

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

In the Matter of	)	
	)	
Rates for Interstate Inmate Calling Services	)	WC Docket No. 12-375
	)	
Information Collection Being Reviewed by the Federal Communications Commission	)	86 Fed. Reg. 47496
	)	OMB Control No. 3060–1222
	)	

**PAY TEL COMMUNICATIONS, INC.’S COMMENTS  
REGARDING PROPOSED DATA COLLECTION RELATING TO THE  
COMMISSION’S INMATE CALLING SERVICES THIRD REPORT AND ORDER**

Pay Tel Communications, Inc. (“Pay Tel”),<sup>1</sup> through its attorneys, respectfully submits these Paperwork Reduction Act (“PRA”)<sup>2</sup> comments in response to the Commission’s notice<sup>3</sup> and request for comments on the data collection that was adopted by the Commission’s *Third Report and Order* issued on May 24, 2021, in the above-referenced docket,<sup>4</sup> which data

---

<sup>1</sup> Since 1989, Pay Tel has provided high-quality ICS with a strong emphasis on ethical treatment of inmates and their loved ones. Consistent with this emphasis, Pay Tel has actively participated in the FCC’s *Rates for Interstate Inmate Calling Services* docket and has persistently advocated for reforms beneficial to consumers of its services. Through effective and innovative growth across that same time period, Pay Tel has sought to expand its ICS offerings nationwide in facilities that complement its business plan and has become a market-leading provider to confinement facilities in the Southeast, providing service exclusively to jails. Pay Tel currently has approximately 80 employees. For more information, please see generally *About Pay Tel* (last visited Oct. 25, 2021), <https://www.paytel.com/about-paytel/>.

<sup>2</sup> 44 U.S.C. §§ 3501–3521.

<sup>3</sup> Federal Register Notice and Request for Comments, *Information Collection Being Reviewed by the Federal Communications Commission*, 86 Fed. Reg. 47496, at 47496–97 (Aug. 25, 2021) (“Notice”).

<sup>4</sup> *Rates for Interstate Inmate Calling Services*, Third Report and Order, Order on Reconsideration, and Fifth Further Notice of Proposed Rulemaking, WC Docket No. 12-375, FCC 21-60 (rel. May 24, 2021) (“*Third Report and Order*”).

collection the Commission is required to submit for review and approval to the Office of Management and Budget (“OMB”).

Pay Tel wishes to comment on revisions to Section 64.6110 of the Commission’s rules, which impose additional customer disclosure requirements subject to the Paperwork Reduction Act. *See Third Report and Order*, app. A, at § 64.6110(d). Pay Tel supports the spirit of these rules—which is enhanced consumer disclosure—however, the execution of these rules will impose significant new paperwork burdens on providers and does not reflect the actual manner in which ICS is provided.

Specifically, revised Section 64.6110(a) requires ICS providers to “separately disclose the rate component for terminating calls to each country where that provider terminates International Calls.” Similarly, revised Section 64.6110(c) requires ICS providers to “label all charges for International Calls in § 64.6030(e) as a separate line item on Consumer bills” and further states that “[t]o be clearly labeled, providers must identify the amount charged to the Consumer for the International Call, including the costs paid by the provider to its underlying international providers to terminate the International Call to the international destination of the call.”

Pay Tel has several concerns with these requirements:

- Pay Tel’s international calling amounts to 0.069% of its total paid minutes-of-use—i.e., less than one-tenth of one percent.<sup>5</sup> For Pay Tel, then—and likely for any other ICS providers of similar size and who serve similarly sized, smaller jail facilities—the new disclosure requirements impose burdens that are not commensurate to the service in

---

<sup>5</sup> *See Pay Tel Mandatory Data Collection*, FCC Form 2300, WC Docket No. 12-375 (as corrected, Sept. 12, 2019).

issue. To accommodate the new disclosure requirements, Pay Tel must fundamentally modify its systems across the board, despite the fact that the new disclosures will rarely be utilized. The corresponding cost for Pay Tel to come into compliance with the new disclosure requirements will likely prohibit alternative avenues of investment in providing ICS that Pay Tel would otherwise seek to provide to its customers.

- Even setting the foregoing cost-benefit issue aside, fundamental administrative barriers to effective implementation of the disclosure requirements exist. To begin, Pay Tel only offers international service through debit calling, where the inmate is not rendered a traditional bill due to the requirements of the confinement facility and nature of the service. The new disclosure requirement therefore imposes on Pay Tel the additional, implied obligation to generate a traditional bill for each such ICS consumer, which is simply not feasible for this type of calling. Additionally, this would require the addition of new functionality to Pay Tel's existing systems, thus increasing the overall cost of offering international service and requiring Pay Tel to alter the core manner in which it currently provides such service.
- Finally, Pay Tel respectfully submits that the new requirement for providers to label "the costs paid by the provider to its underlying international providers" will only confuse consumers and is not practicable in light of the thousands of charges in issue and the constantly changing nature of those charges. Consumers will obtain no additional, meaningful information and instead will be more likely to suffer confusion over the numerous cataloged charges on their bills. And, at the same time, small providers will be left with no practical way to manage those disclosures and to ensure that all such "costs" falling within the ambit of the new disclosure requirement are

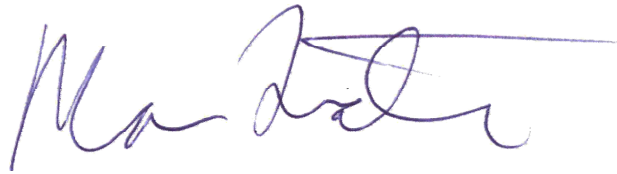
correctly identified and cataloged on an ongoing basis as international providers add, subtract, and modify those charges.

In sum, the new disclosure requirements do not appropriately consider the burdens on small providers, like Pay Tel, of compliance and the incremental benefits to consumers are outweighed substantially and significantly, at least for small entities, by the burden of compliance and the impracticalities the rules could be read to require. Read literally, the disclosure requirements, although well-intentioned, will unnecessarily increase costs for ICS providers for little consumer benefit.

Dated: October 25, 2021.

Respectfully submitted,

**PAY TEL COMMUNICATIONS, INC.**



By:

---

Marcus W. Trathen  
Patrick Cross  
BROOKS, PIERCE, McLENDON,  
HUMPHREY & LEONARD, L.L.P.  
Suite 1700  
Wells Fargo Capitol Center  
Post Office Box 1800  
Raleigh, North Carolina 27602  
Telephone: (919) 839-0300  
Facsimile: (919) 839-0304  
mtrathen@brookspierce.com  
pcross@brookspierce.com