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STATE OF NEW YORK



THOMAS F. O'MARA
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January 12, 2015

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TO WHOM IT MAY CONCERN:

We are contacting you today concerning the request for comment, WC Docket No. 12-375, from the Federal Communications Commission under the Second Further Notice of Proposed Rulemaking for Inmate Calling Services. This proposal has been brought to our attention by county correctional facilities within our Senate and Assembly Districts.

The Second Further Notice of Proposed Rulemaking for Inmate Calling Services involves a proposal that would amend the current rates set forth for federal interstate calls to include and change rates currently in place for intrastate calls.

Many local jails have undertaken necessary security measures at extraordinary costs to update their calling systems with state of the art equipment to monitor inmate calls, causing extraordinary burdens to their budgets. The phone systems serve a dual role in that they not only assist law enforcement with additional information that could result in the arrest of other criminal activity but also aid in acquitting persons that are innocent. The direct costs associated with providing phones calls for inmates is overshadowed by the future budgetary commitments of the new monitoring systems. The jails in our community's charge rates that are commensurate with the total costs associated with providing secure state of the art phone service to the inmates.

Additionally, the Commission cites Sections 276 and 201(b) of the Communications Act of 1996 as the legal authority to regulate site commissions and intrastate calls; however, there is no specific language giving the federal government authority to do so. This lack of legal foundation raises many concerns. Most notably is implementation of these new proposals, would be overstepping federal authority provided under the existing law.

As such, we urge the Federal Communications Commission to review the language of the Federal Communications Act to determine your legal authority to extend your rules to intrastate calls and consider also the negative effect these changes could have on our local communities.

Thank you for your time and consideration in this matter. If we can provide you with further information please do not hesitate to contact us.

Sincerely,

Handwritten signature of Thomas F. O'Mara in black ink.

Thomas F. O'Mara
NYS Senator – 58th District

Sincerely,

Handwritten signature of Philip A. Palmesano in black ink.

Philip A. Palmesano
NYS Assemblyman – 132nd District