



Federal Communications Commission  
Washington, D.C. 20554

April 22, 2014

DA 14-535

## **Small Entity Compliance Guide**

### **Rates for Interstate Inmate Calling Services Report and Order and Further Notice of Proposed Rulemaking**

FCC 13-113  
WC Docket No. 12-375

**This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the new rules adopted in the above-referenced FCC rulemaking docket(s). This Guide is not intended to replace the rules and, therefore, final authority rests solely with the rules. Although the Commission has attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide may, perhaps, not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide, where appropriate. Any decisions regarding a particular small entity will be based on the statute and regulations.**

**In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation; the FCC will consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or to clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:**

**1-888-CALL-FCC (1-888-225-5322)  
TTY: 1-888-TELL-FCC (1-888-835-5322)  
Fax: 1-866-418-0232  
[fccinfo@fcc.gov](mailto:fccinfo@fcc.gov)**

## **Table of Contents**

A. OBJECTIVES OF THE PROCEEDING.....	3
B. COMPLIANCE REQUIREMENTS.....	3
C. COMPLIANCE DATES.....	4
D. IMPORTANT DEFINITIONS.....	4
E. WEB LINKS AND CITATIONS.....	5

## **A. OBJECTIVES OF THE PROCEEDING**

- Pursuant to the Federal Communication Commission's (FCC or Commission) statutory mandate that rates and charges be just, reasonable, and fair, the Commission's actions in this proceeding take important steps to reform rates and practices for interstate inmate calling services (ICS).
- These steps will promote the public interest by making it easier for inmates to stay connected to their families and friends while taking full account of correctional facilities' security needs.

## **B. COMPLIANCE REQUIREMENTS**

- The Report and Order (Order), released on September 26, 2013, adopted the rules and requirements outlined below. Except where specified, these requirements took effect on February 11, 2014.
- The Order adopted interim caps for interstate ICS rates. Interim rate caps are the upper limit that ICS providers may charge at this time.
  - The caps are as follows:
    - Interstate prepaid and debit calling: \$0.21 per minute;
    - Interstate collect calling: \$0.25 per minute.
    - A provider's rates shall be considered in compliance with the Order if the total charge for a 15-minute interstate call, including any per-call or per-connection charges, does not exceed \$3.75 for a 15-minute call using collect calling, or \$3.15 for a 15-minute call using debit calling, prepaid calling, or prepaid collect calling.
- The adopted rules and requirements apply to interstate ICS provided in "correctional institutions" which includes prisons, jails, and immigration detention facilities.
- The Order stated that ICS providers may not impose any additional charges or fees when inmates must use the Telecommunications Relay Service (TRS) to place a call.
- The Order adopted a rule that no ICS provider may block a collect call from an inmate solely because it lacks a prior billing relationship with the called party's provider unless the ICS provider also offers an alternative means to pay for a call, such as debit, prepaid, or prepaid collect calling options.
- The Order reaffirmed the Commission's prior conclusion that site commission payments are not a cost of providing ICS.
- The Order also adopted a mandatory data collection under which all ICS providers must provide to the FCC their costs for interstate, intrastate long distance and intrastate local ICS

for the past year, in five separate categories. The mandatory data collection will become effective upon approval of the Paperwork Reduction Act (PRA) requirements by the Office of Management and Budget (OMB).

- On January 13, 2014, the United States Court of Appeals for the District of Columbia Circuit (Court of Appeals) issued a partial stay of the Order, pending further judicial review. The compliance requirements described above were not affected by the stay.
- Three of the rules adopted in the Order (“Cost-Based Rates for Inmate Calling Services”; Interim Safe Harbor”; and the “Annual Reporting and Certification Requirement”) were stayed by the Court of Appeals and will not go into effect at this time. Those stayed rules are not described in this Compliance Guide. If the court’s stay of those rules is lifted in the future, the Commission will revise this Compliance Guide to include the relevant rules.

### **C. COMPLIANCE DATES**

- The new interim rules, other than the mandatory data collection, became effective on February 11, 2014, which is 90 days after they were published in the Federal Register.
- The interim rules that were stayed, or stopped, from going into effect by the Court of Appeals did not go into effect on February 11, 2014.
- Upon announcement of OMB approval of the Commission’s PRA information collection analysis, the mandatory data collection will become effective. The PRA review process was initiated by publication of a 60-day notice in the Federal Register on January 16, 2014. Comments on the information collection were due on March 17, 2014.

### **D. IMPORTANT DEFINITIONS**

- (1) Collect calling means a calling arrangement whereby the called party agrees to pay for charges associated with an ICS call originating from an inmate telephone;
- (2) Consumer means the party paying an ICS provider;
- (3) Debit calling means a calling arrangement that allows a consumer to pay for ICS from an existing or established account;
- (4) Inmate means a person detained at a correctional institution, regardless of the duration of the detention;
- (5) Inmate calling services (or ICS) means the offering of interstate calling capabilities from an Inmate Telephone;
- (6) Inmate telephone means a telephone instrument or other device capable of initiating telephone calls set aside by authorities of a correctional institution for use by Inmates;
- (7) Prepaid calling means a calling arrangement that allows consumers to pay in advance for a specified amount of ICS;

(8) Prepaid collect calling means a calling arrangement that allows an Inmate to initiate an ICS call without having a pre-established billing arrangement and also provides a means, within that call, for the called party to establish an arrangement to be billed directly by the provider of ICS for future calls from the same Inmate;

(9) Provider, or ICS provider, means any communications service provider that provides ICS, regardless of the technology used.

(10) Telecommunications Relay Service (or TRS) means telephone transmission services that provide the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability to engage in communication by wire or radio with one or more individuals, in a manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability to communicate using voice communication services by wire or radio.

## **E. WEBLINKS AND CITATIONS**

Official citation: *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 14107 (2013).

Federal Register citation announcing the final rules: *Rates for Interstate Inmate Calling Services*, 78 Fed. Reg. 67,956 (Nov. 13, 2013) (to be codified at 47 C.F.R. pt. 64).

Federal Register citation initiating the Paperwork Reduction Act review process for the mandatory data collection: *Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested*, 79 Fed. Reg. 2,834 (Jan. 16, 2014).

FCC Web Site: [www.fcc.gov/guides/inmate-telephone-service](http://www.fcc.gov/guides/inmate-telephone-service)

FCC Blog entry: <http://www.fcc.gov/blog/providing-relief-families-inmates-high-cost-staying-touch>