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Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W., TW – A325
Washington, D.C. 20554

Re: In the Matter of Rates for Interstate Inmate Calling Services, WC
Docket No. 12-375
Notice of *Ex Parte* Presentation

Dear Ms. Dortch:

This letter supplements AT&T's earlier letter of December 5, 2013. That letter summarized the company's *ex parte* meeting with the Commission staff to discuss the matter captioned above. AT&T began the meeting by explaining that it no longer provides inmate calling services, having left that business several years ago. AT&T then explained that, when a deaf inmate uses a TTY device to make an interstate call via Telecommunications Relay Service (TRS), interstate long distance charges apply to that call. AT&T stated further that it does not regard the manner in which it handles operator-assisted collect calls from inmates via TRS as subject to the rate requirements set out in the order in WC Docket No. 12-375. During the course of the meeting, staff made three requests of AT&T for more information. This supplemental letter is AT&T's response to those requests.

1. Staff wanted to know why TRS call assistants may place only collect calls on behalf of inmates using TRS.

Response. Whatever local, state or federal authority has jurisdiction over the prison or jail facility establishes regulations that govern inmate telephone use. (A sample of these rules and regulations is found in Attachment 1.) It is clear from this small sample that there are differing regulations within the same state for inmate calling. For example, Federal and state prison facilities within the same state may have different inmate calling regulations – one permitting prepaid or debit calling and the other only permitting collect calling. Existing TRS technology does not permit a call assistant to determine from which facility the call originated nor the specific regulations applicable to inmate calling for that facility. Since collect calling is the common denominator among the various regulations, TRS operations default to the practice of limiting all inmate TRS calls to operator assisted collect calls.

2. To understand how inmate TRS calls are alike or different from other calls, staff asked AT&T to provide a comparison of various call scenarios and the applicable end user charges.

Response. Please see Attachment 2.

3. Staff asked if AT&T could conceive of a means to provide lower rates to deaf inmates than AT&T's standard operator-assisted long distance service.

Response. Attachment 3 contains a description of one possible method. AT&T has not explored this possibility in detail nor has it discussed the technical feasibility of it with other parties. To overcome regulatory obstacles, the FCC may have to change certain rules or issue waivers. There may also be one or more technical obstacles to implementation of this solution.

If you have questions on this material, please contact David Talbott, Director, Federal Regulatory, at 202.457.3039.

In accordance with section 1.1206 of the Commission's rules, this letter is being filed electronically with your office for inclusion in the public record.

Respectfully submitted,



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Attachment 1

Federal Bureau of Prisons

“As a result of the Washington v. Reno settlement, the BOP currently has three types of telephone systems for inmate use at its 93 institutions:

1. 27 institutions have unlimited collect calling (ITS not installed);
2. 38 institutions have debit calling (ITS installed); and
3. 28 institutions have debit calling and collect calling (modified version of ITS installed).”

Source: <http://www.justice.gov/oig/special/9908/callsp2.htm>

California Dept. of Corrections and Rehabilitation

“The CDCR uses the Department of General Services (DGS) Inmate/Ward Telephone System (IWTS) Contract that provides collect-only domestic and international telephone services to the inmates and wards at CDCR facilities.”

and

“Inmates may not use institution telephones or public coin operated telephones located on institution property except as specifically authorized and as described in section 3282.”

Source: http://www.cdcr.ca.gov/Visitors/Receiving_Calls_From_Inmates_and_Wards.html ;and
http://www.cdcr.ca.gov/Regulations/Adult_Operations/docs/Title15-2013.pdf

Florida Dept. of Corrections

“Inmates may place collect calls to approved numbers.”

Source: <http://www.dc.state.fl.us/oth/inmates/calling.html>

Maryland Dept. of Public Safety and Correctional Services

“A six business day transitional period will take place February 28 through March 7, 2013, during which time inmates will only be able to make collect calls as no debit or pre-paid calls will be permitted.”

Source: <http://dpscs.md.gov/locations/mcih.shtml>

New York Dept. of Corrections and Community Supervision

“The system allows inmates to place outgoing collect calls to family and friends that have agreed to accept such calls.”

Source: <http://www.doocs.ny.gov/Directives/4423.pdf>

Attachment 1 (continued)

Texas Dept. of Criminal Justice

“The Offender Telephone System (OTS) allows **eligible** offenders to make paid telephone calls to friends and family. Offenders with major disciplinary problems, gang affiliations, or on death row will not have access to the telephone system.”

Source: http://www.tdcj.state.tx.us/mediasvc/offender_telephone/index.html

Virginia Dept. of Corrections

“The system allows inmates to place outgoing collect calls to family and friends that have agreed to accept such calls.”

Source: <http://vadoc.virginia.gov/offenders/prison-life/phoneSystem.shtm>

Washington Dept. of Corrections

““Debit Account” refers to an account where an offender can call any number on their Personal Allowed Number (PAN) list.”

Source: <http://www.doc.wa.gov/family/telephoneadvancepay.asp>

Attachment 2

COMPARISON OF VARIOUS CALLING PARTIES, TYPES OF CALLS AND APPLICABLE CHARGES

ORIGINATING PARTY	TYPE OF CALL / ROUTE	APPLICABLE CHARGES
Deaf inmate	<ul style="list-style-type: none"> • TTY to TRS to called party via 7-1-1 or one of the state relay toll free numbers • Interstate long distance • Collect call via IXC of calling party's choice from "Carrier of Choice" list 	<ul style="list-style-type: none"> • Charges for Relay functions assessed to TRS fund • Tariffed interstate charges for operator assisted collect call apply to the called party • AT&T tariffed rate for operator assisted collect call: \$8.50 per call charge and \$1.49 per minute
Deaf user, not incarcerated	<ul style="list-style-type: none"> • TTY to TRS to called party via 7-1-1 or one of the state relay toll free numbers • Interstate long distance • Collect call via IXC of calling party's choice from "Carrier of Choice" list 	<ul style="list-style-type: none"> • Tariffed interstate charges for operator assisted collect call apply to the called party • AT&T tariffed rate for operator assisted collect call: \$8.50 per call charge and \$1.49 per minute
Hearing user, not incarcerated or hearing inmate permitted to dial 1-800 CALL ATT	<ul style="list-style-type: none"> • Operator assisted voice collect call • Interstate long distance 	<ul style="list-style-type: none"> • Tariffed interstate charges for operator assisted collect call apply to the called party • AT&T tariffed rate for operator assisted collect call: \$8.50 per call charge and \$1.49 per minute
Hearing user, not incarcerated or hearing inmate permitted to dial 1-800 CALL ATT	<ul style="list-style-type: none"> • Collect call using automated system • Interstate long distance 	<ul style="list-style-type: none"> • Tariffed interstate charges for automated collect call apply to the called party • AT&T tariffed rate for automated collect call: \$5.99 per call charge and \$1.49 per minute for calls placed via 1-800 CALL ATT
Deaf user, not incarcerated	<ul style="list-style-type: none"> • TTY to TRS to called party via 7-1-1 or one of the state relay toll free numbers • Interstate long distance • Direct dialed prepaid calling card call 	<ul style="list-style-type: none"> • Charges for Relay functions assessed to TRS fund (supplying the calling party's prepaid calling card digits to the IXC is a TRS function) • Tariffed interstate charges for calling card apply to the calling party • Tariffed rate for direct dialed AT&T Virtual Pre-paid 100 Minute Phone Card is \$0.07 per minute
Hearing inmate	<ul style="list-style-type: none"> • Interstate ICS collect call 	<ul style="list-style-type: none"> • Subject to FCC ICS rate cap: \$0.25 per minute
Hearing inmate	<ul style="list-style-type: none"> • Interstate ICS debit or prepaid call 	<ul style="list-style-type: none"> • Subject to FCC ICS rate cap: \$0.21 per minute

Attachment 3

A technique that would provide lower rates for deaf inmates than AT&T's operator assisted long distance service

Summary

For each state TRS, the FCC should allow, and if necessary, require one or more ICS providers to appear on the TRS "Carrier of Choice" list from which inmates, and only inmates, could select to have their relay calls completed.

For purposes of TRS-ICS calls, ICS providers would be treated like IXCs by the TRS center and TRS-ICS providers would establish trunking between their ICS system and the TRS switch for carriage of TRS-ICS calls.

Inmates who require the use of TRS or their families would set up accounts with such TRS-ICS provider(s) in the same manner as hearing inmates and their families do for voice ICS calls.

The TRS Call Assistant would connect the inmate to the TRS-ICS provider system for call processing and monitoring.

TRS-ICS system would identify the inmate's account as is done for voice calls. Thus, TRS calls could be prepaid, debit or collect calls pursuant to the applicable prison facility regulation.

Current Applicable Regulation - 47 CFR 64.604(b)

(3) Equal access to interexchange carriers. TRS users shall have access to their chosen interexchange carrier through the TRS, and to all other operator services, to the same extent that such access is provided to voice users.

Current Technical Standard - ATIS-0300084

1.4 Carrier of Choice

In each state, TRS is provided, after a selection/certification or competitive bidding process, by a single carrier, either an interexchange carrier (IC), a local exchange company (LEC), or other (usually non-profit) organization. The regulation prescribing equal access for TRS has been interpreted to require that the TRS provider offer the TRS user the ability to designate the carrier to transport the call. Accordingly, the TRS provider must establish the technical capability and the administrative procedures to route the call to the designated transport carrier. Similarly, the transport carrier must be able to recognize the TRS call, complete the call to its destination, and obtain sufficient call detail information to accurately rate and bill the call. With such an arrangement, the established connection will link the calling party to the called party, through the TRS platform and the facilities of the transport carrier. The Communications Assistant (CA) of the TRS provider will provide the relay function.