

The Indiana Utility Regulatory Commission (“Indiana Commission”) appreciates the opportunity to comment on this important issue. The Indiana Commission would like to share state specific background on ICS and express its support for the November 14, 2012 National Association of Regulatory Utility Commissioners (NARUC) Resolution. (Ex Parte Comment on the “Wright Petition” concerning ICS rates filed in CC Docket No. 96-128)

I. NARUC Resolution

The Indiana Commission supports the NARUC Resolution encouraging the FCC to take immediate action on the “Wright Petition” by prohibiting unreasonable interstate rates and charges for inmate telephone services; and encouraging State and federal action to consider policies that lower prison phone rates as a step to reduce recidivism and thereby lower the taxpayer cost of prisons. While interstate calls from inmate facilities may be a small subset of the calls from inmate facilities, it is nevertheless extremely important that the FCC act to contain the cost of these calls. State Commissions and State Legislatures tend to hear from the friends and families of inmates who are affected by intrastate ICS, but citizens may not know where to direct concerns regarding interstate ICS rates.

II. Background on Indiana and Inmate Calling Services

Indiana has been proactive and has aggressively pursued reform in the area of ICS. Indiana’s state legislature has tasked the Indiana Department of Administration and the Indiana Department of Corrections to address issues related to ICS. In 2002, the General Assembly passed a law requiring the Indiana Department of Administration to review inmate calling services for state facilities and established caps based upon contracts between state correctional facilities and ICS providers.² Specifically, when considering a contract for inmate calling services, state law requires the Indiana Department of Administration to: 1) consider necessary security and fraud control services, including the use of collect calling services as the sole means of confined offender communications with the general population; and 2) the goal of reducing the total cost of a telephone call placed by a confined offender by soliciting competitive proposals that emphasize lower per call service charges; per minute rates; and commission rates.³

Based upon the contract established above, purchasers for county jails or juvenile detention facilities in counties with populations of 75,000 or above may not solicit a contract that exceeds the terms of the contract between the state and a telecommunications provider for the same service.⁴ The state law also establishes a fund in which commissions derived from ICS

² Ind. Code § 5-22-23 (2012)

³ Ind. Code § 5-22-23-5 (2012)

⁴ Ind. Code § 5-22-23-6 (2012)

contracts with inmate institutions must be deposited for the purposes of improving, repairing, rehabilitating, and equipping Indiana Department of Correction facilities.⁵

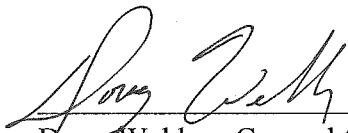
III. Indiana Department of Correction Action

In 2010, the Indiana Department of Corrections awarded a new offender phone contract which lowered the costs of calls for incarcerated offenders and at the same time, increased revenue for the state and for additional technology initiatives and cell detection/capture technology to be embedded in Indiana Department of Corrections facilities.⁶ The Indiana Department of Corrections negotiated a rate of 24 cents per minute for both intrastate and interstate inmate calls and did away with connection fees. The lower rates increased call volume which increased revenues for the state. The revenues were in turn invested back into state correctional institutions' recreational programs and technology programs.⁷ The Indiana Department of Corrections also offers prepaid accounts.⁸

VI. Conclusion

The Indiana Commission appreciates the opportunity to comment and we hope the FCC finds this background on Indiana ICS policies helpful in formulating sound and fair regulations on interstate ICS rates. The Indiana Commission looks forward to continuing the coordinated state-federal partnership with the FCC.

Respectfully submitted this 25th day of March, 2013



Doug Webber, General Counsel
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⁵ Ind. Code § 5-22-23-7 (2012)

⁶ Indiana Department of Corrections, 2010 Annual Report

⁷ Telephone Conversation between IDOC Deputy Commissioner Amanda Copeland and IURC General Counsel Doug Webber, March 13, 2013.

⁸ Indiana Department of Corrections Website, <http://www.in.gov/idoc/>, March 19, 2013

