

Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

July 17, 2014

Submitted Online Only

The Honorable Tom Wheeler, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

**Re: Ex Parte Comment for WC Docket No. 12-375
(Further Notice of Proposed Rulemaking)**

Dear Chairman Wheeler:

On behalf of the Human Rights Defense Center, I want to thank you and the Commission for providing both myself and HRDC executive director Paul Wright an opportunity to participate in the July 9 workshop on issues related to Inmate Calling Services (ICS).

I am submitting this comment for WC Docket No. 12-375 for the purpose of placing into the record a document I cited during my workshop presentation, relative to cost drivers for ICS at correctional facilities of different sizes.

As I stated at the workshop, when the Commission's rate cap for interstate phone calls went into effect, the New Jersey Department of Corrections stopped collecting ICS commissions effective February 11, 2014 and reduced its phone rates to a flat \$.17 per minute, or \$2.55 for a 15-minute call. As part of its most recent ICS contract extension, the state included a matrix for phone rates and commissions at *county* correctional facilities in New Jersey, which continue to receive ICS commissions. The counties participating in the state's ICS contract with Global Tel*Link include those with small jails, such as Hunterdon with 95 detainees; medium jails, including Burlington with 500 detainees; and large jails such as Hudson County, with around 1,900 detainees.

The matrix consists of a scale of commission rates and corresponding ICS phone rates. With only one exception, as the ICS commission decreases, from a high of 56% to a low of 15% under six options in the matrix, the corresponding phone rates also decrease.

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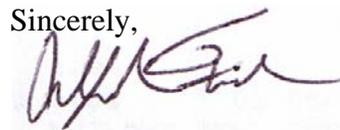
For example, using 15-minute intralata calls as an example, the rates drop from \$5.50 with a 56% commission to \$4.75 with a 55% commission, to \$4.20 with a 54% commission, to \$3.50 with a 35% commission and to \$2.50 with a 15% commission. There are similar rate decreases for local and intrastate interlata calls as the commissions drop. The one exception is at the 53% commission level, which has somewhat higher rates – particularly for local calls.

Note that these phone rates apply to county correctional facilities of different sizes and with different population levels, different numbers of installed phones and different amounts of inmate “churn.” Yet in spite of varying infrastructure costs and the consistent need for ICS security features, the phone rates in the matrix are dependent upon only a single factor – the commission. As the commission decreases the rates decline (with the one exception noted), indicating that the ICS commission rate is the primary cost driver.

A copy of the New Jersey county correctional facility [ICS matrix](#) is attached as Exhibit A. According to Karina Wilkinson with New Jersey Advocates for Immigrant Detainees, who also presented at the July 9 workshop, 17 of 21 counties in New Jersey currently participate in the state’s ICS contract, all at commission levels ranging from 53% to 56%.

Thank you for your time and attention in this regard, and please contact me should you need any additional information.

Sincerely,



Alex Friedmann
Associate Director, HRDC

Attachment

EXHIBIT A

NJ DOC Renewal Addendum:

T-1934 Contract 61618

EXHIBIT A: County Rate/Commission Matrix Options -modified 2.11.2014

Rate Option	Call Type	Surcharge	MOU (Per Minute)	Commissions
1	Local:	\$2.50	\$0.05	56%
	Intralata:	\$2.50	\$0.20	56%
	InterLATA	\$2.50	\$0.40	56%
	Interstate:	\$0.00	*\$0.21/\$0.25	0%
2	Local:	\$1.75	\$0.05	55%
	Intralata:	\$1.75	\$0.20	55%
	InterLATA	\$1.75	\$0.40	55%
	Interstate:	\$0.00	*\$0.21/\$0.25	0%
3	Local:	\$4.50	\$0.00	53%
	Intralata:	\$4.50	\$0.00	53%
	InterLATA	\$4.50	\$0.00	53%
	Interstate:	\$0.00	*\$0.21/\$0.25	0%
4	Local:	\$1.00	\$0.05	54%
	Intralata:	\$1.95	\$0.15	54%
	InterLATA	\$1.95	\$0.25	54%
	Interstate:	\$0.00	*\$0.21/\$0.25	0%
5	Local:	\$0.95	\$0.05	35%
	Intralata:	\$1.25	\$0.15	35%
	InterLATA	\$1.25	\$0.15	35%
	Interstate:	\$0.00	*\$0.21/\$0.25	0%
6	Local:	\$0.95	\$0.03	15%
	Intralata:	\$1.00	\$0.10	15%
	InterLATA	\$1.00	\$0.10	15%
	Interstate:	\$0.00	*\$0.21/\$0.25	0%

Note: All Regulatory approved Federal, State and Local Taxes and; Fees apply.

* Interim Rate Caps Pursuant to FCC Order: \$0.21 Per minute for Prepaid/Debit; \$0.25 Per Minute for Collect