

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In The Matter Of The Motion Of	)	
Securus Technologies, Inc. For A Limited	)	
Waiver Of Rule 4901:1-6-22 Of The Ohio	)	Case No. 18-0890-TP-WVR
Administrative Code	)	
	)	

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**AMENDED MOTION OF SECURUS TECHNOLOGIES, INC. FOR A  
LIMITED WAIVER OF SECTION 4901:1-6-22 OF THE OHIO  
ADMINISTRATIVE CODE**

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NOW COMES Securus Technologies, Inc. (“Securus”), pursuant to Ohio Administrative Code Sections 4901-1-12 and 4901:1-6-02, and files this *Amended Motion* requesting that the Public Utilities Commission of Ohio (“PUCO” or “Commission”) enter an Order waiving application of Rule 4901:1-6-22 to Securus for a period of forty-five days from the date the Commission addresses the issue of what rates and ancillary charges should be applied to intrastate inmate operator service (“IOS”) calls in Ohio (“Amended Motion”).

On May 21, 2018, Securus filed a Motion for a Limited Waiver of Section 4901:1-6-22 of the Ohio Administrative Code (“Initial Motion”). In that Initial Motion, Securus requested expedited review and that the Commission waive application of Rule 4901-6-22 for a limited time of forty-five days after the Rule’s effective date of May 24, 2018. Thus, the Initial Motion requested a limited waiver until July 10, 2018. This Amended Motion clarifies Securus’ request for a waiver of forty-five days after the Commission addresses the issue of what rates and ancillary charges should be applied.<sup>1</sup>

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<sup>1</sup> The *Response of Global Tel\*Link Corporation to Waiver Requests*, filed on May 24, 2018 in this matter, as well as in Case No. 18-0917-TP-WVR, similarly requested a limited waiver of forty-five days after the Commission addresses the issue of what rates and ancillary charges should be applied to intrastate IOS calls in Ohio.

Securus incorporates by reference all of the facts and argument presented in the Memorandum in Support from the Initial Motion, as well as the accompanying affidavit of Securus' Senior Corporate Counsel and Director of Regulatory and Government Affairs, into this Amended Motion, and for brevity, does not repeat that material in this motion. In addition, Securus states the following:

1. By Order issued on November 30, 2016, the Commission adopted changes to Chapter 4901:1-6, including 4901:1-6-22 and 4901:1-6-02.
2. For Rule 4901:1-6-22, the Commission added the new subsection (A) to provide notice to consumers consistent with requirements under 47 C.F.R. 64.710(a), and changed the maximum usage rate for intrastate IOS calls which "shall be consistent with 47 C.F.R. part 64, subpart FF." As for ancillary charges that an IOS provider can charge for intrastate IOS calls, changes to the Rule provide that the charges shall also be consistent with 47 C.F.R. part 64, subpart FF.
3. For Rule 4901:1-6-02(H), the Commission approved changes to the effective date of the United States Code (U.S.C.) or a regulation in the code of federal regulations (C.F.R.) that should be used when a PUCO Rule references the U.S.C or C.F.R. 4901:1-6-02(H) currently applies an effective date of September 13, 2010 to U.S.C. or C.F.R. references, and the Commission approved a change to an effective date of October 1, 2016.
4. On March 2, 2018, the Commission filed the proposed changes to 4901:1-6-22 with the Joint Committee on Agency Rule Review ("JCARR").
5. On May 14, 2018, the Commission filed the final version of 4901:1-6-22 with JCARR, with an effective date of May 24, 2018.

6. On April 16, 2018, the Commission filed the proposed changes to 4901:1-6-02, including the change to subsection (H), with JCARR.

7. As of the date of the filing of this Amended Motion, the Commission has not filed a final version of 4901:1-06-02 with JCARR, and thus the Commission's approved change to subsection (H) has not yet been enacted into the Rule.

8. 47 C.F.R. part 64, subpart FF was effective on February 11, 2014.

9. Thus, the references in Rule 4901:1-6-22 to 47 C.F.R. part 64, subpart FF has created some confusion as Rule 4901:1-06-02 dictates that references to the C.F.R. shall incorporate the version of the cited matter as effective on September 13, 2010. 47 C.F.R. part 64, subpart FF did not exist on September 13, 2010.

10. In addition, 47 C.F.R. part 64, subpart FF includes two sections on maximum per-minute usage rates, Section 64.6010 (Inmate Calling Services rate caps) and Section 64.6030 (Inmate Calling Services interim rate cap). The effective date of both of these sections has changed over time due to various rulings from the United States District Court for the District of Columbia, as well as amendments to the sections.

11. Another IOS provider in Ohio has also asserted its belief that the recent changes to Rule 4901:1-06-22 were to be applied prospectively only, and do not apply to existing contracts.

12. Securus intends on filing a motion for clarification to Rule 4901:1-06-22 in the near future.

13. As the changes to Rule 4901:1-6-22 were effective on May 24, 2018, Securus requests in the meantime that the Commission grant a waiver of Rule 4901:1-6-22 for a period of forty-five days from the date the Commission addresses the issue of what rates and ancillary charges should be applied to intrastate IOS calls in Ohio.

Dated: June 21, 2018

Respectfully submitted,

/s/ Michele L. Noble

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Certificate of Service

I hereby certify that a copy of the foregoing *Amended Motion of Securus Technologies, Inc. for a Limited Waiver of Section 4901:1-6-22 of the Ohio Administrative Code* was served upon the following individuals on June 21, 2018, via e-mail correspondence.

/s/ Michele L. Noble  
Michele L. Noble

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Summary: Motion Amended Motion For A Limited Waiver electronically filed by Michele L Noble on behalf of Securus Technologies, Inc.