



NATIONAL ASSOCIATION
OF STATE UTILITY
CONSUMER ADVOCATES

NASUCA

March 27, 2015

The Honorable Tom Wheeler, Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *In the Matter of Rates for Interstate Inmate Calling Services*, WC Docket No.
12-375

Ex parte communication

Dear Chairman Wheeler:

The National Association of State Utility Consumer Advocates ("NASUCA")¹ supports the adoption of rules in the above proceeding to reform inmate calling rates to ensure that the rates are just and reasonable. The comments filed confirm and strengthen NASUCA's view- as expressed in initial comments on the NPRM and in numerous previous comments in the Commission's dockets on Inmate Calling Service ("ICS")² -that:

¹ NASUCA is a voluntary association of advocate offices in more than 40 states and the District of Columbia, incorporated in Florida as a non-profit corporation. NASUCA's members are designated by laws of their respective jurisdictions to represent the interests of utility consumers before state and federal regulators and in the courts. Members operate independently from state utility commissions as advocates primarily for residential ratepayers. Some NASUCA member offices are separately established advocate organizations while others are divisions of larger state agencies (e.g., the state Attorney General's office). NASUCA's associate and affiliate members also serve utility consumers but are not created by state law or do not have statewide authority.

² See Comments dated March 10, 2004 (CC Docket No. 96-128), Reply Comments dated April 21, 2004 (CC Docket No. 96-128), Comments dated May 2, 2007 (CC Docket 96-128, DA 03-4027), Reply Comments dated

- Current ICS rates are unjust and unreasonable and place an inequitable burden on the telephone consumers (both unincarcerated and incarcerated) who NASUCA's members represent;
- The FCC has jurisdiction to regulate the rates for all ICS services - for interstate and intrastate, for public and private institutions; and
- After more than a decade of inaction, now is the time for the FCC to act to correct the current unjust, unreasonable, and inequitable ICS regime.

As NASUCA noted in its reply comments dated April 18, 2015, none of the commenters challenge the benefits to inmates, their families and friends, and society as a whole that accrue from reasonable ICS rates.³

NASUCA submits that the FCC has jurisdiction over ICS rates both interstate and intrastate.⁴ As a result, NASUCA urges the FCC to move forward on the adoption of final rules. The record at this time shows that the rates now in place are not cost-based and cost information that has been provided is inadequate to justify the rates being charged.⁵ In fact the demonstrated disparity of ICS rates underscores the unreasonableness of the current rates.⁶ NASUCA also urges the FCC to follow through, and not permit commissions to be considered a reasonable cost or allow such cost to be

June 20, 2007 (CC Docket 96-128, DA 03-4027), Ex Parte Comments dated January 20, 2009 (CC Docket No. No. 96-128, DA 03-4027).

³ See NASUCA Reply Comments (WC Docket No. 12-375), filed April 13, 2013, at 1-2.

⁴ *Id.* at 2-4.

⁵ *Id.* at 4-5; Human Rights Defense Center (HRDC) Comments at 11-12 and Exhibit B; New Jersey Advocates for Immigration Detainees (NJAID) comments at 2-4.

⁶ NASUCA Reply Comments, footnote 3, *supra*, at 6-7.

included in approved rate caps.⁷

In conclusion, NASUCA urges the FCC to proceed with the adoption of final rules as soon as possible so that inmates, their families, and friends are charged just and reasonable rates for inmate calls.

Respectfully submitted,

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⁷ *Id.* at 10-11.