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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

April 20, 2004

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Board of Directors

- Susan Galbraith
- Aurie T. Hall
- Sandra Cohen Kalter
- Judge Gladys Kessler
- Mary Ann Luby
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- Nemat Shaik
- Brenda V. Smith
- Jonathan Smith
- Robin Smith

Re: Petition for Rulemaking by Martha Wright, et. al.,
from Wright v. Corrections Corporation of America,
CA No. 00-293 (GK)(D.D.C.)

Dear Ms. Dortch:

Enclosed are an original and four copies of Reply Comments to the above mentioned Petition for Rulemaking. Our Place, DC and Hope House joins The Journey Ahead Enterprises, Thoughts of the Spirits Ministry, Vistor's Services Center and the Washington Legal Clinic for the Homeless in supporting the Petition and requesting for the Commission to implement a competitive inmate calling policy.

Please feel free to contact me at 202-548-2400 if you have any questions.

Very Truly Yours,

April M. Giancola*
Director of Legal Services

Enclosures

- Cc: Deena Shelter
Joi Nolen
Deborah M. Golden
Stephen G. Seliger
Laurie S. Elkin
Barbara J. Olshanksy
Charles Kennedy

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Campaign Partner

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Tracey Tucker
Susan Galbraith
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Prophetess Taji Anderson
Anne Cunningham
Patricia Mullahy Fugere
Qualex International

*Licensed in AZ and MA, DC Pending

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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OFFICE OF THE SECRETARY

In the Matter of:)
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)
Implementation of Pay Telephone)
Reclassification and Compensation)
Provisions of the Telecommunications)
Act of 1996)
)
Martha Wright, Dorothy Wade, Annette Wade)
Ethel Peoples, Mattie Lucas, Laurie Nelson,)
Winston Bliss, Sheila Taylor, Gaffney &)
Schember, M. Elizabeth Kent, Katharine Goray,)
Ulandis Forte, Charles Wade, Earl Peoples,)
Darrell Nelson, Melvin Taylor, Jackie Lucas,)
Peter Bliss, David Hernandez, Lisa Hernandez)
and Vendella F. Oura)
)
)
)
Petition for Rulemaking or, in the Alternative,)
Petition to Address Referral Issues in Pending)
Rulemaking)

CC Docket 96-128

REPLY COMMENTS OF
OUR PLACE DC, HOPE HOUSE
AND OTHER SUPPORTING ORGANIZATIONS

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Dated: April 20, 2004

In the Matter of:)

Implementation of Pay Telephone)
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Act of 1996)

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and Vendella F. Oura)

CC Docket 96-128

Petition for Rulemaking or, in the Alternative,)
Petition to Address Referral Issues in Pending)
Rulemaking)

These reply comments are submitted to the Federal Communications Commission (FCC) by Our Place DC, Hope House and other supporting organizations in support of the above-captioned Petition requesting the Commission to require all privately administered prisons to implement a competitive inmate calling policy.

Debit Systems Would Not Create Anymore of a Commodity Than Current Collect Calling Systems

The Corrections Corporation of American (CCA) claims that a debit calling system would result in “creating a commodity that *can* be subject to threats, violence, or other forms of coercion within the inmate population”¹ (emphasis added). This statement is made without any supporting evidence. CCA does not cite to any known instances

¹ Comments of CCA, page 21.

where as a result of a debit calling using environment, coercion, threats and violence resulted. CCA only refers to the term “can happen” as their rationale to why debit calling systems are to be considered a security risk.

Our Place, DC (Our Place) assists women from the District of Columbia who are subsequently sent to Federal Bureau of Prison locations (BOP). Never once has a woman called Our Place to complain that a fellow inmate was coercing or threatening violence against her in order to use her debit calling account. The BOP has a debit calling system, which applies to all inmates, at all different security level institutions. The issue of the security risks and burdens associated with a debit calling system must have been discussed at length before it was decided to implement such a program. Unless CCA can attest to concrete evidence that this is a real problem, rather than stating that it “can” or “could” happen, this is not a credible argument against the use of a debit calling system.

Private Prison Systems Also Have Large Population of Users

CCA and MCI Worldcom, Inc. (MCI) both use cost as an issue when arguing against the implementation of a debit calling system in the private prison system. From additional staff, training and equipment, this is just not an economical burden the private prisons wish to bear. When comparing themselves to the BOP, CCA states, “BOP has developed and implemented its own system because it has been able to spread the costs across a large population of users.”²

As of the week of April 8, 2004, BOP housed 149,102 inmates (not including inmates at privately managed prisons, contract facilities, home confinement, Jail

² Joint Declaration of Peter K. Bohacek, Ph.D. and Charles Kickler, Jr., ¶ 22.

detention, and Contract Juveniles)³. In 2001, prisoners in adult private prisons totaled approximately 140,000.⁴ These figures clearly show that the disparity between the numbers of prisoners in the BOP system are not that different than the number of prisoners in the private prison system. CCA alone has approximately 65,000 beds in 64 facilities.⁵ It is clear that the private prison industry also has the numbers in which it can adequately spread any related costs to implementing a debit calling system.

There is also a lot to be said for the simple concept that spending money is analogous to owning a business. CCA and all other private prison companies that conduct business in this industry must bear the cost of running their business and not dispose of that responsibility.

Prison Advocates and Families Do Not Prefer Collect Calling Systems to Debit Calling Systems

The collect calling process places a heavy strain and burden upon the families and loved ones of incarcerated individuals. Many families are unable to bear the exorbitant cost of accepting collect calls even for a few minutes a month. They are forced to say no to a call from a daughter, brother, mother, father, or other family member often incarcerated hundreds of miles from home. This can create enormous pressure on poor families who want and need to maintain contact but do not have the financial means to do so. Thus, the prisoner can never make that important contact with family, which can

³ US Department of Justice, Federal Bureau of Prisons. Retrieved April 14, 2004. From <http://www.bop.gov/weekly.html>.

⁴ Prison Policy Institute. Retrieved April 14, 2004. From <http://www.prisonpolicy.org/prisonindex/overviewprivate.html>.

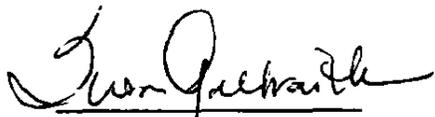
⁵ Corrections Corporation of America. Retrieved April 14, 2004. From <http://www.correctionscorp.com/aboutcca.html>.

hopefully increase their chances for success once they reenter the community. Implementing a policy that allows the prisoner to have a debit account lifts that burden, and can possibly create a much needed connection that is lost or never established with collect calling.

If a prisoner is so financially deprived that they cannot place money into their debit calling account, what makes it seem that the family is in any better position to do the same? Families given the choice to either pay excessive collect calling costs, or place reserved funds into an account which can hopefully give them more time for contact, will most always pick the latter option. Additionally, having money for their debit calling accounts can also give prisoners the added incentive to work and earn funds for that account, which can also result in improved institutional behavior.

Our Place and Hope House are joined by The Journey Ahead Enterprises, Thoughts of the Spirit Ministry, Vistor's Services Center and Washington Legal Clinic for the Homeless, Inc., and fully support the Petition and request the Commission to implement a competitive inmate calling policy.

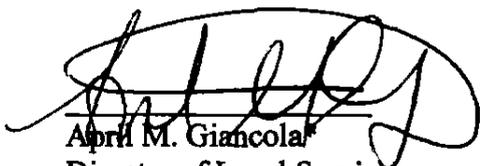
Respectfully submitted:



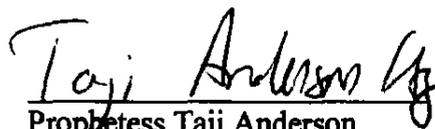
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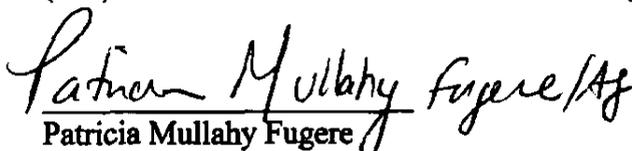
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April 20th, 20004

CERTIFICATE OF SERVICE

I, April M. Giancola, hereby certify that on this 20th day of April, 2004, I did cause to be served by electronic mail and/or first class mail a copy of the foregoing "Reply Comments of Our Place DC, Hope House and Other Supporting Organizations" on the following individuals.

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