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September 18, 2013

Via electronic filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

**Re: Tyrone Gibbs v. Global Tel*Link Corporation
Docket No. C-2013-2358084**

Dear Secretary Chiavetta:

Enclosed for filing is the Answer of Global Tel*Link Corporation to Complainant's Motion to Compel in the above-referenced matter.

The parties of record and the Presiding Officer have been served as evidenced by the attached Certificate of Service.

Sincerely,



Edward G. Lanza

EGL/imk
Enclosures

c: Per Certificate of Service

CERTIFICATE OF SERVICE

I, Edward G. Lanza, certify that on this date I served true and correct copies of Respondent Global Tel*Link Corporation's Answer to Complainant's Motion to Compel on the below-named parties by First Class Mail, postage prepaid:

Tyrone Gibbs FS7093
P. O. Box 244
Graterford, PA 19426

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

Kevin B. Lefton, Esq.
Senior Counsel
Global Tel*Link Corporation
12021 Sunset Hill Road, Suite 100
Reston, VA 20190



Edward G. Lanza, Esq.
Attorney for Respondent

Dated: September 18, 2013

**BEFORE THE
PENNSYLVANIA UTILITY COMMISSION**

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

**ANSWER OF GLOBAL TEL*LINK CORPORATION
TO COMPLAINANT’S MOTION TO COMPEL**

Pursuant to 52 Pa. Code §§ 5.342(g), and the September 13, 2013 Order of Administrative Law Judge Kandace F. Melillo, Global Tel*Link Corporation (“GTL”) files this Answer in opposition to the Motion to Compel of Complainant Tyrone Gibbs (“Complainant”).

I. BACKGROUND

On or about March 25, 2013, Complainant Tyrone Gibbs filed with the Commission a Formal Complaint against GTL alleging service issues with the phone system at the State Correctional Institution at Graterford, where the Complainant is an inmate. Following unsuccessful attempts by GTL to settle the complaint matter, Complainant requested information from GTL by letter. In a letter dated June 28, 2013, Complainant sought his phone log and a copy of the contract between GTL and the Pennsylvania Department of Corrections (“DOC”) for phone services at Graterford. On July 23, 2013, GTL provided Complainant with information that was responsive to his requests.

By letter dated August 21, 2013, Complainant requested additional information, including GTL's refund policy, a "code key" for his phone log, an additional 36 months of calls made by him and phone logs for other inmates at Graterford. *See*, August 21 correspondence attached hereto as part of Exhibit A. On August 26, 2013, GTL provided Mr. Gibbs with the requested code key and information regarding its refund policy, but explained that the Company would not provide additional call logs or other inmates phone records. Attached hereto as Exhibit B.

By Order dated September 13, 2013, Administrative Law Judge Kandace F. Melillo ordered that a letter dated September 8, 2013 from the Complainant to the Presiding Officer be deemed a Motion to Compel.¹ The following is GTL's Answer to the Motion to Compel in compliance with Judge Melillo's September 13, 2013 Order.

II. ANSWER TO MOTION TO COMPEL

A. GTL Responded to Complainant's Information Requests Informally

GTL provided responses to the information requests from the Complainant to the extent possible under the circumstances. Following the Complainant's first request for information on June 28, 2013, the Company endeavored to create a phone log that would satisfy the Complainant's request. After extensive effort, GTL produced a 24-month phone log to the Complainant. Although, the information provided did not include all 60 months of information requested by the Complainant, GTL made a substantial effort to comply with the request and later explained to Mr. Gibbs that producing an additional 36-month phone log would be burdensome. In addition, GTL provided a copy of the phone

¹ The September 8, 2013 letter was not served upon GTL, and the Company became aware of it only after the Presiding Officer attached it to her September 13, 2013 Order.

services contract with DOC as requested by the Complainant. After receiving the information requested, Complainant sought additional information such as a code key for the phone log, GTL's refund policy and call logs related to other inmate phones at the facility. In response to these additional requests, GTL provided information related to the Company's refund policy, a code key and an explanation of the reasons GTL would not produce additional phone logs. *See*, August 26, 2013 Correspondence. This information was provided to the Complainant informally in an effort to respond to his requests and to encourage discussions of a possible amicable settlement of the Formal Complaint.

The Commission's regulations provide for discovery in contested matters. 52 Pa. Code § 5.341. Although the Commission generally construes its discovery rules liberally, there are limitations to the type of discovery that is permitted in PUC cases. 52 Pa. Code § 5.361. Section 5.361 limits the scope of discovery and prohibits discovery which would cause an unreasonable burden, expense or investigation by a participant. *City of Pittsburgh v. PUC*, 526 A.2d 1243 (Pa. Cmwlth. 1987); *appeal denied* 538 A.2d 880 (Pa. 1988). In addition, the Presiding Officer in a contested proceeding may issue a protective order that prohibits or limits certain kinds of improper discovery. 52 Pa. Code § 5.362.

In this case, GTL responded informally to information requests from the Complainant and explained its reason for not providing everything Complainant requested. As stated in the August 26th correspondence, GTL believes that the request for a full 60-month phone log is unreasonably burdensome based on the amount of time and effort that the Company expended in providing a 24-month log. GTL respectfully submits that the 24-month log provided is sufficient to show the Complainant and the

Commission the pattern of service experienced by Mr. Gibbs at the Graterford facility. The phone log provided consists of close to 200 pages containing dozens of calls or attempted calls on each page. Requiring GTL to assemble and produce hundreds of pages in addition to what has already been provided would result on an unreasonable burden on the Company. This is particularly true here, where the Complainant has failed to explain what he believes he can find in the additional records that is not contained in the logs already provided. Two years of calls should be enough, and GTL should not be compelled to spend further time, effort and cost in producing 5 years worth of extensive phone records.

B. Complainant Is Not Entitled to Phone Records of Other Inmates

GTL should not be compelled to provide phone logs related to phones used by other Graterford inmates. As the Company explained in its August 26th correspondence, GTL deems records related to calls made by other inmates to be private customer information that should not be disclosed to the Complainant. Under the Commission's rules, other utilities and regulated entities are prohibited from disclosing "private customer information" to third parties without the consent of the customer. *See, e.g.,* 52 Pa. Code §§54.8 (for EDCs and EGSs) and 62.78 (for NGDCs and NGSs). GTL respectfully submits that logs relating to phones used by other inmates at Graterford contain private customer information which should not be disclosed to the Complainant.

In addition, Complainant's request for additional phone logs is unreasonably burdensome and should be denied. Although the additional phone logs requested are for limited dates and periods of time, the Company is not aware of how many phone were in use at the time or how many calls were attempted or placed in that period. Culling

through records for every phone at the facility would create an unreasonable burden for the Company in addition to the burdens explained above. For these reasons, the Presiding Officer should prohibit the production of the additional records requested by the Complainant.

III. CONCLUSION

Based on the foregoing, the Complainant's Motion to Compel should be denied and the Presiding Officer should issue a Protective Order prohibiting and/or limiting the disclosure of the phone logs sought by Complainant in this matter.

Respectfully submitted,



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Counsel:

Kevin B. Lefton, Esq.
Senior Counsel
Global Tel*Link Corporation
12021 Sunset Hills Road, Suite 100
Reston, VA 20190
(703) 439-1673
kevin.lefton@gtl.net

Date: September 18, 2013

Counsel for Global Tel*Link Corporation

Tyrone Gibbs v. Global Tel*Link Corporation
Docket No. C-2013-2358084
Exhibit A

From : Tyrone Gibbs FS7093

6/28/13

To : Kevin B Lefton Esquire Senior Counsel, GlobalTel

Re : Gibbs v Global Tel Link C-2013-2358084

Good day

Roughly 2 weeks ago we spoke on the phone in reference to my complaint against Global Tel Link. I thought it was a productive exchange. After bouncing around some terms of agreement, I thought we had come to a tentative, fair, and amicable solution. That being \$150(one hundred-fifty dollars) and your promise to stay committed on fixing the problem we're experiencing with Global Tel (Remember my contention is that over the course of 60 months, at least twice, and as many as 8 times per month, the phones arbitrarily hang up on us, and my offer of \$150 to settle matters is actually a low number, all things considered, and notwithstanding the fact that you really can't put a definitive number on the emotional duress that this entire situation has put on me. How can you accurately set a number on the pain that's incurred when a man is talking to his father about his recent cancer diagnosis, and the phone cuts off, and he's not able to call back because it was his last call?).

Since our dialogue, I've not heard anything from you, and the problem has yet to be fixed(the phones have hung up on everybody at the same time this week). I can only assume that you haven't reached out to me because you wish to pursue the litigation we both wished to avoid, opposed to settling. It's in that light, pursuant to 52 Pa.Code §5.331(b), I humbly request from my personal phone log, PIN# 318171, a copy of all phone calls made by me(with said PIN#) over the last 60 months, which is the rough time frame that Global Tel has had the contract with the Pennsylvania DOC as phone service provider I am also requesting a copy of the contract between Global Tel

Link and the Pa.DOC pursuant to the same rules & statues
mentioned above.

cc// file

Respectfully
Tyronne Gibbs

To : Edward G Lanza, Esq
213 Market St, 8th Flr
Harrisburg, Pa 17101

From: Tyrone Gibbs FS7093
P.O. Box 244
Graterford, PA 19426

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

Mr Lanza,

Enclosed herewith is a letter dated July 28, 2013 that I sent to the Honorable Kandace F Melillo in reference to the above docketed matter. Pursuant to Rules of Discovery I am requesting the following from your client:

- 1) Copy of Global Tel Link's policy concerning refunds.
- 2) A explanatory note or 'Code Key' defining exactly what all the different numbers in the 'Completion Code' column of my phone 'Call Log' mean which was provided to me per rules of discovery.
- 3) The call log for the additional 36 months of phone calls made by me
You only provided me with my call log for twenty four(24) months to date(July 2011-July 2013) out of the requested sixty(60) months .
- 4) For the following four(4) dates, and specific times, the redacted phone "Call Log's" for 36 of any of Graterford's 100+ inmate phones ~~that were in use at the times specified~~ (Again, to comply with security/privacy regulations, the Inmate ID# and the Number Dialed portion can be redacted. The only thing necessary to be shown is the 'Date' & 'Duration in Seconds' portion of the Log .
 - a) 2/5/2013 8:06pm
 - b) 2/26/2013 8:18pm
 - c) 3/19/2013 6:39pm
 - d) 7/19/2013 5:10pm

Lastly, in compliance with procedures established in 52 Pa Code §5.421, I hereby inform you that I will be calling a Global Tel Link Technical Support Team member, and Billing Support Team member, along with the Phone Coordinator

from Graterford prison ,

cc//file

Hon Kandace F Melillo
Administrative Law Judge
Public Utility Commission
Harrisburg Pa 17105-3265

Kevin B Lefton, Esquire
Senior Counsel, Global Tel Link

Respectfully
Tjanna Gibbs

July 28, 2013

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,

For several reasons, I would like to move for a continuance in the above docket matter. Firstly, is the fact that the discovery provided me from Global Tel Link is at best incomplete. As noted by your letter to Mr Edward Lanza (dated July 23, 2013), my request made to Global Tel was for copies of telephone calls made by me over the course of the past sixty(60) months (which is the amount of time that Global Tel has had the phone contract, and the amount of time over which I am alleging that the problems have been occurring). To date, I have only been provided with twenty-four(24) months of my phone calls (July 2011 to July 2013) I still await the remaining 36 months information.

Also, to obfuscate matters even more, I was not provided with explanatory notes that are needed to fully understand the portions of the phone log I was provided. I'll explain. On my Call Log, there are 5 columns. The first four of them [inmate ID, Number Dialed, Date, and Duration in Seconds], are self explanatory. However, there is another column listed, 'Completion Code', and it is replete with many different numbers that denote something. Without a 'Code Key' explaining these coded numbers function, it is impossible to fully understand my Call Log.

And because the crux of my contentions center around my phone calls, and the glitches that occurred during them, it is essential that I be provided with a definition of these numbers.

In addition, pursuant to Rules of Discovery, I am requesting from Global Tel Link information on their refund policy (As my complaint is based upon their shifting refund policy), and reason for the lack of refund

compensation to me when their system fails.

To fully effectuate my claims, I also will be requesting a more comprehensive 'Call Log' data package. Apparently, Global Tel Link has a policy that dictates there will be no issuing of refunds when a phone prematurely cuts off if the number called was a cell phone. Understandably because cell phones have a propensity to drop calls, and when this happens, there is no way of knowing on what party the blame is to lie. I have no problem with this aspect of policy. However, when 75-100 phones within the institution shut off at the exact same time, landlines and cell phones together, it becomes obvious that there has been a systemic problem opposed to any individual caller. Instances like this, in the pursuit of fair business practices, should be the exception to any rule/policy, but, by Global Tel's standard, it's not. And in fact, instead of at bare minimum acknowledging this conundrum, Global Tel Link denies its existence and continues to stick to their flawed, and unwavering stance of, "No refunds for cell phone calls".

So, in order to definitively prove that the calls I made were hung up prematurely, whether I was on cell phones or landline (I've been hung up on both, many times), were not my or my other parties fault, but instead Global Tel Link's, thus entitling me to a refund, I am specifically requesting the phone logs for 36 of the 100+ phones in the institution, that were in use, on specific dates and certain times, when my calls were cut off- Thus simplifying matters and making it easy to prove whether or not there are systemic problems causing my grief or my own dereliction of responsibility [note- this request would not generate an oppressive paradox, nor security/privacy breach for the Respondents Because I'm only asking for specific dates, at specific times (I'm only going to request the information for 4 different dates, which are spread out over time that this occurred, thereby establishing a pattern and proof), each request would only be 36 pages long. One page per phone that was in use at the given time when the system shut down. A far less cry from the 316 pages that was in Global Tel's contract, copied and provided to me by them; And to dispel the security concerns, the portion of the Call Logs that contain the Inmates ID#, and their Number Dialed, can be Redacted in the same manner that Global Tel Redacted many of the pages in the contract that they sent me.

Lastly, in compliance with procedures established in 52 Pa Code §5.421, I hereby inform you that I will be calling a Technical Support Team member, and Billing Support Team member from Global Tel Link, along with the Phone Coordinator from Graterford prison as witnesses.

cc//file

Edward G Lanza, Esq
213 Market St, 8th Flr
Harrisburg, Pa 17101

Respectfully
Tyrone Gibbs

To : Kevin B. Lefton, Esquire
Senior Counsel
GTL Corp
12021 Sunset Hills Rd Suite 100
Reston VA 20190

August 21, 2013

From : Tyrone Gibbs FS7093
P. O. Box 244
Graterford, PA 19426

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

Mr Lefton,

First and foremost, Good day. In the spirit of negotiation and fair business practice, I extend an olive branch towards you. I could be using this time, my money, and my resources for so many other noble causes besides bickering back and forth with my phone company. However, because I am principle oriented, this small formal complaint potentially can morph into a larger lawsuit for Deceptive Marketing Practices at minimum, and many, many, complaints to the Attorney General and to Consumer Watchdog groups. The legal team that advises me now would instead initiate the suit and come on board as counsel, and full Discoveries, including all records of problems, previous suits, settlements and the like would follow.

Lets get this straight. I'm not someone with an "axe to grind", or somebody who's got some devilish plot to smear campaign or undermine GTL's reputation. No, I'm just a consumer of a product that your company sells, and at present I'm less than satisfied with the service provided. I am your customer. And over the last 60 months I've really spent upwards of \$5,000 purchasing phone time. And during this time, at least twice, and upwards of eight(8)x per month, all the phones really cut-off during our calls(with the exception of the 2 end phones on each housing unit, the other 16 shut down in unison).

And when I request to be reimbursed, your company really says no. This is beyond unfair. If you paid in full for a service, and thru no fault

of your own, didn't get it, you'd make a stink about it, right? Why am I being treated any differently? Prisoner or not, my money spends like anybody else's I would hope. What compounds the problem is that all of my contentions are so easy to substantiate, Everything from the monies I've spent, down to all the phones simultaneously hanging up like clock-work.

When you pull your own phone records, you'll see a pattern. It's not mere coincidence that on the day and dates I've provided to you, that everybody's phone call shuts off, whether their on a cellphone or a landline. It's obviously a systemic problem which needs to be fixed. I've done for GTL what any loyal customer would do, and that's point out the problem to you. When I make a mistake, I pay for it. In the business world, this same principle exist, only it's called 'fair business ethics'.

I'm not here as a 'voice' for everybody's cause. I'm here for me. I just want my account credited for all the times that the phones shut-off and I got burned. It's not supposed to be on my dime when your system fails. And it's still failing. Because it's the only phone service here, I have no alternative but to use it if I want to contact my loved ones. So, no matter how our litigation plays out, GTL still benefits.

Make me an offer. I would like credited to my account funds that reflect what I've already lost, along with the legal fee's I've incurred in bringing this problem to light. This way, I can stop my litigating with you, and turn my attention back to other endeavors.

In the event that my request cannot/ will not be facilitated, under Rules of Discovery, I again request the following:

- 1) Copy of Global Tel Link refund policy.
- 2) An explanatory note or 'Code Key' defining exactly what all the different numbers in the 'Completion Code' column of my phone 'Call Log' mean which was provided to me per Rules of Discovery.
- 3) The call log for the additional 36 months of phone calls made by me. I was only provided with twenty four(24) months to date(July 2011-July2013).
- 4) For the following four(4) dates, and specific times, the redacted phone 'Call Log' for 36 of any of Graterford's 100+ inmate phones that were in use at the times specified:

- a) 2/5/2013 8:06pm
- b) 2/26/2013 8:18pm
- c) 3/19/2013 6:39pm
- d) 7/19/2013 5:10pm

Lastly, in compliance with procedures established in 52 Pa. Code §5.421, I again inform you, that if necessary, I will be calling a Global Tel Link Technical Support Team member, Billing Support Team member, along with Graterford Prison's GTL phone coordinator.

cc// file

Hon Kandace F Melillo/Administrative Law Judge

Respectfully,
Tyrone Gibbs

Tyrone Gibbs v. Global Tel*Link Corporation
Docket No. C-2013-2358084
Exhibit B

**ECKERT
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August 26, 2013

Via Regular Mail

Tyrone Gibbs FS7093
PO Box 244
Graterford, PA 19426

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


Dear Mr. Gibbs:

In response to your undated letter received by my office regarding your case, I am providing the responses of Global Tel*Link Corp. to your information requests. I am attaching a code key for the phone log you received previously. Global Tel*Link does not have a refund policy per se that we can provide in response to your request. However, I am sending you an excerpt from GTL's website that discusses refunds in relation to calls made to cell phones.

With regard to your request for an additional 36 months of phone calls, please be advised that gathering this information is a very time-consuming, unreasonably burdensome and unnecessary process that we are unable and unwilling to undertake at this time. Also, in connection with your request for phone records of other inmates, we regret to inform you that these records are considered private customer information, and we are not at liberty to disclose them.

If you have any questions, do not hesitate to contact me.

Sincerely,



Edward G. Lanza

Enclosure

cc: Kevin Lefton, Esq. (without enclosures)

Phone code definitions for SCI-Graterford

Code#	Description
0	Completed call
1	Call blocked (Facility)
2	Call blocked (Inmate Phone List)
3	Out of Sites operating hours
4	Country code invalid
5	Carrier blocked called number (Failed LIDB) – means the called party's phone company detected something in the line information data base that prevented the call from not going through
6	Inmate PAC is invalid
7	Called Number is not on the phone list
8	Inmate calling from the wrong facility
9	Inmate hung up
10	Ring no answer or busy
11	Call not accepted
12	Collect call attempted
13	Debit dial call attempt
14	Exceeded wait time for response from Validation Server (LIDB)
15	VAC requested block
16	VAC called party credit limit has been reached
17	Debit response message. System error
18	Debit response message. Call abended
19	Debit response message. PAC already in use
20	Debit server not available
21	Exceeded number of debit dial calls allowed
22	Exceeded number of collect calls allowed
23	Exceeded number of debit dial minutes allowed
24	Exceeded number of collect minutes allowed
25	Violated minimum time between completed calls
26	Exceeded extra dialed digits allowed
27	Suspended
28	Inmate dialed number not allowed
29	Call is not allowed from this phone
30	Call is outside of calling schedule
31	Blocked by called party
32	Collect call response message. PAC already in use
33	Insufficient funds
34	Number of calls limit violation
35	Number of minutes limit violation
36	Minimum time between calls violation
37	Trunk type was busy – means that the phone company (ex: Vonage) of the person that the inmate is trying to call all of their lines are currently busy
38	All trunks were busy
39	Invalid Area Code or Exchange
40	LIDB Network error message
41	LIDB cannot find matching number
42	LIDB Number is not allowed collect calls
43	Invalid station number
44	Station is disabled
45	Inquiry request (PAC in use)
46	Inquiry request (Invalid PAC)
47	Call blocked (System Wide)
48	CLEC Block
50	Disabled by Phone Class of Service

Global Tel*Link Corporation

Notice to Family and Friends Regarding Cell Phone Calls and Refunds

NOTICE:

Global Tel*Link has a policy of recording incoming customer calls to its Customer Service Call Center for training and quality of service purposes. Customers will hear a recording at the beginning of all calls into the Customer Service Call Center informing them that the call may be recorded.

All inmate telephone calls are likely to be monitored and recorded. By accepting an inmate call, you acknowledge and agree that your conversation may be monitored and recorded.

The quality of telephone calls to wireless devices and cordless phones that receive voice transmission via frequencies as opposed to wires may vary, based on, among other things, a person's movement, tower location and signal strength at any given point in a call. Accordingly, the quality and integrity of calls to cell phones and cordless phones cannot be guaranteed and dropped calls to cell phones will not be routinely refunded. Complaints concerning dropped calls and call quality from inmate facilities are investigated at the call origination point for the purpose of ascertaining whether an issue exists with the telephone equipment from which the call is placed.

Source: <http://www.gtl.net/familyandfriends/index.shtml#ixzz2fDI60Gcw>