

2-28-13

Chairman Julius Genachowski
Federal Communications Commission
Public comments
445 12th Street, SW
Washington, D.C. 20554

RE IN:

WRIGHT PETITION
DOCKET # 96-128

Received & Inspected

MAR - 4 2013

FCC Mail Room

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Dear Chairman Genachowski:

I am from Pittsburgh, Pa. I am housed at SCI-Frackville, over 250 miles from my region. I am an elder with a physical disability and my siblings are also elders in reside in Pittsburgh. Due to my disability I only receive medical allowance pay which is \$10.00 monthly. Thus, I have not been able to call any of my family members in the whole 5-years I'm been confined at SCI-Frackville.

I have been unable to call any of my family members solely due to the Pa. Dept. of Correction ("DOC") entering into an exclusive dealing agreement with Global Tel Link ("GTL") to provide inmate telephone service for Pennsylvania State Prisoners. Under these exclusive dealing agreements, prisoners, their loved one, families, friends and lawyers cannot choose which telephone carrier to use to communicate. If they want to talk, they must use the single telephone service the DOC provides. As a result, the DOC/GTL can manipulate the prisoners to earn higher profits and prevent them and all those who associate with them from using the telephone services of their choice. This prohibition on choice cannot be justified by additional security features needed in prison; many prisons in other states and federal penitentiaries use high security telephone systems at ordinary profit margins. Moreover, many bill-paying associates of Pennsylvania prisoners have pre-existing contracts with different carriers, but GTL prohibit use of alternative contracts for telephone service and the DOC has agreed with this in their contract with GTL.

In short, GLP/DOC are using their positions of power over prisoners to take advantage of bill-paying customers over whom they have no legal power. They are using their control over a "captive" audience to unjustly enrich themselves..

These unconscionable arrangements violates the rights of prisoners and those affiliated with them, rights of speech and association, and rights to foster and maintain family relations under the First Amendment to the U.S. Constitution; their rights to due process and equal protection under the Fourteenth Amendment to the U.S. Constitution; their rights to unimpaired freedom to contract under Article 1, § 10 of the U.S. Constitution. The exclusive agreement further violates the Sherman Anti-Trust Act, 15 U.S.C. § 1 et. seq., the Communications Act, 47 U.S.C. § 151 et seq. and other laws of the United States and Pennsylvania. Prisoners and those accepting or receiving calls from them, rights are also independently violated by virtue of the actions of GTL/DOC.

Pennsylvania prisoners and many of the people who receive calls from them transact business in Pennsylvania. Many people out of state also accept calls from Pennsylvania prisoners. This may involve federal antitrust and interstate commerce claims.

As a result of the exclusive dealing agreement between GTL/DOC, prisoners and those affiliated with them are being subjected to an unreasonable burden on their rights to communicate by way of telephone. In addition, GLL/DOC has taken excessive amounts of prisoners' personal assets by restricting access to less expensive telephone services not controlled by the exclusive dealing agreement.

Global Tel Links is locatedⁱⁿ another state doing business in Pennsylvania and throughout the United States. Pursuant to contracts it has entered into with numerous states, GTL operates as a monopoly. These exclusive contracts arrange for the provision of telephone service in inmates via of collect or commissary purchased cards under which bill payers and prisoners are required to pay exorbitant charges and are forbidden to enter into contracts of their own with telephone services of their choice, even though equivalent competitive services are available.

GTL provides the sole means for people in Pennsylvania to place telephone calls to the outside world thus, ~~GTL performs~~ governmental functions and/or is a party to a contract or conspiracy with others performing governmental functions and thus acts under color of State Law.

People who seek to speak to prisoners in Pennsylvania DOC facilities can do so, but only under severe restrictions. First, the inmate-initiated phone calls are subject to restrictions on timing and identification, as well as restrictions on telephone service providers. Most importantly, prisoners and those affiliated with them are prohibited from using telephone services other than those established by GTL/DOC's exclusive dealing agreements, as the terms established under those agreements. Pennsylvania prisoners have no choice but to use the single service that has locked on the person they seek to contact. Pennsylvania prisoners or those affiliated with them cannot use the numerous alternative options presently available.

Persons paying for telephone contracts with DOC inmates often have ongoing contracts with carriers that provide varied options for telephone service. However, those services cannot be used. Thus, persons paying for calls from inmates cannot take advantage of the numerous options available to all other consumers of telephone service in Pennsylvania and throughout the United States.

For collect telephone calls, the amount charged by GTL/DOC is for "operator assisted" calls even though no live operator is involved in placing or managing the call. The entire call is made and completed by computer. These spurious "operated assisted" calls routinely cost three to five times as much as "unassisted" calls. The commissary purchased debit card under exclusive contract provide less value than debit card available to the general public.

In addition, persons accepting collect calls are not given the same service or excess to service that is provided to persons receiving telephone calls from persons other than inmates. Plus, GTL refuse to respond to complaints or inquiries concerning problems such as frequent disconnections raised by inmates and by persons accepting the calls from inmates. Pennsylvania prisoners are interrupted three (3) times after their calls are accepted to tell the party the call is coming from a prison. There is no need to tell the party this since they were told this when accepting the call. Attempts to contact

GTL do not lead to a constructive response or to an adjustment to the bill. Rather, the customer is told to take his/her complaint to the prison. I have filed multiple grievances for prisoners concerning the above and the results are all the same.

The disconnects are especially problematic because if the inmate redials, he or the bill-payer is subject to a new connection surcharge at the "operated assisted" rate often in excess of 1.50 for each connection.

Pennsylvania prison administrators cannot provide any valid penological reason for imposing the most expensive telephone system on Pennsylvania prisoners. In 1996, the American Correctional Association, the organization of prison and jail administrators throughout the United States, adopted a Resolution on Excessive Phone Tariffs, which states as follows:

WHEREAS, correctional professionals have a fundamental responsibility to encourage and support activities which foster the maintenance of family and community ties between offenders and ~~the~~ free world;

THEREFORE BE IT RESOLVED, that correctional agencies should discourage profiteering on tariffs placed on phone calls which are far in excess of the actual cost of the call, and which could discourage or hinder family or community contacts.

Thus, the exclusive dealing agreement by GTL/DOC are expressly contrary to legitimate penological concerns such as maintaining ties and increasing the probability of successful reentry release.

Security functions such as call monitoring and blocking are not advanced by exclusive dealing systems that arbitrarily charge bill payers the highest possible calling rate. Security functions operate independently and can be effectuated no matter what type of telephone system is used. GTL/DOC can implement necessary security functions whether or not the call is direct or collect, a commissary debit card from a different provider is used, and whether or not the telephone company has an exclusive dealing agreement. The essential purpose of the telephone system established by GTL/DOC is not to achieve any valid penological goals, but to enable GTL/DOC to reap as great a profit off the backs of persons trapped in as a captive audience without options available to other consumers.

The direct consequences of the exorbitant charges imposed on the recipients of inmate-initiated calls are obvious: fewer and shorter calls resulting in less access for inmates to their families, attorneys, and other bill-payer affiliates and the people they love and who support them.

Because of lack of choice in the telephone service from people in prison, attorneys and others who provide aid and service to prisoners are being impeded in their work and mission. These impediments reduce the access to the courts of people in prison for civil actions as well as criminal matters in which liberty is at stake.

Many people both in prison and bill-paying family and friends, have limited writing skills. And, as stated previously, prisoners are often imprisoned hundreds or even thousands of miles away from their families, so personal visits require substantial time and resources.

As a result, telephone communication is the most vital way for communications between families and their love ones. Communications with family members is a well-recognized and accepted principle of rehabilitation for prisoners. Communicating with parents who have erred is a widely recognized means to help children avoid mistakes of their own.

Please accept and review this letter as my public comments for the Wright Petition (CC Docket # 96-128)

Respectfully Yours,

George Rahsaan Brooks-Bey
George Rahsaan Brooks-Bey,
AP-4384 - SCI-Frackville
1111 Altamont Boulevard
Frackville, Pa. 17931

cc:

Human Rights Coalition
Human Rights Defense Center
File # 80910

Received & Inspected

MAR - 4 2013

Dear Chairman Genachowski,

FCC Mail Room

I am Marsha Dougherty and I am writing to tell you about the terrible effects of not being able to speak to my nephew who is on death row. We cannot talk as much as we would like because the phone calls are so high we have to limit them. The inmates need human communication to survive. If we were in their place, how would we deal with no human communication or conversation to others? I have spent so much money trying new phone services, to be able to talk cheaper with my nephew who is like my son. This has really cost me a lot of money. Just a couple of months ago, I signed up with a company who did not service my nephew's facility, which at that time I did not realize. I put it on a credit card to be charged and when I realized they started charging every month, I had to call the credit card company to cancel, as there was no way to call them and talk to a person to cancel. I finally am getting to talk to my nephew, which costs a monthly fee of around \$32 a month on a separate cell phone bill. The telephone provider charges me \$9 p/call now instead of \$20 p/call. The \$20 p/call also had fees for putting minutes on this service. When I pay \$50 on the phone it only gives me \$40 worth of minutes so they charge a hefty amount to use this service. Costing me \$9 p/call I can only talk 4 times before putting more minutes on the phone. It still is not cheap to talk to him, but better now. These prisoners have feelings and deserve better. I am writing to help support and end the abusively high costs of prison phone calls. I will give a donation in the name of my sister and myself, who has also sent a letter with this one. Thank you for doing all you can to combat this problem. You have my total support and commend you for your efforts in this matter.

Sincerely

*Marsha Dougherty
417 Bishop St.
Salina, Ki. 67401*

Wright Petition (cc Docket 96-128)

MAR - 4 2013

FCC Mail Room

Dear Chairman Genachowski,

I am Ronda Gillett and have a nephew on death row. My sister and I have had a hard time communicating with our nephew, as the phone services are so high. My sister takes care of most of the matters with the phone and has had a hard time financially paying for the phone so he can talk to us. There are a lot of times he needs to talk to us and tell us something important right away. When he sends a letter it can take up to 7 to 10 days for it to get to us. Although we can't go to see him as he is so far away, we love to be able to talk to him over the phone. Just because he is on death row does not mean we do not love him any less and do not want anything to do with him. Just the opposite, we love him and want all the communication we can have with him. We are not rich people but will spend money trying to keep in contact with him. When you are in solitary confinement, you have no communication with anyone and this can drive you crazy, especially if you don't have the Lord in your life. Even though you have the Lord in your life, it is not good. My nephew now has compulsive behavior disorder and this is from lack of communication. I have been reading articles on these behaviors and it is sickening to read. If they are able to get out of prison in time, they still have problems after getting out. This is one thing that we can do to help these inmates. Thank you for what you are doing for these inmates.

Sincerely,
Ronda Gillett
339 W. 5th
Russell, KS.
67665

Wright Petition (cc Docket 96-128)

MAINE STATE PRISON
807 Cushing Rd.
WARREN, MAINE 04864

FEB 25TH 2013

Chairman Julius Genachowski
Federal Communications Commission
445 12TH STREET, S.W.
Washington, DC 20554

Received & Inspected

MAR - 4 2013

FCC Mail Room

RECEIVED This is a Public Comment
for The Wright Commis-
sion (cc Docet #96-128)

Dear Chairman Genachowski:

I AM A MAINE STATE PRISONER who gets
charged \$3.00 per 10 minutes of phone call in The
U.S.

It's just too expensive. We have no e-
mail here so the only form of communication

Eugene S. Haymes-1194620
DFCC
21360 Dearfield Drive
Capron, VA 23829

Chairman Julius Genachowski

Feb 24, 2013

Federal Communications Commission

Received & Inspected

Public Comments

MAR - 4 2013

445 12th Street, SW

FCC Mail Room

Washington, DC 20554

This is a public comment for the Wright
Petition (cc Docket # 96-128)

Dear Sir:

I am incarcerated in Virginia. I cannot afford the high
telephone rates and neither can my family members.

My Mom is my inspiration. She lives too far away
(Florida) to visit more than once a year. It is painful
when I feel low but cannot afford to call her.

I am not alone. Many have the same need to be
close to family who are usually the only ones who show
us love. And isolation from family inhibits rehabilitation.

It is wrong on so many levels to charge such
exorbitant telephone rates for so many who can least
afford it and need it the most.

The FCC should protect us against such unfair
practices. Inmates and their families should pay no
more than the lowest rate available to other persons.

Sincerely,

Eugene S. Haymes

Eugene S. Haymes

This is a public comment ① for the Wright petition
(CC Docket # 96-128)

Dear

Received & Inspected

MAY - 4 2013

FCC Mail Room

Mr Genachowski My name is
Michael Stewart # 79343 Currently
incarcerated in Lansing Correctional
Facility Located in Lansing, Ks.
and I currently read a memo
Posted in our D+room about
a nation wide Campaign to
change / modify the way the
Prisons across the globe are
charging out ragesous fees For
Prisoners like me to stay in
contact with our families on
the outside. And it stated that
Prisoners needed to contact You
with our Personal stories how
this Process with the High phone
Rates are affecting us, So I'll
start with mines. Well I've been
incarcerated since the age of 20 yrs
old And I'm 30 now And won't be
released For another Year. So it's
not like I'm complaining about
this issue cause This is where
I'll reside For the eternity of
my life. I'm doing this Cause I
feel these Prison Administrators
are constantly finding ways to →

(2)

Swindle inmates out their money. And I know that the purpose of this letter is suppose to be focused on prison phone rates. But Bear with me if I have other examples of how prisons are taking advantage of prisoners / their families money. Cause I feel prisons administrators are doing things that aren't legal and that the federal government or a higher entity should know about. Well starting with the issue with the phone rates. when I first entered prison the only way to stay in contact with your families was for them to set up a collect calling system through their current phone provider, which for me my family was in contract with a phone company called Cevercom system (T-netix telecommunications) where their surcharge fee was 4.00 for the first minute and approximately 34 cent for every minute after the initial first minute. So for a prisoner like myself who felt the only way for me to make it (mentally) →

③

in Prison was to be able to talk to my family / children a couple times a week. it was costing my family approximately 50.00 dollars a week which was very costly considering that they also sending me money to buy the necessities like food / hygiene to make my prison sentence as comfortable as possible. Since the prison doesn't pay you much, but let they have you doing mandatory work around the prison for (8 hours.) For example the going rate for an average job in prison is 60 cent a day which adds up to approximately 12.00 dollars a month which you have to buy whatever you can afford which is it much. Then the prison started doing contracts with businesses to have prisoners do the same work the civilians in society would do for that company but the trick is they only paid us minimum wage when that same job would require much more pay. Then they turn around and charge ~~the~~ the prisoners room and



(4)

Board, in other words they deduct a Percentage out your paycheck every two weeks for living in Prison, when the Federal Government is Already Giving the State a Certain Amount to House prisoners, which is Another issue I feel needs to Be looked into. So After the Adminstrating started Seeing all the money inmates were saving, they figured out a way to Get Some of the money since there's only so much a inmate can spend on certain items. So they started to let us Buy Phone minutes with the money we had on our Books which was (credit) so the Burden wouldnt Be on our families And we as (men) could start Being Responsible And work, save And Provide For ourselves. And the Fees were: Local: 1.96 Surcharge And 0 cent Per Min
Intralata/Intrastate 1.73 Surcharge And .7 cent Per Min
Intralata/Intrastate 1.47 Surcharge And .31 cent Per Min
Intralata/Interstate 1.28 Surcharge And .30 cent Per Min
International 1.28 Surcharge And .30 Per Min
So Most of My fam. 17 Members Reside in →

(5)

Kansas city, Ks, And Kansas city, Mo
So for me to talk to them for
60 mins it would cost me 5.93. So
what Me And Most of the Prisoners
came up with to get the most
phone time for less money as possible
was to have our families get their
numbers switched to a local number.
that way we could talk for 2 hours
for only 1.97. But now it seems the
Prison doesn't feel like their making
enough money so they have change
the phone rates to .17 per cent min
no matter where your calling but with
no surcharge fee, and they cut the
phone mins down from 120 mins to 60m
so now we can only talk for half the
time but for a lot more. And for a prisoner
like myself who doesn't have income com-
in from my family now. Due to the
recession in the economy, and the 12.00
a month I receive from prison hard
labor I have to buy necessities like
hygiene products. Cause due to the
(Prison rule Handbook) you can be ~~sanctioned~~
sanctioned for poor hygiene. so I have
to follow the rules so I won't be
sanctioned by prison officials that →

(6)

could lead to me losing good-time
credits and making my prison stay longer.
So there's no way I can afford to
purchase phone mins with the high
rates the prison is offering, on top of
the little money I receive a month
from my hard labor in prison everyday.
Mr Genachowski I hope you receive
a lot more personal letters from inmates
here in Lansing Correctional Facility. And
I understand what were going through.
Thank you for your time

J. Stewart # 79843

P.S here's a copy of
Billing statement when
my family was providing
me money for me to call
them.)

Jotham Greenwood

*FF-3652

1100 Pike St.

Huntingdon, PA. 16654-1112

Received & Inspected

MAR - 4 2013

FCC Mail Room

Chairman Julius Genachowski
Federal Communications Commission
Public Comments
445 12th St, SW
Washington, DC 20554

February 25, 2013

Dear Chairman Genachowski,

This is a public comment for the Wright Petition (CC Docket #96-128). I am writing concerning the high cost of telephone calls from this prison. My family is a low income family and these high cost for telephone calls is hurting our communication. I cannot call my family regularly because of the cost. ~~My~~ ~~parents~~ ~~are~~ ~~old~~ and I really want

Edwin A. Graham 18295
Maine State Prison
807 Cushing Rd
Warren, ME 04864-4600

Received & Inspected

MAR - 4 2013

FCC Mail Room

Feb 23, 2013

Chairman Julius Genachowski
FCC / Public Comments
445 12th Street, SW
Washington, DC 20554

ie/ This is a public comment for the Wright Petition (CC Docket 96-121)

Dear Chairman Genachowski:

I am happy to find out that someone cares about us and our families in our struggles to communicate.

At Maine State Prison it is 30 cents a minute for prepaid calls and severely higher for collect depending on locale.

I can not attain a paying job due to restrictions placed on me due to disabilities. My mother and her church are my only financial source. Her church sends me enough to buy my monthly essentials such as hygiene, this leaves my mom to pay for the phone.

My mother is disabled and only gets a little over 900 dollars a month. She sacrifices comforts to send me 50 dollars a month to call once a week. Our phone time is cherished. Her health is up and down as is mine, so it is a comfort
next

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to us, even more a necessity for us if one is sick.

My mom has utility, bills, insurances, car repairs and such that leave her with no extra and often not enough money to make the month. Her car is two months out of inspection as she can't afford to do the repairs necessary.

I love my mom, I've told her or asked her if we should suspend our phone conversations, but she insists for her sanity she needs them. Truth is ~~so~~ do I.

It would be a huge help if the cost was reduced to rates comparable to the outside for our prepaid calling account.

There is no excuse except greed for this travesty.

Thank you kindly;

In Christ;

Edwin A. Graham

MAR - 4 2013

FCC Mail Room

Dear Chairman Genachowski
This is a public comment on the
wright Petition (cc Docket # 96-128
I have been in the maine
state prison in warren me,
since 2002.

and I am write about the cost
of the phone 30¢ a minute
when I first got here in 3/2/02 it
cost 155 or 150 to hookup and a
25¢ charge for every minute after.
I cant afford to call at that
cost, I cant afford it and my
family cant either, I am lucky
I got a paying job, I do put \$10.00
on it But can only make 3-5 minute
calls, I have to see a cut down

so I could call and have
a normal call and talk,
it is depressing to call who
that to the family -

Thank you

Donald Robehand #175
M.S.P.

807 Cushing Rd
Warren, me

04864

I'd like to know if you get
This.