

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE:	
RELIANCE TELEPHONE OF GRAND FORKS, INC.	DOCKET NO. TF-2019-0026
INMATE CALLING SOLUTIONS, LLC	DOCKET NO. TF-2019-0030
COMBINED PUBLIC COMMUNICATIONS, LLC	DOCKET NO. TF-2019-0031
PRODIGY SOLUTIONS	DOCKET NO. TF-2019-0032
SECURUS TECHNOLOGIES, INC.	DOCKET NO. TF-2019-0033
CORRECT SOLUTIONS, LLC	DOCKET NO. TF-2019-0034
LEGACY LONG DISTANCE INTERNATIONAL, INC.	DOCKET NO. TF-2019-0035
PAY-TEL COMMUNICATIONS INC.	DOCKET NO. TF-2019-0036
NETWORK COMMUNICATIONS INTERNATIONAL CORP.	DOCKET NO. TF-2019-0037
GLOBAL TEL*LINK CORPORATION	DOCKET NO. TF-2019-0039
PUBLIC COMMUNICATIONS SERVICES, INC.	DOCKET NO. TF-2019-0040

**ORDER GRANTING PETITIONS TO INTERVENE AND REQUIRING
ADDITIONAL INFORMATION**

(Issued May 24, 2019)

PROCEDURAL BACKGROUND

On January 2, 2019, the Utilities Board (Board) issued an order terminating

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the rule making in Docket No. RMU-2017-0004 “Rule Making Regarding Inmate Calling Rate Caps [199 IAC chapter 22].” In the order, the Board directed “all alternative operator services companies, as defined in Iowa Code § 476.91(1)(a), shall file current tariffs with the Utilities Board for review and approval.” Tariffs were to be filed within 30 days of the date of the order, or February 1, 2019.

In the January 2, 2019 order, the Board stated that a comprehensive review of the tariffs will ensure compliance with the applicable statutes and rules while allowing the Board to consider whether the rates being charged are reasonable.

On March 14, 2019, the Board issued an order in Docket No. RMU-2017-0004, “Rule Making Regarding Inmate Calling Rate Caps [199 IAC Chapter 22],” to clarify the directive in the January 2, 2019 order that all alternative operator services (AOS) companies, as defined in Iowa Code § 476.91(1)(a), were required to file a complete set of new tariffs for Board approval. The Board extended the date by which tariffs must be filed to April 1, 2019. All of the AOS companies listed above in the style of this order filed tariffs in response to the Board’s March 14, 2019 order.

On April 17, 2019, the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, filed a conditional objection regarding each of the tariffs filed by the companies listed. Also on April 17, 2019, Prison Policy Initiative, Inc. (PPI), filed an objection to the revised tariff filed by Reliance Telephone of Grand Forks, Inc. (Reliance), and requested the Board docket the

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revised tariff. PPI also requested intervention in Docket Nos. TF-2019-0026, TF-2019-0032, TF-2019-0033, TF2019-0035, TF-2019-0039, and TF-2019-0040.

INTERVENTION

On May 1, 2019, the Board issued an Order Docketing Tariffs for Further Review, Canceling Certain Registration and Tariffs, and Granting Intervention (the Order). The Order docketed 11 tariffs for further review. In the May 1, 2019 Order, the Board also granted PPI's motion to intervene in Docket No. TF-2019-0026 upon a finding that PPI "meets the requirements for intervention since it has stated an interest in the subject matter of the rates charged for inmate calling services, no other party has intervened to represent the interest of those affected by the revised tariff, and the participation of PPI as a party may reasonably be expected to assist in the development of the record in Docket No. TF-2019-0026." The Order granted PPI's motion to intervene in the Reliance proceeding, but did not address PPI's motions to intervene in five additional proceedings [Docket Nos. TF-2019-0032, TF-2019-0033, TF2019-0035, TF-2019-0039, and TF-2019-0040].

On May 7, 2019, PPI filed a motion renewing the request for intervention for the additional dockets, asserting that the rates in the five additional above-captioned tariffs are also not just and reasonable. On May 13, 2019, the OCA filed comments and an objection based upon a similar rationale for each of the same five above-captioned dockets. The Board has reviewed the request for

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intervention by PPI and the OCA's objections in the additional dockets. The Board will grant intervention in these dockets on the same basis as intervention was granted in Docket No. TF-2019-0026. For the reasons set forth in the April 22, 2019 and May 7, 2019 filings, PPI meets the requirements for intervention since it has stated identical interests in and expertise regarding the five above-captioned tariffs. The Board will grant PPI's request for an order to intervene in Docket Nos. TF-2019-0032, TF-2019-0033, TF2019-0035, TF-2019-0039, and TF-2019-0040.

REQUEST FOR ADDITIONAL INFORMATION

Based on a preliminary review of the proposed tariffs filed by the AOS companies, the Board will require additional information to determine if the provisions and rates and services are just and reasonable. On or before 30 calendar days from the date of this order, AOS companies that filed tariffs shall file responses to the questions in Attachment A for review and approval. Comments regarding the responses filed in compliance with Attachment A of this order may be filed up to 45 days from the date of this order.

ORDERING CLAUSES

IT IS THEREFORE ORDERED:

1. Prison Policy Initiative, Inc., is granted intervention in Docket Nos. TF-2019-0032, TF-2019-0033, TF2019-0035, TF-2019-0039, and TF-2019-0040.

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2. On or before 30 days from the date of this order, alternative operator services companies that filed tariffs with the Board shall file responses to the questions attached to this order as Attachment A and incorporated in this order by reference.

3. Reply comments to the responses to the questions posed in Attachment A shall be filed on or before 45 days from the date of this order.

UTILITIES BOARD

/s/ Geri D. Huser

/s/ Nick Wagner

ATTEST:

/s/ Bradley Nielsen

/s/ Richard W. Lozier Jr.

Dated at Des Moines, Iowa, this 24th day of May, 2019.

ATTACHMENT A: UTILITIES BOARD QUESTIONS RE: FILED AOS TARIFFS

Please provide the Utilities Board with additional information regarding the tariffs your company filed pertaining to the alternative operator services it provides in the state of Iowa. Please respond to all of the questions. If the question does not apply to your company or to a specific facility, state "N/A".

Demographic Information & Questions

1. For each contract, provide the following information:
 - the name and physical location of every Iowa facility covered by the contract and indicate whether the facility is a municipal, county, or state-run facility or operated by some other type of entity.
 - the approximate number of inmates in each facility.
 - the number of telephones that your company maintains and operates in each facility.
 - the filed tariff option that applies to each facility.
2. If the revised tariff filed with the Utilities Board has a provision regarding call blocking, explain how that complies with the prohibition on blocking in the Board's rule at 199 Iowa Admin. Code 22.19(3).
3. Board rule at 199 IAC 22.19(4) requires contracts between AOS companies and contracting entities to contain provisions for posting certain information outlined in the rule. Is there also a reference to the posting requirements in the company's filed tariff?
4. For the filed tariff, explain how the company determined the rates listed.
5. For the filed tariff, explain how the information regarding the rate charged for each service is provided to the inmate or person called by the inmate.
6. If the company permits ancillary charges in the filed tariff, identify (1) each charge, (2) the service the charge is applied to, and (3) where the charge is listed in the company's tariff.
7. If there are other charge types for a call by an inmate in the filed tariff (in addition to ancillary charges), identify (1) each charge, (2) the service the charge is applied to, and (3) where the charge is listed in the company's tariff.
8. Explain how an inmate is billed for the calls made through the company's telephones and whether the bill is available online. If available online, indicate whether someone other than the inmate may access the online bill.
9. Indicate whether inmates at this facility are allowed access to a directory to make calls or whether they must use a live operator.
10. Before filing the tariff, was the company aware that the Utilities Board has an open rule-making docket, Docket No. RMU-2018-0022, where the Board is proposing amendments to the rules that apply to AOS companies that provide service to inmates?
11. If there is a reference to FCC 97-371 (October 7, 1997) in your company's tariff, please explain whether this is still relevant.
12. Indicate if there is a reference to AT&T FCC Tariff No. 10 in your company's tariff. If yes, also provide the tariff as a separate filing.