

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: RELIANCE TELEPHONE OF GRAND FORKS, INC.	DOCKET NO. TF-2019-0026
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ORDER APPROVING TARIFF AND REQUIRING REVISED TARIFF SHEET

PROCEDURAL HISTORY

On March 28, 2019, Reliance Telephone of Grand Forks, Inc. (Reliance), filed a proposed tariff to comply with the Utilities Board (Board) orders issued in Docket No. RMU-2017-0004. Reliance's tariff was identified as Docket No. TF-2019-0026. The Board subsequently issued various orders requiring revisions to Reliance's tariff. On January 6, 2021, Reliance filed a revised tariff in compliance with a December 11, 2020 order requiring revisions.

On February 5, 2021, the Board issued an Order Approving Tariff and Requiring Revised Tariff Sheet. On February 22, 2021, Reliance filed a 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, LLC, are parties to this docket.

DISCUSSION

On March 5, 2021, OCA and PPI filed separate comments regarding Reliance's February 22, 2021 revised tariff. In its comments, OCA mentions that

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previous Board orders required Reliance to include in a revised tariff sheet language about how an inmate or account holder is informed of the refund policy. OCA states that although the February 22, 2021 proposed tariff includes information about how someone can learn about refunds, the tariff does not include the required language and, thus, “does not provide the necessary information.” OCA also states the website can be changed unilaterally, but not the tariff.

In its comments, PPI states that Reliance’s tariff should not be approved because Reliance’s “treatment of unused prepaid funds raises serious questions about Reliance’s earning of unreasonable profits” and the tariff language does not have the requisite specificity.

PPI states Reliance’s website provides that refunds are not available for prepaid calling cards and that provision contradicts the tariff, or the tariff is misleading because it implies customers are able to receive a refund if they call Reliance. PPI also asserts the tariff does not provide clarity as to whether the unused funds are remitted to the State of Iowa in accordance with the unclaimed property law. PPI states that by only referring to the website in the tariff, Reliance would be able to unilaterally change its refund policy without Board review and approval. PPI also asserts Reliance’s refund provisions “are not just and reasonable.”

BOARD DISCUSSION

The Board has required all inmate calling service companies to include in their tariff specific language regarding refunds. In the February 5, 2021 order, the Board required Reliance to include provisions in the tariff for notice to inmates and customers regarding how to request refunds and any limitations on requesting refunds. The

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proposed revised tariff includes an additional way for the account holder or inmate to find the refund policy, but the proposed tariff still does not include the required information regarding refunds. The Board will not require Reliance to file an updated tariff sheet at this time; however, Reliance will be required to include when and how an inmate or account holder is notified of the refund policy when a revised tariff is necessary, such as when Reliance provides service to a new correctional facility or no longer provides service to a facility currently listed in its tariff.

If Reliance does not, in fact, provide refunds for prepaid calling cards, Reliance will need to provide an explanation as to why refunds are not allowed and whether the nonrefunded amount is remitted to the State of Iowa in accordance with Iowa Code § 556.4. If Reliance does not refund the amounts, or remit the amount pursuant to the unclaimed property statute, Reliance will need to present this authority to the Board prior to taking such action.

Additionally, Board staff has identified inconsistent numbering within the revised tariff at Section 4.4 – Correctional Names and Locations. The Table of Contents shows the section as Section 5. Therefore, Reliance will be required to correct the inconsistent numbering and file a revised tariff sheet when additional changes warrant filing a new revised tariff sheet.

The Board has reviewed the revised tariff filed by Reliance on February 22, 2021, and finds that the revised tariff is in substantial compliance with Board requirements. Based upon the substantial compliance with Board requirements for providing inmate calling service, the Board will approve Reliance's proposed tariff, as revised.

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ORDERING CLAUSES

IT IS THEREFORE ORDERED:

1. The proposed tariff filed by Reliance Telephone of Grand Forks, Inc., on February 22, 2021, and identified as Docket No. TF-2019-0026, is approved subject to complaint and investigation, and will become effective on the date of this order.
2. When Reliance Telephone of Grand Forks, Inc., files a revised tariff or tariff sheet, it shall also file revised tariff sheets with the following revisions:
 - a. Correct section numbering in Section 4.4 to Section 5.
 - b. Add language describing when and how an account holder or inmate is notified of how they may obtain refunds or, in the alternative, provide an explanation as to why the amounts are not refundable and whether the amounts are remitted to the State of Iowa pursuant to Iowa Code § 556.4.
3. The new tariff sheets required in Ordering Clause 2 shall be filed in a new tariff docket.

UTILITIES BOARD

Geri Huser Date: 2021.03.25
14:48:30 -05'00'

Richard Lozier Date: 2021.03.25
11:01:23 -05'00'

ATTEST:

Louis Vander Streek Date: 2021.03.25
15:53:02 -05'00'

Josh Byrnes Date: 2021.03.25
11:04:02 -05'00'

Dated at Des Moines, Iowa, this 25th day of March, 2021.