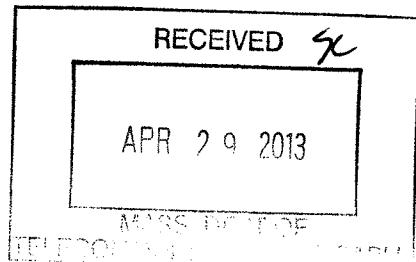


**PRISONERS' LEGAL SERVICES**  
formerly known as  
**Massachusetts Correctional Legal Services**  
10 Winthrop Square, 3rd Floor  
Boston, MA 02110  
  
617-482-2773; WATS 800-882-1413  
FAX 617-451-6383  
State Prisoner Speed Dial \*9004#  
County Collect Calls 617-482-4124



April 26, 2013

Commissioner Geoffrey Why  
Massachusetts Department of Telecommunications and Cable  
1000 Washington Street  
Suite 120  
Boston, MA 02118-6500

**Re: DTC 11-16, Petition of Recipients of Collect Calls from Prisoners at  
Correctional Institutions in Massachusetts Seeking Relief from the Unjust  
and Unreasonable Cost of such calls.**

Dear Commissioner Why:

As counsel for the Petitioners in the above-titled case, we have received many inquiries regarding the status of proceedings. The Commission conducted a public hearing on this matter on July 19, 2012. Briefing on the Respondents' motion to dismiss was completed on January 20, 2012. Consumers who struggle to maintain even minimal communication with their loved ones in prison anxiously await resolution of the issues raised in this case. Therefore, we are writing to respectfully request that the DTC take all necessary steps to move forward with this Petition as soon as possible.

In the complaint, Petitioners urge the DTC to determine a just and reasonable rate for inmate calling services (ICS) in Massachusetts state and county correctional facilities. Petitioners argue that current rates are not commensurate with actual costs and that providers are unjustifiably passing on the cost of site commissions to consumers. Petitioners further urge the DTC to investigate and ameliorate the poor quality of service received by consumers of ICS in the Commonwealth.

As you may know, the Federal Communications Commission (FCC) recently called for comments in its Notice of Comment and Proposed Rulemaking (NPRM) in FCC 12-167 (The

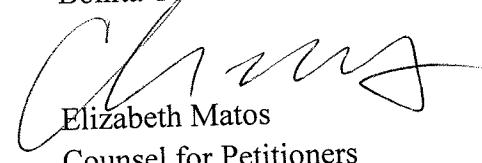
Wright Petition), which challenges interstate inmate calling rates. In its NPRM, the FCC recognized the public interest concerns at stake and noted the unexplained wide disparity among interexchange ICS rates.<sup>1</sup> The FCC also noted its prior conclusions that commissions are usually the single largest component affecting rates of inmate calling services and that because of commissions, the competitive bidding process results in higher rates.<sup>2</sup> Moreover, the Commission reemphasized that “location rents are not a cost of payphones, but should be treated as profit.”<sup>3</sup> Numerous comments were filed in response to the NPRM. Among those worth noting is comments filed by the National Association of Regulatory Utility Commissioners (NARUC), an organization that represents the “collective interest of state utility commissioners” (the states’ equivalent of the Federal Communications Commission), which expressed support of the FCC lowering rates as soon as possible.<sup>4</sup>

It has been nine months since the public hearing was held in this matter and over a year since the last briefs were filed on the motion to dismiss. ICS Consumers are looking to the DTC for relief from the exorbitant rates they pay to maintain contact with their loved ones and the poor quality of service they regularly experience. In light of the time that has elapsed since the public hearing and the relevant findings recently reemphasized in the FCC’s NPRM in FCC 12-167, we urge the DTC to move forward with this Petition.

Sincerely,



Bonita Tenneriello



Elizabeth Matos

Counsel for Petitioners

cc: all parties of record.

<sup>1</sup> See FCC 12-167, Notice of Proposed Rulemaking released on December 28, 2012 at ¶¶ 1 and 4 found at [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2012/db1228/FCC-12-167A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2012/db1228/FCC-12-167A1.pdf).

<sup>2</sup> *Id.* ¶ 37.

<sup>3</sup> *Id.*

<sup>4</sup> See comments filed by NARUC at: [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2012/db1228/FCC-12-167A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2012/db1228/FCC-12-167A1.pdf).