

January 7, 2022

Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: WC Docket No. 12-375 — Comment on *Securus Technologies, LLC Petition for Waiver of the Incarcerated Person Calling Services Per Minute Rate Requirement*

Dear Commissioners and Staff,

We write to you today in response to Securus’ Petition for Waiver of the Per-Minute Rate Requirement (“Petition”) as a coalition of organizations committed to securing just rates for people who are directly impacted by incarceration. In order to expand its subscriptions program, Securus requested a waiver of FCC rules 64.6030, 64.6080, and 64.6090 that require interstate incarcerated person calling services (“IPCS”) to be charged on a per-minute basis.¹ In response, we echo Worth Rises’ Response to Securus’ Waiver Petition dated October 14, 2021 (“Response”), urging the Commission to request and carefully review more information about Securus’ subscription pilots before granting such a significant waiver.

Specifically, we note that Securus’ new subscriptions program, which is currently being piloted in eight facilities across five states, features call packages that include a specific number of calls over a specific period of time (e.g., 25 calls/week, 60 calls/month, or 100 calls/month). The pricing for each package is composed of a base rate, a site commission cost, and a \$3.00 payment fee. When researching these subscription packages, Worth Rises found that the pricing and availability for each pilot subscription package varies significantly from state to state and facility to facility, ranging from \$23.47 to \$76.08 for 100 monthly calls.² Notably, Securus omitted call lengths from the information it provided about its pilot program.

Given the varied pricing models and lack of information in Securus’ request, we reiterate Worth Rises’ concerns and recommendations (reiterated below).

¹ Securus Technologies, LLC, Petition for Waiver of the Per Minute Rate Requirement to Enable Provision of Subscription Based Calling Services, WC Docket No. 12-375 (filed Aug. 30, 2021) (“Securus Petition”)

² Worth Rises, Response to Petition for Waiver of the Per Minute Rate Requirement to Enable Provision of Subscription Based Calling Services, WC Docket No. 12-375, p. 2 (filed Oct. 14, 2021) *available at* https://ecfsapi.fcc.gov/file/102782794402/2021.10.27%20-%20FCC%20comment_%20Corrected%20Response%20to%20Securus%20Subscription%20Waiver.pdf (“Worth Rises Response”).

I. Key Concerns

1. **Call length and usage data:** Securus has not disclosed the length of the calls in these packages, which prevents the Commission or public from auditing their data about the cost of these subscription packages and equivalent per minute rate. Further, Securus provides its analysis of costs at only two use intervals: 100% and 50%. However, it has also not provided usage data to confirm whether consumers are, in fact, using even 50% of the allocated call minutes in a particular subscription package. *The Commission should require additional data from Securus before considering a waiver (see below).*
2. **Dropped calls:** Incarcerated individuals and their families report that calls made from prisons and jails are frequently dropped. This issue was of particular concern when the Commission was evaluating and eventually prohibited per call fees, in part, because per call fees incentivize providers to drop calls and force consumers to make additional calls.³ Subscription packages based on a number of calls, rather than minutes, creates the same issue. If a call is dropped, a subscription holder would be forced to use another call from their package and their effective per minute rate would increase. *The Commission should require Securus to base subscription packages on minutes not calls.*⁴
3. **Unused calls:** It appears as if Securus' subscription packages do not allow for the rollover of unused calls, meaning that the consumer would lose any unused calls at the end of the relevant period. Unused calls increase the average per minute rate for the calls the consumer was able to complete within that package. It is further unclear whether the period starts at the time of purchase or at some uniform time in each period and whether consumers are informed. Regardless, this policy gives IPCS providers an undue gain and creates a burden for consumers. *The Commission should further limit Securus to selling packages of usage (e.g., 250 minutes) or time (e.g., unlimited monthly), but not both.*
4. **Renewals:** Securus has not provided any information regarding the renewal of these subscription packages or termination options. If the packages are renewed automatically, consumers may default to renewals they do not intend to make. The same is true if the termination options are cumbersome. Both conditions may generate an undue gain for Securus with major impacts and little recourse for consumers. *The Commission should prevent automatic subscription renewals or require easily accessible termination options.*

II. Additional Information

We reiterate Worth Rises' request for the Commission to request more data from Securus regarding its subscription package pilot in order to verify their claims, understand their impact on

³ Martha Wright Petitioners, Reply Comments, WC Docket No. 12-375 (Apr. 22, 2013) available at <https://ecfsapi.fcc.gov/file/7022289796.pdf>.

⁴ Note: While few phone packages in broader society today limit call usage, when they did historically, usage limits were always based on a number of minutes, not on a number of calls.

consumers, and determine whether the waiver is in the public interest. Specifically, we recommend that the Commission require Securus to provide data regarding its pilot program as outlined in Worth Rises' Response.

We appreciate the Commission's time and attention to this matter.

Sincerely,

Benton Institute for Broadband & Society
Color of Change
Electronic Privacy Information Center
Ella Baker Center for Human Rights
National Consumer Law Center (on behalf of its low-income clients)
Open Technology Institute at New America
United Church of Christ Media Justice Ministry
Voqal
Worth Rises
Wright Petitioners