

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  ENCARTELE, INC.	DOCKET NOS. REG-3827, TF-2019-0270
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**ORDER DETERMINING MOTION FOR RECONSIDERATION MOOT, DOCKETING  
PROPOSED TARIFF FOR FURTHER REVIEW, GRANTING INTERVENTION, AND  
REQUESTING ADDITIONAL INFORMATION**

(Issued September 20, 2019)

On June 14, 2019, the Utilities Board (Board) issued a final order in Docket No. RMU-2017-0004 requesting that a number of companies, including Encartele, Inc. (Encartele), file proposed tariffs for offering alternative operator services (AOS) in Iowa. On July 18, 2019, the Board issued an order canceling the registrations of the companies that failed to file a response to the Board's June 14, 2019 order directing compliance. The order noted that if a company is offering, or intends to offer telecommunications service in Iowa, that company is required to file a new registration and a new proposed tariff with the rates and services offered.

On August 22, 2019, Encartele filed with the Board in Docket No. REG-3827 a motion for reconsideration requesting that the Board reconsider cancellation of Encartele's telecommunications registration and authority to offer telecommunications service in Iowa. At that time, Encartele also filed a new proposed tariff for approval by the Board.

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On August 28, 2019, Docket No. TF-2019-0270 was opened to consider Encartele's proposed tariff. On August 30, 2019, Prison Policy Initiative, Inc. (PPI), filed an objection to the rates in the proposed tariff, a request that the proposed tariff be docketed for further review, and a request to intervene in Docket No. TF-2019-0270.

On September 5, 2019, the Officer of Consumer Advocate (OCA), a division of the Iowa Department of Justice, filed comments and an objection to Encartele's proposed tariff.

On September 11, 2019, in compliance with the Board's July 18, 2019 order, Encartele filed an updated and new registration with the Board.

### **BOARD DISCUSSION**

The Board has reviewed the August 22, 2019 motion for reconsideration and the September 11, 2019 registration filings. While the motion to reconsider was not timely filed by Encartele in accordance with Iowa Code § 476.12, based upon the filing of an updated registration, the proposed tariff, and the responses to the Board's June 14, 2019 order, the Board finds that the motion for reconsideration is moot. Encartele has now complied with the Board's requirements for continuing to provide AOS in Iowa and has the requisite authority to provide inmate calling services consistent with Encartele's current tariff identified as Docket No. TF-2006-0239.

The Board will docket for further review Encartele's proposed tariff filed on August 22, 2019 identified as TF-2019-0270 to consider the objections of PPI and

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OCA and to ensure that Encartele's rates and services are just and reasonable.

The Board will also grant PPI intervention in Docket No. TF-2019-0270. The Board has granted PPI intervention in other proposed tariff dockets and is granting intervention in Docket No. TF-2019-0270 on the same basis.

Finally, the Board issued an order on August 20, 2019, to open an inquiry into AOS, identified as Docket No. NOI-2019-0001. In that order, the Board requested certain information for the Board and stakeholders. Encartele is directed to file in Docket No. NOI-2019-0001 by October 4, 2019, to provide the information requested in that order.

### **ORDERING CLAUSES**

#### **IT IS THEREFORE ORDERED:**

1. The motion for reconsideration filed by Encartele, Inc., on August 22, 2019, is determined to be moot. Encartele, Inc., has the requisite authority to continue to provide alternative operator service, specifically inmate calling services, in Iowa under the currently approved tariff identified as Docket No. TF-2006-0239.
2. The proposed tariff filed by Encartele, Inc., identified as TF-2019-0270, is suspended and docketed for further investigation.
3. Prison Policy Initiative, Inc., is granted intervention in Docket No. TF-2019-0270.

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4. Encartele, Inc., is directed to file in Docket No. NOI-2019-0001 by October 4, 2019, to provide the information requested in that order.

**UTILITIES BOARD**

/s/ Geri D. Huser

/s/ Nick Wagner

ATTEST:

/s/ Kelsie Vanderflute

/s/ Richard W. Lozier, Jr.

Dated at Des Moines, Iowa, this 20<sup>th</sup> day of September, 2019.