



# PUBLIC NOTICE

Federal Communications Commission  
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## WIRELINE COMPETITION BUREAU AND OFFICE OF ECONOMICS AND ANALYTICS MAKE INMATE CALLING SERVICES DATABASE AVAILABLE TO ELIGIBLE INDIVIDUALS PURSUANT TO PROTECTIVE ORDER

### WC Docket No. 12-375

By this Public Notice, the Wireline Competition Bureau (Bureau) and Office of Economics and Analytics (OEA) announce the availability of the database developed by Commission staff for use in the *Rates for Interstate Inmate Calling Services* proceeding (the ICS Database) under the terms of the *Protective Order* in this proceeding.<sup>1</sup> The Commission used this ICS Database in developing its rate cap proposals in the recent *2020 ICS Notice*.<sup>2</sup>

The ICS Database contains confidential information submitted to the Commission by providers of calling services for incarcerated individuals, including cost and revenue information that each provider submitted in response to the Commission's Second Mandatory Data Collection.<sup>3</sup> The database also includes geocoding information related to facility locations added by the Commission staff that outside parties might find difficult to replicate.<sup>4</sup> Making this database available will allow interested parties to rely on a common dataset in evaluating and responding to the Commission's rate cap proposals in this proceeding, while ensuring providers remain protected against the unwarranted disclosure of their confidential information.

To request access to the ICS Database, interested individuals must first satisfy the requirements of the *ICS Protective Order*. Under the terms of the *ICS Protective Order*, access to information submitted under a claim of confidentiality is limited to counsel and outside consultants who are not involved in competitive decision-making, who have executed the Acknowledgement of Confidentiality appended to that *Order*, and who meet the other requirements of that *Order*.<sup>5</sup> Individuals who qualify thereunder should contact the Bureau's staff, as set forth below. Before making the database available, Bureau staff will require each qualified person seeking access to execute a separate Recipient

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<sup>1</sup> *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Order, 28 FCC Rcd 16954 (WCB 2013) (*ICS Protective Order*).

<sup>2</sup> *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Report and Order on Remand and Fourth Further Notice of Proposed Rulemaking, FCC 20-111 (rel. Aug. 7, 2020) (*2020 ICS Notice*).

<sup>3</sup> *Wireline Competition Bureau Reminds Providers of Inmate Calling Services of the March 1, 2019 Deadline for Data Collection Responses*, WC Docket No. 12-375, Public Notice, 34 FCC Rcd 515 (WCB 2019).

<sup>4</sup> See *2020 ICS Notice*, Appx. E, para. 5.

<sup>5</sup> *ICS Protective Order*, 28 FCC Rcd at 16961.

Acknowledgment governing use of the ICS Database, attached hereto as Appendix A.<sup>6</sup> As detailed more fully in the Recipient Acknowledgment, recipients will be obligated to ensure that their copies of the database are not duplicated (whether in full or in part) and that there will be no disclosure of any of the confidential information in the database except as specifically permitted by the *Protective Order*. Any other use of any confidential information contained in the ICS Database will constitute a violation of an order of the Federal Communications Commission.<sup>7</sup>

*Additional Information.* For further information and to request access to the database, please contact Erik Raven-Hansen, Pricing Policy Division, Wireline Competition Bureau, at (202) 418-1532 or via e-mail at [Erik.Raven-Hansen@fcc.gov](mailto:Erik.Raven-Hansen@fcc.gov).

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<sup>6</sup> Individuals requesting access are hereby directed to email the Bureau at [Erik.Raven-Hansen@fcc.gov](mailto:Erik.Raven-Hansen@fcc.gov) with the subject line “ICS 12-375 – Request for ICS Database” and must likewise submit an executed copy of the Recipient Acknowledgement via email to the same address.

<sup>7</sup> See *ICS Protective Order*, 28 FCC Rcd at 16958, para. 16.

APPENDIX A

Recipient Acknowledgment

Rates for Interstate Inmate Calling Services  
WC Docket No. 12-375

By signing below, I certify that I am Counsel or Outside Consultant, as such terms are defined in the *Protective Order* in WC Docket No. 12-375.<sup>8</sup> I further certify that I am a signatory of the Acknowledgment of Confidentiality appended to that *ICS Protective Order*, and that I understand it.<sup>9</sup> I acknowledge that I will be receiving instructions that will allow me to download a database (the ICS Database) on which the Commission relied in the *Report and Order on Remand and Fourth Further Notice of Proposed Rulemaking*, FCC 20-111, in this proceeding. I also acknowledge that the ICS Database contains information that is not publicly available and that constitutes Confidential Information under the terms of the *ICS Protective Order*.

I agree that I will download no more than one copy of the Commission’s ICS Database and will delete the ICS Database upon completion of this proceeding in accordance with the terms of the *Protective Order*. I acknowledge that it is my obligation to ensure that my copy of the ICS Database is not duplicated (in whole or in part) except as specifically permitted by the terms of the *Protective Order*. I also acknowledge that it is my obligation to ensure that there is no disclosure of any Confidential Information in the ICS Database except as specifically permitted by the terms of the *Protective Order*. I further acknowledge that any use of any Confidential Information contained therein other than as permitted under the terms of the *Protective Order* constitutes a violation of an order of the Federal Communications Commission.<sup>10</sup> I further acknowledge that the provisions of the *Protective Order* do not terminate at the conclusion of this proceeding.<sup>11</sup>

I acknowledge that I have read the above paragraph and agree to its terms. I attach a copy of my signed Acknowledgment from the *Protective Order*. I confirm that with regard to Confidential Information, any objection to such Acknowledgment pursuant to the *ICS Protective Order* has been resolved in my favor and the Acknowledgment remains in full force and effect.<sup>12</sup>

Executed this \_\_\_ day of \_\_\_\_\_, 2020.

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Organization: \_\_\_\_\_  
Party Representing: \_\_\_\_\_  
Telephone: \_\_\_\_\_

<sup>8</sup> *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Protective Order, 28 FCC Rcd 16954, 16954-55, para. 2 (WCB 2013) (*ICS Protective Order*).

<sup>9</sup> *Id.* at 16960, Appx. A.

<sup>10</sup> *Id.* at 16957-58, para. 7.

<sup>11</sup> *Id.* at 16958-59, para. 17.

<sup>12</sup> *Id.* at 16956, para. 5.