

SUPPORTING STATEMENT

This submission is being made pursuant to 44 U.S.C. § 3507 of the Paperwork Reduction Act of 1995 to revise an existing information collection in order to obtain the Office of Management and Budget (OMB) approval for the full three-year clearance.

A. Justification:

Circumstances that make the collection necessary:

1. Inmate Calling Services (ICS) allow incarcerated people to make calls to individuals outside the correctional facilities where they are being held, regardless of the technology used to deliver the service. Section 201 of the Communications Act of 1934 Act, as amended (the Act), 47 U.S.C. § 201(b), requires that ICS providers' interstate and international rates and practices be just and reasonable. Section 276 of the Act, 47 U.S.C. § 276, requires that payphone service providers (including ICS providers) be fairly compensated for completed calls.

Annual Reports. In the *2015 ICS Order*,¹ the Commission undertook comprehensive reform of the ICS marketplace. To enable the Commission to monitor and track trends in the ICS marketplace, increase provider transparency, and ensure compliance with the Commission's rules, the Commission required all ICS providers to file Annual Reports providing ICS rate data and other information on their ICS operations.² Pursuant to the authority delegated to it by the Commission in the *2015 Order*,³ the Wireline Competition Bureau (Bureau) created a standardized reporting template (FCC Form 2301(a)) as well as instructions to guide providers through the reporting process. The instructions explain the reporting requirements and reduce the burden of the data collection.

Certification Requirement. The Commission also required that an officer of each ICS provider certify annually as to the accuracy of the data and other information submitted in the provider's Annual Report. Pursuant to its delegated authority,⁴ the Bureau created a form (FCC Form 2301(b)) and related instructions for this certification, which also requires that the officer certify as to the provider's compliance with the Commission's ICS rules.

Consumer Disclosure Requirements. The Commission further required ICS providers to disclose to consumers their interstate, intrastate, and international rates and ancillary service charges on their websites or in another reasonable manner readily available to consumers.⁵ The Commission did not dictate the precise form of the consumer disclosure, but stated that it would evaluate disclosures for reasonableness based on a number of factors, including disclosure of information regarding all material charges and use of plain language that can be readily understood by end users.

¹ *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Second Report and Order and Third Further Notice of Proposed Rulemaking, 30 FCC Rcd 12763 (2015) (*2015 ICS Order*).

² *2015 ICS Order*, 30 FCC Rcd 12763, 12892, paras. 9, 267-68; *see also* 47 CFR § 64.6060(a).

³ *2015 ICS Order*, 30 FCC Rcd at 12891, para. 267.

⁴ *2015 ICS Order*, 30 FCC Rcd at 12891, para. 267.

⁵ 47 CFR § 64.6110.

As part of the continued administration of this data collection, the Commission in 2020 revised this collection to amend the instructions and template for the Annual Reports in order to improve the quality of the information collected.⁶ These revisions reflected formal and informal input from ICS providers, as well as the Commission's staff experience in analyzing the Annual Reports. The amended instructions were clearer than the original instructions and resulted in Annual Reports that were easier to understand and analyze.

On May 24, 2021, the Commission released the *2021 ICS Order*,⁷ in which it continued its reform of the ICS marketplace. The Commission revised its rules by adopting, *inter alia*, lower interim rate caps for interstate calls, new interim rate caps for international calls, and a rate cap structure that requires ICS providers to differentiate between legally-mandated and contractually-prescribed site commissions. The reforms also included expanded consumer disclosure requirements, as well as new reporting requirements for ICS providers seeking waiver of the Commission's interstate and international rate caps.

Consumer Disclosure Requirements. The rules adopted in the *2021 ICS Order* limit the amounts ICS providers may charge consumers for site commissions payments that ICS providers make to institutions that operate prisons or jails with average daily populations of 1,000 or greater. Those rules specify that any such charges must be recovered through one of two types of rate components—either a legally-mandated facility rate component or a contractually-prescribed facility rate component. The expanded consumer disclosure requirements adopted in the *2021 ICS Order* require that ICS providers clearly label these rate components as separate line items on consumer bills.⁸ The Commission specified that that these rate components would be considered clearly labeled only if:

- (1) The bill identifies the Provider's obligation to pay a Site Commission as either (i) imposed by state statutes or laws or regulations that are adopted pursuant to state administrative procedure statutes where there is notice and opportunity for public comment that operates independently of the contracting process between Correctional Institutions and Providers or (ii) subject to a contract with the Correctional Facility;
- (2) Where the Site Commission is imposed by state statute, or law or regulation adopted pursuant to state administrative procedure statutes where there is notice and an opportunity for public comment and that operates independently of the contracting process between correctional institutions and providers, the bill specifies the relevant statute, law or regulation;
- (3) The bill identifies the amount of the Site Commission payment, expressed as a per-minute or per-call charge, a percentage of revenue, or a flat fee; and
- (4) The bill identifies the amount of Site Commission-related charges assessed to the Consumer for the call or calls on the bill.⁹

The rules adopted in the *2021 ICS Order* also limit the amounts ICS providers may charge consumers for international calls. The Commission required ICS providers to clearly label all charges for

⁶ See OMB Control Number 3060-1222, December 2019 Supporting Statement (revision approved by OMB on Jan. 1, 2020); *Wireline Competition Bureau Announces OMB Renewal of Information Collection Concerning Inmate Calling Services*, WC Docket No. 12-375, Public Notice, 35 FCC Rcd 1456 (WCB 2020).

⁷ *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Third Report and Order, Order on Reconsideration, and Fifth Further Notice of Proposed Rulemaking, 36 FCC Rcd 9519 (2021) (*2021 ICS Order*).

⁸ *Id.* (in the event of OMB approval, this section will be codified as 47 CFR § 64.6110(b)).

⁹ *Id.* (in the event of OMB approval, this section will be codified as 47 CFR § 64.6110(b)(1)-(4)).

international calls as separate line items on consumer bills.¹⁰ The Commission specified that the bills must identify the amount charged to the consumer for the international call, including the amounts paid by the provider to its underlying international providers to terminate the international call to the international destination of the call.¹¹

In addition, the rules adopted in the *2021 ICS Order* require providers to separately disclose on their websites, or in another reasonable manner readily available to consumers, any rate component it charges consumers for terminating calls to each country where that provider terminates international calls.¹² For convenience we refer to this requirement as a website disclosure requirement.

Waiver Request Requirements. The Commission specified that a provider may seek a waiver of the interim rate caps and ancillary service charge fee caps if those caps prevent the provider from recovering the costs of providing interstate or international inmate calling services at a correctional facility or at the correctional facilities covered by a contract.¹³ A provider seeking such a waiver must submit, at a minimum:

- (1) The provider's total company costs, including the nonrecurring costs of the assets it uses to provide inmate calling services, and its recurring operating expenses for those services at the correctional facility or under the contract;
- (2) The methods the provider used to identify its direct costs of providing interstate and international inmate calling services, to allocate its indirect costs among its inmate calling services contracts and correctional facilities;
- (3) The provider's demand for interstate and international inmate calling services at the correctional facility or at each correctional facility covered by the contract;
- (4) The revenue or other compensation the provider receives from the provision of interstate and international inmate calling services, including the allowable portion of any permissible ancillary service charges attributable to interstate or international inmate calling services, at the correctional facility or at each correctional facility covered by the contract;
- (5) A complete and unredacted copy of the contract for the correctional facility or correctional facilities, and any amendments to such contract;
- (6) Copies of the initial request for proposals and any amendments thereto, the provider's bid in response to that request, and responses to any amendments (or a statement that the provider no longer has access to those documents because they were executed prior to the effective date of the rule);
- (7) A written explanation of how and why the circumstances associated with that correctional facility or contract differ from the circumstances at similar correctional facilities the provider serves, and from other correctional facilities covered by the same contract, if applicable; and
- (8) An attestation from a company officer with knowledge of the underlying information that all

¹⁰ *Id.* (in the event of OMB approval, this section will be codified as 47 CFR § 64.6110(c)).

¹¹ *Id.*

¹² *Id.* (in the event of OMB approval, this section will be codified as 47 CFR § 64.6110(a)).

¹³ *Id.* (in the event of OMB approval, this section will be codified as 47 CFR § 64.6120(a)).

of the information the provider submits in support of its waiver request is complete and correct.¹⁴

The Commission also required that providers seeking waivers of its interim rate caps or its ancillary service charge fee caps must provide any additional information requested by the Commission during the course of its review.¹⁵

We estimate that approximately 20 ICS providers will be required to comply with the annual reporting, certification, and consumer disclosure requirements. While the number of providers which may elect to seek waiver of our rules is difficult to quantify before those rules take effect, we estimate that anywhere from zero to three providers may seek waiver of the Commission's rate caps or ancillary service charge caps annually. To be conservative, we calculate our burden estimate for the waiver requirements based on the upper end of this range (i.e., by assuming that three providers will seek waivers each year).

Statutory authority for this information collection is contained in sections 1, 4(i)-4(j), 201(b), 218, 220, 225, 255, 276, 403, and 716 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i)-(j), 201(b), 218, 220, 225, 255, 276, 403 and 617.

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. The information requirements set forth below ensure that the Commission has access to the information it needs to fulfill its statutory and regulatory duties, while minimizing the burden on ICS providers. Requiring ICS providers to file annual reports and certifications and to disclose their rates to consumers will help the Commission discharge its statutory mandates regarding ICS. The annual reports also will provide incarcerated people, their families, their representatives, and the general public with access to information affecting the provision of interstate and international ICS.

The expanded consumer disclosure requirements (i.e., the website disclosure requirement for international termination charges and the consumer billing requirements) are essential consumer protection mechanisms. This website disclosure requirement will help ensure that ICS consumers understand the providers' rates for international calls and can make informed decisions on whether to proceed with those calls. The consumer billing requirements will help consumers understand whether the providers' charges for interstate and international calling services comply with the Commission's rate cap rules.

The requirements for waiver requests will ensure that the Commission will have the information it needs to evaluate requests for waiver of the Commission's rate cap and ancillary charge rules. Knowing those requirements in advance will help an ICS provider evaluate whether to seek such a waiver and, in the event the provider decides to go forward with a waiver request, include in its request the information that is most likely to be decisionally significant.

3. This collection involves the use of informational technology to permit the electronic submission of responses. In particular, the Commission directed staff to develop a standardized template for the submission of the annual reports and to provide instructions to simplify compliance with, and reduce the burden of, the information requirements related to those reports. The template includes instructions and text fields for respondents to use to report the required data. Providers are directed to file their annual reports and certifications electronically using the Commission's Electronic Comment Filing System (ECFS). They also will file their support for any request for waiver of the interstate or international rate caps or ancillary service charge fee caps using ECFS.

¹⁴ *Id.* (in the event of OMB approval, this section will be codified as 47 CFR § 64.6120(b)(1)-(4)).

¹⁵ *Id.* (in the event of OMB approval, this section will be codified as 47 CFR § 64.6120(c)).

4. The Commission is not aware of any similar information already available that can be used or modified for the purposes of the new collections described in Item 2 above. Specifically, prior to the data collections established in the *2021 ICS Order*, ICS providers were not required to file such data with the Commission or otherwise provide the data to consumers.

5. Because the Commission requires all ICS providers to comply with the annual reporting and certification rules and the consumer disclosure rules, those requirements will affect smaller as well as larger ICS providers. Similarly, the requirements for waiver requests will apply to all ICS providers that seek waivers of the Commission's rate cap and ancillary service charge fee caps. The Commission's requirements are competitively neutral and not unduly burdensome for any set of providers.

6. Collecting the information on a less frequent basis, or not at all, would undermine the Commission's efforts to ensure that interstate and international ICS is provided at just and reasonable rates and to ensure that any ancillary services charges associated with interstate and international ICS are also just and reasonable. It would also deprive consumers and other affected parties of the ability to monitor ICS quality, rates, and fees. Finally, not requiring ICS providers to inform customers fully of providers' charges would prevent customers from making informed decisions on whether to proceed with ICS calls.

7. No other special circumstances will apply to this information collection.

8. Pursuant to 5 CFR § 1320.8(d), on August 25, 2021, the Commission published a 60-day notice in the Federal Register to solicit public comment on these reporting and certification requirements. See Federal Communications Commission, Information Collection Being Reviewed by the Federal Communications Commission, 86 Fed. Reg. 47496 (Aug. 25, 2021). We received comments from two parties—Global Tel*Link Corporation (GTL) and Pay Tel Communications, Inc. (Pay Tel). GTL's comments address only the expanded consumer disclosure requirements adopted in the *2021 ICS Order*, and Pay Tel's comments address only the portion of those requirements applicable to international ICS calls.

A. Need for the Expanded Consumer Disclosure Requirements

Arguments. GTL claims that the consumer disclosure requirements adopted in the *2021 ICS Order* are unnecessary because the Commission's existing ICS rules already meet the Commission's transparency objectives and because it is less burdensome for providers to post information on their websites than to disclose information on consumer bills.¹⁶ Specifically, GTL argues that, in comparison to the new consumer disclosure rules, the Commission's rate and ancillary service charge caps, ICS-related consumer disclosures, Truth-in-Billing rules, Internet-posting requirements, investigative authority, and complaint processes collectively provide a "reliable and less burdensome way to facilitate transparency in ICS rates and charges."¹⁷ GTL contends that the Commission should therefore reevaluate the potential burden of its rules requiring providers to identify, as separate line items on consumer bills, the amounts providers charge consumers to recover site commissions and international termination payments.¹⁸

Response. The rules adopted in the *2021 ICS Order* require the disclosure of very specific information regarding any charges imposed on consumers to recover the providers' site commission and international termination payments. Contrary to GTL's position, these disclosures are in no way

¹⁶ GTL Comments at 3-10.

¹⁷ GTL Comments at 3-4.

¹⁸ See, e.g., GTL Comments at 10.

duplicative of the preexisting disclosures mandated by other Commission rules. Instead, the new rules complement the other disclosure rules by requiring providers to disclose on any bills furnished to consumers the amounts the consumers are charged for site commissions and international termination, broken down into categories identifying the reasons for those charges.¹⁹ This information is indispensable for consumers who wish to determine whether the amounts they are being billed for providers' site commission and international termination payments are consistent with Commission rules.²⁰ While, as GTL suggests, providers might find it less burdensome to disclose this information only on their websites, that approach would make it necessary for consumers to access those websites each time they want to verify the charges on their bills. The resulting burden on consumers would far exceed the burden the consumer disclosure rules impose on providers.

We reject GTL's suggestion that the existence of other disclosure rules aimed at increasing the transparency of ICS providers' operations to consumers somehow bars the Commission from requiring additional disclosure or otherwise forecloses adoption of the expanded consumer disclosure rules at issue here.²¹ As stated above, the expanded consumer disclosure rules adopted in the *2021 ICS Order* complement, rather than duplicate, those preexisting disclosure rules. It is a well-established principle of administrative law that an agency's adoption of a requisite regulation does not foreclose it from promulgating other regulations addressing the same general subject matter.²² The Commission's authority to "regulate the manner in which a carrier bills and collects for its own interstate offerings, because such billing is an integral part of that carrier's communications service" is clear and unchallenged.²³ The Commission's adoption of the expanded consumer disclosure requirements falls well within that authority.

B. Burdens Associated with Consumer Billing Requirements

Arguments. GTL contends that the Commission failed to consider the burdens on providers from identifying site commission payments and amounts paid to underlying international service providers as separate line items on Consumer bills.²⁴ GTL argues that most ICS consumers "do not receive 'bills' in the traditional sense" and suggests that it may not be technically possible for providers to reconfigure their internal systems to provide "separate line items on Consumer Bills" setting forth the required information regarding any charges imposed on consumers to recover the providers' site commission and international termination payments.²⁵ Pay Tel argues that the new consumer billing requirement for international termination charges imposes an "implied obligation to generate a traditional bill" for each of

¹⁹ For instance, while GTL asserts that it posts its international calling rates on its website as required by the Commission's preexisting rules, those postings do not provide the same level of detail that our expanded consumer disclosure rules require for international calls. See GTL Comments at 4-5 (stating that GTL makes certain information available at two websites, www.connectnetwork.com and www.gettingout.com).

²⁰ See *2021 ICS Order*, 35 FCC Rcd at 9589, para. 160 ("Absent information separately breaking out the facility-related rate component of the service charge, and some identifier tying the charge to the relevant category under the Commission's rules, customers will be substantially less able to evaluate their bills and monitor whether they are receiving the protections of Commission rate caps to which they are entitled.")

²¹ See GTL Comments at 3-5.

²² See *generally Ry. Lab. Executives' Ass'n v. Nat'l Mediation Bd.*, 29 F.3d 655, 671 (D.C. Cir.), *amended*, 38 F.3d 1224 (D.C. Cir. 1994) ("The duty to act under certain carefully defined circumstances simply does not subsume the discretion to act under other, wholly different, circumstances, unless the statute bears such a reading.") (emphasis omitted).

²³ See *2021 ICS Order*, 36 FCC Rcd at 9589, para. 161 n.483 (quoting *Truth-In-Billing and Billing Format*, CC Docket No. 98-170, First Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 7492, 7507, para. 25 (1999)); see *generally* GTL Comments at 10; Pay Tel Comments at 4.

²⁴ GTL Comments at 7-8.

its debit calling customers, which Pay Tel claims “is simply not feasible” for that type of calling.²⁶

Response. GTL’s and Pay Tel’s arguments regarding the burdens associated with the expanded consumer disclosure requirements reflect a misunderstanding of the Commission rules. Those rules do not, at this time, require that providers generate customer bills that they would not otherwise generate. Instead, the rules simply require that when a provider generates an electronic or paper billing statement, it must include the requisite disclosures. Thus, GTL’s and Pay Tel’s arguments regarding the lack of traditional billing relationships miss the mark; it is beyond dispute that providers are generating billing statements in at least some circumstances, given that they are charging consumers for paper billing statements under the Commission’s ancillary service charges rules.²⁷ The new consumer billing rules do not require providers to produce bills beyond those they already provide; they simply require that providers must add new disclosures to those bills, or to other consumer bills that they may generate.

We reject GTL’s argument that providers will not be able to revamp their billing systems to include the requisite information on their site commission and international termination charges on any consumer bills they generate. As GTL admits, it would not be “unduly burdensome” for providers to post that information on their websites.²⁸ Incorporating that information into electronic and paper billing statements also should not be unduly burdensome and, as discussed above, the benefit to consumers will far outweigh the burden on providers. It is also worth noting that our burden estimate almost certainly substantially overstates the actual burden on providers. Because we are not sure how many ICS consumers will receive electronic or paper billing statements, our burden estimate assumes that each ICS provider that chooses to impose site commission and international termination charges on consumers will make the requisite disclosures to each of those consumers. If, as GTL and Pay Tel suggest, many of their customers do not currently receive bills, the providers’ actual burdens will be significantly lower than our estimate.

C. Consumer Billing Disclosures Concerning International Termination Costs

Arguments. GTL and Pay Tel argue that disclosing information regarding their charges for terminating international calls on consumer bills will require significant system changes and reprogramming in order to separately disclose these charges.²⁹ Pay Tel contends the new billing rules for international service providers will “impose significant new paperwork burdens on providers and do[] not reflect the actual manner” in which services are provided.³⁰ Similarly, Pay Tel also argues that the burdens involved in the disclosure of international call termination charges are disproportionate to the implementation costs involved.³¹ In particular, Pay Tel argues that this requirement is impractical, in light

²⁵ GTL Comments at 5, 7-8.

²⁶ Pay Tel Comments at 3.

²⁷ See generally *Rates for Inmate Calling Services*, WC Docket No. 12-375, Second Report and Order and Third Further Notice of Proposed Rulemaking, 30 FCC Rcd 12763, 12849, para. 169 (2015) (limiting paper billing statement fees); Annual Report of Global Tel*Link Corporation, for 2020, WC Docket No. 12-375, at Tab III. Ancillary Fees (filed Apr. 1, 2021) (GTL 2020 Annual Report) (reporting collection of paper billing statement charges).

²⁸ GTL Comments at 9.

²⁹ GTL Comments at 8; Pay Tel Comments at 3.

³⁰ Pay Tel Comments at 3 (alleging that these changes require “fundamental system modifications across the board”).

³¹ Pay Tel Comments at 2 (arguing that the burdens of making international disclosure outweigh the call volume, which accounts for “0.069% of its total paid minutes-of-use”).

of the thousands of “constantly changing” charges at issue.³² Pay Tel also argues that disclosure of international termination charges as a separate line item will cause consumer confusion, and offer the consumer no additional information.³³

Response. To a large extent, GTL’s and Pay Tel’s arguments against disclosing on consumer bills any international call termination charges that they elect to pass through to consumers reflect their misunderstanding of the underlying Commission rules. As we explain above, however, those rules do not require providers to generate bills where they are not already doing so. Rather, the rules simply require providers to add new disclosures to consumer bills that they may otherwise generate if, as applicable to international calling, the providers choose to pass on their international call termination charges to consumers. As we also explain above, these international disclosures will provide the consumer additional information that is not already available and the benefits of providing that information significantly outweigh any incremental burden on ICS providers from separately disclosing their international call termination charges. Neither GTL nor Pay Tel denies that providers must routinely track and record international call termination charges if they are to accurately bill their customers.³⁴ Further, Pay Tel’s concern about disclosing every fluctuation of the international calling termination charge is unfounded; the Commission’s rules require only that a provider must disclose its actual charges to consumers and that those charges reflect the three-month average rate the ICS provider paid to its international call termination providers.³⁵

D. Other Arguments

Arguments. GTL makes a number of additional arguments regarding the expanded consumer disclosure requirements adopted in the *2021 ICS Order*. For instance, GTL contends that the legislative history of the Telephone Operator Consumer Services Improvement Act of 1990 (TOCSIA) and the Commission’s rules implementing TOCSIA make the expanded consumer disclosure requirements “inapplicable” to inmate calling services.³⁶ GTL likewise argues that disclosure of the Facility-Related Rate Component “as a separate line item on Consumer bills” does not align with the Commission’s other requirements and will cause consumer confusion.³⁷

Response. GTL’s additional arguments are, in effect, arguments that the Commission improperly exercised its discretion or otherwise erred in adopting the expanded consumer disclosure requirements. As such, those arguments should have no bearing on OMB’s review of the paperwork burdens associated with those requirements. In any event, neither TOCSIA, its legislative history, nor the Commission’s rules implementing TOCSIA address the question of whether the expanded consumer disclosure requirements were necessary to ensure that the providers’ rates and practices for interstate and international inmate calling services are just and reasonable. The Commission resolved that question when it adopted the expanded consumer disclosure requirements in the *2021 ICS Order*, and GTL provides no reason for doubting the reasonableness of that determination. Nor does GTL articulate how or why the expanded disclosure requirements will create consumer confusion. To the contrary, those requirements promote transparency and will help consumers ascertain what they are being charged for site commission and international termination payments and whether those charges are consistent with the new Commission rules adopted in the *2021 ICS Order*.

³² Pay Tel Comments at 3.

³³ Pay Tel Comments at 3.

³⁴ See generally *2021 ICS Order*, 36 FCC Rcd at 9599, para. 183.

³⁵ See 47 CFR § 64.6030(e).

³⁶ GTL Comments at 6-7 (citing 47 U.S.C. § 226 and 47 CFR § 64.710(b)(1)).

³⁷ GTL Comments at 7.

9. The Commission does not anticipate providing any payment or gift to respondents.

10. The *Protective Order* in the Commission's ICS proceeding provides confidential treatment for the proprietary information submitted by ICS providers in response to Commission directives.³⁸ The Commission will treat as presumptively confidential any particular information identified as confidential by the provider in accordance with the Freedom of Information Act and Commission rules. Each confidential document should be stamped and submitted to the Secretary's Office with an accompanying cover letter, as specified by the *Protective Order*. This is standard practice when the Commission seeks competitively sensitive information for ratemaking or other purposes.

11. The information collection does not address any matters of a sensitive nature.

12. The following represents the hour burden on the collections of information discussed herein.

a. Reporting Requirement (Annual Reports):

(1) Number of respondents: Approximately 20.

(2) Frequency of response: Annual.

(3) Total number of responses annually: Approximately 20.

(4) Estimated Time per Response: Approximately 80 hours.

20 x approximately 80 hours per response x 1 response per respondent = 1,600 hours.

(5) Total annual burden: **1,600 hours**.

The Commission estimates that approximately 20 ICS providers will require approximately 80 hours each of reporting time.

(6) Total estimate of "in-house" costs to respondents: **\$90,096**.

(7) Explanation of calculation:

The Commission estimates that approximately 20 ICS providers will be subject to this reporting requirement.

The Commission estimates that respondents will use personnel comparable in pay to a GS 13/Step 5 employee earning \$56.31 per hour.

Thus, 1,600 hours x \$56.31 per hour = \$90,096.

b. Certification of Information and Data in the Annual Reports:

(1) Number of respondents: Approximately 20.

(2) Frequency of response: Annual.

(3) Total number of responses annually: Approximately 20.

³⁸ *Rates for Inmate Calling Services*, WC Docket No. 12-375, Protective Order, 28 FCC Rcd 16954 (WCB 2013); see also *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, 35 FCC Rcd 9267 (WCB 2020) (mandating non-confidential treatment of certain types of information).

(4) Estimated Time per Response: Approximately 5 hours.

$20 \times 5 \text{ hours per response} \times 1 \text{ response per year per respondent} = 100 \text{ hours.}$

(5) Total annual burden: Approximately **100 hours**.

The Commission estimates that approximately 20 ICS providers will require approximately 5 hours of time each per annual filing.

Approximately 20 respondents annually \times 1 response annually \times 5 hours per response = 100 hours.

(6) Total estimate of “in-house” cost to respondents: **\$12,500**.

(7) Explanation of the calculation:

The Commission estimates that 20 ICS providers will be subject to this certification requirement.

We estimate that respondents will use 5 hours of an officer of the company’s time (rate of approximately \$125/hour) to satisfy this certification requirement.

Thus, approximately 100 hours per year \times \$125 = \$12,500.

c. Consumer Disclosure Requirements:

• **Consumer Disclosure of Interstate, Intrastate, and International Rates and Ancillary Service Charges:**

(1) Number of respondents: Approximately 20.

(2) Frequency of response: Ongoing third party disclosure requirement.

(3) Total number of responses annually: Approximately 20.

(4) Estimated Time per Response: Approximately 20 hours.

We estimate that compliance will require approximately 20 hours per provider annually.

$20 \text{ respondents} \times 20 \text{ hours per response} \times 1 \text{ response per year per respondent} = 400 \text{ hours.}$

(5) Total annual burden: **Approximately 400 hours**.

The Commission estimates that approximately 20 ICS providers will require approximately 20 hours each to comply with this requirement.

Approximately 20 respondents \times approximately 1 response per year per respondent \times approximately 20 hours per response = approximately 400 hours.

(6) Total estimate of “in-house” cost to respondents: **\$22,524**.

(7) Explanation of the calculation:

The Commission estimates that 20 ICS providers will be subject to the consumer disclosure requirement.

The Commission estimates that respondents will use personnel comparable in pay to a GS 13/Step 5 employee earning \$56.31 per hour. Thus:

$$400 \text{ hours} \times \$56.31 = \$22,524.$$

• **Consumer Disclosure Billing Requirements:**

(1) Number of respondents: Approximately 20.

(2) Frequency of response: Third party disclosure requirement.

(3) Total number of responses annually: Approximately 20.

(4) Estimated Time per Response: Approximately 30 hours.

We estimate that compliance will require approximately 30 hours per provider per year.

(5) Total annual burden: **600 hours**.

The Commission estimates that approximately 20 ICS providers will require approximately 30 hours each to comply with this requirement.

Approximately 20 respondents x approximately 1 response per year per respondent x approximately 30 hours per response = approximately 600 hours.

(6) Total estimate of “in-house” cost to respondents: **\$33,786**.

(7) Explanation of the calculation:

The Commission estimates that 20 ICS providers will be subject to the consumer disclosure billing requirement.

The Commission estimates that respondents will use personnel comparable in pay to a GS 13/Step 5 employee earning \$56.31 per hour.

$$\text{Thus, } 600 \text{ hours} \times \$56.31 = \$33,786.$$

d. Waiver Request Reporting Requirement:

(1) Number of respondents: Approximately 3.

(2) Frequency of response: On occasion reporting requirement as requested by filer.

(3) Total number of responses annually: Approximately 3.

(4) Estimated Time per Response: Approximately 80 hours per provider.

(5) Total annual burden: Approximately **240 hours**.

The Commission estimates that approximately three ICS providers will require approximately 80 hours each to comply with this requirement annually.

Approximately 3 respondents x approximately 1 response annually x approximately 80 hours per response = approximately 240 hours.

(6) Total estimate of “in-house” cost to respondents: **\$30,000.00**.

(7) Explanation of the calculation:

We estimate that respondents will use approximately 80 hours of professional personnel (rate of approximately \$125 per hour) to satisfy this waiver request requirement.

Thus, 240 hours per year x \$125.00 = \$30,000.00.

Total Annual Burden Hours:

(a)	Reporting Requirement (Annual Reports):	1,600.
(b)	Certification Requirement:	100.
(c)	Consumer Disclosure Requirements:	
	- Disclosure of Interstate, Intrastate and International Rates and Ancillary Service Charges	400.
	- Consumer Disclosure Billing Requirement	600.
(d)	Waiver Request Reporting Requirement:	240.

Total Respondents: 20.

Total Responses: 20 + 3 = 23.

Total In-House Costs: \$90,096 + \$12,500 + \$22,524 + \$33,786 + \$30,000 = \$188,906.

Total Annual Burden Hours: 1,600 + 100 + 400 + 600 + 240 = 2,940.

13. Estimated operations and maintenance (O&M) costs of respondents resulting from the collection of information:

(a) Total capital start-up costs component annualized over its expected useful life: \$0.

The collections will not result in additional capital expenditures such as computers or software. Providers, however, may need to update existing software to comply with the requirement that ICS providers clearly label certain rate components as separate line items on consumer bills.

(b) Total operation and maintenance and purchase of services component: \$0.

(c) Total annualized cost requested: \$0.

14. There are unlikely to be any additional costs to the Commission because the data will be submitted by ICS providers in WC Docket No. 12-375 via the Commission's Electronic Comment Filing System, requiring no additional Commission resources to process or publish.

15. Since the last submission to OMB, the Commission is reporting a program change/increase to this collection as a result of the requirements of the *2021 ICS Order*. The burden hours have increased from 2,000 to 2,940 (+940) because of the expansion of the consumer disclosure requirements and the addition of a requirement for ICS providers seeking waiver of the Commission's interstate and international rate caps or its ancillary service charge fee caps. The expansion of the consumer disclosure requirements resulted in an increase of 300 burden hours (from 300 to 600), and the addition of the waiver request requirement resulted in a 240 hour increase in burden hours. The number of respondents has not changed, but the number of responses has increased to 23 (+3) because of the addition of the waiver request reporting requirement, to the extent providers seek to obtain a waiver.

16. The Commission does not anticipate publishing any of the information collected. Rather, the ICS providers' annual reports and certifications will be available for public review via the Commission's ECFS.

17. The Commission is not seeking approval not to display an OMB expiration date.

18. There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

19. The Commission does not anticipate that the proposed collection of information will employ statistical methods.