

LOUISIANA PUBLIC SERVICE COMMISSION

GENERAL ORDER

LOUISIANA PUBLIC SERVICE COMMISSION, EX PARTE

Docket No. R-32777, In Re: Rulemaking to Establish Rules and Regulations Specific to the Regulation of Prison Telephone Communication Systems.

(Decided at the Commission's Business and Executive Session held March 22, 2016.)
(Preempts and Supersedes Order U-21322, Order R-31891 and Order R-31891-A)

I. PURPOSE

Pursuant to directive, the Louisiana Public Service Commission ("LPSC" or "Commission") initiated this rulemaking with the goal of adopting rules and regulations specific to the regulation of intrastate prison telephone communication systems. Previous Commission Orders addressing prison telephone communications systems use the terminology "inmate phone service", "payphone service", "payphone services provider", "operator service" and "operator service provider", to describe those telecommunications services provided to persons incarcerated in public or privately operated prisons and jails in Louisiana. The Federal Communications Commission ("FCC") identifies these services as "Inmate Calling Services." For consistency, the Commission will hereafter refer to the intrastate telecommunications services provided to those incarcerated in prisons, jails, and other correctional facilities in Louisiana as "Inmate Calling Services" ("ICS"), and a provider of such services as an "Inmate Calling Service Provider" ("ICSP").

The requirements and regulations set forth herein, and as contained in Staff's Final Recommendation Draft Order, are intended to apply prospectively to all persons and entities engaged in the provision of intrastate ICS.. Further, this Order and regulations adopted hereto are intended to preempt and supersede all prior Commission Orders, rules and regulations pertaining specifically to Inmate Calling Services and to all Inmate Calling Service Providers.¹

¹ The most recent regulations for operator and payphone services were adopted by the August 19, 1998 General Order (Docket No. U-21322, *In re: Reconsideration of Regulations and Guidelines for Customer Owned Coin Operated Telephone Service Providers/Alternate Operator Service Providers in Light of Problems that have developed in the Industry and Applicability of the above Regulations and Guidelines to all Public Payphone Providers*). The most recent revision to the Commission's authorized rate caps are contained in the General Order dated January 28, 2013 in Docket R-31891 (*In Re: Review and Update of the Regulations and Guidelines of the Louisiana Public Service Commission Applicable to Customer Owned Coin Operated Telephone Service Providers and Alternate Operator Service Providers*) and subsequent revision dated May 31, 2013 Order R-31891-A.

II. PROCEDURAL HISTORY

The Commission opened the above-captioned Docket No. R-32777 via notice publication in Official Bulletin No. 1035 dated April 26, 2013, with a 25 day intervention period. East Ascension Telephone Company D/B/A EATEL and Lafourche Telephone Company, LLC (collectively "EATEL"); Securus Technologies, Inc.; City Tele-Coin Company, Inc.; and, the Louisiana Sheriff's Association timely intervened in this matter. EATEL subsequently withdrew its intervention. The Staff issued its Proposed Recommendation on July 14, 2015. Subsequently, in addition to the timely interventions previously listed, interventions were filed by American Phone Systems, LLC; CenturyLink Public Communications, Inc.; Correct Solutions, LLC; Infinity Networks, Inc.; and Network Communications International Corp. All parties filed comments in response to the Staff's Proposed Recommendation on or prior to September 11, 2015.

Staff reviewed the extensive comments filed by the parties, Staff also analyzed the FCC *Second Report and Order and Third Further Notice of Proposed Rulemaking* ("FCC 2015 Order") addressing ICS rates and reforms, as well the Alabama Public Service Commission's "Revised Inmate Phone Service Rules" in Docket No. 15957, which resulted in orders in July and December of 2014. After a consideration of the above, Staff issued a Final Recommendation on January 15, 2016.

III. JURISDICTION

Article IV, § 21 of the Louisiana Constitution of 1974 provides the Commission with the following authority:

The commission shall have all power and authority to regulate common carriers and public utilities and have such other regulatory authority as provided by law. It shall adopt and enforce reasonable rules, regulations and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law.

Consistent with the above, the Commission exercises Constitutionally-granted, plenary jurisdiction over public utilities and common carriers. Included within the Constitutional grant is jurisdiction over intrastate ICS and the providers of such services. The breadth of the Commission's authority has been consistently affirmed by the Louisiana Supreme Court on numerous occasions. *See, e.g., Cajun Electric Power Cooperative, Inc. v. LPSC*, 544 So.2d 362 (La. 1989); *South Central Bell Telephone Co. v. LPSC*, 412 So.2d 1069, 1070 (La. 1982); *Central Louisiana Electric Co. v. LPSC*, 373 So.2d 123, 128 (La. 1979); *Louisiana Consumers'*

League Inc. v. LPSC, 351 So.2d 128, 131 (La. 1977). Since at least 1989,² the Commission has adopted, on a continuous basis, regulations applicable to ICSPs through a series of Commission Orders. While the most recent pronouncements regarding rates were adopted in January 2013 with the passage of Order R-31891, and in May 2013 with the passage of Order R-31891-A, the actual substantive regulations have not been modified since the adoption of the August 19, 1998 General Order.

IV. STAFF RECOMMENDATIONS

A number of drastic changes have taken place in the telecommunications industry, and, more specifically in the operator and payphone service provider industry in which ICSPs operate. Therefore, the Staff proposed promulgating these regulations to modernize the existing regulations as they apply to ICSPs to ensure that services are provided at just, reasonable and non-discriminatory rates. Thus, these regulations are intended to specifically preempt and supersede all prior Commission Orders, rules and regulations pertaining specifically to Inmate Calling Services and to all Inmate Calling Service Providers.

Staff's Final Recommendation addresses the following issues and concerns, and proposes ICSP Regulations to address those concerns.

1. The Draft Order applies prospectively to all persons and entities engaged in the provision of intrastate ICS within Louisiana and preempts and supersedes all prior Commission Orders, rules and regulations pertaining specifically to inmate calling services and inmate calling service providers.
2. The staff recommendation proposes to eliminate the requirement that ICS providers file and maintain tariffs with the Commission, proposes a transition period for ICS provider compliance with the ICS caps and regulations, and provides for both rate and ancillary fee maximum charges.
3. The recommendation provides that tariff requirements applicable to ICS providers be eliminated, and proposes that ICSPs be allowed to provide services pursuant to individually negotiated contracts. The rates and charges in such contracts would be subject to all rules that the Commission adopts in this proceeding.
4. The staff recommendation prohibits "single pay" methods of bill payment, and authorizes only those ancillary service charges adopted by the FCC 2015 Order.
5. All ICSPs must be certified by the Commission prior to providing intrastate inmate calling services.
6. ICSPs are permitted to provide ICS pursuant to contracts entered into with correctional facilities. The rates of such new contracts may not exceed the Rate Caps for ICS or Ancillary Charges set forth in Attachments A and B without the prior approval of the Commission.

² See LPSC Order No. U-17957 (March 7, 1989) (*In re: Investigation of operating practices of alternate operator services providers to include rates and charges*), which established the rules and regulations for ICSP operating in Louisiana.

7. The rate caps set forth in Attachments A and B shall not apply to existing contracts, but will apply to any new contracts or renewals or extensions of existing contracts executed after the effective date of this Order. However, the rate caps set forth in Attachments A and B shall apply to all existing and new contracts, and all renewals or extensions of existing contracts, twelve (12) months after the effective date of this Order.
8. An ICS provider may petition the Commission to include additional charges and surcharges not addressed in Attachment B. No additional charges or surcharges would be allowed to be charged or collected without prior Commission approval.
9. Upon the effective date of the Order, ICS providers are prohibited from entering into new contracts (including contract renewals or extensions of existing contracts, or negotiating amendments to existing contracts that would require or permit ICS providers to charge rates in excess of the rate caps set forth in Attachments A and B, impose ancillary service charges that are prohibited by the Order or charge ancillary service charges that exceed the caps adopted in the Order.)
10. An ICSP may request Commission approval of rate and/or ancillary charge increases and/or additional ancillary charges by submitting a formal request to the Commission.
11. The Commission shall notice, hear, and consider complaints filed by customers of ICSPs pursuant to the Commission's Rules of Practice and Procedure.
12. No ICSP shall willfully violate any provision of this Order applicable to regulated ICSPs; nor shall any ICSP fail to perform any duty imposed by this Order. Upon being found guilty of a willful violation of this Order, an ICSP may be fined up to \$10,000 per violation and/or have its certificate of operating authority revoked.

V. COMMISSION ACTION

Staff's Final Recommendation, containing the Proposed ICSP Regulations, was considered by the Commission at its March 22, 2016 Business and Executive Session. Commissioner Skrmetta made a motion, seconded by Vice Chairman Angelle, to accept Staff's recommendations. Commissioner Boissiere made a substitute motion, seconded by Commissioner Campbell, to postpone and suspend the vote until the FCC can make a final ruling on the matter. The motion failed 2-3. Commissioner Skrmetta's original motion was taken up, seconded by Vice Chairman Angelle, with Chairman Holloway concurring and Commissioner Campbell and Commissioner Boissiere opposing, the Commission voted to accept Staff's Final Recommendation as filed on January 15, 2016.

IT IS THEREFORE ORDERED:

1. Staff's Final Recommendation and Staff's Proposed ICSP Regulations attached hereto as Appendix A are hereby adopted.
2. This General Order is effective immediately.

IT IS THEREFORE ORDERED:

1. Staff's Final Recommendation and Staff's Proposed ICSP Regulations attached hereto as Appendix A are hereby adopted.
2. This General Order is effective immediately.

**BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA**

April 20, 2016

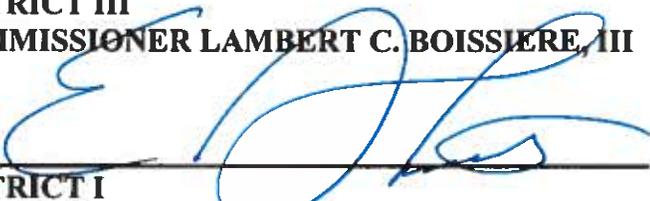


**DISTRICT IV
CHAIRMAN CLYDE C. HOLLOWAY**

**DISTRICT II
VICE CHAIRMAN SCOTT A. ANGELLE**

**OPPOSED
DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL**

**OPPOSED
DISTRICT III
COMMISSIONER LAMBERT C. BOISSIERE, III**


**EVE KAHAO GONZALEZ
SECRETARY**
**DISTRICT I
COMMISSIONER ERIC F. SKRMETTA**

LOUISIANA PUBLIC SERVICE COMMISSION

GENERAL ORDER NO. R-32777

LOUISIANA PUBLIC SERVICE COMMISSION, EX PARTE

APPENDIX A

Docket No. R-32777, In Re: Rulemaking to Establish Rules and Regulations Specific to the Regulation of Prison Telephone Communication Systems.

ICSP RULES AND REGULATIONS

SECTION I. APPLICATION

It is the intent of the Commission that this Order shall apply to all Inmate Calling Services ("ICS") and to all ICS Providers ("ICSPs") over which the Commission has regulatory authority. To the extent the Commission's regulatory authority over (a) any particular ICSP or, (b) over certain conduct or services offered or provided by any particular ICSP is expressly preempted, then these regulations shall be interpreted in a manner which recognizes all such preemptions so long as such preemption remains in effect.

If a court of competent jurisdiction finds any provision of this Order to be invalid or unenforceable as to any ICSP or circumstance, such finding shall not render that provision invalid or unenforceable as to any other ICSPs or circumstances. If feasible, any such offending provision shall be deemed to be modified to be within the limits of enforceability or validity; however, if the offending provision cannot be so modified, it shall be stricken and all other provisions of this Order in all other respects shall remain valid and enforceable. In addition, in the event any provision of this Order is stayed in connection with a judicial review of this Order, the remaining provisions of this Order shall remain valid and enforceable.

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SECTION 2. DEFINITIONS

- A. Ancillary Charges** – any charges to Customers not included in the charges assessed for individual calls, and that may be assessed to Customers in exchange for the use of Inmate Calling Services. Ancillary Charges include, but are not limited to: fees to create, maintain, or close an account with a provider; fees in connection with account balances, including fees to add money to an account; and, fees for obtaining refunds of outstanding funds in an account. Maximum allowable Ancillary Charges are set forth on Attachment B.
- B. Ancillary Services** – services, and associated fees and charges, necessary and integral to the provision of Inmate Calling Services, or optional services made available for the convenience of Customers. Allowable Ancillary Services are set forth on Attachment B.
- C. Customer** – an inmate, or third party attempting to communicate with an inmate, who uses Inmate Calling Services or Ancillary Services.
- D. Inmate Calling Services** – the provision of intrastate inmate telecommunications and telephone services in inmate/correctional facilities in Louisiana over which the Commission has jurisdiction, including Ancillary Services.
- E. Inmate Calling Service Provider** – a provider of intrastate Inmate Calling Services in inmate/correctional facilities in Louisiana.
- F. Rate** – the per minute price of the intrastate inmate telecommunications and telephone services component of an Inmate Calling Service subject to the Rate Caps set forth on Attachment A.
- G. Rate Caps** – the maximum allowable per minute Rate, Surcharge, or Ancillary Charges as set forth on Attachments A and B. Any Rates, Surcharges, and/or Ancillary Charges that exceed the Rate Caps shall constitute a violation of this Order.
- H. Surcharge** – a Charge added to the Rate of the actual phone call. Allowable Surcharges and caps are set forth on Attachment B.

SECTION 3. CERTIFICATION OF INMATE CALLING SERVICE PROVIDERS

All ICSPs must be certified by the Commission. Prior to providing intrastate ICS to any inmate/correctional facility located in Louisiana, the ICSP shall submit an application for a Certificate of Authority with the Commission. The Commission, through its Secretary, when in the public interest and subject to and in compliance with the conditions and procedures set forth below, shall grant a Certificate of Authority to an applicant that possesses the requisite

managerial, financial and technical abilities to provide ICS. No ICSP shall offer or provide ICS to any person or entity prior to obtaining a Certificate of Authority from the Commission.

ICSP certification includes all authority necessary to provide intrastate ICS at inmate/correctional facilities in Louisiana, including authority for toll resale and operator services. However, standalone ICSP certification does not include customer-owned, coin-operated telephone ("COCOT") and/or payphone service provider authority for payphone service offered generally to the public at locations other than at inmate/correctional facilities. Such authority must be requested separately, pursuant to LPSC General Order dated September 18, 1998 (the "COCOT Order"), as an add-on to the ICSP Certificate of Authority.

In addition, because standalone ICSP authority is limited to service at inmate/correctional facilities in Louisiana, ICSPs do not have authority to serve the public as a competitive local exchange carrier ("CLEC") or as an inter-exchange carrier ("IXC"). Such additional authority requires an application for a Certificate of Authority from the Commission pursuant to the Commission's Regulations for Competition in the Local Telecommunications Market, as amended.

The ICSP application shall include the ICSP's name; corporate structure identifying ownership of the ICSP; managerial, technical and financial ability to provide ICS; a public interest statement; and regulatory contact information. ICSPs with existing Certificates of Authority or existing authorizations/certifications on file with the Commission on the effective date of this Order are not required to submit a new application under this Order.

ICSPs obtaining a Certificate of Authority under this Section shall obtain certification subject to the following non-exhaustive list of conditions and obligations:

- a. ICSPs shall comply with all applicable statutes and Commission rules, regulations, Orders, policies and other requirements relevant

to the provision of Inmate Calling Services, including but not limited to customer billing, deposits, provisioning of service and the handling of complaints:

- b. ICSPs are prohibited from engaging in unreasonable price discrimination, predatory pricing, price squeezing, or tying arrangements with respect to other ICSPs and end users;
- c. ICSPs shall cooperate with Commission investigations; and
- d. After notice and hearing, such other obligations as the Commission may require.

Failure of an ICSP to comply with any of the above conditions and obligations may, after notice and hearing, result in the rescission of its Certificate of Authority and/or the imposition of monetary fines not exceeding ten thousand dollars (\$10,000) per violation.

SECTION 4. ICS CONTRACTS

ICSPs are permitted to provide ICS pursuant to contracts entered into with correctional facilities. Except as provided in Section 5.B below, the rates in such contracts may not exceed the Rate Caps for ICS or Ancillary Charges set forth in Attachments A and B without the prior approval of the Commission.

SECTION 5. RATE CAPS

ICSPs shall charge rates and fees that are just and reasonable, and not unreasonably discriminatory for ICS offered under the same or similar circumstances.

In Order No. R-31891 (January 28, 2013), the Commission updated its guidelines and regulations applicable to the rates charged and permitted fees and surcharges applicable to ICSPs providing ICS to inmate/correctional facilities in Louisiana. The Commission notably adopted rate caps applicable to certain classes of customers that eliminated all rate differentials based on mileage bands, time of day rates, Local Access and Transport Area ("LATA") specific rates (inter-LATA and intra-LATA), and long distance/local call distinctions. Specifically, Order No.

R-31891 established a separate rate cap for calls made by inmates to the following: 1) immediate family members of inmates; 2) legal aid services and groups; 3) clergy, churches, pastors, ministers and the like; 4) government agencies, including schools; and 5) attorneys/public defenders.

Order No. R-31891 further provided that the separate rate cap and rate design for the five categories of call recipients shall be implemented by an ICSP for the next contract after an existing contract expires, but if a contract has an option, extension, or rollover provision, the separate rate cap would apply to any such option, extension, or rollover of the contract. However, regardless of the date of the expiration of any contract, the separate rate cap and rate design was to be effective no later than 24 months after the effective date of Order No. R-31891.

A) Initial Rate Caps

Given the changes in the telecommunications industry and technology used to provide ICS that have occurred since the Commission last addressed substantive rules for ICSPs in the August 19, 1998 General Order, the Commission finds that rate caps based on antiquated distinctions such as mileage bands, time of day, etc. are no longer required. Further, since adoption of Order No. R-31891, it has become apparent that the separate rate cap and rate design established in Order No. R-31891 are administratively and technically unworkable by the ICSPs, and also create irresolvable compliance and enforcement problems for the ICSPs and the Commission. Accordingly, the Commission hereby eliminates these distinctions and establishes a Rate Cap applicable to all calls, including those calls to categories of persons previously addressed in Order No. R-31891, as set forth on Attachment A hereto.

The initial Rate Caps established herein are set forth on Attachments A and B, which may be updated and revised by the Commission as set forth below. The Commission retains the right

to review the Rate Caps and the Rates and Charges charged by ICSPs at any time, upon its own motion or upon motion of an ICSP. Further, the Commission retains the right to change the Rate Caps at any time after providing notice to the public and ICSPs, and an opportunity for comment by interested parties, should the Commission find that doing so would be in furtherance of the public interest.

In addition, an ICS provider may petition the Commission to include additional Charges and Surcharges not addressed in Attachment B. However, no additional Charges or Surcharges will be allowed to be charged and collected without prior Commission approval according to the processes set forth in Section 5.C.

In addition to the Rate Caps set forth on Attachments A and B, the following rules concerning "single pay" methods and funding limits shall apply: (1) ICS providers may directly pass through third-party financial transaction fees with no markup, netback or rebate, plus adopted, per-minute rate no higher than the applicable rate cap; and, (2) ICS providers shall not establish prepaid account funding minimums.

The applicable caps and rules for ICS Rates, Ancillary Charges, fees and policies shall apply to all ICS calls and transactions without exception, unless the ICS provider has received the prior written approval of the Commission.

B) Grandfathering of Existing Contracts and Anti-Gaming Provisions

The Rate Caps set forth in Attachments A and B shall not apply to existing contracts, but will apply to any new contracts or renewals or extensions of existing contracts executed after the effective date of this Order. However, notwithstanding the foregoing, the Rate Caps set forth in Attachments A and B shall apply to all existing and new contracts, and all renewals or extensions of existing contracts, twelve (12) months after the effective date of this Order.

In addition, ICS providers are prohibited from entering into new contracts (including contract renewals or extensions of existing contracts) or negotiating amendments to existing contracts that would require or permit ICS providers to charge rates in excess of the Rate Caps set forth in Attachments A and B, impose Ancillary Service Charges that are prohibited by this Order, charge Ancillary Service Charges that exceed the caps adopted in this Order, or negotiate or receive kickbacks, netbacks, setbacks or rebates from third parties. These prohibitions shall take effect upon the effective date of this Order.

C) Rate and Fee Increases

According to the processes set forth below, an ICSP may increase its Rates and/or Ancillary Charges, and/or include additional Ancillary Charges, upon Commission approval.

Request for Rate and Charge Increases Above Rate Caps.

An ICSP may request Commission approval of Rate and/or Ancillary Charge increases and/or additional Ancillary Charges beyond the then-effective Rate Caps set forth on Attachment A, and beyond the Ancillary Charges set forth on Attachment B, by submitting a formal request to the Commission. The request shall provide the amount of the requested increases (broken down by Rate and Charge), justification for the increases (including supporting documentation), and confirmation that all inmate/correctional facilities have been notified of the request with a description of the form of notification provided to the facilities.

In addition, the Commission retains the authority to make exceptions to the Rate Caps contained in this Order to allow recovery of Surcharges and fees for specific costs. This authority shall be exercised by majority vote of the Commission pursuant to request by an ICS provider, or upon the Commission's own motion after notice to and opportunity for comment by interested parties.

D) Requests for Exceptions/Exemptions Regarding Prior Ancillary Charges, Surcharges and Fees

LPSC Order No. R-31891 was issued on January 28, 2013 following a Commission investigation into the rates charged to inmates in State, Parish and local correctional facilities. Order No. R-31891 concerned, among other things, the surcharges and fees collected by ICSPs over and above the rates charged pursuant to the rate caps. The Commission identified the surcharges and fees at issue as those that have not been authorized by Commission Orders and have not been approved by an affirmative vote of the Commission. Ordering Clause Four of Order No. R-31891 directed ICSPs to eliminate such surcharges and fees within thirty (30) days of the effective date of the Order. This change modified the COCOT Order by providing what the Commission, in Order No. U-32740, described as an "amnesty opportunity" for ICSPs to eliminate surcharges and fees which had not been properly authorized.¹ In addition, Ordering Clause Six of Order No. R-31891 authorized ICSPs to seek exemptions or exceptions from the Commission from the elimination of the unauthorized surcharges and fees.²

Subsequently, LPSC Order No. R-31891-A, approved at the Commission's March 20, 2013 Business and Executive Session, and issued on May 31, 2013, stayed Order No. R-31891's mandate that ICSPs eliminate unauthorized surcharges and fees within thirty (30) days of the effective date of Order No. R-31891, thus extending the amnesty opportunity for carriers until procedures are put in place for the processing and determination of ICSPs' requests for exemption from the elimination of surcharges and fees.³ Order No. R-31891-A specifically

¹ LPSC Order No. U-32740, at p. 16.

² City Tele-Coin Company, Inc. and Securus Technologies, Inc. each filed requests for exemptions/exceptions from the elimination and prohibition against the continued assessment and collection of unauthorized ancillary charges, surcharges and fees contained in Order No. R-31891. See LPSC Docket Nos. U-32719 and U-32739.

³ Requests for rehearing of Order No. R-31891 were timely filed by City Tele-Coin Company, Inc. and Securus Technologies, Inc. These providers agreed to have Commission consideration of their rehearing requests stayed

permitted an ICSP to continue to collect its currently assessed surcharges and fees, subject to refund if the ICSP's request for exemption is denied.⁴

The Commission hereby establishes that, upon good cause shown, the Commission may grant requests by ICSPs for exceptions/exemptions from the prohibition against the assessment and collection of Ancillary Charges, Surcharges and fees assessed and collected by ICSPs prior to the effective date of this Order that have not been previously authorized by prior Commission Orders, or formally approved by an affirmative vote of the Commission.

In considering whether to grant such requests for exceptions/exemptions, the Commission shall determine on a case-by-case basis, among other factors, whether the Ancillary Charges and/or Surcharges and fees at issue were necessary and integral to the provision of ICS, and/or were optional services made available for the convenience of Customers, such as the Allowable Ancillary Charges and Surcharges set forth on Attachment B. In addition, the Commission may consider whether or not an ICSP provides additional services to inmates and correctional facilities without separate additional charge, including without limitation, hotline calls, commissary calls, calls to clergy, public defenders, initial call to family, various safety and security issues required to be covered by the correctional facility, preparing data CDs for District Attorneys for prosecutions, call recording, and blocked numbers.

SECTION 6. CUSTOMER COMPLAINTS

The Commission shall notice, hear and consider complaints filed by Customers of ICSPs pursuant to the Commission's Rules of Practice and Procedure.

SECTION 7. FINES

until their pending requests for exemptions/exceptions were heard, or the stay imposed by Order No. R-31891-A expired. (LPSC Tr. March 20, 2013 B&E, at p. 58).

⁴ LPSC Order No. R-31891-A, at Ordering Clause Four.

No ICSP shall willfully violate any provision of this Order or any other statute or Commission rule, regulation, Order or policy applicable to regulated ICSPs; nor shall any ICSP fail to perform any duty imposed by this Order. Upon being found guilty of a willful violation of this Order, an ICSP may be fined up to \$10,000 per violation and/or have its certificate of operating authority revoked.

GENERAL ORDER NO. R-32777

ATTACHMENT "A"

INTRASTATE MAXIMUM ALLOWABLE RATE (CAP) FOR CORRECTIONAL FACILITIES

Per Minute of Use Charge – Collect \$0.30/MOU

Per Minute of Use Charge – Prepaid/Debit or Credit \$0.25/MOU

The above Caps shall apply to all ICS calls without regard to LATA, mileage bands, time of day, whether the call is local or intrastate long distance, and regardless to whom the call is placed.

Calls shall be rated in increments of no greater than one minute.

GENERAL ORDER NO. R-32777

ATTACHMENT "B"

**MAXIMUM ALLOWABLE ANCILLARY CHARGES, SURCHARGES AND
CAPS FOR CORRECTIONAL FACILITIES**

- I. Ancillary Charges.
 - A. Assessment of taxes and governmental fees:
 1. Shall be billed and line itemed in accordance with LPSC General Order dated October 18, 1988.
 - B. Allowable Ancillary Charges and Caps:
 1. Debit/credit card online or telephonically via interactive voice response (IVR); or by cash or debit/credit card at the ICS provider's kiosk: Rate Cap - \$3.00.
 2. Debit/credit card telephonically via live agent: Rate Cap - \$5.95.
 3. Bill processing fee for collect calls billed by the call recipient's carrier: Rate Cap - \$3.00.
 4. Convenience fees for transfers from the inmate's canteen/trust accounts: Rate Cap - 5% of transfer amount.
 5. Fee for optional paper billing statement regardless of the number of pages: Rate Cap - \$2.00.
 - C. Nonsufficient Funds (NSF) returned check charge:
 1. NSF check charge not greater than \$20.00, in accordance with LPSC Order.
- II. The following rules concerning "single pay" methods (e.g., text-to-connect, collect-to-cell, connect2talk, or any other single call billing), and funding limits shall apply:

1. Inmate Calling Services Providers may directly pass through third-party financial transaction fees with no markup, kickback, netback, setback or rebate, plus adopted, per-minute rate no higher than the applicable Rate Cap:
and
2. Inmate Calling Services Providers shall not establish prepaid account funding minimums.