

Received & Inspected

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March 1, 2012 FCC Mail Room

Marlene H. Dortch, Office of the Secretary  
Federal Communications Commission (FCC)  
445 12 Street, SW  
Washington, D.C. 20554

RE: Prison Telephone Rates, WC-Docket No. 09-144

Hon. Secretary Dortch:

The State of Maryland's Department of Public Safety and Correctional Services (DPSCS) has fraudulently used me as a third-party to their contract with T-Netix/Securus. The DPSCS is the largest customer of inmate calling services in Maryland. Focusing on the phrase "inmate calling services," since the calling services are for inmates and inmates are "wards of the state," having extremely limited access to adequate financial means, contractors should be selected on the basis of the most favorable fiscal impact on the inmate population, since inmates must pay to use inmate calling services. This is the moral, fair and just stance, even if there is no federal or state constitutional, statutory, regulatory or policy

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requirement that any such private phone service contractor, be selected on this basis, there should be an "inherent," moral responsibility and obligation to do so. As the phone services should be provided for inmates, as the words suggest, not "provided as a means to extort/exploit inmates, under the guise of a benefit," in which the DPSCS and T-Netix/Securus are the ones who truly benefit via a "contract of adhesion," "fraud" and an "illegal monopoly."

This fraudulent contract of adhesion between the DPSCS and T-Netix/Securus has made Maryland's Division of Correction (DOC) into a "safe haven" to create an illegal monopoly in violation of the Sherman-Clayton Act and in violation of Article 41 of the Constitution of the State of Maryland, which states:

That monopolies are odious, contrary to the spirit of a free government and the principles of commerce, and ought not to be suffered.

I have contacted the DPSCS' Inmate Grievance Office (IGO) concerning this matter and provided that agency with information provided by "Freedom Line,"

which provides loved ones of inmates with Localized Personal Telephone (LPT) numbers, which have been sanctioned and approved by the Federal Bureau of Prisons and the Federal Communications Commission (FCC).

I also provided factual information to the IGO that LPT numbers are not "call forwarding," not a "call diversion scheme," that LPT numbers must be placed on and can only be placed through the institution's own, or "contracted third party's telephone system (in the case of Maryland's DPSCS: T-Netix/Securus). There is no circumvention, nor is any circumvention possible. The destination of the LPT number cannot change nor be "masked." Three-way calling with LPT numbers is not allowed. The monitoring, recording, logging, etc. of T-Netix/Securus' security system is not interfered with in any way.

However, it all comes down to the profits/revenue of T-Netix/Securus, plain and simple. Many loved ones of inmates, live outside of local calling areas, and must call their loved ones long distance. T-Netix/Securus receives 30¢ per min, per long distance call, totalling \$9.00 per 30min, long distance call. If the loved one of an inmate has an LPT number, the

cost will drop significantly, from \$9.00 per 30 min call, to .50¢ per 30 min. call (the cost for all local 30 min calls made from inmates). However, this in turn significantly diminishes the profits of T-Netix/Securus. Instead of lowering their prices to compete with legitimate companies like "Freedom Line," T-Netix/Securus has fraudulently used ~~its~~ its contract with the DPSCS as the only "phone service provider for the DOC," with the consent of the DPSCS, to improperly restrict LPT numbers (while claiming, falsely, they have blocked said numbers due to an alleged "call-forwarding" scheme.). Hence, T-Netix/Securus has fraudulently used its contract with the DPSCS to create and maintain an illegal monopoly, within the DOC. This fraud and violation of law has been and is being committed with the sanction/consent of the DPSCS (and the Office of the Attorney General(?)).

The Executive Director of the IGO, Mr. Scott Oakley could not refute the validity of the information I provided his office with, nor could he refute the allegations of fraud and illegal monopoly. However he stated the following:

... You have failed to cite any federal or state constitutional, statutory, regulatory, or policy requirement that any such contractor be selected on the basis of the most favorable fiscal impact on the inmate population, and I am frankly unaware of any such requirement. You have also failed to cite any federal or state constitutional, statutory, regulatory, or policy requirement that the inmate population be provided with telephone service at all, much less telephone service that is to the particular liking or financial benefit of the inmate population, and, again, I am frankly unaware of any such requirements. ... (see letter enclosed).

I must note, if there were no telephone services provided to the inmate population, this would ~~severely~~ severely damage revenue for the entire state of Maryland, significantly damage the state's ability to "shrink its deficit," pay its "creditors" and invest in future projects, etc. As such, the telephone service "provided to inmates" through-out the Maryland DOC, benefits the entire corporate state of Maryland just as much, I would say more so than inmates. If there was no "phone service provided to inmates" it would devastate

Maryland.

In order to protect the profits of T-Netix/Securus, the DPSCS has allegedly conspired with T-Netix/Securus to violate the Maryland State Constitution, concerning the establishment of an illegal monopoly (within the DOC) and has forced me into a "take it or leave it position," i.e., "use the phone service and subject yourself to predatory pricing, exploitation, extortion, etc. or don't use the phone at all."

Secretary Dortch, please address my concerns for proper redress. I am in dire need of your assistance in this most important matter.

Sincerely,  
*Michael Jeffrey Bey*

Michael Jeffreys-Bey

#197457

Jessup Correctional Institution (JCI)

P.O. Box 534

Jessup, Maryland 20794

P.S. Please find enclosed.

1. Form letter I received from Freedom Line Administrator, Mr. Marcus Z. Swain. (Information concerning LPT numbers on reverse side.)
2. Information concerning: Call Routing v. Call Forwarding, provided by Freedom Line
3. Contact information for Freedom Line:

Mr. Marcus Z. Swain  
Freedom Line Administrator  
Freedom Line  
P.O. Box 7  
Connersville, IN 47331  
[www.FREEDOMLINE.NET](http://www.FREEDOMLINE.NET)

4. Copy of letter, dated 2/27/12, received from Scott Oakley, Executive Director of Maryland's DPSCS' Inmate Grievance Office (IGO).

May 8, 2011

To whom it may concern:

I have been informed that inmates have been told that they are not allowed to use FreedomLine service. If that is the case, I am sure that this directive stems from a simple misunderstanding about the nature of this company's service.

First, inmates do not "use" FreedomLine service. If a friend or family member has ordered a Localized Personal Telephone number from FreedomLine, we have simply provided a new direct number whereby they (the friend or relative) may be reached. The inmate is then informed that the friend or family member has a new number by which they may be reached. When the inmate dials the newly assigned number, the inmate is connected directly to his friend or relative. No other "service", as such, is being provided to or utilized by either the inmate or the friend or relative.

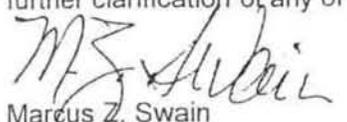
The calls the inmates make to the Freedom Line supplied number are handled the same as always—if required by the institution, the inmate still must add that new number, along with the information as to whom it reaches, to the inmate's approved calling list. The inmate must still call the FreedomLine-assigned number through whatever system is in place to handle inmate telephone calls. Monitoring, recording, and logging are not affected in any way.

Neither the inmate nor the person being called has any control whatever over the routing of the call. It will connect to, and **only** to, the person to whom we have assigned and routed the Localized Personal Telephone (LPT) number.

I have also been told that there are other companies who provide services that use call forwarding, or three-way calling, or which will ring at multiple locations at the same time. I have no knowledge of any of these, but I assure you that FreedomLine does not offer any of these options or any other prohibited features. Also, our proprietary methods and equipment specifically forbid the use of any toll-free or credit card access numbers.

An information sheet is enclosed which more fully explains the FreedomLine process discussed above. I trust that the combination of this letter and the enclosed sheet will serve to clear up any misconceptions about FreedomLine and thereby alleviate any concerns your Institution may have that this company's offerings to the friends and/or relatives of inmates in any way violate any policy (or policies) which may be in place where the inmate is located.

Thank you for your attention to this communication. Please do not hesitate to contact me if you would like further clarification of any of the foregoing.

  
Marcus Z. Swain  
Freedom Line Administrator

Encl:

Modern communication technology is developing and changing very rapidly. Because of that, keeping up with new methods and developments can be difficult. This information sheet is intended to shed some light on one aspect of today's telecommunications field—that of providing Localized Personal Telephone numbers (referred to as LPT numbers) to businesses, key personnel within a company, or to individuals.

For several years major telephone carriers have offered Market Expansion Lines to their business customers. Until recently, that service was generally relatively expensive. FreedomLine now provides that same service for a fraction of what the major telephone carriers once charged.

Thanks in part to the FCC's Local Number Portability rules, we also provide service to individuals by giving them local numbers in many areas of the US. At this point, a significant portion of our business is providing Localized Personal Telephone numbers to individuals who have a friend or family member who is incarcerated. While most institutions encourage inmates to stay in close and frequent touch with their friends and loved ones, telephone calls to a long-distance number are sometimes prohibitively expensive, effectively discouraging regular contact with friends and family by telephone. By providing those friends and families with numbers which are local to the facility where the inmate is housed, we are able to offer significant savings on the cost of the telephone calls.

It is common for an individual to have more than one telephone number by which they may be reached. When we provide a customer with a new Localized Personal Telephone (LPT) number, we are simply giving them a new number, in a specific geographical area, by which they can be reached.

Almost all facilities (and all Federal facilities) have established rules and procedures regarding inmate phone calls. While such rules may vary greatly among State-operated (or more local) facilities, among the clearest and easiest to understand are those which are delineated in the United States Bureau of Prisons Program Statement 5264.07. However, despite its clarity, one of its major prohibitions is sometimes misinterpreted as applying to FreedomLine's (LPT) numbers. That provision states, among other things, that "...inmates must place all personal telephone calls over the Trust Fund's ITS-II and must not circumvent the ITS-II via call forwarding, including automatic electronic forwarding or any other type. The reasons this provision does not apply to calls placed to an individual's LPT number is three-fold, as follows:

All calls made by an inmate to any LPT number are, and can only be, placed through the institution's own, or contracted third party's, telephone system. There is no circumvention, nor is any circumvention possible. Monitoring, recording, logging, etc. are never interfered with in any way.

1. FreedomLine service never uses, nor do we offer, any type of call forwarding service.

- a. **Call forwarding** is defined by *dictionary.com* as "a telephone service feature whereby, *when a customer chooses*, all calls coming in to one number are automatically rerouted to another, designated number. That is a customer-controlled, custom-calling feature which may or may not be available through a local telephone company, but it is *not* available from FreedomLine. When a FreedomLine LPT number is provided, it is *permanently and directly routed* to the callee. Neither the inmate nor the person who is called has access to or control over that routing.

2. **The called destination is never masked.** Wherever an inmate is required to have pre-approved numbers placed on an approved calling list, he or she is required to provide a number to be called as well as the name of the person to be called. When he or she provides that callee's LPT number and name, calling that number will reach that party, and no one else.

To further assure that no rules or procedures can be violated when an inmate's family member or friend orders an LPT number and provides that new number to an inmate, our highly customized proprietary equipment and software specifically makes it impossible to call 1-800, 1-888, 1-900, 1-976, credit card access numbers or any other toll-free numbers.

## **CALL ROUTING VS. CALL FORWARDING**

Many prisons and jails, sometimes even entire state correctional departments, often contract with third party companies to handle all inmate telephone calls. Part of the agreement may be for the third party company to handle "security" for inmate phone calls.

For some very good reasons, inmates are not allowed to make calls to certain types of numbers such as toll-free numbers, including credit card access numbers, and may not be allowed to make calls to certain specific telephone numbers or individuals. Sometimes those on the receiving end of calls from an inmate attempt to circumvent those restrictions by utilizing add-in features from their telephone provider such as conference calling, sometimes called "three-way calling," or call forwarding. Both of these features are under the control of the called party, and either can be used to send calls to unauthorized telephone numbers, thereby violating the rules imposed by the prison or jail. Therefore, neither conference calling nor call forwarding features are allowed to be used where inmate phone calls are involved.

FreedomLine service provides a telephone number which is a local call from the prison or jail, and is routed to an existing telephone number. This almost always results in significant savings when inmates call their friends or loved ones. To the casual observer, it may appear that because when an inmate calls one number and reaches another, that "call forwarding" is being used. *This is certainly not the case.* There is a huge difference between "call forwarding," which is a customer controlled feature, and "call routing," which is not. This difference is very clear to those within the telecommunications industry, but may be (understandably) confusing to those who are not in the industry.

Consider this: "call forwarding" as mentioned before, is a feature provided by the telephone company which is *controlled entirely by the customer*. It can be activated or deactivated at any time by the customer, and the destination number for the forwarded call is always determined by the customer, and can be changed at any time.

*Call routing is a technical procedure controlled entirely by FreedomLine.* A FreedomLine number is routed to a fixed, specific destination. When an inmate calls the number, neither the inmate nor the called party has any control over the routing of the call. ***It cannot be changed, activated or deactivated, or affected in any way by either the called or calling party.*** If an approved calling list is required by the prison or jail, both the FreedomLine number and the destination number should be added to the list, as one of the major purposes of such a list is to prevent inmate calls to unapproved numbers. ***FreedomLine will never provide routing to any restricted destinations such as toll-free numbers (including credit card access numbers). FreedomLine numbers will not collect to any numbers beginning with an area code of 800, 877, 866, 900 or 976.***

Regardless of these facts, some third party companies will not allow the use of services such as FreedomLine, claiming that a security risk is involved, because "call forwarding" is involved. Even if the third party company understands the difference between call forwarding and call routing, concerns about loss of revenue may motivate them to continue to disallow the use of services such as FreedomLine claiming "security considerations."

Inmates are often encouraged to keep in touch with their friends and loved ones while they are incarcerated. All too often, the high cost of phone calls makes that at best, very difficult.



## Department of Public Safety and Correctional Services

### Inmate Grievance Office

115 SUDBROOK LANE • SUITE 200 • SUDBROOK STATION • PIKESVILLE, MARYLAND 21208-3878  
410-585-3840 • FAX: 410-318-6015 • V/TTY USERS: 800-735-2258 • www.dpscs.state.md.us

STATE OF MARYLAND

MARTIN O'MALLEY  
GOVERNOR

ANTHONY G. BROWN  
LT. GOVERNOR

GARY D. MAYNARD  
SECRETARY

G. LAWRENCE FRANKLIN  
DEPUTY SECRETARY

SCOTT S. OAKLEY  
EXECUTIVE DIRECTOR

February 27, 2012

Michael Jeffreys, #197457  
JCI

RE: IGO No. 20112679

Dear Mr. Jeffreys:

I am in receipt of your letter of February 20, 2012, and I have conducted a further preliminary review of your grievance received December 15, 2011 as an "appeal" from the disposition of ARP-JCI-1743-11. In essence, you complain in your original ARP complaint to the Warden that certain "LPT" telephone numbers on your approved DOC "calling list" are subject to improper "restrictions" by the T-Netix contractor managing the inmate telephone system.

I conclude that you have failed to state a claim upon which administrative relief can and should be granted. Md. Code Ann. Corr. Serv. §10-206(a) authorizes the Inmate Grievance Office ("IGO") to consider inmate grievances against officials or employees of the Division of Correction ("DOC") or the Patuxent Institution. It does not authorize the IGO to consider inmate grievances against a private contractor managing the inmate telephone system. *See Adamson v. Correctional Medical Services, Inc.*, 359 Md. 238, 753 A.2d 501 (1999). To the extent that your complaint is against the private contractor managing the inmate telephone system, I conclude that your grievance complaint is not against officials or employees of the DOC or Patuxent Institution. I conclude, therefore, that your grievance is beyond the jurisdiction of the IGO.

To the extent that your grievance complaint is against Department of Public Safety and Correctional Services ("DPSCS") or DOC officials or employees responsible for selecting or negotiating with the private contractor managing the inmate telephone system, again I conclude that you have failed to state a claim upon which administrative relief can and should be granted. You have failed to cite any federal or state constitutional, statutory, regulatory, or policy requirement that any such contractor be selected on the basis of the most favorable fiscal impact on the inmate population, and I am frankly unaware of any such requirement. You have also failed to cite any federal or state constitutional, statutory, regulatory, or policy requirement that

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Michael Jeffreys, #197457

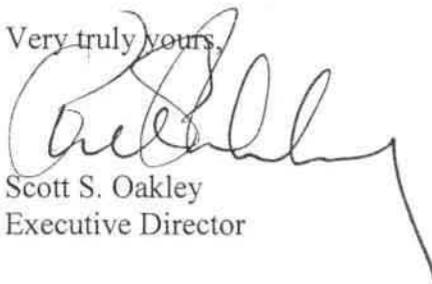
IGO No. 20112679

February 27, 2012

the inmate population be provided with telephone service at all, much less telephone service that is to the particular liking or financial benefit of the inmate population, and, again, I am frankly unaware of any such requirement. Finally, I note that you have failed to cite any requirement imposed upon you to use the telephone service provided, and I am frankly unaware of any such requirement. If the telephone service provided is not to your liking, you are free to refrain from using it and consequently paying any fees you think inappropriate.

Accordingly, your grievance is hereby administratively dismissed pursuant to Md. Code Ann. Corr. Serv. §10-207(b)(1) as having been determined to be wholly lacking in merit, and this file is closed.

Very truly yours,

A handwritten signature in black ink, appearing to read "Scott S. Oakley", with a long horizontal stroke extending to the right.

Scott S. Oakley  
Executive Director

SSO:tbb

Enc: 1