

Received & Inspected

MAR 11 2013 3/2/13

FCC Mail Room

Dear

Chairman Genachowski. There is a public comment for the Wright Petition (CC Docket # 11-128) for my name is Salem Molina a inmate at DCI Huntington. I would like to speak to my family more often, but I can't due to the cost to call out of state. Almost \$15.00 dollars to be exact per. My mother my fiancée, my kids live in Virginia. Even for calls in state are also extreme. Nationwide there needs to be a better rate for all inmates. I ask that there be better rates for all inmates who could barely do better for themselves in the free society, yet alone while incarcerated.

Thanking you in advance

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LINE CODE

Sincerely  
Salem Molina

THIS IS A PUBLIC COMMENT FOR WC DOCKET NUMBER 12-375

Mr. William M. Johnson #235820  
Lakeland Correctional Facility  
141 First Street  
Coldwater, Michigan 49036

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW; Room TW-8204  
Washington, DC 20554

Received & Inspected

MAR 11 2013

March 3, 2013

FCC Mail Room

Dear Secretary Dortch,

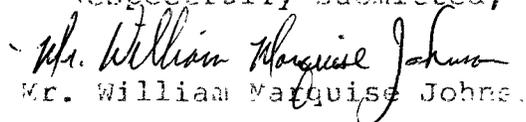
I have been a prisoner in the Michigan Department of Corrections for approximately twenty years. And we have experienced dramatic phone charges during that time. Around 2005 or 2006 the Court's here made a ruling that took the phone rates down to .10¢ a minute and local calls were \$1.50 a call. After years of the phone being extremely high many of us were finally able to establish regular communication with our families and strengthen bonds. Prior to that I was barely on the phone, because I really don't have the monetary family support that some (very few) have. When the rates went down I was able to finally talk to my family and get more support.

Recently, amidst a bidding war during contract re-negotiations the M.D.O.C. accepted the highest bid and rates doubled. This has dramatically crippled my ability to use the phone. Prison jobs don't pay much, in fact they have decreased pay in certain assignments.

A myriad of problems have happened since getting the new contract, calls drop often. If it drops at the beginning of a call it doesn't charge the connection fee, but during the middle of the call, and you call right back you get charged the fee twice. It responds to the wrong buttons. Often my family accepts the call and the system says that they don't. The phones have been "down" more often in the last year or so than I've seen in many years.

Rules to lower the price of calls would help me to continue to build better bonds with family, especially my son, who's in college and needs constant reassurance and a sounding board to vent. Also, a "free call" mandate would help those of us who depend solely on our prison jobs but have to buy the basic hygiene. It's like a life decision, toothpaste or phone... Thank you for reading this.

Respectfully Submitted,

  
Mr. William Marquise Johnson

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DEAR SECRETARY DORTCH,

"THIS IS A PUBLIC COMMENT FOR  
WE DOCKET # 12-375"

Received & Inspected

MAR 11 2013

I AM CURRENTLY STRUGGLING TO <sup>FCC MAR 11 2013</sup> MAINTAIN  
AMPLE CONNECTION WITH MY FAMILY OF  
FOUR DAUGHTERS, 2 GRAND CHILDREN &  
MY MOTHER & SISTER. DUE TO HIGH  
COST OF PHONE CALLS APPROX \$300 IN STATE  
\$400 OUT OF STATE.

IT IS MY UNDERSTANDING THAT THE  
CHOSEN CARRIER FOR THE M.D.O.C.  
IS PCS AND THEY CHARGE THE  
M.D.O.C. ONLY .62¢ A CALL & THE  
M.D.O.C. DOCKETS THE REST WHICH  
AMOUNTS TO MILLIONS OF DOLLARS  
ANNUALLY.

I CURRENTLY SPEND \$30.00 TO \$50.00 A  
MONTH TO TRY & KEEP REGULAR  
CONTACT AND ITS JUST NOT ENOUGH  
ENOUGH PHONE TIME BETWEEN 8 PEOPLE.

I FEEL IT IS CRUEL & UNJUST TO  
DISCONNECT US FROM OUR FAMILIES &  
SOCIETY THAT SOME OF US WILL  
RETURN TOO!!

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It is a well known STATISTICAL FACT THAT, CONTINUED FAMILY TIES LOWER RECIDIVISM RATES, IN ADDITION TOO CREATING A SOLID FOUNDATION TO STAND ON WHEN RETURNING TO SOCIETY

THERE ARE THOSE OF US INSIDE "THE SYSTEM" (PRISON) WHO ARE VERY SINCERE ABOUT CHANGE, GROWTH & MOVING FORWARD WITH OUR LIVES IN A POSITIVE MANNER.

MANDATED LOW COST OR FREE PHONE CALLS, WILL HELP ENSURE, A SMOOTHER TRANSITION NOT ONLY FOR US, BUT OUR FAMILY'S AS WELL.

ANY ASSISTANCE THE FEE & YOURSELF MAY PROVIDE IN THIS MANNER IS DEEPLY APPRECIATED & FRANKLY IS JUST THE RIGHT THING TO DO!!

THANKS

Sincerely  


JOHN CRIMA # 472944  
LAKE LAND CORRECTIVO  
141 1ST ST  
COLDWATER, MI 49836

Mr. Bruce X. Cooper, #AY8716

1100 Pike, St.  
Huntingdon, Pa. 16654

Received & Inspected

MAR 11 2013

FCC Mail Room

4, March 2013 A.D.

Dear Mrs. Dortch, Sec.:

I am a prisoner at the Pennsylvania Slave Plantation Huntingdon, and I write this brief letter regarding the excessive phone restrictions in place under the control of GTL-phone company, and the adverse effects the restrictions imposes upon prisoners and our families.

I've been in prison since 1984, and being located far from those of my family, the only option is using the phones, if for nothing else, to assure them of my health, in the course of my enslavement, my Mother had been placed in a nursing home, but is able to receive my calls during the Holidays, where my sisters bring my Mother home for the week. However, on Christmas past, when I tried calling my home collect, GTL had discontinued my access to use collect calling, and in a recording, indicated I would have to deposit for credit with their company to make such a call. I was outraged, how can they stop collect calls, when my family has for 30-years received and paid their phone bills solely for the purpose of hearing my voice, and I was unable to do that, make a simple call.

It has been my understanding that there is suppose to be two options of making phone calls, direct calling and collect, nevertheless, GTL, took away that option and opportunity. Please understand, everyone can't afford to pay in advance, and it appears that this phone company is cornering the market by, imposing extreme prices, which they know only applies to imprisoned inmates, and our families, and this unethical conduct exists solely because of the wealth and abuse of prisoners, because if not for the entitlement of inmates, this practice would not occur, and should constitute a violation under the "Equal Protection Clause of the 14th Amendment, and Cruel and Unusual Punishment."

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Furthermore, if this is a legitimate practice, then why pay commission back to the prison, instead of our families? For three decades I have calling my family, and they have been footing the bill, why not give the families the kick-backs, surely the Pennsylvania Department of Corrections **don't** deserve more funds, with a 9-billion dollar budget to spend, and society should not tolerate such mistreatment upon any group of civilize people regardless of their situations.

As a prisoner, serving a life/death by incarceration term of imprisonment, I sincerely thank you for your humbled assistance in this instant matter, and I pray, you shall render a just do decision, and help those whom are unable to help them selves in such a small matter as being able to make a phone call because the price of calling one's family amounts to being disrespectful, for surely you would as a parent would have to think about excepting a call from the prison solely because of the cost.

In closing, I do truly appreciate your time, assistance and understanding in this serious matter, and thank you much in your recommendations and decisions.

A handwritten signature in cursive script that reads "Mr. Bruce X. Cooper". The signature is written in dark ink and is positioned above a horizontal line.

Mr. Bruce X. Cooper,

RE: Docket # 12-375  
Marlene H. Dortch  
Federal Communications Commission  
445 - 12th St. S.W.  
Rm. TW-B204  
Washington DC,  
20554

Received & Inspected

MAR 11 2013

FCC Mail Room

Date 3-4-13

Kyle Atwood JT6642  
175 Progress Drive  
Waynesburg PA.  
15370

Dear Marlene Dortch :

I am writing to you about the high cost of phone calls made by inmates in the PA. prison system. The PA. prison system uses Global Tel-Link to provide phone service to inmates in the prison system. Global Tel-Link is charging excessive prices to inmates for use of the phone service. To make a call to Pgh. PA. which is only sixty miles away they charge \$3.35 for a fifteen minute phone call. To call CA. it cost nearly a dollar a minute. Then for a inmate to call NJ. one state away it cost almost ten dollars for a fifteen minute call. Global Tel - Link will not let calls go through unless the calls are prepaid by inmates or their families. When inmates are making calls the phone call is interrupted several times saying this call is being made by a inmate from the prison system. Inmates and their families know this when the call is being made. When a call is being made it may be cut off in the middle of the call if anyone picks up another phone in the house being called. Other prison systems have phone service that only charges \$1.89 for a fifteen minute call anyplace in the US. The high cost of the phone service in PA. is causing inmates to loose contact with loved ones. The prison system says they do not want inmates to loose contact with family and loved ones. If this is true why do they charge so much for inmates to talk to loved ones. Something needs to be done to stop the excessive cost of phone calls made by inmates to their families. I hope that you can have something done to lower the cost of phone calls made by inmates. Thank you for your time in this matter.

Respectfully

Kyle Atwood JT6642

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Hassan Mayhew  
S.C.I. GREENE - CW 9047  
175 Progress Drive  
Waynesburg, PA 15370

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MAR 11 2013

FCC Mail Room

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW; Room TW-B204  
Washington, DC 20554

RE: THIS IS A PUBLIC COMMENT FOR  
WC DOCKET NUMBER 12-375

Dear Secretary Dortch,

I'm writing concerning the abusively high costs of Prison phone calls here in Pennsylvania. It costs over five dollars for a fifteen minute call to talk to my 70 year old grandmother, who's on a fixed retirement income. It isn't even a full fifteen minute call with all of the interruptions from the prison's operator. My grandmother is my only form of outside support. I'm 33 years old and I've been incarcerated since I was 15 years old and I've been calling my NANA all of these years just because she wants to hear my voice and know that I'm alright.

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Writing letters isn't the same as hearing your loved ones' voice but it's much cheaper, and not wanting to be an extra burden, I'm forced to only write a letter

because the phone prices are too high and I don't want to run my grandmother's phone bill up. The phone's here are rigged to drop calls because everytime I call home my call is disconnected and if I call back I'm forced to pay another connection fee of \$2.42 everytime my call is dropped. This happens on a regular basis.

I only use the phone once every two or three weeks because of the prices. My grandmother has informed me that she would like to hear from me more but the phone prices are just too high. If they were lower I would call my nana more so she could hear my voice in her later stages of life. I don't know how many more years she has left on this earth and the telephone is the only way we can communicate with each other, as she's too old to travel 8 hours across the state to come visit me.

If each prisoner had a certain amount of "free calling" time per month or even a fixed lower rate would be a tremendous burden lifter on our families. I understand that prisoners have committed crimes, but our families haven't, and our families shouldn't be targeted by phone companies because of our mistakes. These

excessive phone prices aren't hurting us, the prisoner's  
it's hurting our families and loved ones who are free  
citizens in society.

I'm not writing this letter for me or other  
prisoner's, but I'm writing for our families that's  
being targeted and preyed upon by these telephone  
monopolies. They can take our punishments out on  
us, not our families. They have committed no crimes.

So please tell these phone companies and  
institutions getting commissions/kickbacks to take  
their hands off of our families and give us reasonable  
phone rates in order to talk to our loved ones in  
society.

Sincerely,

Hassan Mayhem

Dated: March 1, 2013

RE: Docket # 12-375  
Marlene H. Dortch  
Federal Communications Commission  
445 - 12th St.S.W.  
Rm. TW-B204  
Washington DC,  
20554

Date

*RONALD HAWKINS - HT-5355*

175 Progress Drive  
Waynesburg PA.  
15370

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MAR 11 2013

FCC Mail Room

Dear Marlene Dortch :

I am writing to you about the high cost of phone calls made by inmates in the PA. prison system. The PA. prison system uses Global Tel-Link to provide phone service to inmates in the prison system. Global Tel-Link is charging excessive prices to inmates for use of the phone service. To make a call to Pgh. PA. which is only sixty miles away they charge \$3.35 for a fifteen minute phone call. To call CA. it cost nearly a dollar a minute. Then for a inmate to call NJ. one state away it cost almost ten dollars for a fifteen minute call. Global Tel - Link will not let calls go through unless the calls are prepaid by inmates or their families. When inmates are making calls the phone call is interrupted several times saying this call is being made by a inmate from the prison system. Inmates and their families know this when the call is being made. When a call is being made it may be cut off in the middle of the call if anyone picks up another phone in the house being called. Other prison systems have phone service that only charges \$1.89 for a fifteen minute call anyplace in the US. The high cost of the phone service in PA. is causing inmates to loose contact with loved ones. The prison system says they do not want inmates to loose contact with family and loved ones. If this is true why do they charge so much for inmates to talk to loved ones. Something needs to be done to stop the excessive cost of phone calls made by inmates to their families. I hope that you can have something done to lower the cost of phone calls made by inmates. Thank you for your time in this matter.

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Respectfully

*Ronald Hawkins*

U.S. DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
400 EAST 9TH AVENUE, SUITE 1000  
DENVER, COLORADO 80202

Received & Inspected

MAR 11 2013

FCC Mail Room

"THIS IS A PUBLIC COMMENT FOR WC DOCKET NUMBER 12-375"

I hope my letter finds you in good health, and spirits. This is my public comment for WC DOCKET number 12 375 from an Inmate perspective concerning our present Prison phone conditions. Our current rates for Inmate calls is extremely to (high). At the current rate the calls are now, I as well as thousands of other Inmates can not afford to call and loved ones, nor are our loved ones able, because of these outrageous phone rates able to accept our calls. They are forced to make a choice between paying a water, rent, or other utility bill or even buying groceries or accepting our phone calls. As you may well know, most families now days are living on budgets as a result of the poor economy and have to tighten their belts. Also the majority of our families live right at or below the poverty line. When these phone rates were put into effect, this fact was totally disregarded. One of my family members was paying close to or at fifty dollars per month to talk to me. I also have a brother at another prison, who calls too. So my family is torn between which of us they are going to accept the call from. Also Mr. Dorch, please understand, these prison jobs do not pay enough money per month for an Inmate to purchase phone cards which also have a sales tax attached to them. These rates are \$10.00 with taxes amount to \$10.60 cents which is the cheapest. There is only one 15 minute call that you can get with this card. Other phone card rates are \$15.00, \$25.00, and \$50.00 which is (way) out of any price range for the majority of the men who are in the prison system. This service provider is counting on our family members to send us moneys so that we'll be able to purchase these phone cards just so they can hear our voices, and be able to just say hello. Most often times a phone call is the only way the men are able to speak with their wives, children, mothers, and fathers, and sisters and brothers. Because most often times than not we're shipped miles away and our families can't afford to travel great distances, do to their financial situations or for health reasons. So the telephone's are one of the ways to keep in touch and hear the voices and laughter of our children, wives, mothers, and fathers, sisters and brothers and other family members. Also Mr. Dorch, a block was put on my families phone to keep them from accepting collect calls without their permission. This was done to force my family to do business with Global Tel Links, who is the phone service provider. Mr. Dorch, there should also be a certain amount of free calls provided for Inmates who have no income other than what meager allowance is given them which is just about enough to pay for soap, deodorant, and other toiletries needed. Also, there is no compensation made for those Inmates who are physically and mentally challenged to even use the telephones if they could afford to pay for a phone card. So as you can clearly see, there is no benefit for us as Inmates or for our families with this current prison phone system and the outrageous rates that are being placed upon us and our families by this prison phone system and their insensitive act of overcharging us and our families these outrageous rates. I suggest the rates be THREE (3) cents per minute plus Saturday and Sunday fees. WITH NO CONNECTION FEE.

We thank you and your Department for considering our situation and our families.

Have a bless day.

P.S. I must also mention that if you have funds remaining on your phone card, but not enough for the connection fee, your money is not returned.

NOTE: Inference to the dropping Calls: This happens 50% of the time. You have to call back and get charged all over again, if you have the money on your phone card. It's unfair.

000000

Sincerely;

Eugene G. Miller

S.C.I. Huntingdon

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Dear Secretary Dortch,

“This is a Public Comment for WC-Docket number 12-375.” the following is a list of 5 things to help inmates keep in contact with their families. We are requesting:

- 1) Cheaper phone rates
- 2) A 10 minute free call for all Inmates Daily
- 3) No Connection fees
- 4) No Commissions
- 5) At&t has a 15 minute phone call for \$1.<sup>00</sup>

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MAR 11 2013

FCC Mail Room

We would greatly appreciate it if you can make these changes for us, so we can have better communication with our children and family members. Thank you in advance for your time and consideration.

Sincerely Yours,

LeRoy Walker DOC# EQ7869

1100 Pike Street  
Huntingdon, Pa 16654

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MAR 11 2013

FCC Mail Room

Gregory Thomas BJ-6309

This is a Public Comment for WC Docket 12-375

Dear Secretary Dorch

We at the Pennsylvania Prisons; need a system placed on the phone that allows us to call whatever phone number we dial.

If we call a phone number, that another inmate calls, the phone number will not go through. They are blocking calls here in Penna.

We should have access to the public.

Our Constitution rights to communicate with the public is being violated. And family.

We want all our calls to go through.

Without being blocked. We have family members in prison. We are being denied to call the same family member. Or call a public official.

Thank you CT.

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Dear Secretary Dortch,

“This is a Public Comment for WC-Docket number 12-375.” the following is a list of 5 things to help inmates keep in contact with their families. We are requesting:

- 1) Cheaper phone rates
- 2) A 10 minute free call for all Inmates Daily
- 3) No Connection fees
- 4) No Commissions
- 5) At&t has a 15 minute phone call for \$1.<sup>00</sup>

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FCC Mail Room

We would greatly appreciate it if you can make these changes for us, so we can have better communication with our children and family members. Thank you in advance for your time and consideration.

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Sincerely Yours,

Efrain Miranda DOC# KS2048

1100 Pike Street  
Huntingdon, Pa 16654

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MAR 11 2013

FOC Mail Room

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION**

**WC DOCKET NO. 12-375**

**RATES FOR INTERSTATE INMATE CALLING SERVICES**

**78 FR 4369**

**COMMENTS ON PROPOSED RULEMAKING**

**Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW.,  
Washington DC, 20554**

**Respondent One:** Larry Randlett  
446-914  
P.O. Box 59  
Nelsonville, OH 45764-0059

**Respondent Two:** Anthony N. Bowling  
558-839  
P.O. Box 59  
Nelsonville, OH 45764-0059

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## I. Introduction

As requested by this commission, respondents comment on the NPRM to consider changes in the F.C.C. Rules governing rates for interstate interchange inmate calling services (ICS), speaking from a vested interest. Respondents are incarcerated at Hocking Correctional Facility, Nelsonville, Ohio, a medium/minimum security prison where interstate interchange calls are managed exclusively by Global-Tel-Link, (GTL) whose corporate headquarters are located in Mobile, Alabama.

Respondent one makes numerous weekly interstate calls to family, friends, his therapist, and his out of state attorney, all located in California. For inmate long-distance calls to California from Ohio, GTL commands a \$3.825 surcharge per call and a per minute charge of 85.5¢ - all subject to a 16% tax. Thus, a fifteen minute phone call from an Ohio correctional facility to California costs approximately \$19.30. As noted in paragraph 43 of the NPRM, the same fifteen minute phone call originating from a California prison and connecting to a party in Ohio would cost only \$6.65. Such price discrimination charging different prices for the same goods or services to different segments of the same market is a hallmark iniquity of a monopoly.

Though the economics of government interests in interstate commerce, the monopolistic imposition of inmate interstate interchange calling rates, and the authority of the former to control the latter are the focus of this commissions notice of proposed rule-making., the actual subject that ultimately will be most strongly affected by the rule that emerges is offender rehabilitation.

We live in a nation that represents only five percent of the worlds population, but within whose borders are imprisoned twenty-five percent of those incarcerated world-wide. The burden this has placed on state government, in both economic and social measures, is well documented. Overcrowding in the prisons of many states such as California and Ohio has become rampant and, as recidivism rates exceed 60%, states have become desperate in their pursuit of rehabilitation of wrongdoers. There is no reason to suspect the findings of the Government Accountability Office which this commission notes “has twice recognized the conclusions of the Federal Bureau of Prisons officials that contact with family aid’s an inmate's success when returning to the community and thus lowers recidivism. The significance of the relationship between telephone calls to loved ones and rehabilitation was not lost on this commission, stating in the NPRM that we believe that regular telephone contact between inmates and their families is important public policy matter, and that we should consider the impact that interstate ICS rates have.”

No one is more qualified to testify to the value of these interstate phone calls than inmates

themselves, and I suspect this commission will hear from few, if any, other than us two. While we cannot provide any measurable evidence of the positive affects phone calls to friends and family have on inmates, we can attest to what we have observed and what we have personally experienced in our own lives.

Incarceration is a dark time for anyone, regardless of the number of times imprisoned or the length of the prison term. Inmates twice decide on their future; once when they first enter prison and again sometime during their period of confinement. Most inmates first commit to rehabilitation but, as time passes without positive reinforcement, bitterness may set in and the commitment is abandoned. It is in the best interest of the government, society, and the inmate if the promise to reform is observed. Family and friends help to ground an offender, they encourage change and better conduct in the future, they relieve anxiety, and they provide a promise of a better future.

Letter-writing is not a viable option as our world is now one in which e-mails and texting have replaced the communication afforded by well formed thoughtful paragraphs. The ability of inmates to keep in touch with their friends and family by letter is further fettered by the high rate of illiteracy among prisoners that seems to worsen in-spite of the large number of inmates enrolled in adult basic education and G.E.D. Classes.

The harm attributed to a high tariff on inmate interstate calls is not limited to the effect it has on rehabilitation as it also interferes with an inmates communications with his out-of-state attorney. Such limitation on an inmates ability to talk to counsel imputed to the monopoly awarded a single provider for inmate calling services, has “access to the court/due process implication.”

There can be no doubt that there are legitimate and significant government and social purposes in providing “just and reasonable interstate calling rates for prisoners.”

## **II. Legal Authority To Regulate Interstate ICS Rates**

The “Federal Communications Act” 47 USCS §201, which respondents understand to be part of the enabling statute for the Federal Communications Commission (FCC), reads in pertinent part:

- (b) All charges, practices, classification, and regulations for and in connection with such communication service, shall be just and reasonable, and any such charge, practice, classification, or regulation that is unjust or unreasonable is hereby declared unlawful...

The power of the FCC to enforce the provision of the communications act was reviewed by the United States Supreme Court in AT&T Corp. v. Iowa Utilities Board, 525 U.S. 366, 377-78, where the Court held that “Congress expressly directed that the 1996 act be inserted into the Communications act of 1934 [and that] the grant in §201(b) means...[that] [t]he FCC has rule-making authority over the provisions of this act”

The plain language of the act applies to “every common carrier engaged in the communication by wire or radio”... the act makes no provision to except providers of inmate calling services or any carrier acting under an exclusive contract with a State government. The Supreme Court further ruled in Thurston Motor Lines v. Jordan K. Rand Ltd., 460 U.S. 533,535, that because the Federal Government occupies the whole field of interstate communication State contract law cannot apply to interstate tariffs. See also MCI Telecommunications v. O'Brien Marketing, Inc., 913 F. Supp.1536 (S.D. Fla., 1995)

It follows, therefore, that not only does the FCC have authority to establish or enforce just and reasonable interstate calling rates for prisoners, the commission, by ruling, can negate any state contract setting tariffs inconsistent with §201 of the Communications Act as interpreted by the FCC.

### **III. The ICS Monopoly**

Inmate calling services as provided by GTL in Ohio represent the most heinous form of economic construct – a monopoly. Whereas, market domination to the exclusion of competition has been illegal under the enactment of the Sherman Anti-Trust Act of 1890, the American practice in communication has been to allow private ownership of a monopoly but to control the rates charged and the extent of services through a government commission. Those who devised this system surely never envisioned a situation in which the gatekeeper agency would receive a percentage of the monopoly profits and, thus, be induced to permit excessive, unjust and unreasonable profits.

According to Professor Paul Samuelson, in his enduring text “Economics”, there are intrinsic evils associated with a monopoly:

- (1) A selling price higher than it would be if competition with other sellers existed;
- (2) Price discrimination, which involves charging a different price for the same goods and services to a different segment of the same market;

- (3) A reduction in the extent of goods and services offered, and;
- (4) A reduced quality of a product or customer service.

No one is more critical of the government supported monopoly than Nobel Laureate in Economics, Milton Friedman, who wrote in his book “Capitalism and Freedom” :

“The choice between the evils of private monopoly, public monopoly, and public regulation cannot , however, be made once and for all, independently of the final circumstances. If the technical monopoly is of a service or commodity that is regarded essential and if its monopoly poser is sizable, even the short-run effects of private unregulated monopoly may not be tolerable... [technical monopoly] cannot by itself justify a public monopoly achieved by making it illegal for anyone else to compete.”

The ICS monopoly is unique in that the regulating agency colludes with the monopolist to insure that no other provider is allowed to compete and is the lure of substantial commissions to permit charges for above market rates. Inmates in Ohio receive a monthly stipend of approximately \$18 from which the inmate must pay for all hygiene items, writing materials, postage, laundry, and health-service co-pays; leaving little if any for debit phone calls. Additionally, as this Commission noted in paragraph 3 of the NPRM inmates' families cannot afford high tariff rates.

As a telephone company, ICS providers are not protected from anti-trust laws by seeking any kind of immunity provided by the state or the Federal Communications Commission. **Citizens Utilities Co. v. American Tel. & Tel. Co.** (1979, CA 9 Cal) 595 F.2d 1171, Cert. Denied (1979) 444 US 931. See also **MCI Communications Corp. v. American Tel. & Tel** (1978 N.D. Ill) 462 F. Supp. 1072, affirmed (1978, CA 7 Ill), Cert. Denied (1979) 440 U.S. 971, and **United States Transmissions System v. American Tel. & Tel.** (1983, SD NY) 564 F. Supp 1020, (FCC's pervasive regulation of telecommunications industry does not immunize industry members from anti-trust provisions...).

Respondents' experiences with GTL as their ICS provider confirms the worst of the fears of a monopoly expressed by professors Samuelson and Friedman.

- (1) One need look no further than the variation among the states of the cost of a fifteen minuter interstate call (NPRM ¶43) to justifiably conclude that the tariff's imposed on Ohio inmates, approximately three times that of California and ten times that of Montana, are unjust and unreasonable.

Even if security considerations are responsible for charges in excess of those at public payphones, the special requirements cited by ICS providers certainly cannot vary among the states to such a degree as to justify the great disparity in interstate tariff's observed by this commission. At some point, the hardware and software costs are fully amortized and continued charges in support of these one-time expenses become impossible to reconcile.

- (2) The quality of service supplied by GTL to respondents provides textbook examples of the worst faults associated with monopolies. Without warning, inmate phone service is interrupted for days; calls are dropped requiring a re-dialing with the attendant connection surcharge; phone numbers are blocked in error; inadequate repair service of inoperative telephones, and; inquires using an inmate accessible customer service message telephone number, a toll free customer service number for inmate family members and friends, and letters to GTL headquarters in Mobile, Alabama, go unanswered.

Providers argue that per-minute rate caps would chill innovation, however, in the past ten years of monopoly providers, Respondents have seen no innovations in the phone service supplied, yet service has steadily declined.

Introducing per-minute rate caps would significantly reduce collect call costs and would encourage more collect phone calls to family and friends who can afford a \$2.00 collect call, but not one that costs \$20.00. The public policy benefits in inmate phone calls to family and friends, would be magnified by the increased number of family and friends contacted as a result of a lower per call cost. The providers would see an increase in total revenue resulting from the larger collect call volume.

The averment by providers that “the difference between correctional facilities including size, location, security levels, facility age, and staffing levels will not allow a one size fits all solution, such as per-minute rate caps” is self serving, unsupported by any evidence, misrepresentative of basic economic principles, and a specious argument. While there may be cost differences between expenses associated with debit calling and collect calling, the significance of the cost inequality has not been demonstrated and collect calls will always be preferred by inmates such as Respondents who are incarcerated in a system where the average monthly stipend for

inmates is between \$15.00 and \$18.00. Ohio prisons limit each inmate to fifteen pre-approved phone numbers and all calls are subject to monitoring. Interstate collect calls originating from an Ohio correctional institutions to California require the receiving party to maintain a minimum balance, yet contributions to the balance by credit card are limited to \$55.00 per transaction. This is very similar to the “prepaid calling” referred to in the NPRM, but is still subject to all of the deficiencies of a monopolistic system.

As long as states receive a commission for inmate telephone calls, there is a great incentive for the state agency that benefits to raise the tariff attendant to such calls as high as possible. That appears to be what has happened in Ohio where long distance calls cost triple of the same call from California and almost ten times that of a call from Montana. The American citizenry would be outraged if their electricity rates trebled because of a royalty paid to public utilities commission. But, the retributive attitude of the American populace toward inmates results in little concern over the economic burden interstate telephone calls costs prisoners.

ICS rates are not exclusively a state issue. As noted previously, inmate calls to family, friends, and attorneys reduce recidivism and this is an issue that affects every segment of society and crosses state lines. Lowering crime rates is a national, not regional, concern. While correctional facilities have a proprietary interest in controlling access to telephones, they have no legitimate regulatory or security basis for controlling interstate tariffs. In contrast, the broad definition of the commerce clause of the United States Constitution developed by the Supreme Court and exercised by this Commission has allowed for control of all interstate telephone rates. Such regulation becomes all the more important when interstate telephone tariffs are being established by a provider who holds a monopoly in a market segment and “[i]t is clear that any consideration of public interest, as that term is used in 47 USCS §201, should also include consideration of whether acts of certain parties are contrary to policies of anti-trust laws. **In re James M. Carpenter** (1968) 13 FCC 2d 722. **I**f this commission has a duty to insure just and reasonable interstate rates and to enforce the anti-trust/anti-monopoly portions of the Sherman Anti-trust act, then there is no question that, when an inmate calling service provider pays a substantial commission to the agency that regulates its tariffs, there is an imperative that this commission intercede to end a monopoly that is clearly contrary to law and an anathema to the American commitment to fair play.

Dear Secretary Dortch,

“This is a Public Comment for WC-Docket number 12-375.” the following is a list of 65 things to help inmates keep in contact with their families. We are requesting:

- 1) Cheaper phone rates
- 2) A 10 minute free call for all Inmates Daily
- 3) No Connection fees
- 4) No Commissions
- 5) At&t has a 15 minute phone call for \$1.<sup>00</sup>

Received & Inspected

MAR 11 2013

FCC Mail Room

We would greatly appreciate it if you can make these changes for us, so we can have better communication with our children and family members. Thank you in advance for your time and consideration.

Sincerely Yours,

David Fitzgerald DOC# KA 7306

1100 Pike Street  
Huntingdon, Pa 16654

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