



# State of Alabama

ALABAMA PUBLIC SERVICE COMMISSION  
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JAN COOK, ASSOCIATE COMMISSIONER

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WALTER L. THOMAS, JR.

SECRETARY

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

DOCKET 15957

## ORDER

BY THE COMMISSION:

### I. Introduction/Background

In its March 10, 2008, Order for Docket 30632, the Commission concluded that the provisions of the Communications Reform Act of 2005 ('the Act') do not apply to payphone service and that Inmate Phone Service (IPS) providers must comply with all Commission Orders and Rules relative to Payphone Services and IPS.

In its June 10, 2008, Order under this Docket, the Commission established a comment period for consideration of the staff's proposed Telephone Rules and price caps applicable to IPS. Joint comments were submitted by Evercom Systems, Inc. and T-NETIX Telecommunications Services, Inc. (collectively, "E&T"); Inmate Calling Solutions, LLC ("ICS"); Global Tel\*Link Corporation ("GTL"); and, Pay Tel Communications, Inc. ("Pay Tel").

### II. Rate Caps

Appendix 2 to the Commission's Order dated June 10, 2008, shows the maximum allowable Inmate Phone Service Charges proposed by the Commission. The maximum allowable charges include a \$2.25 per-call cap on operator service charges, a cap on the per-minute toll rates of \$.30, and a per-call local message rate cap of \$.50. The Commission also proposed a per-call duration allowance of twenty (20) minutes before involuntary termination of the call by the provider.

E&T commented that the proposed caps "...would require a reduction across-the-board (e.g., all calls) in Evercom's tariffed per-call Operator Services Charge, which currently matches the dominant carrier (i.e., AT&T) rate."<sup>1</sup> On page 5 of their reply comments, GTL stated:

"It is imperative that if new rate caps are implemented, they are implemented with a sensitivity to existing contracts and obligations that are being exercised pursuant to rates that were factored into meeting the requirements of both the IPS providers and the correctional facilities they serve. The current rates that are being charged pursuant to existing contracts must be grandfathered and allowed to remain in place for the life of the contract to allow both correctional facilities and IPS providers to adjust budgets and plans accordingly. Some contracts require that a minimum annual guaranteed level of commissions be paid to the correctional facility by the IPS provider. In those situations, if rates are mandated to be reduced, the minimum annual guaranteed amounts do not change."

Under the Commission's proposed rate caps, Evercom's operator surcharge would be reduced from \$2.50 to \$2.25 per call. However, operator surcharges are only one element of IPS pricing. Evercom's tariffed per-minute charges are \$.20 per minute as compared to the \$.30 per minute maximum charge in the proposed caps. Therefore, Evercom would suffer no financial harm under the proposed caps provided they balance any reduction in the operation surcharge with higher per-minute usage charges. The remaining respondents have established operator surcharges of \$2.25 and per-minute charges of \$.30. The Commission finds no merit in the position that the proposed rate caps are in any way harsh or unfair to Alabama IPS providers.

The Commission is cognizant of the contractual nature between IPS providers and inmate facilities and does not intend that its price caps be implemented without regard to existing agreements established prior to the Commission's Order in this proceeding. The Commission finds GTL's recommendation that IPS providers be permitted to grandfather existing contracts through the scheduled contract expiration to be prudent provided that contracts grandfathered in accordance with the provisions of this Order are not renewed using the grandfathered prices at contract expiration (i.e., no contract rollover). To incorporate GTL's recommendation, IPS providers have the option of grandfathering the prices for all or selected contracts with inmate facilities until the expiration of those contracts. IPS providers choosing to grandfather existing contracts for IPS with inmate facilities will submit a list identifying the scheduled expiration dates of the contracts to be grandfathered. To prevent information of a competitive nature from being compromised, the list of contract expiration dates for each IPS provider will be treated as

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<sup>1</sup> Joint comments of Evercom Systems, Inc. and T-NETIX Telecommunications Services, Inc (collectively, "E&T" or "Companies"); filed July 25, 2008, p 5.

proprietary (not for release outside the Commission) and subject to a proprietary agreement between the staff and the IPS provider. IPS providers will submit tariffs to the Commission identifying the prices and price elements for all IPS services together with separate sections or pages identifying, by inmate facility name, the prices associated with grandfathered contracts. IPS providers will not increase prices through the current contract period at any inmate facility wherein the grandfathering provision is elected.

### III. Twenty-Minute, Minimum-Call Allowance

No other Commission proposal in this proceeding generated as much response or was misinterpreted than the proposed twenty-minute, minimum-call duration. E&T commented:

“...facility administrators at all of the institutions served by E&T in Alabama have set a call duration limit of fifteen minutes. The staff’s proposed duration cap also restricts the flexibility of facility administrators who might decide in certain limited or special circumstances, if not across the board, to have a call-duration limit exceeding twenty minutes. Thus, implementation of the staff’s proposal would effectively override the exercise of expert discretion which the Commission so clearly authorized in the December 1993 Order. Therefore, E&T respectfully recommend that the mandated twenty minute allowance be eliminated and any such limit or allowance be set by the facility administrator, as the Commission previously sanctioned.”<sup>2</sup>

“The proposed total-call-cost cap for all toll calls would, for the first time, prevent E&T’s operations in Alabama from recovering any further charges on any IPS toll calls in excess of twenty minutes in duration.”<sup>3</sup>

IPS recommends that the Commission not adopt any rules regarding minimum call duration:

“The Commission’s order states that ‘staff proposes that an allowance of twenty minutes duration per call be established prior to any systematic intervention by the IPS provider to terminate the inmate call.’ ...First, in a correctional facility environment, use of the phone is considered a privilege. Withholding or restricting inmate calling privileges is often used as a disciplinary measure for unwarranted behavior by a particular inmate. To require a minimum-call duration would effectively limit facility management’s discretion. Second, different call durations often apply in different areas of the facility. For example, in the facility where inmates are booked, there are often many detainees waiting to use the phone, and call durations are restricted at that location to ensure that all detainees have an opportunity to use the phone. Longer call durations are typically permitted in other areas of the facilities. In addition, call duration to attorneys and public defenders are often longer in duration.”<sup>4</sup>

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<sup>2</sup> E&T comments, p. 7.

<sup>3</sup> Ibid, p. 5

<sup>4</sup> Comments of Inmate Calling Solutions, LLC (“ICS”); filed July 29, 2008, p 1.

IPS went on to say that if the facility administrators are permitted the discretion to modify minimum-call duration the likely result will be more customer complaints about dropped calls, requiring the expenditure of additional time and other resources in order to research and respond to the customer complaints.

In their comments on pages 1 and 2, GTL opines that setting minimum-call durations override the facility management's authority over call durations that best suit the need of their facility and its operations. GTL also addresses the issue of increased time and other resources required to resolve complaints related to dropped calls when customers become aware of the minimum-call duration.

Pay Tel also urges the Commission to refrain from setting minimum-call durations.

“Given the varying demands for IPS at different facilities throughout the state, Pay Tel requests that the Commission refrain from adopting flat minimum-call durations before an IPS provider is permitted to interrupt an inmate call. Rather, the Commission should adopt a rule to give each facility its own discretion to set a minimum-call duration based on the particular needs of the individual facility. If the Commission concludes that a minimum-call duration must be established through the ratemaking process, for the foregoing reasons, Pay Tel believes that a ten-minute minimum is the appropriate standard given the varying needs of different size confinement facilities.”<sup>5</sup>

The difference between inmate calls and other telecommunication offerings is that all such calls, even local calls, involve an automated collect surcharge and someone other than the caller may determine when a call is terminated. Every inmate toll call is priced using a fixed charge assessed on a per-call basis plus per-minute charges for each minute used. Local calls are assessed the fixed operator surcharge plus a fixed local message rate. Using the Commission's proposed price caps, an inmate toll call automatically terminated by the provider after ten minutes which results in a price per minute of almost \$.53. That same call, automatically terminated after twenty minutes, results in a price per minute of \$.41.<sup>6</sup> When the inmate call provider, not the user, determines when a call is terminated then call duration is a key element of pricing for the service, and the Commission must consider it when setting rates. The Commission must balance the interests of providers with those of the consumer. The consumer is not the inmate facility where the service is provided; indeed, inmate facilities share in profits earned from inmate calls. The

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<sup>5</sup> Comments of Pay Tel Communications, Inc; filed August 6, 2008, pp 3-4.

<sup>6</sup> Ten minutes at \$0.30 per minute plus \$2.25 operator surcharge = \$5.25; divided by 10 minutes = \$0.525 cents/minute. Total charge for a twenty minute call = \$8.25 or \$0.413 per minute.

consumer is the individual paying for the inmate's collect calls and is typically the inmate's family members.

The Commission notes that the call duration employed by the Alabama Department of Corrections at its inmate facilities is twenty minutes and concludes that this is a reasonable time for purposes of establishing minimum-call duration for inmate rates. The Commission directs IPS providers to offer as part of their services to inmate facilities a minimum-call duration of twenty minutes before inmate calls are automatically terminated by the provider. The Commission, however, does not presume upon itself any jurisdiction in the administration of inmate facilities. The minimum-call duration is intended for phones serving the general inmate population, not for special purpose areas such as a booking room. Additionally, the Commission intends that inmate facilities have the flexibility to adopt any call duration they choose for purposes of disciplining an individual or group. Further, inmate facility managers are free to waive the twenty-minute call duration for phones serving the general inmate population and to set a shorter minimum-call duration provided a written copy of the waiver, signed by the facility manager, is submitted by the IPS provider to the Commission's Telecommunications Division within thirty days after the start date of the contract between the IPS provider and inmate facility. The waiver shall clearly state that the facility manager understands that the Commission requires IPS providers to offer a twenty-minute, minimum-call duration before terminating inmate calls but chooses to waive the minimum-call duration, and the waiver shall also provide reasons for doing so. A written waiver is not required for special purpose areas such as a booking room, nor is it required in order for the inmate facility to exercise its flexibility in disciplining individuals or groups within the general inmate population. The inmate facility manager may, at any time, withdraw the minimum-call duration waiver and revert back to the Commission's twenty-minute, minimum-call duration standard without penalty or the requirement for renegotiating the existing contract. The twenty-minute, minimum-call duration requirement does not apply to existing contracts with inmate facilities grandfathered in accordance with Section II (Rate Caps) in this Order.

For purposes of clarification, this Order is not intended to restrict ISP providers and/or inmate facility managers from utilizing longer minimum-call durations than that adopted in the Commission's rate caps for inmate service. Inmate Facility managers may authorize a longer minimum-call duration without first obtaining a Commission waiver. Further, toll calls shall be priced based on actual duration rather than the minimum-call duration. Therefore, usage charges may be applied for minutes that exceed the Commission's minimum-call duration.

#### IV. Rule T-15.1

In the proposed rule, (A)(1) simply requires that providers comply with Commission rules. On page 11 of their comments, E&T points out that the Commission is responsible for ensuring compliance with its rules. The Commission agrees with E&T and finds (A)(1), as proposed, to be unnecessary. The content of proposed Rule T-15.1(A)(1) is thus eliminated. The revised Rule is shown in Appendix 1 attached to this Order.

Section (A)(2), as proposed, requires ISP providers to acquire certification from the Commission for IPS authority in addition to customer-owned, coin-operated telephone (COCOT) authority. In their comments, E&T (page 12), ICS (page 2), GTL (page 2), and CPC (pages 1 and 2) urge the Commission to establish a single, all inclusive IPS authority for the Certificate of Public Convenience and Necessity. The Commission agrees that a single IPS certification which grants all the authority necessary to provide both the equipment and resale service is a sensible and efficient approach to IPS certification. The revised IPS certification requirements are included in T-15.1(A)(1) of Appendix 1 attached hereto.

Section (A)(3), as proposed, deals with requirements for submitting tariffs to the Commission. E&T recommends "...that the Commission clarify whether, to the extent existing approved tariffs already cover IPS services, they can be modified to comply with the Proposed Rule or whether the Commission is requiring an entirely new, separate tariff for IPS."<sup>7</sup> E&T also requests clarification of the language "various billing and collection methods utilized by the IPS provider" that the Commission indicated must be included in the tariff. On pages 4 and 5 of its comments, Pay Tel urges the Commission "...to adopt Proposed Rule T-15.1(A)(3), which requires IPS providers to disclose their billing and collection methods, as long as the rule requires disclosure only and does not restrict IPS providers' reasonable billing and collection practices."

IPS providers may modify existing tariffs for compliance with the requirements of this Order or providers may submit new compliant tariffs. Section (A)(2) of the Rule as shown in Appendix 1, attached hereto, addresses the tariff requirements applicable to IPS providers. Included in that section is a requirement that billing and collection methods utilized by the IPS provider (such as: LEC or direct billed collect, prepaid calling card, debit account, prepaid collect account and any other payment alternatives) be disclosed. The Commission does not intend that this requirement, in any way, restrict IPS providers from using reasonable billing and collection practices in its operations.

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<sup>7</sup> E&T comments, p. 12.

Section (A)(4) of the Rule, as proposed, states that IPS providers will only obtain local, toll, and operator services from providers that possess a Certificate from the Commission. Section (A)(5) of the Rule, as proposed, states that no local exchange carrier, operator service provider, toll carrier, or toll reseller certified by the Commission shall provide service to an IPS provider unless the IPS provider possesses a valid Certificate Necessity from the Commission with specific authority to provide IPS within the state of Alabama. Section (A)(3) of the Rule as shown in Appendix 1, attached to this Order, combines sections (A)(4) and (A)(5) from the proposed Rule. For clarification, as recommended by E&T on page 13 of their comments, the Commission intends that IPS providers possessing a Certificate from the Commission prior to the date of this Order, may continue receiving services from other certified carriers and providers pending receipt of amended and additional authority from the Commission as required.

For Section (B)(1) of the Rule, E&T comment:

“At various points in the Proposed Rule, the Commission uses the term ‘calling card system,’ ‘calling card,’ or ‘debit card.’ E&T recommends, to avoid confusion and ensure consistency, that the term ‘prepaid calling card’ (prepaid card) be used when referring to a system whereby the inmate purchases, generally from the commissary at the confinement facility, a card that allows the inmate to initiate calls through a platform and that tracks and subtracts from the purchased value of the prepaid card at a tariffed rate. In addition, there are other forms of prepaid accounts that can be set up by the inmate through the confinement facility that do not involve the use of a prepaid card. For these, E&T recommends using the term ‘prepaid debit account’.”<sup>8</sup>

The Commission concurs with E&T’s recommendations regarding standardized use of the terms ‘prepaid calling card’ and ‘prepaid debit account’ throughout the Rule for purposes of consistency and incorporates E&T’s recommended changes in that regard to Section (B)(1) of the Rule in Appendix 1 attached hereto. Further, the Commission accepts, in whole or in part, terminology, deletions, and substitutions recommended by E&T for Sections (B)(2), (B)(4) through (B)(9), (C)(3) through (C)(6), (C)(8), (C)(10) through (C)(11), and (C)(14). With some modification, the Commission incorporates the recommended changes into the Rule attached as Appendix 1.

Section (B)(3) of the Rule deals with IPS provider refunds of unused prepaid services within sixty days after the purchaser’s account is closed. ICS (p. 3 of comments) and Global Tel\*Link (p. 3 of comments) recommend that the 60-day window for refunds be conditional upon the purchaser providing the IPS provider with an accurate mailing address. CPC on page 2 of

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<sup>8</sup> E&T comments, pp. 13-14.

their comments recommends inclusion of the qualifier ‘IPS providers that offer prepaid or debit services...’ to indicate the necessity for compliance with this section of the Rule. The Commission concurs with both recommendations and revises section (B)(3) accordingly as shown in Appendix 1 attached hereto.

Section (C)(2) of the Rule limits the number of instruments, to three, that can share a common voice grade (non-broadband) access line or channel. E&T, on page 17 of its comments, recommends an exception to the limit of three instruments provided the exception is approved by the Commission for good cause. Pay Tel, on page 6 of its comments, recommends elimination of the three-instrument limitation or the addition of an exception clause similar to that recommended by E&T. The Commission finds merit in the flexibility provided by adding an exception clause to the three-instrument, per-line limitation and incorporates the language recommended by E&T in Section (C)(2) of the Rule as shown in Appendix 1 attached hereto.

Section (C)(7) of the Rule addresses the voice prompt response required when a customer is asked to accept collect charges for an IPS call. The requirement, as proposed, is that the call be terminated without charge after a fifteen-second pause without a customer response. On page 19 of their comments, E&T recommends “...that the IPS provider be given discretion to set the time from the last prompt before the call is terminated since not all equipment may be set or be calibrated to do so after fifteen seconds precisely.” On page 2 of their comments, CPC urges the Commission to “...allow the government agency managing the correctional facility to direct that function and not include this provision in the final rules.” The Commission rejects CPC’s recommendation that inmate facilities be permitted to establish the maximum wait before an IPS collect call is terminated for lack of a response to the prompt seeking customer acceptance of collect charges. Those to whom the charges will be assessed are not inmates. Consequently, there is no jurisdictional connection between the inmate facility and the customer. Further, inmate facilities share in ISP revenues via commissions. Therefore, they lack the impartiality to establish consumer safeguards for unwitting acceptance of ISP charges. The Commission acknowledges that it may be technically infeasible to set a disconnect window at precisely fifteen seconds. Consequently, the Commission revises the requirement to no more than twenty seconds as shown in section (C)(7) of Appendix 1 attached hereto.

Section (C)(12) of the Rule addresses periodic inspections of equipment and facilities at inmate facilities that are used to provide IPS. Comments from E&T (p. 21), ICS (p.4), and Global Tel\*Link (p.4) include the access restrictions imposed at inmate facilities and recommend caveats

that make inspections subject to approval of the inmate facility. The Commission is fully aware of the access restrictions associated with inmate facilities, as Commission personnel have for many years inspected facilities providing IPS at inmate facilities. The Commission will coordinate with inmate facilities and IPS providers as necessary for purposes of securing the access necessary to conduct inspections and dismisses recommendations that its IPS Rule be modified to make Commission inspections contingent upon inmate facility approval.

Sections (D)(1) and (D)(2) of the Rule address IPS provider requirements for periodic reporting of line and instrument information to the Commission. The proposed requirement is for quarterly reporting. All the parties comment that such a reporting frequency is burdensome and requests that the reporting requirement be changed to an annual basis. The Commission accepts the recommendation of the respondents and modifies its Rule to require annual IPS provider reporting of instrument and line data.

#### V. Implementation Schedule

Effective the date of this Order, the provisions of Rule T-15.1 attached hereto as Appendix 1 apply to IPS. The rate caps shown in Appendix 2 of this Order apply ninety days after the effective date of this Order with the exception of those existing contracts for IPS with inmate facilities that are grandfathered in accordance with the provisions referenced in section II of this Order (Rate Caps) and the waiver to the minimum-call duration referenced in Section III (Twenty-Minute, Minimum-Call Allowance).

IPS providers have until ninety days following the effective date of this Order to:

1. Request that the Commission amend their Certificate to reflect IPS authority and separate COCOT authority if required.
2. Submit revised or new tariffs that comply with this Order. Prices for grandfathered contracts will be listed separately by inmate facility.
3. Submit to the Commission under confidentiality agreement a list of contract termination dates by inmate facility for those contracts to be grandfathered.
4. Submit waiver requests from inmate facility administrator to the twenty-minute, minimum-call duration requirement. Thereafter, waivers shall be submitted prior to contract initiation.

IT IS, THEREFORE, ORDERED BY THE COMMISSION, Telephone Rule T-15.1 as shown in Appendix 1 and the proposed price caps as shown in Appendix 2, attached hereto, for IPS are approved.

IT IS, FURTHER ORDERED, That the implementation schedule provided in section V to this Order is hereby approved.

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

DATED at Montgomery, Alabama, this 3rd day of March, 2009.

ALABAMA PUBLIC SERVICE COMMISSION



Lucy Baxley, President



Jan Cook, Commissioner



Susan D. Parker, Commissioner

ATTEST: A True Copy



Walter L. Thomas, Jr., Secretary

## Telephone Rule T-15.1

### Inmate Phone Service (IPS)

#### (A) General Requirements

(1) All IPS providers must be certified by the Commission. IPS certification includes all authority necessary to provide inmate phone service and payphone service at inmate facilities including authority for limited toll resale and operator services. IPS certification does not include customer-owned, coin-operated telephone (COCOT) authority for payphone service offered generally to the public at locations other than at inmate facilities. Such authority must be requested separately as an add-on to the Certificate of Public Convenience and Necessity (Certificate). Existing IPS providers who possess a COCOT Certificate from the Commission as of the effective date for these rules ('effective date') shall request that their Certificate be amended to reflect IPS authority and any additional authority as required. Requests to amend existing certificates for the foregoing must be received at the Commission within ninety (90) days from the effective date of these rules.

(2) All IPS providers must file tariffs with the Commission which set forth the services provided along with the charges and surcharges for those services. Tariffs shall also identify the billing and collection methods utilized by the IPS provider; such as LEC or direct billed collect, prepaid calling card, debit account, prepaid collect account and any other payment alternatives. Within 90 days from the effective date of these rules, existing IPS providers will submit to the Commission revised tariffs as necessary for compliance with these rules.

(3) No local exchange carrier, operator service provider, toll carrier or toll reseller certified by the Commission shall provide service to an IPS provider unless the IPS provider possesses a valid Certificate from the Commission with the requisite authority to provide IPS within the state of Alabama. Additionally, IPS providers will only utilize local, toll, or operator service providers that possess a Certificate on file at the Commission with authority applicable to the service provided.

#### (B) Rates & Billing

(1) Unless a prepaid calling card (prepaid card) is purchased, or prepaid debit account established through the inmate facility is utilized by the inmate, the customer of the IPS provider is the called end-user party that agrees to accept and pay for calls originating in inmate facilities and terminating at the end-users premises.

(2) IPS providers will fully disclose to the purchaser all call related charges associated with the use of prepaid calling cards. Such disclosure will identify the amount of the operator services for each call and the price per minute thereafter. Any non-call related charges included in the purchase price for the prepaid card, excluding the specific charges for applicable government taxes and fees, will be fully disclosed in consumer friendly terminology to the purchaser and will be included in tariffs on file with the Commission. Though specific charges for applicable government taxes and fees included in the price of the prepaid calling card need not be disclosed by the IPS provider, the

fact that the price includes applicable government taxes and fees will be disclosed to the purchaser. Further, the identity of all taxes and fees included in the prepaid calling card purchase price will be disclosed in the tariff on file at the Commission.

(3) IPS providers that offer prepaid or debit services must provide adequate notice to the purchaser that the purchaser is entitled to a full refund for any minutes that are unused at the time the prepaid minutes account is closed. Assuming the IPS provider is in possession of the purchaser's accurate mailing address, such refund shall be issued to the purchaser within sixty (60) days of the account being closed. IPS providers will not assess any fee on the purchaser associated with the refund process unless that fee is approved and included in the tariff on file with the Commission.

(4) The operator service and per-minute rates charged the customer for any local (intraLATA/interLATA) collect call shall not exceed the currently effective caps ordered by the Commission. The customer shall not be billed by the IPS provider for any call related or non-call related charges, excluding applicable government taxes and fees, not specifically included in the tariff on file with the Commission. Further, the IPS provider will disclose in the tariff on file with the Commission the identity of all government taxes and fees that may be assessed the customer.

(5) Any IPS provider wishing to increase rates which exceed the currently effective caps ordered by the Commission shall file a petition with cost justification to the Commission. No rate increases will be implemented without Commission approval.

(6) No set-use fees, as defined in the Order for Docket 26996, dated August 11, 1999, shall be charged to customers. Rates charged to IPS prepaid calling card purchasers or other IPS customers shall not contain a set-use fee component.

(7) IPS providers shall adhere to the applicable Commission Telephone Rules that govern third-party billing set forth in Rule T-16.

(8) IPS providers shall maintain a toll-free number for customer service inquiries and maintain procedures adequate to allow the IPS provider to promptly receive and respond to such inquiries.

(9) The IPS provider will fully cooperate with the Commission to investigate complaints from IPS customers and purchasers of IPS prepaid calling cards. In connection with any such investigation, the IPS provider will submit to the Commission customer specific billing information and will validate the charges included on IPS customer bills. IPS providers will issue billing credits for non-compliant service, including wrongful disconnection, as required by the Commission.

### (C) Service Requirements

(1) Inmate Phone Service shall not be connected to a residential or business access line.

(2) No more than three instruments will share a common voice grade (non-broadband) access line or channel, unless otherwise specifically authorized by the Commission for good cause.

(3) All instruments shall be installed in compliance with accepted telecommunications industry standards and the current National Electric Safety Code as applicable to IPS.

(4) Instruments shall comply with the applicable requirements of the Americans with Disabilities (ADA) Act.

(5) All calls from IPS instruments will be automated-collect, billed to the called party, or charged to a prepaid card or debit account authorized by the inmate facility or other billing or charging methods included the IPS provider's approved tariff on file with the Commission.

(6) The interstate operator service requirements found in Title 47 CFR, § 64.710 (Operator Services for Prison Inmate Phones), including any amendments thereto, shall apply to all intrastate IPS calls and all IPS providers shall therewith be compliant.

(7) The IPS provider shall ensure that a positive response, via voice or pulse tone, from the called party indicating a willingness to accept charges for the call is received before the call is completed. The IPS provider shall allow the called party the option to terminate/reject the call at no charge before call completion. IPS providers shall not charge for any uncompleted calls. In the event the IPS provider does not receive a positive response within a period not exceeding twenty (20) seconds from the last prompt, the call shall be terminated without charge.

(8) Call traffic shall be outbound only. All all inbound calls will be blocked. The IPS provider shall block or arrange to have blocked calls to local and long-distance directory assistance, toll-free numbers, pay-per-call (900) numbers, N11 codes (311, 911, etc.), 10XXX and any other numbers or calling methods (e.g., conference, three-way, or call forwarding) that the institution and/or Commission finds to jeopardize the security and integrity of the institution and public safety.

(9) IPS transmission quality will, as a minimum, be equivalent to the level of service provided over wireline, voice grade circuits. There will be no transmission delay, feedback, excessive noise, or echo perceptible to either the inmate or the called party. The Commission will make the final determination as to the acceptable level of transmission service quality.

(10) The IPS provider will cooperate with the Commission to investigate complaints regarding transmission service quality, disconnections, and service related disputes from inmate facilities relating to the IPS provider's services.

(11) Subject to compliance with any access requirements of the inmate facility, IPS providers will make available to the Commission any instrument used for IPS for purposes of making test calls, free of charge, to telephone numbers of the Commission's choosing.

(12) All telephone instruments and the telecommunications facilities used for transmission of service are subject to periodic inspections to assure compliance with Commission requirements. Findings of non-compliance will be brought to the attention of the Inmate Phone Service provider and the inmate facility by letter. If violations are not corrected within thirty (30) days from the date of the Commissions letter, unless otherwise extended by the Commission, the provider may

be subject to additional Commission action up to and including revocation of the Commission issued Certificate authorizing the provider to offer IPS service within the state of Alabama.

(13) Inmate facilities shall have the capability to limit or deny access to inmate phone service at times deemed proper by the inmate facility. Cutoff keys or switches placed on the IPS provider's side of the network interface shall be made available to the inmate facility administration upon request.

(14) Upon request by the inmate facility administration, the IPS provider shall promptly furnish to the inmate facility call detail information where the provision of such information is not in violation of federal, state or local laws, regulations or orders.

(D) Reporting Requirements

(1) All IPS providers shall submit to the Commission, upon request but routinely on an annual basis by inmate facility location, a written report of all access lines and the number of telephone instruments used to provide IPS. The reporting period is as of the end of May. The report must be received at the Commission prior to the end of the succeeding month that follows the reporting period (i.e., end of June).

(2) Upon request from the Commission, IPS providers must, in a timely manner, and in accordance with confidentiality agreements between the IPS provider and Commission staff as necessary, submit data requested by the Commission relating to its Alabama IPS operations, including but not limited to, revenue, expenses and facilities/usage data by inmate facility.

Maximum Allowable Inmate Phone Service ChargesLocal Calls

Operator Services Charge (per call)	\$2.25
Local Message Rate (per call @ 20 minute allowance)	\$ .50
Total allowable charges per local call	\$2.75*

Toll Calls

Operator Services Charge (per call)	\$2.25
Per-minute usage Rate	\$ .30
Total allowable charges per toll call (@ 20 minute allowance)	\$8.25*

\* Excludes applicable taxes