

October 16, 2015

Ms. Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, NW
Washington, DC 20554

Re: Notice of *Ex Parte* Communication; WC Docket No. 12-375 (Inmate Calling Services)

Dear Ms. Dortch:

This letter reports on three meetings held on October 15, 2015. The first meeting was with Travis Litman, Senior Legal Advisor to Commissioner Jessica Rosenworcel. The second meeting was with Commissioner Mignon Clyburn and Chanelle Hardy, Chief of Staff and Media Legal Advisor to Commissioner Mignon Clyburn. The third meeting was with Gigi B. Sohn, Counselor to Chairman Tom Wheeler; Stephanie Weiner, Senior Legal Advisor for Wireline to Chairman Tom Wheeler; Eric Feigenbaum, Director of Outreach and Strategy for the Office of Media Relations; Madeline Findley, Deputy Bureau Chief of the Wireline Competition Bureau; and Rebekah Goodheart, Legal Advisor for Wireline to Commissioner Mignon Clyburn.

Attendees for the first meeting included Robert Raben, Executive Director of the Silent Sentence Coalition; Dr. Nicol Turner-Lee, Vice President and Chief Research and Policy Officer for MMTTC; Charlyn Stanberry, Staff Counsel and Cathy Hughes Fellow for MMTTC, and Rhina Villatoro, Policy and Communications Manager for the National Hispanic Caucus of State Legislators. Attendees for the second meeting included Robert Raben, Executive Director of the Silent Sentence Coalition; Dr. Nicol Turner-Lee, Vice President and Chief Research and Policy Officer for MMTTC and Charlyn Stanberry, Staff Counsel and Cathy Hughes Fellow for MMTTC. For the last meeting, participants included Robert Raben, Executive Director of the Silent Sentence Coalition; Dr. Nicol Turner-Lee, Vice President and Chief Research and Policy Officer for MMTTC; Charlyn Stanberry, MMTTC Staff Counsel and Cathy Hughes Fellow; Joycelyn Tate, Senior Technology Policy Advisor for the National Coalition on Black Civic Participation; Hazeen Ashby, Legislative Director for Research, Policy and Civic Engagement for the National Urban League; Maria Serrano, Intern for the National Hispanic Caucus of State Legislators and Kham Moua, Policy and Communications Manager for OCA - Asian Pacific American Advocates.

During the meetings, officials of civil rights and social justice organizations (“the Civil Rights Coalition”) expressed strong support for the Commission’s plans to proceed with rate caps for all ICS calls including local, long-distance and international, and the imposition of limits on excessive fees on calls.¹ The Commission’s proposed reforms to inmate calling services (ICS) will create more affordable rates for the incarcerated and their families.² Attendees shared that meaningful reform is long overdue, and against the backdrop of mass incarceration of people of color, the Commission’s timing on this issue is both critical and a moral imperative.

¹ See Federal Communications Commission, Fact Sheet: Ensuring Just, Reasonable, and Fair Rates for Inmate Calling Services (rel. Sept. 30, 2015), available at <https://www.fcc.gov/document/fact-sheet-ensuring-just-reasonable-fair-rates-inmate-calling> (last visited October 16, 2015).

² See Letter to FCC Chairman Tom Wheeler (October 14, 2015), submitted on October 15, 2015 (pending upload as of October 16, 2015).

Attendees viewed this as positive step in efforts to maintain constant communication between the incarcerated and their loved ones and shared in the meetings that they would be filing a joint letter demonstrating their support of ICS reforms, especially the caps. The letter is attached and since being filed on October 15, 2015 has generated additional signatures from NOBEL-Women, National Organization of Black County Officials (NOBCO), and the National Policy Alliance.

In addition, the Civil Rights Coalition expressed their concern about site commission fees and possibly new ancillary fees that may be used to circumvent the rate cap. Therefore the Coalition recommended the Commission place in the Order language to safeguard consumers against these predatory fees based upon authority granted by Section 201(b) that requires that “all charges, practices, classifications, and regulations for and in connection with” any telecommunications services must be just and reasonable.”³

If the Commission decides simply to discourage commission fees, we offer the following language for consideration: “[w]hile the Commission is not seeking to eliminate or regulate site commission fees at this time, it strongly discourages their use. Such fees constitute a regressive tax against some of the poorest members of our society. The Commission expects that, as a practical matter, the imposition of rate caps will require telephone providers and corrections facilities to renegotiate any contracts that include exorbitant fees. These renegotiations should result in reduced fees that will benefit both providers and consumers. The Commission will monitor this situation closely and, if necessary, propose new remedies under sections 201(b) and 276 to ensure that ICS rates are just and reasonable.”

In accordance with Section 1.1206(b) of the Commission’s rules, an electronic copy of this letter is being filed in the above-referenced docket. Please contact me with any questions regarding this filing.

Respectfully submitted,

Kim Keenan

Kim Keenan
President and CEO

cc: Travis Litman
Chanelle Hardy
Gigi B. Sohn
Stephanie Weiner
Eric Feingenbaum
Madeline Findley
Rebekah Goodheart

Attachment: Letter to Chairman Wheeler, Re: Inmate Calling Services

³ 47 U.S.C. §201(b) (emphasis added). Additionally, to the extent the Commission relies here in its Section 276 authority, “payphone service” includes “the provision of inmate telephone service in correctional institutions, *and any ancillary services.*” 47 U.S.C. §276(d) (emphasis added).