



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU REMINDS PROVIDERS OF INMATE CALLING SERVICES OF THE APRIL 1, 2022 DEADLINE FOR ANNUAL REPORTS AND CERTIFICATIONS

WC Docket No. 12-375

By this Public Notice, the Wireline Competition Bureau (Bureau) reminds providers of inmate calling services that the deadline for the submission of annual reports and certifications, required pursuant to section 64.6060 of the Commission's rules, is April 1, 2022.¹ The forms and instructions for this year's annual reports and certifications are the same as those used in 2021 and are available at <https://www.fcc.gov/general/ics-data-collections>.² All required data must be submitted using the electronic Excel template provided by the Commission, and in a machine-readable and manipulable format.³ Public versions of the reports shall also be filed in the electronic Excel template provided by the Commission, and in a machine-readable and manipulable format, using the Commission's Electronic Comment Filing System (ECFS) at <https://www.fcc.gov/ecfs/>.⁴

Any request for confidential treatment must adhere to the standard set forth in section 0.459(b) of the Commission's rules,⁵ as applied in the *ICS Annual Report Transparency Order*.⁶ In that *Order*, the Bureau explained that information in the 2019 Annual Reports regarding "facility names, inmate calling services rates, [and] the amounts of ancillary service charges" was not entitled to confidential treatment,

¹ 47 CFR § 64.6060.

² On December 15, 2021, the Bureau released a Public Notice seeking comment on proposed revisions to annual reporting and certification requirements. *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Public Notice, DA 21-1583 (WCB Dec. 15, 2021). The proposed revisions are currently in the Paperwork Reduction Act (PRA) process. FCC, Information Collection Being Reviewed by the Federal Communications Commission, 87 Fed. Reg. 2432, 2432-33 (Jan. 14, 2022). As a result, proposed changes to the annual report filing requirements are still pending. Because the Bureau has not yet finalized any revisions, providers should continue to use the instructions, reporting template, and certification form applicable to the 2021 annual reports. We anticipate that any reforms stemming from our proposed revisions will take effect in time for the annual report and certification filings due in April, 2023.

³ Instructions for Completing the Inmate Calling Services Annual Reporting Form (FCC Form 2301(a)) at 1, available at <https://www.fcc.gov/general/ics-data-collections> (ICS Annual Reporting Form Instructions (Current)).

⁴ See ICS Annual Reporting Form Instructions (Current) at 1; Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (May 1, 1998).

⁵ 47 CFR § 0.459(b); see *id.* § 0.459(c) (specifying that "[c]asual requests [for confidential treatment] (including simply stamping pages 'confidential') . . . will not be considered").

⁶ *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Order, 35 FCC Rcd 9267 (WCB 2020) (*ICS Annual Report Transparency Order*).

given the “strong public interest in transparency surrounding rates, charges, terms, and fees for inmate calling services.”⁷ The Bureau also denied confidential treatment of the information on average daily population in the 2019 Annual Reports, because it found no persuasive reason for protecting such information from public disclosure.⁸ These determinations remain applicable to the 2021 Annual Reports due April 1, 2022, providing required information for calendar year 2021.

As a result, the Bureau expects the majority of each annual report to be filed publicly via ECFS, with only limited requests, if necessary, for redaction from public inspection. We remind providers that requests for confidential treatment will be reviewed and will not be granted unless warranted.

For further information, please contact Katherine Jeanne Morehead, Wireline Competition Bureau, Pricing Policy Division, at 202-418-0696, or at Katherine.Morehead@fcc.gov.

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⁷ *Id.* at 9267, para. 1.

⁸ *Id.*