

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: ENCARTELE, INC.	DOCKET NO. WRU-06-01-3827 (TF-05-334)
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ORDER GRANTING WAIVER

(Issued January 11, 2006)

On December 15, 2005, Encartele, Inc. (Encartele), filed with the Utilities Board (Board) a request for a waiver of specific Board rules. Encartele is an alternative operator services company offering operator-assisted calling exclusively to correctional facilities in Iowa. Encartele requested the Board grant a waiver of Board rules 199 IAC 22.19(3) and (4), and 199 IAC 22.5(10)"a" and "f," which relate to blocking, posting, the confidential nature of operator-assisted calls, and connection to emergency services. The request has been identified as Docket No. WRU-06-01-3827. No objection to the request has been filed.

In support of its request, Encartele states that because of the nature of the services being provided, the correctional facilities must be able to control inmate access to some services. Waiver of these rules will assist the facilities in maintaining control while providing reasonable access under the circumstances.

To grant the waiver, the Board must find, based upon clear and convincing evidence, that the request meets the four criteria in 199 IAC 1.3. The four criteria are: 1) the application of the rule would cause undue hardship, 2) the waiver would not prejudice the substantial legal rights of any person, 3) the provisions of the rule

are not specifically mandated by statute, and 4) substantially equal protection of public health, safety, and welfare will be afforded by a means other than prescribed by the rules.

The Board finds that a waiver of 199 IAC 22.19(3) and (4), and 199 IAC 22.5(10)"a" and "f" should be granted, based on the Board's review of the information provided by Encartele. The Board finds that it would be an undue hardship for Encartele to abide by these rules given the specialized nature of the offered services. The Board also finds that the waiver will not affect the substantial legal rights of any person and that equal protection of the public health, safety, and welfare have been afforded, under the circumstances.

IT IS THEREFORE ORDERED:

The waiver request filed by Encartele, Inc., on December 15, 2005, is granted. The blocking requirement of 199 IAC 22.19(3), the posting requirement of 199 IAC 22.19(4), the confidentiality requirement of 199 IAC 22.5(10)"a," and the emergency services requirement of 199 IAC 22.5(10)"f" are waived.

UTILITIES BOARD

/s/ John R. Norris

/s/ Diane Munns

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Curtis W. Stamp

Dated at Des Moines, Iowa, this 11th day of January, 2006.