

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

GLOBAL TEL*LINK, et al.,
Petitioners,
v.
FEDERAL COMMUNICATIONS
COMMISSION, and
THE UNITED STATES OF AMERICA,
Respondents.
Case No. 15-1461 (and
consolidated cases)

AFFIDAVIT OF JONATHAN SKUTA

State of Oklahoma)
) ss
County of Oklahoma)

I, Jonathan Skuta, of lawful age, being first duly sworn upon my oath, hereby state the following:

- 1. The following statements are true and correct to the best of my personal knowledge.
2. I am the Finance Director for the Sheriff's Office of Oklahoma County, Oklahoma.

My job responsibilities include overseeing the financial aspects of the Sheriff's office, excluding the inmate trust account, providing financial recommendations to the Sheriff, and proceeding as directed.

3. My job responsibilities include assisting in the research, negotiation, and management of any contract between Oklahoma County, Oklahoma, and a provider of inmate calling services that would be affected by the Federal Communications Commission's Order published on December 18, 2015.

4. Oklahoma County's jail system, operated by the Sheriff's Office of Oklahoma County, Oklahoma, had an average daily population of 2,397 inmates in fiscal year 2015. Oklahoma

prepaid call would have a \$2.75 flat fee and would then cost \$.04 per minute. An international prepaid call would have a \$2.25 flat fee and would then cost \$1.00 per minute.

12. The current contract also specifies that Oklahoma County, Oklahoma, would receive 69% of phone call revenue, not including revenue from related services, as a commission. Under the contract in force before July 1, 2014, that amount was 59% of phone call revenue.

13. The current contract does not provide for the payment of commissions to Oklahoma County, Oklahoma, for interstate calls. Oklahoma County, Oklahoma currently receives no compensation from its contract with Telmate LLC tied directly to interstate calls.

14. The contract operated without the effects of Federal Communications Commission rate setting during the entirety of 2013.

15. During 2013, there were 890,234 inmate phone calls in Oklahoma County's jail. There were 8,773,267 minutes used. Oklahoma County, Oklahoma received approximately \$819,895.45 in commissions that year. Approximately 11.14 of phone call minutes were interstate minutes that year.

16. The average length of a non-interstate phone call in 2013 was approximately 9.95 minutes.

17. During March 2014, the Federal Communications Commission's interim rates for interstate calls went into effect.

18. During 2014, there were 858,003 inmate phone calls, and there were 8,955,156 phone call minutes used that year. Oklahoma County, Oklahoma, received \$887,963.03 in revenue.

19. Approximately 15.34% of phone call minutes were interstate phone calls during the period when the interim rates for interstate calls were effective in 2014. Interstate phone call minutes during the relevant period were 1,119,909, and other phone call minutes were 6,295,987.

20. The average length of a non-interstate phone call in 2014 was approximately 10.23 minutes.

21. During 2015, the interim rates for interstate calls were effective during the entire year. There were 805,329 inmate phone calls and 8,622,348 phone call minutes that year. Oklahoma County, Oklahoma, received \$946,773.85 in commissions that year.

22. During 2015, about 18.37% of phone call minutes were interstate minutes. There were 1,584,094 interstate phone call minutes and 7,038,254 other minutes.

23. The average length of a non-interstate phone call in 2015 was approximately 10.30 minutes.

24. Telmate LLC provided no compensation to Oklahoma County, Oklahoma, for interstate calls made once the interim interstate rates went into effect in 2014.

25. If the Order published by the Federal Communications Commission on December 18, 2015, went into effect, the rate applicable in Oklahoma County jails would be \$0.14 per minute for prepaid calls. Flat per-call fees would be prohibited.

26. Currently, for a ten-minute local phone call, Telmate LLC would collect a \$2.75 flat fee and \$.40 in per-minute charges for a total of \$3.15. 69% or approximately \$2.17 would be paid to Oklahoma County, Oklahoma, as a commission while Telmate LLC would retain approximately \$0.98 or approximately \$.098 per minute.

27. If Telmate LLC retained the same amount per minute that it currently does, approximately \$.098 per minute, after the Federal Communications Commission's Order goes into effect, Oklahoma County, Oklahoma could only receive at most about \$.042 per minute while complying with the Order's \$0.14 per minute rate cap.

28. At the low end of phone call minutes that occurred in 2015, Oklahoma County, Oklahoma, would receive approximately \$362,138.62 in revenue per year.

29. At the high end of phone call minutes that occurred in 2014, Oklahoma County, Oklahoma, would receive approximately \$376,116.55 in revenue per year.

30. The inmate calling service provider, Telmate LLC, may also be unable to provide service at current levels if the Order goes into effect.

31. Oklahoma County, Oklahoma, therefore, stands to see its revenue fall from approximately \$850,000 per year to anywhere from nothing to approximately \$375,000 per year if the Order goes into effect. The County thus stands to lose at least \$475,000 per year in revenue and as much as \$850,000 per year.

32. Oklahoma County, Oklahoma, must use the revenue it receives from inmate calling services for the operations of the Sheriff's Office per Title 19, Sections 180.43(E) and 514.1 of the Oklahoma Statutes.

33. The Sheriff's Office of Oklahoma County, Oklahoma, would see an impact on its ability to maintain operations if annual revenue from inmate calling services dropped from around \$850,000 per year to around \$375,000 per year due to the Federal Communications Commission's Order. That impact would likely include a reduction in staffing levels and/or services.


34. If the Order goes into effect, then, the Sheriff's Office of Oklahoma County, Oklahoma would be forced to alter its priorities and internal operations.

FURTHER AFFIANT SAITH NOT.



Jonathan Skuta

SUBSCRIBED AND SWORN before me, the undersigned Notary Public, on this 18th day of February, 2016.

 Angela Riley
Public

My Commission Expires on 08/30/16
#00014600