

Kenneth Andre Dade
EA-6297
SCI Fayette
Box 9999
LaBelle Pa 15450

June 28, 2016

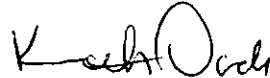
Rosemary Chiavetta Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg Pa 17105-3265

RE: Kenneth Andre Dade V Securus Technologies Docket No C2016-2547396

Dear Secretary Chiavetta:

Please find Kenneth Andre Dade answer and new matter to the answer of Securus Technologies answer to the formal complaint filed on April 25, 2016. A copy of the document has been served to Securus Technologies with the attached certificate of service.

Sincerely,



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2016 JUL -1 AM 10: 19

PA P.U.C.
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

KENNETH ANDRE DADE
Complainant

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v

Docket No. C-2016-2547396

SECURUS TECHNOLOGIES INC
Respondent

ANSWER AND NEW MATTER TO SECURUS
TECHNOLOGIES ANSWER TO THE FORMAL
COMPLAINT FILED BY KENNETH ANDRE
DADE THE COMPLAINANT

AND NOW COMES, Kenneth Andre Dade, the Complainant, and files this answer and new matter to Securus Technologies answer to the Formal Complaint filed by Kenneth Andre Dade on April 25, 2016 pursuant to Pa Code § 5.63

This is in respond to securus Technologies answer and new matter to the Foraml Complaint. Securus Technologies admitted of providing services to inmates housed at SCI Fayette. The denied (i) raising the prices on calls, due to SCI Fayette new restrictions on the phones.....without prior or proper notice: (ii)they denied that theyare engaging in misleading or deceptive conduct:(iii) they denied that they failed to provide SCI Fayette or the inmated population with any written information about increase in prices for a (15) minute call.

I would like to address these allegations in more detail. First, as mentioned in the Formal Complaint, SCI Fayette apply a new phone restrictions for the inmate population. This new procedures went into effect on April 4, 2016. Before the new restrictions, inmates were allow to make as many calls as long as the inmate or his family had money on thier debit cards. Securus Technologies stated that this new 5% gross receipts tax went into effect April 1, 2016. They stated that this is mandatory by the Commonwealth of Pennsylvania.

ANSWER

1) I would ask that the Commission tp please check the calls made by inmates before April 1, 2016, and after April 1, 2016, to see when this 5% gross receipt tax went into effect. If this allegation is to be true, then Complainant would respectfully withdraw that allegation against Securus Technologies, as they are raising the prices due to the new restrictions on the phones hear at SCI Fayette.

2) As to (ii) engaging in misleading and deceptive conduct as define by state or fedreal law, or by this Commissions rules, regulations or order: The Complainant is alleging that Securus Technologies never issued anything regarding the 5% gross receipt tax-untill this complaint was filed. Further, Securus Technologies stated that there was a voice prompt in place that stated that inmates will be be taxed by any local, state, orafedreal agency. Complainant is alleging that this new voice prompt went into effect after this complaint was filed, and is asking the Commission to check the calls made before April 1, 2016, and after April 1, 2016.

3) And finally regarding allegation (iii), Securus Technologies stated that this 5% gross receipt tax was imposed by the Commonwealth of Pennsylvania. The Complainant is asking that Securus Technologies provide the Commission approved tariff order:

"the complaint relates to a provision in a tariff, regulation, report, or other similar documents on file with the commission as a matter of Public record the document should be identified."

NEW MATTER

4) The Complainant is now alleging that he is being double taxed when a phone card is purchase, and now when the call is made.

5) Inmates may purchase phone cards via the inmate commissary (SEE EXHIBIT A) There is a .60 tax for a \$10.00 phone card. This tax is unexplained nor is it known as to who gets this tax, the Commonwealth of Pennsylvania, the Department of Correction, or Securus Technologies.

6) According to Securus Technologies, this 5% gross receipt tax was imposed by the Commonwealth of Pennsylvania on Securus Technologies, who then imposed it on the caller. (Please see the approved tariff)

7) That in itself should be sufficient to show that inmates are being double tax either by the Commonwealth of Pennsylvania the Department of Corrections, or Securus Technologies.

8) The formal complaint filed by Complainant has merit because:
(i) Securus Technologies did not provide any proper notice that the Commonwealth of Pennsylvania was imposing a 5% gross receipt tax on all debit calls made through the inmate telephone system, but ONLY after the formal complaint was filed. (ii) Securus Technologies only added the new voice prompt on calls made, ONLY after the formal complaint was filed. (iii) These allegations mentioned can only be viewed as misleading and deceptive by Securus Technologies. The Complainant is requesting a hearing 52 Pa Code §5.201 to resolve Complainant claims.

WHEREFORE, Complainant respectfully request that the Commission order the phone records pursuant to Pa Code § 5.407(a) in order to verify Complainant claims that Securus Technologies is engaging in misleading and deceptive conduct, as well as to stop the "double dipping of taxing when the inmate purchase a debit card, and the again when a call is made.

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Respectfully Submitted,

/s/ Kenneth Andre Dade
Kenneth Andre Dade EA-6297

DATE: June 28, 2016

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

KENNETH ANDRE DADE :
Complainant :
v : Docket No C-2016-2547396
: :
SECURUS TECHNOLOGIES :
Respondent :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the answer and new matter to the following person(s)

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PA P.U.C.
SECRETARY'S BUREAU

D. Troy Sellars
17 North Second Street
Suite 1410
Harrisburg Pa 17101

Rosemary Chiavetta Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg Pa 17105-3265

DATE: June 28, 2016

/s/ Kenneth Andre Dade
Kenneth Andre Dade EA-6297

Pennsylvania Correctional Industries
Offender Receipt - Commissary

Date Report Generated: 04/26/2016 09:33:50 000005967027

Inst.: FYT Case ID: EA6297 Name: DADE, KENNETH A
Order: 000005967027 Date: 04/25/2016 Housing Unit: D-B-2-050 Batch: 139

No. Item #	Description	Qty	Item Price	Item Total (*Taxed item)
1 42303	110 PHONE CARD	2	10.00	20.00 *

Total amt of items listed	20.00	Commissary - purchase
Ext of Special Price Refund	0.00	Commissary - purchase
Overall Order Subtotal	20.00	
Tax	1.20	(6.00TPA: 1.60)
Overall Order Total:	21.20	

No. Serial Number(s)

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Received by Offender: *K. O. Dade* Date: 5-3-16
 Witnessed By: _____ Date: _____

EXHIBIT A

KENNETH ANDRE DADE

EA-6297

_____ # _____
SCI Fayette

Box 9999

LaBelle, PA 15450-0999

Inmate Mail- Pa
Department of Corrections



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ROSEMARY CHIAVETTE, SECRETARY
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265
HARRISBURG PA 17105-3265

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INMATE MAIL - DEPARTMENT OF CORRECTIONS

