Public Comment: WC Docket Number 12-375

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FCC Mail Room

Dear Secretary Dortch,

This is a public comment for WC Docket Number 12-375.

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My name is Jason Moore. I am an inmate in the Utah State Prison system. Because of overcrowding I have been contracted out to a county owned facility in Washington County called the Purgatory Correctional Facility. I would like to address several topics related to prison phone rates.

Before anything else, I would like to say how grateful I am to you for taking an interest in us and in our families. Thank you. Thank you for being kind.

I understand you are interested in input and feedback on the following topics. I have experience in, and would like to address, each of them.

1) The Impact of the FCC Order Reducing the Cost of Interstate Calls (p2)
2) The Impact of the Cost of Intrastate Phone Calls (p3)
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4) The Importance of Prison Phone Reforms (p5)
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There are other factors that I feel contribute directly to these issues that are also important for you to be aware of. I understand you keep a full schedule - I will try to be brief.

Our Current System

A year or so ago our facility switched over to a new telecommunications provider, Telmate. This move came with a marked increase in the cost of phone calls (for me it increased from $7.50 to $8.50 for a 30-minute phone call), but it also came with the ability to do video visitation and electronic messaging ~~wh~~ with those with 1) a Telmate account and 2) Telmate's approval to communicate with a particular inmate. Unfortunately, after they installed the new system our facility banned both face-to-face visits and letters to and from inmates, restricting them to fee-based electronic messaging (with a 1,000 character limit, about 2/3 of a page) and postcards for correspondence and video for visits.

Impact of the FCC Order Reducing the Cost of Interstate Phone Calls

I understand that the FCC, under your direction, recently capped the rates for interstate phone calls for those being held

in correctional facilities. I really appreciate the thought and concern that went into this policy. Unfortunately, the change had a negative effect on my family and me. My mother and father (divorced) both live in the next area code over within our state (Utah). I am being held in the 435-656-XXXX area code/prefix locality. My mother is in the 801-367-XXXX locality, and my father is in the 801-318-XXXX locality. Before the change, a 30-minute phone call to either one cost $8.50. Now it costs $9.33. Before the change, adding $50 (about five calls) to their prepaid phone accounts cost $6. After the change my mother reported paying over $10 to add the same amount.

Impact of the Cost of Intrastate Phone Calls

Including the cost of adding funds to the prepaid phone accounts, it costs my mother about $60 for five ½-hour phone calls. I call about once a week, so it costs about $60/month, or $120/month for five calls each to each parent, or 10 calls total. $120 for 10 calls. My mother is a doctor, but a large number of her patients are struggling financially due to chronic health conditions, and she lowers her rates as far as possible for them so they can have medical care. This means

after paying for staff and office expenses she doesn't bring much home at the end of the month. She is also providing financial support for my single sister and her four children and my single brother and his five children. She really tries hard to keep money on her prepaid account so I can call her each week, knowing how much I treasure our calls (I can't write letters anymore), but sometimes the money doesn't quite stretch that far and we go several weeks without talking. I have a janitorial job here that pays me $5.00 every two weeks, enough to buy hygiene supplies and a few postcards. I have been on the waiting list here for a better paying job for several months, but there aren't a lot of jobs and the waiting list is long.

Ancillary Fees

I covered some of this above, so I'll just review it briefly. It used to cost $6 to add $50 to a prepaid account — now it's over $10. Inmates who leave the facility cannot get a refund of the money on their accounts. Telmate instructs them to send an email to receive a phone card with the remaining balance. Unfortunately, many inmates are transferred to other facilities rather than being released

(this is common for state-contracted inmates) and do not have the access to email necessary to make the request. So, Telmate keeps the funds.

There is a process established to request refunds for dropped calls (each re-connect is a new connection fee). However, in all the requests for refunds I and others in my cell block have made (some times calls are dropped up to five times in a half hour), I cannot remember one refund being granted. The response on the messaging system is always the same: "No problem found." We have no other recourse.

<u>The Importance of Prison Phone Reforms</u>

Phone calls play a central role in the lives of inmates for a number of reasons, especially when letters and face-to-face visits are banned.

1) Inmates who undergo long sentences often become institutionalized, i.e. they become accustomed to the low-responsibility/high-security lifestyle in a correctional facility. They end up preferring to stay incarcerated rather than face the high-responsibility/low-security approach to life required to

succeed outside the facility (see Shawshank Redemption for an example). Contact with the outside exposes inmates ~~the~~ to the rewards of successful life outside the facility and to the needs of those who are depending on them, significantly slowing the institutionalization process, increasing inmates' efforts to succeed before and after release.

2) Many inmates have spouses and children at home who struggle to remain positive and productive in their absence. Phone calls allow inmates to provide their struggling families with much-needed emotional and moral support, heal damaged relationships, and receive support in their own rehabilitation efforts. All of this promotes family security and longevity, critical factors in a child's journey to become a healthy, productive adult.

3) Phone calls play a central role in coordinating the often challenging work of putting together acceptable plans for parole, which are usually required here in Utah <u>before</u> inmates can be paroled. There is a long list of requirements for employment, housing, and therapy which must be met before inmates can be approved for parole under Utah's indeterminant sentencing system. This search-and-approval process usually involves a lot of talking on the phone.

Excessive phone costs interfere with all of these benefits. In addition, because the lion's share of the incarcerated population comes from families living below the poverty level, telecommunication companies' profits are made largely on the backs of the poor. $9.33 for a 30-minute call is a huge expense for a poor family, especially with the costly added fees. Capping these rates at a reasonable level would materially improve the lives of inmates and their struggling families.

Fee-based Video Visitation Services

Telmate, our telecommunications provider, offers video visitation services for inmates. Inmates may have up to two ½-hour local visits (visitors come to the facility and use a video kiosk in the visiting room) per week without charge. After two in a week, local visits are $7.50. Inmates can also have remote visits (visitors connect using the camera on their computer at home) for $15 for each ½-hour (no free remote visits).

This service is nice because the state is holding me over 300 miles away from my family, and this makes it possible for us to visit. The excessive cost on top of the phone fees and the processing fees makes it

difficult, though. My mother was able to "video"-visit me on my birthday. My father has been able to afford the expense of the phone calls but not the video visits. And I think, if we could choose, all of us would prefer face-to-face visits. My mother was able to visit me face-to-face twice before visits were banned, and it makes such a big difference. Having her there - right next to me - I started crying the feelings were so intense.

Other Factors

Here are some other things that have impacted our telecommunications experience here at the Purgatory Correctional Facility.

Incorrect phone rates are posted (they're the old ones from before the rate increase). I made a request to have the correct rates posted, but nothing happened.

The (incorrect) postings use technical language that leaves us unable to understand which rate applies to the phone calls we make. What does "intralata" mean? How is it different from "interlata"? Which one applies to my phone call?

I found out from another inmate that there is a phone number I can call to find out how much a particular phone call would cost. I have an engineering degree and an MBA and I still couldn't figure out the information they provided on the call. There's no posting stating that this information is available by phone.

Inmates are very unhappy that our facility has used these new services to justify discontinuing face-to-face visits and letters.

Telmate is denying applications for approval for messaging and visitation from inmates' family members who live internationally, even if they are US citizens.

Many of these issues could be resolved by requiring these companies to provide access to competing companies. A code entry system to access other companies (similar to the system required by ICE for incarcerated undocumented aliens & they can contact their respective embassies) would be easy to implement and allow market forces to govern rates. At this point, both the requirement for the person receiving the call to explicitly accept the call, and Telmate's blocking of toll-free numbers effectively prevent this.

Telmate gave us each two free 15-minute phone calls for Christmas. That was nice.

Conclusion

All in all, I figure my parents have spent upwards of $1200 over the past year for me to be able to call each of them once a week. This is not a minor expense for either of them. Thank you for considering our situation, and for taking the time to read my letter.

Sincerely,

Jason Moore

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P.S. We received no notification of the rate increase when it happened. People just started getting charged more. We figured out the new rates through trial and error.