

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

In Re: MCP 191

No. 24-8028

Consolidated with
Nos. 24-1814, 24-1859, 24-1860, 24-1861

**OFFICE OF COMMUNICATION
OF THE UNITED CHURCH OF CHRIST, INC.
MOTION FOR LEAVE TO INTERVENE**

Pursuant to 28 U.S.C. § 2348, 47 U.S.C. § 402(e), and Federal Rule of Appellate Procedure 15(d), the Office of Communication of the United Church of Christ, Inc. (d/b/a United Church of Christ Media Justice Ministry) (“UCC Media Justice”) moves for leave to intervene as of right in the above-captioned case concerning an order of the Federal Communications Commission (“FCC” or “Commission”). *See* Report and Order, Order on Reconsideration, Clarification and Waiver, and Further Notice of Proposed Rulemaking, *Incarcerated People’s Communications Services; Implementation of the Martha Wright-Reed Act; Rates for Interstate Inmate Calling Services*, WC Docket Nos. 23-62 & 12-375, FCC 24-75 (rel. July 22, 2024) (“*Order*”).¹

¹ While the Commission adopted and released the *Order* as a single item, the Office of Federal Register published portions of the *Order* in two separate issues of the *Federal Register*. *See* 89 Fed. Reg. 68369 (Aug. 26, 2024); 89 Fed. Reg. 77244 (Sept. 20, 2024).

Securus Technologies, LLC (“Securus”) filed a petition seeking review of the Order on Reconsideration, Clarification and Waiver on September 4, 2024. Petition for Review, *Securus Techs. v. FCC*, No. 24-60454, ECF No. 1-2 (5th Cir. Sept. 4, 2024). Additional petitions for review were filed in this Circuit, as well as in the Third and Ninth Circuits. The FCC provided notice of multicircuit petitions to the Judicial Panel on Multidistrict Litigation pursuant to 28 U.S.C. § 2112(a), and the Panel randomly selected this Circuit in which to consolidate these petitions.² Securus then filed a petition seeking review of the Report and Order on September 25, 2024. Petition for Review, *Securus Techs. v. FCC*, No. 24-60492, ECF No. 1-2 (5th Cir. Sept. 25, 2024).³ The FCC has filed an unopposed motion to transfer that petition to this Circuit. Unopposed Motion to Transfer, *Securus Techs. v. FCC*, No. 24-60492, ECF No. 8-1 (5th Cir. Sept. 30, 2024).

UCC Media Justice moves to intervene in support of Respondents in Securus’s petition for review currently before this Court and any petitions for review filed by Securus that may be later transferred to this Court as a consolidated case. UCC Media Justice is an “interested party” within the meaning of 28 U.S.C.

² Consolidation Order, *In re FCC, Incarcerated People’s Communications Services, Implementation of the Martha Wright-Reed Act*, No. MCP 191 (U.S. J.P.M.L. Sept. 19, 2024); *see also* Letter re: JPML Consolidation Order, *Direct Action for Rights and Equality v. FCC*, No. 24-1814, ECF No. 118191669 (1st Cir. Sept. 19, 2024).

³ Subsequent to the JMPL Consolidation Order, additional petitions for review were filed in the First, Second, Third, Eighth, and Ninth Circuits.

§ 2348, 47 U.S.C. § 402(e), and Federal Rule of Appellate Procedure 15(d). UCC Media Justice is the media justice and communications rights ministry of the United Church of Christ (“UCC”), a mainline Protestant denomination with about 4,600 congregations and churches nationwide. The United Church of Christ’s members, local churches, clergy, and national and local ministries, including the national faith education, innovation and formation team, include people who use incarcerated people’s communications services (“IPCS”) to communicate with their incarcerated loved ones, family members, or congregants.

UCC Media Justice has actively defended incarcerated people’s rights to access communications services for more than a decade by participating in Commission proceedings and related litigation with respect to the cost of communications in carceral facilities. UCC Media Justice participated in the underlying rulemaking proceedings through comments, reply comments, and ex parte filings over many years.⁴ UCC Media Justice was granted leave to intervene in previous litigation over Commission rules regulating IPCS providers. *See Global Tel*Link v. FCC*, No. 15-1461 (D.C. Cir. Dec. 18, 2015).

⁴ *See, e.g., In re Incarcerated People’s Communications Services; Implementation of the Martha Wright-Reed Act; Rates for Interstate Inmate Calling Services*, WC Docket Nos. 23-62 & 12-375, Media Justice Opening Comments (May 8, 2023), Media Justice Reply Comments (July 12, 2023), Media Justice Ex Parte (July 12, 2024).

UCC Media Justice has a strong interest in promoting and preserving just and reasonable rates for IPCS. The UCC and its members will directly benefit from the FCC's *Order* because the *Order* will lower the cost of IPCS. The *Order* will also contribute to safer communities and stronger families inside and outside of the UCC by making it easier for incarcerated people to maintain ties with their family members, loved ones and clergy, and to succeed when they rejoin their communities. The *Order* faithfully implements the Martha Wright-Reed Act,⁵ which UCC Media Justice supported in Congress, and makes IPCS more accessible, affordable, and sustainable. The UCC and its members will be adversely affected if the *Order* on review is vacated, enjoined, or set aside.

WHEREFORE, UCC Media Justice respectfully requests that this Court grant its motion for leave to intervene as of right in the above-captioned cases and any other case with which these cases have been or may hereafter be consolidated, and grant all other relief as may be just and proper.

⁵ Martha Wright-Reed Just and Reasonable Communications Act of 2022, Pub. L. No. 117-338, 136 Stat. 6156.

Respectfully submitted,

/s/ Erik Stallman

Cheryl A. Leanza
Office of Communication of the
United Church of Christ, Inc.
100 Maryland Avenue, NE
Suite 330
Washington, D.C. 20002

Erik Stallman
Samuelson Law, Technology &
Public Policy Clinic
University of California, Berkeley
School of Law
353 Law Building
Berkeley, CA 94720

*Counsel for Office of Communication of
the United Church of Christ, Inc.*

Dated: October 4, 2024

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1(a), Office of Communication of the United Church of Christ, Inc. respectfully submits this Corporate Disclosure Statement. Office of Communication of the United Church of Christ, Inc. states that it is a nonprofit organization with no parent corporations or stock.

Respectfully submitted,

Dated: October 4, 2024

/s/ Erik Stallman

Erik Stallman

Samuelson Law, Technology &
Public Policy Clinic

University of California, Berkeley
School of Law
353 Law Building
Berkeley, CA 94720

*Counsel for Office of Communication
of the United Church of Christ, Inc.*

CERTIFICATE OF COMPLIANCE

I, Erik Stallman, certify that the foregoing Motion for Leave to Intervene complies with the type-volume limitations of Federal Rule of Appellate Procedure 27(d)(2) because it contains 833 words. I further certify that this Motion complies with the typeface requirements of Rule 32(a)(5) and the type-style requirements of Rule 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word 2024 in Times New Roman 14-point font.

Dated: October 4, 2024

/s/ Erik Stallman

Erik Stallman
Samuelson Law, Technology &
Public Policy Clinic
University of California, Berkeley
School of Law
353 Law Building
Berkeley, CA 94720

*Counsel for Office of Communication
of the United Church of Christ, Inc.*

CERTIFICATE OF SERVICE

I, Erik Stallman, hereby certify that on October 4, 2024, I electronically filed the foregoing Motion for Leave to Intervene and Corporate Disclosure Statement using the CM/ECF system in docket numbers 24-8028 and 24-1860. Participants in these cases that are registered CM/ECF users will be served by the CM/ECF system.

Dated: October 4, 2024

/s/ Erik Stallman

Erik Stallman
Samuelson Law, Technology &
Public Policy Clinic
University of California, Berkeley
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Berkeley, CA 94720