



PUBLIC NOTICE

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DATA ON SERVICE CONTRACTS INCLUDED IN RECORD OF INMATE CALLING SERVICE RATES PROCEEDING

WC Docket No. 12-375

With this Public Notice, the Wireline Competition Bureau (Bureau) notifies the public that certain publicly-available inmate calling services (ICS) contracts may be considered as part of the record in this proceeding. On June 6, 2013, the Bureau submitted a letter into the record noting that certain readily-available information¹ may be relevant to a number of issues raised in this proceeding and may be considered as part of the record.² In addition, the Bureau submitted a letter into the record on June 21, 2013, noting that certain readily-available U.S. Census data may be considered in this proceeding.³

Further, the Bureau reminds interested parties that the Commission requested contracts and other cost data and information that may be relevant to addressing the issues under consideration in this Notice of Proposed Rulemaking (NPRM).⁴ Specifically, the Commission "...encourage[d] commenters to submit the most up-to-date information available regarding interstate ICS rates to aid us in developing a clearer understanding of the ICS market. This includes per-call and per-minute rates, information on commissions and what percentage of a rate they comprise, the number of disconnected calls, the average length of calls, and how calls break out by type, *i.e.*, collect, prepaid and debit."⁵ We continue to encourage parties to submit such data in our record as part of the *ex parte* process.⁶

The Commission's consideration of rates for inmate calling services shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁷ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the

¹ This information, a collection of prison telephone service contracts, is located online at <http://prisonphonejustice.org/Prison-Phone-Kickbacks.aspx> (last visited on June 26, 2013). *See also* Human Rights Defense Center, 2013 Comments, WC Docket No. 12-375 at 11.

² *See* Letter from Jamie N. Susskind, Acting Legal Advisor to the Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 12-375 (filed June 6, 2013).

³ *See* Letter from Jamie N. Susskind, Acting Legal Advisor to the Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 12-375 (filed June 21, 2013).

⁴ *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Notice of Proposed Rulemaking, 27 FCC Rcd 16629 (2012).

⁵ *Id.* at 16645.

⁶ The Bureau also notes that the Commission has encouraged the stakeholders to negotiate reasonable solutions amongst themselves. *Id.* at 16635.

⁷ 47 C.F.R. §§ 1.1200 *et seq.*

Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, please contact Gregory Haledjian, Wireline Competition Bureau, Pricing Policy Division, at (202) 418-1520 or via e-mail at Gregory.Haledjian@fcc.gov.

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