

Sept. 22, 2020

Pai, NARUC's Presley Urge Governors to Rein in ICS Rates

FCC Chairman Ajit Pai and National Association of Regulatory Utility Commissioners Brandon Presley of Mississippi today wrote to New York Gov. Andrew Cuomo (D.) and Arkansas Gov. Asa Hutchinson, the chair and vice chair of the National Governors Association, respectively, to urge governors around the U.S. to “address egregiously high intrastate rates for [inmate calling services (ICS)] and excessive additional fees that providers often charge in connection with purely intrastate calling.”

In their letter, Messrs. Pai and Presley said, “As the COVID-19 pandemic continues to impact the lives of all Americans, access to affordable communications services remains a pressing issue, especially for incarcerated individuals. While in-person visitation is resuming at some institutions, communications services — and inmate calling services in particular — may offer the only links these individuals have with the outside world. Exorbitantly high rates and charges can impede the ability of incarcerated individuals to maintain vital connections by making it prohibitively expensive to stay in touch with their families. Studies have long shown that contact with family and other loved ones during incarceration reduces recidivism and lessens disruptive and anxious behaviors in children with incarcerated parents. These and other benefits are jeopardized if the rates and charges are excessive.”

They noted that the FCC has made efforts to lower interstate rates and that “in response to a July 20, 2020 letter from FCC Chairman Pai, NARUC asked its members to review rates in their states. We understand that in most, if not all, cases where a state commission does have jurisdiction, rates have been set at just and reasonable levels.”

They added, “Unfortunately, the statutory limitations on the state and federal authority prevent us from squarely addressing unjust and unreasonable intrastate rates. Until there is Congressional or state legislative action, neither the FCC nor state commissions can cap the excessive intrastate rates that lie beyond our authority. As such, we urge each of you to examine the rates and related fees that are currently charged in your state and to take much-needed action.”

The U.S. Court of Appeals for the District of Columbia Circuit overruled a previous FCC attempt to regulate intrastate ICS rates. —Lynn Stanton, lynn.stanton@wolterskluwer.com

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