

**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, INC.	DOCKET NO. TF-2019-0032
SECURUS TECHNOLOGIES, INC.	DOCKET NO. TF-2019-0033
PAY-TEL COMMUNICATIONS, INC.	DOCKET NO. TF-2019-0036
NETWORK COMMUNICATIONS INTERNATIONAL CORP d/b/a NCIC INMATE COMMUNICATIONS	DOCKET NO. TF-2019-0037
CONSOLIDATED TELECOM, INC.	DOCKET NO. TF-2019-0261
ENCARTELE, INC.	DOCKET NO. TF-2019-0270

PETITION FOR INTERVENTION

Pursuant to 199 IAC 7.13(1), Global Tel*Link Corporation and Public Communications Services, Inc. (collectively, “GTL”) hereby petition the Iowa Utilities Board (“Board”) for an order permitting it to intervene in the above-captioned matters. In support of this petition, GTL states as follows:

1. On May 23, 2017, the Board commenced a rule making in Docket No. RMU-2017-0004 evaluating the propriety of “adopt[ing] a rate cap on intrastate inmate telephone calls

and, if so, the appropriate language and structure of a rate cap.”¹

2. On January 2, 2019, following submission of comments from alternative operator service (“AOS”) companies and other interested parties, the Board deemed imposition of such a rate cap “inappropriate” and “unnecessary.” Due to the issues raised in the course of the proceeding, however, the Board deemed it appropriate to require all AOS companies to submit tariffs. “A comprehensive review of the tariffs, subject to complaint and investigation,” the Board reasoned, “will help ensure compliance with the applicable statutes and rules while allowing the Board to consider whether the rates are reasonable.”²

3. On March 14, 2019, the Board issued a second order clarifying its directive that all AOS companies “file a complete set of proposed tariffs for Board review. Based upon the Board’s decision to terminate the rule making, a statement regarding existing tariffs is not an acceptable response.”³ In response to this second order, eleven AOS companies filed proposed tariffs with the Board. On May 1, 2019, the Board docketed each individually for further review.⁴

4. On June 14, 2019, the Board “identified 13 additional companies that may be doing business as AOS providers but which have not filed new proposed AOS tariffs for Board review.” The Board directed these 13 entities to file proposed tariffs as well, per its desire to ensure that all AOS “companies that are providing or offering inmate calling services in Iowa

¹ Docket No. RMU-2017-0004, *Rule Making Regarding Inmate Calling Rate Caps [199 IAC Chapter 22]*, Order Commencing Rule Making and Requesting Stakeholder Comments, 2 (May 23, 2017).

² Docket No. RMU-2017-0004, *Rule Making Regarding Inmate Calling Rate Caps [199 IAC Chapter 22]*, Order Terminating Rule Making, 5-6 (Jan. 2, 2019) (“January 2019 Order”).

³ Docket No. RMU-2017-0004, *Rule Making Regarding Inmate Calling Rate Caps [199 IAC Chapter 22]*, Order Requiring Tariff Filing, 2 (Mar. 14, 2019).

⁴ Docket Nos. TF-2019-0026 et al., Order Docketing Tariffs for Further Review, Cancelling Registration and Tariffs, and Granting Intervention (May 1, 2019).

have current tariffs that have rates and services approved by the Board and that are just and reasonable.”⁵

5. On August 20, 2019, the Board initiated an inquiry “to review the existing regulatory framework regarding AOS in Iowa, consider whether that framework needs to be revised, decide whether new rules need to be adopted, address any new technology, and review any recent changes in related statutes and rules.” This was structured as a broad proceeding, encompassing “all interested AOS stakeholders” and considering “[a]ny relevant issues related to AOS,” in order to address AOS “companies’ obligations to file tariffs with the Board and the overall regulatory framework around AOS in Iowa.”⁶

6. Following GTL’s submission of its proposed tariffs on April 16, 2019, the Board issued its Order Requiring Filing of Revised Tariffs and Satisfaction of Outstanding Regulatory Requirements on March 17, 2020. The Board noted that in addition to its review of GTL’s tariffs, it “also reviewed the proposed tariffs from the other AOS companies that have filed tariffs and those companies’ responses to the Board orders.” From this comprehensive review, the Board explained, it:

determined that certain requirements should be consistent for all of the proposed tariffs offering AOS to correctional facilities. Consistency among the various companies will ensure that inmates are receiving basic service regardless of the correctional facility where the inmate is incarcerated, will allow the Board to review each of the companies’ proposed tariffs to determine whether the rates and services offered by each AOS company are just and reasonable, and will aid the contracting entities subject to the requirements of any board regulations concerning telecommunications services provided by alternative operator services companies.⁷

⁵ Docket No. RMU-2017-0004, *Rule Making Regarding Inmate Calling Rate Caps [199 IAC Chapter 22]*, Order Requiring Filing of Tariffs and Additional Information, 1-2 (June 14, 2019).

⁶ Docket No. NOI-2019-0001, *Inquiry into Regulatory Requirements for Alternative Operator Service Companies*, Order Initiating Inquiry, 1-3 (Aug. 20, 2019).

⁷ Docket Nos. TF-2019-0039, *Global Tel*Link Corporation*, TF-2019-0040, *Public Communications Services, Inc.*, Order Requiring Filing Revised Tariffs and Satisfaction of Outstanding Regulatory Requirements, 4 (Mar. 17, 2020); accord Docket No. TF-2019-0033, *Securus Technologies, LLC*, Order Requiring Filing of Revised

7. It is clear that the Board's ultimate goal in its various AOS proceedings is the promulgation of consistent, comprehensive, and industry-wide regulations and requirements, ensuring the provision of uniform inmate calling services throughout the State of Iowa.

8. To this end, GTL's request for intervention in the above-captioned matters is warranted, according to the five criteria set forth by 199 IAC 7.13(3).

9. First, GTL has a strong interest in the subject matter of each of these proceedings. Consistent treatment of each AOS provider's proposed tariff is commensurate with GTL's demonstrated interest in the equal and prospective application of new criteria for just and reasonable inmate calling rates;⁸ resistance to the piecemeal application of novel standards in individual proposed tariffs, as advocated by the Office of Consumer Advocate;⁹ and advocacy for individual tariff flexibility with respect to the unique needs of correctional facilities operating through Iowa's statutorily mandated competitive bidding process.¹⁰

10. Second, the outcome of these proceedings will have a profound effect upon GTL's interests. Ideally, each of these dockets will generate tariffs containing the same limitations and requirements, such that the quality, value, and technological sophistication of AOS company service offerings, against the individual requirements of correctional facilities, will be the key drivers of Iowa's inmate calling industry. To the extent that individual AOS companies are afforded undue regulatory advantages, GTL could find itself at a substantial (and

Tariff and Addressing Request for Confidential Treatment, 3 (Mar. 18, 2020).

⁸ See Docket Nos. TF-2019-0039, *Global Tel*Link Corporation*, TF-2019-0040, *Public Communications Services, Inc.*, Comments in Support of Revised Tariff, 9-10 (Apr. 16, 2020)

⁹ See generally Docket Nos. TF-2019-0039, *Global Tel*Link Corporation*, TF-2019-0040, *Public Communications Services, Inc.*, Reply to Office of Consumer Advocate Comments, Objections, and Resistance to Request for Confidentiality (May 19, 2020).

¹⁰ See generally Docket No. NOI-2019-0001, *Inquiry into Regulatory Requirements for Alternative Operator Service Companies*, Reply to Responses to Order Initiating Inquiry (Oct. 4, 2019).

artificial) competitive disadvantage.¹¹ More broadly, GTL shares the Board's desire for consistency and uniformity in regulatory structure; these proceedings, taken together, are the foundation upon which such a structure will rest.

11. Third, GTL believes it unlikely that its interests, which concern the AOS industry as a whole, will be adequately represented in these matters. Filings to date in each of these dockets demonstrates a close focus on the apparent shortcomings of or omissions in individual tariff provisions, rather than more global concerns. And relatedly, while several parties have offered comments in each predicated on the protection of Iowa consumers or inmate populations, no party has served as a consistent voice for the AOS industry as a whole. Permitting GTL to intervene will rectify these issues.

12. Fourth, there appear to be no other means by which GTL's industry-wide interests may be protected. The last substantive filing in Docket No. NOI-2019-0001 occurred on January 3, 2020; the regulatory framework at issue in that matter will likely be a distillation or codification of the individual decisions made by the Board in each of the tariff proceedings. It is therefore incumbent upon GTL to participate in them, as the product of each will determine how and under what limitations AOS companies may operate in the future.

13. Finally, GTL firmly believes its participation in these matters will aid the Board in developing a sound record through presentation of relevant evidence and argument. GTL is one of the largest inmate calling providers in the country. Operating in all 50 states, the District of Columbia, and Puerto Rico, it provides inmate services, software, and equipment to some 2,300 correctional facilities ranging from municipal jails to federal maximum-security

¹¹ Cf. January 2019 Order at 5 (noting the salutary effects of an "ever-more competitive marketplace" and individual facility choice to control "providers and products").

institutions. In Iowa, GTL has decades of experience¹² in providing AOS to a variety of correctional facilities throughout the state. This wide-ranging institutional knowledge, coupled with GTL's proven commitment to providing thoughtful legal and economic perspectives in a variety of AOS rulemakings and inquiries, demonstrates to the Board the evidentiary value of permitting it to intervene in each of the AOS tariff proceedings.

CONCLUSION

WHEREFORE, GTL respectfully requests that the Board issue an order permitting it to intervene in the above-captioned matters.

Respectfully submitted,

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

/s/ John C. Pietila

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¹² See Docket Nos. TF-1999-0200, *Public Communications Services, Inc.*, TF-2005-0104, *Global Tel*Link Corporation*.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 29th day of June 2020, 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/ John Pietila _____