



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU AND OFFICE OF ECONOMICS AND ANALYTICS MAKE REVISED 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 revised database (the Revised ICS Database) that the Commission used in developing the rate caps adopted in the recent *2021 ICS Order*.¹ This database is being made available under the terms of the *ICS Protective Order*.²

The Revised ICS Database updates the database (the Original ICS Database) the Commission used in developing its proposals in the *2020 ICS Notice* and shows the results of the steps described in detail in Appendix E of the *2021 ICS Order*.³ The Revised 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.⁴ All of the confidential provider-submitted data used to create the database has previously been made available under the terms of the *ICS Protective Order*.⁵ Making this database available will allow interested parties to rely on a common dataset going forward, while ensuring providers remain protected against the unwarranted disclosure of their confidential information.⁶

To receive access to the Revised ICS Database, interested individuals must first satisfy the requirements of the *ICS Protective Order*. Under the terms of the *ICS Protective Order*, access to

¹ *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, FCC 21-60 (rel. May 24, 2021) (*2021 ICS Order*).

² *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Protective Order, 28 FCC Rcd 16954 (WCB 2013) (*ICS Protective Order*).

³ See *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 (2020) (*2020 ICS Notice*); *2021 ICS Order*, Appx. E, paras. 10-15 (describing data cleaning steps). WCB and OEA previously made the Original ICS Database available under the terms of the *ICS Protective Order*. *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, Public Notice, 35 FCC Rcd 10456 (WCB 2020) (*2020 ICS Database Public Notice*).

⁴ See *Wireline Competition Bureau Announces Due Dates for Inmate Calling Services Information Collections and Consumer Disclosure Requirements*, WC Docket No. 12-375, Public Notice, 32 FCC Rcd 1522 (WCB 2017).

⁵ *2020 ICS Database Public Notice*, 35 FCC Rcd 10456.

⁶ See, e.g., *id.*

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*.⁷ Individuals who qualify thereunder should contact Erik Raven-Hansen, using the contact information provided below. Before providing access to the database, Bureau staff will require each qualified person seeking access to execute a separate Recipient Acknowledgment governing use of the Revised ICS Database, attached hereto as Appendix A.⁸ As detailed more fully in the Recipient Acknowledgment, recipients will be obligated to ensure that their copies of the Revised ICS Database are not duplicated (whether in full or in part) and that there will be no disclosure of the confidential information in the Revised ICS Database except as specifically permitted by the *ICS Protective Order*. Any other use of any confidential information contained in the Revised ICS Database will constitute a violation of an order of the Federal Communications Commission.⁹

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.

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⁷ *ICS Protective Order*, 28 FCC Rcd at 16960.

⁸ Individuals requesting access are hereby directed to email the Bureau at Erik.Raven-Hansen@fcc.gov with the subject line “ICS 12-375 – Request for Revised ICS Database” and must likewise submit an executed copy of the Recipient Acknowledgment via email to the same address.

⁹ See *ICS Protective Order*, 28 FCC Rcd at 16958, para. 16.

APPENDIX A

Revised ICS Database 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 ICS Protective Order in WC Docket No. 12-375. I further certify that I am a signatory of the Acknowledgement of Confidentiality appended to that ICS Protective Order, and that I understand it. I acknowledge that I will be receiving instructions that will allow me to download a database (the Revised ICS Database) on which the Commission relied in the Third Report and Order, Order on Reconsideration, and Fifth Further Notice of Proposed Rulemaking, FCC 21-60, in this proceeding. I also acknowledge that the Revised 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 Revised ICS Database and will delete the Revised ICS Database upon completion of this proceeding in accordance with the terms of the ICS Protective Order. I acknowledge that it is my obligation to ensure that my copy of the Revised ICS Database is not duplicated (in whole or in part) except as specifically permitted by the terms of the ICS Protective Order. I also acknowledge that it is my obligation to ensure that there is no disclosure of any Confidential Information in the Revised ICS Database except as specifically permitted by the terms of the ICS Protective Order. I further acknowledge that any use of any Confidential Information contained therein other than as permitted under the terms of the ICS Protective Order constitutes a violation of an order of the Federal Communications Commission. I further acknowledge that the provisions of the ICS Protective Order do not terminate at the conclusion of this proceeding.

I acknowledge that I have read the above paragraph and agree to its terms. I attach a copy of my signed Acknowledgment from the ICS 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.

Executed this ___ day of _____, 2021.

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

1 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).

2 Id. at 16960, Appx. A.

3 Id. at 16957-58, paras. 7, 16.

4 Id. at 16958-59, para. 17.

5 Id. at 16956, para. 5.