



Bianca Tylek
(973) 650-4277
btylek@worthrises.org

168 Canal Street, 6th Fl
New York, NY 10013
www.worthrises.org
@worthrises

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Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Comment for WC Docket 19-232

Commissioners and Staff,

Worth Rises submits this comment relating to the petition of Network Communications International Corporation (NCIC) to eliminate Universal Service Fund (USF) fees imposed on providers of correctional telecom services.

USF-funded programs like Lifeline are a vital means of ensuring that people can stay connected, but USF fees can unfairly burden low-income individuals who want to stay connected to loved ones behind bars. The Commission should collect USF fees from correctional telecom providers but prohibit them from passing these fees onto their consumers. *If* the Commission does *not* prohibit these corporations from passing on the fees, it should eliminate the USF fee in order to make calls more affordable for low-income consumers meant to be supported by the USF.

Worth Rises (formerly known as the Corrections Accountability Project) is a non-profit organization dedicated to ending the exploitation of people touched by the prison industrial complex. Our objective is to build a society in which no entity or individual relies on human caging or control for its wealth, operation, or livelihood. Worth Rises has previously written to the Commission to encourage the regulation of the correctional telecom industry and protect incarcerated people and their support networks.

COMMENT

Unfortunately, phone calls have become a precious commodity for families with a loved one behind bars. Given visit limitations imposed by administrative rules, facility distance, and travel costs, phone calls are often the only way for incarcerated people to stay connected consistently with their support systems. And, regular communication is the easiest and most cost-effective way to reduce hopelessness in prison, improve reentry success, and mitigate trauma for children with incarcerated parents.

However, low-income people have to pay eye-watering rates just to speak to an incarcerated loved one. As the Commission has recognized, correctional telephone providers frequently charge exorbitant rates for a

Phone calls are prohibitively expensive for many low-income people trying to stay connected with loved ones behind bars.

simple telephone conversation.ⁱ For instance, a fifteen-minute interstate phone call may cost up to \$3.75, even with the Commission's rate caps.ⁱⁱ

These high costs hit those who are already struggling to get by. People from low-income communities are disproportionately represented in prisons and jails.ⁱⁱⁱ Moreover, the burden of paying for phone calls falls hardest on women of color, particularly the mothers.^{iv} These costs force nearly two-thirds of impacted families to choose between paying for calls or paying for basic necessities. Half of those families—one in three with someone behind bars—will go into debt in order to keep in touch.^v

Layering the USF fee onto the cost of calls makes it even harder for incarcerated people and their families to stay connected. The USF's 24.4% fee adds up to \$0.76 to the cost of a fifteen-minute prepaid call, on top of other surcharges tacked on by providers. For collect calls, this fee can reach up to \$0.91 for fifteen minutes. A mother who speaks to her son once a day for thirty minutes will pay as much as \$54.60 in USF fees alone every month. That money could pay for another week's worth of calls with her son.

Given the demographics of our carceral population, often, the people paying the USF fee are the same people who benefit from USF-funded services like Lifeline. The median pre-incarceration income of a family with someone behind bars is just \$19,000. Thus, many people using correctional telecom services are likely to also use Lifeline services.^{vi} Collecting the USF fee from the very people the Lifeline programs seeks to help is inefficient and undermines the program's purpose.

In fact, the Commission has imposed regulations to address similar conflicts, but their application to correctional telecom services has been overlooked. The Commission prohibits other providers from recovering the USF fee from Lifeline subscribers.^{vii} Instead, providers with Lifeline consumers must pay the fee themselves without passing it through. The Commission recognized that exempting Lifeline consumers from these fees lowered service charges and “fulfill[ed] the statutory goal of making telecommunications available to low-income consumers.”^{viii}

The Commission should similarly prohibit correctional telecom providers from passing these fees onto their consumers. Eliminating the pass through will preserve vital programs like Lifeline funded by the USF while lifting this costly burden on low-income families. Instead of spending money on the USF fee, low-income families could use these funds for food, medication, or more calls with incarcerated loved ones. Ending the USF fee for the entire correctional telecom industry would cut funding for Lifeline, harming low-income people who rely on subsidized telephone service.

The USF fee is a particularly heavy burden for low-income people.

Incarcerated people and their loved ones rely on USF-funded programs like Lifeline. Charging them the USF fee, undermines the program.

The Commission should prohibit providers from passing the USF fee on to consumers.

However, if the Commission does not move to prohibit the passthrough of USF fees from correctional telecom corporations to their consumers, it should accept NCIC's petition and grant a forbearance for correctional providers. By decreasing the total cost of a monthly telephone bill, the Commission will be working to lower a costly barrier between incarcerated people and their communities.

Further, this exemption will expand access to communication throughout low-income communities and behind bars. Without the costs imposed by the USF fee, incarcerated people can maintain more regular contact with their support systems. While regrettably this forbearance may lead to lower funding for Lifeline, low-income families will benefit from the lower telephone charges.

The Commission should grant the petition only if it will not prohibit correctional telecom providers from passing USF fees onto their consumers.

The Commission should prohibit correctional telecom providers from passing on the USF fee to their customers. However, if the Commission does not end the passthrough, then it should relieve low-income families from paying the USF fee. By removing the USF fee from monthly phone bills, the Commission will take a small but significant step towards alleviating the financial burden of high correctional telecom services.

Sincerely,



Bianca Tylek
Executive Director

ⁱ *Rates for Interstate Inmate Calling Services*, 80 Fed. Reg. 79,136 (Dec. 15, 2015).

ⁱⁱ *Inmate Telephone Service*, FCC (Sept. 8, 2017). <https://www.fcc.gov/consumers/guides/inmate-telephone-service>.

ⁱⁱⁱ Sawyer, Wendy & Wagner, Peter. *Mass Incarceration: The Whole Pie 2019*, Prison Policy Initiative (Mar. 19, 2019). <https://www.prisonpolicy.org/reports/pie2019.html>.

^{iv} Saneta de Vuono-Powell et al., *Who Pays? The True Cost of Incarceration on Families* (Sept. 2015). <http://ellabakercenter.org/sites/default/files/downloads/who-pays.pdf>.

^v *Id.*

^{vi} *Federal Poverty Guidelines*, Universal Service Admin. Co. <https://www.lifelinesupport.org/ls/do-i-qualify/federal-poverty-guidelines.aspx>; Rabuy, Bernadette & Kopf, Daniel. *Prisons of Poverty: Uncovering the pre-incarceration incomes of the imprisoned*, Prison Policy Initiative (Jul. 9, 2015). <https://www.prisonpolicy.org/reports/income.html>.

^{vii} *Universal Service End User Charges*. 47 C.F.R. § 69.131.

^{viii} *2002 Second Contribution Methodology Order and FNPRM*, 17 FCC Rcd at 24982, para. 62.