

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
 ) WC Docket No. 12-375  
Rates for Interstate Inmate Calling Services )

**SUPPLEMENTAL COMMENTS OF FLORIDA SHERIFFS ASSOCIATION**

The Florida Sheriffs Association (FSA), previously submitted its comments on the Second Further Notice of Proposed Rulemaking (SFNPRM)<sup>1</sup> concerning the regulation of inmate calling services (ICS). In the comments, FSA expressed its support for establishment of a separate rate for jails that would permit sheriffs to recover costs required by the ICS. The FSA also recommended a two-year transition period for any newly adopted rules.

Following submission of its comments, the FSA reviewed the reply comments of CenturyLink<sup>2</sup> and the comments of the Georgia Department of Corrections,<sup>3</sup> which addressed the authority of this Commission to regulate intrastate rates. In short, the FSA concurs with the positions advanced in these comments and submits that the Commission would be exceeding its authority by regulating ICS rates in jails operated by Florida sheriffs.

As apparent from the legal arguments presented by CenturyLink and the Georgia Department of Corrections, neither of the statutes cited by the Commission in the SFNPRM provides sufficient authority for the Commission to engage in these regulations. Sections 276 and 201 may not be broadly interpreted to give the Commission authority to regulate intrastate payphone rates and preempt state and local authorities, including sheriffs, from determining the management and operation of prison calling services.

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<sup>1</sup> *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Second Further Notice of Proposed Rulemaking, FCC 14-158 (rel. October 22, 2014) (*Second Further Notice of Proposed Rulemaking or SFNPRM*).

<sup>2</sup> WC Docket No. 12-375, Comments of CenturyLink on Second Further Notice of Proposed Rulemaking (December 20, 2015).

<sup>3</sup> WC Docket No. 12-375, Comments of Georgia Department of Corrections, Second Further Notice of Proposed Rulemaking (January 12, 2015).

Section 276(b) was intended to promote competition and availability of pay phones and to further ensure that providers receive adequate compensation. The scope of section 201(b) is limited to interstate telecommunications. Neither statute provides any basis for the Commission to intervene into inmate calling services by regulating intrastate ICS rates. Similarly, there is no statutory authority for the Commission to regulate or prohibit site commissions that are charged to ICS providers by sheriffs or other correctional agencies.

In sum, the FSA echoes the concerns of CenturyLink and the Georgia Department of Corrections regarding the Commission's attempt to unlawfully expand its authority. The FSA requests the Commission to respect its limitations for regulatory intervention, and to defer to jail administrators, including sheriffs, to establish policies and rates for intrastate ICS.

Respectfully submitted,

**FLORIDA SHERIFFS ASSOCIATION**

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