

**Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

**In the Matter of:** )  
 )  
 ) **WC Docket No. 12-375**  
**Rates For Interstate Inmate** )  
**Calling Services** )

**OPPOSITION TO PETITION FOR PARTIAL STAY**

Martha Wright, Dorothy Wade, Annette Wade, Ethel Peoples, Mattie Lucas, Laurie Nelson, Winston Bliss, Sheila Taylor, Gaffney & Schember, M. Elizabeth Kent, Katharine Goray, Ulandis Forte, Charles Wade, Earl Peoples, Darrell Nelson, Melvin Taylor, Jackie Lucas, Peter Bliss, David Hernandez, Lisa Hernandez, Vendella F. Oura, along with The D.C. Prisoners’ Legal Services Project, Inc., Citizens United for Rehabilitation of Errants, the Prison Policy Initiative, and The Campaign for Prison Phone Justice (jointly, the “Petitioners”) hereby submit this Opposition to the Petition For Stay, filed by CenturyLink, Inc. (the “Petition”).<sup>1</sup>

The Petition requests that the FCC adopt a stay of the effectiveness of the Report and Order, adopted on August 9, 2013, and released on September 26, 2013, in the above-captioned proceeding.<sup>2</sup> In particular, the Petition requests that the FCC delay implementing the rules adopted in the R&O “pending a final decision by the courts.”<sup>3</sup> As discussed below, the Petition must be dismissed, as it fails to satisfy the four-part test for granting a Petition for Stay.<sup>4</sup>

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<sup>1</sup> The Petition is dated November 27, 2013. Pursuant to Section 1.45(d) of the FCC’s rules, this Opposition is filed within 7 days of the submission. See 47 C.F.R. § 1.45(d) (2013).

<sup>2</sup> *Rates for Interstate Inmate Calling Services*, Report and Order and Further Notice of Proposed Rulemaking, FCC 13-113, rel. Sept. 26, 2013 (2013)(the “R&O”).

<sup>3</sup> *Petition*, pg. 2.

<sup>4</sup> See *Virginia Petroleum Jobbers Association*, 259 F.2d 921 (D.C. Cir. 1958). The four-part test requires that a petitioner show(1) it is likely to prevail on the merits; (2) it will suffer irreparable harm

First, the Petition is incorrect that an appeal is likely to be successful.<sup>5</sup> CenturyLink's Petition largely restates the same arguments presented previously by other ICS providers, which have since been rejected by the FCC.<sup>6</sup>

CenturyLink does proffer two *new* reasons why the R&O will be overturned on appeal. However, one of these *new* reasons (impact on existing contracts) curiously ignores the FCC's discussion in the November Order which dealt squarely with this issue.<sup>7</sup> CenturyLink's other *new* basis for an appeal is based on the presumption that the FCC adopted a rate-of-return regime in the R&O, a characterization that was also rejected by the FCC in the November Order.<sup>8</sup>

Further, CenturyLink's selective citation to Petitioners' comments offers no port of refuge for its sinking argument. CenturyLink would have the FCC believe that the Petitioners argued that FCC should adopt a fresh look period for at least one year.<sup>9</sup> However, the context from which CenturyLink pulls the quote is quite telling. Specifically, CenturyLink had argued in its Comments that all existing contracts must be permitted to run their course. In response, Petitioners argued that FCC must step in and require reformation of existing contracts to the proposed rules.

Thus, rather than arguing that the bare minimum fresh-look period should be one year, the Petitioners were simply urging the FCC to reject CenturyLink's proposal to keep in place

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absent the grant of preliminary relief; (3) other interested parties will not be harmed if the stay is granted; and (4) the public interest would favor grant of the stay.

<sup>5</sup> *Petition*, pg. 4. As with the recent Petition for Partial Stay filed by Pay Tel Communications, Inc., CenturyLink does not indicate which appeal it is relying upon for the basis of its Petition. Thus, the FCC may consider dismissing CenturyLink's Petition simply for failing to specify the appeal that will theoretically be successful on its merits.

<sup>6</sup> *See Order Denying Stay Petitions and Petition to Hold in Abeyance*, DA 13-2236 (rel. Nov. 21, 2013)("November Order").

<sup>7</sup> *Id.*, pg. 20.

<sup>8</sup> *Id.*, pg. 6.

<sup>9</sup> *Petition*, pg. 7

agreements that often span more than 5 years. In the end, the FCC opted to focus on the rates being charged ICS customers, and required that the multi-tiered pricing regime would be effective 90 days after the R&O was published in the Federal Register. The Petitioners fully support this result.

Of course, while CenturyLink would have the FCC continue to believe that such agreements could not be modified or renegotiated, the Petitioners have proven otherwise. For example, the Petitioners' August 2 *Ex Parte Submission* provided a copy of the ICS agreement between CenturyLink and the Texas Department of Criminal Justice.<sup>10</sup> Furthermore, as shown in attached exhibits, the agreements between CenturyLink and the states of Alabama,<sup>11</sup> Kansas,<sup>12</sup> and Wisconsin<sup>13</sup> also contain language that contemplates future changes in the law, and provide for the renegotiation and/or reformation of the terms of the agreements in such event.

While presumably CenturyLink has access to evidence to the contrary, CenturyLink instead relies on an unsupported Declaration from Paul Cooper which merely states that "some" of CenturyLink's existing contracts cannot be renegotiated.<sup>14</sup>

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<sup>10</sup> *Petitioners' Ex Parte Submission*, August 2, 2013 (noting that Section B.1.2 of the agreement anticipated changes in state and federal regulations were anticipated, and that the parties agreed to renegotiate the agreement in good faith in such an event.).

<sup>11</sup> Exhibit A (Section 11.1.2 - The awarded vendor must comply with all decisions, policies and regulations of the Federal Communications Commission (FCC) and the Alabama Public Service Commission (PSC) as currently written and as amended during the entire term of the contract.).

<sup>12</sup> Exhibit B (Amendment 3 - Section IV.B - If any part of this Agreement is contrary to any Federal, State or Local law, it is not applicable and such invalidity shall not affect the other provisions or applications of this Agreement which can be given effect without the invalid provision or applications.).

<sup>13</sup> Exhibit C (Section 10.2 - Should state or federal statutes or regulations change in the future either reducing or eliminating commissions or reducing the rates, fees or other charges that are allowed or required to be collected by EMBARQ for inmate calling services provided under this Contract, DOC and EMBARQ agree to renegotiate such commissions and or contract rates, fees or other charges in good faith to preserve, to the greatest extent possible, the economic benefits of this Contract that were contemplated by both parties, including without limitation, the possibility of rebalancing any mandated rate reductions or commission reductions by adjusting rates for other types of calls.).

<sup>14</sup> *Petition*, Affidavit of Paul Cooper, pg. 4.

This most recent attempt to cast its ICS agreements as set in stone must be rejected. In light of its failure to supply any justification for the grant of the Petition, CenturyLink has utterly failed to establish that an appeal of the R&O will be successful on the merits.

The Petition also failed to provide sufficient evidence that CenturyLink will suffer irreparable harm. Neither Mr. Cooper's Declaration, nor the Declarations from the Kansas and Alabama Departments of Correction, provide the level of detail that is necessary for the FCC to adopt the requested relief. Instead, the declarations speak only in generalities with regard to the impact of the R&O.

In addition, it should be noted that Alabama is currently reviewing its ICS rates and charges. A copy of the Alabama Order requesting comment on proposed rules to reform the ICS market in Alabama is attached hereto as Exhibit D.<sup>15</sup> Even more significant is the fact that the Alabama PSC recently denied a request by ICS providers to stay the rulemaking proceeding.<sup>16</sup>

Finally, CenturyLink is simply wrong in concluding that third parties will not be harmed by the grant of the Petition.<sup>17</sup> The record in this proceeding overwhelmingly demonstrates significant and adverse effects are caused the unjust, unreasonable and unfair rates and fees charged by the ICS providers on a daily basis. If the Petition is granted, third parties (i.e., inmates and their families and communities) will continue to pay up excessive fees while the FCC adopts final rules in this proceeding. As such, the illogical argument that third parties will not be harmed by the grant of the Petition must be disregarded.

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<sup>15</sup> *Order Proposing Revised Inmate Phone Service Rules And Establishing A Comment Period*, State of Alabama Public Service Commission, Dkt. 15957, rel. Oct. 1, 2013, *erratum* rel. Oct. 7, 2013.

<sup>16</sup> *Denial Of Motion To Hold Proceeding In Abeyance Or Otherwise Extend Comment Period*, State of Alabama Public Service Commission, Dkt. 15957, rel. Dec. 3, 2013. *See Exhibit E*

<sup>17</sup> *Petition*, pg. 23.

Instead, this proceeding demonstrated the enormous positive public interest benefits from the adoption of the R&O, and that any delay in the effectiveness of the R&O for prisons or jails would be, in fact, counter to the public interest. As discussed above, a delay in the effectiveness of the R&O would delay immediate relief to millions of ICS customers. It was shown in this proceeding that increased contact between inmates and their families and loved ones will reduce recidivism rates, which will decrease the cost of incarceration. In fact, it was shown that just a 1% decrease in the recidivism rate would result in savings of more than 250 million dollars for state, county and local jurisdictions.<sup>18</sup>

Moreover, the Petitioners provided statements from the ICS providers (including CenturyLink) in response to a Request for Proposal asserting that the reduction in rates would lead to increased call volume, increased revenues for ICS providers, and, in turn, increased commissions paid to the correctional facilities that receive commissions.<sup>19</sup> In fact, the Florida Department of Corrections urged adoption of lower rates because, as it stated:

A pricing structure that increases the department's commission rate by approximately 27% while lowering the cost of a 15 minute collect phone call to inmate family and friends by approximately 25%. The lower cost per call should lead to increased communication between inmates and their family and friends which will ultimately help support the Department's Re-Entry Initiatives.<sup>20</sup>

Thus, it is inconceivable that low ICS rates will cause irreparable damage and not serve the public interest. In the absence of any support for these arguments, the FCC must find that

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<sup>18</sup> *Petitioners Comments*, pg. 36 (citing Declaration of Coleman Bazelon, Ph.D).

<sup>19</sup> *Petitioners' Ex Parte Submission*, dated July 18, 2013. See *Exhibit F*. CenturyLink stated in its BAFO that "Inmates make more frequent calls and connections with family members, since a short call is less expensive. Our experience in other States shows that this more frequent calling has the added benefit of providing more overall commission revenue.").

<sup>20</sup> *Id.*, at pg. 22. The Florida Department of Corrections required ICS providers to propose a blended rate of no more than \$2.10 for a fifteen minute call. The Florida maximum rate is less than the rates adopted by the FCC in the R&O, and even less than the 19 cent rate apparently deemed to be acceptable by Commissioner Pai in his dissent.

CenturyLink failed to establish a public interest benefit for delaying the effectiveness of the lower rates. The only support for the allegations were three affidavits, each lacking sufficient evidence to satisfy the exacting *Virginia Jobbers* standard.

Thus, the Petition (i) failed to establish that an appeal of the Report and Order would be successful on the merits; (ii) failed to provide any solid evidence that CenturyLink will suffer irreparable harm; (iii) failed to show the lack of harm to third parties (in fact, great harm be caused from a delay in the effectiveness of the lower ICS rates); and (iv) failed to show any public interest benefit from granting a stay.

Therefore, the Petition for Stay must be denied. Further delay of this proceeding, after more than decade of waiting for the FCC to act on the Wright Petition, will only serve to perpetuate the great harm caused to millions of incarcerated persons and their families. Thus, Petitioners oppose the Petition for Stay, and respectfully request that the FCC deny the request as legally unsustainable.

Respectfully submitted,

By: /s/ Deborah M. Golden, Esquire

Deborah M. Golden, Esquire

D.C. PRISONERS' PROJECT  
WASHINGTON LAWYERS' COMMITTEE  
FOR CIVIL RIGHTS AND URBAN AFFAIRS  
11 Dupont Circle, NW, Suite 400  
Washington, DC 20036  
Telephone 202-319-1000  
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Counsel to the Petitioners

December 4, 2013

**EXHIBIT A**

**The State of Alabama  
Department of Finance  
Information Services Division  
Invitation to Bid  
TA497**

**Inmate and Public Payphones**

1. **Purpose:** The State of Alabama, Department of Finance, Division of Purchasing on behalf of the Information Services Division (ISD) and the Department of Corrections, hereinafter referred to as the STATE, is accepting bids for the statewide installation of the equipment, provision of service and payment of commissions on telephone calls made from pay telephones on State owned or leased property (hereinafter referred to as STATE PROPERTY). This ITB will include both public and inmate pay telephone service in a concession service arrangement. Alternate bids will not be accepted.
2. **Contract Length:** The contract resulting from this ITB will be effective for a period of three years from the date the contract is issued by the STATE, with options for two one-year renewals following the initial contract. Commissions must remain firm, as do the Terms and Conditions, for a period of three years from the date of initial contract signing. Terms and Conditions must remain in place for any subsequent renewals. Commissions may be increased by the awarded vendor at any time. Commissions may not be decreased. All commission increases must be first be approved by State Purchasing. All subsequent renewal contracts must be agreed upon, by both parties, ninety days prior to the expiration of the existing contract. Commissions cannot be altered due to any fees or taxes mandated by federal, state, or local government.

Continuation of any agreement between the STATE and the awarded vendor beyond a fiscal year is contingent upon continued legislative appropriation of funds for the purpose of this ITB and any resulting agreement. Non-availability of funds at any time shall cause any agreement to become void and unenforceable and no damages shall accrue against the STATE as a result.

If necessary, for a period of up to six (6) months after the expiration of the contract, the awarded vendor may continue to provide services until service conversion takes place.

3. **Bid Pricing:** The vendor will bid inmate phones proposing a per diem rate that will be used to calculate a monthly commission. The per diem rate must be entered with three (3) decimal places. For example, if the bid per diem rate is \$2.00, then \$2.000 would be entered. The monthly commission will be calculated by multiplying the vendor's per diem rate times that month's average inmate count.

The vendor will bid public payphones proposing a percentage factor for all public (non-inmate) revenues. The percentage factor will be entered with three (3) decimal places. For example, if the bid percentage factor is 50 %, then 50.000 % would be entered. The monthly commission will be calculated by multiplying the vendor's percentage factor times that month's public payphone revenue.

4. **Contract Resulting from ITB:** This ITB and any Vendor responses and/or proposals thereto will become a part of any contract executed as a result of this procurement.

## 11. Technical and Functional Requirements:

### 11.1. General Functional Requirements

- 11.1.1. The awarded vendor will provide the full range of payphone services offered today to the public. In addition, a full range of payment options will be available to consumers at pay phones located on STATE PROPERTY. The STATE also requires that all public pay phones provide dial tone first and DTMF (Touch Tone) dialing where available. The current level of service must be satisfactorily maintained at all times during transition to new vendor service.
- 11.1.2. The awarded vendor must comply with all decisions, policies and regulations of the Federal Communications Commission (FCC) and the Alabama Public Service Commission (PSC) as currently written and as amended during the entire term of the contract. Compliance includes, but is not limited to, forms of interconnection, access to interexchange carriers and posting of required information at each pay telephone.
- 11.1.3. Instruments and enclosures proposed must be designed to accommodate use by the hearing impaired and the physically disabled. Provisions for wheelchair access must comply with all federal and state regulations. Provisions for the deaf must comply with federal and state regulations including requirements relating to TDDs (Telephone Devices for the Deaf, also known as Public Text Telephones).
- 11.1.4. All "instrument implemented" telephones must be FCC registered, as required by law, including Part 68 and Part 15 of the FCC rules and all modifications thereof.
- 11.1.5. All telephones and enclosures must be in compliance with the National Electric Code and must be UL approved as required.
- 11.1.6. All systems must provide a coin and non-coin transaction audit trail which enables the STATE to verify the coin and non-coin revenues generated from the pay phones and which enables the STATE to verify all dial around/bypass traffic generated from pay phones located on State property.
- 11.1.7. The pay telephones required to be deployed by the vendor (s) will include indoor and outdoor installations, as well as "coin", "non-coin", "universal", and "inmate" instruments. The final mix of pay telephone types will be determined by the STATE after consultation with the vendor.

A **coin pay telephone** is defined as a pay telephone instrument that permits payment for calls through the use of coins. This instrument also permits the following billing options: calling card, collect, and third party.

A **non-coin pay telephone** is defined as a pay telephone instrument that does not permit the use of coins. This instrument does permit payment through calling card, collect and third party billing options. It may also accept credit cards.

**EXHIBIT B**

Division of Purchases  
900 SW Jackson, Room 102N  
Topeka, KS 66612-1286



phone: 785-296-2376  
fax: 785-296-7240  
email: [chris.howe@da.ks.gov](mailto:chris.howe@da.ks.gov)  
[www.da.ks.gov/purch](http://www.da.ks.gov/purch)

Dennis R. Taylor, Secretary  
Chris Howe, Director

Department of Administration

Sam Brownback, Governor

## AMENDMENT

**Amendment Date:** November 29, 2011

**Amendment Number:** 3

**Contract ID:** 10481

**Procurement Officer:** Greg Davis  
**Telephone:** 785-296-2770  
**E-Mail Address:** [greg.davis@da.ks.gov](mailto:greg.davis@da.ks.gov)  
**Web Address:** <http://da.ks.gov/purch>

**Agency:** Dept. of Corrections  
**Location(s):** Various KDOC Facilities

**Period of Contract:** December 17, 2007 through December 16, 2012

**Contractor:** CenturyLink Correctional Markets  
Formerly (EMBARQ Payphone Services, Inc.)  
SMART ID: 0000155806  
9300 Metcalf Avenue  
Overland Park, KS 66212  
E-Mail: [michael.p.hynes@embarq.com](mailto:michael.p.hynes@embarq.com)  
Toll Free Telephone: 877-907-7774  
Local Telephone: 913-534-5699  
Fax: 913-397-3591  
FEIN: 59-3268090  
Contact Person: Mike Hynes  
Telephone: 866-224-5139  
Cell: 724-612-6249

**Amendment No. 3**

to

**No. 10481**

**Agreement Between  
Kansas Department of Corrections (KDOC) and  
CenturyLink Correctional Markets (CCM) for  
Inmate Telephone Service**

This Amendment is made this 14th day of October, 2011 by and between the KDOC and CenturyLink Correctional Markets<sup>1</sup>.

WITNESSETH:

WHEREAS, the parties entered into an Agreement for Inmate Telephone Service (Agreement) dated December 16, 2007; and,

WHEREAS, the parties entered into Amendment No. 1 to the Agreement dated January 15, 2009; and,

WHEREAS, the parties entered into Amendment No. 2 to the Agreement dated September 9, 2010; and,

WHEREAS, the parties have determined that the Agreement requires further amendment;

NOW, THEREFORE, the parties hereby agree to amend the Agreement as follows:

1. All terms and conditions of the Agreement, Amendment No. 1, Amendment No. 2 and Agreement shall remain in full force and effect except as specifically amended herein.
2. Section C. Agreement Term and Termination, Subsection 1. Agreement Term of the Agreement is amended to reflect that the Agreement is extended through December, 16, 2012, with the option to extend this Agreement on a month to month basis thereafter.

<sup>1</sup> Embarq Payphone Services changed its name to CenturyLink Correctional Markets effective June 1, 2009.

3. State may also employ at its cost and discretion any Agent or subcontractor of its choosing in the performance of such audits. If an audit reveals a shortage State and Contractor shall be notified promptly and the shortage will be paid immediately. Further, if a shortage occurs that is greater than 5% of the annual commission due, Contractor agrees to pay the reasonable cost for the annual audit.

#### **IV. MISCELLANEOUS TERMS:**

- A. Interpretation:** This Agreement shall be interpreted under, and governed by, the Laws of the State of Kansas. The parties hereto agree that any action relating to this Agreement shall be instituted in the State of Kansas.
- B. Severability:** If any part of this Agreement is contrary to any Federal, State or Local law, it is not applicable and such invalidity shall not affect the other provisions or applications of this Agreement which can be given effect without the invalid provision or applications. To that end, the provisions of this Agreement are declared to be severable. If any provision hereof is held invalid by a Court of competent jurisdiction that provision shall be automatically deleted and all remaining provisions shall remain in full force and effect.
- C. Discrepancy:** Should there be a discrepancy in the Agreement, the RFP, and the RFP response, the terms and conditions contained in the Agreement and its amendments will prevail over the RFP, and the RFP will prevail over the responses to the RFP. However, in the event of any conflict, forms DA-45 and DA-146a shall control over all other documents.
- D. Dispute Resolution by Executives.** All disputes will first be submitted for resolution to a top executive of each Party. Each such executive shall have authority to bind the Party in all matters in connection herewith. Within thirty (30) days of such submission, the executives will meet to resolve the dispute and may decide to hear additional arguments that a party may wish to make in connection therewith. If the executives reach agreement on the disposition of the dispute, they will promptly issue their joint written decision resolving the dispute. Any dispute dealt with in this manner will be considered conclusively resolved and may not be the subject of any arbitration or litigation between the Parties. Any dispute that cannot be promptly decided in this manner by the executives may be taken by the aggrieved party to arbitration as described below.

**EXHIBIT C**

**Jim Doyle**  
Governor

**Rick Raemisch**  
Secretary



Mailing Address

3099 E. Washington Ave.  
Post Office Box 7991  
Madison, WI 53707-7991  
Telephone (608) 240-5000  
Fax (608) 240-3342

## State of Wisconsin Department of Corrections

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### CONTRACT

**Services:**

The purpose of this contract is to acquire inmate telephone service for the adult institutions and centers operated by the State of Wisconsin, Department of Corrections (DOC), replacing an expiring contract. This service is to include thirty-six (36) existing facilities, and any others that are either constructed or acquired during the life of the contract. A complete "turn-key", fully operational and reliable system is the highest priority in this procurement. This will include protection of the public, continued improvement of institution security and facilitation of law enforcement, through a seamless system that will provide telephone service, call control capabilities and the ability to record and/or monitor calls, as allowed by law. The State also seeks to minimize called party charges (including call set-up charges, local calling, intraLATA calling, interLATA calling and interstate calling) and anticipates bearing no costs during this procurement and the life of the subsequent contract for services at either the current existing locations or any other future locations. Rates charged to the called parties must be fixed for the initial term of the contract. Should the basis for these charges (tariffs, regulations and/or standards) be reduced during the initial term, these rate reductions must be communicated to the Department and applied to the applicable charges upon implementation of the reductions. Revenue (commissions) from this contract is required by law. A mutually agreeable commission structure ~~will be added during contract negotiation.~~ *was →* No State payments to the contractor will be allowed.

**Contract Period:**

The term of the Agreement will be a five (5) year contract with two (2), potential, one-year options. The renewal(s) will be at the sole discretion of the Department. The contract shall commence upon complete installation and acceptance by the department as defined in # 6 below.

**RFP Number:**

SM-1752

**Contract Number:**

C-1752

**8.14.** EMBARQ will maintain a stock of spare telephone parts in locations approved by WDOC. This will ensure that the 4-hour response time is met for most repair calls. The following spare telephone-related equipment will be stored so the administration of State investigations can proceed if a part fails:

8.14.1. armored handsets with steel lanyards

8.14.2. enclosures

8.14.3. wall mountings and backboards

8.14.4. chrome metal keypads

8.14.5. chrome metal cradle

## **9. CONTRACTOR/SUBCONTRACTOR RELATIONSHIPS**

**9.1.** EMBARQ will function as the prime contractor—assuming total responsibility for all performance aspects of this contract, including portions provided by subcontractors. EMBARQ understands that there are consequences including but not limited to contract penalties for failing to sufficiently plan for fully carrying out all objectives and tasks under this contract.

**9.2.** Subcontractors shall be subject to approval of WDOC. WDOC reserves the right to prohibit any of the employees of EMBARQ and/or subcontractors from performing service, and/or demand the removal any of the employees of EMBARQ and/or subcontractors, for any reason, and at its sole discretion, with regard to this contract.

## **10. COST & REVENUE REQUIREMENTS**

**10.1.** EMBARQ agrees to make available from all Department facilities, Local, IntraLATA, InterLATA and Interstate call.

**10.2.** The contract rates to callers using the inmate calling system will not increase for the term of the contract.

The following are the initial rates to be charged for this contract, subject to state and federal law. The charge to the called party shall consist of the set-up charge for the appropriate call type plus the per minute rate for each minute of the placed call. The charges below do not include voice recognition applications or other value added services defined within Embarq's proposal. Charges shall commence upon acceptance of call by the party called and shall cease when the connection is terminated. Should state or federal statutes or regulations change in the future either reducing or eliminating commissions or reducing the rates, fees or other charges that are allowed or required to be collected by EMBARQ for inmate calling services provided under this Contract, DOC and EMBARQ agree to renegotiate such commissions and/or contract rates, fees or other charges in good faith to preserve, to the greatest extent possible, the economic benefits of this Contract that were contemplated by both parties, including without limitation, the possibility of rebalancing any mandated rate reductions or commission reductions by adjusting rates for other types of calls.

**EXHIBIT D**



**STATE OF ALABAMA**  
PUBLIC SERVICE COMMISSION  
P.O. BOX 304260  
MONTGOMERY, ALABAMA 36130

TWINKLE ANDRESS CAVANAUGH, PRESIDENT

JOHN A. GARNER, EXECUTIVE DIRECTOR

JEREMY H. ODEN, ASSOCIATE COMMISSIONER

TERRY DUNN, ASSOCIATE COMMISSIONER

Re: GENERIC PROCEEDING CONSIDERING THE )  
PROMULGATION OF TELEPHONE RULES ) DOCKET 15957  
GOVERNING INMATE PHONE SERVICE )

ERRATA AND SUBSTITUTE ORDER PROPOSING REVISED INMATE PHONE  
SERVICE RULES AND ESTABLISHING A COMMENT PERIOD

BY THE COMMISSION:

On October 1, 2013, the Commission issued an Order in the above styled proceeding, proposing revised Inmate Phone Service rules and establishing a period, through November 8, 2013, during which interested parties may submit to the Commission comments regarding the proposed changes to the Inmate Phone Service rules.

The Commission's Order of October 1, 2013 is hereby amended by the errata as noted below:

**ERRATA**

<u>PAGE</u>	<u>LOCATION</u>	<u>AMENDMENT</u>
Page 1	Order heading	Substitute "GOVERNING" for "GOVERING"
Page 4	Paragraph 1, line 5	Substitute "confinement facility." for "inmate facility."
Page 5	Paragraph 1, line 3	Strike: "Opportunities are available for ICS customers to call parties whose residence in relation to the inmate facility would normally be rated as a toll call using the local call rate."

		Substitute: “Opportunities are available for ICS customers to utilize the local calling rate for calls to recipients located outside the confinement facility’s local calling area.”
Page 8	Paragraph 1, line 6	Strike: “maximizing commissions to”  Substitute: “the percentage commission offered”
Page 8	Paragraph 1, line 7	Strike: “no voice whatsoever in the selection of their provider and no choice with regard to the rates they must pay and the provider’s customer service.”  Substitute: “no choice whatsoever in the selection of their provider, the rates charged, and the provider’s service quality.”
Page 11	Paragraph 3, line 2	Replace “\$0.25 per-minute” with “\$0.25”
Page 11	Paragraph 4, line 6	Replace “and the existing” with “at the existing”
Page 13	Paragraph 1, line 2	Replace “expensive, some” with “expensive. Some”
Page 17	Paragraph G(6), line 2	Replace “as provide in paragraph H” with “as provided in paragraph I”
Page 19	Paragraph 1, line 4	Replace “F(5)” with “G(6)”
Page 20	Paragraph 3, line 4	Replace “inquiries, shall” with “inquiries, and shall”
Page 22	Paragraph 3, line 2	Strike the duplicate period at the end of the sentence
Page 23	Paragraph 3, line 4	Strike: “unused account balances may be made via check or credits to the customer’s credit/debit card. for prepaid ICSand VVS .”  Substitute: “unused account balances for prepaid ICS and VVS may be made via check or credits to the customer’s credit/debit card.”
Page 23	Paragraph 3, line 6	Strike the duplicate period at the end of the sentence
Page 23	Paragraph 4, line 9	Amended to: “used to determine whether abandoned property”

Page 24	Paragraph 2, line 5	Strike “submitted” and replace with “remitted”
Page 24	Paragraph N, listed items (1), (2) and (3)	Strike: “ICS minutes and associated revenue” Substitute: “ICS minutes, number of calls, and associated revenue”

This Order, amended for the errata listed above, is substituted for and takes the place of the Order entered in the above-referenced Docket on October 1, 2013.

## I. BACKGROUND

In the Commission’s November 6, 2012 Order for the above styled proceeding, the Commission staff proposed changes to Commission Telephone Rule T-15.1 for Inmate Phone Service (IPS). Specifically, the staff sought comments from IPS providers on whether the existing local and toll IPS rates, consisting of an operator surcharge and a usage component, should be replaced with a usage rate only. Additionally, staff addressed the charges applied to customer bills when collect calls are terminated to local service providers that do not have collect call billing arrangements with IPS providers and whether such charges should be allowed in excess of the tariff rates for the calls. Comments were solicited from interested parties.

On January 25, 2013, staff submitted a data request to IPS providers for the following information with responses due by March 15, 2013:

1. Revenue and expenses for the most recent three-year period.
2. IPS revenues and minutes of use separated into local, intraLATA toll and interLATA toll categories.
3. Identification of fees charged IPS customers for submitting payment via Western Union and Moneygram, and the fees charged IPS customers by third-parties for billing and collection of IPS charges.
4. Description of each type fee charged plus the total fees assessed IPS customers by fee type.
5. Number of text-to-collect charges assessed IPS customers and the total charges assessed.
6. Credit card fees assessed IPS customers.
7. Refunds and unclaimed property reports filed with the State Treasurer.
8. Alabama Gross Receipts Tax collections and remittances.

9. Whether online and paper account statements are available to customers.

On May 14, 2013, staff submitted another data request to IPS providers requesting the following additional information with responses due by June 17, 2013:

1. How USF fees are assessed by the provider for their IPS and USF remittances.
2. Whether sales taxes are charged by the provider for IPS.

Additionally, staff viewed the FCC workshop on reforming inmate calling services, streamed over the internet on July 10, 2013. Following the workshop, the FCC, on August 9, 2013, issued a news release that it is taking immediate action to reduce interstate inmate calling service rates.

The FCC's reforms are summarized as follows:

- Requires that all interstate inmate calling rates, including ancillary charges, be based on the cost of providing the inmate calling service
- Provides immediate relief to exorbitant rates:
- Adopts an interim rate cap of \$0.21 per minute for debit and pre-paid calls and \$0.25 per minute for collect calls, dramatically decreasing rates of over \$17 for a 15-minute call to no more than \$3.75 or \$3.15 a call
- Presumes that rates of \$0.12 per minute for debit and prepaid calls (\$1.80 for a 15-minute call) and \$0.14 cents per minute for collect calls (\$2.10 for a 15-minute call) are just, reasonable and cost-based (safe-harbor rates)
- These rates include the costs of modern security features such as advanced mechanisms that block calls to victims, witnesses, prosecutors and other prohibited parties; biometric caller verification; real-time recording systems; and monitoring to prevent evasion of restrictions on call-forwarding or three-way calling
- Concludes that "site commissions" payments from providers to correctional facilities may not be included in any interstate rate or charge
- Clarifies that inmates or their loved ones who use Telecommunications Relay Services because of hearing and speech disabilities may not be charged higher rates
- Requires a mandatory data collection, annual certification requirement, and enforcement provisions to ensure compliance with this Order
- Seeks comment on reforming rates and practices affecting calls within a state
- Seeks comment on fostering competition to reduce rates

Based on the additional information obtained by staff and the FCC's action, staff determined that changes to Commission Rule T-15.1 as proposed in the Commission Order of November 6, 2012 are insufficient to address needed reforms in Alabama IPS. Consequently, staff substitutes the proposed revisions to Commission Rule T-15.1 referenced herein for those provided in the rulemaking proceeding established by the November 6, 2012 Commission Order.

## **II. GENERAL**

### **A. "Inmate Calling Service" Adopted as Service Description**

Previous Commission Orders under this Docket and Commission Rule T-15.1 use the terminology "Inmate Phone Service" to describe the telecommunications service provided to those incarcerated in prisons and jails in Alabama. The FCC identifies these services as "Inmate Calling Service". For consistency, staff will hereafter refer to the telecommunications service provided to those incarcerated in prisons and jails in Alabama as "Inmate Calling Service" (ICS).

### **B. ICS Service in Alabama**

Service at confinement facilities is offered under contract with a single ICS provider. Competition for the contracts is intense. In Alabama and many other states, confinement facilities are allowed to receive commissions on ICS revenues at their facilities. The commissions can be as much as 80 percent or higher.

ICS is provided via collect calling, debit accounts, prepaid accounts, and direct billing arrangements. Both debit and prepaid calling accounts are prepaid service. The distinction between the two is that the purchaser of prepaid service pays only for inmate calls to their local telephone number. For debit service, the inmate chooses to use their funds to pay for a call to any phone number that is not otherwise blocked by the confinement facility. Direct billed accounts are established by ICS providers for credit-worthy individuals, bail-bond services, attorneys, public agencies, etc., typically with a credit limit. Debit and Prepaid service are currently the dominant ICS options.

Some confinement facilities require inmates to submit a list of the numbers they intend to call using debit calling service. The maximum duration of inmate calls is in accordance with individual confinement facility policy. Twenty minutes is generally the maximum time allotted. Confinement facilities require that calls be monitored electronically with the capability for a member of the facility staff to listen to conversations as desired. Key words and phrases are scanned, via software, and flagged for additional attention. Three-way calls are prohibited and software is usually provided to detect the presence of such calls.

Video Visitation is a burgeoning inmate calling service. Video Visitation is provided for both the inmates and their visitors at the inmate facility or the “visitor” may connect remotely using a PC with a web camera and high-speed internet connection at home, work, or elsewhere. Additionally some ICS providers offer recorded video messages that can be downloaded by the inmate, as well as inmate email, and text messaging services. Such services are relatively new and are therefore not addressed in previous Commission ICS proceedings.

### C. Inmate Calling Rates and Fees

Existing Alabama ICS usage rates are established in two tiers, one for local and one for toll calls. The rate structure was established when collect calling was the dominant service platform. It includes a flat-rate operator surcharge of \$2.25 per local or toll call. The usage charges are capped at \$0.50 per local call and \$0.30 per minute for toll calls. Local calls are thus capped at \$2.75 (\$2.25 operator surcharge plus \$0.50 for usage). The charge for toll calls depends on call duration. For a twenty-minute toll call, as an example, the ICS customer is charged \$8.25 (\$2.25 plus \$0.30 per minute).

Predictably, the economics of such a rate structure incents ICS customers toward local calling when possible, particularly for inmates incarcerated for more than a temporary period. Opportunities are available for ICS customers to utilize the local calling rate for calls to recipients located outside the confinement facility’s local calling area. One of the most common ways to accomplish this is for the inmate’s called party to acquire a cellular phone whose number is within the confinement facility’s wireline local calling area. Another is using a service such as “Cons Call Home”, where for a monthly fee of \$7.50, the called party is provided with a number that is local to the inmate facility or a toll free number. Calls to the local or toll free number is

routed by the service to the called party. Consequently, most ICS traffic in Alabama is rated as local calls. The percentage of ICS minutes at Alabama confinement facilities that are rated as local calls ranges from 56.4% to 93.6% with a statewide average of 81%.

In addition to the tariffed charges for calls, ICS providers typically assess fees for various aspects of the service including an account maintenance fee, biometric or voice verification fee, billing cost recovery fee, bill processing fee, bill statement fee, carrier cost recovery, etc. ICS customers who pre-pay by money transfer at Western Union or MoneyGram are charged a fee by those financial services. ICS providers can influence the amount of the fee charged by Western Union or MoneyGram based on negotiated arrangements with those financial services. Additionally, ICS customers pay the State Utility Gross Tax assessed to the price of their local and intrastate services as well as the Federal Universal Service Fund fee and the Federal TRS Fund fee applicable to interstate calls.

Purchasers of prepaid ICS usually have several payment options. Payment can be made by check or money order. Credit/debit cards can be used on the internet or over the phone using either interactive voice response (IVR) or a live agent. Purchasers may pay using a money transfer service such as Western Union or Money Gram. Kiosks are also available at some confinement facilities providing the capability of depositing funds for prepaid accounts or debit accounts via cash or credit card. Inmates may also transfer funds from their trust/commissary accounts to their inmate phone debit account.

#### D. ICS Has Evolved

ICS has evolved from exclusive reliance on the public switched network to service routed over an internet protocol (IP) based platform to the provider's switch, frequently located out-of-state. The calls are subsequently routed to their destination over the provider's trunks or those of an underlying carrier. Therefore, there is little difference in provider cost for calls that terminate in the local calling area of the inmate facility and those that terminate outside the inmate facility's local calling area. The use of IP technology avoids originating access expense. Terminating access expenses are incurred.

Collect calls represent a relatively small and declining percentage of ICS traffic. One reason for the shift to prepaid ICS is lower costs for the provider. Prepaid ICS eliminates the

substantial expense of billing agreements and the uncollectable receivables associated with local service provider billing. Additionally, many wireless providers refuse to accept ICS collect calls and the number of ILECs and CLECs that accept ICS collect calls is declining. To ensure the completion of collect calls by local wireline and wireless providers that refuse to accept and bill for collect ICS calls, ICS providers rely on prepaid calling options and/or third-party billing and collection services. Called parties may be charged a bill statement fee when third-party billing and collection services are used by their ICS providers.

Most wireless providers do not offer billing of collect calls creating an opportunity for third-party services to enter into agreements with ICS providers and wireless companies for completing the calls. One such service is “text-to-collect”. The wireless recipient of an attempted collect ICS call is sent a premium text message from the third-party service identifying the calling party and offering to complete the call for a charge of \$9.99. The maximum duration of the call is subject to confinement facility policy; usually no more than 20 minutes and frequently less. Regardless of whether the call lasts 1 minute or 20 minutes, the charge is \$9.99. Based on research, staff estimates the ICS provider receives 45 to 50% of the \$9.99 charge, the wireless provider receives 35 to 40%, and the third-party “middleman” receives the remainder. The premium text message is then billed directly to the wireless customer by the wireless provider. No additional usage charges apply. From the charges assessed the wireless caller, confinement facilities typically receive 30 cents or less commission per call (3% of the total charge).

The lure of such lucrative margins creates a further incentive to eliminate the “middle man” third-party and the wireless provider altogether. At least one ICS provider is doing so under a program called “pay now”. Attempted collect calls to wireless or un-billable wireline parties are temporarily connected to the called party for a short “free call”. However, the provider uses an automated operator to identify the calling party and offers to continue the call for a charge of \$14.99 billed to the recipient’s debit or credit card. Staff has listened to the messages that accompany such calls. The called party is advised that \$1.80 of the charge is for the call and the remaining \$13.19 is a call processing charge. Like “text-to-collect” calls, the maximum duration of the call is subject to confinement facility policy. Regardless of whether the call lasts 1 minute or 20 minutes, the charge is \$14.99. No additional usage charges apply.

From the charges assessed the called party, staff understands that confinement facilities typically receive \$1.60 or less commission (approximately 11% of the total charge).

More ICS providers are likely to pursue “pay now” type call processing, leading staff to conclude that the percentage of inmate calls billed in this manner will increase. According to ICS provider, IC Solutions<sup>1</sup>, more than 25 percent of calls at some inmate facilities across the nation are being completed as “pay now” and text-to-collect calls. As more calls are completed using “text-to-collect” and “pay now”, the average price for inmate calling will trend upward regardless of regulatory caps established for ICS usage rates and authorized fees. Additionally confinement facilities, regardless of the contractual percentage commission pledged by ICS providers, will experience decreasing commissions compared to what they would receive from other prepaid, debit, and collect calls.

### **III. ICS REFORM**

#### **A. Commissions Paid to Confinement Facilities**

Whether confinement facilities should be allowed to receive commissions from ICS, and the extent thereof, is a decision reserved for state and local policy makers with fiscal oversight for prisons and jails, not the state agency responsible for regulating service provision, pricing, billing, customer relations, and other terms and conditions of ICS at those confinement facilities. Consequently, the Commission takes no position on policy that authorizes or does not otherwise restrict the payment of commissions to confinement facilities from ICS. Nevertheless, staff believes the decision for selection of the exclusive provider of ICS service at a confinement facility, from a group of providers competing for the contract, could be disproportionately influenced by the percentage commission offered the confinement facility. The actual users of ICS services have no choice whatsoever in the selection of their provider, the rates charged, and the provider’s service quality. Therefore, Commission regulation of provider rates and service is undertaken as a proxy for fair market competition to ensure that inmates and their families are provided the highest quality service and customer support at prices that are just and reasonable.

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<sup>1</sup> IC Solutions, Bid No. WG13-01, Presented to Baldwin County, Alabama, November 14, 2012, “Rates & Commission (Completed Schedule B)”, Tab 6, Page 4.

In recognition of existing public policy, staff recommendations addressed herein considers the financial interests of ICS customers, ICS providers, and inmate confinement facilities. In the event that public policy regarding commission payments to confinement facilities changes, the staff recommendations in this order shall be revisited and adjusted accordingly.

In the August 9, 2013 announcement capping interstate ICS rates, the FCC presumed the cost of ICS is currently \$0.12 per minute for debit and prepaid ICS calls and \$0.14 per minute for collect ICS calls<sup>2</sup>. ICS providers are promising commissions of 80% or higher to some confinement facilities. Staff calculates the average ICS revenue per call in Alabama at \$0.27 per minute, 80% of which equates to \$0.216 per minute commission. Staff is perplexed at how ICS providers can commit to paying confinement facilities a commission of 21.6 cents on a call that costs the provider 12 cents (total cost to the provider of 33.6 cents) yet generates only 27 cents in revenue. Either ICS providers are operating at a loss, are generating revenue by means other than inmate calls, or are shielding some portion of ICS revenue from commissions. As previously discussed, one way to reduce commissionable ICS revenue is through “text collect” and “pay now” calls. Another way to reduce the revenue against which commissions apply is by shifting a higher proportion of ICS revenues to fees assessed by the provider.

Staff considers the ICS “baseline offering” as debit or prepaid service paid by check or money order with no associated payment processing fee and an online customer account activity statement. With payment by money order or check, customer funds are devoted entirely to ICS service but there is a delay in establishing service availability. Many inmates processed into city/county jails are released after hours or days. Consequently, payment by check or money order is not always viable. Therefore, many customers choose collect calling or the expeditious establishment of prepaid service via money transfers, kiosks, or by credit/debit card. These “above baseline” ancillary services result in additional provider costs. Staff considers these legitimate business costs that the ICS provider should be provided an opportunity to recover. The Commission emphasizes, however, that ICS fees authorized by the Commission are intended

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<sup>2</sup> Staff believes the presumed costs referenced by the FCC are more applicable to high occupancy state and federal correctional facilities but significantly underestimate the average costs applicable to smaller city/county confinement facilities.

only to recover actual provider costs, not generate net income for the ICS provider and/or revenue for the confinement facility. Consequently, confinement facilities shall not seek/accept nor shall ICS providers offer/pay commissions to confinement facilities from ICS customer fees.

The funds most ICS customers can afford to devote to inmate calls are finite. Therefore, any proportion absorbed by unnecessary or excessive ICS provider fees decreases the amount devoted for inmate calls and reduces commissionable revenue. The interests of ICS customers and confinement facilities are best served by eliminating unnecessary or excessive provider fees and thereby maximizing customer funds available for inmate calls. Furthermore, restricting commissionable revenue to ICS usage makes it far easier for confinement facilities to verify they are being paid the full extent of commissions due from the ICS provider.

**B. Calls to Recipients Whose Providers Do Not Accept Collect Calls**

Staff considers the charges associated with “text-to-collect” and “pay now” ICS call processing to be exorbitant and an obstacle to ensuring that ICS rates are affordable for consumers. “Pay now” call processing demonstrates that “text-to-collect” is not a necessary method for completing calls to customers whose providers refuse to bill collect calls. Staff finds no reason why the ICS provider can’t offer the called party the option to “pay now” and/or the opportunity to establish a prepaid account using the call processing fees and usage rates approved by the Commission.

Staff recommends that “text-to-collect” be prohibited from intrastate ICS in Alabama. Staff further recommends that any “pay now” option for collect calls be restricted to the applicable usage rates and payment processing fees recommended in paragraphs E and F below.

**C. Applicable State Taxes**

Staff sought guidance from the Alabama Department of Revenue (“ADOR”) on whether the State Utility Gross Receipts Tax or sales taxes apply to ICS. On August 13, 2013, the Commission received a response from the Assistant Director, Sales and Use Tax Division of ADOR (Attachment A). ADOR’s guidance is that the six-percent (6%) State Utility Gross Receipts Tax applies to all ICS local service, intrastate toll and interstate toll charges. Local and State sales taxes do not apply to ICS charges. Section 40-21-80 (11), Code of Alabama, provides

that the tax shall not be applied to provider fees and/or "...services which are ancillary to the provision of telephone service but are not directly related to the transmission of voice, data, or information...". Additionally, the tax is not applicable to government mandated fees.

D. No Up-Front Assessment of Taxes and Government Fees

The provider is unable determine the nature of the calls and their duration until the calls are rated. Consequently, ADOR guidance (Attachment A) is that the State Utility Gross Receipts Tax be applied only as the service is used. Taxes<sup>3</sup> and government mandated fees<sup>4</sup> applicable to ICS in Alabama shall be assessed to each call at the time of the call and not beforehand.

E. ICS Usage Charges

Based on information reported by ICS providers in the staff's January 25, 2013 data request, the composite ICS local and toll revenue, including operator surcharges and usage charges, averaged \$0.27 per minute in Alabama (total reported local and toll ICS calling revenue divided by total reported local and toll minutes).

On August 9, 2013, the FCC capped the price for interstate ICS calls at \$0.21 per minute for prepaid calls and \$0.25 per minute for collect calls with no call set-up allowance. The FCC rates presume that ICS provider costs average \$0.12 per minute for prepaid calls and \$0.14 per minute for collect calls. The staff considered mirroring the FCC rate caps. However, those rates do not take into consideration commissions to confinement facilities. On the other hand, the FCC failed to acknowledge the anticipated effects of call volume stimulation, which can be substantial, increasing both ICS provider revenue and corresponding commissions. Additionally, Intercarrier Compensation Reform is decreasing access costs. Terminating access rates are at interstate levels throughout the state and are being phased down to zero.

The existing ICS rate structure in Alabama is designed for a collect calling service platform with live operator interaction. However, collect calls comprise only a small percentage of total ICS traffic. ICS consists primarily of debit and prepaid calls with direct dialing to the

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<sup>3</sup> The three percent (3%) Federal Excise Tax on local telephone service is not applicable to ICS.

<sup>4</sup> The USF fee and Federal Telephone Relay Service ("TRS") Fund fee are applicable only to interstate calls.

authorized telephone number pre-approved by the inmate facility. Operator services are not applicable. Additionally, collect calls are fully automated requiring no live operator interaction.

Staff recommends elimination of existing operator surcharges and establishment of a single per-minute, postalized rate of \$0.25 applicable to both local and toll calls, and to both prepaid and collect calls. Like the FCC ICS rates, the staff's recommended ICS rate is intended to recover all associated ICS biometrics and security monitoring costs. Call durations shall be rated in increments of no greater than one (1) minute.

ICS providers at the FCC workshop testified that postalized ICS call rates (single per-minute rate for calls) and/or lower per-minute rates result in increased call volume. In some cases, the usage stimulation is extensive (above 100%). One ICS provider in Alabama confided to staff that they converted their ICS local rates in Alabama to a postalized rate of \$0.15 per-minute, equating to a 46% decrease in price based on the average duration of a local ICS call in Alabama at the existing rate cap for local calls. Nevertheless, the provider reports that total revenue remained unchanged due to the effects of call stimulation. Staff anticipates that a postalized rate structure and elimination of unnecessary or excessive ICS fees will significantly increase the volume of inmate calls. Along with staff measures addressing "text-to-collect" and "pay now" call delivery, the total commissionable revenue at confinement facilities is expected to increase accordingly.

#### F. Video Visitation Authority, Rates, and Other Inmate Services

Video Visitation Service ("VVS") is relatively new to Alabama confinement facilities. The service is offered by some certificated ICS providers and by others who do not currently possess a Certificate of Public Convenience and Necessity ("CPVN"). VVS is telephone calling accompanied by video images captured by webcams on either the instrument or via a webcam attachment to a personal computer. VVS is not internet service and those offering the service are not internet service providers. Confinement facilities do not authorize inmate subscription to traditional internet service. In fact, much of VVS is provided exclusively to both parties within the confinement facility. The audio and video, like traditional ICS, is transmitted over broadband facilities. It is essentially enhanced ICS.

VVS offers significant advantages to inmate family and friends. Children are frequently barred from visitation areas in confinement facilities. Without VVS, many inmates and their children have little to no opportunity for face-to-face contact. Studies show that such contact between inmate parents and their children not only lowers the recidivism rate among inmates but decreases the delinquency rate of their children. VVS can also amount to a substantial travel-related cost savings for inmate families, particularly if they live a significant distance from the confinement facility and have access to a computer with web cam. The convenience of remote VVS may also lead to more frequent “visitation”. In some areas, Richmond, VA for one, local churches with prison ministries have established sites with web cam equipped computers for inmate families to utilize the service.

Confinement facilities find VVS advantageous. Traditional visitation areas pose a security risk in terms of transporting inmates to and from visitation. Additionally, contraband is sometimes smuggled to inmates during visitation. The confinement facility must dedicate personnel to transport and monitor inmates during visitation. With in-house VVS, inmate families including their children, may access a VVS terminal located in a secure area of the facility for a “visit” with the inmate at another VVS terminal located inside the cell block. VVS from home or another remote site must be scheduled and approved beforehand.

VVS is not without its potential issues. Many inmates prefer the live face-to-face visitation. Additionally, confinement facilities may be inclined to eliminate free live visitation, especially with the revenue incentive associated with VVS. The service can be relatively expensive. Some ICS providers are charging up to \$1.00 per minute for VVS.

There are non-ICS providers offering VVS to confinement facilities. Among them are Turnkey Corrections, a manufacturer of kiosks and a provider of inmate canteen services; and Homewav. Turnkey Corrections offers VVS for \$0.35 per minute while Homewav provides the service for \$0.50 per minute. Both companies offer commissions to confinement facilities. However, ICS providers offer VVS at rates that are as much as \$1.00 per minute (double the rate of Homewav and nearly triple the Turnkey rate).

VVS is an ICS and, therefore, falls under the Commission’s regulatory jurisdiction. Consequently, providers of VVS in Alabama must possess a CPCN from the Commission. Staff recommends that ICS providers in Alabama that possess a CPCN for ICS from the Commission,

on or before the date of the final order in this rulemaking proceeding, be granted additional VVS authority. Those offering VVS without a CPCN from the Commission must request such authority within 90 days from the date of the final order in this proceeding or cease providing the service.

Staff recommends that the per minute rate for VVS be capped at \$0.50 per minute, with billing increments of no greater than one (1) minute, until such time as ICS providers individually submit to the Commission detailed cost studies for ICS and petition the Commission for alternative rates. Staff's recommended rate cap is based on the VVS rate currently charged by ICS competitor, Homewav, and allows for commissions paid to the confinement facilities.

The provider will not fix the charges for VVS based on minimum call duration. For instance, providers will not offer VVS for \$10.00 with a twenty-minute call allowance regardless of actual call duration. VVS will be priced at the capped rate applied to the actual call duration. Downloadable VVS recorded messages will be capped at \$1.00 for the first minute and \$0.50 for each additional recorded minute. The maximum fees and ancillary charges referenced in Part G (below) are applicable to VVS as are the State Utility Gross Receipts Tax and government mandated fees referenced herein. Affordable VVS rates are in the best interests of Alabama inmates, their families, and the confinement facilities.

Staff requests comments from interested parties on whether the rates for email and text messaging services offered by ICS providers should be capped by the Commission and, if so, at what rates.

#### G. ICS Fees and Ancillary Charges

Staff emphasizes that authorized fees for ICS service are intended only to recover actual costs incurred by the ICS provider. They are not a profit center for the service provider nor are they to be a source of commissionable revenue for the inmate facility. Any evidence to the contrary constitutes tacit admission that the approved fees are above provider cost. All fees and charges assessed by the ICS provider must be approved by the Commission and will be included in the provider's tariff on file with the Commission.

### (1) Payment Processing Fees

Based on the method of payment selected by the purchaser of ICS, costs are incurred by the provider. The ICS customer will be provided the opportunity of paying for debit/prepaid ICS service, via check or money order, without incurring a payment processing fee. Other payment methods that provide establishment of service more expeditiously result in additional costs to the provider from credit or debit card processing services, costs for establishing web-based payment interfaces, costs for IVR and live customer payment processing service, and the costs of providing and servicing kiosks at confinement facilities. Staff recommends recognition of the following maximum fees:

- (a) Payment by check or money order - No charge
- (b) Website payment<sup>5</sup> via credit or debit card – \$3.00
- (c) IVR phone payment (footnote 5) via credit or debit card - \$3.00
- (d) Live agent phone payment (footnote 5) via credit or debit card - \$5.95
- (e) Kiosk payment (footnote 5) via cash, credit, or debit card - \$3.00
- (f) Money Transfer services (Western Union and MoneyGram) – Staff recognizes that these fees are set by these financial services but is also aware that agents hosting such services are paid a portion of the fee. Additionally merchants may negotiate the fee charged their customers. Staff emphasizes that ICS providers are prohibited from receiving any portion of fees paid by their customers to third-party financial services for submission of payments for ICS and/or for transferring funds into inmate accounts. Any evidence that ICS providers are benefitting financially from fees charged their prospective or existing customers by third-party money transfer services and/or that ICS providers are paying confinement facilities commissions therefrom, constitutes tacit admission that the fees are excessive and shall subject the

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<sup>5</sup> The provider will not establish a ceiling on the payment that may be submitted by a customer, regardless of payment method utilized. Such artificial barriers deprive the customer of available “economies of scale” with little increase in the provider’s actual costs. The staff believes such ceilings can be used to force customers into paying the provider’s processing fees more frequently. Consequently, the maximum payment processing fees referenced herein are flat-rated regardless of the payment amount and method of payment.

provider to Commission regulatory action including, but not limited to, customer refunds with interest. All ICS providers shall submit, for informational purposes to the Commission, the transaction fee charged their customers by Western Union and MoneyGram for ICS payments and will update this information as the fees change. Staff will compare fees submitted by all ICS providers and require justification from ICS providers for any observed anomalies.

ICS providers shall fully inform customers on their websites of all the payment methods available, the payment processing charges associated therewith, including the money order and check payment option available at no charge, and the estimated time required to establish ICS service applicable to each payment option.

(2) Bill Processing Fees

- (a) Collect Calls – ICS providers must pay third-party processing and LEC charges for adding charges to local exchange carrier (“LEC”) bills. Staff recommends a maximum fee of \$3.00 regardless of the number of calls included on the customer’s bill.
- (b) Bill processing fees are not authorized for debit, prepaid, and direct-billed ICS. The Commission considers such costs normal business overhead recovered via the authorized ICS usage charge.

- (3) Convenience Fee – ICS providers are typically required to invest in software interfaces with inmate trust/canteen accounts for purposes of transferring inmate funds into ICS debit accounts. Additionally, inmate trust/canteen service providers typically assess ICS providers a percentage of the inmate funds transferred as a fee for the service. Usually, the transfers are very small amounts (\$3 to \$5). The staff recommends a maximum convenience fee of five-percent (5%) of the funds transferred into the inmate’s ICS account for purposes of recovering the ICS provider’s costs.

- (4) Regulatory Cost Recovery Fee – The Commission considers the costs of complying with regulatory requirements and payment of Inspection and Supervision Fees (“I&S fees”) as normal utility overhead. The Commission has not heretofore authorized a regulatory cost recovery fee for intrastate service telephone service. Any such fees applied to Alabama LEC bills are those specifically authorized by the FCC for interstate carriers subject to FCC regulatory fee assessments and who are required to file interstate tariffs with the FCC. ICS providers were heretofore not regulated by the FCC and have not been assessed FCC regulatory fees. It appears the FCC has asserted regulatory jurisdiction over ICS providers based on its August 9, 2013 action to cap interstate ICS charges. Should the FCC specifically authorize a regulatory cost recovery fee for ICS providers, the Commission will consider its applicability. In the interim, the Commission does not authorize such a fee for intrastate service.
- (5) Returned Check Charge – Section 8-8-15(b) in the Code of Alabama establishes the maximum returned check charge as \$30. This is the maximum allowable returned check charge authorized for ICS in Alabama.
- (6) Paper Bill Fee – All ICS customers (including VVS) will be provided an electronic statement of payments and charges, free-of-charge, as provide in paragraph I, below. Customers may optionally request that a detailed paper bill be mailed or faxed to them for any or all of the account activity corresponding to the most recent three-months statements available online in electronic format. The maximum allowable paper bill fee (including postage and handling) is \$2.00.

#### H. Other Ancillary Charges Prohibited

- (1) Account set-up fee – The Commission authorizes service installation charges for telephone utilities involving connection/activation and/or transfer of facilities. The provision of ICS to an inmate does not require any connection/activation or transfer of underlying facilities. There is no need to establish customer accounts for ICS collect calls. The called party is billed and a bill processing fee is charged. Account and billing information must be collected

by the ICS provider for debit, prepaid, and direct-billed accounts. However, the migration to these type services resulted in substantial cost savings to providers allowing them to avoid that portion of uncollectable charges typically associated with collect ICS calls. The inherent cost savings associated with debit and prepaid service was cited by ICS providers as justification for seeking Commission approval to introduce debit and prepaid service. It is, therefore, incomprehensible that providers should now insist on charging these customers for the “privilege” of using a service established for the provider’s benefit. The Commission considers account establishment as a normal administrative cost that should be borne exclusively by the provider. Consequently, the Commission does not authorize any fee for ICS account set-up.

- (2) Refund fee - With debit and prepaid service, providers not only avoid uncollectable expenses, they benefit from the interest-free utilization of customer owned funds. No telephone utility certified in Alabama is authorized to assess a service charge for refunding customer funds. The Commission considers administrative costs associated with customer refunds to be normal business overhead to be borne exclusively by the provider and, therefore, does not authorize a refund fee.
- (3) Provider assessed “fines” and penalties for prohibited inmate behavior – The ICS account is established with an expectation that the funds submitted to the provider are exclusively for ICS including applicable taxes and government mandated fees. The funds associated therewith are the property of the ICS customer until utilized in part or in whole for ICS. Providers and/or confinement facilities are not authorized to assess monetary penalties/fines/fees to ICS customer accounts for violation of confinement facility security policies or otherwise access the customer’s ICS prepayments without Commission authorization and the explicit consent of the ICS customer.
- (4) Other fees and charges - Providers are not authorized to assess any usage charges and/or fees other than those specifically referenced herein under Section III, Parts C through G(6), without specific Commission approval. Any proposed tariffs submitted to the Commission

by an ICS provider seeking approval for rates and fees not specifically listed in Section III, Parts C through G(6) of this Order, and/or seeking approval for rates and/or fees that exceed the maximum charges associated therewith, shall not be effective without the provider's formal request that the Commission grant an exemption/waiver from the limitations imposed by Section III, Parts C through G(6). Additionally, the fees/rates shall not be effective absent a Commission Order granting the requested exemption/waiver specified in the provider's request. Any unauthorized fees charged by providers and/or any commissions paid therefrom are subject to Commission regulatory action including, but not limited to, customer refunds with interest.

I. Minimum Customer Account and Service Information Requirements

Commission Telephone Rule T-5(C) requires that detailed monthly electronic or paper account statements be provided to customers at no charge. Monthly, individualized ICS customer account statements must be provided to ICS customers of debit, prepaid, and direct-billed service (including VVS). The default customer account statement shall be in electronic format, available over the internet and printable. The most recent three-months of statements shall be maintained online. In lieu of an electronic statement, a paper bill, mailed or faxed to the customer (customer's option), shall be provided at the request of prepaid and direct-billed customers (debit service excluded), subject to the paper bill fee referenced in G(6), above.

The monthly billing statement shall include the following:

- (1) For each call (including VVS): the date/time for the call, the call destination city and state or called number including area code (necessary only for debit accounts), call duration, and the charge for the call. If charged to the customer's debit, prepaid, or direct billed account, charges for inmate texting service, inmate email service, and video visitation shall be listed in the same detail applicable to inmate calls.
- (2) Applicable Alabama Utility Gross Receipts Taxes shall be listed in a separate category and labeled appropriately. The tax rate, and the total taxes assessed shall be provided.
- (3) Any applicable ICS provider fees will be listed individually in a separate category and labeled appropriately. The name of the applicable fee, amount charged by fee type, and total provider fees shall be clearly identified.

- (4) Government fees shall be listed in a separate category and labeled “Government Fees”. The description and amount for each government fee shall be listed individually.
- (5) The statement shall provide the customer name, beginning and end date of the applicable billing period, beginning account balance, date and amount of payments received, and the ending account balance.

For payments at kiosks, the customer receipt shall provide the customer name, transaction date, identity of the account to which the payment applies, amount paid, payment processing fee, and balance applied to the customer’s ICS account.

Electronic and paper account statements shall include the provider’s toll free number for customers to call in order to inquire about the information listed on their statement of payments/charges and/or to discuss suspected billing errors and/or service issues. Additionally, the Universal Resource Locator (URL) to the provider’s ICS website shall be listed. The provider’s toll-free number and URL shall be prominently displayed in font size that is easily located by the consumer.

The Provider’s ICS website shall have a webpage specifically devoted to Alabama ICS. The Alabama specific ICS webpage shall include the following information:

- (1) available services;
- (2) payment options (including information about kiosks);
- (3) ICS rates;
- (4) ICS fees;
- (5) description and rate/amount of the State Utility Gross Receipts Tax and government fees;
- (6) monthly customer statement options (electronic or paper);
- (7) refund procedures;
- (8) customer service contact information;
- (9) a link to the Alabama PSC ICS webpage (to be provided by the Commission).

The ICS provider’s electronic and paper account statement and their Alabama specific ICS webpage format and content is subject to review and approval by the Commission Telecommunications Division staff.

For purposes of resolving billing disputes, ICS providers shall fax or include as email attachments, copies of the customer’s monthly statements, as requested by the Commission, at no charge to the customer and/or the Commission. These documents will be considered proprietary

by the Commission and will not be released to outside parties, including the ICS customer, without explicit provider approval.

Providers shall submit to the Commission the name(s), telephone number, and email address of a point of contact(s) within the company for purposes of addressing consumer inquiries and resolving customer disputes. The contact information shall be revised and updated as necessary. Providers shall promptly acknowledge receipt of Commission inquiries, and shall fully cooperate with Commission staff to promptly investigate and resolve all inquiries and disputes to the Commission's satisfaction.

J. Records Retention and Auditing Requirements

ICS providers shall maintain electronic and/or paper copies of the following documents, records, or forms applicable to ICS in Alabama for the months in the current calendar year plus the most recent three (3) complete calendar years (Jan – Dec):

- (1) customer monthly account statements, referenced in Part III I;
- (2) forms showing the State Utility Gross Receipts Tax collected and the State Utility Gross Receipts Tax remitted to the Alabama Department of Revenue;
- (3) forms showing USF fee collections and payments submitted to USAC;
- (4) forms showing collections of the federal TRS fee and payments remitted to the TRS Fund Administrator;
- (5) records showing unused customer balances, by customer identification, and records of refunds by customer identification including the date, amount, and method of refund;
- (6) Unclaimed Property Report forms showing submission of unclaimed customer funds to the Alabama State Treasurer.

The records and forms to be retained by the ICS provider, as referenced herein, are subject to audit by the Commission, by the Commission on behalf of the Alabama Department of Corrections and local governments as requested, and other state agencies, including but not limited to the Alabama Department of Revenue, Alabama State Treasurer and State Examiners. Additionally, the ICS provider may be required to make available for inspection to the aforementioned entities other information not specifically identified herein.

For purposes of verifying compliance with tariffs and Commission rules for ICS, providers shall submit to the Commission, upon request, electronic or paper copies of ICS customer monthly account statements associated with ICS service at any confinement facility

designated by Commission staff, for any or all of the most recent three-month period requested by staff. Upon Commission staff request, providers shall submit to the Commission electronic or paper copies of ICS customer monthly account statements associated with ICS service for any service category designated by staff (debit phone, prepaid phone, VVS, etc.) at any of the Alabama confinement facilities served by the provider. All customer account statements submitted to the Commission by the ICS provider will be considered proprietary and will not be released to any party outside the Commission without explicit approval from the ICS provider.

Section 37-1-82 in the Code of Alabama requires all providers under the Commission's jurisdiction to make its books and records available for inspection at a location within the state of Alabama. If all or part of the provider's books, documents, and/or records referenced herein are located outside of Alabama and not made available for inspection at a location within Alabama, the ICS provider is required to reimburse the State of Alabama for all Commission employee travel, meal, lodging, and incidental expenses associated with the inspection of the provider's books, documents, and/or records.

#### K. Initial Inmate Call and Other Non-rated Calls

To ensure that newly confined inmates are provided ample opportunity to inform family members of their confinement status, identification of the confinement facility ICS provider, and procedures for establishing a prepaid ICS account, staff recommends that new inmates (those transferred from another confinement facility and/or newly processed into the confinement facility regardless of previous booking instances) be provided an initial two (2) minute call, at no charge provided the confinement facility does not block the inmate from calling the number.. A call attempt resulting in a busy signal or when there is no answer does not constitute compliance with this requirement.

The ICS provider shall inform the called party that the inmate is being provided two-minutes of conversation time and that at the end of the two minutes, information will be provided on procedures for establishing an ICS account. However, no part of the inmate's two-minute initial call allowance shall be utilized by the ICS provider to announce the call or for subsequent information regarding procedures for establishing a prepaid ICS account. Staff believes that this arrangement is beneficial to the inmate, the called party, the ICS provider and the confinement

facility. Providers who choose to utilize a collect call arrangement must nevertheless comply with this requirement and offer an initial two-minute call to the inmate, free of charge to the called party. The initial two-minute call allowance does not apply to established direct billing arrangements (attorneys, bail bondsmen, etc.).

ICS providers will not charge inmates for calls to the designated customer service number for the ICS provider.

#### L. ICS Resale

ICS providers sometimes offer to the facilities they serve, ICS phone cards in increments of \$10, \$20, etc., for resale to inmates. The total price paid by the ICS customer, including any markups by the ICS provider and/or the confinement facility must not exceed the purchasing power of ICS services using the card. Therefore, if the face value of the calling card is, for example, \$10, the inmate may not be charged more than \$10 for the card (including any markups or fees not specifically approved by the Commission) and the card must be redeemable for \$10 of ICS based on the ICS provider's tariffed rates on file with the Commission. Additionally, taxes and government fees will not be assessed up front but are applicable only when calls are placed by the customer.

#### M. Refunds and Unclaimed Property

Commission Rule T-5(C)(6) requires that providers refund customers any overcharges for the previous thirty-six (36) month period.

ICS providers will be proactive in informing customers of procedures for refunding unused debit and prepaid balances. ICS customers will be refunded their unused balances in full. The provider will not assess any fee to the customer's balance or request any payment from the customer for refunds. Refunds of unused account balances for prepaid ICS and VVS may be made via check or credits to the customer's credit/debit card. Refunds of unused account balances for debit service shall be made by credits to the inmate's trust fund account. The Commission will consider other refund methods, e.g., calling cards that can be used outside the facility, on a case by case basis. However, these methods and the rates/charges applicable to the

calling cards must be approved by the Commission and included within the ICS provider's tariff on file with the Commission.

Title 35, Chapter 12, Article 2A, in the Code of Alabama codifies the Uniform Disposition of Unclaimed Property Act of 2004 ("the Act"). Section 35-12-72(a)(15) is applicable to utility service and defines unclaimed as a "Deposit or refund owed to a subscriber by a utility, one year after the deposit or refund becomes payable". The Commission hereby defines the terminology "one year after the deposit or refund becomes payable" to be one year from the date of the last customer generated debit or credit to the customer account, i.e. one year following the last customer payment for ICS in the account or one year after the customer's last usage of funds in the account for ICS, whichever comes later. Section 35-12-74 of the Act identifies the criteria used to determine whether abandoned property should be submitted to the State Treasurer.

Section 35-12-76 of the Act, addresses dormancy charges and whether they are applicable to abandoned property. Paragraph (b) reads:

"A holder may deduct from property presumed abandoned a charge imposed by reason of the apparent owner's failure to claim the property within a specified time only if there is a valid and enforceable written contract between the holder and the apparent owner under which the holder may impose the charge and the holder regularly imposes the charge. The amount of the deduction is limited to an amount that is not unconscionable."

The Commission does not consider ICS provided under exclusive contract with the confinement facility to represent any explicit or implied contractual agreement with users of their ICS service for purposes of determining whether dormancy charges apply to the customer's abandoned property. Furthermore, the Commission prohibits any attempt by ICS providers to include in ICS offerings to their customers, or otherwise in their tariff on file with the Commission, any requirement that the customer's property is subsequently subject to dormancy charges in the event of abandonment. Dormancy charges are not applicable to ICS in Alabama.

Section 35-12-76 of the Act establishes the procedures for submitting a report of abandoned property to the Alabama State Treasurer. Paragraph (c) requires the report to be filed before November 1 each year, for the most recent 12-month period ending June

30. Section 35-12-77 of the Act requires the total amount of unclaimed property for the period covered by the report be remitted with the report to the State Treasurer, Unclaimed Property Division. Attachment B, provided by the State Treasurer, shows prescribed dormancy periods and National Association of Unclaimed Property Administrators (NAUPA) codes.

N. Reporting Requirements

ICS providers will submit the following information to the Commission for each Alabama confinement facility served:

- (1) local ICS minutes, number of calls, and associated revenue;
- (2) intrastate ICS minutes, number of calls, and associated revenue;
- (3) interstate ICS minutes, number of calls, and associated revenue.

The initial report is due January 31, 2014 for the previous six-month period ending December 31, 2013. Thereafter, reports are due quarterly, every year, on the last business day of April, July, October, and January for the most recent three-month period ending in March, June, September, and December respectively.

O. Tariffs

ICS providers will submit revised tariffs that comply with the requirements in the final Order for this proceeding and rules adopted therein. Within the provider's tariff, a separate section will be established identifying all services provided to confinement facilities in Alabama, a description of each service provided, and the associated rates for each service. Additionally, a separate tariff section will be provided that identifies, defines, and provides the associated price for all ICS fees and ancillary charges. The provider will not assess any rate or charge to ICS customers without Commission approval nor will any rates of charges be included in the tariff that are not specifically listed in the separate tariff sections referenced above. No existing or new ICS will be offered by the provider until the service and associated rates are approved by Commission and included in the provider's tariff on file with the Commission.

P. Tariff Filing Requirements

Section 37-1-81 in the Code of Alabama is applicable to ICS. Requests for additions to or revisions in the provider's tariff will be submitted with a requested effective date of no less than thirty (30) days from the date the filing is received at the Commission (file date). The Commission may suspend the tariff for investigation for a period of up to six (6) months from the file date. Commission Rule T-12 provides the specific format for telecommunications tariffs.

Tariffs and additions/revisions thereto filed with the Commission are considered public record and subject to intervention, in accordance with Commission rules and practices, from other providers and affected parties. In the event the Commission suspends the tariff for investigation due to intervention, the Commission may seek comments from other interested parties with regard to any issues identified by intervenors. Additionally, the Commission staff welcomes informal questions and comments from providers and affected parties on any aspect of ICS tariff filings.

Q. Implementation

In responses to the staff data request of January 25, 2013, ICS providers indicated that their contracts with Alabama confinement facilities include a provision that allows for the terms of the contract to be revised in the event of regulatory changes. Therefore, staff recommends that the changes to ICS approved by the Commission be implemented no later than ninety (90) days from the date of Commission's final order for this proceeding.

R. Comment Period

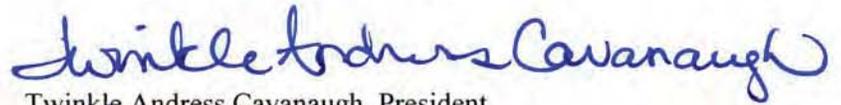
Staff recommends that the Commission consider comments from interested parties on the staff's changes to Commission Rule T-15.1 proposed herein, provided said comments are filed with the Commission on or before November 8, 2013.

IT IS, THEREFORE, ORDERED BY THE COMMISSION, That the Commission will consider comments from interested parties concerning matters discussed above provided said comments are properly filed with the Secretary of the Commission before the close of business on or before November 8, 2013.

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

DATED at Montgomery, Alabama, this 7th day of October, 2013.

ALABAMA PUBLIC SERVICE COMMISSION



Twinkle Andress Cavanaugh, President

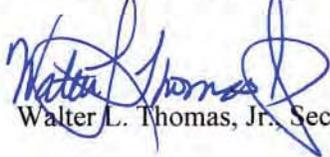


Jeremy H. Oden, Commissioner



Terry L. Dunn, Commissioner

ATTEST: A True Copy



Walter L. Thomas, Jr., Secretary



**JULIE P. MAGEE**  
Commissioner

# State of Alabama Department of Revenue

(www.revenue.alabama.gov)  
50 North Ripley Street  
Montgomery, Alabama 36132

August 13, 2013

**MICHAEL E. MASON**  
Assistant Commissioner

**JOE GARRETT**  
Deputy Commissioner

Mr. John A. Garner  
Executive Director  
Alabama Public Service Commission  
PO Box 304260  
Montgomery, AL 36130

Dear Mr. Garner:

Re: Taxation of Inmate Calling Services

This letter is in response to your letter dated July 18, 2013, concerning the correct application of tax for Inmate Calling Services (ICS) in Alabama.

The facts as presented in your letter are as follows:

Inmate Calling Service (ICS) providers are the exclusive service providers for inmate calls in a confinement facility. ICS is provided over the provider's instruments and their facilities. In 2008, Alabama ICS providers began offering required prepaid accounts. The inmate's family is required to purchase what is essentially a debit account. The inmate is not issued a calling card, per se, but is assigned a personal identification number (PIN) for accessing their prepaid accounts in order to make calls. Typically, inmates must provide the confinement facility with a limited list of numbers that they are authorized to call using the service. In most cases, those are the only numbers the inmates are permitted to call. ICS prepayment is made by the inmate's family over the Internet or phone using a credit card, via money order, by mail, or by credit card at kiosks located within the confinement facilities.

ICS providers furnish telecommunications services. Prepaid ICS is tied to the ICS providers' calling platform at the inmate's confinement facility who is the exclusive provider of ICS in the confinement facility. The service cannot be used outside the confinement facility. Inmate calls are completed over ICS provider instruments located within correctional facilities, and then in most cases routed to the ICS provider's call center, via internet protocol (IP) circuits, where they are completed through the public telephone network (PTN). Additionally, ICS providers are required to provide an array of electronic security hardware so that correctional facility personnel may monitor calls.

It should be noted that with ICS, the purchasers of the service are relatives or acquaintances of the inmate that frequently live in other jurisdictions and purchase the service on the inmate's behalf. The purchaser of the service does not receive tangible personal property in



Mr. John A. Garner  
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the form of a prepaid calling card. In fact, the purchaser, cannot use the service at all. Retail prepaid calling card sellers are not regulated by the Alabama Public Service Commission. ICS providers, however, are regulated telecommunication service providers and must acquire a Public Convenience and Necessity from the PSC in order to furnish telecommunications service in Alabama. In addition, ICS providers are required to refund purchasers for unused service unlike sellers of prepaid calling cards.

I will address your concerns in the order in which they were posed in your letter.

1. *Should ICS providers charge the Utility Gross Receipts Tax or sales tax for the prepaid ICS?*

Section 40-21-82(b) Code of Alabama 1975, as amended levies a the Utility Gross Receipts tax on any utility furnishing telegraph or telephone services in the State of Alabama.

“Prepaid Telephone Calling Card” is defined in Section 40-23-1(a)(13) as a sale of tangible personal property subject to sales tax.

This Division notes that there are differences between prepaid calling cards and prepaid ICS accounts. Prepaid calling cards are available at various retail outlets and can be utilized from any phone. Prepaid calling card providers do not furnish telecommunications service; they simply provide access to the services furnished by telecommunications providers. In contrast, ICS providers do furnish telecommunications services. Prepaid ICS is tied to the ICS providers’ calling platform at the confinement facility who is the exclusive provider of ICS in the facility. The service may not be used outside of the facility. Whereas, retail prepaid calling cards can be used in any state and often internationally.

Based on the facts provided in your letter and these important distinctions, it is the Department’s position that ICS providers should charge the Utility Gross Receipts tax for the prepaid ICS service.

2. *If sales tax applies, is it the state and local sales tax rate for the location of the one that purchases prepaid ICS service or the tax rates for the confinement facility where the service is used?*

Sales tax does not apply to prepaid ICS services. Instead, ICS providers should charge the Utility Gross Receipts tax for the prepaid ICS services.

Mr. John A. Garner  
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3. *Must the utility gross receipts tax be applied, up front, when the prepaid service is purchased or may it be applied to the cost of each call as the service is used?*

Utility Gross Receipts tax should be applied to the cost of each call as the service is used.

Although this letter provides the current opinion of the Sales and Use Tax Division regarding this matter, it is not an official revenue ruling in accordance with Section 40-2A-5, Code of Alabama 1975. Consequently, it is not legally binding on the Department of Revenue and the State.

I trust this answers the questions posed in your letter. However, if you need any additional assistance, please do not hesitate to contact my office.

Sincerely

A handwritten signature in black ink, appearing to read 'DLB', with a large circular flourish on the left side.

Dan L. Bass, Assistant Director  
Sales and Use Tax Division

DLB:tlf  
Attachment

**ALABAMA DORMANCY PERIOD AND REPORTING GUIDE**  
**FOR**  
**CLASSIFYING AND REMITTING PROPERTY UNCLAIMED/ABANDONED**

<b>TYPE PROPERTY</b>	<b>DORMANCY PERIOD</b> (In Years)
Certificates of Deposit .....	3
Checking .....	3
Credit Memos.....	1
Debt (government bonds).....	3
Debt (private bonds).....	3
Demutualization (funds/securities).....	2
Dissolution/Liquidation .....	1
Dividends.....	3
Federal Courts/Agencies.....	1
Fiduciaries.....	3
Gift Certificate*.....	3
Insurance Proceeds.....	3
IRA Keogh.....	3
Life Insurance Matured.....	3
Mineral Proceeds.....	3
Money Order.....	5
Official Bank Checks .....	3
Safe Deposit Boxes.....	3
Savings.....	3
Securities.....	3
State Courts/Agencies.....	1
Travelers Checks.....	15
Utility Deposits.....	1
Utility Refunds.....	1
Vendor Payments.....	3
Wages.....	1
All other Property.....	3

**REPORTING PERIODS:** July 1<sup>st</sup> – June 30<sup>th</sup>

**DATE PROPERTY DUE:** November 1<sup>st</sup> (report & remit) for period ending June 30<sup>th</sup>

**AGGREGATE AMOUNT:** Value less than \$50

**NEGATIVE REPORTING:** Negative reports (filing of no property) are **NO** longer required in the State of Alabama.

\* *Gift Certificate would comprise property other than those exempt under § 35-12-73 of The Alabama Disposition of Unclaimed Property Act of 2004.*

*The Alabama Disposition of Unclaimed Property Act of 2004 as mandated under Article 2A, Title 35, Chapter 12, § 70 – 96, Code of Alabama 1975, as amended, sets out the time periods in designating when personal property is considered unclaimed/abandoned and reportable to the State of Alabama, Treasurer's Office.*

**NAUPA PROPERTY TYPE CODES**

<b>Code</b>	<b>Description</b>	<b>Code</b>	<b>Description</b>
AC01	Checking Accounts	MI04	Production Payments
AC02	Savings Accounts	MI05	Working Interest
AC03	Mature CD or Savings Certificate	MI06	Bonuses
AC04	Christmas Club Funds	MI07	Delay Rentals
AC05	Money On Deposit To Secure	MI08	Shut-In Royalties
AC06	Security Deposit	MI09	Minimum Royalties
AC07	Unidentified Deposit	MI99	Aggregate Mineral Proceeds<\$50.00
AC08	Suspense Accounts		
AC99	Aggregate Account Balances<\$50.00	MS01	Wages, Payroll and Salary
		MS02	Commissions
CK01	Cashier's Checks	MS03	Worker's Compensation Benefits
CK02	Certified Checks	MS04	Payment For Goods/Services
CK03	Registered Checks	MS05	Customer Overpayments
CK04	Treasurer's Checks	MS06	Unidentified Remittances
CK05	Drafts	MS07	Unrefunded Overcharges
CK06	Warrants	MS08	Accounts Payable
CK07	Money Orders	MS09	Credit Balances-Accounts Receivable
CK08	Traveler's Checks	MS10	Discounts Due
CK09	Foreign Exchange Checks	MS11	Refunds Due
CK10	Expense Checks	MS12	Unredeemed Gift Certificates
CK11	Pension Checks	MS13	Unclaimed Loan Collateral
CK12	Credit Checks or Memos	MS14	Pension & Profit Sharing Plans
CK13	Vendor Checks	MS15	Dissolution or Liquidation Proceeds
CK14	Checks Written Off to Income	MS16	Miscellaneous Outstanding Checks
CK15	Other Outstanding Official Checks	MS17	Miscellaneous Intangible Property
CK16	CD Interest Checks	MS18	Suspense Liabilities
CK99	Aggregate Uncashed Checks<\$50.00	MS19	Credit Memos
		MS99	Aggregate Miscellaneous Property<\$50.00
CS01	Educational Savings Accounts - Cash	SC01	Dividends
CS02	Educational Savings Accts - Mut. Fds. Educational Savings Accts -	SC02	Interest (Bond Coupons)
CS03	Securities	SC03	Principal Payments
CS04	Educational Savings Accts - Other	SC04	Equity Payments
		SC05	Profits
CS01	Educational Savings Accounts-Cash	SC06	Funds Paid To Purchase Shares
CS02	Educational Savings Accts-Mut Funds	SC07	Funds For Stocks/Bonds
CS03	Educational Savings Accts-Securities	SC08	Shares Of Stock (Returned By Post Office)
		SC09	Cash For Fractional Shares
CT01	Escrow Funds	SC10	Unexchanged Stock Of Successor Corp
CT02	Condemnation Awards	SC11	Other Certificate Of Ownership
CT03	Missing Heir's Funds	SC12	Underlying Shares/Outstanding Certificates
CT04	Suspense Accounts-Courts	SC13	Liquidation/Redemption-Unsurrendered Stocks or Bonds
CT05	Other Court Deposits	SC14	Debentures
CT99	Aggregate Court Deposits<\$50.00	SC15	U S Government Securities
		SC16	Mutual Fund Shares
HS01	Health Savings Account	SC17	Warrants (Rights)
HS02	Health Savings Accounts - Investment		
HS03	Health Savings Accounts - Other		

IN01	Individual Policy Benefits	SC18	Matured Bond Principal
IN02	Group Policy Benefits or Claim	SC19	Dividend Reinvestment Plans
IN03	Proceeds Due Beneficiaries	SC20	Credit Balances-Securities
IN04	Proceeds From Mature Policies, Endowments or Annuities	SC99	Aggregate Security Related Cash<\$50.00
IN05	Premium Refunds	SD01	Safe Box Contents
IN06	Unidentified Remittances-Insurance	SD02	Other Safekeeping
IN07	Other Amts Due Under Policy Terms	SD03	Other Tangible Property
IN08	Agent Credit Balances	TR01	Paying Agent Account
IN99	Aggregate Insurance Property<\$50.00	TR02	Undelivered or Uncashed Dividends
IR01	Traditional IRA-Cash	TR03	Funds Held In Fiduciary Capacity
IR02	Traditional IRA-Mutual Funds	TR04	Escrow Accounts
IR03	Traditional IRA-Securities	TR05	Trust Vouchers
IR04	Traditional IRA - Other	TR99	Aggregate Trust Property<\$50.00
IR05	Roth IRA - Cash	UT01	Utility Deposits
IR06	Roth IRA - Mutual Funds	UT02	Membership Fees
IR07	Roth IRA - Securities	UT03	Refunds Or Rebates
IR08	Roth IRA - Other	UT04	Capital Credit Distributions
IR09	IRA - Other	UT99	Aggregate Utilities<\$50.00
IR10	IRA - (Reserved for Future Category)	ZZZZ	Properties Not Identified Above
MI01	Net Revenue Interest		
MI02	Royalties		
MI03	Overriding Royalties		

Version 05/2013

**EXHIBIT E**



# STATE OF ALABAMA

ALABAMA PUBLIC SERVICE COMMISSION  
P. O. BOX 304260  
MONTGOMERY, ALABAMA 36130-4260

TWINKLE ANDRESS CAVANAUGH, PRESIDENT

JEREMY H. ODEN, ASSOCIATE COMMISSIONER

TERRY DUNN, ASSOCIATE COMMISSIONER

JOHN A. GARNER, EXECUTIVE DIRECTOR

Re: GENERIC PROCEEDING CONSIDERING THE )  
PROMULGATION OF TELEPHONE RULES ) DOCKET 15957  
GOVERNING INMATE PHONE SERVICE )

## DENIAL OF MOTION TO HOLD PROCEEDING IN ABEYANCE OR OTHERWISE EXTEND COMMENT PERIOD

BY THE COMMISSION:

### I. BACKGROUND

On October 1, 2013, the Commission issued an Order in the above styled proceeding followed by an Order, dated October 7, 2013, identifying errata associated with the October 1 Order and substituting an amended Order. The Order provides interested parties an opportunity to file comments on the staff's proposed changes to the Commission's Rules for Inmate Calling Service and establishes a due date of no later than November 8, 2013 for filing the comments with the Commission.

By filing<sup>1</sup> dated October 29, 2013, Global Tel\*Link Corporation ("GTL") submitted a motion, requesting that the Commission extend the deadline for filing comments through December 6, 2013. By Order dated November 5, 2013, the Commission granted GTL's motion to extend the deadline for filing comments in this proceeding.

By filing<sup>2</sup> dated October 31, 2013, Securus Technologies, Inc. ("Securus") submitted a motion requesting that the Commission hold this rulemaking proceeding in abeyance and stay all

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<sup>1</sup> *Global Tel\*Link Motion for Extension of Comment Deadline*, submitted by Chèrie R. Kiser, Attorney, Cahill Gordon & Reindel LLP, filed October 29, 2013, Commission Tracking Number TR1324611.

<sup>2</sup> *Securus Technologies, Inc. Motion to Hold Proceeding in Abeyance*, submitted by Riley W. Roby, Counsel, Balch & Bingham, LLP., filed October 31, 2013. Commission Tracking Number TR1324634.

further actions in this Docket. By filing<sup>3</sup> dated November 21, 2013, Securus amended its motion to hold the proceeding in abeyance (the "Original Motion") for purposes of requesting additional, alternative relief. The additional relief sought by Securus is for the Commission to extend the period of time for interested parties to file comments related to the APSC Order until January 13, 2013 should the Commission otherwise decline to grant the abeyance requested in the Original Motion. By filing<sup>4</sup> dated November 22, 2013, GTL submitted a motion in support of the request by Securus to extend the time for interested parties in this proceeding to file comments with the Commission.

## II. MOTION TO HOLD PROCEEDING IN ABEYANCE

In its Original Motion, Securus points to the ICS Order<sup>5</sup> issued by the FCC on September 26, 2013 for interstate inmate calling services ("ICS"), which includes a Further Notice of Proposed Rulemaking ("FNPRM") for reforming intrastate ICS rates and practices. Securus cites the FCC's assertion that it has jurisdiction under 47 U.S.C. § 276(b)(1) to regulate intrastate payphone services and further acknowledged that 47 U.S.C. § 276(c) provides that "[t]o the extent that any State requirements are inconsistent with the Commission's regulations, the Commission's regulations on such matters shall preempt such State requirements." Securus contends that the FCC FNPRM may conflict with and perhaps preempt any rates and rules adopted by the Commission in this proceeding:

The overlap between the FCC's FNPRM and the rulemaking initiated by the Order issued by the Commission illustrates the opportunity for rules to be adopted by the Commission that may prove inconsistent with the FCC's rules and ultimately require the Commission to conduct a further proceeding to address the FCC's jurisdictional preemption of the Commission's efforts to regulate intrastate payphone services.<sup>6</sup>

Securus concludes:

Until such time as this jurisdictional debate is resolved, it is inappropriate, an unreasonable drain on resources, and unfair that

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<sup>3</sup> *Amended Motion of Securus Technologies, Inc.*, submitted by Riley W. Roby, Counsel, Balch & Bingham, LLP., filed November 21, 2013, Commission Tracking Number TR1324714 (the "Amended Motion").

<sup>4</sup> *Global TEL\*LINK Corporation Motion in Support of Securus Request for Extension of Time*, submitted by Chèrie R. Kiser, Attorney, Cahill Gordon & Reindel LLP, filed November 22, 2013, Commission Tracking Number TR1324751.

<sup>5</sup> *In the Matter of Rates for Interstate Calling Services*, Report and Order and Further Notice of Proposed Rulemaking, FCC 13-113, WC Docket No. 12-375 (released September 26, 2013)("ICS Order").

<sup>6</sup> Securus Original Motion, page 3, paragraph 2.

Securus, and other ICS providers, are required to defend and adjudicate the same issue (intrastate ICS rates and practices) in two separate venues.<sup>7</sup>

...for all of the foregoing reasons, Securus respectfully moves that the Commission hold this proceeding in abeyance pending the resolution of the FCC's ongoing rulemaking in Docket No. WC-12-375 as set forth in the ICS Order.<sup>8</sup>

### III. THE AMENDED MOTION

The Commission set November 8, 2013 as the deadline for filing comments in this proceeding and extended that deadline to December 6, 2013 at the request of GTL. The FCC's FNPRM, published in the November 13, 2013 Federal Register<sup>9</sup>, set December 14, 2013 as the deadline for the filing of public comments and December 30, 2013 as the deadline for filing reply comments. In its November 21, 2013 petition, Securus amended its Original Motion for purposes of seeking additional relief in this proceeding:

In the event that the Commission declines to hold this proceeding in abeyance as requested in the Original Motion, Securus respectfully requests that the Commission extend the period of time for interested parties to file comments related to the APSC Order until January 13, 2013, which represents two (2) weeks after the date that the public may submit comments in response to the FCC's FNPRM. Such extended period of time allows parties like Securus to monitor and observe the public's response to the FCC's FNPRM, which addresses many of the same intrastate inmate calling service rates and practices considered by this Commission in the APSC Order.<sup>10</sup>

### IV. STAFF ANALYSIS AND RECOMMENDATION

#### A. Original Motion

The Securus motion to hold this proceeding in abeyance is predicated on the possibility that the FCC will preempt states on matters of intrastate ICS rates. While the Commission staff (the "staff") cannot, with any certainty, predict the outcome of the FCC's consideration of

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<sup>7</sup> Securus Original Motion, page 3, paragraph 3.

<sup>8</sup> Securus Original Motion, page 4.

<sup>9</sup> *In the Matter of Rates for Interstate Inmate Calling Services and Further Notice of Proposed Rulemaking*, 78 Fed. Reg. 68005 (November 13, 2013)

<sup>10</sup> Securus Amended Motion, page 2.

preemption when it comes to intrastate ICS rates, there are indications in the FNPRM that the FCC prefers for to states regulate intrastate ICS rates provided the established rates are fair for end users and not inconsistent with FCC requirements:

We commend states that have undertaken ICS reform. In particular, we encourage more states to eliminate site commissions, adopt rate caps, disallow or reduce per-call charges, or take other steps to reform ICS rates. The reforms adopted in the Order are structured in a manner to encourage other states to undertake reform and to give states sufficient flexibility to structure reforms in a manner that achieves just and reasonable rates. Even so, it is unlikely that all 50 states, Washington D.C., and the U.S. territories will all engage in ICS reform in the near term. Indeed, several comments encourage the Commission to reform intrastate ICS rates as well as interstate ICS rates. As a result, if the Commission does not take action to reform unfair intrastate ICS rates, the unreasonably high rates will continue, many families will remain disconnected, and the available societal benefits will not be realized.<sup>11</sup>

Staff believes the proposed ICS reforms in Alabama are consistent with the FCC's ICS Order. Both recommend per-minute rates with no setup charges that include the costs of call monitoring and other security measures. The \$0.25 per-minute, intrastate rate cap recommended by staff mirrors the interim rate cap adopted by the FCC for interstate collect calls. The issue over which the staff's recommended ICS reforms diverge from the FCC ICS Order is in the area of site commissions. The FCC concludes that site commissions should not be included in ICS rates. The staff position is that lawmakers at the state and local level have exclusive fiscal oversight for confinement facilities and that the Commission lacks the authority to deny the recognition of site commissions in provider rates unless such commissions are specifically prohibited. Nevertheless, staff's recommended ICS reforms provide flexibility in this matter:

In the event that public policy regarding commission payments to confinement facilities changes, the staff recommendations in this order shall be revisited and adjusted accordingly<sup>12</sup>

The Commission asserted its regulatory authority over intrastate ICS rates long before the FCC asserted jurisdiction over interstate ICS in its recent ICS order. Indeed the Commission has

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<sup>11</sup> ICS Order, ¶ 130.

<sup>12</sup> APSC, *Further Order Proposing Revised Inmate Phone Service Rules and Establishing a Comment Cycle*, dated October 1, 2013 as amended and supplanted by the *Errata and Substitute Order Proposing Revised Inmate Phone Service Rules and Establishing a Comment Period* dated October 7, 2013 (collectively, the "Order"), Part III, Section A.

established ICS rate caps and rules effective since 2009. As a result, and because the staff's recommended ICS reforms are not inconsistent with FCC ICS reforms, staff believes it is highly unlikely that the FCC will preempt this Commission from regulating intrastate ICS rates. A more likely outcome is that the FCC will exert authority over intrastate ICS rates only in those states that choose not to exercise regulatory authority over intrastate ICS and perhaps, thereafter, in states that fail to demonstrate any meaningful progress with regard to intrastate ICS reform.

There is no targeted release date for the FCC order in its FNPRM. Comments have not yet been filed. Holding the Commission's ICS proceeding in abeyance until the FCC releases an order that may have no effect on the this proceeding serves only to delay the Commission's consideration of ICS reforms that offer end users an opportunity for more affordable ICS in Alabama. Staff notes that Securus filed a petition<sup>13</sup> with the FCC to hold the FNPRM proceeding in abeyance until appeals of the Commission ICS order are resolved. The FCC subsequently denied<sup>14</sup> the Securus petition and other similar petitions. Therefore, staff recommends denial of the Original Motion filed by Securus.

#### B. Amended Motion

The Amended Motion seeks to further delay this proceeding by extending the deadline for filing comments in this proceeding to January 13, 2014 so that the parties to this proceeding to monitor and observe the public's response to the FCC's FNPRM. As previously discussed, the Commission heretofore extended the deadline for filing comments in this proceeding from November 8 to December 6, 2013. Essentially, Securus is requesting that this proceeding be further delayed, not for purposes of the pending release of an FCC order in its FNPRM, but to monitor the comments of other parties to the FNPRM.

The FCC has not preempted state regulatory authority. Consequently currently this Commission exercises jurisdiction over intrastate ICS. The Commission's proposed ICS reforms are very specific and restricted solely to intrastate rates and rules that have been in place since 2009. Many of the parties that will comment in the FCC's FNPRM are not ICS providers in Alabama. Therefore, staff recommends that comments regarding the Commission's proposed ICS reforms be separate from comments associated with the FCC's FNPRM in order to avoid blurring of the issues pertinent only to this proceeding. Staff recommends that the Commission deny the Amended Motion filed by Securus.

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<sup>13</sup> *In the Matter of Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Securus Technologies, Inc. Petition to Hold Further Rulemaking Proceeding In Abeyance, submitted by Stephanie A. Joyce, Counsel, dated October 22, 2013.

<sup>14</sup> *In the Matter of Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Order Denying Stay Petitions and Petition To Hold in Abeyance (rel. November 21, 2013).

B. Further Recommendation

Staff concedes there are issues in the FCC's FNPRM that may ultimately have some bearing on the Commission's proposed ICS reforms. Staff recommends that the Commission maintain its December 6, 2013 deadline for filing comments in this proceeding but accept limited supplemental comments from interested parties if filed with the Commission by January 13, 2014. The supplemental comments shall address only those matters that directly impact this proceeding from public comments filed with the FCC in response to its FNPRM.

IT IS, THEREFORE, ORDERED BY THE COMMISSION, That the Motion filed by Securus to hold this proceeding in abeyance is denied.

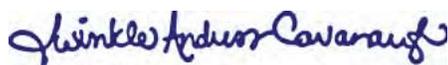
IT IS FURTHER ORDERED, That the Amended Motion filed by Securus to extend the deadline for filing comments in this proceeding through January 13, 2014, is denied.

IT IS FURTHER ORDERED, That supplemental comments to this proceeding, as described herein, shall be accepted for the Commission's consideration if filed by January 13, 2014.

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

DONE at Montgomery, Alabama, this 3rd day of December, 2013.

ALABAMA PUBLIC SERVICE COMMISSION



Twinkle Andress Cavanaugh, President



Jeremy H. Oden, Commissioner



Terry L. Dunn, Commissioner

ATTEST: A True Copy



Walter L. Thomas, Jr., Secretary

**EXHIBIT F**

Law Offices

July 18, 2013

1500 K Street N. W.  
Suite 1100  
Washington, D.C.  
20005-1209  
  
(202) 842-8800  
(202) 842-8465 fax  
www.drinkerbiddle.com

**By ECFS**  
Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

CALIFORNIA  
DELAWARE  
ILLINOIS  
NEW JERSEY  
NEW YORK  
PENNSYLVANIA  
WASHINGTON D.C.  
WISCONSIN

RE: *Rates for Interstate Inmate Calling Services*  
**WC Docket No. 12-375**

Dear Ms. Dortch:

This submission, filed on behalf of Martha Wright, et al. (the "Petitioners") responds to the June 26, 2013 Public Notice requesting additional information regarding inmate calling service (ICS) contracts between ICS providers and correctional authorities.<sup>1</sup> Previously, the Petitioners have submitted excerpts from contracts into the record of this proceeding to demonstrate that the ICS rates charged to inmates and their families are far in excess of the "just and reasonable" rates required under Section 201 of the Communications Act.

In the Comments submitted by Global Tel\*Link Corporation ("GTL") on March 25, 2013, reference was made to the negotiation of a new ICS contract for the Florida Department of Corrections. The Petitioners submitted a request under the Freedom of Information Act, and received copies of the materials directly from the purchasing authorities, so it is assumed that the information is accurate.

While the executed contract was not available, the Petitioners were able to obtain the Intent to Negotiate and the responses from CenturyLink, GTL, and Securus Technologies. We were also able to obtain the Best and Final Offers from these three parties, and they are attached as Exhibits A-D.

As reflected therein, the Florida DOC staff recommended that the contract be awarded to CenturyLink. Noting that Department's commission rate would increase by approximately 27%, the staff also stated that the cost of a 15-minute call would be reduced by 25%, which "should lead to increased communication between inmates and their family and friends which will ultimate help support the Department's Re-Entry Initiatives."<sup>2</sup>

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<sup>1</sup> *Data On Service Contracts Included In Record Of Inmate Calling Service Rates Proceeding*, Public Notice, DA 13-1446 (rel. June 26, 2013).

<sup>2</sup> *Recommendation of Award*, Memorandum, dated June 24, 2013.

In its successful Best and Final Offer, CenturyLink advocated its proposal for a 15-minute blended rate of \$0.099 and a commission rate of 62.6%, also noting that it would not include a per-call surcharge.<sup>3</sup> Instead, CenturyLink asserted that the lower phone rate, with no surcharge, would result in inmates "make[ing] more frequent calls and connections ...[which]...has the added benefit of providing more overall commission revenue."<sup>4</sup>

In Securus' BAFO, it proposed a 15-minute blended rate of \$0.095 and a commission rate of 46%, stating that Florida DOC's "requirement for both low rates and high commissions" will lead to a "thirty percent (30%) increase in inmate calling."<sup>5</sup> Securus made this assertion "based upon our experience with similar rate reductions."

Finally, GTL agreed with the other two bidders that the lower rates would lead to higher call volume, stating that the increased call volume resulting from their proposal would lead to a growth in the commission paid to Florida of "85% more than you are being paid under the current contract," even though GTL's proposal "represents a 24% discount" as compared to the current rate, and a 41% increase in the annual commission.<sup>6</sup>

Thus, the recent statements of CenturyLink, GTL and Securus demonstrate that a lower ICS rate will lead to higher call volumes, and a commission of 50% or more can still be paid to the correctional authority. Each tout their low rate/high commission rate proposals as delivering higher call volumes and higher revenues for the Florida DOC. Their blended 15-minute rate was less than \$0.10 per minute, and each proposed to pay an annual commission in excess of 46%.

They did so, despite the fact that Securus proposed to throw in a prescription plan for inmates and Department employees, and various other security services for free. GTL volunteered to pay an additional \$100,000 per year for a "Technology Fund", along with a cell phone detection system, an inmate voicemail system, and a voice biometric system, again, at no additional cost. Finally, CenturyLink offered up 10 additional "value-added functionality" programs at no additional charge.

These responses should put to rest any possible argument that adoption of a benchmark ICS rate will eviscerate the ability of ICS providers to deliver ICS telephone service, and undermine the positions taken by the various jail and sheriff organizations which have posited that a low ICS rate will cause widespread security issues.

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<sup>3</sup> Embarq Payphone Services, Inc. *dba* CenturyLink Best and Final Offer, dated June 18, 2013, pgs 2-3.

<sup>4</sup> *Id.*, pg. 3.

<sup>5</sup> *Letter of Robert E. Pickens, Chief Operating Officer, Securus Technologies*, dated June 18, 2013.

<sup>6</sup> Global Tel\*Link Corporation Best and Final Offer, dated June 18, 2013, pg. 2.

Simply put, if these companies are willing to accept a requirement that their rate for a 15-minute call must not exceed \$2.10, and each of the involved parties cite to the low rate as an incentive for higher call volumes and higher commissions to be paid to the correctional facilities, and each company is still able to throw in a variety of “value-added services” for free (e.g., a no-cost prescription plan!), there can be no further debate that the Petitioners’ proposal should be rejected. In their own words, three of the top ICS providers have supported the arguments made by the Petitioners for the past 10 years, and the FCC must take these statements by the ICS providers to heart when reaching a decision on the Petitioners’ proposal.

There are two other points raised from reviewing these BAFO's that require discussion, namely the advocacy for debit calling, and the length of the contract in question.<sup>7</sup> In their BAFOs, both Securus and GTL discuss the benefits of debit calling. Securus advocates the use of ICS debit service, stating:

This new calling method will result in increased call volume and additional commission dollars. DOCs across the country have implemented inmate debit and have found that the increased call volume has resulted in more friends and family communication between inmates and outside parties.<sup>8</sup>

In addition, GTL states that:

A large DOC with nearly 50,000 inmates experienced a doubling of call volumes since the implementation of an integrated debit calling option, which generated additional commissionable revenue while providing inmates another option for communication at affordable rates.

Roughly half of all telephone numbers in the United States, including almost all cell phone numbers, are restricted from receiving traditional collect calls. Prepaid calling options including debit calling overcome this limitation; enabling the completion of many more, otherwise approved, inmate calls. Debit calls are subject to the same ITS call restrictions and security functions as collect calls.

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<sup>7</sup> Another point is the willingness of the ICS providers to highlight and advocate new and innovative ways to charge inmates and their families. (“This new service can provide the Department with additional revenues through new commissions as well as positively contribute to the Department goal of reducing recidivism.” Securus BAFO, pg. 8) (“Services such as inmate phones, commissary, and inmate deposits have helped to defray costs, but until now, there has not been an effective system to generate revenue from inmate visitation. GTL’s VVS Solution can optionally generate revenue, for example, by charging for *additional visits*.” GTL BAFO, pg. 6 (emphasis in original)).

<sup>8</sup> Securus BAFO, pg. 23.

When GTL implements fully integrated debit the result is usually a substantial increase in call volumes and commission revenues for the facility.<sup>9</sup>

These statements offer further support for the adoption of an ICS debit calling option, and also provide additional evidence of the ICS providers' experience that debit calling is both affordable, and can be offered in accordance with all security needs.

Finally, with respect to the contract-length question, the Petitioners have proposed a "fresh look" period for existing contracts to come into compliance with the proposed benchmark ICS rate. The ICS providers have opposed this proposal, with one stating that the average length of contract is four to five years.<sup>10</sup> However, as noted in the BAFO's, the Florida DOC contract is to run for a period of ten years.

This is a prime example of why the FCC must adopt a "fresh look" period. It is inconceivable that the FCC could permit a 10-year agreement to run, while new agreements are required to comply with the proposed benchmark ICS rate. The disparity in the application of the new rule would be ripe for abuse, as every current party to a contract took steps to extend, renew, restate, or use some other mechanism to perpetuate high ICS rates and ancillary fees. Therefore, the FCC must adopt a fresh look period when adopting the proposed benchmark rate.

Should there be any questions regarding this submission, please contact undersigned counsel.

Respectfully submitted,



Lee G. Petro

**DRINKER BIDDLE & REATH LLP**  
1500 K Street N.W., Suite 1100  
Washington, DC 20005-1209  
202-230-5857 – Telephone  
202-842-8465 - Telecopier

*Counsel for Martha Wright, et al.*

#### Attachments

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<sup>9</sup> *GTL BAFO*, pgs. 20-21.

<sup>10</sup> *Comments of Securus Technologies*, pg. 8.

**EXHIBIT A**

MEMORANDUM

Date: June 24, 2013  
To: Michael Crews, Secretary  
From: Negotiation Team – ITN #12-DC-8396,  
Statewide Inmate Telephone Services  
Shane Phillips, Bureau of Contract Management and Monitoring  
Randy Agerton, Bureau of Security Operations  
Steve Wilson, Office of the Inspector General  
Through: Julyn Hussey, Procurement Manager, Bureau of Procurement & Supply  
Subject: Recommendation of Award

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In accordance with s. 287.057 (1) (c) 5., the Department's Negotiation Team hereby provides its recommendation of award to Embarq Payphone Services, Inc. dba CenturyLink for ITN # 12-DC-8396 Statewide Inmate Telephone Services.

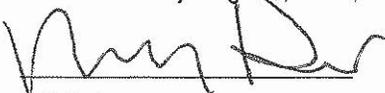
History: The Department released the Invitation to Negotiate (ITN) in April 2013 and opened on May 21, 2013. The Department evaluated the responses against evaluation criteria and conducted negotiations with three (3) companies: Global Tel\*Link Corporation, Securus Technologies, Inc. and Embarq Payphone Services, Inc. dba CenturyLink. Subsequent to negotiations, the Department issued its Request for Best and Final Offers (BAFO) and each vendor was provided an opportunity to respond with their BAFO to the Department.

Basis of Selection: While each vendor's BAFO demonstrated the ability to provide the required services as set forth in the ITN, it has been determined that Embarq Payphone Services, Inc. dba Century Link demonstrates the best value and to be the most advantageous to the Department due to the following proposed deliverables.

- A complete turn-key inmate telephone system that provides the Department with enhanced communication, security and forensic investigation options allowing the department to conduct detailed analysis of external and internal calling data.
- A system that will deploy call processing, storage and network which will be 100% dedicated to the Department.
- A pricing structure that increases the department's commission rate by approximately 27% while lowering the cost of a 15 minute collect phone call to inmate family and friends by approximately 25%. The lower cost per call should lead to increased communication between inmates and their family and friends which will ultimately help support the Department's Re-Entry Initiatives.
- Additional negotiated services reflected in the department's recommendation include:
  - Free Calls
  - Forensic Options
  - Investigative Function
  - Cell Phone Detection
  - Interactive Voice Response (IVR) Scheduling
  - Inmate Voice Mail
  - Ability to search by keyword
  - Capability to capture inmate to inmate telephone communications
- A 5-Site video visitation pilot with the ability to implement statewide at the Department's discretion

For these reasons, the negotiation team would like to award the contract to Embarq Payphone Services, Inc. dba CenturyLink.

cc: Mike Dew, Chief of Staff  
Jodi Bailey, Director of Procurement & Contract Management  
Rosalyn Ingram, Chief, Bureau of Procurement & Supply

  
Approve

\_\_\_\_\_  
Disapprove

**EXHIBIT B**



5454 W. 110<sup>th</sup> Street, 3<sup>rd</sup> Floor  
Overland Park, KS 66211  
June 18, 2013

Julyn Hussey, Procurement Manager  
Cc: Kelly Wright, Purchasing Analyst  
Florida Department of Corrections  
Bureau of Procurement and Supply  
501 South Calhoun Street  
Tallahassee, FL 32399-2500

**Re: Request for Best and Final Offer, ITN # 12-DC-8396**

Dear Ms. Hussey,

On behalf of our entire account management and service teams, thank you for this opportunity to provide a Best and Final Offer to the Florida Department of Corrections.

As shown in our response, CenturyLink is able to provide all the additional negotiated services at affordable pricing. In addition, our network capabilities and existing presence in Florida would enable us to provide all these capabilities with the highest service standards – to the Department, its inmates, and their family members.

If you have any questions please contact me at the number below, or Vicki Johnson at 888.375.7318 or 850.212.8880. Thank you again and we look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink that reads "Paul Cooper".

Paul Cooper  
General Manager  
CenturyLink Correctional Markets  
913.345.6002  
paul.n.cooper@centurylink.com

**State of Florida**  
**Department of Corrections**



**REQUEST FOR BEST AND FINAL OFFERS (RBAFO)**

**FOR**

**STATEWIDE INMATE TELEPHONE SERVICES**

**In Reference To  
INVITATION TO NEGOTIATE  
ITN # 12-DC-8396**

**RELEASED ON  
June 14, 2013**

**Responses to RBAFO Due By  
Close of Business (5:00 p.m. ET) Tuesday, June 18, 2013**

**BY THE  
DEPARTMENT OF CORRECTIONS  
BUREAU OF PROCUREMENT AND SUPPLY  
501 SOUTH CALHOUN STREET  
TALLAHASSEE, FLORIDA 32399-2500  
(850) 717-3679  
FAX (850) 488-7189**

**The Florida Department of Corrections has issued this  
 REQUEST FOR BEST AND FINAL OFFER (RBAFO)  
 For  
 STATEWIDE INMATE TELEPHONE SERVICES**

This is the Request for Best and Final Offer (RBAFO) in response to negotiations with three (3) respondents to the Department's ITN# 12-DC-8396. This RBAFO contains Pricing, Additional Negotiated Services, and Value Added Services as discussed during negotiation and outlined below. The other specifications of the original ITN, unless modified in the RBAFO, remain in effect. Respondents are cautioned to clearly read the entire RBAFO for all revisions and changes to the original ITN and any addenda to specifications, which are incorporated herein and made part of this RBAFO document.

Unless otherwise modified in this Request for Best and Final Offer, the initial requirements as set forth in the Department's Invitation to Negotiate document and any addenda issued thereto have not been revised and remain as previously indicated. Additionally, to the extent that portions of the ITN have not been revised or changed, the previous reply / initial reply provided to the Department will remain in effect.



CenturyLink has read and understands these requirements.

**A. PRICING**

The Respondent shall provide their Best and Final Offer for rates on the below Cost Proposal Table. Costs should be submitted with the most favorable terms the Respondent can offer.

**NOTE: Blended Telephone Rates for family and friends shall not exceed two dollars and ten cents (\$2.10) for a fifteen (15) minute call.**

The Department is seeking pricing that will provide the best value to the State. The Department desires that the resultant contract generates the highest percentage of revenue for the state and the lowest possible telephone call rate charges for inmate families and friends.

**COST PROPOSAL**

	INITIAL Contract Term 5 years	ONE Year Renewal	TWO Year Renewal	THREE Year Renewal	FOUR Year Renewal	FIVE Year Renewal
Department Commission % Rate Proposed	62.6%	63.6%	63.6%	64.1%	64.1%	64.1%
Blended Telephone Rate for All Calls* (inclusive of surcharges)	\$.099	\$.099	\$.099	\$.099	\$.099	\$.099



CenturyLink's offered calling and commission rates are meant to best balance calling rates with commission revenue to the State. We also add that the blended rate offered above does NOT utilize a per-call surcharge – i.e. CenturyLink would charge end-users \$0.099 per minute, without a per-call

surcharge. This constitutes a significant decrease in end-user rates while providing a substantially higher commission to the State.

While including a per-call surcharge could decrease our reported blended rate (by spreading the surcharge over the *maximum* call length of 15 minutes/call, rather than actual call length), CenturyLink advocates this rate structure for the Department:

- The issue of refund disputes is eliminated – e.g. if a family member accidentally hook-flashes during a call – because called parties pay only for the minutes they use.
- Inmates make more frequent calls and connections with family members, since a short call is less expensive. Our experience in other States shows that this more frequent calling has the added benefit of providing more overall commission revenue.

Further, CenturyLink reaffirms that the commission percentage above will be paid on all call charges from all phones – both inmate and coin-operated – and that commission payments will be audited bi-annually by a certified public accounting firm.

***Finally, we ask for special consideration of CenturyLink's revenue performance vs. other providers as presented in our ITN response and negotiation session. CenturyLink's billing & customer service program consistently completes more calls and generates 25% or more commissionable revenue than other providers, in addition to providing fundamentally better service to end-users.***

## B. ADDITIONAL NEGOTIATED SERVICES

**The Department is interested in the following services that were addressed during negotiations:**

The Respondent shall provide a detailed description of each of the below services, systems and/or equipment functionality, in narrative form. If included in the Contractor's BAFO and all, or a portion of, are accepted by the Department, these services shall be provided as part of the contracted service, and at the rates shown in the Cost Proposal (see Attachment 1) submitted in the respondent's BAFO.



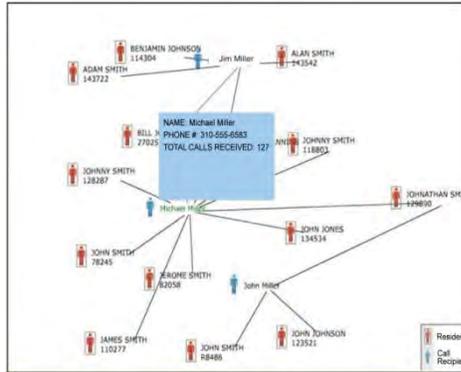
CenturyLink has read, agrees, and will comply. Our solutions for each of the additional services requested are industry-leading, and meet or exceed the Department's requirements. Detailed descriptions are provided below under each service.

- Investigative functions : An Investigative tool with the ability to import external sources of data and at least one (1) dedicated staff person to assist with analyzing investigative data;

CenturyLink is able to provide to the Department. These functions are a standard feature of our proposed system, and we are able to provide dedicated staff with minimal impact to our financial offer as shown in Attachment 1.

Specifically addressing staffing, our proposal includes one (1) qualified full-time staff member, with competitive salary and benefits, f that is 100% dedicated to investigation work, as well as an in-state Program Manager with investigations as a primary function. Additional personnel are of course available to the Department if needed.

The Enforcer platform is equipped with an import utility that will accept & import data from external sources. This import utility/application will accept data in any pre-defined format and the application will normalize the data into XML format prior to updating the centralized database. Both the source file and the normalized XML file will be stored and achieved to audit data integrity.

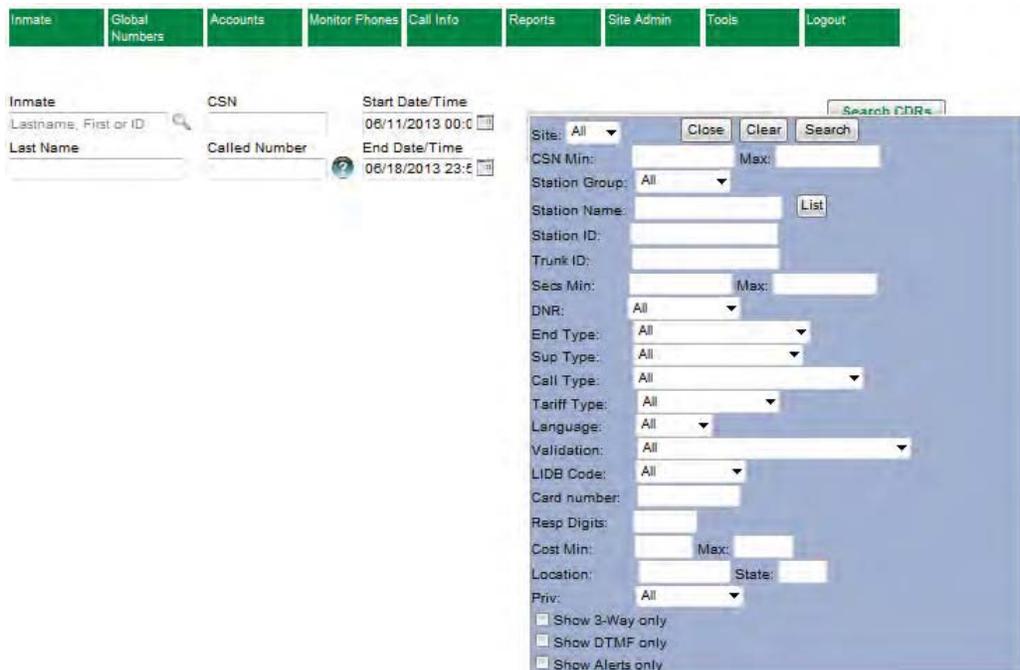


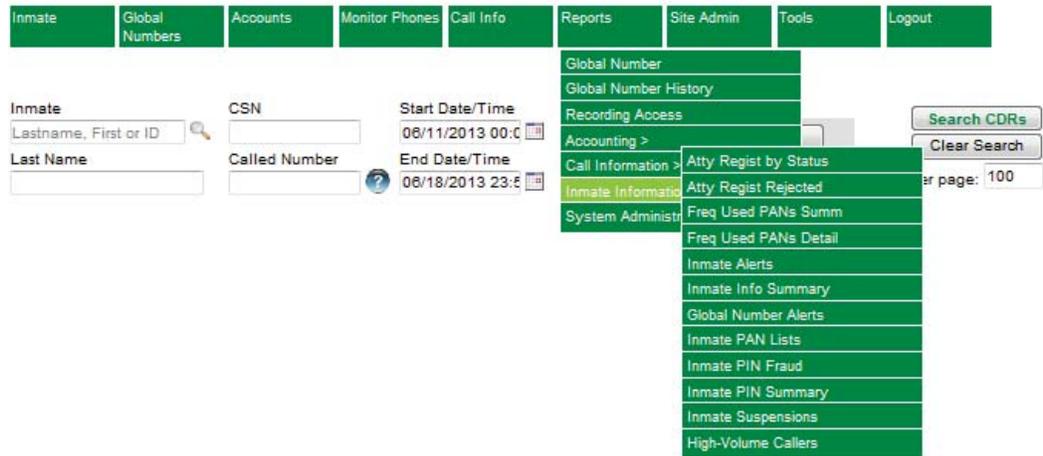
CenturyLink will collaborate with the Department to customize the link analysis and resulting reporting on our dedicated platform.

### Custom query analysis

Through custom query analysis, users are able to define patterns and criteria that are suspicious and require follow-up by Department or CenturyLink investigations staff. Suspicious calls may be notated in the system and/or marked for follow-up by another investigator, or marked for personnel to listen to directly for further analysis.

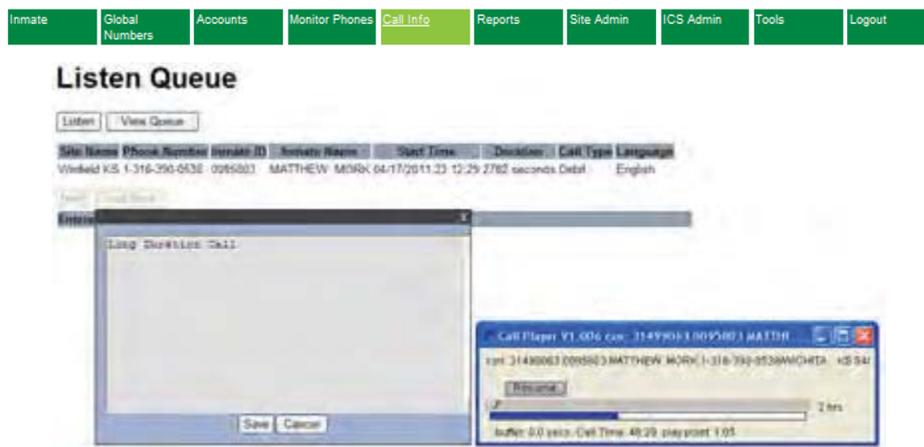
*Because CenturyLink would implement a system dedicated to FL DOC, custom queries and reports are able to be developed in an accelerated timeframe, with criteria and screens customized to the Department's business rules.*



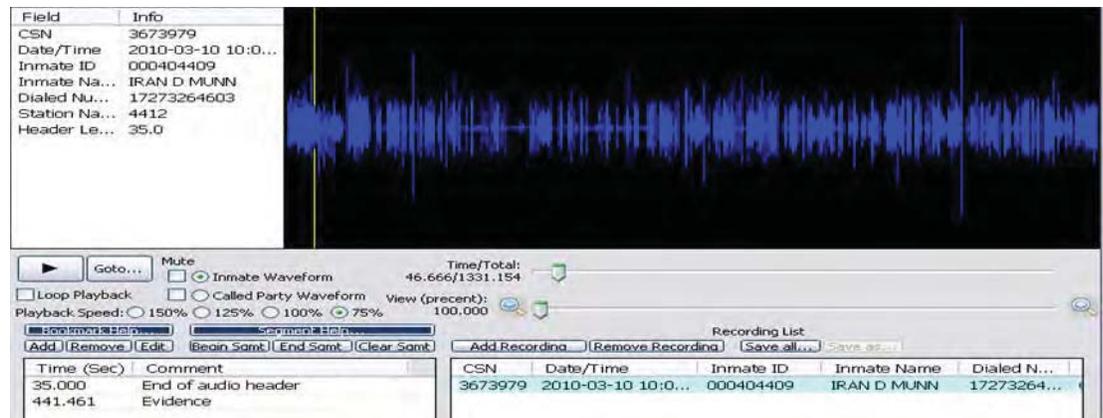


### Listening queue

Once calls are identified as suspicious and needing further review, the Enforcer’s Listen Queue tool helps Investigations manage case activities. Depending on the Department’s rules, authorized listeners can choose calls randomly or be ‘forced’ to listen to identified calls in order, then include notes and follow-up. All functions are tracked for management review.



Listening productivity is also enhanced by the Enforcer’s Enhanced Call Player, which allows users to isolate portions of the call, skip, or speed up playback (note human speech can be sped up approximately 130% without loss of understanding). In this way a 15 minute phone call can be reviewed and notated in as little as 3 or 4 minutes.



- Forensic extraction options: Minimum of six (6) Universal Forensic Extraction Devices (Cellbrite or equivalent); and off site examination of data - maintaining a defensible chain of custody;

CenturyLink is able to provide to the Department the required number units, along with off-site examination of data. More units are available by negotiation.

CenturyLink offers **Cellebrite's UFED Ultimate** all-in-one mobile forensic solution. UFED Ultimate performs physical, logical, and file system extractions of cell phones – performing a complete data extraction of existing, hidden, and deleted phone data, including call history, text messages, contacts, email, chat, media files, geotags, passwords, and more. UFED Ultimate will the Department unparalleled access to investigative cellular data.



Ultimate also includes **UFED Physical Analyzer**, the most powerful and feature-rich mobile forensics tool in the industry. UFED Physical Analyzer highlights the most critical components of an extracted phone's memory data, making navigating through the data easier and more flexible than ever. Users can generate reports, print them, and/or save them to their computer in PDF, HTML, XLS, and XML formats.

Each Cellebrite unit will be coupled with a dedicated computer configured with a shared drive and interfaced with the CenturyLink secure network. The authorized Cellebrite user would utilize the export utilities inbedded in the device to transfer an image of the extracted extracted cell phone data to the shared drive. This data image will be hashed to ensure its integrity and support downstream data authentication. Additionally, the Cellebrite utility will export the extracted data in XML format and move to the shared drive on the computer. CenturyLink will configure its centralized platform to query these shared drives every 15 minutes and automatically transfer the data image and XML files to the centralized secure data repository.

Extracted data can subsequently be merged with the calling data from the inmate calling platform and utilized to generate activity activity leveraging link analysis tools.

- Video visitation: Pilot program at five (5) facilities, identified by the Department, with an option for statewide implementation, at the Department's discretion.

CenturyLink is able to provide to the Department. The industry-leading video visitation program offered is available to be deployed without impact to our financial offer for inmate calling services and in fact provides an additional revenue source for the State.

CenturyLink, along with partner HomeWAV, is pleased to offer the HomeWAV Web Access Visitation System to the Department. The System basically works like the inmate telephone system. The inmate visitation stations are installed in facility dayrooms or other locations, often near inmate pay phones, for convenient inmate access. Also, as described below, the System employs a dynamic, immediate scheduling approach that avoids the need for facility personnel involvement in "schedule in advance" programs utilized by other video visitation system. This approach avoids the costs and logistical problems and frustration encountered reacting to daily facility operations (lockdowns, transportation, etc.) with visitation systems that require advance visitation scheduling.

The System will make use of the existing wiring, cabling and video visitation stations currently located in the facility to the extent possible. At least one of the existing video visitation stations in each dorm, pod, or room will be left in service until the System is installed and accepted by the Department. This avoids any interruption in video visitation while installation is underway.

#### **System Description**

The System is comprised of off-the-shelf hardware consisting of visitation stations, signal converters and servers as required. The visitation station contains the processor, monitor, camera, and handset; the physical dimensions are 26" width, 18 ½" high, and 6" deep. The System's unique, patent pending software allows inmates to initiate video visits, on the inmate visitation stations, direct with approved visitors. No Facility personnel are required in order to schedule or to connect an inmate's video visit with his pre-approved visitor. No other Internet based video visitation system offers this significant cost saving solution. The System essentially works just like the Facility's inmate pay phones.

The System does not require a minimum call length or require a connection fee. The System supports call lengths from one minute to the maximum set by the Facility in one minute increments, charges in one minute increments, and allows visitors to buy minutes in one minute increments. Additionally, the System allows inmates and visitors to send one minute video messages that the receiver can view the next time they accesses the System. If desired, these instant video messages may be used to communicate convenient times for a visit between the inmate and visitor.

The System provides for positive identification of inmate and visitor with unique personal identification numbers, and can record all visitation events simultaneously. Visitors do not need to purchase any proprietary hardware or software in order to use the System from their home computers; all that is needed is a computer with high speed Internet access, Adobe Flash Player, a web camera, microphone and speakers. Visitors can also connect with an Android or Apple smart phone with dual cameras for remote visitation.

The System allows every station to be used simultaneously. The number of approved visitors who take part in on-site video visits can be set at any number the Facility determines; the System does not limit the number of approved visitors who take part in off-site video visits.

In addition, the System has comprehensive visitation reporting capabilities with user friendly filtering options.

Visitors and inmates are notified in both English and Spanish that their visit is being monitored and recorded

The System is permissions-based to allow the Department to assign different levels of access to allow individual users access to different privileges in the System

The System provides for visitation recording with the following capabilities:

- Automated management capabilities.
- Recordings stored in Cloud-Based off-site storage servers for sixty days from the date visits take place.
- Method to determine if information was altered.
- Form of a digital file.
- Accessible via a web portal.
- Can be sorted and are searchable.
- Can be downloaded for review and can be saved to a hard drive.
- Access to recordings and logging is permissions based.
- Recordings are date and time stamped.
- Recordings have archiving capabilities.

#### **Administrative/ Control Station**

The Administrative Station is connected to high speed Internet access and will allow designated facility personnel to monitor, record, and interrupt visits, and to perform other functions as described herein. The Administrative software has the following capabilities:

- Terminate any or all video visitation conferences at will.
- Interrupt a video visitation conference while in progress.
- Monitor any video visit in progress, without knowledge of the participants.
- Allow inmate to re-connect an interrupted video conference call for the unused remaining predetermined time.
- Adjust the pre-determined visitation time and length of any or all video visits, before or during the visit.
- Provide a graphical representation for the different status of all video visitation stations.
- Control remote connectivity within the facility.

Additionally, the System has a Dashboard for visitation management purposes with the following capabilities:

- Set up visitations designated by user type (standard or professional) with preset conditions
- User type visitation information can be displayed
- Set a time duration for visitations that will automatically end after the designated time
- Blind monitor non-confidential visits; participants aren't aware of monitoring

### Training

On-site training will be provided to facility personnel to ensure they have the skills to run and administer the system. The first session will be prior to the System turn-over, the second session at turn-over, and the third just after turn-over. All training will be coordinated with the Department. Instruction will not begin until the System is installed and ready for use.

The training sessions cover system concepts and the control console operation in detail, stressing all important operational and service diagnostic information necessary for maintenance and operational personnel to efficiently use and maintain the System.

CenturyLink will provide copies of the operator's manual, which is written in laymen's language, and describes all control panel icon operations, graphic symbol definitions, and a complete explanation of all software and functions. Video training materials will also be provided.

### Technical Support

HomeWAV has a toll-free telephone technical support center that provides technical support to their customers. The technical support center is staffed with trained and certified video technicians that can assist staff and visitors in the use and problem resolution of the System.

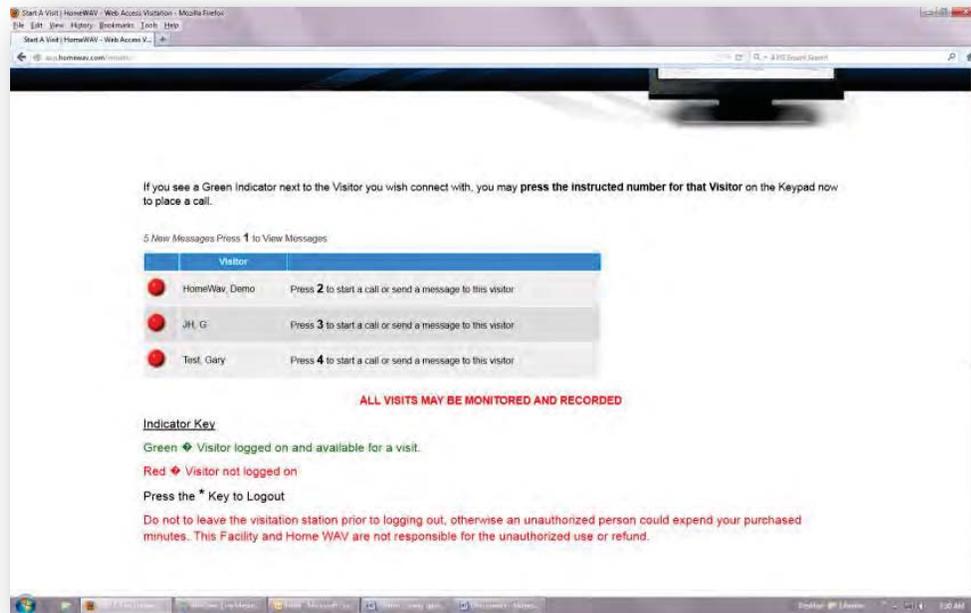
The same CenturyLink's field technicians servicing the inmate telephone system would also carry spare parts and be certified for repair of the video visitation system. This minimizes response times and disruptions to Department facilities.

### Inmate Operation of the HomeWAV System

1. Go to any available inmate station
2. Press any button on keypad to wake up the station



3. Using the keypad; enter your Inmate ID number, then Press \* (asterisk symbol)
4. Enter PIN number; Press \* (asterisk symbol)
5. System displays “Accepted” or “Invalid PIN Number”



6. If accepted, the screen displays the list of registered visitors.
7. Available visitors will display a green ball; Unavailable visitors will display a red ball

#### Select a Visitor:

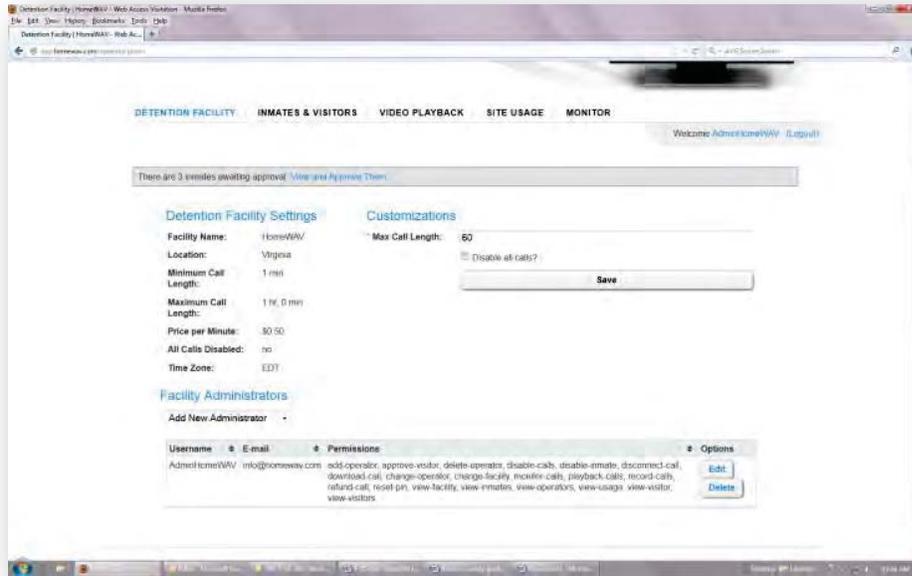
1. Select the desired available visitor by pressing the visitor's number on the keypad
2. System will automatically place the video call to selected visitor:
  - The visitor must accept the incoming call.
  - 30 seconds after the call is accepted, the billing starts.
3. Billing stops when call is terminated by the visitor, terminated by the inmate using the \* key automatically disconnected by default visit time length, when available minutes run out or are terminated by the facility.

***Initiating a session is that simple. When combined with our no-minimum, per-minute billing per session the issues inherent with traditional scheduled visitation systems – refund requests, complaints, re-schedules, etc. – are all but eliminated.***

### **Security Administration Capabilities Overview:**

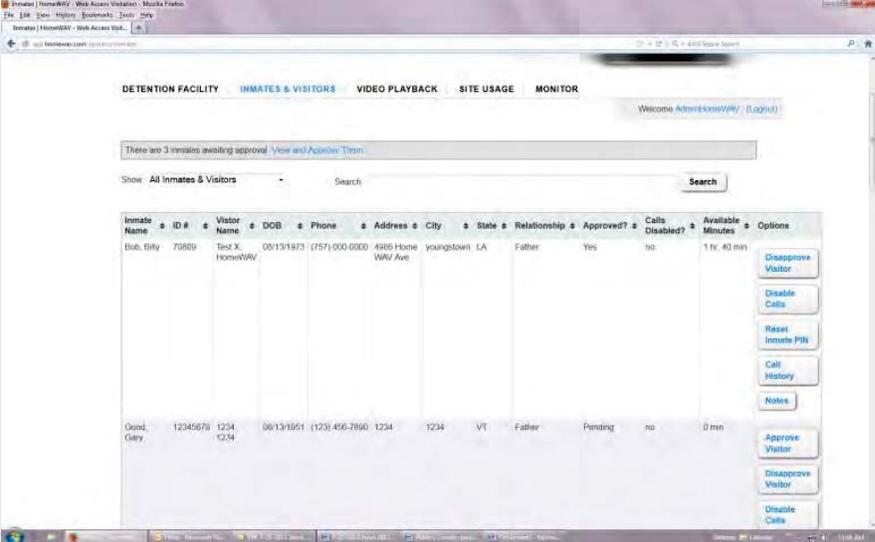
Initially, Home WAV provides the Facility Administrator a User Name and Password with all permissions allowed. During training and installation, a CenturyLink or Department Administrator can then set up operators with different sets of permissions based on the operator's requirements.

### **Department of Corrections Tab**



- Can view facility settings
- Can disable all calls for an facility
- Can edit maximum call length
- Can view all operators in the system
- Can create new facility administrator
- Can delete a facility administrator
- Can make changes to a facility administrator

## Inmates and Visitors Tab

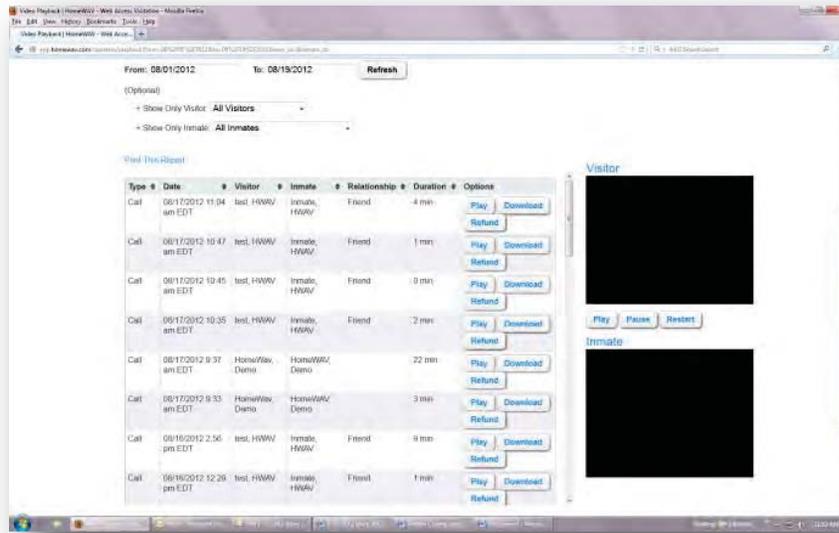


The screenshot displays the 'Inmates & Visitors' tab in the HomeWAV system. At the top, there are navigation tabs: DETENTION FACILITY, INMATES & VISITORS (selected), VIDEO PLAYBACK, SITE USAGE, and MONITOR. A notification bar indicates 'There are 3 inmates awaiting approval'. Below this is a search bar and a dropdown menu set to 'All Inmates & Visitors'. The main content is a table with columns for Inmate Name, ID #, Visitor Name, DOB, Phone, Address, City, State, Relationship, Approved?, Calls Disabled?, and Available Minutes. Two records are visible: one for 'Blub, Emily' (ID 70889) and one for 'Good, Gary' (ID 12345678). To the right of the table is a vertical column of action buttons for each record, including 'Disapprove Visitor', 'Disable Calls', 'Reset Inmate PIN', 'Call History', 'Notes', 'Approve Visitor', 'Disapprove Visitor', and 'Disable Calls'.

Inmate Name	ID #	Visitor Name	DOB	Phone	Address	City	State	Relationship	Approved?	Calls Disabled?	Available Minutes	Options
Blub, Emily	70889	Ted X HomeWAV	08/13/1973	(757) 000-0000	4805 Home WW Ave	youngstown	LA	Father	Yes	no	1 hr, 40 min	Disapprove Visitor Disable Calls Reset Inmate PIN Call History Notes Approve Visitor Disapprove Visitor Disable Calls
Good, Gary	12345678	1234 1234	08/13/1951	(123) 456-7890	1234	1234	VT	Father	Pending	no	0 min	Approve Visitor Disapprove Visitor Disable Calls

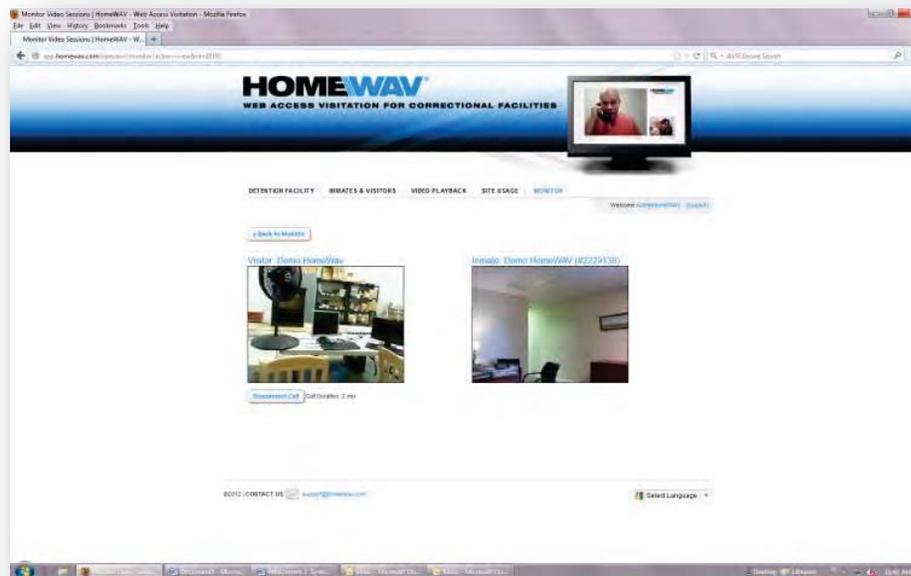
- Can view all inmates in the system
- Can disable an inmate from logging in and making calls
- Can reset an inmate's login PIN
- Can toggle recording on inmate calls
- Can view all visitors registered to the facility
- Can approve/disapprove a visitor
- Can view individual visitor details

## Video Playback Tab



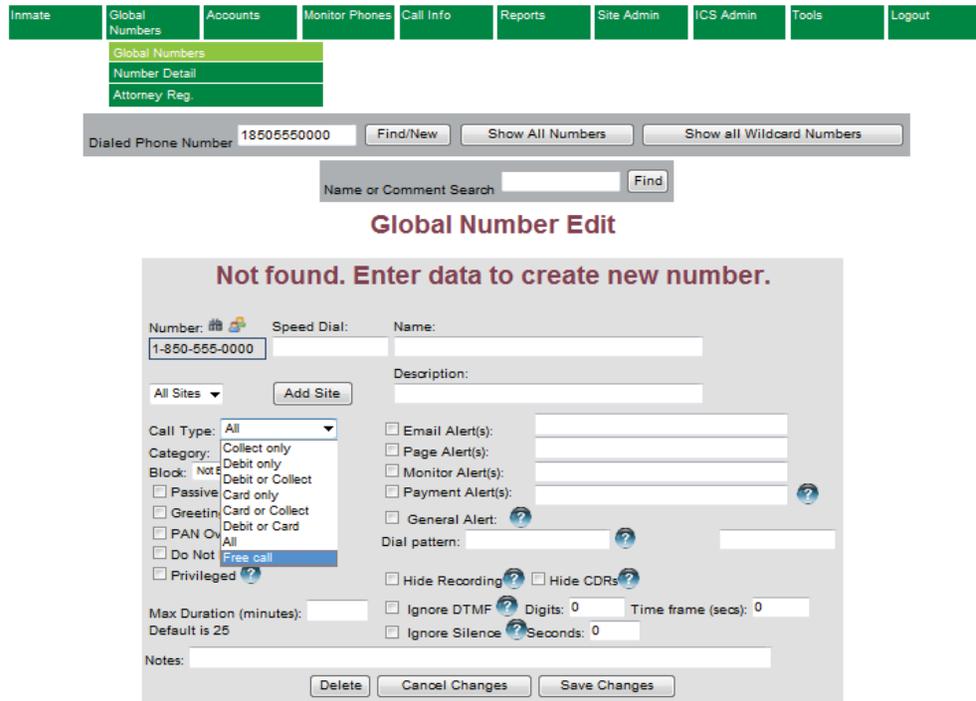
- Can playback previously recorded calls
- Can download a previously recorded call
- Can playback previously recorded video messages
- Can quarantine a video message
- Can refund a call

## Usage Tab



- Can monitor active calls
- Can view facility usage by day/monthly/year
- Can disconnect an active call

- Free Calls: In 5, 10 and 15 minute increments. Calls will be authorized at the Department's discretion. CenturyLink is able to provide to the Department, and without impact to our financial offer. As discussed during our negotiation with the Department, free calls are easily configured within the system – either manually from the inmate screen or through an automated interface from the Offender Management System. Calls to DOC-designated information, informant, or other lines are easily configurable as free to authorized users.



In addition, specified numbers of free calls for designated inmates – e.g. as a reward system as discussed during negotiation – are also able to be designated by authorized users. The number of free calls, in addition to their duration, are configurable by inmate as shown on the screen shot below.

Again the scope of free calls discussed with the Department are such that CenturyLink is able to provide without requiring increased calling rates or decreased commissions. In summary, calls to Department-designated numbers such as the PREA line, an investigator, automated information, etc. are always free and provided without any impact to our financial offer. Free calls for specified inmates as discussed during negotiation will also be made available to the Department without impact to our financial offer.

- Cell phone detection: Minimum of 15 detection units (cellsense or equivalent). CenturyLink is able to provide and exceed the minimum number of units requested through partner MetraSens, maker of the CellSense product. Our 'base' offer described in Attachment 1 includes twenty (20) units with a very modest impact to commission, with additional units available by negotiation.

CellSense, by MetraSens, is a proven system for detecting the presence of cell phones in or on the body, even if the phone is switched off. Operational prison deployments have demonstrated it to be reliable, accurate and effective. It has the advantage of also detecting other contraband items such as shanks, knives and small blades.

Rapid and un-announced deployment and the ability to scan up to 40 individuals per minute means that it is clearly the most cost effective and flexible cell phone detector available worldwide. It can even be deployed covertly since it has the ability to scan through brick, wooden, or plasterboard walls.

CellSense is designed to detect moving "ferromagnetic" objects and will not false alarm on static metal items, no matter how close. CellSense has the portability of a wand and the full body



scanning convenience of an archway metal detector. The unit can scan 40 individuals per minute without contact or intrusion which makes it the most cost effective cell phone detection system of its kind.

**CellSense**

**“The CellSense detectors worked very well for clearing lots of inmates in a short time with a minimal amount of staff. Previously it would take 10 staff almost an hour to clear a building with 200 inmates using hand wands. With 5 staff we were able to clear a building with 200 inmates in about 40 minutes.”**  
Californian Prison Officer

**“The strengths of CellSense are its capability to find metal/magnetic materials that traditional metal detectors do not detect and portability.”**  
Texas DOC Operations Manager

**Detects All Cell Phones**

- Even if switched off
- Even if concealed in a body cavity

**Key Features**

- High portability
- Immediate deployment
- Simple to operate
- Intuitive display
- One person set up
- Battery or mains
- Shower proof
- Freestanding or wall-mounted
- Robust design
- Three year warranty

**Operational Benefits**

- Full body scan with single walk-by
- Large numbers of prisoners scanned quickly
- Body cavity detection
- Bodding and personal effects scanning
- Goods screening
- Covert screening option
- Surprise element (unannounced deployment)
- Psychological effect (unknown technology)
- Suitable for all types of correctional facility

- Interactive Voice Response (IVR) scheduling: appointments, grievances etc.

CenturyLink is able to provide to the Department. These functions are a standard feature of our proposed system, and we are able to offer them without impact to our financial offer.

### Scheduling

Through standard IVR data entry and response technology, the Enforcer can be used to deliver medical or other appointment information to and from inmates. This provides an automated means for inmates to request appointments and receive responses, all in a single, trackable system. The system’s voice messaging module can also be used, for example, for inmates to describe symptoms to medical staff.

This improves the efficiency by reducing labor costs as information passing move away from traditional paper ordering as staff spends less time collecting and processing medical forms.

Implementation will be custom-designed for FL DOC’s needs, with screens and/or search criteria developed on CenturyLink’s FL DOC-dedicated platform for its use.

Staff is able to respond by voice (through staff-to-inmate voicemail) or through text (through the Enforcer’s imbedded text-to-speech converter). Regardless of the method, all communications are recorded and auditable.


**INMATE PHONE SYSTEM**  
 Powered By THE ENFORCER®

Alabama DOC  
 User: bbrinker (v 3.0.44.1-6)  
 Copyright 2009-2011

[Inmate](#) | [Global Numbers](#) | [Accounts](#) | [Monitor Phones](#) | [Call Info](#) | [Reports](#) | [Site Admin](#) | [ICS Admin](#) | [Tools](#) | [Logout](#)

### Create Message

Message:

You are scheduled for a medical appointment on Wednesday June 12, 2013 at 8:00am.

NOTE: To help ensure the accurate conversion of your typed message, do not use non-standard acronyms, slang words, or "text message" abbreviations.

Search for Inmates: (last name, location, id)

Send to all active inmates

Inmate ID	Inmate Name	Location
197442	ANTONIO DAVIDSON	( B1-101A )
285291	BRANDON DAVIDSON	( B1-90B )
288799	CASEY DAVIDSON	( B1-6B )
229188	CLINETTA DAVIDSON	( O2-4B )
195185	EDWARD DAVIDSON	( A1-2A )
139503	ERIC DAVIDSON	( C11-1A )
125170	GARY DAVIDSON	( K50-1A )
286222	JASON DAVIDSON	( D1-7B )
186644	JEFFREY DAVIDSON	( G2-2A )
235840	JOHN DAVIDSON	( D4-34B )
279134	JOHN DAVIDSON	( C5-1B )
274925	KENNETH DAVIDSON	( F1-9A )
279527	KEVIN DAVIDSON	( F2-16A )
173664	KEVIN DAVIDSON	( F3-15B )
145880	MURRAY DAVIDSON	( G3-4A )
217252	RANDY DAVIDSON	( G9-1A )
284709	STEVEN DAVIDSON	( H2-50A )
221114	TAMMY DAVIDSON	( F1-44A )
98233	TOMMY DAVIDSON	
154936	WALTER DAVIDSON	( C2-24A )

Recipients:

220066 ANTONIO DAVIDSON ( B1-19A )

[Inmate](#) | [Global Numbers](#) | [Accounts](#) | [Monitor Phones](#) | [Call Info](#) | [Reports](#) | [Site Admin](#) | [ICS Admin](#) | [Tools](#) | [Logout](#)

Inmate ID:

Category:

Filter by Status:

Submitted |  Released  
 Responded |  Listened

Submitted Between:

From:    
 To:

Active Inmates Only

CSN	Category	Inmate ID	Inmate Name	Submitted	Reviewed	Responded	Elapsed	Listened	Play
No Requests Found									

### Other Information sharing: Inmate Information Line / "Message of the Day"

Both functions are already in place at the Nevada DOC.

The Inmate Information Line allows inmates to check information such as release dates, account balances, and other simple information through straightforward prompts within the ITS. Velocity restrictions can also be placed so that inmates are able to call into the IVR no more than once or twice a day.

Using a voice messaging system Facility staff can create a "Message of the Day" that is delivered to inmates via inmate phone during a specified time period. Facility staff can type the message into the ITS, and the message is translated to a voice recording using text-to-speech technology; or staff can use traditional voice recording to record their message. They then enter the time window (start/stop dates and times) during which the message will be played to inmates. Any time an inmate picks up any inmate phone during the designated timeframe, they will hear the Message of the Day before call connection. When the message expires, it is no longer played to inmates, with no further action necessary from Facility staff.

Individual facilities can use the Message of the Day feature to share information with inmates facility-wide. Additionally, with proper authorization CenturyLink or Department

staff can create messages to inform inmates of new product rollouts, Facility-approved rate modifications, or other changes to inmate calling services.

#### **Grievances – 100% paperless reporting**

Our grievance reporting process can supplement the Department's existing grievance reporting process. With our paperless telephone process, inmates can file grievances, make PREA or crime tip reports, or even file complaints about the Inmate Telephone System – all using secure voice mailboxes on any standard inmate telephone.

Depending upon the type of inmate report, the appropriate Facility staff will be automatically notified when an inmate files a new grievance. Using text-to-speech technology or traditional voice messaging as described, staff can respond to inmate reports via the ITS, and the response will be delivered to a secure voice mailbox for inmate retrieval. All grievances and responses are tracked and can be provided through a custom-developed report for the Department.

***CenturyLink is able to provide these additional services over the ITS due to its position as a network provider, which in turns allows us to “over-provision” the extra bandwidth needed to handle these types of transactions. In addition, by moving these simple high-volume transactions from the kiosks to the inmate phones, kiosks are freed-up for other transactions***

- **Continuous Voice Biometrics**

CenturyLink is able to provide to the Department. Industry-leading voice biometric technology has already been integrated into our proposed Enforcer inmate telephone system platform. Because this technology involves 3<sup>rd</sup>-party royalty costs, deployment does impact our financial offer as described in Attachment 1.

#### **The Investigator**

CenturyLink has partnered with JLG Technologies, LLC to offer the most advanced voice biometrics software available in the corrections market today. The Investigator incorporates technology developed for the United States Department of Defense for its own voice security and detection applications. **CenturyLink has had the Investigator deployed for over 5 years and is the only provider to have continuous voice biometrics deployed in a state DOC. We invite the Department to contact the Nevada and/or New Hampshire DOCs to discuss how The Investigator has positively impacted those agencies.**

***Advanced voice biometric technology automatically detects and marks suspicious activity***

#### Suspicious Call Finder

Conventional voice verification systems – where inmates' voice prints are verified before the call starts but not after – have two major limitations: first, they do not detect inmates

handing the phone to another inmate after validation, and second, in the case of a verification failure, they only record the event.

The Investigator's Suspicious Call Finder module eliminates these limitations and provides analysis of inmate voices throughout the entire call; in addition, it provides the key piece of information correctional facilities value: the probable identities of imposters. When a call is completed, the Investigator goes to work uses specialized hardware and software to perform the billions of mathematical computations necessary to intelligently compare previously enrolled inmate voice models against the voices on the call, determining the highly probable identities of imposters.

### Pre-Call Imposter Detection

The Investigator Pre-Call Imposter Detection module provides pre-call imposter screening. When an inmate initiates a call attempt, the Pre-Call Imposter Detection module compares likely imposters against the voice being provided at the time of the call initiation. Instead of the conventional approach of comparing the inmate voice against a previously recorded sample of the inmate voice, it utilizes its imposter detection system to see if an imposter is trying to make the call and alerts the facility of which inmate imposter is trying to defeat the system.

### Voice-Biometrics Enhanced Link Analysis

The Investigators QuickFind tool results take into account all the intelligence the system has acquired and returns it in easy to understand statements. Each statement represents types of calls the inmate has made or information that associates that inmate with other inmates and their outside called parties.

Categories of calls the investigator can quickly search on are:

- Completed calls made by that inmate PIN
- Any calls where a 3 way call has been detected (a means to hide contact with an unknown called party)
- Calls when the inmate used another inmate PIN (an attempt to hide the inmate identity)
- Calls made where other inmates have used this inmate's PIN (an attempt to hide their identity)

The screenshot displays the 'The Investigator Pro' software interface. At the top, it shows 'Logged in as rrdemo' and 'Demo' status. The main navigation bar includes 'QuickFind', 'Advanced Searches', 'Suspicious CallFinder', 'NoteManager', 'ReportMaker', 'Settings', and 'Help'. The 'QuickFind' section is active, showing search results for '00011293 MICHAEL VENTOR'. The results are summarized in 'Fast Facts about Michael Sanogo Ventor':

- About 3784 calls were made with Michael's PIN Show...
- 95 different phone numbers (4 high interest) were called by Michael Show...
- 29 of Michael's calls involved 3-Way Events Listed Below Hide
- 48 inmates (2 high interest) called the same phone numbers as Michael Show...
- 14 calls were made by Michael using another inmate's PIN Show...
- 35 numbers (4 high interest) found common to Michael and other inmates Show...
- 2 calls were made by other inmates using Michael's PIN Show...

Below the facts, there are buttons for 'Burn Selected to CDR', 'Save Selected', and 'Export to Excel'. A table displays 29 matching records, showing columns for 'Select all', 'Play', 'Notes', 'csn', 'Off Hook Date/Time', 'ID of inmate PIN used', 'Name', 'Phone number', 'Talk Secs', 'Station Name', '3-Way', and 'Susp Index'. Two records are visible:

Select all	Play	Notes	csn	Off Hook Date/Time	ID of inmate PIN used	Name	Phone number	Talk Secs	Station Name	3-Way	Susp Index
<input type="checkbox"/>			1636484	12/02/2006 20:23:33	00011293	Michael Sanogo Ventor	1-903-281-2275	903	C - 2E	1	5
<input type="checkbox"/>			1606927	11/25/2006 18:40:13	00011293	Michael Sanogo Ventor	1-903-281-2275	867	C - 2E	1	5

### Other Investigator System Reports

The Investigator features a number of different system reports that assists the facility investigator in focusing the attention on the most valuable calls to investigate. For investigators, the reports include: enrollment reports, pre-call imposter reports, high-value target calls for review, high-interest-group activity, and a variety of other reports that show frequent abusers of accounts, accounts being abused, and involved called parties. For leadership, the Investigator includes Management Reports to track product usage, ensure user accountability, and provide instant access to any case or inmate-sensitive call activity.

For brevity, a small sample of these reports and search screens are provided below.

Investigators are able to quickly search for all calls with suspected of PIN abuse, by calls using a specific inmate's voice, or any other number of search criteria

The screenshot shows the 'The Investigator Pro' software interface. The main window is titled 'The Suspicious Call Finder™'. It includes a navigation bar with options like 'QuickFind', 'Advanced Searches', 'Suspicious CallFinder', 'NoteManager', 'ReportMaker', 'Manager', 'Settings', and 'Help'. The interface is divided into several sections:

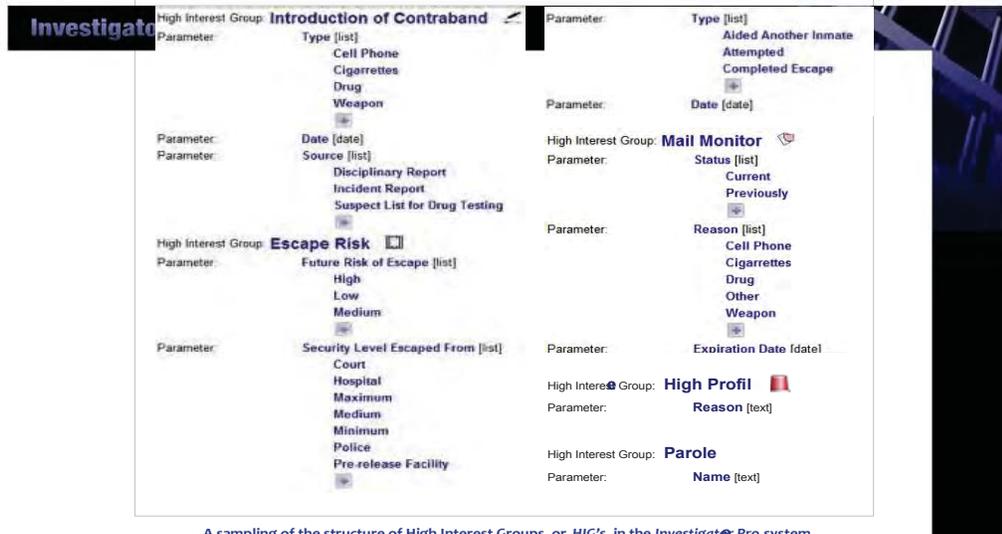
- 1. Create Report on Recorded Calls:** A section for generating reports based on specific criteria.
- 2. Suspicious Call Report:** A table displaying a list of suspicious calls. The table has columns for 'SCP Item', 'CSN', 'Date of Call', 'Used to Place Pin Call', 'Name', 'State', 'Called Phone Number', 'Station Name', 'City', and 'Out'. The report shows 48 high-suspicion calls.
- 3. Most Likely Inmate Callers:** A table listing inmates who are likely to have placed the calls. It includes columns for 'Inmate ID', 'Rating', 'Call Time', 'Phone #', and 'Office'. The list includes names like Michael Sanogo Venter, Bruce Samuel Jacobs, and others.
- 4. Search Call Records:** A search interface for finding specific call records.

The screenshot shows the 'VoiceSearch™' software interface. It is used for searching for calls based on a specific voice. The main window is titled 'VoiceSearch™'. It includes a search bar and a results table.

- 1. Search for calls with the voice of:** A search bar containing '00011293 MICHAEL VENTOR Kalamazoo Cnty A 10/11/200'. The search results show 3782 records total, with 110 records displayed.
- 2. Results:** A table displaying search results. The table has columns for 'Select', 'Voice Score', 'Play', 'Notes', 'csn', 'Off Hook Date/Time', 'ID of inmate PIN used', 'Name', 'Phone number', 'Talk Secs', 'Station Name', '3 Way', and 'Case'. The results show multiple calls from Michael Sanogo Venter with various phone numbers and times.

A sampling of the structure of High Interest Groups (HIGs) in the Investigator Pro system

the management team.



A sampling of the structure of High Interest Groups, or HIG's, in the Investigator Pro system.

**Automatic reporting on High Target Calls for Review:**

Today you reviewed 0 calls. There are 0 calls from today still not reviewed.

Play	Call	Call Time	ID of Inmate	Name	Phone number	Session	Why	Stop
1625201	07/22/2011 15:31:54	00015281	Morse Ismael Jacob	1.920.319.2149	B5 - 1			
1528131	07/22/2011 14:33:34	00015281	Morse Ismael Jacob	1.920.319.2149	B5 - 1	1		
1452527	07/22/2011 14:58:35	00014598	S W Vaazquezortiz	1.414.795.8626	C - 4W	1		
1462132	01/19/2009 19:31:12	00013857	Susan Vestor	1.903.281.3652	A2 - 1L	1		
1459225	12/05/2006 19:56:00	00016738	Timen John Orleans	1.262.334.6171	HD - 1L			
1658473	12/05/2006 20:24:46	00011989	Brakar Robert Jacob	1.920.324.9356	J - NE			
1651633	12/05/2006 22:19:59	00026162	David Calvin Bryant	1.920.261.0330	J - S3			
1651068	12/05/2006 21:31:10	00015271	Barakat Nielson Whatley	1.773.542.5272	C - 3S			
1659737	12/05/2006 20:53:18	00011989	Brakar Robert Jacob	1.920.887.3518	J - NE			
1519573	11/02/2006 18:51:52	00014947	Nickison Russell Schmidt	1.903.281.2275	C - 4W			

**Management Reporting:**

The screenshot shows the 'The Investigator Pro' management reporting interface. It includes a navigation menu with options like 'Case/Find', 'Advanced Searches', 'Suspicious Call Center', 'Message Manager', 'Report/Make', 'Manage', 'Settings', and 'Help'. The main area contains several sections:

- Main Search Terms**: A search bar with 'Call 2/20/2006' entered.
- Check any boxes to add a graph, uncheck boxes to remove a graph**: A list of checkboxes for various filters and reports.
- QTY calls processed**: A line graph showing call volume over time.
- Suspicious calls processed**: A bar chart showing suspicious call volume over time.
- Call list for officer: rr**: A table listing call details for a specific officer.

- Inmate voice mail: Maximum of thirty (30) seconds for friends, family and staff

CenturyLink is able to provide to the Department. Note that voice mails sent from staff to inmates are always provided at no cost or impact to our financial offer; in addition, voice mails from friends & family to inmates incur a modest fee that is fully commissionable to the State.

### Staff-to-Inmate Messaging

CenturyLink offers an inbound messaging service that allows facility staff and called parties to leave messages for inmates. Messages may be automatically retrieved by inmates through the inmate phone system and are available for access by facility personnel for security purposes, for the entire contract term. Using text-to-speech technology or traditional voice messaging, facility personnel and called parties can leave messages for inmates via The Enforcer, and the response will be delivered to a secure voice mailbox for inmate retrieval.

To create a message using text-to-speech technology, authorized facility personnel may simply log in to the system and type the desired message in the field provided and select the recipient, as shown in the screen below. Users have the option to send a message to an individual inmate, multiple inmates or the entire facility.



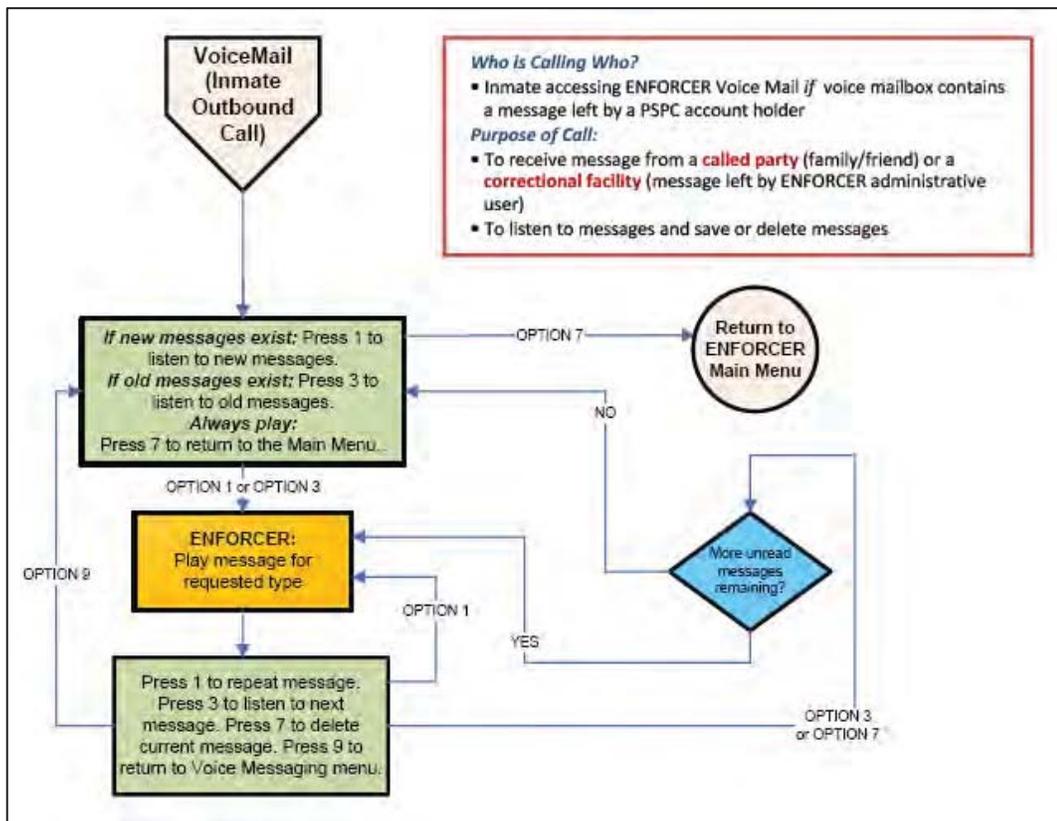
**Inmate Messaging interface**

Inmate messaging services are fully integrated with TheEnforcer. A call detail record and recording will be recorded for each voicemail message and associated with the inmate's PIN. The advantage of hosting these voicemail boxes on the system is that each message will be attached to a complete CDR showing exactly what phone left the message, at what time, and the system user logs will track and time-stamp when each message is played back and by what user. Investigators can also use the Add Notes tools to notes for each call when they followed up on it, what they did etc. These notes will also be time-stamped and saved. The State will therefore have a complete and completely verifiable track record for investigations.

### Family-to-Inmate Voicemail

The ENFORCER can also accommodate messages left by called parties. The voicemail system requires the outside party to have an established PrePaid Collect account prior to accessing the system. The outside party would access the voicemail system by dialing the published toll-free number. Once connected to the voicemail platform, the outside party will be prompted to enter their PrePaid Collect account information to confirm availability of funds. If funds are available, the system will prompt the user to enter the inmate ID, or enter the first 3 letters of the inmate's last name to retrieve an inmate listing. The user will select an inmate from the listing and will be able to record a 30-second message.

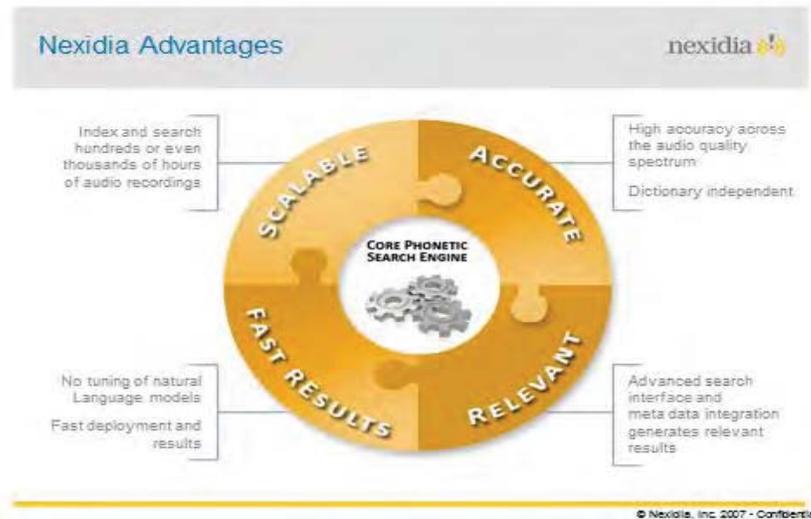
Below is a sample call flow of the inmate messaging system.



Inmate Messaging Call Flow

- Ability to search calls by keywords.

CenturyLink is able to provide to the Department. To meet this requirement, Century Link will deploy keyword search from Nexidia™-- a state-of-the-art phoneme-recognition technology. This technology is vastly superior to traditional speech-to-text transcription-and-spotting programs because it identifies utterance patterns rather than specified words. As a result is widely deployed in banking and stock trading, in addition to correctional environments.



Features of the Nexidia key word search tool include:

- **Phoneme based search:** Reduces words to sounds of spoken language. Enables the software to match utterances – even those with an accent – with keywords (even if misspelled in the search database).
- **Nested Queries:** Many searches (i.e. calls where the word “dope” is used) will return more calls than an investigator has time to listen to. Nested queries allow you to run a search, then search again within the results (i.e. first search for “dope” then search within results for “soon,” or “get.”)
- **Structured Queries:** The meaning of many words or phrases depends on context. Nexidia allows you to run structured queries using and/or statements to quickly identify only those calls where a word is used in a particular way. For instance you could search for “Don’t + tell,” or “Beat-down + saw or heard.”

These capabilities are fully integrated into the Enforcer WordFinder Tool to simply searches using user-defined criteria:

Inmate
Global Numbers
Accounts
Monitor Phones
Call Info
Reports
Site Admin
ICS Admin
Tools
Logout

Found 7 results. Displaying 1-7.

**Search Phrase:**

Language: North American ▼

Start Play:

CSN:

Inmate ID:

Station ID:

Called Number:

Start Date:

End Date:

Limit:

Score	Inmate ID	Inmate Name	Station ID	Called Number	Call Time	Offset	Duration	Occur.	Notes	Play
85	<a href="#">101217</a>	<a href="#">HUBER, DANIEL</a>	1109	<a href="#">1-224-209-0342</a>	06/05/2013 12:35	5:21	8:34	1	+ [icon]	[play]
87	<a href="#">117020</a>	<a href="#">BLACK, ZORANA</a>	1104	<a href="#">1-312-853-6300</a>	06/04/2013 09:21	10:08	15:06	2	+ [icon]	[play]
86	<a href="#">086492</a>	<a href="#">HUFFMAN, WAYNE</a>	1105	<a href="#">1-847-875-4064</a>	06/04/2013 19:42	15:33	19:29	1	+ [icon]	[play]
86	<a href="#">114461</a>	<a href="#">NEBERGALL, ERIK</a>	1114	<a href="#">1-815-986-7948</a>	06/05/2013 11:38	7:25	13:56	1	+ [icon]	[play]
81	<a href="#">101658</a>	<a href="#">CASCIARO, MARIO</a>	1114	<a href="#">1-847-770-5719</a>	06/03/2013 19:28	8:11	20:02	1	+ [icon]	[play]
81	<a href="#">116041</a>	<a href="#">SCHMITT, JON</a>	1105	<a href="#">1-815-354-2706</a>	06/03/2013 20:51	14:35	19:35	1	+ [icon]	[play]

- Capability to capture inmate to inmate telephone communications

CenturyLink is able to provide to the Department. Through our partnership with JLG Technologies CenturyLink offers this capability to the Department at no cost or impact to rates or commissions.

JLG Technologies developed *ICER* (short for Inmate Inter-Communication Evaluation and Reporting) to assist correctional agencies in the discovery and identification of phone calls where inmates are talking to other inmates — whether between pods or between facilities, typically through an accomplice or through some form of outside-facility call conferencing mechanism. When such calls happen with the use of the inmate telephone system, these calls are known as incidents of *Inmate-to-Inmate Communication* — or “ITIC events” for short.

ICER’s sole purpose is to analyze, and thus uncover, links. ICER accomplishes this goal in order to detect these ITIC events.

The impetus for the development of *ICER* was a state DOC investigator who had randomly discovered an ITIC event. Two of the agency’s inmates were communicating between facilities through an outside third party. The correctional administration had intentionally housed the two inmates in separate facilities for security reasons, in an effort to prevent them from communicating with each other. Each inmate had dialed a different phone number in a different state and the third parties bridged the callers together through a low-cost, off-the-shelf call conferencing system.

A noteworthy aspect of this case was that the call bridging was not performed via a 3-Way call. As a result, no form of 3-Way call detection system would have detected the bridging of these calls.

The most significant call bridging event uncovered during the evaluation period involved a series of calls where 5 different inmates from several different facilities had orchestrated a means to be connected simultaneously by dialing multiple different phone numbers.

### ICER System Description

The JLG Technologies ICER system uses advanced voice analysis technology to generate a “call signature” — a representation of the call that does not include any of the original audio — for each completed inmate telephone call. Call signatures are then encrypted and transmitted to the central data center at JLG Technologies headquarters in Framingham, MA for analysis. Because none of the original audio is used in a call signature, the ICER system is in full compliance with the myriad state laws regarding the transmission of call recordings.

Under normal operations, call signatures are created, transmitted and received at the data center within seconds of each completed call. Upon arrival, the call signature is immediately analyzed and checked against other call signatures. If an ITIC event is detected, it is logged in the ICER system database, and investigators from all relevant facilities are alerted through their Inmate Telephone System.

Due to the CenturyLink Team’s strong existing customer base of Florida County Jails, we are also able to detect inmate-to-inmate events across different detention facilities.

ICER provides facilities with a detailed report of each detected ITIC event by means of a graphical user interface (GUI), so the facility can review the phone call involved in the ITIC event, and take appropriate action.



**ICER**  
INMATE INTER-COMMUNICATIONS  
EVALUATION & REPORTING

### ICER Event Report

Inmate Inter-Communication Event identified on  
**September 1, 2012 at 09:31 pm EST**

An Inmate Inter-Communications Event has been detected involving an inmate at your facility. The details of this event follow below.

Inmate	Jones Mike	Anderson Sam
Agency	FLDOC	FL DOC
Site	Wakulla CI	Gulf CI
Inmate ID	1233455	338412
Called Number	123-456-7890	123-456-7890
Station Name	A31-W	B-34 E
Call ID	8833456	3342235
Call Start Time	09/01/2012 08:31 pm	09/01/2012 08:27 pm
Time Into Recording (H:M:S)	0:00:04:22	00:08:19
Duration of Event (H:M:S)	00:5:31	00:05:31



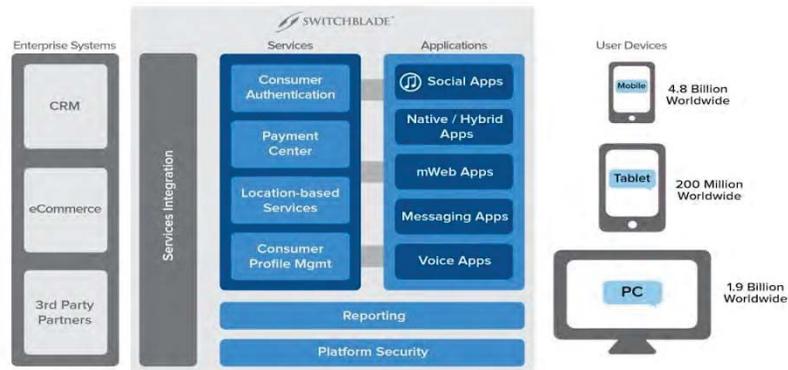
- Location based services of called cell phones.

CenturyLink is able to provide to the Department. Because the service requires payments to a third party provider, implementation would have a modest impact to our financial offer as shown in Attachment 1.

CenturyLink will leverage the Switchblade® platform to provide Location Based Services to the Department. Utilizing a combination of carrier network-based location and GPS, the Switchblade platform can access the consumer location regardless of carrier or cellular device type. These Location Based Services are currently supported by Verizon, ATT, Sprint, T-

Mobile, Cricket, Boost and Virgin Mobile. The service will be expanded to include U.S. Cellular and MetroPCS later this year.

The capability is straightforward. In conjunction with the call delivery to the cellular device, the consumer will be prompted to allow the carrier to utilize their location (Opt In) or the call delivery greeting will be enhanced, based on carrier specifications, to notify the consumer that acceptance of this call will allow the carrier to identify their location and demand positive acceptance to proceed. Once positive acceptance is granted by the consumer and captured by the platform, the call is connected and the latitude/longitude coordinates are passed to the CenturyLink centralized platform and stored in the database.



Leveraging this expansive Switchblade® platform and the aforementioned operational process, CenturyLink can establish a “Geo Fence” perimeter around each facility and generate notifications or alerts to investigators when an inmate call is accepted within the designated Geo Fence perimeter. CenturyLink will work with the Department to implement this service so it will not impact operational efficiency or revenue generation while at the same time delivering the valuable security information to the Department.

In order to provide the best value to the state, the Department reserves the right to accept or reject any or all of the additional negotiated services.



CenturyLink has read and understands the Department’s right to accept or reject any of the additional negotiated services.

**C. VALUE-ADDED SERVICES**

Value-added services include any services, including additional services that the Contractor offers to provide as part of the Contract resulting from the ITN that is either not required to be provided in the ITN or RBAFO or clearly exceeds the minimum requirements of required service. The Respondent shall provide a detailed description of each value-added service, system and/or equipment functionality, in narrative form. If included in the Contractor's BAFO and accepted by the Department, "Valued-Added Services" shall be provided as part of the contracted service at no additional cost to the Department and with minimal impact to family and friends.



Read, agreed, and will comply. CenturyLink remains committed to providing the value-added services detailed in section 3.1 of our original response, and reiterates its commitment to provide any of those services if desired by the Department.

For brevity and to maintain the file size of this document for electronic delivery, we have provided the summary table of these services contained in our original response. Because some of those services were requested in this RBAFO, we have added a comment column for notation.

**SUMMARY OF VALUE-ADDED FEATURES**

<b>Value-Added Functionality – No Cost to the Department, Inmates, or Friends &amp; Family</b>			
<b>Feature</b>	<b>Benefit</b>	<b>Description</b>	<b>Comment</b>
<b>(1) Inmate Medical Scheduling</b>	<ul style="list-style-type: none"> <li>Reduced staff time</li> </ul>	Inmates can schedule appointments over the phone using automated prompts. Inmates select medical appointment times over the phone and receive messages back when times are confirmed.	Included in section B – additional negotiated services
<b>(2) Inmate Information Line and "Message of the Day"</b>	<ul style="list-style-type: none"> <li>Reduced staff time</li> <li>Enhanced inmate welfare</li> </ul>	Inmates are able to track appointment, parole, court, and release dates, in addition to commissary balances and other routine information.	Included in section B – additional negotiated services
<b>(3) Grievance Hotline</b>	<ul style="list-style-type: none"> <li>Reduced staff time</li> </ul>	Should the Department implement CenturyLink's PAN Auto-enrollment process, synergies would allow us to add a Grievance hotline feature to the ITS	Included in section B – additional negotiated services
<b>(4) Friend &amp; Family IVR</b>	<ul style="list-style-type: none"> <li>Reduced Staff workload</li> </ul>	Routine announcements such as visiting times, release dates, etc. can be handled by an IVR, eliminating staff time required to answer phones.	Available throughout the contract at no cost

<p><b>(5) Emergency Auto-Dialer</b></p>	<ul style="list-style-type: none"> <li>• Reduced staff workload</li> <li>• Better communications with inmate friends &amp; family</li> </ul>	<p>CenturyLink has the capability, on fairly short notice to generate a calling campaign to provide general information to friends and family. For example, if a disaster at a facility (fire, flood) that causes the ITS to no longer function, a automated calling campaign could provide a status to all members of an inmate’s PAN</p>	<p>Available throughout the contract at no cost</p>
<p><b>(6) Data Detective</b></p>	<ul style="list-style-type: none"> <li>• Increased investigative capabilities</li> </ul>	<p>Data Detective works with CenturyLink’s inmate E-mail and photo offerings. The system automatically identifies key words and phrases, and reports connections with other inmates and those on the outside.</p>	<p>Available throughout the contract at no cost</p>
<p><b>7) PAN Auto-Enrollment</b></p>	<ul style="list-style-type: none"> <li>• Eliminate paper PAN forms</li> <li>• Ensure verification of associated name and address for investigative purposes</li> </ul>	<p>By augmenting staff to our existing PAN verification center in Rocky Mount, NC, CenturyLink offers to take over the paper-based process managed by the Department, providing name and address information for each PAN prior to allowing inmate calls to that number</p>	<p>Available throughout the contract at no cost</p>
<p><b>8) Data Sharing with Florida Counties</b></p>	<ul style="list-style-type: none"> <li>• Increased staff efficiency</li> <li>• Potential reduction of criminal activity</li> </ul>	<p>For those counties that share the same ITS platform as the Department, mutual arranges could be made to give investigators from the counties and the Department mutual authority to listen to recordings and view data. As both entities would be using the same ITS platform, there would be no additional training required.</p>	<p>Available throughout the contract at no cost</p>
<p><b>(9) Additional Investigative Assistance (Includes Access to Additional Reverse Lookup Databases)</b></p>	<ul style="list-style-type: none"> <li>• Increased staff efficiency</li> <li>• Potential reduction of criminal activity</li> </ul>	<p>Name and address information for all approved numbers provided in multiple locations, including simple “hot-link” from call record reporting screens.</p> <p>Exclusive access to Local Exchange Routing Guide (LERG) – provides carrier information and subpoena contacts for phone numbers.</p>	<p>Inherent part of CenturyLink service program</p>
<p><b>(10) ITS Training Video</b></p>	<ul style="list-style-type: none"> <li>• Reduced staff time</li> <li>• Consistent instructions to inmates</li> </ul>	<p>CenturyLink has an in-house video development group and can produce a video tailored to the Department on the features of the ITS, which can be used at the intake facilities to familiarize the inmates with the ITS.</p>	<p>Available throughout the contract at no cost</p>

<b>(11) Phone-Based Commissary Ordering</b>	<ul style="list-style-type: none"> <li>• Reduced staff time</li> <li>• Reduced paperwork</li> </ul>	<p>Should the Department wish to investigate alternatives to their existing processes, CenturyLink can provide detailed information on this feature.</p> <p>Commissary items can be ordered and prepackaged for pickup or delivery.</p>	Available throughout the contract at no cost
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<b><u>Value-Added Functionality – No Cost to the Department / Funded by Fees Inmates or Friends &amp; Family</u></b>			
<b>Feature</b>	<b>Benefit</b>	<b>Description</b>	<b>Comment</b>
<b>(12) Video Visitation</b>	<ul style="list-style-type: none"> <li>• Reduced staff time</li> <li>• Vehicle for inmate debit account refunds</li> </ul>	Video Visitation with either facility-controlled scheduling or inmate-controlled scheduling. CenturyLink would recommend a pilot at one facility to evaluate the concept by the Department.	Included in section B – additional negotiated services
<b>(13) Inmate Voicemail</b>	<ul style="list-style-type: none"> <li>• Increased communication with family</li> <li>• Revenue source</li> </ul>	Standard inbound voicemail from family members to inmates, maintaining security controls	Included in section B – additional negotiated services
<b>(14) Inmate E-Mail</b>	<ul style="list-style-type: none"> <li>• Reduced contraband</li> <li>• Reduced staff workload</li> <li>• Improved investigative capabilities</li> <li>• All messages retained</li> <li>• Faster inmate/family communication</li> </ul>	Incoming email processed through Data Detective. Potential to integrate download using an inmate kiosk. Two-way feature available to allow inmate to respond to sender.	Available throughout the contract at no cost
<b>(15) Inmate Electronic Photo Delivery</b>	<ul style="list-style-type: none"> <li>• Reduced contraband</li> <li>• Reduced staff workload</li> <li>• Improved investigative capabilities</li> <li>• All messages retained</li> <li>• Faster inmate/family communication</li> </ul>	Up to 36 photos can be reviewed on-line quickly by staff. Photos can be printed or potentially sent to inmate kiosk Data Detective integration.	Available throughout the contract at no cost

Value-Added Functionality – Impacts Commission Offer to the Department and/or Calling Rates to Inmates & Friends/Family Members			
Feature	Benefit	Description	Comment
(16) Voice Biometrics (continuous throughout the call)	<ul style="list-style-type: none"> <li>Reduced PIN stealing</li> <li>Helps locate suspicious behavior, including biometric identification of 3-way calls</li> <li>Biometric officer check-in available</li> </ul>	This offering (Investigator Pro) allows <i>continuous</i> voice biometrics (as opposed to a random check throughout the call), and provides enhanced tools for investigators.	Included in section B – additional negotiated services

**D. EVALUATION PROCESS INFORMATION**

**Phase 8 - Best and Final Offers**

Respondents will be asked to submit to the Department their Best and Final Offer in accordance with revised specifications, if applicable, as set forth in the Department’s Request for Best and Final Offers. The vendors’ Best and Final Offers shall contain the best pricing option the vendor is prepared to offer as specified in Section A, Pricing, however, after submission of Best and Final Offers, the Department reserves the right to clarify any element of required service or further negotiate pricing with a single or all qualified respondents prior to final award. After receipt of BAFO’s, the Negotiation Team will prepare a summary report of negotiations and enter a recommendation as to which respondent provides the best value to the state. Award will be made in compliance with Section 287.057 (3) (b), Florida Statutes.



Read and understood.

**E. BEST AND FINAL OFFER RESPONSE INSTRUCTIONS**

Responses to this Request for Best and Final Offer shall be received no later than close of business (5:00 p.m. ET), Tuesday, June 18, 2013. Responses may be emailed (preferred), faxed or sent hard copy sent via mail. If submitting via email, please submit to [hussey.julyn@mail.dc.state.fl.us](mailto:hussey.julyn@mail.dc.state.fl.us) with a cc to [wright.kelly@mail.dc.state.fl.us](mailto:wright.kelly@mail.dc.state.fl.us). Faxed responses may be sent to 850-488-7189



Read and understood.

**F. SIGNED STATEMENT OF ACCEPTANCE OF MINIMUM SPECIFICATIONS, TERMS AND CONDITIONS AND FINAL CONTRACT**

The Respondent shall include a signed statement acknowledging acceptance of the minimum specifications and their intent to comply with all terms and conditions indicated in the ITN, Respondent’s Initial Response, the Request for Best and Final Offer and Respondent’s Best and Final Offer.

When a contract is established between the Department and the successful Respondent, the ITN, the Initial Response to the ITN, the Request for Best and Final Offer and the Respondent’s BAFO shall be incorporated into and thereby become a part of that contract. If there is a conflict in language, the Department’s contract will govern.



Respondent Embarq Payphone Services, Inc. dba CenturyLink (“CenturyLink”) has read, agreed, and will comply with all requirements as stated in this section F. In addition, CenturyLink acknowledges receipt and its agreement to comply with the Department’s response to the two subsequent vendor questions:

Q#1 received 6/17/2013 from Kelly Wright:

QUESTION:

Section A. Pricing/Cost Proposal

1. Please confirm the Department is seeking a Blended Telephone Rate for All Calls inclusive of all surcharges stated as a cost per minute in this section.

ANSWER:

In this Section, the Department is seeking a Blended Telephone Rate per minute inclusive of all surcharges.

Q#2 received 6/18/2013 from Kelly Wright:

QUESTION:

Page 10 sec 2.6 of ITN states that Commissions are calculated as a % of gross revenues as reported within the CDR’s. Therefore we assume all proposed per minute rates, including those associated with Value Added Services in Section C of the RBAFO, must be commissionable and not proposed as non-commissionable adjustments?

ANSWER:

Correct. Revenue shall be paid to the Department in accordance with section 2.6 of the ITN.

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**Respondent:** Embarq Payphone Services, Inc. dba CenturyLink

**Authorized Representative Acknowledging Acceptance:** Paul Cooper, General Manager

**Signature of Authorized Representative:**

**Date of Signed Acknowledgement:** 6/18/2013

**ATTACHMENT 1**

**CenturyLink is pleased to offer this Cost Proposal for Additional Negotiated Services. Please also see explanatory notes below.**

Additional Negotiated Services Requested	Additional Negotiated Services Cost Proposal			VIDEO VISITATION ONLY	
	Additional Charge Per Minute to Blended Telephone Rate Proposed * (i.e. \$.01 increase)	"To Connect" Surcharge** (i.e. \$.25 per call)	Percentage Change to Department Commission Rate Proposed*** (i.e. 2% reduction)	Blended Video Visitation Per Minute Rate Proposed (inclusive of surcharges)	Department Commission % Rate Proposed
1.) Video Visitation (5 pilot sites)				<b>\$0.50/minute</b>	<b>20.0%</b>
2.) Free Calls	NC	NC	NC		
3.) Forensic Extraction Options	NC	NC	<b>0.11% reduction<sup>1</sup></b>		
4.) Investigative Function	NC	NC	<b>0.30% reduction<sup>2</sup></b>		
5.) Cell Phone Detection	NC	NC	<b>0.23% reduction<sup>3</sup></b>		
6.) IVR Scheduling	NC	NC	NC		
7.) Continuous Voice Biometrics	<b>\$0.023 increase<sup>4</sup></b>	NC	NC		
8.) Inmate Voice Mail	NC	<b>\$0.75/call<sup>5</sup></b>	NC		
9.) Ability to search calls by Keywords	<b>\$0.006 increase<sup>6</sup></b>	NC	NC		
10.) Capability to capture inmate to inmate telephone communications	NC	NC	NC		
11.) Location Based Services (cell phones called)	NC	<b>\$0.11 per call<sup>7</sup></b>	NC		

\*If no additional charge per minute is being proposed respondent must indicate NC (no charge)

\*\*If no surcharge is being proposed respondent must indicate NC (no charge)

\*\*\*If no change to initial department commission rate is being proposed respondent must indicate NC (no change)

1. Includes six (6) units along with a dedicated computer for each unit. More units may be negotiated at the Department's discretion.
2. Investigative software is available at no impact to the Department. Commission reduction is to fund the additional associate – with competitive salary and benefits – to assist the Department. More personnel may be negotiated at the Department's discretion.
3. Includes twenty (20) units. More units may be negotiated at the Department's discretion.
4. Alternatively, continuous voice biometrics could be funded by an 8.0 percentage point decrease to commissions. As an alternative, if the additional charge could be treated as non-commissionable (which we understand is not consistent with rules as stated), the additional per-minute rate could be reduced to \$0.008.
5. Note this is a per-call charge to friends and family send a voicemail to an inmate, NOT a surcharge to all inmate phone calls if the service were implemented.
6. If this additional charge could be treated as non-commissionable (which we understand is not consistent with rules as stated), the additional per-minute rate could be reduced to \$0.002.
7. If this additional charge could be treated as non-commissionable (which we understand is not consistent with rules as stated), the additional per-call surcharge could be reduced to \$0.05 per call.

**EXHIBIT C**

# Transmittal Letter

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June 18, 2013

Department of Corrections  
Attn: Julyn Hussey, Procurement Manager  
Bureau of Procurement and Supply  
501 South Calhoun Street  
Tallahassee, Florida 32399-2500  
Phone: (850) 717-3679

**Re: RBAFO for Statewide Telephone Services - ITN #12-DC-8396**

Dear Ms. Hussey,

Securus is pleased to have the opportunity to provide our response to your request to enter into competitive negotiations and to provide additional information for this Request for Proposal. We acknowledge acceptance of the minimum specifications and it is our intent to comply with all terms and conditions indicated in the ITN, our initial response, the Request for Best and Final Offer, and our Best and Final Offer to the Department.

Securus has responded to each and every one of the additional services the Department has requested with a comprehensive approach, which we believe provides the best value to the Department. Our operational efficiencies enable Securus to aggressively address your requirement for both low rates and high commissions, in fact, we project that the Department will benefit from a thirty percent (30%) increase in inmate calling based upon our experience with similar rate reductions.

Securus looks forward to additional discussions with the Department and the opportunity to demonstrate our proposed technologies when appropriate.

Please do not hesitate to contact me or Bryan Carrell, System Administrator at any time you require additional information from Securus. Mr. Carrell can be reached by telephone (850) 893-6921 or by email at [bcarrell@securustech.net](mailto:bcarrell@securustech.net).

Sincerely,



Robert E. Pickens, Chief Operating Officer  
Securus Technologies, Inc.  
14651 Dallas Parkway, Suite 600, Dallas, Texas 75254  
972-277-0300  
[bpickens@securustech.net](mailto:bpickens@securustech.net)

# RBAFO – ITN #12-DC-8396

This is the Request for Best and Final Offer (RBAFO) in response to negotiations with three (3) respondents to the Department’s ITN# 12-DC-8396. This RBAFO contains Pricing, Additional Negotiated Services, and Value Added Services as discussed during negotiation and outlined below. The other specifications of the original ITN, unless modified in the RBAFO, remain in effect. Respondents are cautioned to clearly read the entire RBAFO for all revisions and changes to the original ITN and any addenda to specifications, which are incorporated herein and made part of this RBAFO document.

Unless otherwise modified in this Request for Best and Final Offer, the initial requirements as set forth in the Department’s Invitation to Negotiate document and any addenda issued thereto have not been revised and remain as previously indicated. Additionally, to the extent that portions of the ITN have not been revised or changed, the previous reply / initial reply provided to the Department will remain in effect.

## A. PRICING

The Respondent shall provide their Best and Final Offer for rates on the below Cost Proposal Table. Costs should be submitted with the most favorable terms the Respondent can offer.

**NOTE: Blended Telephone Rates for family and friends shall not exceed two dollars and ten cents (\$2.10) for a fifteen (15) minute call.**

The Department is seeking pricing that will provide the best value to the State. The Department desires that the resultant contract generates the highest percentage of revenue for the state and the lowest possible telephone call rate charges for inmate families and friends.

### COST PROPOSAL

	INITIAL Contract Term 5 years	ONE Year Renewal	TWO Year Renewal	THREE Year Renewal	FOUR Year Renewal	FIVE Year Renewal
Department Commission % Rate Proposed	46%	75%	75%	75%	75%	75%
Blended Telephone Rate for All Calls* (inclusive of surcharges)	\$0.095	\$0.095	\$0.095	\$0.095	\$0.095	\$0.095

**B. ADDITIONAL NEGOTIATED SERVICES**

**The Department is interested in the following services that were addressed during negotiations:**

The Respondent shall provide a detailed description of each of the below services, systems and/or equipment functionality, in narrative form. If included in the Contractor's BAFO and all, or a portion of, are accepted by the Department, these services shall be provided as part of the contracted service, and at the rates shown in the Cost Proposal (see Attachment 1) submitted in the respondent's BAFO.

- Investigative functions : An Investigative tool with the ability to import external sources of data and at least one (1) dedicated staff person to assist with analyzing investigative data;

Securus will provide our THREADS data analysis investigative tool, giving the Department the ability to easily import external sources of data and one (1) dedicated staff person to assist with analyzing investigative data. The THREADS investigative tool and the investigative staff person were offered at no charge to the Department in the Securus ITN response and will continue to be offered at no charge to the Department in this RBAFO response.

A full description of the THREADS investigative offering and the Florida based Investigative Services Specialist (dedicated staff person) can be found in the Securus ITN response. The key THREADS description begins on page 145 and ends on page 148. The Investigative Services Specialist description is located on page 313.

The next two paragraphs include summary descriptions of THREADS and the Investigative Services Specialist.

Securus' THREADS application is a powerful and easy to use investigative platform providing law enforcement and Corrections customers using SCP with focused leads to drive information led policing. This software analyzes corrections and communications data such as inmate information, call data from SCP, public phone records (obtained through normal legal process), money transfer transactions, cell tower record downloads, data from confiscated cell phones (text messages, emails, calls, contacts, pictures), and called party data including billing name and address, communication history, and much more –to generate focused and targeted investigative leads for investigators.

#### **Florida-Based Investigative Services Specialist**

Securus is proposing to provide to the Department a full time Investigative Services Specialist employed by Securus to serve the Department as a new resource to ensure you receive the full incredible benefits of our THREADS application. This person will be provided at no additional cost to the Department. The proposed Investigative Specialist will be thoroughly trained by Securus and Guarded Exchange to work side by side with the Department investigators, on a full-time basis, and will provide daily assistance in running THREADS investigative reports. The proposed Specialist will also be responsible for assisting investigators in integrating THREADS information with ACISS information and ensuring that the THREADS investigative analytical tool is adding value to the Department's investigative staff.

Securus, along with our partner Guarded Exchange, is pleased to offer increased staffing levels to assist with analyzing investigative data. This offer is in addition to the minimum requirement of at least one (1) dedicated staff person to assist with analyzing investigative data. This enhanced offer includes staffing to monitor approximately two and one half percent (2.5%) of all inmate calls on an annual basis. Department regulations make Wardens responsible for ensuring that staff conducts a minimum of forty (40) hours of monitoring per month. Work release centers are not subject to telephone monitoring. Accordingly, the Department has 101 facilities that require a minimum of 40 hours of monitoring per month, totaling a minimum of 4,040 hours of monitoring. By having Guarded Exchange monitor 2.5% of all inmate calls guarantees that an average of 4,288 hours will be monitored each month, giving Wardens additional options to maximize utilization of existing staff. Options could include keeping Department staff monitoring 4,040 more hours of inmate calling and having staff follow up on actionable intelligence generated from Guarded Exchange monitoring efforts.

Specifically, Guarded Exchange will be responsible for the following:

Provide a sufficient number of personnel to listen to and review a minimum of 2.5% of all offender calls, in their entirety. The 2.5% of offender calls to be monitored will be based on the use of proprietary data mining, behavioral analysis and filtering technologies and other proprietary strategies in conjunction with the intelligence gathering priorities established by the Department. In providing the monitoring and review of offender calls, Securus, through Guarded Exchange, will incorporate any data mining strategies established by the Department. The monitoring will use a combination of technology from Guarded Exchange and Securus and sufficient personnel for the purposes of collecting intelligence from the SCP ITS.

The use of sufficient personnel, strategies, and technologies that will identify at a minimum the following:

- Suspicious or suggestive key words or phrases
- Calls that suggest threats to the safety and security of the facility, staff, volunteers, and inmates entrusted to the care of the Department
- Criminal activity inside and outside of the facility

Upon approval from the Department, Securus will provide Guarded Exchange with the associated interface to access records that will be required to facilitate direct input into the Guarded Exchange proprietary software for the purposes of this solution.

The Guarded Exchange proprietary software also includes the Echo™ Voice Biometric Solution.

**Echo is the only continuous voice biometric solution that does not require a resource intensive, formal enrollment process.** Instead, biometric voice prints (BVPs) are automatically generated from call recordings and are perpetually improved with each pass through the system, ensuring the highest possible accuracy rate.

Regardless of whether the speaker is the calling party (inmate) or the called party (civilian), Echo can print and identify speakers on both sides of the call, further enhancing its ability to identify persons of interest.

In addition to identifying speakers who are currently incarcerated (on both sides of the call), Echo is able to analyze calls and identify individuals who have been previously incarcerated such as ex-inmates, parolees, etc., and notify Guarded Exchange monitors of such events.

Further, Echo is able to create voice prints on request; for example, when a suspect is not an inmate and may be reached on numerous telephone numbers (a condition virtually impossible to detect outside of Echo). Once the print is created, the suspect's voice can be searched for through historical calls and added to a watch list for future calls so monitors can be proactively notified of the presence of the speaker in a call, enhancing their ability to extract potential intelligence from the call recording(s).

The Echo system is entirely independent of language, channel, or text: This means the BVP can be generated from any audio source and used to match the speaker in any other channel. For example, audio captured via the inmate telephone system during an investigation can be compared to audio obtained using a microphone during interrogation. Additionally, regardless of what language the BVP is created in, it can be matched to a speaker in any language he may speak, regardless of the words he chooses to use.

To facilitate investigations, the Echo database can be queried by voice, identifying all the calls in which a targeted inmate may have spoken. Much more than this, a voice of a targeted NON-INMATE can also be run against the database giving investigators unparalleled intelligence gathering tools.

Securus will submit all gathered intelligence in a format agreed to by the Department. All gathered intelligence would be submitted to the Department upon discovery.

In addition to the daily and or weekly business meetings with the Office of Inspector General, Securus will also co-chair an account team, consisting of Securus and On-Site Guarded Exchange Analysts. The team will be proactive in meeting with the Department and the Office of Inspector General on a routine basis for the purposes of reviewing the success of the program, making adjustments as necessary, and participating in creative sessions to add to this solution.

Securus and Guarded Exchange are providing these same monitoring services to the Missouri Department of Corrections (MO DOC). Guarded Exchange is monitoring 5% of MO DOC calls, over 8,000 hour per month (twice the amount of hours being proposed in this RBAFO).

Securus encourages the Department to call MO DOC to verify the success of this program. Securus is willing to sponsor a trip for the Evaluation Team members or other designated Department representatives to travel Jefferson City, MO to see a firsthand account of the Guarded Exchange monitoring and operations center (co-located in same building as MO DOC Investigator General).

Pricing for this enhanced staffing is included in Attachment 1 – Additional Negotiated Services Cost Proposal - Investigative Function.

- Forensic extraction options: Minimum of six (6) Universal Forensic Extraction Devices (Cellebrite or equivalent); and off site examination of data - maintaining a defensible chain of custody;

Securus will provide six (6) Universal Forensic Extraction Devices and off site examination of data while maintaining a defensible chain of custody. Securus proposes to provide the Department with six CelleBrite UFED forensic extraction devices to be delivered to the Department's location(s) of choice.

Utilizing this new technology will result in substantially more rich information available to investigators. CelleBrite and UFED are the recognized leaders in cell phone extraction capabilities; however, not all cell phones are capable of being decrypted with these devices alone. Securus will provide you access to utilize additional tools such as Encase, the leading software-based solution capable of extracting electronic media in addition to cell phones, through your dedicated Investigative Service Specialist working with our partner, Guarded Exchange. Upon extraction, cell phone forensics data will be loaded into THREADS for immediate availability and Departmental access. Information can also be submitted directly to the Department via FTP or other preferred medium. Usage of Securus' Forensic Analysis Program eliminates the need to hire incremental staff to administer such programs being considered for development. Also, through Securus' exclusive partnership with Guarded Exchange, Certified Forensic Examiners are fully trained and available in order to maintain Chain of Custody for evidentiary purposes.

The six CelleBrite UFED forensic extraction devices were offered at no charge to the Department in the Securus ITN response and will continue to be offered at no charge to the Department in this RBAFO response.

### **Guarded Exchange Forensic Services**

Guarded Exchange is fully certified to use the CelleBrite Universal Forensic Extraction Device Touch Ultimate. The CelleBrite UFED Touch Ultimate currently supports physical and logical extraction of over 3000 mobile devices. Guarded Exchange can also provide training and support for directly importing extracted data into the Securus data analysis tool THREADS, for use by Department investigators.

The Department, at its option, can ship confiscated cell phones to the GEX Forensics lab located in Jefferson City, Missouri, using the GEX Chain of Custody protocols. GEX will perform a data extraction of the device at no additional cost to the State. Information recovered, at the Department's option, will be made available via secure FTP site for download, within 3 business days of receipt of the device. The device, along with a certified copy of the extracted information on CD, will be shipped back to the originating location following Chain of Custody protocols.

Along with the Off-Site examination option, Guarded Exchange will also offer its expertise and assistance to the department for the purpose of developing a Departmental Digital Forensics Unit, if desired.

Guarded Exchange forensic services also has access to numerous industry standard Computer Forensic programs (Encase, Internet Evidence Finder, Passware, Oxygen Phone Forensic Suite, Forensic Explorer) that are also able to perform data extraction on mobile devices as well as Forensic software and hardware to perform in depth forensic analysis on images/acquired devices as well and any form of digital media, at no additional charge to the State.

Guarded Exchange currently employs CelleBrite UFED Touch certified users as well as a certified Digital Forensic Examiner and Missouri Licensed Private Investigator with over 4 years of experience in the field of data extraction, data analysis and cyber crime.

The combined experience of the Guarded Exchange staff combined with the Industry leading hardware and software would ensure that the highest quality of digital forensic services on mobile and any digital media.

The policies and procedures for maintaining a chain of custody that were approved by the Missouri Attorney General were modified for the private sector and adopted for Guarded Exchange Forensic Services. These policies for chain of custody and data extraction and analysis were tried and tested policies based on Law Enforcement cyber crime programs. These Policies were designed and implemented to maintain strict chain of custody doctrines and maintain them throughout the process from receiving of the evidence, data extraction and return of the evidence. Mobile Device policies and procedures are also based upon industry recognized policies as recommended by CelleBrite. A copy of Guarded Exchange Forensic Services Policies and Procedures, including all forms and documents will be made available to the Department.

Every item received by Guarded Exchange Forensic services is entered into an electronic spreadsheet as well as individually labeled and attached to an Acquired Property form, where custody within the Guarded Exchange offices is maintained and documented. All received evidence is secured in a locked room with access to a signal proof Faraday cage to maintain original data on all evidence.

The Guarded Exchange forensic lab and evidence is a locked, secure room with access limited to staff approved by the Forensics Services Coordinator.

### **Personnel Training and Staff Education**

As well as secure, professional off site data extraction of mobile devices and digital media forensic analysis, Guarded Exchange staff is also available to provide training to Department staff. This training may be provided in house at Department facilities or via a live or prerecorded webinar. Staff will be trained on the correct procedures for securing seized mobile devices or other digital media so as to ensure the integrity of the device and any contained evidence. Staff will also be trained on correct packing and shipping procedures for seized/recovered mobile devices or other digital media.

Guarded Exchange is also partnered with H11 Digital Forensics to provide CelleBrite UFED Certification Training to select staff at an approved Department training location. Guarded Exchange will provide a week long Certification Class to be conducted by H-11 for up to 9 Department staff at a Department training facility of the Departments choice.



### **Certified CelleBrite Training Courses and Cell Phone Forensics**

These certified CelleBrite training courses begin with the core components of the CelleBrite UFED Ultimate system and advance for comprehensive mobile device forensic examinations. Participants will learn how to perform the following extractions: Logical, File System, Passcode Recovery, and Physical. These CelleBrite training courses are not a glorified repeat of the user guide or merely imaging lots of phones. The H-11 Certified CelleBrite training courses are engineered, updated, and modeled for those cell phone forensic examiners who want to learn sound methodologies and comprehensive skills. Participants will learn proper extraction processes, how to read HEX dumps, PDU encoding, and specialized techniques to better utilize the CelleBrite UFED Ultimate & CHINEX systems to their full potential and capabilities.

- Video visitation: Pilot program at five (5) facilities, identified by the Department, with an option for statewide implementation, at the Department's discretion.

Securus will provide a Video Visitation Pilot program at five (5) facilities, identified by the Department, with an option for statewide implementation, at the Department's discretion.

During the pilot program Securus will work with the Department to help develop policy and procedures for a potential roll out of a statewide solution. A successful pilot should generate sufficient volumes of paid visitations; an average of one visit per inmate per month is the norm for a successful pilot. Securus proposes to provide the Department with this statewide Securus Video Visitation Services at no cost to the Department.

The price for visitors using the system and proposed commission rate to the Department is identified in Attachment 1. – Additional Negotiated Services Cost Proposal - Video Visitation (5 pilot sites).

This new service can provide the Department with additional revenues through new commissions as well as positively contribute to the Department goal of reducing recidivism. The deployment of Securus Video Visitation will also have a positive impact on friends and family members who can now conduct a visit from their home instead of traveling across the state of Florida or even from outside of the state. Similarly, families who struggle to afford to travel to prisons for visits will now have a way to communicate with inmates without incurring the cost of hotel rooms, fuel costs and tolls.

All video visitation sessions can be monitored and recorded, providing a video record of the visit. All visits can be immediately terminated by supervisor staff during visit if necessary.

The Securus Video Visitation system enables you to conduct visitations safely, securely, and with fewer burdens on facility staff. This advanced solution provides the Department with multiple benefits, including:

- Enhance facility security by reducing the possibility of inmate confrontation
- Enhance facility operations by reducing transport of inmates
- Improve the ability of the inmate to communicate with legal representation//family, and any other persons authorized by the Department administration
- Reduce contraband infiltration
- Reduce inmate and visitor movement through a facility
- Increase security for visitors
- Increase inmate and visitor morale with increased opportunities to visit
- Reduce man-hours needed to escort inmates and visitors to visiting areas
- Generate income for the facility as a shared revenue producer

The Securus Video Visitation solution is a centralized system, similar to the SCP system, that allows automatic technology and feature upgrades. After the system has been implemented, it is easy for Securus to enable new features and modules by activating the feature in the centralized system.

### **How it Works**

The Securus Video Visitation solution allows user fees to be assessed and collected by the system. As friends and family or members of the public elect to conduct remote visitation sessions, they pay for the visit on a per-session basis.

Inmates' friend and family members access a simple website via the Internet, designed with the look and feel of access to other Securus services. The inmate's friend or family member schedules and pays for a video-visitation session by going to [www.securustech.net](http://www.securustech.net) website.

Using the video visitation website, they can select the facility and inmate they wish to participate in the video visitation session. The scheduling application automatically schedules visits according to the housing location of the inmate in the facility, which terminals are available to that specific housing location, and available times for video visitations to be held. Fees are assessed and collected at the time the visit is scheduled via credit or debit card.

### **At-Home (Remote) Video Visitation**

This method allows remote visitors, such as friends and family, probation officers, and attorneys to securely communicate with inmates from outside the facility via a broadband Internet connection.

Remote visitors access Securus Video Visitation through the [www.securustech.net](http://www.securustech.net) website. The visitor selects the facility and inmate they would like to visit. The visitor is able to do the following:

- Create, edit, and/or delete scheduled video sessions with inmates
- Pay for the scheduled session with a credit or debit card
- Start sessions with inmates (no officer intervention required)

Remote users will need to use personal computer or laptop with a built-in or exterior USB camera, a microphone and speakers, or a headset.

Securus Video Visitation is a **100 percent** Web-based video visitation and integrated inmate kiosk solution specifically designed for correctional facilities.

Our video visitation service provides Securus clients the very best in video visitation without the burden and costs of managing the system. We maintain the video visitation system 24 hours a day, 7 days a week, 365 days a year. The Department benefits from a quality of service that is fast, accessible, and secure.

- Free Calls: In 5, 10 and 15 minute increments. Calls will be authorized at the Department's discretion.

Securus proposes to provide 10,000 free calls annually at no charge to the Department for the purposes of free inmate calling. During the Negotiation session, there were very good reasons given for the need to allow for free calling. Securus believes that 10,000 free calls on an annual basis will give the Department the flexibility needed to accomplish its goals. Securus will set up an account for each inmate in which the Department may authorize free calling in increments of 5, 10 or 15 minutes. The calls may be placed on the inmate's accounts directly by an authorized Department official or the request to add time to an account may be emailed to Securus and the call will be credited to the inmates free call account.

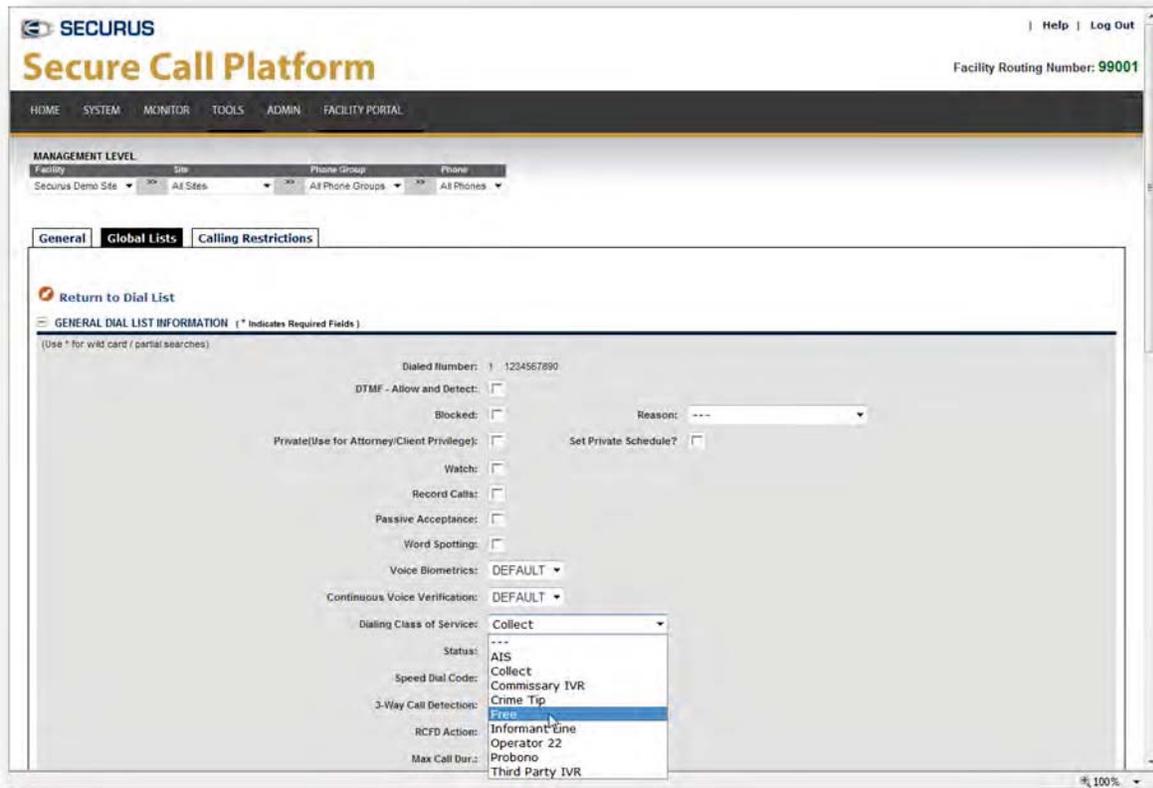
Pricing for Free Calls is included in Attachment 1 – Additional Negotiated Services Cost Proposal - Free Calls.

Securus will also provide the ability to use this free call allowance to designate certain called numbers as a free call.

Authorized Department staff can add numbers to the free call list through the SCP user interface, as shown in the following figure:

## Configuring Free Calls

*Proprietary and Confidential*



## Free by Dialed Phone Number

Any phone number can be set up as “Free” with appropriate permissions, through the global list. The following screen shot identifies how an authorized user can set the phone number with a Free dialing class of service.

### Setting Free Calls in Global Lists

*Proprietary and Confidential*

The screenshot displays the 'Secure Call Platform' administration interface. The user is logged in as 'aadvant@SECUR.TX'. The interface shows the 'Global Lists' configuration for a 'Return to Dial List'. The 'Dialing Class of Service' is set to 'Free'. Other settings include 'Dialing Number' (1 555668854), 'DTMF - Allow and Detect' (unchecked), 'Blocked' (unchecked), 'Private/Use for Attorney/Client Privilege' (unchecked), 'Watch' (unchecked), 'Record Calls' (unchecked), 'Passive Acceptance' (unchecked), 'Word Spotting' (unchecked), 'Voice Biometrics' (DEFAULT), 'Continuance Voice Verification' (DEFAULT), 'Status' (AIS), 'Speed Dial Code' (Commissary IVR), '3-Way Call Detection' (Operator 22), 'RCFO Action' (Third Party IVR), and 'Max Call Dur.' (0 minutes). The 'Description' field is empty. The 'Create Date' is N/A. Buttons for 'Create', 'Reset', and 'Cancel' are visible at the bottom.

- Cell phone detection: Minimum of 15 detection units (cellsense or equivalent).

Securus is proposing the deployment of 15 MetraSens CellSense full body scanning units across the State at no cost to the Department. The 15 MetraSens CellSense devices were offered at no charge to the Department in the Securus ITN response and will continue to be offered at no charge to the Department in this RBAFO response.

Securus is also offering through the Additional Negotiated Services process to provide the Department with another 115 CellSense devices.

Pricing for these additional 115 units is included in Attachment 1 – Additional Negotiated Services Cost Proposal - Cell Phone Detection.

Immediately upon execution of a contract with the Department, Securus will place the order to purchase the Cellsense units on behalf of the Department. These units are being offered to address the growing issue of cell phone proliferation within prisons and we believe they have the potential to be a critical perimeter-based first step in assisting the Department with identification of contraband cell phones in your facilities. These units will be shipped directly to the locations designated by the Department and can be immediately operational.

Cellsense is a proven, highly effective system that detects all cell phones even when they are switched off and with or without batteries. Modern cell phones increasingly contain minimal amounts of metal and conventional archway metal detectors struggle to detect them. Cellsense detects essential cell phone components and the human body is unable to mask the presence of cell phones to Cellsense so that internally inserted cell phones are readily detected.

Cellsense is capable of scanning large numbers of inmates in a short time, much quicker than utilizing hand wands. It's innovative technology and portability allows it to be deployed anywhere in the prison and set up in less than one minute.

- Interactive Voice Response (IVR) scheduling: appointments, grievances etc.

Securus uses the services of Telerus to provide our inmate Interactive Voice Response capabilities using its Automated Information Services (AIS) 2.0. Securus will provide the services described below for the price provided in Attachment 1 – Additional Negotiated Services Cost Proposal - Cell Phone Detection.

The IVR offering is a robust offering which handled more than 6.5 million interactions over the last year with a very efficient average session time of one minute and twenty two seconds.

Automated Information Services is the industry's first and only hosted interactive voice response (IVR) system that automatically provides general facility information and inmate-specific information to inmates over the phone. All of this functionality is automatically available around the clock, so that inmates can always get the information they need when they need it.

Examples of information that AIS can automate information, such as:

- Court Dates, Times, and Locations
- Projected Release Date
- Commissary Balance
- Visitation Eligibility
- General Scheduling
- Grievance Processing
- Setting and Managing Appointments

AIS provides unmatched secure access into facility and inmate information. This information is pulled from a facility’s various Management Information Systems (MIS) including the Department’s management system every 15 minutes. The service offers an English and Spanish interface, text-to-speech playback of inmate names, and touchtone and speech recognition interface.

The proposed IVR will be custom designed to provide for all the inmate information the Department is able to make available to the AIS system which can be accomplished using IVR technology. The following is a typical implementation schedule for turning up our AIS system:

**AIS Preliminary Project Plan**

Milestone	Description	Participant(s)	Completion Target
Execution of Agreements	Identification of Needs and Requirement	Securus/Telerus, Facility	Week 1
Site Configuration Document	Project "blueprint" including Scripts, Flow Charts, Data Requirements, Sign-off by facility.	Securus/Telerus, Facility	First Draft: Week 2 Final: Week 3
Test Plan	Plan provided to your facility with all Use Cases and Test Data requirements identified.	Securus/Telerus, Facility	Week 3
Core Development	Application Programming, FTP configuration, Voice File Recording.	Securus/Telerus	Week 6
Quality Assurance	Execution of Test Plan, Load testing, Voice Files Double-Checked, Bugs Resolved.	Securus/Telerus	Week 7
User Acceptance Testing	All parties confirm system performs to exact specifications.	Securus/Telerus, Facility	Week 8
Go-Live	Cutover to production architecture; Securus/Telerus Development team available 24/7.	Securus/Telerus, Facility	Week 9

- Continuous Voice Biometrics

Securus has one of the largest base of customers using voice biometric services. Customers in Arizona and Texas represent over 150,000 inmates using the Securus voice biometric service. This service will be provided on all calls at no charge to the Department.

As an option, Securus is also making the Investigator Pro application from JLG available to the Department at a commission reduction of 7%. Pricing for these optional services are detailed in Attachment 1 - Additional Negotiated Services Cost Proposal - Continuous Voice Biometrics.

Securus has also included a third optional continuous voice biometrics solution (Echo™ Voice Biometric Solution) that was included in the Guarded Exchange proprietary software under the Investigative Functions section above.

- Inmate voice mail: Maximum of thirty (30) seconds for friends, family and staff

Securus is one of the only inmate telecommunication vendors to provide secure voicemail opportunities to the facility. Voicemail provides a new path of communication for the inmates, their friends and family members, and attorneys. In addition to communication options, it provides investigative opportunities. This service will be provided at the price provided on Attachment 1 - Additional Negotiated Services Cost Proposal – Inmate Voice Mail, with a maximum of 10 messages per month per inmate. Additional messages can be made upon mutual agreement.

Securus' Voice Mail has the capability for two-way messages, meaning the inmate can leave messages for site administrators, corrections officers, their attorneys, or friends and family, and receive a response by voice mail. This benefits inmates and other involved parties because it allows communication even when the called party isn't at the phone to receive the call.

### **Voice Mail**

In the past, facilities have hesitated to offer a voice messaging system because of the lack of system capabilities and security concerns. Accordingly, one-way telephone calls are still the primary form of communication. If a call is placed and the called party does not answer, communication is not possible and the call is terminated.

Limited communication options have caused complaints to be filed by inmates and friends and family members resulting in increases in staff labor due to the handling of complaints, as well as a reduction in facility operational efficiencies due to the loss of contact availability.

### **How It Works**

Securus has simplified the process for using Voice Mail. Any caller that has a Voice Mail account with the existing platform can leave a voice message. Messages can be left for individual inmates or multiple inmates in multiple facilities. Using their existing PIN, inmates can retrieve Voice Mail's on the SCP system.

### **System Security**

Since messaging runs on Securus' SCP, facilities have the same control of recording and monitoring as with their inmate telephone system. Only the inmate, the sender, and approved facility personnel can access Voice Mail messages.

### **Increased Investigating Capabilities**

Messaging provides investigators with the same recording and monitoring capabilities as any call. However, with friends and family member's new capability to call and leave a message, investigative possibilities are increased substantially

- Ability to search calls by keywords.

Securus is proposing to provide Word Spotting application which provides the ability to search for keywords at no charge to the Department. The Securus Word Spotting solution was developed specifically for the corrections environment. Securus built and tested this technology in our development lab using actual calls placed by inmates with feedback and direction from real investigators. This approach ensures that the Department will be using an investigative tool to compliment the other investigative suite of services provided by Securus. This includes the potential of incorporating Word Spotting into the suite of investigative tools for Guarded Exchange monitoring services.

SCP's Word Spotting features include the following components:

The default dictionary has more than 7,500 search words, which can be customized to meet the facility's needs, including slang and jargon not found in standard dictionaries.

As security threat groups expand their code word vocabulary and new intelligence is gained, new keywords can be easily added.

- User-friendly interface where suspicious inmates or phone numbers can be selected for ongoing searches.
  - The Word Spotting search engine automatically processes offenders based on their custody account number or based upon a target phone number with no additional involvement from facility staff.
  - Integrated reporting that allows users to identify calls where specified keywords were identified.
  - Unique feature that allows users to select suspicious recordings from the standard Call Detail
  - Report and send them through the search engine with a single mouse click.
- 
- Capability to capture inmate to inmate telephone communications

Securus will capture inmate to inmate telephone communications using the ICER Investigative application for JLG. The ICER technology identifies inmates communicating with other inmates within and between participating facilities, including all of the facilities served by Securus as well as those served by other inmate calling providers in the ICER consortium.

Securus will provide the ICER application at no charge to the Department.

ICER works by creating a "compact biometric model" for each call by collecting voice data points plus call information available from Call Detail Records (CDRs) to generate a "call signature" – which is then compared to other call signatures to determine a match. When an inmate is identified as talking to another inmate ICER generates an automatic email notification.

- Location based services of called cell phones.

The Securus Location Based Services (LBS) will be provided at 15 facilities at no cost to the Department. LBS was offered at no charge to the Department in the Securus ITN response and will continue to be offered at no charge to the Department in this RBAFO response.

Location Based Services for all other facilities are offered at the price provided on Attachment 1 - Additional Negotiated Services Cost Proposal, - Location Based Services (cell phones called).

The following is a description of Securus' Location Based Service offering featuring GEO Fencing and On-Demand location identification of cell phones.

Customer feedback, from the Department uncovered a need to identify the location of the cell phone an inmate is calling. We took that feedback and worked to develop a solution that went beyond what was requested. With Securus' proprietary Location Based Services (LBS), the Department can determine the true location of a cellular phone that is called by an inmate. LBS will also track the location of the cell phone during the inmate call and identify the distance of the cell phone from the correctional facility. This allows the Department to place a perimeter around all of your facilities and block calls to cell phones if they are located within a certain radius of your facility.

Integrated with SCP, Location-Based Services can:

- Provide the called party's true location at the time of an inmate's call via a link in the Call Detail Record (CDR)
- Set up a "Geo Fence" perimeter around a location to notify investigators when an inmate calls a cell phone that is within the Geo Fence perimeter
- Identify the real-time location, on demand, of a suspect's cell phone (requires appropriate
- warrant/subpoena documentation)

Securus has recognized that Department investigators have had to contact cellular carriers to find the location of cell phones during investigations. This can be time consuming and challenging. Securus addresses this issue by offering as an integrated feature which is now available on our Securus SCP inmate calling platform, our Securus Location Based Services (LBS). With the cooperation of cellular carriers, Securus has developed LBS that will provide the Department with immediate access to identify the location of a cell phone called by an inmate by simply logging into the SCP inmate calling system. This will provide immediate access to our LBS service and the ability to identify the location of the cell phone in question.

With Securus' proprietary Location-Based Services (LBS), the Department can determine the true location of a cellular phone that is called by an inmate. LBS will also track the location of the cell phone during the inmate call and identify the distance for the cell phone from the correctional facility. This allows the Department to place a perimeter around all of

your facilities and block calls to cell phones if they are located within a certain radius of your facility.

Integrated with SCP, Location-Based Services can:

- Provide the called party's true location at the time of an inmate's call via a link in the Call Detail Record (CDR)
- Set up a "Geo Fence" perimeter around a location to notify investigators when an inmate calls a cell phone that is within the Geo Fence perimeter
- Identify the real-time location, on demand, of a suspect's cell phone (requires appropriate warrant/subpoena documentation)

With roughly 80 percent of calls being placed from wireless devices nationwide, this presents a tremendous challenge to corrections, law enforcement, and investigators. Securus is the first communications company to offer a product to address this issue with Location Based Services.

SCP's Location Based Services provide correctional facilities, investigators, and law enforcement with the following:

- **Cell phone termination location** at call acceptance and end
- Geo-fence perimeters – or unlimited custom boundaries that allow users to **identify call termination locations within that "fence"**
- Covert alerts that provide **real time notifications of call termination within a geo fence**
- **CDR mapping of call terminations to wireless phones**
- **Real time location identification**
- **On demand location identification**

Reports generated from the CDR contain an icon that identifies calls to a wireless number. Location Based Services provides an additional link that maps the location of a wireless number when the inmate placed the call.

## Wireless Location on Call Detail Records Report

The screenshot displays the SecurUS Secure Call Platform interface. On the left, there is a navigation menu with options like HOME, SYSTEM, MONITOR, TOOLS, ADMIN, and FACILITY PORTAL. Below this is a 'MANAGEMENT LEVEL' section with a 'Facility' dropdown set to 'Securus Demo Site'. A 'Call Detail Records Search' section is visible, showing '20 Results' in a table. The table has columns for SITE, PORT LOC, DIALLED #, and START. A map on the right shows a residential area with a call location pin at '7108 Park Creek Circle E, Fort Worth, TX, 76137'. The map includes street names like 'Park Creek', 'Winterhazel Dr', and 'Bank Dr'. A search bar at the top of the map shows the address. The interface also includes a 'Facility Routing Number: 99001' and a 'Log Out' button.

SITE	PORT LOC	DIALLED #	START
Securus Demo Site	Princeton	(1) 718 8179070658 Intralata/Intrastate	09-04-2 17:14:2
Securus Demo Site	LP 1	(1) 9722770600 Local	09-06-2 05:23:1
Securus Demo Site	LP 1	(1) 9722770571 Local	09-06-2 05:25:1
Securus Demo Site	LP 1	(1) 9722770571 Local	09-06-2 05:28:0
Securus Demo Site	LP 13	(1) 9729801062 Local	09-06-2012 14:17:31

### GEO Fencing

With Geo Fencing, the Department can set up a perimeter around Department facilities that identifies when an inmate calls a cell phone that is located within that perimeter at the time of the call. Geo Fencing can generate a Covert Alert notification to investigators that allow them to act quickly on real-time information. This valuable capability helps protect your perimeter and is helpful in preventing escape attempts or the introduction of contraband items.

## Geo Fence Management

**GEO Fence Management**  
 Add New

FILL IN SEARCH CRITERIA  
(Use \* for wild card/partial matches)

Description: FL DOC    Address:    Status:    Created By:    Created Date:    Last Modified By:    Last Modified Date:

Search    Reset    EXCEL    PDF    CSV

DATE CREATED	STATUS	RADIUS	CREATED BY	TIME REMAINING	LAST MODIFIED BY	LAST MODIFIED DATE	SWITCH
10/04/2012 15:44:22	Inactive	1.8 Miles	JezAdm	EXPIRED	JezAdm	10/12/2012 07:42:13	Y
10/04/2012 15:46:29	Active	1.3 Miles	JezAdm	N/A	JezAdm	10/08/2012 12:48:35	Y
10/05/2012 13:55:30	Inactive	1.5 Miles	JezAdm	EXPIRED	JezAdm	10/11/2012 10:01:12	Y
10/11/2012 10:57:11	Active	1.6 Miles	JezAdm	1 days, 6 hours, 45 min	JezAdm	10/11/2012 10:57:11	Y
10/12/2012 10:03:25	Active	1.8 Miles	JoeEC	8 days, 6 hours, 45 min	JoeEC	10/12/2012 10:03:25	Y
10/12/2012 10:05:33	Active	2 Kilometers	JoeAdminWD	8 days, 6 hours, 45 min	JoeAdminWD	10/12/2012 10:05:33	Y
10/12/2012 10:07:30	Inactive	9.5 Kilometers	JoeCBS	EXPIRED	JoeCBS	10/13/2012 08:15:10	Y
10/12/2012 10:16:08	Active	2 Miles	JoeCDR1	EXPIRED	JezAdm	10/12/2012 10:26:21	Y
10/12/2012 10:19:07	Active	1.3 Miles	JoeCDR2	8 days, 6 hours, 45 min	JoeCDR2	10/12/2012 10:19:07	Y
10/18/2012 12:47:34	Active	9 Miles	JezAdm	18 days, 6 hours, 45 min	JezAdm	10/18/2012 12:47:34	Y
10/18/2012 17:11:18	Active	8.7 Miles	Edm	N/A	Edm	10/18/2012 17:12:16	Y



Select Option

Geo Information    Notes    **Covert Alerts**    History

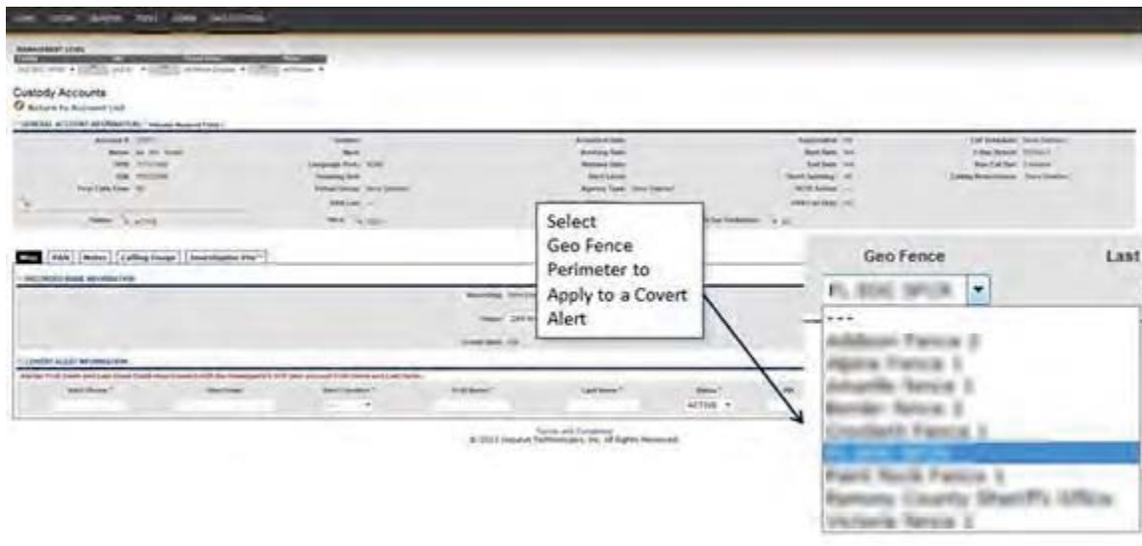
COVERT ALERT INFORMATION

Alert Phone *	Alert Email	Alert Location *	First Name *	Last Name *	Status *	FN	Hide Call	Last Updated
								N/A

Covert Alert connects a call to an authorized remote number for dialed numbers, phones, inmates PIN, or Geo Fence perimeters that are under surveillance. Authorized personnel can monitor a call from any designated location, while the call is in progress.

The investigator enters a telephone number (such as cellular, home, or office), which is where he or she wants the call sent to for live monitoring. When a call is placed by an inmate that meets the Covert Alert trigger criteria, it automatically routes to the pre-designated investigator phone number(s). A call can be sent to multiple numbers simultaneously allowing several investigators to listen into the call.

## Covert Alert on Geo Fence Perimeter



### On Demand - Real-time Location Based Services

On Demand cell phone location identifies the location of a suspect’s cell phone, in real-time, regardless of whether a call is in progress. This feature will aid investigators, with appropriate warrant documentation, in locating persons of interest faster and requiring fewer resources.

### Location-Based Services

Securus’ proprietary Location-Based Services will

- Increase the efficiency of your investigative staff
- Prevent and minimize contraband at your facilities
- Increase the safety and security of your community

No other inmate communications service provider can deliver this kind of identification of call terminations. Without it, corrections officers and law enforcement personnel are left in the dark; not knowing where the calls are being placed as was commonplace with traditional landline telephone service.

- In order to provide the best value to the state, the Department reserves the right to accept or reject any or all of the additional negotiated services.

**C. VALUE-ADDED SERVICES**

Value-added services include any services, including additional services that the Contractor offers to provide as part of the Contract resulting from the ITN that is either not required to be provided in the ITN or RBAFO or clearly exceeds the minimum requirements of required service. The Respondent shall provide a detailed description of each value-added service, system and/or equipment functionality, in narrative form. If included in the Contractor's BAFO and accepted by the Department, "Valued-Added Services" shall be provided as part of the contracted service at no additional cost to the Department and with minimal impact to family and friends.

**Inmate PAN Automation**

Securus currently employs 17 Site Service Representatives dedicated to the Florida Department of Corrections, whose primary function includes daily Personal Allowed Number (PAN) management for inmates. We have re-committed each of the 17 headcount in support of the ITS ITN. However, as technology has evolved the Department may wish to utilize automated technology in order to improve PAN management efficiencies. Currently, correctional staff and paper are required to process inmate PAN requests and updates. Through Securus' Inmate Managed PAN feature the inmate would be able to initiate the PAN request changes via telephone, bypassing the need for paper and correctional officers involvement.

The Securus Inmate Managed PAN application allows inmates to manage phone numbers on their list, such as adding a new number, removing a number, checking the status of a phone number, or hearing, which phone numbers are on their list. When an inmate adds a phone number to their list, the automated system conducts a real time Billing Name and Address (BNA) lookup on the phone number. If a valid BNA is found, the automated system calls the phone number requesting to be added and asks the called party if they wish to be placed on the specific inmates PAN list.

This eliminates Site Service Representative's requirement for manual entry and lookup of BNA creating greater efficiencies and improved overall productivity. Any number which is validated for addition to the inmate's PAN list may still be subject to manual approval should the Department elect to implement a secondary approval process which will be carried out by the Securus Site Service Representative at the direction of the Department.

After the automated PAN system has been in place, if the Department agrees that the efficiencies created have lead to an opportunity to reduce the number of Site Service Representatives, the overall headcount will not be reduced but may be reallocated, with the Department's approval, to programs such as a Security role in support of our proposed Forensic Extraction program. Ultimately, the reassigned role would be conducted at the Department's discretion. The Inmate Managed Pan is available to the Department at no cost and requires little or no training because of the easy to follow voice prompts. The Inmate Managed PAN application is already part of the SCP platform and simply needs to be enabled on the provisioning page by Securus.

## **Inmate Debit Calling Accounts**

Securus understand that the Department has stated that Inmate Debit Calling is not a service included in this contract.

However because the contract has the potential to run up to ten years, and due to on-going pressures to allow Inmate Debit through the FCC Proposed Rulemaking process, Securus is offering to enable Inmate Debit Calling at any time during the contract. The Department could benefit significantly from the implementation of Inmate Debit Calling. Securus Inmate Debit accounts are inmate-owned phone accounts that allow inmates to fund phone calls to numbers on the Department approved allowed list. Because the calls are funded by the inmate, there is no cost to the called party. An inmate can transfer funds from the commissary system to his Inmate Debit calling account. The inmate initiates the funds transfer from the commissary system to his Inmate Debit calling account at the commissary. The inmate will provide his inmate identification at the point of sale and request the transfer of funds. The transfer amount will be deducted from the inmate's trust or commissary account and added to his Inmate Debit calling account. Debit transactions will include inmate ID and the dollar amount transferred, and will be sent electronically from the commissary to the Securus secure FTP server. The resulting electronic data exchange immediately updates the inmate telephone system to show the inmate identification and amount of debit time added to the phone account (by each inmate).

As an added advantage, Inmate Debit accounts can also be funded by friends and family members. This creates more revenue—inmates can make more calls because they now have additional funds. In addition, unlike traditional prepaid collect accounts, the inmate owns his Inmate Debit account and is not limited to calling only the numbers funded by friends and family members. Inmate Debit accounts increase the inmate calling opportunities, thereby increasing revenue and commissions for the Department

This new calling method will result in increased call volume and additional commission dollars. DOCs across the country have implemented inmate debit and have found that the increased call volume has resulted in more friends and family communication between inmates and outside parties.

## **Commissary Order by Phone**

Securus proposes to provide a unique and time saving feature of our SCP inmate calling system; Commissary Order by Phone. This feature will increase commissary ordering efficiency and at the same time save staff time. Securus' Commissary Order by Phone product provides inmates with the ability to order commissary items using the same inmate telephones used to place calls to friends and family members.

## **Benefits for Your Facility**

This product saves facility staff time processing commissary orders and handling commissary order complaints. Commissary Order by Phone frees up your staff to focus on important activities like safety and security. Orders can be placed when needed by inmates, and as frequently as needed, thereby reducing complaints. Increased sales on commissary items by offering an additional point of sale, may also increase the Department's commissionable revenue.

### **Benefits for Inmates**

Inmates also benefit from using Commissary Order by Phone. If Department policy permits, Inmates can place orders when they want to, as frequently as they want to without having to wait on facility staff. It is convenient, easy, and accessible.

To place an order using Commissary Order by Phone, inmates can simply go to any inmate telephone and dial a designated number. The call then connects to the commissary's IVR where the inmate can place their order by following the voice prompts and pressing keys on the key pad of the phone.

### **Benefits for Commissaries**

Commissaries also benefit. Our Commissary Order by Phone product opens up another point-of-sale for commissary companies, helping to increase their revenue through the sale of more products and/or through improving inventory turn times as more orders are placed more frequently because it is more convenient for inmates.

### **Officer Check-In**

Securus proposes to provide the Securus Officer Check-In function as a fully integrated feature of our SCP inmate calling platform. This feature will provide the capability for correctional officers to “check in” from any offender telephone without the need for specialized buttons or magnetic wands. Each officer will simply lift the receiver of any inmate telephone; enter his or her unique Officer Check-In PIN and record observations during their rounds to the SCP phone system. At the end of their rounds, the authorized users will have the ability to search Officer Check-In calls, as well as accounts providing exact date and time of entry into each cell location as well as playback of the recorded conversation of any observations during their rounds.

For staff convenience, the Officer Check-In feature is always active regardless if the telephone set is automatically programmed to be off during their rounds. However manual cutoff switches are required to be in the “on” position enabling connectivity between the telephone and the SCP.

SCP is quite flexible in allowing officers to “check in” from any telephone. Each officer is provided a unique PIN as well as a personalized mailbox to record an observation during duty rounds. All information can be obtained simply by generating a report for a single officer PIN or a group of officers by selecting Officer Check-In report module. Once the report is generated, personalized messages can be retrieved by authorized personnel from any workstation with access to the SCP user interface secure Web site. This efficiency enhancing capability provides audit capabilities that help indemnify your facility and provide savings on costs related to stand alone check in systems.

### **Re-Entry Assistance**

Jobview is a small business based in Minnesota producing software that operates in public access terminals placed in high traffic locations to assist in finding jobs. Jobview has been one of only a few providers of this niche job search service for nearly 20 years. Jobview offers a specific job finding service designed for use in correction re-entry programs.

The financial incentive for prisons utilizing job service is compelling. If only one offender finds a job in three years of using their product, it pays for itself in reduced recidivism costs. Over the past three years, Jobview has grown the Federal Corrections business to now 15 prisons who host our service. This is over 15% of the total federal prison market. In 2012 over 65,000 job search sessions were conducted with the offenders looking at over 450,000 jobs. This service is a success by any measure. Nearly 650,000 people are released from state and federal prisons yearly and far greater numbers re-enter from local jails. Each of them needs a job.

Securus is proposing to make Jobview available to the Department at up to three of its current re-entry centers.

### **JOBview 2nd Chance gives inmates a 30-60 day head start on finding a job.**

Jobview 2nd Chance is a computer terminal or kiosk that allows people returning to the community from prisons to search for statewide and nationwide jobs without direct access to the internet. Jobview 2nd Chance kiosks are “prison-ready” because the user does not have access to a keyboard or to the internet. Job listings are accessed through a secure wireless connection from the kiosk to the Jobview datacenter via a virtual private network. Jobs can only be searched on the kiosk using a touch screen user interface which controls and limits what the user can see and do. Job descriptions, along with job application requirements and instructions, can be printed directly from the kiosk to assist the user with later follow-up. The JOBview program is self-service and requires no user training. The kiosk is ready for use the minute you plug it in.

JOBview 2nd Chance provides access to nearly 2 million job listings. The listings are updated daily so users are always searching current jobs. A “disconnected” version of the kiosk is also available and job listings are updated through a JOBswap media device on a regular basis. A “software only” version of the JOBview 2nd program is available for facilities that already have a secure computing environment that is accessible by inmates.

### **Inmate Benefits**

- Get a 30-60 day head start on a job search
- Browse state and nationwide jobs that are current and updated nightly
- Start thinking about jobs before release; putting their mind on something positive and productive
- See what skills and specific requirements they will face well ahead of release
- Match educational programs they are using to the types of jobs they may be qualified for

- Practice electronic job searching which is technology they will commonly see upon release
- Job listings of interest can be printed and used for reference after a kiosk session

#### **Correctional Facility Benefits**

- No job-seeker training costs because the JOBview 2nd Chance user interface is self-explanatory
- Staff no longer needs to find and print job listings for their transitioning inmates
- Job listings for all types of jobs and levels of experience in cities nationwide
- Turnkey service; Jobview takes care of everything
- No long-term contracts; annual renewal option

#### **TouchPay—Payment Systems and Related Services**

TouchPay Payment Systems has existing payment locations within the state of Florida and across the United States that can be used by friends and family members to make payment to the Department.

TouchPay has also developed the interface requirements between Securus and TouchPay for investigations, transactions, customer service, and maintenance purposes.

TouchPay's core competencies, when combined with the Securus capabilities, differentiate us from similar service providers and position us as the industry leader in delivering convenient funding solutions through:

- **Ability to Accept Phone Payments** – TouchPay has a strategic partnership with Securus. Providing its convenient payment system, including Kiosk-based cash transactions, has proven to drive incremental phone revenues.
- **Ability to Accept Multiple Payments** – In addition to accepting inmate trust deposits, TouchPay can also accept visitation, background check, parole, alternative sentencing, work-release, fines, fees, and any additional payments that would be of value to the Department.
- **Release Cards** – TouchPay's Release Card is available to the Department at no cost, and it would eliminate the need for the Department to issue checks or cash to inmates at release. A PIN number is issued with the Release Card, giving the released offender immediate access to their funds.

#### **Online Payments**

TouchPay's online payment-portal accepts Visa and MasterCard credit/debit cards for a variety of transactions. TouchPay provides a secure web-payment server, and our existing infrastructure easily allows additional facilities to be added so they can begin taking payments immediately. Utilizing the existing TouchPay merchant-account network provides instant transaction postings to the Department's back-office reporting system.

**Walk-in Retail Payments**

Cash customers can safely and securely make deposits with TouchPay's Walk-in Retail Payment service. In-store deposits can be made at select retailers who participate in the bill-pay network, which provides great convenience for cash depositors.

**WellCard Prescription Discount Card**

Securus proposes to provide WellCardRX brochures to appropriate Department facilities where they can be distributed to inmates upon release. These small, simple brochures include a prescription card that provides savings of up to 50%, and sometimes more, on quality prescription and health care services for employees, inmates and family members, which inmates can use upon release to purchase prescriptions at a discount.

Securus will provide this without any charge and will provide the Department's inmates with a valuable tool in their ability to assimilate back into the general population, helping improve recidivism rate, and at the same time provide substantial savings to them for prescriptions, lab tests and other medical procedures. Department employees, family and friends will also benefit by enjoying the same benefits.

**Facts:**

- This is a free prescription discount program for all customers.
- Cardholders receive discounts on more than 60,000 name-brand & generic prescriptions.
- Many nonprescription, specialty and lifestyle medications are also included.
- The overall national average discount is 45%.
- The overall national savings per prescription is \$24.25.
- Each month, 24% of cardholders save 70+%.
- The card can be used at over 60,000 pharmacies nationwide.
- The card is accepted by all Major pharmacy chains and 95% of independent pharmacies.
- Cardholders also receive a 50% - 80% discount on lab & imaging tests.

**Who does this benefit?**

- The uninsured.
- The underinsured.
- Those with Health Savings Accounts (HSA's).
- Those who have high deductibles.
- Those who have not reached their annual deductible.
- Those whose medications are not included in their insurance formularies.
- Those whose insurance benefits do not extend to lifestyle medications.

- Those whose insurance does not cover prescriptions while they are in another state.
- Those whose insurance does not cover medications for pre-existing conditions.

**Eligibility Requirements:**

- Everyone.
- No applications, registration, approval process, or waiting periods.
- No restrictions, exclusions, or limitations.
- No one is turned down regardless of age, health, or pre-existing conditions.

**Easy to Use:**

- Simply present the card and prescription to any participating pharmacy.
- There is nothing to sign, no pre-authorizations, or claim forms.
- There is no expiration date.
- There are no restrictions or limits on how much or often a card is used.
- One card can be used by an entire family.
- All cardholder information is confidential and not sold or used for any other purpose.

**D. EVALUATION PROCESS INFORMATION**

**Phase 8 - Best and Final Offers**

Respondents will be asked to submit to the Department their Best and Final Offer in accordance with revised specifications, if applicable, as set forth in the Department's Request for Best and Final Offers. The vendors' Best and Final Offers shall contain the best pricing option the vendor is prepared to offer as specified in Section A, Pricing, however, after submission of Best and Final Offers, the Department reserves the right to clarify any element of required service or further negotiate pricing with a single or all qualified respondents prior to final award. After receipt of BAFO's, the Negotiation Team will prepare a summary report of negotiations and enter a recommendation as to which respondent provides the best value to the state. Award will be made in compliance with Section 287.057 (3) (b), Florida Statutes.

**E. BEST AND FINAL OFFER RESPONSE INSTRUCTIONS**

Responses to this Request for Best and Final Offer shall be received no later than close of business (5:00 p.m. ET), Tuesday, June 18, 2013. Responses may be emailed (preferred), faxed or sent hard copy sent via mail. If submitting via email, please submit to [hussey.julyn@mail.dc.state.fl.us](mailto:hussey.julyn@mail.dc.state.fl.us) with a cc to [wright.kelly@mail.dc.state.fl.us](mailto:wright.kelly@mail.dc.state.fl.us). Faxed responses may be sent to 850-488-7189

**F. SIGNED STATEMENT OF ACCEPTANCE OF MINIMUM SPECIFICATIONS, TERMS AND CONDITIONS AND FINAL CONTRACT**

The Respondent shall include a signed statement acknowledging acceptance of the minimum specifications and their intent to comply with all terms and conditions indicated in the ITN, Respondent's Initial Response, the Request for Best and Final Offer and Respondent's Best and Final Offer.

When a contract is established between the Department and the successful Respondent, the ITN, the Initial Response to the ITN, the Request for Best and Final Offer and the Respondent's BAFO shall be incorporated into and thereby become a part of that contract. If there is a conflict in language, the Department's contract will govern.

**ATTACHMENT 1**

<b>Additional Negotiated Services Cost Proposal</b>					
<b>Additional Negotiated Services Requested</b>	<b>Additional Charge Per Minute to Blended Telephone Rate Proposed* (i.e. \$/01 increase)</b>	<b>“To Connect” Surcharge** (i.e. \$.25% per call)</b>	<b>Percentage Change to Department Commission Rate Proposed *** (i.e. 2% reduction)</b>	<b>Video Visitation Only</b>	
				<b>Blended Video Visitation Per Minute Rate Proposed (inclusive of surcharges)</b>	<b>Department Commission % Rate Proposed</b>
1.) Video Visitation (5 pilot sites)				\$1.00	20%
2.) Free Calls	NC	NC	NC		
3.) Forensics Extraction Options	NC	NC	NC		
4.) Investigative Function	NC	\$0.25	6% Reduction in Commission		
5.) Cell Phone Detection	\$0.003	NC	NC		
6.) IVR Scheduling	\$0.003	NC	NC		
7.) Continuous Voice Biometrics	NC	NC	NC for Securix CVW Product; 7% reduction in Commission if FL DOC requests JLG Product		
8.) Inmate Voice Mail	NC	\$0.05	NC		
9.) Ability to search calls by Keywords	NC	NC	NC		
10.) Capability to capture inmate to inmate telephone communications	NC	NC	NC		



11.) Location Based Services (cell phones called)	N/C	\$0.05	N/C	
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**EXHIBIT D**



Global Tel\*Link Corporation

Executive Offices  
12021 Sunset Hills Road  
Suite 100  
Reston, VA 20190  
**ph:** 703.955.3910  
**fax:** 703.435.0980

Corporate Headquarters  
107 St Francis St  
32<sup>nd</sup> Floor  
Mobile, AL 36602  
**ph:** 251.338.8859  
**fax:** 251.434.8695

June 18, 2013

Julyn Hussey - Procurement Manager  
Department of Corrections  
Bureau of Procurement and Supply  
501 South Calhoun Street  
Tallahassee, Florida 32399-2500

**RE: INVITATION TO NEGOTIATE (ITN) FOR – STATEWIDE INMATE TELEPHONE SERVICES  
SOLICIATION NO: 12-DC-8396 – Request for Best and Final Offer**

Dear Ms. Hussey,

Global Tel\*Link (GTL) is pleased to submit our response to ITN #12-DC-8396, for Statewide Inmate Telephone Services to the State of Florida, Department of Corrections Request for Best and Final Offer (RBAFO). We appreciate this opportunity to present our final offer for the Department's requirements and to demonstrate why GTL offers the best value to the State of Florida.

As required by RBAFO Section F., GTL acknowledges the minimum specifications and our intent to comply with all terms and conditions indicated in the ITN, GTL's Initial Response, the Request for Best and Final Offer and GTL's Best and Final Offer. GTL understands when a contract is established between the Department and GTL, the ITN, the Initial Response to the ITN, the Request for Best and Final Offer and GTL's BAFO response, shall be incorporated into and thereby become a part of that contract. If there is a conflict in language, the Department's contract will govern.

We believe we have prepared an overall response which provides the best value to the State Florida, all constituents and users of the inmate telephone system demonstrated as follows

1. 24% reduction in rates, which means more contact with friends and family
2. 41% increase in commissions compared to the current contract
3. 600+ Feature Centralized ITS
4. All New Network Infrastructure and Telephone Equipment
5. Full deployment of Additional Negotiated Services
6. Additional Value Added Services at No Cost to the Department including
  - a. Visitation Scheduling Software for All Department Visits, including on-site as well as video visits
  - b. Pilot for Wireless Devices for Inmate Education, Re-entry Programs and Secure Communication
  - c. \$100,000 Annual Technology Grant
  - d. JLG Investigator Pro Technology
  - e. Debit Calling Option
  - f. Call Track – Parolee Monitoring Services





Global Tel\*Link Corporation

Executive Offices  
12021 Sunset Hills Road  
Suite 100  
Reston, VA 20190  
ph: 703.955.3910  
fax: 703.435.0980

Corporate Headquarters  
107 St Francis St  
32<sup>nd</sup> Floor  
Mobile, AL 36602  
ph: 251.338.8859  
fax: 251.434.8695

7. Meaningful utilization of certified small, disabled veteran, minority and woman owned business including PRIDE and RESPECT
8. Project Team with unsurpassed DOC experience
9. Upon contract award, GTL will assume the risk of transitioning in less than 80 days, in spite of what other providers may do to delay the transition.

We reiterate our commitment to the Department to transition in 70 days or 10 days less than the ITN requirement.

If any clarification or additional information is needed about our response, GTL will respond immediately to any such request. Please contact your Account Executive, Andrew Merrill, at (916) 698-8343. As an alternative, you may contact Ms. Rae Pearson, our RFP director, at (317) 558-3151.

We are ready to implement our Best Value Solution for the State of Florida Department of Corrections!

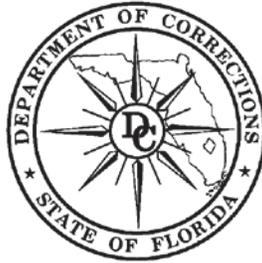
Select a Partner with Today's Capabilities AND Tomorrow's Vision: Global Tel\*Link.

Sincerely,

Jeffrey B. Haidinger  
President and COO



State of Florida  
Department of Corrections



REQUEST FOR BEST AND FINAL OFFERS (RBAFO)

FOR

STATEWIDE INMATE TELEPHONE SERVICES

In Reference To  
INVITATION TO NEGOTIATE  
ITN # 12-DC-8396

RELEASED ON  
June 14, 2013

Responses to RBAFO Due By  
Close of Business (5:00 p.m. ET) Tuesday, June 18, 2013

BY THE  
DEPARTMENT OF CORRECTIONS  
BUREAU OF PROCUREMENT AND SUPPLY  
501 SOUTH CALHOUN STREET  
TALLAHASSEE, FLORIDA 32399-2500  
(850) 717-3679  
FAX (850) 488-7189

The Florida Department of Corrections has issued this  
REQUEST FOR BEST AND FINAL OFFER (RBAFO)  
For  
STATEWIDE INMATE TELEPHONE SERVICES

This is the Request for Best and Final Offer (RBAFO) in response to negotiations with three (3) respondents to the Department's ITN# 12-DC-8396. This RBAFO contains Pricing, Additional Negotiated Services, and Value Added Services as discussed during negotiation and outlined below. The other specifications of the original ITN, unless modified in the RBAFO, remain in effect. Respondents are cautioned to clearly read the entire RBAFO for all revisions and changes to the original ITN and any addenda to specifications, which are incorporated herein and made part of this RBAFO document.

Unless otherwise modified in this Request for Best and Final Offer, the initial requirements as set forth in the Department's Invitation to Negotiate document and any addenda issued thereto have not been revised and remain as previously indicated. Additionally, to the extent that portions of the ITN have not been revised or changed, the previous reply / initial reply provided to the Department will remain in effect.

**A. PRICING**

The Respondent shall provide their Best and Final Offer for rates on the below Cost Proposal Table. Costs should be submitted with the most favorable terms the Respondent can offer.

**NOTE: Blended Telephone Rates for family and friends shall not exceed two dollars and ten cents (\$2.10) for a fifteen (15) minute call.**

The Department is seeking pricing that will provide the best value to the State. The Department desires that the resultant contract generates the highest percentage of revenue for the state and the lowest possible telephone call rate charges for inmate families and friends.

**GTL Response:** GTL's BAFO pricing is reflected below. The blended telephone rate per call represents a 24% discount compared to today's rates while our proposed commission offer will generate an additional 41% in annual commissions in the first 5 years and 52% in the renewal years.

Furthermore, if inmates take advantage of the lower rates and increase the number of calls made per month such that their total spend equals what it is today (\$14.5mil/yr), your commission dollars will grow to \$9.4mil in the initial term (\$14.5M x 65%) or 85% more than you are being paid under the current contract. In the renewal years, this will grow to \$10.2mil (\$14.5M x 70%) or 100% more than you are being paid under the current contract.

## COST PROPOSAL

	INITIAL Contract Term 5 years	ONE Year Renewal	TWO Year Renewal	THREE Year Renewal	FOUR Year Renewal	FIVE Year Renewal
Department Commission % Rate Proposed	<b>65%</b>	<b>70%</b>	<b>70%</b>	<b>70%</b>	<b>70%</b>	<b>70%</b>
Blended Telephone Rate for All Calls* (inclusive of surcharges)	<b>\$0.096</b>	<b>\$0.096</b>	<b>\$0.096</b>	<b>\$0.096</b>	<b>\$0.096</b>	<b>\$0.096</b>

### B. ADDITIONAL NEGOTIATED SERVICES

The Department is interested in the following services that were addressed during negotiations:

The Respondent shall provide a detailed description of each of the below services, systems and/or equipment functionality, in narrative form. If included in the Contractor's BAFO and all, or a portion of, are accepted by the Department, these services shall be provided as part of the contracted service, and at the rates shown in the Cost Proposal (see Attachment 1) submitted in the respondent's BAFO.

**GTL Response** We have provided a detailed narrative for each of the additional negotiated services and additional Value Added services below. In addition to the Additional Negotiated Services and Value Added Services, GTL's core offer includes the following:

- ✓ 600+ Feature Centralized ITS
- ✓ All New ITS Network Infrastructure
- ✓ All New Telephones
- ✓ Unsurpassed DOC Staff Experience
- ✓ Meaningful utilization of certified small, disabled veteran, minority and woman owned business including PRIDE and RESPECT
- ✓ Upon contract award, GTL will assume the risk of transitioning in less than 80 days, in spite of what other providers may do to delay the transition.

- Investigative functions : An Investigative tool with the ability to import external sources of data and at least one (1) dedicated staff person to assist with analyzing investigative data;

**GTL Response** *"If you can think it, we can link it"*

With the same 'link charting' techniques used in the Boston Marathon Bombing investigations, GTL Data IQ provides the Department with the robust capabilities to analyze data beyond call analytics including the capability to analyze external data in addition to internal data such as the DOC's F.A.S.T system, OBIS, GTL's call data, video visitation, prepaid deposit data and data extracted from the Cellebrite cell phone forensics units. To maximize the power of GTL Data IQ, GTL will provide one dedicated staff person PLUS our staff located in our offices in Lake Butler, FL to assist with analysis regardless of the source of the investigative data. There are no limits to the analytical capabilities of GTL Data IQ: "If you can think it, we can link it".

## **Florida Department of Law Enforcement and Department of Financial Services**

Both the FDLE and DFS are existing users of the underlying technology used to power GTL Data IQ providing the Department with the capability to access additional investigative data. Should the Department need to expand an investigation with the FDLE, investigators for both the Department and the FDLE are already familiar with the use of this technology saving time used for investigations instead of learning a different analytics tool.

### **GTL Data IQ Investigative Data Sources – Advanced Intelligence Gathering**

GTL Data IQ is far more intelligent than other packages that just focus on inmate calling data. Inmates have 'touch points' with the outside through means other than telephone calls. GTL Data IQ was designed with these additional touch points in mind. Its comprehensive data investigation incorporates the following sources of data:



- ✓ Inmate Telephone Calls – **Basic Intelligence**
- ✓ Offender Management System Data – **Advanced Intelligence**
- ✓ Kiosk Data – **Advanced Intelligence**
- ✓ Financial Transaction Data – **Advanced Intelligence**
- ✓ Visitation Data - **Advanced Intelligence**
- ✓ Video Visitation Data – **Advanced Intelligence**
- ✓ Public Information Resources – **Advanced Intelligence**
- ✓ Cellebrite Forensic Cell Phone Data – **Advanced Intelligence**

**Additional Information Data Sources:** GTL Data IQ provides the Department with a unique investigative resource within the public domain. Within the State of Florida, investigators will be able to pull data from public information data sites across a wide cross section. The following is a partial listing of those public sites available to investigators:

- |                                |                           |
|--------------------------------|---------------------------|
| ✓ HIDTA (pending in Florida)   | Southwest Border Alliance |
| ✓ Consumer Finance Businesses  | Correspondent Lenders     |
| ✓ DIF Open Fugitives           | Health Department License |
| ✓ Health Facilities No License | Home Improvement Sellers  |
| ✓ Loan Originators             | Money Transmitters        |
| ✓ Mortgage Brokers and Lenders | Motor Vehicle Lenders     |
| ✓ Retail Installment Sellers   | Sales Finance Businesses  |
| ✓ Securities Firms             |                           |

Data mining technologies allow investigators to uncover *linkages* between telephone numbers and people/organizations to expose complex communication networks, identify investigative targets, and track chronological or sequential calling patterns.

Searching by inmate, depositor, phone number or visitor enables visualization of:

- ✓ Connections between inmates and those making deposits to inmate accounts
- ✓ Phone numbers being called by multiple inmates
- ✓ Visitors visiting multiple inmates
- ✓ Financial transactions made via kiosk
- ✓ Video Visitation system

Closer examination of some links might reveal no untoward activity; for example, a single phone number dialed by multiple inmates might belong to an attorney representing each of those inmates. Other links may provide valuable investigative benefit by revealing patterns and evidence indicative of ongoing criminal enterprise, gang activity and communication with former associates.

GTL Data IQ is one of the most powerful analytical packages available on the marketplace with a specific focus on Law Enforcement and public safety related interests. The system was designed to handle large volumes of data coming from multiple, disparate sources. The unique features of GTL Data IQ enable the Department to easily review and analyze the networks, relationships, and connections associated with their inmate population.

- Forensic extraction options: Minimum of six (6) Universal Forensic Extraction Devices (Cellbrite or equivalent); and off site examination of data - maintaining a defensible chain of custody;

**GTL Response** GTL is including a minimum of 6 Cellebrite forensic extraction devices with our offer. Off site extraction and examination of data while maintaining a defensible chain of custody is provided via our offices in Lake Butler, FL where our experienced investigative staff will supplement the Department's investigative staff. In addition to the minimum of 6 units to be provided to the Department, GTL will also purchase units to be held at the Lake Butler office for GTL's investigative staff. In addition to assisting with investigations, these units could be used as real-time replacement 'spares' should one of the DOC units fail. In that instance, Lake Butler would deliver the spare unit and have the damaged unit replaced so that investigators lose no productivity in their investigations.

Additionally, GTL offers the Department an annual technology grant, which could be used for additional Cellebrite units. The details of the annual technology grant are detailed in our response to Section C – Value Added Services.

- Video visitation: Pilot program at five (5) facilities, identified by the Department, with an option for statewide implementation, at the Department's discretion.

**GTL Response** GTL's offer includes a pilot program at five (5) Department facilities, identified by the Department.

GTL's unmatched experience and DOC customer base has given us unique insight into the needs of large State Departments of Corrections. While other providers may have experience implementing video visitation for small population facilities, GTL's video visitation product is the only hardened solution proven in high-volume environments, such as the LA County Jail. The number of visits at LA County alone eclipse those processed by all other video visitation providers combined. When comparing video visitation technology from your finalists, only GTL's video visitation technology has been deployed at a DOC – Colorado DOC.

As the leader in the corrections technology industry, we are confident our **VisManager Video Visitation (VVS)** service is the best solution for the Department.

## GTL will provide the Department's needed services for:

- ✓ Complete Turn-Key Solution
- ✓ Web-based system
- ✓ Registering and Scheduling for on-site as well as remote video visits
- ✓ Security
- ✓ System Interface to OMS
- ✓ Staff Access
- ✓ Reporting

## Advantages of GTL's Video Visitation Solution

- ✓ Studies and reports continue to support that recidivism can be significantly reduced by regular connection and communications between inmates, families and friends – **13% reduction in felony reconviction and a 25% reduction in technical violations.**
- ✓ Provides family and friends a secure visitation with an inmate, without having to travel long distances.
- ✓ Reduces the possibility of contraband being brought into the facility.
- ✓ The visitation backbone rides on the industry's leading scheduling software that can be used for even face-to-face visits.
- ✓ The granularity of the visitation management software is unmatched by any other offering in corrections, allowing for the most robust and personalized solution for the Department.



## Revenue Generation

While the demands of your staff and facility continue to grow, budgets continue to shrink. As a result, correctional facilities have sought out ways to generate revenue to offset costs. Services such as inmate phones, commissary, and inmate deposits have helped to defray costs; but until now, there has not been an effective system to generate revenue from inmate visitation.

GTL's VVS Solution can optionally generate revenue, for example, by charging for *additional visits*; those beyond the number permitted at no cost during a specified time period. You might designate specific days, times of day, or locations for free visits and charge for any other visits. Whether you offer on-premise video visitation, Internet video visitation, face-to-face visitation or a combination of these, our VVS Solution's advanced revenue generation module gives you the option of generating revenue. Unique to our proposed software, GTL's visitation management is the only software that can schedule all types of visits.

## VVS Revenue Option Features

- ✓ Generate revenue from internet, on-premise video visitation and/or face-to-face visitation
- ✓ Charge for visits in excess of inmates' "free visit" quotas
- ✓ Charge during specific days or times of the day
- ✓ Charge for specific locations (i.e. downtown visitation center)
- ✓ Set up unique fee structures
- ✓ Create override and refund policies
- ✓ Generate billing reports
- ✓ Automated refunds for inmate releases, movements, etc.

## Managed Hosting

### *Industry leading visitation management without added expenses of servers and IT staff*

GTL's hosted VVS Solution eliminates many of the financial barriers that can keep you from implementing a visitation management solution. Managed hosting gives you the same advanced functionality as our best-of-breed visitation management solution. Through managed hosting, you can dramatically reduce your up-front capital investment and in-house resource requirements.



## Video Visitation Functional Overview

GTL's Video Visitation System, powered by Renovo, includes the **VisManager** visitation management scheduling software platform that provides correctional facilities the tools to manage and control all types of visits through a single web interface: contact, face-to-face, video, Internet (at-home) and professional. The software was first deployed in 2003 and has been expanding ever since. **VisManager** is the clear leader in the visitation management market. By incorporating customer feedback into development every year, the **VisManager** software continues to provide the most comprehensive and configurable visitation platform.

GTL recommends the Department source the very best in scheduling software when selecting their vendor. **VisManager** is an all-encompassing visitation management solution developed specifically for correctional facilities. The system's modular design allows facilities to install only the functionality that applies to their department and opt for a phased deployment. This unique approach allows facilities to add additional functionality as policies and other factors change over time.

Whether your solution includes on-premise video visits, internet video visits or simply scheduling and managing face-to-face visits, this modular-based platform will equip you with the tools to effectively manage your visitation environment. Our VVS Solution's flexible, scalable, easy-to-use interface allows you to deliver exceptional service to the community while cutting the chaos out of visitation.

Often times, facilities offer a combination of these types of visits based on the classification of inmates or the type of visit (public or professional). Based on the customer's needs, the platform can handle any combination of traditional contact or non-contact barrier type visits, video visits, remote (internet) video visits and professional visits.

**VisManager** is designed to allow each facility to configure the system with their own specific policies and procedures—without the need for custom development or other interventions on GTL's part. Policies can be set up globally or applied only to certain housing units (visitation quotas, restrictions, approved visitor lists, etc.).

This allows facilities to schedule, manage, and track all visits and visit history in one system. Utilizing **VisManager** results in tremendous labor savings and operational efficiencies for correctional institutions of all sizes.

### **Features of the VisManager Scheduling Software Solution**

- ✓ Scheduling a visit
- ✓ Charging for visits
- ✓ Event and Conflict Checking
- ✓ Reports
- ✓ Warrant Checks
- ✓ Easy Visitor Check-Ins
- ✓ User Groups and Privileges

The modularity and hardware neutrality of this software helps protect investments and prevent technology obsolescence. This system will include all visiting stations, video monitors, web cams, handsets and codecs for both onsite and remote video visitation. Our flexible solution supports a variety of configurations:

- ✓ **On-Site Facility Visitation** – Inmate and visitor video visitation units are located within a facility; allowing visits at the facility without the need for additional security.
- ✓ **Multiple On-Site Facility Visitation** – Video visitation units are located at two or more facilities; allowing visitor at one facility to visit inmates at the two or more facilities.
- ✓ **External Visitation** – Video visitation units are located at a facility and at an approved remote location such as courthouse or visitation center to permit video visitation between these units.
- ✓ **Remote Visitation** – Video visitation units are installed at facilities, which allow visits with remote home computers.
- ✓ **In-Pod Video Visitation-** Video Visitation is also available on GTL's In-pod kiosk for use by inmates , if the county procures these services at a later date for inmate email, commissary ordering, media/education digital content distribution, or electronic inmate requests

## **Enclosure Features**

- ✓ Off-the-shelf components
- ✓ High resolution cameras
- ✓ Corrections-grade handsets and lanyards
- ✓ standard monitors (minimum)
- ✓ Corrections-grade hardened steel
- ✓ Liquid and vandal resistant
- ✓ Optional features including: mobile enclosures, dual handsets, and hardened keyboards.

## **Internet Video Visitation**

### ***Reduce Costs... Reduce Crowds... Simplify visitation***

Video chat is nothing new, but effectively managing the complexities of inmate visitations via the Internet requires an Internet visitation environment that accurately accommodates the increased need for security and tracking associated with inmate visitation. GTL's VVS Solution provides the restrictions, quotas, billing rules, warrant checks, and video check-in functionality that are specific to Internet video visits with incarcerated offenders.

With one simple, easy-to-use website, visitors can register, schedule, and complete visits from their PC, laptop or tablet PC (iPad and Android). Most importantly, when an Internet video visit is not an option for the visitor, your staff can use the system to schedule and manage both Internet and on-premise visits using the appropriate quotas, restrictions, schedules, monitoring, and recording rules.

- Free Calls: In 5, 10 and 15 minute increments. Calls will be authorized at the Department's discretion.

**GTL Response** GTL will provide free calls in 5, 10 and 15 minute increments. GTL understands free calls will be authorized at the Department's discretion.

- Cell phone detection: Minimum of 15 detection units (cellsense or equivalent).

**GTL Response** GTL is including a minimum of 15 Cell Sense units to be deployed at locations selected by the Department. In addition to the minimum of 15 units to be provided to the Department, GTL will also purchase units to be held at the Lake Butler office. These units could be used as real-time replacement 'spares' should one of the DOC units fail. In that instance, Lake Butler would deliver the spare unit and have the damaged unit replaced so that investigators lose no productivity in their investigations

Additionally, GTL offers the Department an annual technology grant, which could be used for additional Cell Sense units. The details of the annual technology grant are detailed in our response to [Section C – Value Added Services](#).

- Interactive Voice Response (IVR) scheduling: appointments, grievances etc.

**GTL Response** GTL's offer includes both an 'internal' IVR for scheduling appointments, grievances, etc and an 'external' IVR for public information inquiries.

### **Internal IVR**

GTL's 'internal' IVR provides inmate's with a speed dial option from the ITS to schedule appointments such as sick calls, more fully described below, lodge grievances and report troubles.

*Sick Call Scheduling* GTL has proactively contacted the state's selected inmate health care providers, Wexford and Corizon, for the purposes of defining the specifications for providing an automated, secure, and documented "sick" call IVR solution. Our Sick Call Scheduling solution will assist inmates in appointment scheduling thus decreasing staff time to managed paper and work flows. Our solution is PIN driven; an inmate would pick up the phone, dial his or her PIN, access the automated IVR, leave a message, which would then be sent to the appropriate staff to triage the severity of request. Our solution greatly simplifies appointment scheduling. This solution follows the current Department's sick call sheet DC4-698A Rule 33.402.101, F,A,C, or any other new form that may be revised during the course of the contract.

*Grievances and Trouble Reporting* GTL proposes to provide one-way IVR capability to the inmates for the purposes of reporting grievances or problems to minimize Department staff from handling calls or complaints that might otherwise demand facility staff attention:

- ✓ ***Inmate Complaint Line*** at which inmates may leave questions or messages about problems they encounter using the inmate telephone system.
- ✓ ***Called Party Help Line*** at which outside parties (families and friends) may leave questions or messages concerning inmate calls, for example: phones inoperable, blocked calls, et cetera.

The Inmate Complaint and Called Party Help Lines will be regularly checked by GTL Site Administrators, who will respond to each caller's question or complaint and take appropriate action to clear up any issues.

### **Hotline Signage**

Easily readable signage, provided by GTL at locations approved by the Assistant Warden of Programs throughout and on the grounds of the institution, will inform inmates of the existence of the "hotlines"; explaining the purpose of each, and providing the toll-free number for each.

Each grievance or trouble report will be researched by GTL staff to determine if a valid condition exists. If a valid condition exists, GTL will provide Department staff with the appropriate information including the nature of the grievance or problem along with the inmate's name and our recommended course of action to remedy the grievance or problem.

### **External IVR - Automated Answers for Frequently Asked Questions**

GTL's Facility Services Secretary (FSS) is an automated attendant system that allows families and friends of inmates to easily interact and access, through a single toll free number, facility information, inmate status and other available services such as court dates, release dates, facility address, etc. Department staff is no longer burdened with answering basic and repetitive questions and can redirect and focus on Department priorities such as managing inmates.

The FSS has the capability to provide answers to the following topics via a simple menu driven toll free IVR

- ✓ Court Dates
- ✓ Release Dates
- ✓ Facility Address and Directions
- ✓ Facility Rules and Policies
- ✓ Visitation Information and Hours of Visitation

#### Relocation Due to Hurricane?

We can automate answers to any topic the Department desires. For example, if the Department wanted to provide information about the relocation of inmates due to a pending hurricane, the FSS could be quickly programmed to provide this information for affected family members providing peace of mind about their loved one's whereabouts.

#### FSS Integration with OBIS

The power of FSS is greatly enhanced through the integration with the Department's OBIS system. Once the interface is established with OBIS, FSS automatically updates the answers to common questions based upon the automated updates from OBIS thus eliminating an additional step requiring human intervention.

GTL has extensive experience interfacing with Offender Management Systems nationwide. This is especially important to demonstrate we have the proven capabilities to interface with OBIS for the FSS. As evidenced below, we have interfaced with a variety of different technologies for 3<sup>rd</sup> party system interfaces including:

- |                          |                                |
|--------------------------|--------------------------------|
| ✓ XML                    | Web Services                   |
| ✓ Direct Database Access | Shared File System             |
| ✓ FTP                    | Batch Export to File           |
| ✓ Watchdog Applications  | Socket Communication           |
| ✓ Screen Scraping        | Application Program Interfaces |

#### Benefits to the Department

- ✓ Drastically reduces staff time answering frequently asked questions
- ✓ Reduces staff otherwise spent updating answers to frequently asked questions
- ✓ Re-purposes valuable staff time to Department Priorities
- ✓ No cost to the Department

#### Benefits to Friends and Family Members

- ✓ Toll Free Access to Important Information
- ✓ 7x24x365 Access to Important Information
- ✓ Instantaneous Access— no time on hold for Department staff

#### Benefits to the Inmates

- ✓ Personal information such as court dates or release dates available immediately to friends and family members
- ✓ Peace of mind during relocation due to a hurricane

- Continuous Voice Biometrics

**GTL Response** Utilizing the underlying technology for Apple's SIRI, GTL is able to provide the Department with our latest addition to the GTL Voice Biometric solution, which is a unique speaker verification system that enables verification and identification of an inmate in real time, using a simple spoken pass phrase. Totally language and accent independent, the GTL voice biometric feature provides a secure, efficient and extremely convenient method to verify an inmate's identity. Our voice biometric solution is fully integrated and is easy to deploy within Department facilities.

Designed exclusively to meet strict global security standards, GTL's voice biometric solution has successfully passed independent security audits. Our state-of-the-art voice biometric accuracy is used to secure access to remote services, telephony and Web applications, effectively combating identity fraud and enhancing the customer experience. GTL's voice biometric solution has been selected as the verification platform of choice by leading correction industry and security organizations.

### Features

- ✓ Language and accent independent
- ✓ State-of-the-art accuracy
- ✓ Fully Integrated with ITS
- ✓ Straightforward deployment
- ✓ Integrated security
- ✓ Convenient and non-intrusive (no personal information required)
- ✓ Multi tenancy, scalability, and multi-site high availability
- ✓ Future proof affording the ability to expand capabilities
- ✓ Multi-engine architecture allowing further flexibility and interoperability

### How It Works

GTL's voice biometric solution is an integrated component of GTL's ITS solution which provides secure access to initiate the verification process. The inmate's pass phrase is acquired by GTL's voice biometric solution in order to verify a claimed identity. A verification result is then returned to confirm the inmate's identity.

### Enrollment

Enrollment in GTL's voice biometric solution is carried out by an inmate stating three consecutive renderings of the selected pass phrase, creating a unique voiceprint.

### Verification

GTL's voice biometric solution verifies the inmate by comparing a single repetition of the enrolled pass phrase to the voiceprint stored in the system's voiceprint repository.

### Continuous Voice Biometric:

Additionally, GTL will provide the Department the GTL Continuous Voice Biometric feature, which is a continuous scan for inmate, and called party phone swap control and prevention feature. The ITS continuous voice biometric solution is fully integrated with the ITS. GTL will deploy the continuous voice feature in conjunction with the initial voice verification biometric feature.

- Operates in Real-Time as opposed to other voice biometric products which are strictly post production.
- Resides as an integral component of the ITS and does not require 3<sup>rd</sup> party software to be opened outside of the ITS user interface.

- Also, as described below the technology is working throughout the call and will prevent fraudulent handover of the handset to a different inmate.

With our continuous voice search (Voice IQ) feature enabled, line-monitoring modules continuously tracks the inmates voice during the conversation; once system detects a 'Speaker Change' event, it triggers an event alert. The alert is capable of performing any combination of the following actions:

- ✓ Alert both parties that a "Speaker Change" event has occurred.
- ✓ Terminate the call.
- ✓ Store 'Speaker Change' event information in the ITS database.
- ✓ Alert designated Department personnel
- ✓ Mark recording for future search of speaker change events including location offset

Actions shown here are triggered in real time, which is a GTL exclusive feature. After call completion, the Speaker Change Events collect during the call are stored in the ITS database. All Speaker Change Events for all inmate calls at Department facilities are stored collectively in the ITS database for further search and retrieval.

#### Additional Features:

- ✓ Seamless Enrollment
- ✓ Feature can be enabled for inmate or called party audio
- ✓ Speaker Change Events are stored separately, not altering the original recording in any way.

#### Future Features on Product Roadmap

- ✓ Identify each speaker on the call
- ✓ Identification of former inmates on the called party side

Should the Department be interested in JLG's Investigator Pro with enhanced Continuous Voice Biometrics, we have included additional details in our Valued Added Services section.

- Inmate voice mail: Maximum of thirty (30) seconds for friends, family and staff

**GTL Response**                      GTL will include inmate voice mail for friends, family and staff with a maximum message duration of 30 seconds. Our inmate voice mail solution will be fully integrated within our ITS thus the Department retains security controls including monitoring and recording capabilities of inmate voice mails.

- Ability to search calls by keywords.

#### **GTL Response**

### **Nexidia™ Keyword Search**



GTL has partnered with **Nexidia™**, a leader in voice and speech pattern recognition solutions, to provide word data-mining capabilities. The need to analyze data gathered from telephony audio sources, in multiple languages, is mission critical for corrections agencies and we are confident the Nexidia™ solution will exceed the Department's expectations in this area. Nexidia's Keyword search is far superior to in-house developed application using patented technology and support for more than 35 languages and dialects.

## ***The Problem***

A considerable amount of audio recorded is being analyzed using only metadata that is strictly a single dimension view into the contents of the overall audio, resulting in an unreliable and fragmented investigation. The sole use of metadata also leads to a very inefficient search process where significant time is spent listening to audio data that is not relevant to the focus of an investigation. Department staff responsible for identifying and assessing current and future threats understand that the information they uncover is time sensitive and loses its value if it takes too long to extract. Legacy audio search methods are not capable of operating at the same speeds and the indexing utilized by those methods results in call transcriptions being delayed and often skipped due to their inefficiencies. Nexidia provides the ability to stream, index and search spoken words in a matter of seconds after the call has been completed.

## ***The Nexidia™ Solution***

Nexidia™ will enable Department investigators to tap into the massive amounts of recorded audio communications at the fastest speeds, highest accuracy and with the most integrated deployment options. Department staff can now index large amounts of recorded audio from phone calls or computer voicemail making content instantly searchable directly from the same user interface where a call detail report is generated, further increasing the time saved. By eliminating the need to translate speech to text, and then mining that text, Nexidia™ provides indexing speeds never before imagined.

Nexidia™ can instantly search any spoken word, enabling the timely identification of relevant threats and trends, and empowering agencies to immediately respond with preventative, protective action. The patented phonetic search technology enables searches on proper names, inexact spellings, industry terms, jargons, slang and colloquialisms—all without extensive training, large dictionaries or vocabulary updates. Nexidia's extensive language capabilities leverage the linguist by delivering highly accurate results regardless of the speakers' gender, age, dialect, accent or speaking style.

## ***Nexidia's Extensive Language Capabilities***

Nexidia™ supports more than 35 languages and dialects. Language models are created with representative audio that provides a robust language recognition capability out of the box. Language support can also be further refined using Nexidia's extensible language tuning framework. Because the technology does not require a dictionary, new language capabilities can be developed relatively quickly.

## ***How Nexidia™ Phonetic Search works***

Nexidia™ technology is based on phonetics—the systematic study of the sounds of human speech. In all the languages of the world, there are about 400 distinct sounds (known as “phonemes”) though most languages use only a fraction of that total. By using these tiny components of language, Nexidia is able to capture a true record of what is being said in an audio track, which can be searched more quickly, accurately and flexibly than with any other technology.

The process works in two phases. In the first phase, recorded audio is streamed into the system and a time-aligned phonetic index is created. Because phonemes are simply uttered sounds, the indexing is not affected by factors such as background noise, languages, dialects or speaking styles.

The second phase begins when a search is requested. Searches are performed directly on words or phrases, or using special operators such as Boolean strings or time-based proximity to other content. Nexidia's proprietary and highly efficient search engine identifies and matches the phonetic equivalent of the search string and returns relevancy-ranked results.

The result is a process that not only creates the truest representation of spoken audio, but also enables the fastest, most accurate access to the information contained within the audio files. Whether used to improve the tagging of audio for syndication, to perform ad hoc searching for audio discovery and evidence, or for analysis and reporting on large volumes of customer call data, Nexidia™ delivers advantages no other technology can match.

### ***Key Benefits to the Department***

**Greater Speed:** Phonemes are the tiniest building blocks of language. Using these small bits enables faster processing of audio and the ability to find words and phrases within context without requiring complex and difficult-to-maintain dictionaries.

**Greater Accuracy:** Today's languages are changing rapidly. New words, industry terms, blended words, proper names, slang, code words, brand names, and even the non-standard mixing of different languages are all easily processed with the phonetic approach.

**Greater Flexibility:** Because Nexidia technology is not dictionary-based, there is no need to train the system for dialects or accents. Additionally, Nexidia™ is unaffected by unique speaking styles, jargon and even audio quality that can impact the performance and accuracy of text-to-speech methodologies, so you get what you need faster and with less impact on your resources.

- Capability to capture inmate to inmate telephone communications

**GTL Response** As a member of the ICER consortium, GTL provides the Department the capability to capture inmate to inmate telephone communications. ICER (Inmate Communication Evaluation and Reporting) is an emerging technology offered by JLG Technologies, which attempts to detect inmate to inmate telephone calls. The ICER technology is a post call event analysis tool used to analyze call data to identify potential inmate to inmate telephone calls.

- Location based services of called cell phones.

### **GTL Response**

Utilizing powerful and accurate GPS location based services, GTL Cell Point can access a consumer's cell phone location regardless of the network or device type. Using carrier network-based location and GPS, GTL Cell Point can help you locate cell phone users through pinpoint location, latitude/longitude coordinates or geo-fencing proximities. Investigators within our reporting application can select a 'Get Location' button, which will provide the user a map with the location of the cell phone user. Location based services are most effective with the major wireless carriers including ATT, Sprint and Verizon Wireless who provide a combined 83% of wireless service.

### Features of GTL Cell Point include:

- GEO Fences
- Adjustable GEO Fences – User Defined
- Real time notifications
- Ad Hoc Queries
- Court order may be required for on-demand cell phone locations

### What is Geo Fencing?

Geo Fencing is setting up a perimeter in an area of interest and determining if calls from a Department facility are going to said area of interest.

Example of Geo Fencing: Alerts if a cell phone was called by an inmate phone within a ½ mile of the facility and provides ability for administrator/investigator with proper rights to listen to that call LIVE. This is of interest to a facility where a suspect is about to bring in drugs at visitation, throwing any form of contraband over the wall or in the recreational area, etc.

Geo Fence can be established for an area around the facility, a known drug house, area of high gang activity, etc.

### Ad Hoc/On Demand Search

Department staff enters a cell phone number and the system 'pings' the cell phone to determine its location. The degree of accuracy is dependent upon the number of towers near the cell phone – i.e. rural towers with fewer towers = lower accuracy while metropolitan areas with more towers = greater accuracy.

- ✓ Location information is derived from the longitude and latitude of the cell phone towers.
- ✓ GTL follows all applicable law enforcement guidelines for providing cell phone locations
- ✓ Location services provide a moment in time location snapshot
  - Historical locations and movements are available via a subpoena or court order.

In order to provide the best value to the state, the Department reserves the right to accept or reject any or all of the additional negotiated services.

**GTL Response** GTL understands the Department reserves the right to accept or reject any or all of the additional negotiated services.

## C. VALUE-ADDED SERVICES

Value-added services include any services, including additional services that the Contractor offers to provide as part of the Contract resulting from the ITN that is either not required to be provided in the ITN or RBAFO or clearly exceeds the minimum requirements of required service. The Respondent shall provide a detailed description of each value-added service, system and/or equipment functionality, in narrative form. If included in the Contractor's BAFO and accepted by the Department, "Valued-Added Services" shall be provided as part of the contracted service at no additional cost to the Department and with minimal impact to family and friends.

**GTL Response** GTL is proposing a number of value added services beyond the minimum specifications of the ITN and Additional Negotiated Services, which further demonstrate the present and future value of our capabilities to the Department.

1. Visitation Scheduling
2. Pilot for Wireless Devices for Inmate Education, Re-entry Programs and Secure Communication
3. \$100,000 Annual Technology Fund
4. Investigator Pro Technology with enhanced Continuous Voice Biometrics
5. Debit Calling Option
6. Call Track – Parolee Monitoring Services

## Value Added Service #1 - Visitation Scheduling for All Department Visits

GTL's fully-integrated prison solution includes supplying the Florida Department of Corrections with the "best in class" **Visitation Scheduling Software powered by Renovo**. GTL's exclusive relationship with Renovo Software means that only GTL has the ability to provide the most powerful and comprehensive visitation management and scheduling software in the Country. This mature and fully proven solution will revolutionize how the Department manages visitation today. Friends and family will now schedule, track and receive notification of inmate visits without the hectic "first-come, first-serve" visitation policy. Visitations are scheduled online using a simple website that can be accessed at home or via Smartphone.

### Visitation Scheduling & Automation

Inmate visitation management should not be one-size fits all – visitation management software must address your unique policies, challenges, and requirements. GTL's video visitation solution is designed to let you to create specific policies, quotas, and restrictions that allow for effective and accurate visitation scheduling – reducing costs, crowds, and conflicts.

		
<b>Face-to-Face Visits</b>	<b>On-Premise Video Visits</b>	<b>Internet Video Visits</b>
<ul style="list-style-type: none"><li>• Eliminate long lines during peak hours</li><li>• Visitors register and schedule online</li><li>• Enables Revenue Generation</li></ul>	<ul style="list-style-type: none"><li>• Eliminate officers from escorting inmates</li><li>• Reduces vehicle transportation</li><li>• Reduces contraband</li><li>• Enables Revenue Generation</li></ul>	<ul style="list-style-type: none"><li>• Eliminate officers from escorting inmates</li><li>• Reduces vehicle transportation</li><li>• Eliminate "Public" and contraband in the facility</li><li>• Enables Revenue Generation</li></ul>

GTL's Visitation Scheduling Software, is an all-encompassing visitation management system developed specifically for correctional facilities. The system's modular design allows facilities to use only the functionality that applies to them and opt for a phased deployment. This unique approach allows facilities to add additional functionality as budgets, policies, and other factors change over time. The software is designed to allow each facility to configure the system with their own specific policies and procedures—without the need for custom development or other interventions on GTL's part.

Policies can be set up globally or applied only to certain housing units (visitation quotas, restrictions, approved visitor lists, etc.). Often times, facilities offer a combination of these types of visits based on the classification of inmates or the type of visit (public or professional). Based on the customer's needs, our platform can handle any combination of traditional contact or non-

contact barrier type visits, video visits, remote (internet) video visits and professional visits. In addition, this software can be configured with rules and policies specific to each visit type. This allows facilities to schedule, manage, and track all visits and visit history in one system. The GTL Scheduling Software results in tremendous labor savings and operational efficiencies for the Department.

### Benefits to the Department

- Friends and family can schedule visits on-line or on their Smartphone - reducing parking lot congestion, reducing public visitor conflicts, reducing staff stress and overall, automating all aspects of visitation scheduling and public communications.
- Components of the web-based and lobby scheduling software:
  - ✓ Multilingual web and kiosk interface
  - ✓ Professional web-based registration and scheduling allows the Department to set unique policies for professional visitors
  - ✓ The ability to provide visitor kiosk registration and scheduling via ID card reader
- Conflict checking to ensure inmate visitation availability, based on:
  - ✓ Inmate and station availability
  - ✓ Inmate and visitor quota verification
  - ✓ Inmate and visitor restrictions
  - ✓ Housing unit visitation schedules
  - ✓ Visitation center hours
  - ✓ Schedule events as exceptions to regular visitation schedule (holidays, lock-downs, maintenance, etc.)
  - ✓ Number of visitors allowed per visit
- Ability to automatically match visitors to wheelchair-accessible stations.
- Friends and family receive automatic confirmation of visits. When an inmate's housing unit or status changes, our solution will automatically reschedule affected visits. If visits cannot be rescheduled, they are cancelled and visitors are notified via email and automated phone messages.
- Automated inmate updates and cancellation notices
- Fully configurable policies and quotas that can be set:
  - ✓ For both inmates and visitors
  - ✓ By day or by week
  - ✓ Ability to set different quotas for different housing units
  - ✓ Custom visitation schedules for different housing units and visitation centers
  - ✓ Assign staff users to user groups with specific privileges
  - ✓ Inmate & visitor restrictions
  - ✓ Reconfigure policies at any time without redeployments or further development
- When the facility cancels a visit, friends and family are automatically notified via a pre-recorded telephone message (in English or Spanish) and email. This eliminates the need for staff to manually notify visitors.
- Seamless interface of the scheduling software into the Department's current Offender Based Information System (OBIS). Inmate bookings, movements, and releases are immediately propagated throughout the system, providing up-to-date visitation schedules, with visibility across the facility.
- Mass email of notifications to all active visitation scheduling users in the public visiting system.

- Revenue generation opportunities for how visitation is conducted today:
  - ✓ Charge for visits in excess of inmates' "free visit" quotas
  - ✓ Charge during specific days or times of the day
  - ✓ Charge for specific locations
  - ✓ Set up unique fee structures
  - ✓ Create override and refund policies
  - ✓ Generate billing reports
- Extensive reporting capability and intelligence tools for GTL's Data IQ product and for investigators across the Department.
- Ability to conduct pre-visit warrant checks, to support security and public safety.
- ID card readers for visitor registration, scheduling, and check-in.

The Department will be assigned a team of experts to install, configure, and train the Department and every facility on how to use the scheduling software. This solution empowers the Department to streamline visitation processes through increased efficiency. **GTL offers the Renovo Visitation Scheduling Software at no cost to the Department.**

### **Value Added Service #2 - Pilot for Wireless Devices for Inmate Education, Re-entry Programs and Secure Communications**

Imagine a Department facility where inmates have a correction's grade tablet capable of offering Department approved curriculum toward completion of a GED or educational content aimed to improve the recidivism rate for inmates, all from their housing units.

Sound farfetched? In reality, these capabilities exist today. GTL has corrections grade wireless tablets and telephones ready to pilot with the Department. While a quality corrections grade device is important, it is only half the story. Through our relationship with Smart Horizons and Sandy Osteen of Critical Connections, we will have curriculum designed for inmate education and re-entry ready to deploy.

In addition to benefits of education, these wireless devices could also be used for telephone calls and video visitation sessions. If interested, GTL would work with the Department to safeguard these features and ensure only Department authorized communication takes place from these devices preventing inmates from impermissible internet access and unauthorized communication.

GTL is willing to jointly pilot with the Department wireless devices for use by inmates for inmate education, re-entry programs and future communication options such as video visitation and telephone calls. **GTL offers this pilot at no cost to the Department.**

### **Value Added Service #3 - \$100,000 Annual Technology Fund**

Each year, our customers are faced with tighter budgets and difficult choices in how to manage to these budgets. Beyond commissions, our \$100,000 annual technology fund provides the Department with the flexibility to fund additional technology such as Cellebrite or Cellsense units, implement a cell phone interdiction program or any other technology deemed a priority by the Department. **This annual technology fund is offered at no cost to the Department.**

As an additional option to the Department, the amount of the yearly technology fund may be increased with minimal impact to family and friends.

## Value Added Service #4 - Investigator Pro Technology with Enhanced Continuous Voice Biometrics

As an alternative option for the Department's need for inmate calling verification of identity, GTL is able to provide the JLG continuous voice biometric inmate identification system.

The Investigator Pro™ system is a powerful suite of investigative analysis tools that identifies inmates over telephone calls and exposes those who try to hide their identities to engage in criminal activity.

It automatically flags criminal calling patterns and other case sensitive issues, and alerts investigators to suspicious calls so they can quickly prioritize investigations. The system's dashboard automatically collects and analyzes a vast amount of information that would otherwise be labor intensive to gather and interpret.

The Investigator Pro system biometrically analyzes the entire phone call. The system then detects suspicious patterns across the entire call database, and automatically presents its findings. As a result, investigators no longer have to drill down through mountains of information to make the connections.

### Investigator Pro Feature Highlights

**High Interest Call Feature:** *Automatically identifies and alerts investigators to high interest calls so they can spend less time monitoring and more time investigating.*

**3-Way Call Detection:** *Exposes inmates' attempts to disguise their identities and leave no trail behind.*

**Intelligence Analysis:** Proactively analyzes criminal calling patterns to intercept illicit activities.

**Administrative Reports:** Optimizes information so you can better manage your priorities.

**Case Evidence Management Tools:** Collects and organizes your evidence all in one place with state-of-the-art tools.

**Interagency Intelligence Sharing:** Gathers more credible intelligence information for you to share with other public safety agencies.

If the Department desires to implement the JLG continuous voice biometric solution, this technology is available with minimal impact to family and friends.

## Value Added Service #5 - Debit Calling Option

Debit calling is a proven call option, which benefits the Department in the following ways

1. Increased contact between inmates and their friends and family members
2. Increase in annual commissions
3. The same security features as Collect and PrePaid Collect calling
4. Offered at no cost to the Department

For example, a large DOC with nearly 50,000 inmates experienced a doubling of call volumes since the implementation of an integrated debit calling option, which generated additional commissionable revenue while providing inmates another option for communication at affordable rates.

GTL's ITS provides traditional collect calling as well as prepaid call options to ensure that inmates have every possible opportunity to connect with their friends and loved ones. Roughly half of all telephone numbers in the United States, including almost all cell phone numbers, are restricted from receiving traditional collect calls. Prepaid calling options including debit calling overcome this limitation; enabling the completion of many more, otherwise approved, inmate calls. Debit calls are subject to the same ITS call restrictions and security functions as collect calls.

Debit calling allows inmates to pay for calls directly from their existing commissary/trust accounts, eliminating the need for calling cards that can be lost or stolen. This is accomplished via an interface between the ITS and the facility's Offender Management System or the Commissary Banking system.

#### Inmate Debit Calling

- Inmate debit can fund both **domestic** and **international** calling.
- Inmate debit allows access to many more phone numbers because so many numbers are blocked from traditional collect calling.
- Inmate debit provides international calling without the security and financial risks associated with international collect.
- Inmate debit calls are more likely to be accepted since the answering party does not have to pay for the call.

Fully Integrated Debit – This innovative approach allows inmates to make calls using money that exists in their commissary/trust accounts. Cardless (Seamless) Debit calling is offered at no cost to the Department. Inmates can easily fund debit calls through the inmate telephone system at a moment's notice and complete calls to any facility-approved telephone number he or she chooses. Family and friends may contribute to an inmate's debit calling ability by depositing money directly into the inmate's commissary or trust account.

Inmates use their confidential Personal Identification Numbers (PINs) to place debit calls. The advantage to Cardless (Seamless) Debit calling is that it has proven superior to the selling of commissary time or calling cards and best of all **no** human intervention is required.

The advantages of **fully integrated debit** include:

- ✓ When GTL implements fully integrated debit the result is usually a substantial increase in call volumes and commission revenues for the facility.
- ✓ Less busywork for staff with greater system accuracy and fewer data entry errors.
- ✓ No calling cards to sell, monitor, or worry that they are being used for gambling.
- ✓ Inmates have access to their existing funds in real-time through the ITS to pay for debit calls.
- ✓ Quicker, easier debit calling through the OMS/accounting module.
- ✓ Automatic deactivation of an inmate's debit account upon the inmate's release from incarceration.

## **Value Added Service #6 - Call Track – Parolee Monitoring**

Call-Track is a phone and web-based service used to track low-risk offenders while freeing up case managers to focus on higher-risk offenders and other tasks.

### **How it Works**

The **Call-Track** program is a fully-integrated module within the GTL Case Management System (CMS), but can also operate as a stand-alone system for monitoring low-risk offenders via phone and web-based reporting services. The Call-Track service is no cost to the Department with low fees incurred by the offenders being monitored. Payments may be accepted via an IVR or directly through the web-reporting site itself.

Offenders are assigned to various reporting schedules, ranging from weekly to bi-weekly to monthly. Offenders may be assigned to phone and/or web reporting services. Each reporting method may have multiple services associated with it, each with its own set of custom-defined questions. A history of all recorded responses, both audio and web-based, is maintained for offenders enlisted in the Call-Track service.

**Call-Track Alerts** are generated when an offender responds to a question that triggers a change in data, such as a change in address, employment, recent arrest or admittance to violating their terms of probation. When an alert is triggered, case managers receive updated information in the CMS and can also choose to have notifications sent via email, phone, text message, etc.

Case managers supervise their Call-Track caseloads through the **Call-Track Management** module. This module utilizes a Dashboard utility to present users with information in an easy-to-analyze format. Color-coded notifications identify upcoming or past due calls, missed payments or offender reports that generate Alerts. In addition to reviewing reporting information, case managers can send mass voice and/or electronic communications to individuals or groups of offenders. Offenders may also receive additional reminders for things like upcoming reports, office visits, court dates, etc.

D. EVALUATION PROCESS INFORMATION

Phase 8 - Best and Final Offers

Respondents will be asked to submit to the Department their Best and Final Offer in accordance with revised specifications, if applicable, as set forth in the Department's Request for Best and Final Offers. The vendors' Best and Final Offers shall contain the best pricing option the vendor is prepared to offer as specified in Section A, Pricing, however, after submission of Best and Final Offers, the Department reserves the right to clarify any element of required service or further negotiate pricing with a single or all qualified respondents prior to final award. After receipt of BAFO's, the Negotiation Team will prepare a summary report of negotiations and enter a recommendation as to which respondent provides the best value to the state. Award will be made in compliance with Section 287.057 (3) (b), Florida Statutes.

**GTL Response** GTL has submitted its Best and Final Offer in accordance with the revised specifications and instructions.

E. BEST AND FINAL OFFER RESPONSE INSTRUCTIONS

Responses to this Request for Best and Final Offer shall be received no later than close of business (5:00 p.m. ET), Tuesday, June 18, 2013. Responses may be emailed (preferred), faxed or sent hard copy sent via mail. If submitting via email, please submit to [hussey.julyn@mail.dc.state.fl.us](mailto:hussey.julyn@mail.dc.state.fl.us) with a cc to [wright.kelly@mail.dc.state.fl.us](mailto:wright.kelly@mail.dc.state.fl.us). Faxed responses may be sent to 850-488-7189

F. SIGNED STATEMENT OF ACCEPTANCE OF MINIMUM SPECIFICATIONS, TERMS AND CONDITIONS AND FINAL CONTRACT

The Respondent shall include a signed statement acknowledging acceptance of the minimum specifications and their intent to comply with all terms and conditions indicated in the ITN, Respondent's Initial Response, the Request for Best and Final Offer and Respondent's Best and Final Offer.

When a contract is established between the Department and the successful Respondent, the ITN, the Initial Response to the ITN, the Request for Best and Final Offer and the Respondent's BAFO shall be incorporated into and thereby become a part of that contract. If there is a conflict in language, the Department's contract will govern.

**GTL Response** Please see the attached cover letter preceding our Best and Final response, which includes a statement that GTL, is acknowledging minimum specifications and our intent to comply with all terms and conditions indicated in the ITN, GTL's Initial Response, the Request for Best and Final Offer and GTL's Best and Final Offer.

**ATTACHMENT 1**

Additional Negotiated Services Cost Proposal					
Additional Negotiated Services Requested	Additional Charge Per Minute to Blended Telephone Rate Proposed * (i.e. \$.01 increase)	"To Connect" Surcharge** (i.e. \$.25 per call)	Percentage Change to Department Commission Rate Proposed*** (i.e. 2% reduction)	VIDEO VISITATION ONLY	
				Blended Video Visitation Per Minute Rate Proposed (inclusive of surcharges)	Department Commission % Rate Proposed
1.) Video Visitation (5 pilot sites)				\$0.60	25%
2.) Free Calls	NC	NC	NC		
3.) Forensic Extraction Options	NC	NC	NC		
4.) Investigative Function	NC	NC	3.0% reduction		
5.) Cell Phone Detection	NC	NC	NC		
6.) IVR Scheduling	NC	NC	NC		
7.) Continuous Voice Biometrics	NC	NC	1.5% reduction		
8.) Inmate Voice Mail	NC	NC	NC		
9.) Ability to search calls by Keywords	NC	NC	1.5% reduction		
10.) Capability to capture inmate to inmate telephone communications	NC	NC	NC		
11.) Location Based Services (cell phones called)	NC	NC	4% reduction		

\*If no additional charge per minute is being proposed respondent must indicate NC (no charge)

\*\*If no surcharge is being proposed respondent must indicate NC (no charge)

\*\*\*If no change to initial department commission rate is being proposed respondent must indicate NC (no change)

**Attachments**

cc: Kalpak Gude (via email)  
Randolph Clarke (via email)  
David Zesiger (via email)  
Lane Johnson (via email)  
Anjali Vohra (via email)  
Melissa Kirkel (via email)  
Diane Griffin Holland (via email)  
Richard Mallen (via email)  
Marcus Maher (via email)  
Rebekah Goodheart (via email)

**CERTIFICATE OF SERVICE**

I hereby certify that, on December 4, 2013, the forgoing Opposition was served via electronic mail on the following persons:

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Marlene.Dortch@fcc.gov

Chairman Tom Wheeler  
Federal Communications Commission  
Tom.Wheeler@fcc.gov

Commissioner Mignon Clyburn  
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Mignon.Clyburn@fcc.gov

Commissioner Jessica Rosenworcel  
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By: /s/Deborah M. Golden  
Deborah M. Golden, Esquire