted with Commission-level leadership and every Bureau and Office, and I became quite familiar with agency personnel and procedures. Knowledge of the agency's law, rules, and people is indispensable for Commissioners charged with primary responsibility for decisionmaking.

Second, my other professional experience has given me a good understanding of law, government, and business. From my years on Capitol Hill, I learned about the intricacies of the legislative process and gained a respect for members' prerogatives and perspectives. My time at the U.S. Department of Justice's Office of Legal Policy taught me about the importance of inter-branch consultation and inter-agency coordination. My work at Verizon gave me a better understanding of how the regulatory landscape affects corporate strategy and execution and how the communications industry operates. During my service in the Telecommunications Task Force at the U.S. Department of Justice's Antitrust Division, I helped to evaluate a number of telecommunications transactions, large and small, and to assess requests for regulatory relief following the enactment of the Telecommunications Act of 1996. Finally, as a law clerk to Judge Martin Feldman of the Eastern District of Louisiana, I obtained an in-depth education in the judicial process and the importance of timely, thorough resolution of claims. In sum, I believe my experience in all three branches of government, an independent agency, and a large company give me a good foundation to serve on the Commission.

Third, I have management experience. My most significant management role was as Deputy General Counsel in OGC, as described in more detail in response to the next question. I also served as Chief Counsel of the U.S. Senate Judiciary Committee's Subcommittee on the Constitution, Civil Rights, and Property Rights. In this position, I managed the Subcommittee's agenda, worked with members and staff of both parties, and led then-Senator Brownback's team in evaluating everything from Supreme Court nominations to immigration legislation. I believe such management experience would help me run an office as an agency principal.

Finally, throughout my professional career, I have always done my best to work with colleagues in a collegial manner and to reach cooperative solutions to problems. Even if the person with whom I am dealing has an irreconcilably opposing view on an issue, I try to disagree agreeably. Fortunately, the bulk of the Commission's work proceeds by consensus; most votes are unanimous, and the agency has a collaborative culture. But on those rare occasions when divisions arise on a Commission-level item, my approach would be one of constructive engagement and then, if necessary, respectful disagreement.

I wish to be a Member of the Federal Communications Commission for two basic reasons. First, I believe in public service. For most of my career, I have worked for the United States, and my client has been the public interest. It would be a privilege once again to contribute to the FCC's mission, especially in a decision-making role. Second, the communications industry has brought tremendous benefits to the American economy generally and American consumers in particular. Perhaps more than any other, it is characterized by innovation and change. I would welcome the opportunities to serve as a Member at the agency that plays an important role in this dynamic field and to do my best to ensure that the communications industry continues to contribute to economic growth and the welfare of consumers.

19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

The Chairman of the FCC is the agency's chief executive officer. Nevertheless, were I fortunate enough to be confirmed as a Commissioner, I would take as active a role as possible in ensuring that the agency was managed properly. The most important way a Commissioner can do this is by fully and timely participating in Commission proceedings, especially proposed items that the Chairman has placed on a meeting agenda or on circulation. Helping the Commission reach and issue a final decision in a timely manner not only reflects good government, but also gives parties to a particular proceeding the resolution they deserve.

In terms of administrative issues, I would work to improve agency management in several ways. Most importantly, I would urge the Chairman, other Commis-

sioners, and staff to take full advantage of the Commission's February 2011 order amending various Part 0 and Part 1 rules of agency organization, practice, and procedure (for which I was the primary drafter while I was at the Commission and which is available at http://transition.fcc.gov/Daily_Releases/Daily_Business/2011/db0211/FCC-11-16A1.pdf by broadening the use of electronic filing; terminating more dormant proceedings; expanding the number of docketed proceedings; issuing more electronic and fewer hardcopy notifications of new filings or other changes in a particular docket; and dismissing plainly defective petitions for reconsideration on the staff level (rather than at the Commission level, in order to conserve scarce resources). In addition, there are a number of areas relatively removed from public attention where agency processes could be improved. For instance, Commission procurement is particularly important at a time of fiscal constraint, and I would seek to make sure that Commission procurement processes were consistent with the Federal Acquisition Regulation, as well as basic principles of accountability and proper stewardship of Federal funds. Finally, I would work to maintain good relations with Congress by, among other things, keeping the door open to members and staff with an interest in agency issues and urging the timely completion of reports required by statute to be submitted to Congress.

The best example of my experience managing a large organization would be my service as Deputy General Counsel at the Commission. In that role, I led a team of approximately 40 lawyers in OGC's Administrative Law Division. As described on its website, the Division "reviews all draft Commission decisions for legal sufficiency. Division staff provide legal advice to the Commission concerning a wide array of statutes, regulations, and procedures, including, for example, the Communications Act of 1934, as amended by the Telecommunications Act of 1996, the Administrative Procedure Act, the Freedom of Information Act, the Privacy Act, the Regulatory Flexibility Act, the Paperwork Reduction Act of 1995, the Government in the Sunshine Act, the Contract with America Advancement Act of 1996, negotiated rulemaking and alternative dispute resolution, the Commission's procedural rules, procurement issues, the agency's ex parte and ethics rules (including receipt of gifts by the Commission and its employees, reimbursed travel expenses, and lobbying disclosure)." See <http://www.fcc.gov/encyclopedia/administrative-law-division-office-general-counsel>.

Given the importance, breadth, and sheer volume of the matters that came through the Division for review, careful management was necessary to ensure that the Commission—from Commissioners' offices to the staff in agency Bureaus and Offices—could function in a timely, appropriate manner. Accordingly, as supervising head, it was crucial to keep abreast of all activities of the lawyers within the Division. To this end, I provided as much detailed feedback as possible on items the team leaders sent to me for review, and I made affirmative efforts to become more knowledgeable in areas of law in which they were subject matter experts. Similarly, I communicated promptly to Division leaders the policy choices and requests for legal advice made by Commission and Bureau leadership. I also held a weekly meeting that was attended by the Division Chief, the two deputy chiefs, the six assistant general counsels who served as team leaders for different areas, and representatives from the Office of General Counsel's Transactions Team and Litigation Division. Prior to each meeting, the assistants circulated a report detailing all pending and recently resolved business in the areas within their purview. At the meeting itself, I offered updates on upcoming Commission meetings or other issues affecting the Division. I then asked each attendee to discuss any substantive or administrative matters with the group. This process allowed me to ensure that the Division's work was proceeding smoothly and allowed team leaders a better sense of how to manage their team members with respect to ongoing and future projects. I also consulted frequently with the Division Chief and/or individual team leaders one-on-one in order to resolve more sensitive issues not suited for group-wide discussion. I offer this detailed description of my work as Deputy General Counsel to demonstrate that my management style was, and would be, engaged, efficient, and collegial.

20. What do you believe to be the top three challenges facing the department/agency, and why?

I believe the top three challenges facing the Federal Communications Commission are as follows:

- (1) Optimizing private sector incentives to invest in, create, and maintain cutting edge communications networks, products, and services. As mentioned above, the hallmarks of the communications industry are innovation and change. And generally speaking, consumer welfare is maximized when the marketplace offers improved technology at competitive prices. When the Commission acts, it should be mindful of the importance of the communications indus-

try to our international competitiveness, economic growth, and Americans' quality of life.

(2) Solving the "big" problems. The Commission should resolve important matters that have long simmered on its dockets without final resolution. Chairmen and Commissioners of both political parties have struggled with these issues, and often for good reasons. However, industry and the public would benefit from decisive Commission action. Uncertainty about the rules of the road poorly serves carriers and, ultimately, consumers. I would make a sincere commitment to help the agency make difficult but necessary policy choices in important matters were the Senate to afford me the privilege of serving as a Commissioner.

(3) Adopting spectrum policies that meet the demands of the broadband age. American consumers' greater use of increasingly sophisticated communications technology is putting unprecedented demands on communications networks and spectrum. In particular, mobile broadband data usage is exploding as more consumers use their mobile devices to watch videos, surf the Internet, and more. Given these trends, the Commission will need to allocate and establish service rules for the spectrum within its jurisdiction in ways that ensure efficient, technically feasible use (consistent with statutory guidelines).

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

During my employment at Verizon Communications Inc., I contributed to a 401(k) plan (with a proportionate matching amount contributed by the company). That plan, over which I still have control, is managed by Fidelity Investments, and all funds are invested in diversified index funds.

I currently receive a monthly stipend from Jenner & Block LLP, where I am a non-equity Partner in the Litigation Department, which would stop were I to be confirmed. I also participate in the Firm's Profit Sharing Plan (401(k)), which is also managed by Fidelity Investments. All funds are invested in a diversified index fund.

I do not have any other financial arrangements with the Firm.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain.

I have no commitment or agreement to maintain my affiliation with the District of Columbia Bar (where I serve as a Member of the Nominations Committee) or the Federalist Society for Law and Public Policy (where I serve as a Member of the Executive Committee for the Administrative Law Practice Group). As set forth in the ethics agreement I signed on October 24, 2011, should I be confirmed, I will resign from my positions as a Member of the Nominations Committee and a Member of the Executive Committee for the Administrative Law Practice Group respectively.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated: None.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

I do not believe my employment at Verizon Communications Inc. between 2001 and 2003 would give rise to an actual or potential conflict of interest (or the appearance of such) with my prospective appointment to the Federal Communications Commission, but I list it here given that it is an entity subject to regulation by the agency.

Since beginning at Jenner & Block LLP on April 25, 2011, I have done a limited amount of work for a few clients. Out of an abundance of caution, the complete list of my clients is as follows: AOL, Inc.; Cablevision Systems Corp.; Cerberus Capital Management, L.P.; Charter Communications, Inc.; General Dynamics Corp., C4 Systems; Guggenheim Partners, LLC; The Nielsen Company; and Securus Technologies, Inc. During this time: (1) I have not appeared before the Federal Communications Commission, Executive Branch agencies, Congress, or any court in connection with my work for these clients; (2) my name has not appeared on any comments, briefs, or any other written work submitted on their behalf; and (3) to preclude conflicts, my firm has established a screen as appropriate to prevent my colleagues from discussing specific matters with me.

5. Describe any activity during the past ten years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modifica-

tion of any legislation or affecting the administration and execution of law or public policy.

- During my tenure at the Federal Communications Commission (between 2007 and 2011), I was asked very occasionally to review proposed legislation. I was not asked to recommend the passage, defeat, or modification of such proposals so much as to explain their likely effects. Unfortunately, I cannot recall which specific bills I was asked to review. Additionally, the bulk of my work within the Office of General Counsel at the Commission involved analysis of proposed agency actions—or, in a few cases involving litigation, final agency actions—for consistency with substantive communications laws as well as general administrative laws.
- My employment at the U.S. Senate Judiciary Committee during 2003 and 2004 and again between 2005 and 2007 required frequent involvement in the legislative process on issues as varied as compensation for asbestos-related injuries and immigration reform. I also staffed the Senators for whom I worked at oversight hearings of Executive Branch agencies, such as the U.S. Department of Justice and the Federal Bureau of Investigation.
- My work in the Office of Legal Policy at the U.S. Department of Justice between 2004 and 2005 also involved legislative analysis and advocacy, primarily with respect to national security; for instance, I met with staff for Senator Dianne Feinstein in 2004 to discuss the reauthorization of sixteen expiring provisions of the USA PATRIOT Act, and I helped draft a letter to the Senator explaining the purpose and importance of those provisions.
- Finally, in 2001, while I was working at Verizon Communications Inc., Senior Vice President and Deputy General Counsel John Thome and I met one time with House Energy and Commerce Committee staff to discuss the company's views on H.R. 1542, the Internet Freedom and Broadband Deployment Act.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

Should I be confirmed as a Member of the Federal Communications Commission, I would resolve potential conflicts of interest by (1) identifying the proceeding(s) to which the potential conflicts pertain and gathering all relevant facts; (2) discussing the nature of the potential conflicts with and seeking guidance from the Designated Agency Ethics Official and other attorneys responsible for ethics issues in the Office of General Counsel; and (3) taking the appropriate action to ensure compliance with applicable ethics laws and regulations, as set forth by Congress, the agency, and the bar, respectively.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please explain: No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain: No.

3. Have you or any business of which you are or were an officer ever been involved as a party in an administrative agency proceeding or civil litigation? If so, please explain: No.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain: No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain: No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination.

I am a member of the Kansas and District of Columbia bars, admitted on October 13, 1998 and December 3, 2001, respectively. In the late summer of 2003, after I became a staffer for Senator Jeff Sessions on the Senate Judiciary Committee, I received a notice (possibly a second notice) from the Kansas Bar informing me that my bar dues had not been paid. Thereafter, I sent the Kansas Bar a check for the requisite amount. Unfortunately, the check arrived several days after the deadline for payment had passed (per a notation made by the Kansas Bar on the letter that I had sent and that was returned), and on October 6, 2003, my Kansas license was suspended. Similarly, my District of Columbia license was suspended for non-payment of dues, effective September 30, 2003. After this time, I recall having a conversation with Senate Ethics staff in which I described these circumstances and

was told that Senate staffers doing policy work exclusively were not required to maintain an active bar license. I also was informed by Senator Sessions' office that the office did not require that lawyers on staff maintain an active bar license.

Nonetheless, I sought to reinstate both licenses in late 2003. According to the Kansas Bar's instructions for reinstatement, one requirement was that I submit an application for reinstatement. Similarly, in order to get my District of Columbia bar license reinstated, I had to take and certify completion of the Course on the District of Columbia Rules of Professional Conduct and District of Columbia Practice, and I also had to submit a statement that I was not suspended by any disciplinary authority. See D.C. Bar Bylaws, Art. III, §3(a), available at www.dcbar.org/inside-the-bar/structure/bylaws/article03.cfm#sec3. I took the required District of Columbia Bar course; submitted all necessary forms; paid all applicable fees and charges; and finished the remaining steps needed in order for the respective bars to accept my applications for reinstatement. On June 10, 2004, my Kansas license was reinstated to active status, as was my District of Columbia license on June 18, 2004. I was a member in good standing of each bar before September 30, 2003, and without exception, I have been a member in good standing of each bar since June 18, 2004. However, I greatly regret the oversight that resulted in the administrative suspensions between those dates and will not allow such an oversight to happen again.

I also would note that on March 26, 2009, the Kansas Bar informed me that the suspension of a license under these circumstances is an administrative matter that does not involve a reprimand, a breach of ethics, or any other kind of disciplinary sanction. On the same day, the District of Columbia Bar confirmed that this was an administrative suspension only, and that my work during this time did not constitute the unauthorized practice of law because I did not appear in court, sign legal briefs, or do other work typically done by lawyers performing traditional legal functions. (In connection with the background check requisite for nomination to this position, I proactively conveyed the information above to the Federal Bureau of Investigation.)

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by Congressional committees?

I would do everything within my power as a Commissioner to ensure that such deadlines are met.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures?

I would do everything within my power as a Commissioner to ensure that Congressional witnesses and whistle blowers are protected from reprisal.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

RESUMÉ OF AJIT V. PAI

Experience

Jenner & Block LLP. Partner (April 2011 to present). Member of Litigation Department and Communications Practice.

Federal Communications Commission, Office of General Counsel. Special Advisor to the General Counsel (March 2010–April 2011); *Deputy General Counsel* (December 2007–February 2010); *Associate General Counsel* (July 2007–December 2007). Led team of over 40 lawyers in handling wide variety of matters involving the cable, Internet, wireless, media, satellite, and other industries. Also was responsible for non-communications legal matters, including fiscal law, intellectual property, and environmental law. Finally, argued before and prevailed in the U.S. Court of Appeals for the D.C. Circuit in *National Cable & Telecomms. Ass'n. Inc. v. FCC*; briefed the Court in *CTIA-The Wireless Ass'n v. FCC*; drafted comprehensive revision of agency rules and procedures; and led Commission response to broadest Congressional investigation in recent history.

U.S. Senate Judiciary Committee, Subcommittee on the Constitution, Civil Rights, and Property Rights. Chief Counsel (February 2005–June 2007). Managed all Subcommittee business, budget, and staff; was lead counsel on Supreme Court nomina-

tions, constitutional law, national security, communications, media, Internet regulation, antitrust, and other issues; and served as general counsel for Senator's personal office, handling full range of personnel and ethics matters.

U.S. Department of Justice, Office of Legal Policy, Senior Counsel (May 2004–February 2005). Worked on issues and initiatives relating to national security, communications, and judicial administration; assisted in consideration of judicial and executive nominations; handled Department's implementation of Executive Order 13,353, establishing the President's Board on Safeguarding Americans' Civil Liberties; and counseled Associate Attorney General in his representation of the Department at American Bar Association's annual meeting.

U.S. Senate Judiciary Committee, Subcommittee on Administrative Oversight and the Courts, Deputy Chief Counsel (March 2003–May 2004). Served as lead counsel on national security, constitutional, communications, antitrust, and other issues.

Verizon Communications Inc. Associate General Counsel (February 2001–March 2003). Drafted amicus brief to the Supreme Court in *National Cable & Telecomms. Ass'n, Inc. v. Gulf Power Co.*, 534 U.S. 327 (2002); helped draft Federal and state court briefs, *see, e.g., Verizon New Jersey Inc. v. Ntegrity Telecontent Servs., Inc.*, 219 F.Supp.2d 616 (D.N.J. 2002); conducted depositions; counseled business executives on variety of critical competition issues; worked extensively with business and engineering teams to establish wireline broadband standard-setting organization; ran antitrust compliance training program; submitted comments to Federal Communications Commission in connection with proposed rulemaking; and prepared general counsel for Congressional hearing on communications and antitrust issues.

U.S. Department of Justice, Antitrust Division, Telecommunications Task Force, Trial Attorney, Attorney General's Honors Program (December 1998–February 2001). Worked on proposed transactions and requests for regulatory relief, including the then-largest proposed merger in history and the first successful petition for long-distance market entry following enactment of the Telecommunications Act of 1996. Responsibilities included drafting application for temporary restraining order to enjoin prospective merger; interviewing and second-chairing depositions of telecommunications executives; evaluating Section 271 petitions for regulatory approval; drafting motions, affidavits, third-party communications, and other documents for use in regulatory proceedings and litigation; reviewing documents produced by parties pursuant to "second requests" and other compulsory antitrust process; and coordinating regulatory review with Federal Communications Commission, Federal Trade Commission, and other antitrust agencies.

Hon. Martin L.C. Feldman, U.S. District Court, Eastern District of Louisiana, Law Clerk (September 1997–September 1998). Conducted research, drafted orders, and assisted in preparation for trial in admiralty, antitrust, bankruptcy, employment discrimination, and other cases.

Kirkland & Ellis, Los Angeles, CA. Summer Associate (June 1997–September 1997). Permanent offer extended.

Latham & Watkins, Los Angeles, CA. Summer Associate (June 1996–September 1996). Permanent offer extended.

Education

University of Chicago Law School J.D., 1997.

- *University of Chicago Law Review. Editor* (1996–97); *Staff Member* (1995–96).
- *Semifinalist*, Hinton Moot Court Competition (1997). Winner of Thomas J. Mulroy Prize.
- *Harvard University. B.A. with honors in Social Studies*, 1994.

Harvard Speech and Parliamentary Debate Society. Member (1990–94); *Vice President* (1992–93). *Quarterfinalist*, World Debate Championships, Melbourne, Australia (1994).

Publications

Comment, "Should a Grand Jury Subpoena Override a District Court's Protective Order?," 64 U. Chi. L. Rev. 317 (1997). *Proposal adopted, In re Grand Jury Subpoena*, 138 F.3d 442,445 (1st Cir. 1998), *cert. denied*, 524 U.S. 939 (1998); *In re Grand Jury*, 286 F.3d 153, 162–63 (3d Cir. 2002).

Article, "Congress and the Constitution: The Legal Tender Act of 1862," 77 Oregon L. Rev. 535 (1998). Originally drafted during law school and nominated by University of Chicago Law School faculty for Casper Platt Award, which recognizes the most outstanding student paper (1997).

Miscellaneous

- Member in good standing of Kansas and District of Columbia Bars.
- Awarded the 2011 Marshall Memorial Fellowship by the German Marshall Fund of the United States.
- Member of District of Columbia Bar Association (Member, Nominations Committee) and Federalist Society (Executive Committee Member, Administrative Law Practice Group).

The CHAIRMAN. And it will be so. Thank you very much, Mr. Pai. And you have a very warm way of talking, too, a very inclusive way. So when you say that you are a good listener, I truly believe that. And I also think it is incredibly important.

Mr. PAI. Thank you, Mr. Chairman.

The CHAIRMAN. FCC is a very complex organization. And it deals in such cerebral matters and technical matters that the human relations aspect of it, within the FCC and then also reaching out to the public becomes very important. Because most people don't know what you do and if they do, they are probably afraid of you. And so those personal skills are incredibly important.

I would like to start the questioning with a question to each of you. It is a question which Jessica Rosenworcel has heard many times before, because I always ask it as the very first question.

Senator Olympia Snowe and I were responsible for establishing a program which we are very fond of, called the "e-Rate", and a lot of other people helped. It has done a fantastic job in helping with closing the digital divide. I thought at the time that, when it passed, that California would be way out, a high number in the percentage of classrooms which were covered. And in fact it was only 15 percent. On the other hand, Houston, which I figured might have had a lower, they went wireless and within 2 days they were at 100 percent.

So I mean there is this vast variation. In West Virginia the numbers were very low. Now they are very high, as they are across the country. But also, the e-Rate program is not just making a connection, but keeping that connection current, and having the technology to keep it so, so it can continue to close the digital divide.

So, my question is very simple but profoundly important to me. Will you both promise me that you will support the e-Rate program?

Ms. ROSENWORCEL. Yes.

[Laughter.]

The CHAIRMAN. That's one.

Mr. PAI. Senator, if confirmed, I look forward to working with you on the e-Rate program and I support the program.

The CHAIRMAN. Good.

[Laughter.]

The CHAIRMAN. One of the reasons I say that is that there is a tendency sometimes with the FCC to look at e-Rate-related money, which is for the moment fungible, and then to apply that to things which have nothing to do with the e-Rate. Or others will try to make that grab of money.

That is something which causes me vast heartache. So I am going to incorporate that in your "yes" answer, that you will keep your eye out for that.

Attachment 2

ABOUT SECURUS

AT SECURUS, WE' RE COMMITTED TO *CONNECTING WHAT MATTERS*[®]

Securus Technologies provides leading edge civil and criminal justice technology solutions that improve public safety and modernize the incarceration experience. Thousands of public safety, law enforcement and corrections agencies rely on Securus for secure, simple and powerful technology solutions that are always accessible and easy to use.

With hundreds of patents and scores of engineers, technologists, designers and thinkers innovating solutions, the technology here is second to none. Securus is committed to being the best provider of high-tech software solutions, with the most product and service offerings of the highest quality that provide the best economics for our customers while maintaining the best customer service in our industry.

From connecting family and friends to those incarcerated... to connecting correctional facility personnel to critical information... to connecting inmates to technology... to connecting the dots for investigative leads... to connecting emergency dispatchers and responders to those in need... Securus Technologies is committed to serve and connect by providing emergency response, incident management, public information, investigation, verification, communication, information management, inmate self-service, and monitoring products and services in order to make our world a safer place to live.

Securus Technologies is headquartered in Dallas, Texas, and serves more than 3,400 public safety, law enforcement and corrections agencies and over 1.2 million inmates across North America.

The Securus Difference

- Superior, revolutionary technology that is modern, relevant and continuously evolving to meet your needs
- Collective intelligence from more than 2,200 law enforcement and corrections agencies providing unbeatable lead generation
- Largest facility communications provider and the only full spectrum solutions provider in the sector
- Product and service combinations that provide unique, full criminal lifecycle solutions from pre-incarceration incident management through post-incarceration monitoring
- Dedicated to innovation with more than 140 patents and industry-leading R&D investment

Company Fast Facts

- Founded in 1986 and headquartered in Dallas, TX
- Regional offices located in Carrollton, TX; Allen, TX; and Atlanta, GA
- 30 years of experience serving the corrections industry
- Serving approximately 3,400 correctional facilities and more than 1.2 million inmates in 48 states
- In-sourced customer call center and technical support teams that operate 24x7x365
- Industry's number one innovator, with more than 140 patents issued and approximately 90 pending
- Largest team in the industry with approximately 1,300 Associates nationwide
- SAS 70 and Sarbanes-Oxley compliant
- Approximately 150 Field Services team members located within close proximity to the facilities we serve
- Secure Call Platform (SCP) is the leading platform in the industry with more than 2,200 installations
- More than \$19 million each year in reinvestment back into the company

Industry News

Interesting and informative articles pertaining to our industry and our company

Securus Provides Over \$1.3 Billion in Prison, Jail and Government Funding Over (http://www.finwin.com/demo/index.cfm?tab=News&story_id=17511423&distributor=DTN,RTT,PRN,BW&showLatest=false)

[View All \(/industry-news\)](/industry-news)

Securus History

Our timeline from company formation through the innovations and acquisitions propelling us to present-day industry leader

[Learn More \(/securus-history\)](/securus-history)

Customer Integrity Pledge

Our pledge of integrity guiding our interactions with all of our customers, including agencies, inmates and their family and friends

[Learn More \(/customer-integrity-pledge\)](/customer-integrity-pledge)

Press Releases

Catalog of published press releases with pertinent information about our company

Securus Technologies Compares Over-the-Counter Phone Rate versus Securus' Average Rate (https://www.securustechnologies.com/zh/about-us/-/asset_publisher/y4UgIo5YBorO/content/securus-technologies-compares-over-the-counter-phone-rate-versus-securus-average-rate?inheritRedirect=false&redirect=https%3A%2F%2Fwww.securustechnologies.com%2Fzh%2Fabout-us%3Fp_p_id%3D101_INSTANCE_y4UgIo5YBorO%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-3%26p_p_col_pos%3D1%26p_p_col_count%3D4)

Securus Releases Data on Calling Rates - Dramatic Reduction in Rates and Fees (https://www.securustechnologies.com/zh/about-us/-/asset_publisher/y4UgIo5YBorO/content/securus-releases-data-on-calling-rates-dramatic-reduction-in-rates-and-fees?inheritRedirect=false&redirect=https%3A%2F%2Fwww.securustechnologies.com%2Fzh%2Fabout-us%3Fp_p_id%3D101_INSTANCE_y4UgIo5YBorO%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-3%26p_p_col_pos%3D1%26p_p_col_count%3D4)

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Correctional Officer Memorial Fund

Our financial assistance program supporting families of fallen correctional officers

[Learn More \(/corrections-officer-memorial-fund\)](/corrections-officer-memorial-fund)

Customer Testimonials

Real statements from real customers on how they feel about doing business with us and using our technology solutions

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Leading edge [civil](#) and [criminal justice technology solutions](#) that improve public safety and modernize the incarceration experience.

“

I am a firm believer in customer service and Securus seems to pride itself in providing great customer service. In this day and age of ever-changing technology, Securus has stayed ahead of the game by consistently looking for ways to make it easier for inmates, inmates's families, and most of all, Sheriff Department's personnel. ”

— County Sheriff's Office, Illinois

Securus Publishes Results of Patent Portfolio Analysis Completed by Three (3) Indepen...

Press Release 六月 12, 2017

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Securus Publishes Results of Patent Portfolio Analysis Completed by Three (3) Independent Intellectual Property Consulting Firms

Securus Patent Portfolio Has Substantially More Value, Greater Size/Coverage, Is More Significant, and Higher Quality Than Global Tel*Link' s Patent Portfolio

Innography Analysis Indicates Securus' Patent Strength is Almost 3X as Great as GTL' s

DALLAS, TX June 12, 2017/Business Wire/ -- Securus Technologies, a leading provider of civil and criminal justice technology solutions for public safety, investigation, corrections and monitoring, announced that it engaged three (3) independent consulting firms to analyze its patent portfolio against the patent portfolio of Global Tel*Link (GTL), and is presenting the results of those studies again to our customers, lenders, and associates/employees.

“We issued a formal ‘Patent Portfolio Bake Off’ Challenge to GTL that went unanswered so we did something that was even better, I believe,” said Richard A. (“Rick”) Smith, Chairman of the Board and Chief Executive Officer of Securus Technologies.

“We used our outside counsel to engage three (3) independent, well-known, intellectual property consulting firms to compare and contrast our patent portfolio with GTL' s patent portfolio. Outside counsel did not disclose who their client was, so the comparison was independent, intellectually honest, and non-biased,” said Smith. “Counsel didn' t even tell the consulting firms what the list of patents was for each company. Securus didn' t provide any help or assistance to aid their analysis at all.”

The key findings of the studies are provided below:

[Study](#)

[Key Findings](#)

- Securus' worldwide active patent portfolio is 1.8X the size of GTL's
- Securus has over 2X more US based grants than GTL
- Securus has more filings than GTL in every jurisdiction common to both parties
- Securus' portfolio is cited 5X more than GTL by other parties
- Securus' portfolio was developed over a longer period of time
- GTL cites Securus' portfolio 10X more than Securus cites GTL patents
- Securus has 3X the number of US grants ranked "excellent" and "good"
- Securus has more US grants ranked "excellent" and "good" than GTL in every technology category
- Securus' US portfolio covers a broader range of technologies than GTL's

Study 1

Study 2 (Innography Analysis)

Innography is widely used in the patent industry as a way to measure patent strength in an environment of litigation. Think of Innography as a measurement of a patent portfolio's "value" in a litigation environment. Innography measures these components:

- Age of patent
- Remaining life
- Published year
- Year filed
- Relevance
- Number of patents
- Number of citations
- Number of claims
- Patent strength score
- Number of inventors
- Jurisdiction (country)
- And more

Based on the above Innography Analysis, Securus' cumulative patent strength score was 8040 versus the GTL cumulative score of 2445. So, Securus is the clear winner.

Study 3

This patent portfolio analysis reviews these components:

- Number of patents
- Assignee analysis
- Priority, filing and publication trend
- Geographical pressure
- Patent overall scores
- Litigation analysis
- Patent classification

Based on the above components, the cumulative Securus score was 6820 versus the GTL score of 3225. So, Securus was the clear winner.

"The three (3) independent patent portfolio analyses clearly show that by virtually any qualitative or quantitative measurement, Securus' patent portfolio is much stronger, broader, and valuable than the other company's portfolio," Smith said.

"We did this work, spent this time, and paid a significant amount of money to make clear to everyone that you can use the legal system and file patent infringement cases and patent invalidations to cloud facts for a while, but the truth on the superior numbers and value of our patent portfolio will eventually prevail. I have recently reached out to the CEO of GTL and their owners to close out all existing and future litigation associated with patents. I pray that they will accept our olive branch. If not, we will aggressively pursue the \$115 million settlement payment from GTL that I have justified in the past. The future of this litigation is in their hands," concluded Smith.

ABOUT SECURUS TECHNOLOGIES

Headquartered in Dallas, Texas, and serving more than 3,450 public safety, law enforcement and corrections agencies and over 1,200,000 inmates across North America, Securus Technologies is committed to serve and connect by providing emergency response, incident management, public information, investigation, biometric analysis, communication, information management, inmate self-service, and monitoring products and services in order to make our world a safer place to live. Securus Technologies focuses on connecting what matters[®]. To learn more about our full suite of civil and criminal justice technology solutions, please visit SecurusTechnologies.com. (<http://SecurusTechnologies.com>)

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Attachment 3

Instructions for the nominees: The Senate Committee on Commerce, Science, and Transportation asks you to provide typed answers to each of the following questions. It is requested that the nominee type the question in full before each response. Do not leave any questions blank. Type "None" or "Not Applicable" if a question does not apply to the nominee. Return printed answers to Committee. Begin each section (i.e., "A", "B", etc.) on a new sheet of paper.

A. BIOGRAPHICAL INFORMATION AND QUALIFICATIONS

1. Name (Include any former names or nicknames used):

Ajit Varadaraj Pai

2. Position to which nominated:

Member, Federal Communications Commission*

* President Donald J. Trump designated me Chairman of the Commission on January 23, 2017.

3. Date of Nomination:

March 7, 2017

4. Address (List current place of residence and office addresses):

Residence:



Office:

445 12th Street, S.W.
Washington, DC 20554

5. Date and Place of Birth:

January 10, 1973
Buffalo, New York

6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

Janine Van Lancker
Assistant Professor of Medicine
George Washington University Medical Faculty Associates

[REDACTED]

[REDACTED]

7. List all college and graduate degrees. Provide year and school attended.

Harvard University, B.A. (1994)

University of Chicago, J.D. (1997)

8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

Federal Communications Commission. Chairman (January 2017 – present); Commissioner (May 2012 – January 2017).

Jenner & Block LLP. Partner (April 2011 – May 2012).

Federal Communications Commission, Office of General Counsel.
Special Advisor to the General Counsel (March 2010 – April 2011);
Deputy General Counsel (December 2007 – February 2010); Associate
General Counsel (July 2007 – December 2007).

U.S. Senate Judiciary Committee, Subcommittee on the Constitution,
Civil Rights, and Property Rights. Chief Counsel (February 2005 – June
2007).

U.S. Department of Justice, Office of Legal Policy. Senior Counsel (May 2004 – February 2005).

U.S. Senate Judiciary Committee, Subcommittee on Administrative Oversight and the Courts. Deputy Chief Counsel (March 2003 – May 2004).

Verizon Communications Inc. Associate General Counsel (February 2001 – March 2003).

U.S. Department of Justice, Antitrust Division, Telecommunications Task Force. Trial Attorney, Attorney General's Honors Program (December 1998 – February 2001).

Hon. Martin L.C. Feldman, U.S. District Court, Eastern District of Louisiana. Law Clerk (September 1997 – September 1998).

Kirkland & Ellis. Summer Associate (June 1997 – September 1997).

Latham & Watkins. Summer Associate (June 1996 – September 1996).

Lathrop & Norquist (now Lathrop & Gage LLP). Summer Associate (August 1995 – September 1995).

Hon. Kathryn H. Vratil, U.S. District Court, District of Kansas. Summer Law Clerk (June 1995 – July 1995).

The management-level jobs I have held include Chairman, Commissioner, Deputy General Counsel, and Associate General Counsel at the Federal Communications Commission; Partner at Jenner & Block LLP; Chief Counsel at the U.S. Senate Judiciary Committee's Subcommittee on the Constitution, Civil Rights, and Property Rights; and Deputy Chief Counsel at the U.S. Senate Judiciary Committee's Subcommittee on Administrative Oversight and the Courts.

The non-managerial jobs I have held which relate to the position for which I have been nominated include Special Advisor to the General Counsel at the Federal Communications Commission; Senior Counsel at the U.S. Department of Justice, Office of Legal Policy; Associate

General Counsel at Verizon Communications Inc.; and Trial Attorney at the U.S. Department of Justice, Antitrust Division, Telecommunications Task Force.

9. Attach a copy of your resume.

A copy of my resume is attached.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years.

None.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years.

Partner, Jenner & Block LLP (April 2011 – May 2012).

Co-Trustee, Radha V. Pai Children's Trust (resigned August 2012).

Co-Trustee, Varadaraj S. Pai Children's Trust (resigned August 2012).

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

Kansas Bar. Member during entire reporting period.

District of Columbia Bar. Member during entire reporting period.

Member, Nominations Committee (November 2010 – November 2011).

Federalist Society for Law and Public Policy Studies. Member during entire reporting period; Member, Executive Committee, Administrative Law Practice Group (January 2011 – November 2011).

South Asian Bar Association – District of Columbia. Member during entire reporting period.

Federal Communications Bar Association. Member (2008-09).

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.

No.

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period.

I contributed a total of \$750 to the presidential campaign of Mitt Romney in 2012. I have not contributed \$500 or more to any other individual, campaign organization, political party, political action committee, or similar entity over the past ten years. I have not held any offices with any state or national political party, political action committee, or campaign committee during the same period. Between November 6-8, 2006, I served as a volunteer for the Republican National Committee in Montana.

15. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

2016 Freedom of Speech Award from the Media Institute.

2015 Herbert Brownell Award from the Tech Elders.

2015 Sports Fan Coalition Most Valuable Policymaker (along with all other Commissioners).

2015 Jerry B. Duvall Public Service Award from the Phoenix Center for Advanced Legal & Economic Public Policy Studies.

2011 Marshall Memorial Fellowship, awarded by the German Marshall Fund of the United States.

16. Please list each book, article, column, or publication you have authored, individually or with others. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

Publications:

“Consumer Protection Month at the FCC,” self-published on *Medium* (June 22, 2017), available at <https://medium.com/@AjitPaiFCC/consumer-protection-month-at-the-fcc-1dea0007d9c6>.

“How the U.S. can win the digital future,” *Manchester Union Leader* (June 21, 2017), available at <http://www.unionleader.com/Another-View-Ajit-Pai-Tech-Week-How-the-US-can-win-the-digital-future-06222017>.

“Heading Together Toward the Future,” self-published on *Medium* (June 2, 2017), available at <https://medium.com/@AjitPaiFCC/heading-together-toward-the-future-d0800a5e16da>.

“Supporting Our Public Safety Heroes,” self-published on *Medium* (June 1, 2017), available at <https://medium.com/@AjitPaiFCC/supporting-our-public-safety-heroes-9f9d0b5946c3>.

“But Wait, There’s More,” self-published on *Medium* (April 27, 2017), available at <https://medium.com/@AjitPaiFCC/but-wait-theres-more-d46d5c78719c>.

“Why I’m trying to change how the FCC regulates the Internet,” *Los Angeles Times* (April 26, 2017), available at

Subject matter: oversight of the Federal Communications Commission's implementation of the Spectrum Act of 2012.

Testimony before the Subcommittee on Communications and Technology of the United States House of Representatives Committee on Energy and Commerce (July 10, 2012), *available at* https://apps.fcc.gov/edocs_public/attachmatch/DOC-315058A1.pdf.
Subject matter: oversight of the Federal Communications Commission.

Testimony before the United States Senate Committee on Commerce, Science, and Transportation (May 16, 2012), *available at* https://apps.fcc.gov/edocs_public/attachmatch/DOC-314115A1.pdf.
Subject matter: oversight of the Federal Communications Commission.

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

I have had the privilege of serving as the Chairman and, prior to that, a Commissioner at the Federal Communications Commission for over five years. During that time, I have had the opportunity to study and vote on numerous FCC decisions in a wide variety of areas, such as broadcast, cable, public safety, satellite, wireless, and wireline. In addition, I have traveled to many parts of the United States, from south Florida to above the Arctic Circle, in order to learn how Americans benefit from, or could benefit from, communications services. I believe that experiences such as these serve as my principal qualifications for continuing to serve at the Commission going forward.

19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

The Chairman of the FCC is the agency's chief executive officer. I believe that the Chairman has a responsibility to ensure the proper management of the agency. This includes working with the highly capable FCC staff on management and accounting issues; testifying before Congress on the FCC's budget request for any given fiscal year;

and otherwise promoting the proper stewardship of the agency, consistent with all applicable laws and regulations governing the agency's operations.

Other than my service as Chairman and Commissioner at the agency, my management experience lies primarily in helping to lead the offices I served in as Deputy General Counsel in the FCC's Office of General Counsel between 2007 and 2010 and as Chief Counsel on the Senate Judiciary Committee's Subcommittee on the Constitution, Civil Rights, and Property Rights between 2005 and 2007. In these roles, I was responsible for substantive decision-making as well as internal matters like personnel.

20. What do you believe to be the top three challenges facing the department/agency, and why?

I believe the top three challenges facing the Federal Communications Commission are as follows:

(1) Promoting broadband deployment. The Internet is increasingly critical in the daily lives of Americans from all walks of life. The Commission has an important role to play in ensuring that consumers who want high-speed access to the Internet can get it, wherever or whoever they are. I have outlined a proactive agenda along these lines to enable all Americans to be participants in, rather than spectators of, the digital economy.

(2) Defending the public interest. Across all sectors under the FCC's jurisdiction, I believe the agency should focus on promoting the interests of consumer welfare, competition, and innovation. There is much the Commission can and should do to promote these interests, such as making sure that public safety communications systems are robust, helping advance technology accessibility to those with disabilities, and maximizing the incentives for private sector companies to invest and innovate for the benefit of American consumers.

(3) Increasing openness and transparency. Even though the Commission plays a significant role in a major sector of the economy, many—from members of Congress to the American public—can find it difficult to learn about the agency's operations and decision-making. The

Commission should strive to promote openness and transparency. This would be in keeping with the spirit of the digital age and would give Americans greater confidence in the agency's operations and decisions. This is why, for instance, I introduced an initiative during my second week in office as Chairman to disclose the text of certain items that would be voted at an upcoming meeting. This simple but significant measure has allowed anyone, anywhere to see what the Commission is considering doing before the agency formally votes.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

During my employment at Verizon Communications Inc., I contributed to a 401(k) plan (with a proportionate matching amount contributed by the company). That plan, over which I still have control, is managed by Fidelity Investments, and all funds are invested in diversified index funds. Neither the company nor I continue to make contributions to this plan.

During my employment at Jenner & Block LLP, I participated in the Firm's Profit Sharing Plan (401(k)), which was and is managed by Fidelity Investments. All funds are invested in a diversified index fund. I do not have any other financial arrangements with the Firm. Neither the firm nor I continue to make contributions to this plan.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain.

No.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

None.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

During my time at Jenner & Block LLP between April 25, 2011 and May 6, 2012, I did a limited amount of work for a few clients. Out of an

abundance of caution, the complete list of those clients is as follows: AOL, Inc.; Cablevision Systems Corp.; Cerberus Capital Management, L.P.; Charter Communications, Inc.; General Dynamics Corp., C4 Systems; Guggenheim Partners, LLC; The Nielsen Company; and Securus Technologies, Inc. During that time: (1) I did not appear before the Federal Communications Commission, executive branch agencies, Congress, or any court in connection with my work for these clients; (2) my name did not appear on any comments, briefs, or any other written work submitted on their behalf; and (3) to preclude conflicts, my firm established a screen as appropriate to prevent my colleagues from discussing specific matters with me.

5. Describe any activity during the past ten years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

- During my time at the Federal Communications Commission, I and/or my staff have been asked on occasion to review legislative proposals. I also have issued a number of official statements supportive of the passage of particular bills. *See, for example*, Chairman Pai Statement on Bipartisan Support for the Gigabit Opportunity Act, *available at* http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0621/DOC-345457A1.pdf; Statement of FCC Commissioner Ajit Pai on House Passage of the FCC Process Reform Act of 2013, *available at* https://apps.fcc.gov/edocs_public/attachmatch/DOC-326018A1.pdf. Recently, I co-authored an op-ed with a Congressman urging passage of a public safety measure. *See* “Passing the Kelsey Smith Act Will Help Law Enforcement Save Lives,” *The Hill* (May 25, 2016), *available at* <http://thehill.com/blogs/congress-blog/technology/280741-passing-the-kelsey-smith-act-will-help-law-enforcement-save#.V0WfhNlfug0> (co-authored with Representative Kevin Yoder). Finally, I have testified many times before Congress; often, I have noted favorable consideration of bills and/or supported enactment of those bills. *See, for example*, Testimony before the U.S. Senate Committee on Commerce, Science, and Transportation at 1-2 (March 2, 2016), *available at* https://apps.fcc.gov/edocs_public/attachmatch/DOC-338045A1.pdf (Kari’s Law Act of 2016).

- During my initial service at the Federal Communications Commission, in the Office of General Counsel (between 2007 and 2011), I was asked very occasionally to review proposed legislation. I was not asked to recommend the passage, defeat, or modification of such proposals so much as to explain their likely effects.
 - My employment at the U.S. Senate Judiciary Committee during 2003 and 2004 and again between 2005 and 2007 required frequent involvement in the legislative process on issues as varied as compensation for asbestos-related injuries and immigration reform. I also staffed the Senators for whom I worked at oversight hearings of executive branch agencies, such as the U.S. Department of Justice and the Federal Bureau of Investigation.
6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

Should I be fortunate enough to be confirmed to another term at the Federal Communications Commission, I would continue to resolve potential conflicts of interest by (1) identifying the proceeding(s) to which the potential conflicts pertain and gathering all relevant facts; (2) discussing the nature of the potential conflicts with and seeking guidance from the Designated Agency Ethics Official and other attorneys responsible for ethics issues in the Office of General Counsel; and (3) taking the appropriate action to ensure compliance with applicable ethics laws and regulations, as set forth by Congress, the agency, and the bar, respectively.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? If yes:
 - a. Provide the name of agency, association, committee, or group;
 - b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
 - c. Describe the citation, disciplinary action, complaint, or personnel action;
 - d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain.

No.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain.

No.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain.

No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain.

No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination.

I am a member of the Kansas and District of Columbia bars, admitted on October 13, 1998 and December 3, 2001, respectively. In the late summer of 2003, after I became a staffer for Senator Jeff Sessions on the Senate Judiciary Committee, I received a notice (possibly a second notice) from the Kansas Bar informing me that my bar dues had not been paid. Thereafter, I sent the Kansas Bar a check for the requisite amount. Unfortunately, the check arrived several days after the deadline for payment had passed (per a notation made by the Kansas Bar on the letter that I had sent and that was returned), and on October 6, 2003, my Kansas license was suspended. Similarly, my District of Columbia license was suspended for nonpayment of dues, effective September 30, 2003. After this time, I recall having a conversation with Senate Ethics staff in which I described these circumstances and was told that Senate staffers doing policy work exclusively were not required to maintain an active bar license. I also was informed by Senator Sessions' office that the office did not require that lawyers on staff maintain an active bar license.

Nonetheless, I sought to reinstate both licenses in late 2003. According to the Kansas Bar's instructions for reinstatement, one requirement was that I submit an application for reinstatement. Similarly, in order to get my District of Columbia bar license reinstated, I had to take and certify completion of the Course on the District of Columbia Rules of Professional Conduct and District of Columbia Practice, and I also had to submit a statement that I was not suspended by any disciplinary authority. *See* D.C. Bar Bylaws, Art. III, § 3(a), available at www.dcbbar.org/inside_the_bar/structure/bylaws/article03.cfm#sec3. I took the required District of Columbia Bar course; submitted all necessary forms; paid all applicable fees and charges; and finished the remaining steps needed in order for the respective bars to accept my applications for reinstatement. On June 10, 2004, my Kansas license was reinstated to active status, as was my District of Columbia license on June 18, 2004. I was a member in good standing of each bar before September 30, 2003, and without exception, I have been a member in

good standing of each bar since June 18, 2004. However, I greatly regret the oversight that resulted in the administrative suspensions between those dates and will not allow such an oversight to happen again.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees?

Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures?

Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee?

Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

Yes.

(Nominee is to include this signed affidavit along with answers to the above questions.)

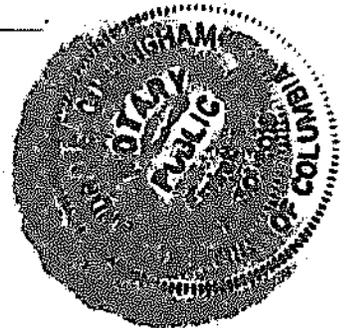
F. Affidavit

AJIT V. PAI being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.

Ajit V. Pai
Signature of Nominee

Subscribed and sworn before me this 7th day of July, 2017.

Andrea E. Cunningham
Notary Public



AJIT V. PAI

EXPERIENCE

Federal Communications Commission. *Chairman* (2017-present); *Commissioner* (2012-17).

Jenner & Block, LLP. *Partner* (2011-12) in firm's communications practice.

Federal Communications Commission. *Special Advisor* (2010-11); *Deputy General Counsel* (2007-10); and *Associate General Counsel* (2007), Office of General Counsel.

U.S. Senate Judiciary Committee, Subcommittee on the Constitution, Civil Rights, and Property Rights. *Chief Counsel* (2005-07).

U.S. Department of Justice, Office of Legal Policy. *Senior Counsel* (2004-05).

U.S. Senate Judiciary Committee, Subcommittee on Administrative Oversight and the Courts. *Deputy Chief Counsel* (2003-04).

Verizon Communications Inc. *Associate General Counsel* (2001-03).

U.S. Department of Justice, Antitrust Division, Telecommunications Task Force. *Trial Attorney*, Attorney General's Honors Program (1998-2001).

Hon. Martin L.C. Feldman, U.S. District Court, Eastern District of Louisiana. *Law Clerk* (1997-98).

EDUCATION

University of Chicago Law School. J.D.; 1997.

- University of Chicago Law Review. *Editor* (1996-97); *Staff Member* (1995-96).
- Hinton Moot Court Competition. *Semifinalist*; winner of Thomas R. Mulroy Prize (1997).

Harvard University. B.A. with honors in Social Studies, 1994.

- Harvard Speech and Parliamentary Debate Society. *Member* (1990-94).

SELECTED PUBLICATIONS

Op-Ed, *Des Moines Register*, "Bringing Better, Faster Internet Access to Iowa" (Oct. 10, 2016).

Op-Ed (with Senator Shelley Moore Capito), *Beckley (WV) Register Herald*, "Bridge is a physical reminder of the digital divide in West Virginia" (Aug. 2, 2016).

Op-Ed (with Representative Anna Eshoo), *WTRIED*, "The Feds Have to Act to Get America Faster Wi-Fi" (Feb. 7, 2016).

Article, "Congress and the Constitution: The Legal Tender Act of 1862," 77 *Oregon Law Review* 535 (1998).

Comment, "Should a Grand Jury Subpoena Override a District Court's Protective Order?", 64 *University of Chicago Law Review* 317 (1997). *Proposal adopted, In re Grand Jury Subpoena*, 138 F.3d 442, 445 (1st Cir. 1998); *In re: Grand Jury*, 286 F.3d 153, 162-63 (3rd Cir. 2002).

Attachment 4

Media Contact:

Matthew Berry, (202) 418-2005
matthew.berry@fcc.gov

For Immediate Release

FCC COMMISSIONER AJIT PAI
Announces Agenda for Field Hearing on Contraband Cellphones

WASHINGTON, March 28, 2016.—Today, Commissioner Ajit Pai announced the agenda and panelists for the April 6, 2016, field hearing in Columbia, South Carolina on inmates' use of contraband cellphones. The event will be hosted by South Carolina Governor Nikki Haley.

The field hearing is open to the public. It will be held at the South Carolina Bar Conference Center, 1501 Park St., Columbia, SC 29201. The hearing will also be livestreamed at <http://www.scbar.org/PaiContrabandHearing>.

Opening Remarks (2:00–2:20 PM)

Governor Nikki Haley

Commissioner Ajit Pai

Panel One: Problems (2:25–3:10 PM)

Robert Johnson, Captain (Ret.), South Carolina Department of Corrections, shot six times in a hit ordered by an inmate using a contraband cellphone

Homer Bryson, Commissioner, Georgia Department of Corrections, on behalf of the Association of State Correctional Administrators

Laura Hudson, Executive Director, South Carolina Crime Victims' Council

Mitch Lucas, Assistant Sheriff, Charleston County Sheriff's Office, and President, American Jail Association, on behalf of the National Sheriffs' Association

Panel Two: Solutions (3:15–4:15 PM)

Marjorie Conner, outside counsel for solution vendor CellAntenna

Gerard Keegan, Assistant Vice President, CTIA, a wireless industry trade association

Bryan Stirling, Director, South Carolina Department of Corrections

Dan Wigger, Vice President and Managing Director for solution vendor CellBlox

"I am honored that this distinguished group has agreed to participate in this field hearing," Commissioner Pai stated. "Their testimony will shed additional light on the public safety threats posed

by inmates' use of contraband cellphones, as well as the steps we can take to help law enforcement combat this problem.”

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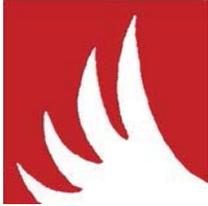
Office of Commissioner Ajit Pai: (202) 418-2000

Twitter: @AjitPaiFCC

www.fcc.gov/leadership/ajit-pai

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

Attachment 5



Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

April 7, 2016

Submitted Online Only

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: *Ex Parte* Submission
*Promoting Technological Solutions to Combat Contraband
Wireless Devices Use in Correctional Facilities*
WC Docket No. 13-111

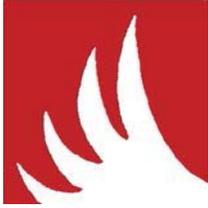
Dear Ms. Dortch:

Attached for Filing on WC Docket No. 13-111 is a letter from the Human Rights Defense Center regarding the non-disclosure of a Securus employee/panelist at the April 6, 2016 FCC Field Hearing on contraband cellphones.

Thank you for your time and attention in this regard.

Sincerely,

Paul Wright.
Executive Director, HRDC



Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

April 7, 2016

Submitted Via Email Only

Commissioner Ajit Pai
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: April 6, 2016 FCC Field Hearing
Failure to Disclose Identity of a Securus Technologies Employee
*Promoting Technological Solutions to Combat Contraband
Wireless Devices Use in Correctional Facilities*
WC Docket No. 13-111

Dear Commissioner Pai:

The Human Rights Defense Center (HRDC) respectfully requests clarification with regard to the undisclosed participation of a Securus Technologies (Securus) employee in the Field Hearing on Contraband Cellphones conducted yesterday in Columbia, South Carolina.

Dan Wigger, one of the panelists selected to discuss Managed Access systems, was introduced in the hearing's Agenda as "the Vice President and Managing Director for solution vendor CellBlox."¹ While this may be true, the Agenda failed to mention that CellBlox was purchased by Securus Technologies in January 2015 (**Attachment 1**) and that Securus announced its hiring of Mr. Wigger in March 2015 to "be responsible for the day-to-day management of our Managed Access Systems (MAS) business that installs proprietary high tech software, preventing contraband wireless device use in prisons and jails in the United States." (**Attachment 2**).

¹ <https://www.fcc.gov/news-events/events/2016/04/commissioner-pais-field-hearing-contraband-cellphones>

We believe that the panel's intentional non-disclosure of Mr. Wigger's employment by Securus misleads the public, media and government officials into mistakenly thinking they are hearing unbiased and objective testimony, which perpetuates the lack of transparency and openness that permeates the ICS industry.

Mr. Wigger's presentation at yesterday's Field Hearing was nothing more than Securus Technologies advertising its Managed Access product. As you know from questions submitted by HRDC prior to the Field Hearing, we are very concerned that ICS providers, including Securus, will use contraband cellphones detections as yet another way to price gouge prisoners and their families as they have been allowed to do in the prison phone industry for decades. As you are aware, the unscrupulous business practices of ICS providers, including Securus, have been well documented on FCC Docket WC 12-375, resulting in what has been accurately described by Commissioner Clyburn as "the most egregious case of market failure" she has seen in her 17 years as a regulator. Further, it would have been worth noting Mr. Wigger's affiliation with Securus at the hearing given that Securus has filed suit challenging the FCC's 2015 order implementing rate caps and other reforms of the prison phone industry, which directly impact Securus' bottom line.

Were you aware that Mr. Wigger is employed by a company owned by Securus? If so, were the other participants at the hearing aware of this? Why wasn't Mr. Wigger's employment affiliation with Securus disclosed to the public and media at the Field Hearing?

We look forward to your clarification regarding this issue. Thank you for your time and attention in this matter.

Sincerely,



Paul Wright.
Executive Director, HRDC

Attachments

cc (by/email):

Governor Nikki Haley
Bob Wells, Executive Director, South Carolina Bar Association
Chairman Thomas Wheeler
Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai
Commissioner Michael O'Rielly
Matt DelNero, Chief, Wireline Competition Bureau
Gigi Sohn, Counselor to Chairman Wheeler
Rebekah Goodheart, Legal Advisor to Commissioner Clyburn
Travis Litman, Senior Legal Advisor to Commissioner Rosenworcel
Nicholas Degani, Legal Advisor to Commissioner Pai
Amy Bender, Legal Advisor to Commissioner O'Rielly

Attachment 1



(/)



Securus Technologies Purchases CellBlox - Key Provider of Technology That Limits Contraband Wireless Use in Prisons and Jails

Securus Further Expands Industry Leading Technology Portfolio to Include a Second Proprietary Managed Wireless Access System (MAS) Provider - CellBlox.

Jan 14, 2015, 13:10 ET from Securus Technologies (<http://www.prnewswire.com/news/securus+technologies>)



Securus Technologies Inc.



DALLAS, Jan. 14, 2015 /PRNewswire/ -- Securus Technologies, a leading provider of civil and criminal justice technology solutions for public safety, investigation, corrections and monitoring, announced today that it has purchased the assets of CellBlox, Inc., a leading provider of Managed Access Systems (MAS) that limit the use of contraband wireless units in prisons and jails in the United States.

"We continue to build on our industry leading proprietary high-tech solutions portfolio of products that we provide to the government sector and our agreement to acquire CellBlox, Inc. is a great addition," said Richard A. ("Rick") Smith, Chief Executive Officer of Securus Technologies, Inc.

"We not only have exclusivity in the United States to the Vanu Tactical MAS product – but now own all of the technology of CellBlox, Inc. – and that further expands our MAS product set with more people and more sophisticated hardware and software that greatly limits the use of contraband wireless units in the restricted areas of prisons and jails in the United States. We want to be the #1 provider of this technology and with this acquisition – we are," said Smith.

"Both Vanu Tactical and now CellBlox have developed proprietary technology that sorts out legitimate wireless device use and lets those calls/messaging proceed in a normal way but does not allow contraband units/signals to leave the facility and we are now the #1 provider of that technology in the United States," said Smith.

D. Edward LaChance, Chief Executive Officer of CellBlox, Inc. said, "Eliminating the use of contraband wireless units in restricted areas in prisons and jails utilizing an elegant technology solution has been our sole focus since we established CellBlox – and our team here has accomplished that in a big way. Securus is the perfect company for CellBlox's technology solutions to reside in – they have the largest number of products, they embrace creative IT solutions, they invest heavily in technology, they were easy for us to deal with, and they have the largest sales team in the sector – so there was no other choice for us."

Steel Pier Capital (SPC), a privately held, operationally driven private equity firm based in New York City, with its limited partners and global network of investors has financially backed CellBlox as a portfolio company since 2010.

About CellBlox, Inc.

CellBlox, Inc. is headquartered in Huntsville, AL and is an emerging industry leading provider of a superior Managed Access System (MAS) product. The CellBlox MAS leverages existing managed access technology which has been used in International markets for the last 15 years combined with CellBlox state of the art DAS, proprietary scanning and policy engine and CellBlox integrated operating system provides unsurpassed flexibility, scalability and responsiveness through dynamic configuration and remote management. CellBlox is unmatched in its ability to meet the demands of the cellular managed access market. The initial target market for CellBlox is unauthorized use of cellular phones in secured facilities. The CellBlox team is working with federal and state authorities

to refine and deploy the revolutionary CellBlox product. CellBlox has offices in Huntsville, AL; Cambridge, MA; Atlanta, GA; and Washington D.C. You can learn more about CellBlox by visiting **www.cellblox.com** (**<http://www.cellblox.com/>**).

About Securus Technologies

Headquartered in Dallas, Texas, and serving more than 2,600 public safety, law enforcement and corrections agencies and over 1,000,000 inmates across North America, Securus Technologies is committed to serve and connect by providing emergency response, incident management, public information, investigation, verification, communication, information management, inmate self-service, and monitoring products and services in order to make our world a safer place to live. Securus Technologies focuses on *connecting what matters*[™]. To learn more about our full suite of civil and criminal justice technology solutions, please visit **www.securustech.net** (**<http://www.securustech.net/>**).

Photo - <http://photos.prnewswire.com/prnh/20100831/DA57799LOGO>
(<http://photos.prnewswire.com/prnh/20100831/DA57799LOGO>)

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Attachment 2

Securus Expands Executive Team to Manage Expanded Portfolio of Products and Acquisitions

Securus Technologies hires Messrs. Jon Secrest and Dan Wigger.

Mar 17, 2015, 18:34 ET from Securus Technologies, Inc.

(<http://www.prnewswire.com/news/securus+technologies%2C+inc.>)



Securus Technologies Inc.



DALLAS, March 17, 2015 /PRNewswire/ -- Securus Technologies, a leading provider of civil and criminal justice technology solutions for public safety, investigation, corrections and monitoring, announced today that it has added two (2) executives to manage its expanded portfolio of products and acquisitions.

Jon Secrest, Vice President of New Growth Opportunities, and Dan Wigger, Vice President and Managing Director of Managed Access Systems both recently joined Securus.

"These additions to our Executive Team were easy for me to justify," said Richard A. ("Rick") Smith, Chief Executive Officer of Securus Technologies. "I have worked with Messrs. Secrest and Wigger for nine (9) and three (3) years respectively at our previous company, Eschelon, Inc. – a regional

competitive business focused local exchange carrier that we took public in 2005 and sold to a competitor in 2007. We generated over \$700 million in economic value at Eschelon during our work there. Both of these executives were instrumental in what we accomplished at Eschelon – they have the personal attributes of good work ethic, they are smart, they have quality academic credentials, they know how to exceed customer expectations, they know how to grow and create useful products – so they fit well with the Securus executive team."

Mr. Secrest will be responsible for New Growth Opportunities including working with our long list of recent acquisitions to integrate and expand their product offerings. Jon started his business career in 1982 at Paragon Cable and had steadily increasing responsibilities through his position at ADC Telecommunications where he was the Vice President of Global Marketing and the Chief Marketing Officer of Enterprise Networks. Mr. Secrest has a BA in Marketing and Economics and graduated Magna Cum Laude from Augsburg College in Minneapolis, Minnesota.

Mr. Wigger will be responsible for the day-to-day management of our Managed Access Systems (MAS) business that installs proprietary high tech software, preventing contraband wireless device use in prisons and jails in the United States. Dan started his business career in 1991 at Pacific Bell and had steadily increasing responsibilities through his position at Integra Telecom where he was the Vice President of Operations. Mr. Wigger has a BS in Business Administration and graduated Cum Laude from California State University.

"At the end of this year and every year from now on – when we look at the report card for Messrs. Secrest and Wigger, we will see value added far in excess of their salaries," said Smith. "So good for inmates, friends and family, our prison and jail partners, and our investors."

ABOUT SECURUS TECHNOLOGIES

Headquartered in Dallas, Texas, and serving more than 2,600 public safety, law enforcement and corrections agencies and over 1,000,000 inmates across North America, Securus Technologies is committed to serve and connect by providing emergency response, incident management, public information, investigation, biometric analysis, communication, information management, inmate self-service, and monitoring products and services in order to make our world a safer place to live. Securus Technologies focuses on *connecting what matters*[®]. To learn more about our full suite of civil and criminal justice technology solutions, please visit SecurusTechnologies.com.

Attachment 6



Ajit Pai ✓
@AjitPaiFCC

Follow



This afternoon, I was informed that [@POTUS](#) [@realDonaldTrump](#) designated me the 34th Chairman of the [@FCC](#). It is a deeply humbling honor.

STATEMENT OF AJIT PAI

On Being Designated FCC Chairman by President Donald J. Trump

WASHINGTON, January 23, 2017.— I am deeply grateful to the President of the United States for designating me the 34th Chairman of the Federal Communications Commission. I look forward to working with the new Administration, my colleagues at the Commission, members of Congress, and the American public to bring the benefits of the digital age to all Americans.

1:41 PM - 23 Jan 2017

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Ajit Pai ✓ @AjitPaiFCC · Jan 23
Replying to [@AjitPaiFCC](#)



I look forward to working with the new Administration, [@FCC](#) colleagues, members of [#Congress](#), and the public on behalf of all Americans.



55



118

300



Ajit Pai ✓ @AjitPaiFCC · Jan 23



There is so much we can do together to bring the benefits of the digital age to all Americans and to promote innovation and investment.



78



161

387



Ajit Pai ✓ @AjitPaiFCC · Jan 23



From broadband to broadcast, I believe in a 21st-century version of Jefferson's 2nd Inaugural: we are all Republicans, we are all Democrats.



87



110

307



Michael Wild @michaelwild2198 · Jan 23



please leave Net Neutrality in place. Vast number of average Americans want

Attachment 7



Federal Communications Commission
Washington, D.C. 20554

January 31, 2017

Mark J. Langer, Clerk
United States Court of Appeals
for the District of Columbia Circuit
333 Constitution Avenue, NW Room 5523
Washington, DC 20001

Re: *Global Tel*Link, et al.*, No. 15-1461 & consolidated cases

Dear Mr. Langer

As the Court is aware, argument is set in these cases on February 6. I will be presenting the Commission's argument in this matter.

The Order under review was adopted by a 3-2 vote on October 22, 2015. Since then, there have been significant changes in the composition of the Commission. In particular, two commissioners who voted for the Order recently have left the Commission (Commissioner Rosenworcel on January 3, 2017, and Chairman Wheeler on January 20, 2017). On January 23, 2017, Commissioner Pai was designated FCC Chairman.

As a result of these changes in membership, the two Commissioners who dissented from the Order under review—on the grounds that, in specific respects, it exceeds the agency's lawful authority—now comprise a majority of the Commission. See Dissenting statement of Commissioner Pai; see also Dissenting statement of Commissioner O'Rielly.

In particular, a majority of the current Commission does not believe that the agency has the authority to cap intrastate rates under section 276 of the Act. I am therefore informing the parties and the Court that we are abandoning, and I am not authorized to defend at argument, the contention—contained in Section I of our brief—that the Commission has the authority to cap intrastate rates for inmate calling services.

If the Court reaches the issue, we are also abandoning, and I am also not authorized to defend, the argument (contained in a portion of section III.B of the

brief) that the Commission lawfully considered industry-wide averages in setting the rate caps contained in the Order.

I will continue to defend at oral argument the significant remaining portions of the Order pursuant to the brief respondents filed in these cases.

Given that the government's position at argument has changed, the Commission has ceded ten minutes of its allotted argument time to Mr. Schwartzman, counsel for the "Wright Petitioner" intervenors, who will be prepared to defend all aspects of the Order.

Respectfully submitted,

/s/ David M. Gossett

David M. Gossett
Deputy General Counsel

cc: counsel of record per ECF

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

GLOBAL TEL*LINK, <i>et al.</i> ,)	
)	
Petitioners,)	
)	
v.)	No. 15-1461 and
)	consolidated cases
FEDERAL COMMUNICATIONS COMMISSION)	
and UNITED STATES OF AMERICA,)	
)	
Respondents.)	

CERTIFICATE OF SERVICE

I, David M. Gossett, hereby certify that on January 31, 2017, I electronically filed the foregoing Letter with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

/s/ David M. Gossett

David M. Gossett
Deputy General Counsel
Federal Communications Commission

Attachment 8

Media Contact:

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mark.wigfield@fcc.gov

For Immediate Release

**CHAIRMAN PAI STATEMENT ON D.C. CIRCUIT
INMATE CALLING DECISION**

WASHINGTON, June 13, 2017 – Federal Communications Commission Chairman Ajit Pai issued the following statement today on the decision by the U.S. Court of Appeals for the District of Columbia Circuit in *Global Tel*Link v. FCC*:

“Today, the D.C. Circuit agreed with my position that the FCC exceeded its authority when it attempted to impose rate caps on intrastate calls made by inmates. Looking ahead, I plan to work with my colleagues at the Commission, Congress, and all stakeholders to address the problem of high inmate calling rates in a lawful manner.”

###

Office of Chairman Ajit Pai: (202) 418-2000
Twitter: @AjitPaiFCC
www.fcc.gov/leadership/ajit-pai

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

Attachment 9

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US EDITION

POLITICS 08/09/2017 06:12 pm ET

Here's What Happened After Trump's FCC Got To Oversee Inmates' Phone Service

"Families unfortunately can expect that the government is going to continue to protect these companies."

By Dana Liebelson



AARON BERNSTEIN / REUTERS

Ajit Pai, Chairman of the Federal Communications Commission.

WASHINGTON — Mandy Martin, a 40-year-old woman living in Louisiana, talks to her husband on the phone for about an hour a day. But because he's incarcerated at the Southern Correctional Center in Tallulah, those calls sometimes cost her more than \$500 month. It's money that "I really don't have," she



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“I’ve tried to talk to him to tell him, ‘look, we really need to cut down on these phone calls,’” Martin said of her husband who is serving a 5-year sentence for theft. But, “it keeps him out of a state of depression being able to pick up and call...that’s the only thing he feels in control [over], is being able to talk to his family.”

The Federal Communications Commission (FCC) under President Donald Trump has been scrutinized of late for facilitating an aggressive expansion of the conservative-leaning Sinclair Broadcast Group, as well as attempting to scrap strong net neutrality protections. But lost in the noise is how Trump’s FCC chair, Ajit Pai, abandoned the Obama administration’s attempt to cap exorbitant rates and fees that companies charge for phone service in prisons and jails—which impacts inmates and their families, like Martin.

Regular contact between inmates and family members can lower recidivism and help with rehabilitation. And until the 1990s, inmates could make calls at about the same rates as other people, according to The New York Times. But over the next few decades, private phone providers sent rates and fees skyrocketing.

In October 2015, the FCC voted 3-2 to cap state and federal prison phone rates at 11 cents a minute, and jail rates at 14 to 22 cents a minute. The FCC also discouraged commissions, which Democrats have described as kickbacks to prison operators. Prison phone providers sued to block the rule, and the U.S. Court of Appeals for the District of Columbia Circuit put a hold on the rate caps in March 2016, although the cap on ancillary fees — charges tacked onto to inmate calls — was permitted to go into effect. In August 2016, the FCC, in an effort to appease opponents, slightly raised the rate caps (13 cents a minute for prisons, for example). But providers were able to block those, too until the legal fight is resolved.

One of the dissenters in the FCC’s 2015 vote was then-Commissioner Pai, whom Trump later picked to chair the agency. He called the action “well-intentioned” but unlawful, and also talked about contraband cellphones being “thrown over prison fences stuffed into everything from footballs to dead cats.”

Under Pai, the FCC changed course. One week before February oral argument in appeals court, the agency told the U.S. Court of Appeals for the District of Columbia Circuit that it would no longer defend a key component of the Obama administration’s rule, namely, that the agency had the authority to cap in-state rates. (The agency did, however, defend the FCC’s authority to regulate interstate calls, which refers to calls between states.)

“

Obviously, they’re not trying to help us, they’re trying to make money.

—Mandy Martin



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would not put forward a defense” for the agency’s authority to regulate in-state phone rates and fees, said Lee Petro, pro bono counsel for prisoner advocates, the Wright Petitioners, a group of inmates’ family members and loved ones.

There was the feeling that “if the FCC isn’t going to defend its authority, why are we even here?” said Carrie Wilkinson, a campaign director for Human Rights Defense Center. (The appeals court issued a clarification order last week affirming that “we have carefully analyzed the contested provisions of the FCC’s Order and found that they cannot survive review.”)

The court’s order is not yet in effect as the Wright Petitioners have requested a rehearing.

More than 70 percent of all inmate calls are in-state, Petro claimed, so “the lack of price caps has permitted companies like Securus to charge more than \$11 for a fifteen minute intrastate call for more than 60 correctional facilities in Michigan.” (A spokesman for Securus Technologies did not respond to a request for comment.)

Martin, the woman from Louisiana, said she’s already feeling the impacts. She sent HuffPost an email exchange showing that in February 2017, the local rate for Correct Solutions Group, her inmate phone company, was 25 cents per minute, plus tax. After the June court ruling, she said that jumped. Correct Solutions’ website shows a current Louisiana rate of 30 cents per minute. (Correct Solutions did not respond to a request for comment. Neither did LaSalle Corrections, which operates the Southern Correctional Center.)

“Obviously, they’re not trying to help us, they’re trying to make money,” she said.

For now, advocates are focusing on the petition for a rehearing, as well as actions on the state level. But going forward, Wilkinson said, “families unfortunately can expect that the government is going to continue to protect these companies and their profits, and not look out for the American people.”

Do you have information you want to share with HuffPost? Here's how.

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Dana Liebelson 
Reporter, HuffPost

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