

**NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES
Resolution 2023-01**

***SUPPORTING FEDERAL AND STATE EFFORTS TO LOWER THE COST OF
INCARCERATED PEOPLE’S COMMUNICATIONS SERVICES
(Resolutions 2006-02 and 2017-06 are Superseded)***

Whereas, incarcerated people’s communications services (IPCS) continue to be expensive for incarcerated and detained individuals and their families and loved ones, impacting low income families the most; and

Whereas, unreasonable pricing of IPCS services is due to the absence of meaningful competitive choices for end users; and

Whereas, ICPS services may be voice phone calls, video communication calls, or other forms of advanced communication services; and

Whereas, the Federal Communications Commission has been charged by Congress in the Martha Wright-Reed Just and Reasonable Communications Act of 2022, to ensure just and reasonable charges for telephone and advance communications services in carceral facilities;¹

Whereas, in FCC Docket Numbers 23-62 and 12-375, the FCC seeks comment on its authority to ensure just and reasonable rates and changes for IPCS to “begin the process of implementing the Martha Wright-Reed Just and Reasonable Communications Act of 2022 to adopt just and reasonable rates and charges for incarcerated peoples’ audio and video communications services;”²

Whereas, states have a complementary role in regulating IPCS services that is shared with the FCC;

Whereas, several states have either regulated or arranged for rates and fees for ICPS services, and more states continue to take necessary actions to ensure affordable IPCS rates and fees; and

Whereas, federal and state authorities are concerned about IPCS service terms and conditions, including consumer protections for end users of IPCS service; and

Now, therefore, be it resolved, that NASUCA urges the FCC to clarify that any rate methodology adopted by the FCC will act as a ceiling, not a floor, for IPCS charges and fees; and

¹ Public Law 117-338.

² *Incarcerated People’s Communications Service; Implementation of the Martha Wright-Reed Act et al.*, WC Docket No. 23-62 *et al.*, Notice of Proposed Rulemaking and Order, FCC 23-19 (March 2023) “NPRM, FCC 23-19”).

Be it further resolved, that NASUCA recognizes and supports the states' rights to regulate the rates, fees, and other terms and conditions of IPCS in a manner that does not exceed the rate or rate caps adopted by the FCC; and

Be it further resolved, that nothing in this resolution is intended to discourage carceral facilities from finding ways, as some have done, to offer IPCS at no cost, and NASUCA encourages them to do so when they can; and

Be it further resolved, that this resolution supersedes NASUCA resolutions 2006-02 and 2017-06; and

Be it further resolved, that NASUCA authorizes its Executive Committee to develop specific positions and to take appropriate actions consistent with the terms of this resolution. The Executive Committee shall advise the membership of any proposed action prior to taking such action, if possible. The Executive Committee shall notify the membership of any action taken pursuant to the resolution.

Submitted by the Telecommunications Committee

Approved by the Membership, July 16, 2023
Austin, Texas

Abstained
Tennessee