

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

IN RE:	
GLOBAL TEL*LINK CORPORATION	DOCKET NO. TF-2019-0039
INQUIRY INTO REGULATORY REQUIREMENTS FOR ALTERNATIVE OPERATOR SERVICES COMPANIES	DOCKET NO. NOI-2019-0001

**RESPONSE TO OFFICE OF CONSUMER ADVOCATE COMPLAINT AND REQUEST
FOR FURTHER PROCEEDINGS**

Global Tel*Link Corporation (“GTL”) submits this Response to the Complaint and Request for Further Proceedings (“Complaint”) filed by the Office of Consumer Advocate (“OCA”) on June 9, 2021. As set forth herein, GTL maintains that the “further proceedings” requested by the Complaint should be denied as unnecessary and unwarranted in light of prior statements by the OCA and findings of the Iowa Utilities Board (“Board”) with respect to GTL in Docket Nos. TF-2019-0039 and NOI-2019-0001.

1. According to the Complaint, a May 2021 order of the Federal Communications Commission (“FCC”) in the *Rates for Interstate Inmate Calling Services* docket¹ warrants a reexamination of alternative operator service (“AOS”) calling rates in tariffs recently approved by the Board. Specifically, the Complaint “requests the initiation of further proceedings” in certain AOS 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.”²

¹ See WC Docket No. 12-375, *Rates for Interstate Inmate Calling Services*, FCC 21-60 (rel. May 24, 2021).

² Complaint at 4.

2. The Complaint predicates this request on the FCC’s elimination of its 2013 interim interstate inmate calling rate caps of \$0.21 per minute for debit and prepaid calls and \$0.25 per minute for collect calls, in favor of a uniform interim interstate inmate calling rate cap of \$0.21 per minute.³ According to the Complaint, “[t]he intrastate tariffs previously approved by the Board” in AOS dockets it identifies “include at least one provision authorizing a per minute charge in excess of \$.21 per minute,” warranting reconsideration of these tariffs.⁴

3. As set forth by GTL’s Iowa Tariff No. 3, effective February 19, 2021, and approved by the Board on March 19, 2021, GTL charges a uniform intrastate rate for all calling services of \$0.22 per minute for Black Hawk County Jail (Waterloo, Iowa); \$0.11 per minute for the State Training School (Eldora, Iowa); and \$0.16 per minute for Scott County, Iowa (Davenport, Iowa).⁵ Thus, only the \$0.22 rate is potentially relevant to the Complaint.

4. As a general matter, the Complaint’s request for additional proceedings lacks legal support. As justification for its request, the OCA declares, without citation, that “[b]ased on the conclusions reached by the FCC . . . per minute charges in excess of \$.21 per minute are unjust and unreasonable, in violation of Iowa Code § 476.91.”⁶ This assertion is untenable. The OCA fails to explain, much less support, why a federal agency’s revision to *interstate* inmate calling rate maximums amount to a *per se* violation of a statute governing *intrastate* calling

³ See Complaint at 1-2.

⁴ Complaint at 3.

⁵ See Docket No. TF-2019-0039, *Global Tel*Link Corporation*, Iowa Tariff No. 3, 23, 29 (Feb. 24, 2021).

⁶ Complaint at 3.

rates,⁷ warranting an immediate re-visitation of tariffs that underwent years-long review.⁸ As demonstrated by the Board's words in its August 20, 2020 Order on GTL's proposed tariff, FCC maximums are but one factor in a multifaceted inquiry into whether the intrastate rates of individual AOS companies satisfy the state statutory "just and reasonable" standard:

The Board *has not set a cap for inmate calling service* for either collect or prepaid service and is reviewing each provider's tariff to determine if the rates are just and reasonable. The Board is not requiring cost support for each rate but is using the rates set by the FCC *as a guide*.⁹

Were this otherwise, the Board would have dismissed out of hand the \$0.31 collect-only intrastate calling rate proposed by Encartele, Inc. ("Encartele") as exceeding the then-effective interim interstate inmate calling rate cap by six cents, rather than ordering Encartele "to provide additional justification" for its establishment.¹⁰ Nor would the Board have approved the across-the-board \$0.25 per minute intrastate calling rates proposed by Reliance Telephone of Grand Forks, Inc. as "consistent with rates for interstate inmate calling set by the" FCC; such rates, at the time, exceeded the \$0.21 interim interstate inmate calling rate cap on prepaid and debit calls by four cents.¹¹

⁷ Cf. Docket No. NOI-2019-0001, *Inquiry into Regulatory Requirements for Alternative Operator Services Companies*, Response to Order, 3 (Sept. 19, 2019) (setting forth OCA's belief that "[i]t is especially appropriate that oversight of inmate calling service rates occur at the state level, because approximately 80 percent of inmate calls are intrastate calls," and noting the FCC's lack of jurisdiction over intrastate calls).

⁸ Cf. Docket No. TF-2019-0039, *Global Tel*Link Corporation*, Order Requiring Filing of Tariff Revisions and Annual Registration, 10 (Aug. 20, 2020) ("August 2020 Order") ("If the FCC decides to reduce the interstate rates for inmate calling service, the Board *may* revisit whether the rates approved are just and reasonable.") (emphasis added); Docket No. NOI-2019-0001, *Inquiry into Regulatory Requirements for Alternative Operator Services Companies*, Order Initiating Inquiry, 3 (Aug. 20, 2019) ("Changes in federal statutes, or FCC regulations, *could* impact the decisions the Board is considering regarding AOS in Iowa.") (emphasis added).

⁹ August 2020 Order at 9-10 (emphasis added).

¹⁰ Docket No. TF-2019-0270, *Encartele, Inc.*, Order Requiring Filing of Revised Tariff, 8 (May 21, 2020).

¹¹ Docket No. TF-2019-0026, *Reliance Telephone of Grand Forks, Inc.*, Order Approving Tariff and Requiring Revised Tariff Sheet, 2 (Feb. 5, 2021); accord Docket No. TF-2019-0037, *Network Communications International Corp. d/b/a NCIC Inmate Communications*, Order Approving Tariff and Requiring Revised Tariff

5. The Complaint’s request for additional proceedings is precluded on similar grounds specifically with respect to GTL. GTL first proposed the intrastate rates summarized above in a revised tariff dated July 23, 2020.¹² At \$0.22 per minute, the uniform intrastate rate for Black Hawk County Jail (Waterloo, Iowa) exceeded the then-effective \$0.21 interim interstate inmate calling rate cap on prepaid and debit calls by one cent. Nonetheless, the OCA explicitly abandoned its initial objection to this calling rate, observing that it “do[es] not significantly exceed the \$.21 interim rate cap established by the FCC for interstate calls.”¹³

6. The Board, which had previously directed GTL to “*consider* prescribing rates that are consistent with the rates established by the Federal Communications Commission (FCC), or explain, with supporting information, why different rates are necessary,”¹⁴ repeatedly deemed the \$0.22 rate just and reasonable. In its August 20, 2020 Order on GTL’s proposed tariff, the Board recounted OCA’s lack of objection to the proposed Black Hawk County Jail per-minute intrastate calling rate of \$0.22 and likewise deemed it be “within the range of reasonableness and . . . therefore just and reasonable.”¹⁵ In its February 19, 2020 Order that approved GTL’s

Sheets, 2 (Feb. 3, 2021).

¹² See Docket No. TF-2019-0039, *Global Tel*Link Corporation*, Iowa Tariff No. 3, 23, 29 (July 23, 2020).

¹³ Docket Nos. TF-2019-0039, *Global Tel*Link Corporation*; TF-2019-0040, *Public Communications Services, Inc.*, Additional Comments, 7 (June 29, 2020); compare Docket No. TF-2019-0026, *Reliance Telephone of Grand Forks, Inc.*, Comments (Mar. 5, 2021) (lodging no objection to February 22, 2021 proposed tariff of Reliance Telephone of Grand Forks, Inc. that set forth uniform intrastate calling rates of \$0.25 per minute); Docket No. TF-2019-0037, *Network Communications International Corp. d/b/a NCIC Inmate Communications*, Comments (Dec. 30, 2020) (lodging no objection to December 14, 2020 proposed tariff of Network Communications International Corp. that set forth uniform intrastate calling rates of \$0.25 per minute); Docket No. TF-2019-0269, *Smart Communications Holding, Inc.*, Comment (Jan. 26, 2021) (lodging no objection to January 11, 2021 proposed tariff of Smart Communications Holding, Inc. that set forth intrastate calling rate for prepaid collect calls of \$0.25 per minute).

¹⁴ Docket Nos. TF-2019-0039, *Global Tel*Link Corporation*; TF-2019-0040, *Public Communications Services, Inc.*, Order Requiring Filing of Revised Tariffs and Satisfaction of Outstanding Regulatory Requirements, 11-12 (Mar. 17, 2020) (emphasis added).

¹⁵ August 2020 Order at 10 (finding proposed prepaid intrastate calling rate, including the Black Hawk County Jail rate of \$0.22, “reasonable. . . [as] either within, or below, the range of interstate per-minute rates

proposed tariff, the Board found that its proposed intrastate calling “rate that ranges from \$0.11 per minute to \$0.22 per minute . . . consistent with rates for interstate inmate calling set by the [FCC].”¹⁶

7. In sum, only a few months ago, the Board approved, at the OCA’s concurrence, an intrastate calling rate at a GTL-served correctional facility one cent in excess of the then-effective interim interstate inmate calling rate cap of \$0.21 per minute for debit and prepaid calls. The Complaint, absent legal support, now seeks to reexamine this issue, given the FCC’s promulgation of a uniform interstate inmate calling rate cap of \$0.21 per minute. As the GTL rate will again only exceed this cap by one cent, and in the notable absence of new facts, this issue has been effectively examined and dismissed by the Board over the past year. Accordingly, the Board should dismiss the Complaint’s request for new proceedings with respect to GTL as unreasonably duplicative and squarely in contravention of the OCA’s own prior position in the above-captioned dockets.

established by the FCC for interstate inmate calling service”).

¹⁶ Docket No. TF-2019-0039, *Global Tel*Link Corporation*, Order Approving Tariff, 2 (Feb. 19, 2021); compare Docket No. TF-2019-0270, *Encartele, Inc.*, Order Requiring Filing of Revisions to Revised Tariff, 3-4 (Dec. 11, 2020) (dismissing complaint of Prison Policy Initiative, Inc. that proposed \$0.25 per-minute intrastate calling rate was unjust and unreasonable per \$0.21 interim interstate inmate calling rate cap on prepaid calls, and deeming it “consistent with the rates approved by the FCC and . . . reasonable”).

CONCLUSION

WHEREFORE, GTL respectfully requests that the Board deny the Complaint's request for further proceedings in Docket Nos. TF-2019-0039 and NOI-2019-0001, as set forth above.

Respectfully submitted,

GLOBAL TEL*LINK CORPORATION

/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: June 29, 2021

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 29th day of June 2021, 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 _____