

**Before the
Federal Communications Commission
Washington, D.C. 20554**

Rates for Interstate Inmate Calling Services

WC Docket No. 12-375

**COMMENTS OF SECURUS TECHNOLOGIES, INC.
ON THIRD FURTHER NOTICE OF PROPOSED RULEMAKING**

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Dated: January 19, 2016

SUMMARY

The rules contemplated in this Third FNPRM are onerous, unnecessary, and in some instances outside the Commission's jurisdiction. The Commission already has slashed ICS rates, targeted Ancillary Charges, and imposed unprecedented reporting requirements that will govern this industry on an ongoing basis. The additional measures now contemplated are simply excessive.

Mandatory intra-facility competition remains an unwise course for ICS. As explained in the Declarations from the Chief Financial Officer and the Vice President of Operations and Engineering for Securus, a multi-provider system would create such uncertainty in both the cost structure and the security of inmate calls that providers would be unwilling to compete for contracts and correctional authorities would be unwilling to continue offering service. Nothing has changed in the last 12 months to change these facts, and Securus knows of no correctional facility that has more than one ICS provider. Moreover, the ISC industry remains subject to robust competition as Securus has shown in previous filings.

The Commission should not attempt to regulate video services at jails. These services are not ICS, they do not use calling equipment, and they are unquestionably a type of information service which are outside the Commission's purview as set forth by Congress in the Communications Act. Securus has in fact petitioned to stay the Second Report and Order to the extent it attempts to regulate or monitor inmate video service via the Rule 64.6060 reporting requirements.

Proposals for ongoing Mandatory Data Collections and publication of ICS contracts should be rejected. Mandatory Data Collections require tremendous resources, in terms of both consultant fees and in-house personnel, and their utility is almost wholly diminished by

the rate caps, Ancillary Fee constraints, and reporting requirements already in place. Requiring all providers to post or file all contracts would infringe on the trade secret protections to which, as the Commission knows, ICS providers' competitively sensitive information is entitled. The risk and burden that these rules would impose far outweighs any possible public benefit of such superfluous disclosures. With the Commission being expressly aware that a cost-benefit analysis should be undertaken for each of the proposed rules, neither an ongoing Mandatory Data Collection nor the publication of contracts would be a reasonable result in this proceeding.

Finally, the Commission should not attempt to regulate, let alone prohibit, revenue-sharing arrangements with third-party financial vendors. The Commission does not have jurisdiction over financial transactions or the entities that perform them. And even where the Commission has exercised jurisdiction over non-telecommunications companies – audio bridge providers which are not Title II carriers – it has refused to rule that such companies cannot share revenue with regulated common carriers. The entreaties of a few ICS providers, which would seem to stem from competitive envy more than anything else, should not persuade the Commission to overstep its jurisdictional bounds into these private contractual arrangements.

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Securus Technologies, Inc. (“Securus”), through counsel and pursuant to 47 C.F.R. § 1.415, files these Comments in response to the Third Further Notice of Proposed Rulemaking released November 5, 2015, in this docket (“Third FNPRM”).¹

I. MANDATORY FACILITIES-BASED COMPETITION REMAINS A SECURITY RISK AND LOGISTICAL MORASS

The Third FNPRM reopens the question whether a multi-provider environment, or intra-facility competition, should be adopted for ICS.² During the last phase of this proceeding, Securus provided a detailed discussion as to why intra-facility competition is both infeasible and dangerous, focusing on the security issues inherent on forcing a facility to rely on multiple ICS providers to screen, monitor, and analyze calls.³ With its January 2015 Comments, Securus provided sworn testimony from Geoff Boyd, Chief Financial Officer, and Dave Kunde, Vice President of Operations and Engineering, explaining the problems with intra-facility competition from both a financial and an operational perspective. Declaration of David Kunde (Dec. 9, 2014); Declaration of Geoffrey Boyd (Dec. 9, 2014). That testimony remains sound.

As an initial matter, the ICS industry already is subject to robust competition. As Securus previously has stated, every Request for Proposal garners five to seven bidders and is closely judged.⁴ Quality of service and rate affordability remain, more than ever, heavily weighted criteria. The Commission should not believe that a multi-provider system would mean

¹ The item was published in the Federal Register on December 18, 2015, at 80 Fed. Reg. 79136, *available at* <https://www.federalregister.gov/articles/2015/12/18/2015-31252/rates-for-interstate-inmate-calling-services>.

² Third FNPRM ¶¶ 291-95.

³ WC Docket No. 12-375, Letter from Stephanie A. Joyce, Counsel to Securus, to Marlene H. Dortch, FCC, Attachment (Dec. 8, 2014) (providing notice of meeting with Commissioner O’Rielly and his Legal Advisor, Amy Bender).

⁴ WC Docket No. 12-375, Comments of Securus Technologies, Inc. at 2 (Mar. 25, 2013); Declaration of Curtis L. Hopfinger ¶ 5 (Mar. 25, 2013).

the introduction of competition to the ICS industry; it has been fiercely competitive all along.

Nothing has changed in the last 12 months that would sway either declarant's view that a multi-provider arrangement for ICS is financially and operationally infeasible. Despite what the Commission may have heard, such arrangements are not "pervasive" (Para. 298) at all: Dave Kunde states that "I know of no correctional facility at which more than one company provides ICS." Supplemental Declaration of David Kunde ¶ 6 (Jan. 14, 2016). Both declarants have reviewed their previous declarations and Paragraphs 296-307 of the Third FNPRM and state that their conclusions have not changed. *Id.* ¶ 5; Supplemental Declaration of Geoff Boyd ¶ 5 (Jan. 15, 2016).

Geoff Boyd stated in his previous Declaration that "creating a multi-provider system for ICS would very likely make it uneconomic for us to serve many facilities."⁵ Mr. Boyd discussed his core concerns with intra-facility competition:

- **Capital Investment** — ICS involves "many more sunk costs than residential and business service," and these include "a certain baseline of equipment" as well as "significant incremental cost in adding new correctional facilities ... in terms of both equipment and labor."⁶ In addition, in a multi-provider environment, multiple sets of circuits must be installed by each ICS provider. "These additional [circuit] costs eventually would need to be passed on to users in the form of higher rates."⁷

- **Unpredictable Call Volume** — Mr. Boyd explained that "[p]redictable call volume is one of the most important factors that Securus reviews" when evaluating an RFP.⁸

⁵ Boyd Decl. ¶ 5.

⁶ *Id.* ¶¶ 9, 8, 6.

⁷ *Id.* ¶ 10.

⁸ *Id.* ¶ 11.

With intra-facility competition, “no one ICS provider can know how much of the call volume it will handle,” making it “impossible to predict whether service at a particular facility will be above-cost and which rates should be charged.”⁹ And because “[r]ational businesses do not allocate capital where they know they cannot compete profitably,” the “result will be that ICS carriers discontinue service at unprofitable sites.”¹⁰

- **Lack of Scale** — Knowing the level of achievable scale is another crucial factor for bidding ICS contracts. Under intra-site competition, “scale will be divorced from tangible factors like Average Daily Population. Planning for equipment costs would be a guessing game[.]”¹¹ Open questions include “[S]hould any provider install more than [a] minimum level of equipment?” and “Will any provider’s equipment be used to a predictable degree?”¹² These unanswerable questions are huge deterrents to both establishing and maintaining service at any given site.

- **Increased Bad Debt** — A multi-provider environment would allow parties “to run up telephone bills, never pay them, and then start using another ICS provider at the same jail.”¹³ Customers could “hop between carriers” and have “no real consequences.”¹⁴ The natural incentive to avoid payment would largely negate the work that Securus and other carriers have done by “investing heavily in new payment options and in establishing direct-billing relationships.”¹⁵ The increased bad debt also would result in higher rates for all customers.

⁹ Boyd Decl. ¶ 12.

¹⁰ *Id.*

¹¹ *Id.* ¶ 13.

¹² *Id.*

¹³ *Id.* ¶ 14.

¹⁴ *Id.*

¹⁵ Boyd Decl. ¶ 15.

Due to each of these uncertainties, Mr. Boyd concluded that creating intra-facility ICS competition “would result in near-term chaos” followed by “lower capital investment by carriers accompanied by lower quality service[.]”¹⁶ Most importantly, security would be compromised, because carriers would not be willing or able to maintain investment in research and development when cost amortization becomes “completely variable.”¹⁷

Securus also provided the Declaration of David Kunde, its Vice President of Operations and Engineering, to discuss the operational hazards of establishing a multi-provider system for ICS. Mr. Kunde also divided his concerns into discrete issues:

- **Security Concerns** — Having more than one ICS provider in a facility raises significant security concerns. First, “[t]he officers must be trained to use each different system.”¹⁸ In addition, “when an event occurs in the jail that may involve a called party, the officers must check the call records of every system to find the relevant call(s). That added time will delay the officers’ ability to react.”¹⁹

- **Validation and Call Rating Problems** — Call validation “is a crucial part of call security, and in a multi-provider system it becomes difficult to guarantee.”²⁰ Inmate calls “require additional call validation beyond what other telephone service providers do for residential and business calls.”²¹ Each dialed number must be checked against LIDB and also checked against the list of prohibited numbers such as “judges, prosecutors, and pay-per-call

¹⁶ *Id.* ¶ 17.

¹⁷ *See* Boyd Decl. ¶ 17.

¹⁸ Kunde Decl. ¶ 7.

¹⁹ *Id.*

²⁰ *Id.* ¶ 10.

²¹ *Id.* ¶ 9.

numbers.”²² In a multi-provider system, “[h]ow will the correctional facility know that each call is being validated, and how will they confirm it?”²³

- **Auditing Difficulty** — ICS carriers must audit their billing records “to ensure that the billing systems are working properly.”²⁴ With more than one ICS provider in a facility, there are multiple switches, and auditing “becomes very difficult.”²⁵

- **Facility Infrastructure Issues** — Mr. Kunde stated that “[c]orrectional facilities are not built out for major telecommunications traffic” and thus often require “infrastructure deployment” such as replacing inside wiring and bringing in transport facilities.²⁶ When more than one ICS carrier installs equipment, “facility infrastructure will be even more taxed” and duplicative transmission facilities must be installed.²⁷ “It will be a logistical nightmare.”²⁸

- **Chain of Custody Issues** — Inmate calls “are very often used as evidence in criminal proceedings” and thus “must be authenticated.”²⁹ Authentication “requires a secure chain of custody” as well as witnesses to testify in court.³⁰ In a multi-provider environment, chain of custody will become confusing. “It would be up to the correctional facility and the prosecutor to decide who actually handled the call, and who should testify to authenticate the

²² Kunde Decl. ¶ 9.

²³ *Id.* ¶ 10.

²⁴ *Id.* ¶ 11.

²⁵ *Id.*

²⁶ *Id.* ¶ 12.

²⁷ Kunde Decl. ¶ 13.

²⁸ *Id.*

²⁹ *Id.* ¶ 14.

³⁰ *Id.*

record.”³¹ Intra-facility competition thus would place a new burden on both carriers and the justice system.

Finally, and for many of the reasons that Mr. Boyd and Mr. Kunde explained, correctional facilities never have wanted to deal with more than one ICS provider at a time. They decided, using their statutory authority and professional discretion, to employ a competitive RFP process from which to choose the most qualified inmate telecommunications company. Thus, leaving aside the operational and financial “nightmare” that ICS providers would experience, intra-facility competition would contravene correctional facility policy. And it would not eliminate the biggest issue related to calling rates: site commissions. Therefore, although Securus appreciates the Commission’s willingness to consider other types of action other than setting rates, demanding intra-facility ICS competition would not be a reasonable or successful decision.

II. THE COMMISSION HAS NO JURISDICTION TO REGULATE VIDEO SERVICE

The Commission now seeks comment on the video services provided at jails, asking “[w]hat limits or protections would need to be implemented to provide relief from or prevent excessive rates for video visitation services[.]?” Third FNPRM ¶ 300.

The FCC lacks authority to impose regulations of any kind on Securus’s video services. “It is axiomatic that administrative agencies may issue regulations only pursuant to authority delegated to them by Congress.” *American Library Ass’n v. FCC*, 406 F.3d 689, 691 (D.C. Cir. 2005). The Commission “literally has no power to act ... unless and until Congress confers power upon it.” *Id.* at 698. It is the Commission’s obligation to demonstrate its statutory

³¹ Kunde Decl. ¶ 15.

authority to adopt a particular rule or take a particular action.

Even where so-called “ancillary authority” is invoked pursuant to 47 U.S.C. § 154(i), the Commission must show that it satisfies both prongs of the *American Library Association* test, the first of which is that the regulation actually covers “interstate or foreign communication by wire or radio.” *Id.* at 701; *see also* 47 U.S.C. § 152. Under this test, “ancillary jurisdiction” is not boundless, a message sent most powerfully by the D.C. Circuit in Comcast’s appeal from the BitTorrent decision. *Comcast Corp. v. FCC*, 600 F.3d 642, 659-60 (D.C. Cir. 2010). Just as the FCC’s limited authority over cable television service does not extend to “all aspects of cable,” *id.* at 650, the Commission’s authority over inmate calling rates does not entitle it to regulate “all aspects” of inmate service, and particularly not third-party payment methods.

Video service provided by wireline common carriers, which include ICS providers, are considered “information services” which the Commission refused to regulate in 2010.³² Information services are outside the Commission’s Title II jurisdiction. *E.g.*, *Comcast*, 600 F.3d at 659-60. The Third FNPRM does not attempt to suggest otherwise.

The Commission misspeaks when it uses the term “video calling” to discuss these services. *E.g.*, Third FNPRM ¶ 298. Inmate video systems are not “calling” services at all.

³² The focus of this proceeding is limited to the classification of broadband Internet service. We remain cognizant that, under the Act, all information services are provided “via telecommunications,” and therefore the use of telecommunications does not, on its own, warrant the identification of a separate telecommunications service component. For example, we do not intend to address in this proceeding the classification of information services such as e-mail hosting, web-based content and applications, voicemail, interactive menu services, **video conferencing**, cloud computing, or any other offering aside from broadband Internet service.

GN Docket No. 10-127, *Framework for Broadband Internet Service*, Notice of Inquiry, 25 FCC Rcd. 7866, 7909-10 ¶ 107 (2010) (emphasis added).

They are not akin to ICS: to answer the Commission’s question, Securus Video Visitation service does not use “inmate telephones” as defined in Rule 64.6000(k). Third FNPRM ¶ 298. They use video screens with closed-circuit handsets that are not connected to calling equipment. The Commission would err if it were to attempt to impose ICS rules on inmate video service.

III. THE COMMISSION SHOULD NOT ADOPT AN ONGOING MANDATORY DATA COLLECTION RULE

The Commission will conduct “a second, one-time Mandatory Data Collection to occur two years from the effective date of this Order” which will be in 2018. Third FNPRM ¶¶ 308, 336. It is considering the adoption of a permanent, ongoing rule to make the Mandatory Data Collection “a recurring data submission.” *Id.* ¶ 309. Such a rule would be extremely burdensome.

The Mandatory Data Collection is not simply a gathering and organizing of documents. It requires detailed cost reporting and analysis which no ICS provider, to Securus’s knowledge, was able to conduct without an outside consultant or expert. As the Commission is aware, Securus retained FTI Consulting, Inc. for the Mandatory Data Collection – the fees were many hundreds of thousands of dollars. Moreover, Securus spent seven full months on that July 2014 submission and several Securus personnel were in large part devoted to assembling and digesting the necessary data and documents. The Mandatory Data Collection was a truly historic event for the ICS industry, in terms of both the level of inquiry and the resources used, and should not become a permanent obligation.

The Commission has asked whether any of the rules presently under consideration create a larger burden than the anticipated public benefit. Third FNPRM ¶ 327. This proposed rule certainly would create a burden that is orders of magnitude higher than any purported benefit. The Commission already has set local, intrastate, and interstate calling rate caps that

slash the price of inmate calls dramatically; calls from Prisons are only \$0.11 per minute with no permissible per-call charge, and the simple average rate at Jails is only \$0.1733 per minute. Rule 64.6010. Every carrier must file an annual report on seven different aspects of their operations, including **all calling rates charged**, all Ancillary Charges, minutes of use, and number of TeleTypewriter calls, all broken down “both by facility type and size”. Rule 64.6060. The Commission will have, every year, a tremendous amount of information from this industry. Everyone will know what ICS users are paying for service. To add to these requirements a nationwide cost study every two years, given the unavoidable financial burden and internal cost, would be so extraneous and burdensome that it seems more punitive than beneficial.

Securus will comply with the annual requirements Rule 64.6060 and will submit the next Mandatory Data Collection, and anticipates that other ICS providers will do as well. The Commission should not make the Mandatory Data Collection and ongoing obligation.

IV. THE COMMISSION SHOULD NOT, AND HAS NO NEED TO, REQUIRE ICS PROVIDERS TO FILE OR POST SERVICE CONTRACTS

The Third FNPRM states that the Human Rights Defense Council “suggests that the Commission require ‘all ICS providers to post their contracts with detention facilities on their websites where they are publicly available’” within thirty days of contract execution. Third FNPRM ¶ 311 & n.1070 (quoting HRDC Aug. 8, 2015 Ex Parte Letter at 2).

This proceeding has garnered a level of regulatory scrutiny over ICS that has not been seen in the common carrier space in over 30 years. Calling rates are regulated, site commissions have been scrutinized, criticized, and even abolished, and extremely onerous reporting and cost-analysis obligations have been imposed. Persons not involved in competitive decision-making in the ICS industry, including counsel and consultants to the Wright Petitioners, have access to the complete, unredacted versions of all of these filings. For these reasons,

complaints about “lack of transparency” in this industry, Third FNPRM ¶ 311, ring hollow. No other wireline common carriers are subject to more stringent disclosure requirements, other than carriers attempting a merger, than ICS providers.

The FCC presently does not require common carriers to file or post service contracts, nor do most states. The requirement now contemplated would mark a tectonic shift from the Commission’s deregulatory trajectory of the last 15 years. And it is not warranted. It is moreover extremely burdensome and carries grave competitive risk for ICS companies.

Requiring ICS companies to post or file all contracts is the same as requiring them to publish an ongoing, complete list of all their customers. Customer lists are generally found to be protected trade secrets.³³ This conclusion holds true even when the information comprising the list can be put together from public sources.³⁴ Securus’s bevy of active service contracts therefore should be treated as a trade secret.

It is for these reasons that the Commission is affording protection to ICS providers’ Mandatory Data Collection documents. The Protective Order in this case, DA 13-2434, was issued pursuant to Commission Rule 0.459; that rule provides confidential treatment where the submitting party shows “the degree to which the information is commercial or financial, or contains a trade secret or is privileged” and “how disclosure of the information could result in substantial competitive harm.” 47 C.F.R. § 0.459(b)(3) & (5). Thus is it clear that the Commission already understands the sensitive and proprietary nature of the information

³³ E.g., *North Atlantic Instruments, Inc. v. Haber*, 188 F.3d 38, 44-46 (2d Cir. 1999) (affirming injunction use of customer list alleged taken from competitor); *Zoecon Industries v. American Stockman Tag Co.*, 713 F.2d 1174, 1176 (5th Cir. 1983) (“We hold that the customer list is a trade secret under Texas law.”); *Fireworks Spectacular, Inc. v. Premier Pyrotechnics, Inc.*, 147 F. Supp. 2d 1057, 1066 (D. Kan. 2001) (awarding damages for misappropriation of customer lists).

³⁴ E.g., *Zoecon Industries*, 713 F.2d at 1179; *Robert B. Vance & Assocs., Inc. v. Baronet Corp.*, 487 F. Supp. 790, 799 (N.D. Ga. 1979).

it requested within this proceeding – that information included the complete list of ICS service contracts for the year 2013. Adoption of a rule requiring publication of all contracts would contravene this longstanding Commission policy.

Here, again, the issue of burden versus benefit should be closely examined. *See* Third FNPRM ¶ 327. Ensuring that all current contracts are publicized will require, without exaggeration, daily monitoring by already taxed regulatory staff. The possible benefit to the public, by contrast, is negligible, because Rule 64.6060 already requires detailed disclosure of rates, minutes of use, and many other aspects of ICS. Due to the clear competitive risk of the proposed rule, and the grossly disproportionate burden it would impose, the Commission should not require publication of ICS contracts.

V. THE COMMISSION DOES NOT HAVE JURISDICTION OVER TRANSACTION FEES OR THE ARRANGEMENTS BETWEEN ICS CARRIERS AND FINANCIAL VENDORS

The Commission revisits financial transaction fees in the Third FNPRM, this time asking about “potential revenue-sharing arrangements between ICS providers and financial companies,” Para. 325, and whether “the Commission ha[s] jurisdiction over third-party financial processor vendors, or over contracts between ICS providers and third-party vendors?” Para. 326. The answer is that the Commission does not have this jurisdiction.

As Securus has explained, the Commission lacks jurisdiction and authority over financial transactions.³⁵ Securus has sought a stay of the *Second Inmate Rate Order* on this

³⁵ Securus has maintained this position throughout the proceeding, *e.g.*, Securus Technologies, Inc. Reply Comments in Response to DA 13-1445 at 1-2 (July 24, 2013), but in the interest of reaching compromise joined in the recommendation regarding ancillary charges that was presented in the Joint Industry Proposal. “The parties respectfully submit that the regulation of ancillary fees for transactions other than the provision of ICS is beyond the scope of the Commission’s jurisdiction.” WC Docket No. 12-375, Letter from Securus, Global

point, including new Rule 64.6020, and intends to include this issue in its pending appeal at the D.C. Circuit. *Global Tel*Link Corp. v. FCC*, No. 15-1461 and consolidated cases (D.C. Cir.).

The Commission also asks whether it should hold that “these service charges constitute unjust and unreasonable practices, in violation of section 201(b), or a practice that would lead to unfair rates in violation of section 276[?]” Third FNPRM ¶ 326. The Commission previously has declined requests to find revenue-sharing arrangements unlawful in the hotly contested disputes over access charges.³⁶ And in those instances, the entities and services involved are actually within the Commission’s jurisdiction such that such a finding could be, from a jurisdictional standpoint, appropriate. There, local exchange carriers (“LECS”) are sharing access charge revenue with audiobridge service providers – companies who must make Universal Service Fund (“USF”) contributions pursuant to Section 254 of the Act.³⁷ But though those audiobridge companies must pay into USF, their agreements to share access revenue remains lawful.

Tel*Link Corporation, and Telmate LLC to Chairman Wheeler and Commissioners Clyburn, Rosenworcel, Pai, and O’Rielly at 4 (Sept. 15, 2014).

³⁶ EB Docket No. 14-222, File No. EB-14-MD-013, *AT&T Svcs., Inc. v. Great Lakes Comnet, Inc. et al.*, Memorandum Opinion and Order, 30 FCC Rcd. 2586, 2595-96 ¶ 30-31 (2015); WC Docket No. 10-90, *Connect America Fund*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd. 17663, 17879 ¶ 672 (2011).

³⁷ WC Docket No. 06-122, *Universal Service Contribution Methodology, Petitions for Reconsideration and Clarification of the InterCall Order*, Order on Reconsideration, 27 FCC RCD. 898 (2012) (denying petitions), *aff’d Conference Group, LLC v. FCC*, 720 F.3d 957 (2013); *Request for Review by Intercall, Inc. of Decision of Universal Service Administrator*, 23 FCC Rcd. 10731, 10734 ¶ 7 (2008) (affirming decision that audiobridge service is telecommunications and subject to USF contribution requirements).

CONCLUSION

For all these reasons, the Commission should:

- 1) Reject pleas and proposals to mandate a multi-provider system for Inmate Calling Services (“ICS”);
- 2) Refrain from attempting to regulate video services which are outside the bounds of its jurisdiction and authority;
- 3) Limit the Mandatory Data Collection obligation to one additional filing in 2018;
- 4) Reject requests to force ICS providers to post or file service contracts; and
- 5) Refrain from regulating financial transactions and the arrangements between ICS providers and financial vendors.

Dated: January 19, 2016

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ATTACHMENTS

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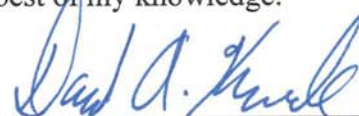
SUPPLEMENTAL DECLARATION OF DAVID KUNDE

I, David Kunde, hereby affirm under penalty of perjury and pursuant to 18 U.S.C. § 1621, that

1. I am the Vice President of Operations and Engineering for Securus Technologies, Inc. ("Securus") with headquarters at 14651 Dallas Parkway, Sixth Floor, Dallas, TX 75254. I have held this role at Securus since August 2011.
2. I have worked in the telecommunications industry for 28 years. I hold an undergraduate degree in Physics from Wittenberg University and an MBA from the William E. Simon School at the University of Rochester.
3. I previously provided a Declaration dated December 9, 2014, which was filed in this docket in January 2015 in support of Securus's Comments. I have personal knowledge of the facts stated therein and in this Supplemental Declaration and could testify to the same.
4. I have reviewed the Commission's questions in the Third Further Notice of Proposed Rulemaking regarding whether the FCC should require a multi-provider system for Inmate Calling Services ("ICS").
5. I continue to hold and attest to the facts and conclusions set forth in my December 2014 Declaration.
6. In addition to the facts and conclusions in that December 2014 Declaration, I state that I know of no correctional facility at which more than one company provides ICS.

I affirm that the foregoing is true and correct to the best of my knowledge.

Dated: January 14, 2016



David Kunde
Vice President of Operations and Engineering
Securus Technologies, Inc.

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SUPPLEMENTAL DECLARATION OF GEOFF BOYD

I, Geoffrey M. Boyd, hereby affirm under penalty of perjury and pursuant to 18 U.S.C. § 1621, that

1. I am the Chief Financial Officer of Securus Technologies, Inc. ("Securus") with headquarters at 14651 Dallas Parkway, Sixth Floor, Dallas, TX 75254.
2. I previously provided a Declaration signed December 9, 2014, which was filed in support of the Comments that Securus filed on January 12, 2015. I have personal knowledge of the facts stated therein and in this Supplemental Declaration and could testify to the same.
3. I have been Chief Financial Officer of Securus since September of 2013 and have over 14 years of experience in telecommunications including ten years as a Chief Financial Officer.
4. I have reviewed the questions in the Third Further Notice of Proposed Rulemaking regarding whether the FCC should mandate intra-site competition for Inmate Calling Services ("ICS").
5. I maintain the opinions and conclusions stated in my December 2014 Declaration. To the extent site commissions remain lawful, the statement in Paragraph 16 of the December 2014 Declaration continue to apply.

I affirm that the foregoing is true and correct to the best of my knowledge.

Dated: January 15, 2016



Geoffrey M. Boyd
Chief Financial Officer
Securus Technologies, Inc.