



Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

September 18, 2014

Submitted Online Only

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

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

Dear Chairman Wheeler:

We submit this comment for the purpose of placing into the record data related to intrastate ICS rates for county jails in the State of Washington, to further inform the Commission about issues concerning prison and jail phone services.

In 2013 and early 2014, the Human Rights Defense Center collected data from the 37 county jails in Washington State plus the Washington DOC, and this comment details the information produced by each agency at that time. HRDC is currently in the process of gathering additional data, including updated ICS rates and contracts where applicable, as well as data on commission payments. While not complete, this is the most comprehensive compilation of ICS data for state and local detention facilities within a single state. Although telecom providers and jails have this information readily available, of course, they typically do not voluntarily enter it into the public record or provide it to the Commission.

A chart detailing intrastate ICS rates in Washington State is attached as Exhibit A; we have not included interstate data due to the Commission's cap on interstate rates that went into effect last February. As the chart reflects, there is broad disparity in ICS rates within each category based on jail population size, even among jails with the same ICS provider.

Securus Technologies, for example, provides ICS service to jails in Clallam and Kittitas counties (100-399 beds) and jails in Asotin and Yakima counties (50-100 beds). Fifteen-minute interlata collect calls from the Clallam County jail cost \$6.39, while comparable calls from the Kittitas County jail are \$12.94. Likewise, a 15-minute interlata call from the Asotin County jail is \$6.89 while a similar call from the Yakima County jail costs less than half that – \$3.00.

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Fifteen-minute local collect calls from the thirteen jails in Washington State that contract with Securus cost from \$2.25 to \$6.89; intralata collect calls range from \$3.00 to \$10.44; and interlata collect calls range from \$3.00 to \$12.94.

Meanwhile, Global Tel*Link (GTL) charges \$18.24 for a 15-minute interlata collect call at the Stevens County jail and \$17.30 for a comparable call from the Grant County jail; however, the Washington DOC, which also contracts with GTL, charges only \$3.04 for a similar call.

In terms of population size, a 15-minute interlata collect call from the Snohomish County jail costs \$13.39 while a comparable call from the King County jail is \$3.50. Both jails have over 1,000 beds. The Thurston County jail charges \$12.80 for an interlata collect call and Whatcom County charges \$5.85; both jails have 400-699 beds. A local call at the Island County jail costs \$2.25 while a local call from the Mason and Clallam county jails costs \$6.39. All of those jails have 100-399 beds. For jails with under 50 beds, a local collect call from Whitman County is \$2.29 and a similar call from Walla Walla County costs \$6.39; an intralata collect call from the Adams County jail is \$11.45 while a comparable call from Stevens County costs \$4.30. And an interlata collect call from the Stevens County jail is \$18.24 while a similar call from Walla Walla County costs \$6.39.

This data indicates that the cost of providing ICS service is not the determinative factor in setting the rates, as some ICS providers have suggested, given the vast disparities in rates among jails of different sizes, including those that contract with the same ICS provider. Different size jails have different levels of prisoner “churn,” different populations, and require different numbers of phones and related ICS equipment. Plus all jails require a minimum level of security features to ensure ICS services are provided in a safe and secure manner. Yet according to the chart, there is no discernable relationship between jail population size and phone rates.

HRDC is also examining ancillary fees for ICS services in Washington State, and has obtained partial data in that regard which is not included in the attached chart. For example, GTL does not charge a prepaid account setup fee, but rather a flat fee of \$6.95 each time a deposit is made into a prepaid account using a credit card. GTL accepts deposits in amounts ranging from \$25 to \$100; the deposit fee is \$6.95 regardless of the amount deposited. Thus, GTL charges a 28% fee to make a \$25 deposit to a prepaid account and a 7% fee for a \$100 deposit – i.e., the same fixed fee with the only difference being the amount of the deposit.

According to GTL’s website, the company also assesses a fee of 4% of the cost of calls made to cell phones, and charges a \$5.00 “investigation fee” for dropped calls when consumers request refunds, if the investigation (by GTL) finds that “the disconnection is not due to a fault on the phone lines.” Additionally, a processing fee may be imposed when an “account is closed and a refund is issued.”¹

The Klickitat County jail contracts with Custom Teleconnect, Inc. to provide prepaid calling cards. In-state cards can be purchased for \$25 for 50 minutes, \$50 for 100 minutes and \$100 for 200 minutes (\$.50/min). Such cards are used to make intrastate calls. A \$5.00 flat fee is charged for all in-state cards, which represents a 20% fee for a \$25 card and 5% fee for a \$100 card.

¹ <https://www.connectnetwork.com/help/help.jsp>

Based on the above information and the data reflected in the attached chart, the intrastate ICS rates at many Washington jails are not fair, just or reasonable. Rather, they appear to be driven by the payment of commissions to government agencies intent on monetizing communication between prisoners and their family members, friends and other call recipients.

There is no correlation between facility size and the ICS rates charged. There is no apparent correlation between the rates and the security services provided. As HRDC has noted in previous filings with the Commission, state prison systems that have eliminated commissions provide ICS services at some of the lowest rates in the nation, including New Mexico (\$.043/min. for collect and debit calls); New York (\$.048/min. for all types of calls); Rhode Island (\$.046/minute for intrastate collect and prepaid calls); and South Carolina (\$.05/min. for prepaid and debit calls, plus \$.066/min. for collect calls).

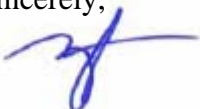
The ancillary fees charged by ICS providers are not even thinly disguised as a way to bolster their bottom lines and gouge consumers who have no marketplace choice with respect to who provides phone services to communicate with their incarcerated loved ones. No one outside of the ICS market (i.e., no consumer who has a choice in the matter) pays such fees to receive basic phone services, and the ancillary fees charged by ICS providers financially exploit some of the poorest and most marginalized people in America: prisoners and their families.

Further, note that Talton Communications offers no commission payments to the Department of Homeland Security to provide immigration detainees with phone services at ICE detention facilities, and charges a flat \$.10 per minute for debit and pre-paid calls (and \$.15 per minute for collect calls), both interstate and intrastate. See Exhibit B. Talton supplies secure phone services for immigration detainees housed at ICE facilities, which in many respects are comparable to county jails – including a high population turnover.

Based on the foregoing, we urge the FCC to cap intrastate ICS rates at \$.05 to \$.10 per minute, and to eliminate all ancillary fees imposed on those who make or accept calls from prisons, jails and other detention facilities. We believe that setting the intrastate cap at this low rate will have the practical effect of eliminating commissions within the ICS market, while still allowing ICS providers to profit from prison and jail phone contracts. As noted above, ICS providers for the New Mexico, New York, Rhode Island and South Carolina DOCs are able to provide prison phone services at rates less than \$.10/minute for intrastate calls, and Talton Communications provides intrastate phone services at ICE detention facilities for \$.10/minute.

Thank you for your time and attention in this regard, and please contact me should you need any additional information. We will update our data for county jails in Washington State as we obtain new ICS phone rates, contracts and commission-related data.

Sincerely,



Paul Wright
Executive Director, HRDC

Attachments

Washington State Intrastate ICS Rates

(based on data collected from 2013 and early 2014)

EXHIBIT A

County	ICS Provider	Collect	Phone Rates			Cost of 15-Minute Call			Commission
			Pre-Paid	Debit	Collect	Pre-Paid	Debit		
County jails with 1,000+ beds									
King	Securus Technologies	Interlata	\$2.00 + .10/min	\$.13/min	\$.13/min	\$3.50	\$1.95	\$1.95	58%
		Intralata	\$2.00 + .10/min	\$.13/min	\$.13/min	\$3.50	\$1.95	\$1.95	
		Local	\$2.00 + .10/min	\$.13/min	\$.13/min	\$3.50	\$1.95	\$1.95	
Pierce <i>See note 1</i>	Securus Technologies	Interlata	\$2.49 + .10/min	\$2.49 + .10/min	\$2.49 + .10/min	\$3.99	\$3.99	\$3.99	68%
		Intralata	\$2.48 + .10/min	\$2.49 + .10/min	\$2.49 + .10/min	\$3.99	\$3.99	\$3.99	
		Local	\$2.49 flat	\$2.49 flat	\$2.49 flat	\$2.49	\$2.49	\$2.49	
Snohomish	Global Tel*Link	Interlata	\$4.54 + .59/min	\$4.54 + .59/min	\$4.54 + .59/min	\$13.39	\$13.39	\$13.39	65%
		Intralata	\$1.81 + .16/min	\$1.81 + .16/min	\$1.81 + .16/min	\$4.21	\$4.21	\$4.21	
		Local	\$1.89 flat	\$1.89 flat	\$1.89 flat	\$1.89	\$1.89	\$1.89	
County jails with 700-1,000 beds									
Benton	Telmate, LLC	Interlata	\$4.75 flat	\$4.75 flat		\$4.75	\$4.75		59%
		Intralata	\$4.75 flat	\$4.75 flat		\$4.75	\$4.75		
		Local	\$4.75 flat	\$4.75 flat		\$4.75	\$4.75		
Clark	Telmate, LLC	Interlata	\$3.95 + .59/min	\$7.50 flat		\$12.80	\$7.50		60%
		Intralata	\$2.80 + .16/min	\$3.50 flat		\$5.20	\$3.50		
		Local	\$2.29 flat	\$2.00 flat		\$2.29	\$2.00		
Spokane	DSI/ITI Global Tel*Link	Interlata	\$3.10 + .10/min	\$1.10 + .10/min	\$2.10 + .10/min	\$4.60	\$2.60	\$3.60	45%
		Intralata	\$3.10 + .10/min	\$1.10 + .10/min	\$2.10 + .10/min	\$4.60	\$2.60	\$3.60	
		Local	\$3.10 + .10/min	\$1.10 + .10/min	\$2.10 + .10/min	\$4.60	\$2.60	\$3.60	
County jails with 400-699 beds									
Kitsap	Telmate, LLC	Interlata	\$3.95 + .49/min	\$5.00 flat		\$11.30	\$5.00		<i>See note 4</i>
		Intralata	\$2.80 + .16/min	\$3.50 flat		\$5.20	\$3.50		
		Local	\$3.00 flat	\$2.00 flat		\$3.00	\$2.00		
Thurston	Telmate, LLC	Interlata	\$3.95 + .59/min	\$3.95 + .59/min		\$12.80	\$12.80		65%
		Intralata	\$2.80 + .16/min	\$2.80 + .16/min		\$5.20	\$5.20		
		Local	\$2.29 flat	\$2.29 flat		\$2.29	\$2.29		
Whatcom <i>See note 3</i>	Legacy Communications	Interlata	\$3.15 + .18/min	\$3.15 + .18/min		\$5.85	\$5.85		70% + \$20,000 bonus
		Intralata	\$1.74 + .18/min	\$1.74 + .18/min		\$4.44	\$4.44		
		Local	\$1.74 + .10/min	\$1.74 + .10/min		\$3.24	\$3.24		

County jails with 100-399 beds									
Chelan	Telmate, LLC	Interlata	\$4.75 flat	\$4.75 flat		\$4.75	\$4.75		59%
		Intralata	\$4.75 flat	\$4.75 flat		\$4.75	\$4.75		
		Local	\$4.75 flat	\$4.75 flat		\$4.75	\$4.75		
Clallam <i>See note 2</i>	Securus Technologies	Interlata	\$1.89 + .30/min	\$1.89 + .30/min	\$1.89 + .30/min	\$6.39	\$6.39	\$6.39	42%
		Intralata	\$1.89 + .30/min	\$1.89 + .30/min	\$1.89 + .30/min	\$6.39	\$6.39	\$6.39	
		Local	\$1.89 + .30/min	\$1.89 + .30/min	\$1.89 + .30/min	\$6.39	\$6.39	\$6.39	
Cowlitz <i>See notes 2, 3</i>	Securus Technologies	Interlata	\$4.09 + .59/min	\$4.09 + .59/min	\$4.09 + .59/min	\$12.94	\$12.94	\$12.94	60%
		Intralata	\$3.14 + .10/min	\$3.14 + .10/min	\$3.14 + .10/min	\$3.14	\$3.14	\$3.14	
		Local	\$.14 + 2.25	\$.14 + 2.25	\$.14 + 2.25	\$2.39	\$2.39	\$2.39	
Franklin	Consolidated Telecom	Interlata	\$3.00 + .30/min			\$7.50			50%
		Intralata	\$3.00 + .30/min			\$7.50			
		Local	\$2.00 flat			\$2.00			
Island <i>See note 2</i>	Securus Technologies	Interlata	\$3.95 + .59/min	\$3.95 + .59/min	\$3.95 + .59/min	\$12.80	\$12.80	\$12.80	25%
		Intralata	\$2.80 + .50/min	\$2.80 + .50/min	\$2.80 + .50/min	\$10.30	\$10.30	\$10.30	
		Local	\$2.25 flat	\$2.25 flat	\$2.25 flat	\$2.25	\$2.25	\$2.25	
Grant <i>See note 3</i>	Global Tel*Link	Interlata	\$3.95 + .89/min	\$3.95 + .89/min		\$17.30	\$17.30		17% + \$18,000 annual incentive
		Intralata	\$2.80 + .10/min	\$2.80 + .10/min		\$4.30	\$4.30		
		Local	\$2.29 flat	\$2.29 flat		\$2.29	\$2.29		
Grays Harbor	Lattice Incorporated	Interlata	Current rates not yet produced						64%
		Intralata							
		Local							
Kittitas <i>See note 2</i>	Securus Technologies	Interlata	\$4.09 + .59/min	\$4.09 + .59/min		\$12.94	\$12.94		45%
		Intralata	\$2.94 + .50/min	\$2.94 + .50/min		\$10.44	\$10.44		
		Local	\$.14 + 2.25	\$.14 + 2.25		\$2.39	\$2.39		
Lewis <i>See note 7</i>	Global Tel*Link	Interlata	\$3.00 + .59/min	\$3.00 + .59/min	\$3.00 + .59/min	\$11.85	\$11.85	\$11.85	41%
		Intralata	\$2.20 + .14/min	\$2.20 + .14/min	\$2.20 + .14/min	\$4.30	\$4.30	\$4.30	
		Local	\$2.75 flat	\$2.75 flat	\$2.75 flat	\$2.75	\$2.75	\$2.75	
Lincoln <i>See note 5</i>	Securus Technologies	Interlata	\$4.09 + .59/min	\$4.09 + .59/min		\$12.94	\$12.94		28%
		Intralata	\$2.94 + .50/min	\$2.94 + .50/min		\$10.44	\$10.44		
		Local	\$0.14 + 2.25	\$0.14 + 2.25		\$2.39	\$2.39		
Mason	Securus Technologies	Interlata	\$1.89 + .30/min			\$6.39			58% + \$10,000 bonus
		Intralata	\$1.89 + .30/min			\$6.39			
		Local	\$1.89 + .30/min			\$6.39			

Okanogan	Pay Tel Communications	Interlata	\$3.00 + .40/min			\$9.00			65% with \$60,000 MAG
		Intralata	\$3.00 + .40/min			\$9.00			
		Local	\$2.25 flat			\$2.25			
Skagit	Telmate, LLC	Interlata	\$3.59-4 min + .35/min			\$7.44			55%
		Intralata	\$2.47-4 min + .07/min			\$3.24			
		Local	\$2.49-4 min + .06/min			\$3.15			
County jails with 50-100 beds									
Asotin <i>See notes 2, 3</i>	Securus Technologies	Interlata	\$2.39 + .30/min	\$2.39 + .30/min	\$2.39 + .30/min	\$6.89	\$6.89	\$6.89	40%
		Intralata	\$2.39 + .30/min	\$2.39 + .30/min	\$2.39 + .30/min	\$6.89	\$6.89	\$6.89	
		Local	\$2.39 + .30/min	\$2.39 + .30/min	\$2.39 + .30/min	\$6.89	\$6.89	\$6.89	
Yakima <i>See notes 2, 3</i>	Securus Technologies	Interlata	\$1.50 + .10/min	\$1.50 + .10/min	\$1.50 + .10/min	\$3.00	\$3.00	\$3.00	<i>See note 6</i>
		Intralata	\$1.50 + .10/min	\$1.50 + .10/min	\$1.50 + .10/min	\$3.00	\$3.00	\$3.00	
		Local	\$1.00 + .10/min	\$1.00 + .10/min	\$1.00 + .10/min	\$2.50	\$2.50	\$2.50	
County jails with under 50 beds									
Adams	Legacy Communications	Interlata	\$3.95 + .59/min	\$3.95 + .59/min		\$12.80	\$12.80		66%
		Intralata	\$3.95 + .50/min	\$3.95 + .50/min		\$11.45	\$11.45		
		Local	\$1.30 + .15/min	\$1.30 + .15/min		\$3.55	\$3.55		
Columbia	Consolidated Telecom	Interlata	\$3.00 + .30/min	\$3.00 + .30/min		\$7.50	\$7.50		50%
		Intralata	\$3.00 + .30/min	\$3.00 + .30/min		\$7.50	\$7.50		
		Local	\$2.00 flat	\$2.00 flat		\$2.00	\$2.00		
Ferry	Securus Technologies	Interlata	\$4.09 + .59/min	\$4.09 + .59/min	\$4.09 + .59/min	\$12.94	\$12.94	\$12.94	<i>See note 6</i>
		Intralata	\$2.94 + .50/min	\$2.94 + .50/min	\$2.94 + .50/min	\$10.44	\$10.44	\$10.44	
		Local	\$.14 + 2.25	\$.14 + 2.25	\$.14 + 2.25	\$2.39	\$2.39	\$2.39	
Garfield	Consolidated Telecom	Interlata	\$3.00 + .30/min	\$3.00 + .30/min		\$7.50	\$7.50		50%
		Intralata	\$3.00 + .30/min	\$3.00 + .30/min		\$7.50	\$7.50		
		Local	\$2.00 flat	\$2.00 flat		\$2.00	\$2.00		
Jefferson	Consolidated Telecom	Interlata	\$3.00 + .30/min	\$3.00 + .30/min		\$7.50	\$7.50		67.5%
		Intralata	\$3.00 + .30/min	\$3.00 + .30/min		\$7.50	\$7.50		
		Local	\$2.00 flat	\$2.00 flat		\$2.00	\$2.00		
Klickitat	Custom Teleconnect (prepaid phone cards)	Interlata			\$.50/min			\$7.50	<i>See note 6</i>
		Intralata			\$.50/min			\$7.50	
		Local			\$.50/min			\$7.50	

Pacific	Consolidated Telecom	Interlata	\$3.00 + .30/min	\$3.00 + .30/min		\$7.50	\$7.50		60%
		Intralata	\$3.00 + .30/min	\$3.00 + .30/min		\$7.50	\$7.50		
		Local	\$2.00 flat	\$2.00 flat		\$2.00	\$2.00		
Pend Oreille	AGM/PCS/ Global Tel*Link	Interlata							25%
		Intralata	Current rates not yet produced						
		Local	Current rates not yet produced						
Skamania	Consolidated Telecom	Interlata	\$3.00 + .30/min	\$3.00 + .30/min		\$7.50	\$7.50		60.5%-65.5%
		Intralata	\$3.00 + .30/min	\$3.00 + .30/min		\$7.50	\$7.50		
		Local	\$2.00 flat	\$2.00 flat		\$2.00	\$2.00		
Stevens	VAC/Global Tel*Link	Interlata	\$4.89 + .89/min	\$4.89 + .89/min		\$18.24	\$18.24		<i>See note 6</i>
		Intralata	\$2.80 + .10/min	\$2.80 + .10/min		\$4.30	\$4.30		
		Local	\$2.29 flat	\$2.29 flat		\$2.29	\$2.29		
Wahkiakum	Crown Correctional Telephone, Inc.	Interlata							10%
		Intralata	Current rates not yet produced						
		Local	Current rates not yet produced						
Walla Walla <i>See note 5</i>	Securus Technologies	Interlata	\$2.64 + .25/min	\$2.64 + .25/min	\$2.64 + .25/min	\$6.39	\$6.39	\$6.39	36%
		Intralata	\$2.64 + .25/min	\$2.64 + .25/min	\$2.64 + .25/min	\$6.39	\$6.39	\$6.39	
		Local	\$2.64 + .25/min	\$2.64 + .25/min	\$2.64 + .25/min	\$6.39	\$6.39	\$6.39	
Whitman	Securus Technologies (software) Global Tel*Link (hardware)	Interlata	\$3.95 + .59/min			\$12.80			30%
		Intralata	\$2.80 + .10/min			\$4.30			
		Local	\$2.29 flat			\$2.29			
State prisons									
Washington DOC <i>See note 8</i>	Global Tel*Link	Interlata	\$3.04 flat	\$2.80 flat	\$2.80 flat	\$3.04	\$2.80	\$2.80	51% \$5.1 million annual guarantee
		Intralata	\$3.04 flat	\$2.80 flat	\$2.80 flat	\$3.04	\$2.80	\$2.80	
		Local	\$3.04 flat	\$2.80 flat	\$2.80 flat	\$3.04	\$2.80	\$2.80	

- 1 There is a discrepancy between the rates produced by Pierce County and the Securus Rate Calculator (<https://securustech.net/call-rate-calculator>); the lower of the two rates was used in this chart.
- 2 Rate data calculated using the Securus Rate Calculator (<https://securustech.net/call-rate-calculator>).
- 3 For rate schedules offering reduced rates for evening/night calls vs. daytime calls, the lower rate was used in this calculation.
- 4 Kitsap County's commission includes 50% for collect calls, 46% for prepaid calls and 25% of payphone revenue.
- 5 There is a discrepancy between the rates produced by Lincoln County and the Securus Rate Calculator (<https://securustech.net/call-rate-calculator>); the lower of the two rates was used in this chart.
- 6 Current commission data has not yet been produced.
- 7 Lewis County's ICS contract switched to Telmate in January 2014; the data is for the county's prior contract with GTL.
- 8 Flat rates are for 20-minute calls.



Immigration & Customs Enforcement (ICE)

Telephone Calling Rates*

(Tarifas de Llamas Telefónicas)

Domestic / Llamadas Domesticas:

Per Minute Rate *(Tarifa por Minuto)*

Local Debit / Locales por Debito: \$0.10

Long Distance Debit / Larga Distancia por Debito: \$0.10

Long Distance Pre-paid Collect / *Llamadas de larga distancia de prepago por cobrar:* \$0.10

Local Pre-paid Collect / *Locales de prepago por cobrar:* \$0.10

Long Distance Collect / *Larga distancia por cobrar:* \$0.15

Local Collect / *Locales por cobrar:* \$0.15

International Debit / Internacional por Debito: \$0.15

International Mobile / Llamadas Internacionales a móviles: \$0.35

Per Minute Rate *(Tarifa por minuto)*

**Plus Applicable Federal, State, and Local Taxes, approximately 23%
(*Mas impuestos aplicables federales, estatales, y locales de aproximadamente 23%)*

Want Family and Friends to Leave You a Voicemail?

(Desea que su Familia y Amigos le dejen un mensaje?)

Have Your Family Dial (Que su familia marque):

(888) 516-0115

\$1.20 each / cada mensaje

Families with Collect Billing Problems Should Call:
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Internet!)**

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