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REG. MAIL ROOM

Before the
Federal Communications Commission
Washington, D.C. 20554

In The Matter of)

Amendment of Policies and Rules)

Concerning Operator Service)

Providers and Call Aggressors)

CC Docket No. 94-158

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REPLY COMMENTS OF THE STATE OF CALIFORNIA.

DEPARTMENT OF GENERAL SERVICES, TELECOMMUNICATIONS DIVISION

March 24, 1995

State of California
Department of General Services
Telecommunications Division
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List A B C D E

The State of California, Department of General Services, Telecommunications Division (DGS/TD) has commented in the past on this matter as well as the California Department of Corrections and the California Department of the Youth Authority relative to the exemption of correctional institutions from the "dial around" provisions of TOCSIA. In those instances, the DGS/TD and other California agencies have detailed the steps that have been taken in order to prevent abusive charges being levied on correctional facility inmates and their families for calls placed from those facilities.

DGS/TD, as the administrator of the "Public Access Telephone Service" (PATS) for the State, has been careful to protect the public from any temptation of the vendor to "over-price" calling charges, especially in the inmate environment. To ensure this protection, DGS/TD included in our contract(s) with payphone providers a "price cap" provision under which the charge for calls placed from state facilities shall not exceed AT&T and Pacific Bell charges for similar calls. Even with this contract provision, the vendor must confer with the affected state agencies and coordinate any increases in charges (up to the cap) for review and final approval.

DGS/TD has almost four years experience with this program and believes that, as a result, all parties including the public, vendors, and the State receive fair and equitable service and rates for calls placed from state facilities. In addition, inmates at state correctional facilities are not subject to unfair pricing policies and have access to quality service.

The Commission should also bear in mind that the nature of providing telephone services to correctional inmates present an entirely different set of circumstances as does the provisioning of service to the general public. The inmate environment is a highly charged atmosphere and the threat and challenge to correctional staff is constant. As such, the proper administration of the privilege for inmate telephone usage requires constant oversight via physical officer presence and technical systems. Not only does the PATS operated by the State offer service to the inmates, it also provides security measures that protect the public from

harassing calls from inmates and dramatically reduces the opportunity for toll fraud against not only the telephone utilities but the general public as well. If the Commission acts to remove the exemptions from TOCSIA for correctional facilities, current controls and protective efforts may be cast aside and may well result in increased fraud and constitute a threat to public safety. As we and other California agencies have noted in the past, only one vendor was willing and able to build the protective systems now in place in California, and the inability or unwillingness of all carriers to offer the same level of protection will result in increased fraud and public safety concerns.

The DGS/TD urges the Commission to **NOT** change the position that has already been adopted, and instead urge other jurisdictions to look more to solutions similar to those California has used to prevent abuses in phone usage and rates.

Respectfully submitted,

State of California
Department of General Services
Telecommunications Division

A handwritten signature in black ink, appearing to read 'Allan G. Tolman', written over a horizontal line.

Allan G. Tolman, Chief
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