

NEW JERSEY ADVOCATES FOR IMMIGRANT DETAINEES
NYU IMMIGRANT RIGHTS CLINIC
C/O WASHINGTON SQUARE LEGAL SERVICES
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January 26, 2015

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-B204
Washington, DC 20554

RE: Second Further Notice of Proposed Rulemaking (FNPRM) WC Docket No. 12-375

Dear Secretary Dortch,

The New York University School of Law Immigrant Rights Clinic (IRC) and New Jersey Advocates for Immigrant Detainees (NJAID) filed a joint comment in the above-referenced proceeding on January 10, 2015. In that comment, we referenced the rate of \$0.059 offered to the loved ones of people incarcerated by the Pennsylvania Department of Corrections. Since filing that comment, we have received a redacted copy of Pennsylvania's contract with Securus in response to an outstanding Right to Know Law request. Therefore, we are writing to update the Commission on the terms of that contract.

The contract specifies that Securus will offer a flat rate of \$0.059 per minute and will pay the state a 35% commission.¹ The Best and Final Offer document showing this rate and commission is attached. Moreover, the Pennsylvania's Request for Proposal requires that the provider not charge any ancillary fees.² Therefore, this contract demonstrates that a rate of under \$0.06 per minute without ancillary fees is not only feasible for ICS providers, it provides sufficient revenue to allow the company, in this case, to pay a 35% commission. Since the Commission has correctly decided that facility commissions are not part of the provider's costs, this low rate clearly is more than sufficient to cover the provider's legitimate costs and yield a profit. Moreover, it indicates that an even lower rate could be charged if commissions were eliminated, a step we would support for the reasons outlined in our January 10, 2015 comment.

¹ Steve Cadwell, DOC Senior Account Exec., Securus Techs., Inc., Best and Final Offer Presented Expressly for Pennsylvania Department of Corrections 2-3 (Jan. 30, 2014), *available at* <http://contracts.patreaury.gov/View.aspx?ContractID=293864>.

² Penn. Dep't of Corrs., Request for Proposals for Inmate Telephone Services 28 (Oct. 28, 2013), *available at* <http://contracts.patreaury.gov/View.aspx?ContractID=293864>.

Securus's decision to enter into a contract providing ICS for \$0.059 per minute and paying a 35% commission shows that providers could offer such a low rate nationwide. We hope the Commission will take this information into account and institute a low rate cap in addition to banning commissions.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca Hufstader", written over a horizontal line.

Rebecca Hufstader, Legal Intern

Alina Das, Esq.

New York University Law School Immigrant Rights Clinic

Alix Nguetack

Karina Wilkinson

New Jersey Advocates for Immigrant Detainees

Exhibit B

**ORIGINAL
Cost Submittal**

**A Best and Final Offer
(BAFO) Presented Expressly
for**

**Pennsylvania
Department of
Corrections**

**RFP Number
Inmate Telephone Services 2013-90**

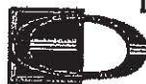
January 30, 2014 by 2PM

Presented to:

Pennsylvania Department of Corrections
Attn: Mr. Russ Ilgenfritz, Issuing Officer
1920 Technology Parkway
Mechanicsburg, PA 17050

Presented by:

Steve Cadwell, DOC Senior Account Executive
Tel: 805-814-1484
Securus Technologies, Inc.,
14651 Dallas Parkway, Ste. 600
Dallas, TX 75254



SECURUS
TECHNOLOGIES
connecting what matters™

**Best and Final Offer (BAFO) COST SUBMITTAL SHEET
RFP Inmate Telephone Services 2013-90**

Offeror's must submit an itemized cost proposal as identified below. PADOc will evaluate the proposed costs and apply the evaluation formula to determine the relative score for each offer. Proposals must include sufficient, detailed information to support the offered costs.

It is the intention of PADOc that all intrastate calls (collect, prepay, or prepaid/debit) have one flat fee rate. This includes all local, IntraLATA and InterLATA calls. With all call rates remaining consistent during any time of day or day of the week. These rates are subject to any Federal and State regulations or Legislative action. Interstate call rates are to be provided separately.

PADOc understands that the rates shown below are exclusive of Federal, State, Local Taxes, Tariff's and Regulatory Fees. It is understood that these taxes/fees will be charged as a pass-through from the taxing/regulating agency to the called party and that no commission will be paid on these items.

		Avg Minutes	# of calls for FY 2012 5,348,000	Estimated Revenue FY 2012
Blended per Minute Rate for all Intrastate (Collect/Local)	0.0590	11	5,187,560	3,366,726
Blended per Minute Rate for all Interstate	0.0590	11	160,440	104,126

* International call rate not included in scoring

Total Minute Cost to Compare 3,470,852

Note: The lowest Blended per Minute Rate receives 60% of the maximum cost points allowed. All other proposals receive a percentage of the points available based on their cost relationship to the lowest.

COMMISSION

Proposals must include sufficient, detailed information to support the commission percentage and how this percentage will benefit the inmate welfare fund.

Contractor Name: Securus Technologies, Inc.	Commission Percentage: 35.00%	Maximum Cost Points: 1,214,798.20
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Note: The highest Commission percentage receive 40% of the maximum cost points allowed. All other proposals receive a percentage of the points available based on their commission relationship to the lowest.

Contractor Name: Securus Technologies, Inc.

Address: 14651 Dallas Parkway, 6th Floor

Dallas, TX 75254

Signature of authorized individual submitting costs:



(Signature)

Mr. Robert E. Pickens, Chief Operating Officer

(Title)

THIS SHEET MUST BE INCLUDED WITH THE PROPOSAL, MARKED AND SEALED SEPARATELY (Include in your BAFO COST SUBMITTAL envelope).