

PRISON LEGAL NEWS

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September 21, 2008

SENT VIA ONLINE FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

**RE: Supplement to Previous Comment Regarding CC Docket No. 96-128
(Implementation of Pay Telephone Reclassification and Compensation
Provisions of the Telecommunications Act of 1996)**

Dear Ms. Dortch:

This correspondence is to supplement comments submitted to the FCC by *Prison Legal News* on April 19, 2007, concerning CC Docket No. 96-128 (the Wright petition). I serve as the associate editor for *PLN*, which is a non-profit, nationally-distributed publication that reports on criminal justice and corrections-related issues, including prison phones services.

On pages 5 and 6 of our earlier comments we described various examples of corruption, abuses and lack of accountability in the prison telecommunications industry, which indicated a need for regulation of prison phone service providers by the FCC since current regulatory means have proven to be ineffective. We now supplement our compilation of abuses with the following recent developments, which reflect a continuing need for intervention by the FCC:

1. Pursuant to a December 13, 2007 settlement between AT&T and the Washington Utilities and Transportation Commission (UTC), AT&T agreed to pay \$302,705 in fines as a result of overcharges on collect phone calls made from two Washington state prisons in 2005. The UTC determined that Zero Plus Dialing, a billing agent for AT&T, was charging \$.89 per minute plus a \$3.95 connection fee and a \$.47 prison surcharge – which resulted in a charge of \$22.22 for a 20-minute call. This was in violation of a state statute (RCW 80.36.130). From March to June 2005, the UTC determined that 29,971 prison phone calls had resulted in overcharges. Source: Washington UTC, Docket No. UT-060962.

2. The Florida Public Service Commission has found that TCG Public Communications (TCG), a subsidiary of Global Tel*Link which provides phone services at Dade County jails, had improperly disconnected phone calls from 2001 to 2007. The Commission has recommended that TCG refund almost \$6.3 million to consumers and pay more than \$1.25 million in fines (this is an ongoing and active case). The disconnected calls were erroneously identified as disallowed 3-way calls and thus were terminated – resulting in consumers having to pay re-connect charges for call-backs. The Commission found that “TCG knew about this problem, but did not correct it during the period in question. On the contrary, TCG continued to profit from these unjustified charges over a period of approximately seven years.” Source: Commission Docket No. 060614-TC.

The two supplemental incidents described above evidence that abuses by prison phone service providers are not relegated to the past; rather, they continue in full force. Further, note that the misconduct by prison phone companies cited in *PLN*'s previous comments, and in this correspondence, are only those that are publicly known.

Some may consider such examples to be an indication that no additional regulation is necessary, since public utility commissions are reining in prison phone companies. However, consider that there is *no uniformity* among the states in regard to public utility actions involving prison phone service providers. The public utility commissions in some states are more attentive to exorbitant rates, overcharges and other abuses by prison telecommunication companies (e.g., in California, Florida and Washington state), while others are not. This lack of uniformity means that citizens in different states receive disparate regulation of prison phone service providers and unequal remedies for their abuses. Regulation by the FCC would provide uniform requirements and rules that would benefit consumers of prison phone services on a national level. This is of particular importance for interstate phone calls made from prisons, which are within the FCC's province and clearly subject to federal jurisdiction and regulation.

Based upon the above information and the reasons cited in our prior comments, *PLN* urges the FCC to grant the remedies outlined in the Wright petition pursuant to the authority granted under 47 U.S.C. § 201(b). Thank you for your continued time and attention;

Sincerely,

Alex Friedmann
Associate Editor, *PLN*

cc: Paul Wright, *PLN* Editor