

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

*In the Matter of  
Rates for Interstate Inmate Calling Services*

WC Docket No. 12-375

**REPLY COMMENTS OF  
THE NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES  
AND THE PRISON POLICY INITIATIVE**

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January 27, 2022

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The National Association of State Utility Consumer Advocates (“NASUCA”)<sup>1</sup> and the Prison Policy Initiative (“PPI,” and together with NASCUA, the “Public Interest Commentors”)<sup>2</sup> submit these comments in response to the Wireline Competition Bureau’s Public Notice requesting comment on the proposed annual reporting and certification requirements for inmate calling service (“ICS”) providers.<sup>3</sup> The Public Interest Commentors support the Bureau’s revisions to the ICS annual report (Form 2301(a)), and the associated instructions. Below we

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<sup>1</sup> NASUCA is a voluntary association of 44 consumer advocate offices in 41 states and the District of Columbia, incorporated in Florida as a non-profit corporation. NASUCA’s members are designated by laws of their respective jurisdictions to represent the interests of utility consumers before state and federal regulators and in the courts. Members operate independently from state utility commissions as advocates for utility ratepayers. Some NASUCA member offices are separately established advocate organizations while others are divisions of larger state agencies (e.g., the state Attorney General’s office). NASUCA’s associate and affiliate members also serve utility consumers but are not created by state law or do not have statewide authority. Some NASUCA member offices advocate in states whose respective state commissions do not have jurisdiction over certain telecommunications issues.

<sup>2</sup> PPI is a nonprofit organization that uses data analysis to demonstrate how the American system of incarceration negatively impacts everyone, not just incarcerated people. It publishes its findings and takes on selected legal campaigns in order to create a fairer justice system through policy change.

<sup>3</sup> *Wireline Competition Bureau Seeks Comment on Revisions to Annual Reporting and Certification Requirements for ICS Providers*, WC Docket No. 12-375, Public Notice, DA 21-1583 (WCB 2021)(Public Notice).

present a discrete proposal in furtherance of the Commission’s goal to help ensure transparency in ICS rates, fees, and practices, and to ensure that ICS providers comply with the Commission’s rules.<sup>4</sup>

The proposed instructions direct the ICS providers to identify each contract under which they provide ICS to correctional facilities (section IV.B of the Excel template). Because the Commission has expressed concern about the impact of ICS and unregulated services being bundled under a single contract,<sup>5</sup> the Public Interest Commentors propose that the Bureau use the annual reporting process to obtain information about the extent and nature of bundled contracts that include voice, video, text, emails, or other services.

Specifically, to fulfill the Commission’s goal to ensure transparency in ICS rates, fees, and practices, the Bureau should require ICS providers to report basic information about what services are offered under any contract that is itemized in their Annual Reporting and Certification. Carriers are already required to itemize their contracts so it is not an additional material burden to require them to specify whether additional services beyond traditional voice calling are included in the same contract. The reporting instructions could provide predefined categories of the additional services, such as: video calling, electronic and SMS messaging, voicemail, computer tablets, and other.

NASUCA and PPI requests that these comments be given due consideration.

Respectfully submitted,

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General Counsel

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<sup>4</sup> See *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Second Report and Order and Third Further Notice of Proposed Rulemaking, 30 FCC Rcd 12763,12769, 12891, ¶¶ 9, 266 (2015).

<sup>5</sup> See *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Third Report and Order and Fifth Further Notice of Proposed Rulemaking, 36 FCC Rcd. 9519, 9677, ¶ 356 (rel. May 24, 2021).

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