

FISCHER **DORITY**
PROFESSIONAL CORPORATION

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March 18, 2004

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street, Suite 100
P.O. Box 360
Jefferson City, Missouri 65102

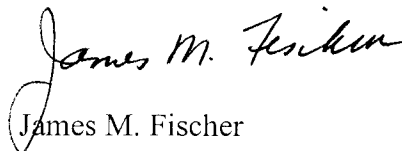
RE: *In the Matter of the Application of Inmate Calling Solutions, LLC. for a Certificate of Service Authority to Resell Intrastate, Interexchange Telecommunications Services within the State of Missouri, Case No.*

Dear Mr. Roberts:

Enclosed for filing in the above-referenced matter is the original Application of Inmate Calling Solutions, LLC in the above-referenced matter. A copy of the attached has been emailed, hand-delivered or mailed this date to each party of record.

Thank you for your attention to this matter.

Sincerely,


James M. Fischer

Enclosures

cc: Office of the Public Counsel
Dana K. Joyce, General Counsel

**BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI**

In the matter of the Application of)
Inmate Calling Solutions, LLC for a)
Certificate of Service Authority to Provide) Case No. _____
Competitive Intrastate Interexchange)
Telecommunications Services including)
Operator Services in Missouri)

APPLICATION

COMES NOW **Inmate Calling Solutions, LLC** ("ICS or Applicant") and submits its Application respectfully requesting the Missouri Public Service Commission ("Commission") to issue Applicant a Certificate of Service Authority to provide competitive intrastate interexchange telecommunication services including operator services between and among locations within the state of Missouri pursuant to Section 392.440, RSMo (2000),¹ an order classifying Applicant as a competitive telecommunications carrier, and an order waiving or suspending certain Commission rules and statutory provisions pursuant to Section 392.440, and an order waiving or suspending certain Commission rules and statutory provisions pursuant to Section 392.420. In support of its request, Applicant provides the following information:

1. Inmate Calling Solutions, LLC was incorporated on August 13, 2003, under the laws of the State of California. The legal name and principal office or place of business of the applicant are:

Inmate Calling Solutions
5883 Rue Ferrari
San Jose, California 95138
Phone: (408) 362-4000
Fax: (408) 362-2798
Toll-Free: (800)-661-3845

¹ All citations to statutory sections are to the 2000 Revised Statutes of Missouri, as currently supplemented, unless otherwise indicated.

Applicant is qualified to transact business in the state of Missouri and holds a certificate of authority as a foreign corporation to transact business in the state of Missouri, which is attached hereto as Exhibit I and incorporated herein by reference.

Copies of correspondence, communications and orders and decisions of the Commission are to be sent to the following:

Ms. Suzanne Haffner, Manager of Business Development
Inmate Calling Solutions, LLC
1119 FM 67
Covington, Texas 76636
Phone: 254-874-5197
Fax: 254-874-5470

and

Robin Norton
Technologies Management, Inc.
210 North Park Avenue
Winter Park, Florida 32789
Phone: 407-740-8575
Fax: 407-740-0613

and to Applicant's in-state counsel:

Mr. James Fischer
Fischer & Dority, P.C.
101 Madison Street, Suite 400
Jefferson City, MO 65101
Telephone: (573) 636-6758
Facsimile: (573) 636-0383
E-mail: jfischerpc@aol.com

2. The name and address of Applicant's registered agent in the state of Missouri is:

National Registered Agents, Inc.
300-B East High Street
Jefferson City, MO 65101

3. Inmate Calling Solutions, LLC ("ICS" or "Company"), with this petition, proposes to provide automated collect calling services to inmates of confinement institutions throughout the state of Missouri. All services will be offered twenty-four (24) hours per day, seven (7) days a week. Detailed information regarding these services along with proposed rates and charges

are provided in the Company's tariff included as an attachment to this petition.

ICS will provide correctional and confinement institutions with sophisticated premises equipment that permits inmates to make outgoing, collect-only calls without the assistance of a live operator. ICS' systems provide a number of controls and restrictions that serve to reduce or eliminate fraudulent use of telephone systems. These restrictions also provide the correctional institution with increased control over the use of the telecommunications services by inmates confined within. ICS' telephone instruments are placed in detention areas such as cell blocks or day rooms. Each instrument is connected to a central control unit which restricts and controls calls placed by inmates. ICS' system and services allow inmates to remain in contact with family, friends and other associates while still providing facility administrators with the necessary control over inmate communications.

Automated collect-only calls may be placed by inmates within the confinement facility. These calls are routed over the facilities of the local exchange carrier serving the confinement facility and ICS' underlying carrier. ICS' system is designed so that calls are completed only to those called parties who specifically accept the charges for a call. Equipment utilized by ICS requires a positive response from the called party before the connection is established and billing can begin.

In addition to call processing, ICS' systems offer restrictive call blocking and screening. These features provide the correctional facility with the maximum degree of control over telecommunications services and help to minimize fraud. Call blocking prevents calls to directory assistance, "0-", 800 numbers, pay-per-call services, and emergency numbers (including 911) in order to reduce prank calls and fraudulent use of long distance services. Access to other interexchange carriers is also denied. Call screening serves to eliminate harassing or threatening calls to individuals such as judges, sheriffs, witnesses or jury members. These two features also allow the institution to enforce telephone curfews (without manual intervention) by pre-setting the hours during which the system will process calls from a given telephone instrument.

ICS' system collects and stores call detail information for each call. These call records are

retrieved by ICS and are either billed through the called party's local exchange carrier under billing and collection agreements maintained by ICS, or submitted for billing to the called party's local exchange carrier through ICS' billing agent.

For billing inquiries, customers are initially directed to ICS' billing agent whose toll-free number is printed on each customer bill. The billing agent is authorized to investigate complaints and adjust customer bills within certain parameters set by ICS. Should an inquiry exceed the authority delegated to ICS, the customer is referred to ICS' in-house Customer Service Department for further assistance.

ICS intends to resell the services of authorized carriers. ICS does not propose to own switching equipment or transmission facilities.

4. Inmate Calling Solutions, LLC ("ICS" or "Company"), with this application, proposes to provide automated collect calling services to inmates of confinement institutions throughout the state of Missouri. All services will be offered twenty-four (24) hours per day, seven (7) days a week originating and terminating throughout the state of Missouri.
5. ICS possesses managerial and technical expertise to provide resale interexchange and operator telecommunications services throughout the State of Missouri.
6. ICS possesses the financial ability to provide the requested services.
7. ICS requests classification as a competitive telecommunications company operating within the state of Missouri. ICS further requests classification of services described in their tariff as competitive services.
8. Applicant will offer operator services to customers within Missouri. The primary customers of Applicant's operator services are presubscribed business and residential customers. Some of these companies may, in their normal course of business, be responsible for providing access and directing telephone calls for end users. Applicant proposes to conduct its operator services pursuant to 4 CSR 240-33.130 and Section 392.515. Specifically:

- All calls are branded before call charges are incurred.
- Rates, billing method and complaint resolution procedures are disclosed upon request. This service is available at no charge, 24 hours per day.
- Traffic aggregators are obligated by contract and tariff to display and notice information that complies with FCC rules and applicable state requirements.
- Traffic aggregators are obligated by contract and tariff to provide access to alternative operator service providers.
- Where the local exchange carrier has the capability of identifying multiple carriers, Applicant is identified on the end user bill.
- No location surcharges are collected by Applicant for intrastate Missouri calls.
- Applicant does not intercept or route 911-calls. These calls complete directly through the serving local exchange carrier. Applicant routes emergency 0- and 00- calls efficiently to the appropriate emergency agency in locations where it handles such calls.

Applicant carrier uses reliable answer detection techniques and Applicant will not knowingly bill for incomplete calls. If for any reason a caller believes he or she has been charged for an uncompleted call, Applicant will issue credit for the charges under all reasonable circumstances.

9. Applicant respectfully requests, pursuant to Section 392.420, that the Commission suspend, waive or modify the application of the following rules and statutory provisions as they relate to the regulation of the applicant:

- | | |
|-----------------------|---|
| 4 CSR 240-10.020 | - Depreciation fund income |
| 4 CSR 240-3.545(2)(C) | - Rate schedules should be posted at central office |
| 4 CSR240-30.040 | - Uniform system of accounts |
| 4 CSR 240-33.030 | - Inform customers of lowest price |

- | | |
|-------------------|------------------------------|
| Section 392.210.2 | Uniform System of Accounts |
| Section 392.240.1 | - Just and Reasonable rates |
| Section 392.270 | - Ascertain Property values |
| Section 392.280 | - Depreciation Accounts |
| Section 392.290 | - Issuance of securities |
| Section 392.300.2 | - Acquisition of Stocks |
| Section 392.310 | - Issuance of stock and debt |

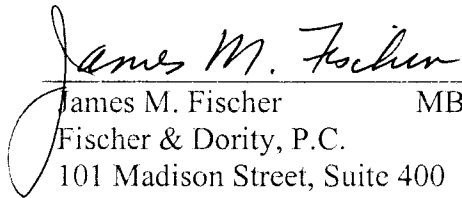
Section 392.320	- Stock dividend payments
Section 392.330	- Issuance of securities, debt and notes
Section 392.340	- Reorganizations

The above referenced rules and statutory provisions have been waived with regard to other interexchange carriers in prior cases. These rules or statutory provisions are principally designed to apply to noncompetitive telecommunications carriers. It would be inconsistent with the goal and purpose of Section 392.530 to apply them to a competitive telecommunications carrier such as the Applicant.

10. ICS' tariff contains the rules and regulations applicable to its customers, a description of the services offered, and a list of rates associated with such services.
11. Applicant will not unjustly discriminate among its customers, which discrimination is prohibited pursuant to Section 392.200.
12. Applicant has no pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment, or decision has occurred within three (3) years of the date of this Application.

WHEREFORE, Inmate Calling Services, LLC, respectfully requests the Commission to grant it a certificate of service authority to offer competitive intrastate interexchange telecommunication services including operator services within the state of Missouri; an order classifying it as a competitive telecommunications company providing competitive service; an order suspending, waiving or modifying the above referenced rules and statutory provision as they relate to the regulation of the Applicant in the state of Missouri, and for such further orders as the Commission deems appropriate.

Respectfully submitted,

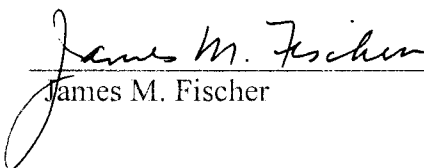

James M. Fischer MBN 27543
Fischer & Dority, P.C.
101 Madison Street, Suite 400
Jefferson City, Missouri 65101
Telephone: (573) 636-6758
Facsimile: (573) 636-0383
E-mail: jfischerpc@aol.com
ATTORNEY FOR APPLICANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was emailed, hand-delivered or mailed, postage prepaid, this 18th day of March 2004, to:

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Dana K. Joyce, General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102


James M. Fischer

VERIFICATION

I, Brendan Philbin, first being duly sworn upon oath depose and say I am Chief Operating Officer of Inmate Calling Solutions, LLC, a California Corporation; that I have read the above and foregoing application by me subscribed and know the contents thereof, that said contents are true in substance and in fact, except as to those matters stated upon information and belief, and as to those, I believe same to be true.

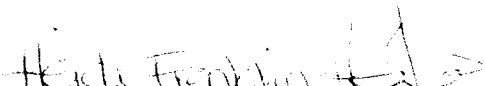


Brendan Philbin - Chief Operating Officer
Inmate Calling Solutions, LLC

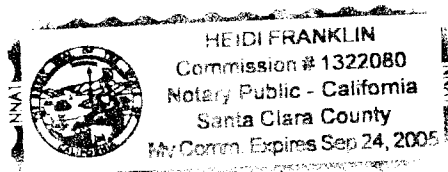
Date

3/8/04

Subscribed and sworn before me this 8th day of March, 2004.


(NOTARY PUBLIC)

My Commission expires
on: 9/24/2005



Inmate Calling Solutions, LLC

EXHIBIT I

Articles of Incorporation

Certificate of Authority to Transact Business in Missouri



State of California
Bill Jones
Secretary of State

LIMITED LIABILITY COMPANY
ARTICLES OF ORGANIZATION

A \$70.00 filing fee must accompany this form.
IMPORTANT - Read instructions before completing this form.

200222710012

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

AUG 13 2002

BILL JONES, Secretary of State

This Space For Filing Use Only

1. Name of the limited liability company (end the name with the words "Limited Liability Company," "Ltd. Liability Co.," or the abbreviations "LLC" or "L.L.C.") Inmate Calling Solutions, LLC
2. The purpose of the limited liability company is to engage in any lawful act or activity for which a limited liability company may be organized under the Beverly-Killea limited liability company act.
3. Name the agent for service of process and check the appropriate provision below:
Ken Dawson which is
☒ an individual residing in California. Proceed to item 4.
☐ a corporation which has filed a certificate pursuant to section 1505. Proceed to item 5.
4. If an individual, California address of the agent for service of process:
Address: c/o Integretel, Inc., 5883 Rue Ferrari,
City: San Jose State: CA Zip Code: 95138
5. The limited liability company will be managed by: (check one)
☒ one manager ☐ more than one manager ☐ single member limited liability company ☐ all limited liability company members
6. Other matters to be included in this certificate may be set forth on separate attached pages and are made a part of this certificate. Other matters may include the latest date on which the limited liability company is to dissolve.
7. Number of pages attached, if any:
8. Type of business of the limited liability company. (For informational purposes only)
Telephone services
9. DECLARATION: It is hereby declared that I am the person who executed this instrument, which execution is my act and deed.

William T. Manierre

Signature of Organizer

William T. Manierre

Type or Print Name of Organizer

August 9, 2002

Date

10. RETURN TO:

NAME

FIRM

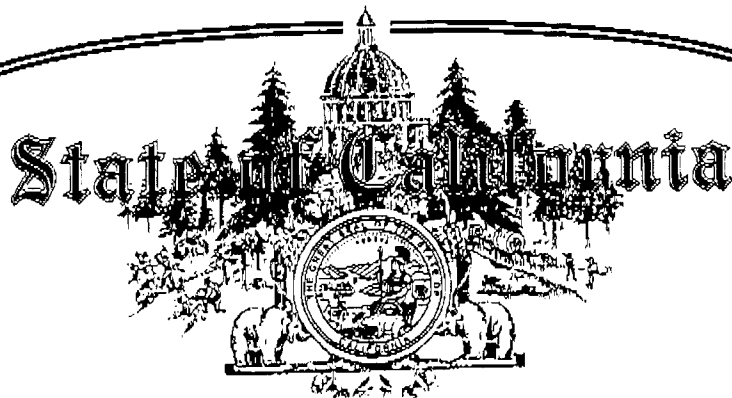
ADDRESS

CITY/STATE

ZIP CODE

William T. Manierre, Esq.
Sheppard, Mullin, Richter & Hampton LLP
Four Embarcadero Center, 17th Floor
San Francisco, CA 94111

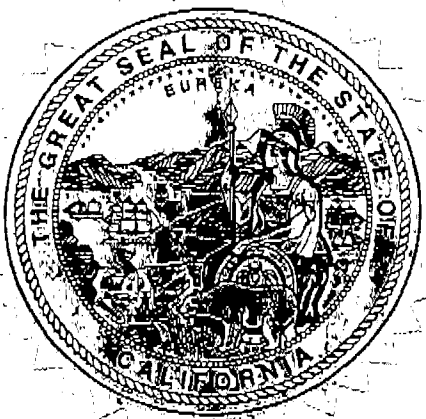




SECRETARY OF STATE

I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the attached transcript of 1 page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

AUG 15 2002

Bill Jones

Secretary of State

STATE OF MISSOURI



Matt Blunt
Secretary of State
CERTIFICATE OF REGISTRATION
FOREIGN LIMITED LIABILITY COMPANY

WHEREAS,

INMATE CALLING SOLUTIONS, LLC
FL0547025


Using in Missouri the name

INMATE CALLING SOLUTIONS, LLC

and existing under the laws of the State of California has filed with this state its Application for Registration and whereas this Application for Registration conforms to the Missouri Limited Company Act.

NOW, THEREFORE, I, MATT BLUNT, Secretary of State of the State of Missouri, by virtue of authority vested in me by law, do hereby certify and declare that on the 10th day of October, 2003, the above Foreign Limited Liability Company is duly authorized to transact business in the State of Missouri and is entitled to any rights granted Limited Liability Companies.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 10th day of October, 2003.


Secretary of State





Corporations Division
P.O. Box 778, Jefferson City, MO 65102

James C.
600 W. Main St.

File Number: 200328912908
Charter # FLO547025
Date Filed: 10/10/2003 01:15 PM
Matt Blunt
Secretary of State

**Application for Registration of a Foreign
Limited Liability Company**
(Submit in duplicate with filing fee of \$3105.00)

- (1) The name of the foreign limited liability company is:
INMATE CALLING SOLUTIONS, LLC
- (2) The name under which the foreign limited liability company will conduct business in Missouri is (must contain "limited liability company", "LC", "LLC", "L.C.", or "L.L.C.") (must be filled out if different from line (1)):

- (3) The foreign limited liability company was formed under the laws of CALIFORNIA on the
date of 8-13-02 and is to dissolve on PERPETUAL
(state or jurisdiction)
(month/day/year, event, or perpetual)
- (4) The purpose of the foreign limited liability company or the general character of the business it proposes to transact in this state is:
TELECOMMUNICATION SERVICES
- (5) The name and address of the limited liability company's registered agent in Missouri is (this line must be completed and include a street address):
National Registered Agents, Inc., 300-B East High Street, Jefferson City, MO 65101
Name Address (P.O. Box may only be used in conjunction with a physical street address) City/State/Zip

The Secretary of State is appointed agent for service of process if the foreign limited liability company fails to maintain a registered agent. If the failure to maintain a registered agent constitutes grounds to cancel the registration of the foreign limited liability company.

- (6) The address of the registered office in the jurisdiction organized. If none required, then the principal office address of the foreign limited liability company is:
KEN DAWSON 5683 RUE FERRARI, SAN JOSE, CA 95138
Name Address (P.O. Box may only be used in conjunction with a physical street address) City/State/Zip
- (7) For tax purposes, is the limited liability company considered a corporation? ☒ yes ☐ no

In affirmation thereof, the facts stated above are true.

BRENDAN PHILBIN
(Printed Name)

10/8/03
(Date)

(Authorized Signature)

(Printed Name)

(Date)

LLCS-4 (1/1/00)

(Authorized Signature)

(Printed Name)

(Date)

State of Missouri
Creation - LLC/LP 1 Page(s)



T0328315609