

GUS M. BILIRAKIS
12TH DISTRICT, FLORIDA

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Congress of the United States

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Washington, DC 20515-0912

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

Re: Rates for Interstate Inmate Calling Services - Second Further Notice of Proposed Rulemaking (WC Docket No. 12-375)

Dear Chairman Wheeler,

I am writing because it is apparent that the FCC's *Second Further Notice of Proposed Rulemaking on Rates for Interstate Inmate Calling Services (ICS)* (WC Docket No. 12-375), issued on October 22, 2014, has the potential to adversely impact the performance of Sheriffs' duties across the country.

I am greatly concerned that the FCC is considering low rate caps that may limit the ability of ICS providers to recover costs of administering services in smaller, higher cost facilities. Jail sizes vary greatly and each jail must consider their budgets in vastly different ways than prisons. If the FCC implements a "one-size-fits-all" approach to ICS, many jails may be forced to severely limit or altogether eliminate inmate telephone privileges. In addition, low rate caps and no means for cost recovery would prohibit jails from properly securing and monitoring ICS, which is a valuable tool for law enforcement information gathering and security.

Jails should be allowed to recover these costs in order to secure their jail and prevent future crimes and mitigate the harassment of victims and witnesses. There are alternatives to solve this issue in a more tailored fashion than the "one-size-fits-all" approach, such as more reasonable caps on interstate rates or differing rates for large jails and small prisons. I hope the FCC takes a more tailored approach to Interstate Inmate Calling Services going forward.

Because of the potential impact this may have on Sheriffs not only in Florida, but across the country, I would greatly appreciate that further updates on this issue be sent to my office.

Sincerely,



GUS M. BILIRAKIS
Member of Congress

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 23, 2015

The Honorable Gus Bilirakis
U.S. House of Representatives
2313 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Bilirakis:

Thank you for contacting me to express your concerns regarding the Commission's inmate calling services (ICS) proceeding. In your letter, you express concerns that ICS providers may be limited in their ability to recover costs to administer service in jails and smaller correctional facilities, and the potential security issues that may result from proposed changes to ICS. Your views are very important and will be included in the record of the proceeding and considered as part of the Commission's review.

On September 26, 2013, the Commission released a *Report and Order and Further Notice of Proposed Rulemaking* on ICS. In the *Report and Order*, the Commission adopted interim reforms of interstate ICS rates, requiring that providers' rates and charges be just, reasonable, and fair. The *Report and Order* also required submission of data from ICS providers on costs and usage, which the Commission received in August 2014. Importantly, the *Report and Order* recognized that security measures are an important part of ICS and made clear that it is appropriate for security costs to be recovered through ICS rates.

The *Report and Order* is already having positive results. Lower interstate rates and increased ICS usage enable more families to connect with inmates. Unfortunately, intrastate rates have increased in many states. Moreover, ICS providers are imposing an increasing array of ancillary charges.

Under the leadership of Commissioner Clyburn, who has been spearheading the Commission's effort on this issue, on October 17, 2014, the Commission adopted a *Second Further Notice of Proposed Rulemaking* ("*Further Notice*") with a goal of comprehensively reforming the ICS system, including both interstate and intrastate rates. The *Further Notice* seeks comment on the data submitted by ICS providers in August of this year, which included cost data for jails and prisons of all sizes. The *Further Notice* also seeks comment on the data and whether rules should account for the differences in costs to serve different types of facilities.

With respect to the concerns you have raised regarding cost recovery, the *Further Notice* also seeks comment on whether correctional institutions incur any costs in the provision of ICS and, if so, how facilities should recover such costs. Finally, the *Further Notice* seeks comment

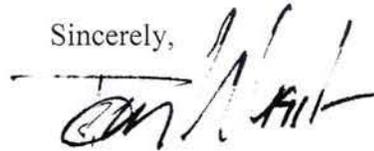
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on providing a multi-year transition period to provide sufficient time for correctional facilities to adjust their budgets.

Please be assured that we will take into consideration the issues and concerns presented by all stakeholders engaged in this proceeding, including representatives of the law enforcement community. The goal of the *Further Notice* is to reform the ICS system comprehensively, without sacrificing security, while ensuring appropriate cost recovery and transition periods for correctional facilities.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler", with a horizontal line drawn through the middle of the signature.

Tom Wheeler