

**STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD**

|   |                         |
|---|-------------------------|
| IN RE:                                  |                         |
| GLOBAL TEL*LINK CORPORATION             | DOCKET NO. TF-2019-0039 |
| PUBLIC COMMUNICATIONS SERVICES,<br>INC. | DOCKET NO. TF-2019-0040 |

**RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION ON TARIFFS**

Global Tel\*Link Corporation and Public Communications Services, Inc. (collectively, “GTL”) respectfully submit the following information in response to the Order Granting Petitions to Intervene and Requiring Additional Information (the “Order”) issued by the Iowa Utilities Board (“Board”) on May 24, 2019 in the above-referenced matters.

The Order requested additional information from alternative operator services (“AOS”) companies regarding the tariffs filed by AOS companies in response to the Board’s January 2, 2019 decision, which required all AOS companies providing inmate calling service (“ICS”) in Iowa to file tariffs with the Board for review.<sup>1</sup> GTL provides the following information as requested by the Board in support of its tariffs filed on April 16, 2019 (the “Tariffs”).

---

<sup>1</sup> Docket No. RMU-2017-0004, *Rule Making Regarding Inmate Calling Rate Caps [199 IAC Chapter 22]*, Order Terminating Rule Making (Jan. 2, 2019) (“January 2019 Order”); *see also* Docket No. RMU-2017-0004, *Rule Making Regarding Inmate Calling Rate Caps [199 IAC Chapter 22]*, Order Requiring Tariff Filing (Mar. 14, 2019).

**BOARD QUESTION 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.

**GTL RESPONSE TO BOARD QUESTION 1**

At this time, GTL provides service in three (3) correctional facilities in Iowa. The information regarding the three facilities is provided pursuant to a Request for Confidential Treatment in accordance with 199 IAC 1.9(6).

|                          |            |
|--------------------------|------------|
| Name of Facility         | [REDACTED] |
| Location of Facility     | [REDACTED] |
| Type of Facility         | County     |
| Average Daily Population | 250        |
| Number of Telephones     | [REDACTED] |
| Tariff Option            | See below  |

|                          |            |
|--------------------------|------------|
| Name of Facility         | [REDACTED] |
| Location of Facility     | [REDACTED] |
| Type of Facility         | County     |
| Average Daily Population | 138        |
| Number of Telephones     | [REDACTED] |
| Tariff Option            | See below  |

|                          |            |
|--------------------------|------------|
| Name of Facility         | [REDACTED] |
| Location of Facility     | [REDACTED] |
| Type of Facility         | County     |
| Average Daily Population | 280        |
| Number of Telephones     | [REDACTED] |
| Tariff Option            | See below  |

As GTL explained in its Comments in Support of Tariffs filed May 13, 2019, the GTL Tariffs set forth: (1) a maximum rate of \$0.30 per-minute for intrastate ICS collect, prepaid, and debit calls; and (2) the ancillary service charges adopted by the Federal Communications Commission (“FCC”) as the maximum amount for ancillary service charges related to the provision of ICS. GTL’s proposed per-minute rate set forth in its Tariffs is a maximum intrastate rate to be charged. Depending on the correctional facility contract, the per-minute rate for intrastate ICS would be at or below \$0.30 per-minute. GTL’s current intrastate ICS rates in existing Iowa correctional facility contracts range between \$0.11 and \$0.22 per-minute.

GTL's proposal to include maximum rates in the Tariffs is consistent with Iowa Code § 476.5 and Board precedent.<sup>2</sup> Iowa Code § 476.5 states:

No public utility subject to rate regulation shall directly or indirectly charge a greater or less compensation for its services than that prescribed in its tariffs, and no such public utility shall make or grant any unreasonable preferences or advantages as to rates or services to any person or subject any person to any unreasonable prejudice or disadvantage.

The purpose of the statute is to ensure regulated entities cannot discriminate in favor of one customer over another<sup>3</sup> because “customers receiving the same service at the same cost should generally be charged the same rates.”<sup>4</sup> While Iowa Code § 476.5 does not allow regulated entities to “grant unreasonable preferences or advantages as to rates or services to a customer,” it does not mean that regulated entities “must be inflexible and cannot take individual circumstances into account when deciding what to do with respect to a particular customer.”<sup>5</sup>

These types of “special contract arrangements” or individual case basis (“ICB”) contracts “are not intended to negate the statutory tariff requirement” found in Iowa Code § 476.5, but “are useful for addressing specific situations that are not properly addressed by general tariff provisions, such as customer costs that vary significantly from one customer to another.”<sup>6</sup> Consistent with this framework, the Tariffs state that GTL's contract arrangements with correctional facilities will dictate the rate to be charged, which may be less than or equal to (but not higher than) the maximum rates set forth in the Tariffs.<sup>7</sup>

---

<sup>2</sup> Cf. Docket Nos. TF-2019-0039, TF-2019-0040, Comments of Prison Policy Initiative, 16 (filed May 13, 2019).

<sup>3</sup> See, e.g., *Teleconnect Co. v. U.S. West Communications, Inc.*, 508 N.W.2d 644 (Iowa 1993); *Iowa Elec. Light & Power Co. v. Wendling Quarries, Inc.*, 389 N.W.2d 847 (Iowa 1986).

<sup>4</sup> Docket Nos. RPU-02-3, RPU-02-8, ARU-02-1, *Interstate Power and Light Company*, Order on Rehearing (June 4, 2003).

<sup>5</sup> Docket No. FCU-07-12 (C-07-147), *Ralph Van Fossen, Complainant v. Interstate Power and Light Company, Respondent*, Proposed Decision (April 25, 2008).

<sup>6</sup> Docket No. FCU-07-2, *Qwest Communications Corporation, Complainant, v. Superior Telephone Cooperative, et al., Respondents*, Order Denying Requests for Reconsideration (Feb. 4, 2011).

<sup>7</sup> See, e.g., Docket No. RPU-94-3, *Midwest Gas*, Final Decision and Order (May 19, 1995) (allowing a maximum rate to be stated in the tariff and acknowledging the actual rate is subject to negotiation pursuant to an agreement).

## **BOARD QUESTION 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).

## **GTL RESPONSE TO BOARD QUESTION 2**

Rule 22.19(3) states “AOS companies shall not block the completion of calls which would allow the caller to reach a long distance telephone utility different from the AOS company,” and states AOS contracts must prohibit call blocking. Rule 22.19(3) does not apply to ICS.

First, the Board has waived application of Rule 22.19(3) as to GTL.<sup>8</sup> The Board determined “it would be an undue hardship” for GTL “to abide by these rules given the specialized nature of the offered services” and that “the waiver will not affect the substantial legal rights of any person and that equal protection of the public health, safety, and welfare have been afforded by other means unique to the particular environment being served.”<sup>9</sup>

Second, the Board has recognized that there may be certain portions of Rule 22.19 that should not be applied to ICS providers, and has proposed revising this rule to acknowledge those distinctions.<sup>10</sup>

Third, correctional policies in place in Iowa require ICS providers to prevent inmates from making certain types of calls. For example, the Iowa Department of Corrections (“DOC”) policy on Offender Access to Telephones states inmates are not permitted to make calls to toll-free numbers or 900 numbers.<sup>11</sup>

Finally, federal law recognizes that inmate calls require “special security measures” and the correctional facilities have specialized “security needs.”<sup>12</sup> For this reason, inmate calling is accorded a different status than other types of telecommunications services.<sup>13</sup> Under FCC rules, inmate telephone systems are not required to provide the caller access to the carrier of their choice; rather, inmates are limited to the carrier selected by the correctional facility in recognition of the

---

<sup>8</sup> Docket Nos. TF-05-104, WRC-05-24-243, *Global Tel\*Link Corporation*, Order Approving Tariff and Granting Waiver (May 24, 2005). Application of the rules also was waived for Public Communications Services, Inc. See Docket Nos. TF-99-200, WRU-99-24, *Public Communications Services, Inc.*, Order Approving Initial Tariff, Denying Unnecessary Requests for Waiver, and Granting Requests for Waiver (July 30, 1999).

<sup>9</sup> Docket Nos. TF-05-104, WRC-05-24-243, *Global Tel\*Link Corporation*, Order Approving Tariff and Granting Waiver (May 24, 2005).

<sup>10</sup> Docket No. RMU-2018-0022, *Service Supplied by Telephone Utilities [199 IAC Chapter 22]*, Order Commencing Rule Making (Apr. 19, 2019)

<sup>11</sup> State of Iowa Department of Corrections Policy and Procedures, Offender Access to [https://doc.iowa.gov/sites/default/files/op-mtv-03\\_offender\\_access\\_to\\_telephones.pdf](https://doc.iowa.gov/sites/default/files/op-mtv-03_offender_access_to_telephones.pdf)

<sup>12</sup> *Billed Party Preference for InterLATA 0+ Calls*, 16 FCC Rcd 22314, ¶ 15, n.46 (2001).

<sup>13</sup> *Policies and Rules Concerning Operator Service Providers*, 6 FCC Rcd 2744, ¶ 15 (1991) (“provision of such phones to inmates presents an exceptional set of circumstances”).

“special security requirements applicable to inmate calls.”<sup>14</sup> Further, correctional facilities have the right to “screen phone calls,” “employ numerous blocking mechanisms,” and limit calls to “certain pre-approved numbers.”<sup>15</sup> These policies are consistent with the notion that inmates are not entitled to unfettered access to telephonic communications.<sup>16</sup>

Consistent with the waiver previously granted and correctional facility requirements, the Tariffs state that a correctional facility may request GTL to implement call blocking capabilities for certain types of calls.<sup>17</sup>

---

<sup>14</sup> *Billed Party Preference for InterLATA 0+ Calls*, 13 FCC Rcd 6122, ¶¶ 45-46 (1998) (“1998 Order”).

<sup>15</sup> *Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, 17 FCC Rcd 3248, ¶ 9 (2002) (“2002 Inmate Order”).

<sup>16</sup> *See, e.g., Gilday v. Dubois*, 124 F.3d 277, 293-294 (1st Cir. 1997); *see also Washington v. Reno*, 35 F.3d 1093, 1100 (6th Cir. 1994) (stating that “a prisoner’s right to telephone access is ‘subject to rational limitations in the face of legitimate security interests of the penal institution’”) (quoting *Strandberg v. City of Helena*, 791 F.2d 744, 747 (9th Cir.1986)); *Feeley v. Sampson*, 570 F.2d 364, 374 (1st Cir.1978) (stating that the right of pretrial detainees to make telephone calls, while “not free from doubt[,]” is subject to reasonable restrictions); *Bellamy v. McMickens*, 692 F. Supp. 205, 214 (S.D.N.Y.1988) (noting that prisoners have no right to unrestricted telephone use).

<sup>17</sup> *See, e.g., Tariffs at Original Page 20.*

**BOARD QUESTION 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?

**GTL RESPONSE TO BOARD QUESTION 3**

The Board has waived application of Rule 22.19(4) as to GTL.<sup>18</sup> The Board determined “it would be an undue hardship” for GTL “to abide by these rules given the specialized nature of the offered services” and that “the waiver will not affect the substantial legal rights of any person and that equal protection of the public health, safety, and welfare have been afforded by other means unique to the particular environment being served.”<sup>19</sup> The Tariffs state that notices or signage concerning GTL’s ICS services will be provided to the correctional facility, which makes the decision on what information will be posted in the facility:

At the request of the Institution, no notices or signage concerning the Company’s services will be posted with its instruments. Information concerning the Company’s services is provided to the administration of each Institution where the Company’s services are offered. Inmates may obtain information regarding rates and charges by requesting such information from the Institution's administration.<sup>20</sup>

---

<sup>18</sup> Docket Nos. TF-05-104, WRC-05-24-243, *Global Tel\*Link Corporation*, Order Approving Tariff and Granting Waiver (May 24, 2005). Application of the rules also was waived for Public Communications Services, Inc. See Docket Nos. TF-99-200, WRU-99-24, *Public Communications Services, Inc.*, Order Approving Initial Tariff, Denying Unnecessary Requests for Waiver, and Granting Requests for Waiver (July 30, 1999).

<sup>19</sup> Docket Nos. TF-05-104, WRC-05-24-243, *Global Tel\*Link Corporation*, Order Approving Tariff and Granting Waiver (May 24, 2005).

<sup>20</sup> Tariffs at Original Page 20.

**BOARD QUESTION 4**

For the filed tariff, explain how the company determined the rates listed.

**GTL RESPONSE TO BOARD QUESTION 4**

By law, inmate telephone and related services are subject to a competitive bidding process in Iowa through the issuance of procurement vehicles such as an invitation to negotiate or request for proposals (“RFP”).<sup>21</sup> The RFP outlines the technology, service, rates, and commissions (as applicable) specific to the issuing correctional facility. The correctional facility determines the relative importance of the criteria when evaluating which entity to select as its ICS provider. The competitive bidding process allows the issuing facility obtain information on the requested services, which is used to select the combination of technology, service, and cost that best fits the correctional facility’s objectives. The correctional facility is deemed to be in the best position to assess the panoply of responses, and compare and contrast all factors before selecting the winning provider.<sup>22</sup>

The competitive bidding process has resulted in ICS rates in Iowa that vary by contract/facility. GTL examined the market rates of all providers in Iowa and potential future bidding opportunities to set its proposed maximum per-minute rates contained in the Tariffs. The rates contained in GTL’s proposed Tariffs are consistent with its current correctional facility contracts in Iowa, the competitive bidding process mandated for ICS, and the need for GTL to provide competitive responses to future RFP requirements. The proposed maximum ancillary service charges contained in the Tariffs reflect the ancillary service charges approved by the FCC for interstate ICS.

---

<sup>21</sup> Iowa Code § 904.508A; 201 IAC 20.20(904); 201 IAC 50.19(356, 356A); *see also* Iowa Code § 476.91; 199 IAC 22.19.

<sup>22</sup> Iowa Code § 904.508A; 201 IAC 20.20(904); 201 IAC 50.19(356, 356A).

**BOARD QUESTION 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.

**GTL RESPONSE TO BOARD QUESTION 5**

The rates charged are disclosed in multiple ways. First, information regarding the cost of a call is available via GTL’s interactive voice response (“IVR”) platform consistent with federal law (and any applicable state law requirements).<sup>23</sup> When an inmate places a call, the automated operator provides the inmate or the called party (depending on who is paying for the call) with the option to hear the cost of the call before accepting the call. The called party also is given other options, such as refusing the call or blocking future calls to the called party’s telephone number.

Second, a consumer may view rate quotes specific to each correctional facility via GTL’s website, [www.connectnetwork.com](http://www.connectnetwork.com). These rate quotes include both the applicable per-minute rate and any applicable ancillary service charges.

Third, a consumer may obtain information about rates specific to each correctional facility using the GTL mobile application. This information includes both the applicable per-minute rate and any applicable ancillary service charges.

Fourth, a consumer may contact GTL customer service via a toll-free number to request per-minute rate and ancillary service charge information for any correctional facility GTL serves. Live operators are available 7 days a week, 24 hours per day, 365 days per year.

Fifth, many correctional facilities provide information on rates and ancillary service charges on the correctional facility website, in information distributed to inmates, in information distributed to friends and family, and in information posted within the correctional facility.

---

<sup>23</sup> See, e.g., 47 C.F.R. §§ 64.710, 64.6110.



**BOARD QUESTION 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.

**GTL RESPONSE TO BOARD QUESTION 6**

The ancillary service charges appear on page 32 of the Tariffs as the maximum amount to be applied for ancillary service charges related to the provision of ICS.

**Automated Payment Fees (where available)** – Credit Card payment, debit card payment, and bill processing fees, including fees for payments made by interactive voice response (IVR), web, or kiosk (where available) - \$3.00

**Live Agent Fee** – A fee associated with the optional use of a live operator to complete Inmate Calling Services transactions - \$5.95

**Paper Bill/Statement Fees** – Fees associated with providing customers of Inmate Calling Services an optional paper billing statement - \$2.00

**Third-Party Financial Transaction Fees** – The exact fee specified by third party.

The ancillary service charges set forth in the Tariff mirror those adopted by the FCC, which were upheld by the D.C. Circuit for application to interstate ICS. Further, the ancillary service charges set forth in the Tariffs reflect the maximum amount that may be imposed; the amount actually charged may be at or less than the cap, or may not apply based on specific correctional facility requirements.

Ancillary service charges apply based on the service option selected by the consumer, such as choosing to deposit money in an account using a credit card or live operator. Ancillary service charges do not apply to every call and multiple charges do not apply to a single call. For example, if a consumer elects to make a deposit using a credit card via an automated payment system, the consumer could incur a \$3.00 ancillary service charge. The consumer would not be charged an additional charge of \$5.95 (use of live operator) for this transaction. If a consumer elects to use a live operator to make a deposit, the consumer could be charged \$5.95, but would not incur an additional charge of \$3.00 (use of credit card via an automated payment system). Further, the consumer always has the ability to pay for ICS via a check or money order without incurring any type of ancillary service charge.

**BOARD QUESTION 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.

**GTL RESPONSE TO BOARD QUESTION 7**

There are no additional charge types for a call by an inmate other than the per-minute rate and applicable ancillary service charges.

**BOARD QUESTION 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.

**GTL RESPONSE TO BOARD QUESTION 8**

If a correctional facility permits inmate billed calls as one of the service offerings available at the facility (often known as inmate debit), the inmate pays for telephone calls with funds from the inmate's internal correctional facility account (often known as a commissary account). In many cases, the inmate's internal correctional facility account can be used to pay for other goods and services too, such as purchases at the commissary.

When the inmate lifts the receiver to make a call, he/she is asked whether the call will be a collect call (paid by the called party) or a debit call (paid by the inmate). If the inmate selects the debit option, the inmate is informed of the price of the call and a validation check is made to determine if the inmate has sufficient funds in his/her account to complete the call. Upon completion of the call, the total cost of the call is debited against the inmate's account.

GTL does not maintain information associated with internal inmate "debit" accounts. These accounts are managed by the correctional facility (or a third-party acting on the correctional facility's behalf). To the extent an inmate has a question about call charges deducted from his/her internal account, the correctional facility has a process in place to address those questions.

**BOARD QUESTION 9**

Indicate whether inmates at this facility are allowed access to a directory to make calls or whether they must use a live operator.

**GTL RESPONSE TO BOARD QUESTION 9**

Due to safety and security concerns, inmates are not permitted access to a directory or a live operator. All inmate telephone calls provided by GTL use an automated operator to guide the call to completion. Most correctional facilities require automated operators to be used. Friends and family members of an inmate, however, have access to a live operator to assist them with creating an account with GTL, depositing money in an account, or answering any questions regarding their account and GTL's services.

**BOARD QUESTION 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?

**GTL RESPONSE TO BOARD QUESTION 10**

Yes, GTL was aware of the Board's open rulemaking in Docket No. RMU-2018-0022 before filing the Tariffs. GTL supports the Board's proposed rule change to specify in new Rule 22.6 (moved from Rule 22.19) that some components of the Board's AOS rules may not apply to ICS, and that AOS companies providing ICS may provide ICS in a way that is not consistent with the requirements of the AOS rule. Proposed Rule 22.6 is consistent with the waivers previously granted to GTL as discussed in GTL's responses to Board Question 3 and Board Question 4.

**BOARD QUESTION 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.

**GTL RESPONSE TO BOARD QUESTION 11**

GTL does not reference FCC 97-371 in the Tariffs.

**BOARD QUESTION 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.

**GTL RESPONSE TO BOARD QUESTION 12**

GTL does not reference AT&T FCC Tariff No. 10 in the Tariffs.

**CONCLUSION**

WHEREFORE, GTL respectfully requests that the Board approve the Tariffs filed by GTL, which provide GTL the flexibility to meet the needs of its correctional facility customers as required by law while achieving the Board's goals of just and reasonable rates.

Respectfully submitted,

**GLOBAL TEL\*LINK CORPORATION  
PUBLIC COMMUNICATIONS SERVICES, INC.**

*/s/ Steve Montanaro*

---

Steve Montanaro  
Vice President  
Global Tel\*Link Corporation  
3120 Fairview Park Drive, Suite 300  
Falls Church, VA 22042  
813-380-1513  
SMontanaro@gtl.net

Dated: June 24, 2019



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 24th day of June 2019, he had the foregoing document electronically filed with the Iowa Utilities Board using the Electronic Filing System, which will send notification of such filing (electronically) to the appropriate persons.

*/s/ Steve Montanaro* \_\_\_\_\_