

April 10, 2025

Trent Harkrader
Acting Bureau Chief
Wireline Competition Bureau
Federal Communications Commission
45 L Street, N.E.
Washington, DC 20554



Re: Petition for Waiver filed by Talton Communications, Inc., WC Docket Nos. 12-375 & 23-62

Dear Chief Harkrader:

The undersigned organizations oppose granting Talton Communications, Inc. the unjustified and expansive scope of confidential treatment it seeks in its petition (Talton Petition or Petition) seeking a contract-wide waiver for audio and video services it provides to United States Immigration & Customs Enforcement (ICE).¹ As described more fully below, the overly redacted publicly-filed version of the Talton Petition will frustrate public comment by impacted organizations and individuals. The undersigned organizations have an interest in ensuring the Commission's rules are appropriately applied and, in some cases, actively represent individuals currently in detention or who are fearful of being placed in detention and therefore would be directly impacted by the Commission's ruling on the Talton Petition. *Therefore, the undersigned organizations request that the Bureau or the Commission: 1) direct Talton to submit a petition that does not contain overbroad, improper withholding of information and that will permit meaningful public participation, including by people and organizations that do not or cannot sign the Bureau protective order, and 2) grant all parties an additional 30 days to respond to the updated Petition.*

The Talton Petition is almost completely redacted. In the public version of the Petition, the only unredacted description of the relief Talton seeks is that it requests "a rate cap waiver."² Beyond that extraordinarily limited description, the public lacks any information about the nature or scope of the waiver, or the relief requested, including whether it is limited to the specific relief permitted under 47 C.F.R. § 64.6120. For example, the public has no idea whether the waiver requests specific rate(s) for any facility size; the length of the waiver; whether the rate relief it seeks would include site commissions or security costs; whether the relief requested applies to consumer

¹ Petition of Talton Communications, Inc. for Waiver of Certain IPCS Regulatory Requirements, WC Docket Nos. 12-375 & 23-62 at 1 (filed March 10, 2025) (Talton Petition). Public Notice, Wireline Competition Bureau Seeks Comment, WC Docket Nos. 12-375 & 23-62, DA 25-237 (rel. March 19, 2025) (*Notice*).

² Talton Petition at 3.

protections; or any other aspect of its request.³ The Petition redacts every portion of the opening paragraph regarding the reasons for its request, when it should obviously be possible to describe the reasons for the request without disclosing any proprietary information. Of the eight required showings under 47 C.F.R. § 64.6120, only one showing was filed publicly, and even that is also almost entirely redacted. Talton cites Exemption 4 of the Freedom of Information Act (FOIA) as support for its redactions, claiming that the Petition “contains financial information and other confidential and/or proprietary information,”⁴ but this exemption cannot support the scope of the redactions made. Moreover, Talton did not attempt to make the full showing required for proprietary protection under 47 C.F.R. § 0.459(b)(1)-(9).

At a bare minimum, the nature of the waiver being requested cannot be a proprietary matter. If the Commission were to grant it, the terms of the waiver—such as the rates permitted pursuant to a waiver—must be public.

The Commission has, in the past, ordered disclosures of data claimed to be confidential by providers of incarcerated people’s communications services.⁵ Further, it appears that Talton may be withholding information that is required to be made public under Commission rules. Specifically, 47 C.F.R. § 64.6110, requires providers to “clearly, accurately, and conspicuously disclose their interstate, intrastate, and international rates and Ancillary Service Charges to consumers on their websites” The Commission made clear that “[p]roviders must not require that website visitors open an account with the provider as a precondition to obtaining website access to the provider’s rates and charges.”⁶ While the Commission granted an extension for the new rate caps in some limited circumstances, 47 C.F.R. § 64.6010(d), the Commission’s rules require disclosure of any site commissions, all rates and all account management information as of January 1, 2025. This public data cannot be proprietary. Furthermore, review of several facilities served by Talton reveal that Talton is impermissibly withholding rate information from the public. These facility websites direct consumers to www.gettingout.com, a GTL site,

³ The few remaining unredacted sentences mention “a more complex and more costly system for ensuring compliance,” Talton Petition at 4, and claim that “[c]ost certainty is valuable to noncitizens; a universal rate would avoid the need for them to worry about substantially increasing or decreasing communication costs due to the size of the facility in which they are held,” *id.* at 5. And although the opening of the Petition states it seeks a rate cap waiver, the closing of the Petition states “a waiver will allow Talton to continue to provide its important services under the unique ICE Contract,” *id.* at 6 and the *Notice* describes the Petition as seeking a waiver of “[c]ertain IPCS [r]egulatory [r]equirements.” These sentences seem somewhat contradictory and hint at a potentially massive scope to the request, but they do not provide an adequate basis for comment by organization employees and members of the public who do not sign the protective order.

⁴ Petition Cover Letter at 1.

⁵ Order, WC Docket No. 12-375, DA 20-1006 (Wireline Bur. Sept. 1, 2020) (partially denying confidential treatment); *see also* AT&T, Inc., Notice of Apparent Liability, File No.: EB-TCD-18-00027704, FCC 20-26 (rel. Feb. 28, 2020) (Starks approving in part dissenting in part) (Enforcement Bureau has long faced parties asserting overbroad designations of confidentiality). ICE has been sanctioned by at least one federal court for overly redacting a Talton contract sought pursuant to FOIA, apparently at Talton’s behest. *Prison Legal News v. United States Dep’t of Homeland Sec.*, 113 F. Supp. 3d 1077 (W.D. Wash. 2015) (finding egregious delay, failure to demonstrate compliance with FOIA exemptions and awarding attorneys’ fees).

⁶ Incarcerated People’s Communications Services, Implementation of the Martha Wright-Reed Act, *Report & Order, Order on Reconsideration, Clarification and Waiver, Further Notice*, FCC 24-75, 39 FCC Rcd 7647, ¶1506 (2023).

and do not reveal rates without account creation.⁷ Moreover, the Talton website, which also leads to the same GTL website, suffers similar flaws.⁸

We appreciate the efforts of the Bureau to adopt a protective order specific to just the Talton Petition, but interested parties should not be forced to sign a protective order to submit comments.⁹ Signing a protective order is a serious commitment and not all organizations or individuals impacted by the requested waiver are able to maintain the specific requirements of such an order. That limitation should not bar impacted individuals and organizations from understanding the relief Talton requests, its justification for such relief (even without access to proprietary information), and being able to meaningfully respond to the Petition. For example, impacted individuals and organizations may be able to provide facts and information about the current operations at ICE facilities to inform the Commission's review, but may be precluded from doing so if they cannot review and engage with even the basic content and support set forth by Talton in its Petition.

In sum, we request that the Bureau or the Commission: 1) direct Talton to submit a revised public version of its Petition that permits members of the public and organizations whose staff do not sign the protective order to review and meaningfully respond, and 2) grant parties 30 days after the revised filing is submitted to respond.

If you have any questions regarding the above request, do not hesitate to contact Cheryl A. Leanza, on behalf of UCC Media Justice, at 202-904-2168 or cleanza@alhmail.com.

Sincerely,

United Church of Christ Media Justice Ministry
American Civil Liberties Union
Asian Americans Advancing Justice – AAJC
Electronic Privacy Information Center
National Consumer Law Center (on behalf of its low-income clients)
National Immigrant Justice Center
New Jersey Policy Perspective
Prison Policy Initiative
Worth Rises

⁷ See the following illustrative facility websites: <https://www.ice.gov/detain/detention-facilities/central-louisiana-ipc>; <https://www.ice.gov/detain/detention-facilities/imperial-regional-detention-facility>; <https://www.ice.gov/detain/detention-facilities/el-paso-service-processing-center>; <https://www.ice.gov/detain/detention-facilities/northwest-ice-processing-center-nwipc>; <https://www.ice.gov/detain/detention-facilities/otero-county-processing-center>.

⁸ <https://talton.com/> (visited April 9, 2025).

⁹ Supplemental Protective Order for Talton Communications, Inc. Waiver Petition, WC Docket Nos. 12-375 & 23-62, DA 25-259 (rel. March 25, 2025).