



**STATE OF ALABAMA**  
PUBLIC SERVICE COMMISSION  
P.O. BOX 304260  
MONTGOMERY, ALABAMA 36130

TWINKLE ANDRESS CAVANAUGH, PRESIDENT

JOHN A. GARNER, EXECUTIVE DIRECTOR

JEREMY H. ODEN, ASSOCIATE COMMISSIONER

CHRIS, "CHIP" BEEKER, JR, ASSOCIATE COMMISSIONER

Re: GENERIC PROCEEDING CONSIDERING THE )  
PROMULGATION OF TELEPHONE RULES ) DOCKET 15957  
GOVERNING INMATE PHONE SERVICE )

FURTHER ORDER DENYING MOTION TO EXTEND IMPLEMENTATION,  
ESTABLISHING A REVISED SCHEDULE OF SUBMISSION REQUIREMENTS, AND  
AMENDING APPENDIX G TO THE FINAL ORDER

BY THE COMMISSION:

On December 9, 2014, the Commission issued an order ("Final Order") in the above-styled proceeding that reformed its inmate calling service ("ICS") regulations and rates.<sup>1</sup> The Final Order established an implementation date of 30 days from its effective date, or January 8, 2015.

On January 2, 2015, CenturyLink Public Communications, Inc., d/b/a CenturyLink ("CenturyLink") filed a motion requesting that the Commission "extend the Final Order's implementation date to October 1, 2015, to allow implementation on a consistent basis by all carriers."<sup>2</sup> CenturyLink's Motion for Modification recognized that Securus Technologies, Inc. ("Securus") had appealed the Final Order to the Alabama Supreme Court and the Montgomery

<sup>1</sup> Docket No. 15957, *Generic Proceeding Considering the Promulgation of Telephone Rules Governing Inmate Phone Service*, Further Order Adopting Revised Inmate Phone Service Rules (December 9, 2014).

<sup>2</sup> CenturyLink's Motion for Rehearing, Reconsideration or Modification (January 2, 2015) ("CenturyLink Motion for Modification").

County Circuit Court on December 16, 2014.<sup>3</sup> CenturyLink further noted that Global Tel\*Link Corporation (“GTL”) and its subsidiaries also appealed the Final Order to both the Alabama Supreme Court and the Montgomery County Circuit Court on December 19, 2014.<sup>4</sup> Pursuant to Ala. Code § 37-1-141, both Securus and GTL filed petitions to stay or supersede the Final Order pending final adjudication with the applicable courts. On December 30, 2014, the Supreme Court issued orders which accepted and approved the supersedeas applications of both Securus and GTL.

CenturyLink argued that the approval of the supersedeas bonds of Securus and GTL by the Supreme Court would allow those companies to unfairly operate under a different set of rules than their competitors. On January 16, 2015, the Commission stayed the implementation date for the Final Order until the earlier of final adjudication of all pending appeals of the Final Order or July 1, 2015 (“Commission’s Stay Order”).<sup>5</sup> The Commission selected July 1, 2015 because of its proximity to the date when the Alabama Supreme Court should render its judgment pursuant to Ala. Code § 37-1-143.

In addition to the stay, the Commission clarified the schedule for the Final Order’s reporting requirements. Appendix A to the Commission’s Stay Order provided specific guidance for several relevant sections of the Final Order.

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<sup>3</sup> *Securus Technologies, Inc. v. Alabama Public Service Commission*, In the Supreme Court of Alabama, Case No. 1140266; *Securus Technologies, Inc. v. Alabama Public Service Commission*, In the Circuit Court of Montgomery County, Alabama, CV-2014-000802.

<sup>4</sup> *Global Tel\* link Corporation, by and on behalf of itself and its wholly owned subsidiaries, DSI-ITI, LLC, Public Communications Services, Inc. and Value-Added Communications, Inc. v. Alabama Public Service Commission*, In the Supreme Court of Alabama, Case No. 114-0284; *Global Tel\* link Corporation, by and on behalf of itself and its wholly owned subsidiaries, DSI-ITI, LLC., Public Communications Services, Inc. and Value-Added Communications, Inc. v. Alabama Public Service Commission*, In the Circuit Court of Montgomery County, Alabama, CV-2014-902085.

<sup>5</sup> Docket No. 15957, *Generic Proceeding Considering the Promulgation of Telephone Rules Governing Inmate Phone Service*, Order Staying Implementation Date (January 16, 2015).

On April 10, 2015, in both the Securus and GTL cases, the Alabama Supreme Court sua sponte ordered that the appeal “be held in abeyance until such time as the matter pending [in] the Montgomery County Circuit Court has been resolved.”<sup>6</sup> The Court’s action will likely delay a final resolution of the appeals well beyond July 1, 2015.

### **I. Motion to Extend Implementation Date of Final Order**

On April 24, 2015, CenturyLink filed a motion seeking further extension of the implementation date of the Final Order.<sup>7</sup> The basis for CenturyLink’s Motion for Further Extension is essentially the same as the basis for its Motion for Modification. CenturyLink asserts that the ICS providers that did not appeal the Final Order will “find themselves in the untenable position of operating under a different set of rules than their competitors for the duration of the appeal.”<sup>8</sup> CenturyLink requests that the Commission extend the implementation date until the final resolution of all pending appeals.

The Commission has a duty to ensure that rates and charges are reasonable and just to both the ICS providers and the customers. During the course of these proceedings, the Commission has found that customers are paying too much for ICS. A continued postponement in implementation of the Final Order’s prescribed rates and ancillary fees would further delay the rate relief to ICS customers in Alabama.

If the Final Order is upheld, the ICS providers that appealed the Commission’s Final Order must refund any overpayments paid by ICS customers during the pendency of the appeal.

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<sup>6</sup> *Securus Technologies, Inc. v. Alabama Public Service Commission*, In the Supreme Court of Alabama, Case No. 1140266, Order (April 10, 2015); *Global Tel\* link Corporation, by and on behalf of itself and its wholly owned subsidiaries, DSI-ITI, LLC, Public Communications Services, Inc. and Value-Added Communications, Inc. v. Alabama Public Service Commission*, In the Supreme Court of Alabama, Case No. 114-0284, Order (April 10, 2015).

<sup>7</sup> CenturyLink’s Motion for Further Extension of Implementation Date (April 24, 2015) (“CenturyLink’s Motion for Further Extension”).

<sup>8</sup> *Id.* ¶ 3.

Further, some ICS providers have already voluntarily implemented the rate caps and limits on fees of the Final Order without incurring the negative effects predicted in CenturyLink's motions. Therefore, Staff recommends that the Commission deny CenturyLink's Motion for Further Extension. The Commission concurs with Staff's recommendation in this regard. We accordingly deny CenturyLink's Motion for Further Extension.

## **II. Revised Compliance Schedule and Final Order Corrections**

With the expiration of the Commission's Stay on July 1, 2015, the Staff recommends a new implementation schedule. Attachment A provides a description of the proposed implementation schedule, listing the submission/reporting requirements, referencing the appropriate section of the Final Order, and providing the revised due dates for the required submissions. These revisions necessitate minor amendments to corresponding date references in Appendix G of the Final Order. The recommended revisions to Appendix G of the Final Order are appended hereto as Attachment B.<sup>9</sup>

The Commission concurs with the Staff's recommended schedule for ICS provider submissions in accordance with the requirements in the Final Order as implemented on July 1, 2015. Moreover, the Commission concurs with the Staff's recommended revisions to Appendix G of the Final Order which reflect the changes in the implementation schedule.

The Staff will publish the following documents on the Utility Service Division section of the Commission's website: (1) Final Order dated December 9, 2014; (2) Commission's Stay

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<sup>9</sup> The recommended changes also include the correction of a typographical error in Appendix G.

Order dated January 16, 2015; (3) this Order; and, (4) the Final Order revised based on this Order.<sup>10</sup>

IT IS, THEREFORE, ORDERED BY THE COMMISSION, that CenturyLink's Motion to extend the implementation date of the Final Order in this proceeding is denied.

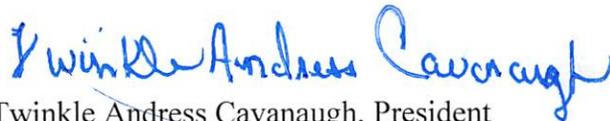
IT IS FURTHER ORDERED, that the schedule appended hereto as Attachment A is hereby approved.

IT IS FURTHER ORDERED, that the changes to Appendix G of the Final Order as appended hereto as Attachment B, are hereby approved.

IT IS FURTHER ORDERED, That this Order shall be effective as of the date hereof.

DONE at Montgomery, Alabama, this 12<sup>th</sup> day of June, 2015.

ALABAMA PUBLIC SERVICE COMMISSION



Twinkle Andress Cavanaugh, President

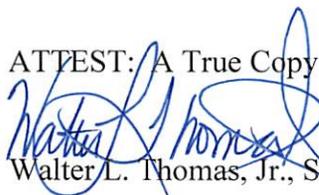


Jeremy H. Oden, Commissioner



Chris "Chip" Beeker, Jr., Commissioner

ATTEST: A True Copy



Walter L. Thomas, Jr., Secretary

<sup>10</sup> [www.psc.state.al.us/telecom/engineering/documents/inmate.htm](http://www.psc.state.al.us/telecom/engineering/documents/inmate.htm).

Revised Submission/Reporting Due Dates  
Inmate Calling Service  
Order Dated December 9, 2014 (and Subsequent Amendments)  
July 1, 2015 Order Implementation

Order Reference	Requirement Description	Date Due
Appendix G, Page 12	Reporting Requirements, Item 2. Report listing, by Alabama confinement facility, showing the number of kiosks at each Alabama confinement facility installed by or on behalf of the provider. <b>Submitted electronically to the Director of the Commission's Utility Services Division.</b>	Due no later than July 1, 2015 and annually thereafter for kiosks in service as of first day of the preceding calendar month.  Subsequent report is due no later than December 1, 2015 and annually thereafter for kiosks in service as of first day of the preceding calendar month.
Appendix G, Page 12	Reporting Requirements, Item 3. Listing of the security biometric features provided at each Alabama confinement facility served along with a description of the features and functionality associated therewith and the vendor source for the product(s). <b>Submitted electronically to the Director of the Commission's Utility Services Division.</b>	July 1, 2015  Subsequent report by NLT February 28, 2016 and annually thereafter

<b>Order Reference</b>	<b>Requirement Description</b>	<b>Date Due</b>
Appendix G, Page 12	<p>Reporting Requirements, Item 4. List of the Alabama confinement facilities the provider serves including the contract start date and term of the contract. <b>Submitted electronically to the Director of the Commission's Utility Services Division.</b></p> <p>Providers will update the report as additional facilities are added, upon renewal of existing contracts, or when the provider no longer serves a facility included in a prior report. Providers that did not provide service in Alabama prior to selection as an Alabama facility provider shall submit the report no later than thirty (30) days following the activation of their service in the facility."</p>	July 1, 2015
Para 10.01 and Appendix G, page 10	Abbreviated tariff using example templates provided in Appendix F. Rate/Fee caps are effective July 1, 2015. Providers may implement lower rates and/or ancillary fees at their discretion. <b>Submitted electronically to the Director of the Commission's Utility Services Division.</b>	July 13, 2015
Para 8.23 and Appendix G, page 13	For payment transfer fees charged the provider's customers by Western Union/MoneyGram that exceed \$5.95 as of the 15th day from the implementation date of this Order, the provider shall submit a <b>letter to the Director of the Commission's Utility Services Division</b> identifying the provider's efforts and progress associated therewith to acquire for its customers payment transfer fees from Western Union/MoneyGram that are \$5.95 or less.	July 16, 2015
Para 6.43	Petition for waiver of the Commission's \$3.00 cap on the bill processing fee portion of the price cap for single payment calls billed to the call recipient via their wireless carrier's monthly bill (i.e., Text2Connect and Collect2Fone type calls). <b>Formal filing through Commission Secretary.</b>	July 31, 2015
Para 8.26	Petition for waiver of the requirement to arrange with Western Union/MoneyGram for payment transfer fees of \$5.95 or less. <b>Formal filing through Commission Secretary.</b>	August 17, 2015

<b>Order Reference</b>	<b>Requirement Description</b>	<b>Date Due</b>
Appendix G, Pages 11-12	Reporting Requirements, Item 1A through 1C. <b>Submitted electronically to the Director of the Commission's Utility Services Division.</b>	August 31, 2015 for the calendar year ending December 31, 2014  Subsequent report due NLT February 28, 2016 and annually thereafter for December 31st of most recent calendar year.
Para 10.01 and Appendix G, pages 9-10	Tariffs. <b>Formal filing through Commission Secretary.</b>	August 31, 2015
Appendix G, Page 12	Reporting Requirements, Item 5. Letter disclosing and describing: all services, not listed in the tariff, provided for a charge to ICS customers in Alabama including services the provider considers unregulated; all ancillary fees, not listed in the tariff, charged to ICS customers in Alabama and the amount of the charge associated therewith, including those ancillary fees the provider considers unregulated. <b>Submitted electronically to the Director of the Commission's Utility Services Division.</b>	August 31, 2015 and annually thereafter

Revisions to Appendix G  
Of Order Dated December 9, 2014  
Based on July 1, 2015 Order Implementation

<b>Order Reference</b>	<b>Amendments</b>
Page 9, Tariffs, Item 1	Substitute the term “ICS” for “ICSA”
Pages 11-12, Reporting Requirements, Item 1	Where it reads: “...to the Commission Utility Services Division by no later than February 28, 2015 for the period ending on the last day of the preceding December and annually thereafter”  Change to read “...to the Commission Utility Services Division by no later than August 31, 2015 for the period ending on the last day of the preceding December and annually thereafter by no later than February 28”
Page 12, Reporting Requirements, Item 2	Where it reads: “The initial report is due by no later than February 28, 2015”  Change to read “The initial report is due by no later than July 1, 2015 for kiosks in service as of June 1, 2015”
Page 12, Reporting Requirements, Item 3	Where it reads: “The initial report is due by no later than February 28, 2015 and annually thereafter”  Change to read “The initial report is due by no later than July 1, 2015 and annually thereafter by no later than February 28.”
Page 12, Reporting Requirements, Item 4	Where it reads: “The initial report is due by no later than February 28, 2015”  Change to read “The initial report is due by no later than July 1, 2015”
Page 12, Reporting Requirements, Item 4	Where it reads: “Providers will update the report as additional facilities are added, upon renewal of existing contracts, or when the provider no longer serves a facility included in a prior report.”  Add the following: “Providers that did not provide service in Alabama prior to selection as an Alabama facility provider shall submit the report no later than thirty (30) days following the activation of their service in the facility.”