

Congress of the United States
Washington, DC 20515

February 6, 2017

Mr. Brendan Carr
Acting General Counsel
Federal Communications Commission
445 12th Street SW
Washington, DC 20554-0004

Mr. Carr:

We are writing to express our concerns regarding recent press reports that Chairman Ajit Pai has decided not to defend, in whole, the prison phone rate order previously issued by the Federal Communication Commission (FCC).

Chances for rehabilitation and successful reintegration into society are much greater when millions of Americans who are currently incarcerated are allowed to maintain communication with their loved ones and support systems. Overpriced phone rates deter these communications and contribute to increased recidivism.

For over the past decade, we have urged the FCC to develop market-based solutions to curb these prohibitively high rates (e.g., *Family Telephone Connection Protection Act*, first introduced in the 109th Congress). As a result, we were encouraged when the FCC issued its order to curb the exorbitant prices imposed by a few private companies on incarcerated individuals and their family members.

However, recent press accounts report that, since his recent appointment as FCC Chairman by President Donald Trump, Chairman Pai is “no longer pressing to cut the costs of most prison phone calls, backing away from a years-long effort to limit charges imposed by a handful of private companies on inmates and their families.”¹

Chairman Pai’s sudden reversal raises serious questions about why the FCC is now choosing to promote the financial interests of private sector telecommunications companies over those of inmates and their families. His actions also raise questions about why he is now refusing to defend an order that was officially adopted by the FCC.

To help answer these questions, we request that you provide the following documents and information by February 21, 2017:

¹ *FCC Made a Case for Limiting Cost of Prison Phone Calls. Not Anymore.*, Washington Post (Feb. 5, 2017) (online at https://www.washingtonpost.com/local/public-safety/fcc-made-a-case-for-limiting-cost-of-prison-phone-calls-not-anymore/2017/02/04/9306fbf8-e97c-11e6-b82f-687d6e6a3e7c_story.html).

Mr. Brendan Carr

Page 2

1. A list of all previous cases in which the FCC has declined to defend one of its own orders in whole or in part;
2. The legal justification explaining why the order will not be defended in whole; and
3. All internal or external communications from November 8, 2016, to the present to or from Chairman Pai or anyone in his office relating to whether to defend, in whole or in part, the prison phone rate order.

Thank you for your attention to this matter. We look forward to your response.

Sincerely,



Bobby L. Rush
Member of Congress



Elijah E. Cummings
Member of Congress



G. K. Butterfield
Member of Congress



Eleanor Holmes Norton
Member of Congress