



The National Association of State Utility Consumer Advocates (“NASUCA”)<sup>3</sup> provides these very brief comments to emphasize two points:

- **First**, that the record already contains much data on Ancillary ICS Fees.<sup>4</sup> What the record does not contain is data on the “cost[s] of providing the service for which the fee recovers....”<sup>5</sup>
- **Second**, that if the providers fail to submit this cost data — which is basically in their sole possession — the FCC would be entitled to, and should, construe that failure against the providers. This would lead to a long-overdue order reducing the price — to inmates and to their families and friends “on the outside” — of inmates’ calls.<sup>6</sup>

The WCB has allowed only a minimal opportunity for reply to the providers’ cost data submissions — one week.<sup>7</sup> The Commission should therefore expect *ex parte* filings on these issues after the reply comment due date, as the Commission expects on other issues.<sup>8</sup>

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<sup>3</sup> NASUCA is a voluntary association of advocate offices in more than 40 states and the District of Columbia, incorporated in Florida as a non-profit corporation. NASUCA’s members are designated by laws of their respective jurisdictions to represent the interests of utility consumers before state and federal regulators and in the courts. Members operate independently from state utility commissions as advocates primarily for residential ratepayers. Some NASUCA member offices are separately established advocate organizations while others are divisions of larger state agencies (e.g., the state Attorney General’s office). NASUCA’s associate and affiliate members also serve utility consumers but are not created by state law or do not have statewide authority.

<sup>4</sup> See, *inter alia*, , references in NASUCA Comments (March 25, 2013); NASUCA Reply Comments (April 25, 2013) in this docket; see also Comments dated March 10, 2004 (CC Docket No. 96-128), Reply Comments dated April 21, 2004 (CC Docket No. 96-128), Comments dated May 2, 2007 (CC Docket 96-128, DA 03-4027), Reply Comments dated June 20, 2007 (CC Docket 96-128, DA 03-4027), *Ex Parte* Comments dated January 20, 2009 (CC Docket No. 96-128, DA 03-4027).

<sup>5</sup> DA 13-1445 at 1.

<sup>6</sup> The benefits to society of calling from incarcerated persons to their families and friends are a substantial part of the record of this proceeding, and have been subject to minimal challenge. See Acting Chairwoman Clyburn’s opening remarks at the FCC’s July 10, 2013 ICS workshop ([http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-322109A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-322109A1.pdf)) at [2-3].

<sup>7</sup> Per DA 13-1445, initial comments are due July 17, 2013 and reply comments are due July 24.

<sup>8</sup> See DA 13-1446 (rel. June 26, 2013) at 1: “Further, the Bureau reminds interested parties that the Commission requested contracts and other cost data and information that may be relevant to addressing the issues under consideration in this Notice of Proposed Rulemaking (NPRM). Specifically, the Commission “...encourage[d] commenters to submit the most up-to-date information available regarding interstate ICS rates to aid us in developing a clearer understanding of the ICS market. This includes per-call and per-minute rates, information on commissions and what percentage of a rate they comprise, the number of disconnected calls, the average length of calls, and how calls break out by type, *i.e.*, collect, prepaid and debit.” We continue to encourage parties to submit such data in our record as part of the *ex parte* process.”

Yet NASUCA hopes that the ex parte process will not be used as a further excuse to further delay a Commission ruling reducing ICS rates, especially given the long pendency of this proceeding and the serious hardship that continues to be inflicted on inmates and their families and friends. As Acting Chairwoman Clyburn stated, at the FCC's July 10, 2013 ICS Workshop,

Reforming the inmate calling regime is a Federal Communications Commission priority. It is important that we expedite this review, given the impact on families, especially low-income families, and I look forward to working with you today, and through the remainder of this process.<sup>9</sup>

NASUCA agrees with Acting Chairwoman Clyburn's sentiments.

Charles Acquard, Executive Director  
NASUCA  
8380 Colesville Road, Suite 101  
Silver Spring, MD 20910  
Telephone (301) 589-6313  
Fax (301) 589-6380

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<sup>9</sup> See [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-322109A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-322109A1.pdf), at [3].