Congress of the United States
House of Representatives
Washington, DC 20515

October 21, 2015

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

Dear Chairman Wheeler,

I write in support of the Federal Communication Commission's proposed rule to reform Inmate Calling Services (ICS) that will reduce phone rates for prisoners and immigrant detainees.

As you know, the proposed rule would significantly lower the cost of prison telephone calls by reforming the cost structure and fees. The rules would place a cap on calling rates, reducing the average intrastate call from close to $3.00 to not more than $1.65. The proposed rules limit "kickbacks" by service providers to prisons and would also place limits and caps on service charges, which can make up almost 40% of the cost of a call. It would also ban flat rate calling and increase transparency through annual reporting and certification requirements.

The current excessively high cost of prison telephone calls is prohibitively expensive and burdensome for prisoners, detainees, and their families. Contact while inmates are in prison allows them to remain connected to their families and communities. Maintaining these connections can help reduce recidivism, promote rehabilitation, enable prisoners to prepare for life beyond prison by setting up employment and housing, and allow prisoners to speak with lawyers and counselors. This rule will help millions of Americans remain connected to their loved ones, and I strongly support its implementation.

Sincerely,

Patrick Murphy
MEMBER OF CONGRESS

Frederica S. Wilson
MEMBER OF CONGRESS

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

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 24, 2015

The Honorable Patrick Murphy
U.S. House of Representatives
1517 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Murphy:

Thank you for your letter in support of the Commission's ongoing efforts to comprehensively reform inmate calling services (ICS). I share your concerns regarding the current excessively high cost of prison telephone calls that are prohibitively expensive and burdensome for prisoners. 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 you note, 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.

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

minimum payments and placing a floor on mandatory maximum account deposits. Furthermore, the rules prohibit providers from imposing so-called "flat-rate calling," which is a flat rate for a call up to 15 minutes regardless of actual call duration. Extra fees and charges can increase by as much as 40 percent the cost of families staying in touch by phone with loved ones who are incarcerated. In addition, the Order mandates discounted rates for disability-access calls, requires annual reporting and certification by inmate calling providers, and establishes periodic reviews of these reforms.

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 Frederica S. Wilson
U.S. House of Representatives
208 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Wilson:

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