

## United Church of Christ Media Justice Ministry Fact Sheet on Federal Communications Commission October 2025 Draft Proposed Order on Incarcerated People's Communications Services

The Federal Communications Commission issued a [draft order](#) on October 7, 2025, and FCC Chairman Carr has announced he will hold a vote on the draft at the FCC's open meeting on October 28, 2025. This draft is a dramatic departure from the FCC's decision issued last July, and a terrible blow to families and loved ones of incarcerated people, clergy, defense counsel and others who bear the cost of communication. (See more detailed background and timeline below).

### What new rates does the FCC propose?

- As compared with the July 2024 Order, the FCC draft **increases rate caps by as much as 83 percent** for phone and video calling, depending on the type and size of the facility. This could cost consumers hundreds of millions of dollars annually.

| Audio/Phone                  | 2024 Rate Cap | 2025 Total Rate Cap | Percent change | Rate Change |
|------------------------------|---------------|---------------------|----------------|-------------|
| Prisons                      | \$0.06        | \$0.11              | 83%            | \$0.05      |
| Large Jails (1,000+)         | \$0.06        | \$0.10              | 67%            | \$0.04      |
| Med. Jails (350-999)         | \$0.07        | \$0.11              | 57%            | \$0.04      |
| Small Jails (100-349)        | \$0.09        | \$0.12              | 33%            | \$0.03      |
| Very Small Jails (50-99)     | \$0.12        | \$0.14              | 17%            | \$0.02      |
| Extremely Small Jails (0-49) | \$0.12        | \$0.18              | 33%            | \$0.06      |

| Video                        | 2024 Rate Cap | 2025 Total Rate Cap | Percent change | Rate Change |
|------------------------------|---------------|---------------------|----------------|-------------|
| Prisons                      | \$0.16        | \$0.23              | 44%            | \$0.07      |
| Large Jails (1,000+)         | \$0.11        | \$0.18              | 64%            | \$0.07      |
| Med. Jails (350-999)         | \$0.12        | \$0.18              | 50%            | \$0.06      |
| Small Jails (100-349)        | \$0.14        | \$0.19              | 36%            | \$0.05      |
| Very Small Jails (50-99)     | \$0.25        | \$0.24              | -4%            | (\$0.01)    |
| Extremely Small Jails (0-49) | \$0.25        | \$0.41              | 39%            | \$0.16      |

### How does the FCC justify increasing rates after adopting lower rates last year?

- The FCC justifies its decision based on a pretextual concern, not borne out in the record or in reality, that prisons, jails and other facilities will stop offering phone service to incarcerated people and their loved ones rather than comply with federal law and the FCC's rules.
- The FCC increases rates by requiring paying customers to shoulder a host of fees and costs that the FCC acknowledges are not fully proven, including so-called "facility fees" and safety and security costs that should be borne by jails and prisons, not by the loved ones of incarcerated people. In the face of admitted uncertainty, the FCC does not protect consumers, instead shifting the full financial burden onto them.
- The extra 2 cents per minute added to every phone and video call in the country is based on a heavily criticized, self-serving filing submitted 10 years ago by sheriffs and jails which did not address costs in prisons or costs related to video calling.
- The FCC changes its calculations to artificially inflate per minute costs, further increasing the rate caps.



## What else does the FCC propose to do?

- Demonstrating the strength of the record supporting the July 2024 order, the FCC will reinstate, later this year, the ban on site commissions (which are essentially kickbacks) and ancillary fees (which have been shown to be unjustified double-dipping). However, instead of permanently banning site commissions and ancillary fees, it holds open the possibility of reinstating these pernicious fees in the future.
- The FCC creates a new category of extremely small jails (with average daily population of 49 people or fewer), which now will face the highest rate caps in the country, 18 cents per minute for phone calls and 41 cents per minute for video calls.

## Do the FCC's actions comply with the law and fair process?

- No, the FCC acted in violation of law and is not proceeding fairly.
- FCC Chair Carr is pressing ahead with holding a vote on October 28<sup>th</sup> even during a government shut down, making it harder or impossible for FCC staff to meet with advocates and consider their points during this time.
- The Chair's press release issued two days before the draft order includes a positive quote from the National Sheriff's Association about a draft ruling that was not public at that time.
- The FCC is denying the advocates of incarcerated people their day in court because the draft order acknowledges, but does not rule on, a public interest filing challenging the legality of a Bureau order temporarily suspending almost all rules over the summer.
- The Bureau decision issued over the summer is in violation of the Martha Wright Reed Act and FCC rules as explained in advocates' challenge to that decision filed in September. The draft order contains many legal and factual errors.

## Background and timeline

- After Congress passed the Martha Wright-Reed Just and Reasonable Communications Act of 2022, the FCC adopted strong rules in a 5-0 vote in July 2024. Many rules went into effect later that year; the rate caps were phased in and almost fully in effect by April 1, 2025.
- After the FCC's order was issued, it was sued by prisons, jails and phone companies. The FCC rigorously defended its decision in a brief filed in April 2025.
- On June 30, 2025, Chair Carr directed the FCC staff to suddenly reverse course and suspend virtually the whole 2024 order.
- At the same time, the FCC reversed much of its position in court, and sought a delay in the court proceeding. Nonetheless, the court decided to continue and held oral argument on October 7, 2025.
- On the same day as the oral argument, October 7, the FCC released a draft order that will be voted by the three currently sitting FCC Commissioners at their open meeting on October 28, 2025.

## Where can I learn more from UCC Media Justice about this issue?

- [October 28 will be a decisive day for prison phone justice](#)
- [Coalition Urges FCC to Reverse Illegal, Unjust and Mystifying Prison Phone Justice Rollback](#)
- For more information, contact Cheryl A. Leanza at [cleanza@alhmail.com](mailto:cleanza@alhmail.com), 202-904-2168.

