

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

In the Matter of)
)
Rates for Interstate Inmate Calling Services) WC Docket No. 12-375
)

ORDER

Adopted: July 11, 2014

Released: July 11, 2014

Revised Data Collection Due Date: August 18, 2014

By the Chief, Pricing Policy Division, Wireline Competition Bureau:

1. In this Order, the Wireline Competition Bureau (Bureau) responds to motions filed by Global Tel*Link (GTL), CenturyLink Public Communications, Inc. (CenturyLink), Network Communications International Corp. (NCIC), Inmate Calling Solutions (ICSolutions), and Telmate, LLC (Telmate) (collectively, ICS providers), inmate calling service (ICS) providers seeking an extension of time to respond to the Commission’s one-time mandatory data request in this proceeding.¹ As discussed more fully below, the Bureau finds that good cause exists to grant in part the ICS providers’ requests for extension of the data submission due date and, as such, extends the due date 30 days.

2. On September 26, 2013, the Commission released the *Inmate Calling Services Report and Order and FNPRM*.² In that item, the Commission adopted a one-time mandatory data collection “[t]o enable the Commission to take further action to reform rates, including developing a permanent cap or safe harbor for interstate rates, as well as to inform our evaluation of other rate reform options.”³ On April 17, 2014, the Commission submitted the mandatory data collection to the Office of Management and Budget (OMB) for review and approval pursuant to the Paperwork Reduction Act of 1995,⁴ and

¹ Motion for Extension of Time to Respond to One-Time Mandatory Data Collection for ICS Providers, WC Docket No. 12-375 (filed July 1, 2014) (GTL Motion); CenturyLink Public Communications, Inc.’s Motion for Extension of Time to Respond to One-Time Mandatory Data Collection, WC Docket No. 12-375 (filed July 3, 2014) (CenturyLink Motion); Motion of Network Communications International Corp. for Extension of Time to Respond to One-Time Mandatory Data Collection for ICS Providers, WC Docket No. 12-375 (filed July 3, 2014) (NCIC Motion); Motion for Extension of Time to Respond to One-Time Mandatory Data Collection, WC Docket No. 12-375 (filed July 7, 2014) (ICSolutions Motion); Telmate, LLC Motion for Extension of Time to Respond to One-Time Mandatory Data Collection, WC Docket No. 12-375 (filed July 10, 2014) (Telmate Motion).

² See *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 14107 (2013) (*Inmate Calling Services Report and Order and FNPRM*), *pets. for stay granted in part sub nom. Securus Techs. v. FCC*, No. 13-1280 (D.C. Cir. Jan. 13, 2014) (*Securus Techs. Partial Stay Order*); *pets. for review pending sub nom. Securus Techs. v. FCC*, No. 13-1280 (D.C. Cir. Nov. 14, 2013) (and consolidated cases).

³ *Id.* at 14172, para. 124.

⁴ Information Collection Being Submitted for Review and Approval to the Office of Management and Budget (OMB), 79 Fed. Reg. 21,757 (Apr. 17, 2014).

received OMB's approval on June 2, 2014.⁵ The Commission released a Public Notice on June 17, 2014, announcing OMB's approval and setting the due date for submission of data at July 17, 2014.⁶

3. Four ICS providers request a 60-day extension, and one requests a 90-day extension, of time to respond to the one-time mandatory data collection requirement adopted by the Commission.⁷ CenturyLink further requests such an extension "for all ICS providers."⁸ The ICS providers assert there is good cause for granting an extension. For example, GTL states that the data request imposes "new substantial, complex, and time-consuming" requirements, that it does not categorize its data as the Commission does, and that it "does not maintain this type of cost data in the ordinary course of business."⁹ CenturyLink, NCIC, ICSolutions and Telmate make similar arguments.¹⁰ Finally, the providers assert that the extensions they request will not cause undue delay and would cause no harm.¹¹

4. Section 1.46 of the Commission's rules provides that "[i]t is the policy of the Commission that extensions of time shall not be routinely granted."¹² We conclude that a 60- or 90-day extension is not warranted given the undue delay such an extension could cause on the Commission's ability to move quickly in pursuing permanent reform, and we conclude that respondents have had ample notice and information about this data collection. For example, the data collection parameters were provided in the *Inmate Calling Services Report and Order and FNPRM*¹³ released in September 2013, and the form and instructions were filed with OMB and made available online in April 2014.¹⁴ On balance, however, given the scope of the data request and our interest in obtaining accurate and complete responses from all ICS providers to enable consideration of permanent ICS rate and practice reform, we find it is in the public interest to grant all ICS providers a brief extension. We also find that granting a modest extension will not cause significant delay and will, in fact, facilitate the process of achieving the Commission's goal of permanent ICS reform in a timely manner. We therefore grant in part the ICS providers' requests for an extension of time by allowing an additional 30 days for the submission of data for all ICS providers.

5. Accordingly, IT IS ORDERED, pursuant to sections 1, 2, 4(i), 4(j), 5, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), 155 and 303(r), and sections 0.91, 0.201(d), 0.291, and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.201(d), 0.291,

⁵ Rates for Interstate Inmate Calling Services, 79 Fed. Reg. 33,709 (June 12, 2014).

⁶ See *Commission Announces Inmate Calling Services Data Due Date*, WC Docket No. 12-375, Public Notice, DA 14-829 (Wireline Comp. Bur. rel. June 17, 2014).

⁷ See generally GTL Motion, CenturyLink Motion, NCIC Motion, ICSolutions Motion, Telmate Motion.

⁸ CenturyLink Motion at 1.

⁹ GTL Motion at 6-7; see also CenturyLink Motion at 4; ICSolutions Motion at para. 13.

¹⁰ See generally CenturyLink Motion; see also NCIC Motion at 4 (noting that compliance with the data request will require NCIC to gather "call details and financial details specific to facilities with which NCIC had contracts in previous periods" from its archives, a time-consuming process); ICSolutions Motion at para. 10 (noting that it recently changed accounting systems and the request will necessitate "gathering, organizing, translating and reconciling detailed information across two different accounting systems"); Telmate Motion at 6 (describing that in the normal course of business, Telmate "neither maintains the requested data in the form it is being requested nor structured its data systems to easily accommodate this request").

¹¹ See, e.g., GTL Motion at 11-12; CenturyLink Motion at 6; ICSolutions Motion at para. 24; Telmate Motion at 8.

¹² 47 C.F.R. § 1.46.

¹³ See *Inmate Calling Services Report and Order and FNPRM*, 28 FCC Rcd at 14172-73, paras. 124-26.

¹⁴ See *supra* n.4; see also View Information Collection (IC) http://www.reginfo.gov/public/do/PRAViewIC?ref_nbr=201404-3060-027&icID=211330.

and 1.46, that the ICS providers' motions for extension of time to respond to the Commission's one-time mandatory data collection, filed on July 1, 3, 7 and 10, 2014, ARE GRANTED IN PART to the extent described herein and ARE OTHERWISE DENIED, and ICS providers' due date for complying with the mandatory data collection IS August 18, 2014.

FEDERAL COMMUNICATIONS COMMISSION

Kalpak S. Gude
Chief
Pricing Policy Division
Wireline Competition Bureau