

Inmate Calling Services Mandatory Data Collection

On November 5, 2015, the Federal Communications Commission (Commission) released the *Second Report and Order and Third Further Notice of Proposed Rulemaking* in the matter of Interstate Inmate Calling Services (ICS).¹ In that order, the Commission adopted comprehensive reform of all aspects of ICS, including capping rates for both interstate and intrastate calls and limiting and capping ancillary service charges. To enable the Commission to take further ICS reform action, identify and track trends in the ICS market, as well as monitor compliance with the reforms adopted in that order, we required all ICS providers to file data regarding their ICS-related costs, rates, and ancillary service charges.² All ICS providers are required to provide this ICS data for each correctional facility in which inmate calling services were offered by that provider during the reporting period. Additionally, the Commission requires all ICS providers to provide audited financial statements or reports for 2014-2018, or similar documentation, to the extent they have been produced in the ordinary course of business.

All data should be submitted in the Commission-provided Excel template (in the format dictated in the spreadsheet), located at <https://www.fcc.gov/general/ics-data-collections>. All data that requires clarification should be noted and fully explained in an attached Description and Justification (D&J), submitted in PDF format. The D&J should also include formulas, explanations, and appropriate references for calculations, where necessary.

All data and supporting documents must be filed at the Commission no later than two years after notification of receipt of Office of Management and Budget (OMB) approval of these instructions and associated form. Data and supporting documents may be filed under the Protective Order in this proceeding, and would subsequently be treated as confidential.³ For respondents' convenience, a link to the Protective Order is provided at: https://apps.fcc.gov/edocs_public/attachmatch/DA-13-2434A1.pdf.

Please contact Gil Strobel of the Wireline Competition Bureau's Pricing Policy Division (by email at gil.strobel@fcc.gov or by telephone at (202) 418-7084) with questions related to completing the mandatory data collection form.

¹ See *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Second Report and Order and Third Further Notice of Proposed Rulemaking, 30 FCC Rcd 12763 (2015) (*Inmate Calling Second Report and Order and Third FNPRM*).

² *Id.* at para 198.

³ See *Rates for Interstate Inmate Calling Services*, Protective Order, WC Docket No. 12-375, 28 FCC Rcd 16954 (Wireline Comp. Bur. 2013) (*Protective Order*).

GENERAL INSTRUCTIONS

This report is prescribed under authority of Sections 1, 4(i), 4(j), 201, 276 and 303(r) of the Communications Act, as amended, 47 U.S.C. §§ 151, 154(i)-(j), 201, 276, and 303(r). All providers of ICS are required to file this report, pursuant to the *Inmate Calling Second Report and Order and Third FNPRM*. ICS providers must file this report by March 1, 2019 and must do so by submitting the completed Excel template prepared by the Commission (located at <https://www.fcc.gov/general/ics-data-collections>) into the Commission's electronic comment filing system (ECFS).

All instructions shall be followed. All questions and statements must be completed. If the proper answer is "none", "not applicable (n/a)," or "zero (0)," insert that answer. Calculations of costs and revenues should exclude any Mandatory Taxes or Fees, as those terms are defined in the Commission's rules, collected from consumers or remitted to governmental or regulatory authorities.

The Commission-provided Excel template is a workbook that has separate tabs to report Company-level, Total ICS-level, and Facility-level data. Rows are provided for each of the major categories of costs and revenues identified by the Commission and staff. Data should be provided for each calendar year for the period from January 1, 2014 to December 31, 2018, unless otherwise noted. If needed, columns for additional contracts or facilities (following the same format) may be added and completed.

Relevant Definitions:

Automated Payment Fees means credit card payment, debit card payment, and bill processing fees, including fees for payments made by interactive voice response (IVR), web, or kiosk;

Affiliates means any two companies, partnerships, or other legal entities where (1) one entity has the power to control the other, (2) a third party controls or has the power to control both, (3) the entities have interlocking directorates, (4) one entity owns or controls 10 percent or more of both parties, or (5) the entities share employees, equipment, and/or facilities;

Average Daily Population (ADP) means the sum of all inmates in a facility for each day of the preceding Year, divided by the number of days in the Year. ADP shall be calculated in accordance with sections 64.6010(e) and (f);

Credit Card Processing Services (CCPS) means credit card processing services supplied by a third party, regardless of whether the third party is an Affiliate;

Collect Calling means a calling arrangement whereby the called party agrees to pay for charges associated with one or more Inmate Calling Services calls;

Company means any corporation, partnership, or other entity that provides Inmate Calling Services;

Consumer means the party paying a Provider of Inmate Calling Services;

Debit Calling means a presubscription or comparable service which allows an Inmate, or someone acting on an Inmate's behalf, to fund an account set up through a Provider that can be used to pay for Inmate Calling Services calls originated by the Inmate;

Direct Costs means any cost that is completely attributable to the specific service (*e.g.*, ICS, CCPS) in question;

Facility means a "Prison" or "Jail" as those terms are defined elsewhere in the document;

Fixed Site Commission means a Site Commission that is assessed or paid without regard to ICS MOU or revenues. Fixed Site Commissions include, but are not limited to, minimum annual guarantee payments or other lump-sum payment that Providers agree to make pursuant to ICS contracts;

Indirect Costs means any cost related to a service that is not completely attributable to that service (*e.g.*, overhead, depreciation, or other costs that are allocated among different products or services);

Inmate means a person detained in a Prison or Jail, regardless of the duration of the detention;

Inmate Calling Services (Calling Service or ICS) means a service that allows Inmates to make calls to individuals outside the Facility where the Inmate is being held, regardless of the technology used to deliver the service;

Inmate Telephone means a telephone instrument or other device capable of initiating telephone calls set aside by a Facility for use by Inmates;

International Calling means calls that originate in the United States and terminate outside the United States;

Intrastate Communication means any communication that originates and terminates in the same state or territory;

Interstate Communication means a communication or transmission from any State, Territory, or possession of the United States (other than the Canal Zone), or the District of Columbia, to any other State, Territory, or possession of the United States (other than the Canal Zone), or the District of Columbia;

Jail means a facility of a local, state, or federal law enforcement agency that is used primarily to hold individuals who are (1) awaiting adjudication of criminal charges; (2)

post-conviction and committed to confinement for sentences of one year or less; or (3) post-conviction and awaiting transfer to another facility. The term also includes city, county or regional facilities that have contracted with a private company to manage day-to-day operations; privately owned and operated facilities primarily engaged in housing city, county or regional inmates; and facilities used to detain individuals pursuant to a contract with U.S. Immigration and Customs Enforcement, and juvenile detention facilities and secure mental health facilities that operate outside of jail or prison institutions;

Mandatory Tax or Mandatory Fee means a fee that a Provider is required to collect directly from Consumers, and remit to federal, state, or local governments;

Maximum Call Duration means the maximum limit, if any, that a Provider or Facility imposes on the length of ICS calls from a Facility;

Off-Site Video Visitation means a call that allows an Inmate to communicate via video with another party (or parties) located outside the Facility where the Inmate is being detained;

On-Site Video Visitation means a call that allows an Inmate to communicate via video with another party (or parties) that is physically present at the Facility where the Inmate is being detained;

Paper Bill/Statement Fees means fees associated with providing customers of inmate calling services an optional paper billing statement;

Prepaid Calling means a presubscription or comparable service in which a Consumer, other than an Inmate, funds an account set up through a Provider of Inmate Calling Services. Funds from the account can then be used to pay for Inmate Calling Services;

Prepaid Collect Calling means a calling arrangement that allows an Inmate to initiate an Inmate Calling Services call without having a pre-established billing arrangement and also provides a means, within that call, for the called party to establish an arrangement to be billed directly by the Provider of Inmate Calling Services for future calls from the same Inmate;

Prison means a facility operated by a territorial, state, or federal agency that is used primarily to confine individuals convicted of felonies and sentenced to terms in excess of one year. The term also includes public and private facilities that provide outsource housing to other agencies such as the State Departments of Correction and the Federal Bureau of Prisons; and facilities that would otherwise fall under the definition of Jail but in which the majority of inmates are post-conviction or are committed to confinement for sentences of longer than one year;

Provider of Inmate Calling Services, or Provider, means any communications service provider that provides Inmate Calling Services, regardless of the technology used;

Reporting Period means January 1, 2014 to December 31, 2018;

Site Commission means any form of monetary payment, in kind payment, gift, exchange of services or goods, fee, technology allowance, or product that a Provider of Inmate Calling Services or Affiliate of a Provider of Inmate Calling Services may pay, give, donate, or otherwise provide to an entity that operates a correctional institution, an entity with which the Provider of Inmate Calling Services enters into an agreement to provide ICS, a governmental agency that oversees a correctional facility, the city, the county, or state where a facility is located, or an agent of any such facility;

Telecommunications means the transmission, between or among points specified by the user, of information of the user's choosing without change in the form or content of the information as sent or received;

Telecommunication Service means the offering of Telecommunications for a fee directly to the public or to such classes of users as to be effectively available directly to the public, regardless of the facilities used;

Third-Party Transaction Fees mean the exact fees, with no markup, that Providers of Inmate Calling Services are charged by third parties to transfer money or process financial transactions to facilitate a consumer's ability to make account payments via a third party;

Unpaid Calls means calls that a Provider is required to provide free of charge or any other calls for which the Provider did not receive compensation;

Unpaid MOU means any minute of use that the Provider provided to an end user for which the Provider did not receive compensation;

Variable Site Commission means a Site Commission that is assessed on a per-minute basis or as a percentage of ICS revenue;

Year means a calendar year, from January 1 through December 31 of any given year.

Basic Filing Information:

Company Information

Company Name: Enter the name of the entity that provided ICS during the Reporting Period.

Holding Company Name: Enter the name of Company's ultimate parent or holding company, if any.

Filing Date: Enter the filing date using the following format: “MM/DD/YYYY” to indicate the month, day, and year.

Headquarters Address: Enter the physical address where the Company’s headquarters are located.

Publicly Listed: Enter “yes” if the Company is a corporation whose ownership is dispersed among the general public in many shares of stock which are freely traded on a stock exchange or in over the counter markets.

Lines Of Business Other Than ICS: List the five most significant (by revenues) lines of businesses, other than Inmate Calling Services, that the Company was engaged in during the Reporting Period.

Rate Of Return Used In Estimating ICS Costs: Enter the Rate of Return used in estimating costs listed on this form.

List Affiliates: Provide the names of the five Affiliates that generated the most total revenues during the Reporting Period.

List Affiliates’ Lines Of Business: For each Affiliate listed above, list all lines of business in which the Affiliate engaged during the Reporting Period.

List Affiliates’ Annual Revenues: For each Affiliate listed above, list total revenues earned or received during each Year of the Reporting Period.

Total ICS Data

Total ICS Costs: Enter total Direct and Indirect Costs related to the provision of Inmate Calling Services that the Company incurred during each Year of the Reporting Period.

Total ICS Revenues: Enter total revenue derived by the Company and its Affiliates from the provision of Inmate Calling Services during each Year of the Reporting Period.

Total ICS Direct Costs: Enter the total amount of Direct Costs that the Company incurred during each Year of the Reporting Period that are attributable to ICS.

Total ICS Direct Costs Paid To Affiliates: Enter the total amount the Company paid to Affiliates for Direct Costs related to ICS during each Year of the Reporting Period. Include any costs the Company paid to an Affiliate for Telecommunications, Telecommunications Services, or telecommunications equipment that the Company used as an input into its Inmate Calling Services.

Total CCPS Direct Costs: Enter the total amount of Direct Costs attributable to Credit Card Processing Services for ICS that the Company incurred during each Year of the Reporting Period.

Total CCPS Direct Costs Paid To Affiliates: Enter the total amount the Company paid to Affiliates during each Year of the Reporting Period for ICS-related Credit Card Processing Services supplied by that Affiliate (or those Affiliates).

Total CCPS Revenues: Enter total revenue derived by the Company and its Affiliates from the provision of ICS-related Credit Card Processing Services during each Year of the Reporting Period.

Total Direct Costs Related To Collect ICS Calls: Enter the total amount of Direct Costs the Company incurred each Year of the Reporting Period that are attributable to the provision of Collect Calling.

Total Direct Costs Related To Collect ICS Calls Paid To An Affiliate: Enter the total amount of Direct Costs the Company paid to an Affiliate during each Year of the Reporting Period that are attributable to the provision of Collect Calling.

Total Revenues from Collect ICS Calls: Enter total revenue derived by the Company and its Affiliates from the provision of Collect Calling during each Year of the Reporting Period.

Total Site Commissions: Enter the total amount of Site Commissions, both Variable and Fixed, paid during each Year of the Reporting Period.

Total Video Visitation Costs: Enter total Direct and Indirect Costs attributable to the provision of On-Site Video Visitation and Off-Site Video Visitation that the Company incurred during each Year of the Reporting Period.

Total Video Visitation Revenues: Enter total revenue derived by the Company and its Affiliates from the provision of On-Site Video Visitation and Off-Site Video Visitation during each Year of the Reporting Period.

Facility-Level Data

Unique Identifier For Facility: Enter a unique identifier for each Facility.

Facility Address: Enter the complete address (street address, city, state, and ZIP Code) of the physical location of the Facility.

Facility Type (Jail Or Prison): Indicate whether the Facility is a Jail (J) or a Prison (P).

Unique Identifier For Contract: For each Facility, enter a unique identifier associated with the contract under which the Facility is offered service. Each contract should be assigned a unique identifier for purpose of referencing and identifying the particular contract.

Counter-Party To Contract: For each contract identified above, list the name of the party or entity that entered into the contract with the Provider.

Average Daily Population (ADP): Enter the ADP for each Facility for each Year of the Reporting Period.

Number Of Unpaid Calls: Enter the number of unpaid ICS calls made from each Facility during each Year of the Reporting Period.

Number Of Paid Calls: Enter the number of all paid ICS (including Debit, Prepaid, and Collect) calls made from each Facility during each Year of the Reporting Period.

Number Of Prepaid Calls: Enter the number of Prepaid ICS calls made from each Facility during each Year of the Reporting Period.

Number Of Debit Calls: Enter the number of Debit ICS calls made from each Facility during each Year of the Reporting Period.

Number Of Collect Calls: Enter the number of Collect ICS calls made from each Facility during each Year of the Reporting Period.

Total Minutes Of Use (MOU) -- Paid and Unpaid: Enter the total number of MOU for paid and unpaid ICS calls made from each Facility during each Year of the Reporting Period.

Total Unpaid MOU: Enter the total number of unpaid ICS MOU originating from the Facility during each Year of the Reporting Period.

Total Paid MOU: Enter the total number of paid ICS MOU originating from the Facility during each Year of the Reporting Period.

Prepaid MOU: Enter the total number of Prepaid ICS MOU originating from the Facility during each Year of the Reporting Period.

Debit MOU: Enter the total number of Debit ICS MOU originating from the Facility during each Year during the Reporting Period.

Collect MOU: Enter the total number of Collect ICS MOU originating from the Facility during each Year of the Reporting Period.

Total Intrastate MOU: Enter the total number of Intrastate ICS MOU originating from the Facility during each Year of the Reporting Period.

Total Interstate MOU: Enter the total number of Interstate MOU originating from the Facility during each Year of the Reporting Period.

Total Off-Site Video Visitation MOU: Enter the total number of MOU for Off-Site Video Visitation for each Facility during each Year of the Reporting Period.

Total On-Site Video Visitation MOU: Enter the total number of MOU for On-Site Video Visitation for each Facility during each Year of the Reporting Period.

On-Site Video Visitation Revenue: Enter the amount of On-Site Video Visitations revenue for each Facility for each Year of the Reporting Period.

Off-Site Video Visitation Revenue: Enter the amount of Off-Site Video Visitation revenue for each Facility for each Year of the Reporting Period.

Direct Costs For On-Site Video Visitation: Enter the amount of Direct Costs incurred to provide On-Site Video Visitation at the Facility during each Year of the Reporting Period.

Direct Costs For Off-Site Video Visitation: Enter the amount of Direct Costs incurred to provide Off-Site Video Visitation involving Inmates at the Facility during each Year of the Reporting Period.

On-Site Video Visitation Costs Paid To An Affiliate: Enter the amount paid to any Affiliate in connection with On-Site Video Visitation at the Facility during each Year of the Reporting Period.

Off-Site Video Visitation Costs Paid To An Affiliate: Enter the amount paid to any Affiliate in connection with Off-Site Video Visitation involving Inmates at the Facility during each Year of the Reporting Period.

Maximum Call Duration: Enter the maximum call duration for ICS calls originating at the Facility. If neither the Facility nor the Company impose a limit on the length of ICS calls placed from the Facility, enter "N/A."

Automated Payment Fee (APF) Revenues: Enter the amount of APF Revenue generated during each Year of the Reporting Period by calls originating in the Facility.

APFs Paid To An Affiliate: Enter the amount of APF Revenue paid to any Affiliate for calls originating in the Facility during each Year of the Reporting Period.

Paper Bill/Statement Fee Revenues (PBFs): Enter the amount of PBF Revenue generated by calls originating in the Facility during each Year of the Reporting Period.

PBFs Paid To An Affiliate: Enter the amount of PBF Revenue paid to any Affiliate during each Year of the Reporting Period for calls originating in the Facility.

Third Party Transaction Fees (TPTFs): Enter the amount of TPTFs for each Facility.

TPTFs Paid To An Affiliate: Enter the amount of TPTFs paid to any Affiliate for each Facility during each Year of the Reporting Period.

Per-Transaction Charges For Third-Party Transactions: Enter the per-transaction fee(s) charged to an end user for transferring money or processing financial transactions to facilitate an end user's ability to make account payments via a third party, including a third party that is an Affiliate of the Provider. For each fee, indicate whether the third party receiving the payment is an Affiliate or non-Affiliate.

Prepaid MOU Revenue: Enter the amount of MOU revenue generated by Prepaid ICS calls originating in the Facility during each Year of the Reporting Period.

Debit MOU Revenue: Enter the amount of MOU revenue generated by Debit ICS calls originating in the Facility during each Year of the Reporting Period.

Collect MOU Revenue: Enter the amount of MOU revenue generated by Collect Calling Calls originating in the Facility during each Year of the Reporting Period.

CCPS Direct Costs: Enter the amount of CCPS direct costs incurred during each Year of the Reporting Period to serve the Facility.

CCPS MOU: Enter the amount of CCPS MOU generated from the Facility during each Year of the Reporting Period.

CCPS Revenues: Enter the amount of CCPS revenues generated by calls from the Facility during each Year of the Reporting Period.

CCPS Direct Costs Paid To An Affiliate: Enter the amount of CCPS Direct Costs paid to any Affiliate during each Year of the Reporting Period.

ICS Direct Costs: Enter the amount of Direct Costs incurred to provide ICS to the Facility during each Year of the Reporting Period.

ICS Direct Costs Paid To An Affiliate: Enter the amount of ICS Direct Costs paid to any Affiliate during each Year of the Reporting Period.

Other Direct Costs Paid To An Affiliate: Enter the amount of any Direct Costs paid to any Affiliate in relation to ICS calls originating in the Facility during each Year of the Reporting Period that are not captured in your response to ICS Direct Costs Paid To An Affiliate.

Variable Site Commissions: Enter the amount of Variable Site Commissions paid for the Facility during each Year of the Reporting Period.

Fixed Site Commissions: Enter the amount of Fixed Site Commissions paid in connection with the Facility during each Year of the Reporting Period. If the Fixed Site Commission is imposed at the contract level (*e.g.*, a minimum annual guarantee is due each year under a contract covering multiple facilities), allocate the Fixed Site Commission among all Facilities covered by the contract and indicate the methodology used to allocate the Fixed Site Commission payments in the accompanying D&J.

Number of International ICS Calls: Enter the number of International ICS calls made from each Facility during each Year during the Reporting Period.

Total International ICS MOU: Enter the total number of International ICS MOU originating from the Facility during each Year of the Reporting Period.

Total International ICS Revenue: Enter total revenue generated during each Year of the Reporting Period from International ICS calls originating from the Facility.

Total International ICS Costs: Enter total Direct Costs incurred during each Year of the Reporting Period to provide International ICS Calling from the Facility.

Total International ICS Costs Paid To An Affiliate: Enter total amounts paid to any Affiliate during each Year of the Reporting Period in connection with International Calls from the Facility.