

PRISON POLICY INITIATIVE

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March 23, 2021

Marlene Dortch, Secretary
Federal Communications Commission
45 L St., NE
Washington, DC 20554

VIA ECFS ONLY

Re: Ex Parte Submission
WCB Dkt. No. 12-375
Evidence regarding bundled service contracts

Dear Ms. Dortch:

Pursuant to 47 C.F.R. § 1.1206(b), the Prison Policy Initiative submits this ex parte filing for inclusion in the record of the above-captioned proceeding. In its Report and Order on Remand, the Commission solicited comments regarding the prevalence of facility contracts that bundle voice telephone service with other advanced communications technologies.¹ We write to provide the Commission with relevant evidence we recently obtained from two different sources

California: Procurement Solicitations Overwhelmingly Require Bundling

The attached chart summarizes information that we have gathered as part of a proceeding currently pending before the California Public Utility Commission.² In connection with that proceeding, we obtained procurement solicitations from thirteen California jurisdictions, issued in 2019 and 2020. Twelve of these jurisdictions (92%) required that voice telephone service be bundled with other technologies, most commonly video calling. The only jurisdiction that did not require bundling (Lassen County) allowed bidders to bundle jail management software at their option. In addition, Humboldt County required bundling of voice service and jail management software, allowing bidders to add tablet service at their option. Finally, Sacramento County issued two simultaneous solicitations, one for voice calling and tablets, and another stand-alone solicitation for video calling.

New York: Contract Analysis Show Prevalence of Bundling

Today, Prison Policy Initiative released a new analysis of telecommunications contracts entered into by New York county jails. Although the analysis covers all New York counties outside of New York City, only 32 of the 57 total counties

¹ *In the Matter of Rates for Interstate Inmate Calling Services*, WC Dkt. No. 12-375, Report & Order on Remand and Fourth Further Notice of Proposed Rulemaking ¶ 135, 35 FCC Rcd. 8485, 8534 (Aug. 7, 2020).

² [Order Instituting Rulemaking to Consider Regulating Telecommunications Services Used by Incarcerated People](#), RM 20-10-002.

shared complete contractual documents. Of those 32 counties, 27 (84%) offer voice telephone service and other communications technologies under a bundled contract with a single provider. Of the five counties that do not use bundled contracts, two offer services through competing providers, and three do not offer any telecommunication service other than voice calling. Out complete analysis is available at <https://www.prisonpolicy.org/blog/2021/03/23/ny-jail-phones/>, with bundling data summarized in [appendix 2](#).

Conclusion

The prevalence of bundling shows that inmate communications services (“ICS”) carriers are increasingly expected to provide regulated and unregulated services under a single contract. This practice strongly suggests that carriers are using unregulated revenue from video calling and other technologies to cross-subsidize the costs of voice service, but such subsidies may not be reflected in the Commission’s ICS rate caps. Accordingly, the Commission cannot accurately set ICS rates without first obtaining a comprehensive view of revenue collected under these bundled contracts. For this reason, we encourage the Commission to collect data on *all* revenue accrued by ICS carriers on a per-contract basis.

Should there be any questions regarding this submission, please contact the undersigned.

Sincerely,



Stephen Rahe
Pro Bono Counsel

Attachment

Prison Policy Initiative
March 23, 2021 Ex Parte - Attachment
California Solicitation Data

Jurisdiction	Date (Bid Deadline)	Reference	Scope Requirements
Amador County	8/27/20	RFP No. 20-21	Telephone and tablets (including electronic messaging, SMS, and video calling)
California Dept. of Corrections	10/28/20	RFP CDCR08112020	Telephone, video calling (non-tablet), and tablets
Fresno County	7/16/19	RFP No. 19-080	Telephone and video
Humboldt County	7/22/19	RFP No. 19-002-SHF	Telephone and jail management software; tablets optional
Inyo County	7/6/20	--	Telephone, video, and "inmate messaging solution [that] allow[s] inmates to easily send and receive messages to/from friends and family via a handheld device, assigned to the inmate."
King County	9/25/20	RFP No. 2020-58	Telephone, video calling (non-tablet), and tablets (including electronic messaging)
Lassen County	5/22/19	--	Telephone only; jail management software optional
Mendocino County	8/12/19	RFP No. SO-2019-001	Telephone and tablets (including voice calling and SMS)
Orange County	5/28/20	RFP No. 060-C021597-LQ	Telephone, video calling (non-tablet), and tablets (including voicemail and electronic messaging)
Sacramento County	8/12/20	Sheriff Dept. RFP No. 06082020	Telephone and tablets (including electronic messaging)
Sacramento County	8/12/20	Dept. of Gen. Svcs. RFP No. 84	Video calling only
San Francisco County	2/5/20	RFP # SHF 2019-11/Sourcing Eve	Telephone, video optional
Tulare County	10/27/20	RFP No. 20200909	Telephone, video calling, and tablets (including electronic messaging)
Yuba County	9/30/19	RFP No. 901353	Telephone, video calling, and tablets