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April 16, 2014

By ECFS
Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: *Ex Parte* Notice
Rates for Interstate Inmate Calling Services
WC Docket No. 12-375

Dear Ms. Dortch:

Pursuant to Section 1.1206(b) of the FCC's rules, this notice is respectfully submitted to report a meeting between undersigned counsel for Martha Wright, *et al.* (the "Petitioners") and Kalpak Gude, Lynne Engledow, and David Zesiger on April 14, 2014.

During the meeting, undersigned counsel presented his views that:

- The pending Petitions filed by the ICS providers to receive similar relief under the *Pay Tel Waiver*[1] should be denied because the parties failed to provide the required detailed financial information supplied by Pay Tel Communications in connection with their waiver request;

- The ICS providers have failed to present evidence that the costs associated with providing service to small and geographically distant jails overwhelms the significant profit earned by the same companies that provide service to high volume jails. Since costs are determined at the holding company level, the small number of high-cost locations are easily subsumed by the exorbitant rates charged at lower-cost, high volume locations;

- Intrastate ICS rates should be modified to bring them into parity with the Interstate ICS rate established in the ICS Report and Order. Since all ICS calls are routed through centralized calling centers, there is no reason why Intrastate ICS rates should be not set at the same level as Interstate ICS rates;

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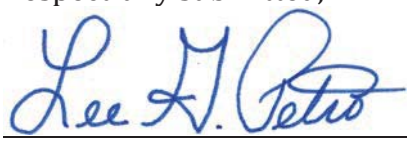
1 *See Comment Sought On Securus Technologies, Inc. Inmate Calling Services Petition,* Public Notice, DA 14-296, rel. March 4, 2014.

- The FCC has the authority to prohibit ancillary fees under Section 201(b) of the Communications Act, as amended, since these fees ("charges") are clearly provided in connection with the telecommunications service.[2] Simply put, there would be no obligation to set up an ICS account, or received a refund from an ICS provider, absent the telecommunications service offered by the ICS provider; and

- The cookie-cutter submissions by sheriffs and prison officials reflect the level of misinformation spread by the ICS providers seeking opposition to the new rules. As the Petitioners have noted, the ICS providers have cut off their profit-sharing practices for Interstate ICS calls, not because they can't afford to pay them, but rather, as a means to incite an unjustified fear that future FCC action would eliminate all kickbacks.

Should there be any questions regarding this submission, please contact undersigned counsel.

Respectfully submitted,



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[2] *See* 47 U.S.C. § 201(b) (2012)("All charges, practices, classifications, and regulations for and in connection with such communication service, shall be just and reasonable, and any such charge, practice, classification, or regulation that is unjust or unreasonable is declared to be unlawful.").

cc: Kalpak Gude (via email)
Randolph Clarke (via email)
David Zesiger (via email)
Lane Johnson (via email)
Anjali Vohra (via email)
Melissa Kirkel (via email)
Diane Griffin Holland (via email)
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