



FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[WC Docket Nos. 23-62, 12-375; DA 26-567; FR ID 351146]

Wireline Competition Bureau and Office of Economics and Analytics Seek Comment on Proposed 2026 Mandatory Data Collection for Incarcerated People's Communications Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Wireline Competition Bureau (WCB) and the Office of Economics and Analytics (OEA) of the Federal Communications Commission (Commission) seek comment on the contours and specific requirements of the proposed 2026 Mandatory Data Collection for incarcerated people's communications services (ICPS). Consistent with the Commission's direction, in this document, we seek comment on proposals to modify the Commission's previous data collection to obtain data and information necessary for the Commission to set permanent rate caps for audio and video ICPS and, to the extent practicable, lessen the reporting burdens on ICPS providers.

DATES: Comments are due on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. Reply comments are due on or before [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated in the DATES section of this document. All filings must refer to WC Docket Nos. 23-62 and 12-375. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs>. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.
 - Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. **All filings must be addressed to the Secretary, Federal Communications Commission.**
 - Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
 - Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.
- *People with Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530.

FOR FURTHER INFORMATION CONTACT: Wireline Competition Bureau, Pricing Policy Division, at IPCS@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document (Public Notice), in WC Docket Nos. 23-62 and 12-375, DA 26-567, released on June 8, 2026.

The full text of this document is available on the Commission's Electronic Comment Filing

System (ECFS) website at www.fcc.gov/ecfs. The full text of this document is also available at the following internet address at <https://docs.fcc.gov/public/attachments/DA-26-567A1.pdf>.

Paperwork Reduction Act: This document contains proposed new or revised information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Providing Accountability Through Transparency Act. Consistent with the Providing Accountability Through Transparency Act, Public Law 118-9, a summary of this Public Notice will be available on <https://www.fcc.gov/proposed-rulemakings>.

Synopsis:

I. Introduction

By this Public Notice, the Wireline Competition Bureau (WCB) and the Office of Economics and Analytics (OEA) (collectively, WCB/OEA) seek comment on the contours and specific requirements of the proposed 2026 Mandatory Data Collection for incarcerated people's communications services (IPCS). In the *2025 IPCS Order*, the Commission reaffirmed the prior delegation of authority in the *2024 IPCS Order* to WCB/OEA to conduct an additional IPCS data collection. In the *2025 IPCS Order*, the Commission directed WCB/OEA to "make any appropriate modifications to the structure of the collection and the template and instructions for the collection necessary to provide the Commission an objective basis to establish permanent IPCS rate caps" consistent with section 276 of the Communications Act of 1934, as amended (the Communications Act) and the Martha Wright-Reed Act.

Consistent with the Commission’s direction, in this Public Notice we seek comment on proposals to modify the Commission’s previous data collection to obtain data and information necessary for the Commission to set permanent audio and video IPCS rate caps and, to the extent practicable, lessen the reporting burdens on IPCS providers. In particular, we seek comment on ways to streamline reporting requirements, refine data categories, and eliminate unnecessary or duplicative data fields, while preserving the Commission’s ability to obtain sufficiently detailed and reliable information for ratemaking.

In seeking comment on our proposals for the 2026 Mandatory Data Collection, we do not seek additional comment on the questions and other issues previously raised in the *2025 IPCS Notice*. Thus, comments in response to this Public Notice need not include advocacy regarding issues raised in the *2025 IPCS Notice*.

II. Proposed Data Collection

A. Streamlining the Data Collection

Pursuant to our delegated authority, we propose updated instructions, templates, and a certification form for the proposed 2026 Mandatory Data Collection. The proposed instructions and templates are posted on the Commission’s website. The templates consist of a Word document and Excel spreadsheets. We refer to these respective templates as the Word template and the Excel template. We seek comment on all aspects of the proposed data collection. Does it seek all the information the Commission will need to establish a compensation plan ensuring that IPCS rates and charges are just and reasonable and that IPCS providers are fairly compensated as required by section 276 of the Communications Act and the Martha Wright-Reed Act? If not, what steps should we take to improve the proposed documents?

We seek comment on retaining the overall structure of the 2023 Mandatory Data Collection, while streamlining and reducing reporting burdens. Commenters to the *2025 IPCS Notice* recommend that the Commission “simplify cost reporting and reject the view of many advocates that creating ever more disaggregated cost categories will improve data quality.”

Securus explains that “[t]he purpose of a mandatory data collection for ratemaking should focus on data that will be used and pertinent to that function, and the Commission should avoid mission creep in the collection to gather extraneous and tangential information.” Securus additionally suggests that “the mandatory data collection has been expanded to collect increasingly granular data for the purpose of better ‘understanding’ the IPCS industry, although this information never appears to be used by the Commission.”

In response to these concerns, we propose to reduce arguably unnecessary complexity in our data collection. Are there aspects of the collection that are unlikely to yield meaningful benefits for ratemaking, and should they be eliminated? First, given that the Commission no longer allows separate charges for ancillary services, and has instead included those costs in its rate caps, we propose to eliminate the separate collection of data on ancillary service costs, but to retain and refine reporting of the costs and demand for IPCS-related payment processing services to enable the Commission to evaluate and address certain providers’ assertions regarding the appropriate recovery of such costs, including a recommendation by ViaPath that the Commission consider allowing “IPCS providers to impose a specific percentage for payment card processing, such as 3% or 4% of the payment amount.” We propose to eliminate most site commission reporting given the Commission’s prohibition on the payment of such commissions. We also propose to simplify the reporting of minutes of use and other operational data by eliminating the requirement that providers specify the jurisdictional nature of their traffic, and to remove reporting requirements for non-IPCS affiliates of IPCS providers. Additionally, we propose to no longer require providers to allocate company-wide costs to certain service categories, including ancillary services. Finally, we propose to no longer seek data from providers on the costs facilities incur in making IPCS available to their populations. We seek comment on this approach, and whether these efforts to streamline the collection will strike the right balance between appropriately simplifying reporting burdens and ensuring the Commission continues to have access to the data necessary for ratemaking purposes. Are there other reporting

requirements remaining in the proposed instructions and templates that we should consider removing? If so, what are those requirements and why? Are there modifications that would facilitate smaller providers' compliance with the proposed collection that would still allow the Commission to set generally applicable rate caps? Do commenters believe the Commission should retain any of the proposed streamlined data requests? If so, which ones and why?

B. Targeted Modifications

Beyond proposing to eliminate certain broader reporting categories, we seek comment on eliminating or significantly reducing other aspects of the previous data collection, particularly aspects that did not yield significant usable data for ratesetting purposes. For example, we seek comment on eliminating a series of optional reporting categories for which the Commission received little data in the 2023 Mandatory Data Collection and that significantly streamline our instructions, including: the option to report separate audio and video ancillary services data; the option to report separate interstate/international and intrastate IPCS allocations and adjustments, and the option to report and support an alternative Weighted Average Cost of Capital.

Additionally, we also seek comment on removing requirements to report geographic coordinates for each facility, as those requirements were arguably redundant of facility street addresses and, as we have previously noted, “[c]ollecting this granular information once . . . eliminates the need to repeatedly enter such detailed information” and reduces respondents' burden. Similarly, we propose not to seek certain facility-specific customer demand data that the Commission previously sought in the 2023 Mandatory Data Collection. This includes declining to require reporting concerning the total number of IPCS accounts opened, the total number of IPCS accounts closed, the optional reporting of total admissions, and the optional reporting of weekly turnover rate, in addition to streamlined requests for IPCS-related Payment Processing data and IPCS Billed Revenues data. Are there other targeted reporting requirements remaining in the proposed instructions and templates that we should consider removing? If so, what are those requirements and why?

Reporting Period. We seek comment on limiting the reporting period for the forthcoming data collection to calendar year 2025 data. The Commission took a similar approach in the 2023 Mandatory Data Collection, which limited the scope of the data collection to calendar year 2022 data on the theory that those data would “provide the most pertinent and the best indicator of relevant costs.” We believe the same to be true here and seek comment on this view. Does our proposed approach properly balance the need for the Commission to obtain relevant cost data for purposes of setting permanent IPCS rate caps against the burdens providers would encounter in reporting information for years prior to 2025? Why or why not?

Definitions. The proposed instructions omit certain terms the Commission previously defined in the 2023 Mandatory Data Collection, and contain some proposed revised definitions reflecting our efforts to streamline the data collection effort. For example, we have removed twenty definitions that were included in the 2023 Mandatory Data Collection instructions. We seek comment on these proposed definitions. Are they sufficiently clear? If not, how should they be modified? Are there any terms that should be added to the proposed instructions that would assist filers in furnishing the Commission with the relevant data? If so, what are they and how should they be defined? Should any proposed definitions be removed?

Cost Categories and Allocation. Consistent with the approach taken in the 2023 Mandatory Data Collection, we seek comment on requiring providers to report information at the company-wide and facility levels and by various categories of investments and expenses. We seek comment on requiring IPCS providers to report total company investments, capital expenses, operating expenses, and revenues. We also seek comment on requiring providers to allocate their data among certain service categories. In particular, we propose to require providers to allocate investments and expenses among audio IPCS, video IPCS, safety and security measures, IPCS-related payment processing services, and other products and services. This would be a significant reduction in service categories from the 2023 Mandatory Data Collection, which required providers to allocate their data across ten categories of service.

Our proposed cost allocation instructions largely mirror the instructions from the 2023 Mandatory Data Collection. What refinements, if any, should we make to our proposed cost allocation methodology? Are the cost allocation procedures set forth in the proposed instructions sufficient to enable IPCS providers to allocate costs down to the facility level and, if not, what additional procedures should we require? Is there an alternative methodology that would better ensure that providers allocate their costs in a manner consistent with how they are incurred? If so, what is that methodology and why would it produce more accurate results than the proposed method? For example, the proposed data collection continues to direct providers to allocate their costs between IPCS and other products and services. Would seeking more targeted usage data for tablets simplify the Commission's efforts to distinguish between IPCS uses and non-IPCS uses? For example, one provider has encouraged us to collect "total minutes [of use] on tablets" including minutes used for "unregulated services (paid content, messaging, etc.)" as a method to allocate tablet costs between regulated and non-regulated uses. Also, are there alternative cost allocation methodologies that would be more conducive for smaller providers, given their claims of less detailed internal accounting processes, that would still enable the Commission to calculate generally applicable cost-based rate caps? Would the benefits of an alternative methodology justify the costs?

We seek comment on several recommendations Securus makes regarding cost reporting and allocation. Broadly, Securus argues that "the cost categories in previous data collections bear little to no resemblance to how providers account for and track costs in the real world." In particular, Securus argues that the different cost categories the Commission uses "require[] providers to undergo hugely expensive and time-consuming artificial cost allocation exercises" while the Commission "makes no use of the vast majority of those categories when finalizing rate cap calculations." Securus therefore recommends consolidating cost categories for capital assets, capital expenses, and operating expenses. With regard to capital assets, Securus notes that the Commission "requires providers to allocate gross investment and accumulated

depreciation/amortization for each facility across seven different capital assets.” Securus recommends removal of these capital asset subcategories and suggests we instead allow providers to “report a single ‘Gross Investment’ and ‘Accumulated Depreciation/Amortization’ total.” For the same reasons, Securus also recommends consolidating “capital expenses into a single yearly depreciation/amortization expense.” Finally, with regard to operating expenses, Securus again recommends allowing providers to “report a single operating expense total” to reduce reporting burdens. We invite comment on these proposals. Securus argues that “[n]one of the consolidations proposed diminish the accuracy of reported data” and that by simplifying reporting requirements, “data quality likely would improve as providers need only report asset and expense totals much more readily available from their internal accounting processes and will result in more consistent aggregate totals as the variation between providers in intra-category allocations would no longer be a source of potential reporting differences.” Do commenters agree? Why or why not? We request that commenters include specific edits to the draft template documents to reflect proposed changes.

Ancillary Service Charges and IPCS-Related Payment Processing Services. Since the Commission’s rules prohibit ancillary service charges, we propose to eliminate reporting for the categories of ancillary services previously included in the 2023 Mandatory Data Collection and instead propose to require providers to report company-wide data regarding IPCS-related payment processing services, which we propose to define to mean “any service, including fraud detection, provided by a Third Party to process a Customer’s financial transaction for which the Provider pays a fee.” We also propose that this term include fees associated with chargeback amounts but exclude the chargeback amounts themselves in order to identify the fees providers incur to process financial transactions. In addition, the draft instructions propose steps for providers to follow in allocating IPCS-related payment processing services. We seek comment on this approach and, in particular, on our proposed definition and the relevant cost allocation instructions.

We also propose new Word template questions regarding IPCS-related payment processing services, including requiring providers to identify the third party payment processors used and the total amount paid to each. We seek comment on these proposed questions. Are there other questions we should ask to help the Commission understand how providers incur costs in processing financial transactions using third parties? If so, what questions do commenters suggest? We note that in proposing revisions to the reporting of ancillary service charges in the 2026 Mandatory Data Collection, we make no findings regarding the broader issue on which the Commission sought comment in the *2025 IPCS Notice* as to whether certain ancillary service charges should be reinstated or whether the current prohibition on ancillary service charges should be retained.

IPCS Provider Payments to Correctional Facilities for Used and Useful IPCS Costs. To assist the Commission in determining how to structure possible rate additives to account for used and useful correctional facility costs, we seek comment on requiring IPCS providers to report their payments to correctional facilities. In the *2024 IPCS Order*, the Commission permitted IPCS providers to negotiate reimbursement of such costs with correctional facilities. As part of the interim reforms adopted in the *2025 IPCS Order*, the Commission adopted an interim facility cost rate additive of up to \$0.02 per minute to account for the used and useful costs correctional facilities incur in allowing access to IPCS. This interim additive currently applies to all facility types and size tiers. In the *2025 IPCS Notice*, the Commission sought comment on how it should structure permanent rate additives to account for correctional facility costs, including whether to adopt additives that vary by correctional facility size. To assist in the Commission's consideration of this issue, we seek comment on requiring IPCS providers to report total monetary and total in-kind payments to correctional facilities for used and useful IPCS costs paid during the reporting period. We seek comment on this approach and whether and how the resulting data will assist the Commission in considering rate additives to account for used and useful correctional facility costs. In particular, we seek comment on what, if any, additional

information the Commission should collect to verify that the reported costs are for used and useful costs. Are there other data the Commission should collect that would assist it in determining how to structure possible, permanent rate additives and that would reasonably be in the possession of IPCS providers? If so, what are those data and how should the Commission collect them?

Safety and Security Measures. We seek comment on using a measure-based approach to reporting safety and security measures that allows for the collection of more granular data, consistent with the *2025 IPCS Order*, while giving providers the flexibility to report their safety and security measures as they offer them rather than requiring them to allocate the costs of those measures to predetermined categories. In the 2023 Mandatory Data Collection, the Commission collected category-based information concerning safety and security services offered by IPCS providers to facilitate the Commission's consideration of safety and security measures. The Commission structured reporting of safety and security expenses by requiring providers to allocate their expenses across seven different cost categories. This approach produced imperfect data for purposes of ratemaking for at least two reasons. First, as the Commission acknowledged, "the categories of safety and security costs in the 2023 Mandatory Data Collection [were] imprecise." This meant that safety and security costs "c[ould] be allocated among different security categories or functions in many ways." Second, and relatedly, providers' allocations of their safety and security costs were "at times inexact among these categories."

Notwithstanding these imperfections, in the *2024 IPCS Order*, the Commission evaluated the seven categories "based on the nature of the preponderance of tasks or functions within each category," and excluded five of the seven categories of safety and security costs from its ratemaking calculations. The record developed following the *2024 IPCS Order* showed that the Commission's treatment of safety and security costs had "unintended consequences" on "providers, correctional facilities, and ultimately consumers." Upon reevaluation, the

Commission found that “[t]he data collection results fell short of capturing the manner in which individual safety and security measures were used in the provision of IPCS” and further explained that “the method of data collection and providers’ allocations in response to the collection, together impaired the Commission’s ability to assess the effect of excluding certain safety and security costs.” For these reasons, in the *2025 IPCS Order* the Commission took the interim step of reincorporating the five excluded cost categories into the lower bounds of the zones of reasonableness and calculating new interim audio and video IPCS rate caps accordingly. In the *2025 IPCS Notice*, the Commission sought comment on “the relevant safety and security data and information necessary to set permanent IPCS audio and video rate caps,” and whether the categories used previously should be adjusted. The Commission noted that “more specific, discrete, and granular cost data and operational information would assist the Commission in more reliably analyzing the costs and uses of reported safety and security measures.”

Considering the foregoing and the language of the Martha Wright-Reed Act, we seek comment on requiring providers to take a measure-based approach to reporting their safety and security measures. Specifically, we seek comment on requiring providers to identify each discrete safety and security measure they offer, attribute that measure to one or more of the Commission’s seven safety and security measure categories, and to allocate investments and expenses for that measure among audio IPCS, video IPCS, and other products and services. In the Word template, we seek comment on requiring providers to identify and describe each measure and optionally describe their allocation approach.

We believe that this approach would offer several benefits over the Commission’s prior approach and seek comment on these views. First, we believe this approach would significantly reduce reporting burdens, particularly for smaller providers, because providers would not be required to allocate costs by category or by facility. Second, we believe this approach would afford IPCS providers greater flexibility in reporting their safety and security measures as they are actually offered rather than forcing providers to allocate their costs according to the

categories the Commission used previously. Under this approach, providers would need only associate each safety and security measure they offer with the relevant Commission category or categories, which we believe appropriately recognizes the fact that certain safety and security measures can be attributed to more than one category. Therefore, we believe the focus on “specific safety and security functionalities” will “better capture provider cost allocation.” And third, we believe, consistent with the *2025 IPCS Order*, that the measure-based approach would provide more granular data to better inform the Commission’s determination of rate caps, because providers would be reporting on each safety and security measure they offer, rather than subsuming their measure-based data under the Commission’s categories as was done in the 2023 Mandatory Data Collection. We invite comment on these views. Would a measure-based approach produce sufficient data to enable the Commission to establish permanent audio and video IPCS rates? Why or why not? Is there an alternative approach we should consider that would yield the granular data the Commission indicated was necessary in the *2025 IPCS Order*? If so, what is that approach?

Some commenters ask the Commission to revise its approach to collecting safety and security cost data by eliminating the categories the Commission previously established altogether. We seek comment on whether the Commission should do so. However, we also note the measure-based approach we seek comment on above maintains the categories the Commission used previously but repurposes and deemphasizes them. The categories no longer form the basis of the cost allocation for safety and security measures. Providers need not allocate their costs according to the categories, which commenters have criticized. Instead, providers would allocate investments and expenses for each safety and security measure they offer to audio IPCS, video IPCS, and other products and services. We believe that the use of the Commission’s categories in this way alleviates, to a large extent, commenter concerns about the viability of the Commission’s previous categorical approach while still providing the Commission with less burdensome category-based data to consider safety and security costs to

enable comparisons to previously collected data. We seek comment on this view. Worth Rises suggests that discarding the Commission’s prior approach to the collection of safety and security costs is “flatly contrary to the Martha Wright-Reed Act.” They suggest that “[a]s a matter of law, the Martha Wright-Reed Act *requires* separate consideration of safety and security costs.” We seek comment on this argument, including whether collecting measure-based safety and security cost data satisfies the Martha Wright-Reed Act.

Finally, we seek comment on other alternative recommendations for the collection of even more granular data on safety and security costs than we propose above. Worth Rises argues that “the Commission should continue to use the top-level framework embodied in the seven categories used in the 2023 mandatory data collection, with the addition of more granular sub-categories that will allow the Commission to distinguish among various security and surveillance services for purposes of rate-setting.” And the Wright Petitioners make various recommendations regarding the collection of safety and security cost data. For example, they recommend that the Commission standardize the allocation of safety and security costs across services, including by requiring providers to identify, for each category, “the underlying activities supported and the percentage of those costs attributable to audio IPCS, video IPCS, and non-IPCS services, and law enforcement.” They also recommend supplementing narrative reporting “with targeted documentation and verification requirements.” We seek comment on these proposals.

Site Commissions. We propose to significantly reduce reporting of site commission data given the Commission’s prohibition on the payment of site commissions associated with IPCS, which became effective industry-wide pursuant to the *2025 IPCS Order* as of April 6, 2026. Specifically, we propose to eliminate separate reporting for most 2025 site commissions at the company-wide level and the facility-specific level and to eliminate the need to distinguish between fixed and variable site commissions. As Securus notes, “[t]here is no longer a need to list site commission payments as those are now prohibited.” We tentatively agree and seek

comment on this belief. However, we propose to require reporting of certain 2025 site commission information to ensure that the Commission can properly isolate those costs in its ratemaking calculations given the recently effective prohibition on the payment of site commissions associated with IPCS. Thus, we propose to require providers to report total IPCS- and non-IPCS-related site commissions, including total IPCS-related monetary site commissions and total IPCS-related in-kind site commissions. We seek comment on this approach. Are there specific changes we should consider for site commission data that would further reduce reporting burdens for providers while at the same time ensuring that these costs can be properly excluded from the Commission's ratemaking calculations going forward? If so, what changes do commenters suggest and why?

We seek comment on other aspects of the proposed 2026 Mandatory Data Collection. Beyond the proposed modifications previously discussed, the attached instructions and reporting templates propose other modifications of the data collection that are not specifically addressed below. We seek comment on all aspects of the proposed instructions and reporting templates, including proposals that we do not specifically identify in this Public Notice, and the benefits and burdens thereof.

C. Reporting Template

As with the 2023 Mandatory Data Collection, we propose to require providers to submit the requisite data using reporting templates, to be filed through the Commission's Electronic Comment Filing System (ECFS). Do commenters suggest alternative reporting or submission methods? The proposed templates consist of a Word document (Appendix A to the instructions) for responses requiring narrative information and Excel spreadsheets (Appendix B to the instructions) for responses that require numeric or other information. We seek suggestions for improvements we can make to the templates beyond those previously discussed. Is there an alternative template organization that would reduce any perceived burdens, without compromising the reliability and accuracy of the data we are able to collect? Are there other

organizational or substantive improvements we can make to the reporting templates? Do any questions require clarification?

D. Timeframe for Provider Responses to the Data Collection

We propose to require providers to submit data collection responses within 90 days of the release of an order on delegated authority adopting the collection. The delegation of authority in the *2024 IPCS Order*, reaffirmed by the Commission in the *2025 IPCS Order*, directed WCB/OEA to determine the timing of the data collection, “provided that such collection shall be conducted as soon as practicable.” As the Commission said, “[g]iven the time that has elapsed since the most recent mandatory data collection, the evolution of the market in the interim, and the importance of establishing permanent IPCS rate caps,” we find that requiring IPCS providers to submit data collection responses within 90 days of the release of an order approving the collection would not be unduly burdensome, particularly considering our proposals to streamline and simplify certain reporting requirements. Additionally, providers have been on notice since the adoption of the *2025 IPCS Order* that there would be another mandatory data collection and should be generally familiar with what that entails, particularly given our use of the 2023 Mandatory Data Collection structure as the basis for this collection. Do commenters agree with this timeframe? Would it afford providers sufficient time to prepare and submit their responses while also allowing the Commission to timely analyze the data and inform its ratemaking and policy decisions within a reasonable timeframe? Why or why not? Should we instead consider a shorter, or longer, timeframe for providers to respond to the data collection? If so, what timeframe do commenters propose and why?

III. Procedural Matters

Comments and reply comments must include a short and concise summary of the substantive arguments raised in the pleading. Comments and reply comments must also comply with § 1.49 and all other applicable sections of the Commission’s rules. We direct all interested parties to include the name of the filing party and the date of the filing on each page of their

comments and reply comments. All parties are encouraged to use a table of contents, regardless of the length of their submission. We also strongly encourage parties to track the organization set forth in this Public Notice to facilitate our internal review process.

Ex Parte Presentations. This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in the prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b) of the Commission’s rules. Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

Supplemental Initial Regulatory Flexibility Analysis. As required by the Regulatory Flexibility Act, we have prepared a Supplemental Initial Regulatory Flexibility Analysis (Supplemental IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in the Public Notice. The Supplemental IRFA is set forth in section IV below. The Commission requests written public comments on the Supplemental IRFA. Comments must be identified as responses to the Supplemental IRFA and must be filed by the

deadlines for comments provided in this Public Notice. The Commission will send a copy of this Public Notice, including the Supplemental IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. In addition, summaries of this Public Notice and the Supplemental IRFA will be published in the *Federal Register*.

Initial Paperwork Reduction Act Analysis. The Public Notice, and the attached instructions and templates, contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. It will be submitted to the OMB for review under section 3507(d) of the PRA. The OMB, the general public, and other federal agencies are invited to comment on the new or modified information collection requirements contained in this proceeding. Contemporaneously with the publication of this Public Notice in the *Federal Register*, we will publish a notice in the *Federal Register* seeking comment pursuant to the PRA on the information collection requirements for the proposed 2026 Mandatory Data Collection. We will consider comments submitted in response to both *Federal Register* notices in finalizing this information collection for submission to OMB. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198; *see* 44 U.S.C. 3506(4), we seek comment on how the Commission will further reduce the information collection burden for small business concerns with fewer than 25 employees.

IV. Supplemental Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Wireline Competition Bureau (WCB) and the Office of Economics and Analytics (OEA) (collectively, WCB/OEA) have prepared this Supplemental Initial Regulatory Flexibility Analysis (Supplemental IRFA) of the policies and rules proposed in the Public Notice assessing the possible significant economic impact on a substantial number of small entities. We request written public comments on this Supplemental IRFA. Comments must be identified as responses to the Supplemental IRFA and must be filed by the deadlines for comments specified on the first page of the Public Notice. The Commission will send a copy of the Public Notice, including this

Supplemental IRFA, to the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy. In addition, the Public Notice and Supplemental IRFA (or summaries thereof) will be published in the *Federal Register*.

A. Need for, and Objectives of, the Proposed Rules

In this Public Notice, WCB/OEA seek comment on the contours and specific requirements of the proposed 2026 Mandatory Data Collection for incarcerated people's communications services (IPCS). In issuing this Public Notice, we act pursuant to the Commission's delegation of authority in the *2024 IPCS Order*, which the Commission reaffirmed in the *2025 IPCS Order*, to conduct an additional IPCS data collection. In the *2025 IPCS Order*, the Commission directed WCB/OEA to "make any appropriate modifications to the structure of the collection and the template and instructions for the collection necessary to provide the Commission an objective basis to establish permanent IPCS rate caps" consistent with section 276 of the Communications Act of 1934, as amended (the Communications Act) and the Martha Wright-Reed Act.

Pursuant to our delegated authority, WCB/OEA have drafted instructions, templates, and a certification form for the proposed 2026 Mandatory Data Collection and are issuing this Public Notice to seek comment on all aspects of these proposed documents.

B. Legal Basis

The proposed action is authorized pursuant to sections 1, 2, 4(i)-(j), 5(c), 201(b), 218, 220, 225, 255, 276, 403, and 716 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i)-(j), 155(c), 201(b), 218, 220, 225, 255, 276, 403, and 617, and the Martha Wright-Reed Act, Pub. L. No. 117-338, 136 Stat. 6156 (2022).

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

Our actions, over time, may affect small entities that are not easily categorized at present.

We therefore describe three broad groups of small entities that could be directly affected by our actions. In general, a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses. Next, “small organizations” are not-for-profit enterprises that are independently owned and operated and not dominant in their field. While we do not have data regarding the number of non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500 employees. Finally, “small governmental jurisdictions” are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand. Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.

This Public Notice will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System (NAICS) codes and corresponding SBA size standard. Where available, we also provide additional information regarding the number of potentially affected entities in the industries identified below.

Table 1. 2022 U.S. Census Bureau Data by NAICS Code

Regulated Industry (Footnotes specify potentially affected entities within a regulated industry where applicable)	NAICS Code	SBA Size Standard	Total Firms	Total Small Firms	% Small Firms
Wired Telecommunications Carriers	517111	1,500 employees	3,403	3,027	88.95%
Wireless Telecommunications Carriers (except Satellite)	517112	1,500 employees	1,184	1,081	91.30%
Telecommunications Resellers	517121	1,500 employees	955	847	88.69%
All Other Telecommunications	517810	\$40 million	1,673	1,007	60.19%

Table 2. Telecommunications Service Provider Data

2024 Universal Service Monitoring Report Telecommunications Service Provider Data (Data as of December 2023)	SBA Size Standard (1500 Employees)		
Affected Entity	Total # FCC Form 499A Filers	Small Firms	% Small Entities
Competitive Local Exchange Carriers (CLECs)	3,729	3,576	95.90
Incumbent Local Exchange Carriers (Incumbent LECs)	1,175	917	78.04
Interexchange Carriers (IXCs)	113	95	84.07
Local Exchange Carriers (LECs)	4,904	4,493	91.62
Local Resellers	222	217	97.75
Other Toll Carriers	74	71	95.95
Payphone Service Providers	28	24	85.71
Toll Resellers	411	398	96.84
Telecommunications Resellers	633	615	97.16
Wired Telecommunications Carriers	4,682	4,276	91.33
Wireless Telecommunications Carriers (except Satellite)	585	498	85.13

D. Description of Economic Impact and Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

The RFA directs agencies to describe the economic impact of proposed rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirements and the type of professional skills necessary for preparation of the report or record.

The Public Notice seeks comment on the specifics of the proposed 2026 Mandatory Data Collection to ensure that the Commission receives the data it needs to set permanent IPCS audio and video rate caps. The proposed 2026 Mandatory Data Collection would require IPCS

providers to submit, among other things, data and other information on operations, company and contract information, information about facilities served, revenues, cost allocations, IPCS-related payment processing services, and other information required by the proposed instructions, templates, and certification. The proposed 2026 Mandatory Data Collection may require entities, including small entities and IPCS providers of all sizes, currently subject to our IPCS rules to be subject to modified or new reporting or other compliance obligations. In assessing the cost of compliance for small entities and for IPCS providers of all sizes, WCB/OEA are not in a position at this time to determine whether the proposed 2026 Mandatory Data Collection will impose any significant costs for compliance in general, or to quantify those costs. We anticipate that the information we receive in comments will help the Commission identify and evaluate relevant compliance matters for small entities, including compliance costs and other burdens that may result from the proposals and inquiries we make in the Public Notice.

E. Discussion of Significant Alternatives Considered That Minimize the Significant Economic Impact on Small Entities

The RFA directs agencies to provide a description of any significant alternatives to the proposed rules that would accomplish the stated objectives of applicable statutes, and minimize any significant economic impact on small entities. The discussion is required to include alternatives such as: “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.”

The proposed 2026 Mandatory Data Collection is a one-time request and does not impose a recurring obligation on providers. Because the Commission’s *2025 IPCS Order* requires all IPCS providers to comply with the 2026 Mandatory Data Collection, the collection will affect smaller as well as larger IPCS providers. WCB/OEA have taken steps to ensure that the data

collection template is competitively neutral and not unduly burdensome for any set of providers. For example, in the Public Notice, WCB/OEA propose to collect data for a single calendar year instead of multiple years. WCB/OEA also propose to eliminate or streamline various reporting requirements that had been required in previous data collections. Additionally, WCB/OEA seek comment on whether there are additional ways to minimize the burdens of the data collection on providers while ensuring that the Commission obtains the data needed to meet its goals.

WCB/OEA will consider the economic impact on small entities, as identified in comments filed in response to the Public Notice and this Supplemental IRFA, in reaching final conclusions and finalizing the instructions, templates, and certification form for the proposed 2026 Mandatory Data Collection.

F. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules

None.

V. Proposed 2026 Mandatory Data Collection Instructions, Templates, and Certification Form

The instructions, template, and certification form for the proposed 2026 Mandatory Data Collection are available through this link:

<https://www.fcc.gov/sites/default/files/2026%20IPCS%20MDC%20proposed%20Instructions.docx>.

FEDERAL COMMUNICATIONS COMMISSION

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