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(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF-FM channel 16 or by telephone at (206) 815-6624. Those in the regulated area must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from 8 a.m. until 4 p.m. on October 10, 2026.

Michael W. Metz,

Commander, U.S. Coast Guard, Captain of the Port Sector Pittsburgh.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[WC Docket Nos. 23-62; 12-375; DA 26-1008; FR ID 369648]

Wireline Competition Bureau and Office of Economics and Analytics Adopt 2026 Mandatory Data Collection for Incarcerated People's Communications Services

AGENCY: Federal Communications Commission.

ACTION: Final action.

SUMMARY: In this Order, the Wireline Competition Bureau (WCB) and the Office of Economics and Analytics (OEA) (collectively, WCB/OEA) adopt instructions, Word and Excel templates, and a certification form to implement the 2026 incarcerated people's communications services (IPCS) Mandatory Data Collection.

DATES: *Compliance date:* Providers must file their submissions by December 21, 2026.

ADDRESSES: Federal Communications Commission, 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 email to fcc504@fcc.gov, or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY).

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

SUPPLEMENTARY INFORMATION: This is a summary of WCB and OEA's Order, DA

26-1008, adopted September 21, 2026 and released September 21, 2026, in WC Docket Nos. 23-62 and 12-375. The full text of this document is available online at <https://docs.fcc.gov/public/attachments/DA-26-1008A1.pdf> or accessing the Commission's Electronic Comment Filing System (ECFS) website at www.fcc.gov/ecfs.

Synopsis

I. Introduction

1. By this Order, the Wireline Competition Bureau (WCB) and the Office of Economics and Analytics (OEA) (collectively, WCB/OEA) adopt instructions, Word and Excel templates, and a certification form to implement the *2026 Mandatory Data Collection (2026 MDC)* relating to incarcerated people's communications services (IPCS). Our actions are taken pursuant to the authority delegated to WCB and OEA by the Commission in the *2025 IPCS Order*, 90 FR 56013, December 5, 2025, and implement proposals set forth in the *2026 Mandatory Data Collection Public Notice (2026 MDC PN)*, 91 FR 36552, June 17, 2026, with refinements and clarifications responsive to the record.

II. Background

2. Pursuant to this delegation, WCB and OEA released the *2026 MDC PN* on June 8, 2026, 91 FR 36552, June 17, 2026, which sought comment on the contours and specific requirements of the proposed *2026 MDC*. Specifically, in the *2026 MDC PN*, WCB and OEA sought comment on streamlining the 2023 Mandatory Data Collection, while continuing to collect the information necessary to support the Commission's ratemaking efforts. WCB and OEA also sought comment on the proposed instructions, Word and Excel templates, and certification form. Concurrently, in accordance with the Paperwork Reduction Act of 1995 (PRA), the Commission published a notice in the **Federal Register** seeking initial comment on the proposed reporting requirements, 91 FR 38435, June 25, 2026.

III. Discussion

3. Pursuant to our delegated authority, we adopt the *2026 IPCS Mandatory Data Collection* instructions, Word and Excel templates, and certification form as proposed in the *2026 MDC PN*, with limited exceptions as discussed below. We revise the previous *2023 Mandatory Data Collection (2023 MDC)*, 88 FR 51240, August 3, 2023 to more narrowly tailor the scope of this collection to appropriately reduce reporting burdens without compromising the

Commission's ratemaking efforts. Commenters broadly support the proposal to streamline the data collection and generally support the overall reporting structure and organization, which remains largely consistent with prior iterations. We decline to adopt various suggestions to further streamline the data collection as discussed herein, and find that the collection we adopt will enable the Commission to assess the status of the industry, including the development and deployment of video IPCS.

A. Reporting Period

4. We adopt the proposal to limit the mandatory data collection reporting period to the calendar year 2025. We find that collecting calendar year 2025 data will "provide the most pertinent and best indicator of relevant costs," as it represents the most recent full year of reporting data available. ViaPath recommends the data collection "should be focused on calendar year 2025 data only" as those data "represent the most recent data available, and are therefore likely to be more representative of future operations by IPCS providers than data from prior years." It also notes that "[u]sing one year of data is consistent with the approach in the 2023 MDC." And as we have catalogued elsewhere, various parties applaud our efforts to streamline the collection and reduce reporting burdens generally. As we discuss in greater detail below, we decline suggestions to expand the scope of the collection, and instead "rely on the best data available," which we believe strikes the right balance between the benefit of the information collected and the proportionate burden involved in the collection.

5. Securus and the Wright Petitioners advocate for a three-year reporting period to capture industry data from 2023, 2024, and 2025, which they argue would provide the Commission with "a more nuanced picture of costs and cost trends." These commenters also argue that collecting multiple years of reporting data would materially help the Commission identify longer term cost structures, particularly "for new services such as video calling." Similarly, the Brattle Group argues that a single-year collection would leave the Commission "without the time-series information needed for future rate-setting."

6. We decline to adopt proposals to expand the reporting period beyond calendar year 2025. We are sensitive to the burdens involved in responding to the collection, and are unpersuaded that the benefits of requiring providers to submit multiple years of data outweigh

the additional burden involved. Our approach is not dissimilar to that suggested by the Wright Petitioners in the context of the previous data collection, where they acknowledged the importance of balancing the value of gathering additional data against the burden of doing so. The Commission previously collected industry cost data for calendar year 2022, which in conjunction with 2025 data will enable the Commission to estimate industry trends and largely moot such concerns. Additionally, our data collection instructions require disaggregated reporting of capital assets, capital expenses and operating expenses, and require providers to fully document and explain their cost allocations. In that way, we capture providers' investment in long-term assets and the recurring expenses they incur to supply IPCS on a continuous basis. In sum, we find that the burdens of expanding the data collection to include multiple years of data outweigh the benefits.

7. For these reasons, we also decline to adopt expanded reporting of specific metrics in other years as suggested by the Brattle Group in lieu of expanding the reporting period. It proposes that if the reporting period is limited to the collection of calendar year 2025 data, providers should additionally be required to submit calendar year 2024 data for "a limited set of high value metrics," and also suggests requiring providers to report data on site commissions and payments to facilities after April 2026, or after the Commission's prohibition of site commissions became effective. We do not agree that these targeted collections are required to supplement calendar year 2025 data, nor do we agree that they would yield benefits commensurate with their burdens. To the contrary, we find that collecting only a select subset of data for certain years would risk a potentially misleading partial view of the industry in that timeframe, which could leave the Commission without a consistent dataset on which to base permanent IPCS rate caps. The Wright Petitioners have previously recognized the value of "collect[ing sufficient] data to ensure a holistic view of the IPCS industry." Additionally, the heightened burden of even a "targeted" expansion of the collection may prove substantial—expanding the collection both before and after 2025 could double or triple the records required to inform a provider's response—regardless whether the data sought is narrowly targeted.

8. We likewise decline to delay the data collection as Pay Tel proposes. The Commission has noted "the importance

of conducting a data collection without further delay" and has clearly stated its intent to establish permanent rates for IPCS in 2027. Pay Tel argues that collecting data for calendar year 2025 would prove inadequate for setting permanent rates because the regulatory environment did not reflect the reforms the Commission adopted in the *2025 IPCS Order*. Instead, Pay Tel argues that the Commission should collect data for a reporting period which begins "April 6, 2026 at the earliest, and ideally not until . . . several months of operations under the *2025 IPCS Order's* reforms." We disagree. As Pay Tel itself identifies, "[r]egulatory changes in the IPCS industry do not result in instantaneous cost changes." Nor do we agree that 2025 data offers "no practical benefit," because that data will enable the Commission's ratemaking efforts, which carry benefits to the public that would otherwise become attenuated with further delay. Pay Tel further argues that at best calendar year 2025 data would "only burden providers and raise compliance costs for no practical benefit." Pay Tel fails to convince us that cost data for the period before the effective date of the *2025 IPCS Order*, are not pertinent or relevant to setting permanent, cost-based IPCS rate caps. Despite Pay Tel's suggestion that any collection be delayed until the industry reaches an "equilibrium," Pay Tel provides no objective or observable basis for the Commission to determine when such an "equilibrium" might occur. Consistent with the Commission's determination that "there is still a reason for urgency," we are unwilling to delay action until some speculative future date, nor are we required to do so. The Commission has the regulatory expertise and authority to make necessary adjustments to the data it collects and to its ratemaking approach to ensure that permanent rates are set at levels that are just, reasonable, and fairly compensatory.

B. Definitions

9. Commenters generally support the proposed changes to streamline the data collection, which include proposed changes to the definitions, or do not comment on the proposed definitions. We therefore adopt the definitions as proposed. We have also proposed various administrative revisions to the definitions, including grammatical corrections, edits to ensure consistent use of terms, and other non-substantive edits.

10. *Audio IPCS and Video IPCS.* We adopt the definitions of Audio IPCS and Video IPCS as proposed in the *2026 MDC PN*, and decline to revise these

definitions as suggested by Securus. Securus observes that the definition of Audio IPCS includes "all point-to-point video services made available to incarcerated people for communication in American Sign Language (ASL) with other ASL users" and raises concerns with "[i]ncluding a video service within the Audio definition." Securus recommends removing this service from the Audio IPCS definition and including it instead in the definition of Video IPCS. We acknowledge the facial logic of Securus' observation but nonetheless decline to adopt its recommended change to avoid creating any potential confusion over the applicable rate caps for ASL services, the rates for which are capped under our rules at the charge for "a voice telephone call of the same duration, distance, Jurisdiction, and time-of-day placed to or from an individual incarcerated at the same Correctional Facility." Because our rules cap the price of point-to-point video service for "incarcerated individuals with communication disabilities who can use ASL" at a voice telephone charge, we find that Securus' proposed change might engender more confusion than it resolves.

11. *Consumer and Customer.* We adopt the definitions of Consumer and Customer as proposed in the data collection instructions, but combine them into a single definition for ease of reference. Securus notes that the proposed instructions contain identical definitions for the two terms and suggests we redefine Customer to mean "the correctional authority with which the IPCS provider has contracted to provide services," instead of "the party paying a Provider of IPCS," as we have proposed to define Customer and Consumer. We have used nearly identical versions of both terms in previous data collections, which proved effective, and find that both terms retain useful clarity as implemented throughout the instructions. To simplify our definitional section, however, we combine them into a single definition, which requires no additional conforming modifications of the instructions nor of the templates. Further, we also find that Securus' proposed redefinition of Customer would not increase the clarity of the instructions. The use of the defined terms Contracting Authority and Facility (and synonymous terms) serve the same purpose and cover the same entities as the new definition Securus proposes for the term Customer, and therefore, to make the change which Securus suggests would risk newfound confusion between those terms. Besides

Securus, no provider nor other party has noted any confusion over the meaning of Consumer, Customer, Contracting Authority, or Facility in the context of prior data collections. We find that making the narrow change, to define both terms synonymously in a single definition, will reduce confusion by eliminating two parallel definitions, without risking further confusion by tying either definition to already established terms.

C. Cost Categories and Allocation

1. Cost Categories and Sub-Categories

12. We sought comment on the cost categories and subcategories that we proposed to use to collect investment in capital assets, capital expenses and operating expenses and now adopt those aspects of the data collection as proposed. As noted in the *2026 MDC PN*, those categories and subcategories are consistent with those used in the *2023 MDC*, and adopting them will provide the Commission with comparable datasets on which to base its rate setting analysis. In the *2026 MDC PN*, we also sought comment on Securus' suggestion that we eliminate the collection of subcategory data, including seven subcategories each for the capital assets and capital expenses, and fifteen subcategories for operating expenses, and retain only totals for the major categories. Securus contends that "[t]he Commission . . . only uses bottom line totals for capital assets and expenditures and for operating expenses." Securus' consultant, FTI Consulting, argues that "[t]his subcategorization bears little to no resemblance to how providers account for and track costs in the real world. . . . [T]he Commission does not use these subcategories in deriving recoverable costs." The Wright Petitioners recommend rejection of Securus' "sweeping proposal to collapse all capital assets, capital expenses, and operating expenses into single totals." The Wright Petitioners note that "subcategory granularity—in both capital and operating cost reporting—is essential in detecting cost inflation, misallocation between IPCS and non-IPCS services, and anomalous shifts in how providers book common costs over time." The Wright Petitioners' consultant, the Brattle Group, further notes that consolidating reporting as Securus proposes "would undermine the Commission's ability to estimate IPCS-related costs."

13. We find that the reporting structure we adopt provides a necessary level of detail that enables the Commission to understand how IPCS

providers incur and attribute costs, the impact of those costs on operations and on the overall health of the company, and the contribution of those costs to the rate-base. The use of categories and subcategories encourages providers to attribute the investments and expenses among services using causality-based allocators that link the various investments and expenses specifically to the activities that drive them (where direct assignment is not possible). We therefore reject Securus' proposals to reduce the required reporting of capital assets and expenses by requiring a single total for gross investment, a single total for accumulated depreciation or amortization for capital assets, and a single annual depreciation/amortization expense total. Likewise, we reject Securus' proposal to reduce operating expenses reporting to a single operating expense total. We decline to adopt Securus' submitted Excel template proposal for the same reasons.

14. The Commission relies on these data subcategories in its IPCS rate-setting calculations. Securus acknowledges that the Commission utilized subcategory data in analyzing IPCS providers' goodwill expenses in the *2024 IPCS Order*, 89 FR 77244, September 20, 2024. The Commission calculated that IPCS providers reported \$141 million in goodwill expenses, which represented approximately 15 percent of the relevant providers' total IPCS costs. While the Commission ultimately did not adjust providers' goodwill totals in setting rate caps, it nonetheless incorporated analysis of providers' goodwill data when selecting rate caps within the zones of reasonableness as part of its ratemaking process. The Commission is also likely to utilize providers' reporting of two subcategories of operating expenses (*i.e.*, Billing, Collection, Client Management, and Customer Care expenses and Bad Debt expenses) in determining providers' payment processing services costs, discussed below, when setting permanent IPCS rate caps, because providers argue they will incur increased cost in providing payment processing services to IPCS consumers following the implementation of the Commission's prohibition on ancillary service charges.

15. We decline to adopt recommendations by the Brattle Group to require continued reporting of site commissions, legacy ancillary services, and component-based reporting of other, non-IPCS products and services. The Brattle Group fails to adequately support these proposals in a manner that overcomes the limited utility of such cost data for rate-setting purposes.

The Brattle Group's reasons for recommending continued, detailed reporting of these cost categories do not directly support the ultimate purpose of the data collection, and we find that the narrowly-tailored approach to the collection we adopt will gather sufficient cost data to account for these now-prohibited practices. Accordingly, we find the burden of continuing to require the reporting of these cost data outweighs any potential benefit to the Commission's rate setting for audio IPCS or video IPCS. Separately, for similar reasons we also decline to adopt the Brattle Group's recommendation to require additional component-based reporting of other products and services-related cost categories when those costs exceed a percentage of total costs or revenues. We are unpersuaded that requiring that additional detail on IPCS providers' non-regulated offerings would result in information that would be useful to the Commission's IPCS ratemaking efforts. The Brattle Group offers no additional justification or support for this proposal other than transparency, and we are not inclined to develop new reporting requirements on that limited basis.

2. Cost Allocation Instructions

16. We adopt the cost allocation instructions for this data collection as proposed, which as noted in the *2026 MDC PN*, largely mirror those from the *2023 MDC*. ViaPath again proposes the Commission require allocation on a contract basis rather than on a facility basis. The Commission previously found contract-level reporting to be a poor fit for its IPCS ratemaking efforts due to resulting limitations with the dataset. Further, we find that ViaPath has not established how contract-level reporting could satisfy the Martha Wright-Reed Act's direction to consider costs for "small, medium, or large facilities." Securus suggests that we "adopt more prescriptive and detailed allocation methodologies," further suggesting that a consensus methodology or bifurcated methodologies, based on provider size, be developed to direct cost allocations. We disagree. While the aim "to reduce divergence" in allocation results across providers may be a laudable goal, developing "a consensus methodology" would likely be unnecessarily burdensome and prescriptive. We rely instead upon the current cost allocation approach because it "provides a necessary and workable framework within which to standardize and compare the data submitted, while . . . affording providers the flexibility to implement the cost allocation

instructions in a manner that reflects their accounting and recordkeeping systems.” In doing so, we acknowledge that providers differ in their approach to accounting and recordkeeping, and we find that “more prescriptive and detailed allocation methodologies” may result in sacrificing accuracy in favor of uniformity without materially improving the results of the data collection. Further, Securus has not proposed a more prescriptive cost allocation methodology to reduce divergence in reported cost data that would also preserve the flexibility offered by the current cost allocation instructions, and we cannot adopt theory. We address other, more specific allocation issues below.

3. Company-Specific WACC

17. In light of the adoption of the instructions as proposed, we decline to revisit the proposed elimination of optional reporting of an alternative weighted average cost of capital (WACC). We find unpersuasive commenters’ arguments that we should allow this optional, additional reporting. The Commission’s default WACC was the result of a notice and comment rate represcription proceeding which resulted in the adoption of a conservative rate of return for local exchange carrier services subject to rate of return on rate base regulation. Providers’ arguments in support of optional reporting for an alternative WACC are based on alleged differences between IPCS and local exchange service, which fail to address the Commission’s rejection of the argument that IPCS providers are “primarily technology and IT service providers,” or acknowledgement that “IPCS is a communications service, yet not necessarily the same as local exchange carrier service,” when applying the default WACC in the *2024 IPCS Order*. Commenters also assail this figure as based on dated information and dependent on “data from 2012 and 2013.” This criticism fails, because as we discuss herein, the Commission applied the default WACC in the IPCS context in both the *2024 IPCS Order*, and in the *2025 IPCS Order*. Despite subsequent litigation, that aspect of these decisions has not been appealed. Relatedly, the default figure still used in rate-of-return ratemaking is appropriate because when setting the default WACC, the Commission “added a cushion to account for regulatory lag between recognition of the need to prescribe a different rate of return, as capital markets change significantly over time, and actually prescribing a new rate of return.” Importantly, out of the entire

industry, only two providers elected to report an alternative WACC in their *2023 MDC* submissions, despite having the ability to do so in both of the prior two data collections. In turn, the Commission found that both failed to sufficiently justify their reported estimates, as discussed in the *2024 IPCS Order*. Given the inherent imprecision and difficulty of estimating the cost of equity, the Commission found if it were to estimate the WACC for those two providers, the margin of error would produce ranges that would encompass the 9.75% default WACC. Taking these points together, we are unconvinced that preserving this option would produce more reliable results. Commission staff have substantial experience with analyzing provider-submitted alternative WACCs and supporting justifications, and we find no benefit to the Commission’s rate-setting efforts of entertaining optional reporting of this figure, particularly on a provider-by-provider basis. Should an IPCS provider choose to attempt to demonstrate that the Commission’s permanent IPCS rate caps do not ensure fair compensation, it has recourse through the IPCS-specific waiver process provided for in the Commission’s rules.

4. Tablet Usage

18. We adopt our proposal to require providers to report minutes of use for tablets, divided between regulated and non-regulated services. We find that collecting usage data for tablets and the reporting of those minutes of use between IPCS and non-IPCS uses will enable the Commission to analyze IPCS cost allocations and aid the Commission in setting permanent rates. Various commenters urge the Commission to adopt rules to allocate tablet costs between IPCS and other products and services based on reported minutes of use. How tablet usage data is utilized is a matter for the Commission to determine as it analyzes providers’ data, and is beyond the scope of the Commission’s delegation to WCB and OEA. Additionally, given the broad support in the record for collecting data on tablet usage as proposed, we find the Brattle Group’s suggestion to require reporting on more granular cost drivers for tablets to be both unnecessary and overly burdensome. Similarly, we find that our proposed cost allocation instructions provide the necessary flexibility to allow providers to report their tablet costs in a manner that best reflects their operations, whereas a more prescriptive approach might render reported costs inaccurate or unrepresentative.

D. Ancillary Service Charge Cost Reporting and Payment Processing Services Reporting

19. Following the prohibition of ancillary service charges in the *2024 IPCS Order*, and in light of the record, we adopt our proposal to eliminate separate reporting for the categories of ancillary services previously included in the *2023 MDC*. As a general matter, the majority of commenters support this revision to further streamline reporting. Eliminating separate reporting of former ancillary service costs will reduce reporting burdens by allowing providers to include those costs in their general, company-wide cost reporting. We agree that, given this prohibition, “there is no need to report costs for each of the previously allowed, separately charged ancillary services.” The Wright Petitioners concede that retaining these reporting requirements would add to the reporting burden for providers, but allege that any additional burden will not be significant, particularly because they claim that providers “already track ancillary services costs.” However, the record is unclear about the difficulty of continuing to require the reporting of ancillary service costs, particularly after the Commission prohibited the ability to charge for such legacy services. We further find that the burden of requiring separate reporting of ancillary service charge cost data is not offset by any benefit since doing so would not produce information of “material value” for rate-setting purposes.

20. The Wright Petitioners caution that providers may “indirectly recreat[e] prohibited ancillary charges through accounting reallocations or bundled service offerings,” or might “shift costs” into “surviving [cost] categories that remain recoverable in rate caps.” We find such concerns speculative and hypothetical. The Wright Petitioners cite no evidence of any such action, nor of bundled service offerings of this type. Further, as Securus correctly observes, “the Commission has not barred cost recovery for ancillary services, it has only barred assessing [these] charges separately.” As the Commission stated in the *2024 IPCS Order*, “we include providers’ reported ancillary services costs . . . in the used and useful IPCS costs that we use to set the rate caps.” Thus, these costs remain recoverable and providers are without the purported incentive to shift them to separate recoverable cost categories. It is likewise incorrect to say these costs have been “removed” from rate-setting, as the Wright Petitioners allege; the fact that ancillary services costs are no longer segregable from IPCS-related costs

reflects the Commission's observation that ancillary services "are inherent in the provision of IPCS."

21. *Payment Processing Services.* We adopt our proposal to require separate reporting of fees IPCS providers pay for payment processing services, defined as "any service, including fraud detection, provided by a third party to process a Customer's financial transaction for which the Provider pays a fee." As our proposed instructions stipulate, the fees for these services include "fees associated with chargeback amounts," but exclude "the chargeback amounts themselves." IPCS providers and public interest parties agree that the collection of this information is appropriate. Further, the record suggests that the burden of reporting this information may be minimal, "because providers should ordinarily maintain records of payment-processing vendors and related payments in the normal course of business." We find that information on "the fees providers incur to process financial transactions," will enable the Commission to evaluate and determine policy about these services. Regardless of whether the speculation around increased costs proves accurate, the collection of this cost information will nonetheless be informative as to the size of any related expenses.

22. As the Wright Petitioners and others highlight, we acknowledge that there may be internal costs associated with payment processing, in addition to and beyond those fees IPCS providers pay for third party services. To the extent that IPCS providers incur internal costs to provide payment processing services, those costs, whether related to IPCS or non-IPCS, should be included in providers' reporting and allocated among audio IPCS, video IPCS, safety and security measures, and other products and services as prescribed by the data collection. Moreover, as Securus argues, "[t]his level of reporting is sufficient to incorporate those costs into the rate."

23. By contrast, we decline Securus' suggestion to broaden the data collection by inviting submission of "data on funding trends and related costs." Securus proposes that providers elect to report: "(a) the total number of payment transactions processed, (b) the total amount of dollars deposited, (c) the total number of fees paid to third-parties for IPCS providers to process these transactions, and (d) the total allocated costs incurred by the facility in setting up, maintaining, and administering payment services to customers." Securus does not identify how this information would contribute to the Commission's rate-setting efforts, nor

does it estimate the increase in burdens involved for providers to supply this information. Without more, we are unwilling to increase the reporting burden, but we remind all providers that, to the extent they believe additional information may be valuable to the Commission, they are welcome to supplement their responses to the mandatory data collection or to file that information using the Commission's *ex parte* process.

24. We likewise decline to broaden the collection to include data on "payment processing fees collected by an affiliate of an IPCS provider related to deposit accounts that may be used to pay for IPCS." Pay Tel claims that because the current definition of "Provider" fails to "include the affiliates of the provider," our rules prohibit only providers from imposing ancillary service fees. Thus, Pay Tel claims that there has been an increase in "the use of affiliates to manage deposit accounts (and therefore collect ancillary fees without regulatory oversight or restriction." We agree that such concerns are noteworthy, but this is not the appropriate forum in which to revise the Commission's IPCS rules. If such fees are being assessed by affiliates, providers are already obligated to report them.

E. Provider Payments to Facilities

25. We adopt our proposal to require providers to report total monetary and total in-kind payments to correctional facilities for used and useful IPCS costs during the reporting period. Record comments are unanimous in their support for the collection of data on providers' correctional facility payments, "whether under the reimbursement scheme adopted in the 2024 IPCS Order or the rate additive approach adopted in the 2025 IPCS Order."

26. The record is divided on whether we should collect additional data concerning facility payments. On the one hand, ViaPath and others contend that there is "no additional information available to IPCS providers regarding how facilities use those payments." On the other, the Wright Petitioners argue that the Commission should "collect more detailed data on provider payments to facilities." Arguments that information on provider payments to facilities "should not be treated as a sufficient basis for a permanent facility cost additive" are premature, and beyond the scope of this Order. They suggest that the Commission require providers to "identify the payment type, amount, contractual basis, associated activity, and rationale for treating the

payment as used and useful," and argue that these data will "preserve[] useful information for future proceedings." While more detailed information is often helpful, there is no showing that the value of such information would outweigh the burden of collecting it, nor is there adequate information to estimate the burden of providing these additional data on facility payments. We likewise reject the Wright Petitioners' recommendation to the extent it urges the Commission to collect these data on a facility-by-facility basis, as that would substantially heighten the burdens involved. Further, we acknowledge that providers are not typically in possession of this type of detailed information about facilities' costs. On balance, we decline to expand this collection to include additional data on facility payments beyond those proposed in the 2026 MDC PN.

F. Safety and Security Measures

27. We adopt our proposal for measure-based safety and security cost reporting. We require providers to identify each discrete safety and security measures they provided in 2025, estimate the percentage of total safety and security expenses attributable to each measure, and then associate each measure to one or more of the safety and security categories previously utilized by the Commission. Adoption of this measure-based approach to cost allocation is based in the relevant language of the Martha Wright-Reed Act and will allow the Commission to collect more granular data, while giving providers increased flexibility to report and allocate their safety and security measure costs as they supply them instead of allocating them based on predetermined categories. This approach retains the seven safety and security categories the Commission previously used to allow for comparisons with previous data collections but stops short of requiring providers to allocate costs based on those categories. We also eliminate the requirement to further allocate those costs to the facility level, finding it unnecessary and unnecessarily burdensome. Collecting these data at the total company level will be sufficient for the Commission's rate-making purposes. While requiring measure-based, company-wide reporting does not resolve all issues regarding the collection of providers' safety and security data, we find that on balance it is best-suited to produce reliable data for the Commission's IPCS rate-setting purposes without creating undue reporting burdens.

28. Commenters were generally supportive of using measure-based safety and security cost reporting. ViaPath stated that it “endorses an approach that requires providers to report on the discrete measures they actually use.” Pay Tel indicated that measure-based reporting “will enable providers 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.” It further observed that collecting measure-based data “is both more granular and less arbitrary than the category approach.” Some commenters expressed conditional support for measure-based reporting. For example, the Brattle Group noted that “[m]easure-based reporting has the potential to improve transparency” but also cautioned that the “Commission should not assume that measure-based reporting will automatically produce better data.”

29. *Reporting Discrete Safety and Security Measures.* We adopt a measure-based approach to the reporting of safety and security costs, which entails both the reporting of each discrete safety and security measure offered and the allocation of specific costs to each measure reported. Some commenters urge the Commission to more clearly define what a discrete measure is, and to provide clearer directions for the allocation of costs between measures to ensure that safety and security measure-based data is reported consistently by different providers. For example, Securus asserts that “neither the Notice nor the proposed instructions supplies a principled basis for determining what constitutes a single discrete ‘measure.’” The Brattle Group similarly recommends the Commission “define a ‘discrete safety and security measure’” and states that “the value of the [measure-based] approach depends on standardized definitions.”

30. We find rigorous, standardized definitions which differentiate various safety and security measures, as recommended by Securus and the Brattle Group, to be less central to measure-based reporting than the Commission’s previous category-based reporting. The benefit of collecting measure-based data is that it relies on the responding provider to identify and define each separate safety and security measure it provides, and to allocate the costs associated with each discrete measure. This approach grants providers the autonomy to report and allocate costs in a manner best befitting their internal organization and accounting policies. While providers may take different approaches to

reporting their safety and security measures, the data collection we adopt consists of several layers of reporting to ensure the Commission obtains a reliable and comparable dataset that is well-suited to rate-setting. That includes: (1) identification of individual measures in the Excel template; (2) assigning a percentage of total safety and security measure costs to each of those measures; (3) assigning a percentage of the costs assigned to each measure to audio IPCS, video IPCS, and other products and services; (4) designation of the category or categories with which the measure is associated; (5) the narrative description of each measure in the Word template; and (6) additional follow up or discussion as may be required to provide clarity to the Commission and assist providers with compliance. These complementary reporting requirements will position the Commission to ensure a reasonably consistent allocation of costs among discrete measures, and are sufficient for the Commission to discharge its statutory duty to consider costs associated with safety and security measures necessary to provide IPCS.

31. We clarify that under measure-based reporting, providers are required to report each separately identifiable safety and security measure they offer. To the extent that a measure provides a distinguishable safety and security functionality, it should be treated as a discrete measure for reporting purposes. We note that aggregating multiple functionalities into a single or a smaller number of generalized reporting categories is contrary to measure-based reporting and would tend to revert to the category-based reporting required by the previous data collection. Securus argues that “safety and security measures are largely integrated into IPCS service provider platforms,” which “renders any attempt at allocating safety and security costs into pre-defined categories a highly problematic exercise.” We disagree that the largely platform-based nature of these measures effectively precludes the allocation of costs to individual safety and security measures. Allowing providers to estimate percentages of total safety and security costs attributable to different measures is based on approximation by design. Such an approach not only simplifies the reporting process but also gives providers an important margin of flexibility in allocating platform-based costs to individual safety and security measures. Additionally, while providers may take varying approaches to the allocation process, requiring them to associate each measure with one or

more broader category will help minimize any differences that their varying approaches may involve.

32. *Allocation of Safety and Security Measure Costs.* Securus raises concerns about the feasibility of allocating costs across the wide range of safety and security measures that it provides. It asserts that “attempting to allocate to each of these functions some percentage of overall safety and security costs and then further allocate those costs across services would be impracticable and highly imprecise.”

33. While we agree that IPCS platforms pose a challenge to allocating costs, we disagree that such platforms represent an insuperable barrier to the reasonable allocation of safety and security costs for the purpose of this data collection. As Securus notes, delivering IPCS via a multi-functional service platform is standard practice in the IPCS industry. But it is also a reasonable presumption that providers maintain internal accounting systems that are capable of tracking the costs of different aspects of providers’ platform investments with a reasonable degree of precision. For example, Securus’ filings related to its waiver petition seeking extension of the Commission’s deadline for per minute charges for video IPCS provide ample evidence of its ability to track costs for the billing portion of its platform. Further, larger providers like Securus are likely to have more robust internal accounting systems that would enable a reasonable allocation of costs to different functionalities. As such, we preclude providers from reporting their safety and security measure costs as a single item, and the instructions make clear that providers may not simply report costs as a single platform-based measure and thereby avoid attempting a reasonable allocation of those costs to individual measures pursuant to our cost allocation instructions.

34. *Continued Use of Safety and Security Categories.* We retain the use of seven safety and security categories used in the 2023 Mandatory Data Collection but repurpose them and no longer require providers to allocate any costs to these categories. Instead, as discussed, providers must allocate costs to the discrete safety and security measures they report. By contrast, providers are only nominally required to associate the individual measures they report with one or more related categories, and the attribution of costs to each category is now unnecessary. Pay Tel asserts that retaining the categories “serves no practical purpose” and is “irrelevant for ratemaking purposes.” But repurposing the seven categories to reduce reporting burdens on providers

does not eliminate their role in rate-setting. The seven categories continue to allow the Commission to evaluate safety and security measures categorically and additionally ensure a significant degree of comparability with the previous data collection, as urged by another commenter.

35. Worth Rises advocates in favor of collecting additional safety and security data by subdividing the Commission's seven categories into multiple subcategories. Other commenters oppose doing so. We find that our newly-adopted measure-based collection will result in more detailed safety and security data than that of previous collections, while requiring providers to allocate costs to new subcategories would add significant reporting burden without ensuring the resulting data will be consistent and comparable and therefore usable for rate-setting purposes.

36. Finally, Securus suggests that "the Commission may be better served by engaging in the initial exercise of identifying safety and security measures it finds unnecessary, if any, an exercise that does not depend on the costs of those measures." Limiting the mandatory data collection to a subset of safety and security measures or categories, however, would require WCB and OEA to prejudge which measures are "necessary," a determination that would exceed our delegated authority. We do not, however, foreclose such an exercise; to the contrary, retaining a categorical association of safety and security measures provides the Commission more information in support of a similar analysis in the future.

G. Site Commissions Reporting

37. We adopt the proposal in the 2026 MDC PN, to significantly reduce reporting of site commission data. We eliminate most reporting of site commission data at the company-wide and facility levels and eliminate the need to distinguish between fixed and variable site commissions. To ensure the exclusion of certain 2025 site commission payments from the Commission's ratemaking process, however, we continue to require the reporting of summary IPCS- and non-IPCS-related site commission payments at the company-wide level, including total IPCS-related monetary and total IPCS-related in-kind site commissions.

38. Commenters were generally supportive of streamlining the collection of site commission data. FTI states that the "proposal to report site commissions at the company-wide level is a vast improvement over previous

reporting requirements." Pay Tel supports "the collection of monetary and in-kind payments to correctional facilities," citing the need to "monitor[] and enforce[]" the Commission's site commission prohibition.

39. We decline the Wright Petitioners' suggestion to increase the scope of the mandatory data collection to include 2026 site commission data to ensure providers have complied with the Commission's site commission prohibition that became effective on April 6, 2026. The Wright Petitioners assert that the effective date of the site commission prohibition "gives 2025 cost data on site commissions a unique value, as it may be used as a comparison in the future to assess whether providers may have shifted any improper site commission costs into a different category." The Brattle Group states that "2025 [site commission] data remain necessary to identify any site-commission amounts incurred before the prohibition and ensure that those amounts are excluded from ratemaking calculations." IPCS providers generally opposed this suggestion. We find that collecting an additional year of site commission data in 2026 will not contribute directly to the Commission's ratemaking process, which will be based on calendar year 2025 data. The marginal benefit of enabling the Commission to monitor compliance with its site commission prohibition does not warrant the additional burden of collecting another year of data from all providers, particularly since the Commission retains its ability to monitor its rules in a more targeted, less burdensome manner.

H. Other Suggestions in the Record

40. The record contains a variety of additional suggestions, comments, or requests for changes to the data collection as proposed in the 2026 MDC PN, which we review here. We decline to provide additional guidance on material acceptable for redaction, as Securus suggests. The Commission's confidential filing rules and the *Protective Order* adopted in this proceeding provide ample protection for sensitive, confidential data, and we do not revisit them here. While we generally encourage the disclosure of public information, particularly given the "strong public interest in transparency surrounding rates, charges, terms, and fees for [incarcerated people's communications] services," we also recognize the need for companies to protect their trade secrets and sensitive financial information from disclosure. Broadly, under the FOIA and the Commission's implementing rules, the

following records are not routinely available for public inspection: records pertaining to national defense or foreign policy, materials related solely to the internal personnel rules and practices of the Commission, materials exempted from disclosure by statute; trade secrets and commercial or financial information; interagency and intra-agency memoranda or letters; personnel, medical and similar files, disclosure of which would constitute a clearly unwarranted invasion of personal privacy, and records compiled for law enforcement purposes. That said, we clarify that "information regarding how [most providers] collected and allocated costs" should be redacted. The data collection instructions include detailed cost allocation procedures for providers to follow, and idiosyncratic cost allocation by one company may well reflect the manner in which that company analyzes its own financials. The same holds true for how a given company reported cost data, which might conceivably expose confidential aspects of internal management processes. Without a developed record on the nature of that information, and on whether its publication would expose sensitive financial information or trade secrets, we are reluctant to require it be provided publicly.

41. We also reject a proposal to require IPCS providers to submit additional documentation to serve as independent verification of their self-reported data. As additional oversight measures, Worth Rises proposes we require IPCS providers to submit copies of all financial statements provided to lenders and investors during the preceding year, and submit copies of usage and revenue reports for each reported facility for the preceding year. However, we find that our current instructions, which require providers to submit audited financial statements for 2025, are sufficient for the Commission's rate-setting needs. Requiring the submission of usage and revenue reports for each reported facility, other than audio and video IPCS demand and revenue reports, would exceed our previous data collections and, as ViaPath observed, "would place a significant burden on both the Commission and IPCS providers" without much corresponding benefit. Worth Rises provides a selection of reports tracking monthly usage and revenue for certain facilities. While we welcome the addition of these materials into the record, insofar as they provide useful information and data regarding the type and variety of information which IPCS providers

routinely track, we are cognizant of the burden requiring all providers file such detailed, monthly data for each facility they serve would entail. Again, granular facility-level reporting is already included in the data collection, and, accordingly, we decline to impose further reporting burdens without a clear showing of need and benefit. Similarly, as part of the mandatory data collection, we require certification by an officer of the company of the truthfulness, accuracy, and completeness of the information submitted, which provides the Commission with adequate assurance of the reliability of providers' submissions.

I. Timeframe for Provider Responses

42. In the 2026 MDC PN, we sought comment on our proposal to require IPCS providers to file their responses to this data collection within 90 days of the release of this Order. In weighing the importance of conducting this data collection "as soon as practicable", the Commission previously found "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 [the] proposals to streamline and simplify certain reporting requirements" and we find no reason to disturb that finding today. We also sought comment on either longer or shorter response timeframes and received one comment opposing a shorter period to respond. We note that no commenters in the record opposed this proposal. ViaPath, in supporting the 90-day response timeframe, states that "a significant delay in the completion of the [data collection] will undermine" the Commission's goal to adopt permanent rate caps for IPCS. We agree and adopt our proposal to require responses to this data collection 90 days following release of this Order. Accordingly, we establish December 21, 2026 as the date on which provider responses will be due, unless the Office of Management and Budget (OMB) has not completed its review of this collection under the Paperwork Reduction Act prior to then.

IV. Procedural Matters

43. *Final Paperwork Reduction Act Analysis.* This Order contains new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to OMB for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies will be invited to submit additional comment on the new or modified information

collection requirements contained in this proceeding. 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(c)(4), we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees. We have assessed the effects of the data collection on small business concerns, including those having fewer than 25 employees, and find that to the extent such entities are subject to the collection, any further reduction in the burden of the collection would be inconsistent with the objectives behind the collection.

44. *Congressional Review Act.* The Commission will not send a copy of this Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act (CRA), *see* 5 U.S.C. 801(a)(1)(A), because it does not adopt any rule as defined in the CRA, 5 U.S.C. 804(3).

VI. 2026 Mandatory Data Collection Instructions, Templates, and Certification Form

45. The instructions, template, and certification form for the 2026 Mandatory Data Collection are available through this link: <https://www.fcc.gov/document/2026-ipc-mandatory-data-collection-order>.

VII. Ordering Clauses

46. Accordingly, *It is ordered* that, pursuant to the authority contained in sections 1, 2, 4(i)–(j), 155(c), 201(b), 218, 220, 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, 255, 276, 403, and 617 and the authority delegated in § 0.21, 0.91, 0.201(d), 0.271, and 0.291 of the Commission's rules, 47 CFR 0.21, 0.91, 0.201(d), 0.271, 0.291 and paragraph 81 of the 2025 IPCS Order, this Order *Is adopted*.

Federal Communications Commission.

Lynne Engledow,

Chief, Pricing Policy Division, Wireline Competition Bureau.

[FR Doc. 2026–20362 Filed 10–2–26; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 390

[Docket No. FMCSA–2025–0124]

RIN 2126–AC77

Clarification to the Applicability of Emergency Exemptions; Response to Petitions for Reconsideration

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: FMCSA amends its emergency declaration regulations to revise from 14 days to 30 days the length of the relief automatically triggered subsequent to a regional declaration of emergency by a Governor of a State, the Governor's authorized representative, or FMCSA. This action is in response to several petitions for reconsideration received after publication of a final rule in October 2023.

DATES: Effective October 5, 2026.

Petitions for reconsideration of this final rule must be submitted to the FMCSA Administrator no later than November 4, 2026.

FOR FURTHER INFORMATION CONTACT: Ms. Kathryn Sinniger, Regulatory and Legislative Affairs Division, Office of the Chief Counsel, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; kathryn.sinniger@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Availability of Rulemaking Documents

To view any documents mentioned as being available in the docket, go to <https://www.regulations.gov/docket/FMCSA-2025-0124/document> and choose the document to review. To view comments, go to <https://www.regulations.gov/document/FMCSA-2025-0124-0008> then click "Document Comments." If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in room W58–213 of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

II. Abbreviations

CE Categorical exclusion
CVSA Commercial Vehicle Safety Alliance
DOT Department of Transportation
EMA Energy Marketers of America