



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 15-1484

Released: December 22, 2015

**WIRELINE COMPETITION BUREAU ANNOUNCES THE COMMENT CYCLE AND
EFFECTIVE DATES FOR THE *INMATE CALLING SECOND REPORT AND ORDER AND
THIRD FNPRM***

WC Docket No. 12-375

Comment Date: January 19, 2016

Reply Comment Date: February 1, 2016

On November 5, 2015, the Federal Communications Commission (FCC or Commission) released a Second Report and Order and Third Further Notice of Proposed Rulemaking in the inmate calling services (ICS) proceeding.¹ In the Second Report and Order, the Commission undertook comprehensive reform of the ICS marketplace. Among other actions, the Second Report and Order establishes new rate caps that apply to both interstate and intrastate ICS calls, limits and caps ancillary services charges, and takes other measures to ensure that ICS rates are fair, just and reasonable. In the Third Further Notice of Proposed Rulemaking, the Commission seeks comment on promoting additional competition in the ICS marketplace, new technologies being used to deliver inmate communications, the collection of additional data, contract filing requirements, third-party transaction fees, and international calling.

Comments and reply comments are due 30 and 45 days, respectively, after publication of the summary of the *Inmate Calling Third FNPRM* in the Federal Register. Publication of this summary in the Federal Register occurred on December 18, 2015.² Accordingly, **comments are due on January 19, 2016. Reply comments are due February 1, 2016.**

The provisions of the *Inmate Calling Second Report and Order* become effective as follows:

- The prohibitions regarding entering into new contracts, or negotiating amendments to existing contracts, prior to the effective date of the *Second Report and Order*, became effective upon publication in the Federal Register, which was December 18, 2015;³

¹ *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Second Report and Order and Third Further Notice of Proposed Rulemaking, FCC 15-136 (rel. Nov. 5, 2015) (*Inmate Calling Second Report and Order and/or Third FNPRM*).

² Federal Communications Commission, *Rates for Inmate Calling Services*, Proposed Rules, 80 Fed. Reg. 79020 (Dec. 18, 2015).

³ Federal Communications Commission, *Rates for Inmate Calling Services*, Final Rule, 80 Fed. Reg. 79136 (Dec. 18, 2015); see *Inmate Calling Second Report and Order and Third FNPRM*, FCC 15-136 at paras. 261-62, 337.

- The rules (i.e., amendments to the Code of Federal Regulations), other than those governing the rates and fees charged in connection with inmates held in jails, become effective on March 17, 2016, 90 days after publication in the Federal Register;⁴
- The rules and requirements governing the rates and fees charged in connection with inmates held in jails become effective on June 20, 2016, six months after publication in the Federal Register;⁵
- Rules and requirements involving Paperwork Reduction Act burdens will take effect immediately upon publication in the Federal Register of a notice of Office of Management and Budget approval.⁶

The remaining parts of the *Inmate Calling Second Report and Order* not described above go into effect January 19, 2016, which is 30 days after publication in the Federal Register.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated above. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. Comments and reply comments may be filed by paper or by using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments and reply comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs>
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail.
 - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington D.C. 20554.

Consumers Filing Comments via ECFS Express: The FCC has created ECFS Express, a web-based tool, for consumers to more easily file their views on particular topics it has under consideration. Go to <http://apps.fcc.gov/ecfs/hotdocket/list> then click onto "12-375, Rates for Interstate Inmate Calling Services." Fill in the boxes for your name and address. Your email address is not required. Type in or paste your brief comments or reply comments and views on the *Inmate Calling Report Third FNPRM*.

⁴ *Inmate Calling Second Report and Order and Third FNPRM*, FCC 15-136 at para. 336.

⁵ *Id.*

⁶ *Id.*

When those are complete, click “continue.” You will then be prompted to “review and confirm” your submission to finish.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (tty).

The proceeding this Third Further Notice of Proposed Rulemaking initiates 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 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 Christine Sanquist, Wireline Competition Bureau, Pricing Policy Division, at (202) 418-1520 or via e-mail at christine.sanquist@fcc.gov.

- FCC -

⁷ 47 C.F.R. § 1.1200 *et seq.*