

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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| IN RE:<br><br>ENCARTELE, INC. | DOCKET NO. TF-2019-0270 |
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**ORDER SUSPENDING AND DOCKETING PROPOSED TARIFF  
FOR FURTHER REVIEW**

(Issued October 31, 2019)

On June 14, 2019, the Utilities Board (Board) issued a final order in Docket No. RMU-2017-0004 directing a number of companies, including Encartele, Inc. (Encartele), to file for Board review new proposed tariffs for offering alternative operator services (AOS) in Iowa. Encartele did not file a proposed tariff in response to the June 14, 2019 order. On July 18, 2019, the Board issued an order canceling the registration of Encartele and other 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 telecommunications service in Iowa, or intends to offer telecommunications service in Iowa in the future, that company is required to file a new registration with current information about the types of telecommunications services being offered 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 of the Board's cancellation of Encartele's telecommunications registration and authority to offer telecommunications service in

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Iowa. At that time, Encartele also filed a new proposed tariff for approval by the Board.

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.

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 20, 2019, the Board issued an order determining Encartele's motion for reconsideration was moot upon receiving the updated registration and the filing of a new proposed tariff. In that order, the Board also noted that while it was suspending the proposed tariff docketed as TF-2019-0270 for further review, the filing of the new registration would permit Encartele to resume business under the approved tariff currently on file, TF-2006-0239, revised as TF-2013-0364, until such time as the Board concludes its inquiry into alternative operator services in Docket No. NOI-2019-0001 and addresses the proposed new tariff. In that September 20 order, the Board also granted intervention to the Prison Policy Institute.

On October 2, 2019, Encartele filed in Docket No. TF-2019-0270 a revision to the proposed tariff and stated in the cover letter, "Encartele has addressed various items that required clarification, revision or deletion within its tariff filing." In that filing,

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Encartele requested an effective date of November 2, 2019, for the revised proposed tariff.

On October 7, 2019, OCA filed comments and an objection to the revised proposed tariff filing. On October 22, 2019, PPI also filed comments and an objection to the revised proposed tariff filing.

### **BOARD DISCUSSION**

The Board has reviewed the revised tariff filing and additional information filed by Encartele on October 2, 2019. In the Board's September 20, 2019 order, it noted, "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" while the proposed tariff is under consideration by the Board. Even though the Board docketed the proposed tariff filed by Encartele on August 28, 2019, in Docket No. TF-2019-0270, it appears that Encartele has filed a complete new tariff on October 2, 2019. To ensure that it is understood that the Board has not approved the August 28, or October 2, 2019 proposed tariffs, the Board is docketing and suspending the October 2, 2019 proposed tariff. The Board will address both proposed tariffs in Docket No. TF-2019-0270. Until the Board concludes its work in Docket No. NOI-2019-0001 and issues an order addressing the proposed tariff, the Board will continue to permit Encartele to provide service under the last approved tariff currently on file, identified as TF-2006-0239, revised as TF-2013-0364.

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PPI has previously been granted intervention in Docket No. TF-2019-0270.

**ORDERING CLAUSES**

**IT IS THEREFORE ORDERED:**

The revised proposed tariff filed on October 2, 2019, by Encartele, Inc., and identified as TF-2019-0270 is docketed and suspended for further review. Encartele may continue to provide alternative operator services in Iowa under the currently approved tariff on file, identified as TF-2006-0239, revised as TF-2013-0634, until the Board approves or rejects the proposed tariff.

**UTILITIES BOARD**

/s/ Geri D. Huser

/s/ Nick Wagner

ATTEST:

/s/ Kelsie Vanderflute

/s/ Richard W. Lozier, Jr.

Dated at Des Moines, Iowa, this 31<sup>st</sup> day of October, 2019.