

January 9, 2018

Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: **Comments of the Minnesota Department of Commerce**
Docket No. P6850/M-15-833

Dear Mr. Wolf:

Attached are the comments of the Minnesota Department of Commerce in the following matter:

Compliance Filing of WiMacTel to the Commission Order of October 24, 2017.

The Department notes a number of concerns with the WiMacTel compliance filing, but believes the Commission should approve the filing based on WiMacTel's supplemental explanations.

Sincerely,

/s/ JOY GULLIKSON
Rate Analyst

JG/lt
Attachment

Before the Minnesota Public Utilities Commission

Comments of the Minnesota Department of Commerce

Docket No. P6850/M-15-833

I. BACKGROUND

On October 24, 2017, the Commission issued its ORDER EXTENDING DEADLINE, AUTHORIZING REFERRAL TO ATTORNEY GENERAL, AND REQUIRING FILINGS. The Commission ordered:

1. The Company shall complete the required proper posting of consumer information on each of its payphones no later than December 31, 2017, and submit a compliance filing in the manner ordered by the Commission in its June 2 order certifying compliance.¹
2. If the Company fails to comply or certify compliance by December 31, 2017, the Commission authorizes the Executive Secretary to refer the matter to the Attorney General and request enforcement action in district court under Minn. Stat. §§ 237.27 and 237.461, which includes possible monetary penalties for each day of each knowing and intentional violation of a Commission order.
3. The Company shall submit a written progress report to the Commission no later than November 15, 2017, describing the extent to which it has complied with the posting requirement.

On October 18, 2017, Matthew Krogh, an Attorney with the Airport Commission, sent an email with an informal complaint. Mr. Krogh was concerned that the rates on the sticker being placed on airport phones were in conflict with the Commission-approved signage rates. (See Attachment A). Mr. Krogh believes the revised WiMacTel sticker was on the majority of the phones at the airport.

¹ From the Commission's June 2, 2017 Order:

The Commission delegates to its Executive Secretary authority to, in consultation with the Department, determine whether WiMacTel's revised signage to be posted at each of its payphone locations in Minnesota clearly states the amount the customer will be billed for calls placed using coin and non-coin payment methods. The revised signage must:

- a. correct the signage referencing the Commission's Consumer Affairs Office telephone number to read "For complaints call: 1-800-657-3782.";
- b. identify the US mailing address for WiMacTel;
- c. identify the cost for a coin call;
- d. identify the cost for a credit card call;
- e. identify the cost for a telephone calling card call, specifically including a statement that the cost charged by WiMacTel is in addition to any cost that the calling-card issuer will charge the customer for using the calling card;
- f. identify the telephone number for a free call to obtain rate information.

On November 9, 2017, Mr. Nachareun stated that the WiMacTel technician had gone to the airport to remove all the stickers, and that there were another dozen phones outside the airport with similar stickers in need of removal.

On November 14, 2017, WiMacTel submitted a report stating that it had “. . . installed the new instruction cards on 186 payphones out of the 195 payphones in Minnesota. The balance of 9 phones will be completed by Friday November 17, 2017.²”

On December 23, 2017, WiMacTel submitted a progress report that all but one phone was completed by December 15, 2017³. The one phone not updated was at a municipal swimming pool facility where no access is available until May 2018. Photographs of all phones were provided with the compliance filing.

II. ANALYSIS

WiMacTel was not obligated to provide photographs with the updated signage, but doing so was helpful to demonstrate compliance. Upon examination of the photographs submitted on December 23, 2017, many were not in focus. Of those photographs that were of sufficient clarity, the Department identified three issues:

- In 33 of the pictures, it appeared that the stickers with the old rates were still on the phones;
- Many of the pictures show a sticker that says: “Collect Calls Dial *89”. Also, some of the *89 pictures are in Spanish, which would be positive if the information were accurate;
- Some phones in the pictures have a bright yellow and dark blue sticker that says “Collect Calls: Credit Card Calls” and “Save up to (illegible) over AT&T,” etc.

When the Department’s concerns were presented to WiMacTel, Mr. Nachareun responded via email (see Attachment B) that:

- The pictures were taken during the first visit when the signs were updated, before the technicians were sent back to remove the old sticker;
- *89 carries the same rates as the standard operator assisted calls as shown on the new signage;
- The bright yellow and dark blue stickers are not WiMacTel stickers and were placed there illegally. WiMacTel attempts to remove such stickers whenever they can.

² WiMacTel filing of November 14, 2017

³ WiMacTel filing dated December 21, 2017.

III. COMMISSION ALTERNATIVES

- 1) Find that WiMacTel complied with the Commission's October 24, 2017 Order, within the time frame of the Order. This finding of compliance is based on the representations made in the January 2, 2018 email of Mr. Nachareun.
- 2) Find that WiMacTel has not complied with the Commission's October 24, 2017 Order.
- 3) Take other action that the Commission deems appropriate.

IV. DEPARTMENT RECOMMENDATION

Find that WiMacTel complied with the Commission's October 24, 2017 Order within the time frame of the Order. This finding of compliance is based on the representations made in the January 2, 2018 email of Mr. Nachareun.

/lt

Gullikson, Joy (COMM)

From: Krogh, Matthew <Matthew.Krogh@mspmac.org>
Sent: Wednesday, October 18, 2017 8:58 AM
To: Gullikson, Joy (COMM)
Subject: WiMacTel
Attachments: 20171017_171445.jpg; 20171017_171452.jpg

Hello Joy -

I am an attorney for the Metropolitan Airports Commission and WiMacTel is one of our tenants at the Airport. I was wondering you could review the attached payphone signage that are posted on the payphones at MSP Airport and confirm whether the signage and rates comply with the recent PUC orders? As you know, WiMacTel has been very slow to come into compliance, and its hard to trust what they are telling us anymore regarding their compliance with the PUC. We are just looking for confirmation whether they are finally in compliance. Let me know if you have questions or if I should contact someone else.

Thanks,

MATTHEW KROGH | *Attorney, Legal Affairs* | **O:** 612-726-8123 **F:** 612-726-5306 | www.MetroAirports.org

Metropolitan Airports Commission | 6040 28th Avenue South, Minneapolis, MN 55450 [facebook](#) [twitter](#)

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Outgoing Calls Only

Local COIN PAID Calls 50 ¢

FOR COMPLAINTS CALL THE MIN PUC
CONSUMER AFFAIRS OFFICE AT 1-800-657-3782

EMERGENCY 911

Payphone Operated by

WillMacTel Inc.
12205 E. Bayshore Road, Ste 200

Operator Services
1- Provided by

Palo Alto, CA 94303-4228

Repairs / Refunds 1-800-477-0887

COIN PAID CALLS

Local • Dial Local Number
 Long Distance • Dial 1 + Area Code + Number
 International • Dial 011 + Country/City Code + Number
 • Deposit Coins: Local • 50 ¢
 Long Distance • \$1.00 for 4 Minutes (U.S./Canada)
 International • \$1.00 for 2 Minutes

Directory Assistance

Coin • 75 ¢ Local
 • Dial 411
 Long Distance • Dial 1 + Area Code + 555-1212
 Card • Dial 0 + Area Code + 555-1212

No charge for 711 calls to CRS/TRS

No charge for toll free calls
 No charge to call 800 numbers to access calling card services

Operator services complaints direct to: FCC, Consumer Information Bureau, Washington, DC 20544

This payphone allows access to all Long Distance Carriers. Consult your Carrier for dialing and rate information.



NON COIN CALLS

Local & Long Distance • Dial 0 + Area Code + Number
 International • Dial 01 + Country/City Code + Number

NON COIN RATES (Minimum charge for first 3 minutes applies)

Rate for Credit Card / Calling Card / Collect / 3rd Party Calls:
 \$26.45 for the first 3 minutes. \$1.49 for each additional minute.
 • Cost charged by WillMacTel is in addition to any cost that the calling-card issuer will charge the customer for using calling card.

Rate for Person-to-Person Calls:

\$32.00 for the first 3 minutes. 1.49 for each additional minute.

Taxes & USF will be added to total cost of call at time of billing.

Rate Quote for Non Coin Calls: Option 1-Dial 1 to speak to a live operator

Option 2-Dial number as per instruction above and follow message prompt

Please lift receiver

U.S. COINS ONLY
(No change provided)

VOLUME

ESPAÑOL

PERSONAL

OPERATOR ASSISTANCE RATES APPL.

612-794-9922

Operator Assistance - USA
& Canada

Five Minutes talk
time \$30.58 and
\$3.99 per minute
after five minutes.

Five minute
minimum will apply.

Bill methods- Collect, Third
Party or Credit Card
allowed.

Gullikson, Joy (COMM)

From: Eugene Nachareun <enachareun@viiz.com>
Sent: Tuesday, January 02, 2018 12:42 AM
To: Gullikson, Joy (COMM)
Cc: 'Sharon Warren'
Subject: RE: 17-12-28 pay phone issues.docx

Joy,

RE Emergency 911 showing – This is just the angle of the picture. The card dimensions are made to fit the frame with little room for offsetting.

RE Old rate sticker – The pictures were taken during first visit when the signs were updated, before the techs were sent back to remove the old sticker.

RE *89 – This is the same rates as the standard operator assisted calls (i.e. the same rates as stated on the new sign).

RE Bright yellow dark blue sticker – These are not WiMacTel stickers. There are cases where some companies illegally place stickers on our payphones. (Similar to flyers being put on your windshield.) We try to remove them as much as possible.

Regards,

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Eugene Nachareun
viiz communications
enachareun@viiz.com
O: 403-776-1610
M: 403-803-0181

From: Gullikson, Joy (COMM) [mailto:joy.gullikson@state.mn.us]
Sent: December-29-17 6:47 AM
To: enachareun@viiz.com; 'Sharon Warren' <swarren@tminc.com>
Subject: 17-12-28 pay phone issues.docx

Eugene, Sharon,

Thank you for including pictures of the payphones.

In looking at the phones, 3 problems present themselves and I offer you the chance to respond before sending my report to the Commission:

- As indicated on the attached, it appears that many of the placards were not positioned in a way that allows the EMERGENCY 911 to show—this may be a matter of the angle of the picture, please respond
- As indicated on the attached, in several of the pictures, it appears that the stickers with the old rates are still on the phones
- Many of the phones have a sticker that says: “Collect Calls Dial *89”—some are in Spanish. What is the rate for these calls? Have you tariffed these rates?