

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of:)
)
) **WC Docket No. 12-375**
Rates For Interstate Inmate)
Calling Services)

STATEMENT REGARDING MOTION FOR EXTENSION OF TIME

Martha Wright, Dorothy Wade, Annette Wade, Ethel Peoples, Mattie Lucas, Laurie Nelson, Winston Bliss, Sheila Taylor, Gaffney & Schember, M. Elizabeth Kent, Katharine Goray, Ulandis Forte, Charles Wade, Earl Peoples, Darrell Nelson, Melvin Taylor, Jackie Lucas, Peter Bliss, David Hernandez, Lisa Hernandez, Vendella F. Oura, along with The D.C. Prisoners’ Legal Services Project, Inc., Citizens United for Rehabilitation of Errants, the Prison Policy Initiative, and The Campaign for Prison Phone Justice (jointly, the “Petitioners”) hereby submit this Statement regarding the Motion for Extension of Time filed by the Ohio Department of Rehabilitation and Correction (the “Department”) on December 6, 2013 (the “Motion”).

The Motion requests that the FCC extend the deadline for filing comments in response to the Further Notice of Proposed Rulemaking from December 13, 2013, to January 13, 2014, and the deadline for filing reply comments from December 30, 2013, to February 12, 2014.¹ In support of the request, the Motion indicates that the Department

¹ *Rates for Interstate Inmate Calling Services*, Report and Order and Further Notice of Proposed Rulemaking, FCC 13-113, rel. Sept. 26, 2013 (2013).

needs additional time “to fully evaluate the Commission’s proposals and formulate detailed, fact-specific comments relevant to the Commission’s proposals.”²

While the Petitioners do not support delaying the resolution of this proceeding solely for the sake of delay, the Department’s commitment that it will develop and submit “detailed, fact-specific comments” in response to the FNPRM is a welcome surprise.

As noted repeatedly by the Petitioners, the response by correctional institutions and ICS providers in response to the initial Notice of Proposed Rulemaking was underwhelming to say the least. Further, as shown in Exhibit A, the Department receives \$15,000,000 per year from Global Tel*Link, but the “average cost per minute including all call types is currently \$0.13 per minute.” *See Exhibit A.* As such, it appears that a correctional institution can receive a sizable kickback from an ICS provider, and still maintain relatively low rates.

Thus, to the extent that the Department fully commits to respond to the FNPRM with “detailed, fact-specific comments”, the Petitioners will not object to the request for a limited extension of time. However, the Petitioners intend to object to any requests for further delay. The Petitioners have been waiting for more than 10 years for meaningful ICS reform, and, as Commissioner Clyburn recently stated, “Justice Delayed Is Justice Denied.”³

² *Motion*, pgs. 1-2.

³ *Statement of Commissioner Mignon Clyburn*, DA 13-2366 (rel. Nov. 21, 2013).

Respectfully submitted,

By: 

Lee G. Petro
DRINKER BIDDLE & REATH LLP
1500 K Street N.W.
Suite 1100
Washington, DC 20005-1209
(202) 230-5857 – Telephone
(202) 842-8465 – Telecopier
Lee.Petro@DBR.COM

Counsel to the Petitioners

December 11, 2013

EXHIBIT A

Inmate Call Out Program February 2013

The Ohio Department of Rehabilitation and Correction (ODRC) entered into a contract with Global*Tel Link Corporation (GTL) on February 26, 2010 to provide all facets of telephone services for the inmate population. The initial contract is effective through February 26, 2016 with two, 2-year renewals available through February 26, 2020.

The contract required GTL to install new phone systems in each prison, which enables the contractor to provide more efficient, cost-effective service. In addition, the ICOP system was required to include call control capabilities and the ability to record and/or monitor calls, as allowed by law. The digital recording and monitoring equipment enables the ODRC to perform live monitoring of inmate calls in progress and/or retrieve archived information from remote locations via telephone. The contractor is also responsible for maintaining a call center to provide customer service to manage customer complaints and provide other account services.

The local, intrastate and interstate tariff rates that family and friends pay for inmate initiated collect phone calls and pre-paid calls under this contract is comprised of an initial fixed surcharge and a variable rate per minute. Through the initial contract bid process and negotiations, the ODRC has attempted to reduce costs to inmate family members, while maintaining a consistent revenue stream for the State of Ohio to sustain inmate programs. ODRC required that the intrastate and interstate tariff rates be fixed for the term of the contract and shall never be increased, but may be lowered with ODRC Project Representative's written consent.

The contract requires that ODRC receives a guaranteed annual flat/fixed fee of \$15,000,000 with a negotiated annual adjustment for inflation not greater than the CPI for the previous 12 months. These monies are deposited into the prisoner program fund, a non-General Revenue Fund (GRF) account that pays for substance abuse treatment, and education programming, or is returned to inmates as inmate pay. Reducing or eliminating these commissions would place a greater burden on the Ohio GRF to pay for this programming.

Additional information on components of the ICOP contract are provided below:

- Revenue from the ICOP contract currently funds the following positions and services:
 - 37 Recovery Services employees
 - 86 Education employees
 - Advanced Job Training through Ohio colleges and universities of approximately \$2 million
 - Inmate state pay and release pay of approximately \$2 million
- In FY 2012, the ODRC received \$15,000,000 in a flat fee or \$1,250,000 per month.
- As an option, video visitation services were piloted at four institutions and two APA offices. Services were not utilized as anticipated so the program was discontinued at low usage sites initially and then completely discontinued in December 2012. The highest volume month had 25 visits total.
 - Institutions: BECI, NCI, OSP, and SOCF
 - APA Offices: Cleveland and Cincinnati
 - The initial cost was \$25.00 per 30 minutes and was reduced to \$12.50 for 30 minutes or 5 sessions for \$50.00.
- Remote Video Visitation via SKYPE was implemented in December 2011.
- Kiosk for Phone Account Deposits
 - Kiosks are located in the front entry building of each institution.
 - Funds can be deposited to an inmate phone account or trust account.
 - \$3.00 transaction fee per deposit.
 - Transactions require the use of a Government Issued ID with a magnetic strip for identification purposes.
- Web Option for Phone Account Deposits
 - Funds can be deposited to an inmate phone account or trust account via the OffenderConnect website using credit or debit cards.
 - There is a fee schedule based on the deposit amount.

- Telephone Option for Phone Account Deposits
 - Funds can be deposited to an inmate phone account or trust account via a toll-free phone number using credit or debit cards.
 - There is a fee schedule based on the deposit amount.

- Collect Call Rates
 - Local - \$1.14 flat rate
 - IntraLata - \$1.04 surcharge plus per minute charges based on miles and time of day with initial minute and additional minute charge structure
 - InterLata - \$1.04 surcharge plus \$0.322 per minute charge
 - InterState - \$3.90 surcharge plus \$0.871 per minute charge

- Prepaid Call Rates
 - Local - \$0.911 flat rate
 - IntraLata - \$0.832 surcharge plus per minute charges based on miles and time of day with initial minute and additional minute charge structure
 - InterLata - \$0.832 surcharge plus \$0.257 per minute charge
 - InterState - \$3.120 surcharge plus \$0.697 per minute charge

- The average cost per minute including all call types is currently \$0.13 per minute. At the beginning of the contract the rate was \$0.25 per minute.

CERTIFICATE OF SERVICE

I hereby certify that, on December 11, 2013, the forgoing Statement was served via electronic mail on the following persons:

Marlene H. Dortch, Secretary
Federal Communications Commission
Marlene.Dortch@fcc.gov

Chairman Tom Wheeler
Federal Communications Commission
Tom.Wheeler@fcc.gov

Commissioner Mignon Clyburn
Federal Communications Commission
Mignon.Clyburn@fcc.gov

Commissioner Jessica Rosenworcel
Federal Communications Commission
Jessica.Rosenworcel@fcc.gov

Commissioner Ajit Pai
Federal Communications Commission
Ajit.Pai@fcc.gov

Commissioner Michael O’Rielly
Federal Communications Commission
Michael.ORielly@fcc.gov

Sean Lev
General Counsel
Federal Communications Commission
Sean.Lev@fcc.gov

Julie Veach, Chief
Wireline Competition Bureau
Federal Communications Commission
Julie.Veach@fcc.gov

Ryan G. Dolan
Staff Counsel
Ohio Department of Rehabilitation &
Correction
Division of Legal Services
770 West Broad Street, Second Floor
Columbus, OH 43222
ryan.dolan@ohioattorneygeneral.gov

By: /s/Lee G. Petro
Lee G. Petro, Esquire