

November 19, 2013

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

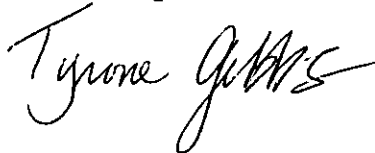
Re: Tyrone Gibbs v Global Tel Link Corp
Docket No C-2013-2358084

Dear Secretary Chiavetta,

Enclosed for filing is Complainants Motion For Reconsideration 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,

A handwritten signature in cursive script that reads "Tyrone Gibbs".

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PUBLIC UTILITY COMMISSION

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Tyrone Gibbs

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 Reconsideration of Order Denying Complainants Application For Subpoenas and Admittance of Evidence under 52 Pa. Code §5 421, it is hereby ORDERED AND DECREED that Complainants Motion be GRANTED.

BY THE COURT:

Melillo, K

BEFORE THE
PENNSYLVANIA UTILITY COMMISSION

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Tyrone Gibbs FS7093

v

Docket No C-2013-2358084

Global Tel Link Corporation

COMPLAINANTS MOTION FOR RECONSIDERATION
OF ORDER DENYING COMPLAINANTS APPLICATION
FOR SUBPOENAS AND ADMITTANCE OF EVIDENCE

Pursuant to 52 Pa.Code 5.421, "Complainant" Tyrone Gibbs files this above mentioned Motion. In support of which, Complainant respectfully submits the following.

I. BACKGROUND

On or about March 25, 2013, Complainant filed with the Commission a Formal Complaint against GTL alleging service malfunction and arbitrary refund policies with the telephone system at the State Correctional Facility at Graterford, where Complainant is an inmate. Following unsuccessful attempts by Complainant to settle the matter, including him rejecting GTL's last twenty-five dollar (\$25.00) offer, a hearing went forward on October 3, 2013 where Complainant requested particular service members from GTL and was denied, after which GTL called upon their own witness, Kathy Tarkir, whose testimony shed no significant light on the matter. Also, Complainant, because of his naivety, misunderstanding, and mis-application of Civil Law was not able to call forth the correct personnel whose testimony would have made clear the factual basis for which Complainant complains about. For the reasons set forth below, Complainant again asks that his request for Subpoenas be honored and his exhibits be allowed into evidence.

II. ARGUMENT

A) Any request made by Complainant, albeit Discovery or Subpoena for a witness has been with one end in mind- To uncover and bring to light the problems within the phone system that GTL seems to be oblivious to, and then secondly, find an amicable solution to them. During the October 3, 2013 hearing, the sole witness called by GTL did nothing to effectuate this agenda. According to her own testimony, Ms. Kathy Tarkir didn't know if the phones had ever been serviced, and if so, for what reasons. She also didn't know how many complaints had ever been filed with GTL in reference to the phone system, or if any complaints had ever been filed with GTL concerning the phones. Ms Tarkir also didn't seem to know GTL's own protocol when it came to cell phones. These issues are the crux of Mr Gibbs' complaint, as he is alleging their malfunction, and not addressing them achieves nothing. When I initially filed my complaint, it was all inclusive. GTL as a parent company and all of her divisions. Since I was unfamiliar with its different divisions and their functions, I, in detail, laid out my specific problem and asked that they forward my complaint to the proper technical division(see letter dated March 6, 2013 Exhibit A). And upon hearing the testimony of the witness they did produce, it was easily determined that the information that was requested was outside the scope of Ms. Tarkir's area of expertise. Ultimately, in the spirit of Pa Code §5.322 which calls for good faith compliance, and having been predisposed to my issues, GTL should have called from within their ranks somebody who actually works directly with the phones at Graterford, like their Field Service Rep or a Phone Technician, whose field of expertise went directly to the heart of the matter.

What further undermined Complainant's campaign for answers and curtailed his chances of presenting a full case in chief was the way in which GTL did comply with certain directives.

1) After testifying that there was a no-refund at all policy for cell phone dropped calls, and that this was the criteria she used in evaluating complaints, Ms. Tarkir then read GTL's refund policy and admitted that there apparently does seem to be exceptions to this rule.

Despite my attempts in July & August of 2013 to obtain Discovery material, it was only after being compelled by this Court that GTL eventually facilitated request. And this was done a mere 3 days before the October 3, 2013 hearing, giving me no time to review the material, and prepare an adequate case, which in itself was outside the spirit of fair practice.

By filing Subpoena's and calling the relevant parties who's direct responsibility it is to maintain, service, and repair these very phones, and by being allowed to submit relevant exhibits, Complainant only seeks an adequate opportunity to complete the record so that this Court has a full picture by which to judge instead of a half painted canvas. And for this reason Complainant asks this Court to GRANT his Motion For Reconsideration.

B) According to the statues of 52 Pa. Code §5.243(e), Complainant again acknowledges that he was derelict in his responsibility to this Court. At the same time he asks this Court to reflect on statue §5.243 and its components. They all deal with the rebuttal phase of arguments, after a party has presented its case in chief. And because of Complainants naivety and misunderstanding of Civil Law, he was not able to call witnesses or submit evidence, and therefore by default never had an opportunity to present the 'case in chief' that precludes a rebuttal, which in itself defeated the purpose of the hearing. As the very reason that Complainant contacted the PUC was for help in redressing a wrong. Complainant only wishes to present evidence to be able to complete a case in chief.

For every mistake that Complainant made, none were as a result of lack of due diligence. Throughout this entire process, being in the penitentiary with very limited resources has been Complainants achilles heel. There are 4,000 inmates here and we only have access to 10 computers. Overcrowding and backlog compound matters. Inmates working on their criminal cases take precedence over anything else, so even though I diligently over and over signed up for the computer more than 16 times, I was only granted 1 slot for an hour to do research on Civil Laws, that as a novice, I was totally unfamiliar with.

Equally daunting, is the fact that the legal assistance which was

available to me, was only available via phone call on Tuesdays at set times, and since the phones are always hanging up, it was next to impossible to get thru and get advice and instructions about the law, despite my best efforts.

In receiving and reviewing documents through the Discovery process thus far, Complainant has realized that the documents received to date(phone logs,call query,refund policy), on their face alone do not tell a complete story, and in fact, when viewed alone and not in conjunction with other evidence may even paint an inaccurate, out of context picture. The call Query and Phone Logs of Complainant merely show that at some point on certain days and times he did use the phone, and at some point in time did hang up. As to why Complainant hung up, be it thru malfunction or his own free will, one is left in the dark, as by these documents alone this is not shown. What is needed in order for a complete factual picture to be painted is simply the GTL Phone Technician and his records/logs, which is who and what Complainant seeks to procure thru Subpoena. These individuals associated with this field of expertise, along with said records/logs, would in and of themselves be able to validate or dispel the existence of the problems Complainant alleges.

Furthermore, the responses given to Complainant when he submitted Discrepancy Forms(these are the exhibits sought to be introduced) to the phone company petitioning for his refund when the phone cut off on him, refer to the lodging of his problems onto "Complaint Tickets" forwarded to GTL and their technicians. So it is these people who should be called to the floor with their records/logs because they are the ones who's acts, answers, and determinations on behalf of GTL are the determining factor in the acknowledgement of technical problems and the issuance of refunds.

And it is for these reasons that Complainant asks this Court to GRANT his Motion in the interest of justice.

III. ADDITIONAL ARGUMENTS

In their Objections to Complainants Motion For Leave To File Subpoenas, Respondents cited alleged multiple violations of statues under Commissions Rules of Practice and Procedure by Complainant to further strengthen its argument in this Court denying Complainants Motion. However, upon a complete review of these statues, it becomes clear that they instead support Complainants position rather than speak against it. Respondents cited 52 Pa Code §5.421(b) and says that Complainants Motion For Subpoenas meet none of its requirements. However, Respondents fail to acknowledge that according to 52 Pa.Code §5.421(1) the Commission Officer on his/her own Motion(Sua Sponte) is authorized to issue subpoenas. So Complainant can not be held at fault for an administrative process that hadn't taken place yet.

Respondents stated that since Complainants Motions For Subpoenas is absent a Notice To Plead it was technically flawed. They pointed to 52 PA Code §1.58 as a proof of this. But, upon inspection, PA Code §1.58 applies to service, and there is no requirement to file Notice To Plead as regards subpoenas in this section.

In terms of the materiality, scope, and relevancy of the evidence submitted, and the requested Subpoenas calling GTL's Phone Technician, Field Technician, and their accompanying records/logs, they are because these people have the relevant information that was not supplied by Ms. Kathy Tarkir because of her lack of knowledge in this particular arena(ie., referencing logs of if dropped calls have been reported, servicing & repair, and if so, when and for how long GTL was aware, etc).

As stated before, contrary to GTL's assertion that, " Complainant is quite familiar with the Commissions rules and has chose to ignore them"(Respondents Objection Motion pg.5), Complainant is at best a layman, and is only learning the process as we go. Perhaps this is why the Courts give a wider degree of latitude to its Judges, because a layman not knowing all the Rules of Court shouldn't make a complaint unfounded.

Lastly, according to the Commissions regulations, 52 PA Code §5.361 calls for limitations to the type of Discovery that is permitted. Section 5.361 limits the scope of Discovery and prohibits discovery which would cause an unreasonable burden, expense, or investigation by a

participant. Complainant is unfamiliar with the layout of GTL and never had a directory listing departments and job descriptions within their ranks. It has only been through teeth pulling and litigation that he was able to narrow it down and ascertain exactly who, and in what department of the parent company GTL, is needed to shed the necessary light in order to see the problems he's complained of for the past 5 years. In light of this further extension of time before the next hearing date, Complainant offers that it would not be any more of an unreasonable burden or expense to GTL, outside of the normal inconveniences that come with any litigation, for them to call from within their own company the specific personnel who work directly with fixing the phones here, so that this Court will be able to view, with full clarity the entire scope of this case and render a fair and informed ruling.

IV. CONCLUSION

Based on the foregoing, the Complainants Motion For Reconsideration of Order Denying Complainants Application for Subpoenas and Admittance of Evidence should be GRANTED and Respondents made to comply with this Courts directives .

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Tyrone Gibbs".

Date: November 19, 2013

EXHIBIT A

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PA PUBLIC UTILITY COMMISSION
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 Pennitantury, 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, ^A 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 reconsideration on the below named parties by First Class mail, postage pre-paid

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

Edward G Lanza, Esq
Eckert Seamans Cherin & Mellot, LLC
213 Market St 8th Floor
Harrisburg, PA 17101-1248

Dated: November 19, 2013

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PA PUBLIC UTILITY COMMISSION
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Tyrone Gibbs

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

PA DEPARTMENT OF CORRECTIONS
INMATE MAIL

Hasler
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ROSEMARY CHIARETTA
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