



February 11, 2013

The Commission's Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: Comment Regarding Proposed Rulemaking on Rates for Interstate Inmate
Calling Services – FCC WC Docket No. 12-375

To Whom It May Concern:

My name is Courtney R. Holthus and I am a Staff Attorney for DisAbility Rights Idaho, Idaho's Protection and Advocacy System. I currently represent a deaf inmate at one of Idaho's state correctional institutions. We are presently in the midst of litigation centered on the prison's denial of my client's request for a videophone. As argued in our complaint, communicating telephonically with the use of a videophone is the only way to ensure my client is provided with an effective form of communication with the outside world.

Although I certainly support and applaud the FCC's efforts to ensure just and reasonable rates for inmate calling services, I am concerned with the fact that paragraph 42 addressing "Disabilities Access" only references TTYs. TTYs allow for individuals to send and receive typed messages via the telephone line either directly to another person with a TTY device or indirectly to a person without a TTY through the use of a Telecommunication Relay Service (TRS). This communication device relies on the user being proficient in written English, a language which most deaf people are not fluent in.

Instead, most deaf individuals in America, including my client, use American Sign Language (ASL) as their primary language. ASL is not a manual form of English. Instead, it is its own language, with its own grammar and its own syntax. It involves facial expressions and gestures which cannot be translated into typed English. In other words, there is not a one-to-one correspondence between English words and signs in ASL. Consequently, deaf individuals whose primary language is ASL cannot depend on written English or a TTY as an effective means of communication.

Additionally, TTYs are increasingly becoming an outdated technology as advanced devices such as the videophone become a mainstay in the deaf community. Videophones permit deaf individuals to communicate in ASL, enabling real-time video-conferencing between the communicating parties who can then communicate directly in

ASL without having to translate every statement into written English. Deaf individuals using a videophone can make calls to one another or call a person who is not deaf using a Video Relay Service (VRS). Communicating through the use of a videophone or VRS allows conversations to flow in near real time and in a faster, more natural manner than through a text-based TTY. As a result, many deaf households no longer own a TTY, relying exclusively on videophones for communication.

Although the improved technology a videophone provides is easily enjoyed by many deaf individuals residing outside prison walls, very few of America's deaf inmates are able to utilize this form of communication. Only a few jails and prisons throughout the country offer videophones for their deaf inmates. The rest of America's correctional institutions continue to only provide TTYs as a deaf inmate's option for telephone communications. This is a problem as there is no way for a videophone to process a call from a TTY. As family and friends replace their TTYs with videophones, the inmate is left without a means of communicating telephonically with those outside of the prison. Consequently, deaf inmates are becoming more and more isolated from their friends and family in the deaf community simply because the majority of America's correctional institutions refuse to upgrade their telephonic devices.

While ensuring inmates are afforded just and reasonable rates for telephone calls should be a priority of the FCC, it should also be the agency's priority to acknowledge the need for deaf inmates to have access to improved forms of telephonic communication, such as a videophone. Therefore I would strongly encourage the FCC to mandate that all ICS [Inmate Calling Services] provide access to videophones in addition to TTYs.

Sincerely,

Courtney R. Holthus
Staff Attorney