

**AMENDMENT NO. 1 TO
INMATE TELEPHONE SERVICE CONTRACT**

This Amendment No. 1 to the contract for Inmate Telephone Services #C-1752 (“Amendment”) between CenturyLink Public Communications, Inc., formerly known as Embarq Payphone Services, Inc. (“CenturyLink”) and the State of Wisconsin, Department of Corrections (“Department”) is entered into this ____ day of February, 2016. Throughout this Amendment CenturyLink and the Department will each be deemed to be a “Party”, and collectively they will be “Parties”.

RECITALS

1. A contract for Inmate Telephone Services #C-1752 (“Contract”) was entered into between the Parties on July 6, 2009.
2. A Contract extension option between the Parties was exercised June 12, 2015, with a new Contract expiration date of December 31, 2017.
3. The Parties desire to amend the Contract to bring the rates being charged to callers using the inmate calling system into compliance with recently enacted federal requirements, as described below.
4. In consideration of the mutual promises and agreements set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Department and CenturyLink agree to amend the Contract as stated below.

BACKGROUND

5. The Federal Communications Commission (“FCC”) in WC Docket No. 12-375, recently adopted an order that addresses the rates and fees that can be charged for Inmate Calling Services (“ICS”). When this order becomes effective it will change the relationship between the Parties regarding the provision of ICS, including among other things setting new caps on per-minute calling rates for ICS calls. *See, Rates for Interstate Inmate Calling Services, Second Report and Order and Third Further Notice of Proposed Rulemaking, WC Docket No. 12-375, released October 22, 2015 (“FCC Order”).*
6. The new rules mandated by the FCC Order, including the new caps on per-minute calling rates, must be in place for state prison systems such as the Department no later than March 17, 2016.
7. Both Parties acknowledge that the FCC Order is subject to legal challenge and that multiple entities have sought a stay of its implementation or have filed an appeal claiming the FCC Order was unlawful.

AMENDMENT

8. If the rate caps or other relevant rules contained in FCC Order are not stayed or held to be unlawful by the March 17, 2016 effective date, then the Parties agree that as of that date the rates contained in Section 10.3 of the Contract, Additional Terms, will be amended to read as follows:

10. COST & REVENUE REQUIREMENTS


10.3

Call Type:	Set-Up Charge:	Per Minute Rate:
Local:	<u>\$0.00</u>	<u>\$0.11</u>
IntraLATA:	<u>\$0.00</u>	<u>\$0.11</u>
InterLATA:	<u>\$0.00</u>	<u>\$0.11</u>
Interstate:	<u>\$0.00</u>	<u>\$0.11</u>

- 9. Other than as set forth above, the Contract remains unchanged and in full force and effect. This Amendment is made a part of and incorporates all of the other terms and conditions of the Contract. If there is a conflict between the terms of the Contract and this Amendment, the terms of this Amendment will control.

WHEREFORE, CenturyLink and the Department have caused this Amendment to be executed by its duly authorized representatives.


For State of Wisconsin
Department of Corrections
3099 E Washington Avenue
P.O. Box 7925
Madison, WI 53707

By 
Edward F. Wall, Secretary

Date February 9, 2016

Phone 608-240-5000

For CenturyLink Public Communications, Inc.
600 New Century Parkway
New Century, KS 66031

By 
Paul Cooper, Vice President & General Manager

Date 05 Feb 2016

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