



April 29, 2013

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: Rates for Interstate Inmate Calling Services, WC Docket No. 12-375

Dear Ms. Dortch:

The undersigned organizations submit for the record the following views in support of the reply comments filed by Center for Media Justice, *et al.* in the above-captioned docket.<sup>i</sup> As those comments noted, stakeholders that disagree on many aspects of media and telecommunications policy issues are in complete agreement that interstate inmate calling services (ICS) rates are exorbitantly high, and, pursuant to the Communications Act, the Federal Communications Commission (FCC) must move to ensure just and reasonable rates going forward.

Telephone calls are a critical tool to protect civil rights. Regular phone contact can improve the likelihood inmates have a chance to become productive members of society after incarceration, to enhance the safety of prison facilities, and to help ensure that the civil rights of people who are incarcerated are not abused. The impact of high phone rates weigh disproportionately on the communities that the undersigned organizations represent, including communities of color, and also have severely negative impacts on people with disabilities, as well as on women and children with loved ones in prison..<sup>ii</sup>

As the record demonstrates, commissions from phone service providers are a significant contributor to high prison phone rates. State prison commission payments totaled \$100.7 million last year, accounting for as much as 76.6 percent of gross prison phone revenue and topped 40 percent of gross revenue in at least twenty-six states.<sup>iii</sup> Under FCC precedent, commission payments “represent an apportionment of profits between the facility owners and the providers of the inmate payphone service,”<sup>iv</sup> and therefore cannot be counted as costs by prison phone providers. Moreover, regardless of how these profits are used, carriers cannot lawfully charge unjust rates.<sup>v</sup>

The record confirms that the FCC has authority to regulate interstate inmate calling services. As outlined by Center for Media Justice *et al.*, providers of inmate calling services wield extraordinary power that cannot be curbed through competition.<sup>vi</sup> Even many of the ICS providers acknowledged the FCC’s authority.<sup>vii</sup>

Like Center for Media Justice, *et al.*, we take issue with the Louisiana Department of Corrections assertion that “it is only fair” that families bear these costs because “offenders and their families benefit by the provision of these services and as it was the actions of the offenders that caused their incarceration.”<sup>viii</sup> Taxpayers bear the cost of prisons, in the same way they share jointly in the costs of law enforcement, roads, and other common goods.

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Exorbitant prison phone rates amount to a regressive additional tax on the low-income communities that experience higher incarceration rates.<sup>ix</sup> Not only is an unjust double-taxation unfair, but the premise of the above statement is incorrect. As our initial comments and an earlier, bipartisan, letter submitted for the record note, it is not only inmates and their families and loved ones who benefit from telephone calls, but also society at large.<sup>x</sup>

We strongly urge the Federal Communications Commission to take action before the end of 2013 to adopt the lowest feasible benchmark rates for inmate calling services.

Sincerely,

Asian American Justice Center, a Member of the Asian American Center for Advancing Justice  
The Leadership Conference on Civil and Human Rights  
NAACP  
National Council of La Raza  
National Urban League  
UCC, OC, Inc.

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<sup>i</sup> Comments of Center for Media Justice *et al.* (filed April 22, 2013).

<sup>ii</sup> Letter from Rep. Marsha Fudge and Del. Holmes Norton to Chairman Julius Genachowski (filed April 22, 2013) (noting that over 60 percent of incarcerated prisoners are African American or Hispanic); Center for Media Justice *et al.* comments (describing particular impact on women); Letter from Laura Murphy, American Civil Liberties Union *et al.* to Marlene Dortch (filed March 25, 2013) (describing the deficiencies in communication tools for inmates with disabilities).

<sup>iii</sup> Center for Media Justice *et al.* Comments at 9-10 (citing Comments of HRDC at 4).

<sup>iv</sup> See *Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, Order on Remand, 17 FCC Rcd 3248, 3262 (2002).

<sup>v</sup> Comments of Prison Phone Justice Commenters at 10; Comments of Verizon at 3.

<sup>vi</sup> Center for Media Justice *et al.* Comments at 8 (citing Comments of TurnKey Corrections at 2-3).

<sup>vii</sup> See, e.g., Comments of Securus Tech., Inc. at 14; Global TelLink Comments at 32; CenturyLink Comments at 18; Pay Tel Comments at 3.

<sup>viii</sup> Louisiana Department of Public Safety and Corrections Comments at 3.

<sup>ix</sup> See Comments of Phone Justice Commenters at 7.

<sup>x</sup> Vera Institute of Justice Comments at 2-3. Additionally, among other benefits, contact between incarcerated people and their children improve outcomes for children, thus reducing the numbers of children who must rely on public programs for assistance. *Id.*