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December 6, 2007

Mr. Walter Thomas, Jr.
Secretary
Alabama Public Service Commission
RSA Union Building
8th Floor
100 N. Union Street
Montgomery, Alabama 36104



BY OVERNIGHT DELIVERY

Re: Generic Proceeding to Determine Applicability of the Communications Reform
Act of 2005 to Inmate Phone Service; Docket No. 30632

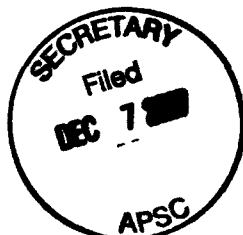
Dear Mr. Thomas:

Enclosed herewith for filing are the original and ten copies of the Joint Comments
of Evercom Systems, Inc, T-NETIX Telecommunications Services, Inc. and the Southern
Public Communications Association in the above-referenced matter.

Sincerely,

Curtis L. Hopfinger
Director-Regulatory and Government Affairs
Evercom Systems & T-NETIX Telecommunications Services
(Subsidiaries of Securus Technologies, Inc)

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BEFORE THE ALABAMA PUBLIC SERVICE COMMISSION

Re: Generic Proceeding to Determine)	
Applicability of the Communications Reform)	Docket No. 30632
Act of 2005 to Inmate Phone Service)	

**JOINT COMMENTS OF EVERCOM SYSTEMS, INC., T-NETIX
TELECOMMUNICATIONS SERVICES, INC., AND THE SOUTHERN PUBLIC
COMMUNICATIONS ASSOCIATION**

Evercom Systems, Inc., T-NETIX Telecommunications Services, Inc., and Southern Public Communications Association (collectively, “Inmate Service Provider Commenters” or “ISP Commenters”), pursuant to the Commission’s order dated November 6, 2007, submit these comments in response to the Alabama Public Service Commission Staff’s (“Staff’s”) interpretation of the applicability of the Communications Reform Act of 2005 to Inmate Telephone Service.

ISP Commenters agree with Staff that Inmate Phone Services are provided under contract to the correctional facilities¹. These are contracts between Inmate Telephone Service Providers and local, county, state or federal government agencies responsible for running correctional institutions. These governmental agencies determine the safety and security features and functions to be installed on the telephone system. These governmental agencies also determine where inmate phones are placed within the facility, determine when inmates are permitted to make calls, determine if inmates are restricted from calling certain numbers, have the ability to monitor inmate conversations, and control all features and services used on the Inmate Telephone System. The correctional facility is truly the retail

¹ Docket 30632, November 6, 2007 Order, Page 1

contracting “customer” and the rates charged for Inmate Telephone Services are determined by these contracts. Not unlike any corporate business office that contracts for a telephone system, where an employee, visitor or other transient individual is permitted to use the system for an operator assisted call, i.e. a collect call, these individuals are not considered the “customer” nor is the party receiving the collect call considered the “customer” for the purposes of the telephone system contract. In this example the employee, transient individual, or recipient of the call may be considered users of the contracted telephone system; however, they are not the “customer” of record. Certainly, no one would dispute that a contract between a telecommunications provider and a corporate business office does, in fact, fall within the Communication Reform Act’s definition of “contract offering.” Detainees in correctional institutions are similarly situated in that they are transient individuals and are permitted to use the Inmate Telephone System contracted for by the correctional facility, but they are not the contracting customer nor is the party receiving the call the contracting customer.

ISP Commenters believe the Alabama Communications Reform Act of 2005 is clear when it says; “Any retail contractual agreement, whether or not memorialized in writing, by which a local exchange or inter-exchange carrier offers any communications service to any existing customer or potential customer”.² (Emphasis added.) Nowhere in the Act does it carve out, or remove, telephone service contracts between Inmate Telephone Service Providers and governmental agencies running correctional institutions when defining “contract offering.” Therefore, ISP Commenters respectfully disagree with Staff’s interpretation that Inmate Phone Services do not fall within the provisions of a contract offering as defined by the Communications Reform Act of 2005.

² Act, 37-2A-2(6)

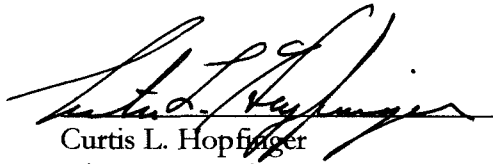
ISP Commenters also respectfully disagree with Staff when they say Inmate Telephone Service “does not fit within those services now deemed competitive enough”³ to warrant inclusion in the provisions of the Communications Reform Act of 2005. One need only review a Request for Proposal (RFP) issued by any correctional institution to see the multiple Inmate Service Providers that bid and fiercely compete for these contracts. Again, much like a bid proposal for a corporate telephone system, it is the RFP that lays out all the features, functions, and system requirements to be installed on an Inmate Telephone System. These RFPs are the key force that drives the highly competitive Inmate Telephone Service industry and the rates to be charged when the system is used by detainees. Additionally, because virtually all Inmate Telephone System RFPs are issued by government agencies, the RFPs themselves and the resulting bids are subject to stringent government requirements and are subject to public review and disclosure. Therefore, Inmate Telephone System Providers are clearly operating in a “multiple competitors” environment and they are strongly “promoting market-based competitive forces.” For these reasons, ISP Commenters firmly believe they meet the promotion of competition envisioned by the Communications Reform Act of 2005.

ISP Commenters also feel it is appropriate to note that other states have embraced the fact that Inmate Telephone Service is competitive and these states have removed, or lessened, regulations applicable to the inmate telephone industry. In 2007 alone, Washington State, South Dakota, Maine, and Nevada have either de-tariffed or deregulated telecommunications services, including Inmate Telephone Service. Other states such as Utah, Colorado and Virginia had previously eliminated tariffs and rate regulations applicable

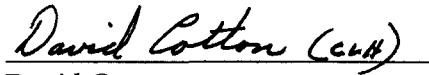
³ Docket 30632, November 6, 2007 Order, Page 4

to Inmate Telephone Service providers. Nevada is particularly appropriate to review in the context of Alabama Docket 30632. Similar to the Alabama Communications Reform Act of 2005, the Nevada Assembly Bill 518 (AB 512), passed earlier this year, did not directly address "Confinement Service Providers". However, after review by the Public Utilities Commission of Nevada (NV PUC) it was determined that Confinement Service Providers were to be classified as "competitive suppliers". In Nevada, competitive suppliers are no longer required to maintain tariffs nor file any price schedules with the NV PUC. It is clear the national trend is to reduce or eliminate regulatory control over telecommunications providers, **including** Inmate Telephone Service providers.

Respectfully submitted this 6th day of December, 2007.



Curtis L. Hopfinger
Director- Regulatory &
Government Affairs
Evercom Systems, Inc.
T-NETIX Telecommunications Services, Inc.



David Cotton
President
Southern Public Communications
Association