



February 10, 2014

Ex Parte filing

Ms. Marlene H. Dortch
445 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

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

Dear Ms. Dortch,

On January 7th, the American Jail Association (AJA) met with FCC personal, to discuss the possibility of an AJA-commissioned report and subsequent data for FCC employees to review as they consider calling rates for intrastate calls. The meeting was a follow up to the FCC's recent release of interim rate caps for interstate calls, and that intrastate calls may be regulated as well.

AJA leadership, including Executive Director Robert Kasabian and Mitch Lucas, of Charleston County, South Carolina were present along with AJA Representative Nile Elam. Within the FCC, the following staff participated were present:

Lynne Engledow, Assistant Division Chief
Kalpak Gude, Pricing Policy Division
David Zesiger, Senior Counsel

AJA hoped to have a better understanding of what "fair and just" calling rates means, as well as see what opportunities existed within the rule's timeline to gather accurate data and share with FCC's staff. As FCC staff explained the limits of their authority as it pertains to intrastate calls and reemphasizing "fair and just" rates, Robert asked if "just" could include unintended consequences, which the FCC agreed it could. The majority of the meeting then focused on what AJA's membership sees within its inmate population and the immense



differences between jail and prison operations. Mitch Lucas, who knows first hand the differences of his facility and those of prisons within South Carolina, stressed these points. Further, FCC staff explained the timeline of the rule, the process it will follow, and if AJA were to provide a report, that it be presented in a timely fashion. The FCC has been extremely cooperative and helpful throughout the process, and AJA leadership will do all that it can to provide a report with concrete data outlining all of the concerns and uniqueness of AJA-member facilities.

As it relates to what AJA will provide in the report, it will be similar to the comments AJA has already submitted for the rule as well as the survey that AJA commissioned and presented to FCC staff in July of 2013. The report will reflect the varying jurisdictions, operating budgets, and population sizes within the thousands of AJA-member facilities across the country. Further, the report will examine the high volume of intrastate calls in jails, versus interstate calls, which are more common in prisons. This distinction, among others, will be stressed as a means to show that prisons and jails cannot follow a "one size fits all" rule and that special considerations should be applied for jails. As mentioned before, AJA leadership explained that jails must operate with a balanced budget, receive little tax breaks from the state or local communities, and work with an inmate population that typically does not stay within the detention facility for more than 72 hours.

Another point that AJA made that was of interest to FCC staff is that inmate populations in prisons consists of those who have been found guilty of a crime, however, in jails, not every inmate has been convicted. At the time of this filing exact numbers could not be provided, but it is assumed that upwards of 80% of a jail's population are pre-conviction individuals. Typically, an inmate is calling their lawyer, or a friend to post bail, or close family member to pick them up. In other words, intrastate calls constitute a large bulk of calls within a jail and the phone contracts utilized by jail administrators reflect that need. Further, the revenues from those contracts benefit inmate welfare programs, including drug and alcohol courses, GED programs,

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recreation programs, and many more. These points will be outlined within AJA's report, with a goal of presenting these findings by the end of March. At that time AJA will schedule a meeting to recap these findings with FCC staff to recap all the data within the report.

Cap rates assigned to intrastate calling rates will be devastating to AJA's membership and the programs they offer if it is assumed that rates should be applied uniformly across all prison and jail facilities. Many of AJA's members will reconsider the services they provide and in some cases, may discontinue their phone service altogether. That said, AJA respects the FCC's task and believes that all calls should be fair and just, and do not want to see the system abused in any fashion. AJA's goal is to provide the FCC with the data necessary to make an educated decision, and to respect the limitations and concerns specific to our Nation's jails.

AJA appreciates the continued dialogue and diligence of the FCC, and hopes that the meeting and upcoming report provide further context and insight regarding this rule's impact within the jail industry. AJA leadership and its members will continue to be a resource to the FCC and we thank the FCC's staff, who give this rule close consideration as it analyzes the significant impact this rule will have on America's jails.

This Ex Parte notice is being filed as required by FCC rules.

Sincerely,



Nile Elam