

SUPPORTING STATEMENT

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

A. Justification:

Circumstances that make the collection necessary:

1. On November 6, 2025, the Commission released the *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, Further Notice of Proposed Rulemaking, FCC 25-75, 90 FR 56013 (Order) and 90 FR 56115 (Further Notice of Proposed Rule Making or Notice), in which it established a regulatory framework to implement the Martha Wright-Reed Just and Reasonable Communications Act of 2022, Pub. L. No. 117-338, 136 Stat. 6156 (the Martha Wright-Reed Act or the Act) and is also consistent with the record that has developed since its enactment. The Order created a durable, predictable, and lawful framework that properly balances the Commission's implementation of the dual statutory mandates of the Martha Wright-Reed Act—just and reasonable rates for consumers and fair compensation for providers—and thereby ensures the continued availability of IPCS to incarcerated people and preserves correctional officials' ability to provide safe and secure access to IPCS.

To ensure that it has the data needed to meet its substantive and procedural responsibilities under the Act, the Commission reaffirmed its prior delegation of authority to the Wireline Competition Bureau (WCB) and the Office of Economics and Analytics (OEA) (collectively, WCB/OEA) to conduct an additional data collection to enable the Commission to set permanent rate caps for both audio and video IPCS.¹ The Commission reiterated its delegation of authority to WCB and OEA to "make any appropriate modifications to the structure of the collection and the template and instructions for the collection necessary to provide the Commission an objective basis to establish permanent IPCS rate caps."²

¹ *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, Notice of Proposed Rulemaking, 40 FCC Rcd 9365, 9404, para. 81 (2025).

² *Id.*

Pursuant to their delegated authority, WCB and OEA drafted proposed instructions, a spreadsheet template, a word document template, and a certification form for the proposed 2026 Mandatory Data Collection, which collectively reduced significantly the reporting burdens of the data collection.³ On June 8, 2026, WCB and OEA released the *2026 IPCS Mandatory Data Collection Public Notice*, seeking comment on all aspects of the proposed instructions, templates, and certification form.⁴ In the *2026 IPCS Mandatory Data Collection Public Notice*, WCB and OEA proposed retaining the overall structure of the two previous collections but reducing the scope of the data collection by eliminating most reporting of site commissions, safety and security measure category costs, and ancillary service costs at the company-wide and facility levels.

We estimate that approximately 30 IPCS providers will submit responses to the 2026 Mandatory Data Collection, consisting of the templates; an audited financial statement or report for Calendar Year 2025; and a signed certification of truthfulness, accuracy, and completeness.

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 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 collection requirements set forth below will ensure that the Commission has access to the data it needs to fulfill its statutory and regulatory responsibilities under the Martha Wright-Reed Act and the Communications Act, while reducing reporting burdens on IPCS providers.

The use of standardized templates will minimize the burden on IPCS providers. In addition, the specific information WCB and OEA propose to collect, and the related instructions (including those relating to cost allocation) parallel in many respects the information collected by, and the instructions for, the 2023 Mandatory Data Collection, although with significantly reduced reporting burdens, including the elimination of certain data spreadsheets and the streamlining of others. Accordingly, IPCS providers subject to this data collection have had experience responding to similar information collection requirements.

³ Based on the Commission's experience with previous Mandatory Data Collections in this proceeding, detailed and specific instructions and templates are essential to ensure that providers use comparable procedures to determine and report their costs, revenues, and other data.

⁴ *Wireline Competition Bureau and Office of Economics and Analytics Seek Comment on Proposed 2026 Mandatory Data Collection for Incarcerated People's Communications Services*, WC Docket Nos. 23-62, 12-375, Public Notice, DA 26-567 (WCB/OEA June 9, 2026) (*2026 IPCS Mandatory Data Collection Public Notice*).

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

3. WCB and OEA have developed instructions aimed at simplifying compliance with, and reducing the burden of, the data collection, as well as standardized templates and a certification form for the submission of responses. IPCS providers must file their responses electronically via the Commission's Electronic Comment Filing System.

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

5. Because all IPCS providers will be required to comply with the 2026 Mandatory Data Collection, the collection will affect smaller as well as larger IPCS providers. The Commission has taken steps to ensure that the data collection templates are competitively neutral and not unduly burdensome for any set of providers.

6. This proposed 2026 Mandatory Data Collection is a one-time request and does not impose a recurring obligation on providers. Not conducting the data collection would impede the Commission's ability to set permanent rates, depriving the Commission of the detailed, industry-wide, data necessary to ensure that the rates and charges for all forms of IPCS—whether audio or video, or intrastate, interstate or international—are just and reasonable and that IPCS providers are fairly compensated. The information will also provide incarcerated people, their families, their representatives, and the general public with access to information affecting the provision of IPCS.

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

8. Pursuant to 5 C.F.R. § 1320.8(d), the Commission published a 60-day Notice in the Federal Register to solicit public comment on the requirements described below on June 25, 2026 (91 FR 38435 (2026)). The Commission received a single comment in response to this request for comments, submitted by Global Tel*Link Corporation d/b/a ViaPath Technologies (ViaPath).⁵

ViaPath asserts that the estimate that it will take each IPCS provider 165 hours to comply with the information collection requirements is substantially understated.⁶ ViaPath argues that even if it took only one hour per facility to collect, compile, and report in the multiple data categories, ViaPath would far exceed these estimates because it serves more than 1,000

⁵ Global Tel*Link Corporation d/b/a ViaPath Technologies Comments, WC Docket Nos. 23-62 and 12-375, at 1 (rec. Aug. 24, 2026) (ViaPath PRA Comments).

⁶ *Id.* at 4.

individual facilities across the United States.⁷ The burden estimates are average estimates across the entire IPCS industry, including smaller IPCS providers, many of which may take less than the Commission's estimated burden hour to comply. Although we acknowledge that a large provider like ViaPath may take more hours to comply with the Mandatory Data Collection than the average estimate, ViaPath is also more likely to have automated internal accounting systems that will lessen the reporting burden. Further, the Commission's streamlined data collection will substantially lessen the burden on providers to complete the reporting requirements.

ViaPath also advocates in favor of collecting contract-based data instead of facility-level data,⁸ advocacy ViaPath has made with regard to previous mandatory data collections.⁹ The WCB and OEA found ViaPath's arguments unpersuasive in the *Third MDC Order*,¹⁰ a finding we reaffirm today, particularly in light of the Martha Wright-Reed Act's direction to the Commission to consider cost differences at the facility level.¹¹ Our decision to require facility-level reporting in addition to contract-level reporting is a direct response to the Commission's directives to avoid a repeat of the problems that affected prior data collections.¹²

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

10. The *IPCS Protective Order* in the Commission's IPCS proceeding provides confidential treatment for the proprietary information submitted by IPCS providers in response to the Commission's directives.¹³ The Commission will treat as presumptively confidential any particular information identified as confidential by the provider in accordance with the Freedom of Information Act and Commission rules. Each confidential document should be stamped and submitted to the Secretary's Office with an accompanying cover letter, as specified by the *IPCS Protective Order*. This is standard practice when the Commission seeks competitively sensitive information for ratemaking or other purposes.

⁷ *Id.*

⁸ *Id.* at 5 (arguing, *inter alia*, that IPCS providers maintain data on a contract-by-contract basis, not at the facility level, and that facility level allocation results in "artificial allocations" that do not inform the way costs are maintained in the normal course of business).

⁹ See, e.g., Global Tel*Link Corporation d/b/a ViaPath Technologies Comments, WC Docket No. 12-375, at 1 (rec. Nov. 4, 2021) (ViaPath Nov. 4, 2021 Comments).

¹⁰ *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Order, 37 FCC Rcd 368, 384-85, para. 43 (WCB/OEA 2022) (*Third MDC Order*).

¹¹ Martha Wright-Reed Act § 3(b)(2).

¹² See *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Order, 37 FCC Rcd 368, 384-85, para. 43 (WCB/OEA 2022).

¹³ *Incarcerated People's Communications Services; Implementation of the Martha Wright-Reed Act; Rates for Interstate Inmate Calling Services*, WC Docket Nos. 23-62, 12-375, Protective Order, 38 FCC Rcd 2498 (WCB 2023) (*IPCS Protective Order*).

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

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

a. Reporting Requirement:

(1) Number of respondents: Approximately 30.

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

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

(4) Estimated Time per Response: Approximately 160 hours.

Approximately 30 respondents x 160 hours per response x 1 response per respondent = 4,800 hours.

(5) Total burden: **4,800 hours.**

The Commission estimates that approximately 30 IPCS providers will average approximately 160 hours of reporting time to read the instructions, look through existing records, gather and maintain the required data, and complete and review the forms. This estimate also includes the time it will take each provider to: (a) submit audited financial statements or reports, or similar documentation, to the extent they have been produced in the ordinary course of business; (b) respond to any Commission requirement that the provider clarify or supplement its response to the data collection; and (c) keep all records necessary to implement this collection and make such records available to the Commission upon request.

(6) Total estimate of “in house” cost to respondents: **\$515,904.**

(7) Explanation of the calculation:

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

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 in the Washington, D.C. area earning \$66.14 per hour. For some specialized functions, we estimate that respondents will use personnel comparable in pay to a GS 14/5 employee earning \$78.15 per hour. For regulatory attorneys, we estimate that respondents will use personnel comparable in pay to a GS 15/Step 5 employee earning \$91.93 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 \$94.49 per hour.

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, we use the simple average of these hourly wages, which is \$82.68. We add a 30% overhead factor ($\$24.80 = 0.30 \times \82.68) to this amount to estimate the full range of costs providers will incur in complying with this information collection. Finally, we use the sum of these figures, \$107.48 ($\$82.68 + \24.80) multiplied by the total number of hours to estimate respondents' fully loaded in-house costs.

Thus, 4,800 hours x \$107.48 per hour = **\$515,904.**

b. Certification Requirement:

- (1) Number of respondents: Approximately 30.
- (2) Frequency of response: One-time reporting requirement.
- (3) Total number of responses annually: Approximately 30.
- (4) Estimated Time per Response: Approximately 5 hours.

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

- (5) Total burden: **150 hours.**

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

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

- (6) Total estimate of "in house" cost to respondents: **\$24,375.**

- (7) Explanation of the calculation:

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

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

We add a 30% overhead factor ($\$37.50 = 0.30 \times \125) to this amount to estimate the full range of costs providers will incur in complying with this information collection. We use the sum of these figures, \$162.50 ($\$125 + \37.50), multiplied

by the total number of hours to estimate respondents' fully loaded in-house costs.

Thus, 150 hours x \$162.50 per hour = **\$24,375**.

Total Respondents: 30

Total Responses: 30

Total Annual Burden Hours: 4,800 + 150 = 4,950 hours.

Total In-House Costs: \$515,904 + \$24,375 = \$ 540,279.

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

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

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

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

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

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

15. The Commission is reporting a program change/decrease to this revised information collection. There is a decrease in the total annual burden hours from **7,950 to 4,950 (-3,000)** due to the reduction in reporting obligations for IPCS providers responding to the Mandatory Data Collection. The total number of respondents and total annual responses remained the same.

No adjustments are being reported.

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

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

18. There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

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

