

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Sandra and George Feigley

v.

Verizon Select Services, Inc., and
Department of Corrections by
Robert Shannon

C-20043621

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

PREHEARING ORDER NO. 3

The purpose of this order is to rule on a group pending motions filed by the parties. Not all of the pending motions will be resolved in this Order. The motions not resolved may be decided at the hearing or briefed and included in the Initial Decision.

Sandra and George Feigley filed a Motion For Recusal, dated October 1, 2004. The basis for the Motion was an allegation that the undersigned behaved "rudely, hostilely and displayed a pronounced bias against" Mrs. Feigley on September 28, 2004, prior to hearing in the case of Jon E. Yount et al v. T-Netix, Inc., at Docket No. C-20042655 in which Mrs. Feigley appeared as a witness. Based on my alleged conduct, the Feigleys concluded that I could not be "an unbiased and neutral judge." This case was assigned to me by Telephone Hearing Notice, dated on February 3, 2005. My subsequent review of the file brought the Motion to my attention for the first time. The Motion then caused me to review my recollection of the events on September 28, 2004. In truth, I remember almost nothing about the events outside the hearing process. The allegations were conclusory and provided insufficient detail to help me recall the alleged incident. I have determined that I cannot find that the allegations were well supported and that I harbor no ill feelings towards Mrs. Feigley. As a result, the Motion For Recusal will be denied below.

By letter dated October 7, 2004, counsel for the Department of Corrections (DOC) filed a Praecipe For Entry Of Appearance and a Motion To Strike previously filed documents by the

FILE

Feigleys. Those documents were the Complainants' First Request for Production, Motion for Recusal and Motion to Include Evidence. The basis for this Motion was the fact that the DOC had not been served with a copy of the Complaint. This Motion, as well as the Feigleys' responsive pleading, was rendered moot. The Secretary of the Commission is responsible for serving all complaints received by the Commission. In this instance the Secretarial staff did not realize that the DOC by Robert Shannon had also been named as parties to the proceeding. Upon my request, the Secretary served the DOC and Mr. Shannon through counsel on March 2, 2005. Accordingly, the DOC Motion (dated October 7, 2004) and the Complainants' Memorandum Opposing Department of Corrections' Motion to Strike (dated October 14, 2004) will be denied as moot.

Verizon Select Services Inc. (VSSI or Company) filed its Answer and New Matter (Answer) by letter, dated October 4, 2005. Mr. Feigley filed a Motion To Strike Answer And New Matter Of Verizon Select Services, Inc., dated October 15, 2004. The basis for the Motion was failure of the Company to serve its Answer on Mr. Feigley. VSSI filed its Answer Of Verizon Select Services Inc. To Motion To Strike (Motion/Answer) by letter, dated October 19, 2004. In the Motion/Answer VSSI explained that the Feigleys provided only one address in their Complaint which was the address used to serve the Company's Answer. I find 1) that VSSI served the correct address, 2) that the Motion/Answer was filed on October 15 and 3) that Mr. Feigley was well informed and not prejudiced by the action. Therefore, the Motion will be denied.

The DOC filed its Answer And New Matter Of Pennsylvania Department of Corrections (DOC Answer) on March 22, 2005. The DOC denied 1) that the Commission had subject matter jurisdiction over the DOC, 2) that its innate telephone system was faulty and 3) that service charges were too high. The DOC admitted that certain announcements were required by law and that certain messages were repeated one or two times in the background of a call. The DOC alleged that the Commission did not have jurisdiction to terminate the contract between VSSI and the DOC and that the Commission had no jurisdiction over billing fees. In response, Mr. Feigley filed a Motion To Strike And Answer To New Matter, dated April 1, 2005. In their Motion he sought to strike the DOC Answer as untimely. The DOC did not respond to the Feigley Motion. The Feigley Motion will be denied. The DOC had no obligation to file its Answer until it was served with the Complaint by the Commission's Secretary. As noted above, the Complaint was

served on March 2, 2005. The Commission regulations require the Answer to be filed in twenty (20) days or less. 52 Pa. Code §5.61(a). The DOC Answer was filed on March 22, 2005 and was timely. With respect to the DOC's jurisdictional issues, I find that it is an indispensable party. Montella v. Berkheimer Associates, 690 A.2d 802 (1997).

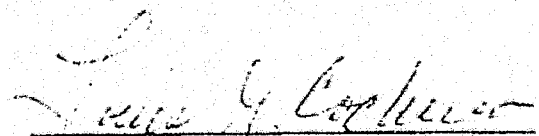
ORDER

NOW, THEREFORE,

IT IS ORDERED:

1. That the Motion For Recusal, dated October 1, 2004, filed by Sandra and George Feigley is hereby denied.
2. That the Motion To Strike, dated October 7, 2004, filed by the Department of Corrections is hereby denied as moot.
3. That the Complainants' Memorandum Opposing Department of Corrections' Motion to Strike (dated October 14, 2004) filed by Sandra and George Feigley is hereby denied as moot.
4. That the Motion To Strike Answer And New Matter Of Verizon Select Services, Inc., filed by George Feigley, dated October 15, 2004, is hereby denied.
5. That the Motion To Strike And Answer To New Matter, filed by Mr. Feigley dated April 1, 2005 is hereby denied.

DATED: April 22, 2005


Louis G. Cocheres
Administrative Law Judge

Before the Pennsylvania
Public Utility Commission

DOCUMENT
FOLDER
RJP

Sandra and George Feigley :
Complainants :
v : Number C-2004 3621
Verizon Select Services, Inc. :
and Department of Corrections :
by Robert Shannon :
Respondents :

Exception

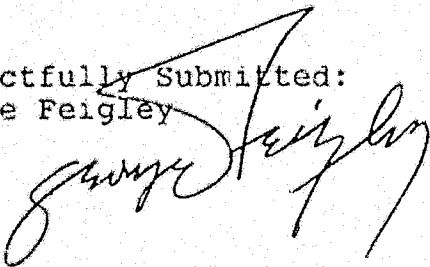
The Complainants, Sandra and George Feigley, pro se, take exception to the 22 April 2005 rulings by Administrative Law Judge Louis G. Cocheres, to wit.

1. Sandra and George Feigley take formal exception to ALJ Cocheres' denial of their 1 October 2004 motion for recusal.

2. Sandra and George Feigley take formal exception to ALJ Cocheres' denial of their 15 October 2004 motion to strike Verizon Select Services Inc.'s answer and new matter.

3. Sandra and George Feigley take formal exception to ALJ Cocheres' denial of their 1 April 2005 motion to strike Department of Corrections' answer and new matter.

Respectfully Submitted:
George Feigley



Date: 25 April 2005

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PENNSYLVANIA PUBLIC UTILITY COMMISSION



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the Matter of:
Sandra and George Feigley

Docket No. C-20043621

SECRETARY'S BUREAU

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v.

Verizon Select Services, Inc.,
and
Department of Corrections by
Robert Shannon

SUBPOENA

To: Dennis Durant, SCI-Frackville, 1111 Altamont Blvd., Frackville PA 179131
(Name and Address)

Pursuant to the authority of this Commission under §§309, 331(d)(2) and 333(j) of the Public Utility Code:

1. YOU ARE ORDERED by the Commission to come to Video Conference Center
(place)
at SCI-Frackville, at 1111 Altamont Blvd., Frackville
Pennsylvania, on Friday, May 6, 2005 at 9:00 o'clock, in the above case, to testify
(date)
on behalf of the Sandra and George Feigley and to remain until excused;

2. And bring with you and produce the following: all documents that support your
testimony. Appropriate copies of all documents shall be distributed to all parties and the
undersigned one week in advance of the hearing.

This subpoena is issued subject to the provisions of 52 Pa. Code §5.421 (with regard to issuance, notice, service and witness fees).

BY THE COMMISSION

Louis G. Cocheres
Administrative Law Judge

Date April 4, 2005

Commonwealth of Pennsylvania)
) SS:
 Count of)

AFFIDAVIT OF SERVICE

Before me, the undersigned authority, personally appeared Sandra Feigley
 who, being duly sworn according to law, deposes and says that he/she served a true and correct
 copy of the within SUBPOENA upon Dennis Durant
 by ^{MAIL} handing the same to him/her at 1111 Altamont Blvd, Frackville, PA on the
18th day of April, 2005 at 9:00 a m./p.m.

Sandra Feigley
 (Signature)

Sworn to and subscribed before me
 this 2 day of May, 2005

COMMONWEALTH OF PENNSYLVANIA
 NOTARIAL SEAL
 EBONE M. TURNER, Notary Public
 City of Harrisburg, Dauphin County
 My Commission Expires April 6, 2009

Ebone M. Turner
 Notary Public

Is your RETURN ADDRESS completed on the reverse side?

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, 4a, and 4b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.	I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input checked="" type="checkbox"/> Restricted Delivery Consult postmaster for fee
3. Article Addressed to <u>Dennis Durant</u> <u>1111 Altamont Blvd</u> <u>Frackville, PA 17931</u>	7001 0320 0002 6575 7274 4b Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD
5. Received By (Print Name) <u>SHARON WOLTER</u>	7. Date of Delivery <u>4/18/05</u>
6. Signature of Addressee or Agent <input checked="" type="checkbox"/> <u>Sharon Wolter</u>	8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 132595-98-B-0225 Domestic Return Receipt

Thank you for using Return Receipt Service



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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v.

Verizon Select Services, Inc.,
and
Department of Corrections by
Robert Shannon

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SUBPOENA

To: Amanda Ashelman, SCI-Frackville, 1111 Altamont Blvd., Frackville PA 179131
(Name and Address)

Pursuant to the authority of this Commission under §§309, 331(d)(2) and 333(j) of the Public Utility Code:

1. YOU ARE ORDERED by the Commission to come to Video Conference Center
(place)
at SCI-Frackville, at 1111 Altamont Blvd., Frackville

Pennsylvania, on Friday, May 6, 2005 at 9:00 o'clock, in the above case, to testify
(date)
on behalf of the Sandra and George Feigley and to remain until excused;

2. And bring with you and produce the following: all records that support your testimony and all documents from the Department of Corrections, Verizon Select Services, Inc., and/or T-Netix, Inc., instructing you about how to deal with complaints about the system including instructions from security officials, if any. Appropriate copies of all documents shall be distributed to all parties and the undersigned one week in advance of the hearing.

This subpoena is issued subject to the provisions of 52 Pa. Code §5.421 (with regard to issuance, notice, service and witness fees).

BY THE COMMISSION

Louis G. Cocheres

Louis G. Cocheres, Administrative Law Judge

Date April 4, 2005

Commonwealth of Pennsylvania)
) SS:
Count of)

AFFIDAVIT OF SERVICE

Before me, the undersigned authority, personally appeared SANDRA FEJLEY
who, being duly sworn according to law, deposes and says that he/she served a true and correct
copy of the within SUBPOENA upon Amanda Ashelman
by ^{mail} handing the same to him/her at 1111 Altamont Blvd, FRACKVILLE, PA on the
18th day of April, 2005 at 9:00 a.m./p.m.

Sandra Fejley
(Signature)

Sworn to and subscribed before me
this 2 day of May, 2005

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
EBONE M. TURNER, Notary Public
City of Harrisburg, Dauphin County
My Commission Expires April 6, 2009

Ebone M. Turner
Notary Public

Is your RETURN ADDRESS completed on the reverse side?	SENDER: <ul style="list-style-type: none">Complete items 1 and/or 2 for additional servicesComplete items 3, 4a, and 4bPrint your name and address on the reverse of this form so that we can return this card to you.Attach this form to the front of the mailpiece, or on the back if space does not permit.Write "Return Receipt Requested" on the mailpiece below the article number.The Return Receipt will show to whom the article was delivered and the date delivered.	I also wish to receive the following services (for an extra fee): 1 <input type="checkbox"/> Addressee's Address 2 <input checked="" type="checkbox"/> Restricted Delivery Consult postmaster for fee
	3. Article Addressed to <u>Amanda Ashelman</u> <u>1111 Altamont Blvd.</u> <u>Frackville, PA 17431</u>	7001 0320 0002 6575 7281
	4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
	5. Received By: (Print Name) <u>SARON WILHEE</u> 6. Signature: (Addressee or Agent) <u>X Saron Wilhee</u>	7. Date of Delivery <u>4/18/05</u> 8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.