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January 21 2009

**VIA ELECTRONIC FILING**

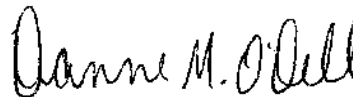
James McNulty  
Secretary  
PA Public Utility Commission  
Commonwealth Keystone Bldg.  
2nd Fl., 400 North Street  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Robert Pezzeca v. Global Tel\*Link,  
Docket No. C-2008-2080471

Dear Secretary McNulty:

On behalf of Global Tel\*Link, enclosed for filing please find its original Motion for Leave to Accept Supplemental Preliminary Objections and Supplemental Preliminary Objections to Complaint along with the electronic filing confirmation page with regard to the above-referenced matter. Copies have been served in accordance with the attached Certificate of Service.

Sincerely,



Deanne M. O'Dell  
For WolfBlock LLP

DMO/lww  
Enclosure

cc: Robert Pezzeca, w/enc.

HAR:84497.1/GLO124-252273

**CERTIFICATE OF SERVICE**

I hereby certify that this day I served a copy of Global Tel\*Link Corporation's Motion for Leave to Accept Supplemental Preliminary Objections and Supplemental Preliminary Objections to Complaint upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

**VIA FIRST CLASS MAIL**

Robert Pezzeca, DX-1148  
State Correctional Institution Huntingdon  
1100 Pike St.  
Huntingdon, PA 16654

Dated: January 21, 2009

  
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Deanne M. O'Dell, Esq.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

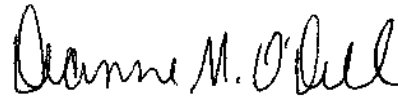
ROBERT PEZZECA #DX-1148	:	
Complainant	:	
	:	
v.	:	Docket No. C-2008-2080471
	:	
GLOBAL TEL*LINK CORPORATION	:	
Respondent	:	

**NOTICE TO PLEAD**

To: Robert Pezzeca

Pursuant to 52 Pa. Code § 5.101(b), you are hereby notified that you must file a written response to the objection within ten (10) days of the date of service of the motion.

Respectfully submitted,



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Deanne M. O'Dell, Esq.  
WolfBlock, LLP.  
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Harrisburg, PA 17108-0865  
(717) 237-7160

Dated: January 21, 2009

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ROBERT PEZZECA #DX1148	:	
Complainants	:	
	:	
v.	:	Docket No. C-2008-2080471
	:	
GLOBAL TEL*LINK CORPORATION	:	
Respondent	:	
	:	

**GLOBAL TEL\*LINK CORPORATION'S  
SUPPLEMENTAL PRELIMINARY OBJECTIONS TO COMPLAINT**

Global Tel\*Link Corporation (“Respondent”) submits these Supplemental Preliminary Objections to the complaint filed by Robert Pezzeca (“Complainant”).<sup>1</sup> For all the reasons set forth in Respondent’s January 13, 2009 Preliminary Objections as well as the supplemental information provided herein, the Commission should dismiss the complaint based on a lack of jurisdiction and legal insufficiency of a pleading.

In specific support of its Supplemental Preliminary Objections, Respondent states as follows:

1. Respondent was served on December 24, 2008 with the above-captioned complaint. On January 13, 2009, Respondent filed Preliminary Objections to the Complaint requesting dismissal of the complaint for lack of jurisdiction and legal insufficiency.

2. Subsequently, on January 15, 2009, the Commission entered an Opinion and Order in a different complaint case involving Respondent at Docket No. C-20078119.<sup>2</sup>

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<sup>1</sup> Respondent is simultaneously filing a Motion for Leave to Accept Supplemental Preliminary Objections.

<sup>2</sup> *Raymond J. Smolsky v. Global Tel\*Link Corporation*, Docket No. C-20078119, Opinion and Order entered January 15, 2009.

3. The Commission decision regarding Docket No. C-20078119 is directly relevant to the Preliminary Objections previously filed by Respondent because it squarely addresses the Commission's jurisdiction regarding inmate complaints.

4. Specifically, in paragraphs 8-10 of its Preliminary Objections, Respondent addresses Complainant's allegations regarding the lack of competitive alternatives available to Complainant. As explained by Respondent, it provides inmate telephone services pursuant to a contract between it and the Department of Corrections ("DOC"). The Commission's recent Opinion and Order further confirm that it does not have jurisdiction to interpret the contract between DOC and Respondent.<sup>3</sup> This decision is consistent with the Commonwealth Court's determinations as explained in Respondent's Preliminary Objections.<sup>4</sup>

5. Further, in paragraphs 13-17 of its Preliminary Objections, Respondent details why the Commission lacks jurisdiction to fix the rates of IXC inmate services. The Commission's recent Opinion and Order confirms that it does not have the jurisdiction to set rates for interexchange carriers.<sup>5</sup>

6. The Commission's recent decision in addition to the reasons set forth in Respondent's Preliminary Objections make clear that the Commission does not have jurisdiction over the rates and rate structure of Respondent nor does the Commission have jurisdiction to address the other alleged violations of various other laws. Therefore, expedient resolution of Respondent's preliminary objections is in the public interest. Moreover, the Commission's

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<sup>3</sup> *Raymond J. Smolsky v. Global Tel\*Link Corporation*, Docket No. C-20078119, Opinion and Order entered on January 15, 2009 at 14.

<sup>4</sup> Preliminary Objections at ¶ 10.

<sup>5</sup> *Raymond J. Smolsky v. Global Tel\*Link Corporation*, Docket No. C-20078119, Opinion and Order entered on January 15, 2009 at 14.

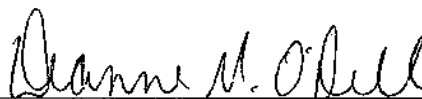
regulations require a decision on these preliminary objections within 30 days of assignment to a presiding officer. 52 Pa. Code § 5.101(g).

7. Continuing these proceedings and requiring hearings on matters not properly within the Commission's jurisdiction will require the unnecessary expenditure of time and resources of the Commission, the Department of Corrections, and Respondent. Such expenses include but are not limited to: the time and efforts of correctional officers to ensure that the Complainant is made available for a hearing, is monitored during the hearing and is returned to his cell after the hearing; the presiding officer's time to conduct the hearing and issue a recommended decision; the Commission's resources to file and coordinate the pleadings in this matter and to address any exceptions or reply exceptions that may be filed.

8. While Respondent is mindful of the Commission's responsibility to ensure that all complainants receive the appropriate due process, both the Commission and Commonwealth Court have been clear about the extent of jurisdiction regarding inmate telephone complaints. Where, as here, the complaint contains no allegations that lie within the Commission's jurisdiction, the public interest is best served by resolving these preliminary objections in a timely manner. Such resolution will ensure that neither the Commission nor DOC's resources are unnecessarily burdened.

WHEREFORE, Respondent Global Tel\*Link Corporation requests that the Commission dismiss the instant complaint for lack of jurisdiction and legal insufficiency and mark this proceeding as closed.

Respectfully submitted,



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Date: January 21, 2009