

STATE OF IOWA
DEPARTMENT OF COMMERCE
BEFORE THE IOWA UTILITIES BOARD

IN RE:	
GLOBAL TEL*LINK CORPORATION	DOCKET NO. TF-2019-0039

COMMENTS

The Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, files the following comments in response to the revised tariff filed by Global Tel*Link Corp. (GTL) on September 21, 2020.

1. **Section 2.10.4.** The Order Requiring Filing of Tariff Revisions dated August 20, 2020 (Order) stated: “If [proposed section 2.10.4] is just for bail bondsmen, then GTL should so state in the tariff. This will help clarify why the provision is necessary. If this provision applies to other calls in addition to bail bondsmen, GTL should provide criteria for the calls or delete the provision.” Order at 7. The revised provision¹ does not provide the requisite clarity. The provision refers both to calls to bail bondsmen and to “all inmate calls.” It is also unclear what the billing of calls to bails bondsmen has to do with the blocking of calls to certain telephone numbers when the amount charged to such numbers exceeds a predetermined amount or becomes past due. Perhaps separate sentences are needed, one addressing calls to bails bondsmen and the other providing the requisite statement regarding call blocking. There is still no standard or set criteria for how a predetermined amount is determined. *See* Order at 7.

¹ In relevant part, the revised section 2.10.4 reads: “Pursuant to 199 IAC 22.6(7), the Company makes the following statement of noncompliance with respect to 199 IAC 22.6(2): Services provided by the Company are available to inmates of correctional facilities in accordance with facility-authorized programs. The Company may request that the correctional facility adopt, as part of its program and pursuant to calls placed directly by inmates to bail bondsmen, terms that enable the Company to collect the charges for all inmate calls, including without limitation, the blocking of calls by the Company to certain telephone numbers when the amount charged to such a telephone number exceeds a predetermined amount or becomes past due.”

2. **Section 2.11.** OCA continues to suggest the addition of a provision to proposed section 2.11, “Taxes and Fees,” stating that GTL will observe the restrictions set forth at 47 C.F.R. §§ 64.2000(b), 64.2000(n), and 64.2007 for intrastate as well as interstate inmate calling. The following language is suggested: “The billing of taxes and fees on intrastate calls will be in accordance with the same restrictions as are required by FCC rules for interstate calls.” It is OCA’s understanding that the Federal Universal Service Surcharge has no application to intrastate calls. If so, because the Iowa tariff is limited to intrastate calls, the reference to this surcharge should be deleted or at least stated to be inapplicable to intrastate calls. GTL should clarify whether and under what circumstances taxes or fees are assessed at the time when money is deposited to an account, as opposed to the time when calls are placed. The last sentence of the third paragraph of section 3.6 of the proposed tariff, addressing “AdvancePay® Accounts,” states: “All payments will be subject to applicable taxes,” suggesting that taxes may be assessed at the time when money is deposited to an account.

3. **Sections 3.6 and 3.7.1.** The Order (at 11) observed that proposed section 3.7.1, “Prepaid Debit Accounts,” did not indicate if any balance in the account is refunded to the inmate or back to correctional facility commissary for the inmate when the account expires and suggested that the following sentence in section 3.6, AdvancePay® Account, be added to section 3.7.1: “Any remaining balance in the Account will be refunded to the Customer after deducting any call charges, applicable taxes and transaction fees incurred during the current billing cycle.” OCA appreciates the addition of this sentence to section 3.7.1. Both sections 3.6 and 3.7.1, however, require the customer to request a refund of any unused funds. There is no indication in the tariff that the customer is notified of the need to request a refund when the account is closed

or expires.² OCA supports a provision stating that the customer is notified of the need to request a refund, because such a notice will help to avoid a forfeiture. It is not unreasonable to expect the inmate calling service provider to work with the correctional facility to address and resolve these issues in a way that helps to avoid a forfeiture. *See* Iowa Code § 476.91(2).³ In lieu of a notice that the customer may request a refund, it is permissible—and preferred where feasible—to issue a debit card or transfer funds to the inmate canteen/trust account for refund at the time the inmate is released from custody.⁴

WHEREFORE, OCA requests that the issues identified by OCA be given further consideration prior to approval of any proposed tariff.

Respectfully submitted,

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² Proposed section 3.6 states that the account will be closed following three months of zero activity. Proposed section 3.7.1 states that the account expires three months from the date of last activity on the account, unless alternative arrangements are requested by the correctional facility's management.

³ As stated by the Alabama Public Service Commission, “[t]he ICS provider is prohibited from retaining any portion of unclaimed refunds.” *In re Generic Proceeding Considering the Promulgation of Telephone Rules Governing Inmate Phone Service*, Docket 15957, Further Order Adopting Revised Inmate Phone Service Rules, June 12, 2015, ¶ 9.06, available at <http://psc.alabama.gov/telecom/Engineering/documents/Dec%202014%20Order%2015957%20updated%20thru%206-12-2015.pdf>. The Alabama Commission has encouraged all ICS providers to adopt Pay Tel's procedures for refunds due but not requested following six months of account inactivity. *Id.* at ¶ 9.09. Those procedures include notification to the account holder with more than a *de minimis* account balance after the six-month period of inactivity. *Id.* at ¶ 9.07 and Exhibit E. Any unclaimed funds following such procedures should escheat to the state pursuant to the Uniform Disposition of Unclaimed Property Act. *Id.* at ¶ 9.09; *see* Iowa Code § 556.4 (deposits and refunds held by utilities presumed abandoned after one year).

⁴ Alabama order, note 3 above, ¶ 9.08.