



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 27, 2014

The Honorable Jeff Miller
U.S. House of Representatives
336 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Miller:

Thank you for contacting me to express your concerns over the potential effects that the Federal Communications Commission's inmate calling services proceeding could have on jails and smaller correctional facilities. Your views are very important and will be included in the record of the proceeding and considered as part of the Commission's review.

On September 26, 2013, the Commission released a *Report and Order and Further Notice of Proposed Rulemaking* on inmate calling services (ICS). In the *Report and Order* portion of the item, the Commission adopted interim reforms of interstate inmate calling service rates, requiring that providers' rates and charges be just, reasonable and fair. The *Report and Order* also requires submission of data from ICS providers on costs, rates, and usage.

The *Report and Order* recognized that security measures are an important part of inmate calling services, and allowed security costs to be recovered through inmate calling service rates. The *Report and Order* also leaves critical decisions about security to correctional facilities and inmate calling service providers. With respect to the concerns you convey that some jails and smaller correctional facilities may have to reduce or discontinue interstate inmate calling services due to the reforms, inmate calling service providers that do not believe their costs will be recovered may seek a waiver of the adopted rate caps.

In the *Further Notice* portion of the item, the Commission sought public comment on a number of outstanding issues regarding inmate calling services, including reform of intrastate ICS rates and practices, and whether the Commission should adopt a rate structure that distinguishes between jails and prisons. Comments on the *Further Notice* were due on December 20, 2013, and reply comments were due on January 13, 2014. The Commission currently is reviewing the record in this proceeding.

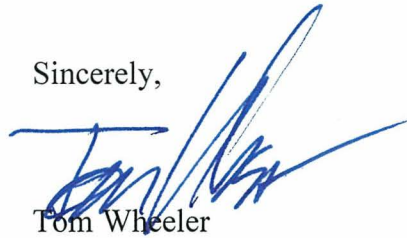
On January 13, 2014, the United States Court of Appeals for the District of Columbia Circuit issued a partial stay of the *Report and Order*, pending further judicial review. Three of the rules adopted in the *Report and Order* were stayed by the Court of Appeals and did not go

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into effect. These include requirements that inmate calling service rates be cost-based, the interim safe harbor rates, and the annual reporting and certification requirements. The remaining rules adopted in the *Report and Order* became effective on February 11, 2014.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", with a stylized flourish extending to the right.

Tom Wheeler