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May 22, 2015

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

**Re: Rates for Interstate Inmate Calling Service, WC Docket
No. 12-375**

Dear Ms. Dortch:

ICSolutions, LLC (“ICSolutions”), by its attorneys, hereby submits this letter to correct inaccurate statements made by Securus Technologies, Inc. (“Securus”) in its letter dated May 4, 2015,¹ regarding the Commission’s *Inmate Calling Report and Order* (“*Report and Order*”).²

In its letter, Securus asserts that the *Report and Order* “prohibits” inmate calling services (“ICS”) providers from paying site commissions on interstate calls. That assertion is untrue. In the *Report and Order*, the Commission explicitly stated “[w]e do not conclude that ICS providers and correctional facilities cannot have arrangements that include site commissions.”³ Indeed, the Commission and its staff have reiterated that position on numerous occasions since the *Report and Order* was issued. For example, the Wireless Competition Bureau explained in November 2013 that the *Report and Order* does not “prohibi[t] site commission payments by ICS providers under existing contract terms.”⁴ And in a brief filed with the U.S. Court of Appeals for the D.C. Circuit in July 2014, the Commission observed that the *Report and Order* does not “ba[r] inmate calling providers from continuing to pay site

¹ See Letter from Stephanie A. Joyce, Counsel for Securus Technologies, Inc., to Marlene Dortch, Secretary, Federal Communications Commission (May 4, 2015).

² *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Report and Order and Further Notice of Proposed Rulemaking, No. FCC 13-113, 28 FCC Rcd 14107 (2013).

³ *Id.* at 14136.

⁴ *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Order Denying Stay Petitions and Petition to Hold in Abeyance, DA 13-2236, 28 FCC Rcd. 15927, 15946 (2013).

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commissions out of their profits.”⁵ The Alabama Public Service Commission recently made the same point in a response to the letter filed by Securus.⁶

Although site commissions are *not* prohibited, the rates charged by ICS providers nevertheless must be “just and reasonable”⁷ and must comply with the interim hard caps set forth in the *Report and Order*.⁸ The example cited by Securus in its letter—the recent proposals to provide service to San Bernardino County, California—should not be controversial because they met those standards. In those proposals, ICSolutions (and Securus for that matter) offered interstate rates of \$0.21 per minute for prepaid and debit calls and \$0.25 per minute for collect calls, as did all the other non-incumbent bidders—indicating that all non-incumbent bidders estimated comparable costs of service for interstate calling at that facility, irrespective of their commission offers.

For these reasons, the claims made by Securus clearly are inaccurate, and ICSolutions urges the Commission to avoid expending its limited resources on what appears to be a gambit by a competitor to establish a basis for unilaterally renegotiating existing customer contracts, and to distort the record for its own commercial advantage.

The Commission already is conducting a comprehensive review of its regulations for the ICS market,⁹ with the primary objective of reducing the overall total cost, inclusive of excessive fees, of services to consumers. We urge the Commission to finalize its review so as to limit further spurious and self-serving allegations by ICS providers.¹⁰

Respectfully submitted,

/s/

Yaron Dori
Kevin King
Counsel for ICSolutions, LLC

cc: Commissioner Mignon Clyburn
Rebekah Goodheart

⁵ Brief of Respondent Federal Communications Commission, *Securus Techs., Inc. v. FCC*, No. 13-1280, at 63 (D.C. Cir. filed July 21, 2014).

⁶ See Letter from Darrell A. Baker, Director, Utility Services Division, Alabama Public Utility Commission, to Marlene Dortch, Secretary, Federal Communications Commission, at 1 (May 12, 2015) (The *Inmate Calling Report and Order* “did not forbid ICS providers from paying [site] commissions.”).

⁷ 47 U.S.C. § 201(b).

⁸ See 47 C.F.R. § 64.6030.

⁹ See WC Docket 12-375, *Rates for Interstate Inmate Calling Services*, Second Further Notice of Proposed Rulemaking, No. FCC 14-158, 29 FCC Rcd. 13170 (Oct. 22, 2014).