

September 22, 2013

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 Complainants Motion for Leave and 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,



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2013 SEP 26 AM 10:14  
PA P.U.C.  
SECRETARY'S BUREAU

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Tyrone Gibbs FS7093

v

Docket No. C-2013-2358084

Global Tel Link Corporation

ORDER

AND NOW, to wit, this      day of      , 2013, upon consideration of the within Motion For Leave To Correct Respondents Errors and To Compel under 52 Pa. Code § 5.342(g), it is hereby ORDERED AND DECREED that Complainant's Motion be GRANTED and Respondents be made to comply.

BY THE COURT:

\_\_\_\_\_  
Melillo, K

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BEFORE THE

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Tyrone Gibbs

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Global Tel Link Corporation

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**COMPLAINANT'S MOTION FOR LEAVE TO  
CORRECT RESPONDENT'S ERRORS IN ITS ANSWER BRIEF**

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Pursuant to 52 Pa. Code §5.342(g), and the Sept 13, 2013 Order of Administrative Law Judge Kandace F. Melillo, Global Tel Link Corp ("GTL") filed an Answer in opposition to the Motion to Compel of which Complainant Tyrone Gibbs (Complainant) files this Motion for Leave to correct the record.

**I BACKGROUND**

By letter dated August 21, 2013, Pursuant to Rules of Discovery 52 Pa. Code §5.331(b), Complainant requested additional information from GTL in his ongoing dispute with the Corporation. In particular, he requested the additional 36 months worth of his phone calls, a "code key" to read certain records provided, and the Phone Logs for other phones in use. On

August 26, 2013, GTL claims that it provided said information to Complainant, and explained that the Company would not provide additional call logs or other inmates phone records. This is simply not true. In light of GTL's dark misrepresentation of the record, a word must be said about several problematic aspects of GTL's factual recitation.

## II. ARGUMENT

Complainants first time becoming aware of, and/or receiving any "code key" or letter therewith articulating GTL's stance or policy concerning his Discovery request was on Friday, September 20, 2013, when he received a copy of GTL's Answer in opposition to Complainants Motion to Compel (dated Sept 18, 2013). Whether by oversight or design, Complainant was **never** served these requested items previously. In fact, your Honor, in her September 13, 2013 Order to GTL notes that, "There is no indication of the filing of a Certificate of Service by Respondents of objections to any interrogatories, as required for objections to Discovery. Pa. Code §5.342(e)(2)". Simply put, it didn't happen. And in light of the fastly approaching Oct 3, 2013 Hearing date, this "oversight" pushes the Complainant onto a burdensome corner. The information (which was originally solicited months ago), is only now being turned over (in part), giving Complainant mere days to review records, that by GTL's own admittance, consisted of, "close to 200 pages containing dozens of calls or attempted calls on each page (See GTL's Answer to Complain Motion to Compel pg 4).

Also, the reliance upon unsupportable factual conclusions is equally apparent in the portion of GTL's brief where it is averred that the

providing of," 2 years of calls should be enough", and that "Complainant has failed to explain what he believes he can find in the additional 36 months that is not contained in the logs already provided". However, as has been previously detailed in Complainants numerous letters (See June 28, 2013 and August 21, 2013 letters to GTL rep Kevin Lefton attached hereto as Exhibit A), and person to person phone conversations with Kevin Lefton, the requested 60 months worth of phone records would provide the 'receipt' for each and every transaction that went awry, and for which Complainant seeks reimbursement. Only in this way could all parties have a 100% accurate dollar amount of Complainants losses over said time. One would think that in the spirit of good business practices, that Global Tel Link would be more than willing to undergo this process in order to right any wrongs that had been perpetuated against one of it's own customers. And how else could they fairly compensate me without having an accurate count as to what I'm owed?

### III. ADDITIONAL ARGUMENT

Similarly incomplete and misleading is that GTL perceives it to be, "unreasonably burdensome" to facilitate the providing of additional phone logs of other phones in use. In reality, it is even more of a burden on me, the consumer, on many fronts. Mere words cannot convey the feeling that emanates from the soul of a man who's using his last pre-paid phone call to comfort his father whose just been diagnosed with bladder cancer, and in the middle of the father/son moment all the phones simply hang up. Picasso couldn't paint on canvas a scene that fully captures the mental anguish that goes along with doing homework on

the phone with your children and then, abruptly, before they can get their questions answered, the phone prematurely cutting off on you. What compounds these problems is that GTL is not even acknowledging that there even is a problem. And this is where from all bad seeds sprout. For how can you address what you don't even acknowledge? Complainant seeks to point out to GTL what they seem to be oblivious to: That their phone system has a glitch in its matrix that for one reason or many, causes its phones to arbitrarily shut off simultaneously on all of its users, whether they be on a cell phone or land line. And this is what goes to the heart of the matter. You see, GTL has a policy that differs between land line phone calls and cell phone calls. The latter being subjected to a more stringent criteria before the issuing of a refund. However, when all phones shut off together, cell phones and land lines alike, it should only be common sense that this instance be the exception to any differing rules.

So by requesting the phone logs of additional phones that were in use at the same time as Complainant, he only seeks to show what GTL refuses to see; that it is not just him and his other party with a "bad connection" thereby nullifying him being eligible for a refund, but instead, a recurring problem within their phone system that merits a refund.

Complainant notes that requesting other phone logs was not his first choice in redressing his gripes. It was only after years of requesting GTL's phone coordinator here at Graterford to fix the problem and issue him refunds to no avail, and then writing GTL Headquarters (See March 6, 2013 letter to GTL Billing Services attached hereto as Exhibit B) petitioning them for help, that Complainant resorted to your Honors Public Utility Commission for guidance and relief.

Similarly, GTL sites privacy reasons as being why this request should not be facilitated. For one, this information is crucial and thereby necessary to point out to GTL that their is a problem within their technology which merits the disbursement of refunds to Complainant. Furthermore, this necessary request would not generate an oppressive paradox or privacy breach for GTL. Because Complainant is only asking for specific dates and times for (36) phones, 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 GTL's contract, copied and provided to Complainant by them; And to dispel privacy concerns, and at the same time step towards resolution, the portion of the Call Logs that contain the private information that GTL does not want to divulge, can be redacted in the same manner that GTL redacted many of its pages in their contract that they sent me and did not want me to be privy to [ The Call Log consist of 5 columns of information. Each column has a heading- Inmate ID#, Number Dialed, Date, Duration of Call, and Completion Code. So once the Inmate ID and Number Dialed columns are redacted, what's left is a non-invasive and totally necessary set of relevant facts; Date of Call, Exact Times when the phone cut off, and Completion Code]. All of these things going to the crux of the matter.

For these reasons, your Honor should not prohibit the production of the additional records requested by Complainant.

#### **CONCLUSION**

Based on the foregoing, the Complainants Motion(s) for Leave and to Compel should be granted and your Honor should not issue a Protective

Order prohibiting and/or limiting the disclosure of the phone logs  
sought by Complainant in this matter.

Respectfully Submitted,

*Tyrone Gibbs*

**EXHIBIT A**

1) Letter(s) dated 6/23/2013, 8/21/2013 to Kevin Lefton GTL Corp

**RECEIVED**

2013 SEP 26 AM 10:43

PA.P.U.C.  
SECRETARY'S BUREAU

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  
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 50 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-July 2013).
- 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*

**EXHIBIT B**

- 1) letter dated 3/6/2013 to GTL Corp, Billing Services

**RECEIVED**

2013 SEP 26 AM 10:44

PA.P.U.C.  
SECRETARY'S BUREAU


Tyrone Gibbs FS-7093  
P O Box 244  
Graterford, PA 19426

March 6, 2013

Global Tel Link  
Glenda Rankin, Billing Services Support

Ms Rankin

First and foremost, hello I begin by telling you that this letter is in reference to your phone system at Graterford Pennitantry, and how, because of one problem or another, it has cost us men our hard earned money through no fault of our own. If in fact this issue is not in conformity with your position, please forward it to the proper department. Thank you.

On  ~~many~~ more than one occasion have I used the GTL system and been cut off mid-conversation. This is one of the major issues that plague us in the institution. We are actually experiencing many technical difficulties that disrupts our phone calls. The fact that the difficulties exist isn't the problem. The **denial** by the people who run the system is the biggest travesty. These problems have existed for some time, and for GTL not to correct them is a blatant disregard for our consumers rights. Not only have you refused to correct the problem, but you also refuse to give any refunds for problems that are not caused by the consumer.

We have instances where the prepaid money is credited to our account, and when we use the phone that evening, all of the phones will simultaneously cut off-- and yet when we petition for our money back we will be told that cell phone calls aren't refunded. In instances like this, the proverbial proof is in the pudding"- if everybody, at the same time, whether talking to land line or cell phone is being cut off, then obviously there is a glitch in the matrix, and not with the individual

caller

I've personally spent over \$3,500 on pre-paid calls with your company in the last 3 years, thus making me what I hope to be at least, <sup>A</sup> valued customer I would like the problems fixed, and to be compensated for the times that I spent my monies and did not get what I paid for

Respectfully,  
Tyrone Gibbs

CERTIFICATE OF SERVICE

I, Tyrone Gibbs, certify that on this date I served true and correct copies of Complainants Motion For Leave and To Compel on the below-named parties by First Class Mail, postage prepaid.

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

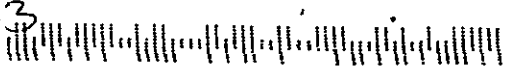
Kevin B Lefton, Esq  
Senior Counsel  
GTL Corp  
12021 Sunset Hill Road, Suite 100  
Reston, VA 20190

Dated: September 23, 2013



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Tyrone Gibbs F57093  
P.O. Box 244  
Graterford, Pa. 19426



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US POSTAGE \$001.52<sup>0</sup>  
ZIP 19426  
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PENNSYLVANIA Public Utility Commission  
Commonwealth Keystone Building  
400 NORTH STREET  
HARRISBURG, Pa. 17120