



STATE OF OKLAHOMA  
OKLAHOMA DEPARTMENT OF CORRECTIONS

January 6, 2015

Chairman Tom Wheeler  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Commissioner Mignon Clyburn  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Commissioner Jessica Rosenworcel  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Commissioner Ajit Pai  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Commissioner Michael O'Rielly  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Commissioners,

On behalf of the Oklahoma Department of Corrections (ODOC), I am writing in response to the FCC's request for comments on the *Rates for Interstate Inmate Calling Services; Second Further Notice of Proposed Rulemaking, WC12-375*.

This notice represents a culmination of efforts of the FCC, nearly 10 years of work that began on behalf of a grandmother seeking an affordable way to communicate with her incarcerated grandson. There is no denying that it was time to review the discrepancies across the nation in the costs associated with making calls from prison.

I recognize and support the position of the FCC that communication with family, friends and other members of a potentially pro-social support network is an integral part of a successful re-entry plan and is thus critical to public safety. It is, however, an undeniable fact that inmates use the same calling systems for contacting people other than family and friends interested in facilitating happy, healthy, pro-social relationships. These calling systems are frequently used to conduct illegal and illicit activities that introduce security threats to facilities and enable criminal activity to occur within prisons, not just in Oklahoma, but across the country.

The presence of inmate calling systems in prisons introduces ancillary costs to the corrections/jail environment that must be considered while the FCC pursues the current course of action. When the FCC adopted rate caps, much consideration was given to the ICS vendors and many hours were spent determining the actual cost of providing the call. As with the vendors, state and county agencies incur other costs associated with calling services that go far beyond that of the actual call. Industry vendors have done a tremendous job of providing investigative tools to customers to mitigate the security risk associated with inmate calling systems, however, as with any program or service provided in a correctional setting, there is an additional level of security, personnel, equipment, and monitoring that must be provided by the agency.

While it is understood that eliminating unmonitored, undefined and inconsistent "site commissions" is recommended, allowing agencies to determine the actual costs associated with providing an inmate calling system and providing an avenue for recovery of that cost via an administrative fee is a reasonable and realistic approach to very real situation for agency administrators across the nation. The elimination of an agency's ability to recover any of the associated costs via a well-defined and frequently re-evaluated administrative fee would be financially devastating to most agencies, including the Oklahoma Department of Corrections.

The ODOC is in partial support of the consensus proposal submitted by the ICS industry leading vendors on September 15, 2014. The proposal includes, among other detailed items, rate caps for both interstate and intrastate calls, regulated and agreed upon site commissions or "admin-support payments" for ICS related costs, and the elimination and limitation of a number of ancillary fees. I strongly disagree that the FCC should have the authority to regulate intrastate calls. It should also be noted that the method for determining the actual cost to agencies associated with providing the ICS could, itself, be quite costly. The ODOC respectfully requests that, should the FCC pursue this course of action, corrections professionals be consulted when determining the method for calculating such a cost.

In short, the FCC's intent to ensure inmates have access to affordable calling systems is commendable; however, the course proposed in the *Rates for Interstate Inmate Calling Services; Second Further Notice of Proposed Rulemaking, WC12-375* may accomplish the intended outcome, but I believe that it will have numerous, long lasting and serious unintended consequences in its current form.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be "Robert Patton", with a long horizontal flourish extending to the right.

Robert Patton  
Director