



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

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WIRELINE COMPETITION BUREAU UPDATES APPLICABLE RATES FOR INMATE CALLING SERVICES

WC Docket No. 12-375

With this Public Notice, we notify providers of Inmate Calling Services (ICS) of the applicable rates for ICS and effective dates for provisions of the Federal Communications Commission's (Commission) 2015 Order governing ICS.¹

On March 7, 2016, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) stayed two provisions of the Commission's ICS rules: 47 CFR § 64.6010 (setting caps on ICS calling rates that vary based on the size and type of facility being served) and 47 CFR § 64.6020(b)(2) (setting caps for single-call services).² The D.C. Circuit's *March 7 Order* denied motions for stay of the Commission's ICS rules "in all other respects."³ On March 23, 2016, the D.C. Circuit modified the stay imposed in the *March 7 Order* to provide that "47 CFR § 64.6030 (imposing interim rate caps)" be stayed as applied to "intrastate calling services."⁴

In accordance with the *2015 ICS Order*, the rules limiting charges for ancillary services—other than the rule related to single-call services, which the D.C. Circuit stayed—took effect on March 17, 2016 for all ICS calls from prisons, and will take effect on June 20, 2016 for all ICS calls from jails (see chart below).⁵ Those same effective dates also apply to the rates for ICS calls involving TTY devices,⁶ the rule governing the treatment of taxes and fees,⁷ the rule prohibiting per-call or per-connection charges,⁸ the

¹ *Rates for Interstate Inmate Calling Services*, Second Report and Order and Third Further Notice of Proposed Rulemaking, 30 FCC Rcd 12763 (2015) (*2015 ICS Order*). This Public Notice supersedes the information in the previous Public Notice regarding the effective dates of the Commission's ICS rules and requirements. *Wireline Competition Bureau Addresses Applicable Rates for Inmate Calling Services and Effective Dates for Provisions of the Inmate Calling Services Second Report and Order*, Public Notice, DA 16-280 (WCB Mar. 16, 2016).

² See *Global Tel*Link v. FCC*, No. 15-1451 (D.C. Cir. Mar. 7, 2016) (*March 7 Order*).

³ *Id.* at 2.

⁴ See *Global Tel*Link v. FCC*, No. 15-1451 (D.C. Cir. Mar. 23, 2016) (*March 23 Order*).

⁵ 47 CFR § 64.6020(a), (b)(1), (3)-(5). As noted above, 47 CFR § 64.6020(b)(2) has been stayed by the D.C. Circuit. See *March 7 Order*.

⁶ 47 CFR § 64.6040(a)-(b).

⁷ 47 CFR § 64.6070.

⁸ 47 CFR § 64.6080.

rule prohibiting flat-rate calling,⁹ and the rules governing minimum and maximum calling account balances.¹⁰

| Permitted Ancillary Service Charges and Taxes | Monetary Cap Per Use / Instruction |
|--|--|
| Applicable taxes and regulatory fees | Provider shall pass these charges through to consumers directly with no markup |
| Automated payment fees ¹¹ | \$3.00 |
| Live agent fee, i.e., phone payment or account set up with optional use of a live operator | \$5.95 |
| Paper bill/statement fees (no charge permitted for electronic bills/statements) | \$2.00 |
| Prepaid account funding minimums and maximums | Prohibit prepaid account funding minimums and prohibit prepaid account funding maximums under \$50 |
| Third-party financial transaction fees, e.g., MoneyGram, Western Union, credit card processing fees and transfers from third party commissary accounts | Provider shall pass this charge through to end user directly, with no markup |

In addition, the interim rate caps – \$0.21 per-minute for debit and prepaid ICS calls and \$0.25 per-minute for collect ICS calls – set forth in the Commission’s rules are in effect for all interstate ICS calls.¹²

The rules requiring annual reporting and certification are subject to the Paperwork Reduction Act, as is the rule requiring consumer disclosure of ICS rates.¹³ Those rules will take effect upon publication in the Federal Register of a notice of Office of Management and Budget (OMB) approval.¹⁴ All other rules and requirements adopted in the *2015 ICS Order* are in effect, except for the one-time Mandatory Data Collection, which is to occur two years after it is approved by OMB.¹⁵

For further information, please contact Christine Sanquist, Wireline Competition Bureau, Pricing Policy Division, at 202-418-7084 or via e-mail at christine.sanquist@fcc.gov.

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⁹ 47 CFR § 64.6090.

¹⁰ 47 CFR § 64.6100.

¹¹ Automated payments include payments by interactive voice response (IVR), web, or kiosk.

¹² See 47 CFR § 64.6030 (stating that “[n]o Provider shall charge a rate for Collect Calling in excess of \$0.25 per minute, or a rate for Debit Calling, Prepaid Calling, or Prepaid Collect Calling in excess of \$0.21 per minute”). Under the Commission’s rule as modified in the *2015 ICS Order*, the interim caps will “sunset upon the effectiveness of the rates established in section 64.6010.” 47 CFR § 64.6030. The D.C. Circuit has, for the time being, stayed the rates established under section 64.6010. See *March 7 Order* at 1-2. Thus, the interim caps have not sunset. Under the *March 23 Order*, however, the interim caps are stayed as applied to intrastate ICS.

¹³ 47 CFR § 64.6060 (imposing annual reporting and certification requirements); 47 CFR § 64.6110 (requiring disclosure of ICS rates).

¹⁴ *2015 ICS Order*, 30 FCC Rcd at 12918, para. 338.

¹⁵ See *id.* at 12862, 12918-19, paras. 198, 336, 339.

