

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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|-----------------|-------------------------|
| IN RE:          |                         |
| ENCARTELE, INC. | DOCKET NO. TF-2019-0270 |

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

**PROCEDURAL BACKGROUND**

On May 21, 2020, the Utilities Board (Board) issued an order requiring Encartele, Inc. (Encartele), to file a revised tariff consistent with the order. On July 21, 2020, Encartele filed the required revised tariff and an application for confidential treatment of the names and locations of the correctional facilities where Encartele provides inmate calling service. The Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice; Prison Policy Initiative, Inc.; Global Tel\*Link Corporations; and Securus Technologies, Inc., are parties to this docket.

On August 4, 2020, OCA filed an objection to the application for confidential treatment. OCA also filed comments addressing the July 21, 2020 revised tariff. On September 2, 2020, OCA filed additional authority from the Federal Communications Commission (FCC) to support the objection filed on August 4, 2020.

On August 6, 2020, the Board issued an order scheduling a technical conference to review the revised tariff. On September 10, 2020, the technical conference was held as scheduled. The participants at the technical conference considered provisions in the July 21, 2020 revised tariff. Based upon the information provided in the September 10,

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2020 technical conference and a review of the July 21, 2020 revised tariff, the Board is issuing this order, which requires revisions to the July 21, 2020 revised tariff.

### **TECHNICAL CONFERENCE GENERAL INFORMATION**

In describing the rates and services that are shown in the revised tariff, Encartele provided the following information:

1. Encartele described its services as alternative operator services in a correctional setting. Encartele employs live operators, but does not allow collect calls to be placed within its service.
2. Encartele stated that it only allows calls to be funded by credit or debit cards by placing funds in a calling account. Calls are purchased when an inmate accesses the calling account by placing a call. Ancillary fees are charged for deposits into the calling account.
3. Encartele uses a third-party vendor to determine the amount of taxes to charge for calls. The vendor is based in Florida and handles all of Encartele's tax calculations because taxes are different for each location.

### **ANALYSIS OF JULY 21, 2020 REVISED TARIFF**

The Board discusses certain provisions of the July 21, 2020 revised tariff below.

A. Original Page 3. This page uses the term "automated operator services" rather than "alternative operator services," which is defined in Iowa Code 476.91. Encartele agreed to change the terminology to reflect the Iowa Code. This page also contains the term "confinement institution." OCA recommended that the term "confinement" throughout the tariff be changed to "correctional." Encartele agreed to

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make this change. The Board agrees with this recommendation and will require that the tariff be revised accordingly.

B. Original Page 4. Encartele utilized a symbol “M” to demonstrate that language moved from one section to another with no change in the original language. This symbol is not within Board rules; however, the Board does not require that the symbol be removed.

C. Original Page 11. At the technical conference, Encartele stated that it does not require security deposits, but requires deposits into a calling account to access telephone services. At the Board’s suggestion, Encartele agreed to amend section 2.6.1 to include the word “security” before the term “deposits.”

D. Original Page 12. OCA requested that Encartele include a statement in section 2.7 that the company will bill taxes on intrastate calls in accordance with FCC regulations that place restrictions on how taxes are billed for interstate calls. OCA’s proposed statement is, “The billing of taxes on intrastate calls will be in accordance with the same restrictions as are required by Federal Communications Commission rules for interstate calls.” Encartele agreed to include the statement during the technical conference.

E. Original Page 14. At the technical conference, Board staff noted that Encartele does not provide a number within the tariff for customers to call to file complaints with the company. The Board requires Encartele to include a toll-free customer service number that allows customers to contact Encartele with questions or complaints independently from the Board’s customer service department. Encartele agreed to include a contact telephone number in its tariff.

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F. Original Page 18. Section 3.2 on this page contains an outdated reference to “long distance usage charges.” Encartele agreed to remove the reference to “long distance.” The Board will require this language to be changed to “usage charges” by removing the words “long distance” from the section.

G. Original Page 19: In section 3.3.1, Encartele agreed to remove the term “Station” from the first sentence of this section.

H. Original Page 20. At the technical conference, the Board noted that rates for all calls at all facilities were the same. The Board suggests the rate charts in section 3.4 be simplified to remove duplication and reflect that rates are the same for all calls at all facilities. This page also contains references to InterLATA and IntraLATA, which are outdated terms not applicable to inmate calling service. The Board will require Encartele to simplify the rate charts and remove the outdated terms. Encartele agreed to make these changes.

I. Original Page 22. Encartele agreed to remove the references to InterLATA and IntraLATA in section 4.3.1. OCA requested that Encartele change its electronic calling account processing fee to align with FCC rules. OCA cites 47 CFR. § 64.6020(b)(1), which provides a federal maximum automatic payment processing fee of \$3.00 for interstate inmate calling. The Board agrees with OCA’s request that Encartele adhere to the federal maximum electronic processing fee and will require Encartele to amend the fee included in section 4.3.2.

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### **CONFIDENTIALITY**

On July 21, 2020, Encartele filed responses to the Board's May 21, 2020 order in conjunction with the revised tariff. In the responses, Encartele filed the names and locations for the correctional facilities where it provides inmate calling service as confidential. On August 4, 2020, OCA filed a resistance to the request for confidential treatment. On September 2, 2020, OCA filed additional information in support of its resistance to the request for confidential treatment of the names and locations of the correctional facilities.

The Board has considered the request for confidential treatment of the names and locations of correctional facilities in those dockets where the company has requested confidential treatment. Some companies have provided the names and locations in their proposed tariffs. The Board, in Docket No. TF-2019-0270, issued an order on May 21, 2020, in which the Board stated that the names and locations may be held confidential. The Board, in Docket No. TF-2019-0032, issued an order on September 4, 2020, referencing the statement in Docket No. TF-2019-0270 that names and locations may be filed as confidential.

In OCA's September 2, 2020 filing, OCA references a decision by the FCC that the names and locations of correctional facilities where inmate calling service companies provided service are public information. In addition, OCA pointed out that this information is in the annual reports filed by the companies with the FCC. Based upon the September 4, 2020 filing by OCA, the Board will be reviewing its decision regarding the confidentiality of the names and locations of the correctional facilities where companies, such as Encartele, provide inmate calling service. The Board will

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issue an order addressing this confidentiality issue in the dockets where OCA filed the additional information, Docket Nos. TF-2019-0030, TF-2019-0032, TF-2019-0037, TF-2019-0270, and Docket No. NOI-2019-0001.

## **ORDERING CLAUSES**

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

1. Encartele, Inc., shall file within 30 days of the date of this order revisions to the July 21, 2020 revised tariff that are consistent with this order.
2. Encartele, Inc., shall include the following revisions in the revised tariff:
  - a. Change the term “automated” on Original Page 3 to “alternative.”
  - b. Replace the term “confinement” with the term “correctional” throughout the tariff.
  - c. Amend section 2.6.1 to include the term “security” before the term “deposit.”
  - d. In section 2.7 include the following sentence: “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.”
  - e. In section 2.9.2 include a toll-free customer service number.
  - f. Delete the term “long distance” from section 3.2.1.
  - g. Delete the term “Station” from section 3.3.1.
  - h. Revise the duplicative charts in section 3.4 and remove the terms “IntraLATA” and “InterLATA.”

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- i. Remove the terms “InterLATA” and “IntraLATA” from section 4.3.1.
  - j. Change the electronic processing fee in section 4.3.2 to adhere to the federal maximum of \$3.00.
3. Encartele, Inc., shall ensure that it is up to date on annual reports, annual registration, Dual Party Relay Service assessments, and invoice payments.

**UTILITIES BOARD**

**Geri Huser** Date: 2020.09.25  
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ATTEST:

**Anna Hyatt** Date: 2020.09.25  
16:13:22 -05'00'

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Richard W. Lozier, Date: 2020.09.25  
Jr. 15:36:45 -05'00'

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Dated at Des Moines, Iowa, this 25th day of September, 2020.