



**Incarcerated People's Communications Services**

**2023 Mandatory Data Collection**

**WC Docket Nos. 23-62, 12-375**

**Instructions**

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## I. Data Collection Overview

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On January 5, 2023, the President signed into law the Martha Wright-Reed Just and Reasonable Communications Act of 2022, expanding the Commission’s statutory authority over communications between incarcerated people and the non-incarcerated to include “any audio or video communications service used by inmates . . . regardless of technology used.”<sup>1</sup> The new Act also amends section 2(b) of the Communications Act, to make clear that the Commission’s authority extends to intrastate as well as interstate and international communications services used by incarcerated people.<sup>2</sup>

The Act requires the Commission to consider, as part of its implementation, the costs of “necessary” safety and security measures, as well “differences in costs” based on Facility size or “other characteristics.”<sup>3</sup> It also allows the Commission to “use industry-wide average costs of telephone service and advanced communications services and the average costs of service of a communications service provider” in determining just and reasonable rates for incarcerated people’s communications services (IPCS).<sup>4</sup>

The Commission delegated authority to the Wireline Competition Bureau (WCB or Bureau) and the Office of Economics and Analytics (OEA) to “update and restructure” the Commission’s most recent data collection (the Third Mandatory Data Collection) “as appropriate in light of the requirements of the new statute.”<sup>5</sup> This delegation requires that we collect “data on all incarcerated people’s communications services from all providers of those services now subject to” the Commission’s ratemaking authority, including, but not limited to, requesting “more recent data for additional years not covered by the [Third Mandatory Data Collection].”<sup>6</sup>

These instructions and the accompanying template are designed to implement the Commission’s directives.<sup>7</sup>

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<sup>1</sup> Martha Wright-Reed Just and Reasonable Communications Act of 2022, Pub. L. No. 117-338, 136 Stat. 6156, § 2(a)(2), (b) (Martha Wright-Reed Act or the Act); *see* 47 U.S.C. §§ 152(b), 153(1)(E), 276(b)(1)(A), (d).

<sup>2</sup> *Id.* § 2(c).

<sup>3</sup> *Id.* § 3(b)(2).

<sup>4</sup> *Id.* § 3(b)(1).

<sup>5</sup> *Incarcerated People’s Communications Services; Implementation of the Martha Wright-Reed Act; Rates for Interstate Inmate Calling Services*, WC Docket Nos. 23-62, 12-375, Notice of Proposed Rulemaking and Order, FCC 23-19, at 33, para. 84 (2023) (*2023 IPCS Notice* or *2023 IPCS Order*).

<sup>6</sup> *Id.* at 33-34, paras. 84-85. The Commission directed WCB and OEA to modify the template and instructions of the most recent data collection to the extent appropriate to timely collect such information to cover the additional services and providers now subject to the Commission’s authority. *2023 IPCS Order* at 33, para. 84. The Commission sought data about audio services provided to incarcerated people, now included in IPCS, on three occasions prior to the enactment of the Martha Wright-Reed Act. *Rates for Interstate Inmate Calling Services*, WC Docket No. 12375, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd- 14107 (2013) (requiring First Mandatory Data Collection); *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, 12862, para. 198 (2015) (requiring Second Mandatory Data Collection); *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, 9619-20, para. 221 (2021) (requiring Third Mandatory Data Collection).

<sup>7</sup> The template consists of a Word document and Excel worksheets. For simplicity, we refer to these respective portions of the template as the Word template and the Excel template.

## II. General Instructions

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In these instructions, we first identify the entities that we require to respond to this data collection. We then review the information we require those entities to provide, and describe the procedure for submitting the requisite responses.

Throughout these instructions, the terms “you” and “your” refer to any entities directed to respond to these data requests that qualify as Providers, as we define that term below.

You may contact Commission staff at [mandatorydatacollection@fcc.gov](mailto:mandatorydatacollection@fcc.gov) if you have questions regarding whether your Company must file a data collection response, or the requirements for such a response.

### A. Who Must Submit Data

All Providers, as defined below, must submit complete, accurate, and truthful responses to this data collection.<sup>8</sup> “Providers” includes all entities within the definition of “payphone provider” in section 276(d) of the Communications Act that provide communications between incarcerated people and the non-incarcerated,<sup>9</sup> including Subcontractors as defined below. Providers that are affiliated shall respond as a single entity, regardless of the number of separately incorporated companies or other entities within that group that provide IPCS.<sup>10</sup>

An entity is classified as a Provider if it provides IPCS to people incarcerated in a Facility (i.e., a Prison or Jail), as defined in Part III of these instructions. In some instances, two entities work together to provide IPCS to a particular Facility. We refer to the Provider that has the contractual or other arrangement with the Contracting Authority as the Contractor, and the Provider without that arrangement as the Subcontractor. Thus, an entity is classified as a Provider if it partners with a Contractor, and also, for example, completes communications for incarcerated people, bills Consumers for those communications, and retains the revenue from those communications. An entity does not fall outside the definition of a Provider simply because it lacks a direct contractual relationship with a correctional authority. In contrast, an entity that provides billing and collection for IPCS provided by a separate entity and remits those revenues does not, without more, meet the definition of a Provider.

Providers (including all Contractors and Subcontractors) must complete all portions of this data collection unless otherwise indicated. Section II.C below provides instructions as to how certain data shall be submitted.

### B. What Must Be Submitted

You must fully and completely respond to each request for information in this data collection by using the specified Word and Excel templates and certification form, as approved by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995 (PRA), Public Law No. 104-13.<sup>11</sup> After obtaining approval from OMB, WCB and OEA will issue a Public Notice providing links to the approved

<sup>8</sup> See Part III, below, for the definition of “Provider.”

<sup>9</sup> 47 U.S.C. § 276(d); see Martha Wright-Reed Act § 2(a)(2).

<sup>10</sup> See Part III, below, for the definitions of “Accounting Entity,” “Affiliates,” “Contractor,” “Provider,” and “Subcontractor,” which collectively make clear which entities must file responses to this data collection.

<sup>11</sup> Pub. L. No. 104-13, 109 Stat. 163 (1995) (codified at 44 U.S.C. §§ 3501-3520); see *2023 IPCS Order* at 33, para. 84 (delegating to WCB and OEA the authority to conduct the requisite Paperwork Reduction Act analysis). Providers must report their information according to the best information in their possession, custody, or control. See *generally* Appx. C (certification of an authorized officer stating that all statements and information are “true, accurate, and complete”).

Word and Excel templates and certification form. A reference copy of the templates and certification form is attached to these instructions.

Your full response shall consist of several parts:

- (1) A Word document (i.e., the Word template) containing responses that require a narrative explanation (see Appendix A to these instructions);
- (2) A set of Excel worksheets (i.e., the Excel template) containing responses that indicate specific numbers, percentages, and/or information (see Appendix B to these instructions);
- (3) An audited financial statement or report for 2022; and
- (4) A signed certification of truthfulness, accuracy, and completeness (see Appendix C to these instructions).

The Word and Excel templates and any additional worksheets must be submitted in machine-readable and manipulatable formats. As indicated, you also must submit an audited financial statement or report for 2022. In the absence of an audited financial statement or report, you must submit similar financial documentation for 2022 to the extent the Company produced it in the ordinary course of business. We note that this exception for the ordinary course of business is only applicable to the submission of this alternative documentation and does not extend to other requirements of the data collection.

Additionally, all responses must be accompanied by a certification by an officer of the Provider that, based on information and belief formed after reasonable inquiry, the statements and information contained in the submission are true, accurate, and complete. You must complete the certification form provided in Appendix C before submitting your response. Submissions made without a completed certification form will be rejected and returned for correction and resubmission.

We caution Providers to proceed in good faith and with absolute candor in responding to this data collection.<sup>12</sup> Any failure to timely file an accurate, complete, and truthful response to this data collection may subject the Provider to sanctions, including, but not limited to, monetary forfeitures.<sup>13</sup> Willful false statements in responses to this data collection also are punishable by fine or imprisonment under 18 U.S.C. § 1001.

As a general matter, these instructions direct you to enter your responses to requests for certain information or numbers at specific places in the Word and Excel templates. Where these instructions require you to provide the workpapers, formulas, calculations, or data underlying your responses, report and display the required information as clearly and succinctly as possible.

Narrative responses are to be provided in the Word template (Appendix A). Use that template to provide any additional information needed to ensure that your responses are full and complete, and to identify and explain any caveats associated with your responses. You should also use the Word template to provide any formulas, explanations, or appropriate references for calculations, where necessary, including any explanations needed to make your entries in the Excel template transparent and understandable.

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<sup>12</sup> See *FCC Enforcement Advisory; Enforcement Bureau Reminds Providers of Inmate Calling Services that They Are Responsible for Complying with the Commission's Rules Relating to Those Services*, WC Docket No. 12-375, Public Notice, 35 FCC Rcd 12999, 13001-02 (WCB 2020) (reminding providers of the duty of absolute candor); see generally *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Report and Order on Remand and Fourth Further Notice of Proposed Rulemaking, 35 FCC Rcd 8485, 8502, 8533, paras. 51, 133 (2020) (*2020 ICS Order* or *2020 ICS Notice*) (stating that the Commission "will not hesitate to take action to ensure full compliance with" its inmate calling services rules; and reminding "inmate calling services providers of their duty to provide complete and accurate information in required reports and responses").

<sup>13</sup> See 47 U.S.C. §§ 502, 503(b).

Unless otherwise stated, use the Excel template (Appendix B) to provide your responses to the inquiries that follow. As a general matter, your entries on that template will be specific numbers or percentages (e.g., a Facility's Average Daily Population) or discrete information (e.g., a Facility's geographical coordinates). The Excel template has formulas in certain cells that operate in accordance with these instructions and that use data you enter in other cells to facilitate a complete reporting of the required data. To be complete, your submission must include both the data that you enter in the cells and the data that are automatically generated by the Excel formulas embedded in the template.

As described in further detail in the "Color Coding & Checks" tab in the Excel template, cells that contain formulas are generally highlighted in yellow or green. In certain tabs, to maintain visual clarity, only the first cell in a given row or column of cells with formulas is highlighted; the instructions set forth here apply to all cells with formulas, regardless of whether or not they are highlighted. Do not delete formulas from any cells or manually enter data or other information in cells that contain formulas. To ensure accurate and complete reporting, allow cells that have formulas to generate the appropriate data. The Excel template uses "N/A" to identify cells in which no data are to be reported. Do not report data in cells populated with "N/A." Following the same format provided in the Excel template, you should add additional rows or columns to this template as necessary to complete your responses.

This data collection seeks data for the single calendar year 2022, covering the period from January 1, 2022, through December 31, 2022.

You must submit a valid entry on the Excel template in response to each request in this data collection. If a request on the Excel template is for a specific number or percentage and a response is required, enter a specific number or percentage, including zero or zero percent, or allow the Excel template to generate the number or percentage, as appropriate; do not enter "N/A" or any other response. If a request on the Excel template is for a specific number or percentage and a response is optional, enter a specific number or percentage, including zero or zero percent, as appropriate, if a response is provided; otherwise enter "N/A." A response is optional only if specifically identified as such in these instructions.

Enter only positive numbers or zero on the Excel template in response to a request for numbers or percentages, with the following exception: if the Company's account balance for an asset, contra asset, liability, contra liability, revenue, contra revenue, expense, or contra expense account is the opposite of its expected debit or credit balance, report that balance as a negative number on the Excel template. For example, the expected account balance for accumulated deferred income taxes is a credit balance, representing a tax debt that will need to be paid in the future. If this is the case, report a positive number for accumulated deferred income taxes. If, instead, the account balance for the accumulated deferred income taxes is a debit balance, representing an over-payment or advance payment of income taxes, report that balance as a negative number.

Blank cells in the Excel worksheets will be understood to be zeros. Do not hide cells or split cells. Do not add rows above the Provider's reported data in the worksheets. If a Provider wishes to state that the data in a particular worksheet are confidential, do so on rows below the Provider's data response.

If your responses are deemed incomplete or are not submitted in the required format, your filing may be rejected and returned to you for correction and resubmission. An incomplete or noncompliant submission may subject you to enforcement actions, including monetary forfeitures.<sup>14</sup>

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<sup>14</sup> See 47 U.S.C. §§ 502, 503(b).

## C. Filing Deadline and Submission

The Commission will submit this data collection, including all required forms, to OMB for its approval, pursuant to the PRA. After obtaining approval from OMB, WCB and OEA will publish a notice in the Federal Register announcing OMB's approval and establishing an effective date for the data collection.<sup>15</sup> WCB and OEA will also issue a Public Notice announcing the effective date.

Your response to this data collection will be due October 31, 2023, unless an effective date for the data collection is not established before that date. The Public Notice announcing the data collection's effective date will reiterate this deadline (or specify an alternative date in the event the data collection does not become effective prior to October 31, 2023).

You must submit public versions of your response by filing the completed templates and certification form electronically, using the Commission's Electronic Comment Filing System (ECFS), accessible at <https://www.fcc.gov/ecfs/>.

You may file any information that you believe should be afforded confidential treatment in accordance with the terms of the *Protective Order* adopted for use in these dockets and by adhering to the standard set forth in section 0.459(b) of the Commission's rules.<sup>16</sup> You may access the *Protective Order* through this link: <https://www.fcc.gov/document/wireline-competition-bureau-adopts-ipcs-protective-order>. A confidential version of your filing must be submitted to the Secretary's office using the original Word and Excel templates, as approved by OMB, and in a machine-readable and manipulatable format. You must also provide courtesy copies of the confidential filing to WCB and OEA via email at [mandatorydatacollection@fcc.gov](mailto:mandatorydatacollection@fcc.gov).

For further information and any questions on completing your response, please contact Simon Solemani, WCB, Pricing Policy Division, at 202-418-2270 or at [Simon.Solemani@fcc.gov](mailto:Simon.Solemani@fcc.gov), or Richard Kwiatkowski, OEA, Economic Analysis Division, at 202-418-1383 or at [Richard.Kwiatkowski@fcc.gov](mailto:Richard.Kwiatkowski@fcc.gov).

## III. Relevant Definitions

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All capitalized terms used in these instructions are defined terms with the meaning assigned to them in this section.

2022 means calendar year 2022, the one-year period from January 1, 2022 to December 31, 2022.

Accounting Entity means the smallest group of separate Business Segments that collectively account for 100% of the Provider's IPCS-Related Operations and IPCS-related investments, expenses, and revenues.

Admissions means the number of Incarcerated People booked into and housed in a Facility by formal legal documents and the authority of the courts or other official agency, including repeat offenders booked

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<sup>15</sup> *2023 IPCS Order* at 34, para. 85 (explaining that any new or modified data collections that require OMB approval will "be effective on the date specified in a notice published in the Federal Register announcing OMB's approval").

<sup>16</sup> *Incarcerated People's Communications Services; Implementation of the Martha Wright-Reed Act; Rates for Interstate Inmate Calling Services*, WC Docket Nos. 23-62, 12-375, Protective Order, DA 23-298 (WCB Apr. 5, 2023) (specifying the procedures for filing and providing access to confidential information filed in these proceedings); 47 CFR § 0.459(b); *see id.* § 0.459(c) (specifying that "[c]asual requests [for confidential treatment] (including simply stamping pages 'confidential') . . . will not be considered"); *Enforcement Bureau Reminds Public that Requests for Confidentiality Must Cover Only Material Warranting Confidential Treatment Under the Commission's Rules*, Public Notice, 35 FCC Rcd 6300 (EB 2020).

on new charges as well as people sentenced to weekend programs who enter the Facility for the first time. It excludes Incarcerated People reentering the Facility after an escape, work release, medical appointment, treatment facility appointment, or bail and court appearance.

Affiliates means any two or more companies, partnerships, or other legal entities where (a) one entity directly or indirectly owns or controls the other or others, (b) a Third Party controls or has the power to control both or all, (c) the entities share common ownership or have interlocking directorates, or (d) the entities share employees, equipment, and/or facilities. For purposes of this definition, the term “own” means to hold or control an equity interest (or the equivalent thereof) of more than 10%.

Ancillary Services Charges means any fees or charges Consumers may be assessed for or in connection with IPCS that are not included in the per-minute charges assessed for individual audio communications or the per-minute, per-session, or per-month charges assessed for video communications. Permissible Ancillary Services Charges for or in connection with interstate and international Audio IPCS are limited to those listed in 47 CFR § 64.6000(a)(1)-(5) and consist of Automated Payment Fees, Live Agent Fees, Paper Bill/Statement Fees, Fees for Single-Call and Related Services, and Third-Party Financial Transaction Fees. All other Ancillary Services Charges are prohibited in connection with interstate and international Audio IPCS. For purposes of this definition, “interstate” includes any jurisdictionally mixed charge, as defined in 47 CFR § 64.6000(u).

Ancillary Services means services provided for or in connection with Audio or Video IPCS. Ancillary Services includes both Permissible Ancillary Services and Other Ancillary Services, as defined in these instructions.

Annual Total Expenses means the sum of annual Operating Expenses and annual Capital Expenses.

Audio IPCS means, for the purpose of this data collection, all services classified as inmate calling services within the meaning of 47 CFR § 64.6000(j), including: (a) Interconnected VoIP; (b) Non-interconnected VoIP; (c) all Telecommunications Relay Services (TRS), including the use of a device or transmission service to access TRS; and (d) all point-to-point video services made available to incarcerated people for communication in American Sign Language (ASL) with other ASL users.

Automated Payment Fees means credit card payment fees, debit card payment fees, and bill processing fees, including fees for payments made by interactive voice response, through the Internet, or by use of an Incarcerated People’s Kiosk or Incarcerated People’s Tablet.

Automated Payment Service means any service providing Customers of IPCS with credit card payment, debit card payment, and bill processing services, including enabling payments by interactive voice response, web, or Incarcerated People’s Kiosk or Incarcerated People’s Tablet.

Average Daily Population or ADP means the sum of all Incarcerated People in a Facility for each day of a Year, divided by the number of days in the Year.

Billed Communications means the number of IPCS communications supplied during a Year for which payment is demanded.

Billed Minutes means the number of Audio and/or Video IPCS minutes supplied during a Year for which payment is demanded.

Billed Revenues means gross sales, without adjustment for uncollectable accounts or expenses related to producing these sales, derived from the number of units of a service supplied during a Year for which payment is demanded.



Billed Transactions means the number of discrete instances where a seller supplies Single-Call and Related Service or Third-Party Financial Transaction Service and a buyer agrees to pay a price for that service.

Billed Uses means the number of times a Provider attempted to charge a Consumer for Automated Payment Service, Live Agent Service, or Paper Bill/Statement Service during 2022 and for which payment is demanded.

Business Segment means a component of a Company that generates its own revenues and creates its own products, product lines, or services and for which a financial report is routinely prepared for management, shareholder, or creditor review.

C Corporation means a Company that is taxed as a distinct entity under the rules of the Internal Revenue Service.

Capital Expenses means the sum of (a) the Return that debt, preferred stock, and equity investors require; (b) interest paid on customer prepayments or deposits; (c) depreciation expense; (d) amortization expense; and (e) federal and state income tax expense attributable to the fraction of the Return attributable to equity holders.

Cash Working Capital means the average investor-supplied capital a firm needs to fund its day-to-day operations.

Company means the Accounting Entity unless otherwise indicated.

Consumer means the party paying a Provider of IPCS.

Contracting Authority means an entity with authority to enter into contracts on behalf of a Facility. It includes any Facility that does its own contracting.

Contractor means the Provider that has a contractual or other arrangement with a Contracting Authority to provide IPCS at a Facility.

Contractually Prescribed Site Commission means a Site Commission payment, other than a Legally Mandated Site Commission payment, required pursuant to a contract negotiated between a Contracting Authority and a Provider.

Customer means the party paying a Provider of IPCS.

Extra Payments to Telecommunications Carriers or Other Entities for International Communications means the incremental charges a Provider pays to complete communications solely to international destinations.

Facility means a Jail or Prison and, for the purposes of this data collection, includes synonymous terms, such as “correctional Facility,” “correctional institution,” and “detention Facility.”

Fees for Single-Call and Related Services means billing arrangements whereby an Incarcerated Person’s collect communications are billed through a Third Party on a per-communication basis, where the called party or Incarcerated Person does not have an account with the Provider and does not want to establish an account.

Fixed Site Commission means a Site Commission that is assessed or paid without regard to IPCS usage or revenues. Fixed Site Commissions include, but are not limited to, minimum annual guaranteed payments, other lump-sum payments, and payments in-kind that Providers make pursuant to IPCS contracts.

Gross Investment means the book value of an asset prior to subtracting accumulated depreciation or amortization.

Incarcerated People's Communications Services or IPCS means the provision of telephone service; interconnected VoIP service; non-interconnected VoIP service; interoperable video conferencing service; and any audio or video communications service used by incarcerated people for the purpose of communicating with individuals outside the Facility where the incarcerated person is held, regardless of the technology used.

IPCS-Related Operations means the actions or tasks performed by the Provider or authorized personnel to deliver IPCS and associated Ancillary Services to Incarcerated People and those they communicate with, including but not limited to billing, customer service, and other requirements as determined by contract or by law. It excludes all Site Commission payments, including In-Kind Site Commission payments.

IPCS-Related Products and Services means any hardware, software, applications, devices, products, or services used by a Provider or under a Provider's direction as part of its IPCS-Related Operations. IPCS-Related Products and Services also may support a Company's non-IPCS Products and Services.

Incarcerated Person means a person detained in a Facility, regardless of the duration of the detention. These instructions use Incarcerated People as the plural of Incarcerated Person.

Incarcerated People's Kiosk means a self-service transaction machine that a Provider owns or leases and makes available to Incarcerated People at a Facility to obtain IPCS-Related Services, such as obtaining a calling card or depositing money in a prepaid account, or a stationary device that a Provider owns or leases and makes available at a Facility for Incarcerated People to access IPCS or to obtain IPCS-Related Products and Services. An Incarcerated People's Kiosk may also be used to access Other Products and Services.

Incarcerated People's Tablet means a portable device that a Provider owns or leases and makes available to an Incarcerated Person or to Incarcerated People at a Facility to access IPCS or to obtain IPCS-Related Products and Services, such as depositing money in a prepaid account. An Incarcerated People's Tablet may also be used to access Other Products and Services.

In-Kind Site Commission means a Site Commission that does not take the form of a Monetary Site Commission.

Interconnected Voice over Internet Protocol or Interconnected VoIP means a service that: (i) enables real-time, two-way voice communications; (ii) requires a broadband connection from the user's location; (iii) requires Internet protocol-compatible customer premises equipment (CPE); and (iv) permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

International Communication means a communication or transmission from any state, territory, or possession of the United States, or the District of Columbia to points outside the United States.

Interstate Communication means, pursuant to 47 U.S.C. § 153(28), communication or transmission (a) from any state, territory, or possession of the United States (other than the Canal Zone), or the District of Columbia, to any other state, territory, or possession of the United States (other than the Canal Zone),

or the District of Columbia, (b) from or to the United States to or from the Canal Zone, insofar as such communication or transmission takes place within the United States, or (c) between points within the United States but through a foreign country. Interstate Communication shall not, for purposes of these instructions, include wire or radio communication between points in the same state, territory, or possession of the United States, or the District of Columbia, through any place outside thereof, if such communication is regulated by a state commission.

Interoperable Video Conferencing Service means a service that provides real-time video communications, including audio, to enable users to share information of the user's choosing.

Intrastate Communication means any communication that originates and terminates in the same state, territory, or possession of the United States (other than the Canal Zone), or the District of Columbia.

Jail means a Facility of a local, state, or federal law enforcement agency that is used primarily to hold individuals who are: (a) awaiting adjudication of criminal charges; (b) post-conviction and committed to confinement for sentences of one year or less; or (c) post-conviction and awaiting transfer to another Facility. The term also includes city, county or regional Facilities that have contracted with a private company to manage day-to-day operations; privately owned and operated Facilities primarily engaged in housing city, county or regional Incarcerated People; Facilities used to detain individuals operated directly by the Federal Bureau of Prisons or U.S. Immigration and Customs Enforcement, or pursuant to a contract with those agencies; juvenile detention centers; and secure mental health Facilities.

Legally Mandated Site Commission means a Site Commission payment required by state statutes or regulations that are adopted pursuant to state administrative procedure statutes where there is notice and an opportunity for public comment, such as by a state public utility commission or similar regulatory body with jurisdiction to establish IPCS rates, terms, and conditions, and that operate independently of the contracting process between Facilities and Providers.

Live Agent Fees means fees associated with the optional use of a live operator to complete IPCS Transactions.

Live Agent Service means providing Customers of IPCS the optional use of a live operator to complete IPCS-related transactions.

Maximum Communication Duration means the maximum limit, if any, that a Provider or Facility imposes on the length of an Audio IPCS call or a Video IPCS communication from a Facility.

Monetary Site Commission means a Site Commission that takes the form of a monetary payment.

Net Capital Stock means Gross Investment in assets, net of accumulated depreciation and amortization, accumulated deferred federal and state income taxes, and customer prepayments or deposits, plus an allowance for Cash Working Capital.

Net Investment means the book value of an asset after subtracting accumulated depreciation or amortization.

Non-interconnected VoIP Service means a service that enables real-time voice communications that originate from, or terminate to, the end-user's location using Internet Protocol or any successor protocol and that requires Internet Protocol compatible customer premises equipment. It does not include any service that is an Interconnected VoIP service.

Operating Expenses means recurring expenses incurred to supply a service on a continuous basis, including but not limited to maintenance and repair of plant, equipment, and facilities; billing, collection, and customer care; general and administrative expense; other overhead expense; tax expense other than income tax expense; bad debt expense; and the IPCS-specific expenses specified in this data request.

Other Ancillary Services means Ancillary Services other than Automated Payment Service, Live Agent Service, Paper Bill/Statement Service, Single-Call and Related Services, and Third-Party Financial Transaction Services. Other Ancillary Services can be associated with interstate, international, or intrastate, Audio or Video IPCS.

Other Products and Services means products and services other than Audio IPCS, Video IPCS, Safety and Security Measures, Automated Payment Service, Live Agent Service, Paper Bill/Statement Service, Single-Call and Related Services, Third-Party Financial Transaction Services, and Other Ancillary Services.

Paper Bill/Statement Fees means fees associated with providing Customers of IPCS an optional paper billing statement.

Paper Bill/Statement Service means providing Customers of IPCS a paper billing statement.

Pass-Through Entity means a Company that passes its income through to its owners.

Permissible Ancillary Services means Automated Payment Service, Live Agent Service, Paper Bill/Statement Service, Single-Call and Related Services, and Third-Party Financial Transaction Services, as defined in these instructions.

Prison means a Facility operated by a territorial, state, or federal agency that is used primarily to confine individuals convicted of felonies and sentenced to terms in excess of one year. The term also includes public and private Facilities that provide outsource housing to other agencies such as the State Departments of Correction and the Federal Bureau of Prisons; and Facilities that would otherwise fall under the definition of Jail but in which the majority of Incarcerated People are post-conviction or are committed to confinement for sentences of longer than one year.

Provider means any communications service provider that provides IPCS, as defined in 47 U.S.C. §§ 153, 276(d), regardless of the technology used. This definition includes all Contractors, as defined above, as well as all Subcontractors, as defined below, to the extent that their activities include the provision of IPCS. A Provider may offer Audio IPCS, Video IPCS, or both.

Releases means the number of Incarcerated People released after a period of confinement (e.g., sentence completion, bail or bond releases, other pretrial releases, transfers to other jurisdictions, and deaths). It includes Incarcerated People who have completed weekend programs and are leaving the Facility for the last time. It excludes temporary discharges, such as discharges for work, medical or other appointments, court appearances, furloughs, and day reporting.

Return means the Company's Net Capital Stock multiplied by its Weighted Average Cost of Capital.

Revenue-Sharing Agreement means any agreement, whether express, implied, written, or oral between a Provider or any Affiliate and a Third Party, such as a financial institution, or between a Provider and any of its Affiliates that, over the course of the agreement, directly or indirectly results in the payment of all or part of the revenue received from the provision of IPCS or any Ancillary Services to the other party to the agreement.

Safety and Security Measures means any safety or security surveillance system, product, or service, including any such system, product, or service that helps the Facility ensure that Incarcerated People do not communicate with persons they are not allowed to communicate with; helps monitor and record on-going communications; or inspects and analyzes recorded communications. Safety and Security Measures also include other related systems, products, and services, such as a voice biometrics system, a personal identification number system, or a system concerning the administration of subpoenas concerning communications. The classification of a system, product, or service as a Safety and Security Measure does not mean that it is part of a Provider's IPCS-Related Operations.

Single-Call and Related Services means billing arrangements whereby an Incarcerated Person's collect communications are billed through a Third Party on a per-communication basis, where the called party does not have an account with the Provider or does not want to establish an account.

Site Commissions means any form of monetary payment, in-kind payment, gift, exchange of services or goods, fee, technology allowance, or product that a Provider or Affiliate of a Provider may pay, give, donate, or otherwise provide to an entity that operates a Facility, an entity with which the Provider enters into an agreement to provide IPCS, a governmental agency that oversees a Facility, the city, the county, or state where a Facility is located, or an agent of any such Facility.

Subcontractor means an entity that provides IPCS at or for a Facility on behalf of a Provider that has a contractual or other arrangement with a Contracting Authority to provide IPCS at or for the Facility. A Subcontractor need not have a direct contractual relationship with a Contracting Authority.

Third Party means an entity that is not a Provider, including a Subcontractor, an Affiliate of a Provider, or a Facility.

Third-Party Financial Transaction Fees means the exact fees, with no markup, that Providers are charged by Third Parties to transfer money or process financial transactions to facilitate a Customer's ability to make account payments via a Third Party.

Third-Party Financial Transaction Services means the transfer of money or the processing of financial transactions to facilitate a Customer's ability to make account payments via a Third Party.

Unbilled Communications means the number of IPCS communications supplied during a Year for which payment is not demanded.

Unbilled Minutes, Unbilled Minutes of Use, and Unbilled MOU mean the number of Audio and/or Video IPCS minutes supplied during a Year for which payment is not demanded.

Variable Site Commissions means Site Commissions that are assessed on a per-unit basis, such as a per-minute basis, percentage of IPCS revenue, or number of IPCS devices at a Facility.

Video IPCS means any video communications service used by Incarcerated People for the purpose of communicating with individuals outside the correctional institution where the people are incarcerated, regardless of the technology used. It typically includes an integrated audio component, and excludes all services classified as Audio IPCS, as well as Other Products and Services, such as one-way entertainment, educational, religious, vocational, and instructional programming.

Weekly Turnover Rate means the percentage calculated by subtracting the average number of weekly Releases during a Year from the average number of weekly Admissions during that Year and then dividing the resulting number by the Average Daily Population for that Year.

Weighted Average Cost of Capital or WACC means the sum of the cost of equity, the cost of preferred stock, and the cost of debt, each expressed as an annual percentage rate and weighted by its proportion in the capital structure.

Year means a calendar year, beginning January 1 and ending December 31 of any given year.

## IV. Required Information

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This Part sets forth the information you must provide in your response to this data collection. In some cases, data are to be reported on the attached Excel template, while other questions require a narrative response on the attached Word template. Unless otherwise indicated, all responses should be entered into the Excel template. In general, this Part proceeds from Company-level inquiries to specific Facility-level inquiries.

This Part begins by asking you to provide general information about your Company, including information pertaining to your IPCS operations. Next, we direct you to provide financial data and related information at the Company level. We then direct you to disaggregate that financial information into service-specific categories and provide you detailed cost allocation instructions in connection with this step. We also instruct you how to report data where a Provider has an agreement with another entity for the provision of IPCS. We then require you to report Company-level Ancillary Services and Site Commission data, followed by data regarding transactions with Affiliates. Finally, following the instructions for reporting Company-level data, we direct you to report certain information at the Facility level.

As a reminder, this data collection seeks data for calendar year 2022. Please provide data for your responses for 2022, the one-year reporting period from January 1, 2022, to December 31, 2022.

### A. General Information

This section directs you to provide general information and data about your Company and its Affiliates, among other matters, in total for 2022, unless otherwise specified.

- (1) **Company Name:** Enter the Company's name.
- (2) **Accounting Entity:** Enter the name of each corporation, partnership, or other legal entity within the Accounting Entity.
- (3) **Contact Person:** Enter the name, title, email address, and phone number of the person whom the Commission may contact to inquire about the Company's response to the collection.
- (4) **Holding Company Name:** Enter the name of Company's ultimate parent, if any.
- (5) **Filing Date:** Enter the filing date using the following format: "MM/DD/YYYY" to indicate the month, day, and year.
- (6) **Headquarters Address:** Enter the physical address where the Company's headquarters are located.
- (7) **Publicly Listed:** Identify whether the Company is a corporation or part of a corporation whose ownership is dispersed among the general public in many shares of stock which are traded on a stock exchange or in over-the-counter markets.

**(8) IPCS or Ancillary Services:**

- (a) List all IPCS or Ancillary Services that the Company provided at or for Facilities, or to Incarcerated People or those they communicated with, during 2022. List all such services even if the Company only provided them at some Facilities. List one service per column, starting in Column B.
- (b) In the Word template, describe in detail each type of Audio IPCS that the Company provided at or for Facilities during 2022.
- (c) In the Word template, describe in detail each type of Video IPCS that the Company provided during 2022. Identify the transmission technology, the service parameters and the key performance indicators used to provide and evaluate each type of Video IPCS. Describe the steps the Company took to monitor these services to ensure they functioned as intended.
- (d) In the Word Template, describe the infrastructure, including any Wi-Fi routers, wiring, or other infrastructure located within Facilities, the Company provided to deliver each of its Video IPCS offerings during 2022. Explain how, if at all, the infrastructure the Company provided to deliver Video IPCS differed from the infrastructure it provided to deliver Audio IPCS. To what extent was the Company, as opposed to the Facility, generally responsible for providing and maintaining any infrastructure that is located within a Facility. Submit any information the Company has on the capabilities (e.g., speed and latency) of the Video IPCS infrastructure located within the Facilities the Company serves.
- (e) In the Word template, identify each type of device that the Company used to provide IPCS during 2022, including any devices that the Company provided to Incarcerated People or to those with whom they communicate. Provide the average per-unit price that the Company paid for each identified type of device used during 2022.
- (f) In the Word template, identify and describe the infrastructure, devices, and other equipment and technologies the Company used to provide:
  - (i) Both Audio IPCS and Video IPCS;
  - (ii) Only Audio IPCS; and
  - (iii) Only Video IPCS.
- (g) In the Word Template, describe generally whether the Company or the Facilities the Company serves provided any broadband connection used to provide IPCS. Where the Company provided the broadband connection, explain the extent to which the Company used those connections to provide Audio IPCS as well as Video IPCS, and the extent to which Facilities used those connections for their own communications. Identify the broadband service level required for the Company's Audio IPCS and Video IPCS offerings to function as intended, and generally discuss the availability of this service level at the Facilities the Company serves.
- (h) In the Word Template, describe the type of data storage, if any, the Company used to retain the contents of, or information regarding, incarcerated people's communications during 2022. Generally describe the amount of storage space required, expressed in terms of the amount of data used, to store the contents of, and data regarding, incarcerated people's communications.

Additionally, describe in detail any contractual provisions, including any provisions addressing the storage system, data retention period, or retrieval and analysis of stored information, that required or addressed such data storage. Also identify and describe, if applicable, the software the Company used to store the contents of, or information regarding, incarcerated people's communications.

- (i) In the Word Template, explain how the Company markets its Video IPCS to consumers, including identifying any packages, bundles, and other services or features included with Video IPCS. Additionally, include the units of sale the Company uses to sell Video IPCS to consumers (e.g., calls, minutes, or data allotments).
- (j) In the Word Template, explain any conditions or limitations in place that restrict how Incarcerated People may use the Company's Video IPCS, including accessing the service, the availability of the service, and any other limitations that affect usage. Separately, identify whether these conditions are imposed by the Company or by the Facility.
- (k) In the Word Template, we seek information regarding the Safety and Security Measures the Company provided during 2022. To the extent the set of Safety and Security Measures provided by the Company varied among the Facilities it served, or among the types of IPCS it provided, describe the reasons for that variation. In particular, explain whether, and if so why, the Safety and Security Measures provided differ based on: (i) contractual provisions; (ii) Facility restrictions; (iii) differences between Audio IPCS and Video IPCS; or (iv) variables in the infrastructure, devices, and other equipment and technologies used to provide IPCS (e.g., implementation on kiosks versus tablets, or implementation on third-party applications versus internally-developed applications).
- (l) In the Word template, to the extent the Safety and Security Measures provided by the Company varied based on contractual provisions or Facility restrictions, describe the reason(s) for such variation and identify which Safety and Security Measures are involved. Also address:
  - (i) Whether the Company offers different Safety and Security Measures based on whether it seeks to provide Audio IPCS, Video IPCS, or both forms of IPCS;
  - (ii) Whether the Company offers a standard package of Safety and Security Measures and, if so, whether Contracting Authorities may add to, or subtract from, the package other services, options, or features;
  - (iii) Whether the Company requires Contracting Authorities to purchase any Safety and Security Measures as part of a package of services, either with its IPCS offerings or with other Safety and Security Measures; and
  - (iv) Whether Contracting Authorities require the Company to provide as a base package, not subject to negotiation, different sets of Safety and Security Measures.
- (m) In the Word template, describe how, if at all, the variations you describe in your responses to the previous two inquiries impact the costs that the Company incurs to provide Safety and Security Measures.
- (n) In the Word template, the Company may elect to report any other factors that may impact the costs the Company incurs to provide Safety and Security Measures (e.g., fixed costs that may be



shared by multiple Safety and Security Measures, the provision of certain Safety and Security Measures at different scales, Facility sizes, or Facility locations), and how those factors impact costs.

- (o) In the Word template, if the Company provided any services for which it charged Automated Payment Fees during 2022, describe the functions the Company performed, and the processes the Company used, to complete the underlying Consumer transactions.
- (p) In the Word template, if the Company provided any services for which it charged Live Agent Fees during 2022, describe the functions the Company performed, and the processes the Company used, in providing Live Agent Services.
- (q) In the Word template, if the Company provided any services for which it charged Fees for Single-Call and Related Services during 2022, describe the functions the Company performed, and the processes the Company used, to facilitate the underlying IPCS calls.
- (r) In the Word template, if the Company provided any services for which it charged Third-Party Financial Transaction Fees during 2022, describe the functions the Company performed, and the processes the Company used, to facilitate the underlying financial transactions.
- (s) In the Word template, if the Company provided any services for which it charged Other Ancillary Services Charges during 2022, identify each type of Other Ancillary Services Charge and its purpose, and describe the functions the Company performed, and the processes the Company used, to provide each Other Ancillary Service.
- (t) In the Word template, if the Company mailed paper bills or statements for any IPCS account and charged Paper Bill/Statement Fees during 2022, describe the Company's policy for issuing and mailing such bills or statements, including any elections that must be made by the account holder or recipient of any mailed bills or statements.

**(9) Business Segments Other Than IPCS or Ancillary Services:**

- (a) List all Business Segments, other than IPCS or Ancillary Services, that the Company engaged in during 2022. List one Business Segment per column, starting in Column B.
- (b) Provide the Billed Revenues for each listed Business Segment during 2022. Enter Billed Revenues in the same column as the corresponding Business Segment.
- (c) List all Business Segments, other than IPCS or Ancillary Services, the Company or an Affiliate provided at or for Facilities, or to Incarcerated People or those they communicate with, during 2022. List all such Business Segments even if the Company or Affiliate provided them only at some Facilities. List one Business Segment per column, starting in Column B.
- (d) In the Word template, describe in detail all Business Segments, other than IPCS and associated Ancillary Services, the Company or an Affiliate provided at or for Facilities, or to Incarcerated People or those they communicate with, during 2022.
- (e) In the Word template, describe in detail how, if at all, the Company's IPCS and associated Ancillary Services interact with Business Segments other than IPCS or Ancillary Services.

- (f) In the Word template, state whether the Company provides any type of IPCS as part of a bundle with, or otherwise provides any type of IPCS in conjunction with, any other type of IPCS and/or Other Products and Services. If the answer is yes, for each such bundle:
- (i) Identify the components of the bundle, and state whether each of those components qualifies as IPCS or as Other Products and Services;
  - (ii) Describe in detail the steps the Company employed to ensure its responses to this data collection do not allocate the costs of its Other Products and Services to IPCS or associated Ancillary Services;
  - (iii) State whether the Company also provides the bundled IPCS component(s) individually as standalone services;
  - (iv) State the price consumers pay for each bundle as a whole, as well as the standalone price of each component within each bundle. For any component offered only as part of a bundle, state what its price would be if it were offered on a standalone basis;
  - (v) State whether bundling IPCS with Other Products and Services increases or decreases the Company's overall costs, and identify the specific categories of costs that are affected and how those costs are affected; or, if bundling does not increase or decrease the Company's overall costs, indicate that in the Word template; and
  - (vi) State whether the Company's bundling practices vary among Facilities or contracts, and, if so, describe the variations in detail.

(10) **Assets:**

- (a) List each type of tangible (e.g., phones, tablets, audio communications equipment, video communications equipment, and kiosks) and intangible asset (e.g., capitalized research and development, purchased software, internally developed software, patents, trademarks, capitalized site commissions, acquired technology rights, acquired contract rights, costs to obtain customer contracts, and capitalized Site Commissions) attributable to providing IPCS or associated Ancillary Services during 2022. Exclude any type of asset whose Net Investment is less than 5% of the Company's total Net Investment. List one asset per column, starting in Column B.
- (b) Provide the Net Investment in each listed type of asset as of December 31, 2022. Enter Net Investment in the same column as the corresponding asset.
- (c) List each Audio IPCS, Video IPCS, or Ancillary Service, if any, that each listed type of asset supported. List each service in the same column as the corresponding asset.
- (d) List each Non-IPCS-Related Service or Product, if any, that each listed type of asset supported. List each Product or Service in the same column as the corresponding asset.

- (11) **Affiliates Other Than Affiliates that Provided IPCS or Ancillary Service:** List the names of all of the Company's Affiliates, other than Affiliates that provided IPCS or Ancillary Services, during 2022. List one Affiliate per column, starting in Column B.
- (12) **Billed Revenues of Affiliates Other Than Affiliates that Provided IPCS or Ancillary Services:** Enter total Billed Revenues for these Affiliates for 2022. Enter Billed Revenues in the same column as the corresponding Affiliate.
- (13) **Business Segments of Affiliates Other Than Affiliates that Provided IPCS or Ancillary Services:**
- (a) List all Business Segments in which Affiliates, other than Affiliates that provided IPCS or Ancillary Services, engaged during 2022. List one Business Segment per column, starting in Column B.
  - (b) Identify each Affiliate, other than Affiliates that provided IPCS or Ancillary Services, that participated in the supply of each Business Segment on your list. List Affiliates in the same column as the corresponding Business Segment.
- (14) **Billed Revenues of Affiliates Other Than Affiliates that Provided IPCS or Ancillary Services by Business Segments:** Enter Billed Revenues for 2022 by each Affiliate, other than Affiliates that provided IPCS or Ancillary Services, for each Business Segment on your list. Enter Billed Revenues in the same column as the corresponding Affiliate.
- (15) **Affiliate Transactions:** List all types of assets and services that the Company obtained from an Affiliate, other than an Affiliate that provided IPCS or Ancillary Services, that were used in the provision of IPCS or Ancillary Services during 2022. List one asset or service per column, starting in Column B. List each of the below items in the same column as the corresponding asset or service for 2022:
- (a) Each Affiliate, other than an Affiliate that provided IPCS or Ancillary Services, that provided those assets or services;
  - (b) The amounts the Company paid its Affiliates, other than Affiliates that provided IPCS or Ancillary Services, for those assets and services; and
  - (c) The Net Investment of Affiliates, other than Affiliates that provided IPCS or Ancillary Services, in those assets as of the date of the transaction.
  - (d) The Annual Total Expenses that Affiliates, other than Affiliates that provided IPCS or Ancillary Services, incurred to provide those services during the Year immediately prior to the transaction.
- (16) **Accounting and Record Keeping Systems:** In the Word template, describe in detail the Accounting Entity's accounting and record-keeping systems.
- (17) **Mandatory Data Collection Response:** In the Word template, provide an overview of how the Company used its accounting and record-keeping system to respond to this Mandatory Data Collection. As part of this overview, explain the process by which the Company used data from income statements, balance sheets, general ledgers, subledgers, journals, department, division, or

other organization group accounts or subaccounts, and other records or sources of financial data to develop, compile, assign, attribute, allocate or report Company-wide, service-specific, and Facility-specific revenues, investments, and expenses, as required by this Mandatory Data Collection. Identify the sources for all depreciation and amortization schedules or asset life projections used to determine the amount of depreciation and amortization expenses reported and how these expenses are derived using these schedules and projections or other methods in lieu of or in combination with these schedules and projections. Explain how Company-wide, service-specific, Facility-specific, department, division, or other organization group data are used to determine how costs are incurred in order to assign, attribute, or allocate investments and expenses, as required by this Mandatory Data Collection, including, for example, data as to the number of communications or call minutes, ADP, headcounts, labor hours, or salaries; computer processing, electronic equipment or other inside or outside plant equipment, circuit, and electric power use or capacity; internal or external maintenance or computer-center help desk requests, tickets, orders or dispatch numbers; and purchase orders, transactions, or other measures of resource use and cost-causation.

- (18) **Representative Information:** In the Word template, address in detail whether the information collected through the data collection will be representative of the Company's future provision of IPCS and associated Ancillary Services. Identify for the two-year period from January 1, 2024, to December 31, 2025, any specific known and measurable changes to the Company's IPCS or Ancillary Services investments, expenses, revenues, and demand that are not reflected in the data collected through this data collection.
- (19) **Sources:** In the Word template, identify the source for any data or any document included in or relied upon in your response.

## B. Overview Information

This section provides an overview of the Company's provision of Audio and Video IPCS and associated Ancillary Services by incorporating information from other sections of your Excel template. You should first enter the information required in those other sections of the Excel template. Note, once you do that, the information required for this section will automatically be entered into the fields for subsections (3) through (5) of this portion of the Excel template, which are highlighted in green. Manually enter the information requested only for subsections (1) and (2) of this portion of the template. All of the information will be at the Accounting Entity level.

- (1) **Company Name**
- (2) **Facilities**
- (a) Number of Facilities
  - (b) Number of Prisons
  - (c) Number of Jails with ADP of 1,000 and above
  - (d) Number of Jails with ADP below 1,000
  - (e) Number of contracts
  - (f) Number of Prison contracts
  - (g) Number of Jail contracts

- (3) **Annual Total Expenses during 2022 for:**
- (a) Audio IPCS
  - (b) Video IPCS
  - (c) Safety and Security Measures
  - (d) Automated Payment Services
  - (e) Live Agent Services
  - (f) Paper Bill/Statement Services
  - (g) Single-Call and Related Services
  - (h) Third-Party Financial Transactions Services
- (4) **Billed Revenues during 2022 for:**
- (a) Audio IPCS
  - (b) Video IPCS
  - (c) Safety and Security Measures
  - (d) Automated Payment Services
  - (e) Live Agent Services
  - (f) Paper Bill/Statement Services
  - (g) Single-Call and Related Services
  - (h) Third-Party Financial Transactions Services
- (5) **Site Commissions paid during 2022:**
- (a) Total Site Commissions
    - (i) Total Monetary Site Commissions
    - (ii) Total In-Kind Site Commissions
  - (b) Total Legally Mandated Site Commissions
  - (c) Total Contractually Prescribed Site Commissions

## C. Company-Wide Information

This section seeks financial data and other information about the Company and directs you to determine the Annual Total Expenses the Company incurs to provide Audio IPCS, Video IPCS, Safety and Security Measures, various types of Ancillary Services, and Other Products and Services during 2022.

### 1. Overall Financial Information

This subsection directs you to provide financial data and other information in the aggregate for the entire Company as defined above in Part III. Relevant Definitions (i.e., Accounting Entity). All financial data must comply with generally accepted accounting principles (GAAP).<sup>17</sup> The carrying value of all assets, both tangible and intangible, shall reflect the results of the most recent impairment testing, and any adjustments required to account for any impairment loss shall be separately identified. In the Word template, explain in detail the process the Company used to ensure GAAP-consistent impairment testing and provide any additional information needed to make that process fully transparent and understandable. Alternatively, explain in detail in the Word template why an impairment test is not necessary, when

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<sup>17</sup> See generally Financial Accounting Standards Board, *Accounting Standards Codification*, <https://asc.fasb.org/> (last visited July 25, 2023). The Financial Accounting Standards Board (FASB) Accounting Standards Codification is the “source of authoritative generally accepted accounting principles (GAAP) recognized by the FASB to be applied by nongovernmental entities.” FASB Accounting Standards Codification, *About the Codification*, v. 5.11, at 4, [https://asc.fasb.org/layoutComponents/getPdf?isSitesBucket=true&fileName=FASB\\_About\\_the\\_Codification.pdf](https://asc.fasb.org/layoutComponents/getPdf?isSitesBucket=true&fileName=FASB_About_the_Codification.pdf) (last visited July 25, 2023). Other sources of authoritative GAAP for Securities and Exchange Commission (SEC) registrants include rules and interpretive releases of the SEC. *Id.* at 7 (last visited July 25, 2023).

impairment testing normally occurs under Company policy, and identify with specificity any accounting adjustments that were made at the time of the most recent impairment testing.

- (1) **Investment and Expense Data:** Provide the following investment and expense data in the aggregate for the Accounting Entity for 2022. If the Company has no investment or expense data to report for any of the following categories, report zero in the corresponding cell in the Excel template.
- (a) **Capital Assets:** Report year-end amounts for 2022 for each of the items specified below. Report amounts for items (i), (ii) or (iii), and (iv) separately for each of the following categories of assets: (aa) tangible assets; (bb) capitalized research and development; (cc) purchased software; (dd) internally developed software; (ee) trademarks; (ff) capitalized site commissions; (gg) other identifiable intangible assets; and (hh) goodwill. Report a single amount for each of items (v), (vi), and (vii).
- (i) Gross Investment;
  - (ii) Accumulated depreciation;
  - (iii) Accumulated amortization;
  - (iv) Net Investment;
  - (v) Accumulated deferred federal income taxes;
  - (vi) Accumulated deferred state income taxes; and
  - (vii) Customer prepayments or deposits.
- (b) **Capital Expenses:** Report the amount for 2022 for each of the items specified below. Report amounts for items (i) or (ii) separately for each of the following categories of assets: (aa) tangible assets; (bb) capitalized research and development; (cc) purchased software; (dd) internally developed software; (ee) trademarks; (ff) capitalized site commissions; (gg) other identifiable intangible assets; and (hh) goodwill. Report as amortization in item (ii) any amortization of capitalized site commissions that the Company's books recognized as an amortization expense or as an offset against gross revenues (e.g., as contra revenues). Report a single amount for each of items (iii), (iv), and (v). In the Word template, identify the discrete types of expenses reported in each Capital Expense category.
- (i) Depreciation;
  - (ii) Amortization;
  - (iii) Interest other than interest paid on customer prepayments or deposits;
  - (iv) Interest paid on customer prepayments or deposits; and
  - (v) Other income tax-related adjustments.
- (c) **Operating Expenses:** Report the amount for 2022 for each of the items specified below. Each expense must be reported for only one category. For example, do not report expenses incurred for Extra Payments to Telecommunications Carriers or Other Entities for International Communications as an expense incurred for Payments to telecommunications carriers or other entities for Interstate, International, or Intrastate Communications other than Extra Payments for International Communications; report such expenses in the designated category separately. Exclude any charges for asset impairment loss. In the Word template, identify the discrete types of expenses reported in each Operating Expense category.
- (i) Maintenance, repair, and engineering of site plant, equipment, and facilities;
  - (ii) Payments to telecommunications carriers or other entities for Interstate, International, or Intrastate Communications other than Extra Payments to Telecommunications Carriers or Other Entities for International Communications;
  - (iii) Extra Payments to Telecommunications Carriers or Other Entities for International Communications;
  - (iv) Field services;

- (v) Network operations;
- (vi) Call center;
- (vii) Data center and storage;
- (viii) Payment of Site Commissions recognized as an expense or an offset against gross revenues when paid or when the Site Commissions-related transaction occurred;
- (ix) Billing, collection, client management, and customer care;
- (x) Sales and marketing;
- (xi) General and administrative;
- (xii) Other overhead;
- (xiii) Taxes other than income taxes;
- (xiv) Transactions related to mergers and acquisitions; and
- (xv) Bad debt.

## **2. Service-Specific Financial Information**

The preceding subsection instructs you to provide financial information at the Company level. We now require you to provide Company-wide revenue and Annual Total Expense data for 2022, separately and discretely, for Audio IPCS, Video IPCS, Safety and Security Measures, various types of Ancillary Services, and Other Products and Services.

Determining the Company's Annual Total Expenses for 2022 involves several steps. First, we instruct you to assign, attribute, or allocate the reported Company-wide investments and expenses (in total, without separation into interstate, international, and intrastate components), other than those for Site Commissions, among Audio IPCS, Video IPCS, Safety and Security Measures, Automated Payment Services, Live Agent Services, Paper Bill/Statement Services, Single-Call and Related Services, Third-Party Financial Transaction Services, Other Ancillary Services, and Other Products and Services in accordance with the cost allocation instructions set forth below.

We then instruct you to calculate federal and state income taxes, Cash Working Capital, Net Capital Stock, and Return for Audio IPCS, Video IPCS, Safety and Security Measures, Automated Payment Services, Live Agent Services, Paper Bill/Statement Services, Single-Call and Related Services, and Third-Party Financial Transaction Services. We do not require a calculation of federal and state income taxes, Cash Working Capital, Net Capital Stock, or Return for Other Ancillary Services or Other Products and Services. Cells are populated with N/A in the Excel template to indicate that federal and state income taxes, Cash Working Capital, Net Capital Stock, and Return should not be reported for these services. Cells also are populated with N/A in the Excel template to indicate that capitalized Site Commissions, amortization related to capitalized Site Commissions, and Site Commissions accounted for as an expense or offset to gross revenues are not to be allocated to or reported for any service.

We next instruct you to provide the results of your cost assignments, attributions, and allocations separately and discretely (i.e., totaling, in sum, the respective amounts reported for Company-wide investments and expenses) for Audio IPCS, Video IPCS, Safety and Security Measures, Automated Payment Services, Live Agent Services, Paper Bill/Statement Services, Single-Call and Related Services, Third-Party Financial Transaction Services, Other Ancillary Services, and Other Products and Services, which shall include amounts for investments, Capital Expenses, and Operating Expenses. We also instruct you to report your federal and state income tax calculations separately and discretely for Audio IPCS, Video IPCS, Safety and Security Measures, Automated Payment Services, Live Agent Services, Paper Bill/Statement Services, Single-Call and Related Services, and Third-Party Financial Transaction Services.

We then require you to make two elections. We first instruct you to elect whether to use the default Weighted Average Cost of Capital or an alternative Weighted Average Cost of Capital. We then instruct

you to elect whether to include an allowance for Cash Working Capital. If you elect an alternative Weighted Average Cost of Capital greater than 9.75% or include an allowance for Cash Working Capital, we require you to report the components of those elections.

We instruct you to provide the Company's Annual Total Expenses (in total, without separation into interstate, international, and intrastate components) of providing, separately and discretely, Audio IPCS, Video IPCS, Safety and Security Measures, Automated Payment Services, Live Agent Services, Paper Bill/Statement Services, Single-Call and Related Services, and Third-Party Financial Transaction Services.

We then instruct you to make three elections relating to potential adjustments to the Company's investments, expenses, Net Capital Stock, and Annual Total Expenses. These potential adjustments would involve: (a) separating your investments, expenses, Net Capital Stock, and Annual Total Expenses for certain types of Ancillary Services into audio and video components; (b) separating the Company's investments, expenses, Net Capital Stock, and Annual Total Expenses for Audio IPCS, Video IPCS, Safety and Security Measures, Automated Payment Services, Live Agent Services, Paper Bill/Statement Services, Single-Call and Related Services, and Third-Party Financial Transaction Services into interstate, international, and intrastate components; and (c) adjusting those investments, expenses, Net Capital Stock, and Annual Total Expenses for any other reason. We will interpret elections to not make these adjustments as establishing that the adjustments would show no meaningful differences in investments, expenses, Net Capital Stock, and Annual Total Expenses costs.

### **a. Revenue Data**

Enter, for 2022, the total Billed Revenues for the Accounting Entity for each of the following categories. The revenue reported for items (a), (b), and (d) through (j) shall exclude all revenue associated with Safety and Security Measures for which there is a separate price:

- (a) Audio IPCS;
- (b) Video IPCS;
- (c) Safety and Security Measures;
- (d) Automated Payment Services;
- (e) Live Agent Services;
- (f) Paper Bill/Statement Services;
- (g) Single-Call and Related Services;
- (h) Third-Party Financial Transaction Services;
- (i) Other Ancillary Services; and
- (j) Other Products and Services.

### **b. Cost Allocation Instructions**

Using the hierarchy of methods specified below, you must assign, attribute, or allocate Company-wide investments and expenses (in total, without separation into interstate, international, and intrastate components) among:

- (a) Audio IPCS;
- (b) Video IPCS;
- (c) Safety and Security Measures;
- (d) Automated Payment Services (ancillary to Audio or Video IPCS);
- (e) Live Agent Services (ancillary to Audio or Video IPCS);
- (f) Paper Bill/Statement Services (ancillary to Audio or Video IPCS);
- (g) Single-Call and Related Services (ancillary to Audio or Video IPCS);
- (h) Third-Party Financial Transaction Services (ancillary to Audio or Video IPCS);
- (i) Other Ancillary Services (ancillary to Audio or Video IPCS); and



(j) Other Products and Services.

For purposes of these cost allocation instructions, each of these services is treated as a separate (or particular) “service.” The data for items (a), (b), and (d) through (j) shall exclude all investments and expenses associated with Safety and Security Measures. The data for items (d) through (i) should reflect all of the Company’s Ancillary Services, regardless of whether they are provided in connection with Audio IPCS, Video IPCS, or both. Allocate any fees paid to third parties to provide Single-Call and Related Services, as well as any costs the Provider incurred to self-provide those services, to Single-Call and Related Services.

The sums of the investment and expense amounts assigned, attributed, or allocated to each particular service (excluding amounts for federal and state income taxes, Cash Working Capital, Net Capital Stock, and Return allocated to these services) shall, for each type of investment or expense, equal the total investment and expense amounts (excluding Site Commissions) respectively reported for the Company in the Excel template.

- (1) First, to the extent possible, directly assign investments used exclusively to provide a particular service to that service; likewise, to the extent possible, directly assign expenses incurred exclusively to provide a particular service to that service. Calculate federal and state income taxes separately for each of Audio IPCS, Video IPCS, Safety and Security Measures, Automated Payment Services, Live Agent Services, Paper Bill/Statement Services, Single-Call and Related Services, and Third-Party Financial Transaction Services but not for Other Ancillary Services or Other Products and Services, as specified in items 6 and 7 below. For any investments or expenses that are not directly assignable, turn to the next step.
- (2) Second, determine which remaining investments and expenses are shared investments or expenses and which are common investments or expenses. Any investments and expenses that are not directly assignable to a specific service are either shared or common investments and expenses. Then, group shared investments and expenses into shared investment and expense categories based on business function, activity, or task. Similarly, group common investments and expenses into common investment and expense categories based on business function, activity, or task.
  - (a) Shared investments are for assets used exclusively to supply a specific subset of services that are not assignable or attributable to a particular service. Shared expenses are expenses incurred solely to supply a specific subset of services that are not assignable or attributable to a specific service.
  - (b) Common investments are for assets not assignable or attributable to a specific service or subset of services. Common expenses are expenses that are not assignable or attributable to a specific service or subset of services.
- (3) Third, determine the subset of services for which each category of shared investments and expenses, and each category of common investments and expenses, was incurred. Then, to the extent possible, directly attribute each category of shared and common investments and expenses to their associated services based on direct analysis of factors that cause a particular business function, activity, or task, and thus investments or expenses, attributable to a particular service to increase or decrease. For any category of shared or common investments or expenses that cannot be directly attributed in this manner, turn to the next step.
- (4) Fourth, for each remaining category of shared and common investments and expenses for which neither direct assignment nor direct attribution is possible, determine whether there is an indirect, cost-causative link to an investment or expense category (or group of categories) that has already been directly assigned or directly attributed. Where there is such a link, indirectly attribute each

remaining category of shared and common investments and expenses to the same services, in the same proportion, to which its linked categories were directly assigned or directly attributed. For any category of shared or common investments or expenses that cannot be indirectly correlated in this manner, turn to the next step.

- (5) Fifth, where none of the methods described above is possible, allocate categories of shared investments and expenses among the particular services that share those investments and expenses in proportion to each service's share of the sum of all of those investments or expenses that have already been directly assigned or attributed to these particular services. Allocate categories of common investments and expenses among the particular services in proportion to each service's share of the total of all investments or expenses already directly assigned or attributed to all services.
- (6) **Federal income taxes** (calculated for Audio IPCS, Video IPCS, Safety and Security Measures, Automated Payment Services, Live Agent Services, Paper Bill/Statement Services, Single-Call and Related Services, and Third-Party Financial Transaction Services): First, subtract reported interest expense other than interest paid on customer prepayments or deposits (and any amount reported for other income tax-related adjustments) from Return to determine the federal taxable income. Second, divide the corresponding reported federal income tax rate by 1 minus this reported federal income tax rate to determine a federal income tax gross-up factor. (See the following instructions below for determining the federal income tax rate to report.) Third, multiply the federal income tax gross-up factor by federal taxable income to determine the amount of federal income tax to report.
  - (a) **Federal income tax rate for Accounting Entities that are C Corporations or taxed as C Corporations under the rules of the IRS.** Report the 2022 federal corporate income tax rate, 21%, if the Accounting Entity is or is part of a company that is a C corporation or taxed as a C Corporation under the rules of the IRS. Use this tax rate to calculate federal income taxes as instructed above.
  - (b) **Federal income tax rate for Pass-Through Entities under the rules of the IRS.** An Accounting Entity that passes income through or is part of a company that passes income through to its owners (i.e., a Pass-Through Entity, as defined in Part III) for federal income tax purposes may claim an allowance for federal income taxes. If the Accounting Entity passes income through or is part of a company that passes income through to its owners and wishes to claim an allowance for federal income taxes, report a weighted average of the 2022 federal income tax rate applicable to each owner, where the weights reflect each owner's share of the 2022 total income passed through. Use this weighted average federal income tax rate to calculate federal income taxes as instructed above. Otherwise, report a federal tax rate equal to zero.
- (7) **State income taxes** (calculated for Audio IPCS, Video IPCS, Safety and Security Measures, Automated Payment Services, Live Agent Services, Paper Bill/Statement Services, Single-Call and Related Services, and Third-Party Financial Transaction Services): First, add the portion of federal income tax not deductible for state income tax purposes to federal taxable income to determine state taxable income. Second, divide the weighted average of the reported applicable individual state income tax rates by 1 minus the weighted average of the reported applicable state income tax rates to determine a state income tax gross-up factor. (See the following instructions below for calculating the weighted average of the reported applicable state income tax rates.) Third, multiply the state income tax gross-up factor by state taxable income to determine the amount of state income tax to report.
  - (a) **Weighted average state income tax rate:** Enter "C" in the specified cells in the Excel template if the Company is subject to the state corporate income tax rate under the rules of a given state's taxing authority. Enter "PTE" (for Pass-Through Entity) if the Company passes income through

to its owners under the rules of a given state's taxing authority. Report separately for 2022 each state income tax rate applicable to the Company. (See the following instructions below for determining the state income tax rates to report.) Report the total of your 2022 Billed Revenues from Audio IPCS, Video IPCS, and Ancillary Services separately for each state. The Excel template uses these reported data to calculate an Audio and Video IPCS and Ancillary Services revenue-weighted average of the individual state income tax rates (i.e., the sum of the products of each state tax rate multiplied by the percentage of the Company's total of Audio and Video IPCS and Ancillary Services Billed Revenues derived from the supply of these services in each corresponding state). Use the weighted average state income tax rate to calculate state income taxes as instructed above.

- (b) **State income tax rates for Accounting Entities that are subject to state corporate income taxes under the rules of the applicable state taxing authority.** Report the 2022 state corporate income tax rate for each state in which the Accounting Entity is subject to or is part of a company that is subject to state corporate income taxes. Use these state corporate income tax rates to calculate the revenue-weighted average of the state income tax rates as instructed above. If the Accounting Entity is subject to state corporate income taxes in some states but passes income through to its owners for state tax purposes in other states, follow the instruction below for reporting income tax rates for those other states.
  - (c) **State income tax rates for Accounting Entities that pass income through to their owners for state income tax purposes.** An Accounting Entity that passes income through or is part of a company that passes income through to owners for state income tax purposes may claim an allowance for state income taxes. If the Accounting Entity passes income through to its owners and wishes to claim an allowance for state income taxes, report, for each pass-through income state, a weighted average of the 2022 state income tax rate applicable to each owner, where the weights reflect each owner's share of the 2022 total pass through income attributable to the state. Use each owner income-weighted state tax rate, where applicable, to calculate the revenue-weighted average of the individual state income tax rates as instructed above. Otherwise, use a state income tax rate equal to zero for these states to calculate the revenue-weighted average of the individual state income tax rates as instructed above.
- (8) Fully document, explain, and justify all cost assignments, attributions, and allocations using the Word template and submit additional workpapers developed using Excel worksheets. As part of your explanation, specifically describe the development of each cost driver or general allocator used to perform any attributions or allocations, and explain the process you used to perform each attribution and allocation.

### **c. Cost Allocation Results**

The preceding subsection instructs you to determine, using a hierarchy of cost allocation and other required methods, the Annual Total Expenses the Company incurred to provide certain specified services during 2022. We now explain how you are to report the results of those determinations.

Report your attributions, and allocations separately for Audio IPCS, Video IPCS, Safety and Security Measures, Automated Payment Services, Live Agent Services, Paper Bill/Statement Services, Single-Call and Related Services, Third-Party Financial Transaction Services, Other Ancillary Services, and Other Products and Services in the Excel template, as specified below. Report your federal and state income tax calculations, Cash Working Capital, Net Capital Stock, and Return separately only for Audio IPCS, Video IPCS, Safety and Security Measures, Automated Payment Services, Live Agent Services, Paper Bill/Statement Services, Single-Call and Related Services, Third-Party Financial Transaction Services, Other Ancillary Services, and Other Products and Services in the Excel template, as specified below. If

you have no investment or expense data to report for any of the following categories, report zero in the corresponding cell in the Excel template.

(1) **Capital Assets:** Report the amount for 2022 for each of the items specified below.

First, report year-end amounts for items (a), (b) or (c), and (d) separately for each of the following types of assets: (i) tangible assets; (ii) capitalized research and development; (iii) purchased software; (iv) internally developed software; (v) trademarks; (vi) other identifiable intangible assets; and (vii) goodwill:

- (a) Gross Investment;
- (b) Accumulated depreciation;
- (c) Accumulated amortization; and
- (d) Net Investment.

Next, report a single year end amount for each of the following items, except for Cash Working Capital. For Cash Working Capital (item (h)), report the average amount:

- (e) Accumulated deferred federal income taxes;
- (f) Accumulated deferred state income taxes;
- (g) Customer prepayments or deposits;
- (h) Cash Working Capital (see below); and
- (i) Net Capital Stock.

(2) **Capital Expenses and Related Tax Information:** Report the annual amount for 2022 for each of the items specified below.

First, report amounts for items (a) or (b) separately for each of the following types of assets: (i) tangible assets; (ii) capitalized research and development; (iii) purchased software; (iv) internally developed software; (v) trademarks; (vi) other identifiable intangible assets; and (vii) goodwill:

- (a) Depreciation; or
- (b) Amortization.

Next, report a single amount or percentage, as appropriate, for each of the following items:

- (c) Weighted Average Cost of Capital (see below);
- (d) Return;
- (e) Interest other than interest paid on customer prepayments or deposits;
- (f) Interest paid on customer prepayments or deposits;
- (g) Other income tax-related adjustments;
- (h) Federal taxable income;
- (i) Federal income tax rate;
- (j) Federal income tax gross-up factor;
- (k) Federal income tax;
- (l) Federal income tax not deductible for state income tax purposes;
- (m) State taxable income;
- (n) State income tax rate;
- (o) State income tax gross-up factor; and
- (p) State income tax.

- (3) **Operating Expenses:** Report the annual amount for 2022 for each of the items specified below. Each expense must be reported for only one category; for example, do not report expense incurred for Extra Payments to Telecommunications Carriers or Other Entities for International Communications as an expense incurred for Payments to telecommunications carriers or other entities for Interstate, International, or Intrastate Communications other than Extra Payments to Telecommunications Carriers or Other Entities for International Communications. Exclude any charges for asset impairment loss.
- (a) Maintenance, repair, and engineering of site plant, equipment, and facilities;
  - (b) Payments to telecommunications carriers or other entities for Interstate, International, or Intrastate Communications other than Extra Payments to Telecommunications Carriers or Other Entities for International Communications;
  - (c) Extra Payments to Telecommunications Carriers or Other Entities for International Communications;
  - (d) Field services;
  - (e) Network operations;
  - (f) Call center;
  - (g) Data center and storage;
  - (h) Billing, collection, client management, and customer care;
  - (i) Sales and marketing;
  - (j) General and administrative;
  - (k) Other overhead;
  - (l) Taxes other than income taxes;
  - (m) Transactions related to mergers and acquisitions; and
  - (n) Bad debt.

#### **d. Weighted Average Cost of Capital**

- (1) For each of Audio IPCS, Video IPCS, Safety and Security Measures, Automated Payment Services, Live Agent Services, Paper Bill/Statement Services, Single-Call and Related Services, and Third-Party Financial Transaction Services, elect, by checking the appropriate box in the Excel template, whether to use the default Weighted Average Cost of Capital of 9.75% (which is the Commission's currently authorized rate of return for incumbent local exchange carriers regulated on a rate-of-return basis) for 2022, or an alternative Weighted Average Cost of Capital. This Alternative Weighted Average Cost of Capital shall reflect, and be calculated based upon, the Company's own and a demonstrably comparable group of firms': (a) financial data and economic circumstances; (b) the use of widely accepted methods to estimate current debt and equity costs and capital structure; and (c) the collective risks of providing these services.
- (2) If the Company elects to use an Alternative Weighted Average Cost of Capital greater than 9.75%, report in the Excel template the components of the Company's current Weighted Average Cost of Capital and the Weighted Average Cost of Capital itself, as specified below:
  - (a) Cost of debt;
  - (b) Cost of preferred stock;
  - (c) Cost of equity;
  - (d) Total debt outstanding in dollars and as a percent of total capital outstanding (the sum of debt, preferred stock, and equity outstanding);
  - (e) Total preferred stock outstanding and as a percent of total capital outstanding;
  - (f) Total equity outstanding and as a percent of total capital outstanding; and
  - (g) Weighted Average Cost of Capital.

Use this singular estimate of the Company's current Weighted Average Cost of Capital to calculate the Return for 2022. In the Word template, fully document each of these components by submitting data, formulas, cost of equity analyses (using, for example, the Discounted Cash Flow Model or Capital Asset Pricing Model), calculations, and worksheets, and explain and justify the development of each claimed component. Failure to fully document, explain, and justify each claimed component may result in the application of the default Weighted Average Cost of Capital of 9.75%.

### **e. Cash Working Capital**

- (1) Elect, by checking the appropriate box in the Excel template, whether to include an allowance for Cash Working Capital in the Company's Net Capital Stock.
- (2) If the Company elects to include an allowance for Cash Working Capital in the Company's Net Capital Stock, report the allowance claimed for 2022 in the Excel template separately for: (a) Audio IPCS; (b) Video IPCS; (c) Safety and Security Measures; (d) Automated Payment Services; (e) Live Agent Services; (f) Paper Bill/Statement Services; (g) Single-Call and Related Services; and (h) Third-Party Financial Transaction Services. Submit a lead-lag study or the equivalent that estimates the average number of days between the payment of expenses and the receipt of revenues, and average daily cash expenses, as support for each claimed allowance. Fully document, explain, and justify each claimed allowance in the Word template.

### **f. Annual Total Expenses**

- (1) Report Company-wide Annual Total Expenses separately for: (a) Audio IPCS; (b) Video IPCS; (c) Safety and Security Measures; (d) Automated Payment Services; (e) Live Agent Services; (f) Paper Bill/Statement Services; (g) Single-Call and Related Services; and (h) Third-Party Financial Transaction Services.
- (2) Exclude reported interest expense other than interest paid on customer prepayments or deposits from Annual Total Expenses. The allowance for interest expense other than interest paid on customer prepayments or deposits is already included in the Return component of the Annual Total Expenses calculation. However, you should include reported interest paid on customer prepayments or deposits in Annual Total Expenses. You should also exclude expense reported for Extra Payments to Telecommunications Carriers or Other Entities for International Communications from Annual Total Expenses.

### **g. Optional Audio and Video Ancillary Services Allocations and Adjustments**

- (1) In the Word template, state whether the Company elects to further separate its investments, expenses, Net Capital Stock, and Annual Total Expenses for Ancillary Services (including each of Automated Payment Services, Live Agent Services, Paper Bill/Statement Services, Single-Call and Related Services, Third-Party Financial Transaction Services, and Other Ancillary Services) between audio Ancillary Services and video Ancillary Services to reflect any measurable differences between the average costs of providing audio Ancillary Services versus video Ancillary Services.
- (2) If the Company makes this election, you must: (a) fully document and explain this separation in the Word template; and (b) submit additional Excel worksheets, similar in design and level of data disaggregation to those in the Excel template, showing in detail each aspect of the Company's separations processes. Electing this cost allocation option does not relieve the Company of its obligation to report its unseparated investments, expenses, Net Capital Stock, and Annual Total

Expenses in the Excel template and in accordance with the instructions for reporting unseparated data.

## **h. Optional Interstate/International and Intrastate IPCS Allocations and Adjustments**

- (1) In the Word template, state whether the Company elects to further separate its investments, expenses, Net Capital Stock, and Annual Total Expenses for Audio IPCS, Video IPCS, Safety and Security Measures, Ancillary Services (including each of Automated Payment Services, Live Agent Service, Paper Bill/Statement Service, Single-Call and Related Services, Third-Party Financial Transaction Service, and Other Ancillary Services) between interstate/international and intrastate services to reflect any measurable differences between the average costs of providing interstate/international versus intrastate services.
- (2) If the Company makes this election, you must: (a) fully document, explain, and justify this separation in the Word template; and (b) submit additional Excel worksheets, similar in design and level of data disaggregation to those in the Excel template, showing in detail each aspect of the Company's separation processes. These showings in the Word template and Excel worksheets must fully document and justify each aspect of the processes by which the Company-wide interstate/international or intrastate Audio IPCS, Video IPCS, and Safety and Security Measures investments and expenses are further assigned, attributed, or allocated to or among each of the Company's Facilities, and how the Net Capital Stock and Annual Total Expenses for each of these services are developed for each of these Facilities. Electing this cost allocation option does not relieve the Company of its obligation to report its unseparated investments, expenses, Net Capital Stock, and Annual Total Expenses in the Excel template and in accordance with the instructions for reporting unseparated data.

## **i. Optional Telecommunications Relay Services Showing**

- (1) In the Word template, state whether the Company elects to document its estimated annual incremental costs of complying with the Telecommunications Relay Services (TRS) requirements adopted in the *2022 ICS Order*, to the extent those costs are not reflected in the Company's data for 2022.<sup>18</sup> Annual incremental costs of TRS compliance are those the Company would not have incurred but for its compliance with these TRS requirements. Because shared and common costs will be reflected in the data the Company will be reporting for 2022, you must exclude them from your annual incremental costs of TRS compliance.
- (2) If you choose to estimate the incremental costs of TRS compliance, provide projections of the following investment and expense items for calendar year 2024 on an Excel worksheet of your own

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<sup>18</sup> *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Fourth Report and Order and Sixth Further Notice of Proposed Rulemaking, FCC 22-76 at 8-28, paras. 19-65 (Sept. 30, 2022) (*2022 ICS Order* or *2022 ICS Notice*). Those rules require that IPCS providers must provide access for incarcerated people with communications disabilities to all relay services eligible for TRS Fund support in any correctional facility where broadband is available and where the average daily population incarcerated in that jurisdiction totals 50 or more persons. 47 CFR § 64.6040(b)(2). They also require that where inmate calling service providers are required to provide access to all forms of TRS, they also must allow American Sign Language direct, or point-to-point, video communication. 47 CFR § 64.6040(b)(2)(ii). The Commission clarified and expanded the scope of the restrictions on inmate calling service providers assessing charges for TRS calls, expanded the scope of the required Annual Reports to reflect the above changes, and modified TRS user registration requirements to facilitate the use of TRS by eligible incarcerated persons. *2022 ICS Order* Appx. B, at 74, 78.

design. To simplify, assume that any capital assets for which costs were or will be incurred during 2023 or 2024 to comply with the TRS requirements will be placed in service on January 1, 2024. Document, explain, and justify your estimates.

- (a) Capitalized value of the initial capital outlay for each incremental TRS investment (e.g., equipment that would not have been installed but to comply with the TRS requirements adopted in the *2022 ICS Order*);
- (b) Year-end remaining undepreciated value of each incremental TRS investment;
- (c) Annual incremental depreciation expense related to each incremental TRS investment;
- (d) Incremental Weighted Average Cost of Capital;
- (e) Annual incremental interest expense on incremental debt used to finance the incremental TRS investments;
- (f) Incremental Return on year-end remaining undepreciated value of each incremental TRS investment;
- (g) Annual incremental federal income taxes on the owner's portion of the incremental Return,
- (h) Annual incremental state income taxes on the owner's portion of the incremental Return,
- (i) Annual incremental maintenance and repair expense related to each incremental TRS investment; and
- (j) Total annual incremental TRS cost, which is equal to the sum of the annual incremental TRS depreciation expense, maintenance and repair expense, a Return on each incremental TRS investment, and the federal income taxes and state income taxes on the owner's portion of the incremental Return.

## **j. Other Optional Adjustments**

- (1) In the Word template, state whether the Company elects to further adjust its investments, expenses, Net Capital Stock, and Annual Total Expenses developed in accordance with the instructions set out in this document for any other reason. If you elect to make such an adjustment, you must: (a) fully document, explain, and justify it in the Word template; and (b) submit additional Excel worksheets, similar in design and level of data disaggregation to those in the Excel template, showing in detail each aspect of the Company's adjustments, including all changes to the Company's data, cost allocation procedures, and results. If the Company also elects to further separate its investments, expenses, Net Capital Stock, and Annual Total Expenses as specified in Parts IV.C.2.g.(1) or IV.C.2.h.(1), above, you also must separately justify and document the impact of any further adjustments in response to this Inquiry upon your results under Parts IV.C.2.g.(1) and IV.C.2.h.(1). Electing this additional adjustment option does not relieve the Company of its obligation to report its unseparated and unadjusted investments, expenses, Net Capital Stock, and Annual Total Expenses in the Excel template and in accordance with the instructions for reporting unseparated and unadjusted data.

## **3. Other Company-Wide Information**

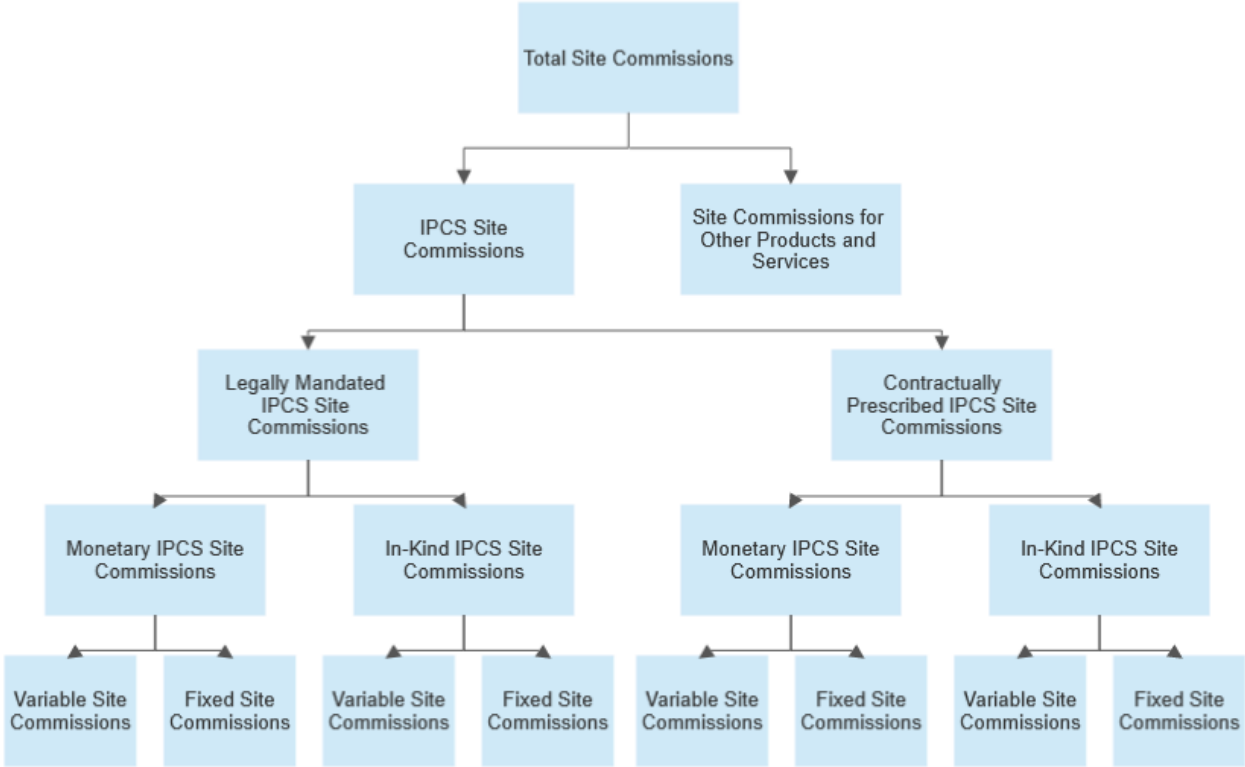
This subsection directs you to report, among other information, Company-wide data on Site Commissions, Safety and Security Measures, Ancillary Services, and Affiliate Transactions. It also provides instructions on reporting data and other information where a Provider subcontracts with another entity for the provision of IPCS.

### **a. Site Commissions**

This part of the instructions directs you to report the Company's company-wide Site Commissions in several groups of subcategories. You begin by reporting the Company's total Site Commission payments for 2022. You then divide that total between: (a) Site Commissions for IPCS and associated Ancillary



Services; and (b) Site Commissions for Other Products and Services. After that, you subdivide the Site Commissions for IPCS and associated Ancillary Services (for simplicity, IPCS Site Commissions) into different groups as shown in the following diagram.



- (1) **Total Site Commissions:** Enter the total amount of all Site Commissions paid by the Company during 2022, without regard to whether the Site Commission was Legally Mandated, Contractually Prescribed, Fixed, Variable, Monetary, or In-Kind and without regard to whether the Site Commission was paid in connection with Audio IPCS, Video IPCS, Safety and Security Measures, Ancillary Services, or Other Products and Services for 2022.
  - (a) Enter the percentage of the total Site Commissions paid by the Company during 2022 that were attributable to the Company’s provision of IPCS and associated Ancillary Services.
  - (b) Enter the percentage of the total Site Commissions paid by the Company during 2022 that were attributable to the Company’s provision of Safety and Security Measures.
- (2) **Total Legally Mandated Site Commissions:** Enter the total amount of Legally Mandated Site Commissions paid by the Company during 2022 for IPCS and associated Ancillary Services.
  - (a) **Total Monetary Site Commissions:** Enter the total amount of Legally Mandated, Monetary Site Commissions paid by the Company during 2022 for IPCS and associated Ancillary Services.
    - (i) **Total Fixed Site Commissions:** Enter the total amount of all Legally Mandated Site Commissions paid by the Company during 2022 for IPCS and associated Ancillary Services that were both Monetary Site Commissions and Fixed Site Commissions.

- (aa) **Total Upfront Payments:** Enter the total amount of all Legally Mandated Site Commissions for 2022 for IPCS and associated Ancillary Services that not only were Monetary Site Commissions and Fixed Site Commissions but also were paid by the Company at the signing of a contract for IPCS or during the first year of a contract for these services.
- (ii) **Total Variable Site Commissions:** Enter the total amount of all Legally Mandated Site Commissions paid by the Company during 2022 for IPCS and associated Ancillary Services that were both Monetary Site Commissions and Variable Site Commissions.
- (b) **Total In-Kind Site Commissions:** Enter the total amount of Legally Mandated Site Commissions paid by the Company during 2022 for IPCS and associated Ancillary Services that were also In-Kind Site Commissions.
  - (i) In the Word template, describe these in-kind payments in detail. Specifically describe each payment, gift, exchange of services or goods, fee, technology allowance, or product that you classify as an In-Kind Site Commission payment for IPCS and associated Ancillary Services.
  - (ii) **Total Fixed Site Commissions:** Enter the total amount of all Legally Mandated Site Commissions paid by the Company during 2022 for IPCS and associated Ancillary Services that were both In-Kind Site Commissions and Fixed Site Commissions.
    - (aa) **Total Upfront Payments:** Enter the total amount of all Legally Mandated Site Commissions for 2022 for IPCS and associated Ancillary Services that not only were In-Kind Site Commissions and Fixed Site Commissions but also were paid by the Company at the signing of a contract for IPCS or during the first year of a contract for these services.
  - (iii) **Total Variable Site Commissions:** Enter the total amount of all Legally Mandated Site Commissions paid by the Company during 2022 for IPCS and associated Ancillary Services that were both In-Kind Site Commissions and Variable Site Commissions.
- (3) **Total Contractually Prescribed Site Commissions:** Enter the total amount of Contractually Prescribed Site Commissions paid by the Company during 2022 for IPCS and associated Ancillary Services.
  - (a) **Total Monetary Site Commissions:** Enter the total amount of Contractually Prescribed Site Commissions paid by the Company during 2022 for IPCS and associated Ancillary Services that were also Monetary Site Commissions.
    - (i) **Total Fixed Site Commissions:** Enter the total amount of all Contractually Prescribed Site Commissions paid by the Company during 2022 for IPCS and associated Ancillary Services that were both Monetary Site Commissions and Fixed Site Commissions.
      - (aa) **Total Upfront Payments:** Enter the total amount of all Contractually Prescribed Site Commissions for 2022 for IPCS and associated Ancillary Services that not only were Monetary Site Commissions and Fixed Site Commissions but also were paid by the Company at the signing of a contract for IPCS or during the first year of a contract for these services.

- (ii) **Total Variable Site Commissions:** Enter the total amount of all Contractually Prescribed Site Commissions paid by the Company during 2022 for IPCS and associated Ancillary Services that were both Monetary Site Commissions and Variable Site Commissions.
- (b) **Total In-Kind Site Commissions:** Enter the total amount of Contractually Prescribed Site Commissions that paid by the Company during 2022 for IPCS and associated Ancillary Services that were also In-Kind Site Commissions.
  - (i) In the Word template, describe these in-kind payments in detail. Specifically describe each payment, gift, exchange of services or goods, fee, technology allowance, or product that you classify as an In-Kind Site Commission payment for IPCS and associated Ancillary Services.
  - (ii) **Total Fixed Site Commissions:** Enter the total amount of all Contractually Prescribed Site Commissions paid by the Company during 2022 for IPCS and associated Ancillary Services that were both In-Kind Site Commissions and Fixed Site Commissions.
    - (aa) **Total Upfront Payments:** Enter the total amount of all Contractually Prescribed for 2022 for IPCS and associated Ancillary Services that not only were In-Kind Site Commissions and Fixed Site Commissions but also were paid by the Company at the signing of a contract for IPCS or during the first year of a contract these services.
  - (iii) **Total Variable Site Commissions:** Enter the total amount of all Contractually Prescribed Site Commissions paid by the Company during 2022 for IPCS and associated Ancillary Services that were both In-Kind Site Commissions and Variable Site Commissions.
- (4) **Site Commissions Allocation Methodology:** In the Word template, fully describe, document, explain, and justify the allocation methodology you used to allocate Site Commission payments between the Company's IPCS and associated Ancillary Services and services other than IPCS and associated Ancillary Services in situations where the Company made Site Commission payments for both types of services.
- (5) In the Word template, state whether the Company pays Site Commissions separately for Audio IPCS and Video IPCS, and explain in detail how these payments differ between the two types of communications, including whether the company offers to make separate Site Commission payments for audio and video communications and whether correctional authorities request Site Commissions separately for Audio IPCS and Video IPCS.
- (6) In the Word template, explain whether the formula or formulas used to calculate monetary Site Commission payments differ depending on whether the communication is audio or video. For example, if a provider offers to pay or a Contracting Authority asks the provider to pay a flat sum as a Site Commission, how, if at all, you determine what portions of that Site Commission are allocated to Audio IPCS and Video IPCS.
- (7) In the Word template, state whether the Company pays Site Commissions separately for intrastate IPCS, interstate IPCS, and international IPCS, and explain in detail how these payments differ among jurisdictions, including whether the company offers to make separate Site Commission payments on interstate, international, and intrastate, communications and whether correctional authorities request such payments.
- (8) In the Word template, explain whether the formula or formulas used to calculate monetary Site Commission payments differ depending on whether the communication is interstate, international, or intrastate. For example, if a provider offers to pay or a Contracting Authority asks the provider to pay

a flat sum as a Site Commission, how, if at all, do you determine what portions of that Site Commission are allocated to intrastate IPCS, interstate IPCS, and international IPCS.

## **b. Company-Wide Costs of Providers' Safety and Security Measures**

In subsection IV.C.2, above, we instruct you to determine the Annual Total Expenses the Company incurred to provide Safety and Security Measures during 2022. First, this subsection directs you to sort the discrete Safety and Security Measures that the Company provided during 2022 into one of seven specified categories which are listed in both the Word and Excel templates. Then this subsection directs you to report in the Excel template, for each category, the Company's best estimate of the percentage of its total Annual Total Expenses for Safety and Security Measures that is attributable to the measures within that category.

Sort the discrete Safety and Security Measures that the Company provided during 2022 into the following categories:

- (a) CALEA compliance measures;
- (b) Law enforcement support services;
- (c) Communication security services;
- (d) Communication recording services;
- (e) Communication monitoring services;
- (f) Voice biometrics services; and
- (g) Other Safety and Security Measures.

Each discrete Safety and Security Measure that the Company provided during 2022 must be sorted into one and only one category in both the Word and Excel templates. The instructions for each category provide examples of the measures within that category. Put any Safety and Security Measure that does not match any of those examples into the category that provides the closest fit based on its similarity to or close association with the examples.

Once you have sorted each of the Company's discrete Safety and Security Measures into a specific category, the Company may elect to divide measures within any particular category into subcategories and report percentages for each of the measures within each subcategory. Note that this option to create additional subcategories for Safety and Security Measures operates as a supplement, not an alternative, to the procedures detailed below.

- (1) In the Word template, identify and describe each of the Safety and Security Measures that the Company took to comply with the Communications Assistance for Law Enforcement Act (CALEA). Include a description of the specific tasks and functions encompassed within each of these Safety and Security Measures, and state whether the Company routinely provides those tasks and functions in connection with IPCS.

- (2) In the Word template, identify and describe each of the Company's Safety and Security Measures that you classify as a law enforcement support service. These services include, but are not limited to, the administration of subpoenas, the administration of crime tip lines, the administration of informant lines, and the maintenance of data repositories for use by law enforcement personnel. Include a description of the specific tasks and functions encompassed within each of these Safety and Security Measures, and state whether the Company routinely provides those tasks and functions in connection with IPCS.
- (3) In the Word template, identify and describe each of the Company's Safety and Security Measures that you classify as a communication security service. These services include, but are not limited to, implementing measures that allow an Incarcerated Person to call only certain individuals or numbers; implementing measures that limit the individuals or numbers an incarcerated person may call; providing personal identification numbers (PINs) to incarcerated people; providing disclaimers to called parties regarding communication origination; implementing communication-acceptance procedures; preventing three-way communications; preventing chain communications; dual-tone multifrequency detection; manual call control for the Facility; tracking frequently called numbers; implementing incoming communication restrictions; and fraud management. Include a description of the specific tasks and functions encompassed within each of these Safety and Security Measures, and state whether the Company routinely provides those tasks and functions in connection with IPCS.
- (4) In the Word template, identify and describe each of the Company's Safety and Security Measures that you classify as a communication-recording service. These services include, but are not limited to, providing a disclaimer regarding recording of communications, recording of communications, and storage of recorded communications. Include a description of the specific tasks and functions encompassed within each of these Safety and Security Measures, and state whether the Company routinely provides those tasks and functions in connection with IPCS.
- (5) In the Word template, identify and describe each of the Company's Safety and Security Measures that you classify as a communication-monitoring service. These services include, but are not limited to, live or real-time monitoring of communications; automatic word detection; communication transcription; and analysis of recordings, which may also include keyword searches. Include a description of the specific tasks and functions encompassed within each of these Safety and Security Measures, and state whether the Company routinely provides those tasks and functions in connection with IPCS.
- (6) In the Word template, identify and describe each of the Company's Safety and Security Measures that you classify as a voice biometrics service. These services include, but are not limited to, voice printing, voice identification, continuous voice verification, and voice databasing. Include a description of the specific tasks and functions encompassed within each of these Safety and Security Measures, and state whether the Company routinely provides those tasks and functions in connection with IPCS.
- (7) In the Word template, identify and describe each of the Company's Safety and Security Measures that are not included in any of the foregoing categories. These services include, but are not limited to, reporting obligations, acquisition of patents to support safety and security technologies, and research and development of new safety and security technologies. Include a description of the specific tasks and functions encompassed within each of these Safety and Security Measures, and state whether the Company routinely provides those tasks and functions in connection with IPCS.

In the Excel template, report the Company's best estimate of the percentage of its Annual Total Expenses for Safety and Security Measures during 2022 that is attributable to each of the seven categories listed

above. The Excel template will multiply each reported percentage by the Company's Annual Total Expenses, as reported in response to subsection IV.C.2.c., above, to attribute a dollar amount to each category. Add rows as necessary to the Excel worksheet, under the relevant category among those set out below, to report costs for any subcategories that the Company elects to add.

In the Word template, document and explain the processes you used to sort each discrete Safety and Security Measure into one of the seven categories and to estimate the percentages reported for each category as directed.

### **c. Service-Specific Costs of Providing Safety and Security Measures**

In subsection IV.C.3.b. above, we instruct you to report the Company's best estimate of the percentage of the Company's Annual Total Expenses for Safety and Security Measures during 2022 that are attributable to seven specified categories. This subsection directs you to report for 2022 for each of those same Safety and Security categories the Company's best estimate of the percentage of the Safety and Security expenses that are attributable to (1) Audio IPCS; (2) Video IPCS; (3) Ancillary Services; or (4) Other Products and Services. The Excel template will multiply the Safety and Security expenses already allocated to each of the seven Safety and Security categories by each of these reported percentages to allocate these expenses among these four categories of services.

- (a) CALEA compliance measures.
- (b) Law enforcement support services, including but not limited to the examples identified for such services in subsection IV.C.3.b, above.
- (c) Communication security services, including, but not limited, to the examples identified for such services in subsection IV.C.3.b, above.
- (d) Communication recording services, including, but not limited to, the examples identified for such services in subsection IV.C.3.b, above.
- (e) Communication monitoring services, including, but not limited to, the examples identified for such services in subsection IV.C.3.b, above.
- (f) Voice biometrics services, including, but not limited to, the examples identified for such services in subsection IV.C.3.b, above.
- (g) Other Safety and Security Measures, including, but not limited to, the examples identified for such services in subsection IV.C.3.b, above.

In the Word Template, document and explain the processes you used to estimate the percentages of total expenses reported for each category of Safety and Security Measures attributable to (1) Audio IPCS; (2) Video IPCS; (3) Ancillary Services; or (4) Other Products and Services. Describe the development of the criteria used to perform any estimations.

### **d. Ancillary Services**

In subsection IV.C.2, above, we instruct you to determine the Annual Total Expenses the Company incurred to provide various types of Ancillary Services (i.e., Automated Payment Services, Live Agent Services, Paper Bill/Statement Services, Single-Call and Related Services, and Third-Party Financial

Transaction Services) during 2022. This subsection directs you to provide certain additional Company-level information on the Company's Ancillary Services operations during 2022.

We begin with questions designed to learn generally about the Company's Ancillary Services operations during 2022. We then ask questions designed to learn information about the Company's use, if any, of Affiliates or Third Parties in its provision of Ancillary Services during that year. We then turn to questions about the Company's Ancillary Services revenues and Ancillary Services revenue-sharing agreements, if any, during 2022.

- (1) **Ancillary Services:** In the Excel Template, enter "Yes" if the Company charged Customers Automated Payment Service Fees, Live Agent Service Fees, Paper Bill/Statement Service Fees, Fees for Single-Call and Related Services, Third-Party Financial Transaction Services Fees, or Other Ancillary Services Fees during 2022. Otherwise, enter "No."
  - (a) In the Excel Template, enter "Yes" if the Company charged Customers more than one Permissible Ancillary Service Charge fee in connection with the same interstate, international, or mixed-jurisdictional transaction during 2022.
    - (i) If you answered "Yes," describe in detail the circumstances relating to those charges in the Word template. Your description shall include, in addition to all other relevant information, a list of the specific transactions for which the Company charged multiple fees, the fee charged in each transaction, the functions that were covered by each fee, and the total amounts that Customers paid for each fee.
  - (b) In the Word template, explain in detail any differences between the Company's practices during 2022 regarding the assessment of Ancillary Services fees in connection with Audio IPCS and the Company's practices during 2022 regarding the assessment of Ancillary Services fees in connection with Video IPCS.
  - (c) In the Word template, explain in detail any differences between the Company's practices during 2022 regarding the assessment of Ancillary Services fees in connection with interstate/international IPCS and the Company's practices during 2022 regarding the assessment of Ancillary Services fees in connection with intrastate IPCS.
- (2) **Ancillary Services Expenses:** The Excel template will enter the Company's Annual Total Expenses incurred in providing Automated Payment Services, Paper Bill/Statement Services, Live Agent Services, Single-Call and Related Services, and Third Party Financial Transaction Services during 2022.
  - (a) **Automated Payment Services:** The Excel template will enter the Annual Total Expenses the Company incurred in providing Automated Payment Service during 2022.
    - (i) In the Excel template, identify each Affiliate, if any, that the Company used in providing its Automated Payment Services during 2022.
    - (ii) In the Excel template, enter "Yes" if the Company used a Third Party in providing its Automated Payment Services during 2022. Otherwise Enter "No."
      - (aa) If you entered "Yes," identify each such Third Party in the next cell; and
      - (ab) Enter the amount the Company paid, separately and individually, to each listed Third Party for providing Automated Payment Services during 2022.

- (iii) In the Word template, please respond to the additional information requests related to payment card processing services provided in connection with the Company’s Automated Payment Service during 2022.
- (b) **Live Agent Services:** The Excel template will enter the Annual Total Expenses the Company incurred in providing Live Agent Services during 2022.
- (i) In the Excel template, identify each Affiliate, if any, that the Company used in providing its Live Agent Services during 2022.
  - (ii) In the Excel template, enter “Yes” if the Company used a Third Party in providing its Live Agent Services during 2022. Otherwise enter “No.”
    - (aa) If you entered “Yes,” identify each such Third Party in the next cell; and
    - (ab) In the Excel template, enter the amount the Company paid, separately and individually, to each listed Third Party during 2022 to provide Live Agent Services.
  - (iii) In the Word template, please respond to the additional information requests related to the Company’s Live Agent Services during 2022.
- (c) **Paper Bill/Statement Services:** The Excel template will enter the Annual Total Expenses the Company incurred in providing Paper Bill/Statement Services during 2022.
- (i) In the Excel template, identify each Affiliate that the Company used in providing its Paper Bill/Statement Services during 2022.
  - (ii) In the Excel template, enter “Yes” if the Company used a Third Party in providing its Paper Bill/Statement Services during 2022. Otherwise, enter “No.”
    - (aa) If you entered “Yes,” identify each such Third Party in the next cell; and
    - (ab) In the Excel template, enter the amount the Company paid, separately and individually, to each listed Third Party during 2022 to provide Paper Bill/Statement Services.
  - (iii) In the Word template, please respond to the additional information requests related to the Company’s Paper Bill/Statement Services during 2022.
- (d) **Single-Call and Related Services:** The Excel template will enter the Annual Total Expenses the Company incurred in providing Single-Call and Related Services during 2022.
- (i) List each entity that charged the Company for billing services in connection with Single-Call and Related Services during 2022. Indicate whether each listed entity is a Third Party.
  - (ii) For each such Third Party, enter the amount the Company paid that Third Party for billing services in connection with Single-Call and Related Services during 2022.
  - (iii) From the amount the Company paid each Third Party for billing services in connection with Single-Call and Related Services, enter the amount that the Company passed through to Customers during 2022.



- (iv) Enter the amount the Company paid to any entity other than a Third Party for billing services in connection with Single-Call and Related Services during 2022.
  - (v) From the amount the Company paid to any entity other than a Third Party for billing services in connection with Single-Call and Related Services during 2022, enter the amount that the Company passed through to Customers.
  - (vi) In the Word template, please respond to the additional information requests related to payment card processing services offered in connection with the Company's Fees for Single-Call and Related Services during 2022.
- (e) **Third-Party Financial Transaction Services:** The Excel template will enter the Annual Total Expenses the Company incurred in providing Third Party Financial Services during 2022.
- (i) List each entity that charged the Company for providing Third-Party Financial Transaction Services during 2022 in connection with the Company's IPCS. Indicate whether each listed entity is a Third Party.
  - (ii) For each such Third Party, enter the amount the Company paid to that Third Party for Third-Party Financial Transaction Services during 2022.
  - (iii) From the amount the Company paid to each Third Party for Third-Party Financial Transaction Services, enter the amount that the Company passed through to Customers during 2022.
  - (iv) Enter the amount the Company paid to itself or an Affiliate for Third-Party Financial Transaction Services during 2022.
  - (v) From the amount the Company paid to itself or an Affiliate for Third-Party Financial Transaction Services during 2022, enter the amount that the Company passed through to Customers.
  - (vi) In the Word template, state whether any entity other than the Company charged Customers for Third-Party Financial Transaction Services in connection with the Company's IPCS during 2022. If so, list each such entity and provide the amount of such fees each listed entity charged Customers during 2022.
  - (vii) In the Word template, please respond to the additional information requests related to payment card processing services provided in connection with the Company's Third-Party Financial Transaction Services during 2022.
- (f) **Other Ancillary Services:**
- (i) Identify each Affiliate, if any, that the Company used in providing its Other Ancillary Services during 2022.
  - (ii) In the Excel template, enter "Yes" if the Company used a Third Party in providing its Other Ancillary Services during 2022. Otherwise Enter "No."
- (aa) If you entered "Yes," identify each such Third Party in the next cell; and

- (ab) Enter the amount the Company paid, separately and individually, to each listed Third Party for providing Other Ancillary Services during 2022.
- (iii) In the Word template, please respond to the additional information requests related to the Other Ancillary Services offered by your Company during 2022.
- (3) **Ancillary Services Revenues:** The Excel template will display the total revenues you received from Customers for providing Ancillary Services during 2022 by summing the figures you report in response to IV.C.2.a.(d)-(i) above. This total will include fees Customers paid the Company for Automated Payment Services, Live Agent Services, Paper Bill/Statement Services, Single-Call and Related Services, Third-Party Financial Transaction Services, and Other Ancillary Services.
- (a) **Automated Payment Services Revenues:** The Excel template will display the total revenues the Company received from charging Automated Payment Fees during 2022 by referencing the figure you report in response to IV.C.2.a.(d).
- (i) **Payment Card Processing Revenues for Automated Payment Services:** Of the amount reported for total Automated Payment Fees revenues above during 2022, enter the amount of those revenues from payment card processing.
- (ii) **Automated Payment Services Revenue-Sharing Agreements:** If the Company has a Revenue-Sharing Agreement with an Affiliate or Third Party in connection with Automated Payment Services, including for any payment card processing functions, enter “Yes.” Otherwise, enter “No.”
- (aa) If you answered “Yes,” for each such Revenue-Sharing Agreement you must provide in the Word Template the information requested below under the “Ancillary Services Revenue-Sharing Agreements” heading (at section IV.C.3.d.(4).(a)).
- (b) **Live Agent Fees Revenues:** The Excel template will display the total revenues the Company received from charging Live Agent Fees during 2022 by referencing the figure you report in response to IV.C.2.a.(e).
- (i) In the Excel template, enter “Yes” if an Affiliate or Third Party charged Live Agent Fees during 2022. Otherwise, enter “No.” If you entered “Yes,” identify each such Affiliate or Third Party in the next cell and provide the amount charged by each respective Affiliate or Third Party next to its name.
- (c) **Paper Bill/Statement Fees Revenues:** The Excel template will display the total revenues the Company received from charging Paper Bill/Statement Fees during 2022 by referencing the figure you report in response to IV.C.2.a.(f).
- (d) **Single-Call and Related Services Revenues:** The Excel template will display the total revenue the Company received during 2022 from charging Fees for Single-Call and Related Services by referencing the figure you report in response to IV.C.2.a.(g).
- (i) **Single-Call and Related Services Revenue-Sharing Agreements:** If the Provider has a Revenue-Sharing Agreement with an Affiliate or a Third Party in connection with Single-Call and Related Services enter “Yes.” Otherwise, enter “No.”

- (aa) If you answered “Yes,” for each such Revenue-Sharing Agreement you must provide in the Word Template the information requested below under the “Ancillary Services Revenue-Sharing Agreements” heading (at section IV.C.3.d.(4).(a)).
- (e) **Third-Party Financial Transaction Fees Revenue:** The Excel template will display the total revenues the Company received from charging Third-Party Financial Transaction Fees during 2022 by referencing the figure you report in response to IV.C.2.a.(h).
- (i) **Payment Card Processing Revenues from Third-Party Financial Transaction Services:** Of the amount reported for Total Third-Party Financial Transaction Fee Revenue above during 2022, enter the amount of that revenue applicable to payment card processing services.
- (aa) In the Word template, describe these payment card processing services, including whether they were performed by the Provider, an Affiliate, or a Third Party. If provided by an Affiliate or a Third Party, identify each Affiliate or Third Party.
- (f) **Payment Card Processing Fees:** If the Company charged Customers payment card processing fees during 2022, enter the amount of such fees charged to Customers during 2022. Otherwise, enter zero.
- (g) **Third-Party Financial Transaction Fee Revenue-Sharing Agreements:** If the Provider has a Revenue-Sharing Agreement with an Affiliate or a Third Party in connection with Third-Party Financial Transaction Fees, enter “Yes.” Otherwise, enter “No.”
- (i) If you answered “Yes,” for each such Revenue-Sharing Agreement you must provide in the Word Template the information requested below under the “Ancillary Services Revenue-Sharing Agreements” heading (at section IV.C.3.d.(4).(a)).
- (h) **Other Ancillary Services Revenue:** The Excel template will display the total revenues the Company received from charging Other Ancillary Services Fees during 2022 by referencing the figure you reported in response to IV.C.2.a.(i).
- (i) **Payment Card Processing Revenues from Other Ancillary Services:** Of the amount reported for each of the Total Other Ancillary Services Revenue above during 2022, enter the amount of that revenue applicable to payment card processing.
- (aa) In the Word template, describe these payment card processing services, including whether they were performed by the Provider, an Affiliate, or a Third Party. If provided by an Affiliate or a Third Party, identify each Affiliate or Third Party. State whether the Company charged Customers payment card processing fees during 2022. If so, enter the amount of such fees charged to Customers during 2022.
- (ii) **Other Ancillary Services Revenue-Sharing Agreements:** If the Provider has a Revenue-Sharing Agreement with an Affiliate or a Third Party in connection with Other Ancillary Services offered, enter “Yes.” Otherwise, enter “No.”
- (aa) If you answered “Yes,” for each such Revenue-Sharing Agreement you must provide in the Word Template the information requested below under the “Ancillary Services Revenue-Sharing Agreements” heading (at section IV.C.3.d.(4).(a)).

- (4) **Ancillary Services Revenue-Sharing Agreements:** In the Word template, identify and describe any Revenue-Sharing Agreements between the Provider and any Affiliate and/or Third Party in connection with any Ancillary Service.
- (a) For each Revenue-Sharing Agreement identified, provide, at a minimum, the following information:
- (i) The parties to the agreement;
  - (ii) Identify each payor and each payee under the agreement;
  - (iii) Whether any party to the agreement is an Affiliate or Third Party;
  - (iv) Each Ancillary Service for which revenue is required to be shared under the agreement;
  - (v) The amount of revenue to be shared under the terms of the agreement for each Ancillary Service covered by the agreement and the formula used to calculate that revenue;
  - (vi) The total amount of revenue shared during 2022;
  - (vii) The total amount of revenue shared for each Ancillary Service; and
  - (viii) The effective and termination dates of the agreement.
- (5) In the Word template, identify and explain in detail all Ancillary Services Charges that the Company charged during 2022 in connection with Video IPCS.
- (6) In the Word template, identify and explain in detail how the Company's Ancillary Services Charges in connection with Audio IPCS differed from those in connection with Video IPCS.

## e. Affiliate Transactions

- (1) In the Word template, describe in detail all types of transactions between the Accounting Entity and its non-Accounting Entity Affiliates.
- (2) **Provider's Transactions With Non-Accounting Entity Affiliates:**
- (a) **Total IPCS Revenue Passed Through to Non-Accounting Entity Affiliates:** Enter the amount of IPCS revenue passed through to any non-Accounting Entity Affiliate during 2022.
  - (b) **Total Automated Payment Fee Revenue Passed Through to Non-Accounting Entity Affiliates:** Enter the amount of Automated Payment Fee revenue the Provider passed through to any non-Accounting Entity Affiliate during 2022.
  - (c) **Total Single-Call and Related Services Revenue Passed Through to Non-Accounting Entity Affiliates:** Enter the amount of revenue from charging Fees for Single-Call and Related Services the Provider passed through to any non-Accounting Entity Affiliate during 2022.
  - (d) **Total Live Agent Fee Revenue Passed Through to Non-Accounting Entity Affiliates:** Enter the amount of Live Agent Fee revenue the Provider passed through to any non-Accounting Entity Affiliate during 2022.
  - (e) **Total Paper Bill/Statement Fee Revenue Passed Through to Non-Accounting Entity Affiliates:** Enter the amount of Paper Bill/Statement Fee revenue the Provider passed through to any non-Accounting Entity Affiliate during 2022.
  - (f) **Total Third-Party Financial Transaction Fee Revenue Passed Through to Non-Accounting Entity Affiliates:** Enter the amount of Third-Party Financial Transaction Fee revenue the Provider passed through to any non-Accounting Entity Affiliate during 2022.

- (g) **International Termination Payments to Non-Accounting Entity Affiliates:** Enter the Company's total payments to any non-Accounting Entity Affiliate during 2022 to complete International Communications for Incarcerated People.

## **f. Instructions Relating to Subcontracts to Provide Incarcerated People's Communications Services**

This subsection provides instructions on reporting data and other information where a Contractor contracts with a Subcontractor for the provision of IPCS. The primary goal of this subsection is to account for 100 percent of the costs or revenues without double counting when two entities have a contractual or other arrangement to provide IPCS to the same Facility. We also seek to understand the nature of any such arrangements.

**Subcontractor Reporting of Cost and Revenue Data:** In reporting cost and revenue data, Subcontractors shall not treat any Billed Revenue passed on to another Provider as an expense and shall otherwise report investments, expenses, and revenues in accordance with the instructions set forth in this document.

- (1) **Provider Reporting of Cost Data:** Where a Provider has or is a Subcontractor:
- (a) The Provider shall directly assign, attribute, or allocate all of the investments it makes and the expenses it incurs, as a Contractor or a Subcontractor, based on the cost allocation hierarchies set forth in these instructions to or among:
    - (i) Audio IPCS, Video IPCS, Security and Safety Measures, Automated Payment Services, Live Agent Services, Paper Bill/Statement Services, Single-Call and Related Services, Third-Party Financial Transaction Services, Other Ancillary Services, and Other Products and Services; and
    - (ii) Further directly assign, attribute, or allocate the Provider's Audio IPCS and Video IPCS investments and expenses to or among (i) Contractor-supplied facilities (i.e., facilities at which the Provider incurs costs as a Contractor); and (ii) Subcontractor-supplied facilities (i.e., facilities at which the Provider incurs costs as a Subcontractor).
- (2) **Narrative Description of a Subcontract to Provide IPCS:** If a Contractor contracts with a Subcontractor to provide any aspect of Audio or Video IPCS, the Contractor and the Subcontractor shall explain each arrangement in the Word templates of their respective responses. At a minimum, each explanation shall include:
- (a) The name of the Provider with the contractual or other arrangement with a Contracting Authority for the provision of IPCS;
  - (b) The services provided by the Contractor;
  - (c) The name of the Subcontractor;
  - (d) The services provided by the Subcontractor;
  - (e) The unique identifier and address for the Facilities at which the Subcontractor provides services under the agreement;
  - (f) A description of the operations of the Contractor and the Subcontractor related to providing IPCS;
  - (g) The types of Audio IPCS and Video IPCS billed by the Contractor and the Subcontractor, respectively; and
  - (h) A description of any Revenue-Sharing Agreement between the Contractor and the Subcontractor.

## **D. Facility-Specific Information**

The previous section directs you to provide general financial data and other information at the Company level. In this section, we direct you to provide financial data and other information at the Facility level. You must submit individual data for each Facility even if that Facility is covered by the same contract as other Facilities. Those data must be specific to the Facility in question and not simply a repeat of data reported for other Facilities covered by the same contract.

### **1. Facility-Specific Financial Information**

Subsection IV.C.2, above, directs you to provide Company-wide financial information. We now direct you to provide financial information at the Facility level. We begin by providing cost allocation instructions. We then direct you to provide the results of the cost allocation process. We also direct you to provide Annual Total Expenses for Audio IPCS and Video IPCS at each Facility in accordance with the cost allocation instructions set forth below. We further direct you to report Facility-specific demand and revenue data for Audio IPCS, Video IPCS, Automated Payment Services, Live Agent Services, Paper Bill/Statement Services, Single-Call and Related Services, and Third-Party Financial Transaction Services as specified below.

#### **a. Cost Allocation Instructions**

In subsection IV.C.2, above, we direct you to allocate your Company-wide investments and expenses to Audio and Video IPCS, as well as other services, in accordance with certain instructions. We now provide instructions on how you are to allocate the Company-wide investments and expenses already allocated to Audio IPCS and Video IPCS among the Facilities at which the Company provides these services to Incarcerated People. Do not allocate capitalized Site Commissions, amortization related to capitalized Site Commissions, or Site Commissions accounted for as an expense or offset to gross revenues to any Facility.

To the extent possible, you must assign or allocate Company-wide investments and expenses for Audio IPCS and Video IPCS among Facilities using the hierarchy of methods specified below.

- (1) As a guiding principle, the sums of the investment and expense amounts assigned to, attributed to, or allocated among all Facilities for Audio IPCS and Video IPCS shall equal the total of the Company-wide investment and expense amounts, respectively, reported above for Audio IPCS and Video IPCS. Similarly, the sums of the federal income taxes calculated separately for each Facility for Audio IPCS and Video IPCS shall equal the total of the Company-wide federal income tax amounts, respectively, reported above for Audio IPCS and Video IPCS. Fully document, explain, and justify all cost assignments, attributions, and allocations in the Word template.
- (2) First, to the extent possible, directly assign investments and expenses used exclusively to provide Audio IPCS and Video IPCS at or for a particular Facility to that Facility. Calculate federal and state income taxes relative to Audio IPCS and Video IPCS for a particular Facility as specified in items 7 and 8, below. For any investments or expenses that are not directly assignable to a particular Facility, proceed to the next step.
- (3) Second, determine which remaining investments and expenses are shared investments or expenses and which are common investments or expenses. Any investments and expenses that are not directly assignable to a specific Facility are shared or common investments and expenses.

- (a) Shared investments are for assets used exclusively to provide Audio IPCS and Video IPCS at or for a specific subset of Facilities that are not assignable or attributable to a particular Facility. Shared expenses are expenses incurred solely to provide Audio IPCS and Video IPCS at or for a specific subset of Facilities that are not assignable or attributable to a specific Facility.
  - (b) Common investments are for assets not assignable or attributable to a specific Facility or subset of Facilities. Common expenses are expenses that are not assignable or attributable to a specific Facility or subset of Facilities.
- (4) Third, to the extent possible, directly attribute a percentage of shared and common investments and expenses to their associated Facilities, with the percentage of a given investment or expense attributed to each constituent Facility based on direct analysis of factors that cause a particular business function, activity, or task—and thus investments or expenses—attributable to a particular Facility to increase or decrease. For any shared or common investments or expenses that cannot be attributed to their constituent Facilities in this fashion, turn to the next step.
- (5) Fourth, where neither direct assignment nor direct attribution to a Facility is possible, determine where shared and common investments and expenses are related to an already assigned or attributed shared or common investment or expense. Then, allocate these shared and common investments and expenses to particular Facilities in proportion to the related investment or expense that has already been assigned or attributed. For any shared or common investments or expenses that cannot be indirectly correlated in this fashion, proceed to the next step.
- (6) Fifth, where none of the methods described above is possible, allocate shared investments and expenses to the particular Facilities that share those investments and expenses in proportion to each Facility's share of the sum of all of those investments or expenses that have already been directly assigned or attributed to these particular Facilities. Allocate common investments and expenses to particular Facilities in proportion to each Facility's share of the total of all investments or expenses already directly assigned or attributed to all Facilities.
- (7) **Federal income taxes:** First, for each Facility, subtract reported interest expense other than interest paid on customer prepayments or deposits (and any amount reported for other income tax-related adjustments) from Return to determine federal taxable income. Second, divide the corresponding reported federal income tax rate by one minus this reported federal income tax rate to determine a federal income tax gross-up factor. (See the following instructions below for determining the federal income tax rate to report.) Third, multiply the federal income tax gross-up factor by federal taxable income to determine the amount of federal income tax to report.
- (a) **Federal income tax rate for Accounting Entities that are C corporations or taxed as C corporations under the rules of the IRS.** Report the 2022 federal corporate income tax rate, 21%, if the Accounting Entity is or is a part of a company that is a C corporation or taxed as a C corporation under IRS rules. Use this tax rate to calculate federal income taxes as instructed above.
  - (b) **Federal income tax rate for Accounting Entities that pass income through to their owners under the rules of the IRS.** An Accounting Entity that passes income through or is part of a company that passes income through to owners (i.e., a Pass-Through Entity, as defined in Part III) for federal income tax purposes may claim an allowance for federal income taxes. If the Accounting Entity passes income through or is part of a company that passes income through to its owners and wishes to claim an allowance for federal income taxes, report a weighted average of the 2022 federal income tax rate applicable to each owner, where the weights reflect each owner's share of the 2022 total income passed through. Use the weighted average federal income

tax rate to calculate federal income taxes as instructed above. Otherwise, report a federal tax rate equal to zero.

- (8) **State income taxes:** First, for each Facility, add the portion of federal income tax that is not deductible for state income tax purposes to federal taxable income to determine state taxable income. Second, divide the reported state income tax rate applicable to a particular Facility by one minus this reported state income tax rate applicable to that Facility to determine a state income tax gross-up factor. (See the following instructions below for determining the state income tax rates to report.) Third, multiply the state income tax gross-up factor by state taxable income to determine the amount of state income tax to report.
- (a) **State income tax rates for Accounting Entities that are subject to state corporate income taxes under the rules of the state taxing authority.** Report the state corporate income tax rate during 2022 for each state in which the Accounting Entity provides IPCS and is subject to or is part of a company that is subject to state corporate income taxes. Use the state corporate income tax rate applicable to state taxable income derived from a particular Facility to calculate the state income tax for that Facility as instructed above. If the Accounting Entity is subject to state corporate income taxes in some states but passes income through to its owners for state tax purposes in other states, follow the instruction below for reporting income tax rates for those other states.
- (b) **State income tax rates for Accounting Entities that pass income through to their owners under the rules of the state taxing authority.** An Accounting Entity that passes income through or is part of a company that passes income through to its owners for state income tax purposes may claim an allowance for state income taxes. If the Accounting Entity passes income through or is part of a company that passes income through to its owners and wishes to claim an allowance for state income taxes, report, for each pass-through income state, a weighted average of the 2022 state income tax rate applicable to each owner, where the weights reflect each owner's share of the 2022 total pass through income attributable to the state. Use the owner income-weighted state income tax rate applicable to state taxable income derived from a particular Facility to calculate the state income tax for that Facility as instructed above. Otherwise, report a state income tax rate equal to zero for that Facility.
- (9) Using the Word template, fully document, explain, and justify all cost assignments, attributions, and allocations and submit additional workpapers developed using Excel worksheets. As part of your explanation, specifically describe each factor you used to perform any attributions or allocations, and explain the process you used to perform each attribution and allocation. Specify, for each cost assignment, attribution, and allocation, whether the relevant cost data were recorded at the Company, contract, or Facility level.

## **b. Cost Allocation Results**

Report the results of your Facility-specific cost assignments, attributions, and allocations for Audio IPCS and Video IPCS in the Excel template, as specified below. Separate worksheets are provided in the Excel template for reporting these results separately for each of these services. If the Company has no investment or expense data to report for any of the following categories, report zero in the corresponding cell in the Excel template. Cells are populated with N/A in these worksheets to indicate that capitalized Site Commissions, amortization related to capitalized Site Commissions, and Site Commissions accounted for as an expense or offset to gross revenues are not to be allocated to or reported for any Facility.



- (1) **Capital Assets:** Report year-end amounts related to the provision of Audio IPCS and Video IPCS at or for each Facility for 2022 for items (a), (b) or (c), and (d) separately for each of the following types of assets: (i) tangible assets; (ii) capitalized research and development; (iii) purchased software; (iv) internally developed software; (v) trademarks; (vi) other identifiable intangible assets; and (vii) goodwill:
- (a) Gross Investment;
  - (b) Accumulated depreciation;
  - (c) Accumulated amortization; and
  - (d) Net Investment.

Next, report a single year-end amount related to the provision of Audio IPCS and Video IPCS at or for each Facility for 2022 for each of the following items, except for Cash Working Capital. For Cash Working Capital (item (h)), report the average amount.

- (e) Accumulated deferred federal income taxes;
  - (f) Accumulated deferred state income taxes;
  - (g) Customer prepayments or deposits;
  - (h) Cash Working Capital; and
  - (i) Net Capital Stock.
- (2) **Capital Expenses and Related Tax Information:** Report separate annual amounts related to the provision of Audio IPCS and Video IPCS at or for each Facility for 2022 for items (a) or (b) for each of the following types of assets: (i) tangible assets; (ii) capitalized research and development; (iii) purchased software; (iv) internally developed software; (v) trademarks; (vi) other identifiable intangible assets; and (vii) goodwill:
- (a) Depreciation; or
  - (b) Amortization.

Next, report a single annual amount or percentage, as appropriate, related to the provision of Audio IPCS and Video IPCS at or for each Facility for 2022 for each of the following items:

- (c) Weighted Average Cost of Capital;
  - (d) Return;
  - (e) Interest other than interest paid on customer prepayments or deposits;
  - (f) Interest paid on customer prepayments or deposits;
  - (g) Other income tax-related adjustments;
  - (h) Federal taxable income;
  - (i) Federal income tax rate;
  - (j) Federal income tax gross-up factor;
  - (k) Federal income tax;
  - (l) Federal income tax not deductible for state income tax purposes;
  - (m) State taxable income;
  - (n) State income tax rate;
  - (o) State income tax gross-up factor; and
  - (p) State income tax.
- (3) **Operating Expenses:** Report separate annual amounts related to the provision of Audio IPCS and Video IPCS Services at or for each Facility for 2022 for each of the items specified below. Each expense must be reported for a particular category; for example, do not report an expense incurred for Extra Payments to Telecommunications Carriers or Other Entities for International Communications

as an expense incurred for Payments to telecommunications carriers or other entities for Interstate, International, or Intrastate Communications other than Extra Payments to Telecommunications Carriers or Other Entities for International Communications. Exclude any charges for asset impairment loss.

- (a) Maintenance, repair, and engineering of site plant, equipment, and facilities;
- (b) Payments to telecommunications carriers or other entities for Interstate, International, or Intrastate Communications other than Extra Payments to Telecommunications Carriers or Other Entities for International Communications;
- (c) Extra Payments to Telecommunications Carriers or Other Entities for International Communications;
- (d) Field services;
- (e) Network operations;
- (f) Call center;
- (g) Data center and storage;
- (h) Billing, collection, client management, and customer care;
- (i) Sales and marketing;
- (j) General and administrative;
- (k) Other overhead;
- (l) Taxes other than income taxes;
- (m) Transactions related to mergers and acquisitions; and
- (n) Bad debt.

### c. Facility-Specific Annual Total Expenses

Report separate Facility-specific Annual Total Expenses for Audio IPCS and Video IPCS for each Facility at which you provided these services.

Exclude reported interest expenses other than interest paid on customer prepayments or deposits from Annual Total Expenses. The allowance for interest expense other than interest paid on customer prepayments or deposits is included in the Return component of the Annual Total Expenses calculation. However, you should include reported interest paid on customer prepayments or deposits in Annual Total Expenses. You also should exclude expenses reported for Extra Payments to Telecommunications Carriers or Other Entities for International Communications from Annual Total Expenses.

### d. Facility-Specific Demand and Revenue Data

We now direct you to report Facility-specific demand and revenue data. As indicated below, you must submit separate data for each Facility even if that Facility is covered by the same contract as another Facility.

- (1) **Demand for IPCS:** Report the separate Facility-specific annual demand for Audio IPCS and Video IPCS for 2022. Provide separate data for each Facility at which the Company provided these services during 2022. Annual demand shall be expressed in the units and for the categories specified below. Report demand expressed in terms of the number of discrete communications (e.g., calls, remote visits, or sessions) and in minutes, even if neither measure reflects the actual sales unit. Count each call, remote visit, session, or other communication, without regard to duration, as one communication. Estimate demand expressed in communications and minutes if necessary. In the Word template, identify any Facilities for which you estimated the number of communications or minutes and explain how you developed these estimates. Identify the unit of sale, where indicated in the Excel worksheet, if the actual sales unit for Video IPCS is other than per communication or per minute (e.g., capacity plans such as a two gigabytes per month plan) and express demand as the number of those other units for the same categories specified for demand expressed in minutes and

communications. Add rows as necessary to the Excel worksheet to report demand relative to these same categories if the Company uses more than one sales unit for Video IPCS that is other than per communication or per minute.

The reported demand expressed in Billed and Unbilled Minutes and Billed and Unbilled Communications shall sum to the relevant total reported for Billed and Unbilled Minutes and Billed and Unbilled Communications. Likewise, for example, demand expressed in Billed and Unbilled two gigabyte per month plans shall sum to the relevant total reported for Billed and Unbilled two gigabyte per month plans.

You must submit separate data for each Facility even if that Facility is covered by the same contract as other Facilities. Those data must be specific to the Facility in question and not simply a repeat of data reported for other Facilities covered by the same contract. If you repeat or merge data across multiple Facilities covered by a single contract, explain in the Word template why you did so and how you reported the data.

If you do not know a Facility's Average Daily Population, provide your best estimate of that Average Daily Population in the Excel template. Explain the basis for this estimate in the Word template.

You must report data for all items listed below except items (x) Total Admissions, (y) Total Releases, and (z) Weekly Turnover Rate, for which reporting is optional. Enter "N/A" in the appropriate field if the Company chooses not to report data for any of items (x), (y), or (z).

- (a) Total Billed Communications for Audio IPCS;
- (b) Billed Communications for Audio IPCS separately for (i) Interstate Communication, (ii) International Communication, and (iii) Intrastate Communication;
- (c) Total Unbilled Communications for Audio IPCS;
- (d) Total Billed and Unbilled Communications for Audio IPCS;
- (e) Total Billed Minutes for Audio IPCS;
- (f) Billed Minutes for Audio IPCS separately for (i) Interstate Communication, (ii) International Communication, and (iii) Intrastate Communication;
- (g) Total Unbilled Minutes for Audio IPCS;
- (h) Total Billed and Unbilled Minutes for Audio IPCS;
- (i) Total Billed Communications for Video IPCS;
- (j) Billed Communications for Video IPCS separately for (i) Interstate Communication, (ii) International Communication, and (iii) Intrastate Communication;
- (k) Total Unbilled Communications for Video IPCS;
- (l) Total Billed and Unbilled Communications for Video IPCS;
- (m) Total Billed Minutes for Video IPCS;
- (n) Billed Minutes for Video IPCS separately for (i) Interstate Communication, (ii) International Communication, and (iii) Intrastate Communication;
- (o) Total Unbilled Minutes for Video IPCS;
- (p) Total Billed and Unbilled Minutes for Video IPCS;
- (q) Total Billed Video IPCS sales units other than discrete communications or minutes;
- (r) Billed Video IPCS sales units other than discrete communications or minutes separately for (i) Interstate Communication, (ii) International Communication, (iii) Intrastate Communication;
- (s) Total Unbilled Video IPCS sales units other than discrete communications or minutes;
- (t) Total Billed and Unbilled Video IPCS sales units other than discrete communications or minutes;
- (u) Average Daily Population;
- (v) Total number of IPCS accounts opened;
- (w) Total number of IPCS accounts closed;
- (x) Total Admissions (optional);

- (y) Total Releases (optional);
  - (z) Weekly Turnover Rate (optional);
  - (aa) Number of Incarcerated People’s Tablets;
  - (bb) Number of Incarcerated People’s Kiosks; and
  - (cc) Number of other devices used by Incarcerated People to access IPCS.
- (2) **Demand for Automated Payment Services, Live Agent Services, Paper Bill/Statement Services, Single-Call and Related Services, and Third-Party Financial Transaction Services:** Report the annual demand for each of Automated Payment Services, Live Agent Services, Paper Bill/Statement Services, Single-Call and Related Services, and Third-Party Financial Transaction Services provided in connection with IPCS during 2022. Provide separate data for each Facility at which the Company provided these services. Calculate the annual demand for each Facility by summing: (a) the demand experienced for each of these Ancillary Services in connection with Audio IPCS at or for that Facility during 2022; plus (b) to the extent the Ancillary Service did not support both Audio and Video IPCS, the demand for the functional equivalent of each of these respective services provided in connection with Video IPCS during 2022. Express demand for Automated Payment Services, Live Agent Services, and Paper Bill/Statement Services as the number of Billed Uses. Express demand for Single-Call and Related Services and Third-Party Financial Transaction Services as the number of Billed Transactions. Billed demand reported for each Facility shall sum to the relevant total for each service for all Facilities.
- (3) **Revenues from IPCS:** Report the annual Billed Revenues from IPCS for 2022. Provide separate data for each of the categories specified below for each Facility at which the Company provided these services. Billed Revenues reported for different categories shall sum to the relevant total reported for Billed Revenues.
- (a) Total Billed Revenues from Audio IPCS;
  - (b) Billed Revenues from Audio IPCS separately for (i) Interstate Communication, (ii) International Communication, and (iii) Intrastate Communication;
  - (c) Total Billed Revenues from Video IPCS;
  - (d) Billed Revenues from Video IPCS separately for (i) Interstate Communication, (ii) International Communication, and (iii) Intrastate Communication.
- (4) **Revenues from Automated Payment Services, Live Agent Services, Paper Bill/Statement Services, Single-Call and Related Services, and Third-Party Financial Transaction Services:** Report the annual Billed Revenues from each of Automated Payment Services, Live Agent Services, Paper Bill/Statement Services, Single-Call and Related Services, and Third-Party Financial Transaction Services provided in connection with Audio and Video IPCS during 2022. Provide separate data for each Facility at which the Company provided IPCS during 2022. Calculate the annual revenue for each Facility by summing: (a) the revenue from each of these Ancillary Services in connection with Audio IPCS at or for that Facility during 2022; plus (b) to the extent the Ancillary Service did not support both Audio and Video IPCS, the revenue from the functional equivalent of each of these respective services provided in connection with Video IPCS during 2022. Billed Revenues reported for each Facility shall sum to the relevant total for each service for all Facilities.

## 2. Other Facility-Specific Information

This subsection directs you to report, among other information, Facility-Specific data on Site Commissions, Costs of Providers’ Safety and Security Measures Not Classified as Site Commissions, Costs of Facilities’ Safety and Security Measures, and Ancillary Services.

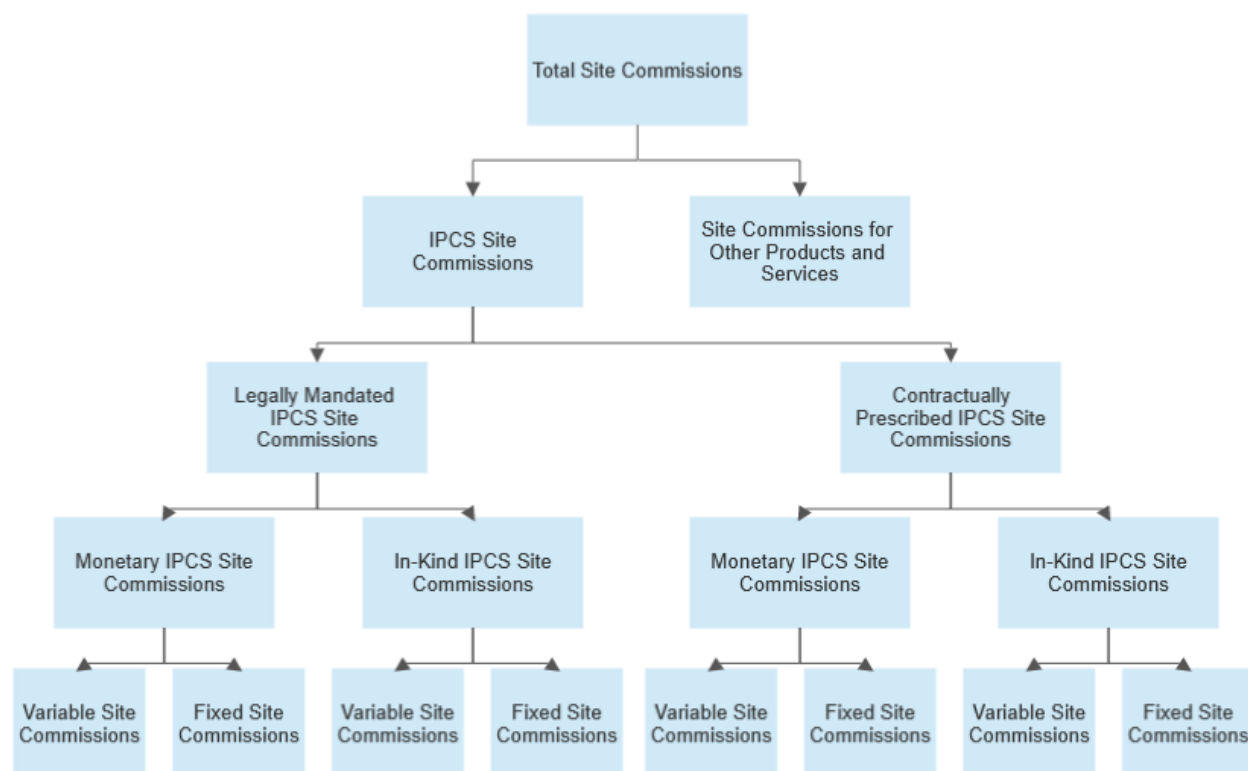
## a. General Information

- (1) **Unique Identifiers for Contract.** Enter a unique identifier for each Contract under which the Company provided IPCS during 2022. The Contract identifier is for the contract between a Provider and the Contracting Authority, not for any contract between Providers. Contract renewals must use the same Contract identifier as before the renewal. Use the same unique contract identifier across tabs in the Excel template. Use at least one alphabetical (A-Z) character in each Contract identifier.
- (2) **Unique Identifiers for Facility:** Enter a unique identifier for each Facility at which the Company offered IPCS during 2022. Use the same unique Facility identifier across all Tabs in the Excel template. Use at least one alphabetical (A-Z) character in each Facility identifier.
- (3) **Contractor Name:** Enter the name of the Provider that has the contractual or other arrangement with the Contracting Authority to provide IPCS to the Facility. If you are the Contractor, enter your name.
- (4) **Subcontractor Name:** Enter the name of the Provider that provides IPCS under a contract or other arrangement with another Provider for provision of IPCS. If you are the Subcontractor, enter your name.
- (5) **Counterparty to Contract:** For each Facility identified above, list the name of the party or entity that entered into the contract with the Contractor.
- (6) **Facility Address:** Enter on separate rows the complete address of the physical location of each Facility parsed into five separate fields: (1) street number and street name; (2) building identifier (if any); (3) city; (4) state; and (5) ZIP Code. Do not enter any PO Box address.
- (7) **Facility Geographic Coordinates:** Enter the geographic coordinates of each Facility. Use decimal degrees (DD) to express latitude and longitude geographic coordinates. (These coordinates can be identified using a geocoding application available on the Internet.)
- (8) **Facility Type (Jail or Prison):** Indicate whether each Facility is a Prison (P) or a Jail (J).
- (9) **Maximum Audio Communication Duration:** Enter in minutes the Maximum Communication Duration for Audio IPCS communications originating from each Facility. If neither the Facility nor the Company imposes a limit on the length of Audio IPCS communications placed from the Facility, enter "N/A."
- (10) **Maximum Video Communication Duration:** Enter in minutes the Maximum Communication Duration for Video IPCS communications originating from each Facility. If neither the Facility nor the Company imposes a limit on the length of Video IPCS communications placed from the Facility, enter "N/A."
- (11) **Types of Video IPCS:** In subsection IV.A.(8) above, we direct you to describe each type of Video IPCS that the Company provided during 2022. Now, in the Word template, list each of those types of Video IPCS. Then, identify the Facilities at which the Company provided each listed type of Video IPCS during 2022 by using the same unique contract identifiers and unique Facility identifiers used to report data on the Facility-specific Excel template worksheets.

## b. Site Commissions

This part of the instructions directs you to report the Company’s Facility-specific Site Commissions in several groups of subcategories. You must fully allocate all Site Commissions reported for 2022 among the Facilities associated with each Site Commission payment.

Begin by reporting total Site Commission payments paid by the Company for each Facility for 2022. Then divide that total between: (a) Site Commissions for IPCS and associated Ancillary Services; and (b) Site Commissions for Other Products and Services. After that, subdivide the Site Commissions for IPCS and associated Ancillary Services (for simplicity, IPCS Site Commissions) into different groups as shown in the following diagram.



- (1) **Total Site Commissions:** Enter the total amount of all Site Commissions paid by the Company during 2022 that was related to the Facility, without regard to whether the Site Commissions were Legally Mandated, Contractually Prescribed, Fixed, Variable, Monetary, or In-Kind and without regard to whether the Site Commission was paid in connection with Audio IPCS, Video IPCS, Safety and Security Measures, Ancillary Services, or Other Products and Services for 2022.
  - (a) Enter the percentage of the total Site Commissions paid by the Company during 2022 that was related to the Facility and that was attributable to the Company’s provision of IPCS and associated Ancillary Services.
  - (b) Enter the percentage of the total Site Commissions paid by the Company during 2022 that was related to the Facility and that was attributable to the Company’s provision of Safety and Security Measures.

- (c) List the Other Products and Services and associated Ancillary Services that the Company provided at the Facility during 2022.
  - (d) In the Word template, identify any Site Commissions paid by the Company during 2022 that related to any Facility and that included both a monetary payment and an in-kind payment. Provide the name of the Facility, the entity to which the Company paid the Site Commissions, and the amount of the monetary payment, and describe in detail the in-kind payment, including any Safety and Security Measures.
  - (e) In the Word template, list each entity to which the Company paid a Site Commission during 2022. Provide the name of each Facility for which that entity is responsible and the amount paid to that entity without regard to whether the Site Commission was Legally Mandated, Contractually Prescribed, Fixed, Variable, Monetary, or In-Kind.
- (2) **Legally Mandated Site Commissions:** Enter the total amount of Legally Mandated Site Commissions paid in connection with IPCS and associated Ancillary Services provided at the Facility during 2022.
- (a) **Recipient:** Enter the name of the entity or entities to which the Company paid Legally Mandated Site Commissions during 2022 in connection with the Company’s IPCS or associated Ancillary Services provided at the Facility. If the Site Commissions were paid to more than one entity, allocate the payment among the relevant entities.
  - (b) **Legally Mandated Site Commission Authority:** If the Company paid Legally Mandated Site Commissions in connection with IPCS or associated Ancillary Services provided at the Facility during 2022, provide a citation to the authority requiring such payment.
  - (c) **Total Monetary Site Commissions:** Enter the total amount of Legally Mandated, Monetary Site Commissions paid during 2022 in connection with IPCS and associated Ancillary Services provided at the Facility.
  - (d) **Recipient:** Enter the name of the entity or entities to which the Company paid Legally Mandated, Monetary Site Commissions during 2022 in connection with IPCS or associated Ancillary Services provided at the Facility. If the Site Commissions were paid to more than one entity, allocate the payment among the relevant entities.
  - (i) **Fixed Site Commissions:** Enter the total amount of Legally Mandated Site Commissions that were both Monetary Site Commissions and Fixed Site Commissions and that were paid during 2022 in connection with IPCS and associated Ancillary Services provided at the Facility.
    - (aa) **Recipient:** Enter the name of the entity or entities to which the Company paid Legally Mandated, Fixed, Monetary Site Commissions during 2022 in connection with IPCS or associated Ancillary Services provided at the Facility. If these Site Commissions were paid to more than one entity, allocate the payments among the relevant entities.
    - (ab) If the Legally Mandated, Fixed, Monetary Site Commission was imposed at the contract level (e.g., a minimum annual guarantee due annually under a contract covering multiple Facilities), allocate the Site Commission payments among all Facilities covered by the contract.

- (ac) In the Word template, describe the methodology used to allocate the Legally Mandated, Fixed, Monetary Site Commission payments among all Facilities covered by the contract.
- (ad) **Upfront Payments:** Enter the total amount of all Legally Mandated Site Commissions for 2022 that not only were Monetary Site Commissions and Fixed Site Commissions but also were paid, at the signing of a contract or during the first year of the contract, in connection with the provision of IPCS and associated Ancillary Services provided at the Facility.
- (aaa) **Recipient:** Enter the name of the entity or entities to which the Company made these upfront payments during 2022. If those Site Commissions were paid to more than one entity, allocate the payments among the relevant entities.
- (ii) **Variable Site Commissions:** Enter the total amount of Legally Mandated Site Commissions that were both Monetary Site Commissions and Variable Site Commissions and that were paid during 2022 in connection with IPCS and associated Ancillary Services provided at the Facility.
- (aa) **Recipient:** Enter the name of the entity or entities to which the Company paid Legally Mandated, Variable, Monetary Site Commissions during 2022 in connection with IPCS or associated Ancillary Services provided at the Facility. If these Site Commissions were paid to more than one entity, allocate the payments among the relevant entities.
- (e) **Total In-Kind Site Commissions:** Enter the total amount of Legally Mandated Site Commissions that were also In-Kind Site Commissions and that were paid during 2022 in connection with IPCS and associated Ancillary Services provided at the Facility.
- (i) **Recipient:** Enter the name of the entity or entities to which the Company paid Legally Mandated, In-Kind Site Commissions during 2022 in connection with IPCS or associated Ancillary Services provided at the Facility. If those Site Commissions were paid to more than one entity, allocate the payments among the relevant entities.
- (ii) In the Word template, describe these in-kind payments in detail. Specifically describe each payment, gift, exchange of services or goods, fee, technology allowance, or product provided to the Facility that you classify as an In-Kind Site Commission payment.
- (iii) **Fixed Site Commissions:** Enter the total amount of Legally Mandated Site Commissions that were both In-Kind Site Commissions and Fixed Site Commissions and that were paid during 2022 in connection with IPCS and associated Ancillary Services provided at the Facility.
- (aa) **Recipient:** Enter the name of the entity or entities to which the Company paid Legally Mandated, Fixed, In-Kind Site Commissions during 2022 in connection with IPCS or associated Ancillary Services provided at the Facility. If the Site Commissions were paid to more than one entity, allocate the payments among the relevant entities.
- (ab) If the Legally Mandated, Fixed, In-Kind Site Commission was imposed at the contract level (e.g., a minimum annual guarantee due annually under a contract covering multiple Facilities), allocate the Site Commission payments among all Facilities covered by the contract.



- (ac) In the Word template, describe the methodology used to allocate the Legally Mandated, Fixed, In-Kind Site Commission payments among all Facilities covered by the contract.
- (ad) **Upfront Payments:** Enter the total amount of all Legally Mandated Site Commissions for 2022 that not only were In-Kind Site Commissions and Fixed Site Commissions but also were paid, at the signing of a contract or during the first year of the contract, in connection with the provision of IPCS provided at the Facility.
  - (aaa) **Recipient:** Enter the name of the entity or entities to which the Company made these upfront payments. If those Site Commissions were paid to more than one entity, allocate the payments among the relevant entities.
- (iv) **Variable Site Commissions:** Enter the amount of Legally Mandated Site Commissions that were both In-Kind Site Commissions and Variable Site Commissions and that were paid during 2022 in connection with IPCS or associated Ancillary Services provided at the Facility.
  - (aa)**Recipient:** Enter the name of the entity or entities to which the Company paid Legally Mandated, Variable, In-Kind Site Commissions during 2022 in connection with IPCS or associated Ancillary Services provided at the Facility. If the Site Commissions were paid to more than one entity, allocate the payments among the relevant entities.
- (3) **Contractually Prescribed Site Commissions:** Enter the total amount of Contractually Prescribed Site Commissions paid during 2022 in connection with IPCS or associated Ancillary Services provided at the Facility.
  - (a) **Recipient:** Enter the name of the entity or entities to which the Company paid Contractually Prescribed Site Commissions during 2022 in connection with IPCS or associated Ancillary Services provided at the Facility. If the Site Commissions were paid to more than one entity, allocate the payment among the relevant entities.
  - (b) **Total Monetary Site Commissions:** Enter the total amount of Contractually Prescribed, Monetary Site Commissions paid by the Company during 2022 that was related to the Facility.
    - (i) **Recipient:** Enter the name of the entity or entities to which the Company paid Contractually Prescribed, Monetary Site Commissions during 2022 in connection with IPCS or associated Ancillary Services provided at the Facility. If the Site Commissions were paid to more than one entity, allocate the payments among the relevant entities.
    - (ii) **Fixed Site Commissions:** Enter the total amount of Contractually Prescribed Site Commissions that were both Monetary Site Commissions and Fixed Site Commissions and that were paid during 2022 in connection with IPCS or associated Ancillary Services provided at the Facility.
      - (aa) **Recipient:** Enter the name of the entity or entities to which the Company paid Contractually Prescribed, Fixed, Monetary Site Commissions during 2022 in connection with IPCS or associated Ancillary Services provided at the Facility. If these Site Commissions were paid to more than one entity, allocate the payments among the relevant entities.
      - (ab) If the Contractually Prescribed, Fixed, Monetary Site Commission was imposed at the contract level (e.g., a minimum annual guarantee due annually under a contract covering

multiple Facilities), allocate the Site Commission payments among all Facilities covered by the contract.

- (ac) In the Word template, describe the methodology used to allocate the Contractually Prescribed, Fixed, Monetary Site Commission payments among Facilities covered by the contract.
- (ad) **Upfront Payments:** Enter the total amount of all Contractually Prescribed Site Commissions for 2022 that not only were Monetary Site Commissions and Fixed Site Commissions but also were paid, at the signing of a contract or during the first year of the contract, in connection with the provision of IPCS provided at the Facility.
  - (aaa) **Recipient:** Enter the name of the entity or entities to which the Company made these upfront payments. If the Site Commissions were paid to more than one entity, allocate the payments among the relevant entities.
- (iii) **Variable Site Commissions:** Enter the total amount of Contractually Prescribed Site Commissions for 2022 that were both Monetary Site Commissions and Variable Site Commissions and that were paid in connection with IPCS or associated Ancillary Services provided at the Facility.
  - (aa) **Recipient:** Enter the name of the entity or entities to which the Company paid Contractually Prescribed, Variable, Monetary Site Commissions during 2022 in connection with IPCS or associated Ancillary Services provided at the Facility. If the Site Commissions were paid to more than one entity, allocate the payments among the relevant entities.
- (c) **Total In-Kind Site Commissions:** Enter the total amount of Contractually Prescribed Site Commissions for 2022 that were also In-Kind Site Commissions and that were paid in connection with IPCS or associated Ancillary Services provided at the Facility.
  - (i) **Recipient:** Enter the name of the entity or entities to which the Company paid Contractually Prescribed, In-Kind Site Commissions during 2022 in connection with IPCS or associated Ancillary Services provided at the Facility. If the Site Commissions were paid to more than one entity, allocate the payments among the relevant entities.
  - (ii) In the Word template, describe these in-kind payments in detail. Specifically describe each payment, gift, exchange of services or goods, fee, technology allowance, or product provided to the Facility that you classify as an In-Kind Site Commission payment.
  - (iii) **Fixed Site Commissions:** Enter the amount of Contractually Prescribed Site Commissions for 2022 that were both In-Kind Site Commissions and Fixed Site Commissions and that were paid in connection with IPCS or associated Ancillary Services provided at the Facility.
    - (aa) **Recipient:** Enter the name of the entity or entities to which the Company paid Contractually Prescribed, Fixed, In-Kind Site Commissions during 2022 in connection with IPCS or associated Ancillary Services provided at the Facility. If the Site Commissions were paid to more than one entity, allocate the payments among the relevant entities.
    - (ab) If the Contractually Prescribed, Fixed, In-Kind Site Commission was imposed at the contract level (e.g., a minimum annual guarantee due annually under a contract covering

multiple Facilities), allocate the Site Commission payments among all Facilities covered by the contract.

- (ac) In the Word template, describe the methodology you used to allocate the Contractually Prescribed, Fixed, In-Kind Site Commission payments among Facilities.
- (ad) **Upfront Payments:** Enter the amount of all Contractually Prescribed Site Commissions for 2022 that not only were In-Kind Site Commissions and Fixed Site Commissions but also were paid, at the signing of a contract or during the first year of the contract, in connection with the provision of IPCS provided at the Facility.
  - (aaa) **Recipient:** Enter the name of the entity or entities to which the Company made these upfront payments. If those Site Commissions were paid to more than one entity, allocate the payments among the relevant entities.
- (iv) **Variable Site Commissions:** Enter the amount of Contractually Prescribed Site Commissions for 2022 that were both In-Kind Site Commissions and Variable Site Commissions and that were paid in connection with IPCS or associated Ancillary Services provided at the Facility.
  - (aa) **Recipient:** Enter the name of the entity or entities to which the Company paid Contractually Prescribed, Variable, In-Kind Site Commissions during 2022 in connection with IPCS or associated Ancillary Services provided at the Facility. If the Site Commissions were paid to more than one entity, allocate the payments among the relevant entities.
- (4) **Site Commission Allocation Methodology:** In the Word template, fully describe, document, explain, and justify the methodology you used to allocate Site Commission payments between IPCS (and associated Ancillary Services) and Other Products and Services at each Facility during 2022 in situations where the Company made Site Commission payments for both IPCS and Other Products and Services.
- (5) In the Word template, identify any Facility for which you used different formulas to calculate the Site Commissions paid during 2022 for interstate IPCS, international IPCS, or intrastate IPCS, respectively. For each such Facility, identify separately the amount of the Site Commissions paid for interstate IPCS, international IPCS, and intrastate IPCS.
- (6) In the Word template, identify any Facility for which you used different formulas to calculate the Site Commissions paid during 2022 for Audio IPCS and Video IPCS, respectively. For each such Facility, identify separately the amount of Site Commissions paid for Audio IPCS and Video IPCS.

### c. Costs of Providers' Safety and Security Measures

This subsection requires the Company to report, on a Facility-by-Facility basis, certain information regarding the Safety and Security Measures that it provided during 2022. Our inquiries here parallel the Company-wide inquiries in subsection IV.C.3, above. Your responses to the inquiries in this subsection must employ the same categories and, if applicable, subcategories of Safety and Security Measures that you report in response to subsection IV.C.3.

- (a) In subsection IV.C.3 above, we direct you to identify and categorize each individual Safety and Security Measure the Company provided during 2022. Now, in the Word template, list each of

those individual Safety and Security Measures under each of the same categories as reported above:

- (i) CALEA compliance measures;
- (ii) Law enforcement support services;
- (iii) Communication security services;
- (iv) Communication recording services;
- (v) Communication monitoring services;
- (vi) Voice biometric services; and
- (vii) Other Safety and Security Measures.

Then, for each listed Safety and Security Measure, identify the Facilities at which the Company provided these measures during 2022 by using the same unique contract identifiers and unique Facility identifiers used to report data on the Facility-specific Excel template worksheets.

In subsection IV.C.3, above, the Excel template automatically calculates, for both Audio IPCS and Video IPCS, the Company's Annual Total Expenses for Safety and Security Measures during 2022 attributable to each of seven categories of such expenses. We now direct you to allocate those Company-wide amounts among the individual Facilities for which you provided the Safety and Security Measures within each respective category during 2022.

- (b) The Excel template provides two separate Facility-level worksheets for Audio IPCS and Video IPCS on which to report, on a Facility-by-Facility basis, expenses incurred to provide Safety and Security Measures that the Company attributed to Audio IPCS and Video IPCS. Each worksheet includes cells for you to identify each Facility using the same unique contract identifier and unique Facility identifier as for other Facility-level worksheets. Add columns as necessary to these two worksheets to ensure all Facilities served by the Company during 2022 are reported. Drawing from the expenses reported for Audio IPCS and Video IPCS at the Company-wide level in subsection IV.C.3 above, report your best estimate of the dollar amount of these expenses for each category of Safety and Security Measures attributable to each Facility in these worksheets. If the Company provided no Safety and Security Measures within any specific category during 2022 for any Facility, enter zero in the appropriate cell. The sum of the expenses reported for each category of Safety and Security Measures for all Facilities should equal the amount reported at the Company-wide level for that category, separately for Audio IPCS and Video IPCS. The Excel template will automatically check, separately for Audio IPCS and Video IPCS, whether the total expense reported for all categories of Safety and Security Measures across all Facilities equals the expense attributed to these services at the Company-wide level.

#### **d. Safety and Security Measures Costs Incurred by Facilities; Other Costs Incurred by Facilities**

This subsection directs you to report any verifiable, reliable, and accurate information in the Company's possession about the costs incurred by the Facilities the Company served during 2022 to provide Safety and Security Measures in connection with the provision of IPCS.

- (1) In the Excel template, enter "Yes" if the Company has any verifiable, reliable, and accurate information in its possession about the costs incurred by the Facilities the Company served during 2022 to provide Safety and Security Measures in connection with the provision of IPCS. Otherwise, enter "No."

- (2) In the Excel template, if you entered “Yes” in response to the question above, for each Facility for which the Company has such information, enter the total amount of expenses incurred by the Facility to provide Safety and Security Measures in connection with the provision of IPCS during 2022.
- (3) In the Excel template, for each Facility identified in response to the previous direction, disaggregate the total amount of expenses incurred by the Facility to provide Safety and Security Measures in connection with the provision of IPCS among the following categories:
  - (a) CALEA compliance measures, including, but not limited to the costs incurred by the Facility in complying with CALEA.
  - (b) Law enforcement support services, including but not limited to the examples identified for such services in subsection IV.C.3 above.
  - (c) Communication security services, including, but not limited, to the examples identified for such services in subsection IV.C.3 above.
  - (d) Communication recording services, including, but not limited to, the examples identified for such services in subsection IV.C.3 above.
  - (e) Communication monitoring services, including, but not limited to, the examples identified for such services in subsection IV.C.3 above.
  - (f) Voice biometrics services, including, but not limited to, the examples identified for such services in subsection IV.C.3 above.
  - (g) Other services not included in one of the foregoing categories, including, but not limited to, the examples identified for such services in subsection IV.C.3 above.
- (4) In the Word template, fully document, explain, and justify the accuracy and reliability of any data you have provided in response to questions (1), (2), and (3). The Company shall also retain any documentation supporting any data provided in connection with questions (1), (2), and (3) above.
- (5) In the Word template, state whether the Company has any verifiable, reliable, and accurate information regarding any expenses for IPCS and associated Ancillary Services, other than Safety and Security Measure expenses, incurred by Facilities served by the Company during 2022. If the Company has such information, explain in detail the source of the information and the products and services for which the expenses were incurred, including a description of the expenses and the Facility to which that information pertains. The Company must be able to reproduce, on request, documentation sufficient to fully explain and justify the accuracy and reliability of any data reported in response to this inquiry.

## **e. Ancillary Services Information**

- (1) **Automated Payment Fee Revenues:** Enter the amount of Automated Payment Fee revenues the Accounting Entity received from Customers for the provision of Audio and Video IPCS during 2022.
- (2) **Automated Payment Fees Passed Through to An Affiliate:** Enter the amount of Automated Payment Fee revenues the Accounting Entity passed through to any Affiliate, other than an Affiliate that provided Audio and Video IPCS and Ancillary Services, for the provision of Audio and Video IPCS during 2022.

- (3) **Affiliates Used in Providing Automated Payment Service:** List each Affiliate, if any, that the Accounting Entity used in providing its Automated Payment Service at each Facility for 2022.
- (4) **Third Parties Used in Providing Automated Payment Service:** List each Third Party, if any, that the Accounting Entity used in providing its Automated Payment Service at each Facility for 2022 and enter the amount of Automated Payment Service for which the Company was billed by each listed Third Party at each Facility for 2022.

- (5) **Automated Payment Fees and Third-Party Transaction Fees Charged in the Same Transaction:** In the Word template and for each Facility for 2022, identify any transactions for which both Automated Payment Fees and Third-Party Transaction Fees were charged, describe the services provided for the transaction, and apportion the fees charged for the services provided for each.
- (6) **Payment Card Processing Revenue for Automated Payment Fees:** Of the amount reported for Automated Payment Fee Revenue above, enter the amount of that revenue attributable to payment card processing fees charged in connection with communications at each Facility during 2022.
- (7) **Fees for Single-Call and Related Services:** Enter the amount of Fees for Single-Call and Related Services the Accounting Entity received from Customers in connection with its provision of Audio and Video IPCS and Ancillary Services at the Facility during 2022.
- (8) **Single-Call and Related Services Revenues Passed Through to An Affiliate:** Enter the amount of revenues from Fees for Single-Call and Related Services passed through to any Affiliate for Audio and Video IPCS and Ancillary Services provided at the Facility during 2022.
- (9) **Entities Charging the Accounting Entity for Billing Services:** List each entity that charged the Accounting Entity for billing services for Single-Call and Related Services at each Facility during 2022. Indicate whether each listed entity is a Third Party.
- (10) **Amounts Paid to Third Parties for Billing Services:** Enter the amount the Accounting Entity paid to a Third Party for billing services in connection with Single-Call and Related Services provided at each Facility during 2022.
- (11) **Fees for Single-Call and Related Services Passed through to Customers:** Enter the amount the Accounting Entity paid to Third Parties for billing services in connection with Single-Call and Related Services that the Company passed through to Customers at each Facility during 2022.
- (12) **Amounts Paid to Other Entities for Billing Services:** Enter the amount the Accounting Entity paid to entities other than Third Parties for billing services in connection with Single-Call and Related Services at each Facility during 2022.
- (13) **Amounts Paid to Other Entities for Billing Services Passed Through to Customers:** Enter the amount the Accounting Entity paid to entities other than Third Parties for billing services in connection with Single-Call and Related Services that the Company passed through to Customers at each Facility during 2022.
- (14) **Live Agent Fees:** Enter the amount of Live Agent Fee revenue the Accounting Entity received from Customers in connection with its provision of Audio and Video IPCS and associated Ancillary Services at the Facility during 2022.
- (15) **Affiliates Used to Provide Live Agent Service:** List each Affiliate, if any, that the Accounting Entity used in providing its Live Agent Service at each Facility during 2022.
- (16) **Third Parties Used to Provide Live Agent Service:** List each Third Party, if any, that the Accounting Entity used in providing its Live Agent Service at each Facility during 2022.
- (17) **Amounts Paid to Third Parties for Live Agent Service:** Enter the amount the Accounting Entity paid to each listed Third Party for Live Agent Service at each Facility during 2022.

- (18) **Live Agent Fee Revenue Paid to an Affiliate:** Enter the amount of Live Agent Fee revenues the Accounting Entity paid to any Affiliate, other than an Affiliate that provided Audio and Video IPCS and Ancillary Services, for the provision of Audio and Video IPCS at the Facility during 2022.
- (19) **Paper Bill/Statement Fee Revenue:** Enter the amount of Paper Bill/Statement Fee revenue generated by communications originating in the Facility during 2022.
- (20) **Affiliates Used to Provide Paper Bill/Statement Service:** List each Affiliate, if any, that the Accounting Entity used in providing its Paper Bill/Statement Service at each Facility during 2022.
- (21) **Third Parties Used to Provide Paper Bill/Statement Service:** List each Third Party, if any, that the Accounting Entity used in providing its Paper Bill/Statement Service at each Facility during 2022.
- (22) **Amounts Paid to Third Parties for Paper Bill/Statement Service:** Enter the amount the Accounting Entity paid to each listed Third Party for Paper Bill/Statement Service at each Facility during 2022.
- (23) **Paper Bill/Statement Fee Revenue Passed Through to an Affiliate:** Enter the amount of Paper Bill/Statement Fee revenue passed through by the Accounting Entity to any Affiliate, other than an Affiliate that provided Audio and Video IPCS and Ancillary Services, for the provision of Audio and Video IPCS and Ancillary Services during 2022.
- (24) **Third-Party Financial Transaction Fees:** Enter the amount of revenue from Third-Party Financial Transaction Fees the Accounting Entity received from Customers in connection with its Audio and Video IPCS and Ancillary Services provided at the Facility during 2022.
- (25) **Per-Transaction Charges for Third-Party Transactions:** Enter the per-transaction fee(s) charged to an end user for transferring money or processing other financial transactions to facilitate an end user's ability to make account payments via a Third Party, including a Third Party that is an Affiliate of the Provider. For each fee, indicate whether the Third Party receiving the payment is an Affiliate or non-Affiliate.
- (26) **Payment Card Processing Revenue from Third-Party Financial Transaction Fees:** Of the amount reported for Third-Party Financial Transaction Fees above, enter the amount of that revenue applicable to charging Customers for payment card processing for each Facility during 2022.
- (27) **Entities Charging the Accounting Entity for Third-Party Financial Transaction Services:** List each entity that charged the Accounting Entity for providing Third-Party Financial Transaction Services at each Facility for 2022. Indicate whether each listed entity is a Third Party.
- (28) **Amounts Paid to Third Parties for Third-Party Financial Transaction Services:** Enter the amount the Accounting Entity paid to Third Parties for Third-Party Financial Transaction Services at each Facility during 2022.
- (29) **Amounts Paid to Third Parties for Third-Party Financial Transaction Services Passed Through to Customers:** Enter the amount the Accounting Entity paid to Third Parties for Third-Party Financial Transaction Services that the Company passed through to Customers at each Facility for 2022.
- (30) **Amounts Paid to Other Entities for Third-Party Financial Transaction Services:** Enter the amount the Accounting Entity paid to entities other than Third Parties for Third-Party Financial Transaction Services at each Facility during 2022.



- (31) **Amounts Paid to Other Entities for Third-Party Financial Transaction Services Passed Through to Customers:** Enter the amount the Accounting Entity paid to entities other than Third Parties for Third-Party Financial Transaction Services that the Company passed through to Customers at each Facility during 2022.
- (32) **Third-Party Financial Transaction Fees Paid to an Affiliate:** Enter the amount of Third-Party Financial Transaction Fees paid by the Accounting Entity to any Affiliate, other than an Affiliate that provided Audio and Video IPCS and Ancillary Services, for Audio and Video IPCS and Ancillary Services provided at the Facility during 2022.
- (33) In the Word template, identify any Facilities at which the Company assessed both Ancillary Services Charges and any other charges in connection with video services. For each Facility, list and describe each Ancillary Services Charge the Company assessed during 2022 for video services. Separately, for each Facility, list and describe any other charges that are not Ancillary Services Charges the Company assessed for Video IPCS during 2022.

## V. Certification Form

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Each Provider of Audio or Video IPCS must submit a signed certification form as part of its Mandatory Data Collection response. The Chief Executive Officer (CEO), Chief Financial Officer (CFO), or other senior executive of the Provider must complete the form and certify that, based upon the executive's own reasonable inquiry, that all statements and information contained in the Provider's Mandatory Data Collection response are true, accurate, and complete. The Certification Form is Appendix C to these instructions.

- (1) **Name of Service Provider:** Provide the name under which the Provider offers Audio or Video IPCS. If the Provider offers Audio or Video IPCS under more than one name, provide all relevant names.
- (2) **Reporting Period:** Calendar year 2022.
- (3) **Officer Name, Title:** Provide the name and title of the officer completing the certification form. The officer must be the Chief Executive Officer (CEO), Chief Financial Officer (CFO), or other senior executive of the Provider who can attest to the truthfulness, accuracy, and completeness of the information provided.
- (4) **Mailing Address of Officer:** Provide the business mailing address of the officer identified in item (3).
- (5) **Telephone Number:** Provide the business telephone number, with area code, of the officer identified in item (3).
- (6) **Email Address:** Provide the business email address of the officer identified in item (3).
- (7) **Certification:** This section requires the person who signs the certification form on behalf of the Provider to declare, under penalty of perjury, that (1) the signatory is an officer of the above-named Provider and is authorized to submit the attached Mandatory Data Collection response on behalf of the Provider; (2) the signatory has examined the attached Mandatory Data Collection response and determined that all requested information has been provided; and (3) based on information known to

the signatory, or provided to the signatory by employees responsible for the information being submitted, and on the signatory's own reasonable inquiry, all statements and information contained in the Provider's Mandatory Data Collection response are true, accurate, and complete.

- (8) **Signature of Authorized Officer:** The signature of the officer identified in item (3) is required in this block.
- (9) **Date:** The date the officer identified in item (3) signs the form is required in this block.
- (10) **Printed Name of Authorized Officer:** The printed name of the officer identified in item (3) is required in this block.

## **APPENDIX A**

The Word template that will be submitted to the Office of Management and Budget for its approval under the Paperwork Reduction Act of 1995 is available at: <https://docs.fcc.gov/public/attachments/DOC-395510A1.docx>.

## **APPENDIX B**

The Excel template that will be submitted to the Office of Management and Budget for its approval under the Paperwork Reduction Act of 1995 is available at: <https://docs.fcc.gov/public/attachments/DOC-395511A1.xlsx>.

## **APPENDIX C**

The Certification Form that will be submitted to the Office of Management and Budget for its approval under the Paperwork Reduction Act of 1995 is available at: <https://docs.fcc.gov/public/attachments/DOC-395512A1.docx>.