

## **SUPPORTING STATEMENT**

This submission is being made pursuant to 44 U.S.C. § 3507 of the Paperwork Reduction Act of 1995 to revise an existing information collection in order to obtain Office of Management and Budget (OMB) approval for the full three-year clearance. The Commission is changing the title of this information collection from “Inmate Calling Services (ICS) Provider Annual Reporting, Certification, Consumer Disclosure, and Waiver Request Reporting Requirements, WC Docket No. 12-375” to “Inmate Calling Services (ICS) Provider Annual Reporting, Certification, and Other Requirements, WC Docket Nos. 23-62, 12-375, DA 23-656.”

### **Justification:**

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

1. In 2015, pursuant to delegated authority,<sup>1</sup> the Wireline Competition Bureau (WCB) created standardized reporting templates (FCC Form 2301(a))<sup>2</sup> for the Annual Reports, a related certification of accuracy (FCC Form 2301(b)), and a set of instructions.<sup>3</sup> IPCS providers that are classified as inmate calling services (ICS) providers under the Commission’s rules are required to make these filings to enable the Commission to monitor and track trends in the IPCS marketplace, increase provider transparency, and ensure compliance with the Commission’s rules.<sup>4</sup> WCB amended the instructions, reporting templates, and certification form in 2020 in order to improve the type and quality of the information collected.<sup>5</sup> In 2022, WCB again amended the instructions, reporting templates, and

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<sup>1</sup> *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, 12769, 12891-92, paras. 9, 267-68 (2015) (*2015 ICS Order*); see also 47 CFR § 64.6060(a)-(b). The amendments to section 64.6060(a)(5)-(7) will not become effective until the Office of Management and Budget (OMB) completes its review under the Paperwork Reduction Act (PRA), and the Bureaus provide an effective date by subsequent Public Notice. See *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 (*2022 ICS Order*); see *infra* page 3.

<sup>2</sup> Form 2301(a) is comprised of an Excel template and a Word template.

<sup>3</sup> See generally ICS Annual Reporting Form Word Template (Appendix A) (Current), WC Docket No. 12-375 <https://www.fcc.gov/general/ics-data-collections> (last visited October 26, 2023) (Word Template); ICS Annual Reporting Form Excel Template (Appendix B) (Current), WC Docket No. 12-375, <https://www.fcc.gov/general/ics-data-collections> (last visited October 26, 2023) (Excel Template); ICS Annual Reporting and Certification Instructions (Current), WC Docket No. 12-375, <https://www.fcc.gov/general/ics-data-collections> (last visited October 26, 2023) (Instructions) (Certification Instructions); ICS Annual Report Certification Form (Appendix C) (Current), WC Docket No. 12-375, <https://www.fcc.gov/general/ics-data-collections> (last visited October 26, 2023) (Certification Form).

<sup>4</sup> With the Martha Wright-Reed Act’s expansion of the Commission’s authority beyond calling services to include all audio and video communications services used by incarcerated people, the Commission no longer uses the phrase “inmate calling services” and instead uses the term “incarcerated people’s communications services” or “IPCS” to refer to these broader service offerings. *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, at 32, para. 80 (2023); 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 CFR § 64.6000(s); see also 47 CFR §§ 64.6000(j), 64.6060(a). For ease of reference, we refer to carriers required to make these filings as “providers” throughout this Public Notice.

<sup>5</sup> See *Wireline Competition Bureau Announces OMB Renewal of Information Collection Concerning Inmate Calling Services*, WC Docket No. 12-375, Public Notice, 35 FCC Rcd 1456 (WCB Feb. 19, 2020) (*2020 OMB Renewal*

certification form to reflect significant reforms to the ICS rules adopted in the *2021 ICS Order*,<sup>6</sup> including lower interim rate caps for interstate ICS calls, new interim rate caps for international ICS calls, and a rate cap structure that requires providers to differentiate between legally mandated and contractually required site commissions.<sup>7</sup>

In the *2022 ICS Order*, the Commission adopted numerous requirements that necessitate additional changes to the instructions, reporting templates, and certification form. These requirements improve access to communications services for incarcerated people with communication disabilities and expand the scope of the Annual Reports to reflect these new requirements.<sup>8</sup> For example, pursuant to section 64.6040(c), the Commission requires that, as part of its obligation to provide access to Telecommunications Relay Service (TRS), a provider shall:

- (1) Make all necessary contractual and technical arrangements to ensure that, consistent with the security needs of a correctional facility, incarcerated individuals eligible to use TRS can access at least one certified provider of each form of TRS required by this section;
- (2) Work with correctional authorities, equipment vendors, and TRS providers to ensure that screen-equipped communications devices such as tablets, smartphones, or videophones are available to incarcerated people who need to use TRS for effective communication, and all necessary TRS provider software applications are included, with any adjustments needed to meet the security needs of the institution, provide compatibility with institutional communication systems, and allow operability over the inmate calling services provider's network;
- (3) Provide any assistance needed by TRS providers in collecting the registration information and documentation required by § 64.611 from incarcerated users and correctional authorities; and
- (4) When an incarcerated person who has individually registered to use VRS, IP Relay, or IP CTS is released from incarceration or transferred to another correctional authority, notify the TRS provider(s) with which the incarcerated person has registered.<sup>9</sup>

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*Public Notice*).

<sup>6</sup> *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Third Report and Order, Order on Reconsideration, and Fifth Further Notice of Proposed Rulemaking, 36 FCC Rcd 9519 (2021) (*2021 ICS Order*).

<sup>7</sup> The reforms also included expanded consumer disclosure requirements, as well as new reporting requirements for providers seeking waiver of the Commission's interstate and international rates. On December 15, 2021, the Bureau released a Public Notice reflecting the reforms adopted in the *2021 ICS Order*. See *Wireline Competition Bureau Seeks Comment on Revisions to Annual Reporting and Certification Requirements for ICS Providers*, WC Docket No. 12-375, Public Notice, DA 21-1583 (WCB Dec. 15, 2021). After considering the comments and replies submitted in response to the Public Notice, WCB released the *Annual Reports Adoption Order* on June 24, 2022, revising the instructions, reporting template, and certification of accuracy. *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Order, DA 22-676 (WCB June 24, 2022) (*Annual Reports Adoption Order*).

<sup>8</sup> Among other things, the Commission eliminated the safe harbor, adopted in 2015, that had exempted providers from any TRS-related reporting requirements if they either (1) operated in a facility that allowed the offering of additional forms of TRS beyond those mandated by the Commission or (2) had not received any complaints related to TRS calls. *2022 ICS Order* at 25, para. 51 (citing the *2015 ICS Order*, 30 FCC Rcd at 12883, para. 246). A provider that fell within the safe harbor was required to include a certification from an officer of the company stating which prong(s) of the safe harbor it had met. *Id.* The Commission found that the safe harbor was no longer appropriate given the expanded reporting requirement for additional forms of TRS, and the importance of transparency regarding the state of accessible communications in incarceration settings. *Id.* The rules adopted in the *2022 ICS Order* did not become effective in time to implement changes to the 2023 Annual Report and Certifications.

<sup>9</sup> *2022 ICS Order*, Appx. B (Final Rules).

The Commission expanded the scope of the Annual Reports and delegated authority to the Bureaus to implement the expanded reporting obligations and to develop a reporting form that will most effectively and efficiently elicit the required information.<sup>10</sup> Section 64.6060(a)(5)-(7) amends the annual reporting and certification requirement to now include:

- (5) For each facility served, the kinds of TRS that may be accessed from the facility;
- (6) For each facility served, the number of calls completed during the reporting period in each of the following categories:
  - (i) TTY-to-TTY calls;
  - (ii) Point-to-point video calls placed or received by ASL users as those terms are defined in § 64.601(a) of this chapter; and
  - (iii) TRS calls, broken down by each form of TRS that can be accessed from the facility; and
- (7) For each facility served, the number of complaints that the reporting Provider received in each of the categories set forth in paragraph (a)(6) of this section.<sup>11</sup>

The rules adopted in the *2022 ICS Order* became effective on January 9, 2023, with the exception of sections 64.6040(c), 64.6060(a)(5)-(7), and 64.611(k)(1)(i)-(iii), which are subject to OMB review.<sup>12</sup> Section 64.6040(c) is part of the current revision of this information collection; section 64.6060(a)(5)-(7) will be included in a subsequent revision.<sup>13</sup> The Consumer and Governmental Affairs Bureau (CGB) is addressing section 64.611(k)(1)(i)-(iii) separately.

On January 5, 2023, the President signed into law the Martha Wright-Reed Act, which expanded 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>14</sup> The new Act also amends section 2(b) of the Communications Act of 1934, as amended (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>15</sup>

The 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>16</sup> The Act also 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>17</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>18</sup>

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<sup>10</sup> *Id.* at 26, para. 52.

<sup>11</sup> *2022 ICS Order*, Appx. B (Final Rules). This section will be codified as 47 CFR § 64.6060(a)(5)-(7). Once the PRA process is completed, the Bureaus will provide an effective date by subsequent Public Notice.

<sup>12</sup> 47 CFR §§ 64.611(k)(1)(i)-(iii), 64.6040(c), and 64.6060(a)(5)-(7).

<sup>13</sup> *See infra* Question 18.

<sup>14</sup> Martha Wright-Reed Act § 2(a)(2), (b).

<sup>15</sup> *Id.* § 2(c).

<sup>16</sup> *Id.* §§ 2, 3(a); 47 U.S.C. § 276(b)(1)(A).

<sup>17</sup> *Id.* § 3(b)(2).

<sup>18</sup> *Id.* § 3(b)(1).

Pursuant to the directive that the Commission implement the new Act and establish just and reasonable rates for IPCS services, the Commission released the *2023 IPCS Notice*, seeking comment on how to interpret the Act's language to ensure that the Commission implements the statute in a manner that fulfills Congress's intent.<sup>19</sup> Because the Commission is now required or allowed to consider certain types of costs, the Act contemplates that it would undertake an additional data collection.<sup>20</sup> To ensure that it has the data necessary to meet its substantive and procedural responsibilities under the Act, the Commission adopted the *2023 IPCS Order*, delegating authority to WCB and the Office of Economics and Analytics (OEA) to modify the template and instructions for 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.<sup>21</sup> In accordance with this delegation, WCB and OEA developed proposals for instructions, a reporting template, and a certification form for the 2023 Mandatory Data Collection. On April 28, 2023, WCB and OEA issued a Public Notice seeking comment on all aspects of the proposed data collection.<sup>22</sup> On July 26, 2023, WCB and OEA released an Order adopting instructions, a reporting template, and a certification form to implement the 2023 Mandatory Data Collection.<sup>23</sup>

In the *2023 IPCS Order*, the Commission also reaffirmed and updated its prior delegation of authority to WCB and CGB (collectively, the Bureaus) to revise the instructions and reporting templates for the Annual Reports.<sup>24</sup> Specifically, the Commission delegated to the Bureaus authority to modify, supplement, and update the instructions and templates for the Annual Report.<sup>25</sup>

On August 3, 2023, the Bureaus released the *2023 Annual Reports Public Notice*, seeking comment on proposed revisions to the instructions, templates, and certification form for the Annual Reports.<sup>26</sup> In issuing the Public Notice, the Bureaus proposed changes to reflect the addition of video IPCS data to help implement the Martha Wright-Reed Act, as well as the expanded reporting requirements regarding access to IPCS by persons with communication disabilities that were adopted in the *2022 ICS Order*.<sup>27</sup>

We estimate that approximately 30 providers will be required to comply with the information requirements of this collection.

Statutory authority for this information collection is contained in sections 1, 2, 4(i)-(j), 5(c), 201(b), 218, 220, 225, 255, 276, 403, and 716 of the Communications Act of 1934, as amended, 47

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<sup>19</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 (Mar. 17, 2023) (*2023 IPCS Notice* or *2023 IPCS Order*).

<sup>20</sup> *2023 IPCS Order* at 33, para. 84.

<sup>21</sup> *Id.*

<sup>22</sup> *Wireline Competition Bureau and Office of Economics and Analytics 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 at 2 (WCB/OEA Apr. 28, 2023) (*2023 IPCS Mandatory Data Collection Public Notice*).

<sup>23</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, Order, DA 23-638 (July 26, 2023) (*2023 IPCS Mandatory Data Collection Order*).

<sup>24</sup> *2023 Order* at 34, para. 86.

<sup>25</sup> *Id.*; see *2023 IPCS Mandatory Data Collection Public Notice* (seeking comment on the proposed mandatory data collection for IPCS).

<sup>26</sup> *Wireline Competition Bureau and Office of Economics and Analytics Seek Comment on Proposed 2023 Mandatory Data Collection for Incarcerated People's Communications Services*, WC Docket Nos. 23-62, 12-375, Public Notice, DA 23-656 (WCB/OEA Aug. 3, 2023) (*2023 IPCS Annual Reports Public Notice*).

<sup>27</sup> See *id.*

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 Act, 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 ensure that the Commission will have access to the information it needs to fulfill its statutory and regulatory duties, while minimizing the burden on providers. Continuing to require providers to file Annual Reports and Certifications will help the Commission discharge its statutory mandates regarding IPCS. The information requirements in section 64.6040(c) will improve access to communications services for incarcerated people with communications disabilities by expanding the rules for advanced TRS.

3. This collection involves the use of informational technology to permit the electronic submission of responses. In particular, the Commission developed standardized templates for the submission of the Annual Reports and to provide instructions to simplify compliance with, and reduce the burden of, the information requirements related to those reports. The template includes instructions and both text fields and spreadsheet cells for respondents to use to report the required data. Providers are directed to file their Annual Reports and certifications electronically using the Commission's Electronic Comment Filing System (ECFS).

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. The Annual Reports will provide the Commission, its state counterparts, and the public with a more complete picture of providers' operations and will not unduly increase the burdens on providers.

5. Because the Commission requires all ICS providers to comply with the Annual Report and certification requirements, this information collection will affect smaller as well as larger providers. The Commission has taken steps to ensure that the reporting templates are competitively neutral and not unduly burdensome for any set of providers.

6. Collecting the information on a less frequent basis, or not at all, would undermine the Commission's efforts to ensure that IPCS is provided at just and reasonable rates and to ensure that any ancillary services charges associated with IPCS are also just and reasonable. It would also deprive consumers and other affected parties of the ability to monitor IPCS rates and charges. Not requiring providers to disclose their charges would prevent customers from making informed decisions before deciding whether or how to use the provider's services.

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

8. Pursuant to 5 C.F.R. § 1320.8 (d), on August 10, 2023 the Commission published a 60-day notice in the Federal Register seeking public comment. See 88 FR 54318 (August 10, 2023). No PRA comments were received.

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

10. The *Protective Order* adopted in the Commission's IPCS proceeding provides confidential treatment for the proprietary information submitted by providers in response to Commission directives.<sup>28</sup>

<sup>28</sup> *Incarcerated People's Communications Services; Implementation of the Martha Wright-Reed Act; Rates for Inmate Calling Services*, WC Docket Nos. 23-62, 12-375, Protective Order, DA 23-298 (WCB Apr. 5, 2023). Filings that contain confidential information should be appropriately redacted and filed pursuant to the procedure described in that Order. See also *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Order, 35 FCC Rcd 9267 (WCB 2020) (clarifying non-confidential treatment for certain information).

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

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

12. The following describes the burden hours associated with the collections of information discussed herein.

**Previously-Approved Information Collection Requirements:**<sup>29</sup>

**a. Reporting Requirement (Annual Reports):**

(1) Number of respondents: Approximately 30.

(2) Frequency of response: Annual.

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

(4) Estimated Time per Response: Approximately 120 hours.

30 respondents x approximately 120 hours per response x 1 response per respondent = 3,600 hours.

(5) Total annual burden: **3,600 hours.**

The Commission estimates that approximate 30 providers will each require approximately 120 hours to comply with the reporting requirements.

(6) Total estimate of "in-house" costs to respondents: **\$218,988.**

(7) Explanation of calculation:

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

The Commission estimates that respondents will use personnel comparable in pay to a GS 13/Step 5 employee earning \$60.83 per hour.

Thus, 3,600 hours x \$60.83 per hour = \$218,988.

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

(1) Number of respondents: Approximately 30.

(2) Frequency of response: Annual.

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<sup>29</sup> OMB approved the expanded consumer disclosure requirements and new waiver request reporting requirements on January 24, 2022. See Federal Communications Commission, Information Collection Approved by the Office of Management and Budget, 87 FR 7955 (Feb. 11, 2022); see 47 CFR §§ 64.6110(a); 64.6110(b)(1)-(4); 64.6110(c) (expanded consumer disclosure requirements); 47 CFR § 64.6120 (new waiver request reporting requirements).

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

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

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

(5) Total annual burden: Approximately **150 hours**.

The Commission estimates that approximately 30 ICS providers will require approximately 5 hours of time per annual filing.

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

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

(7) Explanation of the calculation:

The Commission estimates that 30 ICS providers will be subject to this certification requirement.

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

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

c. **Consumer Disclosure Requirement:**

• **Consumer Disclosure of Rates and Ancillary Service Charges:**

(1) Number of respondents: Approximately 30.

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

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

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

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

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

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

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

(5) Total estimate of “in-house” cost to respondents: **\$36,498**.

(6) Explanation of the calculation:

The Commission estimates that 30 providers will be subject to the consumer disclosure requirement.

The Commission estimates that respondents will use personnel comparable in pay to a GS 13/Step 5 employee earning \$60.83 per hour. Thus:

600 hours x \$60.83= \$36,498.

- **Consumer Disclosure Billing Requirement:**

- (1) Number of respondents: Approximately 30.
- (2) Frequency of response: Third-party-disclosure requirement.
- (3) Total number of responses annually: Approximately 30.
- (4) Estimated time per response: Approximately 30 hours.

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

- (5) Total annual burden: **Approximately 900 hours.**

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

Approximately 30 respondents x approximately 1 response per year per respondent x approximately 30 hours per response = approximately 900 hours.

- (6) Total estimate of “in-house” cost to respondents = \$54,747.

- (7) Explanation of this calculation:

The Commission estimates that 30 providers will be subject to the consumer disclosure billing requirement.

The Commission estimates that respondents will use personnel comparable in pay to a GS 13/Step 5 employee earning \$60.83 per hour.

Thus, 900 hours x \$60.83= **\$54,747**

**d. Waiver Request Reporting Requirement:**

- (1) Number of respondents: Approximately 3.
- (2) Frequency of response: On occasion reporting requirement as requested by filer.
- (3) Total number or responses annually: Approximately 3.
- (4) Estimated Time per Response: Approximately 80 hours per provider.
- (5) Total annual burden: Approximately **240 hours.**

The Commission estimates that approximately three providers will require approximately 80



hours each to comply with this requirement annually.

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

(6) Total estimate of “in-house” cost to respondents: **\$30,000.**

(7) Explanation of the calculation:

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

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

**New Information Collection Requirements:**

**e. Section 64.6040(c) Requirements:**

(1) Number of respondents: Approximately 30.

(2) Frequency of response: Annual.

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

(4) Estimated Time per Response: 40 hours.

30 respondents x 40 hours per response x 1 response per year per respondent = 1,200 hours.

(5) Total annual burden: Approximately **1,200 hours.**

The Commission estimates that approximately 30 providers will require approximately 40 hours of time to comply with the requirements of section 64.6040(c).

Approximately 30 respondents annually x 1 response annually x 40 hours per response = 1,200 hours).

(6) Total estimate of “in-house” cost to respondents: **\$72,996.**

(7) Explanation of the calculation:

The Commission estimates that respondents will use personnel comparable in pay to a GS 13/Step 5 employee earning \$60.83 per hour.

Thus, approximately 1,200 hours per year x \$60.83 = \$72,996.

**Total Annual Burden Hours:**

(a) Reporting Requirement (Annual Reports) 3,600

(b)	Certification Requirement:	150
(c)	Consumer Disclosure Requirements:	
	- Disclosure of Rates and Ancillary Service Charges:	600
	Consumer Disclosure Billing Requirement:	900
(d)	Waiver Request Reporting Requirement:	240
(e)	Section 6040(c) Requirements:	<u>1,200</u>
	<b><u>Total Hours:</u></b>	<b><u>6,690</u></b>

**Total Respondents: 30.**

**Total Responses: 30 + 3 = 33.**

**Total In-House Costs: \$218,988 + \$18,750 + \$36,498 + \$54,747 + \$30,000 + \$72,996 = \$431,979.**

**Total Annual Burden Hours: 6,690 hours.**

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

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

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

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

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

14. There are unlikely to be any additional costs to the Commission because the data will be submitted by ICS providers in WC Docket Nos. 23-62 and 12-375 via the Commission's Electronic Comment Filing System, requiring no additional Commission resources to process or publish.

15. Since the last submission to OMB, the Commission is reporting a program change/increase because of the addition of an information requirement for TRS providers serving incarcerated people with communication disabilities (+1,200 hours).<sup>30</sup>

Further, since the last submission, the number of providers has increased from 20 to 30 (+10) due to changes in the marketplace; thus the number of responses has increased from 23 to 33 (+10). As with the prior submission, the additional three responses relate to the waiver request reporting requirement.

As a result of both the program change (+1,200) and the adjustment in the number of providers

<sup>30</sup> See section 6040(c), 47 CFR § 64.6040(c).

and responses (+ 1,750), the total burden hours have increased from 3,740 to 6,690 (+2,950).

16. The Commission does not anticipate publishing any of the information collected. Rather, the providers' Annual Reports and Certifications will be available for public review via the Commission's ECFS.

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

18. The Bureaus have not yet issued an Order adopting revisions to the instructions, templates, and certification form for the Annual Reports, as proposed in the *2023 IPCS Annual Reports Public Notice*. It is necessary, however, for the Commission to effectuate the improved access to communications services for incarcerated people with communication disabilities required by section 64.6040(c). Consequently, we are dividing the information requirements and burdens between two submissions to OMB. In the instant submission, we seek OMB approval for the new information requirements in section 64.6040(c), which improves access to communications services for incarcerated people with communications disabilities by expanding the rules for advanced TRS. Upon release of an Order adopting revisions to the instructions, templates, and certification form for the Annual Reports, we will make a second submission to OMB, seeking approval of any revised information requirements adopted in that Order, as well as of the new requirements in section 64.6060(a)(5)-(7), which expands the rule requiring the filing of Annual Reports to include additional data related to access to communications services for incarcerated people with communications disabilities.

There are no other exceptions to the Certification Statement.

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

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