

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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IN RE:

PRODIGY SOLUTIONS, INC.

DOCKET NO. TF-2019-0032

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**ORDER REQUIRING FILING OF REVISIONS TO REVISED TARIFF**

**PROCEDURAL BACKGROUND**

On September 4, 2020, the Utilities Board (Board) issued an order requiring Prodigy Solutions, Inc. (Prodigy), to file additional revisions to its revised tariff filed on July 28, 2020. On October 5, 2020, Prodigy filed the required revised tariff. The Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice; Prison Policy Initiative, Inc. (PPI); Global Tel\*Link Corporation; and Securus Technologies, Inc., are parties to this docket.

On October 8, 2020, OCA filed comments stating it had no objections to the proposed revised tariff. However, on October 30, 2020, after further consideration, OCA filed further comments on Prodigy's October 5, 2020 revised proposed tariff. On November 24, 2020, Prodigy filed a tariff revision to include the facility names and locations where Prodigy provides inmate calling service within the state of Iowa.

**ANALYSIS OF OCTOBER 5, 2020 REVISED TARIFF**

Based upon a review of Prodigy's October 5, 2020 revised tariff and OCA's October 30, 2020 comments, the Board is issuing this order, which requires certain

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revisions to the October 5, 2020 revised tariff. OCA's comments are addressed in the relevant sections. The Board addresses only those revisions where the Board still has questions or issues and in areas where OCA made comments.

A. 1<sup>st</sup> Revised Page 1. The tariff has not previously been approved, so page 1 will remain Original Page 1 until after the tariff is approved and revisions are made. Therefore, Prodigy will be required to change 1<sup>st</sup> Revised Page 1 to Original Page 1 and change the references to "1<sup>st</sup> Rev." to "Original" in the Check Sheet.

B. Original Page 10. OCA asserts, for clarity and consistency with other inmate calling service providers' tariffs, that section 2.7 should include a statement that taxes and fees for intrastate calls are applied the same as those for interstate calls under the Federal Communications Commission. Prodigy included in this section language similar to language adopted by the Board. However, to ensure consistency throughout inmate calling service providers' tariffs, the Board is requiring language that states: "The billing of taxes on intrastate calls will be in accordance with the same restrictions as are required by the Federal Communications Commission rules for interstate calls."

OCA states that section 2.7 refers to the federal Universal Service Fund, which only applies to interstate calls. OCA suggests this reference be removed or revised to include a statement that the federal Universal Service Fund does not apply to intrastate calls. The Board agrees this reference is not necessary and that Prodigy shall remove the reference, or Prodigy shall add a statement that the federal Universal Service Fund does not apply to intrastate calls.

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C. Original Page 13. Within section 2.9, Prodigy updated the reasons Prodigy may refuse or suspend service, as related to inmate calling services provided in the tariff. Factor B relates to “failure of the Customer to make proper application for service.” This factor is ambiguous. If the statement means an inmate or outside customer is required to fill out an application prior to receiving service, that information needs to be explicitly stated. Prodigy will be required to review this factor and remove the language if it does not apply to inmate calling service provided in the state of Iowa.

D. Original Pages 17-18. The tariff references “confinement” institution in the last paragraph in section 3.4.1 and the first paragraph of section 3.4.1.B. The Board is requiring inmate calling service providers to replace the term “confinement institution” with “correctional institution” within the respective tariffs.

E. Original Page 17. The proposed revised tariff states the “Available Usage Balance” expires six months after the last call is made. The proposed revised tariff also states that Prodigy will not refund any unused balances after the expiration date.

The Board considers the best practice to be that any unused balance in an account should be refunded to the inmate or customer. Prodigy should review its policy of not refunding unused balances to customers after expiration to determine whether there is a way to issue refunds to customers. In addition, Prodigy shall include an explicit statement describing the process for how an inmate or account holder is notified of the requirement to affirmatively request a refund to avoid forfeiture.

F. Original Page 21. Prodigy will be required to confirm that it does not have any contract or sharing arrangements with third-party companies and that there is no markup to the credit card fees charged by third-party companies. The Board will

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require Prodigy to include the following language: “Third-party transaction fees, including credit card processing fees, shall be passed through to customers with no markup. The Company receives no payment from a third-party vendor’s transaction fees.”

G. 1<sup>st</sup> Revised Page 22. As stated above, the proposed tariff has not been approved; thus, Prodigy will be required to change 1<sup>st</sup> Revised Page 22 to Original Page 22. Prodigy has included a list of correctional facilities where Prodigy provides inmate calling service. If Prodigy discontinues service to a correctional facility, or provides service to a new correctional facility, Prodigy will be required to file a revised tariff with that information.

H. Prodigy will be required to ensure that it has filed an updated registration and annual report, has submitted the requested Dual Party Relay Service reports and payments, and has paid all outstanding invoices.

### **ORDERING CLAUSES**

#### **IT IS THEREFORE ORDERED:**

1. Prodigy Solutions, Inc., shall file within 30 days of the date of this order revisions to the October 5, 2020 revised tariff that are consistent with this order.
2. Prodigy Solutions, Inc., shall include the following revisions in the revised tariff:
  - a. On 1<sup>st</sup> Revised Page 1, change “1<sup>st</sup> Revised” to “Original” and change the references of “1<sup>st</sup> Rev.” to “Original” in the Check Sheet.

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- b. On Original Page 10, include language that states: “The billing of taxes on intrastate calls will be in accordance with the same restrictions as are required by the Federal Communications Commission rules for interstate calls.” In addition, remove the reference to “federal Universal Service Fund” or add a statement that the federal Universal Service Fund does not apply to intrastate calls.
- c. On Original Page 13, review and revise the language in section 2.9 regarding Factor B to ensure it applies to services authorized by this tariff or remove the factor if it does not apply.
- d. On Original Pages 17 and 18, replace the term “confinement institution” with “correctional institution.”
- e. On Original Page 17, review Prodigy’s policy of not refunding unused balances to customers after the expiration date to determine if there is a way to find and make refunds to customers. In addition, Prodigy shall include an explicit statement describing the process for how an inmate or account holder is notified of the requirement to affirmatively request a refund to avoid forfeiture.
- f. On Original Page 21, add a provision that states: “Third-party transaction fees, including credit card processing fees, shall be passed through to customers with no markup. The Company receives no payment from a third-party vendor’s transaction fees.”
- g. On 1<sup>st</sup> Revised Page 22, change “1<sup>st</sup> Revised” to “Original” Page 22.

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3. Responses to the revisions required in Ordering Clauses 1 and 2 shall be filed within 15 days of the date those revisions are filed.

4. Prodigy Solutions, Inc., shall pay all outstanding invoices and ensure annual registration, annual report, and any Dual Party Relay Service assessments are up to date.

**UTILITIES BOARD**

**Geri Huser** Date: 2020.12.11  
12:05:48 -06'00'

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ATTEST:

**Anna Hyatt** Date: 2020.12.11  
13:18:56 -06'00'

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Richard W. Lozier, Date: 2020.12.10  
Jr. 15:37:31 -06'00'

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Dated at Des Moines, Iowa, this 11th day of December, 2020.