



NEWS

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See MCI v. FCC, 515 F.2d 385 (D.C. Circ 1974).

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FCC CONTINUES PUSH TO REIN IN THE HIGH COST OF INMATE CALLING

Seeks Comment on Comprehensive, Market-Based Approach to Reduce Cost of All Inmate Calls

Washington, D.C. – The Federal Communications Commission today took the next steps toward reining in the high cost of making a phone call to inmates behind prison walls.

Building off initial reform efforts started last year, the FCC is seeking comment on a comprehensive, market-based approach to achieving just, fair and reasonable rates for all inmate calling – local, in-state long-distance and out-of-state long distance. While the FCC in 2013 capped exorbitant interstate inmate calling rates, the cost of in-state calls remains high, calling fees have mounted, and payments to prisons unrelated to the cost of providing service have escalated, driving up rates.

The FCC is charged with ensuring that all Americans have access to communications services at just and reasonable rates. Carrying out this mandate for inmate calling is critical, as studies have shown that regular contact between inmates and their loved ones can reduce the rate of recidivism significantly.

In the Further Notice of Proposed Rulemaking adopted today, the FCC is seeking comment on whether to ban certain payments demanded by prisons of inmate calling service providers. These payments – called site commissions – are often used by prisons to pay for services and facilities not related to the cost of hosting calling services, driving up the cost of each call for families of inmates. A market not focused on the highest site commissions could free providers to submit market-driven, competitive bids for calling service contracts, based on cost, service, security, and other features.

The FCC is also seeking comment on the imposition of permanent rate caps on all services -- local, in-state long distance, and interstate long-distance. These caps would replace the current interim caps, and could protect inmates and their families from exorbitant rates as site commissions are phased out. The item seeks to ensure that any rate cap adopted is sufficient to cover the costs of protecting prison security and public safety. Finally, the Notice suggests phasing in reforms over a reasonable transition period so that providers and facilities can adapt.

In summary, the Further Notice of Proposed Rulemaking seeks comment on the following:

- Permanent rate caps on local, intrastate and interstate calling
- What level of cap would ensure coverage of the enhanced security requirements of inmate calling
- The elimination of per-call connection fees

- Prohibiting site commissions as a category for all interstate and intrastate services but permitting facilities to recover any legitimate costs of provisioning inmate calling services
- Capping and restricting ancillary fees, such as fees to open and maintain calling card accounts
- Phasing in these changes, with rate caps being effective in 90 days and a 2-year transition away from site commissions.
- Ensuring that inmate calling services are accessible for all Americans, including inmates and families with disabilities.
- Effective methods of enforcing inmate calling rate rules and reviewing their effect.

Comments are due 45 days after the Notice is published in the Federal Register, and reply comments, 60 days.

Action by the Commission October 17, 2014, by Second Notice of Proposed Rulemaking (FCC 14-158). Chairman Wheeler, Commissioners Clyburn and Rosenworcel. Commissioners Pai and O’Rielly concurring in part and dissenting in part. Chairman Wheeler, Commissioners Clyburn, Rosenworcel, Pai and O’Rielly issuing statements.

Docket No.: 12-375

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