

The Colorado Public Utilities Commission (PUC)

2024 Report on Commission Oversight of Colorado Penal Communications Services Providers

Prepared by:

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Executive Summary

State statute, § 17-42-103, C.R.S., requires the Public Utilities Commission (Commission) to create and publish report regarding the Incarcerated Peoples Communications Services Program (IPCS Program) each year. This is the third edition of this *Report on Commission Oversight of Colorado Penal Communications Services Providers*. This report provides an overview of the statutory tasks and requirements for the IPCS Program which consists of the results of quarterly reporting of Penal Communications Services Providers (providers) submitted to the Commission's IPCS Program staff,¹ an overview of the informal complaints submitted to the Commission by the public, and a summary of the IPCS Program's biannual testing. Details observed on the cost and quality of calls, provider methods of charging consumers, call quality issues, observed trends in provider compliance with Federal Communications Commission (FCC) rate caps, and any outliers in terms of the categories identified for quarterly reporting by statute are discussed in detail.

The aggregate results of quarterly reporting show a high overall adherence of providers to IPCS rate caps as prescribed by the FCC. This report details outlying or potentially problematic practices.

This report also reflects the outcome of publicly submitted informal complaints made to the Commission throughout 2024. There was a slight uptick in the overall number of complaints as compared to 2023. This increase can be attributed, in large part, to service issues correlated to the transition of the Colorado Department of Corrections' (CDOC) telecommunications services contract from Viapath (GTL) to Securus Technologies. This transition resulted in extensive interruptions of audio and video visitations from late 2023 through mid-2024. Additionally, there were many complaints referring to interruptions to services near the end of 2024 correlated to multiple attempts by the provider to comply with FCC rule and rate changes.

For the year 2024, the IPCS Program received 64 total complaints. The IPCS Program was able to close 62 of the 64 complaints without investigation delay, reflecting a 96.9 percent closure efficiency.

This report delivers the results of biannual testing conducted on 35 facilities in 2024. There were several instances relating to call quality and call connection, and this report makes note of specific instances of potential violation of statute.

¹ Throughout this report, the usage of "Penal Communications Services" (PCS) and "Incarcerated People's Communications Services" (IPCS) are interchangeable. The use of "Penal Communications" or "Penal Communications Services Provider" is generally used when referring to Colorado statutory language, whereas "Incarcerated People's Communications Services" or "Incarcerated People's Communications Services Provider" is generally used when speaking in terms of the Public Utilities Commission (PUC) section's interactions.

The IPCS Program experienced several changes throughout 2024. At the federal level, the Martha Wright Reed Just and Reasonable Communications Act (MWR Act) extended the FCC's ability to make rate and ancillary charge caps on intrastate incarcerated people's communications services. New rates were established and a timeline for adherence to these new rules and rate caps is set in place to culminate in 2026. In compliance with statutory changes, the Commission promulgated new IPCS rules through Proceeding No. 24R-0184T. This rulemaking codified and established the potential recourse for noncompliant providers while simultaneously defining and clarifying terminology that had previously caused confusion between Commission staff and providers.

In an attempt to strengthen public interactions and to bolster communication and collaboration with stakeholders and providers, the IPCS Program established an IPCS Taskforce. As the program moves into the second quarter of 2025, some key program objectives include:

- Finalizing and distributing an IPCS poster to all facilities explaining the process for submitting informal complaints to the PUC,
- Implementing a new requirement for providers to adhere to newly established quarterly reporting data points as set forth in the new rules adopted in Proceeding No. 24R-0184T,
- Instituting new submission protocols for provider reporting,
- Scoping a future rulemaking to require providers to be responsible for the submission of outage reporting to the PUC,
- Development of an outreach strategy to further expand the breadth of awareness of the program itself,
- Continuing to observe both statutory and federal regulatory efforts, while adhering to rate change timelines.

Overall, 2024 saw improvements in reporting and rate adherence. The increase in overall complaints also suggests greater awareness of the IPCS Program. All of this signifies great progress in the ability of the IPCS Program to serve this community and meet the intent of state and federal law.

Legislative History

- **2021:** House Bill 21-1201 (HB21-1201) established the PUC’s regulatory oversight of Colorado Penal Communications Services Providers (providers).² The bill had a number of impacts:
 - As of January 1, 2022, all providers were and continue to be required to submit quarterly reports to the Colorado Public Utilities Commission (Commission). By law, these reports include, but are not limited to the following information:
 - A copy of any contracts between the provider and each facility where they provide IPCS;
 - Total call volume and minutes for calls made from each correctional facility using the service;
 - Revenue collected by the provider for providing the services;
 - A summary of all commissions paid to the correctional facility or other government entity by the provider;
 - A copy of the provider’s unclaimed funds policy;
 - Information about rates and fees charged; and
 - The total number of consumer complaints received by the provider regarding video quality.
 - Also as of January 1, 2022, rate caps set by the Federal Communications Commission (FCC) for interstate and international Incarcerated Peoples Communications Services (IPCS) also applied to “all in-state debit, prepaid, and collect calls to or from a correctional facility.” While the FCC did not, at the time, establish intrastate rates for IPCS, this provision effectively created intrastate IPCS rate caps by adopting the FCC’s interstate rate caps.
 - The Commission is required to conduct trial tests on a “statistically valid sample of penal communications services, document the test results and any subsequent remedial actions taken by the [Commission].” The results of these tests must be consolidated into an annual written report to be published on the Commission’s website. The bill also prescribes that such testing must be conducted biannually to monitor cost, call quality, charging practices, and how the providers handle consumer complaints regarding poor quality calls and dropped calls.
 - Finally, all providers must post information on their websites instructing the public how to file informal complaints with the Commission and providing the Commission’s website address.

² Penal Communications Service Providers, or Incarcerated People’s Communications Services Providers, are those that contractually enable communications services to “any...place, where persons are or may be lawfully held in custody or confined and that is operated by a city, county...state government, or private entity, including but not limited to a jail or prison.” (§17-42-103(2)(b), C.R.S.)

- **2022:** Many of the requirements of HB 21-1201 went into effect as of January 1, 2022, as outlined above. Additionally, the Martha Wright-Reed Just and Reasonable Communications Act of 2022 (MWR Act) was passed by Congress, directing the FCC to undergo a rulemaking which they completed in 2024.
- **2023:** House Bill 23-1133 was passed and became effective Aug 7, 2023. This bill made two amendments to § 17-42-103, C.R.S.:
 - Established a requirement for the Colorado Department of Corrections (CDOC) to provide voice penal communications services free of charge to the person initiating and the person receiving the call, with this requirement being phased in over several years with 100 percent of costs to be covered by CDOC beginning July 1, 2025;³ and
 - Expanded the definition of “penal communications services” to include video and electronic mail or messaging.
- **2024:** 2024 saw two relevant developments in IPCS:
 - Rules were adopted by the FCC to fulfill its requirements under the MWR Act during calendar year 2024.⁴ Some significant effects of these rules, to be phased in overtime, include:
 - The establishment of intrastate rate caps, superseding the interstate rate caps that Colorado had previously adopted as its intrastate rate caps pursuant to HB 21-1201;
 - The establishment of rate caps for video IPCS as well as audio;
 - Abolishment of site commissions, in which providers share revenues or provide other sorts of payments with facilities in exchange for contracts to provide IPCS at the facility; and
 - Other provisions to eliminate excessive fees and charges above and beyond the rate caps set by the FCC.
 - The Commission also passed rules codifying the requirements of § 17-42-103, C.R.S. into Commission rules, 4 *Code of Colorado Regulations* (CCR) 723-2.⁵
- **2025:** Commission staff established an IPCS Task Force, modeled after the Commission’s 9-1-1 Advisory Task Force, as a forum for receiving general advice from IPCS stakeholders and for such stakeholders to discuss issues and potential solutions with each other.

³ SB25-208, recently signed by the governor as of the writing of this report, extends the deadline for CDOC to fully assume the costs of voice IPCS to July 1, 2026.

⁴ Report and Order, FCC 24-45 (rel. May 9, 2024), <https://www.fcc.gov/document/fcc-caps-exorbitant-phone-video-call-rates-incarcerated-persons-their-families>

⁵ See [Proceeding No. 24R-0184T](#).

The Martha Wright-Reed (MWR) Just and Reasonable Communications Act

In January of 2023, the MWR Act was signed into law removing statutory limitations that previously precluded the FCC from establishing rates for IPCS. Notably, the MWR Act enables the FCC to explicitly require that rates for IPCS be just and reasonable regardless of the “calling device” utilized to enable such types of communication. The FCC was granted jurisdiction over advanced communications services used by incarcerated people regardless of technology. The MWR Act extended the jurisdiction of the FCC to include intrastate IPCS in addition to interstate IPCS.

The FCC must use industry wide average costs in conjunction with average costs of service of a communications service provider in its efforts to set just and reasonable rates. These rates shall also consider the costs associated with any safety and security measures necessary to provide IPCS. On March 17, 2023, the FCC sought comment on how the FCC should interpret the language set forth in the MWR Act and on the regulatory standards necessary for the implementation of statutory provisions.

The FCC released the 2024 IPCS Order to implement the MWR Act on July 22, 2024. This Order adopted FCC IPCS rule changes and reforms. Through the Order, the FCC lowered the existing interim rate caps for audio IPCS and also established interim per-minute rate caps for video IPCS. This Order set the maximum rates a state regulatory agency could allow for audio and video IPCS, but did not expressly limit the ability for states to set lower rates.

This action lowered the prices that consumers pay for IPCS and simultaneously simplified the cost structure for IPCS. Previously, ancillary service costs were considered separate charges being applied to consumers and were not regulated as being a portion of the rate caps unless specifically mentioned. Providers would commonly assess multiple service charges and fees in addition to the rates being charged for basic IPCS. The FCC Order prohibits providers from imposing any separate



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ancillary service charges on IPCS consumers directly. This means that providers will now have to recover any ancillary service charges through the newly mandated IPCS rates and are not permitted to charge any additional ancillary service charges on IPCS consumers.

The Order additionally banned any providers of IPCS from having site commission payments. The FCC Order preempts state or local laws. As stated in the *2023 Report on Commission Oversight of Colorado Penal Communications Services Providers*, the Colorado IPCS Program expressed concern with the legality and implementation of site commission payments. With this prohibition of site commission payments by the FCC, this concern is largely alleviated. The IPCS Program will monitor reporting from the providers to ensure that such payments are phased out following the FCC's timeline.

The rate caps that were valid prior to the MWR Act were as follows:

(Average Daily Population is notated as ADP)

- Prisons (any ADP) were limited to \$0.14 per minute for Audio IPCS.
- Large Jails (1000+ ADP) were limited to \$0.16 per minute for Audio IPCS.
- Medium Jails (350-999 ADP) were limited to \$0.21 per minute for Audio IPCS.
- Small Jails (100-349 ADP) were limited to \$0.21 per minute for Audio IPCS.
- Very Small Jails (0-99 ADP) were limited to \$0.21 per minute for Audio IPCS.

During this period, between the passage of HB21-1201 and the implementation of the MWR Act by the FCC, there were no regulatory per minute rate cap restrictions for the costs of Video IPCS.

The FCC Order mandates that rate caps will now be set as follows:

- Prisons (any ADP) were limited to \$0.06 per minute for Audio IPCS and \$0.16 per minute for Video IPCS.
- Large Jails (1000+ ADP) were limited to \$0.06 per minute for Audio IPCS and \$0.11 per minute for Video IPCS.
- Medium Jails (350-999 ADP) were limited to \$0.07 per minute for Audio IPCS and \$0.12 per minute for Video IPCS.
- Small Jails (100-349 ADP) were limited to \$0.09 per minute for Audio IPCS and \$0.14 per minute for Video IPCS.
- Very Small Jails (0-99 ADP) were limited to \$0.12 per minute for Audio IPCS and \$0.25 per minute for Video IPCS.

The effective date for the Commission's new rules that prohibited site commission payments and the newly established permanent audio and video IPCS rate caps was November 19, 2024. There is a staggered implementation of these rules for providers based on certain contractual conditions, as follows:

		Prisons and Jails with ADPs of 1,000 or More Incarcerated People	Jails with ADPs of Less Than 1,000 Incarcerated People
General Rule: Except for the contracts described below, dates by which IPCS providers must comply with the Commission’s new rate cap and site commission rules.		January 1, 2025	April 1, 2025
Exceptions	A contract that: <ul style="list-style-type: none"> • Existed as of June 27, 2024; • Conflicts with the Commission’s new rules involving IPCS rates, site commissions negotiated with a correctional facility, or passthrough charges; and • Expires on or after January 1, 2025 	The earlier of the contract expiration date or January 1, 2026	
	A contract that: <ul style="list-style-type: none"> • Existed as of June 27, 2024; • Conflicts with the Commission’s new rules involving rates, site commissions negotiated with a correctional facility, or passthrough charges; and • Expires on or after April 1, 2025 		The earlier of the contract expiration date or April 1, 2026
	A contract that: <ul style="list-style-type: none"> • Existed as of June 27, 2024; • Includes terms and conditions incorporating site commissions required by state or local law; and • Expires on or after July 1, 2025 	The earlier of the contract expiration date or April 1, 2026	The earlier of the contract expiration date or April 1, 2026

Source: <https://www.fcc.gov/general/ipcs>

Rulemaking 24R-0184T

The Colorado IPCS Program, since its inception, has faced difficulties in keeping providers and facilities compliant with the mandated regulatory requirements pursuant to § 17-42-103, C.R.S. Often providers miss the due dates for quarterly reporting and facilities can be uncooperative with statutorily required biannual testing. To codify and establish potential recourse for non-compliant practices, the IPCS Program proceeded with a rulemaking during calendar year 2024. This rulemaking, additionally, defined certain terms and clarified the meaning, interpretation, and intent of several terms that caused providers to claim that aspects of the statutory language were not applicable to them.

The initial objective of the rulemaking was to codify in Commission rules the requirements for IPCS providers set forth in § 17-42-103, C.R.S. The rulemaking also defined five terms as follows:

- “Call”, for the purposes of rules 2810 through 2812, means two-way, real-time electronic communication between an incarcerated individual and another person and does not include electronic mail or messaging services. Unless otherwise specified, such calls may be conducted by video or voice.
- “Commissions” means any form of monetary payment, thing of value, in-kind payment, gift, exchange of services or goods, fee other than for direct cost recovery, or technology allowance paid to a correctional facility or other government entity by an IPCS provider.
- “Correctional facility” means any building, structure, enclosure, institution, or place, whether permanent or temporary, fixed or mobile, where persons are or may be lawfully held in custody or confined and that is operated by a city, county, city and county, state government, or private entity, including but not limited to a jail or prison.
- “Incarcerated person’s communications services (IPCS)” or “Penal communications services” means communications services, including but not limited to telephone, video, or electronic mail or messaging services provided to a correctional facility for use by end users.
- “Incarcerated person’s communications services (IPCS) provider” or “Penal communications services provider” means a person or company that contracts with a correctional facility to provide IPCS or the means to access IPCS regardless of the technology used to provide the services. A person or company that provides one type of communications service but not others is also an incarcerated person’s communications services provider.

Additionally, the rule establishes:

- Quarterly reporting requirements for the providers;
- That Commission staff may provide a form for the completion of quarterly reports;
- That providers, as well as facilities, must cooperate with biannual testing performed by Commission staff; and
- Provides additional detail regarding the public notice that providers must post on their websites instructing members of the public on how to direct informal complaints to Commission staff regarding penal communications.

IPCS Reporting Requirements

Providers are required to submit quarterly reports to the Commission pursuant to § 17-42-103(3)(a), C.R.S. These reports must contain a copy of the existing contracts between the provider and the facility in which they offer communications services, an up-to-date policy for what occurs with unclaimed funds, as well as the data points listed in the previous section.

For the calendar year 2024, Commission staff sent reminders to each provider prior to the each required quarterly deadline. This reminder summarizes the statutory mandates for data collection, includes a spreadsheet for the specified data points to be collected, and offers a unique provider-specific website via box.com. These provider-specific box.com sites were created to protect the confidentiality of specific personally identifiable information contained within the data that is reported. This personally identifiable information is redacted from the reports prior to being made publicly available. All data is aggregated on a quarterly basis and made available to the public on the Commission’s IPCS website.⁶

Quarterly Reporting Findings

Quarterly Data Reports have been gathered for 13 quarters to date. Generally, the providers are diligent and adhere to the requirements. In extenuating circumstances Commission staff has allowed extensions, on a case-by-case basis, for the required reporting if the provider was proactive in addressing a need for such an extension. Currently, the reports that are publicly available represent the data from all IPCS providers.

Beginning January 2024, the IPCS team added Correct Solutions to the IPCS provider list as they began offering IPCS within the state of Colorado.

The IPCS Program can report that Ameelio, CPC, Correct Solutions, Encartele, and ViaPath are in full compliance regarding quarterly reporting. The instances of situational reporting shortcomings, errors, or IPCS intervention are listed on a provider basis as follows.

HomeWav

HomeWAV maintains a contract with Jackson County Sheriff’s Department in which they report \$0.25 charges for both “Charge for the first minute of in-state calls” and “Per-minute charge for subsequent minutes of in-state calls.” This is in excess of the FCC cap of \$0.21 per minute for voice calls originating from a jail with less than 1,000 incarcerated people. In response to this charge, HomeWav representative informed the IPCS Program that, “...this facility only averages two incarcerated individuals at a given time and as it stands it does not generate enough to offset HomeWAV’s costs for the facility.” HomeWav later informed the IPCS Program that it plans to terminate this contract, which will prompt the facility to contract with a different IPCS provider. IPCS Program staff will monitor this facility for developments.

Further, HomeWav changed “the cost to receive a refund” from 10 percent to \$0.00 following the MWR enactment.

⁶ These reports, as well as past annual reports and other pertinent information, may be viewed on the Commission’s website at <https://puc.colorado.gov/ipcs>.

ICSolutions

For quarter 1 reporting, ICSolutions was in compliance. For reporting quarters 2 and 3 ICSolutions had contract end dates for two facilities that did not appear to be accurate. By quarter 4 reporting, ICSolutions amended both locations to an “Auto-Renewal” contract end date, curing the issue.

NCIC

For quarter 1 reporting NCIC was in full compliance. For reporting quarters 2 through 4, NCIC did not provide contract end dates for Baca County. In quarter 4 reporting, NCIC also added a new location, Fremont County, which does not have a contract end date listed. There have been several attempts to reach the reporting entity, and no amendments have been made or attempted.

Securus

For reporting quarters 1 through 3, Securus had several locations with contract end dates that were never updated. By quarter 4 reporting, all contract end dates were amended and no longer require attention.

Telewest

In the case of Telewest, this provider has been late in submitting their required quarterly reporting data for quarters 1-3. Quarter 1 reporting was due April 14, 2024, and submitted April 22, 2024. Quarter 2 reporting was due July 14 and submitted August 5, 2024. Quarter 3 reporting was due on October 14, 2024, and submitted January 9, 2025. Telewest did, however, submit Quarter 4 reporting on time.

TKC Telecom

Our reporting for TKC TeleCom revealed that this company continues to have a varied cost structure for the data point “Charge to deposit money in an incarcerated person’s account.” There are generally three ways in which these charges are captured, and it is not uncommon for providers to give the breakdown in cost for each method. TKC shows that it, uniquely, has four differentiated potential price points: \$0.00, \$2.00, \$6.95, and \$8.95 depending on the method of payment.⁷

The FCC limits the maximum charges to \$3.00 per transaction when payment is through an automated payment system. It additionally sets maximum charges at \$5.95 per transaction when payment is through a live agent. Commission staff’s assessment

⁷ Colo. Rev. Stat. §17-42-103-(5)(a) states that “...rate caps established by the federal communications commission apply to all in-state debit, prepaid, and collect calls to or from a correctional facility.” IPCS Program staff interprets this language to be inclusive of not only the maximum rate caps set by the FCC, but also to include the per-use monetary caps that apply to ancillary fees as set by the FCC.

of TKC’s price points for these services, particularly the rates of \$6.95 and \$8.95, appear to be in violation of §17-42-103-(5)(a), C.R.S., regardless of the method of how the payment is processed.

TKC has since provided an explanation for this deviation from acceptable charge rates. TKC explains that “... TKC is not the party accepting deposits. Deposits are made to the inmates’ (incarcerated peoples’) trust accounts, from which the inmate (incarcerated person) can pay for any number of things, including food, clothing, hygiene products, texting, movies, and phone calls. If the inmate (incarcerated person) opts to make a call, money is made available from the trust account, and TKC is then paid for the call. TKC does not have control over the trust accounts.”

This practice warrants further investigation and problem solving to find a suitable route for incarcerated people to avoid being charged ancillary fees for service in this particular area of regulation.

IPCS Consumer Complaints Operations

2024 saw a slight increase in the number of complaints submitted to the Commission’s IPCS Program. Improvements implemented in 2023 were refined in 2024, increasing their effectiveness.

Adjustments implemented during the calendar year included:

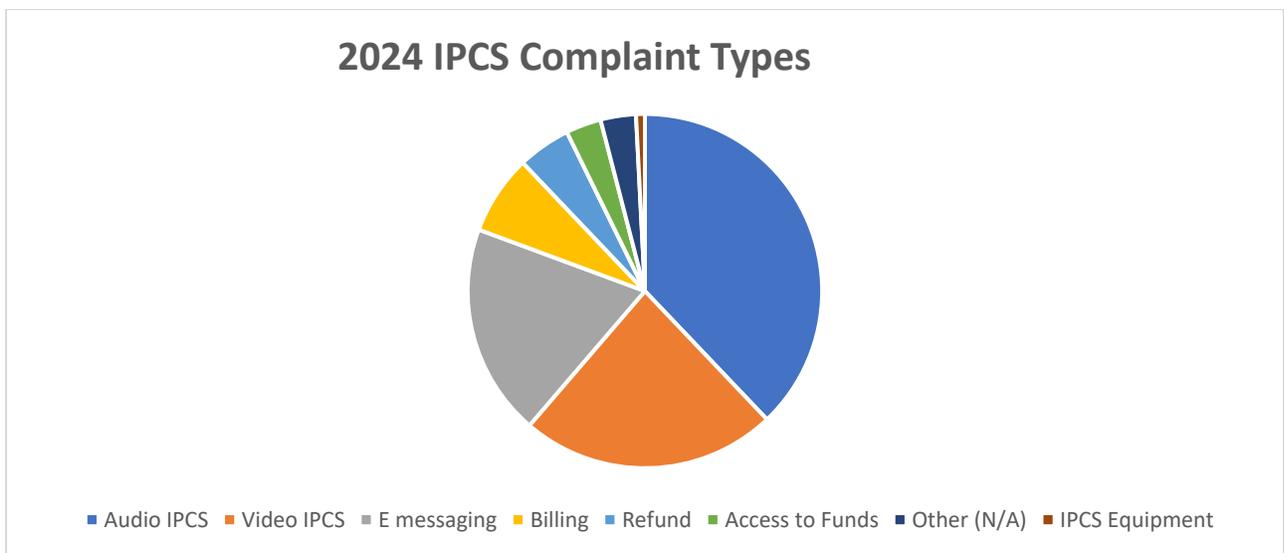
- Intensified effort to work directly with IPCS providers to build cooperative relationships and help streamline the process of addressing consumer complaints, initially by the provider and then by the IPCS Program, if necessary.
- The online complaint form developed and deployed in 2024 to gather information and directly respond via email to the complainants was helpful in logging complaints, tracking and providing timely responses.
- The implementation of improved internal processes to resolve complaints within 30 calendar days. The number of complaint investigation delays in 2024 was reduced by 66 percent from 2023.

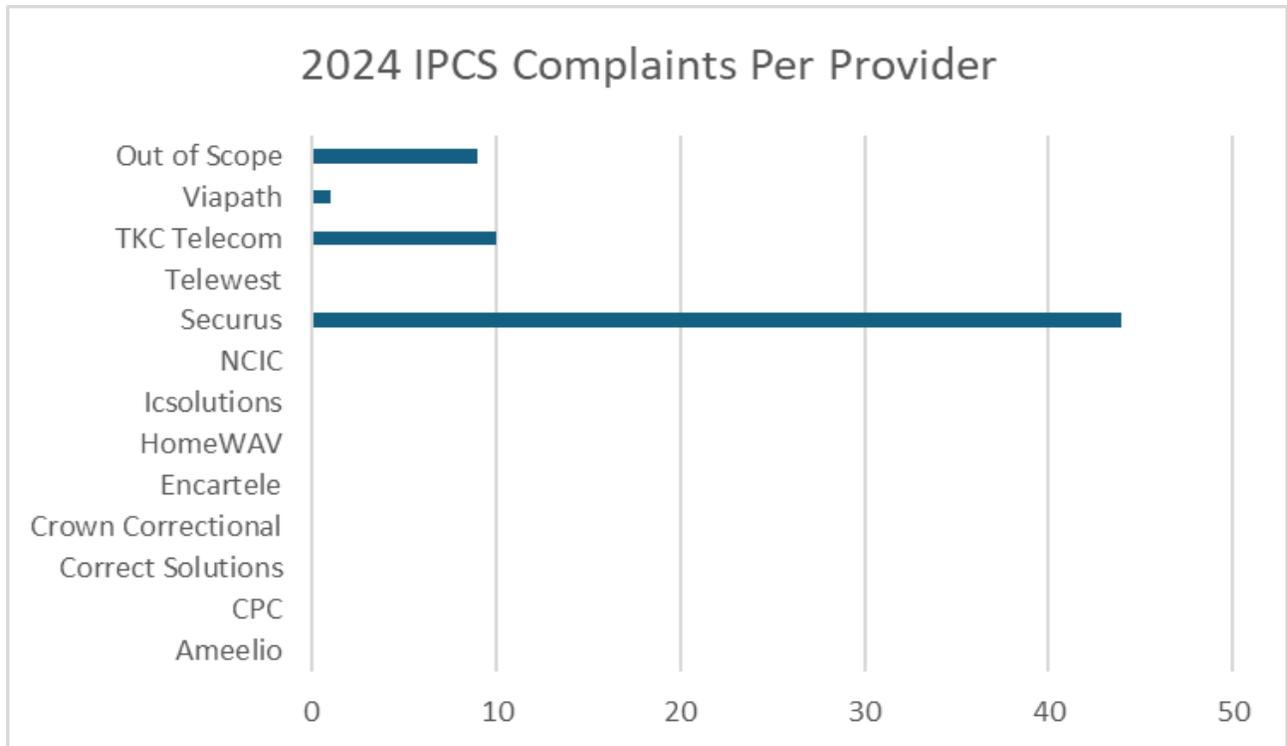
2024, however, was not without major provider service issues. The number of complaints submitted to the IPCS Program increased by 28 percent in 2024, largely driven by the transition at CDOC facilities from the previous IPCS Provider, Viapath (GTL), to Securus Technologies (Securus), which resulted in extensive interruption of full phone and video visitation services from mid-September 2023 through mid-July 2024. There was further interruption near the end of 2024 prompted by FCC rule changes.

Specifically, Securus made the decision, in conjunction with CDOC, to fully suspend video visitation service for CDOC end users beginning in November 2024 and ending on

December 19, 2024. Securus stated that the shutdown was necessary to comply with newly enacted FCC requirements for per-minute billing of video visitation service versus per-session billing. Though perhaps necessary, this occurrence caused a great deal of inconvenience and stress for those incarcerated and their loved ones. Securus also requested a waiver, which was granted by the FCC, allowing Securus to resume service under the same pricing, terms and conditions in effect prior to November 19, 2024, until September 1, 2025, to allow additional time for required system development.

The following graphs shows the number of complaints by type and provider received by Commission staff over the course of calendar year 2024.





Primary complaints included:

- Phone connection not being made to the intended cell phone recipient for voice conversation. This was a continuing Securus Technologies issue from 2023.
- Service issues across all providers accounted for 66 percent of the total number of complaints received by the IPCS Program.
- Account issues:
 - funds not appropriately applied to the correct phone, video or e-messaging account;
 - dispute of ancillary fee amounts charged; and
 - issues related to customer accounts tallied 19 percent of the total number of complaints received by the IPCS Program.

Complaints are integral to the IPCS Program’s regulation of IPCS to uncover pain points that may require additional Commission rulemaking or state legislation to achieve best overall service and results. For the year 2024, we received 64 total complaints. The ICS program was able to close 62 of the 64 complaints without investigation delay reflecting a 96.9 percent closure efficiency.

The IPCS Program will continue to monitor and adjust to changes that are introduced due to FCC rulemaking and direction shift in Federal government policy to best represent the state of Colorado and the population segments that we serve.

IPCS Voice Testing Operations

§ 17-42-103(5)(b) and (c), C.R.S. require that the Commission “conduct trial tests on a statistically valid sample of penal communications services, document the test results and any subsequent remedial actions taken by the public utilities commission or the penal communications service providers, and consolidate the information into an annual written report published on its website in a format that is accessible by the public.” To comply with this requirement, the Commission’s IPCS Program attempts to conduct biannual testing of voice calls for every correctional facility in the state.⁸

This testing aims to monitor the cost and quality of calls, including checking for dropped calls, as required by the statute. Each test is conducted remotely. § 17-42-103(5)(c)(III), C.R.S. requires all correctional facilities to cooperate with this testing

The IPCS Program conducts the required testing in phases, with each testing phase generally consisting of a random selection of approximately 25 percent of active correctional facilities in the state. In some cases, facilities may be asked to generate a “test” incarcerated person account that can be used to initiate a call placed from the facility to IPCS Program staff.

Specific data points collected during testing consist of the following, but not limited to:

- An assessment of overall call quality, including:
 - Initiation of call;
 - Call connection;
 - Call clarity; and
 - Whether or not the call drops.

Additionally, the scheduled test also provides IPCS Program staff the opportunity to collect other data from the facility, including:

- Availability of communication services equipment to incarcerated peoples or detainees;
- Total number of available phones within the facility;
- Number of phones currently operational within the facility;
- Estimated time frame for repair of inoperable equipment;

⁸ Note that the statute does not restrict the testing only to voice calls, but could include video calls, as well. At present, the IPCS Program has restricted its testing to voice-only calls due to practical considerations, but may extend its testing to video calls at a future date.

- Availability of disability inclusive telecommunications equipment available to incarcerated people/detainees such as TTY/TDD and Internet Protocol Captioned Telephone;
- Availability of basic calling options such as Three-Way calling and Collect calling;
- 911 and 988 crisis communication options;
- Knowledge of commission payments received and/or utilized at the facility for funding of incarcerated peoples activities or programs;
- Knowledge of applicable per minute service rates; and
- Record of telecommunication services complaints by incarcerated people/detainees and actions to resolve such complaints.

Many of the points listed above are general conversation points aimed at ensuring that communication flows without interruption throughout the entirety of the call. This is integral so that the IPCS Program may appropriately gauge the overall call quality. Volume and call clarity varies by facility, IPCS Provider, and other factors. One factor that may be involved is the size of the facility, with larger facilities having more difficulty with call clarity, perhaps due to bandwidth constraints. The more people incarcerated in each facility, the more difficult it is to hear the voice of the person speaking.

Largely, most of the test calls were successful. In some cases, the outbound call had an issue of being able to connect. On a case-by-case basis, funds must be added to the “test” incarcerated person’s account by IPCS Program staff to complete the necessary test. These costs are relatively minor, but are not reimbursed by the facilities or the providers.

Issues Identified in Voice Testing

- There were two instances of tests being partially completed. The facilities were Washington County Jail and Pueblo County Detention Center. In both instances there were four unknown responses to the questionnaire for testing. In both instances, IPCS Program staff disconnected and continued communications with jail staff via phone or email to complete the unanswered portion of the tests as the jail personnel assisting in the test procedure were incapable of answering or did not know the answer to a response. Upon trying to obtain these missing responses, either no response was received or IPCS Program staff was told to wait for response. IPCS Program staff followed up with both locations on five separate instances, but no responses could be obtained to the missing information from the original test. It is common that jail personnel may miss some items on the questionnaire, but it is generally possible to get answers to the missing data through follow-up communication.
- The Fremont Correctional Facility is provided IPCS from Securus. This facility reported extremely long wait times for incarcerated people to gain access to

an available phone. This facility has 205 wall phones and an ADP nearing 1,000 incarcerated people. At maximum this facility can house up to 1600 people at any given time meaning that there could at max be 7.8 incarcerated people per available phone. The rationale for this lack of availability seems to be in connection with ongoing complaints regarding phone system reliability and intermittent availability for video visitation. This site reports periods of time with no functionality of video visitation.

- The Fremont County Detention Center is provided IPCS from Securus. The staff of the facility confirmed that the per minute cost for audio IPCS is \$0.25. This rate exceeds the \$0.21 that was reported on the correlated quarterly reporting for Securus.
- The Centennial Correctional Facility is provided IPCS from Securus. This facility reported extremely long waiting times for incarcerated people to gain access to an available phone. This facility has 206 wall phones and an ADP of roughly 800 people. This means that there could be at max 3.9 incarcerated people per available phone. The rationale for this lack of availability seems to be in connection with ongoing complaints regarding phone system reliability and intermittent availability for video visitation. This site reports periods of time with no functionality of video visitation.
- The Weld North Jail Complex is provided IPCS from Viapath. IPCS Program staff experienced an obvious issue with call volume. Further, this facility only offers collect calls at the time of the test.
- The Delta County Sheriff's Office is provided IPCS from Securus. The IPCS Program staff experienced extremely low volume during this test. Additionally, at the time of the test the facility had zero means of communication available for deaf or hard of hearing incarcerated people. The administrator for this facility contacted Securus regarding the volume and lack of available equipment. Securus reportedly took steps to amend the shortcomings.
- The Conejos County Detention Center is provided IPCS from Telewest. This facility had volume issues throughout the call. Additionally, this facility had no means for communication available for deaf or hard of hearing incarcerated people. This administrator reached out to Telewest. Telewest explained that the volume issue was intermittent and not able to be fixed. Telewest further explained that they are not willing to assist with the installation of TDD equipment for deaf or hard of hearing incarcerated people and instructed the administrator to look to purchase this equipment on Amazon. FCC regulations require IPCS providers to provide access to telecommunications relay services (TRS) and point-to-point video service for incarcerated people who are deaf, hard of hearing, or deafblind or who have a speech disability.⁹ IPCS providers

⁹ <https://www.fcc.gov/research-reports/guides/frequently-asked-questions-faq-communications-services-incarcerated-people>

for facilities of this size are required to provide TRS and Speech-to-Speech (STS) Relay Services.

- The Summit County Jail is provided IPCS from Securus. During the test it became evident that it would be nearly impossible to communicate clearly with the jail staff completing the test. It has been noted that this facility has extreme levels of static and intermittent loss of audio.
- The Baca County Jail is provided IPCS from NCIC. During the test, high levels of static were evident. Additionally, at the time of the test the facility had zero means of communication available for deaf or hard of hearing incarcerated people. The administrator reached out to NCIC for assistance and was instructed to contact us if there was difficulty fulfilling this technological need. They have not reached back out.
- The Boulder County Jail is provided IPCS from Combined Public Communications (CPC). The staff reported that the per minute audio IPCS rate is \$0.20 per minute. This cost does not match the \$0.17 that was reported on the correlated quarterly reporting for CPC.

In instances of discrepancies between jail staff reported rates and provider's quarterly reported rates, it was identified that the cause may be due to ancillary costs that were acceptable during this period according to the interim rate caps. The IPCS Program will keep watch for these instances moving forward as this should no longer be an issue due to the MWR Act's change in policy where ancillary charges must be included in the reported costs.

A lack of accessibility for those who are deaf or hard of hearing is potentially a violation of FCC requirements. IPCS Program staff, upon discovering potential violations, will notify the facility and the provider in order to encourage voluntary resolution of the issue. If such issues are not resolved, IPCS Program staff will investigate options for relaying information concerning potential violations to the FCC for further investigation.

For all instances regarding issues with volume, static, or intermittent loss, providers offer that these are potentially one-off events. A number of providers have expressed an unwillingness to investigate intermittent problems or issues that are difficult to duplicate. In such cases, IPCS Program staff will monitor complaints to determine if issues are truly single events or warrant further follow-up.

Conclusion

In 2024, the Commission continued its implementation of § 17-42-103, C.R.S. through further development of its IPCS Program. The scope of the Commission's authority has been further defined through the MWR Act and Commission rulemaking in Proceeding No. 24R-0184T. Additionally, the IPCS Program staff has improved its handling of informal complaints regarding IPCS.

The IPCS Program has continued to collect and analyze statutorily mandated reporting from every IPCS provider. Through this reporting, the IPCS Program has observed a generally high level of compliance with statute by the providers, while noting some specific outliers deviating from the interim rate caps established by the FCC.

Through its regular testing of IPCS at each of Colorado's correctional facilities, the IPCS Program has found that there are some issues with clarity and volume in some facilities, but determining the underlying cause is difficult as there may be multiple, simultaneous factors contributing to these issues at any given time. In the analysis of the quarterly reporting requirements submitted from providers, the IPCS staff finds that there is wide compliance adhering to rate caps; however in a few circumstances, providers may be charging rates that exceed the federal rate caps that apply to in-state calling. Through the compiling and tracking of complaints, the IPCS staff found a variety of issues that persist largely in correlation with the undertaking of new rules implemented by the MWR Act that impacted Securus' ability to provide video visitation services at the CDOC.

The requirements imposed by the FCC pursuant to the MWR Act have varying deadlines based on various factors. IPCS Program staff will diligently monitor the implementation of these new requirements to ensure compliance. Further, Commission IPCS Program staff will work to evolve the IPCS Program as appropriate within the Commission's statutory authority to bring transparency to IPCS, with the understood goal of ensuring that services are provided to incarcerated people and other consumers free of predatory practices.

Appendix A: Providers

Ameelio

Combined Public Communications

Correct Solutions

Crown Correctional Telephone, Inc

Encartele Inc

HomeWAV LLC

Inmate Calling Solutions, LLC

NCIC

Securus Technologies

Telewest IV Inc

TKC Telecom

ViaPath Technologies

Appendix B: Facilities Served

Adams County Sheriff's Office	CO DOC Colorado Territorial Correctional Facility	CO DOC Youthful Offender System
Alamosa County		CO DYC/DHS Gilliam Youth Services
Arapahoe County Jail, CO	CO DOC Crowley County Correctional Facility	CO DYC/DHS Grand Mesa Youth Services
Archuleta County Jail	CO DOC Delta Correctional Facility	CO DYC/DHS Lookout Mountain Youth Services
Aurora Municipal Court Administration Baca County Jail	CO DOC Denver Reception & Diagnostic Center	CO DYC/DHS Marvin W. Foote Youth Services
Bent County Sheriff's Office	CO DOC Denver Women's Correctional Facility	CO DYC/DHS Mount View Youth Services
Boulder County Jail	CO DOC Four Mile Correctional Center	CO DYC/DHS Platte Valley Youth Services
Broomfield Police Department Detention Center	CO DOC Fremont Correctional Facility	CO DYC/DHS Prairie Vista Youth Services
Chaffee County Jail	CO DOC La Vista Correctional Facility	CO DYC/DHS Pueblo Youth Services
Clear Creek County Jail	CO DOC Limon Correctional Facility	CO DYC/DHS Spring Creek Youth Services
CO DOC Arkansas Valley Correctional Facility	CO DOC Rifle Correctional Center	CO DYC/DHS Zebulon Park Youth Services
CO DOC Arrowhead Correctional Center	CO DOC- San Carlos Correctional Facility	Conejos County Detention
CO DOC Bent County Correctional Facility	CO DOC Skyline Correctional Center - The Beacon	Costilla County Detention
CO DOC Buena Vista Correctional Facility	CO DOC Sterling Correctional Facility	Crowley County Detention
CO DOC Centennial Correctional Facility	CO DOC Trinidad Correctional Facility	Delta County Sheriff's Office
CO DOC Colorado State Penitentiary		Denver County Jail

Denver Downtown Detention Center	Las Animas County Jail	Weld County Southwest Substation
Douglas County Detention Center	Lincoln County Sheriff's Office	Weld North Jail Complex
Eagle County Detention Center	Logan County Jail	Yuma County Jail
El Paso County Jail	Mesa County Criminal Justice Center	
Elbert County Jail	Moffat County Sheriff's Office	
Fremont County Detention Center	Montezuma County Jail	
Garfield County Sheriff's Office	Montrose County Jail	
Gilpin County Jail	Morgan County Jail	
Grand County Jail	Park County Detention Center	
Gunnison County Jail	Prowers County Jail	
Huerfano County Jail	Pueblo County Detention Center	
Jackson County Sheriff's Department	Rio Grande County Jail	
Jefferson County Sheriff's Booking	Routt County Jail	
Jefferson County Sheriff's Detention Facility	San Miguel County Jail	
Kit Carson County Jail	Southern Ute Indian Tribe Summit County Jail	
La Plata County Jail	Teller County Jail	
Lake County Sheriff's Department	Washington County Jail	
Larimer County Community Corrections	Weld County Alternative Sentencing	
Larimer County Jail	Weld County Community Corrections Center	