

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

In the Matter of)	
)	WC Docket No. 23-62
Incarcerated People’s Communications Services;)	WC Docket No. 12-375
Implementation of the Martha Wright-Reed Act)	
)	OMB 3060-1222
Rates for Interstate Inmate Calling Services)	
)	FR ID 254149
_____)	

**PAPERWORK REDUCTION ACT COMMENTS
OF GLOBAL TEL*LINK CORPORATION D/B/A VIAPATH TECHNOLOGIES**

Global Tel*Link Corporation d/b/a ViaPath Technologies (“ViaPath”),¹ by its attorneys, respectfully submits these Paperwork Reduction Act (“PRA”)² comments in response to the Federal Communications Commission (the “Commission”) notice³ seeking comment on the information collection requirements triggered by various rules adopted or modified in the *2024 IPCS Order*.⁴ The “time, effort, or financial resources expended”⁵ by incarcerated people’s communications service (“IPCS”) providers to implement and comply with the information collection requirements does not justify imposition of the requirements.

¹ These comments are filed by ViaPath on behalf of itself and its wholly owned subsidiaries that also provide incarcerated people’s communications services: DSI-ITI, Inc. d/b/a ViaPath Technologies, Public Communications Services, Inc. d/b/a ViaPath Technologies, Telmate, LLC d/b/a ViaPath Technologies, and Value-Added Communications, Inc. d/b/a ViaPath Technologies.

² 44 U.S.C. §§ 3501-3521.

³ 89 Fed. Reg. 85209 (Oct. 25, 2024) (“FR Notice”). The deadline for comments on the FR Notice was extended to January 7, 2025. See WC Docket Nos. 23-62, 12-375, *Incarcerated People’s Communications Services; Implementation of the Martha Wright-Reed Act; Rates for Interstate Inmate Calling Services*, Order, DA 24-1129 (rel. Nov. 8, 2024).

⁴ WC Docket Nos. 23-62, 12-375, *Incarcerated People’s Communications Services; Implementation of the Martha Wright-Reed Act; Rates for Interstate Inmate Calling Services*, Report and Order, Order on Reconsideration, Clarification and Waiver, and Further Notice of Proposed Rulemaking, FCC 24-75 (rel. July 22, 2024) (“*2024 IPCS Order*”) (subsequent history omitted).

⁵ 44 U.S.C. § 3502(2).

BACKGROUND

The PRA requires the Commission to seek comment and receive Office of Management and Budget (“OMB”) approval of certain of its new or revised IPCS rules governing disability access, alternate pricing plans, inactive accounts, consumer disclosures, annual reporting and certification, and waiver requests.⁶ In addition to comments on the rules themselves, the FR Notice also seeks comment on “whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission’s burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.”⁷

The purpose of the PRA is to minimize federal paperwork burdens on businesses and to ensure the greatest public benefit from information collected by the federal government, among other things.⁸ The statute defines the term “burden” broadly, including “time, effort, or financial resources expended by persons to generate, maintain, or provide information.”⁹ A central purpose of the PRA is to minimize the “paperwork burden” for reporting entities,¹⁰ and the Commission

⁶ FR Notice at 85210. The Commission indicates it will issue a separate notice seeking comment on “any paperwork burdens arising from the revisions to the current annual reporting and certification rules in a subsequent 60-day Notice.” *See id.*

⁷ FR Notice at 85209.

⁸ 44 U.S.C. § 3501(1).

⁹ 44 U.S.C. § 3502(2).

¹⁰ *See, e.g., U.S. v. Dawes*, 951 F.2d 1189, 1191 (10th Cir. 1991) (“The Paperwork Reduction Act (PRA or the Act) was enacted by Congress in response to growing criticism from citizens regarding what they perceived to be an ever-increasing and onerous burden of federal paperwork. In adopting the PRA,

has an obligation to ensure this objective is achieved.¹¹

COMMENTS

The PRA requires the Commission to make certain showings to support a new or revised information collection. The Commission must demonstrate “it has taken every reasonable step to ensure that the proposed collection of information” is the “least burdensome necessary,” is “not duplicative of information otherwise accessible to the agency,” and is useful.¹² The information collection at issue in the FR Notice does not meet these standards.

First, the Commission estimates it will take each IPCS provider between 5 and 240 hours to comply with the information collection requirements.¹³ This in and of itself demonstrates the considerable burden associated with the requirements. ViaPath also submits the estimate is substantially understated. For example, in 2023, the Commission estimated IPCS providers would spend between 5 and 1,200 hours to respond to the annual reporting and certification, third party disclosure, and waiver request requirements.¹⁴ The requirements under review here are significantly more detailed than those under review in 2023, and contain additional requirements relating to alternate pricing plans, disability access, and inactive accounts. The response time estimate is not realistic.

Congress crafted a comprehensive scheme designed to reduce the federal paperwork burden.”) (citing *Dole v. United Steelworkers*, 494 U.S. 26 (1990)).

¹¹ See, e.g., *Black Citizens for a Fair Media v. FCC*, 719 F.2d 407, 416 (D.C. Cir. 1983) (finding the PRA “was enacted ‘to minimize the federal paperwork burden’” and that “Congress specifically applied this policy to the FCC’s domain”).

¹² 5 C.F.R. § 1320.5(d)(1).

¹³ FR Notice at 85209.

¹⁴ 88 Fed. Reg. 77315 (Nov. 9, 2023).

Second, the Commission states there is “No cost” associated with the information collection requirements.¹⁵ This is incorrect. Among other things, implementation of the information collection requirements will require substantial changes, reconfiguration, and re-programming of IPCS provider systems, including updates to billing systems, back office functions, and websites. As others have explained, providers will be required to “revise their internal systems to accommodate the slew of new reporting, disclosure and related regulatory obligations,” which raises “operational challenges” and “sizeable compliance costs.”¹⁶ The cost estimate ignores the significant costs associated with implementation of the information collection requirements as well as the costs related to ongoing compliance with the requirements.

Third, the information collection requirements are not the “least burdensome necessary” as required under the PRA.¹⁷ For example, the Commission claims the revised consumer disclosure requirements are necessary for “increased transparency and protection for consumers.”¹⁸ Yet, the Commission’s existing rules imposing IPCS rate caps¹⁹ and IPCS consumer disclosures,²⁰ coupled with the Commission’s existing Truth-in-Billing rules,²¹ Internet-posting requirements,²²

¹⁵ FR Notice at 85210.

¹⁶ WC Docket Nos. 23-62, 12-375, Securus Technologies, LLC Petition for Stay Pending Judicial Review (dated Sept. 26, 2024); WC Docket Nos. 23-62, 12-375, Securus Technologies, LLC Ex Parte Letter (dated July 15, 2024); WC Docket Nos. 23-62, 12-375, Pay Tel Communications, Inc.’s Petition for Stay Pending Judicial Review (dated Oct. 7, 2024).

¹⁷ 5 C.F.R. § 1320.5(d)(1).

¹⁸ *2024 IPCS Order* ¶ 502.

¹⁹ 47 C.F.R. § 64.6030.

²⁰ 47 C.F.R. § 64.6110.

²¹ 47 C.F.R. § 64.2401.

²² 47 C.F.R. §§ 42.10, 42.11.

investigative authority,²³ and formal and informal complaint processes,²⁴ provide a reliable and much less burdensome way to facilitate transparency. Both incarcerated individuals and their friends and families already have numerous ways to learn about IPCS rates and charges.²⁵ The Commission’s objectives can be met without the imposition of the additional information collection burdens on IPCS providers.²⁶

²³ 47 U.S.C. § 403 (“The Commission shall have full authority and power at any time to institute an inquiry, on its own motion, in any case and as to any matter or thing concerning which complaint is authorized to be made, to or before the Commission by any provision of this Act, or concerning which any question may arise under any of the provisions of this Act, or relating to the enforcement of any provisions of this Act.”).

²⁴ 47 U.S.C. § 208; 47 C.F.R. § 1.711, *et seq.*; *see also, e.g., Policy and Rules Concerning the Interstate, Interexchange Marketplace; Implementation of Section 254(g) of the Communications Act of 1934, as Amended*, 11 FCC Rcd 20730, ¶¶ 21, 128 (1996) (subsequent history omitted) (recognizing that the Commission “may be called upon to examine the reasonableness of a non-dominant interexchange carrier’s rates, terms, and conditions for interstate, domestic, interexchange services, for example, in the context of a Section 208 complaint proceeding” and that “the exercise of [its] authority to investigate and adjudicate complaints under Section 208” was a “more effective means of remedying” service offerings that violate Section 201).

²⁵ *See, e.g.,* WC Docket No. 12-375, Comments of Global Tel*Link Corporation d/b/a ViaPath Technologies (dated Dec. 15, 2022); *see also* 47 C.F.R. § 64.710 (requiring each provider of inmate operator services to disclose, audibly and distinctly to the consumer, at no charge and before connecting any interstate, non-access code operator service call, how to obtain the total cost of the call, including any surcharge or premises-imposed fee).

²⁶ *See, e.g., Updating Part 1 Competitive Bidding Rules*, 30 FCC Rcd 7493, ¶ 150 (2015) (rejecting a proposal after determining “that any potential benefit that might be gained from adopting such a requirement would be outweighed by the harms it would cause” because it would “impose unnecessary administrative and operational burdens with no demonstrated benefit”); *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, 27 FCC Rcd 4535, ¶ 19 (2012) (declining to adopt “certain proposals in the FNPRM at this time, to further ensure that the costs of compliance with the new posting procedures are outweighed by the benefits of online disclosure”).

CONCLUSION

For the foregoing reasons, the Commission should re-evaluate the potential paperwork burdens associated with the new and/or revised rules addressing disability access, alternate pricing plans, inactive accounts, consumer disclosures, annual reporting and certification, and waiver requests.

Respectfully submitted,

**GLOBAL TEL*LINK CORPORATION
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