



COLORADO

Department of
Regulatory Agencies

Public Utilities Commission

First ICS Section Report on Regulation of Colorado Penal Communications Services Providers

Prepared by:

The Colorado Public Utilities Commission ICS Staff

March 15, 2023

Table of Contents

Executive Summary	2
Introduction	3
Providers	3
Facilities Served	3
Declaratory Order	5
ICS Reporting Operations	5
Quarterly Reporting Findings	6
Commission Payments	9
Further Information Concerning Non-DOC Commission Payments	9
ICS Consumer Complaints Operations	10
ICS Voice Testing Operations	11
Bills Addressing Free Inmate Communication	13
Conclusion	14

**Throughout this report, the usage of “Penal Communications Services” (PCS) and “Inmate Communications Services” (ICS) are interchangeable. The use of “Penal Communications” or “Penal Communications Services Provider” is generally used when referring to Colorado statutory or declaratory order language, whereas “Inmate Communications Services” or “Inmate Communications Services Provider” is generally used when speaking in terms of the Public Utilities Commission (PUC) section’s interactions. **

Executive Summary

The regulation of Colorado Penal Communications Services Providers (Providers) was enabled by Colorado House Bill 21-1201 (HB 1201). These Providers 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.” (Colo. Rev. Stat. §17-42-103(2)(b)).

Effective January 1, 2022, Providers were required to submit quarterly reports to the Colorado Public Utilities Commission (Commission). The reports were to include several categories of data, a copy of the contracts between the Provider and each correctional facility, and a copy of the Provider’s unclaimed funds policy. The specific requirements are detailed in the quarterly reporting section of this report.

As elaborated in HB21-1201, “Starting on January 1, 2022, rate caps established by the Federal Communication Commission apply to all in-state debit, prepaid, and collect calls to or from a correctional facility.” These caps were already mandated by the FCC as of October 26, 2021. The FCC established a general rate cap of \$0.21 per minute for all interstate calls. In addition, prisons are generally capped at \$0.14 per minute; jails, with an average daily population of 1,000 or more, are capped at \$0.16 per minute; and all other jails are capped at \$0.21 per minute. The first set of quarterly reports to the Commission, for Q4 2021, reflected these rates for interstate calls only, but for all subsequent reports the FCC caps were in place for all calls. The Inmate Communications Services Section of the Colorado Public Utilities Commission (ICS Section) observes, through Provider reporting and a lack of complaints regarding rate compliance, that Providers are generally complying with the caps that are established by the FCC.

HB21-1201 as incorporated at § 17-42-103 C.R.S., also requires the Commission to perform biannual call quality testing on a statistically significant sample of the facilities each Provider serves. The ICS Section must create and publish an annual report on the Commission’s website in a format that is accessible to the public. The ICS Section monitors the cost and quality of calls through testing, including how the Penal Communications Services provider is charging and addressing consumer complaints regarding poor quality calls and dropped calls. This report, specifically the section on call quality testing, contains detailed results of this testing. The ICS Section has now performed the testing twice.

HB21-1201 also requires that all Penal Communications Services Providers provide language prominently on their website directing consumers to the Colorado PUC website for the filing of informal complaints about problems with the communications services that the ICS Section regulates. These complaints are addressed and resolved by ICS Section members in a timely manner. Being that this is a new area of regulation within the PUC, these complaints are gathered as pertinent information to determine both types and trends of issues that occur within this realm of regulation.

Introduction

The Commission is required to create and publish an annual report on its website each year pursuant to § 17-42-103, C.R.S. This report provides an overview of call quality testing of Penal Communications Services Providers (Providers) by the ICS Section. This report includes details observed on the cost and quality of calls and Provider methods of charging and call quality issues. Specifically, this report includes information on issues observed in call quality testing, but also contains information and observed trends in Provider compliance with FCC rate caps, and any outliers in terms of the categories identified for quarterly reporting by statute.

This report also includes the quarterly reports that are currently publicly available. These quarterly reports are submitted by Providers and aggregated into the annual by the ICS Section. Attachment 1 to this report is the information for 4th Quarter 2021. Attachments 2-5 is the published reporting information for all four Quarters of the year 2022[a].

Providers

Securus Technologies (Securus)	Network Communications International Corp (NCIC)/Crown Correctional Telephone Inc.
GlobalTelLink, now ViaPath Technologies (Viapath)	TKC TeleCom, LLC (TurnKey)
Combined Public Communications	Encartele, Inc. (Encartele)
Telewest IV Inc (Telewest)	HomeWav
Inmate Calling Solutions, LLC (ICSolutions)	

Facilities Served

Costilla County Detention	CO DOC Arkansas Valley Correctional Facility	CO DOC Colorado Minimum Centers
Alamosa County	CO DOC Arrowhead Correctional Center	CO DOC Colorado State Penitentiary
Arapahoe County Jail	CO DOC Bent County Correctional Facility	CO DOC Colorado State Penitentiary II
Archuleta County Jail	CO DOC Buena Vista Correctional Center	CO DOC Crowley County Correctional Facility
Baca County Jail	CO DOC Centennial Correctional Facility	CO DOC Delta Correctional Facility
Boulder County Jail	CO DOC Colorado Correctional Center	CO DOC Denver Reception and Diagnostic Center
Chaffee County Jail		
Chief Ignacio Justice Center		
Clear Creek County Jail		
	CO DOC Colorado Correctional Center	

First Report on Regulation of Colorado Penal Services Communications Providers

CO DOC Denver Women's Correctional Facility	CO DYC/DHS Prairie Vista Youth Services	La Plata County Jail
CO DOC Four Mile Correctional Center	CO DYC/DHS Pueblo Youth Services	Lake County Sheriff's Department
CO DOC Fremont Correctional Facility	CO DYC/DHS Spring Creek Youth Services	Larimer County Community Corrections
CO DOC La Vista Correctional Facility	CO DYC/DHS Zebulon Park Youth Services	Larimer County Jail, CO
CO DOC Limon Correctional Facility	Conejos County Detention	Las Animas County Jail
CO DOC Rifle Correctional Center	Crowley County Jail	Lincoln County Sheriff's Office
CO DOC San Carlos Correctional Facility	Custer County Jail	Logan County Jail
CO DOC Sterling Correctional Facility	Delta County Sheriff's Office	Mesa County Criminal Justice
CO DOC Territorial Correctional Facility	Denver County Jail	Montezuma County
CO DOC Youthful Offender System	Denver Downtown Detention Center	Montrose County Jail
CO DYC/DHS Gilliam Youth Services	Douglas County Detention Center	Otero County Jail
CO DYC/DHS Grand Mesa Youth Services	Eagle County Detention	Park County Detention Center
CO DYC/DHS Lookout Mountain Youth Services	El Paso County Jail, CO	Pueblo County Detention Center
CO DYC/DHS Marvin W. Foote Youth Services	Elbert County	Rio Grande County
CO DYC/DHS Mount View Youth Services	Fremont County Detention Center	Routt County Jail
CO DYC/DHS Platte Valley Youth Services	Garfield County Sheriff	San Miguel County
	Gilpin County Jail	Southern Ute Indian Tribe
	Grand County Jail	Summit County Jail
	Gunnison County	Weld County Alternative Sentencing
	Huerfano County Jail	Weld County Community Corrections Center
	Jefferson County Sheriff's Booking	Weld County Southwest Substation
	Jefferson County Sheriff's Detention Facility	Weld North Jail Complex Yuma County Jail
	Kit Carson County Jail	

Declaratory Order

The Commission, on July 19, 2022, accepted the staff Petition for Declaratory Order.¹ Broadly speaking, this Declaratory Order aims to clarify specific language within HB21-1201 concerning “Penal Communications Services” and “Penal Communications Services Provider(s).” It is the opinion of HomeWav, that as a Provider of VOIP services, they are exempt from regulatory requirements of HB21-1201. The Attorney General’s office, on behalf of the staff of the Commission, argues that the language at issue establishes that VOIP providers, such as Home Wav, are required to comply with the requirements of HB21-1201. All pleadings in this case were filed on or before November 4, 2022. A decision in this matter is pending with the assigned administrative law judge and ultimately the Commission.

ICS Reporting Operations

The ICS Section is required to collect quarterly reports from Providers pursuant to HB 21-1201. 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 following data points: the total number of calls made from the correctional facility using the service; the total minutes for calls made from the correctional facility using the service; the revenue collected by the Penal Communications Services Provider for providing the services; a summary of all commissions paid to the correctional facility or any other government entity by the Penal Communications Services Provider; the rates charged by the Penal Communications Services Provider to persons in custody making telephone calls to persons not in custody including any rates charged for: the first minute of an in-state call, minutes subsequent to the first minute of an in-state call, the first minute of an out-of-state call, and the minutes subsequent to the first minute of an out-of-state call; all fees charged to persons in custody making telephone calls to persons not in custody, including fees charged to: initiate a call, deposit money into the incarcerated person’s account for communication services, deposit money into the incarcerated person’s account for communications services, open, maintain, fund, or close an account with a Penal Communications Services Provider, receive a refund from a Penal Communications Services Provider, receive a paper bill from a Penal Communications Services Provider, make payments to the Penal Communications Services Provider through a Third-Party Company, and the total number of consumer complaints related to video quality.

For the calendar year January 1, 2022, through December 31, 2022, the ICS Section has sent reminders to each Provider two weeks prior to the required quarterly deadline. This reminder elaborates the statutory mandates for data collection, includes the spreadsheet for the specified data points to be collected, and offers a unique Provider-specific upload website via box.com for each provider. These Provider-specific box.com upload sites have been created to protect the confidentiality of specific personally identifiable information contained within the

¹ Proceeding No. 22D-0293T, Decision No. C22-0419-I, issued Jul 19, 2022.

First Report on Regulation of Colorado Penal Services Communications Providers

data that is reported. This personally identifiable information is redacted from the reports prior to being made publicly available on the PUC site.

Upon receiving the statutorily mandated data reports from each individual Inmate Communications Services Provider, all data is aggregated on a quarterly basis and made available to the Public on the PUC Inmate Communications Services website.

Quarterly Reporting Findings

Quarterly Data Reports have been gathered for five quarters to date. Broadly, the Providers are diligent and adhere to their requirements. In extenuating circumstances the ICS Section 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 have been made publicly available represent the entire list of ICS Providers, but may be lacking in data if a Provider has failed to submit the statutorily mandated information. Four of the five quarters for reporting represent data gathered from all providers except for HomeWav. The most recent of the reported quarters represents all providers data except for HomeWav and Telewest.

The ICS Section can report that Securus, Combined Public Communications, Inmate Calling Solutions, GlobalTelLink and Network Communications International Corp. are in full compliance regarding Quarterly Reporting. These providers do not require ongoing amendments and have no data points that fall outside of the FCC interim rate capping figures. The instances of situational reporting of errors and ICS intervention are listed on a Provider basis as follows:

Telewest

In the case of Telewest, this provider has been late submitting their required quarterly data for every quarter to date and has only recently submitted the most recent quarters' information. The most recent quarter submitted was for Q4/2022, and was statutorily required to be turned in no later than January 16, 2023. Telewest submitted their report on March 22, 2023, over two full months beyond the required submission deadline. This is troublesome as it delays the required reporting responsibilities of the ICS Section, and also diminishes the inherent objective of the statute: Transparency and Accountability.

HomeWav

In the case of HomeWav, this provider has yet to provide any reporting data since the inception of the ICS Section. This provider is not being contacted, nor being characterized as being non-compliant at this juncture until the pending Declaratory Order, in which they are involved, has been ruled upon. If a decision is issued that requires HomeWav's reporting compliance, they will be directed to retroactively produce all reporting requirements for any quarter of reporting data that has not been submitted from Q4/2021 and forward.

TKC TeleCom, LLC (TurnKey Corrections)

Our reporting for TKC TeleCom revealed that this company may have a varied cost structure for in-state calling that allows for certain types of calls to be priced up to \$0.25 per minute. The FCC interim rate caps currently mandate \$0.21 to be the limit for any per minute rate charge. The ICS Department met with TKC Telecom and is working to get updated data. TKC states that they inadvertently reported the costs for their international calls which go up to \$0.25 per minute, but all calls within the state of Colorado indeed max out at the established FCC interim rate cap of \$0.21 per minute. As soon as these data points are updated and shared with the ICS Section, these changes will be reflected on the publicly shared Quarterly Reports.

Additionally, during the meeting between the ICS Section and TKC, the issue of monthly maintenance fees was brought to light. For all five quarterly data reports, TKC Telecom has reported that for the maintenance of an account, there is no fee. Through biannual testing, this has been brought into question. We have maintained a balance within an account for the TKC Telecom subsidiary, Inmate Canteen, for two months. TKC is the company that enters the contractual agreements with facilities while Inmate Canteen provides the actual services for TKC. In each of the months that the ICS Section maintained an account balance we have incurred a maintenance charge of \$1.00 per month.

TKC has acknowledged that this is a problem that they are currently working to find a solution to. The Inmate Canteen platform operates within the holding facilities as a housing for general inmate funds to be used for each inmate's commissary account. The commissary account is generally separated from the accounts used to purchase voice communications capabilities. The commissary account does charge a monthly maintenance fee, but it is not supposed to be charging this fee for the holding of voice communications services funds.

The ICS Section account has been reimbursed the amount of the maintenance charges (\$2.00 for two months). Inmate Canteen is working to solidify their methodology for differentiating between commissary accounts and accounts strictly used for voice communications by way of separating their websites categorically by function. This is being worked on and is currently in the beta level, awaiting completion of the migration to their new two-site system.

Encartele, Inc.

In the case of Encartele, Inc., they have provided the following information, on company letterhead, elaborating their cost structure to the ICS Section as follows: “Encartele, Inc. operates on a platform that does not track traditional call volumes or the number of minutes for which telephone calls are made. The Encartele, Inc. platform tracks data events and bandwidth utilization per available application. Examples of the available applications are voice, video, electronic mail, and a number of other applications for education, legal, or other purposes.” This methodology does not allow the ICS Section to monitor the exact per minute rate being charged in relation to the cost of data to utilize a specific service for this Provider. This also prevents the ICS Section from being able to determine the costs as falling within the prescribed FCC interim rate caps. This leaves the ICS Section in a position where it is not possible to determine whether there is a predatory practice involved with this method of pricing, while also preventing accurate reporting on specific data points within Encartele, Inc.’s Quarterly Reporting.

GlobalTelLink, now ViaPath

In the case of Viapath, there was some incorrect reporting that required amendment to each of the Quarterly Reports after they were made publicly available. For all Quarterly Reporting periods (Q1 through Q4) for the year 2022, the ICS Section found that the amount of all commissions paid for Arapahoe County Jail, El Paso County Jail, and Larimer County Jail were reported to be the same amounts for each county, for each reporting period. It was the understanding of the ICS Section that the contracts for each of these counties are based on a percentage of total gross revenues generated which would make recurring exact values between Quarterly Reporting improbable. The ICS Section requested clarification or amendment from Viapath regarding this situation.

Upon further review, Viapath realized there was a discrepancy, and that the numbers were not updated properly for the facilities identified each quarter. They swiftly offered corrected information, and this data has been amended by the ICS Section and is readily available on the Commission’s ICS webpage.

Commission Payments

Department of Corrections

According to Colorado Revised Statute, § 17-42-103, “In administering the use of telephones by inmates in any state or private prison facility, the department shall not receive any commission from the Penal Communications Services Provider except as much as is necessary to pay for calling costs and the direct and indirect costs incurred by the department in managing the calling system [...] Direct and indirect costs incurred by the department in managing the calling system” includes costs related to the provision of security and monitoring systems by either the department or the Penal Communications Services Provider.

Currently, the Department of Corrections is receiving commission payments from their sole contractual Penal Communications Services Provider, ViaPath, formerly known as GlobalTelLink. The ICS Section is unable to confirm whether these commission payments are consistent with the costs to cover the direct and indirect expenses.

Further Information Concerning Non-DOC Commission Payments

Specific data points within the quarterly reporting have surfaced potential predatory practices. An identifiable problematic area within the statutorily required reporting is the area of contractual commission amounts being paid out to facilities, or entities of the facilities, from ICS Providers. These commission payments, in most cases, are the focal point of negotiation and are used to leverage and differentiate contractual benefits for a facility when deciding between one provider over another. This is challenging because the contractually negotiated commission amounts create an underlying cost to the ICS Provider. This cost is incurred by way of an agreed upon portion/percentage of the Provider’s revenue that is to be paid out to the facility that enters contract with the Provider.

This cost may necessitate an ICS Provider to push their per minute costs into the higher levels of acceptable rate caps, inherently causing a second handed passing on of commission costs to be absorbed by the consumers of such products and services which are the inmates and their family and friends. This seems troublesome as it may bear some negative financial impact to the consumer of the Inmate Communications Services in the matter of pricing.

Our ICS Section sees a broad need for consideration in the structuring of these commission payments and the way they are used to award contracts between facility and provider. These commissions and the way they are structured may be obfuscating a contractual negotiation from benefiting the inmates and their family and friends to, rather, benefit a facility, county, or other entity by generating a revenue stream through contractual negotiation with an ICS Provider.

To paraphrase, these contracts and commission payments may be an underlying factor in driving higher costs that are being passed along to the consumers of Inmate Communications

First Report on Regulation of Colorado Penal Services Communications Providers

Services, the inmates and their family and friends. The allotment and usage of said commission payments, once received, brings into question if the contractual commission payment is structured solely to recuperate and offset direct and indirect operational costs of a facility, or if they bear a potential predatory secondhand impact to consumers of Penal Communications Services.

ICS Consumer Complaints Operations

In speaking to the requirement of Providers' compliance with the requirement to provide language prominently on their website directing consumers to the Colorado PUC website for the filing of informal complaints about problems with the communications services, the ICS Section has made strides in making sure that this verbiage is prominently displayed. Though, in large part, the meaning of "prominent placement" has been a contentious issue.

Further, many of the Providers have subsidiary companies that perform the actual Penal Communications Services themselves. Many consumers only interact with the subsidiary websites that provide the actual products and services. This type of subsidiary website is generally separate from the parent Penal Communications Services Provider website. This may cause confusion because consumers that experience service issues may not be aware of the parent Penal Communications Services Provider or of their separate website which currently contains the verbiage informing the consumer of a resource at the PUC to voice an informal complaint. The ICS Section identifies this matter as a potentially problematic issue and deems that both the parent website and the subsidiary websites need to be in compliance with prominently placed complaint verbiage. The ICS Section will be actively working with Providers to address this concern in the next calendar year (2023).

Complaints are integral to our regulation of ICS. To uncover pain points that may require regulatory intervention in a previously, widely unregulated industry, informal consumer complaints can offer a paramount insight into areas that may be otherwise unseen.

For the year 2022, we have found direct resolution to 8 out of 8 total received complaints. Some general topics of complaint resolutions include, but are not limited to, video visitation quality, missed messaging, inability to connect incoming calls, and damaged or non-working communication equipment.

This has led to a point of interest. For each complaint fielded, we have posed the question of how the complainant arrived at our division for help. In no instance has there been a complainant expressly stating that they were able to find prominent language directing them to the PUC among the Providers' sites. We find that the ICS Section currently lacks public facing attention or awareness, and that we may be missing a large amount of potential consumer complaint issues.

ICS Voice Testing Operations

The ICS Section has introduced Voice Testing biannually in accordance with HB 21-1201. This testing aims to monitor the cost and quality of calls, including how the Penal Communications Services Provider is charging and addressing consumer complaints regarding poor quality calls. The tests are conducted remotely, and so far, all Correctional Facilities, regardless of Provider, are cooperating with the PUC in conducting said tests. All facilities are compelled by statutory language to adhere and cooperate with the testing that is necessary.

Each testing phase consists of a random selection of approximately 25% of the aggregate of all active facilities. For each quality testing period, the identified point of contact for each correctional facility selected (within the randomization) is advised of the pending Inmate Communications Services testing at their location. These points of contact are responsible for generating a "test" inmate that can be used to initiate a call placed from their facility to ICS Section members. This allows for a general understanding as to how these calls are made from each of the facilities and allows the ICS Section to identify problems beginning with connection all the way through the completion of a call, or the lack of completion of a call.

Voice communication testing is conducted using the Colorado PUC ICS Evaluation Form on which responses to questions are gathered from a facility staff member assisting in the testing effort. Specific information includes:

- * Overall call quality monitoring
 - * Initiation of Call
 - * Call Connection
 - * Call Clarity
 - * Whether or not the Call Drops
- * Availability of general equipment available to inmates/detainees
 - * Total number of available phones
 - * Number of phones currently operational
 - * Estimated time frame for repair of inoperable equipment
- * Availability of disability inclusive telecommunications equipment available to inmates/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 inmate activities or programs

First Report on Regulation of Colorado Penal Services Communications Providers

- * Knowledge of applicable per minute service rates
- * Record of telecommunication services complaints by inmates/detainees and actions to resolve such complaints

Many of the points listed above are general conversation points aimed to have the communication flow uninterrupted throughout the entirety of the call. This is integral so that we may appropriately gauge the overall call quality metrics listed for the call itself. For call quality, the only problem that may have occurred was differentiation in the volume of the calling party's voice. This seems to be a product of how "busy" or "populated" an individual facility had been. The more people incarcerated in each facility, the more difficulty in hearing the voice of the person speaking. This is not an issue that seems Provider-based in nature.

Largely, all calls went successfully. In some cases, the outbound call had an issue of being able to connect, in which on a case-by-case basis, funds were added to the "test" inmate's account by the ICS Section to complete the necessary test. These funds are all later reconciled monthly with the PUC accounting department.

In the case where PUC funds were utilized to make a call, this allowed the ICS Section to further understand the capability of Providers to generate a billing receipt for the call, whether there would be a monthly maintenance charge for a call, and how the reimbursement of unused funds would be given.

Billing receipts are generally emailed upon the immediate funding for any given account under any given Provider. In one instance there has been a mistake in the amount that was stated on the billing receipt and the amount that was charged. This occurred with Viapath, there was a difference of \$0.01 and it has since been reimbursed.

In the case of monthly maintenance fees, there was only one provider that applied a monthly maintenance fee (TKC) and the outcome of this finding has been discussed in the above section "Quarterly Reporting Findings."

There was one instance of testing that generated concern for the practice of reimbursement, and this was for the Teller County Jail. This facility receives its Inmate Communications Services from HomeWav. The ICS Section identified a troublesome practice involving refunding or reimbursement. HomeWav currently is not providing Quarterly Reporting, but the ICS Section can indeed test the facilities where they provide services. The ICS Section was able to see that HomeWav charges the consumer (the consumer in this case being The ICS Section "Test" Inmate), a \$7.50 charge to receive a reimbursement of unused funds. For this call, the ICS Section added \$10 to a "test" inmate account. Roughly \$4 was used in the test call itself. This ultimately means that the remaining ~\$6 can never be recovered by the ICS Section because of the fee in place to receive a refund of unutilized funds. The amount of this charge brings into question the amount necessary to recoup third-party costs for such a transaction from Provider to Consumer.

First Report on Regulation of Colorado Penal Services Communications Providers

For the purpose of monitoring Video Visitation quality metrics, a Video Visitation service evaluation is currently being developed by the ICS Section for implementation in calendar year 2024.

Bills Addressing Free Inmate Communication

Legislators across the country are working to allow for a certain amount of daily inmate communications, if not all, to be made free of charge to inmates. Free Inmate Communications Services will support the link between incarcerated individuals and their loved ones outside of the facilities in which they are held. Free calling is aimed to bolster these relationships as well as provide added support systems for finding a job or housing in preparation for release, further promoting successful reentry and reintegration into civilian life. Many believe that recidivism could be greatly reduced by making outside resources available without the fees associated with basic communications.

Colorado has introduced HB 23-1133 Concerning the Cost of Communications Services for Persons in Custody. The House Committee on Judiciary voted to pass this bill in early February. The bill seeks to clarify that the Department of Corrections (DOC) must provide communications services of all types free of charge, including voice, video, and electronic messaging, to persons in DOC custody in a correctional facility or private prison within the state of Colorado.

The state of California has led the way in free inmate communications as the state signed SB23-1008 into law that will require state prisons and youth detention facilities to provide voice communications services to incarcerated persons free of charge to the person initiating and the person receiving the communications. This has yet to be enacted, as the financial implications are being sorted.

Further, House Bills have been drafted in Hawaii, Maryland, Massachusetts, Missouri, Montana, New Jersey, and New Mexico addressing either additional rate capping or the introduction of free calls for inmates held in correctional facilities.

President Biden signed into law the Martha Wright-Reed Just and Reasonable Communications Act of 2022 in the beginning of January 2023. This Bill enacts a twenty-four-month period for the FCC to promulgate rules toward ensuring just and reasonable charges for telephone and advanced communications services in correctional facilities and detention facilities. According to this new law, the FCC is granted "...authority to combat unjust and unreasonable rates and charges for voice and video calls, including calls within a state's borders, where previously the agency had ratemaking authority only over voice calls between states and foreign locations. The Notice of Proposed Rulemaking and Order (FCC 23-19) adopted today (March 16, 2023) begin(s) the process of implementing the law, which requires the Commission (FCC) to adopt just and reasonable rates no earlier than 18 months and no later than 24 months after the law's January 5, 2023 enactment." WC Docket Nos. 23-62, 12-375

Conclusion

The ICS Section is a burgeoning area of regulation. Through the inception of the ICS Section, it has become evident that there is great difficulty, both at the FCC and in states, in determining the appropriate rate caps on a level that avoids predatory cost structures. On a state level, Colorado seeks to establish a clear legal definition for Penal Communications Services Providers. The ICS Section has identified the companies which provide various types of Inmate Communications Services, along with every facility that falls within the PUC's realm of regulatory authority. The Section awaits the outcome of the Declaratory Order to better address and report on Providers within its regulatory oversight.

Aside from the controversy over the definition of Penal Communications Service Providers, the ICS Section has begun its statutorily mandated reporting efforts with the Providers that are willing to provide the quarterly reports. Through this reporting, the ICS Section observes that those Providers that are reporting are generally complying with the rate caps that have been set by interim price rates established by the FCC. ICS Section has also begun biannual voice testing of all Providers. The section works directly with all facilities within PUC's regulatory oversight to commence this testing to assure the quality of voice communications services and the adherence of applicable FCC rate caps.

Within the next year, the ICS Section aims to improve its public awareness and work with both the Providers and with the facilities that house inmates. It is important to get the word out that the PUC is an available resource to receive and potentially assist in resolving informal consumer complaints. The ICS Sections further aims to create and introduce biannual video testing by 2024.

The State and National environment surrounding the costs associated with inmate communications will likely be under constant change and reform in the coming years. It is the responsibility of the ICS Section to understand these changes as they occur and adopt any shift in rate capping as they are addressed both by the State of Colorado and by the FCC.