

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Tyrone Gibbs, FS-7093	:	
	:	
v.	:	Docket No. C-2013-2358084
	:	
Global Tel Link Corporation	:	

**ORDER DEEMING COMPLAINANT'S LETTER, DATED
SEPTEMBER 8, 2013, A MOTION TO COMPEL**

On September 12, 2013, I received a letter from the Complainant, dated September 8, 2013, requesting my assistance with obtaining answers to discovery requests. It was unclear whether a copy of this letter had also been sent to counsel for Respondent, and I remind the parties that documents sent to me in this case must also be copied to the other party. A copy of this letter is attached to this Order.

In the letter, Complainant indicated that he had twice requested his telephone records for the past sixty (60) months, but had only been provided telephone records for the past twenty-four (24) months. Explanatory notes were also requested with regard to encrypted numbers on the phone log. Lastly, Complainant asserted that he had requested redacted phone logs for thirty-six (36) institutional phones that were in use at the same time, on specific dates and times that all the phones arbitrarily hung up. To date, Complainant indicated that he had not been provided with the requested information. There is no indication of the filing of a Certificate of Service by Respondent of objections to any interrogatories, as is required for objections to discovery. 52 Pa. Code §5.342(e)(2). However, the discovery may have been sought informally by the Complainant, and therefore would not necessarily have implicated the discovery regulations regarding the filing of objections.

Pursuant to 52 Pa. Code §5.321(b), the presiding officer has the discretion to vary the provisions of the discovery rules, and I will do so. While Complainant's letter is not, strictly speaking, a motion to compel discovery, it does request that the presiding officer effectuate Respondent's compliance with the discovery request, and I will therefore treat it as a motion to compel. Respondent will be provided until Wednesday, September 18, 2013, to file an answer to the Motion to Compel in accordance with 52 Pa. Code §§5.342(g)(1). If the Motion to Compel is granted, Respondent must be prepared to provide discovery responses within a short period of time, as there is a telephonic hearing scheduled for Thursday, October 3, 2013, at 10:00 a.m.

THEREFORE,

IT IS ORDERED:

1. That Complainant's letter dated September 8, 2013, requesting compliance with discovery requests, is deemed a Motion to Compel answers to discovery.
2. That Respondent is provided until close of business on Wednesday, September 18, 2013, to file an answer to the Motion to Compel. A copy of any answer must be provided to the presiding officer and the Complainant.

Date: September 13, 2013

Kandace F. Melillo
Kandace F. Melillo
Administrative Law Judge

September 8, 2013

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OFFICE OF PA L.J.
13 SEP 12 PM 1:08
PA PUC

Hon Kandace F. Melillo
Administrative Law Judge
PA Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Re: Tyrone Gibbs v Global Tel Link Corp
Docket No C-2013-2358084

Dear Judge Melillo,

This 'missive' is to abreast you of things that are occurring on a few fronts concerning my complaint against Global Tel.

In the spirit of negotiation, fair business practice, and 52 Pa. Code§5.231(a), I recently reached out to Global Tel's rep, Kevin Lefton (letter dated August 21, 2013) in hopes of reaching an amicable solution to my plight. I presented what I thought was a fair offer (for them to compensate me in proportion to what I've lost because of the glitches in their system), thus ending my complaint, and then, if they were not interested in righting my wrong this way, I explained that I would have to continue in my complaint.

Your Honor, pursuant to Rules of Discovery, I've twice reached out to Global Tel in an attempt to procure the documents that I needed to prove my contentions against them. In said letter to Kevin Lefton, I requested the same things that I previously requested. Additionally, in your letter to Edward Lanza dated July 23, 2013, you noted that I was requesting (60) months worth of my phone records. To date, I've only received (24) months. On July 28, 2013, I informed Mr Edward Lanza via letter that I needed those additional (36) months worth of records. I also indicated to him that I would need to be provided with some sort of explanatory notes in reference to the encrypted numbers on the phone log that was provided.

And lastly, I provided him with specific dates and times that all the phones arbitrarily hung up, and asked for redacted phone logs for any (36) of the institutional phones that were in use at the same time. What

easier way is there to prove what I say is true? I've gotten no response from Mr Lanza on any front. Could you please effectuate Mr. Lanza's, Mr. Lefton's, and Global Tel's compliance to 52 PA Code §5.331, and 5.322?

Respectfully,

Tyrone Gibbs

P.O. Box 244

Graterford, PA 19426

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GENERAL CALL J.

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Revised (6/24/13)

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