

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Pay :  
Tel Communications, Inc. for a Waiver of : Case No. 18-0917-TP-WVR  
Section 4901:1-6-22 of the Ohio :  
Administrative Code :

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**PAY TEL COMMUNICATIONS, INC.'S APPLICATION FOR WAVIER OF  
SECTION 4901:1-6-22 OF THE OHIO ADMINISTRATIVE CODE**

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NOW COMES Pay Tel Communications, Inc. ("Pay Tel"), pursuant to Ohio Administrative Code ("O.A.C.") §4901:1-6-02(E), and file this Application requesting that the Public Utilities Commission of Ohio ("PUCO" or "Commission") enter an Order waiving application of Rule 4901:1-1-6-22 to allow for an extension of time of forty-five (45) days within which to comply with the Inmate Operator Services ("IOS") rule changes that become effective on May 24, 2018. In addition, Pay Tel, pursuant to O.A.C. §4901-1-12(C), requests that this Commission's ruling be expedited in order to ensure Pay Tel's continued compliance with all of the Commission's rules. In support of this request, Pay Tel states as follows:

**PAY TEL COMMUNICATIONS, INC.**

1. Pay Tel is a certified provider of competitive telecommunication services in the State of Ohio, with a certificate number 96-736-CT-ACE.
2. Vincent Townsend is the President and Owner of Pay Tel. Mr. Townsend has provided an affidavit in support of this Application ("Affidavit"). Mr. Townsend's Affidavit is attached as Exhibit A.
3. Pay Tel currently provides intra-state IOS to four (4) detention facilities located in the State of Ohio ("Ohio Facilities"). *Affidavit* at ¶4.

4. Pay Tel provides inmate telephone service under individual agreements with each of the Ohio Facilities. *Affidavit* at ¶5.

**CASE NO. 14-1554-TP-ORD**

5. On September 5, 2014, this Commission opened Case No. 14-1554-TP-ORD. The purpose of Case No. 14-1554-TP-ORD was to review Telephone Company Procedures and Standards under O.A.C. §4901:1-6 (“TP-ORD Case”).
6. On September 8, 2014, this Commission issued an Entry that scheduled a workshop to propose changes to the rules established by O.A.C. §4901:1-6 (“Workshop #1”).
7. Workshop #1 was held in October, 2014. The proposed changes that were created during Workshop #1 were filed in an Entry, dated January 7, 2015, in the TP-ORD (“First Proposed Changes Entry”).
8. Upon information and belief, Pay Tel did not receive notice that the TP-ORD Case had been filed or that the First Proposed Changes Entry had been filed. As a result, Pay Tel was not involved in Workshop #1 and did not provide comments regarding the proposed changes that were created in Workshop #1.
9. On August 12, 2015, this Commission issued an Entry, in the TP-ORD Case, scheduling a second Workshop (“Workshop #2”) August 26, 2015 following the 131<sup>st</sup> Ohio General Assembly’s adoption of House Bill 64 (“HB 64 Entry”).
10. Upon information and belief, Pay Tel did not receive notice that the HB 64 Entry had been issued. As a result, Pay Tel was not involved in Workshop #2 and did not provide comments regarding the proposed changes that were created in Workshop #2.
11. On November, 30, 2016, this Commission issued an Order approving rule changes contained in O.A.C. §4901:1-6 (“Approved Changes Order”).

12. The Approved Changes Order modified the language contained in O.A.C. §4901:1-6-22, which impacted inmate operator services (“Rule Change”). See *Approved Changes Order* ¶¶217-220.
13. Upon information and belief, Pay Tel did not receive notice of the Approved Changes Order or the Rule Change.
14. On January 25, 2017, this Commission issued an Entry granting AT&T Ohio and other interveners Applications for Rehearing of the Approved Changes Order.
15. On April 5, 2017, this Commission issued a Second Entry on Rehearing (“Second Entry”). This Second Entry modified the language contained in O.A.C. §4901:1-6-22 once again (“Second Rule Change”).
16. Upon information and belief, Pay Tel did not receive notice of the Second Entry or the Second Rule Change.
17. Ultimately, on March 2, 2018, this Commission filed the final, approved rule changes to O.A.C. §4901:1-6-22 (“Final Rule Changes”) with the Joint Committee on Agency Rule Review (“JCARR”) on May 14, 2018. The Final Rule Changes are to become effective on May 24, 2018.

**PAY TEL DEMONSTRATES THAT A WAIVER OF O.A.C. §4901:1-6-22 IS  
CONSISTENT WITH THE OBJECTIVES OF CHAPTER 4901:1-6 OF THE OHIO  
ADMINISTRATIVE CODE**

18. O.A.C. §4901:1-6-02(E) states that “[t]he commission may, upon application or upon a motion filed by a party, waive any requirement of this chapter, for good cause shown, other than a requirement mandated by statute from which no waiver is permitted.”
19. O.A.C. §4901:1-6-22 is part of Chapter 4901:1-6 of the Ohio Administrative Code.
20. The regulations on IOS, established in O.A.C. §4901:1-6-22, are not mandated by statute.

21. Pay Tel became aware of the rule changes impacting O.A.C. §4901:1-6-22 through a regulatory briefing it received from Inteserra Consulting Group, Inc. (“Inteserra”) on May 17, 2018.<sup>1</sup> *Affidavit* at ¶5.
22. Upon being informed of the Final Rule Changes, Pay Tel personnel immediately reviewed the changes to determine the impact on Pay Tel’s Ohio Facilities and identified the necessary steps to ensure that Pay Tel continued to remain in compliance with O.A.C. §4901:1-6-22 (“Pay Tel’s Review”). *Affidavit* at ¶6.
23. Pay Tel’s Review concluded that the following actions need to be taken in order for Pay Tel to continue its compliance with O.A.C. §4901:1-6-22:
- a. Review contracts with Ohio Facilities to determine impact;
  - b. Provide notice to the Ohio Facilities in accordance with contract terms;
  - c. Modify Pay Tel’s tariff to reflect the new rates;
  - d. Update voice prompts and printed materials (such as posters and customer brochures);
  - e. Update customer-facing website rate information; and
  - f. Update and train customer service personnel.
24. Pay Tel intends to fully comply with these changes. However, due to Pay Tel learning of the Final Rule Changes a mere seven (7) days before the Final Rule Changes are scheduled to go into effect, Pay Tel has been unable to complete the tasks identified in ¶23 by May 24, 2017. Pay Tel believes that good cause exists for this Commission to grant Pay Tel a forty-five (45) day extension in order to ensure Pay Tel’s compliance with the Final Rule Changes. Accordingly, Pay Tel seeks a waiver of the new

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<sup>1</sup> Inteserra is a consulting company that Pay Tel employs to monitor and evaluate the impact of regulatory changes that occur in areas in which Pay Tel provides services.

requirements of O.A.C. §4901:1-6-22 , established by the Final Rule Changes, for a period of forty-five (45) days. During this forty-five day period, Pay Tel will perform the necessary work to meet the new requirements. *Affidavit* at ¶8.

25. In addition to performing the necessary work to meet the new requirements established by the Final Rule Changes, Pay Tel intends to communicate with the Commission’s Staff should it have any questions regarding the changes to O.A.C. §4901:1-6-22.

**THE COMMISSION SHOULD EXPEDITE ITS DECISION**  
**PURSUANT TO O.A.C. §4901-1-12(C)**

26. O.A.C. §4901:1-6-02(E) states that “[t]he commission may, **upon application or upon a motion filed by a party**, waive any requirement of this chapter, for good cause shown, other than a requirement mandated by statute from which no waiver is permitted.”  
(Emphasis added.)

27. As emphasized in ¶26, O.A.C. §4901:1-6-02(E) allows party’s to request for a waiver by either application or motion. Therefore, Pay Tel argues that for the limited purpose of seeking a waiver, an application and a motion should be treated the same and as such, Pay Tel respectfully requests that the Commission’s decision regarding its application be expedited pursuant to O.A.C. §4901-1-12.

28. O.A.C. §4901-1-12(C) states that “[a]ny motion may include a specific request for an expedited ruling.” In addition, O.A.C. §4901-1-12(C) allows the party requesting the expedited ruling to contact the other parties to determine whether any party objects to the issuance of the ruling. Then, “[i]f the moving party certifies that no party objects to the issuance of such a ruling, an immediate ruling may be issued.”

29. In this case, Pay Tel has requested an expedited ruling. However, there are no other parties to this case. With no other parties to contact, Pay Tel can certify that no other party objects to the issuance of an expedited ruling.

/s/ Justin M. Dortch

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Attorneys for Applicant

PAY TEL COMMUNICATIONS, INC

B E F O R E  
T H E U B U T C L C O M M I S S I O N

I n t h e M a t t e r o f )  
P a r t y C o m m u n i c a t i o n s )  
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A F F I D A V I T

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V i n c e n t W a n g , i n l e g a l c o u n s e l , d o e s s w o r n a s f o l l o w s :

- 1 . I a m t h e P e r s o n w h o P a r t y C o m m u n i c a t i o n s ,
- 2 . I a m s u b m i t t i n g t h i s A f f i d a v i t t o t h e P a r t y C o m m u n i c a t i o n s I n t e r l o c u t e r o f S e c t i o n 4 0 0 1 1 - 6 0 2 2 .
- 3 . P a r t y C o m m u n i c a t i o n s S e t a t t e n t i o n t o t h e f a c i l i t i e s o f t h e S t a t e .
- 4 . P a r t y C o m m u n i c a t i o n s S e t a t t e n t i o n t o t h e f a c i l i t i e s o f t h e S t a t e .
- 5 . O n M a y 2 2 , 2 0 1 1 , I h a v e c o n s i d e r e d t h e a n g e s a n d c o s t s o f t h e S e t a t t e n t i o n t o t h e f a c i l i t i e s o f t h e S t a t e .
- 6 . K e y P a r t y C o m m u n i c a t i o n s S e t a t t e n t i o n t o t h e f a c i l i t i e s o f t h e S t a t e .

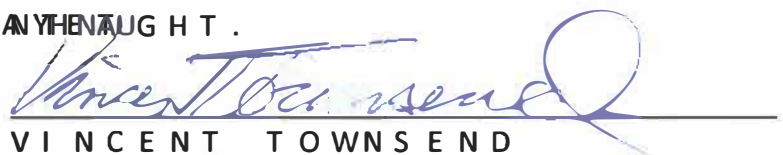
7. As a result of the review, the following actions shall be taken in order to improve the program:

- a. Review the facility's internal control and internal audit.
- b. Provide a list of identified deficiencies to the board.
- c. Modify the internal control system.
- d. Implement the corrective action plan.
- e. Update the policies, procedures and manuals.
- f. Update the employee training program.
- g. Update the personnel file.

8. As a result of the review, the following actions shall be taken in order to improve the program:

According to the findings of the review, the following actions shall be taken in order to improve the program:

FURTHER INVESTIGATION.

  
VINCENT TOWNSEND

SWORN TO before me this 29th day of May, 2018.



  
Notary Public



**This foregoing document was electronically filed with the Public Utilities**

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Summary: Application Pay Tel Communications, Inc.'s Application for a Waiver of O.A.C. §4901:6-22. electronically filed by Mr. Justin M Dortch on behalf of Pay Tel Communications, Inc