

I would like to comment on a few specific points in the FCC's Notice of Proposed Rulemaking, Rates for Interstate Inmate Calling Services. First, at number 18, the FCC asks if eliminating a per-call charge would help ensure just and reasonable ICS rates, and would it result in below-cost service. I believe the answers to these questions are yes and no, respectively. When applied appropriately in conjunction with per-minute rates, regulated per-call charges can help ensure just and reasonable rates. Currently, the wide variance amongst prescribed per-call charges demonstrates the injustice of unregulated charges. A charge that can be \$0.50 in one prison and \$3.95 in another has the potential to be neither reasonable nor just, as these may be combined with per-minute rates that vary just as widely. However, when regulated alongside per-minute rates, the FCC can ensure a just and reasonable uniformity.

As the comparative calculations of the ICS Providers, which included a per-call charge, and those of the Petitioners, which do not, demonstrate, the same effective monetary compensation can be approximated by adjusting the per-minute rate as the per-call charge is adjusted. As such, removing a per-call charge will not necessarily undercompensate providers provided that the per-minute rate is accordingly increased. Still, the feasibility of removing such a charge is a separate question from its legality. 47 U.S.C. 276(b)(1)(A) specifically provides that the FCC shall "establish a per call compensation plan to ensure that all payphone service providers are fairly compensated for each and every completed intrastate and interstate call." The plain language of this statute seems to foreclose the option of prohibiting per-call charges in their entirety. Perhaps a viable option would be to allow confinement centers a choice between a specified per-minute rate only and a per-call charge combined with a lower per-minute rate.

The final topic I wish to address is the option of debit calling as opposed to or in addition to collect calling. In the Communications Act, Congress states that a purpose of payphone regulations is to "promote the widespread deployment of payphone services to the benefit of the general public." Given the assertions in the NPRM that phone communications with family benefit inmates' reintegration into society and decreases recidivism rates, making calls affordable will benefit the general public. It is important that flexible pricing structures are available. The indigent population, already disproportionately incarcerated, will be disproportionately affected by not allowing both options. An inmate should be allowed to choose whether to impose the financial burden of phone calls on himself or his family and friends. By allowing inmates to choose each time which payment structure to utilize, those with limited resources will be better able to spread around the financial burden between themselves and their loved ones. This will increase the possibility of communication between the incarcerated, especially the indigent incarcerated, and their families, thus facilitating their interest back into society and hopefully substantially decreasing the recidivism rate, a goal surely in the public interest.