

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

<i>In the Matter of</i>)	
)	
Petition of Network Communications International Corporation for Forbearance Pursuant to)	WC Docket No. 19-232
47 U.S.C. § 160(c) from 47 U.S.C. § 254(d) and)	
47C.F.R. § 54.706(a))	
)	

**INMATE CALLING SOLUTIONS, LLC’S COMMENTS
IN SUPPORT OF THE PETITION**

Inmate Calling Solutions, LLC (“ICSolutions”) submits these comments in support of the Petition filed by Network Communications International Corporation (“NCIC”) for the forbearance of the imposition of Universal Service Fund (“USF”) fees on the interstate and international calling performed by inmates through inmate telephone services (“ITS”), and hereby requests that the Federal Communications Commission (“FCC” or “Commission”) grants the Petition.

ICSolutions supports the Petition in its entirety and, rather than repeat the arguments therein, ICSolutions uses this Comment to supplement those arguments requesting forbearance.

Forbearance Standard

Pursuant to forbearance standards in Section 10(a) of the Communications Act, that being:

[T]he Commission shall forbear from applying any regulation or any provision of this Act to a telecommunications carrier or telecommunications service, or class of telecommunications carriers or telecommunications services, in any or some of its or their geographic market, if the Commission determines that –

(1) enforcement of such regulation or provision is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection

with that telecommunications carrier or telecommunications service are just and reasonable and are not unjustly or unreasonably discriminatory;

(2) enforcement of such regulation or provision is not necessary for the protection of consumers; and

(3) forbearance from applying such provision or regulation is consistent with the public interest.¹

Argument

In addition to the reasons provided in the Petition, ICSolutions adds the following support:

First, to add support to the Petition that the additional cost of the “USF fee on ICS calls has a deleterious impact on inmates and their families. . . .”² the FCC has already found that reducing the high costs of calls to make telephone contact more accessible for inmates has a real, tangible benefit on society:

Incarceration costs taxpayers an average of \$31,000 per inmate per year. If telephone contact is made more affordable, we will help ensure that former inmates are not sent home as strangers, which reduces both their chances of returning to prison or jail and the attendant burden on society of housing, feeding, and caring for additional inmates.³

Moreover, in 2013, the Commission pointed out a study that indicated “a one percent reduction in recidivism rates would translate to more than \$250 million in annual cost savings across the United States.”⁴ Thus, the Commission could not reasonably deny the reduction in the cost of an inmate call by eliminating the 25% USF⁵ fee would have profound benefits and cost-savings in other areas of government spending. Unlike in WC Docket No. 12-375, where the reduction in rates for calls needed balancing against the fair compensation by ITS providers, as required by Section 276 of

¹ 47 U.S.C. 160 §10(a).

² Petition for Forbearance of network Communications International Corporation, at 3, WC Docket No. 19-232 (filed August 9, 2019) (“Petition”).

³ *Rates for Interstate Inmate Calling Services* (“Order”), 80 Fed. Reg. 79136-01, ¶ 4 (Dec. 18, 2015).

⁴ *Rates for Interstate Inmate Calling Services* (“Interim Order”), 28 FCC Rcd. 14107, ¶ 43 (2013).

⁵ One September, 13, 2019, the Commission announced the fourth quarter 2019 USF fee will be 25%.

The Communications Act,⁶ this reduction is estimated to reduce the overall FUSF contributions by less than 1%, which is consistent with and similar to previous approved forbearance requests.⁷ Thus, the first forbearance standard has been met, as supported by past orders from the Commission.

Second, to the extent there is any question as to whether a forbearance is warranted for the taxpayers of this fee, ICSolutions would like to point out that charging USF fees on inmate calls leads to one of two results: (1) additional taxation to the domestic called party because he or she is already paying a USF fee when they pay for their own phone services, or (2) charging the fee to an incarcerated individual, who has no freedom to obtain a job in the competitive job market and, thus, often has very limited resources, which in turn makes it very likely the incarcerated meet the very income thresholds set for receiving the services offered pursuant to the USF fund. Under either scenario, it is beyond reasonable dispute that the second and third provisions of the forbearance standard are met, that being the enforcement of the USF fee is not necessary for the protection of consumers, and that forbearance from applying such provision or regulation is consistent with the public interest.⁸

Conclusion

In conclusion, ICSolutions respectfully requests the Commission to grant the Petition. Eliminating the imposition of USF funds on inmate phone calls meets the forbearance standards set forth in the Communications Act, as it is consistent with previous approved forbearances,

⁶ 47 U.S.C. §276(b)(1), (d).

⁷ Petition, p. 10, Appendix B, (calculating the contributions made as a result of ITS using public information).

⁸ 47 U.S.C. §160(a).

consumers of ITS will be better protected from the forbearance while consumers of non-ITS will have *de minimus* impact (if any), and the forbearance is in the public interest.

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