

**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 282505
_____)	

**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 the revisions to the instructions, reporting templates, and certification form for the Incarcerated People’s Communications Services (“IPCS”) Annual Report, FCC Forms 2301(a) and 2301(b).⁴ The “time, effort, or financial resources expended”⁵ by IPCS providers to implement and comply with the information collection requirements does not justify imposition of the requirements as currently structured.

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 90 Fed Reg. 11415 (March 6, 2025) (“FR Notice”).

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*, Order, DA 25-23 (rel. Jan. 8, 2025) (“2025 Annual Report Order”).

⁵ 44 U.S.C. § 3502(2).

BACKGROUND

In the *2013 ICS Order*⁶ and again in the *2015 ICS Order*,⁷ the Commission adopted a requirement that IPCS providers submit to the Commission an annual report on interstate, intrastate, and international IPCS for the prior calendar year (the “Annual Report”).⁸ An officer or director of the IPCS provider must certify that the information and data in the Annual Report are accurate and complete to the best of his or her knowledge, information, and belief.⁹ The stated purpose of the Annual Report requirement is to enable the Commission to monitor and track trends in the IPCS marketplace, increase provider transparency, and ensure compliance with the Commission’s IPCS rules.¹⁰ The Commission delegated authority to the Wireline Competition Bureau (the “Bureau”) to develop a template for the Annual Report to “ensure that the incoming information is provided in the most straight-forward and consistent manner.”¹¹

In the *2024 IPCS Order*,¹² the Commission modified the annual reporting and certification requirements, consistent with the Commission’s expanded authority under the Martha Wright-Reed Just and Reasonable Communications Act of 2022 (“MWR Act”),¹³ to include “the full scope

⁶ *Rates for Interstate Inmate Calling Services*, 28 FCC Rcd 14107 (2013) (“*2013 ICS Order*”), *pets. for stay granted in part sub nom. Securus Tech., Inc. v. FCC*, No. 13-1280, Order (D.C. Cir. Jan. 13, 2014), *superseded as stated in Securus Tech., Inc. v. FCC*, No. 13-1280, Order (D.C. Cir. Dec. 21, 2017).

⁷ *Rates for Interstate Inmate Calling Services*, 30 FCC Rcd 12763 (2015) (“*2015 ICS Order*”), *pets. for stay granted in part sub nom. Global Tel*Link Corporation v. FCC*, No. 15-1461, Order (D.C. Cir. Mar. 7, 2016), Order (D.C. Cir. Mar. 23, 2016), *vacated in part, rev’d and remanded in part by Global Tel*Link v. FCC*, 866 F. 3d 397 (D.C. Cir. 2017).

⁸ *2015 ICS Order* ¶ 267; *see also* 47 C.F.R. § 64.6060(a).

⁹ 47 C.F.R. § 64.6060(b).

¹⁰ *2015 ICS Order* ¶¶ 9, 266-68, 270.

¹¹ *2015 ICS Order* ¶ 268.

¹² *Incarcerated People’s Communications Services; Implementation of the Martha Wright-Reed Act; Rates for Interstate Inmate Calling Services*, 39 FCC Rcd 7647 (2024) (“*2024 IPCS Order*”) (subsequent history omitted).

¹³ S. 1541 (2022), <https://www.congress.gov/bill/117th-congress/senate-bill/1541/text>.

of IPCS and all providers of IPCS.”¹⁴ The Commission reiterated the purpose of the Annual Report is to “provide greater visibility into the IPCS marketplace” and “an objective foundation for future Commission action to ensure IPCS rates are just and reasonable and IPCS providers are fairly compensated.”¹⁵ In the *2025 Annual Report Order*, the Bureau adopted changes to the Annual Report to reflect the Commission’s expanded authority under the MWR Act and various other changes.¹⁶

The PRA requires the Commission to seek comment and receive Office of Management and Budget (“OMB”) approval of the revised Annual Report. To that end, the FR Notice 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.”¹⁷

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.¹⁸ The statute defines the term “burden” broadly, including “time, effort, or financial

¹⁴ *2024 IPCS Order* ¶ 569.

¹⁵ *2024 IPCS Order* ¶ 569.

¹⁶ *2025 Annual Report Order* ¶ 1.

¹⁷ FR Notice at 11415.

¹⁸ 44 U.S.C. § 3501(1).

resources expended by persons to generate, maintain, or provide information.”¹⁹ A central purpose of the PRA is to minimize the “paperwork burden” for reporting entities,²⁰ and the Commission has an obligation to ensure this objective is achieved.²¹

COMMENTS

The PRA requires the Commission to make certain showings to support a new or revised information collection. Specifically, 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.²² ViaPath greatly appreciates the steps the Bureau has already taken to streamline the Annual Report.²³ ViaPath has complied with its annual reporting obligations, and ViaPath will continue to do so as long as those obligations remain in effect. ViaPath submits, however, that the revised Annual Report does not meet the standards of the PRA, especially with respect to the burden and cost estimates associated with completion of the Annual Report.

First, the Bureau estimates it will take each IPCS provider between 5 and 160 hours to comply with the information collection requirements.²⁴ This in and of itself demonstrates the considerable burden on IPCS providers associated with completion of the Annual Report. Indeed,

¹⁹ 44 U.S.C. § 3502(2).

²⁰ 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, Congress crafted a comprehensive scheme designed to reduce the federal paperwork burden.”) (citing *Dole v. United Steelworkers*, 494 U.S. 26 (1990)).

²¹ 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”).

²² 5 C.F.R. § 1320.5(d)(1).

²³ See, e.g., *2025 Annual Report Order* ¶¶ 24, 27, 32, 35-36, 39-40.

²⁴ FR Notice at 11415.

the hours estimate represents approximately four weeks of full-time employee hours dedicated to nothing other than completion of the Annual Report.

ViaPath also submits the hours estimate is substantially understated. The revised Annual Report requires information to be reported at the individual facility level. ViaPath currently serves hundreds of individual facilities across the United States. Even if ViaPath spent only one hour per facility to collect, compile, and report in the multiple data categories required by the revised Annual Report (which is an unrealistically low estimate), ViaPath would far exceed the Bureau's time estimate for completion of the Annual Report.

Second, the FR Notice states there is “No cost” associated with the information collection requirements.²⁵ This is incorrect. ViaPath understands the Bureau focuses on “additional capital expenditures” in determining its cost estimate,²⁶ but the statute defines the term “burden” broadly, including “time, effort, or financial resources expended by persons to generate, maintain, or provide information.”²⁷ In addition, OMB guidance suggests a broader view of costs.²⁸ In fact, in addition to capital investments, agencies are directed to consider the “recurring annual dollar amount of cost for all respondents associated with operating or maintaining systems or purchasing services” and the “total annual reporting and recordkeeping cost burden,” including the “costs associated with generating, maintaining, and disclosing or providing the information.”²⁹ Employee wage and benefit costs also are considered when an in-house employee is responsible

²⁵ FR Notice at 11415.

²⁶ See, e.g., Incarcerated People's Communications Services (IPCS) Provider Annual Reporting, Certification, and Other Requirements, 3060-1222, Supporting Statement (April 2025).

²⁷ 44 U.S.C. § 3502(2).

²⁸ See, e.g., United States Government Accountability Office, Paperwork Reduction Act, Agencies Could Better Leverage Review Process and Public Outreach to Improve Burden Estimates (July 2018), <https://www.gao.gov/products/gao-18-381> (“GAO PRA Report”).

²⁹ ROCIS PRA Module User Guide (March 2024), <https://www.rocis.gov/rocis/viewResources.do>

for completion of an information collection on behalf of an employer.³⁰ The significant number of employee hours needed to complete the Annual Report should be taken into consideration in determining the cost estimate and the resulting “burden” on IPCS providers. The proposed cost estimate ignores the significant costs on IPCS providers associated with completion of the Annual Report as well as the costs related to ongoing compliance with the requirements.

CONCLUSION

For the foregoing reasons, ViaPath recommends the Bureau re-evaluate the potential burden on IPCS providers and costs associated with the revised Annual Report.

Respectfully submitted,

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D/B/A VIAPATH TECHNOLOGIES**

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³⁰ GAO PRA Report at 7, 17.