United States Senate

WASHINGTON, DC 20510

1047

WCB-
Consumers
Inmate Calling
Service

October 15, 2015

The Honorable Thomas Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Wheeler,

We commend you on the recently proposed Federal Communications Commission (FCC) rule to cap intrastate prison phone calling charges and urge the passage of this proposal. We appreciate your work on this issue and the leadership of Commissioner Mignon Clyburn, who successfully took measures to cap interstate calling rates in 2013. The current proposal is a critical step forward in ensuring fair and just calling rates for incarcerated individuals.

Keeping incarcerated people connected with their family support systems reduces recidivism and prison violence. Currently, 2.2 million Americans are incarcerated and more than 2.7 million children in the United States have an incarcerated parent. These children are often only able to connect with their parents by phone, as prisons and jails are often far away from where family members live. Despite falling telecommunications costs, phone calls between inmates and their families remain unreasonably high. In many states, a 15 minute call has an average cost of more than five dollars. In extreme cases, when all associated fees are incorporated in the aggregate cost, a phone call can cost as much as fourteen or fifteen dollars for a single minute.

Unfortunately, in many cases state prisons can receive a commission or "kick-back" from contracts with phone service providers, thus incentivizing a regime in which prisons profit from charging inmates higher rates. What may come as a financial benefit to institutions comes at a serious social cost, since many incarcerated people find the high costs of calling home prohibitive, and the high rates can prevent them from keeping in touch with loved ones.

For these reasons, it is of utmost importance that the FCC move forward with its proposal to curb intrastate calling rates for inmates. We applaud the FCC's discouragement of commissions paid by phone providers to institutions and continued oversight of this matter. We also are encouraged by the Commission's decision to review the market again in a few years, including a review of potential abuses in the video visitation telecommunication services market. These changes will enable families to stay connected and allow inmates to be better prepared to reenter society once their time has been served.

Thank you for your attention to this matter.

Sincerely,

Cory A. Booker
United States Senator

Bernard Sanders
United States Senator

Patrick Leahy
United States Senator

Richard J. Durbin
United States Senator

Richard Blumenthal
United States Senator

Edward J. Markey
United States Senator

Robert P. Casey, Jr.
United States Senator

Martin Heinrich
United States Senator

Sherrod Brown
United States Senator

Al Franken
United States Senator

Chris Coons
United States Senator

Sheldon Whitehouse
United States Senator

Ron Wyden
United States Senator

Robert Menendez
United States Senator

Gary C. Peters
United States Senator

CC: Commissioners Clyburn, Rosenworcel, Pai, O'Rielly

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 24, 2015

The Honorable Richard Blumenthal
United States Senate
702 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Blumenthal:

Thank you for your letter in support of the Commission's ongoing efforts to comprehensively reform inmate calling services (ICS). I agree with your sentiments about the importance of ensuring fair and just calling rates for incarcerated individuals, including moving forward to curb intrastate calling rates for inmates and their families. Your views are very important and will be included in the record of the proceeding.

Few issues the Commission acts upon have a more direct and meaningful impact on the lives of millions of American than ICS reform. As your letter indicates, contact between inmates and their loved ones has been shown to reduce the rate of recidivism, but high inmate calling rates have made that contact unaffordable for many families, who often live in poverty. Therefore, inmate calling reform is not only the right thing to do, it is also good policy.

As you note, our reform efforts have been spearheaded by Commissioner Mignon Clyburn, who began championing this issue when she arrived at the Commission in 2009. Under her stewardship as acting Chairwoman in 2013, the FCC adopted interim caps on excessive rates for ICS calls across state lines, and she continues to demonstrate her valiant leadership on this critically important issue, particularly for the 2.7 million children for whom at least one parent is incarcerated.

On October 22, 2015, the Commission adopted the *Second Inmate Calling Services Report and Order* (Order) and *Third Further Notice of Proposed Rulemaking* (FNPRM). In this Order, the Commission adopted additional ICS reforms to ensure a reasonable rate structure for phone calls from inmates at correctional facilities, including tiered rate caps that apply to all interstate and intrastate inmate calling. Pursuant to Sections 201 and 276 of the Communications Act, the tiered rate caps are sufficient to allow providers to continue to receive fair compensation and a reasonable return on investment and, at the same time, fully cover the enhanced security requirements of inmate calling. The tiered rate caps are based on facility size and type and grounded in the data received in response to the Commission's 2014 Mandatory Data Collection, which demonstrated a difference in costs to serve facilities of different types and sizes.

The new rules also close loopholes by barring most add-on fees imposed by ICS providers and set strict limits on the few fees that remain. This includes prohibiting mandatory

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With respect to site commissions, while the Commission did not prohibit providers from paying site commissions, the Order excluded site commission payments from the cost data the Commission used in setting the rate caps. It also made clear that providers may not exceed the rate caps or ancillary service charge caps, even if they have agreed to pay site commissions. Furthermore, the associated FNPRM seeks comment on how to encourage parties to move away from site commissions and urges states to take action on this issue. Additionally, the Commission committed to monitor site commission payments and stated that it will not hesitate to re-evaluate the Commission's findings and take further action if necessary.

The FNPRM also seeks additional comment on rates for international calls, promoting competition in the ICS industry, the benefits of a recurring Mandatory Data Collection, requiring ICS providers to file their ICS contracts with the Commission, and video visitation and other newer technologies to increase ICS options.

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

Sincerely,

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 24, 2015

The Honorable Cory Booker
United States Senate
141 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Booker:

Thank you for your letter in support of the Commission's ongoing efforts to comprehensively reform inmate calling services (ICS). I agree with your sentiments about the importance of ensuring fair and just calling rates for incarcerated individuals, including moving forward to curb intrastate calling rates for inmates and their families. Your views are very important and will be included in the record of the proceeding.

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Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 24, 2015

The Honorable Sherrod Brown
United States Senate
713 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Brown:

Thank you for your letter in support of the Commission's ongoing efforts to comprehensively reform inmate calling services (ICS). I agree with your sentiments about the importance of ensuring fair and just calling rates for incarcerated individuals, including moving forward to curb intrastate calling rates for inmates and their families. Your views are very important and will be included in the record of the proceeding.

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Sincerely,

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 24, 2015

The Honorable Bob Casey
United States Senate
393 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Casey:

Thank you for your letter in support of the Commission's ongoing efforts to comprehensively reform inmate calling services (ICS). I agree with your sentiments about the importance of ensuring fair and just calling rates for incarcerated individuals, including moving forward to curb intrastate calling rates for inmates and their families. Your views are very important and will be included in the record of the proceeding.

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Sincerely,

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 24, 2015

The Honorable Chris Coons
United States Senate
383 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Coons:

Thank you for your letter in support of the Commission's ongoing efforts to comprehensively reform inmate calling services (ICS). I agree with your sentiments about the importance of ensuring fair and just calling rates for incarcerated individuals, including moving forward to curb intrastate calling rates for inmates and their families. Your views are very important and will be included in the record of the proceeding.

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Sincerely,

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 24, 2015

The Honorable Richard J. Durbin
United States Senate
309 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Durbin:

Thank you for your letter in support of the Commission's ongoing efforts to comprehensively reform inmate calling services (ICS). I agree with your sentiments about the importance of ensuring fair and just calling rates for incarcerated individuals, including moving forward to curb intrastate calling rates for inmates and their families. Your views are very important and will be included in the record of the proceeding.

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Sincerely,

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 24, 2015

The Honorable Al Franken
United States Senate
309 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Franken:

Thank you for your letter in support of the Commission's ongoing efforts to comprehensively reform inmate calling services (ICS). I agree with your sentiments about the importance of ensuring fair and just calling rates for incarcerated individuals, including moving forward to curb intrastate calling rates for inmates and their families. Your views are very important and will be included in the record of the proceeding.

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