

EX PARTE OR LATE FILED

Sent via email

December 10, 2013

ACCEPTED/FILED

MAR 25 2014

Federal Communications Commission
Office of the Secretary

Dear Chairman Wheeler:

I am writing to inform you about an *Order* issued by the Federal Communications Commission (FCC) that will adversely impact my office and the performance of my duties as Sheriff of Marion County, and to seek your help in correcting this situation. Specifically, in the FCC's *Report and Order and Further Notice of Proposed Rulemaking on Rates for Interstate Inmate Calling Services* (ICS) (WC Docket No. 12-375), issued on September 26, 2013, the FCC has reduced the rate that can be charged for interstate inmate calling services in both prisons and jails by establishing arbitrary rules that fail to take into account the unique challenges inherent in providing telephone privileges to inmates.

The FCC *Order* establishes interstate inmate calling services (ICS) rate caps that fail to take into account the costs incurred by jails in providing inmate calling services. Inmate telephone systems are built to reflect the unique needs of each correctional facility and provide a variety of important security components. These security components come at a cost to the facility. Moreover, the small size of most jails, coupled with high turnover rates, means that jails must charge more per minute than larger facilities in order to recover the costs of providing ICS. The *Order* disregards these realities. It imposes unrealistically low rate caps that limit the ability of ICS providers to recover costs of administering services in smaller, higher cost facilities. As a result of the FCC's "one-size-fits-all" approach to ICS, many jails may be forced to severely limit or altogether eliminate inmate telephone privileges.

In addition to covering the costs of the ICS, jails can use any remaining funds from the ICS through the Inmate Welfare Fund to provide services and programming to inmates. As budgets have been shrinking, jails are able to use these funds to offset the costs of providing inmates vocational and educational programming. By capping ICS rates, jails will no longer be able to offset this portion of their budget, and as such, other subsistence fees may have to be raised in order to continue to provide inmate services and programming.

Accordingly, I am seeking your support on this issue. I request that the ICS *Order*, referenced above and scheduled to go into effect February 11, 2014, be STAYED as it applies to Sheriffs and jails. I greatly appreciate your assistance.

Sincerely,

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