

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michael Davis AM4973

v.

Global Tel* Link Corporation

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Docket No. C-2013-2395438

**OBJECTIONS OF GLOBAL TEL*LINK CORPORATION
TO INTERROGATORIES OF COMPLAINANT MICHAEL DAVIS**

Pursuant to 52 Pa. Code §§ 5.342 and 5.361, Global Tel*Link Corporation (“GTL”) objects to Interrogatories 1 and 4 propounded by Complainant Michael Davis in the above-captioned proceeding, as follows:

INTERROGATORY 1:

I request that Global Tel*Link or its prison partners send me my phone records for the past five years.

OBJECTION:

GTL objects to this record request on the basis that it falls outside the scope of permissible discovery and is not relevant to the subject matter involved in this proceeding nor is it reasonably calculated to lead to the discovery of admissible evidence.¹ Pursuant to Section 3314 of the Public Utility Code, “[n]o action... shall be maintained unless brought within three years from the date at which the liability therefor arose...”² Thus, any claim that dates back more than three years is outside of the applicable statute of limitations, and any information sought in relation to these old claims is irrelevant to this proceeding. The request for five-years-worth of phone records seeks information that cannot be said to be reasonably calculated to the discovery of admissible evidence.

Further, GTL objects to this record request on the basis that it would cause unreasonable annoyance, burden or expense to GTL and would require the making of an unreasonable investigation by the Company in violation of the Commission’s rules and regulations.³ Compiling call logs for one inmate is a burdensome and time-consuming task because it involves culling through hundreds of calls made daily by inmates at the state

¹ 52 Pa. Code §5.321 (c).
² 66 Pa.C.S. §3314(a).
³ 52 Pa. Code §5.361.

correctional institutions covered by GTL's contract with the Department of Corrections. A one-year log for one inmate is likely to cover hundreds of calls and dozens of pages worth of entries. A call log that covers five years would require significant effort and expense to assemble as it is not a report that GTL maintains in the regular course of business. Based on prior experience, such a report would be voluminous.

Notwithstanding this objection, and without waiver thereof, GTL is attempting to provide phone records for a more limited period of time that will be responsive to the Complainant's information request.

INTERROGATORY 4

I request that Global Tel*Link or its prison partners disclose how often its phone system drops land line calls without cause, and over the past five years, and how many refunds have been awarded as a result of this phone system's breakdowns.

OBJECTION

GTL objects to this record request on the basis that it falls outside the scope of permissible discovery and is not relevant to the subject matter involved in this proceeding nor is it reasonably calculated to lead to the discovery of admissible evidence.⁴ Pursuant to Section 3314 of the Public Utility Code, "[n]o action... shall be maintained unless brought within three years from the date at which the liability therefor arose..."⁵ Thus, any claim that dates back more than three years is outside of the applicable statute of limitations, and any information sought in relation to these old claims is irrelevant to this proceeding. The request for five-years-worth of phone records seeks information that cannot be said to be reasonably calculated to the discovery of admissible evidence.

Further, GTL objects to this record request on the basis that it would cause unreasonable annoyance, burden or expense to GTL and would require the making of an unreasonable investigation by the Company in violation of the Commission's rules and regulations.⁶ Compiling dropped-call and refund reports for all inmates is a burdensome and time-consuming task because it

⁴ 52 Pa. Code §5.321 (c).

⁵ 66 Pa.C.S. §3314(a).

⁶ 52 Pa. Code §5.361.

involves culling through hundreds of calls made daily by individual inmates at the state correctional institutions covered by GTL's contract with the Department of Corrections. Records of dropped calls and refunds that cover five years would require significant effort and expense to assemble as it is not a report that GTL maintains in the regular course of business.

Notwithstanding this objection, and without waiver thereof, GTL is attempting to provide information for a more limited period of time that will be responsive to the Complainant's information request.

Based on the foregoing, GTL respectfully requests that the Presiding Officer issue a Protective Order that prohibits the production of answers and documents that would violate the Commission's discovery rules as set forth above.

Respectfully submitted,
THE LANZA FIRM, LLC



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March 11, 2014

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CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of GTL's Objections to Complainant's Interrogatories 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 and/or Email

MICHAEL DAVIS AM4973
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GRATERFORD PA 19426

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HON. DAVID A. SALAPA
ADMINISTRATIVE LAW JUDGE
PA PUBLIC UTILITY COMMISSION
PO BOX 3265
HARRISBURG PA 17105-3265

Date: March 11, 2014



Edward G. Lanza, Esq.