

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

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

**CONSOLIDATED  
REPLY COMMENTS**

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 these Consolidated Reply Comments in response to the Public Notice, released March 4, 2014, regarding two petitions filed by Securus Technologies, Inc. (the “Petitions”).<sup>1</sup>

As discussed in the Petitioners’ Consolidated Comments, the Petitions seek to apply the narrowly-tailored relief provided to Pay Tel Communications in the *Waiver Order* to all other ICS providers.<sup>2</sup> In the Petitions, Securus argued that all ICS providers serving the states covered by the Pay Tel Waiver are entitled to the same relief, and that it should be able to charge an additional \$0.02 fee for providing Voice Biometric services.

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<sup>1</sup> *Comment Sought On Securus Technologies, Inc. Inmate Calling Services Petition*, Public Notice, DA 14-296, rel. March 4, 2014 (the “Public Notice”).

<sup>2</sup> *Wavier Order*, DA 14-187 (rel. Feb. 11 2014).

Only two parties filed Comments in response to the Petitions, CenturyLink and the Petitioners. Not surprisingly, CenturyLink expressed its support for the Petitions, and encouraged the FCC to grant CenturyLink the same relief requested by Securus. However, neither Securus nor CenturyLink provided the same level of detailed information as was provided by Pay Tel in its Waiver Request. Neither party provided audited financial reports, and neither filed a cost study that provided the support for the conclusory statements contained in the Petitions. Instead, the only argument presented by the Securus and CenturyLink was that if Pay Tel was to receive a waiver, they want one too, even though they have not provided any of the supporting financial information supplied by Pay Tel.

On the other hand, the Petitioners' Consolidated Comments noted that Securus already charges up to \$0.40 per call as an ancillary fee for providing the voice biometric service. The same is true for CenturyLink. Attached as Exhibit One are two recently adopted tariffs for CenturyLink that lists an ancillary fee of \$0.25 per call for voice biometric services. Therefore, much as with Securus' tariffs that impose up to a \$0.40 per call charge for the same voice biometric service, it is clear that CenturyLink's imposition of a \$0.25 fee per call would satisfy, and render moot, the cost-recovery mechanism proposed by Securus in the Voice Biometric petition. CenturyLink failed to provide any financial justification (*i.e.*, cost study, audited financial reports) why a \$0.02 per minute increase, **in addition to** the current \$0.25 per call ancillary fee, is necessary.

CenturyLink's support for the second petition fails for the same reasons. First, the application of the Waiver Order broadly to the entire ICS industry in 13 states simply has not been justified. In the Consolidated Comments, the Petitioners noted that Securus cannot rely on the Siwek study to argue that "all of those carriers are subject to the same 'below-average-cost

intrastate rate constraints’ as Pay Tel” for the simple reason that the Siwek study did not address that issue at all.<sup>3</sup> Simply put, nowhere in Securus’ submissions did Siwek address the impact of below-cost intrastate rate caps imposed by state regulatory bodies.

While Securus at least attempted to cite a relevant cost study, CenturyLink did not even bother to provide an economic justification, other than the nebulous request to “level the playing field.” However, as with Securus, CenturyLink failed to show that the grant of the Pay Tel Waiver resulted in a distorted playing field. Both parties failed to provide any evidence that the limited, nine-month waiver, based on the specific financial information provided by Pay Tel, somehow altered the landscape for all other ICS providers.

Presumably, if Securus or CenturyLink could demonstrate that their cost of providing intrastate service in the 13 states covered by the Waiver Order were above the rate caps imposed by those states, they would have done so. In the *Waiver Order*, the FCC restated that “petitions for waiver of the interim rate caps would account for extraordinary circumstances.”<sup>4</sup> While Pay Tel provided specific financial evidence highlighting below-cost intrastate price caps, Securus and CenturyLink did not. In sum, neither party satisfied the “hard-look” standard required for the grant of a waiver request.<sup>5</sup>

Compounding the lack of detailed financial information that would support the grant of the Petitions, ICS providers have fought the data collection requirements adopted in the ICS Report and Order. Thus, there is no reasonable justification for the grant of the Petitions. Until such time that Securus and CenturyLink are willing to submit the same financial information as provided by Pay Tel Communications in connection with its Petition for Waiver, i.e., audited

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<sup>3</sup> *Petition to Expand Pay Tel Waiver*, pg. 2.

<sup>4</sup> *Waiver Order*, ¶ 10 (citing *ICS Report and Order*, 28 FCC Rcd 14,107, 14,153).

<sup>5</sup> *See WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

Financial Statements, substantive cost studies addressing the impact of intrastate rate caps, the FCC must deny attempt to extend similar relief to all ICS providers.

Respectfully submitted,

By: /s/ Deborah M. Golden, Esquire  
Deborah M. Golden, Esquire

D.C. PRISONERS' PROJECT  
WASHINGTON LAWYERS' COMMITTEE  
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Counsel to the Petitioners

March 18, 2014

**EXHIBIT ONE**

**INSTITUTIONAL TELECOMMUNICATIONS TARIFF**

**CENTURYLINK PUBLIC COMMUNICATIONS, INC.  
d/b/a CenturyLink  
Alabama**

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**TITLE SHEET**

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**INSTITUTIONAL TELECOMMUNICATIONS TARIFF**

**of**

**CenturyLink Public Communications, Inc. d/b/a CenturyLink**

Effective November 14, 2013, Embarq Payphone Services, Inc. d/b/a CenturyLink changed its corporate name to CenturyLink Public Communications, Inc., pursuant to the laws of the jurisdiction of its incorporation. On November 25, 2013, the Alabama Secretary of State issued documentation reflecting this name change. CenturyLink Public Communications, Inc. will continue to use the d/b/a CenturyLink.

This Institutional Telecommunications Tariff is issued pursuant to the Alabama Public Service Commission's Order dated January 14, 2014, under Dockets 25966 and U-5059, approving the name change to CenturyLink Public Communications, Inc. d/b/a CenturyLink.

This Institutional Telecommunications Tariff replaces in its entirety Alabama PSC Tariff No. 1 issued by Embarq Payphone Services, Inc., and contains the terms and conditions, service descriptions, rates and fees applicable to Inmate Telephone Services (ITS) provided by CenturyLink Public Communications, Inc. d/b/a CenturyLink ("the Company").

This tariff is on file with and copies may be inspected during normal business hours, at the Alabama Public Service Commission, 100 N. Union Street, Suite 850, Montgomery, AL 36130.

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**ISSUED:  
DECEMBER 17, 2013**

**Darlene Terry  
Manager-Tariffs  
5454 W. 110th Street  
Overland Park, Kansas 66211**

**EFFECTIVE:  
JANUARY 14, 2014**

AL 13-12

**INSTITUTIONAL TELECOMMUNICATIONS TARIFF**

**CENTURYLINK PUBLIC COMMUNICATIONS, INC.**  
d/b/a CenturyLink  
Alabama

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**SECTION 4 – RATES**

**4.2 Miscellaneous Charges**

**4.2.1 Bill Statement Fee for Collect Accounts**

In order to partially offset increased expenses associated with billing calls via local exchange carriers, the Company reserves the right to apply a bill statement fee in each billing period in which local or long distance collect calls are billed through a Customer's local exchange carrier or directly billed to the end user. This fee will be charged only once per billing period regardless of the number of calls. The fee will not apply in any billing period in which no collect calls are billed. This fee does not apply to prepaid services.

Bill Statement Fee, per month where applicable, up to \$2.49

**4.2.2 Voice Biometric Fee**

Voice biometric technology is offered by the Company as an optional feature within its ITS. This technology provides verification of an Inmate's personal identification number to improve security and risk of fraud by Inmates. Where voice biometrics are installed, this charge may apply in addition to those charges specified in this tariff:

**Voice biometric fee, per-call charge \$0.25**

**4.2.3 Transaction Fees for Prepaid Accounts**

As a convenience, the Company accepts various methods of payment for funding Prepaid Accounts as described in section 3.4. For funding of Prepaid Accounts by Called Parties, processing fees up to the amounts listed below may be charged in order to partially offset costs. These fees are separate from charges assessed by credit card companies to cardholders, or other payment vendors used by the End User.

Payments on-line using credit or debit card \$6.95  
Payments by phone using credit or debit card \$6.95  
Prepaid Account refunds \$2.99

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**ISSUED:**  
**DECEMBER 17, 2013**

**Darlene Terry**  
**Manager-Tariffs**  
**5454 W. 110th Street**  
**Overland Park, Kansas 66211**

**EFFECTIVE:**  
**JANUARY 14, 2014**

**PAY TELEPHONE COMMUNICATIONS SERVICES TARIFF**

**CENTURYLINK PUBLIC COMMUNICATIONS, INC.  
dba CenturyLink  
Arkansas**

**2nd Revised Page 1  
Cancels 1<sup>st</sup> Revised Page 1  
TITLE PAGE**

CENTURYLINK PUBLIC COMMUNICATIONS, INC. dba CenturyLink

**Tariff for the Provision of  
Pay Telephone Station to Station Communication Service  
and  
Inmate Communication Services**

(N)  
|  
(N)

Effective November 14, 2013, Embarq Payphone Services, Inc. dba CenturyLink Payphone changed its corporate name to CenturyLink Public Communications, Inc., pursuant to the laws of the jurisdiction of its incorporation. On December 4, 2013, the Arkansas Secretary of State issued documentation reflecting this name change. CenturyLink Public Communications, Inc. will continue to use the d/b/a CenturyLink.

This Pay Telephone Communications Services Tariff replaces in entirety Arkansas P.S.C. Tariff No. 1 issued by Embarq Payphone Services, Inc., and contains the terms, conditions, rules and regulations for customer-owned pay telephone **and inmate communication services** provided by CenturyLink Public Communications, Inc. dba CenturyLink ("the Company") within the state of Arkansas.

(C)

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**ISSUED:  
FEBRUARY 11, 2014**

**Darlene Terry  
Manager State Tariffs  
5454 W. 110th Street  
Overland Park, Kansas 66211**

**EFFECTIVE:  
FEBRUARY 12, 2014**

AR 14-05

PAY TELEPHONE COMMUNICATIONS SERVICES TARIFF

CENTURYLINK PUBLIC COMMUNICATIONS, INC.  
dba CenturyLink  
Arkansas

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6. RATES FOR INMATE COMMUNICATION SERVICES (Continued)

2. Miscellaneous Charges

A. Bill Statement Fee for Collect Accounts

In order to partially offset increased expenses associated with billing calls via local exchange carriers, the Company reserves the right to apply a bill statement fee in each billing period in which local or long distance collect calls are billed through a Customer's local exchange carrier or directly billed to the end user. This fee will be charged only once per billing period regardless of the number of calls. The fee will not apply in any billing period in which no collect calls are billed. This fee does not apply to prepaid services.

Bill Statement Fee, per month where applicable, up to \$2.49

B. Voice Biometric Fee

Voice biometric technology is offered by the Company as an optional feature within its ITS. This technology provides verification of an Inmate's personal identification number to improve security and risk of fraud by Inmates. Where voice biometrics are installed, this charge may apply in addition to those charges specified in this tariff:

Voice biometric fee, per-call charge, up to \$0.25

C. Transaction Fees for Prepaid Accounts

As a convenience, the Company accepts various methods of payment for funding Prepaid Accounts as described in section 3.4. For funding of Prepaid Accounts by Called Parties, processing fees up to the amounts listed below may be charged in order to partially offset costs. These fees are separate from charges assessed by credit card companies to cardholders, or other payment vendors used by the End User.

Payments on-line using credit or debit card, up to \$7.95  
Payments by phone using credit or debit card, up to 7.95  
Prepaid Account refunds, up to 2.99

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**ISSUED:**  
FEBRUARY 11, 2014

Darlene Terry  
Manager State Tariffs  
5454 W. 110th Street  
Overland Park, Kansas 66211

**EFFECTIVE:**  
FEBRUARY 12, 2014

AR 14-05

2. BILL STATEMENT FEE

A. GENERAL

Each Customer is charged individually for each call placed through the Company.

Customers are billed based on their usage. Other rates and charges apply in addition to the Bill Statement Fee.

In order to partially offset increased expenses associated with billing calls via local exchange carriers, an undiscountable bill statement fee will apply each billing period in which local or long distance collect calls are billed through a Customer's local exchange carrier. This fee will be charged only once per billing period regardless of the number of calls. The fee will not apply in any billing period in which no collect calls are billed via the Customer's local exchange carrier. This fee does not apply to prepaid services paid for by commercial credit card, check, money order or wire, or for services billed directly to the Customer by the Company.

B. RATES

Bill Statement Fee, per month where applicable	\$2.50
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