Incarcerated People's Communications Services (IPCS) Provider Annual Reporting, Certification, and Other Requirements
WC Docket Nos. 23-62, 12-375

3060-1222
November 2025

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.

Justification

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

1. This supporting statement seeks OMB approval of the paperwork burdens associated with the alternate pricing plan 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). That Act 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 Act also amends section 2(b) of the Communications Act of 1934, as amended, 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 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 or the jurisdictional character of those services, and significantly lowered the IPCS rates that incarcerated people and their loved ones will pay.[4] The reforms addressed six major rulemaking areas that implicate the Paperwork Reduction Act (PRA): alternate pricing plans, annual reports and certifications, disability access, inactive accounts, consumers disclosure, and waiver requests. This supporting statement seeks OMB approval, for a full three-year term, of the paperwork burdens associated with the alternate pricing plan rules that the Commission adopted in the *2024 IPCS Order*.[5]

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[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, 39 FCC Rcd 7647 (2024) (*2024 IPCS Order*).

[5] The Commission previously sought OMB approval of these paperwork burdens, along with the burdens associated with the revised disability access, inactive account, consumer disclosure, and waiver rules adopted in the *2024 IPCS Order*. On July 7, 2025, OMB granted the Commission's request to withdraw that prior request for OMB approval, *see* OMB, *Incarcerated People's Communications Services (IPCS) Provider Annual Reporting, Certification, and Other Requirements*, Notice of Office of Management Budget Action (July 8, 2025), available at https://www.reginfo.gov/public/do/PRAOMBHistory?ombControlNumber=3060-1222#. While we are not at this time renewing our request regarding the revised disability access, inactive account, consumer disclosure, and waiver request rules, we do seek renewal for a full three-year term of the IPCS-related information collections that OMB approved on July 25, 2025. *See* OMB, *Incarcerated People's Communications Services (IPCS) Provider Annual Reporting, Certification, and Other Requirements*, Notice of Office of Management Budget Action (Sept. 8, 2025),

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

Background. The Commission has traditionally required IPCS providers to price their interstate and international audio IPCS on a per-minute basis.[6] 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.[7] 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."[8] 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.[9]

In recognition of the pro-consumer benefits of allowing more flexible pricing programs,[10] 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 ensure that IPCS consumers are protected.[11] 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.[12]

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:

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available at https://www.reginfo.gov/public/do/PRAOMBHistory?ombControlNumber=3060-1222#.

[6] *2024 IPCS Order*, 39 FCC Rcd at 7875-76, para. 427; *see* 47 CFR §§ 64.6010(a), 64.6080, 64.6090 (2023).

[7] *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*, 39 FCC Rcd at 7666-67, para. 31.

[8] *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 Order* or *2021 ICS Notice*).

[9] *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, 11959-63, paras. 148-60 (2022) (*2022 ICS Order* or 2022 ICS Notice); Incarcerated People's Communications Services; Implementation of the Martha Wright-Reed Act; Rates for Interstate Inmate Calling Services, WC Docket Nos. 23-62 and 12-375, Notice of Proposed Rulemaking and Order, 38 FCC Rcd 2669, 2687-88, paras. 45-46. (2023) (*2023 IPCS Order* or *2023 IPCS Notice*).

[10] *2024 IPCS Order*, 39 FCC Rcd at 7876, para. 428.

[11] *Id.* at 7649-50, 7875-95, paras. 2, 3, 427-71.

[12] *See, e.g.*, *id.* at 7649-50, 7887-91, 7895, 7917-23, paras. 2, 3, 452, 455, 460, 471, 518-29 (detailing consumer disclosure rules for alternate pricing plans).

(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.

(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.*

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(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.

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(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.

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 U.S.C. §§ 151, 152, 154(i)-(j), 155(c), 201(b), 218, 220, 225, 255, 276, 403, and 617, and the Martha Wright-Reed Just and Reasonable Communications Act of 2022, Pub. L. No. 117-338, 136 Stat. 6156 (2022).

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

2. The information collection requirements set forth below will help ensure that IPCS consumers have the information they need to make informed decisions about their IPCS usage and that the Commission will have access to the information it needs to monitor any alternate pricing plan that IPCS providers choose to offer, while minimizing the burden on providers.

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 3 above. The alternate pricing plan requirements will provide the Commission, its state counterparts, IPCS consumers, and the public with a full picture of IPCS providers' alternate pricing plans without imposing undue 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 its IPCS-related information collection requirements are competitively

neutral and not unduly burdensome for any set of providers.

6. Collecting the information on a less frequent basis, or not at all, would undermine the Commission's efforts to ensure that 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 practices regarding alternate pricing plans. Not requiring providers to disclose those rates and practices 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.[13] 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 disclosure rules pertaining to alternate pricing plans, among other information collections adopted 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.

On April 1, 2025, the Commission published a 30-Day Notice in the Federal Register to solicit additional public comment on the information collections described above.[14] We received a single comment, from Securus, that contends that the Supporting Statement the Commission submitted to OMB in connection with the 30-Day Notice underestimates the costs and burdens of the information collection requirements before OMB for review and that those requirements otherwise violate the PRA.[15]

Below, we address Securus's and ViaPath's arguments to the extent they relate to alternate pricing plans.

The Commission's Burden Hours Estimates

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."[16] ViaPath also argues that the Commission's estimate is "substantially understated."[17] 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."[18] In contrast to the requirements under review at that time, the requirements now under review are "significantly more detailed" in ViaPath's view.[19] ViaPath also argues that there are less burdensome mechanisms to achieve the Commission's goals.[20] Securus adds that given the multiple disclosures required by the alternate pricing plan rules, the Commission's burden

[13] *See* Federal Communications Commission, Information Collection Being Reviewed by the Federal Communications Commission, 89 Fed. Reg. 85209 (Oct. 25, 2024) (60-Day Notice).

[14] Federal Communications Commission, Information Collections Being Submitted for Review and Approval to Office of Management and Budget, 90 Fed. Reg. 14370 (Apr. 1, 2025) (30-Day Notice).

[15] Securus Technologies, LLC Comments, WC Docket Nos. 23-62 and 12-375 (rec. Apr. 30, 2025) (Securus April 30, 2025 Comments).

[16] 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 January 7, 2025 Comments).

[17] *Id.*

[18] *Id.*

[19] *Id.*

[20] *Id.* at 4.

estimate of 200 hours per year for alternate pricing plans is "patently defective" and "woefully inadequate."[21]

Response. While we increase our burden estimates for alternate pricing plans in response to Securus's and ViaPath's comments, we are otherwise unpersuaded by their arguments regarding the burdens associated with the Commission's information collection requirements. As an initial matter, ViaPath's burden hour concern reflects a misunderstanding of the Commission's entries for "Estimated Time per Response" in its Federal Register notices. Instead of establishing a range, as ViaPath suggests, those entries reflect the portion of the data collection with the lowest annual burden hour estimate (five burden hours per respondent in both the 60-Day Notice and this Supporting Statement) and the portion of the data collection with the highest annual burden hour estimate (1,200 hours per respondent in the 60-Day Notice and 280 hours per respondent in this Supporting Statement). Thus, the "Estimated Time per Response" estimates apply to discrete parts of the collection and do not, as ViaPath suggests, provide a range for compliance burdens with all IPCS-related paperwork burdens, with some providers requiring only five hours and other providers requiring substantially more time.

Further, as we previously informed OMB, due to a typographical error, a 30-Day Notice from 2023 incorrectly specified an estimated time per response of "5—1,200 hours, rather than "5—120 hours."[22] 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 portion of the information collection with the highest annual burden hour estimate in the 60-Day Notice (5—240 hours) and the correct number of hours in the 30-Day Notice (5—120 hours, not 1,200).

As indicated above, after considering Securus's and ViaPath's comments, we find that our Supporting Statement as initially submitted to OMB likely understated the average annual burden hours associated with our alternate pricing plan rules.[23] We therefore increase our burden hour estimate for the information collection requirements associated with the alternate pricing rules from an average of 200 hours per year to an average of 280 hours per year.[24] With these changes, we find that our burden estimate accurately measures the average number of hours that it will take IPCS providers to comply with the alternate pricing plan 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.[25] In Securus's view, the required disclosures, which include information regarding the rates, the breakeven point, and the total cost of an alternate pricing plan, and which are required to be made at various points

[21] Securus April 30, 2025 Comments at 3-4.

[22] *See Incarcerated People's Communications Services (IPCS) Provider Annual Reporting, Certification, and Other Requirements*, Supporting Statement at 16 n.16 (July 2025), available at https://www.reginfo.gov/public/do/PRAOMBHistory?ombControlNumber=3060-1222#; 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).

[23] We note that our burden hour estimates are industry-wide averages. We would expect that the total response times of the two largest providers, Securus and ViaPath, would exceed any industry-wide average, regardless of the number of estimated hours.

[24] *See* Securus April 30, 2025 Comments at 3-4.

[25] Securus Technologies, LLC Comments, WC Docket Nos. 23-62 and 12-375, at 16 (rec. Jan. 7, 2025) (Securus January 7, 2025 Comments); *see also* Securus April 30, 2025 Comments at 7-9.

during a consumer's use of the plan are duplicative and unnecessary.[26] Securus also alleges that some of the required disclosures "suffer from ambiguities regarding what is required."[27] Rather than the 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.[28]

Response. 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 a review of the paperwork burdens associated with those rules.[29] 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.[30] 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.[31] Among the guardrails the Commission adopted were disclosure requirements, that, based on 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 disclosures.[32] 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."[33] 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 mandated by the Commission's rules and reflect the Commission's balancing of competing consumer and provider interests.[34] A review of paperwork burdens is not the appropriate forum to attempt to revisit that balancing. All parties, including Securus, have the option to petition the Commission to seek modification of these rules.

Securus asserts that the Supporting Statement as initially submitted to OMB did not address its concerns regarding the disclosure framework for alternate pricing plans or its alternative proposal for

[26] *See generally* Securus January 7, 2025 Comments at 16-20.

[27] *Id.* at 18.

[28] *Id.* at 22.

[29] We note that Securus did not present its current arguments regarding the Commission's alternate pricing plan rules in response to the public draft version of the *2024 IPCS Order* released three weeks prior to the Commission's vote, seek reconsideration of Commission's disclosure rules for alternate pricing plans, or otherwise request that the Commission revisit those rules.

[30] *2024 IPCS Order*, 39 FCC Rcd at 7876, para. 428.

[31] *Id*.

[32] *See, e.g., id.* at 7914, para. 512.

[33] *Id.* at 7876, para. 428.

[34] Securus's suggestion that the required disclosures must be tailored to each individual participant in an alternate pricing plan, *see* Securus April 30, 2025 Comments at 4, ignores the fact that many of the required disclosures (e.g., the rates, taxes, and fees) will be identical for all participants in any particular alternate pricing plan. Therefore, providers may, for example, use phone trees and website links in making these disclosures in some circumstances. *See id.* at 4-5 (listing the information that providers need to disclose to alternate pricing plan participants). We expect that, as telecom providers commonly do in non-carceral settings, IPCS providers can make use of these and other operational efficiencies to facilitate the required disclosures, which should help mitigate the ostensible burdens Securus identifies.

scaled-back disclosures.[35] We disagree.[36] While the Commission has discretion to consider scaling back the disclosure requirements as part of any future review of its IPCS rules and policies, this is not the appropriate forum in which to do so.

Number of Annual Responses for Alternate Pricing Plans

Arguments. Securus argues that the Supporting Statement as originally submitted to OMB incorrectly assumed that "only one annual response is required for obligations that require virtually daily disclosures to IPCS providers' hundreds or thousands of consumers."[37] Securus points out that the alternate pricing plan rules require each provider that chooses to offer an alternate pricing plan to disclose certain information to consumers on an ongoing basis, including before a consumer enrolls in an alternate pricing plan, upon the consumer's request, with each billing statement and related communication, at the beginning of each call, and on the provider's website, mobile application, or on paper if requested.[38] Securus contends that each of these disclosures should be counted as a separate response.[39]

Response. While certain IPCS rules, including the alternate pricing plan rules, impose broader recordkeeping and disclosure obligations on providers, treating those obligations and disclosures as one annual response per provider is consistent with OMB's PRA guidelines. Those guidelines distinguish among recordkeeping, third party disclosure, and reporting requirements and restrict reporting "to information collections that involve reporting to the Federal Government."[40] Those guidelines also instruct that "[f]or recordkeeping as compared to reporting activity, the number of respondents equals the number of recordkeepers."[41] Given these guidelines, the Supporting Statement should not count each separate consumer disclosure as a separate response.[42] We note, however, that our burden hour and annual cost estimates reflect the full range of recordkeeping and disclosure obligations that Securus highlights. And, as we note above, this Supporting Statement increases the annual burden hour estimate for this rule from 200 to 280 to ensure our estimate is sufficient to cover all recordkeeping duties imposed by the alternate pricing plan rules, on average for all IPCS providers. Our treatment of information collections that do not involve reporting to the federal government as requiring one response annually therefore should not affect OMB's decision whether those estimates are consistent with the PRA.

The Commission's Total Annual Cost Estimate Associated with Alternative Pricing Plan Rules

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[35] Securus April 30, 2025 Comments at 7.

[36] *See* April 2025 Supporting Statement, Incarcerated People's Communications Services (IPCS) Provider Annual Reporting, Certification, and Other Requirements, WC Docket Nos. 23-62, 12-375 at 20-21 (addressing the disclosure framework for alternate pricing plans).

[37] Securus April 30, 2025 Comments at 2-3.

[38] *Id.* at 4-6.

[39] *See id.* at 2-6.

[40] United States Office of Personnel Management, Paperwork Reduction Act (PRA) Guide, Version 2.0, at 33 (available at https://www.opm.gov/about-us/open-government/digital-government-strategy/fitara/paperwork-reduction-act-guide.pdf). Those guidelines define (1) recordkeeping as information collections that "explicitly require[] a person to maintain records that will not subsequently be submitted to the Federal Government" and (2) third party disclosure as information collections that "require[] a person to obtain or compile information for the purpose of disclosure to members of the public or the public at large, through posting, notification, labeling, or similar requirements." *Id.*

[41] Instructions for Requesting OMB Review Under the Paperwork Reduction Act," para. 13.b (available at https://www.opm.gov/forms/pdfimage/omb83ins.pdf).

[42] Securus April 30, 2025 Comments at 2.

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 information collection requirements associated with the alternate pricing plan rules and other rules adopted in the *2024 IPCS Order* would be 17,555 hours and that there would be no "total annual cost" from those requirements.[43] 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."[44] 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."[45]

Response. ViaPath's argument regarding the Commission's total annual cost estimate reflects a misunderstanding of the relationship between the Commission's "total annual burden" and "total annual cost" estimates. The "total annual burden" figures provided in the 60-Day Notice and this Supporting Statement estimate the total number of work hours required to comply with the new and revised requirements of this information collection, and includes the cost of employee wages.[46] In contrast, the "total annual cost" figures provided in the 60-Day Notice and this Supporting Statement estimate any additional capital expenditures or operations and maintenance costs that IPCS providers will incur in complying with the information collection requirements beyond those they would incur in the normal course of business.

While IPCS providers may have to update their existing software or billing systems to comply with the Commission's rules,[47] ViaPath makes no claim that it will incur any specific additional capital expenditures or operations and maintenance costs beyond those already accounted for in the burden hour estimates set forth in this statement. ViaPath's comments therefore provide no basis for finding that the Commission's cost estimates are "incorrect," as ViaPath suggests.[48]

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.[49] The Commission will treat as presumptively confidential any particular information identified as

[43] 60-Day Notice, 89 Fed. Reg. at 85210.

[44] ViaPath January 7, 2025 Comments at 4.

[45] *Id.*

[46] This total includes the work hours associated with any non-recurring activities needed to initially comply with the Commission's information collection requirements, as well as the work hours associated with any recurring activities needed to comply with those requirements on an ongoing basis.

[47] ViaPath January 7, 2025 Comments at 4 (noting the need to update existing systems); Securus January 7, 2025 Comments at 2 (asserting that IPCS providers will have "to substantially revamp internal systems" to comply with the rules adopted in the *2024 IPCS Order*).

[48] ViaPath January 7, 2025 Comments at 4. We have increased the labor cost estimates for compliance with our alternate pricing plan rules, certification, and waiver requirements and factored the result upward by 30% to account for overhead costs, in response to Securus's suggestion that we should revise the parallel estimate for compliance with our inactive account rules. *See* Securus April 30, 2025 Comments at 3.

[49] *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).

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.

New Information Collection Requirements:

a. Alternate Pricing Plan Recordkeeping and Third-Party 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: **280 hours**.

5 respondents x 280 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 5 providers will require approximately 280 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 280 hours per response = 1,400 hours).

(6) Total estimate of "in-house" cost to respondents: **$148,974 per year.**

(7) Explanation of the calculation:

We estimate that respondents will use a variety of in-house personnel whose pay is comparable to that for mid-level to senior-level federal employees. For mid-level employees, we estimate that respondents will use personnel comparable in pay to a GS 13/Step 5 employee earning $65.48 per hour. For some specialized functions, we estimate that respondents will use personnel comparable in pay to a GS 14/5 employee earning $77.38 per hour. For regulatory attorneys, we estimate that respondents will use personnel comparable in pay to a GS 15/Step 5 employee earning $91.02 per hour. For upper management to supervise and review the work performed by the foregoing employees, we estimate that respondents will use personnel comparable in pay to a GS 15/Step 10 employee earning $93.53 per hour.

The simple average of these hourly wages is $81.85. We add a 30% overhead factor ($24.66 = 0.30 x $81.85) to this amount to capture the full range of costs providers will incur in complying with this information collection requirement. Because we lack the

information that would allow us to quantify the extent to which providers will use employees in each of these hourly wage groups to comply with the section 64.6040(f) recordkeeping and disclosure requirements, we use the sum of these figures, $106.41 ($81.85 + $24.66), to estimate respondents' fully loaded per hour in-house costs.

Thus, approximately 1,400 hours per year x $106.41 per hour = $148,974 per year.

Previously-Approved Information Collection Requirements:

b. Reporting Requirement (Annual Reports) (Section 64.6060):

(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 **160 hours**.

35 respondents x approximately 160 hours per response x 1 response per respondent = 5,600 hours.

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

The Commission estimates that approximately 35 providers will on average require approximately 160 hours to comply with the reporting requirements.

(6) Total estimate of "in-house" costs to respondents: **$595,896**.

(7) Explanation of the calculation:

We estimate that respondents will use a variety of in-house personnel whose pay is comparable to that of mid-level to senior-level federal employees. For mid-level employees, we estimate that respondents will use personnel comparable in pay to a GS 13/Step 5 employee earning $65.48 per hour. For some specialized functions, we estimate that respondents will use personnel comparable in pay to a GS 14/5 employee earning $77.38 per hour. For regulatory attorneys, we estimate that respondents will use personnel comparable in pay to a GS 15/Step 5 employee earning $91.02 per hour. For upper management to supervise and review the work performed by the foregoing employees, we estimate that respondents will use personnel comparable in pay to a GS 15/Step 10 employee earning $93.53 per hour.

The simple average of these hourly wages is $81.85. We add a 30% overhead factor ($24.66 = 0.30 x $81.85) to this amount to capture the full range of costs providers will incur in complying with this information collection requirement. Because we lack the information that would allow us to quantify the extent to which providers will use employees in each of these hourly wage groups to comply with the section 64.6040(f) recordkeeping and disclosure requirements, we use the sum of these figures, $106.41 ($81.85 + $24.66), to estimate respondents' fully loaded per hour in-house costs.

Thus, approximately 5,600 hours per year x $106.41 per hour = $595,896 per year.

c. Certification of Information and Data in the Annual Reports (Section 64.6060):

(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 providers will on average require approximately 5 hours of time per annual filing. Although there are minor changes to the certification form, the burden per provider has not changed.

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

(6) Total estimate of "in-house" cost to respondents: **$28,437.50.**

(7) Explanation of the calculation:

The Commission estimates that 35 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. We add a 30% overhead factor ($37.50 = 0.30 x $125) to this amount to capture the full range of costs providers will incur in complying with this information collection requirement. We use the sum of $125 and $37.50 ($162.50) to estimate respondents' fully loaded per hour in-house costs.

Thus, approximately 175 hours per year x $162.50 = $28,437.50.

d. Section 64.6040(c) Requirements:

(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 on average

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**:** **$148,974**.

(7) Explanation of the calculation:

We estimate that respondents will use a variety of in-house personnel whose pay is comparable to that of mid-level to senior-level federal employees. For mid-level employees, we estimate that respondents will use personnel comparable in pay to a GS 13/Step 5 employee earning $65.48 per hour. For some specialized functions, we estimate that respondents will use personnel comparable in pay to a GS 14/5 employee earning $77.38 per hour. For regulatory attorneys, we estimate that respondents will use personnel comparable in pay to a GS 15/Step 5 employee earning $91.02 per hour. For upper management to supervise and review the work performed by the foregoing employees, we estimate that respondents will use personnel comparable in pay to a GS 15/Step 10 employee earning $93.53 per hour.

The simple average of these hourly wages is $81.85. We add a 30% overhead factor ($24.66 = 0.30 x $81.85) to this amount to capture the full range of costs providers will incur in complying with this information collection requirement. Because we lack the information that would allow us to quantify the extent to which providers will use employees in each of these hourly wage groups to comply with the section 64.6040(f) recordkeeping and disclosure requirements, we use the sum of these figures, $106.41 ($81.85 + $24.66), to estimate respondents' fully loaded per hour in-house costs.

Thus, approximately 1,400 hours per year x $106.41 per hour = $148,974 per year.

e. Waiver Request Reporting Requirement (Section 64.6120):

(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 on average 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: **$39,000**.

(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. We add a 30% overhead factor ($37.50 = 0.30 x $125) to this amount to capture the full range of costs providers will incur in complying with this information collection requirement. We use the sum of $125 and $37.50 ($162.50) to estimate respondents' fully loaded per hour in-house costs.

Thus, 240 hours per year x $162.50 = $39,000.

f. Consumer Disclosure Requirement (Section 64.6110):

- Consumer Disclosure of Rates and Ancillary Service Charges:

(1) Number of respondents: Approximately 35.

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

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

(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 700 hours**.

We estimate that approximately 35 providers will require approximately 20 hours each to comply with this requirement.

Approximately 35 respondents x approximately 1 response per year per respondent x approximately 20 hours per response = Approximately 700 hours.

(5) Total estimate of "in-house" cost to respondents: **$74,487.**

(6) Explanation of the calculation:

We estimate that respondents will use a variety of in-house personnel whose pay is comparable to that of mid-level to senior-level federal employees. For mid-level employees, we estimate that respondents will use personnel comparable in pay to a GS 13/Step 5 employee earning $65.48 per hour. For some specialized functions, we estimate that respondents will use personnel comparable in pay to a GS 14/5 employee earning $77.38 per hour. For regulatory attorneys, we estimate that respondents will use personnel comparable in pay to a GS 15/Step 5 employee earning $91.02 per hour. For upper management to supervise and review the work performed by the foregoing employees, we estimate that respondents will use personnel comparable in pay to a GS 15/Step 10 employee earning $93.53 per hour.

The simple average of these hourly wages is $81.85. We add a 30% overhead factor ($24.66 = 0.30 x $81.85) to this amount to capture the full range of costs providers will incur in complying with this information collection requirement. Because we lack the information that would allow us to quantify the extent to which providers will use employees in each of these hourly wage groups to comply with the section 64.6040(f) recordkeeping and disclosure requirements, we use the sum of these figures, $106.41 ($81.85 + $24.66), to estimate respondents' fully loaded per hour in-house costs.

Thus, approximately 700 hours per year x $106.41 per hour = $74,487 per year.

- Consumer Disclosure Billing Requirement:

  (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: Approximately **30 hours**.

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

  (5) Total annual burden: **Approximately 1,050 hours**.

  The Commission estimates that approximately 35 providers will require approximately 30 hours each to comply with this requirement.

  Approximately 35 respondents x approximately 1 response per year per respondent x approximately 30 hours per response = approximately 1,050 hours.

  (6) Total estimate of "in-house" cost to respondents = **$111,730.50.**

  (7) Explanation of this calculation:

  We estimate that respondents will use a variety of in-house personnel whose pay is comparable to that of mid-level to senior-level federal employees. For mid-level employees, we estimate that respondents will use personnel comparable in pay to a GS 13/Step 5 employee earning $65.48 per hour. For some specialized functions, we estimate that respondents will use personnel comparable in pay to a GS 14/5 employee earning $77.38 per hour. For regulatory attorneys, we estimate that respondents will use personnel comparable in pay to a GS 15/Step 5 employee earning $91.02 per hour. For upper management to supervise and review the work performed by the foregoing employees, we estimate that respondents will use personnel comparable in pay to a GS 15/Step 10 employee earning $93.53 per hour.

  The simple average of these hourly wages is $81.85. We add a 30% overhead factor ($24.66 = 0.30 x $81.85) to this amount to capture the full range of costs providers will incur in complying with this information collection requirement. Because we lack the information that would allow us to quantify the extent to which providers will use employees in each of these hourly wage groups to comply with the section 64.6040(f) recordkeeping and disclosure requirements, we use the sum of these figures, $106.41 ($81.85 + $24.66), to estimate respondents' fully loaded per hour in-house costs.

  Thus, approximately 1,050 hours per year x $106.41 per hour = $11,730.50 per year.

Total Annual Burden Hours:

(a) Alternate Pricing Plans 1,400

(b)	Reporting Requirement (Annual Reports):	5,600
(c)	Certification Requirement:	175
(d)	Section 64.6040(c) Requirements:	1,400
(e)	Waiver Request Reporting Requirement:	240
(f)	Consumer Disclosure Requirements:	
	- Disclosure of Interstate, Intrastate, and International Rates and Ancillary Service Charges:	700
	- Consumer Disclosure Billing Requirement:	1,050
	Total Hours:	**10,565.**

Total Respondents: 35.
Total Responses: 35 + 5 + 3 = 43.
Total In-House Costs: $148,974 + $595,896 + $28,437.50 + 148,974 + $39,000 + $74,487 + $111,730.50 = $1,147,499.
Total Annual Burden Hours: 1,400 + 5,600 + 175 + 700 + 1,050 +240 +1,400 = 10,565.

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 such as computers or software.

(b) Total operation and maintenance and purchase of services component: **$0**. All respondents will file reports and certifications annually via the Commission's Electronic Comment Filing System, so operation and maintenance costs will be limited to costs incurred in the normal course of doing business, such as internet access.

(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. The Commission is reporting program changes/increases to this collection given the expansion of the Commission's jurisdiction under the Martha Wright-Reed Act to include advanced services, such as video IPCS. Consistent with this expanded jurisdiction, the Commission applied its alternate pricing plan rules to all IPCS providers, including providers of video IPCS and advanced communications services not previously subject to the Commission's jurisdiction. As a result of the new alternate pricing plan information collection requirements contained in FCC 24-75, the total annual responses increased from 38 to 43 (+5) and the total annual burden hours increased from 9,165 to 10,565 (+1,400). The total number of respondents remain the same.

No adjustments are being reported in this submission to OMB.

16. The Commission does not anticipate publishing any of the information collected. Rather,

non-confidential portions of 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 Commission is reporting an exception to the Certification Statement. When the 60-day notice was published in the Federal Register on October 25, 2024 (89 FR 85209), it stated the total annual responses as 47 responses rather than 43 responses since it sought comment on different rule sections with different information collection burdens. The correct total annual responses are 43 responses as reflected in this submission to OMB.

There are no other exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

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