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October 7, 2015

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Interstate Inmate Calling Services, WC Docket No. 12-375

Dear Ms. Dortch:

Pursuant to 47 C.F.R. § 1.1206(b)(2), this letter is to advise you that the undersigned, and Joshua M. Bobeck of Morgan, Lewis & Bockius LLP, made separate oral *ex parte* presentations relating to this docket on October 6, 2015, 2015, to (i) Madeleine Findley, Pamela Arluk, Lynne Engledow, Christine Sanquist, Gil Strobel, Thomas Parisi and Bakari Middleton of the Wireline Competition Bureau; (ii) Amy Bender, legal advisor to Commissioner O'Rielly; and (iii) Nicholas Degani, legal advisor to Commissioner Pai.

The presentation covered the topics addressed in the undersigned's written comments, reply comments, and written *ex parte* submissions in the above-captioned docket and responded to the outline of the proposed order in this proceeding as outlined in the Fact Sheet issued on September 30, 2015.[1]

In particular, the presentation emphasized that the FCC has ample authority to regulate carrier payment of site commissions and that failing to exercise that authority jeopardizes the FCC's effort to adopt rules that will survive judicial review. The presentation explained that it would be arbitrary to rely on rate caps to rein in site commission payments — which the FCC correctly identified as the single greatest factor in unreasonably high calling rates — when its 2013 interim rate caps had already proven unable to effect similar change.

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[1] Federal Communications Commission, FACT SHEET: Ensuring Just, Reasonable, and Fair Rates for Inmate Calling Services, (rel. Sept. 30, 2015) ("Fact Sheet").

Further, the presentation emphasized that the FCC's proposed ICS rate caps— absent reform of site commissions — would be confiscatory. ICS providers with multi-year contracts will not be able to pay the site commissions in their contracts while also reducing their rates to the level in the proposed caps without an FCC directive prohibiting or regulating site commissions.

The presentation also discussed concerns regarding gamesmanship by parties seeking to lock in high site commissions in the period between the FCC's adoption of an order and the effective date of its rules.

Lastly, the presentation expressed concern that the FCC proposed to bar providers from charging for certain ancillary services without regard to whether such services are related to communications service as the FCC lacks jurisdiction to regulate the provision of non-communications services by ICS providers.

Sincerely,

s/Andrew D. Lipman

Andrew D. Lipman

cc: A. Bender
N. Degani
M. Findley
P. Arluk
T. Parisi
L. Engledow
G. Strobel
C. Sanquist
B. Middleton