

SUPPORTING STATEMENT

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

A. Justification:

Circumstances that Make the Collection Necessary:

1. This supporting statement addresses the paperwork burdens associated with several sets of new and revised rules that the Commission adopted to implement the Martha Wright-Reed Just and Reasonable Communications Act of 2022 (Martha Wright-Reed Act or the Act), which expands 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.”¹ 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.²

The Act directs the Commission to “promulgate any regulations necessary to implement” it, including the 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.³ Pursuant to that directive, the Commission released the *2024 IPCS Order* on July 22, 2024, which fundamentally reformed the regulation of IPCS in all correctional facilities, regardless of the technology used to deliver these services, and significantly lowered the IPCS rates that incarcerated people and their loved ones will pay.⁴

The *2024 IPCS Order* addressed six major rulemaking areas that implicate the PRA.⁵ This submission seeks OMB review of five of these areas: disability access (new paperwork requirements), alternate pricing plans (new paperwork requirements), inactive accounts (new paperwork requirements), consumers disclosure (revised paperwork requirements), and waiver requests (revised paperwork requirements). We are addressing any changes in paperwork burdens arising from the sixth area—revisions to the annual reporting and certification rules, and associated forms—separately.⁶

¹ 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 Act).

² *Id.* § 2(c).

³ *Id.* §§ 2, 3(a); 47 U.S.C. § 276(b)(1)(A).

⁴ *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, Report and Order, Order on Reconsideration, Clarification and Waiver, and Further Notice of Proposed Rulemaking, FCC 24-75 (rel. July 22, 2024) (*2024 IPCS Order*).

⁵ The redacted version of the *2024 IPCS Order*, including the accompanying Order on Reconsideration, Clarification and Waiver, Further Notice of Proposed Rulemaking, and the FCC Commissioners’ Separate Statements, is 464 pages in length.

⁶ In this submission, we are also seeking renewal of the previously approved paperwork requirements for communications access for incarcerated people with communication disabilities in section 64.6040(c) of the Commission’s rules.

New Requirements for Which We Are Seeking OMB Approval:

Communications access for Incarcerated People with disabilities (§ 64.6040(f)).

Background. In the *2022 ICS Order*, the Commission took action to improve access to Telecommunications Relay Service (TRS) and related communications services for incarcerated people with communication disabilities.⁷ The Commission clarified and expanded the restrictions on charges for TRS calls, and expanded the scope of IPCS Annual Reports to reflect these and other changes.⁸ For example, the Commission added section 64.6040(c), which, among other things, requires providers, as part of their obligation to provide access to TRS, to “[w]ork 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 communications systems, and allow operability over the Inmate Calling Services Provider’s network.”⁹

In the *2023 IPCS Notice*, the Commission sought comment on the extent to which the Martha Wright-Reed Act expands its ability to ensure that any audio and video communications services used by incarcerated people are accessible to and usable by people with disabilities.¹⁰ In the *2024 IPCS Order*, the Commission again amended section 64.6040, adding section 64.6040(f) to ensure that IPCS providers offer information and documentation in accessible formats.¹¹

Section 64.6040(f):

(f)

- (1) A Provider shall ensure that the information and documentation that it provides to current or potential Consumers of Incarcerated People’s Communications Services is accessible. Such information and documentation includes, but is not limited to, disclosures of charges, user guides, bills, installation guides for end user devices, and product support communications.
- (2) The term “accessible” has the same meaning given such term under § 14.10 of this chapter, as such section may be amended from time to time.
- (3) The requirement to ensure the information is accessible also includes ensuring access, at no extra cost, to call centers and customer support regarding the products and services for current or potential Consumers of Incarcerated People’s Communications Services.

Protection of consumer funds in inactive accounts (§§ 64.6130(d), (e), (f), (h)-(k)).

Background. In the *2022 ICS Order*, in response to allegations of abusive provider practices, the Commission adopted interim rules that prohibit providers from seizing or otherwise disposing of funds in inactive inmate calling services accounts until the accounts have been continuously inactive for at least

⁷ *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Fourth Report and Order and Sixth Further Notice of Proposed Rulemaking, 37 FCC Rcd 11900, 11902, para. 3 (2022) (*2022 ICS Order* or *2022 ICS Notice*).

⁸ *2022 ICS Order*, 37 FCC at 11902, para. 3.

⁹ 47 CFR § 64.6040(c)(2). OMB approved the burden estimate for section 6040(c) in December 2023. See *Inmate Calling Services (ICS) Provider Annual Reporting, Certification, and Other Requirements*, OMB Control No. 3060-1222, Notice of Approval (Dec. 4, 2023).

¹⁰ *2023 IPCS Notice*, 38 FCC Rcd at 2698-99, paras. 75-77.

¹¹ *2024 IPCS Order*, Appx. A (Final Rules) at 332.

180 calendar days.¹² In the *2022 ICS Further Notice*, the Commission sought comment on whether the Commission should adopt additional requirements regarding inactive accounts to protect consumers as it adopts final rules.¹³ In the *2024 IPCS Order*, the Commission revised and strengthened the existing inactive account rules. The new permanent rules build upon the interim rules addressing the treatment of unused funds in IPCS accounts and include the information collection requirements set forth below.¹⁴

Section 64.6130(d):

- (d) After 180 days of continuous account inactivity have passed, or at the end of any longer alternative period set by state law, the Provider must:
- (1) Contact the account holder prior to closing the account and refunding the remaining balance to determine whether the account holder wishes to continue using the IPCS Account, or to close it and obtain a refund; and
 - (2) Make reasonable efforts to refund the balance in the IPCS Account to the account holder or such other person as the account holder has specified. Reasonable efforts include, but are not limited to:
 - (i) Notification to the account holder that the account has been deemed inactive;
 - (ii) The collection of contact information needed to process the refund; and
 - (iii) Timely responses to inquiries from an account holder.

Section 64.6130(e):

- (e) If a Provider's reasonable efforts to refund the balance of the IPCS Account fail, the Provider must dispose of remaining funds in accordance with applicable state consumer protection law concerning unclaimed funds or the disposition of such accounts.

Section 64.6130(f):

- (f) If a Provider becomes aware that an Incarcerated Person has been released or transferred, the 180-day inactivity period shall be deemed to have run and the Provider shall begin processing a refund in accordance with this section. The Provider shall contact the account holder prior to closing the IPCS Account and refunding the remaining balance in the IPCS Account, to determine whether the account holder wishes to continue using the IPCS Account, or to close it and obtain a refund from the Provider.

Section 64.6130(h):

- (h) Any refund made pursuant to this section shall be issued within 30 calendar days of the IPCS Account being deemed inactive or within 30 calendar days of a request for a refund from an account holder or other such individual as the account holder may have specified to receive a refund.

Section 64.6130(i):

- (i) In the absence of a Consumer's request for a refund, the requirement to provide a refund in accordance with this section shall not apply where the balance in an inactive IPCS Account is \$1.50 or less. To the extent a Provider is unable to issue a refund requested by a Consumer, the Provider shall treat such balances consistent with applicable state consumer protection law concerning unclaimed funds or the disposition of such accounts.

¹² *2022 ICS Order*, 37 FCC Rcd at 11902, para. 4.

¹³ *2022 ICS Further Notice*, 37 FCC Rcd at 11944-46, paras. 99-109.

¹⁴ *2024 IPCS Order* at 274-288, paras. 530-56.

Section 64.6130(j):

(j) Providers shall issue refunds required pursuant to this section through:

- (1) The IPCS Account holder's original form of payment;
- (2) An electronic transfer to a bank account;
- (3) A check; or
- (4) A debit card.

Section 64.6130(k):

(k) Providers shall clearly, accurately, and conspicuously disclose to IPCS Account holders, through their Billing Statements or Statements of Account, notice of the status of IPCS Accounts prior to their being deemed inactive.

- (1) This notice shall initially be provided at least 60 calendar days prior to an IPCS Account being deemed inactive.
- (2) The notice shall be included in each Billing Statement or Statement of Account the Provider sends, or makes available to, the account holder until the IPCS Account holder takes one of the actions sufficient to restart the 180-day period in paragraph (c) of this section or the IPCS Account becomes inactive pursuant to this section.
- (3) All notices provided pursuant to this paragraph shall describe how the IPCS Account holder can keep the IPCS Account active and how the IPCS Account holder may update the refund information associated with the IPCS Account.

Alternate Pricing Plans Reporting Requirements (§§ 64.6140(c), (d), (e)(2)-(4), (f)(2), (4))

Background. The Commission has traditionally required IPCS providers to price their interstate and international audio IPCS on a per-minute basis.¹⁵ In the *2020 ICS Notice*, the Commission sought comment about “alternative rate structures” and whether it should change its rules “to recognize industry innovations” including new pay models.¹⁶ In the *2021 ICS Notice*, the Commission asked whether it should consider “alternative rate structures, such as one under which an incarcerated person would have a specified—or unlimited—number of monthly minutes of use for a predetermined monthly charge.”¹⁷ In the *2022 ICS Notice*, and again in the *2023 IPCS Notice*, the Commission sought further comment on alternate pricing plans, conditions that may be placed on the plans, and consumer disclosures to ensure that providers accurately disclose the details of any alternate pricing plans.¹⁸

In recognition of the pro-consumer benefits of allowing more flexible pricing programs,¹⁹ the Commission in the *2024 IPCS Order* permitted IPCS providers to offer incarcerated people and their friends and family IPCS via optional “alternate pricing plans,” subject to clearly defined safeguards to

¹⁵ *2024 IPCS Order* at 227, para. 427; see 47 CFR §§ 64.10, 64.6080, 64.6090 (2023).

¹⁶ *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, 8533, para. 134 (2020) (*2020 ICS Notice*); see also *2024 IPCS Order* at para. 31.

¹⁷ *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, 9657, para. 305 (2021) (*2021 ICS Notice*).

¹⁸ *2022 ICS Notice*, 37 FCC Rcd at 11959-63, paras. 148-60; *2023 IPCS Notice*, 38 FCC Rcd at 2687-88, paras. 45-46.

¹⁹ *2024 IPCS Order* at 230, para. 428.

ensure that IPCS consumers are protected.²⁰ To help ensure that consumers who enroll in the plans benefit from them and that IPCS providers do not use such plans to otherwise evade the Commission's IPCS rules, the Commission required that the plans comply with the general rules applicable to all IPCS in addition to specific consumer protection and disclosure rules for alternate pricing plans, as set forth below.²¹

Section 64.6140(c):

(c) Consumer Disclosures.

- (1) A Provider offering an Alternate Pricing Plan must comply with the consumer disclosure requirements in § 64.6110 of this chapter as well as the requirements in this section.
- (2) Before a Consumer enrolls in an Alternate Pricing Plan; upon request, at any time after Alternate Pricing Plan enrollment; with a Billing Statement or Statement of Account, and any related communications; and at the beginning of each call or communication, the Provider also must make disclosures that include the following information for each Alternate Pricing Plan offered by the Provider:
 - (i) The rates and any added Mandatory Taxes or Mandatory Fees, a detailed explanation of the Mandatory Taxes and Mandatory Fees, total charge, quantity of minutes, calls or communications included in the Plan, the service period, and the beginning and end dates of the service period;
 - (ii) Terms and conditions, including those concerning dropped calls and communications in paragraph (d) of this section, automatic renewals in paragraph (e) of this section and cancellations in paragraph (f) of this section;
 - (iii) An explanation that per-minute rates are always available as an option to an Alternate Pricing Plan and that per-minute rates apply if the Consumer exceeds the calls/communications allotted in the Plan;
 - (iv) The Breakeven Point indicating at the amount of Alternate Pricing Plan usage above which the Consumer will save money compared to the Provider's applicable per-minute rate for the same type and amount of service at the Correctional Facility; and
 - (v) The ability to obtain prior usage and billing data, upon request, for each of the most recent three service periods (where feasible), including total usage and total charges including taxes and fees.
- (3) The Provider must make the disclosures for Alternate Pricing Plans pursuant to this paragraph (c) of this section available: to the public on the Provider's website; on the Provider's online or mobile application, if Consumers use the application to enroll in the Plan; via paper upon request; and via the methods for general IPCS disclosures pursuant to § 64.6110 of this chapter before, during, and after a Consumer's enrollment in a Plan.
- (4) In every communication between the Provider and a Consumer (or the Incarcerated Person, if they are not the Consumer) concerning the Alternate Pricing Plan, the Provider must either include the disclosures for Alternate Pricing Plans pursuant to paragraph (c) of this section, or provide clear, easy to follow, instructions for how the consumer (or Incarcerated Person, if not the Consumer) may immediately obtain access to those disclosures.

²⁰ 2024 IPCS Order at 3-4, 229-49, paras. 2, 3, 427-71.

²¹ See, e.g., 2024 IPCS Order at 3-4, 241-45, 249, 271-77, paras. 2, 3, 452, 455, 460, 471, 518-529 (detailing consumer disclosure rules for alternate pricing plans).

- (5) Before a Consumer enrolls in a Plan, and at any time upon Consumer request, the Provider must also provide to the Consumer:
- (i) The rates, Breakeven Point, and total cost including any Mandatory Taxes or Mandatory Fees associated with the Plan; and
 - (ii) An explanation that the Consumer's prior usage and billing data is available upon request through a readily accessible means and must include:
 - (A) For the Provider's most recent three service periods (where feasible): the minutes of use for each of the calls or communications made by the Consumer and the applicable per-minute rate that was charged; the total number of minutes; and the totals charged for each service period including the details of any Mandatory Taxes and Mandatory Fees; and
 - (B) This prior usage and billing data must be made available to the Consumer via the Provider's website or online or mobile application or via paper upon request of the Consumer.
- (6) After the Consumer enrolls in a Plan, the Provider must provide Billing Statements and Statements of Account for the Plan via the same method the Consumer used to sign up for the Plan, and via paper upon Consumer request. The Billing Statements and Statements of Account must include information specific to the Alternate Pricing Plan for the service period but the Consumer must be able to receive, upon request, information for the past three service periods (where feasible). The Billing Statement or Statement of Account must include for each service period:
- (i) Call details, including the duration of each call made, and the total minutes used for that service period, and the total charge including Mandatory Taxes and Mandatory Fees, with explanations of each Mandatory Tax or Mandatory Fee;
 - (ii) The charges that would have been assessed for each call using the Provider's per-minute rate, and the total of those charges;
 - (iii) The calculated per-minute rate for the service period under the Alternate Pricing Plan, calculated as the charge for the service period divided by the total minutes used by that Consumer, with an explanation of that rate;
 - (iv) The Breakeven Point with an explanation of the Breakeven Point; and
 - (v) Information about deposits made to the Consumer's IPCS Account and the IPCS Account balance.
- (7) The Provider must make available the number of minutes, calls, or communications remaining under a Consumer's Alternate Pricing Plan for the service period without the Consumer having to initiate a call or communication that would count toward a fixed allotment of minutes, calls, or communications in an Alternate Pricing Plan.

Section 64.6140(d):

- (d) *Dropped Calls or Communications and Related Consumer Disclosures.*
- (1) A Provider offering an Alternate Pricing Plan must explain its policies regarding dropped calls or communications in plain language in its consumer disclosures.
 - (2) The consumer disclosures must include:
 - (i) The types of dropped calls and communications that a Consumer can seek a credit or refund for;

(ii) How the Provider will calculate a credit or refund for a dropped call or communication; and

(iii) The method the Consumer must use to request a credit or refund for a dropped call or communication, and that method must be easy for the Consumer to complete.

Section 64.6140(e)(2)-(4):

(e) Automatic Renewals and Related Consumer Disclosures.

* * * * *

- (2) A Provider offering an Alternate Pricing Plan must explain the terms and conditions of the automatic renewal in plain language in its consumer disclosures when it initially offers the automatic renewal option and before any automatic renewal is about to occur by whatever method the Provider has established for consumer notifications to the Consumer.
- (3) The consumer disclosures must include an explanation that if a Consumer who requested automatic renewals does not later want the Alternate Pricing Plan to be renewed, the Consumer may cancel their participation in the Alternate Pricing Plan.
- (4) The Provider must give notice of an upcoming renewal for an Alternative Pricing Plan directly to the Consumer no later than three business days prior to the renewal date. Along with providing the notice, the Provider must explain, in plain language, the terms and conditions of the automatic renewal using, at a minimum, the method of communication the Consumer agreed to at the time they enrolled in the Alternate Pricing Plan.

Section 64.6140(f)(2), (f)(4):

(f) Cancellation by the Consumer and Related Consumer Disclosures.

* * * * *

- (2) A Provider must issue a refund for the remaining balance on an Alternate Pricing Plan if:
 - (i) The Incarcerated Person is released;
 - (ii) The Incarcerated Person is transferred to another Correctional Facility; or
 - (iii) The Incarcerated Person is not permitted to make calls or communications for a substantial portion of the subscription period.

* * * * *

- (4) Consumer disclosures related to Consumer cancellation of an Alternate Pricing Plan must include:
 - (i) An explanation that a Consumer enrolled in an Alternate Pricing Plan may cancel at any time and where applicable, the Provider will begin billing the Consumer at the Provider's per-minute rates by the first day after the termination date;
 - (ii) An explanation of the process for requesting cancellation of the Alternate Pricing Plan;
 - (iii) An explanation that the Consumer can end the Alternate Pricing Plan on a specific termination date of their choosing; and
 - (iv) The special circumstances for which a Consumer who has cancelled their enrollment shall receive a refund and how that refund will be calculated.

Revised Requirements for Which We Are Seeking OMB Approval:

Consumer Disclosure Requirements of Incarcerated People’s Communications Services Rates (§ 64.6110)

Background. In the *2015 ICS Order*, the Commission first required ICS providers to “clearly, accurately, and conspicuously” disclose their interstate, intrastate, and international rates and ancillary service charges to consumers “on their websites or in another reasonable manner readily available to consumers.”²² In the *2021 ICS Order*, the Commission required providers to separately disclose any charges for terminating international calls,²³ and to “clearly label” as “separate line item[s] on [c]onsumer bills” any amounts charged consumers for site commissions and international calling.²⁴

In the *2022 ICS Notice*, the Commission sought comment on expanding the “breadth and scope” of the existing consumer disclosure requirements to reach more ICS consumers and increase transparency regarding the rates and charges they pay for IPCS.²⁵ In the *2023 IPCS Notice*, the Commission sought “renewed comment” on these matters and asked what additional specific rule changes would be needed to implement the Martha Wright-Reed Act.²⁶

In the *2024 IPCS Order*, the Commission revised and strengthened the existing consumer disclosure requirements.²⁷ The Commission expanded the scope of the existing disclosure requirements to apply to all IPCS providers that provide any audio IPCS or video IPCS subject to the Commission’s jurisdiction under the Martha Wright-Reed Act.²⁸ The Commission stated that “[t]his essential step in our implementation of the Act will ensure that all IPCS consumers will have the same transparency into their providers’ rates, charges and practices regardless of the type of IPCS they use.”²⁹ To promote transparency regarding IPCS offerings, the Commission revised its rules to require IPCS providers to disclose their IPCS rates, charges, and associated practices in an easily accessible manner on their publicly available websites.³⁰ The Commission also took several actions, as set forth below, to ensure that consumers receive the information necessary to make informed decisions.³¹

Section 64.6110(a), (c)-(g):

- (a) Providers must clearly, accurately, and conspicuously disclose their intrastate, interstate, and international Incarcerated People’s Communications Services rates, charges and associated practices on their publicly available websites. In connection with international rates, Providers shall also separately disclose the rate component for terminating calls to each International Destination where that Provider terminates International Communications.

- (1) In addition to the information required in paragraph (a) of this section, the Provider must disclose information on:

²² *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, 12895-96, para. 278 (2015) (*2015 ICS Order*).

²³ *2021 ICS Order*, 36 FCC Rcd at 9591, para. 166.

²⁴ *Id.* at 9564, para. 104.

²⁵ *See 2022 ICS Notice*, 37 FCC Rcd at 11902, para. 6.

²⁶ *2023 IPCS Notice*, 38 FCC Rcd at 2674-75, para. 12.

²⁷ *2024 IPCS Order* at 3-4, 261-74, paras. 3, 506-29.

²⁸ *Id.* at 261, para. 505.

²⁹ *Id.*

³⁰ *Id.* at 261-62, para. 506.

³¹ *Id.* at 261-274, paras. 506-29.

- (i) How to manage an IPCS Account;
- (ii) How to fund an IPCS Account;
- (iii) How to close an IPCS Account and how to obtain a refund of any unused balance in that account; and
- (iv) How to obtain a refund of any unused balance in inactive accounts pursuant to § 64.6130 of this chapter.

* * * * *

- (c) Providers must clearly label all charges for International Communications in § 64.6010(e) of this chapter as a separate line item on Consumer Billing Statements and Statements of Account. To be clearly labeled, Providers must identify the amount charged to the Consumer for the International Communication, including the costs paid by the provider to its underlying international providers to terminate the International Communication to the International Destination of the call.
- (d) Providers shall make disclosures pursuant to this section available:
 - (1) Via the Provider's website in a form generally accessible to the public without needing to have an IPCS Account with the Provider;
 - (2) Via the Provider's online or mobile application, if Consumers use that application to create an IPCS Account with the Provider; and
 - (3) On paper, upon request of the Consumer.
- (e) Billing Statements and Statements of Account
 - (1) Providers must make available Billing Statements and Statements of Account to all IPCS Account holders on a monthly basis via:
 - (i) The Provider's website;
 - (ii) The Provider's online or mobile application; or
 - (iii) On paper, upon request of the Consumer.
 - (2) Billing Statements and Statements of Account shall include:
 - (i) The amount of any deposits to the account;
 - (ii) The duration of any calls and communications for which a charge is assessed; and
 - (iii) The balance remaining in the IPCS Account after the deduction of those charges.
- (f) All disclosures made pursuant to this section, and §§ 64.6130 and 64.6140 shall be clear, accurate, and conspicuous, and shall be available in accessible formats for people with disabilities.
- (g) Paragraph (b) of this section shall cease to be effective upon the individual compliance dates prescribed in the revisions to § 64.6010 and the addition of § 64.6015.

Waiver Process Reporting Requirements (§ 64.6120)

Background. In the 2024 IPCS Order, the Commission adopted the waiver process

previously adopted by the Commission in the *2021 ICS Order*, but with modifications.³² The modifications reflect the Commission's expanded authority under the Martha Wright-Reed Act to regulate rates and charges for intrastate IPCS and various advanced communications services, including video services and providers that offer them, in addition to the interstate and international services that previously were covered by the Commission's IPCS rules.³³ The Commission stated that the revised waiver process "[w]ill ensure that IPCS providers that may face unusually high costs to serve a particular facility or set of facilities covered by a contract will have the opportunity to demonstrate that those costs are, indeed, used and useful costs in their provision of IPCS and are therefore recoverable."³⁴

Among other changes, the Commission required an IPCS provider filing a petition for waiver to clearly demonstrate that good cause exists for waiving the Commission's rate caps or other rules at a given facility or group of facilities, or under a particular contract, and that strict compliance with these caps would be inconsistent with the public interest, as set forth in the rules.³⁵

Section 64.6120:

- (a) A Provider may seek a waiver of the rate caps established in § 64.6010 of this chapter on a Correctional Facility or contract basis if the applicable rate caps prevent the Provider from recovering the costs of providing Incarcerated People's Communications Services at a Correctional Facility or at the Correctional Facilities covered by a contract.
- (b) At a minimum, a Provider seeking such a waiver must submit:
 - (1) The Provider's total company costs, including the nonrecurring costs of the assets it uses to provide Incarcerated People's Communications Services, and its recurring operating expenses for these services at the Correctional Facility or under the contract;
 - (2) The methods the Provider used to identify its direct costs of providing Incarcerated People's Communications Services, to allocate its indirect costs between its Incarcerated People's Communications Services and other operations, and to assign its direct costs to and allocate its indirect costs among its Incarcerated People's Communications Services contracts and Correctional Facilities;
 - (3) The Provider's demand for Incarcerated People's Communications Services at the Correctional Facility or at each Correctional Facility covered by the contract;
 - (4) The revenue or other compensation the Provider receives from the provision of Incarcerated People's Communications Services at the Correctional Facility or at each Correctional Facility covered by the contract;
 - (5) A complete and unredacted copy of the contract for the Correctional Facility or Correctional Facilities, and any amendments to such contract;
 - (6) Copies of the initial request for proposals and any amendments thereto, the Provider's bid in response to that request, and responses to any amendments (or a statement that the Provider no longer has access to those documents because they were executed prior to the effective date of this rule);

³² *2024 IPCS Order* at 250-52, paras. 475-78; *2021 ICS Order*, 36 FCC Rcd at 9593-96, paras. 169-75 (describing the Commission's previous waiver process).

³³ *2024 IPCS Order* at 248, para. 475.

³⁴ *Id.*

³⁵ *2024 IPCS Order* at 252-53, para. 480.

(7) A written explanation of how and why the circumstances associated with that Correctional Facility or contract differ from the circumstances at similar Correctional Facilities the Provider serves, and from other Correctional Facilities covered by the same contract, if applicable; and

(8) An attestation from a company officer with knowledge of the underlying information that all of the information the Provider submits in support of its waiver request is complete and correct.

(c) A Provider seeking a waiver pursuant to section 64.6120(a) must provide any additional information requested by the Commission during the course of its review.

Previously-Approved Requirements:

Communications Access for Incarcerated People with Communication Disabilities (§ 64.6040(c)):

Background. In the 2022 ICS Order, the Commission adopted several requirements designed to improve access to communications services for incarcerated people with communication disabilities.³⁶ Specifically, the Commission added section 64.6040(c), as set forth below.³⁷

Section 64.6040(c):

(c) 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.

In this submission, we request that OMB renew its prior approval of the paperwork burdens associated with section 64.6040(c), using the burden estimates set forth in this Supporting Statement.

Annual Reporting and Certification Requirements (§ 64.6060)

Background. Since 2013, the Commission has required providers of communications service to incarcerated people to file certain pricing and related data and information annually to promote

³⁶ See, e.g., 2022 ICS Order at 11923-24, para. 51. The rules adopted in the 2022 ICS Order did not become effective in time to implement changes to the 2023 Annual Report and Certifications.

³⁷ OMB approved the burden estimate for this section in December 2023. See Inmate Calling Services (ICS) Provider Annual Reporting, Certification, and Other Requirements, OMB Control No. 3060-1222, Notice of Approval (Dec. 4, 2023).

transparency and heighten providers' accountability.³⁸ These annual reports enable the Commission and the public to monitor pricing practices and trends in the IPCS marketplace generally. Pursuant to the Commission's rules, ICS providers must file annual reports and certifications by April 1 of each year.³⁹ The reports contain information and data about the services provided for the preceding calendar year, and an officer or director of the provider must certify that the information and data are accurate and complete.

The Commission first adopted annual reporting and certification requirements for providers in its *2013 ICS Order*.⁴⁰ The Commission subsequently included additional reporting requirements relevant to industry oversight in 2015,⁴¹ and further amended its rules in 2022 to require data concerning various services for individuals with disabilities.⁴²

In the *2023 IPCS Order*, the Commission reaffirmed and updated its prior delegation of authority to WCB and CGB "to modify, supplement, and update [the annual reporting] instructions and . . . template as appropriate to supplement the information [it would] be receiving in response to the Mandatory Data Collection."⁴³ In the accompanying *2023 IPCS Notice*, the Commission asked what rule changes or new rules would be necessary to effectuate the Martha Wright-Reed Act.⁴⁴

In the *August 3, 2023 IPCS Public Notice*, WCB and CGB sought comment on proposed revisions to the instructions and templates for the annual reports and annual certifications to implement the Martha Wright-Reed Act and reflect the changes that were adopted in the *2022 ICS Order*.⁴⁵ Commenters generally supported the Commission's efforts to track trends in the IPCS marketplace as long as the reporting requirements were not unduly burdensome. However, one commenter argued that it was premature to require reports on video and the expanded TRS obligations, because the Commission had not adopted video IPCS regulations, and the expanded TRS regulations had not yet gone into effect.⁴⁶

³⁸ *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 14107, 14169-70, paras. 116-17 (2013) (*2013 ICS Order*).

³⁹ 47 CFR § 64.6060.

⁴⁰ See *2013 IPCS Order* at 14169-70, paras. 116-17.

⁴¹ *2015 ICS Order*, 30 FCC Rcd at 12891-92, para. 267. See ICS Annual Reporting Form Word Template (Appendix A) (Current), WC Docket No. 12-375 <https://www.fcc.gov/general/ics-data-collections> (last visited XX) (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 XX) (Excel Template); ICS Annual Reporting and Certification Instructions (Current), WC Docket No. 12-375, <https://www.fcc.gov/general/ics-data-collections> (last visited XX) (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 XX) (Certification Form).

⁴² *2022 ICS Order*, 37 FCC Rcd at 11922-23, paras. 47-49.

⁴³ *2023 IPCS Order*, 38 FCC Rcd at 2702, para. 86. The Word and Excel templates are FCC Form 2301(a), and the certification is FCC Form 2301(b). *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Order, 37 FCC Rcd 7558, 7558, para. 2 (WCB 2022). The Commission also "delegate[d] to WCB and CGB the authority to conduct the requisite Paperwork Reduction Act analysis for any changes to the annual report requirements that were implemented pursuant to [the *2023 IPCS Order*]." *2023 IPCS Order*, 38 FCC Rcd at 2702, para. 86.

⁴⁴ *2023 IPCS Notice*, 38 FCC Rcd at 2697-98, para. 73.

⁴⁵ *Wireline Competition Bureau and Consumer Governmental Affairs Bureau Seek Comment on Revisions to Providers' Annual Reporting and Certification Requirements*, WC Docket Nos. 23-62 and 12-375, Public Notice, DA 23-656, at 1 (WCB/CGB Aug. 3, 2023) (*August 3, 2023 IPCS Public Notice*) (proposing to require that IPCS providers' Annual Reports include information on video IPCS and the providers' compliance with expanded TRS obligations, among other information).

⁴⁶ Securus Technologies, LLC Reply to Proposed Revisions to the Annual Reporting Requirements, WC Docket Nos. 23-62 and 12-375, at 1-2 (rec. Sept. 25, 2023).

In the *2024 IPCS Order*, the Commission modified the scope and content of the requirements for the annual reports and certifications to reflect the Martha Wright-Reed Act's expansion of Commission authority over other communications services in carceral facilities to include video IPCS and certain other advanced communications services, as well as intrastate IPCS, and the providers that offer these services.⁴⁷ In the *September 11, 2024 IPCS Public Notice*,⁴⁸ WCB and CGB invited supplemental comment to refresh and expand upon the record developed in response to the *August 3, 2023 IPCS Public Notice*⁴⁹ to reflect the Commission's expanded jurisdiction and the reforms adopted in the *2024 IPCS Order*.⁵⁰

On January 8, 2025, the Bureaus released the *2025 Annual Reports Order*,⁵¹ in which it revised the instructions, reporting template (*i.e.*, FCC Form 2301(a)), and certification form (*i.e.*, FCC Form 2301(b)) for the Annual Reports that IPCS providers are required to submit.⁵² These revisions reflect the Commission's expanded authority under the Martha Wright-Reed Act,⁵³ as well as the proposals contained in the *August 3, 2023 Public Notice* and *September 11, 2024 Public Notice*,⁵⁴ with significant refinements and modifications made in response to comments in support of more streamlined, and therefore less burdensome reporting obligations. The revisions also reflect the reporting requirements proposed in the *August 3, 2023 Public Notice* regarding access to IPCS by persons with communication disabilities, including access to TRS.⁵⁵ Significantly, the revisions greatly streamline and simplify much of the rate reporting that had been proposed in the *August 3, 2023 Public Notice* and eliminate most of the reporting of site commissions and ancillary service charges that had been proposed in that *Notice*. In this submission, we only seek OMB approval of the paperwork burdens arising from the new rules addressing disability access, alternate pricing plans and inactive accounts, and the revisions to the consumer disclosure rules and waiver reporting requirements. We are addressing PRA approval of the paperwork burdens arising from the revisions to the annual reporting and certification rules separately.⁵⁶

We estimate that approximately 35 IPCS 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

⁴⁷ *2024 IPCS Order* at 296-30, paras. 565-70.

⁴⁸ See Wireline Competition Bureau and Consumer and Governmental Affairs Bureau Seek Additional Comment on Revisions to IPCS Providers' Annual Reporting and Certification Requirements, WC Docket Nos. 23-62 and 12-375, Public Notice, DA 24-918 (WCB Sept. 11, 2024) (*September 11, 2024 IPCS Public Notice*).

⁴⁹ See generally *August 3, 2023 IPCS Public Notice*.

⁵⁰ See generally *2024 IPCS Order*.

⁵¹ See *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 25-23 (rel. Jan. 8, 2025) (*2025 Annual Reports Order*).

⁵² *2025 Annual Reports Order*, *passim*.

⁵³ Martha Wright-Reed Just and Reasonable Communications Act of 2022, Pub. L. No. 117-338, 136 Stat. 6156 (2022); *2024 IPCS Order* at 296-98, paras. 569-72.

⁵⁴ *August 3, 2023 Public Notice*; *September 11, 2024 Public Notice*.

⁵⁵ See *2025 Annual Reports Order; Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Fourth Report and Order and Sixth Further Notice of Proposed Rulemaking, 37 FCC Rcd 11900, 11922-24, paras. 47-62 (2022) (*2022 ICS Order* or *2022 ICS Notice*); see *August 3, 2023 Public Notice*, 38 FCC Rcd at 6738 (describing proposed modifications to reporting obligations regarding disability access and related considerations).

⁵⁶ See *Incarcerated People's Communications Services (IPCS) Provider Annual Reporting, Certification, and Other Requirements*, 3060-1222, 90 FR 11415 (Mar. 6, 2025) (Annual Reporting and Certification 60-Day Notice).

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. Requiring providers to comply with the new and revised information requirements will help the Commission discharge its statutory mandates regarding IPCS.

3. The annual reports and certification portion of this collection involves the use of informational technology to permit the electronic submission of 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. The new and revised requirements will provide the Commission, its state counterparts, and the public with a more complete picture of IPCS providers' operations and will not unduly increase the burdens on IPCS providers.

5. Because the Commission requires all IPCS providers to comply with the information 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. 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 CFR § 1320.8(d), on October 25, 2024, the Commission published a 60-Day Notice in the Federal Register to solicit public comment on the foregoing requirements.⁵⁷ We received comments from two parties—Securus Technologies, LLC (Securus) and Global Tel*Link Corporation d/b/a ViaPath Technologies (ViaPath). Securus's comments address the rules regarding refunds for inactive IPCS accounts, disclosure rules pertaining to alternate pricing plans, requirements regarding the disclosure of international IPCS rate information, and the Commission's modifications to the waiver process in the *2024 IPCS Order*. ViaPath's comments address the Commission's requirements more generally, focusing on the burdens and costs associated with those requirements. We address these arguments below.

Burdens Associated with the Commission's New and Revised Requirements

Arguments. ViaPath argues that the Commission's estimate that it will take each IPCS provider between 5 and 240 hours to comply with the Commission's requirements "demonstrates the considerable burden associated with the requirements."⁵⁸ ViaPath also argues that the Commission's

⁵⁷ See Federal Communications Commission, Information Collection Being Reviewed by the Federal Communications Commission, 89 Fed. Reg. 85209 (Oct. 25, 2024) (*October 25, 2024 Federal Register Notice*).

⁵⁸ Global Tel*Link Corporation d/b/a ViaPath Technologies Paperwork Reduction Act Comments, WC Docket Nos. 23-62 and 12-375, at 3 (rec. Jan. 7, 2025) (ViaPath Comments).

estimate is “substantially understated.”⁵⁹ ViaPath notes that in 2023, “the Commission estimated IPCS providers would spend between 5 and 1,200 hours to respond to the annual reporting and certification, third party disclosure, and waiver request requirements.”⁶⁰ In contrast to the requirements under review at that time, the requirements now under review are “significantly more detailed” in ViaPath’s view.⁶¹ ViaPath also argues that there are less burdensome mechanisms to achieve the Commission’s goals.⁶² For example, ViaPath suggests that, in comparison to the revised consumer disclosure rules adopted in the *2024 IPCS Order*, the Commission’s IPCS rate caps, IPCS-related consumer disclosures, Truth-in-Billing rules, Internet-posting requirements, investigative authority, and complaint processes collectively “provide a reliable and much less burdensome way to facilitate transparency.”⁶³

Response. We are unpersuaded by ViaPath’s arguments regarding the burdens associated with the Commission’s new and revised information collection requirements. As an initial matter, we note that due to a typographical error in connection with the annual reporting, third-party disclosure, and waiver request requirements under review in 2023, the 30-Day Federal Register notice incorrectly specified that IPCS providers would spend between 5 and 1,200 hours to respond to those information collection requirements.⁶⁴ The previously approved time for compliance with those requirements should have read “5—120 hours” rather than “5—1,200 hours.” ViaPath’s comparison between the requirements under review in 2023 and the requirements now under review is thus far less persuasive given the lack of a significant disparity between the average number of hours the Commission has estimated it will take IPCS providers to comply with the Commission’s new and revised requirements here—between 5 and 240 hours—and those under review in 2023—between 5 and 120 hours. Additionally, while ViaPath argues that the “response time estimate is not realistic” and that it is “substantially understated,” ViaPath provides no additional support for these assertions.⁶⁵ The estimate that the Commission makes in this Supporting Statement shows an appropriate increase in total burden hours estimated for this collection and is reasonable given the expanded authority granted to the Commission by the Martha Wright-Reed Act. We are therefore unpersuaded that the Commission’s response time estimate has been understated or is otherwise inaccurate. Instead, we find that our current burden estimate accurately measures the average number of hours that it will take IPCS providers to comply with the information collection requirements now under review.

We also reject ViaPath’s suggestion that the existence of other disclosure rules aimed at increasing the transparency of IPCS providers’ operations to consumers should somehow bar the Commission from requiring additional disclosures or otherwise should foreclose adoption of the revised and expanded consumer disclosure rules at issue here.⁶⁶ The revised and expanded consumer disclosure rules adopted in the *2024 IPCS Order* are designed to “offer increased transparency and protection for consumers beyond those afforded by the Commission’s existing rules” while also “facilitating the monitoring and enforcement of [the Commission’s] rules to ensure just and reasonable IPCS rates and charges.”⁶⁷ Furthermore, the expanded consumer disclosure rules ensure that these rules “include all IPCS providers subject to [the Commission’s] expanded jurisdiction under the Martha Wright-Reed Act,

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.* at 4.

⁶³ *Id.* at 4-5.

⁶⁴ See Federal Communications Commission, Information Collection Being Submitted for Review and Approval to Office of Management and Budget, 88 Fed. Reg. 77315, 77316 (Nov. 9, 2023).

⁶⁵ ViaPath Comments at 3.

⁶⁶ *Id.* at 4-5.

including video IPCS and other advanced communications services.”⁶⁸ As such, the new rules complement the preexisting consumer disclosure rules consistent with the Commission’s authority to require increased transparency in connection with IPCS pursuant to section 276(b)(1)(A) of the Communications Act, as amended by the Martha Wright-Reed Act, and, to the extent interstate or international telecommunications services are involved, section 201(b) of the Communications Act.⁶⁹

Costs Associated with the Commission’s New and Revised Requirements

Arguments. OMB requires that agencies estimate both the “the total annual burden” and the “total annual cost” of their information collection requirements. In the 60-Day Notice, the Commission estimated that the total “annual burden” of the Commission’s new and revised information collection requirements applicable to IPCS would be 17,555 hours annually⁷⁰ and that there would be no “total annual cost” from those requirements.⁷¹ ViaPath challenges the latter estimate, arguing that “implementation of the information collection requirements will require substantial changes, reconfiguration, and reprogramming of IPCS provider systems, including updates to billing systems, back office functions, and websites.”⁷² ViaPath contends that the Commission’s cost estimate “ignores the significant costs associated with implementation of the information collection requirements as well as the costs related to ongoing compliance with the requirements.”⁷³

Response. ViaPath’s argument reflects a misunderstanding of the relationship between the Commission’s “total annual burden” and “total annual cost” estimates. The “total annual burden” figure provided in the 60-Day Notice reflects our estimate of the total number of work hours required to comply with the new and revised requirements of this information collection. In contrast, the “total annual cost” estimate provided in the 60-Day Notice reflects our estimate of any additional capital expenditures that IPCS providers will incur in complying with the information collection requirements beyond those they would incur in the normal course of business.⁷⁴ While IPCS providers may have to update their existing software or billing systems to comply with the Commission’s rules,⁷⁵ ViaPath makes no claim that any additional capital expenditures will be necessary. ViaPath’s comments therefore provide no basis for finding that the Commission’s cost estimates are “incorrect,” as ViaPath suggests.⁷⁶

Burdens Associated with Refund Rules for Inactive IPCS Accounts as Applied to Debit Accounts

⁶⁷ 2024 IPCS Order at 263, para. 502.

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ As explained below in Question 18, we have revised the total burden hour estimate from 17,555 to 15,175 hours (-2,380) based on our revised estimates for compliance with section 64.6120 waiver process and section 64.6040(f) information collection requirements. This new lower estimate is reflected in our 30-Day Notice.

⁷¹ Oct. 25, 2024 Federal Register Notice, 89 Fed. Reg. at 85210

⁷² ViaPath Comments at 4.

⁷³ *Id.*

⁷⁴ See *infra* Question 13.

⁷⁵ ViaPath Comments at 4 (noting the need to update existing systems); Securus Technologies, LLC Comments, WC Docket Nos. 23-62 and 12-375, at 2 (rec. Jan. 7, 2025) (Securus Comments) (asserting that IPCS providers will have “to substantially revamp internal systems” to comply with the rules adopted in the 2024 IPCS Order).

⁷⁶ ViaPath Comments at 4.

Arguments. Securus challenges several aspects of the refund rules for inactive IPCS accounts that the Commission adopted in the *2024 IPCS Order* as those rules apply to debit accounts.⁷⁷ Securus seeks reversal of the refund rules that require: (1) automatic refunds for debit accounts after 180 days of continuous inactivity; (2) notification to debit account holders 60 days before the 180-day inactivity period expires; and (3) notification to debit account holders before issuing a refund of any unused balance in an IPCS account to determine whether the account holder wishes to close the account and receive a refund or keep the account open.⁷⁸ Securus asserts that these requirements “make no sense for debit accounts,”⁷⁹ because, “the incarcerated person is the account holder” and the accounts “may be managed by the correctional authority.”⁸⁰

Securus argues that the characteristics of debit accounts make them unsuitable for automatic refunds and associated notices because those accounts never become inactive while an individual is incarcerated.⁸¹ According to Securus, if there are unused amounts in debit accounts, those amounts are refunded to incarcerated persons once they are released or transferred.⁸² Securus asserts that, as a practical matter, “[a]ny refunded amount would have to be remitted to the incarcerated person’s commissary or trust accounts, over which IPCS providers have no control.”⁸³ As Securus explains, “IPCS providers have no mechanism to directly place funds into such accounts that are controlled by correctional authorities through contract with other third-party vendors.”⁸⁴ Furthermore, Securus argues that the requirements to provide notice to debit account holders prior to the expiration of the inactivity period and prior to issuing a refund are impractical in the case of debit accounts where the incarcerated person is the account holder because “Securus and other IPCS providers have limited ability to contact incarcerated persons.”⁸⁵

Response. Securus’s arguments against applying the Commission’s refund rules to debit accounts reflect a misunderstanding of the Commission’s rules. In the *2024 IPCS Order*, the Commission explained that its “permanent rules for the treatment of balances in inactive IPCS accounts apply to any type of account, that can be used to pay for IPCS, to the extent the provider or its affiliate controls the disposition of the funds in the account.”⁸⁶ Thus, the applicability of the inactive accounts rules “extends to all accounts administered by, or directly or indirectly controlled by a provider or an affiliate that can be used to pay IPCS rates or charges.”⁸⁷ Thus, the Commission’s inactive account rules, including the requirement to make automatic refunds, only apply to accounts *directly or indirectly controlled by a provider or an affiliate*. This language addresses Securus’s misplaced concerns over debit accounts.

⁷⁷ See *2024 IPCS Order* at 277-90, paras. 530-56; *id.* at 337-39, Appx. A, § 64.6130.

⁷⁸ Securus Comments at 14.

⁷⁹ *Id.* at 11. Securus distinguishes between prepaid IPCS accounts, which “are created by the friends and family of the incarcerated” person and for which the “friend or family member is the account holder,” and debit accounts, which “are established when a person arrives at the correctional facility and the account remains open and available until the person is released or transferred from that facility.” *Id.* at 10.

⁸⁰ *Id.* at 5.

⁸¹ *Id.* at 11.

⁸² *Id.*

⁸³ *Id.* at 12.

⁸⁴ *Id.*

⁸⁵ *Id.* at 13.

⁸⁶ *2024 IPCS Order* at 280, para. 535.

⁸⁷ *Id.* at 280, para. 536.

Securus's additional arguments are, in effect, arguments that the Commission improperly exercised its discretion or otherwise erred in adopting its permanent refund rules for inactive IPCS accounts.⁸⁸ These arguments have no bearing on OMB's review of the paperwork burdens associated with these rules and are essentially procedurally inappropriate requests to reconsider the rules themselves. In any event, Securus's argument that debit accounts never become "inactive" while an individual is incarcerated and, thus, the "concern animating the refund rule for prepaid accounts simply does not exist for debit accounts" is unpersuasive.⁸⁹ In adopting permanent rules addressing the treatment of unused funds in IPCS accounts, the Commission sought "to provide IPCS account holders with informational, procedural, and financial protections that help ensure that IPCS account holders are able to maintain control over the funds in their IPCS accounts and receive refunds of any unused funds in a timely manner," thereby removing "obstacles that, as a practical matter, have largely prevented account holders from receiving refunds of unused funds."⁹⁰ While accounts that never expire "in theory preserve the value of consumers' deposits, the longevity of these accounts is of no practical use to account holders if they are not aware that refunds are available."⁹¹ Indeed, as Securus notes, funds may sit in debit accounts "without being used for long periods of time."⁹² Absent the inactive account rules, including the rules that create paperwork burdens, the Commission would be unable to safeguard those funds. And "even in situations where account holders are aware of the availability of refunds, the [inactive account] rules . . . ensure that they have a mechanism enabling them to have the amounts in those accounts returned to them."⁹³ Together, the Commission's inactive account rules ensure that the funds deposited into an IPCS account, whether debit or prepaid, remain the property of the account holder and will be refunded to the account holder in appropriate circumstances.⁹⁴ This is not the appropriate forum for revisiting those rules.

Disclosures Related to Alternate Pricing Plans

Arguments. Securus argues that the disclosures required in connection with alternate pricing plans are overly burdensome and go "far beyond what is necessary" to keep consumers informed.⁹⁵ In Securus's view, the required disclosures, which include information regarding the rates, the breakeven point, and total cost of an alternate pricing plan, and which are required to be made at various points during a consumer's use of the plan are duplicative and unnecessary.⁹⁶ Securus also alleges that some of the required disclosures "suffer from ambiguities regarding what is required."⁹⁷ Rather than the current required disclosures, Securus proposes a narrower set of disclosures that would only be provided before the consumer enrolls in an alternate pricing plan and would also be readily available on the provider's website.⁹⁸

⁸⁸ We note that Securus did not seek reconsideration of Commission's permanent refund rules for inactive IPCS accounts or otherwise request that the Commission revisit those rules.

⁸⁹ Securus Comments at 11.

⁹⁰ *2024 IPCS Order* at 277, para. 530.

⁹¹ *Id.* at 284, para. 546.

⁹² Securus Comments at 5.

⁹³ *2024 IPCS Order* at 284-85, para. 546.

⁹⁴ *Id.* at 279, para. 534; *id.* at 337, Appx. A, § 64.6130(a).

⁹⁵ Securus Comments at 16.

⁹⁶ *See generally id.* at 16-20.

⁹⁷ *Id.* at 18.

⁹⁸ *Id.* at 22.

Response. Again, Securus’s arguments are, in effect, arguments that the Commission improperly exercised its discretion or otherwise erred in adopting its disclosure rules for alternate pricing plans. As such, those arguments go well beyond OMB’s review of the paperwork burdens associated with those rules.⁹⁹ In any event, Securus’s arguments are unpersuasive. In permitting IPCS providers to offer alternate pricing plans, the Commission acknowledged that such plans can provide meaningful benefits to IPCS consumers but that they may not be a good fit for every consumer.¹⁰⁰ In recognition of the benefits that alternate pricing plans may provide, the Commission permitted IPCS providers to offer them, subject to clearly defined guardrails to protect against potential abuse and higher prices.¹⁰¹ Among the guardrails the Commission adopted were disclosure requirements, that, after reviewing the record, the Commission concluded must be made at various points during the consumer’s use of and interaction with an alternate pricing plan, including pre-and post-enrollment.¹⁰² As the Commission explained, these disclosures, in conjunction with other safeguards, ensure that IPCS consumers have the information they need “to make informed choices and are protected from unjust and unreasonable rates and charges.”¹⁰³ While Securus criticizes the required disclosures as overly burdensome and/or duplicative and provides an alternative proposal that would scale back the disclosures, the required disclosures are embedded in the Commission’s rules and reflect the Commission’s balancing of competing consumer and provider interests. This is not the appropriate forum to revisit that balancing.

Disclosure of International IPCS Rate Information

Arguments. Securus asks the Commission “confirm that the disclosure of international charges required by section 64.6110(c) is satisfied by using average costs” for terminating international communications that the IPCS provider pays its underlying international service providers.¹⁰⁴ Securus explains that when the Commission first adopted rate caps for international calling services in 2021, the Commission “allowed providers to use and disclose on bills the average third-party pass-through termination costs.”¹⁰⁵ Securus contends that if the Commission’s intent was to require providers to use and disclose to consumers the actual international termination charge assessed for each individual IPCS call, the Commission should be required to amend its rules “to require only average international termination costs in order to comply with the PRA’s requirement for utilizing the least burdensome alternative.”¹⁰⁶

Response. In the *2024 IPCS Order*, the Commission declined to change its rules for international IPCS calls, including its rule for determining that amount providers may charge IPCS consumers for terminating international calls, as well as its rule for disclosing the amounts charged to consumers.¹⁰⁷ Therefore, the average international termination cost methodology for calculating international termination charges that the Commission adopted in 2021 remains in place, and the concern Securus raises regarding the paperwork burdens associated with an alternative method for calculating those charges should have no bearing on OMB’s review of the Commission’s rule for disclosing international

⁹⁹ We note that Securus did not seek reconsideration of Commission’s disclosure rules for alternate pricing plans or otherwise request that the Commission revisit those rules.

¹⁰⁰ *2024 IPCS Order* at 230, para. 428.

¹⁰¹ *Id.*

¹⁰² *See, e.g., id.* at 274, para. 512.

¹⁰³ *Id.* at 230, para. 428.

¹⁰⁴ Securus Comments at 24.

¹⁰⁵ *Id.* at 23-24.

¹⁰⁶ *Id.* at 24.

¹⁰⁷ *2024 IPCS Order*, at 250, para. 473.

termination charges provider.

Modifications to the Waiver Process

Arguments. Securus argues that the Commission’s modifications to the waiver process adopted in the 2024 IPCS Order preclude “providers from seeking to recover their costs of providing IPCS at the rate caps as long as they can earn a profit by providing services at other facilities or by offering other services.”¹⁰⁸ Securus further argues that the revised waiver process “jettisons” the Commission’s previous approach to waivers, which included a “facility-by-facility waiver process that enabled a provider to obtain a waiver due to the cost structure at a particular facility without regard to the cost structure of the overall contract in which that particular facility is included.”¹⁰⁹ Securus goes on to argue that the Commission’s waiver standard “is expressly endorsing cross-subsidization and effectively requires providers to operate services at facilities at a loss.”¹¹⁰ Securus suggests that the modified waiver process adopted in the 2024 IPCS Order be “overturned” and restored to comply with the Commission’s prior waiver process.

Response. Securus’s arguments are directed to the merits and effects of the Commission’s changes to its IPCS waiver process, rather than any ostensible paperwork burdens associated with those rule changes.¹¹¹ As such, those arguments should have no bearing on OMB’s review of the paperwork burdens associated with those rules. In any event, those changes reflect the Commission’s revision of its prior waiver process in light of the Martha Wright-Reed Act and the record before it. Securus’s proposal would effectively overturn the revised waiver process and would therefore be more naturally suited to a petition for reconsideration or rulemaking before the Commission than to OMB review of paperwork burdens under the PRA.¹¹²

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.¹¹³ 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.

¹⁰⁸ Securus Comments at 24.

¹⁰⁹ *Id.* at 24-25.

¹¹⁰ *Id.* at 25.

¹¹¹ *See, e.g., id.* (arguing that the “practical inability to obtain a waiver undercuts the Commission’s reliance on a waiver process to justify rate caps that . . . preclude cost recovery”).

¹¹² We note that Securus did not seek reconsideration of Commission’s revised waiver process or otherwise request that the Commission revisit that process. We further note that the Wireline Competition Bureau recently partially granted a waiver request sought by Securus. *See 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 24-1277 (WCB Dec. 19, 2024).

¹¹³ *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).

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.

New Information Requirements:

A. Communications access for Incarcerated People with disabilities.

Section 64.6040(f) Requirements:

(1) Number of respondents: Approximately 35.

(2) Frequency of response: Annually.

(3) Total number of responses annually: Approximately 35.

(4) Estimated Time per Response: 40 hours.

35 respondents x 40 hours per response x 1 response per year per respondent = 1,400hours.

(5) Total annual burden: Approximately **1,400 hours**.

The Commission estimates that approximately 35 providers will require approximately 80 hours of time to comply with the requirements of section 64.6040(f).

Approximately 35 respondents annually x 1 response annually x 40 hours per response = 1,400. hours.

(6) Total estimate of “in-house” cost to respondents: **\$91,672.**

(7) Explanation of the calculation:

The Commission estimates that respondents will use personnel comparable in pay to a GS 13/Step 5 employee earning \$65.48 per hour.

Thus, approximately 1,400 hours per year x \$65.48 = \$91,672.

B. Inactive Accounts Reporting Requirements (Section 64.6130).

(1) Number of respondents: Approximately 35.

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

(3) Total number of responses annually: Approximately 35.

(4) Estimated Time per Response: 100 hours.

35 respondents x 100 hours per response x 1 response per year per respondent = 3,500 hours.

- (5) Total annual burden: Approximately **3,500 hours**.

The Commission estimates that approximately 35 providers will require approximately 100 hours of time to comply with the requirements of section 64.6130(d), (e), (f), (h)-(k).

Approximately 35 respondents annually x 1 response annually x 100 hours per response = 3,500 hours).

- (6) Total estimate of “in-house” cost to respondents: **\$229,180**.

- (7) Explanation of the calculation:

The Commission estimates that respondents will use personnel comparable in pay to a GS 13/Step 5 employee earning \$65.48 per hour.

Thus, approximately 3,500 hours per year x \$65.48 = \$229,180.

C. Alternate Pricing Plan Reporting and Consumer Disclosure Requirements (Section 64.6140)

- (1) Number of respondents: Approximately 5.

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

- (3) Total number of responses annually: Approximately 5.

- (4) Estimated Time per Response: 200 hours.

5 respondents x 200 hours per response x 1 response per year per respondent = 1,000 hours.

- (5) Total annual burden: Approximately **1,000 hours**.

The Commission estimates that approximately 5 providers will require approximately 200 hours of time to comply with the requirements of section 64.6140(c), (d), (e)(2)-(4), (f)(2), (f)(4).

Approximately 5 respondents annually x 1 response annually x 200 hours per response = 1,000 hours).

- (6) Total estimate of “in-house” cost to respondents: **\$65,480**.

- (7) Explanation of the calculation:

The Commission estimates that respondents will use personnel comparable in pay to a GS 13/Step 5 employee earning \$65.48 per hour.

Thus, approximately 1,000 hours per year x \$65.48 = \$65,480.

Revised Information Requirements:

D. Consumer Disclosure Requirements (Section 64.6110)

- (1) Number of respondents: Approximately 35.
- (2) Frequency of response: Third-party disclosure requirement.
- (3) Total number of responses annually: Approximately 35.
- (4) Estimated Time per Response: 80 hours.

35 respondents x 80 hours per response x 1 response per year per respondent = 2,800 hours.

- (5) Total annual burden: Approximately **2,800 hours**.

The Commission estimates that approximately 35 providers will require approximately 80 hours of time to comply with this requirement.

Approximately 35 respondents annually x 1 response annually x 80 hours per response = 2,800 hours).

- (6) Total estimate of “in-house” cost to respondents: **\$183,344**.
- (7) Explanation of the calculation:

The Commission estimates that respondents will use personnel comparable in pay to a GS 13/Step 5 employee earning \$65.48 per hour.

Thus, approximately 2,800 hours per year x \$65.48 = \$183,344.

E. Waiver Process Requirements (Section 64.6120):

- (1) Number of respondents: Approximately 3 (filing a total of approximately 7 waiver requests per year).
- (2) Frequency of response: On occasion reporting requirement as requested by filer.
- (3) Total number of responses annually: Approximately 7.
- (4) Estimated Time per Response: 100 hours.

Approximately 7 responses x 100 hours per response = 700 hours

- (5) Total annual burden: Approximately **700 hours**.

The Commission estimates that respondents will file approximately 7 responses per year and that each filing will require approximately 100 hours to comply with the waiver reporting requirements.

- (6) Total estimate of “in-house” cost to respondents: **87,500**
- (7) Explanation of the calculation:

The Commission estimates that respondents will use 100 hours of professional personnel (rate of approximately \$125 per hour) to satisfy this waiver request requirement.

Thus, approximately 700 x hours per year x \$125 = \$87,500.

Previously Approved Information Requirements:

F. Communications Access for Incarcerated People with Communication Disabilities Requirements (Section 64.6040(c)):¹¹⁴

- (1) Number of respondents: Approximately 35.
- (2) Frequency of response: Annual.
- (3) Total number of responses annually: Approximately 35.
- (4) Estimated Time per Response: 40 hours.

35 respondents x 40 hours per response x 1 response per year per respondent = 1,400 hours.

- (5) Total annual burden: Approximately **1,400 hours**.

The Commission estimates that approximately 35 providers will require approximately 40 hours of time to comply with the requirements of section 64.6040(c).

Approximately 35 respondents annually x 1 response annually x 40 hours per response = 1,400 hours.

- (6) Total estimate of “in-house” cost to respondents: **\$91,672**.
- (7) Explanation of the calculation:

The Commission estimates that respondents will use personnel comparable in pay to a GS 13/Step 5 employee earning \$65.48 per hour.

Thus, approximately 1,400 hours per year x \$65.48 = \$91,672.

G. Annual Reporting and Certification Requirements (Section 64.6060):¹¹⁵

- (1) Number of respondents: Approximately 35.
- (2) Frequency of response: Annual.

¹¹⁴ OMB approved the burden estimate for this section in December 2023. See Inmate Calling Services (ICS) Provider Annual Reporting, Certification, and Other Requirements, OMB Control No. 3060-1222, Notice of Approval (Dec. 14, 2023).

¹¹⁵ OMB approved this burden estimate when this collection was revised in 2022, following adoption of the 2022 ICS Order. See Inmate Calling Services (ICS) Provider Annual Reporting, Certification, and Other Requirements, OMB Control No. 3060-1222, Notice of Action (Oct. 3, 2022). However, as noted above, the changes to section 64.6060(a)(5)-(7) have not yet been submitted to OMB for review under the PRA. When we submit those changes, we will also submit the changes to FCC Forms 2301(a) and 2301(b) adopted in the 2025 Annual Reports Order.

(3) Total number of responses annually: Approximately 35.

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

35 respondents x approximately 120 hours per response x 1 response per respondent = 4,200 hours.

(5) Total annual burden: **4,200 hours**.

The Commission estimates that approximate 35 providers will each require approximately 120 hours to comply with the reporting requirements.

(6) Total estimate of “in-house” costs to respondents: **\$275,016**.

(7) Explanation of calculation:

The Commission estimates that approximately 35 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 \$65.48 per hour.

Thus, 4,200 hours x \$65.48 per hour = \$275,016.

H. Certification of Information and Data in the Annual Reports:¹¹⁶

(1) Number of respondents: Approximately 35.

(2) Frequency of response: Annual.

(3) Total number of responses annually: Approximately 35.

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

35 respondents x 5 hours per response x 1 response per year per respondent = 175 hours.

(5) Total annual burden: Approximately **175 hours**.

The Commission estimates that approximately 35 ICS providers will require approximately 5 hours of time per annual filing.

Approximately 35 respondents annually x 1 response annually x 5 hours per response = 175 hours.

(6) Total estimate of “in-house” cost to respondents: **\$21,875**.

(7) Explanation of the calculation:

¹¹⁶ OMB approved this burden estimate when the collection was revised in 2022. See Inmate Calling Services (ICS) Provider Annual Reporting, Certification, and Other Requirements, OMB Control No. 3060-1222, Notice of Action (Nov. 3, 2022).

The Commission estimates that 35 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 175 hours per year x \$125 = \$21,875.

Total Annual Burden Hours:¹¹⁷

(a)	Section 64.6040(f) Reporting Requirements:	1,400 hours.
(b)	Inactive Accounts Reporting Requirements:	3,500 hours
(c)	Alternate Pricing Plans Reporting and Consumer Disclosure Requirements:	1,000 hours.
(d)	Consumer Disclosure Third-Party Disclosure Requirements:	2,800 hours.
(e)	Waiver Process Requirements:	700 hours.
(f)	Section 64.6040(c) Reporting Requirements:	1,400 hours.
(g)	Annual Reporting and Certification Requirements:	4,200 hours.
(h)	Certification of Data Reporting Requirements:	175 hours.

Total Respondents: 35.

Total Responses: 35 (annual reports and certifications) + 7 (waiver requests) + 5 (alternate pricing plans) = 47.

Total In-House Costs: \$91,672 + \$229,180 + \$65,480 + \$183,344 + \$87,500+ \$91,672 + \$275,016 + 21,875 = \$1,045,739.

Total Annual Burden Hours: 1,400 hours + 3,500 hours + 1,000 hours + 2,800 hours + 700 hours + 1,400 hours + 4,200 hours + 175 hours = 15,175 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 collection will not result in additional capital expenditures.

(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 IPCS 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 November 2023 submission to OMB, the Commission is reporting a program change/increase to this collection as a result of rule changes adopted in the *2024 IPCS Order*. In particular, the Commission: (1) added new rules addressing disability access, alternate pricing plans, and inactive accounts (+5,900 hours); and (2) revised its rules addressing, among other things, consumer disclosure and waiver reporting (+1,760 hours). In addition, the total number of respondents has increased from 30 to 35 due to the expansion of the Commission's jurisdiction under the Martha

¹¹⁷ We note that these burden estimates are averages.

Wright-Reed Act, which now includes additional video-only providers and advanced services such as video IPCS. The total number of annual responses increased from 33 to 47. Because of the increased number of IPCS providers and responses, the burden hours for the section 64.6040(c) information requirements and the annual reporting and certification information requirements have increased from 4,950 to 5,775 hours (+825 hours).

As a result of these changes, the total annual burden hours have increased from 6,690 burden hours to 15,175 burden hours (+8,485) (5,900 hours + 1,760 hours + 825 hours).

No adjustments are being reported to this collection.

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. Since the October 24, 2024 60-Day Notice, the Commission has revised the burden hour estimate for complying with the waiver process reporting information collection requirements from 240 hours per respondent to 100 hours per respondent (-140) given the narrower focus of the revised waiver procedure. In addition, the Commission has revised the burden hour estimate for compliance with the section 64.6040(f) information collection requirements from 80 hours to 40 hours (-40) to bring it into line with the Commission's previously approved burden hour estimate for a related compliance obligation in section 64.6040(c). As a result, the total burden hour estimate for this collection is now 15,175 hours, 2,380 hours less than the 17,555 total burden hours estimated in the *2024 60-Day Notice*.

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.