

## **SUPPORTING STATEMENT**

This submission is being made pursuant to 44 U.S.C. § 3507 of the Paperwork Reduction Act of 1995 (PRA) to obtain approval from the Office of Management and Budget (OMB) for a new mandatory collection to obtain data and information regarding the provision of incarcerated people’s communications services (IPCS) from all IPCS providers.

### **A. Justification:**

#### ***Circumstances that make the collection necessary:***

1. On January 5, 2023, the President signed into law the Martha Wright-Reed Just and Reasonable Communications Act,<sup>1</sup> which expanded the Commission’s statutory authority over communications between incarcerated people and the non-incarcerated, including “any audio or video communications service used by inmates . . . regardless of technology used.”<sup>2</sup> The new Act also amends section 2(b) of the Communications Act of 1934, as amended (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>3</sup>

The Martha Wright-Reed Act directs the Commission to “promulgate any regulations necessary to implement” the Act, including its mandate that the Commission establish a “compensation plan” ensuring that all rates and charges for IPCS “are just and reasonable,” not earlier than 18 months and not later than 24 months after the Act’s January 5, 2023 enactment date.<sup>4</sup> The Act requires the Commission to consider, as part of its implementation, the costs of “necessary” safety and security measures, as well as “differences in costs” based on facility size, or “other characteristics.”<sup>5</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.<sup>6</sup>

Prior to the enactment of the Martha Wright-Reed Act, the Commission had sought provider data related to audio communications services provided to incarcerated persons on three occasions, as part of its ongoing efforts to establish just and reasonable rates for those services, while ensuring that providers are fairly compensated for such services.<sup>7</sup> The Martha Wright-Reed Act contemplates an additional data

---

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

<sup>2</sup> Martha Wright-Reed Act at § 2(a)(2), (b).

<sup>3</sup> *Id.* at § 2(c).

<sup>4</sup> *Id.* at §§ 2, 3(a); 47 U.S.C. § 276(b)(1)(A).

<sup>5</sup> Martha Wright-Reed Act § 3(b)(2).

<sup>6</sup> *Id.* at § 3(b)(1).

<sup>7</sup> *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 14107, 14172-73, paras. 124-26 (2013) (adopting the 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) (adopting the 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-

collection by requiring or allowing the Commission to consider certain types of other costs necessary to its implementation. To ensure that it will have the data it needs to meet its substantive and procedural responsibilities under the Act, the Commission delegated authority to WCB and OEA to “update and restructure” its most recent data collection (the Third Mandatory Data Collection) “as appropriate in light of the requirements of the new statute.”<sup>8</sup> This delegation requires that WCB and OEA collect “data on all incarcerated people’s communications services from all providers of those services now subject to” the Commission’s authority, including, but not limited to, requesting “more recent data for additional years not covered by the [Third Mandatory Data Collection].”<sup>9</sup>

In accordance with this delegation, WCB and OEA developed proposals for the 2023 Mandatory Data Collection that updated and expanded the instructions and reporting templates from the Third Mandatory Data Collection, and issued a *Public Notice* seeking comments on all aspects of the proposed revisions to the collection.<sup>10</sup> Concurrently, in accordance with the PRA, the Commission published a notice in the Federal Register seeking comment on potential burdens of the proposed reporting requirements.<sup>11</sup> The Commission received comments and reply comments from several IPCS providers, public interest advocates, and other interested parties in response to the *Public Notice*, and one comment in response to the PRA notice.<sup>12</sup>

After thoroughly considering all of these filings, WCB and OEA released an Order on July 26, 2023, adopting the instructions, a reporting template,<sup>13</sup> and a certification form to implement the 2023 Mandatory Data Collection pursuant to the authority delegated to WCB and OEA by the Commission.<sup>14</sup> The Order largely implements the proposals set forth in the *Public Notice*, with refinements and reevaluations responsive to record comments. Under the Order, IPCS providers will be required to submit data using a reporting template to be filed through the Commission’s Electronic Comment Filing System (ECFS) in accordance with the instructions adopted by WCB and OEA. The template consists of a Word document (Appendix A to the instructions) for responses requiring narrative information, and Excel worksheets (Appendix B to the instructions) for responses that require specific numbers and information. IPCS providers would also be required to submit an audited financial statement or report for 2022, and a signed certification of truthfulness, accuracy, and completeness.

---

20, para. 221 (2021) (*2021 ICS Order*) (adopting the Third Mandatory Data Collection).

<sup>8</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 Order*).

<sup>9</sup> *2023 IPCS Order* at 33-34, paras. 84-85. The Commission directed WCB and OEA to “implement any appropriate modifications” to the Third Mandatory Data Collection, including updating the instructions and reporting template for that collection, “to the extent appropriate to timely collect . . . information to cover the additional services and providers now subject to [the Commission’s] authority.” *Id.* at 33-34, para. 85.

<sup>10</sup> *WCB and OEA Seek Comment on Proposed 2023 Mandatory Data Collection for Incarcerated People’s Communication Services*, WC Docket Nos. 23-62, 12-375, Public Notice, DA 23-355 (WCB/OEA Apr. 28, 2023) (*2023 MDC Public Notice or Public Notice*).

<sup>11</sup> Federal Communications Commission, Information Collection Being Reviewed by the Federal Communications Commission, 88 Fed. Reg. 27885 (May 3, 2023).

<sup>12</sup> ViaPath Paperwork Reduction Act Comments (filed July 3, 2023) (ViaPath PRA Comments).

<sup>13</sup> The reporting template consists of a Word document and Excel worksheets. For simplicity, we refer to these respective portions of the reporting template as the Word template and the Excel template.

<sup>14</sup> *See Incarcerated People’s Communications Services; Implementation of the Martha Wright-Reed Act; Rates for Interstate Inmate Calling Services*, WC Docket Nos. 23-62 and 12-375, Order, DA-23-638 (WCB/OEA July 26, 2023) *2023 MDC Adoption Order* at 3, para. 8 (*2023 MDC Adoption Order*).

We estimate that approximately 30 IPCS providers will submit full responses to this Mandatory Data collection, consisting of the templates; an audited financial statement or report for Year 2022; and a signed certification of truthfulness, accuracy, and completeness.

Statutory authority for this information collection is contained in sections 1, 2, 4(i)-4(j), 5(c), 201(b), 218, 220, 225, 255, 276, 403, and 716 of the Communications Act, as amended, 47 U.S.C. §§ 151, 152, 154(i-j), 155(c), 201(b), 218, 220, 225, 255, 276, 403, and 617, and the Martha Wright-Reed Just and Reasonable Communications Act of 2022, Pub. L. No. 117-338, 136 Stat. 6156 (2022).

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

2. The information requirements set forth below will ensure that the Commission has access to the data it needs to fulfill its statutory and regulatory responsibilities under the Martha Wright-Reed Act and the Communications Act, while minimizing the burden on IPCS providers. Requiring providers to submit full responses in the revised templates will provide data on additional services and providers that were not previously subject to the Commission's jurisdiction, as well as the most recent available data on the prior covered services. The revised templates and instructions will ensure that the Commission has data on the costs of incarcerated people's advanced communications services (e.g., video services) and intrastate services, as well as detailed data on the costs of safety and security measures.

The use of a standardized template will minimize the burden on IPCS providers. In addition, the specific information to be collected, and the related instructions (including those relating to cost allocation), essentially parallel the information collected by, and the instructions for, the Third Mandatory Data Collection. Accordingly, many, if not most, of the IPCS providers subject to this data collection have had experience responding to similar information collection requirements.

The requirement that IPCS providers submit audited financial statements and a signed certification of truthfulness, accuracy, and completeness of the responses will ensure that the information submitted will provide the Commission with a complete picture of the cost data from each provider, in a uniform manner.

3. WCB and OEA have developed instructions aimed at simplifying compliance with, and reducing the burden of, the data collection, as well as standardized templates and a certification form for the submission of responses. The instructions for the collection include relevant diagrams to facilitate providers' responses.

4. The Commission is not aware of any similar information already available that can be used or modified for the purposes described in Item 2 above.

5. Because the Commission's *2023 IPCS Order* requires all IPCS providers to comply with the mandatory data collection, the collection will affect smaller, as well as larger, IPCS providers. The Commission has taken steps to ensure that the data collection templates are competitively neutral and not unduly burdensome for any set of providers.

6. This 2023 Mandatory Data Collection is a one-time request and does not impose a recurring obligation on providers. Further, it requires the collection of data for only a single calendar year instead of three calendar years, as in the previous data collection. Not conducting the data collection would deprive the Commission of the detailed, industry-wide, data necessary to ensure that the rates and charges for all forms of IPCS—whether voice or video, interstate or intrastate—are just and reasonable and that IPCS providers are fairly compensated, as mandated by the Martha Wright-Reed Act. The information

will also provide incarcerated people, their families, their representatives, and the general public with access to information affecting the provision of IPCS.

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

8. Pursuant to 5 C.F.R. § 1320.8 (d), the Commission published a 60-day Notice in the Federal Register to solicit public comment on the requirements described below on May 3, 2023 (88 FR 27885 (May 3, 2023)). As indicated above, the Commission received a single comment in response to this request for comments, submitted by ViaPath Technologies (ViaPath).<sup>15</sup> We note that the arguments ViaPath now advances are similar to the arguments it presented prior to OMB's approval of the Commission's Third Mandatory Data Collection.<sup>16</sup>

a. *Estimated Burden Associated with the Collection.* ViaPath asserts that the collection will impose a significant burden on providers and that the average estimated burden of 230 hours (consisting of 225 hours for the data collection and five hours for certification) per provider "grossly underestimate[s]" the amount of time it will take IPCS providers to respond to the collection.<sup>17</sup> Instead of providing an alternative estimate, ViaPath simply points out that it provides IPCS at over 1,500 facilities and that if it spent only "an unrealistically low" 30 minutes per facility to respond to the data collection, its total response time would be 750 hours.<sup>18</sup>

We disagree that this one-time data collection is overly burdensome. In the *2023 IPCS Order*, the Commission determined the collection is required under the Martha Wright-Reed Act, which "contemplate[s] and require[s] the collection and analysis of advanced communications services' costs and related data, especially for video communications, among other data that, prior to the Act, the Commission either had no jurisdiction to collect or reason for doing so."<sup>19</sup> Consequently, the Commission directed WCB and OEA to "update the prior data collection to encompass, and collect," the data addressed by the Martha Wright-Reed Act.<sup>20</sup> As implemented, the 2023 Mandatory Data Collection is fully consistent with the Commission's assessment and with the requirement of the Martha Wright-Reed Act.

ViaPath's argument that WCB and OEA "grossly underestimated" the burden of the collection ignores WCB's and OEA's prior finding that ViaPath is the largest provider of IPCS, "with an estimated market share approaching 50%" and is otherwise unavailing.<sup>21</sup> In light of that market share, we would expect that ViaPath's total response time would exceed any industry average, regardless of the number of estimated hours. Nevertheless, we are increasing the average burden hour estimate to account for the additional effort required to comply with the changes from the proposed collection that WCB and OEA made in response to public comment.<sup>22</sup> Importantly, these changes reflect WCB's and OEA's judgment that the benefits from the changes outweigh the additional burden on providers.

---

<sup>15</sup> ViaPath Paperwork Reduction Act Comments (filed July 3, 2023).

<sup>16</sup> Inmate Calling Services (ICS) 2022 One-Time Data Collection, WC Docket No. 12-375, OMB Control No. 3060-1300, Supporting Statement at 4. OMB accepted the Commission's responses to ViaPath's arguments and approved the data collection on March 1, 2022.

<sup>17</sup> ViaPath PRA Comments at 3.

<sup>18</sup> *Id.* at 3-4.

<sup>19</sup> *2023 IPCS Order* at 33, para. 83.

<sup>20</sup> *Id.* at 33, para. 84.

<sup>21</sup> *Third MDC Adoption Order* at 12-14 n.105 (citing *2021 ICS Order*, 36 FCC Rcd at 9550, para. 74) (internal quotations omitted); see *2023 MDC Adoption Order* at n.27 (stating that the record provides no indication that ViaPath's market status had changed).

Specifically, we are increasing our average estimated burden of 265 hours (consisting of 260 hours for the data collection and five hours for certification) per provider to account for changes made in finalizing the collection. This new estimate is sufficient to allow IPCS providers to report the requisite data and certification in the required format, without unduly burdening the providers.

b. *Types of Data Requested.* ViaPath next contends that certain reporting obligations will be particularly burdensome, while others “will not otherwise yield useful information regarding IPCS costs.”<sup>23</sup> The only specific example ViaPath raises in this regard, however, concerns data on facility’s total admissions, total releases, and weekly turnover, which ViaPath contends “would provide little benefit to the Commission.”<sup>24</sup> Citing its own comments on the *2023 MDC Public Notice*, ViaPath argues that, based on the record, there are better indicators of IPCS demand, such as “billed and unbilled minutes and/or communications,” that would be less burdensome for IPCS providers to report than the number of telephones or kiosks available in a particular correctional facility.<sup>25</sup> ViaPath claims that WCB and OEA have not sufficiently justified the significant burden on IPCS providers.<sup>26</sup>

ViaPath’s specific argument regarding the collection of data on facility’s total admissions, total releases, and weekly turnover is moot because the 2023 Mandatory Data Collection, as adopted by WCB and OEA, makes the questions regarding these topics optional.<sup>27</sup> More generally, given the requirements of the Martha Wright-Reed Act, the data collection appropriately balances the Commission’s need for detailed information regarding providers’ IPCS operations and the desire to avoid unduly burdening providers.

c. *Timeframe for Reporting Costs.* In the *2023 MDC Adoption Order*, after fully considering arguments from providers, including ViaPath, and public interest groups, WCB/OEA decided to limit the data collection to calendar year 2022, consistent with their proposal in the *2023 MDC Public Notice* and consistent with ViaPath’s arguments.<sup>28</sup> This action moots ViaPath’s similar argument in its PRA comments that the Commission should collect cost data only for calendar year 2022.

d. *Alleged Availability of Similar Information in the Annual Reports.* ViaPath asserts that the data collection seeks information that the Commission already receives in Annual Reports, such as information on site commission payments, correctional facilities served, and annual revenues from IPCS and ancillary service charges.<sup>29</sup> ViaPath contends that WCB and OEA must make every effort to “tailor the [mandatory data collection] to avoid duplication of other information received by the Commission in the normal course.”<sup>30</sup>

---

<sup>22</sup> See *2023 MDC Adoption Order* at n.27. We note that while some of these changes increased the burden on providers, others partially offset that increase by eliminating or streaming some of the proposed requirements.

<sup>23</sup> ViaPath PRA Comments at 6.

<sup>24</sup> *Id.* at 6.

<sup>25</sup> *Id.* (citing ViaPath June 2, 2023 Comments at 7); Securus June 2, 2023 Comments at 6. We note that ViaPath’s June 2, 2023 Comments do not address the potential burden on providers and are instead made in the context of suggesting alternatives for requested data.

<sup>26</sup> *Id.*

<sup>27</sup> *2023 MDC Adoption Order* at 19, paras. 50-51.

<sup>28</sup> *Id.* at 4, para. 11.

<sup>29</sup> ViaPath PRA Comments at 5.

<sup>30</sup> *Id.*

We disagree with ViaPath’s argument that the data collection will obtain information available through the Annual Reports. Although the Annual Reports provide the Commission and the public with an overview of the providers’ IPCS operations, they fall far short of providing the type of detailed cost data and other information that the Commission will need to determine the costs of providing IPCS and related ancillary services, and to resolve other issues pending in the *IPCS* rulemaking.<sup>31</sup> The Annual Reports do not require the type of detailed and disaggregated cost reporting that we require in this data collection, which the Commission has determined “must immediately” be “update[ed] and restructur[ed]” in order to comply with the obligations imposed by the Martha Wright-Reed Act and the Communications Act.<sup>32</sup> The Annual Reports and the data collection serve different purposes and collect very different information, and ViaPath has failed to explain how the data collection could be scaled back without undermining the purposes behind the collection. Thus, ViaPath’s argument provides no basis for not approving the data collection.

e. *Financial Data Requests.* Finally, ViaPath claims that IPCS providers are “non-dominant competitive carriers” that are not required to maintain their records in the same manner required of dominant carriers.”<sup>33</sup> ViaPath contends that WCB and OEA should craft the data collection to allow for flexibility “that reflects how IPCS providers are permitted to conduct their business and maintain their books and records” to reduce the related burden.<sup>34</sup> Relying on the *2023 MDC Public Notice*, ViaPath concludes that because WCB and OEA “acknowledge that not all IPCS providers track costs at the facility level,”<sup>35</sup> “an IPCS provider is permitted to use the allocation methodologies that best reflect its business and the way in which it keeps its books and records as long as the provider documents and explains its methodologies in its MDC response.”<sup>36</sup>

As an initial matter, ViaPath’s argument regarding its status as a nondominant carrier under Commission precedent is irrelevant. As WCB and OEA found in adopting the 2023 Mandatory Data Collection “[w]hether providers are dominant has no bearing on the Commission’s authority to mandate the manner in which [IPCS] providers report cost data.”<sup>37</sup>

More fundamentally, the data collection is fully consistent with providers’ accounting practices, which we understand are consistent with generally accepted accounting principles. ViaPath’s proposal that providers be permitted to implement their own allocation methodologies based on their individual bookkeeping and recordkeeping practices ignores the effect that such an approach would have on the utility of the data collection.<sup>38</sup> Indeed, as the *2023 MDC Adoption Order* finds, allowing providers to devise their own cost allocation methodologies in a previous data collection led to “providers assigning costs inconsistently among the categories provided.”<sup>39</sup> And adopting ViaPath’s proposal “would [have] substantially increase[d] the back-end burden on all parties that want to process and analyze the reported

---

<sup>31</sup> See *2021 ICS Order*, 36 FCC Rcd at 9620, para. 222 (stating that “while the Annual Reports contain useful and relevant marketplace information on providers’ rates and charges, we disagree with the contention that the Annual Reports provide sufficient data to establish just and reasonable interstate inmate calling services rates”).

<sup>32</sup> *2023 IPCS Order* at 34, para. 85.

<sup>33</sup> ViaPath PRA Comments at 4-5.

<sup>34</sup> *Id.* at 4.

<sup>35</sup> *2023 MDC Public Notice* at 4.

<sup>36</sup> ViaPath PRA Comments at 3 n.14.

<sup>37</sup> See *2023 MDC Adoption Order* at 6 n.34 (quoting *Third MDC Adoption Order*, 37 FCC Rcd at 381, n.109).

<sup>38</sup> *Id.* at 6, para. 16.

<sup>39</sup> *Id.*

data, because of the extent and complexity of the adjustments that would be necessary to correct for inconsistencies among providers' responses."<sup>40</sup>

To avoid these potential problems, WCB and OEA designed the 2023 Mandatory Data Collection to collect, to the extent practicable, uniform cost, revenue, and demand data and other information from each provider. In pursuing this goal, WCB and OEA stopped far short of requiring providers to pinpoint the exact costs they incur in providing each component of IPCS and related ancillary services. Instead, as indicated above, WCB and OEA balanced the need for detailed and specific instructions and templates and the desire to avoid unduly burdening providers. ViaPath's arguments regarding providers' bookkeeping and recordkeeping practices provide no reason for upsetting this balance.

On August 1, 2023, the Commission published a 30-Day Notice in the Federal Register to solicit public comment (88 FR 50151 (Aug. 1, 2023)). We received a single comment, submitted by the United Church of Christ Media Justice Ministry (UCC Media Justice).<sup>41</sup> UCC Media Justice fully supports the proposed information collection and does not request any changes. UCC Media Justice asserts that the proposed collection is necessary to implement the Martha Wright-Reed Act within the timeframe established by Congress and to ensure that incarcerated people and their families pay just and reasonable rates.<sup>42</sup> UCC Media Justice contends that without accurate data, the Commission cannot fulfill its obligation under the Martha Wright-Reed Act.<sup>43</sup> It urges OMB to rapidly approve the Commission's proposed information collection.<sup>44</sup>

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

10. The *IPCS Protective Order* in these dockets provides confidential treatment for the proprietary information submitted by IPCS providers in response to the Commission's directives.<sup>45</sup> The Commission will treat as presumptively confidential any particular information identified as confidential by the provider in accordance with the Freedom of Information Act and Commission rules. Each confidential document should be stamped and submitted to the Secretary's Office with an accompanying cover letter, as specified by the *IPCS Protective Order*. This is standard practice when the Commission seeks completely sensitive information for ratemaking or other purposes.

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

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

**a. Reporting Requirement:**

- (1) Number of respondents: Approximately 30.
- (2) Frequency of response: One-time reporting requirement.
- (3) Total number of responses annually: Approximately 30.
- (4) Estimated Time per Response: Approximately 260 hours.

Approximately 30 respondents x 260 hours per response x 1 response per respondent = **7,800** hours.

---

<sup>40</sup> *Id.*

<sup>41</sup> UCC Media Justice Paperwork Reduction Act Comments (filed Aug. 31, 2023).

<sup>42</sup> *Id.* at 1-2.

<sup>43</sup> *Id.* at 1-2, 8-9.

<sup>44</sup> *Id.*

<sup>45</sup> *Incarcerated People's Communications Services; Implementation of the Martha Wright-Reed Act; Rates for Interstate Services*, WC Docket Nos. 23-62, 12-375, Protective Order, DA 23-298 (*IPCS Protective Order*).

(5) Total burden: 7,800 hours.

The Commission estimates that approximately 30 IPCS providers will average approximately 260 hours of reporting time to read the instructions, look through existing records, gather and organize the required data, and complete and review the form. It also includes the time it will take each provider to: (a) submit audited financial statements or reports, or similar documentation, to the extent they have been produced in the ordinary course of business; (b) respond to any Commission requirement that the provider clarify or supplement its response to the data collection; and (c) keep all records necessary to implement this collection and make such records available to the Commission upon request.

(6) Total estimate of “in house” cost to respondents: \$474,474.

(7) Explanation of the calculation:

The Commission estimates that approximately 30 IPCS providers will be subject to this one-time reporting requirement.

We assume that respondents will use personnel comparable in pay to GS 13/Step 5 earning \$60.83 per hour.

Thus, 7,800 hours per year x \$60.83 = **\$474,474.**

**b. Certification Requirement:**

(1) Number of respondents: Approximately 30.

(2) Frequency of response: One-time reporting requirement.

(3) Total number of responses annually: Approximately 30.

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

Approximately 30 respondents x 5 hours per response x 1 response per respondent = 150 hours.

(5) Total burden: 150 hours.

The Commission estimates that approximately 30 IPCS providers will require 5 hours of reporting time to complete the certification form.

Approximately 30 respondents x 5 hours per response x 1 response = 150 hours.

(6) Total estimate of “in house” cost to respondents: \$18,750.

(7) Explanation of the calculation:

The Commission estimates that approximately 30 providers will be subject to this one-time reporting requirement.

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

Thus, 150 hours per year x \$125 per hour = \$18,750.

**Total Respondents: 30**

**Total Responses: 30**

**Total In-House Costs: \$474,474 + \$18,750 = \$493,224.**

**Total Annual Burden Hours: 7,800 + 150 = 7,950 hours.**



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

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

The collections will not result in additional capital expenditures such as computers or software.

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

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

14. There will be no additional costs to the Commission to receive these data. In addition, the data may be submitted via the Commission's Electronic Comment Filing System, or via the Secretary's Office, requiring no additional Commission resources to process.

15. This is a new information collection resulting in a program change/increase of **30** respondents, **30** responses, and **7,950** total burden hours. These estimates will be added to OMB's Active Inventory. This information collection is necessary because the Martha Wright-Reed Act contemplates an additional data collection by requiring or allowing the Commission to consider certain types of other costs necessary to its implementation. Prior to the enactment of the Martha Wright-Reed Act, the Commission had sought provider data related to audio communications services provided to incarcerated persons on three occasions, as part of its ongoing efforts to establish just and reasonable rates for those services, while ensuring that providers are fairly compensated for such services.<sup>46</sup> To ensure that it will have the data it needs to meet its substantive and procedural responsibilities under the Act, the Commission delegated authority to WCB and OEA to "update and restructure" its most recent data collection (the Third Mandatory Data Collection) "as appropriate in light of the requirements of the new statute."<sup>47</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 authority, including, but not limited to, requesting "more recent data for additional years not covered by the [Third Mandatory Data Collection]."<sup>48</sup>

16. The Commission does not anticipate publishing any of the information collected. Rather, any confidential information submitted by IPCS providers will be treated in accordance with the *IPCS Protective Order* specific to WC Docket Nos. 23-62 and 12-375.

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

18. Since the 60-Day Notice was published the Federal Register on May 3, 2023 (88 FR 27885), the estimated average burden per provider has increased from 230 total hours to 265 total hours, resulting in an overall increase in the total burden hours, from 6,900 to 7,950 (+ 1,050). This change is announced in the 30-Day Notice published in the Federal Register on August 1, 2023 (88 FR 50101), and is reflected in this submission to OMB.

There are no other exceptions to the Certification Statement.

## **B. Collections of Information Employing Statistical Methods**

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

---

<sup>46</sup> See *supra*, n.7.

<sup>47</sup> 2023 *IPCS Order* at 33, para. 84.

<sup>48</sup> *Id.* at 33-34, paras. 84-85.

