

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

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

**ORDER**

**Adopted: June 1, 2023**

**Released: June 1, 2023**

**Extended *IPCS Data Collection Public Notice* Reply Comment Date: June 27, 2023**

**Extended *IPCS Notice* Reply Comment Date: July 12, 2023**

By the Chief, Wireline Competition Bureau:

1. By this Order, the Wireline Competition Bureau (Bureau) of the Federal Communications Commission (Commission) grants extensions of time for parties filing reply comments on the *IPCS Notice*<sup>1</sup> and the *IPCS Data Collection Public Notice* in the above-captioned proceeding.<sup>2</sup> The reply comments for the *IPCS Notice* are now due July 12, 2023 and the reply comments for the *IPCS Data Collection Public Notice* are now due June 27, 2023.

2. On March 17, 2023, the Commission released the *IPCS Notice* and *IPCS Order*. In the *IPCS Notice*, the Commission began the process of implementing the Martha Wright-Reed Act<sup>3</sup> and adopting just and reasonable rates and charges for incarcerated people’s audio and video communications services (IPCS). In the *IPCS Notice*, the Commission sought comment on how it should interpret the Martha Wright-Reed Act’s language to ensure that it is implemented in a manner that fulfills Congress’s intent.<sup>4</sup> The filing deadlines were set at May 8, 2023 for initial comments and June 6, 2023 for reply comments.<sup>5</sup>

3. In the *IPCS Order*, the Commission reaffirmed its prior delegation of data collection authority to the Bureau and the Office of Economics and Analytics, and directed them to update and

---

<sup>1</sup> *Incarcerated People’s Communications Services; Implementation of the Martha Wright-Reed Act, Rates for Interstate Inmate Calling Services* Notice of Proposed Rulemaking and Order, WC Docket Nos. 23-62, 12-375, FCC 23-19 (rel. Mar. 17, 2023) (*IPCS Notice* or *IPCS Order*)

<sup>2</sup> *Wireline Competition Bureau and Office of Economics and Analytics Seek Comment on Proposed 2023 Mandatory Data Collection for Incarcerated People’s Communications Services*, WC Docket Nos. 23-62, 12-375, Public Notice, DA 23-355 (rel. Apr. 28, 2023) (*IPCS Data Collection Public Notice*).

<sup>3</sup> *IPCS Notice* at 2, para. 2; Martha Wright-Reed Just and Reasonable Communications Act of 2022, Pub. L. No. 117-338, 136 Stat. 6156 (Martha Wright-Reed Act or Act).

<sup>4</sup> *IPCS Notice* at 2, para. 2.

<sup>5</sup> *Comment Dates Set for Notice Implementing the Martha Wright-Reed Act to Ensure Just and Reasonable Rates and Charges for Incarcerated People’s Communications Services*, WC Docket Nos. 23-62, 12-375, Public Notice, DA 23-306 (rel. Apr. 10, 2023).

restructure their most recent data collection as appropriate in light of the requirements of the new statute.<sup>6</sup> On April 28, 2023, the Bureau and the Office of Economics and Analytics released the *IPCS Data Collection Public Notice* seeking comment on proposed instructions and a proposed reporting template for that data collection.<sup>7</sup> Initial comments on those proposals are due June 2, 2023, and reply comments are due June 20, 2023.<sup>8</sup>

4. On May 23, 2023, the Wright Petitioners, Benton Institute for Broadband & Society, Public Knowledge, Stephen A. Raher, United Church of Christ Media Justice Ministry, and Worth Rises (collectively, the Public Interest Parties) filed a motion to extend the reply comment deadline for the *IPCS Notice* by 35 days to July 12, 2023.<sup>9</sup> Noting the overlapping deadlines for comments on both the *IPCS Notice* and the *IPCS Data Collection Public Notice*, movants assert that “[d]eadlines in such close proximity for complicated issues will likely pose certain challenges to some commenters.”<sup>10</sup> They posit that a grant of additional time to file reply comments on the *IPCS Notice* would ensure “a thorough and well-developed record, including from stakeholder reply comments in response to the initial comments submitted on May 8, 2023, while avoiding any delay to the data collection that could harm the public interest.”<sup>11</sup> The Public Interest Parties also argue that their proposed extension of the reply comment deadline would “allow interested parties to fully evaluate and respond to issues raised in the [rulemaking] comments while also submitting 2023 [Mandatory Data Collection (MDC)] comments.”<sup>12</sup>

5. On May 26, 2023, Securus Technologies, LLC (Securus) filed a Response to the Public Interest Parties’ Motion for Extension of Time.<sup>13</sup> Securus supports the Public Interest Parties’ request for an extension to file reply comments to the *IPCS Notice*, but proposes a four part alternative schedule.<sup>14</sup> Securus proposes a two-week extension to file reply comments to the *IPCS Notice* to June 20, 2023, as well as a one-week extension of the deadlines for filing initial and reply comments to June 9 and June 27, 2023, respectively, in response to the *IPCS Data Collection Public Notice*.<sup>15</sup> It also requests a one-week extension to file comments on the proposed *2023 IPCS Information Collection*<sup>16</sup> to July 10, 2023.<sup>17</sup> Securus agrees that “the close proximity of the current schedule for filing the initial comments on the 2023 MDC and the NPRM reply comments” creates “a substantial challenge for all interested parties to draft and prepare filings on two substantive sets of issues at the same time.”<sup>18</sup> It asserts that, rather than

---

<sup>6</sup> *IPCS Order* at 33, para. 84.

<sup>7</sup> *IPCS Data Collection Public Notice*.

<sup>8</sup> *Id.* at 1.

<sup>9</sup> The Public Interest Parties, Motion for Extension of Time, WC Docket Nos. 23-62, 12-375 (filed May 23, 2023).

<sup>10</sup> *Id.* at 2 (citing “a ‘perfect storm of numerous back-to-back filings’”).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> Securus Technologies, LLC Response to Public Interest Parties’ Motion for Extension of Time, WC Docket Nos. 23-62, 12-375 (filed May 26, 2023) (*Securus Response*).

<sup>14</sup> *Id.* at 1.

<sup>15</sup> *Id.* at 2.

<sup>16</sup> The date to file comments on the information collection related to the *IPCS Data Collection Public Notice* was established as July 3, 2023 by publication of the *IPCS Data Collection Public Notice* in the Federal Register. See Federal Communications Commission, Information Collection Being Reviewed by the FCC, 88 Fed. Reg. 27885 (May 3, 2023) (*2023 IPCS Information Collection*).

<sup>17</sup> *Securus Response* at 2. Securus provides no explanation for this request beyond its request for an extension of the upcoming deadlines generally, nor does it explain whether the Commission even has jurisdiction under the Paperwork Reduction Act to extend the comment date associated with *2023 IPCS Information Collection*.

<sup>18</sup> *Id.* at 4.

granting the Public Interest Parties' proposed 35 day extension of the reply comment deadline for the *IPCS Notice*, a shorter extension period is warranted because the issues raised in the *IPCS Notice* "are not so varied and complex as to require an additional five weeks."<sup>19</sup> Securus contends that its request for one-week extensions to file initial responses to the *IPCS Data Collection Public Notice* and the *2023 IPCS Information Collection* is appropriate because they "should not materially impact the timeline for deploying the 2023 MDC but will provide parties some additional time to address the draft instructions in an orderly manner," and that such extensions are "unlikely to materially impact Staff's schedule for collecting and reviewing the data and developing rate caps to meet the timeframe for issuing implementing regulations."<sup>20</sup>

6. Section 1.46 of the Commission's rules provides that "[i]t is the policy of the Commission that extensions of time shall not be routinely granted."<sup>21</sup> Upon review, however, we agree with the Public Interest Parties and Securus that an extension of time will allow parties to provide the Commission with fulsome comments that will facilitate the compilation of a complete record in this proceeding, without causing undue delay to the Commission's implementation of the provisions of the Martha Wright-Reed Act. We likewise agree with Securus that a one-week extension of the deadline to submit reply comments to the *IPCS Data Collection Public Notice* would allow parties to craft more thoughtful responses without impacting the Commission's ability to meet the statutory requirement that it promulgate final regulations necessary to implement the Martha Wright-Reed Act no later than 24 months after the enactment of that Act.<sup>22</sup>

7. We do not, however, extend the filing deadlines for the initial comments to the *IPCS Data Collection Public Notice* and the comments on the *2023 IPCS Information Collection*. The information to be collected will be critical to the Commission's implementation of the Martha Wright-Reed Act. Due to the time necessary to evaluate public comment on the *IPCS Data Collection Public Notice* and the proposed information collection, as well as the time to receive, process, and analyze the data to be collected, a delay in either of these deadlines could jeopardize the Commission's ability to meet its statutory obligations.<sup>23</sup> We therefore decline to grant these requests.

8. Accordingly, IT IS ORDERED, pursuant to sections 0.204, 0.291, and 1.46 of the Commission's rules, 47 CFR §§ 0.204, 0.291, and 1.46 that the Motion for Extension of Time filed by the Public Interest Parties on May 23, 2023 IS GRANTED.

9. IT IS ALSO ORDERED, pursuant to sections 0.204, 0.291, and 1.46 of the Commission's rules, 47 CFR §§ 0.204, 0.291, and 1.46 that the Securus Technologies, LLC Response to Public Interest Parties' Motion for Extension of Time filed on May 26, 2023 is GRANTED IN PART and DENIED IN PART.

10. IT IS ALSO ORDERED that the deadline for filing reply comments to the *IPCS Notice* is EXTENDED from June 6, 2023 to July 12, 2023.

11. IT IS ALSO ORDERED that the deadline for filing reply comments to the *IPCS Data Collection Public Notice* is EXTENDED from June 20, 2023 to June 27, 2023.

12. To request materials in accessible formats (such as Braille, large print, electronic files, or audio format), send an e-mail to: [fcc504@fcc.gov](mailto:fcc504@fcc.gov), or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY).

---

<sup>19</sup> *Id.* at 3.

<sup>20</sup> *Id.*

<sup>21</sup> 47 CFR § 1.46.

<sup>22</sup> Martha Wright-Reed Act § 3(a).

<sup>23</sup> *Id.*

13. For further information concerning this proceeding, please contact Ahuva Battams, Pricing Policy Division, Wireline Competition Bureau, (202) 418-1565, [ahuva.battams@fcc.gov](mailto:ahuva.battams@fcc.gov).

FEDERAL COMMUNICATIONS COMMISSION

Trent Harkrader  
Chief  
Wireline Competition Bureau