

COMMONWEALTH OF PENNSYLVANIA

PUBLIC UTILITIES COMMISSION

ORIGINAL

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 :
 Sandra and George Feigley :
 vs. Verizon Select Services, Inc., :
 Service dispute. : Cockett No.
 : C-20043621
 Initial In-person Telephonic/Video :
 Conference Hearing :
 :
 -----x

Pages 1 through 128

Room 628
Health and Welfare Building
Harrisburg, Pennsylvania

DOCUMENT
FOLDER

Friday, May 6, 2005

Met, pursuant to notice, at 10:19 a.m.

BEFORE:

LOUIS G. COCHERES, Administrative Law Judge

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C O N T E N T S

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P R O C E E D I N G S

1
2 ADMINISTRATIVE LAW JUDGE COCHERES: All
3 right, let's try this again. Frackville, can you hear us?

4 MR. FEIGLEY: Yes.

5 JUDGE COCHERES: Thank you. Can you see us?

6 MR. FEIGLEY: Yes.

7 JUDGE COCHERES: Good. Ms. Breslin in
8 Altoona, can you see and hear us?

9 MS. BRESLIN: Yes, to both.

10 JUDGE COCHERES: Okay. We're waiting for you
11 to come up. Ah, there you are.

12 Mr. Kazee, check in one more time.

13 MR. KAZEE: Yes, Judge; I hear you.

14 JUDGE COCHERES: Okay, fine. Are we ready to
15 open the record?

16 Good morning, ladies and gentlemen, although
17 to us in Harrisburg, it may seem like good afternoon. As
18 you all know by now, my name is Louis Cocheres and I am the
19 Administrative Law Judge assigned to hear the matter of
20 Sandra and George Feigley versus Verizon Select Services,
21 Incorporated at Commission Docket No. C-20043621.

22 We are here today by video conference. We've
23 had some what I generally call extreme video conference
24 technical problems. But we have finally found a video
25 conference Center that works, and I'm delighted that we're

1 able to finally start this hearing, albeit that we're about
2 an hour and 15 minutes late doing so.

3 First, let me simply say to those
4 participants who are in Altoona, Dallas, Texas and
5 Frackville, thank you very much for your patience. We did
6 have some people working very hard in this building trying
7 to give us some sort of connection, and after the third
8 conference room, we actually found some.

9 That being said, do I have any administrative
10 matters to deal with before I go on with the hearing?

11 (No response)

12 JUDGE COCHERES: Hearing none, the reason that
13 we're here today is because Mr. and Ms. Feigley filed this
14 Complaint. As the Complainants, they have the burden of
15 proof and they will be the first witnesses.

16 Mr. Feigley, based on my experience with you
17 before, my assumption is that you would like to be the first
18 witness. Am I right, sir?

19 MR. FEIGLEY: If it's all right with you,
20 Judge Cocheres, since I have two institution witnesses here
21 who undoubtably have other things to do, why don't I
22 question them first, out of turn?

23 JUDGE COCHERES: That would be...

24 MR. FEIGLEY: Is that all right with you?

25 JUDGE COCHERES: That is just fine. Who would

1 you like to call first?

2 MR. FEIGLEY: Why don't I call Amanda
3 Ashelman?

4 JUDGE COCHERES: All right. Ms. Ashelman,
5 would you raise your right hand?
6 Whereupon,

7 AMANDA ASHELMAN
8 having been first duly sworn, testified as follows:

9 JUDGE COCHERES: For the record, let me
10 identify you. Would you tell us your name, and spell your
11 last name for us, please.

12 THE WITNESS: It's Amanda Ashelman, A-s-h-e-l-
13 m-a-n.

14 JUDGE COCHERES: By whom are you employed,
15 ma'am, and in what capacity?

16 THE WITNESS: By Shawn Tech. We are
17 contracted by Verizon.

18 JUDGE COCHERES: Would you spell Shawn Tech,
19 please?

20 THE WITNESS: S-h-a-w-n. T-e-c-h.

21 JUDGE COCHERES: T-e-c-h?

22 THE WITNESS: Yeah. The "T" is capitalized.

23 JUDGE COCHERES: Very well. Your contract is
24 through Verizon?

25 THE WITNESS: Correct.

1 JUDGE COCHERES: Good, all right. What is
2 your official job title, ma'am?

3 THE WITNESS: I'm the Site Administrator. I
4 do all data entry.

5 JUDGE COCHERES: Thank you.

6 THE WITNESS: You're welcome.

7 JUDGE COCHERES: Mr. Feigley, the lady is your
8 witness.

9 MR. FEIGLEY: Thank you.

10 DIRECT EXAMINATION

11 BY MR. FEIGLEY:

12 Q. Good morning, Ms. Asnelman.

13 A. Good morning.

14 Q. Oddly enough, the attorneys had indicated you were
15 their employee. You are not their employee?

16 A. No.

17 Q. You are an employee of Shawn Tech, and where are
18 they located?

19 A. Our main office is in Dayton, Ohio; and they have
20 the contract for all Pennsylvania Site Administrators at
21 every facility.

22 Q. You have no association with the Department of
23 Corrections?

24 A. No. I just do your data entry. No. They're not my
25 bosses. I don't have a contract with them.

- 1 Q. Would you please describe your job?
- 2 A. Sure. We are hired to come in...
- 3 Q. Not - you, personally.
- 4 A. I'm hired to come in; do all data entry meaning to
- 5 inmates; giving, issuing them pin numbers, meaning all
- 6 numbers; deleting all new numbers; answering discrepancies;
- 7 and making sure that the actual phones are correctly
- 8 working. I don't fix them. I just make sure that they're
- 9 up and running.
- 10 Q. When you say to "answer discrepancies", what do you
- 11 mean?
- 12 A. I go on the secure system which is called T-Netix.
- 13 I call up information on that system and answer
- 14 discrepancies that way. We pull up what's called a detail
- 15 report which would give me the reason for your discrepancy.
- 16 Say if you're complaining about something, I would go under
- 17 that computer, answer it from what the computer tells me.
- 18 Respond to you, send it back in the mail.
- 19 Q. So your information comes from what the computer
- 20 says; not from personal knowledge?
- 21 A. Well, certain things are my knowledge, correct. But
- 22 most of my information will come from a Securus Call Control
- 23 system.
- 24 Q. How are you trained to do this job?
- 25 A. When I was hired, about four years ago, we were

1 working for T-Netix at the time. T-Netix had other site
2 administrators and my boss came physically and trained me
3 here at the facility.

4 Q. What's your connection with T-Netix now?

5 A. We have no connection. T-Netix owns the equipment.
6 I have no connection with them. I don't work for them.

7 Q. They own the equipment or the equipment and the
8 software?

9 A. The equipment and the software.

10 Q. So the actual censorship system is the T-Netix
11 system that you administer?

12 MR. STEWART: I'm going to object, Your Honor,
13 to the use of the term "censorship equipment". There has
14 been no basis for that and that's not what it's called.

15 JUDGE COCHERES: All right. Well...

16 MR. STEWART: It's not necessary, Your Honor.

17 JUDGE COCHERES: Mr. Feigley, do you...

18 MR. FEIGLEY: My answer is there is no such
19 objection. I mean, either is the question or it's not
20 relevant, it's material or it's not material. I said that I
21 will go on. I will lay a foundation for the term
22 "censorship" momentarily, if that's all right with you,
23 Judge Cocheres.

24 JUDGE COCHERES: That's okay with me. I'm
25 going to allow you some flexibility here. I know you're

1 very frustrated with the system, sir. But try not to
2 denigrate it on the record; all right?

3 BY MR. FEIGLEY:

4 Q. Do you get complaints from visitors about the
5 operation of the phone system?

6 A. Yes.

7 Q. Have you gotten such complaints?

8 A. Yes.

9 Q. Have you gotten complaints about disconnections on
10 this phone system?

11 A. Yes.

12 Q. Many?

13 A. I can't give an estimate.

14 Q. How many in the past year?

15 A. I didn't look up that information. I pulled up what
16 I had for you.

17 Q. Okay. I asked you to bring along records that would
18 let you testify completely. Do you have the records on how
19 many disconnects in the past year?

20 A. You didn't specify for all inmates.

21 Q. What do you when you get such a complaint?

22 A. I pull up a report of the Securus Call Control.
23 It's called a detailed report.

24 Q. I don't understand what you mean, "you pull up"?

25 A. Okay. On the computer there's a screen that says

1 "inmate reports". I click on "inmate reports". There's a
2 report "call detail". I click on that. See, if you're
3 complaining on May 6" you get disconnected, I punch in that
4 date. It brings up all the information: who you called, the
5 time you called, how many minutes you talked; and it gives a
6 termination reason why it was disconnected.

7 Q. What reason the computer says it was disconnected?

8 A. Correct.

9 Q. Thank you.

10 A. And I respond back with that answer.

11 Q. Is the system ever at fault?

12 A. Yes. It is at fault. Not all the time, but I mean
13 there are instances when the system does make a mistake.

14 Q. Do you offer refunds?

15 A. No. There are refunds given, but I do not have the
16 authority to give them.

17 Q. How does that work?

18 A. If I get a discrepancy I... if I feel that the
19 system made a mistake, I escalate it to VCS, which is
20 Verizon Correctional Solutions, which takes it to T-Netix.
21 T-Netix then has to verify that it was system fault, and
22 they do the refunds. I have no control over any kind of
23 refund.

24 Q. In spite of the fact that you do the investigation,
25 how many system problems have there been in the past year...

1 100?

2 MR. STEWART: Could we ask what he means by
3 "system problem"? I'm not sure the witness understands.

4 THE WITNESS: Yeah. I'm not clear on what you
5 mean by problems. I mean, what problem are you talking
6 about?

7 BY MR. FEIGLEY:

8 Q. On April the 5th of this year, the system wouldn't
9 take pin numbers and wouldn't work; is that correct?

10 A. I don't have the information in front of me. It's
11 very possible. There are times that the system goes down,
12 correct. I don't keep track. It's not in my job
13 description to keep track how many times the system faults
14 during the year.

15 Q. You would have no way of estimating that?

16 A. No. I'm not going to give an estimate when I'm not
17 sure.

18 Q. Why were my calls disconnected the 14th and 28th of
19 July, 2004; 11th and 14th August, 2004; 8th January 2005; 14th
20 and 19th of February 2005 or on the 28th of March, 2005?

21 A. You'll have to repeat these one by one here so I can
22 look.

23 Q. Okay. I think this grievance relates to...

24 A. 7/14, you said July 14th?

25 Q. July 14th and July 28th.

1 A. On July 14th you talked ten minutes to your wife,
2 Sandra Feigley. The termination reason shows 130 which
3 means three-way call. Now let me explain three-way call.

4 Three-way call does not necessarily mean she made a
5 three-way call. You could have had a call waiting beep come
6 in. It could have been a change of a channel. Any kind of
7 cordless phone changes channels constantly. If the system
8 picks that up, it's going to disconnect it.

9 Q. Excuse me, could I interrupt you just a moment?

10 A. Sure.

11 Q. So this particular technology is so arcane that it
12 doesn't really judge whether or not she's doing something,
13 this three-way call accusation, but whether the phone has
14 made some kind of a change in its channel?

15 A. That...everybody is aware of cordless phones.

16 Q. Who's "everybody"? I'm not aware of it.

17 A. Inmates should be aware that cordless phones, cell
18 phones, they all change channels.

19 Q. Therefore?

20 A. If a phone changes a channel, if she's on a cordless
21 phone, you have the possibility of getting disconnected.

22 Q. This technology does not take that into account?

23 A. I don't know. I don't work for them.

24 Q. How about 11th and 14th August, 2004?

25 MR. FAIRALL: Objection. She didn't get to

1 the 28th, I don't believe. If you're going to do them in
2 order, can we do all of them in order?

3 MR. FEIGLEY: I'm sorry. I missed the 28th.

4 JUDGE COCHERES: So we're now talking about
5 July 28th?

6 MR. FEIGLEY: 28th July, 2004.

7 JUDGE COCHERES: Okay, fine.

8 THE WITNESS: I don't have you disconnected on
9 July 28th. Let me see if I can find it on here.

10 (Pause)

11 THE WITNESS: July 28th you talked to your wife
12 for 12 minutes, Sandra Feigley. You were disconnected for
13 termination code 128 which was --

14 Is that a hang-up (aside)?

15 -- outside hang-up. The caller hung up the
16 phone.

17 BY MR. FEIGLEY:

18 Q. I hung up?

19 A. "Outside", meaning...

20 Q. She hung up?

21 A. Yes. I do not show a disconnection that day.

22 Q. 11th and 14th August, 2004?

23 A. I show a termination reason, first call on August
24 11th, 11 minutes, termination reason three-way call. August
25 14th, 13 minutes, termination reason three-way call.

1 Q. 8th January, 2005?

2 A. January 8th, 2005, 12 minutes to Sandra Feigley,
3 termination code 130, three-way call.

4 Q. 11th and 19th February, 2005?

5 A. The 11th and 19th?

6 Q. I'm sorry, 14th and 19th.

7 A. On the 14th, two minutes to Sandra Feigley,
8 termination code 130, three way call. And on February 19th,
9 call to Sandra Feigley, 11 minutes, termination three-way
10 attempt.

11 Q. 28th March, 2005?

12 A. March 28th, 2005, ten minutes to Sandra Feigley,
13 termination 132, button was pushed on either side.

14 Q. Sorry?

15 A. Somebody hit a button. The systems says there was a
16 button pushed, either side.

17 (Audio/video temporarily disconnected.)

18 MS. FEIGLEY: Like my telephone calls.

19 JUDGE COCHERES: All right, my court reporter
20 is ready to go back on the record. Sorry for the
21 interruption.

22 BY MR. FEIGLEY:

23 Q. All right. I'm going to pick it up after we
24 discussed about these phone calls. I'll be a tad redundant.

25 A. Okay.

- 1 Q. The system automatically interrupts our
2 conversations. How often does it do that in a 15-minute
3 phone call?
- 4 A. I do not know the exact amount.
- 5 Q. Can we talk over those interruptions?
- 6 A. No, you cannot.
- 7 Q. What is the verbatim content of those interruptions?
- 8 A. It says, "This call is from a correctional
9 institution and is subject to monitoring and recording."
- 10 Q. Then there are two more interruptions at the end.
11 One says, "You've got a minute left." One says, "You have
12 15 second left"; is that correct?
- 13 A. That's right.
- 14 Q. What's the total amount of time that's consumed by
15 these interruptions?
- 16 A. Total time?
- 17 Q. Yes.
- 18 A. I can't give an accurate answer because I don't know
19 the exact time, how many times it's played. The part where
20 it says, "This call is from a correctional institution and
21 is subject to monitoring," is roughly five seconds long.
22 But I can't give you the exact amount because I don't know
23 how many times it plays.
- 24 Q. I see. How often is the timing of the system
25 checked, and by whom?

- 1 A. I can't answer how many times it's checked. It's
2 checked by Securus Call Control.
- 3 Q. Do you have personal knowledge of that?
- 4 A. Of the timing?
- 5 Q. Do you have personal knowledge of the fact that
6 Securus checks the timing?
- 7 A. Yes. I know they do that.
- 8 Q. But you don't do the checking?
- 9 A. No.
- 10 Q. You don't know how the time is checked?
- 11 A. No.
- 12 Q. For the calls that I actually make from the block,
13 the computer does that timing?
- 14 A. Correct.
- 15 Q. Well it could time, anything could time 45 seconds?
16 You don't know what time the computer actually is making?
- 17 A. Time for -- I don't understand what you're saying.
18 Like what time are you talking about, like your
19 conversation?
- 20 Q. The computer measures the duration of the telephone
21 call?
- 22 A. Correct.
- 23 Q. It could measure any duration?
- 24 A. I guess it could.
- 25 Q. Okay. Can noise like trouble or other interference

1 disconnect calls?

2 A. Yes.

3 Q. Tell me about the loud coughing for this system. A
4 loud cough will disconnect the system?

5 A. You mean the sensitivity?

6 Q. Yes. I'm intrigued by that.

7 A. It depends on how high your sensitivity level is
8 set. At SCI Frackville our sensitivity is very low meaning
9 that actually a loud noise could possibly give away. But if
10 you said sensitivity high enough, any loud noise can
11 disconnect a call. I'm not saying it will always disconnect
12 a call. I'm not 100-percent sure on how the sensitivity
13 works.

14 MR. FEIGLEY: Did we lose you again?

15 JUDGE COCHERES: No, you didn't.

16 BY MR. FEIGLEY:

17 Q. All right.

18 A. I'm not 100-percent sure of how sensitivity works.
19 That's part of Securus Call Control. I have no control over
20 where to set the sensitivity level.

21 Q. You don't do that?

22 A. No.

23 Q. And can that be done here?

24 A. No.

25 Q. But you did testify a little earlier that the

1 technology, the advanced technology of the system is such
2 that a prisoner could cough or a customer could cough and it
3 would disconnect the system?

4 A. If the facility requests to have the sensitivity...

5 Q. Could I have...

6 A. Yes, possibly.

7 Q. Describe the relationship between DOC and Verizon.

8 A. DOC and Verizon? I don't know the relationship.

9 Q. How about between DOC and the firm you work for?

10 A. I have daily contact -- I shouldn't say daily. I
11 speak to the captain or lieutenant here on a regular basis
12 about work that's being done. Besides that, we do not have
13 contact.

14 Q. Would you identify those two persons by name,
15 please?

16 A. Captain Durant and Lieutenant Schauer.

17 Q. What services does DOC provide to Verizon?

18 A. To Verizon? I cannot exactly tell you what services
19 they provide to Verizon because I do not work for Verizon.

20 Q. DOC collects money from me to buy phone time; is
21 that correct?

22 A. Correct. It goes through the DOC Commissary,
23 correct.

24 Q. And ends up in Verizon's pocket?

25 A. Correct.

1 Q. And do they provide you with office space in which
2 to work?

3 A. Correct.

4 Q. And I take it electricity, lighting, all the rest of
5 that that goes with the office space?

6 A. Correct.

7 Q. Would they provide the space for the telephones on
8 the blocks?

9 A. Correct.

10 Q. If something goes wrong with the system, who repairs
11 it?

12 A. If something goes wrong with the actual telephone on
13 the block, a block officer or a counselor or Captain Durant
14 can call me. I open up a trouble ticket through Verizon
15 Correctional Solutions.

16 Q. Explain "open up".

17 A. Call them on the phone, and I'll say: I have a
18 phone. This is SCI Frackville. I have a phone on A/B Block
19 that has no dial tone. They give me a trouble ticket. It's
20 a ticket number. They say: "Okay, we'll dispatch a tech out
21 there". After that, I have nothing to do with it. It goes,
22 dispatches to a tech, a Verizon tech. A Verizon tech comes
23 out, repairs it, replaces it.

24 Q. Physically, where are you calling? Where is this
25 place? Is this in Dayton, Ohio?

1 A. No. VCS is in Dallas.

2 Q. Dallas?

3 A. Yes.

4 Q. Let me ask you something. That's who you're calling
5 to report problems on a phone in Pennsylvania?

6 A. Yes. They control all equipment to Dallas, Texas.

7 Q. I see. And you don't pay for calls so you can't
8 tell me what you pay for it?

9 A. Correct.

10 MR. FEIGLEY: I'm finished, Judge Cocheres;
11 thank you.

12 And thank you, ma'am.

13 JUDGE COCHERES: All right. Ms. Ashelman, I
14 have some questions here.

15 You told me, very clearly, that SCI
16 Frackville has its sensitivity set low. Did I hear that?

17 THE WITNESS: Correct, yes.

18 JUDGE COCHERES: You also told me that you do
19 not know how to control the sensitivity. Did I hear that?

20 THE WITNESS: Yes, I do not. I cannot control
21 it in my office.

22 JUDGE COCHERES: Do you have access to the
23 equipment that you can make an adjustment?

24 THE WITNESS: No. They have to do that at the
25 Securus Call Control which is located out in Dallas.

1 JUDGE COCHERES: All right. You have been
2 talking about the home company which I have heard as
3 Securus. Would you spell that for the record, please?

4 THE WITNESS: S-e-c-u-r-u-s.

5 JUDGE COCHERES: Now if you don't control the
6 sensitivity and you have no access to change it, how do you
7 know it's set low?

8 THE WITNESS: What I would do is if the
9 captain or lieutenant had came to me and said: "We're going
10 to get a lot of disconnects for some unknown reasons", I
11 would call Securus or actually I'd call VCS; open up a
12 ticket and say: "We're getting a lot of disconnects. Can
13 you have them check the sensitivity level"? They would
14 contact Securus. Securus would check our sensitivity level.

15 The reason I know it's set low is because the
16 last time we opened up a ticket Securus had called me
17 personally and said they would not lower our sensitivity any
18 lower because it's almost as low as it could possibly go.
19 That's the only reason I know that we're set lower.

20 JUDGE COCHERES: And how long ago did you get
21 that report?

22 THE WITNESS: It was within the last six or
23 seven months. I can't give an exact date.

24 JUDGE COCHERES: Okay. Mr. Fairall, do you
25 have any questions for the witness?

1 MR. FAIRALL: Yes, sir, I do.

2 CROSS EXAMINATION

3 BY MR. FAIRALL:

4 Q. Ms. Ashelman, my name is Bill Fairall.

5 You indicated several times about a discrepancy. Is
6 a discrepancy a form that is supplied to you by an inmate
7 when there's a problem?

8 A. Correct.

9 MR. FEIGLEY: Excuse me. Who is the
10 questioner?

11 JUDGE COCHERES: Mr. Fairall from the
12 Department of Corrections.

13 MR. FEIGLEY: Thank you. Sorry for the
14 interruption.

15 JUDGE COCHERES: That's all right.

16 BY MR. FAIRALL:

17 Q. Did Mr. Feigley file discrepancies with your office
18 over the last year?

19 A. Within -- let me explain my process. It's not my
20 job description to keep copies of all discrepancies. When
21 Lieutenant Schauer took over, he requested me to keep copies
22 of all my inmate discrepancies and all my inmate requests.
23 I went through all of my requests for the last ten months.
24 I have one record of Mr. Feigley writing a discrepancy form,
25 and on that discrepancy form it's not addressed to me. It's

1 addressed to the Grievance Coordinator. I don't have one
2 that's actually addressed to me, not in my records.

3 Q. What was the date of that discrepancy?

4 A. The date, August 25th, 2004.

5 MR. FAIRALL: Thank you. That's all I...

6 THE WITNESS: I received -- you're welcome.

7 BY MR. FAIRALL:

8 Q. I'm sorry, continue.

9 A. I received it from the Superintendent's office.
10 They wrote to me asking me to respond back to them.

11 MR. FAIRALL: Thank you. That's all I have.

12 JUDGE COCHERES: Mr. Stewart?

13 MR. STEWART: No, I don't, Your Honor.

14 JUDGE COCHERES: Okay. Ms. Ashelman, I'm glad
15 Mr. Fairall started talking to you because I knew there was
16 one other subject I needed to cover.

17 In response to Mr. Feigley's questions you
18 said that there are times when the system malfunctions.
19 Give us your definition of what it means for the system to
20 malfunction.

21 THE WITNESS: There were times throughout the
22 year that, just like our computers, it will crash. Not
23 necessarily meaning go down for -- it could go down for an
24 hour. It could go down for ten hours. When it goes down
25 for that, nobody can use the phones. That's what I took as

1 "system failure".

2 JUDGE COCHERES: Okay. And in response to his
3 questions, you told me that there are times when you report
4 trouble on the system that should cause a refund for the
5 inmate; is that correct?

6 THE WITNESS: Yeah, that's correct. What I
7 was explaining earlier, termination reasons on the call
8 report, it gives a termination reason for every call.
9 There's a certain termination reason. Let me give you one
10 example.

11 There's one that's called Debit Fund Server
12 Error, which means there was a server error when the inmate
13 was making a phone call. If I see an error like that, I
14 will call VCS, open up a ticket from there; and let them
15 know to decide whether a refund should be given or not.

16 JUDGE COCHERES: In response to his questions
17 about why certain calls were terminated you presented
18 essentially the vast majority, according to the computer
19 system, was a three-way call. Do you remember that part?

20 THE WITNESS: Yes.

21 JUDGE COCHERES: Okay. Now am I to understand
22 from your testimony and your description of three-way
23 calling -- which as a matter of fact I'm not even sure you
24 got the chance to finish -- but am I to understand that this
25 is the system, for lack of a better way of putting it,

1 default setting if a call terminates, this is what it calls
2 a termination? It might have been a three-way call attempt
3 or it could have been something else?

4 THE WITNESS: Correct. Say you and I are
5 talking on the phone. You have another call come through.
6 It beeps. The system hears a beep. The system can't tell
7 if it's a flash-over to make another call or if it's a call
8 coming through. So that will put -- it's a 130. But it
9 always hears something. It won't disconnect unless it hears
10 something.

11 JUDGE COCHERES: How can the -- that's why the
12 literature that I've seen in other cases, that they also
13 caution the inmates against calling numbers that have call-
14 waiting on them; is that true?

15 THE WITNESS: Correct. It says right on -- I
16 don't have the form in front of me. But on certain inmate
17 discrepancy forms it will say, "Any of the following may
18 disconnect your calls: any custom-calling features, any
19 call-waiting, a button being pushed." It explains that any
20 kind of feature on your phone can disconnect.

21 JUDGE COCHERES: Right. But for the button
22 being pushed, that actually raises a separate code for you;
23 doesn't it?

24 THE WITNESS: Correct.

25 JUDGE COCHERES: All right. Now just for a

1 moment let's assume that Ms. Feigley, who receives phone
2 calls from her husband, has a plain old-fashioned telephone
3 with no custom-calling features on it at all, sort of like
4 the one I have at my house.

5 THE WITNESS: Okay.

6 JUDGE COCHERES: Now if -- what would cause
7 their connection to break if she has no custom-calling
8 features at all?

9 Oh, disconnect again.

10 (Audio/video temporarily disconnected)

11 JUDGE COCHERES: All right. Ms. Ashelman, I
12 was talking to you about the Feigley phones. They have no
13 special features. What causes their phone to disconnect?

14 THE WITNESS: I'll give you an example: a
15 thunderstorm. If telephone lines are wet or if there's
16 thunder and lightening outside, that can disconnect it
17 through the phone lines. I'm trying to think of other -- I
18 mean if you have two rotary phones, two cord phones that
19 you're talking about in the house and somebody accidentally
20 picks up the other phone, that could disconnect.

21 Like I said, thunderstorms, they are the two
22 main ones if you don't have a cord phone or you have just a
23 regular rotary phone, that I can think of off the top of my
24 head.

25 JUDGE COCHERES: Okay. Mr. Feigley, this lady

1 is your witness; and you do get the opportunity if she
2 answers questions either from me or from Mr. Fairall on
3 subjects that you want to revisit, this is your opportunity
4 to do that. It's called redirect.

5 MR. FEIGLEY: Thank you, Judge Cocheres. I
6 have a couple of redirect.

7 REDIRECT EXAMINATION

8 BY MR. FEIGLEY:

9 Q. The procedure inside the prison when there is a
10 problem is to file an inmate grievance like this one; is it
11 not (indicating)?

12 A. Correct.

13 Q. Is this or is this not a copy of an inmate grievance?

14 A. Correct. But I do not -- inmate grievances like that
15 do not come to me.

16 Q. Okay. But that's the way that one actually files a
17 complaint about a problem?

18 A. Yes, correct. I was talking about inmate discrepancy
19 forms. Inmate request forms of the actual inmate grievances
20 that you have in your hand do not come to me.

21 Q. I understand that. I just wanted to make clear the
22 fact that there is a procedure in place that requires these
23 grievances?

24 A. Correct, yes.

25 Q. You also told Judge Cocheres that refunds are made

1 under a recommendation. Do you have personal knowledge of
2 that, that it ever actually occurred?

3 A. That it ever has occurred?

4 Q. Yes.

5 A. There have been two or three times since I've worked
6 here that -- since the prepaid system has started, I've never
7 seen a refund on a collect call. I have seen a refund on a
8 prepaid phone card before for the connection fee. I have
9 seen that.

10 Q. This is of your personal knowledge?

11 A. Yes. I have seen it. I didn't credit it myself
12 because I cannot do that. But I have seen the refund.

13 MR. FEIGLEY: Okay. That's -- I am finished,
14 Judge Cocheres; thank you.

15 Thank you, ma'am.

16 JUDGE COCHERES: Is there any recross for the
17 witness?

18 MR. FAIRALL: No, Your Honor.

19 MR. KAZEE: Judge, this is Bruce Kazee.

20 JUDGE COCHERES: Yes?

21 MR. KAZEE: Can I be permitted to ask a very
22 brief question?

23 JUDGE COCHERES: Yes, Mr. Kazee, you can.

24 For Mr. Feigley's information, Mr. Kazee is
25 in-house counsel for Verizon Select.

1 JUDGE COCHERES: Could you spell the name?

2 MR. KAZEE: Yes. My last name is K-a-z-e-e.

3 MR. FEIGLEY: Thank you.

4 CROSS EXAMINATION

5 BY MR. KAZEE:

6 Q Ms. Ashelman, can you hear me?

7 A. Yes.

8 Q. With respect to the refunds, who makes the decision
9 as to whether a refund should be granted?

10 A. Securus Call Control does.

11 Q. What is your involvement? And I think you indicated
12 that you may be involved in making a recommendation of a
13 refund. Can you explain how that works?

14 A. Sure. Let me go back to the other part. I'm not
15 100-percent sure that it's just Securus. They may work with
16 Verizon. I'm not 100-percent sure of that, so just to let
17 you know.

18 I have -- like I said, there is a termination reason
19 on the call detail report that says "debit fund server
20 error". If I see an error like that, I will call VCS, open
21 up a ticket to try to get a refund back because that was a
22 server error. That's the only instance I've ever had where I
23 felt that they should have opened up a ticket and research
24 it. Does that answer your question?

25 Q. Yes; thank you. One other question. I think you

1 indicated that you had, I think, ten months of records of
2 calls by Mr. Feigley. Do your records indicate how many
3 calls Mr. Feigley has made over the last 10 or 12 months?

4 A. I have all of his calls from May 6th of 2004. I have
5 a total of 340 calls.

6 Q. That were placed by Mr. Feigley during that period of
7 time?

8 A. Correct. We had all calls that had went through.

9 MR. KAZEE: Thank you very much, that's all I
10 have.

11 Thank you, Judge.

12 JUDGE COCHERES: Mr. Feigley, you always have
13 the opportunity to ask follow-up questions if you need it.

14 MR. FEIGLEY: I'm finished, Your Honor.

15 JUDGE COCHERES: Fine. The witness is
16 excused; and thank you for coming, Ms. Ashelman.

17 (Witness excused)

18 JUDGE COCHERES: Mr. Feigley, do you have
19 another witness?

20 MR. FEIGLEY: I do. Should we let this lady
21 go her way?

22 Sorry I kept you so long.

23 MS. ASHELMAN: That's okay.

24 MR. FEIGLEY: I call Dennis Durant.

25 JUDGE COCHERES: Would that be Captain Durant?

1 MR. FEIGLEY: That's correct.

2 JUDGE COCHERES: Sir, would you raise your
3 right hand?

4 Whereupon,

5 DENNIS DURANT (by telephonic/video)
6 having been first duly sworn, testified as follows:

7 JUDGE COCHERES: Would you tell us your name
8 and your business address, please?

9 THE WITNESS: Okay. It's Captain Dennis, D-e-
10 n-n-I-s, Durant, D-u-r-a-n-t. SCI Frackville, 1111 Altamont,
11 A-l-t-a-m-o-n-t, Boulevard, Frackville, F-r-a-c-k-v-I-l-l-e,
12 Pennsylvania, 17931.

13 JUDGE COCHERES: By whom are you employed,
14 sir, and in what capacity?

15 THE WITNESS: Pennsylvania Department of
16 Corrections. I'm the Intelligence Captain at SCI Frackville.

17 JUDGE COCHERES: Okay. Just to help me along,
18 tell me what your duties are.

19 THE WITNESS: My job is to maintain, gather
20 intelligence and maintain the secure environment inside the
21 prison, security captain basically.

22 JUDGE COCHERES: Thank you.

23 Mr. Feigley, please continue.

24 MR. FEIGLEY: Thank you.

25 DIRECT EXAMINATION

1 BY MR. FEIGLEY:

2 Q. Mr. Durant, you supervise the operation of the phone
3 system so far as it relates to security; is that correct?

4 A. Correct.

5 Q. And you were trained to do this job in some way?

6 A. Yes.

7 Q. How were you trained?

8 A. By T-Netix and in Shawn Tech Corporation.

9 Q. I'm sorry, my hearing is not the best. And my
10 telephone calls are recorded; is that correct?

11 A. All inmate calls are recorded.

12 Q. It would be very easy to check those recordings to
13 see if any illegal service is being used; is that correct?

14 A. Correct.

15 Q. Was that done in my calls?

16 A. I don't know.

17 Q. You did not do it?

18 A. No.

19 Q. But all these grievances about the disconnections,
20 nobody actually listened to the calls to see what the reason
21 was? What happened was by what the computer told them?

22 A. If you wrote us, we would research it.

23 Q. I filed a grievance on the 3rd of March of last year.
24 It has your name written on the bottom. Phone, and your name
25 written at the bottom. Did you respond to that or

1 investigate?

2 (Handing document to witness)

3 MR. FEIGLEY: For the record, this is
4 Feigley's 3A that was submitted ahead of time.

5 JUDGE COCHERES: Just a moment and let us
6 catch up to you.

7 (Pause)

8 MR. FEIGLEY: You didn't respond, that's why
9 I'm asking. Why don't I give you this? It starts at
10 Feigley's 3A and goes on.

11 JUDGE COCHERES: Mr. Feigley...

12 MR. FEIGLEY: Sir?

13 JUDGE COCHERES: Would you tell me the
14 grievance number on that item?

15 MR. FEIGLEY: It is 77522.

16 JUDGE COCHERES: I'm sorry, sir. You did not
17 send that to us.

18 MR. FEIGLEY: I'm sorry, that's the wrong
19 number. It's 92761.

20 JUDGE COCHERES: Yes. We have that and it is
21 marked 3A, thank you.

22 (Whereupon, the document was marked Feigley
23 Exhibit No. 3A for identification)

24 BY MR. FEIGLEY:

25 Q. This grievance and subsequent request trips that were

1 added to it, one dated 14 August and one dated 25 August, all
2 relate to disconnected phone calls. Did you investigate any
3 of those?

4 A. My name is not at the bottom of these.

5 Q. No. You didn't investigate any of those?

6 A. Not that I know.

7 Q. You wouldn't know if these disconnections were
8 actually by something that my wife or I had done, or if the
9 computer was just plain wrong?

10 A. I personally haven't researched those complaints.

11 Q. Okay. So you have no knowledge about that?

12 A. Correct.

13 Q. The grievance that I showed you in the first place,
14 that they say that I did not submit as an exhibit which is
15 No. 77522, that does have your name on it?

16 A. Correct.

17 Q. Did you get that grievance?

18 A. Yes, I did.

19 Q. What did you do?

20 A. I responded back to you and I said that the
21 Department Of Corrections' policy states, I believe, that
22 randomly selected calling either goes two or three times
23 during a 15-minute phone call. You requested a refund. We
24 denied that refund.

25 Q. Thank you. You don't really have any authority to

1 authorize refunds, do you?

2 A. No, I do not.

3 Q. So I may treat it as a telephone matter, not a DOC
4 matter, right?

5 A. Yes, basically.

6 Q. Okay. While I'm making a telephone call a guard also
7 monitors these calls; does he not?

8 A. Sometimes.

9 Q. Now from the testimony that we heard just a minute
10 ago I get the impression that the sensitivity of this system
11 cannot be changed at the listening post. Is that correct or
12 incorrect?

13 A. That's correct.

14 Q. So the guard who is eavesdropping on the call can't
15 change the sensitivity?

16 A. The guard is monitoring the phone call. He's not
17 eavesdropping.

18 Q. The answer is "yes" or "no".

19 A. He can't change the sensitivity, no.

20 Q. Can he disconnect the call?

21 A. No, he cannot.

22 Q. So he listens but he can't do anything about it?

23 A. Correct.

24 Q. What's the point of listening?

25 MR. FAIRALL: Objection. I don't think that's

1 part of the case here, evidence irrelevant to the case. It
2 has to do with the security of the institution.

3 MR. FEIGLEY: Withdraw.

4 BY MR. FEIGLEY:

5 Q Do you check the time again, how long the calls last?

6 A No.

7 Q Do you check the accuracy of the system's timing?

8 A No.

9 Q What does it cost you to make a long-distance call to
10 Harrisburg?

11 A I don't know.

12 MR. FEIGLEY: That's all I have, Judge
13 Cocheres; thank you.

14 JUDGE COCHERES: Does anyone have any
15 questions for the witness on cross examination?

16 (No response)

17 JUDGE COCHERES: Hearing none - Captain
18 Durant, I'm pausing here because I'm trying to remember if I
19 have any questions for you; and I don't think I do. The
20 witness is excused.

21 THE WITNESS: I'm a supervisor here at this
22 video conference. That's sort of my duties, telephones.

23 JUDGE COCHERES: That's fine. It's actually a
24 public hearing. Even if it wasn't in your duty, you could
25 stay. Thank you.

1 (Witness excused)

2 JUDGE COCHERES: Mr. Feigley, Captain Durant
3 is excused as a witness. Do you have another witness you
4 want to call?

5 MR. FEIGLEY: I'm going to let my wife
6 testify.

7 JUDGE COCHERES: All right, Ms. Feigley, would
8 you raise your right hand?
9 Whereupon,

10 SANDRA FEIGLEY
11 having been first duly sworn, testified as follows:

12 JUDGE COCHERES: Would you tell us your name
13 and address, please?

14 THE WITNESS: Sandra Feigley, Box 15541,
15 Harrisburg, Pennsylvania, 17105.

16 JUDGE COCHERES: Mr. Feigley, are you going to
17 conduct this direct testimony?

18 MR. FEIGLEY: I think she has evidence to give
19 on her own accord.

20 JUDGE COCHERES: Okay. Ms. Feigley, why don't
21 you tell me about the problem that brings us here today?

22 STATEMENT

23 THE WITNESS: Okay. I subscribe to a
24 telephone service with several telephone numbers including
25 717-236-6045 and 717-856-4487. I do not subscribe to any or

1 use any so-called custom calling features, no call-waiting,
2 no three-way. I have never subscribed to or used any of
3 these services. However, this brings me to another issue
4 with this service.

5 I was going to bring my telephone invoice
6 from Verizon showing that I do not have any of these
7 services, and this bill had important information for
8 customers showing the rate increases for the telephone
9 service. When I was trying to find out how they arrived at
10 the cost of my telephone bill, I noticed, low and behold, I
11 am a subscriber to a service starting in March that I never
12 subscribed to. And when I asked...

13 MR. FEIGLEY: March of what year?

14 THE WITNESS: March of 2005. I will read this
15 information. This will take a second.

16 JUDGE COCHERES: Take your time.

17 THE WITNESS: Okay, thank you. Here it says,
18 March 22nd, 2005 Order Number POEA19102. It is listing that
19 -- okay, now I'm having trouble finding it again.

20 JUDGE COCHERES: Take your time. We'll take a
21 minute.

22 (Pause)

23 THE WITNESS: They're very hard to read.
24 Okay, here we go. Partial monthly charge for adding service
25 from March 23, 2005 through April 12, 2005; call forwarding

1 add \$3.00 per month.

2 JUDGE COCHERES: Hold on.

3 (Audio/video temporarily disconnected)

4 JUDGE COCHERES: Did you all get cut off
5 there? Mr. Feigley, did you get cut off there?

6 MR. FEIGLEY: You got cut off, as far as we're
7 concerned.

8 JUDGE COCHERES: Yes, okay. The screen
9 flipped on us in the middle of your wife's comments there.
10 Why don't you start reading with the words,
11 "partial service"?

12 THE WITNESS: Okay. Partial monthly charge
13 for adding service from March 23, 2005 through April 12,
14 2005; call forwarding at \$3.00 per month but they charged me
15 \$2.10. Then plus their taxes upon that.

16 I have never authorized having call
17 forwarding attached to my phone, ever; and I understand that
18 this is called cramming? Now I'll go back to the rest of my
19 testimony.

20 I received and have in the past received
21 collect telephone calls from prisoners in State Prison who
22 are required to use the Verizon monopoly. The monopoly
23 includes the system and the billing of T-Netix
24 Communications. The Verizon/T-Netix monopoly also includes
25 the Pennsylvania Department Of Corrections or DOC as a

1 partner which profits to the tune of \$6 million a year from
2 the system and which helps to operate the system. Some of
3 the money kicked back to DOC comes from me.

4 At the Frackville Prison, Robert Shannon is a
5 Department Of Corrections Agent in control of the telephone
6 system. He is the individual Respondent named before the
7 Commission in this Complaint. My husband, George Feigley,
8 the Co-complainant in this matter, is a prisoner in the State
9 Correctional Institution at Frackville, Pennsylvania. He
10 calls me frequently using the Verizon/T-Netix system.

11 The Verizon/T-Netix system is operated in
12 part by a computerized scheme. It is slow and unreliable.
13 During a typical conversation the computerized systems
14 interrupts with announcements which I cannot avoid. During
15 the interruptions the conversation is suspended. I am
16 charged for the time during which the interruptions are made,
17 approximately one minute for the four interruptions combined.
18 I have timed the length of the telephone calls. They are
19 typically shorter than the time charged by the Verizon/T-
20 Netix monopoly.

21 Collect calls to me are charged on a scheme
22 of \$2.77 for the first minute, plus \$0.27 for each additional
23 or part of a minute. By these prices, the cost to me of a
24 15-minute telephone call with my husband costs me \$6.55. In
25 addition, I am charged numerous taxes and fees. The result

1 is that I pay in excess of \$0.52 per minute for conversations
2 to Frackville, a distance of about 50 miles. These are far
3 in excess in the charges stated to me at the beginning of the
4 telephone call before I accept the charges.

5 The charges imposed by the Verizon/T-Netix
6 monopoly are at least 12 times the amount that I am charged
7 for similar service with other carriers. It imposes a great
8 hardship. I have no choice but to pay the greatly inflated
9 charges if I wish to talk to my imprisoned husband. The
10 Verizon/T-Netix monopoly rates are grossly excessive,
11 unreasonable and punitive to the extent that a government
12 agency, the Department Of Corrections, shares in the
13 unreasonable burden of my right of speech. The fees violate
14 the First Amendment.

15 On many occasions conversations have been
16 disconnected by the Verizon/T-Netix system where I have done
17 none of the prohibited things.

18 I have called Amanda Ashelman, who had
19 testified, many times and spoke to her personally in the past
20 and notified her that our conversations were being
21 terminated; and she always told me that there was nothing
22 that I could do about it, and gave me a number to call at
23 Verizon Select Services because I was told that Lisa -- and I
24 don't have any further name than that -- would be able to
25 open a ticket and get a refund for me.

1 When I spoke to Lisa, her remark was: "You're
2 not getting your money back". But she would give me a number
3 to call at T-Netix, who also assured me I would not be
4 getting any money back. In order to reconnect the
5 conversations which were cut off, again I had to pay the
6 exorbitant \$2.77 connection fee.

7 And while the Respondents already have all of
8 my telephone bills and can easily see which calls were
9 disconnected, I refer to the two bills submitted as Feigley's
10 Exhibits 1 and 2.

11 (Whereupon, the documents were marked
12 Feigley Exhibit Nos. 1 & 2 for
13 identification)

14 JUDGE COCHERES: Just a minute, Ms. Feigley,
15 let me check. I know you sent us stuff. I want to make sure
16 we did get the right bills.

17 (Pause)

18 JUDGE COCHERES: Ms. Feigley, by any chance
19 did you bring the originals that made up these copies?

20 THE WITNESS: No. I'm sorry, I did not.

21 JUDGE COCHERES: Okay. Finish your statement
22 and then I'll have some questions about these exhibits.

23 THE WITNESS: It would be noted at the heading
24 of each bill is T-Netix/VSSI for the corporation of T-Netix
25 and Verizon Select Services, Inc. The bills prove that

1 Verizon and T-Netix are associated in business practices, and
2 that T-Netix acts as an agent for Verizon to collect
3 telephone payments. Apparently, like DOC, T-Netix receives a
4 kickback or fee splitting.

5 On the two examples bills, calls were
6 disconnected and reconnected on 30 June, 2004; 14 June, 2004;
7 11 August, 2004; 14 August, 2004; 23 August, 2004; and twice
8 on 25 August, 2004. In addition there have been numerous
9 other disconnections. It will be noted on each of these
10 occasions the Verizon/T-Netix system charged me for more than
11 15 minutes of total talk time even though the system limits
12 calls to only 15 minutes.

13 On several occasions my telephone service was
14 mysteriously disconnected or blocked without warning. I
15 repeatedly phoned and wrote to T-Netix, which was then the
16 primary contractor of the monopoly. In this corporate shell
17 game, Verizon was then my billing agent and local service
18 provider. I received no satisfaction or adjustments from the
19 monopoly.

20 I was coerced into accepting a direct account
21 with T-Netix, although I certainly didn't want it. I was
22 billed about every 15 days in that account, and charged taxes
23 each time. On at least one occasion after Verizon became the
24 primary contractor and T-Netix the subcontractor, I was
25 double-billed by both companies for a collect calls. I am

1 still billed by T-Netix on behalf of Verizon. In order to
2 pay each bill in the manner it is paid by cash, check,
3 electronic check or credit card or money order, I am charged
4 a \$3.99 fee for paying my bill.

5 I wish to discontinue my dealings with
6 T-Netix, but fear that I may lose contact with my husband
7 since the partnership between Verizon and T-Netix is so
8 intimate. Both of these corporations appear to be
9 disreputable.

10 Shortly before filing the present complaint,
11 I was plagued by problems and disconnections. By that time
12 Verizon was the primary contractor. In good faith, I called
13 their Customer Service Department in Philadelphia and spoke
14 to a person who called herself Lisa. It was -- she was very
15 rude, unresponsive, unprofessional and her treatment finally
16 induced me to file the present complaint. Verizon -- and I
17 have a short article that I published regarding the incident.

18 Verizon refused to make adjustments or
19 refunds and was abusive in dealing with me. The monopoly
20 acts as if it has no public responsibility. Even where
21 telephone calls are not disconnected, my conversations are
22 frequently interrupted by extraneous tones as if the prison
23 sensor is attempting to disconnect the call. On many
24 occasions where my husband says a word that starts with an
25 "s", the system seems to want to disconnect; and we will

1 temporarily lose contact with each other, and then it will be
2 normal again.

3 On occasions when I tried to communicate with
4 Verizon or its agents, T-Netix, I've been stranded on hold
5 for as long as an hour. I've tried to correct certain
6 problems by dealing with one Amanda Ashelman at the
7 Frackville Prison. She appears to be the agent for both
8 Verizon and the prison. She was less than forthcoming.

9 This concludes my direct testimony. I move
10 that my exhibits, including the article, "Make Verizon Refund
11 For Disconnected Calls" at www.prisoners.com/lisa.html, be
12 admitted into evidence.

13 MR. STEWART: I'm going to object, Your Honor,
14 to the admission of the article. It hasn't been provided to
15 us. It's not evidence. If Ms. Feigley is here, she can
16 testify. There's no reason why she has to put in the
17 article, and I don't have a copy of it.

18 MR. FEIGLEY: It's online, Your Honor.

19 MR. STEWART: That doesn't comply with the
20 Commission's Regulations for Admission of Exhibits.

21 JUDGE COCHERES: Mr. Feigley, we have no
22 reason to go online to check for articles. Now your wife did
23 bring a copy of the article, at least one, into the hearing
24 room here. First, I'd like to see it.

25 (Handing document to Court.)

1 (Pause)

2 JUDGE COCHERES: I'm going to pass it now for
3 Mr. Stewart to take a quick look at it.

4 (Handing document to Attorney Stewart.)

5 (Pause)

6 MR. STEWART: Not only hasn't been provided,
7 your Honor. The fact that she's brought one copy now for me
8 to look at doesn't improve, cure that problem. But it's
9 redundant, as well. I mean, she's already basically said
10 everything that's in here. So I don't see any reason to
11 admit it for that reason, as well, your Honor. I renew my
12 objection.

13 (Handing document to Court.)

14 JUDGE COCHERES: I'm not sure that I'm going
15 to agree that she said everything that's on this page.

16 Ms. Feigley, I'm going to admit this article.
17 You are here. You have identified it as something you wrote.
18 It's not exactly the same as what you testified to.

19 It will be your responsibility to provide two
20 copies of that article to the court reporter, and one copy to
21 me and to each of the other parties here in the room. If we
22 were in the building that I normally work in, I might be able
23 to help you with that; but we're not. So as far as I'm
24 concerned, that will be your responsibility to complete.

25 You tell me, how soon do you think you can

1 have that sent out to all the parties?

2 THE WITNESS: Today.

3 JUDGE COCHERES: Today you could make copies,
4 all right. Today is Friday. I will give you until Wednesday
5 of next week to put those things all in the mail.

6 MR. STEWART: Your Honor, I'm going to object
7 on one other ground. That exhibit, if I recall correctly,
8 has several lines that are attributed to a Verizon employee
9 who is not identified and who we can't tell who she is. It's
10 hearsay. I ask at least that those sections be stricken.

11 JUDGE COCHERES: Would you give me the article
12 back please, Ms. Feigley?

13 (Document handed to Court.)

14 (Pause)

15 JUDGE COCHERES: Mr. Stewart, in her testimony
16 she talked about Lisa, as well as in this article. It's been
17 my experience, and I know you have many years of experience
18 with the Utility Bar, that when you're dealing with customer
19 service representatives from any company they do not normally
20 give you their full name. So I'm going to overrule that
21 objection, as well.

22 MR. FAIRALL: Will we have the right to
23 respond to that, if it's appropriate, once we have seen it
24 and have a chance to review it?

25 JUDGE COCHERES: Well I think what I'm going

1 to do is, when we finish Ms. Feigley's testimony, I will take
2 a minute to allow both you and Mr. Stewart to read the
3 article in its entirety; and you will be able to do your
4 cross examination after you've read the article.

5 MR. FAIRALL: Thank you, sir.

6 MR. KAZEE: Judge, this is Bruce Kazee. Is
7 there some way that a copy of the article can be provided to
8 me, as well, before the hearing is concluded?

9 JUDGE COCHERES: No, sir, I can't. We are not
10 in my building. We are in a building across the street from
11 my offices. I do not have access to fax, and I do not have
12 access to -- well we actually happen to have a State phone in
13 the conference room with us. But Mr. Stewart has officially
14 entered his appearance on behalf of you, and so the best we
15 can do with it right now is for him and Mr. Fairall to read
16 it.

17 I need to go on to some other subjects. Ms.
18 Feigley, you told me that you are charged a \$3.99 fee for
19 what?

20 THE WITNESS: That is, apparently they have
21 charged me for -- let me see exactly what they call it again.
22 I'm sorry...call forwarding?

23 JUDGE COCHERES: No.

24 THE WITNESS: I'm sorry.

25 JUDGE COCHERES: I believe you told me that

1 you were charged some sort of fee for paying your bill?

2 THE WITNESS: Oh, okay; I'm sorry. Yes. In
3 paying T-Netix, each time you would pay them be it their 15
4 days or now how they're billing one signal to a charge, what
5 they call a processing fee of \$3.99. When I had originally
6 received the notice, I thought it was for if you sent a check
7 to them. So I ran out and bought a money order, but I sent
8 them my money order for the exact amount. They didn't have
9 to have any problem with my bank account. And even then,
10 they tacked the \$3.99 processing fee onto my account.

11 MR. FAIRALL: Is that shown on your bill?

12 THE WITNESS: No. That is T-Netix. And today
13 when they sent the statement, they have a sheet of paper that
14 is attached to the front of it which tells you that there is
15 a processing fee. I'm not sure I have that with me. No,
16 it's not on the particular paper I brought with me.

17 JUDGE COCHERES: Ms. Feigley, the description
18 of exhibit as to - wait. We're disconnected; sorry.

19 (Audio/video temporarily disconnected)

20 MS. LESTER: Jerry is now overseeing our
21 entire hearing. So when he sees it goes down, he will bring
22 it right back up.

23 (Pause)

24 JUDGE COCHERES: All right, we're back on
25 line, I hope. Can Frackville hear us again?

1 MR. DURANT: Yes, we can.

2 JUDGE COCHERES: Thank you for your help and
3 patience.

4 Okay. Ms. Feigley, I was starting to talk to
5 you about your Exhibits 1 and 2. When you introduced them
6 you said: "You can see from the top of the page that it says
7 T-Netix/VSSI." As you can see from the top of our page, it
8 says no such thing. That's why I asked you if you have the
9 original document with you.

10 THE WITNESS: Not that one. But this is how
11 it appears.

12 (Handing document to Court.)

13 JUDGE COCHERES: For the record, Ms. Feigley
14 has provided yet another bill. I'm going to pass them to Mr.
15 Fairall and Mr. Stewart to take a look at.

16 (Handed document to Attorneys Fairall and
17 Stewart.)

18 (Pause)

19 JUDGE COCHERES: Ms. Feigley, I'm going to
20 show you what is marked as Feigley Exhibit No. 1. And it
21 appears to me that you have put a mark next to almost every
22 call that was not 15 minutes long; is that right?

23 (Handing document to witness.)

24 THE WITNESS: Yes. Because we always talk up
25 until they disconnect us, at least until we have the 15-

1 second warning.

2 JUDGE COCHERES: Are you telling me then that
3 because the call was disconnected sooner than 15 minutes,
4 that you claim that these calls were terminated prematurely
5 by the system?

6 THE WITNESS: Yes. It will actually tell you
7 that it's being disconnected because you are using a service
8 that's prohibited. It will tell you that. But we always
9 talk until it cuts us off. And, you know, I believe that my
10 husband had a business telephone call when he spoke to
11 Aranda.

12 JUDGE COCHERES: Did you intend to make your
13 Verizon bill an exhibit today?

14 THE WITNESS: No.

15 JUDGE COCHERES: All right. I'm going to
16 label the article that you were the author of as Feigley
17 Exhibit No. 4, I believe, because you pre-numbered some
18 exhibits and I see that you have an Exhibit 4.

19 (Whereupon, the document was marked Feigley
20 Exhibit No. 4 for identification)

21 JUDGE COCHERES: All right. With that I am
22 going to go off the record for just a moment and allow Mr.
23 Stewart and Mr. Farrell to look at your article, as I said I
24 would, so that they can get to do their cross examination.

25 (Discussion off the record.)

1 JUDGE COCHERES: Let's go back on the record.
2 As I indicated before, Mr. Fairall and Mr. Stewart were to
3 examine the article. Mr. Stewart has indicated he has some
4 cross examination.

5 CROSS EXAMINATION

6 BY MR. STEWART:

7 Q. Good morning.

8 A. Good morning.

9 Q. First I'll ask you about this article. Who is Irene
10 Lest?

11 A. In this case, this is a pen name.

12 Q. Okay, it's an alias. Do you have any other aliases?

13 MR. FEIGLEY: Object; it's irrelevant.

14 MR. STEWART: No. It goes to the credibility
15 of the document. If she claims that she wrote it and it's
16 someone else's name at the top, that's not...

17 MR. FEIGLEY: She testified she was the
18 author.

19 MR. STEWART: The document speaks otherwise,
20 Mr. Feigley.

21 JUDGE COCHERES: Mr. Feigley, I understand
22 your objection. It is overruled.

23 Continue, Mr. Stewart.

24 BY MR. STEWART:

25 Q. So when this article speaks, "When one of our

1 editors," is that you, too?

2 A. Yes.

3 Q. So this is actually you? It's just that you put
4 somebody else's name on it?

5 A. Yes.

6 Q. You don't have Lisa's name?

7 A. No. She wouldn't give it to me.

8 Q. Did she say where she was?

9 A. No, she would not. I was given a telephone number.
10 I called the telephone number. She would tell me nothing.
11 Except I explained my problem to her and she says: I can tell
12 you now, you're not getting your money back. And then I
13 proceeded to talk to about five different people at T-Netix
14 and their locations.

15 Q. Did you tape record this call or did you remember it?

16 A. No. I don't sensor my telephone calls.

17 Q. You think recording and censoring are two different
18 things, okay.

19 MR. STEWART: Your Honor, I'm going to renew
20 my objection. I don't think it's relevant. It's hearsay.
21 It wasn't provided to us before. So we had no chance to
22 investigate it, try to find out who this Lisa person was. I
23 think it's unfair and it's surprise, and it shouldn't be
24 permitted. But I renew my objection.

25 JUDGE COCHERES: I understand you're

1 preserving your position. Do you have any other cross
2 examination?

3 MR. STEWART: Yes, Your Honor; I'm sorry.

4 BY MR. STEWART:

5 Q. Ms. Feigley, you said you had timed telephone calls
6 to your husband. How do you do that?

7 A. I don't.

8 Q. You testified just a few minutes ago that you
9 sometimes timed the telephone calls.

10 A. My husband times them, and you can tell by the time
11 when they've been cut off and they're reconnected. We call
12 and reconnect them. You get more than -- it chocks up more
13 than 15 minutes, and 15 minutes is the only amount of calling
14 time that the computer will allow per day.

15 And there's also a question about when they start and
16 so forth. Sometimes when they pick up the phone the
17 recording is already well underway.

18 Q. How do you know that?

19 A. Because when I pick it up to say hello, it's already
20 telling me what the charges are and what button to push. It
21 doesn't tell me who is calling me. It's already well past
22 that part. There's no consistency to the system.

23 Q. You say you were coerced into a direct bill account.
24 Can you explain to me how you were coerced?

25 A. It's the only way I could get my telephone calls.

1 Q. Why is that?

2 A. Because it's the way that Verizon and T-Netix has set
3 up their telephone system. There was a period of time when I
4 was being billed by both companies. And Verizon finally,
5 after a long period of time, had credited me from the double
6 billing. I believe it was credited for all of it. I'm not
7 sure.

8 Q. Are you a Verizon local service customer?

9 A. Yes, I am.

10 Q. Are you currently toll-denied on that account?

11 A. Pardon?

12 Q. Are you currently toll-denied on that account?

13 A. I'm sorry, I'm not hearing what word you're saying.

14 Q. Are you toll-denied? Are you able to make long-
15 distance telephone calls?

16 A. Oh, I don't have -- I use my cell phone for all long-
17 distance phone calls. I'm not toll-denied, no.

18 Q. Do you have long-distance service?

19 A. No. I use my cell phone. I can call all over the
20 world.

21 Q. When you terminated your long-distance service, was
22 that about the same time you got something from T-Netix
23 saying that you would need to be direct billed?

24 A. No. I've never had long-distance service with
25 Verizon before. I had AT&T. And I have several years

1 cancelled that service.

2 Q. I want you to -- I looked over the telephone bill
3 that you provided, the T-Netix telephone bill.

4 A. That was not an exhibit.

5 Q. I understand that. I didn't happen to notice a \$3.99
6 charge. Would you show me?

7 A. I told Judge Cocheres I did not have that paper with
8 me.

9 Q. Okay. We asked you some discovery about this -
10 MR. STEWART: I'm not going to mark this,
11 Your Honor. I'm just going to ask the witness to look at it,
12 about the basis for the \$3.99 fee.

13 Q. And in response you provided us with a document from,
14 it looks like it's from T-Netix. I'd like you to take a look
15 at that and see if that looks like what you provided to me.

16 (Handing document to witness.)

17 A. Yes.

18 Q. Could you read to me the paragraph at the bottom?

19 A. The whole paragraph?

20 Q. Yes.

21 A. "We now accept credit card and personal check
22 payments by telephone by calling 800-397-7115. To enter your
23 T-Netix account number and the amount you are paying, you are
24 authorizing us to automatically deduct the amount from your
25 back or charge your credit card. There is a \$3.99 charge to

1 use the system, and the payments will be posted to your
2 account the next business day. For assistance with this
3 transaction please call 888-387-1393. This is just another
4 way we are working to improve our service to you. T-Netix,
5 Inc. Inmate calling under control."

6 Q. Thank you.

7 (Handing document to Attorney Stewart.)

8 Q. I believe you said that you are charged more for
9 these telephone calls to your husband than you are for
10 similar services by other carriers, I believe is what you
11 said. Are you talking about long-distance service to
12 somebody who is not incarcerated? Are you talking about
13 calling other inmates at other correctional facilities?

14 A. None of the correctional facilities allow people on
15 the outside to call inside.

16 Q. So what are you talking about? Explain to me your...

17 A. I can call Guatemala for 15 minutes for \$2.00.

18 Q. But you're not calling into a correctional facility?

19 A. No.

20 MR. STEWART: I don't have any other
21 questions, Your Honor.

22 JUDGE COCHERES: Mr. Fairall?

23 MR. FAIRALL: Yes, I do.

24 CROSS EXAMINATION

25 BY MR. FAIRALL:

1 Q. Ms. Feigley, when you read your discourse you
2 indicated that at one time there were sounds on the phone
3 that sounded like the prison sensor was attempting to
4 disconnect the call?

5 A. That's correct.

6 Q. You prepared that obviously before today?

7 A. Yes. This happened several times.

8 Q. No. I'm saying you prepared your testimony before
9 today. You heard the testimony of Captain Durant that the
10 people who monitor the phones within the security system
11 cannot disconnect. Did you hear that?

12 A. I heard him say that.

13 Q. Do you have evidence to show, other than your own...

14 A. We're off again.

15 (Audio/video temporarily disconnected)

16 JUDGE COCHERES: Frackville, can you hear us
17 again? Oh, wait a minute. Frackville, can you hear us now?

18 MR. FEIGLEY: We can hear you. We can't see
19 you. Now we've got you.

20 JUDGE COCHERES: Okay. Mr. Fairall, please
21 continue.

22 THE WITNESS: I had finished just saying that
23 yes, I heard him say that.

24 BY MR. FAIRALL:

25 Q. You heard him say that, okay. But you don't believe

1 that?

2 A. No.

3 Q. Do you have evidence, other than your own personal
4 belief, that someone who is monitoring the phone calls at
5 Frackville in the security office can disconnect?

6 A. I have heard of guards apologizing to inmates that
7 they accidentally cut off their call.

8 Q. You have heard the guards say that?

9 A. It's hearsay on my part. I did not actually hear the
10 guard. An inmate had told me there were apologies for having
11 telephone calls cut off.

12 Q. There were apologies by -- do you have the name of
13 the inmate that told you that?

14 A. No, I do not.

15 Q. So you have an unnamed inmate indicating to you?

16 A. Yes.

17 Q. From Frackville?

18 A. No.

19 Q. From another Pennsylvania institution?

20 A. Yes.

21 Q. What institution would that be?

22 A. Huntington.

23 Q. So you have an unnamed person from Huntington, and
24 you were talking to that unnamed person on the phone?

25 A. No. It was another conversation through letter.

1 Q. So you have it in writing?

2 A. I do not have the letter anymore. I would not get
3 another person involved who is not part of this; I'm sorry.
4 But the other reason that I do not believe him...

5 Q. Let's stick with this.

6 A. I will not do that without the person's permission.

7 Q. So you know the name of the person. You're not
8 giving it. He's the one that told you in a letter that a
9 corrections officer apologized to him because he was cut off
10 from a telephone call?

11 A. That he said he apparently accidentally cut it off.

12 Q. That's what you were saying, okay. Do you have any
13 other indications?

14 A. Only that I have repeatedly heard -- my husband would
15 call and he'll say, use a word that starts with an "s" like a
16 hissing sound, you know, kind of a hissing sound where you
17 say an "s". The phone will either -- it sounds like somebody
18 was like intercepted. It changes the whole quality of the
19 telephone call. And a couple of times it actually ended in
20 getting us cut off, and other times it will like come back to
21 its normal thing.

22 I always thought it was somebody else like that he
23 got the phone or somebody else pushing a recorder or
24 something. It's a strange noise. When the system first
25 started several years ago, this would happen on almost every

1 telephone call, that you could hear a person coming in as
2 though they were coming in to monitor. Since I'm not a
3 telephone operator, I don't know exactly what it is. But I
4 would assume it sounds like somebody was pushing a button to
5 change the whole call.

6 This will happen with, like I say, certain words. I
7 didn't know if they watch for certain words. I don't know
8 what they do to monitor. I don't know. But it seems like
9 somebody has the option of cutting them off if they want to.

10 Q. It's a sound that you hear. It's like someone
11 pushing a button?

12 A. It's not a clicking noise. It's a noise as though
13 somebody, like a recorder or something going in like the
14 background. It's that kind of noise. It's not a clicking,
15 you know, a noise like that at all.

16 Q. You've noticed that that happens when your husband
17 might be using the "s" sound?

18 A. Yeah. Like "sure" or something, you say something
19 like that, it will cause something to happen.

20 MR. FAIRALL: That's all I have; thank you.

21 JUDGE COCHERES: Ms. Feigley, do you use a
22 cordless phone at your home?

23 THE WITNESS: Yes.

24 JUDGE COCHERES: And you mentioned that you
25 have more than one telephone number. How many telephone

1 numbers do you have available to you in your home?

2 THE WITNESS: Three, if you include my cell
3 phone.

4 JUDGE COCHERES: Okay. Is your cell phone
5 listed on your husband's approved call list?

6 THE WITNESS: Yes.

7 JUDGE COCHERES: So you get calls on the cell
8 phone, as well?

9 THE WITNESS: Yes.

10 JUDGE COCHERES: Are any of the calls that you
11 have talked about calls that were, that you think were cut
12 off prematurely on your cell phone?

13 THE WITNESS: I can't recall. Maybe he might
14 remember better because he uses his card to call on that. I
15 don't know.

16 JUDGE COCHERES: Okay. Well we'll get to his
17 testimony later, if he's going to present any.

18 Would you agree with me that during the
19 course of the morning that we've spent together, some of it
20 even on the video conference phones, that almost everybody in
21 this room has a cell phone, right?

22 THE WITNESS: Right.

23 JUDGE COCHERES: Would you also agree with me
24 that, at least based on my personal experience, they're not
25 the most reliable phones in the world; are they?

1 THE WITNESS: No.

2 JUDGE COCHERES: No. They cut off calls
3 whether they're to prisons or anybody else, right?

4 THE WITNESS: Uh-huh.

5 JUDGE COCHERES: Okay. Are all of the phone
6 calls that you have listed, at least on the two bills Feigley
7 Exhibit 1 and Exhibit 2, those are all to hard-line phones?

8 THE WITNESS: Yes. They would be the only
9 ones on that bill.

10 JUDGE COCHERES: Those two lines, does the
11 cordless phone work on both of them?

12 THE WITNESS: The one telephone line I just
13 use for my computer, although I can use it. But we always
14 just call on the one line. I don't think that he's hardly
15 ever called on the other line.

16 JUDGE COCHERES: I understand entirely. I
17 used to have exactly that going on at my house, okay.

18 All right. Gentlemen, is there any further
19 examination of the witness based on my questions?

20 MR. FAIRALL: No, sir.

21 MR. FEIGLEY: Judge Cocheres, might I ask a
22 couple questions of her?

23 JUDGE COCHERES: You can, but not right yet.
24 I just need to hear from Mr. Stewart.

25 MR. STEWART: No, Your Honor.

1 JUDGE COCHERES: Okay, fine. Yes, Mr.
2 Feigley, you may ask some questions.

3 MR. KAZEE: Judge, this is Bruce Kazee. Could
4 I have an opportunity to ask just a couple of limited
5 questions?

6 JUDGE COCHERES: All right. We'll allow Mr.
7 Feigley to go last, and we'll allow Mr. Kazee to ask some
8 questions.

9 CROSS EXAMINATION

10 BY MR. KAZEE:

11 Q. Good morning, Ms. Feigley.

12 A. Good morning.

13 Q. Just very briefly, have you ever received a credit of
14 your wired-line telephone service from either T-Netix or VSSI
15 for the set-up charge associated with a call from your
16 husband?

17 A. I'm not sure I'm aware of what he means by that.

18 MR. STEWART: The initial fee charge or the
19 connection fee.

20 THE WITNESS: No.

21 BY MR. KAZEE:

22 Q. The other question I have for you is, your discussion
23 with the Verison service rep that you found to be
24 unsatisfactory, when did that occur?

25 A. I'm not sure of the exact date right now. It was, I

1 believe, last fall.

2 Q. In the fall of 2004?

3 A. I believe so. I made the call on my cell phone so I
4 would be able to find the exact date. But I do not have it
5 right now.

6 Q. Might it have been in the summer?

7 A. Sir, it's possible. I don't know the exact date.

8 MR. KAZEE: Very good, thank you. That's all
9 I have.

10 JUDGE COCHERES: All right. Mr. Feigley,
11 you've been waiting patiently.

12 CROSS EXAMINATION

13 BY MR. FEIGLEY:

14 Q. Hi, little wife. How are you doing?

15 A. Hello.

16 Q. Amanda testified that one of these disconnects was
17 because either I hung up on you or you hung up on me. Did
18 that ever happen?

19 A. No. I mean, she testified that. But I have never
20 hung up on you, nor have you ever hung up on me.

21 Q. This bill that Judge Cocheres asked about and wanted
22 to know why we have marked certain bills, the bill shows the
23 two calls were made on the same date, one right after
24 another; is that correct?

25 A. That's correct.

1 Q. When you called Lisa at Verizon in Philadelphia, did
2 she suggest she was going to do any investigations?

3 MR. STEWART: We object, Your Honor. I
4 object. The witness has already said she didn't know where
5 the person was, she didn't tell her. Now he's saying that
6 she called from Philadelphia. That has not been established
7 in the record.

8 MR. FEIGLEY: Strike Philadelphia.

9 MR. STEWART: Thank you.

10 BY MR. FEIGLEY:

11 Q. When you talked to Verizon's representative, Lisa,
12 did she suggest to you that she was going to do any
13 investigation before she denied you a refund?

14 A. No. She just told me that I wouldn't be getting any
15 of my money back.

16 Q. When you talked to her...

17 A. I asked to speak to a supervisor and so forth, and
18 they wouldn't put me in contact with anybody else.

19 Q. When you talked to Ms. Ashelman here about refunds,
20 did she give you any indication that she would investigate
21 before she decided whether or not you would get a refund?

22 A. No. She told me that she didn't have any authority
23 to do anything about refunds, and suggested I call that
24 number that's listed in the article and talk to them. She
25 said they would have to do it.

1 Q. Counsel interrogated you about making a tape
2 recording of phone calls. Are tape recordings of phone calls
3 legal in Pennsylvania?

4 A. No, they are not.

5 MR. FEIGLEY: I have nothing further, Judge
6 Cocheres.

7 JUDGE COCHERES: Any more questions for the
8 witness?

9 MR. STEWART: I just have one, Your Honor.

10 RE CROSS EXAMINATION

11 BY MR. STEWART:

12 Q. Ms. Feigley, are you a lawyer?

13 A. No, I'm not.

14 Q. I just wanted to know how you know that taping
15 telephone conversations in Pennsylvania is illegal?

16 A. It's common knowledge.

17 MR. STEWART: Thank you, that's all.

18 THE WITNESS: Unless the person is notified
19 that they are being recorded. I don't know, maybe both
20 parties have to. I just know you can't do it and it's
21 inadmissible in court.

22 MR. FAIRALL: I have one, Your Honor, if I
23 might?

24 JUDGE COCHERES: Sure.

25 RE CROSS EXAMINATION

1 BY MR. FAIRALL:

2 Q. Under examination by your husband or interrogation by
3 your husband, you indicated that you never hung up on him
4 during any of the phone calls?

5 A. That's correct.

6 Q. Nor did he hang up on you?

7 A. That's correct.

8 Q. You wouldn't know that, would you, unless he told
9 you?

10 A. Oh, yes, I would. We've been married a very, very
11 long time.

12 Q. I'm asking you, when the phone goes dead, you don't
13 know the reason the phone goes dead?

14 A. It will come on with a recording.

15 Q. As to what?

16 A. That I have three-way calling or a prohibited feature
17 is being attempted.

18 Q. Someone tells you right then?

19 A. Yeah. But I don't have those services.

20 Q. I understand that. So whenever there's an
21 interruption of your telephone or termination, I should say,
22 of your telephone calls, it tells you immediately the reason
23 for it?

24 A. Almost always. Now there are some times, there's
25 been times where it's gone beep, beep, beep, beep and

1 nothing. I have no idea what the means, and no recording has
2 come on. 100 percent of the time it is not one thing that it
3 does. Virtually 97 percent of the time or 98 percent of the
4 time it comes on saying that we're attempting to use a
5 prohibited feature. But there are occasions when all of a
6 sudden you're talking in the middle of a sentence and the
7 other person isn't there. But my husband doesn't hang up on
8 me and I don't hang up on him.

9 MR. FAIRALL: Thank you.

10 JUDGE COCHERES: If there are no more
11 questions for the witness, the witness is excused.

12 (Witness excused)

13 JUDGE COCHERES: Mr. Feigley, do you have any
14 more witnesses for me?

15 MR. FEIGLEY: I would like to testify, myself.

16 JUDGE COCHERES: All right. Let me take care
17 of some old business here.

18 Feigley Exhibits Nos. 1, 2 and 4 are
19 admitted.

20 (Whereupon, Feigley Exhibit Nos. 1, 2 and 4
21 were received in evidence.)

22 JUDGE COCHERES: We have heard testimony on
23 Exhibits 3A, B and c. But we have yet to have them really
24 authenticated for the record, and I'm not going to admit them
25 at this time. And I'm aware that there are objections to

1 Feigley Exhibit No. 4.

2 All right. Now, Mr. Feigley, do you want to
3 testify?

4 MR. FEIGLEY: Yes.

5 JUDGE COCHERES: Raise your right hand.

6 Whereupon,

7 GEORGE FEIGLEY

8 having been first duly sworn, testified as follows:

9 JUDGE COCHERES: All right, sir. Would you
10 tell us your name and address, please?

11 THE WITNESS: My name is George Feigley, F-e-
12 I-g-l-e-y. I'm a prisoner at SCI Frackville, 1111 Altamont
13 Boulevard, Frackville, Pennsylvania, 17 -- I don't even know
14 what the address is.

15 JUDGE COCHERES: That's okay, we have it. Now
16 tell me why you filed this complaint, sir.

17 STATEMENT

18 THE WITNESS: I'm George Feigley, a prisoner
19 of the State Correctional Institution of Frackville,
20 Pennsylvania; and for 38 years, the husband of Sandra
21 Feigley, the Co-complainant. In order to telephone my wife,
22 I have no authority to but to use the telephone monopoly
23 presently operated by Verizon Select Services, Incorporated
24 in partnership with the Pennsylvania Department of
25 Corrections, usually referred to as DOC.

1 The monopoly subcontracts with T-Netix to
2 provide a computerized technology, one of which ostensibly
3 performs the following functions: censors my phone calls and
4 allows guards to listen in; records the content of my calls
5 along with their date and time of day; controls the persons I
6 may telephone; limits how frequently I may telephone; times
7 the length of the calls; periodically interrupts my
8 conversation with an announcement which excludes my
9 conversation. The system also disconnects calls it doesn't
10 like, and keeps a record of all calls that it disconnects and
11 the supposed reason for the disconnections.

12 My understanding is the guard who eavesdrops
13 on the telephone calls can cut off the conversation and/or
14 can have the sensitivity adjusted so that ordinary background
15 noises will disconnect calls.

16 I further understand that recordings of my
17 telephone conversations are archived by the prison for
18 lengthy periods of times, and that the records of
19 disconnections are also archived as part of it's
20 collaboration in the telephone partnership.

21 The DOC has numerous regulations, many of
22 which are secret. I am personally regulated, at least in
23 part, by DOC, by a DOC directive known as DOC Admin 818. It
24 is a public document, and I include its contents here by
25 reference as it's set forth info, along with its numerous

1 codicils.

2 I frequently telephone my wife using the
3 monopoly system. Most of the calls are made collect, but I
4 also make calls which I pay for. I buy the telephone time
5 from the prison commissary through the agents at the
6 Department Of Corrections in amounts of \$15.00, \$25.00 or
7 \$50.00 per week, plus sales tax. Refunds for prepayment of
8 telephone time are not available, no matter how long the
9 monopoly has possession of my funds. I incur no interest or
10 benefit.

11 On several occasions I have been unable to
12 access or use my prepaid account.

13 (Audio/video temporarily disconnected)

14 JUDGE COCHERES: Mr. Feigley?

15 THE WITNESS: I'm here.

16 JUDGE COCHERES: You're reading a script;
17 aren't you, sir?

18 THE WITNESS: I'm reading testimony.

19 JUDGE COCHERES: Okay, fine. I want you to
20 know that I wrote down the last words that you said. That's
21 why I think you can go back to where we lost you. You used
22 the words: unable to use or access prepaid account. Do you
23 see that?

24 (Pause)

25 JUDGE COCHERES: Take your time, sir. It's

1 not your fault.

2 THE WITNESS: Okay, I think I've got it.

3 JUDGE COCHERES: All right. Please continue.

4 THE WITNESS: If I repeat a few words, the
5 court reporter will excuse me?

6 JUDGE COCHERES: I will, too.

7 THE WITNESS: I'm sure you will, Judge.

8 On several occasions I have been unable to
9 access or use my prepaid account even though it contained
10 more than enough credit to make telephone calls. When I
11 prepay a telephone call, the computerized announcement states
12 that I will be charged \$2.25 for the first minute, and \$0.22
13 for each additional minute. When I compare subsequent
14 account balances, the monopoly has actually charged me more
15 than the stated rate. A 15-minute phone call under these
16 fees costs \$5.33.

17 On many occasions the telephone system
18 disconnects telephone calls when neither my wife or I have
19 violated any of the numerous prohibitions. Where such a
20 disconnection occurs the system typically produces three loud
21 beeps and announces that three-way calling features are not
22 allowed or that custom calling features are not allowed. On
23 no occasion do either my wife or I use or attempt to use such
24 features.

25 My wife does not subscribe to any such

1 features or at least did not until somebody apparently
2 related to this case decided to stick them on her bill in
3 March.

4 Respondent, DOC, knows or should know that no
5 such features were ever used since all calls are monitored
6 and recorded. A review of the recordings prove that
7 disconnections were made for no legitimate reason.

8 I submitted a grievance using the established
9 DOC grievance procedure. It is evidenced by Feigley's
10 Exhibit 3. I complained about certain disconnections by the
11 telephone system, but I actually cited only two
12 disconnections on 11 August, 2004.

13 It is clear from the prison's brush-off of
14 the grievance at Exhibit 3B that they have records of all the
15 disconnected calls. The exhibit cites 14 July, 2004; 28
16 July, 2004; 11 August, 2004 and 14 August, 2004. The
17 response to the grievance also shows that DOC makes no good-
18 faith effort to correct problems or to make refunds.

19 Lastly, Exhibit 3C evidences personal
20 involvement of Robert Shannon, the agent named in our
21 complaint as representing DOC. Well Respondent DOC is
22 already in possession of the detailed record for all my
23 disconnected telephone calls, and needs no list from me.

24 By way of example, in addition to those
25 already mentioned, my calls recently were disconnected on: 8

1 January, 2005; 14 February, 2005; 19 February, 2005; 28
2 March, 2005. On all mentioned instances the disconnections
3 occurred without my wife or me doing any prohibited things.
4 The system simply doesn't work properly. It never has.

5 When a telephone call is disconnected, I must
6 call back and thereby incur an additional \$2.25 connection
7 fee or if I call collect, a \$2.77 fee. The same call made in
8 the same way by Respondent Robert Shannon, but made from a
9 system other than the Verizon/T-Netix monopoly, would cost
10 him less than \$0.50 for 15 minutes. I just came across an ad
11 in Time where they're charging a penny a minute. Fifteen
12 minutes would cost \$0.15. The charges imposed on my wife and
13 me are grossly exorbitant, unreasonable, punitive, unfair and
14 not in the public interest. They've unreasonably broken our
15 Constitutional right of expression and act to improperly
16 censor our communications.

17 On many other occasions my conversations are
18 interrupted by loud beeps, threatening to disconnect the
19 calls and/or my interruptions which seem to originate from
20 the guards eavesdropping on the calls. This is especially
21 true where we discussed a www.prisoners.com website and where
22 we are critical of the conditions or staff at the Frackville
23 Prison.

24 On numerous occasions I have been unable to
25 use the monopoly system because it simply refuses to

1 function. On the morning of 8 January, 2005 for example,
2 calls were impossible. Prisoners were told simply that the
3 system was down. On several other occasions my account
4 information was not available to the system or the database
5 of approved telephone numbers was not accessible. On the
6 afternoon of 5 April, 2005 the system wouldn't work. It was
7 a bright, sunny day. There was no thunder or rain.

8 During the course of my telephone
9 conversations the Verizon today's monopoly system interrupts
10 with messages. In a 15-minute phone call there are five such
11 interruptions. During the messages neither I nor my wife can
12 communicate. Together the time of the messages is about one
13 minute of time that I or my wife must pay for. Some of the
14 interruptions are unreasonable per se, and the fact that we
15 can't talk is unreasonable. On several occasions I've
16 carefully timed the duration of my phone calls. On each
17 occasion the timing indicated by the Verizon/T-Netix system
18 has been shorter than my timing.

19 It is my understanding that a commodity, in
20 this case telephone service, is sold by a measured amount, in
21 this case by the minute. The onus is on the vendor to prove
22 the accuracy of the measurement, just as a gas station must
23 prove that a gallon that it sells is really a gallon.

24 I've had occasion to review copies of my
25 wife's telephone bill from Verizon's subcontractor, T-Netix.

1 The taxes, fees and sundry charges on the bills are
2 incomprehensible. There is no intelligent way for a customer
3 to audit the bill and to be sure that it is correct. Given
4 Respondent's other business practices, I am constrained to
5 believe that the added charges may be bogus. The Commission
6 should audit the bills.

7 The prison telephone system is a monopoly
8 which must be operated in the public interest and must
9 reasonably service customers. I am not well-served by the
10 Verizon/T-Netix monopoly. It is a revenue strain for the
11 government at our expense, and it gives enormous income to
12 the Respondents at our expense. I take the Respondents to
13 comprise a corrupt organization in the meaning of the
14 racketeering laws.

15 Before this complaint was made, my wife
16 talked to a Lisa at Verizon Select Services. It was only
17 Lisa's treatment of my wife that prompted us to file this
18 added complaint. There was simply no other way to obtain
19 relief.

20 That is all I have, Judge Cocheres.

21 JUDGE COCHERES: Mr. Feigley, did I
22 understand you to tell me that there is a maximum of five
23 interruptions on a 15-minute phone call?

24 THE WITNESS: Yes, sir. At the beginning of
25 the call there's a long dissertation about sundry things. I

1 don't count that.

2 Approximately every three minutes into the
3 call there is an additional interruption. This interruption
4 has a pause before it actually starts and a pause after it
5 concludes. During the pauses and the actual playing of the
6 message, you can't talk. There are three of these. They say
7 things like: "This call is from a correctional institution.
8 Customer-calling features are not allowed during the course
9 of this conversation". There are three of them.

10 Toward the end of the call there is a warning
11 that says you have one minute remaining. I have no idea if
12 there really is one minute remaining other than my own
13 approximation from my watch. But that's what the system
14 says. Then there's one a little while later that gives you
15 another warning that says there are 15 seconds left. In
16 total there are five interruptions in 15 minutes.

17 JUDGE COCHERES: Yes. Now let's just talk
18 about the last two for a minute. Those are background
19 interruptions, sir; aren't they? They do not preempt your
20 conversation?

21 THE WITNESS: No. You cannot talk during
22 those periods of time. I've been doing this every day for
23 years. You cannot talk during those interruptions. You
24 can't talk during any of them.

25 JUDGE COCHERES: Okay, fine.

1 THE WITNESS: You can talk. I mean, people
2 can't hear you is what I mean.

3 JUDGE COCHERES: I understand the
4 distinction, sir.

5 What do you want me and the Commission to do?

6 THE WITNESS: As chance would have it, I
7 happen to have a statement of the relief that we want.

8 JUDGE COCHERES: Well that's good. That's a
9 good thing. I don't want to guess.

10 THE WITNESS: We pray for the following
11 relief:

12 An Order for the refund or credit of all the
13 reconnection fees improperly imposed upon us, as well as for
14 all the time during which the Respondents' messages are being
15 made and we cannot talk.

16 An Order for the refund of all the exorbitant
17 and unreasonable Tarriffs charged, imposed upon us by the
18 Respondents for telephone or \$2,000.00, whichever is greater.

19 An Order for the refund or credit of all the
20 \$3.99 fees imposed improperly by Respondents' agent for
21 collection of telephone bills.

22 An Order requiring that Respondents and their
23 subcontractors repair and correct the inadequacies and flaws
24 in their telephone to assure that the calls are properly
25 timed and are not improperly cut off to assure that what :

1 deposit with the Respondents is available to George Feigley;
2 and to make prepaid phone calls, to assure that the data base
3 of approved phone numbers is available and to make sure that
4 blocks are not improperly placed on telephone numbers.

5 An Order requiring the telephone calls are
6 not billed in increments of six seconds or one-tenth of a
7 minute.

8 An Order that messages which interrupt calls
9 be avoidable or be sufficiently soft so that they can be
10 talked over, so that talking can be done during the playing
11 of the message.

12 An Order that tariff be reduced to a
13 reasonable rate, approximately the cost of similar services
14 within the service area or about \$0.05 a minute.

15 An Order prohibiting the Commonwealth or its
16 agency, the Department Of Corrections, from profiting from
17 the prisoner telephone system beyond its actual cost, if any.

18 An Order that Respondents entertain customer
19 complaints in good faith and promptly make appropriate
20 adjustments or refunds.

21 An Order abrogating or suspending the
22 contract between Verizon Select Service, Inc. and the
23 Commonwealth because the system simply doesn't work as
24 presented; the suspension to continue until the Respondents
25 certify that the system is actually operating as it was

1 intended to operate.

2 A Declaratory Judgement that Respondents
3 comprise a corrupt organization within the meaning of the law
4 related to racketeering.

5 A Declaratory Judgement that the prison
6 telephone system operated by Respondents does not operate as
7 it is purported to operate, and that its contract is
8 fraudulent.

9 A Declaratory Judgement that T-Netix
10 Communications business practices are manifestly corrupt, not
11 in the public interest, and that no certificate to do
12 business in Pennsylvania should exist.

13 A Declaratory Judgement that neither the
14 Commonwealth nor Department Of Corrections is authorized to
15 conduct a telephone business for profit.

16 That, Judge, Cocheres, is the relief we seek.
17 I will brief it, if you would like.

18 JUDGE COCHERES: No. I'm fairly confident
19 that my good reporter got all of that written down.

20 Now I want to talk to you about some of those
21 things. Let's start with the \$2,000.00. How did you come to
22 that number?

23 THE WITNESS: I believe that I am entitled,
24 that we are entitled, to tort relief; and I don't believe
25 that the PUC is intended as a shield to protect public

1 utilities from tort, from paying for their torts. I think
2 the \$2,000.00 is minimal. However, I will let it up to a
3 jury.

4 JUDGE COCHERES: Mr. Feigley, if I count
5 correctly, this is the fifth complaint that I have heard from
6 you and/or your wife. Would that be right?

7 THE WITNESS: I can't -- I'm not -- at least
8 three.

9 JUDGE COCHERES: Yes. Do you, sir,
10 understand that my Commission is limited by the Statute that
11 created it in terms of what it has the power and authority to
12 do?

13 THE WITNESS: I am not sure of that. I am
14 not sure if I have -- if for tort I must go through the
15 Commission or if I may go to County Court. I'm going to try
16 to go to County Court. But I understand that you are
17 purporting that there a limited number of things you can do.
18 I understand that.

19 JUDGE COCHERES: Good. Let me make this easy
20 for you. We have, in my Commission, I as a Judge and my
21 Commissioners as a Commission have absolutely no authority to
22 award damages. Those kinds of damages that you seek as a
23 form of tort relief are beyond the scope of the Statutory
24 authority granted to my Commission, and I may have actually
25 told you that in a previous Decision.

1 Now, let's talk about the contract that
2 exists between Verizon and the Department Of Corrections --
3 later.

4 (Audio/video temporarily disconnected)

5 JUDGE COCHERES: Frackville, can you hear us
6 again?

7 THE WITNESS: Yes.

8 JUDGE COCHERES: Thank you, all right. I was
9 saying, let's talk about the contract between Verizon and the
10 Department Of Corrections, sir. Do you think that I have any
11 power to review that contract?

12 THE WITNESS: I think that you have the
13 authority to revoke the operating certificates for the
14 utilities involved. That would, defacto, abrogate the
15 contract.

16 JUDGE COCHERES: Okay. Do you really want me
17 to do that?

18 THE WITNESS: No.

19 JUDGE COCHERES: Good. Why would you not want
20 me to do that?

21 THE WITNESS: Because it would cut off my
22 conversation with my wife.

23 JUDGE COCHERES: Excellent, sir. So why would
24 you tell me you wanted that as a remedy?

25 THE WITNESS: I don't know of any way to

1 induce these Respondents to behave responsibly other than to
2 dangle over their heads the possibility of losing the
3 almighty dollar.

4 JUDGE COCHERES: Well, have you ever in the
5 previous four complaints...

6 THE WITNESS: I'm sorry, I didn't -- could you
7 say that again?

8 JUDGE COCHERES: I said, have you ever in any
9 of the previous four complaints that I've heard asked me and
10 the Commission to rule on the possibility of criminal
11 violations?

12 THE WITNESS: As I said in exceptions which I
13 filed with you just recently...

14 JUDGE COCHERES: Yes, you did.

15 THE WITNESS: I believe that it is your
16 responsibility to listen to allegations of fraud and to place
17 them under appropriate investigative authority such as the
18 State Police or the Attorney General. And if they are
19 proven, to take that into account when you decide whether or
20 not to give the utility a Certificate For Operation. To that
21 extent I think you have, like every citizen has, the
22 obligation to enforce the law or to report violations of the
23 law.

24 JUDGE COCHERES: If that's true, sir, wouldn't
25 you and your wife also have that ability?

1 THE WITNESS: Isn't that what we have done?

2 JUDGE COCHERES: No, sir. I am not the State
3 Police and I am not the Office of the Attorney General.

4 THE WITNESS: But you are the fact finder.

5 JUDGE COCHERES: I am a fact finder of the
6 subject of violations of the Public Utility Code. Now there
7 are very few criminal charges that can come out of a Public
8 Utility Code. Fraud, to the best of my knowledge, is not one
9 of them. That's it, that's all I have. I mean, I can't do
10 more for you, sir, than the Statute will allow me to do. And
11 if you...

12 THE WITNESS: I understand that, Judge
13 Cocheres.

14 JUDGE COCHERES: All right. When you said
15 earlier that you thought the calls are to cost \$.05 a minute
16 -- do you remember that?

17 THE WITNESS: Yeah. Yes, I do.

18 JUDGE COCHERES: Yes, sir. In what format
19 were you talking about calls being made at \$0.05 a minute?

20 THE WITNESS: Are you there or aren't you
21 there?

22 JUDGE COCHERES: I hope I'm still here.

23 THE WITNESS: Okay, you're there. Now what?

24 JUDGE COCHERES: Let me say it again. Let me
25 try it again, from the top.

1 You talked to me about making calls cost
2 \$0.05 per minute, and I asked you what format were you
3 thinking about when you said \$0.05 a minute?

4 THE WITNESS: I don't understand the use of
5 the term format.

6 JUDGE COCHERES: All right, let me make this
7 easier for you. As far as I know, there are only two ways by
8 Statute that you, as an inmate, are allowed to make phone
9 calls. One is using a collect call format and one is using
10 some sort of prepaid format. Now when you said \$0.05 a
11 minute, what were you comparing it to? Where did you get the
12 \$0.05 a minute format?

13 THE WITNESS: Judge Cocheres, the point that
14 I'm trying to make is that the fees imposed upon the poorest
15 people in the Commonwealth, prisoners' families, me and my
16 wife, are unreasonably exorbitant. Comparable things I
17 showed you that I had from Time, okay, it was charged a
18 penny. But it is not unusual to see telephone offers being
19 offered for \$0.02, \$0.03, \$0.04 a minute.

20 I wouldn't be bound by a nickle. I'm saying
21 a nickle would be reasonable. There is some reasonable
22 charge. What we are being charged is unreasonable; and it is
23 the Commission's duty, not mine, to determine what is and
24 what is not reasonable. I could probably say: Well here are
25 some examples.

1 JUDGE COCHERES: And how does the Commission
2 make a determination of what is reasonable?

3 THE WITNESS: I have no idea. That would be
4 something done by the Commission. I don't know how that's
5 done. I know the Commission makes all sorts of such
6 determinations, similar determinations.

7 JUDGE COCHERES: All right, I understand what
8 your position is.

9 Mr. Fairall, Mr. Stewart, do either one of
10 you have any questions on cross examination for the witness
11 based on his testimony or his responses to me?

12 MR. STEWART: I have one question, Your Honor,
13 at least for now.

14 JUDGE COCHERES: Right, just ask your
15 question. I never believe a lawyer who tells me they only
16 have one question.

17 THE WITNESS: It's hard to hear you; I'm
18 sorry.

19 MR. STEWART: I'll speak to the microphone,
20 Mr. Feigley. I'm sorry, I wasn't speaking to the microphone.

21 CROSS EXAMINATION

22 BY MR. STEWART:

23 Q. You stated that you have timed calls on your watch.
24 Which calls have you timed on your watch? Can you tell me
25 dates?

1 A No.

2 Q. How long -- you say the calls were short on timing.
3 Can you tell me how long they were short?

4 A. A few seconds.

5 Q. And do you have a digital watch with a stopwatch or
6 are you just using your second hand?

7 A. I have a digital watch.

8 Q. Does it have a stopwatch function? Is that what you
9 were using to time the calls?

10 A. No. Stopwatches aren't permitted. Just like that
11 question about tape recording phone calls...not permitted.

12 MR. STEWART: Mr. Kazee, do you have anything
13 further for the witness?

14 MR. KAZEE: Yes. If I could be permitted just
15 a very limited question?

16 JUDGE COCHERES: Yes, Mr. Kazee.

17 MR. KAZEE: Thank you.

18 CROSS EXAMINATION

19 BY MR. KAZEE:

20 Q. I believe Exhibit 3B has not been admitted?

21 A. When I'm finished here, I'm going to move to admit
22 all the exhibits.

23 Q. Okay. I'd like to direct your attention to Exhibit
24 3B.

25 A. Let me dig it out here. 3B, I've got it.

- 1 Q. Directing your attention toward the bottom of the
2 page just above the "cc" notation, do you see the separate
3 paragraph just above that?
- 4 A. Yes.
- 5 Q. It starts with, "The cause you indicated". Would you
6 please read that into the record?
- 7 A. No. The document will state for itself.
- 8 Q. The document has not been admitted. Would you please
9 read the last statement on the exhibit?
- 10 A. "The cause you indicated were all checked by the
11 telephone service provider/coordinator, and the calls were
12 disconnected for the reasons stated."
- 13 Q. At the bottom of the form it shows the name and title
14 of the Grievance Officer; is that correct?
- 15 A. No. This is the person who answered the grievance.
- 16 Q. And who was that person?
- 17 A. Lieutenant Schauer.
- 18 Q. It shows that his title is Grievance Officer?
- 19 A. That's the fellow who was just...
- 20 Q. "Yes" or "no".
- 21 A. No. It says it is, but it isn't. He isn't the
22 Grievance Officer.
- 23 Q. It also shows that Mr. Schauer also signed the form?
- 24 A. I take it to be his signature.
- 25 Q. It's dated August 30th, 2004?

1 A. Yes.

2 Q. Thank you. You also indicated that what prompted you
3 and your wife to file this complaint was the poor treatment
4 that you received from Verizon's service representative; is
5 that correct?

6 A. That my wife received.

7 Q. But yet the allegations pertaining to the poor
8 service that your wife received from the service
9 representative are not mentioned anywhere in the Complaint;
10 isn't that true?

11 A. As far as I know. I don't have a copy of the
12 Complaint right here.

13 (Pause)

14 JUDGE COCHERES: Mr. Kazee, have you finished?

15 MR. KAZEE: Yes, Your Honor; thank you.

16 JUDGE COCHERES: Fine. Mr. Fairall?

17 MR. FAIRALL: I have no questions.

18 JUDGE COCHERES: Fine. Mr. Feigley?

19 THE WITNESS: I move to admit Feigley's
20 Exhibit 3A, -B and -C.

21 JUDGE COCHERES: They are admitted.

22 (Whereupon, Feigley Exhibit Nos. 3A, 3B and
23 3C were received in evidence.)

24 THE WITNESS: I believe, Judge Cocheres,
25 that's all we have.

1 JUDGE COCHERES: Thank you.

2 (Witness excused)

3 JUDGE COCHERES: Mr. Stewart, you indicated to
4 me that you have some witnesses?

5 MR. STEWART: Yes, Your Honor. Verizon Select
6 Services calls Denise Breslin.

7 JUDGE COCHERES: Ms. Breslin?

8 MS. BRESLIN: Good afternoon, I'm here.

9 JUDGE COCHERES: Good afternoon. Would you
10 raise your right hand?

11 Whereupon,

12 DENISE BRESLIN

13 having been first duly sworn, testified as follows:

14 JUDGE COCHERES: Counselor?

15 DIRECT EXAMINATION

16 BY MR. STEWART:

17 Q. Good afternoon, Ms. Breslin. Can you please state
18 your name and spell your last name for the record, please?

19 A. Yes; Denise Breslin. That would B-r-e-s-l-i-n.

20 Q. By whom...

21 A. My address...

22 Q. Oh, your address. I'm sorry, I cut you off.

23 A. No problem. My address is Verizon, 1119 16th Street,
24 Third Floor, in Altoona, Pennsylvania, 16601.

25 Q. Thank you. By whom are you employed and what is your

1 job title?

2 A. I'm employed by Verizon Pennsylvania, Incorporated;
3 and my job title is the Product Line Manager for Verizon
4 Corrections.

5 Q. Have you reviewed the complaint filed by the Feigleys
6 in this matter?

7 A. Yes, I have.

8 Q. Can you explain to us what separate entities are
9 involved in the provision of inmate telephone service to the
10 Department Of Corrections?

11 A. Yes. The Department Of Corrections' inmate telephone
12 system is an RP Award to Verizon Pennsylvania, Incorporated,
13 through which I'm employed. The award of the contract
14 requires certain equipment that Verizon does not ascertain.
15 Verizon Pennsylvania would be the local intra-LATA provider
16 and franchise facility.

17 We would need to subcontract out of franchise to our
18 affiliate Verizon Select Services, Incorporated otherwise
19 known as VSSI. There's also a subcontractor, T-Netix, though
20 you've heard also as Securus referred to today. That
21 provider provides the actual telephone system and the
22 software that monitors and records. There's also Shawn Tech
23 as we have heard from today. They are the physical site
24 administrators at the facilities throughout the state.

25 Q. Thank you. Mr. Feigley, one of Mr. Feigley's

1 complaints is about the taped overlays that are repeated
2 throughout the calls that originate from the correctional
3 facilities. Can you explain what these messages are and why
4 they're played?

5 A. Certainly. The messages that are a requirement of
6 the Department Of Corrections for public safety reasons is
7 actually a requirement by the law to have these recordings.
8 There is actually an initial message that runs approximately
9 18 seconds that basically explains the caller is calling from
10 a correctional facility, is from the correctional
11 institution, subject to monitor and recording, that custom-
12 calling features would not be allowed, and also provide the
13 cost of the call and respective fees at Verizon. That is not
14 charged to the billed party nor the inmate if he selects to
15 make it a prepaid call.

16 There is a subsequent message that is required by
17 law. You have heard it referred to today, as well. It
18 approximately takes four to five seconds and it says: This
19 call is from a correctional institution and is subject to
20 monitoring and recording. That duration is, again, four to
21 five seconds. That usually plays between random two to three
22 minutes, and fifth and sixth minutes thereafter in a call.

23 Q. Thank you. Is the call actually connected? When I
24 say connected, are the call or whoever is paying for the
25 call, are they being charged during these messages?

1 A. Not for the initial message. But, yes, during the
2 subsequent.

3 Q. Who decides what's in the message and how frequently
4 those messages are played throughout the call?

5 A. The Department Of Corrections.

6 Q. One of the other things that the Feigleys have
7 complained about is the inmate telephone system disconnects
8 certain of their calls. Can you explain to me why the inmate
9 telephone system is designed to detect certain types of calls
10 and explain that for us a little bit?

11 A. Sure. Again, it is a requirement of the Department
12 Of Corrections to have this monitoring/recording equipment on
13 the site. Part of that is security to disconnect certain
14 telephones or what appears to be certain types of calls such
15 as call forwarding or three-way calling.

16 (Audio/video temporarily disconnected)

17 MR. STEWART: Can you see me, Denise? There
18 you are.

19 Q. You were saying, Denise? You were talking about the
20 functions of the inmate telephone system, that it was
21 designed to detect three-way calling and call forwarding?

22 A. Sure. And again, it's for safety reasons as a
23 requirement of the DOC for the protection of not only victims
24 and jurors, but also future illegal activity. So the Securus
25 system, T-Netix, is the owner of that software and program;

1 and they are the experts of that system.

2 It's my understanding that there may be opportunities
3 that actually calls may be call forwarded and three-way calls
4 were definitely cut off. There were other issues where
5 there's loud noises, similar situations that may actually
6 result in a cut-off as well. But the experts would be
7 securus.

8 Q. Where is the physical equipment that does this
9 located?

10 A. The inmate call control system is at the actual
11 facility. SCI Frackville would have that equipment outside.
12 It would be similar to a PBX. It's at the customer's site of
13 a network interface device.

14 Q. Gotcha. Ma'am, how long have you been doing your
15 present job?

16 A. Approximately four years.

17 Q. In your experience, does this system of technology
18 work pretty well?

19 MR. FEIGLEY: I object. He's not suggesting
20 that this person is an expert of the operation of technical
21 equipment.

22 MR. STEWART: I asked her if, in her
23 experience, it works well. I didn't ask her for her
24 technical expert opinion. I asked her for her experience.

25 MR. FEIGLEY: It's the same.

1 MR. STEWART: Everything you said, Mr.
2 Feigley, is your opinion; and I didn't object to it because
3 it was coming out of your mouth as your testimony.

4 JUDGE COCHERES: Let me make this easy. Mr.
5 Feigley, the objection is overruled. The witness will be
6 permitted to answer the question.

7 BY MR. STEWART:

8 Q. Again, in your view and having worked with this
9 system for four years, does it work pretty well?

10 A. Yes. It does, in my opinion.

11 Q. Do you have any reason to believe that the inmate
12 telephone system is set up to purposely or habitually
13 disconnect calls simply to generate more revenue, as the
14 Feigleys seem to allege?

15 A. No. I would actually have the opposite opinion of
16 that. As we have heard, and it's my understanding, that the
17 sensitivity of the T-Netix equipment at Frackville is below
18 average. The DOC is concerned with the cutoffs; and with
19 allowing the system, at their discretion, to be at its
20 lowest, they are concerned. And they do not want extra
21 disconnects, as Mr. Feigley and Ms. Feigley would attest to
22 here. At this site with that lower threshold, actually more
23 calls may be going through; and they're concerned with the
24 cost to the end user. So I would disagree with that.

25 Q. One of the exhibits that the Feigleys have had

1 admitted is a Department Of Corrections grievance, and that I
2 believe has been marked as Feigley Exhibit 3A.

3 A. Yes. I'm aware of that.

4 Q. Is this the ordinary process by which inmates would
5 attempt to resolve issues with the telephone system?

6 A. It is one way, but there is another way. The actual
7 grievance that Mr. Feigley has provided as an exhibit is a
8 formal internal Department Of Corrections grievance procedure
9 as Policy No. DOC-Admin-804.

10 There is also the telephone system discrepancy form
11 which is a DOC-8-C. That form is part of the automated
12 telephone system policy, DOC-Admin-818. That discrepancy
13 form would be at the disposal of inmates to provide to their
14 Unit Manager who would then enter and turn it in to the Site
15 Administrator for evaluation.

16 Q. So what you're telling me is at least one difference
17 between these forms is the fact that the grievance is
18 resolved by the facility but the discrepancy form makes its
19 way to the Site Administrator?

20 A. Correct.

21 Q. Thank you.

22 (Pause)

23 Q. Mr. Feigley had made complaints about money not being
24 properly put in his prepaid account. Do you recall that
25 testimony?

1 A. Yes, I do.

2 Q. Have you reviewed the records of his prepaid account?

3 A. Yes, I did. Being a Prepaid Account Manager, I
4 actually pulled his entire account as of yesterday by 5:00.

5 Q. Can you find any occurrence of where there was a
6 delay in applying funds into his prepaid account?

7 A. There was one. At one time -- this is dated
8 September 30, 2003 -- Mr. Feigley did a sales transaction
9 through the Commissary for \$50.00. The 9/30 sales commissary
10 transaction was not deposited into the prepaid account until
11 October 7th, 2003. The Commissary confirmed that that was
12 their issue as to why it took more than the 24-hour business
13 time that it typically takes.

14 Q. How did you find out? Did you talk to the Commissary
15 folks?

16 A. Yes. We had discussions, and they did confirm that
17 was their issue.

18 Q. Do you ordinarily have communications with people at
19 the Commissary over issues like this?

20 A. If needed, yes.

21 MR. STEWART: Your Honor, I don't have any
22 further direct questions for this witness.

23 JUDGE COCHERES: Mr. Fairall, do you have any
24 questions?

25 MR. FAIRALL: Just a couple, if I can, Ms.

1 Breslin.

2

CROSS EXAMINATION

3 BY MR. FAIRALL:

4 Q. My name is Bill Fairall. I represent the Department
5 Of Corrections in this.

6 In your position as Product Line Manager, would you
7 be familiar with the equipment and the operation of the
8 equipment at SCI Frackville?

9 A. I have an overall generality. The experts would be
10 the system owners and designers, which would be T-Netix.

11 MR. FAIRALL: Thank you. That's all I have.

12 JUDGE COCHERES: Mr. Feigley, do you have
13 questions?

14 MR. FEIGLEY: I do have a couple.

15

CROSS EXAMINATION

16 BY MR. FEIGLEY:

17 Q. Who is Lisa?

18 A. I have no idea, sir.

19 Q. You listed a number of aliases that various parts of
20 your contractors or subcontractors go by. Do I have these
21 straight? T-Netix is now using the name -- what is this,
22 Securus?

23 A. As you've heard from other witnesses as well, Mr.
24 Feigley, T-Netix is now known as Socurus, S-e-c-u-r-u-s.

25 Q. Okay. But it's one and the same company, just a

1 different name for them; is that right?

2 A. Correct, yes.

3 Q. Okay. And this Shawn Tech, that's also part of T-
4 Netix?

5 A. No, sir. They are a private company.

6 Q. Is it part of Verizon?

7 A. No, sir. They are a subcontractor of Verizon.

8 Q. Okay, thank you. Now you say that these
9 interruptions on the telephone take, I think you said four or
10 five seconds. You've timed them personally?

11 A. Yes, I have, sir.

12 Q. I see. You said that you believed that the system
13 works pretty well. I take it that's based upon some
14 statistical knowledge that you have. How many complaints to
15 the operation of this system have you received, let's say
16 during the last year?

17 A. That answer should be answered by the owner and
18 operator of the system, which would be T-Netix. I would not
19 be prepared to guesstimate on that, sir.

20 Q. Well then what did you base your answer on, that you
21 said it worked pretty well?

22 A. I have no reason to believe that it is not working.
23 I have not been made aware of any complaints, sir.

24 Q. You have one right in front of you, don't you?

25 A. I do not, sir.

1 Q. You don't have my Complaint right in front of you?

2 A. I have your testimony here, sir. What is your
3 question?

4 Q. I wanted to know what your opinion was based on. You
5 said you have the opinion the system works pretty well.

6 A. That is my opinion.

7 Q. On what is that based?

8 A. That is based on my four years' experience working
9 with the company and its product.

10 Q. But you don't have a count of like how many phone
11 calls have been disconnected, how many complaints there have
12 been? This is just an opinion?

13 A. I do not have those records that you're referring to,
14 sir.

15 Q. You also testified that the threshold, I take it, of
16 sensitivity for disconnection of phone calls here at SCI
17 Frackville was low. How do you know that?

18 A. I'm told that, sir.

19 Q. So this is hearsay? You have no personal knowledge
20 of this?

21 A. The sensitivity of the system is at the discretion of
22 the Department Of Corrections. If they choose to raise or
23 lower, it would be a request made to T-Netix.

24 Q. All right. So you have no personal knowledge of
25 where the threshold is.

1 A. I have been given information that compares SCI
2 Frackville with the other State Department OF Corrections
3 facilities that in fact your facility where you are located
4 is lower than average.

5 Q. But that's not from your personal knowledge. This is
6 hearsay you got from someone else?

7 A. That is information that was communicated to me, sir.

8 Q. You mentioned a form, DC-8-C related to telephone
9 discrepancies. If I were to file such a form, would it
10 exhaust my administrative remedies?

11 MR. STEWART: Object, Your Honor. The witness
12 -- I mean Mr. Feigley is asking the witness for a legal
13 conclusion. She is not an attorney. She has not represented
14 herself as such, and he's asking for a legal opinion. I
15 object on that basis.

16 JUDGE COCHERES: Mr. Feigley?

17 MR. FEIGLEY: Then I move to strike all the
18 testimony that was related to form DC-8-C.

19 MR. STEWART: On what basis? I'm a little bit
20 confused.

21 MR. FEIGLEY: It's irrelevant.

22 MR. STEWART: I didn't say it's irrelevant.
23 The witness didn't claim any basis as a lawyer for anything.
24 She didn't make a statement to exhaust legal remedies in her
25 testimony. You asked her if that exhausts legal remedies for

1 purposes of legal proceeding. That's a completely different
2 matter than what she testified to which is simply that the
3 forms exist and what they are used for.

4 MR. FEIGLEY: I believe we should be
5 addressing the Judge.

6 Judge Cocheres, I've made my objection and
7 I've made my motion.

8 JUDGE COCHERES: All right, sir. Your motion
9 is denied.

10 And to the extent that the question would
11 garner from the witness that the forms exist and are
12 authorized by your department, I think that's just about
13 common knowledge, particularly around tables like the one
14 you're sitting and the one I'm sitting at right now. So I'm
15 just going to overrule that objection, as well.

16 MR. FEIGLEY: I have nothing further from this
17 witness, Your Honor.

18 JUDGE COCHERES: All right. Mr. Stewart, any
19 redirect?

20 MR. STEWART: I don't.

21 Do you, Mr. Kazee?

22 MR. KAZEE: No, Your Honor. Thank you.

23 JUDGE COCHERES: All right. There being no
24 further questions for this witness, the witness is excused.

25 (Witness excused)

1 JUDGE COCHERES: Do you have another witness
2 for me, Mr. Stewart?

3 MR. STEWART: I do, Your Honor. Verizon
4 Select Services calls John Ries.

5 JUDGE COCHERES: Mr. Ries, would you raise
6 your right hand, sir?
7 Whereupon,

8 JOHN RIES
9 having been first duly sworn, testified as follows:

10 JUDGE COCHERES: Counselor?

11 DIRECT EXAMINATION

12 BY MR. MR. STEWART:

13 Q. Good afternoon, Mr. Ries. By whom are you employed
14 and in what capacity? Maybe I ought to ask you to state your
15 name and spell your last name, first.

16 A. My name is John Ries, spelled R-I-e-s.

17 Q. And what is your business address, sir?

18 A. I work for Verizon Select Services. My business
19 address is 6665 North MacArthur, MacArthur spelled M-a-c-A-r-
20 t-h-u-r, Boulevard, Irving, Texas, 75039.

21 Q. Have you reviewed the complaints in the above-
22 captioned matter?

23 A. Yes, I have.

24 Q. Mr. Ries, the complaint contains allegations that the
25 calls are not properly timed. Do you have a response to that

1 allegation?

2 A. I have reviewed a sample of records made by Mr.
3 Feigley and have matched the time on the records from the
4 billing system to the time on the switch records; and have
5 concluded that those calls are timed accurately, and the
6 called parties are only charged for the amount of time from
7 the call acceptance through the termination of the call. I
8 am not aware of any situation in which calls are billed
9 incorrectly based on the amount of time the call was
10 connected.

11 Q. When you say "switch records", who owns the switch?

12 A. The switch is owned by VSSI. Actually it's owned by
13 IOG who provides that service for VSSI under contract.

14 Q. So it's a long-distance carrier that owns the switch?

15 A. Correct.

16 Q. Okay. Ms. Feigley, I believe, testified that she had
17 calls blocked. Can you just generally describe for us under
18 what circumstances calls might be blocked?

19 A. There are multiple instances in which a call might be
20 blocked onto a person's line. One is when the called party
21 has local telephone service from a carrier that has not
22 entered into a billing arrangement with VSSI. In this
23 instance, VSSI has no means under which to submit the
24 accepted call to the end-user's select bill.

25 Blocks may also be implemented by the lack for

1 nonpayment or disputes of accepted calls. Specifically, if
2 the called party contacts VSSI and disputes charges on bills,
3 blocks are imposed to prevent further disputes. Also, the
4 customer may initiate a request for a block to be placed on
5 the line or the prison facility may place limitations on
6 calls that are allowed.

7 Customers who are blocked may establish a direct
8 billing account in order to receive calls from the facility.

9 Q. Okay.

10 (Audio/video temporarily disconnected)

11 JUDGE COCHERES: Mr. Feigley, can you hear us
12 again?

13 MR. FEIGLEY: I can hear you.

14 JUDGE COCHERES: Okay. Mr. Stewart, have you
15 finished your examination?

16 MR. STEWART: No, I have not.

17 Mr. Ries, are you still with us?

18 THE WITNESS: Yes, I am.

19 BY MR. STEWART:

20 Q. The Feigleys complained that there's a \$3.99 charge
21 just to pay the bill. Do you have a response for that
22 allegation?

23 A. Yes. T-Netix administers the direct billing accounts
24 for VSSI for the Department Of Corrections. There is no
25 required \$3.99 charge just to pay the bill. Rather, T-Netix

1 has a program that allows customers to pay with a credit card
2 or pay their bill with a phone check and there is a \$3.99 fee
3 charged for that service. This is a voluntary program for
4 the convenience of customers. There is not a charge if the
5 customer pays by traditional means, sending a check. The
6 \$3.99 fee is the fee that is imposed by the banking or the
7 credit union to T-Netix.

8 Q. And, Mr. Ries, have you reviewed Mr. and Ms.
9 Feigley's calling records regarding disconnects and other
10 such things?

11 A. I've reviewed the call records that were brought up
12 within this grievance, and my findings of why those calls had
13 disconnected are consistent with what was recorded by Ms.
14 Ashelman that some of the calls were disconnected due to a
15 three-way attempt, others to the hang-up of one of the
16 parties.

17 Q. And I want to ask you some questions about the
18 charges. Are the rates that VSSI charges as part of the
19 inmate telephone service found in a tariff somewhere?

20 A. Yes. The rates have been filed with the Pennsylvania
21 Public Utilities Commission.

22 Q. Can you tell us what those rates are, sir, and where
23 they're found?

24 A. For a collect call, for an intra-LATA call, there's a
25 \$2.50 surcharge and a \$0.27 permitted rate. A 15-minute call

1 will be charged \$6.55. A prepaid call in that manner has a
2 \$2.25 surcharge and a \$0.22 rate permitted whereby a 15-
3 minute call would be \$5.55. On the collect call, going to
4 the end-users applicable taxes would also apply. On the
5 prepaid calls set up by the T-Netix system, a Federal Excise
6 Tax is also calculated and deducted from the account.

7 Q. Then how do those rates compare with other rates that
8 are charged by VSSI?

9 A. The VSSI rates have been in effect since short of
10 2003 and are filed with the VSSI Tariff PA PJC No. 36. In
11 comparison to rates that are charged to interstate calls that
12 VSSI carries on the network, calls going outside the State of
13 Pennsylvania, the surcharge is \$3.50 and \$0.55 per minute. A
14 15-minute call would be charged \$11.75.

15 Q. And does VSSI carry intra-LATA or interstate calls
16 for other telephones?

17 A. Yes. The intra-LATA surcharge for public telephones
18 is \$3.99 and \$0.59 per minute. A 15-minute call would be
19 charged \$12.86.

20 Q. So how do the rates charged to inmate calls in
21 Pennsylvania and to their families compare to the rates that
22 VSSI charges for other pay phones?

23 A. The rates charged to the inmate families are less
24 than those that are charged to the public. I'll also add
25 that the rates charged for collect is whether it's a direct

1 bill or whether it was billed by VSSI through a Local
2 Exchange Carrier. The collect charge of \$6.55 would still
3 apply in both cases.

4 If the customers did elect to receive calls via a
5 direct account, again that account is set up and managed by
6 T-Netix on behalf of VSSI; and blocking would occur on that
7 account if the customer is late with payment. But the block
8 would be removed once payment is received.

9 Furthermore, if Verizon or T-Netix sees that a credit
10 needs to be placed onto a customer's account, a credit will
11 be issued. In fact, on February 6, 2004 T-Netix issued a
12 courtesy credit of \$2.50 to the Feigley account.

13 MR. STEWART: I have nothing more for this
14 witness, Your Honor.

15 JUDGE COCHERES: Mr. Ries, did you hear Ms.
16 Feigley's testimony?

17 THE WITNESS: Yes, I did.

18 JUDGE COCHERES: Did you hear her tell me that
19 she is a Verizon customer?

20 THE WITNESS: Yes, I did.

21 JUDGE COCHERES: To the best of your
22 knowledge, is there any reason why a Verizon customer
23 wouldn't expect Verizon Pennsylvania to collect credit card
24 -- let me start again -- collect call charges on behalf of
25 Verizon Select Services, Inc.?

1 THE WITNESS: The fact that the customer is a
2 Verizon customer does not preclude that the Verizon LEC may
3 have imposed blocks onto the line for nonpayment, missed
4 payments, whatever. The T-Netix direct bill account for this
5 customer to set up -- one second -- in July of 2003, which
6 was prior to the time that VSSI took over the arrangement of
7 providing service to the Department Of Corrections.

8 JUDGE COCHERES: Would I be correct, from many
9 other hearings that I've heard and testimony that you heard
10 earlier this week, that T-Netix went out of the business of
11 carrying calls for the Pennsylvania DOC in August of 2003?

12 THE WITNESS: Correct, and that's when VSSI
13 entered into the arrangement.

14 JUDGE COCHERES: But you just told me at the
15 beginning of your testimony that one reason a call block
16 could be placed is if the LEC notifies VSSI that it will not
17 bill for the VSSI calls; isn't that true?

18 THE WITNESS: That is a possibility, yes.

19 JUDGE COCHERES: And based on your knowledge
20 of the Feigley account, has Verizon Pennsylvania ever
21 notified Verizon Select Services, Inc. that it would not bill
22 for collect calls to Ms. Feigley's account?

23 THE WITNESS: When Verizon Select Services
24 entered into the arrangement in August of 2003, the direct
25 bill accounts that were set up prior remained in effect and

1 we utilized T-Netix to set up that account. Because the
2 Feigley account was set up prior to VSSI, we have not had a -
3 have not been required to have take any action to review
4 whether or not a block was placed on the line by Verizon, the
5 LEC. Because again, the direct bill account was set up prior
6 to VSSI.

7 JUDGE COCHERES: Mr. Fairall, do you have any
8 questions for the witness?

9 MR. FAIRALL: No, sir.

10 JUDGE COCHERES: Mr. Feigley, do you have
11 questions?

12 MR. FEIGLEY: I've got a couple.

13 CROSS EXAMINATION

14 BY MR. FEIGLEY:

15 Q. What is a "switch"?

16 A. A switch is basically a computer at the central
17 office that processes telecommunication calls.

18 Q. You work for Verizon; is that correct?

19 A. I work for Verizon Select Services, which is an
20 affiliate of Verizon.

21 Q. Does my wife have three-way call? Does she subscribe
22 to that service?

23 A. Because I work for Verizon Select Services, which is
24 an affiliate, I do not have access to any of those types of
25 records.

1 Q. You just testified that you had examined this
2 information and that you agreed that the disconnection of
3 these phone calls was because someone had used three-way
4 calling. My wife has testified she doesn't subscribe to
5 that. How could you have looked into it?

6 A. I examined the records from T-Netix of the calls that
7 were placed from the system and were disconnected to see what
8 the termination code was for the disconnect; and in those
9 cases, the termination code showed a three-way call attempt.

10 Q. Okay. So this is hearsay that you got from T-Netix?

11 A. This is information that I received from T-Netix
12 based on information they pulled from their system.

13 Q. But the company you work for has Mrs. Feigley's
14 records. You know she doesn't have three-way calling.

15 MR. STEWART: I'll object, Your Honor. The
16 witness has already said that he does not work for Verizon
17 Pennsylvania which has the records. He works for an
18 affiliate. And he is prohibited, as Your Honor knows, from
19 having those records.

20 JUDGE COCHERES: Mr. Feigley, do you have a
21 response?

22 MR. FEIGLEY: No.

23 JUDGE COCHERES: Then the objection --

24 MR. FEIGLEY: I withdraw the question.

25 JUDGE COCHERES: Fine, proceed.

1 BY MR. FEIGLEY:

2 Q. What is a "LEC"?

3 A. A LEC is a Local Exchange Carrier.

4 Q. Local Exchange Carrier, I'm sorry, I don't understand
5 that. What does that mean?

6 A. It means the carrier that provides local exchange
7 service within a community or entity, city. Verizon is a
8 local exchange provider.

9 Q. T-Netix is not a local exchange provider?

10 A. That is correct.

11 Q. So I'm still in the dark. Why is T-Netix billing the
12 call?

13 A. T-Netix is not billing the call, per se. The
14 normal...if the call is carried by the VSSI network, T-Netix
15 would provide the call record to VSSI and VSSI would send
16 that bill to the local exchange carrier to be put onto a
17 customer's bill. However, if the account is set up via a
18 direct billing account, VSSI utilizes T-Netix to administer
19 the direct billing function. In those cases the call records
20 would go from the T-Netix switch to the T-Netix billing
21 system, and would be placed on the direct billing invoice to
22 the subscriber.

23 Q. You testified that my wife does not have to pay a
24 \$3.99 fee just to pay her phone bill if she pays it by some
25 particular means; is that correct?

1 A. If the bill payment is rendered via a check, a
2 personal check, there is no \$3.99 fee transaction charge
3 applied.

4 MR. FEIGLEY: I have nothing further for this
5 witness.

6 JUDGE COCHERES: Any redirect, Mr. Stewart?

7 MR. STEWART: Just one for clarity, sir.

8 REDIRECT EXAMINATION

9 BY MR. STEWART:

10 Q. Mr. Ries, when you say "by personal check", does that
11 also include Money Orders?

12 A. Correct. If a Money Order was paid, again the \$3.99
13 would not apply. The \$3.99 applies based on using the credit
14 or banking's union to process the check electronically.

15 MR. STEWART: That's all I have, Your Honor.

16 JUDGE COCHERES: Mr. Feigley, do you have
17 anything more?

18 MR. FEIGLEY: No. I'm going to recall Ms.
19 Feigley to testify to rebut that.

20 JUDGE COCHERES: I understand.

21 All right, Mr. Ries, you're excused.

22 (Witness excused)

23 JUDGE COCHERES: Mr. Feigley, before you
24 recall your wife to the stand, I need to talk to you about
25 something you said during your testimony. I made a note of

1 it and then forgot to ask you about it. So you remain under
2 oath.

3 Whereupon,

4 GEORGE FEIGLEY

5 having been previously sworn, testified further as follows:

6 EXAMINATION

7 JUDGE COCHERES: At one point you told me
8 that you wanted to incorporate, I believe was your word, DOC
9 Admin 818. Did I get that right?

10 THE WITNESS: Yes, that's correct.

11 JUDGE COCHERES: Thank you. What is that
12 document and how do you intend to get it into the record of
13 this case?

14 THE WITNESS: Yes, that's correct.

15 JUDGE COCHERES: What is that document and
16 how do you intend to get it into the record of this case?

17 THE WITNESS: It is the Department Of
18 Corrections Administrative Directive governing the operation
19 of a telephone system and regulating what I may or may not
20 do. Since it is a public document, I did not believe that it
21 had to be submitted as an exhibit. I will, however, make
22 copies and submit it as an exhibit if you would like that.

23 JUDGE COCHERES: Just a moment, sir.

24 (Pause)

25 JUDGE COCHERES: Mr. Feigley, I took a break

1 because I wanted to read the Commission Regulation about
2 public documents. And while you're correct that it is not
3 absolutely necessary to make it an exhibit, you didn't quite
4 give me enough information about where to find it; and I
5 think really the easiest thing to do would be for you to send
6 us all a copy. I think you're right. I think it is a public
7 document, and I think that I can take notice of it and
8 incorporate it in the record. But it would be faster and
9 easier, for your benefit, if you just give me a copy.

10 And if you give me a copy, you've got to give
11 a copy to Mr. Stewart and, believe it or not, to Mr. Fairall,
12 because you're not allowed to send anything to me that you
13 don't send to him. And you probably ought to send two copies
14 to the court reporter. And I'm going to saddle your wife
15 with responsibility of doing that.

16 We disconnected again.

17 (Audio/video temporarily disconnected)

18 JUDGE COCHERES: Are we back to Frackville?

19 THE WITNESS: Yes. With your indulgence,
20 Judge, I can't make copies of this until I am permitted to
21 the library; and I won't be permitted to go to the library
22 and make these copies until next Wednesday. I believe these
23 are off of the DOC website. So my wife might be able to
24 print it off from the DOC website.

25 JUDGE COCHERES: She's smiling. I already

1 said that I was going to make her responsible for doing it.
2 That was the part you lost. So she'll take care of it.

3 THE WITNESS: The poor dear is responsible for
4 everything.

5 JUDGE COCHERES: But she'll take care of it
6 for you. All right.

7 (Witness excused)

8 JUDGE COCHERES: Mr. Stewart, do you have
9 anything more for me?

10 MR. STEWART: As far as witnesses, no, your
11 Honor.

12 JUDGE COCHERES: Fine. Mr. Feigley, you said
13 you wanted to recall your wife to the stand. I will permit
14 that.

15 Ms. Feigley, you continue to be under oath in
16 this proceeding.

17 Whereupon,

18 SANDRA FEIGLEY (recalled)
19 having been previously sworn, testified further as follows:

20 JUDGE COCHERES: Mr. Feigley, you can start
21 now.

22 DIRECT EXAMINATION

23 BY MR. FEIGLEY:

24 Q. You heard Mr. Ries say that you could get away
25 without paying the \$3.99 if you sent these folks a Money

1 Order or a check. Is any of that true?

2 A. When I sent Money Order and check, I was charged the
3 fee. That was some time ago. I've been paying with a credit
4 card which is subject to the fee. To the best of my
5 knowledge, I paid that fee when I sent payments in, in those
6 forms.

7 Q. You actually tried to pay with a Money Order and they
8 actually still charged you the \$3.99?

9 A. I believe that is the case.

10 MR. FEIGLEY: That's all I have.

11 JUDGE COCHERES: Any questions for the
12 witness?

13 MR. STEWART: Yes, Your Honor.

14 CROSS EXAMINATION

15 BY MR. MR. STEWART:

16 Q. Ms. Feigley, do you have any bills that show this
17 phantom \$3.99 fee?

18 A. No, not with me. It was some time ago. That's why I
19 said, to the best of my knowledge it is true. I cannot prove
20 it to you at this moment.

21 MR. STEWART: Nothing further, your Honor.

22 JUDGE COCHERES: Is there anything more for
23 this witness?

24 MR. FEIGLEY: Not from me.

25 JUDGE COCHERES: The witness is excused.

1 (Witness excused)

2 JUDGE COCHERES: All right. Does anyone have
3 any additional evidence for me to take?

4 (No response)

5 JUDGE COCHERES: Fine. Are there any other
6 administrative items that I need to deal with before we go on
7 to discussing how we're going to close this case?

8 (No response)

9 JUDGE COCHERES: Fine. Mr. Feigley, you are
10 getting to be a veteran in front of me about these cases, and
11 I will try to be brief about what happens next since you've
12 already been through it a couple of times.

13 We have to deal with the issue of briefing.
14 I don't believe that I need a brief in this matter. Mr.
15 Feigley, is there some reason, as the Complainant, that you
16 want to do one?

17 MR. FEIGLEY: In the last time I was in front
18 of you when the Defendant or Respondent was T-Netix, I asked
19 to brief the matter so that I could make a point of each of
20 the issues. You said that I wasn't allowed to or words to
21 that effect. So I didn't. And then, in your Opinion that
22 you issued 18 months after the fact, --18 months after the
23 fact, - you made note of the fact that I hadn't briefed it.

24 I would like to brief this. I would like to
25 summarize the issues and the relief desired. Even if it is

1 not necessary for you, it might be necessary or might be
2 useful to the Commission.

3 Don't scowl. That's not nice.

4 JUDGE COCHERES: Mr. Feigley, I think you may
5 have misrepresented one or two things that happened in
6 another proceeding. But I assure you that I will give you
7 every opportunity to file a brief in this case. How long do
8 you think it will take you to prepare one?

9 MR. FEIGLEY: Well I would like to have 20
10 days, at least.

11 JUDGE COCHERES: All right, you may have 20
12 days.

13 MR. FEIGLEY: Thank you, Judge. I therefore
14 will forego a closing statement as I did not make an opening
15 statement.

16 JUDGE COCHERES: All right. Now briefing
17 occur in front of this Commission in two formats. One format
18 is for you, the Complainant, to write a brief, submit it; and
19 for the Respondents to file a brief as well, after they
20 receive yours. That is the format used by most courts. It
21 is the format that I expect I will use in this case because I
22 think the issues have been fairly well framed already.

23 For your information, sir, there is another
24 format that we use as well; and that is what's called
25 simultaneous briefing. Simultaneous briefing occurs when

1 both sides submit the first round of briefs on the same day,
2 and then they are given an opportunity to file reply briefs
3 to the arguments they have received in the mail. I don't see
4 any need to use that format. It's used most often in large
5 rate cases or investigations. That's not the nature of what
6 we are going through now.

7 Do you have any question about that, sir?

8 MR. FEIGLEY: No. I expected that I would
9 file a brief and they would file a reply brief.

10 JUDGE COCHERES: Fine. Having given you 20
11 days to file a brief -- wait a minute, I do have a calendar.
12 Just a minute.

13 (Pause)

14 JUDGE COCHERES: I see that May 26th is a
15 Thursday, and I don't normally count the first day, today, as
16 the first day. So that would extend your briefing time until
17 May 27th, and that's when I would expect you to put it in the
18 mail.

19 MR. FEIGLEY: Very well. May I ask about the
20 exhibits? Do you want them mailed ahead of time or should I
21 file them with the briefs?

22 JUDGE COCHERES: No. The exhibits -- first of
23 all, Exhibits 1 through 3 are already here. You don't have
24 to file those at all. You sent them to me and all the
25 parties correctly before this hearing started. The only

1 things that we are concerned about now are Exhibit 4 and the
2 copy of the Admin 818 document. Those are due next
3 Wednesday, and your wife is nodding her head already that she
4 will take care of it.

5 What I need to do now is to set the
6 appropriate time for the Respondents to reply. That would be
7 an additional 20 days. Since the 27th is a Friday and we give
8 you three days to get it in the mail, so if you mailed it on
9 Friday they're not going to receive it on Saturday
10 necessarily. They'll receive it approximately three days
11 later. Their time will start a little differently than May
12 27th.

13 As it is, the Friday we're talking about is
14 Memorial Day holiday, so we really do have a small problem
15 there. I'm going to assume that your brief will arrive in
16 their offices at approximately June 2nd. And take 20 days
17 from there and that would take us through June 23rd. June
18 23rd is also a Thursday, and it can be that day as far as I'm
19 concerned.

20 MR. FEIGLEY: Number of copies, Your Honor?

21 JUDGE COCHERES: Yes. I can give you that
22 information. It's in our Rules. Mr. Feigley, you will be
23 responsible for supplying an original and nine copies of the
24 brief to the Commission, one copy to me, one copy to Mr.
25 Fairall and one copy to Mr. Stewart. So that would be 12

1 copies totally, I believe. The original and nine to the
2 Commission, the 10th one to me, 11th one to Mr. Fairall and
3 the 12th one to Mr. Stewart.

4 MR. FEIGLEY: I don't have to file -- I don't
5 have to serve this Mr. Kazee?

6 JUDGE COCHERES: No. Mr. Kazee is a
7 representative of Verizon Select Services. His Harrisburg
8 attorney is Mr. Stewart.

9 MR. FEIGLEY: Very well.

10 JUDGE COCHERES: Are there any other items
11 that I need to deal with? Any other questions?

12 (No response)

13 JUDGE COCHERES: Then I thank you all...

14 MR. KAZEE: Judge?

15 JUDGE COCHERES: Yes?

16 MR. KAZEE: Judge, I'm sorry, I didn't
17 understand. Is the June 23rd day the date for mailing it or
18 the date for delivery at the Commission?

19 JUDGE COCHERES: Well, it should be delivered
20 to me on the 23rd. To the best of my knowledge, you cannot
21 overnight mail to Mr. Feigley. So you can put it in the
22 mail. There's no response required beyond that time. And
23 he'll get it when his mail delivers it to him. I understand
24 that there can be delays with inmate mail, and since there is
25 no response required he will get it in due time.

1 I urge you to put his prisoner number on the
2 caption and on any envelope you send to him. The Department
3 Of Corrections does not always deliver mail that does not
4 have the correct prisoner number on it, and we at the
5 Commission have received our mail back because of that.

6 MR. KAZEE: Okay, thank you.

7 JUDGE COCHERES: Of course Ms. Feigley should
8 get a copy, as well. They are at two different addresses.

9 Is there anything else I need to deal with?

10 (No response)

11 JUDGE COCHERES: In that case, I appreciate
12 your extreme patience for the technology problems we've had
13 today. I wish I could say it would have been different or
14 that I have some control over it. I don't. Thank you for
15 being so patient. I appreciate your cooperation. You've all
16 done a pretty good job of framing the issues for me.

17 Thank you, we're adjourned.

18 (Whereupon, at 1:30 p.m., the hearing was
19 adjourned.)

20

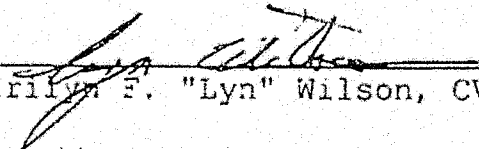
* * *

C E R T I F I C A T E

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

COMMONWEALTH REPORTING COMPANY, INC.

By:


Marilyn F. "Lyn" Wilson, CVR

SECRETARY'S BUREAU

2005 JUN - 1 PM 1:23

1011

Before the Pennsylvania
Public Utility Commission

FEIGLEY #1
C 2004 3621
6 MAY 05
mfa

Sandra and George Feigley :
Complainants :
v : Number C-20043621
Verizon Select Services, Inc. :
and Department of Corrections :
by Robert Shannon :
Respondents :

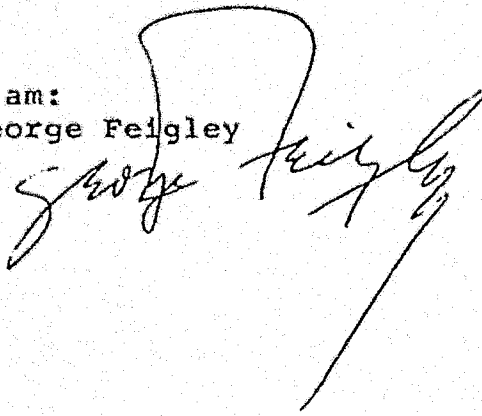
Certificate of Service

I certify that I am this day serving true copies of the herewith
exhibits by first class mail postage prepaid upon the following
persons:

Todd S. Stewart, Esq.
Hawke McKeon Sniscak & Kennary
Box 1778
Harrisburg, PA 17105-1778

William E. Fairall, Jr., Esq.
Deputy Chief Counsel
55 Utley Drive
Camp Hill, PA 17011

I am:
George Feigley



Date: 23 March 2005

DOCUMENT
FOLDER

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MAY 23 2005
PA PUC

Before the Pennsylvania
Public Utility Commission

Sandra and George Feigley :
Complainants :
v : Number C-20043621
Verizon Select Services, Inc. :
and Department of Corrections :
by Robert Shannon :
Respondents :

Complainants' Exhibits
For Hearing

To the Administrative Law Judge:

Herewith please find exhibits to which the Complainants will refer in this matter, to wit:

1. Feigleys' Exhibit #1, Sandra Feigley's telephone bill dated 31 July 2004,
2. Feigleys' Exhibit #2, Sandra Feigley's telephone bill dated 31 August 2004,
3. Feigleys' Exhibit #3a, b and c, George Feigley's institutional grievance relating to disconnected phone calls dated 11 August 2004 along with replies by prison functionary and Robert Shannon,
4. Electronic exhibits which are included by reference, but cannot be submitted except in printout which would adulterate the exhibits,

"Make Verizon Refund for Disconnected Calls"

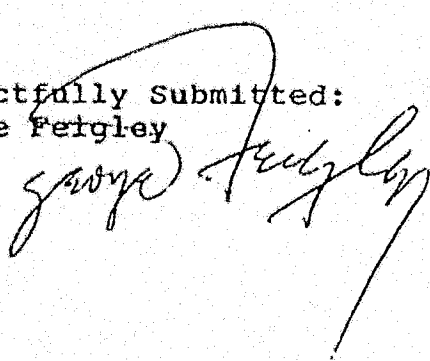
www.prisoners.com/lisa.html

"Me Against the Fracks"

www.prisoners.com/fracks.html

5. Public Document: Department of Corrections Administrative Directive 818 relating to censorship of telephone calls with prisoners.

Respectfully Submitted:
George Feigley

A handwritten signature in cursive script, appearing to read "George Feigley", written over the typed name.

Date: 22 March 2005

PO Box 701028
Dallas, TX 75370

Feigley Energy Account # 34124

Statement Date 7/31/2004 Page 3

Summary By Billing ID

From Number	To Number	Constitution	Type	Date	Rate	Min	Charge	
15701874-4338	1571236-6045	HARRISBURG, PA	IAE	06/28/04	6.55	15.00	15.55	
15701874-4338	1571236-6045	HARRISBURG, PA	IAE	06/29/04	6.55	15.00	15.55	
15701874-4338	1571236-6045	HARRISBURG, PA	IAE	06/30/04	6.55	15.00	15.55	
15701874-4338	1571236-6045	HARRISBURG, PA	IAE	07/01/04	6.55	15.00	15.55	
15701874-4338	1571236-6045	HARRISBURG, PA	IAE	07/02/04	6.55	15.00	15.55	
15701874-4338	1571236-6045	HARRISBURG, PA	IAE	07/03/04	6.55	15.00	15.55	
15701874-4338	1571236-6045	HARRISBURG, PA	IAE	07/04/04	6.55	15.00	15.55	
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15701874-4338	1571236-6045	HARRISBURG, PA	IAE	07/09/04	6.55	15.00	15.55	
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15701874-4338	1571236-6045	HARRISBURG, PA	IAE	07/28/04	6.55	15.00	15.55	
15701874-4338	1571236-6045	HARRISBURG, PA	IAE	07/29/04	6.55	15.00	15.55	
15701874-4338	1571236-6045	HARRISBURG, PA	IAE	07/30/04	6.55	15.00	15.55	
15701874-4338	1571236-6045	HARRISBURG, PA	IAE	07/31/04	6.55	15.00	15.55	
Total:							381.00	1170.37

Total: 381.00 1170.37

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JUN 03 2005

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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C-020043621
5/6/05 Nlg zw
Feigley's Exhibit A

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

FOR OFFICIAL USE ONLY

92761

GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR	FACILITY: SCI-Frackville	DATE: 11 August 2004
FROM: (INMATE NAME & NUMBER) George Feigley, AK 2760	SIGNATURE OF INMATE: <i>George Feigley</i>	
WORK ASSIGNMENT: NONE	HOUSING ASSIGNMENT: CC 1021	

- 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. During a telephone conversation with my wife at 717-236-5045 shortly after 6 PM 11 August 2004, we were TWICE disconnected. Each time cost an additional re-connection fee. Similar disconnections have occurred on numerous Wednesdays. There was no legitimate justification for the disconnections - any of them. My wife doesn't subscribe to or use call waiting or forwarding. The system is fundamentally flawed. It is a defective product/served promoted by fraud. It appears that the disconnections are the result of some human agency within the prison or an effort to harass and cause expense.

Have my wife's account credited with the amounts of the various disconnections reconnections. She is sending a copy of her phone bill. Take steps to limit and/or eliminate the costly disconnections.

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

B. List actions taken and staff you have contacted, before submitting this grievance. We have gone to the Public Utility Commission and will do so again as a result of this latest pattern of gouging. Previously we named PUC as a respondent and will do so again.

DOCKETED

JUN 03 2005

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

P. Bantz

Signature of Facility Grievance Coordinator

8/18/04

Date

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

C-20043621
1/16/05
5/16/05
Feigley's fr #3 a
LW

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA. 17011

DOCKETED

JUN 03 2005

OFFICIAL INMATE GRIEVANCE
INITIAL REVIEW RESPONSE

GRIEVANCE NO. 92761

TO:(NAME & DC NO.) FEIGLEY, George AK-2760	INSTITUTION: SCI-FRACKVILLE	QUARTERS: CC21	GRIEVANCE DATE: 8/11/04
--	------------------------------------	-----------------------	-----------------------------------

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

The phone service provider/coordinator was contacted and a check of the calls you indicated was conducted.

The calls for 14 July and 28 July were shown to be attempted 3-way calls. Custom calling features are not authorized and, when detected by the computer, will be disconnected.

The call for 11 August was shown that a button was pushed. This action, when detected by the computer, will disconnect the call as an attempted custom calling feature.

The call for 14 August was shown to be an attempted 3-way call.

The calls you indicated were all checked by the phone service provider/coordinator and the calls were disconnected for the reasons stated.

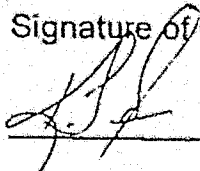
cc: DSFM
Major
DC-15
File

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JUN 01 2005

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Print Name and Title of Grievance Officer Lt. Schauer	Signature of Grievance Officer 	Date 8/30/05
--	---	---------------------

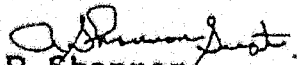
C-20043621 5/6/05
Nbg Feigley's Sub. # 436 210

COMMONWEALTH OF PENNSYLVANIA
Department of Corrections
State Correctional Institution at Frackville
Superintendent's Office
September 2, 2004

21 @

SUBJECT: Response to Official Inmate Grievance #92761

TO: George Feigley, AK-2760/CC-21

FROM: 
R. Shannon
Superintendent

In preparing a response to this appeal, I have reviewed your initial grievance, the grievance response, and this appeal. The following comments are provided:

Response provided to your Grievance by Lt. Schauer reflects his investigation that the phone system disconnected when a prohibited custom-calling feature was attempted. There is evidence to support those findings.

Grievance appeal is therefore denied.

RS:abs

cc: Deputy Kerestes
Deputy Shutt
CSA Damiter
Unit Manager Miranda
DC-15
File

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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JUN 03 2005

5/6/05 C-20043621 Hlg
Feigley exhibit at 30 66