

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter)	
)	
Rates for Interstate Inmate Calling Services)	WC Docket No. 12-375
)	
Commission Announces Inmate Calling Services Data Due Date)	DA-14-829
)	

**CENTURYLINK PUBLIC COMMUNICATIONS, INC.’S
MOTION FOR PARTIAL WAIVER OF DEADLINE
TO RESPOND TO ONE-TIME MANDATORY DATA COLLECTION**

CenturyLink Public Communications, Inc. (“CenturyLink”), through counsel and pursuant to 47 C.F.R. §§1.3 and 1.6, hereby respectfully requests a partial waiver of the current August 18, 2014 deadline for responding to the one-time mandatory data collection requirement adopted by the Commission in its *ICS Order*.¹ In support of this motion, CenturyLink states the following:

INTRODUCTION

In the *ICS Order*, the Commission decided to conduct a one-time data collection (the “Data Collection”) of information relating to the cost of providing inmate calling services at various types of correctional facilities. On June 17, 2014, the Commission issued the instructions for the Data Collection and an Excel spreadsheet template for providing the requested cost information.² The Commission initially set July 17, 2014 as the Data Collection

¹ *Rates for Interstate Inmate Calling Services*, 28 FCC Rcd 14107 (2013)(“*ICS Order*”), on appeal in *Securus Technologies, Inc. v. FCC*, Nos. 13-1280, 13-1281, 13-1291, 13-1300 (D.C. Cir.).

² WC Docket No. 12-375, *Commission Announces Inmate Calling Services Data Due Date*, Public Notice, DA 14-829 (rel. June 17, 2014)(“*Data Collection Instructions*”).

due date. On July 11, 2014, in response to motions for sixty (60) to ninety (90) day extensions of time filed by CenturyLink and several other ICS providers, the Commission granted a one month extension of the Data Collection due date to August 18, 2014.³

CenturyLink has continued to assemble the information requested in the Data Collection and anticipates that it will have a response to the Data Collection for its state departments of corrections contracts ready by the current deadline.⁴ However, due to the substantial burden of responding to the Data Collection and the limited time allowed, CenturyLink will be unable to provide a complete response for its county and municipal jail contracts by August 18, 2014. Accordingly, for the reasons that follow, CenturyLink requests that the Commission grant CenturyLink a partial waiver of the August 18, 2014 deadline and grant it until September 18, 2014 to submit its complete response to the Data Collection for its jail contracts.⁵

WAIVER REQUEST

A partial waiver of the August 18, 2014 due date is appropriate to permit CenturyLink to complete the extensive and highly-specific analysis required by the Data Collection. Under the Commission's rules, the Commission may grant a waiver where good cause for the waiver is shown.⁶ Granting CenturyLink a partial waiver of the Data Collection deadline is appropriate

³ *In the Matter of Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, DA 14-993 (rel. July 11, 2014).

⁴ The Data Collection states that “[i]nformation provided by contract size must be submitted separately for jails and prisons that the ICS provider serves.” *Data Collection Instructions*, p. 1.

⁵ Consistent with the 47 C.F.R. §1.6(b), this motion is being filed more than 7 days before the Data Collection due date.

⁶ 47 C.F.R. §1.3; *See also Application of Media General Broadcasting of South Carolina Holdings, Inc. for Renewal of License for Station WBTW (TV), Florence, SC*, 19 FCC Rcd 24744, ¶13 (2004).

due to the enormous difficulty CenturyLink is experiencing in gathering and organizing the information requested in the Data Collection.

When CenturyLink filed its initial motion for a sixty (60) day extension of time, it had just begun the process of gathering information for the Data Collection, as the Commission had only recently released final instructions governing the effort. With the experience from further work preparing responses for the Data Collection, CenturyLink continues to believe that it will need the 60 day extension it initially requested to provide a complete response to the Data Collection. Nonetheless, CenturyLink is reasonably confident that it will be able to provide a partial response to the Data Collection by the current August 18, 2014 deadline.

As explained further below, CenturyLink does not maintain or organize its records in the format specified in the Data Collection. Providing the information requested has required extensive analysis and compilation from multiple sources and is proving to be very difficult. CenturyLink has enlisted temporary help and will be able to provide a response to the Data Collection for its prison contracts by August 18, 2014. However, because of the detail required by the Data Collection, the work requires a familiarity with the particulars of this subset of business, which limits the ability effectively to utilize additional personnel to prepare a responsible and accurate response. CenturyLink consequently needs additional time to provide a complete response to the Data Collection for its jail contracts.

The Data Collection calls for extensive, highly detailed information organized in a very specific way. CenturyLink uses a standard set of accounts and method of accounting for all of its affiliates. Many of the categories of expenses for inmate calling services do not fit neatly into the standard set of accounts used by CenturyLink's telecommunication provider affiliates. Consequently, CenturyLink has in many cases had to review each account entry-by-entry to

make sure the recorded information is either correctly broken out or assembled into the Data Collection's prescribed categories. In addition, because some of CenturyLink's contracts were new accounts in 2012, 2013 and 2014, CenturyLink has had to develop an appropriate and responsible way to annualize certain individual costs components to meet the Data Collection's requirements.

Furthermore, CenturyLink does not track certain of the information requested in the Data Collection, such as non-revenue producing calls and minutes. To obtain this information, CenturyLink has had to review individual toll bills the Company has paid to arrive at total minutes and then subtract out the minutes for which the Company was able to bill. From this information, CenturyLink is attempting to estimate the number of non-revenue producing calls. CenturyLink is still investigating how to split this information up between collect, prepaid and debit calls.

Similarly, CenturyLink is still working through detailed accounting for capital expenditures. The analysis of investment costs such as up-front capital equipment and ongoing refresh costs, installation expenses, and maintenance expenses has proven to be particularly cumbersome. These costs are spread out over multiple time periods and have to be split in a reasonable way between accounts.

The analysis of the costs of services has also proven to be particularly difficult. In many cases, a service (for example, voice biometrics) will be provided only to certain correctional facilities, or in some instances may be provided independently to the institution by a third party. However, the Company's costs relating to the service will often be embedded within a general call processing, recording and monitoring cost account. This has required research concerning

the amount paid for the service so that the cost is only attributed to the category of correctional facility to which it is relevant.

Finally, the Commission's request that ICS Providers provide a forecast, *supported by evidence*, for each cost category from January 1, 2014 to December 31, 2014, has proven very challenging. Costs incurred thus far during 2014 are not uniformly annual, quarterly or monthly costs. As a result, each general ledger account has had to be analyzed in depth to arrive at a reliable 2014 projection. Moreover, the rate caps imposed by the *ICS Order* have created great uncertainty concerning call volumes and other variables such that preparing a forecast for 2014 that can be reasonably relied upon has taken much more time and effort than the Commission likely would have anticipated.

CenturyLink has been working diligently to complete its response to the Data Collection. It presently is reasonably confident that it will be able to have a response to the Data Collection for its prison contracts by the current August 18, 2014 deadline. Accordingly, CenturyLink requests only a partial waiver of the August 18, 2014 deadline to give it time to complete the portion of the response to the Data Collection relating to its jail contracts.

The public interest will not be harmed by the requested waiver. Because CenturyLink will provide a meaningful and useful, if partial, response to the Data Collection by August 18, 2014, the Commission will receive information that it can use to begin its analysis of the collected data. CenturyLink will submit the remainder of the requested information to the Commission when it is completed, and it anticipates that it will be able to complete the balance of its response to the Data Collection by September 18, 2014.

CONCLUSION

For the foregoing reasons, CenturyLink respectfully requests that the Commission grant a partial waiver of the August 18, 2014 deadline for responding to the Data Collection and grant CenturyLink an additional thirty (30) days to September 18, 2014 to submit a complete response for all of its jail and prison contracts.

Respectfully submitted,

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