

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK
LAW SCHOOL

January 9, 2015

The Honorable Tom Wheeler, Chairman
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

**RE: Comment for WC Docket No. 12-375
(Second Further Notice of Proposed Rulemaking)**

Dear Chairman Wheeler:

We, the undersigned former Attorneys General, are contacting you in reference to WC Docket No. 12-375, commonly known as the Wright petition, to urge the FCC to take action with respect to high intrastate phone rates at prisons, jails and other detention facilities.

During our years as attorney general, we came to understand virtually all aspects of state government. Most of us were both criminal prosecutors while at the same time represented state departments of corrections. We fully understand the pressures on state budgets and how government often struggles to come up with enough funding to do even the simplest of things. And, finally, because most of us were elected officials, we have a firm grasp on the lack of popular support shown for prisoners and their families.

Fully armed with this understanding, we also are fully aware that 95% of the 2.2 million people held in prison and jails in the United States will one day be returned to society. We know that recidivism rates are high and that we as a society should do all that we can to lower that rate.

Studies indicate that prisoners who maintain close connections with their families and children while incarcerated have lower recidivism rates. For example, a Vera Institute report published in 2011 states: "Research shows that incarcerated people who maintain supportive relationships with family members have better outcomes – such as stable housing and employment – when they return to the community." Another study published by the Vera Institute in October 2012 found that "Incarcerated men and women who maintain contact with supportive family members are more likely to succeed after their release."

High prison telephone rates and ancillary fees hamper and sometimes eliminate a prisoner's ability to maintain these critical family ties. Many inmates are housed at facilities far from their family members, which makes in-person visits difficult or impossible; also, an estimated 70% of prisoners function at the lowest levels of literacy, which frustrates written communication. Thus, phone calls constitute the primary means by which inmates stay in contact with their families and children. An estimated 2.7 million children in the U.S. have an incarcerated parent.

The problems associated with the prison phone industry and high prison phone rates are well-documented in pleadings and comments entered on the docket for the Wright petition. In brief, the prison phone industry is based on a monopolistic model in which companies bid on contracts to provide phone services for individual detention facilities or entire prison or jail systems. As a financial incentive to obtain these contracts, prison phone companies provide commissions to the contracting agency. These commissions, which average almost 50% of the gross phone revenue, result in inflated phone rates because the cost is passed on to consumers who pay for the calls – primarily prisoners’ family members.

The FCC took the first step in addressing this issue by capping interstate prison phone rates in February 2014, but more remains to be done. Approximately 85% of phone calls made by inmates are *intrastate*, and the cost of those calls remains high because they are not affected by the Commission’s rate cap. While families of prisoners housed across state lines have benefited from the FCC’s action, the majority of inmates’ families – those who live in the same state as their incarcerated family member – have received no relief. Consequently, many still must pay high telephone rates and fees. Further, Public Utility Commissions in many states are unable to regulate intrastate phone rates due to deregulation of telecom services.

The record also reflects an additional practice that the FCC should address. In some cases, telecoms are actually taking prepaid monies from prisoner accounts if for whatever reason the account is “inactive” for a period of time. Any action taken by the FCC should therefore include the elimination of this practice. Additionally, the telecoms should not be allowed to charge refund fees to return consumer funds.

Therefore, based on the foregoing, we urge the FCC to act promptly on the Wright petition’s alternative rulemaking proposal by establishing reasonable benchmark rates for intrastate phone calls made from prisons, jails and other detention facilities, to reduce the cost of such calls and thereby enhance the ability of prisoners to maintain connections with their families.

Thank you for your time and attention in this important matter;

Sincerely,

Abrams, Robert, New York

Bardacke, Paul, New Mexico

Bellotti, Francis Xavier, Massachusetts

Botelho, Bruce M., Alaska

Bronster, Margery S., Hawaii

Brown, Charles G., West Virginia

Butterworth, Robert A., Florida

Bonnie J. Campbell, Iowa

Carter, Pamela Lynn, Indiana

Cohen, Walter W., Pennsylvania

Curran, Jr., J. Joseph, Maryland
Del Papa, Frankie Sue, Nevada
Diamond, Jerome "Jerry", Vermont
Doran, Richard E., Florida
Earley, Mark, Virginia
Easton, Jr., John J., Vermont
Edmondson, William Andrew "Drew", Oklahoma
Fisher, Lee, Ohio
Frohnmayr, David B., Oregon
Gansler, Douglas F. "Doug", Maryland
Gebelein, Richard S., Delaware
Graham, Jan, Utah
Harshbarger, Luther Scott, Massachusetts
Harvey, Peter C., New Jersey
Henry, Robert Harlan, Oklahoma
Humphrey III, Hubert Horatio "Skip", Minnesota
Ieyoub, Sr., Richard Phillip, Louisiana
Ketterer, Andrew, Maine
King, Gary Kenneth, New Mexico
Lautenschlager, Peggy A. "Peg", Wisconsin
Lockyer, William Westwood "Bill", California
MacFarlane, J.D., Colorado
Madrid, Patricia A., New Mexico
Milgram, Anne, New Jersey
Modisett, Jeffrey A., Indiana
Moore, Michael, Mississippi
Nickles, Peter J., District of Columbia
Petro, James M. , Ohio
Roberts II, Dennis J, Rhode Island
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Rosenthal Stephen "Steve" D., Virginia
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Sachs, Stephen H., Maryland
Shannon, James Michael, Massachusetts
Stephan, Robert Taft, Kansas
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Tierney, James E., Maine
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Woods, Grant, Arizona
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