



PUBLIC NOTICE

Federal Communications Commission
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MORE DATA SOUGHT ON EXTRA FEES LEVIED ON INMATE CALLING SERVICES

WC Docket No. 12-375

Comment Date: July 17, 2013

Reply Comment Date: July 24, 2013

With this Public Notice, the Wireline Competition Bureau (Bureau) seeks additional comment on certain fees related to inmate calling services (ICS). Comments in the record in the above-referenced proceeding indicate that ICS providers may charge ICS account holders fees that appear ancillary to making calls, such as account setup fees, account replenishment fees, account refund fees, and account inactivity fees (Ancillary ICS Fees).¹

The Bureau requests that parties provide data and information about such fees. Specifically, we request that parties identify any Ancillary ICS Fees that ICS providers charge in connection with the provision of interstate ICS, the level of each fee, total amount of revenue received from each fee, and cost of providing the service for which the fee recovers. We also request that parties identify any portion of ancillary service costs that are shared or common to provision of other services, and explain how these costs, and recovery of them, are apportioned among the services to which they are shared or common. To evaluate how costs associated with providing ancillary services relate to ICS providers' overall costs, the Bureau requests additional service provider cost data, discussed below.

We request that costs that are shared or common to the provision of Ancillary ICS Services be identified, and that parties explain how such costs are apportioned to and recovered by ICS rates. Specifically, providers submitting joint and common costs are requested to provide both per-minute rates and fixed charges associated with interstate ICS and intrastate ICS and information on the costs of providing ICS, including but not limited to Customer Premise Equipment or CPE, installation, specific security enhancements (such as monitoring, call blocking, etc.), labor, maintenance, interconnection fees, and any other cost recovered by ICS rates. In addition to per-minute or incremental costs, we seek information on fixed costs, including recovered and unrecovered costs, historic and projected demand, and information on how such costs are recovered. This request for data and information falls within the scope of the Notice of Proposed Rulemaking² in the above-referenced proceeding, which is similar to

¹ See Network Communications International Corp., 2013 Comments, WC Docket No. 12-375 at 9 (account setup fees and account replenishment fees or recharge fees) (filed Mar. 26, 2013); Human Rights Defense Center, 2013 Comments, WC Docket No. 12-375 at 8 (account refund fees and account inactivity fees).

² *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Notice of Proposed Rulemaking, 27 FCC Rcd 16629 (2012) (NPRM).

what the Bureau previously requested in 2002, when it sought “comment generally on costs associated with the provision of inmate calling services.”³

As discussed above, this Public Notice seeks comment on certain issues raised in the *Rates for Interstate Inmate Calling Services NPRM* that is intended to refresh the record regarding rates for interstate ICS calling. The Initial Regulatory Flexibility Analysis (IRFA) for that proceeding is found at Appendix C of the *Rates for Interstate Inmate Calling Services NPRM*, 27 FCC Rcd 16629, 16653-57 (2012). In addition, we invite comment on the IRFA in light of developments since the issuance of the original IRFA.

Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before the date indicated on the first page of this document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

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 filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- 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.

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 Public Notice refers to shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁴ Persons making *ex parte* presentations must file a

³ See *Implementation of Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-128, Order on Remand & Notice of Proposed Rulemaking, 17 FCC Rcd 3248, 3276, para. 73 (2002).

⁴ 47 C.F.R. §§ 1.1200 *et seq.*

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 Gregory Haledjian, Wireline Competition Bureau, Pricing Policy Division, at (202) 418-1520 or via e-mail at Gregory.Haledjian@fcc.gov.

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