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November 13, 2009

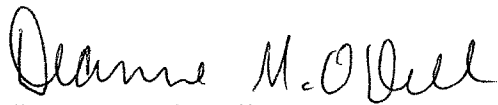
Via Electronic FilingJames McNulty, Secretary
PA Public Utility Commission
Commonwealth Keystone Bldg.
PO Box 3265
Harrisburg, PA 17105-3265

Re: Richard Carion v. Global Tel*Link Corporation, Docket No. C-2008-2082598

Dear Secretary McNulty:

On behalf of Global Tel*Link Corporation enclosed for filing please find its original Second Motion to Compel Answer to Interrogatories and for Sanctions and Notice to Plead along with the electronic filing confirmation page with regard to the above-referenced matter. A copy has been served in accordance with the attached Certificate of Service.

Sincerely



Deanne M. O'Dell, Esq.

DMO/lww
Enclosurecc: Hon. Veronica Smith, w/enc.
Richard Carion, w/enc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

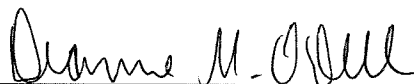
RICHARD CARION #FM-4379	:	
Complainant	:	
	:	
v.	:	Docket No. C-2009-2082598
	:	
GLOBAL TEL*LINK CORPORATION	:	
Respondent	:	

NOTICE TO PLEAD

To: Richard Carion #FM-4379
State Correctional Institution Huntingdon
1100 Pike St.
Huntingdon, PA 16654

Pursuant to 52 Pa. Code § 5.103, you are hereby notified that Global Tel*Link Corporation (“GTL”) has filed a Motion to which you may answer in writing within twenty (20) days unless otherwise provided in Chapter 5 of Title 52 of the Pennsylvania Code. Your failure to answer will allow the presiding officer to rule on the Motion without a response from you thereby requiring no other proof.

Respectfully submitted,



Deanne M. O'Dell, Esq. Attorney ID 81064
Elizabeth Kreder McCoy, Esq.
Eckert Seamans Cherin & Mellott, LLC
213 Market Street 8th Fl.
PO Box 1248
Harrisburg, PA 17108-1248
717.237.6000

Dated: November 13, 2009

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

RICHARD CARION, FM-4379	:	
Complainant	:	
	:	
v.	:	Docket No. C-2008-2082598
	:	
GLOBAL TEL*LINK CORPORATION	:	
Respondent	:	

**SECOND MOTION TO COMPEL ANSWER
TO INTERROGATORIES AND FOR SANCTIONS**

Global Tel* Link Corporation (“GTL”) by and through its counsel, Eckert Seamans, Cherin & Mellot, LLC, and pursuant to 52 Pa. Code §§5.342(g), files this Second Motion to Compel Answers of Richard Carion (“Complainant”) to GTL’s Interrogatories and Requests for Production of Documents, Set I dated April 24, 2009, and seeks sanctions in the form of a dismissal of the complaint with prejudice, if Complainant fails to obey an order issued for this purpose. In support of this motion, GTL represents as follows:

1. On December 31, 2008, Richard Carion (“Complainant”) filed a Formal Complaint with the Commission against GTL. GTL was served with a copy of the Complaint on January 6, 2008
2. The Complaint alleges: (1) violations of the Telecommunications Act of 1996 and the Public Utility Code; (2) violations of Unfair Trade Practices and Consumer Protection Law; (3) invokes the Clayton Act; (4) alleges violation of the "anti-kick back law;" (5) "further violation by forced monopolized purchases;" (6) deprivation of "their constitutional right to equal protection;" and, (7) claims to "represent a class of individuals of family and friends of

incarcerated people." Complainant seeks injunctive relief allowing third party long distance providers other than GTL, reimbursement for calls that have been disconnected, interrupted between August 1, 2007 through the present, and that future rates be regulated by the Commission at rates lower than those that presently exist. (Complaint, at 3.)

3. On January 23, 2009, GTL filed an Answer to the Complaint and Preliminary Objections to the Complaint. GTL denied the material allegations of the complaint and asserted a lack of subject matter jurisdiction over the majority of the issues raised by the Complainant. GTL sought dismissal of the complaint.

4. On February 2, 2009, Complainant filed "Plaintiffs' Response In Opposition To The Defendants Response to The Complaint And/Or Any Preliminary Objections" (Response to Preliminary Objections), and "Plaintiffs' Memorandum of Law in Support of His Response to Opposition to the Defendants' Response To The Complaint And/Or Any Preliminary Objections" (Law Memo).¹

5. On April 24, 2009, in accordance with 52 Pa. Code § 5.341, GTL forwarded Complainant Interrogatories and Request for Production of Documents, Set I, seeking information regarding the claims made in his Formal Complaint. Pursuant to the Commission's Rules of Procedure, responses were due on May 18, 2009. Neither objections nor responses have been received to date.

6. On May 22, 2009, GTL filed its first Motion to Compel Answer to Interrogatories and for Sanctions in the form of a dismissal.

¹ Complainant also filed two additional documents: 1) "Plaintiff's Response To Motion For Leave To Accept Supplemental Preliminary Objections" (Supplemental Response); and 2) "Plaintiffs' Response In Opposition to Defendants' Supplemental Preliminary Objections to Formal Complaint" (Supplemental Response). Because GTL had not filed a Motion For Leave to Accept Supplemental Preliminary Objections or Supplemental Preliminary Objections To Formal Complaint, ALJ Cocheres treated Complainant's responses as surplusage, and they were stricken by Order dated June 1, 2009.

7. By Prehearing Order No. 1 dated June 1, 2009 (“PHO #1”), Administrative Law Judge Louis G. Cocheres granted in part and denied in part GTL’s preliminary objections. Regarding GTL’s Motion to Compel, ALJ Cocheres concluded that, “it was premature to enter an order at this time.” (PHO #1, at 11.)

8. Over five months have passed since PHO #1 was entered and Complainant still has not provided any responses to GTL’s interrogatories. More than seven months have passed since he was served with these requests. Complainant is in direct violation of the Commission’s regulations. *See* 66 Pa.C.S. § 333, 52 Pa. Code § 5.342.

9. The Commission’s Regulations at 52 Pa. Code § 5.371 and § 5.372 address the consequences of a participant’s failure to comply with the Commission’s rules regarding discovery. Section 5.371(a) provides that:

- (a) The Commission or the presiding officer may, on motion, make an appropriate order if one of the following occurs:
 - (1) A party fails to appear, answer, file sufficient answers, file objections, make a designation or otherwise respond to discovery requests, as required under this subchapter.

Section 5.372(a)(3) further provides:

- (a) The presiding officer, when acting under § 5.371 (relating to sanctions --general) may make one of the following:

- (3) An order striking out pleading or parts thereof, staying further proceedings until the order is obeyed, or entering a judgment against the disobedient participant or party advising the disobedience.

10. In addition, 66 Pa.C.S. § 332(f), provides, in pertinent part:

If the actions of a party or counsel in a proceeding shall be determined by the commission, after due notice and opportunity for hearing, to be obstructive to the orderly conduct of the proceeding and inimical to the public interest, the commission may

reject or dismiss any rule or order in any manner proposed by the offending party or counsel....

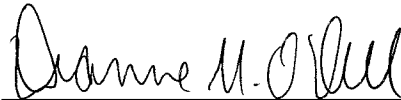
11. The information GTL is seeking through discovery is necessary in order for GTL to properly and fully prepare a defense to allegations in the Complaint. ALJ Cocheres ruled that Complainant has raised issues related to GTL's provisioning of service, particularly regarding disconnections. (PHO #1 at 6).

12. GTL has followed the Commission's discovery procedures in an attempt to obtain specific information regarding the disconnections alleged by Complainant and why Complainant believes the disconnections were inappropriate. The information sought by GTL cannot be obtained from any other source and is necessary if GTL is to be prepared to defend itself in any meaningful manner. As set forth in its initial Motion to Compel, Complainant is claiming improper disconnects occurred over a 649 day period which is an extremely long period of time to required GTL to find the proverbial needle in a haystack. (See May 22, 2009 Motion to Compel at 3-5) Moreover, conducting this type of research is resource intensive. For all of these reasons, GTL undertook good faith efforts to narrow the focus of the allegations so that it could undertake a reasonable research to prepare its defense. Complainant's failure to comply with the Commission's rules of discovery and provide information necessary for GTL to prepare a defense should be sanctioned by the Commission.

WHEREFORE, for the reasons set forth above, and in accordance with the applicable provisions of the Public Utility code and the Commission's Regulations, GTL respectfully requests an Order (1) compelling Complainant to provide full and complete answers to GTL's discovery dated April 24, 2009; (2) directing that Complainant's responses be received by counsel for GTL no later than ten (10) calendar days after the

Commission issues an Order in response to this Motion; and (3) in the event Complainant fails to respond to GTL's Interrogatories as ordered, directing that the Formal Complaint filed by Richard Carion at Docket No. C-2009-2082598 be dismissed in its entirety, with prejudice.

Respectfully submitted,



Deanne M. O'Dell, Esq.
Elizabeth Kreder McCoy, Esq.
Eckert, Seamans, Cherin, Mellot, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101

Counsel for:
Global Tel*Link Corporation

Dated: November 13, 2009

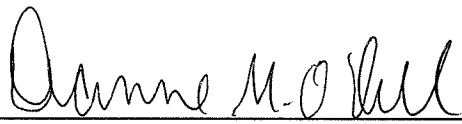
CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of Global Tel*Link Corporation's Second Motion To Compel Answer To Interrogatories And For 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

Richard Carion #FM-4379
State Correctional Institution Huntingdon
1100 Pike St.
Huntingdon, PA 16654

Dated: November 13, 2009


Deanne M. O'Dell, Esq.