

STATE OF IOWA
DEPARTMENT OF COMMERCE
BEFORE THE IOWA UTILITIES BOARD

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| IN RE: | |
| RELIANCE TELEPHONE OF GRAND FORKS, INC. | DOCKET NO. TF-2019-0026 |
| INMATE CALLING SOLUTIONS d/b/a IC SOLUTIONS | DOCKET NO. TF-2019-0030 |
| SECURUS TECHNOLOGIES, INC. | DOCKET NO. TF-2019-0033 |
| NETWORK COMMUNICATIONS INTERNATIONAL CORP d/b/a NCIC INMATE COMMUNICATIONS | DOCKET NO. TF-2019-0037 |
| GLOBAL TEL*LINK CORPORATION | DOCKET NO. TF-2019-0039 |
| SMART COMMUNICATIONS HOLDING, INC. | DOCKET NO. TF-2019-0269 |
| ENCARTELE, INC. | DOCKET NO. TF-2019-0270 |
| INQUIRY INTO REGULATORY REQUIREMENTS FOR ALTERNATIVE OPERATOR SERVICES COMPANIES | DOCKET NO. NOI-2019-0001 |

COMPLAINT AND REQUEST FOR FURTHER PROCEEDINGS

The Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, files this complaint and request for further proceedings in each of these dockets and in support of the complaint and request for further proceedings states:

1. At the time the Board approved the intrastate inmate calling service tariffs in each of the above cited tariff dockets, the Federal Communications had established a two-tiered interim rate cap on interstate inmate calling service—\$.21 per minute for debit and prepaid calls and \$.25 per cent for collect calls.

2. By order dated May 24, 2021, the FCC abolished its previous two-tiered interim rate cap on interstate calls and established a uniform interim rate cap of \$.21 per minute, stating:

42. . . . [W]e eliminate the separate interim rate cap that has applied to interstate collect calls since 2013. The record overwhelmingly supports this action, which recognizes the limited role that collect calls play in today's inmate calling services marketplace and the relatively small, if any, difference in cost between collect and non-collect inmate calling services calls.

43. Under the interim rate caps the Commission first adopted in 2013, interstate debit and prepaid calls are capped at \$.21 per minute, while interstate collect calls are capped at \$.25 per minute. . . .

44. In the 2020 ICS Notice, the Commission proposed to eliminate the distinct rate cap for collect calls, given "the absence of any data demonstrating a material difference in the costs of providing these different types of calls." Commenters overwhelmingly support this proposal, with both providers and public interest groups agreeing that there is no longer any need for a separate rate cap for collect calls. . . . Indeed, the record provides no support for a separate rate cap for collect calls, and comments make clear that eliminating the "collect-only" rate cap will benefit all stakeholders by making it easier for providers to administer, and for consumers to understand, rate caps for interstate and international calls.

45. We find that the lack of cost disparity in providing prepaid, debit, or collect calling services, coupled with the low and ever-diminishing demand for collect calls and the benefits to all stakeholders from having a single cap for all calls from a facility, support ending the distinction between prepaid, debit, and collect calling rates. We therefore eliminate the separate interim cap for interstate collect calls for jails with average daily populations below 1,000 that remain subject to the 2013 interim rate caps. As a result of this change, all interstate calls from jails with average daily populations below 1,000 will be subject to a single, uniform, interim rate cap of \$.21 per minute. All interstate calls from prisons and larger jails will be subject to the new uniform interim rate caps we adopt today for each type of facility [\$.12 for prisons and \$.14 for jails with average daily population of 1,000 or more],

without regard to whether the interstate calls are collect, debit, or prepaid¹

3. The intrastate tariffs previously approved by the Board in each of the above cited tariff dockets include at least one provision authorizing a per minute charge in excess of \$.21 per minute. The tariffs of Reliance Telephone of Grand Forks, Inc., Inmate Callings Solutions d/b/a IC Solutions, Securus Technologies, Inc., Network Communications International Corp. d/b/a NCIC Inmate Communications, Smart Communications Holding, Inc., and Encartele, Inc., all contain at least one provision authorizing a per minute charge as high as \$.25 per minute. The tariff of Global Tel*Link Corporation includes a provision authorizing a per minute charge of \$.22 per minute.

4. Based on the conclusions reached by the FCC, as quoted above, per minute charges in excess of \$.21 per minute are unjust and unreasonable, in violation of Iowa Code § 476.91. The providers in each of the above cited tariff dockets should be called upon either to justify the charges in excess of \$.21 per minute or to revise the tariffs to provide for per minute charges no higher than \$.21 per minute.

¹ *In the Matter of Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, FCC-21-60, 2021 WL 214424296, Third Report and Order, Order on Reconsideration, and Fifth Further Notice of Proposed Rulemaking (FCC 2021) ¶¶ 42-45 (footnotes omitted).

WHEREFORE, OCA requests the initiation of further proceedings in each of the above cited tariff dockets to determine whether the tariff provisions authorizing per minute charges in excess of \$.21 per minute are just and reasonable and, if not, to require revised tariff provisions with per minute charges no higher than \$.21 per minute.

Respectfully submitted,

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OFFICE OF CONSUMER ADVOCATE