

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

|                                                |   |                      |
|------------------------------------------------|---|----------------------|
| In the Matter of                               | ) |                      |
|                                                | ) | WC Docket No. 23-62  |
| Incarcerated People’s Communications Services; | ) | WC Docket No. 12-375 |
| Implementation of the Martha Wright-Reed Act   | ) |                      |
|                                                | ) | OMB 3060-1314        |
| Rates for Interstate Inmate Calling Services   | ) |                      |
|                                                | ) | FR ID 352239         |
| _____                                          | ) |                      |

**PAPERWORK REDUCTION ACT  
COMMENTS OF  
GLOBAL TEL\*LINK CORPORATION D/B/A VIAPATH TECHNOLOGIES**

Global Tel\*Link Corporation d/b/a ViaPath Technologies (“ViaPath”),<sup>1</sup> by its attorneys, respectfully submits these Paperwork Reduction Act (“PRA”)<sup>2</sup> comments in response to the notice<sup>3</sup> seeking comment on the information collection requirements triggered by the proposed revisions to the instructions, reporting templates, and certification form for the Incarcerated People’s Communications Services (“IPCS”) 2026 Mandatory Data Collection (“MDC”).<sup>4</sup> The Wireline Competition Bureau and the Office of Economics and Analytics (collectively, the “Bureaus”) are seeking comment on the proposed MDC per the direction of the Federal Communications Commission (the “Commission”) to conduct an additional data collection “with

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<sup>1</sup> These comments are filed by ViaPath on behalf of itself and its wholly owned subsidiaries that also provide incarcerated people’s communications services: DSI-ITI, Inc. d/b/a ViaPath Technologies, Public Communications Services, Inc. d/b/a ViaPath Technologies, Telmate, LLC d/b/a ViaPath Technologies, and Value-Added Communications, Inc. d/b/a ViaPath Technologies.

<sup>2</sup> 44 U.S.C. §§ 3501-3521.

<sup>3</sup> 91 Fed. Reg. 38435 (June 26, 2026) (“FR Notice”).

<sup>4</sup> WC Docket Nos. 23-62, 12-375, *Wireline Competition Bureau and Office of Economics and Analytics Seek Comment on Proposed 2026 Mandatory Data Collection for Incarcerated People’s Communications Services*, Public Notice, DA 26-567 (rel. June 8, 2026) (“Public Notice”). In addition to the *Public Notice*, the Bureaus also released Draft MDC Instructions and the Proposed MDC Form, which consists of a Word document and an Excel spreadsheet.

the goal of establishing permanent rate caps before the end of the first quarter of 2027.”<sup>5</sup> In the 2025 *IPCS Order*, the Commission reaffirmed its prior delegation of authority to the Bureaus regarding the collection of IPCS cost data<sup>6</sup> and authorized the Bureaus “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.”<sup>7</sup>

### **BACKGROUND**

The PRA requires the Commission to seek comment and receive Office of Management and Budget (“OMB”) approval of the proposed MDC.<sup>8</sup> To that end, the FR Notice seeks comment on “whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission’s burden estimate; ways to enhance the quality, utility, and clarity of

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<sup>5</sup> *Incarcerated People’s Communications Services; Implementation of the Martha Wright-Reed Act; Rates for Interstate Inmate Calling Services*, 40 FCC Rcd 9365, ¶ 81 (2025) (“2025 *IPCS Order*”) (subsequent history omitted). The 2025 *IPCS Order* is the latest in a series of orders issued by the Commission with respect to IPCS. *See Rates for Interstate Inmate Calling Services*, 28 FCC Rcd 14107 (2013), *pets. for stay granted in part sub nom. Securus Tech., Inc. v. FCC*, No. 13-1280, Order (D.C. Cir. Jan.13, 2014), *superseded as stated in Securus Tech., Inc. v. FCC*, No. 13-1280, Order (D.C. Cir. Dec. 21, 2017); *Rates for Interstate Inmate Calling Services*, 29 FCC Rcd 13170 (2014); *Rates for Interstate Inmate Calling Services*, 30 FCC Rcd 12763 (2015), *pets. for stay granted in part sub nom. Global Tel\*Link Corporation v. FCC*, No. 15-1461, Order (D.C. Cir. Mar. 7, 2016), Order (D.C. Cir. Mar. 23, 2016), *vacated in part, rev’d and remanded in part by Global Tel\*Link v. FCC*, 866 F. 3d 397 (D.C. Cir. 2017); *Rates for Interstate Inmate Calling Services*, 31 FCC Rcd 9300 (2016), *pets. for stay granted in part sub nom. Securus Tech., Inc. v. FCC*, No. 16-1321, Order (D.C. Cir. Nov. 2, 2016), *vacated and remanded by Securus Tech., Inc. v. FCC*, No. 16-1321, Order (D.C. Cir. Dec. 21, 2017); *Rates for Interstate Inmate Calling Services*, 35 FCC Rcd 8485 (2020) (“2020 *ICS Order*”); *Rates for Interstate Inmate Calling Services*, 36 FCC Rcd 9519 (2021) (“2021 *ICS Order*”); *Rates for Interstate Inmate Calling Services*, 37 FCC Rcd 11900 (2022) (“2022 *ICS Order*”); *Incarcerated People’s Communications Services; Implementation of the Martha Wright-Reed Act; Rates for Interstate Inmate Calling Services*, 38 FCC Rcd 2669 (2023); *Incarcerated People’s Communications Services; Implementation of the Martha Wright-Reed Act; Rates for Interstate Inmate Calling Services*, 39 FCC Rcd 7647 (2024) (“2024 *IPCS Order*”) (subsequent history omitted).

<sup>6</sup> 2024 *IPCS Order* ¶ 573.

<sup>7</sup> 2025 *IPCS Order* ¶ 81.

<sup>8</sup> The Bureaus have stated that they will consider comments submitted in response to both the *Public Notice* and the FR Notice in finalizing the data collection for submission to OMB. *See* FR Notice at 38436.

the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.”<sup>9</sup>

The purpose of the PRA is to minimize federal paperwork burdens on businesses and to ensure the greatest public benefit from information collected by the federal government, among other things.<sup>10</sup> The statute defines the term “burden” broadly, including “time, effort, or financial resources expended by persons to generate, maintain, or provide information.”<sup>11</sup> A central purpose of the PRA is to minimize the “paperwork burden” for reporting entities,<sup>12</sup> and the Commission has an obligation to ensure this objective is achieved.<sup>13</sup>

### **COMMENTS**

The PRA requires the Commission to make certain showings to support a new or revised information collection. Specifically, the Commission must demonstrate “it has taken every reasonable step to ensure that the proposed collection of information” is the “least burdensome necessary,” is “not duplicative of information otherwise accessible to the agency,” and is useful.<sup>14</sup> ViaPath greatly appreciates the steps the Bureaus have already taken to

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<sup>9</sup> FR Notice at 38435.

<sup>10</sup> 44 U.S.C. § 3501(1).

<sup>11</sup> 44 U.S.C. § 3502(2).

<sup>12</sup> See, e.g., *U.S. v. Dawes*, 951 F.2d 1189, 1191 (10th Cir. 1991) (“The Paperwork Reduction Act (PRA or the Act) was enacted by Congress in response to growing criticism from citizens regarding what they perceived to be an ever-increasing and onerous burden of federal paperwork. In adopting the PRA, Congress crafted a comprehensive scheme designed to reduce the federal paperwork burden.”) (citing *Dole v. United Steelworkers*, 494 U.S. 26 (1990)).

<sup>13</sup> See, e.g., *Black Citizens for a Fair Media v. FCC*, 719 F.2d 407, 416 (D.C. Cir. 1983) (finding the PRA “was enacted ‘to minimize the federal paperwork burden’” and that “Congress specifically applied this policy to the FCC’s domain”).

<sup>14</sup> 5 C.F.R. § 1320.5(d)(1).

streamline and simplify the MDC.<sup>15</sup> ViaPath submits, however, that the proposed MDC does not meet the standards of the PRA, especially with respect to the burden and cost estimates associated with completion of the MDC. The “time, effort, or financial resources expended”<sup>16</sup> by IPCS providers to implement and comply with the proposed information collection requirements do not justify imposition of the requirements as currently structured.

First, the Bureaus estimate it will take each IPCS provider 165 hours to comply with the information collection requirements in the MDC.<sup>17</sup> This in and of itself demonstrates the considerable burden on IPCS providers associated with completion of the MDC. Indeed, the hours estimate represents more than four weeks of full-time employee hours dedicated to nothing other than completion of the MDC.

ViaPath also submits the hours estimate is substantially understated. The proposed MDC requires information to be reported at the individual facility level (which should be revised as discussed below). ViaPath currently serves more than 1,000 individual facilities across the United States. Even if ViaPath spent only one hour per facility to collect, compile, and report in the multiple data categories required by the MDC (which is an unrealistically low estimate given the number of data categories to be completed), ViaPath would far exceed the Bureaus’ time estimate. The considerable number of employee hours needed to complete the MDC should be taken into consideration in determining the resulting “burden” on IPCS providers.<sup>18</sup>

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<sup>15</sup> See generally *Public Notice*; see also WC Docket Nos. 12-375, 23-62, Comments of Global Tel\*Link Corporation d/b/a ViaPath Technologies on Proposed 2026 Mandatory Data Collection (dated July 17, 2026); WC Docket Nos. 12-375, 23-62, Reply Comments of Global Tel\*Link Corporation d/b/a ViaPath Technologies on Proposed 2026 Mandatory Data Collection (dated August 3, 2026).

<sup>16</sup> 44 U.S.C. § 3502(2).

<sup>17</sup> FR Notice at 38435.

<sup>18</sup> 44 U.S.C. § 3502(2) (defining “burden” broadly to include “time, effort, or financial resources expended by persons to generate, maintain, or provide information”).

Second, to help alleviate the significant burden imposed on IPCS providers (and ensure completion of the MDC might be more akin to the Bureaus' hours estimate), ViaPath proposes that the required cost reporting be done at the contract level, not at the individual facility level. As currently proposed, the MDC requires providers to report their cost, expense, demand, and revenue data at the facility level.<sup>19</sup> Yet, most IPCS providers maintain such data on a contract-by-contract basis, not at the facility level. As a result, IPCS providers are forced to allocate to the facility level using artificial allocations that do not inform in any tangible way the costs associated with providing ICPS and do not reflect the way in which providers maintain their books and records in the normal course of business. The allocation process places an enormous burden on IPCS providers.<sup>20</sup>

To be sure, ViaPath understands the need for certain company-wide figures to be allocated to the contract level, but the further artificial allocation of such items to the facility level provides little benefit to the Commission's overall review of the MDC data and no real impact on the regulatory outcome. Providers incur costs at the contract level and, for the most part, providers set IPCS rates based on the contract overall, not based on the individual facilities under the contract. While there may be some providers in the market that charge varying rates for different size facilities under a single contract, that is not how most contracts are structured in ViaPath's experience. Most correctional authorities have requested the same rate across all facilities (which is based on the combined average daily population ("ADP") for all facilities under the contract). Ultimately, this approach benefits consumers because all facilities under the contract are subject

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<sup>19</sup> Draft MDC Instructions at 27-34.

<sup>20</sup> A goal of the PRA is to ensure the MDC is the "least burdensome necessary." See 5 C.F.R. § 1320.5(d)(1); see also 44 U.S.C. § 3501(1).

to the rate cap applicable to the overall ADP for the contract as a whole, which usually results in a lower rate than if the rate were set based on the ADP of the individual facility.

The record also supports reporting data at the contract level. The Commission repeatedly has recognized that most IPCS providers do not track, maintain, or retain data at the facility level.<sup>21</sup> In both 2020 and 2021, the Commission specifically found that “many providers assess their inmate calling services operations on a contract-by-contract basis, although many contracts include multiple correctional facilities”<sup>22</sup> and thus “in many instances, providers reported data only at the contract level.”<sup>23</sup> Similarly, the Commission has observed that the competitive bidding process for IPCS is “focused on contracts as a whole and not elements of the contracts” and IPCS “commercial decisions are made at the contract level.”<sup>24</sup> This is consistent with “the principle that a contract must be read as a whole.”<sup>25</sup> The Commission’s findings reflect the way in which ViaPath (and other IPCS providers) do business. ViaPath has long advocated for data to be reported at the contract level.<sup>26</sup> Other IPCS providers similarly have noted that MDC reporting

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<sup>21</sup> See, e.g., *Wireline Competition Bureau and Office of Economics and Analytics Seek Comment on Proposed 2023 Mandatory Data Collection for Incarcerated People’s Communications Services*, 38 FCC Rcd 4035 (2023) (acknowledging that not all IPCS providers track costs at the facility level in the normal course of business).

<sup>22</sup> 2021 ICS Order ¶ 57; 2020 ICS Order ¶¶ 78-79; see also 2020 ICS Order ¶ 72 (“For example, many providers assess their inmate calling services operations on a contract-by-contract basis, although many contracts include multiple correctional facilities. These providers therefore reported information—and we analyze that information—on a contract, rather than a facility, basis.”).

<sup>23</sup> 2021 ICS Order ¶ 57.

<sup>24</sup> 2021 ICS Order at Appendix E ¶¶ 3, 18; see also 2021 ICS Order at Appendix E ¶ 7 (“tracking revenues at the contract level is necessary to determine whether a contract is profitable”).

<sup>25</sup> See, e.g., *Express Scripts, Inc., Complainant v. AT&T Corp., Defendant*, 33 FCC Rcd 930, ¶ 13 (2018).

<sup>26</sup> See, e.g., WC Docket Nos. 23-62, 12-375, Reply Comments of Global Tel\*Link Corporation d/b/a ViaPath Technologies on Proposed 2023 Mandatory Data Collection (dated June 27, 2023); WC Docket Nos. 23-62, 12-375, Comments of Global Tel\*Link Corporation d/b/a ViaPath Technologies on Proposed 2023 Mandatory Data Collection (dated June 2, 2023); WC Docket No. 12-375, Paperwork Reduction Act

categories require “providers to undergo hugely expensive and time-consuming artificial cost allocation exercises.”<sup>27</sup>

ViaPath therefore urges the Bureaus to further simplify the MDC reporting process by eliminating the requirement that cost, expense, demand, and revenue data be allocated to the facility level, and instead allow such data to be reported at the contract level consistent with the way in which IPCS providers keep their books and records.<sup>28</sup> Taking this step would ensure the Bureaus have “taken every reasonable step to ensure that the proposed collection of information” is the “least burdensome necessary.”<sup>29</sup>

Third, the PRA requires the Bureaus to consider the burden – the “time, effort, or financial resources expended”<sup>30</sup> – associated with the reporting obligations contained in the proposed MDC that will not otherwise yield useful information regarding IPCS costs. The MDC should not be viewed as a fishing expedition to obtain extraneous and irrelevant information from IPCS providers. The Bureaus could further improve the MDC by removing information that is not germane to identifying the cost of providing IPCS<sup>31</sup> or by consolidating the cost reporting

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Comments of Global Tel\*Link Corporation (dated December 6, 2021); WC Docket No. 12-375, Comments of Global Tel\*Link Corporation (dated November 4, 2021).

<sup>27</sup> See, e.g., WC Docket Nos. 23-62, 12-375, Comments of Securus Technologies, LLC, at 26 (dated February 3, 2026); see also *Public Notice* at 5 (noting that “Securus argues that ‘the cost categories in previous data collections bear little to no resemblance to how providers account for and track costs in the real world’”).

<sup>28</sup> Indeed, even just eliminating the facility allocation requirement for only prisons would help reduce the burdens on providers. Allocation to the facility level is not necessary for the Commission to set rate caps for prisons given there are no ADP distinctions within the “prison” category.

<sup>29</sup> 5 C.F.R. § 1320.5(d)(1).

<sup>30</sup> 44 U.S.C. § 3502(2).

<sup>31</sup> See, e.g., WC Docket Nos. 23-62, 12-375, Securus Technologies, LLC’s Comment on Proposed 2026 Mandatory Data Collection Instructions for Incarcerated People’s Communications Services, at 15-16 (dated July 17, 2026) (providing examples of items that should be removed from the MDC because they are not relevant to the cost of providing service).

categories.<sup>32</sup> Consistent with the PRA, these refinements would reduce reporting burdens while providing the Commission with the key information it needs to reach permanent IPCS rate caps.<sup>33</sup>

Finally, ViaPath supports limiting the period for reporting costs in the MDC to calendar year 2025 as currently proposed.<sup>34</sup> It is unclear what, if any, benefits would result from expanding the reporting period. Using one year of data is consistent with the approach in the 2023 MDC and will “provide the most pertinent and the best indicator of relevant costs.”<sup>35</sup> As the Bureaus previously found, “collecting data solely for [the most recent year] will best equip [the Bureaus] to set rate caps that reflect providers’ operations going forward and avoid the burdens associated with collecting additional data that may not be representative.”<sup>36</sup> Calendar year 2025 data “represent the most recent data available, and are therefore likely to be more representative of future operations by IPCS providers than data from prior years.”<sup>37</sup> Requiring cost data only for calendar year 2025 will minimize the burden on IPCS providers to respond to the proposed MDC, which is the main goal of the PRA.<sup>38</sup>

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<sup>32</sup> See, e.g., Public Notice at 5 (discussing proposals to consolidate cost reporting and allocation categories).

<sup>33</sup> See, e.g., *Updating Part 1 Competitive Bidding Rules*, 30 FCC Rcd 7493, ¶ 150 (2015) (rejecting a proposal after determining “that any potential benefit that might be gained from adopting such a requirement would be outweighed by the harms it would cause” because it would “impose unnecessary administrative and operational burdens with no demonstrated benefit”); *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, 27 FCC Rcd 4535, ¶ 19 (2012) (declining to adopt “certain proposals in the FNPRM at this time, to further ensure that the costs of compliance with the new posting procedures are outweighed by the benefits of online disclosure”).

<sup>34</sup> Public Notice at 4 (“We seek comment on limiting the reporting period for the forthcoming data collection to calendar year 2025 data.”).

<sup>35</sup> Public Notice at 4.

<sup>36</sup> *Incarcerated People’s Communications Services; Implementation of the Martha Wright-Reed Act; Rates for Interstate Inmate Calling Services*, 38 FCC Rcd 6625, ¶ 11 (2023) (“2023 MDC Order”).

<sup>37</sup> 2023 MDC Order ¶ 11.

<sup>38</sup> 44 U.S.C. § 3501(1).

## **CONCLUSION**

For the foregoing reasons, ViaPath recommends the Bureaus re-evaluate the potential burden and cost on IPCS providers associated with the proposed MDC as set forth herein.

Respectfully submitted,

**GLOBAL TEL\*LINK CORPORATION  
D/B/A VIAPATH TECHNOLOGIES**

*/s/ Angela F. Collins*

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Dated: August 24, 2026

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