

STATE OF IOWA
DEPARTMENT OF COMMERCE
BEFORE THE IOWA UTILITIES BOARD

IN RE:

ENCARTELE, INC.

DOCKET NO. TF-2019-0270

COMMENTS

The Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, files the following Comments in response to the proposed revised tariff filed by Encartele, Inc. (Encartele) on July 21, 2020.

1. Section 4.3.2 of the proposed tariff specifies an ancillary fee of \$3.99 to add funds electronically to a Calling Account. See also Response to Order Requiring Filing of Revised Tariff, filed July 21, 2020, at 6. This fee exceeds the \$3.00 federal maximum for such fees for interstate inmate calling services. *See* 47 C.F.R. § 64.6020(b)(1). The fee for intrastate inmate calling services should not exceed the maximum fee for interstate inmate calling services. The fee should be reduced accordingly.

2. Section 2.7 of the proposed tariff provides, except as otherwise specified, that “all state and local taxes (*i.e.*, gross receipts tax, sales tax, municipal utilities tax, regulatory fees) are passed through on a per call basis to the Calling Account and are not included in the quoted rates.” FCC rules for interstate calls place restrictions on such billings. 47 C.F.R. §§ 64.6070,

64.2000(n), and 64.2000(b).¹ OCA suggests an additional provision in the tariff making clear that these restrictions will be observed for intrastate as well as interstate inmate calling.

3. OCA suggests consideration of one editorial enhancement in the proposed tariff. There are a number of references in the proposed tariff to “confinement” facilities. These could probably be improved to “correctional” facilities. *See Equal Access Corp. v. Utilities Board*, 510 N.W.2d 147, 148 (Iowa 1993).

WHEREFORE, OCA requests that the issues identified above be given further consideration prior to approval of any proposed tariff.

Respectfully submitted,

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OFFICE OF CONSUMER ADVOCATE

¹ 47 C.F.R. § 64.6070 states: “No Provider shall charge any taxes or fees to users of Inmate Calling Services, other than those permitted under § 64.6020, Mandatory Taxes, Mandatory Fees, or Authorized Fees.” 47 C.F.R. § 64.2000(n) states: “Mandatory Tax or Mandatory Fee means a fee that a Provider is required to collect directly from consumers, and remit to federal, state, or local governments. A Mandatory Tax or Mandatory Fee that is passed through to a Consumer may not include a markup, unless the markup is specifically authorized by a federal, state, or local statute, rule, or regulation.” 47 C.F.R. § 64.2000(b) states: “Authorized Fee means a government authorized, but discretionary, fee which a Provider must remit to a federal, state, or local government, and which a Provider is permitted, but not required, to pass through to Consumers. An Authorized Fee may not include a markup, unless the markup is specifically authorized by a federal, state, or local statute, rule, or regulation.”