

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: RELIANCE TELEPHONE OF GRAND FORKS, INC.	DOCKET NO. TF-2019-0026
IN RE: INMATE CALLING SOLUTIONS, LLC	DOCKET NO. TF-2019-0030
IN RE: COMBINED PUBLIC COMMUNICATIONS, LLC	DOCKET NO. TF-2019-0031
IN RE: PRODIGY SOLUTIONS, INC.	DOCKET NO. TF-2019-0032
IN RE: SECURUS TECHNOLOGIES, INC.	DOCKET NO. TF-2019-0033
IN RE: PAY-TEL COMMUNICATIONS, INC.	DOCKET NO. TF-2019-0036
IN RE: NETWORK COMMUNICATIONS INTERNATIONAL CORP. D/B/A NCIC INMATE COMMUNICATIONS	DOCKET NO. TF-2019-0037

DOCKET NOS. TF-2019-0026, TF-2019-0030, TF-2019-0031, TF-2019-0032, TF-2019-0033, TF-2019-0036, TF-2019-0037, TF-2019-0039, TF-2019-0040, TF-2019-0261, TF-2019-0270, NOI-2019-0001

PAGE 2

IN RE: GLOBAL TEL*LINK CORPORATION	DOCKET NO. TF-2019-0039
IN RE: PUBLIC COMMUNICATIONS SERVICES, INC.	DOCKET NO. TF-2019-0040
IN RE: CONSOLIDATED TELECOM, INC.	DOCKET NO. TF-2019-0261
IN RE: ENCARTELE, INC.	DOCKET NO. TF-2019-0270
IN RE: INQUIRY INTO REGULATORY REQUIREMENTS FOR ALTERNATIVE OPERATOR SERVICES COMPANIES	DOCKET NO. NOI-2019-0001

**ORDER GRANTING REQUESTS TO APPEAR PRO HAC VICE AND
GRANTING INTERVENTION**

PROCEDURAL BACKGROUND

On June 26, 2020, Cherie R. Kiser filed a request to appear pro hac vice before the Utilities Board (Board) as counsel for Global Tel*Link Corporation (GTL) and Public Communications Services, Inc. (PCS), in the dockets listed above. Ms. Kiser requests

DOCKET NOS. TF-2019-0026, TF-2019-0030, TF-2019-0031, TF-2019-0032, TF-2019-0033, TF-2019-0036, TF-2019-0037, TF-2019-0039, TF-2019-0040, TF-2019-0261, TF-2019-0270, NOI-2019-0001

PAGE 3

to appear in the above-styled dockets. In addition, on June 29, 2020, GTL and PCS filed a request to intervene in Docket Nos. TF-2019-0026, TF-2019-0030, TF-2019-0031, TF-2019-0032, TF-2019-0033, TF-2019-0036, TF-2019-0261, and TF-2019-0270.

On July 1, 2020, the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, filed a response to the petition to intervene in each of the listed dockets. On July 6, 2020, Prison Policy Institute, Inc. (PPI), filed an objection to the intervention of GTL and PCS in Docket Nos. TF-2019-0026, TF-2019-0032, TF-2019-0033, and TF-2019-0270.

On July 9, 2020, PCS filed a letter requesting the Board cancel its current telecommunications service provider registration and PCS's current tariff.

On July 14, 2020, GTL and PCS filed a reply to PPI and OCA's objection in Docket Nos. TF-2019-0026, TF-2019-0032, TF-2019-0033, and TF-2019-0270.

ADMISSION PRO HAC VICE

Ms. Kiser states that she is a partner in the law firm of Cahill Gordon & Reindel, LLP, and is licensed to practice law in in the District of Columbia and the state of Pennsylvania.

Ms. Kiser states that she has not been denied admission pro hac vice in the state of Iowa, has not had admission pro hac vice revoked in the state of Iowa, has not been denied admission in any jurisdiction where she has applied for admission, and has not been formally disciplined or sanctioned by any court in the state of Iowa. In addition,

DOCKET NOS. TF-2019-0026, TF-2019-0030, TF-2019-0031, TF-2019-0032, TF-2019-0033, TF-2019-0036, TF-2019-0037, TF-2019-0039, TF-2019-0040, TF-2019-0261, TF-2019-0270, NOI-2019-0001

PAGE 4

Ms. Kiser states that she has not been the subject of legal action for the unauthorized practice of law in Iowa or any other state and no formal disciplinary proceeding has been brought against her by any jurisdiction over the last five years. Ms. Kiser states that she has not filed a request for admission pro hac vice in the previous two years.

Ms. Kiser states that she is requesting permission to appear in all 11 tariff dockets that involve companies providing inmate calling telecommunications service. In addition, Ms. Kiser is requesting permission to appear in Docket No. NOI-2019-0001, which was opened by the Board to conduct a broader review of alternative operator services.

Ms. Kiser states that she is familiar with the Iowa rules of professional conduct, the disciplinary procedures, the applicable local rules, and the procedures of the Iowa courts and the Board. She also states she has complied with Iowa Rule of Court 31.14(11) by registering with the Office of Professional Regulation and paying the required fee. Further, each request for admission pro hac vice is sponsored by a member in good standing of the Iowa bar.

The request filed by Ms. Kiser complies with the Board's rule at 199 Iowa Administrative Code (IAC) 7.4(8)(a) and is unopposed. The attorney sponsoring the requests is an in-state attorney as defined in Iowa Court Rule 31.14(1)(c) upon whom service may be made in all matters in connection with this case. The Board will grant the request for admission to appear pro hac vice in 11 of the 12 dockets listed in this

DOCKET NOS. TF-2019-0026, TF-2019-0030, TF-2019-0031, TF-2019-0032, TF-2019-0033, TF-2019-0036, TF-2019-0037, TF-2019-0039, TF-2019-0040, TF-2019-0261, TF-2019-0270, NOI-2019-0001
PAGE 5

order. In Docket No. TF-2019-0036, the Board has canceled the company's authority to provide telecommunications service in Iowa and closed that docket.

PETITION TO INTERVENE

Since PCS has requested its registration to provide telecommunications service in Iowa and its current tariff be canceled, the Board will only address the request by GTL to intervene in the inmate calling service tariff dockets. The Board will deny the request to intervene filed by PCS.

In support of its petition to intervene in several of the dockets where inmate calling service tariffs are being addressed, GTL states it has a strong interest in each of these proceedings since it appears the Board is reviewing each revised tariff to develop consistent tariffs for providing inmate calling service. GTL states that the results of the Board's review could have a profound effect upon its interests. GTL states that any advantages approved by the Board for individual companies could affect the service it offers. In addition, GTL states that no other intervenor is likely to adequately represent these companies' interests.

OCA objects to granting intervention as requested as having little merit, and OCA states that GTL may monitor the dockets without being an intervenor. In addition, OCA states that the petition is untimely since the dockets have been open for some time and two of the dockets have already had technical conferences. OCA requests that any intervention rights granted to GTL be strictly limited to ensure that the proceedings progress and are concluded without delay.

DOCKET NOS. TF-2019-0026, TF-2019-0030, TF-2019-0031, TF-2019-0032, TF-2019-0033, TF-2019-0036, TF-2019-0037, TF-2019-0039, TF-2019-0040, TF-2019-0261, TF-2019-0270, NOI-2019-0001
PAGE 6

PPI objects to the requests for intervention in Docket Nos. TF-2019-0026, TF-2019-0032, TF-2019-0033, and TF-2019-0270. PPI reviews the petition in light of the requirements for intervention in 199 IAC 7.13(3) and also argues that the petitions to intervene are untimely. PPI points out that the Board opened the proceedings in the four dockets in 2019 and any requests to intervene should have been filed within 20 days of the date the tariffs were docketed. PPI argues that GTL does not meet the requirements of the factors in 199 IAC 7.13(3). According to PPI, GTL is raising issues about consistency among the inmate calling tariffs that would be better addressed in a rule making and not in a competitor's tariff filing. PPI asserts that GTL does not meet the other factors.

In the reply, GTL states that the timeliness argument is not applicable to the inmate calling service tariffs since the Board has continued to review the proposed tariffs and subsequently required the filing of revised tariffs. GTL argues that the stated purpose of the review of the inmate calling tariffs is to determine if there should be some consistency among the tariffs and the companies have a strong interest in any consistencies that might be considered by the Board. In addition, GTL states that the other companies will not represent GTL's interests in these dockets.

The Board finds that the review by the Board of the inmate calling service proposed tariffs weighs against holding GTL to a strict timeliness requirement with regard to the inmate calling service tariff dockets. The Board has continued to review the proposed tariffs and has required revised tariffs in these dockets, and filing of the

DOCKET NOS. TF-2019-0026, TF-2019-0030, TF-2019-0031, TF-2019-0032, TF-2019-0033, TF-2019-0036, TF-2019-0037, TF-2019-0039, TF-2019-0040, TF-2019-0261, TF-2019-0270, NOI-2019-0001
PAGE 7

request for intervention will not be denied as untimely. Pursuant to 199 Iowa Administrative Code (IAC) 7.13(5) the Board may grant intervention to any person who has a cognizable interest in the proceeding. The Board finds that GTL has demonstrated that it has an interest in the inmate calling service dockets that will not be represented by any other parties.

The Board will grant GTL intervention in the tariff proceedings as listed in the ordering clauses. The Board is not granting intervention in Docket No. TF-2019-0036 since that docket has been closed. The Board is reviewing each revised tariff as it is filed, and GTL will not be allowed to delay the Board's review of the revised tariffs.

ORDERING CLAUSES

IT IS THEREFORE ORDERED:

1. Cherie R. Kiser is granted permission to appear pro hac vice in Docket Nos. TF-2019-0026, TF-2019-0030, TF-2019-0031, TF-2019-0032, TF-2019-0033, TF-2019-0037, TF-2019-0039, TF2019-0040, TF-2019-0261, TF-2019-0270, and NOI-2019-0001. Permission to appear pro hac vice in Docket No. TF-2019-0036 is denied since that docket is closed.
2. Intervention by Global Tel*Link Corporation in Docket Nos. TF-2019-0026, TF-2019-0030, TF-2019-0031, TF-2019-0032, TF-2019-0033, TF-2019-0261, and TF-2019-0270, is granted.

DOCKET NOS. TF-2019-0026, TF-2019-0030, TF-2019-0031, TF-2019-0032, TF-2019-0033, TF-2019-0036, TF-2019-0037, TF-2019-0039, TF-2019-0040, TF-2019-0261, TF-2019-0270, NOI-2019-0001

PAGE 8

3. Intervention by Public Communications Services, Inc., in Docket Nos. TF-2019-0026, TF-2019-0030, TF-2019-0031, TF-2019-0032, TF-2019-0033, TF-2019-0036, TF-2019-0261, and TF-2019-0170, is denied.

UTILITIES BOARD

Geri Huser Date: 2020.07.22
12:40:25 -05'00'

Nick Wagner Date: 2020.07.22
13:35:37 -05'00'

ATTEST:

Anna Hyatt Date: 2020.07.23
11:21:43 -05'00'

Richard W. Lozier, Jr. Date: 2020.07.22
15:30:55 -05'00'

Dated at Des Moines, Iowa, this 23rd day of July, 2020.