

Arizona Department of Corrections



JANICE K. BREWER
GOVERNOR

1601 WEST JEFFERSON
PHOENIX, ARIZONA 85007
(602) 542-5497
www.azcorrections.gov



CHARLES L. RYAN
DIRECTOR

Received & Inspected

SEP 16 2013

FCC Mail Room

September 6, 2013

Ms. Mignon Clyburn
Interim Chairwoman
Federal Communications Commission
Office of the Chairwoman
445 12th Street, SW,
Washington, DC 20554

RE: INMATE CALLING SERVICES - WC Docket No. 12-375

Dear Ms. Clyburn:

The Arizona Department of Corrections (ADC) would like to express our disappointment, and expand on our comments filed in the docket, on the FCC recently passed Rule for Rates for Interstate Inmate Calling Services (WC Docket No. 12-375). While I acknowledge the concerns that "Petitioners and some commenters have argued that ICS rate reform is a public policy imperative because high ICS rates limit the ability of most inmates to maintain contact with their families", we also believe the inmate phone system at ADC is a solid, competitively procured contract that serves the best interests of Arizona citizens and inmates. It is important to understand that security is the first and foremost concern and goal of ADC. As such, a contract for inmate phone calls will have, as noted in the Notice of Proposed Rule Making, an additional cost above normal market prices to account for security measures, including equipment and personnel. It appears the majority of the FCC has not appropriately weighed the importance of security and what the major phone contractors must do to ensure that, in cooperation with the state departments of corrections. For the petitioners to say the commissions for the phone revenue are "kickbacks" to the State is a gross mischaracterization. ADC's competitively bid contract, which includes a split of commissions to both the State and the vendor, represent fair and reasonable charges to ensure a safe and secure service provided to inmates and those who they call and call them.

Furthermore, the FCC ruling failed to appropriately recognize the uses of the inmate phone commissions. I want to stress that the proceeds from commissions on inmate phone calls is mandated by Arizona statute (ARS 41-1604.03) to be expended on "The benefit, education and welfare of committed offenders,..." The vast majority of commissions from inmate phones have funded inmate education as well as legal services to indigent inmates. These services are either mandated and/or vital to keeping inmates active and preparing them for re-entry to society. Without the inmate phone commission revenue, inmate education programs would be forced to compete for scarce funding. It is inappropriate for the FCC to presume state legislatures will fund services such as education to inmates at a particular level. The State legislature, along with Governor approval, by Arizona Constitution, retains the right to decide

Ms. Mignon Clyburn
September 6, 2013
Page 2

levels and uses of State funding. There is no guarantee that the current level of inmate education spending funded by phone commissions would remain the same as if funded by State General Fund.

In summary, the Arizona Department of Corrections is very disappointed in the FCC's majority vote to significantly restrict interstate phone rates and thereby also restrict commissions paid to ADC under contract for two reasons. First, we believe the true costs of phone services to inmates, which include a premium to ensure safety, have been inappropriately set aside in favor limiting phones rates to provide a perceived necessary benefit to inmates and their families.

Second, the FCC should have understood the uses of the inmate phone commissions go toward the benefit of inmates (such as education) and that the need to have "users", in this case inmates and those who call them, pay for the very services they use is very common in today's extremely tight public funding situation. On the contrary, the FCC majority has presumed state general funds and general tax payers should pay for these services.

If you or your staff has any questions, please feel free to contact me at (602) 542-5225.

Sincerely,



Charles L. Ryan
Director

cc: John Arnold, Director, Governor's Office of Strategic Planning & Budgeting
Ryan Serote, Director of Federal Relations, Office of Governor Janice K. Brewer
Jeff Hood, Deputy Director
Mike Kearns, Division Director, Administrative Services
Robert Patton, Division Director, Offender Operations
Jacob Gable, Administrator, Planning Budget & Research
CLR83569385