



# PUBLIC NOTICE

**Federal Communications Commission**  
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**Washington, DC 20554**

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**DA 24-918**

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**WIRELINE COMPETITION BUREAU AND CONSUMER AND GOVERNMENTAL AFFAIRS  
BUREAU SEEK ADDITIONAL COMMENT ON REVISIONS TO IPCS PROVIDERS' ANNUAL  
REPORTING AND CERTIFICATION REQUIREMENTS**

**WC Docket Nos. 23-62, 12-375**

**Comments Due: 30 days after date of publication in the Federal Register**

**Reply Comments Due: 45 days after date of publication in the Federal Register**

By this Public Notice, the Wireline Competition Bureau (WCB) and the Consumer and Governmental Affairs Bureau (CGB) (collectively, the Bureaus) invite supplemental comment to refresh and expand upon the record regarding the annual reporting and certification requirements for providers of incarcerated people's communications services (IPCS). The Commission requires IPCS providers to make annual filings "to enable the Commission to monitor and track trends in the IPCS marketplace, increase provider transparency, and ensure compliance with the Commission's rules."<sup>1</sup>

In an August 3, 2023 Public Notice, we sought comment on proposed revisions to the instructions and templates for the annual reports and annual certifications that the Commission requires IPCS providers to submit.<sup>2</sup> Subsequently, in the *2024 IPCS Order*, the Commission modified "the scope and

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<sup>1</sup> See *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, Public Notice, DA 23-656, at 1 (WCB/CGB Aug. 3, 2023) (*August 2023 Public Notice*); see also 47 CFR § 64.6060; *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Order, DA 22-676, Appx. A (Annual Reporting and Certifications Instructions and Templates) (WCB June 24, 2022); *Incarcerated People's Communications Services; Annual Reporting and Annual Certification Forms* (FCC Forms 2301(a) and 2301(b)), WC Docket Nos. 23-62 and 12-375, <https://docs.fcc.gov/public/attachments/DOC-395700A1.docx> (last visited Aug. 29, 2024) (Proposed 2023 IPCS Annual Reporting Instructions); *Incarcerated People's Communications Services; Annual Reporting and Annual Certification Forms* (FCC Forms 2301(a) and 2301(b)), WC Docket Nos. 23-62 and 12-375, <https://docs.fcc.gov/public/attachments/DOC-395701A1.docx> (last visited Aug. 29, 2024) (Proposed 2023 IPCS Annual Reporting Word Template); *Incarcerated People's Communications Services; Annual Reporting and Annual Certification Forms* (FCC Forms 2301(a) and 2301(b)), WC Docket Nos. 23-62 and 12-375, <https://docs.fcc.gov/public/attachments/DOC-395702A1.xlsx> (last visited Aug. 29, 2024) (Proposed 2023 IPCS Annual Reporting Excel Template); and *Incarcerated People's Communications Services; Annual Reporting and Annual Certification Forms* (FCC Forms 2301(a) and 2301(b)), WC Docket Nos. 23-62 and 12-375, <https://docs.fcc.gov/public/attachments/DOC-395703A1.docx> (last visited Aug. 29, 2024) (Proposed 2023 IPCS Annual Reporting Certification Form).

<sup>2</sup> *August 2023 Public Notice* at 1. At the time the *August 2023 Public Notice* was published, only "IPCS providers that [were] classified as inmate calling services (ICS) providers under the Commission's rules [were] required to make these filings." *Id.* at 1. However, pursuant to the reforms adopted in the *2024 IPCS Order*, all IPCS providers are now required to make these filings. See *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 (continued....)

content of [its] annual reports to reflect the . . . expansion of Commission jurisdiction over other communications services in carceral facilities, including video IPCS and other advanced communications services, as well as intrastate IPCS, and the providers that offer these services”<sup>3</sup> under the Martha Wright-Reed Just and Reasonable Communications Act of 2022 (Martha Wright-Reed Act).<sup>4</sup> In issuing this Public Notice, we seek to build on the record developed in response to our *August 2023 Public Notice* so it better reflects the Commission’s expanded jurisdiction and the reforms adopted in the *2024 IPCS Order*.<sup>5</sup>

In the *2024 IPCS Order*, the Commission revised its rules by, *inter alia*:

- adopting permanent rate caps for audio IPCS and interim rate caps for video IPCS;
- adopting new facility tiers for both audio and video IPCS;
- prohibiting providers from imposing any ancillary service charges on IPCS consumers;
- prohibiting providers from making site commission payments for IPCS;
- allowing providers to offer alternate pricing plans for IPCS subject to certain conditions; and
- revising and strengthening IPCS accessibility requirements for incarcerated people with disabilities.<sup>6</sup>

The *2024 IPCS Order* also modified the scope and content of the annual reports to reflect the reforms adopted under the Martha Wright-Reed Act.<sup>7</sup> The Commission expanded its annual reporting and certification requirements to include the full scope of services and providers now subject to the IPCS rules.<sup>8</sup> The Commission also eliminated the sections of the annual reporting rules mandating the reporting of information on ancillary service charges and site commissions, to reflect the prohibition of those items adopted in the *2024 IPCS Order*.<sup>9</sup> Finally, the Commission reaffirmed and updated its prior delegation of authority to the Bureaus to revise the annual reports, to reflect the Commission’s expanded authority under the Martha Wright-Reed Act and the other actions taken in the *2024 IPCS Order*, and directed that the Bureaus pay particular attention to the video IPCS marketplace and the availability and usage of Telecommunications Relay Services (TRS) in exercising this delegated authority.<sup>10</sup>

Pursuant to this delegated authority, we seek to expand and refresh the record on revisions to the Annual Report instructions, templates, and certification form, in addition to those proposed in the *August 2023 Public Notice*, and to implement the modifications to the annual reporting and certification requirements adopted by the Commission in the *2024 IPCS Order*. We also seek comment on any additional modifications the Bureaus should consider to make to these forms consistent with the new

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Order, Order on Reconsideration, Clarification and Waiver, and Further Notice of Proposed Rulemaking, FCC 24-75, Appx. A (Final Rules) at 332, § 64.6000 (definition of Provider of Incarcerated People’s Communications Services) (2024) (*2024 IPCS Order*).

<sup>3</sup> *2024 IPCS Order* at 296, para. 565.

<sup>4</sup> Martha Wright-Reed Just and Reasonable Communications Act of 2022, Pub. L. No. 117-338, 136 Stat. 6156; 47 U.S.C. §§ 152(b), 153(1)(E), 276(b)(1)(A), (d) (Martha Wright-Reed Act).

<sup>5</sup> See generally *2024 IPCS Order*.

<sup>6</sup> See generally *id.*

<sup>7</sup> *Id.* at 296-300, paras. 565-70.

<sup>8</sup> See *id.* at 298, para. 569.

<sup>9</sup> See *id.* at 298, para. 570. The Commission also retained the rules describing the reporting requirements concerning TRS and related communications services, but renumbered them.

<sup>10</sup> See *2024 IPCS Order* at 299-300, paras. 571-72.

rules, including the varied compliance dates adopted in the *2024 IPCS Order*. Although the Bureaus seek comment below on specific changes to the annual reporting and certification requirements, we also seek comment, generally, on any further modifications necessary to reflect the comprehensive reforms contained in the *2024 IPCS Order*.

In particular, we invite comment on ways to: ensure consistency between the new IPCS rules and annual reporting and certification requirements; streamline the existing requirements consistent with the new rules; and make the reports more clear and/or accurate. For example, we seek comment on revisions to the General Instructions and Definitions to clarify that the annual reporting requirement now applies to all IPCS providers and IPCS communication services, and to conform the definitions to those adopted in the *2024 IPCS Order*.<sup>11</sup> We also invite comment on any necessary additions to the reporting requirements. In the *2024 IPCS Order*, the Commission directed that we “pay particular attention to how best to capture developments in the rapidly changing, but nascent video IPCS marketplace in updating the requirements for the annual reports.”<sup>12</sup> We seek comment on how we might best implement this Commission directive. We also seek comment on how to collect information concerning alternate pricing plans, and on the appropriate level of granularity for such data.<sup>13</sup> In addition, we seek comment on collecting information concerning facilities’ IPCS costs, such as requiring providers to report information on any reimbursements they provide to facilities.<sup>14</sup>

We invite comment on whether there is additional information we should seek relating to the use of TRS in carceral facilities, beyond what was proposed in the *August 2023 Public Notice*. In the *2024 IPCS Order*, the Commission directed that we consider “not only the availability of TRS, but growth of both the user base and the use of TRS, capturing data on the number of individuals with disabilities who are requesting access to the additional forms of TRS in carceral facilities, changes in the monthly minutes of use for each type of TRS, and other useful metrics” in revising the requirements for the Annual Reports.<sup>15</sup> We invite comment on how we might best implement this Commission directive.

Are there other changes we should make to streamline the reporting requirements? Should we consider combining the separate questions on intrastate and interstate rates into a single set of questions to reduce burdens on respondents? What about the idea of removing references to the provider-related and facility-related rate components?<sup>16</sup> Would that change condense the annual reports submitted? Similarly, to what extent should we align the reporting approach for video IPCS with that for audio IPCS?

Finally, are there other changes or additions we should make to gather better or more accurate data or to make the instructions more precise? For example, what information or data should we require to enable the Commission to better monitor compliance and industry trends, or increase transparency to the public? Should we require providers to submit audited financial statements or similar documentation as part of their annual report filings, as the Commission required for the 2023 Mandatory Data Collection?<sup>17</sup> Conversely, are there any proposed instructions, inquiries, or data fields that should be

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<sup>11</sup> See *2024 IPCS Order*, Appx. A at 329-32, § 64.6000.

<sup>12</sup> *2024 IPCS Order* at 300, para. 571.

<sup>13</sup> See *2024 IPCS Order* at 230-50, paras. 427-71.

<sup>14</sup> See *id.* at 133-34, para. 246 (permitting IPCS providers to reimburse facilities for used and useful costs incurred to enable the provision of IPCS).

<sup>15</sup> *2024 IPCS Order* at 300, para. 571.

<sup>16</sup> See *id.* at 60-90, paras. 117-58.

<sup>17</sup> See *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, Order, 38 FCC Rcd 6625, 6644, para. 55 (WCB/CGB July 26, 2023).

removed because they are unnecessary to ensure that providers report uniform and accurate data and other information, or because they are inconsistent with the *2024 IPCS Order*? Finally, we seek comment on the relative benefits and burdens of any proposed modifications to the reporting and certification requirements.

## PROCEDURAL MATTERS

*Filing of Comments and Replies.* Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System. *See* FCC, Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (May 1, 1998).<sup>18</sup>

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
- Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.

Comments and reply comments must include a short and concise summary of the substantive issues raised in the pleading. Comments and reply comments must also comply with section 1.49 and all other applicable sections of the Commission's rules. We direct all interested parties to include the name of the filing party and the date of the filing on each page of their comments and reply comments. All parties are encouraged to use a table of contents, regardless of the length of their submission.

*People with Disabilities.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530.

*Ex Parte Presentations.* This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>19</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the

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<sup>18</sup> The Protective Order issued in this proceeding permits parties to designate certain material as confidential. *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 Sept. 1, 2020) (clarifying non-confidential treatment for certain information).

<sup>19</sup> 47 CFR § 1.1200 *et seq.*

presenter may provide citations to such data or arguments in the prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission's rules.<sup>20</sup> Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

*Additional Information.* For further information, please contact Stephen Meil, Pricing Policy Division, Wireline Competition Bureau, at (202) 418-7233 or via e-mail at [Stephen.Meil@fcc.gov](mailto:Stephen.Meil@fcc.gov) or Michael Scott, Consumer and Governmental Affairs Bureau, at (202) 418-1264 or via email at [Michael.Scott@fcc.gov](mailto:Michael.Scott@fcc.gov).

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<sup>20</sup> *Id.* § 1.1206(b).