

**STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD**

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

RESPONSE TO COMMENTS OF PRISON POLICY INITIATIVE, INC.

Global Tel*Link Corporation (“GTL”) submits this Response to the Comments of Prison Policy Initiative, Inc. (“PPI”) filed on October 5, 2020. Per the clarifying comments delineated herein on its revised tariff, submitted on September 21, 2020 (the “Tariff”), GTL anticipates its approval by the Iowa Utilities Board (“Board”).

1. PPI has submitted three comments on the Tariff for the Board’s consideration. First, with respect to Section 2.11 of the Tariff, PPI joins in the Office of Consumer Advocate’s Comments, dated September 30, 2020 (“OCA Comments”), seeking greater clarity with respect to the treatment of mandatory taxes and fees. GTL reiterates its arguments in support of these sections as set forth in its Response to Office of Consumer Advocate’s Comments, dated October 20, 2020. Section 2.11, in accordance with the Board’s Order Requiring Filing of Tariff Revisions and Annual Registration, dated August 20, 2020, specifies the taxes and fees GTL will assess upon consumers; GTL has previously delineated the means by which it will do so, according to the applicable federal and state legal frameworks that mandate a pass-through methodology.¹

2. With respect to Sections 3.6 and 3.7.1 of the Tariff, PPI again cites the OCA

¹ See Docket No. TF-2019-0039, *Reply to Office of Consumer Advocate Additional Comments*, 3-4 (July 14, 2020).

Comments, and “joins with [them] regarding refunds of prepaid funds.” GTL accordingly reiterates its arguments in support of these sections as set forth in its Response to Office of Consumer Advocate’s Comments, dated October 20, 2020, and incorporates them herein by reference.

3. PPI also urges the Board to adopt “a requirement that all inmate calling service tariffs must specify that customer prepaid funds are ‘utility deposits’ for purposes of Iowa Code § 556.4.” GTL strongly resists this demand on multiple grounds as set forth below.

4. First, the Board has already addressed this issue. In a July 22, 2020 filing, PPI alleged that “contradictory language” in Section 3.7.1 created an “ambiguity,” which, in somehow consigning GTL customers seeking a refund “to rely on GTL’s discretion,” justified invocation of the unclaimed property statutes.² In its subsequent Order, the Board explicitly recounted PPI’s argument for use of these statutes. Rather than act upon it, the Board instead directed GTL to augment Section 3.7 with language from 3.6.1 and clarify the process by which inmates receive refunds of their Prepaid Debit accounts. These changes, the Board expressly concluded, “address the issues raised by PPI.”³ Having made these changes in the Tariff, PPI’s objections concerning the disposition of unused account balances have been satisfied; the Board should not permit PPI to continue to proffer demands the Board has considered and dismissed.

5. Second, the impropriety of PPI’s demand – and the soundness of the Board’s decision – is evident from the Board’s construction of its rules. 199 IAC 19.4(8), delineating the customer relations requirements for gas utilities, directs covered entities to “maintain a record of

² Docket No. TF-2019-0039, *Global Tel*Link Corporation*, Prison Policy Initiative’s Reply to Global Tel*Link’s Post-Technical Conference Memoranda, 3 (July 22, 2020).

³ Docket No. TF-2019-0039, *Global Tel*Link Corporation*, Order Requiring Filing of Tariff Revisions and Annual Registration, 5, 11 (Aug. 20, 2020).

deposit information for at least two years or until such time as the deposit, together with accrued interest, escheats to the state pursuant to Iowa Code section 556.4, at which time the record and deposit, together with accrued interest less any lawful deductions, shall be sent to the state treasurer pursuant to Iowa Code section 556.11.” Other sections of the Iowa Administrative Code sets forth identical mandates for electric companies (199 IAC 20.4(8)), water companies (199 IAC 21.4(2)(g)), and sanitary sewage utilities (199 IAC 21.12(2)(g)). Conspicuously absent from this list are AOS companies, particularly given the Board’s recent and comprehensive revision to 199 IAC Chapter 22.⁴

6. PPI also presents a certified declaration averring “that GTL appears to be charging \$4.63 for a deposit of \$50 made via GTL’s website,” and suggests, “[t]o the extent that GTL has been charging automated payment fees in excess of \$3” pursuant to Section 3.8.1 of the Tariff, “the Board should enter an order requiring GTL to refund the improper charges.”

7. GTL has committed to an Automated Payment Fee cap of \$3.00 within the State of Iowa when it provides such ancillary services. However, when third parties provide financial transaction services, the third-party financial transaction service fee is passed-through, without markup, to consumers. This is commensurate with the construction of Section 3.8.4 of the Tariff, which sets forth that when Third-Party Financial Transaction Fees apply, the exact third-party financial transaction fees will be passed along to the consumer.⁵ Consequently, PPI’s averments concerning the alleged impropriety of applicable financial transaction services fees are erroneous. GTL’s treatment of credit card payments made via its ConnectNetwork website

⁴ See Docket No. RMU-2018-0022, *Service Supplied by Telephone Utilities [199 IAC Chapter 22]*, Order Adopting Rules (Nov. 27, 2019).

⁵ See also 47 C.F.R. § 64.6020(a)(5) (defining Third-Party Financial Transaction Fees” as fees “that Providers of Inmate Calling Services are charged by third parties to transfer money or process financial transactions to facilitate a Consumer's ability to make account payments via a third party”).

are squarely within the bounds of the Tariff and the FCC rule that undergirds it. PPI's demand for a refund should be dismissed as devoid of any cognizable legal or factual basis.

CONCLUSION

WHEREFORE, GTL respectfully requests that the Board expeditiously approve the Tariff, pursuant to its responses to the Comments as set forth above.

Respectfully submitted,

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

/s/ John C. Pietila

John C. Pietila (AT 0006221)
Davis, Brown, Koehn, Shors & Roberts, P.C.
4201 Westown Pkwy, Ste. 300
West Des Moines, Iowa 50266
JohnPietila@davisbrownlaw.com
(515) 246-7871

Chérie R. Kiser (admitted *pro hac vice*)
Cahill Gordon & Reindel LLP
1990 K Street, N.W., Ste. 950
Washington, D.C. 20006
ckiser@cahill.com
(202) 862-8950

Its Attorneys

Dated: October 26, 2020

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 26th day of October 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 C. Pietila _____