

DOCUMENT

FOLDER COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DANIEL FRANKS EC-0431,
v.
T-NETIX, INC.

Docket No.: C-20030123

ORIGINAL

Keystone Building
400 North Street
2nd Floor Conference Room A
Harrisburg, Pennsylvania

October 15, 2003
Commencing at 10:08 a.m.

BEFORE:

LOUIS G. COCHERES, Administrative Law Judge

APPEARANCES:

Pro se,
For the Complainant

ANDREA P. EDMOND, Esquire
Kelley, Drye & Warren, LLP
Tysons Corner
8000 Towers Crescent Drive, Suite 1200
Vienna, Virginia 22182
For the Respondent

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REPORTER: LORI A. BEHE
PA PUBLIC UTILITY COMMISSION
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P R O C E E D I N G S

1
2 -----
3 JUDGE LOUIS COCHERES:

4 Good morning ladies and gentlemen, as you
5 know by now, my name is Louis Cocheres.
6 -----

7 DANIEL FRANKS, HAVING BEEN FIRST DULY SWORN, TESTIFIED
8 AS FOLLOWS:
9 -----

10 JUDGE COCHERES:

11 All right, sir. We're here because you
12 want us to be. You tell us what is important about
13 your complaint and we'll take it from there.

14 A. Okay. The first thing about the complaints is
15 with the third party billing and the collect calls
16 lot. The other part of my complaint is the debits
17 lost my debit MA card, you know, I'm out of money.
18 And my main complaint is how T-Netix changed the rates
19 on the usage of mileage band. How ---.

20 ATTORNEY EDMOND:

21 Your Honor, I'd like to object. This is
22 the issue of mileage band was not raised anywhere in
23 the complaint filed by Mr. Franks?

24 A. Excuse me?

25 ATTORNEY EDMOND:

1 In the complaint filed, I do not see any
2 issue pertaining to mileage band. The two issues ---.
3 A. I have it highlighted. Exhibit Two. Did you get
4 that?

5 ATTORNEY EDMOND:

6 Exhibit Two. Hold one second. I'm
7 sorry. Just let me grab the complaint. Okay. I'm
8 sorry. I actually do not have any exhibits attached
9 to your complaint. I just have the actual body of the
10 complaint. So that may be the issue. Okay.

11 JUDGE COCHERES:

12 Mr. Franks, when you say Exhibit Two, are
13 you talking about something you attached to the
14 complaint or something you sent to me?

15 A. Oh, hold on. I sent it to all parties.

16 ATTORNEY EDMOND:

17 Oh, I see. No. I do have the rate card
18 that you sent.

19 A. Inmate prepaid calling?

20 ATTORNEY EDMOND:

21 Correct. Yes, yes. I do.

22 A. For the prisons, and I haven't even gotten use of
23 mileage band. On one I had 17 and 354. And on the
24 next one I have 17 and 35. On the first one I have
25 \$2.25, 22 cents every minute. And \$2.25 for the first

1 minute of long distance. On the second one I had
2 \$2.47 for the first minute and 22 cents for each
3 additional minute.

4 JUDGE COCHERES:

5 All right. I see the document that you
6 were talking about, sir.

7 ATTORNEY EDMOND:

8 I do see the document.

9 A. Okay.

10 JUDGE COCHERES:

11 All right. Now, I don't mean to catch
12 you off, sir. But you just complete your explanation
13 and tell me when you're ready.

14 A. Complete my explanation? I don't understand,
15 Judge?

16 JUDGE COCHERES:

17 Okay. I asked you initially to describe
18 what your problems were, so far as they related to the
19 complaint. And we got sidetracked. And I want you to
20 go back and finish telling me what you wanted to say.

21 A. Okay. Basically, what I wanted was to have the
22 parties in commission initial to actually curtail what
23 T-Netix is really doing. I mean, this company is
24 basically robbing inmates, and they're not only
25 robbing inmates, they're robbing the families of time

1 and visits and stress and all those types of issues.
2 But basically my whole concern is that T-Netix is ---.
3 I don't know whether they're purposely doing it
4 because it's a phone company that provides the service
5 to inmates in the state prison of Pennsylvania. But,
6 I mean, it's just not working, Judge Cocheres. And my
7 other thing is I want to get the system fixed and if I
8 can take this further, I want to take it further.

9 JUDGE COCHERES:

10 All right. Did you keep a copy of your
11 complaint?

12 A. Yes, I did.

13 JUDGE COCHERES:

14 You started off mentioning the words
15 third party billing?

16 A. Yes.

17 JUDGE COCHERES:

18 Tell me what you were talking about?

19 A. Well, basically, I received a letter from Amy Sue
20 Miller. She's telling me that because my family owes
21 \$405 on overdue bills, that T-Netix cannot accept me
22 calling her collect. Basically what she was
23 insinuating is that I arranged for a billing process
24 with T-Netix directly to my family. My family has a
25 phone provider. I don't know what's going on with

1 that, but this is what Amy Sue Miller was explaining
2 to me. She gave me a number to call to have that
3 hooked up and everything. T-Netix is saying that they
4 never had a call like that and all that came out of
5 that.

6 JUDGE COCHERES:

7 Did you give us a copy of Ms. Miller's
8 letter?

9 A. Yes.

10 JUDGE COCHERES:

11 Okay. Let me take a minute to look for
12 that. All right? Is it a letter or is it on prison
13 format memo?

14 A. No. It's a letter. Handwritten by Amy Sue
15 Miller.

16 JUDGE COCHERES:

17 Okay. Let me ---. You sent me a big
18 pile of documents here.

19 A. Yes. It's number six.

20 JUDGE COCHERES:

21 It's number six? Okay.

22 A. Oh, eight. It's number eight. That's my fault.
23 Number eight.

24 JUDGE COCHERES:

25 All right. Wait a minute here. Is there

1 a date on it?

2 A. No.

3 JUDGE COCHERES:

4 Okay. And you say it's number eight.
5 Did you number these in some place that I'm not
6 finding?

7 A. Yes. I numbered everything.

8 JUDGE COCHERES:

9 All right. I'm looking here.

10 ATTORNEY EDMOND:

11 Judge, if I may be of assistance, I think
12 if you received the exhibits in the same form I did,
13 it's towards the back. It's the second from the last
14 document from the back. It's a handwritten note.

15 JUDGE COCHERES:

16 Okay. Thank you. All right. It's a
17 handwritten document. Does it have two numbered
18 paragraphs on it?

19 A. Yes. It does.

20 JUDGE COCHERES:

21 Okay. I'm sorry to inform you, Mr.
22 Franks, but whatever your numbering system is, it was
23 not --- it's not on this. The copy that I got. But
24 that's okay. We found it. All right. And it's
25 stapled to a private letter which appears to be from

1 your mother?

2 A. Yes.

3 JUDGE COCHERES:

4 Okay. All right. So this is the
5 document you wanted to talk about?

6 A. Yes.

7 JUDGE COCHERES:

8 Okay. And tell me who Ms. Miller is?

9 A. Miss Miller, I assume, is the phone liaison here
10 at Somerset. She runs the phones for inmates within
11 Somerset Prison.

12 JUDGE COCHERES:

13 Okay. All right. Do you want this
14 letter to be part of the evidence in this case?

15 A. Yes, I do.

16 JUDGE COCHERES:

17 Fine. And what about the letter from
18 your mom that's stapled to a --- why did you give us
19 this?

20 A. Because I wanted to show that, basically, this
21 letter is from a father's day card and my mother has
22 mentioned to me that there is nothing wrong with the
23 phone. There's something wrong with the phone up
24 here. And I just wanted that to be entered, you know,
25 as evidence.

1 JUDGE COCHERES:

2 Okay. So what you're telling me is that
3 Miss Miller's comments in paragraph number one, about
4 the overdue phone bill are being denied by your
5 mother?

6 A. Yes.

7 JUDGE COCHERES:

8 Okay. All right. I understand. All
9 right. And did you want the prepaid ---. I'm sorry,
10 the calling card information, which is two pages, the
11 original information and then the revised ones, did
12 you also want that to be in evidence in this case?

13 A. Yes, I do.

14 JUDGE COCHERES:

15 Okay. Fine. I've put them aside here.
16 I'll get back to them. All right. Now the next thing
17 you talked about in your complaint is, the system cuts
18 off during the conversation. Why don't you explain to
19 me what that's about.

20 A. Okay. The main problem is, as soon as you call
21 the party receiving the call press one, and you call
22 to accept it. But the party never hears you talk.
23 You hear them, they don't hear you. And then it cuts
24 off. And then sometimes, in the middle of your
25 conversation while you're talking to the party you

1 call, it cuts off and you're stuck paying for the call
2 that you never even completed.

3 JUDGE COCHERES:

4 Is that true with the collect call system
5 or the calling card system or both?

6 A. With both.

7 JUDGE COCHERES:

8 With both?

9 A. Yes.

10 JUDGE COCHERES:

11 Okay. Now, you said the main thing you
12 were concerned about was these rates and how they
13 changed?

14 A. Yes.

15 JUDGE COCHERES:

16 Okay. I've got in front of me now, the
17 two pages that you provided showing the rates and
18 you've highlighted the rates on each page. Which one
19 is the rates that you received first?

20 A. The rates saying \$2.25. That was the first one
21 initially.

22 JUDGE COCHERES:

23 Okay. And, then do you have any idea
24 when you received this document?

25 A. I received that document before the phones were

1 even installed.

2 JUDGE COCHERES:

3 Okay. And did you use the prepaid
4 calling option?

5 A. Yes, I did.

6 JUDGE COCHERES:

7 And how much money did you spend on it?

8 A. I don't have that figure right off hand. But I do
9 have it on my receipts for the cards that I have spent
10 and a journal for each time it cut off, and things
11 like that. But I don't have an estimated number of
12 how much I spent on the calling cards.

13 JUDGE COCHERES:

14 Okay. Did you buy the calling card
15 regularly at the commissary?

16 A. Yes, sir.

17 JUDGE COCHERES:

18 And do you have any idea how much ---.
19 Did you have a usual amount that you paid for each
20 calling card? Was it \$15 or \$50?

21 A. Oh, \$15.50, sometimes I would get \$25.

22 JUDGE COCHERES:

23 Okay. Now, I notice on the second page,
24 up in the upper right hand corner, it says revised
25 2/1/03, do you see that?

1 A. Yes.

2 JUDGE COCHERES:

3 Is that approximately when you got a copy
4 of this document?

5 A. No, it's not. The jail, along with T-Netix, never
6 even posted this document that's revised.

7 JUDGE COCHERES:

8 Say the beginning of your sentence again.
9 The who didn't post it?

10 A. Somerset Prison along with T-Netix. They never
11 posted this revised version of the rates. They never
12 posted it.

13 JUDGE COCHERES:

14 And when did you finally get a copy of
15 this?

16 A. I received a copy of this in August.

17 JUDGE COCHERES:

18 Okay. And do you know if --- when you
19 were billed according to these rates? Do you know
20 when that started?

21 A. Well, as far as the debit card, I would assume on
22 2/1/03, exactly when they started doing this, and when
23 they changed the rates from \$2.25 to \$2.47.

24 JUDGE COCHERES:

25 Okay. Why did you highlight the 17 to

1 354 number on the first page?

2 A. Because all one, on the first one it got usage of
3 the mileage band, 17 at 354. The second one, the 4 is
4 not even beyond the 35 and it's got 17 and 35.

5 JUDGE COCHERES:

6 Well, do you think that's a typographical
7 error? Or do you think they changed the mileage band?

8 A. I'm not sure, Your Honor. I don't know if they
9 changed it on purpose or if it's a typo.

10 JUDGE COCHERES:

11 Okay. When you ---. Where is your
12 family located? Who do you normally call?

13 A. My mother in North Philadelphia.

14 JUDGE COCHERES:

15 In North Philadelphia from Somerset?

16 A. Yes.

17 JUDGE COCHERES:

18 Okay. And the whole time that you've
19 been in Somerset, is she the only one that you really
20 call?

21 A. Sometimes I'll call my daughter. Sometimes I'll
22 call my fiancé. But mainly my mother.

23 JUDGE COCHERES:

24 Okay. And where are your daughter and
25 fiancé located?

1 A. My daughter is located right next door to my
2 mother. And my fiancé is located, also, in North
3 Philadelphia.

4 JUDGE COCHERES:

5 Okay. So all of your calls go to
6 Philadelphia?

7 A. Yes.

8 JUDGE COCHERES:

9 Fine. All right. Did you change ---.
10 Did you try and use the collect call system after you
11 got the calling card?

12 A. Yes.

13 JUDGE COCHERES:

14 And did it work?

15 A. No, it did not. It still had a block on it.

16 JUDGE COCHERES:

17 Okay. Did I understand you to tell me
18 that Ms. Miller is the liaison with the phone company
19 at Somerset?

20 A. Yes, Your Honor.

21 JUDGE COCHERES:

22 Is she a Department of Corrections
23 employee, or does she work for T-Netix?

24 A. From what I understand she's employed by the
25 Department of Corrections. But I guess ---. Oh,

1 she's not. My counselor is saying that she's not an
2 employee of the Department of Corrections, she's just
3 a worker for T-Netix.

4 JUDGE COCHERES:

5 Okay. I will tell you that, Mr. Franks,
6 I've heard this about Ms. Miller before. I have never
7 had the opportunity to have her as witness, but those
8 of you in the Somerset facility who have filed
9 complaints have mentioned Ms. Miller's name before.
10 And my recollection is, is that people generally
11 regard her as a T-Netix employee. All right, now.
12 You gave me a stack of documents?

13 A. Yes.

14 JUDGE COCHERES:

15 Why did you give me this stack of
16 documents?

17 A. Well, basically, it's to shed light on what T-
18 Netix is actually doing to inmates and their families
19 with their rates, how they charged their rates, the
20 phone cut-offs, and the third party billing issues.
21 All of my grievances, my phone discrepancy forms, and
22 my whole issue is about these problems and just
23 nothing came about.

24 JUDGE COCHERES:

25 Okay. Tell me, which ones of these

1 documents do you want me to --- to use in the evidence
2 of this case?

3 A. All of the documents, is the answer.

4 JUDGE COCHERES:

5 All right. Well, if you're going to want
6 them all entered, we have to have some sort of
7 description as to why they're important; okay?

8 A. Yes.

9 JUDGE COCHERES:

10 So, I've already gotten two of the
11 documents taken care of. The next document on the
12 stack is an order written by me granting Ms. Edmond
13 the privilege of practicing law in Pennsylvania for
14 this case. It is my order granting admission pro hac
15 vice Why did you want this in the record of this case?

16 A. This particular form doesn't have to be entered.

17 JUDGE COCHERES:

18 All right, fine. The next item on my
19 stack is a copy of commission regulations that are
20 found in Chapter 64 and, more specifically, dealing
21 with Section 64.23. Why is this important?

22 A. Well, how I understand about the Pennsylvania
23 Administration codes, about the crammin' and slammin',
24 I just wanted that to be put as exhibit basically
25 behind the problems that the LEC was having from

1 customers about the phone companies and their billing
2 processes. The other document, 56174 doesn't have to
3 be entered.

4 JUDGE COCHERES:

5 Does not have the what?

6 A. The other document pertaining to the formal
7 complaints, that doesn't have to be entered.

8 JUDGE COCHERES:

9 Okay. All right. I'm going to tell you
10 right off the top here, Mr. Franks, that this document
11 dealing with Section 64.23, I'm not going to admit it
12 because you haven't told me that you have a problem
13 with slamming or cramming. And, as an official
14 commission regulation, it doesn't have to be part of
15 the evidence with the case. If I thought it was
16 important, I could use it without it being in the
17 evidentiary record.

18 A. Okay.

19 JUDGE COCHERES:

20 All right. Now, you said document 56,
21 did you say?

22 A. It was document 56174. That's about the complaint
23 and the formal complaint. That doesn't have to be
24 entered.

25 JUDGE COCHERES:

1 All right. Now, wait a minute here. If
2 that ---. Are you talking about your copy of the
3 complaint?

4 A. No, no.

5 JUDGE COCHERES:

6 Oh, wait a minute. I'm sorry, Mr.
7 Franks, I'm having trouble identifying what you want
8 me to look at. Give me some more information about
9 what is on this document?

10 A. Just a formal complaint procedures for appeal for
11 decisions of the Bureau of consumer's services. It's
12 in the format --- the same type standardized LEC
13 responses.

14 JUDGE COCHERES:

15 All right. Wait a minute. Let me look
16 through some of these documents then.

17 A. Oh, excuse me, Judge Louis?

18 JUDGE COCHERES:

19 Yes?

20 A. My counselor just informed me that he has to
21 leave, so is there any way that we can postpone this
22 hearing until a further date?

23 JUDGE COCHERES:

24 Let me go off the record for a moment.
25 May I speak to your counselor on the phone?

1 A. Yes. Hold on.

2 OFF RECORD DISCUSSION

3 JUDGE COCHERES:

4 We're going to go back on the record.
5 It's not your fault that your counselor was not aware
6 that this was going to last longer than an hour. But
7 it is something that I will have to straighten up with
8 prison authorities. We're going to try to continue
9 with the hearing until your counselor returns.

10 A. Okay.

11 JUDGE COCHERES:

12 Okay. You were trying to figure out what
13 it was that you sent me in this stack. Miss Edmond,
14 were you able to locate the material?

15 ATTORNEY EDMOND:

16 Well, I have some of the material he's
17 referring to. I mean, I have the exhibits that he
18 sent.

19 JUDGE COCHERES:

20 Right. But I'm not seeing what he's
21 talking about to the Bureau of Consumer Services is
22 likely to be one of our standardized forms, but I'm
23 not seeing it in the package that he sent me.

24 ATTORNEY EDMOND:

25 Now, I have ---.

1 OFF RECORD DISCUSSION

2 JUDGE COCHERES:

3 We're back on the record, Mr. Franks?

4 A. Yes.

5 JUDGE COCHERES:

6 All right. I'm not sure where that
7 material is. But apparently neither Miss Edmond nor I
8 received it. Let's talk about a --- it looks like a
9 memo or a letter dated August 20th, 2003, signed by
10 Amy Sue Miller to all unit staff and inmates. Why did
11 you want me to have this document?

12 A. I haven't found it yet. You say it's dated for
13 what?

14 JUDGE COCHERES:

15 At the top right hand corner, it's all in
16 capital letters, August 20, 2003?

17 A. Is it the full discrepancy in column four, or is
18 it a ---?

19 JUDGE COCHERES:

20 It's a one page document. It is a
21 letter --- or a memo. All capital letters. Signed by
22 Amy Sue Miller?

23 A. Hand written by Amy Sue Miller?

24 JUDGE COCHERES:

25 No. All capital letters printed on a

1 machine, like a typewriter or computer.

2 A. It's not a phone discrepancy form?

3 JUDGE COCHERES:

4 No. It informed the inmates that the
5 telephone system was changed from T-Netix to Verizon.

6 A. Oh. The name change. All in staff and inmates
7 from Amy Sue Miller, I have that.

8 JUDGE COCHERES:

9 Okay. Why is this important?

10 A. Well, basically, because it's showing that T-Netix
11 switched services without really notifying the inmates
12 properly. Something that I didn't enter is about
13 WorldCom at MCI. How WorldCom switched their name to
14 MCI. MCI's under investigation right now in
15 Washington. But they switched their name before it
16 became a public format that there was a problem, a far
17 problem. And T-Netix clearly did the same thing, Your
18 Honor.

19 JUDGE COCHERES:

20 Well, as a matter of fact, sir, I will
21 put this document in the records, but I must inform
22 you that Verizon is the largest telephone company in
23 Pennsylvania. It is not T-Netix. I'm certain,
24 although I've never looked at the financial data for
25 each company that Verizon probably dwarfs T-Netix by

1 several billion dollars. And this was not a simple
2 name change, this was to tell you that T-Netix was out
3 of the loop and it was no longer providing service and
4 that the new service provider was Verizon. But I will
5 allow it to stay in the record, and I don't want it to
6 stay there without your understanding what it really
7 says. All right. Now, let's go off the record for a
8 moment.

9 OFF RECORD DISCUSSION

10 JUDGE COCHERES:

11 There is an article entitled Fighting
12 Phone Crooks?

13 A. Yes.

14 JUDGE COCHERES:

15 Why do you think it is important?

16 A. Well, basically, it's highlighting the rate
17 changes and the problems causing the inmates and our
18 families ---. Basically it's highlighting, if you had
19 a calling card. How it was two or four cents per
20 minute, and about 45 cents for 15 minute calls. The
21 inmate pays \$5.62 and it's explaining about the rate
22 changes, how they charge, how they actually ---
23 basically they're robbing us. They're not only
24 robbing me, but my family also.

25 JUDGE COCHERES:

1 All right. I'm going to put this in the
2 stack that you want in the evidence of this case,
3 whether it is actually admitted or not is going to be
4 another story. I have a copy of your complaint in the
5 stack here. Do you want that admitted?

6 A. Yes, I do.

7 JUDGE COCHERES:

8 Okay. All right. Now, I've got a bunch
9 of telephone discrepancy forms. The first one I've
10 got ---. I've got one group that's stapled together
11 on the top of the stack, it's dated in the lower
12 right-hand corner, April 15, '03. Do you have that
13 one?

14 A. Yes.

15 JUDGE COCHERES:

16 All right. And then underneath it is
17 another one that's dated, and still stapled in the
18 same stack, June 12, '02, do you have that one?

19 A. Yes.

20 JUDGE COCHERES:

21 And behind that one is one dated June 13,
22 '02?

23 A. Yes.

24 JUDGE COCHERES:

25 And behind that one is one dated June

1 26th, '02?

2 A. Yes.

3 JUDGE COCHERES:

4 And behind that is dated August 22, '02?

5 A. Yes.

6 JUDGE COCHERES:

7 And the last one is dated October 4, '02?

8 A. Yes.

9 JUDGE COCHERES:

10 All right. Why are you giving these to
11 me?

12 A. Because I want the commission to understand that
13 previously the numerous times I tried to alleviate
14 this problem of not being able to call home. And each
15 time Amy Sue Miller was telling me to have my family
16 call this number. And there's been no reckoning of
17 this, at all.

18 JUDGE COCHERES:

19 Okay. All right. I'll put that in the
20 stack of documents that you want admitted. The next
21 document in line is a grievance document. It's
22 dated --- it's dated April 15, 2003. It is number
23 49473. Why did you want me to have this and the one
24 attached to it, which is another grievance document,
25 number 49473, dated April 15, '03, and it's in

1 handwriting?

2 A. Because, basically, I filed a grievance stating
3 that while on the phone to my fiancé, the phone cut
4 off and I was left paying for this phone call. The
5 answer from Amy Sue Miller is that there's no refunds
6 that can be made per D.O.C. policy. Upon checking the
7 law library, there is no policy --- D.O.C. policy
8 about phone debit cards not being reimbursed upon a
9 call being made that you never even made and you're
10 paying for. There's no such policy.

11 JUDGE COCHERES:

12 Okay. And you want this admitted to the
13 record?

14 A. Yes.

15 JUDGE COCHERES:

16 All right. The next document that I have
17 is another grievance form, number 32317 dated June 18,
18 2003, and it's a two page document that has behind it
19 a handwritten form, as well, with the same numbers and
20 the same date. What's this about?

21 A. This is about me calling my fiancé and there was a
22 block on the phone. I just had a death in the family,
23 so I put a grievance in about it and you would imagine
24 if the mother --- let you make a phone call, but his
25 whole thing was the telephone discrepancy form. And

1 for the record I wanted you to notice that on June
2 21st that I received two phone calls, a response to
3 the passing of my infants twins.

4 JUDGE COCHERES:

5 I'm sorry. In response to?

6 A. In response to the passing of my infant twins.

7 JUDGE COCHERES:

8 All right. All right. Do you want this
9 document to be admitted?

10 A. Yes, I do.

11 JUDGE COCHERES:

12 All right. Next item is a memo on the
13 Department of Corrections letterhead, subject inmate
14 complaint, it's dated ---. It's addressed to Major
15 Gehlmann, and it's from and it's signed by Mr.
16 Pleacher. It's supposed to be confidential and it's
17 dated June 15, 2002. Why do you want this form here?

18 A. Basically, because it's in response to my
19 grievance that was dated on 7/14/02.

20 JUDGE COCHERES:

21 Okay.

22 A. The response --- and basically they're telling me
23 to fill out a phone discrepancy form. And to have my
24 family to call the numbers that Amy Sue Miller
25 provided. And I just wanted that entrance to show

1 that I tried numerous times to alleviate this problem
2 and basically I just ran around in circles to get this
3 done.

4 JUDGE COCHERES:

5 Okay. When you say there's a call block,
6 what happened? Tell me what happened that you know
7 that there's a call block involved?

8 A. Okay. As soon as you call your number, you dial
9 your number, and they ask you for your inmate pin
10 number. Once your inmate pin number is entered then
11 says collect call restriction. Meaning that you can't
12 call because it's a block from here to your family and
13 I just can't understand that.

14 JUDGE COCHERES:

15 Okay. So what you're telling me is that
16 after you bought the calling card, you tried to make a
17 collect call and it wasn't possible?

18 A. Well, the collect is something different from the
19 calling card. My calling cards are dialed directly,
20 you can pay for it off of your debit card.

21 JUDGE COCHERES:

22 Right.

23 A. A collect call means your family has to pay for
24 the charges.

25 JUDGE COCHERES:

1 Right.

2 A. So, basically, T-Netix is not leaving my family
3 with that option because they're no longer connected
4 and I can't even contact them collect.

5 JUDGE COCHERES:

6 All right. Now, was this at a time when
7 you also had a calling card?

8 A. No. This was when I was on a different block and
9 call collect was available. But as soon as I moved to
10 another block, a call block was put on my family's
11 phone, and I wasn't allowed to call.

12 JUDGE COCHERES:

13 Okay. All right. All right, now, it
14 appears to me that I have gone through every document
15 that you have provided. I am now in the second copies
16 of each page. Is that true? Did I miss any
17 documents?

18 A. Well, one document with a picture of a phone on
19 it, it's called Phone Companies and Department of
20 Corrections Team Up To Guard Prisoners and Their
21 Families?

22 JUDGE COCHERES:

23 Well, wait a minute. Let me look.

24 OFF RECORD DISCUSSION

25 JUDGE COCHERES:

1 Mr. Franks, I have found that the article
2 that you're talking about, you had it stapled to the
3 Fegley article?

4 A. Yes.

5 JUDGE COCHERES:

6 Okay. Fine. Is that the only other
7 document that I missed?

8 A. Yes, that's it.

9 JUDGE COCHERES:

10 Okay. Fine. All right. Now, Ms.
11 Edmond, do you have any comments or objections to the
12 documents that I have identified to be admitted into
13 the record in this proceeding?

14 ATTORNEY EDMOND:

15 Actually, the only two documents at this
16 point that I object to are the articles. The first
17 article is Fighting the Phone Crooks written by Sandra
18 Fegley. And the basis of the objection is one of the
19 information included is simply hearsay and the person
20 writing the article is by no means an expert on prison
21 inmate telephone systems and how charges are billed.
22 And the article, as far as I can tell, has not been
23 published in a respectable or well known journalist
24 where --- journal where it is known that research on
25 the accuracy of the information provided has been

1 conducted. And, quite frankly, I think it adds little
2 factual value to this proceeding and it's simply
3 inflammatory.

4 JUDGE COCHERES:

5 All right. Well, do you know, Ms.
6 Edmond, how many unique position with respect to Miss
7 Fegley?

8 ATTORNEY EDMOND:

9 Yes, I do know that. And that actually
10 is an additional concern. I mean, we have not yet had
11 the proceedings where we've actually discussed Mrs.
12 Fegley's issues at this point.

13 JUDGE COCHERES:

14 Right. All right. Mr. Franks?

15 A. Yes.

16 JUDGE COCHERES:

17 You may not know this, but I am the Judge
18 in the Public Utility Commission who has heard all of
19 the prisoner appeals, including three historic appeals
20 brought by Ms. Fegley. So I know Ms. Fegley in terms
21 of her ability to bring complaints and concerns about
22 the prison system, better than any other person in the
23 Publics Utility Commission. Because she's spent hours
24 in my hearing room, and I understand that she does
25 have concerns about the prison system and access to

1 the phones. The fact of the matter is, though, that
2 some of what Miss Edmond said is correct. The
3 document is hearsay. And hearsay cannot be used in the
4 Public Utility Commission records to support findings.
5 And so I must exclude it. I disagree with Miss Edmond
6 that Ms. Fegley has no expertise in the subject of
7 prison phones. She's been talking with her husband,
8 George, over the prison phone system for 25 years. I
9 think that she has some expertise in the matter and
10 she's certainly been paid a great deal of her personal
11 money to pay for phone calls that she made and she
12 received from her husband. However, all of that being
13 said, the bottom line for the first article is that it
14 is hearsay and not admissible. Miss Edmond, do you
15 want to address the second article?

16 ATTORNEY EDMOND:

17 Well, I'd like to address the second
18 article on the same terms. Unfortunately, the copy I
19 have is not very clear. But I object on the grounds
20 that it's overly broad and very general and it's
21 not ---. It addresses what this article sees as
22 problem with the prison system in general. But it's
23 not specific to T-Netix or its operations in
24 Pennsylvania. As a result, I think it has very little
25 relevance to the proceeding before us.

1 JUDGE COCHERES:

2 Well, Ms. Edmonds, I'm going to sustain
3 your objection for this, as well. Again, this is an
4 article submitted by Mr. Franks with an unknown
5 author. And it is hearsay. I have not read the
6 article, but it appears to be giving at least
7 information about folks in Illinois, which of course
8 is not helpful in trying to decide a case in
9 Pennsylvania. So, with the exception of the two
10 articles, the one from Mrs. Fegley and the one that is
11 attached to the Fegley article, the remaining
12 documents are admitted. And those other --- the two
13 articles are not. And there's a general rule in my
14 hearing room and all the hearing rooms throughout the
15 Public Utility Commission offices, we do not admit
16 newspaper articles or other articles where the author
17 is not available to be cross examined. Mr. Franks,
18 have we finished your side of the case? Was there
19 anything else that we need to talk about?

20 A. No.

21 JUDGE COCHERES:

22 Miss Edmonds, you may cross examine him.

23 ATTORNEY EDMOND:

24 Thank you.

25 CROSS EXAMINATION

1 BY ATTORNEY EDMOND:

2 Q. Mr. Franks, hi. I'd first like to address -- I'd
3 like to go back to the exhibits you submitted. I'm
4 not sure that we actually numbered the exhibits, but
5 the first two provided which deal with the rate cards
6 and the cost of calls provided at the facility --- at
7 the correctional institution. In the first you
8 alleged that the company actually changed the rate for
9 in Pennsylvania long distance calls. Is my
10 understanding correct?

11 A. Yes.

12 Q. Okay. If we look at the two documents, and I will
13 call the undated one, the first one, document one, and
14 the one that states it was revised on 2/1/'03 as
15 document two. If you take a look at the line item in
16 Pennsylvania long distance calls, does it state that
17 the cost of a long distance call on one is \$2.25 plus
18 22 cents a minute plus applicable taxes?

19 A. Yes.

20 Q. Is that also the information during that time
21 period you heard when you actually made an instate
22 long distance call?

23 A. No, it's not.

24 Q. And what rate did you hear?

25 A. It was fluctuating from \$2.25, it might say \$2.38,

1 it might say \$2.42.

2 Q. The recording that ---?

3 A. The recording, exactly.

4 Q. Would say, I'm sorry. \$2.20 --- it would say ---.

5 I just want to write this down. It would say \$2.25?

6 A. It would say \$2.25, \$2.28, or \$2.37 or whatever,

7 but it would never be on a precise number of \$2.25.

8 Q. And you don't have record of dates where you heard
9 different rates for in Pennsylvania long distance
10 calls?

11 A. I don't have an access to a computer.

12 JUDGE COCHERES:

13 I'm sorry, we didn't hear you.

14 BY ATTORNEY EDMOND:

15 Q. No, I'm asking you if you maintained a record, not
16 if you had access to a computer?

17 A. No. All I have is the prepaid calling rates that
18 was available initially of \$2.25 and the second one
19 that was never posted for \$2.47.

20 Q. Okay. Let me ---. I want to ---. Actually I
21 want to make one point on document number two. Can
22 you explain to me why you believe that the rates
23 provided in document number two are different for the
24 rates provided for document number one, and this
25 pertains to the in Pennsylvania long distance?

1 A. Well, in document number one it has in
2 Pennsylvania long distance, \$2.25 plus 22 cents every
3 minute plus applicable tax.

4 Q. Correct.

5 A. In document two has Pennsylvania long distance
6 discount applicable tax, but it has \$2.47 for the
7 first minute and 22 cents for each additional minute.

8 Q. Okay. Now, if we go back to document one, based
9 on the information provided, what would be the cost?
10 What is your understanding of the cost of a one minute
11 call using the information under document number one?

12 A. Okay. For the first minute you are being charged
13 \$2.25, for the first initial minute. For every minute
14 after that you are being charged 22 cents.

15 Q. Well, that's not exactly, and I'd like to make the
16 point, because that's not exactly what the document
17 says. What the document says is, is that for a call
18 you're going to be charged \$2.25 for the call plus 22
19 cents for each minute. So if you make a one minute
20 call, according to document one, you would be charged
21 \$2.25 plus 22 cents and the total would be \$2.47 for
22 that one minute call. Is that your understanding?

23 A. Yes.

24 Q. Now, in document number two, it states that the
25 cost of a long distance call is \$2.47 for the first

1 minute, which we just agreed is exactly what would've
2 been the amount on a cost for a one minute call under
3 document number one, and it says 22 cents for each
4 additional minute. So, I guess the question I wanted
5 to get to, is I want to understand the difference in
6 the rates for an in Pennsylvania long distance call
7 based on the information that's provided under
8 document number one and document number two?

9 A. Okay. One is \$2.47 for the first minute and 22
10 cents for each additional minute.

11 Q. Correct.

12 A. The other one is \$2.69 for the first minute and 22
13 cents for each additional minute.

14 Q. Now can you please explain to me why you believe
15 it's \$2.69?

16 A. Because it says \$2.47 for the first minute and 22
17 additional cents. And ---.

18 Q. No, it says --- I'm sorry. It says 22 cents for
19 each additional minute meaning after the first minute
20 for each ---.

21 A. I understand what you're saying Miss Edmond, I
22 clearly understand what you're saying. What I'm
23 trying to express to you is the recording is not
24 advertised in this, probably to the people buying the
25 debit cards, this is not.

1 Q. Okay. And again, what is the recording saying?

2 A. I mean, basically, you would know about your
3 recording more than me because I can't even have a
4 chance to --- I get frustrated so I'm really paying no
5 attention to what the recording's saying. All I know
6 is that I'm not getting my proper services for my
7 debit card.

8 Q. Right. And I understand your frustration, and I'm
9 not trying to frustrate you further. What I'm trying
10 to do is establish for the record and have a clear
11 understanding of what it is you hear when you are
12 dialing a prepaid call? What is your understanding,
13 based on the recording, of what you're paying for the
14 first minute of the call and for each additional
15 minute?

16 A. This is what I understand, when your family
17 initially pushes the one to accept the call, then it
18 is accepted, and once it's accepted you are paying for
19 the call. If you're paying for the call, I understand
20 that my rates once you pay for the call and your party
21 doesn't get through then you are stuck with not even
22 using your card, and you have to pay for it. I pay
23 for it, not my family, I pay for.

24 Q. Right. If I can just get you to answer the
25 question, which is I'm trying to understand ---. You

1 made the claim that the company changed its rate?

2 A. Yes.

3 Q. I'm trying to establish, for the record, your
4 understanding --- or at least why you believe the
5 company changed the rate. The other issues don't
6 address this particular point. So if I can just get
7 you to tell me, when you hear the recording, when
8 you're looking at these forms, what your understanding
9 is for the first of your costs for a one minute call
10 of the first minute call and each additional call,
11 then we can move on?

12 A. What I understand, Miss Edmond, is that is giving
13 you one persistent rate for the first minute and it's
14 telling you another rate is added on to every other
15 minute you are on the phone.

16 Q. Correct. Okay, that's all I need to know. Now,
17 is the rate that they are quoting, or citing, \$2.47
18 for the first minute?

19 A. No, it fluctuates, it is different. It's not the
20 same what's being advertised is what I'm trying to
21 express to you. It's different, the system is not
22 working.

23 Q. So what you're saying is, is that the amount cited
24 in the --- I guess on the oral announcement changes,
25 that's what you're claiming here, or alleging?

1 A. Well, I'm not claiming or alleging, I mean, this
2 is another fact within the institution. Other inmates
3 complain about it but they're not going to file a
4 paper about it. What I'm trying to express to you is
5 about the system, it doesn't work.

6 Q. Okay. Well, I mean, quite frankly, I mean, if we
7 can go back, this is the first time that this issue
8 has been raised directly within any documentation
9 submitted. You submitted, you know, with your
10 exhibits, a copy of the rate cards that are used and
11 posted at the facilities, but you did not include a
12 reason for submitting them. So ---.

13 A. One was posted and one was not. So therefore, the
14 rates were changed and we weren't even notified of the
15 rate change.

16 Q. Well, I think what the point I'm trying to make
17 is, based on the two --- and it seems that you have
18 agreed, that based on the two documents presented,
19 they both basically state, although it's slightly
20 different ways, that the cost of a one minute call or
21 the first minute would be \$2.47 and then 22 cents for
22 each additional minute?

23 A. Yes.

24 Q. That's what both rate cards say. That's my
25 understanding --- that seemed to be both of our

1 understandings from a previous response?

2 A. That's what the revise version's saying. The
3 first one's not saying that, Miss Edmond.

4 Q. Well, let's go back to the first one. The first
5 one says that the cost of instate long distance call
6 is \$2.25?

7 A. Yes.

8 Q. On top of that, there's also a 22 cents per minute
9 charge plus applicable taxes. So without including
10 the taxes, we don't have to deal with that, but
11 your --- but based on these amounts, what would be the
12 cost of the first minute of a call?

13 A. Miss Edmond, actually I do not have a calculator
14 and actually establish state tax on the rate of the
15 long distance call, and you know, calculate that by
16 multiplying the tax rate with this and see what it
17 comes up to. But whatever they would come up to is
18 not being advertised on this form.

19 Q. Okay. Well, you know, Your Honor, if I can, I'd
20 just like to make a point that just doing the math,
21 without adding taxes in this instance, both ---

22 A. I understand that all. I do know that. I
23 understand taxes.

24 Q. I'll move on. I think the points been made. I
25 will move on.

1 JUDGE COCHERES:

2 Yes, but let me interrupt you for just a
3 moment, Miss Edmonds, and I thank you for actually
4 bringing this to my attention. I did not do a good
5 job of identifying which exhibits were admitted and
6 what the numbers were. So I'm going to interrupt your
7 cross examination right now and I'm going to label
8 these exhibits so that we can all talk about the same
9 ones and know which ones we're talking about.

10 ATTORNEY EDMOND:

11 Okay. Sure.

12 JUDGE COCHERES:

13 Okay. For the rate card that you were
14 just --- just discussing, it's a two page document,
15 and that will be Franks Exhibit Number One. The next
16 item that I'm picking off my stack, and I admit
17 they're not in any particular order, is a memo on
18 Commonwealth of Pennsylvania Department of Corrections
19 Letterhead it's a subject inmate complaint, it's to
20 Major Gehlmann, and it's dated in handwriting in the
21 upper right-hand corner as 7/15/'02. That's going to
22 be Franks Exhibit Two.

23 ATTORNEY EDMOND:

24 Okay. Can you hold one second? I
25 haven't been able to locate that one.

1 JUDGE COCHERES:

2 It's a ---. I believe it's a three page
3 document.

4 ATTORNEY EDMOND:

5 7/15/'02 on it. Okay. Yes.

6 (Franks Exhibit Numbers One and Two
7 marked for Identification).

8 JUDGE COCHERES:

9 Okay. I'll move on to the next document
10 that I'm picking up off of my stack, which is a
11 grievance form on grievance number 32317 in the upper
12 right-hand corner dated June 12, 2002? It's a
13 grievance form, it's all typewritten on the front.

14 ATTORNEY EDMOND:

15 Yes. Uh-huh (yes), and what's the date?

16 JUDGE COCHERES:

17 32317 is the grievance number and the
18 date is June 18, 2002.

19 ATTORNEY EDMOND:

20 Okay, hold on, I'm sorry. 32317, okay,
21 yes. That's exhibit four?

22 JUDGE COCHERES:

23 No, that would be exhibit number three.

24 ATTORNEY EDMOND:

25 Okay.

1 (Franks Exhibit Number Three marked for
2 Identification).

3 JUDGE COCHERES:

4 Exhibit Number Four is the same kind of
5 grievance form number 49473, dated April 15, 2003.

6 ATTORNEY EDMOND:

7 Sorry. My documents are in a completely
8 different order.

9 JUDGE COCHERES:

10 I also state that we stirred them up, a
11 lot. So, grievance number 49473 dated April 15, 2003,
12 is a two page document.

13 ATTORNEY EDMOND:

14 Okay. It's grievance number 49473, okay.

15 JUDGE COCHERES:

16 And it's Exhibit Number Four. Franks
17 Exhibit Number Four.

18 ATTORNEY EDMOND:

19 Okay.

20 (Franks Exhibit Number Four marked for
21 Identification).

22 JUDGE COCHERES:

23 The next item I have is a multi-page
24 document entitled at the top, Telephone System
25 Discrepancy Form. At the bottom of the page it's

1 dated April 15, '03.

2 ATTORNEY EDMOND:

3 Okay.

4 JUDGE COCHERES:

5 And that is Franks Exhibit Number Five.
6 (Franks Exhibit Number Five marked for
7 (Identification).

8 JUDGE COCHERES:

9 Mr. Franks wanted his complaint form
10 entered into the record.

11 ATTORNEY EDMOND:

12 Okay.

13 JUDGE COCHERES:

14 And that will be Franks Exhibit Number
15 Six.

16 ATTORNEY EDMOND:

17 Okay.

18 (Franks Exhibit Number Six marked for
19 Identification).

20 JUDGE COCHERES:

21 Mr. Franks wanted the notice dated August
22 20, 2003, all capital letters off a printer of some
23 sort, signed by Amy Sue Miller.

24 ATTORNEY EDMOND:

25 Yes, I have that one.

1 JUDGE COCHERES:

2 That's Franks Exhibit Number Six --- I'm
3 sorry Seven. That's Franks Exhibit Number Seven.

4 ATTORNEY EDMOND:

5 Okay.

6 (Franks Exhibit Number Seven marked for
7 Identification).

8 JUDGE COCHERES:

9 And the last document that I have that
10 was admitted is a two page document, it is the
11 handwritten memo from Amy Sue Miller with her initials
12 A.S.M. at the bottom, and that will be Franks Exhibit
13 Number Eight. And attached to it is the greeting card
14 from Mr. Franks' mother.

15 ATTORNEY EDMOND:

16 Okay.

17 (Franks Exhibit Number Eight marked for
18 Identification).

19 ATTORNEY EDMOND:

20 He seems to have some additional
21 documents that maybe they ---.

22 JUDGE COCHERES:

23 I have a two page document.

24 ATTORNEY EDMOND:

25 Okay. Exhibit Five then must have one,

1 two, three, is there four? Well, I have more
2 telephone system discrepancy cards, or forms?

3 JUDGE COCHERES:

4 The Exhibit Number Five ---.

5 ATTORNEY EDMOND:

6 Includes all of those?

7 JUDGE COCHERES:

8 Includes all of the documents attached.

9 We went through each one of them. The top one is
10 dated April 15, '03, and the last one is dated October
11 4, '02.

12 ATTORNEY EDMOND:

13 Okay. Got it.

14 JUDGE COCHERES:

15 Okay?

16 ATTORNEY EDMOND:

17 Okay.

18 JUDGE COCHERES:

19 All right. Now, I'm going to give
20 numbers to the documents --- to one document that we
21 did not admit. And that will be Franks Exhibit Number
22 Nine. And that is the Fegley article. And attached
23 to the Fegley article was the other telephone article.
24 I'm going to consider them all Exhibit Number Nine,
25 and that was not admitted. Offered, Identified, but

1 not admitted. And hopefully, that will help you
2 request examination of the witness. And if not, it
3 will certainly clarify the record for me and the Court
4 Reporter.

5 ATTORNEY EDMOND:

6 Sure. I'm sure. Okay.

7 (Franks Exhibit Nine marked for
8 Identification).

9 BY ATTORNEY EDMOND:

10 Q. All right. I'd like to move on, away from the
11 issue of the prepaid account. And I'd like to go back
12 to your earlier discussion about the collect call
13 restrictions?

14 A. Yes.

15 Q. Did Amy Sue Miller explain why a collect call
16 restriction was placed on your mothers account, or her
17 phone line?

18 A. Well, she said that Virginia Franks had an overdue
19 bill for \$405.80.

20 Q. Okay. All right. And did she explain what needed
21 to be done to have the collect call restriction
22 removed from that account?

23 A. She said that my family should call the number
24 that was posted on the phone discrepancy form.

25 Q. Okay. Do you know whether your family has called

1 the number provided by Amy Sue Miller?

2 A. I've been told they have called several times and
3 been on hold for hours.

4 Q. And been on hold for hours?

5 A. Yes.

6 Q. Do you know if your family has set up a direct
7 billing account at this point, to this date?

8 A. No, I wouldn't know.

9 Q. Okay. Also, you stated that, and please correct
10 me if I misunderstood what you were saying, but it
11 appeared earlier that you were saying at one point you
12 were not able to --- you could only, I think about
13 7/14/'02, you could only call home collect?

14 A. Yes.

15 Q. And could not use your prepaid calling cards?

16 A. Well, at that time there wasn't a prepaid phone
17 card system here in Somerset.

18 Q. Okay. That's --- okay. All right. So I was
19 under the ---. For some reason, I walked over the
20 impression that you were saying that it wasn't an
21 option in the particular block you're in, but okay, it
22 wasn't set up at that time, and that's correct. Okay.
23 And, to the best of your knowledge, have you ever made
24 an extended local area call?

25 A. A local area?

1 Q. An extended local area call. There was some
2 discussion about the mileage band information printed
3 on the rate card. And I just want to clarify whether
4 you've ever made an extended area local call?

5 A. Extended area. Is that long distance?

6 Q. No, it's not. It's ---.

7 A. The area in Somerset?

8 Q. It's around the area, the area around.

9 A. Somerset, Altoona, whatever?

10 Q. Yes.

11 A. No, I haven't made a call. I have no family in
12 this area They're in North Philadelphia.

13 Q. Okay. That's fine. So all of your calls have
14 been to north Philadelphia?

15 A. North Philadelphia.

16 Q. Okay. All right. I have no further questions.

17 JUDGE COCHERES:

18 All right. Now, Mr. Franks, before I
19 change my attention to the company's side of the case,
20 is there anything we missed? I'll come back to you
21 when we're done with the company, but I want to know
22 now, is there anything we missed?

23 A. I think you entered my formal complaint form.
24 That's entered; right?

25 JUDGE COCHERES:

1 Right.

2 A. Okay. No, there's nothing that you missed.

3 JUDGE COCHERES:

4 Fine. All right. I'm going to change my
5 attention, now, to the company's side of the case.

6 Ms. Edmonds, do you have a witness for me?

7 ATTORNEY EDMOND:

8 Yes, I do. I have Robert Comstock.

9 -----

10 ROBERT COMSTOCK, HAVING BEEN FIRST DULY SWORN,

11 TESTIFIED AS FOLLOWS:

12 -----

13 DIRECT EXAMINATION

14 BY ATTORNEY EDMOND:

15 Q. Yes. Would you please state your name, title, and
16 business address for the record?

17 A. My name is Robert Comstock. I am the vice-
18 president of business development for T-Netix. I am
19 at 2155 Chenault Drive in Carrollton Texas.

20 Q. Okay. Are you familiar with the complaint filed
21 by Mr. Franks?

22 A. I am.

23 JUDGE COCHERES:

24 All right. Mr. Comstock, please speak
25 up. My Court Reporter is having difficulty hearing

1 you.

2 A. Sorry.

3 JUDGE COCHERES:

4 I need the address one more time.

5 A. I'm at 2155 Chenault Drive in Carrollton, Texas.

6 JUDGE COCHERES:

7 Spell Chenault?

8 A. C-H-E-N-A-U-L-T.

9 JUDGE COCHERES:

10 Thank you.

11 BY ATTORNEY EDMOND:

12 Q. Okay. In the exhibit submitted by Mr. Franks, and
13 I should go through it, it looks like exhibit number
14 five. Mr. Franks --- or Franks Exhibit Number Five.
15 Mr. Franks alleges that several calls made using his
16 prepaid service account were involuntarily
17 disconnected by T-Netix. Is this allegation correct?

18 A. From the review that I made of his call records
19 that were replaced it would appear that there may have
20 been an issue with some of the calls and that the
21 dropped calls may have indeed been happening in his
22 case.

23 Q. Okay. Do you have a value of the calls --- I'm
24 sorry, of the calls that may have been disconnected?
25 I believe he listed April 7th, 2003, and April 14th,

1 2003?

2 A. Yes. I believe --- hang on one second. He has
3 \$16.39.

4 Q. Okay. Is the company willing to reimburse, or
5 refund, Mr. Franks account for any dropped calls ---
6 or disconnected calls? I should say calls
7 involuntarily disconnected.

8 A. Yes, we are.

9 Q. Mr. Franks also alleges that three of the numbers
10 on his calling list were placed on collect call
11 restrictions. The numbers in question are 215-684-
12 3140, 215-229-9427, and 215-229-3513. Are his
13 allegations correct?

14 A. Yes. Our investigation reveals that each of these
15 numbers were prohibited from receiving collect calls
16 from a correctional institution at that point.

17 Q. Was there a reason placed the collect call
18 restriction on the numbers in question?

19 A. Yes. In each of these instances, a restriction
20 was placed on the line due to an unbillable block.
21 This means that essentially a block was placed under
22 local service provider, who had indicated that they
23 would reject any collect call charges and would not
24 bill these services on our behalf. And when that
25 happened, when the local service provider refuses to

1 bill the collect calls, we, at that point, offer an
2 alternative to the inmate families that is if they can
3 set up a direct billing account with T-Netix.

4 Q. Okay. Has a direct billing account been
5 established for any of the telephone numbers
6 identified by complainant in his exhibits?

7 A. No, they have not.

8 Q. Okay. Does this conclude your testimony?

9 A. Yes, it does.

10 ATTORNEY EDMOND:

11 Okay. Thank you. No further questions.

12 JUDGE COCHERES:

13 Mr. Comstock?

14 A. Yes?

15 JUDGE COCHERES:

16 We have talked about this subject before,
17 haven't we?

18 A. We have.

19 JUDGE COCHERES:

20 What I'm trying to --- and please
21 understand, I try to make the records of these cases
22 and since you have more than one, relatively uniform.
23 So some of the questions I've asked you, we've talked
24 about before. But we still need to get through this
25 information. Under what circumstances does the local

1 telephone company deny your company the opportunity to
2 bill collect calls?

3 A. There's various reasons why they will do that.
4 The first reason is, that some of the industry terms
5 is called the collect call restriction. It means that
6 for some reason, the local company has indicated to us
7 that the receiving party will not have placed a
8 collect call restriction on their lines, which means
9 that they will not accept collect calls. Therefore,
10 we won't process them. It could be that they've put
11 some type of an unbillable block, which may mean that
12 either the phone company itself does not participate
13 in essentially the collect call Clearing House for the
14 industry and that they won't bill these charges. Or
15 they may indeed participate in that, but they have had
16 a credit problem or the customer has reached their
17 credit limit and therefore they won't process anymore
18 collect calls during a particular billing cycle or
19 whatever their credit --- or however long their credit
20 policy lasts. They won't provide collect calls, they
21 won't bill our collect calls to this person. Those
22 are the basic reasons why we get that kind of a
23 restriction from a local company.

24 JUDGE COCHERES:

25 You heard Mr. Franks testify that his

1 family tried to contact your company and was placed on
2 hold for hours, didn't you?

3 A. I was unable to tell whether that was him calling
4 us, or whether that was calling someone else.

5 JUDGE COCHERES:

6 Now one thing, I don't think he's
7 permitted to be on a phone for hours on hold, but in
8 response to Miss Edmond's questions, he said that, to
9 the best of his knowledge, his family had tried to
10 call in accordance with Amy Sue Miller's instructions
11 and had not been able to get through because they'd
12 been on hold. Does that help you?

13 A. Our records indicate that the phone numbers that
14 he has blocked have not attempted to call us. Now
15 they may have called from another number, but those
16 numbers were not on our database of people who had
17 called us.

18 JUDGE COCHERES:

19 Okay. Tell me again how big your
20 operation is in terms of customer service incoming
21 lines and personnel?

22 A. I can take some estimates out of probably not in
23 terms of incoming lines, but at least in terms of the
24 number of agents that we have. I want to say at any
25 given --- somewhere around 100 agents is what we have.

1 They're not all on the floor at one time. But across
2 our business, the number of agents that we've got.

3 JUDGE COCHERES:

4 So they man the phones 24/7?

5 A. There is ---. We do answer the phone. Not for
6 consumers, no. We do not have 24/7. We do have
7 extended hours, but not 24/7.

8 JUDGE COCHERES:

9 What are your hours?

10 A. I would have to check with the call center to be
11 sure, but I believe that they are 7:00 a.m. to 6:00
12 p.m. Central Standard Time.

13 JUDGE COCHERES:

14 Central Standard Time?

15 A. Yes.

16 JUDGE COCHERES:

17 And that would be because your call
18 center is located in Texas?

19 A. It is.

20 JUDGE COCHERES:

21 All right. Now, did I hear you say in
22 response to Ms. Edmonds, that you had computed the
23 amount of money owed to Mr. Franks, \$16.39?

24 A. That was the total for the calls that his claim,
25 it appears to be accurate, that those calls may have

1 been --- that were certainly short calls. That was
2 what those calls totaled to, yes.

3 JUDGE COCHERES:

4 How do you intend to accomplish the
5 refund?

6 A. We are willing to do either one of two things.
7 One is to try and credit his debit account for those
8 amounts. If that is not possible, then we can give
9 him a check cut and cut to him for those amounts.

10 JUDGE COCHERES:

11 Sadly, sir, I'm not sure, and maybe Mr.
12 Franks would know best, whether he can deposit a check
13 in his account, or whether that would be possible or
14 not. But you have ---. Do you intend to make that
15 refund without regard to how this case ends?

16 A. Yes. It is our intention to make that refund.

17 JUDGE COCHERES:

18 Okay. Is Ms. Miller a T-Netix employee?

19 A. Yes, she is.

20 JUDGE COCHERES:

21 All right. When an inmate signs up for a
22 collect --- I'm sorry, signs up for a debit card
23 account, does this have any impact on his ability to
24 make collect phone calls?

25 A. No. He's completely free to continue making

1 collect calls, as well.

2 JUDGE COCHERES:

3 Is this been as far as your company is
4 concerned, or can you also include the Department of
5 Corrections within the purview of your comment?

6 A. No. That's also the policy of the Department of
7 Corrections and the phone system operates to support
8 those policies.

9 JUDGE COCHERES:

10 By any chance, did you have a copy of
11 Franks Exhibit Number Seven, which is the notice from
12 Ms. Miller dated August 20th, 2003, in front of you?

13 A. Let me find that. Yes, I do.

14 JUDGE COCHERES:

15 All right. Now, I believe on past
16 occasions you've told me something about what's going
17 on here. Is T-Netix continuing to carry telephone
18 calls as the primary carrier?

19 A. We are not.

20 JUDGE COCHERES:

21 When did that stop?

22 A. I would have to check the exact date, but it was
23 towards the end of the summertime, sometime in the
24 August time frame.

25 JUDGE COCHERES:

1 Well, the memo that you have in your hand
2 says as of August 19th, would that be correct?

3 A. I would assume so.

4 JUDGE COCHERES:

5 Okay. So, what services does your
6 company now render to the prison system in
7 Pennsylvania?

8 A. As has been the case for some time, we provide
9 Verizon with telephone equipment related to their
10 contract with the Department of Corrections. We
11 provide them with equipment that allows them to
12 process collect calls and debit calls from the
13 institutions of the D.O.C.

14 JUDGE COCHERES:

15 Do you ---. Now, I noticed with this
16 notice from Ms. Miller is talking about long distance
17 provider, do you provide local service, if for
18 example, Mr. Franks wanted to call a family member who
19 lived a mile away from the prison?

20 A. No, we do not.

21 JUDGE COCHERES:

22 Do you provide any kind of telephone
23 carrier service now?

24 A. As of this time we do not.

25 JUDGE COCHERES:

1 Since Ms. Miller's memo only mentions
2 long distance provider, does this mean that there was
3 a different date that you got out of a local providers
4 business as well? Or were you never in it?

5 A. We were never in it. The local and the intra-lata
6 (phonetic) calling has always been provided by
7 Verizon.

8 JUDGE COCHERES:

9 All right. Mr. Franks?

10 A. Yes?

11 JUDGE COCHERES:

12 If you would like to ask some questions
13 of Mr. Comstock, this would be your chance, but I am
14 going to caution you that you have to ask questions,
15 and I will also tell you, that if you want to make a
16 statement about some things that you've heard from him
17 that you disagree with, I'll give you a chance to do
18 that later. But for now, do you have any questions
19 for Mr. Comstock?

20 A. No, I don't, Your Honor.

21 JUDGE COCHERES:

22 Okay. Fine. Miss Edmond, do you have
23 any questions of Mr. Comstock based on my examination?

24 ATTORNEY EDMOND:

25 No, I do not.

1 JUDGE COCHERES:

2 Fine. Mr. Comstock, you're excused as to
3 witness. Let me turn my attention ---. Miss Edmond,
4 do you have any additional material for me?

5 ATTORNEY EDMOND:

6 I do not have additional material. I
7 would like to reserve the right just to make a closing
8 statement following Mr. Franks.

9 JUDGE COCHERES:

10 Fine. All right. Mr. Franks, this is
11 your last chance. You have to tell me now and make
12 any comment about this case and issues that you have
13 raised today. Please don't repeat yourself unless
14 there's something that's really important to you, but
15 try not to do that. I'm here to listen to you.

16 A. Ready?

17 JUDGE COCHERES:

18 Yes, sir.

19 A. Okay. My main issue is that the phone company, T-
20 Netix, is not providing service that they advertise.
21 And it's causing stress with inmates. Me, myself, in
22 particular. I've tried alleviating the problem with
23 this collect calling. It wasn't alleviated. I've
24 bought the debit card and there's still problems with
25 that. I'm left paying for calls that I never even

1 obtained. And it's just causing me a whole bunch of
2 stress and anger and frustration, sleepless nights,
3 nausea, and all the other things that I don't wish to
4 mention. And that's just all I have to comment about,
5 Your Honor.

6 JUDGE COCHERES:

7 Fine. I think I understand, at least,
8 what your point is. Ms. Edmonds?

9 ATTORNEY EDMOND:

10 Yes, hi. I actually would, very quickly,
11 like to rebut statements made by Mr. Franks.
12 As indicated on Exhibits One and Franks
13 Exhibit One, the rate for in Pennsylvania
14 long distance calls have not changed. They
15 are \$2.25 plus 22 cents for the first minute.
16 And 22 cents for each minute thereafter.
17 That's the same rate that's included on both
18 rate cards. And to the best of the company's
19 knowledge the same information as provided in
20 the oral announcement. And the complainant
21 has not provided evidence to the contrary.
22 Secondly, with respect to collect calls, the
23 numbers --- unfortunately the numbers called
24 by Mr. Franks have been placed on collect
25 call restrictions due to an unwillingness of

1 the subscribers' local phone companies to
2 continue to bill for collect call on T-
3 Netix's behalf. Leaving the company with no
4 alternative other than to require the
5 establishment of a direct billing account.
6 To date, complainant's family has yet to set
7 up an account, and I think as indicated by
8 the exhibits, a substantial amount of time,
9 well over a year, has passed since the
10 initial complaint regarding the collect call
11 restriction was first placed at the
12 Department of Corrections. Nothing has
13 changed and the company stands by its
14 position that in order to continue to bill
15 for collect calls from SCI Somerset, a
16 collect --- I'm sorry, a direct bill account
17 is necessary from the subscribers accepting a
18 call. And I believe that sums up everything
19 that the company would like to --- would like
20 to say at this point.

21 JUDGE COCHERES:

22 Okay. Then I will very briefly go
23 through for Mr. Franks' benefit what happens
24 next. Mr. Franks, I have a Court Reporter
25 with me. She has three weeks to come up with

1 a transcript and after she does that, I have,
2 normally, 90 days to 180 days to prepare my
3 decision. However, I'm going to tell you
4 that I have a very big back log and I have
5 not been able to meet those time limits. But
6 eventually I will make a decision in this
7 case and you will get a copy. And the copy
8 will come with a standard cover letter that
9 will tell you what to do if you agree with me
10 or if you don't. Basically, if you don't
11 agree with me, you'll be required to file
12 what are called exceptions, and you will have
13 instructions in that cover letter that tell
14 you how to do that. But essentially,
15 exceptions are your opportunity to tell my
16 bosses, the Pennsylvania Public Utility
17 Commission, what you think I did wrong. And
18 you'll have to send a copy to Miss Edmond if
19 you decide that I've done something wrong and
20 you write it down and send it out. Now,
21 you'll also have the opportunity to file
22 reply exceptions. If Miss Edmond thinks I've
23 done something wrong and sends out
24 exceptions, she'll send a copy to you and
25 you'll have to send whatever in --- whatever

1 response you want. Briefly reply exceptions
2 are your opportunity to say, oh, Miss Edmond
3 was not right, Judge Cocheres got the
4 information correct and he's really okay on
5 this part of the decision. After that point,
6 the Commission will review the exceptions and
7 reply exceptions and make a decision when it
8 wants to. After all, they're my boss and I
9 don't tell them when they have to do their
10 work, okay?

11 A. Yes.

12 JUDGE COCHERES:

13 All right. The only other thing that
14 could happen is, after I write my decision, if nobody
15 files exceptions, the Commission is still my boss, and
16 if they want to, they can review the decision on their
17 own merit. But eventually, whether they review it or
18 not, whether you have exceptions filed or not, the
19 Commission will make a decision in this case and they
20 will send you yet another decision that will affirm
21 me, reverse me, or do anything in between. Do you
22 understand?

23 A. Yes, sir.

24 JUDGE COCHERES:

25 All right. Is there anything else I need

1 to deal with?

2 A. No, Your Honor.

3 ATTORNEY EDMOND:

4 No, not on our end.

5 JUDGE COCHERES:

6 Fine. I want to thank the parties for
7 coming. I appreciate your cooperation and we'll go
8 off the record now.

9

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* * * * *

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HEARING CONCLUDED AT 12:10 P.M.

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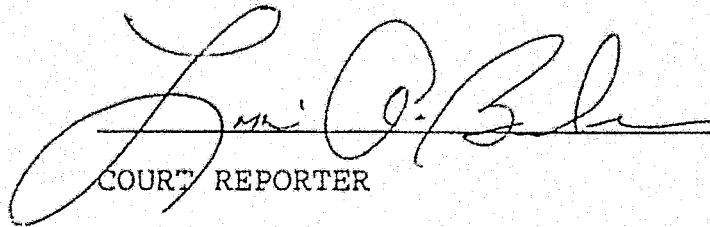
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C E R T I F I C A T E

I HEREBY CERTIFY THAT THE FOREGOING
PROCEEDINGS WERE REPORTED BY ME AND THEREAFTER
REDUCED TO TYPEWRITING AND THAT THIS TRANSCRIPT IS A
TRUE AND ACCURATE RECORD THEREOF.

SARGENT'S COURT REPORTING SERVICE, INC.


COURT REPORTER

Inmate Prepaid Calling Now Available Revised 2/1/03

SCI - CAMBRIDGE SPRINGS, LAUREL HIGHLANDS, SOMERSET

You will have a choice in how you communicate with your friends and family over the telephone. There are two options available to you in completing a call - a Collect Call, or a Prepaid Call. The Collect Call option is the same as it is today - no changes. The Prepaid Call option allows you to "prepay" for the call by opening an account through the commissary, and depositing monies into a prepaid account.

Here's how it works:

- To open a new account, Prepaid calling time is purchased from the commissary.
- You will need to fill out a signup form to open an account, or to add more money into your account, once opened.
- Increments of \$15.00, \$25.00 or \$50.00* are available.
- The money will be credited to your "prepaid" account within one business day.

How to make a call:

You will hear new voice prompts when picking up the receiver. You will be asked to choose either a Collect call or a Prepaid call.

- To place a prepaid call, dial 2, plus the area code and the telephone number when prompted.
- Enter your Personal Identification Number.
- As the prepaid call processes, you will hear brief moment of silence before you are connected to your called party.
- When your conversation is complete, the cost of the call will be deducted from your Prepaid Calling account.
- The next time you place a prepaid call you will hear your remaining balance.
- You will hear your account balance each time you place a prepaid call.

NOTE: Time limits, call restrictions and monitoring will be the same for prepaid calls as for regular collect calls.

COST OF THE CALL

A discounted rate will apply to long distance prepaid calls. Rates are as follows:

Prepaid Rates *

- Local (no discount) \$1.70 flat rate per call + applicable taxes
- Extended Local Area (no discount) \$1.45 + per minute charges * + applicable taxes *

POST
PILLS

Usage:	Peak		Off-Peak	
Mileage Band:	First Min	Addl Min	First Min	Addl Min
1-16	\$ 0.130	\$ 0.130	\$ 0.065	\$ 0.065
17-35	\$ 0.160	\$ 0.160	\$ 0.080	\$ 0.080

- In Pennsylvania (long distance) \$2.47 first minute + \$0.22 for each additional minute (discount) + applicable taxes
- Out of State (long distance) \$3.45 first minute + \$0.45 for each additional minute (discount) + applicable taxes
- International (no discount) \$5.80 first minute + \$2.30 for each additional minute + applicable taxes

*State taxes apply to Prepaid calls at the time of purchase at the commissary. Each time you make a call, the cost of the call plus Federal tax will be deducted from your account balance.

NOTE: Please enter the local area code when making all calls.

lt lowtel

DOCUMENT
FOLDER

COMMONWEALTH OF PENNSYLVANIA
Department of Corrections
SCI-Somerset
(814) 443-8100

7-15-02

SUBJECT: Inmate Complaint

DOCKETED
DEC 11 2003

TO: *Major Gehlmann*

FROM: *T. P. Leach*
Joseph H. Rollins
Superintendent's Assistant

CONFIDENTIAL

Please review the attached grievance. Investigate and provide a resolution to the circumstances cited in the grievance. A copy of your response to the inmate must be mailed to this office for tracking. Copies must also be distributed to the Superintendent, DC-15, inmate, and initiating Department Head (Deputy Gibson, Deputy Folino, Major Gehlmann, or Greg Taluskie). Keep in mind, all grievances must be acted upon within ten working days.

Respond to inmate by: *7-29-02*

JHR:cob
(inmate complaint form)

c-200 30123

EXHIBIT
Frank's
2
10-15-03
POLICAD 800 631 6368

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

25223

GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR <i>Mr. Rollins</i>	FACILITY: <i>Somerset</i>	DATE: <i>7-14-02</i>
FROM: (INMATE NAME & NUMBER) <i>Daniel Franks # E00431</i>	SIGNATURE of INMATE: <i>Daniel Franks</i>	
WORK ASSIGNMENT: <i>N/A</i>	HOUSING ASSIGNMENT: <i>DA 16</i>	

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

My family is upset with me for not calling home, they think it's me. I wrote home explaining about a block on the phone, along with the numbers to call on the Telephone Discrepancy form. They called T-Netix and was told it was a billing problem, then they called the Long Distance provider and was told that the problem was T-Netix. They even called Amy Sue Miller several times with no remedy as of yet. I should have the same privilege as other inmates, especially when family crisis arise like death and sickness, I feel hurt and confused behind this issue.

B. List actions taken and staff you have contacted, before submitting this grievance.

*I wrote my unit manager, I put in several Discrepancy Forms and I submitted a grievance. (Grievance # 23217 or 32317)
Mistake was made*

Your grievance has been received and will be processed in accordance with DC-ADM 804.

DEPT. OF CORRECTIONS
SCI SOMERSET

T. P. Leach

7-15-02

Signature of Facility Grievance Coordinator

Date

JUL 15 2002
RECEIVED
D. P. ROLLINS
C. P. ASST.

WHITE - Facility Grievance Coordinator Copy CANARY - File Copy PINK - Action Return Copy GOLDENROD - Inmate Copy

DC-804
Part 2

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P. O. BOX 598
CAMP HILL, PA 17001

OFFICIAL INMATE GRIEVANCE
INITIAL REVIEW RESPONSE

GRIEVANCE NO. 25223

TO (Inmate Name & DC No.)	FACILITY	HOUSING LOCATION	GRIEVANCE DATE
Franks, Daniel EC-0431	SCI-SMR	DA16	7/14/02

The following is a summary of my findings regarding your grievance:

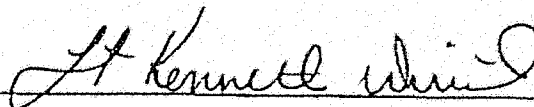
Your claims have been investigated. You were provided with the information needed to correct the problems with your families phone billing. Your family needs to call 1-888-610-7079 to have phone problems corrected. A phone call has been provided to your family advising them of their phone discrepancies and how to correct them. (See attached).

This grievance has been resolved.

Print Name and Title of Grievance Officer

Kenneth J. Wirick, Lieutenant

SIGNATURE OF GRIEVANCE OFFICER



DATE

7/26/02

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001

OFFICIAL INMATE GRIEVANCE
INITIAL REVIEW RESPONSE

GRIEVANCE NO.

32317

TO: (Inmate Name & DC No) Franks, Daniel (EC-0431)	FACILITY SCI-Somerset	HOUSING LOCATION DA-16	GRIEVANCE DATE June 18, 2002
--	---------------------------------	----------------------------------	--

The following is a summary of my findings regarding your grievance:

You were permitted two telephone calls on June 21, 2002, in response to the passing of infant twins, born prematurely. You spoke with Miss Hall, your fiancé and the mother of the twins and your own mother Miss Franks. In regards to you and your family's attempt to remove a block on their phone, I advise you to complete a Telephone Discrepancy form available from the Unit Officer, stating what you and your family have done to remove the block. You had informed me that a Telephone Discrepancy form was completed previously before your family contacted the toll free number as advised by the T-Netix Systems Administrator. Now that that has been accomplished, you must inform the T-Netix Systems Administrator on another Telephone Discrepancy form.

DOCUMENT
FOLDER

DOCKETED
DEC 11 2003

cc: Superintendent Sobina
Major Gehlmann
Mr. Rollins
DC-15
File

C-20030123

EXHIBIT
Frank's
#3
10-15-02
AJ

Print Name & Title of Grievance Officer Edward Mulligan, Unit Manager	SIGNATURE OF GRIEVANCE OFFICER <i>Edward A. Mulligan</i>	DATE June 26, 2002
---	---	------------------------------

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY
23217
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR	FACILITY: S.C.I.S.	DATE: 6-18-02
FROM: (INMATE NAME & NUMBER) Daniel Franks * E0431	SIGNATURE of INMATE: Daniel Franks	
WORK ASSIGNMENT: N/A	HOUSING ASSIGNMENT: DA 16	

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

~~A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.~~

I was told to inform my family of the procedure of obtaining getting the block off of the phone, I followed that procedure, had my family to call the numbers available on the phone discrepancy form. My family called and was told that the problem is with the prison phone, not the r/c. I recently had a death in my family and I'm trying to call home A.S.A.P.

~~B. List actions taken and staff you have contacted, before submitting this grievance.~~

I informed block off of the counselor and the unit manager, and informed me of the Phone Discrepancy Form.

10/

GRIEVANCE COORDINATOR

Your grievance has been received and will be processed in accordance with DC-ADM 804.

DEPT. OF CORRECTIONS
- SCI/SOMERSET

T.P. Pleacher Signature of Facility Grievance Coordinator Date 6-17-02

JUN 19 2002
RECEIVED
JOSEPH H. ROLLINS
SUPPORT ASST.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001

Revised
December 2000

OFFICIAL INMATE GRIEVANCE
INITIAL REVIEW RESPONSE

GRIEVANCE NO 49473

TO: (Inmate Name & DC No) Daniel Franks EC-0431	FACILITY SCI-SOMERSET	HOUSING LOCATION JA-62	GRIEVANCE DATE April 15, 2003
---	--------------------------	---------------------------	----------------------------------

The following is a summary of my findings regarding your grievance.

I have informed Ms. Miller, the on site T-NETIX Administrator of your problem. No refunds can be made for disconnect, per D.O.C. practice.

DOCUMENT
FOLDER

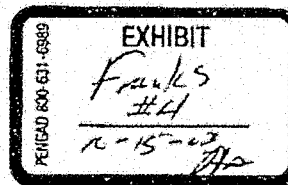
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DEC 11 2003

JMC/jeb

cc: Superintendent Sobina
DC- 15
Mr. Taluskie
Mr. Rollins
File

Print Name & Title of Grievance Officer James Cronauer, Accountant	SIGNATURE OF GRIEVANCE OFFICER <i>James Cronauer</i>	DATE 4/25/03
---	---	-----------------

C-200 30123



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY
49473
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR	FACILITY: Somerset	DATE: 4-15-03
FROM: (INMATE NAME & NUMBER) Daniel Franks # E0431	SIGNATURE of INMATE: Daniel Franks	
WORK ASSIGNMENT: A.M. School	HOUSING ASSIGNMENT: JA-62	

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

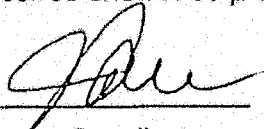
A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

While talking to my fiancée, the phone just cut off, and on several occasions, she couldn't hear me, but I could hear her?? This has happened several times to me while using my DEBIT PHONE ACCOUNT. T-Netix has problems with their system, and I shouldn't be forced to pay for their mishaps.

B. List actions taken and staff you have contacted, before submitting this grievance.

I mentioned this situation to several officers and I'm in the process of contacting the P.U.C. about this matter.

Your grievance has been received and will be processed in accordance with DC-ADM 804.



Signature of Facility Grievance Coordinator

4-17-03

Date

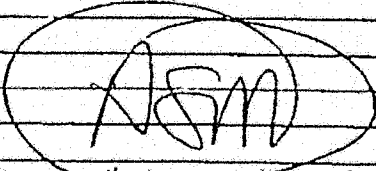
Telephone System Discrepancy Form

Inmate Name: Daniel Franks	Inmate Number: E0431
Inmate Housing Unit/Cell Number: JA-62	
All information must be completely filled in. Please be specific.	
Telephone Number Called: 267-241-0353	Inmate Telephone Used: 2 + 3
Time and Date of Call: Between 6 + 7 p.m., on 4-7-03 and 4-14-03,	
State exact nature of problem and/or concern: (Please print)	
While talking to my fiancée, the phone just cut right off, and off both calls, she couldn't hear me, but I could hear her?? Then the phone just cut off from here. This happened several times to me, while using my DEBIT PHONE ACCOUNT. Could my money be replaced??	
DOCUMENT FOLDER	DOCKETED DEC 11 2003
DOC Policy states No Reimbursements	
KISM	
Please be advised that the following are some reasons that your call may be disconnected:	
<ul style="list-style-type: none"> a. Other party accepts a call waiting tone; b. Other party trying to make a three-way call; c. Playing with the buttons, switch hook or receiver during your call; d. Answering machines; e. All 800, 888, and 900 numbers; and f. Any number that does not allow collect calls. 	
C-20030123	

Signature: Daniel Franks

Franks #5
Date: 4-15-03

Telephone System Discrepancy Form

Inmate Name: Daniel Franks	Inmate Number: ECO431
Inmate Housing Unit/Cell Number: DA 16	
All information must be completely filled in. Please be specific.	
Telephone Number Called: 215)684-3140	Inmate Telephone Used: 1, 2 + 4
Time and Date of Call: May 18 to June 12, at any time	
State exact nature of problem and/or concern: (Please print)	
My call's to my mother's are somehow restricted, and my mother is mad and upset at me, thinking that I won't call home. I gave her her the phone number's pertaining to this issue, she called and they told her there isn't any restriction on her phone???	
Could someone fix this problem???	
Please have your mother call 1-888-610-7079 or 1-888-721-5671	
	
Please be advised that the following are some reasons that your call may be disconnected:	
<ul style="list-style-type: none"> a. Other party accepts a call waiting tone; b. Other party trying to make a three-way call; c. Playing with the buttons, switch hook or receiver during your call; d. Answering machines; e. All 800, 888, and 900 numbers; and f. Any number that does not allow collect calls. 	

Signature: _____

Daniel Franks

Date: _____

6-12-02

Mr Muller - please respond to this issue

Form DC-135A

INMATE'S REQUEST TO STAFF MEMBER

Commonwealth of Pennsylvania
Department of Corrections

Thank you
CJ Muller
Dant
6-13-02

INSTRUCTIONS

Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.

1. To: (Name and Title of Officer)
Mr. Kot, DA Counselor

2. Date: 6-13-02

3. By: (Print Inmate Name and Number)
Daniel Franks # ECO431

4. Counselor's Name
Mr. Kot

Daniel Franks

5. Unit Manager's Name
Mr. Mulligan

Inmate Signature

6. Work Assignment
N/A

7. Housing Assignment
DA 16

8. Subject: State your request completely but briefly. Give details.

My phone call's has a major problem.

When I call my mother, the recording says it doesn't except collect calls?? It's restricted?? Well, I sent my mother the numbers to call and they told her that there's no restricting on her phone?? Could this be fixed??

Thanks

9. Response: (This Section for Staff Response Only)

Please have your mother call 1-888-610-7079 or 1-888-221-5671. Not her local phone company.

AJM

To DC-14 CAR only

To DC-14 CAR and DC-15 IRS

Staff Member Name _____ / _____ Date _____
Print Sign

Telephone System Discrepancy Form

Inmate Name: Daniel Franks	Inmate Number: EC0431
Inmate Housing Unit/Cell Number: DA cell 16	
All information must be completely filled in. Please be specific.	
Telephone Number Called: 215) 684-3140	Inmate Telephone Used: 1, 2 + 4
Time and Date of Call: From May to June 2 nd , at any time	
State exact nature of problem and/or concern: (Please print)	
<p>My calls to my mother are somehow restricted, I gave her the numbers to call, she called and they told her that the problem is here and not with them. She then called here asking for Ms Amy Sue Miller or anyone in charge of the phones. She was placed on hold for about an hour. I informed my counselor, unit manager and Lt. Winick, plus I filed a D.C. - 804 (grievance) pertaining to the issue mentioned above. Could someone arrange to have this problem settled??</p> <p>Mr Franks,</p> <p>Your mother needs to call 1-888-610-7079 or 1-888-721-5671</p> <p>the Problem is <u>not</u> here. There is a billing problem.</p> <p>Amy Sue Miller.</p>	
Please be advised that the following are some reasons that your call may be disconnected:	
<ul style="list-style-type: none"> a. Other party accepts a call waiting tone; b. Other party trying to make a three-way call; c. Playing with the buttons, switch hook or receiver during your call; d. Answering machines; e. All 800, 888, and 900 numbers; and f. Any number that does not allow collect calls. 	

Signature: Daniel Franks

Date: 6-26-02

Telephone System Discrepancy Form

Inmate Name: Daniel Franks	Inmate Number: EC0431
Inmate Housing Unit/Cell Number: JA cell# 13	
All information must be completely filled in. Please be specific.	
Telephone Number Called: 215) 229-9427	Inmate Telephone Used: 1, 2, 3 + 4
Time and Date of Call: 9:00 A.M.	
State exact nature of problem and/or concern: (Please print)	
<p>My current phone number is new, and when I tried to call, it stated on the recording that "it didn't accept collect calls"?? Why doesn't it?? My fiancée obtained this new number so I could call, but it seems I have the same problem I had with the previous number.</p>	
<p>Please have your fiancée call 1-888-610-7079 or 1-888-221-5611</p>	
(ASM)	
Please be advised that the following are some reasons that your call may be disconnected:	
<ul style="list-style-type: none"> a. Other party accepts a call waiting tone; b. Other party trying to make a three-way call; c. Playing with the buttons, switch hook or receiver during your call; d. Answering machines; e. All 800, 888, and 900 numbers; and f. Any number that does not allow collect calls. 	

Signature: Daniel Franks

Date: 8-22-02

Telephone System Discrepancy Form

Inmate Name: Daniel Franks	Inmate Number: E0431
Inmate Housing Unit/Cell Number: JA 13	
All information must be completely filled in. Please be specific.	
Telephone Number Called: 215) 684-3140	Inmate Telephone Used: All
Time and Date of Call: All day every day.	
State exact nature of problem and/or concern: (Please print)	
<p>My family has a "NEW" phone provider that accepts calls from other prison's, why can't I call the same number and talk to my family, Why does T-Net's block out my call's if other prison's forward call's to my family. My family came up to visit me on 9-28-02, and they informed me that my cousin receives collect call's from prison, and they're wondering why can't I call?? My family has a "NEW" phone provider, so why can't I call?? My family called both 1-888-610-7079 and 1-888-221-5621 with no success!!</p> <p>Please Help!!</p>	
Please be advised that the following are some reasons that your call may be disconnected:	
<ul style="list-style-type: none"> a. Other party accepts a call waiting tone; b. Other party trying to make a three-way call; c. Playing with the buttons, switch hook or receiver during your call; d. Answering machines; e. All 800, 888, and 900 numbers; and f. Any number that does not allow collect calls. 	

I called 1-888-610-7079 on 10/17/02
 no records of your family ever calling
 They need to call 1-888-610-7079 (NSM)

Signature: Daniel Franks

Date: 10-4-02

FORMAL COMPLAINT FORM
Pennsylvania Public Utility Commission

DOCKETED

DEC 11 2003

Please Print:

1. Your Name, Mailing Address and Telephone Number.

Name Daniel Franks # EC0431

Street/P.O. Box 1600 Walter Mill Road Apt.# JA-62

City Somerset State P.A. Zip 15510

County Somerset Home Telephone-Area Code (814) 443-8100

Work Telephone-Area Code ()

DOCUMENT

FOLDER

2. Name of Company your complaint concerns: T-Netix Phone System's

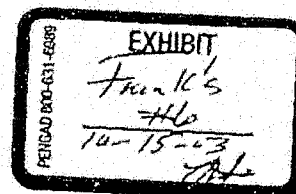
3. What is your complaint?

My phone call's were cut off because of "Third Party"
billing several month's ago by T-Netix. Now T-Netix
has "DEBIT PHONE ACCOUNTS" that inmates can purchase
from commissary. The problem is T-Netix still has
problem's with their system, it cut's off during
your conversation and you end up paying for phone
call's that you never used. This has happened to me
several times, and I'm left paying for their mis-
take's.

(If you need more space, use additional paper and attach to this form).

(-over-)

C-200 30123



What do you want the Public Utility Commission to do about your complaint?

I want you to make this right by illustrating what the commission stands for. My expectations is that you contact T-Netix and enforce that they promptly return my money or replace the loss to my account (Debit Phone Account). I'd also like to have you, the P.U.C., to use your authoritative position to take interest in this cruel and sinister company. It's like a diabolically corporate scheme to rob inmates and our families. Please help.

(If you need more space, use additional paper and attach to this form.)

5. You must sign and date your complaint below.

The information I have placed on this form is true and correct to the best of my knowledge. I understand that I could be punished under Pennsylvania State Law if I purposely give false information.

Daniel Franks

Original Signature of complaining person

4-18-03

Date

6. If you are represented by a lawyer you must provide your lawyer's name, address and telephone number.

Lawyer's Name _____

Street _____

City _____ State _____ Zip _____

Telephone Number-Area Code (_____) _____

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FOLDER

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DEC 11 2003

AUGUST 20, 2003

TO: ALL UNIT STAFF AND INMATES
FROM: AMY SUE MILLER
CONCERNING: LONG DISTANCE PROVIDER CHANGE

AS OF AUGUST 19, 2003 THE LONG DISTANCE PROVIDER FOR THE INMATE TELEPHONE SYSTEM WAS CHANGED FROM *T-NETIX* TO *VERIZON*.

ALL QUESTIONS CONCERNING "COLLECT CALL RESTRICTITONS" SHOULD NOW BE ADDRESSED TO VERIZON AT THIS TOLL FREE NUMBER. 1-800-453-1437.

AGAIN I WOULD LIKE TO EMPHASIZE THAT THE LOCAL T-NETIX OFFICE DOES NOT HAVE ANY CONTROL OVER "COLLECT CALL RESTRICTIONS." TO HAVE THE RESTRICTION LIFTED THE INMATES FAMILY MUST CALL 1-800-453-1437. ANY "INMATE REQUESTS" OR "TELEPHONE DISCREPANCIES" CONCERNING "COLLECT CALL RESTRICTIONS" CAN NOT BE PROCESSED OR INVESTIGATED BY THE LOCAL *T-NETIX* OFFICE.

Amy Sue Miller

AMY SUE MILLER

C - 200 30123

FRANKS 1
EF

CC: SUPERINTENDANT SOBINA
DEPUTY ROZUM
DEPUTY GIBSON
MAJOR GEHLMANN
SECURITY DEPARTMENT

DOCUMENT

DOCKETED

DEC 11 2003

Daniel Frank - EC0431

① (215) 684-3140 - Collect Call Restriction
Because: Overdue Bill of \$405.80
Virginia Franks needs to set up direct
Billing and pay overdue bill.
She has never called T-Netix. She
needs to call 1-888-610-7079 to
resolve this problem

② (215) 229-3513 - Collect Call Restriction
Because Gunda Hall needs to set
up direct billing. Gunda called
T-Netix but did not want to talk to
someone. She needs to call
and talk to someone about
Direct Billing. 1-888-610-7079
Her Bill is \$28.00

ASm

C-20030123

FRANKS FK 8

