

STATE OF IOWA
DEPARTMENT OF COMMERCE
IOWA UTILITIES BOARD

IN RE: SECURUS TECHNOLOGIES, INC.	DOCKET NO. TF-2019-0033 RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION
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Securus Technologies, Inc. (“Securus”) provides the following response to the order requiring additional information dated May 24, 2019.

- 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 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.**

Response:

<u>Site Name</u>	<u>Street Address</u>	<u>Facility Type</u>	<u>Average Daily Population</u>	<u>Number of Telephones</u>	<u>Filed Tariff Option</u>
Appanoose County Jail	1125 W Van Buren Centerville, IA 52544	County	20	5	Contract Location 2
Audubon County Jail	318 Leroy Street Audubon, IA 50025	County	4	3	Contract Location 8
Bremer County Sheriff's Department	111 4 th Street NE Waverly, IA 50677	County	39	9	Contract Location 10
Cass County Jail	5 W 7 th Street Atlantic, IA 50022	County	11	3	Contract Location 11
Clarke County Jail	220 Townline Road Osceola, IA 50213	County	14	8	Contract Location 7
Crawford County Jail	1200 Broadway Bldg. 2 Denison, IA 51442	County	30	7	Contract Location 8
Mahaska County Jail	214 High Avenue East Oskaloosa, IA 52577	County	39	11	Contract Location 12
Mitchell County Jail	211 S 6 th Street Osage, IA 50461	County	5	5	Contract Location 7
Pocahontas County Jail	99 Court Square Pocahontas, IA 50574	County	6	2	Contract Location 7
Polk County	1985 NE 51 st Place Des Moines, IA 50313	County	987	156	Contract Location 16
Story County Jail	1315 S B Avenue Nevada, IA 50201	County	72	13	Contract Location 9
Webster County Jail	702 1 st Avenue Fort Dodge, IA 50501	County	51	26	Contract Location 12 & Sec. 4.8 (Prepaid Service) Option 1

As of the date of this filing, the number of phones listed above for each facility reflects those installed and operational. That number may vary from time to time as phones are activated or de-activated for changes in the inmate population.

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).**

Response:

The Board's rule at 199 Iowa Admin. Code 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. All AOS company contracts with contracting entities must prohibit call blocking by the contracting entity. The contracting entity shall not violate that contract provision.

Securus' revised tariff contains two provisions regarding blocking calls.

2.4.2 Blocking

Since all calls will be either automated collect only calls or those made utilizing Company's Prepaid Service, calls to reach a long distance telephone company other than Securus will be blocked.

3.2.2 AdvanceConnect Accounts

If the End User's AdvanceConnect (Prepaid) Balance reaches zero prior to replenishment of the AdvanceConnect (Prepaid) Account, the End User will be blocked from receiving further calls from any Confinement Facility by the Company until the AdvanceConnect (Prepaid) Balance is replenished.

Common attributes of inmate calling services ("ICS") include blocking inmate calls for security and public safety reasons, and requiring the connection of calls through specialized automated systems rather than a live operator. These are default capabilities of Securus' Secure Call Platform, which are generally required by correctional facilities for reasons unique to the ICS environment.¹ For example, the following is a comprehensive description of common blocking requirements from a recent request for proposal (from the department of corrections in another state), which accurately reflects the sorts of blocking requirements many facilities have:

Call Blocking: The proposed system must block all incoming calls, and inmates from dialing outgoing 1+, Operator (0-, 00-, 10xxx), information (411, 1-411, 555-1212, 1-555-1212), talk lines (900, 976, etc. exchanges), IXC access (950, 10xxx), emergency lines (911, etc.) and toll free lines (1-800, etc.) The Vendor's system must block any number requested to be blocked by DPS or by the called party. Blocking must have the capability to be done system wide, facility wide, or by an inmate's PIN. The system

¹ It is important to note, however, that certain types of calls (e.g., 711 calls to Telephone Relay Service) are not blocked.

shall be capable of blocking an unlimited amount of individual numbers. Victim block list will be the property of DPS upon contract end. The Vendor shall state the method to be used to block telephone numbers. Blocked numbers shall be able to be entered at a central location and have immediate effect at the facility level or system-wide. At contract award, the Vendor will be provided a list of telephone numbers of victims and other citizens that do not want to receive calls from inmates within the DPS.

The Vendor will ensure that these blocks are programmed into their system prior to the system processing any inmate calls. Provide details of how the call blocking will be accomplished system wide, facility wide, or by an inmate's PIN.²

The only way to ensure that an inmate cannot circumvent the required security protocols is for the call to be controlled by the specialized automated system contracted by the facility. As a result, Securus does not provide the ability of a caller to access an alternative long distance carrier. The tariff language above implementing this has long been in Securus' filed and approved tariffs, presumably because parties (and the Board) are aware of the unique features of ICS (including the lack of control Securus has over who inmates are and are not allowed to call for security and other reasons related to their incarcerated status and Securus' obligation to assist its facility customers in meeting their legitimate law enforcement needs).

While Securus interprets the Board's question to refer to the blocking of outbound calls initiated by inmates and the answer above reflects that understanding, call blocking may be requested by call recipients who do not wish to receive calls from facilities Securus services. Moreover, the one-directional nature of ICS is such that no inbound calling to the system is possible.

² State of North Carolina, Department of Public Safety, Request for Proposal No. 19-RFP-014560-BKS, issued May 24, 2019, at 30.

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 a reference to the posting requirements in the company's filed tariff?

Response:

The Board's rule at 199 Iowa Admin. Code 22.19(4) states:

Contracting entities must post on or in close proximity to all telephones served by an AOS company the following information:

- a. The name and address of the AOS company;
- b. A customer service number for receipt of further service and billing information; and
- c. Dialing directions to the AOS operator for specific rate information.

Contracts between AOS companies and contracting entities shall contain provisions for posting the information. The AOS companies also are responsible for the form of the posting and shall make reasonable efforts to ensure implementation, both initially and on an updated basis.

Securus' filed tariff does not reference these posting requirements.

Securus' ICS contracts do not normally contain provisions addressing the posting of information on or near telephones. Generally, ICS providers have no control over what information is posted on or in close proximity to telephones in the correctional facilities they service and cannot readily ensure the compliance with this requirement. Correctional facilities have complete control over what information is posted in their premises.

Nonetheless, Securus generally installs all telephones with a basic label, such as the following:

SECURUS Technologies

<p style="text-align: center;">DIALING INSTRUCTIONS <i>Calls are subject to monitoring & recording</i></p> <ul style="list-style-type: none">- Select your language preference- Select your payment option- Follow the prompts to complete your call. <p>PHONE ACCOUNTS Your Family & Friends can set up accounts by calling or visiting:</p>	<p style="text-align: center;">INSTRUCCIONES PARA HACER LLAMADAS <i>Las llamadas estarán sujetas a inspección y grabación</i></p> <ul style="list-style-type: none">- Elija el idioma deseado- Elija la opción de pago- Siga las instrucciones para realizar su llamada <p>CUENTAS TELEFÓNICAS Sus parientes y amigos pueden establecer cuentas llamando o visitando:</p>
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1-800-844-6591 www.securustech.net

Securus Correctional Billing Services, a division of SECURUS Technologies

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Securus does not separately include dialing instructions for rate information, because Federal Communication Commission (“FCC”) rules explicitly require the opportunity to obtain rate information as part of the call flow.³ Securus’ call flows for various call types are set forth in the accompanying Call Flow Attachment.

Although Securus does not presently provide public payphones to any of its Iowa customers or elsewhere in the state, when required by a customer, Securus will contract with a third-party provider to install and operate public payphones on Securus’ behalf within a facility. These may also be located at police stations or court houses for public use, and the limits applicable to ICS do not apply to them. Where Securus arranges for public payphones, the following information is posted to comply with federal posting requirements⁴:

CALL RATES	LONG DISTANCE	THIS PAY PHONE IS OWNED AND OPERATED BY:
Local Calls: 50¢ First 15 Min 25¢ each additional 5 Min Long Distance: 25¢ per Min, \$1 Minimum	COIN CALLS: 1 + Area Code + Number	 P.O. Box 1109 • Addison, TX 75001 • 866-206-7298
DIRECTORY ASSISTANCE	CALLING CARDS, COLLECT & OPERATOR ASSISTED CALLS AND RATES	OPERATOR SERVICES PROVIDED BY:
Local Calls: 411 or 1 + 411 (75¢ charge) Long Distance: 1 + Area Code + 555-1212 (\$1.00 Charge)	Within Area Code: 0 + Number (May Require Area Code) Outside Area Code: 0 + Area Code + Number	Legacy Long Distance, Inc. 10833 Valley View Street, Cypress, CA 90630 (888) 823-8908
PAYPHONE LOCATION	FREE CALLS	Complaints regarding Operator Services should be directed to: Federal Communications Commission, Consumer Information Bureau, Consumer Complaints —Telephone, Washington, D.C. 20554.
This payphone number is (757) 553-0234 Newport News City 2342 Washington Road Newport News, VA 72342	EMERGENCY/EMERGENCIA..... 911 Repair and Refunds 611 Local Operator..... Dial 0 Long Distance Operator Dial 00 TOLL FREE.....800/866/877/888	
	Change Not Provided • No Incoming Calls	
<i>Consumers have the right to use the long distance carrier of their choice. Consult your carrier for dialing instructions.</i>		

³ 47 C.F.R. § 64.710(a).

⁴ The design of this posting is based on the requirements of 47 C.F.R. § 64.703 and all state requirements.

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

Response:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

⁵ [REDACTED]

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.**

Response:

The method used by Securus to provide information regarding the rate charged for ICS calls is governed by and in compliance with FCC regulations. These regulations require ICS providers to provide a consumer with the opportunity to obtain information about the cost of the call (including any surcharge or premises-imposed fee). This disclosure must instruct the consumer that they may obtain applicable rate and surcharge quotations either (at the option of the ICS provider) by dialing no more than two digits or by remaining on line.⁶ Securus provides this information as part of the call flow when connecting a call. The information provided during the call flow varies based on the call type selected by the inmate, as shown in the accompanying Call Flow Attachment.

FCC regulations also require ICS providers to clearly, accurately, and conspicuously disclose interstate, intrastate, and international rates and ancillary service charges to consumers on their websites or in another reasonable manner readily available to consumers.⁷ Securus provides a rate-quoting tool at <https://securustech.online/#/rate-quote>. That page directs the consumer (via link) to information about ancillary service charges in the Product Terms and Conditions at <https://securustech.net/friends-and-family-terms-and-conditions/index.html#tc3>.

⁶ 47 C.F.R. § 64.710(a)(1).

⁷ 47 C.F.R. § 64.6110.

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.**

Response:

Securus’ filed tariff contains the following ancillary service charges, which are listed in sections 4.9 through 4.11 and which comply with applicable FCC requirements for such charges:

<u>Description of Fee</u>	<u>Charge Type</u>	<u>Recurring or Non-Recurring</u>	<u>Cost</u>
Returned Check Charge	Direct Bill and Pre-paid	Recurring for each returned check	\$25.00
Automated Payment Fee via phone or website	Prepaid Account funding	Recurring at each funding event	\$3.00
Payment via live agent	Prepaid Account funding	Recurring at each funding event	\$5.95
Paper Bill Fee ⁸	Associated with optional requests for direct bill statements	Recurring for each paper billing statement.	\$2.00

⁸ Securus does not currently have any Iowa customers electing to receive a paper bill.

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.**

Response:

The following taxes and fees are applicable to Securus ICS calls in Iowa.

Tax / Fee Description⁹	Rate
County/City Local Sales Tax ¹⁰	1.00%
State Sales Tax	6.00%
Federal Universal Service Fund (“USF”) ¹¹	24.40%

As the county and local sales taxes vary and the Federal USF is adjusted quarterly, Securus does not list the amounts of these taxes and fees in its filed tariff. Rather, Securus generally addresses taxes and fees in several sections of its filed tariff, as noted below:

2.7.2 Taxes and Fees

Any governmental assessments, fees, license or other similar taxes or fees imposed upon Company on a per call basis shall be added pro rata, insofar as practical, to the rates and charges stated in this tariff. Other than for Prepaid Service calls, such taxes and fees will be separately stated on bills.

3.2.1 Prepaid Calling Cards and Debit Accounts

. . . . Applicable state taxes and fees are included in the rates and charges for the calls made.

3.2.2 AdvanceConnect Accounts

. . . . Applicable state taxes and fees are calculated and deducted from the AdvanceConnect Balance at the conclusion of the call.

3.2.3 Inmate Debit

. . . . Applicable state taxes and fees are in addition to the rates and charges for calling service.

⁹ Note that all taxes are subject to change and the Federal USF changes quarterly.

¹⁰ May vary depending on adoption by the jurisdiction.

¹¹ This charge applies only to calls originating in Iowa and terminating in another state or abroad. The rate appearing in the table above will be effective on July 1, 2019.

- 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.**

Response:

Securus does not bill inmates for calls, as calls paid for by the inmate are either paid by prepaid debit account or prepaid calling card. Inmates may request a statement of calls made on their debit accounts from the facility.

Securus may directly bill *recipients* of inmate calls for collect calls.¹² A statement is available online and paper bill statements are provided to call recipients upon request.

Inmate calls may also be paid for by recipients through a prepaid AdvanceConnect account, in which case the AdvanceConnect account holder may access an online statement through Securus' website, and the account holder may also request a paper statement from Securus.

¹² Securus no longer provides collect call services in which the called party is billed through the applicable LEC.

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

Response:

Neither directories nor live operators are available to inmates placing calls from correctional facilities serviced by Securus. Correctional facilities generally do not allow physical directories (and limitations on such access is a security decision of the facility beyond Securus' control), and Securus does not provide live operator services.¹³

Providing directory or live operator assistance would not be compatible with the security requirements set by the majority of facilities serviced by Securus. Most facilities require an inmate to set up a list of Personally Allowed Numbers or PAN List, a feature that is supported by the Securus system. The PAN List feature allows facility staff to have more control over who inmates may call with the objective of creating a safe environment within the facility. It also ensures inmates are not directly calling witnesses, government officials or criminal affiliates to intimidate or coordinate crime.

¹³ Section 4.7 of the Securus' filed tariff states: "Directory assistance service is not offered at this time."

- 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?**

Response:

Yes, Securus filed comments in that docket on March 11, 2019 and May 20, 2019.

- 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.**

Response:

Securus' filed tariff does not include a reference to FCC 97-371.

- 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.**

Response:

Securus' tariff does include a reference to AT&T FCC Tariff No. 10, but that is an error as this tariff has been cancelled and is no longer available. AT&T FCC Tariff No. 10 provided benchmarks for rating long distance calls, and was superseded by a service provided by iConectiv, which provides Terminating Point Master ("TPM") data. TPM provides LATA and vertical and horizontal coordinates used to calculate distance. This is a service available through an online subscription.

Securus will remove reference to the cancelled AT&T FCC Tariff No. 10 in connection with any additional modifications to the tariff identified through these proceedings at the conclusion of the proceedings.

Respectfully submitted this 24th day of June, 2019.

By: /s/ Kristy Dahl Rogers

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**ATTORNEYS FOR SECURUS
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 24th day of June, 2019, she electronically filed the foregoing document with the Iowa Utilities Board using the EFS system which will send electronic notification of such filing to the appropriate persons.

/s/ Olivia Lucas
Olivia Lucas