Federal Communications Commission
Washington, D.C. 20554

November 22, 2022

VIA ELECTRONIC MAIL

Hart Wood
American Oversight
foia@americanoversight.org

Re: Freedom of Information Act Request FCC-2023-000045

Dear Hart Wood,

On October 13, 2022 the Federal Communications Commission (FCC or Commission) received your Freedom of Information Act (FOIA) request, which has been designated FCC FOIA Control Number FCC-2023-000045. You requested, from the time period January 1, 2020, through January 20, 2021, the following records:

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent or received by Matthew Berry, former Chief of Staff containing any of the following key terms:
Key Terms:
a. "Justice Thomas"
b. "Clarence Thomas"
c. "Thomas Clerk"
d. "Clerk World"
e. "Ginni Thomas"
f. Clanton
g. Groundswell
h. "Liberty Consulting"
i. "CNP Action"
j. "Council for National Policy"
k. "Conservative Action Project"
l. "United in Purpose"
m. UIP
n. Ziklag
o. "Third Century Group"

You also requested:

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) and text messages or

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> messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, Twitter direct messages, Facebook messages, WhatsApp, Signal, Telegram, or Parler) between (a) Matthew Berry, former Chief of Staff, or any person communicating on his behalf, such as schedulers or assistants, and (b) Virginia "Ginni" Thomas or any person communicating on her behalf, including but not limited to Crystal Clanton, communications from an email address ending in @libertyinc.co, or a phone number with the last four digits 8983.[1]

We are responding to your request electronically.

In furtherance of your request Commission staff searched for records that were responsive to both of your requests and located approximately 2,013 pages. Of these records, 1,237 pages have been withheld in full, and portions of the remaining records have been redacted, for the reasons discussed below.

1,092 pages of records have been withheld because the search terms were found solely in email digests, with no supplementary FCC commentary, of subscription-based news services from *Communications Daily*, *Telecommunications Reports*, *Axios*, and *Politico*.

An additional 145 pages of records were withheld, and a portion of other records were redacted, under FOIA Exemption 5.[2] Exemption 5 protects certain inter-agency and intra-agency records that are normally considered privileged in the civil discovery context. Exemption 5 encompasses a deliberative process privilege intended to "prevent injury to the quality of agency decisions."[3] To fall within the scope of this privilege the agency records must be both predecisional and deliberative.[4] Predecisional records must have been "prepared in order to assist an agency decision maker in arriving at his decision."[5] Deliberative records must be such that their disclosure "would expose an agency's decisionmaking process in such a way as to discourage candid discussion within the agency and thereby undermine the agency's ability to perform its functions."[6]

In this case, three versions of a draft FCC Order, totaling 81 pages, are withheld in their entirety. This draft Order, which has no relation to the ostensible purpose of the FOIA request, was only

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[1] FCC FOIA Control Number FCC-2023-000045 (Submitted Oct. 13, 2022) (Internal quotations omitted).

[2] 5 U.S.C. § 552(b)(5).

[3] *NLRB v. Sears Roebuck & Co.*, 421 U.S. 132, 151 (1975).

[4] *Id.* at 151-52.

[5] *Formaldehyde Inst. v. Dep't of Health and Human Servs.*, 889 F.2d 1118, 1122 (D.C. Cir. 1989); *see also Coastal States Gas Corp. v. Dep't of Energy*, 617 F.2d 854, 866 (D.C. Cir. 1980) ("In deciding whether a document should be protected by the privilege we look to whether the document is . . . generated before the adoption of an agency policy and whether . . . it reflects the give-and-take of the consultative process. The exemption thus covers recommendations, draft documents, proposals, suggestions, and other subjective documents . . .").

[6] *Formaldehyde Inst.*, 889 F.2d at 1122 (quoting *Dudman Commc'ns Corp. v. Dep't of the Air Force*, 815 F.2d 1565, 1568 (D.C. Cir. 1987)).

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responsive to the search terms because a member of the public who commented on the draft Order is named Bill Clanton. Another 36 pages related to a spectrum auction were also withheld, because the only responsive search term contained in those records was Clanton, Alabama.

Lastly, an email exchange between the FCC and the Department of Justice and related trial briefs that cite a case with a Justice Thomas opinion, totaling 28 pages, were withheld in their entirety under the work product privilege as applied under Exemption 5.[7]

Other materials related to FCC staff decision-making processes regarding how to respond to media requests related to issues such as Section 230 interpretation as well as other related internal discussions have been redacted pursuant to the deliberative process privilege. Similarly, draft press releases and website postings, as well as media briefing materials have been redacted. We find the redacted or withheld material is the type which Exemption 5 is intended to protect and because of the reasonably foreseeable harm to agency decision-making process, we decline to make a discretionary release in this instance outside of the few passages that contain one of the requested search terms. Please note that all redactions that are not otherwise marked are Exemption 5 redactions.

Records responsive to your request were also redacted under FOIA Exemption 6.[8] Exemption 6 protects "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Balancing the public's right to disclosure against the individual's right to privacy, we have determined that release of this information would constitute a clearly unwarranted invasion of personal privacy.[9] Therefore, certain personal identifying information, including personal cell phone numbers and the names and email addresses of nongovernmental individuals who were invited to a funeral service, has been redacted under Exemption 6.

We are required by both the FOIA and the Commission's own rules to charge requesters certain fees associated with the costs of searching for, reviewing, and duplicating the sought after information.[10] To calculate the appropriate fee, requesters are classified as: (1) commercial use requesters; (2) educational requesters, non-commercial scientific organizations, or representatives of the news media; or (3) all other requesters.[11]

Pursuant to section 0.466(a)(5)-(7) of the Commission's rules, you have been classified as category (2), "educational requesters, non-commercial scientific organizations, or representatives

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[7] *See Hickman v. Taylor*, 329 U.S. 495, 509-10 (1947); *Judicial Watch, Inc. v. Dep't of Justice*, 800 F. Supp. 2d 202, 212-13 (D.D.C. 2011); Fed. R. Civ. P. 26(b)(3).

[8] 5 U.S.C. § 552(b)(6).

[9] 5 U.S.C. § 552(b)(6); *see also* 47 CFR § 0.457(f).

[10] *See* 5 U.S.C. § 552(a)(4)(A); 47 CFR § 0.470.

[11] 47 CFR § 0.470.

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of the news media."[12] As an "educational requester, non-commercial scientific organization, or representative of the news media," the Commission assesses charges to recover the cost of reproducing the records requested, excluding the cost of reproducing the first 100 pages. Because the production in response to your request was provided in electronic form you will not be charged any fees.

If you consider this to be a denial of your FOIA request, you may seek review by filing an application for review with the Office of General Counsel. An application for review must be *received* by the Commission within 90 calendar days of the date of this letter.[13] You may file an application for review by mailing the application to Federal Communications Commission, Office of General Counsel, 45 L Street NE, Washington, DC 20554, or you may file your application for review electronically by e-mailing it to FOIA-Appeal@fcc.gov. Please caption the envelope (or subject line, if via e-mail) and the application itself as "Review of Freedom of Information Action."

If you would like to discuss this response before filing an application for review to attempt to resolve your dispute without going through the appeals process, you may contact the Commission's FOIA Public Liaison for assistance at:

FOIA Public Liaison
Federal Communications Commission
Office of the Managing Director
Performance Evaluation and Records Management
45 L Street NE, Washington, DC 20554
202-418-0440
FOIA-Public-Liaison@fcc.gov

If you are unable to resolve your FOIA dispute through the Commission's FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road–OGIS
College Park, MD 20740-6001
202-741-5770
877-684-6448
ogis@nara.gov
https://www.archives.gov/ogis

[12] 47 CFR § 0.466(a)(5)-(7).

[13] 47 CFR §§ 0.461(j), 1.115; 47 CFR § 1.7 (documents are considered filed with the Commission upon their receipt at the location designated by the Commission).

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If you have any questions regarding this response, please contact Brendan McTaggart in the Office of General Counsel at brendan.mctaggart@fcc.gov.

Sincerely,

Christopher Santini
Senior Counsel

Enclosures

cc: FOIA Office, FCC

AMERICAN OVERSIGHT

From:	Nicholas Degani
To:	Ajit Pai; Matthew Berry; Brian Hart; Paul Jackson
Cc:	Thomas Johnson; Evan Swarztrauber
Subject:	230 Statement
Date:	Thursday, October 15, 2020 12:41:52 PM

Target for release: 2:30 pm

CHAIRMAN PAI STATEMENT ON SECTION 230

Members of all three branches of the federal government have expressed serious concerns about the prevailing interpretation of the immunity set forth in Section 230 of the Communications Act. There is bipartisan support in Congress to reform the law. The U.S. Department of Commerce has petitioned the Commission to "clarify ambiguities in section 230." And earlier this week, U.S. Supreme Court Justice Clarence Thomas pointed out that courts have relied upon "policy and purpose arguments to grant sweeping protections to Internet platforms" that appear to go far beyond the actual text.

As elected officials consider whether to change the law, the question remains: What does Section 230 currently mean? Many advance an overly broad interpretation that in some cases shields social media companies from consumer protection laws in a way that has no basis in the text of Section 230. The Commission's General Counsel has informed me that the FCC has the legal authority to interpret Section 230. Consistent with this advice, I intend to move forward with a rulemaking to clarify its meaning.

Throughout my tenure at the Federal Communications Commission, I have favored regulatory parity, transparency, and free expression. Social media companies have a First Amendment right to free speech. But they do not have a First Amendment right to a special immunity denied to other media outlets, such as newspapers and broadcasters.

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From:	Tina Pelkey
To:	Ajit Pai; Matthew Berry; Nicholas Degani; Brian Hart; Aaron N. Goldberger; Evan Swarztrauber; Will Wiquist
Subject:	Axios: Government agencies collide over airwaves for road safety tech
Date:	Friday, January 24, 2020 2:47:14 PM

Axios: Government agencies collide over airwaves for road safety tech

Joann Muller, Margaret Harding McGill

https://www.axios.com/government-agencies-collide-over-airwaves-for-road-safety-tech-a0704720-4a77-4d62-85f4-4be878c995ca.html

Two arms of the Trump administration are facing off over airwaves long set aside so cars can eventually communicate with each other.

What's happening: The Transportation Department is pouring money into what it says will be life-saving connected-car tech that would ride on these mostly unused airwaves. Meanwhile, the Federal Communications Commission is moving to reallocate most of the same spectrum to expand WiFi service.

Why it matters: DOT argues that if the FCC prevails — and it's currently in the driver's seat — lives will be lost and America will fall behind in the development of self-driving cars.

The FCC says automakers squandered a chance to use the dedicated spectrum, and now it should be shared to support exploding demand for mobile services and smartphones.
The FCC proposes repurposing some 45 of the 75 MHz frequencies total of so-called "safety spectrum" for WiFi, leaving 30 MHz for connected cars.

Safety advocates and DOT say that's not enough, and worry that commercial WiFi will interfere with vehicle-to-vehicle communications in an emergency, rendering the technology unworkable even with some spectrum left intact for it.
The big picture: The dispute pits two Washington power brokers against one another.

Ajit Pai is the Trump-appointed chairman of the FCC, an independent agency overseen by Congress. Elaine Chao is secretary of Transportation and married to Senate Majority Leader Mitch McConnell.
What they're saying: The standoff is growing increasingly hostile.

Chao has urged Pai to call off his plan, taking to several January speeches to press DOT's view that all the spectrum should remain dedicated to auto safety. "DOT has significant concerns with the Commission's proposal," she wrote Pai in a November letter, saying it "jeopardizes the significant transportation safety benefits that the allocation of this band was meant to foster."

An FCC spokesperson tells Axios the proposal offers a balanced approach by providing spectrum for both transportation safety and WiFi. "We would encourage the Department of Transportation to contribute productively to this important discussion rather than devoting its efforts to defending the failed status quo."

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What to watch: The FCC is an independent agency and its bipartisan members voted 5-0 to proceed with the reallocation — a reality not lost on DOT officials, they admit privately.

But DOT seems to be counting on a groundswell of opposition from first responders and advocacy groups like Mothers Against Drunk Driving and the National Foundation for the Blind to convince FCC to rethink its plan.
If there's enough of an uproar, Congress could get involved too. The leaders of the House Transportation & Infrastructure Committee sent a letter to the FCC on Wednesday expressing "substantial concerns" over the proposal.

A comment period on FCC's proposal is expected to begin soon.

Background: In 1999, the FCC set aside part of the communications spectrum in the 5.9 GHz band for the development of a dedicated short-range communication (DSRC), technology that would allow vehicles to communicate with each other and with devices planted alongside roads.

DSRC has been slow to develop, but meanwhile, a competing technology, C-V2X, has emerged. Some roadside units could accommodate both technologies, but in either case, WiFi interference is a long-term concern for many in the transportation industry.
Where it stands: Companies, and even the DOT, continue to invest in both technologies anyway.

On Wednesday, Qualcomm and Audi announced a pilot in Virginia to use C-V2X technology to warn cars of upcoming work zones and count down to red lights.
Last week, DOT said it would spend up to $38 million on connected vehicle tech to prevent accidents involving first responders.
Connected vehicle technology is now being tested in more than half the states and dozens of cities, with nearly 19,000 vehicles and more than 8,000 roadside devices deployed.
The bottom line: Chao will have to hope for a public uproar against the FCC's plan, or else expend some of her substantial political capital, to keep road safety tech from losing out to the push for faster internet speeds.

TRANSPORTATION

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From:	Thomas Johnson
To:	Ajit Pai; Matthew Berry; Nicholas Degani; Evan Swarztrauber
Cc:	Michael J. Carlson
Subject:	Blog post
Date:	Monday, October 19, 2020 4:39:51 PM
Attachments:	Ginger the Blog Post.docx

Please see a proposed blog post attached. Happy to discuss.

Thanks to Mike C. (copied here) for helpful comments and suggestions.

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The FCC's Authority to Interpret Section 230 of the Communications Act

[redacted]

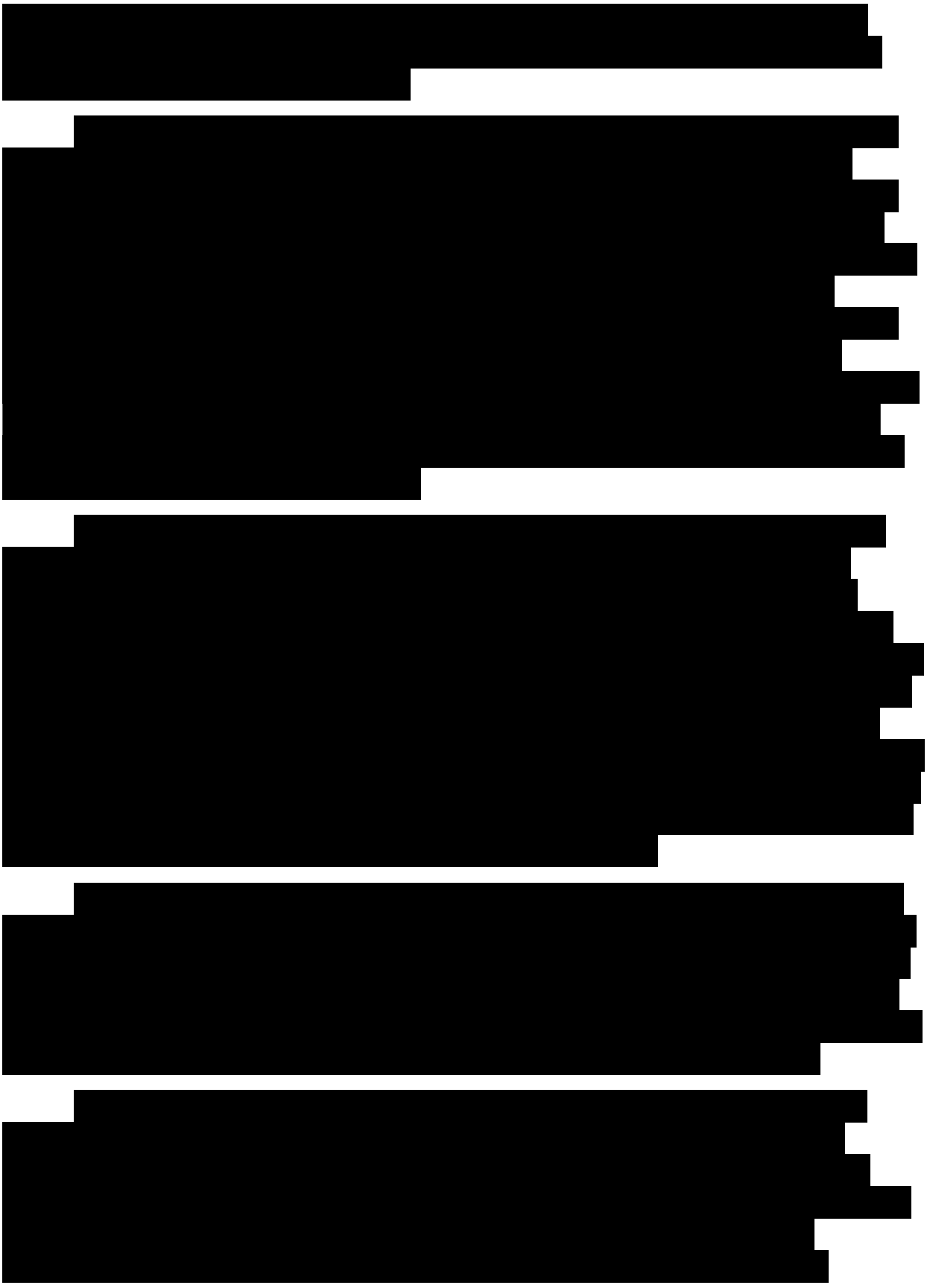
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[redacted] Supreme Court Justice Clarence Thomas, for example, recently expressed the view that courts have "relied on policy and purpose arguments to grant sweeping protection to Internet platforms" under Section 230 that "departed from the most natural reading of the text." Leaving such constructions unchallenged could, in Justice Thomas's words, "have serious consequences," like exempting Internet companies from a broad array of civil claims, even if that is not "what the law demands." [redacted]

[redacted]

[redacted]

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From:	Thomas Johnson
To:	Ajit Pai; Matthew Berry; Nicholas Degani; Evan Swarztrauber; Michael J. Carlson; Brian Hart; Anne Veigle; Will Wiquist
Subject:	Blog post
Date:	Wednesday, October 21, 2020 10:11:04 AM
Attachments:	FCC General Counsel Blog Post on Section 230 -- FINAL TO POST.docx

Creating new thread to avoid confusion -- this should be good to post.

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The FCC's Authority to Interpret Section 230 of the Communications Act

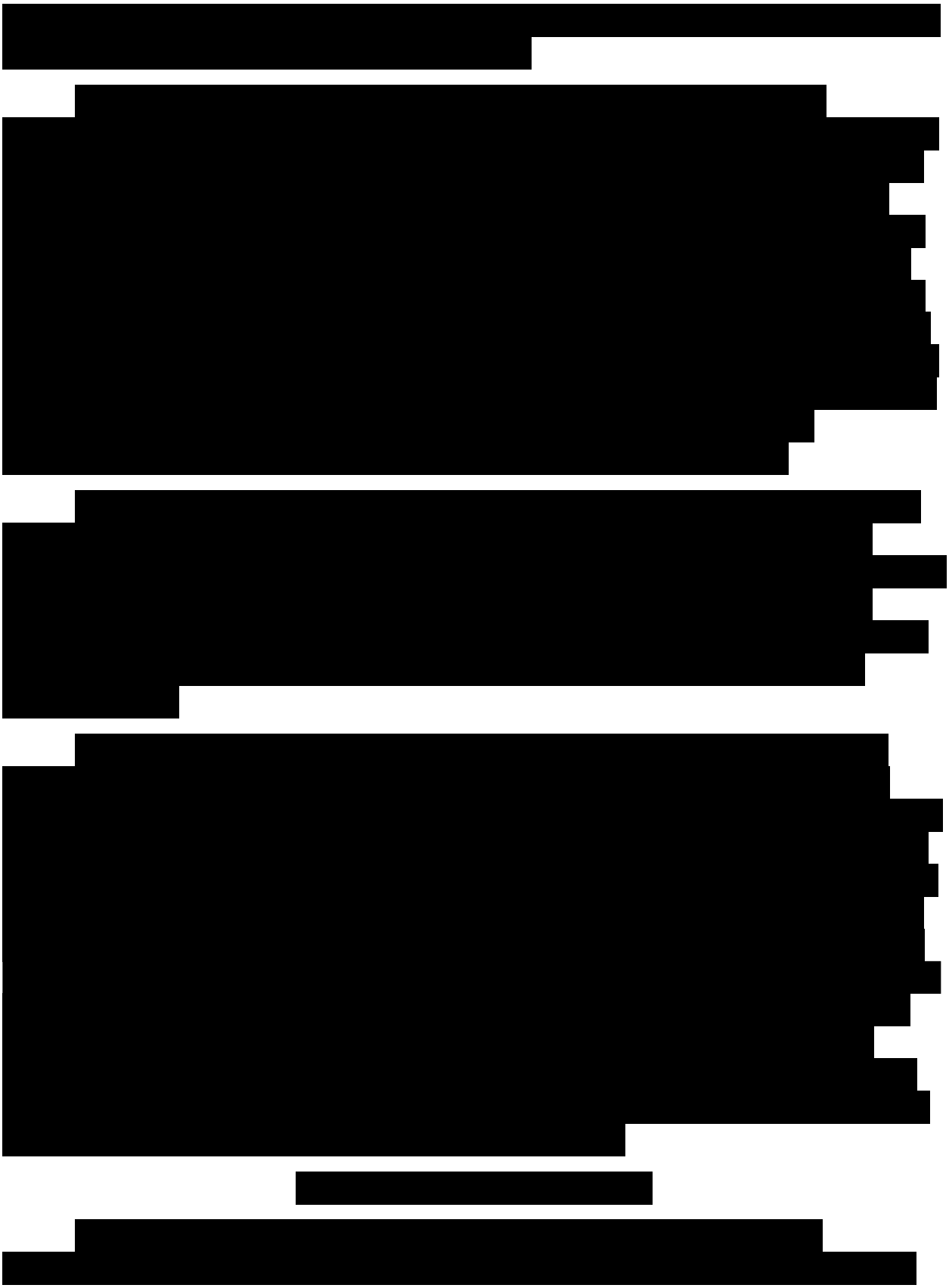
[redacted]

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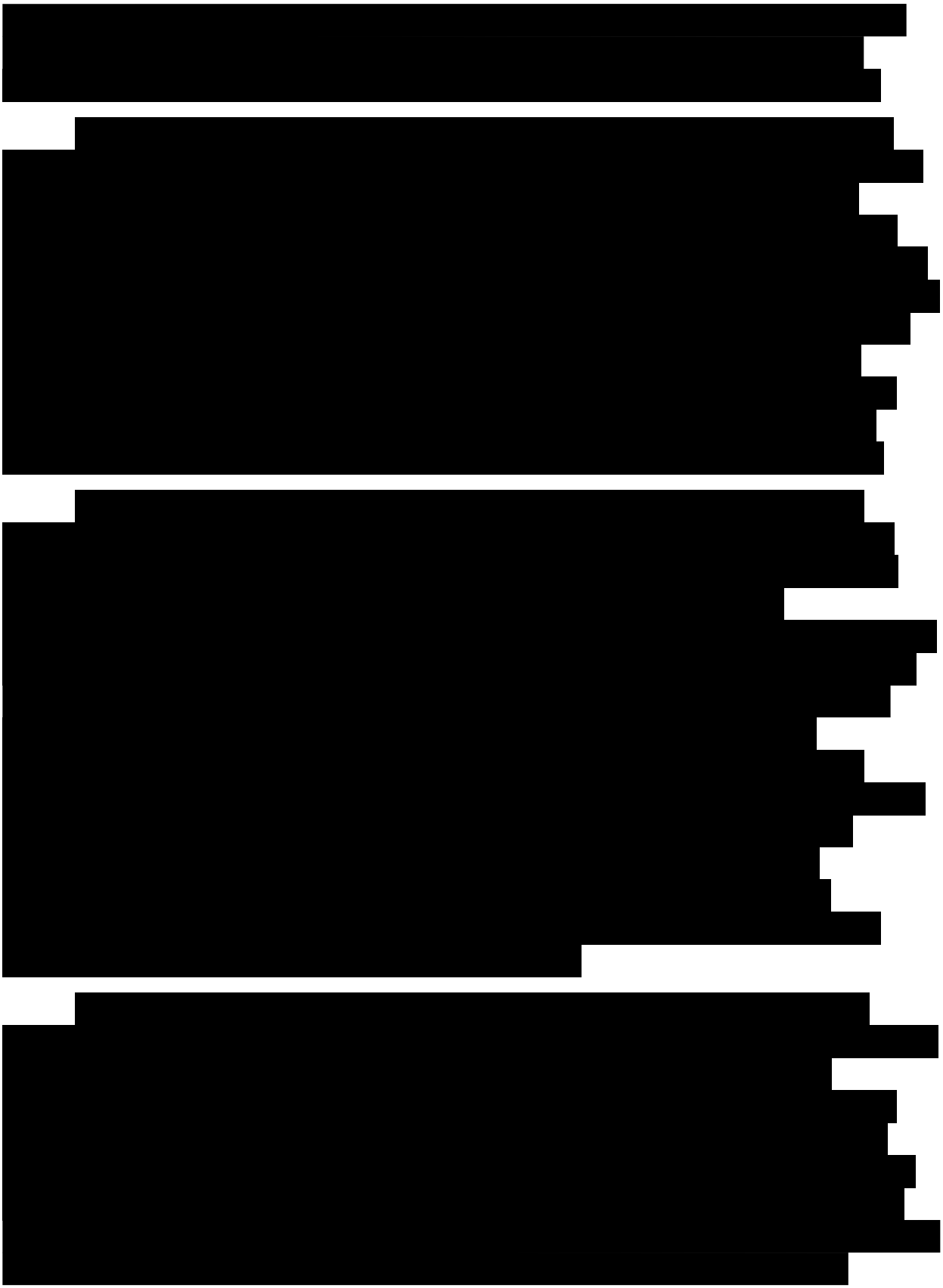
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Supreme Court Justice Clarence Thomas, for example, recently expressed the view that courts have "relied on policy and purpose arguments to grant sweeping protection to Internet platforms" under Section 230 that "departed from the most natural reading of the text." Leaving such constructions unchallenged could, in Justice Thomas's words, "have serious consequences," like exempting Internet companies from a broad array of civil claims, even if that is not "what the law demands." [redacted]

[redacted]

[redacted]

AMERICAN OVERSIGHT

From: FCC Office of Media Relations
Subject: BLOG: FCC Authority to Interpret Section 230
Date: Wednesday, October 21, 2020 10:32:00 AM

The FCC's Authority to Interpret Section 230 of the Communications Act

By FCC General Counsel Thomas M. Johnson, Jr.

Last week, FCC Chairman Ajit Pai announced his intent to move forward with a rulemaking to interpret Section 230 of the Communications Act of 1934. Under certain circumstances, Section 230 provides websites, including social media companies, that host or moderate content generated by others with immunity from liability. In announcing his decision, Chairman Pai noted that "[m]embers of all three branches of government have expressed serious concern about the prevailing interpretation" of Section 230, and observed that an overly broad interpretation could "shield[] social media companies from consumer protection laws in a way that has no basis in the text" of the statute.

The Chairman's decision was consistent with my advice that the FCC has the legal authority to interpret Section 230. Due to the unique interest generated by this proceeding, Chairman Pai has now asked me to make my analysis public, in furtherance of his longstanding commitment to transparency in the rulemaking process.

The policy issues raised by the debate over Section 230 may be complex, but the FCC's legal authority is straightforward. Simply put, the FCC has the authority to interpret all provisions of the Communications Act, including amendments such as Section 230. As I explain below, this authority flows from the plain meaning of Section 201(b) of the Communications Act of 1934, which confers on the FCC the power to issue rules necessary to carry out the provisions of the Act. By expressly directing that Section 230 be placed into the Communications Act, Congress made clear that the FCC's rulemaking authority extended to the provisions of that section. Two seminal U.S. Supreme Court cases authored by the late Justice Antonin Scalia —*AT&T Corp. v. Iowa Utilities Bd.*, 525 U.S. 366 (1999) and *City of Arlington v. FCC*, 569 U.S. 290 (2013)—confirm this conclusion. Based on this authority, the Commission can feel confident proceeding with a rulemaking to clarify the scope of the Section 230 immunity shield.

Statutory Background

To understand why the Commission has authority to interpret Section 230, it helps to understand how that section became part of the Communications Act. In 1934, Congress adopted the Communications Act in its original form, establishing the FCC as an independent federal agency charged with regulating interstate and international communications. Four years later, Congress added Section 201(b), which delegated to the Commission the power to "prescribe such rules and regulations as may be necessary in the public interest to carry out the provisions of this Act."

Since then, the most consequential set of amendments to the Communications Act arrived in the Telecommunications Act of 1996, which updated the Act for the then-nascent Internet age. Section 1(b) of that Act made clear that, except where otherwise expressly provided, each of the 1996 Act's provisions were to be inserted into the Communications Act of 1934.

Title V of the 1996 Act was named the "Communications Decency Act of 1996." Among other provisions, this Title included Section 509, named "Online family empowerment." Consistent with Section 1(b), Congress instructed in Section 509 that "Title II of the Communications Act of 1934 . . . is amended by adding at the end the

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following new section: Section 230." Thus, Section 230 was born and became part of the Communications Act of 1934.

Section 230 provides, among other things, that "[n]o provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider." It further provides that "[n]o provider or user of an interactive computer service shall be held liable on account of . . . any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected." The term "interactive computer service" is defined "as any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions." That broad definition is commonly understood to include websites that host or moderate content generated by others, such as social media companies.

The FCC's Interpretive Authority

The Supreme Court has twice considered whether the FCC's general rulemaking authority under Section 201(b), adopted in 1938, extends to the 1996 amendments to the Act. Both times, the Court held that it does. Writing for the Court in *Iowa Utilities Board*, and employing his trademark textualist method, Justice Scalia wrote that this provision "means what it says: The FCC has rulemaking authority to carry out the 'provisions of [the 1934] Act.'" The Court explained that "the clear fact that the 1996 Act was adopted, not as a freestanding enactment, but as an amendment to, and hence part of, [the 1934] Act" shows that Congress intended the Commission to have rulemaking authority over all its provisions. Likewise, in the later *City of Arlington* case, the Court confirmed that the Commission's rulemaking authority "[o]f course . . . extends to the subsequently added portions of the Act." From these authorities, a simple conclusion follows: Because Section 230 is among the "subsequently added portions of the Act," it is subject to the FCC's Section 201(b) rulemaking authority.

This rulemaking authority plainly encompasses the power to interpret ambiguous language throughout the Communications Act. And courts have repeatedly upheld the Commission's authority to do so. *City of Arlington*, for example, upheld the Commission's use of its authority under Section 201(b) to interpret a provision that preserved state and local authority over the placement of things like cell towers unless those localities failed to act within a "reasonable period of time." The Supreme Court rejected an argument that the agency should receive no deference for its interpretation because the provision was "jurisdictional" and thus contemplated no regulatory action by the Commission. The Commission deserved deference, the Court explained, because "Congress has unambiguously vested the FCC with general authority to administer the Communications Act through rulemaking and adjudication, and the agency interpretation at issue was promulgated in the exercise of that authority."

Likewise, in *City of Portland v. FCC*, 969 F.3d 1020 (9th Cir. 2020), the U.S. Court of Appeals for the Ninth Circuit earlier this year largely affirmed two FCC orders clarifying the scope of a preemption provision in the Communications Act that provides that states and localities may not take actions that "have the effect of prohibiting" telecommunications service. Citing *City of Arlington*, the court said that "[w]here terms of the Telecommunications Act are ambiguous, we defer to the FCC's reasonable interpretations."

Concerning the Commission's interpretive authority, there is no meaningful

City of Arlington

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distinction between the jurisdictional provision in , the preemption provision in *City of Portland*, and the immunity shield in Section 230 of the Act. All three provisions appear in the Communications Act, as amended. And like the jurisdictional and preemption provisions, Section 230 contains ambiguous terms: What constitutes an action "voluntarily taken in good faith" to restrict access to material? What constitutes material that can be excluded as "otherwise objectionable"? As in *City of Arlington* and *City of Portland*, the Commission has the authority to clarify these ambiguities in Section 230. As the Supreme Court observed in *Iowa Utilities Board*, this conclusion is nothing more than application of the general principle, derived from the Supreme Court's landmark decision in *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984), that "Congress is well aware that the ambiguities it chooses to produce in a statute will be resolved by the implementing agency."

Response to Common Objections

In response to the U.S. Department of Commerce's petition asking the Commission to pursue a rulemaking on Section 230, some commenters supported the FCC's authority to clarify the statute. Others, reading Section 201(b)—as well as *Iowa Utilities Board* and *City of Arlington*—narrowly, claimed that the FCC lacked such authority. I found the arguments of this latter group of commenters unpersuasive.

Some commenters claim that Congress did not intend for the Commission to administer Section 230, and therefore, the Commission has no authority to interpret it. Sometimes called "*Chevron* Step Zero," this inquiry focuses on whether agencies deserve deference at all where there is no clear evidence that Congress intended the agency, rather than courts, to interpret an ambiguous statute. But the Supreme Court's conclusion that Congress adopted the entire 1996 Act against the backdrop of the FCC's Section 201 rulemaking power while leaving that power in place appears to foreclose this argument. As the Supreme Court put it in *City of Arlington*, "the whole [Act] includes all of its parts," and therefore, the Court does not engage in a freewheeling judicial inquiry whereby "*every* agency rule must be subjected to a *de novo* judicial determination of whether the *particular issue* was committed to agency discretion."

There is no reason why Section 230 of the Act alone should escape Section 201(b)'s general grant of rulemaking authority. Congress specifically instructed—in Section 509 of the Communications Decency Act, which in turn was in Title V of the Telecommunications Act of 1996—that a new Section 230 be added to the Communications Act. While Section 230 itself deals primarily with an immunity shield, that fact alone does not exempt it from Commission rulemaking. *City of Arlington* and *City of Portland* make clear that the FCC can clarify even those ambiguous statutory provisions within the Act that are arguably directed toward courts—such as preemption or jurisdictional provisions. Similarly, *Iowa Utilities Board* upheld the Commission's authority under Section 201(b) to interpret ambiguous provisions in the Act that provided standards for state utility commissions to resolve pricing and interconnection disputes. Nothing in the Act, the Court explained, "logically preclude[s] the Commission's issuance of rules to guide the state-commission judgments." The same logic applies here: Section 201(b) allows the Commission to interpret Section 230 to guide the judgments of courts.

Others attempt to read limitations into the text of Section 201(b) that could exclude Section 230. They note that most of Section 201(b) deals with rules that apply to common carriers and argue that Congress did not intend to treat social media companies and other covered websites as common carriers. But the general grant of rulemaking authority at the end of Section 201(b) contains no reference to common carriers; it simply empowers the Commission to make rules that are "necessary in the public interest to carry out the provisions of this Act," without qualification. For this

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reason, the U.S. Court of Appeals for the Sixth Circuit in *Alliance for Community Media v. FCC*, 529 F.3d 763 (6th Cir. 2008), held that Section 201(b) gave the Commission authority to interpret ambiguous provisions in the Cable Television Consumer Protection and Competition Act of 1992. Notably, that Act by its terms applies to cable operators, not common carriers. The Court reasoned, relying on *Iowa Utilities Board*, that it was sufficient that the 1992 law amended the Communications Act and incorporated the relevant provisions therein. The same reasoning applies to Section 230.

Other commenters reach beyond statutory text to argue that Section 230's legislative history and purposes demonstrate that the Commission lacks authority to interpret it. As an initial matter, neither legislative history nor abstract purposes can trump the plain text of a statute, and as the Supreme Court has twice held, Section 201(b) "means what it says"—the FCC has the authority to interpret each and every provision of the Communications Act, as amended.

In any event, critics of an FCC rulemaking overread the legislative history and statements of purpose on which they rely and fundamentally misunderstand the narrow authority involved in clarifying the scope of the Section 230 immunity shield. For example, commenters note that language in Section 230(b) expresses Congress's intent to "preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services, unfettered by Federal or State regulation." They further point out that Section 230 co-framer and then-Congressman Chris Cox remarked in floor debates prior to passage that "we do not wish to have a Federal Computer Commission with an army of bureaucrats regulating the Internet." And they observe that the FCC cited these authorities in the *Restoring Internet Freedom Order* as support for its decision to repeal the prior Administration's onerous "net neutrality" rules in favor of light-touch regulation of Internet service providers.

But none of these observations bear on the central question here: whether the Commission has authority to interpret ambiguous terms in Section 230(c), which contains the immunity shield. Engaging in such interpretation would not involve creating "net neutrality" rules for social media companies, much less (as some critics have claimed) a "Fairness Doctrine" for the Internet. Rather, it would involve clarifying a legal standard that already exists: the statutory immunity shield in Section 230. Even if the FCC were to interpret that shield more narrowly than some courts previously have, that would not result in additional FCC regulation. It would simply allow private parties to bring lawsuits, as appropriate, under *other* sources of federal and state law—the same generally-applicable causes of action that apply to newspapers, broadcasters, and other publishers and speakers not covered by Section 230.

Nor does it matter that the U.S. Court of Appeals for the D.C. Circuit in *Comcast v. FCC*, 600 F.3d 642 (D.C. Cir. 2010), and the FCC itself in the *Restoring Internet Freedom Order*, agreed that Section 230(b) was merely a statement of policy and not an affirmative source of authority. The Commission need not rely on Section 230(b) as the source of its authority in this contemplated rulemaking. Instead, the Commission can comfortably use Section 201(b) to resolve ambiguities in the text of Section 230(c)—which *City of Arlington* and *Iowa Utilities Board* plainly permit.

At the end of the day, the scope of the Section 230 immunity shield must be interpreted by someone. And as the Supreme Court observed in both *Iowa Utilities Board* and *City of Arlington*, the only question is whether the FCC or a federal court will do the interpreting. Under current law, the answer is clear: The FCC receives deference for reasonable interpretations of all ambiguous terms in the Communications Act.

The fact that courts have been interpreting Section 230 for years does not

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prevent the Commission from construing its ambiguous terms. As the Supreme Court held in *National Cable & Telecomms. Ass'n v. Brand X Internet Servs.*, 545 U.S. 967 (2005), the FCC may act as the "authoritative interpreter" of ambiguous provisions in statutes like the Communications Act that it administers, and nothing "preclude[s] agencies from revising unwise judicial constructions of ambiguous statutes." Section 230 allows the FCC to determine whether courts have appropriately interpreted its proper scope. Supreme Court Justice Clarence Thomas, for example, recently expressed the view that courts have "relied on policy and purpose arguments to grant sweeping protection to Internet platforms" under Section 230 that "departed from the most natural reading of the text." Leaving such constructions unchallenged could, in Justice Thomas's words, "have serious consequences," like exempting Internet companies from a broad array of civil claims, even if that is not "what the law demands." Under *Brand X*, the FCC may review these judicial interpretations to determine whether they reflect the best reading of the statute. Indeed, an agency's role as "authoritative interpreter" may be particularly useful where, as here, courts have reached divergent interpretations of key provisions of an important statute, thus creating substantial uncertainty and disharmony in the law.

* * *

Ultimately, the five Commissioners of the FCC must decide whether this legal framework should be adopted in any future rulemaking. But in my own judgment, the FCC's legal authority to interpret Section 230 is straightforward: Congress gave the Commission power to interpret all provisions of the Communications Act of 1934—including amendments—and Section 230 is an amendment to the Communications Act. The Commission therefore may proceed with a rulemaking to clarify the scope of the Section 230(c) immunity shield.

AMERICAN OVERSIGHT

From: Thomas Johnson
To: Matthew Berry; Ashley Boizelle; Jacob Lewis
Subject: Brand X
Date: Monday, February 24, 2020 1:27:22 PM

Interesting dissent from denial of cert by Justice Thomas today expressing willingness to revisit *Brand X* – not the Communications Act part of the decision, but the administrative law part about deferring to agencies' interpretation of a statute in light of court of appeals decisions. [redacted]

https://www.supremecourt.gov/opinions/19pdf/19-402_o75p.pdf

AMERICAN OVERSIGHT

From:	Katie Gorscak
To:	Ajit Pai; Nicholas Degani; Matthew Berry
Cc:	Brian Hart; Anne Veigle; Montana L. Hyde
Subject:	Briefing Sheet: Today"s CBS News Newspath interview on 9-8-8 at 4:45 p.m.
Date:	Monday, June 29, 2020 11:15:41 AM
Attachments:	2020-06-29 Briefer - CBS News Newspath on 988 Suicide Hotline.docx

To all:

Attached please find a briefing sheet for today's Zoom interview with Nancy Chen of CBS News Newspath. This will be held via Zoom at 4:45 p.m. The dial-in information is provided in the briefing sheet. I plan to touch base with the reporter on Zoom shortly before the scheduled interview.

Montana-can you please add the dial-in information to the existing calendar appointment? I sent to you in a separate e-mail as well.

Please let me know if you have any questions.

Regards,

Katie L. Gorscak
Federal Communications Commission
Office of Media Relations
445 12th St. SW, Room 4-C735
Washington, DC 20554
Phone: 202-418-2156
Cell: 202-380-8116

AMERICAN OVERSIGHT

BRIEFING SHEET: CBS News/Newspath Interview on '988' Suicide Prevention Hotline

What: Taped interview for CBS

When: 15-minute Zoom interview on Monday, June 29th at 4:45 p.m.

Where: Zoom interview:

https://cbs.zoom.us/j/94276683888?pwd=dzIvQlNMcXhxWTRFbDN4TkYyUGpaUT09

Meeting ID: 942 7668 3888
Password: 645873

Contact: Nancy Chen, correspondent, cell phone: [redacted] (b)(6)

Staff: Katie Gorscak, OMR ([redacted]) (b)(6)

Interview/Outlet Background:

Overview: CBS Newspath is CBS News' news gathering service and provides news coverage of major breaking news events for affiliate stations to use in their local news broadcasts. The service has a team of domestic and global correspondents and freelance reporters dedicated to reporting for affiliates and offers several different national or international stories fronted by reporters on a daily basis.



Interviewer: Nancy Chen

Nancy Chen is an anchor with CBS News Newspath. She joined Newspath in 2020 as a New York City based correspondent. Prior to joining CBS, she worked as an anchor on WJLA-TV in Washington, D.C. Prior to her time in D.C. she worked for WHDH-TV in Boston and as a print reporter for the Tulsa World. Originally from Tulsa, Oklahoma, she attended the Oklahoma School of Science and Mathematics and graduated from the University of Southern California with a degree in international relations.

Talking Points

[redacted]

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[redacted]

Q: Will call centers be able to handle all these new calls?

- While that is a question really for Congress, HHS, and local leaders, I think there is a groundswell of national support for this effort and I expect every effort will be made to provide the resources need to ramp up call centers in preparation of this change.

[redacted]

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AMERICAN OVERSIGHT

From:	Zenji Nakazawa
To:	Ajit Pai; Matthew Berry; Nicholas Degani; Evan Swarztrauber
Subject:	Broadnet Drafts for Review
Date:	Friday, August 14, 2020 10:54:36 AM
Attachments:	TCPA Recon (04-23-20) CLEAN persons.docx TCPA Recon (08-13-20) CLEAN not persons.docx

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As discussed this morning, here are two draft of the Broadnet Order. One version clarifies that state and local governments are persons subject to TCPA's prior consent rules; and the other that they are not persons.

Thanks,
Zenji

AMERICAN OVERSIGHT

From:	Aaron Garza
To:	FCCCIRU
Subject:	CLAS No. 200187: Broadnet Order on Reconsideration
Date:	Friday, November 13, 2020 10:27:00 AM
Attachments:	CLAS No. 200187 Broadnet Order on Reconsideration.docx CLAS No. 200187 Broadnet Order on Reconsideration Cover Memo.doc

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All – Today, the Consumer and Governmental Affairs Bureau circulated the attached Order on Reconsideration.

Thanks!

Aaron Garza
Legal Advisor
CGB

AMERICAN OVERSIGHT

From: Matthew Berry
To: Ajit Pai; Nicholas Degani; Evan Swarztrauber; Thomas Johnson
Subject: Draft
Date: Thursday, October 15, 2020 11:22:23 AM
Attachments: The Puppy Statement.docx

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[redacted]

[redacted] Justice Thomas pointed out that courts have relied upon "policy and purpose arguments to grant sweeping protections to Internet platforms" that appear to go far beyond the actual text of Section 230. [redacted]

[redacted]

[redacted]

[redacted]

AMERICAN OVERSIGHT

From:	Tina Pelkey
To:	Preston Wise; Nirali Patel; Zenji Nakazawa; Aaron N. Goldberger; Michael Carowitz; Alexander Sanjenis
Cc:	Matthew Berry; Nicholas Degani; Brian Hart; Will Wiquist; Katie Gorscak; Rochelle Cohen
Subject:	Draft press prep
Date:	Tuesday, February 25, 2020 5:54:16 PM
Attachments:	2020-02 Open Meeting - February Press Prep - OMR Working Draft.docx

Advisors – Please find the draft press prep document attached for review. We are asking for your edits by 5pm tomorrow.

Thanks in advance!
Tina

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FEBRUARY 2020 OPEN MEETING: PRESS PREP

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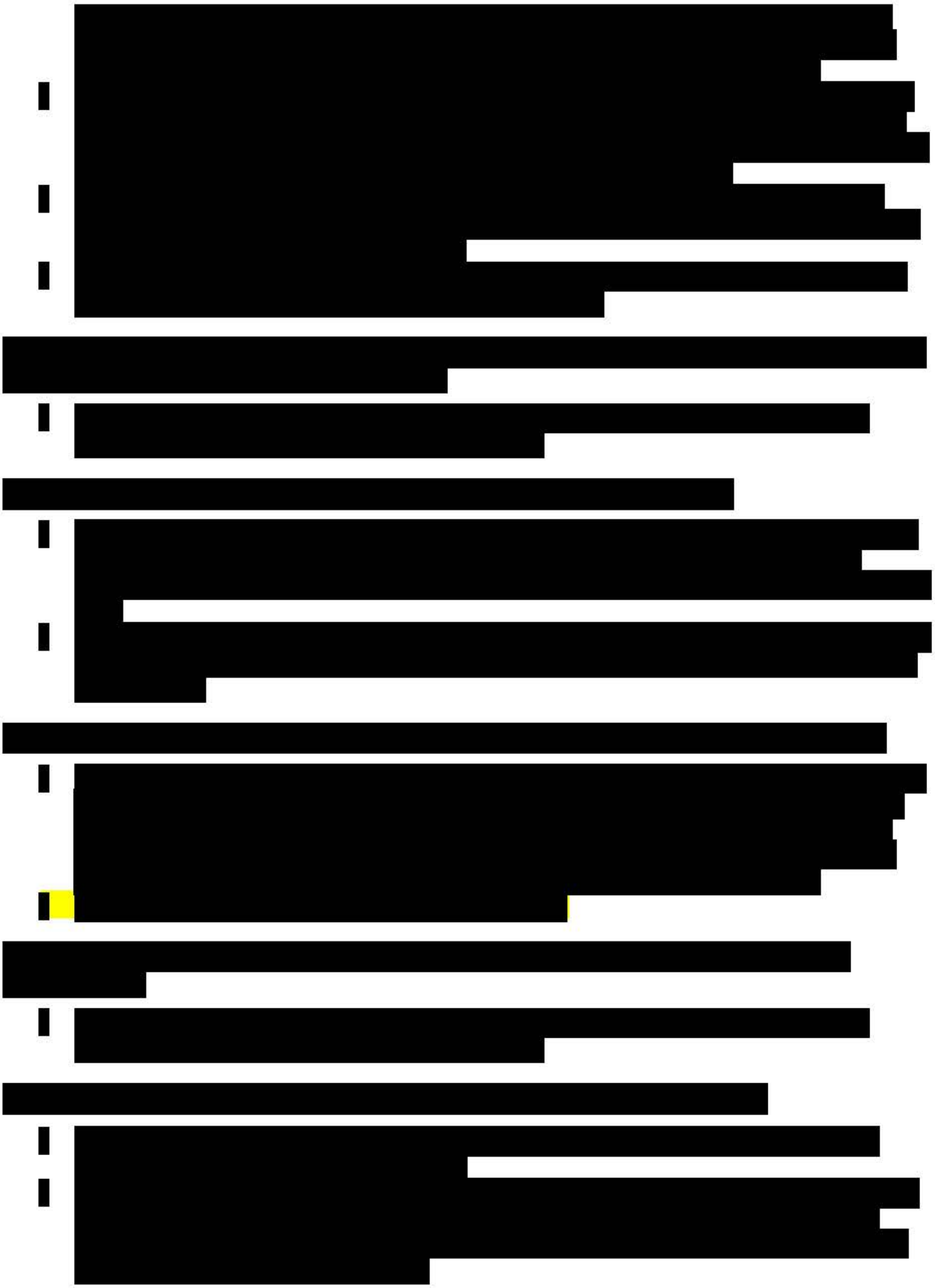
CLARENCE THOMAS COMMENTS 12

[redacted]

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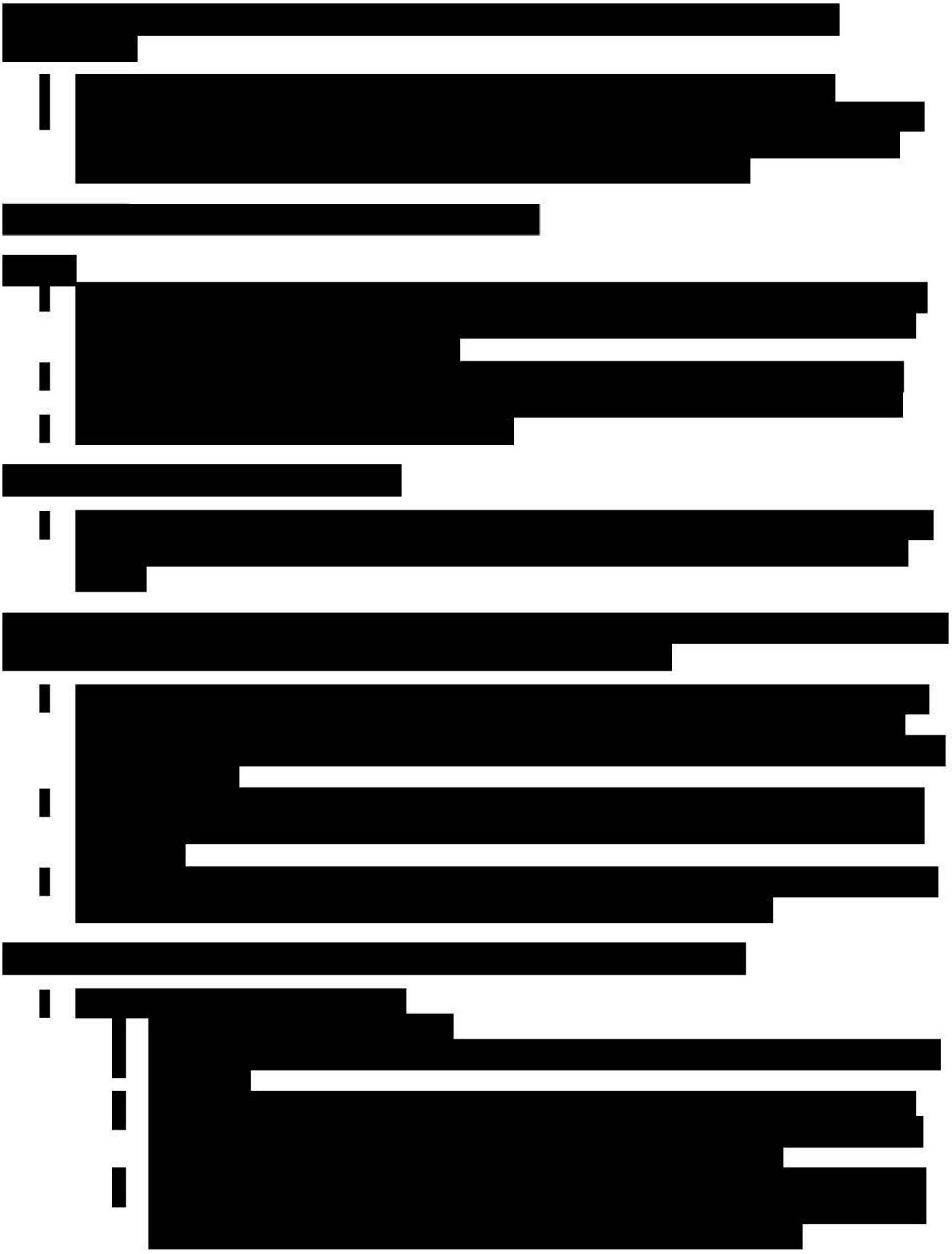
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CLARENCE THOMAS COMMENTS

Q: Justice Clarence Thomas recently said, "Although I authored Brand X, 'it is never too late to 'surrende[r] former views to a better considered position.'" Does that concern you given your previous statements about Brand X as it relates to net neutrality?

- As you know, I've been in India this week and haven't had a chance to review the full opinion, so I'm not going to comment.

[redacted]

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[redacted]

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From: Jacob Lewis
To: Opinions
Cc: Richard Welch; Matthew Dunne
Subject: Favorable DC Circuit decision in Irregulators v. FCC
Date: Friday, March 13, 2020 2:02:03 PM
Attachments: Irregulators.pdf

Today, in *Irregulators v. FCC*, (D.C. Cir. No. 19-1085), the D.C. Circuit rejected a challenge to the FCC's decision to extend for six years a freeze on the agency's jurisdictional separations rules, which separate costs allocated to interstate and intrastate telecommunications service. In *Jurisdictional Separations and Referral to the Federal-State Joint Board*, 33 FCC Rcd 12743 (2018), the agency found it in the public interest to keeping the existing separations rules in place while the Joint Federal-State Board worked on reform. By contrast, the Commission explained, letting the freeze expire would "impose significant burdens on rate-of-return carriers that would far exceed the benefits, if any, of requiring those carriers to comply with rules that they have not implemented since 2001." *Order* ¶ 18.

Petitioners, who styled themselves as the "Irregulators," are an ad hoc "consortium of senior telecom experts," including former state and federal regulators. They challenged the agency's decision as arbitrary and capricious, arguing primarily that the agency should reform its separations rules more quickly. Each petitioner alleged standing based on their individual status as a customer of a price-cap telecommunications provider. However, the FCC has forborne from applying its separations rules to price cap carriers—only rate-of-return providers are subject to the rules. The D.C. Circuit, in a unanimous decision written by Judge Williams, found that all the petitioners lacked standing because they "presented no evidence that the continuing application of the frozen rules has harmed them or is likely to harm them" because "the individuals don't purchase telephone service from a provider whose rates are directly affected by the rules" and "they have not shown how the rules distort the market to their disadvantage or otherwise harm them indirectly." *Slip Op.* at 2. The case was briefed and argued by Matthew Dunne.

A copy of the opinion is attached.

Jacob M. Lewis
Associate General Counsel and
Chief of the Litigation Division
Office of General Counsel
Federal Communications Commission
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AMERICAN OVERSIGHT

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

Argued January 17, 2020 Decided March 13, 2020

No. 19-1085

IRREGULATORS, ET AL.,
PETITIONER

v.

FEDERAL COMMUNICATIONS COMMISSION AND UNITED STATES OF AMERICA,
RESPONDENTS

On Petition for Review of Orders of the
Federal Communications Commission

W. Scott McCollough argued the cause and filed briefs for petitioners.

Matthew J. Dunne, Counsel, Federal Communications Commission, argued the cause for respondents. With him on the brief were *Robert Nicholson* and *Kathleen Simpson Kiernan*, Attorneys, U.S. Department of Justice, *Thomas M. Johnson Jr.*, General Counsel, Federal Communications Commission, *Ashley Boizelle*, Deputy General Counsel, and *Richard K. Welch*, Deputy Associate General Counsel. *Robert J. Wiggers*, Attorney, U.S. Department of Justice, *Jacob M. Lewis*, Associate General Counsel, Federal Communications Commission, and *Thaila Sundaresan*, Counsel, entered appearances.

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Gregory J. Vogt, *Regina McNeil*, and *Robert Deegan* were on the brief for *amici curiae* National Exchange Carrier Association, Inc., et al. in support of respondents.

Before: ROGERS and KATSAS, *Circuit Judges*, and WILLIAMS, *Senior Circuit Judge*.

Opinion for the court filed by *Senior Circuit Judge* WILLIAMS.

WILLIAMS, *Senior Circuit Judge*: Six individual petitioners challenge a Federal Communications Commission order approving the continued use of admittedly outdated accounting rules for an ever-dwindling number of telephone companies whose pricing is governed by those rules. But those individuals have presented no evidence that the continuing application of the frozen rules has harmed them or is likely to harm them. The individuals don't purchase telephone service from a provider whose rates are directly affected by the rules. And they have not shown how the rules distort the market to their disadvantage or otherwise harm them indirectly. The petitioners therefore lack the necessary Article III standing to challenge the Commission's order, and we must dismiss their petition for review.

* * *

Understanding this case requires something of a trip down memory lane through the history of regulatory control over telephone rates.

Until the early 1990s, the Commission regulated wireline interstate telephone providers by the "rate-of-return" method, allowing a firm to charge "rates no higher than necessary to obtain 'sufficient revenue to cover their costs and achieve a fair return on equity.'" *Nat'l Rural Telecom Ass'n v. FCC*, 988

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F.2d 174, 178 (D.C. Cir. 1993) (quoting *In re Policy & Rules Concerning Rates for Dominant Carriers*, 3 F.C.C. Rcd. 3195 (1988)). Roughly thirty years ago, the Commission "began to take serious note of some of the inefficiencies inherent in rate-of-return regulation." *Id*. Because firms "can pass any cost along to" their customers, rate-of-return carriers have little incentive to pursue innovative cost-reductions. *Id*. Rate-of-return carriers also have perverse incentives to shift costs "away from unregulated activities (where consumers would react to higher prices by reducing their purchases) into the regulated ones (where the price increase will cause little or no drop in sales because under regulation the prices are in a range where demand is relatively unresponsive to price changes)." *Id*.

The Commission's solution was price-cap regulation, in which it sets a maximum rate, subject to later periodic adjustments. The caps initially chosen were the firms' then-existing rates, which were to be subject in the future to various adjustments—adjustments that were unlikely, for any one firm, to be significantly affected by its success or failure at cost reduction. Besides improving the regulated firms' incentives, price-cap regulation has a benefit quite relevant here: it eliminates the need for the costly, cumbersome accounting rules inherent in the rate-of-return method. *Id*.

The Commission first adopted price-cap regulation in 1989, and we upheld its choice against a number of challenges. *Id*. at 177–85. The shift was at first mandatory only for the Bell companies and GTE, with other local exchange carriers entitled to remain under rate-of-return regulation at their option. See *id*. at 179; *In re Policy & Rules Concerning Rates for Dominant Carriers*, 6 F.C.C. Rcd. 2637 ¶ 10 (1991). Today, the Commission reports and the petitioners do not contest, 93% of the phone lines currently subject to either of these two forms of rate regulation are under price caps. See Resp. Br. 4.

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This case involves the separations processes set forth by the Commission in 47 C.F.R. Part 36 and which are today used (as we shall soon see) by rate-of-return carriers. The Commission devised the system in fulfillment of its statutory mandates to "prescribe a uniform system of accounts for use by telephone companies," 47 U.S.C. § 220(a)(2), and to regulate interstate—but not intrastate—telecommunications service, 47 U.S.C. § 221; see also *Louisiana Public Service Comm'n v. FCC*, 476 U.S. 355 (1986).

Jurisdictional separations involve two steps: The first is for a firm to assign its costs (already recorded in various Commission-prescribed "accounts") to categories specified by the Commission. These categories seem generally to represent aggregations of the various "accounts" in which firms initially record their costs, but are in some cases disaggregated into subcategories. See *In re Jurisdictional Separations & Referral to Fed.-State Joint Bd.*, 16 F.C.C. Rcd. 11,382 ¶ 4 & n.12 (2001) ("2001 Freeze Order"); see also, e.g., 47 C.F.R. § 36.123. The categories are presumably designed to facilitate application of the second step: apportionment of the costs in each category between intrastate and interstate jurisdictions.

The apportionment is governed by rules which vary depending on the cost in question. Some have for example a "fixed allocator." 2001 Freeze Order ¶ 4. Others fluctuate with use as between interstate and intrastate service and thus vary in their application from year to year. See *id.*; see also, e.g., 47 C.F.R. § 36.123.

In 2001, the Commission realized that its complicated Part 36 jurisdictional separations rules, initially developed for a world of analog "circuit-switched networks," no longer reflected an increasingly digital reality. 2001 Freeze Order ¶ 1. What's more, the separations process required carriers to perform cumbersome separations studies, *id.* ¶ 13, measuring

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for instance the "the relative number of weighted standard work seconds" a switchboard handled, 47 C.F.R. § 36.123(b).

So the Commission decided to effectuate a temporary, five-year freeze "pending comprehensive reform." 2001 Freeze Order ¶ 2. To the extent that the law required price-cap carriers to continue to report costs according to a "uniform system of accounts," 47 U.S.C. § 220(a)(2), the Commission simply froze the category relationships and allocations factors based on "the carriers' calendar-year 2000 separations studies." 2001 Freeze Order ¶ 9. For rate-of-return carriers for whom the rules still determined the actual prices those carriers could charge, the Commission froze the allocation factors and gave the rate-of-return carriers the option, but not the requirement, to also freeze their category relationships. *Id*. ¶ 11.

As a result of the freeze, all carriers were spared the need "to measure usage in order to develop jurisdictional allocation factors for interstate purposes, as frozen factors [would] be carried forward from year to year," and many carriers no longer needed "to perform the analyses necessary to categorize annual investment changes for interstate purposes." See *In re Jurisdictional Separations Reform & Referral to Fed.-State Joint Bd.*, 15 F.C.C. Rcd. 13,160 ¶ 19 (2000).

The five years provided for in the 2001 Freeze Order came and went—and the Commission extended the jurisdictional separations freeze for three more years. *In re Jurisdictional Separations & Referral to Fed.-State Joint Bd.*, 21 F.C.C. Rcd. 5516 ¶ 16 (2006). Over the next several years, the Commission extended the freeze seven more times, the last such extension being the Order now before us: *In re Jurisdictional Separations & Referral to the Federal-State Joint Board*, No. CC80-286, 2018 WL 6629368 (2018) ("2018 Order"). See *id.* ¶ 12 (outlining prior freeze extensions); see also *id*. ¶ 4 (extending the freeze "for up to six years"). The Commission

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has also allowed those rate-of-return carriers that froze their category relationships in 2001 (the first step in Part 36's two-step process) a one-time option to "unfreeze and update" those relationships. *Id.* ¶ 19.

* * *

The petitioners challenge the most recent iteration of the freeze as established in the 2018 Order. But because none of them possesses Article III standing, we do not rule on the merits but instead dismiss their petition for lack of jurisdiction.[1]

The Constitution permits us to rule only on tangible "Cases" or "Controversies," not abstract hypotheticals or requests for advisory opinions. U.S. Const. art. III, sec. 2. A party seeking review of an agency's action must therefore have standing to pursue the action before our court, a rule that has come to require that the party has suffered or will likely suffer an injury in fact traceable to an act of the defendant and redressable by a favorable decision. See *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560 (1992).

The petitioners in this case are six individuals and two informal, unincorporated organizations formed to advance the

[1] The petitioners set forth arguments for standing and associated evidence in a lengthy, unpaginated document attached to their docketing statement, part but not all of which they reproduce in a sequentially paginated addendum to their opening brief. Though we will consider these materials, we do not pass on whether this submission complies with D.C. Circuit Rule 15(c)(2), which permits "a brief statement" regarding a "claim of standing." For legal arguments, we cite to a brief-like section of the docketing statement styled "Petitioners' Standing Argument," using its internal pagination.

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petitioners' chosen positions on telecommunications policy. Because the petitioners offer no evidence of injury unique to the organizations themselves, those organizations will have associational standing only if a member possesses standing. We therefore focus our attention on the individual petitioners. See *NARUC v. FCC*, 851 F.3d 1324, 1327 (D.C. Cir. 2017) (per curiam) ("An association has standing to bring suit on behalf of its members when its members would otherwise have standing to sue in their own right . . . ." (cleaned up)). The individual petitioners bear the burden of establishing a substantial probability of standing, which they may meet with affidavits submitted to this court or evidence already in the administrative record. *Id*.

We address each of petitioners' theories of standing below, and show where the petitioners fall short, beginning with the petitioners' theories about how the jurisdictional separations freeze still affects price-cap carriers and ending with the petitioners' arguments that they suffer harms from the Part 36 rules' effects on rate-of-return carriers.

1. The petitioners' apparent main concern and their chief theory of injury is that the freeze distorts price-cap carriers' rates. As the petitioners see things, state regulators (particularly those of New York) still use Commission-established jurisdictional separations to regulate major price-cap carriers' intrastate rates and, when doing so, are subject to the Commission's freeze. If, as petitioners allege, the frozen separations cause intrastate rates to be higher than they would under a modernized system, individual petitioners purchasing intrastate service from price-cap carriers are likely to be harmed. Critical to this theory is the idea that state regulators are compelled by federal law to apply the frozen federal separations to the intrastate rates of price-cap carriers.

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Petitioners offer no basis to believe that such compulsion exists. In fact the Commission appears to have extinguished such compulsion, using its authority under the Telecommunications Act of 1996, 47 U.S.C. § 160, to "forbear from applying" provisions of the Act when it determines (1) that they are "not necessary to ensure" "just and reasonable" rates, (2) that they are not needed to protect consumers, and (3) that forbearance is "consistent with the public interest," in particular that such forbearance "will promote competitive market conditions." *Id.* § 160(a), (b). In the years since the initial 2001 freeze order, it has issued orders, initially conditional and later unconditional, forbearing from requiring price-cap carriers to apply the Part 36 separations process at all. 2018 Order ¶ 16 n.45. Because that process was useful only for rate-of-return price regulation, it had no further role in federal regulation of these carriers' interstate rates.

That federal forbearance is naturally consistent with states' having authority to impose their own accounting methods on price-cap carriers for the purpose of regulating intrastate rates. The relevant portion of the initial forbearance order, which the Commission subsequently incorporated by reference for all price-cap carriers, is worth quoting in full:

> We recognize that state commissions may exercise their own state authority to conduct their rate and other regulation as permitted under state law. We emphasize that we do not in this Order preempt any state accounting requirements adopted under state authority. We recognize, as the State Members point out, that section 10(e) [47 U.S.C. § 160(e)] states that "[a] State commission may not continue to apply or enforce any provision of this Act that the Commission has determined to forbear from applying" under section 10. Although states will not have authority to enforce the federal Cost Assignment Rules as they

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> apply to AT&T once this relief is effective, we do not read section 10(e) to prevent states from adopting similar provisions to the extent that they have authority under state law. In the wake of this decision, we would expect that any states that may rely on the Cost Assignment Rules and resulting data for state regulatory purposes would assert their jurisdiction to obtain the needed information from AT&T.

In re Petition of AT&T Inc. for Forbearance, 23 F.C.C. Rcd. 7302 ¶ 33 (2008); see also *In re Petition of USTelecom for Forbearance*, 28 F.C.C. Rcd. 7627 ¶ 49 (2013) (incorporating the AT&T Order's preemption analysis when granting remaining price-cap carriers similar forbearance from Part 36 rules). This means that any injuries the petitioners suffer through the application of outmoded Part 36 rules to price-cap carriers are traceable not to the Commission's freeze order but to the states' voluntary and independent decisions to use the rules of Part 36 for their own purposes.

To be sure, the petitioners have identified one state commission that in a brief dictum expressed the belief that the federal separations rules "likely preempted" any different state accounting methods. See *Northern New England Tel. Operations LLC*, 2014 WL 6722276, at *32 (Me. Pub. Util. Comm'n, 2014) ("We reject the notion that a novel (and likely preempted) attempt at reforming the cost allocation rules . . . would in any manner be helpful in establishing an appropriate level of MUSF support."). To the extent the "likely preempted" parenthetical is more than a throwaway phrase, we see no basis for it in light of general preemption principles and the language of the Commission's forbearance decisions. Petitioners' claim of a direct effect from the freeze on price-cap carriers' intrastate rates is thoroughly mistaken. See *United States v. Ruiz*, 536 U.S. 622, 628 (2002) ("[A] federal court always has jurisdiction to determine its own jurisdiction.").

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2. Petitioners generally claim that "frozen separations over-allocate costs to intrastate [service]. . . whereas they under-allocate costs to interstate, thereby allowing for artificially low interstate rates." Petitioners' Standing Argument, 19. As we just saw, only rate-of-return carriers are governed by the frozen separations, so any injury in this category must derive from their pricing.

Petitioners' difficulty is that even if they are correct that rate-of-return intrastate prices are too high, they have presented no evidence—and certainly not enough evidence to show a substantial probability—that these intrastate prices affect them personally.

For starters, none of the petitioners claims to purchase intrastate service from a rate-of-return carrier directly—hardly a surprise, given the reduced role of rate-of-return carriers. One petitioner states that he has traveled on business to every state in the Union except New Mexico and Alaska, and he has "consumed local telecommunications services" while on the road. Pet. Br. Addendum 166. But he does not claim that he has paid for these local services directly, only that he has, like many travelers, used a phone while away from home.

The petitioners indeed do claim that they pay the prices charged by rate-of-return carriers indirectly. Their providers, they say, pay inflated prices for wholesale service from rate-of-return carriers to complete long distance calls into rate-of-return networks; the providers then pass those inflated costs along to customers such as petitioners.

The underlying economic principle invoked by petitioners is sound at a high level of generality (firms generally pass on the costs of necessary inputs), but the record undermines their claim that it links the separations freeze to any impact on them. When adjusted for market size, comparatively few phone

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companies are subject to the jurisdictional separations rules in setting prices. Once we include (unregulated) mobile wireless providers in the mix, according to the Commission, the frozen rules apply to just 0.8% of all total phone connections. See Resp. Br. 13 n.4. That means the wholesale rates charged petitioners' providers by rate-of-return carriers are, by any metric, a very small portion of the former's total costs. While a perfectly efficient and completely competitive telecommunications market would transfer those inflated wholesale costs to retail customers, the petitioners provide no tangible evidence and offer only naked assertions that any such transfer has had an impact on them. This theory of harm "stacks speculation upon hypothetical upon speculation" and thus "does not establish an actual or imminent injury." *Kansas Corp. Comm'n v. FERC*, 881 F.3d 924, 931 (D.C. Cir. 2018) (quotation omitted).

3. The petitioners believe that the frozen jurisdictional rules distort the telecommunications marketplace generally. See Petitioners' Standing Argument, 30; Reply Br. 14. Though the petitioners don't detail the nature of the distortion, one can imagine some.

For instance, the frozen rules may lead rate-of-return carriers to charge inflated prices for local service. Where a price-cap carrier or a wireless carrier competes with a rate-of-return carrier to provide local service, and the rate-of-return carrier's rates have been inflated by the freeze order, the price-cap carrier will be able to raise its prices without losing customers to the disproportionately expensive rate-of-return competition.

Again, petitioners offer no relevant evidence. Specifically they offer nothing to show that their providers—or any providers competing with rate-of-return carriers—artificially inflate their prices for local service. Moreover, the price-cap

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carriers serving the petitioners might be charging the maximum amount permitted under the price cap anyway. Given the infinitesimally small share of phone calls provided by rate-of-return carriers, we can see no justification for converting petitioners' suppositions into fact.

Alternatively, a similar market distortion might arise if carriers can cross-subsidize unregulated activities by charging inflated prices for intrastate regulated services. In particular, petitioners believe that such cross-subsidization occurs in states that allegedly use federal separations results to set price-cap carriers' intrastate rates. Reply Br. 14–15. But to the extent that such cross-subsidization exists at all and to the extent that it meaningfully impairs competition, it is due to the states' independent decisions to apply the Part 36 rules, as discussed above.

4. The petitioners' fourth and final theory of injury rests on the idea that frozen category relationships allow rate-of-return carriers to receive inflated sums from the federal Universal Service Fund (USF), which causes the petitioners to pay higher USF charges on their phone bills. Again petitioners fail to demonstrate a substantial probability of a tangible injury.

Today, USF directly subsidizes (among other things) telephone companies serving high-cost areas of the country. See Federal Communications Commission, *Universal Service Fund*, https://www.fcc.gov/general/universal-service-fund; see also 47 U.S.C. § 254 (providing statutory authority). USF is funded by mandatory contributions from all telephone companies, which the companies may "recover" by including a separate USF charge on their customers' retail phone bills. See 47 C.F.R. § 54.712.

It is true that the administrator of universal service support uses aspects of Part 36 for some support calculations. See 2018

AMERICAN OVERSIGHT

Order ¶ 18. But see *id*. ¶ 17 (describing changes in the universal service systems that give rate-of-return carriers the right to calculate high-cost universal service support by means that "eliminated the need for those carriers to perform cost studies that required jurisdictional separations"). But the administrator in 2011 froze high-cost support in order "to transition universal service from focusing on voice networks to supporting and expanding broadband availability." Universal Service Administrative Company, *Frozen High Cost Support*, https://www.usac.org/high-cost/funds/frozen-high-cost-support/. Petitioners have offered no reason for us to conclude that, despite this freeze, a shift to updated and more accurate separations results would actually lower the support received by rate-of-return carriers, and thus lower the USF charges the petitioners pay.

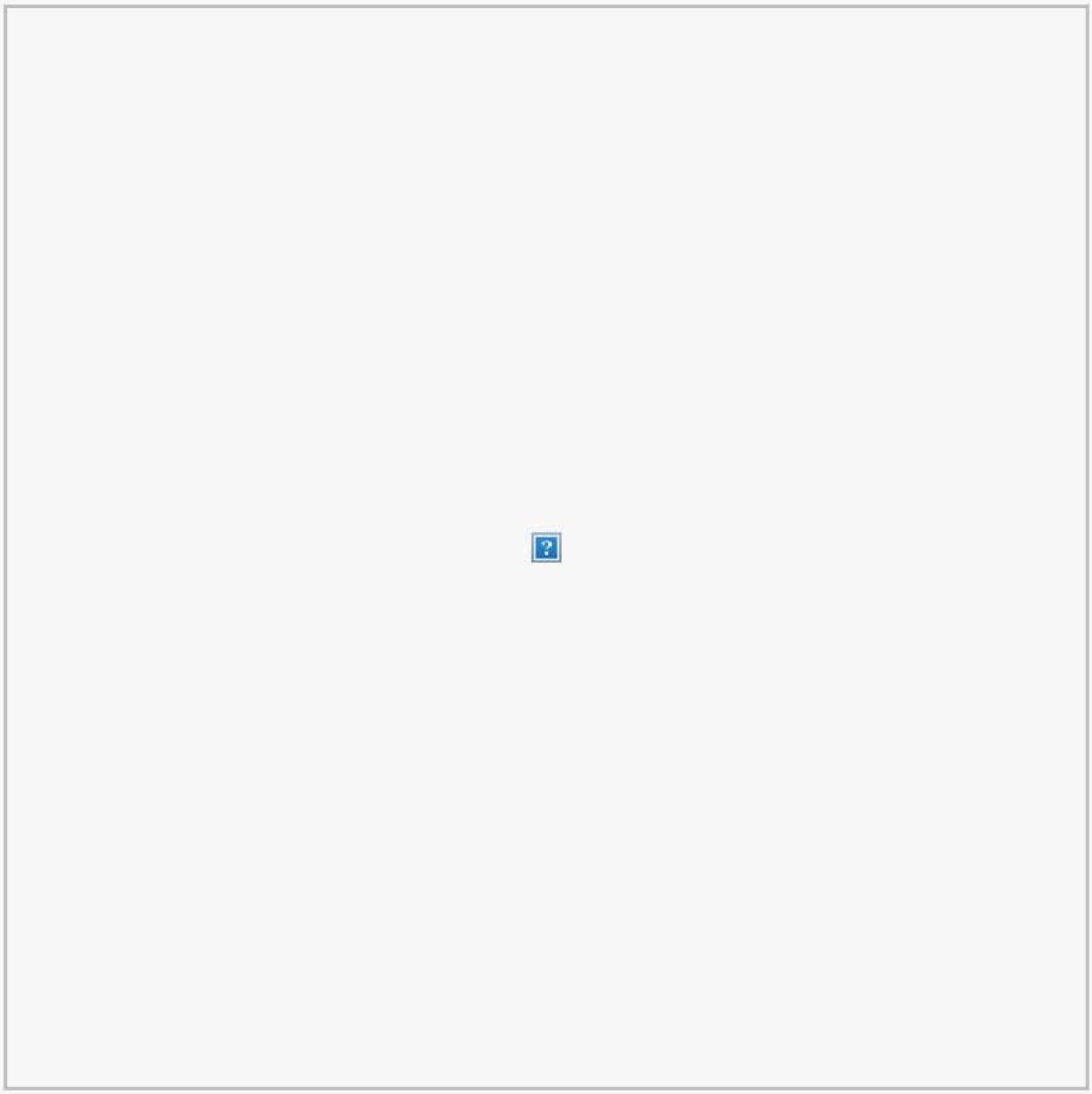
* * *

Because the petitioners lack standing to bring this petition, we lack jurisdiction to adjudicate their claims and so dismiss their petition.

So ordered.

AMERICAN OVERSIGHT

From: TechFreedom
To: Matthew Berry
Subject: FCC Has No Authority to Issue Section 230 Rules
Date: Thursday, October 15, 2020 6:08:13 PM



For immediate release
October 15, 2020

media@techfreedom.org
(475) 655-4777

AMERICAN OVERSIGHT

FCC Has No Authority to Issue Section 230 Rules

WASHINGTON D.C. Today, FCC Chairman Ajit Pai announced that the FCC would move forward with proposing rules requested by the Trump Administration to reinterpret Section 230, the 1996 law that limits when providers and users of Internet services can be sued for the decisions they make about handling content created by others. Pai cites an opinion issued by Justice Thomas earlier this week as evidence of "concern" about how courts have interpreted the law. TechFreedom issued the following statement in response:

> When a Democratic FCC Chairman pushed neutrality regulations at the behest of President Obama, Ajit Pai said: "We shouldn't be a rubber stamp for political decisions made by the White House." Now Pai's doing essentially what he lambasted Tom Wheeler for: proposing sweeping "neutrality" rules at a President's behest based on unprecedented claims of legal authority to regulate Internet services. Only now, "neutrality" isn't just rhetoric used to excite the base. Republicans are trying to coerce social media companies to change how they exercise their First Amendment rights to gain advantage just weeks before the election. Having been among Pai's strongest supporters in 2015, we could not be more disappointed.
>
> The Wheeler FCC lost repeatedly in court because Wheeler was all too eager to attempt anything his general counsel told him the agency *might* get away with. Pai's legacy could have been finally breaking the FCC of that habit. Pai fought the notion of regulating Internet services as common carriers, yet now he's embracing NTIA's startling claims that the FCC can use Section 201(b), the heart of Title II, to regulate even non-common carrier services. When Democrats use this argument for their own ends, Republicans will bitterly regret that Pai embraced this dangerously broad conception of the FCC's authority.
>
> The overwhelming consensus among commenters was clear: Congress didn't intend for the FCC to issue rules and any rules the agency might issue will be given no deference by courts. In plowing

forward undaunted by concerns about its legal authority or the First Amendment, Pai is committing exactly the kind of administrative overreach that Justices Thomas, Kavanaugh and Gorsuch and other conservative jurists have sought to rein in.

The last line of Pai's statement illustrates that this is far more about political talking points than legal. Pai implies that newspapers and broadcasters don't benefit from Section 230, echoing Republican claims that the law is a special subsidy for 'Big Tech.' Contrary to Pai's claims, Section 230 doesn't protect only big 'platforms.' Without Section 230, traditional media could be sued for any comment any user posted on their websites — so they'd likely shut down the comment sections on their sites. Without Section 230, their journalists could be sued merely for retweeting potentially defamatory material. President Trump himself has used Section 230 to dismiss lawsuits based on his retweets.

Relying on Thomas's opinion as some kind of authority underscores how little legal substance matters in this debate: Thomas's separate statement spoke for himself alone. None of the other sitting justices joined him. Further, his opinion was not issued in a case where the parties briefed the issues Thomas opined about.

For more analysis, read our comments and reply comments on the NTIA's petition to the FCC.

* * *

Find this release on our website. We can be reached for comment at media@techfreedom.org. See more of our work on free speech and Section 230 on our website, including:

- Our Twitter thread critiquing Justice Thomas's opinion
- Our analysis of legislation proposed by Sen. Josh Hawley, which would amend Section 230 to do essentially the same things the NTIA is asking the FCC to do through a rulemaking.
- Our Twitter thread breaking down the White House EO
- Our Twitter thread addressing FCC Commissioner Carr's Interview on the matter

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Our letter to the Senate Judiciary analyzing the EARN IT Act. PR on the letter

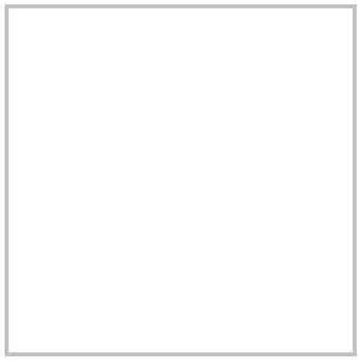
- A coalition letter by 27 civil society organizations and 53 academics a set of seven principles to guide conversation about amending Section 230 of the Communications Decency Act of 1996
- Our statement on Sen. Hawley's proposed legislation on regulating the Internet
- Our op-ed "Some conservatives need a First Amendment refresher"
- Our letter to AG Sessions "DOJ Inquiry re Tech Companies Bias is Misguided"
- Our blogpost "Reality Check for Trump and Republicans Crying 'Bias'"!
- Berin Szóka's testimony before the House Judiciary Committee on the filtering practices of social media platforms
- Our statement on the passage of SESTA
- Our statement on the takedown of Backpage and its implications for Section 230 and recent sex trafficking legislation
- Tech Policy Podcast #251: SESTA/FOSTA Hurts Victims It Aims to Protect

About TechFreedom:

TechFreedom is a non-profit, non-partisan technology policy think tank. We work to chart a path forward for policymakers towards a bright future where technology enhances freedom, and freedom enhances technology.

Please direct all media inquiries & requests for comment to media@techfreedom.org

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From: Nicholas Degani
To: Matthew Berry
Subject: FW: [ND Review by 6/16] FOIA 2019-000184 (American Oversight)
Date: Thursday, July 16, 2020 2:35:42 PM
Attachments: Supplement to FOIA Request No. FCC-2019-000184 (CS)rev.doc
Attachment A - Political Appointees since 1.20.2017.pdf
Attachment B - Career EE Detailed to CO since 1.20.2017.pdf
Attachment C - Resumes for Supplement to 2019-000184.pdf

[redacted]

[redacted]

[redacted]

From: Christopher Santini <Christopher.Santini@fcc.gov>
Sent: Thursday, July 16, 2020 2:16 PM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>
Cc: Elizabeth Lyle <Elizabeth.Lyle@fcc.gov>
Subject: RE: [ND Review by 6/16] FOIA 2019-000184 (American Oversight)

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Friday, July 10, 2020 3:45 PM
To: Christopher Santini <Christopher.Santini@fcc.gov>
Cc: Elizabeth Lyle <Elizabeth.Lyle@fcc.gov>
Subject: RE: [ND Review by 6/16] FOIA 2019-000184 (American Oversight)

Great! Thank you.

AMERICAN OVERSIGHT

From: Christopher Santini <Christopher.Santini@fcc.gov>
Sent: Friday, July 10, 2020 3:34 PM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>
Cc: Elizabeth Lyle <Elizabeth.Lyle@fcc.gov>
Subject: RE: [ND Review by 6/16] FOIA 2019-000184 (American Oversight)

[redacted]

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Sunday, June 28, 2020 11:22 AM
To: Christopher Santini <Christopher.Santini@fcc.gov>
Cc: Elizabeth Lyle <Elizabeth.Lyle@fcc.gov>
Subject: Re: [ND Review by 6/16] FOIA 2019-000184 (American Oversight)

[redacted]

AMERICAN OVERSIGHT

[redacted]

[redacted]

[redacted]
-Nick D.

From: Christopher Santini <Christopher.Santini@fcc.gov>
Sent: Tuesday, June 9, 2020 3:51 PM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>
Cc: Elizabeth Lyle <Elizabeth.Lyle@fcc.gov>
Subject: [ND Review by 6/16] FOIA 2019-000184 (American Oversight)

Nick,

[redacted]

[redacted]

Thanks!

Chris

Christopher Santini
Attorney Advisor
Office of General Counsel
Federal Communications Commission
(202) 418-1724
christopher.santini@fcc.gov

AMERICAN OVERSIGHT

Federal Communications Commission
Washington, D.C. 20554

July XX, 2020

Austin Evers
American Oversight
1030 15th Street NW
Suite B255
Washington, DC 20005
By email: foia@americanoversight.org

Re: Supplement to FOIA Control No. FCC-2019-000184

[redacted]

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[redacted]

Enclosures
cc: FCC FOIA Office

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Presidential Appointee with Senate Confirmation (PAS)	
Name	**Title**
Ajit Pai*	Chairman
Brendan Carr	Commissioner
Jessica Rosenworcel*	Commissioner
Geoffrey Starks	Commissioner
*While Chairman Pai and Commissioner Rosenworcel were both at the Commission before January 20, 2017, they were re-nominated and confirmed for new terms after that date.	

Schedule C	
Name	**Title and Office**
Brian Hart	Director, Office of Media Relations
Christina Pelkey	Public Affairs Specialist, Office of Media Relations

Administratively Determined Appointment	
Name	**Title and Office**
Matthew Berry	Chief of Staff, Office of Chairman Pai
Nicholas Degani	Senior Counsel, Office of Chairman Pai
Nathan Leamer*	Policy Advisor, Office of Chairman Pai
Brooke Ericson	Chief of Staff, Office of Commissioner O'Rielly
Jamie Susskind**	Chief of Staff, Office of Commissioner Carr
Sayre Evan Swarztrauber	Policy Advisor, Office of Commissioner Carr
William Adams	Legal Advisor, Office of Commissioner Carr
Catherine Black	Policy Advisor, Office of Commissioner Rosenworcel
Umair Javed	Legal Advisor, Office of Commissioner Rosenworcel
Jessica Martinez	Special Advisor and Confidential Assistant to Commissioner Rosenworcel
Joel Miller	Chief of Staff & Media Legal Advisor, Office of Commissioner O'Rielly
William H. Davenport	Chief of Staff & Senior Legal Advisor for Wireless and International, Commissioner Starks
*Nathan Leamer separated from employment on 09/20/2019.	
**Jamie Susskind separated from employment on 07/19/2019.	

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Career Employees Detailed to the Chairman's Office since Jan. 20, 2017		
Name	**Title (during detail)**	**Official Title and Originating Bureau/Office**
Michael Carowitz	Special Counsel	Deputy Bureau Chief, Consumer & Governmental Affairs Bureau
Jay Schwarz*	Wireline Advisor	Economist, Wireline Competition Bureau
Alison Nemeth*	Media Advisor	Attorney Advisor, Media Bureau
Rachael Bender*	Wireless and International Advisor	Attorney Advisor, Wireline Competition Bureau
Zenji Nakazawa	Public Safety and Consumer Protection Advisor	Attorney Advisor, Publc Safety and Homeland Security Bureau
Nirali Patel	Wireline Advisor	Supervisory Attorney Advisor, Wireline Competition Bureau
Preston Wise	Special Counsel	Supervisory Attorney Advisor, Wireline Competition Bureau
Alexander Sanjenis	Acting Media Advisor	Attorney Advisor, Media Bureau
Aaron Goldberger	Acting Wireless & International Adviser	Attorney Advisor, Wireless Telecommunications Bureau
*Employees separated from agency over 120 days ago.		

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AJIT V. PAI

[redacted]

EDUCATION

University of Chicago Law School. J.D., 1997.
University of Chicago Law Review. Editor (1996-97); Staff Member (1995-96).
Thomas J. Mulroy Prize for Excellence in Appellate Advocacy (1997).
Semi Finalist, Hinton Moot Court Competition (1997).
Federalist Society. Member (1 994-97); Associate Vice-President for Events (1 995-96).
Law School Republicans. Member (1994-97); Secretary (1994-95).
Harvard University. B.A. with honors in Social Studies, 1994.
Harvard Speech and Parliamentary Debate Society. Vice-President (1992-93); Member (1990-94).
Quarter finalist, World Debate Championships, Melbourne, Australia (1994).
Harvard Political Review. Staff Member (1 990-92).

EXPERIENCE

Federal Communications Commission Associate General Counsel (July 2007 - present). Advises the Commission on matters of law and policy in discussions and/or proceedings. Responsible for the review of and participation in the resolution of complex legal questions in connection with the internal administration of the Commission including its relations with other departments and agencies such as the Department of Justice, the Department of State, the General Accounting Office, Federal Trade Commission and the Department of Commerce.

U.S. Senate Judiciary Committee, Subcommittee on the Constitution. Chief Counsel (February 2005 July 2007). Manage all Subcommittee business, budget, and staff; serve as lead counsel on constitutional, national security, intellectual property, antitrust, telecommunications, financial services, corporate governance, immigration, and other issues, as well as Supreme Court and other nominations, for Chairman/Ranking Member Sam Brownback; additionally, serve as general counsel for Senator's personal office, handling numerous ethics and operational issues.

U.S. Department of Justice, Office of Legal Policy. Senior Counsel (May 2004 - February 2005). As political appointee, handled various issues and initiatives relating to national security, firearms, and federal court restructuring; assisted in consideration of judicial and executive nominations; prepared Associate Attorney General to represent Department at American Bar Association's annual meeting; and assisted in Department's implementation of Executive Order establishing the President's Board on Safeguarding Americans' Civil Liberties.

U.S. Senate Judiciary Committee, Subcommittee on Administrative Oversight and the Courts. Deputy Chief Counsel (March 2003 - May 2004). Lead counsel on national security, antitrust, judicial and executive branch nominations, and other issues for Chairman Jeff Sessions (R-Ala.).

Verizon Communications Inc. Associate General Counsel (February 2001 - March 2003). Drafted amicus brief to the Supreme Court in National Cable & Telecomm. Assn. Inc. v. Gulf

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Power Co., 534 U.S. 327 (2002); participated in the drafting of several appellate and trial court briefs; argued and won several dispositive motions, -Inc., 219 F. Supp. 2d 616 (D.N.J. 2002); conducted numerous depositions; submitted comments to Federal Communications Commission in connection with proposed rulemakng; and prepared general counsel for Congressional hearings on telecommunications and antitrust issues.

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Form Approved
OMB No. 3206-0219

OPTIONAL APPLICATION FOR FEDERAL EMPLOYMENT - OF 612

You may apply for most jobs with a resume, this form, or other written format. If your resume or application does not provide all the information requested on this form and in the job vacancy announcement, you may lose consideration for a job.

1 Job title in announcement: U.S. DEPT. OF JUSTICE, U.S. 1995 SUMMER INTERN: ATTORNEY'S OFFICE-EDNY CRIMINAL DIVISION

2 Grade(s) applying for

3 Announcement number

4 Last name: ROSENWORCEL

First and middle names: JESSICA GAIL

5 Social Security Number: [redacted]

6 Mailing address: [redacted]

City: [redacted] State: [redacted] ZIP Code: [redacted]

7 Phone numbers (include area code)
Daytime: [redacted]
Evening: [redacted]

WORK EXPERIENCE

8 Describe your paid and nonpaid work experience related to the job for which you are applying. Do not attach job descriptions.

1) Job title (if Federal, include series and grade): LEGAL ASSISTANT

From (MM/YY): 7/93 To (MM/YY): 6/94

Salary: $ 24,000 (+OVERTIME) per: YEAR Hours per week: 40-55 (VARIED)

Employer's name and address: SKADDEN, ARPS, SLATE, MEAGHER & FLOM 919 THIRD AVENUE NEW YORK, NY 10022

Supervisor's name and phone number: ANDREA LOCKHEAR, ROBERT EDWARDS (212) 735-3000

Describe your duties and accomplishments

ORGANIZED AND INDEXED COURT PAPERS FOR A LARGE ENVIRONMENTAL TOXIC TORT LITIGATION AND RELATED ASBESTOS LITIGATION. ASSISTED ATTORNEYS W/ DOCUMENT PRODUCTION. SHEPARDIZED AND CITE-CHECKED COURT PAPERS. PREPARED WRITTEN SUMMARY OF DOCUMENTS RECEIVED FROM 'FREEDOM OF INFORMATION ACT' REQUESTS. COORDINATED RESEACH SERVICES AND INFORMATION USED TO ANALYZE MARKET SHARE ISSUES FOR ASBESTOS LITIGATION.

2) Job title (if Federal, include series and grade): CLERK

From (MM/YY): 5/90 To (MM/YY): 8/90

Salary: $ 10 per: HOUR Hours per week: 35-40

Employer's name and address: HARTFORD SUPERIOR COURT 101 LAFAYETTE STREET HARTFORD, CT 06116

Supervisor's name and phone number: MICHAEL DIPONATO [redacted]

Describe your duties and accomplishments

PREPARED DAILY DOCKETS FOR JUDGES. HANDLED REQUESTS FOR INFORMATION REGARDING CRIMINAL AND MOTOR VEHICLE CASES FROM THE PUBLIC, THE MEDIA AND OTHER GOVERNMENT AGENCIES.

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FCC-22-1100-A-000076

9 May we contact your current supervisor? NOT APPLICABLE (I AM CURRENTLY A LAW STUDENT AT NYU)
YES [ ] NO [ ] ▸ If we need to contact your current supervisor before making an offer, we will contact you firs

EDUCATION

10 Mark highest level completed. Some HS [ ] HS/GED [ ] Associate [ ] Bachelor [✓] Master [ ] Doctoral [ ]

11 Last high school (HS) or GED school. Give the school's name, city, State, ZIP Code (if known), and year diploma or GED received.
WILLIAM H. HALL HIGH SCHOOL, WEST HARTFORD, CT, 06117, 1989

12 Colleges and universities attended. Do not attach a copy of your transcript unless requested.

	Name	City	State	ZIP Code	Total Credits Earned (Semester / Quarter)	Major(s)	Degree (if any)	Year Received
1)	NEW YORK UNIVERSITY SCHOOL OF LAW	NEW YORK	NY	10012	1 1/2 SEMESTERS, SO FAR	LAW DEGREE	J.D.	EXPECTED 1997
2)	WESLEYAN UNIVERSITY	MIDDLETOWN	CT	06457	35 CREDITS (34 REQUIRED TO GRADUATE)	ECONOMICS & ENGLISH		
3)								

OTHER QUALIFICATIONS

13 Job-related training courses (give title and year). Job-related skills (other languages, computer software/hardware, tools, machinery, typing speed, etc.). Job-related certificates and licenses (current only). Job-related honors, awards, and special accomplishments (publications, memberships in professional/honor societies, leadership activities, public speaking, and performance awards). Give dates, but do not send documents unless requested.

JOB-RELATED TRAINING COURSES: LAW SCHOOL CLASSES:
CRIMINAL LAW (FALL 1994), TORT LAW (FALL 1994), CONTRACT LAW (FALL 1994 & SPRING 1995), CIVIL PROCEDURE (FALL 1994 & SPRING 1995)

JOB-RELATED SKILLS: WORD PERFECT, MICROSOFT WORD

JOB-RELATED HONORS, AWARDS: 1993 WHITE PRIZE FOR EXCELLENCE IN ECONOMICS AT WESLEYAN UNIVERSITY; LEADERSHIP ACTIVITIES: UNEMPLOYMENT ACTION CENTER ADVOCATE AT DEPT. OF LABOR UNEMPLOYMENT BENEFIT HEARINGS (FALL 1994, SPRING 1995); VOLUNTEER FOR LAWYERS FOR CHILDREN (SPRING 1995)

GENERAL

14 Are you a U.S. citizen? YES [✓] NO [ ] ▸ Give the country of your citizenship.

15 Do you claim veterans' preference? NO [✓] YES [ ] ▸ Mark your claim of 5 or 10 points below.
5 points [ ] ▸ Attach your DD 214 or other proof. 10 points [ ] ▸ Attach an *Application for 10-Point Veterans' Preference* (SF 15) and proof required.

16 Were you ever a Federal civilian employee? Series Grade From (MM/YY) To (MM/YY)
NO [✓] YES [ ] ▸ For highest civilian grade give:

17 Are you eligible for reinstatement based on career or career-conditional Federal status?
NO [✓] YES [ ] ▸ If requested, attach SF 50 proof.

APPLICANT CERTIFICATION

18 I certify that, to the best of my knowledge and belief, all of the information on and attached to this application is true, correct, complete and made in good faith. I understand that false or fraudulent information on or attached to this application may be grounds for not hiring me or for firing me after I begin work, and may be punishable by fine or imprisonment. I understand that any information I give may be investigated.

SIGNATURE [redacted] DATE SIGNED 3/21/95

AMERICAN OVERSIGHT

Federal Communications Commission
All Applicant Data Report

Announcement Number: ATTY-OGC-2012-0002
Position Title: Attorney Advisor (General)

Name: BRENDAN T CARR
SSN: ***-**-[redacted]
MIDX: 000030003
Address1: [redacted]
Address2: [redacted]
City: [redacted]
State: [redacted]
Country: United States
Post Code: [redacted]
Plus4:
Phone: [redacted]
Email: [redacted]
United States Citizen: Y
Veteran Preference: NV
Start of Service:
End of Service:

Applicant Level Assessments:

Eligibility Questions

1.Are you a vet who was separated from the armed forces under honorable conditions after completing an initial continuous tour of duty of at least 3 years (may have been released just short of 3 years)?
Answers:
2. No

2.Are you a current Federal employee serving under a Veterans Readjustment Authority (VRA) appointment?
Answers:
2. No

3.Are you a current Federal civil service employee?
Answers:
2. No

4.If you are a current Federal employee, by what agency and organization are you employed?
Answers:
3. Not applicable

5.If you selected "Other", please enter the agency and organization.
Answers: NA

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6.If you are a current Federal employee, what is your duty station? [City,State] (Enter N/A if not Applicable)
Answers: NA

7.If you are a Federal employee, under what type of appointment are you currently serving?
Answers:
9. Not applicable

8.Are you a student appointee under the Student Career Experience Program who has completed all requirements for graduation and conversion under the SCEP appointing authority and is in the 120 day period for conversion to term, career or career-conditional appointment?
Answers:
3. Not Applicable

9.If you are NOT currently serving in the competitive service as a permanent career or career conditional Federal employee, are you eligible for reinstatement based on career or career-conditional Federal status in the competitive service?
Answers:
3. Not Applicable

10.If you are, or ever were, a Federal civilian employee, please indicate pay plan of the highest graded position you held:
Answers:
3. Other

11.If you selected "Other", please enter the Pay Plan.
Answers: JS

12.If you are, or ever were, a Federal civilian employee, please indicate the highest grade level you held on a permanent basis, in the competitive service. (Enter NA if Not Applicable):
Answers: NA

13.If you are, or ever were, a Federal civilian employee, please indicate the dates of the highest graded position you held (MM-YYYY to MM-YYYY; or MM-YYYY to Present; or NA if Not Applicable):
Answers: 08-2008 to 07-2009 (Clerkship with Judge Shedd on the U.S. Court of Appeals for the Fourth Circuit)

14.If you are, or were, a Federal employee who held a permanent position in the competitive service, what is the highest full performance level (or promotion potential) of that position? Note: The "remarks" section of many of your SF-50s (Notification of Personnel Action) contain this information. (Enter NA if Not Applicable)
Answers: NA

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15.May we contact your current supervisor for a reference?
Answers:
3. Please contact me first

16.Does the Federal Communications Commission employ any member of your family?
Answers:
2. No

17.If yes to Question 16, please provide the name, relationship, organization in which employed, and location if known.
Answers: NA

18.If you are a male at least 18 years of age, born after December 31, 1959, have you registered with the Selective Service System?
Answers:
1. Yes

19.Are you a retiree receiving a Federal annuity, either military or civilian?
Answers:
2. No

20.Have you accepted a buyout from a Federal agency within the past 5 years?
Answers:
2. No

21.Do you have a physical or mental impairment that limits one or more major life activities AND has been certified by the State Department of Vocational Services rendering you eligible for the Federal Employment Program for Persons with Disabilities?
Answers:
2. No

22.Are you eligible for noncompetitive appointment under a Special Appointing Authority?
Answers:
2. No

23.If you are eligible for noncompetitive appointment under a Special Appointing Authority, what authority are you applying under?
Answers: NA

24.Displaced employee information:
Answers:
3. I am not a displaced employee from a Federal Agency.

25.Are you currently an Attorney with the Federal Communications Commission?
Answers:
2. No

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Assessment Questions

What locations do you wish to apply to?
Washington DC Metro Area, DC

What Grades do you wish to apply to?
15

All Grades

1.You must meet the minimum basic educational requirements for Attorney positions. Choose the one answer that best describes your educational background required for an Attorney position:
Answers:
1. I have a JD, LL.B., and/or LL.M.

2.I am a member in good standing of the bar of a state, territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.
Answers:
1. Yes

3.Are you a current employee of the FCC?
Answers:
2. No

4.Are you a U.S. citizen?
Answers:
1. Yes

5.GS-15: In addition to meeting the educational requirements, you must possess at least four years of professional law experience and at least one year of that experience must be specialized experience at or equivalent to the GS-14 grade level in the Federal Service. Choose the one response that best describes your highest level of experience:
Answers:
1. I have at least 4 years of professional law experience and at least 1 year of that experience was specialized experience at or equivalent to the GS-14 grade level in the Federal service performing the above listed tasks on a recurring basis.

If you answered I have at least 4 years of professional law experience and at least 1 year of that experience was specialized experience at or equivalent to the GS-14 grade level in the Federal service performing the above listed tasks on a recurring basis. then answer the following questions.
5.1.Please provide examples for each of the areas listed under specialized experience, to support your response to the previous question. Please ensure this information is included in your resume but do not paste your resume here.
Answers: In addition to a one year clerkship for Judge Dennis W. Shedd on the U.S. Court of Appeals for the Fourth Circuit, where I gained significant legal research and

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writing skills, I have been an associate for over five years in Wiley Rein's telecommunications, communications litigation, and appellate groups where I gained additional professional law experience.

As an associate, I gained significant experience interpreting statutes, regulations, and rulemaking documents. I regularly advise clients on various provisions of the Communications Act. This includes advising clients on whether novel service offerings are likely to be regulated as information services under Title I of the Communications Act or as Title II common carrier offerings. I also provide legal advice and advocacy for clients on the scope and limits of the FCC's jurisdiction under the Communications Act. For example, I drafted pleadings addressing the limits on the FCC's authority to impose technical requirements on wireless handsets. I also counsel common carrier clients on the scope of their Section 201 and 202 obligations.

I also regularly advise clients on the preemptive scope of Sections 253 and 332 in connection with state and local regulations. I also have experience with various FCC regulations, including the technical rules governing the RF emissions from cell phones, which I have analyzed in a number of legal briefs filed in both state and federal courts. I have also advised clients on the Part 20 interconnection rules and Part 51 rules regarding reciprocal compensation, among other regulations. Moreover, I regularly advise clients regarding various FCC rulemaking documents, including those issued in the FCC's net neutrality and pole attachments proceedings.

In addition, I have significant experience representing clients for the purpose of explaining complex or controversial issues and for negotiating resolution of problems. I have researched and drafted various FCC filings, including comments, petitions for declaratory ruling, oppositions, and ex parte letters. In the course of drafting these filings, I have explained a number of complex issues, including the FCC's interpretation of the Pole Attachment Act, the FCC's rules governing exclusive contracts for the provision of service to multiple dwelling units, the FCC's rules governing the 700 MHz C Block spectrum, and various intercarrier compensation issues.

I also have significant telecom-related litigation experience in both trial and appellate courts. I have researched, drafted, and filed complaints, answers, motions to dismiss, motions for summary judgment, interrogatories and document requests, initial disclosures, and other filings and motions, including appellate briefs to the Supreme Court and U.S. Courts of Appeal. I also have experience assisting expert witnesses draft expert reports and prepare for depositions. I have also participated in settlement negotiations for the resolution of litigation.

My telecom litigation experience includes cases involving First Amendment and preemption challenges to local ordinances, the defense of telecom companies in various tort suits, entry regulation challenges to local zoning laws, and appeals involving numerous FCC orders, including the Commission's shot clock, pole attachments, multiple dwelling units, and Video Relay Service compensation rulings.

6.I have experience in:
Answers:

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1. General familiarity with the regulation of wireless services (e.g., applications processes, service and other operational requirements).
2. Public safety matters related to the wireline or wireless services (e.g., E911 issues, CALEA requirements, emergency alerts).
3. Broadband matters under the Communications Act.
4. Matters involving or related to the use of auctions or other methods of assigning spectrum.
5. Spectrum licensing.
6. Matters involving the Commission's efforts to assess and promote competition.
7. Matters involving the Commission's efforts to increase opportunities for all Americans to participate in the telecommunications industry and to receive services (e.g., initiatives involving Designated Entities, service to Indian Tribal lands, services for people with disabilities).
8. Consumer protection matters under the Communications Act.
9. Forfeiture procedures under the Communications Act.
10. Other federal telecommunications subject areas.

7.In the text box below, please provide 1-2 examples to support your response to each subpart to which you answered yes. Please ensure this information is included in your resume but do not paste your resume here.
Answers: REGULATION OF WIRELESS SERVICES. I have substantial specialized experience with the regulation of wireless services, including the application process and various service and operational requirements. For example, I researched and drafted comments and ex parte letters for a wireless provider regarding the service rules the FCC applied through rulemaking to the Upper 700 MHz C Block during Auction 73. These submissions included analysis of the FCC's statutory authority to impose conditions on auctioned spectrum and potential limits under the Administrative Procedure Act ("APA"). I also have experience with the FCC's long-form application process and procedures governing license modifications.

In addition, I have experience with the FCC's licensing of wireless spectrum for satellite operations. This includes assisting clients with applying for Special Temporary Authority ("STA") from the FCC and participating in license modification proceedings.

In another example, I advised a client regarding the sunsetting of the FCC's Part 22 analog service requirement.

PUBLIC SAFETY MATTERS. I have specialized experience in public safety matters. For example, I assisted Nancy Victory (Partner, Wiley Rein) in her role as Chairperson of the FCC's Hurricane Katrina Panel. I assisted in drafting portions of the Panel's report and chaired meetings of various working groups. I focused in particular on the federal emergency communications programs, including the Government Emergency Telecommunications Service ("GETS"), the Wireless Priority Service ("WPS"), and the Telecommunications Service Priority ("TSP").

I also have experience with other public safety matters, including researching whether particular service offerings must comply with CALEA and E911 requirements. This

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includes advising clients on the scope of CALEA's private network exception and counseling universities on other compliance issues. I also regularly advise clients regarding the health and safety of RF emissions from FCC-approved wireless devices.

BROADBAND MATTERS. I have significant specialized experience with both wireless and wireline broadband matters. I researched and drafted comments for various clients in the FCC's net neutrality and "third way" proceedings, and I have made oral presentations to high-ranking industry representatives on those complex issues.

I have also filed comments in FCC proceedings designed to help spur broadband deployment and adoption, including the FCC's order prohibiting the use of exclusive contracts for the provision of service to multiple dwelling units.

As another example, I drafted comments and ex parte letters regarding the FCC's pole attachment rules on the grounds that they help spur the deployment of broadband offerings. Currently, I represent intervenors supporting the FCC in the D.C. Circuit case involving the Commission's pole attachment order.

MATTERS RELATING TO THE ASSIGNMENT OF SPECTRUM. I have significant specialized experience regarding the use of auctions and other methods of assigning spectrum. For example, I have advised clients regarding the scope of the FCC's authority under Section 309 of the Communications Act to modify existing licenses that were purchased at auction. I have also advised clients in response to FCC public notices seeking comment on auction design, structure, and bidding procedures, including notices relating to Auction 73.

In addition to experience with auctions, I have filed comments in connection with FCC rulemaking and adjudicatory proceedings that reassign spectrum from one licensee to another, including the reassignment of satellite spectrum from Globalstar to Iridium.

SPECTRUM LICENSING. I regularly advise clients on various spectrum licensing matters. For example, I assisted a wireless provider with submitting a long-form application after it won spectrum at auction and then researched and drafted an opposition to a petition asking the FCC to condition the grant of that application.

As another example, I regularly advise clients regarding the limits imposed by FCC rules on the use of licensed spectrum, including limits imposed by the FCC's 700 MHz C Block open platform requirements. Likewise, I drafted portions of a CTIA White Paper explaining that wireless repeaters may only be operated by licensees or under the express authority and control of a licensed entity.

In another instance, I researched and drafted an opposition for a satellite provider in a Section 316 adjudicatory proceeding involving a Commission decision to modify an FCC license.

ASSESSMENT AND PROMOTION OF COMPETITION. I have specialized experience involving a number of competition issues. For example, I have counseled both wireline and wireless companies in various merger proceedings, including the AT&T - Deutsche Telekom

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proceeding. I have also assisted a client in connection with a traffic pumping dispute and provided advice regarding related access charge issues. I also have experience with competition issues more generally, including wireless handset exclusivity.

OPPORTUNITIES FOR ALL AMERICANS TO PARTICIPATE. I have specialized experience involving the FCC's efforts to increase opportunities for all Americans to participate in the telecommunications industry and to receive services. For example, I have experience with the FCC's Designated Entity ("DE") rules, including representing a wireless carrier in analyzing the FCC's DE rules and participating as an intervenor in support of the FCC's rules in the 2008 Third Circuit appeal.

Similarly, I researched and drafted portions of a brief in the Tenth Circuit in support of the FCC's compensation rules for Video Relay Service providers.

As another example, I worked on a number of Universal Service matters. My work includes legal research and analysis of the FCC's Connect America Fund and its Lifeline and Link Up proceeding.

In addition, I have researched and drafted comments for a client in an FCC proceeding involving potential changes to the E-Rate rules. I also successfully represented a client in an appeal of a USAC funding decision.

CONSUMER PROTECTION MATTERS. I have specialized experience regarding various consumer protection matters, including the FCC's CPNI rules. I also counsel clients regarding the FCC's truth-in-billing rules and have advised wireless providers on how to accurately reflect line item charges on consumers' bills. In addition, I researched and drafted comments in the FCC's net neutrality proceeding, focusing on various consumer protection issues.

FORFEITURE PROCEDURES. I have specialized experience advising clients on the FCC's forfeiture procedures. For example, I drafted a legal memorandum to a client regarding a potential violation of the FCC's tower lighting and marking rules, which included an analysis of the FCC's base forfeiture amounts and the applicable statute of limitations.

OTHER FEDERAL TELECOM MATTERS. I have substantial specialized experience in additional areas of federal telecommunications law. I regularly analyze FCC rulemaking and adjudicatory proceedings and assess potential statutory authority and APA claims that parties supporting and opposing the FCC's proposed decision could press on appeal. In this context, I often research and draft ex parte letters addressing the FCC's authority to take certain actions. In addition, I have substantial experience representing parties in appeals from various FCC decisions. For example, I represented intervenors in support of the FCC in the Fifth Circuit appeal of the tower siting/shot clock decision and in the D.C. Circuit appeal of the FCC's pole attachment order. I also represent wireless providers in state and federal trial and appellate courts in connection with tort actions and other proceedings involving claims stemming from the RF emissions from FCC-compliant wireless devices.

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8.I have experience in:
Answers:
1. Paperwork Reduction Act.
4. The Federal Administrative Procedure Act.
5. Federal Information Law (e.g., FOIA, Privacy Act, Intellectual Property).

9.In the text box below, please provide 1-2 examples to support your response to each subpart of the previous question to which you answered yes. Please ensure this information is included in your resume but do not paste your resume here.
Answers: PAPERWORK REDUCTION ACT. I have advised clients regarding the Paperwork Reduction Act process that was triggered by the FCC's net neutrality order.

FEDERAL ADMINISTRATIVE PROCEDURE ACT. I have substantial, specialized experience with the federal APA. I regularly draft comments for clients that make various APA arguments in connection with FCC rulemakings. For example, I drafted ex parte letters making APA arguments in connection with the FCC's proposal to impose open platform requirements on the 700 MHz C Block spectrum. I also drafted the APA section of comments submitted by a wireless provider in response to a petition asking the FCC to impose technical rules on handsets operating in the 700 MHz A block.

Moreover, I represent clients in federal courts of appeals in cases that raise APA issues, including the pole attachments case in the D.C. Circuit and the Fifth Circuit case involving the FCC's shot clock ruling.

FOIA. I have specialized experience involving FOIA. For example, I advised clients regarding the applicability of FOIA to communications between the FCC's OGC and outside attorneys when those communications are made in preparation for litigation. This analysis involved a discussion of both the attorney-client and work product privileges.

10.Do you have experience handling, under extreme time constraints, policy-related proceedings that involve large, complicated records and competing time and resource demands?
Answers:
1. Yes

11.Do you have experience planning and executing multiple large projects simultaneously?
Answers:
1. Yes

12.Check all of the following items that accurately describe your experience providing legal advice and guidance and recommending approaches to legal problems.
Answers:
1. I have prepared and presented briefings on legal matters of significant importance, proposing approaches to these matters and advising on the advantages and disadvantages of each approach.
2. I have had primary responsibility for analyzing legal matters and developing proposed approaches to these matters. Management selected the approach I recommended

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and it successfully resolved the matter.
3. I have attended meetings on behalf of my organization or firm in which I had primary responsibility for presenting its positions on significant legal issues to others at the meeting.
4. I have attended meetings regarding legal matters of significant importance to my organization or firm in which I was the principal spokesperson.

13.Please indicate which of the following specific types of written products you have produced as a regular part of a job.
Answers:
2. Memorandum of legal advice
3. Legal Brief
4. Comments in agency proceedings

14.Choose the statements that apply to your experience in interacting with a variety of people in various situations to achieve effective solutions.
Answers:
1. I have developed and given presentations both internal to my organization and to external audiences.
2. I have negotiated litigation settlements or other consensual resolutions to complex legal disputes.
3. I have independently planned and conducted meetings.
4. I have spoken as a panelist.

15.Choose the statements that apply to your experience interacting with diverse individuals.
Answers:
1. I have participated in meetings and conferences with clients, industry, and/or government representatives to discuss matters pending decision or resolution.
2. I have provided authoritative advice and information on legal or policy issues to high ranking government or corporate officials.
3. I have discussed, defended or promoted an organization's position against opposition.
4. I have provided legal guidance to decision makers internal and/or external to an organization.

16.This position requires experience in performing legal research and analysis. Choose the statements that describe your experience.
Answers:
1. I have experience researching judicial case law.
2. I have experience researching federal statutes.
3. I have experience researching FCC decisions or other federal administrative decisions.
4. I have experience researching federal legislative history.

17.Do you have experience analyzing complex legal issues, including weighing implications, identifying potential problems, and proposing possible solutions?
Answers:

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Geoffrey Adam Starks

Education

Yale Law School, New Haven, CT
J.D. 2008.

Activities: *The Yale Law Journal* (Board Member), Research Assistant to Professor Steven Duke, Yale Human Rights and Development Law Journal, Black Law Students Association (Black History Month Chairman), Hillhouse Scholars Program (Mentor), Elm City Program (Tutor).

Harvard University, Cambridge, MA
B.A. *Magna Cum Laude*, Social Studies, 2002.

Honors: John Harvard Scholarship, Thomas T. Hoopes Prize (highest award for a senior thesis from Harvard College), Kathryn Ann Huggins Prize (prize for best senior thesis from the W.E.B. Du Bois Institute), Judge Charles Wyzanski Prize (Lowell House Senior Award), Goldman Sachs Scholarship for Excellence.

Publication

Tinker's Tenure in the School Setting: The Case for Applying *O'Brien* to Content-Neutral Regulations, *120 Yale Law Journal Online 65* (2010).

Work Experience

United States Department of Justice, Office of the Deputy Attorney General, Washington, D.C.
Counsel, April 2013 – Present

- Received the Attorney General Award for Exceptional Service (highest award for a DOJ employee)
- Provide advice to the Deputy Attorney General regarding civil, cyber, and national security matters
- Drafted Departmental policy governing the personal use of social media by employees
- Detailed to the U.S. Attorney's Office for the District of Columbia and tried more than 20 cases

Williams & Connolly LLP, Washington, D.C.
Associate, January 2010 – April 2013

- Received jury acquittals in two criminal *pro bono* cases taken to trial
- Successfully conducted Major League Baseball salary-arbitration for player against the Pittsburgh Pirates

Judge Duane Benton, U.S. Court of Appeals for the 8th Circuit, Kansas City, MO
Law Clerk in Chambers, July 2008 – July 2009

Obama for America, New Haven, CT
Connecticut Deputy Field Director, January 2008 – February 2008

- Managed a team in field for the Connecticut primary

Williams & Connolly LLP, and Jenner & Block LLP, Washington, D.C.
Summer Associate, May 2007 – August 2007

- Authored sections of a South Carolina Supreme Court brief concerning Sixth Amendment claims
- Evaluated implied licensing issues involved in copyright infringement case

Illinois State Senate, Springfield, IL
Staff Member, August 2004 – June 2005

- Analyzed all legislation for the Senate Local Government & Elections Committee
- Volunteered for Barack Obama's U.S. Senate campaign in Illinois

Goldman Sachs Investment Banking, Industrials/Natural Resources Group, New York, NY
Analyst, July 2002 – August 2004

- Performed financial analysis in connection with announced M&A transactions

Interests

Playing and watching sports; exploring the D.C. area

AMERICAN OVERSIGHT

Brian C. Hart

[redacted]

Summary

- 15+ years of experience in communications, public affairs, crisis management, and legislative policy
- Senior strategic advisor and spokesperson for three U.S. senators in an official capacity, as well as in campaigns for Senate, governor, and president; also responsible for fundraising and PAC management
- Staffed and managed DC office for nation's fourth largest retailer and world's largest tax prep company
- Worked with Fortune 100 corporate clients including HP, FedEx, IBM, Enron, Compaq, and MCI on public relations, crisis and integrity communications, government and public affairs, and grassroots outreach
- Communications advisor to college conference commissioner, Midwestern governor, federal campaigns

Professional Experience

U.S. Senator Roy Blunt, Vice Chairman, Senate Republican Conference

Communications Director, May 2015 - present, Washington, D.C.

- Direct all strategic communications and public relations for the senator's Washington, D.C. and Missouri offices, the Senate Rules Committee, and the senator's communications role in Senate Republican leadership
- Act as primary spokesperson and manage team responsible for all social and digital media content, speeches, floor statements, newsletters, op-eds, scripts, talking points, press releases, and media advisories
- Handle incoming media requests and proactive news story pitches, press conferences and interviews, and coordinated communications between Senate Republican leadership

H&R Block

Director - Government Relations, 2011 - 2015, Washington, D.C.

- Managed H&R Block Washington office, multi-state staff across internal teams, and group budget; managed federal and state consultants, and acted as primary liaison with associations and industry groups
- Directed federal, state, and regulatory efforts with a focus on IRS, Treasury, Education, HHS, and CFPB
- Part of collaborative team responsible for research, public relations, and policy programs in Block think tank; provided insights and intelligence to business units, executives, and investor relations
- Doubled the funds and members in BlockPAC, started and grew Block Brigade grassroots program, and executed first congressional fly-in with franchisees

Southeastern Conference

Communications Consultant, 2011 - 2015, Birmingham, Alabama

- Consulting advisor to SEC Commissioner Mike Slive and then-Commissioner-Designate Greg Sankey on public relations issues relating to NCAA rules and infractions, member expansion, creation and announcement of the SEC Network, Power 5 conference governance and the transition to the College Football Playoff
- Public Relations advisor for SECU, the conference's rebranded academic consortium and collaborative effort
- Part of consulting speechwriting team for the commissioner's major speeches, press statements, and releases

Ketchum Public Affairs

Vice President - Group Manager, 2011, Washington, D.C.

- Developed and managed national and international communications and public affairs programs for foreign governments, Fortune 50 corporations, and coalitions and associations across industries and sectors
- Identified client organizational needs and developed creative and impactful grassroots and advocacy programs, policy outreach, and communications platforms to achieve targeted and measurable results
- Created messaging platforms and executed programs to proactively advance key goals and deliverables

U.S. Senator Sam Brownback (1997 - 2000 and 2003 - 2010)

Deputy Chief of Staff & Communications Director, 2005 - 2010, Washington, D.C.

- Supervised political and strategic planning, and helped manage staff of 50 in 8 offices and $3 million budget
- Served as political fund designee overseeing political fundraising, the PAC, travel, and events
- Assisted chief of staff with policy issues, staffing and budget decisions, and handled select legislative issues including aerospace, telecommunications, higher education, and cultural issues

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U.S. Senator Sam Brownback

Senior Advisor (Brownback for President), 2006 - 2007, Alexandria, Virginia

- Part of original 5 person team that planned and implemented presidential campaign
- Facilitated opening of national headquarters and helped organize Iowa campaign and straw poll
- Managed all media responses, proactive outreach, advertising, and digital media efforts

Communications Director, 2003 - 2005, Washington, D.C.

- Managed all aspects of strategic communications, media relations, and crisis response and presponse in Washington and Kansas including media requests and interviews, press statements, web content and social media, weekly radio shows, press releases, audio actualities, and press clips
- Acted as primary spokesperson and surrogate for the senator and managed a team across offices

Hill & Knowlton Public Relations/Public Affairs (2000 - 2001 and 2002 - 2003)

Senior Account Supervisor, 2002 - 2003, Washington, D.C.

- Supervising member of an award-winning public affairs and public relations team advising Fortune 50 corporations regarding crisis and integrity communications, corporate and social responsibility, and technology consulting, as well as outreach to Congress, the White House, and regulatory agencies
- Managed on-site grassroots outreach, public affairs, and crisis communications for clients in the fields of energy, telecommunications and technology

U. S. Senator Judd Gregg

Communications Director, 2001 - 2002, Washington, D.C.

- Acted as spokesperson and directed communications for personal offices and the Senate Health committee
- Managed media events including interviews, press conferences, Capitol events, and speaking engagements, and authored and pitched news releases, speeches, op-eds, and floor statements

Hill & Knowlton Public Relations/Public Affairs

Senior Account Executive, 2000 - 2001, Houston, Texas

- Designed and implemented strategic communications plans and assisted with executive media training for clients in the technology, manufacturing, international trade, and transportation sectors
- Managed on-site public relations, media consulting, strategic communications, and assisted with new product launches for Fortune Global 100 technology company

President George W. Bush

Site, Press, and Overnight Advance Volunteer, 1999 - 2002, nationwide

- Traveled in advance of President/-Elect/Governor to manage site selection, event logistics, and local media
- Managed overnight and travel logistics for candidate, staff, and traveling dignitaries, and coordinated air and motorcade movements with security detail

Americans For Fair Taxation

Political Director, 2000, Houston, Texas

- Helped guide organizational transition from research to grassroots focus and managed coalition development
- Assisted with congressional briefings, coordinated with consultants, and managed media interviews

U.S. Senator Sam Brownback

Projects Director, 1999, Washington, D.C.
Deputy Press Secretary/Coalitions Director (Brownback for Senate), 1998, Topeka, Kansas
Legislative Correspondent, 1997 - 1998, Washington, D.C.
Press Assistant, 1997, Washington, D.C.

Alpha Tau Omega National Fraternity

Director of Risk Management, 1995 - 1997, Indianapolis, Indiana
Regional Consultant, 1994 - 1995, Champaign, Illinois

Education

University of Texas at Austin, Bachelor of Arts degree in Government with an emphasis in History

AMERICAN OVERSIGHT

Tina Gray Pelkey

[redacted]

WORK EXPERIENCE

Black Rock Group (Washington, D.C.)
Senior Vice President **Feb. 2013 - Present**

- Run communications campaigns for companies, trade associations and coalitions aimed at influencing public policy
- Lead accounts, run meetings, present plans and provide counsel to clients on an ongoing basis
- Strategically place stories and communicate key messages to reporters
- Distill complex issues into understandable messages for target audiences
- Draft press releases, media advisories, op-eds, talking points, website copy and other communications materials; manage social media accounts for clients
- Organize Hill briefings and press conferences
- Develop new business proposals and participate in pitches for prospective clients

Weber Shandwick (Brussels, Belgium)
Account Manager, Corporate Communications **Aug. 2011 - Sept. 2012**

- Took client briefs and developed strategic communications plans with a strong emphasis on generating earned media on technology issues, including the European Union's Data Protection Directive, Cloud Computing Strategy and Cybersecurity Strategy
- Drove positive, on-message media coverage in European outlets
- Cultivated relationships with Brussels-based journalists
- Drafted communications materials, including talking points, press releases, op-eds and fact sheets; staffed interviews with executives
- Managed client relationships and oversaw day-to-day work on multiple accounts

DCI Group (Washington, D.C. & Brussels, Belgium)
Account Executive, Public Relations **Nov. 2009 - July 2011**

- Account lead for the European Privacy Association, a Brussels-based organization dedicated to advancing privacy issues
  - Identified and pitched reporters; secured print and television interviews
  - Spearheaded social media efforts
- Drafted and implemented strategic communications plans to achieve clients' advocacy objectives
- Wrote press releases and placed op-eds in national and local markets
- Effectively managed contacts in the media, U.S. Congress and European Parliament to communicate key messages

U.S. Sen. John Cornyn (Washington, D.C.)
National Press Secretary **June 2008 - Nov. 2009**
Deputy Press Secretary **Dec. 2006 - June 2008**

- On-the-record spokeswoman for the Senator; worked daily with national, congressional and Texas reporters
- Generated earned media in national, state, and local media outlets
- Responded to press inquiries on deadline
- Booked print, radio and television interviews in national and local outlets
- Wrote and edited press releases, media advisories, op-eds and letters to the editor sent to national and Texas media outlets, as well as blogs
- Staffed television and radio interviews, press conferences and other events

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Republican National Committee (Washington, D.C.)
Research Analyst **Feb. - Nov. 2006**

- Provided rapid response, talking points and policy research for RNC senior staff, major news organizations, congressional offices and campaigns
- Analyzed congressional vote records on national security, education and social issues

The White House (Washington, D.C.)
Press Intern, Office of the First Lady **May - Aug. 2005**

- Compiled daily press clips, drafted media advisories and assisted in coordinating press events
- Served as press lead on the advance team for events in Kansas City and Washington, D.C.

EDUCATION

University of Kansas **Aug. 2001 - May 2005**

- Bachelor of Science in Journalism and Bachelor of Arts in Political Science

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Matthew B. Berry

Education:

Yale Law School, New Haven, CT
J.D., 1997
Activities: Editor and Admissions Committee Member, *Yale Law Journal*
Book Review Editor, *Yale Journal on Regulation*
Trial Director, Thomas Swan Barristers' Union
Federalist Society
Publication: Case Note: *A Treasure Not Worth Salvaging,* 106 Yale L.J. 241 (1996)

Dartmouth College, Hanover, NH
A.B., 1994, *summa cum laude,* Double Major in Government and Economics
Honors: Phi Beta Kappa
High Honors in Government Major
Jeffrey Pressman Prize for Best Thesis in American Government
Thesis: "How and Under What Conditions Does the Supreme Court Energize State Electoral Politics?: Abortion as a Case Study"
Activities: President, Conservative Union at Dartmouth
Columnist, *The Dartmouth*
Secretary, Dartmouth College Student Assembly

Experience:

October 2003 - **Office of Legal Policy, U.S. Department of Justice**
Senior Counsel. Earned the Department's John Marshall Award for providing legal advice related to counterterrorism.

January 2003 - October 2003 **Office of Legal Counsel, U.S. Department of Justice**
Attorney/Adviser. Provided legal advice on topics related to Operation Iraqi Freedom.

Fall 2002 **College of William & Mary Law School, Williamsburg, VA**
Visiting Assistant Professor. Taught courses in The First Amendment and Election Law.

2001-2002 **The Honorable Clarence Thomas, U.S. Supreme Court**
Law Clerk.

1998-2001 **Institute for Justice, Washington, D.C.**
Staff Attorney. Defended constitutionality of school choice programs in state and federal courts. Wrote *amicus curiae* briefs submitted to U.S. Supreme Court. Authored articles appearing in *The Wall Street Journal, National Review,* and *USA Today.*

1997-1998 **The Honorable Laurence H. Silberman, U.S. Court of Appeals for the D.C. Circuit**
Law Clerk.

Community Involvement:

2000-2001 **Arlington County Human Rights Commission, Commissioner**

AMERICAN OVERSIGHT

08-2642

Nicholas A. Degani

EDUCATION

HARVARD LAW SCHOOL, J.D. *cum laude* — June 2006

Award:	Frank S. Righeimer, Jr. Student Prize for Citizenship
Publications:	Note, Canon of Avoidance—*Clark v. Martinez*, 119 Harv. L. Rev. 386 (2005)
	Note, State Sovereign Immunity—*Travis v. Hawkins*, 118 Harv. L. Rev. 786 (2004)
Activities:	*Harvard Law Review*, Supreme Court Chair
	Federalist Society for Law & Public Policy, Outreach Director
	Research Assistant, Profs. John F. Manning & Louis Kaplow
	Teaching Assistant, Profs. John Palfrey & Jonathan Zittrain

YALE UNIVERSITY, B.S. *magna cum laude* — May 2003

Majors: Electrical Engineering/Computer Science and History

EXPERIENCE

FEDERAL COMMUNICATIONS COMMISSION, Washington, DC — June 2012–present

Wireline Legal Advisor to Commissioner Ajit V. Pai

- Assist Commissioner Pai in legal research and writing with respect to wireline matters.

U.S. HOUSE OF REPRESENTATIVES, Washington, DC — May 2011–June 2012

Counsel detailed from FCC, Committee on Energy and Commerce & Subcommittee on Communications and Technology

- Drafted House-passed legislation to consolidate reports at the Federal Communications Commission and to reform the regulatory process.
- Assisted in drafting and negotiating the spectrum provisions of the Middle Class Tax Relief and Job Creation Act of 2012.
- Advised the Committee on communications law and policy, with a focus on the Universal Service Fund, intercarrier compensation, privacy, cybersecurity, agency jurisdiction and spending, and the regulatory process.

FEDERAL COMMUNICATIONS COMMISSION, Washington, DC — September 2007–May 2011

Attorney Advisor, Wireline Competition Bureau

- Led team of four attorneys on eligibility requirements for carriers to participate in universal service programs, including forbearance matters.
- Drafted rulemaking proposals and orders on universal service, intercarrier compensation, telecommunications relay service, and Internet policy matters.
- Advised auditors on Commission's rules for contributing to the Universal Service Fund.

Honors Attorney, Office of the General Counsel

- Drafted amicus brief arguing for federal preemption of state regulation of special access lines.
- Drafted appellate reply arguing that video-carriage rules did not violate Fifth Amendment.
- Advised General Counsel on pending litigation with a focus on procedural issues.

SIXTH CIRCUIT COURT OF APPEALS, Columbus, OH — August 2006–August 2007

Law Clerk to the Honorable Jeffrey S. Sutton

- Assisted Judge Sutton in legal research and writing and in preparation for oral arguments.

PERSONAL INTERESTS AND ACTIVITIES

Admitted to practice in the State of California (2007).
Organized charity poker tournament to support public interest work at Harvard Law School.

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NATHAN D. LEAME

EXPERIENCE:

Outreach Manager and Senior Fellow, R Street Institute ***Nov. 2014-Present***
1050 17th Street Suite 1150 Washington, District of Columbia 20036 ***rstreet.org***

- Collaborate with R Street's scholars to establish our policy platform on issues including privacy, security, encryption, shared economy, intellectual property, the future of work and criminal justice
- Organize coalitions with lawmakers and interest groups to effectively advocate for a variety issue campaigns at the federal and state levels
- Represent R Street policy positions at coalition events, Capitol Hill briefings and conferences such as SXSW and State Policy Network
- Write and publish R Street policy papers and legislative memos
- Regularly contribute to influential media publications including CSM Passcode, The Hill, TechDirt, Detroit News, Morning Consult, IJ Review, American Spectator and Daily Caller

Legislative and Coalitions Associate, Generation Opportunity ***Aug. 2013-Nov. 2014***
2020 North 14th Street, Suite 660, Arlington, VA, 22201 ***generationopportunity.org***

- Created and developed issue campaigns to attract Millennials to free market ideas, including Free The Brews, a project to engage Millennial microbrewers and discuss regulatory hurdles faced by small businesses
- Built coalitions with federal lawmakers and other interest groups to make policy and regulatory changes that resonate with young Americans, such as cell phone unlocking and ECPA reform
- Planned and presented Generation Opportunity policy positions at Capitol Hill panels for staff and legislators
- Regularly contributed to Generation Opportunity blog
- Coordinated Google Hangouts allowing Millennials to engage with elected officials including Sen. Rand Paul (R-KY), Rep. Kevin Yoder (R-KS), Rep. Jim Jordan (R-OH) and Rep. Jared Polis (D-CO)

Staff Assistant, U.S. Representative Justin Amash ***Nov. 2011-July 2013***
114 Cannon HOB Washington, District of Columbia 20003 ***amash.house.gov***

- Researched and advised Rep. Amash on education, civil liberties and agriculture
- Assisted in the cultivation of Rep. Amash's social media presence and maintained content on official congressional website
- Developed vote scorecard tracking how Rep. Amash voted in relation to other representatives

District Assistant, U.S. Representative Justin Amash ***Jan. 2011-Nov. 2011***
110 Michigan St NW, Suite 460 Grand Rapids, MI 49503 ***Grand Rapids, Michigan***

- Met with constituents and attended events throughout the district to cultivate strong ties and relationships with constituency
- Assisted with casework for constituents requiring federal assistance
- Organized and facilitated special events sponsored by the office, including district town hall meetings, Congressional Art Competition and Military Academy Nominations Ceremony

Legislative Assistant, State Representative Justin Amash ***Jan. 2010-Dec. 2010***
124 North Capitol Ave Lansing, Michigan ***http://house.michigan.gov/contact.asp***

- Staffed the Education Committee, conducting research and vote recommendations for State Rep. Amash
- Assisted with casework for constituents requiring state assistance
- Worked with Republican Communications Office to draft and distribute press releases and media advisories

Substitute Teacher, Professional Education Service Group ***Sept. 2009-Jan. 2010***
6307 84th Street SE Suite D Caledonia, Michigan 49316 ***subpass.com***

- Comfortably substituted in K-12, special education, Montessori and advanced placement programs

EDUCATION:

Calvin College ***Diploma Received 2013***
3201 Burton St SE Grand Rapids, MI 49546 ***calvin.edu***

- Bachelor of Arts, Secondary Education Program; history major, political science minor
- Certification: Michigan Secondary Provisional Teacher Certificate (Grades 6-12)

AMERICAN OVERSIGHT

Brooke Ericson

EXPERIENCE

UNITED STATES SENATE, WASHINGTON, DC
Senator Ron Johnson, *Deputy Chief of Staff*, January 2017 – Present

- Manage the Senator's personal and state office with direct oversight of legislative team (including the integration of the personal office, state, and Homeland Security & Governmental Affairs Committee), communications team, scheduling, judicial process (recommending District and Circuit Judges, U.S. Attorneys, and U.S. Marshals), and fundraising.
- Clearance Level: Top Secret/Sensitive Compartmented Information (TS/SCI)

Homeland Security & Governmental Affairs Committee, *Chief Counsel – Homeland Security*; April 2016 – January 2017
for Chairman Ron Johnson (*Deputy Chief Counsel – Homeland Security*, January 2015 – April 2016)

- Managed a team of eight people: approved draft oversight letters, bills, and committee reports;
- Oversaw the nomination process for Secretary John F. Kelly (Department of Homeland Security);
- Staff lead on 10 bills, five of which were signed into law;
- Negotiated legislation related to border security, cybersecurity, and encryption with Senate leadership and colleagues;
- Organized and led more than twenty committee hearings and four field hearings;
- Led a major Committee Report on the State of America's Border Security issued as a result of Committee hearings and site visits, a Committee Report on America's Insatiable Demand for Drugs, a year-long investigation and report on the Federal Communications Commission's Open Internet Order, and a report examining Israel's approach to border and cybersecurity.

Senator Ron Johnson, *Chief Counsel*, March 2013 – January 2015
Handled issues for the Senator relating to the Senate Commerce, Science, & Transportation Committee:

- Staffed hearings on nominations, FCC, universal service, video, wireless, wireline, broadband adoption, and privacy;
- Organized roundtables with industry to debate incentive auction structure, video competition, and the IP transition.

Served as the Senator's chief counsel and managed all issues pending in the Senate Judiciary Committee:

- Developed legislative strategy on 2013 immigration bill, including amendments on Senate floor; conducted sixteen town halls on immigration in Wisconsin to educate constituents; held bicameral strategy sessions on topic;
- Created and oversaw judicial commission to appoint federal judges in Wisconsin.

UNITED STATES HOUSE OF REPRESENTATIVES, WASHINGTON, DC
Representative Cliff Stearns, *Legislative Counsel*, April 2011 – January 2013
Served as chief legislative advisor for the Congressman on committee issues for Energy & Commerce Committee:

- Prepared for hearings and markups on spectrum, incentive auctions, broadband loans, the future of video and audio, international proposals to regulate the Internet, online gaming, cybersecurity, data security, and privacy;
- Drafted legislation, including the Efficient Use of Government Spectrum Act to require the auction of a key spectrum band.

Worked with Oversight & Investigations Subcommittee on telecommunications related issues:

- Pitched and developed hearing on regulatory review of independent agencies; assisted in telecom-related investigations.

Energy & Commerce Committee, Subcommittee on Communications & Technology, *Law Clerk*, March 2011 – April 2011

- Prepped hearings, drafted talking points, and met with industry regarding net neutrality, spectrum, and FCC process reform.

FEDERAL COMMUNICATIONS COMMISSION, WASHINGTON, DC
Office of Commissioner Robert M. McDowell, *Law Clerk*, May 2010 – March 2011

- Assisted with key Commission orders, including the Open Internet Order and Comcast/NBCU Merger approval.

EDUCATION

American University Washington College of Law, *Juris Doctor*, May 2011, GPA 3.82 (Top 5%), Order of the Coif.

- *Administrative Law Review*, Note & Comment Editor, "*Möbius-Strip Reasoning:" The Evolution of the FCC's Net Neutrality Nondiscrimination Principle for Broadband Internet and its Necessary Demise*, 62 ADMIN L. REV. 1217 (2010).
- ABA Forum on Communications Law's First Amendment & Media Moot Court Competition, *Winner, Best Brief.*

University of North Carolina at Chapel Hill, *Bachelor of Arts, with Highest Honors,* in Journalism and Mass Communication and American Studies, May 2008, GPA 3.71.

AMERICAN OVERSIGHT

SAYRE EVAN SWARZTRAUBER

WORK EXPERIENCE

TechFreedom — Washington, DC
Director of Public Affairs — May 2017 –Present
Communications Director — June 2014 – May 2017

- Manages the organization's communications and outreach teams and external relations with tech stakeholders, including journalists, coalition partners, donors, government officials, companies, and trade associations.
- Grows and maintains a network of strategic partners and represents the organization in a wide range of coalitions, including groups covering telecom, free speech, trade, surveillance, and foreign policy.
- Crafts messaging and media strategy, increasing coverage and diversity of news hits.
- Manages all of TechFreedom's social media channels and content promotion.
- Launched and hosts the Tech Policy Podcast, now TechFreedom's flagship publication, posting nearly 200 episodes since January 2016 with over 100,000 downloads to date.
- Developed five new financial donors, expanding the organization's work into broadcast regulations, the sharing economy, and e-vapor.

New York State Assembly Member Richard N. Gottfried — New York, NY
Communications Associate — July 2013 – May 2014

- Conducted legislative research and managed constituent correspondence.
- Wrote community notices and memos for constituents on the Member's issue positions and legislative actions.
- Managed the office's Constant Contact database and mass mailers.

Advance Group — New York, NY
Communications Intern — June 2013– September 2013

- Wrote press releases, op-eds, statements, e-mails, letters to the editor, media advisories, and memos for clients.
- Built press lists and interfaced with news organizations to expand the firm's media footprint.

New York City Councilman Daniel R. Garodnick — New York, NY
Intern — July 2013 – May 2014

- Developed a historic transparency initiative with the Chief of Staff, publishing funding requests to the Councilman and information about meetings with lobbyists and organizations.
- Drafted language to update the Councilman's voting record website.
- Fielded calls from concerned constituents and directed them to the proper resources and assistance

EDUCATION

Koch Associate Program — Washington, DC
Certificate of Completion — June 2014 – April 2015

George Washington University — Washington, DC
Bachelor of Arts, *cum laude* — August 2009 – January 2013

- Major: Political Communication
- Minor: Journalism & Mass Communication

RELEVANT SKILLS

- Networking, diplomacy, and coalition building.
- Public speaking and media appearances, both as interviewer and interviewee.
- Writing press releases, op-eds, letters, and content for social media.

REFERENCES available upon request

AMERICAN OVERSIGHT

Will Adams

EDUCATION

Harvard Law School, Cambridge, MA **2006-2009**
J.D., June 2009

- Harvard Journal of Law & Public Policy: Notes Editor of the country's most widely-circulated legal review of public policy; edited more than 20 publications on antitrust, congressional power, and statutory interpretation
- Federalist Society: President of founding chapter, liaised with federal officials, frequent conference speaker

Georgetown University, Washington, DC **2001-2004**
B.A. magna cum laude and Phi Beta Kappa, May 2004

WORK EXPERIENCE

Red Door Strategies, New York, NY & Washington, DC **2016-present**
President

- Worked one-on-one daily with presidential candidate Gov. Gary Johnson on policy agenda and strategy; had primary responsibility for analyzing federal issues, formulating policy positions, and writing candidate's speeches, consulted on traditional and digital ads; served as senior liaison to major donors and traveling media
- Founded super PAC, managed polling and quantitative message-testing, created television and print ads

Koch Network, New York, NY & Arlington, VA **2015-2016**
Political Director, Vice President

- Advised Koch leadership on presidential and congressional races, created network's first quantitative assessment of political engagement, message architect of $50M media budget, headed dozen-person opposition research shop
- Selected as first employee to launch policy startup, authored white papers, created initial programming, conducted polling and managed focus groups of swing voters, led two-dozen person creative agency team

U.S. Rep. Justin Amash, Washington, DC **2011-2015**
Chief of Staff

- In charge of Washington and Michigan offices, led staff of 17, managed $1.3M budget
- Co-authored constitutional balanced budget amendment, contributed to USA FREEDOM Act (P.L. 114-23), founding staffer of House Freedom Caucus, managing staffer for Budget and Joint Economic Committees
- Amash for Congress: headed campaign's $2M fundraising efforts; served as a principal for strategy, policy, and media; wrote and produced all television, radio, and direct mail ads in 2014 cycle

Buck for Colorado, Denver, CO **2010**
Policy Director

- Managed U.S. Senate nominee's research and rapid response staff, served as senior strategy adviser, led policy coalitions, headed debate preparation, worked one-on-one with candidate on messaging, pitched national media

Chief Judge Timothy M. Tymkovich (10th Cir.), Denver, CO **2009-2010**
Clerkship

- Advised federal appeals court judge on legal matters, drafted circuit court opinions, assisted with speechwriting

U.S. Rep. Tom Tancredo, Washington, DC **2005-2006**
Communications Director

- Quoted in *New York Times, Wall Street Journal, Washington Post, Time, Newsweek, Fox News, CNN*, among other outlets; interviewed frequently on national and local radio

Prior Experience: Sidley Austin LLP; Weil, Gotshal & Manges LLP; Boston District Attorney's Office, U.S. DOJ
Interests: Soccer player, skier, G'town basketball season ticket holder, BBQer, traveler (25 countries), tech enthusiast

AMERICAN OVERSIGHT

Kate Black

Experience

EMILY's List, *Chief of Staff* 2017-Present; Washington, DC

- Directed strategic planning and implementation of EMILY's List organizational goals and initiatives including Run to Win, a program to recruit, train, and elect over 16,000 women.
- Provided direct strategic support to EMILY's List President Stephanie Schriock.
- Led cross-departmental projects and weekly meetings to assess upcoming calendar needs, political goals, and status updates.
- Served as point-person for EMILY's List Board of Directors and facilitated quarterly meetings.

American Women, *Executive Director* 2014-2017; Washington, DC

- Directed the organization's daily operations, research, and outreach with allies.
- Built coalitions to drive action and distribute data-driven messaging on domestic policy, particularly women's reproductive health and women's economic security issues.
- Produced first-of-its-kind toolkit on economic security for women and families to provide easily digestible communications guidance and facts for allies.
- Established partnership with *ELLE* magazine to share polling data, reach new audiences, and provide women with policy information during the 2015-2016 election cycle.
- Provided policy, political and legislative analysis to key internal and external stakeholders.
- Fundraised and managed a $750k+ budget for FY 2015-2016.

EMILY's List, *Vice President of Research* 2011-Present; Washington, DC

- Conducted policy briefings for EMILY's List Senior Leadership Team and campaigns on federal and state issues
- Conducted research projects including candidate research reports and impact studies on women in office
- Assisted federal, statewide, and down-ballot campaigns with research needs, including: creation of policy platforms, managing on the ground projects and teams, and conducting candidate interviews to assess potential vulnerabilities and positive narratives
- Managed team of 4-8 staff and interns

Gragert Jones Research, *Research Director* 2009-2011; Washington, DC

- Led issue briefings and led debate preparation for Congressional candidates
- Managed six staff members between Chicago and DC offices

Democratic National Committee, *Research Associate* 3/2009-10/2009; Washington, DC

- Drafted messaging and communications rapid response for Democratic policy initiatives
- Assisted with research needs for confirmation of Supreme Court Nominees Elena Kagan and Sonia Sotomayor

AMERICAN OVERSIGHT

SEIU, *Communications and Research Consultant* 1/2009-3/2009; Washington, DC

- Conducted research on special projects with the National Media Relations Director and Senior Staff

EMILY's List, *Research Associate* 4/2008-12/2008; Washington, DC

- Coordinated with campaigns on research needs including policy positions and legislative accomplishments

Hillary Clinton for President, *Research Assistant* 2/2007-4/2008; HQ, Arlington, VA

- Assisted Counsel's Office on vetting and special research projects, including Sen. Clinton's work on healthcare, women's equality, and family issues

Education

George Washington University, Masters of Arts 2010
Miami University, Bachelor of Philosophy 2006

Community Engagement

Younger Women's Task Force, *DC Chapter Director* 2014-2017

- Led 800+ member organization of young women in DC to educate, empower, and inform them about the issues that matter to them most
- Co-founder of partnership with Mayor Muriel Bowser to train 15,000 women in Washington DC to negotiate their salaries to help close the gender wage gap

WorkSmart Salary Workshops, *Negotiation Trainer* Present

Media Profile

- On the record with: New York Times, Salon, ELLE, Fox News Latino, Refinery29
- Selected Op-Eds:
  - "Women Hold the Power This Election," Cincinnati Enquirer
  - "An America that Works for Women," HuffingtonPost.com

AMERICAN OVERSIGHT

UMAIR JAVED

EDUCATION

University of Virginia School of Law, Charlottesville, VA
Juris Doctor, May 2010
Activities: Immigrant Jail Outreach Program

University of Virginia, Charlottesville, VA
Bachelor of Arts in Political Philosophy, Policy, and Law (PPL), Minor in Foreign Affairs, May 2007
Honors: Echols Scholar
Distinguished Majors Program in PPL
Intermediate Honors
Activities: University Judiciary Committee

EXPERIENCE

Wiley Rein LLP, Washington, D.C.
Associate (October 2010 – Present)

- Serves on U.S. delegations to treaty-writing conferences and meetings of the United Nations' International Telecommunication Union.
- Advises a group of leading multinational Internet companies on issues of international significance determining the Internet's future.
- Provides legal counsel and strategic advice to multinational corporations concerning global data protection laws and cross-border data flows.
- Extensive transactional experience, including counseling on structuring and documenting transactions, securing regulatory approvals for complex mergers and acquisitions, and assisting with compliance issues relating to designated entities.
- Particular expertise in wireless and satellite issues, including licensing, compliance, and regulatory policy matters.
- Represents communications and technology companies in enforcement matters before the Federal Communications Commission and the Federal Trade Commission.
- Focuses on new and emerging markets, including regulatory and privacy issues relating to connected cars, Unmanned Aircraft Systems, mobile health applications and platforms, and the Internet of Things.
- Maintains an active pro bono practice, including representing victims of human trafficking and asylum seekers and assisting U.S. nonprofit organizations with entity formation issues.

Fairfax County Consumer Protection Commission
Commissioner (March 2017 – Present)

- Appointed by the Fairfax County Supervisor for the Providence District.
- Analyzes consumer issues in Fairfax County and makes recommendations to the Board of Supervisors.
- Oversees Commission activities regarding illegal, fraudulent, or deceptive consumer practices in the marketplace.
- Considers appeals on the denial, suspension, or revocation of various County licenses and permits.

Red Truck Foundation, Sterling, VA
Executive Director (July 2010 – January 2017)

- Founder and primary leadership force of 501(c)(3) nonprofit organization.
- Directed programs to provide low-cost ambulances and emergency services training to local clinics in developing countries.
- Prepared and executed annual operating plans and participated on executive management teams on various matters.
- Advised partner organizations on regulatory issues relating to the provision of emergency medical services.

Stony Point Volunteer Fire Department, Charlottesville, VA
Firefighter and EMT-B (August 2006 – June 2010)

- Held VA certifications in Firefighter I, EMT-B, Basic Pump Operations, Emergency Vehicle Operations, Vehicle Extrications, and a variety of technical rescues.
- Responded to 911 fire and medical emergencies.
- Volunteered with emergency relief efforts in Haiti after the earthquake; responsible for setting up and administering mobile medical camps in refugee camps around Port-au-Prince.

Bar Admissions Virginia State Bar, District of Columbia Bar

Affiliations Federal Communications Bar Association, *Co-chair*, Telehealth Committee (July 2014 - Present)
International Association of Privacy Professionals

Publications
Global Politics of Internet Regulation: Actors and Trajectory, Federalist Society (Speaking Engagement)
The GDPR's Reach: Material and Territorial Scope Under Articles 2 and 3, Privacy in Focus (May 2017)
EU-US Privacy Shield Now In Effect, Ending Months of Uncertainty, Wiley Rein LLP (Jul. 2016)
Top Five Recommendations for IoT Policymakers from ITAC Industry Participants, CircleID (May 2016)
Internet Governance in Transition: The ITU as a Battleground for Rival Visions, Circle ID (April 2016)
FTC Provides Guidance on Native Advertising and Tips its Hand at Enforcement, ALI CLE's The Practical Lawyer (April 2016)
EU Finalizes General Data Protection Regulation: Implications for U.S. Businesses, Privacy in Focus (Jan. 2016)
NTIA Multistakeholder Meeting to Craft UAS Privacy Best Practices, Privacy in Focus (Aug. 2015)

AMERICAN OVERSIGHT

Joel G. Miller

PROFESSIONAL EXPERIENCE

Deputy Chief of Staff & Legislative Director, Congressman Brett Guthrie, Ky. (2013-present)

- Manage a team of policy staff to develop and execute the Congressman's legislative priorities, and closely collaborate with the Communications Director on messaging priorities. Previously served as Legislative Counsel, introducing numerous bills and passing six into law.
- Oversee all legislative activities and related agency contacts, along with editing and reviewing all constituent correspondence, official communications and press statements. This Congress our legislative and press team passed eleven bills in the House with nine signed into law, responded to twice as many constituent opinion messages, and doubled press output from last Congress.
- Advise the Congressman on matters before the House Energy and Commerce Committee, including general counsel on committee activities, along with specific policy counsel for subommittees on Communications and Technology, Digital Commerce, Environment, and Energy.
- U.S. House of Representatives (2434 Rayburn HOB, Washington, DC 20515 202-225-3501)

Legislative Assistant, Congressman Todd Rokita, Ind. (2012-13) – No Longer in Office

- Drafted legislation, recommended policy positions, and briefed the Congressman on legislation and regulatory actions, including leading the Congressman's Red Tape Rollback initiative, a program designed to identify and challenge federal regulations that restrict business productivity.
- Researched and provided guidance on appropriate recourse for regulatory obstacles, while also coordinating regular communication with affected businesses and industry groups.
- U.S. House of Representatives (239 Cannon House Office Building, Washington, DC 20515)

Legal Internships (2010-2011)

- Office of Richard E. Gardiner, Attorney at Law, Fairfax, Virginia (no longer in practice)
  - 3925 Chain Bridge Rd, Fairfax, VA 22030
- International Trade Administration, U.S. Commercial Service
  - 1401 Constitution Ave. NW, Washington, DC 20230
- Hebrew Immigrant Aid Society
  - 1300 Spring St., Suite 500, Silver Spring, MD 20910
- Arlington County Police Department (Investigative Assistant
  - 1425 N. Courthouse Rd., Arlington, VA 22201

Public School Teacher, Tuscarawas County, Ohio (2006-09)

- Dover City Schools (219 West 6th St., Dover, OH 44622)
- Garaway Local Schools (146 Dover Rd., Sugarcreek, OH 44681)

BAR ADMISSION

Commonwealth of Virginia
Supreme Court of the United States

EDUCATION

J.D., George Mason University School of Law, 2012 (3301 Fairfax Dr., Arlington, VA 22201)

AMERICAN OVERSIGHT

B.A., Malone College, 2006 (2600 Cleveland Ave. NW, Canton, OH 44709)

AFFILIATIONS

Federal Communications Bar Association
Republican National Lawyers Association
Federalist Society

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LIGADO NETWORKS ***Reston, VA***
Senior Vice President and Deputy General Counsel, Regulatory ***December 2016-July 2018***
Principal manager for regulatory affairs for start-up seeking regulatory authority to develop custom private networks serving the Industrial Internet of Things. Key responsibilities included:

- Assisting in advocacy efforts related to obtaining regulatory approval for company's spectrum proposal, including interaction with Congress, the Executive Branch (the White House, agencies including the Department of Transportation, the Department of Defense, the Department of Commerce, and the Department of Justice, among others), the FCC, NTIA, and foreign regulatory bodies and international forums, including the ITU and the European Union.
- Advising on regulatory issues associated with satellite and wireless operations, including drafting submissions in FCC proceedings, summarizing new and current regulatory requirements, and advocating before FCC personnel.
- Representing the company in conferences and trade associations, including CTIA and the Satellite Industry Association.
- Liaising with in-house technical experts to support regulatory efforts.
- Managing outside counsel on wireless and satellite regulatory issues.

FEDERAL COMMUNICATIONS COMMISSION, ENFORCEMENT BUREAU ***Washington, DC***
Deputy Chief, Office of the Bureau Chief ***Jan. 2011-November 2016***
Principal manager for spectrum, equipment and critical infrastructure enforcement.

- Oversaw over 200 radiofrequency interference matters per year, including responding to time-sensitive complaints from public safety and commercial licensees.
- Advised FCC Chairman, Commissioners, and congressional staff on enforcement matters.
- Managed approximately 110 attorneys, engineers and support staff, covering 24 field locations and a headquarters-based division.
- Made oral and written presentations to internal and external stakeholders regarding enforcement policies, actions, and management initiatives. Drafted and edited FCC orders, investigatory demands, speeches, congressional correspondence, legal memoranda, and briefing materials.
- Coordinated with senior management in the FCC's Office of Engineering and Technology, the Wireless Telecommunications Bureau, the Public Safety and Homeland Security Bureau, and the Office of the General Counsel.
- Coordinated with international and other federal agencies, including ISED Canada, CRTC, Ofcom, NTIA, Air Force, DHS and FAA.

FEDERAL COMMUNICATIONS COMMISSION, ENFORCEMENT BUREAU ***Washington, DC***
Associate Chief/Assistant Chief, Office of the Bureau Chief ***Nov. 2006-Jan. 2011***
Oversaw enforcement matters related to media, wireless, equipment and telecom rules.

- Directly supervised two DC-based divisions totaling approximately 80 employees, including attorneys, engineers, auditors, and support staff.

FEDERAL COMMUNICATIONS COMMISSION, ENFORCEMENT BUREAU ***Washington, DC***
Chief, Investigations and Hearings Division ***Jan. 2004-Nov. 2006***
Supervised approximately 60 employees, including attorneys, auditors, and support staff. Oversaw hearings, investigations, and compliance reviews regarding wireless, telecom, and

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media rules. Resolved various personnel issues, eliminated case backlog, and implemented major administrative and recordkeeping reforms.

FEDERAL COMMUNICATIONS COMMISSION, ENFORCEMENT BUREAU ***Washington, DC***
Deputy/Assistant Chief, Investigations and Hearings Division ***Nov. 2002-Jan. 2004***
Oversaw telecommunications investigations, including USF, local competition, and net neutrality issues. Developed attorney/auditor programs to monitor telecom carrier compliance with USF regulations.

FEDERAL COMMUNICATIONS COMMISSION, ENFORCEMENT BUREAU ***Washington, DC***
Legal Advisor, Office of the Bureau Chief ***March 2001- Nov. 2002***
Coordinated wireline-related enforcement matters within the Enforcement Bureau and with the Commission generally. Conducted depositions, drafted orders, briefing materials, policy memoranda, and congressional testimony. Briefed Bureau Chief and staff of FCC Chairman and Commissioners on enforcement issues.

FEDERAL COMMUNICATIONS COMMISSION, ENFORCEMENT BUREAU ***Washington, DC***
Attorney Advisor, Market Disputes Resolution Division ***May 1999-March 2001***
Oversaw formal complaint litigation between common carriers. Mediated disputes to facilitate settlement. Ran complex formal complaint proceeding brought by competitive carriers challenging pricing policies of large incumbent telecom carrier.

PRESTON GATES ELLIS & ROUVELAS MEEDS, LLP (now K&L GATES LLP) ***Washington, DC***
Associate, Litigation/Telecommunications Groups ***Jan. 1996 -- May 1999***
Worked on litigation matters involving consumer protection, communications, environmental and white-collar crime issues. Drafted memoranda, legal briefs, talking points, and legal articles. Conducted depositions and argued discovery motions in federal district court.

PATTON BOGGS, LLP (now SQUIRE PATTON BOGGS) ***Washington, DC***
Associate, Litigation/Public Policy Groups ***Oct. 1993-Jan. 1996***
Worked on litigation matters involving antitrust, government contracts, and white-collar crime issues. Performed discovery and drafted motions, memoranda, and legal briefs.

EDUCATION

University of Pennsylvania, J.D., 1993
Northwestern University, B.A., Political Science, 1990

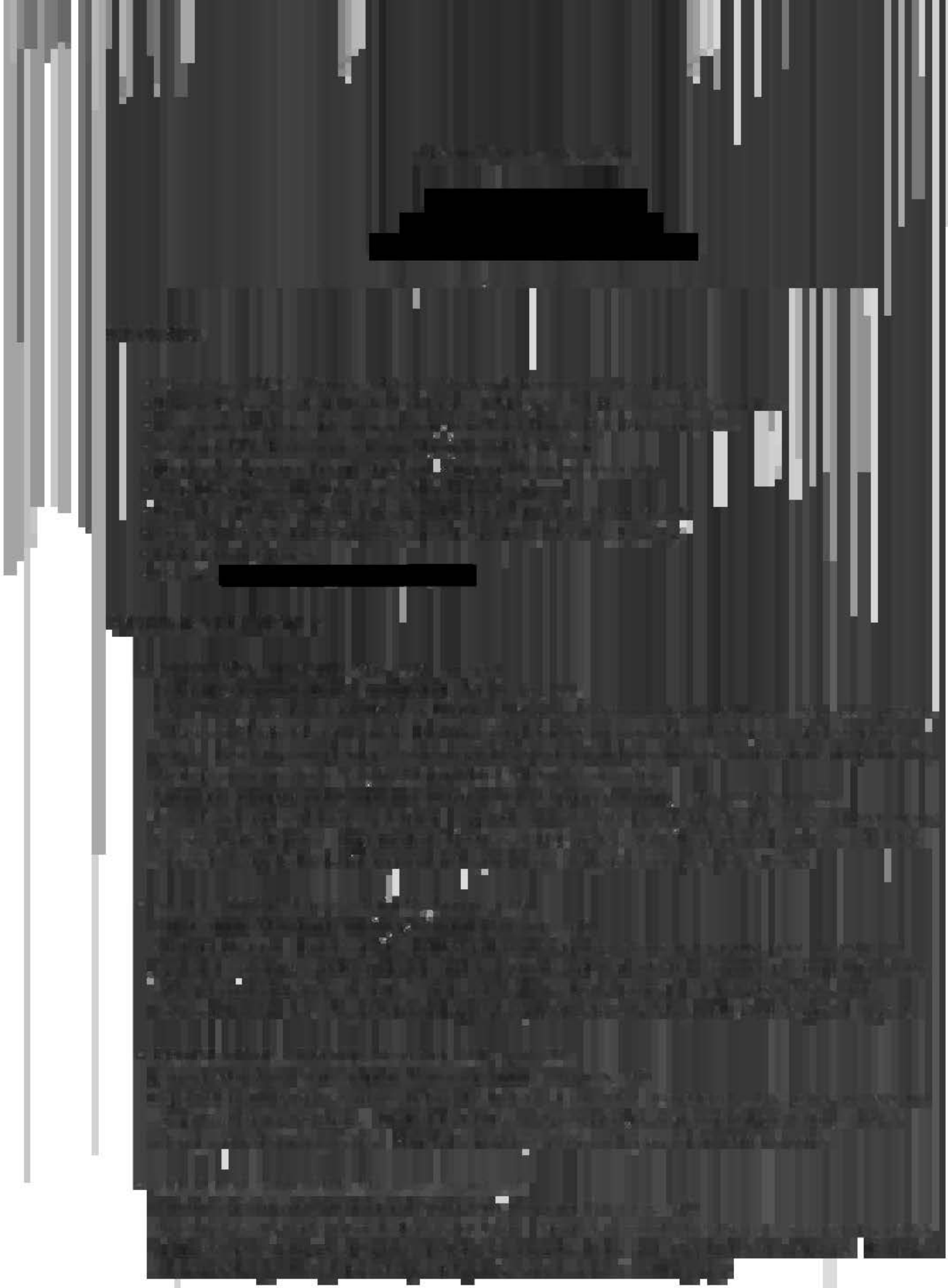
PROFESSIONAL AND COMMUNITY AFFILIATIONS AND HONORS

Federal Communications Bar Ass'n (Enforcement Practice Group Co-Chair 2008-2009, 2017-2018)
Hispanic Bar Association of the District of Columbia
Bar Memberships -- District of Columbia

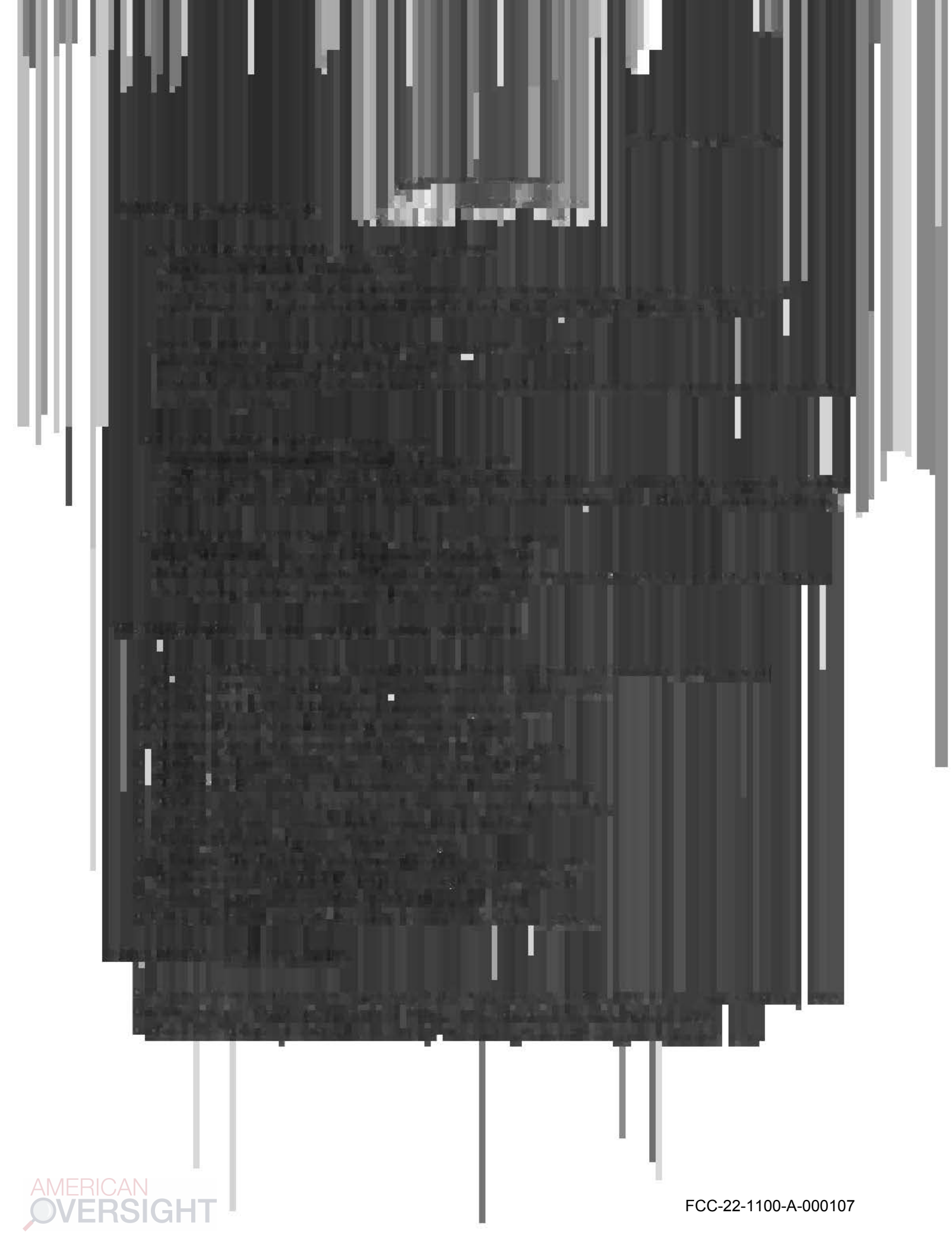
HOBBIES

Running, horseback riding, guitar

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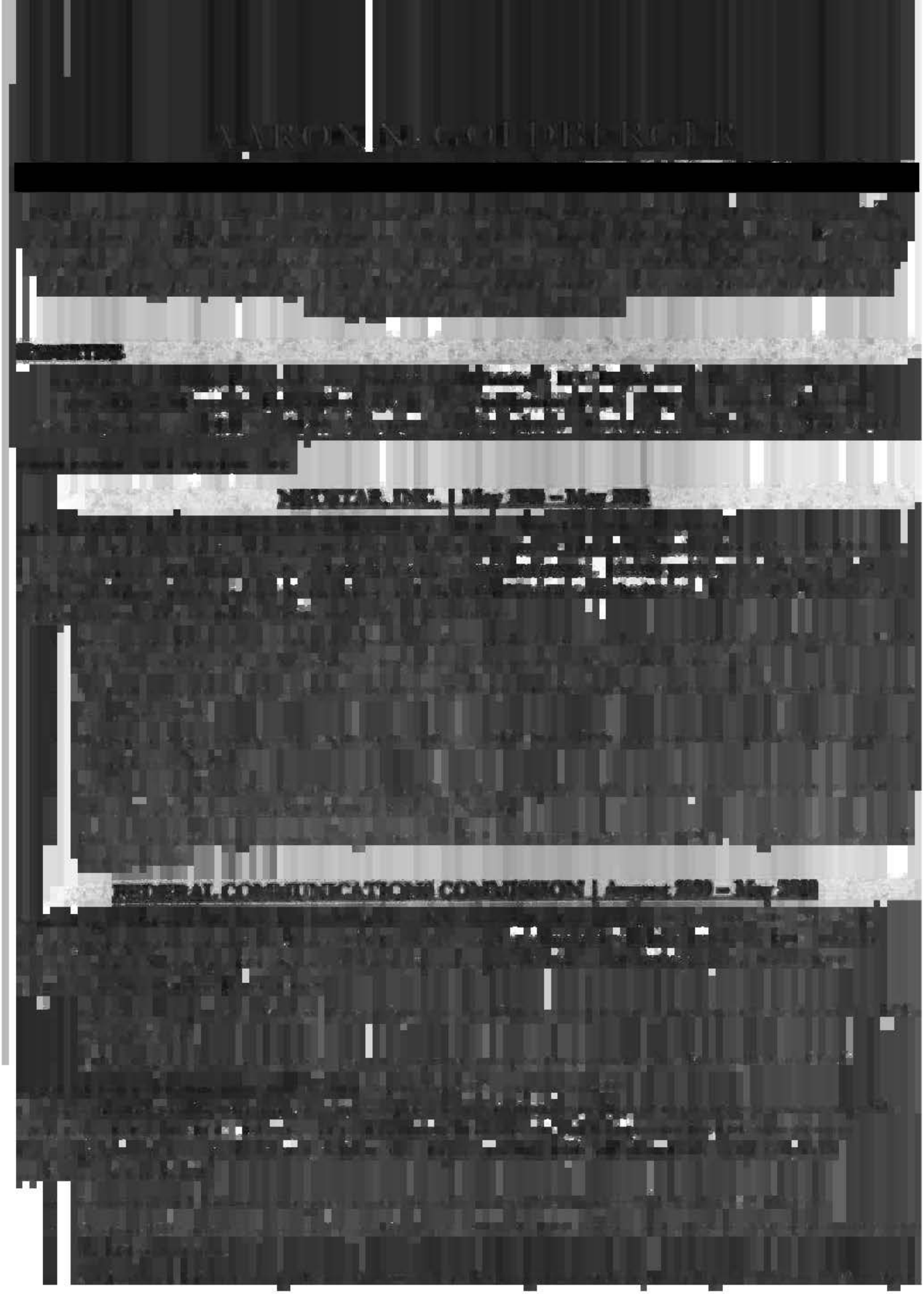
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Preston James Wise

EXPERIENCE

Smith Bakke Porsborg Schweigert & Armstrong, Bismarck, North Dakota
Associate Attorney, September 2014–present
(50 hours per week)
Law Clerk, May 2012–August 2012; May 2013–August 2013; May 2014–September 2014
(40 hours per weed)
Part-time Law Clerk, August 2014–May 2013
(10 hours per week)

- Counsel state-level administrative agency regarding formal professional-licensure adjudications, rulemaking procedures, administrative litigation in state court, and developing agency antitrust liability safeguards for market participant-run state agencies.
- Representation of state-level agency includes drafting proposed legislation, administrative rules, and administrative filings for state attorney general oversight, participating in public rulemaking hearings, and providing legal advice on procedural questions at public meetings of the agency's governing board.
- Counsel local government entities, state-level administrative agency, and insurance companies on litigation defense at all stages of cases including pre-litigation risk assessment, investigation, discovery, trial, and appeal.
- Litigation caseload includes wide-ranging topics such as state administrative law, civil rights, constitutional law, land use planning and zoning, antitrust, and insurance coverage litigation.

Federal Communications Commission, Washington, D.C.
Legal Intern, Competition & Infrastructure Policy Division (twenty hours per week)
January 2014–May 2014
(20 hours per week)

- Conducted legal and economic policy research for spectrum ownership proceedings. Included assisting division chief with developing potential spectrum-ownership caps for the 600 MHz incentive auction, and researching antitrust and economic literature regarding industry concentration and market power to determine potential baselines for spectrum ownership caps.
- Participated in early stages of Open Internet proceeding. Drafted in-depth legal research memo for Open Internet proceeding on Commission forbearance under Title II provision requiring filing and pricing review of contracts between common carriers.
- Researched and wrote draft order for division general counsel on petition for expedited adjudication regarding FCC preemption of state consumer-protection statutes in federal class-action lawsuit over wireless service provider billing late fees.

Bar Admission: North Dakota (eligible for admission to D.C. Bar by Uniform Bar Exam score)

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EDUCATION

George Mason University School of Law, Arlington, Virginia
J.D., May 2014

Concentration in Communications Law:
Academic program offered to develop a foundation in issues related to communications law and policy, specifically focusing on the areas of telecommunications law, administrative law, law and economics, and the economics of government regulation

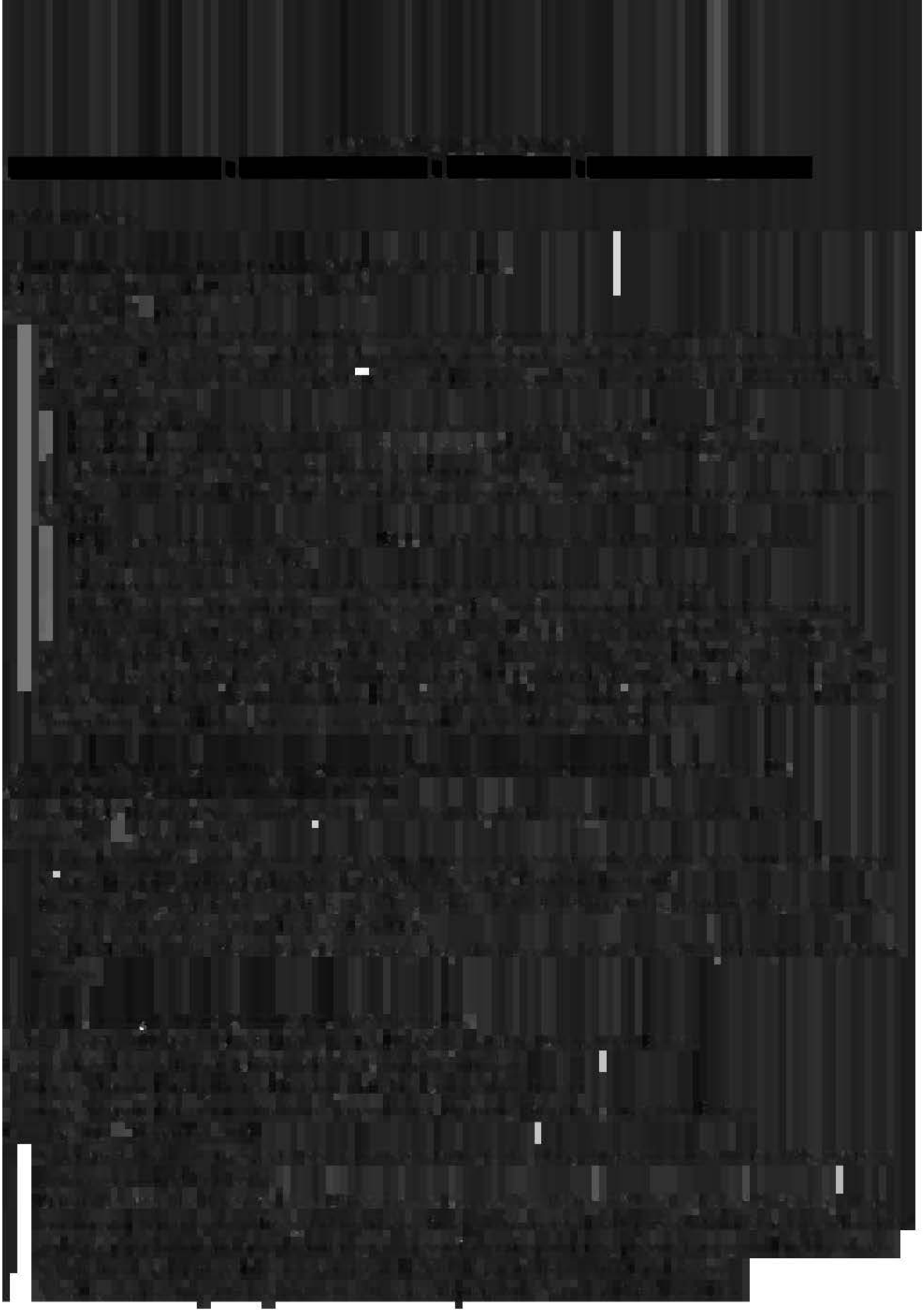
Activities:
Journal of Law, Economics & Policy, Article Selections Editor:
Responsible for screening submissions to peer-reviewed law journal, selecting appropriate articles to recommend to the articles committee for publication, recruiting peer reviewers, and liaising with authors and peer reviewers during selection and publication process

Pro Bono Society, Civil Rights Restoration Project, Volunteer Advisor:
Worked with reformed convicts to satisfy Virginia's requirements for restoring convicts' voting rights

North Dakota State University, Fargo, North Dakota
Bachelor of Science in Economics, Minor in Mathematics, May 2011

Honors: Dean's List, six times;
Donald Moum Family Scholarship;
Clay E. Hector Memorial Scholarship;
President John Worst Scholarship

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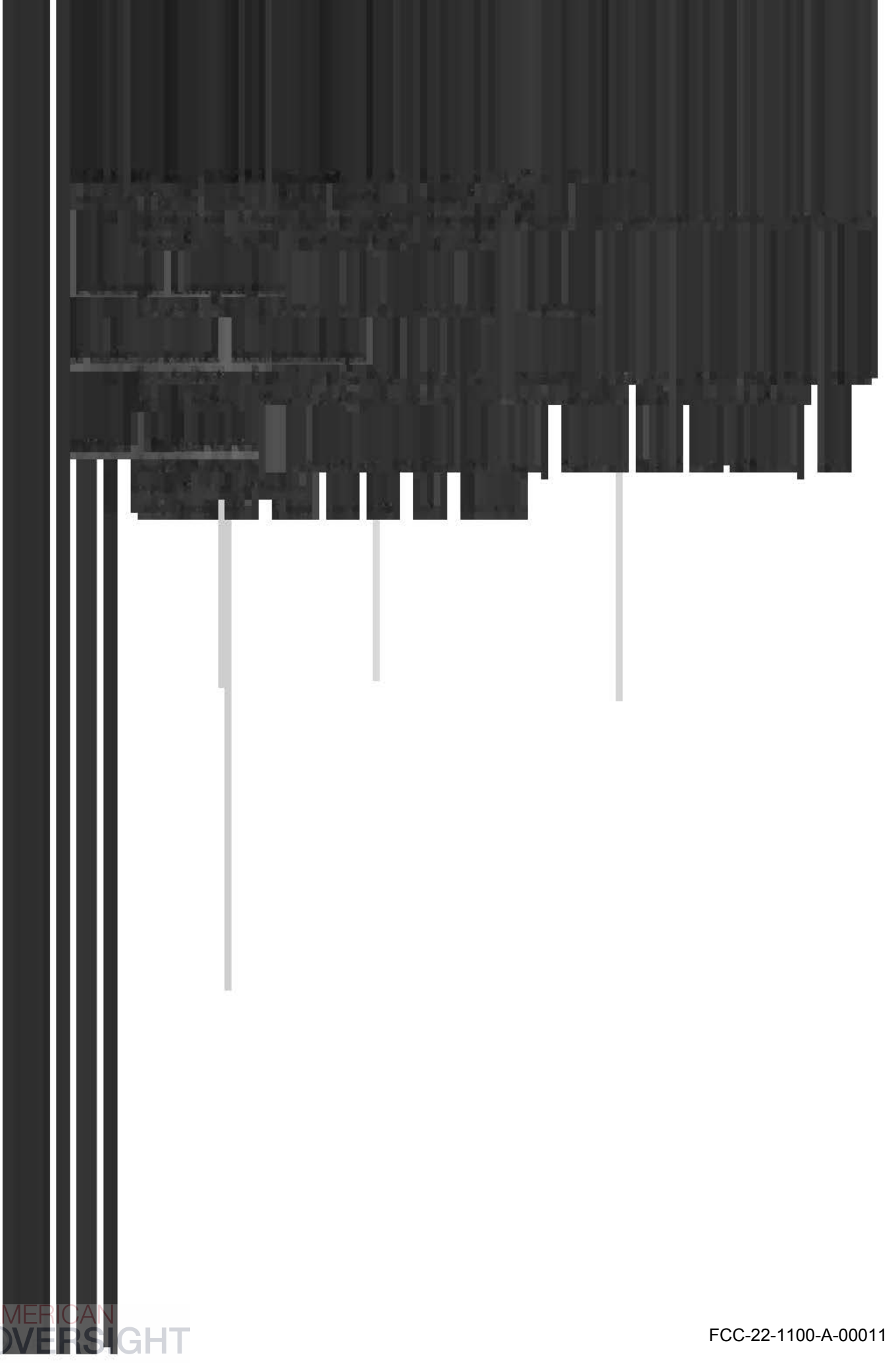
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From:	Ashley Boizelle
To:	Ajit Pai; Matthew Berry; Nicholas Degani
Cc:	Brian Hart
Subject:	FW: Activity in Case 3:15-cv-02529-EMC CTIA - The Wireless Association v. City of Berkeley et al Supplemental Brief
Date:	Friday, July 31, 2020 10:44:05 AM
Attachments:	CTIA - Pl Supp Br on Mtn for J on Pleadings July 30 2020 .pdf CTIA - Def Supp Br in Support of Mtn for J on Pleadings July 30 2020 .pdf

Just wanted to alert you to the fact that the parties' in the Berkeley RF case filed their supplemental briefs (attached) on the deference due to the FCC's Statement of Interest. The plaintiffs argue for *Auer* deference, contending that *Kisor* didn't overrule *Auer*'s applicability in a case like this due to the highly technical nature of RF regulation. Defendants argue that if any deference is due, it's *Skidmore* because the Statement of Interest interprets a policy statement, not a legislative rule.

Best,
Ashley

Ashley Boizelle
Acting General Counsel
Federal Communications Commission
ashley.boizelle@fcc.gov
202.418.1736

Confidentiality Notice: If you received this email by mistake, you should notify the sender of the mistake and delete the e-mail and any attachments. An inadvertent disclosure is not intended to waive any privileges.

From: James Carr <James.Carr@fcc.gov>
Sent: Friday, July 31, 2020 7:58 AM
To: Ashley Boizelle <Ashley.Boizelle@fcc.gov>; Jacob Lewis <Jacob.Lewis@fcc.gov>; Susan Launer <Susan.Launer@fcc.gov>
Cc: Thomas Johnson <Thomas.Johnson@fcc.gov>
Subject: FW: Activity in Case 3:15-cv-02529-EMC CTIA - The Wireless Association v. City of Berkeley et al Supplemental Brief

Attached are the supplemental briefs filed yesterday by the parties in CTIA v. Berkeley.

From: Sandberg, Justin (CIV) <Justin.Sandberg@usdoj.gov>
Sent: Friday, July 31, 2020 7:48 AM
To: James Carr <James.Carr@fcc.gov>
Cc: Womack, Eric (CIV) <Eric.Womack@usdoj.gov>
Subject: FW: Activity in Case 3:15-cv-02529-EMC CTIA - The Wireless Association v. City of Berkeley et al Supplemental Brief

Good morning. Attached FYI are supplemental briefs filed by the parties last night in CTIA v. City of Berkeley. Be well. – Justin

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From: ECF-CAND@cand.uscourts.gov <ECF-CAND@cand.uscourts.gov>
Sent: Thursday, July 30, 2020 7:38 PM
To: efiling@cand.uscourts.gov
Subject: Activity in Case 3:15-cv-02529-EMC CTIA - The Wireless Association v. City of Berkeley et al Supplemental Brief

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CTIA – THE WIRELESS ASSOCIATION®,

Plaintiff,

v.

THE CITY OF BERKELEY, CALIFORNIA, and CHRISTINE DANIEL, CITY MANAGER OF BERKELEY, CALIFORNIA, in her official capacity,

Defendants.

CASE NO. 3:15-cv-02529

PLAINTIFF'S SUPPLEMENTAL BRIEF IN SUPPORT OF ITS MOTION FOR JUDGMENT ON THE PLEADINGS

Date: July 23, 2020

Time: 1:30 p.m.

Place: Courtroom 5, 17th Floor, San Francisco

Gibson, Dunn & Crutcher LLP
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INTRODUCTION

Following the July 23, 2020, hearing on CTIA's motion for judgment on the pleadings, the Court directed the parties to file supplemental briefs addressing two issues: "(1) what level of deference, if any, should be afforded the FCC statement of interest and (2) what is the legal standard for finding that the 'presumption against preemption' (in areas within the police powers of the states) has been overcome." Dkt. 154.

As explained below, *Auer* deference applies to the FCC's Statement of Interest, Dkt. 148-1 ("SOI"), because it sets forth the agency's interpretation of its own regulations, including *In re Proposed Changes in the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields*, FCC 19-126, 2019 WL 6681944 (Dec. 4, 2019) ("*2019 Order*"), and that interpretation is not clearly erroneous. With respect to the legal standard for preemption, evidentiary standards do not apply because the question whether Berkeley's Ordinance is preempted is a question of law for the Court to decide in the exercise of judicial judgment. As this Court correctly explained when it previously held part of the Ordinance preempted, because "regulatory situations in which an agency is required to strike a balance between competing statutory objectives lend themselves to a finding of conflict preemption," the Court need only find that the Ordinance "threatens to upset the balance" struck by the FCC to conclude that the Ordinance is preempted.

ANSWERS

I. *Auer* Deference Applies to the FCC's Statement of Interest

In the SOI submitted by the United States Department of Justice on behalf of the FCC in this case, the FCC interpreted its own rules and regulations, including the *2019 Order*. The FCC explained to this Court that Berkeley's Ordinance contravenes the agency's regulatory framework on the safety of cell phones in multiple ways. The Ordinance: (1) "inaccurately describes the safety of cell phones"; (2) "may inhibit the broad availability of safe wireless communications devices"; (3) "creat[es] the false impression that FCC-certified cell phones are unsafe when carried against the body"; (4) is "likely detrimental to the public"; (5) "goes beyond what the FCC provides on its website and requires in user manuals"; (6) "conflicts with the FCC's judgment concerning how best and in what form to provide information about RF exposure to the public"; (7) "conflicts with the FCC's determination that RF

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emissions from FCC-certified cell phones pose no health risks"; and (8) "stands as an obstacle to the implementation of federal policy"—and thus "is preempted." SOI at 2–3, 12–14.

Under well-established Supreme Court and Ninth Circuit precedent, the SOI is entitled to *Auer* deference. Under *Auer*, "[a]n agency's interpretation of its own regulations is 'controlling' unless 'plainly erroneous or inconsistent with the regulation.'" *Chae v. SLM Corp.*, 593 F.3d 936, 948 (9th Cir. 2010) (quoting *Auer v. Robbins*, 519 U.S. 452, 461 (1997)). "The Supreme Court has described this standard as 'deferential.'" *Id.*

The Ninth Circuit's decision in *Chae* is dispositive here. In that case, the Department of Education ("DOE") intervened at the trial court level and submitted briefing "to explain the 'extensive and comprehensive regulations'" governing federal student loans administered by the agency. 593 F.3d at 949. In its briefing—filed, as here, by the Department of Justice—the DOE made clear "that the imposition of fifty sets of state law governing the calculation of interest would threaten its ability to carry out the congressional objectives of ensuring uniformity and stability within the program." *Id.* The Ninth Circuit deferred to the DOE's position that the state regulations at issue were preempted because the DOE was "engaged in interpreting its own regulations" and because the DOE's position was not "plainly erroneous or inconsistent" with those regulations. *Id*. at 948.

The same is true here. As the Third Circuit held in *Farina v. Nokia Inc.*, the FCC's RF policies flow from Congress's and the FCC's recognition of "uniformity as an essential element of an efficient wireless network" necessary "to preserve the balance between the FCC's competing regulatory objectives." 625 F.3d 97, 126 (3d Cir. 2010). And the FCC's conclusions in the SOI are not "plainly erroneous" or "inconsistent" with its regulations concerning RF energy disclosures. In crafting the federal regulatory framework for cell phone safety, the FCC made a deliberate choice *not* to require that consumers be warned against exceeding the RF energy guidelines, as Berkeley's Ordinance does. In contrast to FCC requirements for safety-related disclosures for numerous other emissions sources, *see*, *e.g.*, 47 C.F.R. § 1.1307(b)(1), the FCC decided not to mandate point-of-sale or on-device RF-safety-related warnings for cell phones, *see*, *e.g.*, *id.* § 1.1307(b)(2). Instead, the FCC opted to provide very different information about RF emissions from cell phones on its own website and to direct manufacturers to include such information in users manuals. *See 2019 Order* ¶ 16.

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In its *2019 Order*, issued after notice and comment, the FCC made explicit that "the context and placement of RF exposure information is so important" to avoid the "risk [of] contributing to an erroneous public perception or overwarning of RF emissions from FCC certified or authorized devices"—a balance that, in the FCC's view, existing FCC websites and users manuals have appropriately struck. *2019 Order* ¶ 16. As the FCC explained, "[g]iven the federal safety determination [i.e., that 'phones legally sold in the United States pose no health risks'], the information on the FCC's websites and in device manuals are both adequate to inform consumers of these issues and do not risk contributing to an erroneous public perception or overwarning of RF emissions from FCC certified or authorized devices." *Id.* The SOI relies on and interprets these regulations in explaining that Berkeley's Ordinance "conflicts with [the FCC's] policy judgment and therefore is preempted." SOI 12. Because the SOI interprets the FCC's own RF regulations, and is not "plainly erroneous or inconsistent" with them, *Auer* deference is warranted. *Chae*, 593 F.3d at 948.

Critically, and contrary to Berkeley's suggestion, there need not be an express regulation explicitly preempting a local law before the Court will defer to an agency's judgment. *See* Dkt. 149 (Reply) at 9–11. Again, *Chae* controls. There, the Ninth Circuit's deference "analysis [wa]s *not* altered by the fact that the DOE ha[d] not promulgated a regulation explicitly stating the preemptive effect of its regulations." 593 F.3d at 949 (emphasis added). The Court of Appeals explained: "'Where, as here, an agency's course of action indicates that the interpretation of its own regulation reflects its considered views … we have accepted that interpretation as the agency's own, *even if the agency set those view forth in a legal brief*.'" *Id.* (quoting *Long Island Care at Home, Ltd. v. Coke*, 551 U.S. 158, 171 (2007)) (omission in original; emphasis added); *accord*, *e.g.*, *Talk Am., Inc. v. Mich. Bell Tel. Co.*, 564 U.S. 50, 59, 62 (2011) (deferring to the FCC's "views" expressed "in its *amicus* brief"); *Chase Bank USA, N.A. v. McCoy*, 562 U.S. 195, 208 (2011) ("Because the interpretation the [Federal Reserve] Board presents in its brief is consistent with the regulatory text, we need look no further in deciding this case.").

Here, there is no "'reason to suspect that the interpretation does not reflect the agency's fair and considered judgment on the matter in question.'" *Talk America*, 564 U.S. at 63–64 (quoting *Auer*, 519 U.S. at 462). The Court is "not faced with a *post-hoc* rationalization by Commission counsel of agency

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action that is under judicial review." *Id.* at 64. Rather, as in *Chae*, the FCC "was not named as a defendant in this lawsuit, so it cannot be accused of creating a post hoc rationalization to avoid liability for itself." 593 F.3d at 949; *accord Kisor v. Wilkie*, 139 S. Ct. 2400, 2418 n.6 (2019) ("*Auer* itself deferred to a new regulatory interpretation presented in an *amicus curiae* brief in this Court. There, the agency was not a party to the litigation, and had expressed its views only in response to the Court's request."). Moreover, the SOI recounts the lengthy history of the FCC's repeated conclusion—in multiple orders issued following notice and comment across the Reagan, Clinton, Obama, and Trump administrations—that FCC-approved cell phones pose no health risks, and the FCC's "complex policy judgment," Dkt. 152 (Berkeley Supp. Br.) at 9, about which RF standards to adopt to ensure that they are safe. SOI 4–9.

Moreover, "deference is particularly appropriate where the subject matter is technical and the relevant background complex" because, "[u]nder such circumstances, '[t]he agency is likely to have a thorough understanding of its own regulation and its objectives and is uniquely qualified to comprehend the likely impact of state requirements.'" *Chae*, 593 F.3d at 948–49 (quoting *Geier v. Am. Honda Motor Co.*, 529 U.S. 861, 883 (2000)) (second alteration in original). RF exposure and disclosure standards are highly technical issues that require a balancing of congressional interests, and they are even more complex than the rules governing interest rates in federal student-loan programs at issue in *Chae*.[1]

Accordingly, the Court should defer to the SOI's view that the Ordinance interferes with the objectives of federal policy and thus is preempted. But even if the Court does not afford deference to the SOI, it is undisputed that the *2019 Order* itself, which undergirds the SOI, is entitled to *Chevron* deference because it "fill[s] the gap left by Congress" in setting guideposts for disclosures about RF

[1] Given the highly technical and complex nature of interest rate calculations (and RF emissions), nothing in *Kisor*—which reaffirmed *Auer*, 139 S. Ct. at 2422–23—overruled *Chae* or the Supreme Court cases it applied. The appropriate context, placement, and type of information to be provided to consumers about RF exposure in light of the federal goal of creating an efficient nationwide wireless network is a "technical" area where "the law runs out, and policy-laden choice is what is left over"—the "most obvious" case for *Auer* deference. *Id.* at 2415, 2417.

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exposure. *Core Commc'ns, Inc. v. Verizon Pa., Inc.*, 493 F.3d 333, 343 (3d Cir. 2007).[2]

In all events, the facts that the FCC has voluntarily appeared in this case to tell this Court that it *does* "ha[ve] an[] objection to warning consumers about maintaining spacing between the body and a cell phone," Dkt. 53 at 14, and its SOI explains in reasoned terms why that is so, are powerfully "persua[sive]" on the question whether the Ordinance is preempted. *Skidmore v. Swift & Co.*, 323 U.S. 134, 140 (1944); *see Kisor*, 139 S. Ct. at 2424–25 (Roberts, C.J., concurring in part) (explaining that "the cases in which *Auer* deference is warranted largely overlap with the cases in which it would be unreasonable for a court not to be persuaded by an agency's interpretation of its own regulation").

II. As this Court Correctly Held in Enjoining Berkeley's Initial Ordinance, a Municipal Law is Preempted When it Threatens to Upset the Balance Struck by the FCC

The presumption against preemption applies only to local laws within "the police powers of the states." Dkt. 154. It is not clear, however, that any such power underlies the Ordinance. As the Court noted at the hearing, Berkeley's purported interest in enacting the Ordinance has shifted over the course of this litigation. Berkeley suggested a new formulation at the hearing: The Ordinance is designed to reassure skeptical consumers about the safety of a product that poses no health risks. That interest—if it is a legitimate interest at all—is not a traditional health and safety interest within the historic police powers of the States.

Even assuming that interest is sufficient to trigger the presumption against preemption, the question whether that presumption is overcome is a question of law for the Court to decide. As this Court previously explained in holding part of the original Ordinance preempted, this Court should

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[2] Berkeley argues that paragraph 16 of the *2019 Order* did not preempt anything, contrasting it with paragraph 114 which supposedly "expressly preempted" the City of Portland's "attempt[] to mandate [that] additional warnings be posted on base stations." Dkt. 152 at 6. In fact, the paragraphs do the same thing. In paragraph 114, the FCC did not preempt any existing Portland ordinance. Instead, it rejected Portland's argument, expressed in a comment letter, that "local authorities should be allowed to require additional signs and access restriction[s] where they deem them appropriate." *2019 Order* ¶ 114. The FCC rejected that proposal because it conflicted with the FCC's determination that "state-level warning regimes risk contributing to an erroneous public perception or otherwise disrupt the federal regime." *Id.* The same reasoning applies with equal force to Berkeley's Ordinance. Moreover, and as previously explained, CTIA is not arguing that the FCC expressly preempted the Berkeley Ordinance (or any other state or local laws) in the *2019 Order*; rather, CTIA is arguing that *this Court* should find the Ordinance preempted because it stands as an obstacle to the accomplishment of federal purposes. Dkt. 143 (Mot.) at 1; Dkt. 149 at 9–11.

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answer the preemption question by exercising its "'judgment, to be informed by examining the federal statute as a whole and identifying its purpose and intended effects.'" Dkt. 53 at 11 (quoting *Crosby v. Nat'l Foreign Trade Council*, 530 U.S. 363, 373 (2000)). And because preemption is a question of law involving the exercise of judicial judgment, evidentiary standards such as "clear and convincing evidence" or "preponderance of the evidence" do not apply. *See Merck Sharp & Dohme Corp. v. Albrecht*, 139 S. Ct. 1668, 1679 (2019). The Court should employ the same standard that it previously and correctly articulated here to conclude that the remainder of Berkeley's Ordinance is preempted.

In *Merck*, the Supreme Court clarified the legal standards applicable to preemption claims and affirmed this Court's previous approach. There, the Third Circuit had held that civil juries should decide whether the manufacturer had presented sufficient evidence to establish preemption, and that the jury should apply a clear and convincing evidentiary standard to that question. *See* 139 S. Ct. at 1676; *In re Fosamax (Alendronate Sodium) Prods. Liab. Litig.*, 852 F.3d 268, 285–86 (3d Cir. 2017). The Supreme Court vacated and remanded because the Third Circuit "treated the pre-emption question as one of fact" for the jury to decide, "not law," for the court to decide. *Merck*, 139 S. Ct. at 1680. And because the preemption question was a question of law, the Court declined to define "'clear evidence' in terms of evidentiary standards, such as 'preponderance of the evidence' or 'clear and convincing evidence.'" *Id.* at 1679; *see also id.* at 1685 (Alito, J., concurring in the judgment) ("Standards of proof, such as preponderance of the evidence and clear and convincing evidence, have no place in the resolution of this question of law."); *Microsoft Corp. v. i4i Ltd. P'ship*, 564 U.S. 91, 114 (2011) (Breyer, J., concurring) ("emphasizing that in this area of law as in others the evidentiary standard of proof applies to questions of fact and not to questions of law").

Merck confirms that the presumption against preemption is a "rule of construction [that] rests on an assumption about congressional intent," *Arizona v. Inter-Tribal Council of Arizona, Inc.*, 570 U.S. 1, 13 (2013), not an evidentiary principle governing the standard of proof, *cf. Microsoft Corp.*, 564 U.S. at 103 (majority opinion) (noting that the existence of a presumption alone does not "establish[] the governing standard of proof"). To overcome the presumption (assuming it applies here), CTIA need only show that Berkeley's Ordinance stands as an obstacle to the regulatory regime established by Congress. And "[w]hat is a sufficient obstacle is a matter of judgment, to be informed

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by examining" the federal regulatory regime as a whole. *Crosby*, 530 U.S. at 373.

Thus, the legal standard that this Court applied in its September 2015 opinion finding the sentence about children in the original Ordinance preempted was entirely correct. As the Court explained, "[t]he FCC was tasked with a balancing act—not only to 'protect[] the health and safety of the public, but also [to] ensur[e] the rapid development of an efficient and uniform network, one that provides effective and widely accessible service at a reasonable cost.'" Dkt. 53 at 12 (quoting *Farina*, 625 F.3d at 125) (alterations in original); *see also* 47 U.S.C. § 151 (charging the FCC with "regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, … a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges"); *CTIA – The Wireless Ass'n v. City of Berkeley*, 928 F.3d 832, 850 (9th Cir. 2019) ("Legislative hearings, as well as the Act itself, show that Congress desired 'uniform, consistent requirements, with adequate safeguards of public health and safety' in nationwide telecom services."). And "'regulatory situations in which an agency is required to strike a balance between competing statutory objectives lend themselves to a finding of conflict preemption.'" Dkt. 53 at 12 (quoting *Farina*, 625 F.3d at 123). When a municipal law "threatens to upset the balance struck by the FCC between encouraging commercial development of all phones and public safety," it is preempted. *Id.* at 15.[3]

Not only was this Court's prior analysis entirely correct and later vindicated by *Merck*, it is the law of the case. Berkeley could have appealed this Court's prior preemption decision, but chose not to do so. Applying that same approach here, the Court should hold that the Ordinance is preempted because it will do nothing to advance the safety of cell phones and stands as "an obstacle to the FCC's fostering of a widely available and safe wireless communications system." SOI 13–14.

[3] Indeed, this Court found the sentence about children was preempted because the FCC had "never made any pronouncement on" the issue. Dkt. 53 at 15. If requiring a warning in the face of agency silence stands as an obstacle to the FCC's regulatory policy, then requiring a warning to which the FCC has objected three separate times in the last six months certainly stands as "an obstacle to the FCC's fostering of a widely available and safe wireless communications system." SOI 14–15.

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CONCLUSION

The Court should defer to the SOI and the underlying *2019 Order*, find the Ordinance preempted, and grant CTIA judgment on the pleadings.

July 30, 2020

By: */s/ Theodore B. Olson*

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FOR THE NORTHERN DISTRICT OF CAL FORNIA

SAN FRANCISCO DIVISION

CTIA – THE WIRELESS ASSOCIATION,

Plaintiff,

v.

THE CITY OF BERKELEY, CALIFORNIA, and CHRISTINE DANIEL, CITY MANAGER OF BERKELEY, CALIFORNIA, in her official capacity,

Defendants.

No. 3:15-CV-02529-EMC

DEFENDANTS' SUPPLEMENTAL BRIEF IN OPPOSITION TO MOTION FOR JUDGMENT ON THE PLEADINGS

Judge: Hon. Edward M. Chen
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INTRODUCTION

The Court has asked for further briefing on two questions about the status of the FCC's Statement of Interest and the question of preemption. These issues are complex. Berkeley offers a broad context to make their resolution clear.

STATEMENT OF ISSUES

1. What level of deference, if any, should be afforded the FCC statement of interest?
2. What is the legal standard for finding that the "presumption against preemption" (in areas within the police powers of the states) has been overcome?

ARGUMENT

I. The FCC Statement of Interest is owed no more than *Skidmore* deference

The deference this Court owes the FCC Statement of Interest ("Statement") depends upon two issues: *what* it interprets and *how* it interprets it. *What:* If the agency interpretation is of an *ambiguous regulation,* then it is potentially entitled to *Auer* deference. *Kisor v. Wilkie*, 139 S. Ct 2400, 2414-16 (2019); *see also Auer v. Robbins*, 519 U.S. 452, 461-63 (1997). *How:* But "not every reasonable agency reading of a genuinely ambiguous rule should receive *Auer* deference." *Kisor*, 139 S. Ct at 2416. Rather, "a court must make an independent inquiry into whether the **character and context** of the agency interpretation entitles it to controlling weight." *Id.* (emphasis added).[1]

The City of Berkeley has raised questions about the "character and context" of the General Counsel's Statement. The Statement provides no indicia of action by the agency's Commission. The FCC's own regulations do not delegate to the General Counsel any authority to interpret agency regulations. 47 C.F.R. §§ 0.251, 0.41. And as the Court acknowledged at oral argument, the Statement, if taken to be authoritative, would mark a substantial change in FCC policy. Never before has the FCC suggested that states and localities are preempted from disclosing truthful,

[1] In *Kisor*, the Court laid out "some especially important markers" for identifying when *Auer* deference is appropriate. *Id*. The interpretation "must be the agency's 'authoritative' or 'official position'" to merit *Auer* deference. *Id*. And it must reflect "fair and considered judgment," meaning that "a court may not defer to a new interpretation . . . that creates 'unfair surprise' to regulated parties." *Id.* at 2417-18.

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factual information about cell phone RF emissions, let alone "the same information that the FCC already requires cell phone manufacturers to provide to those same consumers." *CTIA v. City of Berkeley*, 928 F.3d 832, 845 (9th Cir. 2019) ("*CTIA II*"). *See also CTIA v. City of Berkeley*, 139 F. Supp. 3d 1048, 1072 (N.D. Cal. 2015) ("[N]othing indicates that the FCC objects to informing consumers about spacing the phone away from the body."). After five years of litigation, the Statement's new interpretation would create unfair surprise for the City of Berkeley, *see Christopher v. SmithKline Beecham Corp.*, 567 U.S. 142, 158 (2012) ("[W]here . . . an agency's announcement of its interpretation is preceded by a very lengthy period of conspicuous inaction, the potential for unfair surprise is acute.") — reason enough, as the Supreme Court explained in *Kisor*, to deny the agency *Auer* deference, 139 S. Ct. at 2417-18.

But this Court need not reach the question of the Statement's "character and context," because it is absolutely clear that the Statement does not interpret a *regulation* — that is a substantive legislative rule, the most basic predicate of *Auer* deference. At most, the Statement interprets a policy statement and thus warrants *Skidmore* deference only.

A. *Auer* deference applies to agency interpretation of legislative rules, not apply to policy statements

It is fundamental to the Supreme Court's deference doctrine that *Auer* deference extends only to an agency interpretation of its regulations, that is legislative rules — just as *Chevron* deference extends only to agency interpretation of a statute it administers, *see Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837, 842 (1984). That deference is earned by the legislative rulemaking process when an agency exercises congressional delegation of rulemaking authority. It follows from that process, and is absent when that process is absent.

This point was made clear by the Supreme Court's application of *Auer* deference in the context of the commentary interpreting the U.S. Sentencing Guidelines. *Stinson v. United States*, 508 U.S. 36, 44-45 (1993).[2] Such commentary receives, by analogy, *Auer* deference, the Court

[2] *Stinson* refers specifically to "*Seminole Rock*" deference, but that is simply a different name for the same doctrine. *See Bowles v. Seminole Rock & Sand Co.,* 325 U.S. 410, 414 (1945).

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explained, because it "is akin to an agency's interpretation of its own legislative rules." *Id*. at 45. Because "[t]he Sentencing Commission promulgates the guidelines by virtue of an express congressional delegation of authority for rulemaking and through the informal rulemaking procedures in 5 U.S.C. § 553[,] . . . the guidelines are the equivalent of legislative rules adopted by federal agencies." *Id.* (citations omitted).

Likewise, in *Kisor,* Justice Kagan made clear that *Auer* deference had a regulatory effect only when applied to "the agency's reading of a notice-and-comment rule." 139 S. Ct. at 2420. Kisor had argued that *Auer* deference conflicted with "the APA's rulemaking requirements." *Id*. Justice Kagan rejected the argument, holding that even if interpretive rules received deference, they had no regulatory effect because they were "meant only to 'advise the public.'" *Id.*

Therefore, to prevail in this case, CTIA must demonstrate that Paragraph 16 should be treated as a legislative rule. That, obviously, it cannot do.

The hallmark of legislative rules is that they carry the "force and effect of law." *Perez v. Mortgage Bankers Ass'n*, 575 U.S. 92, 96 (2015); *Chrysler Corp. v. Brown*, 441 U.S. 281, 295-96 (1979); *see generally* Congressional Research Service, *General Policy Statements: Legal Overview* (April 14, 2016), *available at* https://perma.cc/G2EL-BYBM. "An agency action that purports to impose legally binding obligations or prohibitions on regulated parties—and that would be the basis for an enforcement action for violations of those obligations or requirements—is a legislative rule." *Nat'l Min. Ass'n v. McCarthy*, 758 F.3d 243, 251 (D.C. Cir. 2014). Legislative rules "create rights, impose obligations, or effect a change in existing law pursuant to authority delegated by Congress." *Hemp Industries Ass'n v. DEA*, 333 F.3d 1082, 1087 (9th Cir. 2003).

As the Ninth Circuit has elaborated:

> To have the force and effect of law, enforceable against an agency in federal court, the agency pronouncement must (1) prescribe substantive rules—not interpretive rules, general statements of policy or rules of agency organization, procedure or practice—and (2) conform to certain procedural requirements. To satisfy the first requirement the rule must be legislative in nature, affecting individual rights and obligations; to satisfy the second, it must have been promulgated pursuant to a specific statutory grant of authority and in conformance with the procedural requirements imposed by Congress.

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River Runners for Wilderness v. Martin, 593 F.3d 1064, 1071 (9th Cir. 2010) (quotation omitted).

By contrast, policy statements are "statements issued by an agency to advise the public prospectively of the manner in which the agency proposes to exercise a discretionary power." See U.S. Dep't of Justice, *Attorney General's Manual on the Administrative Procedure Act* 30 n.3 (1947).[3] "To the extent that the directive merely provides *guidance* to agency officials in exercising their discretionary power while preserving their flexibility and their opportunity to make individualized determination[s], it constitutes a general statement of policy." *Sacora v. Thomas*, 628 F.3d 1059, 1069 (9th Cir. 2010) (quotation omitted); *Nat'l Min. Ass'n*, 758 F.3d at 252 ("An agency action that merely explains how the agency will enforce a statute or regulation . . . is a general statement of policy.").

B. Paragraph 16 of the RF Order is a policy statement of the FCC, not a legislative rule

Paragraph 16 provides as follows:

> We also continue to ensure that relevant information is made available to the public. First, the Commission maintains several webpages that provide information about RF exposure to the public. These range from general RF exposure information to information on specific topics, including wireless devices and health concerns. Second, guidance from the FCC Laboratory continue recommending that device manuals include operating instructions and advisory statements for RF exposure compliance. This information allows users to make informed decisions on the type of body- worn accessories and operating configurations that are appropriate for their usage. Third, we make available information on the characterization of typical RF exposure levels emitted from base stations. Relatedly, we note that the World Health Organization (WHO) states that "[f]rom all evidence accumulated so far, no adverse short-or long-term health effects have been shown to occur from the RF signals produced by base stations." WHO goes on to say that the erroneous public perception of a

[3] The Supreme Court has indicated that the Attorney General's Manual merits some interpretive weight in understanding the APA because of the Department's role in drafting the statute. See, e.g., *Chrysler Corp. v. Brown*, 441 U.S. 281, 302 n.31 (1979); *Vt. Yankee Nuclear Power Corp. v. Natural Res. Def. Council, Inc.*, 435 U.S. 519, 546 (1978). For reference, manual defines "[i]nterpretative rules" as "rules or statements issued by an agency to advise the public of the agency's construction of the statutes and rules which it administers." *Attorney General's Manual on the Administrative Procedure Act* at 30 n.3.

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> possible risk from such exposure may, even while unsupported by evidence, still contribute to a feeling of uncertainty or a lack of control. That is why the context and placement of RF exposure information is so important. Given the federal safety determination, the information on the FCC's websites and in device manuals are both adequate to inform consumers of these issues and do not risk contributing to an erroneous public perception or overwarning [sic] of RF emissions from FCC certified or authorized devices. The FCC will continue to evaluate public information materials and update as appropriate.

In re Proposed Changes in the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields, FCC 19-126, 2019 WL 6681944 ¶ 16 (Dec. 4, 2019) ("*2019 RF Order*") (footnotes omitted).

The FCC's Statement relies almost exclusively upon Paragraph 16 for its authority. Nine times in its 14-page letter, the General Counsel cites Paragraph 16. In the Discussion section of the letter, except for a single reference to Paragraph 14, it is the only paragraph from the *2019 RF Order* that is cited.

Though the paragraph introduces itself as a description of the means taken by the FCC to "ensure that relevant information is made available to the public," *id.*, the General Counsel relies on two sentences from the paragraph to support a fundamentally new federal information policy. From the statements "*That is why the context and placement of RF exposure information is so important*" and "*Given the federal safety determination, the information on the FCC's websites and in device manuals are both adequate to inform consumers of these issues and do not risk contributing to an erroneous public perception or overwarning [sic] of RF emissions from FCC certified or authorized devices*," the General Counsel interprets Paragraph 16 to declare a new federal policy: that it is the federal government *exclusively* that can require information about RF emission standards. Even if a regulation "complements and reinforces" FCC law and policy, as the Ninth Circuit described Berkeley's Ordinance, *CTIA v. City of Berkeley*, 854 F.3d 1105, 1123 (9th Cir. 2017) ("*CTIA I*"), it is now forbidden, the General Counsel directs, because "additional notices *risk* 'overwarning' and misleading consumers into believing that RF emissions from FCC-certified cell phones are unsafe,"[4] Statement at 2 (emphasis added).

[4] This standard is importantly different from the rule suggested by the Court at the July hearing.

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As Berkeley has previously argued, the Statement's interpretation of Paragraph 16 is wrong and inconsistent with both the remainder of the paragraph and the rest of the *2019 RF Order*. Def. Supp. Br. (Dkt. #152) at 5-6 (discussing base stations). For this reason as well, even if Paragraph 16 were a legislative rule—which it is not—the Statement's interpretation of it would not warrant *Auer* deference. *Christopher*, 567 U.S. at 155 ("Deference is undoubtedly inappropriate, for example, when the agency's interpretation is plainly erroneous or inconsistent with the regulation." (quotation omitted)).

But even ignoring that inconsistency, Paragraph 16 does not satisfy the first step of *Auer* — because it is not a legislative rule.

- Paragraph 16 is not contained in the Code of Federal Regulations (CFR), *Human Exposure to Radiofrequency Electromagnetic Fields and Reassessment of FCC Radiofrequency Exposure Limits and Policies*, 85 Fed. Reg. 18,131 (2020), *available at* https://www.federalregister.gov/documents/2020/04/01/2020-02745/human-exposure-to-radiofrequency-electromagnetic-fields-and-reassessment-of-fcc-radiofrequency, as are the regulations at issue in countless *Auer* deference cases, including *Auer* itself.
- Paragraph 16 is not in the ordering clauses or final rules included in the *2019 RF Order*. It is instead found in the "Resolution of Notice and Inquiry" contained above the final rules. That "resolution" makes clear that the agency did not issue or intend to change *any* federal regulation bearing on cell phone mandated health and safety warnings in the *2019 RF Order*. The clear import of that "resolution" was that the law affecting RF emissions rules was left as the FCC found it. As the Order described:

  > [W]e find no appropriate basis for and thus decline to initiate a rulemaking

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The FCC's position, like CTIA's in its brief, is absolute. It condemns any requirement beyond those of the FCC's. The question is not whether any particular regulation actually "overwarns." The question is whether it risks overwarning. Berkeley notes that if this Court adopted a more fact-sensitive standard, asking whether in fact a particular ordinance "overwarns," then such an inquiry could not be resolved in CTIA's favor as a judgment on the pleadings.

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> to reevaluate the existing RF exposure limits. ¶ 10
>
> [W]e decline to make changes that would tighten the current standard, we decline to make any changes that would effectively relax our current standard. ¶ 13
>
> We also decline to revisit our RF exposure evaluation procedures for consumer portable devices, especially phones. ¶ 14
>
> We further decline to revisit our RF exposure policy as it pertains to children. ¶ 15

Yet on the General Counsel's view, after declaring all of these questions that the FCC was declining to "revisit" or "change," the agency was nonetheless declaring in Paragraph 16, sub silentio, a brand new national information policy, claiming for itself the exclusive power to require information related to RF emissions and cell phones.

- Paragraph 16 does not purport bind the agency to any particular action or standard of enforcement. Paragraph 16 instead advises that the agency "will continue to evaluate public information materials and update as appropriate." *RF Order* ¶ 16. The critical sentence (from the General Counsel's perspective) — "Given the federal safety determination, the information on the FCC's websites and in device manuals are both adequate to inform consumers of these issues and do not risk contributing to an erroneous public perception or overwarning of RF emissions from FCC certified or authorized devices" — addresses whether the information that the *FCC* was currently providing and mandating was enough or too much; it does not address the issue of *others* providing information or address the question of states or localities at all. It certainly "does not tell regulated parties what they must do or may not do in order to avoid liability," as legislative rules do. *Nat'l Min. Ass'n*, 758 F.3d at 252.
- Paragraph 16 does not modify substantive rights or interests, as legislative rules do.
- Paragraph 16 does not expressly state an intent to preempt.

Instead, Paragraph 16 simply announces "to the public . . . the policy which the agency

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hopes to implement in [the] future . . . ." *Pacific Gas & Electric Co. v. Federal Power Comm'n*, 506 F.2d 33, 38 (D.C. Cir. 1974). That policy is as the Paragraph declares: "to ensure that relevant information is made available to the public." That policy is not as the Statement reads it "to **be the *exclusive* agency throughout the United States that will** ensure that relevant information is made available to the public."

The non-legislative character of Paragraph 16 is confirmed by an obvious hypothetical. Cell phone manufacturers are required to include information about RF emissions in their manuals. *CTIA*, 139 F. Supp. 3d at 1053. That information is part of the information referenced by the FCC in Paragraph 16. But if Apple were to decide that RF emissions were a significant health concern, and expressly warn users of their phones not to carry them against their body, no Court would conclude that Apple had violated any rule expressed or established in Paragraph 16. Such a warning by Apple would certainly alter the careful balance of information that the FCC believes it has choreographed. But that balance is descriptive; it is not, from Paragraph 16, normative. It could not be enforced through law.

This conclusion gains further support by considering the other parts of the *2019 RF Order*, which clearly are legislative. The Order references a declaration of the new "rules" that it establishes. *2019 RF Order* § VIII ("ORDERING CLAUSES"), and Appendix A lists those new regulations, which are then added to the CFR. The preemption of state or local health and safety warnings is nowhere on that list.

Likewise with the parts of the Order that expressly preempt state or local law. As Berkeley referenced in the July 23 hearing, Paragraph 114 expressly preempts local rules that imposed additional warning requirements as a condition for granting citing permission for base stations. The Order declares the general policy, embodied in Section 332(c)(7), that "State and local governments are broadly preempted from regulating the operation of personal wireless service facilities based on RF emission considerations." *Id.* at ¶ 114 (citation omitted). The Order expressly negates local rules imposing additional obligations. Paragraph 114 is plainly legislative in the sense of announcing a binding norm that would constrain not just Portland but other localities as well.

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Though the 2013 *Reassessment of Federal Communications Commission Radiofrequency Exposure Limits and Policies*, 28 FCC Rcd 3498 (2013) ("*2013 Reassessment*"), invited notice and comment upon a wide range of questions, the agency *never* suggested that it was considering declaring an exclusive federal information policy with respect to RF emissions. Paragraph 16 responds to Paragraphs 248-52 in the *2013 Reassessment*. Those paragraphs raised many distinct questions — including whether the FCC should follow a precautionary principle and advise users to minimize RF exposure. The agency never suggested that it was considering what the General Counsel asserts the agency did: preempting local or state laws that "complement[]" and "reinforce[]" the FCC's own information requirements. *CTIA I*, 854 F.3d at 1123.

In short, Paragraph 16 lacks the necessary indicia of a legislative rule announcing any new regulation. Instead, it is *the Statement of Interest* that purports to establish a new binding—and sweeping—rule. As such, the Statement is not an interpretive rule, which "merely explain[s], but do[es] not add to, the substantive law that already exists in the form of a statute or legislative rule." *Hemp*, 333 F.3d at 1087. It is the attempt to create a new regulation without any of the required regulatory process.

In sum, Paragraph 16 is not a legislative rule. Any interpretation of it by the FCC or its general counsel, authoritative or otherwise, does not qualify for *Auer* deference.[5] Instead, at most, Paragraph 16 qualifies for *Skidmore* deference.

II. To find that the "presumption against preemption" has been overcome, this Court must find that the Agency has acted with "clear and manifest purpose" to preempt state and local law

As this Court has recognized, there is a clear "presumption against preemption" in the

[5] If Paragraph 16 *were,* as CTIA and the General Counsel suggest, a new regulation that changed FCC policy in the way that CTIA asserts it did, it would be inconsistent with the APA. "[A] policy change complies with the APA if the agency (1) displays awareness that it is changing position, (2) shows that the new policy is permissible under the statute, (3) believes the new policy is better, and (4) provides good reasons for the new policy, which, if the new policy rests upon factual findings that contradict those which underlay its prior policy, must include a reasoned explanation for disregarding facts and circumstances that underlay or were engendered by the prior policy." *Organized Village of Kake v. USDA*, 795 F.3d 956, 966 (9th Cir. 2015) (quoting *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515–516 (2009)).

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context of Berkeley's ordinance. That presumption is expressed directly in the Supreme Court's *Wyeth* decision and is grounded in "respect for the States as 'independent sovereigns in our federal system.'" *Wyeth v. Levine*, 555 U.S. 555, 565 n.3 (2009). It "applies with particular force in fields within the police power of the state." *Farina v. Nokia, Inc.,* 625 F.3d 97, 116 (3d. Cir. 2010) (citing *Medtronic, Inc. v. Lohr,* 518 U.S. 470, 485 (1996)).[6] It even applies, as *Farina* holds, in the context of telecommunications regulations. 625 F.3d at 116-17.

CTIA has suggested that the obstacle analysis of *Farina* has become the law of this case, and exhausts the preemption analysis that this Court may engage. Pl. Mot. 10. That claim is flatly wrong. In the earlier proceedings, the City of Berkeley was satisfied to have its ordinance tested under the standard described in *Farina*. As this Court and the Ninth Circuit concluded, under that standard, the Ordinance is plainly constitutional. CTIA now maintains that the FCC's *2019 RF Order* has changed that analysis. In determining whether the order has changed anything, this Court is not constrained to the four corners of the Third Circuit's opinion. Instead, to evaluate whether the FCC has succeeded in displacing local and state law, this Court must look at the statutory context within which the FCC has operated.

That context plainly expresses a strong congressional presumption against any finding of preemption. The Telecommunications Act (TCA) embodies an express savings clause.

> NO IMPLIED EFFECT.—This Act and the amendments made by this Act shall not be construed to modify, impair, or supersede Federal, State, or local law unless expressly so provided in such Act or amendments. TCA § 601(c)(1), codified at 47 U.S.C. § 152 (notes).

That clause plainly states that any preemption must happen through regulation, not through "implication" from any words in the statute. The TCA also specifies the procedure of any such preemptive regulation. While § 253(a) bars any "State or local legal requirement" from "prohibit[ing] or hav[ing] the effect of prohibiting the ability" of "any entity to provide any

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[6] There may be some suggestion in *Ting v. AT&T,* 319 F.3d 1126 (9th Cir. 2003) that the presumption should not apply with telecommunications regulation. But *Ting* was specifically focused on the regulation of "long-distance telecommunications." The regulations at issue in this case — health and safety warnings, or right to know ordinances — have long been within the domain of states and localities, not in the exclusive domain of the federal government.

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interstate or intrastate telecommunications service," § 253(b) expressly saves state and local regulation that "protect[s] the public safety and welfare" of consumers. And § 253(d) expressly requires that if the agency determines to preempt any of the requirements described in § 253(b), it must do so only "after notice and an opportunity for public comment." 47 U.S.C. § 253(b).

This requirement of notice and comment rulemaking is consistent with the FCC's own representations at the time the TCA was adopted. In its 1996 proceeding, the FCC declared:

> In the past, parties have requested that the Commission preempt state and local authority over RF exposure matters. To date the Commission has declined to preempt on health and safety matters. However, the Commission has noted that should non-Federal RF radiation standards be adopted that adversely affect a licensee's ability to engage in Commission-authorized activities, the Commission would consider reconsidering whether Federal action is necessary. *In the Matter of Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation*, FCC 96-326 ¶ 164 (1996) (footnotes omitted) ("1996 Order").

That process of "consider[ing] [whether to] reconsider[]" the determination not to "preempt state and local authority over RF exposure matters," at least as they relate to "public safety and welfare," must, under the TCA, afford state and local governments "notice and an opportunity for public comment." § 253(d).

The proceeding terminated by the *2019 RF Order* did not provide state and local governments a notice and comment opportunity with respect to any question of preempting health and safety information regulations. Though there was extensive engagement about whether the FCC should change the character or the extent of the RF exposure information that it itself provided — including a suggestion by some that the FCC require express warnings on cell phones — there was no discussion about whether the FCC should not only not change its own information policies, but should also preempt any complementing policies by local or state governments. Even CTIA's own submissions never once suggested that the FCC preempt local RF information requirements — even though CTIA expressly referenced San Francisco's ordinance in discussing the First Amendment implications of such a requirement. See Comments of CTIA—The Wireless Association, *available at* https://perma.cc/9EEU-6AK2, Reply Comments of CTIA—The Wireless Association, *available at* https://perma.cc/3262-7K88. If the purpose of the FCC was to preempt state and local "right to know" ordinances, the FCC hid its

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purpose throughout the 2013 proceeding very well.

A. Paragraph 16 does not "clear[ly] and convincing[ly]" preempt state or local law

It is clear that were Paragraph 16 a federal statute, it would not preempt state or local health or safety regulations. Such rules are traditionally within the purview of State and local government. *See Altria Group, Inc. v. Good*, 555 U.S. 70, 76 (2008). For Congress to preempt such rules, it must act with "clear and manifest" purpose. *Rice v. Santa Fe Elevator Corp*., 331 U.S. 218, 230 (1947). Under that principle, articulated most fully and most recently in the "clear statement rule" announced in *Gregory v. Ashcroft*, 501 U.S. 452, 461 (1991), Paragraph 16 is obviously not a clear statement of any regulatory purpose to displace traditional state functions.

Neither can Paragraph 16 provide the basis for a finding of FCC preemption. An agency is no less constrained by the *Gregory* principle than is Congress. And where Congress has expressly articulated the process by which an agency is to preempt functions "traditionally within the purview of State and local government," that structure erects an even higher burden when the agency has refused to act through the process Congress has specified.

It may well be that the *Farina* Court was correct about the application of that higher standard in the context of that case. The Third Circuit concluded that finding liability for a failure to require headsets would create an unmanageable inconsistency in the rules regulating cell phones emissions. There was obviously no practical way to impose obligations on manufacturers when their phones are used in Pennsylvania that then change when the consumer crosses the border into Ohio. The physical technology of cell phones needs a single regulatory source — or so the Third Circuit concluded federal policy plainly required.

But the same considerations clearly do not apply to retail health and safety warnings. Berkeley's requirements do not reach beyond Berkeley. They apply solely to retailers who operate in Berkeley. And while a national retailer may well find the obligations incident upon a sale in Berkeley different from the obligations in Nevada, such differences are commonplace. It is in the nature of federalism that national companies face different local requirements — at least

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until they convince federal regulators to displace those local requirements.

The FCC plainly did not engage in notice and comment rulemaking to displace local or state RF emissions warnings. It has therefore not established a national uniform information policy that can displace different policies in the states. Under any standard of review, this Court should therefore reject the claim that Paragraph 16 declares such a national policy. It certainly cannot so conclude under the heightened presumption that the Supreme Court has imposed to protect the values of federalism.

B. The Supreme Court's reasoning in *Wyeth* compels a finding of no preemption here

The clearest authority supporting Berkeley's understanding is the Supreme Court's decision in *Wyeth*. At issue in *Wyeth* was whether state-based failure-to-warn torts were preempted by the FDA's warning requirements for FDA regulated drugs. The Supreme Court held they were not. As in this case, the claim of preemption had been supported by the FDA, which claimed state law would create an "obstacle to achieving its statutory objective." 555 U.S. at 576. But the Supreme Court "performed its own conflict determination, relying on the substance of state and federal law and not on agency proclamations of pre-emption." *Id.* at 576. Indeed, as the Supreme Court directed, courts do not "defer[] to an agency's conclusion that state law is pre-empted." *Id*. (emphasis omitted).

In *Wyeth*, Congress had not expressly authorized the FDA to preempt state law. The Court cited by contrast § 253(a) of the TCA which does give the FCC the authority to preempt state law. But that distinction only strengthens Berkeley's position. § 253(d) sets the procedure by which preemption is to occur — a procedure the FCC did not follow in this case. Thus the residual claim for preemption here is the same as it was in *Wyeth* — grounded solely in the agency's supposed judgment that the local rules would create an obstacle to a federal policy.

That judgment, the Court held, was entitled to just *Skidmore* deference. Under *Skidmore*, the claim of preemption failed. As in this case, the FDA had indicated previously that it would not preempt — just as the 1996 order had indicated the FCC would not preempt without "[]considering whether Federal action [was] necessary." 1996 Order ¶ 164. As is true in this

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case, the Court in *Wyeth* found no "regulation bearing the force of law." 555 U.S. at 580. Rather than rulemaking, as in this case, the FDA had relied solely upon a statement of policy to ground its authority to displace state law.

Farina is not to the contrary. Contrary to the suggestion of CTIA, Pl. Reply 11, *Farina* does not apply *Auer* deference regardless of the process followed. To the contrary, while the Third Circuit was not perfectly clear in the end about what standard it was applying, it distinguished the process it was reviewing from the process in *Wyeth* based upon the seriousness of the notice and comment process. 625 F.3d at 127 n.27. In *Wyeth*, the FDA had not signaled it was considering preemption. That meant the agency did not receive comments upon the question of preemption. The *Farina* court found the process the FCC had followed in that case to be more inclusive and complete. This case fits the *Wyeth* story precisely — the FCC gave no notice of preemption as an issue; there was therefore no comments about whether state and local rules should be preempted. More process may have earned the FCC more deference in *Farina*. Less process should earn the FCC less deference here.

C. To conclude that ambiguity in the scope of Paragraph 16 empowers the agency to declare a new federal information policy evinces the fundamental problem with obstacle preemption

To allow the FCC to declare a new federal information policy by purporting to interpret Paragraph 16 would allow the agency an end-run around the procedure that Congress has established for such policy innovations. "Obstacle preemption," as Justice Kennedy warned, does "not justify a 'freewheeling judicial inquiry' into whether a state statute is 'in tension' with federal objectives . . . ." *Chamber of Commerce v. Whiting*, 563 U.S. 582, 607 (2011) (quoting *Gade v. Nat'l Solid Wastes Mgmt. Ass'n*, 505 U.S. 88, 111 (1992) (Kennedy, J., concurring)).[7] The conclusion that Paragraph 16 effected preemption would only affirm the growing skepticism

[7] Justice Thomas has expressly rejected obstacle preemption as a mode of preemption analysis, criticizing "routinely invalidat[ing] state laws based on perceived conflicts with broad federal policy objectives, legislative history, or generalized notions of congressional purposes that are not embodied within the text of federal law." *Wyeth*, 555 U.S. at 583 (Thomas, J., concurring in the judgment). Justice Gorsuch as indicated a similar concern with the technique. *See generally Va. Uranium, Inc. v. Warren*, 139 S.Ct. 1894 (2019) (Gorsuch, J., lead opinion).

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on the Supreme Court about the separation of powers — and now federalism — concerns raised by obstacle deference. If an agency is permitted to avoid required notice and comment procedures, and then rely upon its own ambiguously crafted language to assert a new power nowhere openly declared before, then it has a perpetual incentive to be unclear. Such a power would encourage agencies to promulgate vague regulations, as Justice Scalia had predicted, and "frustrate[] the notice and predictability purposes of rulemaking." Kevin O. Leske, *A Rock Unturned: Justice Scalia's (Unfinished) Crusade Against the Seminole Rock Deference Doctrine*, 69 ADMIN. L. REV. 1, 24 (2017) (citing *Talk Am., Inc. v. Mich. Bell Tel. Co.*, 564 U.S. 50, 68-69 (2011) (Scalia, J., concurring)). As Justice Thomas has put the critique,

> by enabling an agency to enact 'vague rules' and then to invoke *Seminole Rock* to 'do what it pleases' in later litigation, the agency—with the judicial branch as its co-conspirator—frustrates the notice and predictability purposes of rulemaking, and promotes arbitrary government."

Bible v. United Student Aid Funds, Inc., 799 F.3d 633, 639 (7th Cir. 2015), *cert. denied,* 136 S. Ct. 1607, 1608 (2016) (Thomas, J., dissenting from the denial).

These concerns are especially strong in the context of federalism. After *Wyeth*, the Obama administration issued rules to constrain executive agencies in their ability to preempt state law. Memo. from Pres. Barack Obama to the Heads of Executive Departments and Agencies, *Preemption* (May 20, 2009), *available at* https://perma.cc/95JW-S3K5. Those rules complemented the Executive Order that President Clinton had issued in 1999 designed also to protect against inadvertent preemption. Exec. Ord. No. 13132, 64 Fed. Reg. 43,255, 43,257 (1999). While these rules do not apply on their own force to independent agencies, such as the FCC, the constitutional norms that drive these executive regulations do apply to independent agencies. Values of federalism are not less significant because overridden by an independent agency rather than an executive agency. Indeed, from a constitutional perspective, because independent agencies are less politically accountable, constitutional norms of federalism should be even greater. See Ashutosh Bhagwat, *Wyeth v. Levine and Agency Preemption: More Muddle, or Creeping to Clarity*, 45 TULSA L. REV. 197, 219-20 (2013), *available at* https://perma.cc/3WVY-GJBQ.

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There is no reason for this Court to stretch in its interpretation of Paragraph 16 to find a new national information policy nowhere described or debated by those who would be affected by it most — state and local governments. Especially when Congress has directed the process through which such binding policies are to be articulated, § 253(d), there is no reason for this Court to credit the claim that a non-legislative policy statement that at best only hints at a national policy of exclusivity, should be read to bind states and local governments.

CONCLUSION

Under *Skidmore* deference, as Justice Jackson explained,

> The weight [accorded to an administrative] judgment in a particular case will depend upon the thoroughness evident in its consideration, the validity of its reasoning, its consistency with earlier and later pronouncements, and all those factors which give it power to persuade, if lacking power to control."

323 U.S. at 140.

Applying that standard, the FCC's interpretation of Paragraph 16 of the *2019 RF Order* is plainly incorrect. The General Counsel's Statement attempts an end-run around the ordinary rule making process and should not be deferred to by this Court. The agency is perfectly capable of preempting state and local laws. Unless or until it does so, however, federalism demands they remain in force.

Dated: July 30, 2020

LAWRENCE LESSIG

By: /s/Lawrence Lessig
Lawrence Lessig

Attorney for Defendants City of Berkeley and Christine Daniel

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FCC-22-1100-A-000153

From:	Evan Swarztrauber
To:	Ajit Pai; Matthew Berry; Nicholas Degani; Thomas Johnson; Paul Jackson
Subject:	Fw: Censorship Update
Date:	Thursday, October 15, 2020 2:07:18 PM
Attachments:	Enigma Software Group USA LLC v Malwarebytes Inc (1).pdf

Also this.

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Policy Advisor
Office of Chairman Ajit Pai
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From: Burke, Rory <Rory.Burke@mail.house.gov>
Sent: Thursday, October 15, 2020 2:04 PM
To: Burke, Rory <Rory.Burke@mail.house.gov>
Subject: Censorship Update

This week Justice Clarence Thomas issued a statement respecting denial of certiorari in the Enigma Software v Malwarebytes case expressing a desire to limit the scope of immunity currently provided to online platforms by the Circuit Court's "broad" interpretation of Section 230 of the Communications Decency Act. Justice Thomas explained that justices in the future should consider whether the text of the "increasingly important statute" supports the "sweeping immunity" that courts have granted to online platforms, and notes that "the Federal Government [is] free to update their liability laws to make them more appropriate for an Internet-driven society." Yesterday, Senator Hawley also questioned Judge Amy Coney Barrett about the case.

Rep. Gosar's H.R. 7808 Stop the Censorship Act of 2020 (16 current cosponsors) reforms Sections 230 to resolve the issue at question in the Enigma Software v Malwarebytes case, replacing vague terminology with concrete terms recommended by the Department of Justice.

Enigma Software v Malwarebytes Background and Update:

- 2/15/2019: 9th Circuit Court hears Enigma Software v Malwarebytes
- 7/26/2019: Gosar introduces H.R. 4027 Stop the Censorship Act clarifying the language at issue in Enigma Software v Malwarebytes
- 9/12/2019: 9th Circuit Court rules on Enigma Software v Malwarebytes (attached)
- 11/9/2019: Tweet thread on Enigma Software v Malwarebytes and Stop the Censorship Act
- 6/23/2020: The Department of Justice issues a review of Section 230 of the Communications Decency Act
    - Links to pages 20 and 21 that mention the Malwarebytes case:
        - "Antitrust law prohibits dominant firms from engaging in anticompetitive conduct that harms competition. In some cases, online

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platforms have argued that Section 230 creates an immunity from antitrust claims. See, e.g., Enigma Software Grp. USA, LLC v. Malwarebytes, Inc., 946 F.3d 1040, 1050 (9th Cir. 2019) (rejecting Malwarebytes's contention that it was immune from liability under Section 230 "regardless of any anticompetitive motives")"

- 7/29/2020: Gosar Introduces H.R. 7808 Stop the Censorship Act of 2020, updating H.R. 4027 to include terminology recommended by the DOJ.
    - "Online platforms have argued that the inclusion of the term "otherwise objectionable" creates immunity from antitrust claims (Enigma Software v. Malwarebytes)."
- 10/13/2020: Statement of Justice Clarence Thomas respecting the denial of certiorari
    - "In its defense, Malwarebytes invoked a provision of §230 that states that a computer service provider cannot be held liable for providing tools "to restrict access to material" that it "considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable." §230(c)(2). The Ninth Circuit relied heavily on the "policy" and "purpose" of §230 to conclude that immunity is unavailable when a plaintiff alleges anticompetitive conduct."
    - "we should consider whether the text of this increasingly important statute aligns with the current state of immunity enjoyed by Internet platforms."
    - "With no limits on an Internet company's discretion to take down material, §230 now apparently protects companies who racially discriminate in removing content. Sikhs for Justice, Inc. v. Facebook, Inc."
    - "Paring back the sweeping immunity courts have read into §230 would not necessarily render defendants liable for online misconduct. It simply would give plaintiffs a chance to raise their claims in the first place. Plaintiffs still must prove the merits of their cases, and some claims will undoubtedly fail. Moreover, States and the Federal Government are free to update their liability laws to make them more appropriate for an Internet-driven society."
    - "Extending §230 immunity beyond the natural reading of the text can have serious consequences. Before giving companies immunity from civil claims for "knowingly host[ing] illegal child pornography," Bates, 2006 WL 3813758, *3, or for race discrimination, Sikhs for Justice, 697 Fed. Appx., at 526, we should be certain that is what the law demands. Without the benefit of briefing on the merits, we need not decide today the correct interpretation of §230. But in an appropriate case, it behooves us to do so."
- 10/14/2020: Senator Hawley questions Judge Amy Coney Barrett about Malwarebytes
    - **Sen. Hawley**: "What are the dangers of supreme court or any court, rewriting a statute, departing from the text that congress, or a legislature, a lawmaking body, departing from the text they have written, that has been adopted, presented and adopted, what are the dangers in that if a court departs from that and substitutes its own judgment, whether it's done in one opinion or over a series or years"
    - **Judge Amy Coney Barrett**: "…without respect to Section 230, just in general, the danger of a court doing that is to subvert the will of the people… If judges misconstrue statutes or bend them to the judges idea of what would be good public policy, then it deprives the people of the chance to express the policies that they

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want through the democratic process."

- **Sen. Hawley**: "…it's pretty clear that has happened with Section 230, I think Justice Thomas does an outstanding job here at laying out why that's the case."

Yesterday Facebook And Twitter Limited Sharing 'New York Post' Story About Joe Biden. It is important to note that the above provision is what currently provides online platforms immunity to censor anything they deem to be "otherwise objectionable" - in this case the New York Post report.

H.R. 7808 Stop the Censorship Act of 2020 reforms Sections 230 to resolve the issue at question in the Enigma v Malwarebytes case, replacing vague terminology with concrete terms recommended by the Department of Justice.

Rory Burke
Legislative Director
Congressman Paul Gosar (AZ-04)
(c): (202) 557-1872

From: Burke, Rory
Sent: Thursday, June 25, 2020 9:20 AM
To: Burke, Rory <Rory.Burke@mail.house.gov>
Subject: Censorship

The attached legislation aligns with two of the Justice Department's recommendations to reform Section 230 of the Communications Decency Act, described on page 20 and 21 of the Justice Department's recently issued Key Takeaways and Recommendations:

1. **Reform to Promote Competition** (one page attached):
   "Antitrust law prohibits dominant firms from engaging in anticompetitive conduct that harms competition. In some cases, online platforms have argued that Section 230 creates an immunity from antitrust claims. See, e.g., Enigma Software Grp. USA, LLC v. Malwarebytes, Inc., 946 F.3d 1040, 1050 (9th Cir. 2019) (rejecting Malwarebytes's contention that it was immune from liability under Section 230 "regardless of any anticompetitive motives") (cert pending)." (the attached language strikes the language at issue in the Enigma v Malware case). Here's the docket for the Malwarebytes v Enigma Software appeal at the Supreme Court. A summary of the case is below my signature line.
2. **Reforms to Promote Open Discourse and Greater Transparency** (one page attached):
   "The vagueness of the term "otherwise objectionable" risks giving every platform a free pass for removing any and all speech that it dislikes, without any potential for recourse by the user. Therefore, to bring the immunity conferred by (c)(2) more in line with the interests Congress identified in the original CDA, the Department proposes deleting the vague phrase "otherwise objectionable," while adding a new immunity for moderation of material the platform believes, in good faith, violates federal law or promotes violence or terrorism. By both narrowing and expanding 230(c)(2) in these ways the proposals strike a more appropriate balance between promoting an open, vibrant Internet and preserving platforms' discretion to restrict obscene and unlawful content."

Stop the Censorship Act has been updated to satisfy these two Justice Department recommendations. We did receive TA from DOJ. I would be happy to help address any questions

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or concerns.

Rory Burke
Legislative Director
Congressman Paul A. Gosar (AZ-04)
(c): (202) 557-1872

From: Burke, Rory
Sent: Wednesday, November 13, 2019 1:32 PM
To: Burke, Rory <Rory.Burke@mail.house.gov>
Subject: Censorship of Competition

Friends,

Enigma Software v. Malwarebytes is a 9th circuit case about two computer software companies in an antitrust dispute. Malwarebytes and Enigma are direct competitors and the defendant (Malwarebytes) has censored their competitor's most popular programs.

This is the first case regarding Section 230 of the Communications Decency Act (CDA 230) that involves direct competitors. CDA 230 provides tech platforms with immunity from liability for third party content and allows Big Tech to censor "objectionable" content with immunity.

In Enigma Software v. Malwarebytes the court considered whether or not "objectionable" provides immunity for the censorship of competition: "The legal question before us is whether [CDA 230] immunizes blocking and filtering decisions that are driven by anticompetitive animus…Malwarebytes's position is that, given the catchall [of "objectionable"], Malwarebytes has immunity regardless of any anticompetitive motives."

The majority concludes: "only that if a provider's basis for objecting to and seeking to block materials is because those materials benefit a competitor, the objection would not fall within any category listed in the statue and the immunity would not apply."

However, dissenting Judge argues that CDA 230's immunity for removal of "objectionable" content includes immunity for the censorship of competition: "Under the language of the statute, if the blocked content is "otherwise objectionable" to the provider, the Act bestows immunity"

Dissent continues: "Under the language of the Act, so long as the provider's action is taken to remove "otherwise objectionable" material, the restriction of access is immunized..."

Further, Judge Rawlinson concludes that "the majority's policy arguments are in conflict with our recognition in Zango [v. Kaspersky] that the broad language of the Act is consistent with "the Congressional goals for immunity" as expressed in the language of the statute."

The case suggests Congress could clarify the statute: "The majority's real complaint is not that the district court construed the statute too broadly, but that the statute is written too broadly. However, that defect, if it is a defect, is one beyond our authority to correct…We must

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presume that a legislature says in a statute what it means and means in a statute what it says there."

H.R. 4027 Stop the Censorship Act would reform CDA 230 and clarify that the statute does not include immunity for the censorship of competition or lawful content, unless providing users with the option to filter such content.

Law Professors have filed an amicus brief (attached) asking the 9th circuit to rehear the case. They argue that CDA 230 should indeed provide immunity for the censorship of competition. H.R. 4027 also satisfies their concerns about malware threat software, since the inclusion of "(C) any action to provide users the option to restrict access to any other material, whether or not such material is constitutionally protected" would empower users with the option to filter, including the option to filter malware threats.

CDA 230 currently provides immunity for the censorship of lawful political speech. Additionally, it is a major concern that CDA 230 could be interpreted to provide immunity to Big Tech to censor competition. The lack of clarity in the statute represents a serious threat to free speech and free markets. H.R. 4027 would stop the censorship of competition and lawful political speech.

Rory Burke
Legislative Director
Congressman Paul A. Gosar, D.D.S. (AZ-04)

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2019 WL 4315152
United States Court of Appeals, Ninth Circuit.

ENIGMA SOFTWARE GROUP USA, LLC, Plaintiff-Appellant,
v.
MALWAREBYTES, INC., Defendant-Appellee.

No. 17-17351
|
Argued and Submitted February 15, 2019 San Francisco, California
|
Filed September 12, 2019

Synopsis

Background: Provider of software that help internet users filter unwanted content from their computers brought action against competitor, alleging violations of New York state law and the Lanham Act's false advertising provision, based on the allegation that competitor configured its software to block users from accessing provider's software in order to divert provider's customers. The United States District Court for the Northern District of California, No. 5:17-cv-02915-EJD, Edward J. Davila, J., 2017 WL 5153698, granted competitor's motion to dismiss. Provider appealed.

Holdings: As matters of apparent first impression, the Court of Appeals, Schroeder, Senior Circuit Judge, held that:

[1] "Good Samaritan" provision of the Communications Decency Act does not immunize blocking and filtering decisions that are driven by anticompetitive animus;

[2] provider plausibly alleged that its competitor blocked its users from accessing provider's software for anticompetitive reasons, as would fall outside of the immunity provided by "Good Samaritan" provision of the Communications Decency Act, for purposes of claims for deceptive business practices and tortious interference with business and contractual relations under New York law;

[3] intellectual property exception to the "Good Samaritan" provision of the Communications Decency Act does not apply to false advertising claims brought under the Lanham Act, unless the claim itself involves intellectual property;

[4] Lanham Act claim brought by provider was not a claim "pertaining to intellectual property law" within the meaning of intellectual property exception to "Good Samaritan" provision of the Communications Decency Act; and

[5] provider plausibly alleged that its competitor blocked its users from accessing provider's software for anticompetitive reasons, as would fall outside of the immunity provided by "Good Samaritan" provision of the Communications Decency Act, for purposes of false advertising claim under the Lanham Act.

Reversed and remanded.

Rawlinson, Circuit Judge, filed a dissenting opinion.

West Headnotes (13)

[1] Telecommunications
Persons and entities liable; immunity

To fall within the "Good Samaritan" provision of the Communications Decency Act, which immunizes computer-software providers from liability for actions taken to help users block certain types of unwanted, online material, the criteria for blocking online material must be based on the characteristics of the online material, i.e. its content, and not on the identity of the entity that produced it. Communications Act of 1934 § 230, 47 U.S.C.A. § 230.

Cases that cite this headnote

[2] Telecommunications
Persons and entities liable; immunity

"Good Samaritan" provision of the Communications Decency Act, which immunizes computer-software providers from liability for actions taken to help users block certain types of unwanted, online material does not provide unlimited immunity; interpreting provision to give providers unbridled discretion to block online content would enable and potentially motivate internet-service providers to act for their own, and not the public, benefit.

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Communications Act of 1934 § 230, 47 U.S.C.A. § 230(c)(2).

Cases that cite this headnote

[3] Telecommunications

Persons and entities liable; immunity

"Good Samaritan" provision of the Communications Decency Act, which immunizes computer-software providers from liability for actions taken to help users block certain types of unwanted, online material, does not immunize blocking and filtering decisions that are driven by anticompetitive animus; such provision gives providers discretion to identify objectionable content in large part to protect competition, not suppress it. Communications Act of 1934 § 230, 47 U.S.C.A. § 230(c)(2).

Cases that cite this headnote

[4] Telecommunications

Persons and entities liable; immunity

General, catchall phrase "otherwise objectionable" in "Good Samaritan" provision of the Communications Decency Act, which immunizes computer-software providers from liability for actions taken to help users block certain types of unwanted, online material, is not limited to material that is sexual or violent in nature; the specific categories preceding catchall vary greatly, as material that is lewd or lascivious is not necessarily similar to material that is violent or harassing, and even if ejusdem generis did apply to teach that catchall should be construed to reference listed categories, spam, malware, and adware could fairly be placed close enough to harassing materials to at least be called "otherwise objectionable" while still being faithful to the principle of ejusdem generis. Communications Act of 1934 § 230, 47 U.S.C.A. § 230(c)(2).

Cases that cite this headnote

[5] Statutes

General and specific terms and provisions; ejusdem generis

The principle of "ejusdem generis" teaches that when a generic term in a statute follows specific terms, the generic term should be construed to reference subjects akin to those with the specific enumeration.

Cases that cite this headnote

[6] Statutes

General and specific terms and provisions; ejusdem generis

If enumerated categories in a statute are not similar, they provide little or no assistance in interpreting a more general category.

Cases that cite this headnote

[7] Antitrust and Trade Regulation

Privilege or immunity

Telecommunications

Persons and entities liable; immunity

Torts

Business relations or economic advantage, in general

Torts

Contracts in general

Provider of software that help internet users filter unwanted content from their computers plausibly alleged that its competitor blocked its users from accessing provider's software for anticompetitive reasons, as would fall outside of the immunity provided by "Good Samaritan" provision of the Communications Decency Act, which immunizes computer-software providers from liability for actions taken to help users block certain types of unwanted, online material, for purposes of claims for deceptive business practices and tortious interference with business and contractual relations under New York law. Communications Act of 1934 § 230, 47 U.S.C.A. § 230(c)(2); N.Y. General Business Law § 349.

Cases that cite this headnote

[8] Antitrust and Trade Regulation

Advertising, Marketing, and Promotion

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Although much of the Lanham Act addresses the registration, use, and infringement of trademarks and related marks, section governing false association and false advertising is one of the few provisions that goes beyond trademark protection. Lanham Trade-Mark Act § 43, 15 U.S.C.A. § 1125(a).

Cases that cite this headnote

[9] **Telecommunications**
Persons and entities liable; immunity

The intellectual property exception to "Good Samaritan" provision of the Communications Decency Act (CDA), which immunizes computer-software providers from liability for actions taken to help users block certain types of unwanted, online material, is a limitation on immunity, and the CDA's stated congressional purpose counsels against an expansive interpretation of the exception that would diminish the scope of immunity. Communications Act of 1934 § 230, 47 U.S.C.A. § 230(e)(2).

Cases that cite this headnote

[10] **Antitrust and Trade Regulation**
Privilege or immunity

Telecommunications
Persons and entities liable; immunity

If the intellectual property law exception to "Good Samaritan" provision of the Communications Decency Act, which immunizes computer-software providers from liability for actions taken to help users block certain types of unwanted, online material, were to encompass any claim raised under the Lanham Act, including false advertising claims that do not directly involve intellectual property rights, it would create a potential for new liability that would upset, rather than preserve, the vibrant culture of innovation on the internet that Congress envisioned. Lanham Trade-Mark Act § 43, 15 U.S.C.A. § 1125(a)(1)(B); Communications Act of 1934 § 230, 47 U.S.C.A. § 230(e)(2).

Cases that cite this headnote

[11] **Antitrust and Trade Regulation**
Privilege or immunity

Copyrights and Intellectual Property
Remedies

Patents
Defenses

Telecommunications
Persons and entities liable; immunity

Trademarks
Defenses, Excuses, and Justifications

Intellectual property exception to the "Good Samaritan" provision of the Communications Decency Act, which immunizes computer-software providers from liability for actions taken to help users block certain types of unwanted, online material, encompasses claims pertaining to an established intellectual property right under federal law, like those inherent in a patent, copyright, or trademark, but does not apply to false advertising claims brought under the Lanham Act, unless the claim itself involves intellectual property. Lanham Trade-Mark Act § 43, 15 U.S.C.A. § 1125(a); Communications Act of 1934 § 230, 47 U.S.C.A. § 230(e)(2).

Cases that cite this headnote

[12] **Antitrust and Trade Regulation**
Privilege or immunity

Lanham Act claim brought by provider of software that help internet users filter unwanted content from their computers, alleging that its competitor mischaracterized provider's most popular software programs in order to divert customers to competitor, was not a claim "pertaining to intellectual property law" within the meaning of intellectual property exception to "Good Samaritan" provision of the Communications Decency Act, which immunizes computer-software providers from liability for actions taken to help users block certain types of unwanted, online material; such claim derived from the Lanham Act's false advertising provision, and did not relate to or involve trademark rights or any other intellectual

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property rights. Lanham Trade-Mark Act § 43, 15 U.S.C.A. § 1125(a); Communications Act of 1934 § 230, 47 U.S.C.A. § 230(e)(2).

Cases that cite this headnote

[13] Antitrust and Trade Regulation
Particular cases

Provider of software that help internet users filter unwanted content from their computers plausibly alleged that its competitor blocked its users from accessing provider's software for anticompetitive reasons, as would fall outside of the immunity provided by "Good Samaritan" provision of the Communications Decency Act, which immunizes computer-software providers from liability for actions taken to help users block certain types of unwanted, online material, for purposes of false advertising claim under the Lanham Act. Lanham Trade-Mark Act § 43, 15 U.S.C.A. § 1125(a); Communications Act of 1934 § 230, 47 U.S.C.A. § 230(e)(2).

Cases that cite this headnote

West Codenotes

Recognized as Unconstitutional
47 U.S.C.A. § 223

Attorneys and Law Firms

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Tyler G. Newby (argued), Guinevere L. Jobson, and Sapna Mehta, Fenwick & West LLP, San Francisco, California, for Defendant-Appellee.

Appeal from the United States District Court for the Northern District of California, Edward J. Davila, District Judge, Presiding, D.C. No. 5:17-cv-02915-EJD

Before: Mary M. Schroeder and Johnnie B. Rawlinson, Circuit Judges, and Robert S. Lasnik, * District Judge.

Dissent by Judge Rawlinson

OPINION

SCHROEDER, Circuit Judge:

OVERVIEW

This dispute concerns § 230, the so-called "Good Samaritan" provision of the Communications Decency Act of 1996, enacted primarily to protect minors from harmful online viewing. The provision immunizes computer-software providers from liability for actions taken to help users block certain types of unwanted, online material. The provision expressly describes material of a violent or sexual nature, but also includes a catchall for material that is "otherwise objectionable." 47 U.S.C. § 230(c)(2). We have previously recognized that the provision establishes a subjective standard whereby internet users and software providers decide what online material is objectionable. *See Zango Inc. v. Kaspersky Lab, Inc.*, 568 F.3d 1169, 1173 (9th Cir. 2009).

The parties to this dispute are both providers of software that help internet users filter unwanted content from their computers. Plaintiff-Appellant Enigma Software Group USA, LLC has alleged violations of New York state law and a violation of the Lanham Act's false advertising provision. Each claim is based on the allegation that defendant, Malwarebytes Inc., has configured its software to block users from accessing Enigma's software in order to divert Enigma's customers. The district court, relying on *Zango*, dismissed the action as barred by § 230's broad recognition of immunity. We did not hold in *Zango*, however, that the immunity was limitless.

This case differs from *Zango* in that here the parties are competitors. In this appeal Enigma contends that the "otherwise objectionable" catchall is not broad enough to encompass a provider's objection to a rival's software in order to suppress competition. Enigma points to Judge Fisher's concurrence in *Zango* warning against an overly expansive interpretation of the provision that could lead to anticompetitive results. We heed that warning and reverse the district court's decision that read *Zango* to require such an interpretation. We hold that the phrase "otherwise objectionable" does not include software that the provider finds objectionable for anticompetitive reasons.

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***2** Malwarebytes contends that it had legitimate reasons for finding Enigma's software objectionable apart from any anticompetitive effect, and that immunity should therefore apply on Enigma's state-law claims, even if the district court erred in its interpretation of *Zango*. We conclude, however, that Enigma's allegations of anticompetitive animus are sufficient to withstand dismissal.

Enigma's federal claim warrants an additional analytical step. The CDA's immunity provision contains an exception for intellectual property claims, stating that "[n]othing in this section shall be construed to limit or expand any law pertaining to intellectual property." 47 U.S.C. § 230(e)(2). Enigma has brought a false advertising claim under the Lanham Act, a federal statute that deals with trademarks. Enigma contends that the false advertising claim is one "pertaining to intellectual property" and thus outside the scope of § 230 immunity.

Although it is true that the Lanham Act itself deals with intellectual property, *i.e.* trademarks, Enigma's false advertising claim does not relate to trademarks or any other type of intellectual property. The district court therefore correctly held that the intellectual property exception to immunity does not apply to the false advertising claim. The district court went on to hold that under *Zango*'s application of § 230 immunity, Malwarebytes was immune from liability for false advertising. As with Enigma's state law claims, we hold that the district court read *Zango* too broadly in dismissing the federal claim. We therefore reverse the judgment on this claim as well.

STATUTORY BACKGROUND

This appeal centers on the immunity provision contained in § 230(c)(2) of the Communications Decency Act ("CDA"), 47 U.S.C. § 230(c)(1996). The CDA, which was enacted as part of the Telecommunications Act of 1996, contains this "Good Samaritan" provision that, in subparagraph B, immunizes internet-service providers from liability for giving internet users the technical means to restrict access to the types of material described in the subparagraph A. *Id.* § 230(c)(2)(B). The material, as described in that subparagraph, is "material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable." *Id.* § 230(c)(2)(A). [1]

This grant of immunity dates back to the early days of the internet when concerns first arose about children being able to access online pornography. Parents could not program their computers to block online pornography, and this was at least partially due to a combination of trial court decisions in New York that had deterred the creation of online-filtration efforts. In the first case, *Cubby, Inc. v. CompuServe, Inc.*, a federal court held that passive providers of online services and content were not charged with knowledge of, or responsibility for, the content on their network. *See* 776 F. Supp 135, 139–43 (S.D.N.Y. 1991). Therefore, if a provider remained passive and uninvolved in filtering third-party material from its network, the provider could not be held liable for any offensive content it carried from third parties. *See id.*

***3** The corollary of this rule, as later articulated by a New York state trial court, was that once a service provider undertook to filter offensive content from its network, it assumed responsibility for any offensive content it failed to filter, even if it lacked knowledge of the content. *See Stratton Oakmont, Inc. v. Prodigy Services Co.*, 1995 WL 323710, *5 (N.Y. Sup. Ct. May 24, 1995) ("Prodigy's conscious choice, to gain the benefits of editorial control, has opened it up to a greater liability than CompuServe and other computer networks that make no such choice."), *superseded by statute*, Communications Decency Act, Pub. L. No. 104-104, 110 Stat. 137, *as recognized in Shiamili v. Real Estate Group of N.Y., Inc.*, 17 N.Y.3d 281, 929 N.Y.S.2d 19, 952 N.E.2d 1011 (2011). Representative Chris Cox warned during debates on proposed legislation aimed at overruling *Stratton Oakmont*, that premising liability on providers' efforts to filter out offensive material was deterring software companies from providing the filtering software and tools that could help parents block pornography and other offensive material from their home computers. *See* 141 Cong. Rec. 22,045 (1995) (statement of Rep. Cox).

The *Stratton Oakmont* decision, along with the increasing public concern about pornography on the internet, served as catalysts for legislators to consider greater internet regulation. Congress considered, in early 1995, two different amendments to the Telecommunications Act. The first, called the Exon-Coats amendment, targeted pornography at the source by prohibiting its dissemination. *See id.* at 16,068. Proponents of this bill argued that parents lacked the technological sophistication needed to implement online-filtration tools and that the government therefore needed to step in. *Id.* at 16,099. The second proposal, entitled the Online Family Empowerment Act ("OFEA"), targeted internet

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pornography at the receiving end by encouraging further development of filtration tools. *Id.* at 22,044. Proponents of this bill pointed out that prohibiting pornography at the source raised constitutional issues involving prior restraint, and argued that parents, not government bureaucrats, were better positioned to protect their children from offensive online material. *Id*. at 16,013.

On February 1, 1996, Congress enacted both approaches as part of the CDA. The Exon-Coats amendment was codified at 47 U.S.C. § 223, but was later invalidated by *Reno v. ACLU*, 521 U.S. 844, 877–79, 117 S.Ct. 2329, 138 L.Ed.2d 874 (1997). Before us is OFEA's approach, enacted as § 230(c)(2) of the CDA. *See* Pub L. No. 104-104, § 509, 110 Stat. 56, 137–39. By immunizing internet-service providers from liability for any action taken to block, or help users block offensive and objectionable online content, Congress overruled *Stratton Oakmont* and thereby encouraged the development of more sophisticated methods of online filtration. *See* H.R. Conf. Rep. No. 104-879, at 194 (1996).

The history of § 230(c)(2) shows that access to pornography was Congress's motivating concern, but the language used in § 230 included much more, covering any online material considered to be "excessively violent, harassing, or otherwise objectionable." *See* 47 U.S.C. § 230(c)(2)(A)–(B). Perhaps to guide the interpretation of this broad language, Congress took the rather unusual step of setting forth policy goals in the immediately preceding paragraph of the statute. *See id.* § 230(b). Of the five goals, three are particularly relevant here. These goals were "to encourage the development of technologies which maximize user control"; "to empower parents to restrict their children's access to objectionable or inappropriate online content"; and "to preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services." *See id.* § 230(b)(2)–(4).

[1] This court has decided one prior case where we considered the scope of § 230, but were principally concerned with which types of online-service providers Congress intended to immunize. *See Zango*, 568 F.3d at 1175. We acknowledged that providers of computer security software can benefit from § 230 immunity, and that such providers have discretion to identify what online content is considered "objectionable," *id.*, but we had no reason to discuss the scope of that discretion. The separate concurrence in *Zango* focused on the future need for considering appropriate limitations on provider control. *See id.* at 1178–80 (Fisher, J. concurring). District courts have differed in their interpretations of *Zango* and the extent to which it encouraged providers to block material. What is clear to us from the statutory language, history and case law is that the criteria for blocking online material must be based on the characteristics of the online material, *i.e.* its content, and not on the identity of the entity that produced it.

FACTUAL BACKGROUND

***4** Plaintiff-appellant Enigma Software Group USA, LLC, is a Florida company that sells computer security software nationwide. Malwarebytes Inc., a Delaware corporation headquartered in California, also sells computer security software nationwide. Malwarebytes and Enigma are therefore direct competitors.

Providers of computer security software help users identify and block malicious or threatening software, termed malware, from their computers. Each provider generates its own criteria to determine what software might threaten users. Defendant Malwarebytes programs its software to search for what it calls Potentially Unwanted Programs ("PUPs"). PUPs include, for example, what Malwarebytes describes as software that contains "obtrusive, misleading, or deceptive advertisements, branding or search practices." Once Malwarebytes's security software is purchased and installed on a user's computer, it scans for PUPs, and according to Enigma's complaint, if the user tries to download a program that Malwarebytes has determined to be a PUP, a pop-up alert warns the user of a security risk and advises the user to stop the download and block the potentially threatening content.

Malwarebytes and Enigma have been direct competitors since 2008, the year of Malwarebytes's inception. In their first eight years as competitors, neither Enigma nor Malwarebytes flagged the other's software as threatening or unwanted. In late 2016, however, Malwarebytes revised its PUP-detection criteria to include any program that, according to Malwarebytes, users did not seem to like.

After the revision, Malwarebytes's software immediately began flagging Enigma's most popular programs—RegHunter and SpyHunter—as PUPs. Thereafter, anytime a user with Malwarebytes's software tried to download those Enigma programs, the user was alerted of a security risk and, according to Enigma's complaint, the download was prohibited, *i.e.* Malwarebytes "quarantined" the programs.

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Enigma alleges that Malwarebytes's new definition of a PUP includes subjective criteria that Malwarebytes has "implemented at its own malicious whim" in order to identify Enigma's programs as threats. Enigma characterizes the revision as a "guise" for anticompetitive conduct, and alleges that its programs are "legitimate", "highly regarded", and "pose no security threat." As a result of Malwarebytes's actions, Enigma claims that it has lost customers and revenue and experienced harm to its reputation.

Enigma brought this action against Malwarebytes in early 2017, in the Southern District of New York. Enigma claimed that Malwarebytes has used its PUP-modification process to advance a "bad faith campaign of unfair competition" aimed at "deceiving consumers and interfering with [Enigma's] customer relationships."

Enigma's complaint alleged four claims, three under New York state law and one under federal law. The first state-law claim accused Malwarebytes of using deceptive business practices in violation of New York General Business Law § 349. Enigma's second and third state-law claims alleged tortious interference with business and contractual relations in violation of New York state common law. The federal claim accused Malwarebytes of making false and misleading statements to deceive consumers into choosing Malwarebytes's security software over Enigma's, in violation of the Lanham Act, 15 U.S.C. § 1125(a)(1)(B).

***5** Malwarebytes sought a change of venue. Although Enigma maintained that venue was proper in New York because Malwarebytes's conduct affected users and computers within that state, the conduct at issue had national reach. The district court therefore granted Malwarebytes's motion to transfer the case to the Northern District of California, where Malwarebytes is headquartered.

Malwarebytes then moved to dismiss for failure to state a claim, arguing that it was immune from liability under § 230(c)(2) of the CDA. The district court granted the motion, finding that under the reasoning of our decision in *Zango*, Malwarebytes was immune under § 230 on all of Enigma's claims. The district court interpreted *Zango* to mean that anti-malware software providers are free to block users from accessing any material that those providers, in their discretion, deem to be objectionable. Given Malwarebytes's status as a provider of filtering software, and its assertion that Enigma's programs are potentially unwanted, the district court held that Malwarebytes could not be liable under state law for blocking users' access to Enigma's programs.

With respect to the federal claim, the district court had to consider the intellectual property exception to the CDA's immunity provision set forth in 47 U.S.C. § 230(e)(2). The somewhat opaque exception states that § 230 immunity "shall not be construed to limit or expand any law pertaining to intellectual property." *Id.* Enigma's federal claim alleged false advertising under the Lanham Act, and Enigma contended that immunity did not apply because that statute deals with intellectual property, *i.e.* trademarks. The district court reasoned, however, that although the Lanham Act itself deals with intellectual property, Enigma's false advertising claim did not relate to any type of intellectual property and therefore § 230 immunity encompassed that claim as well. Having concluded that Malwarebytes was immune on all four claims, the district court dismissed the complaint and granted judgment for Malwarebytes.

On appeal, Enigma primarily contends that the district court erred in interpreting our *Zango* opinion to give online service providers unlimited discretion to block online content, and that the Good Samaritan blocking provision does not provide such sweeping immunity that it encompasses anticompetitive conduct.

DISCUSSION

I. Scope of § 230(c)(2) Immunity as Applied to State-Law Claims

The district court held that our opinion in *Zango* controlled, and interpreted *Zango* to mean that an online-service provider cannot be liable for blocking internet users from accessing online content that the provider considers objectionable, regardless of the provider's motivations or the harmful effects of the blocking. The scope of the statutory catchall phrase, "otherwise objectionable," was not at issue in *Zango*, however. The central issue in *Zango* was whether § 230 immunity applies to filtering software providers like the defendant Kaspersky in that case, and both parties in this case. *See* 568 F.3d at 1173, 1176. We held such providers had immunity. *Id.* at 1177–78. At the end of our majority opinion, we emphasized the relevant statutory language in stating that § 230 permits providers to block material "that either the provider *or* the user considers ... objectionable." *See id.* at 1177 (original emphasis). The district court focused on that sentence and reasoned that Malwarebytes had

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unfettered discretion to select what criteria makes a program "objectionable" under § 230, and further, that the court was not to analyze Malwarebytes's reasons for doing so.

***6** The majority in *Zango* did not, however, address whether there were limitations on a provider's discretion to declare online content "objectionable." No such issue was raised in the appeal. We noted that Zango "waived" the argument that its software was not "objectionable." *See id.* at 1176–77. We therefore held that § 230 immunity covered Kaspersky's decision to block users from accessing the type of content at issue in that case and concluded that § 230 permits providers to block material that "the provider considers ... objectionable." *Id.* at 1177.

It was Judge Fisher's concurring opinion in *Zango* that framed the issue for future litigation as to whether the term "objectionable" might be construed in a way that would immunize providers even if they blocked online content for improper reasons. *See id.* at 1178–80 (Fisher, J. concurring). Judge Fisher warned that extending immunity beyond the facts of that case could "pose serious problems," particularly where a provider is charged with using § 230 immunity to advance an anticompetitive agenda. *See id.* at 1178. He said that an "unbounded" reading of the phrase "otherwise objectionable" would allow a content provider to "block content for anticompetitive purposes or merely at its malicious whim." *Id.*

District courts nationwide have grappled with the issues discussed in *Zango*'s majority and concurring opinions, and have reached differing results. Like the district court in this case, at least two other federal district courts have relied on *Zango* to dismiss software-provider lawsuits against Malwarebytes where the plaintiff claimed that Malwarebytes improperly characterized the plaintiff's software as a PUP. *See PC Drivers Headquarters, LP v. Malwarebytes Inc.*, 371 F. Supp. 3d 652 (N.D. Cal. 2019); *PC Drivers Headquarters, LP v. Malwarebytes, Inc.*, No. 1:18-CV-234-RP, 2018 WL 2996897, at *1 (W.D. Tex. Apr. 23, 2018).

Other district courts have viewed our holding in *Zango* to be less expansive. *See Song fi Inc. v. Google, Inc.*, 108 F. Supp. 3d 876, 884 (N.D. Cal. 2015) (noting that just because "the statute requires the user or service provider to subjectively believe the blocked or screened material is objectionable does not mean anything or everything YouTube finds subjectively objectionable is within the scope of Section 230(c)," and concluding that, "[o]n the contrary such an 'unbounded' reading ... would enable content providers to 'block content for anticompetitive reasons[.]' ") (quoting Judge Fisher's concurrence in *Zango*); *Sherman v. Yahoo! Inc.*, 997 F. Supp. 2d 1129, 1138 (S.D. Cal. 2014) (same); *see also Holomaxx Techs. v. Microsoft Corp.*, 783 F. Supp. 2d 1097, 1104 (N.D. Cal. Mar. 11, 2011) (acknowledging that a provider's subjective determination of what constitutes objectionable material under § 230(c)(2) is not limitless, but finding that the harassing emails in that case were reasonably objectionable).

[2] We find these decisions recognizing limitations in the scope of immunity to be persuasive. The courts interpreting *Zango* as providing unlimited immunity seem to us to have stretched our opinion in *Zango* too far. This is because the focus of that appeal was neither what type of material may be blocked, nor why it may be blocked, but rather who benefits from § 230 immunity. The issue was whether § 230 immunity applies to filtering-software providers. *See Zango*, 568 F.3d at 1173. We answered that question in the affirmative, explaining that Kaspersky was the type of "interactive computer service" to which § 230(c)(2) expressly referred, and that Kaspersky was engaged in the type of conduct to which § 230(c)(2) generally applies. *Id.* at 1175–76.

***7** As relevant here, the majority opinion in *Zango* establishes only that Malwarebytes, as a filtering-software provider, is an entity to which the immunity afforded by § 230 would apply. The majority opinion does not require us to hold that we lack the authority to question Malwarebytes's determinations of what content to block. We must therefore in this case analyze § 230 to decide what limitations, if any, there are on the ability of a filtering software provider to block users from receiving online programming.

[3] The legal question before us is whether § 230(c)(2) immunizes blocking and filtering decisions that are driven by anticompetitive animus. The majority in *Zango* had no occasion to address the issue, and the parties in that case were not competitors. *See* 568 F. 3d at 1170 (explaining Kaspersky is a security software provider; Zango provides an online service for users to stream movies, video games, and music). This is the first § 230 case we are aware of that involves direct competitors.

In this appeal, Enigma alleges that Malwarebytes blocked Enigma's programs for anticompetitive reasons, not because the programs' content was objectionable within the meaning

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of § 230, and that § 230 does not provide immunity for anticompetitive conduct. Malwarebytes's position is that, given the catchall, Malwarebytes has immunity regardless of any anticompetitive motives.

We cannot accept Malwarebytes's position, as it appears contrary to CDA's history and purpose. Congress expressly provided that the CDA aims "to preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services" and to "remove disincentives for the development and utilization of blocking and filtering technologies." § 230(b)(2)–(3). Congress said it gave providers discretion to identify objectionable content in large part to protect competition, not suppress it. *Id.* In other words, Congress wanted to encourage the development of filtration technologies, not to enable software developers to drive each other out of business.

In the infancy of the internet, the unwillingness of Congress to spell out the meaning of "otherwise objectionable" was understandable. The broad grant of protective control over online content may have been more readily acceptable in an era before the potential magnitude of internet communication was fully comprehended. Indeed, the fears of harmful content at the time led Congress to enact, in the same statute, an outright ban on the dissemination of online pornography, a ban which the Supreme Court swiftly rejected as unconstitutional a year later. *See Reno v. ACLU*, 521 U.S. at 877–79, 117 S.Ct. 2329 (striking down 47 U.S.C. § 223).

We must today recognize that interpreting the statute to give providers unbridled discretion to block online content would, as Judge Fisher warned, enable and potentially motivate internet-service providers to act for their own, and not the public, benefit. *See* 568 F.3d at 1178 (Fisher, J., concurring). Immunity for filtering practices aimed at suppressing competition, rather than protecting internet users, would lessen user control over what information they receive, contrary to Congress's stated policy. *See* § 230(b)(3) (to maximize user control over what content they view). Indeed, users selecting a security software provider must trust that the provider will block material consistent with that user's desires. Users would not reasonably anticipate providers blocking valuable online content in order to stifle competition. Immunizing anticompetitive blocking would, therefore, be contrary to another of the statute's express policies: "removing disincentives for the utilization of blocking and filtering technologies." *Id.* § 230(b)(4).

***8** **[4]** We therefore reject Malwarebytes's position that § 230 immunity applies regardless of anticompetitive purpose. But we cannot, as Enigma asks us to do, ignore the breadth of the term "objectionable" by construing it to cover only material that is sexual or violent in nature. Enigma would have us read the general, catchall phrase "otherwise objectionable" as limited to the categories of online material described in the seven specific categories that precede it. *See* 47 U.S.C. § 230(c)(2) (describing material that is "obscene, lewd, lascivious, filthy, excessively violent, harassing or otherwise objectionable."). Enigma argues that its software has no such content, and that Malwarebytes therefore cannot claim immunity for blocking it.

[5] **[6]** Enigma relies on the principle of *ejusdem generis*, which teaches that when a generic term follows specific terms, the generic term should be construed to reference subjects akin to those with the specific enumeration. *See, e.g.*, *Norfolk & W. Ry. Co. v. Am. Train Dispatchers Ass'n*, 499 U.S. 117, 129, 111 S.Ct. 1156, 113 L.Ed.2d 95 (1991). But the specific categories listed in § 230(c)(2) vary greatly: Material that is lewd or lascivious is not necessarily similar to material that is violent, or material that is harassing. If the enumerated categories are not similar, they provide little or no assistance in interpreting the more general category. We have previously recognized this concept. *See Sacramento Reg'l Cty. Sanitation Dist. v. Reilly*, 905 F.2d 1262, 1270 (9th Cir. 1990) ("Where the list of objects that precedes the 'or other' phrase is dissimilar, *ejusdem generis* does not apply").

We think that the catchall was more likely intended to encapsulate forms of unwanted online content that Congress could not identify in the 1990s. But even if *ejusdem generis* did apply, it would not support Enigma's narrow interpretation of "otherwise objectionable." Congress wanted to give internet users tools to avoid not only violent or sexually explicit materials, but also harassing materials. Spam, malware and adware could fairly be placed close enough to harassing materials to at least be called "otherwise objectionable" while still being faithful to the principle of *ejusdem generis*. Several district courts have, for example, regarded unsolicited marketing emails as "objectionable." *See, e.g.*, *Holomaxx*, 783 F. Supp. 2d at 1104; *e360Insight, LLC v. Comcast Corp.*, 546 F. Supp. 2d 605, 608–610 (N.D. Ill. 2008); *see also Smith v. Trusted Universal Standards In Elec. Transactions, Inc.*, No. CIV09-4567-RBK-KMW, 2010 WL 1799456, at *6 (D.N.J. May 4, 2010). But we do not, in this appeal, determine the precise relationship between the term "otherwise objectionable" and the seven categories that

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precede it. We conclude only that if a provider's basis for objecting to and seeking to block materials is because those materials benefit a competitor, the objection would not fall within any category listed in the statute and the immunity would not apply.

[7] Malwarebytes's fallback position is that, even if it would lack immunity for anticompetitive blocking, Malwarebytes has found Enigma's programs "objectionable" for legitimate reasons based on the programs' content. Malwarebytes asserts that Enigma's programs, SpyHunter and RegHunter, use "deceptive tactics" to scare users into believing that they have to download Enigma's programs to prevent their computers from being infected. Enigma alleges, however, that its programs "pose no security threat" and that Malwarebytes's justification for blocking these "legitimate" and "highly regarded" programs was a guise for anticompetitive animus.

The district court interpreted our holding in *Zango* to foreclose this debate entirely, implicitly reasoning that if Malwarebytes has sole discretion to select what programs are "objectionable," the court need not evaluate the reasons for the designation. Because we hold that § 230 does not provide immunity for blocking a competitor's program for anticompetitive reasons, and because Enigma has specifically alleged that the blocking here was anticompetitive, Enigma's claims survive the motion to dismiss. We therefore reverse the dismissal of Enigma's state-law claims and we remand for further proceedings.

II. The Federal Claim and the CDA's Intellectual Property Exception

***9** Enigma's fourth claim is a claim for false advertising under the Lanham Act, a statute dealing with a form of intellectual property, *i.e.* trademarks. Enigma alleges that Malwarebytes publicly mischaracterized Enigma's programs SpyHunter and RegHunter as potentially unwanted or PUPs, and it did so in order to interfere with Enigma's customer base and divert those customers to Malwarebytes.

Section 230(e)(2) of the CDA contains an exception to immunity for intellectual property claims. *See* 47 U.S.C. § 230(e)(2). This exception, known as the intellectual property carve out, states that § 230 immunity shall not "limit or expand any law pertaining to intellectual property." *Id.* In light of that exception, Enigma contends that immunity would not bar Enigma's Lanham Act claim, even if immunity is available to Malwarebytes on the state law claims. Although Enigma's claim does not itself involve an intellectual property right, Enigma characterizes its federal false advertising claim as one "pertaining to intellectual property" within the meaning of § 230(e)(2) because the Lanham Act deals with intellectual property. The district court rejected this argument, and rightly so.

[8] This is because even though the Lanham Act is known as the federal trademark statute, not all claims brought under the statute involve trademarks. The Act contains two parts, one governing trademark infringement and another governing false designations of origin, false descriptions, and dilution. *Compare* 15 U.S.C. § 1114 (trademark infringement) *with id.* § 1125 (the rest). The latter, § 1125, creates two bases of liability, false association and false advertising. *Compare* § 1125(a)(1)(A) (false association) *with* § 1125(a)(1)(B) (false advertising). Thus, although "much of the Lanham Act addresses the registration, use, and infringement of trademarks and related marks, ... § 1125(a) is one of the few provisions that goes beyond trademark protection." *Dastar Corp. v. Twentieth Cent. Fox Film Corp.*, 539 U.S. 23, 28–29, 123 S.Ct. 2041, 156 L.Ed.2d 18 (2003).

In this appeal, we must decide whether the exception to immunity contained in § 230(e)(2) applies to false advertising claims brought under the Lanham Act. Our court has not addressed the issue, although we have considered the exception as it would apply to state law claims. *See Perfect 10 v. CCBill, LLC*, 488 F.3d 1102, 1118–19 (9th Cir. 2007) (concluding that the intellectual property exception in § 230(e)(2) was not intended to cover intellectual property claims brought under state law); *see also Gen. Steel Domestic Sales, L.L.C. v. Chumley*, 840 F.3d 1178, 1182 (10th Cir. 2016) (declining to analyze the intellectual property exception; explaining that because "§ 230 does not contain the grant of immunity from suit contended for, it is unnecessary to discuss its applicability to the Lanham Act false advertising claims").

[9] **[10]** We have observed before that because Congress did not define the term "intellectual property law," it should be construed narrowly to advance the CDA's express policy of providing broad immunity. *See Perfect 10*, 488 F.3d at 1119. One of these express policy reasons for providing immunity was, as Congress stated in § 230(b)(2), "to preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services, unfettered by Federal or State regulation." 47 U.S.C. § 230(b)(2). The intellectual property exception is a limitation on immunity, and the CDA's stated congressional purpose counsels against an expansive interpretation of the exception

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that would diminish the scope of immunity. If the intellectual property law exception were to encompass any claim raised under the Lanham Act—including false advertising claims that do not directly involve intellectual property rights—it would create a potential for new liability that would upset, rather than "preserve" the vibrant culture of innovation on the internet that Congress envisioned. *Id.*

***10** **[11]** We therefore hold that the intellectual property exception contained in § 230(e)(2) encompasses claims pertaining to an established intellectual property right under federal law, like those inherent in a patent, copyright, or trademark. The exception does not apply to false advertising claims brought under § 1125(a) of the Lanham Act, unless the claim itself involves intellectual property.

[12] Here, Enigma's Lanham Act claim derives from the statute's false advertising provision. Enigma alleges that Malwarebytes mischaracterized Enigma's most popular software programs in order to divert Enigma's customers to Malwarebytes. These allegations do not relate to or involve trademark rights or any other intellectual property rights. Thus, Enigma's false advertising claim is not a claim "pertaining to intellectual property law" within the meaning of § 230(e)(2). The district court correctly concluded that the intellectual property exception to immunity does not encompass Enigma's Lanham Act claim.

[13] The district court went on to hold, however, as it did with the state law claims, that Malwarebytes is nevertheless immune from liability under our decision in *Zango*. As we have explained with respect to the state law claims, *Zango* did not define an unlimited scope of immunity under § 230, and immunity under that section does not extend to anticompetitive conduct. Because the federal claim, like the state claims, is based on allegations of such conduct, the federal claim survives dismissal. We therefore reverse the district court's judgment in favor of Malwarebytes and remand for further proceedings on this claim as well.

CONCLUSION

The judgment of the district court is reversed and the case is remanded for further proceedings consistent with this opinion.

REVERSED and REMANDED.

RAWLINSON, Circuit Judge, dissenting:

In his concurring opinion in *Zango, Inc. v. Kaspersky Lab, Inc.*, 568 F.3d 1169, 1179–80 (9th Cir. 2009), Judge Fisher acknowledged that "until Congress clarifies the statute or a future litigant makes the case for a possible limitation," the "broadly worded" Communications Decency Act (the Act) afforded immunity to a distributor of Internet security software. Congress has not further clarified the statute and Enigma Software has not persuasively made a case for limitation of the statute beyond its provisions.

The majority opinion seeks to limit the statute based on the fact that the parties are competitors. *See Majority Opinion*, p. ——. However, nothing in the statutory provisions or our majority opinion in *Zango* supports such a distinction. Rather the "broad language" of the Act specifically encompasses "*any* action voluntarily taken [by a provider] to restrict access to ... material that the provider ... considers to be ... otherwise objectionable." 47 U.S.C. § 230(c)(2)(A) (emphasis added). Under the language of the Act, so long as the provider's action is taken to remove "otherwise objectionable" material, the restriction of access is immunized. *See id.* The majority's real complaint is not that the district court construed the statute too broadly, but that the statute is written too broadly. However, that defect, if it is a defect, is one beyond our authority to correct. *See Baker Botts LLP v. ASARCO LLC*, —— U.S. ——, 135 S. Ct. 2158, 2169, 192 L.Ed.2d 208 (2015).

In particular, the majority holds that the criteria for blocking online material may not be based on the identity of the entity that produced it. *See Majority Opinion*, p. ——. Unfortunately, however, that conclusion cannot be squared with the broad language of the Act. Under the language of the statute, if the blocked content is "otherwise objectionable" to the provider, the Act bestows immunity. *Zango*, 568 F.3d at 1173 ("[T]he statute plainly immunizes from suit a provider of interactive computer services that makes available software that filters or screens material that the user *or the provider* deems objectionable.") (emphasis in the original); 1174 ("According protection to providers of programs that filter adware and malware is also consistent with the Congressional goals for immunity articulated in [47 U.S.C.] § 230 itself."). Although the parties were not direct competitors, the plaintiff in *Zango* asserted similar anti-competition effects. *See id.* at 1171–72. The majority's policy arguments are in conflict with our recognition in *Zango* that the broad language of the Act is consistent with "the Congressional goals for immunity" as expressed in the language of the statute. *Id.* at 1174. As

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the district court cogently noted, we "must presume that a legislature says in a statute what it means and means in a statute what it says there." *Connecticut Nat'l Bank v. Germain*, 503 U.S. 249, 253–54, 112 S.Ct. 1146, 117 L.Ed.2d 391 (1992) (citations omitted).

***11** I respectfully dissent.

All Citations

--- F.3d ----, 2019 WL 4315152, 19 Cal. Daily Op. Serv. 9201

Footnotes

* The Honorable Robert S. Lasnik, United States District Judge for the Western District of Washington, sitting by designation.

1 Section 230(c) is entitled "Protection for 'Good Samaritan' blocking and screening of offensive material." The relevant subsection (2), "Civil liability," states, in full, as follows:

> "No provider or user of an interactive computer service shall be held liable on account of –
> (A) any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected; or
> (B) any action taken to enable or make available to information content providers or others the technical means to restrict access to material described in paragraph [A]."

47 U.S.C. § 230(c)(2)(A), (B).

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From:	Brian Hart
To:	Ajit Pai; Matthew Berry; Nicholas Degani; Evan Swarztrauber
Subject:	Fw: checking in
Date:	Tuesday, October 27, 2020 1:24:08 PM

[redacted]

From: David McCabe <david.mccabe@nytimes.com>
Sent: Tuesday, October 27, 2020 1:17 PM
To: Brian Hart <Brian.Hart@fcc.gov>
Subject: checking in

Hey Brian —

We're working on a story about Republican efforts to put pressure on the Section 230 issue. I wanted to see if the FCC had comment on a couple of things.

We note the Simington nomination battle, and how it is seen as a proxy fight for 230. We also mention the chairman's recent announcement on considering the Commerce petition. We have been told that he was moved to act by Twitter's decision on Hunter Biden and the recent Justice Thomas opinion. But that he has still looked to push any decision beyond Election Day.

I wanted to know if you had anything to add. We're wrapping this up today.

Thanks, David, [redacted] (b)(6)

--
David McCabe
Reporter
The New York Times

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From: FCC Office of Media Relations
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FCC Daily News Briefing
April 23, 2020

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Commission

Rep. McNerney Urges FCC to Free Up All 6 GHz

Broadcasting & Cable · John Eggerton · Apr 22, 2020

Rep. Jerry McNerney (D-Calif.) told the FCC to stay the course on chairman Ajit Pai's proposal to open all the 1200 MHz of the 6 GHz band to unlicensed WiFi.

Related Coverage:

- **FCC ready to open up 6GHz spectrum to Wi-Fi traffic**
  TechRepublic

FCC awards grant to Health Partners of Western Ohio for telehealth services

Lima Hometown Stations (OH) · Lauren Siegel · Apr 22, 2020

On Tuesday, U.S. Senator Rob Portman announced the Federal Communications Commission awarded a grant of over 700,000 dollars to the Health Partners of Western Ohio in Lima.

Seeking FCC Flexibility on the Sale of Wireless Medical Devices During COVID-19

National Law Review · Laura A. Stefani · Apr 22, 2020

We've written previously about the role of the Federal Communications Commission in regulating wireless medical devices, chiefly in determining the operating frequency and certain technical rules that ensure co-existence with other devices and wireless users.

FCC Puts 900 MHz Band, Public Notices on May Meeting Docket

TvTechnology · Michael Balderston · Apr 22, 2020

Spectrum use and media regulations are part of the FCC's agenda for its May open meeting, which is scheduled to take place on May 13.

If Ligado's network moves forward, U.S. military will need plan to protect GPS

Space News · Sandra Erwin · Apr 22, 2020

The chief of staff of the U.S. Air Force Gen. David Goldfein said he is "very concerned" that the Federal Communications Commission approved Ligado's terrestrial 5G network despite warnings from the Pentagon that the system will cause disruptions to the Global Positioning System.

Related Coverage:

- **Air Force works to 'mitigate' Ligado deal's impact on GPS**
  Federal Times

Carr Details FCC's Efforts to Expand Telehealth, mHealth Networks

mHealth Intelligence · Eric Wicklund · Apr 22, 2020

Some $200 million is available right now to help healthcare providers launch or expand telehealth programs during the Coronavirus pandemic, and another $100 million is set aside to expand connected health programs to rural areas over the next three years.

FCC Urged to Consider China Telecom a National Security Threat

CPO Magazine · Byron Muhlberg · Apr 22, 2020

Over the past weeks, pressure has been mounting on the United States Federal Communications Commission to tighten its approach toward China.

2 Puerto Rico co.'s face $25K fines from FCC for disrupting doppler radar

News is My Business · Michelle Kantrow-Vázquez · Apr 23, 2020

The Federal Communications Commission handed down notices against two local companies — WiFi Services Caribbean Inc. and Buzzer Net LLC — which face a $25,000 fine each for operating networks

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that violate the integrity of the Federal Aviation Administration's doppler radar in San Juan.

FCC's Declaratory Ruling on the TCPA's "Emergency Purposes" Exception During COVID-19: Does it apply to Workplace Correspondence?

National Law Review · Jason C. Gavejian and Maya Atrakchi · Apr 22, 2020

The Telephone Consumer Protection Act generally prohibits the use of automated dialing equipment or prerecorded voice messages to make calls, send text messages, or send faxes absent prior consent of the called party.

Education Leaders Push to 'Remove Fine Print' from Keep Americans Connected Pledge

Campus Technology · Dian Schaffhauser · Apr 22, 2020

In response to the COVID-19 stay-at-home mandates, 723 telecommunications companies large and small have signed the Federal Communications Commission's "Keep Americans Connected" pledge.

Cisco: 6 GHz represents watershed moment for Wi-Fi

Fierce Wireless · Monica Alleven · Apr 22, 2020

Cisco Systems is among a number of big tech companies that are eagerly awaiting the FCC's vote tomorrow on a proposal to make 1,200 megahertz of spectrum available for unlicensed use in the 6 GHz band.

FCC Rule Suspensions Could Help Broadcasters Now (Opinion)

Radio World · Richard J. Hayes, Jr. · Apr 23, 2020

Attorney Richard Hayes sent a letter last week to the FCC's Enforcement Division asking that the FCC suspend EEO Public File Reports and Responses to Audit Requests. He also has called for the commission to suspend collection of regulatory fees. Radio World asked him to comment on his latest request.

Wireless & Spectrum

T-Mobile offering 50% service discount for customers affected by coronavirus

TMO News · Alex Wagner · Apr 22, 2020

Last month T-Mobile took the FCC's Keep Americans Connected Pledge, promising to waive late fees and not terminate service of customers unable to pay their bill due to the coronavirus pandemic. Now T-Mo has another way that it's helping subscribers affected by the outbreak.

Virus dings AT&T results, telecom withdraws year guidance

Associated Press · Tali Arbel · Apr 22, 2020

The effects of the coronavirus pandemic hurt AT&T's revenue and profit in the first quarter, and it withdrew its financial guidance for the year.

Wireline & Broadband

SpaceX sends 60 more Starlink rockets to orbit, nails the landing

CNET · Eric Mack · Apr 22, 2020

While much of the planet is shut down due to the coronavirus pandemic, it's still business as usual in low-Earth orbit, where the nascent SpaceX Starlink broadband constellation now numbers over 400 satellites.

Related Coverage:

- **Starlink passes 400 satellites with seventh dedicated launch**
  Space News

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Rural areas struggle with remote learning as broadband remains elusive

Politico · Danielle Muoio, Nick Niedzwiadek and Marie J. French · Apr 22, 2020

Ten-year-old Emma Dechon was eager to finish her homework so she could play in her sprawling backyard in the Sullivan County community of Grahamsville. Freedom, it seemed, was imminent. She had only two questions left in her online math assignment, but suddenly the page wouldn't load.

Boosting Connectivity to Help Conquer COVID-19 (Opinion)

Morning Consult · Tom Struble · Apr 22, 2020

The COVID-19 pandemic has forced everyone to work, study and socialize from home, putting American broadband networks to the test. And despite internet traffic surging by nearly a third, our internet hasn't broken under the stress, with only minor slowdowns so far.

Spotty broadband is robbing students of their education during COVID-19 (Opinion)

Fast Company · Carolina Milanesi · Apr 22, 2020

If you live in an urban setting on the East or West Coast, you would be forgiven for thinking the U.S. does not have a connectivity issue. Fast broadband is available (though not necessarily affordable) for most people.

Rising to the challenge: How the wireless broadband industry is responding to the COVID-19 crisis (Opinion)

RCR Wireless News · Tiago Rodrigues, CEO - Wireless Broadband Alliance · Apr 22, 2020

2020 is going to be a pivotal year for the wireless industry. On March 11th 2020, the World Health Organisation declared COVID-19 a pandemic as the number of global infections continued to rise.

Media & Broadcasting

Petition calls for free streaming services amid pandemic

The Hill · Zack Budryk · Apr 22, 2020

Tens of thousands of people have signed an online petition calling for major streaming platforms to offer 60 days of free service to people isolated amid social distancing measures during the coronavirus pandemic.

AT&T Pulls Guidance as Coronavirus Upends Media

Wall Street Journal · Drew FitzGerald · Apr 22, 2020

AT&T Inc. warned that the coronavirus crisis is clouding its financial outlook as cash-strapped customers spend less and TV production grinds to a halt.

Related Coverage:

- **AT&T withdraws financial guidance as coronavirus disrupts TV and media business**
  Dallas Morning News

Health Tech

Google warns of government-backed cyber groups targeting healthcare organizations

The Hill · Maggie Miller · Apr 22, 2020

Google reported Wednesday that it had tracked at least a dozen foreign government-backed groups attempting to use information around the COVID-19 pandemic to target cyberattacks at the healthcare sector and the public.

HHS Awards Coronavirus Aid to Rural Hospitals, Telehealth

Bloomberg Law · Shira Stein · Apr 22, 2020

Small rural hospitals and telehealth education centers will get nearly $162 million to prevent, diagnose,

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and treat Covid-19, the HHS announced Wednesday.

1 in 5 primary care practices predicts closure in a month, but telehealth could help

Healthcare IT News · Bill Siwicki · Apr 22, 2020

As many as 20% of primary care practices predict they could close within four weeks because of the COVID-19 pandemic, according to a survey conducted between April 10 and April 13 by the nonprofit Primary Care Collaborative.

Coronavirus Fuels Explosive Growth In Telehealth — And Concern About Fraud

Kaiser Health News · Fred Schulte · Apr 22, 2020

On March 17, Medicare chief Seema Verma stepped to the podium at a White House coronavirus briefing and unveiled a "historic action" to promote virtual medical care, or telehealth.

VR telemedicine platform XRHealth raises $7 million

TechCrunch · Lucas Matney · Apr 22, 2020

As the pandemic pushes more investors towards examining opportunities in telemedicine, a VR startup building out a platform for remote treatment has closed on new funding.

Telehealth reimbursement is changing healthcare landscape

Healthcare Finance News · Jeff Lagasse · Apr 22, 2020

The COVID-19 coronavirus pandemic has changed the way people interact with each other, with scores flocking to video services to get their social fix.

Teleradiology's Role During COVID-19 (Opinion)

Diagnostic Imaging · Dhruv Chopra, CEO - Collaborative Imaging · Apr 22, 2020

As the coronavirus continues to impact nearly every aspect of our day-to-day lives, health care professionals are among the ones who are continuing to work around the clock to keep everyone else safe.

Business & Tech

Zoom unveils upgraded security features for video conferencing app

The Hill · Chris Mills Rodrigo · Apr 22, 2020

Video conferencing service Zoom rolled out an update Wednesday to enhance the security of its teleconferencing app and make it easier to block intruders.

RWA, NTCA, Ask Congress Not to Give T-Mobile a "Handout" from Virus Fund

Inside Towers · Apr 22, 2020

The Rural Wireless Association, NTCA – The Rural Broadband Association, Communications Workers of America, and three consumer groups called on Congress to ensure that T-Mobile does not receive COVID-19 recovery funding to meet its merger-specific build-out commitments.

Apple iPhone May Be Vulnerable to Email Hack

Wall Street Journal · Robert McMillan · Apr 22, 2020

Sophisticated hackers may be attacking Apple Inc. iPhones by exploiting a previously unknown flaw in the smartphones' email software, according to a digital-security company that has investigated the incidents.

Related Coverage:

- **Vulnerabilities on iPhones, iPads allowed hackers to access data for years: report**
  The Hill

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A new lawsuit against YouTube shows how hard it is to get the company to respond to abuse

The Verge · Casey Newton · Apr 22, 2020

If you are an average person having a customer service problem with a large social network, historically your best recourse has been prayer. Oh sure, there's a form you can fill out somewhere in the help tab of the app, recording that you have been harassed or impersonated or unjustly suspended.

International

Huawei On 5G's Groundswell In China — And Challenges Elsewhere

PYMNTS · Apr 22, 2020

For the next generation of mobile infrastructure, the need is there for speed to transmit data seamlessly in order to develop new use cases across commerce and to revolutionize verticals such as healthcare.



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FCC Preps Big Spectrum Moves

Broadcasting & Cable · John Eggerton · Feb 24, 2020

The FCC will be making some big spectrum-related decisions Friday (Feb. 28) at its February public meeting that will affect broadcast and cable operators.

FCC February Open Meeting to Focus on Spectrum

TvTechnology · Michael Balderston · Feb 24, 2020

The FCC has released the agenda for its open commission meeting set for Friday, Feb. 28, and TV spectrum is a crucial aspect of what will be discussed.

Eutelsat: "No justification to compensate SES"

Advanced Television · Chis Forrester · Feb 25, 2020

Eutelsat, in a filing to the FCC, repeats its claim that it is entitled to a significant 15.15 per cent of the $9.7 billion of incentive payments outlined by the FCC as part of its Draft proposals for the use of satellite C-band frequencies over the US.

Related Coverage:

- **SES and Eutelsat make their own cases for more C-band money**
  Space News

FCC told to hold proper net neutrality consultations

Fudzilla News · Nick Farrell · Feb 24, 2020

While the FCC successfully defeated Mozilla's attempt to undo the commission's repeal of net neutrality, the courts have ordered the watchdog to hold public investigations into whether repealing the law to prevent a multi-speed internet has had any negative consequences.

'US, India have similar priorities on telecom issues': FCC Chairman Ajit Pai in India

Press Trust of India · Feb 24, 2020

The US' Federal Communications Commission Chairman Ajit Pai on Monday met Telecom Secretary Anshu Prakash and discussed issues ranging from spectrum to 5G.

Related Coverage:

- **US FCC chief Ajit Pai meets Trai chairman, telecom secretary**
  Livemint

Justice Thomas Slams His Own Brand X Decision

Multichannel News · John Eggerton · Feb 24, 2020

The Supreme Court's 2005 Brand X decision upholding the FCC's authority to classify broadband as an information service not subject to mandatory access common-carrier regulations has a new foe--the author of the decision.

Related Coverage:

- **Justice Thomas rues missed opportunity to curtail government power**
  The Hill

C-V2X testing on city streets around Georgia's iATL facility granted by FCC

Traffic Technology Today · James Allen · Feb 25, 2020

One of the USA's leading providers of intelligent transportation infrastructure technology, Applied Information Inc., has announced that the deployment and testing of Cellular Vehicle to Everything connected vehicle technology is underway on public roads surrounding the Infrastructure Automotive Technology Laboratory in Georgia.

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RESILIENT Networks Act for First Responders, Broadband Now on Bad FCC Data, Samsung and Coronavirus

BroadbandBreakfast · David Jelke · Feb 24, 2020

House Energy and Commerce Committee Chairman Frank Pallone, Jr., D-N.J., and Communications and Technology Subcommittee member Rep. Jerry McNerney, D-Calif., introduced the Reinforcing and Evaluating Service Integrity, Local Infrastructure, and Emergency Notification for Today's Networks Act, or the RESILIENT Networks Act, last week in order to improve network resiliency in times of emergency.

Fox 2 operating on back-up antenna until March 13 as FCC alters broadcast spectrum

KPLR-TV (MO) · Mike Colombo · Feb 24, 2020

Are you or someone you know having trouble receiving our Fox 2 signal over the air? There's a reason for that. KTVI is required to change our "F" channel for the Federal Communications Commission's repack spectrum program.

Wireless & Spectrum

What if 5G fails? A preview of life after faith in technology

ZDNet · Scott Fulton III · Feb 24, 2020

We've been down this road before. There were two 3G wireless platforms in 2007, and there were about to be three 4G wireless platforms. In the US, Verizon Wireless laid down the gauntlet.

America has limited options on 5G to fend off China's Huawei challenge (Opinion)

CNBC · Arjun Kharpal · Feb 25, 2020

Washington has long-maintained that Huawei is a national security threat. It says the company is a risk because China could use its equipment to spy on citizens. Huawei has repeatedly denied those accusations.

How National 5G Policy Became Chaotic (Opinion)

Politico · John Hendel · Feb 25, 2020

President Donald Trump says he wants America to win the race to the fast new wireless future. He took it seriously enough to sign a presidential memorandum setting a deadline of July 2019 for a new national strategy on allocating the airwaves. That deadline came and went with no strategy in sight.

Wireline & Broadband

Broadband costs called a 'bridge too far'

Jackson County Newspapers (WV) · Sean Jones · Feb 24, 2020

The majority of Virginians wouldn't put much thought into the availability of their internet in their area. If they decide to move across town, they are positive there will be internet when they get there.

Not Built for Speed

Multichannel News · Mike Farrell · Feb 24, 2020

Competitive local-exchange carriers, one of the main purveyors of broadband service in rural America, are learning the hard way that, in the cutthroat business that is high-speed internet, speed rules.

Media & Broadcasting

The Netflix and Spotify tax: States are making streaming services more expensive

CNBC · Greg Iacurci · Feb 24, 2020

Your monthly bill for Netflix and Spotify may be going up. States are trying to capitalize on Americans'

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growing fervor for digital consumption of movies, TV, music and other media content by taxing monthly subscriptions for streaming entertainment services.

Public Safety

Huffman, Matsui, Eshoo, Thompson introduce bill to improve emergency response communications

Willits News (CA) · Feb 24, 2020

Congressman Jared Huffman (CA-02) and Representatives Doris Matsui (CA-06), Anna G. Eshoo (CA-18), and Mike Thompson (CA-05) last week introduced the Emergency Reporting Act (H.R. 5918), a bill that will improve the resiliency of communications networks during emergencies.

Health Tech

Oklahoma Eyes Telehealth to Help Police During Mental Health Crises

mHealth Intelligence · Eric Wicklund · Feb 24, 2020

Oklahoma lawmakers are considering a bill that would allow police officers to use telehealth to help assess someone having a mental health crisis, rather than immediately taking that person into protective custody.

Emory Healthcare opens first 5G-enabled innovation hub

Fierce Healthcare · Heather Landi · Feb 24, 2020

Emory Healthcare in Atlanta now has the nation's first 5G-enabled healthcare lab. The health system is collaborating with Verizon to develop and test 5G Ultra Wideband-enabled medical use cases at its Emory Healthcare Innovation Hub.

VA Urged to Use More Telehealth to Meet Vets' Long-Term Care Needs

mHealth Intelligence · Eric Wicklund · Feb 24, 2020

The Department of Veterans Affairs Needs to prioritize and increase telehealth spending to meet the growing demand for long-term care for veterans, according to a government watchdog.

Verizon to test 5G for healthcare at Atlanta lab

RCR Wireless News · Kelly Hill · Feb 24, 2020

Verizon has turned up its 5G service at a healthcare lab in Atlanta, partnering with Emory Healthcare in a move to develop and test 5G use cases in the medical field.

Business & Tech

U.S. Supreme Court rejects Apple appeal in patent fight with VirnetX

Reuters · Andrew Chung · Feb 24, 2020

The U.S. Supreme Court on Monday refused to hear Apple Inc's bid to avoid paying about $440 million in damages for using patent licensing firm VirnetX Inc's internet security technology without permission in features such as FaceTime video calling.

International

U.S. still eyeing ways to curb sales to Huawei after Trump's chipmaker comments: sources

Reuters · Karen Freifeld and Mike Stone · Feb 25, 2020

U.S. government officials are still considering ways to further curb sales to China's Huawei Technologies, despite President Donald Trump's tweets and comments last week in support of sales to China, according to people familiar with the matter.

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The 5G World: What People Care About

Politico · John Hendel · Feb 25, 2020

Around the world, 5G is a buzzword, a sales pitch—and, increasingly, a policy challenge. It'll be years before most people have 5G phones and a super-fast network to connect them, but the future of mobile technology is shaping up right now.

UK's 5G network well within safety limits, Ofcom tests find

BBC · Rory Cellan-Jones · Feb 24, 2020

The first UK safety tests of 5G base stations has found radiation levels are at "tiny fractions" of safe limits. The rollout of ultra-fast 5G mobile connectivity has sparked some fears the new transmission masts could be dangerous to humans.

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Commission

FCC Says LPTVs Must E-Mail Carriage Elections

Broadcasting & Cable · John Eggerton · Feb 26, 2020

The FCC has voted on a report and order (a final decision) to make changes to the carriage election notice rules for low-power TV stations and translators.

FCC Preps Big Spectrum Moves

Radio World · John Eggerton · Feb 25, 2020

The FCC will be making some big spectrum-related decisions Friday (Feb. 28) at its February public meeting that will affect broadcast and cable operators.

Related Coverage:

- **Cable Ops: C-Band Bucks Should Be Use-Specific**
  Broadcasting & Cable

O'Rielly Has Some Encouraging Words for Noncom Media

Broadcasting & Cable · John Eggerton · Feb 25, 2020

FCC Commissioner Michael O'Rielly owned-up to his Hill staffer past as a conservative Republican advocating for cutting funding to noncommercial media, but still found some encouraging words for America's Public Television Stations' 2020 Public Media Summit in Washington Tuesday (Feb. 25).

Mayors Tell FCC to Keep 30-Day Retrans Notices

Broadcasting & Cable · John Eggerton · Feb 25, 2020

The U.S. Conference of Mayors has joined local franchise authorities to tell the FCC it doesn't have the authority to eliminate the 30-day notice requirement for potential retrans-related blackouts, and shouldn't eliminate it even if it could.

FCC receives more than 1,000 complaints over J. Lo, Shakira halftime show

The Hill · Aris Folley · Feb 25, 2020

The Federal Communications Commission received more than 1,000 complaints from viewers upset by some of the content featured in the Super Bowl halftime show earlier this month that was headlined by singers Jennifer Lopez and Shakira.

Cable Ops: Leased Access Rate Regs Need to Go

Multichannel News · John Eggerton · Feb 25, 2020

Cable operator execs met with Media Bureau staffers last week to press their argument that leased access rules are both outdated and unconstitutional and need to go, though they acknowledge the FCC can't simply scrap them since Congress imposed the mandate.

Why this Metro East internet provider is on the hunt for nearly 300 new employees

St. Louis Business Journal (MO) · Nathan Rubbelke · Feb 25, 2020

A Mascoutah-based internet service provider is looking to hire as many as 300 new employees after the Federal Communications Commission authorized the firm millions in funding to expand broadband access.

Industry Groups Seek Broad Calling Safe Harbor

National Law Review · Paul C. Besozzi · Feb 25, 2020

Concerned about voice service providers' "'potential liability for blocking legitimate calls,'" three trade associations have pressed the Federal Communications Commission to adopt a "broad safe harbor that promotes" such providers' "good faith efforts to combat abusive robocalls."

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Thomas criticizes a previous high court opinion - his own

Associated Press · Mark Sherman · Feb 25, 2020

Justice Clarence Thomas has made no secret of his dislike of past Supreme Court decisions written by other justices, including seminal opinions about abortion rights, press freedoms and a defendant's right to a lawyer.

Managed 4G/5G service connects to Amazon, Microsoft clouds

TechCentral.ie (Ireland) · Feb 25, 2020

Federated Wireless is launching a turnkey 4G/5G service through a partnership with Amazon Web Services and Microsoft Azure that runs over Citizens Broadband Radio Service, which the Federal Communications Commission opened up to public use in January.

What Carriers Should Expect in Robocalling in 2020 (Reality Check) (Opinion)

RCR Wireless News · Mike Keegan, CEO - Transaction Network Services · Feb 25, 2020

Over the past several months, we've seen the Pallone-Thune TRACED Act, a bill to deter criminal robocall violations and make it easier for authorities to assign financial penalties, signed into law; the FCC strengthen efforts to fine robocallers and drive implementation of the SHAKEN/STIR call authentication framework; and carriers work to more aggressively protect consumers besieged by robocalls.

ARRL Opposes FCC Plan to Delete the 3.4 GHz Band

ARRL · Feb 25, 2020

ARRL has filed comments opposing an FCC proposal to delete the 3.3 – 3.5 GHz secondary amateur allocation.

Wireless & Spectrum

Verizon's 5G network just pulled off a blazing-fast 4.2Gbps data transfer

BGR · Jacob Siegal · Feb 25, 2020

The transition from 4G LTE to 5G is going to be a gradual one, but it's hard not to get excited about just how fast all of our devices will be once the technology becomes widely available.

Homeowners upset as 5G towers move into E. Tennessee neighborhoods

WVLT-TV (TN) · Ben Cathey · Feb 25, 2020

5G cell phone networks will deliver movie downloads in seconds but there are some potential drawbacks.

Who Gets 5G — And Who Gets Left Behind — Has Some Worried About Digital Inequality

National Public Radio · Paul Flahive · Feb 25, 2020

To say there is a lot of hype around 5G is probably an understatement. Verizon and T-Mobile spent an estimated $22 million on Super Bowl ads to tell us all about it.

New CBRS wireless can bring private 5G to enterprises (Opinion)

Network World · Lee Doyle · Feb 25, 2020

The recently available Citizens Broadband Radio Service opens up new opportunities for enterprises to deploy private 4G and 5G networks, which can prove especially helpful in mobile edge-computing deployments.

Software eats telco: The coming disruption (Opinion)

VentureBeat · Rajeev Madhavan, Clear Ventures · Feb 25, 2020

The telco industry has a problem. In moving to 4G and soon to 5G, the cost and complexity of constructing and running networks has gotten out of hand. Building out the telco infrastructure with

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conventional equipment is slow and expensive work, and the amount of human labor required to manage those networks is just no longer practical.

Wireline & Broadband

Koch: Rural Broadband Bill Passes Senate

WBIW-AM (IN) · Feb 25, 2020

A bill authored by State Sen. Eric Koch (R-Bedford), that would request the Interim Study Committee on Energy, Utilities and Telecommunications to study the potential to use existing electric company infrastructure to provide high-speed broadband in rural areas recently passed the Senate unanimously.

Media & Broadcasting

Public Broadcasters Prepare for NextGen TV Opportunities

TvTechnology · Michael Balderston · Feb 25, 2020

ATSC has set the benchmark of launching its NextGen TV standard (aka ATSC 3.0) in 40 U.S. markets by the end of 2020, and as a number of sessions discussed during the APTS Public Media Summit on Feb. 25, public television stations can and will be a key part in that effort.

Public Safety

Campbell now using new emergency alert system

WKBT-TV (WI) · Greg White · Feb 25, 2020

A new emergency alert system is in place for another community in our area. The town of Campbell is now using the 'RAVE – Smart 911' alert system.

Whiteville leaders encourage residents to sign up for Alert Whiteville

WECT-TV (NC) · Peyton Land · Feb 25, 2020

Receiving important information during an emergency can be life saving. The City of Whiteville has taken the concept and moved forward with it, establishing Alert Whiteville, an emergency notification system that will notify the public of an emergency instantly.

Health Tech

Apple, J&J to study if Apple Watch app leads to lower stroke risk

Reuters · Ankur Banerjee, Stephen Nellis and Caroline Humer · Feb 25, 2020

Johnson & Johnson said on Tuesday it would partner with Apple Inc on a study to use an iPhone app and the Apple Watch to study how earlier detection of atrial fibrillation impacts stroke in people aged 65 or older.

Related Coverage:

- **Apple, J&J Launch New mHealth Study Targeting Wearables and AFib**
  mHealth Intelligence

mHealth Tools Show Promise in Helping to Treat Children With ADHD

mHealth Intelligence · Eric Wicklund · Feb 25, 2020

A Duke University study has found that a digital therapeutic platform using video gaming techniques helped improve attention spans in children with attention deficit hyperactivity disorder, further adding to the argument that mHealth and telehealth can aid in care management for these children at home.

AMA, Google & 50 more health IT leaders unveil standard for AI in healthcare

Becker's Hospital Review · Andrea Park · Feb 25, 2020

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A working group of 52 healthcare and tech organizations convened by the Consumer Technology Association released on Feb. 25 a common framework for the development and use of artificial intelligence technology in healthcare.

Business & Tech

Facebook would have to pay $3.50 per month to U.S. users for sharing contact info: study

Reuters · Nandita Bose · Feb 26, 2020

German Facebook users would want the social media platform to pay them about $8 per month for sharing their contact information, while U.S. users would only seek $3.50, according to a study of how people in various countries value their private information.

Insights from the Sprint/T-Mobile US merger ruling (Part 5)

RCR Wireless News · Kelly Hill · Feb 25, 2020

The merger of T-Mobile US and Sprint recently cleared what was widely seen as the last major hurdle to a successful closing: U.S. District Court Judge Victor Marrero rejected the claims of a group of state attorneys-general that the merger of T-Mobile US and Sprint would reduce competition in the U.S. consumer wireless market.

International

Italy's govt seeks to end ultra-fast broadband stalemate

Reuters · Valentina Za · Feb 26, 2020

Italy's government sought to end a stalemate between telephone incumbent Telecom Italia and fibre-optic rival Open Fiber over plans for a unified ultra-fast broadband network, by urging parties involved to find an accord quickly.

Coronavirus clouds Apple's timeline for new iPhones

Reuters · Stephen Nellis and Yimou Lee · Feb 26, 2020

Travel restrictions to China because of the coronavirus have come just as Apple Inc's engineers usually jet off to Asia to perfect the production of this fall's new iPhones, former employees and supply chain experts told Reuters.

Cellnex sees profitability rising in 2020, signs deal with France's Bouygues

Reuters · Joan Faus · Feb 26, 2020

Spain's Cellnex said on Wednesday it expected its profitability to increase significantly in 2020 after reaching its target in 2019 thanks to an aggressive acquisition strategy and a new partnership with French mobile operator Bouygues.

5G adoption to spread like wildfire as demand for remote services surges

China Daily · Ma Si · Feb 26, 2020

The novel coronavirus epidemic will not slow the momentum gained so far in 5G development in China as demand for remote healthcare services and remote work is surging, company executives and industry analysts said.

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Commission

The FCC to vote on the long-awaited 5G Upgrade Order

RCR Wireless News · Catherine Sbeglia · Jun 05, 2020

On June 9, the Federal Communications Commission will vote on a long-awaited "5G Upgrade Order" that will clarify siting rules for wireless deployment. After the FCC's 2014 rules regarding cell tower modifications proved ambiguous and out of date, pressure for changes began to mount.

Family Health Services receives Telehealth grant from FCC

KIVI-TV (ID) · Alex Grant · Jun 06, 2020

Family Health Services has just been awarded a grant worth $284,739 from the FCC to go towards its Telehealth Program. The grant came at a very much needed time, since coronavirus has many people staying in their homes.

FCC General Counsel Warns 5G Conspiracy Theories Threaten U.S. Economy

TvTechnology · Phil Kurz · Jun 05, 2020

Conspiracy theories regarding the safety of 5G threaten the U.S. economy and run contrary to the findings of the Food and Drug Administration, Thomas M. Johnson Jr., FCC general counsel, wrote yesterday in a Washington Post opinion piece.

Arizona LPFM Can Continue Broadcasting

Radio World · Susan Ashworth · Jun 05, 2020

The Media Bureau approved the reinstatement of a low-power FM license in Arizona over the objection of a nearby broadcaster who cried foul about FCC rule violations.

U.S. Sen. Wicker sends letter to FCC asking about accelerating broadband program

Tupelo Daily Journal (MS) · Taylor Vance · Jun 05, 2020

Mississippi's senior U.S. senator is asking the Federal Communications Commission if it's possible to speed up federal funding for rural broadband programs.

AG Aaron Ford urges continued crackdown on robocalls

KOLO-TV (NV) · Jun 07, 2020

Nevada Attorney General Aaron Ford joined over state attorneys general to ask the Federal Communications Commission for more help stopping illegal robocalls.

Related Coverage:

- **Attorney General Ken Paxton joins coalition for FCC to aid law enforcement, end robocalls**
  WOAI-TV (TX)

Seeking Relaxed Marketing Restrictions for Wireless Devices

National Law Review · Laura A. Stefani · Jun 05, 2020

A Petition for Rulemaking filed by the Consumer Technology Association seeks changes to the Federal Communications Commission's rules to allow for marketing and entering into conditional sales contracts prior to obtaining approval to sell a wireless device in the United States.

FCC and CISA Tell Governors Communications Services Essential to COVID-19 Response – Why Now, What Does It Mean?

National Law Review · Robert A. Silverman and Martin L. Stern · Jun 05, 2020

In a surprise move, Federal Communications Commission Chairman Ajit Pai joined up last week with Department of Homeland Security Cybersecurity and Infrastructure Security Agency Director Christopher Krebs to write to the governors of the 50 states as well as U.S. Territories (including the District of Columbia mayor) urging them all to recognize communications networks and services—including Internet access, broadcast and radio, and satellite services, among others—as essential to

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Covid-19 response efforts.

VoIP co magicJack to pay $5 mn penalty to FCC

Telecom Lead · Jun 06, 2020

The Federal Communications Commission announced a $5 million settlement with voice over Internet provider magicJack regarding its failure to report its interstate revenues and contribute to the Universal Service Fund.

Trump's unexpected allies in the fight against Twitter and censorship: Facebook and the FCC

Washington Examiner · Nihal Krishan · Jun 08, 2020

Facebook and some members of the Federal Communications Commission appear to be helping President Trump in his war against Twitter, as he pushes for unfettered speech and less content moderation online.

Rogers Praises Pai in Parliament 5G Hearing

Multichannel News · John Eggerton · Jun 05, 2020

FCC chairman Ajit Pai got a shout-out across the pond for the FCC's efforts to open up the C-Band spectrum for 5G.

SpaceX Urges FCC To Not Co-allocate 12GHz Starlink Spectrum For 5G Use

Wccftech · Ramish Zafar · Jun 06, 2020

Earlier this week SpaceX made history as it launched its eighth batch of Starlink satellites on a Falcon 9 Block 5 booster. The launch ensured that the Falcon 9 generation of rockets that use nine open-cycle Merlin 1D rocket engines for propulsion completed 85 missions since its first launch in 2010.

FCC Ushers In Next-Gen Network With Wi-Fi 6E Standards Update

All About Circuits · Kayla Matthews · Jun 07, 2020

In May, Qualcomm announced the launch of a new wireless connectivity portfolio that takes advantage of new FCC standards on 6 GHz, Wi-Fi 6E. These new chips will make the 6 GHz band available for unlicensed, commercial, and consumer use—and could have significant implications for the future of internet-connected technology.

Trump's Social Media Order Isn't Clear, FCC Commissioner Says (Video)

Bloomberg · Jun 05, 2020

Jessica Rosenworcel, commissioner of the Federal Communications Commission, discusses President Donald Trump's executive order aimed at social media companies. She speaks with Bloomberg's Emily Chang.

YES! FCC Commissioner O'Rielly joins TCPAWorld Czar for Rare Podcast Interview on Unprecedented (Video)

National Law Review · Eric J. Troutman · Jun 05, 2020

FCC Commissioner Michael O'Rielly joined me this week through the magic of Squire Patton Boggs' POWERVision to discuss the TCPA, pending FCC petitions, the big SCOTUS review and so much more.

Wireless & Spectrum

Why AT&T expects a big boost to its 5G coverage

CNET · Eli Blumenthal · Jun 05, 2020

AT&T is adding more resources to its budding 5G network. The wireless giant said on Friday that it has started deploying a new network technology known as dynamic spectrum sharing that could eventually lead to a big jump in coverage.

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Ericsson suspends weekend field work amid reports of 5G protests

Fierce Wireless · Monica Alleven · Jun 05, 2020

Ericsson said its U.S. and Canadian field staff will not be doing any on-site work over the weekend except in the case of emergencies after reports surfaced that 5G protests are planned.

Wireline & Broadband

Rural Maine communities get a boost for broadband

Associated Press · Jun 07, 2020

Rural areas in Maine are getting a boost of more than $500,000 from the state as part of a drive to bring broadband to more communities.

Weighing the pros and costs of fiber for rural broadband

RCR Wireless News · Kelly Hill · Jun 05, 2020

As the United States prepares to pour nearly $30 billion into rural broadband and 5G networks over the coming decade, the question arises of what type of network infrastructure (Fiber? Fixed or mobile wireless access? Traditional or LEO satellite?) should be prioritized for funding — and how companies that want to expand rural broadband deployments will approach their decisions on what networks to bid and build.

'Senior 2 Senior' Program of Pennsylvania Co-op Helps Older Americans Adopt Broadband, Adapt to Coronavirus

Broadband Breakfast · Adrienne Patton · Jun 05, 2020

Tri-Co Connections, a subsidiary of Tri-County Rural Electric Cooperative, has taken the rural digital divide in Pennsylvania into its own hands through not only fiber broadband buildout but community collaboration and a hands-on class for senior citizens.

Telesat & Telefónica prove LEO capability

Advanced Television · Jun 05, 2020

Telesat is working with Telefónica on a series of in-orbit broadband and video tests on Telesat's first-generation Low Earth Orbiting satellite.

Media & Broadcasting

Connected TV Devices in 80% of U.S. TV Homes

TvTechnology · Michael Balderston · Jun 05, 2020

The last decade has seen a substantial increase of connected TV devices in U.S. homes, as Leichtman Research Group has shared new consumer research that 80% of U.S. TV households have at least one internet-connected TV device, up from 24% in 2010.

Related Coverage:

Research: 80% US homes own connected TV device
Advanced Television

Health Tech

FTC Weighs In On Expanding CMS Telehealth Coverage Beyond COVID-19

mHealth Intelligence · Eric Wicklund · Jun 05, 2020

The Federal Trade Commission is joining the groundswell of support for developing new CMS telehealth coverage policies beyond the coronavirus pandemic.

New mHealth Study Uses Wearables to Identify COVID-19 Symptoms Early

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mHealth Intelligence · Eric Wicklund · Jun 05, 2020

An mHealth data company is working to develop software that would enable providers to identify people with COVID-19 symptoms through remote patient monitoring platforms.

As telehealth becomes the new normal, NCQA updates quality measures

Healthcare IT News · Mike Miliard · Jun 05, 2020

The National Committee for Quality Assurance has given the OK for what it's calling a "sweeping set of adjustments" to 40 of the measures used for HEDIS scores, given the new realities of widespread and scaled-up telehealth use.

Beyond COVID-19: Telehealth, Partnerships, Member Engagement

Health Payer Intelligence · Kelsey Waddill · Jun 05, 2020

While the coronavirus pandemic which gripped the nation in March 2020 is still in force, payers are beginning to look to the future as the nation emerges from crisis mode.

Calls mount for CMS to extend telehealth waivers

Healthcare Dive · Ron Shinkman · Jun 05, 2020

Influential lobbying group American College of Physicians has asked CMS to extend its current waivers allowing reimbursement for telemedicine services at least until the end of 2021, or when a vaccine or effective treatment for COVID-19 has been developed. Currently, they are set to expire when the public health emergency passes.

3 states move to make telehealth coverage permanent

Becker's Hospital Review · Jackie Drees · Jun 05, 2020

The COVID-19 pandemic has opened doors for telehealth expansion, with states expanding access and insurance coverage. However, as states begin to re-open, many will need to take action to make those changes permanent once emergency orders are lifted.

Business & Tech

Facebook's Zuckerberg promises a review of content policies after backlash

Reuters · Ayanti Bera and Peter Henderson · Jun 06, 2020

Facebook CEO Mark Zuckerberg on Friday said he would consider changes to the policy that led the company to leave up controversial posts by President Donald Trump during recent demonstrations protesting the death of an unarmed black man while in police custody, a partial concession to critics.

Related Coverage:

- **Facebook to Review Content Policies Related to Civil Unrest, Violence**
  Wall Street Journal

International

Chinese tech giants caught up in rising US-China tensions

The Hill · Maggie Miller · Jun 07, 2020

Tensions between the U.S. and China amid the COVID-19 crisis are turning into a major headache for Chinese-owned tech companies such as telecom giant Huawei and social media app TikTok.

Canada postpones 5G spectrum auction citing COVID-19

Reuters · Steve Scherer and Moira Warburton · Jun 06, 2020

Canada has postponed its 3500MHz spectrum auction process by six months to allow telecoms companies to focus on providing essential services during COVID-19 pandemic, the innovation ministry said in a statement on Friday.

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Nokia's broadband business boosted as COVID-19 pressures networks

Reuters · Supantha Mukherjee and Anne Kauranen · Jun 08, 2020

Finnish telecom equipment maker Nokia is seeing a pick up in orders as its broadband clients race to upgrade networks to meet higher user demand during the COVID-19 pandemic, a company executive said.

Finland launches new 5G spectrum auction

Reuters · Anne Kauranen · Jun 08, 2020

Finland launched its second auction of frequencies for high-speed 5G mobile networks on Monday, the Finnish Transport and Communications Agency said.

France aims 5G spectrum auction in September

Telecom Lead · Jun 06, 2020

France aims to start the spectrum auction for selling 5G frequencies in September in order to aid mobile operators to deploy fifth generation mobile network by year-end, junior economy minister Agnes Pannier-Runacher said.



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March 26, 2020

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Commission

FCC to Get $200 Million for Telehealth in Stimulus Package

Bloomberg Law · Jon Reid · Mar 25, 2020

The Federal Communications Commission would receive $200 million to support telehealth services under the economic stimulus package unveiled Wednesday in the Senate.

FCC: Free Broadcast Spots Won't Count Toward Lowest Unit Rate

Broadcasting & Cable · John Eggerton · Mar 25, 2020

The FCC has told broadcasters it doesn't have to count free ads toward calculation of the lowest unit rate they are required to charge for political ads, but only if those are not "free spots" tied to an existing commercial contract.

FCC Signals Openness to Pandemic-Driven Waivers of Ownership Regs

Broadcasting & Cable · John Eggerton · Mar 25, 2020

In light of the coronavirus pandemic, the FCC's Media Bureau has signaled it will look favorably on requests for waivers of its limits on the amount of programming a "brokered" station can air from a broadcast partner and not violate local TV ownership rules.

FCC Delays 5G Airwaves Auction a Month, Citing Coronavirus

Bloomberg Law · Jon Reid · Mar 25, 2020

The Federal Communications Commission is delaying an auction of 5G-friendly airwaves to July 23 and indefinitely postponing a separate auction for FM broadcast licenses because of the new coronvairus pandemic.

FCC: Connectivity Pledge Signatories top 500

Multichannel News · John Eggerton · Mar 25, 2020

The FCC continues to track the signatories to FCC chairman Ajit Pai's Keep Americans Connected Pledge, a number that keeps growing along with the number of confirmed cases of coronavirus.

FCC Postpones FM Auction 106

Radio World · Paul McLane · Mar 25, 2020

An auction of FM construction permits that had been planned for late April is now postponed. The Federal Communications Commission said Auction 106 will be put off indefinitely.

Related Coverage:

- **FCC delays 3.5GHz auction**
  Mobile World Live

COVID-19 Throws Wrench in FCC Auction Plans

Cablefax · Sara Winegardner · Mar 26, 2020

The FCC is pushing back the timeline of Auction 105, one that offers priority access licenses in the CBRS band, to later this summer due to the ongoing impact of the coronavirus outbreak.

FCC Creating Hospital Robocall Advisory Group

Multichannel News · John Eggerton · Mar 25, 2020

The FCC is launching a Hospital Robocall Protection Group and soliciting nominations for membership. The group will advise the FCC on ways to combat unwanted robocalls to hospitals, which is apparently an issue.

FCC Extends Net Neutrality Comment Deadline

Multichannel News · John Eggerton · Mar 25, 2020

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Not a big surprise, but the FCC has provided a 21-day extension for comments on a court's remand of some of its Restoring Internet Freedom order deregulating internet access.

CBRS PAL auction pushed back a month due to COVID-19

Fierce Wireless · Monica Alleven · Mar 25, 2020

The Federal Communications Commission has decided to push back the auction of CBRS Priority Access Licenses for the 3550-3650 MHz band, which was supposed to start June 25. Bidding for the auction will now begin on July 23.

FCC: Antenna TV users in Detroit must rescan their TVs to continue free programming

Detroit Free Press · Miriam Marini · Mar 25, 2020

Detroiters who watch TV using an antenna will need to rescan their televisions to continue scheduled programming Wednesday, according to an advisory issued by the National Association of Broadcasters.

FCC Policy Advisor Evan Swarztrauber Says Internet Holding Up to Demands for Broadband Connectivity Under Coronavirus

Broadband Breakfast · David Jelke · Mar 25, 2020

In term of impact on broadband connectivity, "Covid-19 doesn't even compare to the Superbowl or series finale of Game of Thrones," said Federal Communications Commission Advisor Evan Swarztrauber during a Tuesday webinar hosted by Recon Analytics Inc.

FCC warns against COVID-19 scams - The Clanton Advertiser

Clanton Advertiser (AL) · Anthony Richards · Mar 25, 2020

It is hard to imagine, but even during a pandemic, crime continues and there are those looking to take advantage of people during these turbulent times. The Federal Communications Commission recently released some consumer warnings and safety tips to keep in mind in order to prevent COVID-19 scam calls.

Thune-Markey Urge FCC/DOJ Action Against Coronavirus Robocalls

National Law Review · Paul C. Besozzi · Mar 25, 2020

Illegal robocallers leave no opportunity unaddressed, even a pandemic. Thus, Senators John Thune (R-SD) and Edward Markey (D-MA) have urged the Chairman of the Federal Communications Commission and the Attorney General of the United States to take action against a bombardment "illegal robocalls, including calls that promise coronavirus testing and possible cures."

Why Americans don't have to worry about Netflix slowing down: FCC Commissioner explains

Yahoo! Finance · Andy Serwer · Mar 25, 2020

With everyone at home using so much broadband during coronavirus shutdowns, are our networks at risk of being overwhelmed? The short answer is no, FCC commissioner Brendan Carr tells Yahoo Finance.

Related Coverage:

- **FCC Commissioner talks about the Secure 5G and Beyond Act and Coronavirus (Video)**
  Yahoo! Finance
- **FCC Commissioner on how telecommunications are staying strong amid coronavirus (Video)**
  Yahoo! Finance

Wireless & Spectrum

Senator sounds alarm on cyber threats to internet connectivity during coronavirus crisis

The Hill · Maggie Miller · Mar 25, 2020

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Sen. Mark Warner (D-Va.) on Wednesday expressed serious concerns about cyber threats to internet connectivity for Americans working from home during the ongoing coronavirus pandemic.

Former Rep Hopes Coronavirus Fallout Convinces US To Distrust Chinese Tech, Built Up Its Own 5G

Daily Caller · Chris White · Mar 26, 2020

Supporters of fifth-generation mobile service say they hope China's lack of transparency on the coronavirus crisis will scare U.S. officials into recognizing that Chinese technology is a threat to U.S. national security.

Wireline & Broadband

Wisconsin's internet slowed a bit, but not broken by coronavirus pandemic

Milwaukee Journal Sentinel (WI) · Rick Barrett · Mar 25, 2020

With working at home reaching new highs, some broadband users are reporting slowdowns and other glitches. Internet providers in Wisconsin say they're responding to record daytime usage, and some have set up mobile hot spots in public parking lots to satisfy the hunger for Wi-Fi service.

Media & Broadcasting

PTC: HBO Should 'Stream Sesame' Street Free to Homebound Kids

Broadcasting & Cable · John Eggerton · Mar 25, 2020

The Parents Television Council is calling on HBO to stream its first-run Sesame Street episodes for free and broadcasters to set aside, and promote, a daily block of educational and informational programming to help with remote education efforts in the age of coronavirus.

Netflix says it has fixed outage that hit some in U.S., UK

Reuters · Lisa Richwine · Mar 25, 2020

Streaming service Netflix Inc has fixed a temporary outage that affected some users in the United States and United Kingdom on Wednesday, the company said.

YouTube switches to standard definition video. Will that make a difference? (Opinion)

USA Today · Rob Pegoraro · Mar 25, 2020

YouTube will downshift its default resolution to DVD grade. For the next month, that Google service will present videos in "480p" standard definition, the same as on the discs that once constituted America's primary way to watch movies at home.

Public Safety

State of New Mexico to begin using emergency alert system

KRQE-TV (NM) · Mar 25, 2020

Due to the current public health crisis, the state of New Mexico will be using an emergency system to provide residents with information.

Health Tech

Humana Adds Telehealth Coverage, Services to Address Coronavirus Pandemic

mHealth Intelligence · Eric Wicklund · Mar 25, 2020

Humana is expanding its telehealth portfolio to help members access connected health services during the Coronavirus pandemic.

Business & Tech

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Why Silicon Valley's virus-era D.C. glow may not last

Politico · Steven Overly, Leah Nylen and Gabby Orr · Mar 25, 2020

Big tech companies like Google, Facebook and Amazon are enjoying an unexpected boost in their D.C. popularity after the White House enlisted them to use their tremendous size, reach and mastery of data to fight the coronavirus.

Related Coverage:

- **Tech's Next Disruption Target: The Coronavirus**
  Wall Street Journal

International

TPG receives tick from US for Vodafone Australia merger

ZDNet · Chris Duckett · Mar 26, 2020

A month after the Federal Court of Australia approved the merger of TPG and Vodafone Hutchison, the transaction has received the tick of approval from US regulators. US approval was needed as one of TPG's subsea cables passes through the US territory of Guam.

Vodafone, Deutsche Telekom, 6 other telcos to help EU track virus

Reuters · Foo Yun Chee · Mar 26, 2020

Vodafone, Deutsche Telekom, Orange and five other telecoms providers have agreed to share mobile phone location data with the European Commission to track the spread of the coronavirus, lobbying group GSMA said on Wednesday.

Twitter comes under fire over Chinese disinformation on coronavirus spread

The Hill · Chris Mills Rodrigo · Mar 25, 2020

Twitter is being pulled into the middle of a fight between the Trump administration and China over the coronavirus.

Telecom Italia's CEO says network solid as Elliott cuts stake

Reuters · Elvira Pollina and Giulia Segreti · Mar 25, 2020

Telecom Italia's network can cope with the surge in traffic driven by the coronavirus crisis in the country, CEO Luigi Gubitosi was quoted as saying on Wednesday, as U.S. activist fund Elliott cut its stake in the phone group.

South African watchdog considers spectrum boost for telecoms companies

Reuters · Nqobile Dludla · Mar 25, 2020

South Africa is considering giving telecoms companies increased spectrum, or airwave capacity, as millions of people switch to home working, testing networks and driving up data traffic, the communications minister said on Wednesday.

MTN Uganda eliminates mobile money charges amid coronavirus outbreak

Reuters · Elias Biryabarema · Mar 25, 2020

MTN Uganda, the country's largest telecoms firm, has eliminated some charges on its mobile money platform to help spur greater use of digital transactions and discourage the use of cash as a way to potentially slow the spread of the coronavirus outbreak.

[redacted]

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Year-end thoughts from the always-thoughtful Craig Moffett.

From: Craig Moffett <craig@moffettnathanson.com>
Sent: Monday, December 21, 2020 10:16 AM
To: Ajit Pai <Ajit.Pai@fcc.gov>
Subject: MoffettNathanson | U.S. Cable & Satellite and Telecom: A Year in Review, and a Year in Preview

Never before has the world so looked forward to turning a calendar page. 2020 can't end soon enough.

Each year since our firm's inception, it has been our practice to refresh our perspectives and revisit the themes and associated reports of the past year that remain most relevant to the year ahead.

A year ago, as we looked ahead to 2020, we obviously didn't see COVID coming. Sprint was still a publicly traded company. 5G was barely part of the conversation. And AT&T was coming off a year (2019) in which it had strongly *outperformed* the broader market.

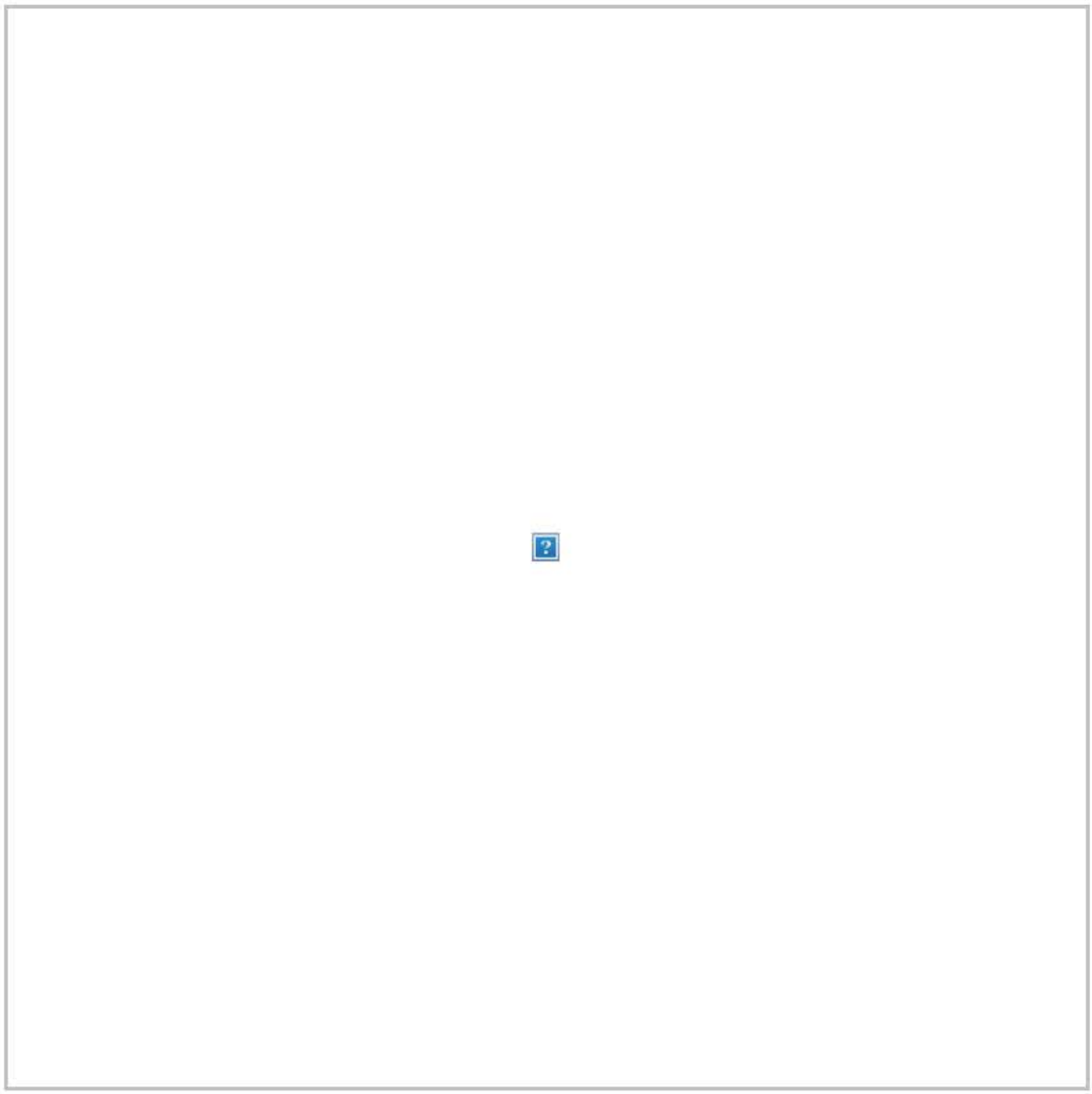
A lot has changed.

But a lot hasn't. A year ago, Cable stocks were coming off a strong year, and we expected them to continue their outperformance in 2020. They did, and as we look to 2021, we once again expect Cable stocks to fare better than the broader market. In Telecom, we entered 2020 with genuine excitement about T-Mobile, and, as we enter 2021, that same excitement is still there. We were bearish about AT&T last year... and, well, we still are. Then, as now, we were scratching our heads over Cable One's stupendous valuation. And then, as now, we were bearish about Dish Network.

In 2020, T-Mobile soared, AT&T tanked, and Verizon drifted lower. All year. In Cable land, Charter rallied all year, and Altice USA rallied hard enough at the end of the year to finish solidly better than market averages for the year. Cable One rallied early, and while it gave some back in the back half, its first half was still enough for it to top all comers. Of the Cable stocks, only Comcast, which rallied hard at the end of the year but still only earned back its first half underperformance, failed to beat the market.

Dish was, as always, the most volatile of the group, with two rallies and two swoons in the year. It finished well off market averages. Again.

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Telecom

A year ago, 5G still seemed distant. Now it is here… or at least it is shaping the debate. In late 2019, we had published our skeptical take on 5G use cases, *U.S. Wireless: The 5G Elephant in the Room* (October 17, 2019). Just over a year later, we hosted a full day Summit about 5G, and, well, let's just say that it didn't do much to reduce our skepticism (*5G Summit: The Road to Revolution - Key Takeaways*, November 23, 2020). We know 5G will require incremental capital spending – lots of it – but we don't know whether or how it will generate incremental revenue. In other words… lower ROI.

Except for T-Mobile.

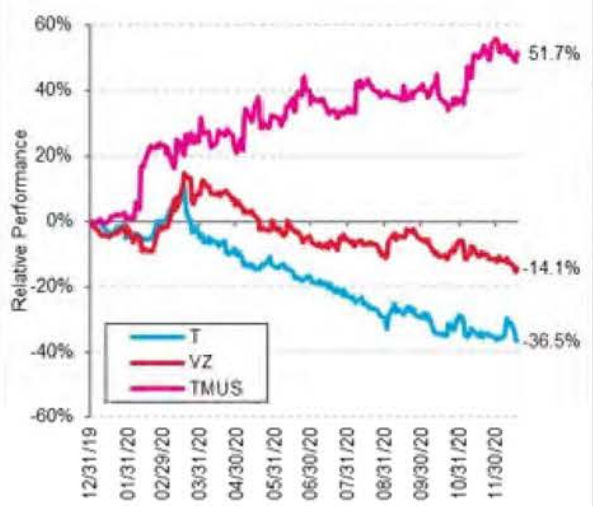
T-Mobile doesn't need to find all new use cases, or even to raise prices, to monetize its investments in 5G. Their path to an attractive ROI in 5G is simple: higher market share.

We argued in March that T-Mobile's merger with Sprint positioned T-Mobile to be the winner in 5G (*New T-Mobile: First Among Equals? Our Pro Forma Model for the Age of Coronavirus and Recession*, March 23, 2020). As we enter 2021, we believe market share

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Exhibit 1

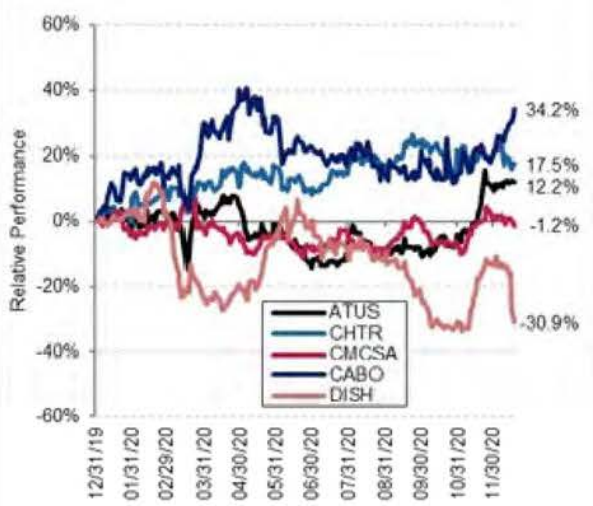
Telecom: YTD Performance Relative to the S&P 500



Source: Bloomberg, MoffettNathanson estimates and analysis

Exhibit 2

Cable: YTD Performance Relative to the S&P 500



Source: Bloomberg, MoffettNathanson estimates and analysis

AMERICAN OVERSIGHT

estimates for T-Mobile are too low, particularly in the business wireless segment. There's additional upside if, instead of just lowering legacy Sprint prices to T-Mobile's, there's at least a little bit of "meeting in the middle," where T-Mobile's prices rise to meet Sprint's. That's not entirely unlikely given T-Mobile's strong position and *already* industry-low prices. T-Mobile remains our top pick for 2021.

Firming pricing may seem like a long shot in the wake of the aggressive discounts that were introduced, particularly by AT&T, to support the iPhone 12. But there are signs that wireless prices, and ARPU, will rise in 2021, particularly for Verizon. We upgraded Verizon on December 2nd in *Wireless Q3 2020: The Spoils of a Three Player Market? Upgrading Verizon to Buy, Raising TP to $66* on the argument that they will see a sharp rebound in ARPU in 2021. First, they will lap the initial collapse of international roaming (Travel Pass) that hit in March with the COVID crisis. They will further lap the introduction of the Disney+ promotion, with the first cohort of subsidized customers now facing the decision to pay or drop access to the streaming service. And all the while, they'll keep steadily upgrading customers to unlimited data plans. The prospect of meaningful growth in ARPU, even if it's only for one year (2021), makes Verizon interesting. The fact that it is currently trading for just 0.5x the market P/E multiple makes it genuinely attractive.

Our concerns about AT&T remain largely unchanged. Their leverage is too high to be confident about dividend sustainability.

We downgraded AT&T at the end of 2019, and maintained our Sell rating all year. At the start of the year, we expressed our concern as a race against time: AT&T would have to delever its balance sheet before either a recession or secular decline in its acquired businesses rendered its debt untenable (*AT&T Q4 2019 Earnings: Two Clocks*, January 27, 2020). Our secular concerns went beyond just DirecTV. We were, and still are, quite bearish about the prospects for WarnerMedia even *before* the pandemic hit in February, mostly because we were so bearish about the Turner cable networks (*AT&T: How Bad Could It Get for WarnerMedia?*, January 16, 2020). When the pandemic hit, all the secular problems were brought to the fore, and were compounded by the cyclical pressures of the COVID recession. We argued in *The Incredible Shrinking AT&T... A Sum of the Parts View* (October 13, 2020) that, despite what had already been a steep drop in AT&T's shares, the stock was *still* overvalued relative to its sum of the parts. More troublingly, we argued, it wasn't clear there was anything that AT&T could sell for a high enough multiple to help delever the balance sheet.

That matters because AT&T needs more spectrum to maintain its competitiveness in 5G. Where will they get the money? That is perhaps the central question for the C-Band auction that began two weeks ago (*The C-Band Auction: And So it Begins...*, December 8, 2020). If AT&T spends the money they need to for spectrum, their dividend will be even more precarious. If they don't, their competitive position will be compromised. We see no good outcomes.

And what will Dish Network do in the auction? At first blush, Dish may seem flush with spectrum. But the wide blocks of spectrum required for 5G means that Dish will have to consider adding more spectrum even before they have broken ground on their network.

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We've made no secret of our skepticism about Dish's position. Building a truly competitive network will require far more than a macrocell canopy: and building a competitive network can't be limited to just those urban areas that will get them to their FCC buildout requirements, as some investors seem to believe. In October, in *Dish Network: The Wholesale versus Retail Dilemma* (October 1, 2020),we considered the many unanswered questions about Dish's path forward in 5G, and the inherent contradictions in some of the markets assumptions about how they will be answered. Nor is it enough to simply argue that a new ORAN 5G network will have a marginal cost advantage, as we so often hear (*The Fallacy of Marginal Cost Advantage*, July 15, 2020). Dish's recent announcement of a convertible preferred notes offering only reinforces our skepticism. That Dish elected to offer equity at this price is a bad sign for valuation. Worse, it makes clear that they still don't have a strategic investor up their sleeve.

Oddly, the challenges facing AT&T and Dish Network are perhaps *good* news for the wireless industry, especially for ARPU. AT&T's hyper-aggressive iPhone retention offer (a free iPhone for existing subscribers is essentially the old subsidy model... but without the extra $20 per month that they *used* to charge to pay for the phone). The pressure to maintain their dividend will force AT&T to look for ways to pay for their promotionality. Ultimately, the biggest beneficiaries will be T-Mobile and Verizon.

Cable & Satellite

The trajectory of the cable industry over the past year is a simpler narrative. Up.

Our twenty-year-old mantra that "cable operators are infrastructure companies, not media companies" is by now well understood. It's just that cable's digital infrastructure became that much more important during the COVID crisis.

Indeed, even before the COVID crisis, the market's appreciation for cable's digital infrastructure story had led to Charter gapping away from Comcast. Cord-cutting, which had accelerated steadily through 2019, meant that media companies were losing favor even *before* the pandemic. We had been Comcast skeptics through most of 2019, arguing that the Sky acquisition would leave Comcast shares saddled with a lasting conglomerate discount. In early February, however, even we thought the punishment to Comcast's shares had gone too far. In *Comcast: Less than Zero? Upgrading To Buy* (February 4, 2020), we argued that the discount to Charter had grown so extreme that NBCU and Sky could be had for free.

Two weeks and a day later, the bottom dropped out of the market.

That the market would sharply discount cyclical businesses like Media (and therefore Comcast, as well as AT&T) made sense. Oddly, however, in the steep sell-off that started in mid-February – in retrospect, the sell-off only lasted for what feels like five minutes – Cable sold off with or more than the market, perhaps because the cable companies are relatively highly levered.

But that made no sense. In *Charter (CHTR): It's Good to Be Cable; Our COVID-19 Recession Model* (April 9, 2020), we argued that Cable's business would be largely unscathed, and indeed, could potentially even benefit from the changes that COVID would set in motion.

The reason, of course, was broadband. We had closed 2019 with a deep-dive into Cable's

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competitive advantage in broadband (*Broadband Q3 2019: Revisiting Competitive Dynamics*, December 16, 2019) in which we argued that Cable's share was poised to rise. As it happened, the COVID crisis accelerated those trends (*Broadband Q1 2020: Broadband in the Era of COVID-19; A Proprietary Peek at Market Share Trend Data* (May 27, 2020).

As we exit 2020, the questions now are whether growth can be sustained. That was the focus of our most recent deep-dive into the broadband market, *Broadband 2021: Where Are All the Subs Coming From?* (December 16, 2020). In it, we conclude that growth very likely *will* slow... but that there are some important offsets.

One important offset, at least for Charter, is the footprint expansion made possible by the RDOF (Rural Digital Opportunity Fund). Charter's announced intention to participate in the auction struck us as a clear positive. We illustrated the return profile of rural broadband investments in September in *Q2 2020 Broadband: The Footprint Expansion Game* (September 10, 2020). We followed with a deep dive into auction results in December when the actual results were announced (*RDOF Auction Results: Money for Nothing? Implications for Lumen, Charter, Satellite, Towers, and Others*, December 8, 2020).

Our bullish view on Cable is buttressed by more than just broadband growth, of course. In fact, the foundation of our thesis in recent years has been margin expansion. The combination of rising margins and falling capital intensity means higher conversion of EBITDA into unlevered free cash flow. That, in turn, means higher warranted multiples. In late 2019, we had argued that the market's new heuristic will be to buy Cable at 9x and sell it at 12x (*U.S. Cable: It's Time to Factor in Higher Margins; Raising Estimates and TPs for CHTR, ATUS, CMCSA, and CABO*, October 2, 2019). The COVID crisis only accelerated margin expansion, as more customers moved to self-installation and web-based self-service during the crisis. Even after two full years of upward revisions to margin estimates, the market consensus was too low in its forecasts for every one of the publicly traded cable operators in Q3.

Margin expansion has underpinned the market's about-face with respect to cord-cutting. We argued in 2019 that the market had gone through a steady evolution from initially fearing video subscriber losses, then to becoming comfortable with them, and ultimately actually *rooting* for them as an accelerant to margin expansion. (Obviously, for vertically integrated operators like Comcast and AT&T, losing video subscribers in their media segment has no silver lining... nor, indeed, does the loss of video subscribers for satellite operators DirecTV and Dish Network).

The COVID crisis almost certainly accelerated the decline in video subscribership, if only because it meant that sports were off the air for most of the year. In our cord-cutting monitor series, we've long described the vicious cycle of sports losses driving faster and faster price increases which ultimately only accelerate defections. In 2020, however, we added a "second cycle," whereby content owners, spurred by the spectacular valuations being (apparently) ascribed to Disney+, increasingly are moving their best content to DTC platforms. That only impoverishes the legacy cable network model... accelerating the rate of cord-cutting even more (*Q2 2020 Cord-Cutting Monitor: The Second Cycle*, August 12,

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2020).

When sports returned to the air in Q3, the rate of cord-cutting decelerated sharply. But that only raises a critical *new* question. Was the improvement seen in Q3 a function of finding a floor, or something more troubling? In *Q3 2020 Cord-Cutting Monitor: Are We Finding a Floor?* (November 19, 2020) we argued that the rebound, particularly for vMVPDs, may be a harbinger of a new seasonality, where customers subscribe to Pay TV platforms, especially virtual ones, only during their favorite sports seasons. If customers end up subscribing for, say, only nine months per year instead of twelve, that's equivalent to the subscriber base shrinking by 25%.

Again, this is a concern for media companies (yes, Comcast and AT&T) more than it is cable operators. Remember, the cable operators are infrastructure providers. As such, we've long argued that there are really only two risks to the Cable thesis: infrastructure-based competition to broadband, and regulatory risk.

The infrastructure competition question is now almost universally understood to mean 5G fixed wireless broadband (LEO satellite constellations, like SpaceX's StarLink, are also beginning to enter the conversation). But there's been an important change. In 2018 and '19, it was Verizon's fixed wireless broadband people were worried about. In 2020, concerns about Verizon have faded, at least with respect to their millimeter wave architecture. We argued in *Broadband Q4 2019: A Deep Dive into Alternative Fixed Wireless Broadband Architectures* (March 2, 2020) that other architectures were more important to watch, if only because they offered at least some alternative to the punishing economics of Verizon's hub-and-spoke mmWave approach. One closely watched example is Starry, which we revisited in its own deep dive in June (*Starry: 5G Fixed Wireless Broadband in the Age of Coronavirus*, June 2, 2020).

The regulatory picture took a surprising turn as well.

In March, we highlighted an obscure SCOTUS opinion by Justice Clarence Thomas that suggested that the risk of broadband reclassification back to Title II was significantly lower than it had been. In a July blog post, we revisited our analysis of this SCOTUS issue in the context of a broader regulatory outlook. In *Cable and the Democrats: What Are We Afraid Of?* (July 7, 2020), we concluded that not only was a Biden Administration nothing to fear, it might actually turn out to be a *positive* for Cable. We still feel that way.

The bottom line, as we wrote in our 2021 Cable curtain raiser, *Broadband 2021: Where Are All the Subs Coming From?* (December 16, 2020), Cable still looks attractive as we enter 2021... notwithstanding fears of a possible broadband slowdown.

Altice USA

Altice USA remains our top pick in Cable.

> *Altice USA Q3 2020 Earnings: The M&A Exit?* (October 29, 2020)
>
> *Altice USA Q2 2020 Earnings: The "Can It Grow" Debate* (July 30, 2020)

Charter

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Even after an epic run, Charter shares still look to us to be poised to outperform the broader market.

Charter Q3 2020 Earnings: The Big Pull-Forward? (October 30, 2020)

Charter Q2 2020 Earnings: De-risking Broadband (July 31, 2020)

Comcast

In the wake of a furious Q3 rally, Comcast has now closed much of what had been a yawning valuation gap versus peers. It still looks attractive, but Sky and NBCU will continue to weigh on what would otherwise be a brighter outlook.

Comcast Q3 2020 Earnings: Pet Rock (October 29, 2020)

Comcast: Sky Diving (June 29, 2020)

Comcast Q2 2020 Earnings: Growth versus Value (July 30, 2020)

Cable One

The bull thesis for Cable One is that they have the longest runway for broadband of any operator. The bear thesis is... valuation.

Cable One Q3 2020 Earnings: Twin Pillars (November 5, 2020)

Cable One Q2 2020 Earnings: Closing the Gap (August 6, 2020)

T-Mobile

T-Mobile is that rare find: a worst-to-first growth story. In 3G, T-Mobile had the weakest network of the majors. With the addition of more midband spectrum depth, and later, low frequency spectrum, they closed the gap in 4G LTE. In 5G, they are poised to have the industry's best network. And they still have the industry's lowest prices. T-Mobile is still our top pick.

Wireless Q2 2020: Chasing T-Mobile (August 19, 2020)

Wireless Q4 2019: The New T-Mobile, the State of the Industry, and the 5G "White Space" (March 9, 2020)

AT&T

AT&T faces cyclical and secular challenges in each and every one of its businesses. The risk isn't that they won't be able to fund their dividend; it's that, at 3.5x leverage, their rating agencies will demand that they delever faster, even if it means cutting the dividend to do it.

AT&T Q3 2020 Earnings: What Did AT&T See? (October 22, 2020)

AT&T & U.S. Theaters: Suicide Squad? (December 4, 2020)

AT&T: How Safe is the Dividend? (April 3, 2020)

Verizon

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Verizon's early commitment to millimeter wave spectrum may eventually pay off, but only in limited geographic areas. In the meantime, they are now at a disadvantage; even if Verizon *does* win the large block of spectrum we expect in the C-Band auction, T-Mobile will still have a multi-year head start, and T-Mobile's midband spectrum offers better coverage than C-Band. Still, at just half the market multiple, the risk reward in Verizon is attractive.

> *Verizon Q3 2020: The Many Riddles of 5G* (October 21, 2020)
>
> *Verizon Enters (and Tracfone Exits) the Pre-paid Market: Takeaways from Our Conversation with CFO Matt Ellis* (September 14, 2020)
>
> *Verizon Q2 2020 Earnings: Strategy versus Execution* (July 24, 2020)

Dish Network

Private equity offers for DirecTV reportedly put DTV's valuation at around 3.5x EBITDA. Dish's satellite business is levered at around 5x. Put simply, there is no equity value in Dish's satellite segment.

But that makes the valuation question simple, doesn't it? The value of Dish's equity is the NPV of their wireless business. What's a wireless promise, with no network but a commitment to build one, worth?

> *Dish Network Q3 2020 Earnings: What Have We Learned?* (November 6, 2020)
>
> *Dish Network Q2 2020 Earnings: How Safe is Dish's Rural Stronghold?* (August 7, 2020)

As the saying goes, predictions are hard... particularly when they are about the future. But this year, there's an easy prediction to make. 2021 can only be better than 2020 was. Please.

As always, whatever happens, we are thankful to number you among the thought partners with whom we will endeavor to figure it all out in the coming year. We thank you for your support over the past year, and very much look forward to working with you in what we hope will be a happy, and *healthy!*, year ahead.

Warm regards,

Craig

FCC-22-1100-A-000209

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From:	Matthew Berry
To:	Ajit Pai; Nicholas Degani; Aaron N. Goldberger; Charles Mathias
Subject:	Fwd: ParkerB.com Wireless L.L.C. 600 MHz FCC Licenses
Date:	Friday, March 13, 2020 5:46:23 PM
Attachments:	2020-03-13 DISH 600 MHz Letter (FINAL).pdf

I guess they worked it out. Please let me know when T-Mo files.!

.

From: "Blum, Jeffrey" <Jeffrey.Blum@dish.com>
Date: Friday, March 13, 2020 at 5:39:01 PM
To: "Matthew Berry" <Matthew.Berry@fcc.gov>
Subject: Fw: ParkerB.com Wireless L.L.C. 600 MHz FCC Licenses

Matthew, we just filed the attached letter granting TMO free use of our 600 MHz spectrum for 60-days. Thank you for your leadership on all these efforts. Good luck and be safe. Jeff

Jeff Blum
SVP & Deputy General Counsel
jeffrey.blum@dish.com
720-250-6973 (Mobile)
202-463-3703 (Direct)

From: Kogan, Hadass
Sent: Friday, March 13, 2020 3:34 PM
To: donald.stockdale@fcc.gov; Charles.Mathias@fcc.gov
Cc: Blum, Jeffrey; Minea, Alison; Steve.Sharkey@T-Mobile.com; Kathleen.Ham@t-mobile.com; Stephen.Buenzow.CTR@fcc.gov; Sommer.Gilbert@fcc.gov; Elizabeth.Fishel@fcc.gov; blaise.scinto@fcc.gov; Susan.Mickley@fcc.gov
Subject: ParkerB.com Wireless L.L.C. 600 MHz FCC Licenses

Good evening,

Please see the attached letter regarding the 600 MHz FCC Licenses held by DISH subsidiary ParkerB.com Wireless L.L.C.

Thank you,
Hadass Kogan

Hadass Kogan
Director & Senior Counsel,
Regulatory Affairs
DISH Network, LLC
1110 Vermont Ave NW
Suite 450
Washington, DC 20005
Hadass.Kogan@dish.com

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Jeffrey H. Blum
Senior Vice President, Public Policy & Government Affairs
Jeffrey.Blum@dish.com
(202) 463-3703

March 13, 2020

Donald Stockdale
Chief, Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: ParkerB.com Wireless L.L.C. 600 MHz FCC Licenses

Dear Mr. Stockdale:

DISH Network Corporation ("DISH") hereby notifies the Federal Communications Commission ("Commission") that it has entered into a Letter Agreement (the "Agreement") providing T-Mobile USA, Inc., on behalf of its subsidiary, T-Mobile License, LLC ("T-Mobile") temporary and limited authority to operate on the 600 MHz FCC Licenses owned by DISH subsidiary ParkerB.com Wireless L.L.C. (the "600 MHz FCC Licenses," a list of which is attached hereto) for a period of 60 days.

This 60-day term will commence on the date the Commission grants T-Mobile a Special Temporary Authorization ("STA") pursuant to Section 1.931(a) of the Commission's rules, 47 C.F.R. § 1.931(a). DISH understands that T-Mobile will be requesting an STA with respect to the 600 MHz FCC Licenses, and DISH consents to the grant of such an STA. During the 60-day term, DISH consents to T-Mobile's commercial use of the 600 MHz FCC Licenses for no fee subject to the terms of the Agreement.

Please contact me with any questions.

/s/ Jeffrey H. Blum
Jeffrey H. Blum

cc: Kathleen Ham
Steve Sharkey

Attachment: 600 MHz FCC Licenses

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1110 Vermont Avenue NW ▪ Suite 450 ▪ Washington, D.C. 20005

SCHEDULE I

600 MHz FCC LICENSES

Call Sign	PEA Number	Municipality	State
WQZM232	PEA 026	Las Vegas	NV
WQZM233	PEA 026	Las Vegas	NV
WQZM234	PEA 362	Payette	ID
WQZM235	PEA 148	Bellingham	WA
WQZM236	PEA 195	Lewiston	ID
WQZM237	PEA 237	Hinesville	GA
WQZM238	PEA 215	Hickory	NC
WQZM239	PEA 410	Valentine	NE
WQZM240	PEA 254	Merrill	WI
WQZM241	PEA 185	Marquette	MI
WQZM242	PEA 137	Eau Claire	WI
WQZM243	PEA 074	Chattanooga	TN
WQZM244	PEA 009	Miami	FL
WQZM245	PEA 009	Miami	FL
WQZM246	PEA 009	Miami	FL
WQZM247	PEA 335	Natchitoches	LA
WQZM248	PEA 404	Kanab	UT
WQZM249	PEA 285	Gallup	NM
WQZM250	PEA 392	Maryville	MO
WQZM251	PEA 412	Puerto Rico	PR
WQZM252	PEA 412	Puerto Rico	PR
WQZM253	PEA 038	Milwaukee	WI
WQZM254	PEA 386	Barnwell	SC
WQZM255	PEA 029	Jacksonville	FL
WQZM256	PEA 382	Riverton	WY
WQZM257	PEA 343	Pecos	TX
WQZM258	PEA 261	Fargo	ND
WQZM259	PEA 226	Lima	OH
WQZM260	PEA 336	Grand Forks	ND
WQZM261	PEA 390	Snyder	TX
WQZM262	PEA 408	Ballinger	TX
WQZM263	PEA 363	Big Spring	TX
WQZM264	PEA 402	Brady	TX
WQZM265	PEA 288	Abilene	TX
WQZM266	PEA 320	San Angelo	TX
WQZM267	PEA 247	Nampa	ID

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Call Sign	PEA Number	Municipality	State
WQZM268	PEA 156	Boise City	ID
WQZM269	PEA 046	Little Rock	AR
WQZM270	PEA 046	Little Rock	AR
WQZM271	PEA 297	Pendleton	OR
WQZM272	PEA 206	Wenatchee	WA
WQZM273	PEA 119	Yakima	WA
WQZM274	PEA 107	Bangor	ME
WQZM275	PEA 127	Evansville	IN
WQZM276	PEA 323	Socorro	NM
WQZM277	PEA 263	Santa Fe	NM
WQZM278	PEA 345	Newberry	SC
WQZM279	PEA 327	Orangeburg	SC
WQZM280	PEA 284	Greenwood	SC
WQZM281	PEA 332	Bennettsville	SC
WQZM282	PEA 188	Jamestown	NY
WQZM283	PEA 138	Burlington	VT
WQZM284	PEA 319	Albany	GA
WQZM285	PEA 371	Wytheville	VA
WQZM286	PEA 230	Lumberton	NC
WQZM287	PEA 291	Rockingham	NC
WQZM288	PEA 309	Elizabeth City	NC
WQZM289	PEA 228	Roanoke	VA
WQZM290	PEA 131	Sanford	NC
WQZM291	PEA 169	Goldsboro	NC
WQZM292	PEA 146	Wilmington	NC
WQZM293	PEA 305	Altus	OK
WQZM294	PEA 302	Enid	OK
WQZM295	PEA 251	Salina	KS
WQZM296	PEA 277	Hutchinson	KS
WQZM297	PEA 070	Eugene	OR
WQZM298	PEA 403	Lewistown	MT
WQZM299	PEA 334	Pampa	TX
WQZM300	PEA 411	Van Horn	TX
WQZM301	PEA 048	Harrisburg	PA
WQZM302	PEA 084	Mobile	AL
WQZM303	PEA 027	Salt Lake City	UT
WQZM304	PEA 027	Salt Lake City	UT
WQZM305	PEA 011	Atlanta	GA
WQZM306	PEA 011	Atlanta	GA
WQZM307	PEA 132	Corpus Christi	TX
WQZM308	PEA 409	Haskell	TX

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Call Sign	PEA Number	Municipality	State
WQZM309	PEA 400	Muleshoe	TX
WQZM310	PEA 401	Floydada	TX
WQZM311	PEA 376	Hereford	TX
WQZM312	PEA 355	Casper	WY
WQZM313	PEA 346	Franklin	NC
WQZM314	PEA 233	Shelby	NC
WQZM315	PEA 208	Salisbury	NC
WQZM316	PEA 207	Brunswick	GA
WQZM317	PEA 008	Dallas	TX
WQZM318	PEA 008	Dallas	TX
WQZM319	PEA 004	San Francisco	CA
WQZM320	PEA 004	San Francisco	CA
WQZM321	PEA 004	San Francisco	CA
WQZM322	PEA 010	Houston	TX
WQZM323	PEA 416	Gulf of Mexico	N/A
WQZM324	PEA 416	Gulf of Mexico	N/A
WQZM325	PEA 396	Winterset	IA
WQZM326	PEA 370	Washington	IA
WQZM327	PEA 265	Winona	MN
WQZM328	PEA 354	New London	WI
WQZM329	PEA 253	Baraboo	WI
WQZM330	PEA 269	Racine	WI
WQZM331	PEA 268	Clinton	IA
WQZM332	PEA 218	Wausau	WI
WQZM333	PEA 294	Waterloo	IA
WQZM334	PEA 267	Sheboygan	WI
WQZM335	PEA 252	Sioux City	IA
WQZM336	PEA 209	Green Bay	WI
WQZM337	PEA 176	Ames	IA
WQZM338	PEA 163	Davenport	IA
WQZM339	PEA 225	La Crosse	WI
WQZM340	PEA 223	Dubuque	IA
WQZM341	PEA 179	Burlington	IA
WQZM342	PEA 155	Appleton	WI
WQZM343	PEA 182	Cedar Rapids	IA
WQZM344	PEA 122	Madison	WI
WQZM345	PEA 219	Mason City	IA
WQZM346	PEA 153	Fond du Lac	WI
WQZM347	PEA 159	Valdosta	GA
WQZM348	PEA 197	Wheeling	WV
WQZM349	PEA 121	Altoona	PA

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Call Sign	PEA Number	Municipality	State
WQZM350	PEA 194	State College	PA
WQZM351	PEA 387	Wahpeton	ND
WQZM352	PEA 270	Ottawa	IL
WQZM353	PEA 118	Richmond	IN
WQZM354	PEA 143	Keene	NH
WQZM355	PEA 407	Salmon	ID
WQZM356	PEA 324	Honesdale	PA
WQZM357	PEA 136	Williamsport	PA
WQZM358	PEA 241	Dublin	GA
WQZM359	PEA 298	Fairbanks	AK
WQZM360	PEA 298	Fairbanks	AK
WQZM361	PEA 298	Fairbanks	AK
WQZM362	PEA 264	Kodiak	AK
WQZM363	PEA 264	Kodiak	AK
WQZM364	PEA 264	Kodiak	AK
WQZM365	PEA 406	Anamosa	IA
WQZM366	PEA 322	Minot	ND
WQZM367	PEA 318	Thief River Falls	MN
WQZM368	PEA 274	Twin Falls	ID
WQZM369	PEA 187	Pocatello	ID
WQZM370	PEA 279	Logan	UT
WQZM371	PEA 158	Helena	MT
WQZM372	PEA 068	Grand Rapids	MI
WQZM373	PEA 056	Kalamazoo	MI
WQZM374	PEA 061	Toledo	OH
WQZM375	PEA 315	Sheridan	WY
WQZM376	PEA 348	Aberdeen	SD
WQZM377	PEA 129	Springfield	IL
WQZM378	PEA 256	Lynchburg	VA
WQZM379	PEA 256	Lynchburg	VA
WQZM380	PEA 378	Waynesboro	GA
WQZM381	PEA 378	Waynesboro	GA
WQZM382	PEA 147	Salisbury	MD
WQZM383	PEA 147	Salisbury	MD
WQZM384	PEA 260	Alpena	MI
WQZM385	PEA 203	Traverse City	MI
WQZM386	PEA 338	Durango	CO
WQZM387	PEA 178	Sedalia	MO
WQZM388	PEA 178	Sedalia	MO
WQZM389	PEA 101	Wichita	KS
WQZM390	PEA 073	El Paso	TX

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Call Sign	PEA Number	Municipality	State
WQZM391	PEA 031	Indianapolis	IN
WQZM392	PEA 031	Indianapolis	IN
WQZM393	PEA 022	Sacramento	CA
WQZM394	PEA 022	Sacramento	CA
WQZM395	PEA 398	South Sioux City	NE
WQZM396	PEA 075	Albuquerque	NM
WQZM397	PEA 414	US Virgin Islands	USVI
WQZM398	PEA 001	New York	NY
WQZM399	PEA 001	New York	NY
WQZM400	PEA 001	New York	NY
WQZM401	PEA 001	New York	NY
WQZM402	PEA 357	Espanola	NM
WQZM403	PEA 180	Flagstaff	AZ
WQZM404	PEA 308	Americus	GA
WQZM405	PEA 262	Hilton Head Island	SC
WQZM406	PEA 128	Macon	GA
WQZM407	PEA 151	Winston-Salem	NC
WQZM408	PEA 384	Manchester	IA
WQZM409	PEA 042	Honolulu	HI
WQZM410	PEA 042	Honolulu	HI
WQZM411	PEA 032	Nashville	TN
WQZM412	PEA 032	Nashville	TN
WQZM413	PEA 340	Clovis	NM
WQZM414	PEA 259	Roswell	NM
WQZM415	PEA 211	Ardmore	OK
WQZM416	PEA 266	Lenoir	NC
WQZM417	PEA 018	San Diego	CA
WQZM418	PEA 018	San Diego	CA
WQZM419	PEA 286	Sioux Falls	SD
WQZM420	PEA 289	Price	UT
WQZM421	PEA 047	Brownsville	TX
WQZM422	PEA 053	Tucson	AZ
WQZM423	PEA 017	Minneapolis-St. Paul	MN
WQZM424	PEA 017	Minneapolis-St. Paul	MN
WQZM425	PEA 016	Seattle	WA
WQZM426	PEA 016	Seattle	WA
WQZM427	PEA 006	Philadelphia	PA
WQZM428	PEA 006	Philadelphia	PA
WQZM429	PEA 005	Baltimore-Washington	MD/DC

AMERICAN OVERSIGHT

Call Sign	PEA Number	Municipality	State
WQZM430	PEA 005	Baltimore-Washington	MD/DC
WQZM431	PEA 280	Garden City	KS
WQZM432	PEA 339	Scottsbluff	NE
WQZM433	PEA 331	Plainview	TX
WQZM434	PEA 276	Rapid City	SD
WQZM435	PEA 383	Creston	IA
WQZM436	PEA 036	New Orleans	LA
WQZM437	PEA 040	Birmingham	AL
WQZM438	PEA 040	Birmingham	AL
WQZM439	PEA 248	Sumter	SC
WQZM440	PEA 134	Newark	OH
WQZM441	PEA 141	Brainerd	MN
WQZM442	PEA 051	Louisville	KY
WQZM443	PEA 051	Louisville	KY
WQZM444	PEA 342	Mitchell	SD
WQZM445	PEA 044	Rochester	NY
WQZM446	PEA 044	Rochester	NY
WQZM447	PEA 060	Manchester	NH
WQZM448	PEA 060	Manchester	NH
WQZM449	PEA 069	Springfield	MA
WQZM450	PEA 391	Ontario	OR
WQZM451	PEA 379	Sault Ste. Marie	MI
WQZM452	PEA 380	Escanaba	MI
WQZM453	PEA 395	Jamestown	ND
WQZM454	PEA 072	Tallahassee	FL
WQZM455	PEA 067	Sarasota	FL
WQZM456	PEA 065	Cape Coral	FL
WQZM457	PEA 002	Los Angeles	CA
WQZM458	PEA 002	Los Angeles	CA
WQZM459	PEA 258	Cullman	AL
WQZM460	PEA 170	Dothan	AL
WQZM461	PEA 139	Hot Springs	AR
WQZM462	PEA 034	Fresno	CA
WQZM463	PEA 034	Fresno	CA
WQZM464	PEA 023	Pittsburgh	PA
WQZM465	PEA 023	Pittsburgh	PA
WQZM466	PEA 019	Portland	OR
WQZM467	PEA 019	Portland	OR
WQZM468	PEA 013	Orlando	FL
WQZM469	PEA 013	Orlando	FL

AMERICAN OVERSIGHT

Call Sign	PEA Number	Municipality	State
WQZM470	PEA 204	Owensboro	KY
WQZM471	PEA 234	Lexington	NC
WQZM472	PEA 003	Chicago	IL
WQZM473	PEA 292	Pueblo	CO
WQZM474	PEA 304	Mount Airy	NC
WQZM475	PEA 076	Reno	NV
WQZM476	PEA 105	Augusta	GA
WQZM477	PEA 117	La Grange	GA
WQZM478	PEA 071	Knoxville	TN
WQZM479	PEA 394	Martin	SD
WQZM480	PEA 351	Dickinson	ND
WQZM481	PEA 162	Elizabethtown	KY
WQZM482	PEA 081	Saginaw	MI
WQZM483	PEA 081	Saginaw	MI
WQZM484	PEA 326	Fergus Falls	MN
WQZM485	PEA 112	Bowling Green	KY
WQZM486	PEA 077	Portland	ME
WQZM487	PEA 287	Kenosha	WI
WQZM488	PEA 224	De Kalb	IL
WQZM489	PEA 186	Rock Hill	SC
WQZM490	PEA 193	Saint Joseph	MO
WQZM491	PEA 193	Saint Joseph	MO
WQZM492	PEA 250	Las Cruces	NM
WQZM493	PEA 066	Lansing	MI
WQZM494	PEA 066	Lansing	MI
WQZM495	PEA 333	Sidney	OH
WQZM496	PEA 321	Batesville	IN
WQZM497	PEA 123	Mansfield	OH
WQZM498	PEA 368	Concordia	KS
WQZM499	PEA 296	Pottsville	PA
WQZM500	PEA 290	Watertown	SD
WQZM501	PEA 290	Watertown	SD
WQZM502	PEA 037	Columbus	OH
WQZM503	PEA 037	Columbus	OH
WQZM504	PEA 361	Richfield	UT
WQZM505	PEA 303	Great Falls	MT
WQZM506	PEA 140	Fredericksburg	VA
WQZM507	PEA 140	Fredericksburg	VA
WQZM508	PEA 063	Tulsa	OK
WQZM509	PEA 413	Guam	Guam
WQZM510	PEA 102	Grand Junction	CO

AMERICAN OVERSIGHT

Call Sign	PEA Number	Municipality	State
WQZM511	PEA 316	Rock Springs	WY
WQZM512	PEA 366	Pullman	WA
WQZM513	PEA 366	Pullman	WA
WQZM514	PEA 353	Watseka	IL
WQZM515	PEA 113	Erie	PA
WQZM516	PEA 092	Decatur	IL
WQZM517	PEA 083	Fort Wayne	IN
WQZM518	PEA 064	South Bend	IN
WQZM519	PEA 058	Bloomington	IN
WQZM520	PEA 089	Columbia	SC
WQZM521	PEA 015	Phoenix	AZ
WQZM522	PEA 015	Phoenix	AZ
WQZM523	PEA 347	New Roads	LA
WQZM524	PEA 350	Forrest City	AR
WQZM525	PEA 293	Lawrenceburg	TN
WQZM526	PEA 310	Farmington	MO
WQZM527	PEA 196	Cape Girardeau	MO
WQZM528	PEA 145	Columbia	TN
WQZM529	PEA 174	Springfield	MO
WQZM530	PEA 161	Carbondale	IL
WQZM531	PEA 125	Alton	IL
WQZM532	PEA 273	Bloomington	IL
WQZM533	PEA 329	Kingsville	TX
WQZM534	PEA 385	Hannibal	MO
WQZM535	PEA 255	Greenville	MS
WQZM536	PEA 149	Biloxi	MS
WQZM537	PEA 175	Southaven	MS
WQZM538	PEA 030	Kansas City	MO
WQZM539	PEA 030	Kansas City	MO
WQZM540	PEA 020	Denver	CO
WQZM541	PEA 020	Denver	CO
WQZM542	PEA 012	Detroit	MI
WQZM543	PEA 012	Detroit	MI
WQZM544	PEA 393	Macon	MO
WQZM545	PEA 367	Moberly	MO
WQZM546	PEA 098	Johnson City	TN
WQZM547	PEA 055	Huntsville	AL
WQZM548	PEA 399	Lampasas	TX
WQZM549	PEA 375	Deming	NM
WQZM550	PEA 352	Gonzales	TX
WQZM551	PEA 358	Marble Falls	TX

AMERICAN OVERSIGHT

Call Sign	PEA Number	Municipality	State
WQZM552	PEA 337	Mineral Wells	TX
WQZM553	PEA 314	Jacksonville	TX
WQZM554	PEA 313	Lockhart	TX
WQZM555	PEA 275	Corsicana	TX
WQZM556	PEA 272	Brownwood	TX
WQZM557	PEA 221	Laredo	TX
WQZM558	PEA 201	Eagle Pass	TX
WQZM559	PEA 160	Victoria	TX
WQZM560	PEA 126	Casa Grande	AZ
WQZM561	PEA 133	Nacogdoches	TX
WQZM562	PEA 152	Tyler	TX
WQZM563	PEA 144	Paris	TX
WQZM564	PEA 096	Richmond	KY
WQZM565	PEA 021	Tampa	FL
WQZM566	PEA 021	Tampa	FL
WQZM567	PEA 110	Jackson	TN
WQZM568	PEA 243	Paducah	KY
WQZM569	PEA 078	Greensboro	NC
WQZM570	PEA 085	Charleston	SC
WQZM571	PEA 045	Raleigh	NC
WQZM572	PEA 093	Lafayette	LA
WQZM573	PEA 111	Fayetteville	AR
WQZM574	PEA 086	Frankfort	KY
WQZM575	PEA 082	Baton Rouge	LA
WQZM576	PEA 091	Colorado Springs	CO
WQZM577	PEA 090	Jackson	MS
WQZM578	PEA 397	Aliceville	AL
WQZM579	PEA 397	Aliceville	AL
WQZM580	PEA 108	Des Moines	IA
WQZM581	PEA 239	Kannapolis	NC
WQZM582	PEA 049	Albany	NY
WQZM583	PEA 041	Syracuse	NY
WQZM584	PEA 271	Elmira	NY
WQZM585	PEA 271	Elmira	NY
WQZM586	PEA 094	Waco	TX
WQZM587	PEA 330	Olney	IL
WQZM588	PEA 238	Florence	SC
WQZM589	PEA 154	Myrtle Beach	SC
WQZM590	PEA 389	McCook	NE
WQZM591	PEA 171	Fort Smith	AR
WQZM592	PEA 062	Dayton	OH

AMERICAN OVERSIGHT

Call Sign	PEA Number	Municipality	State
WQZM593	PEA 282	Galesburg	IL
WQZM594	PEA 168	Peoria	IL
WQZM595	PEA 198	Jonesboro	AR
WQZM596	PEA 216	Joplin	MO
WQZM597	PEA 232	Topeka	KS
WQZM598	PEA 164	Montgomery	AL
WQZM599	PEA 245	West Plains	MO
WQZM600	PEA 299	Kirksville	MO
WQZM601	PEA 183	Columbia	MO
WQZM602	PEA 150	Rolla	MO
WQZM603	PEA 222	Morristown	TN
WQZM604	PEA 244	Manhattan	KS
WQZM605	PEA 079	Hattiesburg	MS
WQZM606	PEA 099	Tupelo	MS
WQZM607	PEA 415	American Samoa	N/A
WQZM608	PEA 415	American Samoa	N/A
WQZM609	PEA 312	Farmington	NM
WQZM610	PEA 033	Virginia Beach	VA
WQZM611	PEA 033	Virginia Beach	VA
WQZM612	PEA 039	Oklahoma City	OK
WQZM613	PEA 039	Oklahoma City	OK
WQZM614	PEA 025	Cincinnati	OH
WQZM615	PEA 025	Cincinnati	OH
WQZM616	PEA 035	Austin	TX
WQZM617	PEA 035	Austin	TX
WQZM618	PEA 014	Cleveland	OH
WQZM619	PEA 014	Cleveland	OH
WQZM620	PEA 142	Merced	CA
WQZM621	PEA 142	Merced	CA
WQZM622	PEA 157	Yuma	AZ
WQZM623	PEA 157	Yuma	AZ
WQZM624	PEA 088	Frederick	MD
WQZM625	PEA 088	Frederick	MD
WQZM626	PEA 028	San Antonio	TX
WQZM627	PEA 028	San Antonio	TX
WQZM628	PEA 181	Texarkana	TX
WQZM629	PEA 050	Greenville	SC
WQZM630	PEA 043	Charlotte	NC
WQZM631	PEA 007	Boston	MA
WQZM632	PEA 007	Boston	MA
WQZM633	PEA 325	Bismarck	ND

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Call Sign	PEA Number	Municipality	State
WQZM634	PEA 388	Atlantic	IA
WQZM635	PEA 374	North Platte	NE
WQZM636	PEA 295	Stillwater	OK
WQZM637	PEA 306	Wichita Falls	TX
WQZM638	PEA 231	Fremont	NE
WQZM639	PEA 365	Vernon	TX
WQZM640	PEA 236	Grand Island	NE
WQZM641	PEA 281	Muskogee	OK
WQZM642	PEA 214	Lincoln	NE
WQZM643	PEA 278	Bartlesville	OK
WQZM644	PEA 114	Morgantown	WV
WQZM645	PEA 116	Rockford	IL
WQZM646	PEA 080	Omaha	NE
WQZM647	PEA 057	Richmond	VA
WQZM648	PEA 199	Dalton	GA
WQZM649	PEA 165	Rome	GA
WQZM650	PEA 054	Buffalo	NY
WQZM651	PEA 200	Danville	VA
WQZM652	PEA 240	Charlottesville	VA
WQZM653	PEA 167	Harrisonburg	VA
WQZM654	PEA 349	Marion	NC
WQZM655	PEA 205	Douglas City	CA
WQZM656	PEA 213	Bend	OR
WQZM657	PEA 364	Butte	MT
WQZM658	PEA 373	Walla Walla	WA
WQZM659	PEA 405	Jackson	WY
WQZM660	PEA 190	Bozeman	MT
WQZM661	PEA 369	Red Oak	IA
WQZM662	PEA 172	Duluth	MN
WQZM663	PEA 172	Duluth	MN
WQZM664	PEA 307	Yankton	SD
WQZM665	PEA 106	Zanesville	OH
WQZM666	PEA 097	Mankato	MN
WQZM667	PEA 052	Charleston	WV
WQZM668	PEA 059	Memphis	TN
WQZM669	PEA 377	Demopolis	AL
WQZM670	PEA 344	Clanton	AL
WQZM671	PEA 300	Selma	AL
WQZM672	PEA 311	Trinidad	CO
WQZM673	PEA 372	Colby	KS
WQZM674	PEA 359	Sterling	CO

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Call Sign	PEA Number	Municipality	State
WQZM675	PEA 115	Asheville	NC
WQZM676	PEA 360	Juneau	AK
WQZM677	PEA 360	Juneau	AK
WQZM678	PEA 212	Anchorage	AK
WQZM679	PEA 212	Anchorage	AK
WQZM680	PEA 341	Alamogordo	NM
WQZM681	PEA 130	Spokane	WA
WQZM682	PEA 087	Pensacola	FL
WQZM683	PEA 166	Redding	CA
WQZM684	PEA 124	Olympia	WA
WQZM685	PEA 328	Winslow	AZ
WQZM686	PEA 109	Rocky Mount	NC
WQZM687	PEA 100	Greenville	NC
WQZM688	PEA 103	Winchester	VA
WQZM689	PEA 301	Rochester	MN
WQZM690	PEA 301	Rochester	MN
WQZM691	PEA 381	Del Rio	TX
WQZM692	PEA 095	Bluefield	WV
WQZM693	PEA 191	Petersburg	VA
WQZM694	PEA 177	Savannah	GA
WQZM695	PEA 024	Saint Louis	MO
WQZM696	PEA 024	Saint Louis	MO
WQZM697	PEA 184	Ruston	LA
WQZM698	PEA 246	Auburn	AL
WQZM699	PEA 192	Fayetteville	NC
WQZM700	PEA 173	Blacksburg	VA
WQZM701	PEA 202	Columbus	GA
WQZM702	PEA 249	Bryan	TX
WQZM703	PEA 356	Colville	WA
WQZM704	PEA 229	Saint George	UT
WQZM705	PEA 257	Cheyenne	WY
WQZM706	PEA 217	Lubbock	TX
WQZM707	PEA 189	Alexandria	LA
WQZM708	PEA 242	Lake Charles	LA
WQZM709	PEA 235	Amarillo	TX
WQZM710	PEA 220	Odessa	TX
WQZM711	PEA 120	Shreveport	LA
WQZM712	PEA 135	Beaumont	TX
WQZM713	PEA 317	Beatrice	NE
WQZM714	PEA 283	Plattsburgh	NY
WQZM715	PEA 227	Watertown	NY

AMERICAN OVERSIGHT

Call Sign	PEA Number	Municipality	State
WQZM716	PEA 210	Binghamton	NY
WQZM717	PEA 104	Fort Collins	CO

AMERICAN OVERSIGHT

From: Matthew Berry
To: Brian Hart
Subject: Fw: Re:
Date: Friday, October 16, 2020 5:04:47 PM

From: Thomas Johnson <Thomas.Johnson@fcc.gov>
Sent: Friday, October 16, 2020 5:02 PM
To: Matthew Berry <Matthew.Berry@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Subject: Re: Re:

A new effort by the Federal Communications Commission to rethink the legal shield that applies to social-media sites drew widespread rebukes this week, as critics faulted the agency for reversing its past positions in the face of mounting public pressure from the White House.

The agency's move threatens to strike at the heart of a critical federal law known as Section 230, which for decades has spared tech giants from being held accountable for the ways they police their platforms. Ajit Pai, the FCC's Republican chairman, unveiled his plans to "clarify" the scope of those protections hours after Facebook and Twitter took the rare step of limiting the reach of a New York Post story about Democratic presidential candidate Joe Biden and his family, angering President Trump and his top supporters.

The FCC is an independent agency, and historically, it has sought to emphasize its separation from the White House. But some critics still saw the FCC's timing as politically peculiar. Only a year ago, top FCC aides had told the Trump administration privately that they did not want to pursue regulation around online speech, according to four people with direct knowledge of the talks, who spoke on condition of anonymity to describe confidential proceedings. The comments came as part of a series of conversations convened by the White House designed to explore potential regulation targeting Silicon Valley.

AD

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Pai himself previously had expressed opposition to new FCC regulation targeting social-media sites. On Thursday, however, he set the agency on a path toward issuing new rules around Section 230, citing concerns shared by “all three branches of government” about the tech giants’ behavior.

“Social media companies have a First Amendment right to free speech,” said Pai, who tweeted his statement at 2:30 p.m. “But they do not have a First Amendment right to a special immunity denied to other media outlets, such as newspapers and broadcasters.”

The FCC declined comment. An agency official, speaking only on the condition of anonymity, stressed there had been no contact between the White House and the commission prior to Pai’s announcement. The source said that Pai’s position had remained consistent over time, since the action he is eyeing on Section 230 is not the same as direct regulation of online speech.

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The White House did not respond to a request for comment.

The Technology 202: Silicon Valley's prized legal shield is increasingly in jeopardy as Republicans escalate attacks

The FCC's maneuver quickly sent shockwaves through Washington. Democrats blasted the agency, and the party's senior-most official at the FCC raised the prospect of political interference.

"The timing of this effort is absurd," said Commissioner Jessica Rosenworcel. "The only logical conclusion is that the agency is acting at the behest of the president to intimidate platforms in the late days of the campaign. That's not right. The FCC has no business being the president's speech police."

Some conservatives also pilloried the FCC for setting its policymaking process in motion. "Twitter and Facebook are dead wrong on this, though the First Amendment protects their right to be wrong," said Jesse Blumenthal, who leads technology and innovation policy at Stand Together, a group backed by Charles Koch. "The answer to bad speech is more speech, not ineffective attempts to suppress information."

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Democrats and Republicans generally agree there is need to rethink Section 230, which has come to shield the web's most popular, profitable sites and services from being held accountable for wrongdoing. But Democrats have sought to reform the law in an attempt to thwart harmful content, including political disinformation, from proliferating across the web — while Republicans instead are motivated by allegations of political bias.

GOP lawmakers, led by Trump, for years have argued that Facebook, Google and Twitter systematically suppress conservative users and websites — presenting only scattershot anecdotal evidence of their claims amid a flurry of denials from major tech companies. But they escalated their attacks this week, after Facebook limited the reach of the New York Post's reports about the Biden family, the evidence for which purportedly had been gleaned from a laptop abandoned at a Delaware repair shop. Twitter, meanwhile, blocked users from sharing links to those stories. The White House and the Trump campaign blasted the tech giants for their decisions, and the president once again called for repealing Section 230.

"When government granted these protections," Trump tweeted Thursday, "they created a monster!"

Facebook and Twitter take unusual steps to limit spread of New York Post story

The FCC, meanwhile, initiated a lengthy agency process to explore potential changes to the immunity granted under the law. The agency started examining the need for new regulations after Trump signed a controversial executive order this summer that aimed to enhance the government's power to police how political speech is handled on the web. The FCC plans to release the legal rationale for its reasoning next week, agency leaders have said.

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AD

Pai's announcement broke from his past public comments on the issue, according to experts. Asked at an August 2018 event about the FCC's ability to police social media, for example, the chairman stressed that the agency "does not regulate them" and does not "have the authority under the laws that have been passed by Congress and the Constitution, of course, under the First Amendment."

"So from that perspective they are not going to be regulated in terms of free speech," Pai continued, stressing these tech companies should instead commit to transparency. He said consumers and competition otherwise would correct any ills: "If they want to focus on cats to the exclusion of dogs, ultimately, it's a market that's going to capitalize. There are a lot of dog owners out there who say it's a step too far. . . and they'll move to some other platform."

"The government doesn't have a role in solving every single ill that we identify on these platforms," Pai said.

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An FCC official, speaking on condition of anonymity, said Pai embarked on the new policymaking process in response to recent events, including a statement this week from conservative Supreme Court Justice Clarence Thomas, who appeared to invite efforts to challenge Section 230 and the immunity it confers on tech giants.

Pai's critics, however, saw in the agency's efforts the influence of months of Trump's tweets, public statements and policy pronouncements.

One source recalled a summer 2019 meeting in which White House aides and top officials from the FCC and other agencies discussed a precursor to the social-media order Trump signed this year. The person, who requested anonymity to discuss private deliberations, said some participants at the time expressed concern that independent federal agencies such as the FCC, comprised of Democratic and Republican members, might not have the votes to adopt any new regulations targeting political speech. In response, the White House appeared to issue a threat, signaling they could replace agency commissioners who fail to act, the source recalled.

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Months later, Trump nominated Nathan Simington, an aide at the Commerce Department, to serve as a new Republican member of the FCC. Simington has played a critical role in crafting the Commerce Department's formal request to the FCC, asking it formally wade into the debate over Section 230, according to two people familiar with the matter who requested anonymity to discuss government deliberations. Trump last week called on Senate Republicans to confirm Simington promptly.

Trump eyes 'concrete legal steps' against social media sites for alleged bias against conservatives

Outside of the FCC, other Republicans this week descended on the industry: Many GOP lawmakers have slammed the companies and pledged to press Facebook CEO Mark Zuckerberg, Google CEO Sundar Pichai and Twitter CEO Jack Dorsey about the allegations of political censorship at an already scheduled hearing days before the 2020 election. Sen. Lindsey Graham, the GOP leader of the Senate Judiciary Committee, plans to hold a vote Tuesday to authorize a subpoena that could force Twitter CEO Jack Dorsey to appear at a second congressional grilling in October.

Republican state attorneys general said they are also setting their sights on the tech companies, three weeks after Trump gathered the GOP leaders at the White House to encourage them to probe political bias.

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"Many of us are ready to take action," Jeff Landry, the Republican attorney general from Louisiana, said on Friday, stressing in the meantime he thought the U.S. government should "fine them, file an injunction, [and] shut them down" for their handling of the New York Post story.

Any FCC action on Section 230 could take months, meaning the future of the agency's efforts rest on the outcome of the 2020 presidential election. Some aides to Pai even have confided they are disinclined to proffer any new rules at all, according to two of the sources, who said they had received mixed signals about the FCC's intentions.

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Friday, October 16, 2020 4:59 PM
To: Thomas Johnson <Thomas.Johnson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Subject: Re: Re:

Can you send around the text?

From: Thomas Johnson <Thomas.Johnson@fcc.gov>
Sent: Friday, October 16, 2020 4:59 PM
To: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Subject: Re: Re:

https://www.washingtonpost.com/technology/2020/10/16/fcc-facebook-twitter-section-230/

AMERICAN OVERSIGHT



FCC push to rethink legal protections for tech giants marks major turn after months of political pressure

In seeking to reevaluate the law, the FCC and its Republican chairman, Ajit Pai, waded into a politically contentious debate about the power and reach of the nation's largest technology companies in the heat of an election year

www.washingtonpost.com

From: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Sent: Friday, October 16, 2020 10:47 AM
To: Thomas Johnson <Thomas.Johnson@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Subject: Re: Re:

https://thehill.com/hilltv/rising/521347-rising-october-16-2020?jwsource=cl



Rising: October 16, 2020

thehill.com

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From: Thomas Johnson <Thomas.Johnson@fcc.gov>
Sent: Friday, October 16, 2020 10:41 AM

AMERICAN OVERSIGHT

To: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Subject: Re: Re:

https://twitter.com/SenRickScott/status/1317100543563730945?s=20



Rick Scott on Twitter

"Glad to see @AjitPaiFCC and the @FCC addressing this issue. On October 28th at the @SenateCommerce hearing we will get more information directly from tech CEOs under oath. https://t.co/eZSni39cVL"

twitter.com

From: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Sent: Friday, October 16, 2020 10:37 AM
To: Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Subject: Re:

https://twitter.com/marcorubio/status/1317083977212170240



Marco Rubio on Twitter

"This is long overdue. As I wrote yesterday, the egregious instances of censorship & partisan content moderation by social media companies like @Twitter & @Facebook are brazen attempts to twist & manipulate America's public square. https://t.co/au4qCGBVUr https://t.co/pJeaPXZzmH"

twitter.com

Evan Swarztrauber
Policy Advisor
Office of Chairman Ajit Pai
Federal Communications Commission
(202) 418-2261 (o)
(202) 870-8405 (m)
Twitter: @EvanS_FCC

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From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Friday, October 16, 2020 10:19 AM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject:

https://twitter.com/ChadPergram/status/1317107081409953793

AMERICAN OVERSIGHT

From:	Ajit Pai
To:	Montana L. Hyde; Evan Swarztrauber; Matthew Berry; Nicholas Degani
Subject:	Fw: Speaking Invitation from Northeastern University
Date:	Wednesday, November 11, 2020 9:06:46 AM
Attachments:	A. Pai - Northeastern Invitation Letter Nov 9 2020.pdf

---

From: LaRock, J.D. <jd.larock@northeastern.edu>
Sent: Wednesday, November 11, 2020 8:41 AM
To: Ajit Pai <Ajit.Pai@fcc.gov>
Subject: Speaking Invitation from Northeastern University

Dear Chairman Pai,

Hello, this is J.D. LaRock, Professor of Law and Policy at Northeastern University. I hope this note finds you well!

As you'll recall, our students had the pleasure of meeting with you at FCC headquarters in 2018, as part of our annual **National and International Leaders' Intensive** we hold each year in Washington, D.C. I'm writing today to invite you to join this year's Leaders' Intensive, which will be held virtually, on Zoom, from **December 2-4, 2020**.

You were a tremendous hit with our students two years ago, and we're quite eager to have you back! I'm hoping you'll be able to spare an hour or so to connect with our doctoral students this year.

Attached, please find a formal invitation -- I'd be happy to work with you or your staff on the details.

Thanks in advance for your consideration, and I look forward to hearing from you!

With respect and appreciation,
J.D.

Dr. J.D. LaRock
Professor of the Practice of Law and Policy, Northeastern University
Member, Massachusetts Board of Higher Education
(617) 435-3224 (cell)

AMERICAN OVERSIGHT

Northeastern University
College of Professional Studies

November 10, 2020

ATTN: The Honorable Ajit Pai
Chairman, Federal Communications Commission

Dear Chairman Pai,

On behalf of Northeastern University's Doctor of Law and Policy program, I'm pleased to extend this invitation for you to speak once again at our annual **National and International Leaders' Intensive**, which will be held via Zoom on December 2, 3, and 4, 2020.

As you'll recall, Northeastern's Doctor of Law and Policy program is an executive doctorate program that attracts mid- to senior-level professionals from the U.S. and around the world who work in business, government, the non-profit sector, the military and more. Our student body is highly diverse: nearly 50% of our current students are people of color, and more than half are women. Our students are also highly diverse in their experiences, political beliefs, and policy interests.

Each year, we hold an "intensive" in Washington, D.C., during which our students hear from high-profile leaders and figures from Congress, the executive and judicial branches of U.S. government, administrative and advocacy organizations, and the media. In addition to meeting with you in 2018, our students have met with (among others):

- U.S. Supreme Court Justice Clarence Thomas
- Secretary of the Smithsonian Institution Lonnie Bunch
- U.S. House Minority Leader Kevin McCarthy
- National Institute of Medicine President Victor Dzau
- U.S. Senator Ed Markey and Representatives Jim McGovern & Joe Kennedy III
- Former U.S. Health and Human Services Secretary Sylvia Mathews Burwell
- Archivist of the United States David Ferriero
- Julian Barnes of *The New York Times*, Jake Sherman of *Politico* and Steve Scully of C-SPAN.

We would be exceptionally honored to have you join our speaking program this year. Due to the pandemic, this year's Leaders' Intensive will be held entirely on Zoom. If you can join us, you would address a group of about 35 first- and second-year doctoral students, all of whom are working adults. Ideally, we would like to have you with us for a 60-minute session, consisting of a short informal talk or introductory comments, followed by Q&A and discussion. The Zoom session will not be recorded, and details of the discussion will be kept strictly confidential.

We would welcome your insights on any topic you'd like to speak about. Our students would be especially keen to hear reflections on your achievements during President Trump's first term, your perspectives on net neutrality and expanding broadband access, and how the pandemic has affected your work and the FCC's agenda.

At this point, our schedule is flexible; we'd be happy to work with you to identify the time slot and slot length on December 2, 3, or 4 that would work best for you. You can contact me directly at jd.larock@northeastern.edu, or by phone at (617) 435-3224 to arrange the details.

Thank you very much for your consideration! We look forward to hearing from you.

With respect and appreciation,

J. D. LaRock

Dr. J.D. LaRock
Professor of the Practice of Law and Policy

Doctor of Law and Policy

30 Belvidere
360 Huntington Ave.
Boston, MA 02115

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northeastern.edu/dlp

AMERICAN OVERSIGHT

From: Brian Hart
To: Matthew Berry; Nicholas Degani; Ajit Pai; Thomas Sullivan; Evan Swarztrauber; Paul Jackson
Subject: Fw: STATEMENT: Chairman Pai on Section 230
Date: Thursday, October 15, 2020 2:48:33 PM

[redacted]

[redacted]

From: Make, Jonathan <jmake@warren-news.com>
Sent: Thursday, October 15, 2020 2:43 PM
To: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>
Subject: Re: STATEMENT: Chairman Pai on Section 230

Good afternoon, FCC PR folks.

Will there be any further information about the NPRM substance and timing?

We are currently writing a news bulletin about this, and then we will also have some thing longer in tonight's regular issue.

Thanks.

> On Oct 15, 2020, at 2:31 PM, FCC Office of Media Relations <FCCOfficeofMediaRelations@fcc.gov> wrote:
>
> <image002.jpg>
>
> **Media Contact:**
> Brian Hart, (202) 418-0505
> brian.hart@fcc.gov
>
> **For Immediate Release**
>
> **STATEMENT OF CHAIRMAN PAI ON SECTION 230**
>
> WASHINGTON, October 15, 2020—Federal Communications Commission Chairman Ajit Pai issued the following statement today on Section 230 of the Communications Act:
>
> "Members of all three branches of the federal government have expressed serious concerns about the prevailing interpretation of the immunity set forth in Section 230 of the Communications Act. There is bipartisan support in Congress to reform the law. The U.S. Department of Commerce has petitioned the Commission to 'clarify

AMERICAN OVERSIGHT

ambiguities in section 230.' And earlier this week, U.S. Supreme Court Justice Clarence Thomas pointed out that courts have relied upon 'policy and purpose arguments to grant sweeping protections to Internet platforms' that appear to go far beyond the actual text of the provision.

"As elected officials consider whether to change the law, the question remains: What does Section 230 currently mean? Many advance an overly broad interpretation that in some cases shields social media companies from consumer protection laws in a way that has no basis in the text of Section 230. The Commission's General Counsel has informed me that the FCC has the legal authority to interpret Section 230. Consistent with this advice, I intend to move forward with a rulemaking to clarify its meaning.

"Throughout my tenure at the Federal Communications Commission, I have favored regulatory parity, transparency, and free expression. Social media companies have a First Amendment right to free speech. But they do not have a First Amendment right to a special immunity denied to other media outlets, such as newspapers and broadcasters."

###

Office of Chairman Pai: (202) 418-1000 / Twitter: @AjitPaiFCC / www.fcc.gov/leadership/ajit-pai

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

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From: Ashley Boizelle
To: Matthew Berry; Nicholas Degani
Cc: Thomas Johnson
Subject: FYI
Date: Thursday, October 15, 2020 9:23:41 AM
Attachments: RE CA Preemption Litigation - Comments on PI Draft and Amended Complaint.msg
Fwd EXTERNAL New documents American Cable Association et al v. Becerra (Doc# 72 E.D. Cal. 218-cv-02684-JAM-DB).msg

---

Hi all - I'm going to miss the Teams meeting this morning because I have a call at 9:30 and then will be listening to the Tri-Country argument. DOJ's CA preemption reply was filed yesterday (attached), and so were the ISP replies (also attached).

Ashley Boizelle
Deputy General Counsel
Federal Communications Commission
ashley.boizelle@fcc.gov
202.418.1736

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From:	Angstreich, Scott H.
To:	Thomas Johnson; Ashley Boizelle
Cc:	Brill, Matthew
Subject:	Fwd: [EXTERNAL] New documents: American Cable Association et al v. Becerra (Doc# 72, E.D. Cal. 2:18-cv-02684-JAM-DB)
Date:	Wednesday, October 14, 2020 6:12:04 PM
Attachments:	2020-10-14 Reply [dckt 72_0].pdf 2020-10-14 Reply [dckt 72_1].pdf 2020-10-14 Reply [dckt 72_2].pdf

---

Tom / Ashley -

Here is what we filed today in the California case. Hope you're both doing well.

– Scott

Scott H. Angstreich
KELLOGG, HANSEN, TODD, FIGEL & FREDERICK, P.L.L.C.
Sumner Square | 1615 M Street, N.W. | Suite 400 | Washington, DC 20036
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To: Angstreich Scott H. <sangstreich@kellogghansen.com>, Parkinson Alex A. <aparkinson@kellogghansen.com>, Pope Leslie V. <lpope@kellogghansen.com>, Oak Anna M. <aoak@kellogghansen.com>
Subject: [EXTERNAL] New documents: American Cable Association et al v. Becerra (Doc# 72, E.D. Cal. 2:18-cv-02684-JAM-DB)

American Cable Association et al v. Becerra

Docket entry number: 72

REPLY by CTIA - The Wireless Association, NCTA - The Internet & Television Association, USTelecom The Broadband Association to RESPONSE to [53] Motion for Preliminary Injunction,. (Attachments: # (1) Declaration Reply Declaration of Ken Klaer, # (2) Declaration Reply Declaration of Michael D. Paradise)(Lewis, Marc) (Entered: 10/14/2020)

Date entered: 2020-10-14

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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

AMERICAN CABLE ASSOCIATION, CTIA – THE WIRELESS ASSOCIATION, NCTA – THE INTERNET & TELEVISION ASSOCIATION, and USTELECOM – THE BROADBAND ASSOCIATION, on behalf of their members,

Plaintiffs,

v.

XAVIER BECERRA, in his official capacity as Attorney General of California,

Defendant.

Case No. 2:18-cv-02684

REPLY IN SUPPORT OF PLAINTIFFS' RENEWED MOTION FOR PRELIMINARY INJUNCTION

Judge: Hon. John A. Mendez

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FCC-22-1100-A-000243

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SB-822 (Cal. 2018) ..... *passim*

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INTRODUCTION

California and its amici argue that, after *Mozilla*, states are free to regulate Plaintiffs' members' interstate broadband services, including in ways Congress and the FCC expressly rejected. A century of federal precedent and *Mozilla* itself refute those arguments. The *Mozilla* majority explicitly recognized that "state practice[s] [that] actually undermine[]" the FCC's regulatory choices are subject to "conflict preemption." *Mozilla Corp. v. FCC*, 940 F.3d 1, 85 (D.C. Cir. 2019) (per curiam). Although the majority held that, in light of 47 U.S.C. § 152(b), the FCC could not "categorically" preempt all state regulation in advance, *id.* at 81-82, it rejected the "suggestion that [*Mozilla*] leaves no room for implied preemption" as incorrectly "confus[ing]" the limits on the FCC's "authority to expressly preempt" with the "preemptive effect of the [FCC's] regulatory choices." *Id.* at 85. The *Mozilla* majority did not reach whether the Communications Act itself provides a basis for field, express, or conflict preemption, considering only the FCC's express preemption authority.

With *Mozilla* read properly, Plaintiffs are likely to succeed on the merits. First, for more than a century, Congress has conferred on federal regulators exclusive jurisdiction to directly regulate *interstate* communications services. California does not dispute that SB-822 defines broadband in a manner that directly regulates interstate communications and neither it nor its amici point to a single prior instance of such direct regulation by any state. Second, SB-822 regulates and sets rates for mobile broadband in violation of Congress's express preemption of state interference with private mobile services. Third, Congress did not allow states to contradict its pre-1996 Act decision to prohibit common carrier regulation of information services and private mobile services. Instead, conflict preemption bars California's attempt to impose obligations on those services that federal law forbids. Fourth, SB-822 second guesses decisions the FCC made in exercising its statutory authority to classify broadband services and to adopt an enforceable transparency regime as the core of its regulatory approach. Conflict preemption exists to prevent states from acting at odds with such federal purposes.

Because SB-822 is unconstitutional, Plaintiffs' members would be irreparably harmed if subjected to it during the pendency of this litigation. Plaintiffs' members would also be faced

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with the sort of specific "Hobson's choices" that are well-established to constitute irreparable harm — either expose themselves to the risk of enforcement actions under an unconstitutional law or suffer losses to their revenues, goodwill, and business reputation. In contrast, California has not shown that any harm is likely if the enforcement of SB-822 is further delayed while this Court considers its constitutionality. Despite a baker's dozen declarations and five amicus briefs, California cannot point to a single harm since the 2018 Order took effect. Instead, those declarations and briefs rehash facts and raise policy arguments the FCC already considered and rejected. A preliminary injunction would thus preserve the status quo, under which the Internet remains open and flourishing — even under the increased demands during the COVID-19 pandemic — thanks to Plaintiffs' members' enforceable commitments to preserve core principles of Internet openness.

ARGUMENT

I. Plaintiffs Are Likely To Succeed on the Merits

A. Field Preemption Applies Because SB-822 Directly Regulates Interstate Communications Services

For more than a century Congress has drawn — and courts have enforced — a bright-line jurisdictional division: the FCC has (and the ICC before it had) exclusive jurisdiction over interstate communications services; states have jurisdiction over intrastate services. *See Glob. Tel*Link v. FCC*, 866 F.3d 397, 402 (D.C. Cir. 2017) (Communications Act "divides power between individual states and the FCC"); *NARUC v. FCC*, 746 F.2d 1492, 1498 (D.C. Cir. 1984) (Congress created a "dividing line between the regulatory jurisdictions of the FCC and states"); *see also* Internet Scholars Br. 6-9. Neither California nor its amici confront that more than 100-year history.[1] And notwithstanding California's dismissal (at 31) of 47 U.S.C.

[1] This extensive "history of significant federal presence" precludes any presumption against preemption. *United States v. Locke*, 529 U.S. 89, 108 (2000). Likewise, and notwithstanding the States' argument (at 2), 47 U.S.C. § 414 reserves to the states only "now existing" (in 1934) common law remedies or statutes. In the context of direct regulation over interstate communications, none existed: Congress had "tak[en] possession of the field" 24 years earlier. *See W. Union Tel. Co. v. Boegli*, 251 U.S. 315, 316 (1920). In all events, § 414 "preserves only those rights that are 'not inconsistent' with statutory requirements elsewhere in the" Communications Act. *Telesaurus VPC, LLC v. Power*, 623 F.3d 998, 1010 (9th Cir. 2010).

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§ 152(a) as a "general statement," courts have *always* held that provision — like its intrastate corollary, § 152(b) — is jurisdictional. *See*, *e.g.*, *United States v. Midwest Video Corp.*, 406 U.S. 649, 661 (1972) (§ 152(a) provides the FCC exclusive "jurisdiction"); *AT&T Corp. v. Core Commc'ns, Inc.*, 806 F.3d 715, 720 (3d Cir. 2015) (§ 152(a) gives FCC exclusive "jurisdiction").

California does not dispute that SB-822 defines the service it seeks to regulate directly to include interstate communications between California Internet users and servers located across the country. *See* Pls.' Mem. 12; Cal. Civ. Code § 3100(b). Yet California and its amici do not (because they cannot) identify a prior instance where any state has ever directly regulated how providers operate and manage their interstate communications services.[2] Instead California cites (at 36) a case concerning state regulation of a mandatory arbitration provision in consumer contracts, not a state attempt to regulate interstate long-distance service itself. *See Ting v. AT&T*, 319 F.3d 1126, 1136 (9th Cir. 2003). And it cites cases (at 36) where a state exercised the limited authority Congress granted states in 1996 in 47 U.S.C. §§ 251 and 252, which have no application here. *See Verizon New England, Inc. v. R.I. Pub. Util. Comm'n*, 822 A.2d 187, 193 (R.I. 2003); *In re Verizon New England, Inc.*, 173 Vt. 327, 342 (2002); Internet Scholars Br. 9-10.[3]

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[2] The States point (at 8) only to other recent state statutes that attempt to reinstate some of the 2015 Order's rules. We have also challenged the Vermont statute — as another bellwether case — and Vermont has agreed not to enforce its law in light of these pending motions. *See* Order, *Am. Cable Ass'n v. Scott*, No. 2:18-cv-167-cr (D. Vt. Sept. 25, 2020) ECF No. 54. *See also infra* n.14 (discussing associations' challenges to Maine ISP privacy statute).

[3] Also inapposite are California's cases (at 35) about state laws prohibiting the inclusion of prices in ads broadcast over the radio (not regulating the radio station's service), *see Head v. New Mexico Bd. of Examiners in Optometry*, 374 U.S. 424, 432 (1963), and compelling CNN to include closed captions in videos it transmits over the Internet (not regulating the ISPs' service), *see Greater L.A. Agency of Deafness, Inc. v. Cable News Network, Inc.*, 742 F.3d 414, 431 (9th Cir. 2014). Equally inapposite are cases the States cite (at 4) about line items on customers' bills, which have nothing to do with the management or operation of the service those customers buy. *See Universal Serv. Fund Tel. Billing Practice Litig.*, 619 F.3d 1188, 1196 (10th Cir. 2010) (following *Ting*); *cf. In re NOS Commc'ns*, 495 F.3d 1052, 1057 (9th Cir. 2007) (rejecting claim for removal based on complete preemption). And *Metrophones Telecomms., Inc. v. Glob. Crossing Telecomms., Inc.*, 423 F.3d 1056 (9th Cir. 2005), which California (at 34) and the

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California also cites (at 35) instances in which a state regulated the *intra*state portion of a service that is jurisdictionally mixed, having both interstate and intrastate components. States may do so under § 152(b), unless those portions are inseverable so that *intra*state regulation "would interfere with achievement of a federal regulatory goal" as to the *inter*state portion, in which case "the [FCC's] jurisdiction is paramount." *CCIA v. FCC*, 693 F.2d 198, 214 (D.C. Cir. 1982). It was the FCC's effort in the 2018 Order to use its express preemption authority "to wipe out a broader array of state" laws than these "conflict preemption principles would allow" that led the *Mozilla* court to hold that the FCC had "tread[] into an area — State regulation of intrastate communications" — as to which § 152(b) "severely circumscribes" the FCC's power. *Mozilla*, 940 F.3d at 74, 76, 78; *see also id.* at 79-80, 85 (citing § 152(b)).[4]

But Congress's preservation in § 152(b) of state authority over *intra*state communications is irrelevant where, as here, a state law undisputedly seeks to directly regulate the jurisdictionally *inter*state aspects of a service. Such *inter*state services are "to be governed solely by federal law" because "Congress intended to occupy the field." *E.g.*, *Worldcom, Inc. v. Graphnet, Inc.*, 343 F.3d 651, 654 (3d Cir. 2003).[5]

Congress's enactment of provisions expressly preempting specific categories of state regulation is entirely compatible with Congress's longstanding field preemption of direct state regulation of interstate communications services. The provisions California cites (at 34)

States (at 3) cite, involved payphones, which can be used to make intrastate calls, and Congress's express preemption of inconsistent state regulation of that intrastate service.

[4] California erroneously suggests (at 34) that *Mozilla* is incompatible with field preemption. The only state authority the *Mozilla* court identified was over "intrastate broadband" (a service the court simply assumed existed), which § 152(b) preserved. 940 F.3d at 80-81. California's suggestion (at 35 n.34) that field preemption would conflict with limits on the FCC's express preemption authority is the same kind of "confus[ion]" between agency express and implied preemption the *Mozilla* majority criticized. *Id.* at 85.

[5] Our position is not, as California claims (at 37), that there is *no* "state authority to regulate information services." It is settled that some state regulation of *intra*state information (formerly called enhanced) services is not preempted. *See California v. FCC*, 39 F.3d 919, 932-33 (9th Cir. 1994); *California v. FCC*, 905 F.2d 1217, 1242-45 (9th Cir. 1990). The States overreach (at 9) in making similar claims, ignoring that courts have already held they are preempted from regulating other interstate services, *e.g.*, Voice over Internet Protocol. *See*, *e.g.*, *Minnesota Pub. Util. Comm'n v. FCC*, 483 F.3d 570, 580-81 (8th Cir. 2007).

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preempt state laws regarding the sending of obscene or indecent communications or the publishing of offensive material, *see* 47 U.S.C. §§ 223(f)(2), 230(e)(3), rights of way and zoning, *see id.* §§ 253, 332(c)(7), or cable television equipment and local franchising, *see id.* §§ 544(e), 556(c). None addresses state laws that directly regulate an interstate service. Other provisions California cites (at 34) expressly preempt state regulation of *intra*state communications services, thus reducing the state authority § 152(b) preserved. *See id.* §§ 276(c) (preempting inconsistent state regulation of *intra*state payphone service); 332(c)(3) (preempting state regulation of intrastate mobile services, "[n]otwithstanding sections 152(b) and 221(b)"); 543(a)(1) (preempting inconsistent state regulation of intrastate cable rates). They have no bearing here.[6]

California also suggests incorrectly (at 33) that the degree of "power" an agency may exercise within a field is relevant to field preemption. It is not. The question is whether a statute reflects Congress's intent to exclude state regulation from that field. *See Nat'l Fed'n of the Blind v. United Airlines Inc.*, 813 F.3d 718, 733-34 (9th Cir. 2016). On that question, the Supreme Court has been clear since Congress first regulated interstate communication services: that legislation "was an occupation of the field by Congress which excluded state action." *Postal Tel.-Cable Co. v. Warren-Godwin Lumber Co.*, 251 U.S. 27, 31 (1919); *see* Pls.' Mem. 11 n.6.[7] Because SB-822 concededly treads upon that assignment of exclusive jurisdictional authority by directly regulating interstate communications services, it is field preempted.

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[6] "[A]n express provision does not categorically preclude courts from applying principles of implied preemption," *Metrophones*, 423 F.3d at 1072, but is a suggestion to be taken no further than "logic and common sense" permit, *Longview Fibre Co. v. Rasmussen*, 980 F.2d 1307, 1313 (9th Cir. 1992).

[7] California notes (at 36) that certain cases we cited (at 11) did not apply field preemption to hold a state law regulating an interstate communications service preempted. But that is because there is no history of states attempting to directly regulate the provision of an interstate communications service. And in each of the cases we cited, the court recognized the Communications Act's comprehensive, "broad scheme for the regulation of interstate service" indicates "intent on the part of Congress to occupy the field." *Ivy Broad. Co. v. AT&T Co.*, 391 F.2d 486, 490 (2d Cir. 1968). (While *Ivy* applied this reasoning to hold that state regulation of rates and charges is preempted, it did not suggest, as the Internet Scholars claim (at 4), that the Communication Act's preemptive effect is limited to rates and charges.)

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B. The Act Expressly Preempts SB-822's Regulation of Private Mobile Services

California does not dispute (at 37-39) that SB-822 regulates private mobile services. SB-822 is therefore subject to Congress's express preemption of state attempts "to regulate the entry of or the rates charged by" such a service. 47 U.S.C. § 332(c)(3)(A).[8]

First, SB-822 regulates the "entry" of private mobile services. Courts and the FCC have recognized that § 332 preempts not only state laws that affect literal market entry, but also "conditions" on or obstacles to the *continued* provision of mobile services. *Fedor v. Cingular Wireless Corp.*, 355 F.3d 1069, 1072 (7th Cir. 2004); *see Telesaurus*, 623 F.3d at 1008 (post-entry tort liability); Declaratory Ruling & Third Report & Order, *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Inv.*, 33 FCC Rcd. 9088, ¶ 36 n.84 (2018) (§ 332 means that states lack "authority to require that providers offer certain types or levels of service") (subsequent history omitted).

Second, SB-822's ban on certain zero-rating is expressly preempted because it regulates "the rates charged" by an ISP by making it unlawful to charge customers $0 for some data, while charging a non-zero rate for other data. California's assertion (at 39) that ISPs "can charge as much or as little as they like" ignores that SB-822 prohibits such differential pricing. *See* Roden Decl. ¶¶ 10-15. That is rate regulation because it "affect[s] the amount that a user is charged." *NASUCA v. FCC*, 457 F.3d 1238, 1254 (11th Cir. 2006).

C. SB-822 Is Invalid Under the Conflict Preemption Doctrine

1. SB-822 Conflicts with Congress's Prohibition on Common Carrier Regulation of Information Services and Private Mobile Services

As we showed (at 14-18), SB-822 also is preempted because it imposes common carrier obligations on providers of "information services" and "private mobile services" in direct conflict with the Communications Act's prohibitions on such regulation. *See* 47 U.S.C. §§ 153(51), 332(c)(3). California and its amici do not dispute that SB-822 imposes common carrier regulation,[9] that ISPs offer information and private mobile services, or that federal law

[8] This express preemption provision defeats "any presumption against pre-emption." *Puerto Rico v. Franklin Cal. Tax-Free Tr.*, 136 S. Ct. 1938, 1946 (2016).

[9] California asserts in a footnote (at 28 n.25) that it "do[es] not concede" this point, but

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prohibits common carrier regulation of those services. And California's arguments that it may regulate those providers as common carriers even though the FCC may not are unavailing.[10]

California stumbles out of the gate in arguing (at 28-29) that § 601(c)(1) of the Telecommunications Act of 1996 prevents a finding of conflict preemption. First, by its terms, § 601(c)(1) has nothing to do with preemption of post-1996 state enactments like SB-822 because it directed courts not to interpret the 1996 Act to implicitly override *then-existing* state or federal law.[11] Because "[a] 'savings clause' can only save what already exists," § 601(c)(1) only saves state regulation that existed "prior to the 1996 Act." *Verizon Md. Inc. v. RCN Telecom Servs.*, 232 F. Supp. 2d 539, 557 (D. Md. 2002). Second, and by contrast, the Communications Act's limitations on common carrier obligations pre-date the 1996 Act, and the savings clause thus confirms those limitations were meant to be carried forward. *See* 47 U.S.C. § 332(c)(3) (enacted in 1993); *Virgin Islands Tel. Corp. v. FCC*, 198 F.3d 921, 926-27 (D.C. Cir. 1999) (upholding FCC conclusion that then-§ 153(44) (now § 153(51)) carried forward pre-existing law). Third, even when construing provisions of the 1996 Act, courts have refused to read § 601(c)(1) broadly to "upset the regulatory scheme [Congress] envisioned." *In re FCC 11-161*, 753 F.3d 1015, 1120 (10th Cir. 2014); *see Qwest Corp. v. Minnesota Pub. Utils. Comm'n*, 684 F.3d 721, 730 (8th Cir. 2012); *Farina v. Nokia, Inc.*, 625 F.3d 97, 131 (3d Cir. 2010). Under that scheme, information and private mobile service providers are not to be regulated as common carriers.

California also misfires in arguing (at 29-30) that § 153(51) "restrict[s] only the FCC's

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that is "insufficient to avoid waiver." *Parrish v. Mabus*, 679 F. App'x 620, 621 (9th Cir. 2017).

[10] California's own expert agency agrees with us: "[A]ll enhanced or information services (in layman's terms, services relating to the Internet) are not subject to Title II common carrier regulations and, as a result, are broadly exempt from state communications regulations." Decision Issuing Revised General Order 168, Market Rules to Empower Telecommunications Consumers and to Prevent Fraud, Decision 06-03-013, at 38 (CPUC Mar. 2, 2006). California's assertion (at 20) that Congress intended otherwise does not square with the Communications Act, which specifies that it "shall apply to *all* interstate . . . communication by wire or radio." 47 U.S.C. § 152(a) (emphasis added).

[11] Congress preserves state *authority* using materially different language. *See*, *e.g.*, 21 U.S.C. § 346a(n)(8) ("Nothing in this chapter preempts the authority of any State or political subdivision to [take certain action]."). Here, there was no authority to preserve.

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authority to impose common carrier regulation." Plaintiffs have not argued that the statutory provisions prohibiting common carrier regulation of information and private mobile service providers *expressly* preempt SB-822. Rather, the problem is that SB-822 unavoidably *conflicts with* Congress's decision to make those services "statutorily immune . . . from treatment as common carriers." *Cellco P'ship v. FCC*, 700 F.3d 534, 538 (D.C. Cir. 2012). California (at 1) and the States (at 2) cannot sidestep that conflict by invoking their "traditional police power." The Supreme Court has made clear that, "when federal officials [including the FCC] determine . . . that restrictive regulation of a particular area is not in the public interest, States are not permitted to use their police power to enact such a regulation." *Capital Cities Cable, Inc. v. Crisp*, 467 U.S. 691, 708 (1984).[12] California's contrary assertions lack merit.[13]

2. SB-822 Conflicts with the 2018 Order

We also demonstrated (at 18-23) that SB-822 is preempted because it conflicts with the valid and statutorily authorized methods the FCC adopted to regulate broadband. This preemption arises not through any express preemption ruling by the FCC, but by virtue of the Supremacy Clause. California's arguments (at 14-27) all misapprehend this distinction.

California repeatedly asserts (*e.g.,* at 14-15) that, although the FCC had statutory authority to classify broadband as an information service and private mobile service and eliminate prescriptive regulations, it did not have "authority to preempt" states from re-imposing them. But that argument improperly conflates *express* preemption and *conflict* preemption,

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[12] California's cases (at 30) are inapposite. *City of Dallas v. FCC*, 165 F.3d 341, 345, 347-48 (5th Cir. 1999), which dealt with traditional state authority over access to local rights of way, does not suggest that states can regulate communications services in ways the FCC cannot. And in *Chamber of Commerce v. Whiting*, the Court found Arizona's law did "not conflict with the federal scheme," because its "requirement [was] entirely consistent with federal law." 563 U.S. 582, 608 (2011). In contrast, SB-822 directly conflicts with federal law.

[13] California fails (at 30 n.29) to meaningfully address *Transcontinental Gas Pipe Line Corp. v. State Oil & Gas Bd. of Miss*. It latches on to the "field-preemptive nature of the federal statutory scheme" in that case, but that is a distinction without a difference. In that case, Congress prohibited the federal agency from "regulat[ing] affirmatively particular" aspects of a product that Congress wanted to leave to "market forces," preempting contrary state regulation. 474 U.S. 409, 422 (1986). The same preference for market forces is evident here. *See* 47 U.S.C. § 230(b)(2).

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making the same mistake *Mozilla* expressly warned *against*: "confus[ing] (i) the scope of the Commission's authority to expressly preempt, with (ii) the (potential) implied preemptive effect of the regulatory choices the Commission makes that are within its authority." 940 F.3d at 85. And precisely because these issues are distinct, the *Mozilla* court did "not consider whether" the 2018 Order "ha[d] preemptive effect under principles of conflict preemption." *Id.*; *see id.* ("If the Commission can explain how a state practice actually undermines the [2018] Order, then it can invoke conflict preemption."). California's repeated statements (at 16, 20, 22) that conflict preemption cannot apply because "the FCC lacks statutory authority to impose net neutrality conduct rules" cannot be squared with the *Mozilla* court's explicit recognition that conflict preemption *would* apply where a state law actually undermines the 2018 Order. The *Mozilla* majority characterized the theory California now advances as a "straw man." 940 F.3d at 85.[14]

Under conflict preemption, the relevant question is whether the agency had authority to take the action with which the state law conflicts; if it did, the Supremacy Clause mandates that state law yield. *See Int'l Ass'n of Indep. Tanker Owners v. Locke*, 159 F.3d 1220, 1226 (9th Cir. 1998) (for conflict preemption, "an administrative agency's regulations have preemptive effect whenever Congress has authorized the agency to enact such regulations, not merely when Congress expressly has authorized the agency to preempt state law"). And here, there is no question that the FCC had power not only to reclassify broadband and adopt a transparency-based regime in lieu of heavy-handed conduct rules, but also to take policy considerations into account when doing so. *See NCTA v. Brand X Internet Servs*., 545 U.S. 967, 997 (2005) (holding that the FCC's decision to classify cable broadband as an information service was "a reasonable policy choice for the [Commission] to make"); *U.S. Telecomm. Ass'n v. FCC*, 825 F.3d 674, 707 (D.C. Cir. 2016) (affirming FCC determination that it was "necessary" to

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[14] California also cites (at 18) *ACA Connects v. Frey*, 2020 WL 3799767 (D. Me. July 7, 2020), which wrongly suggested that *Mozilla* foreclosed conflict preemption, *see Mozilla*, 940 F.3d at 85 (allowing for the possibility of "conflict preemption"). We did not raise a field preemption argument in that case, because regulating the use of customer data obtained while a customer uses a service is not direct regulation of the provision of that service itself; the regulation in that case did not restrict in any way what kinds of interstate communications services an ISP could provide. *But see* States' Br. 9.

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reclassify broadband as a telecommunications service to advance agency policy objectives); *Mozilla*, 940 F.3d at 26 (upholding FCC's construction of "ambiguous statutory phrase in a way that tallies with its policy judgment, as is its prerogative"). Indeed, the crux of "obstacle" preemption as applied to federal agency rulings is that state law must yield when at odds with the "full purposes and objectives" of the federal government. *Capital Cities*, 467 U.S. at 699. Thus, the FCC's statutorily authorized and judicially validated actions provide a valid basis for *conflict* preemption under the Supremacy Clause. *See*, *e.g.*, *Ray v. Atl. Richfield Co.*, 435 U.S. 151, 178 (1978) ("[W]here failure of federal officials affirmatively to exercise their full authority takes on the character of a ruling that no such regulation is appropriate or approved pursuant to the *policy* of the statute, States are not permitted to use their police power to enact such a regulation." (emphasis added)).[15]

II. SB-822 Will Subject Plaintiffs' Members to Immediate and Irreparable Harm

Plaintiffs' showing that they are likely to succeed on their Supremacy Clause challenges establishes irreparable harm. A "constitutional violation alone, coupled with the damages incurred, can suffice to show irreparable harm." *Am. Trucking Ass'ns, Inc. v. City of L.A.*, 559 F.3d 1046, 1058 (9th Cir. 2009); *see* Pls.' Mem. 23. California claims (at 40) that a constitutional violation so qualifies only if it concerns "*personal* constitutional rights." Other district courts in this Circuit have rejected this same argument, explaining that this "distinction between personal and structural constitutional rights is not recognized in the Ninth Circuit."

[15] California attempts to distinguish *Ray* by claiming (at 23) that the Court "beg[a]n with the premise that the [agency] has the authority to establish" regulations that the state had enacted. But the same is true here: as noted, *Mozilla* upheld the FCC's authority to classify broadband as an information service and private mobile service and to adopt a transparency-based regime. *See Mozilla*, 940 F.3d at 35, 47. For similar reasons, California's reliance (at 18 & 24 n.18) on Justice Thomas's concurrence in the denial of certiorari in *Lipschultz v. Charter Advanced Servs. (MN)*, 140 S. Ct. 6, 7 (2019), is misplaced, as the FCC's classification decision under §§ 153(51) and 332(c)(3) and imposition of a transparency requirement under § 257 are not "self-made agency policy" (Calif. Br. at 18), but rather exercises of statutory authority the *Mozilla* court held Congress had delegated. In any event, Justice Thomas's concurring opinion calls for a *change* to existing precedent, including cases such as *Ray* and *Capital Cities*, which hold that federal agency policy *does* create a proper predicate for conflict preemption and are binding on this Court.

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Cty. of Santa Clara v. Trump, 250 F. Supp. 3d 497, 538 (N.D. Cal. 2017).[16]

Moreover, Plaintiffs' members are faced with precisely the sort of dilemma that courts regularly find constitutes immediate and irreparable harm. *See Am. Trucking*, 559 F.3d at 1057-58. Where, as here, "plaintiffs are faced with 'Hobson's choice' of continually violating a law and exposing themselves to potentially huge liability or suffering the injury of obeying the law during the pendency of the proceedings and any further review, the Ninth Circuit has found imminent harm" sufficient for injunctive relief. *Olson v. California*, 2020 WL 905572, at *14 (C.D. Cal. Feb. 10, 2020). As we explained (at 23-28), our members face "a very real penalty . . . regardless of how they proceed," *Am. Trucking*, 559 F.3d at 1057-58. They can continue with current practices and face the threat of enforcement actions and interference in ongoing contracts, or discontinue practices that might be prohibited by SB-822 and suffer monetary losses, forgone business opportunities and innovative offerings, and loss of customer goodwill.[17]

California Civil Code § 3101(a)(5), (6). We established (at 26-27) — and California does not dispute (at 45-46) — that SB-822's prohibition on certain zero-rating arrangements will require Plaintiffs' members to risk enforcement actions or cancel existing zero-rating offerings and suffer a loss to their reputation and goodwill. *See* Roden Decl. ¶¶ 21-23. California claims (at 46) that it is speculative whether Plaintiffs' members will suffer a loss in reputation and goodwill if millions of customers are suddenly deprived of a feature of their existing contracts that gives more data for the same amount of money. But it is well-accepted

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[16] California suggests (at 41 & n.39) that *United States v. California* changes the analysis. Not so. The Ninth Circuit observed that this Court's conclusion — that showing the California law likely violated the Supremacy Clause would also satisfy the irreparable harm requirement — was "consistent" with precedent. 921 F.3d 865, 893 (9th Cir. 2019). The Ninth Circuit's discussion of the federal government's failure to "present compelling evidence" of "harm[]" arose in the context of balancing the equities — not irreparable harm. *Id.* at 894.

[17] *See also*, *e.g.*, *Chamber of Commerce of U.S. v. Becerra*, 438 F. Supp. 3d 1078, 1105 (E.D. Cal. 2020) (irreparable harm requirement satisfied; plaintiffs faced a "Hobson's choice" between "the risk of potential criminal and civil penalties if they are found to have violated the new [California] law" or abandoning arbitration agreements with employees); *Cty. of Santa Clara*, 250 F. Supp. 3d at 537-38 (the Supreme Court and Ninth Circuit have "indicated that plaintiffs suffer irreparable injury" "by being forced to comply with an unconstitutional law or else face financial injury or enforcement action").

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— and good sense — that a company that is prevented from fulfilling a promise to its customers is likely to suffer a loss in reputation and goodwill and, therefore, irreparable harm. *See*, *e.g.*, *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 841 (9th Cir. 2001) (safe manufacturer would suffer irreparable harm if unable to deliver safes as promised). California attempts to minimize this harm by claiming (at 46) that "all providers serving customers in California" will suffer the same loss. But irreparable harm is no less irreparable because it is experienced by many companies, rather than a few.[18]

California Civil Code § 3101(a)(1), (2), (7). We showed (at 28) that SB-822 creates substantial legal uncertainty about network-management practices that will force Plaintiffs' members to choose between the risk of enforcement actions and taking active steps to manage network congestion for the benefit of their entire customer base. *See* McCormick Decl. ¶¶ 18-20. California never addresses this factual showing or the amorphous Internet conduct standard, instead arguing (at 41-42) only that SB-822 will not cause harm because Plaintiffs' members have committed not to block or throttle content. But we showed that, even as to those provisions, harms arise from the significant uncertainty regarding whether California will interpret them broadly to encompass practices well beyond what the industry understands as blocking or throttling. *See* McCormick Decl. ¶ 21. California's only response is to assert (at 44-45) that whether it will bring such actions is "purely speculative." But Plaintiffs' members will suffer irreparable harm regardless of how California ultimately decides to enforce SB-822. The threat of enforcement and "uncertainties surrounding [the law's] implementation" create a "Hobson's choice" between risking non-compliance and assuming the costs of ensuring compliance with an unconstitutional law. *Becerra*, 438 F. Supp. 3d at 1103-04.[19]

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[18] California also attempts (at 46) to dismiss the costs of complying with SB-822 as "incidental." But these economic losses — unrecoverable due to sovereign immunity — contribute to the irreparable harm Plaintiffs' members will suffer. *See Pac. Merch. Shipping Ass'n v. Cackette*, 2007 WL 2914961, at *3 (E.D. Cal. Oct. 5, 2007) ("irreparable harm" from "complying with the regulations" where "Eleventh Amendment" prohibits recovery). In any event, as we showed, compliance costs are far more than "incidental." *See* Pls.' Mem. 25-26.

[19] None of the cases California cites (at 44-45) addresses a party facing the threat of an enforcement action. Three suggest the possibility of future *private* lawsuits is insufficient to

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California Civil Code § 3101(a)(3), (9). We argued (at 24-26) that SB-822's restrictions on interconnection go beyond the 2015 Order and are likely to interfere with ongoing commercial negotiations and existing contracts, resulting in lost revenues, business reputation, and goodwill. California disputes this, claiming that SB-822's restrictions are coextensive with the limits the FCC placed on interconnection in the 2015 Order. *Compare* Defs' Mem. 44 *with* Pls.' Mem. 22. Because the Attorney General is "the chief law officer" charged with ensuring "the laws of the State are uniformly . . . enforced," this construction should be applied in all future enforcement actions. *See* Cal. Const. Art. V, § 13.[20] But even if SB-822 only imposes the same "utility-style regulation" as the 2015 Order, re-imposing this regulation will cause irreparable harm by disrupting what has long been, and is again today, a well-functioning unregulated commercial marketplace. *See* 2018 Order ¶ 169; Klaer Decl. ¶¶ 4-16, 39; Paradise Decl. ¶¶ 4, 25, 28; Klaer Reply Decl. ¶¶ 2, 4-6; Paradise Reply Decl. ¶¶ 6-7.

California contends (at 43) that these harms are uncertain. But Plaintiffs are not required to do the impossible and show that, if California enforces SB-822, every one of these harms is absolutely certain to occur. Rather, as California's own cases (at 43) confirm, Plaintiffs need only show that harm is likely. *See Titaness Light Shop, LLC v. Sunlight Supply, Inc.*, 585 F. App'x 390, 391 (9th Cir. 2014) (no irreparable harm; plaintiff "simply asserted" harms and offered *no evidence* indicating "irreparable harm . . . is *likely*"); *Herb Reed Enters., LLC v. Fla. Entm't Mgmt., Inc.*, 736 F.3d 1239, 1250 (9th Cir. 2013) (no irreparable harm where record contained *no evidence* supporting a "likelihood of irreparable harm"). Plaintiffs have met that

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establish irreparable harm. *See Caribbean Marine Servs. Co. v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988); *Mason v. Granholm*, 2007 WL 734990, at *2 (E.D. Mich. Mar. 7, 2007); *Bofi Fed. Bank v. Erhart*, 2016 WL 4680291, at *8 (S.D. Cal. Sept. 7, 2016). But government enforcement actions carry a materially greater risk of irreparable harm than private litigation. Another case finds that a plaintiff's need to file private lawsuits, absent an injunction, is not irreparable harm. *See Sterling Commercial Credit-Mich., LLC v. Phoenix Indus. I, LLC*, 762 F. Supp. 2d 8, 17 (D.D.C. 2011). The fifth case does not address future litigation at all. *See Perfect 10, Inc. v. Google, Inc.*, 653 F.3d 976 (9th Cir. 2011).

[20] *See also* Cal. Gov. Code §§ 12510, 12511, 12550; *cf. Forsyth Cty. v. Nationalist Movement*, 505 U.S. 123, 131 (1992) (considering local government's "authoritative constructions" of the law) (collecting cases).

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standard here. *See* Klaer Decl. ¶¶ 16, 21-23, 39; Paradise Decl. ¶¶ 30-35, 37-38.[21]

III. The Equities and the Public Interest Favor an Injunction

In contrast to the foregoing harms, California cannot show that any harm would result if SB-822 remains suspended, as it has been since January 1, 2019. Notwithstanding its litany of declarations and multiple amicus briefs — and even though the FCC's light-touch framework has been in effect since June 2018 — California points to no harm that has occurred during the last two-plus years. California instead relies on warmed-over policy objections that the FCC rejected in the 2018 Order and speculative theories about what broadband providers might do. Far from causing any harm to competition or consumers, the status quo has been characterized by exemplary broadband performance — even in the face of extraordinary network demands associated with COVID-19. This Court thus should preserve the status quo.

In essentially seeking to relitigate its unsuccessful appeal of the FCC's 2018 Order, California relies overwhelmingly (at 48) on recitations of alleged ISP misconduct that took place before *2015*.[22] In the 2018 Order, the FCC explicitly rejected the same arguments on which the State now relies, and it accordingly abrogated the 2015 Order the State seeks to reanimate. The FCC found instead that a light-touch regulatory regime was optimal — as the transparency-based regime and market forces would promote increased investment and innovation while effectively deterring any abusive conduct — and the D.C. Circuit held that its policy judgments were reasonable. *See* Pls.' Mem. 9, 21-22; *Mozilla*, 940 F.3d at 47-49, 50-52, 56, 73. Critically, the 2018 Order also found that the claimed pre-2015 abuses were illusory and did not support imposing restrictive conduct obligations on ISPs. *See* 2018 Order ¶¶ 109-116; *see also* 2015 Order ¶¶ 200-201 (finding that the "record reflects competing narratives"

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[21] While California incorrectly suggests (at 42 n.42) that its declarations identify unspecified "inaccuracies" in Plaintiffs' declarations, the Court need not resolve these inessential purported factual disputes to decide Plaintiffs' Motion. In any event, it is California's declarants that have provided inaccurate or incomplete information. *See*, *e.g.*, Klaer Reply Decl. ¶¶ 8-11, 13-16; Paradise Reply Decl. ¶¶ 8, 10-13, 15-18.

[22] *See*, *e.g.*, Schaeffer Decl. ¶¶ 13-30, 42 (describing events "prior to the adoption of the 2015 Open Internet Order"); Márquez Decl. ¶ 20 (describing a 2009 incident); Kronenberg Decl. ¶¶ 12-20 (describing events "[p]rior to the FCC's *2015 Open Internet Order*"); Nakatani Decl. ¶ 9 (describing a 2015 event and a 2016 event).

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regarding interconnection for the exchange of Netflix traffic); 2018 Order ¶ 168 (finding the record "devoid of evidence of consumer harm" regarding interconnection in recent years). The 2015 Order's policy statements and factual findings are therefore irrelevant to this case, which comes to the Court five years later and under a different regulatory regime, which *Mozilla* upheld, that has resulted in today's well-functioning broadband marketplace.[23]

Unable to point to actual harms, California posits (at 50) *the mere possibility* that Plaintiffs' members will now — suddenly and more than two years after the 2018 Order took effect — choose to engage in some allegedly harmful conduct that SB-822 would prevent. Of course, this is groundless speculation founded (again) on a mischaracterization of the regulatory regime in place.[24] California also ignores Plaintiffs' members' enforceable commitments to preserve core principles of Internet openness, just as the States (at 9-10) and Internet Scholars (at 2, 7) ignore that the 2018 Order confirmed those commitments are enforceable by the FTC and state attorneys general. *See* Pls.' Mem. 7, 29 (citing 2018 Order ¶¶ 141-142 & n.511, 196, 244). At bottom, California's brief is a transparent attempt to relitigate policy determinations the FCC made in the 2018 Order, which the D.C. Circuit upheld on appeal, rejecting arguments California and others made against them.

CONCLUSION

The Court should grant Plaintiffs' motion and preliminarily enjoin SB-822.

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[23] The only alleged instance California cites that post-dates the 2018 Order comes from the Bowden Declaration. But California presented the same declaration in *Mozilla* in a brief conceding that Bowden described events "unrelated to net neutrality" that "would not have been prevented" under the 2015 Order. Chamber Br. at 7 (quoting Gov't Petitioner *Mozilla* Brief).

[24] The supposed harms identified in the State's numerous declarations likewise are nothing more than conjecture. *See*, *e.g.*, Kronenberg Decl. ¶¶ 29-31 (asserting that pre-2015 "problems are likely to reappear" but not citing any instances of recurrence since 2018 Order); Dolgenos Decl. ¶ 5 (asserting that ISPs "will be able to charge higher fees" absent expanded conduct rules without identifying any instance where an ISP has done so or explaining how SB-822 would regulate rates (contrary to its avowed scope)); Nakatani Decl. ¶ 8 (asserting without evidence that changed conduct by ISPs "*could* slow emergency assistance" (emphasis added)). Similarly, Philo's claim that it faces "ongoing" threats based on the speculative prospect that Charter might introduce data caps, McCollum Decl. ¶ 16, falls far short of establishing any concrete harm — Philo fails to point to any existing or planned measure in the marketplace, let alone show that it will cause harm to Philo or anyone else.

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Dated: October 14, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on October 14, 2020, I electronically submitted the attached document to the Clerk's Office using the U.S. District Court for the Eastern District of California's Electronic Document Filing System (ECF).

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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

AMERICAN CABLE ASSOCIATION, CTIA – THE WIRELESS ASSOCIATION, NCTA – THE INTERNET & TELEVISION ASSOCIATION, and USTELECOM – THE BROADBAND ASSOCIATION, on behalf of their members,

Plaintiffs,

v.

XAVIER BECERRA, in his official capacity as Attorney General of California,

Defendant.

Case No. 2:18-cv-02684

REPLY DECLARATION OF KEN KLAER OF COMCAST IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Judge: Hon. John A. Mendez

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I, Ken Klaer, declare as follows.

1. My name is Ken Klaer. I am Executive Vice President of Comcast Technology Solutions, a division of Comcast Cable Communications ("Comcast"). I am responsible for overseeing Comcast's commercial Internet traffic exchange arrangements with hundreds of networks, edge providers, and other third parties, and am very familiar with Comcast's network infrastructure and practices. I previously submitted a declaration in support of Plaintiffs' Renewed Motion for Preliminary Injunction ("Klaer Decl."). I submit this reply declaration to respond to the declaration filed by Dave Schaeffer, CEO of Cogent Communications, Inc. ("Cogent Decl.") to correct the record on certain inaccurate or misleading claims therein,[1] as well as to address some points raised in the declaration of Dr. Scott Jordan, Professor of Computer Science at the University of California, Irvine ("Jordan Decl.").

2. At the outset, it is important to emphasize that there is no real-world interconnection problem for SB-822 to address. The interconnection marketplace has been operating well and is competitive, as I described previously. *See* Klaer Decl. ¶¶ 7-16. Nor will the interconnection-related provisions of SB-822 help consumers; instead, these provisions could result in Internet service providers ("ISPs") like Comcast bearing greater costs and many edge providers being deprived of an efficient competitive alternative to reliably transmit high-quality content and other services to millions of end users. Finally, while Cogent presents a skewed and misleading version of our companies' prior dealings (as discussed further below), the larger competitive context here is more illuminating. Because Cogent rightly views ISPs as rising competitors in its space that can continue to attract high-volume interconnection business away from third-party intermediary networks, it naturally would prefer to have an aggressively interpreted version of SB-822 as a tool to limit that competition.

[1] This reply declaration does not address every inaccurate or misleading statement in the Cogent declaration.

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Comcast and Other ISPs Are Not "Terminating Access Monopolies"

3. Cogent and Dr. Jordan claim that Comcast and other large ISPs have a so-called "terminating access monopoly" over access to their broadband customers. Cogent Decl. ¶ 37; Jordan Decl. ¶ 42. Cogent further argues that ISPs have the incentive and the ability to degrade their customers' broadband service as an interconnection bargaining tactic given the lack of competition in the broadband marketplace. *See* Cogent Decl. ¶ 37; *see also id.* ¶¶ 49, 61. These statements are incorrect and do not square with marketplace realities.

4. The broadband marketplace in which Comcast operates is competitive. The vast majority of our customers have access to at least two fixed broadband providers, as well as multiple mobile broadband options. According to data published by the Federal Communications Commission, 86.7 percent of Californians have access to two or more fixed broadband providers offering speeds of at least 25 Mbps downstream and 3 Mbps upstream as of June 2019.[2] Broadband providers of every technology – cable, telco/fiber, fixed and mobile wireless, and satellite – are heavily investing to bring high-quality competing service options to consumers. Given this competition, Comcast and other ISPs have strong incentives to ensure the high quality of their customers' broadband experience, including ubiquitous access to online video options.

5. Nor do Comcast and other ISPs have monopolies over access to their customers. Online video providers and other edge providers are not required to enter into direct paid interconnection arrangements with Comcast or other ISPs in order to reach ISP customers. There are dozens of alternative pathways for edge providers to interconnect to Comcast's

[2] Federal Communications Commission, Broadband Map, https://broadbandmap.fcc.gov/#/ (figure includes all fixed broadband services excluding satellite) (last visited Oct. 12, 2020).

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network and reach Comcast's customers without paying Comcast directly (e.g., third-party transit providers, content distribution networks ("CDNs"), and other intermediary networks). Opting instead to pay for dedicated, direct interconnection arrangements is entirely optional for edge providers. In fact, the overwhelming majority of edge providers do *not* enter into such arrangements with Comcast or other ISPs (nor would they ever need to consider doing so), and instead utilize a wide variety of intermediary "transit" networks like Cogent that offer these alternative routes to deliver traffic to Comcast or other ISP networks. *See* Klaer Decl. ¶ 9. It is thus no surprise that, as Cogent itself repeatedly states, the transit marketplace is "competitive." *See* Cogent Decl. ¶¶ 62, 65.

6. At the same time, of course, certain edge providers and other interconnecting parties may decide it makes more sense to "cut out the middleman" and choose to enter into direct interconnection agreements with Comcast so that they can route their traffic directly to Comcast's network on a dedicated connection, and bypass paying intermediary, shared third-party networks like Cogent. Transit services, such as those provided by Cogent, use shared routes, so an edge provider using these services to reach Comcast's network could be impacted by large competing traffic demands of others sharing the same transit links. Direct, dedicated interconnection arrangements alleviate that issue and thus can provide more predictable and consistent delivery of the edge provider's traffic. To attract this business, Comcast's prices for interconnection must be competitive. In fact, average prices for transit/interconnection services have precipitously dropped year-over-year over the past decade and continue to fall on a per-megabit basis. A marketplace dominated by "terminating access monopolies" would not have these hallmarks of competition.

7. Importantly, Comcast does not utilize interconnection to extract tolls for *access* to its customers, since that access is available *without* any payment to Comcast. Payment

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simply reflects the benefits of acquiring a direct, dedicated routing path to Comcast's network, without the need for a middleman transit provider. Comcast can provide, and charge for, these direct links *not* because it has a large number of broadband customers, but because, as Cogent itself acknowledges, Comcast made substantial investments to build out its own backbone facilities. *See* Cogent Decl. ¶¶ 10-11 & n.5. It is the presence of that robust, geographically broad backbone that enables Comcast to offer edge providers and CDNs direct interconnection services. To be sure, such investments make the most sense for larger ISPs with more substantial networks, so smaller ISPs may not take this step; these smaller ISPs are thus reliant on transit providers for all connections into (and off) their network. But having made that substantial backbone infrastructure, Comcast *is* able to offer direct, dedicated interconnection services to interested interconnection customers.

Comcast Offers a Competitive Option for Edge Providers and Others That Wish To Connect Directly

8. Given the importance of ensuring a quality broadband experience for its customers, Comcast proactively works with its interconnection partners on network and capacity planning in order to ensure sufficient interconnection port capacity to help avoid network congestion. Contrary to Cogent's claims, Comcast did not and does not "let" unpaid settlement-free interconnection ports congest in order to "incentivize" edge providers into uneconomical paid peering arrangements. *See* Cogent Decl. ¶¶ 13-20, 25 n.14. Doing so would jeopardize Comcast's relationship with its own broadband customers, a relationship far more important and remunerative than any payment Comcast receives from direct interconnection partners that agree to share the costs of interconnection and upgrading port capacity. The network congestion Cogent describes in its declaration was a problem of Cogent's own creation

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– one that Cogent attempted to leverage in order to obtain greater interconnection capacity for free from Comcast so that it could then sell this capacity to edge providers for Cogent's benefit.

9. As I explained previously, *see* Klaer Decl. ¶¶ 11-12, Comcast provides settlement-free interconnection – i.e., where no monetary payment is made in either direction – primarily to other large backbone providers and providers like Cogent that offer a generally balanced exchange of traffic (within a reasonable ratio) with Comcast. These settlement-free links are necessary for Comcast to connect to the rest of the Internet. During the 2012-2015 period Cogent references in its declaration, *see* Cogent Decl. ¶¶ 13-20, Cogent sold transit service to Netflix and other content providers at a significant discount, which resulted in these providers sending extremely large amounts of traffic over Cogent's interconnection ports with Comcast. Cogent's traffic into Comcast's network grew by nearly *500 percent* over a very short time period. This completely overwhelmed Cogent's existing spare capacity into Comcast's network, resulting in a highly unbalanced exchange of traffic. *See* Klaer Decl. ¶ 27. Put simply, Cogent sold more capacity to Netflix and other content providers than was actually available on the routes it had arranged into Comcast's network – capacity that Cogent did not pay for – which led to congestion at Cogent's interconnection ports into Comcast and other ISP networks. This also all happened very quickly, and outside of any cooperative capacity planning process. During this time, Comcast did not "simply continue[] to allow congestion to occur." Cogent Decl. ¶ 18. Comcast could not – and does not – ever knowingly allow all its settlement-free links to congest, as this would severely impair the performance of Comcast's broadband network overall and impact its customers' Internet experience.[3] Because of this, Cogent had the

[3] Comcast in fact pointed out during this dispute that it had multiple other non-congested routes into its network, including settlement-free links, that had ample spare capacity to carry the additional traffic of the edge providers that were routing their traffic through Cogent.

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leverage to try to force Comcast's hand. Thus, while Comcast repeatedly offered to enter into discussions with Cogent about increasing its port capacity, and even supplied additional capacity on a complimentary basis in the hopes of reaching a commercial solution, Cogent refused to discuss any kind of commercial arrangement with Comcast. *See* Klaer Decl. ¶ 27. And *Cogent* later admitted to deliberately slowing traffic from several of its largest customers, including Netflix, during this specific period.[4]

10. Cogent also claims that Comcast stopped upgrading Cogent's interconnection ports after the FCC's 2018 Order went into effect and was only willing to expand interconnection capacity in October 2018 right after SB-822 passed. Cogent Decl. ¶ 80. Neither of these claims is accurate. In fact, Comcast consistently upgraded Cogent's ports throughout the 2015-2018 period, several times each year. The parties' capacity discussions in 2017 and 2018 were not prompted by SB-822 and instead were related to traffic management issues involving a third party that is both a Cogent customer and Comcast interconnection partner, which Comcast was able to resolve with that party in 2018. Notably, the software download issue that another Cogent customer, Panic, experienced on Comcast's network in early 2018 – which Cogent points to as an example of congestion at Cogent ports – confirms that Comcast's willingness to expand capacity for Cogent was unrelated to the passage of SB-822. *See id.* As the March 5, 2018 Panic blog post explains, Comcast worked cooperatively with Panic and even connected Panic with Cogent to resolve the issue by adding more capacity

[4] *See* Dan Rayburn, *Cogent Now Admits They Slowed Down Netflix's Traffic, Creating a Fast Lane & Slow Lane*, STREAMING MEDIA BLOG (Nov. 5, 2014), https://www.streamingmediablog.com/2014/11/cogent-now-admits-slowed-netflixs-traffic-creating-fast-lane-slow-lane.html; *see also* Jon Brodkin, *During Netflix Money Fight, Cogent's Other Big Customers Suffered Too*, ARS TECHNICA (Nov. 5, 2014), https://arstechnica.com/information-technology/2014/11/during-netflix-money-fight-cogents-other-big-customers-suffered-too/.

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for Cogent – all months before SB-822 was enacted.[5] This occurred even though Panic is a Cogent customer with whom Comcast does not have a direct contractual relationship.

11. More generally, Cogent presents no evidence that the edge providers that choose to pay Comcast instead of paying Cogent or other intermediaries for interconnecting with Comcast's network are paying more or getting inferior service. In fact, the opposite is true. As noted, Comcast's interconnection prices are competitive; on a per-megabit basis, interconnection prices overall continue to decline year-over-year, as they have over the past decade. And these direct, dedicated interconnection arrangements can reduce the number of "hops" over which the traffic must travel, which minimizes the risk of congestion and improves the delivery of edge provider content. Comcast also offers its direct interconnection partners the ability to interconnect deeper into the Comcast network at our regional hubs, closer to the end user customers than the large settlement-free interconnection points, which are spread out more sparsely at a few sites across the country. *See* Klaer Decl. ¶ 15. Direct interconnection also creates longer-term stability because Comcast works with its direct interconnection partners to cooperatively plan for their capacity needs over the term of an agreement. These dedicated arrangements are altogether voluntary and mutually beneficial. As Cogent forthrightly acknowledges in its most recent annual report, "as some of our customers grow larger *they may decide* to build their own Internet backbone networks or enter into direct connection agreements with telephone and cable companies that provide Internet service to consumers."[6] In short, as a result of edge provider demand – especially large edge providers that send substantial traffic –

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[5] Cabel Sasser, *The Mystery of the Slow Downloads*, PANIC BLOG, https://panic.com/blog/mystery-of-the-slow-downloads (Mar. 5, 2018). According to Panic, the congestion also was caused by Cogent's traffic engineering choices. *Id.*

[6] Cogent Communications, Inc., 2019 Annual Report (Form 10-K), at 10 (Feb. 28, 2020), https://cogentco.com/files/docs/about_cogent/investor_relations/reports/10k_report_2019.pdf (emphasis added).

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and Comcast's own ability to accommodate and service that demand, Comcast is offering edge providers an attractive competitive alternative to middlemen like Cogent. And this is really the concern animating Cogent's advocacy for regulatory interference with ISPs' interconnection arrangements: As Cogent goes on to note in its annual report, "[a] migration of a few very large Internet users to their own networks, or to special networks that may be offered by major telephone and cable providers of last mile broadband connections to consumers . . . could impair our growth, cash flow and profitability."[7] It is not surprising that Cogent views SB-822 as a potential regulatory avenue to reduce or hamstring this newfound competition.

The Costs of Ever-Increasing Free Port Capacity Are Not Trivial

12. Cogent asserts that, in 2014, it offered to pay for Comcast's costs for upgrading port capacity and suggests that these costs are "minimal" and "small." *See* Cogent Decl. ¶¶ 16, 28. According to Cogent, the capital cost to upgrade a port is "less than $10,000." *Id.* ¶ 14. However, the costs of upgrading ports – i.e., adding new hardware and establishing additional cross-connects – are not the primary issue. They are a drop in the bucket relative to the full cost to Comcast of supplying greater interconnection capacity to settlement-free partners whose traffic is out of reasonable balance with our traffic. As Dr. Jordan acknowledges, "[t]he cost of the equipment located at interconnection points constitutes a very small percentage of each party's costs for transporting traffic between the two parties. Overall costs are dominated by the costs of having and running content servers and transporting traffic across networks, rather than the cost of the physical equipment at interconnection points." Jordan Decl. ¶ 56. Invariably, if transit providers like Cogent had substantial excess capacity to sell to edge providers, that capacity would be used to deliver much greater volumes of traffic to our network in inefficient

[7] *Id.*

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ways – for example, handing off traffic in New York that is bound for California because that is more convenient for Cogent (but not necessarily for its edge provider or CDN customers), or shifting traffic to certain ports to make them capacity constrained in order to leverage further capacity upgrades even while other ports remain underutilized.

13. Cogent depicts the issue as the broadband provider merely making its "doors" (i.e., ports) "large enough" to handle all the traffic sent by an interconnecting party like Cogent. Cogent Decl. ¶ 5. Switching analogies, Cogent says "[t]hink of two fast-moving eight-lane highways that are connected by only one lane – the congestion is caused by the connecting road, not the highways." *Id.* ¶ 17. Cogent also claims that, from the point of interconnection, broadband providers "only ha[ve] to pay for transporting the traffic [across] the last step – from the interconnection point closest to the customer to the customer." *Id.* ¶ 52. These statements, individually and taken together, paint an overly simplistic picture of our network and related costs that ISPs incur to manage the network.

14. First, it is not just one "door" but dozens of doors that need to be enlarged constantly. As noted, a great deal of that added capacity will be used inefficiently. Interconnecting parties like Cogent have wide leeway as to how they route traffic and can drop traffic off in different locations at different times, with no notice to the receiving ISP. The volumes of traffic that Cogent and other transit providers send to our network ebb and flow; Cogent's position appears to be that ISPs must keep all ports open for any notional maximum of traffic in all locations, and at all times. But it cannot be the responsibility of ISPs like Comcast to ensure that there is always and immediately sufficient capacity to handle any possible traffic spike from an interconnecting network no matter where it is delivered – and to bear those enormous, unpredictable costs alone. To do so would require maintaining vastly excessive

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spare capacity at every port and would create serially stranded facilities where excess capacity is not needed.

15. Second, while Cogent's network may be accurately characterized as a wide highway, Comcast's network is more properly thought of as dozens of interconnected regional networks, comprised of hundreds of metro networks. In short, Comcast's network is the whole highway system within its footprint, plus all the city streets and blocks. Thus, depending on where a party like Cogent drops off its traffic, the so-called "last step" may involve carrying that traffic *thousands* of miles along many different routes. If all the settlement-free ports into our network were large enough for Cogent and others to send as much traffic as they may wish, without regard to overall balance of traffic, our ability to efficiently manage traffic within our network would be severely impaired, resulting in poor quality and reliability for millions of our customers. For this reason, having rational direct agreements with large traffic-sending parties that pay some consideration makes sense, as it promotes reasonable planning and cooperation and responsible capacity forecasts. Otherwise, the burdens to Comcast's network management of unlimited free capacity for everyone could be significant to the point of shifting some of the added costs to end-user customers. This would not be an acceptable outcome.

It Is Not Realistically Feasible for Comcast and Other ISPs To Isolate California Internet Traffic

16. Cogent and Dr. Jordan suggest that Comcast and other ISPs can readily comply with SB-822's interconnection provisions by simply isolating and measuring traffic to and from customers in California, or, according to Cogent, by just upgrading interconnection ports in California as it would to accommodate normal growth in Internet traffic. *See* Cogent Decl. ¶¶ 67, 74; Jordan Decl. ¶¶ 52-53. But separating out California traffic from all other Comcast Internet traffic is not realistically feasible. As a contractual matter, Comcast's direct interconnection arrangements with edge providers generally are based on the total amount of

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traffic exchanged, and do not separate out traffic delivery on a state-by-state basis. Given how these agreements are structured, complying with SB-822's interconnection requirements is not "merely a billing issue." *See* Jordan Dec. ¶ 54. As a technical matter, as I explained in my prior declaration, Comcast, as well as its interconnection partners, would likely need to re-route traffic to ensure it is exchanged regionally within the state, which would require costly changes to regional traffic exchange facilities. Klaer Decl. ¶ 33. A simple measurement of California traffic would not allow for the adequate separation of California traffic and all other Comcast Internet traffic necessary to comply with SB-822's interconnection provisions. *See* Jordan Decl. ¶ 54. And even if Comcast and other ISPs were forced to implement these costly changes to separate California traffic, such a mandate would provide an opportunity for arbitrage as intermediary networks would be incentivized to route substantial amounts of Internet traffic, even traffic destined for customers outside of California, to interconnection points within the State. This too would impose costly network upgrades on Comcast and other ISPs in order to accommodate the artificial surge in interconnection demands within California and avoid a degradation of service for Comcast customers as well as those of other ISPs. *See* Klaer Decl. ¶¶ 34-35. Although Cogent and Dr. Jordan claim that, under SB-822, transit providers like Cogent and other interconnecting parties would not have the incentive to route *non*-California bound traffic to interconnection points in California, *see* Cogent Decl. ¶ 72; Jordan Decl. ¶ 55, nothing in that law or otherwise prevents Cogent and others from attempting to do so. Our experience is that Cogent routes traffic to specific geographic locations to increase its leverage to obtain greater capacity; it is highly probable that SB-822 will significantly amplify that practice.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 13th day of October 2020 in Denver, Colorado.

Ken Klaer
EVP, Comcast Technology Solutions
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Attorneys for Plaintiff
NCTA – The Internet & Television Association

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

AMERICAN CABLE ASSOCIATION, CTIA – THE WIRELESS ASSOCIATION, NCTA – THE INTERNET & TELEVISION ASSOCIATION, and USTELECOM – THE BROADBAND ASSOCIATION, on behalf of their members,

Plaintiffs,

v.

XAVIER BECERRA, in his official capacity as Attorney General of California,

Defendant.

Case No. 2:18-cv-02684

REPLY DECLARATION OF MICHAEL D. PARADISE OF AT&T IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

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FCC-22-1100-A-000279

I, Michael D. Paradise, declare as follows.

1. I, Michael D. Paradise, am Vice President–Network Operations at AT&T, a member of plaintiffs USTelecom and CTIA. I have worked in this position since 2004 and for AT&T since 1999. I have been personally involved in the administration of interconnection arrangements with other providers. I submit this declaration to respond to the declarations of Angie Kronenberg, Scott Jordan, and Dave Schaeffer (collectively "Declarants") in support of Defendants' Opposition to Motions for Preliminary Injunction. Although those declarations contain numerous inaccurate and misleading statements that previously have been rejected by the Federal Communications Commission ("FCC"),[1] I focus here on three claims that challenge points addressed in my initial declaration.

2. Specifically, I respond to claims: (1) that AT&T and other broadband providers have the incentive and ability to harm Internet openness by using their supposed "terminating access monopolies" to extract access fees or tolls from transit providers, content delivery

[1] For example, Ms. Kronenberg and Mr. Schaeffer recycle at length old and debunked arguments that: (1) prior to the FCC's 2015 Order, in which it for the first time asserted authority over Internet traffic exchange, AT&T and other ISPs deliberately allowed their Internet traffic exchange points with Cogent to congest to extract fees for traffic it was delivering on behalf of edge providers like Netflix; (2) that adoption of the 2015 Order and the threat of complaints convinced these ISPs to enter new interconnection arrangements that alleviated the congestion; and (3) if the Court were to stay enforcement of SB-822, these ISPs would revert to their prior strategies of unilateral congestion when the current arrangements expire. *See* Kronenberg Decl. ¶¶ 12-31; Schaeffer Decl. ¶¶ 13-84. Cogent and INCOMPAS aired these arguments at length in the FCC proceeding that resulted in the 2015 Order, when they urged the FCC to adopt the very same internet traffic exchange rules adopted in SB-822. Those claims were wrong when Cogent and INCOMPAS made them before and they are wrong now. The FCC itself did not credit them, finding that the record "reflect[ed] competing narratives." 2015 Order ¶ 200. It therefore eschewed the prescriptive rules governing internet traffic exchange that Cogent and INCOMPAS proposed, deciding instead to monitor Internet traffic exchange developments and act on a case-by-case basis if problems arose. *Id.* ¶ 202. In the two years the 2015 Order was in effect, the FCC took no such action — indeed, the FCC noted that its "new case-by-case process ha[d] gone unused, even as [online video distribution services] — which ISPs presumably might view as competitors to affiliated video programming products or services — have proliferated." 2018 Order ¶ 168.

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networks ("CDNs"), and edge providers[2]; (2) that the cost to augment AT&T's interconnection facilities to accommodate additional traffic is minimal[3]; and (3) that implementing California-specific interconnection rules is technically and commercially feasible today.[4]

ISPs Do Not Have a Terminating Access Monopoly

3. Claims that broadband providers' control over the last mile connection between their end user customers and the broader Internet create a terminating access monopoly that allows ISPs like AT&T to extract monopoly rents from edge providers seeking to deliver content to end users are incorrect for multiple reasons. First, the preconditions for terminating access problems do not apply to Internet access services. The concept of terminating access monopolies arose in the context of traditional phone services. In that context, some local telephone companies were able to charge long distance carriers high fees for traffic termination because the long distance providers were required by law to pay those fees, and prohibited by law from recovering them from the customers who were placing the calls that were generating those fees because of rules requiring them to charge averaged end user rates across the country. Because neither the end users of a local telephone company charging high access fees nor those placing calls to those end users had to bear the higher fees associated with those calls — indeed, they had no reason to be aware of those high fees and might benefit from them through a lower cost of service — the behavior of the local telephone company in setting such high fees could not give them a reason to switch to another local telephone company. In contrast, if a broadband provider were to try to block or throttle specific Internet content, its end users would be directly affected, and could switch providers. Similarly, if a broadband provider sought to

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[2] *See* Kronenberg Decl. ¶¶ 12-31; Schaeffer Decl. ¶¶ 13-84; Jordan Decl. ¶¶ 7, 42-44. In my declaration, I observed that, given the multiplicity of paths into any ISPs network, no ISP can selectively degrade particular traffic exchange arrangements to harm particular content providers. *See* Paradise Decl. ¶ 24.

[3] *See* Kronenberg Decl. ¶¶ 13, 32-35; Schaeffer Decl. ¶¶ 19, 63; Jordan Decl. ¶¶56-57.

[4] *See* Schaeffer Decl. ¶¶ 66-74 (asserting that my declaration to the contrary is "not correct"); Jordan Decl. ¶¶ 38-54.

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extract anticompetitive fees from particular content providers, those content providers would have no obligation to pay those fees or they could pass them along to the customers of the broadband providers who were charging them. In either case, those customers would be aware of the consequences of their provider's behavior and could react by switching broadband providers. In short, the terminating access monopoly problem that arose in the context of telephone services was the direct result of regulations that made it possible for telephone companies to charge excessive terminating access fees without adverse consequence. Those regulations don't apply to broadband, and the concept thus cannot be imported from the telephone context to the broadband context. To the contrary, end user customers of broadband providers would themselves face the consequence of anticompetitive conduct by their provider, and thus would have the knowledge, incentive and ability to switch providers in the event of such conduct.

4. Declarants, however, assert that broadband providers face limited competition, and, even where they do, consumers may be reluctant to switch providers due to purportedly high switching costs.[5] But Declarants and others raised these same arguments to the FCC in the proceeding that led to the 2018 Order, and the FCC rightly rejected them, finding that providers of both fixed and mobile broadband services face significant competitive pressures that prevent them from engaging in anticompetitive conduct, such as by blocking or degrading traffic unless edge providers agree to pay for delivery of their content to end users.[6]

5. In the case of fixed broadband services, the FCC found the vast majority of households have a choice between two or more fixed broadband providers,[7] providing ample

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[5] *See* Kronenberg Decl. ¶ 21.

[6] *See* 2018 Order ¶¶ 123-132.

[7] *See id.* ¶¶ 124-126. The most recent available FCC data, from December 2018, show that 91% of residential census blocks have at least three providers offering fixed broadband services with a minimum of 10 Mbps downstream and 1 Mbps upstream, and fully *100%* have at least two such providers. *See* FCC, *Internet Access Services: Status as of December 31, 2018*, at 6, Fig. 4 (Sept. 2020), https://docs.fcc.gov/public/attachments/DOC-366980A1.pdf.

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competition to discipline prices and preserve an open internet. As the FCC correctly recognized, the high fixed and low marginal costs of providing fixed broadband services ensure that competitive conditions persist even in areas with few competitors because a provider will save little in the way of costs but lose substantial revenues for every customer it loses to the competition.[8] As a consequence, even in areas with few competitors, AT&T and other providers of fixed broadband services vigorously compete to attract new and retain existing customers through advertising, low prices and other attractive offers for new customers, and they try to convince subscribers seeking to cancel service to continue their subscriptions at discounted rates.

6. Competition for mobile broadband is even greater. Virtually all Americans (approximately 98 percent) have a choice of three or more mobile broadband service providers, including from among three nationwide providers and nearly 100 regional or local mobile broadband providers nationwide.[9] Consumers can choose from among nearly 700 different smartphone plans, hundreds of devices, and millions of apps and services.[10] Given this array of options, consumers routinely switch providers. For example, in 2019, approximately 14 percent of AT&T's postpaid wireless subscribers left AT&T.[11] As a consequence, AT&T and other mobile broadband providers cannot realistically impose limits on their customers' access to the content, applications, and online services of their choice for fear of losing customers.

7. Mobile broadband competition protects against anticompetitive conduct not only by providers of mobile broadband services, but also by providers of fixed broadband services. While fixed and mobile broadband have different characteristics and capabilities, the line between them has become increasingly blurred, and likely will disappear altogether with the

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[8] *See* 2018 Order ¶ 126.

[9] *See* CTIA, The Wireless Industry: An American Success Story, available at https://www.ctia.org/the-wireless-industry/wireless-industry (last visited Oct. 5, 2020).

[10] *Id.*

[11] *See* AT&T Inc., 2019 10-K, at 31 (average monthly postpaid churn rate of 1.18%).

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deployment of 5G networks and services, which will enable mobile broadband providers to compete directly with fixed broadband rivals. Under these competitive market conditions, no broadband provider, fixed or mobile, can afford to block or degrade its customers' access to popular content or deprive them full access to the internet because doing so would devalue its service and cause it to lose customers to rivals.

8. Second, the Declarants' claim that, absent regulation, broadband providers can unilaterally maintain congested interconnection links to degrade the service of edge providers is plainly incorrect. The web of interconnection arrangements among broadband networks, and the thriving market for transmission alternatives, provides many efficient paths through which edge providers can reach a broadband provider's customers. AT&T, for example, peers in the U.S. with 19 different networks (other ISPs and Internet Backbone Network Operators) at 9 geographically diverse interconnection points across the country. It also provides transit services to edge providers at hundreds of locations across the country. Edge providers thus can, and do, choose from among many different routes into and out of AT&T's and other broadband providers' networks, and readily can obtain indirect interconnection by purchasing transmission services from third-party CDNs or transit service providers at low, and still falling, rates. Transit providers (like Cogent) and their customers typically rely on multiple redundant paths into any broadband provider's network, and edge providers dynamically shift between transit providers to avoid congestion. As a consequence, a broadband provider could not degrade a particular edge provider's service by allowing its interconnection links to congest without limiting capacity across *all* its peering points for an extended period, radically degrading the broadband internet access service provided to its mass market and business customers generally. In these circumstances, AT&T and other broadband providers have no ability to extract inefficiently high payments from any other broadband network or their customers.

Declarants Significantly Understate the Cost to Augment Interconnection Capacity

9. Ms. Kronenberg and Mr. Schaeffer attempt to downplay the cost of augmenting interconnection arrangements. Typically, settlement free peering agreements establish traffic

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exchange ratios that permit networks to continue exchanging traffic on a settlement free basis so long as the traffic exchanged does not exceed a set ratio (i.e., so long as the traffic sent by one party does not exceed that it receives from the other party by a ratio of, for example, 2-to-1). After Cogent began providing transiting service to Netflix (that is, to deliver Netflix traffic to other broadband providers), its ratio exceeded that set in its interconnection agreements several times over. It was at that point that AT&T and other Cogent interconnection partners declined to augment their interconnection arrangements with Cogent until it either came into compliance with its interconnection agreements or agreed to cover the cost of accommodating the excess traffic.

10. Mr. Schaeffer and Ms. Kronenberg claim that the payments AT&T and other large broadband providers demanded to accommodate that traffic far exceeded the costs to upgrade the connections between their networks and Cogent. Specifically, they claim that the cost of upgrading the connections between networks are "minimal,"[12] "rang[ing] in the tens of thousands of dollars for a significant capacity increase at a major point of interconnection."[13] They further claim that INCOMPAS and Cogent offered to pay[14] those costs, and argue that the refusal by the large broadband providers to accept its offer demonstrates their power to exploit their purported terminating access monopolies.[15]

11. AT&T's refusal to accept Cogent's offer reflects nothing of the kind. Cogent's offer extended only to covering the costs of augmenting the capacity of equipment at the points

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[12] Schaeffer Decl. ¶ 16.

[13] Kronenberg Decl. ¶ 13.

[14] *Id.* ¶13 ("Indeed, although traditionally both parties have shared these upgrade costs, our members offered to pay the entire cost of the upgrades in order to ensure that sufficient capacity was available. But the large BIAS providers refused."); Schaeffer Decl. ¶ 18 ("In fact, in March of 2014, Cogent offered to pay not just its own, but also the ISPs' capital costs associated with adding capacity to the connections between Cogent and the networks of AT&T, Comcast, Time Warner Cable and Verizon. None accepted the offer, underscoring the absence of any cost justification for their decisions.").

[15] *See* Kronenberg Decl. ¶¶ 13-15; Schaeffer Decl. ¶¶ 15-18.

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of interconnection themselves. But, for every $1 of capital AT&T spends to augment the capacity of equipment at the points of interconnection to accommodate additional traffic, AT&T must spend an additional $2,200 to augment its Internet backbone and local metro network capacity to deliver that traffic to its subscribers across the United States. Cogent's offer thus covered a miniscule fraction of AT&T's costs to carry Cogent's traffic to AT&T's broadband Internet access service subscribers, and certainly nowhere near the "entire cost of the upgrades" as Ms. Kronenberg claims.[16]

12. Ms. Kronenberg also seeks to minimize these costs by asserting that, because edge providers and their transit suppliers consistently offer to hand off traffic to broadband providers at points of interconnection reasonably close to those providers' subscribers, broadband providers only bear the cost of carrying that traffic over a small part of their networks (from the point where it is handed off to the point where the subscriber is located), which she asserts "is not a large burden."[17] She further claims that, insofar as such traffic is requested by broadband providers' subscribers, those providers should recover those costs from those subscribers rather than their interconnection partners.[18]

13. However, as I explained in my opening declaration, and as Ms. Kronenberg fails to acknowledge, as a general rule, traffic is exchanged between Internet peers utilizing a "hot potato" routing model. Under that model, Internet traffic is handed off by one peer to the other at the interconnection point closest to the *origin* of the traffic, regardless of where the traffic ultimately is destined, and the other peer is then obligated to carry that traffic on its own network to the destination. If there is return traffic, the other peer hands it off to the first peer at the nearest interconnection point and the first peer is then obligated to carry that traffic on its own network to its destination. Moreover, a party that sends traffic to a broadband provider's end users (not the provider itself) is the one that decides where and how to exchange that traffic

[16] Kronenberg Decl. ¶ 13.

[17] *Id.* ¶ 32.

[18] *Id.*

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with the broadband provider — the receiving broadband provider has no control over how the traffic comes into its facilities. As a consequence, Ms. Kronenberg's claim that edge providers and their transit suppliers consistently offer to hand off traffic to broadband providers at points of interconnection reasonably close to those providers' subscribers is both factually incorrect and fails to ensure that a broadband provider can recover its costs of carrying traffic to its end users insofar as edge providers and their transit suppliers can change the point at which they deliver such traffic whenever they choose. For the same reason, if a broadband provider were to augment its interconnection facilities at a particular point, there would be nothing to prevent an edge provider or transit supplier from shifting traffic to another traffic exchange point, stranding the broadband provider's investment to accommodate that traffic both in equipment to accept the traffic into its network and in backhaul facilities to carry the traffic to its subscribers.

14. Moreover, because AT&T and other broadband providers lack the ability to recover directly from subscribers the costs of carrying specific content (such as Netflix or YouTube video traffic) requested by them, broadband providers would be forced to recover the costs of carrying such content and services from all of their subscribers (many of whom do not use or access such content) by increasing their broadband internet access service rates across the board. Therefore, *all* subscribers would be forced to subsidize those services, even though many do not subscribe to them. Recovering those costs from the content and transit providers delivering such content and services to broadband providers ensures that countless low-volume Internet users are not forced to pay more for their broadband service, and that content and transit providers price their own services to recover those costs and send appropriate price signals to the consumers requesting their content and services.

Implementing California Specific Rules at Interconnection Points Would Be Difficult and Costly

15. Both Mr. Jordan and Mr. Schaeffer claim that implementing California-specific net neutrality requirements at interconnection points would be technologically and

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commercially feasible.[19] Mr. Schaeffer asserts that Internet access service already is subject to different net neutrality laws in different countries, and broadband providers supplying broadband Internet access service to customers in different countries have no problem complying with these laws.[20] He facilely claims that "[h]aving to comply with a net neutrality law in California — the fifth largest economy in the world — is no different."[21]

16. These claims are incorrect. The fact that broadband providers can and do comply with different net neutrality laws and regimes in different countries does not mean that it would be commercially feasible — or "no problem," as Mr. Schaeffer puts it — for AT&T and other broadband providers to implement different network management practices, or to offer broadband Internet access services with different terms and conditions, to comply with disparate *state* net neutrality laws across the country. Although AT&T does not sell mass market broadband services in other countries (other than mobile broadband in Mexico), AT&T can apply different rules outside the United States than it applies inside. But that is because AT&T utilizes different autonomous system numbers (ASN) inside and outside the United States. ASNs are Internet protocol routing prefixes used to control routing for traffic exchanged on the internet. By using different ASNs, AT&T ensures that all traffic destined for AT&T's subscribers in the United States is delivered to AT&T in the United States, enabling it to differentiate between U.S. and non-U.S. traffic.

17. The same is not true for traffic routed wholly within the United States. AT&T utilizes a single ASN for its fixed broadband infrastructure the United States. And, while AT&T does assign different IP addresses in different areas (and thus knows which IP addresses it has assigned in California), the ability to identify and apply different rules/treatment to packets bound to or from those addresses in AT&T's peering infrastructure is operationally

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[19] *See* Jordan Decl. ¶¶ 3, 13-24, 38; Schaeffer Decl. ¶¶ 66-71.

[20] Schaeffer Decl. ¶ 66.

[21] *Id.*

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impractical.[22] While it might be "technically feasible" to do so, it would require AT&T to completely restructure the way in which we offer broadband services today, such as logically separating consumer broadband subscribers into a separate ASN and treating California as another country. This will introduce additional operational complexities such as managing traffic separate policies and network DDOS detection and mitigation. Even if AT&T were to do so, it could not use IP addresses to identify California *mobile* broadband customers accessing the Internet while they are in California and treat them differently them from non-Californians using their phones while in California. The same goes for customers in neighboring states that are serviced from mobility data centers located in California, as IP addressing pools associated with a mobile packet core are shared and not geography specific.

18. Mr. Jordan's assertion that "it would not be a problem to implement throttling only in access networks outside of California, but not in access networks in California"[23] is inaccurate on several levels. As an initial matter, Mr. Jordan mischaracterizes certain conduct as "throttling," inconsistent with both industry and FCC understandings of the term; even the 2015 Order, which imposed a bright line rule prohibiting throttling, acknowledged that "a broadband provider may offer a data plan in which a subscriber receives a set amount of data at one speed tier and any remaining data at a lower tier."[24] Moreover, Mr. Jordan is wrong about where traffic is managed. Because traffic management must be done in conjunction with centralized provisioning systems — not in the access network — traffic management occurs within the Evolved Packet Core infrastructure that serves all mobile customers in California *and* in nearby states. While some of this infrastructure is physically situated in California, it manages traffic occurring entirely outside of California — *i.e.*, trafficking within and between neighboring states — and it does not enable any means to distinguish between that traffic and

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[22] Notably, for the same reason, AT&T also is incapable of applying different rules, practices, etc. in different regions, provinces, or states in other countries.

[23] Jordan Decl. ¶ 21.

[24] 2015 Order ¶ 122.

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traffic occurring entirely inside of (or even directed into) California specifically for separate treatment.

19. In any event, the suggestion that implementing a prohibition against charging for interconnection (if that is how SB-822 is interpreted) would be simple because AT&T could just not charge for packets destined for or originating in California misapprehends the nature of the charges AT&T assesses to edge providers that want to interconnect directly with AT&T or to interconnection partners that fail to meet AT&T's criteria for settlement-free peering. AT&T does not charge on a per-packet or per-megabit basis for carrying those providers traffic from the point of interconnection to AT&T's subscribers. Rather, AT&T charges for a set amount of interconnection capacity (such as for a 1 Gigabit per second (Gbps) port) at the point of traffic exchange, which an edge provider or interconnection partner can use to transmit as much or as little traffic as it may choose. It would be extremely inefficient to reserve certain capacity for California traffic.

20. Finally, when AT&T provides interconnection directly to CDNs and other large edge providers, it does so through AT&T Dedicated Internet Service ("ADI"), a commercial offering that provides guaranteed capacity and edge-to-edge quality of service guarantees, rather than "best-efforts" routing and service, which applies to settlement-free peering arrangements. If SB-822 were interpreted to require AT&T to interconnect directly with CDNs and other large content providers for free, AT&T could be forced to cease offering ADI in California and direct such providers to deliver traffic via best-efforts peering arrangements, which could degrade their service. Otherwise, CDNs and edge providers currently delivering traffic to AT&T at interconnection points outside California might decide to host their content in California, or otherwise reroute their traffic to interconnection points in California, in order to demand ADI at no charge.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 14th day of October 2020 in Bartlett, IL.

Michael D. Paradise

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From:	Katie Gorscak
To:	Ajit Pai; Matthew Berry; Nicholas Degani
Cc:	Evan Swarztrauber; Michael Carowitz; Aaron N. Goldberger; Nirali Patel; Preston Wise; Zenji Nakazawa; Melissa Droller Kirkel; Alexander Sanjenis; Brian Hart; Will Wiquist; Anne Veigle; Rochelle Cohen
Subject:	July Open Meeting Press Prep
Date:	Tuesday, July 14, 2020 5:23:55 PM
Attachments:	2020-07 Open Meeting - July Press Prep - Draft_OMR_0714_toOCH.docx

To all:

Attached is press prep for Thursday's Open Meeting. Have a wonderful evening.

Regards,

Katie L. Gorscak
Federal Communications Commission
Office of Media Relations
445 12th St. SW, Room 4-C735
Washington, DC 20554
Phone: 202-418-2156
Cell: 202-380-8116

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JULY 2020 OPEN MEETING: PRESS PREP

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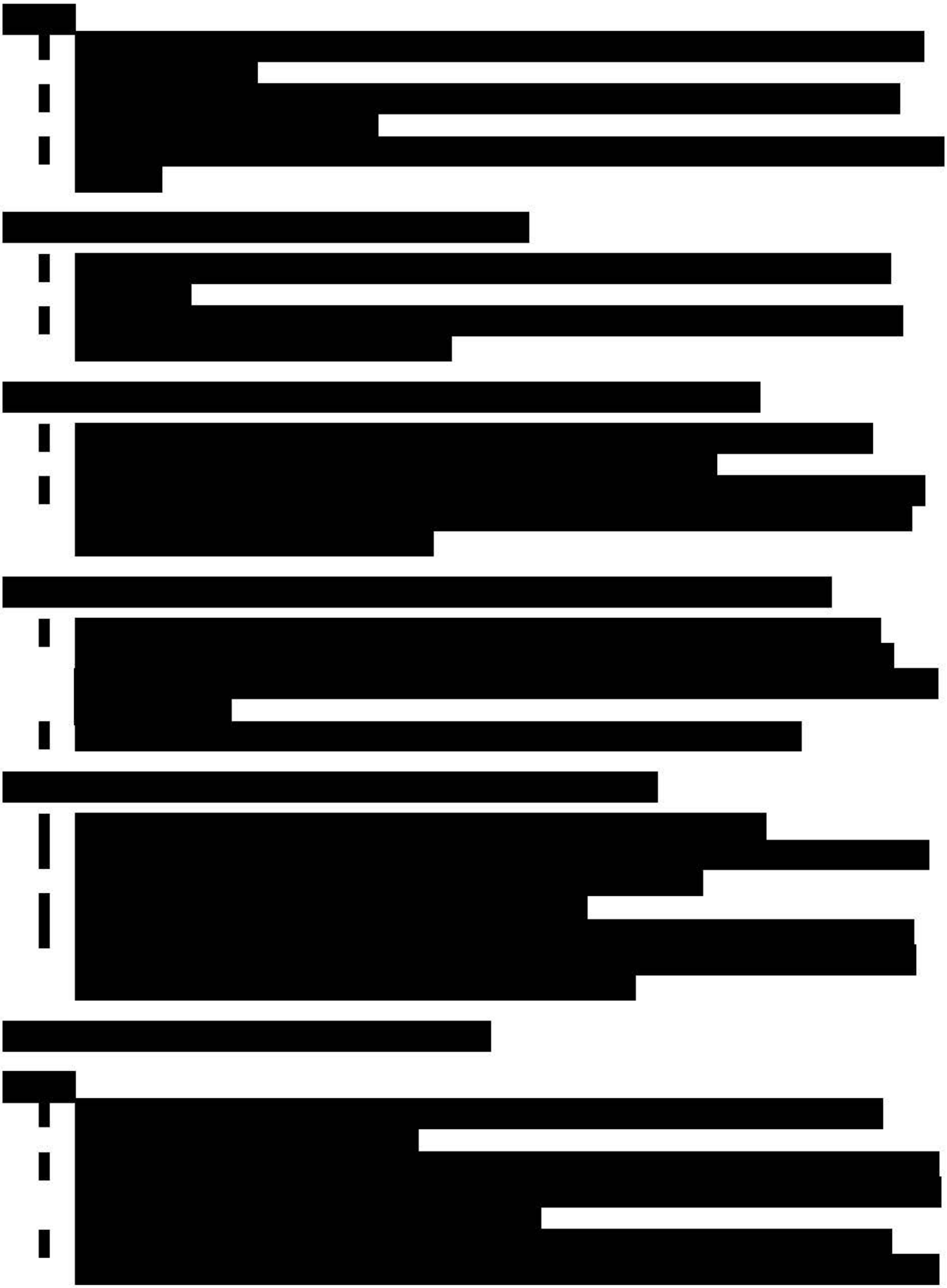
Q: Will call centers be able to handle all these new calls?

- While that is a question really for Congress, HHS, and local leaders, I think there is a groundswell of national support for this effort and I expect every effort will be made to provide the resources need to ramp up call centers in preparation of this change.

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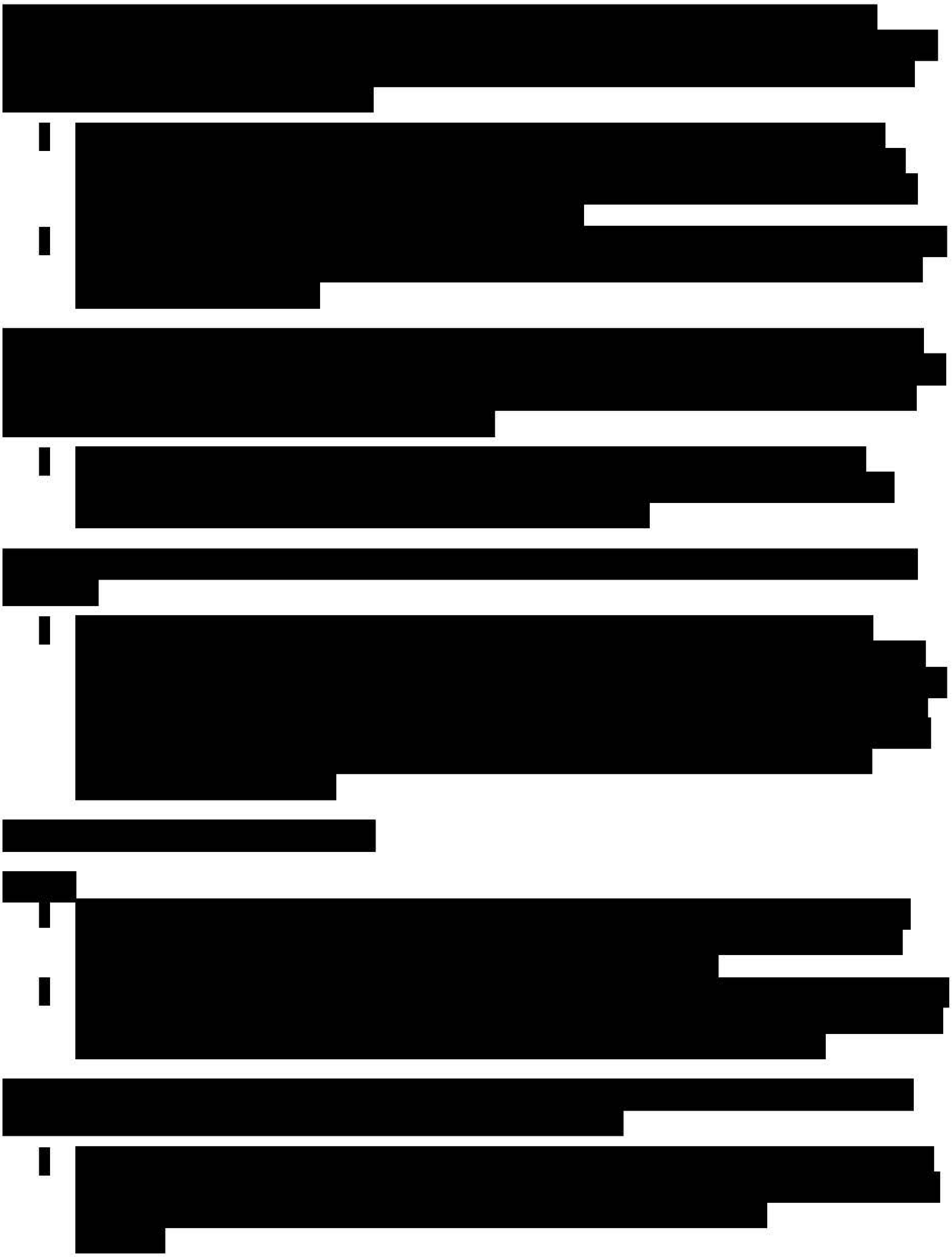


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federal subsidies for covered equipment and services before creating a reimbursement program.

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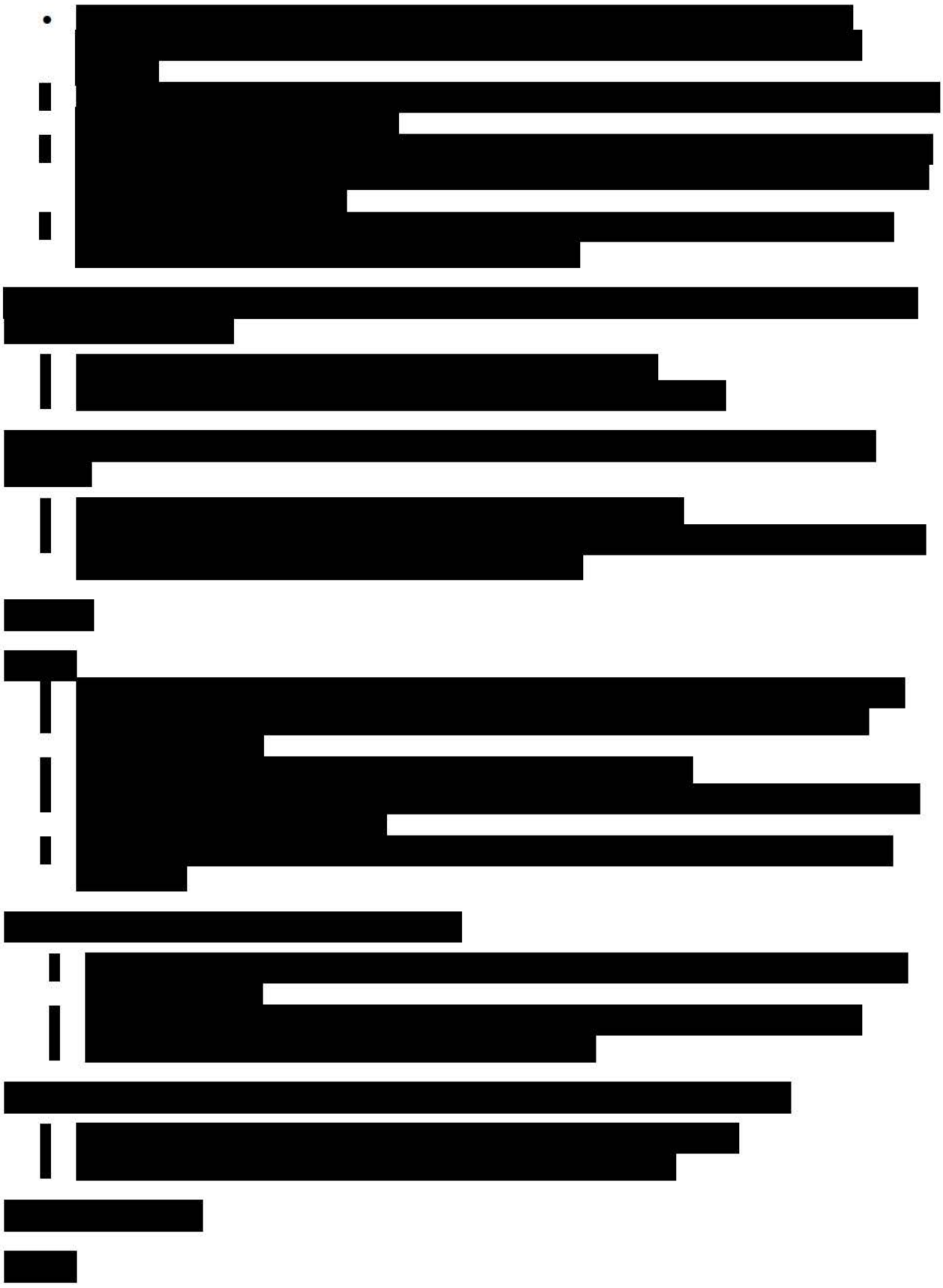
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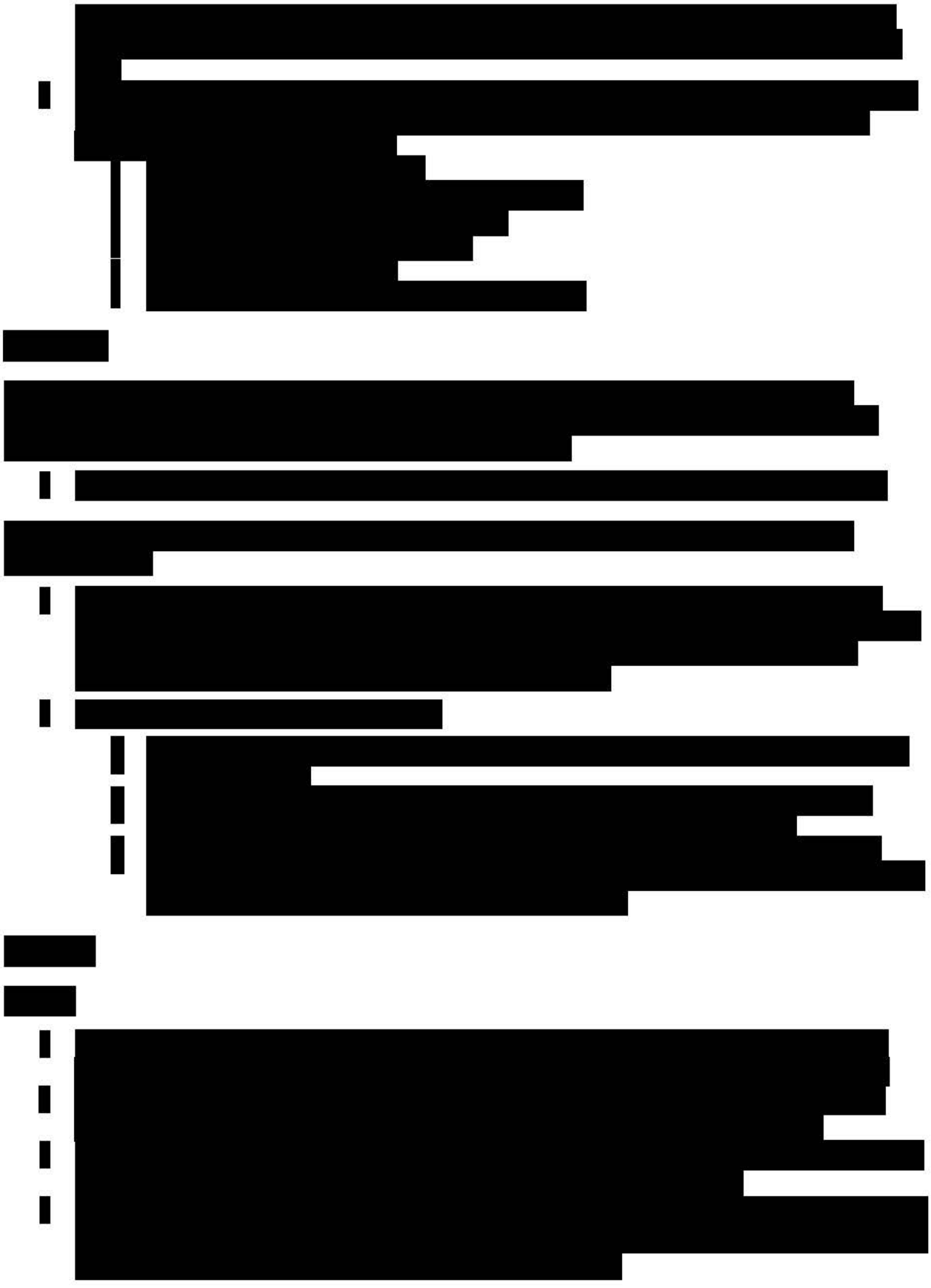
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[redacted]

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From:	Katie Gorscak
To:	Preston Wise; Zenji Nakazawa; Aaron N. Goldberger; Michael Carowitz; Nirali Patel; Alexander Sanjenis; Melissa Droller Kirkel
Cc:	Matthew Berry; Nicholas Degani; Brian Hart; Anne Veigle; Will Wiquist; Rochelle Cohen
Subject:	July Press Prep-for your review
Date:	Monday, July 13, 2020 2:54:40 PM
Attachments:	2020-07 Open Meeting - July Press Prep - Draft_OMR_0713_toadvisors.docx

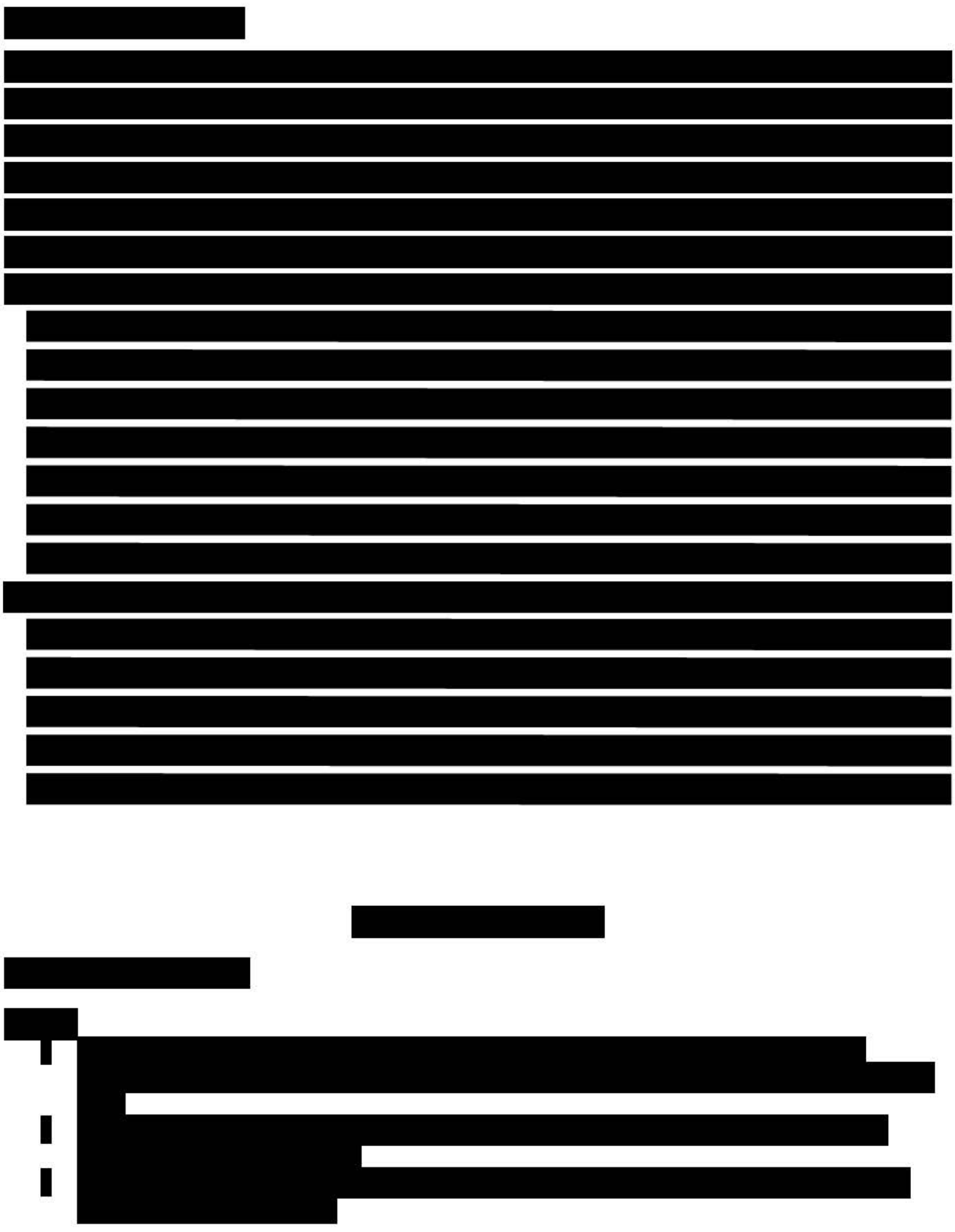
Advisors – The draft press prep document is attached for your review. Please send us your edits by 4 p.m. on Tuesday, July 14th.

Thank you!

Katie L. Gorscak
Federal Communications Commission
Office of Media Relations
445 12th St. SW, Room 4-C735
Washington, DC 20554
Phone: 202-418-2156
Cell: 202-380-8116

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JULY 2020 OPEN MEETING: PRESS PREP



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[redacted]

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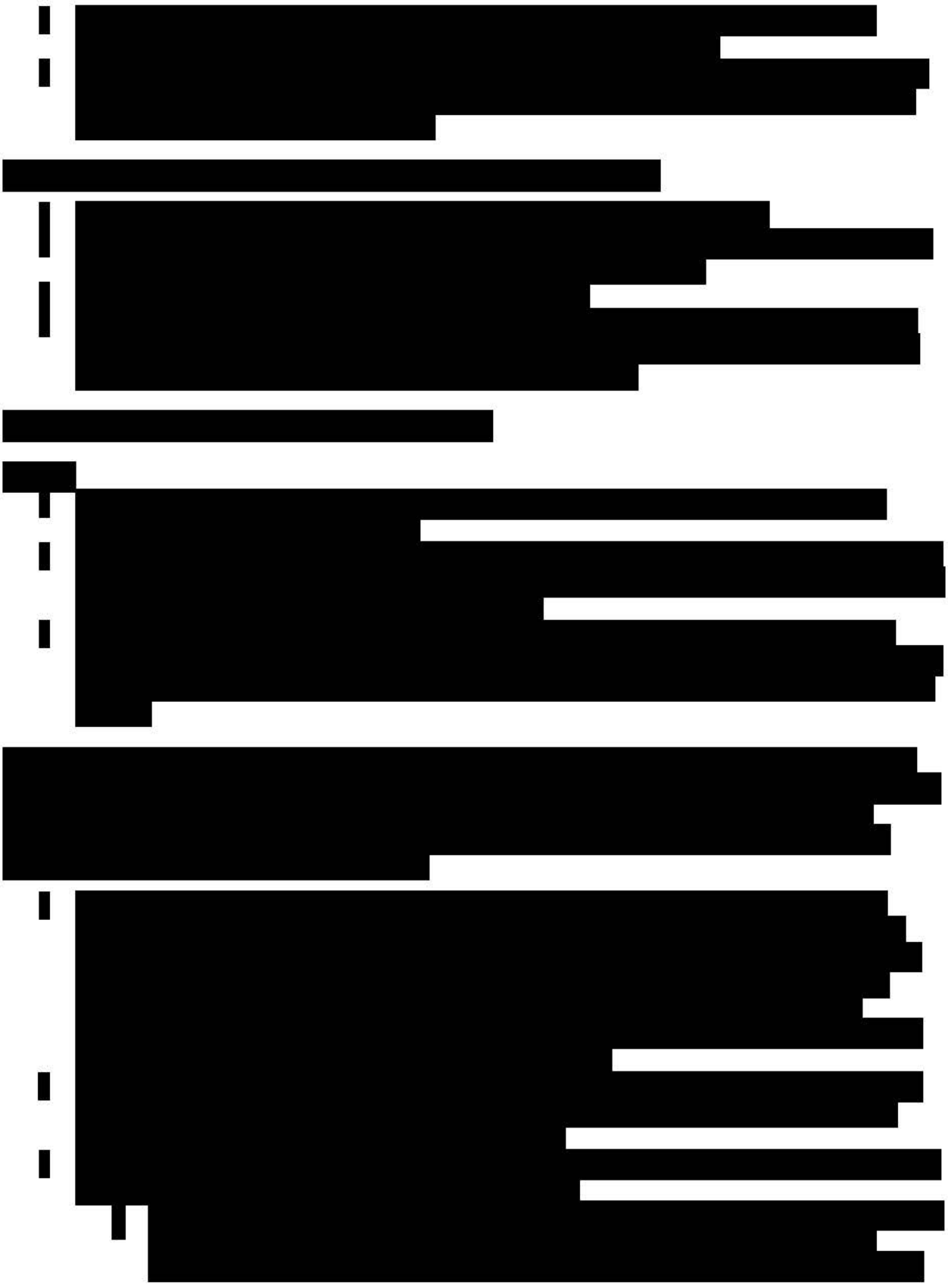
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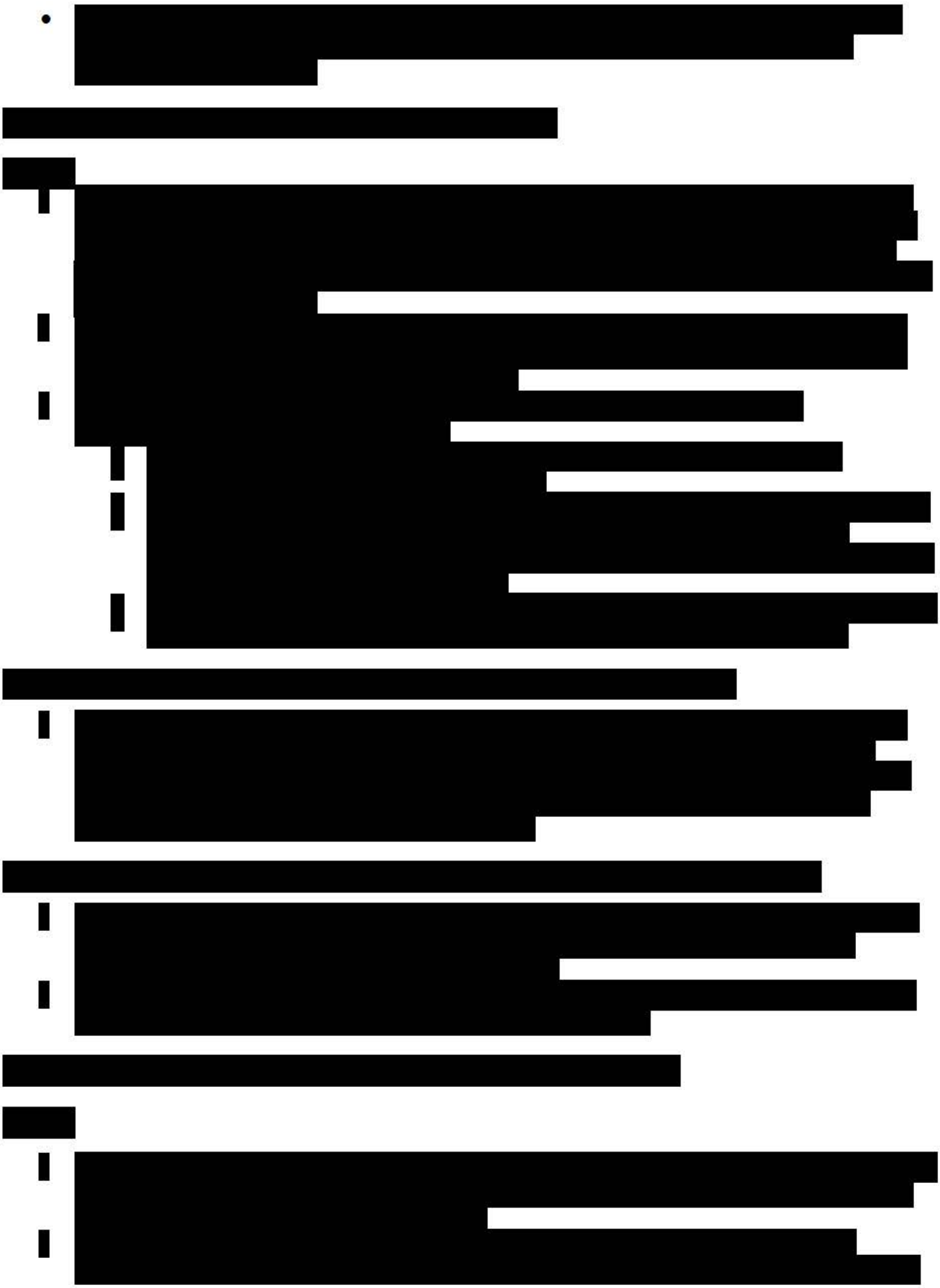
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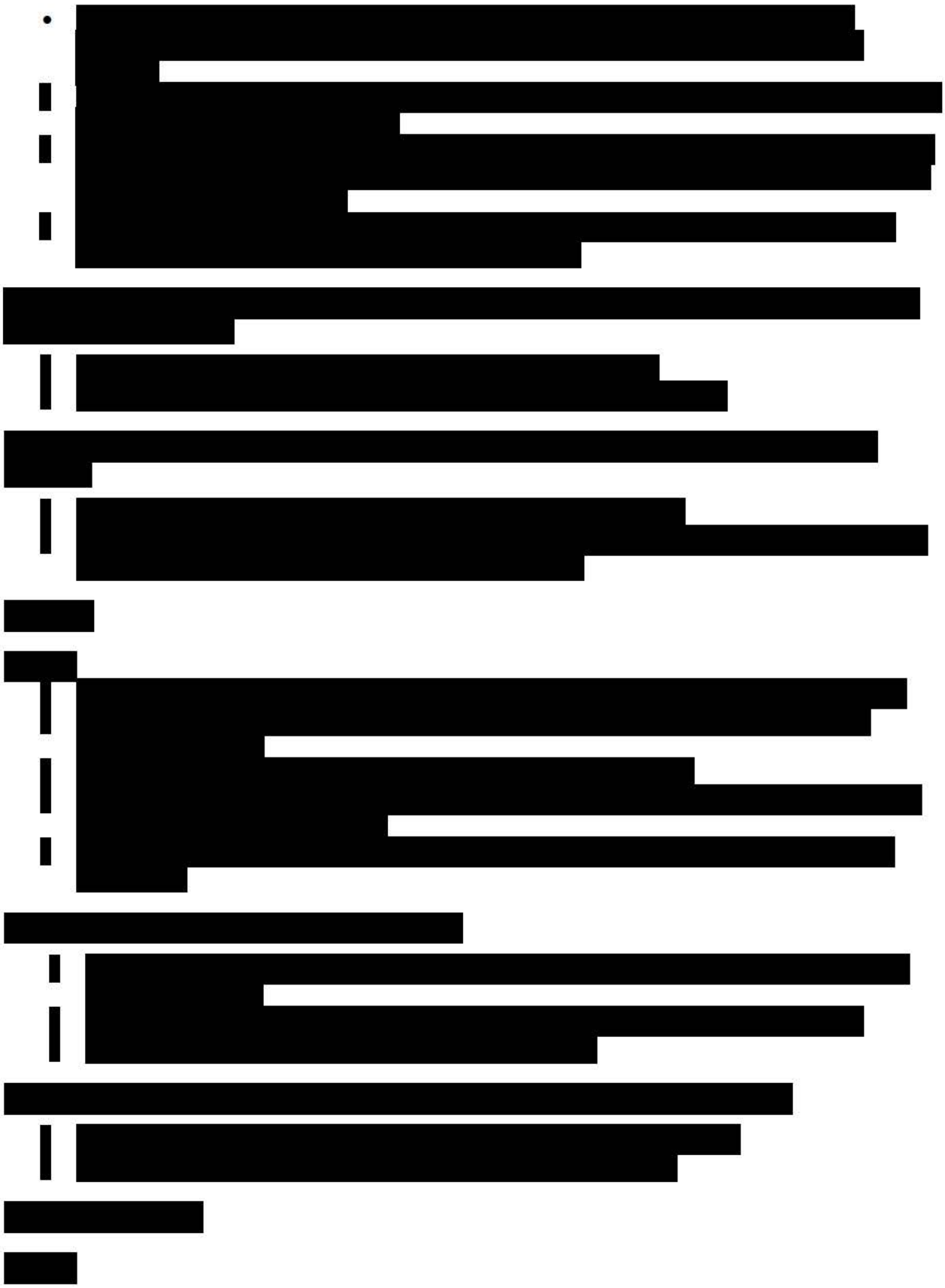
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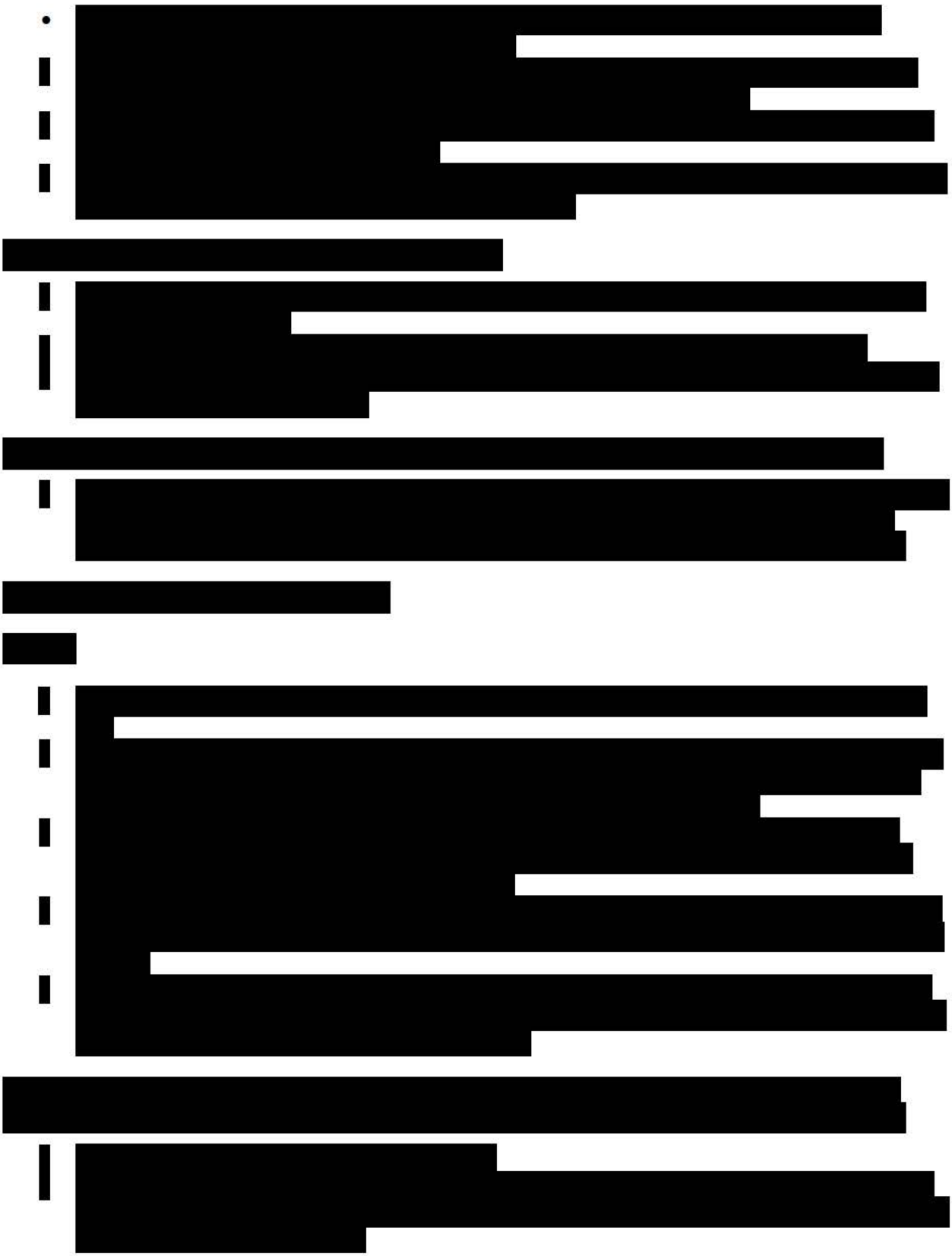
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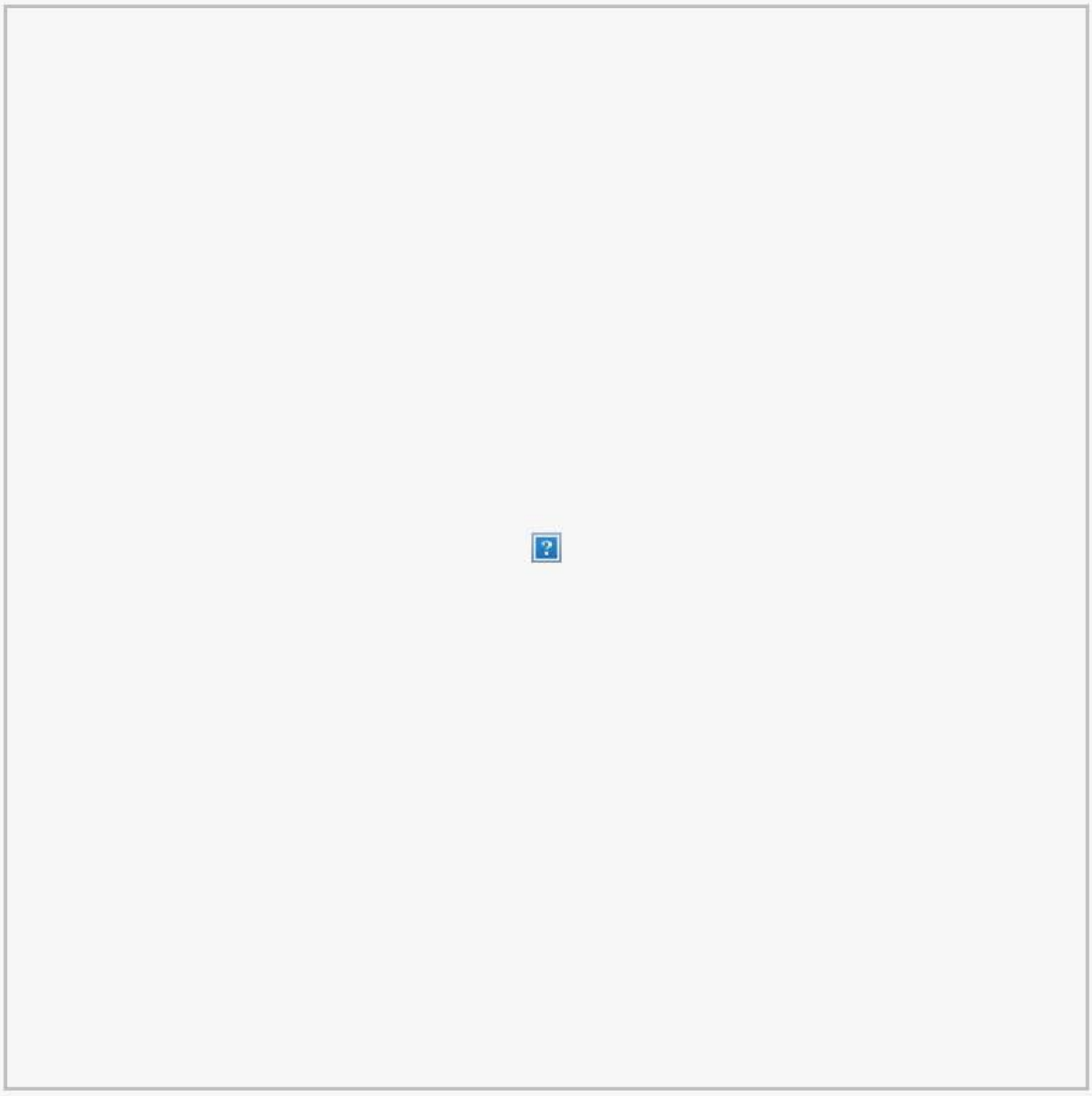
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From: TechFreedom
To: Matthew Berry
Subject: Justice Thomas Garbles Section 230 in Unwarranted Judicial Commentary
Date: Tuesday, October 13, 2020 3:37:55 PM



For immediate release
October 13, 2020

media@techfreedom.org
(475) 655-4777

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Justice Thomas Garbles Section 230 in Unwarranted Judicial Commentary

WASHINGTON D.C. — Today, the Supreme Court declined to review the Ninth Circuit's decision in *Enigma Software v. Malwarebytes*. TechFreedom filed an amicus brief supporting a grant of cert. The court of appeals's decision imported a "good faith" requirement into Section 230(c)(2)(B), a little-noticed provision that protects those who offer content filtering tools to others. Despite the narrowness of the case, Justice Thomas issued a 10-page opinion agreeing that the Court should not have taken this case but lambasting what he claims is an overly broad reading of other provisions of the statute. His separate statement largely parallels arguments the Trump Administration and Congressional Republicans have been making all year that Section 230's protections for content moderation should be narrowed significantly.

"Justice Thomas objected to courts' 'rel[ying] on purpose and policy' when interpreting Section 230, yet that is precisely what the Ninth Circuit did; it's why the Supreme Court should have taken this case," said Berin Szóka, Senior Fellow at TechFreedom. "The appeals court read into the statute words that are not there. It makes sense that Congress required websites to prove 'good faith' when claiming the (c)(2)(A) immunity for their content moderation decisions. But that requirement makes no sense at all when a filtering tool developer is sued for providing its tool to others to make their own decisions and seeks protection under (c)(2)(B). **Letting the Ninth Circuit's decision stand invites litigation against the makers of malware software, parental controls and other tools that empower users to filter content online. That liability will cause many small developers to exit the market even before they are sued."**

"This was an unfortunate act of 'Ready, fire, aim,'" Szóka continued. "Justice Thomas often issues such statements when the Court decides not to take a case, to express his frustrations about the state of the law. Other justices sometimes do so, too, and there is nothing inherently wrong with such statements. But this is the very first time the Court has ever considered reviewing any case involving Section 230. The briefs in this case did not even address the issues Justice Thomas raises. Justice Thomas is free to call for fuller briefing on Section 230's meaning in, as he says, 'an appropriate case,'

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but this is not that case. **Justice Thomas had no need to express his own views, in extensive dicta, without the benefit of the briefing he acknowledges is needed."**

The *Malwarebytes* decision involved only the interplay between (c)(2)(A) and (c)(2)(B), not the interplay between (c)(2)(A) and (c)(1) or the meaning of (c)(1). Justice Thomas argues that "both provisions in §230(c) most naturally read to protect companies when they unknowingly *decline* to exercise editorial functions to edit or remove third-party content, §230(c)(1), and when they *decide* to exercise those editorial functions in good faith, §230(c)(2)(A)." Section 230(c)(1) ensures that "[n]o provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider." Section 230(c)(2)(A) protects them for "any action voluntarily taken in good faith" to moderate content they consider objectionable.

"Justice Thomas's opinion tracks political talking points advanced by this White House about the meaning of Section 230," continued Szóka. "Those theories are framed in textualist terms, but they quickly break down upon close examination — as Justice Thomas himself might ultimately agree if he waited to hear from both sides. Across the board, Section 230 protects the same thing the First Amendment does: editorial discretion. That's why Congress said website operators cannot be held liable 'as publishers' for content they in no way created. Refusing to carry content one finds objectionable is a core function of any publisher. The courts have interpreted the statute correctly — as a way to short-circuit expensive litigation and thus avoid what one appeals court called 'death by ten thousand duck-bites.' Instead of being able to resolve lawsuits over content moderation with a motion to dismiss, Justice Thomas's interpretation would effectively force websites to litigate lawsuits through discovery — which, on average, accounts for up to 90% of the costs of litigation. That, in turn, will discourage content moderation."

"The central purpose of Section 230 was to avoid the Moderator's Dilemma: Congress wanted to ensure that websites weren't discouraged from trying to clean up harmful or illegal content," concluded Szóka. "If, as Justice Thomas argues, Section 230(c)(1) doesn't protect websites from being held liable as distributors for content they knew, or should have known, was illegal, this liability will create a perverse incentive not to monitor user content — another version of the Moderator's Dilemma. Holding websites liable for content they edit in any way, as Justice Thomas proposes, could, conversely,

discourage websites from attempting to make hard calls, such as by blotting out objectionable words, including racial epithets, while leaving other content up. They may simply take down content entirely."

* * *

Find this release on our website, and share it on Twitter. We can be reached for comment at media@techfreedom.org. See more of our work on free speech and Section 230 on our website, including:

- Our comments and reply comments on the NTIA's petition asking the FCC to rewrite Section 230
- Our coalition letter explaining the constitutional and practice problems raised by the EARN IT Act
- Our press release on the previous draft of The EARN IT Act (March 5, 2020)
- Our post DOJ Section 230 Workshop blog posts on Techdirt: Part I, Part II, Part III
- A coalition letter by 27 civil society organizations and 53 academics a set of seven principles to guide conversation about amending Section 230 of the Communications Decency Act of 1996
- Our Twitter thread breaking down the White House Executive Order on Section 230
- Berin Szóka's testimony before the House Judiciary Committee on the filtering practices of social media platforms
- Our statement on the passage of SESTA
- Our statement on the takedown of Backpage and its implications for Section 230 and recent sex trafficking legislation

About TechFreedom:

TechFreedom is a non-profit, non-partisan technology policy think tank. We work to chart a path forward for policymakers towards a bright future where technology enhances freedom, and freedom enhances technology.

Please direct all media inquiries & requests for

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comment to media@techfreedom.org





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From:	Katie Gorscak
To:	Michael Carowitz; Preston Wise; Zenji Nakazawa; Allison Baker; Alexander Sanjenis; Sean Spivey
Cc:	Brian Hart; Anne Veigle; Will Wiquist; Matthew Berry; Nicholas Degani
Subject:	November Press Prep
Date:	Friday, November 13, 2020 3:57:55 PM
Attachments:	2020-11 Open Meeting - November Press Prep Draft.docx

Advisors – The draft press prep document is attached for your review. Please note that the majority of hot topic Q&A remain in draft form and will be fleshed out early next week.

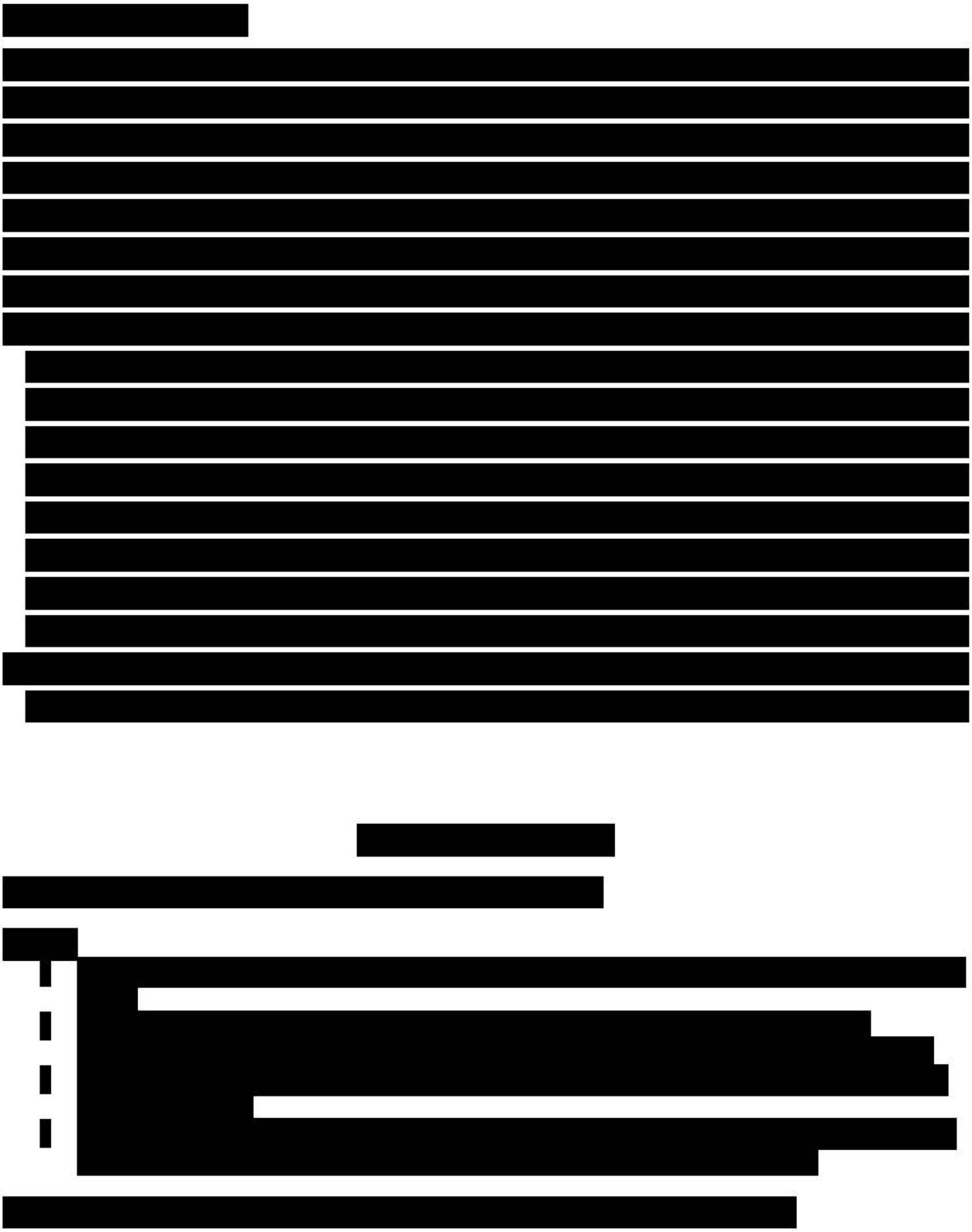
Please send us your edits by 4 p.m. on Monday, November 16th.

Regards,

Katie L. Gorscak
Federal Communications Commission
Office of Media Relations
445 12th St. SW, Room 4-C735
Washington, DC 20554
Phone: 202-418-2156
Cell: 202-380-8116

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NOVEMBER 2020 OPEN MEETING: PRESS PREP



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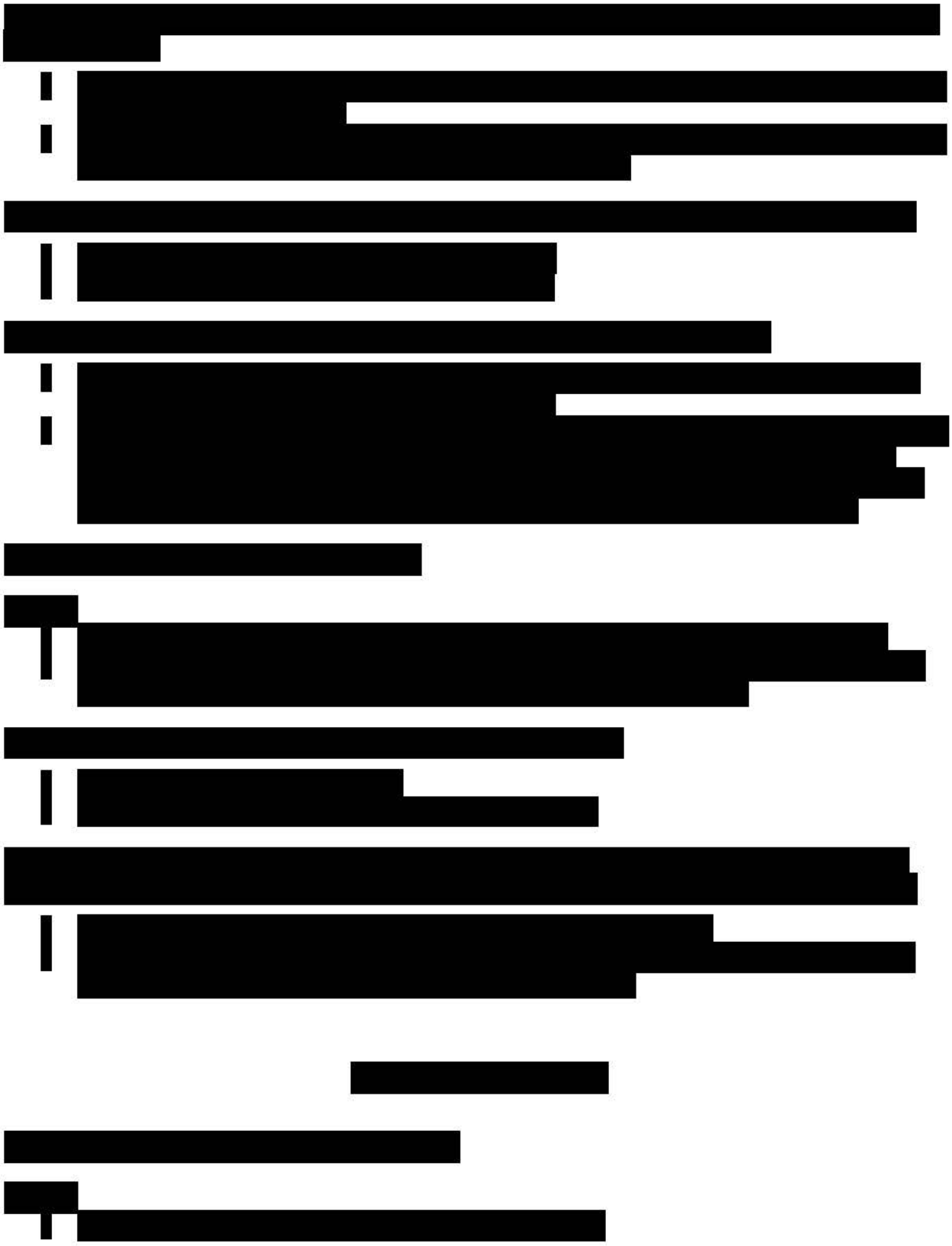
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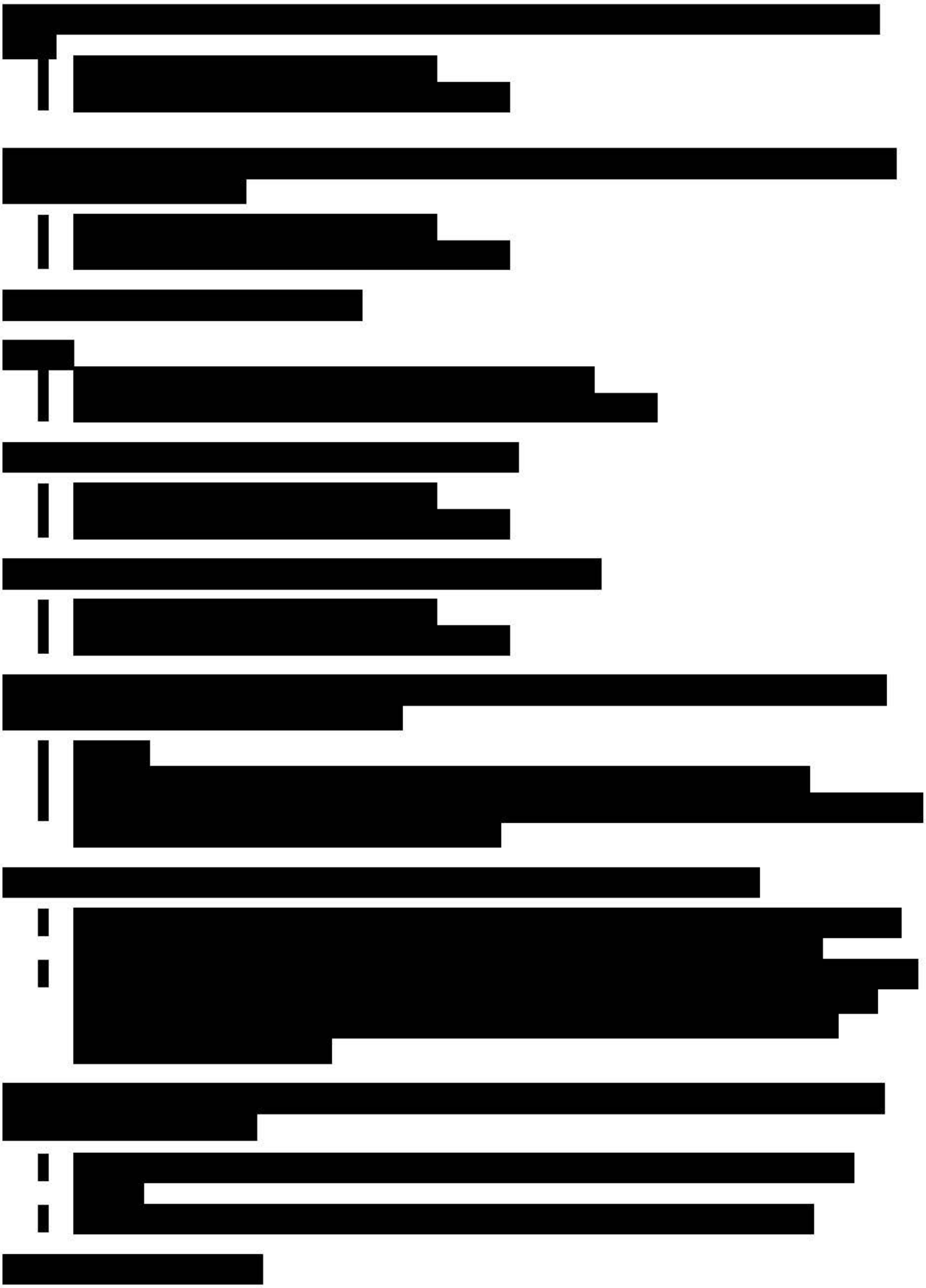


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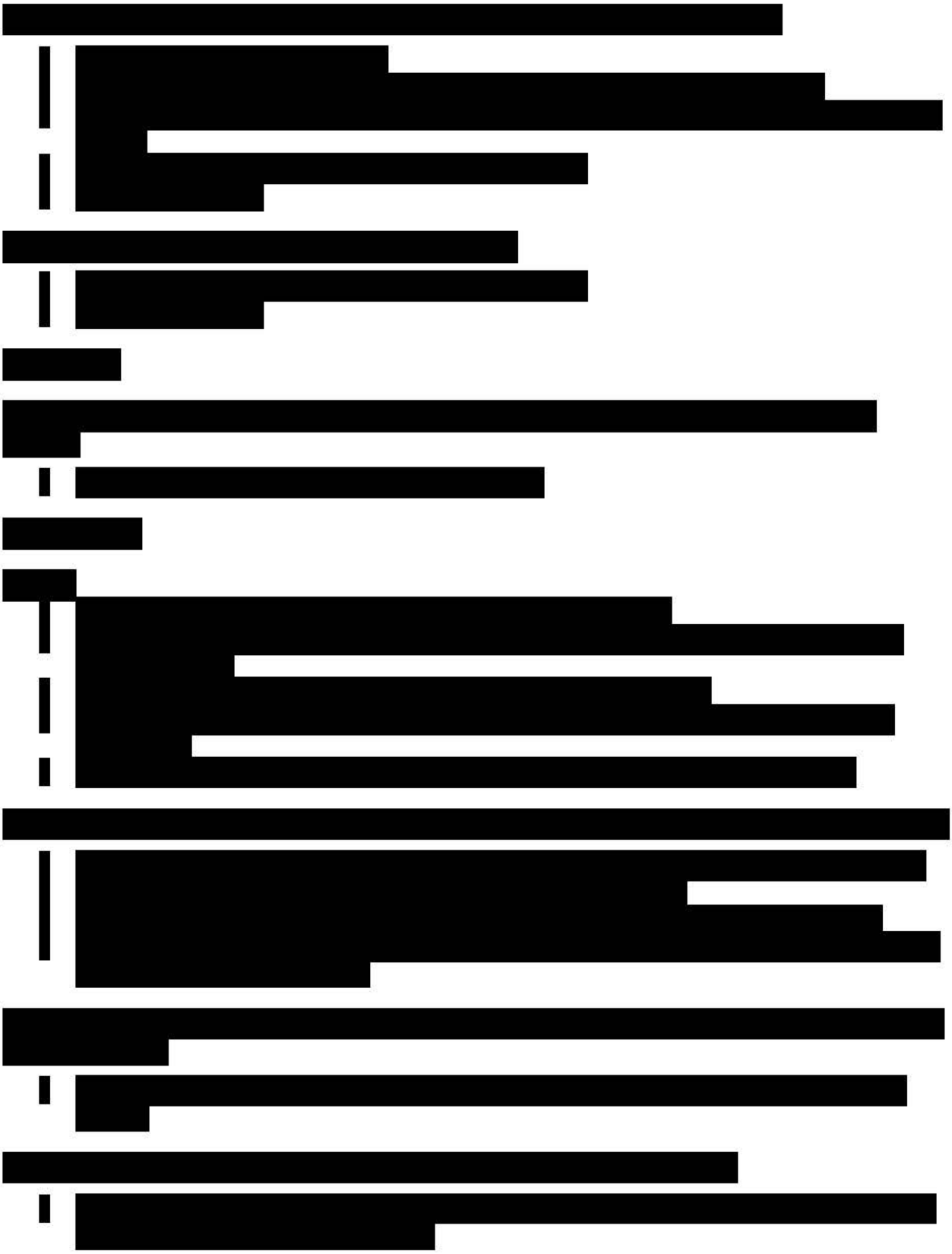
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Q: Without commenting on potential action you may take in a rulemaking, do you agree that liability rules enacted in 1996 may no longer further the intent of Section 230's purpose?

- I do share the concerns of bipartisan members of Congress and Justice Thomas that the liability protections, in some cases, are being interpreted too broadly.

[redacted]

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From:	Katie Gorscak
To:	Ajit Pai; Matthew Berry; Nicholas Degani; Evan Swarztrauber
Cc:	Preston Wise; Zenji Nakazawa; Michael Carowitz; Alexander Sanjenis; Sean Spivey; Allison Baker; Brian Hart; Anne Veigle; Will Wiquist
Subject:	November press prep
Date:	Monday, November 16, 2020 3:52:01 PM
Attachments:	2020-11 Open Meeting - November Press Prep Draft -to OCH.docx

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To all:

Attached is the press prep for the November Open Meeting. I should flag that the hot topics/grab bag content is still to be discussed.

Thank you in advance for your time and consideration.

Regards,

Katie

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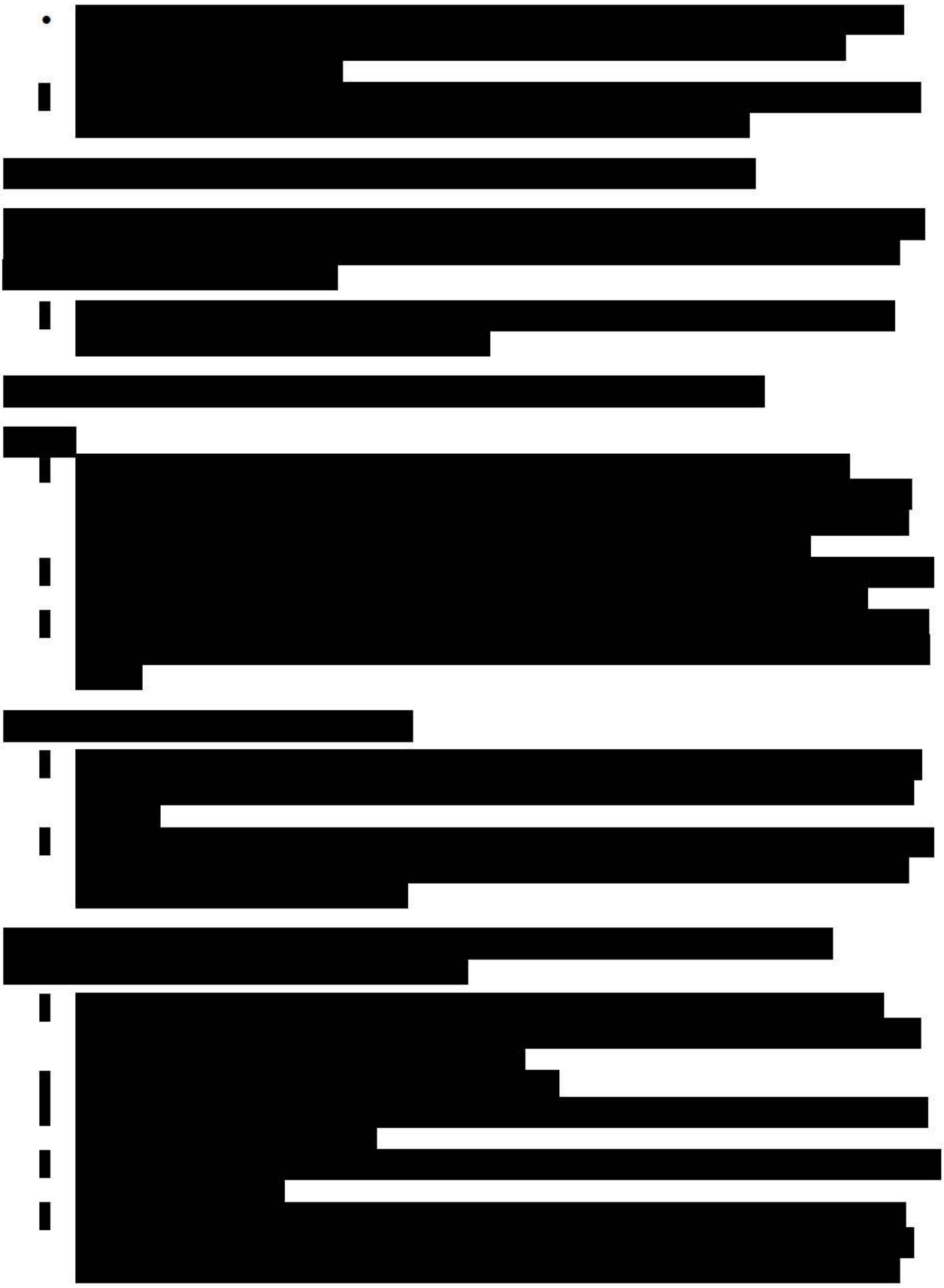
NOVEMBER 2020 OPEN MEETING: PRESS PREP

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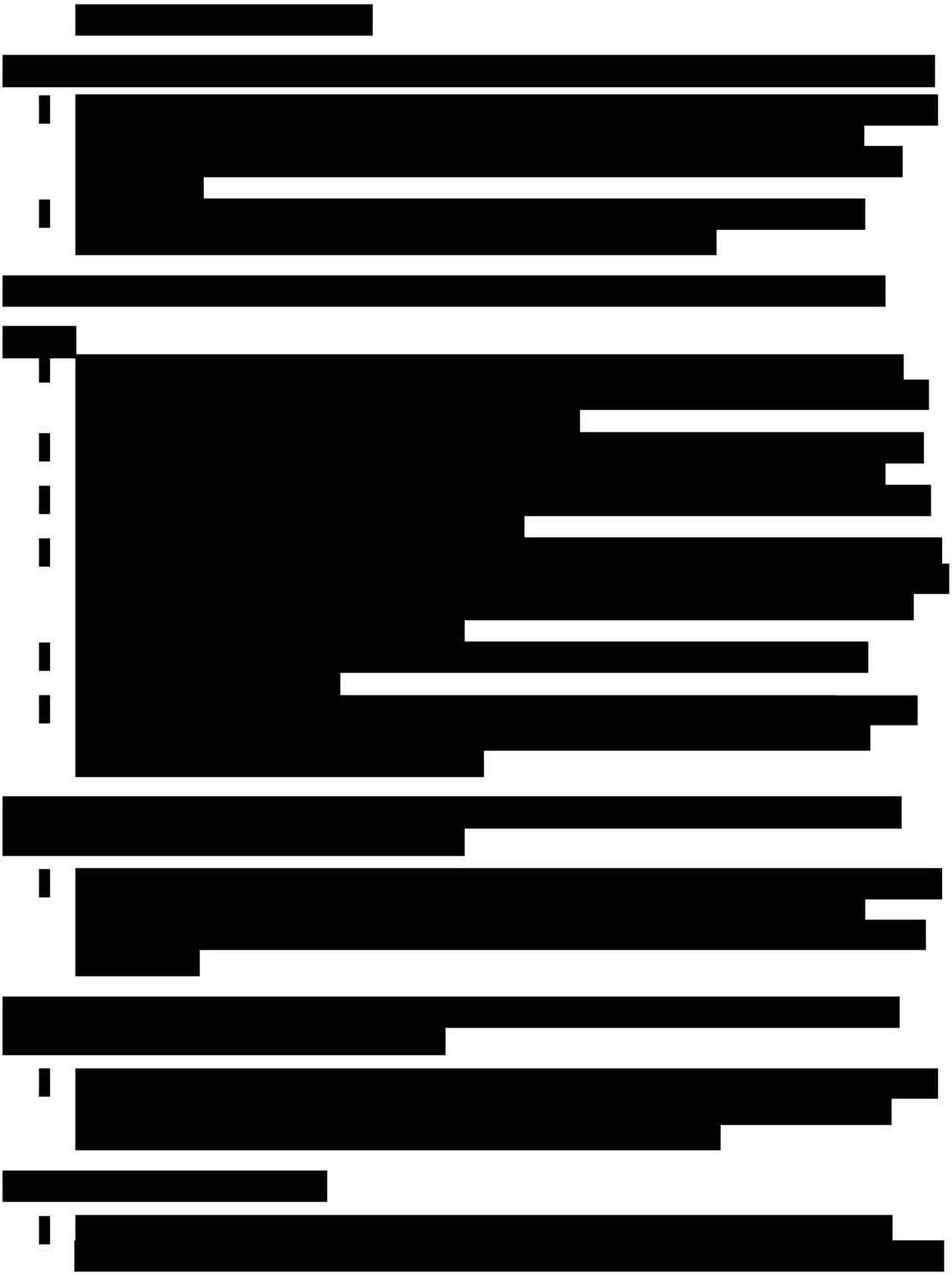
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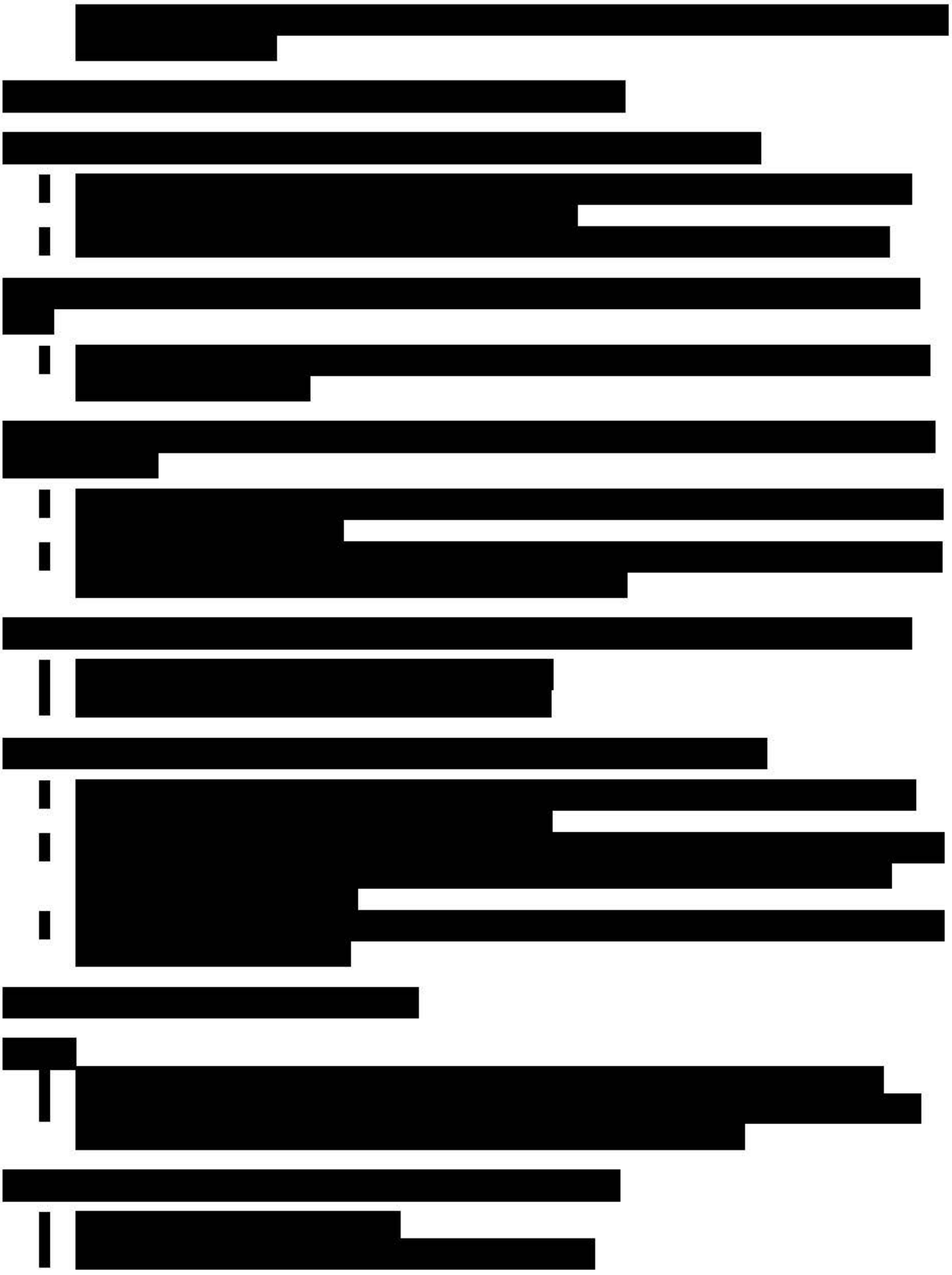
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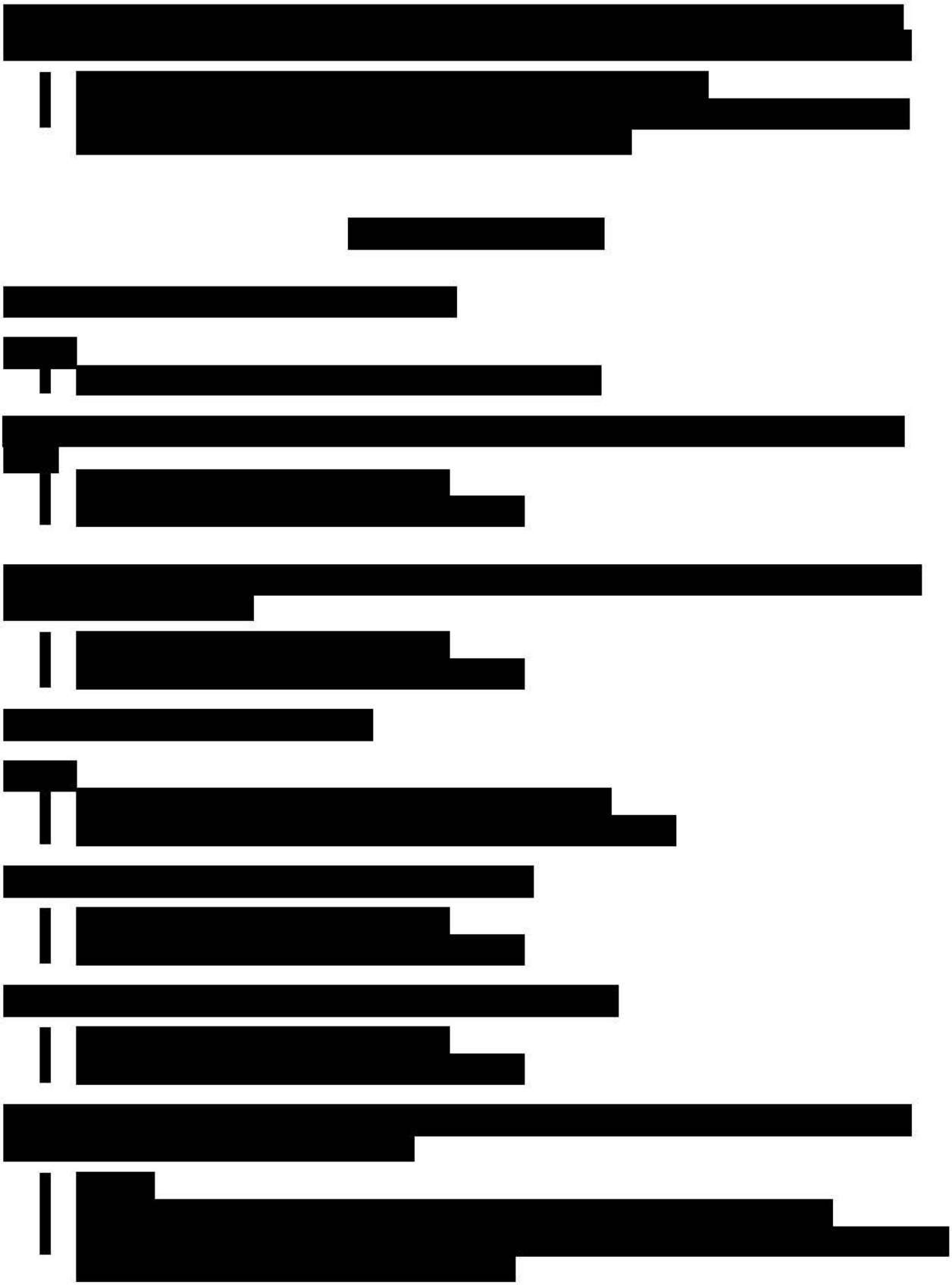
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Q: Without commenting on potential action you may take in a rulemaking, do you agree that liability rules enacted in 1996 may no longer further the intent of Section 230's purpose?

- I do share the concerns of bipartisan members of Congress and Justice Thomas that the liability protections, in some cases, are being interpreted too broadly.

[redacted]

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From:	Katie Gorscak
To:	Ajit Pai; Matthew Berry; Nicholas Degani
Cc:	Evan Swarztrauber; Preston Wise; Michael Carowitz; Zenji Nakazawa; Allison Baker; Alexander Sanjenis; Sean Spivey; Anne Veigle; Brian Hart; Will Wiquist
Subject:	October Open Meeting press prep
Date:	Friday, October 23, 2020 2:40:09 PM
Attachments:	2020-10 Open Meeting - October Press Prep Draft -to OCH.docx

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To all:

Attached is press prep for Tuesday's Open Meeting press conference.

Have a wonderful weekend.

Regards,

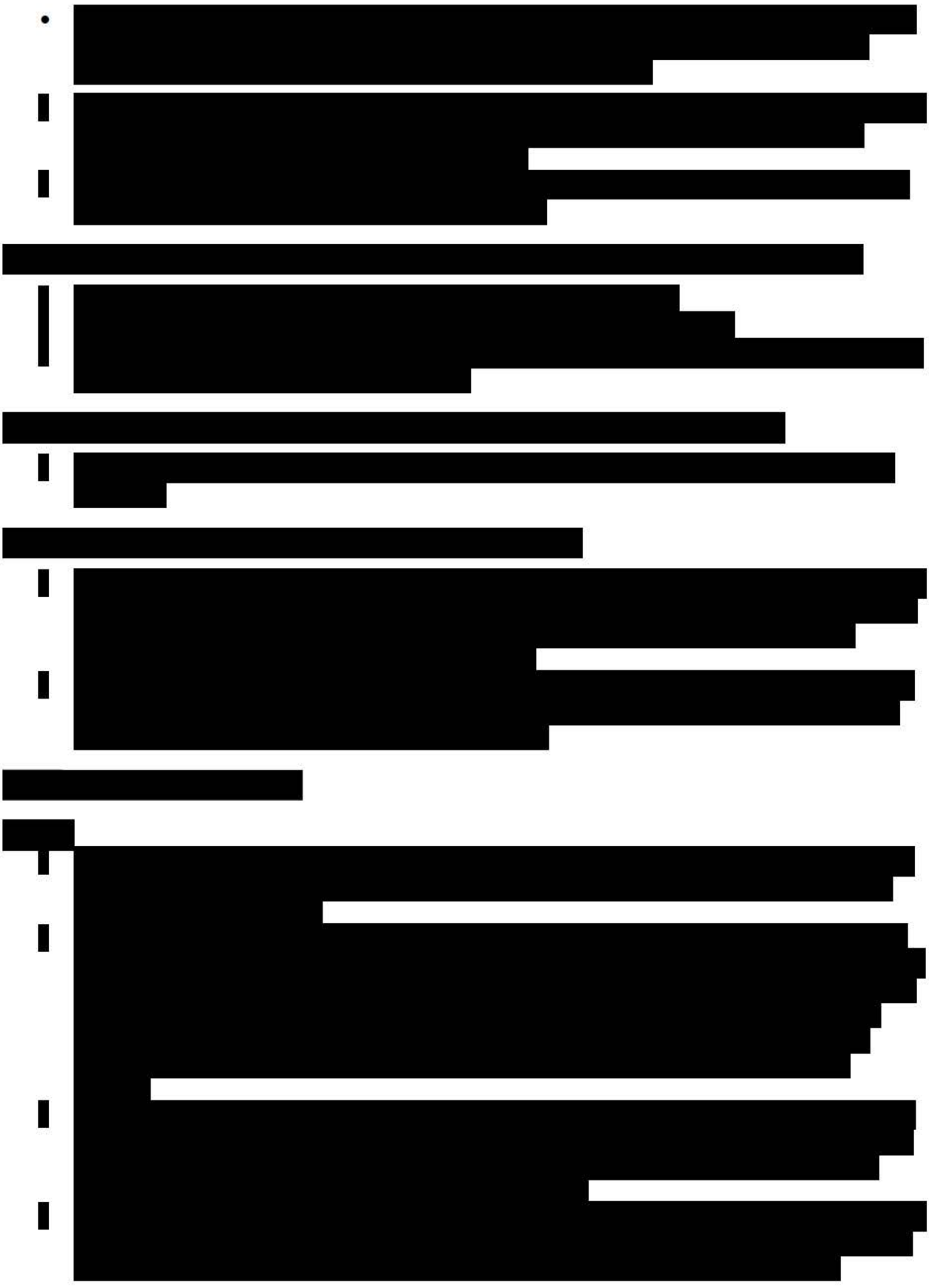
Katie

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OCTOBER 2020 OPEN MEETING: PRESS PREP

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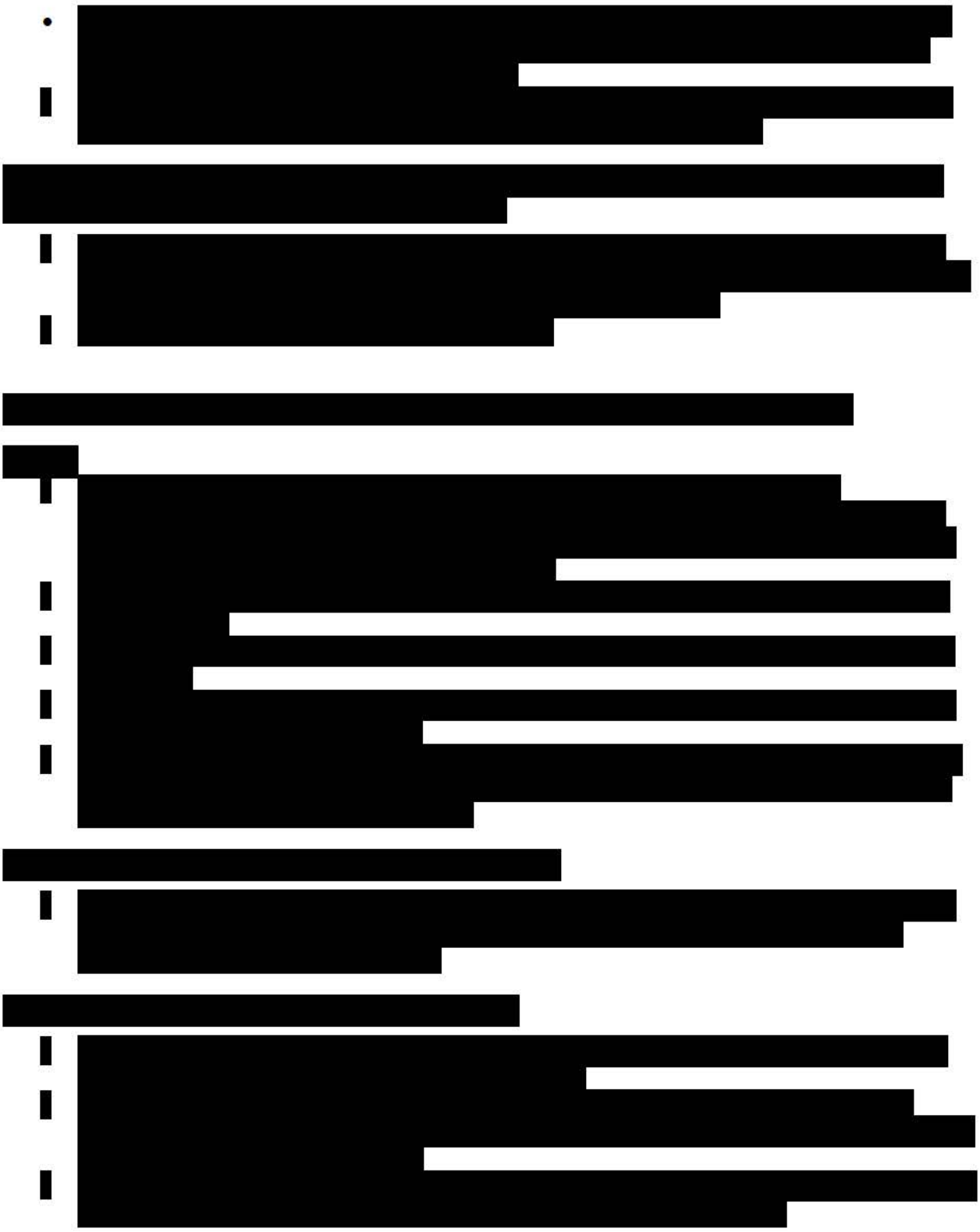
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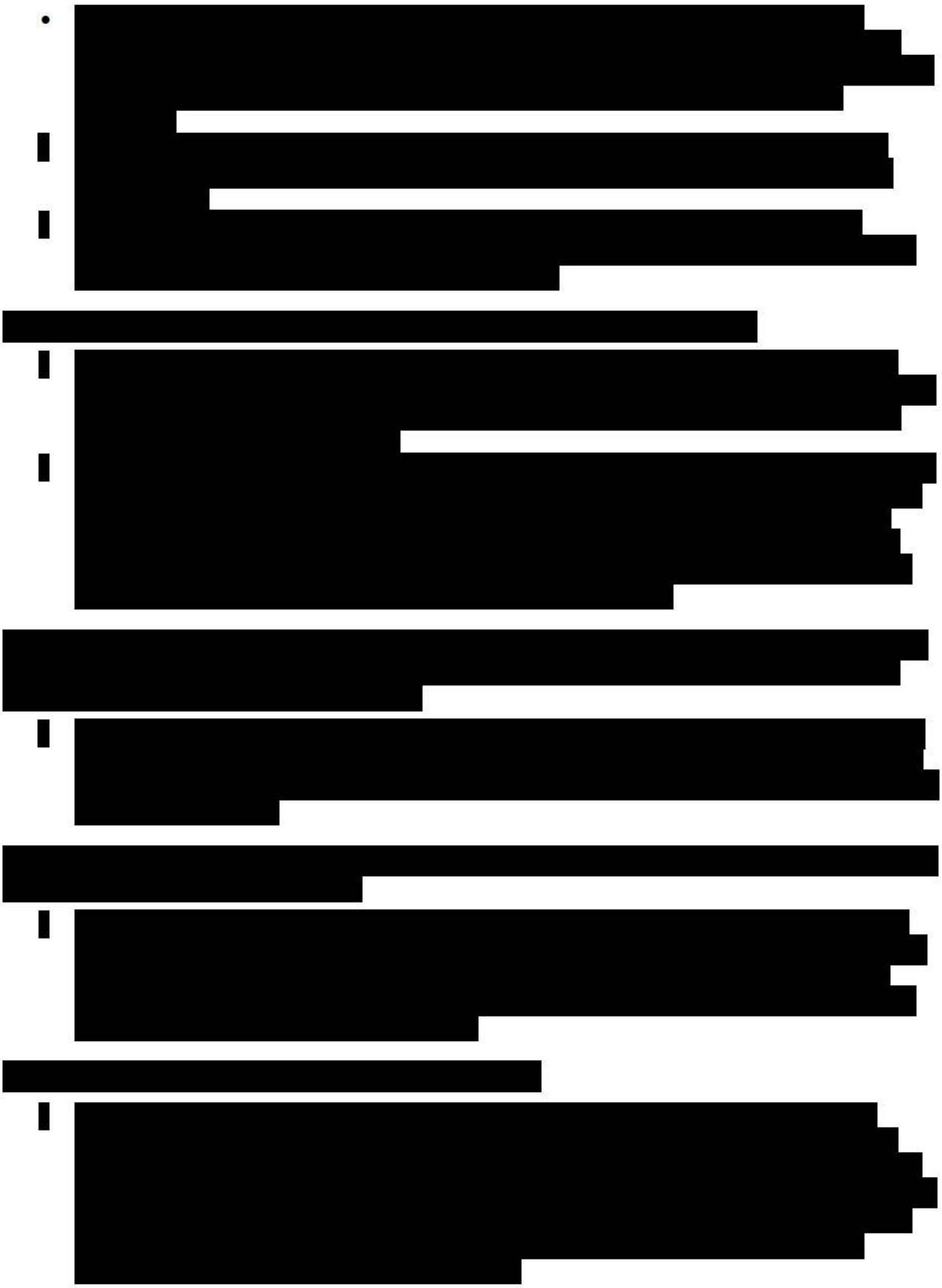
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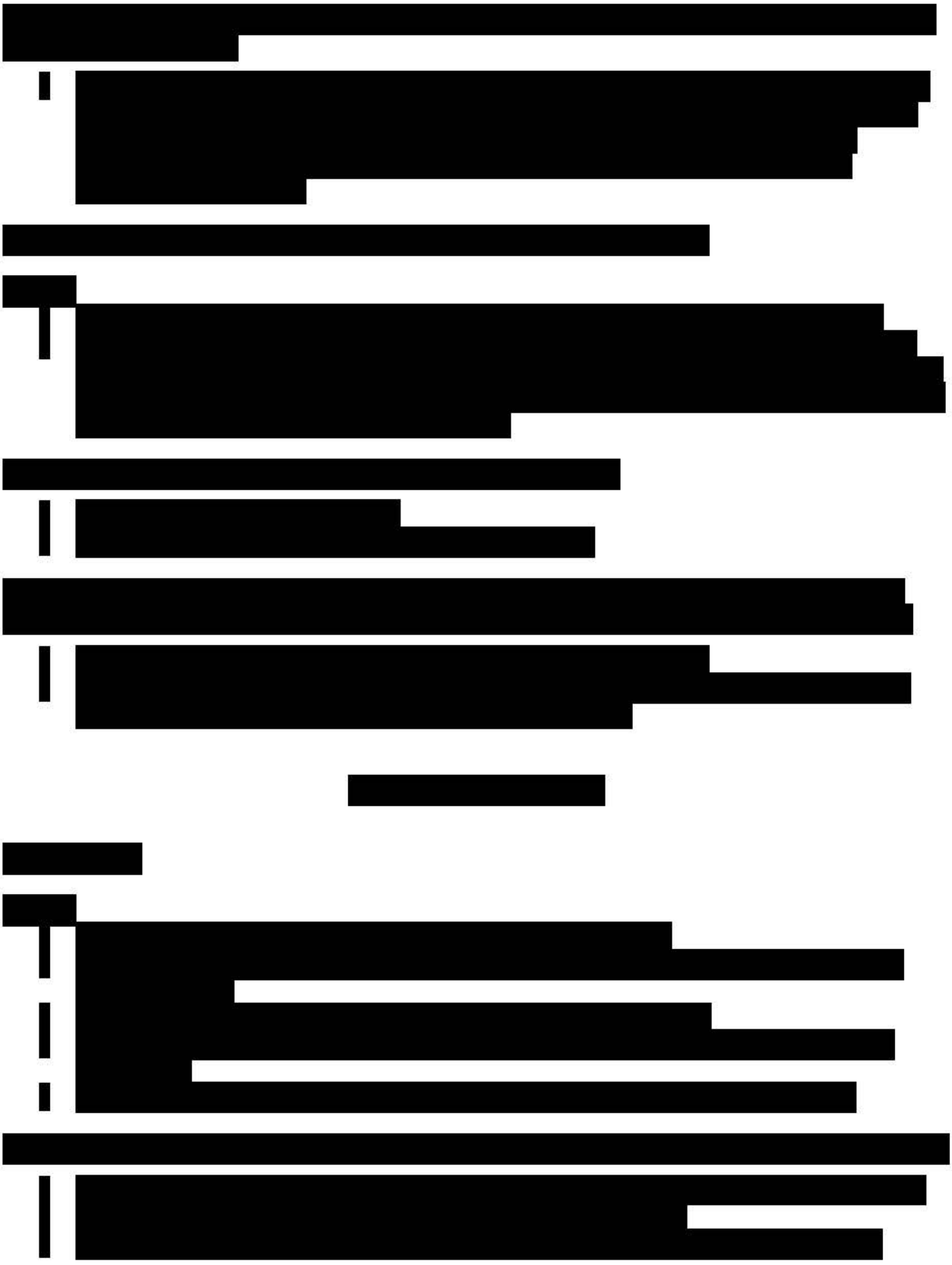
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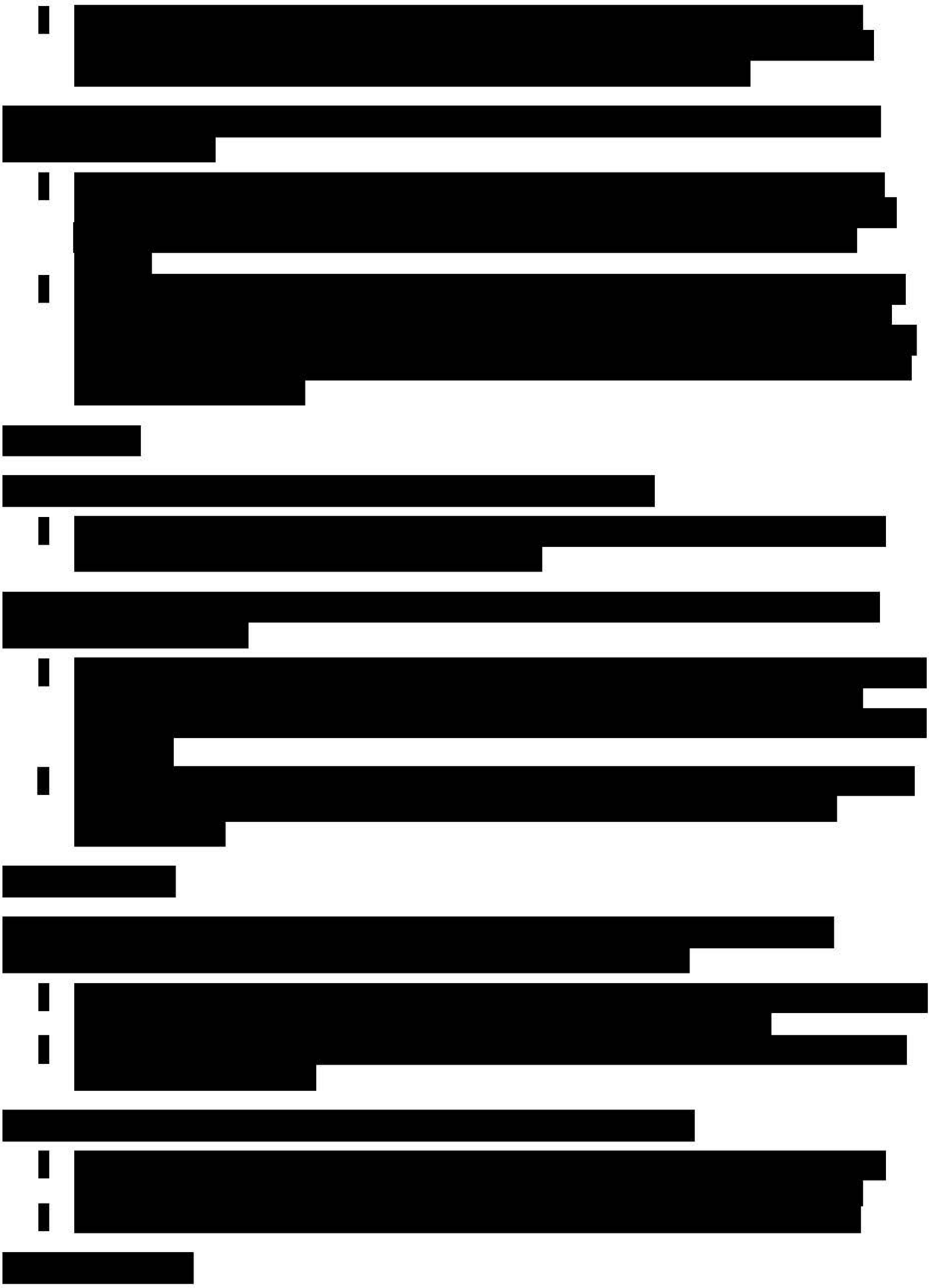
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Q: Without commenting on potential action you may take in a rulemaking, do you agree that liability rules enacted in 1996 may no longer further the intent of Section 230's purpose?

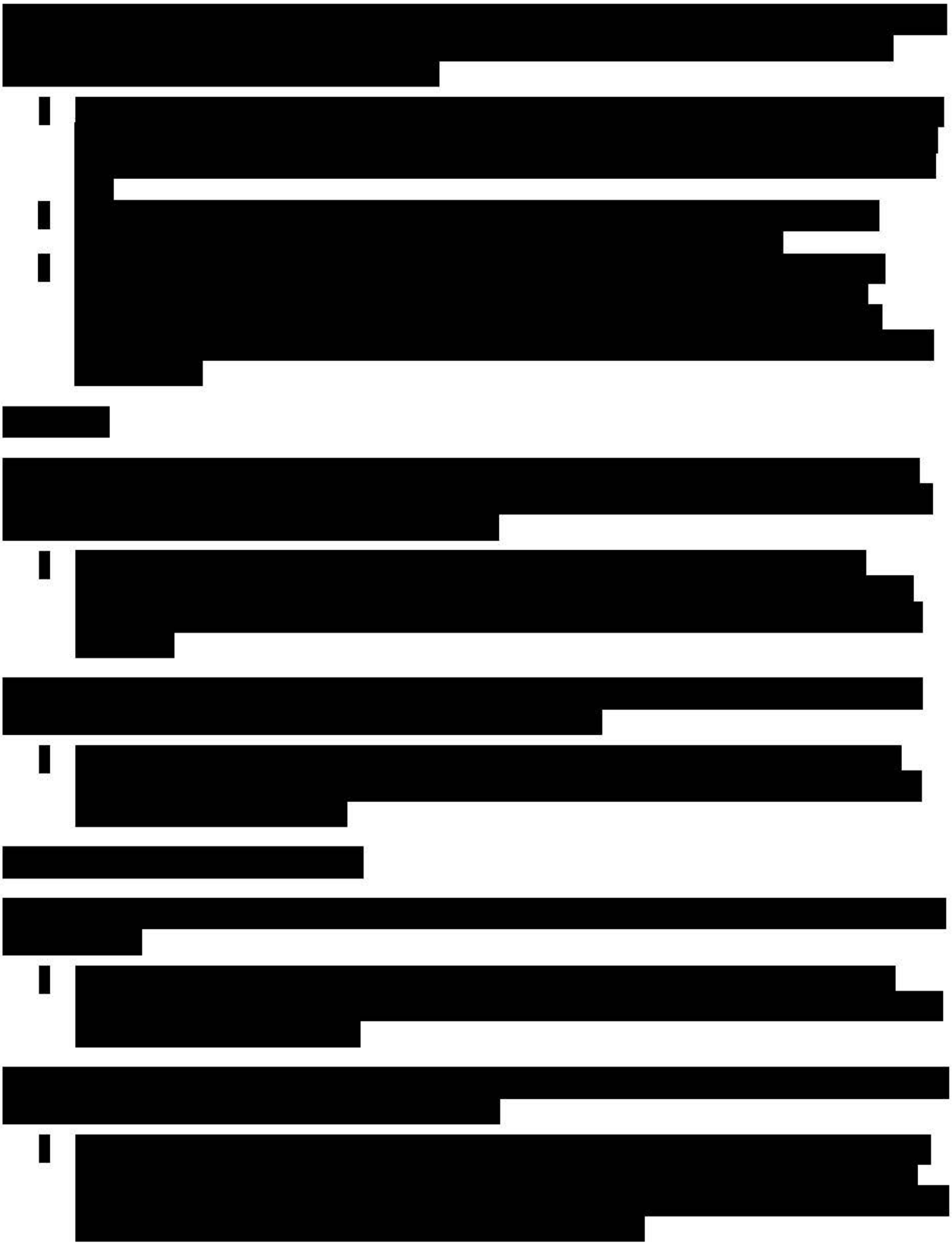
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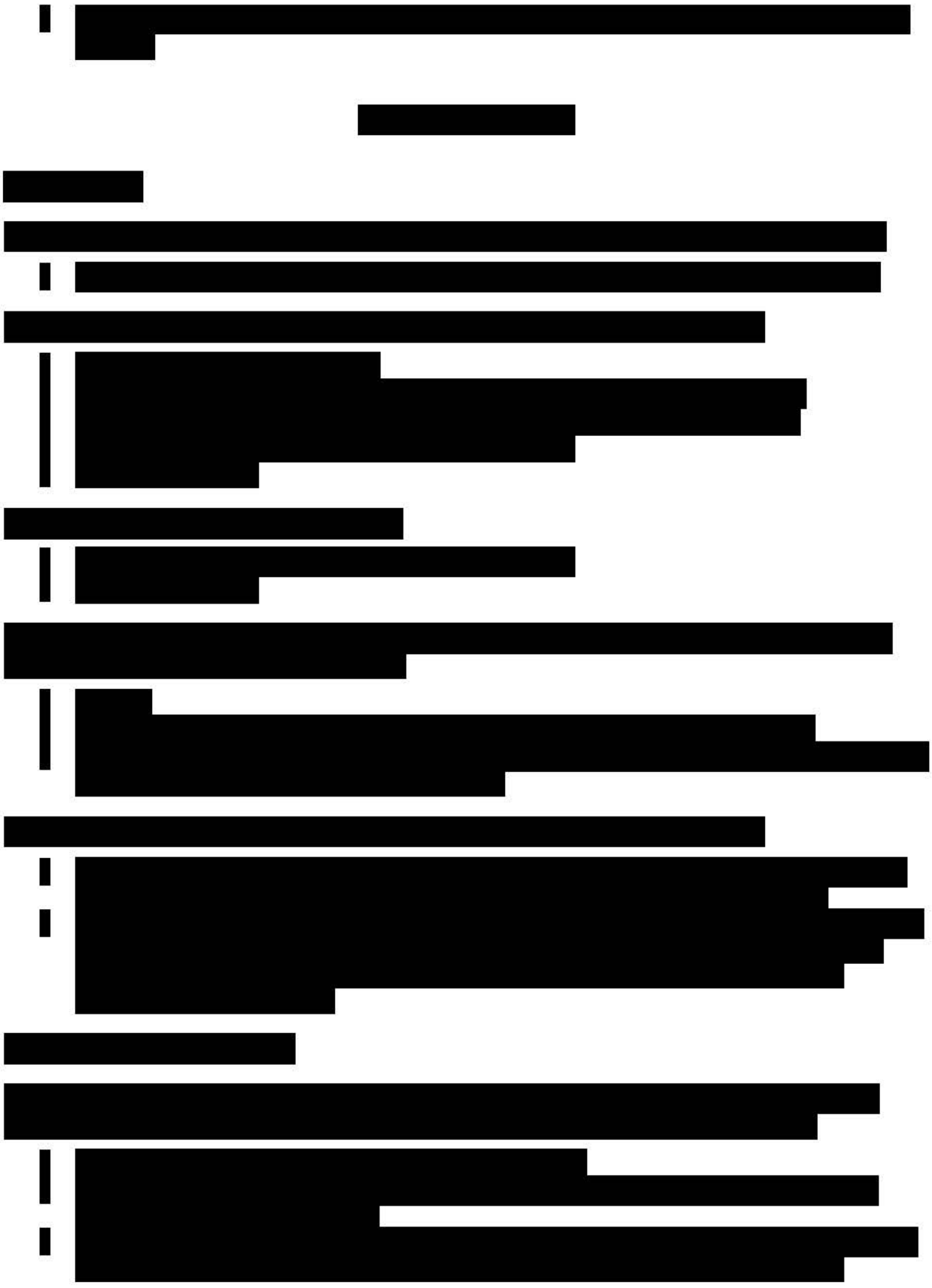
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From:	Katie Gorscak
To:	Allison Baker; Preston Wise; Zenji Nakazawa; Michael Carowitz; Sean Spivey; Alexander Sanjenis
Cc:	Brian Hart; Anne Veigle; Will Wiquist; Rochelle Cohen; Matthew Berry; Nicholas Degani
Subject:	October Press Prep
Date:	Thursday, October 22, 2020 3:04:37 PM
Attachments:	2020-10 Open Meeting - October Press Prep Draft.docx

Advisors – The draft press prep document is attached for your review. Please send us your edits by 3 p.m. tomorrow.

Regards,

Katie L. Gorscak
Federal Communications Commission
Office of Media Relations
445 12th St. SW, Room 4-C735
Washington, DC 20554
Phone: 202-418-2156
Cell: 202-380-8116

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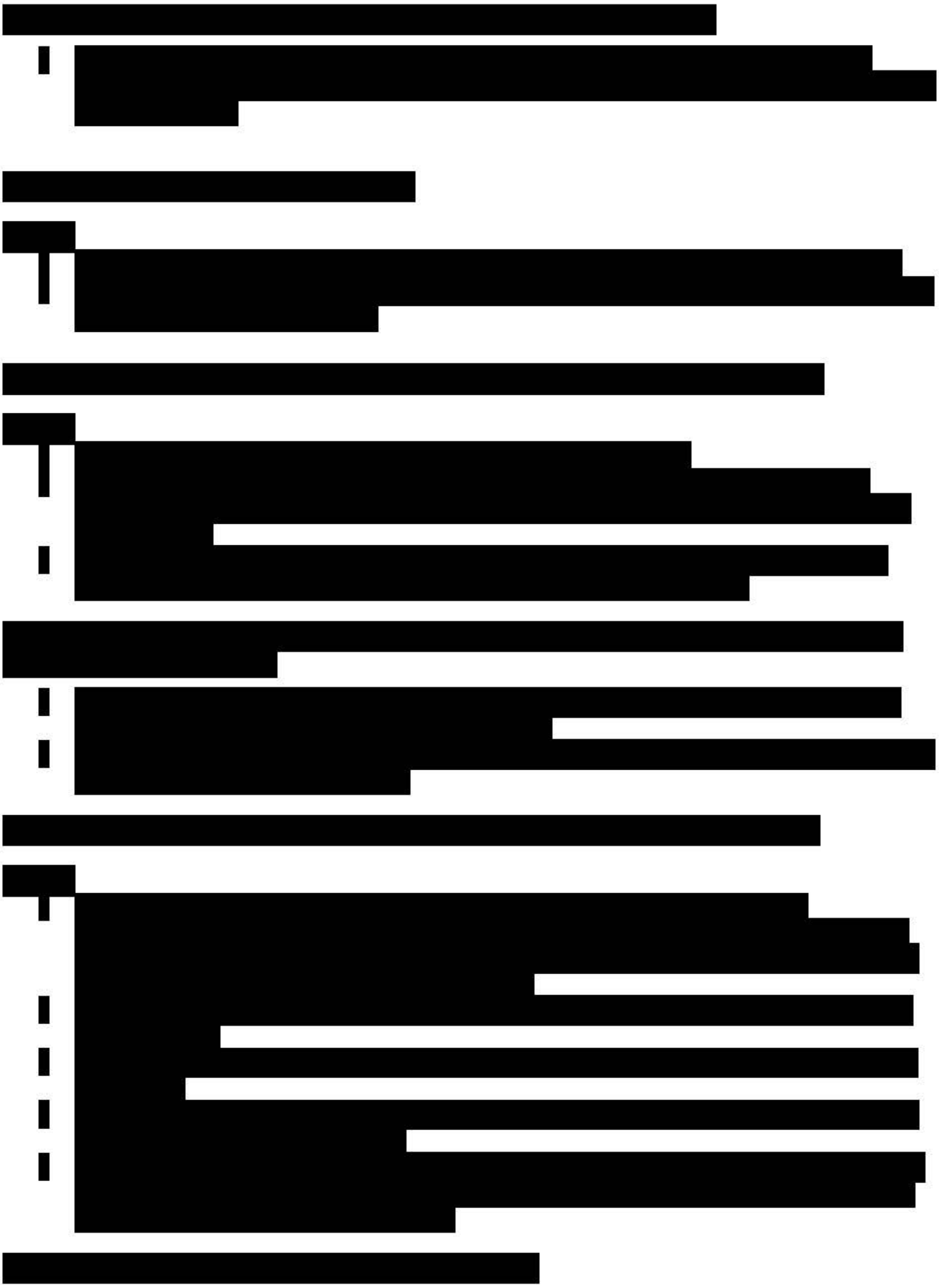
OCTOBER 2020 OPEN MEETING: PRESS PREP

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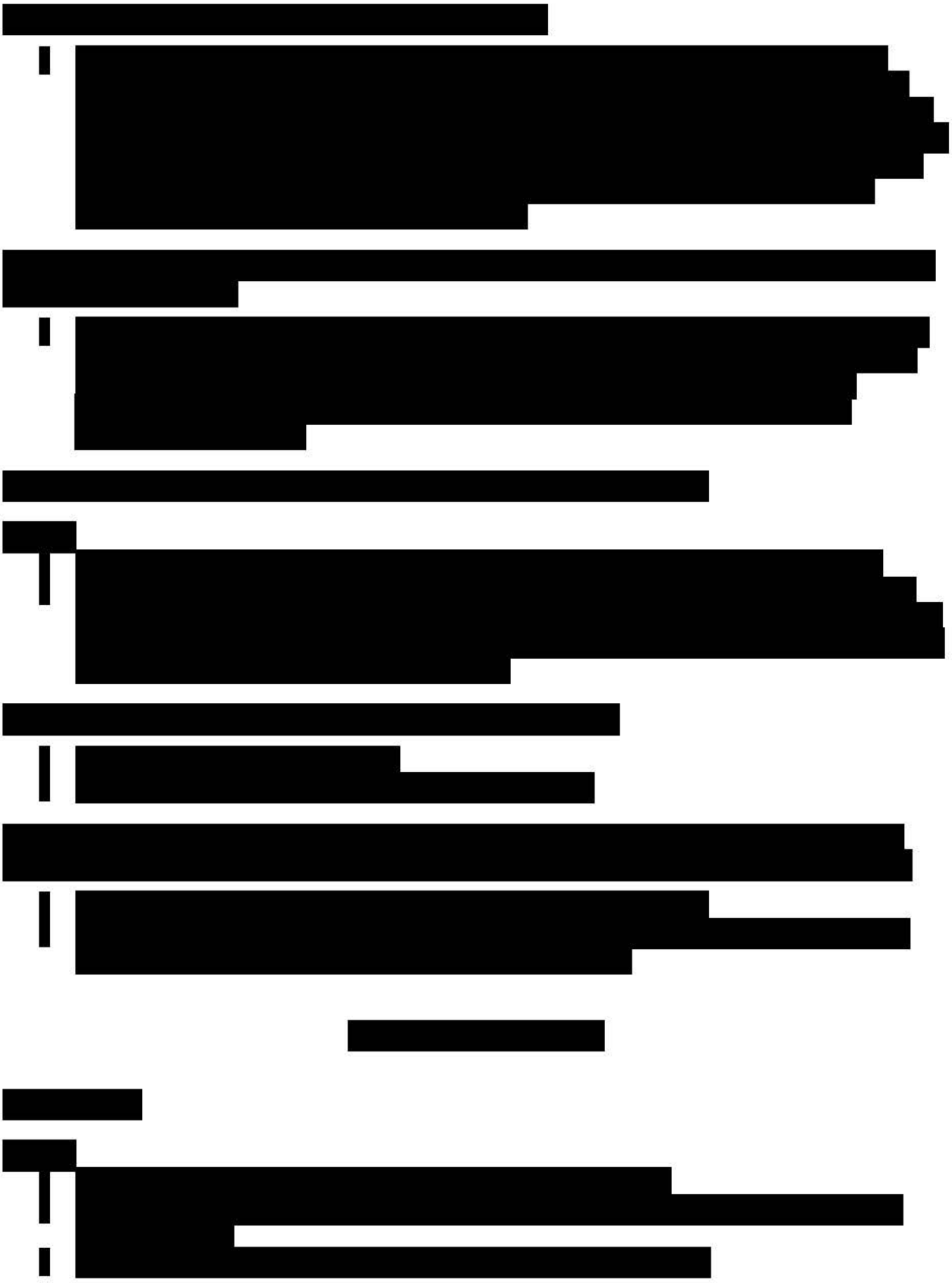
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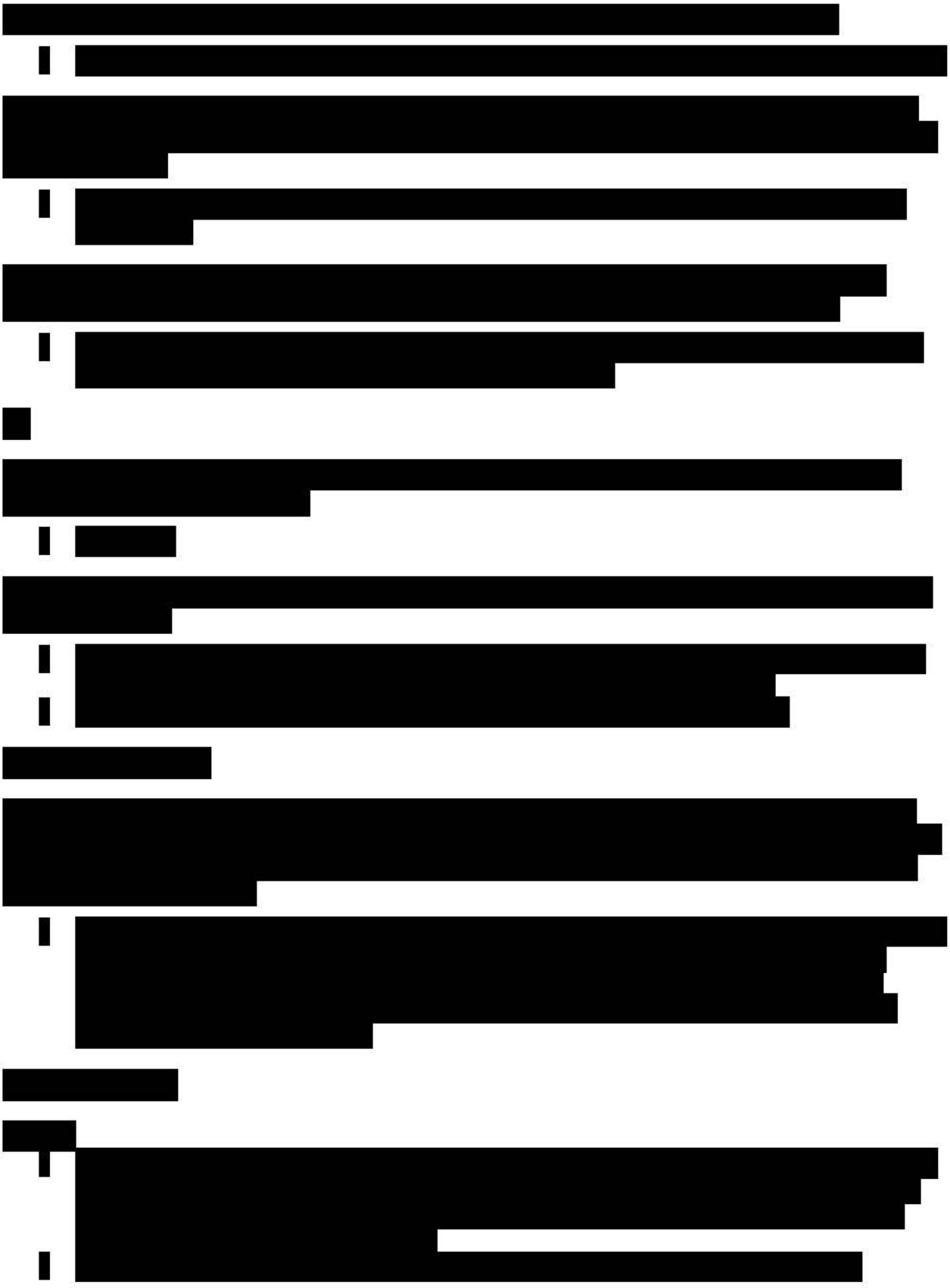
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- Recently, Justice Thomas expressed his view that Section 230 is being interpreted too broadly.
- [redacted]

[redacted]

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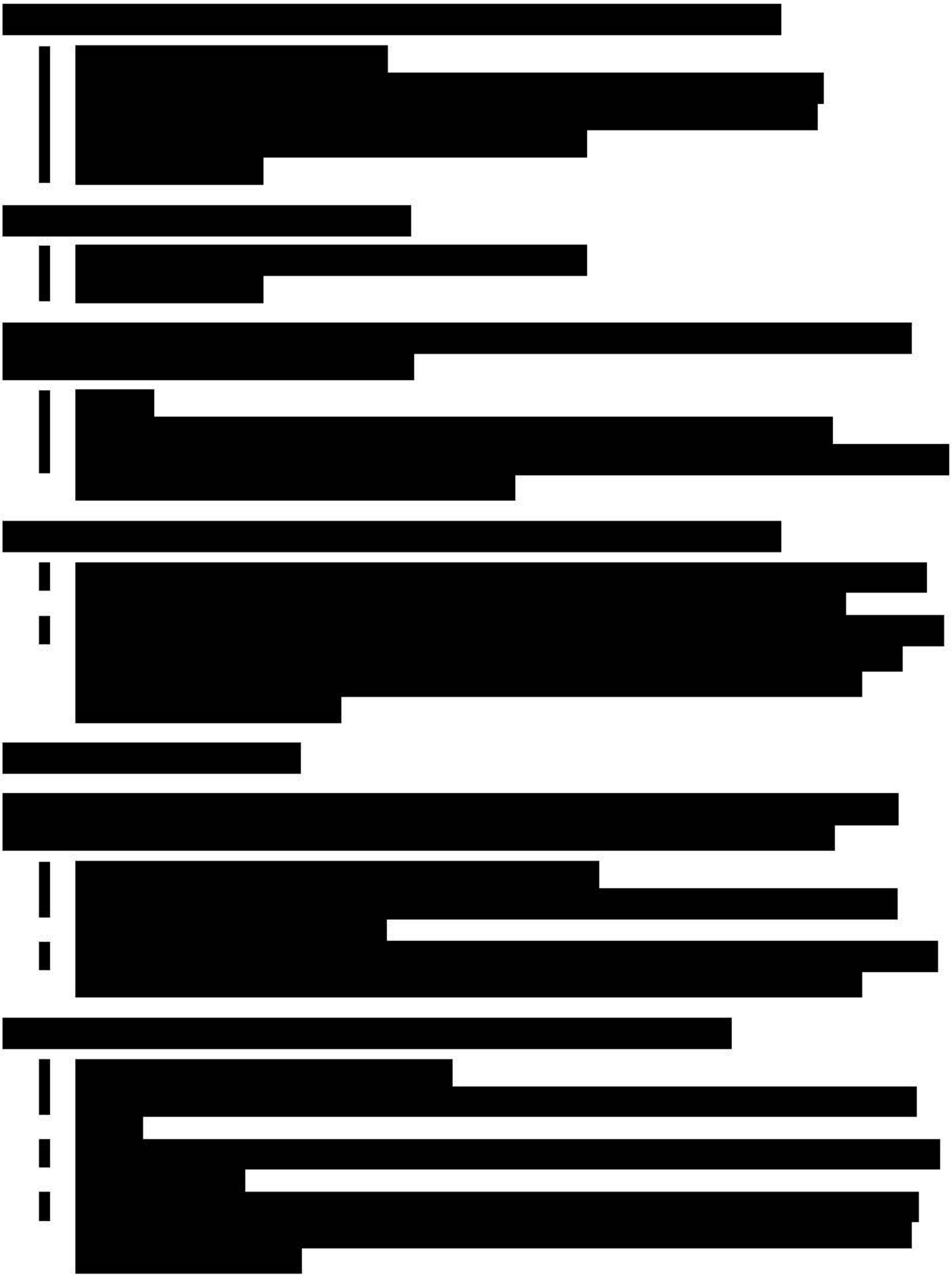


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From:	Katie Gorscak
To:	Ajit Pai; Matthew Berry; Melissa Droller Kirkel; Preston Wise; Nicholas Degani
Cc:	Brian Hart; Anne Veigle; Will Wiquist
Subject:	Press Briefer for KWCH - Wichita on 988 + Telehealth
Date:	Monday, July 20, 2020 10:59:58 AM
Attachments:	2020-07-20 Briefer - KWCH Wichita Interview on 988 + Telehealth.docx

To all:

Attached is a briefing sheet for this afternoon's Zoom interview, which is scheduled for 3:30 p.m. EST. The inquiry originally came through to discuss 988, but the reporter also indicated that she was open to additional topics you'd like to discuss of interest to Kansans. In addition to briefing information on 988, I've included some basic talking points on our telehealth initiatives including some specifics of the COVID-19 Telehealth Program and Kansas. Ten funding applications were approved for just over half a million dollars. I should note that none in Wichita proper were approved, but there are a few in the viewing area of the station, including the Central Kansas Mental Health Center in Salina, KS. Given the main interview topic of 988 I think it could be a nice symmetry to reference how our program has approved applications from mental and behavioral health centers and clinics throughout the country, including Kansas.

I'm still awaiting a contact phone # for the reporter and will send once I hear back from her.

Please let me know if you have any questions or concerns.

Regards,

Katie L. Gorscak
Federal Communications Commission
Office of Media Relations
445 12th St. SW, Room 4-C735
Washington, DC 20554
Phone: 202-418-2156
Cell: 202-380-8116

AMERICAN OVERSIGHT

BRIEFING SHEET: KWCH on '988' Suicide Prevention Hotline + Telehealth

What: Taped interview for KWCH - Wichita

When: 15-minute Zoom interview on Monday, July 20th at 3:30 p.m. EST

Where: Zoom interview:

https://us04web.zoom.us/j/78039193143?pwd=Q2VsZnJFSXJldkJlbmFhaERrRW4wZz09

Meeting ID: 780 3919 3143
Passcode: 1U88Dn

Contact: Lily Wu, correspondent, LWu@kwch.com, cell phone: TBD, will send once I hear back

Staff: Katie Gorscak, OMR ([redacted]) (b)(6)

Interview/Outlet Background:

Overview: KWCH is owned by Gray Television as part of a duopoly with KSCW-DT, a CW-Affiliated TV station licensed to Wichita, Kansas.



Interviewer: Lily Wu

Lily Wu joined the Eyewitness News team in June 2020 as a co-anchor for the 4 p.m. newscast on KSCW and a multimedia reporter for KWCH. Lily has nearly a decade of reporting experience from her time at the local ABC affiliate, where she was an award-winning reporter for nine years and a Saturday morning anchor for two years.

She earned a master's degree in journalism from the University of Hong Kong, while serving as a Rotary Ambassadorial Scholar. Lily grew up in Wichita, and attended Wichita State University, where she earned the distinction of Summa Cum Laude, graduating with two bachelor's degrees in international business and integrated marketing communication.

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[redacted]

[redacted]

[redacted]

Q: Will call centers be able to handle all these new calls?

- While that is a question really for Congress, HHS, and local leaders, I think there is a groundswell of national support for this effort and I expect every effort will be made to provide the resources need to ramp up call centers in preparation of this change.

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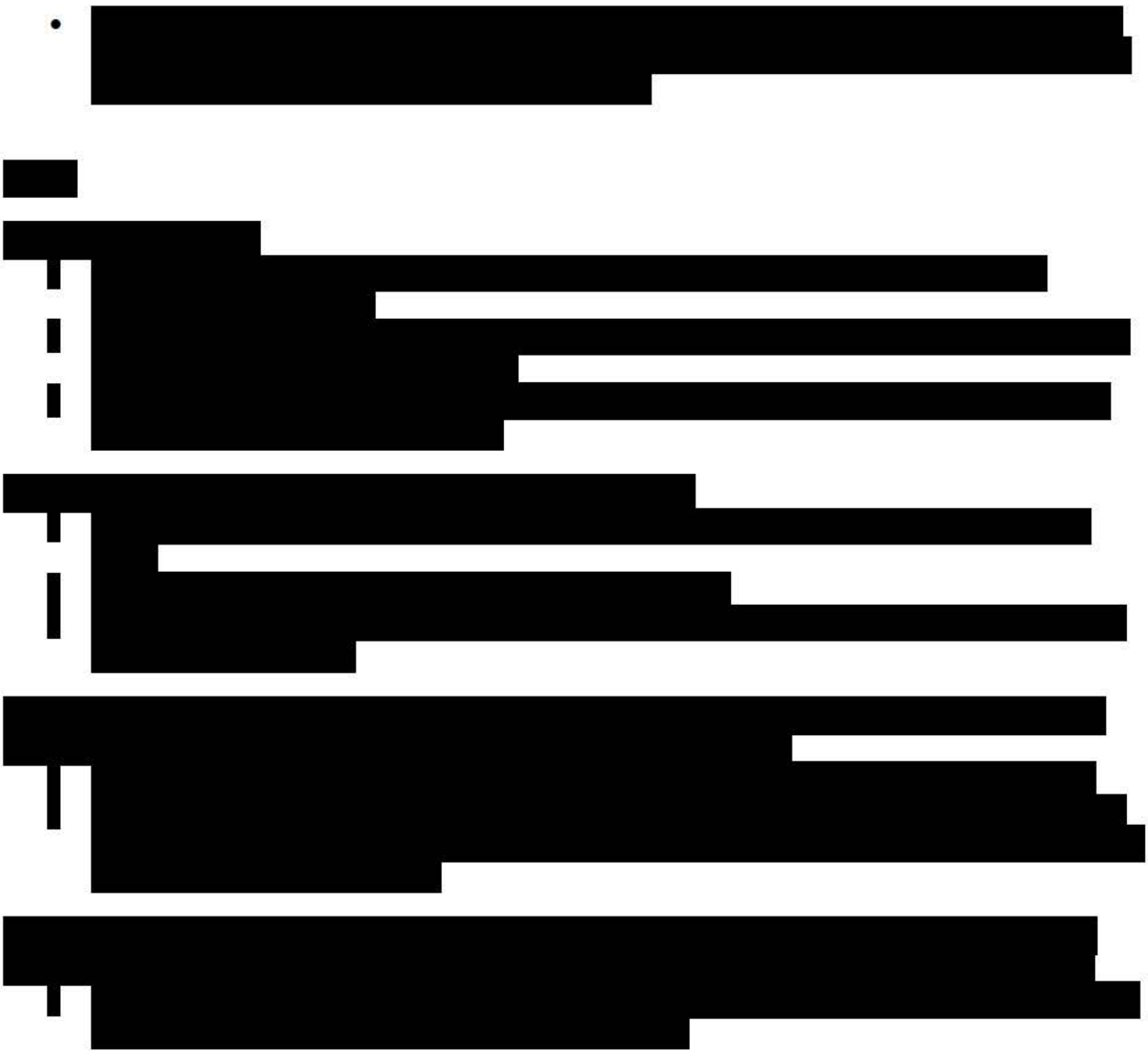
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From:	Katie Gorscak
To:	Ajit Pai; Nicholas Degani; Matthew Berry
Cc:	Brian Hart; Anne Veigle; Rochelle Cohen; Will Wiquist; Evan Swarztrauber; Lauren Earley; Joe Kane
Subject:	Press Prep
Date:	Wednesday, July 15, 2020 2:41:06 PM
Attachments:	2020-07 Open Meeting - July Press Prep - Draft_OMR_0714_toOCHv2.docx

To all:

Here's a slightly revised version of press prep which includes an additional Call Blocking Q&A from CGB and a grab bag topic on WEA Alerts + COVID19 that came in through PSHSB.

"See" you at 3.

Katie L. Gorscak
Federal Communications Commission
Office of Media Relations
445 12th St. SW, Room 4-C735
Washington, DC 20554
Phone: 202-418-2156
Cell: 202-380-8116

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JULY 2020 OPEN MEETING: PRESS PREP

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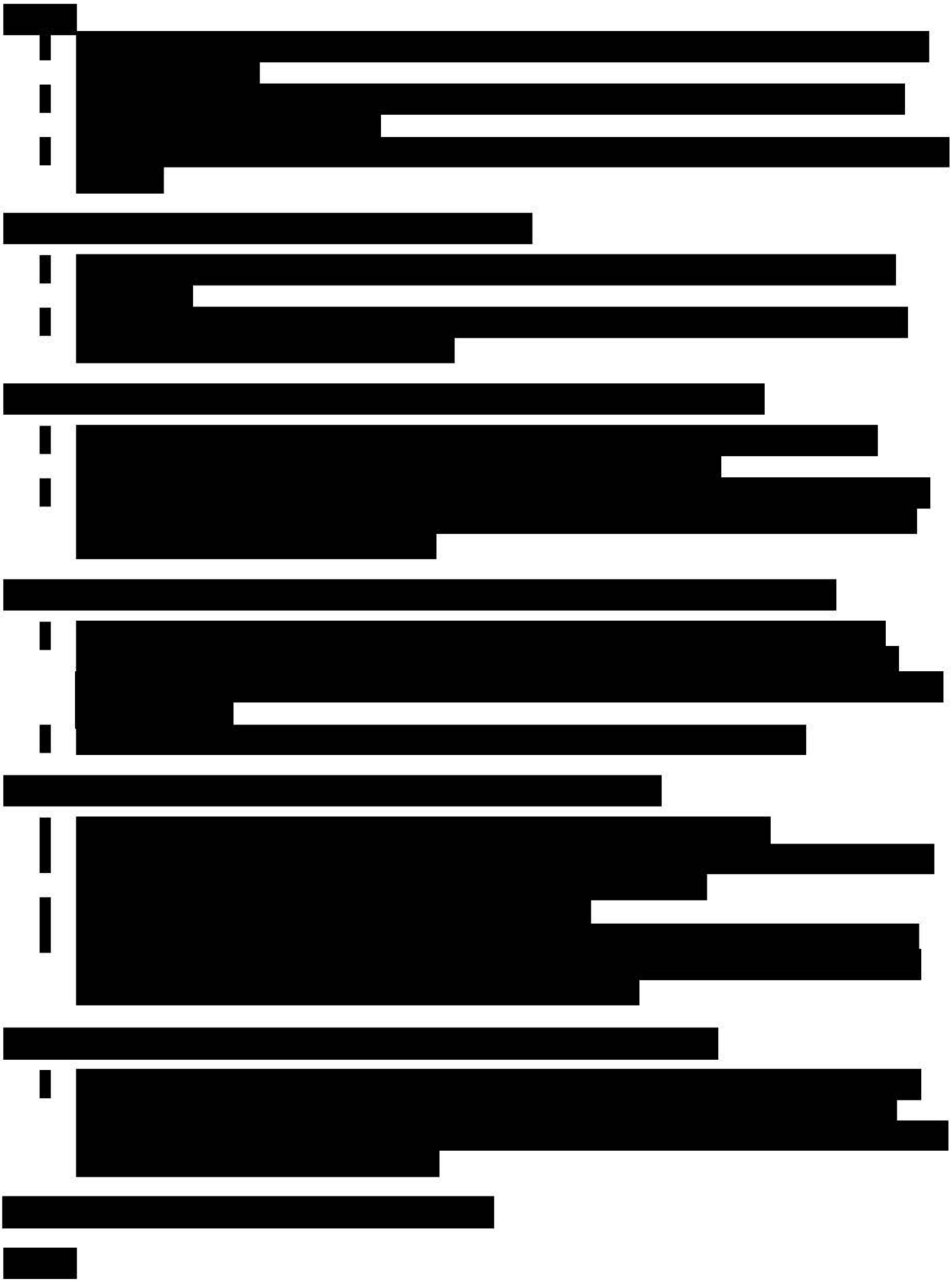
Q: Will call centers be able to handle all these new calls?

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[redacted]

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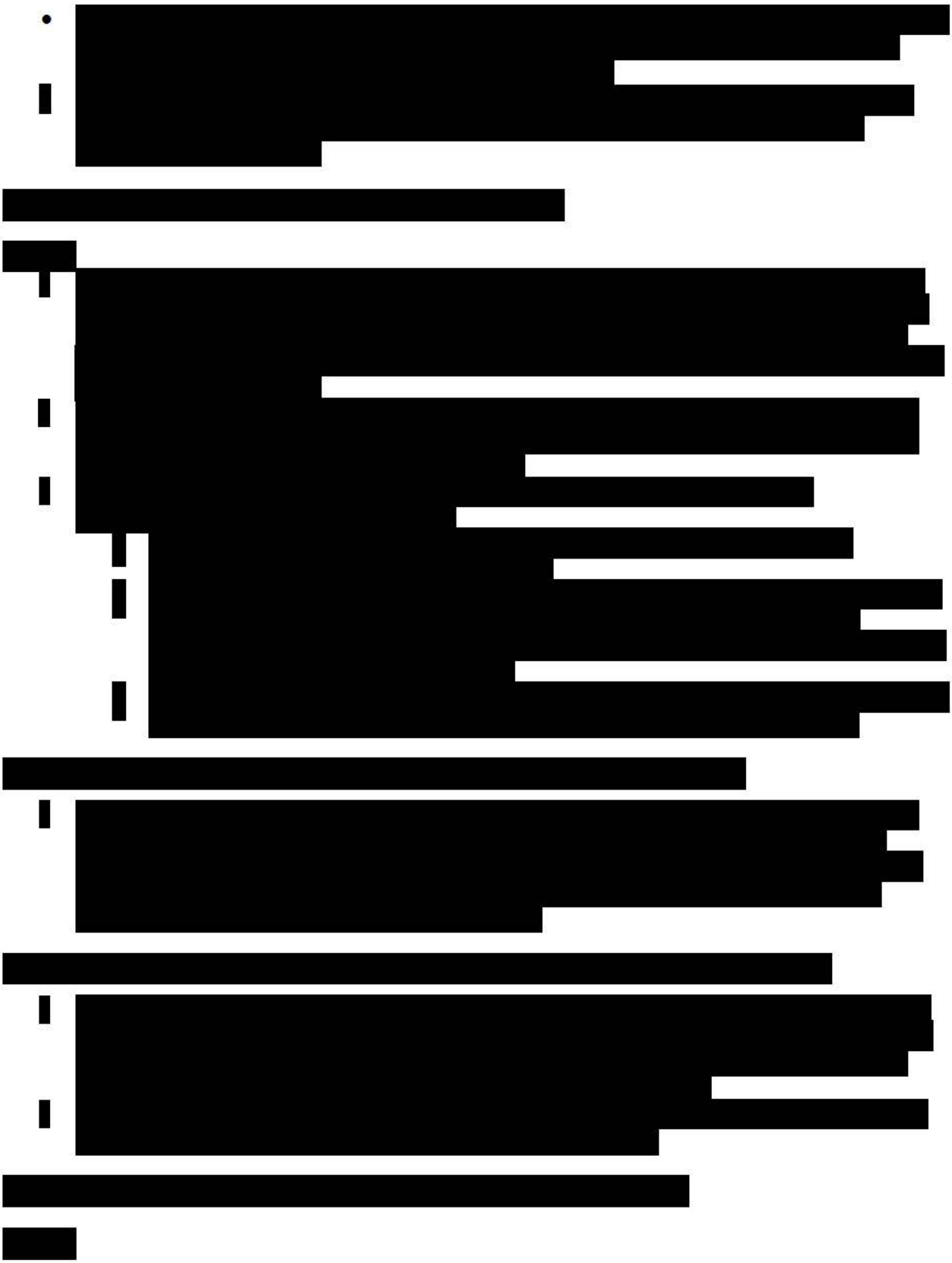
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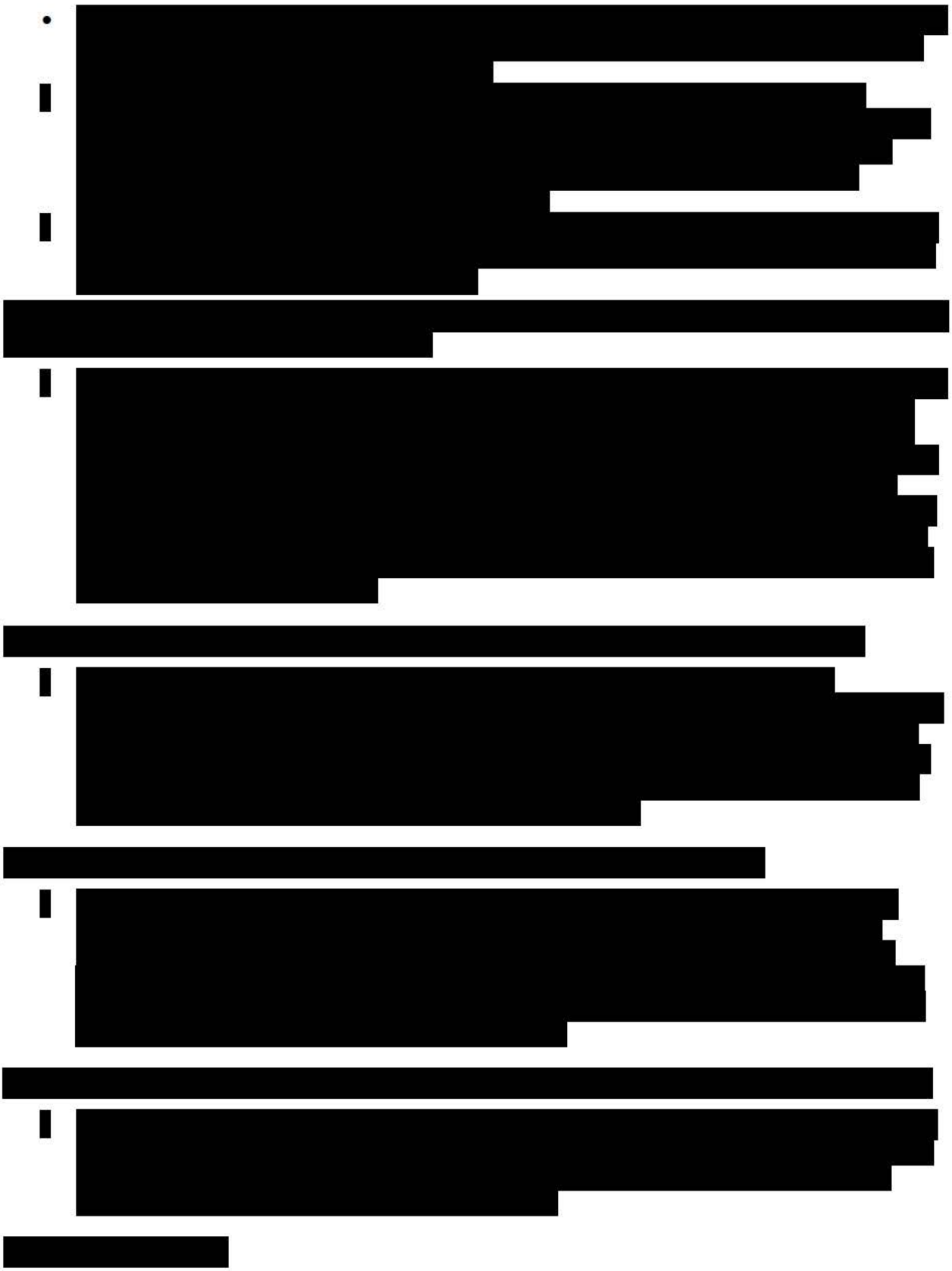
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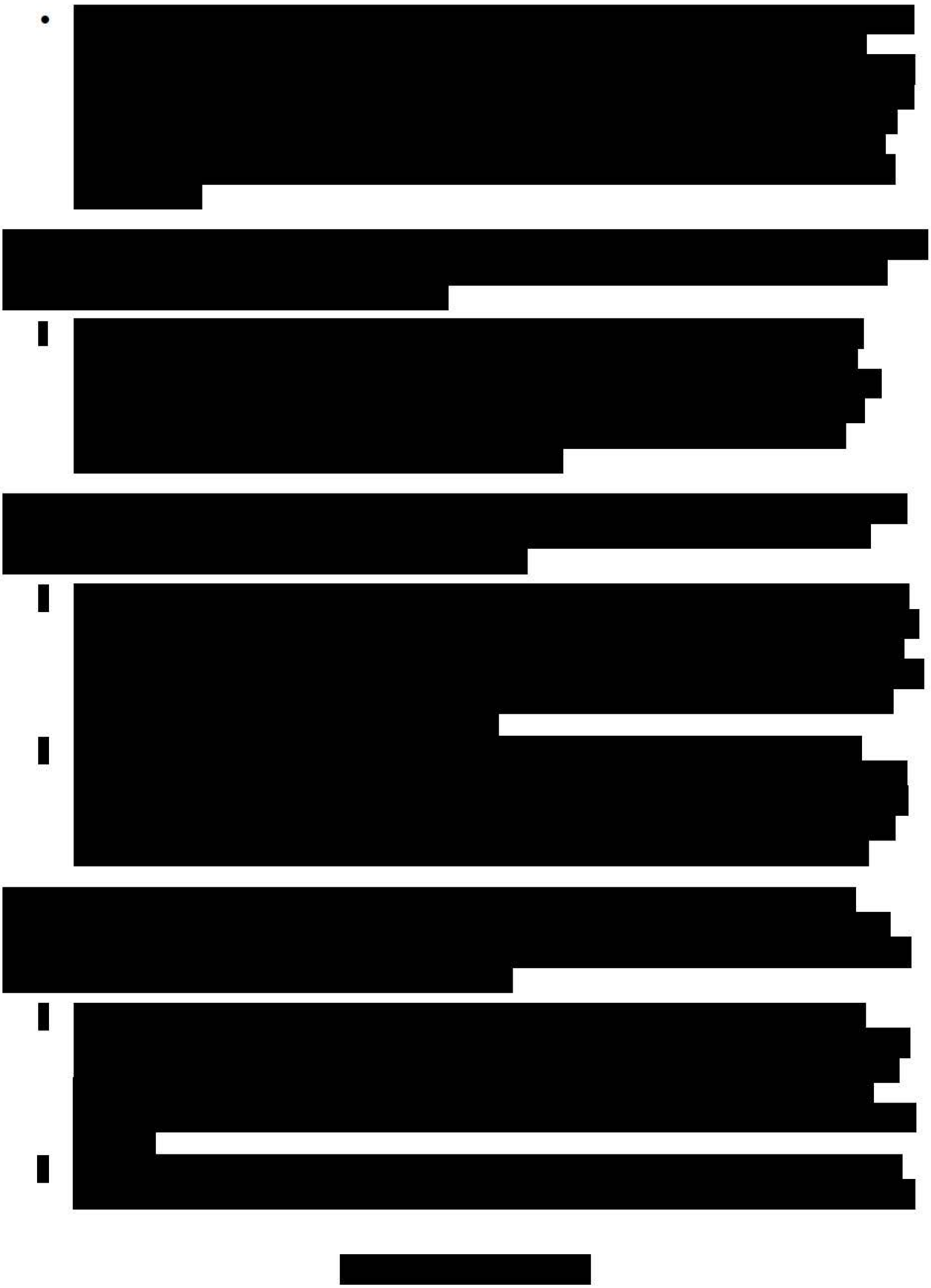
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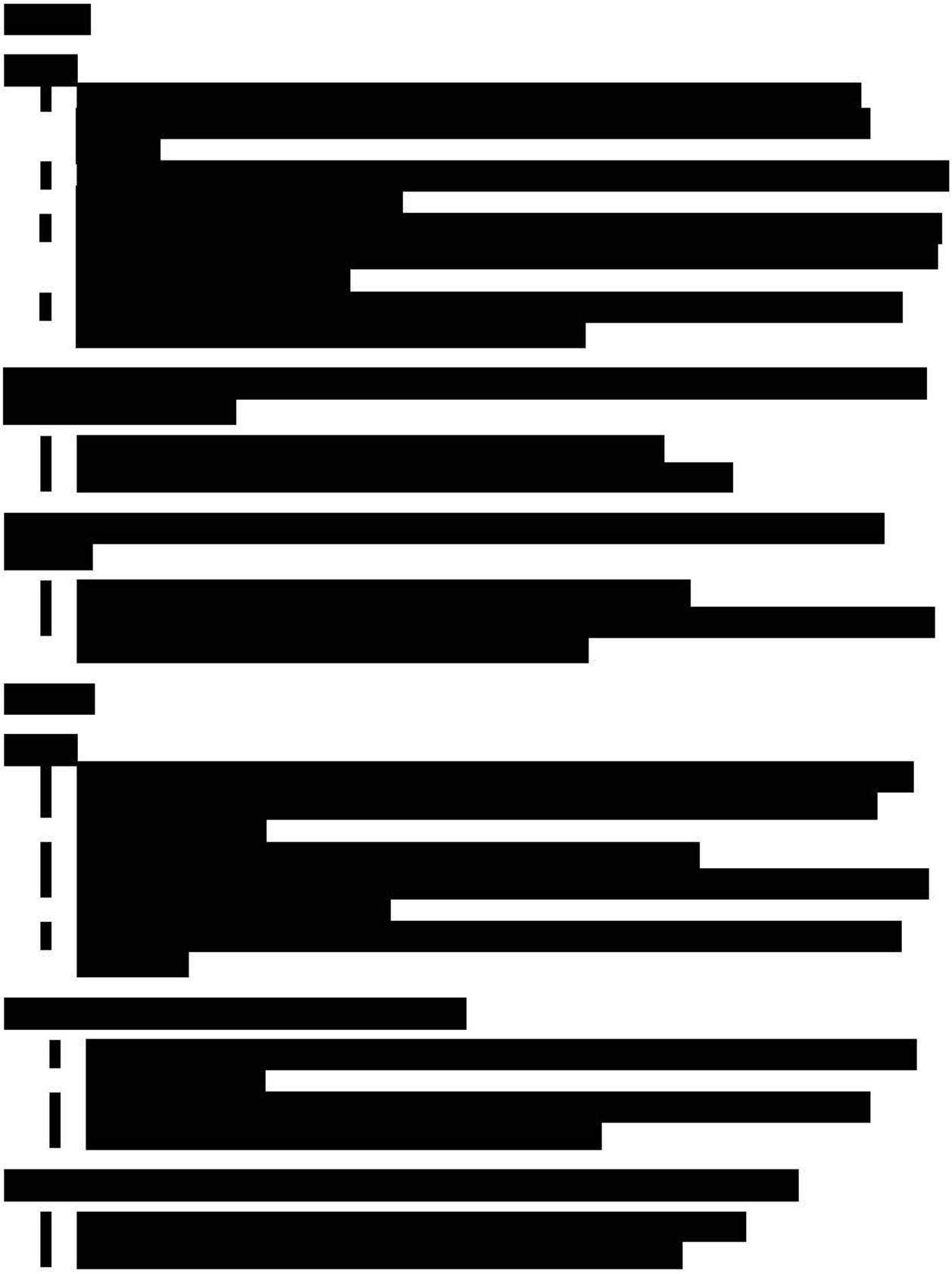
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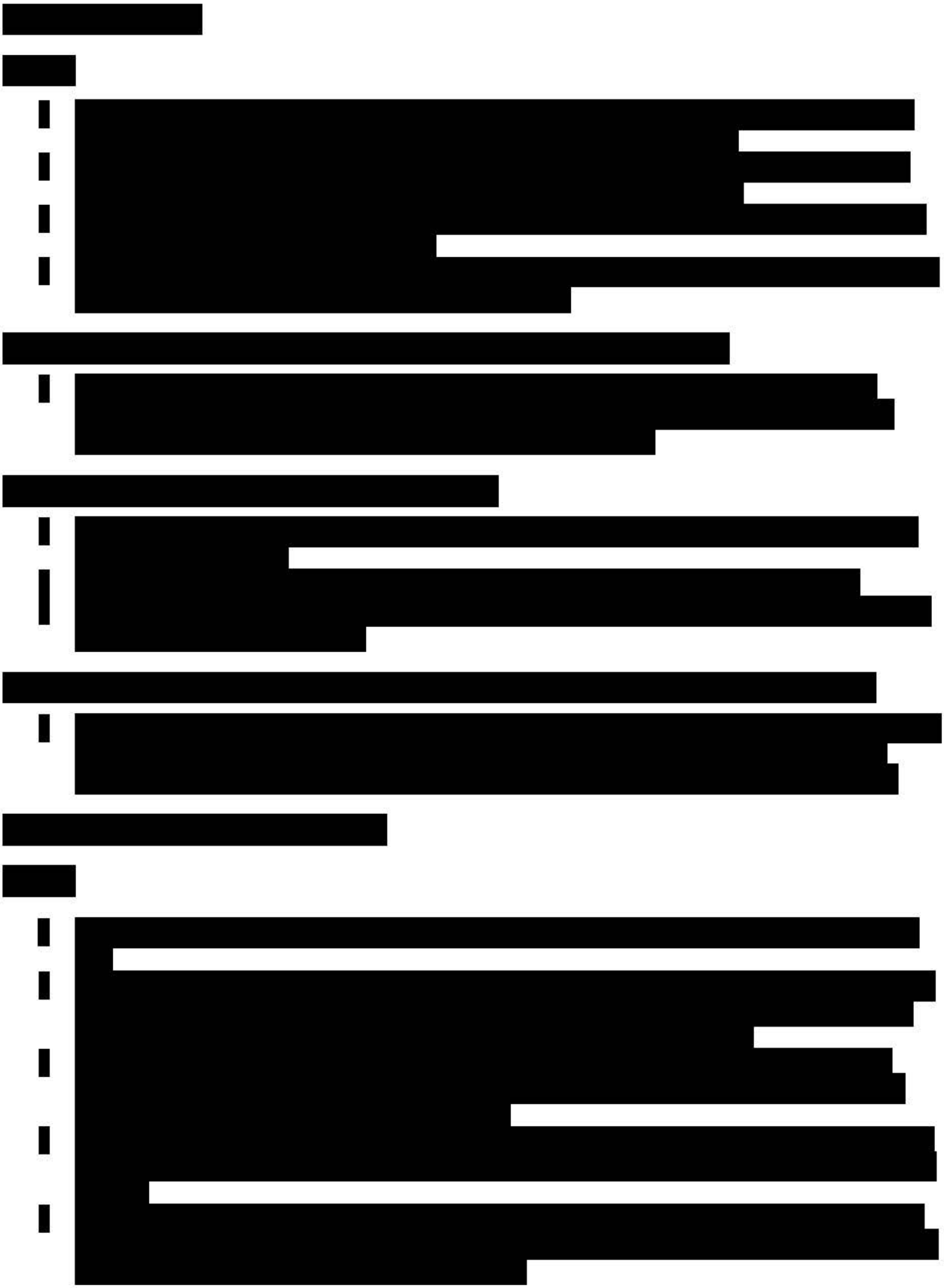
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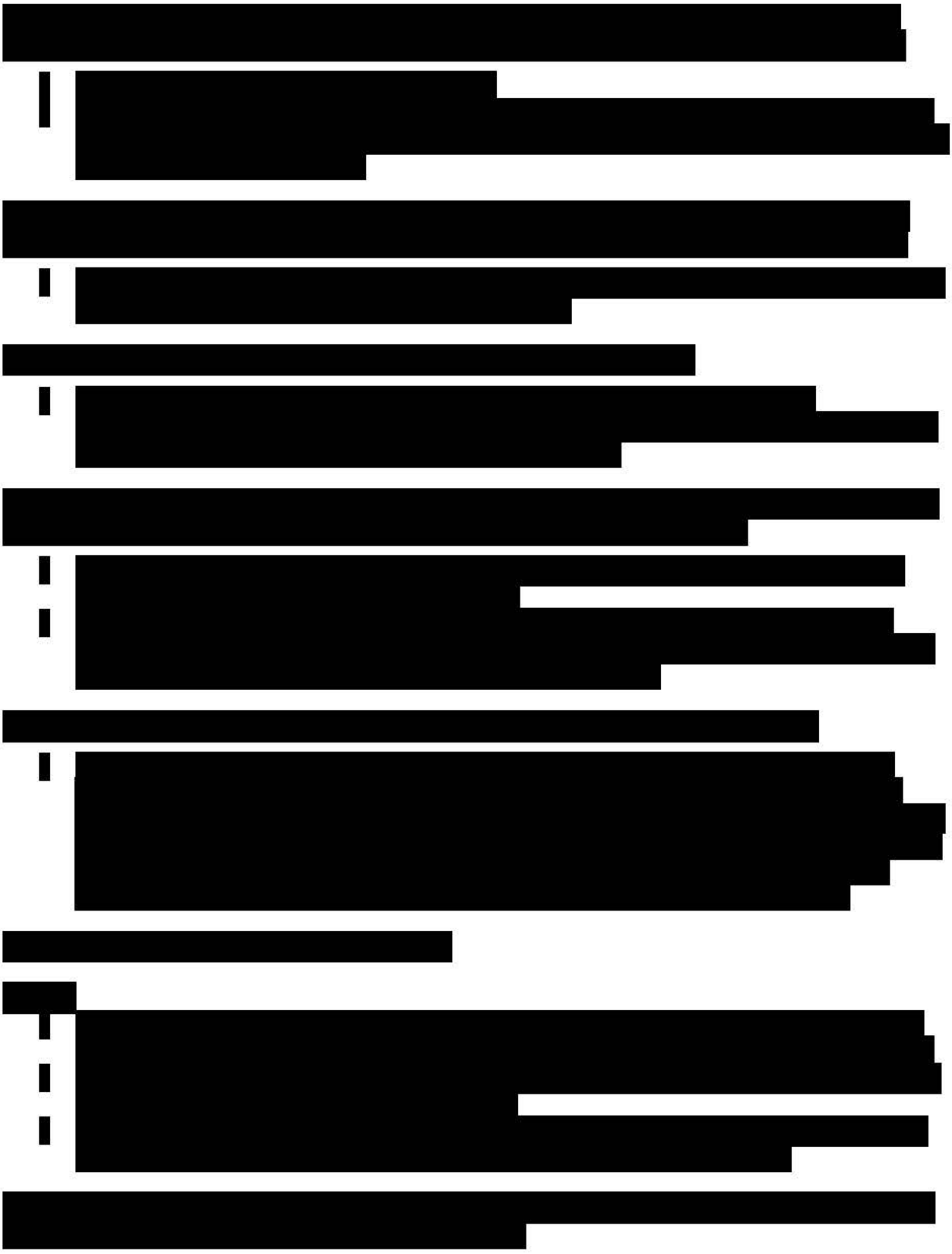
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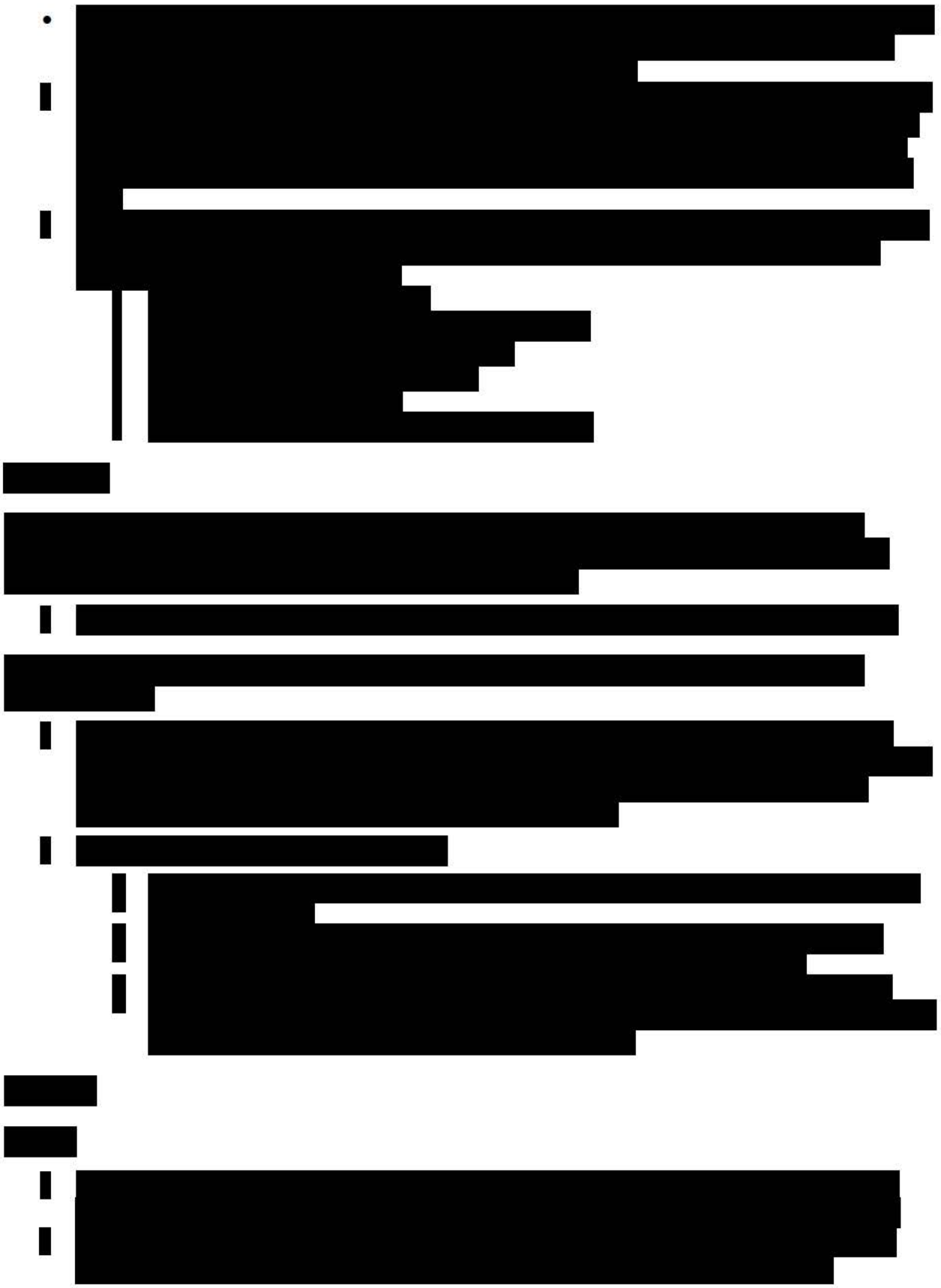
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From:	Tina Pelkey
To:	Ajit Pai; Matthew Berry; Nicholas Degani
Cc:	Brian Hart; Will Wiquist; Katie Gorscak; Rochelle Cohen; Evan Swarztrauber
Subject:	Press prep for February
Date:	Wednesday, February 26, 2020 7:07:36 PM
Attachments:	2020-02 Open Meeting - February Press Prep - OMR + Legal Advisors.docx

Please find the press prep document attached. We look forward to talking through it tomorrow. If you need anything before our meeting at 2:30, give us a shout.

Thanks!
Tina

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Non-public. For internal use only.

FEBRUARY 2020 OPEN MEETING: PRESS PREP

[redacted]

CLARENCE THOMAS COMMENTS 13

[redacted]

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OPEN MEETING ITEMS



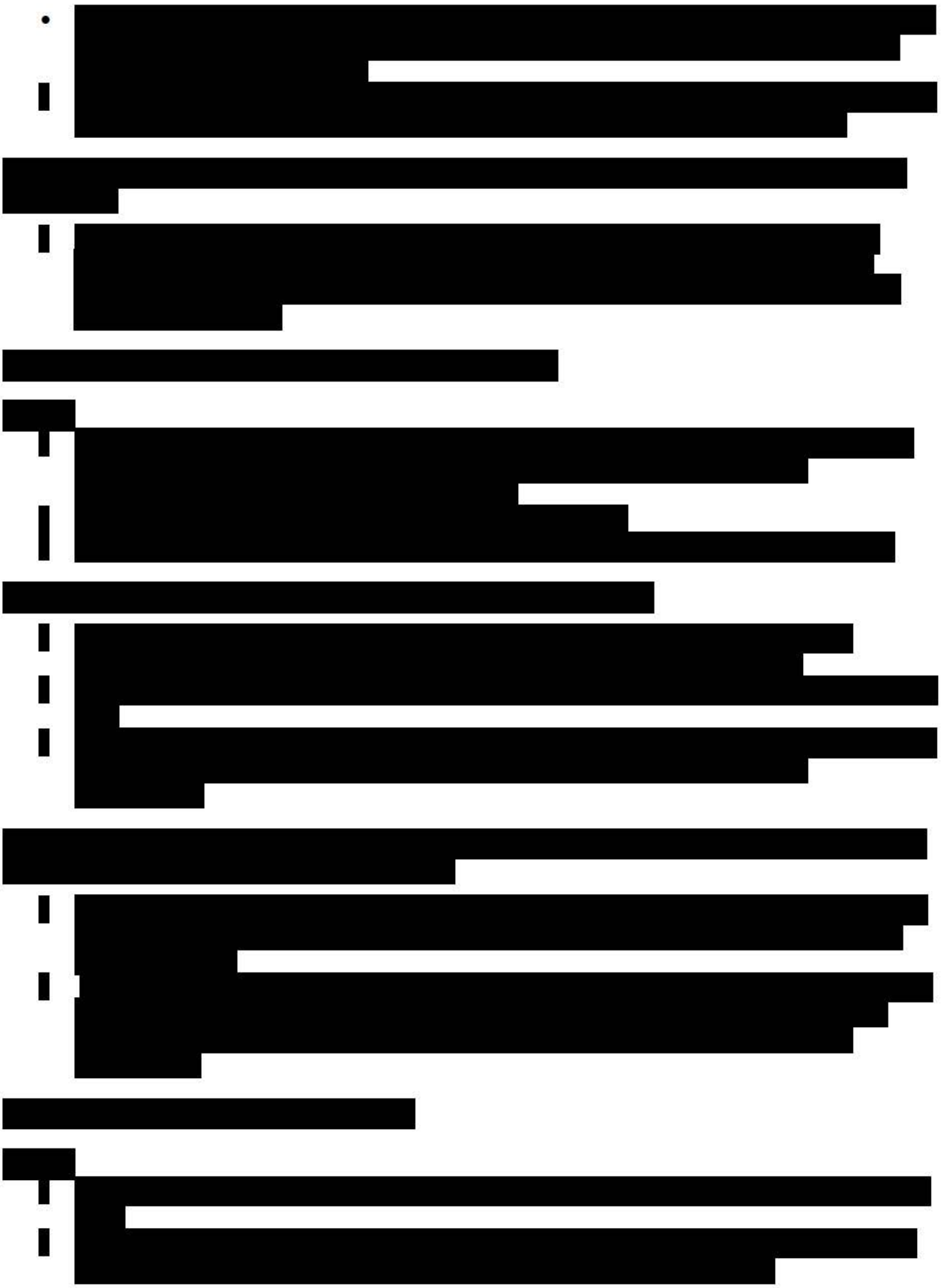
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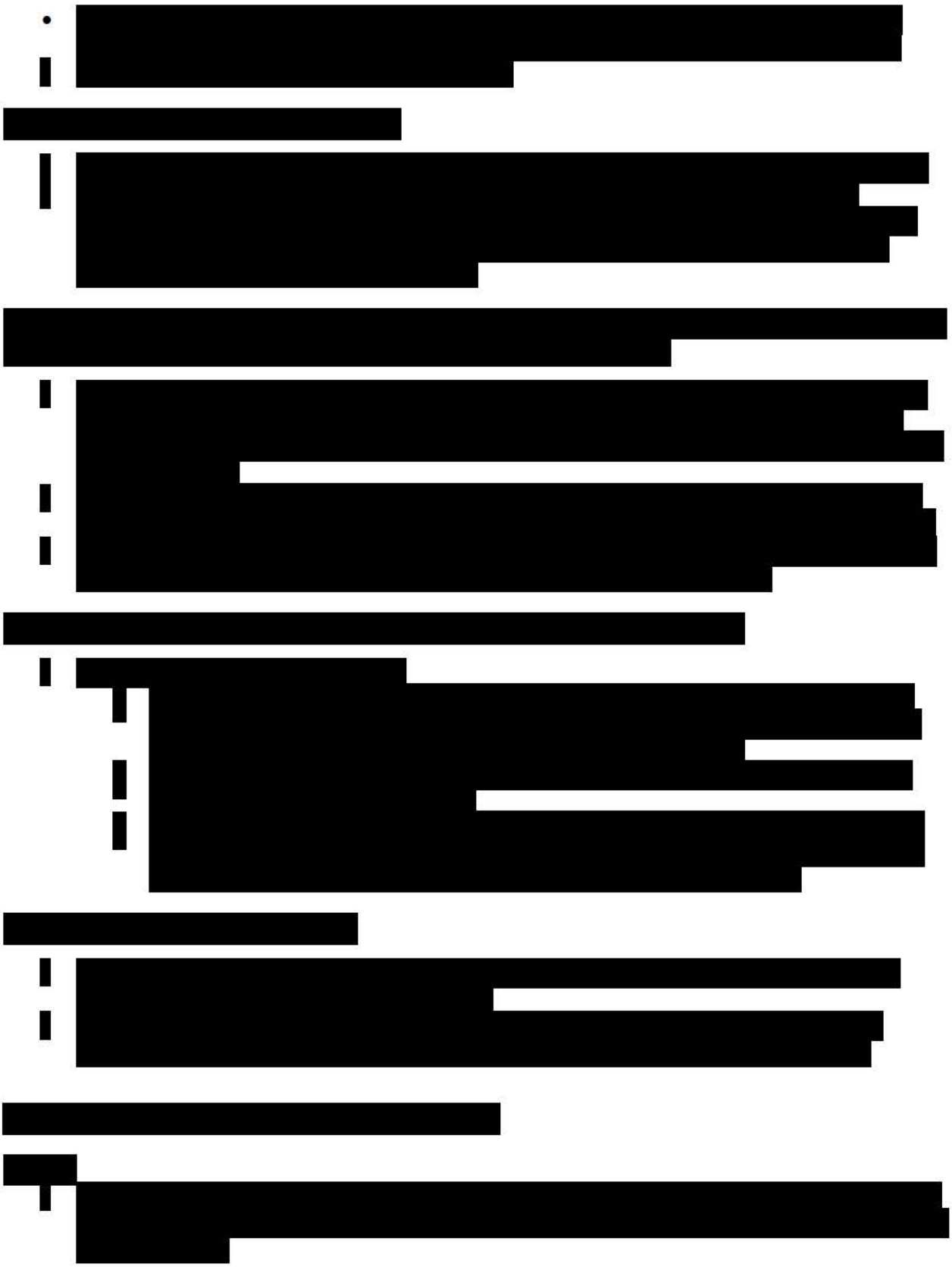
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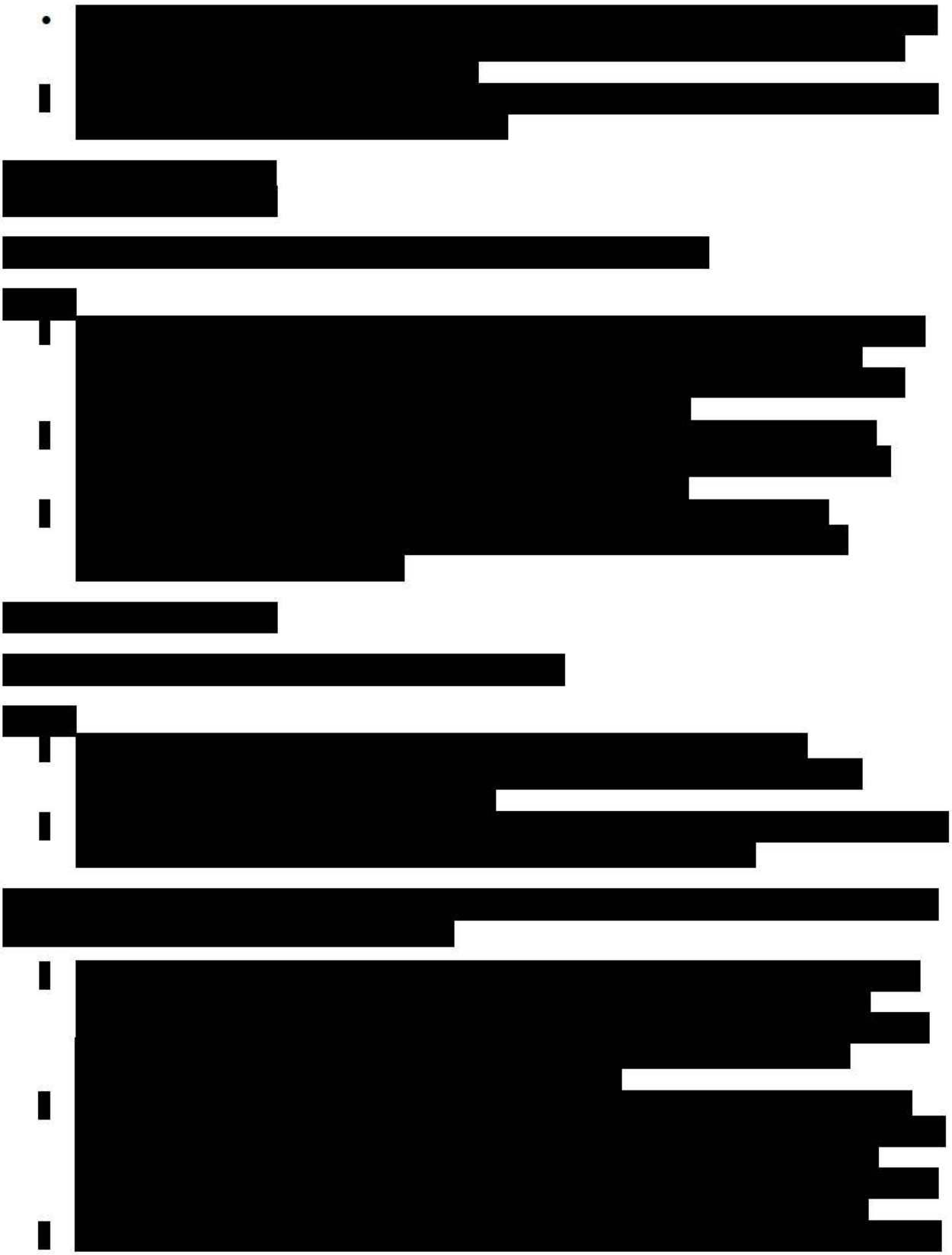
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[redacted]

CLARENCE THOMAS COMMENTS

Q: Justice Clarence Thomas recently said, "Although I authored Brand X, 'it is never too late to 'surrende[r] former views to a better considered position.'" Does that concern you given your previous statements about Brand X as it relates to net neutrality?

- As you know, I've been in India this week and haven't had a chance to review the full opinion, so I'm not going to comment.

[redacted]

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AMERICAN OVERSIGHT

From:	Brian Hart
To:	Matthew Berry; Nicholas Degani; Ajit Pai
Subject:	press prep...
Date:	Tuesday, November 10, 2020 5:41:46 PM
Attachments:	2020-11 Open Meeting - November Press Prep Grab Bag Topics Only.docx

Ajit/Matthew/Nick:

As OMR goes through our normal process for preparing press prep prior to review/revision by the bureaus/legal advisors/you, I realize that so much is changing so fast that I can't take my normal pass at the grab bag/hot topics. And what me may draft now will change again pretty quickly.

So as a break from the normal procedure, I wanted to send you the current draft which has been very lightly updated to be current with respect to tense and dates, but is otherwise very similar to the suggested answers from last month.

There are also likely to be several more Qs we should include/add in the coming week.

Please let me know the best way to approach these. My initial flexible suggestion is to have a quick discussion on Friday (OMR internal deadline is Friday COB). Or if it's easier, we can leave these as placeholders and discuss on press prep next week, although these probably need a bit more baking time and discussion than that.

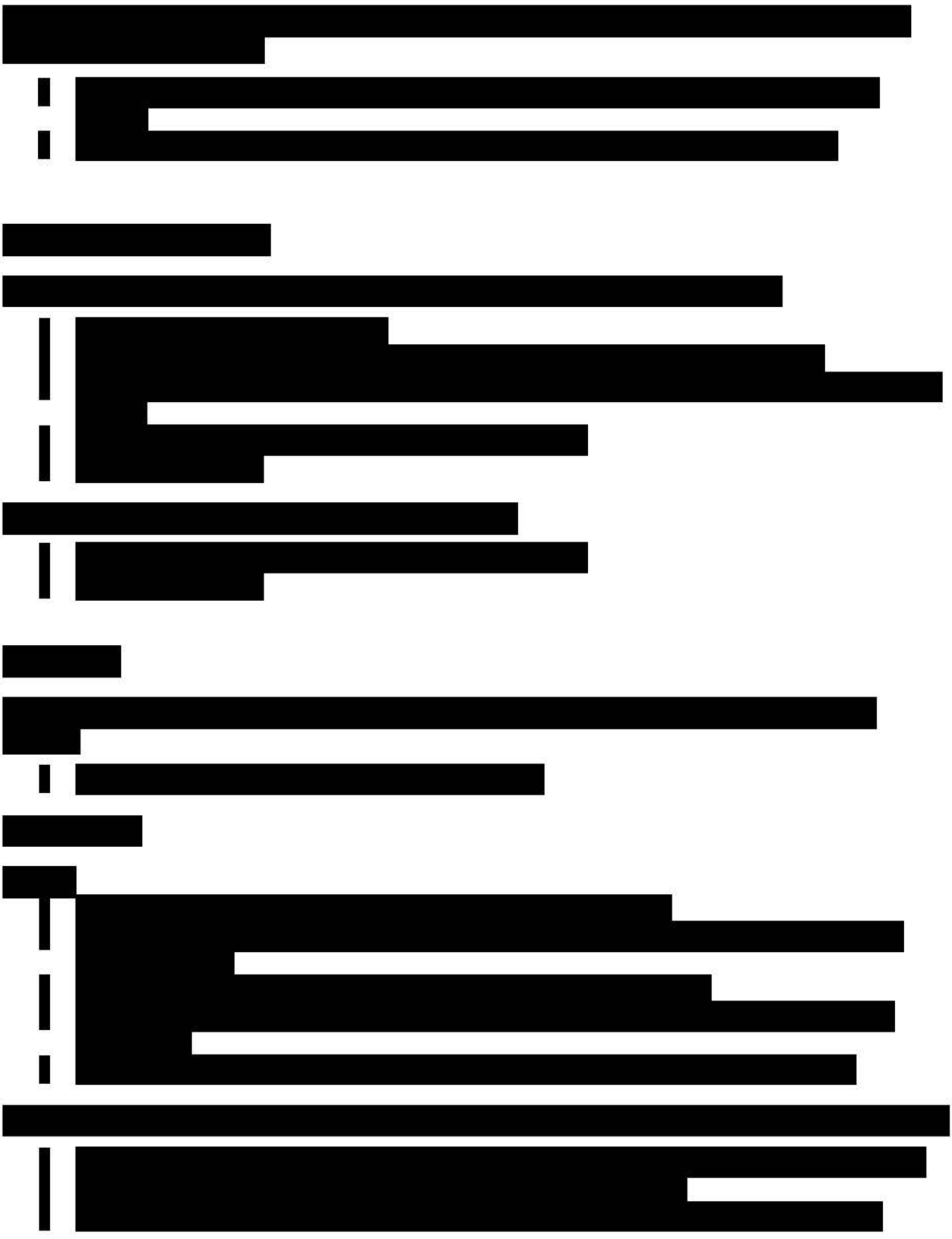
Please let me know the best way forward.

TL:DR – I am unable to suggest answers to most of these Qs and the target will move between now and the meeting…how best to proceed?

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[redacted]

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[redacted]

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[redacted]

Q: Without commenting on potential action you may take in a rulemaking, do you agree that liability rules enacted in 1996 may no longer further the intent of Section 230's purpose?

- I do share the concerns of bipartisan members of Congress and Justice Thomas that the liability protections, in some cases, are being interpreted too broadly.

[redacted]

AMERICAN OVERSIGHT

From: Brian Hart
To: Nicholas Degani; Matthew Berry; Ajit Pai; Paul Jackson
Cc: Thomas Johnson; Evan Swarztrauber
Subject: Re: 230 Statement
Date: Thursday, October 15, 2020 2:01:26 PM
Attachments: 2020-10-15 Statement - Sec 230 Rulemaking-final.docx

---

Final with that revision attached.

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Thursday, October 15, 2020 1:58 PM
To: Matthew Berry <Matthew.Berry@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>
Cc: Thomas Johnson <Thomas.Johnson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: RE: 230 Statement

+1

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Thursday, October 15, 2020 1:56 PM
To: Brian Hart <Brian.Hart@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>
Cc: Thomas Johnson <Thomas.Johnson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: Re: 230 Statement

Agreed. Good catch!

From: Brian Hart <Brian.Hart@fcc.gov>
Sent: Thursday, October 15, 2020 1:54 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>
Cc: Thomas Johnson <Thomas.Johnson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: Re: 230 Statement

[redacted]

[redacted]

AMERICAN OVERSIGHT

From: Ajit Pai <Ajit.Pai@fcc.gov>
Sent: Thursday, October 15, 2020 1:37 PM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>
Cc: Thomas Johnson <Thomas.Johnson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: Re: 230 Statement

+1

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Thursday, October 15, 2020 1:32 PM
To: Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>
Cc: Thomas Johnson <Thomas.Johnson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: RE: 230 Statement

Thanks. Looks good to me.

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Thursday, October 15, 2020 1:27 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>
Cc: Thomas Johnson <Thomas.Johnson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: Re: 230 Statement

[redacted]
[redacted].

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Thursday, October 15, 2020 1:23 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>
Cc: Thomas Johnson <Thomas.Johnson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: Re: 230 Statement

[redacted]

From: Ajit Pai <Ajit.Pai@fcc.gov>
Sent: Thursday, October 15, 2020 1:22 PM
To: Brian Hart <Brian.Hart@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>
Cc: Thomas Johnson <Thomas.Johnson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: Re: 230 Statement

[redacted]

AMERICAN OVERSIGHT

[redacted]

From: Brian Hart <Brian.Hart@fcc.gov>
Sent: Thursday, October 15, 2020 1:21 PM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>
Cc: Thomas Johnson <Thomas.Johnson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: Re: 230 Statement

Draft attached.

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Thursday, October 15, 2020 12:41 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>
Cc: Thomas Johnson <Thomas.Johnson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: 230 Statement

Target for release: 2:30 pm

[redacted]

AMERICAN OVERSIGHT

STATEMENT from the Federal Communications Commission

Media Contact:
Brian Hart, (202) 418-0505
brian.hart@fcc.gov

For Immediate Release

STATEMENT OF CHAIRMAN PAI ON SECTION 230

WASHINGTON, October 15, 2020—Federal Communications Commission Chairman Ajit Pai issued the following statement today on Section 230 of the Communications Act:

"Members of all three branches of the federal government have expressed serious concerns about the prevailing interpretation of the immunity set forth in Section 230 of the Communications Act. There is bipartisan support in Congress to reform the law. The U.S. Department of Commerce has petitioned the Commission to 'clarify ambiguities in section 230.' And earlier this week, U.S. Supreme Court Justice Clarence Thomas pointed out that courts have relied upon 'policy and purpose arguments to grant sweeping protections to Internet platforms' that appear to go far beyond the actual text of the provision.

"As elected officials consider whether to change the law, the question remains: What does Section 230 currently mean? Many advance an overly broad interpretation that in some cases shields social media companies from consumer protection laws in a way that has no basis in the text of Section 230. The Commission's General Counsel has informed me that the FCC has the legal authority to interpret Section 230. Consistent with this advice, I intend to move forward with a rulemaking to clarify its meaning.

"Throughout my tenure at the Federal Communications Commission, I have favored regulatory parity, transparency, and free expression. Social media companies have a First Amendment right to free speech. But they do not have a First Amendment right to a special immunity denied to other media outlets, such as newspapers and broadcasters."

###

Office of Chairman Pai: (202) 418-1000 / Twitter: @AjitPaiFCC / www fcc.gov/leadership/ajit-pai

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

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From:	Ajit Pai
To:	Thomas Johnson; Evan Swarztrauber; Nicholas Degani; Matthew Berry; Brian Hart
Subject:	Re: Axios Login: Tech finds out everything is politics — FCC to tackle Section 230 — Appeals court sides against Uber & Lyft
Date:	Friday, October 23, 2020 5:33:50 PM

Such hacks.

From: Thomas Johnson <Thomas.Johnson@fcc.gov>
Sent: Friday, October 23, 2020 2:30 PM
To: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Subject: Re: Axios Login: Tech finds out everything is politics — FCC to tackle Section 230 — Appeals court sides against Uber & Lyft

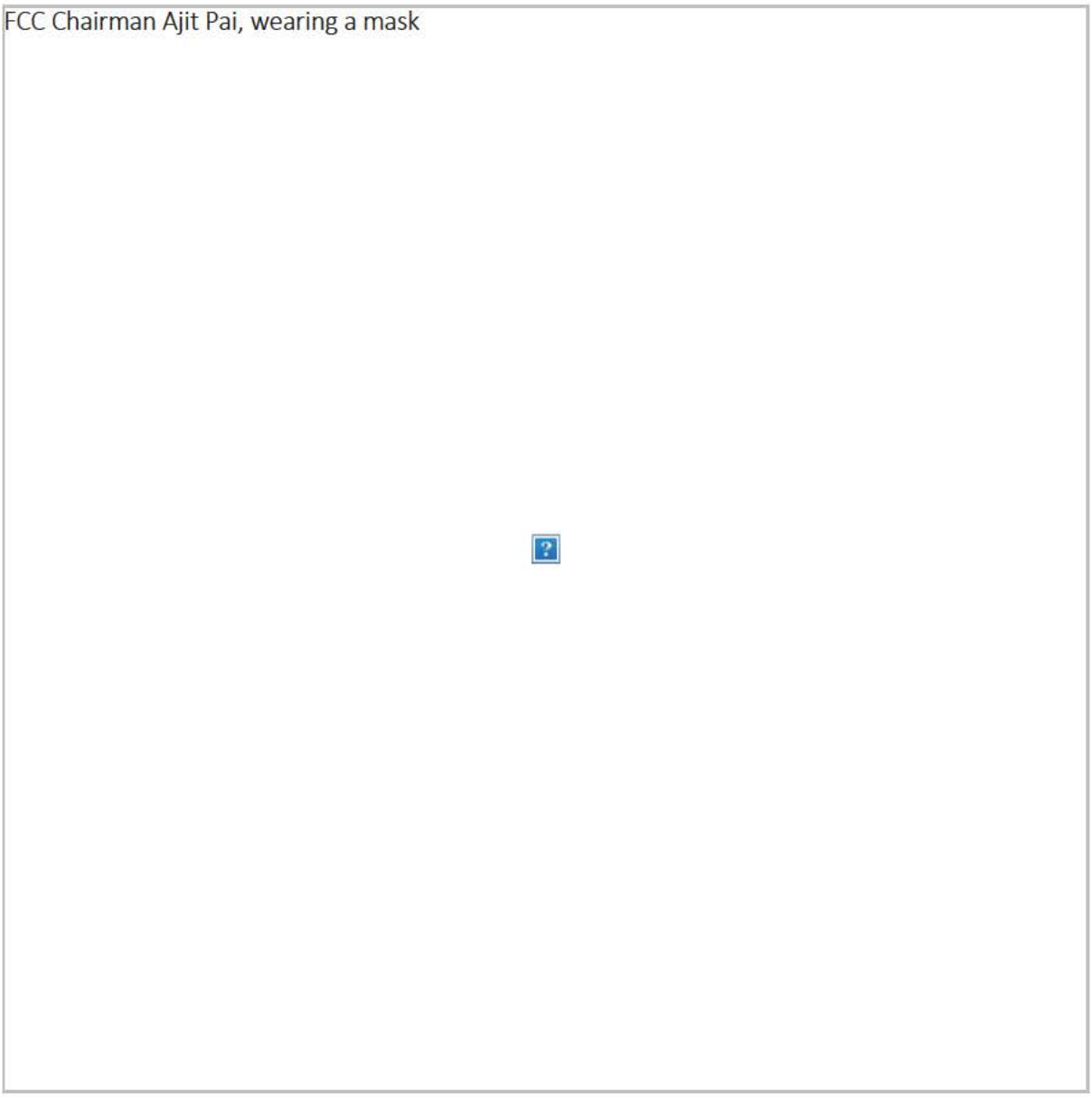
It truly is amazing.

From: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Sent: Friday, October 23, 2020 1:36 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>
Subject: Fw: Axios Login: Tech finds out everything is politics — FCC to tackle Section 230 — Appeals court sides against Uber & Lyft

Amazing photo choice by Axios

2. The FCC is now ready to fight Section 230

AMERICAN OVERSIGHT



FCC Chairman Ajit Pai. Photo: Chip Somodevilla/Getty Images

The Federal Communications Commission is making its case this week for why it should go ahead and write rules to curtail tech's broad protections against lawsuits over both moderation decisions and material that internet users post online, as Kyle reports.

Why it matters: The agency's GOP chairman was a longtime champion of the FCC hewing closely to the powers Congress has explicitly given it and to staying out of rewriting policy beyond its traditional jurisdiction. He now seems to have a very different view of FCC authority.

Driving the news: FCC Chairman Ajit Pai said during a virtual event

AMERICAN OVERSIGHT

Thursday that the agency is acting under a provision in the Communications Act that gives it general authority to write rules as it sees fit to enforce that act, the FCC's founding charter from 1934.

- The immunity shield, Section 230 of the Communications Decency Act, is part of the Communications Act because it entered U.S. law bundled under an expansive 1996 update to the then-62-year-old statute.

Pai's comments followed a Wednesday blog post from Tom Johnson, the FCC's general counsel, arguing that legal precedent holds that the FCC has every right to craft rules stemming from any part of the Communications Act.

Between the lines: The FCC is acting on an executive order from President Trump aimed at making it harder for Facebook and Twitter to crack down on conservatives.

Flashback: While in the GOP minority during the Obama administration and while working to unwind certain Obama-era rules after Trump took office and elevated him to chairman, Pai seemed to see the FCC's role differently.

- "I know that this is an area of great public interest, but the right way to channel that public debate is through Congress, to let our elected officials tell us what the rules of the road in the digital world are going to be," Pai said of net neutrality back in 2017.

Our thought bubble: Even anodyne FCC orders often end up in court. If the agency completes the rulemaking process and delivers a final order narrowing Section 230 protections, it's guaranteed to face legal challenges.

- That looming court battle may be by design. Supreme Court Justice Clarence Thomas recently wrote that he wants the high court to hear a case that gives it the chance to rein in Section 230.

AMERICAN OVERSIGHT

Yes, but: If Trump loses re-election next month, any project to have the FCC chip away at Section 230 — or use that attempt as a vehicle to have the Supreme Court do it — is dead in the water.

Evan Swarztrauber
Policy Advisor
Office of Chairman Ajit Pai
Federal Communications Commission
(202) 418-2261 (o)
(202) 870-8405 (m)
Twitter: @EvanS_FCC

From: Ina Fried <ina@axios.com>
Sent: Friday, October 23, 2020 9:31 AM
To: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: Axios Login: Tech finds out everything is politics — FCC to tackle Section 230 — Appeals court sides against Uber & Lyft

Axios

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Login

By Ina Fried · Oct 23, 2020

Congrats, it's almost the weekend. Or, The Weeknd, as the kids say.

Today's Login, meanwhile, is 1,477 words, a 6-minute read.

1 big thing: Tech finds out everything is politics

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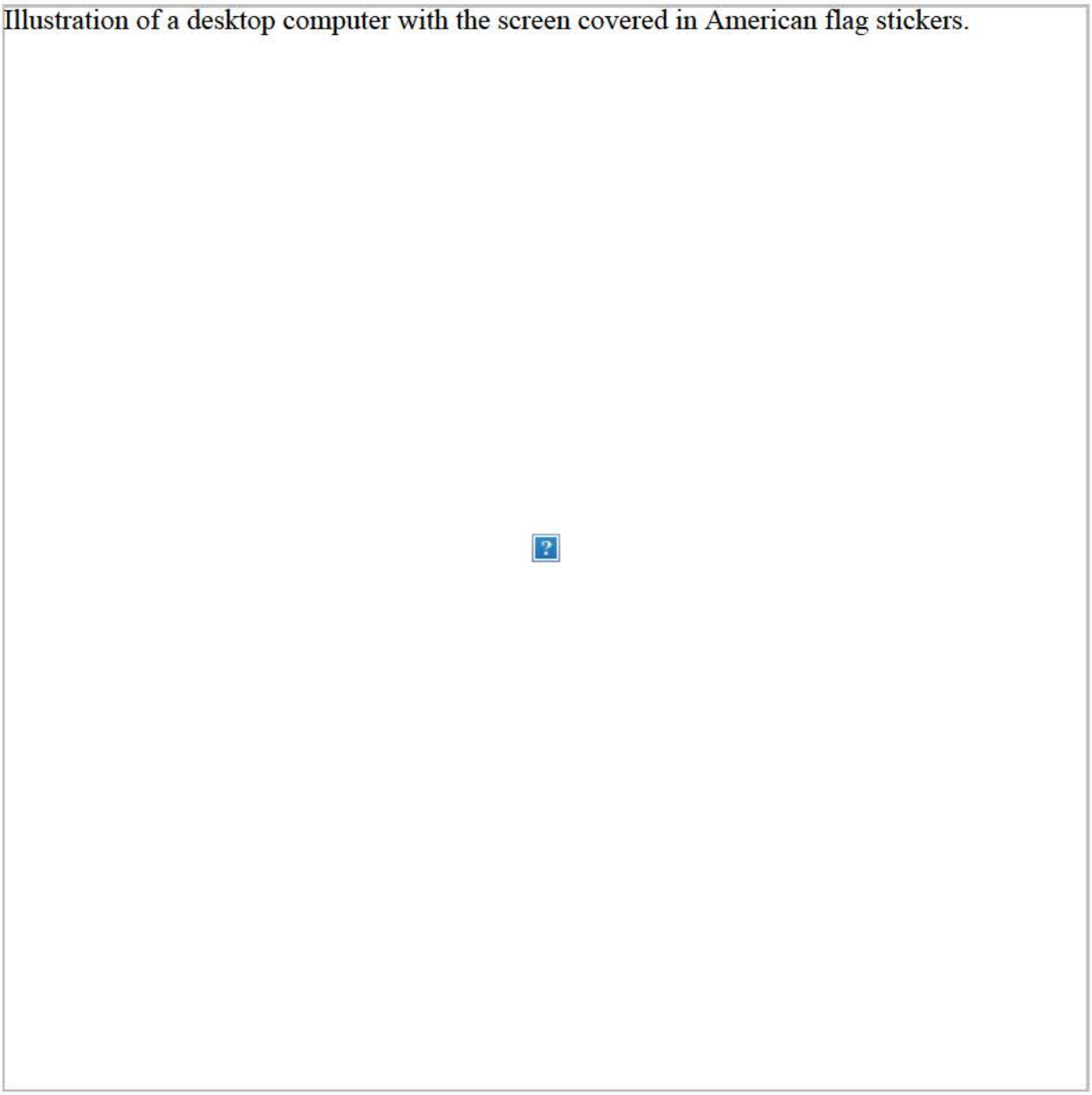


Illustration: Aïda Amer/Axios

It's one political minefield after another for tech companies this year as the industry faces a rash of concerns including antitrust pressure, rampant misinformation and a pre-election tightening of screws from the Trump administration, Axios' Kyle Daly and I report.

Why it matters: For much of Silicon Valley, politics has, over the past decade, gone from a non-consideration to a nagging occasional distraction to an all-consuming force that threatens some companies' very existence.

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New products and features, meanwhile, have gone from being all the buzz to largely an afterthought.

Driving the news: Just recently...

Google was hit with an antitrust lawsuit from the Justice Department over tactics prosecutors contend it uses to smother would-be competition in online search.

- The case steers clear of overtly political issues like claims of anti-conservative bias, but it still illustrates Google's inability to fend off Washington scrutiny — and Big Tech's fallen fortunes with both political parties.
- Many progressives have come out in support of the suit, and Democratic state attorneys general are likely to introduce some antitrust accusations of their own. (Facebook is also under antitrust investigation at the Federal Trade Commission, which may be drawing closer to a decision on whether to file suit, per Thursday reports from the Washington Post and New York Times.)
- Google separately caught flak over a newly revealed cloud contract supporting the Trump administration's monitoring of the U.S.-Mexico border.

Uber faced a new lawsuit from a group of drivers who say the company is trying to exert political influence over them with in-app messages pushing a California ballot measure that would ensure gig-economy companies can classify their workers as independent contractors and not employees.

- Uber and other firms have poured nearly $200 million into a campaign to promote the ballot initiative, which would override state standards, established judicially and codified in a new law, that make it hard for companies to avoid treating their workers as employees.

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- Having to comply with the law could upend the business models of companies like Uber and Lyft, which have been battling in court for months to avoid reclassifying their drivers. Polling from late last month showed Californians split on the ballot measure.

Facebook and Twitter wrestled with what to do about questionably sourced stories from conservative media outlets that appear to be based on files stolen from Hunter Biden.

- Their initial calls to limit the reach of the first story on the matter, from the New York Post, ignited fury from conservatives, prompting Senate Judiciary Committee Republicans to vote Thursday to authorize subpoenas to force Facebook CEO Mark Zuckerberg and Twitter CEO Jack Dorsey to testify before the panel before the election unless they do so willingly.

Microsoft heard from Trump's Labor Department, which said it was looking into whether Microsoft's pledge to double the number of Black people it employs in leadership by 2025 constitutes unlawful racial discrimination.

- Microsoft, which says it's confident it is complying with all employment laws, is one of many tech firms also grappling with Trump's recent executive order aimed at eliminating certain diversity trainings.

Expensify CEO David Barrett sent an exceptionally strongly worded e-mail to his company's customers on Thursday, saying that "anything less than a vote for Biden is a vote against democracy."

- "I know you don't want to hear this from me. And I guarantee I don't want to say it. But we are facing an unprecedented attack on the foundations of democracy itself."

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The big picture: It's a lot. And it's crowding out business as usual.

- Apple's first 5G iPhones hit stores on Friday. Sony and Microsoft are both out next month with the PlayStation 5 and Xbox Series X consoles.
- That's the sort of flagship next-gen hardware that would have caught most of the tech world's (or at least tech media's) attention just a few years ago. Now, it barely registers.

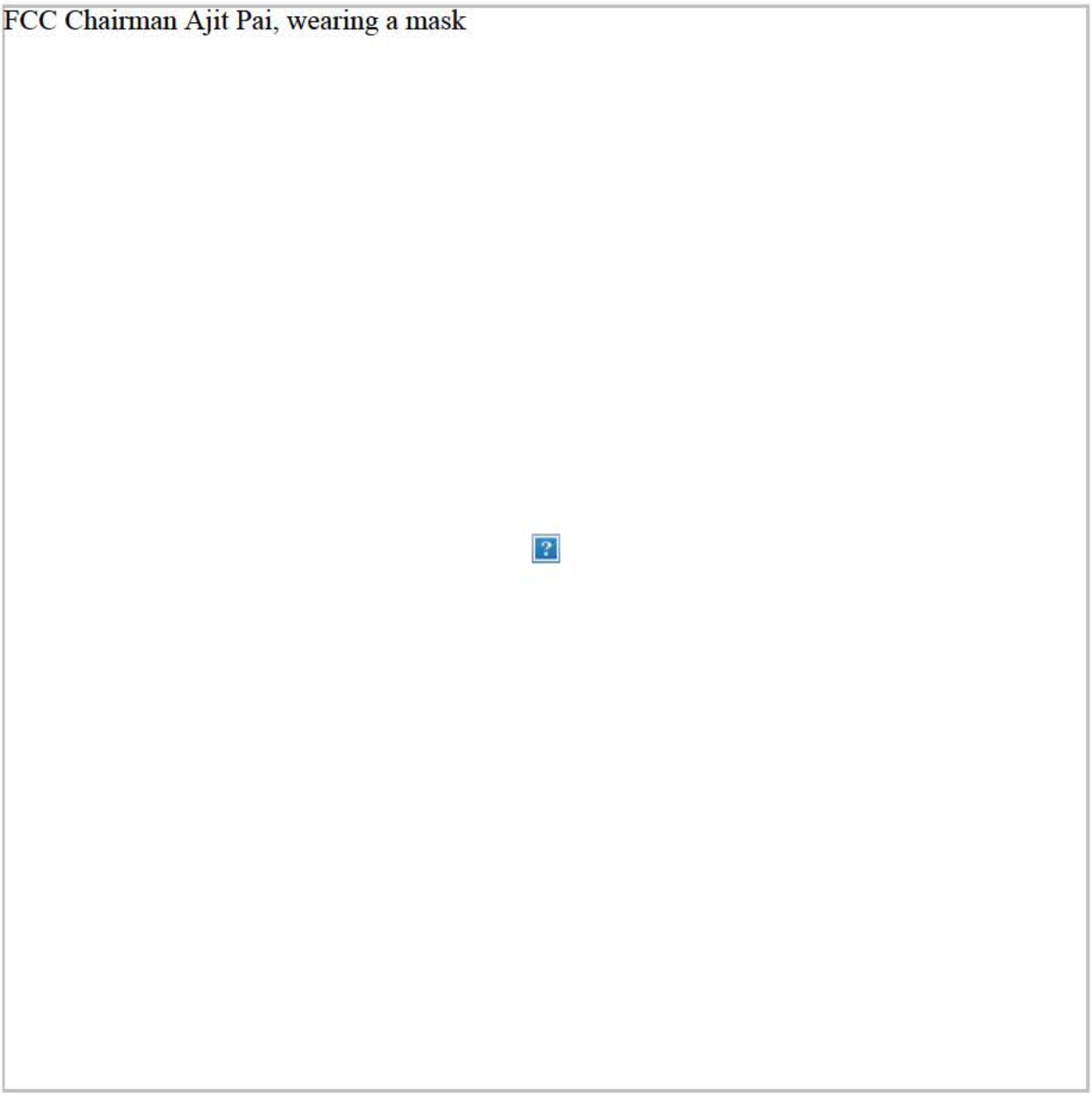
Yes, but: Some companies are dealing with the politically supercharged times by trying to disengage.

- Twitter dissolved its political action committee, telling Business Insider in a statement Thursday the move is "in line with our belief that political influence should be earned, not bought."
- Cryptocurrency software firm Coinbase early this month said that it would no longer take any political stances not directly related to its core business and would bar employees from talking politics among each other.



2. The FCC is now ready to fight Section 230

AMERICAN OVERSIGHT



FCC Chairman Ajit Pai. Photo: Chip Somodevilla/Getty Images

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Our thought bubble: Even anodyne FCC orders often end up in court. If the agency completes the rulemaking process and delivers a final order narrowing Section 230 protections, it's guaranteed to face legal challenges.

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That looming court battle may be by design. Supreme Court Justice Clarence Thomas recently wrote that he wants the high court to hear a case that gives it the chance to rein in Section 230.

Yes, but: If Trump loses re-election next month, any project to have the FCC chip away at Section 230 — or use that attempt as a vehicle to have the Supreme Court do it — is dead in the water.



3. Appeals court: Uber, Lyft must make California drivers employees

A California appeals court Thursday said Uber and Lyft have to reclassify their drivers in the state as employees, affirming a lower court's ruling, Axios' Kia Kokalitcheva reports.

Why it matters: As we told you above, the companies are fighting in court and on the November ballot to escape a California law that could either upend their business model or prompt them to pull out of their home state altogether.

Background: California's attorney general, along with city attorneys for San Francisco, Los Angeles and San Diego, sued Uber and Lyft in May for classifying their drivers as independent contractors instead of employees.

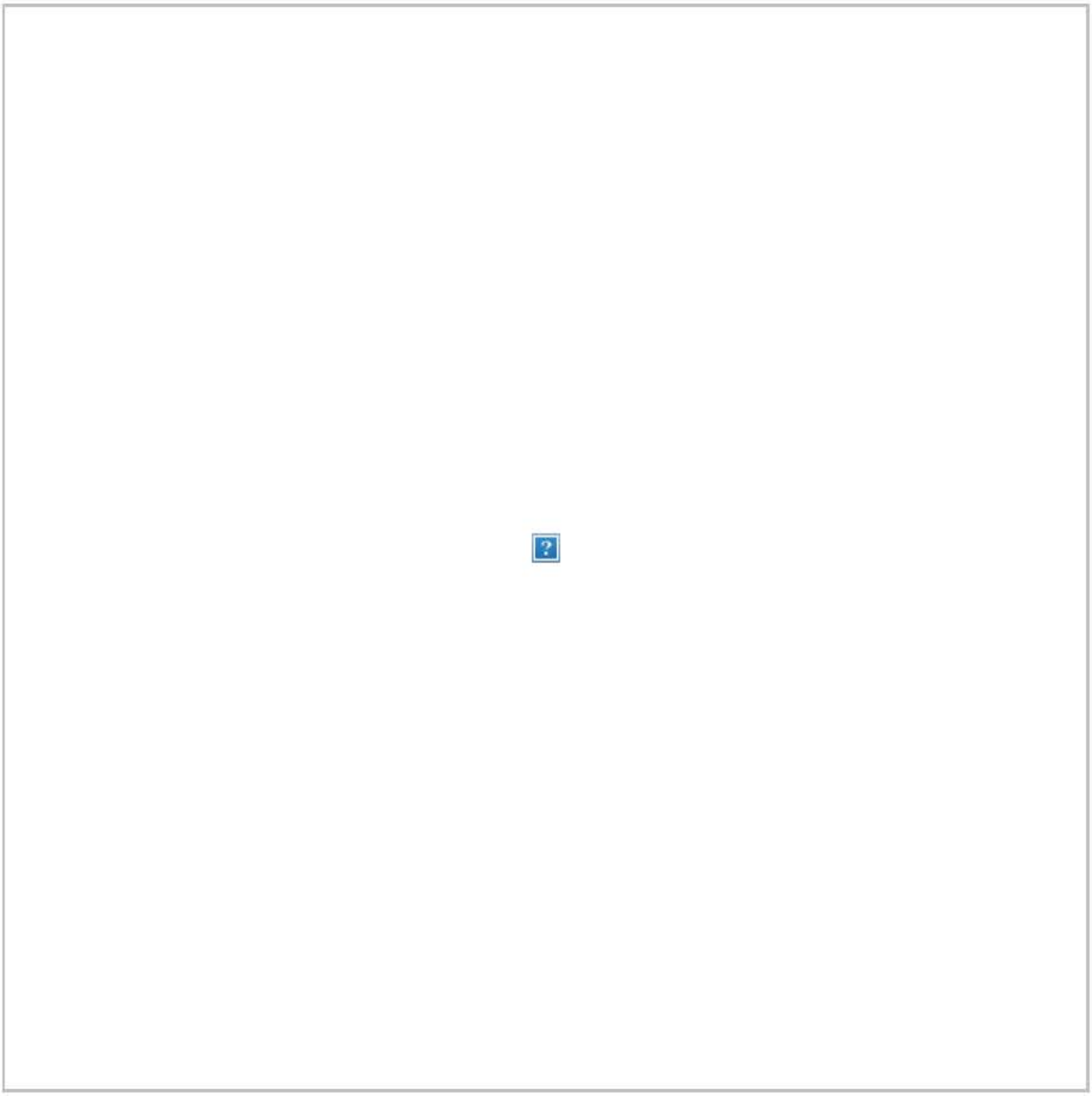
- California's new law, known as AB5, went into effect in January. It codifies a state supreme court decision from 2018.



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A MESSAGE FROM MASTERWORKS

88% of wealth managers recommend investing in art



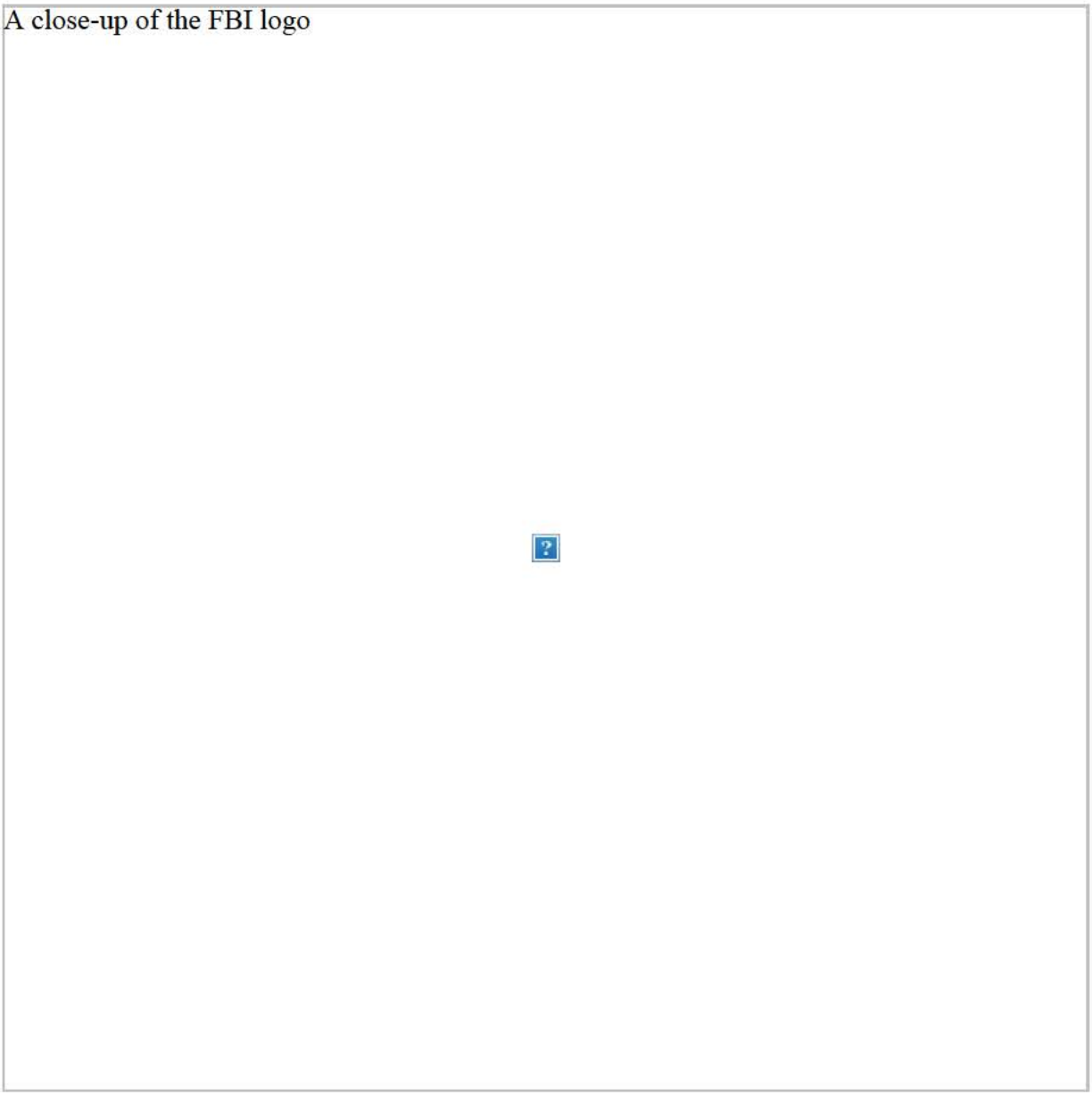
When the majority of wealth managers recommend investing in art, we're inclined to agree.

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4. FBI: Russian hackers stole data after targeting local governments



FBI headquarters. Photo: Mark Wilson/Getty Images

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Energetic Bear, a Russian state-sponsored hacking group, has stolen data from two servers after targeting state and federal government networks in the U.S., officials said Thursday, as Axios' Orion Rummler reports.

Between the lines: This comes a day after Director of National Intelligence John Ratcliffe said Iran and Russia had obtained voter registration information that could be used to undermine confidence in the U.S. election system.

- The FBI and Cybersecurity and Infrastructure Security Agency said Thursday they do not have evidence that Energetic Bear compromised elections data or government operations.
- In at least one compromise of a state or local government server, Energetic Bear accessed documents related to sensitive passwords, vendors, and printing access badges, the agencies said.

Yes, but: "[T]he actor may be seeking access to obtain future disruption options, to influence U.S. policies and actions, or to delegitimize [state, local, territorial, and tribal] government entities," the agencies said.

Between the lines: While Ratcliffe focused his Wednesday night press briefing primarily on the Iran findings, many intelligence officials remain "far more concerned about Russia, which in recent days has hacked into state and local computer networks in breaches that could allow Moscow broader access to American voting infrastructure," the New York Times reports.



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5. Take Note

On Tap

- The iPhone 12 and iPhone 12 Pro officially go on sale.

Trading Places

- Former Windows boss Terry Myerson is now CEO of Truveta, a health care startup that came out of stealth on Thursday.

ICYMI

- Intel shares fell as much as 10% despite the company issuing a generally upbeat earnings report. (Axios)
- Quibi's shutdown looks like it will take effect in early December. (TechCrunch)
- Twitter and the White House both deny a Dutch white-hat hacker's claim that he broke into the president's Twitter account. (The Verge)
- The Facebook Oversight Board started accepting appeals from Facebook and Instagram users who think the company acted against them wrongly. (Axios)
- Huawei's revenue growth slowed considerably amid the U.S. campaign to push its gear out of global telecom networks. (CNBC)



6. After you Login

Chimpanzees: They're just like us. A new study says older chimps, like

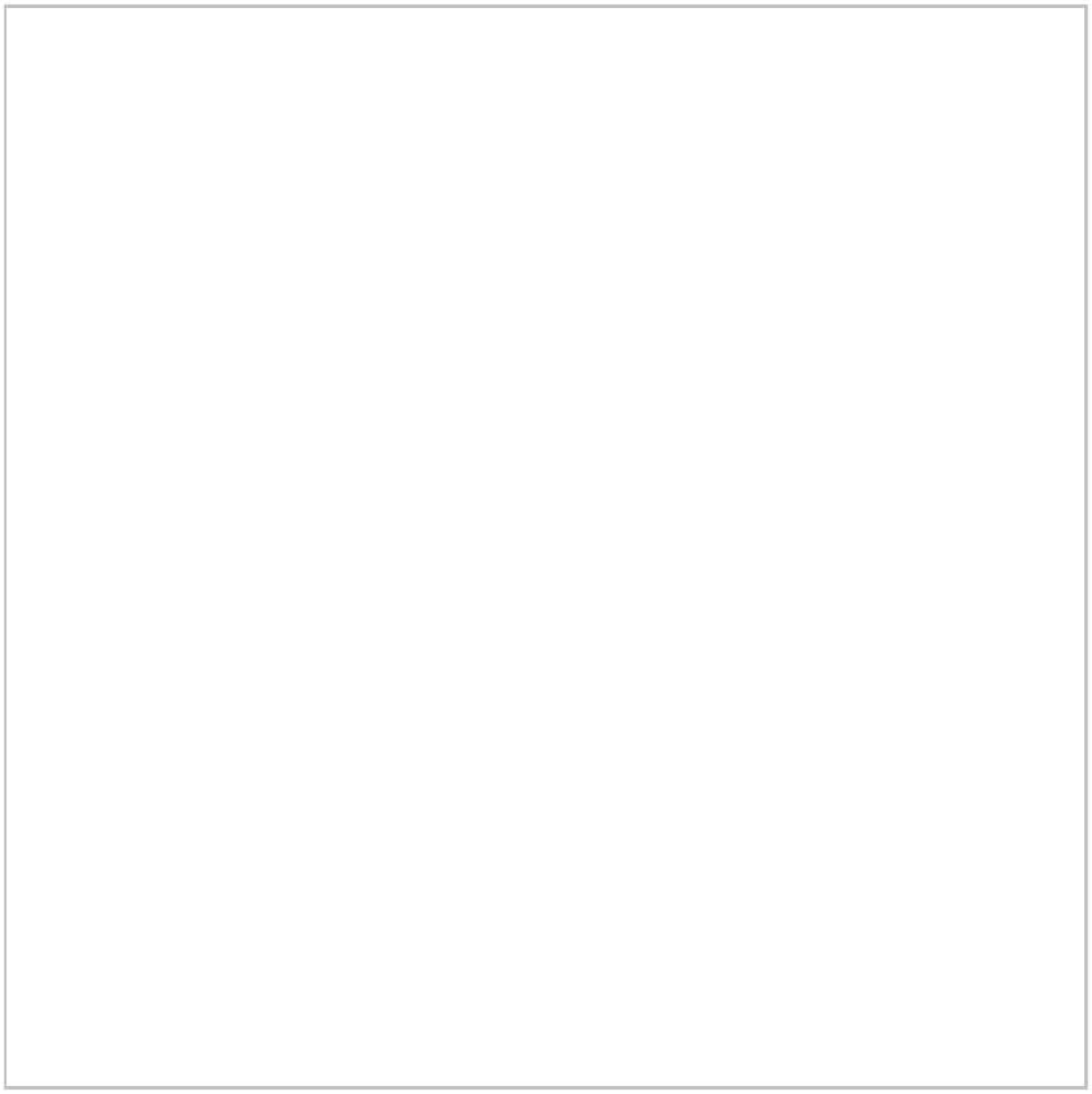
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humans, favor a few close friends.

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From:	Matthew Berry
To:	Tina Pelkey; Ajit Pai; Nicholas Degani; Brian Hart; Aaron N. Goldberger; Evan Swarztrauber; Will Wiquist
Subject:	RE: Axios: Government agencies collide over airwaves for road safety tech
Date:	Friday, January 24, 2020 2:48:00 PM

Not a great article; they didn't use most of our quote, including pointing out that most of the band isn't used for safety.

From: Tina Pelkey <Tina.Pelkey@fcc.gov>
Sent: Friday, January 24, 2020 2:47 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Aaron N. Goldberger <Aaron.Goldberger@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>
Subject: Axios: Government agencies collide over airwaves for road safety tech

Axios: Government agencies collide over airwaves for road safety tech
Joann Muller, Margaret Harding McGill

https://www.axios.com/government-agencies-collide-over-airwaves-for-road-safety-tech-a0704720-4a77-4d62-85f4-4be878c995ca.html

Two arms of the Trump administration are facing off over airwaves long set aside so cars can eventually communicate with each other.

What's happening: The Transportation Department is pouring money into what it says will be life-saving connected-car tech that would ride on these mostly unused airwaves. Meanwhile, the Federal Communications Commission is moving to reallocate most of the same spectrum to expand WiFi service.

Why it matters: DOT argues that if the FCC prevails — and it's currently in the driver's seat — lives will be lost and America will fall behind in the development of self-driving cars.

The FCC says automakers squandered a chance to use the dedicated spectrum, and now it should be shared to support exploding demand for mobile services and smartphones.
The FCC proposes repurposing some 45 of the 75 MHz frequencies total of so-called "safety spectrum" for WiFi, leaving 30 MHz for connected cars.

Safety advocates and DOT say that's not enough, and worry that commercial WiFi will interfere with vehicle-to-vehicle communications in an emergency, rendering the technology unworkable even with some spectrum left intact for it.
The big picture: The dispute pits two Washington power brokers against one another.

Ajit Pai is the Trump-appointed chairman of the FCC, an independent agency overseen by Congress.
Elaine Chao is secretary of Transportation and married to Senate Majority Leader Mitch McConnell.
What they're saying: The standoff is growing increasingly hostile.

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Chao has urged Pai to call off his plan, taking to several January speeches to press DOT's view that all the spectrum should remain dedicated to auto safety. "DOT has significant concerns with the Commission's proposal," she wrote Pai in a November letter, saying it "jeopardizes the significant transportation safety benefits that the allocation of this band was meant to foster."

An FCC spokesperson tells Axios the proposal offers a balanced approach by providing spectrum for both transportation safety and WiFi. "We would encourage the Department of Transportation to contribute productively to this important discussion rather than devoting its efforts to defending the failed status quo."

What to watch: The FCC is an independent agency and its bipartisan members voted 5-0 to proceed with the reallocation — a reality not lost on DOT officials, they admit privately.

But DOT seems to be counting on a groundswell of opposition from first responders and advocacy groups like Mothers Against Drunk Driving and the National Foundation for the Blind to convince FCC to rethink its plan.
If there's enough of an uproar, Congress could get involved too. The leaders of the House Transportation & Infrastructure Committee sent a letter to the FCC on Wednesday expressing "substantial concerns" over the proposal.

A comment period on FCC's proposal is expected to begin soon.

Background: In 1999, the FCC set aside part of the communications spectrum in the 5.9 GHz band for the development of a dedicated short-range communication (DSRC), technology that would allow vehicles to communicate with each other and with devices planted alongside roads.

DSRC has been slow to develop, but meanwhile, a competing technology, C-V2X, has emerged. Some roadside units could accommodate both technologies, but in either case, WiFi interference is a long-term concern for many in the transportation industry.
Where it stands: Companies, and even the DOT, continue to invest in both technologies anyway.

On Wednesday, Qualcomm and Audi announced a pilot in Virginia to use C-V2X technology to warn cars of upcoming work zones and count down to red lights.
Last week, DOT said it would spend up to $38 million on connected vehicle tech to prevent accidents involving first responders.
Connected vehicle technology is now being tested in more than half the states and dozens of cities, with nearly 19,000 vehicles and more than 8,000 roadside devices deployed.
The bottom line: Chao will have to hope for a public uproar against the FCC's plan, or else expend some of her substantial political capital, to keep road safety tech from losing out to the push for faster internet speeds.

TRANSPORTATION

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From:	Thomas Johnson
To:	Ajit Pai; Nicholas Degani; Matthew Berry; Evan Swarztrauber
Cc:	Michael J. Carlson; Brian Hart; Anne Veigle; Will Wiquist
Subject:	Re: Blog post
Date:	Wednesday, October 21, 2020 9:35:35 AM
Attachments:	FCC General Counsel Blog Post on Section 230 - FINAL.docx

With apologies, a couple small nits made in this version. Please use this one. I can explain on the phone.

From: Thomas Johnson <Thomas.Johnson@fcc.gov>
Sent: Wednesday, October 21, 2020 9:14 AM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Cc: Michael J. Carlson <Michael.Carlson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>
Subject: Re: Blog post

+ OMR.

[redacted]

From: Ajit Pai <Ajit.Pai@fcc.gov>
Sent: Tuesday, October 20, 2020 10:11 PM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Cc: Michael J. Carlson <Michael.Carlson@fcc.gov>
Subject: Re: Blog post

[redacted]

[redacted]

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Tuesday, October 20, 2020 8:23 PM
To: Thomas Johnson <Thomas.Johnson@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Cc: Michael J. Carlson <Michael.Carlson@fcc.gov>
Subject: Re: Blog post

[redacted]

[redacted]

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-Nick D.

From: "Thomas Johnson" <Thomas.Johnson@fcc.gov>
Date: Tuesday, October 20, 2020 at 7:36:07 PM
To: "Matthew Berry" <Matthew.Berry@fcc.gov>, "Nicholas Degani" <Nicholas.Degani@fcc.gov>, "Ajit Pai" <Ajit.Pai@fcc.gov>, "Evan Swarztrauber" <Evan.Swarztrauber@fcc.gov>
Cc: "Michael J. Carlson" <Michael.Carlson@fcc.gov>
Subject: Re: Blog post

[redacted]

[redacted]

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Tuesday, October 20, 2020 5:19 PM
To: Thomas Johnson <Thomas.Johnson@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Cc: Michael J. Carlson <Michael.Carlson@fcc.gov>
Subject: Re: Blog post

[redacted]

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Tuesday, October 20, 2020 1:26 PM
To: Thomas Johnson <Thomas.Johnson@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Cc: Michael J. Carlson <Michael.Carlson@fcc.gov>
Subject: Re: Blog post

Attached please find minor feedback.

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Tuesday, October 20, 2020 1:07 PM
To: Thomas Johnson <Thomas.Johnson@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Cc: Michael J. Carlson <Michael.Carlson@fcc.gov>
Subject: Re: Blog post

Jumping in . . .

From: Thomas Johnson <Thomas.Johnson@fcc.gov>

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Sent: Tuesday, October 20, 2020 1:05 PM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Cc: Michael J. Carlson <Michael.Carlson@fcc.gov>
Subject: Re: Blog post

Thanks, Nick!

[redacted]

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Tuesday, October 20, 2020 12:57 PM
To: Thomas Johnson <Thomas.Johnson@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Cc: Michael J. Carlson <Michael.Carlson@fcc.gov>
Subject: RE: Blog post

Thanks. As much as it hurt my eyes, I got through it all.

From: Thomas Johnson <Thomas.Johnson@fcc.gov>
Sent: Tuesday, October 20, 2020 12:21 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Cc: Michael J. Carlson <Michael.Carlson@fcc.gov>
Subject: Re: Blog post

The latest with all uncontested edits accepted and some additional edits in redline and comment bubbles inserted. Plus, of course, restoring Book Antiqua font.

From: Ajit Pai <Ajit.Pai@fcc.gov>
Sent: Monday, October 19, 2020 10:44 PM
To: Matthew Berry <Matthew.Berry@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Cc: Michael J. Carlson <Michael.Carlson@fcc.gov>
Subject: Re: Blog post

This looks great! A few edits/comments. I continue to enjoy the title--and so does its four-legged namesake!

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From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Monday, October 19, 2020 10:16 PM
To: Thomas Johnson <Thomas.Johnson@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Cc: Michael J. Carlson <Michael.Carlson@fcc.gov>
Subject: Re: Blog post

Thanks. If folks have time, let's discuss after the staff meeting tomorrow.

From: Thomas Johnson <Thomas.Johnson@fcc.gov>
Sent: Monday, October 19, 2020 9:57 PM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Cc: Michael J. Carlson <Michael.Carlson@fcc.gov>
Subject: Re: Blog post

Thanks, Nick and Matthew. Here is a revised draft that accepts Matthew's line edits, responds to a couple of his comments, and layers my redlines in response to Nick's comments on top.

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Monday, October 19, 2020 5:10 PM
To: Matthew Berry <Matthew.Berry@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Cc: Michael J. Carlson <Michael.Carlson@fcc.gov>
Subject: RE: Blog post

Agreed. My feedback (not on top of Matthew's) in a more readable font.

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Monday, October 19, 2020 5:08 PM
To: Thomas Johnson <Thomas.Johnson@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Cc: Michael J. Carlson <Michael.Carlson@fcc.gov>
Subject: Re: Blog post

Tom, in general, I think that this is great.

Attached please find my initial feedback.

From: Thomas Johnson <Thomas.Johnson@fcc.gov>
Sent: Monday, October 19, 2020 4:39 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Cc: Michael J. Carlson <Michael.Carlson@fcc.gov>
Subject: Blog post

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Please see a proposed blog post attached. Happy to discuss.

Thanks to Mike C. (copied here) for helpful comments and suggestions.

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The FCC's Authority to Interpret Section 230 of the Communications Act

Last week, FCC Chairman Ajit Pai announced his intent to move forward with a rulemaking to interpret Section 230 of the Communications Act of 1934. Under certain circumstances, Section 230 provides websites, including social media companies, that host or moderate content generated by others with immunity from liability. In announcing his decision, Chairman Pai noted that "[m]embers of all three branches of government have expressed serious concern about the prevailing interpretation" of Section 230, and observed that an overly broad interpretation could "shield[] social media companies from consumer protection laws in a way that has no basis in the text" of the statute.

The Chairman's decision was consistent with my advice that the FCC has the legal authority to interpret Section 230. Due to the unique interest generated by this proceeding, Chairman Pai has now asked me to make my analysis public, in furtherance of his longstanding commitment to transparency in the rulemaking process.

The policy issues raised by the debate over Section 230 may be complex, but the FCC's legal authority is straightforward. Simply put, the FCC has the authority to interpret all provisions of the Communications Act, including amendments such as Section 230. As I explain below, this authority flows from the plain meaning of Section 201(b) of the Communications Act of 1934, which confers on the FCC the power to issue rules necessary to carry out the provisions of the Act. By expressly directing that Section 230 be placed into the Communications Act, Congress made clear that the FCC's rulemaking authority extended to the provisions of that section. Two seminal U.S. Supreme Court cases authored by the late Justice Antonin Scalia—*AT&T Corp. v. Iowa Utilities Bd.*, 525 U.S. 366 (1999) and *City of Arlington v. FCC*, 569 U.S. 290 (2013)—confirm this conclusion. Based on this authority, the Commission can feel confident proceeding with a rulemaking to clarify the scope of the Section 230 immunity shield.

Statutory Background

To understand why the Commission has authority to interpret Section 230, it helps to understand how that section became part of the Communications Act. In 1934, Congress adopted the Communications Act in its original form, establishing the FCC as an independent federal agency charged with regulating interstate and international communications. Four years later, Congress added Section 201(b), which delegated to the Commission the power to "prescribe such rules and regulations as may be necessary in the public interest to carry out the provisions of this Act."

Since then, the most consequential set of amendments to the Communications Act arrived in the Telecommunications Act of 1996, which updated the Act for the then-nascent Internet age. Section 1(b) of that Act made clear that, except where otherwise

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expressly provided, each of the 1996 Act's provisions were to be inserted into the Communications Act of 1934.

Title V of the 1996 Act was named the "Communications Decency Act of 1996." Among other provisions, this Title included Section 509, named "Online family empowerment." Consistent with Section 1(b), Congress instructed in Section 509 that "Title II of the Communications Act of 1934 . . . is amended by adding at the end the following new section: Section 230." Thus, Section 230 was born and became part of the Communications Act of 1934.

Section 230 provides, among other things, that "[n]o provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider." It further provides that "[n]o provider or user of an interactive computer service shall be held liable on account of . . . any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected." The term "interactive computer service" is defined "as any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions." That broad definition is commonly understood to include websites that host or moderate content generated by others, such as social media companies.

The FCC's Interpretive Authority

The Supreme Court has twice considered whether the FCC's general rulemaking authority under Section 201(b), adopted in 1938, extends to the 1996 amendments to the Act. Both times, the Court held that it does. Writing for the Court in *Iowa Utilities Board*, and employing his trademark textualist method, Justice Scalia wrote that this provision "means what it says: The FCC has rulemaking authority to carry out the 'provisions of [the 1934] Act.'" The Court explained that "the clear fact that the 1996 Act was adopted, not as a freestanding enactment, but as an amendment to, and hence part of, [the 1934] Act" shows that Congress intended the Commission to have rulemaking authority over all its provisions. Likewise, in the later *City of Arlington* case, the Court confirmed that the Commission's rulemaking authority "[o]f course . . . extends to the subsequently added portions of the Act." From these authorities, a simple conclusion follows: Because Section 230 is among the "subsequently added portions of the Act," it is subject to the FCC's Section 201(b) rulemaking authority.

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This rulemaking authority plainly encompasses the power to interpret ambiguous language throughout the Communications Act. And courts have repeatedly upheld the Commission's authority to do so. *City of Arlington*, for example, upheld the Commission's use of its authority under Section 201(b) to interpret a provision that preserved state and local authority over the placement of things like cell towers unless those localities failed to act within a "reasonable period of time." The Supreme Court rejected an argument that the agency should receive no deference for its interpretation because the provision was "jurisdictional" and thus contemplated no regulatory action by the Commission. The Commission deserved deference, the Court explained, because "Congress has unambiguously vested the FCC with general authority to administer the Communications Act through rulemaking and adjudication, and the agency interpretation at issue was promulgated in the exercise of that authority."

Likewise, in *City of Portland v. FCC*, 969 F.3d 1020 (9th Cir. 2020), the U.S. Court of Appeals for the Ninth Circuit earlier this year largely affirmed two FCC orders clarifying the scope of a preemption provision in the Communications Act that provides that states and localities may not take actions that "have the effect of prohibiting" telecommunications service. Citing *City of Arlington*, the court said that "[w]here terms of the Telecommunications Act are ambiguous, we defer to the FCC's reasonable interpretations."

Concerning the Commission's interpretive authority, there is no meaningful distinction between the jurisdictional provision in *City of Arlington*, the preemption provision in *City of Portland*, and the immunity shield in Section 230 of the Act. All three provisions appear in the Communications Act, as amended. And like the jurisdictional and preemption provisions, Section 230 contains ambiguous terms: What constitutes an action "voluntarily taken in good faith" to restrict access to material? What constitutes material that can be excluded as "otherwise objectionable"? As in *City of Arlington* and *City of Portland*, the Commission has the authority to clarify these ambiguities in Section 230. As the Supreme Court observed in *Iowa Utilities Board*, this conclusion is nothing more than application of the general principle, derived from the Supreme Court's seminal *Chevron* decision, that "Congress is well aware that the ambiguities it chooses to produce in a statute will be resolved by the implementing agency."

Response to Common Objections

In response to the U.S. Department of Commerce's petition asking the Commission to pursue a rulemaking on Section 230, some commenters supported the FCC's authority to clarify the statute. Others, reading Section 201(b)—as well as *Iowa Utilities Board* and *City of Arlington*—narrowly, claimed that the FCC lacked such authority. I found the arguments of this latter group of commenters unpersuasive.

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Some commenters claim that Congress did not intend for the Commission to administer Section 230, and therefore, the Commission has no authority to interpret it. Sometimes called "*Chevron* Step Zero," this inquiry focuses on whether agencies deserve deference at all where there is no clear evidence that Congress intended the agency, rather than courts, to interpret an ambiguous statute. But the Supreme Court's conclusion that Congress adopted the entire 1996 Act against the backdrop of the FCC's Section 201 rulemaking power while leaving that power in place appears to foreclose this argument. As the Supreme Court put it in *City of Arlington*, "the whole [Act] includes all of its parts," and therefore, the Court does not engage in a freewheeling judicial inquiry whereby "*every* agency rule must be subjected to a *de novo* judicial determination of whether the *particular issue* was committed to agency discretion."

There is no reason why Section 230 of the Act alone should escape Section 201(b)'s general grant of rulemaking authority. Congress specifically instructed—in Section 509 of the Communications Decency Act, which in turn was in Title V of the Telecommunications Act of 1996—that a new Section 230 be added to the Communications Act. While Section 230 itself deals primarily with an immunity shield, that fact alone does not exempt it from Commission rulemaking. *City of Arlington* and *City of Portland* make clear that the FCC can clarify even those ambiguous statutory provisions within the Act that are arguably directed toward courts—such as preemption or jurisdictional provisions. Similarly, *Iowa Utilities Board* upheld the Commission's authority under Section 201(b) to interpret ambiguous provisions in the Act that provided standards for state utility commissions to resolve pricing and interconnection disputes. Nothing in the Act, the Court explained, "logically preclude[s] the Commission's issuance of rules to guide the state-commission judgments." The same logic applies here: Section 201(b) allows the Commission to interpret Section 230 to guide the judgments of courts.

Others attempt to read limitations into the text of Section 201(b) that could exclude Section 230. They note that most of Section 201(b) deals with rules that apply to common carriers and argue that Congress did not intend to treat social media companies and other covered websites as common carriers. But the general grant of rulemaking authority at the end of Section 201(b) contains no reference to common carriers; it simply empowers the Commission to make rules that are "necessary in the public interest to carry out the provisions of this Act," without qualification. For this reason, the U.S. Court of Appeals for the Sixth Circuit in *Alliance for Community Media v. FCC*, 529 F.3d 763 (6th Cir. 2008), held that Section 201(b) gave the Commission authority to interpret ambiguous provisions in the Cable Television Consumer Protection and Competition Act of 1992. Notably, that Act by its terms applied to cable operators, not common carriers. The Court reasoned, relying on *Iowa Utilities Board*, that

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it was sufficient that the 1992 law amended the Communications Act and incorporated the relevant provisions therein. The same reasoning applies to Section 230.

Other commenters reach beyond statutory text to argue that Section 230's legislative history and purposes demonstrate that the Commission lacks authority to interpret it. As an initial matter, neither legislative history nor abstract purposes can trump the plain text of a statute, and as the Supreme Court has twice held, Section 201(b) "means what it says"—the FCC has the authority to interpret each and every provision of the Communications Act, as amended.

In any event, critics of an FCC rulemaking overread the legislative history and statements of purpose on which they rely and fundamentally misunderstand the narrow authority involved in clarifying the scope of the Section 230 immunity shield. For example, commenters note that language in Section 230(b) expresses Congress's intent to "preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services, unfettered by Federal or State regulation." They further point out that Section 230 co-framer and then-Congressman Chris Cox remarked in floor debates prior to passage that "we do not wish to have a Federal Computer Commission with an army of bureaucrats regulating the Internet." And the FCC cited these authorities in the *Restoring Internet Freedom Order* as support for its decision to repeal the prior administration's onerous "net neutrality" rules in favor of light-touch regulation of internet service providers.

But none of these observations bear on the central question here: whether the Commission has authority to interpret ambiguous terms in Section 230(c), which contains the immunity shield. Engaging in such interpretation would not involve creating "net neutrality" rules for social media companies, much less (as some critics have claimed) a "Fairness Doctrine" for the Internet. Rather, it would involve clarifying a legal standard that already exists: the statutory immunity shield in Section 230. Even if the FCC were to interpret that shield more narrowly than some courts previously have, that would not result in additional FCC regulation. It would simply allow private parties to bring lawsuits, as appropriate, under *other* sources of federal and state law—the same generally-applicable causes of action that apply to newspapers, broadcasters, and other publishers and speakers not covered by Section 230.

Nor does it matter that the U.S. Court of Appeals for the D.C. Circuit in *Comcast v. FCC*, 600 F.3d 642 (D.C. Cir. 2010), and the FCC itself in the *Restoring Internet Freedom* Order, agreed that Section 230(b) was merely a statement of policy and not an affirmative source of authority. The Commission need not rely on Section 230(b) as the source of its authority in this contemplated rulemaking. Instead, the Commission can comfortably use Section 201(b) to resolve ambiguities in the text of Section 230(c)—which *City of Arlington* and *Iowa Utilities Board* plainly permit.

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At the end of the day, the scope of the Section 230 immunity shield must be interpreted by someone. And as the Supreme Court observed in both *Iowa Utilities Board* and *City of Arlington*, the only question is whether the FCC or a federal court will do the interpreting. Under current law, the answer is clear: The FCC receives deference for reasonable interpretations of all ambiguous terms in the Communications Act.

The fact that courts have been interpreting Section 230 for years does not prevent the Commission from construing its ambiguous terms. As the Supreme Court held in *National Cable & Telecomms. Ass'n v. Brand X Internet Servs.*, 545 U.S. 967 (2005), the FCC may act as the "authoritative interpreter" of ambiguous provisions in statutes like the Communications Act that it administers, and nothing "preclude[s] agencies from revising unwise judicial constructions of ambiguous statutes." Section 230 allows the FCC to determine whether courts have appropriately interpreted its proper scope. Supreme Court Justice Clarence Thomas, for example, recently expressed the view that courts have "relied on policy and purpose arguments to grant sweeping protection to Internet platforms" under Section 230 that "departed from the most natural reading of the text." Leaving such constructions unchallenged could, in Justice Thomas's words, "have serious consequences," like exempting Internet companies from a broad array of civil claims, even if that is not "what the law demands." Under *Brand X*, the FCC may review these judicial interpretations to determine whether they reflect the best reading of the statute. Indeed, an agency's role as "authoritative interpreter" may be particularly useful where, as here, courts have reached divergent interpretations of key provisions of an important statute, thus creating substantial uncertainty and disharmony in the law.

* * *

Ultimately, the five Commissioners of the FCC must decide whether this legal framework should be adopted in any future rulemaking. But in my own judgment, the FCC's legal authority to interpret Section 230 is straightforward: Congress gave the Commission power to interpret all provisions of the Communications Act of 1934—including amendments—and Section 230 is an amendment to the Communications Act. The Commission therefore may proceed with a rulemaking to clarify the scope of the Section 230(c) immunity shield.

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From: Katie Gorscak
To: Melissa Droller Kirkel; Nicholas Degani; Ajit Pai; Matthew Berry
Cc: Brian Hart; Anne Veigle; Montana L. Hyde
Subject: RE: Briefing Sheet: Today"s CBS News Newspath interview on 9-8-8 at 4:45 p.m.
Date: Monday, June 29, 2020 11:41:15 AM
Attachments: 2020-06-29 Briefer - CBS News Newspath on 988 Suicide Hotline.docx

---

Hi, Melissa:

The zoom details are included in the attached briefing sheet. Please plan to join at 4:40 (which is when I plan to dial in) so that we can ensure that our presence doesn't impact the technical needs of the interview. **You'll need to mute your video and audio.** If there is a technical concern on CBS' end, we can then hop off before 4:45.

Any questions, feel free to shoot me an e-mail or give me a call at [redacted]. (b)(6)

Regards,

Katie

From: Melissa Droller Kirkel <Melissa.Kirkel@fcc.gov>
Sent: Monday, June 29, 2020 11:35 AM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Montana L. Hyde <Montana.Hyde@fcc.gov>
Subject: RE: Briefing Sheet: Today's CBS News Newspath interview on 9-8-8 at 4:45 p.m.

Thanks Nick, I can dial-in to the call at 4:45.

Melissa Droller Kirkel
Deputy Chief, Competition Policy Division
Wireline Competition Bureau
Federal Communications Commission
(202) 418-7958

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Monday, June 29, 2020 11:20 AM
To: Katie Gorscak <Katie.Gorscak@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Montana L. Hyde <Montana.Hyde@fcc.gov>; Melissa Droller Kirkel <Melissa.Kirkel@fcc.gov>
Subject: RE: Briefing Sheet: Today's CBS News Newspath interview on 9-8-8 at 4:45 p.m.

+MK, please include her on all 988 issues. If she has time to dial-in as well (however that works for a Zoom call), I think that'd be good.

From: Katie Gorscak <Katie.Gorscak@fcc.gov>

AMERICAN OVERSIGHT

Sent: Monday, June 29, 2020 9:16 AM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Montana L. Hyde <Montana.Hyde@fcc.gov>
Subject: Briefing Sheet: Today's CBS News Newspath interview on 9-8-8 at 4:45 p.m.

To all:

Attached please find a briefing sheet for today's Zoom interview with Nancy Chen of CBS News Newspath. This will be held via Zoom at 4:45 p.m. The dial-in information is provided in the briefing sheet. I plan to touch base with the reporter on Zoom shortly before the scheduled interview.

Montana-can you please add the dial-in information to the existing calendar appointment? I sent to you in a separate e-mail as well.

Please let me know if you have any questions.

Regards,

Katie L. Gorscak
Federal Communications Commission
Office of Media Relations
445 12th St. SW, Room 4-C735
Washington, DC 20554
Phone: 202-418-2156
Cell: 202-380-8116

AMERICAN OVERSIGHT

BRIEFING SHEET: CBS News/Newspath Interview on '988' Suicide Prevention Hotline

What: Taped interview for CBS

When: 15-minute Zoom interview on Monday, June 29th at 4:45 p.m.

Where: Zoom interview:

https://cbs.zoom.us/j/94276683888?pwd=dzIvQlNMcXhxWTRFbDN4TkYyUGpaUT09

Meeting ID: 942 7668 3888
Password: 645873

Contact: Nancy Chen, correspondent, cell phone: [redacted] (b)(6)

Staff: Katie Gorscak, OMR ([redacted]) (b)(6)

Interview/Outlet Background:

Overview: CBS Newspath is CBS News' news gathering service and provides news coverage of major breaking news events for affiliate stations to use in their local news broadcasts. The service has a team of domestic and global correspondents and freelance reporters dedicated to reporting for affiliates and offers several different national or international stories fronted by reporters on a daily basis.



Interviewer: Nancy Chen

Nancy Chen is an anchor with CBS News Newspath. She joined Newspath in 2020 as a New York City based correspondent. Prior to joining CBS, she worked as an anchor on WJLA-TV in Washington, D.C. Prior to her time in D.C. she worked for WHDH-TV in Boston and as a print reporter for the Tulsa World. Originally from Tulsa, Oklahoma, she attended the Oklahoma School of Science and Mathematics and graduated from the University of Southern California with a degree in international relations.

[redacted]

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[redacted]

Q: Will call centers be able to handle all these new calls?

- While that is a question really for Congress, HHS, and local leaders, I think there is a groundswell of national support for this effort and I expect every effort will be made to provide the resources need to ramp up call centers in preparation of this change.

[redacted]

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From:	Thomas Johnson
To:	Paul Jackson; Matthew Berry; Evan Swarztrauber; Ajit Pai; Nicholas Degani
Subject:	Re: Censorship Update
Date:	Thursday, October 15, 2020 2:16:20 PM

Graham is talking about section 230 now. He's been doing so in between witnesses for the ACB hearing.

From: Paul Jackson <Paul.Jackson@fcc.gov>
Sent: Thursday, October 15, 2020 2:14 PM
To: Thomas Johnson <Thomas.Johnson@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Subject: Re: Censorship Update

They're so meticulous they even used the new address.

I'll plan to call Haim once the release goes.

From: Thomas Johnson <Thomas.Johnson@fcc.gov>
Sent: Thursday, October 15, 2020 2:09 PM
To: Matthew Berry <Matthew.Berry@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>
Subject: Re: Censorship Update

A 23 minute turnaround on a Congressional. Great work, Paul!

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Thursday, October 15, 2020 2:08 PM
To: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>
Subject: Re: Censorship Update

Make sense to reach out to his office after 2:30, I think.

From: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Sent: Thursday, October 15, 2020 2:07 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>
Subject: Fw: Censorship Update

Also this.

AMERICAN OVERSIGHT

Evan Swarztrauber
Policy Advisor
Office of Chairman Ajit Pai
Federal Communications Commission
(202) 418-2261 (o)
(202) 870-8405 (m)
Twitter: @EvanS_FCC

From: Burke, Rory <Rory.Burke@mail.house.gov>
Sent: Thursday, October 15, 2020 2:04 PM
To: Burke, Rory <Rory.Burke@mail.house.gov>
Subject: Censorship Update

This week Justice Clarence Thomas issued a statement respecting denial of certiorari in the Enigma Software v Malwarebytes case expressing a desire to limit the scope of immunity currently provided to online platforms by the Circuit Court's "broad" interpretation of Section 230 of the Communications Decency Act. Justice Thomas explained that justices in the future should consider whether the text of the "increasingly important statute" supports the "sweeping immunity" that courts have granted to online platforms, and notes that "the Federal Government [is] free to update their liability laws to make them more appropriate for an Internet-driven society." Yesterday, Senator Hawley also questioned Judge Amy Coney Barrett about the case.

Rep. Gosar's H.R. 7808 Stop the Censorship Act of 2020 (16 current cosponsors) reforms Sections 230 to resolve the issue at question in the Enigma Software v Malwarebytes case, replacing vague terminology with concrete terms recommended by the Department of Justice.

Enigma Software v Malwarebytes Background and Update:

- 2/15/2019: 9th Circuit Court hears Enigma Software v Malwarebytes
- 7/26/2019: Gosar introduces H.R. 4027 Stop the Censorship Act clarifying the language at issue in Enigma Software v Malwarebytes
- 9/12/2019: 9th Circuit Court rules on Enigma Software v Malwarebytes (attached)
- 11/9/2019: Tweet thread on Enigma Software v Malwarebytes and Stop the Censorship Act
- 6/23/2020: The Department of Justice issues a review of Section 230 of the Communications Decency Act
    - Links to pages 20 and 21 that mention the Malwarebytes case:
        - "Antitrust law prohibits dominant firms from engaging in anticompetitive conduct that harms competition. In some cases, online platforms have argued that Section 230 creates an immunity from antitrust claims. See, e.g., Enigma Software Grp. USA, LLC v. Malwarebytes, Inc., 946 F.3d 1040, 1050 (9th Cir. 2019) (rejecting Malwarebytes's contention that it was immune from liability under Section 230 "regardless of any anticompetitive motives")"
- 7/29/2020: Gosar Introduces H.R. 7808 Stop the Censorship Act of 2020, updating H.R. 4027 to include terminology recommended by the DOJ.

AMERICAN OVERSIGHT

    - "Online platforms have argued that the inclusion of the term "otherwise objectionable" creates immunity from antitrust claims (Enigma Software v. Malwarebytes)."
- 10/13/2020: Statement of Justice Clarence Thomas respecting the denial of certiorari
    - "In its defense, Malwarebytes invoked a provision of §230 that states that a computer service provider cannot be held liable for providing tools "to restrict access to material" that it "considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable." §230(c)(2). The Ninth Circuit relied heavily on the "policy" and "purpose" of §230 to conclude that immunity is unavailable when a plaintiff alleges anticompetitive conduct."
    - "we should consider whether the text of this increasingly important statute aligns with the current state of immunity enjoyed by Internet platforms."
    - "With no limits on an Internet company's discretion to take down material, §230 now apparently protects companies who racially discriminate in removing content. Sikhs for Justice, Inc. v. Facebook, Inc."
    - "Paring back the sweeping immunity courts have read into §230 would not necessarily render defendants liable for online misconduct. It simply would give plaintiffs a chance to raise their claims in the first place. Plaintiffs still must prove the merits of their cases, and some claims will undoubtedly fail. Moreover, States and the Federal Government are free to update their liability laws to make them more appropriate for an Internet-driven society."
    - "Extending §230 immunity beyond the natural reading of the text can have serious consequences. Before giving companies immunity from civil claims for "knowingly host[ing] illegal child pornography," Bates, 2006 WL 3813758, *3, or for race discrimination, Sikhs for Justice, 697 Fed. Appx., at 526, we should be certain that is what the law demands. Without the benefit of briefing on the merits, we need not decide today the correct interpretation of §230. But in an appropriate case, it behooves us to do so."
- 10/14/2020: Senator Hawley questions Judge Amy Coney Barrett about Malwarebytes
    - **Sen. Hawley**: "What are the dangers of supreme court or any court, rewriting a statute, departing from the text that congress, or a legislature, a lawmaking body, departing from the text they have written, that has been adopted, presented and adopted, what are the dangers in that if a court departs from that and substitutes its own judgment, whether it's done in one opinion or over a series or years"
    - **Judge Amy Coney Barrett**: "…without respect to Section 230, just in general, the danger of a court doing that is to subvert the will of the people… If judges misconstrue statutes or bend them to the judges idea of what would be good public policy, then it deprives the people of the chance to express the policies that they want through the democratic process."
    - **Sen. Hawley**: "…it's pretty clear that has happened with Section 230, I think Justice Thomas does an outstanding job here at laying out why that's the case."

Yesterday Facebook And Twitter Limited Sharing 'New York Post' Story About Joe Biden. It is important to note that the above provision is what currently provides online platforms immunity to censor anything they deem to be "otherwise objectionable" - in this case the New York Post report.

H.R. 7808 Stop the Censorship Act of 2020 reforms Sections 230 to resolve the issue at question in the Enigma v Malwarebytes case, replacing vague terminology with concrete terms recommended by the Department of Justice.

Rory Burke
Legislative Director
Congressman Paul Gosar (AZ-04)
(c): (202) 557-1872

From: Burke, Rory
Sent: Thursday, June 25, 2020 9:20 AM
To: Burke, Rory <Rory.Burke@mail.house.gov>
Subject: Censorship

The attached legislation aligns with two of the Justice Department's recommendations to reform Section 230 of the Communications Decency Act, described on page 20 and 21 of the Justice Department's recently issued Key Takeaways and Recommendations:

1. **Reform to Promote Competition** (one page attached):
   "Antitrust law prohibits dominant firms from engaging in anticompetitive conduct that harms competition. In some cases, online platforms have argued that Section 230 creates an immunity from antitrust claims. See, e.g., Enigma Software Grp. USA, LLC v. Malwarebytes, Inc., 946 F.3d 1040, 1050 (9th Cir. 2019) (rejecting Malwarebytes's contention that it was immune from liability under Section 230 "regardless of any anticompetitive motives") (cert pending)." (the attached language strikes the language at issue in the Enigma v Malware case). Here's the docket for the Malwarebytes v Enigma Software appeal at the Supreme Court. A summary of the case is below my signature line.
2. **Reforms to Promote Open Discourse and Greater Transparency** (one page attached):
   "The vagueness of the term "otherwise objectionable" risks giving every platform a free pass for removing any and all speech that it dislikes, without any potential for recourse by the user. Therefore, to bring the immunity conferred by (c)(2) more in line with the interests Congress identified in the original CDA, the Department proposes deleting the vague phrase "otherwise objectionable," while adding a new immunity for moderation of material the platform believes, in good faith, violates federal law or promotes violence or terrorism. By both narrowing and expanding 230(c)(2) in these ways the proposals strike a more appropriate balance between promoting an open, vibrant Internet and preserving platforms' discretion to restrict obscene and unlawful content."

Stop the Censorship Act has been updated to satisfy these two Justice Department recommendations. We did receive TA from DOJ. I would be happy to help address any questions or concerns.

Rory Burke
Legislative Director
Congressman Paul A. Gosar (AZ-04)
(c): (202) 557-1872

From: Burke, Rory

AMERICAN OVERSIGHT

Sent: Wednesday, November 13, 2019 1:32 PM
To: Burke, Rory <Rory.Burke@mail.house.gov>
Subject: Censorship of Competition

Friends,

Enigma Software v. Malwarebytes is a 9th circuit case about two computer software companies in an antitrust dispute. Malwarebytes and Enigma are direct competitors and the defendant (Malwarebytes) has censored their competitor's most popular programs.

This is the first case regarding Section 230 of the Communications Decency Act (CDA 230) that involves direct competitors. CDA 230 provides tech platforms with immunity from liability for third party content and allows Big Tech to censor "objectionable" content with immunity.

In Enigma Software v. Malwarebytes the court considered whether or not "objectionable" provides immunity for the censorship of competition: "The legal question before us is whether [CDA 230] immunizes blocking and filtering decisions that are driven by anticompetitive animus…Malwarebytes's position is that, given the catchall [of "objectionable"], Malwarebytes has immunity regardless of any anticompetitive motives."

The majority concludes: "only that if a provider's basis for objecting to and seeking to block materials is because those materials benefit a competitor, the objection would not fall within any category listed in the statue and the immunity would not apply."

However, dissenting Judge argues that CDA 230's immunity for removal of "objectionable" content includes immunity for the censorship of competition: "Under the language of the statute, if the blocked content is "otherwise objectionable" to the provider, the Act bestows immunity"

Dissent continues: "Under the language of the Act, so long as the provider's action is taken to remove "otherwise objectionable" material, the restriction of access is immunized..."

Further, Judge Rawlinson concludes that "the majority's policy arguments are in conflict with our recognition in Zango [v. Kaspersky] that the broad language of the Act is consistent with "the Congressional goals for immunity" as expressed in the language of the statute."

The case suggests Congress could clarify the statute: "The majority's real complaint is not that the district court construed the statute too broadly, but that the statute is written too broadly. However, that defect, if it is a defect, is one beyond our authority to correct…We must presume that a legislature says in a statute what it means and means in a statute what it says there."

H.R. 4027 Stop the Censorship Act would reform CDA 230 and clarify that the statute does not include immunity for the censorship of competition or lawful content, unless providing users with the option to filter such content.

Law Professors have filed an amicus brief (attached) asking the 9th circuit to rehear the case.

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They argue that CDA 230 should indeed provide immunity for the censorship of competition. H.R. 4027 also satisfies their concerns about malware threat software, since the inclusion of "(C) any action to provide users the option to restrict access to any other material, whether or not such material is constitutionally protected" would empower users with the option to filter, including the option to filter malware threats.

CDA 230 currently provides immunity for the censorship of lawful political speech. Additionally, it is a major concern that CDA 230 could be interpreted to provide immunity to Big Tech to censor competition. The lack of clarity in the statute represents a serious threat to free speech and free markets. H.R. 4027 would stop the censorship of competition and lawful political speech.

Rory Burke
Legislative Director
Congressman Paul A. Gosar, D.D.S. (AZ-04)

AMERICAN OVERSIGHT

From: Ajit Pai
To: Matthew Berry; Brian Hart; Nicholas Degani; Evan Swarztrauber
Subject: Re: checking in
Date: Tuesday, October 27, 2020 1:26:24 PM

Agree

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Tuesday, October 27, 2020 1:25 PM
To: Brian Hart <Brian.Hart@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: Re: checking in

[redacted]

From: Brian Hart <Brian.Hart@fcc.gov>
Sent: Tuesday, October 27, 2020 1:24 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: Fw: checking in

[redacted]

From: David McCabe <david.mccabe@nytimes.com>
Sent: Tuesday, October 27, 2020 1:17 PM
To: Brian Hart <Brian.Hart@fcc.gov>
Subject: checking in

Hey Brian —

We're working on a story about Republican efforts to put pressure on the Section 230 issue. I wanted to see if the FCC had comment on a couple of things.

We note the Simington nomination battle, and how it is seen as a proxy fight for 230. We also mention the chairman's recent announcement on considering the Commerce petition. We have been told that he was moved to act by Twitter's decision on Hunter Biden and the recent Justice Thomas opinion. But that he has still looked to push any decision beyond Election Day.

I wanted to know if you had anything to add. We're wrapping this up today.

Thanks, David, [redacted] (b)(6)

--
David McCabe
Reporter
The New York Times

AMERICAN OVERSIGHT

From:	Zenji Nakazawa
To:	Nirali Patel; Preston Wise; Aaron N. Goldberger; Matthew Berry; Alexander Sanjenis; Tina Pelkey; Michael Carowitz
Cc:	Nicholas Degani; Brian Hart; Will Wiquist; Katie Gorscak; Rochelle Cohen
Subject:	RE: Draft press prep
Date:	Wednesday, February 26, 2020 3:22:11 PM
Attachments:	2020-02 Open Meeting - February Press Prep - AG-ZN-ATS-AG-PW-NP-ZN.docx image001.jpg

Additional edits to the NORS/DIRS section.

From: Nirali Patel <Nirali.Patel@fcc.gov>
Sent: Wednesday, February 26, 2020 3:16 PM
To: Preston Wise <Preston.Wise@fcc.gov>; Aaron N. Goldberger <Aaron.Goldberger@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Tina Pelkey <Tina.Pelkey@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>
Cc: Nicholas Degani <Nicholas.Degani@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>
Subject: RE: Draft press prep

My edits in the attached. Added Q&A on Shaken/Stir and Lifeline.

From: Preston Wise <Preston.Wise@fcc.gov>
Sent: Wednesday, February 26, 2020 2:58 PM
To: Aaron N. Goldberger <Aaron.Goldberger@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Tina Pelkey <Tina.Pelkey@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>
Cc: Nicholas Degani <Nicholas.Degani@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>
Subject: RE: Draft press prep

My edits in the attached. Whoever would like to go next should clear it with Aaron. There's a new sheriff in town…

From: Aaron N. Goldberger <Aaron.Goldberger@fcc.gov>
Sent: Wednesday, February 26, 2020 2:28 PM
To: Preston Wise <Preston.Wise@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Tina Pelkey <Tina.Pelkey@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>
Cc: Nicholas Degani <Nicholas.Degani@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>

AMERICAN OVERSIGHT

Subject: RE: Draft press prep

Jumping back in . . .

From: Preston Wise <Preston.Wise@fcc.gov>
Sent: Wednesday, February 26, 2020 2:27 PM
To: Aaron N. Goldberger <Aaron.Goldberger@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Tina Pelkey <Tina.Pelkey@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>
Cc: Nicholas Degani <Nicholas.Degani@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>
Subject: RE: Draft press prep

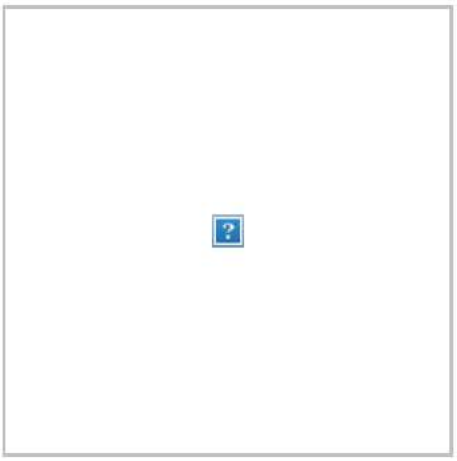
Thanks, Aaron. I guess I'll jump in now, unless anybody else needs to go in first…

From: Aaron N. Goldberger <Aaron.Goldberger@fcc.gov>
Sent: Wednesday, February 26, 2020 2:26 PM
To: Matthew Berry <Matthew.Berry@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Tina Pelkey <Tina.Pelkey@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>
Cc: Nicholas Degani <Nicholas.Degani@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>
Subject: RE: Draft press prep

Here are my edits. Preston, you are permitted to go in the document now.

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Wednesday, February 26, 2020 2:16 PM
To: Aaron N. Goldberger <Aaron.Goldberger@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Tina Pelkey <Tina.Pelkey@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>
Cc: Nicholas Degani <Nicholas.Degani@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>
Subject: RE: Draft press prep

AMERICAN OVERSIGHT



From: Aaron N. Goldberger <Aaron.Goldberger@fcc.gov>
Sent: Wednesday, February 26, 2020 2:12 PM
To: Preston Wise <Preston.Wise@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Tina Pelkey <Tina.Pelkey@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>
Cc: Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>
Subject: RE: Draft press prep

I am going in first – you'll have to wait.

From: Preston Wise <Preston.Wise@fcc.gov>
Sent: Wednesday, February 26, 2020 2:10 PM
To: Aaron N. Goldberger <Aaron.Goldberger@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Tina Pelkey <Tina.Pelkey@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>
Cc: Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>
Subject: RE: Draft press prep

Jumping in now…

From: Aaron N. Goldberger <Aaron.Goldberger@fcc.gov>
Sent: Wednesday, February 26, 2020 12:45 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Tina Pelkey <Tina.Pelkey@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>
Cc: Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak

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<Katie.Gorscak@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>
Subject: RE: Draft press prep

Still have some more work to do… See attached. Will jump in later this afternoon.

From: Aaron N. Goldberger
Sent: Wednesday, February 26, 2020 12:36 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Tina Pelkey <Tina.Pelkey@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>
Cc: Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>
Subject: RE: Draft press prep

Jumping back in….

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Wednesday, February 26, 2020 12:25 PM
To: Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Aaron N. Goldberger <Aaron.Goldberger@fcc.gov>; Tina Pelkey <Tina.Pelkey@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>
Cc: Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>
Subject: RE: Draft press prep

Fine with the meeting items, couple suggestions in the other topics.

From: Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>
Sent: Wednesday, February 26, 2020 11:01 AM
To: Aaron N. Goldberger <Aaron.Goldberger@fcc.gov>; Tina Pelkey <Tina.Pelkey@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>
Subject: RE: Draft press prep

Edits to NORS/DIRS. Thanks!

From: Aaron N. Goldberger <Aaron.Goldberger@fcc.gov>
Sent: Wednesday, February 26, 2020 10:28 AM
To: Tina Pelkey <Tina.Pelkey@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Nirali Patel

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<Nirali.Patel@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>
Subject: RE: Draft press prep

Edits to items 3 and 4. Will jump in a little later w/ edits to the C-Band items. Thx

---

From: Aaron N. Goldberger
Sent: Wednesday, February 26, 2020 10:16 AM
To: Tina Pelkey <Tina.Pelkey@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>
Subject: RE: Draft press prep

Jumping in ….

From: Tina Pelkey <Tina.Pelkey@fcc.gov>
Sent: Tuesday, February 25, 2020 5:54 PM
To: Preston Wise <Preston.Wise@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Aaron N. Goldberger <Aaron.Goldberger@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>
Subject: Draft press prep

Advisors – Please find the draft press prep document attached for review. We are asking for your edits by 5pm tomorrow.

Thanks in advance!
Tina

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FEBRUARY 2020 OPEN MEETING: PRESS PREP

[redacted]

CLARENCE THOMAS COMMENTS 13

[redacted]

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[redacted]

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- With

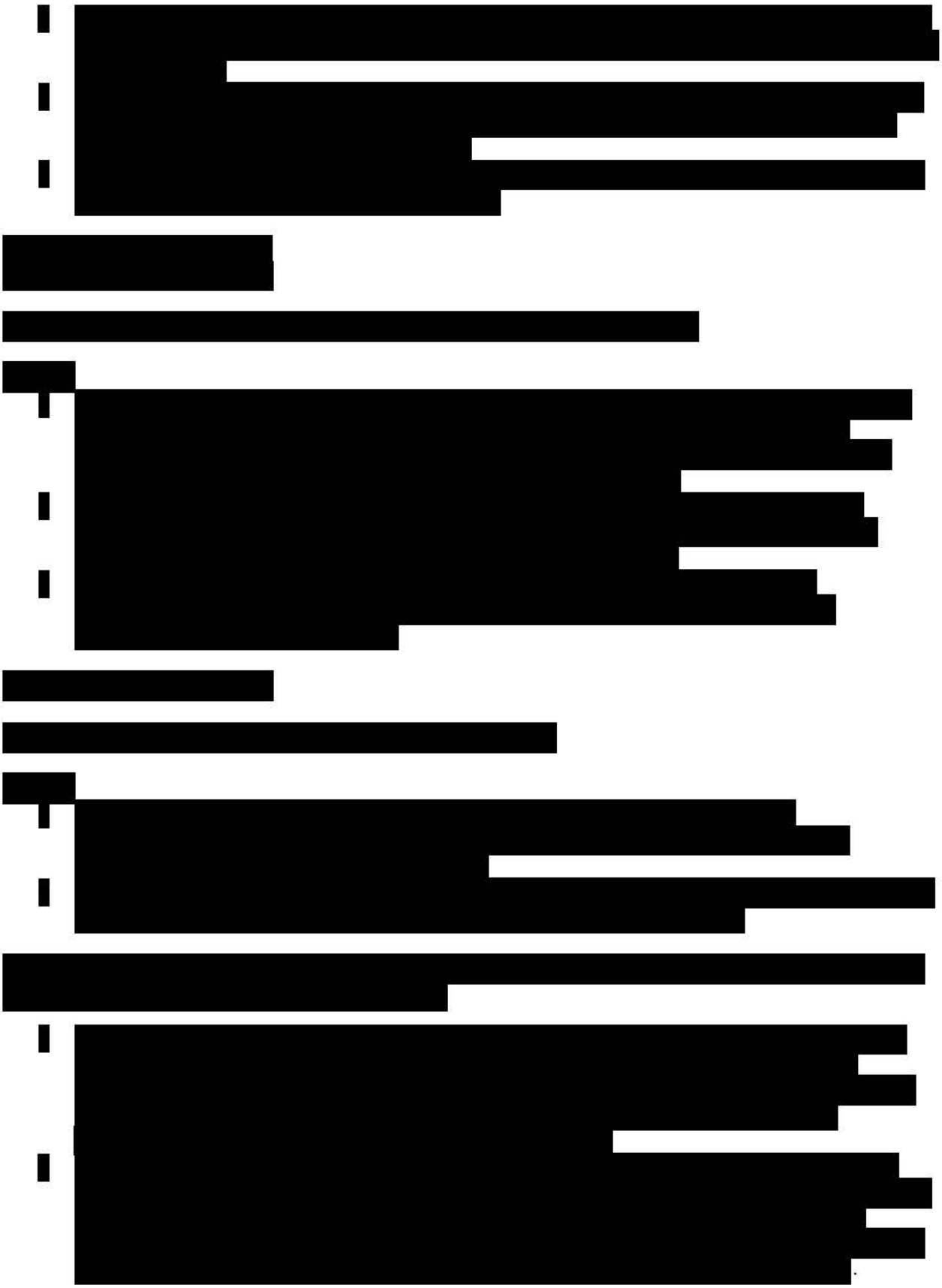
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more needs to be done to improve minority ownership and we are committed to that goal.

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[redacted]

CLARENCE THOMAS COMMENTS

Q: Justice Clarence Thomas recently said, "Although I authored Brand X, 'it is never too late to 'surrende[r] former views to a better considered position.'" Does that concern you given your previous statements about Brand X as it relates to net neutrality?

- As you know, I've been in India this week and haven't had a chance to review the full opinion, so I'm not going to comment.

[redacted]

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From:	Montana L. Hyde
To:	Will Wiquist; Nicholas Degani; Matthew Berry; Ajit Pai; Barbara Esbin; Allison Baker; Jim Balaguer
Cc:	Brian Hart; Anne Veigle; Katie Gorscak; Paul Jackson; Evan Swarztrauber; Gregory Cooke
Subject:	RE: Draft Release on Inmate Calling Letter
Date:	Tuesday, September 22, 2020 9:50:26 AM
Attachments:	NARUC-FCC Letter to Governors on ICS Rates FINAL.pdf Facilites Above Interstate Cap (2019 Data).pdf

Finalized letter attached.

From: Will Wiquist <Will.Wiquist@fcc.gov>
Sent: Tuesday, September 22, 2020 9:48 AM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Barbara Esbin <Barbara.Esbin@fcc.gov>; Montana L. Hyde <Montana.Hyde@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Gregory Cooke <Gregory.Cooke@fcc.gov>
Subject: RE: Draft Release on Inmate Calling Letter

Thanks. [redacted]

[redacted]

[redacted]

[redacted]

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Tuesday, September 22, 2020 9:28 AM
To: Matthew Berry <Matthew.Berry@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Barbara Esbin <Barbara.Esbin@fcc.gov>; Montana L. Hyde <Montana.Hyde@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Gregory Cooke <Gregory.Cooke@fcc.gov>
Subject: RE: Draft Release on Inmate Calling Letter

Very good. Only minor edits here. AP, have you signed off on this?

From: Matthew Berry <Matthew.Berry@fcc.gov>

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Sent: Monday, September 21, 2020 3:33 PM
To: Will Wiquist <Will.Wiquist@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Barbara Esbin <Barbara.Esbin@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Montana L. Hyde <Montana.Hyde@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Gregory Cooke <Gregory.Cooke@fcc.gov>
Subject: Re: Draft Release on Inmate Calling Letter

OK here.

From: Will Wiquist <Will.Wiquist@fcc.gov>
Sent: Monday, September 21, 2020 2:36 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Barbara Esbin <Barbara.Esbin@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Montana L. Hyde <Montana.Hyde@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Gregory Cooke <Gregory.Cooke@fcc.gov>
Subject: RE: Draft Release on Inmate Calling Letter

[redacted]

From: Ajit Pai <Ajit.Pai@fcc.gov>
Sent: Monday, September 21, 2020 2:20 PM
To: Barbara Esbin <Barbara.Esbin@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Montana L. Hyde <Montana.Hyde@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Gregory Cooke <Gregory.Cooke@fcc.gov>
Subject: Re: Draft Release on Inmate Calling Letter

Thanks everybody!

From: Barbara Esbin <Barbara.Esbin@fcc.gov>
Sent: Monday, September 21, 2020 2:04 PM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>; Montana L. Hyde <Montana.Hyde@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry

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<Matthew.Berry@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Gregory Cooke <Gregory.Cooke@fcc.gov>
Subject: Re: Draft Release on Inmate Calling Letter

+ Greg Cooke, IGA.

Barbara Esbin
Deputy Bureau Chief
Consumer and Governmental Affairs Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
(202) 418-0535
barbara.esbin@fcc.gov

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Monday, September 21, 2020 1:55 PM
To: Montana L. Hyde <Montana.Hyde@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Barbara Esbin <Barbara.Esbin@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: RE: Draft Release on Inmate Calling Letter

That's right.

From: Montana L. Hyde <Montana.Hyde@fcc.gov>
Sent: Monday, September 21, 2020 1:47 PM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Barbara Esbin <Barbara.Esbin@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: RE: Draft Release on Inmate Calling Letter

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Yep, I will finalize with signatures. No letterhead since this is a joint letter, correct?

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Monday, September 21, 2020 1:35 PM
To: Allison Baker <Allison.Baker@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Barbara Esbin <Barbara.Esbin@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Montana L. Hyde <Montana.Hyde@fcc.gov>
Subject: RE: Draft Release on Inmate Calling Letter

Great. Here is the final letter.

[redacted]

[redacted]

[redacted]

Thanks all,
-Nick D.

From: Allison Baker <Allison.Baker@fcc.gov>
Sent: Monday, September 21, 2020 1:31 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: RE: Draft Release on Inmate Calling Letter

Yeah, Nick is correct on the rates. I'm good with the proposed edits as well. Thanks!

From: Ajit Pai <Ajit.Pai@fcc.gov>
Sent: Monday, September 21, 2020 1:29 PM
To: Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak

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<Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: Re: Draft Release on Inmate Calling Letter

+1

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Monday, September 21, 2020 1:26 PM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: Re: Draft Release on Inmate Calling Letter

[redacted]

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Monday, September 21, 2020 1:25 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: RE: Draft Release on Inmate Calling Letter

[redacted]

From: Ajit Pai <Ajit.Pai@fcc.gov>
Sent: Monday, September 21, 2020 1:21 PM

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To: Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: Re: Draft Release on Inmate Calling Letter

[redacted].

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Monday, September 21, 2020 1:19 PM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: Re: Draft Release on Inmate Calling Letter

[redacted]

[redacted]

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Monday, September 21, 2020 12:59 PM
To: Jim Balaguer <Jim.Balaguer@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: RE: Draft Release on Inmate Calling Letter

Hey all,

[redacted]

[redacted].

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Best,
-Nick D.

From: Jim Balaguer <Jim.Balaguer@fcc.gov>
Sent: Friday, September 18, 2020 5:41 PM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>
Subject: RE: Draft Release on Inmate Calling Letter

Understood. Thanks. Have a great weekend.

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Friday, September 18, 2020 5:39 PM
To: Jim Balaguer <Jim.Balaguer@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>
Subject: Re: Draft Release on Inmate Calling Letter

[redacted]

Best,
-Nick D.

From: "Jim Balaguer" <Jim.Balaguer@fcc.gov>
Date: Friday, September 18, 2020 at 5:26:26 PM
To: "Ajit Pai" <Ajit.Pai@fcc.gov>, "Will Wiquist" <Will.Wiquist@fcc.gov>, "Matthew Berry" <Matthew.Berry@fcc.gov>, "Allison Baker" <Allison.Baker@fcc.gov>, "Nicholas Degani" <Nicholas.Degani@fcc.gov>
Cc: "Brian Hart" <Brian.Hart@fcc.gov>, "Anne Veigle" <Anne.Veigle@fcc.gov>, "Katie Gorscak" <Katie.Gorscak@fcc.gov>, "Paul Jackson" <Paul.Jackson@fcc.gov>
Subject: RE: Draft Release on Inmate Calling Letter

FYI – For Hill outreach on Monday, OLA will make heads-up calls to House/Senate Commerce (4 corners), Duckworth (D-IL), Portman (R-OH), Young (R-IN) and Rep. Bobby Rush (D-IL). We'll also send the press release to full House E&C, Senate Commerce, H/S FSGG Approps, and other interested offices.

From: Ajit Pai <Ajit.Pai@fcc.gov>
Sent: Friday, September 18, 2020 4:35 PM

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To: Will Wiquist <Will.Wiquist@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>
Subject: Re: Draft Release on Inmate Calling Letter

Looks good!

From: Will Wiquist <Will.Wiquist@fcc.gov>
Sent: Friday, September 18, 2020 4:20 PM
To: Matthew Berry <Matthew.Berry@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>
Subject: RE: Draft Release on Inmate Calling Letter

Here you go, as a clean version.

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Friday, September 18, 2020 4:17 PM
To: Allison Baker <Allison.Baker@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>
Subject: Re: Draft Release on Inmate Calling Letter

Thanks. Will, could you add that edit?

From: Allison Baker <Allison.Baker@fcc.gov>
Sent: Friday, September 18, 2020 4:04 PM
To: Matthew Berry <Matthew.Berry@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>
Subject: RE: Draft Release on Inmate Calling Letter

[redacted]

From: Matthew Berry <Matthew.Berry@fcc.gov>

AMERICAN OVERSIGHT

Sent: Friday, September 18, 2020 3:49 PM
To: Will Wiquist <Will.Wiquist@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>
Subject: Re: Draft Release on Inmate Calling Letter

[redacted]

From: Will Wiquist <Will.Wiquist@fcc.gov>
Sent: Friday, September 18, 2020 3:15 PM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>
Subject: RE: Draft Release on Inmate Calling Letter

Attached are redline version with those edits. I just added one line about the data but we could add a full paragraph if you wanted.

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Friday, September 18, 2020 2:25 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>
Subject: Re: Draft Release on Inmate Calling Letter

[redacted]

Best,
-Nick D.

From: "Ajit Pai" <Ajit.Pai@fcc.gov>
Date: Friday, September 18, 2020 at 2:15:27 PM
To: "Matthew Berry" <Matthew.Berry@fcc.gov>, "Will Wiquist" <Will.Wiquist@fcc.gov>, "Nicholas

AMERICAN OVERSIGHT

Degani" <Nicholas.Degani@fcc.gov>, "Allison Baker" <Allison.Baker@fcc.gov>
Cc: "Brian Hart" <Brian.Hart@fcc.gov>, "Anne Veigle" <Anne.Veigle@fcc.gov>, "Katie Gorscak" <Katie.Gorscak@fcc.gov>, "Paul Jackson" <Paul.Jackson@fcc.gov>, "Jim Balaguer" <Jim.Balaguer@fcc.gov>
Subject: Re: Draft Release on Inmate Calling Letter

Some proposed changes from me, too. Thanks!

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Friday, September 18, 2020 2:03 PM
To: Will Wiquist <Will.Wiquist@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>
Subject: Re: Draft Release on Inmate Calling Letter

Thanks. Attached please find my feedback.

From: Will Wiquist <Will.Wiquist@fcc.gov>
Sent: Friday, September 18, 2020 1:04 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>
Subject: Draft Release on Inmate Calling Letter

[redacted]

[redacted]

AMERICAN OVERSIGHT

September 22, 2020

The Honorable Andrew Cuomo
Governor of the State of New York and Chair of the National Governor's Association

The Honorable Asa Hutchinson
Governor of the State of Arkansas and Vice Chair of the National Governor's Association

National Governors Association
444 N. Capitol Street NW, Suite 267
Washington, DC 20001

Dear Governors Cuomo and Hutchinson:

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.

The National Association of Regulatory Utility Commissioners (NARUC) and the Federal Communications Commission (FCC) have worked to address exorbitant rates and charges for inmate calling services. These efforts are complicated by a patchwork of authority over rates and charges. The FCC's legal authority is limited to regulation of interstate and international rates—as the Communications Act makes clear and the U.S. Court of Appeals for the D.C. Circuit has reiterated. In turn, some state regulators lack jurisdiction over intrastate rates (entirely or in part), with authority instead falling to Governors, state legislatures, or state corrections officials.

NARUC passed a resolution in 2012 urging the FCC to take action to ensure just and reasonable interstate rates and called for state and federal action to consider policies to lower rates. More recently, 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.

For its part, the FCC continues to address unjust and unreasonable rates and charges for interstate and international inmate calling services. Most recently, on August 6, 2020, a unanimous FCC took a major step toward comprehensively reforming interstate and international rates. Specifically, the Commission proposed lowering current interstate rate caps to 14 cents per minute for debit, prepaid, and collect calls from prisons and 16 cents per minute for debit, prepaid, and collect calls from jails—a significant cut of up to 44% from existing interstate rate caps. In addition, the Commission proposed to cap rates for international inmate calling services for the first time. The Commission also ensured that ancillary service charges, which are separate fees that providers charge that are not included in the per-minute rates for calls, are limited to just and reasonable levels when made in connection with interstate inmate calling services.

However, more needs to be done to address egregiously high intrastate rates for these services and excessive additional fees that providers often charge in connection with purely intrastate calling. Most of these involve county or municipal detention facilities. For example, FCC analysis shows that

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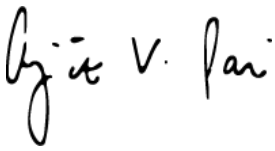
intrastate rates for debit or prepaid calls substantially exceed existing interstate rates in 45 states. The FCC has also identified instances in which a 15-minute intrastate debit or prepaid call costs nearly seven times more than an interstate call of the same duration. And 27 states allow excessive "first-minute" charges that are up to 26 times that of the first minute of an interstate call. This situation is unacceptable, especially as the overwhelming majority of calls from incarcerated individuals—roughly 80%—are billed as intrastate.

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. For your convenience, we have attached a list of all facilities that charged intrastate rates above the interstate caps last year. Prompt and meaningful action on intrastate rates is critical to ensuring that incarcerated individuals and their loved ones can maintain vital connections during the COVID-19 pandemic and beyond.

Thank you for your consideration of this important matter. We welcome the opportunity to discuss this matter with each of you.

Sincerely,





Brandon Presley
NARUC President

Ajit V. Pai
FCC Chairman

cc: Governors of the remaining U.S. States and Territories, the Mayor of the District of Columbia

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Highest 2019 Reported Charge for a 15-Minute Call by Facility Location

Where Reported Rates Exceed the FCC Interstate Debit/Prepaid Cap of $3.15 for a 15-Minute Call

Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Daphne City Police Department	Daphne	AL	$0.28	$0.28	$4.20
Marengo County Sheriff's Office	Linden	AL	$0.28	$0.28	$4.20
Adamsville Police Department	Adamsville	AL	$0.25	$0.25	$3.75
Albertville City Police Department	Albertville	AL	$0.25	$0.25	$3.75
Arab City Police Dept	Arab City	AL	$0.25	$0.25	$3.75
Birmingham AL-City Jail	Birmingham	AL	$0.25	$0.25	$3.75
Blount County	Oneonta	AL	$0.25	$0.25	$3.75
Boaz City AL	Boaz	AL	$0.25	$0.25	$3.75
Boaz Police Department - AL	Boaz	AL	$0.25	$0.25	$3.75
Bullock County Jail	Union Springs	AL	$0.25	$0.25	$3.75
Calhoun County AL	Anniston	AL	$0.25	$0.25	$3.75
Chilton County Jail	Clanton	AL	$0.25	$0.25	$3.75
Choctaw County Jail	Butler	AL	$0.25	$0.25	$3.75
Citronelle Police Department - AL	Citronelle	AL	$0.25	$0.25	$3.75
Clay County Jail	Ashland	AL	$0.25	$0.25	$3.75
Cleburne County Correctional Facility	Heflin	AL	$0.25	$0.25	$3.75
Conecuh County Sheriff's Office	Evergreen	AL	$0.25	$0.25	$3.75
Coosa County Sheriff Office	Rockford	AL	$0.25	$0.25	$3.75
Coosa Valley Youth Lewis Academy	Anniston	AL	$0.25	$0.25	$3.75
Coosa Valley Youth Services Detention	Anniston	AL	$0.25	$0.25	$3.75
Cordova PD	Cordova	AL	$0.25	$0.25	$3.75
Dale County Jail	Ozark	AL	$0.25	$0.25	$3.75
Dale County Jail	Ozark	AL	$0.25	$0.25	$3.75
Dallas County AL	Selma	AL	$0.25	$0.25	$3.75
Dothan Police Department	Dothan	AL	$0.25	$0.25	$3.75
Elmore County Jail	Wetumpka	AL	$0.25	$0.25	$3.75
Escambia County Detention - AL	Brewton	AL	$0.25	$0.25	$3.75
Eufaula City Jail	Eufaula	AL	$0.25	$0.25	$3.75
Foley Police Department	Foley	AL	$0.25	$0.25	$3.75
Franklin County AL	Russellville	AL	$0.25	$0.25	$3.75
Fultondale Police Department - AL	Fultondale	AL	$0.25	$0.25	$3.75
Gardendale Police Department Jail	Gardendale	AL	$0.25	$0.25	$3.75
Geneva County Jail	Geneva	AL	$0.25	$0.25	$3.75
Greene County Jail	Eutaw	AL	$0.25	$0.25	$3.75
Gulf Shores Police Department	Gulf Shores	AL	$0.25	$0.25	$3.75
Guntersville City Police Department	Guntersville	AL	$0.25	$0.25	$3.75
Hale County AL	Greensboro	AL	$0.25	$0.25	$3.75
Henry County Sheriff's Office - AL	Abbeville	AL	$0.25	$0.25	$3.75
Homewood Police Department	Homewood	AL	$0.25	$0.25	$3.75
Houston County Jail	Dothan	AL	$0.25	$0.25	$3.75
Hueytown City Jail	Hueytown	AL	$0.25	$0.25	$3.75

Source: 2019 Annual Reports as filed by providers of calling services for incarcerated persons.
Contact: Pricing Policy Division, Wireline Competition Bureau

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Jackson County Jail AL	Scottsboro	AL	$0.25	$0.25	$3.75
Jefferson Cnty AL-County Jail (JCA)	Bessemer	AL	$0.25	$0.25	$3.75
Jefferson Cnty AL-G. Ross Bell Youth DC	Bessemer	AL	$0.25	$0.25	$3.75
Jefferson County ID	Bessemer	AL	$0.25	$0.25	$3.75
Lauderdale County AL	Florence	AL	$0.25	$0.25	$3.75
Lowndes County Sheriff's Office	Hayneville	AL	$0.25	$0.25	$3.75
Macon County - AL	Tuskegee	AL	$0.25	$0.25	$3.75
Madison County AL-Detention Facility	Huntsville	AL	$0.25	$0.25	$3.75
Marshall Co Work Release AL	Albertville	AL	$0.25	$0.25	$3.75
Marshall County AL	Guntersville	AL	$0.25	$0.25	$3.75
Mobile County AL-Metro Jail	Mobile	AL	$0.25	$0.25	$3.75
Monroe County Detention Facility	Monroeville	AL	$0.25	$0.25	$3.75
Montgomery City Jail	Montgomery	AL	$0.25	$0.25	$3.75
Montgomery County Jail	Montgomery	AL	$0.25	$0.25	$3.75
Muscle Shoals Police Dept. AL	Muscle Shoals	AL	$0.25	$0.25	$3.75
Orange Beach Police Department	Orange Beach	AL	$0.25	$0.25	$3.75
Perry County Jail	Marion	AL	$0.25	$0.25	$3.75
Pickens County Jail	Carrollton	AL	$0.25	$0.25	$3.75
Pike County Jail	Troy	AL	$0.25	$0.25	$3.75
Robertsdale Jail	Robertsdale	AL	$0.25	$0.25	$3.75
Russell County Jail (Prentiss L. Griffith Det. Center)	Phenix City	AL	$0.25	$0.25	$3.75
Russellville City Jail (Payphones)	Russellville	AL	$0.25	$0.25	$3.75
Saraland PD	Saraland	AL	$0.25	$0.25	$3.75
Sheffield City Jail	Sheffield	AL	$0.25	$0.25	$3.75
Shelby County Jail	Columbiana	AL	$0.25	$0.25	$3.75
St Clair County Jail AL	Ashville	AL	$0.25	$0.25	$3.75
Talladega County AL	Talladega	AL	$0.25	$0.25	$3.75
Tallapoosa County AL-Jail	Dadeville	AL	$0.25	$0.25	$3.75
Tenn Valley Youth Detention	Tuscumbia	AL	$0.25	$0.25	$3.75
Trussville City Police Dept	Trussville	AL	$0.25	$0.25	$3.75
Tuscaloosa County	Tuscaloosa	AL	$0.25	$0.25	$3.75
Tuscumbia City Jail	Tuscumbia	AL	$0.25	$0.25	$3.75
Walker County Jail AL	Jasper	AL	$0.25	$0.25	$3.75
Washington County	Chatom	AL	$0.25	$0.25	$3.75
Wilcox County Sheriff's Office	Camden	AL	$0.25	$0.25	$3.75
Winston Co Jail AL	Double Springs	AL	$0.25	$0.25	$3.75
Autauga County Jail	Prattville	AL	$0.22	$0.22	$3.30
Marion County Sheriff's Office - (AL)	Hamilton	AL	$0.22	$0.22	$3.30
Arkansas County Jail	Dewitt	AR	$5.34	$1.39	$24.80
Baxter County Sheriff’s Office	Mountain Home	AR	$5.34	$1.39	$24.80
Mississippi County Detention Center	Luxora	AR	$5.34	$1.39	$24.80
Sheridan City Detention Center	Sheridan	AR	$5.14	$1.19	$21.80
Garland County Detention Center	Hot Springs	AR	$4.92	$0.97	$18.52

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Clay County Jail	Piggott	AR	$4.84	$0.89	$17.32
White River Regional Juvenile	Batesville	AR	$4.84	$0.89	$17.32
Osceola Criminal Justice Center	Osceola	AR	$5.11	$0.69	$14.77
Conway County Detention Center	Morrilton	AR	$3.50	$0.50	$10.50
Johnson County Detention Center	Clarksville	AR	$3.50	$0.50	$10.50
Saline County Detention Center	Benton	AR	$3.76	$0.47	$10.34
Lake Village City Jail	Lake Village	AR	$3.90	$0.40	$9.50
Benton Jail	Benton	AR	$0.50	$0.50	$7.50
Nevada County Jail	Prescott	AR	$2.70	$0.31	$7.04
Cleburne Jail	Cleburne	AR	$0.40	$0.40	$6.00
Independence Jail	Independence	AR	$0.40	$0.40	$6.00
Sebastian Jail	Sebastian	AR	$0.40	$0.40	$6.00
Craighead Jail	Craighead	AR	$0.35	$0.35	$5.25
Crawford Cty Jail	Crawford City	AR	$0.35	$0.35	$5.25
Greene Jail	Greene	AR	$0.35	$0.35	$5.25
Little River County Detention	Little River County	AR	$0.35	$0.35	$5.25
Miller Cty Jail	MillerCty	AR	$0.35	$0.35	$5.25
Perry Jail	Perry	AR	$0.35	$0.35	$5.25
Poinsett Jail	Poinsett	AR	$0.35	$0.35	$5.25
Pope Jail	Pope	AR	$0.35	$0.35	$5.25
VanBuren Jail	VanBuren	AR	$0.35	$0.35	$5.25
Washington Jail	Washington	AR	$0.35	$0.35	$5.25
White Jail	White	AR	$0.35	$0.35	$5.25
Benton Unit	Benton	AR	$3.12	$0.12	$4.80
Central Arkansas Community Correction Center	Little Rock	AR	$3.12	$0.12	$4.80
Cummins Unit	Grady	AR	$3.12	$0.12	$4.80
Delta Regional Unit	Dermott	AR	$3.12	$0.12	$4.80
East Arkansas Regional Unit	Lee	AR	$3.12	$0.12	$4.80
East Central Arkansas Community Correction Center	West Memphis	AR	$3.12	$0.12	$4.80
Ester Unit	Pine Bluff	AR	$3.12	$0.12	$4.80
Grimes Unit	Newport	AR	$3.12	$0.12	$4.80
J Aaron Hawkins Sr Center for Women	Wrightsville	AR	$3.12	$0.12	$4.80
McPherson Unit	Newport	AR	$3.12	$0.12	$4.80
Mississippi County Work Release Center	Luxora	AR	$3.12	$0.12	$4.80
NE Arkansas Community Correction Center	Osceola	AR	$3.12	$0.12	$4.80
North Central Unit	Calico Rock	AR	$3.12	$0.12	$4.80
NW Arkansas Community Correction Center	Fayeteville	AR	$3.12	$0.12	$4.80
NW Arkansas Work Release Center	Springdale	AR	$3.12	$0.12	$4.80
Omega Technical Violator Center	Malvern	AR	$3.12	$0.12	$4.80
Ouachita River Unit	Malvern	AR	$3.12	$0.12	$4.80
Pine Bluff Re-Entry Center	Pine Bluff	AR	$3.12	$0.12	$4.80
Pine Bluff Unit	Pine Bluff	AR	$3.12	$0.12	$4.80
Randall L Williams Facility	Pine Bluff	AR	$3.12	$0.12	$4.80

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
State Police Barracks	Little Rock	AR	$3.12	$0.12	$4.80
SW Arkansas Community Correction Center	Texarkana	AR	$3.12	$0.12	$4.80
Texarkana Region Correction Center	Texarkana	AR	$3.12	$0.12	$4.80
Tucker Maximum Security Unit	Tucker	AR	$3.12	$0.12	$4.80
Tucker Re-Entry Center	Tucker	AR	$3.12	$0.12	$4.80
Tucker Unit	Tucker	AR	$3.12	$0.12	$4.80
Varner Unit	Pine Bluff	AR	$3.12	$0.12	$4.80
Wrightsville Unit	Wrightsville	AR	$3.12	$0.12	$4.80
Pulaski Jail	Pulaski	AR	$0.30	$0.30	$4.50
Brinkley PD - AR	Brinkley	AR	$0.25	$0.25	$3.75
Fulton County Detention - AR	Salem	AR	$0.25	$0.25	$3.75
Jefferson County Juvenile	Pine Bluff	AR	$0.25	$0.25	$3.75
Johnson County Jail - AR	Clarksville	AR	$0.25	$0.25	$3.75
Monroe County Jail - (AR)	Clarendon	AR	$0.25	$0.25	$3.75
Sheridan City Detention Center (Grant County) - AR	Sheridan	AR	$0.25	$0.25	$3.75
Colorado River Indian Tribe (CRIT)	Parker	AZ	$0.65	$0.65	$9.75
Peach Springs Hualapai Adult Detention Center	Peach Springs	AZ	$0.65	$0.65	$9.75
White Mountain Apache Police Department	Whiteriver	AZ	$0.65	$0.65	$9.75
Avondale AZ-City Detention Facility	Avondale	AZ	$3.70	$0.30	$7.90
Mesa AZ-City Holding Facility	Mesa	AZ	$3.70	$0.30	$7.90
Apache Junction Az-City Detention Unit	Apache Junction	AZ	$3.40	$0.30	$7.60
Lake Havasu City Police Department	Lake Havasu City	AZ	$0.50	$0.50	$7.50
Cochise County Main Jail	Bisbee	AZ	$0.47	$0.47	$7.05
Cochise County Sierra Vista	Sierra Vista	AZ	$0.47	$0.47	$7.05
Cochise County Willcox	Willcox	AZ	$0.47	$0.47	$7.05
Greenlee County Sheriff's Dept	Clifton	AZ	$0.47	$0.47	$7.05
Yuma County Juvenile Justice Center	Yuma	AZ	$0.47	$0.47	$7.05
Gila County AZ-Main County Jail	Globe	AZ	$0.46	$0.46	$6.90
Gila County AZ-Payson Substation	Payson	AZ	$0.46	$0.46	$6.90
AK - Chin Police Dept	Maricopa	AZ	$0.40	$0.40	$6.00
Apache County Jail	St Johns	AZ	$0.40	$0.40	$6.00
Yuma County Detention Center	Yuma	AZ	$0.40	$0.40	$6.00
Yavapai County Eastern Detention Bureau - Camp Verde	Camp Verde	AZ	$0.30	$0.30	$4.50
Coconino Co AZ	Flagstaff	AZ	$0.25	$0.25	$3.75
Pascua Yaqui Tribe Detention Center	Tucson	AZ	$0.25	$0.25	$3.75
San Carlos Apache Tribe (Adult)	San Carlos	AZ	$0.25	$0.25	$3.75
San Carlos Apache Tribe (Juvenile)	San Carlos	AZ	$0.25	$0.25	$3.75
Santa Cruz County Detention Center	Nogales	AZ	$0.25	$0.25	$3.75
Santa Cruz County Jail Az	Nogales	AZ	$0.25	$0.25	$3.75
Glendale AZ-City Jail	Glendale	AZ	$0.22	$0.22	$3.30
Clovis Police Department	Clovis	CA	$1.75	$1.75	$26.25
Buena Park Police Department	Buena Park	CA	$1.25	$1.25	$18.75
City of Corona Police Department	Corona	CA	$1.25	$1.25	$18.75

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Costa Mesa Police Department	Costa Mesa	CA	$1.25	$1.25	$18.75
Hawthorne Police Department	Hawthorne	CA	$1.25	$1.25	$18.75
Hermosa Beach Police Department	Hermosa Beach	CA	$1.25	$1.25	$18.75
Inglewood Police Department	Inglewood	CA	$1.25	$1.25	$18.75
Manhattan Beach Police Jail	Manhattan Beach	CA	$1.25	$1.25	$18.75
Newport Beach Police Department	Newport Beach	CA	$1.25	$1.25	$18.75
Westminster Police Department	Westminster	CA	$1.25	$1.25	$18.75
Lassen County Jail	Susanville	CA	$4.08	$0.98	$17.80
Lassen County Juvenile Detention Center	Susanville	CA	$4.08	$0.98	$17.80
San Benito County Juvenile Dept	Hollister	CA	$4.84	$0.89	$17.31
Alhambra Police Department	Alhambra	CA	$1.15	$1.15	$17.25
Beverly Hills Police Department	Beverly Hills	CA	$1.15	$1.15	$17.25
Burbank Police Department	Burbank	CA	$1.15	$1.15	$17.25
Chula Vista City Jail	Chula Vista	CA	$1.15	$1.15	$17.25
Fremont Police Department	Fremont	CA	$1.15	$1.15	$17.25
Hayward Police Department	Hayward	CA	$1.15	$1.15	$17.25
Monterey Park Police Department	Monterey Park	CA	$1.15	$1.15	$17.25
Pasadena Police Department	Pasadena	CA	$1.15	$1.15	$17.25
El Segundo Police Department	El Segundo	CA	$1.10	$1.10	$16.50
Gardena Police Department	Gardena	CA	$1.10	$1.10	$16.50
Sutter County Sheriff's Dept	Yuba City	CA	$3.95	$0.85	$15.85
Hemet City Police Dept	Hemet	CA	$1.70	$0.95	$15.00
Amador County Jail	Jackson	CA	$3.30	$0.80	$14.50
Redondo Beach Police Department	Redondo Beach	CA	$0.95	$0.95	$14.25
Lodi Police Department	Lodi	CA	$0.90	$0.90	$13.50
Signal Hill Police Department	Signal Hill	CA	$0.90	$0.90	$13.50
Mono County Sheriff’s Dept	Bridgeport	CA	$3.79	$0.69	$13.45
Napa County Doc	Napa	CA	$3.79	$0.69	$13.45
Napa County Juvenile Probation	Napa	CA	$3.79	$0.69	$13.45
Inyo County Jail	Independence	CA	$3.22	$0.72	$13.30
Alameda Cnty CaA-Juvenile Justice	San Leandro	CA	$3.65	$0.65	$12.75
Alameda Cnty CA-Camp Sweeney	San Leandro	CA	$3.65	$0.65	$12.75
Whittier Police Dept	Whitter	CA	$0.85	$0.85	$12.75
Bell Gardens Police Department	Bell Gardens	CA	$0.75	$0.75	$11.25
El Monte Police Department	El Monte	CA	$0.75	$0.75	$11.25
Montebello Police Department	Montebello	CA	$0.75	$0.75	$11.25
Torrance Police Department	Torrance	CA	$0.75	$0.75	$11.25
Madera County Doc	Madera	CA	$3.07	$0.57	$11.05
Colusa County Jail	Colusa	CA	$0.73	$0.73	$10.95
Lompoc City Jail	Lompoc	CA	$3.50	$0.50	$10.52
Long Beach City Jail	Long Beach	CA	$0.65	$0.65	$9.75
Glendale Police Department	Glendale	CA	$0.60	$0.60	$9.00
Del Norte County Sheriff's Office	Crescent City	CA	$2.88	$0.38	$8.20

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Azusa Police Department	Azusa	CA	$0.50	$0.50	$7.50
Border Patrol Beyer	San Diego	CA	$0.50	$0.50	$7.50
Covina Police Department	Covina	CA	$0.50	$0.50	$7.50
Fullerton Police Department	Fullerton	CA	$0.50	$0.50	$7.50
Huntington Park Police Department	Huntington Park	CA	$0.50	$0.50	$7.50
La Habra Police Department	La Habra	CA	$0.50	$0.50	$7.50
Tehama County-Jail	Red Bluff	CA	$0.50	$0.50	$7.50
Merced Cnty CA-John LaTorraca Jail	Merced	CA	$0.48	$0.48	$7.20
Merced Cnty CA-Juvenile Justice Complex	Merced	CA	$0.48	$0.48	$7.20
Merced Cnty CA-Main Jail	Merced	CA	$0.48	$0.48	$7.20
Modoc County Jail	Alturas	CA	$2.80	$0.30	$7.00
Trinity County Sheriff	Weaverville	CA	$2.80	$0.30	$7.00
Fresno County Juvenile Justice Center	Fresno	CA	$2.55	$0.30	$6.75
Mendocino County Jail	Ukiah	CA	$0.45	$0.45	$6.75
Mendocino Juvenile Hall	Ukiah	CA	$0.45	$0.45	$6.75
Humboldt County CA-Juvenile Detention	Eureka	CA	$0.42	$0.42	$6.30
Humboldt County CA-Main Jail	Eureka	CA	$0.42	$0.42	$6.30
Humboldt County CA-Regional Detention	Eureka	CA	$0.42	$0.42	$6.30
City of Los Angeles Police Department CA	Los Angeles	CA	$0.41	$0.41	$6.15
Glenn County CA-Jail	Willows	CA	$0.40	$0.40	$6.00
San Bernardino Cnty CA-Central JDAC	Apple Valley	CA	$0.40	$0.40	$6.00
San Bernardino Cnty CA-High Desert JDAC	Apple Valley	CA	$0.40	$0.40	$6.00
Santa Cruz County Juvenile Hall	Felton	CA	$2.50	$0.25	$6.00
Tulare Cnty CA-Bob Wiley Correctional	Visalia	CA	$0.40	$0.40	$6.00
Tulare Cnty CA-Juvenile Detention	Visalia	CA	$0.40	$0.40	$6.00
Tulare Cnty CA-Main Jail	Visalia	CA	$0.40	$0.40	$6.00
Tulare Cnty CA-Men's Correctional	Visalia	CA	$0.40	$0.40	$6.00
Tulare Cnty CA-Pre-Trial Facility	Visalia	CA	$0.40	$0.40	$6.00
Tulare Cnty CA-South County Detention	Visalia	CA	$0.40	$0.40	$6.00
Yuba County CA-Jail	Yuba City	CA	$0.40	$0.40	$6.00
Patton State Hospital	Highland	CA	$0.38	$0.38	$5.70
Placer County Sheriff's Office	Roseville	CA	$0.37	$0.37	$5.55
Shasta County CA-Main Jail	Redding	CA	$0.36	$0.36	$5.40
Huntington Beach Police Department	Huntington Beach	CA	$0.35	$0.35	$5.25
Tehama County Jail	Bluff	CA	$0.35	$0.35	$5.25
San Diego County - Central Jail	San Diego	CA	$0.33	$0.33	$4.95
San Diego County - E Mesa Juvenile Detention Facility	San Diego	CA	$0.33	$0.33	$4.95
San Diego County - Facility 8	San Diego	CA	$0.33	$0.33	$4.95
San Diego County - George Bailey Detention Facility	San Diego	CA	$0.33	$0.33	$4.95
San Diego County - Girls Rehab Facility	San Diego	CA	$0.33	$0.33	$4.95
San Diego County - Kearny Mesa Juvenile Detention Facility	San Diego	CA	$0.33	$0.33	$4.95
San Diego County - Las Colinas Detention & Re-Entry Facility	Santee	CA	$0.33	$0.33	$4.95
San Diego County - S Bay Detention Facility	Chula Vista	CA	$0.33	$0.33	$4.95

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
San Diego County - Vista Detention Facility	Vista	CA	$0.33	$0.33	$4.95
San Diego East Mesa Det Facility	San Diego	CA	$0.33	$0.33	$4.95
Calaveras County Sheriff's Office	San Andreas	CA	$0.31	$0.31	$4.65
Kern County - Lerdo Justice Facility	Bakersfield	CA	$0.31	$0.31	$4.65
Kern County - Lerdo Max/Med Facility	Bakersfield	CA	$0.31	$0.31	$4.65
Kern County - Lerdo Pre-Trial Facility	Bakersfield	CA	$0.31	$0.31	$4.65
Kern County - Sheriff's Mojave Substation	Mojave	CA	$0.31	$0.31	$4.65
Kern County - Sheriff's Office Central Receiving Facility	Bakersfield	CA	$0.31	$0.31	$4.65
Kern County CA-Camp Erwin Owen	Kernville	CA	$0.31	$0.31	$4.65
Kern County CA-Crossroad Facility	Kernville	CA	$0.31	$0.31	$4.65
Kern County CA-Juvenile Hall	Kernville	CA	$0.31	$0.31	$4.65
San Benito County CA-Jail	Hollister	CA	$0.30	$0.30	$4.50
San Luis Obispo County CA-County Jail	San Luis Obispo	CA	$0.30	$0.30	$4.50
San Luis Obispo County CA-Honor Farm	San Luis Obispo	CA	$0.30	$0.30	$4.50
San Luis Obispo County CA-Juvenile Hall	San Luis Obispo	CA	$0.30	$0.30	$4.50
Carl F Bryan Juvenile Hall (Nevada Co)CA	Nevada City	CA	$0.25	$0.25	$3.75
Kings County Juvenile Center	Handford	CA	$0.25	$0.25	$3.75
LA County-Airport Courthouse	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Alhambra Courthouse	Alhambra	CA	$0.25	$0.25	$3.75
LA County-Antelope Valley Courthouse	Lancaster	CA	$0.25	$0.25	$3.75
LA County-Avalon Sheriff Station	Avalon	CA	$0.25	$0.25	$3.75
LA County-Barry J Nidorf Juvenile Hall	Sylmar	CA	$0.25	$0.25	$3.75
LA County-Bellflower Courthouse	Bellflower	CA	$0.25	$0.25	$3.75
LA County-Burbank Courthouse	Burbank	CA	$0.25	$0.25	$3.75
LA County-Carson Sheriff Station	Carson	CA	$0.25	$0.25	$3.75
LA County-Central Arraignment Courthouse	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Central Juvenile Hall	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Century Regional	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Century Regional Detention	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Cerritos Sheriff Station	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Challenger Youth Center	Lancaster	CA	$0.25	$0.25	$3.75
LA County-Compton Courthouse	Compton	CA	$0.25	$0.25	$3.75
LA County-Crescenta Valley Station	La Crescenta-Montrose	CA	$0.25	$0.25	$3.75
LA County-Downey Courthouse	Downey	CA	$0.25	$0.25	$3.75
LA County-East LA Sheriff Station	East Los Angeles	CA	$0.25	$0.25	$3.75
LA County-East Lost Angeles Courthouse	East Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Edelman Children's Courthouse	Monterey Park	CA	$0.25	$0.25	$3.75
LA County-El Monte Courthouse	El Monte	CA	$0.25	$0.25	$3.75
LA County-Foltz Criminal Justice Center	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-George Deukmejian Courthouse	Long Beach	CA	$0.25	$0.25	$3.75
LA County-Glendale Courthouse	Glendale	CA	$0.25	$0.25	$3.75
LA County-Industry Sheriff Station	City of Industry	CA	$0.25	$0.25	$3.75

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
LA County-Inglewood Courthouse	Inglewood	CA	$0.25	$0.25	$3.75
LA County-Lakewood Sheriff Station	Lakewood	CA	$0.25	$0.25	$3.75
LA County-Lancaster Sheriff Station	Lancaster	CA	$0.25	$0.25	$3.75
LA County-Lomita Sheriff Station	Lomita	CA	$0.25	$0.25	$3.75
LA County-Los Padrinos Juvenile Hall	Downey	CA	$0.25	$0.25	$3.75
LA County-Malibu/Lost Hills Station	Calabasas	CA	$0.25	$0.25	$3.75
LA County-Marina Del Rey Sheriff Station	Marina Del Rey	CA	$0.25	$0.25	$3.75
LA County-McCourtney Juvenile Center	Lancaster	CA	$0.25	$0.25	$3.75
LA County-Men's Central Jail	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Metropolitan Courthouse	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Norwalk Courthouse	Norwalk	CA	$0.25	$0.25	$3.75
LA County-Norwalk Sheriff Station	Norwalk	CA	$0.25	$0.25	$3.75
LA County-Palmdale Sheriff Station	Palmdale	CA	$0.25	$0.25	$3.75
LA County-Pasadena Courthouse	Pasadena	CA	$0.25	$0.25	$3.75
LA County-Pico Rivera Sheriff Station	Pico Rivera	CA	$0.25	$0.25	$3.75
LA County-Pitchess/East Facility	Castaic	CA	$0.25	$0.25	$3.75
LA County-Pitchess/North County (NCCF)	Castaic	CA	$0.25	$0.25	$3.75
LA County-Pitchess/North Facility	Castaic	CA	$0.25	$0.25	$3.75
LA County-Pitchess/South Facility	Castaic	CA	$0.25	$0.25	$3.75
LA County-Pomona Courthouse - North	Pomona	CA	$0.25	$0.25	$3.75
LA County-Pomona Courthouse - South	Pomona	CA	$0.25	$0.25	$3.75
LA County-San Dimas Sheriff Station	San Dimas	CA	$0.25	$0.25	$3.75
LA County-San Fernando Courthouse	San Fernando	CA	$0.25	$0.25	$3.75
LA County-Santa Clarita Courthouse	Santa Clarita	CA	$0.25	$0.25	$3.75
LA County-Santa Clarita Valley Sheriff	Santa Clarita	CA	$0.25	$0.25	$3.75
LA County-South Los Angeles Station	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Temple Sheriff Station	Temple City	CA	$0.25	$0.25	$3.75
LA County-Torrance Courthouse	Torrance	CA	$0.25	$0.25	$3.75
LA County-Twin Towers Jail	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Twin Towers Jail Facility	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Twin Towers Jail Facility IRC	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-USC County Medical Center	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Van Nuys Courthouse West	Van Nuys	CA	$0.25	$0.25	$3.75
LA County-Walnut/Diamond Bar Sheriff Sta	Walnut	CA	$0.25	$0.25	$3.75
LA County-West Covina Courthouse	West Covina	CA	$0.25	$0.25	$3.75
LA County-West Hollywood Sheriff Station	West Hollywood	CA	$0.25	$0.25	$3.75
Madera County Juvenile Detention Center	Madera	CA	$0.25	$0.25	$3.75
Marin County Juvenile Hall	San Rafael	CA	$0.25	$0.25	$3.75
Nevada County CA	Nevada City	CA	$0.25	$0.25	$3.75
Riverside County Probation - SWJH - IJH - RJH - YTEC	Riverside	CA	$0.25	$0.25	$3.75
Sonoma County CA-Juvenile Justice Center	Santa Rosa	CA	$0.25	$0.25	$3.75
Tehama Juvenile	Red Bluff	CA	$0.25	$0.25	$3.75
Tri County Rehab. Facility - Yuba (Juvenile)	Marysville	CA	$0.25	$0.25	$3.75

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Yolo County Juvenile Detention Facility	Woodland	CA	$0.25	$0.25	$3.75
Alameda Cnty CA-Glenn Dyer Jail	Oakland	CA	$0.23	$0.23	$3.45
Alameda Cnty CA-Santa Rita Jail	Dublin	CA	$0.23	$0.23	$3.45
Alameda County CA-Santa Rita Jail	Dublin	CA	$0.23	$0.23	$3.45
Orange County CA-Central Jail Complex	Santa Ana	CA	$0.23	$0.23	$3.45
Orange County CA-James Musick Facility	Irvine	CA	$0.23	$0.23	$3.45
Orange County CA-Joplin Youth Center	Trabuco Canyon	CA	$0.23	$0.23	$3.45
Orange County CA-Juvenile Hall	Orange	CA	$0.23	$0.23	$3.45
Orange County CA-Theo Lacy Facility	Orange	CA	$0.23	$0.23	$3.45
Orange County CA-Western Med Cen Ward	Santa Ana	CA	$0.23	$0.23	$3.45
Orange County CA-Youth Guidance Center	Santa Ana	CA	$0.23	$0.23	$3.45
Mariposa County Jail	Mariposa	CA	$0.22	$0.22	$3.30
Plumas County	Quincy	CA	$0.22	$0.22	$3.30
Tuolumne County Jail	Sonora	CA	$0.22	$0.22	$3.30
Chief Ignacio Justice Center	Towaoc	CO	$4.06	$0.56	$11.90
Aurora Municipal Court Administration	Aurora	CO	$2.92	$0.62	$11.60
LaPlata County Jail	Durango	CO	$3.00	$0.50	$10.00
Rio Grande County Jail	Del Norte	CO	$2.50	$0.50	$9.50
Summit County Jail	Breckenridge	CO	$3.19	$0.44	$9.35
Chaffee County Jail	Salida	CO	$3.18	$0.43	$9.20
Huerfano County Jail	Walsenburg	CO	$2.92	$0.42	$8.81
Otero County Jail	La Junta	CO	$2.80	$0.40	$8.40
Washington County Jail	Akron	CO	$2.89	$0.39	$8.35
Bent County Jail	Las Animas	CO	$2.60	$0.35	$7.50
Delta County Jail	Delta	CO	$3.30	$0.30	$7.50
Delta County Work Release	Delta	CO	$3.30	$0.30	$7.50
Gilpin County Jail	Black Hawk	CO	$0.50	$0.50	$7.50
Grand County Jail	Hot Sulphur Springs	CO	$0.50	$0.50	$7.50
Park County Detention Center	Fairplay	CO	$2.82	$0.32	$7.30
Teller County Jail	Divide	CO	$2.71	$0.31	$7.05
Fremont County Detention Center	Canyon City	CO	$2.69	$0.29	$6.75
El Paso Cnty CO-Criminal Justice Center	Colorado Springs	CO	$0.44	$0.44	$6.60
El Paso Cnty CO-Metro Detention Facility	Colorado Springs	CO	$0.44	$0.44	$6.60
Lake County Sheriff's Dept	Leadville	CO	$2.75	$0.25	$6.27
Lincoln County Sheriff's Office	Hugo	CO	$2.65	$0.25	$6.15
Routt County Jail	Steamboat Springs	CO	$2.65	$0.25	$6.15
Logan County Jail	Sterling	CO	$2.77	$0.23	$5.99
Arapahoe County Sheriff's Office	Centennial	CO	$2.40	$0.25	$5.90
Pueblo County Detention Center	Pueblo	CO	$2.49	$0.24	$5.85
Pueblo County Judicial Bldg	Pueblo	CO	$2.49	$0.24	$5.85
Morgan County Jail	Ft Morgan	CO	$2.48	$0.23	$5.70
Southern Ute Indian Tribe	Ignacio	CO	$2.60	$0.20	$5.40
Clear Creek County Jail	Georgetown	CO	$2.57	$0.17	$4.95

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Gunnison County Jail	Gunnison	CO	$2.55	$0.15	$4.65
Montrose County Jail	Montrose	CO	$0.30	$0.30	$4.50
Douglas County Colorado	Castle Rock	CO	$0.25	$0.25	$3.75
Larimer County Jail	Collins	CO	$0.25	$0.25	$3.75
Las Animas County Jail	Trinidad	CO	$2.35	$0.10	$3.75
Bridgeport Correctional Center	Bridgeport	CT	$0.24	$0.24	$3.65
Brooklyn Correctional Institution	Brooklyn	CT	$0.24	$0.24	$3.65
Cheshire Annex	Cheshire	CT	$0.24	$0.24	$3.65
Cheshire Correctional Institution	Cheshire	CT	$0.24	$0.24	$3.65
Corrigan Correctional Center	Uncasville	CT	$0.24	$0.24	$3.65
Cybulski Correctional Institution	Somers	CT	$0.24	$0.24	$3.65
Garner Correctional Institution	Newtown	CT	$0.24	$0.24	$3.65
Hartford Correctional Center	Hartford	CT	$0.24	$0.24	$3.65
John Dempsey Hospital (UCONN)	Farmington	CT	$0.24	$0.24	$3.65
Macdougall Correctional Institution	Suffield	CT	$0.24	$0.24	$3.65
Manson Youth Institution	Cheshire	CT	$0.24	$0.24	$3.65
New Haven Correctional Center	New Haven	CT	$0.24	$0.24	$3.65
Northern Correctional Institution	Somers	CT	$0.24	$0.24	$3.65
Osborn Correctional Institution	Somers	CT	$0.24	$0.24	$3.65
Radgowski Correctional Center	Uncasville	CT	$0.24	$0.24	$3.65
Robinson Correctional Institution	Enfield	CT	$0.24	$0.24	$3.65
Walker Reception (RSMU)	Suffield	CT	$0.24	$0.24	$3.65
Willard Correctional Institution	Enfield	CT	$0.24	$0.24	$3.65
York Correctional Institution	Niantic	CT	$0.24	$0.24	$3.65
Madison County Jail	Madison	FL	$2.38	$0.52	$9.66
Jackson County Jail	Marianna	FL	$2.43	$0.43	$8.45
Escambia County Road Prison	Cantonment	FL	$2.17	$0.42	$8.05
Taylor County Jail	Perry	FL	$2.27	$0.41	$8.01
Alachua County Jail	Gainesville	FL	$2.15	$0.40	$7.75
Lake County Detention Center	Tavares	FL	$2.15	$0.40	$7.75
Lake County Jail/Sheriff's Office	Clermont	FL	$2.15	$0.40	$7.75
Marion County Jail	Ocala	FL	$2.14	$0.39	$7.60
Baker County Sheriff's Office	Macclenny	FL	$2.13	$0.38	$7.45
Suwannee County Jail	Live Oak	FL	$2.11	$0.36	$7.15
Lee County TX-County Jail	Fort Myers	FL	$0.47	$0.47	$7.05
Palm Beach Belle Glade Detention	Belleglade	FL	$2.10	$0.35	$7.00
Palm Beach County Main Detention	West Palm Beach	FL	$2.10	$0.35	$7.00
Volusia County Branch Jail	Daytona Beach	FL	$2.08	$0.33	$6.70
Volusia County Correctional Facility	Daytona Beach	FL	$2.08	$0.33	$6.70
Seminole County Jail	Sanford	FL	$2.99	$0.24	$6.35
Bradford County Jail	Starke	FL	$2.05	$0.30	$6.25
Broward County - Broward County Main Jail	Ft Lauderdale	FL	$2.05	$0.30	$6.25
Broward County - Joseph Conte Detention	Pompano Beach	FL	$2.05	$0.30	$6.25

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Broward County - North Broward Detention Center	Pompano Beach	FL	$2.05	$0.30	$6.25
Broward County - Paul Rein Detention Facility	Pompano Beach	FL	$2.05	$0.30	$6.25
Franklin County Jail	Eastpoint	FL	$0.40	$0.40	$6.00
Holmes County Jail and Work Camp	Bonifay	FL	$0.40	$0.40	$6.00
Holmes County Sheriff's Office	Bonifay	FL	$0.40	$0.40	$6.00
Polk County Booking Facility	Bartow	FL	$0.36	$0.36	$5.40
Polk County Central Jail	Bartow	FL	$0.36	$0.36	$5.40
Polk County South Jail	Frostproof	FL	$0.36	$0.36	$5.40
Hardee County Jail	Wauchula	FL	$0.35	$0.35	$5.25
Union County FL-Jail	Lake Butler	FL	$0.34	$0.34	$5.10
Florida Civil Commitment Center (FCCC)	Arcadia	FL	$1.57	$0.22	$4.65
Calhoun County Sheriff's Office	Blountstown	FL	$0.30	$0.30	$4.50
Dixie County Jail	Cross City	FL	$0.30	$0.30	$4.50
Dixie County Sheriff's Department	Cross City	FL	$0.30	$0.30	$4.50
Gilchrist County Jail - FL (TCOO)	Trenton	FL	$0.30	$0.30	$4.50
Gulf County Detention Center	Port St. Joe	FL	$0.30	$0.30	$4.50
Manatee Co FL-Main Jail (Palmetto)	Palmetto	FL	$0.30	$0.30	$4.50
St. Lucie County FL-County Jail	Fort Pierce	FL	$0.30	$0.30	$4.50
Duval Cnty FL-Community Corrections	Jacksonville	FL	$0.28	$0.28	$4.20
Duval Cnty FL-Goode Pretrial Detention	Jacksonville	FL	$0.28	$0.28	$4.20
Duval Cnty FL-Montgomery Correctional	Jacksonville	FL	$0.28	$0.28	$4.20
Indian River County FL-County Jail	Vero Beach	FL	$0.26	$0.26	$3.90
Levy County Jail	Bronson	FL	$0.26	$0.26	$3.90
Martin County FL-Jail	Stuart	FL	$0.26	$0.26	$3.90
Brevard County FL-Jail Complex	Cocoa	FL	$0.25	$0.25	$3.75
Flagler County Sheriff's Office	Bunnell	FL	$0.25	$0.25	$3.75
Glades County FL	Moore Haven	FL	$0.25	$0.25	$3.75
Hendry County Jail FL	Labelle	FL	$0.25	$0.25	$3.75
Highlands County FL-County Jail	Sebring	FL	$0.25	$0.25	$3.75
Nassau County Jail	Nassau County	FL	$0.25	$0.25	$3.75
Putnam County Sheriff's Office	Palatka	FL	$0.25	$0.25	$3.75
Sumter County Detention Center	Bushnell	FL	$0.25	$0.25	$3.75
Volusia County	Beach	FL	$0.25	$0.25	$3.75
Walton County FL	Defuniak Springs	FL	$0.25	$0.25	$3.75
Washington County Sheriff's Office	Chipley	FL	$0.25	$0.25	$3.75
Lake County Jail IN	Tavares	FL	$0.24	$0.24	$3.60
Pinellas County FL-Jail	Clearwater	FL	$0.24	$0.24	$3.60
Okaloosa County Dept of Correctional Services	Crestview	FL	$0.23	$0.23	$3.45
Hamilton County	Jasper	FL	$0.22	$0.22	$3.30
Lee County FL-Community Programs	Fort Myers	FL	$0.22	$0.22	$3.30
Lee County FL-Jail Stockade/Core	Fort Myers	FL	$0.22	$0.22	$3.30
Lee County FL-Maximum Security Jail	Fort Myers	FL	$0.22	$0.22	$3.30
Ben Hill Jail	Benhill	GA	$0.31	$0.31	$4.65

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Bleckley Jail	Bleckley	GA	$0.31	$0.31	$4.65
Brantley Jail	Brantley	GA	$0.31	$0.31	$4.65
Jeff Davis Jail	Jeffdavis	GA	$0.31	$0.31	$4.65
Laurens Jail	Laurens	GA	$0.31	$0.31	$4.65
Liberty Jail	Liberty	GA	$0.31	$0.31	$4.65
McIntosh County Jail	McIntosh County	GA	$0.31	$0.31	$4.65
Sumter Jail	Sumter	GA	$0.31	$0.31	$4.65
ICE Tertiary Holding Cells	Atlanta	GA	$0.22	$0.22	$3.30
Washington County Sheriff's Office	Sandersville	GA	$0.22	$0.22	$3.30
Bremer County Sheriff's Dept	Waverly	IA	$3.74	$0.74	$14.10
Webster County Jail	Ft. Dodge	IA	$4.22	$0.62	$12.90
Mahaska County Jail	Oskaloosa	IA	$3.82	$0.62	$12.50
Appanoose County Jail	Centerville	IA	$4.00	$0.50	$11.00
Audubon County Jail	Audubon	IA	$4.00	$0.50	$11.00
Clarke County Jail	Osceola	IA	$4.00	$0.50	$11.00
Crawford County Jail	Denison	IA	$4.00	$0.50	$11.00
Mitchell County Jail	Osage	IA	$4.00	$0.50	$11.00
Monona County Sheriff's Dept	Onawa	IA	$4.00	$0.50	$11.00
Pocahontas County Jail	Pocahontas	IA	$4.00	$0.50	$11.00
Wapello County Jail	Ottumwa	IA	$3.78	$0.28	$7.70
Union County Sheriff - IA	Creston	IA	$0.50	$0.50	$7.50
Cerro Gordo County Jail	Cerro Gordo County	IA	$0.31	$0.31	$4.65
Des Moines County Jail	Des Moines County	IA	$0.31	$0.31	$4.65
Wapello County Jail	Wapello County	IA	$0.31	$0.31	$4.65
Hardin County Jail (IA)	Eldora	IA	$0.25	$0.25	$3.75
Lee County - IA	Montrose	IA	$0.25	$0.25	$3.75
Story County Jail	Nevada	IA	$0.25	$0.25	$3.75
Black Hawk County IA-Jail	Waterloo	IA	$0.22	$0.22	$3.30
Cass County Jail	Atlantic	IA	$0.22	$0.22	$3.30
Clearwater County Jail	Orofino	ID	$1.15	$1.15	$17.25
Lewis County Jail	Nezperce	ID	$1.15	$1.15	$17.25
Custer County Jail	Challis	ID	$3.25	$0.50	$10.25
Idaho County Jail	Grangeville	ID	$3.25	$0.50	$10.25
Valley County Jail	Cascade	ID	$3.52	$0.47	$10.10
Butte County Jail	Arco	ID	$0.50	$0.50	$7.50
Gem County Jail	Emmet	ID	$0.50	$0.50	$7.50
Adams County Jail	Council	ID	$0.47	$0.47	$7.05
Nez Perce County Jail	Lewiston	ID	$1.75	$0.25	$5.25
Benewah County Jail	St. Maries	ID	$0.31	$0.31	$4.65
Blaine County Jail	Blaine County	ID	$0.31	$0.31	$4.65
Adams County ID Sheriff's Office	Adams	ID	$0.30	$0.30	$4.50
3B Juvenile Detention Center ID	Idaho Falls	ID	$0.25	$0.25	$3.75

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Ada County Jail ID	Boise	ID	$0.25	$0.25	$3.75
Ada County Juvenile Detention ID	Boise	ID	$0.25	$0.25	$3.75
Bannock County ID	Pocatello	ID	$0.25	$0.25	$3.75
Bingham County ID	Blackfoot	ID	$0.25	$0.25	$3.75
Blaine County ID	Hailey	ID	$0.25	$0.25	$3.75
Bonner Co Detention Center ID	Sandpoint	ID	$0.25	$0.25	$3.75
Bonneville County Jail ID	Idaho Falls	ID	$0.25	$0.25	$3.75
Canyon County ID	Caldwell	ID	$0.25	$0.25	$3.75
Caribou County ID	Soda Springs	ID	$0.25	$0.25	$3.75
District 1 Juvenile Detention	Coeur d'Alene	ID	$0.25	$0.25	$3.75
Elmore County ID	Mountain Home	ID	$0.25	$0.25	$3.75
Fremont County ID	Saint Anthony	ID	$0.25	$0.25	$3.75
Gooding County ID	Gooding	ID	$0.25	$0.25	$3.75
Jerome County ID	Jerome	ID	$0.25	$0.25	$3.75
Kootenai County Jail ID	Coeur d'Alene	ID	$0.25	$0.25	$3.75
Latah County ID	Moscow	ID	$0.25	$0.25	$3.75
Madison County ID	Rexburg	ID	$0.25	$0.25	$3.75
Mini-Cassia Criminal Justice Center	Burley	ID	$0.25	$0.25	$3.75
Payette County ID	Payette	ID	$0.25	$0.25	$3.75
Power County ID	American Falls	ID	$0.25	$0.25	$3.75
Shoshone County Jail ID	Wallace	ID	$0.25	$0.25	$3.75
Southwest Idaho Juvenile Detention Center	Caldwell	ID	$0.25	$0.25	$3.75
Twin Falls ID	Twin Falls	ID	$0.25	$0.25	$3.75
Washington County ID	Weiser	ID	$0.25	$0.25	$3.75
Pike County Jail	Pittsfield	IL	$4.30	$0.80	$15.50
St Clair County Jail	Belleville	IL	$4.23	$0.68	$13.68
Vermilion County Jail	Danville	IL	$3.95	$0.60	$12.37
Crawford County Jail	Robinson	IL	$3.91	$0.56	$11.75
Saline County Jail	Harrisburg	IL	$4.03	$0.53	$11.45
Ford County Jail	Paxton	IL	$3.90	$0.53	$11.33
Marshall County Sheriff's Dept	Lacon	IL	$4.00	$0.50	$11.02
Rock Island Sheriff's Dept	Rock Island	IL	$3.86	$0.51	$11.00
Piatt County Sheriff's Dept	Monticello	IL	$1.19	$0.69	$10.85
Stephenson County Jail	Freeport	IL	$3.98	$0.48	$10.70
Grundy County Sheriff's Dept	Morris	IL	$3.82	$0.47	$10.40
Tazewell County Justice Center	Pekin	IL	$3.73	$0.46	$10.24
Ogle County Jail	Oregon	IL	$3.90	$0.40	$9.50
Adams County Jail	Quincy	IL	$3.93	$0.38	$9.20
Kendall County Jail	Yorkville	IL	$3.74	$0.39	$9.20
Woodford County Jail	Eureka	IL	$3.85	$0.35	$8.77
Washington County Jail	Nashville	IL	$0.57	$0.57	$8.55
Bond County Sheriff's Office	Greenville	IL	$3.70	$0.33	$8.33
Clark County Jail	Marshall	IL	$3.70	$0.33	$8.33

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Iroquois County Jail	Watseka	IL	$3.70	$0.33	$8.33
Jersey County Jail	Jerseyville	IL	$3.70	$0.33	$8.33
Whiteside County Jail	Morrison	IL	$3.70	$0.33	$8.33
Lee County Sheriff Dept	Dixon	IL	$3.26	$0.36	$8.30
Lee County Sheriff's Dept (New)	Dixon	IL	$3.26	$0.36	$8.30
Logan County Jail	Lincoln	IL	$3.25	$0.35	$8.15
McDonough County Jail	Macomb	IL	$3.67	$0.32	$8.15
Clay County Jail	Louisville	IL	$3.80	$0.30	$8.02
Mason County Sheriff's Dept	Havana	IL	$3.80	$0.30	$8.00
Warren County Jail	Monmouth	IL	$1.00	$0.50	$8.00
Collinsville City Police Dept	Collinsville	IL	$3.25	$0.33	$7.88
Greene County Sheriff's Dept	Carrollton	IL	$3.25	$0.33	$7.88
Henderson County Sheriff's Dept	Oquawka	IL	$3.25	$0.33	$7.88
Massac County Sheriff's Dept	Metropolis	IL	$3.25	$0.33	$7.88
Union County Jail	Jonesboro	IL	$3.23	$0.33	$7.87
Fulton County Jail	Lewistown	IL	$3.23	$0.33	$7.86
Jackson County Jail	Murphysboro	IL	$3.23	$0.33	$7.86
Shelby County Jail	Shelbyville	IL	$3.23	$0.33	$7.86
Boone County Jail	Belvidere	IL	$3.65	$0.30	$7.85
Dewitt County Sheriff's Office	Clinton	IL	$3.65	$0.30	$7.85
Henry County Jail	Cambridge	IL	$3.64	$0.29	$7.64
Alton City Police Dept	Alton	IL	$3.82	$0.27	$7.55
Granite City Jail	Granite City	IL	$3.77	$0.27	$7.55
Mercer County Sheriff's Office	Aledo	IL	$0.50	$0.50	$7.50
Douglas County Jail	Tuscola	IL	$3.20	$0.30	$7.40
Will County Adult Detention Center	Joliet	IL	$3.18	$0.18	$5.70
DuPage County IL-Jail	Wheaton	IL	$0.35	$0.35	$5.25
Clinton County Sheriff’s Office	Carlyle	IL	$0.31	$0.31	$4.65
Kane County Jail	St. Charles	IL	$0.30	$0.30	$4.50
Lawrence County Jail	Lawrenceville	IL	$0.30	$0.30	$4.50
Winnebago County IL-Justice Center	Rockford	IL	$0.28	$0.28	$4.13
Winnebago County IL-Juvenile Detention	Rockford	IL	$0.28	$0.28	$4.13
Jo Davies County Jail - IL	Galena	IL	$0.25	$0.25	$3.75
McLean County	Bloomington	IL	$0.25	$0.25	$3.75
Menard County Jail - IL	Petersburg	IL	$0.25	$0.25	$3.75
Putnam County - IL	Hennepin	IL	$0.25	$0.25	$3.75
Kankakee County Jail	Kankakee	IL	$0.23	$0.23	$3.45
Kankakee County Jerome Combs Detention Center	Kankakee	IL	$0.23	$0.23	$3.45
Knox County Jail	Galesburg	IL	$0.22	$0.22	$3.30
Montgomery County IL Sheriff’s Office	Montgomery	IL	$0.22	$0.22	$3.30
Sangamon County Sheriff’s Office	Springfield	IL	$0.22	$0.22	$3.30
Westchester Police Department	Westchester	IL	$0.22	$0.22	$3.30
Morgan County Jail	Martinsville	IN	$3.95	$0.95	$17.25

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Lagrange County Sheriff's Dept	Lagrange	IN	$3.81	$0.81	$15.15
Dubois County Security Center	Jasper	IN	$3.30	$0.80	$14.50
Shelby County Sheriff's Dept	Shelbyville	IN	$3.75	$0.75	$14.25
Franklin County Jail	Brookville	IN	$3.74	$0.74	$14.10
Greene County Sheriff's Dept	Bloomfield	IN	$4.70	$0.59	$12.96
Jefferson County Jail	Madison	IN	$3.61	$0.61	$12.15
Rush County Jail	Rushville	IN	$3.58	$0.58	$11.70
Montgomery County Sheriff's Dept	Crawfordsville	IN	$3.53	$0.53	$10.95
Warren County Jail	Williamsport	IN	$3.52	$0.52	$10.80
Gibson County Jail	Princeton	IN	$3.51	$0.51	$10.65
Newton County Jail	Kentland	IN	$0.68	$0.68	$10.20
Wabash County Jail	Wabash	IN	$3.48	$0.48	$10.20
Cass-Pulaski Community Corrections	Logansport	IN	$3.40	$0.40	$9.00
Dekalb County Jail	Auburn	IN	$0.60	$0.60	$9.00
Switzerland County Jail	Vevay	IN	$3.40	$0.40	$9.00
Tipton County Jail	Tipton	IN	$3.40	$0.40	$9.00
Warrick County Sheriff's Dept	Boonville	IN	$3.40	$0.40	$9.00
St Joseph County Juvenile Probate	South Bend	IN	$0.50	$0.50	$7.50
St Joseph County Juvenile Probate Jail	South Bend	IN	$0.50	$0.50	$7.50
Clay County Justice Center	Brazil	IN	$0.42	$0.42	$6.30
Decatur County Jail	Greensburg	IN	$2.42	$0.25	$5.92
Pulaski County Jail	Winamac	IN	$0.35	$0.35	$5.25
Madison Cnty IN-Community Justice Center	Anderson	IN	$0.32	$0.32	$4.80
Madison Cnty IN-Mens and Womens WR	Anderson	IN	$0.32	$0.32	$4.80
Grant County Juvenile Center	Marion	IN	$0.31	$0.31	$4.65
Grant County Sheriff's Dept	Marion	IN	$0.31	$0.31	$4.65
Huntington County	Huntington	IN	$0.31	$0.31	$4.65
Lawrence County Sheriff's Office	Bedford	IN	$0.31	$0.31	$4.65
Steuben County Sheriff’s Office	Angola	IN	$0.31	$0.31	$4.65
Miami County In (Closed)	Peru	IN	$0.29	$0.29	$4.35
White County Jail	Monticello	IN	$0.29	$0.29	$4.35
Marion County IN-Arrestee Processing Ctr	Indianapolis	IN	$0.28	$0.28	$4.13
Marion County IN-Central Receiving	Indianapolis	IN	$0.28	$0.28	$4.13
Marion County IN-Jail II (CCA)	Indianapolis	IN	$0.28	$0.28	$4.13
Marion County IN-Main Jail	Indianapolis	IN	$0.28	$0.28	$4.13
Boone County Sheriff’s Office	Lebanon	IN	$0.26	$0.26	$3.90
Cass Pulaski CC Jail	Logansport	IN	$0.25	$0.25	$3.75
Floyd County Jail	New Albany	IN	$0.25	$0.25	$3.75
Hammond City Jail	Hammond	IN	$0.25	$0.25	$3.75
Henry County Jail - IN	New Castle	IN	$0.25	$0.25	$3.75
Jackson County - IN	Brownstown	IN	$0.25	$0.25	$3.75
Marshall County IN	Plymouth	IN	$0.25	$0.25	$3.75
Rush County - IN	Rushville	IN	$0.25	$0.25	$3.75

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Southwest Youth Village	Vincennes	IN	$0.25	$0.25	$3.75
Allen County IN-Jail	Fort Wayne	IN	$0.24	$0.24	$3.60
Allen County IN-Work Release	Fort Wayne	IN	$0.24	$0.24	$3.60
Bartholomew County Jail	Columbus	IN	$0.24	$0.24	$3.60
Branchville Correctional Fac.	Branchville	IN	$0.24	$0.24	$3.60
Chain-O-Lakes Correctional	Albion	IN	$0.24	$0.24	$3.60
Correctional Industrial Fac.	Pendleton	IN	$0.24	$0.24	$3.60
Delaware County IN	Deleware County	IN	$0.24	$0.24	$3.60
Edinburgh Correctional Fac.	Edinburgh	IN	$0.24	$0.24	$3.60
Elkhart County Community Corrections	Goshen	IN	$0.24	$0.24	$3.60
Elkhart County Jail	Elkhart	IN	$0.24	$0.24	$3.60
Elkhart Police Dept	Elkhart	IN	$0.24	$0.24	$3.60
Hendricks County Work Release	Danville	IN	$0.24	$0.24	$3.60
Howard County IN-County Jail	Kokomo	IN	$0.24	$0.24	$3.60
Indiana State Prison (Men's)	Michigan City	IN	$0.24	$0.24	$3.60
Indiana Women's Prison	Indianapolis	IN	$0.24	$0.24	$3.60
Johnson County Community Corrections	Franklin	IN	$0.24	$0.24	$3.60
Johnson County Sheriff's Dept	Franklin	IN	$0.24	$0.24	$3.60
Kosciusko County Jail	Warsaw	IN	$0.24	$0.24	$3.60
Kosciusko County Work Release	Warsaw	IN	$0.24	$0.24	$3.60
Lake County IN-Community Corrections	Crown Point	IN	$0.24	$0.24	$3.60
Laporte County Community Corrections	La Porte	IN	$0.24	$0.24	$3.60
Laporte County Jail	Laporte	IN	$0.24	$0.24	$3.60
LaPorte Juvenile Correctional	La Porte	IN	$0.24	$0.24	$3.60
Logansport Juvenile Intake	Logansport	IN	$0.24	$0.24	$3.60
Logansport Juvenile Treatment	Logansport	IN	$0.24	$0.24	$3.60
Madison Correctional Facility	Madison	IN	$0.24	$0.24	$3.60
Madison County Sheriff's Dept	Anderson	IN	$0.24	$0.24	$3.60
Marion County Juvenile Detention Center	Indianapolis	IN	$0.24	$0.24	$3.60
Miami Correctional Facility	Bunker Hill	IN	$0.24	$0.24	$3.60
Monroe County IN	Bloomington	IN	$0.24	$0.24	$3.60
New Castle Correctional Fac.	New Castle	IN	$0.24	$0.24	$3.60
Pendleton Correctional Fac.	Pendleton	IN	$0.24	$0.24	$3.60
Pendleton Juvenile Facility	Pendleton	IN	$0.24	$0.24	$3.60
Plainfield Correctional Fac.	Plainfield	IN	$0.24	$0.24	$3.60
Porter County Jail IN	Valparaiso	IN	$0.24	$0.24	$3.60
Putnamville Correctional Fac.	Greencastle	IN	$0.24	$0.24	$3.60
Rockville Correctional Fac.	Rockville	IN	$0.24	$0.24	$3.60
South Bend Re-Entry	South Bend	IN	$0.24	$0.24	$3.60
St. Joseph County IN-County Jail	South Bend	IN	$0.24	$0.24	$3.60
Tippecanoe County Community Corrections	Lafayette	IN	$0.24	$0.24	$3.60
Tippecanoe County IN-County Jail	Lafayette	IN	$0.24	$0.24	$3.60
Vanderburgh CC IN	Vanderburg	IN	$0.24	$0.24	$3.60

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Vanderburgh County IN	Vanderburg	IN	$0.24	$0.24	$3.60
Vigo County Community Correctional Center	Terre Haute	IN	$0.24	$0.24	$3.60
Wabash Valley Correctional	Carlisle	IN	$0.24	$0.24	$3.60
Westville Correctional Fac.	Westville	IN	$0.24	$0.24	$3.60
Jackson County Sheriff's Office	Brownstown	IN	$0.22	$0.22	$3.30
Ottawa County Jail	Minneapolis	KS	$5.53	$1.11	$21.07
Seward County	Liberal	KS	$5.30	$0.88	$17.62
McPherson County Jail	Mcpherson	KS	$5.27	$0.85	$17.17
Ford County Jail	Dodge City	KS	$5.25	$0.83	$16.87
Edwards County Jail	Kinsley	KS	$3.45	$0.95	$16.75
Ellsworth County Jail	Ellsworth	KS	$5.11	$0.69	$14.77
Lincoln County Jail	Lincoln	KS	$5.11	$0.69	$14.77
Smith County Jail	Smith Center	KS	$5.11	$0.69	$14.77
Labette County Jail	Oswego	KS	$4.15	$0.65	$13.27
Stevens County Jail	Hugoton	KS	$4.15	$0.65	$13.27
Barton County Jail	Great Bend	KS	$2.71	$0.71	$12.65
Dickinson County Jail	Abilene	KS	$4.25	$0.50	$11.25
Osborne County Jail	Osborne	KS	$0.75	$0.75	$11.25
Meade County Jail	Meade	KS	$4.00	$0.50	$11.02
Rice County Law Enforcement Center	Lyons	KS	$3.00	$0.50	$10.00
Saline County Jail	Salina	KS	$3.93	$0.43	$9.95
Sumner County Jail	Wellington	KS	$2.40	$0.40	$8.04
Butler County Corrections	El Dorado	KS	$0.50	$0.50	$7.50
Clark County Jail	Ashland	KS	$0.50	$0.50	$7.50
Decatur County Jail	Oberlin	KS	$0.50	$0.50	$7.50
Graham County Jail - KS	Hill City	KS	$0.50	$0.50	$7.50
Grant County Jail	Ulysses	KS	$0.50	$0.50	$7.50
Hamilton County Jail	Syracuse	KS	$0.50	$0.50	$7.50
Harper County Jail	Anthony	KS	$0.50	$0.50	$7.50
Kingman County Jail	Kingman	KS	$0.50	$0.50	$7.50
Kiowa County Jail	Greensburg	KS	$0.50	$0.50	$7.50
Neosho County Jail	Erie	KS	$0.50	$0.50	$7.50
Norton County Jail	Norton	KS	$0.50	$0.50	$7.50
Pawnee County Jail	Larned	KS	$0.50	$0.50	$7.50
Phillips County Jail	Phillipsburg	KS	$0.50	$0.50	$7.50
Rawlins County Jail	Atwood	KS	$0.50	$0.50	$7.50
Republic County Jail	Belleville	KS	$0.50	$0.50	$7.50
Rooks County Jail	Stockton	KS	$0.50	$0.50	$7.50
Stanton County Jail	Johnson	KS	$0.50	$0.50	$7.50
SW Kansas Juvenile Detention Jail	Garden City	KS	$0.50	$0.50	$7.50
Thomas County Jail	Colby	KS	$0.50	$0.50	$7.50
Trego County Jail	Wakeeney	KS	$0.50	$0.50	$7.50
Harvey County Jail	Newton	KS	$0.41	$0.41	$6.15

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Shawnee County Adult Detention Center	Topeka	KS	$4.00	$0.01	$4.14
Shawnee County Juvenile Detention Center	Topeka	KS	$4.00	$0.01	$4.14
Greenwood County Jail	Eureka	KS	$0.25	$0.25	$3.75
Finney County Sheriff's Office	Finney County	KS	$0.22	$0.22	$3.30
Carroll County Detention Center	Carrollton	KY	$3.23	$0.48	$9.95
Big Sandy Regional Detention Center	Paintsville	KY	$3.16	$0.41	$8.90
Lewis County Detention Center	Vanceburg	KY	$3.08	$0.33	$7.70
Floyd County Detention Center	Prestonburg	KY	$1.90	$0.40	$7.50
Letcher County Jail	Whitesburg	KY	$1.89	$0.39	$7.35
Crittenden County Detention Center	Marion	KY	$1.87	$0.37	$7.05
Barren County Detention Center	Glasgow	KY	$1.85	$0.35	$6.75
Boyd County Detention Center	Catlettsburg	KY	$1.82	$0.32	$6.30
Clinton County Jail	Albany	KY	$3.20	$0.20	$6.02
Woodford County Fiscal Ct	Versailles	KY	$1.80	$0.30	$6.00
Caldwell County Jail	Princeton	KY	$1.78	$0.28	$5.70
Louisville / Jefferson County Metro Govt - Community Correctional Center	Louisville	KY	$1.78	$0.28	$5.70
Louisville / Jefferson County Metro Govt - Corrections	Louisville	KY	$1.78	$0.28	$5.70
Louisville / Jefferson County Metro Govt - Hall of Justice	Louisville	KY	$1.78	$0.28	$5.70
Carter County Detention Center	Grayson	KY	$0.50	$0.34	$5.26
Clay County Detention Center	Manchester	KY	$0.33	$0.33	$4.95
Scott County Detention Center	Georgetown	KY	$0.32	$0.32	$4.80
Graves County Jail-Max	Mayfield	KY	$0.30	$0.30	$4.50
Graves County Restrictive Custody Facility	Mayfield	KY	$0.30	$0.30	$4.50
Three Forks Regional Jail	Beattyville	KY	$0.30	$0.30	$4.50
Warren County Regional Jail	Bowling Green	KY	$0.29	$0.29	$4.35
Whitley County Jail IN	Williamsburg	KY	$0.29	$0.29	$4.35
Boyle County Detention Center KY	Catlettsburg	KY	$0.25	$0.25	$3.75
Calloway County KY Jail	Calloway	KY	$0.25	$0.25	$3.75
Community Transitional Services	Louisville	KY	$0.25	$0.25	$3.75
Hardin County Annex	Elizabethtown	KY	$0.25	$0.25	$3.75
Hardin County Detention Center	Elizabethtown	KY	$0.25	$0.25	$3.75
Hardin County Restricted Custody Bldg	Elizabethtown	KY	$0.25	$0.25	$3.75
Harlan County Detention Center KY	Evarts	KY	$0.25	$0.25	$3.75
Jessamine County Detention Center KY	Nicholasville	KY	$0.25	$0.25	$3.75
Kentucky River Regional Jail KY	Hazard	KY	$0.25	$0.25	$3.75
Laurel County Correctional Center	London	KY	$0.25	$0.25	$3.75
Leslie County Detention Center KY	Hyden	KY	$0.25	$0.25	$3.75
Madison County Jail KY	Richmond	KY	$0.25	$0.25	$3.75
Marion County KY	Lebanon	KY	$0.25	$0.25	$3.75
Montgomery County, KY Regional Jail	Montgomery	KY	$0.25	$0.25	$3.75
Paducah KCI	Paducah	KY	$0.25	$0.25	$3.75
Pulaski County Detention Center KY	Somerset	KY	$0.25	$0.25	$3.75

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Simpson County KY Jail	Simpson	KY	$0.25	$0.25	$3.75
Hart County Jail	Munfordville	KY	$0.22	$0.22	$3.30
Acadia Parish (Ally)	Crowley	LA	$0.25	$0.25	$3.75
Allen Parish Jail	Oberlin	LA	$0.25	$0.25	$3.75
Ascension Parish Jail	Donaldsonville	LA	$0.25	$0.25	$3.75
Ascension Parish Substation	Donaldsonville	LA	$0.25	$0.25	$3.75
Assumption Parish Detention Center	Napoleonville	LA	$0.25	$0.25	$3.75
AvoyellesDC1 Jail	Avoyelles	LA	$0.25	$0.25	$3.75
AvoyellesDC3 Jail	Avoyelles	LA	$0.25	$0.25	$3.75
Bayou Dorcheat Jail	Bayou Dorcheat	LA	$0.25	$0.25	$3.75
Beauregard Parish Jail	DeRidder	LA	$0.25	$0.25	$3.75
Berwick City Police Dept	Berwick	LA	$0.25	$0.25	$3.75
Bogalusa City Jail	Bogalusa	LA	$0.25	$0.25	$3.75
Caddo Parish Juvenile	Shreveport	LA	$0.25	$0.25	$3.75
Calcasieu Parish Sheriff	Lake Charles	LA	$0.25	$0.25	$3.75
Caldwell Detention	Caldwell	LA	$0.25	$0.25	$3.75
Cameron Parish Jail	Cameron	LA	$0.25	$0.25	$3.75
Catahoula Jail	Catahoula	LA	$0.25	$0.25	$3.75
Cedarwood Manor Women's	Lake Charles	LA	$0.25	$0.25	$3.75
Christian Acres Juvenile Youth Center	Tallulah	LA	$0.25	$0.25	$3.75
Claiborne Jail	Claiborne	LA	$0.25	$0.25	$3.75
Concordia Correctional	Concordia	LA	$0.25	$0.25	$3.75
Concordia Jail	Concordia	LA	$0.25	$0.25	$3.75
Concordia WR Jail	Concordia	LA	$0.25	$0.25	$3.75
DeQuincy Jail	Dequincy	LA	$0.25	$0.25	$3.75
Eunice City Jail	Eunice	LA	$0.25	$0.25	$3.75
Evangeline Parish Sheriff	Ville Platte	LA	$0.25	$0.25	$3.75
Franklin Jail	Franklin	LA	$0.25	$0.25	$3.75
Grant Parish Detention Facility	Colfax	LA	$0.25	$0.25	$3.75
Jackson Jail	Jackson	LA	$0.25	$0.25	$3.75
Jackson2 Jail	Jackson	LA	$0.25	$0.25	$3.75
Jefferson Parish (Gretna)	Gretna	LA	$0.25	$0.25	$3.75
Kenner Police Dept	Kenner	LA	$0.25	$0.25	$3.75
Lafayette Parish Corrections LA	Lafayette	LA	$0.25	$0.25	$3.75
Lasalle Jail	Lasalle	LA	$0.25	$0.25	$3.75
Leesville City Jail	Leesville	LA	$0.25	$0.25	$3.75
Livingston Parish Detention	Livingston Parish	LA	$0.25	$0.25	$3.75
Livingston Parish Work Release	Livingston Parish	LA	$0.25	$0.25	$3.75
Lt Sherman Walker Correctional Facility / St. John	La Place	LA	$0.25	$0.25	$3.75
Madison Jail	Madison	LA	$0.25	$0.25	$3.75
Madison Men Jail	Madison	LA	$0.25	$0.25	$3.75
Madison Women Jail	Madison	LA	$0.25	$0.25	$3.75
MadisonJV3 Jail	Madison	LA	$0.25	$0.25	$3.75

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MadisonJV4 Jail	Madison	LA	$0.25	$0.25	$3.75
Morehouse Parish Annex	Bastrop	LA	$0.25	$0.25	$3.75
Morehouse Parish Detention Center	Collinston	LA	$0.25	$0.25	$3.75
Morehouse Parish Jail	Bastrop	LA	$0.25	$0.25	$3.75
Morgan City Jail	Morgan City	LA	$0.25	$0.25	$3.75
Nelson Coleman Correctional Center (St. Charles)	Killona	LA	$0.25	$0.25	$3.75
Orleans Justice Center	New Orleans	LA	$0.25	$0.25	$3.75
Orleans Parish Temporary Detention Center	New Orleans	LA	$0.25	$0.25	$3.75
Ouachita WR Jail	Ouachita	LA	$0.25	$0.25	$3.75
Patterson Jail	Patterson	LA	$0.25	$0.25	$3.75
Pearl River Police Department	Pearl River	LA	$0.25	$0.25	$3.75
Phelps Jail	Phelps	LA	$0.25	$0.25	$3.75
Plaquemines Parish Detention Center	Davant	LA	$0.25	$0.25	$3.75
Pointe Coupee Jail	Pointe Coupee	LA	$0.25	$0.25	$3.75
Rapides Parish Detention Center 1	Alexandria	LA	$0.25	$0.25	$3.75
Rapides Parish Detention Center 3	Alexandria	LA	$0.25	$0.25	$3.75
Richland Jail	Richland	LA	$0.25	$0.25	$3.75
Richwood Correctional	Richwood	LA	$0.25	$0.25	$3.75
River Jail	River	LA	$0.25	$0.25	$3.75
Shreveport City Jail	Shreveport	LA	$0.25	$0.25	$3.75
Slidell Police Dept	Slidell	LA	$0.25	$0.25	$3.75
Springhill Jail	Springhill	LA	$0.25	$0.25	$3.75
Springhill Police Department	Springhill	LA	$0.25	$0.25	$3.75
St Landry Parish	Opelousas	LA	$0.25	$0.25	$3.75
St Mary Parish Law Enforcement Center	Centerville	LA	$0.25	$0.25	$3.75
St. James Parish Jail	Convent	LA	$0.25	$0.25	$3.75
St. Martin Parish Correctional Center	St. Martinville	LA	$0.25	$0.25	$3.75
Sulphur Police Department	Sulphur	LA	$0.25	$0.25	$3.75
Tangipahoa Parish Jail	Amite	LA	$0.25	$0.25	$3.75
Tensas Jail	Tensas	LA	$0.25	$0.25	$3.75
Terrebonne Parish Criminal Justice Bld 2	Houma	LA	$0.25	$0.25	$3.75
Terrebonne Parish Criminal Justice Complex	Houma	LA	$0.25	$0.25	$3.75
Union Jail	Union	LA	$0.25	$0.25	$3.75
Vermilion Parish Jail	Abbeville	LA	$0.25	$0.25	$3.75
Ville Platte Police Department	Ville Platte	LA	$0.25	$0.25	$3.75
Washington Parish	Franklinton	LA	$0.25	$0.25	$3.75
Webster Jail	Webster	LA	$0.25	$0.25	$3.75
West Baton Rouge Correctional Facility	Port Allen	LA	$0.25	$0.25	$3.75
West Carroll Jail	West Carroll	LA	$0.25	$0.25	$3.75
West Feliciana Parish Jail	St. Francisville	LA	$0.25	$0.25	$3.75
Winn Correctional	Winn	LA	$0.25	$0.25	$3.75
Winn Parish Jail	Winn Parish	LA	$0.25	$0.25	$3.75
Winnfield Jail	Winnfield	LA	$0.25	$0.25	$3.75

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Berkshire County House of Corrections	Pittsfield	MA	$3.21	$0.21	$6.15
Franklin County Jail	Greenfield	MA	$3.21	$0.21	$6.15
Ash Street Jail & Regional Lock Up	New Bedford	MA	$3.16	$0.16	$5.40
Bristol County Faunce Corner	N Dartmouth	MA	$3.16	$0.16	$5.40
Worcester County Jail	West Boylston	MA	$3.14	$0.14	$5.10
Barnstable County Corrections Facility	Bourne	MA	$3.45	$0.10	$4.85
Dukes County Jail	Edgartown	MA	$3.10	$0.10	$4.50
Gardner Police Department	Gardner	MA	$0.22	$0.22	$3.30
Leicester Police Department	Leicester	MA	$0.22	$0.22	$3.30
Shirley Police Department	Shirley	MA	$0.22	$0.22	$3.30
Spencer Police Department	Spencer	MA	$0.22	$0.22	$3.30
Sterling Police Department	Sterling	MA	$0.22	$0.22	$3.30
Caroline County MD-Prison	Denton	MD	$0.25	$0.25	$3.75
Talbot County Detention Center	Easton	MD	$0.25	$0.25	$3.75
Worcester County Detention Center	Snow Hill	MD	$0.25	$0.25	$3.75
Dorchester County Detention Center	Cambridge	MD	$0.22	$0.22	$3.30
Androscoggin County Jail	Auburn	ME	$1.75	$0.32	$6.23
Franklin County Jail	Farmington	ME	$1.75	$0.32	$6.23
Kennebec County Jail	Augusta	ME	$1.75	$0.32	$6.23
Knox County Jail	Rockland	ME	$1.75	$0.32	$6.23
Oxford County Jail	South Paris	ME	$1.75	$0.32	$6.23
Penobscot County Jail	Bangor	ME	$1.75	$0.32	$6.23
Piscataquis County Jail	Dover Foxcroft	ME	$1.75	$0.32	$6.23
Waldo County Jail	Belfast	ME	$1.75	$0.32	$6.23
York County Jail	Alfred	ME	$1.75	$0.32	$6.23
Somerset County Me-Jail	Madison	ME	$0.35	$0.35	$5.25
Aroostook County Jail	Houlton	ME	$0.29	$0.29	$4.35
Two Bridges Regional ME-Jail	Wiscasset	ME	$0.27	$0.27	$4.05
Cumberland County Jail	Portland	ME	$1.48	$0.14	$3.44
Hancock County Jail	Ellsworth	ME	$1.48	$0.14	$3.44
Washington County Jail	Machias	ME	$1.48	$0.14	$3.44
Canton Police Department	Canton	MI	$6.50	$1.25	$24.00
Clinton Township Police Department	Charter Twp of Clint	MI	$6.50	$1.25	$24.00
Dearborn Police Department	Dearborn	MI	$6.50	$1.25	$24.00
Farmington Hills Police Dept. / iCON	Farmington Hills	MI	$6.50	$1.25	$24.00
Lincoln Park Police Jail	Lincoln Park	MI	$6.50	$1.25	$24.00
Madison Heights Police Dept. / iCON	Madison Heights	MI	$6.50	$1.25	$24.00
Redford Police Department	Redford Charter Twp	MI	$6.50	$1.25	$24.00
Southfield Police Department	Southfield	MI	$6.50	$1.25	$24.00
St. Clair Shores Police Department	St. Clair Shores	MI	$6.50	$1.25	$24.00
Sterling Heights Police Department	Sterling Heights	MI	$6.50	$1.25	$24.00
Taylor Police Department	Taylor	MI	$6.50	$1.25	$24.00

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Troy Police Department	Troy	MI	$6.50	$1.25	$24.00
Van Buren Township Police Department	Belleville	MI	$6.50	$1.25	$24.00
Warren Police Dept. / iCON	Warren	MI	$6.50	$1.25	$24.00
Wyandotte Police Dept. / iCON	Wyandotte	MI	$6.50	$1.25	$24.00
Benzie County Sheriff's Dept	Beulah	MI	$5.61	$1.19	$22.27
Roscommon County Jail	Roscommon	MI	$5.61	$1.19	$22.27
Wexford County Sheriff's Office and Jail	Cadillac	MI	$5.87	$1.16	$22.11
Marquette County Community Corrections Detention Center	Marquette	MI	$5.58	$1.16	$21.82
Marquette Sheriff's Dept	Marquette	MI	$5.58	$1.16	$21.82
Newaygo County Jail	White Cloud	MI	$5.14	$1.19	$21.80
Ottawa County Jail	West Olive	MI	$5.14	$1.19	$21.80
Branch County Jail	Coldwater	MI	$5.79	$1.08	$20.91
Ogemaw County Jail	West Branch	MI	$5.47	$1.05	$20.17
Lapeer County Courthouse	Lapeer	MI	$5.02	$1.07	$20.00
Lapeer County Jail	Lapeer	MI	$5.02	$1.07	$20.00
Saginaw County Sheriff's Dept	Saginaw	MI	$5.44	$1.02	$19.72
Clinton County Jail	St Johns	MI	$5.00	$1.05	$19.70
Missaukee County Sheriff's Office	Lake City	MI	$5.41	$0.99	$19.27
Montcalm Sheriff's Dept	Stanton	MI	$5.41	$0.99	$19.27
Isabella County Jail	Mount Pleasant	MI	$5.39	$0.97	$18.97
Ingham County Correctional Facility	Mason	MI	$4.77	$0.98	$18.49
Antrim County Sheriff's Office	Belaire	MI	$5.33	$0.91	$18.07
Alcona County Sheriff's Dept	Harrisville	MI	$5.32	$0.90	$17.92
Genesee County Jail	Flint	MI	$4.88	$0.93	$17.90
Menominee County Jail	Menominee	MI	$5.30	$0.89	$17.71
Alpena County Jail	Alpena	MI	$5.26	$0.84	$17.02
Emmet County Sheriff's Dept	Petoskey	MI	$5.25	$0.83	$16.87
Shiawassee County Jail	Corunna	MI	$4.80	$0.85	$16.70
Shiawassee County Work Release	Corunna	MI	$4.80	$0.85	$16.70
Cheboygan County Jail	Cheboygan	MI	$5.23	$0.81	$16.57
Berrien County Mi-Jail	St Joseph	MI	$1.10	$1.10	$16.50
Lenawee County Mi-Jail	Adrian	MI	$1.09	$1.09	$16.35
Gratiot County Jail	Ithaca	MI	$4.77	$0.82	$16.25
Gogebic County Sheriff's Dept	Bessemer	MI	$5.40	$0.69	$15.06
Houghton County Sheriff's Dept	Houghton	MI	$5.40	$0.69	$15.06
Houghton County Work Release	Calumet	MI	$5.40	$0.69	$15.06
Jackson County Chanter Road Facility	Jackson	MI	$5.40	$0.69	$15.06
Jackson County Jail	Jackson	MI	$5.40	$0.69	$15.06
Mackinac County Jail	St Ignace	MI	$5.40	$0.69	$15.06
Alger County Sheriff's Dept	Munising	MI	$5.11	$0.69	$14.77
Arenac County Jail	Standish	MI	$5.11	$0.69	$14.77
Baraga County Jail	L'Anse	MI	$5.11	$0.69	$14.77
Bay County Law Enforcement Center	Bay City	MI	$5.11	$0.69	$14.77

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Delta County Correctional Facility	Escanaba	MI	$5.11	$0.69	$14.77
Delta County Jail	Escanaba	MI	$5.11	$0.69	$14.77
Detroit Madison Center	Detroit	MI	$5.11	$0.69	$14.77
Holland Police Dept	Holland	MI	$5.11	$0.69	$14.77
Iron County Sheriff's Dept	Crystal Falls	MI	$5.11	$0.69	$14.77
Lansing Police Dept	Lansing	MI	$5.11	$0.69	$14.77
Montmorency Sheriff's Dept	Atlanta	MI	$5.11	$0.69	$14.77
Niles Law Enforcement Complex	Niles	MI	$5.11	$0.69	$14.77
Ontonagon County Jail	Ontonagon	MI	$5.11	$0.69	$14.77
Otsego County Jail	Gaylord	MI	$5.11	$0.69	$14.77
Presque Isle County Jail	Rogers City	MI	$5.11	$0.69	$14.77
Schoolcraft County Jail	Manitsique	MI	$5.11	$0.69	$14.77
Eaton County Sheriff's Dept	Charlotte	MI	$4.93	$0.69	$14.59
Flint Police Dept	Flint	MI	$4.64	$0.69	$14.30
Iosco County Sheriff's Dept	Tawas City	MI	$4.60	$0.60	$13.00
Midland County Jail	Midland	MI	$3.64	$0.64	$12.60
Grand Traverse County	Traverse City	MI	$3.62	$0.62	$12.30
Chippewa County Jail	Sault St Marie	MI	$4.74	$0.49	$11.60
St Joseph County Jail	Centreville	MI	$0.70	$0.70	$10.50
Detroit MI-Detention Center (DDC)	Detroit	MI	$0.62	$0.62	$9.30
Dickinson County Jail	Iron Mountain	MI	$3.91	$0.37	$9.09
Brownstown Township Police Department	Brownstown Township	MI	$0.50	$0.50	$7.50
Charlevoix County Sheriff's Office	Charlevoix	MI	$0.50	$0.50	$7.50
Crawford County Jail	Grayling	MI	$0.50	$0.50	$7.50
Eastpointe Police Department	Eastepointe	MI	$0.50	$0.50	$7.50
Ferndale Police Department	Ferndale	MI	$0.50	$0.50	$7.50
Flat Rock Jail	Flat Rock	MI	$0.50	$0.50	$7.50
Garden City Police Department	Garden City	MI	$0.50	$0.50	$7.50
Hamtramck Police Department	Hamtramck	MI	$0.50	$0.50	$7.50
Hamtramck Police Department Jail	Hamtramck	MI	$0.50	$0.50	$7.50
Manistee County Jail	Manistee	MI	$0.50	$0.50	$7.50
Novi Police Department	Novi	MI	$0.50	$0.50	$7.50
Oak Park MI-City Jail	Oak Park	MI	$0.50	$0.50	$7.50
Riverview Police Department	Riverview	MI	$0.50	$0.50	$7.50
Riverview Police Department Jail	Riverview	MI	$0.50	$0.50	$7.50
Rochester Michigan Police Department	Rochester	MI	$0.50	$0.50	$7.50
Twin County II	Three Rivers	MI	$0.50	$0.50	$7.50
Twin County II Jail	Three Rivers	MI	$0.50	$0.50	$7.50
Waterford Police Department	Waterford	MI	$0.50	$0.50	$7.50
Wayne Police Department	Wayne	MI	$0.50	$0.50	$7.50
Wayne Police Department Jail	Wayne	MI	$0.50	$0.50	$7.50
West Bloomfield Police Department	West Bloomfield	MI	$0.50	$0.50	$7.50

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Oceana County Jail	Hart	MI	$0.40	$0.40	$6.00
Gladwin County Jail	Gladwin	MI	$0.30	$0.30	$4.50
Huron County Sheriff's Office	Axe	MI	$0.30	$0.30	$4.50
Ionia County	Ionia	MI	$0.30	$0.30	$4.50
Wayne County MI	Detroit	MI	$0.28	$0.28	$4.20
Allegan County Corrections Center MI	Allegan	MI	$0.25	$0.25	$3.75
Calhoun County Sheriff's Office	Creek	MI	$0.25	$0.25	$3.75
Charlevoix County Jail - MI	Charlevoix	MI	$0.25	$0.25	$3.75
Crawford County Jail - MI	Grayling	MI	$0.25	$0.25	$3.75
Genesee County MI-County Jail	Flint	MI	$0.25	$0.25	$3.75
Kalamazoo County Jail MI	Kalamazoo	MI	$0.25	$0.25	$3.75
Lake County Sheriff's Department	Baldwin	MI	$0.25	$0.25	$3.75
Leelanau County Jail- TCOO	Suttons Bay	MI	$0.25	$0.25	$3.75
Oakland County Sheriff's Office	Pontiac	MI	$0.25	$0.25	$3.75
Van Buren County Jail MI	Paw Paw	MI	$0.25	$0.25	$3.75
Cass County Sheriff's Office	Cassopolis	MI	$0.22	$0.22	$3.30
Kalkaska County Sheriff's Office	Kalkaska	MI	$0.22	$0.22	$3.30
Goodhue Sheriff's Dept	Red Wing	MN	$4.06	$0.56	$11.92
McLeod County Jail	Glencoe	MN	$3.99	$0.49	$10.87
Sibley County Jail	Gaylord	MN	$3.00	$0.50	$10.00
Ramsey County Law Enforcement Center	Saint Paul	MN	$3.90	$0.40	$9.50
Many Rivers Juvenile Detention Center	Rochester	MN	$3.29	$0.39	$8.75
Scott County Jail	Shakopee	MN	$1.91	$0.41	$7.65
Sherburne County Jail	Elk River	MN	$2.14	$0.39	$7.60
Mille Lacs County	Milaca	MN	$0.50	$0.50	$7.50
Carver County Jail	Chaska	MN	$2.10	$0.35	$7.00
Rice County Jail	Faribault	MN	$2.10	$0.35	$7.00
Rice County Jail Annex	Faribault	MN	$2.10	$0.35	$7.00
Washington County Jail	Stillwater	MN	$1.82	$0.32	$6.30
Brooklyn Park Police Dept	Brooklyn Park	MN	$2.75	$0.25	$6.25
Chaffee Police Department-JCW	Chaffee	MO	$1.55	$1.55	$23.25
Independence Police Department	Independence	MO	$1.55	$1.55	$23.25
Jennings Adult Correctional Facility	Jennings	MO	$3.75	$1.15	$19.87
Wright County Jail	Hartville	MO	$2.99	$0.74	$13.35
Douglas County Jail	Ava	MO	$0.85	$0.85	$12.75
Arnold City Jail	Arnold	MO	$3.25	$0.65	$12.37
Aurora City Police Dept	Aurora	MO	$3.25	$0.65	$12.37
Berkeley City Police Dept (New)	Berkeley	MO	$3.25	$0.65	$12.37
Cape Girardeau Police Dept - Maria Louisa	Cape Girardeau	MO	$3.25	$0.65	$12.37
Festus City Police Dept	Festus	MO	$3.25	$0.65	$12.37
Lee's Summit City Police Dept	Lee's Summit	MO	$3.25	$0.65	$12.37
Monett City Police Dept	Monett	MO	$3.25	$0.65	$12.37
Overland City Police Dept	Overland	MO	$3.25	$0.65	$12.37

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Sikeston Dept of Public Safety	Sikeston	MO	$3.25	$0.65	$12.37
St Francois County Jail	Farmington	MO	$2.65	$0.65	$11.75
Phelps County Sheriff's Dept	Rolla	MO	$2.64	$0.64	$11.60
Montgomery County Jail	Montgomery City	MO	$0.75	$0.75	$11.25
Jefferson County Jail	Hillsboro	MO	$0.73	$0.73	$10.95
St Peters Police Dept	St Peters	MO	$2.96	$0.45	$9.26
Cape Girardeau County Jail	Jackson	MO	$0.61	$0.61	$9.15
Pike County Detention Center	Bowling Green	MO	$2.67	$0.42	$8.55
Scott City Police Department	Scott City	MO	$0.55	$0.55	$8.25
Kansas City Police Dept - Valley Division	Kansas City	MO	$2.40	$0.40	$8.00
Kansas City Police Dept Metropolitan Division	Kansas City	MO	$2.40	$0.40	$8.00
Kansas City Police Dept South Division	Kansas City	MO	$2.40	$0.40	$8.00
Kansas City Police East Patrol Division	Kansas City	MO	$2.40	$0.40	$8.00
Adair County	Kirksville	MO	$0.50	$0.50	$7.50
Andrew County Sheriff's Office/Jail	Savannah	MO	$0.50	$0.50	$7.50
Excelsior Springs Police Department Jail	Excelsior Springs	MO	$0.50	$0.50	$7.50
Gladstone Police Department Jail	Gladstone	MO	$0.50	$0.50	$7.50
Joplin Police Department	Joplin	MO	$0.50	$0.50	$7.50
Macon County Jail (Tele-Connect)	Macon	MO	$0.50	$0.50	$7.50
Moniteau County Jail	California	MO	$0.50	$0.50	$7.50
Nodaway County Sheriff's Office	Maryville	MO	$0.50	$0.50	$7.50
Schuyler County Jail - MO	Lancaster	MO	$0.50	$0.50	$7.50
St. Louis Correctional	St. Louis	MO	$0.50	$0.50	$7.50
Kirkwood P D MO	Kirkwood	MO	$0.44	$0.44	$6.60
Louisiana Police Department	Louisiana	MO	$0.40	$0.40	$6.00
Callaway County Sheriff's Office	Fulton	MO	$0.30	$0.30	$4.50
Stone County Sheriff’s Office	Galena	MO	$0.30	$0.30	$4.50
Blue Springs Police Department	Blue Springs	MO	$0.25	$0.25	$3.75
Buchanan County Jail	St Joseph	MO	$0.25	$0.25	$3.75
Cole County Sheriff's Dept	Jefferson City	MO	$0.25	$0.25	$3.75
Greene County Jail MO	Springfield	MO	$0.25	$0.25	$3.75
St. Louis County Department of Justice Services	Clayton	MO	$0.25	$0.25	$3.75
Wilkinson County MS-Jail	Woodville	MS	$0.69	$0.69	$10.35
George-Greene Cnty MS-Regional Jail	Lucedale	MS	$0.56	$0.56	$8.43
Chickasaw County Jail	Houston	MS	$0.50	$0.50	$7.50
Clarke County Jail	Quitman	MS	$0.50	$0.50	$7.50
Copiah County Detention Center	Hazlehurst	MS	$0.50	$0.50	$7.50
Desoto County Expansion Facility	Hernando	MS	$0.50	$0.50	$7.50
Forrest County Regional Jail	Hattiesburg	MS	$0.50	$0.50	$7.50
Greene County Jail	Leakesville	MS	$0.50	$0.50	$7.50
Grenada County Jail	Grenada	MS	$0.50	$0.50	$7.50
Hancock County Adult Detention Center	Bay St Louis	MS	$0.50	$0.50	$7.50
Harrison County Detention Center	Gulfport	MS	$0.50	$0.50	$7.50

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Harrison County Work Center	Gulfport	MS	$0.50	$0.50	$7.50
Hinds County Detention Facility - Jackson	Jackson	MS	$0.50	$0.50	$7.50
Hinds County Detention Facility - Raymond	Raymond	MS	$0.50	$0.50	$7.50
Hinds County Penal Farm	Raymond	MS	$0.50	$0.50	$7.50
Jackson County Adult Detention Center	Pascagoula	MS	$0.50	$0.50	$7.50
Jones County Jail	Ellisville	MS	$0.50	$0.50	$7.50
Jones County Juvenile Detention Center	Ellisville	MS	$0.50	$0.50	$7.50
Lauderdale County Detention Facility	Meridian	MS	$0.50	$0.50	$7.50
Leake County Correctional Facility - County	Carthage	MS	$0.50	$0.50	$7.50
Leflore County Jail	Greenwood	MS	$0.50	$0.50	$7.50
Lowndes County Adult Detention Center	Columbus	MS	$0.50	$0.50	$7.50
Lowndes County Courthouse Holding Cell	Columbus	MS	$0.50	$0.50	$7.50
Madison County Detention Center	Canton	MS	$0.50	$0.50	$7.50
Marshall County Justice	Holly Springs	MS	$0.50	$0.50	$7.50
Neshoba County Detention Center	Philadelphia	MS	$0.50	$0.50	$7.50
Oktibbeha County Jail	Starkville	MS	$0.50	$0.50	$7.50
Oktibbeha County Jail-Trustee Facility	Starkville	MS	$0.50	$0.50	$7.50
Panola County Detention Center	Batesville	MS	$0.50	$0.50	$7.50
Pearl River County Jail	Poplarville	MS	$0.50	$0.50	$7.50
Picayune City Jail	Picayune	MS	$0.50	$0.50	$7.50
Pike County Detention Center	Magnolia	MS	$0.50	$0.50	$7.50
Prentiss County Jail	Booneville	MS	$0.50	$0.50	$7.50
Scott County Jail	Forest	MS	$0.50	$0.50	$7.50
Tate County Jail- JSI	Senatobia	MS	$0.50	$0.50	$7.50
Tippah County Jail - JSI	Ripley	MS	$0.50	$0.50	$7.50
Tunica County Sheriff's Dept - JSI	Tunica	MS	$0.50	$0.50	$7.50
Union County Jail	New Albany	MS	$0.50	$0.50	$7.50
Wayne County Jail	Waynesboro	MS	$0.50	$0.50	$7.50
Webster County Jail	Eupora	MS	$0.50	$0.50	$7.50
Yalobusha County Jail	Water Valley	MS	$0.50	$0.50	$7.50
Jefferson-Franklin Cnty MS-Regional Jail	Fayette	MS	$0.46	$0.46	$6.90
Rankin County MS-Adult Jail	Brandon	MS	$0.26	$0.26	$3.95
Rankin County MS-Juvenile Jail	Pelahatchie	MS	$0.26	$0.26	$3.95
Adams County Jail - MS	Natchez	MS	$0.25	$0.25	$3.75
Bolivar County MS-Correctional Facility	Cleveland	MS	$0.25	$0.25	$3.75
Greene County Jail - MS	Leakesville	MS	$0.25	$0.25	$3.75
Jones County Adult Detention Center - MS	Ellisville	MS	$0.25	$0.25	$3.75
Mississippi Band of Choctaw Indians Detention Center	Philadelphia	MS	$0.25	$0.25	$3.75
Newton County Jail	Decatur	MS	$0.25	$0.25	$3.75
Perry County Jail - MS	New Augusta	MS	$0.25	$0.25	$3.75
Warren County Adult Jail	Vicksburg	MS	$0.25	$0.25	$3.75
Warren County Juvenile Justice Center	Vicksburg	MS	$0.25	$0.25	$3.75
Clay County Sheriff's Office	Point	MS	$0.22	$0.22	$3.30

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Humphreys County Jail	Belzoni	MS	$0.22	$0.22	$3.30
Sunflower County	Indianola	MS	$0.22	$0.22	$3.30
Pondera County Sheriff's Dept	Conrad	MT	$4.72	$1.02	$19.00
Hill County Detention Facility	Havre	MT	$5.22	$0.88	$17.54
Flathead County Jail	Kalispell	MT	$4.81	$0.86	$16.85
Broadwater County	Townsend	MT	$4.76	$0.81	$16.10
Butte Silverbow County Jail	Butte	MT	$4.75	$0.80	$15.95
Lewis & Clark County Detention Center	Helena	MT	$4.69	$0.74	$15.05
Richland County Sheriff's Dept	Sidney	MT	$4.78	$0.69	$14.44
Anaconda Police Dept	Anaconda	MT	$4.64	$0.69	$14.30
Beaverhead County Jail	Dillon	MT	$4.64	$0.69	$14.30
Chouteau County Detention Center	Ft Benton	MT	$4.64	$0.69	$14.30
Custer County Jail	Miles City	MT	$4.64	$0.69	$14.30
Fallon County Sheriff's Dept	Baker	MT	$4.64	$0.69	$14.30
Fergus County Sheriff's Dept	Lewistown	MT	$4.64	$0.69	$14.30
Jefferson County Detention Facility	Boulder	MT	$4.64	$0.69	$14.30
Lake County Detention Facility	Polson	MT	$4.64	$0.69	$14.30
Lincoln County Jail	Libby	MT	$4.64	$0.69	$14.30
Musselshell County Jail	Roundup	MT	$4.64	$0.69	$14.30
Park County Detention Center	Livingston	MT	$4.64	$0.69	$14.30
Ravalli County Sheriff's Dept	Hamilton	MT	$4.64	$0.69	$14.30
Toole County Jail	Shelby	MT	$4.64	$0.69	$14.30
Powell County Sheriff's Dept	Deer Lodge	MT	$1.50	$0.75	$12.00
Sanders County Jail	Thompson Falls	MT	$3.00	$0.50	$10.00
Granite County Jail	Philipsburg	MT	$0.50	$0.50	$7.50
Cascade County Adult Detention Center	Great Falls	MT	$0.29	$0.29	$4.35
Chippewa Cree Tribal Justice Center	Box Elder	MT	$1.45	$0.20	$4.25
CCCS-Watch East Treatment Center- (HLS)	Glendive	MT	$1.20	$0.20	$4.00
Black Feet Detention Center	Browning	MT	$0.25	$0.25	$3.75
Fort Belknap Corrections	Harlem	MT	$0.25	$0.25	$3.75
Gallatin County Jail MT	Bozeman	MT	$0.25	$0.25	$3.75
Northern Cheyenne	Lame Deer	MT	$0.25	$0.25	$3.75
Yellowstone County Detention Center MT	Billings	MT	$0.25	$0.25	$3.75
CCCS - Butte Pre-Release Center Jail	Butte	MT	$0.22	$0.22	$3.30
CCCS - CCP East Jail	Butte	MT	$0.22	$0.22	$3.30
CCCS - START Program Jail	Anaconda	MT	$0.22	$0.22	$3.30
CCCS - WATCH West Jail	Warm Springs	MT	$0.22	$0.22	$3.30
Moore County Jail	Carthage	NC	$0.55	$0.55	$8.25
Cabarrus County Sheriff's Office	Concord	NC	$2.86	$0.36	$7.90
Chowan County Detention Facility	Edenton	NC	$2.81	$0.31	$7.15
Brunswick County Jail	Bolivia	NC	$2.82	$0.24	$6.18
Craven County Jail	New Bern	NC	$0.40	$0.40	$6.00
Pamlico County Detention Facility	Bayboro	NC	$0.40	$0.40	$6.00

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Wayne County Jail	Wayne County	NC	$0.31	$0.31	$4.65
Hoke County Detention Center	Raeford	NC	$0.26	$0.26	$3.90
Lenoir County Sheriff's Office	Kinston	NC	$0.25	$0.25	$3.75
Madison County Detention Center	Marshall	NC	$0.25	$0.25	$3.75
Moore County Detention	Moore County	NC	$0.25	$0.25	$3.75
Alamance County Detention Center	Graham	NC	$0.24	$0.24	$3.60
Alamance County Detention Center Annex	Graham	NC	$0.24	$0.24	$3.60
Albemarle District Jail	Elizabeth City	NC	$0.24	$0.24	$3.60
Anson County Sheriff's Office	Wadesboro	NC	$0.24	$0.24	$3.60
Cherokee County Detention Center - NC	Murphy	NC	$0.24	$0.24	$3.60
Clay County Jail - NC	Hayesville	NC	$0.24	$0.24	$3.60
Columbus County Detention Center- NC	Whiteville	NC	$0.24	$0.24	$3.60
Dare County Detention Center	Manteo	NC	$0.24	$0.24	$3.60
Jackson County Detention Center - NC	Sylva	NC	$0.24	$0.24	$3.60
Macon County Detention Center - NC	Franklin	NC	$0.24	$0.24	$3.60
Montgomery County Sheriff's Office	Troy	NC	$0.24	$0.24	$3.60
Richmond County Jail	Rockingham	NC	$0.24	$0.24	$3.60
Rowan County Detention Center	Salisbury	NC	$0.24	$0.24	$3.60
Rowan County Detention Center Annex	Salisbury	NC	$0.24	$0.24	$3.60
Rutherford County Detention Center	Rutherfordton	NC	$0.24	$0.24	$3.60
Stanly County Detention Center	Albemarle	NC	$0.24	$0.24	$3.60
Union County Jail	Monroe	NC	$0.24	$0.24	$3.60
Iredell County Annex	Statesville	NC	$0.23	$0.23	$3.45
Iredell County Detention Center	Statesville	NC	$0.23	$0.23	$3.45
Avery County Sheriff's Office	Newland	NC	$0.22	$0.22	$3.30
Johnston County Jail	Smithfield	NC	$0.22	$0.22	$3.30
New Hanover County Detention Center	Castle Hayne	NC	$0.22	$0.22	$3.30
Cass County Sheriff's Office	Fargo	ND	$3.60	$0.60	$12.00
Gerald Fox Adult Detention	New Town	ND	$0.75	$0.75	$11.25
Heart of America Correctional & Treatment Center	Rugby	ND	$3.49	$0.43	$9.51
CCCS - Bismarck Transitional Center Jail	Bismarck	ND	$0.50	$0.50	$7.50
Fort Totten Detention Center	Fort Totten	ND	$0.25	$0.25	$3.75
Standing Rock Adult Detention Facility	Fort Yates	ND	$0.25	$0.25	$3.75
Standing Rock Youth Service Center	Fort Yates	ND	$0.25	$0.25	$3.75
Turtle Mountain Detention Facility	Belcourt	ND	$0.25	$0.25	$3.75
Hall County DOC	Grand Island	NE	$4.74	$0.79	$15.80
Pierce County Sheriff	Pierce	NE	$0.95	$0.95	$14.25
Kimball County Sheriff's Office	Kimball	NE	$4.15	$0.65	$13.27
Dakota County Jail	Dakota	NE	$2.88	$0.63	$11.70
Washington County Jail	Blair	NE	$2.75	$0.50	$9.75
Adams County Jail	Hastings	NE	$3.93	$0.38	$9.20
Saunders County Jail	Wahoo	NE	$2.53	$0.38	$7.85
Lancaster Youth Services Center	Lincoln	NE	$0.50	$0.50	$7.50

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Red Willow County Jail	McCook	NE	$0.50	$0.50	$7.50
Thayer County Jail	Hebron	NE	$0.50	$0.50	$7.50
Webster County Jail	Red Cloud	NE	$0.50	$0.50	$7.50
Dawson County NE Sheriff's Office	Dawson	NE	$0.40	$0.40	$6.00
Dakota NE Jail	Dakota NE	NE	$0.31	$0.31	$4.65
Lincoln County Jail	Lincoln County	NE	$0.31	$0.31	$4.65
Buffalo County NE	Kearney	NE	$0.25	$0.25	$3.75
Belknap County HOC	Laconia	NH	$4.59	$0.69	$14.25
Rockingham County DOC	Brentwood	NH	$2.39	$0.42	$8.27
Coos County House of Corrections	W Stewartstown	NH	$2.27	$0.30	$6.47
Merrimack County DOC	Boscawen	NH	$2.53	$0.28	$6.45
Carroll County DOC	Ossipee	NH	$1.71	$0.21	$4.65
Cheshire County DOC	Keene	NH	$1.50	$0.19	$4.16
Sullivan County DOC	Unity	NH	$1.44	$0.19	$4.10
Strafford Cnty NH-Correctional	Dover	NH	$0.22	$0.22	$3.30
Paterson Police Department	Patterson	NJ	$0.50	$0.50	$7.50
Lincoln County Jail	Pioche	NV	$2.04	$0.54	$9.60
Douglas County - Lake Tahoe Jail	Stateline	NV	$1.91	$0.41	$7.65
Douglas County - Minden Jail	Minden	NV	$1.91	$0.41	$7.65
Esmeralda County Jail	Goldfield	NV	$0.50	$0.50	$7.50
Henderson Detention Center	Henderson	NV	$1.47	$0.37	$6.65
Humboldt County Sheriff's Office	Winnemucca	NV	$1.94	$0.30	$6.14
Eureka County Jail	Eureka	NV	$1.80	$0.30	$6.02
Mesquite City Police Dept	Mesquite	NV	$1.80	$0.30	$6.02
White Pine County Jail	Ely	NV	$1.80	$0.30	$6.02
Lyon County Jail	Yerington	NV	$1.33	$0.33	$5.95
Mineral County Sheriff's Dept	Hawthorne	NV	$1.75	$0.25	$5.25
Pershing County Sheriff's Dept	Lovelock	NV	$1.25	$0.25	$4.75
City of Las Vegas	Las Vegas	NV	$0.25	$0.25	$3.75
Elko County Jail	Elko	NV	$0.25	$0.25	$3.75
Nye County NV	Tonopah	NV	$0.25	$0.25	$3.75
Owyhee Detention Center	Owyhee	NV	$0.22	$0.22	$3.30
West Seneca Police Dept.	West Seneca	NY	$0.89	$0.89	$13.35
Albany County NY-Correctional	Albany	NY	$4.35	$0.40	$9.95
Allegany County NY-County Jail	Belmont	NY	$4.35	$0.40	$9.95
Broome County NY-County Jail	Binghamton	NY	$4.35	$0.40	$9.95
Cattaraugus County NY-County Jail	Little Valley	NY	$4.35	$0.40	$9.95
Cayuga County NY-County Jail	Auburn	NY	$4.35	$0.40	$9.95
Chautauqua County NY-County Jail	Mayville	NY	$4.35	$0.40	$9.95
Chenango County NY-County Jail	Norwich	NY	$4.35	$0.40	$9.95
Clinton County NY-County Jail	Plattsburgh	NY	$4.35	$0.40	$9.95
Columbia County NY-County Jail	Hudson	NY	$4.35	$0.40	$9.95
Cortland County NY-County Jail	Cortland	NY	$4.35	$0.40	$9.95

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Delaware County NY-County Jail	Monticello	NY	$4.35	$0.40	$9.95
Dutchess County NY-County Jail	Poughkeepsie	NY	$4.35	$0.40	$9.95
Essex County NY-County Jail	Lewis	NY	$4.35	$0.40	$9.95
Franklin County NY-County Jail	Malone	NY	$4.35	$0.40	$9.95
Fulton County NY-County Jail	Johnstown	NY	$4.35	$0.40	$9.95
Herkimer County NY-County Jail	Herkimer	NY	$4.35	$0.40	$9.95
Jefferson County NY-County Jail	Watertown	NY	$4.35	$0.40	$9.95
Lewis County NY-County Jail (LCO)	Lowville	NY	$4.35	$0.40	$9.95
Livingston County NY-County Jail	Geneseo	NY	$4.35	$0.40	$9.95
Madison County NY-County Jail	Wampsville	NY	$4.35	$0.40	$9.95
Monroe County NY-County Jail	Rochester	NY	$4.35	$0.40	$9.95
Monroe County NY-County Jail Annex	Rochester	NY	$4.35	$0.40	$9.95
Montgomery County NY-County Jail	Fultonville	NY	$4.35	$0.40	$9.95
Nassau County NY-Correctional Center	East Meadow	NY	$4.35	$0.40	$9.95
Niagara County NY-County Jail	Lockport	NY	$4.35	$0.40	$9.95
Oneida County NY-County Jail	Oriskany	NY	$4.35	$0.40	$9.95
Onondaga County NY-Justice Center	Syracuse	NY	$4.35	$0.40	$9.95
Orange County NY-County Jail	Goshen	NY	$4.35	$0.40	$9.95
Oswego County NY-County Jail	Oswego	NY	$4.35	$0.40	$9.95
Otsego County NY-County Jail	Cooperstown	NY	$4.35	$0.40	$9.95
Putnam County NY-County Jail	Carmel Hamlet	NY	$4.35	$0.40	$9.95
Rensselaer County NY-County Jail	Troy	NY	$4.35	$0.40	$9.95
Rockland County NY-County Jail	New City	NY	$4.35	$0.40	$9.95
Saratoga County NY-County Jail	Saratoga Springs	NY	$4.35	$0.40	$9.95
Schenectady County NY-County Jail	Schenectady	NY	$4.35	$0.40	$9.95
Schuyler County NY-County Jail	Elmira	NY	$4.35	$0.40	$9.95
Seneca County NY-County Jail	Romulus	NY	$4.35	$0.40	$9.95
St. Lawrence County NY-County Jail	Canton	NY	$4.35	$0.40	$9.95
Steuben County NY-County Jail	Bath	NY	$4.35	$0.40	$9.95
Sullivan County NY-County Jail	Monticello	NY	$4.35	$0.40	$9.95
Tioga County NY-County Jail	Owego	NY	$4.35	$0.40	$9.95
Tompkins County NY-County Jail	Ithaca	NY	$4.35	$0.40	$9.95
Warren County NY-County Jail	Lake George	NY	$4.35	$0.40	$9.95
Washington County NY-County Jail	Fort Edward	NY	$4.35	$0.40	$9.95
Wayne County NY-County Jail	Lyons	NY	$4.35	$0.40	$9.95
Westchester Cnty NY-County Jail	Valhalla	NY	$4.35	$0.40	$9.95
Wyoming County NY-County Jail	Warsaw	NY	$4.35	$0.40	$9.95
Yates County NY-County Jail	Penn Yan	NY	$4.35	$0.40	$9.95
Chemung County NY-Jail	Elmira	NY	$2.90	$0.40	$8.50
Albany County Correctional Facility	Albany	NY	$0.50	$0.50	$7.50
Genesee County Jail	Batavia	NY	$0.50	$0.50	$7.50
Niagara Falls Police Department	Niagara Falls	NY	$0.50	$0.50	$7.50
Suffolk County Jail	Riverhead	NY	$0.50	$0.50	$7.50

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Suffolk County Jail / Yaphank	Yaphank	NY	$0.50	$0.50	$7.50
Town of Evans Police Department	Angola	NY	$0.50	$0.50	$7.50
Village of Depew PD	Depew	NY	$0.50	$0.50	$7.50
Ulster County Law Enforcement Center	Kingston	NY	$0.22	$0.22	$3.30
Brown County OH Sheriff's Office	Brown	OH	$0.30	$0.30	$4.50
Auglaize County Jail - OH	Wapakoneta	OH	$0.25	$0.25	$3.75
Barberton Police Department	Jail	OH	$0.25	$0.25	$3.75
Cleveland Heights PD	Cleveland Heights	OH	$0.25	$0.25	$3.75
Cleveland Heights PD Jail	Cleveland Heights	OH	$0.25	$0.25	$3.75
Fairview Park Police Department	Cleveland	OH	$0.25	$0.25	$3.75
Fairview Park Police Department Jail	Cleveland	OH	$0.25	$0.25	$3.75
Garfield Heights PD	Garfield Heights	OH	$0.25	$0.25	$3.75
Garfield Heights PD Jail	Garfield Heights	OH	$0.25	$0.25	$3.75
Logan County Jail - OH	Bellefontaine	OH	$0.25	$0.25	$3.75
Logan County Juvenile Det. Center	Bellefontaine	OH	$0.25	$0.25	$3.75
Mercer County OH Sheriff's Office	Mercer	OH	$0.25	$0.25	$3.75
Morgan County Jail	McConnelsville	OH	$0.25	$0.25	$3.75
Oakview Juvenile Resident Center	St. Clairsville	OH	$0.25	$0.25	$3.75
Oriana - Community Alternative Sentencing Center Jail	Akron	OH	$0.25	$0.25	$3.75
Putnam County Jail - OH	Ottawa	OH	$0.25	$0.25	$3.75
Shelby Police Department	Shelby	OH	$0.25	$0.25	$3.75
South Euclid PD Jail	Cleveland	OH	$0.25	$0.25	$3.75
South Euclid Police Department	Cleveland	OH	$0.25	$0.25	$3.75
Hamilton County	Cincinnati	OH	$0.24	$0.24	$3.60
Hamilton County CC IN	Cincinnati	OH	$0.24	$0.24	$3.60
Cherokee County Jail	Tahlequah	OK	$3.60	$1.09	$18.87
Del City Police Dept	Del City	OK	$3.60	$0.89	$16.07
Washington County Jail	Bartlesville	OK	$3.60	$0.80	$14.80
Bethany City Jail	Bethany	OK	$0.95	$0.95	$14.25
Edmond Police Department	Edmond	OK	$0.95	$0.95	$14.25
Sand Springs City Police Dept	Sand Springs	OK	$3.60	$0.43	$9.62
Yukon Police Department	Yukon	OK	$0.60	$0.60	$9.00
Tulsa Correctional	Tulsa	OK	$0.55	$0.55	$8.25
Davis CCA	Holdenville	OK	$3.71	$0.11	$5.25
Wagoner County Jail	Wagoner	OK	$0.35	$0.35	$5.25
Garvin County Jail	Pauls Valley	OK	$0.34	$0.34	$5.13
Alfalfa County Jail	Alfalfa County	OK	$0.31	$0.31	$4.65
Atoka OK Jail	Atoka	OK	$0.31	$0.31	$4.65
Beckham County Jail	Beckham County	OK	$0.31	$0.31	$4.65
Bryan County Jail	Bryan County	OK	$0.31	$0.31	$4.65
Canadian County Jail	Canadian County	OK	$0.31	$0.31	$4.65
Comanche County Jail	Comanche County	OK	$0.31	$0.31	$4.65
Cotton County Jail	Cotton County	OK	$0.31	$0.31	$4.65

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Custer County Jail	Custer County	OK	$0.31	$0.31	$4.65
Delaware County Jail	Delaware County	OK	$0.31	$0.31	$4.65
Elk City PD Jail	Elk City	OK	$0.31	$0.31	$4.65
Garfield County Jail	Garfield County	OK	$0.31	$0.31	$4.65
Grant County Jail	Grant County	OK	$0.31	$0.31	$4.65
Hughes County Jail	Hughes County	OK	$0.31	$0.31	$4.65
Jackson County Jail	Jackson County	OK	$0.31	$0.31	$4.65
Johnston County Jail	Johnston County	OK	$0.31	$0.31	$4.65
Kingfisher County Jail	Kingfisher County	OK	$0.31	$0.31	$4.65
Lincoln County Jail	Lincoln County	OK	$0.31	$0.31	$4.65
Love County Jail	Love County	OK	$0.31	$0.31	$4.65
Major County Jail	Major County	OK	$0.31	$0.31	$4.65
Mayes County Jail	Mayes County	OK	$0.31	$0.31	$4.65
McIntosh County Jail	McIntosh County	OK	$0.31	$0.31	$4.65
Okfuskee County Jail	Okfuskee County	OK	$0.31	$0.31	$4.65
Pontotoc OK Jail	Pontotoc	OK	$0.31	$0.31	$4.65
Pottawatomie County Jail	Pottawatomie County	OK	$0.31	$0.31	$4.65
Roger Mills OK Jail	Roger Mills	OK	$0.31	$0.31	$4.65
Rogers County Jail	Rogers County	OK	$0.31	$0.31	$4.65
Seminole County Jail	Seminole County	OK	$0.31	$0.31	$4.65
Stephens County Jail	Stephens County	OK	$0.31	$0.31	$4.65
Tillman County Jail	Tillman County	OK	$0.31	$0.31	$4.65
Woods County Jail	Woods County	OK	$0.31	$0.31	$4.65
Texas County Jail	Guymon	OK	$0.30	$0.30	$4.50
Oklahoma County OK	Oklahoma City	OK	$0.25	$0.25	$3.75
Okmulgee Jail	Okmulgee	OK	$0.25	$0.25	$3.75
Tulsa Police Department	Tulsa	OK	$0.25	$0.25	$3.75
Benton County Correctional Facility	Corvallis	OR	$1.05	$1.05	$15.75
Josephine County Jail	Grants Pass	OR	$1.05	$1.05	$15.75
Klamath County Sheriff's Office	Klamath Falls	OR	$2.49	$0.49	$9.35
Jefferson County Sheriff's Office	Madras	OR	$0.82	$0.57	$8.80
Lebanon Police Department Jail	Lebanon	OR	$0.50	$0.50	$7.50
Springfield PD	Springfield	OR	$0.50	$0.50	$7.50
Clatsop County Sheriff's Office	Astoria	OR	$2.25	$0.25	$5.75
Union County Sheriff’s Office	Lagrande	OR	$2.25	$0.25	$5.75
Jackson County Jail & Annex	Medford	OR	$0.35	$0.35	$5.25
Jackson County Transition Center	Phoenix	OR	$0.35	$0.35	$5.25
Josephine County Adult Jail	Grants Pass	OR	$0.32	$0.32	$4.80
Columbia County Jail	St Helens	OR	$0.31	$0.31	$4.65
Baker County OR	Baker City	OR	$0.25	$0.25	$3.75
Clackamas Co Jail OR	Oregon City	OR	$0.25	$0.25	$3.75
Coos County Jail OR	Coquille	OR	$0.25	$0.25	$3.75

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Curry County Jail OR	Gold Beach	OR	$0.25	$0.25	$3.75
Deschutes County Adult Jail OR	Bend	OR	$0.25	$0.25	$3.75
Lane County Adult Corrections OR	Eugene	OR	$0.25	$0.25	$3.75
Linn County Jail OR	Albany	OR	$0.25	$0.25	$3.75
Malheur County OR	Vale	OR	$0.25	$0.25	$3.75
NORCOR Adult Facility OR	The Dalles	OR	$0.25	$0.25	$3.75
Polk County Jail OR	Dallas	OR	$0.25	$0.25	$3.75
Tillamook County OR	Tillamook	OR	$0.25	$0.25	$3.75
Umatilla County Jail OR	Pendleton	OR	$0.25	$0.25	$3.75
Washington County OR	Hillsboro	OR	$0.25	$0.25	$3.75
Douglas County Sheriff's Office	Roseburg	OR	$0.22	$0.22	$3.30
Wyoming County Correctional Facility	Tunkhannock	PA	$2.68	$0.68	$12.20
Delaware County PA-Juvenile Detention	Lima	PA	$3.55	$0.55	$11.25
Union County Prison	Lewisburg	PA	$3.95	$0.45	$10.25
Tioga County Prison	Wellsboro	PA	$2.48	$0.48	$9.22
Crawford County Correctional Facility	Saegertown	PA	$2.05	$0.30	$6.25
Butler County Prison	Butler	PA	$2.27	$0.27	$6.05
Clear Day	Greensburg	PA	$0.40	$0.40	$6.00
Renewal Inc I	Pittsburgh	PA	$0.40	$0.40	$6.00
Renewal Inc II	Pittsburgh	PA	$0.40	$0.40	$6.00
Lycoming County PA-County Prison	Williamsport	PA	$0.37	$0.37	$5.55
Lycoming County PA-Pre-release Center	Montoursville	PA	$0.37	$0.37	$5.55
Clinton County Correctional Facility	Mcelhattan	PA	$1.95	$0.20	$4.75
Monroe County Correctional Facility	Stroudsburg	PA	$1.95	$0.20	$4.75
Cambria County PA-Prison	Ebensburg	PA	$0.30	$0.30	$4.50
Mercer County PA-County Jail	Mercer	PA	$0.30	$0.30	$4.50
Westmoreland County PA-County Prison	Greensburg	PA	$0.30	$0.30	$4.50
Potter County Jail	Coudersport	PA	$0.28	$0.28	$4.20
Beaver County PA-Jail	Aliquippa	PA	$0.27	$0.27	$4.05
Clearfield County PA-County Prison	Clearfield	PA	$0.27	$0.27	$4.05
Somerset County PA-County Jail	Somerset	PA	$0.27	$0.27	$4.05
Clarion County PA-Correctional Facility	Shippenville	PA	$0.26	$0.26	$3.90
Fayette County PA-County Prison	Uniontown	PA	$0.26	$0.26	$3.90
Armstrong County Jail	Kittanning	PA	$0.25	$0.25	$3.75
Delaware County PA-Correctional Facility	Thornton	PA	$0.25	$0.25	$3.75
Gateway Rehabilitation	Girard	PA	$0.25	$0.25	$3.75
Huntingdon County PA-Prison	Huntingdon	PA	$0.25	$0.25	$3.75
Indiana County PA-County Jail	Indiana	PA	$0.25	$0.25	$3.75
Northumberland County Jail Administration Building	Township	PA	$0.25	$0.25	$3.75
Schuylkill County PA-County Prison	Pottsville	PA	$0.25	$0.25	$3.75
Warren County Prison	Warren	PA	$0.25	$0.25	$3.75
Erie County Community Correctional Facility	Erie	PA	$1.88	$0.13	$3.70
Erie County Prison	Erie	PA	$1.88	$0.13	$3.70

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Adams Cnty PA-Adult Correctional Complex	Gettysburg	PA	$0.24	$0.24	$3.60
Bradford County PA-Correctional Facility	Troy	PA	$0.24	$0.24	$3.60
Carbon County PA-Correctional	Nesquehoning	PA	$0.24	$0.24	$3.60
Lehigh County PA-Men's CCC	Bethlehem	PA	$0.24	$0.24	$3.60
Lehigh County PA-Prison	Allentown	PA	$0.24	$0.24	$3.60
Dauphin County PA-County Prison	Harrisburg	PA	$0.22	$0.22	$3.30
Dauphin County PA-Work Release Center	Harrisburg	PA	$0.22	$0.22	$3.30
Pike County PA-Correctional Facility	Hawley	PA	$0.22	$0.22	$3.30
Snyder County PA-Prison	Selinsgrove	PA	$0.22	$0.22	$3.30
Susquehanna County PA-Prison	Montrose	PA	$0.22	$0.22	$3.30
Donald Wyatt Federal Detention (old)	Central Falls	RI	$1.65	$0.30	$5.85
Bamberg County Jail	Bamberg	SC	$1.17	$0.95	$14.47
McCormick County Jail	McCormick	SC	$0.55	$0.55	$8.25
Newberry County Detention Center	Newberry	SC	$0.55	$0.55	$8.25
Cherokee County Jail	Gaffney	SC	$2.50	$0.40	$8.10
Chesterfield County Detention Center	Chesterfield	SC	$2.50	$0.40	$8.10
Chesterfield County Work Camp	Chesterfield	SC	$2.50	$0.40	$8.10
Clarendon County Jail	Manning	SC	$2.50	$0.40	$8.10
Dillon County Detention Center	Dillion	SC	$2.50	$0.40	$8.10
Edgefield County Jail	Edgefield	SC	$2.50	$0.40	$8.10
Greenwood County Jail	Greenwood	SC	$2.50	$0.40	$8.10
Hampton County Jail	Varnville	SC	$2.50	$0.40	$8.10
Horry County - J Reuben Long Detention Center	Conway	SC	$2.50	$0.40	$8.10
Jasper County Detention Center	Ridgeland	SC	$2.50	$0.40	$8.10
Laurens County Jail	Laurens	SC	$2.50	$0.40	$8.10
Oconee County Law Enforcement	Walhalla	SC	$2.50	$0.40	$8.10
Pickens County Detention Facility	Pickens	SC	$2.50	$0.40	$8.10
Pickens County Detention Facility (New)	Pickens	SC	$2.50	$0.40	$8.10
Rock Hill City Jail	Rock Hill	SC	$2.50	$0.40	$8.10
Sumter County Detention Center	Sumter	SC	$2.50	$0.40	$8.10
York County Jail	York	SC	$2.50	$0.40	$8.10
W Glenn Campbell Detention Center	Darlington	SC	$1.32	$0.40	$6.92
Allendale County Detention Center	Allendale	SC	$0.44	$0.44	$6.60
Alvin S. Glenn Detention Center	Columbia	SC	$0.44	$0.44	$6.60
Aiken County SC-Detention Center	Aiken	SC	$2.50	$0.21	$5.44
Pickens County Prison	Pickens	SC	$2.00	$0.22	$5.08
CCS_SC-Columbia Regional Care Center	Columbia	SC	$0.25	$0.25	$3.75
Darlington County Detention	Darlington	SC	$0.25	$0.25	$3.75
Anderson City Jail	Anderson	SC	$0.22	$0.22	$3.30
Codington County Jail	Watertown	SD	$3.95	$0.55	$11.65
Rosebud Sioux Tribe Corrections	Mission	SD	$0.65	$0.65	$9.75
Fall River County Jail	Hot Springs	SD	$2.85	$0.35	$7.77
Beadle County Sheriff	Huron	SD	$0.50	$0.50	$7.50

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Edmunds County Sheriff	Ipswich	SD	$0.50	$0.50	$7.50
Pennington County Jail	Rapid City	SD	$0.28	$0.28	$4.20
Pennington County Juvenile	Rapid City	SD	$0.28	$0.28	$4.20
Lower Brule Justice Center	Lower Brule	SD	$0.25	$0.25	$3.75
Oglala Sioux Tribe DPS (Pine Ridge)	Pine Ridge	SD	$0.25	$0.25	$3.75
Yankton Sioux Correctional Facility	Wagner	SD	$0.25	$0.25	$3.75
Sumner County Sheriff's Office And Jail	Gallatin	TN	$4.39	$0.71	$14.33
Carroll County Jail	Huntington	TN	$3.28	$0.78	$14.20
Johnson City Jail	Johnson City	TN	$4.15	$0.66	$13.39
Hamblen County Jail	Morristown	TN	$4.09	$0.60	$12.49
Chester County Jail	Henderson	TN	$4.08	$0.59	$12.34
Sullivan Correctional Facility Bldg 2	Blountville	TN	$4.07	$0.58	$12.19
Sullivan County Sheriff's Office	Blountville	TN	$4.07	$0.58	$12.19
White County Jail	Sparta	TN	$4.07	$0.58	$12.19
Fentress County Justice Center	Jamestown	TN	$2.92	$0.42	$8.82
Rhea County Jail	Dayton	TN	$0.50	$0.50	$7.50
Dekalb County Jail	Smithville	TN	$2.27	$0.27	$6.05
Warren County Jail	McMinnville	TN	$0.34	$0.34	$5.10
Cheatham County Jail	Ashland City	TN	$0.33	$0.33	$4.95
Cumberland County Justice Center	Crossville	TN	$1.72	$0.22	$4.80
Hancock County Jail	Sneedville	TN	$1.72	$0.22	$4.80
Sequatchie County Sheriff's Dept	Dunlap	TN	$1.72	$0.22	$4.80
Greene County Detention Center	Greenville	TN	$1.71	$0.21	$4.65
Greene County Jail Workhouse	Greenville	TN	$1.71	$0.21	$4.65
Campbell County Jail	Jacksboro	TN	$1.70	$0.20	$4.50
Carter County Jail	Elizabethton	TN	$0.30	$0.30	$4.50
Dyer Jail	Dyer	TN	$0.30	$0.30	$4.50
Tipton County Jail	Covington	TN	$1.70	$0.20	$4.50
Davidson County Juvenile Detention Center	Nashville	TN	$0.28	$0.28	$4.20
Knox County Jail IN	Knoxville	TN	$0.28	$0.28	$4.20
Madison County TN-CJC	Jackson	TN	$0.28	$0.28	$4.20
Madison County TN-Jail Annex	Jackson	TN	$0.28	$0.28	$4.20
Madison County TN-Penal Farm	Jackson	TN	$0.28	$0.28	$4.20
Smith County Jail	Carthage	TN	$1.68	$0.18	$4.20
Jefferson County Detention Center	Dandridge	TN	$1.66	$0.16	$3.90
Jefferson County Workhouse	Dandridge	TN	$1.66	$0.16	$3.90
McMinn County Justice Center	Athens	TN	$1.66	$0.16	$3.90
Montgomery County TN-Jail	Clarksville	TN	$0.25	$0.25	$3.75
Montgomery County TN-Jail WorkHouse	Clarksville	TN	$0.25	$0.25	$3.75
Obion Jail	Obion	TN	$0.25	$0.25	$3.75
Union County Sheriff's Office	Maynardville	TN	$0.25	$0.25	$3.75
Weakley County Jail	Dresden	TN	$1.65	$0.15	$3.75
Knox County Detention Facility	Knoxville	TN	$2.25	$0.10	$3.64

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Knox County Work Release Center	Knoxville	TN	$2.25	$0.10	$3.64
Polk County Jail	Benton	TN	$0.24	$0.24	$3.60
Hardin County Sheriff's Dept	Savannah	TN	$2.10	$0.10	$3.50
Morgan County Jail	Wartburg	TN	$2.10	$0.10	$3.50
Decatur County Justice Complex	Decaturville	TN	$0.23	$0.23	$3.45
Scott County Jail Bldg 2	Huntsville	TN	$1.63	$0.13	$3.45
Marion County Jail	Jasper	TN	$0.22	$0.22	$3.30
Obion County TN-County Jail	Union City	TN	$0.22	$0.22	$3.30
Bradley County Jail	Cleveland	TN	$1.43	$0.13	$3.25
Bradley County Jail Work Release	Cleveland	TN	$1.43	$0.13	$3.25
Azle City Jail-JCW	Azle	TX	$1.25	$1.25	$18.75
Bedford Police Dept-JCW	Bedford	TX	$1.25	$1.25	$18.75
Brazoria Police Department-JCW	Brazoria	TX	$1.25	$1.25	$18.75
City of Frisco Jail	Frisco	TX	$1.25	$1.25	$18.75
Denton County Jail	Denton	TX	$1.25	$1.25	$18.75
Ennis City Jail-JCW	Ennis	TX	$1.25	$1.25	$18.75
Farmers Branch Detention Center	Farmers Branch	TX	$1.25	$1.25	$18.75
Friendswood Police Department	Friendswood	TX	$1.25	$1.25	$18.75
Garland Detention Center	Garland	TX	$1.25	$1.25	$18.75
Gun Barrel City Jail-JCW	Gun Barrel	TX	$1.25	$1.25	$18.75
Highland Park City Jail	Highland Park	TX	$1.25	$1.25	$18.75
Highland Village City Jail-JCW	Highland Village	TX	$1.25	$1.25	$18.75
West Columbia Police Dept.	West Columbia	TX	$1.25	$1.25	$18.75
Westworth Village Police Dept-JCW	Westworth Village	TX	$1.25	$1.25	$18.75
Madison County Sheriff's Dept	Madisonville	TX	$5.78	$0.90	$18.38
Ray D Anderson Community Corrections Facility	Brownfield	TX	$5.78	$0.83	$17.40
Lewisville Police Department	Lewisville	TX	$1.15	$1.15	$17.25
Hays County Law Enforcement Center	San Marcos	TX	$5.64	$0.76	$16.32
Coryell County Sheriff's Dept	Gatesville	TX	$5.63	$0.75	$16.17
Lasalle Regional Detention Center	Encinal	TX	$5.61	$0.73	$15.83
Hudspeth County Sheriff's Office - JSI	Sierra Blanca	TX	$5.57	$0.69	$15.27
Titus County Jail	Mt Pleasant	TX	$5.54	$0.66	$14.82
Brazoria County Sheriff's Dept Jail	Angleton	TX	$5.54	$0.66	$14.76
Nolan County Sheriff's Office	Sweetwater	TX	$5.60	$0.65	$14.74
Atascosa County Jail	Jourdanton	TX	$5.50	$0.62	$14.22
Coastal Bend Regional Intermediate Sanction Facility	Sinton	TX	$5.56	$0.61	$14.14
Grayson County	Denison	TX	$5.48	$0.60	$13.92
Grayson County	Sherman	TX	$5.48	$0.60	$13.92
Blue Mound Police Department	Blue Mound	TX	$0.90	$0.90	$13.50
Willacy County Jail	Raymondville	TX	$5.45	$0.57	$13.47
Wood County Sheriff Dept	Quitman	TX	$5.45	$0.57	$13.47
Wilson County Jail	Floresville	TX	$0.88	$0.88	$13.20
Burleson County Jail	Caldwell	TX	$5.43	$0.55	$13.13

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Hopkins County Jail	Sulphur Springs	TX	$4.14	$0.64	$13.10
Lamb County Jail	Littlefield	TX	$5.49	$0.54	$13.05
Liberty County Jail	Liberty	TX	$3.67	$0.65	$12.81
Grand Prairie Police Dept	Grand Prairie	TX	$5.38	$0.53	$12.80
Plano Police Dept	Plano	TX	$5.05	$0.55	$12.75
San Patricio County Jail	Sinton	TX	$5.40	$0.52	$12.68
Taylor County Substance Abuse Treatment Center	Abilene	TX	$5.39	$0.51	$12.53
Zavala County Jail	Crystal City	TX	$5.38	$0.50	$12.42
Hale County Sheriff's Dept	Plainview	TX	$5.43	$0.48	$12.19
Montague County Sheriff's Dept - JSI	Montague	TX	$5.42	$0.47	$12.04
Ector County Detention Center	Odessa	TX	$5.37	$0.42	$11.29
Bowie Correctional	Bowie	TX	$0.75	$0.75	$11.25
Bowie Recov Jail	Bowie	TX	$0.75	$0.75	$11.25
Presidio Jail	Presidio	TX	$0.75	$0.75	$11.25
The Colony Police Department	The Colony	TX	$0.75	$0.75	$11.25
Walker County Jail	Huntsville	TX	$0.75	$0.75	$11.25
Oldham County Jail	Vega	TX	$5.37	$0.40	$11.01
Collingsworth County Jail	Wellington	TX	$5.28	$0.40	$10.92
Desoto City Jail	Desoto	TX	$5.28	$0.40	$10.92
Duval County Jail	San Diego	TX	$5.28	$0.40	$10.92
Menard County Sheriff's Office	Menard	TX	$5.28	$0.40	$10.92
Trinity County Sheriff's Office	Groveton	TX	$5.28	$0.40	$10.88
Hurst Police Department	Hurst	TX	$0.70	$0.70	$10.50
Mesquite Police Dept	Mesquite	TX	$5.09	$0.36	$10.10
Comal County Jail	New Braunfels	TX	$5.12	$0.32	$9.60
Jim Hogg County	Hebbronville	TX	$3.67	$0.40	$9.31
Burnet County TX-County Jail	Burnet	TX	$4.10	$0.34	$8.86
Uvalde County	Uvalde	TX	$4.41	$0.31	$8.75
Victoria Cnty. Jail, TX	Victoria	TX	$0.58	$0.58	$8.63
Victoria Juvenile TX	Victoria	TX	$0.58	$0.58	$8.63
Midland County Central Detention Center	Midland	TX	$4.25	$0.30	$8.45
Wichita County TX-Downtown Jail	Wichita Falls	TX	$0.55	$0.55	$8.25
Wichita County TX-Jail Annex	Wichita Falls	TX	$0.55	$0.55	$8.25
Jones County TX-Jail	Anson	TX	$0.53	$0.53	$8.00
Montgomery County Jail	Conroe	TX	$0.53	$0.53	$7.95
Pasadena TX-Davis Street City Jail	Pasadena	TX	$0.53	$0.53	$7.95
Johnson County TX-Correctional Fac (ICE)	Cleburne	TX	$0.52	$0.52	$7.80
Johnson County TX-Correctional Facility	Cleburne	TX	$0.52	$0.52	$7.80
Rockwall County Jail	Rockwall	TX	$0.52	$0.52	$7.80
Waller County TX-Jail	Hempstead	TX	$3.75	$0.28	$7.67
33rd & 424th Judicial District ISF - Jail	Burnet	TX	$0.50	$0.50	$7.50
Anderson County Jail - TX	Palestine	TX	$0.50	$0.50	$7.50
Aransas Pass Police Dept - TX	Aransas Pass	TX	$0.50	$0.50	$7.50

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Aransas Pass Police Dept.	Alice	TX	$0.50	$0.50	$7.50
Baytown Police Department Jail	Baytown	TX	$0.50	$0.50	$7.50
Bedford City Police Department	Bedford	TX	$0.50	$0.50	$7.50
Benbrook Police Department Jail	Benbrook	TX	$0.50	$0.50	$7.50
Bosque County Jail	Meridian	TX	$0.50	$0.50	$7.50
Brewster County Jail	Alpine	TX	$0.50	$0.50	$7.50
Callahan County Jail	Baird	TX	$0.50	$0.50	$7.50
Carrollton City Police Department	Carrollton	TX	$0.50	$0.50	$7.50
Castro County Jail	Dimmitt	TX	$0.50	$0.50	$7.50
Clay County Jail	Henrietta	TX	$0.50	$0.50	$7.50
College Station Jail	College Station	TX	$0.50	$0.50	$7.50
Corpus Christi TX-City Detention	Corpus Christi	TX	$0.50	$0.50	$7.50
Crockett County Jail	Ozona	TX	$0.50	$0.50	$7.50
Donley County Jail	Clarendon	TX	$0.50	$0.50	$7.50
Ellis County (Wayne McCollum Detention Center)	Waxahachie	TX	$0.50	$0.50	$7.50
Farmers Branch PD - TX	Farmers Branch	TX	$0.50	$0.50	$7.50
Fisher County Jail	Roby	TX	$0.50	$0.50	$7.50
Forest Hill Police Department Jail	Forest Hill	TX	$0.50	$0.50	$7.50
Freestone County Jail	Fairfield	TX	$0.50	$0.50	$7.50
Gray County Jail	Pampa	TX	$0.50	$0.50	$7.50
Hardeman County Jail	Quanah	TX	$0.50	$0.50	$7.50
Harlingen Police Department	Harlingen	TX	$0.50	$0.50	$7.50
Henderson County Jail	Athens	TX	$0.50	$0.50	$7.50
Houston County Jail	Crockett	TX	$0.50	$0.50	$7.50
Jersey Village Police Department	Jersey Village	TX	$0.50	$0.50	$7.50
Karnes County TX-Wall Street Jail	Karnes City	TX	$0.50	$0.50	$7.50
Kendall County Jail	Boerne	TX	$0.50	$0.50	$7.50
Killeen PD	Killeen	TX	$0.50	$0.50	$7.50
La Porte Police Department Jail	La Porte	TX	$0.50	$0.50	$7.50
Leon County Sheriff Jail	Centerville	TX	$0.50	$0.50	$7.50
Mansfield Law Enforcement Center Jail	Mansfield	TX	$0.50	$0.50	$7.50
McAllen Police Department	McAllen	TX	$0.50	$0.50	$7.50
McCulloch County Jail	Brady	TX	$0.50	$0.50	$7.50
North Richland Hills Police Department Jail	North Richland Hills	TX	$0.50	$0.50	$7.50
Pecos County TX-Jail	Fort Stockton	TX	$0.50	$0.50	$7.50
Pecos TX-City Criminal Justice Center	Pecos	TX	$0.50	$0.50	$7.50
Rains County	Emory	TX	$0.50	$0.50	$7.50
Reagan County Jail	Big Lake	TX	$0.50	$0.50	$7.50
Red Oak Police Department	Red Oak	TX	$0.50	$0.50	$7.50
Rolling Plains Detention	Rolling Plains	TX	$0.50	$0.50	$7.50
Rosenberg Police Department	Rosenberg	TX	$0.50	$0.50	$7.50
Sachse Police Department Jail	Sachse	TX	$0.50	$0.50	$7.50
Scurry County Jail	Snyder	TX	$0.50	$0.50	$7.50

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Seabrook Jail	Seabrook	TX	$0.50	$0.50	$7.50
Seagoville Police Department Jail	Seagoville	TX	$0.50	$0.50	$7.50
Shackelford County Jail	Albany	TX	$0.50	$0.50	$7.50
Taylor Jail	Taylor	TX	$0.50	$0.50	$7.50
Tyler County Sheriff's Office	Woodville	TX	$0.50	$0.50	$7.50
Uvalde CCF Jail	Uvalde	TX	$0.50	$0.50	$7.50
Zapata County Female Jail	Zapata	TX	$0.50	$0.50	$7.50
Zapata County Regional Jail	Zapata	TX	$0.50	$0.50	$7.50
2nd 25th Judicial Dist. TX-Gonzales ISF	Gonzales	TX	$0.49	$0.49	$7.35
Colorado County TX-County Jail	Columbus	TX	$0.49	$0.49	$7.35
Duncanville TX-City Jail	Duncanville	TX	$0.49	$0.49	$7.35
Guadalupe County TX-Jail	Seguin	TX	$0.49	$0.49	$7.35
Jefferson Cnty TX-Correctional	Beaumont	TX	$0.49	$0.49	$7.35
Jefferson Cnty TX-Downtown Jail	Beaumont	TX	$0.49	$0.49	$7.35
Jefferson Cnty TX-Minnie Rogers Juvenile	Beaumont	TX	$0.49	$0.49	$7.35
Jefferson Cnty TX-Women's Center	Beaumont	TX	$0.49	$0.49	$7.35
Keller TX-Regional Detention Center	Keller	TX	$0.49	$0.49	$7.35
La Salle County Jail	Cotulla	TX	$4.83	$0.18	$7.35
Orange County TX-Jail	Orange	TX	$0.49	$0.49	$7.35
Potter County TX-County Detention	Amarillo	TX	$0.49	$0.49	$7.35
Randall County TX-Detention Center	Amarillo	TX	$0.49	$0.49	$7.35
Reeves County TX-Jail	Pecos	TX	$0.49	$0.49	$7.35
Rusk County TX-County Jail	Henderson	TX	$0.49	$0.49	$7.35
Dimmit County TX	Carrizo Springs	TX	$0.48	$0.48	$7.20
Arlington TX-City Jail	Arlington	TX	$0.47	$0.47	$7.05
Washington County TX-Jail	Brenham	TX	$0.47	$0.47	$7.05
Lubbock Cnty TX-Community Corrections	Lubbock	TX	$0.46	$0.46	$6.90
Hill County TX-Jail	Hillsboro	TX	$0.45	$0.45	$6.75
Gillespie County Jail TX	Fredericksburg	TX	$0.43	$0.43	$6.45
Sutton County Jail TX	Sonora	TX	$0.42	$0.42	$6.30
Tom Green County TX-Adult Detention	San Angelo	TX	$0.41	$0.41	$6.11
Bexar County Jail	Antonio	TX	$0.40	$0.40	$6.00
Gonzales County TX-County Jail	Gonzales	TX	$0.40	$0.40	$6.00
Bandera County TX	Bandera	TX	$0.39	$0.39	$5.85
Hood County TX-Jail	Granbury	TX	$0.39	$0.39	$5.85
Flower Mound Police Department	Flower Mound	TX	$0.35	$0.35	$5.25
Gonzales County Jail	Gonzales	TX	$0.35	$0.35	$5.25
McLennan Cnty TX-Jack Harwell Detention	Waco	TX	$0.35	$0.35	$5.25
McLennan Cnty TX-Logue Juvenile Justice	Waco	TX	$0.35	$0.35	$5.25
McLennan Cnty TX-Main Jail	Waco	TX	$0.35	$0.35	$5.25
Parker County Sheriff	Weatherford	TX	$0.35	$0.35	$5.25
Bastrop County Jail	Bastrop	TX	$3.50	$0.12	$5.18
Jackson County Detention Center	Edna	TX	$0.34	$0.34	$5.10

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Brown County Jail	Brownwood	TX	$0.31	$0.31	$4.65
City of Brownsville Police Department	Brownsville	TX	$0.31	$0.31	$4.65
City of San Antonio TX Detention Center	San Antonio	TX	$0.31	$0.31	$4.65
Cooke County Jail	Gainesville	TX	$0.31	$0.31	$4.65
Denison Pd Jail	Denison	TX	$0.31	$0.31	$4.65
Dimmit County Jail	Dimmit County	TX	$0.31	$0.31	$4.65
Fannin County Jail	Bonham	TX	$0.31	$0.31	$4.65
Fannin County Jail Annex	Bonham	TX	$0.31	$0.31	$4.65
Ft Worth PD	Ft. Worth	TX	$0.31	$0.31	$4.65
Hockley County Jail	Hockley County	TX	$0.31	$0.31	$4.65
Jim Hogg Co Jail - TX	Hebbronville	TX	$0.31	$0.31	$4.65
Marion County Jail (TX)	Jefferson	TX	$0.31	$0.31	$4.65
Medina County Jail	Hondo	TX	$0.31	$0.31	$4.65
Morris County Jail	Daingerfield	TX	$0.31	$0.31	$4.65
Pearland Police Department	Pearland	TX	$0.31	$0.31	$4.65
San Augustine County Sheriff's Office	San Augustine	TX	$0.31	$0.31	$4.65
San Jacinto County	Coldsprings	TX	$0.31	$0.31	$4.65
Starr County Detention Center	Rio Grande City	TX	$0.31	$0.31	$4.65
Terry County Jail	Terry County	TX	$0.31	$0.31	$4.65
Willacy County Jail - TX	Raymondville	TX	$0.31	$0.31	$4.65
Howard County Detention Center	Big Spring	TX	$0.30	$0.30	$4.50
Irving Police Dept	Irving	TX	$0.30	$0.30	$4.50
Kilgore Police Department	Kilgore	TX	$0.30	$0.30	$4.50
Upshur County Sheriff's Office	Gilmer	TX	$0.30	$0.30	$4.50
Tarrant County Cold Springs Facility	Ft Worth	TX	$3.06	$0.10	$4.45
Tarrant County Correctional Center	Ft Worth	TX	$3.06	$0.10	$4.45
Tarrant County Greenbay Facility	Ft Worth	TX	$3.06	$0.10	$4.45
Tarrant County Lon Evans Corrections Center	Ft Worth	TX	$3.06	$0.10	$4.45
Gaines County TX-County Jail	Seminole	TX	$0.27	$0.27	$4.05
Nueces County Residential Services	Corpus Christi	TX	$0.27	$0.27	$4.05
Andrews County Jail	Andrews	TX	$2.45	$0.10	$3.84
Angelina County Jail (Lufkin)	Lufkin	TX	$0.25	$0.25	$3.75
Armstrong County Jail	Claude	TX	$0.25	$0.25	$3.75
Bailey County Jail	Muleshoe	TX	$0.25	$0.25	$3.75
Balch Springs Police Department Jail	Balch Springs	TX	$0.25	$0.25	$3.75
Blanco County Jail	Johnson City	TX	$0.25	$0.25	$3.75
Caldwell County Jail	Lockhart	TX	$0.25	$0.25	$3.75
Cameron County Sheriff's Department	Brownsville	TX	$0.25	$0.25	$3.75
Carson County Jail	Panhandle	TX	$0.25	$0.25	$3.75
Cherokee County Jail (TX)	Rusk	TX	$0.25	$0.25	$3.75
Childress County Jail	Childress	TX	$0.25	$0.25	$3.75
Comanche County Jail	Comanche	TX	$0.25	$0.25	$3.75

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Dalworthington Gardens PD Jail - TX	Dalworthington Garden	TX	$0.25	$0.25	$3.75
Dewitt County - TX	Cuero	TX	$0.25	$0.25	$3.75
Eastland County Jail	Eastland	TX	$0.25	$0.25	$3.75
Erath County Jail	Stephenville	TX	$0.25	$0.25	$3.75
Everman PD Jail - TX	Everman	TX	$0.25	$0.25	$3.75
Garza County Jail	Post	TX	$0.25	$0.25	$3.75
Gregg County Jail	Longview	TX	$0.25	$0.25	$3.75
Hardin County Jail	Kountze	TX	$0.25	$0.25	$3.75
Hidalgo County Adult Detention Center	Edinburg	TX	$0.25	$0.25	$3.75
IAH Detention Center	Livingston	TX	$0.25	$0.25	$3.75
Kerr County Detention Center	Kerrville	TX	$0.25	$0.25	$3.75
LaSalle County Jail - TX	Cotulla	TX	$0.25	$0.25	$3.75
Limestone County Detention Center	Groesbeck	TX	$0.25	$0.25	$3.75
Limestone County Jail	Groesbeck	TX	$0.25	$0.25	$3.75
Llano County Sheriff's Office	Llano	TX	$0.25	$0.25	$3.75
Matagorda County Jail	Bay City	TX	$0.25	$0.25	$3.75
Mitchell County Jail	Colorado City	TX	$0.25	$0.25	$3.75
Polk County Jail TX	Livingston	TX	$0.25	$0.25	$3.75
Robertson County Jail - TX	Franklin	TX	$0.25	$0.25	$3.75
Somervell County Jail -TX	Glen Rose	TX	$0.25	$0.25	$3.75
Stephens County Jail	Breckenridge	TX	$0.25	$0.25	$3.75
Upton County Jail	Rankin	TX	$0.25	$0.25	$3.75
Webb County Sheriff's Office	Laredo	TX	$0.25	$0.25	$3.75
Wharton County Jail	Wharton	TX	$0.25	$0.25	$3.75
White Oak Police Department	White Oak	TX	$0.25	$0.25	$3.75
Young County Jail	Graham	TX	$0.25	$0.25	$3.75
Zavala County Jail - TX	Crystal City	TX	$0.25	$0.25	$3.75
Austin County TX	Bellville	TX	$0.24	$0.24	$3.60
Fayette County TX	La Grange	TX	$0.24	$0.24	$3.60
Judge John C Creuzot Judicial Treatment Center	Lancaster	TX	$0.24	$0.24	$3.60
Aransas County TX	Rockport	TX	$0.23	$0.23	$3.45
Cass County Jail	Linden	TX	$0.22	$0.22	$3.30
Chambers County Jail - TX	Anahuac	TX	$0.22	$0.22	$3.30
Grimes County Sheriff's Office Jail	Anderson	TX	$0.22	$0.22	$3.30
Hall County Jail	Memphis	TX	$0.22	$0.22	$3.30
Hays County Juvenile Facility	San Marcos	TX	$0.22	$0.22	$3.30
Houston TX-Southeast Jail	Houston	TX	$0.22	$0.22	$3.30
Milam County Sheriff's Office	Cameron	TX	$0.22	$0.22	$3.30
Panola County Jail	Carthage	TX	$0.22	$0.22	$3.30
Garfield County Jail	Panguitch	UT	$5.28	$0.86	$17.32
Wasatch County Jail	Heber City	UT	$5.21	$0.79	$16.27
Grand County Jail	Moab	UT	$5.32	$0.69	$14.98

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Emery County Jail	Castledale	UT	$5.11	$0.69	$14.77
Cache County Jail	Logan	UT	$0.96	$0.75	$11.46
Millard County Jail	Fillmore	UT	$0.96	$0.75	$11.46
San Juan County Jail	Monticello	UT	$3.46	$0.51	$10.60
Tooele County Jail	Tooele	UT	$3.31	$0.31	$7.65
Beaver County Jail	Beaver	UT	$0.40	$0.40	$6.00
Iron County Jail	Cedar City	UT	$3.30	$0.18	$5.82
Beaver County Jail	Beaver County	UT	$0.31	$0.31	$4.65
Utah County Jail	Spanish Fork	UT	$0.29	$0.29	$4.35
Sevier County Jail	Richfield	UT	$2.90	$0.10	$4.30
Purgatory Correctional UT	Hurricane	UT	$0.25	$0.25	$3.75
Sanpete County Jail	Manti	UT	$0.25	$0.25	$3.75
Sanpete County Jail UT (Disabled)	Gunnison	UT	$0.25	$0.25	$3.75
Summit County Jail	Park City	UT	$0.25	$0.25	$3.75
Uintah County UT	Vernal	UT	$0.25	$0.25	$3.75
Culpeper County VA-County Jail	Culpeper	VA	$4.64	$0.69	$14.30
Lebanon Community Correctional Center	Lebanon	VA	$4.64	$0.69	$14.30
Hampton City Jail	Hampton	VA	$3.55	$0.55	$11.25
Hampton City Jail Annex	Hampton	VA	$3.55	$0.55	$11.25
Central Virginia Regional Jail	Orange	VA	$3.54	$0.54	$11.10
Roanoke City Jail	Roanoke	VA	$3.52	$0.52	$10.80
Lancaster County Jail	Lancaster	VA	$3.50	$0.50	$10.50
Patrick County Jail	Stuart	VA	$2.44	$0.49	$9.30
Bristol Virginia City Jail	Bristol	VA	$3.40	$0.40	$9.00
Northern Neck Regional Jail	Warsaw	VA	$2.70	$0.20	$5.50
Accomack County Jail	Accomack	VA	$0.35	$0.35	$5.25
Meherrin River (RJA) VA-Mecklenburg Jail	Boydton	VA	$0.28	$0.28	$4.20
Meherrin River (RJA) VA-Regional Jail	Alberta	VA	$0.28	$0.28	$4.20
Pamunkey (RJA) VA-Regional Jail	Hanover	VA	$0.26	$0.26	$3.90
Piedmont VA-Regional Security Center	Farmville	VA	$0.25	$0.25	$3.75
Rappahannock VA-Regional Jail	Stafford	VA	$0.24	$0.24	$3.60
BRRJA - Amherst County Adult Detention Center	Madison Heights	VA	$0.23	$0.23	$3.45
BRRJA - Bedford Adult Detention Center	Bedford	VA	$0.23	$0.23	$3.45
BRRJA - Campbell County Adult Detention Center	Rustburg	VA	$0.23	$0.23	$3.45
BRRJA - Halifax County Adult Detention Center	Halifax	VA	$0.23	$0.23	$3.45
BRRJA - Lynchburg Adult Detention Center	Lynchburg	VA	$0.23	$0.23	$3.45
New River Valley VA-Regional Jail	Dublin	VA	$0.23	$0.23	$3.45
Chesterfield Juvenile Detention Home	Chesterfield	VA	$0.22	$0.22	$3.30
PCRJA_VA-Caroline Detention Facility	Fort A.P. Hill	VA	$0.22	$0.22	$3.30
Southampton County Jail	Courtland	VA	$0.22	$0.22	$3.30
Southampton County Jail Farm	Capron	VA	$0.22	$0.22	$3.30
Island County Jail	Coupeville	WA	$4.71	$0.76	$15.35
Adams County Jail	Ritzville	WA	$0.95	$0.95	$14.25

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Cowlitz County Jail	Longview	WA	$4.59	$0.64	$13.55
Forks City Police Dept	Forks	WA	$4.54	$0.59	$12.80
Clallam County Correctional Facility	Port Angeles	WA	$2.30	$0.55	$10.00
Marysville City Jail	Marysville	WA	$2.23	$0.48	$8.95
Aberdeen Police Dept	Aberdeen	WA	$2.60	$0.35	$7.50
Cowlitz County Juvenile Facility	Longview	WA	$2.60	$0.35	$7.50
Hoquiam Police Department	Hoquiam	WA	$0.50	$0.50	$7.50
Olympia City Jail	Olympia	WA	$0.50	$0.50	$7.50
Wahkiakum County Jail	Cathlamet	WA	$0.50	$0.50	$7.50
Walla Walla County Juvenile	Walla Walla	WA	$2.60	$0.35	$7.50
Walla Walla County Jail	Walla Walla	WA	$2.89	$0.25	$6.39
Whatcom County Jail	Bellingham	WA	$0.42	$0.42	$6.30
Clallam County Juvenile	Port Angeles	WA	$2.05	$0.30	$6.25
Kent City of Corrections Facility	Kent	WA	$1.51	$0.26	$5.15
Kittitas County Sheriff's Office	Ellensburg	WA	$0.30	$0.30	$4.50
Mason County Jail	Shelton	WA	$0.30	$0.30	$4.50
Whatcom County Juvenile Hall	Bellingham	WA	$0.30	$0.30	$4.50
Issaquah WA-City Jail	Issaquah	WA	$0.26	$0.26	$3.90
Thurston County WA-Juvenile Facility	Tumwater	WA	$0.26	$0.26	$3.90
CCCS - Martin Hall Jail	Medical Lake	WA	$0.25	$0.25	$3.75
Chehalis Tribal Adult Detention Center	Oakville	WA	$0.25	$0.25	$3.75
Chelan County WA	Wenatchee	WA	$0.25	$0.25	$3.75
Clark County WA	Vancouver	WA	$0.25	$0.25	$3.75
Colville Tribes	Nespelem	WA	$0.25	$0.25	$3.75
Kitsap County WA	Port Orchard	WA	$0.25	$0.25	$3.75
Lewis County Jail WA (CLOSED)	Chehalis	WA	$0.25	$0.25	$3.75
Nisqually Public Safety Complex WA	Olympia	WA	$0.25	$0.25	$3.75
Okanogan County Juvenile Dept.	Okanogan	WA	$0.25	$0.25	$3.75
Puyallup Tribe	Tacoma	WA	$0.25	$0.25	$3.75
Score WA-Regional Jail	Des Moines	WA	$0.25	$0.25	$3.75
Thurston County ARC WA	Tumwater	WA	$0.25	$0.25	$3.75
Yakima County Juvenile Center	Yakima	WA	$0.25	$0.25	$3.75
Stevens County WA-Jail	Colville	WA	$0.24	$0.24	$3.60
Yakima City Jail	Yakima	WA	$0.24	$0.24	$3.60
Yakima WA-City Jail	Yakima	WA	$0.24	$0.24	$3.60
Yakima County Correctional Center	Yakima	WA	$1.50	$0.12	$3.18
Yakima County Jail	Yakima	WA	$1.50	$0.12	$3.18
Price County Jail	Phillips	WI	$5.61	$1.11	$21.15
Polk County Jail	Balsam Lake	WI	$5.53	$1.11	$21.07
Iron County Sheriff's Dept	Hurley	WI	$5.80	$0.95	$19.10
Marathon County Jail	Wausau	WI	$5.12	$0.87	$17.30
Marathon County Juvenile Facility	Wausau	WI	$5.12	$0.87	$17.30
Grant County Sheriff's Office	Lancaster	WI	$5.21	$0.79	$16.27

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Forest County Jail	Crandon	WI	$5.19	$0.77	$15.97
Green Lake County Jail	Greenlake	WI	$5.19	$0.77	$15.97
Chippewa County Sheriff Dept	Chippewa Falls	WI	$5.18	$0.76	$15.82
Dunn County Jail	Menomonie	WI	$1.05	$1.05	$15.75
Jackson County Jail	Black River Falls	WI	$1.05	$1.05	$15.75
Wood County Jail	Wisconsin Rapids	WI	$5.14	$0.72	$15.22
Buffalo County Sheriff's Dept	Alma	WI	$5.11	$0.69	$14.77
Florence County Sheriff's Office	Florence	WI	$5.11	$0.69	$14.77
Green County Sheriff's Dept	Monroe	WI	$5.11	$0.69	$14.77
Monroe County Sheriff's Dept	Sparta	WI	$5.11	$0.69	$14.77
Portage County Jail	Stevens Point	WI	$5.11	$0.69	$14.77
Sawyer County Sheriff's Dept	Hayward	WI	$5.11	$0.69	$14.77
Brown County Jail / Juvenile Detention Center	Green Bay	WI	$4.67	$0.72	$14.75
Brown County Work Release Center	Green Bay	WI	$4.67	$0.72	$14.75
La Crosse County Jail	La Crosse	WI	$4.64	$0.69	$14.30
Eau Claire County Jail	Eau Claire	WI	$3.71	$0.71	$13.65
Eau Claire County Jail - Main	Eau Claire	WI	$3.71	$0.71	$13.65
Sheboygan County Detention Center	Sheboygan	WI	$2.98	$0.48	$9.70
Sheboygan County Jail	Sheboygan	WI	$2.98	$0.48	$9.70
Menominee County WI-Tribal Jail	Keshena	WI	$0.55	$0.55	$8.25
Rusk County Jail	Ladysmith	WI	$1.00	$0.50	$8.00
Waupaca County Jail	Waupaca	WI	$5.03	$0.20	$7.83
Burnett County	Siren	WI	$0.50	$0.50	$7.50
Columbia County Jail	Portage	WI	$0.50	$0.50	$7.50
Greendale Police Department	Greendale	WI	$0.50	$0.50	$7.50
Kenosha County WI-Detention Center	Kenosha	WI	$0.50	$0.50	$7.50
Kenosha County WI-Public Safety/PreTrial	Kenosha	WI	$0.50	$0.50	$7.50
Lafayette County	Darlington	WI	$0.50	$0.50	$7.50
Trempealeau County	Whitehall	WI	$0.50	$0.50	$7.50
Waukesha County	Waukesha	WI	$0.37	$0.37	$5.55
Lincoln County Sheriff's Dept	Merrill	WI	$0.31	$0.31	$4.65
Manitowoc County Jail	Manitowoc	WI	$0.31	$0.31	$4.65
Door County	Bay	WI	$0.30	$0.30	$4.50
Washington County	Bend	WI	$0.30	$0.30	$4.50
Adams County Jail	Friendship	WI	$0.25	$0.25	$3.75
Barron County Sheriff Dept	Barron	WI	$0.25	$0.25	$3.75
Buffalo County Jail - WI	Alma	WI	$0.25	$0.25	$3.75
Clark County Jail - WI	Neillsville	WI	$0.25	$0.25	$3.75
Grant County - WI	Lancaster	WI	$0.25	$0.25	$3.75
Iowa County Jail	Dodgeville	WI	$0.25	$0.25	$3.75
Milwaukee County House of Correction	Franklin	WI	$0.25	$0.25	$3.75
Milwaukee County Jail	Milwaukee	WI	$0.25	$0.25	$3.75
Oconto County	Oconto	WI	$0.25	$0.25	$3.75

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Rock County WI	Janesville	WI	$0.25	$0.25	$3.75
St. Croix County	Hudson	WI	$0.25	$0.25	$3.75
Washburn County Jail	Shell Lake	WI	$0.25	$0.25	$3.75
Sauk County WI-Jail	Baraboo	WI	$0.22	$0.22	$3.30
WV DJS - Donald Kuhn Juvenile Diagnostic & Detention Center	Julian	WV	$1.73	$0.41	$7.47
WV DJS - Rubenstein Juvenile Center	Davis	WV	$1.73	$0.41	$7.47
WV DJS - Sam Perdue Juvenile Center	Princeton	WV	$1.73	$0.41	$7.47
WV DJS - Tiger Morton Juvenile Center	Dunbar	WV	$1.73	$0.41	$7.47
Hot Springs County Detention Center	Thermopolis	WY	$3.50	$0.75	$14.00
Weston County Detention Center	Newcastle	WY	$3.50	$0.75	$14.00
Converse County Detention Center (New)	Douglas	WY	$4.00	$0.50	$11.00
Goshen County Detention Center	Torrington	WY	$4.00	$0.50	$11.00
Teton County Detention Center	Jackson	WY	$3.00	$0.50	$10.00
Natrona County Detention Center	Casper	WY	$3.05	$0.48	$9.77
Platte County Detention Center	Wheatland	WY	$3.28	$0.46	$9.72
Park County Detention Center	Cody	WY	$3.37	$0.37	$8.55
Sublette County Detention Facility	Pinedale	WY	$1.50	$0.50	$8.50
Uinta County Detention Center WY	Evanston	WY	$2.70	$0.35	$7.60
Washakie County Jail	Worland	WY	$2.70	$0.35	$7.60
Big Horn County Detention Center	Basin	WY	$0.50	$0.50	$7.50
Natrona County Juvenile Detention Center	Casper	WY	$0.41	$0.41	$6.15
Crook County Detention Facility	Sundance	WY	$0.35	$0.35	$5.25
Albany County WY	Laramie	WY	$0.25	$0.25	$3.75
Campbell County WY	Gillete	WY	$0.25	$0.25	$3.75
Niobrara County Jail	Lusk	WY	$0.25	$0.25	$3.75
Sheridan County WY	Sheridan	WY	$0.25	$0.25	$3.75
Sweetwater Detention Center WY	Rock Springs	WY	$0.25	$0.25	$3.75
Wind River Adult Detention Center	Ft Washakie	WY	$0.25	$0.25	$3.75

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From:	Will Wiquist
To:	Kris Monteith; Matthew Berry; Ajit Pai; Nicholas Degani; Evan Swarztrauber; Anne Veigle; Paul Jackson; Brian Hart
Cc:	Katie Gorscak; Jim Balaguer; Lamar Robertson; Daniel Kahn
Subject:	RE: Draft Suicide Hotline/988 Order
Date:	Monday, June 22, 2020 11:01:45 AM
Attachments:	2020-06-23 Briefer - TODAY Show on 988 Suicide Hotline.docx 2020-06-23 Release - 988 Suicide Prevention Hotline Rules Circulated - Draft_4.docx

Attached is a briefing sheet for tomorrow's Today Show interview. I wanted to get this to you well before our 3pm pre-interview call with NBC. For the call, I will plan to dial in as host using the OMR line. I believe others from OMR might also dial in and presumably a few folks from OCH and WCB. Also, Mr. Chairman, just wanted to make sure you saw that immediately following that call, NBC would like to do a test video call with you from the location of tomorrow's interview.

Also attached is the draft press release. My suggestion would be that we put this out right after the Today's Show interview and maybe offer it to the show if they want to use it for the interview.

Both of these items were reviewed by WCB which provided a wonderfully quick turnaround.

From: Kris Monteith <Kris.Monteith@fcc.gov>
Sent: Friday, June 19, 2020 11:54 AM
To: Will Wiquist <Will.Wiquist@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Cc: Katie Gorscak <Katie.Gorscak@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Lamar Robertson <Lamar.Robertson@fcc.gov>; Daniel Kahn <Daniel.Kahn@fcc.gov>
Subject: RE: Draft Suicide Hotline/988 Order

Thanks, Will. Dan and I will talk – one of us would be happy to join. This is fantastic! Kris

---

From: Will Wiquist <Will.Wiquist@fcc.gov>
Sent: Friday, June 19, 2020 11:44 AM
To: Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Cc: Katie Gorscak <Katie.Gorscak@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Lamar Robertson <Lamar.Robertson@fcc.gov>; Kris Monteith <Kris.Monteith@fcc.gov>; Daniel Kahn <Daniel.Kahn@fcc.gov>
Subject: RE: Draft Suicide Hotline/988 Order

+Kris & Dan

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From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Friday, June 19, 2020 11:39 AM
To: Will Wiquist <Will.Wiquist@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Cc: Katie Gorscak <Katie.Gorscak@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Lamar Robertson <Lamar.Robertson@fcc.gov>
Subject: Re: Draft Suicide Hotline/988 Order

If Kris or Dan is available, that would be fine with me.

From: Will Wiquist <Will.Wiquist@fcc.gov>
Sent: Friday, June 19, 2020 11:35 AM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Cc: Katie Gorscak <Katie.Gorscak@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Lamar Robertson <Lamar.Robertson@fcc.gov>
Subject: RE: Draft Suicide Hotline/988 Order

Dropping Nirali. Let me know if you'd like me to add in Kris or Dan from the bureau as possible attendees on the call.

From: Will Wiquist
Sent: Friday, June 19, 2020 11:18 AM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Cc: Katie Gorscak <Katie.Gorscak@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Lamar Robertson <Lamar.Robertson@fcc.gov>
Subject: RE: Draft Suicide Hotline/988 Order

[redacted]

[redacted]

From: Ajit Pai <Ajit.Pai@fcc.gov>
Sent: Thursday, June 18, 2020 11:25 PM

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To: Nicholas Degani <Nicholas.Degani@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Cc: Katie Gorscak <Katie.Gorscak@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Lamar Robertson <Lamar.Robertson@fcc.gov>
Subject: Re: Draft Suicide Hotline/988 Order

[redacted]

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Thursday, June 18, 2020 5:52 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Cc: Katie Gorscak <Katie.Gorscak@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Lamar Robertson <Lamar.Robertson@fcc.gov>
Subject: RE: Draft Suicide Hotline/988 Order

[redacted]

From: Ajit Pai <Ajit.Pai@fcc.gov>
Sent: Thursday, June 18, 2020 5:52 PM
To: Matthew Berry <Matthew.Berry@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Cc: Katie Gorscak <Katie.Gorscak@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Lamar Robertson <Lamar.Robertson@fcc.gov>
Subject: Re: Draft Suicide Hotline/988 Order

[redacted].

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Thursday, June 18, 2020 5:50 PM
To: Will Wiquist <Will.Wiquist@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Cc: Katie Gorscak <Katie.Gorscak@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Lamar Robertson

AMERICAN OVERSIGHT

<Lamar.Robertson@fcc.gov>
Subject: Re: Draft Suicide Hotline/988 Order

[redacted]

From: Will Wiquist <Will.Wiquist@fcc.gov>
Sent: Thursday, June 18, 2020 1:16 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Cc: Katie Gorscak <Katie.Gorscak@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Lamar Robertson <Lamar.Robertson@fcc.gov>
Subject: RE: Draft Suicide Hotline/988 Order

[redacted]

- [redacted]
- [redacted]

From: Ajit Pai <Ajit.Pai@fcc.gov>
Sent: Thursday, June 18, 2020 1:10 PM
To: Matthew Berry <Matthew.Berry@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Cc: Katie Gorscak <Katie.Gorscak@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Lamar Robertson <Lamar.Robertson@fcc.gov>
Subject: Re: Draft Suicide Hotline/988 Order

This is fantastic! Thanks Will--let's lock it in.

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Thursday, June 18, 2020 1:02 PM
To: Will Wiquist <Will.Wiquist@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Ajit Pai

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<Ajit.Pai@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Cc: Katie Gorscak <Katie.Gorscak@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Lamar Robertson <Lamar.Robertson@fcc.gov>
Subject: Re: Draft Suicide Hotline/988 Order

Sounds great to me!

From: Will Wiquist <Will.Wiquist@fcc.gov>
Sent: Thursday, June 18, 2020 1:01 PM
To: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Cc: Katie Gorscak <Katie.Gorscak@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Lamar Robertson <Lamar.Robertson@fcc.gov>
Subject: RE: Draft Suicide Hotline/988 Order

Today Show update. I just talked to a producer there. They want to do this. They would have to do it live and they would like to also have on a mental health expert at the same time.

If that works for us, they are ready to lock this down for a ~5 minute segment between 9 and 9:20am on Tuesday morning. The interview would be with 1 or 2 of the hosts (I will confirm but I think the hosts for this hour are: Al Roker, Craig Melvin, Sheinelle Jones, and Dylan Dreyer). The interview could be done on Skype or Facetime. They would ask for a pre-interview conversation probably the day before (we could do it on a conference call so some of us could also listen in if we wanted), also a test of the video chat the day before, and then setting up the video call about 20 mins before it goes live on Tuesday morning.

Are we good with committing to this?

From: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Sent: Thursday, June 18, 2020 12:07 PM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Cc: Katie Gorscak <Katie.Gorscak@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Lamar Robertson <Lamar.Robertson@fcc.gov>
Subject: Re: Draft Suicide Hotline/988 Order

Got it. I'll work with them and Montana on a speaking slot.

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Evan Swarztrauber
Policy Advisor
Office of Chairman Ajit Pai
Federal Communications Commission
(202) 418-2261 (o)
(202) 870-8405 (m)
Twitter: @EvanS_FCC

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Thursday, June 18, 2020 12:00 PM
To: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Cc: Katie Gorscak <Katie.Gorscak@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Lamar Robertson <Lamar.Robertson@fcc.gov>
Subject: RE: Draft Suicide Hotline/988 Order

You can tell tehm he'll be announcing it that day—perhaps that morning.

From: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Sent: Thursday, June 18, 2020 11:52 AM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Cc: Katie Gorscak <Katie.Gorscak@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Lamar Robertson <Lamar.Robertson@fcc.gov>
Subject: Re: Draft Suicide Hotline/988 Order

Can I tell National Council he'll be announcing the 988 order that morning?

Evan Swarztrauber
Policy Advisor
Office of Chairman Ajit Pai
Federal Communications Commission
(202) 418-2261 (o)
(202) 870-8405 (m)
Twitter: @EvanS_FCC

From: Nicholas Degani <Nicholas.Degani@fcc.gov>

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Sent: Thursday, June 18, 2020 11:47 AM
To: Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Cc: Katie Gorscak <Katie.Gorscak@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Lamar Robertson <Lamar.Robertson@fcc.gov>
Subject: RE: Draft Suicide Hotline/988 Order

[redacted]

From: Anne Veigle <Anne.Veigle@fcc.gov>
Sent: Thursday, June 18, 2020 11:46 AM
To: Will Wiquist <Will.Wiquist@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Cc: Katie Gorscak <Katie.Gorscak@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Lamar Robertson <Lamar.Robertson@fcc.gov>
Subject: RE: Draft Suicide Hotline/988 Order

+1

From: Will Wiquist <Will.Wiquist@fcc.gov>
Sent: Thursday, June 18, 2020 11:45 AM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Cc: Katie Gorscak <Katie.Gorscak@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>; Lamar Robertson <Lamar.Robertson@fcc.gov>
Subject: RE: Draft Suicide Hotline/988 Order

[redacted]

(adding Lamar back in)

From: Ajit Pai <Ajit.Pai@fcc.gov>
Sent: Thursday, June 18, 2020 11:43 AM
To: Matthew Berry <Matthew.Berry@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>;

AMERICAN OVERSIGHT

Brian Hart <Brian.Hart@fcc.gov>
Cc: Katie Gorscak <Katie.Gorscak@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>
Subject: Re: Draft Suicide Hotline/988 Order

[redacted]

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Thursday, June 18, 2020 11:40 AM
To: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Cc: Katie Gorscak <Katie.Gorscak@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>
Subject: Re: Draft Suicide Hotline/988 Order

[redacted]

From: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Sent: Thursday, June 18, 2020 11:39 AM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Cc: Katie Gorscak <Katie.Gorscak@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>
Subject: Re: Draft Suicide Hotline/988 Order

[redacted]

Evan Swarztrauber
Policy Advisor
Office of Chairman Ajit Pai
Federal Communications Commission
(202) 418-2261 (o)
(202) 870-8405 (m)
Twitter: @EvanS_FCC

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BRIEFING SHEET: Live NBC Today Show Interview on '988' Suicide Prevention Hotline

What: Live interview with 1-2 hosts of the Today Show's 3rd hour, along with a mental health expert also taking questions from the host.

When: 4-5 minute segment likely between 9-9:20am, Tuesday, June 23, 2020

Where: Facetime from "Ajit's Home Office"

Contact: Stephanie Siegel, producer, [redacted] Stephanie.Siegel@nbcuni.com (b)(6)

Staff: Will Wiquist, OMR ([redacted] (b)(6)

Interview/Outlet Background:

Overview: The Today Show is a news and talk morning television show that airs on NBC. It debuted in 1952 and was the first of its genre on American television and in the world, and after 68 years of broadcasting it is the fifth-longest-running American television series. The weekday broadcast expanded to three hours in 2000, and to four hours in 2007 (though over time, the third and fourth hours became distinct entities).

Interviewer(s): 1-2 of: Al Roker, Craig Melvin, Sheinelle Jones, and Dylan Dreyer

[redacted]

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Q&As



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[redacted]

Q: Will call centers be able to handle all these new calls?

- While that is a question really for Congress, HHS, and local leaders, I think there is a groundswell of national support for this effort and I expect every effort will be made to provide the resources need to ramp up call centers in preparation of this change.

[redacted]

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FCC NEWS from the Federal Communications Commission

Media Contact:
Katie Gorscak, (202) 418-2156
katie.gorscak@fcc.gov

For Immediate Release

FCC TO CONSIDER FINAL RULES DESIGNATING '988' TO REACH THE SUICIDE PREVENTION AND MENTAL HEALTH HOTLINE

[redacted]

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

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From:	Allison Baker
To:	Nicholas Degani; Ajit Pai; Matthew Berry
Cc:	Evan Swarztrauber
Subject:	RE: Inmate calling....
Date:	Wednesday, September 16, 2020 12:43:56 PM
Attachments:	image001.jpg Facilites Above Interstate Cap (2019 Data).pdf

[redacted]

Revised table attached. Thanks!

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Wednesday, September 16, 2020 11:19 AM
To: Allison Baker <Allison.Baker@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>
Cc: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: RE: Inmate calling....

[redacted]

From: Allison Baker <Allison.Baker@fcc.gov>
Sent: Tuesday, September 15, 2020 5:54 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>
Cc: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: RE: Inmate calling....

[redacted]

From: Ajit Pai <Ajit.Pai@fcc.gov>
Sent: Friday, August 28, 2020 10:11 AM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>
Cc: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: Re: Inmate calling....

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Great work, Allison! And thanks for sending, Nick.

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Friday, August 28, 2020 9:50 AM
To: Allison Baker <Allison.Baker@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>
Cc: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: RE: Inmate calling....

And it's been sent to Brad. Stay tuned…

From: Allison Baker <Allison.Baker@fcc.gov>
Sent: Friday, August 28, 2020 9:32 AM
To: Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Cc: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: RE: Inmate calling....

Thanks! Attached is a clean version to go back to NARUC.

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Friday, August 28, 2020 9:23 AM
To: Allison Baker <Allison.Baker@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Cc: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: Re: Inmate calling....

OK here!

From: Allison Baker <Allison.Baker@fcc.gov>
Sent: Friday, August 28, 2020 8:44 AM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>
Cc: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: RE: Inmate calling....

[redacted]

From: Ajit Pai <Ajit.Pai@fcc.gov>
Sent: Thursday, August 27, 2020 5:21 PM
To: Allison Baker <Allison.Baker@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>
Cc: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>

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Subject: Re: Inmate calling....

Looks good to me--thanks! Matthew may want to take a look.

From: Allison Baker <Allison.Baker@fcc.gov>
Sent: Thursday, August 27, 2020 5:12 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>
Cc: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: RE: Inmate calling....

Good catch on the territories – thanks! Added in an edit to address and will make a clean version once you are comfortable, Matthew.

From: Ajit Pai <Ajit.Pai@fcc.gov>
Sent: Thursday, August 27, 2020 4:43 PM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>
Cc: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: Re: Inmate calling....

Awesome work, Allison! A few minor edits from me. I'd be fine with sending this too.

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Thursday, August 27, 2020 4:24 PM
To: Allison Baker <Allison.Baker@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>
Cc: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: Re: Inmate calling....

Thanks. I'm comfortable with sending this back to NARUC if others are...

From: Allison Baker <Allison.Baker@fcc.gov>
Sent: Thursday, August 27, 2020 4:11 PM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>
Cc: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: RE: Inmate calling....

[redacted]

[redacted]

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[redacted]

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Tuesday, August 25, 2020 4:02 PM
To: Allison Baker <Allison.Baker@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>
Cc: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: RE: Inmate calling....

[redacted]

From: Allison Baker <Allison.Baker@fcc.gov>
Sent: Tuesday, August 25, 2020 3:57 PM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>
Cc: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: RE: Inmate calling....

Thanks Nick!

[redacted]

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Tuesday, August 25, 2020 11:38 AM
To: Allison Baker <Allison.Baker@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>
Cc: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: RE: Inmate calling....

Better!

I've attached a revised draft. [redacted]

From: Allison Baker <Allison.Baker@fcc.gov>

AMERICAN OVERSIGHT

Sent: Monday, August 24, 2020 3:11 PM
To: Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>
Cc: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: RE: Inmate calling....

Attached is a revised version.

From: Allison Baker
Sent: Monday, August 24, 2020 12:11 PM
To: Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>
Cc: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: RE: Inmate calling....

Makes sense. I'll update and send around a revised version this afternoon.

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Monday, August 24, 2020 11:20 AM
To: Allison Baker <Allison.Baker@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>
Cc: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: Re: Inmate calling....

[redacted]

From: Allison Baker <Allison.Baker@fcc.gov>
Sent: Friday, August 21, 2020 11:15 AM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>
Cc: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: RE: Inmate calling....

Attached is a revised draft of the letter. Please let me know if you have edits or concerns.

Thanks,
Allison

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Wednesday, August 19, 2020 1:46 PM

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To: Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>
Cc: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: RE: Inmate calling....

Yup yup. Allison is working with the Bureau on a revised draft. Aim is to get something to OCH by COB Friday.

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Wednesday, August 19, 2020 8:22 AM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Cc: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: Re: Inmate calling....

[redacted]

.

From: "Ajit Pai" <Ajit.Pai@fcc.gov>
Date: Tuesday, August 18, 2020 at 9:39:59 PM
To: "Allison Baker" <Allison.Baker@fcc.gov>, "Nicholas Degani" <Nicholas.Degani@fcc.gov>, "Matthew Berry" <Matthew.Berry@fcc.gov>
Cc: "Evan Swarztrauber" <Evan.Swarztrauber@fcc.gov>
Subject: Re: Inmate calling....

Agree. [redacted]

[redacted]

From: Allison Baker <Allison.Baker@fcc.gov>
Sent: Tuesday, August 18, 2020 9:36 PM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>
Cc: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: RE: Inmate calling....

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[redacted].

Thanks,
Allison

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Tuesday, August 18, 2020 7:41 PM
To: Allison Baker <Allison.Baker@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>
Cc: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: Fwd: Inmate calling....

[redacted]

Best,
-Nick D.

From: "James Ramsay" <jramsay@naruc.org>
Date: Tuesday, August 18, 2020 at 4:20:24 PM
To: "Nicholas Degani" <Nicholas.Degani@fcc.gov>
Subject: RE: Inmate calling....

Just checked back and NGA changed leadership in the last week or so - – Cuomo is now in the top slot and Hutchison has moved in as no 2… brad

The Honorable Andrew Cuomo
Governor of the State of New York and Chair of the National Governor's Association

The Honorable Asa Hutchinson
Governor of the State of Arkansas and Vice Chair of The National Governor's Association

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From: James Ramsay
Sent: Tuesday, August 18, 2020 7:14 PM
To: 'Nicholas Degani' <Nicholas.Degani@fcc.gov>
Subject: Inmate calling....

Sorry for the delay on this – btw – talked to one of the prison phone folks and they suggested the total number of PUCs that had jurisdiction was somewhere around 16 or so – I still don't have a comprehensive list (and I'm pretty sure even with those that have jurisdiction that it doesn't apply to county and city-run detention centers just based on general principles (State PUCs don't

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regulate municipally or county owned utilities or co-ops generally …)

Here's a draft – see below - think Ajit will sign?

Brad

The Honorable Larry Hogan
Governor of the State of Maryland and Chair of The National Governor's Association

The Honorable Andrew Cuomo
Governor of the State of New York and Vice Chair of the National Governor's Association

National Governors Association
444 N. Capitol St. NW Suite 267
Washington, DC 20001

RE: Inmate Calling Rates

Gentlemen,

We are writing today to seek your help in addressing any remaining areas where excessive prison calling rates have yet to be reformed.

We don't have complete information, but it appears that some jails and detention centers around the country still have non-cost based and excessive rates in effect.

This issue is not new to either the Federal Communications Commission (FCC) or the National Association of Regulatory Utility Commissioners (NARUC).

In 2012, NARUC passed a resolution urging reform of charges for phone calls in jails and prisons.[1] The resolution also pointed out the actions that many states had taken to stop high rates. In 2015, [2] 2016, [3] and just last week,[4] the FCC acted to lower excessive interstate rates. NARUC's 2012 resolution encouraged that FCC action to reduce "unreasonable interstate rates and charges for inmate telephone services." It also suggested that "State and federal action should consider policies that could lower prison phone rates as a step to reduce recidivism and thereby lower the taxpayer cost of prisons."

Both NARUC and the FCC are mindful of the effects that high telephone rates in prisons have on families, clergy, and loved ones of those incarcerated. These high rates make it less likely for incarcerated individuals to reach out to their loved ones. Make no mistake, this is a real problem where non-cost based rates still are in effect and we both are proud of the steps the FCC and responsible State authorities have taken to date. But there is still more that can be done. Concerns with high calling rates are more pronounced during this pandemic, as in-person visits to jails and

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prisons have largely been eliminated, leaving phone calls as the sole means of connection. Moreover, resolving this issue can have a lasting, positive impact in your communities — as studies indicate that maintaining family connections during incarceration is a major factor in reducing recidivism.

Online advocates have suggested that, in most, if not all cases, where the State public service commission has jurisdiction, the intrastate rates have already been set well below the existing per minute interstate rates established by the FCC in 2017.[5] But many of these state and local detention facility contracts are negotiated outside any commission's purview. In most states like Mississippi, the NARUC member commission lacks jurisdiction to take any action. In others, even when the State Commission has some jurisdiction, that jurisdiction does not extend to all detention centers in the state.

In any case we are writing to urge each State governor to examine the need for reform to assure inmate calling rates are cost-based.

We respectfully request that nation's governors insure that responsible state authorities examine the current calling charges in correctional institutions and act to reduce non-cost based rates.

We hope all of you are keeping safe in these difficult times.

Sincerely,

Brandon Presley	Ajit Pai
NARUC President	FCC Chairman

CC: Governors of the remaining U.S. States, the Mayor of the District of Columbia

1 *Resolution Urging the FCC to Take Action to Ensure Fair and Reasonable Telephone Rates from Correctional and Detention Facilities* (November 14, 2012).

2 *See Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Second Report and Order and Third Further Notice of Proposed Rulemaking, 30 FCC Rcd. 12763, 12787-88, para. 49 (2015) (2015 ICS Order) (noting that several states, including Ohio, West Virginia, New Jersey, Pennsylvania, and New Hampshire, have undertaken ICS reforms that reduced rates below those adopted in the 2015 ICS Order).

3 *See Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Order on Reconsideration, ?? FCC Red. ??? (2016)

4 *See Rates for Interstate calling Services*, WC Docket No. 12-375, Report and Order on Remand and Fourth Further Notice of Proposed Rulemaking, ?????.

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5 *See, e.g., Prison Phone Justice*, online at www.prisonphonejustice.org (Last visited July 31, 2020) (Chart indicates that 12 states' intrastate per minute rates for a 15 minute call are at or less than one fourth the FCC's 2017 $3.75 interstate cap for collect calls, 15 more states intrastate rate are less than one half the FCC $3.75 rate, and, of the remaining States, that only 10 State per minute rates exceed $3:00 and only 4 exceed $4). *Compare*, "State of Phone Justice: Local jails, state prisons, and private Phone providers," PRISON POLICY INITIATIVE, online at https://www.prisonpolicy.org/phones/state_of_phone_justice.html#appendixtable1 (Last visited July 31, 2020) (According to this advocate's website, all but eight of the State intrastate rates listed in that 2019 survey are well below the FCC's current $3.15 cap for a 15 minute prepaid call. Three of those remaining eight state rates match the FCC $3:15 cap for direct dial calls. With the one exception, a $4.80 rate, the others are also well below the FCC's $3.75 cap for a collect call.) Both websites suggest the high intrastate rates that remain are generally associated with city and county jails and detention centers.

James Bradford Ramsay
General Counsel
National Association of Regulatory Utility Commissioners
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Washington, D.C. 20005
General: 202.898.2200
Directline: 202.898.2207
Mobile: 202.257.0568
E-Mail: jramsay@naruc.org
Website: www.naruc.org Staff page: http://www.naruc.org/about.cfm?c=staff
Who CAN find me if you cannot? Ashley Ingebrigtsen, Legislative Assistant 202-898-1892
aingebrigtsen@naruc.org

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http://twitter.com/naruc

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Highest 2019 Reported Charge for a 15-Minute Call by Facility Location

Where Reported Rates Exceed the FCC Interstate Debit/Prepaid Cap of $3.15 for a 15-Minute Call

Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Daphne City Police Department	Daphne	AL	$0.28	$0.28	$4.20
Marengo County Sheriff's Office	Linden	AL	$0.28	$0.28	$4.20
Adamsville Police Department	Adamsville	AL	$0.25	$0.25	$3.75
Albertville City Police Department	Albertville	AL	$0.25	$0.25	$3.75
Arab City Police Dept	Arab City	AL	$0.25	$0.25	$3.75
Birmingham AL-City Jail	Birmingham	AL	$0.25	$0.25	$3.75
Blount County	Oneonta	AL	$0.25	$0.25	$3.75
Boaz City AL	Boaz	AL	$0.25	$0.25	$3.75
Boaz Police Department - AL	Boaz	AL	$0.25	$0.25	$3.75
Bullock County Jail	Union Springs	AL	$0.25	$0.25	$3.75
Calhoun County AL	Anniston	AL	$0.25	$0.25	$3.75
Chilton County Jail	Clanton	AL	$0.25	$0.25	$3.75
Choctaw County Jail	Butler	AL	$0.25	$0.25	$3.75
Citronelle Police Department - AL	Citronelle	AL	$0.25	$0.25	$3.75
Clay County Jail	Ashland	AL	$0.25	$0.25	$3.75
Cleburne County Correctional Facility	Heflin	AL	$0.25	$0.25	$3.75
Conecuh County Sheriff's Office	Evergreen	AL	$0.25	$0.25	$3.75
Coosa County Sheriff Office	Rockford	AL	$0.25	$0.25	$3.75
Coosa Valley Youth Lewis Academy	Anniston	AL	$0.25	$0.25	$3.75
Coosa Valley Youth Services Detention	Anniston	AL	$0.25	$0.25	$3.75
Cordova PD	Cordova	AL	$0.25	$0.25	$3.75
Dale County Jail	Ozark	AL	$0.25	$0.25	$3.75
Dale County Jail	Ozark	AL	$0.25	$0.25	$3.75
Dallas County AL	Selma	AL	$0.25	$0.25	$3.75
Dothan Police Department	Dothan	AL	$0.25	$0.25	$3.75
Elmore County Jail	Wetumpka	AL	$0.25	$0.25	$3.75
Escambia County Detention - AL	Brewton	AL	$0.25	$0.25	$3.75
Eufaula City Jail	Eufaula	AL	$0.25	$0.25	$3.75
Foley Police Department	Foley	AL	$0.25	$0.25	$3.75
Franklin County AL	Russellville	AL	$0.25	$0.25	$3.75
Fultondale Police Department - AL	Fultondale	AL	$0.25	$0.25	$3.75
Gardendale Police Department Jail	Gardendale	AL	$0.25	$0.25	$3.75
Geneva County Jail	Geneva	AL	$0.25	$0.25	$3.75
Greene County Jail	Eutaw	AL	$0.25	$0.25	$3.75
Gulf Shores Police Department	Gulf Shores	AL	$0.25	$0.25	$3.75
Guntersville City Police Department	Guntersville	AL	$0.25	$0.25	$3.75
Hale County AL	Greensboro	AL	$0.25	$0.25	$3.75
Henry County Sheriff's Office - AL	Abbeville	AL	$0.25	$0.25	$3.75
Homewood Police Department	Homewood	AL	$0.25	$0.25	$3.75
Houston County Jail	Dothan	AL	$0.25	$0.25	$3.75
Hueytown City Jail	Hueytown	AL	$0.25	$0.25	$3.75

Source: 2019 Annual Reports as filed by providers of calling services for incarcerated persons.
Contact: Pricing Policy Division, Wireline Competition Bureau

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Jackson County Jail AL	Scottsboro	AL	$0.25	$0.25	$3.75
Jefferson Cnty AL-County Jail (JCA)	Bessemer	AL	$0.25	$0.25	$3.75
Jefferson Cnty AL-G. Ross Bell Youth DC	Bessemer	AL	$0.25	$0.25	$3.75
Jefferson County ID	Bessemer	AL	$0.25	$0.25	$3.75
Lauderdale County AL	Florence	AL	$0.25	$0.25	$3.75
Lowndes County Sheriff's Office	Hayneville	AL	$0.25	$0.25	$3.75
Macon County - AL	Tuskegee	AL	$0.25	$0.25	$3.75
Madison County AL-Detention Facility	Huntsville	AL	$0.25	$0.25	$3.75
Marshall Co Work Release AL	Albertville	AL	$0.25	$0.25	$3.75
Marshall County AL	Guntersville	AL	$0.25	$0.25	$3.75
Mobile County AL-Metro Jail	Mobile	AL	$0.25	$0.25	$3.75
Monroe County Detention Facility	Monroeville	AL	$0.25	$0.25	$3.75
Montgomery City Jail	Montgomery	AL	$0.25	$0.25	$3.75
Montgomery County Jail	Montgomery	AL	$0.25	$0.25	$3.75
Muscle Shoals Police Dept. AL	Muscle Shoals	AL	$0.25	$0.25	$3.75
Orange Beach Police Department	Orange Beach	AL	$0.25	$0.25	$3.75
Perry County Jail	Marion	AL	$0.25	$0.25	$3.75
Pickens County Jail	Carrollton	AL	$0.25	$0.25	$3.75
Pike County Jail	Troy	AL	$0.25	$0.25	$3.75
Robertsdale Jail	Robertsdale	AL	$0.25	$0.25	$3.75
Russell County Jail (Prentiss L. Griffith Det. Center)	Phenix City	AL	$0.25	$0.25	$3.75
Russellville City Jail (Payphones)	Russellville	AL	$0.25	$0.25	$3.75
Saraland PD	Saraland	AL	$0.25	$0.25	$3.75
Sheffield City Jail	Sheffield	AL	$0.25	$0.25	$3.75
Shelby County Jail	Columbiana	AL	$0.25	$0.25	$3.75
St Clair County Jail AL	Ashville	AL	$0.25	$0.25	$3.75
Talladega County AL	Talladega	AL	$0.25	$0.25	$3.75
Tallapoosa County AL-Jail	Dadeville	AL	$0.25	$0.25	$3.75
Tenn Valley Youth Detention	Tuscumbia	AL	$0.25	$0.25	$3.75
Trussville City Police Dept	Trussville	AL	$0.25	$0.25	$3.75
Tuscaloosa County	Tuscaloosa	AL	$0.25	$0.25	$3.75
Tuscumbia City Jail	Tuscumbia	AL	$0.25	$0.25	$3.75
Walker County Jail AL	Jasper	AL	$0.25	$0.25	$3.75
Washington County	Chatom	AL	$0.25	$0.25	$3.75
Wilcox County Sheriff's Office	Camden	AL	$0.25	$0.25	$3.75
Winston Co Jail AL	Double Springs	AL	$0.25	$0.25	$3.75
Autauga County Jail	Prattville	AL	$0.22	$0.22	$3.30
Marion County Sheriff's Office - (AL)	Hamilton	AL	$0.22	$0.22	$3.30
Arkansas County Jail	Dewitt	AR	$5.34	$1.39	$24.80
Baxter County Sheriff’s Office	Mountain Home	AR	$5.34	$1.39	$24.80
Mississippi County Detention Center	Luxora	AR	$5.34	$1.39	$24.80
Sheridan City Detention Center	Sheridan	AR	$5.14	$1.19	$21.80
Garland County Detention Center	Hot Springs	AR	$4.92	$0.97	$18.52

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Clay County Jail	Piggott	AR	$4.84	$0.89	$17.32
White River Regional Juvenile	Batesville	AR	$4.84	$0.89	$17.32
Osceola Criminal Justice Center	Osceola	AR	$5.11	$0.69	$14.77
Conway County Detention Center	Morrilton	AR	$3.50	$0.50	$10.50
Johnson County Detention Center	Clarksville	AR	$3.50	$0.50	$10.50
Saline County Detention Center	Benton	AR	$3.76	$0.47	$10.34
Lake Village City Jail	Lake Village	AR	$3.90	$0.40	$9.50
Benton Jail	Benton	AR	$0.50	$0.50	$7.50
Nevada County Jail	Prescott	AR	$2.70	$0.31	$7.04
Cleburne Jail	Cleburne	AR	$0.40	$0.40	$6.00
Independence Jail	Independence	AR	$0.40	$0.40	$6.00
Sebastian Jail	Sebastian	AR	$0.40	$0.40	$6.00
Craighead Jail	Craighead	AR	$0.35	$0.35	$5.25
Crawford Cty Jail	Crawford City	AR	$0.35	$0.35	$5.25
Greene Jail	Greene	AR	$0.35	$0.35	$5.25
Little River County Detention	Little River County	AR	$0.35	$0.35	$5.25
Miller Cty Jail	MillerCty	AR	$0.35	$0.35	$5.25
Perry Jail	Perry	AR	$0.35	$0.35	$5.25
Poinsett Jail	Poinsett	AR	$0.35	$0.35	$5.25
Pope Jail	Pope	AR	$0.35	$0.35	$5.25
VanBuren Jail	VanBuren	AR	$0.35	$0.35	$5.25
Washington Jail	Washington	AR	$0.35	$0.35	$5.25
White Jail	White	AR	$0.35	$0.35	$5.25
Benton Unit	Benton	AR	$3.12	$0.12	$4.80
Central Arkansas Community Correction Center	Little Rock	AR	$3.12	$0.12	$4.80
Cummins Unit	Grady	AR	$3.12	$0.12	$4.80
Delta Regional Unit	Dermott	AR	$3.12	$0.12	$4.80
East Arkansas Regional Unit	Lee	AR	$3.12	$0.12	$4.80
East Central Arkansas Community Correction Center	West Memphis	AR	$3.12	$0.12	$4.80
Ester Unit	Pine Bluff	AR	$3.12	$0.12	$4.80
Grimes Unit	Newport	AR	$3.12	$0.12	$4.80
J Aaron Hawkins Sr Center for Women	Wrightsville	AR	$3.12	$0.12	$4.80
McPherson Unit	Newport	AR	$3.12	$0.12	$4.80
Mississippi County Work Release Center	Luxora	AR	$3.12	$0.12	$4.80
NE Arkansas Community Correction Center	Osceola	AR	$3.12	$0.12	$4.80
North Central Unit	Calico Rock	AR	$3.12	$0.12	$4.80
NW Arkansas Community Correction Center	Fayeteville	AR	$3.12	$0.12	$4.80
NW Arkansas Work Release Center	Springdale	AR	$3.12	$0.12	$4.80
Omega Technical Violator Center	Malvern	AR	$3.12	$0.12	$4.80
Ouachita River Unit	Malvern	AR	$3.12	$0.12	$4.80
Pine Bluff Re-Entry Center	Pine Bluff	AR	$3.12	$0.12	$4.80
Pine Bluff Unit	Pine Bluff	AR	$3.12	$0.12	$4.80
Randall L Williams Facility	Pine Bluff	AR	$3.12	$0.12	$4.80

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
State Police Barracks	Little Rock	AR	$3.12	$0.12	$4.80
SW Arkansas Community Correction Center	Texarkana	AR	$3.12	$0.12	$4.80
Texarkana Region Correction Center	Texarkana	AR	$3.12	$0.12	$4.80
Tucker Maximum Security Unit	Tucker	AR	$3.12	$0.12	$4.80
Tucker Re-Entry Center	Tucker	AR	$3.12	$0.12	$4.80
Tucker Unit	Tucker	AR	$3.12	$0.12	$4.80
Varner Unit	Pine Bluff	AR	$3.12	$0.12	$4.80
Wrightsville Unit	Wrightsville	AR	$3.12	$0.12	$4.80
Pulaski Jail	Pulaski	AR	$0.30	$0.30	$4.50
Brinkley PD - AR	Brinkley	AR	$0.25	$0.25	$3.75
Fulton County Detention - AR	Salem	AR	$0.25	$0.25	$3.75
Jefferson County Juvenile	Pine Bluff	AR	$0.25	$0.25	$3.75
Johnson County Jail - AR	Clarksville	AR	$0.25	$0.25	$3.75
Monroe County Jail - (AR)	Clarendon	AR	$0.25	$0.25	$3.75
Sheridan City Detention Center (Grant County) - AR	Sheridan	AR	$0.25	$0.25	$3.75
Colorado River Indian Tribe (CRIT)	Parker	AZ	$0.65	$0.65	$9.75
Peach Springs Hualapai Adult Detention Center	Peach Springs	AZ	$0.65	$0.65	$9.75
White Mountain Apache Police Department	Whiteriver	AZ	$0.65	$0.65	$9.75
Avondale AZ-City Detention Facility	Avondale	AZ	$3.70	$0.30	$7.90
Mesa AZ-City Holding Facility	Mesa	AZ	$3.70	$0.30	$7.90
Apache Junction Az-City Detention Unit	Apache Junction	AZ	$3.40	$0.30	$7.60
Lake Havasu City Police Department	Lake Havasu City	AZ	$0.50	$0.50	$7.50
Cochise County Main Jail	Bisbee	AZ	$0.47	$0.47	$7.05
Cochise County Sierra Vista	Sierra Vista	AZ	$0.47	$0.47	$7.05
Cochise County Willcox	Willcox	AZ	$0.47	$0.47	$7.05
Greenlee County Sheriff's Dept	Clifton	AZ	$0.47	$0.47	$7.05
Yuma County Juvenile Justice Center	Yuma	AZ	$0.47	$0.47	$7.05
Gila County AZ-Main County Jail	Globe	AZ	$0.46	$0.46	$6.90
Gila County AZ-Payson Substation	Payson	AZ	$0.46	$0.46	$6.90
AK - Chin Police Dept	Maricopa	AZ	$0.40	$0.40	$6.00
Apache County Jail	St Johns	AZ	$0.40	$0.40	$6.00
Yuma County Detention Center	Yuma	AZ	$0.40	$0.40	$6.00
Yavapai County Eastern Detention Bureau - Camp Verde	Camp Verde	AZ	$0.30	$0.30	$4.50
Coconino Co AZ	Flagstaff	AZ	$0.25	$0.25	$3.75
Pascua Yaqui Tribe Detention Center	Tucson	AZ	$0.25	$0.25	$3.75
San Carlos Apache Tribe (Adult)	San Carlos	AZ	$0.25	$0.25	$3.75
San Carlos Apache Tribe (Juvenile)	San Carlos	AZ	$0.25	$0.25	$3.75
Santa Cruz County Detention Center	Nogales	AZ	$0.25	$0.25	$3.75
Santa Cruz County Jail Az	Nogales	AZ	$0.25	$0.25	$3.75
Glendale AZ-City Jail	Glendale	AZ	$0.22	$0.22	$3.30
Clovis Police Department	Clovis	CA	$1.75	$1.75	$26.25
Buena Park Police Department	Buena Park	CA	$1.25	$1.25	$18.75
City of Corona Police Department	Corona	CA	$1.25	$1.25	$18.75

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Costa Mesa Police Department	Costa Mesa	CA	$1.25	$1.25	$18.75
Hawthorne Police Department	Hawthorne	CA	$1.25	$1.25	$18.75
Hermosa Beach Police Department	Hermosa Beach	CA	$1.25	$1.25	$18.75
Inglewood Police Department	Inglewood	CA	$1.25	$1.25	$18.75
Manhattan Beach Police Jail	Manhattan Beach	CA	$1.25	$1.25	$18.75
Newport Beach Police Department	Newport Beach	CA	$1.25	$1.25	$18.75
Westminster Police Department	Westminster	CA	$1.25	$1.25	$18.75
Lassen County Jail	Susanville	CA	$4.08	$0.98	$17.80
Lassen County Juvenile Detention Center	Susanville	CA	$4.08	$0.98	$17.80
San Benito County Juvenile Dept	Hollister	CA	$4.84	$0.89	$17.31
Alhambra Police Department	Alhambra	CA	$1.15	$1.15	$17.25
Beverly Hills Police Department	Beverly Hills	CA	$1.15	$1.15	$17.25
Burbank Police Department	Burbank	CA	$1.15	$1.15	$17.25
Chula Vista City Jail	Chula Vista	CA	$1.15	$1.15	$17.25
Fremont Police Department	Fremont	CA	$1.15	$1.15	$17.25
Hayward Police Department	Hayward	CA	$1.15	$1.15	$17.25
Monterey Park Police Department	Monterey Park	CA	$1.15	$1.15	$17.25
Pasadena Police Department	Pasadena	CA	$1.15	$1.15	$17.25
El Segundo Police Department	El Segundo	CA	$1.10	$1.10	$16.50
Gardena Police Department	Gardena	CA	$1.10	$1.10	$16.50
Sutter County Sheriff's Dept	Yuba City	CA	$3.95	$0.85	$15.85
Hemet City Police Dept	Hemet	CA	$1.70	$0.95	$15.00
Amador County Jail	Jackson	CA	$3.30	$0.80	$14.50
Redondo Beach Police Department	Redondo Beach	CA	$0.95	$0.95	$14.25
Lodi Police Department	Lodi	CA	$0.90	$0.90	$13.50
Signal Hill Police Department	Signal Hill	CA	$0.90	$0.90	$13.50
Mono County Sheriff’s Dept	Bridgeport	CA	$3.79	$0.69	$13.45
Napa County Doc	Napa	CA	$3.79	$0.69	$13.45
Napa County Juvenile Probation	Napa	CA	$3.79	$0.69	$13.45
Inyo County Jail	Independence	CA	$3.22	$0.72	$13.30
Alameda Cnty CaA-Juvenile Justice	San Leandro	CA	$3.65	$0.65	$12.75
Alameda Cnty CA-Camp Sweeney	San Leandro	CA	$3.65	$0.65	$12.75
Whittier Police Dept	Whitter	CA	$0.85	$0.85	$12.75
Bell Gardens Police Department	Bell Gardens	CA	$0.75	$0.75	$11.25
El Monte Police Department	El Monte	CA	$0.75	$0.75	$11.25
Montebello Police Department	Montebello	CA	$0.75	$0.75	$11.25
Torrance Police Department	Torrance	CA	$0.75	$0.75	$11.25
Madera County Doc	Madera	CA	$3.07	$0.57	$11.05
Colusa County Jail	Colusa	CA	$0.73	$0.73	$10.95
Lompoc City Jail	Lompoc	CA	$3.50	$0.50	$10.52
Long Beach City Jail	Long Beach	CA	$0.65	$0.65	$9.75
Glendale Police Department	Glendale	CA	$0.60	$0.60	$9.00
Del Norte County Sheriff's Office	Crescent City	CA	$2.88	$0.38	$8.20

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Azusa Police Department	Azusa	CA	$0.50	$0.50	$7.50
Border Patrol Beyer	San Diego	CA	$0.50	$0.50	$7.50
Covina Police Department	Covina	CA	$0.50	$0.50	$7.50
Fullerton Police Department	Fullerton	CA	$0.50	$0.50	$7.50
Huntington Park Police Department	Huntington Park	CA	$0.50	$0.50	$7.50
La Habra Police Department	La Habra	CA	$0.50	$0.50	$7.50
Tehama County-Jail	Red Bluff	CA	$0.50	$0.50	$7.50
Merced Cnty CA-John LaTorraca Jail	Merced	CA	$0.48	$0.48	$7.20
Merced Cnty CA-Juvenile Justice Complex	Merced	CA	$0.48	$0.48	$7.20
Merced Cnty CA-Main Jail	Merced	CA	$0.48	$0.48	$7.20
Modoc County Jail	Alturas	CA	$2.80	$0.30	$7.00
Trinity County Sheriff	Weaverville	CA	$2.80	$0.30	$7.00
Fresno County Juvenile Justice Center	Fresno	CA	$2.55	$0.30	$6.75
Mendocino County Jail	Ukiah	CA	$0.45	$0.45	$6.75
Mendocino Juvenile Hall	Ukiah	CA	$0.45	$0.45	$6.75
Humboldt County CA-Juvenile Detention	Eureka	CA	$0.42	$0.42	$6.30
Humboldt County CA-Main Jail	Eureka	CA	$0.42	$0.42	$6.30
Humboldt County CA-Regional Detention	Eureka	CA	$0.42	$0.42	$6.30
City of Los Angeles Police Department CA	Los Angeles	CA	$0.41	$0.41	$6.15
Glenn County CA-Jail	Willows	CA	$0.40	$0.40	$6.00
San Bernardino Cnty CA-Central JDAC	Apple Valley	CA	$0.40	$0.40	$6.00
San Bernardino Cnty CA-High Desert JDAC	Apple Valley	CA	$0.40	$0.40	$6.00
Santa Cruz County Juvenile Hall	Felton	CA	$2.50	$0.25	$6.00
Tulare Cnty CA-Bob Wiley Correctional	Visalia	CA	$0.40	$0.40	$6.00
Tulare Cnty CA-Juvenile Detention	Visalia	CA	$0.40	$0.40	$6.00
Tulare Cnty CA-Main Jail	Visalia	CA	$0.40	$0.40	$6.00
Tulare Cnty CA-Men's Correctional	Visalia	CA	$0.40	$0.40	$6.00
Tulare Cnty CA-Pre-Trial Facility	Visalia	CA	$0.40	$0.40	$6.00
Tulare Cnty CA-South County Detention	Visalia	CA	$0.40	$0.40	$6.00
Yuba County CA-Jail	Yuba City	CA	$0.40	$0.40	$6.00
Patton State Hospital	Highland	CA	$0.38	$0.38	$5.70
Placer County Sheriff's Office	Roseville	CA	$0.37	$0.37	$5.55
Shasta County CA-Main Jail	Redding	CA	$0.36	$0.36	$5.40
Huntington Beach Police Department	Huntington Beach	CA	$0.35	$0.35	$5.25
Tehama County Jail	Bluff	CA	$0.35	$0.35	$5.25
San Diego County - Central Jail	San Diego	CA	$0.33	$0.33	$4.95
San Diego County - E Mesa Juvenile Detention Facility	San Diego	CA	$0.33	$0.33	$4.95
San Diego County - Facility 8	San Diego	CA	$0.33	$0.33	$4.95
San Diego County - George Bailey Detention Facility	San Diego	CA	$0.33	$0.33	$4.95
San Diego County - Girls Rehab Facility	San Diego	CA	$0.33	$0.33	$4.95
San Diego County - Kearny Mesa Juvenile Detention Facility	San Diego	CA	$0.33	$0.33	$4.95
San Diego County - Las Colinas Detention & Re-Entry Facility	Santee	CA	$0.33	$0.33	$4.95
San Diego County - S Bay Detention Facility	Chula Vista	CA	$0.33	$0.33	$4.95

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
San Diego County - Vista Detention Facility	Vista	CA	$0.33	$0.33	$4.95
San Diego East Mesa Det Facility	San Diego	CA	$0.33	$0.33	$4.95
Calaveras County Sheriff's Office	San Andreas	CA	$0.31	$0.31	$4.65
Kern County - Lerdo Justice Facility	Bakersfield	CA	$0.31	$0.31	$4.65
Kern County - Lerdo Max/Med Facility	Bakersfield	CA	$0.31	$0.31	$4.65
Kern County - Lerdo Pre-Trial Facility	Bakersfield	CA	$0.31	$0.31	$4.65
Kern County - Sheriff's Mojave Substation	Mojave	CA	$0.31	$0.31	$4.65
Kern County - Sheriff's Office Central Receiving Facility	Bakersfield	CA	$0.31	$0.31	$4.65
Kern County CA-Camp Erwin Owen	Kernville	CA	$0.31	$0.31	$4.65
Kern County CA-Crossroad Facility	Kernville	CA	$0.31	$0.31	$4.65
Kern County CA-Juvenile Hall	Kernville	CA	$0.31	$0.31	$4.65
San Benito County CA-Jail	Hollister	CA	$0.30	$0.30	$4.50
San Luis Obispo County CA-County Jail	San Luis Obispo	CA	$0.30	$0.30	$4.50
San Luis Obispo County CA-Honor Farm	San Luis Obispo	CA	$0.30	$0.30	$4.50
San Luis Obispo County CA-Juvenile Hall	San Luis Obispo	CA	$0.30	$0.30	$4.50
Carl F Bryan Juvenile Hall (Nevada Co)CA	Nevada City	CA	$0.25	$0.25	$3.75
Kings County Juvenile Center	Handford	CA	$0.25	$0.25	$3.75
LA County-Airport Courthouse	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Alhambra Courthouse	Alhambra	CA	$0.25	$0.25	$3.75
LA County-Antelope Valley Courthouse	Lancaster	CA	$0.25	$0.25	$3.75
LA County-Avalon Sheriff Station	Avalon	CA	$0.25	$0.25	$3.75
LA County-Barry J Nidorf Juvenile Hall	Sylmar	CA	$0.25	$0.25	$3.75
LA County-Bellflower Courthouse	Bellflower	CA	$0.25	$0.25	$3.75
LA County-Burbank Courthouse	Burbank	CA	$0.25	$0.25	$3.75
LA County-Carson Sheriff Station	Carson	CA	$0.25	$0.25	$3.75
LA County-Central Arraignment Courthouse	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Central Juvenile Hall	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Century Regional	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Century Regional Detention	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Cerritos Sheriff Station	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Challenger Youth Center	Lancaster	CA	$0.25	$0.25	$3.75
LA County-Compton Courthouse	Compton	CA	$0.25	$0.25	$3.75
LA County-Crescenta Valley Station	La Crescenta-Montrose	CA	$0.25	$0.25	$3.75
LA County-Downey Courthouse	Downey	CA	$0.25	$0.25	$3.75
LA County-East LA Sheriff Station	East Los Angeles	CA	$0.25	$0.25	$3.75
LA County-East Lost Angeles Courthouse	East Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Edelman Children's Courthouse	Monterey Park	CA	$0.25	$0.25	$3.75
LA County-El Monte Courthouse	El Monte	CA	$0.25	$0.25	$3.75
LA County-Foltz Criminal Justice Center	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-George Deukmejian Courthouse	Long Beach	CA	$0.25	$0.25	$3.75
LA County-Glendale Courthouse	Glendale	CA	$0.25	$0.25	$3.75
LA County-Industry Sheriff Station	City of Industry	CA	$0.25	$0.25	$3.75

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
LA County-Inglewood Courthouse	Inglewood	CA	$0.25	$0.25	$3.75
LA County-Lakewood Sheriff Station	Lakewood	CA	$0.25	$0.25	$3.75
LA County-Lancaster Sheriff Station	Lancaster	CA	$0.25	$0.25	$3.75
LA County-Lomita Sheriff Station	Lomita	CA	$0.25	$0.25	$3.75
LA County-Los Padrinos Juvenile Hall	Downey	CA	$0.25	$0.25	$3.75
LA County-Malibu/Lost Hills Station	Calabasas	CA	$0.25	$0.25	$3.75
LA County-Marina Del Rey Sheriff Station	Marina Del Rey	CA	$0.25	$0.25	$3.75
LA County-McCourtney Juvenile Center	Lancaster	CA	$0.25	$0.25	$3.75
LA County-Men's Central Jail	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Metropolitan Courthouse	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Norwalk Courthouse	Norwalk	CA	$0.25	$0.25	$3.75
LA County-Norwalk Sheriff Station	Norwalk	CA	$0.25	$0.25	$3.75
LA County-Palmdale Sheriff Station	Palmdale	CA	$0.25	$0.25	$3.75
LA County-Pasadena Courthouse	Pasadena	CA	$0.25	$0.25	$3.75
LA County-Pico Rivera Sheriff Station	Pico Rivera	CA	$0.25	$0.25	$3.75
LA County-Pitchess/East Facility	Castaic	CA	$0.25	$0.25	$3.75
LA County-Pitchess/North County (NCCF)	Castaic	CA	$0.25	$0.25	$3.75
LA County-Pitchess/North Facility	Castaic	CA	$0.25	$0.25	$3.75
LA County-Pitchess/South Facility	Castaic	CA	$0.25	$0.25	$3.75
LA County-Pomona Courthouse - North	Pomona	CA	$0.25	$0.25	$3.75
LA County-Pomona Courthouse - South	Pomona	CA	$0.25	$0.25	$3.75
LA County-San Dimas Sheriff Station	San Dimas	CA	$0.25	$0.25	$3.75
LA County-San Fernando Courthouse	San Fernando	CA	$0.25	$0.25	$3.75
LA County-Santa Clarita Courthouse	Santa Clarita	CA	$0.25	$0.25	$3.75
LA County-Santa Clarita Valley Sheriff	Santa Clarita	CA	$0.25	$0.25	$3.75
LA County-South Los Angeles Station	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Temple Sheriff Station	Temple City	CA	$0.25	$0.25	$3.75
LA County-Torrance Courthouse	Torrance	CA	$0.25	$0.25	$3.75
LA County-Twin Towers Jail	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Twin Towers Jail Facility	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Twin Towers Jail Facility IRC	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-USC County Medical Center	Los Angeles	CA	$0.25	$0.25	$3.75
LA County-Van Nuys Courthouse West	Van Nuys	CA	$0.25	$0.25	$3.75
LA County-Walnut/Diamond Bar Sheriff Sta	Walnut	CA	$0.25	$0.25	$3.75
LA County-West Covina Courthouse	West Covina	CA	$0.25	$0.25	$3.75
LA County-West Hollywood Sheriff Station	West Hollywood	CA	$0.25	$0.25	$3.75
Madera County Juvenile Detention Center	Madera	CA	$0.25	$0.25	$3.75
Marin County Juvenile Hall	San Rafael	CA	$0.25	$0.25	$3.75
Nevada County CA	Nevada City	CA	$0.25	$0.25	$3.75
Riverside County Probation - SWJH - IJH - RJH - YTEC	Riverside	CA	$0.25	$0.25	$3.75
Sonoma County CA-Juvenile Justice Center	Santa Rosa	CA	$0.25	$0.25	$3.75
Tehama Juvenile	Red Bluff	CA	$0.25	$0.25	$3.75
Tri County Rehab. Facility - Yuba (Juvenile)	Marysville	CA	$0.25	$0.25	$3.75

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Yolo County Juvenile Detention Facility	Woodland	CA	$0.25	$0.25	$3.75
Alameda Cnty CA-Glenn Dyer Jail	Oakland	CA	$0.23	$0.23	$3.45
Alameda Cnty CA-Santa Rita Jail	Dublin	CA	$0.23	$0.23	$3.45
Alameda County CA-Santa Rita Jail	Dublin	CA	$0.23	$0.23	$3.45
Orange County CA-Central Jail Complex	Santa Ana	CA	$0.23	$0.23	$3.45
Orange County CA-James Musick Facility	Irvine	CA	$0.23	$0.23	$3.45
Orange County CA-Joplin Youth Center	Trabuco Canyon	CA	$0.23	$0.23	$3.45
Orange County CA-Juvenile Hall	Orange	CA	$0.23	$0.23	$3.45
Orange County CA-Theo Lacy Facility	Orange	CA	$0.23	$0.23	$3.45
Orange County CA-Western Med Cen Ward	Santa Ana	CA	$0.23	$0.23	$3.45
Orange County CA-Youth Guidance Center	Santa Ana	CA	$0.23	$0.23	$3.45
Mariposa County Jail	Mariposa	CA	$0.22	$0.22	$3.30
Plumas County	Quincy	CA	$0.22	$0.22	$3.30
Tuolumne County Jail	Sonora	CA	$0.22	$0.22	$3.30
Chief Ignacio Justice Center	Towaoc	CO	$4.06	$0.56	$11.90
Aurora Municipal Court Administration	Aurora	CO	$2.92	$0.62	$11.60
LaPlata County Jail	Durango	CO	$3.00	$0.50	$10.00
Rio Grande County Jail	Del Norte	CO	$2.50	$0.50	$9.50
Summit County Jail	Breckenridge	CO	$3.19	$0.44	$9.35
Chaffee County Jail	Salida	CO	$3.18	$0.43	$9.20
Huerfano County Jail	Walsenburg	CO	$2.92	$0.42	$8.81
Otero County Jail	La Junta	CO	$2.80	$0.40	$8.40
Washington County Jail	Akron	CO	$2.89	$0.39	$8.35
Bent County Jail	Las Animas	CO	$2.60	$0.35	$7.50
Delta County Jail	Delta	CO	$3.30	$0.30	$7.50
Delta County Work Release	Delta	CO	$3.30	$0.30	$7.50
Gilpin County Jail	Black Hawk	CO	$0.50	$0.50	$7.50
Grand County Jail	Hot Sulphur Springs	CO	$0.50	$0.50	$7.50
Park County Detention Center	Fairplay	CO	$2.82	$0.32	$7.30
Teller County Jail	Divide	CO	$2.71	$0.31	$7.05
Fremont County Detention Center	Canyon City	CO	$2.69	$0.29	$6.75
El Paso Cnty CO-Criminal Justice Center	Colorado Springs	CO	$0.44	$0.44	$6.60
El Paso Cnty CO-Metro Detention Facility	Colorado Springs	CO	$0.44	$0.44	$6.60
Lake County Sheriff's Dept	Leadville	CO	$2.75	$0.25	$6.27
Lincoln County Sheriff's Office	Hugo	CO	$2.65	$0.25	$6.15
Routt County Jail	Steamboat Springs	CO	$2.65	$0.25	$6.15
Logan County Jail	Sterling	CO	$2.77	$0.23	$5.99
Arapahoe County Sheriff's Office	Centennial	CO	$2.40	$0.25	$5.90
Pueblo County Detention Center	Pueblo	CO	$2.49	$0.24	$5.85
Pueblo County Judicial Bldg	Pueblo	CO	$2.49	$0.24	$5.85
Morgan County Jail	Ft Morgan	CO	$2.48	$0.23	$5.70
Southern Ute Indian Tribe	Ignacio	CO	$2.60	$0.20	$5.40
Clear Creek County Jail	Georgetown	CO	$2.57	$0.17	$4.95

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Gunnison County Jail	Gunnison	CO	$2.55	$0.15	$4.65
Montrose County Jail	Montrose	CO	$0.30	$0.30	$4.50
Douglas County Colorado	Castle Rock	CO	$0.25	$0.25	$3.75
Larimer County Jail	Collins	CO	$0.25	$0.25	$3.75
Las Animas County Jail	Trinidad	CO	$2.35	$0.10	$3.75
Bridgeport Correctional Center	Bridgeport	CT	$0.24	$0.24	$3.65
Brooklyn Correctional Institution	Brooklyn	CT	$0.24	$0.24	$3.65
Cheshire Annex	Cheshire	CT	$0.24	$0.24	$3.65
Cheshire Correctional Institution	Cheshire	CT	$0.24	$0.24	$3.65
Corrigan Correctional Center	Uncasville	CT	$0.24	$0.24	$3.65
Cybulski Correctional Institution	Somers	CT	$0.24	$0.24	$3.65
Garner Correctional Institution	Newtown	CT	$0.24	$0.24	$3.65
Hartford Correctional Center	Hartford	CT	$0.24	$0.24	$3.65
John Dempsey Hospital (UCONN)	Farmington	CT	$0.24	$0.24	$3.65
Macdougall Correctional Institution	Suffield	CT	$0.24	$0.24	$3.65
Manson Youth Institution	Cheshire	CT	$0.24	$0.24	$3.65
New Haven Correctional Center	New Haven	CT	$0.24	$0.24	$3.65
Northern Correctional Institution	Somers	CT	$0.24	$0.24	$3.65
Osborn Correctional Institution	Somers	CT	$0.24	$0.24	$3.65
Radgowski Correctional Center	Uncasville	CT	$0.24	$0.24	$3.65
Robinson Correctional Institution	Enfield	CT	$0.24	$0.24	$3.65
Walker Reception (RSMU)	Suffield	CT	$0.24	$0.24	$3.65
Willard Correctional Institution	Enfield	CT	$0.24	$0.24	$3.65
York Correctional Institution	Niantic	CT	$0.24	$0.24	$3.65
Madison County Jail	Madison	FL	$2.38	$0.52	$9.66
Jackson County Jail	Marianna	FL	$2.43	$0.43	$8.45
Escambia County Road Prison	Cantonment	FL	$2.17	$0.42	$8.05
Taylor County Jail	Perry	FL	$2.27	$0.41	$8.01
Alachua County Jail	Gainesville	FL	$2.15	$0.40	$7.75
Lake County Detention Center	Tavares	FL	$2.15	$0.40	$7.75
Lake County Jail/Sheriff's Office	Clermont	FL	$2.15	$0.40	$7.75
Marion County Jail	Ocala	FL	$2.14	$0.39	$7.60
Baker County Sheriff's Office	Macclenny	FL	$2.13	$0.38	$7.45
Suwannee County Jail	Live Oak	FL	$2.11	$0.36	$7.15
Lee County TX-County Jail	Fort Myers	FL	$0.47	$0.47	$7.05
Palm Beach Belle Glade Detention	Belleglade	FL	$2.10	$0.35	$7.00
Palm Beach County Main Detention	West Palm Beach	FL	$2.10	$0.35	$7.00
Volusia County Branch Jail	Daytona Beach	FL	$2.08	$0.33	$6.70
Volusia County Correctional Facility	Daytona Beach	FL	$2.08	$0.33	$6.70
Seminole County Jail	Sanford	FL	$2.99	$0.24	$6.35
Bradford County Jail	Starke	FL	$2.05	$0.30	$6.25
Broward County - Broward County Main Jail	Ft Lauderdale	FL	$2.05	$0.30	$6.25
Broward County - Joseph Conte Detention	Pompano Beach	FL	$2.05	$0.30	$6.25

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Broward County - North Broward Detention Center	Pompano Beach	FL	$2.05	$0.30	$6.25
Broward County - Paul Rein Detention Facility	Pompano Beach	FL	$2.05	$0.30	$6.25
Franklin County Jail	Eastpoint	FL	$0.40	$0.40	$6.00
Holmes County Jail and Work Camp	Bonifay	FL	$0.40	$0.40	$6.00
Holmes County Sheriff's Office	Bonifay	FL	$0.40	$0.40	$6.00
Polk County Booking Facility	Bartow	FL	$0.36	$0.36	$5.40
Polk County Central Jail	Bartow	FL	$0.36	$0.36	$5.40
Polk County South Jail	Frostproof	FL	$0.36	$0.36	$5.40
Hardee County Jail	Wauchula	FL	$0.35	$0.35	$5.25
Union County FL-Jail	Lake Butler	FL	$0.34	$0.34	$5.10
Florida Civil Commitment Center (FCCC)	Arcadia	FL	$1.57	$0.22	$4.65
Calhoun County Sheriff's Office	Blountstown	FL	$0.30	$0.30	$4.50
Dixie County Jail	Cross City	FL	$0.30	$0.30	$4.50
Dixie County Sheriff's Department	Cross City	FL	$0.30	$0.30	$4.50
Gilchrist County Jail - FL (TCOO)	Trenton	FL	$0.30	$0.30	$4.50
Gulf County Detention Center	Port St. Joe	FL	$0.30	$0.30	$4.50
Manatee Co FL-Main Jail (Palmetto)	Palmetto	FL	$0.30	$0.30	$4.50
St. Lucie County FL-County Jail	Fort Pierce	FL	$0.30	$0.30	$4.50
Duval Cnty FL-Community Corrections	Jacksonville	FL	$0.28	$0.28	$4.20
Duval Cnty FL-Goode Pretrial Detention	Jacksonville	FL	$0.28	$0.28	$4.20
Duval Cnty FL-Montgomery Correctional	Jacksonville	FL	$0.28	$0.28	$4.20
Indian River County FL-County Jail	Vero Beach	FL	$0.26	$0.26	$3.90
Levy County Jail	Bronson	FL	$0.26	$0.26	$3.90
Martin County FL-Jail	Stuart	FL	$0.26	$0.26	$3.90
Brevard County FL-Jail Complex	Cocoa	FL	$0.25	$0.25	$3.75
Flagler County Sheriff's Office	Bunnell	FL	$0.25	$0.25	$3.75
Glades County FL	Moore Haven	FL	$0.25	$0.25	$3.75
Hendry County Jail FL	Labelle	FL	$0.25	$0.25	$3.75
Highlands County FL-County Jail	Sebring	FL	$0.25	$0.25	$3.75
Nassau County Jail	Nassau County	FL	$0.25	$0.25	$3.75
Putnam County Sheriff's Office	Palatka	FL	$0.25	$0.25	$3.75
Sumter County Detention Center	Bushnell	FL	$0.25	$0.25	$3.75
Volusia County	Beach	FL	$0.25	$0.25	$3.75
Walton County FL	Defuniak Springs	FL	$0.25	$0.25	$3.75
Washington County Sheriff's Office	Chipley	FL	$0.25	$0.25	$3.75
Lake County Jail IN	Tavares	FL	$0.24	$0.24	$3.60
Pinellas County FL-Jail	Clearwater	FL	$0.24	$0.24	$3.60
Okaloosa County Dept of Correctional Services	Crestview	FL	$0.23	$0.23	$3.45
Hamilton County	Jasper	FL	$0.22	$0.22	$3.30
Lee County FL-Community Programs	Fort Myers	FL	$0.22	$0.22	$3.30
Lee County FL-Jail Stockade/Core	Fort Myers	FL	$0.22	$0.22	$3.30
Lee County FL-Maximum Security Jail	Fort Myers	FL	$0.22	$0.22	$3.30
Ben Hill Jail	Benhill	GA	$0.31	$0.31	$4.65

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Bleckley Jail	Bleckley	GA	$0.31	$0.31	$4.65
Brantley Jail	Brantley	GA	$0.31	$0.31	$4.65
Jeff Davis Jail	Jeffdavis	GA	$0.31	$0.31	$4.65
Laurens Jail	Laurens	GA	$0.31	$0.31	$4.65
Liberty Jail	Liberty	GA	$0.31	$0.31	$4.65
McIntosh County Jail	McIntosh County	GA	$0.31	$0.31	$4.65
Sumter Jail	Sumter	GA	$0.31	$0.31	$4.65
ICE Tertiary Holding Cells	Atlanta	GA	$0.22	$0.22	$3.30
Washington County Sheriff's Office	Sandersville	GA	$0.22	$0.22	$3.30
Bremer County Sheriff's Dept	Waverly	IA	$3.74	$0.74	$14.10
Webster County Jail	Ft. Dodge	IA	$4.22	$0.62	$12.90
Mahaska County Jail	Oskaloosa	IA	$3.82	$0.62	$12.50
Appanoose County Jail	Centerville	IA	$4.00	$0.50	$11.00
Audubon County Jail	Audubon	IA	$4.00	$0.50	$11.00
Clarke County Jail	Osceola	IA	$4.00	$0.50	$11.00
Crawford County Jail	Denison	IA	$4.00	$0.50	$11.00
Mitchell County Jail	Osage	IA	$4.00	$0.50	$11.00
Monona County Sheriff's Dept	Onawa	IA	$4.00	$0.50	$11.00
Pocahontas County Jail	Pocahontas	IA	$4.00	$0.50	$11.00
Wapello County Jail	Ottumwa	IA	$3.78	$0.28	$7.70
Union County Sheriff - IA	Creston	IA	$0.50	$0.50	$7.50
Cerro Gordo County Jail	Cerro Gordo County	IA	$0.31	$0.31	$4.65
Des Moines County Jail	Des Moines County	IA	$0.31	$0.31	$4.65
Wapello County Jail	Wapello County	IA	$0.31	$0.31	$4.65
Hardin County Jail (IA)	Eldora	IA	$0.25	$0.25	$3.75
Lee County - IA	Montrose	IA	$0.25	$0.25	$3.75
Story County Jail	Nevada	IA	$0.25	$0.25	$3.75
Black Hawk County IA-Jail	Waterloo	IA	$0.22	$0.22	$3.30
Cass County Jail	Atlantic	IA	$0.22	$0.22	$3.30
Clearwater County Jail	Orofino	ID	$1.15	$1.15	$17.25
Lewis County Jail	Nezperce	ID	$1.15	$1.15	$17.25
Custer County Jail	Challis	ID	$3.25	$0.50	$10.25
Idaho County Jail	Grangeville	ID	$3.25	$0.50	$10.25
Valley County Jail	Cascade	ID	$3.52	$0.47	$10.10
Butte County Jail	Arco	ID	$0.50	$0.50	$7.50
Gem County Jail	Emmet	ID	$0.50	$0.50	$7.50
Adams County Jail	Council	ID	$0.47	$0.47	$7.05
Nez Perce County Jail	Lewiston	ID	$1.75	$0.25	$5.25
Benewah County Jail	St. Maries	ID	$0.31	$0.31	$4.65
Blaine County Jail	Blaine County	ID	$0.31	$0.31	$4.65
Adams County ID Sheriff's Office	Adams	ID	$0.30	$0.30	$4.50
3B Juvenile Detention Center ID	Idaho Falls	ID	$0.25	$0.25	$3.75

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Ada County Jail ID	Boise	ID	$0.25	$0.25	$3.75
Ada County Juvenile Detention ID	Boise	ID	$0.25	$0.25	$3.75
Bannock County ID	Pocatello	ID	$0.25	$0.25	$3.75
Bingham County ID	Blackfoot	ID	$0.25	$0.25	$3.75
Blaine County ID	Hailey	ID	$0.25	$0.25	$3.75
Bonner Co Detention Center ID	Sandpoint	ID	$0.25	$0.25	$3.75
Bonneville County Jail ID	Idaho Falls	ID	$0.25	$0.25	$3.75
Canyon County ID	Caldwell	ID	$0.25	$0.25	$3.75
Caribou County ID	Soda Springs	ID	$0.25	$0.25	$3.75
District 1 Juvenile Detention	Coeur d'Alene	ID	$0.25	$0.25	$3.75
Elmore County ID	Mountain Home	ID	$0.25	$0.25	$3.75
Fremont County ID	Saint Anthony	ID	$0.25	$0.25	$3.75
Gooding County ID	Gooding	ID	$0.25	$0.25	$3.75
Jerome County ID	Jerome	ID	$0.25	$0.25	$3.75
Kootenai County Jail ID	Coeur d'Alene	ID	$0.25	$0.25	$3.75
Latah County ID	Moscow	ID	$0.25	$0.25	$3.75
Madison County ID	Rexburg	ID	$0.25	$0.25	$3.75
Mini-Cassia Criminal Justice Center	Burley	ID	$0.25	$0.25	$3.75
Payette County ID	Payette	ID	$0.25	$0.25	$3.75
Power County ID	American Falls	ID	$0.25	$0.25	$3.75
Shoshone County Jail ID	Wallace	ID	$0.25	$0.25	$3.75
Southwest Idaho Juvenile Detention Center	Caldwell	ID	$0.25	$0.25	$3.75
Twin Falls ID	Twin Falls	ID	$0.25	$0.25	$3.75
Washington County ID	Weiser	ID	$0.25	$0.25	$3.75
Pike County Jail	Pittsfield	IL	$4.30	$0.80	$15.50
St Clair County Jail	Belleville	IL	$4.23	$0.68	$13.68
Vermilion County Jail	Danville	IL	$3.95	$0.60	$12.37
Crawford County Jail	Robinson	IL	$3.91	$0.56	$11.75
Saline County Jail	Harrisburg	IL	$4.03	$0.53	$11.45
Ford County Jail	Paxton	IL	$3.90	$0.53	$11.33
Marshall County Sheriff's Dept	Lacon	IL	$4.00	$0.50	$11.02
Rock Island Sheriff's Dept	Rock Island	IL	$3.86	$0.51	$11.00
Piatt County Sheriff's Dept	Monticello	IL	$1.19	$0.69	$10.85
Stephenson County Jail	Freeport	IL	$3.98	$0.48	$10.70
Grundy County Sheriff's Dept	Morris	IL	$3.82	$0.47	$10.40
Tazewell County Justice Center	Pekin	IL	$3.73	$0.46	$10.24
Ogle County Jail	Oregon	IL	$3.90	$0.40	$9.50
Adams County Jail	Quincy	IL	$3.93	$0.38	$9.20
Kendall County Jail	Yorkville	IL	$3.74	$0.39	$9.20
Woodford County Jail	Eureka	IL	$3.85	$0.35	$8.77
Washington County Jail	Nashville	IL	$0.57	$0.57	$8.55
Bond County Sheriff's Office	Greenville	IL	$3.70	$0.33	$8.33
Clark County Jail	Marshall	IL	$3.70	$0.33	$8.33

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Iroquois County Jail	Watseka	IL	$3.70	$0.33	$8.33
Jersey County Jail	Jerseyville	IL	$3.70	$0.33	$8.33
Whiteside County Jail	Morrison	IL	$3.70	$0.33	$8.33
Lee County Sheriff Dept	Dixon	IL	$3.26	$0.36	$8.30
Lee County Sheriff's Dept (New)	Dixon	IL	$3.26	$0.36	$8.30
Logan County Jail	Lincoln	IL	$3.25	$0.35	$8.15
McDonough County Jail	Macomb	IL	$3.67	$0.32	$8.15
Clay County Jail	Louisville	IL	$3.80	$0.30	$8.02
Mason County Sheriff's Dept	Havana	IL	$3.80	$0.30	$8.00
Warren County Jail	Monmouth	IL	$1.00	$0.50	$8.00
Collinsville City Police Dept	Collinsville	IL	$3.25	$0.33	$7.88
Greene County Sheriff's Dept	Carrollton	IL	$3.25	$0.33	$7.88
Henderson County Sheriff's Dept	Oquawka	IL	$3.25	$0.33	$7.88
Massac County Sheriff's Dept	Metropolis	IL	$3.25	$0.33	$7.88
Union County Jail	Jonesboro	IL	$3.23	$0.33	$7.87
Fulton County Jail	Lewistown	IL	$3.23	$0.33	$7.86
Jackson County Jail	Murphysboro	IL	$3.23	$0.33	$7.86
Shelby County Jail	Shelbyville	IL	$3.23	$0.33	$7.86
Boone County Jail	Belvidere	IL	$3.65	$0.30	$7.85
Dewitt County Sheriff's Office	Clinton	IL	$3.65	$0.30	$7.85
Henry County Jail	Cambridge	IL	$3.64	$0.29	$7.64
Alton City Police Dept	Alton	IL	$3.82	$0.27	$7.55
Granite City Jail	Granite City	IL	$3.77	$0.27	$7.55
Mercer County Sheriff's Office	Aledo	IL	$0.50	$0.50	$7.50
Douglas County Jail	Tuscola	IL	$3.20	$0.30	$7.40
Will County Adult Detention Center	Joliet	IL	$3.18	$0.18	$5.70
DuPage County IL-Jail	Wheaton	IL	$0.35	$0.35	$5.25
Clinton County Sheriff’s Office	Carlyle	IL	$0.31	$0.31	$4.65
Kane County Jail	St. Charles	IL	$0.30	$0.30	$4.50
Lawrence County Jail	Lawrenceville	IL	$0.30	$0.30	$4.50
Winnebago County IL-Justice Center	Rockford	IL	$0.28	$0.28	$4.13
Winnebago County IL-Juvenile Detention	Rockford	IL	$0.28	$0.28	$4.13
Jo Davies County Jail - IL	Galena	IL	$0.25	$0.25	$3.75
McLean County	Bloomington	IL	$0.25	$0.25	$3.75
Menard County Jail - IL	Petersburg	IL	$0.25	$0.25	$3.75
Putnam County - IL	Hennepin	IL	$0.25	$0.25	$3.75
Kankakee County Jail	Kankakee	IL	$0.23	$0.23	$3.45
Kankakee County Jerome Combs Detention Center	Kankakee	IL	$0.23	$0.23	$3.45
Knox County Jail	Galesburg	IL	$0.22	$0.22	$3.30
Montgomery County IL Sheriff’s Office	Montgomery	IL	$0.22	$0.22	$3.30
Sangamon County Sheriff’s Office	Springfield	IL	$0.22	$0.22	$3.30
Westchester Police Department	Westchester	IL	$0.22	$0.22	$3.30
Morgan County Jail	Martinsville	IN	$3.95	$0.95	$17.25

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Lagrange County Sheriff's Dept	Lagrange	IN	$3.81	$0.81	$15.15
Dubois County Security Center	Jasper	IN	$3.30	$0.80	$14.50
Shelby County Sheriff's Dept	Shelbyville	IN	$3.75	$0.75	$14.25
Franklin County Jail	Brookville	IN	$3.74	$0.74	$14.10
Greene County Sheriff's Dept	Bloomfield	IN	$4.70	$0.59	$12.96
Jefferson County Jail	Madison	IN	$3.61	$0.61	$12.15
Rush County Jail	Rushville	IN	$3.58	$0.58	$11.70
Montgomery County Sheriff's Dept	Crawfordsville	IN	$3.53	$0.53	$10.95
Warren County Jail	Williamsport	IN	$3.52	$0.52	$10.80
Gibson County Jail	Princeton	IN	$3.51	$0.51	$10.65
Newton County Jail	Kentland	IN	$0.68	$0.68	$10.20
Wabash County Jail	Wabash	IN	$3.48	$0.48	$10.20
Cass-Pulaski Community Corrections	Logansport	IN	$3.40	$0.40	$9.00
Dekalb County Jail	Auburn	IN	$0.60	$0.60	$9.00
Switzerland County Jail	Vevay	IN	$3.40	$0.40	$9.00
Tipton County Jail	Tipton	IN	$3.40	$0.40	$9.00
Warrick County Sheriff's Dept	Boonville	IN	$3.40	$0.40	$9.00
St Joseph County Juvenile Probate	South Bend	IN	$0.50	$0.50	$7.50
St Joseph County Juvenile Probate Jail	South Bend	IN	$0.50	$0.50	$7.50
Clay County Justice Center	Brazil	IN	$0.42	$0.42	$6.30
Decatur County Jail	Greensburg	IN	$2.42	$0.25	$5.92
Pulaski County Jail	Winamac	IN	$0.35	$0.35	$5.25
Madison Cnty IN-Community Justice Center	Anderson	IN	$0.32	$0.32	$4.80
Madison Cnty IN-Mens and Womens WR	Anderson	IN	$0.32	$0.32	$4.80
Grant County Juvenile Center	Marion	IN	$0.31	$0.31	$4.65
Grant County Sheriff's Dept	Marion	IN	$0.31	$0.31	$4.65
Huntington County	Huntington	IN	$0.31	$0.31	$4.65
Lawrence County Sheriff's Office	Bedford	IN	$0.31	$0.31	$4.65
Steuben County Sheriff’s Office	Angola	IN	$0.31	$0.31	$4.65
Miami County In (Closed)	Peru	IN	$0.29	$0.29	$4.35
White County Jail	Monticello	IN	$0.29	$0.29	$4.35
Marion County IN-Arrestee Processing Ctr	Indianapolis	IN	$0.28	$0.28	$4.13
Marion County IN-Central Receiving	Indianapolis	IN	$0.28	$0.28	$4.13
Marion County IN-Jail II (CCA)	Indianapolis	IN	$0.28	$0.28	$4.13
Marion County IN-Main Jail	Indianapolis	IN	$0.28	$0.28	$4.13
Boone County Sheriff’s Office	Lebanon	IN	$0.26	$0.26	$3.90
Cass Pulaski CC Jail	Logansport	IN	$0.25	$0.25	$3.75
Floyd County Jail	New Albany	IN	$0.25	$0.25	$3.75
Hammond City Jail	Hammond	IN	$0.25	$0.25	$3.75
Henry County Jail - IN	New Castle	IN	$0.25	$0.25	$3.75
Jackson County - IN	Brownstown	IN	$0.25	$0.25	$3.75
Marshall County IN	Plymouth	IN	$0.25	$0.25	$3.75
Rush County - IN	Rushville	IN	$0.25	$0.25	$3.75

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Southwest Youth Village	Vincennes	IN	$0.25	$0.25	$3.75
Allen County IN-Jail	Fort Wayne	IN	$0.24	$0.24	$3.60
Allen County IN-Work Release	Fort Wayne	IN	$0.24	$0.24	$3.60
Bartholomew County Jail	Columbus	IN	$0.24	$0.24	$3.60
Branchville Correctional Fac.	Branchville	IN	$0.24	$0.24	$3.60
Chain-O-Lakes Correctional	Albion	IN	$0.24	$0.24	$3.60
Correctional Industrial Fac.	Pendleton	IN	$0.24	$0.24	$3.60
Delaware County IN	Deleware County	IN	$0.24	$0.24	$3.60
Edinburgh Correctional Fac.	Edinburgh	IN	$0.24	$0.24	$3.60
Elkhart County Community Corrections	Goshen	IN	$0.24	$0.24	$3.60
Elkhart County Jail	Elkhart	IN	$0.24	$0.24	$3.60
Elkhart Police Dept	Elkhart	IN	$0.24	$0.24	$3.60
Hendricks County Work Release	Danville	IN	$0.24	$0.24	$3.60
Howard County IN-County Jail	Kokomo	IN	$0.24	$0.24	$3.60
Indiana State Prison (Men's)	Michigan City	IN	$0.24	$0.24	$3.60
Indiana Women's Prison	Indianapolis	IN	$0.24	$0.24	$3.60
Johnson County Community Corrections	Franklin	IN	$0.24	$0.24	$3.60
Johnson County Sheriff's Dept	Franklin	IN	$0.24	$0.24	$3.60
Kosciusko County Jail	Warsaw	IN	$0.24	$0.24	$3.60
Kosciusko County Work Release	Warsaw	IN	$0.24	$0.24	$3.60
Lake County IN-Community Corrections	Crown Point	IN	$0.24	$0.24	$3.60
Laporte County Community Corrections	La Porte	IN	$0.24	$0.24	$3.60
Laporte County Jail	Laporte	IN	$0.24	$0.24	$3.60
LaPorte Juvenile Correctional	La Porte	IN	$0.24	$0.24	$3.60
Logansport Juvenile Intake	Logansport	IN	$0.24	$0.24	$3.60
Logansport Juvenile Treatment	Logansport	IN	$0.24	$0.24	$3.60
Madison Correctional Facility	Madison	IN	$0.24	$0.24	$3.60
Madison County Sheriff's Dept	Anderson	IN	$0.24	$0.24	$3.60
Marion County Juvenile Detention Center	Indianapolis	IN	$0.24	$0.24	$3.60
Miami Correctional Facility	Bunker Hill	IN	$0.24	$0.24	$3.60
Monroe County IN	Bloomington	IN	$0.24	$0.24	$3.60
New Castle Correctional Fac.	New Castle	IN	$0.24	$0.24	$3.60
Pendleton Correctional Fac.	Pendleton	IN	$0.24	$0.24	$3.60
Pendleton Juvenile Facility	Pendleton	IN	$0.24	$0.24	$3.60
Plainfield Correctional Fac.	Plainfield	IN	$0.24	$0.24	$3.60
Porter County Jail IN	Valparaiso	IN	$0.24	$0.24	$3.60
Putnamville Correctional Fac.	Greencastle	IN	$0.24	$0.24	$3.60
Rockville Correctional Fac.	Rockville	IN	$0.24	$0.24	$3.60
South Bend Re-Entry	South Bend	IN	$0.24	$0.24	$3.60
St. Joseph County IN-County Jail	South Bend	IN	$0.24	$0.24	$3.60
Tippecanoe County Community Corrections	Lafayette	IN	$0.24	$0.24	$3.60
Tippecanoe County IN-County Jail	Lafayette	IN	$0.24	$0.24	$3.60
Vanderburgh CC IN	Vanderburg	IN	$0.24	$0.24	$3.60

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Vanderburgh County IN	Vanderburg	IN	$0.24	$0.24	$3.60
Vigo County Community Correctional Center	Terre Haute	IN	$0.24	$0.24	$3.60
Wabash Valley Correctional	Carlisle	IN	$0.24	$0.24	$3.60
Westville Correctional Fac.	Westville	IN	$0.24	$0.24	$3.60
Jackson County Sheriff's Office	Brownstown	IN	$0.22	$0.22	$3.30
Ottawa County Jail	Minneapolis	KS	$5.53	$1.11	$21.07
Seward County	Liberal	KS	$5.30	$0.88	$17.62
McPherson County Jail	Mcpherson	KS	$5.27	$0.85	$17.17
Ford County Jail	Dodge City	KS	$5.25	$0.83	$16.87
Edwards County Jail	Kinsley	KS	$3.45	$0.95	$16.75
Ellsworth County Jail	Ellsworth	KS	$5.11	$0.69	$14.77
Lincoln County Jail	Lincoln	KS	$5.11	$0.69	$14.77
Smith County Jail	Smith Center	KS	$5.11	$0.69	$14.77
Labette County Jail	Oswego	KS	$4.15	$0.65	$13.27
Stevens County Jail	Hugoton	KS	$4.15	$0.65	$13.27
Barton County Jail	Great Bend	KS	$2.71	$0.71	$12.65
Dickinson County Jail	Abilene	KS	$4.25	$0.50	$11.25
Osborne County Jail	Osborne	KS	$0.75	$0.75	$11.25
Meade County Jail	Meade	KS	$4.00	$0.50	$11.02
Rice County Law Enforcement Center	Lyons	KS	$3.00	$0.50	$10.00
Saline County Jail	Salina	KS	$3.93	$0.43	$9.95
Sumner County Jail	Wellington	KS	$2.40	$0.40	$8.04
Butler County Corrections	El Dorado	KS	$0.50	$0.50	$7.50
Clark County Jail	Ashland	KS	$0.50	$0.50	$7.50
Decatur County Jail	Oberlin	KS	$0.50	$0.50	$7.50
Graham County Jail - KS	Hill City	KS	$0.50	$0.50	$7.50
Grant County Jail	Ulysses	KS	$0.50	$0.50	$7.50
Hamilton County Jail	Syracuse	KS	$0.50	$0.50	$7.50
Harper County Jail	Anthony	KS	$0.50	$0.50	$7.50
Kingman County Jail	Kingman	KS	$0.50	$0.50	$7.50
Kiowa County Jail	Greensburg	KS	$0.50	$0.50	$7.50
Neosho County Jail	Erie	KS	$0.50	$0.50	$7.50
Norton County Jail	Norton	KS	$0.50	$0.50	$7.50
Pawnee County Jail	Larned	KS	$0.50	$0.50	$7.50
Phillips County Jail	Phillipsburg	KS	$0.50	$0.50	$7.50
Rawlins County Jail	Atwood	KS	$0.50	$0.50	$7.50
Republic County Jail	Belleville	KS	$0.50	$0.50	$7.50
Rooks County Jail	Stockton	KS	$0.50	$0.50	$7.50
Stanton County Jail	Johnson	KS	$0.50	$0.50	$7.50
SW Kansas Juvenile Detention Jail	Garden City	KS	$0.50	$0.50	$7.50
Thomas County Jail	Colby	KS	$0.50	$0.50	$7.50
Trego County Jail	Wakeeney	KS	$0.50	$0.50	$7.50
Harvey County Jail	Newton	KS	$0.41	$0.41	$6.15

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Shawnee County Adult Detention Center	Topeka	KS	$4.00	$0.01	$4.14
Shawnee County Juvenile Detention Center	Topeka	KS	$4.00	$0.01	$4.14
Greenwood County Jail	Eureka	KS	$0.25	$0.25	$3.75
Finney County Sheriff's Office	Finney County	KS	$0.22	$0.22	$3.30
Carroll County Detention Center	Carrollton	KY	$3.23	$0.48	$9.95
Big Sandy Regional Detention Center	Paintsville	KY	$3.16	$0.41	$8.90
Lewis County Detention Center	Vanceburg	KY	$3.08	$0.33	$7.70
Floyd County Detention Center	Prestonburg	KY	$1.90	$0.40	$7.50
Letcher County Jail	Whitesburg	KY	$1.89	$0.39	$7.35
Crittenden County Detention Center	Marion	KY	$1.87	$0.37	$7.05
Barren County Detention Center	Glasgow	KY	$1.85	$0.35	$6.75
Boyd County Detention Center	Catlettsburg	KY	$1.82	$0.32	$6.30
Clinton County Jail	Albany	KY	$3.20	$0.20	$6.02
Woodford County Fiscal Ct	Versailles	KY	$1.80	$0.30	$6.00
Caldwell County Jail	Princeton	KY	$1.78	$0.28	$5.70
Louisville / Jefferson County Metro Govt - Community Correctional Center	Louisville	KY	$1.78	$0.28	$5.70
Louisville / Jefferson County Metro Govt - Corrections	Louisville	KY	$1.78	$0.28	$5.70
Louisville / Jefferson County Metro Govt - Hall of Justice	Louisville	KY	$1.78	$0.28	$5.70
Carter County Detention Center	Grayson	KY	$0.50	$0.34	$5.26
Clay County Detention Center	Manchester	KY	$0.33	$0.33	$4.95
Scott County Detention Center	Georgetown	KY	$0.32	$0.32	$4.80
Graves County Jail-Max	Mayfield	KY	$0.30	$0.30	$4.50
Graves County Restrictive Custody Facility	Mayfield	KY	$0.30	$0.30	$4.50
Three Forks Regional Jail	Beattyville	KY	$0.30	$0.30	$4.50
Warren County Regional Jail	Bowling Green	KY	$0.29	$0.29	$4.35
Whitley County Jail IN	Williamsburg	KY	$0.29	$0.29	$4.35
Boyle County Detention Center KY	Catlettsburg	KY	$0.25	$0.25	$3.75
Calloway County KY Jail	Calloway	KY	$0.25	$0.25	$3.75
Community Transitional Services	Louisville	KY	$0.25	$0.25	$3.75
Hardin County Annex	Elizabethtown	KY	$0.25	$0.25	$3.75
Hardin County Detention Center	Elizabethtown	KY	$0.25	$0.25	$3.75
Hardin County Restricted Custody Bldg	Elizabethtown	KY	$0.25	$0.25	$3.75
Harlan County Detention Center KY	Evarts	KY	$0.25	$0.25	$3.75
Jessamine County Detention Center KY	Nicholasville	KY	$0.25	$0.25	$3.75
Kentucky River Regional Jail KY	Hazard	KY	$0.25	$0.25	$3.75
Laurel County Correctional Center	London	KY	$0.25	$0.25	$3.75
Leslie County Detention Center KY	Hyden	KY	$0.25	$0.25	$3.75
Madison County Jail KY	Richmond	KY	$0.25	$0.25	$3.75
Marion County KY	Lebanon	KY	$0.25	$0.25	$3.75
Montgomery County, KY Regional Jail	Montgomery	KY	$0.25	$0.25	$3.75
Paducah KCI	Paducah	KY	$0.25	$0.25	$3.75
Pulaski County Detention Center KY	Somerset	KY	$0.25	$0.25	$3.75

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Simpson County KY Jail	Simpson	KY	$0.25	$0.25	$3.75
Hart County Jail	Munfordville	KY	$0.22	$0.22	$3.30
Acadia Parish (Ally)	Crowley	LA	$0.25	$0.25	$3.75
Allen Parish Jail	Oberlin	LA	$0.25	$0.25	$3.75
Ascension Parish Jail	Donaldsonville	LA	$0.25	$0.25	$3.75
Ascension Parish Substation	Donaldsonville	LA	$0.25	$0.25	$3.75
Assumption Parish Detention Center	Napoleonville	LA	$0.25	$0.25	$3.75
AvoyellesDC1 Jail	Avoyelles	LA	$0.25	$0.25	$3.75
AvoyellesDC3 Jail	Avoyelles	LA	$0.25	$0.25	$3.75
Bayou Dorcheat Jail	Bayou Dorcheat	LA	$0.25	$0.25	$3.75
Beauregard Parish Jail	DeRidder	LA	$0.25	$0.25	$3.75
Berwick City Police Dept	Berwick	LA	$0.25	$0.25	$3.75
Bogalusa City Jail	Bogalusa	LA	$0.25	$0.25	$3.75
Caddo Parish Juvenile	Shreveport	LA	$0.25	$0.25	$3.75
Calcasieu Parish Sheriff	Lake Charles	LA	$0.25	$0.25	$3.75
Caldwell Detention	Caldwell	LA	$0.25	$0.25	$3.75
Cameron Parish Jail	Cameron	LA	$0.25	$0.25	$3.75
Catahoula Jail	Catahoula	LA	$0.25	$0.25	$3.75
Cedarwood Manor Women's	Lake Charles	LA	$0.25	$0.25	$3.75
Christian Acres Juvenile Youth Center	Tallulah	LA	$0.25	$0.25	$3.75
Claiborne Jail	Claiborne	LA	$0.25	$0.25	$3.75
Concordia Correctional	Concordia	LA	$0.25	$0.25	$3.75
Concordia Jail	Concordia	LA	$0.25	$0.25	$3.75
Concordia WR Jail	Concordia	LA	$0.25	$0.25	$3.75
DeQuincy Jail	Dequincy	LA	$0.25	$0.25	$3.75
Eunice City Jail	Eunice	LA	$0.25	$0.25	$3.75
Evangeline Parish Sheriff	Ville Platte	LA	$0.25	$0.25	$3.75
Franklin Jail	Franklin	LA	$0.25	$0.25	$3.75
Grant Parish Detention Facility	Colfax	LA	$0.25	$0.25	$3.75
Jackson Jail	Jackson	LA	$0.25	$0.25	$3.75
Jackson2 Jail	Jackson	LA	$0.25	$0.25	$3.75
Jefferson Parish (Gretna)	Gretna	LA	$0.25	$0.25	$3.75
Kenner Police Dept	Kenner	LA	$0.25	$0.25	$3.75
Lafayette Parish Corrections LA	Lafayette	LA	$0.25	$0.25	$3.75
Lasalle Jail	Lasalle	LA	$0.25	$0.25	$3.75
Leesville City Jail	Leesville	LA	$0.25	$0.25	$3.75
Livingston Parish Detention	Livingston Parish	LA	$0.25	$0.25	$3.75
Livingston Parish Work Release	Livingston Parish	LA	$0.25	$0.25	$3.75
Lt Sherman Walker Correctional Facility / St. John	La Place	LA	$0.25	$0.25	$3.75
Madison Jail	Madison	LA	$0.25	$0.25	$3.75
Madison Men Jail	Madison	LA	$0.25	$0.25	$3.75
Madison Women Jail	Madison	LA	$0.25	$0.25	$3.75
MadisonJV3 Jail	Madison	LA	$0.25	$0.25	$3.75

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
MadisonJV4 Jail	Madison	LA	$0.25	$0.25	$3.75
Morehouse Parish Annex	Bastrop	LA	$0.25	$0.25	$3.75
Morehouse Parish Detention Center	Collinston	LA	$0.25	$0.25	$3.75
Morehouse Parish Jail	Bastrop	LA	$0.25	$0.25	$3.75
Morgan City Jail	Morgan City	LA	$0.25	$0.25	$3.75
Nelson Coleman Correctional Center (St. Charles)	Killona	LA	$0.25	$0.25	$3.75
Orleans Justice Center	New Orleans	LA	$0.25	$0.25	$3.75
Orleans Parish Temporary Detention Center	New Orleans	LA	$0.25	$0.25	$3.75
Ouachita WR Jail	Ouachita	LA	$0.25	$0.25	$3.75
Patterson Jail	Patterson	LA	$0.25	$0.25	$3.75
Pearl River Police Department	Pearl River	LA	$0.25	$0.25	$3.75
Phelps Jail	Phelps	LA	$0.25	$0.25	$3.75
Plaquemines Parish Detention Center	Davant	LA	$0.25	$0.25	$3.75
Pointe Coupee Jail	Pointe Coupee	LA	$0.25	$0.25	$3.75
Rapides Parish Detention Center 1	Alexandria	LA	$0.25	$0.25	$3.75
Rapides Parish Detention Center 3	Alexandria	LA	$0.25	$0.25	$3.75
Richland Jail	Richland	LA	$0.25	$0.25	$3.75
Richwood Correctional	Richwood	LA	$0.25	$0.25	$3.75
River Jail	River	LA	$0.25	$0.25	$3.75
Shreveport City Jail	Shreveport	LA	$0.25	$0.25	$3.75
Slidell Police Dept	Slidell	LA	$0.25	$0.25	$3.75
Springhill Jail	Springhill	LA	$0.25	$0.25	$3.75
Springhill Police Department	Springhill	LA	$0.25	$0.25	$3.75
St Landry Parish	Opelousas	LA	$0.25	$0.25	$3.75
St Mary Parish Law Enforcement Center	Centerville	LA	$0.25	$0.25	$3.75
St. James Parish Jail	Convent	LA	$0.25	$0.25	$3.75
St. Martin Parish Correctional Center	St. Martinville	LA	$0.25	$0.25	$3.75
Sulphur Police Department	Sulphur	LA	$0.25	$0.25	$3.75
Tangipahoa Parish Jail	Amite	LA	$0.25	$0.25	$3.75
Tensas Jail	Tensas	LA	$0.25	$0.25	$3.75
Terrebonne Parish Criminal Justice Bld 2	Houma	LA	$0.25	$0.25	$3.75
Terrebonne Parish Criminal Justice Complex	Houma	LA	$0.25	$0.25	$3.75
Union Jail	Union	LA	$0.25	$0.25	$3.75
Vermilion Parish Jail	Abbeville	LA	$0.25	$0.25	$3.75
Ville Platte Police Department	Ville Platte	LA	$0.25	$0.25	$3.75
Washington Parish	Franklinton	LA	$0.25	$0.25	$3.75
Webster Jail	Webster	LA	$0.25	$0.25	$3.75
West Baton Rouge Correctional Facility	Port Allen	LA	$0.25	$0.25	$3.75
West Carroll Jail	West Carroll	LA	$0.25	$0.25	$3.75
West Feliciana Parish Jail	St. Francisville	LA	$0.25	$0.25	$3.75
Winn Correctional	Winn	LA	$0.25	$0.25	$3.75
Winn Parish Jail	Winn Parish	LA	$0.25	$0.25	$3.75
Winnfield Jail	Winnfield	LA	$0.25	$0.25	$3.75

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Berkshire County House of Corrections	Pittsfield	MA	$3.21	$0.21	$6.15
Franklin County Jail	Greenfield	MA	$3.21	$0.21	$6.15
Ash Street Jail & Regional Lock Up	New Bedford	MA	$3.16	$0.16	$5.40
Bristol County Faunce Corner	N Dartmouth	MA	$3.16	$0.16	$5.40
Worcester County Jail	West Boylston	MA	$3.14	$0.14	$5.10
Barnstable County Corrections Facility	Bourne	MA	$3.45	$0.10	$4.85
Dukes County Jail	Edgartown	MA	$3.10	$0.10	$4.50
Gardner Police Department	Gardner	MA	$0.22	$0.22	$3.30
Leicester Police Department	Leicester	MA	$0.22	$0.22	$3.30
Shirley Police Department	Shirley	MA	$0.22	$0.22	$3.30
Spencer Police Department	Spencer	MA	$0.22	$0.22	$3.30
Sterling Police Department	Sterling	MA	$0.22	$0.22	$3.30
Caroline County MD-Prison	Denton	MD	$0.25	$0.25	$3.75
Talbot County Detention Center	Easton	MD	$0.25	$0.25	$3.75
Worcester County Detention Center	Snow Hill	MD	$0.25	$0.25	$3.75
Dorchester County Detention Center	Cambridge	MD	$0.22	$0.22	$3.30
Androscoggin County Jail	Auburn	ME	$1.75	$0.32	$6.23
Franklin County Jail	Farmington	ME	$1.75	$0.32	$6.23
Kennebec County Jail	Augusta	ME	$1.75	$0.32	$6.23
Knox County Jail	Rockland	ME	$1.75	$0.32	$6.23
Oxford County Jail	South Paris	ME	$1.75	$0.32	$6.23
Penobscot County Jail	Bangor	ME	$1.75	$0.32	$6.23
Piscataquis County Jail	Dover Foxcroft	ME	$1.75	$0.32	$6.23
Waldo County Jail	Belfast	ME	$1.75	$0.32	$6.23
York County Jail	Alfred	ME	$1.75	$0.32	$6.23
Somerset County Me-Jail	Madison	ME	$0.35	$0.35	$5.25
Aroostook County Jail	Houlton	ME	$0.29	$0.29	$4.35
Two Bridges Regional ME-Jail	Wiscasset	ME	$0.27	$0.27	$4.05
Cumberland County Jail	Portland	ME	$1.48	$0.14	$3.44
Hancock County Jail	Ellsworth	ME	$1.48	$0.14	$3.44
Washington County Jail	Machias	ME	$1.48	$0.14	$3.44
Canton Police Department	Canton	MI	$6.50	$1.25	$24.00
Clinton Township Police Department	Charter Twp of Clint	MI	$6.50	$1.25	$24.00
Dearborn Police Department	Dearborn	MI	$6.50	$1.25	$24.00
Farmington Hills Police Dept. / iCON	Farmington Hills	MI	$6.50	$1.25	$24.00
Lincoln Park Police Jail	Lincoln Park	MI	$6.50	$1.25	$24.00
Madison Heights Police Dept. / iCON	Madison Heights	MI	$6.50	$1.25	$24.00
Redford Police Department	Redford Charter Twp	MI	$6.50	$1.25	$24.00
Southfield Police Department	Southfield	MI	$6.50	$1.25	$24.00
St. Clair Shores Police Department	St. Clair Shores	MI	$6.50	$1.25	$24.00
Sterling Heights Police Department	Sterling Heights	MI	$6.50	$1.25	$24.00
Taylor Police Department	Taylor	MI	$6.50	$1.25	$24.00

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Troy Police Department	Troy	MI	$6.50	$1.25	$24.00
Van Buren Township Police Department	Belleville	MI	$6.50	$1.25	$24.00
Warren Police Dept. / iCON	Warren	MI	$6.50	$1.25	$24.00
Wyandotte Police Dept. / iCON	Wyandotte	MI	$6.50	$1.25	$24.00
Benzie County Sheriff's Dept	Beulah	MI	$5.61	$1.19	$22.27
Roscommon County Jail	Roscommon	MI	$5.61	$1.19	$22.27
Wexford County Sheriff's Office and Jail	Cadillac	MI	$5.87	$1.16	$22.11
Marquette County Community Corrections Detention Center	Marquette	MI	$5.58	$1.16	$21.82
Marquette Sheriff's Dept	Marquette	MI	$5.58	$1.16	$21.82
Newaygo County Jail	White Cloud	MI	$5.14	$1.19	$21.80
Ottawa County Jail	West Olive	MI	$5.14	$1.19	$21.80
Branch County Jail	Coldwater	MI	$5.79	$1.08	$20.91
Ogemaw County Jail	West Branch	MI	$5.47	$1.05	$20.17
Lapeer County Courthouse	Lapeer	MI	$5.02	$1.07	$20.00
Lapeer County Jail	Lapeer	MI	$5.02	$1.07	$20.00
Saginaw County Sheriff's Dept	Saginaw	MI	$5.44	$1.02	$19.72
Clinton County Jail	St Johns	MI	$5.00	$1.05	$19.70
Missaukee County Sheriff's Office	Lake City	MI	$5.41	$0.99	$19.27
Montcalm Sheriff's Dept	Stanton	MI	$5.41	$0.99	$19.27
Isabella County Jail	Mount Pleasant	MI	$5.39	$0.97	$18.97
Ingham County Correctional Facility	Mason	MI	$4.77	$0.98	$18.49
Antrim County Sheriff's Office	Belaire	MI	$5.33	$0.91	$18.07
Alcona County Sheriff's Dept	Harrisville	MI	$5.32	$0.90	$17.92
Genesee County Jail	Flint	MI	$4.88	$0.93	$17.90
Menominee County Jail	Menominee	MI	$5.30	$0.89	$17.71
Alpena County Jail	Alpena	MI	$5.26	$0.84	$17.02
Emmet County Sheriff's Dept	Petoskey	MI	$5.25	$0.83	$16.87
Shiawassee County Jail	Corunna	MI	$4.80	$0.85	$16.70
Shiawassee County Work Release	Corunna	MI	$4.80	$0.85	$16.70
Cheboygan County Jail	Cheboygan	MI	$5.23	$0.81	$16.57
Berrien County Mi-Jail	St Joseph	MI	$1.10	$1.10	$16.50
Lenawee County Mi-Jail	Adrian	MI	$1.09	$1.09	$16.35
Gratiot County Jail	Ithaca	MI	$4.77	$0.82	$16.25
Gogebic County Sheriff's Dept	Bessemer	MI	$5.40	$0.69	$15.06
Houghton County Sheriff's Dept	Houghton	MI	$5.40	$0.69	$15.06
Houghton County Work Release	Calumet	MI	$5.40	$0.69	$15.06
Jackson County Chanter Road Facility	Jackson	MI	$5.40	$0.69	$15.06
Jackson County Jail	Jackson	MI	$5.40	$0.69	$15.06
Mackinac County Jail	St Ignace	MI	$5.40	$0.69	$15.06
Alger County Sheriff's Dept	Munising	MI	$5.11	$0.69	$14.77
Arenac County Jail	Standish	MI	$5.11	$0.69	$14.77
Baraga County Jail	L'Anse	MI	$5.11	$0.69	$14.77
Bay County Law Enforcement Center	Bay City	MI	$5.11	$0.69	$14.77

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Delta County Correctional Facility	Escanaba	MI	$5.11	$0.69	$14.77
Delta County Jail	Escanaba	MI	$5.11	$0.69	$14.77
Detroit Madison Center	Detroit	MI	$5.11	$0.69	$14.77
Holland Police Dept	Holland	MI	$5.11	$0.69	$14.77
Iron County Sheriff's Dept	Crystal Falls	MI	$5.11	$0.69	$14.77
Lansing Police Dept	Lansing	MI	$5.11	$0.69	$14.77
Montmorency Sheriff's Dept	Atlanta	MI	$5.11	$0.69	$14.77
Niles Law Enforcement Complex	Niles	MI	$5.11	$0.69	$14.77
Ontonagon County Jail	Ontonagon	MI	$5.11	$0.69	$14.77
Otsego County Jail	Gaylord	MI	$5.11	$0.69	$14.77
Presque Isle County Jail	Rogers City	MI	$5.11	$0.69	$14.77
Schoolcraft County Jail	Manitsique	MI	$5.11	$0.69	$14.77
Eaton County Sheriff's Dept	Charlotte	MI	$4.93	$0.69	$14.59
Flint Police Dept	Flint	MI	$4.64	$0.69	$14.30
Iosco County Sheriff's Dept	Tawas City	MI	$4.60	$0.60	$13.00
Midland County Jail	Midland	MI	$3.64	$0.64	$12.60
Grand Traverse County	Traverse City	MI	$3.62	$0.62	$12.30
Chippewa County Jail	Sault St Marie	MI	$4.74	$0.49	$11.60
St Joseph County Jail	Centreville	MI	$0.70	$0.70	$10.50
Detroit MI-Detention Center (DDC)	Detroit	MI	$0.62	$0.62	$9.30
Dickinson County Jail	Iron Mountain	MI	$3.91	$0.37	$9.09
Brownstown Township Police Department	Brownstown Township	MI	$0.50	$0.50	$7.50
Charlevoix County Sheriff's Office	Charlevoix	MI	$0.50	$0.50	$7.50
Crawford County Jail	Grayling	MI	$0.50	$0.50	$7.50
Eastpointe Police Department	Eastepointe	MI	$0.50	$0.50	$7.50
Ferndale Police Department	Ferndale	MI	$0.50	$0.50	$7.50
Flat Rock Jail	Flat Rock	MI	$0.50	$0.50	$7.50
Garden City Police Department	Garden City	MI	$0.50	$0.50	$7.50
Hamtramck Police Department	Hamtramck	MI	$0.50	$0.50	$7.50
Hamtramck Police Department Jail	Hamtramck	MI	$0.50	$0.50	$7.50
Manistee County Jail	Manistee	MI	$0.50	$0.50	$7.50
Novi Police Department	Novi	MI	$0.50	$0.50	$7.50
Oak Park MI-City Jail	Oak Park	MI	$0.50	$0.50	$7.50
Riverview Police Department	Riverview	MI	$0.50	$0.50	$7.50
Riverview Police Department Jail	Riverview	MI	$0.50	$0.50	$7.50
Rochester Michigan Police Department	Rochester	MI	$0.50	$0.50	$7.50
Twin County II	Three Rivers	MI	$0.50	$0.50	$7.50
Twin County II Jail	Three Rivers	MI	$0.50	$0.50	$7.50
Waterford Police Department	Waterford	MI	$0.50	$0.50	$7.50
Wayne Police Department	Wayne	MI	$0.50	$0.50	$7.50
Wayne Police Department Jail	Wayne	MI	$0.50	$0.50	$7.50
West Bloomfield Police Department	West Bloomfield	MI	$0.50	$0.50	$7.50

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Oceana County Jail	Hart	MI	$0.40	$0.40	$6.00
Gladwin County Jail	Gladwin	MI	$0.30	$0.30	$4.50
Huron County Sheriff's Office	Axe	MI	$0.30	$0.30	$4.50
Ionia County	Ionia	MI	$0.30	$0.30	$4.50
Wayne County MI	Detroit	MI	$0.28	$0.28	$4.20
Allegan County Corrections Center MI	Allegan	MI	$0.25	$0.25	$3.75
Calhoun County Sheriff's Office	Creek	MI	$0.25	$0.25	$3.75
Charlevoix County Jail - MI	Charlevoix	MI	$0.25	$0.25	$3.75
Crawford County Jail - MI	Grayling	MI	$0.25	$0.25	$3.75
Genesee County MI-County Jail	Flint	MI	$0.25	$0.25	$3.75
Kalamazoo County Jail MI	Kalamazoo	MI	$0.25	$0.25	$3.75
Lake County Sheriff's Department	Baldwin	MI	$0.25	$0.25	$3.75
Leelanau County Jail- TCOO	Suttons Bay	MI	$0.25	$0.25	$3.75
Oakland County Sheriff's Office	Pontiac	MI	$0.25	$0.25	$3.75
Van Buren County Jail MI	Paw Paw	MI	$0.25	$0.25	$3.75
Cass County Sheriff's Office	Cassopolis	MI	$0.22	$0.22	$3.30
Kalkaska County Sheriff's Office	Kalkaska	MI	$0.22	$0.22	$3.30
Goodhue Sheriff's Dept	Red Wing	MN	$4.06	$0.56	$11.92
McLeod County Jail	Glencoe	MN	$3.99	$0.49	$10.87
Sibley County Jail	Gaylord	MN	$3.00	$0.50	$10.00
Ramsey County Law Enforcement Center	Saint Paul	MN	$3.90	$0.40	$9.50
Many Rivers Juvenile Detention Center	Rochester	MN	$3.29	$0.39	$8.75
Scott County Jail	Shakopee	MN	$1.91	$0.41	$7.65
Sherburne County Jail	Elk River	MN	$2.14	$0.39	$7.60
Mille Lacs County	Milaca	MN	$0.50	$0.50	$7.50
Carver County Jail	Chaska	MN	$2.10	$0.35	$7.00
Rice County Jail	Faribault	MN	$2.10	$0.35	$7.00
Rice County Jail Annex	Faribault	MN	$2.10	$0.35	$7.00
Washington County Jail	Stillwater	MN	$1.82	$0.32	$6.30
Brooklyn Park Police Dept	Brooklyn Park	MN	$2.75	$0.25	$6.25
Chaffee Police Department-JCW	Chaffee	MO	$1.55	$1.55	$23.25
Independence Police Department	Independence	MO	$1.55	$1.55	$23.25
Jennings Adult Correctional Facility	Jennings	MO	$3.75	$1.15	$19.87
Wright County Jail	Hartville	MO	$2.99	$0.74	$13.35
Douglas County Jail	Ava	MO	$0.85	$0.85	$12.75
Arnold City Jail	Arnold	MO	$3.25	$0.65	$12.37
Aurora City Police Dept	Aurora	MO	$3.25	$0.65	$12.37
Berkeley City Police Dept (New)	Berkeley	MO	$3.25	$0.65	$12.37
Cape Girardeau Police Dept - Maria Louisa	Cape Girardeau	MO	$3.25	$0.65	$12.37
Festus City Police Dept	Festus	MO	$3.25	$0.65	$12.37
Lee's Summit City Police Dept	Lee's Summit	MO	$3.25	$0.65	$12.37
Monett City Police Dept	Monett	MO	$3.25	$0.65	$12.37
Overland City Police Dept	Overland	MO	$3.25	$0.65	$12.37

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Sikeston Dept of Public Safety	Sikeston	MO	$3.25	$0.65	$12.37
St Francois County Jail	Farmington	MO	$2.65	$0.65	$11.75
Phelps County Sheriff's Dept	Rolla	MO	$2.64	$0.64	$11.60
Montgomery County Jail	Montgomery City	MO	$0.75	$0.75	$11.25
Jefferson County Jail	Hillsboro	MO	$0.73	$0.73	$10.95
St Peters Police Dept	St Peters	MO	$2.96	$0.45	$9.26
Cape Girardeau County Jail	Jackson	MO	$0.61	$0.61	$9.15
Pike County Detention Center	Bowling Green	MO	$2.67	$0.42	$8.55
Scott City Police Department	Scott City	MO	$0.55	$0.55	$8.25
Kansas City Police Dept - Valley Division	Kansas City	MO	$2.40	$0.40	$8.00
Kansas City Police Dept Metropolitan Division	Kansas City	MO	$2.40	$0.40	$8.00
Kansas City Police Dept South Division	Kansas City	MO	$2.40	$0.40	$8.00
Kansas City Police East Patrol Division	Kansas City	MO	$2.40	$0.40	$8.00
Adair County	Kirksville	MO	$0.50	$0.50	$7.50
Andrew County Sheriff's Office/Jail	Savannah	MO	$0.50	$0.50	$7.50
Excelsior Springs Police Department Jail	Excelsior Springs	MO	$0.50	$0.50	$7.50
Gladstone Police Department Jail	Gladstone	MO	$0.50	$0.50	$7.50
Joplin Police Department	Joplin	MO	$0.50	$0.50	$7.50
Macon County Jail (Tele-Connect)	Macon	MO	$0.50	$0.50	$7.50
Moniteau County Jail	California	MO	$0.50	$0.50	$7.50
Nodaway County Sheriff's Office	Maryville	MO	$0.50	$0.50	$7.50
Schuyler County Jail - MO	Lancaster	MO	$0.50	$0.50	$7.50
St. Louis Correctional	St. Louis	MO	$0.50	$0.50	$7.50
Kirkwood P D MO	Kirkwood	MO	$0.44	$0.44	$6.60
Louisiana Police Department	Louisiana	MO	$0.40	$0.40	$6.00
Callaway County Sheriff's Office	Fulton	MO	$0.30	$0.30	$4.50
Stone County Sheriff’s Office	Galena	MO	$0.30	$0.30	$4.50
Blue Springs Police Department	Blue Springs	MO	$0.25	$0.25	$3.75
Buchanan County Jail	St Joseph	MO	$0.25	$0.25	$3.75
Cole County Sheriff's Dept	Jefferson City	MO	$0.25	$0.25	$3.75
Greene County Jail MO	Springfield	MO	$0.25	$0.25	$3.75
St. Louis County Department of Justice Services	Clayton	MO	$0.25	$0.25	$3.75
Wilkinson County MS-Jail	Woodville	MS	$0.69	$0.69	$10.35
George-Greene Cnty MS-Regional Jail	Lucedale	MS	$0.56	$0.56	$8.43
Chickasaw County Jail	Houston	MS	$0.50	$0.50	$7.50
Clarke County Jail	Quitman	MS	$0.50	$0.50	$7.50
Copiah County Detention Center	Hazlehurst	MS	$0.50	$0.50	$7.50
Desoto County Expansion Facility	Hernando	MS	$0.50	$0.50	$7.50
Forrest County Regional Jail	Hattiesburg	MS	$0.50	$0.50	$7.50
Greene County Jail	Leakesville	MS	$0.50	$0.50	$7.50
Grenada County Jail	Grenada	MS	$0.50	$0.50	$7.50
Hancock County Adult Detention Center	Bay St Louis	MS	$0.50	$0.50	$7.50
Harrison County Detention Center	Gulfport	MS	$0.50	$0.50	$7.50

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Harrison County Work Center	Gulfport	MS	$0.50	$0.50	$7.50
Hinds County Detention Facility - Jackson	Jackson	MS	$0.50	$0.50	$7.50
Hinds County Detention Facility - Raymond	Raymond	MS	$0.50	$0.50	$7.50
Hinds County Penal Farm	Raymond	MS	$0.50	$0.50	$7.50
Jackson County Adult Detention Center	Pascagoula	MS	$0.50	$0.50	$7.50
Jones County Jail	Ellisville	MS	$0.50	$0.50	$7.50
Jones County Juvenile Detention Center	Ellisville	MS	$0.50	$0.50	$7.50
Lauderdale County Detention Facility	Meridian	MS	$0.50	$0.50	$7.50
Leake County Correctional Facility - County	Carthage	MS	$0.50	$0.50	$7.50
Leflore County Jail	Greenwood	MS	$0.50	$0.50	$7.50
Lowndes County Adult Detention Center	Columbus	MS	$0.50	$0.50	$7.50
Lowndes County Courthouse Holding Cell	Columbus	MS	$0.50	$0.50	$7.50
Madison County Detention Center	Canton	MS	$0.50	$0.50	$7.50
Marshall County Justice	Holly Springs	MS	$0.50	$0.50	$7.50
Neshoba County Detention Center	Philadelphia	MS	$0.50	$0.50	$7.50
Oktibbeha County Jail	Starkville	MS	$0.50	$0.50	$7.50
Oktibbeha County Jail-Trustee Facility	Starkville	MS	$0.50	$0.50	$7.50
Panola County Detention Center	Batesville	MS	$0.50	$0.50	$7.50
Pearl River County Jail	Poplarville	MS	$0.50	$0.50	$7.50
Picayune City Jail	Picayune	MS	$0.50	$0.50	$7.50
Pike County Detention Center	Magnolia	MS	$0.50	$0.50	$7.50
Prentiss County Jail	Booneville	MS	$0.50	$0.50	$7.50
Scott County Jail	Forest	MS	$0.50	$0.50	$7.50
Tate County Jail- JSI	Senatobia	MS	$0.50	$0.50	$7.50
Tippah County Jail - JSI	Ripley	MS	$0.50	$0.50	$7.50
Tunica County Sheriff's Dept - JSI	Tunica	MS	$0.50	$0.50	$7.50
Union County Jail	New Albany	MS	$0.50	$0.50	$7.50
Wayne County Jail	Waynesboro	MS	$0.50	$0.50	$7.50
Webster County Jail	Eupora	MS	$0.50	$0.50	$7.50
Yalobusha County Jail	Water Valley	MS	$0.50	$0.50	$7.50
Jefferson-Franklin Cnty MS-Regional Jail	Fayette	MS	$0.46	$0.46	$6.90
Rankin County MS-Adult Jail	Brandon	MS	$0.26	$0.26	$3.95
Rankin County MS-Juvenile Jail	Pelahatchie	MS	$0.26	$0.26	$3.95
Adams County Jail - MS	Natchez	MS	$0.25	$0.25	$3.75
Bolivar County MS-Correctional Facility	Cleveland	MS	$0.25	$0.25	$3.75
Greene County Jail - MS	Leakesville	MS	$0.25	$0.25	$3.75
Jones County Adult Detention Center - MS	Ellisville	MS	$0.25	$0.25	$3.75
Mississippi Band of Choctaw Indians Detention Center	Philadelphia	MS	$0.25	$0.25	$3.75
Newton County Jail	Decatur	MS	$0.25	$0.25	$3.75
Perry County Jail - MS	New Augusta	MS	$0.25	$0.25	$3.75
Warren County Adult Jail	Vicksburg	MS	$0.25	$0.25	$3.75
Warren County Juvenile Justice Center	Vicksburg	MS	$0.25	$0.25	$3.75
Clay County Sheriff's Office	Point	MS	$0.22	$0.22	$3.30

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Humphreys County Jail	Belzoni	MS	$0.22	$0.22	$3.30
Sunflower County	Indianola	MS	$0.22	$0.22	$3.30
Pondera County Sheriff's Dept	Conrad	MT	$4.72	$1.02	$19.00
Hill County Detention Facility	Havre	MT	$5.22	$0.88	$17.54
Flathead County Jail	Kalispell	MT	$4.81	$0.86	$16.85
Broadwater County	Townsend	MT	$4.76	$0.81	$16.10
Butte Silverbow County Jail	Butte	MT	$4.75	$0.80	$15.95
Lewis & Clark County Detention Center	Helena	MT	$4.69	$0.74	$15.05
Richland County Sheriff's Dept	Sidney	MT	$4.78	$0.69	$14.44
Anaconda Police Dept	Anaconda	MT	$4.64	$0.69	$14.30
Beaverhead County Jail	Dillon	MT	$4.64	$0.69	$14.30
Chouteau County Detention Center	Ft Benton	MT	$4.64	$0.69	$14.30
Custer County Jail	Miles City	MT	$4.64	$0.69	$14.30
Fallon County Sheriff's Dept	Baker	MT	$4.64	$0.69	$14.30
Fergus County Sheriff's Dept	Lewistown	MT	$4.64	$0.69	$14.30
Jefferson County Detention Facility	Boulder	MT	$4.64	$0.69	$14.30
Lake County Detention Facility	Polson	MT	$4.64	$0.69	$14.30
Lincoln County Jail	Libby	MT	$4.64	$0.69	$14.30
Musselshell County Jail	Roundup	MT	$4.64	$0.69	$14.30
Park County Detention Center	Livingston	MT	$4.64	$0.69	$14.30
Ravalli County Sheriff's Dept	Hamilton	MT	$4.64	$0.69	$14.30
Toole County Jail	Shelby	MT	$4.64	$0.69	$14.30
Powell County Sheriff's Dept	Deer Lodge	MT	$1.50	$0.75	$12.00
Sanders County Jail	Thompson Falls	MT	$3.00	$0.50	$10.00
Granite County Jail	Philipsburg	MT	$0.50	$0.50	$7.50
Cascade County Adult Detention Center	Great Falls	MT	$0.29	$0.29	$4.35
Chippewa Cree Tribal Justice Center	Box Elder	MT	$1.45	$0.20	$4.25
CCCS-Watch East Treatment Center- (HLS)	Glendive	MT	$1.20	$0.20	$4.00
Black Feet Detention Center	Browning	MT	$0.25	$0.25	$3.75
Fort Belknap Corrections	Harlem	MT	$0.25	$0.25	$3.75
Gallatin County Jail MT	Bozeman	MT	$0.25	$0.25	$3.75
Northern Cheyenne	Lame Deer	MT	$0.25	$0.25	$3.75
Yellowstone County Detention Center MT	Billings	MT	$0.25	$0.25	$3.75
CCCS - Butte Pre-Release Center Jail	Butte	MT	$0.22	$0.22	$3.30
CCCS - CCP East Jail	Butte	MT	$0.22	$0.22	$3.30
CCCS - START Program Jail	Anaconda	MT	$0.22	$0.22	$3.30
CCCS - WATCH West Jail	Warm Springs	MT	$0.22	$0.22	$3.30
Moore County Jail	Carthage	NC	$0.55	$0.55	$8.25
Cabarrus County Sheriff's Office	Concord	NC	$2.86	$0.36	$7.90
Chowan County Detention Facility	Edenton	NC	$2.81	$0.31	$7.15
Brunswick County Jail	Bolivia	NC	$2.82	$0.24	$6.18
Craven County Jail	New Bern	NC	$0.40	$0.40	$6.00
Pamlico County Detention Facility	Bayboro	NC	$0.40	$0.40	$6.00

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Wayne County Jail	Wayne County	NC	$0.31	$0.31	$4.65
Hoke County Detention Center	Raeford	NC	$0.26	$0.26	$3.90
Lenoir County Sheriff's Office	Kinston	NC	$0.25	$0.25	$3.75
Madison County Detention Center	Marshall	NC	$0.25	$0.25	$3.75
Moore County Detention	Moore County	NC	$0.25	$0.25	$3.75
Alamance County Detention Center	Graham	NC	$0.24	$0.24	$3.60
Alamance County Detention Center Annex	Graham	NC	$0.24	$0.24	$3.60
Albemarle District Jail	Elizabeth City	NC	$0.24	$0.24	$3.60
Anson County Sheriff's Office	Wadesboro	NC	$0.24	$0.24	$3.60
Cherokee County Detention Center - NC	Murphy	NC	$0.24	$0.24	$3.60
Clay County Jail - NC	Hayesville	NC	$0.24	$0.24	$3.60
Columbus County Detention Center- NC	Whiteville	NC	$0.24	$0.24	$3.60
Dare County Detention Center	Manteo	NC	$0.24	$0.24	$3.60
Jackson County Detention Center - NC	Sylva	NC	$0.24	$0.24	$3.60
Macon County Detention Center - NC	Franklin	NC	$0.24	$0.24	$3.60
Montgomery County Sheriff's Office	Troy	NC	$0.24	$0.24	$3.60
Richmond County Jail	Rockingham	NC	$0.24	$0.24	$3.60
Rowan County Detention Center	Salisbury	NC	$0.24	$0.24	$3.60
Rowan County Detention Center Annex	Salisbury	NC	$0.24	$0.24	$3.60
Rutherford County Detention Center	Rutherfordton	NC	$0.24	$0.24	$3.60
Stanly County Detention Center	Albemarle	NC	$0.24	$0.24	$3.60
Union County Jail	Monroe	NC	$0.24	$0.24	$3.60
Iredell County Annex	Statesville	NC	$0.23	$0.23	$3.45
Iredell County Detention Center	Statesville	NC	$0.23	$0.23	$3.45
Avery County Sheriff's Office	Newland	NC	$0.22	$0.22	$3.30
Johnston County Jail	Smithfield	NC	$0.22	$0.22	$3.30
New Hanover County Detention Center	Castle Hayne	NC	$0.22	$0.22	$3.30
Cass County Sheriff's Office	Fargo	ND	$3.60	$0.60	$12.00
Gerald Fox Adult Detention	New Town	ND	$0.75	$0.75	$11.25
Heart of America Correctional & Treatment Center	Rugby	ND	$3.49	$0.43	$9.51
CCCS - Bismarck Transitional Center Jail	Bismarck	ND	$0.50	$0.50	$7.50
Fort Totten Detention Center	Fort Totten	ND	$0.25	$0.25	$3.75
Standing Rock Adult Detention Facility	Fort Yates	ND	$0.25	$0.25	$3.75
Standing Rock Youth Service Center	Fort Yates	ND	$0.25	$0.25	$3.75
Turtle Mountain Detention Facility	Belcourt	ND	$0.25	$0.25	$3.75
Hall County DOC	Grand Island	NE	$4.74	$0.79	$15.80
Pierce County Sheriff	Pierce	NE	$0.95	$0.95	$14.25
Kimball County Sheriff's Office	Kimball	NE	$4.15	$0.65	$13.27
Dakota County Jail	Dakota	NE	$2.88	$0.63	$11.70
Washington County Jail	Blair	NE	$2.75	$0.50	$9.75
Adams County Jail	Hastings	NE	$3.93	$0.38	$9.20
Saunders County Jail	Wahoo	NE	$2.53	$0.38	$7.85
Lancaster Youth Services Center	Lincoln	NE	$0.50	$0.50	$7.50

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Red Willow County Jail	McCook	NE	$0.50	$0.50	$7.50
Thayer County Jail	Hebron	NE	$0.50	$0.50	$7.50
Webster County Jail	Red Cloud	NE	$0.50	$0.50	$7.50
Dawson County NE Sheriff's Office	Dawson	NE	$0.40	$0.40	$6.00
Dakota NE Jail	Dakota NE	NE	$0.31	$0.31	$4.65
Lincoln County Jail	Lincoln County	NE	$0.31	$0.31	$4.65
Buffalo County NE	Kearney	NE	$0.25	$0.25	$3.75
Belknap County HOC	Laconia	NH	$4.59	$0.69	$14.25
Rockingham County DOC	Brentwood	NH	$2.39	$0.42	$8.27
Coos County House of Corrections	W Stewartstown	NH	$2.27	$0.30	$6.47
Merrimack County DOC	Boscawen	NH	$2.53	$0.28	$6.45
Carroll County DOC	Ossipee	NH	$1.71	$0.21	$4.65
Cheshire County DOC	Keene	NH	$1.50	$0.19	$4.16
Sullivan County DOC	Unity	NH	$1.44	$0.19	$4.10
Strafford Cnty NH-Correctional	Dover	NH	$0.22	$0.22	$3.30
Paterson Police Department	Patterson	NJ	$0.50	$0.50	$7.50
Lincoln County Jail	Pioche	NV	$2.04	$0.54	$9.60
Douglas County - Lake Tahoe Jail	Stateline	NV	$1.91	$0.41	$7.65
Douglas County - Minden Jail	Minden	NV	$1.91	$0.41	$7.65
Esmeralda County Jail	Goldfield	NV	$0.50	$0.50	$7.50
Henderson Detention Center	Henderson	NV	$1.47	$0.37	$6.65
Humboldt County Sheriff's Office	Winnemucca	NV	$1.94	$0.30	$6.14
Eureka County Jail	Eureka	NV	$1.80	$0.30	$6.02
Mesquite City Police Dept	Mesquite	NV	$1.80	$0.30	$6.02
White Pine County Jail	Ely	NV	$1.80	$0.30	$6.02
Lyon County Jail	Yerington	NV	$1.33	$0.33	$5.95
Mineral County Sheriff's Dept	Hawthorne	NV	$1.75	$0.25	$5.25
Pershing County Sheriff's Dept	Lovelock	NV	$1.25	$0.25	$4.75
City of Las Vegas	Las Vegas	NV	$0.25	$0.25	$3.75
Elko County Jail	Elko	NV	$0.25	$0.25	$3.75
Nye County NV	Tonopah	NV	$0.25	$0.25	$3.75
Owyhee Detention Center	Owyhee	NV	$0.22	$0.22	$3.30
West Seneca Police Dept.	West Seneca	NY	$0.89	$0.89	$13.35
Albany County NY-Correctional	Albany	NY	$4.35	$0.40	$9.95
Allegany County NY-County Jail	Belmont	NY	$4.35	$0.40	$9.95
Broome County NY-County Jail	Binghamton	NY	$4.35	$0.40	$9.95
Cattaraugus County NY-County Jail	Little Valley	NY	$4.35	$0.40	$9.95
Cayuga County NY-County Jail	Auburn	NY	$4.35	$0.40	$9.95
Chautauqua County NY-County Jail	Mayville	NY	$4.35	$0.40	$9.95
Chenango County NY-County Jail	Norwich	NY	$4.35	$0.40	$9.95
Clinton County NY-County Jail	Plattsburgh	NY	$4.35	$0.40	$9.95
Columbia County NY-County Jail	Hudson	NY	$4.35	$0.40	$9.95
Cortland County NY-County Jail	Cortland	NY	$4.35	$0.40	$9.95

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Delaware County NY-County Jail	Monticello	NY	$4.35	$0.40	$9.95
Dutchess County NY-County Jail	Poughkeepsie	NY	$4.35	$0.40	$9.95
Essex County NY-County Jail	Lewis	NY	$4.35	$0.40	$9.95
Franklin County NY-County Jail	Malone	NY	$4.35	$0.40	$9.95
Fulton County NY-County Jail	Johnstown	NY	$4.35	$0.40	$9.95
Herkimer County NY-County Jail	Herkimer	NY	$4.35	$0.40	$9.95
Jefferson County NY-County Jail	Watertown	NY	$4.35	$0.40	$9.95
Lewis County NY-County Jail (LCO)	Lowville	NY	$4.35	$0.40	$9.95
Livingston County NY-County Jail	Geneseo	NY	$4.35	$0.40	$9.95
Madison County NY-County Jail	Wampsville	NY	$4.35	$0.40	$9.95
Monroe County NY-County Jail	Rochester	NY	$4.35	$0.40	$9.95
Monroe County NY-County Jail Annex	Rochester	NY	$4.35	$0.40	$9.95
Montgomery County NY-County Jail	Fultonville	NY	$4.35	$0.40	$9.95
Nassau County NY-Correctional Center	East Meadow	NY	$4.35	$0.40	$9.95
Niagara County NY-County Jail	Lockport	NY	$4.35	$0.40	$9.95
Oneida County NY-County Jail	Oriskany	NY	$4.35	$0.40	$9.95
Onondaga County NY-Justice Center	Syracuse	NY	$4.35	$0.40	$9.95
Orange County NY-County Jail	Goshen	NY	$4.35	$0.40	$9.95
Oswego County NY-County Jail	Oswego	NY	$4.35	$0.40	$9.95
Otsego County NY-County Jail	Cooperstown	NY	$4.35	$0.40	$9.95
Putnam County NY-County Jail	Carmel Hamlet	NY	$4.35	$0.40	$9.95
Rensselaer County NY-County Jail	Troy	NY	$4.35	$0.40	$9.95
Rockland County NY-County Jail	New City	NY	$4.35	$0.40	$9.95
Saratoga County NY-County Jail	Saratoga Springs	NY	$4.35	$0.40	$9.95
Schenectady County NY-County Jail	Schenectady	NY	$4.35	$0.40	$9.95
Schuyler County NY-County Jail	Elmira	NY	$4.35	$0.40	$9.95
Seneca County NY-County Jail	Romulus	NY	$4.35	$0.40	$9.95
St. Lawrence County NY-County Jail	Canton	NY	$4.35	$0.40	$9.95
Steuben County NY-County Jail	Bath	NY	$4.35	$0.40	$9.95
Sullivan County NY-County Jail	Monticello	NY	$4.35	$0.40	$9.95
Tioga County NY-County Jail	Owego	NY	$4.35	$0.40	$9.95
Tompkins County NY-County Jail	Ithaca	NY	$4.35	$0.40	$9.95
Warren County NY-County Jail	Lake George	NY	$4.35	$0.40	$9.95
Washington County NY-County Jail	Fort Edward	NY	$4.35	$0.40	$9.95
Wayne County NY-County Jail	Lyons	NY	$4.35	$0.40	$9.95
Westchester Cnty NY-County Jail	Valhalla	NY	$4.35	$0.40	$9.95
Wyoming County NY-County Jail	Warsaw	NY	$4.35	$0.40	$9.95
Yates County NY-County Jail	Penn Yan	NY	$4.35	$0.40	$9.95
Chemung County NY-Jail	Elmira	NY	$2.90	$0.40	$8.50
Albany County Correctional Facility	Albany	NY	$0.50	$0.50	$7.50
Genesee County Jail	Batavia	NY	$0.50	$0.50	$7.50
Niagara Falls Police Department	Niagara Falls	NY	$0.50	$0.50	$7.50
Suffolk County Jail	Riverhead	NY	$0.50	$0.50	$7.50

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Suffolk County Jail / Yaphank	Yaphank	NY	$0.50	$0.50	$7.50
Town of Evans Police Department	Angola	NY	$0.50	$0.50	$7.50
Village of Depew PD	Depew	NY	$0.50	$0.50	$7.50
Ulster County Law Enforcement Center	Kingston	NY	$0.22	$0.22	$3.30
Brown County OH Sheriff's Office	Brown	OH	$0.30	$0.30	$4.50
Auglaize County Jail - OH	Wapakoneta	OH	$0.25	$0.25	$3.75
Barberton Police Department	Jail	OH	$0.25	$0.25	$3.75
Cleveland Heights PD	Cleveland Heights	OH	$0.25	$0.25	$3.75
Cleveland Heights PD Jail	Cleveland Heights	OH	$0.25	$0.25	$3.75
Fairview Park Police Department	Cleveland	OH	$0.25	$0.25	$3.75
Fairview Park Police Department Jail	Cleveland	OH	$0.25	$0.25	$3.75
Garfield Heights PD	Garfield Heights	OH	$0.25	$0.25	$3.75
Garfield Heights PD Jail	Garfield Heights	OH	$0.25	$0.25	$3.75
Logan County Jail - OH	Bellefontaine	OH	$0.25	$0.25	$3.75
Logan County Juvenile Det. Center	Bellefontaine	OH	$0.25	$0.25	$3.75
Mercer County OH Sheriff's Office	Mercer	OH	$0.25	$0.25	$3.75
Morgan County Jail	McConnelsville	OH	$0.25	$0.25	$3.75
Oakview Juvenile Resident Center	St. Clairsville	OH	$0.25	$0.25	$3.75
Oriana - Community Alternative Sentencing Center Jail	Akron	OH	$0.25	$0.25	$3.75
Putnam County Jail - OH	Ottawa	OH	$0.25	$0.25	$3.75
Shelby Police Department	Shelby	OH	$0.25	$0.25	$3.75
South Euclid PD Jail	Cleveland	OH	$0.25	$0.25	$3.75
South Euclid Police Department	Cleveland	OH	$0.25	$0.25	$3.75
Hamilton County	Cincinnati	OH	$0.24	$0.24	$3.60
Hamilton County CC IN	Cincinnati	OH	$0.24	$0.24	$3.60
Cherokee County Jail	Tahlequah	OK	$3.60	$1.09	$18.87
Del City Police Dept	Del City	OK	$3.60	$0.89	$16.07
Washington County Jail	Bartlesville	OK	$3.60	$0.80	$14.80
Bethany City Jail	Bethany	OK	$0.95	$0.95	$14.25
Edmond Police Department	Edmond	OK	$0.95	$0.95	$14.25
Sand Springs City Police Dept	Sand Springs	OK	$3.60	$0.43	$9.62
Yukon Police Department	Yukon	OK	$0.60	$0.60	$9.00
Tulsa Correctional	Tulsa	OK	$0.55	$0.55	$8.25
Davis CCA	Holdenville	OK	$3.71	$0.11	$5.25
Wagoner County Jail	Wagoner	OK	$0.35	$0.35	$5.25
Garvin County Jail	Pauls Valley	OK	$0.34	$0.34	$5.13
Alfalfa County Jail	Alfalfa County	OK	$0.31	$0.31	$4.65
Atoka OK Jail	Atoka	OK	$0.31	$0.31	$4.65
Beckham County Jail	Beckham County	OK	$0.31	$0.31	$4.65
Bryan County Jail	Bryan County	OK	$0.31	$0.31	$4.65
Canadian County Jail	Canadian County	OK	$0.31	$0.31	$4.65
Comanche County Jail	Comanche County	OK	$0.31	$0.31	$4.65
Cotton County Jail	Cotton County	OK	$0.31	$0.31	$4.65

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Custer County Jail	Custer County	OK	$0.31	$0.31	$4.65
Delaware County Jail	Delaware County	OK	$0.31	$0.31	$4.65
Elk City PD Jail	Elk City	OK	$0.31	$0.31	$4.65
Garfield County Jail	Garfield County	OK	$0.31	$0.31	$4.65
Grant County Jail	Grant County	OK	$0.31	$0.31	$4.65
Hughes County Jail	Hughes County	OK	$0.31	$0.31	$4.65
Jackson County Jail	Jackson County	OK	$0.31	$0.31	$4.65
Johnston County Jail	Johnston County	OK	$0.31	$0.31	$4.65
Kingfisher County Jail	Kingfisher County	OK	$0.31	$0.31	$4.65
Lincoln County Jail	Lincoln County	OK	$0.31	$0.31	$4.65
Love County Jail	Love County	OK	$0.31	$0.31	$4.65
Major County Jail	Major County	OK	$0.31	$0.31	$4.65
Mayes County Jail	Mayes County	OK	$0.31	$0.31	$4.65
McIntosh County Jail	McIntosh County	OK	$0.31	$0.31	$4.65
Okfuskee County Jail	Okfuskee County	OK	$0.31	$0.31	$4.65
Pontotoc OK Jail	Pontotoc	OK	$0.31	$0.31	$4.65
Pottawatomie County Jail	Pottawatomie County	OK	$0.31	$0.31	$4.65
Roger Mills OK Jail	Roger Mills	OK	$0.31	$0.31	$4.65
Rogers County Jail	Rogers County	OK	$0.31	$0.31	$4.65
Seminole County Jail	Seminole County	OK	$0.31	$0.31	$4.65
Stephens County Jail	Stephens County	OK	$0.31	$0.31	$4.65
Tillman County Jail	Tillman County	OK	$0.31	$0.31	$4.65
Woods County Jail	Woods County	OK	$0.31	$0.31	$4.65
Texas County Jail	Guymon	OK	$0.30	$0.30	$4.50
Oklahoma County OK	Oklahoma City	OK	$0.25	$0.25	$3.75
Okmulgee Jail	Okmulgee	OK	$0.25	$0.25	$3.75
Tulsa Police Department	Tulsa	OK	$0.25	$0.25	$3.75
Benton County Correctional Facility	Corvallis	OR	$1.05	$1.05	$15.75
Josephine County Jail	Grants Pass	OR	$1.05	$1.05	$15.75
Klamath County Sheriff's Office	Klamath Falls	OR	$2.49	$0.49	$9.35
Jefferson County Sheriff's Office	Madras	OR	$0.82	$0.57	$8.80
Lebanon Police Department Jail	Lebanon	OR	$0.50	$0.50	$7.50
Springfield PD	Springfield	OR	$0.50	$0.50	$7.50
Clatsop County Sheriff's Office	Astoria	OR	$2.25	$0.25	$5.75
Union County Sheriff’s Office	Lagrande	OR	$2.25	$0.25	$5.75
Jackson County Jail & Annex	Medford	OR	$0.35	$0.35	$5.25
Jackson County Transition Center	Phoenix	OR	$0.35	$0.35	$5.25
Josephine County Adult Jail	Grants Pass	OR	$0.32	$0.32	$4.80
Columbia County Jail	St Helens	OR	$0.31	$0.31	$4.65
Baker County OR	Baker City	OR	$0.25	$0.25	$3.75
Clackamas Co Jail OR	Oregon City	OR	$0.25	$0.25	$3.75
Coos County Jail OR	Coquille	OR	$0.25	$0.25	$3.75

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Curry County Jail OR	Gold Beach	OR	$0.25	$0.25	$3.75
Deschutes County Adult Jail OR	Bend	OR	$0.25	$0.25	$3.75
Lane County Adult Corrections OR	Eugene	OR	$0.25	$0.25	$3.75
Linn County Jail OR	Albany	OR	$0.25	$0.25	$3.75
Malheur County OR	Vale	OR	$0.25	$0.25	$3.75
NORCOR Adult Facility OR	The Dalles	OR	$0.25	$0.25	$3.75
Polk County Jail OR	Dallas	OR	$0.25	$0.25	$3.75
Tillamook County OR	Tillamook	OR	$0.25	$0.25	$3.75
Umatilla County Jail OR	Pendleton	OR	$0.25	$0.25	$3.75
Washington County OR	Hillsboro	OR	$0.25	$0.25	$3.75
Douglas County Sheriff's Office	Roseburg	OR	$0.22	$0.22	$3.30
Wyoming County Correctional Facility	Tunkhannock	PA	$2.68	$0.68	$12.20
Delaware County PA-Juvenile Detention	Lima	PA	$3.55	$0.55	$11.25
Union County Prison	Lewisburg	PA	$3.95	$0.45	$10.25
Tioga County Prison	Wellsboro	PA	$2.48	$0.48	$9.22
Crawford County Correctional Facility	Saegertown	PA	$2.05	$0.30	$6.25
Butler County Prison	Butler	PA	$2.27	$0.27	$6.05
Clear Day	Greensburg	PA	$0.40	$0.40	$6.00
Renewal Inc I	Pittsburgh	PA	$0.40	$0.40	$6.00
Renewal Inc II	Pittsburgh	PA	$0.40	$0.40	$6.00
Lycoming County PA-County Prison	Williamsport	PA	$0.37	$0.37	$5.55
Lycoming County PA-Pre-release Center	Montoursville	PA	$0.37	$0.37	$5.55
Clinton County Correctional Facility	Mcelhattan	PA	$1.95	$0.20	$4.75
Monroe County Correctional Facility	Stroudsburg	PA	$1.95	$0.20	$4.75
Cambria County PA-Prison	Ebensburg	PA	$0.30	$0.30	$4.50
Mercer County PA-County Jail	Mercer	PA	$0.30	$0.30	$4.50
Westmoreland County PA-County Prison	Greensburg	PA	$0.30	$0.30	$4.50
Potter County Jail	Coudersport	PA	$0.28	$0.28	$4.20
Beaver County PA-Jail	Aliquippa	PA	$0.27	$0.27	$4.05
Clearfield County PA-County Prison	Clearfield	PA	$0.27	$0.27	$4.05
Somerset County PA-County Jail	Somerset	PA	$0.27	$0.27	$4.05
Clarion County PA-Correctional Facility	Shippenville	PA	$0.26	$0.26	$3.90
Fayette County PA-County Prison	Uniontown	PA	$0.26	$0.26	$3.90
Armstrong County Jail	Kittanning	PA	$0.25	$0.25	$3.75
Delaware County PA-Correctional Facility	Thornton	PA	$0.25	$0.25	$3.75
Gateway Rehabilitation	Girard	PA	$0.25	$0.25	$3.75
Huntingdon County PA-Prison	Huntingdon	PA	$0.25	$0.25	$3.75
Indiana County PA-County Jail	Indiana	PA	$0.25	$0.25	$3.75
Northumberland County Jail Administration Building	Township	PA	$0.25	$0.25	$3.75
Schuylkill County PA-County Prison	Pottsville	PA	$0.25	$0.25	$3.75
Warren County Prison	Warren	PA	$0.25	$0.25	$3.75
Erie County Community Correctional Facility	Erie	PA	$1.88	$0.13	$3.70
Erie County Prison	Erie	PA	$1.88	$0.13	$3.70

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Adams Cnty PA-Adult Correctional Complex	Gettysburg	PA	$0.24	$0.24	$3.60
Bradford County PA-Correctional Facility	Troy	PA	$0.24	$0.24	$3.60
Carbon County PA-Correctional	Nesquehoning	PA	$0.24	$0.24	$3.60
Lehigh County PA-Men's CCC	Bethlehem	PA	$0.24	$0.24	$3.60
Lehigh County PA-Prison	Allentown	PA	$0.24	$0.24	$3.60
Dauphin County PA-County Prison	Harrisburg	PA	$0.22	$0.22	$3.30
Dauphin County PA-Work Release Center	Harrisburg	PA	$0.22	$0.22	$3.30
Pike County PA-Correctional Facility	Hawley	PA	$0.22	$0.22	$3.30
Snyder County PA-Prison	Selinsgrove	PA	$0.22	$0.22	$3.30
Susquehanna County PA-Prison	Montrose	PA	$0.22	$0.22	$3.30
Donald Wyatt Federal Detention (old)	Central Falls	RI	$1.65	$0.30	$5.85
Bamberg County Jail	Bamberg	SC	$1.17	$0.95	$14.47
McCormick County Jail	McCormick	SC	$0.55	$0.55	$8.25
Newberry County Detention Center	Newberry	SC	$0.55	$0.55	$8.25
Cherokee County Jail	Gaffney	SC	$2.50	$0.40	$8.10
Chesterfield County Detention Center	Chesterfield	SC	$2.50	$0.40	$8.10
Chesterfield County Work Camp	Chesterfield	SC	$2.50	$0.40	$8.10
Clarendon County Jail	Manning	SC	$2.50	$0.40	$8.10
Dillon County Detention Center	Dillion	SC	$2.50	$0.40	$8.10
Edgefield County Jail	Edgefield	SC	$2.50	$0.40	$8.10
Greenwood County Jail	Greenwood	SC	$2.50	$0.40	$8.10
Hampton County Jail	Varnville	SC	$2.50	$0.40	$8.10
Horry County - J Reuben Long Detention Center	Conway	SC	$2.50	$0.40	$8.10
Jasper County Detention Center	Ridgeland	SC	$2.50	$0.40	$8.10
Laurens County Jail	Laurens	SC	$2.50	$0.40	$8.10
Oconee County Law Enforcement	Walhalla	SC	$2.50	$0.40	$8.10
Pickens County Detention Facility	Pickens	SC	$2.50	$0.40	$8.10
Pickens County Detention Facility (New)	Pickens	SC	$2.50	$0.40	$8.10
Rock Hill City Jail	Rock Hill	SC	$2.50	$0.40	$8.10
Sumter County Detention Center	Sumter	SC	$2.50	$0.40	$8.10
York County Jail	York	SC	$2.50	$0.40	$8.10
W Glenn Campbell Detention Center	Darlington	SC	$1.32	$0.40	$6.92
Allendale County Detention Center	Allendale	SC	$0.44	$0.44	$6.60
Alvin S. Glenn Detention Center	Columbia	SC	$0.44	$0.44	$6.60
Aiken County SC-Detention Center	Aiken	SC	$2.50	$0.21	$5.44
Pickens County Prison	Pickens	SC	$2.00	$0.22	$5.08
CCS_SC-Columbia Regional Care Center	Columbia	SC	$0.25	$0.25	$3.75
Darlington County Detention	Darlington	SC	$0.25	$0.25	$3.75
Anderson City Jail	Anderson	SC	$0.22	$0.22	$3.30
Codington County Jail	Watertown	SD	$3.95	$0.55	$11.65
Rosebud Sioux Tribe Corrections	Mission	SD	$0.65	$0.65	$9.75
Fall River County Jail	Hot Springs	SD	$2.85	$0.35	$7.77
Beadle County Sheriff	Huron	SD	$0.50	$0.50	$7.50

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Edmunds County Sheriff	Ipswich	SD	$0.50	$0.50	$7.50
Pennington County Jail	Rapid City	SD	$0.28	$0.28	$4.20
Pennington County Juvenile	Rapid City	SD	$0.28	$0.28	$4.20
Lower Brule Justice Center	Lower Brule	SD	$0.25	$0.25	$3.75
Oglala Sioux Tribe DPS (Pine Ridge)	Pine Ridge	SD	$0.25	$0.25	$3.75
Yankton Sioux Correctional Facility	Wagner	SD	$0.25	$0.25	$3.75
Sumner County Sheriff's Office And Jail	Gallatin	TN	$4.39	$0.71	$14.33
Carroll County Jail	Huntington	TN	$3.28	$0.78	$14.20
Johnson City Jail	Johnson City	TN	$4.15	$0.66	$13.39
Hamblen County Jail	Morristown	TN	$4.09	$0.60	$12.49
Chester County Jail	Henderson	TN	$4.08	$0.59	$12.34
Sullivan Correctional Facility Bldg 2	Blountville	TN	$4.07	$0.58	$12.19
Sullivan County Sheriff's Office	Blountville	TN	$4.07	$0.58	$12.19
White County Jail	Sparta	TN	$4.07	$0.58	$12.19
Fentress County Justice Center	Jamestown	TN	$2.92	$0.42	$8.82
Rhea County Jail	Dayton	TN	$0.50	$0.50	$7.50
Dekalb County Jail	Smithville	TN	$2.27	$0.27	$6.05
Warren County Jail	McMinnville	TN	$0.34	$0.34	$5.10
Cheatham County Jail	Ashland City	TN	$0.33	$0.33	$4.95
Cumberland County Justice Center	Crossville	TN	$1.72	$0.22	$4.80
Hancock County Jail	Sneedville	TN	$1.72	$0.22	$4.80
Sequatchie County Sheriff's Dept	Dunlap	TN	$1.72	$0.22	$4.80
Greene County Detention Center	Greenville	TN	$1.71	$0.21	$4.65
Greene County Jail Workhouse	Greenville	TN	$1.71	$0.21	$4.65
Campbell County Jail	Jacksboro	TN	$1.70	$0.20	$4.50
Carter County Jail	Elizabethton	TN	$0.30	$0.30	$4.50
Dyer Jail	Dyer	TN	$0.30	$0.30	$4.50
Tipton County Jail	Covington	TN	$1.70	$0.20	$4.50
Davidson County Juvenile Detention Center	Nashville	TN	$0.28	$0.28	$4.20
Knox County Jail IN	Knoxville	TN	$0.28	$0.28	$4.20
Madison County TN-CJC	Jackson	TN	$0.28	$0.28	$4.20
Madison County TN-Jail Annex	Jackson	TN	$0.28	$0.28	$4.20
Madison County TN-Penal Farm	Jackson	TN	$0.28	$0.28	$4.20
Smith County Jail	Carthage	TN	$1.68	$0.18	$4.20
Jefferson County Detention Center	Dandridge	TN	$1.66	$0.16	$3.90
Jefferson County Workhouse	Dandridge	TN	$1.66	$0.16	$3.90
McMinn County Justice Center	Athens	TN	$1.66	$0.16	$3.90
Montgomery County TN-Jail	Clarksville	TN	$0.25	$0.25	$3.75
Montgomery County TN-Jail WorkHouse	Clarksville	TN	$0.25	$0.25	$3.75
Obion Jail	Obion	TN	$0.25	$0.25	$3.75
Union County Sheriff's Office	Maynardville	TN	$0.25	$0.25	$3.75
Weakley County Jail	Dresden	TN	$1.65	$0.15	$3.75
Knox County Detention Facility	Knoxville	TN	$2.25	$0.10	$3.64

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Knox County Work Release Center	Knoxville	TN	$2.25	$0.10	$3.64
Polk County Jail	Benton	TN	$0.24	$0.24	$3.60
Hardin County Sheriff's Dept	Savannah	TN	$2.10	$0.10	$3.50
Morgan County Jail	Wartburg	TN	$2.10	$0.10	$3.50
Decatur County Justice Complex	Decaturville	TN	$0.23	$0.23	$3.45
Scott County Jail Bldg 2	Huntsville	TN	$1.63	$0.13	$3.45
Marion County Jail	Jasper	TN	$0.22	$0.22	$3.30
Obion County TN-County Jail	Union City	TN	$0.22	$0.22	$3.30
Bradley County Jail	Cleveland	TN	$1.43	$0.13	$3.25
Bradley County Jail Work Release	Cleveland	TN	$1.43	$0.13	$3.25
Azle City Jail-JCW	Azle	TX	$1.25	$1.25	$18.75
Bedford Police Dept-JCW	Bedford	TX	$1.25	$1.25	$18.75
Brazoria Police Department-JCW	Brazoria	TX	$1.25	$1.25	$18.75
City of Frisco Jail	Frisco	TX	$1.25	$1.25	$18.75
Denton County Jail	Denton	TX	$1.25	$1.25	$18.75
Ennis City Jail-JCW	Ennis	TX	$1.25	$1.25	$18.75
Farmers Branch Detention Center	Farmers Branch	TX	$1.25	$1.25	$18.75
Friendswood Police Department	Friendswood	TX	$1.25	$1.25	$18.75
Garland Detention Center	Garland	TX	$1.25	$1.25	$18.75
Gun Barrel City Jail-JCW	Gun Barrel	TX	$1.25	$1.25	$18.75
Highland Park City Jail	Highland Park	TX	$1.25	$1.25	$18.75
Highland Village City Jail-JCW	Highland Village	TX	$1.25	$1.25	$18.75
West Columbia Police Dept.	West Columbia	TX	$1.25	$1.25	$18.75
Westworth Village Police Dept-JCW	Westworth Village	TX	$1.25	$1.25	$18.75
Madison County Sheriff's Dept	Madisonville	TX	$5.78	$0.90	$18.38
Ray D Anderson Community Corrections Facility	Brownfield	TX	$5.78	$0.83	$17.40
Lewisville Police Department	Lewisville	TX	$1.15	$1.15	$17.25
Hays County Law Enforcement Center	San Marcos	TX	$5.64	$0.76	$16.32
Coryell County Sheriff's Dept	Gatesville	TX	$5.63	$0.75	$16.17
Lasalle Regional Detention Center	Encinal	TX	$5.61	$0.73	$15.83
Hudspeth County Sheriff's Office - JSI	Sierra Blanca	TX	$5.57	$0.69	$15.27
Titus County Jail	Mt Pleasant	TX	$5.54	$0.66	$14.82
Brazoria County Sheriff's Dept Jail	Angleton	TX	$5.54	$0.66	$14.76
Nolan County Sheriff's Office	Sweetwater	TX	$5.60	$0.65	$14.74
Atascosa County Jail	Jourdanton	TX	$5.50	$0.62	$14.22
Coastal Bend Regional Intermediate Sanction Facility	Sinton	TX	$5.56	$0.61	$14.14
Grayson County	Denison	TX	$5.48	$0.60	$13.92
Grayson County	Sherman	TX	$5.48	$0.60	$13.92
Blue Mound Police Department	Blue Mound	TX	$0.90	$0.90	$13.50
Willacy County Jail	Raymondville	TX	$5.45	$0.57	$13.47
Wood County Sheriff Dept	Quitman	TX	$5.45	$0.57	$13.47
Wilson County Jail	Floresville	TX	$0.88	$0.88	$13.20
Burleson County Jail	Caldwell	TX	$5.43	$0.55	$13.13

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Hopkins County Jail	Sulphur Springs	TX	$4.14	$0.64	$13.10
Lamb County Jail	Littlefield	TX	$5.49	$0.54	$13.05
Liberty County Jail	Liberty	TX	$3.67	$0.65	$12.81
Grand Prairie Police Dept	Grand Prairie	TX	$5.38	$0.53	$12.80
Plano Police Dept	Plano	TX	$5.05	$0.55	$12.75
San Patricio County Jail	Sinton	TX	$5.40	$0.52	$12.68
Taylor County Substance Abuse Treatment Center	Abilene	TX	$5.39	$0.51	$12.53
Zavala County Jail	Crystal City	TX	$5.38	$0.50	$12.42
Hale County Sheriff's Dept	Plainview	TX	$5.43	$0.48	$12.19
Montague County Sheriff's Dept - JSI	Montague	TX	$5.42	$0.47	$12.04
Ector County Detention Center	Odessa	TX	$5.37	$0.42	$11.29
Bowie Correctional	Bowie	TX	$0.75	$0.75	$11.25
Bowie Recov Jail	Bowie	TX	$0.75	$0.75	$11.25
Presidio Jail	Presidio	TX	$0.75	$0.75	$11.25
The Colony Police Department	The Colony	TX	$0.75	$0.75	$11.25
Walker County Jail	Huntsville	TX	$0.75	$0.75	$11.25
Oldham County Jail	Vega	TX	$5.37	$0.40	$11.01
Collingsworth County Jail	Wellington	TX	$5.28	$0.40	$10.92
Desoto City Jail	Desoto	TX	$5.28	$0.40	$10.92
Duval County Jail	San Diego	TX	$5.28	$0.40	$10.92
Menard County Sheriff's Office	Menard	TX	$5.28	$0.40	$10.92
Trinity County Sheriff's Office	Groveton	TX	$5.28	$0.40	$10.88
Hurst Police Department	Hurst	TX	$0.70	$0.70	$10.50
Mesquite Police Dept	Mesquite	TX	$5.09	$0.36	$10.10
Comal County Jail	New Braunfels	TX	$5.12	$0.32	$9.60
Jim Hogg County	Hebbronville	TX	$3.67	$0.40	$9.31
Burnet County TX-County Jail	Burnet	TX	$4.10	$0.34	$8.86
Uvalde County	Uvalde	TX	$4.41	$0.31	$8.75
Victoria Cnty. Jail, TX	Victoria	TX	$0.58	$0.58	$8.63
Victoria Juvenile TX	Victoria	TX	$0.58	$0.58	$8.63
Midland County Central Detention Center	Midland	TX	$4.25	$0.30	$8.45
Wichita County TX-Downtown Jail	Wichita Falls	TX	$0.55	$0.55	$8.25
Wichita County TX-Jail Annex	Wichita Falls	TX	$0.55	$0.55	$8.25
Jones County TX-Jail	Anson	TX	$0.53	$0.53	$8.00
Montgomery County Jail	Conroe	TX	$0.53	$0.53	$7.95
Pasadena TX-Davis Street City Jail	Pasadena	TX	$0.53	$0.53	$7.95
Johnson County TX-Correctional Fac (ICE)	Cleburne	TX	$0.52	$0.52	$7.80
Johnson County TX-Correctional Facility	Cleburne	TX	$0.52	$0.52	$7.80
Rockwall County Jail	Rockwall	TX	$0.52	$0.52	$7.80
Waller County TX-Jail	Hempstead	TX	$3.75	$0.28	$7.67
33rd & 424th Judicial District ISF - Jail	Burnet	TX	$0.50	$0.50	$7.50
Anderson County Jail - TX	Palestine	TX	$0.50	$0.50	$7.50
Aransas Pass Police Dept - TX	Aransas Pass	TX	$0.50	$0.50	$7.50

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Aransas Pass Police Dept.	Alice	TX	$0.50	$0.50	$7.50
Baytown Police Department Jail	Baytown	TX	$0.50	$0.50	$7.50
Bedford City Police Department	Bedford	TX	$0.50	$0.50	$7.50
Benbrook Police Department Jail	Benbrook	TX	$0.50	$0.50	$7.50
Bosque County Jail	Meridian	TX	$0.50	$0.50	$7.50
Brewster County Jail	Alpine	TX	$0.50	$0.50	$7.50
Callahan County Jail	Baird	TX	$0.50	$0.50	$7.50
Carrollton City Police Department	Carrollton	TX	$0.50	$0.50	$7.50
Castro County Jail	Dimmitt	TX	$0.50	$0.50	$7.50
Clay County Jail	Henrietta	TX	$0.50	$0.50	$7.50
College Station Jail	College Station	TX	$0.50	$0.50	$7.50
Corpus Christi TX-City Detention	Corpus Christi	TX	$0.50	$0.50	$7.50
Crockett County Jail	Ozona	TX	$0.50	$0.50	$7.50
Donley County Jail	Clarendon	TX	$0.50	$0.50	$7.50
Ellis County (Wayne McCollum Detention Center)	Waxahachie	TX	$0.50	$0.50	$7.50
Farmers Branch PD - TX	Farmers Branch	TX	$0.50	$0.50	$7.50
Fisher County Jail	Roby	TX	$0.50	$0.50	$7.50
Forest Hill Police Department Jail	Forest Hill	TX	$0.50	$0.50	$7.50
Freestone County Jail	Fairfield	TX	$0.50	$0.50	$7.50
Gray County Jail	Pampa	TX	$0.50	$0.50	$7.50
Hardeman County Jail	Quanah	TX	$0.50	$0.50	$7.50
Harlingen Police Department	Harlingen	TX	$0.50	$0.50	$7.50
Henderson County Jail	Athens	TX	$0.50	$0.50	$7.50
Houston County Jail	Crockett	TX	$0.50	$0.50	$7.50
Jersey Village Police Department	Jersey Village	TX	$0.50	$0.50	$7.50
Karnes County TX-Wall Street Jail	Karnes City	TX	$0.50	$0.50	$7.50
Kendall County Jail	Boerne	TX	$0.50	$0.50	$7.50
Killeen PD	Killeen	TX	$0.50	$0.50	$7.50
La Porte Police Department Jail	La Porte	TX	$0.50	$0.50	$7.50
Leon County Sheriff Jail	Centerville	TX	$0.50	$0.50	$7.50
Mansfield Law Enforcement Center Jail	Mansfield	TX	$0.50	$0.50	$7.50
McAllen Police Department	McAllen	TX	$0.50	$0.50	$7.50
McCulloch County Jail	Brady	TX	$0.50	$0.50	$7.50
North Richland Hills Police Department Jail	North Richland Hills	TX	$0.50	$0.50	$7.50
Pecos County TX-Jail	Fort Stockton	TX	$0.50	$0.50	$7.50
Pecos TX-City Criminal Justice Center	Pecos	TX	$0.50	$0.50	$7.50
Rains County	Emory	TX	$0.50	$0.50	$7.50
Reagan County Jail	Big Lake	TX	$0.50	$0.50	$7.50
Red Oak Police Department	Red Oak	TX	$0.50	$0.50	$7.50
Rolling Plains Detention	Rolling Plains	TX	$0.50	$0.50	$7.50
Rosenberg Police Department	Rosenberg	TX	$0.50	$0.50	$7.50
Sachse Police Department Jail	Sachse	TX	$0.50	$0.50	$7.50
Scurry County Jail	Snyder	TX	$0.50	$0.50	$7.50

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Seabrook Jail	Seabrook	TX	$0.50	$0.50	$7.50
Seagoville Police Department Jail	Seagoville	TX	$0.50	$0.50	$7.50
Shackelford County Jail	Albany	TX	$0.50	$0.50	$7.50
Taylor Jail	Taylor	TX	$0.50	$0.50	$7.50
Tyler County Sheriff's Office	Woodville	TX	$0.50	$0.50	$7.50
Uvalde CCF Jail	Uvalde	TX	$0.50	$0.50	$7.50
Zapata County Female Jail	Zapata	TX	$0.50	$0.50	$7.50
Zapata County Regional Jail	Zapata	TX	$0.50	$0.50	$7.50
2nd 25th Judicial Dist. TX-Gonzales ISF	Gonzales	TX	$0.49	$0.49	$7.35
Colorado County TX-County Jail	Columbus	TX	$0.49	$0.49	$7.35
Duncanville TX-City Jail	Duncanville	TX	$0.49	$0.49	$7.35
Guadalupe County TX-Jail	Seguin	TX	$0.49	$0.49	$7.35
Jefferson Cnty TX-Correctional	Beaumont	TX	$0.49	$0.49	$7.35
Jefferson Cnty TX-Downtown Jail	Beaumont	TX	$0.49	$0.49	$7.35
Jefferson Cnty TX-Minnie Rogers Juvenile	Beaumont	TX	$0.49	$0.49	$7.35
Jefferson Cnty TX-Women's Center	Beaumont	TX	$0.49	$0.49	$7.35
Keller TX-Regional Detention Center	Keller	TX	$0.49	$0.49	$7.35
La Salle County Jail	Cotulla	TX	$4.83	$0.18	$7.35
Orange County TX-Jail	Orange	TX	$0.49	$0.49	$7.35
Potter County TX-County Detention	Amarillo	TX	$0.49	$0.49	$7.35
Randall County TX-Detention Center	Amarillo	TX	$0.49	$0.49	$7.35
Reeves County TX-Jail	Pecos	TX	$0.49	$0.49	$7.35
Rusk County TX-County Jail	Henderson	TX	$0.49	$0.49	$7.35
Dimmit County TX	Carrizo Springs	TX	$0.48	$0.48	$7.20
Arlington TX-City Jail	Arlington	TX	$0.47	$0.47	$7.05
Washington County TX-Jail	Brenham	TX	$0.47	$0.47	$7.05
Lubbock Cnty TX-Community Corrections	Lubbock	TX	$0.46	$0.46	$6.90
Hill County TX-Jail	Hillsboro	TX	$0.45	$0.45	$6.75
Gillespie County Jail TX	Fredericksburg	TX	$0.43	$0.43	$6.45
Sutton County Jail TX	Sonora	TX	$0.42	$0.42	$6.30
Tom Green County TX-Adult Detention	San Angelo	TX	$0.41	$0.41	$6.11
Bexar County Jail	Antonio	TX	$0.40	$0.40	$6.00
Gonzales County TX-County Jail	Gonzales	TX	$0.40	$0.40	$6.00
Bandera County TX	Bandera	TX	$0.39	$0.39	$5.85
Hood County TX-Jail	Granbury	TX	$0.39	$0.39	$5.85
Flower Mound Police Department	Flower Mound	TX	$0.35	$0.35	$5.25
Gonzales County Jail	Gonzales	TX	$0.35	$0.35	$5.25
McLennan Cnty TX-Jack Harwell Detention	Waco	TX	$0.35	$0.35	$5.25
McLennan Cnty TX-Logue Juvenile Justice	Waco	TX	$0.35	$0.35	$5.25
McLennan Cnty TX-Main Jail	Waco	TX	$0.35	$0.35	$5.25
Parker County Sheriff	Weatherford	TX	$0.35	$0.35	$5.25
Bastrop County Jail	Bastrop	TX	$3.50	$0.12	$5.18
Jackson County Detention Center	Edna	TX	$0.34	$0.34	$5.10

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Brown County Jail	Brownwood	TX	$0.31	$0.31	$4.65
City of Brownsville Police Department	Brownsville	TX	$0.31	$0.31	$4.65
City of San Antonio TX Detention Center	San Antonio	TX	$0.31	$0.31	$4.65
Cooke County Jail	Gainesville	TX	$0.31	$0.31	$4.65
Denison Pd Jail	Denison	TX	$0.31	$0.31	$4.65
Dimmit County Jail	Dimmit County	TX	$0.31	$0.31	$4.65
Fannin County Jail	Bonham	TX	$0.31	$0.31	$4.65
Fannin County Jail Annex	Bonham	TX	$0.31	$0.31	$4.65
Ft Worth PD	Ft. Worth	TX	$0.31	$0.31	$4.65
Hockley County Jail	Hockley County	TX	$0.31	$0.31	$4.65
Jim Hogg Co Jail - TX	Hebbronville	TX	$0.31	$0.31	$4.65
Marion County Jail (TX)	Jefferson	TX	$0.31	$0.31	$4.65
Medina County Jail	Hondo	TX	$0.31	$0.31	$4.65
Morris County Jail	Daingerfield	TX	$0.31	$0.31	$4.65
Pearland Police Department	Pearland	TX	$0.31	$0.31	$4.65
San Augustine County Sheriff's Office	San Augustine	TX	$0.31	$0.31	$4.65
San Jacinto County	Coldsprings	TX	$0.31	$0.31	$4.65
Starr County Detention Center	Rio Grande City	TX	$0.31	$0.31	$4.65
Terry County Jail	Terry County	TX	$0.31	$0.31	$4.65
Willacy County Jail - TX	Raymondville	TX	$0.31	$0.31	$4.65
Howard County Detention Center	Big Spring	TX	$0.30	$0.30	$4.50
Irving Police Dept	Irving	TX	$0.30	$0.30	$4.50
Kilgore Police Department	Kilgore	TX	$0.30	$0.30	$4.50
Upshur County Sheriff's Office	Gilmer	TX	$0.30	$0.30	$4.50
Tarrant County Cold Springs Facility	Ft Worth	TX	$3.06	$0.10	$4.45
Tarrant County Correctional Center	Ft Worth	TX	$3.06	$0.10	$4.45
Tarrant County Greenbay Facility	Ft Worth	TX	$3.06	$0.10	$4.45
Tarrant County Lon Evans Corrections Center	Ft Worth	TX	$3.06	$0.10	$4.45
Gaines County TX-County Jail	Seminole	TX	$0.27	$0.27	$4.05
Nueces County Residential Services	Corpus Christi	TX	$0.27	$0.27	$4.05
Andrews County Jail	Andrews	TX	$2.45	$0.10	$3.84
Angelina County Jail (Lufkin)	Lufkin	TX	$0.25	$0.25	$3.75
Armstrong County Jail	Claude	TX	$0.25	$0.25	$3.75
Bailey County Jail	Muleshoe	TX	$0.25	$0.25	$3.75
Balch Springs Police Department Jail	Balch Springs	TX	$0.25	$0.25	$3.75
Blanco County Jail	Johnson City	TX	$0.25	$0.25	$3.75
Caldwell County Jail	Lockhart	TX	$0.25	$0.25	$3.75
Cameron County Sheriff's Department	Brownsville	TX	$0.25	$0.25	$3.75
Carson County Jail	Panhandle	TX	$0.25	$0.25	$3.75
Cherokee County Jail (TX)	Rusk	TX	$0.25	$0.25	$3.75
Childress County Jail	Childress	TX	$0.25	$0.25	$3.75
Comanche County Jail	Comanche	TX	$0.25	$0.25	$3.75

AMERICAN OVERSIGHT

Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Dalworthington Gardens PD Jail - TX	Dalworthington Garden	TX	$0.25	$0.25	$3.75
Dewitt County - TX	Cuero	TX	$0.25	$0.25	$3.75
Eastland County Jail	Eastland	TX	$0.25	$0.25	$3.75
Erath County Jail	Stephenville	TX	$0.25	$0.25	$3.75
Everman PD Jail - TX	Everman	TX	$0.25	$0.25	$3.75
Garza County Jail	Post	TX	$0.25	$0.25	$3.75
Gregg County Jail	Longview	TX	$0.25	$0.25	$3.75
Hardin County Jail	Kountze	TX	$0.25	$0.25	$3.75
Hidalgo County Adult Detention Center	Edinburg	TX	$0.25	$0.25	$3.75
IAH Detention Center	Livingston	TX	$0.25	$0.25	$3.75
Kerr County Detention Center	Kerrville	TX	$0.25	$0.25	$3.75
LaSalle County Jail - TX	Cotulla	TX	$0.25	$0.25	$3.75
Limestone County Detention Center	Groesbeck	TX	$0.25	$0.25	$3.75
Limestone County Jail	Groesbeck	TX	$0.25	$0.25	$3.75
Llano County Sheriff's Office	Llano	TX	$0.25	$0.25	$3.75
Matagorda County Jail	Bay City	TX	$0.25	$0.25	$3.75
Mitchell County Jail	Colorado City	TX	$0.25	$0.25	$3.75
Polk County Jail TX	Livingston	TX	$0.25	$0.25	$3.75
Robertson County Jail - TX	Franklin	TX	$0.25	$0.25	$3.75
Somervell County Jail -TX	Glen Rose	TX	$0.25	$0.25	$3.75
Stephens County Jail	Breckenridge	TX	$0.25	$0.25	$3.75
Upton County Jail	Rankin	TX	$0.25	$0.25	$3.75
Webb County Sheriff's Office	Laredo	TX	$0.25	$0.25	$3.75
Wharton County Jail	Wharton	TX	$0.25	$0.25	$3.75
White Oak Police Department	White Oak	TX	$0.25	$0.25	$3.75
Young County Jail	Graham	TX	$0.25	$0.25	$3.75
Zavala County Jail - TX	Crystal City	TX	$0.25	$0.25	$3.75
Austin County TX	Bellville	TX	$0.24	$0.24	$3.60
Fayette County TX	La Grange	TX	$0.24	$0.24	$3.60
Judge John C Creuzot Judicial Treatment Center	Lancaster	TX	$0.24	$0.24	$3.60
Aransas County TX	Rockport	TX	$0.23	$0.23	$3.45
Cass County Jail	Linden	TX	$0.22	$0.22	$3.30
Chambers County Jail - TX	Anahuac	TX	$0.22	$0.22	$3.30
Grimes County Sheriff's Office Jail	Anderson	TX	$0.22	$0.22	$3.30
Hall County Jail	Memphis	TX	$0.22	$0.22	$3.30
Hays County Juvenile Facility	San Marcos	TX	$0.22	$0.22	$3.30
Houston TX-Southeast Jail	Houston	TX	$0.22	$0.22	$3.30
Milam County Sheriff's Office	Cameron	TX	$0.22	$0.22	$3.30
Panola County Jail	Carthage	TX	$0.22	$0.22	$3.30
Garfield County Jail	Panguitch	UT	$5.28	$0.86	$17.32
Wasatch County Jail	Heber City	UT	$5.21	$0.79	$16.27
Grand County Jail	Moab	UT	$5.32	$0.69	$14.98

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Emery County Jail	Castledale	UT	$5.11	$0.69	$14.77
Cache County Jail	Logan	UT	$0.96	$0.75	$11.46
Millard County Jail	Fillmore	UT	$0.96	$0.75	$11.46
San Juan County Jail	Monticello	UT	$3.46	$0.51	$10.60
Tooele County Jail	Tooele	UT	$3.31	$0.31	$7.65
Beaver County Jail	Beaver	UT	$0.40	$0.40	$6.00
Iron County Jail	Cedar City	UT	$3.30	$0.18	$5.82
Beaver County Jail	Beaver County	UT	$0.31	$0.31	$4.65
Utah County Jail	Spanish Fork	UT	$0.29	$0.29	$4.35
Sevier County Jail	Richfield	UT	$2.90	$0.10	$4.30
Purgatory Correctional UT	Hurricane	UT	$0.25	$0.25	$3.75
Sanpete County Jail	Manti	UT	$0.25	$0.25	$3.75
Sanpete County Jail UT (Disabled)	Gunnison	UT	$0.25	$0.25	$3.75
Summit County Jail	Park City	UT	$0.25	$0.25	$3.75
Uintah County UT	Vernal	UT	$0.25	$0.25	$3.75
Culpeper County VA-County Jail	Culpeper	VA	$4.64	$0.69	$14.30
Lebanon Community Correctional Center	Lebanon	VA	$4.64	$0.69	$14.30
Hampton City Jail	Hampton	VA	$3.55	$0.55	$11.25
Hampton City Jail Annex	Hampton	VA	$3.55	$0.55	$11.25
Central Virginia Regional Jail	Orange	VA	$3.54	$0.54	$11.10
Roanoke City Jail	Roanoke	VA	$3.52	$0.52	$10.80
Lancaster County Jail	Lancaster	VA	$3.50	$0.50	$10.50
Patrick County Jail	Stuart	VA	$2.44	$0.49	$9.30
Bristol Virginia City Jail	Bristol	VA	$3.40	$0.40	$9.00
Northern Neck Regional Jail	Warsaw	VA	$2.70	$0.20	$5.50
Accomack County Jail	Accomack	VA	$0.35	$0.35	$5.25
Meherrin River (RJA) VA-Mecklenburg Jail	Boydton	VA	$0.28	$0.28	$4.20
Meherrin River (RJA) VA-Regional Jail	Alberta	VA	$0.28	$0.28	$4.20
Pamunkey (RJA) VA-Regional Jail	Hanover	VA	$0.26	$0.26	$3.90
Piedmont VA-Regional Security Center	Farmville	VA	$0.25	$0.25	$3.75
Rappahannock VA-Regional Jail	Stafford	VA	$0.24	$0.24	$3.60
BRRJA - Amherst County Adult Detention Center	Madison Heights	VA	$0.23	$0.23	$3.45
BRRJA - Bedford Adult Detention Center	Bedford	VA	$0.23	$0.23	$3.45
BRRJA - Campbell County Adult Detention Center	Rustburg	VA	$0.23	$0.23	$3.45
BRRJA - Halifax County Adult Detention Center	Halifax	VA	$0.23	$0.23	$3.45
BRRJA - Lynchburg Adult Detention Center	Lynchburg	VA	$0.23	$0.23	$3.45
New River Valley VA-Regional Jail	Dublin	VA	$0.23	$0.23	$3.45
Chesterfield Juvenile Detention Home	Chesterfield	VA	$0.22	$0.22	$3.30
PCRJA_VA-Caroline Detention Facility	Fort A.P. Hill	VA	$0.22	$0.22	$3.30
Southampton County Jail	Courtland	VA	$0.22	$0.22	$3.30
Southampton County Jail Farm	Capron	VA	$0.22	$0.22	$3.30
Island County Jail	Coupeville	WA	$4.71	$0.76	$15.35
Adams County Jail	Ritzville	WA	$0.95	$0.95	$14.25

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Cowlitz County Jail	Longview	WA	$4.59	$0.64	$13.55
Forks City Police Dept	Forks	WA	$4.54	$0.59	$12.80
Clallam County Correctional Facility	Port Angeles	WA	$2.30	$0.55	$10.00
Marysville City Jail	Marysville	WA	$2.23	$0.48	$8.95
Aberdeen Police Dept	Aberdeen	WA	$2.60	$0.35	$7.50
Cowlitz County Juvenile Facility	Longview	WA	$2.60	$0.35	$7.50
Hoquiam Police Department	Hoquiam	WA	$0.50	$0.50	$7.50
Olympia City Jail	Olympia	WA	$0.50	$0.50	$7.50
Wahkiakum County Jail	Cathlamet	WA	$0.50	$0.50	$7.50
Walla Walla County Juvenile	Walla Walla	WA	$2.60	$0.35	$7.50
Walla Walla County Jail	Walla Walla	WA	$2.89	$0.25	$6.39
Whatcom County Jail	Bellingham	WA	$0.42	$0.42	$6.30
Clallam County Juvenile	Port Angeles	WA	$2.05	$0.30	$6.25
Kent City of Corrections Facility	Kent	WA	$1.51	$0.26	$5.15
Kittitas County Sheriff's Office	Ellensburg	WA	$0.30	$0.30	$4.50
Mason County Jail	Shelton	WA	$0.30	$0.30	$4.50
Whatcom County Juvenile Hall	Bellingham	WA	$0.30	$0.30	$4.50
Issaquah WA-City Jail	Issaquah	WA	$0.26	$0.26	$3.90
Thurston County WA-Juvenile Facility	Tumwater	WA	$0.26	$0.26	$3.90
CCCS - Martin Hall Jail	Medical Lake	WA	$0.25	$0.25	$3.75
Chehalis Tribal Adult Detention Center	Oakville	WA	$0.25	$0.25	$3.75
Chelan County WA	Wenatchee	WA	$0.25	$0.25	$3.75
Clark County WA	Vancouver	WA	$0.25	$0.25	$3.75
Colville Tribes	Nespelem	WA	$0.25	$0.25	$3.75
Kitsap County WA	Port Orchard	WA	$0.25	$0.25	$3.75
Lewis County Jail WA (CLOSED)	Chehalis	WA	$0.25	$0.25	$3.75
Nisqually Public Safety Complex WA	Olympia	WA	$0.25	$0.25	$3.75
Okanogan County Juvenile Dept.	Okanogan	WA	$0.25	$0.25	$3.75
Puyallup Tribe	Tacoma	WA	$0.25	$0.25	$3.75
Score WA-Regional Jail	Des Moines	WA	$0.25	$0.25	$3.75
Thurston County ARC WA	Tumwater	WA	$0.25	$0.25	$3.75
Yakima County Juvenile Center	Yakima	WA	$0.25	$0.25	$3.75
Stevens County WA-Jail	Colville	WA	$0.24	$0.24	$3.60
Yakima City Jail	Yakima	WA	$0.24	$0.24	$3.60
Yakima WA-City Jail	Yakima	WA	$0.24	$0.24	$3.60
Yakima County Correctional Center	Yakima	WA	$1.50	$0.12	$3.18
Yakima County Jail	Yakima	WA	$1.50	$0.12	$3.18
Price County Jail	Phillips	WI	$5.61	$1.11	$21.15
Polk County Jail	Balsam Lake	WI	$5.53	$1.11	$21.07
Iron County Sheriff's Dept	Hurley	WI	$5.80	$0.95	$19.10
Marathon County Jail	Wausau	WI	$5.12	$0.87	$17.30
Marathon County Juvenile Facility	Wausau	WI	$5.12	$0.87	$17.30
Grant County Sheriff's Office	Lancaster	WI	$5.21	$0.79	$16.27

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Forest County Jail	Crandon	WI	$5.19	$0.77	$15.97
Green Lake County Jail	Greenlake	WI	$5.19	$0.77	$15.97
Chippewa County Sheriff Dept	Chippewa Falls	WI	$5.18	$0.76	$15.82
Dunn County Jail	Menomonie	WI	$1.05	$1.05	$15.75
Jackson County Jail	Black River Falls	WI	$1.05	$1.05	$15.75
Wood County Jail	Wisconsin Rapids	WI	$5.14	$0.72	$15.22
Buffalo County Sheriff's Dept	Alma	WI	$5.11	$0.69	$14.77
Florence County Sheriff's Office	Florence	WI	$5.11	$0.69	$14.77
Green County Sheriff's Dept	Monroe	WI	$5.11	$0.69	$14.77
Monroe County Sheriff's Dept	Sparta	WI	$5.11	$0.69	$14.77
Portage County Jail	Stevens Point	WI	$5.11	$0.69	$14.77
Sawyer County Sheriff's Dept	Hayward	WI	$5.11	$0.69	$14.77
Brown County Jail / Juvenile Detention Center	Green Bay	WI	$4.67	$0.72	$14.75
Brown County Work Release Center	Green Bay	WI	$4.67	$0.72	$14.75
La Crosse County Jail	La Crosse	WI	$4.64	$0.69	$14.30
Eau Claire County Jail	Eau Claire	WI	$3.71	$0.71	$13.65
Eau Claire County Jail - Main	Eau Claire	WI	$3.71	$0.71	$13.65
Sheboygan County Detention Center	Sheboygan	WI	$2.98	$0.48	$9.70
Sheboygan County Jail	Sheboygan	WI	$2.98	$0.48	$9.70
Menominee County WI-Tribal Jail	Keshena	WI	$0.55	$0.55	$8.25
Rusk County Jail	Ladysmith	WI	$1.00	$0.50	$8.00
Waupaca County Jail	Waupaca	WI	$5.03	$0.20	$7.83
Burnett County	Siren	WI	$0.50	$0.50	$7.50
Columbia County Jail	Portage	WI	$0.50	$0.50	$7.50
Greendale Police Department	Greendale	WI	$0.50	$0.50	$7.50
Kenosha County WI-Detention Center	Kenosha	WI	$0.50	$0.50	$7.50
Kenosha County WI-Public Safety/PreTrial	Kenosha	WI	$0.50	$0.50	$7.50
Lafayette County	Darlington	WI	$0.50	$0.50	$7.50
Trempealeau County	Whitehall	WI	$0.50	$0.50	$7.50
Waukesha County	Waukesha	WI	$0.37	$0.37	$5.55
Lincoln County Sheriff's Dept	Merrill	WI	$0.31	$0.31	$4.65
Manitowoc County Jail	Manitowoc	WI	$0.31	$0.31	$4.65
Door County	Bay	WI	$0.30	$0.30	$4.50
Washington County	Bend	WI	$0.30	$0.30	$4.50
Adams County Jail	Friendship	WI	$0.25	$0.25	$3.75
Barron County Sheriff Dept	Barron	WI	$0.25	$0.25	$3.75
Buffalo County Jail - WI	Alma	WI	$0.25	$0.25	$3.75
Clark County Jail - WI	Neillsville	WI	$0.25	$0.25	$3.75
Grant County - WI	Lancaster	WI	$0.25	$0.25	$3.75
Iowa County Jail	Dodgeville	WI	$0.25	$0.25	$3.75
Milwaukee County House of Correction	Franklin	WI	$0.25	$0.25	$3.75
Milwaukee County Jail	Milwaukee	WI	$0.25	$0.25	$3.75
Oconto County	Oconto	WI	$0.25	$0.25	$3.75

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Site Facility	City County	State	First Minute Prepaid/Debit Rate	Subsequent Minute Prepaid/Debit Rate	15 Minute Call Rate
Rock County WI	Janesville	WI	$0.25	$0.25	$3.75
St. Croix County	Hudson	WI	$0.25	$0.25	$3.75
Washburn County Jail	Shell Lake	WI	$0.25	$0.25	$3.75
Sauk County WI-Jail	Baraboo	WI	$0.22	$0.22	$3.30
WV DJS - Donald Kuhn Juvenile Diagnostic & Detention Center	Julian	WV	$1.73	$0.41	$7.47
WV DJS - Rubenstein Juvenile Center	Davis	WV	$1.73	$0.41	$7.47
WV DJS - Sam Perdue Juvenile Center	Princeton	WV	$1.73	$0.41	$7.47
WV DJS - Tiger Morton Juvenile Center	Dunbar	WV	$1.73	$0.41	$7.47
Hot Springs County Detention Center	Thermopolis	WY	$3.50	$0.75	$14.00
Weston County Detention Center	Newcastle	WY	$3.50	$0.75	$14.00
Converse County Detention Center (New)	Douglas	WY	$4.00	$0.50	$11.00
Goshen County Detention Center	Torrington	WY	$4.00	$0.50	$11.00
Teton County Detention Center	Jackson	WY	$3.00	$0.50	$10.00
Natrona County Detention Center	Casper	WY	$3.05	$0.48	$9.77
Platte County Detention Center	Wheatland	WY	$3.28	$0.46	$9.72
Park County Detention Center	Cody	WY	$3.37	$0.37	$8.55
Sublette County Detention Facility	Pinedale	WY	$1.50	$0.50	$8.50
Uinta County Detention Center WY	Evanston	WY	$2.70	$0.35	$7.60
Washakie County Jail	Worland	WY	$2.70	$0.35	$7.60
Big Horn County Detention Center	Basin	WY	$0.50	$0.50	$7.50
Natrona County Juvenile Detention Center	Casper	WY	$0.41	$0.41	$6.15
Crook County Detention Facility	Sundance	WY	$0.35	$0.35	$5.25
Albany County WY	Laramie	WY	$0.25	$0.25	$3.75
Campbell County WY	Gillete	WY	$0.25	$0.25	$3.75
Niobrara County Jail	Lusk	WY	$0.25	$0.25	$3.75
Sheridan County WY	Sheridan	WY	$0.25	$0.25	$3.75
Sweetwater Detention Center WY	Rock Springs	WY	$0.25	$0.25	$3.75
Wind River Adult Detention Center	Ft Washakie	WY	$0.25	$0.25	$3.75

AMERICAN OVERSIGHT

From:	Thomas Johnson
To:	Ajit Pai; Matthew Berry; Nicholas Degani
Cc:	Ashley Boizelle; Michael J. Carlson; Jacob Lewis; Richard Welch; Matthew Dunne; Brian Hart; Tina Pelkey
Subject:	Re: Irregulators - WE WIN!
Date:	Friday, March 13, 2020 11:22:56 AM
Attachments:	Irregulators.pdf

All—happy to report that we won the challenge to our jurisdictional separation rules brought in the D.C. Circuit by the Irregulators. The court dismissed the petition for lack of standing. The decision is attached. Congrats to Matthew Dunne on a successful oral argument and impressive victory!

AMERICAN OVERSIGHT

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

Argued January 17, 2020 Decided March 13, 2020

No. 19-1085

IRREGULATORS, ET AL.,
PETITIONER

v.

FEDERAL COMMUNICATIONS COMMISSION AND UNITED STATES OF AMERICA,
RESPONDENTS

On Petition for Review of Orders of the
Federal Communications Commission

W. Scott McCollough argued the cause and filed briefs for petitioners.

Matthew J. Dunne, Counsel, Federal Communications Commission, argued the cause for respondents. With him on the brief were *Robert Nicholson* and *Kathleen Simpson Kiernan*, Attorneys, U.S. Department of Justice, *Thomas M. Johnson Jr.*, General Counsel, Federal Communications Commission, *Ashley Boizelle*, Deputy General Counsel, and *Richard K. Welch*, Deputy Associate General Counsel. *Robert J. Wiggers*, Attorney, U.S. Department of Justice, *Jacob M. Lewis*, Associate General Counsel, Federal Communications Commission, and *Thaila Sundaresan*, Counsel, entered appearances.

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Gregory J. Vogt, *Regina McNeil*, and *Robert Deegan* were on the brief for *amici curiae* National Exchange Carrier Association, Inc., et al. in support of respondents.

Before: ROGERS and KATSAS, *Circuit Judges*, and WILLIAMS, *Senior Circuit Judge*.

Opinion for the court filed by *Senior Circuit Judge* WILLIAMS.

WILLIAMS, *Senior Circuit Judge*: Six individual petitioners challenge a Federal Communications Commission order approving the continued use of admittedly outdated accounting rules for an ever-dwindling number of telephone companies whose pricing is governed by those rules. But those individuals have presented no evidence that the continuing application of the frozen rules has harmed them or is likely to harm them. The individuals don't purchase telephone service from a provider whose rates are directly affected by the rules. And they have not shown how the rules distort the market to their disadvantage or otherwise harm them indirectly. The petitioners therefore lack the necessary Article III standing to challenge the Commission's order, and we must dismiss their petition for review.

* * *

Understanding this case requires something of a trip down memory lane through the history of regulatory control over telephone rates.

Until the early 1990s, the Commission regulated wireline interstate telephone providers by the "rate-of-return" method, allowing a firm to charge "rates no higher than necessary to obtain 'sufficient revenue to cover their costs and achieve a fair return on equity.'" *Nat'l Rural Telecom Ass'n v. FCC*, 988

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F.2d 174, 178 (D.C. Cir. 1993) (quoting *In re Policy & Rules Concerning Rates for Dominant Carriers*, 3 F.C.C. Rcd. 3195 (1988)). Roughly thirty years ago, the Commission "began to take serious note of some of the inefficiencies inherent in rate-of-return regulation." *Id*. Because firms "can pass any cost along to" their customers, rate-of-return carriers have little incentive to pursue innovative cost-reductions. *Id*. Rate-of-return carriers also have perverse incentives to shift costs "away from unregulated activities (where consumers would react to higher prices by reducing their purchases) into the regulated ones (where the price increase will cause little or no drop in sales because under regulation the prices are in a range where demand is relatively unresponsive to price changes)." *Id*.

The Commission's solution was price-cap regulation, in which it sets a maximum rate, subject to later periodic adjustments. The caps initially chosen were the firms' then-existing rates, which were to be subject in the future to various adjustments—adjustments that were unlikely, for any one firm, to be significantly affected by its success or failure at cost reduction. Besides improving the regulated firms' incentives, price-cap regulation has a benefit quite relevant here: it eliminates the need for the costly, cumbersome accounting rules inherent in the rate-of-return method. *Id*.

The Commission first adopted price-cap regulation in 1989, and we upheld its choice against a number of challenges. *Id*. at 177–85. The shift was at first mandatory only for the Bell companies and GTE, with other local exchange carriers entitled to remain under rate-of-return regulation at their option. See *id*. at 179; *In re Policy & Rules Concerning Rates for Dominant Carriers*, 6 F.C.C. Rcd. 2637 ¶ 10 (1991). Today, the Commission reports and the petitioners do not contest, 93% of the phone lines currently subject to either of these two forms of rate regulation are under price caps. See Resp. Br. 4.

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This case involves the separations processes set forth by the Commission in 47 C.F.R. Part 36 and which are today used (as we shall soon see) by rate-of-return carriers. The Commission devised the system in fulfillment of its statutory mandates to "prescribe a uniform system of accounts for use by telephone companies," 47 U.S.C. § 220(a)(2), and to regulate interstate—but not intrastate—telecommunications service, 47 U.S.C. § 221; see also *Louisiana Public Service Comm'n v. FCC*, 476 U.S. 355 (1986).

Jurisdictional separations involve two steps: The first is for a firm to assign its costs (already recorded in various Commission-prescribed "accounts") to categories specified by the Commission. These categories seem generally to represent aggregations of the various "accounts" in which firms initially record their costs, but are in some cases disaggregated into subcategories. See *In re Jurisdictional Separations & Referral to Fed.-State Joint Bd.*, 16 F.C.C. Rcd. 11,382 ¶ 4 & n.12 (2001) ("2001 Freeze Order"); see also, e.g., 47 C.F.R. § 36.123. The categories are presumably designed to facilitate application of the second step: apportionment of the costs in each category between intrastate and interstate jurisdictions.

The apportionment is governed by rules which vary depending on the cost in question. Some have for example a "fixed allocator." 2001 Freeze Order ¶ 4. Others fluctuate with use as between interstate and intrastate service and thus vary in their application from year to year. See *id.*; see also, e.g., 47 C.F.R. § 36.123.

In 2001, the Commission realized that its complicated Part 36 jurisdictional separations rules, initially developed for a world of analog "circuit-switched networks," no longer reflected an increasingly digital reality. 2001 Freeze Order ¶ 1. What's more, the separations process required carriers to perform cumbersome separations studies, *id.* ¶ 13, measuring

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for instance the "the relative number of weighted standard work seconds" a switchboard handled, 47 C.F.R. § 36.123(b).

So the Commission decided to effectuate a temporary, five-year freeze "pending comprehensive reform." 2001 Freeze Order ¶ 2. To the extent that the law required price-cap carriers to continue to report costs according to a "uniform system of accounts," 47 U.S.C. § 220(a)(2), the Commission simply froze the category relationships and allocations factors based on "the carriers' calendar-year 2000 separations studies." 2001 Freeze Order ¶ 9. For rate-of-return carriers for whom the rules still determined the actual prices those carriers could charge, the Commission froze the allocation factors and gave the rate-of-return carriers the option, but not the requirement, to also freeze their category relationships. *Id*. ¶ 11.

As a result of the freeze, all carriers were spared the need "to measure usage in order to develop jurisdictional allocation factors for interstate purposes, as frozen factors [would] be carried forward from year to year," and many carriers no longer needed "to perform the analyses necessary to categorize annual investment changes for interstate purposes." See *In re Jurisdictional Separations Reform & Referral to Fed.-State Joint Bd.*, 15 F.C.C. Rcd. 13,160 ¶ 19 (2000).

The five years provided for in the 2001 Freeze Order came and went—and the Commission extended the jurisdictional separations freeze for three more years. *In re Jurisdictional Separations & Referral to Fed.-State Joint Bd.*, 21 F.C.C. Rcd. 5516 ¶ 16 (2006). Over the next several years, the Commission extended the freeze seven more times, the last such extension being the Order now before us: *In re Jurisdictional Separations & Referral to the Federal-State Joint Board*, No. CC80-286, 2018 WL 6629368 (2018) ("2018 Order"). See *id.* ¶ 12 (outlining prior freeze extensions); see also *id*. ¶ 4 (extending the freeze "for up to six years"). The Commission

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has also allowed those rate-of-return carriers that froze their category relationships in 2001 (the first step in Part 36's two-step process) a one-time option to "unfreeze and update" those relationships. *Id*. ¶ 19.

* * *

The petitioners challenge the most recent iteration of the freeze as established in the 2018 Order. But because none of them possesses Article III standing, we do not rule on the merits but instead dismiss their petition for lack of jurisdiction.[1]

The Constitution permits us to rule only on tangible "Cases" or "Controversies," not abstract hypotheticals or requests for advisory opinions. U.S. Const. art. III, sec. 2. A party seeking review of an agency's action must therefore have standing to pursue the action before our court, a rule that has come to require that the party has suffered or will likely suffer an injury in fact traceable to an act of the defendant and redressable by a favorable decision. See *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560 (1992).

The petitioners in this case are six individuals and two informal, unincorporated organizations formed to advance the

[1] The petitioners set forth arguments for standing and associated evidence in a lengthy, unpaginated document attached to their docketing statement, part but not all of which they reproduce in a sequentially paginated addendum to their opening brief. Though we will consider these materials, we do not pass on whether this submission complies with D.C. Circuit Rule 15(c)(2), which permits "a brief statement" regarding a "claim of standing." For legal arguments, we cite to a brief-like section of the docketing statement styled "Petitioners' Standing Argument," using its internal pagination.

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petitioners' chosen positions on telecommunications policy. Because the petitioners offer no evidence of injury unique to the organizations themselves, those organizations will have associational standing only if a member possesses standing. We therefore focus our attention on the individual petitioners. See *NARUC v. FCC*, 851 F.3d 1324, 1327 (D.C. Cir. 2017) (per curiam) ("An association has standing to bring suit on behalf of its members when its members would otherwise have standing to sue in their own right . . . ." (cleaned up)). The individual petitioners bear the burden of establishing a substantial probability of standing, which they may meet with affidavits submitted to this court or evidence already in the administrative record. *Id*.

We address each of petitioners' theories of standing below, and show where the petitioners fall short, beginning with the petitioners' theories about how the jurisdictional separations freeze still affects price-cap carriers and ending with the petitioners' arguments that they suffer harms from the Part 36 rules' effects on rate-of-return carriers.

1. The petitioners' apparent main concern and their chief theory of injury is that the freeze distorts price-cap carriers' rates. As the petitioners see things, state regulators (particularly those of New York) still use Commission-established jurisdictional separations to regulate major price-cap carriers' intrastate rates and, when doing so, are subject to the Commission's freeze. If, as petitioners allege, the frozen separations cause intrastate rates to be higher than they would under a modernized system, individual petitioners purchasing intrastate service from price-cap carriers are likely to be harmed. Critical to this theory is the idea that state regulators are compelled by federal law to apply the frozen federal separations to the intrastate rates of price-cap carriers.

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Petitioners offer no basis to believe that such compulsion exists. In fact the Commission appears to have extinguished such compulsion, using its authority under the Telecommunications Act of 1996, 47 U.S.C. § 160, to "forbear from applying" provisions of the Act when it determines (1) that they are "not necessary to ensure" "just and reasonable" rates, (2) that they are not needed to protect consumers, and (3) that forbearance is "consistent with the public interest," in particular that such forbearance "will promote competitive market conditions." *Id.* § 160(a), (b). In the years since the initial 2001 freeze order, it has issued orders, initially conditional and later unconditional, forbearing from requiring price-cap carriers to apply the Part 36 separations process at all. 2018 Order ¶ 16 n.45. Because that process was useful only for rate-of-return price regulation, it had no further role in federal regulation of these carriers' interstate rates.

That federal forbearance is naturally consistent with states' having authority to impose their own accounting methods on price-cap carriers for the purpose of regulating intrastate rates. The relevant portion of the initial forbearance order, which the Commission subsequently incorporated by reference for all price-cap carriers, is worth quoting in full:

> We recognize that state commissions may exercise their own state authority to conduct their rate and other regulation as permitted under state law. We emphasize that we do not in this Order preempt any state accounting requirements adopted under state authority. We recognize, as the State Members point out, that section 10(e) [47 U.S.C. § 160(e)] states that "[a] State commission may not continue to apply or enforce any provision of this Act that the Commission has determined to forbear from applying" under section 10. Although states will not have authority to enforce the federal Cost Assignment Rules as they

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> apply to AT&T once this relief is effective, we do not read section 10(e) to prevent states from adopting similar provisions to the extent that they have authority under state law. In the wake of this decision, we would expect that any states that may rely on the Cost Assignment Rules and resulting data for state regulatory purposes would assert their jurisdiction to obtain the needed information from AT&T.

In re Petition of AT&T Inc. for Forbearance, 23 F.C.C. Rcd. 7302 ¶ 33 (2008); see also *In re Petition of USTelecom for Forbearance*, 28 F.C.C. Rcd. 7627 ¶ 49 (2013) (incorporating the AT&T Order's preemption analysis when granting remaining price-cap carriers similar forbearance from Part 36 rules). This means that any injuries the petitioners suffer through the application of outmoded Part 36 rules to price-cap carriers are traceable not to the Commission's freeze order but to the states' voluntary and independent decisions to use the rules of Part 36 for their own purposes.

To be sure, the petitioners have identified one state commission that in a brief dictum expressed the belief that the federal separations rules "likely preempted" any different state accounting methods. See *Northern New England Tel. Operations LLC*, 2014 WL 6722276, at *32 (Me. Pub. Util. Comm'n, 2014) ("We reject the notion that a novel (and likely preempted) attempt at reforming the cost allocation rules . . . would in any manner be helpful in establishing an appropriate level of MUSF support."). To the extent the "likely preempted" parenthetical is more than a throwaway phrase, we see no basis for it in light of general preemption principles and the language of the Commission's forbearance decisions. Petitioners' claim of a direct effect from the freeze on price-cap carriers' intrastate rates is thoroughly mistaken. See *United States v. Ruiz*, 536 U.S. 622, 628 (2002) ("[A] federal court always has jurisdiction to determine its own jurisdiction.").

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2. Petitioners generally claim that "frozen separations over-allocate costs to intrastate [service]. . . whereas they under-allocate costs to interstate, thereby allowing for artificially low interstate rates." Petitioners' Standing Argument, 19. As we just saw, only rate-of-return carriers are governed by the frozen separations, so any injury in this category must derive from their pricing.

Petitioners' difficulty is that even if they are correct that rate-of-return intrastate prices are too high, they have presented no evidence—and certainly not enough evidence to show a substantial probability—that these intrastate prices affect them personally.

For starters, none of the petitioners claims to purchase intrastate service from a rate-of-return carrier directly—hardly a surprise, given the reduced role of rate-of-return carriers. One petitioner states that he has traveled on business to every state in the Union except New Mexico and Alaska, and he has "consumed local telecommunications services" while on the road. Pet. Br. Addendum 166. But he does not claim that he has paid for these local services directly, only that he has, like many travelers, used a phone while away from home.

The petitioners indeed do claim that they pay the prices charged by rate-of-return carriers indirectly. Their providers, they say, pay inflated prices for wholesale service from rate-of-return carriers to complete long distance calls into rate-of-return networks; the providers then pass those inflated costs along to customers such as petitioners.

The underlying economic principle invoked by petitioners is sound at a high level of generality (firms generally pass on the costs of necessary inputs), but the record undermines their claim that it links the separations freeze to any impact on them. When adjusted for market size, comparatively few phone

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companies are subject to the jurisdictional separations rules in setting prices. Once we include (unregulated) mobile wireless providers in the mix, according to the Commission, the frozen rules apply to just 0.8% of all total phone connections. See Resp. Br. 13 n.4. That means the wholesale rates charged petitioners' providers by rate-of-return carriers are, by any metric, a very small portion of the former's total costs. While a perfectly efficient and completely competitive telecommunications market would transfer those inflated wholesale costs to retail customers, the petitioners provide no tangible evidence and offer only naked assertions that any such transfer has had an impact on them. This theory of harm "stacks speculation upon hypothetical upon speculation" and thus "does not establish an actual or imminent injury." *Kansas Corp. Comm'n v. FERC*, 881 F.3d 924, 931 (D.C. Cir. 2018) (quotation omitted).

3. The petitioners believe that the frozen jurisdictional rules distort the telecommunications marketplace generally. See Petitioners' Standing Argument, 30; Reply Br. 14. Though the petitioners don't detail the nature of the distortion, one can imagine some.

For instance, the frozen rules may lead rate-of-return carriers to charge inflated prices for local service. Where a price-cap carrier or a wireless carrier competes with a rate-of-return carrier to provide local service, and the rate-of-return carrier's rates have been inflated by the freeze order, the price-cap carrier will be able to raise its prices without losing customers to the disproportionately expensive rate-of-return competition.

Again, petitioners offer no relevant evidence. Specifically they offer nothing to show that their providers—or any providers competing with rate-of-return carriers—artificially inflate their prices for local service. Moreover, the price-cap

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carriers serving the petitioners might be charging the maximum amount permitted under the price cap anyway. Given the infinitesimally small share of phone calls provided by rate-of-return carriers, we can see no justification for converting petitioners' suppositions into fact.

Alternatively, a similar market distortion might arise if carriers can cross-subsidize unregulated activities by charging inflated prices for intrastate regulated services. In particular, petitioners believe that such cross-subsidization occurs in states that allegedly use federal separations results to set price-cap carriers' intrastate rates. Reply Br. 14–15. But to the extent that such cross-subsidization exists at all and to the extent that it meaningfully impairs competition, it is due to the states' independent decisions to apply the Part 36 rules, as discussed above.

4. The petitioners' fourth and final theory of injury rests on the idea that frozen category relationships allow rate-of-return carriers to receive inflated sums from the federal Universal Service Fund (USF), which causes the petitioners to pay higher USF charges on their phone bills. Again petitioners fail to demonstrate a substantial probability of a tangible injury.

Today, USF directly subsidizes (among other things) telephone companies serving high-cost areas of the country. See Federal Communications Commission, *Universal Service Fund*, https://www.fcc.gov/general/universal-service-fund; see also 47 U.S.C. § 254 (providing statutory authority). USF is funded by mandatory contributions from all telephone companies, which the companies may "recover" by including a separate USF charge on their customers' retail phone bills. See 47 C.F.R. § 54.712.

It is true that the administrator of universal service support uses aspects of Part 36 for some support calculations. See 2018

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Order ¶ 18. But see *id*. ¶ 17 (describing changes in the universal service systems that give rate-of-return carriers the right to calculate high-cost universal service support by means that "eliminated the need for those carriers to perform cost studies that required jurisdictional separations"). But the administrator in 2011 froze high-cost support in order "to transition universal service from focusing on voice networks to supporting and expanding broadband availability." Universal Service Administrative Company, *Frozen High Cost Support*, https://www.usac.org/high-cost/funds/frozen-high-cost-support/. Petitioners have offered no reason for us to conclude that, despite this freeze, a shift to updated and more accurate separations results would actually lower the support received by rate-of-return carriers, and thus lower the USF charges the petitioners pay.

* * *

Because the petitioners lack standing to bring this petition, we lack jurisdiction to adjudicate their claims and so dismiss their petition.

So ordered.

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From:	Nicholas Degani
To:	Matthew Berry; Ajit Pai; Evan Swarztrauber; Thomas Johnson
Subject:	RE: Draft
Date:	Thursday, October 15, 2020 11:52:14 AM
Attachments:	The Puppy Statement.docx

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Thursday, October 15, 2020 11:22 AM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>
Subject: Draft

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[redacted] nd earlier this week, for example, Justice Thomas pointed out that courts have relied upon "policy and purpose arguments to grant sweeping protections to Internet platforms" that appear to go far beyond the actual text of Section 230.

[redacted]

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From:	Zenji Nakazawa
To:	Nirali Patel; Alexander Sanjenis; Melissa Droller Kirkel; Katie Gorscak; Preston Wise; Aaron N. Goldberger; Michael Carowitz
Cc:	Matthew Berry; Nicholas Degani; Brian Hart; Anne Veigle; Will Wiquist; Rochelle Cohen
Subject:	Re: July Press Prep-for your review
Date:	Tuesday, July 14, 2020 2:23:45 PM
Attachments:	2020-07 Open Meeting - July Press Prep - Draft_OMR_0713_toadvisors-NP-MK-ATS-NP-ZN.docx

My edits following Nirali and others.

From: Nirali Patel <Nirali.Patel@fcc.gov>
Sent: Tuesday, July 14, 2020 11:08 AM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Melissa Droller Kirkel <Melissa.Kirkel@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Aaron N. Goldberger <Aaron.Goldberger@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>
Cc: Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>
Subject: RE: July Press Prep-for your review

My edits attached on top of Alex's.

From: Nirali Patel
Sent: Tuesday, July 14, 2020 11:07 AM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Melissa Droller Kirkel <Melissa.Kirkel@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Aaron N. Goldberger <Aaron.Goldberger@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>
Cc: Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>
Subject: RE: July Press Prep-for your review

Jumping in to add one question.

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Tuesday, July 14, 2020 11:00 AM
To: Melissa Droller Kirkel <Melissa.Kirkel@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Aaron N. Goldberger <Aaron.Goldberger@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>
Cc: Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>

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Subject: RE: July Press Prep-for your review

[redacted]

From: Alexander Sanjenis
Sent: Tuesday, July 14, 2020 8:49 AM
To: Melissa Droller Kirkel <Melissa.Kirkel@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Aaron N. Goldberger <Aaron.Goldberger@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>
Cc: Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>
Subject: RE: July Press Prep-for your review

Going in now.

From: Melissa Droller Kirkel <Melissa.Kirkel@fcc.gov>
Sent: Tuesday, July 14, 2020 8:04 AM
To: Nirali Patel <Nirali.Patel@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Aaron N. Goldberger <Aaron.Goldberger@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>
Subject: RE: July Press Prep-for your review

I've added my edits in the attached as well, on top of Nirali's version.

Melissa

Melissa Droller Kirkel
Deputy Chief, Competition Policy Division
Wireline Competition Bureau
Federal Communications Commission
(202) 418-7958

From: Nirali Patel <Nirali.Patel@fcc.gov>
Sent: Monday, July 13, 2020 7:57 PM
To: Katie Gorscak <Katie.Gorscak@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Aaron N. Goldberger <Aaron.Goldberger@fcc.gov>; Michael Carowitz

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<Michael.Carowitz@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Melissa Droller Kirkel <Melissa.Kirkel@fcc.gov>
Cc: Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>
Subject: RE: July Press Prep-for your review

My edits attached.

From: Katie Gorscak <Katie.Gorscak@fcc.gov>
Sent: Monday, July 13, 2020 2:55 PM
To: Preston Wise <Preston.Wise@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Aaron N. Goldberger <Aaron.Goldberger@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>; Nirali Patel <Nirali.Patel@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Melissa Droller Kirkel <Melissa.Kirkel@fcc.gov>
Cc: Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>
Subject: July Press Prep-for your review

Advisors – The draft press prep document is attached for your review. Please send us your edits by 4 p.m. on Tuesday, July 14th.

Thank you!

Katie L. Gorscak
Federal Communications Commission
Office of Media Relations
445 12th St. SW, Room 4-C735
Washington, DC 20554
Phone: 202-418-2156
Cell: 202-380-8116

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JULY 2020 OPEN MEETING: PRESS PREP

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[redacted]

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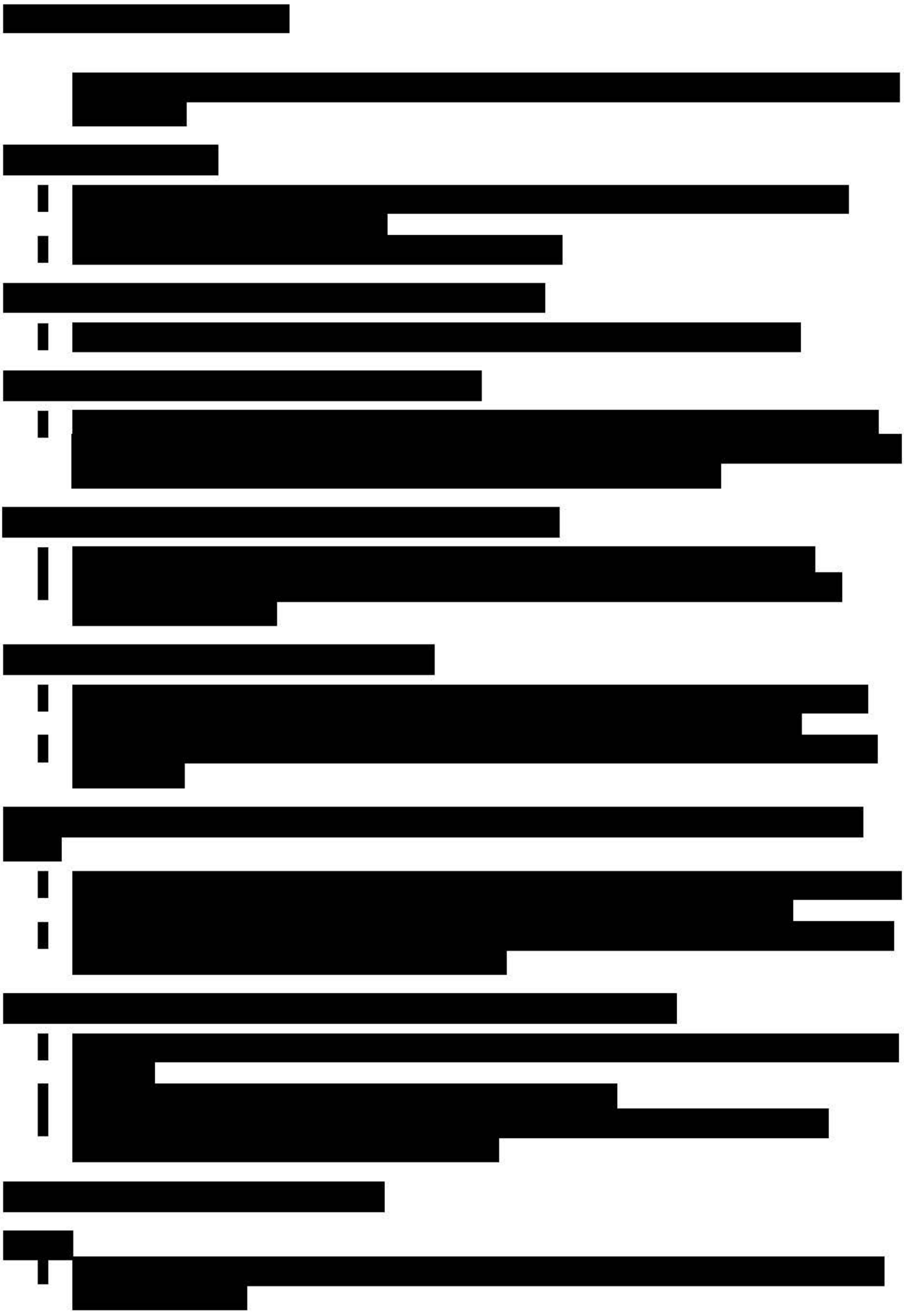
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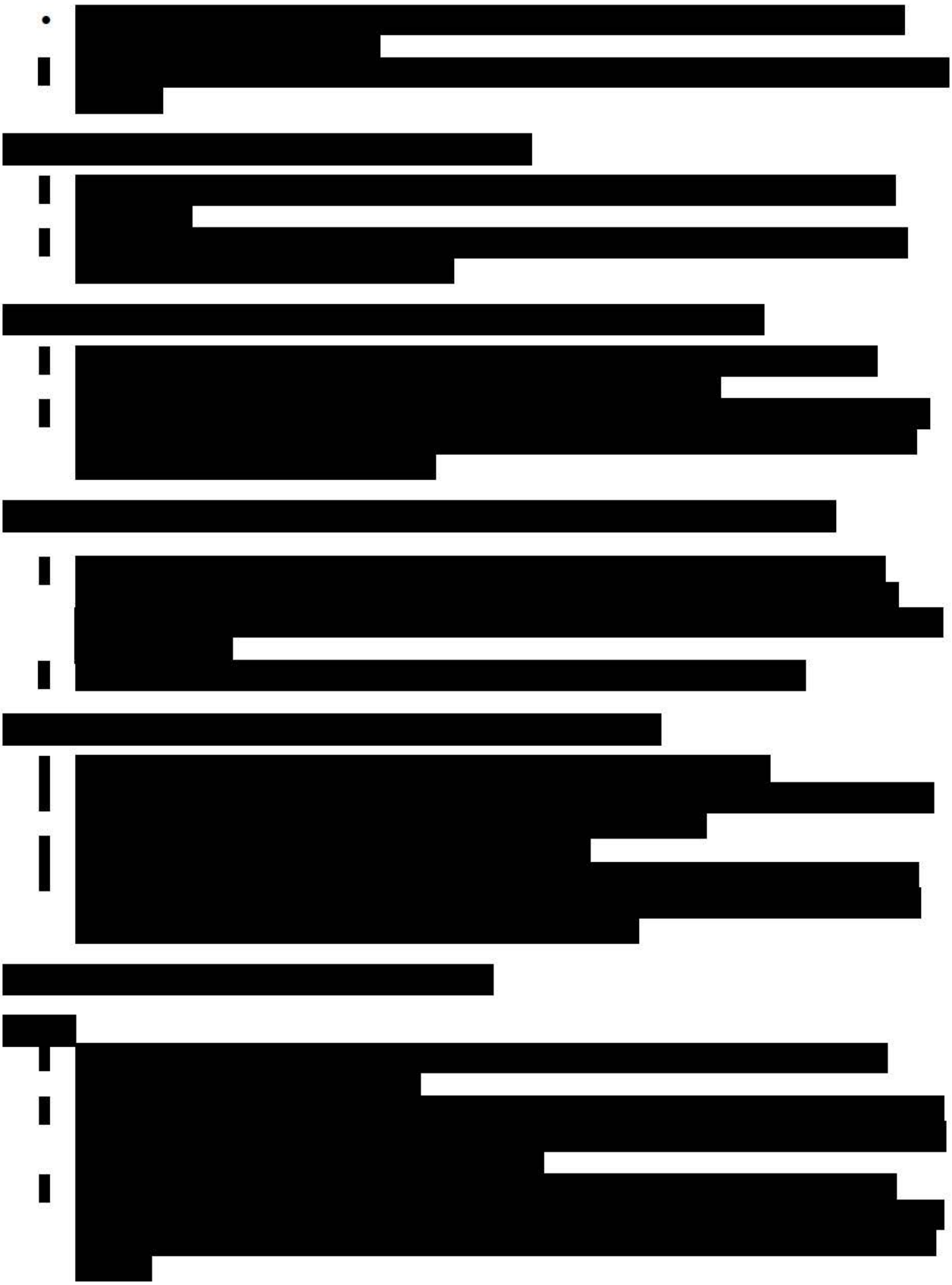
- While that is a question really for Congress, HHS, and local leaders, I think there is a groundswell of national support for this effort and I expect every effort will be made to provide the resources need to ramp up call centers in preparation of this change.

[redacted]

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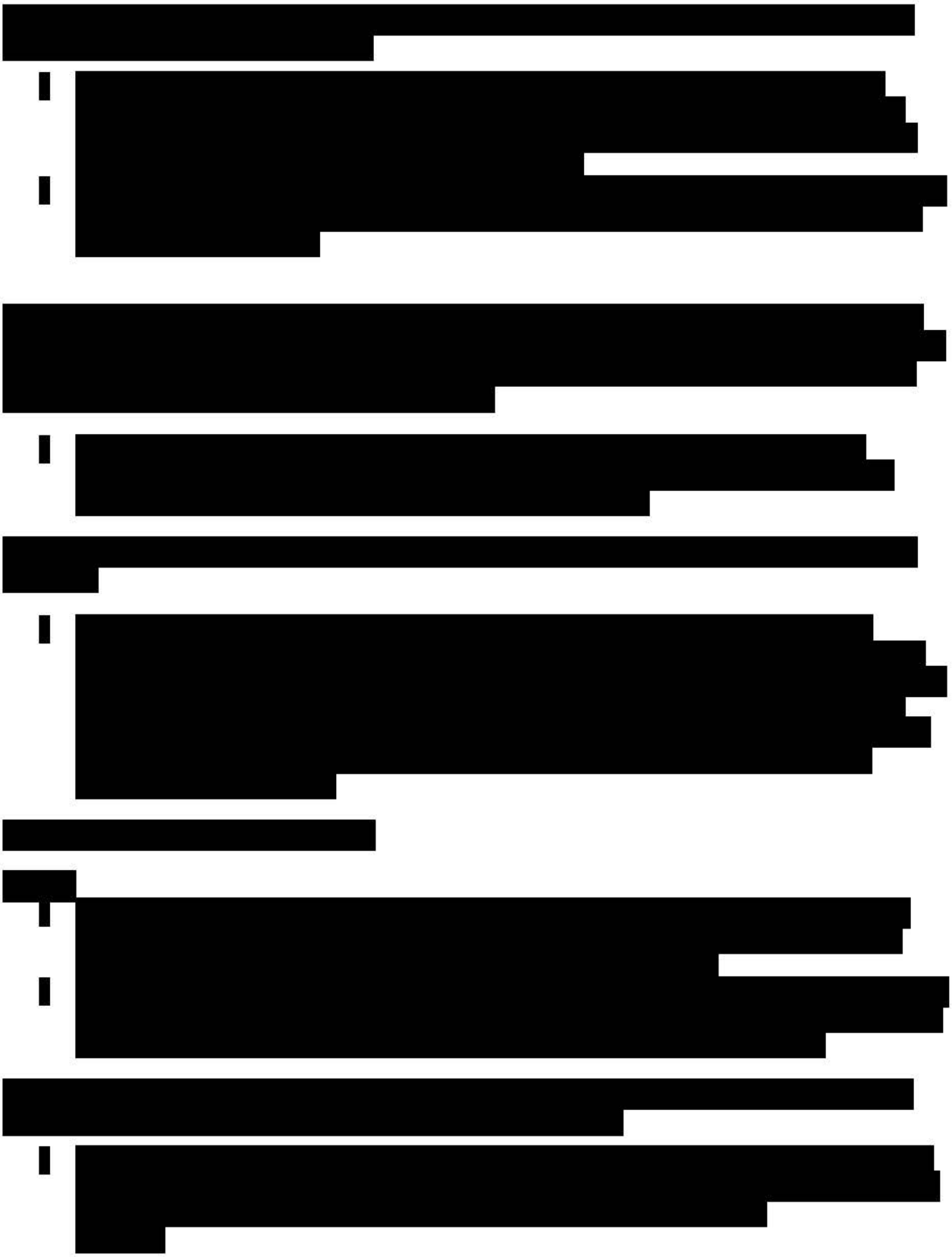
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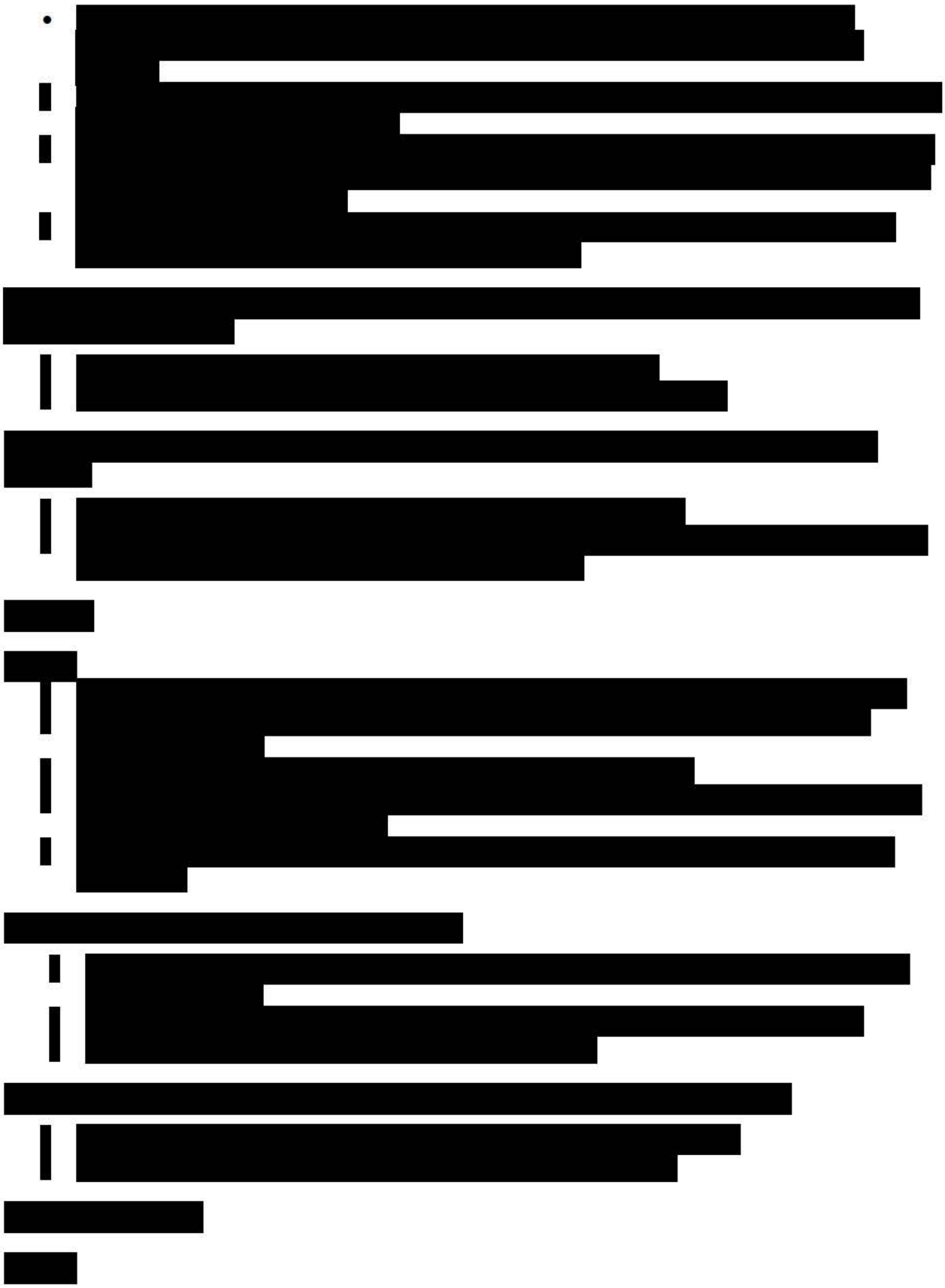
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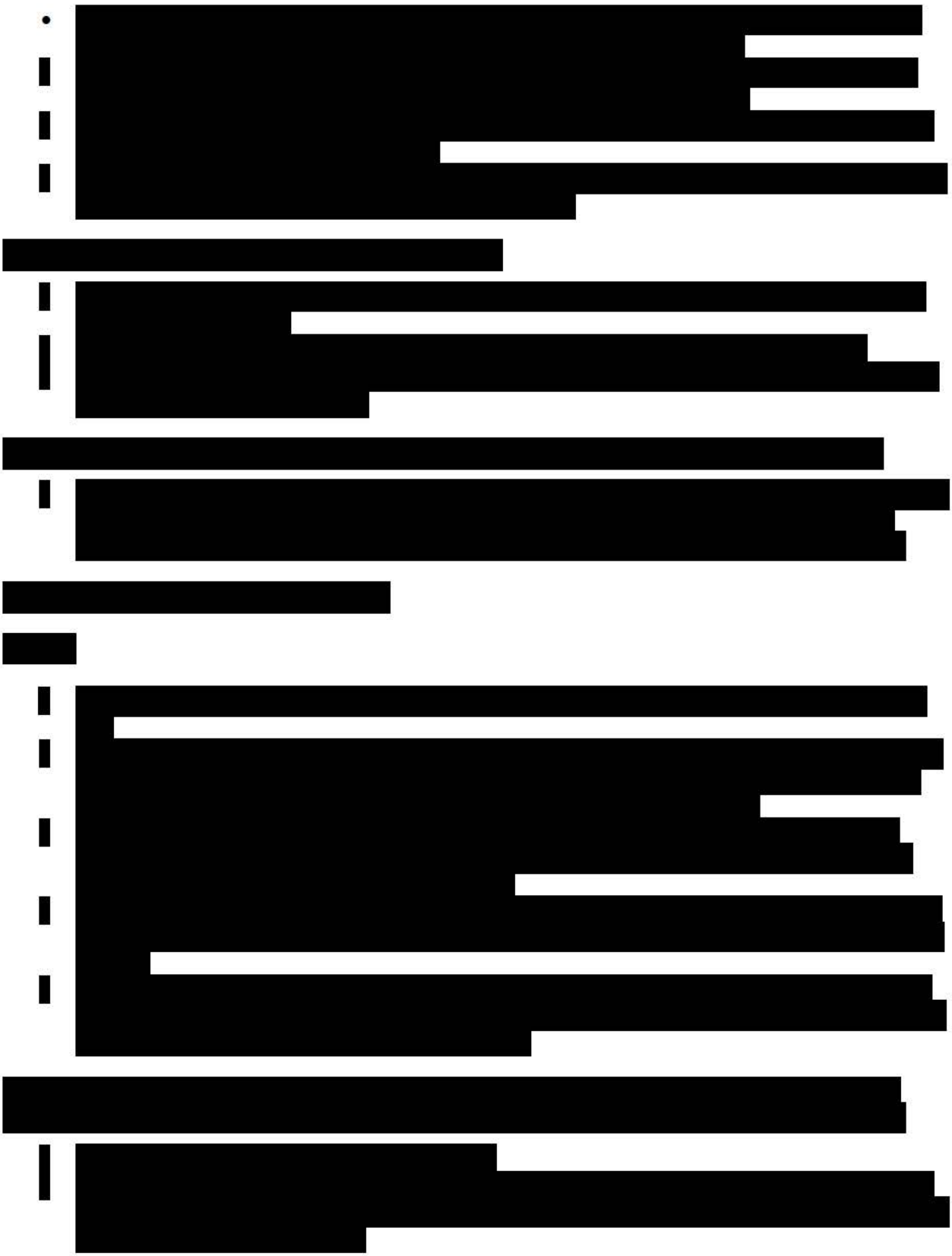
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[redacted]

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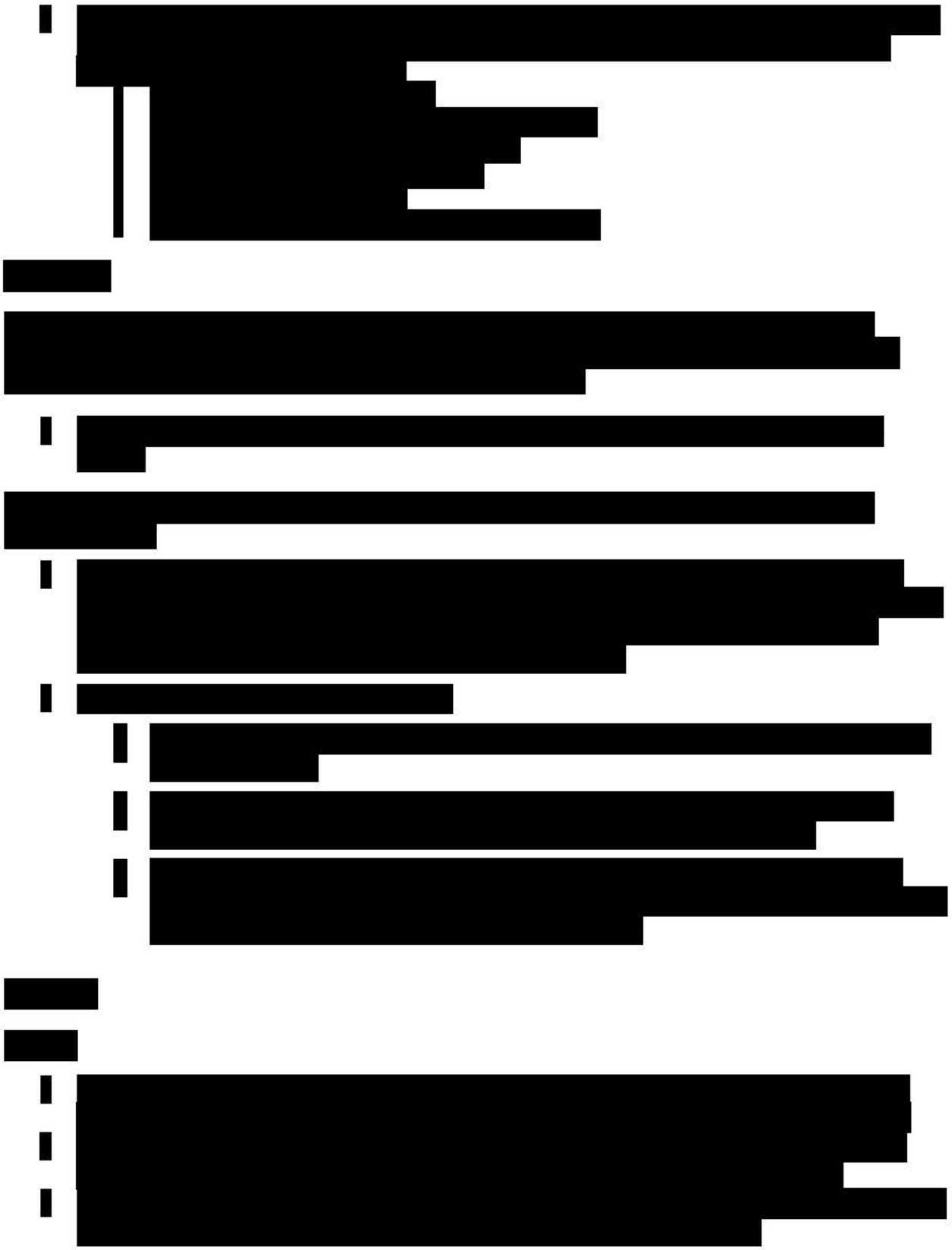
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[redacted]

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AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

[redacted]

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From:	Anne Veigle
To:	Ajit Pai; Matthew Berry; Nicholas Degani; Thomas Johnson
Cc:	Brian Hart; Will Wiquist
Subject:	RE: Law 360 re: Comptel, D/B/A Incompas v, FCC et al.
Date:	Tuesday, November 3, 2020 2:28:51 PM

Thanks. I will send this to the 2 reporters (Comm Daily & Law360).

From: Ajit Pai <Ajit.Pai@fcc.gov>
Sent: Tuesday, November 3, 2020 2:00 PM
To: Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>
Subject: Re: Law 360 re: Comptel, D/B/A Incompas v, FCC et al.

OK here, although I'll confess that at first I thought I was seeing a groundswell of support for my en banc proposal.

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Tuesday, November 3, 2020 1:58 PM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>
Subject: Re: Law 360 re: Comptel, D/B/A Incompas v, FCC et al.

ok here

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Tuesday, November 3, 2020 1:55 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Law 360 re: Comptel, D/B/A Incompas v, FCC et al.

[redacted]

[redacted]

From: Ajit Pai <Ajit.Pai@fcc.gov>
Sent: Tuesday, November 3, 2020 1:36 PM
To: Matthew Berry <Matthew.Berry@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>

AMERICAN OVERSIGHT

Subject: Re: Law 360 re: Comptel, D/B/A Incompas v, FCC et al.

Fine with me.

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Tuesday, November 3, 2020 1:34 PM
To: Anne Veigle <Anne.Veigle@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>
Subject: Re: Law 360 re: Comptel, D/B/A Incompas v, FCC et al.

[redacted]

[redacted]

From: Anne Veigle <Anne.Veigle@fcc.gov>
Sent: Tuesday, November 3, 2020 1:24 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>
Subject: FW: Law 360 re: Comptel, D/B/A Incompas v, FCC et al.

We have 2 trade press asking for comment on the Comptel/Incompas decision.

[redacted]

[redacted]

From: Christopher Cole <christopher.cole@law360.com>
Sent: Tuesday, November 3, 2020 11:58 AM
To: MediaRelations <MediaRelations@fcc.gov>
Subject: Comptel, D/B/A Incompas v, FCC et al.

Good morning, could we get an FCC response to this ruling? Thanks,

--
Christopher Cole
Reporter

AMERICAN OVERSIGHT

Legal News & Data
1150 18th St. NW, Suite 600
Washington, DC 20036
202-776-1331 (desk)
347-268-6845 (mobile)

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From: Ajit Pai
To: Matthew Berry
Subject: Re: Memorial for Grey Pash - Saturday, January 25, 2020
Date: Saturday, January 25, 2020 12:38:51 PM

Thanks! That's helpful. I'll play it by ear. As I introduce it, I make clear that it came from Jim, so that should help.

Aiming to get there by 3 if not a bit sooner and to wear a suit and tie.

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Saturday, January 25, 2020 12:31:47 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>
Subject: Re: Memorial for Grey Pash - Saturday, January 25, 2020

I think that it depends on whether you feel comfortable using it. If this were the week after this death and taking place in a church, I would feel much more uncomfortable about it. But given the length of time since his passing and the fact that this isn't in a religious setting, I think that you can use it if you want. Also, the fact that Jim passed it along and suggested you might want to use it gives me some comfort since he has been involved in arranging the event. But again, I think that you should do what you feel comfortable with.

Also, what time are you planning to arrive and what are you going to wear?

From: Ajit Pai <Ajit.Pai@fcc.gov>
Sent: Saturday, January 25, 2020 9:31 AM
To: Matthew Berry <Matthew.Berry@fcc.gov>
Subject: Fw: Memorial for Grey Pash - Saturday, January 25, 2020

Do you think there's any way I can use the Coach Cal/Louisville joke? Grey's response, while hilarious, might be a bit out of place.

From: James Carr <James.Carr@fcc.gov>
Sent: Thursday, January 16, 2020 12:22 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>
Cc: Susan Launer <Susan.Launer@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Montana L. Hyde <Montana.Hyde@fcc.gov>
Subject: FW: Memorial for Grey Pash - Saturday, January 25, 2020

Dear Mr. Chairman,

Thanks again for agreeing to speak at Grey's memorial on Saturday, January 25 at the Friendship Heights Community Center. I wanted to give you a bit more information about the event. The speeches are scheduled to begin around 3:30 pm. We currently have you scheduled to speak second (after Grey's cousin Bessie), so you would speak sometime between 3:30 and 4 pm. If that timing doesn't work for you, and if you would prefer to speak a bit later in the program (say, after 4

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pm), please let us know, and we'll be happy to accommodate you.

You had also asked about Grey's family. Our understanding is that a number of his Kentucky relatives plan to attend, and (as I mentioned above) Grey's cousin Bessie plans to speak at the memorial.

Finally, you had asked us whether we could provide some material for you to include in your remarks about Grey. I had a couple of thoughts about this. First, I was always struck by Grey's various connections with so many different people who became Supreme Court Justices. He argued cases before five different DC Circuit judges who were later elevated to the Supreme Court (Antonin Scalia, Clarence Thomas, Ruth Ginsburg, John Roberts, and Brett Kavanaugh). Grey also worked with John Roberts on a case when Roberts was in private practice (representing an intervenor supporting the FCC). And in 1983, Grey helped a young Assistant to the Solicitor General prepare for his first Supreme Court argument in a case called Community Television of Southern California v. Gottfried. The young lawyer's name? Samuel Alito.

I also wanted to share with you a humorous story that you might wish to include in your remarks. Grey was a huge fan of the University of Kentucky men's basketball team. During his hospital stay, arrangements were made to have UK basketball coach John Calipari write Grey a letter of encouragement and support. I brought the letter from Coach Cal (and a signed glossy photo of the Coach) to Grey in the hospital. Shortly thereafter, Grey sent me the attached email thanking me for the Coach Cal "swag." He went on to say in the email: "It has raised my standing considerably with my Kentucky friends and family. One suggested, however, that you should have reached out to the Louisville athletics dept – they would have sent a stripper to raise my spirits." (This joke may require some explaining for non-basketball fans who aren't familiar with Louisville's sex scandal; but the college basketball fans in my office thought this was hilarious.) Grey's email showed that despite his health issues, he retained his wicked sense of humor to the very end. Sadly, this email was my last contact with Grey; but it seemed only fitting that his last communication with me made me laugh.

Please let me know if you need anything more from us or if you have any further questions about the memorial. We look forward to seeing you on January 25.

Jim

From: James Carr
Sent: Monday, January 6, 2020 2:54 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Brendan Carr <Brendan.Carr@fcc.gov>; Mike ORielly <Mike.ORielly@fcc.gov>; Jessica Rosenworcel <Jessica.Rosenworcel@fcc.gov>; Geoffrey Starks <Geoffrey.Starks@fcc.gov>; OGC DL <OGCDL@fcc.gov>; Sonja Rifken <Sonja.Rifken@fcc.gov>; Aliza Katz <Aliza.Katz@fcc.gov>; Lisa Boehley <Lisa.Boehley@fcc.gov>; Lisa Gelb <Lisa.Gelb@fcc.gov>; Lisa Griffin <Lisa.Griffin@fcc.gov>; Kamala Hart <Kamala.Hart@fcc.gov>; Robert Aldrich <Robert.Aldrich@fcc.gov>; [redacted] (b)(6)

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[redacted] (b)(6)

'jmarcuskurn@ftc.gov' <jmarcuskurn@ftc.gov>; [redacted]
Kathleen Collins <Kathleen.Collins@fcc.gov>; Jill Pender <Jill.Pender@fcc.gov>; Mary Romano <Mary.Romano@fcc.gov>; [redacted] (b)(6)

[redacted] MEDIA <MEDIA@fcc.gov>

Subject: Memorial for Grey Pash - Saturday, January 25, 2020

To the family, friends, colleagues, and associates of Grey Pash:

A memorial for Grey will be held on Saturday, January 25, 2020 from 3:00 pm to 5:30 pm at the Village of Friendship Heights Community Center, 4433 South Park Avenue, Chevy Chase, MD 20815. All are welcome. Light refreshments will be served.

Directions to the Friendship Heights Community Center are attached. The Center is a short walk from the Friendship Heights Metro station. Free parking will be available at the open deck parking lot behind the nearby Courtyard by Marriott Chevy Chase. (The lot can be entered from The Hills Plaza.)

In addition, Grey's obituary, which appeared in the Washington Post in November, is attached.

If you have any questions about the memorial, please contact Susan Launer (Susan.Launer@fcc.gov) or Jim Carr (James.Carr@fcc.gov).

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From:	Sean Spivey
To:	Alexander Sanjenis; Michael Carowitz; Allison Baker; Katie Gorscak; Preston Wise; Zenji Nakazawa
Cc:	Brian Hart; Anne Veigle; Will Wiquist; Matthew Berry; Nicholas Degani
Subject:	RE: November Press Prep
Date:	Monday, November 16, 2020 1:52:34 PM
Attachments:	2020-11 Open Meeting - November Press Prep Draft -ats-SS+AB.docx

Edits from me in the attached. I also tried to merge in Allison's edits (since the chain seemed to diverge a bit this AM).

Sean

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Monday, November 16, 2020 1:18 PM
To: Michael Carowitz <Michael.Carowitz@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Sean Spivey <Sean.Spivey@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Subject: RE: November Press Prep

Edits attached.

From: Alexander Sanjenis
Sent: Monday, November 16, 2020 1:12 PM
To: Michael Carowitz <Michael.Carowitz@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Sean Spivey <Sean.Spivey@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Subject: RE: November Press Prep

I'm going into the document now.

From: Michael Carowitz <Michael.Carowitz@fcc.gov>
Sent: Monday, November 16, 2020 12:25 PM
To: Allison Baker <Allison.Baker@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Sean Spivey <Sean.Spivey@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Subject: Re: November Press Prep

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Okay here for TRS item.

.

From: "Allison Baker" <Allison.Baker@fcc.gov>
Date: Monday, November 16, 2020 at 11:39:55 AM
To: "Katie Gorscak" <Katie.Gorscak@fcc.gov>, "Michael Carowitz" <Michael.Carowitz@fcc.gov>, "Preston Wise" <Preston.Wise@fcc.gov>, "Zenji Nakazawa" <Zenji.Nakazawa@fcc.gov>, "Alexander Sanjenis" <Alexander.Sanjenis@fcc.gov>, "Sean Spivey" <Sean.Spivey@fcc.gov>
Cc: "Brian Hart" <Brian.Hart@fcc.gov>, "Anne Veigle" <Anne.Veigle@fcc.gov>, "Will Wiquist" <Will.Wiquist@fcc.gov>, "Matthew Berry" <Matthew.Berry@fcc.gov>, "Nicholas Degani" <Nicholas.Degani@fcc.gov>
Subject: RE: November Press Prep

Edits to the Lifeline section.

From: Katie Gorscak <Katie.Gorscak@fcc.gov>
Sent: Friday, November 13, 2020 3:58 PM
To: Michael Carowitz <Michael.Carowitz@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Sean Spivey <Sean.Spivey@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Subject: November Press Prep

Advisors – The draft press prep document is attached for your review. Please note that the majority of hot topic Q&A remain in draft form and will be fleshed out early next week.

Please send us your edits by 4 p.m. on Monday, November 16th.

Regards,

Katie L. Gorscak
Federal Communications Commission
Office of Media Relations
445 12th St. SW, Room 4-C735
Washington, DC 20554
Phone: 202-418-2156
Cell: 202-380-8116

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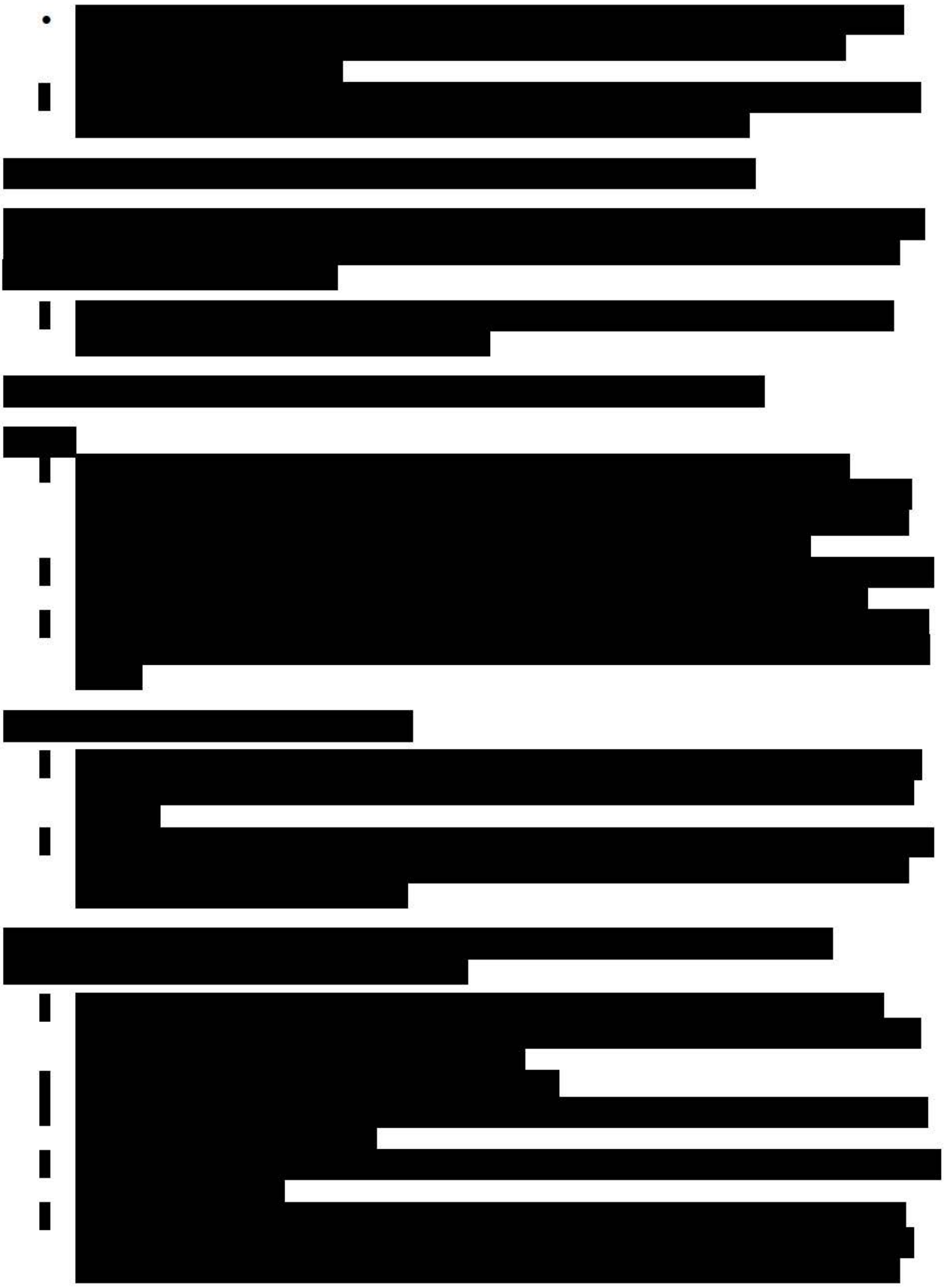
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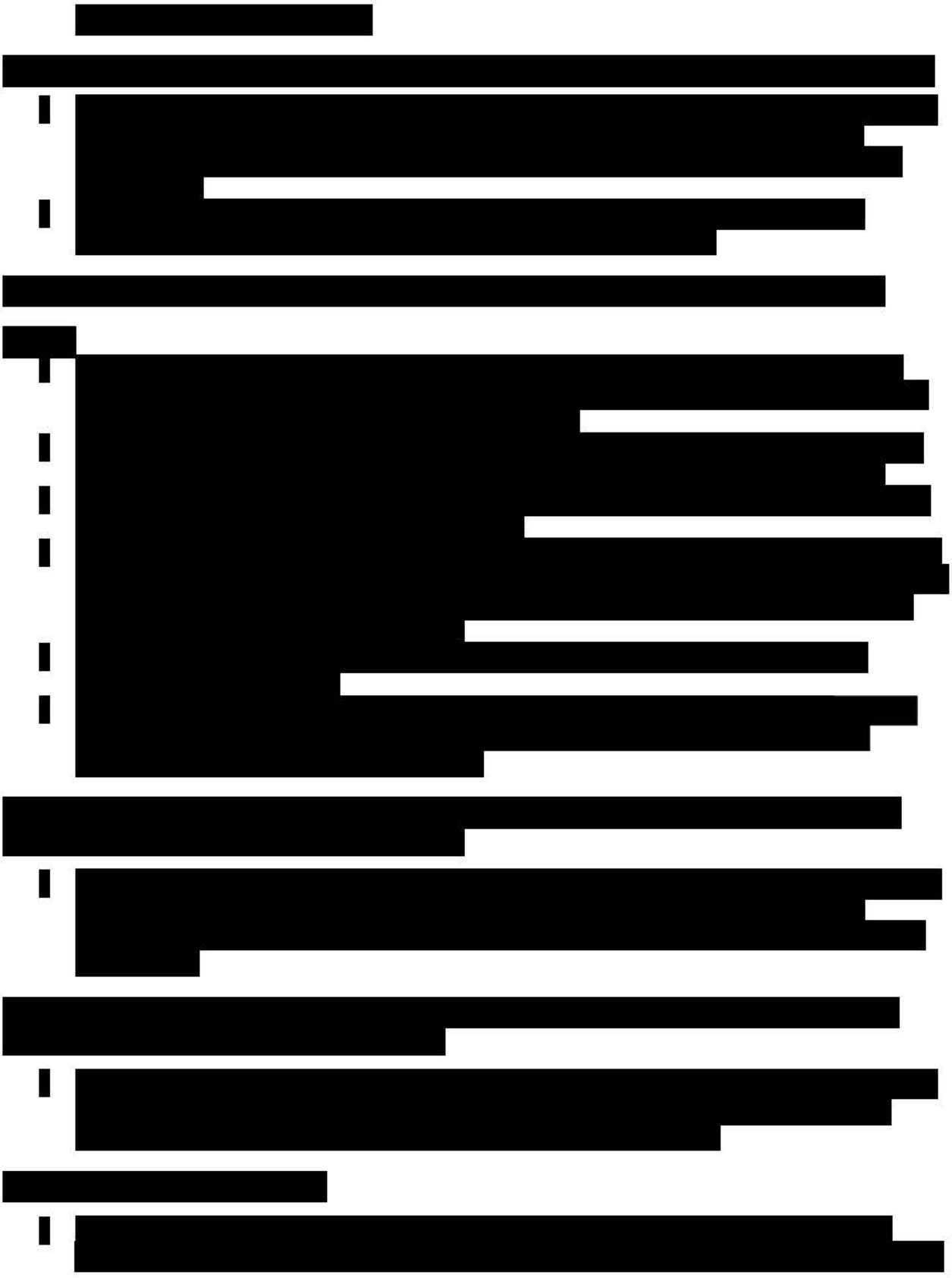
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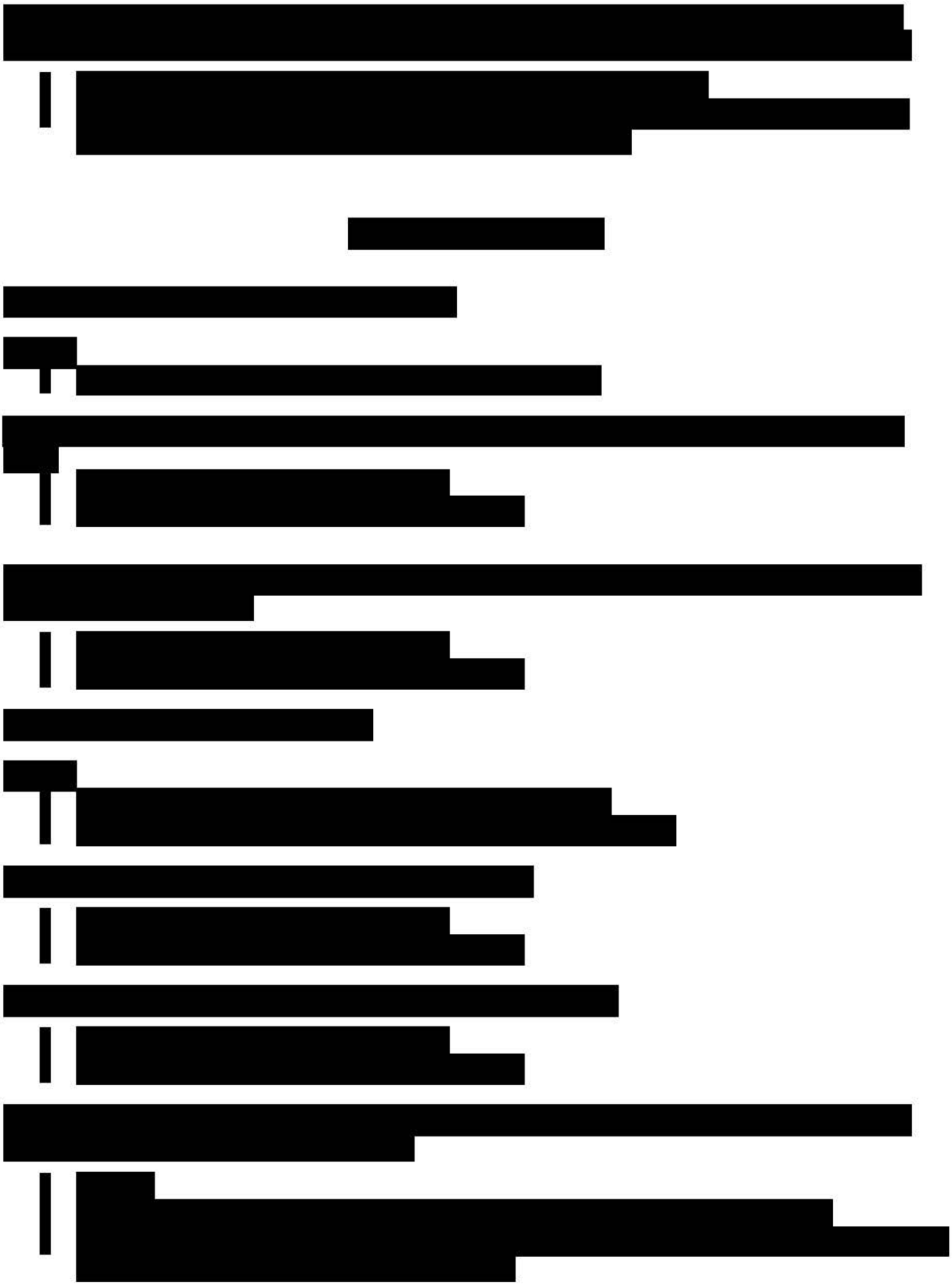
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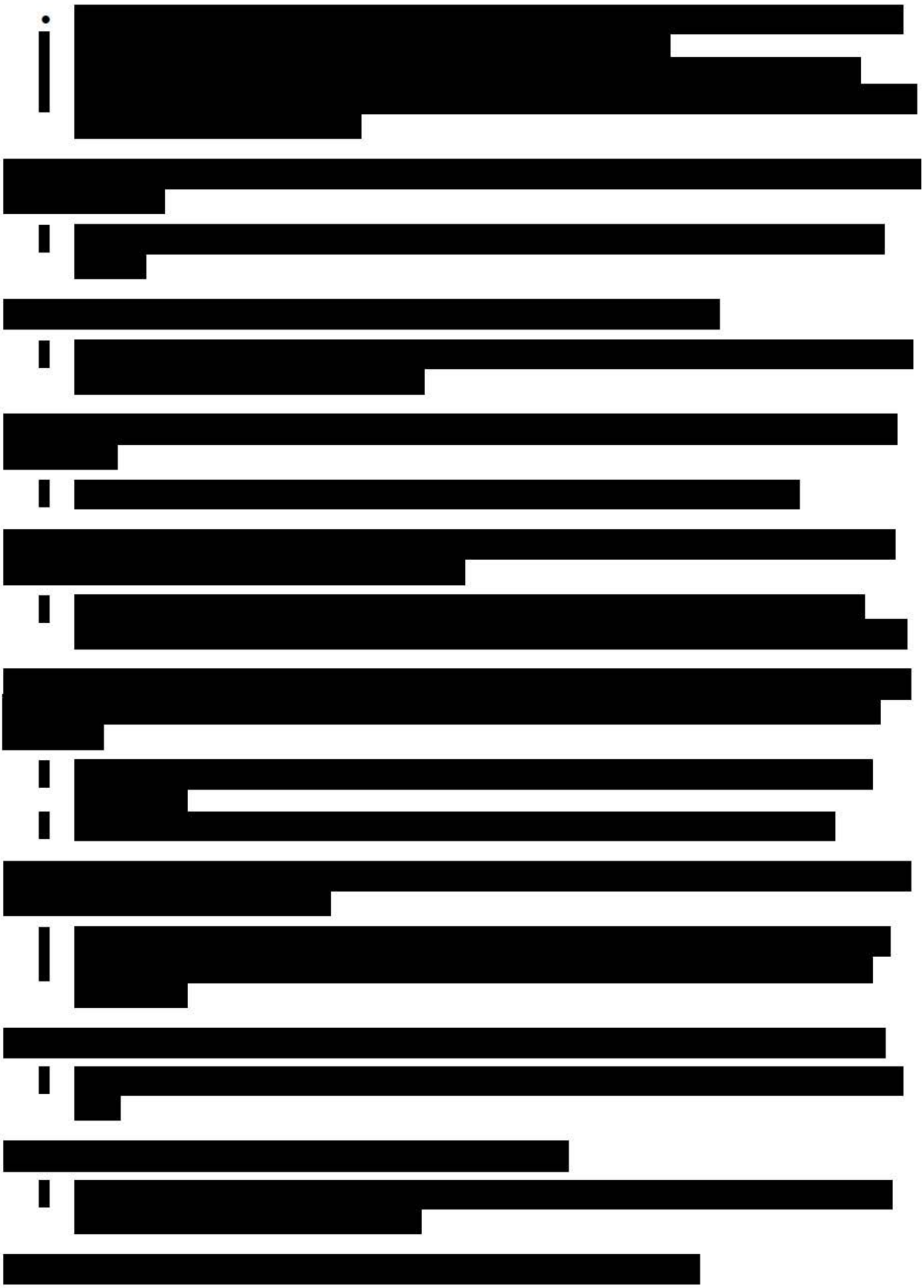
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[redacted]

Q: Without commenting on potential action you may take in a rulemaking, do you agree that liability rules enacted in 1996 may no longer further the intent of Section 230's purpose?

- I do share the concerns of bipartisan members of Congress and Justice Thomas that the liability protections, in some cases, are being interpreted too broadly.

[redacted]

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From:	Katie Gorscak
To:	Ajit Pai; Matthew Berry; Nicholas Degani
Cc:	Evan Swarztrauber; Preston Wise; Michael Carowitz; Zenji Nakazawa; Allison Baker; Alexander Sanjenis; Sean Spivey; Anne Veigle; Brian Hart; Will Wiquist
Subject:	RE: October Open Meeting press prep
Date:	Monday, October 26, 2020 2:37:04 PM
Attachments:	2020-10 Open Meeting - October Press Prep Draft -to OCH_v2.docx

I've made some quick updates to this press prep draft [redacted]

Regards,

Katie

From: Katie Gorscak
Sent: Friday, October 23, 2020 2:40 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Cc: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Sean Spivey <Sean.Spivey@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>
Subject: October Open Meeting press prep

To all:

Attached is press prep for Tuesday's Open Meeting press conference.

Have a wonderful weekend.

Regards,

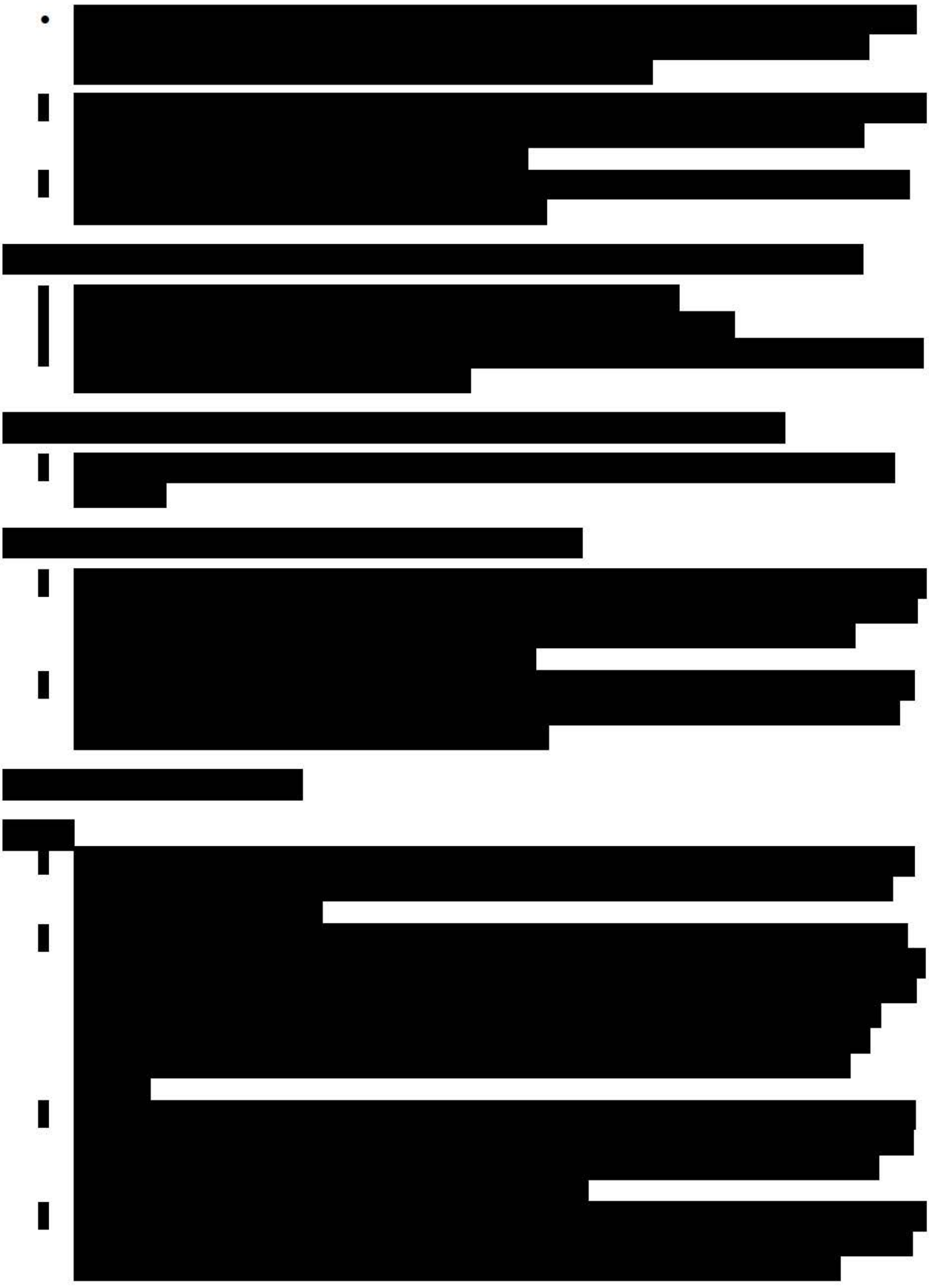
Katie

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OCTOBER 2020 OPEN MEETING: PRESS PREP

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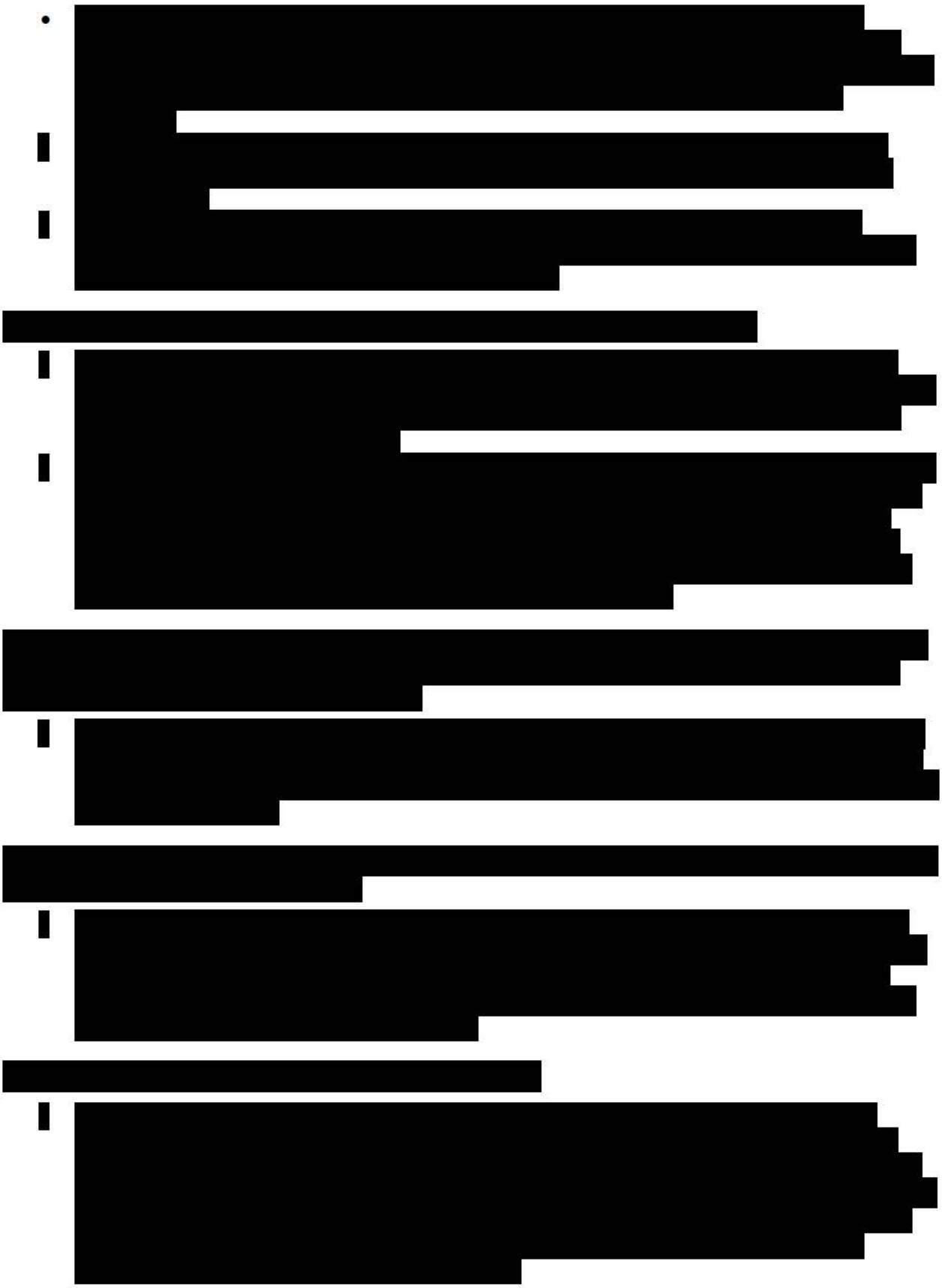
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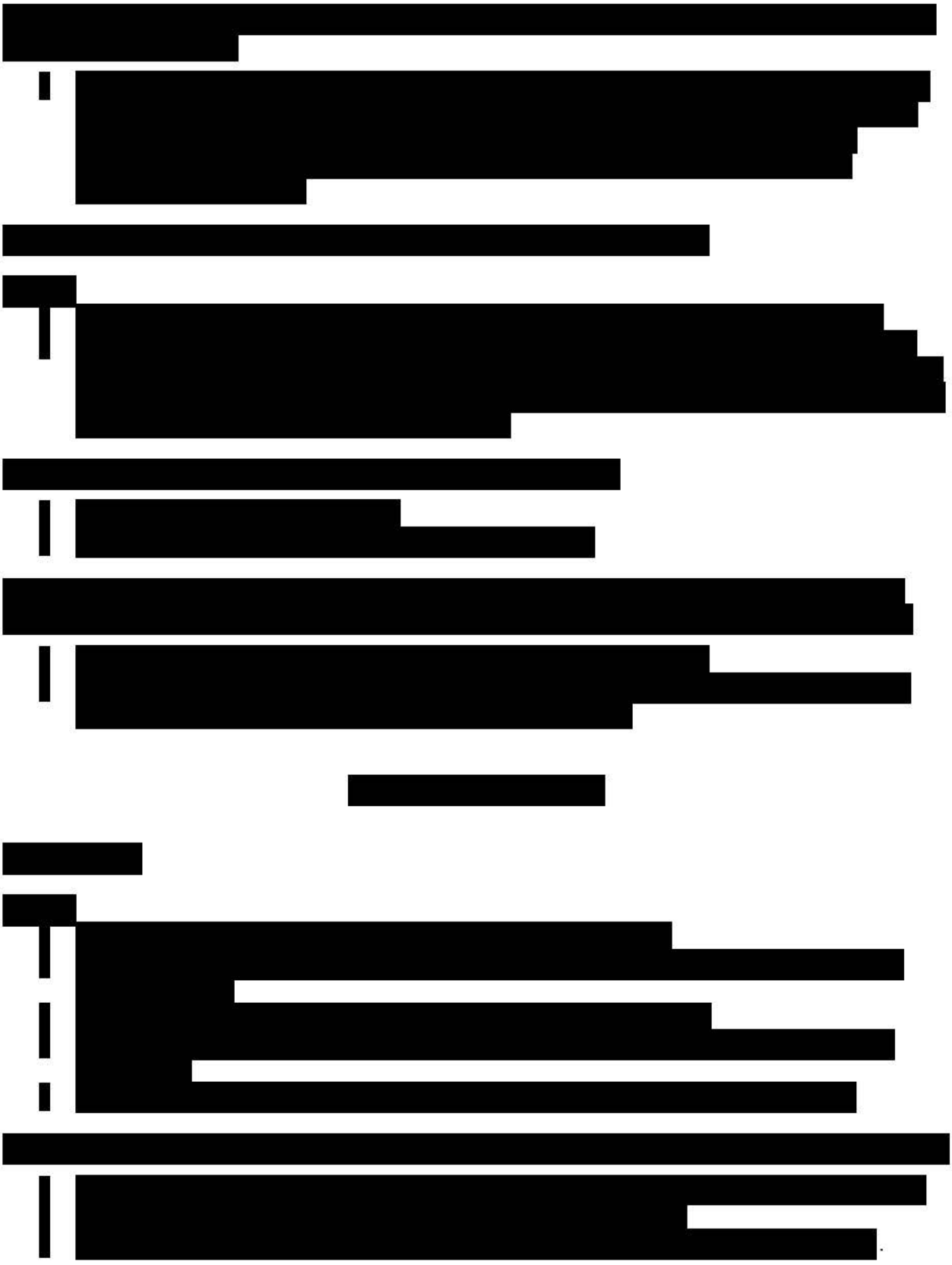
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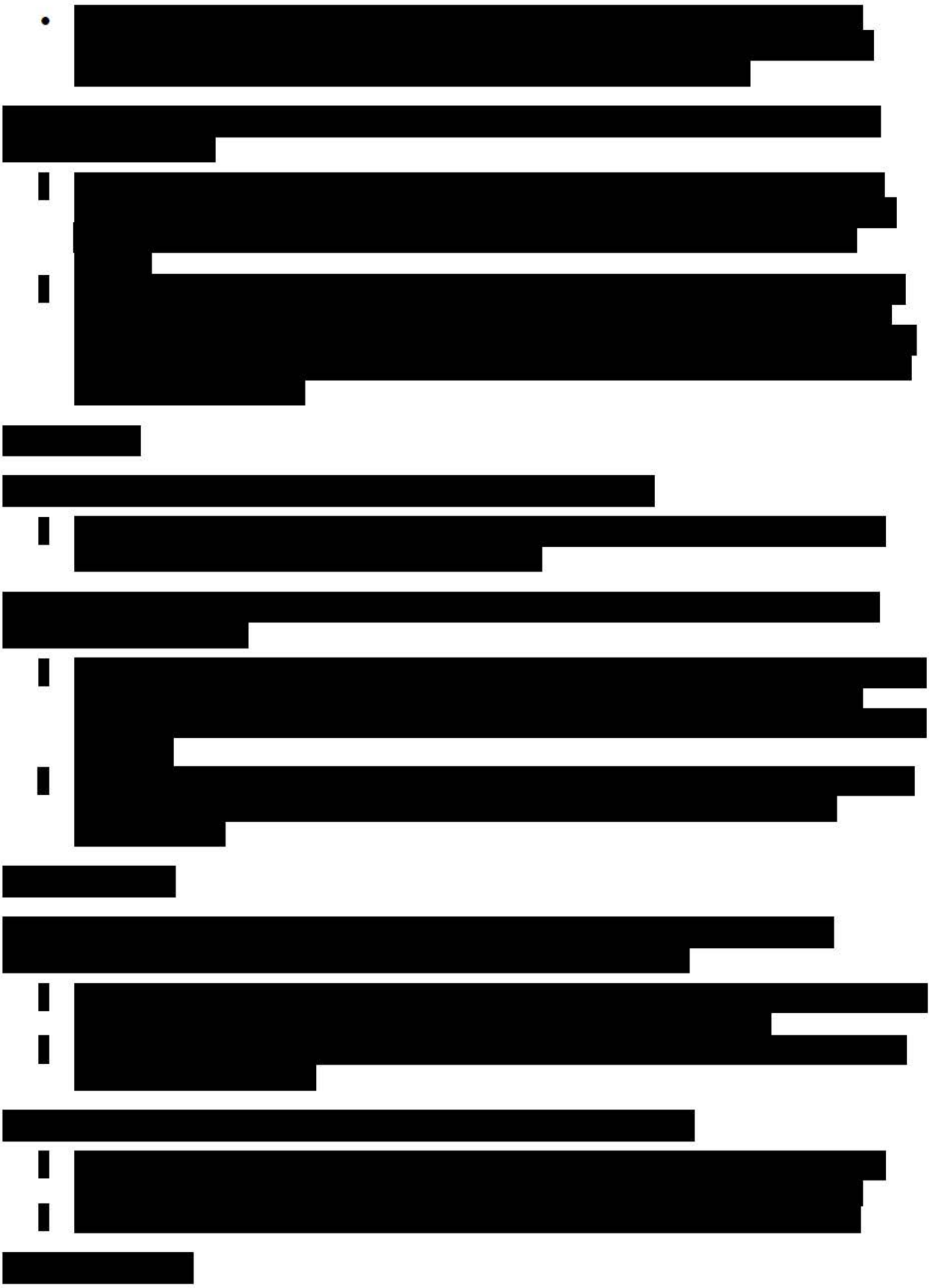
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Q: Without commenting on potential action you may take in a rulemaking, do you agree that liability rules enacted in 1996 may no longer further the intent of Section 230's purpose?

- I do share the concerns of bipartisan members of Congress and Justice Thomas that the liability protections, in some cases, are being interpreted too broadly.

[redacted]

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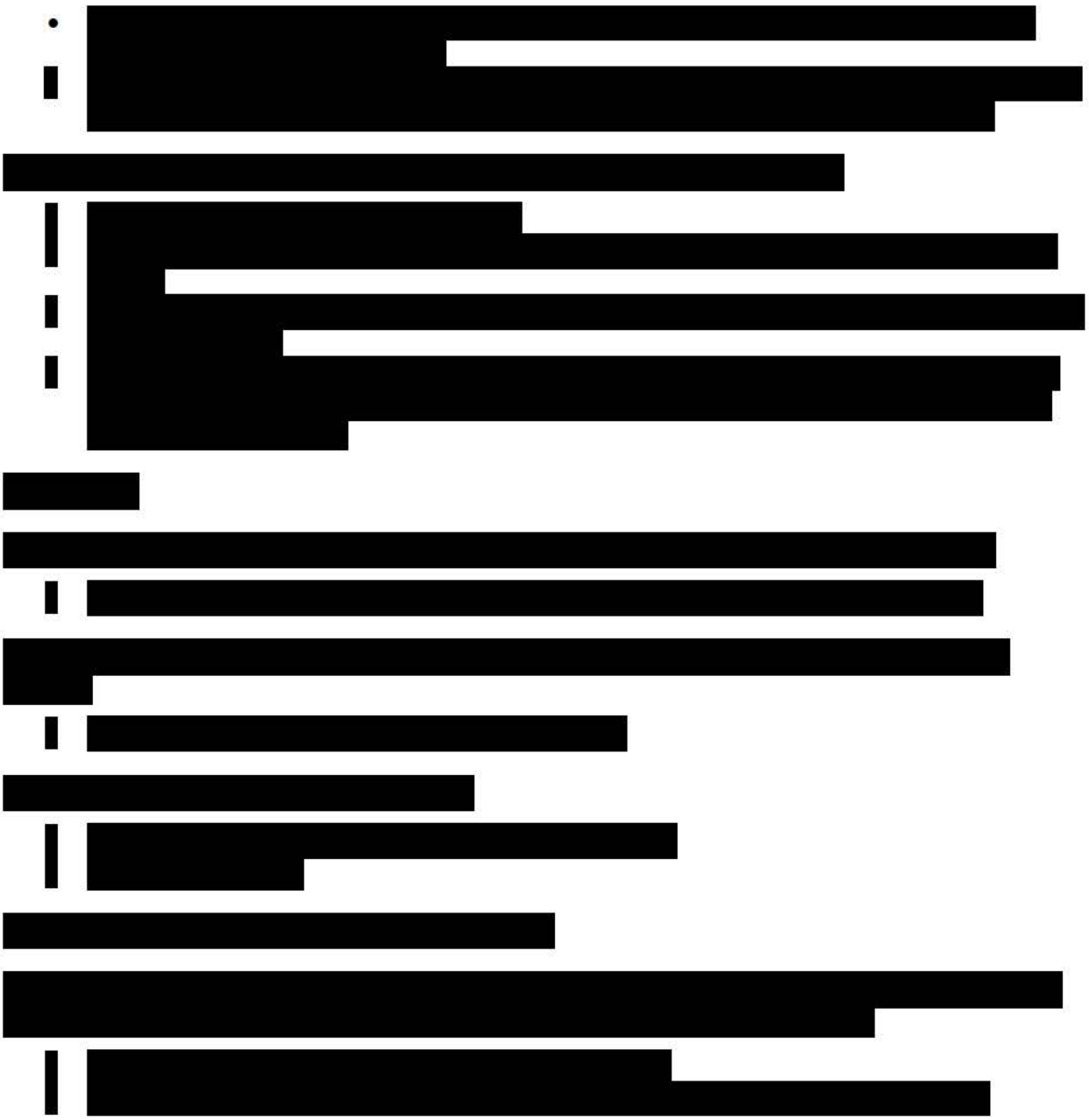
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From:	Zenji Nakazawa
To:	Preston Wise; Sean Spivey; Allison Baker; Alexander Sanjenis; Katie Gorscak; Michael Carowitz
Cc:	Brian Hart; Anne Veigle; Will Wiquist; Rochelle Cohen; Matthew Berry; Nicholas Degani
Subject:	Re: October Press Prep
Date:	Friday, October 23, 2020 12:47:15 PM
Attachments:	2020-10 Open Meeting - October Press Prep Draft -ATS-AB-SS-PW-ZN.docx

Got it. Here are my edits on top of Preston's.

From: Preston Wise <Preston.Wise@fcc.gov>
Sent: Friday, October 23, 2020 12:42 PM
To: Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Sean Spivey <Sean.Spivey@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Subject: Re: October Press Prep

Zenji, please use this version instead, if it's not too late.

From: Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>
Sent: Friday, October 23, 2020 12:30 PM
To: Sean Spivey <Sean.Spivey@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Subject: Re: October Press Prep

Jumping in....

From: Sean Spivey <Sean.Spivey@fcc.gov>
Sent: Thursday, October 22, 2020 9:17 PM
To: Allison Baker <Allison.Baker@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Subject: RE: October Press Prep

Some additional edits from me (on #s 3 and 4 as well as the 5.9 question).

Sean

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From: Allison Baker <Allison.Baker@fcc.gov>
Sent: Thursday, October 22, 2020 7:38 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>; Sean Spivey <Sean.Spivey@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Subject: RE: October Press Prep

Edits on #1 and E-Rate.

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Thursday, October 22, 2020 6:35 PM
To: Katie Gorscak <Katie.Gorscak@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>; Sean Spivey <Sean.Spivey@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Subject: RE: October Press Prep

Edits attached.

From: Katie Gorscak <Katie.Gorscak@fcc.gov>
Sent: Thursday, October 22, 2020 3:04 PM
To: Allison Baker <Allison.Baker@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>; Sean Spivey <Sean.Spivey@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Rochelle Cohen <Rochelle.Cohen@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Subject: October Press Prep

Advisors – The draft press prep document is attached for your review. Please send us your edits by 3 p.m. tomorrow.

Regards,

Katie L. Gorscak
Federal Communications Commission
Office of Media Relations
th

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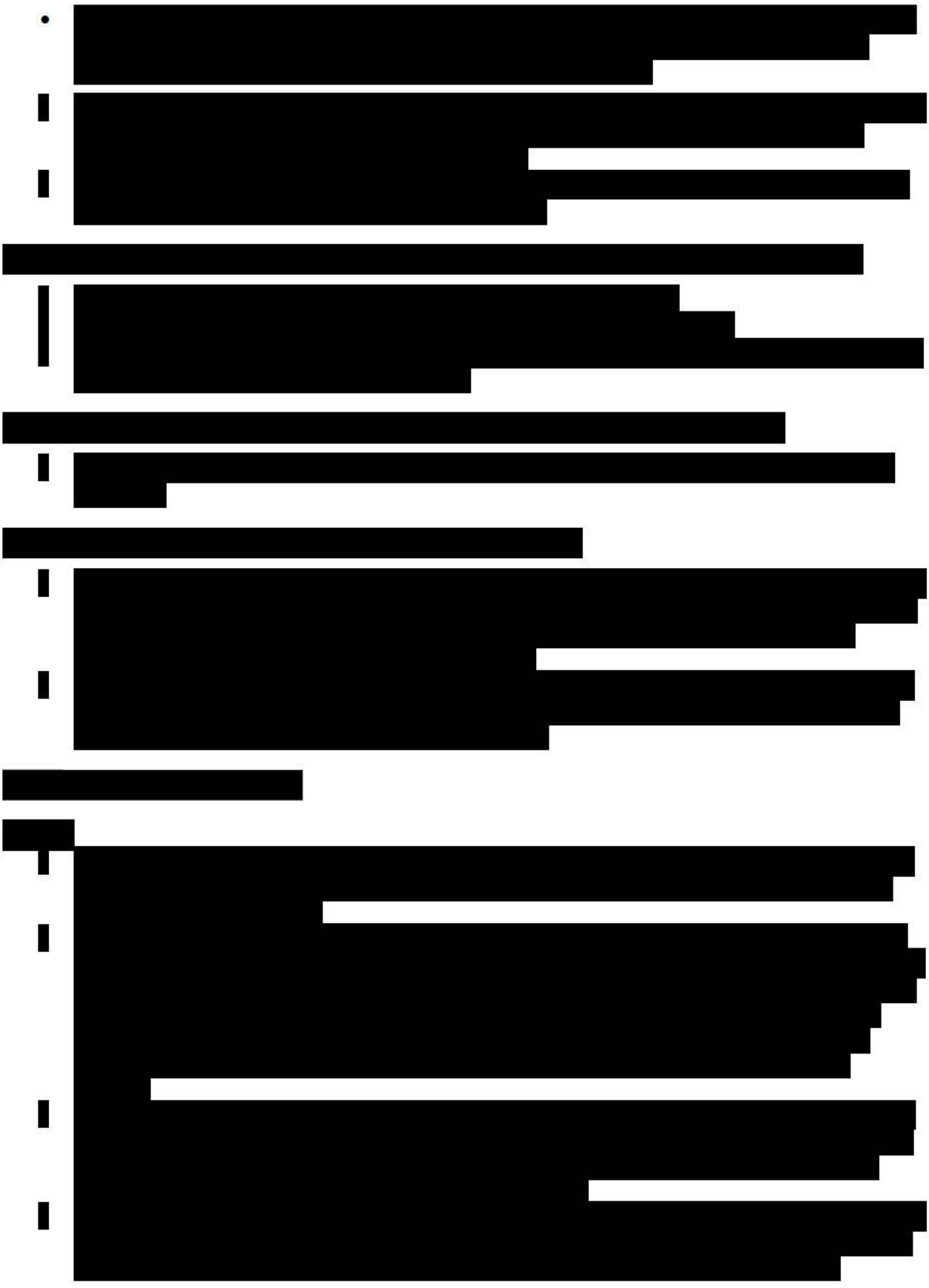
445 12 St. SW, Room 4-C735
Washington, DC 20554
Phone: 202-418-2156
Cell: 202-380-8116

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OCTOBER 2020 OPEN MEETING: PRESS PREP

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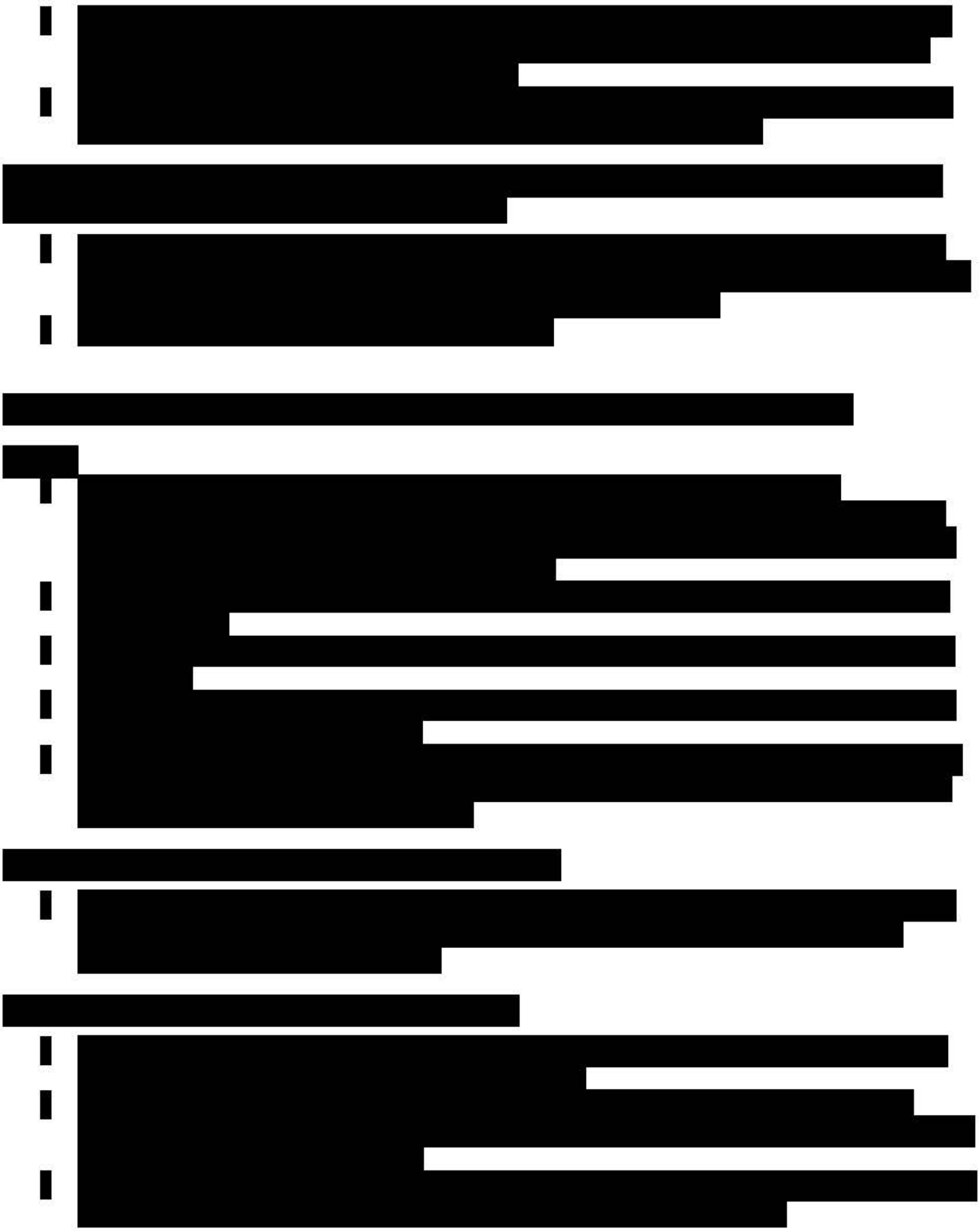
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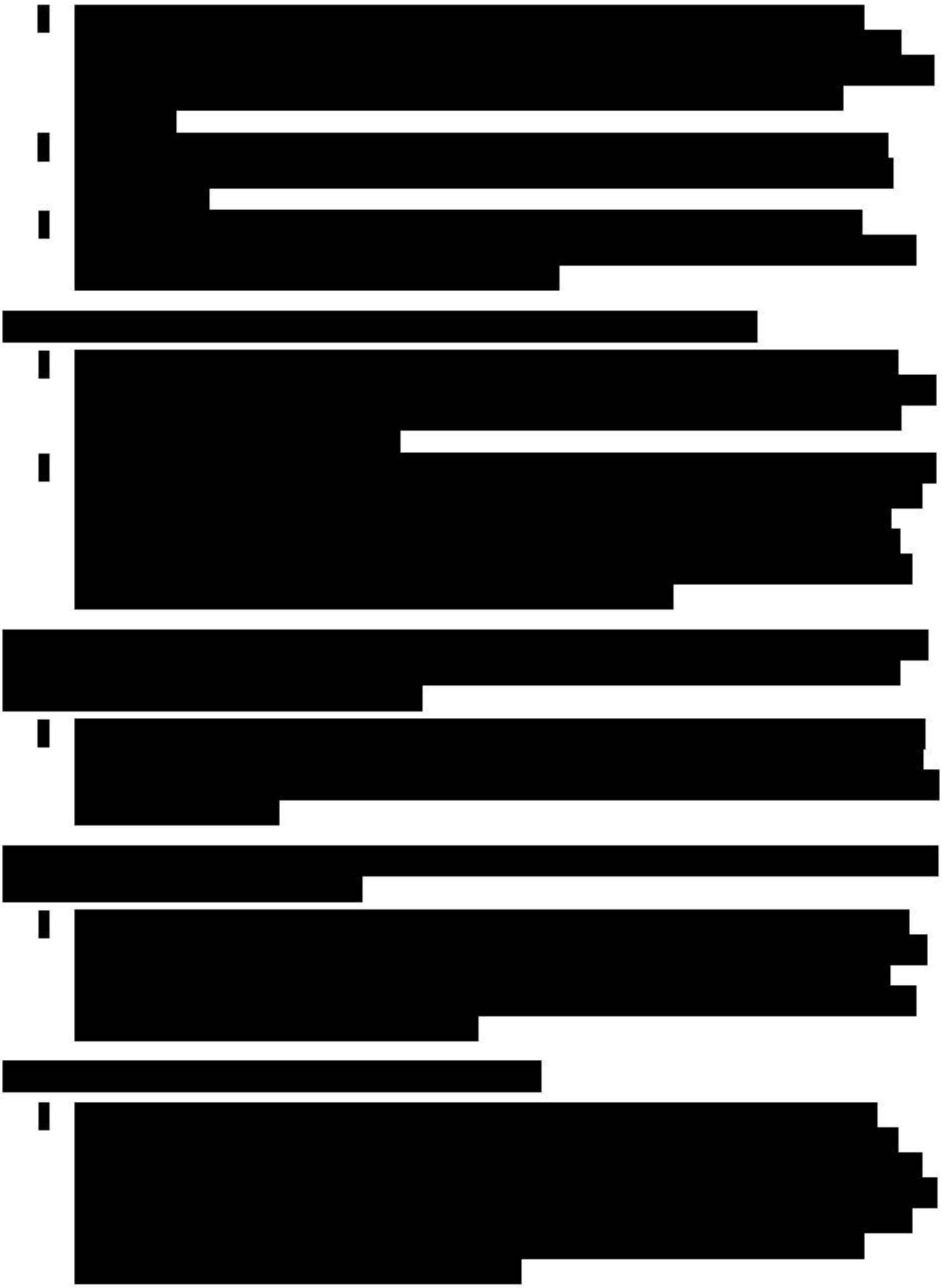
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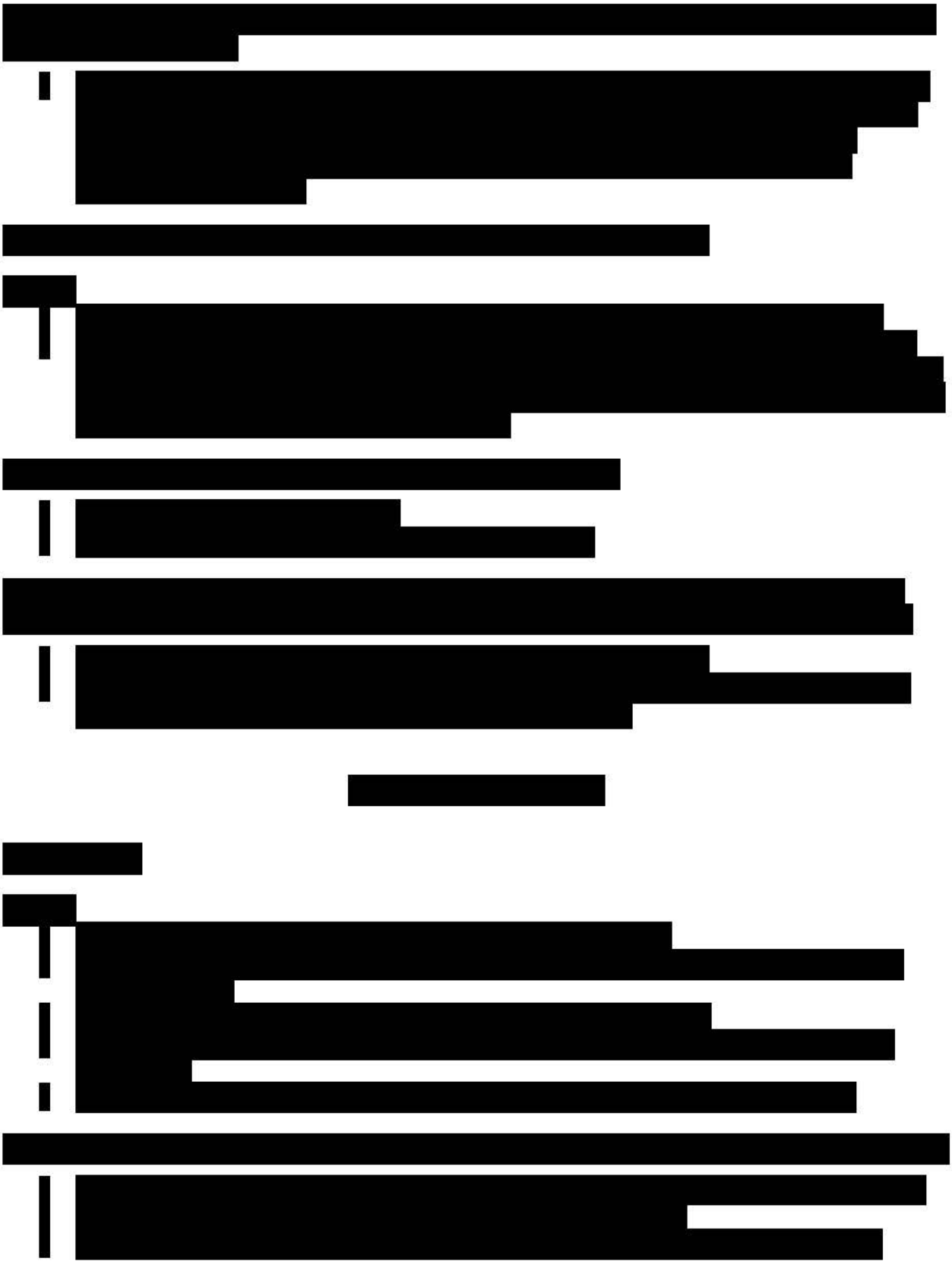
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[redacted]

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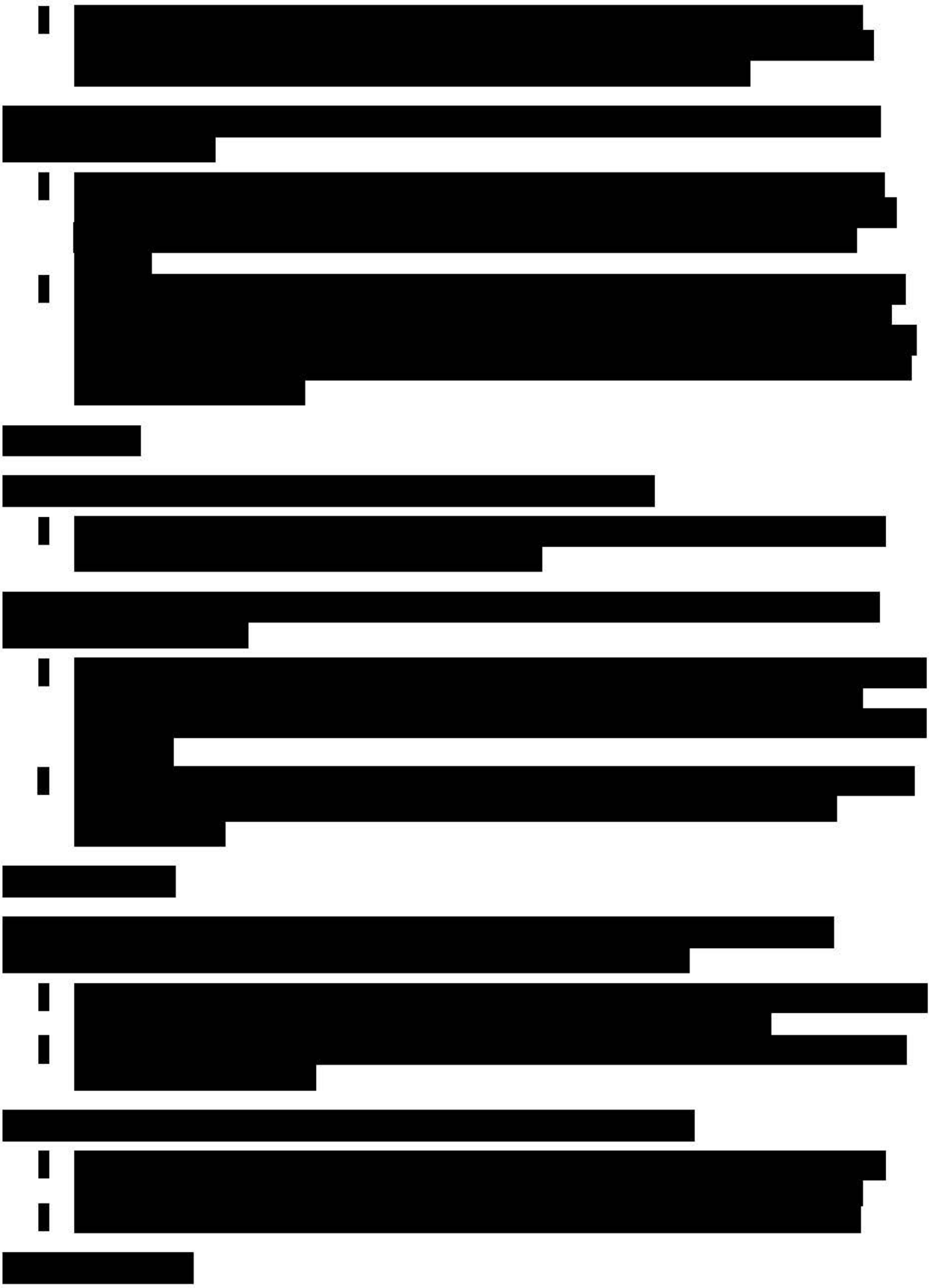
[redacted]

Q: Without commenting on potential action you may take in a rulemaking, do you agree that liability rules enacted in 1996 may no longer further the intent of Section 230's purpose?

- I do share the concerns of bipartisan members of Congress and Justice Thomas that the liability protections, in some cases, are being interpreted too broadly.

[redacted]

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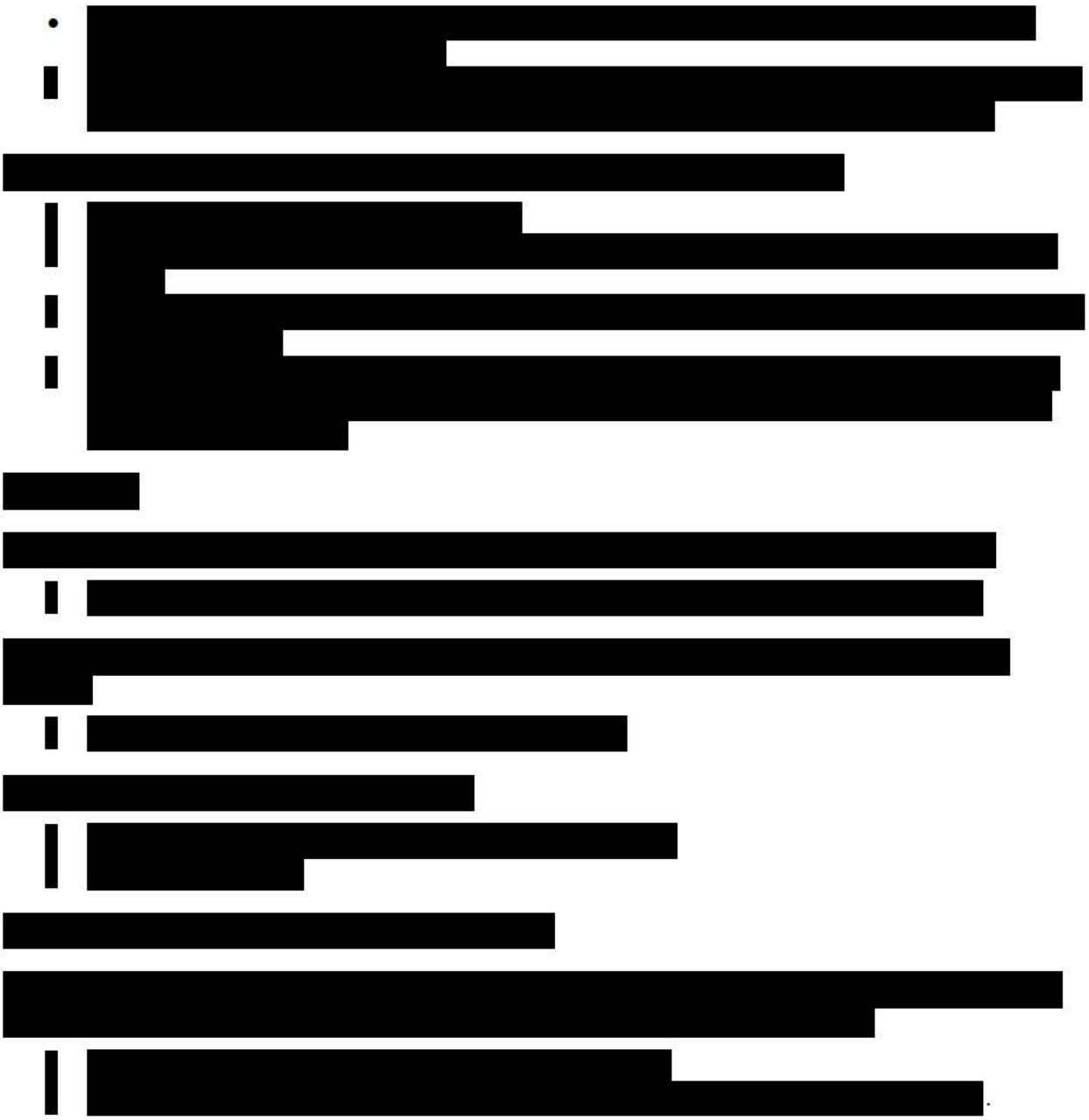
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[redacted]

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[redacted]

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From:	Thomas Johnson
To:	Nicholas Degani; Matthew Berry; Evan Swarztrauber; Ajit Pai
Subject:	Re: Re:
Date:	Friday, October 16, 2020 7:24:24 PM

Don't know who this "senior agency official" is, but I think we need to create a team of Plumbers within OCH to stop the leaks

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Friday, October 16, 2020 6:05 PM
To: Thomas Johnson <Thomas.Johnson@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>
Subject: Re: Re:

Wow. Seems like a lot of unverified sources. Wonder if Twitter and Facebook will suppress this story pending a fact-check.

Best,
-Nick D.

From: "Thomas Johnson" <Thomas.Johnson@fcc.gov>
Date: Friday, October 16, 2020 at 2:02:28 PM
To: "Matthew Berry" <Matthew.Berry@fcc.gov>, "Evan Swarztrauber" <Evan.Swarztrauber@fcc.gov>, "Ajit Pai" <Ajit.Pai@fcc.gov>, "Nicholas Degani" <Nicholas.Degani@fcc.gov>
Subject: Re: Re:

A new effort by the Federal Communications Commission to rethink the legal shield that applies to social-media sites drew widespread rebukes this week, as critics faulted the agency for reversing its past positions in the face of mounting public pressure from the White House.

The agency's move threatens to strike at the heart of a critical federal law known as Section 230, which for decades has spared tech giants from being held accountable for the ways they police their platforms. Ajit Pai, the FCC's Republican chairman, unveiled his plans to "clarify" the scope of those protections hours after Facebook and Twitter took the rare step of limiting the reach of a New York Post story about Democratic presidential candidate Joe Biden and his family, angering President Trump and his top supporters.

The FCC is an independent agency, and historically, it has sought to emphasize its separation from the White House. But some critics still saw the FCC's timing as

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politically peculiar. Only a year ago, top FCC aides had told the Trump administration privately that they did not want to pursue regulation around online speech, according to four people with direct knowledge of the talks, who spoke on condition of anonymity to describe confidential proceedings. The comments came as part of a series of conversations convened by the White House designed to explore potential regulation targeting Silicon Valley.

AD

Pai himself previously had expressed opposition to new FCC regulation targeting social-media sites. On Thursday, however, he set the agency on a path toward issuing new rules around Section 230, citing concerns shared by “all three branches of government” about the tech giants’ behavior.

“Social media companies have a First Amendment right to free speech,” said Pai, who tweeted his statement at 2:30 p.m. “But they do not have a First Amendment right to a special immunity denied to other media outlets, such as newspapers and broadcasters.”

The FCC declined comment. An agency official, speaking only on the condition of anonymity, stressed there had been no contact between the White House and the commission prior to Pai’s announcement. The source said that Pai’s position had

remained consistent over time, since the action he is eyeing on Section 230 is not the same as direct regulation of online speech.

AD

The White House did not respond to a request for comment.

The Technology 202: Silicon Valley's prized legal shield is increasingly in jeopardy as Republicans escalate attacks

The FCC's maneuver quickly sent shockwaves through Washington. Democrats blasted the agency, and the party's senior-most official at the FCC raised the prospect of political interference.

"The timing of this effort is absurd," said Commissioner Jessica Rosenworcel. "The only logical conclusion is that the agency is acting at the behest of the president to intimidate platforms in the late days of the campaign. That's not right. The FCC has no business being the president's speech police."

Some conservatives also pilloried the FCC for setting its policymaking process in motion. "Twitter and Facebook are dead wrong on this, though the First Amendment protects their right to be wrong," said Jesse Blumenthal, who leads technology and innovation policy at Stand Together, a group backed by Charles Koch. "The answer to

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bad speech is more speech, not ineffective attempts to suppress information."

AD

Democrats and Republicans generally agree there is need to rethink Section 230, which has come to shield the web's most popular, profitable sites and services from being held accountable for wrongdoing. But Democrats have sought to reform the law in an attempt to thwart harmful content, including political disinformation, from proliferating across the web — while Republicans instead are motivated by allegations of political bias.

GOP lawmakers, led by Trump, for years have argued that Facebook, Google and Twitter systematically suppress conservative users and websites — presenting only scattershot anecdotal evidence of their claims amid a flurry of denials from major tech companies. But they escalated their attacks this week, after Facebook limited the reach of the New York Post's reports about the Biden family, the evidence for which purportedly had been gleaned from a laptop abandoned at a Delaware repair shop. Twitter, meanwhile, blocked users from sharing links to those stories. The White House and the Trump campaign blasted the tech giants for their decisions, and the president once again called for repealing Section 230.

"When government granted these protections," Trump tweeted Thursday, "they

created a monster!”

Facebook and Twitter take unusual steps to limit spread of New York Post story

The FCC, meanwhile, initiated a lengthy agency process to explore potential changes to the immunity granted under the law. The agency started examining the need for new regulations after Trump signed a controversial executive order this summer that aimed to enhance the government’s power to police how political speech is handled on the web. The FCC plans to release the legal rationale for its reasoning next week, agency leaders have said.

AD

Pai’s announcement broke from his past public comments on the issue, according to experts. Asked at an August 2018 event about the FCC’s ability to police social media, for example, the chairman stressed that the agency “does not regulate them” and does not “have the authority under the laws that have been passed by Congress and the Constitution, of course, under the First Amendment.”

“So from that perspective they are not going to be regulated in terms of free speech,” Pai continued, stressing these tech companies should instead commit to transparency. He said consumers and competition otherwise would correct any ills: “If they want to focus on cats to the exclusion of dogs, ultimately, it’s a market that’s going to

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capitalize. There are a lot of dog owners out there who say it's a step too far. . . and they'll move to some other platform."

"The government doesn't have a role in solving every single ill that we identify on these platforms," Pai said.

AD

An FCC official, speaking on condition of anonymity, said Pai embarked on the new policymaking process in response to recent events, including a statement this week from conservative Supreme Court Justice Clarence Thomas, who appeared to invite efforts to challenge Section 230 and the immunity it confers on tech giants.

Pai's critics, however, saw in the agency's efforts the influence of months of Trump's tweets, public statements and policy pronouncements.

One source recalled a summer 2019 meeting in which White House aides and top officials from the FCC and other agencies discussed a precursor to the social-media order Trump signed this year. The person, who requested anonymity to discuss private deliberations, said some participants at the time expressed concern that independent federal agencies such as the FCC, comprised of Democratic and Republican members, might not have the votes to adopt any new regulations targeting political speech. In

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response, the White House appeared to issue a threat, signaling they could replace agency commissioners who fail to act, the source recalled.

AD

Months later, Trump nominated Nathan Simington, an aide at the Commerce Department, to serve as a new Republican member of the FCC. Simington has played a critical role in crafting the Commerce Department's formal request to the FCC, asking it formally wade into the debate over Section 230, according to two people familiar with the matter who requested anonymity to discuss government deliberations. Trump last week called on Senate Republicans to confirm Simington promptly.

Trump eyes 'concrete legal steps' against social media sites for alleged bias against conservatives

Outside of the FCC, other Republicans this week descended on the industry: Many GOP lawmakers have slammed the companies and pledged to press Facebook CEO Mark Zuckerberg, Google CEO Sundar Pichai and Twitter CEO Jack Dorsey about the allegations of political censorship at an already scheduled hearing days before the 2020 election. Sen. Lindsey Graham, the GOP leader of the Senate Judiciary Committee, plans to hold a vote Tuesday to authorize a subpoena that could force Twitter CEO Jack Dorsey to appear at a second congressional grilling in October.

Republican state attorneys general said they are also setting their sights on the tech companies, three weeks after Trump gathered the GOP leaders at the White House to encourage them to probe political bias.

AD

"Many of us are ready to take action," Jeff Landry, the Republican attorney general from Louisiana, said on Friday, stressing in the meantime he thought the U.S. government should "fine them, file an injunction, [and] shut them down" for their handling of the New York Post story.

Any FCC action on Section 230 could take months, meaning the future of the agency's efforts rest on the outcome of the 2020 presidential election. Some aides to Pai even have confided they are disinclined to proffer any new rules at all, according to two of the sources, who said they had received mixed signals about the FCC's intentions.

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Friday, October 16, 2020 4:59 PM
To: Thomas Johnson <Thomas.Johnson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>;

AMERICAN OVERSIGHT

Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Subject: Re: Re:

Can you send around the text?

From: Thomas Johnson <Thomas.Johnson@fcc.gov>
Sent: Friday, October 16, 2020 4:59 PM
To: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Subject: Re: Re:

https://www.washingtonpost.com/technology/2020/10/16/fcc-facebook-twitter-section-230/

FCC push to rethink legal protections for tech giants marks major turn after months of political pressure

In seeking to reevaluate the law, the FCC and its Republican chairman, Ajit Pai, waded into a politically contentious debate about the power and reach of the nation's largest technology companies in the heat of an election year

www.washingtonpost.com

From: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Sent: Friday, October 16, 2020 10:47 AM
To: Thomas Johnson <Thomas.Johnson@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Subject: Re: Re:

https://thehill.com/hilltv/rising/521347-rising-october-16-2020?jwsource=cl

Rising: October 16, 2020

thehill.com

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From: Thomas Johnson <Thomas.Johnson@fcc.gov>
Sent: Friday, October 16, 2020 10:41 AM
To: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Subject: Re: Re:

https://twitter.com/SenRickScott/status/1317100543563730945?s=20



Rick Scott on Twitter

"Glad to see @AjitPaiFCC and the @FCC addressing this issue. On October 28th at the @SenateCommerce hearing we will get more information directly from tech CEOs under oath. https://t.co/eZSni39cVL"

twitter.com

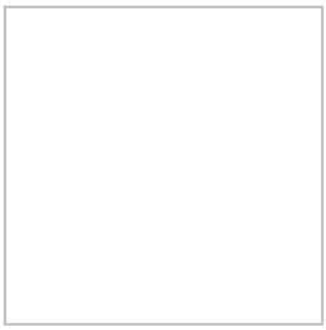
From: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Sent: Friday, October 16, 2020 10:37 AM
To: Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Subject: Re:

https://twitter.com/marcorubio/status/1317083977212170240

Marco Rubio on Twitter

"This is long overdue. As I wrote yesterday, the egregious instances of censorship & partisan content moderation by social media companies like @Twitter & @Facebook are brazen attempts to twist & manipulate America's public square. https://t.co/au4qCGBVUr https://t.co/pJeaPXZzmH"

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twitter.com

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(202) 870-8405 (m)
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From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Friday, October 16, 2020 10:19 AM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject:

https://twitter.com/ChadPergram/status/1317107081409953793

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From: Ajit Pai
To: Matthew Berry; Nicholas Degani; Evan Swarztrauber
Subject: Re: Renaming Yale
Date: Thursday, July 9, 2020 12:07:23 AM

That would be spectacular. Of course, it'll never happen.

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Wednesday, July 8, 2020 11:02 PM
To: Nicholas Degani <Nicholas.Degani@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>
Subject: Re: Renaming Yale

They should rename the law school after Clarence Thomas.

From: Nicholas Degani <Nicholas.Degani@fcc.gov>
Sent: Wednesday, July 8, 2020 7:20 PM
To: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>
Subject: Re: Renaming Yale

The Dummer Law School?

Best,
-Nick D.

From: "Evan Swarztrauber" <Evan.Swarztrauber@fcc.gov>
Date: Wednesday, July 8, 2020 at 5:03:34 PM
To: "Ajit Pai" <Ajit.Pai@fcc.gov>, "Matthew Berry" <Matthew.Berry@fcc.gov>, "Nicholas Degani" <Nicholas.Degani@fcc.gov>
Subject: Renaming Yale

You'll all appreciate this: https://amgreatness.com/2020/07/02/american-greatness-ad-in-new-york-times-calls-for-yale-to-be-renamed-after-jeremiah-dummer/



American Greatness Ad in New York Times Calls for Yale to Be Renamed After Jeremiah Dummer - American Greatness

The New York Times on Thursday published an advertisement calling for Yale to be renamed after someone who was not a brutal, white supremacist slave-trader. A Harvard man named Jeremiah Dummer fits the bill, New Criterion editor and American Greatness contributor

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amgreatness.com

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From:	Thomas Johnson
To:	Michael J. Carlson; Ajit Pai; Matthew Berry; Nicholas Degani
Cc:	Ashley Boizelle; Evan Swarztrauber
Subject:	Re: Section 230
Date:	Thursday, October 22, 2020 7:36:21 PM
Attachments:	Section 230 NPRM Draft 10-22 pm version.docx

As promised, here is the updated Section 230 outline, reflecting our conversation from earlier today.

From: Michael J. Carlson <Michael.Carlson@fcc.gov>
Sent: Thursday, October 22, 2020 10:10 AM
To: Thomas Johnson <Thomas.Johnson@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Cc: Ashley Boizelle <Ashley.Boizelle@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: RE: Section 230

(+ Ashley and Evan)

From: Thomas Johnson <Thomas.Johnson@fcc.gov>
Sent: Thursday, October 22, 2020 8:44 AM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Cc: Michael J. Carlson <Michael.Carlson@fcc.gov>
Subject: Re: Section 230

+ Mike. Also, copying a more recent draft with a couple tweaks. Please use this one.

From: Thomas Johnson
Sent: Thursday, October 22, 2020 9:27 AM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>
Subject: Section 230

Here is our current draft outline of the Section 230 NPRM. It is still a work in progress, but it's sufficiently far along in concept that I think it would guide our discussion for everyone to be able to see and walk through it.

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
"Insert Subject Matter Title"	)	"Insert Docket, RM, and/or File No."
	)	
	)	
	)	
	)	
	)	
	)	

"INSERT DOCUMENT TYPE"

Adopted: "Insert Adopted Date" **Released: "Insert Release Date"**

By the Commission:

[redacted]

b. Justice Thomas

[redacted]

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[redacted]

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[redacted]

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[redacted]

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From:	Matthew Berry
To:	Evan Swarztrauber; Ajit Pai; Nicholas Degani; Brian Hart
Subject:	Re: STATEMENT: Chairman Pai on Section 230
Date:	Thursday, October 15, 2020 6:16:38 PM
Attachments:	pastedImagebase640.png

Yep, kick it to BC.

.

From: "Evan Swarztrauber" <Evan.Swarztrauber@fcc.gov>
Date: Thursday, October 15, 2020 at 6:14:20 PM
To: "Matthew Berry" <Matthew.Berry@fcc.gov>, "Ajit Pai" <Ajit.Pai@fcc.gov>, "Nicholas Degani" <Nicholas.Degani@fcc.gov>, "Brian Hart" <Brian.Hart@fcc.gov>
Subject: Re: STATEMENT: Chairman Pai on Section 230

I think Daily Caller.

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(202) 870-8405 (m)
Twitter: @EvanS_FCC

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Thursday, October 15, 2020 6:12 PM
To: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Subject: Re: STATEMENT: Chairman Pai on Section 230

What outlet is this?
.

From: "Evan Swarztrauber" <Evan.Swarztrauber@fcc.gov>
Date: Thursday, October 15, 2020 at 6:08:07 PM
To: "Ajit Pai" <Ajit.Pai@fcc.gov>, "Matthew Berry" <Matthew.Berry@fcc.gov>, "Nicholas Degani" <Nicholas.Degani@fcc.gov>, "Brian Hart" <Brian.Hart@fcc.gov>
Subject: Fw: STATEMENT: Chairman Pai on Section 230

Should I kick this to BC?

Evan Swarztrauber
Policy Advisor

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Twitter: @EvanS_FCC

From: Jordan Bloom <bloom.jordan@gmail.com>
Sent: Thursday, October 15, 2020 5:28 PM
To: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Subject: Re: STATEMENT: Chairman Pai on Section 230

Any chance we could get an op-ed on this?

On Thu, Oct 15, 2020 at 3:30 PM Evan Swarztrauber <Evan.Swarztrauber@fcc.gov> wrote:

> Good afternoon,
>
> Today, Chairman Pai announced that he intends to move forward with a rulemaking to clarify the meaning of Section 230 of the Communications Act. You can read his full statement below, and see **his tweet here**.
>
> **Evan Swarztrauber**
> Policy Advisor
> Office of Chairman Ajit Pai
> Federal Communications Commission
> (202) 418-2261 (o)
> (202) 870-8405 (m)
> Twitter: @EvanS_FCC
>
> **From:**FCC Office of Media Relations <FCCOfficeofMediaRelations@fcc.gov>
> **Sent:**Thursday, October 15, 2020 2:31 PM
> **Subject:**STATEMENT: Chairman Pai on Section 230
>
> **Media Contact:**
> Brian Hart, (202) 418-0505
> brian.hart@fcc.gov
>
> **For Immediate Release**
>
> **STATEMENT OF CHAIRMAN PAI ON SECTION 230**
>
> WASHINGTON, October 15, 2020—Federal Communications Commission Chairman Ajit Pai issued the following statement today on Section 230 of the Communications Act:

"Members of all three branches of the federal government have expressed serious concerns about the prevailing interpretation of the immunity set forth in Section 230 of the Communications Act. There is bipartisan support in Congress to reform the law. The U.S. Department of Commerce has petitioned the Commission to 'clarify ambiguities in section 230.' And earlier this week, U.S. Supreme Court Justice Clarence Thomas pointed out that courts have relied upon 'policy and purpose arguments to grant sweeping protections to Internet platforms' that appear to go far beyond the actual text of the provision.

"As elected officials consider whether to change the law, the question remains: What does Section 230 currently mean? Many advance an overly broad interpretation that in some cases shields social media companies from consumer protection laws in a way that has no basis in the text of Section 230. The Commission's General Counsel has informed me that the FCC has the legal authority to interpret Section 230. Consistent with this advice, I intend to move forward with a rulemaking to clarify its meaning.

"Throughout my tenure at the Federal Communications Commission, I have favored regulatory parity, transparency, and free expression. Social media companies have a First Amendment right to free speech. But they do not have a First Amendment right to a special immunity denied to other media outlets, such as newspapers and broadcasters."

###

Office of Chairman Pai: (202) 418-1000 / Twitter: @AjitPaiFCC / www.fcc.gov/leadership/ajit-pai

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

--
Jordan A. Bloom
bloom.jordan@gmail.com
703-725-4262

AMERICAN OVERSIGHT

From: Evan Swarztrauber
To: Ajit Pai; Montana L. Hyde; Matthew Berry; Nicholas Degani; Thomas Johnson; Brian Hart
Subject: Re: TPI Prep Session
Date: Wednesday, October 21, 2020 2:12:12 PM
Attachments: Questions about Ginger.docx

Updated.

Evan Swarztrauber
Policy Advisor
Office of Chairman Ajit Pai
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From: Ajit Pai <Ajit.Pai@fcc.gov>
Sent: Wednesday, October 21, 2020 1:55 PM
To: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Montana L. Hyde <Montana.Hyde@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Subject: Re: TPI Prep Session

https://medium.com/@AjitPaiFCC/what-i-hope-to-learn-from-the-tech-giants-6f35ce69dcd9

> What I Hope to Learn from the Tech Giants | by Ajit Pai | Medium
>
> This coming week, elected officials will have a chance to question those who run Silicon Valley tech giants — including a hearing on September 5 before the House Energy and Commerce Committee ...
>
> medium.com

From: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Sent: Wednesday, October 21, 2020 1:24 PM
To: Montana L. Hyde <Montana.Hyde@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Subject: Re: TPI Prep Session

I worked with Brian on these.

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SECTION 230

[redacted]

informed me that we have authority to take action. It's been obvious for a long time that these

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[redacted]

Q: Without commenting on potential action you may take in a rulemaking, do you agree that liability rules enacted in 1996 may no longer further the intent of Section 230's purpose?

A: I do share the concerns of bipartisan members of Congress and Justice Thomas that the liability protections, in some cases, are being interpreted too broadly.

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From: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Sent: Wednesday, October 21, 2020 12:52 PM
To: Montana L. Hyde <Montana.Hyde@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Subject: Re: TPI Prep Session

I have not been able to reach Brian Sullivan yet to discuss topics. Scott sent me his info last night. Tried calling, emailing, and left a vm.

Evan Swarztrauber
Policy Advisor
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Federal Communications Commission
(202) 418-2261 (o)
(202) 870-8405 (m)
Twitter: @EvanS_FCC

From: Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>
Sent: Tuesday, October 20, 2020 12:27 PM
To: Montana L. Hyde <Montana.Hyde@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Subject: Re: TPI Prep Session

I will reach out to Scott about topics.

Evan Swarztrauber
Policy Advisor
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Federal Communications Commission
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Twitter: @EvanS_FCC

From: Montana L. Hyde <Montana.Hyde@fcc.gov>
Sent: Tuesday, October 20, 2020 12:14 PM
To: Matthew Berry <Matthew.Berry@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Subject: RE: TPI Prep Session

Of course. I'll send around a scheduler shortly.

From: Matthew Berry <Matthew.Berry@fcc.gov>
Sent: Tuesday, October 20, 2020 12:09 PM
To: Ajit Pai <Ajit.Pai@fcc.gov>; Montana L. Hyde <Montana.Hyde@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>
Subject: TPI Prep Session

Montana, can you schedule a Microsoft Teams meeting for tomorrow for us to prep for Ajit's TPI session on Thursday? 30 minutes should be fine.

Evan and Brian, could you please take a stab at coming up with a list of Section 230/social media-related questions that the interviewer from CNBC might ask?

Do you know if they are planning on giving us a list of topics ahead of time?

Thanks,
Matthew

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From: Thomas Johnson
To: Ajit Pai; Matthew Berry; Nicholas Degani
Subject: Section 230
Date: Thursday, October 22, 2020 9:27:52 AM
Attachments: Section 230 NPRM Draft 10-22.docx

Here is our current draft outline of the Section 230 NPRM. It is still a work in progress, but it's sufficiently far along in concept that I think it would guide our discussion for everyone to be able to see and walk through it.

AMERICAN OVERSIGHT

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
"Insert Subject Matter Title"	)	"Insert Docket, RM, and/or File No."
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"INSERT DOCUMENT TYPE"

Adopted: "Insert Adopted Date" **Released: "Insert Release Date"**

By the Commission:

[redacted]

ii. Justice Thomas

[redacted]

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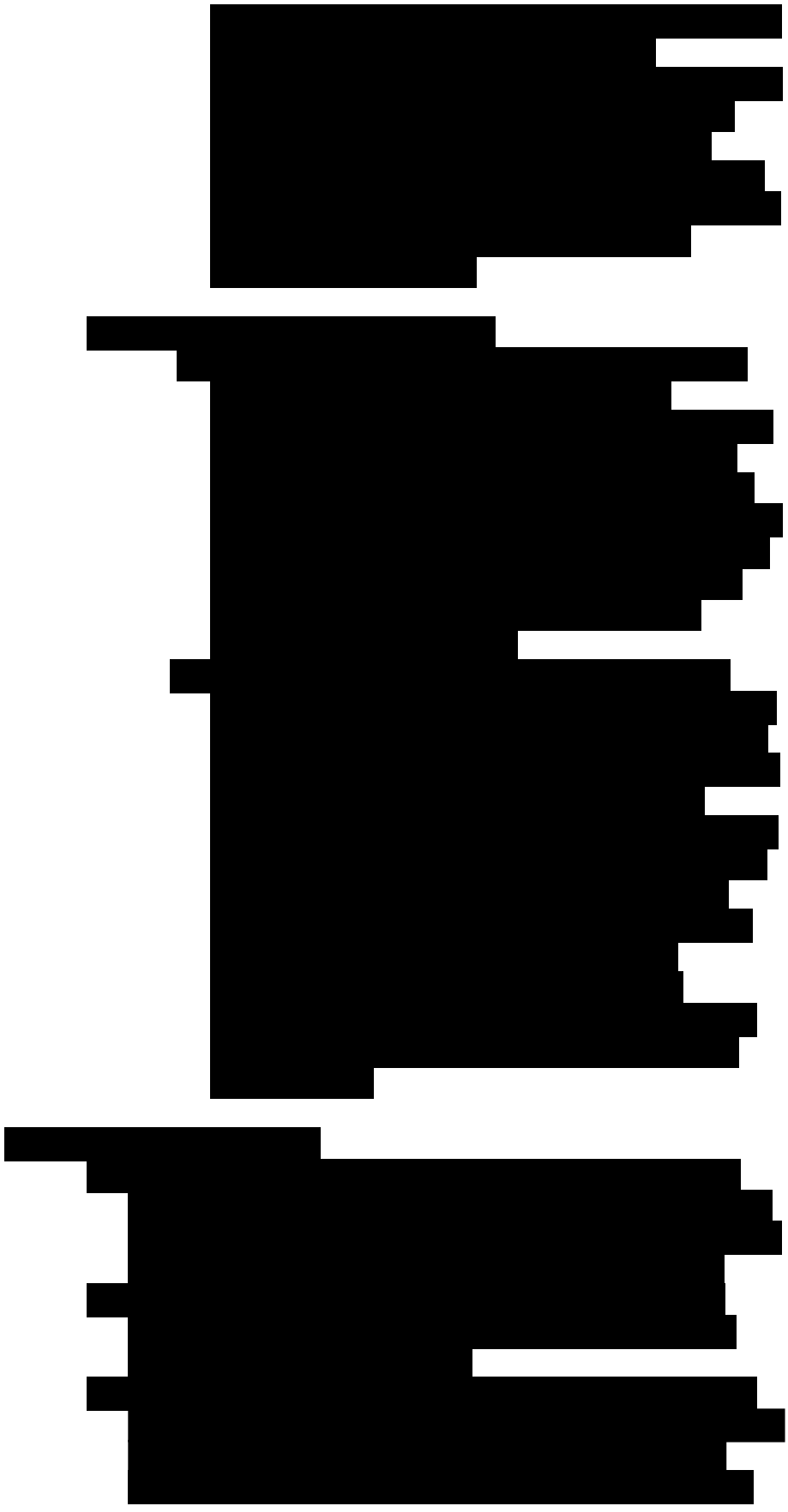
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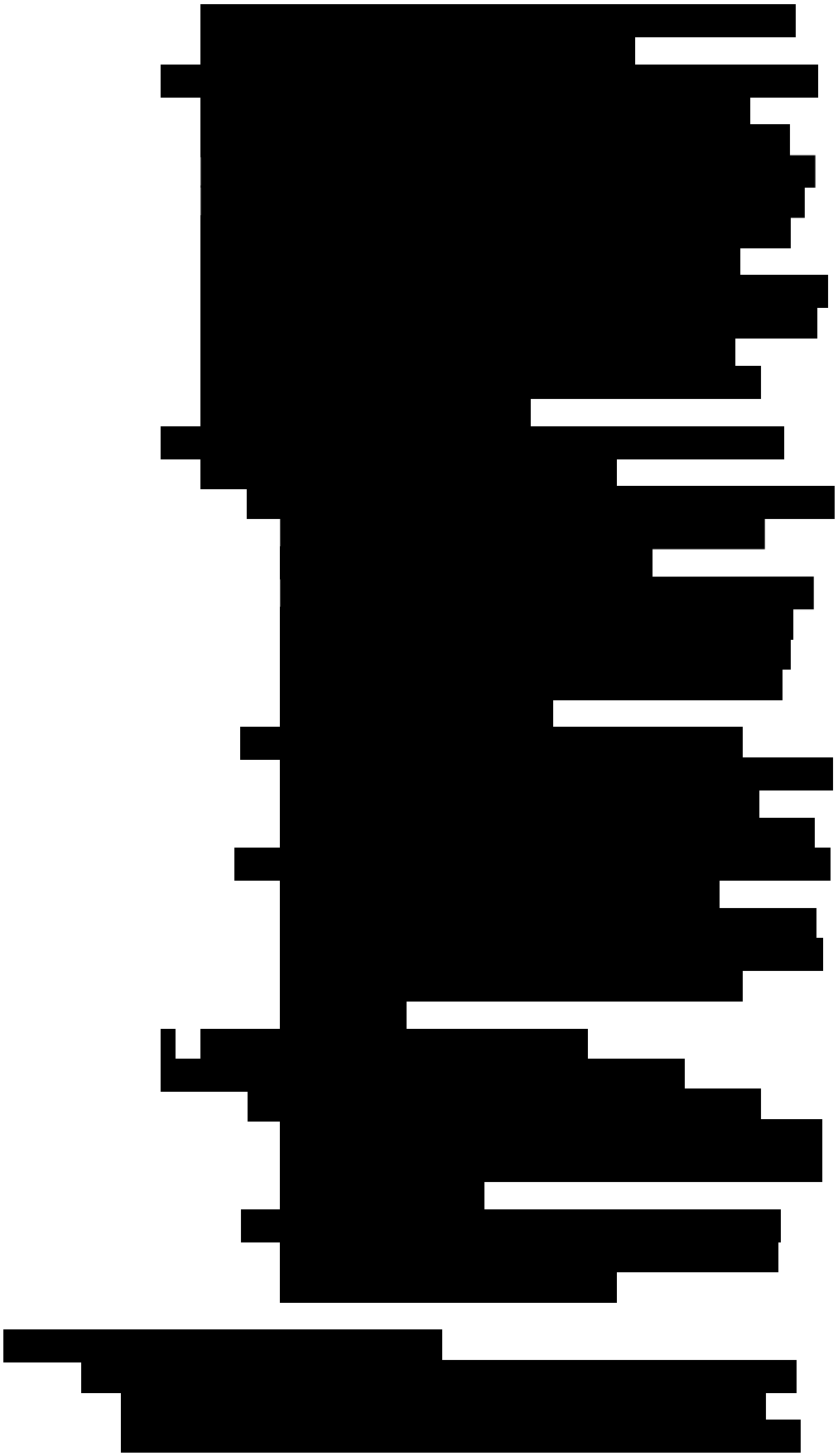
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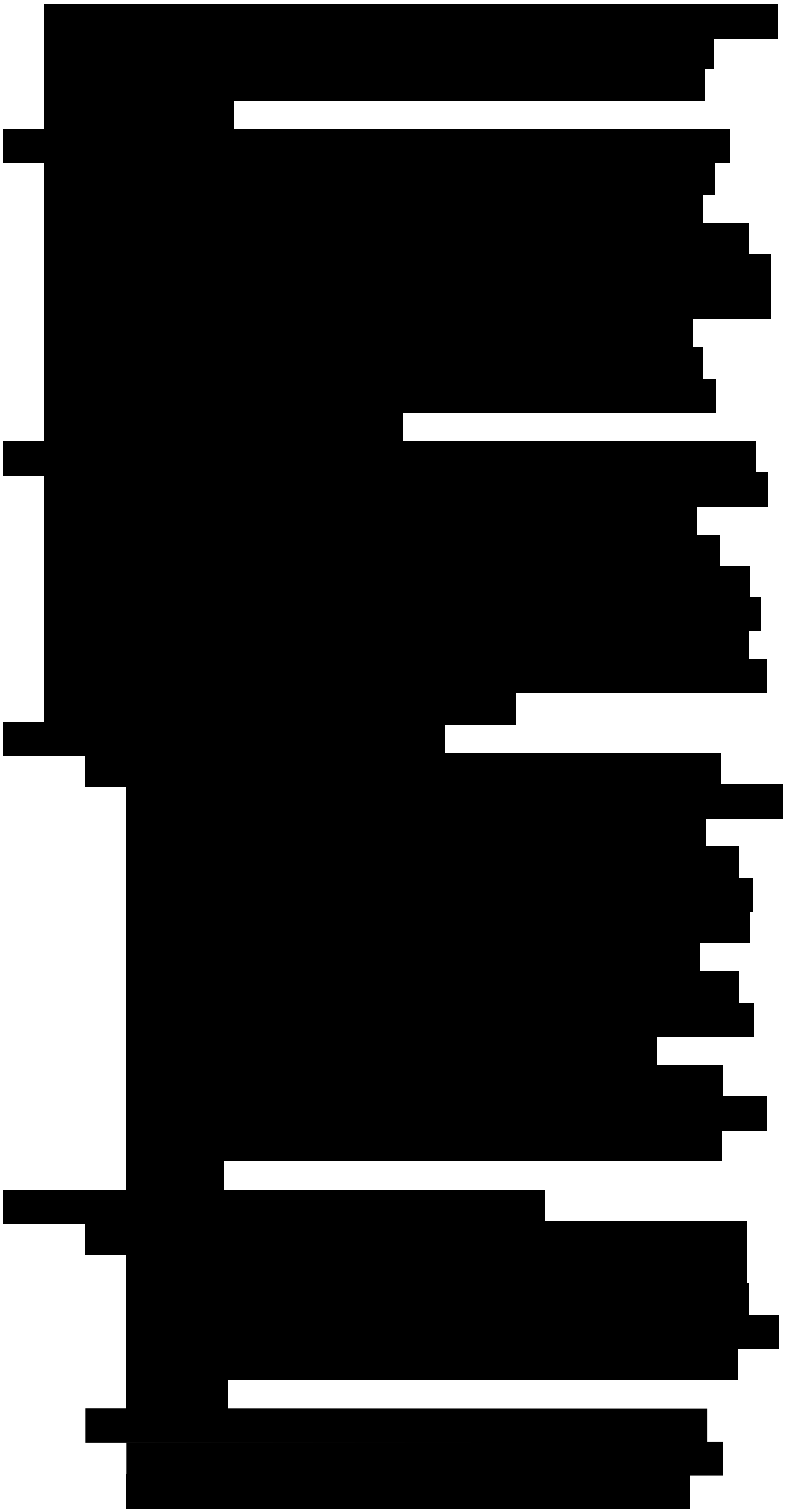
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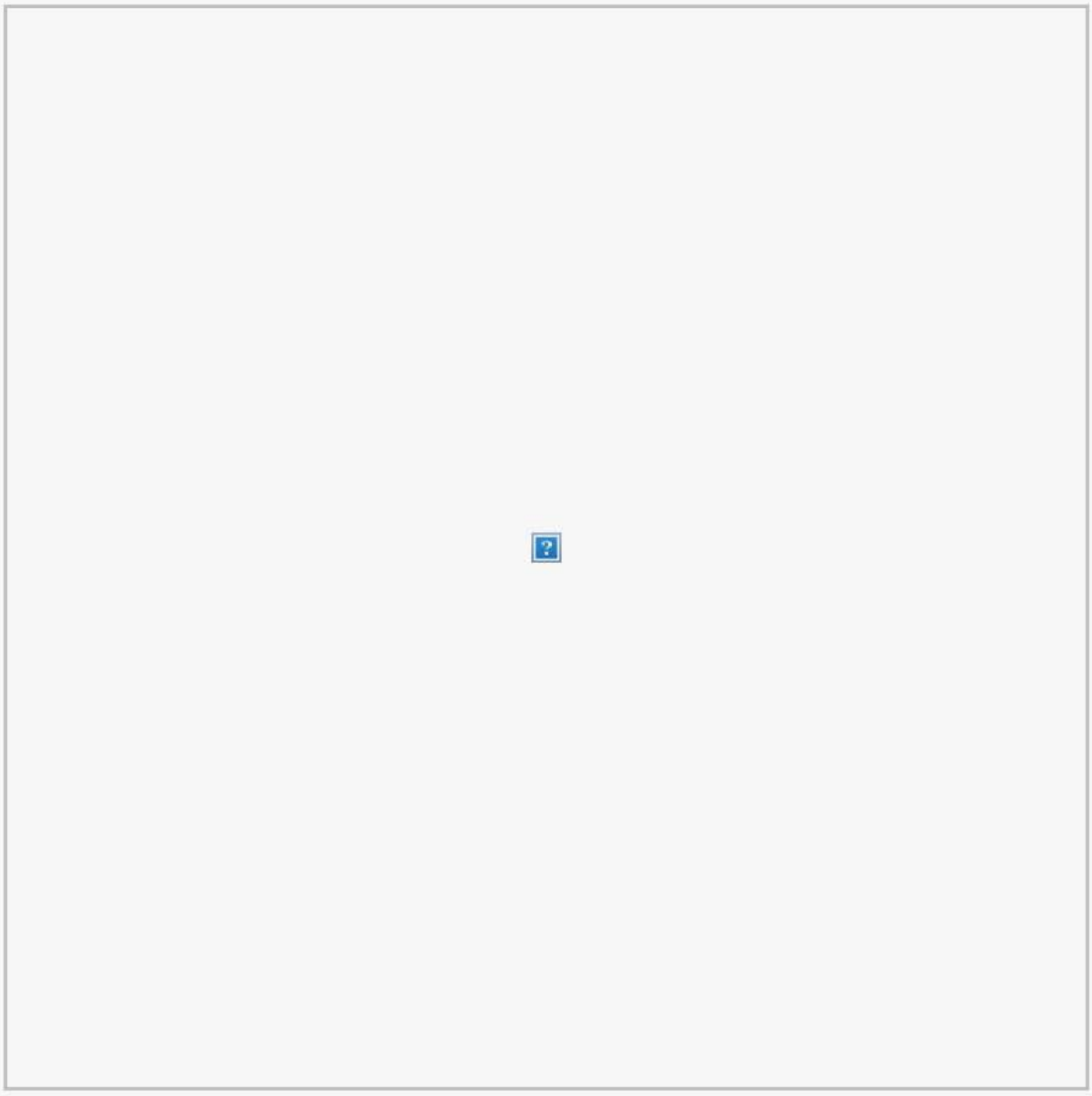


AMERICAN OVERSIGHT

IV. CONCLUSION

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From: TechFreedom
To: Matthew Berry
Subject: Setting the Record Straight on Section 230 for the Big Tech CEO Hearing
Date: Wednesday, October 28, 2020 8:15:14 AM



For immediate release
October 28, 2020

media@techfreedom.org
(475) 655-4777

AMERICAN OVERSIGHT

Setting the Record Straight on Section 230 for the Big Tech CEO Hearing

WASHINGTON D.C. Today, the Senate Commerce Committee will hold a hearing entitled "Does Section 230's Sweeping Immunity Enable Big Tech Bad Behavior?" Testifying will be Twitter CEO Jack Dorsey, Google CEO Sundar Pichai, and Facebook CEO Mark Zuckerberg. Last week, Commerce Committee Chairman Roger Wicker, Judiciary Committee Chairman Lindsey Graham, and Sen. Marsha Blackburn published a "fact sheet" answering questions about Section 230 and the amendments that would be made by the Online Freedom and Viewpoint Diversity Act, a bill the three Senators recently introduced. TechFreedom responded with a letter that presents a detailed critique of their claims about Section 230 and an explanation of how their bill would change the law for the worse, and why it would violate the First Amendment.

"These Senators insist they're not trying to 'make it harder for platforms to remove objectionable content,' but that is precisely what their bill would do," warned Berin Szóka, Senior Fellow at TechFreedom. "Their bill would make it possible to sue websites for moderating hate speech, conspiracy theories, and other forms of 'lawful but awful' content. Even attaching a warning label instead of removing content could be grounds for liability. They claim that moderation of hate speech would be protected as a form of 'harassment,' but as the Administration's FCC petition makes clear, 'harassment' is about statements directed at a specific user, not generalized bigotry about groups. Likewise, they claim their bill would protect moderation of medical misinformation as a category of 'self-harm,' but that term obviously fails to capture the real harms to the health of *others* caused by false statements about masks, vaccines, social distancing, *etc*. Finally, they claim their bill would protect moderation of foreign election interference because that is already illegal. In fact, current campaign law bans only express advocacy of specific candidates, leaving foreign actors free to engage in 'issue advocacy.' Thus, moderation of foreign election interference that does not mention a specific candidate would not be protected by Section 230 under the Wicker-Graham-Blackburn bill. If they want Section 230 to protect moderation in these cases, their bill must say so explicitly."

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“Rewriting Section 230 to protect some kinds of content moderation while punishing others would be grossly unconstitutional,” continued Szóka. “Republicans want websites to continue moderating pornography, dirty words, and content that is pro-terrorist or unlawful, but want to discourage other forms of content moderation. Drawing such content-based distinctions in law is among the most clearly unconstitutional forms of censorship imaginable. Unlike broadcasters, digital media are fully protected by the First Amendment, and website operators have precisely the same right as newspapers to decide what content they do and do not want to carry. Contrary to the President’s claims, websites are not ‘public fora’ equivalent to government actors. Characterizing Section 230’s immunities as ‘privileges’ will not allow the government to selectively deny protection to disfavored editorial decisions. This would clearly violate the ‘unconstitutional conditions‘ doctrine.”

“Republicans are embracing a Fairness Doctrine for the Internet,” concluded Szóka. “Until 1987, broadcasters were compelled to carry content they did not want to in the name of fairness. The Supreme Court upheld this requirement only because it denied broadcasters full First Amendment rights. Republicans fought the Fairness Doctrine for decades, yet now are embracing an even more vague and arbitrary version of the doctrine for the Internet. They would do well to remember President Reagan’s explanation for abolishing the Fairness Doctrine: ‘History has shown that the dangers of an overly timid or biased press cannot be averted through bureaucratic regulation, but only through the freedom and competition that the First Amendment sought to guarantee.’”

Read our letter to the Commerce Committee here. For more analysis, read our comments and reply comments on the NTIA’s petition to the FCC.

* * *

Find this release on our website, and share it on Twitter. We can be reached for comment at media@techfreedom.org. See more of our work on free speech and Section 230 on our website, including:

- Our Twitter thread critiquing Justice Thomas’s recent opinion about Section 230
- Our analysis of legislation proposed by Sen. Josh Hawley, which would amend Section 230 to do essentially the same things the NTIA is asking the FCC to do through a rulemaking

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- Our Twitter thread breaking down the White House Executive Order
- Our Twitter thread addressing FCC Commissioner Carr's Interview on the matter
- Our letter to the Senate Judiciary analyzing the EARN IT Act. PR on the letter
- A coalition letter by 27 civil society organizations and 53 academics a set of seven principles to guide conversation about amending Section 230 of the Communications Decency Act of 1996
- Our statement on Sen. Hawley's proposed legislation on regulating the Internet
- Our op-ed "Some conservatives need a First Amendment refresher"
- Our letter to AG Sessions "DOJ Inquiry re Tech Companies Bias is Misguided"
- Our blogpost "Reality Check for Trump and Republicans Crying 'Bias'"!
- Berin Szóka's testimony before the House Judiciary Committee on the filtering practices of social media platforms
- Our statement on the passage of SESTA
- Our statement on the takedown of Backpage and its implications for Section 230 and recent sex trafficking legislation
- Tech Policy Podcast #251: SESTA/FOSTA Hurts Victims It Aims to Protect

About TechFreedom:

TechFreedom is a non-profit, non-partisan technology policy think tank. We work to chart a path forward for policymakers towards a bright future where technology enhances freedom, and freedom enhances technology.

Please direct all media inquiries & requests for comment to media@techfreedom.org

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From: FCC Office of Media Relations
Subject: STATEMENT: Chairman Pai on Section 230
Date: Thursday, October 15, 2020 2:31:30 PM
Attachments: image001.jpg



Media Contact:
Brian Hart, (202) 418-0505
brian.hart@fcc.gov

For Immediate Release

STATEMENT OF CHAIRMAN PAI ON SECTION 230

WASHINGTON, October 15, 2020—Federal Communications Commission Chairman Ajit Pai issued the following statement today on Section 230 of the Communications Act:

"Members of all three branches of the federal government have expressed serious concerns about the prevailing interpretation of the immunity set forth in Section 230 of the Communications Act. There is bipartisan support in Congress to reform the law. The U.S. Department of Commerce has petitioned the Commission to 'clarify ambiguities in section 230.' And earlier this week, U.S. Supreme Court Justice Clarence Thomas pointed out that courts have relied upon 'policy and purpose arguments to grant sweeping protections to Internet platforms' that appear to go far beyond the actual text of the provision.

"As elected officials consider whether to change the law, the question remains: What does Section 230 currently mean? Many advance an overly broad interpretation that in some cases shields social media companies from consumer protection laws in a way that has no basis in the text of Section 230. The Commission's General Counsel has informed me that the FCC has the legal authority to interpret Section 230. Consistent with this advice, I intend to move forward with a rulemaking to clarify its meaning.

"Throughout my tenure at the Federal Communications Commission, I have favored regulatory parity, transparency, and free expression. Social media companies have a First Amendment right to free speech. But they do not have a First Amendment right to a special immunity denied to other media outlets, such as newspapers and broadcasters."

###

Office of Chairman Pai: (202) 418-1000 / Twitter: @AjitPaiFCC / www.fcc.gov/leadership/ajit-pai

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

AMERICAN OVERSIGHT

From: Ashley Boizelle
To: Opinions
Subject: Summaries of Recent Ad Law SCOTUS Opinions
Date: Tuesday, August 11, 2020 1:27:23 PM
Attachments: Recent Ad Law SCOTUS Summaries.pdf

All:

Attached are summaries of recent Supreme Court opinions that address administrative law issues relevant to the Commission. We hope you find them useful.

Best,
Ashley

Ashley Boizelle
Acting General Counsel
Federal Communications Commission
ashley.boizelle@fcc.gov
202.418.1736

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Department of Homeland Security v. Regents of the University of California, 140 S. Ct. 1891 (2020)

[redacted]

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Seila Law LLC v. Consumer Financial Protection Bureau, 140 S. Ct. 2183 (2020)

[redacted]

- The Court's opinion was expressly limited to agencies led by a single person (as opposed to multi-member commissions such as the FCC). But in a separate opinion concurring in part and dissenting in part, Justice Thomas (joined by Justice Gorsuch) suggested that the Court's rationale for finding a separation-of-powers violation could be extended to other agencies (including multi-member commissions). [redacted]

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Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania, 140 S. Ct. 2367 (2020)

[redacted]

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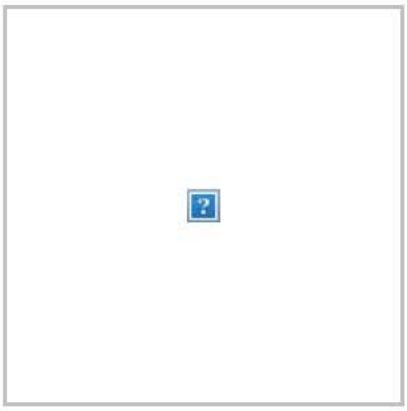
From:	Zenji Nakazawa
To:	Ajit Pai; Matthew Berry
Cc:	Nicholas Degani; Zenji Nakazawa
Subject:	TCPA--Broadnet Order on Reconsideration (CIRC)
Date:	Thursday, March 5, 2020 11:43:21 AM
Attachments:	TCPA Recon (03-05-20).docx

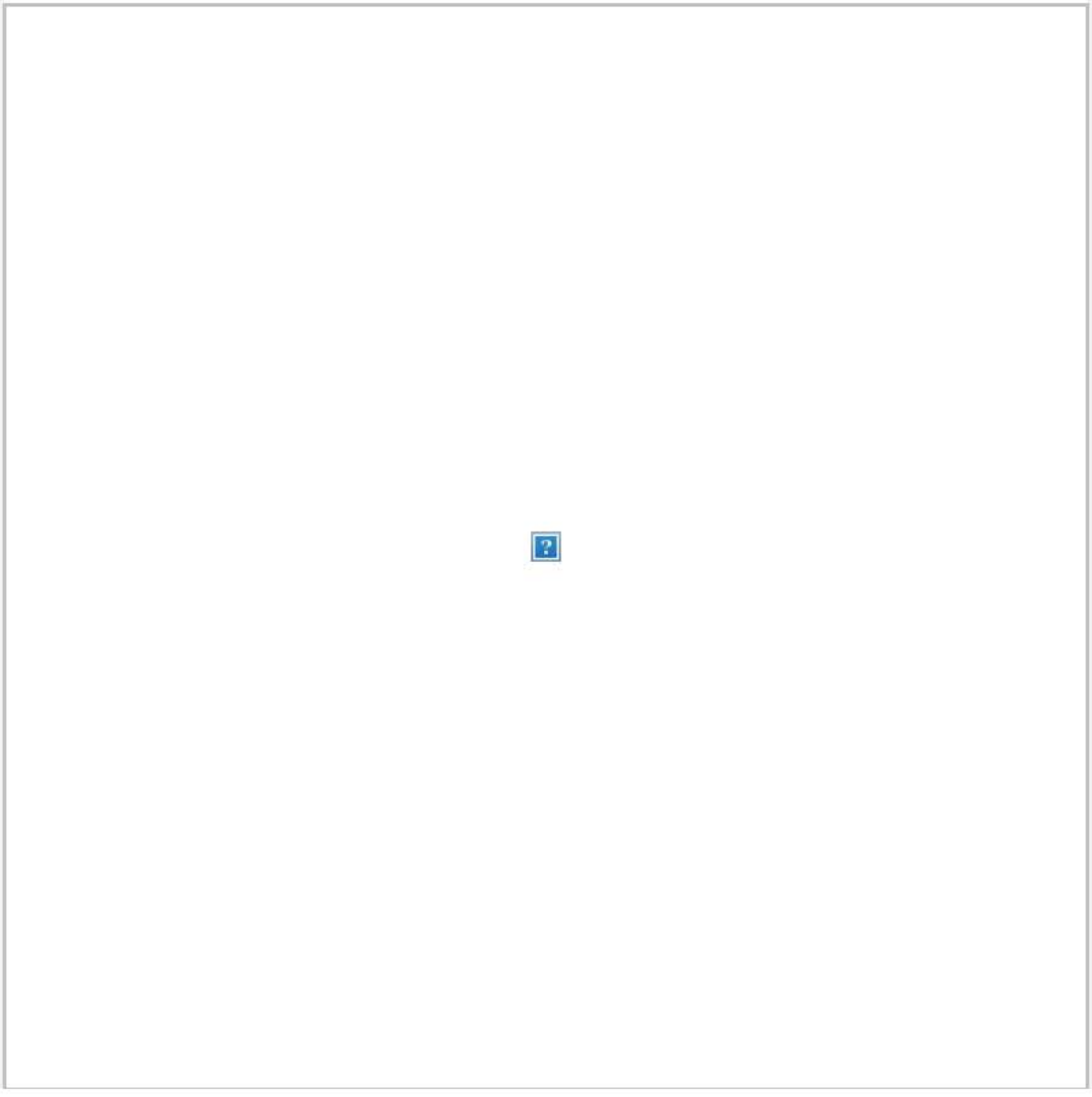
Ajit and Matthew,
Here is the latest draft of the TCPA/Broadnet Order for your approval to circulate within the next two weeks. The initial plan was to propose this for the March meeting. But given that we are rolling out Shaken/Stir this month, we wanted to circulate this item with an eye for the April Meeting as a backstop option.

Best,
Zenji

AMERICAN OVERSIGHT

From: Independent Institute
To: Matthew Berry
Subject: The Lighthouse: What Protesters Should Demand | Police Unions and Accountability | Health Insurance Sins | University Suicide? | Germany Troops
Date: Tuesday, June 16, 2020 6:05:41 PM





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June 16, 2020 | Weekly Newsletter

What the George Floyd Protesters Should Demand: Five Top Reforms

By Lawrence J. McQuillan (*The Beacon*, 6/10/20)

Too often, protesters miss opportunities for constructive change because they fail to champion specific measures that would create long-term benefits. To prevent the needless loss of life at the hands of police, today's protestors should demand reforms that give neighborhoods more options for better policing, that make individual police officers more accountable, and that eliminate unnecessary laws that increase police violence. **READ MORE »**

To Serve and Protect

AMERICAN OVERSIGHT

By Bruce L. Benson

Police Unions and Officer Privileges

By Tate Fegley (*The Independent Review*, Fall 2020)

Most police unions in the largest U.S. cities have succeeded, through collective-bargaining agreements, in securing for their members various protections that raise the cost of disciplining individual police officers for misconduct. These protections, which are a form of compensation, undermine the ability of the criminal justice system, civil law, and civilian oversight to hold officers accountable. **READ MORE »**

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The Five Deadly Sins of Private Health Insurance

By John C. Goodman (*Forbes*, 5/26/20)

The market for health insurance features lots of competition, but it's superficial competition that's limited by a variety of government regulations. As a result, patients enroll in the wrong health plans; health plans can't correct enrollment mistakes or subcontract for 24/7 primary care; patients can't manage their own health care budgets; and health plans are getting the wrong price for the wrong patient. **READ MORE »**

A Better Choice
Healthcare Solutions for America

By John C. Goodman

AMERICAN OVERSIGHT

Is the University of California Committing Suicide? Equity vs. Excellence

By Richard K. Vedder (*Forbes*, 5/26/20)

The University of California is considered the top public university in America, due both to its extraordinary research prowess and its selectivity in admissions. Its recent decision to phase out the use of SAT and ACT exams, and its weakening of faculty control over academic standards, are morally suspect and risk hurting the university's reputation for excellence. **READ MORE »**

Restoring the Promise
Higher Education in America

By Richard K. Vedder

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One Cheer for Trump's Troop Withdrawal from Germany

By Ivan Eland (*The American Conservative*, 6/11/20)

President Trump's announced withdrawal of up to 28 percent of the U.S. troops stationed in Germany is a tiny step toward a long-overdue pullout of American military forces from Europe. The United States needs to let the Europeans bear the main responsibility for dealing with Russians on their continent, so we can focus on the larger problem in East Asia of a rising China. **READ MORE »**

War and the Rogue Presidency
Restoring the Republic after Congressional Failure

By Ivan Eland

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The Beacon: New Blog Posts

- **Are Special Interests Undermining the Quest for a COVID-19 Vaccine?**, by Raymond J. March
- **Coronavirus Lockdowns to Cause Earlier Insolvency of Failing Public Employee Pensions**, by Craig Eyermann
- **What the George Floyd Protesters Should Demand: Five Top Reforms**, by Lawrence J. McQuillan
- **Is Anyone Fact-Checking Twitter's Fact-Checkers?**, by K. Lloyd Billingsley
- ***Created Equal* Provides Long Overdue Balance to Clarence Thomas's Narrative**, by Samuel R. Staley

Catalyst: New Articles

- **NPR: Evidence Mounts COVID Less Lethal Than Predicted**, by Jon Miltimore
- **Three Ways the Government Blocks Urban Density**, by Scott Beyer
- **Is a Law School Meltdown Coming?**, by Richard Vedder
- **George Floyd, Qualified Immunity, and Justice**, by Craig Eyermann

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