

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Incarcerated People’s Communications Services;	)	WC Docket No. 23-62
Implementation of the Martha Wright-Reed Act	)	
	)	
Rates for Interstate Inmate Calling Services	)	WC Docket No. 12-375

**ORDER**

**Adopted: June 13, 2025****Released: June 13, 2025**

By the Chief, Wireline Competition Bureau:

**I. INTRODUCTION**

1. By this Order, we grant TKC TeleCom, LLC’s (TKC) request for a temporary waiver of the Commission’s rate cap compliance deadlines and per-minute pricing requirement as applied to its video incarcerated people’s communications services (IPCS) until April 1, 2026 to enable TKC and its affiliated companies to continue offering uninterrupted video IPCS while it completes development of a new video IPCS software platform capable of billing on a per-minute basis.<sup>1</sup> For the reasons discussed below, we find there is good cause to conditionally grant TKC’s temporary waiver request.

**II. BACKGROUND**

2. The *2024 IPCS Order* implemented the expanded authority granted to the Commission by the Martha Wright-Reed Just and Reasonable Communications Act of 2022 (Martha Wright-Reed Act),<sup>2</sup> adopting new rate caps for IPCS.<sup>3</sup> The Martha Wright-Reed Act amended the Communications Act of 1934, as amended (Communications Act), to require that the Commission “establish a compensation plan to ensure that all [IPCS] providers are fairly compensated, and all rates and charges are just and reasonable, for completed” IPCS communications.<sup>4</sup> Consistent with this Congressional

---

<sup>1</sup> See Petition of TKC Telecom, LLC for a Temporary Waiver to Extend the Compliance Date for 47 C.F.R. §§ 64.6010 and 64.6080 as Applied to Video IPCS, WC Docket No. 23-62 (filed May 21, 2025) (TKC Waiver Petition or Petition); Declaration of Duane W. Wahlin in Support of TKC TeleCom, LLC’s Petition for Temporary Waiver, WC Docket No. 23-62 (filed May 21, 2025) (Wahlin Decl.). TKC TeleCom, LLC is wholly owned by T.W. Vending, Inc., d/b/a TurnKey Corrections (TurnKey), and TurnKey also wholly owns Kimble’s Food By Design, LLC. (Kimble’s). Petition at 1. TKC seeks a temporary waiver under the Commission’s general waiver rule for itself and its affiliated companies, TurnKey and Kimble’s (which also reportedly provides video IPCS). Petition at 1; Wahlin Decl. at para. 3.

<sup>2</sup> Martha Wright-Reed Just and Reasonable Communications Act of 2022, Pub. L. No. 117-338, 136 Stat. 6156 (2022) (Martha Wright-Reed Act).

<sup>3</sup> See generally *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, Clarification and Waiver, and Further Notice of Proposed Rulemaking, 39 FCC Rcd 7647 (2024) (*2024 IPCS Order*).

<sup>4</sup> 47 U.S.C. § 276(b)(1)(A). The Martha Wright-Reed Act also amended the Communications Act to include video communications among the types of IPCS subject to the Commission’s jurisdiction. See Martha Wright-Reed Act §§ 2(a)(2), (b); 47 U.S.C. §§ 153(1)(E); 276(d).

mandate, in the *2024 IPCS Order*, the Commission reduced existing per-minute rate caps for audio IPCS, and established, for the first time, interim per-minute rate caps for video IPCS.<sup>5</sup> While those rate caps took effect on November 19, 2024, IPCS providers are required to comply with them on a staggered basis, beginning as early as January 1, 2025 and ending no later than April 1, 2026.<sup>6</sup> Also as of November 19, 2024, providers that choose to offer video IPCS must offer such video IPCS at per-minute rates<sup>7</sup> and must refrain from imposing per-call, per-connection, or per-communication charges on consumers for any IPCS, including video IPCS.<sup>8</sup>

3. On May 21, 2025, TKC filed a petition seeking “a temporary waiver of the compliance date[s] for all of the Commission’s new rules applicable to the video IPCS per-minute pricing requirement.”<sup>9</sup> TKC contends that grant of the requested waiver is warranted because creating the software needed to convert to per-minute pricing is “time-consuming” and “has to be created and tested and users have to be migrated to it” in time to meet multiple compliance deadlines.<sup>10</sup> TKC provides video IPCS using a software platform called TEAM.<sup>11</sup> According to TKC, upgrading TEAM to comply with the new per-minute pricing rules for video IPCS is complicated by the fact that it must meet “essentially three different [compliance] dates depending on the status of the contracts between the IPCS [provider] and the correctional facility” which “necessitates TurnKey to modify and maintain at least three different versions of the software.”<sup>12</sup> TKC estimates it will not be able to complete all the necessary upgrades “until April 1, 2026, at the earliest” and therefore seeks a waiver until that date.<sup>13</sup>

4. TKC offers three principal reasons why good cause exists to grant the waiver. First, TKC argues that the staggered compliance deadlines for video IPCS in effect “create[] a hardship, because there is inadequate time” to upgrade TEAM to meet the varying compliance deadlines for per-minute video IPCS pricing.<sup>14</sup> TKC maintains that TEAM “must be totally reengineered” to “incorporate on a real time basis the fees and taxes associated with” video IPCS, among other updates.<sup>15</sup> Second, TKC argues

---

<sup>5</sup> See, e.g., *2024 IPCS Order*, 39 FCC Rcd at 7706, para. 119.

<sup>6</sup> See *id.*, 39 FCC Rcd at 7950-51, para. 587; 47 CFR § 64.6010; *Wireline Competition Bureau Announces Effective Dates of 2024 Incarcerated People’s Communications Services Order and Comment Dates for 2024 Incarcerated People’s Communications Services Further Notice of Proposed Rulemaking*, WC Docket Nos. 23-62; 12-375, Public Notice, DA 24-969, at 1 (WCB Sept. 20, 2024) (*IPCS Effective Date Notice*).

<sup>7</sup> 47 CFR § 64.6010(a). See also *IPCS Effective Date Notice*, at 1.

<sup>8</sup> 47 CFR § 64.6080. A “Per-Call, Per-Connection, or Per-Communication Charge” is defined as “a one-time fee charged to a Consumer of IPCS at call or communication initiation.” 47 CFR § 64.6000.

<sup>9</sup> TKC Waiver Petition at 1-2 (citing 47 CFR §§ 64.6010 and 64.6080). No party filed in response to TKC’s Petition. 47 CFR § 1.45. We acknowledge that TKC filed its Petition after the Commission’s rules adopted in the *2024 IPCS Order* went into effect on November 19, 2024; under the same rationale as we outline below, we find it in the public interest to grant the waiver request retroactive to November 19, 2024 as set forth herein.

<sup>10</sup> TKC Waiver Petition at 2; Wahlin Decl. at 2, para. 5.

<sup>11</sup> TKC Waiver Petition at 1; Wahlin Decl. at 2, para. 4.

<sup>12</sup> TKC Waiver Petition at 3-4. TKC further states that it “needs to develop the new systems while keeping and maintaining the existing systems. These systems need to run in parallel, but also not interfere with the operation of each other.” Wahlin Decl. at 7, para. 17.

<sup>13</sup> Wahlin Decl. at 8, para. 21; TKC Waiver Petition at 2.

<sup>14</sup> TKC Waiver Petition at 2. See also Wahlin Decl. at 6-8, paras. 17-18, 20 (concluding that the amount of “resources required to keep and maintain parallel systems is daunting”).

<sup>15</sup> Wahlin Decl. at 2-3, 5, paras. 6, 14 (noting that video IPCS software has to be “reengineered” to handle location of calls and the fees and taxes associated with video IPCS, while on the other hand, “all fees and charges currently applied to . . . user accounts, must be eliminated”).

that the waiver granted to Securus Technologies, LLC<sup>16</sup> “gives Securus a competitive advantage” over TKC and the “resulting inequity is good cause for granting” the Petition.<sup>17</sup> Consequently, it asserts “equity weighs in favor of a temporary waiver.”<sup>18</sup> Finally, TKC contends that granting a waiver will allow it to more efficiently implement the video IPCS rules, avoiding the need to “operate multiple versions of its software – one for each new, expiring, and existing contract[.]”<sup>19</sup> Consequently, TKC argues that a waiver setting a single compliance date applicable to all of its video IPCS offerings “will allow for a more effective implementation of the new video IPCS rules,” while also reducing consumer confusion.<sup>20</sup>

### III. DISCUSSION

5. We find good cause to waive until April 1, 2026 the Commission’s rate cap compliance deadlines and per-minute pricing rule as they apply to the video IPCS provided by TKC and its affiliated companies.<sup>21</sup> The Commission may waive its rules “on its own motion or on petition” for good cause shown.<sup>22</sup> The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.<sup>23</sup> In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>24</sup> Waiver of the Commission’s rules is appropriate if both (i) special circumstances warrant a deviation from the general rule and (ii) such deviation will serve the public interest.<sup>25</sup>

6. First, we find that TKC has demonstrated that its waiver request presents special circumstances that warrant a deviation from the Commission’s rate cap compliance deadlines and per-minute pricing rule for video IPCS. As TKC explains, despite its best efforts to complete the necessary engineering and software upgrade work on its billing platform, its platform is not presently capable of applying the correct fees and taxes for video IPCS needed to comply with the Commission’s rules.<sup>26</sup> The development of this capability is further complicated by the need to adjust the applicable rates (and related fees and taxes) on a staggered basis to comply with the varying deadlines for implementing the new rate caps.<sup>27</sup> That is, TKC must maintain its existing systems even as it develops and deploys new systems that comply with the new rate cap rules, in order to keep to its contractual commitments.<sup>28</sup> We

---

<sup>16</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 and 12-375, Order, DA 24-1277 (WCB Dec. 19, 2024) (*Securus Waiver Order*).

<sup>17</sup> TKC Waiver Petition at 4.

<sup>18</sup> *Id.* at 2; see also Wahlin Decl. at 7-8, para. 19 (noting the difference in resources available to TKC and Securus).

<sup>19</sup> TKC Waiver Petition at 2, 4-5.

<sup>20</sup> *Id.* at 5.

<sup>21</sup> See 47 CFR §§ 64.6010(a), (c)-(e), 64.6080. This waiver applies only to TKC Telecom, TurnKey, and Kimble’s. It does not apply to any other IPCS provider or any IPCS provider that may be served by TKC or its affiliated companies. Based on the text of its Petition, TKC does not seek or need a waiver of rule 64.6010(b) which applies exclusively to audio IPCS. Additionally, we do not interpret TKC’s waiver petition as a request to offer an alternate pricing plan for video IPCS. 47 CFR § 64.6140.

<sup>22</sup> 47 CFR § 1.3.

<sup>23</sup> *Northeast Cellular Tel. Co. v. FCC*, 894 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

<sup>24</sup> *WAIT Radio v. FCC*, 418 F.2d 1154, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

<sup>25</sup> *Northeast Cellular*, 897 F.2d at 1166.

<sup>26</sup> See, e.g., TKC Waiver Petition at 3-4; Wahlin Decl. at 2-3, paras. 5-6.

<sup>27</sup> TKC Waiver Petition at 3-4; Wahlin Decl. at 2-3, 6-7, paras. 6-8, 17-18.

<sup>28</sup> Wahlin Decl. at 6-7, para. 17.

find that these circumstances constitute special circumstances meeting the first prong of the waiver standard.

7. Second, considerations of equity further demonstrate good cause for granting a waiver of the Commission's rules in this instance. The Bureau previously granted a waiver of the same video IPCS per-minute pricing rules to Securus on substantially similar grounds.<sup>29</sup> Specifically, the Bureau found that Securus's software engineering challenges and contract renegotiation obligations "constitute[d] special circumstances meeting the first prong of the waiver standard."<sup>30</sup> Given the similar challenges faced by TKC, as well as the lesser resources available to TKC to implement the necessary updates to its billing system,<sup>31</sup> considerations of equity also weigh in favor of granting the requested waiver.

8. Finally, we find that a temporary waiver of the compliance dates and the per-minute pricing rules for the video IPCS provided by TKC and its affiliated companies will serve the public interest. The availability of IPCS—including video IPCS—brings many "wide-ranging and well-documented" benefits to incarcerated people and their loved ones.<sup>32</sup> TKC argues that because it may be unable to comply with both its contractual obligations and the new rate cap rules, it may not be able to provide video IPCS in the absence of a waiver.<sup>33</sup> We find good cause, based on TKC's particular showing here, to grant its temporary waiver request to ensure that TKC can offer video IPCS at all the facilities it serves while it completes development of its new video IPCS billing platform which complies with the Commission's rules going forward.<sup>34</sup> Thus, we conclude that the second prong of our waiver standard is satisfied and that a limited one-time waiver of the Commission's per-minute pricing rule and of the rate cap compliance dates as applied to TKC's video IPCS is appropriate under the circumstances presented here. We grant this temporary waiver until April 1, 2026, given TKC's expected completion timeline for its new per-minute software billing platform. We find it reasonable to expect that migration to that platform can be accomplished within this timeframe based on the representations made in TKC's Petition.

9. We do, however, condition our grant of TKC's waiver request. The IPCS rules adopted in the *2024 IPCS Order* ensure that the rates and charges for IPCS, including video IPCS, are just and reasonable, as directed by the Martha Wright-Reed Act.<sup>35</sup> Consistent with the Commission's implementation of the Martha Wright-Reed Act and in light of the public interest in ensuring just and reasonable rates for IPCS consumers served by TKC and its affiliated companies during the duration of the waiver we grant today, we require, as a condition of grant of this waiver, that the rates TKC and its affiliated companies charge for their video IPCS during the time the waiver is in effect not exceed their video IPCS rates in effect as of the date of this Order.

#### IV. ORDERING CLAUSES

10. Accordingly, IT IS ORDERED, pursuant to the authority contained in sections 1, 2, 4(i)-(j), 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), 201(b), 218, 220, 225, 255, 276, 403, and 617, sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 CFR §§ 0.91, 0.291, and 1.3, and the Martha Wright-Reed Just and Reasonable Communications Act of 2022, Pub. L. No. 117-338, 136 Stat. 6156 (2022), that this Order in

---

<sup>29</sup> *Securus Waiver Order* at 4.

<sup>30</sup> *Id.* at 4.

<sup>31</sup> See Wahlin Decl. at 7-8, para. 19.

<sup>32</sup> See, e.g., *2024 IPCS Order*, 39 FCC Rcd at 7664-66, para. 29; see also TKC Waiver Petition at 5.

<sup>33</sup> See Wahlin Decl. at 8-9, para. 22.

<sup>34</sup> TKC Waiver Petition at 2.

<sup>35</sup> Martha Wright-Reed Act § 2(a); 47 U.S.C. § 276(b)(1)(A).

WC Docket Nos. 23-62 and 12-375 IS ADOPTED and that sections 64.6010(a), (c)-(e) and 64.6080 of the Commission's rules, 47 CFR §§ 64.6010(a), (c)-(e), 64.6080, ARE WAIVED to the limited extent and subject to the condition specified above for the provision of video IPCS by TKC and its affiliated companies until April 1, 2026.

11. IT IS FURTHER ORDERED, that the Petition for a Temporary Waiver to Extend the Compliance Date for 47 CFR §§ 64.6010 and 64.6080 as Applied to Video IPCS filed by TKC on May 21, 2025 IS GRANTED to the limited extent and subject to the condition specified above.

12. IT IS FURTHER ORDERED, that pursuant to section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Joseph S. Calascione  
Chief  
Wireline Competition Bureau