

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00	:	
2. BUREAU: ALJ	:	
3. SECTION(S):	:	
5. APPROVED BY:	:	4. PUBLIC MEETING DATE:
DIRECTOR:	:	00/00/00
SUPERVISOR:	:	
6. PERSON IN CHARGE:	:	7. DATE FILED: 09/01/04
8. DOCKET NO: C-20043621	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: FEIGLEY, SANDRA AND GEORGE

RESPONDENT/APPLICANT: VERIZON SELECT SERVICES INC

COMP/APP COJNTY: UTILITY CODE: 310291

ALLEGATION OR SUBJECT

COMPLAINANT BELIEVES THAT CHARGES ON THE TELEPHONE SYSTEM IN THE PRISON ARE UNFAIR AND THEY HAVE BEEN OVERCHARGED. THEIR CALLS ARE OFTEN INTERRUPTED AND THEY ARE CHARGED FOR IT, AND THE \$3.99 FEE SHOULD BE REMOVED.

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310291

Formal Complaint Form
Pennsylvania Public Utility Commission

ORIGINAL

Please Print: (you may also type your answers directly onto the form as it appears on your screen)

1. Your name, mailing address and telephone number:

Name Sandra and George Feigley

Street/P.O. Box Box 15541 Apt # _____

City Harrisburg, PA 17105 State _____ Zip _____

County Dauphin and

County Schuylkill Area Code/Home Phone 717-236-6045

Area Code/Work Phone 717-856-4487

2. Name of company your complaint concerns: Verizon Select Services, Inc. in partnership with Dept. of Corrections, by Robert Shannon

3. What is your complaint? (Use additional paper if need more space).
The telephone system operated by the prison and Verizon Select Services, Inc. is a defective product sold and promoted fraudulently. The service habitually disconnects calls thereby imposing an additional connection fee. It interrupts conversations with announcements which the user must pay for. It does not accurately time the calls. The service charges an unreasonable and exorbitant fee of \$3.99 just to accept payment of its bills.

4. What do you want the Public Utility Commission to do about your complaint?
(Use additional paper if need more space).

We want the service prosecuted as a defective product and a fraud. We want the service replaced. We want a refund of overcharges, improper reconnection fees and \$3.99 fee imposed to pay the bill.

5. You must sign and date your complaint below.

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

George Feigley
Signature

21 August 2004
Date

Sandra Feigley

25 August 2004

Continued on next page

24

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

Lawyer's Name NONE

Street _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

Mail to:
Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

For more information, please contact the Secretary's Bureau at 717-772-7777.

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P O BOX 3265, HARRISBURG PA 17105-3265

DATE SERVED: SEPTEMBER 13, 2004

C-20043621

VERIZON SELECT SERVICES INC
600 HIDDEN RIDGE
MAIL CODE HQE02E91
IRVING TX 75038

DOCUMENT
FOLDER

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by SANDRA AND GEORGE FEIGLEY. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

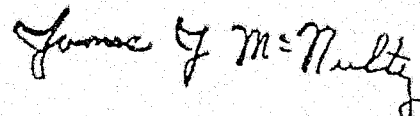
An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help.

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

Very truly yours,

A handwritten signature in cursive script that reads "James J. McNulty".

James J. McNulty
Secretary

dbb

DATE SERVED: SEPTEMBER 13, 2004

SANDRA AND GEORGE FEIGLEY
Complainant

VS.

VERIZON SELECT SERVICES INC
Respondent

Complaint Docket
No: C-20043621

DOCUMENT
FOLDER

DOCKETED
9-2 13 2004

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: VERIZON SELECT SERVICES, INC.

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

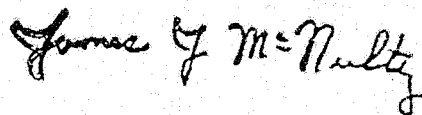
1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq., and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq., and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



James J. McNulty
Secretary

(SEAL)

Certified Mail
Return Receipt Requested

Hawke
 Mckeon
 Sniscak &
 Kennard LLP
ATTORNEYS AT LAW

William T Hawke
Kevin J McKeon
Thomas J. Sniscak
Norman James Kennard
Lillian Smith Harris
Scott T. Wyland
Todd S. Stewart
Craig R. Burgraff
Steven D. Snyder
Janet L. Miller
Steven K. Haas
William E. Lehman
Rikardo J. Hull
Katherine E. Lovette

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmsk-law.com

October 4, 2004

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
North Office Building, Filing Room - B20
Harrisburg, PA 17105-3265

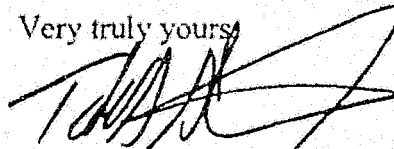
Re. Sandra Feigley and George Feigley v. Verizon Select Services Inc.;
Docket No. C-20043621; ANSWER AND NEW MATTER OF VERIZON
SELECT SERVICES INC. TO COMPLAINT

Dear Secretary McNulty:

Enclosed, for filing with the Commission are the original and three (3) copies of the Answer of Verizon Select Services Inc. ("VSSI") in the above-captioned proceeding.

If you have any questions with regard to this filing, please direct them to me. Thank you for your attention to this matter.

Very truly yours,



Todd S. Stewart
Counsel for Verizon Select Services Inc.

TSS:tap
Enclosures

DOCUMENT
FOLDER

MAILING ADDRESS: P.O. BOX 1778 HARRISBURG, PA 17105

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SECRETARY'S BUREAU

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Sandra Feigley and George Feigley
Complainant

Docket No. C-20043621

v.

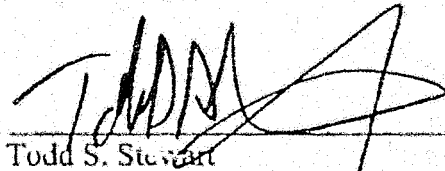
Verizon Select Services Inc.
Respondent

NOTICE TO PLEAD

TO: Sandra and George Feigley
P.O. Box 15541
Harrisburg, PA 17105

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2004 OCT -1 PM 4:02
SECRETARY'S BUREAU

Pursuant to 52 Pa. Code §§5.62 and 5.63, you are hereby notified that, if you do not file a written response denying or correcting the enclosed Answer and New Matter of Verizon Select Services Inc. within twenty (20) days from service of this notice, the facts set forth by Verizon Select Services Inc. in the Answer and New Matter may be deemed to be true, thereby requiring no other proof. All pleadings such as a Reply to the Answer, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served on the undersigned counsel for Verizon Select Services Inc.



Todd S. Stewart
Hawke McKeon Sniscak & Kennard LLP
Harrisburg Energy Center
100 North Tenth Street
PO Box 1778
Harrisburg, PA 17105-1778
717-236-1300
Counsel for Verizon Select Services Inc.

DATED: October 4, 2004

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Sandra Feigley and George Feigley,
Complainant

v.

Verizon Select Services Inc.,
Respondent

Docket No. C-20043621

ANSWER AND NEW MATTER
OF VERIZON SELECT SERVICES INC.
TO COMPLAINT

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Verizon Select Services Inc. ("VSSI") by and through its counsel in the above-captioned matter, Hawke McKeon Sniscak & Kennard LLP, hereby Answers the Fermal Complaint of Sandra Feigley and George Feigley ("Complainants") and in support thereof states and avers as follows:

1. DENIED. VSSI is without knowledge or information sufficient to form a belief as to the truth of the statements regarding the address of Complainants, whether they reside either in Dauphin and/or Schuylkill Counties or in which County each resides, or their local telephone numbers, therefore, these allegations are DENIED and strict proof thereof is demanded.

2. DENIED. VSSI is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding whether VSSI is an appropriate respondent.

3. DENIED. VSSI DENIES that its telephone system is defective or that it is sold or promoted in a fraudulent manner. VSSI DENIES that the telephone service that it provides

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OCT 07 2004

disconnects calls habitually. VSSI ADMITS that there is an initial fee for each call placed from a prison telephone system. However, if the called party believes that he or she was disconnected in error, they are able to call their local service provider and seek credit for the per call fee. VSSI ADMITS that the telephone service it provides to the Department of Corrections for the benefit of inmates in Pennsylvania, includes an announcement to the called party, at the beginning of the call, informing the called party as required by law¹, that the call has originated from prison and that the call may be monitored or recorded. By way of further answer, VSSI avers that the frequency at which such announcements are repeated throughout the call is determined by the Department of Corrections of the Commonwealth of Pennsylvania. VSSI DENIES the allegation that the system does not accurately time calls. VSSI DENIES the allegation that its service charges are unreasonable or exorbitant. VSSI DENIES that it charges a fee of \$3.99 just to accept payment of its bills. By way of further answer, VSSI avers that it does not charge any such \$3.99 fee nor has it charged such a fee to Complainants.

4. The statements contained in paragraph 4 constitute requests for relief to which no responsive pleading ordinarily is required. To the extent that these statements allege that the service provided by VSSI is defective or is provided fraudulently, these allegations are DENIED. By way of further answer, VSSI avers that the Pennsylvania Public Utility Commission is without jurisdiction to terminate the service provided by VSSI pursuant to a contract with the Department of General Services of the Commonwealth of Pennsylvania, since the provisions of that contract are not within the jurisdiction of the Pennsylvania Public Utility Commission.²

¹ 66 Pa. C.S. § 2907(a).

² *Feigley v. AT&T Communications of Pennsylvania, Inc.*, Docket No. C-00981434 (Opinion and Order entered April 20, 2001, at p. 21).

Moreover, any allegations regarding billing fees are outside of the jurisdiction of the Pennsylvania Public Utility Commission.³

NEW MATTER

Pursuant to 53 Pa. Code § 5.62(b), VSSI raises an affirmative defense by way of New Matter and avers as follows:

Res Judicata

1. The same Complainants filed a Complaint regarding the operation of, and rates charged for the prison telephone system,⁴ in which they raised or could have raised all of the issues presented in the instant complaint. In particular, the Feigley's prior Complaint, which initially included Verizon as a Respondent,⁵ attacked the rates for the service in question, among other issues.
2. The principal of *res judicata* provides that a judgment in a prior suit bars a second suit involving the same parties, or their privies, based upon causes of action that were raised in

³ The Federal Communications Commission ("FCC") determined in 1986 that billing services were not communications services, that they were competitive, and that they should be detariffed, effective January 1, 1987. In January 1987, the Commission granted the application of Bell Telephone Co. of Pennsylvania (a Verizon predecessor) to detariff its billing services. *Application of The Bell Telephone Co. of Pennsylvania*, Docket No. P-860168 (Order entered January 22, 1987). Since that time, Verizon PA has provided billing and collection services on behalf of various other carriers pursuant to private contracts with these carriers. The Commission restated its commitment to the competitive nature of billing and collection services in its Opinion and Order on Bell's "Chapter 30" Petition and Plan (Re: Bell Atlantic-Pennsylvania, Inc.'s Petition and Plan for Alternative Form of Regulation Under Chapter 30, Docket No. P-00930715, Order entered June 28, 1994) (hereinafter, "Chapter 30 Order"). In its Chapter 30 Order, the Commission noted that Verizon has been providing billing services to other carriers on a detariffed basis since 1987 (Chapter 30 Order, at p. 106). In ruling on this issue in Bell's Chapter 30 Petition and Plan, the Commission stated, "... we will grant Bells' request to have Billing and Collection Services deemed competitive" (Chapter 30 Order, at p. 107, see also Chapter 30 Order at p. 196). As competitive, detariffed services, billing and collection arrangements of long distance carriers are not subject to regulation by the Commission. Accordingly, the various allegations related to billing and collection issues must be denied.

⁴ *Feigley v AT&T Communications of Pennsylvania, Inc ("Feigley I")*, Docket No. C-00981434 (Opinion and Order entered April 20, 2001, at p. 21).

⁵ Verizon was dismissed as a party pursuant to a motion for Summary Judgment, which was granted, *Feigley I* at p. 34-36.

the prior proceeding or which could have been raised.⁶ *Res Judicata* is applicable to administrative agency proceedings.⁷

3. In *Feigley I*, the Commission held that Complainants failed to prove any aspect of their case. They appealed the Commission's decision to the Commonwealth Court, which similarly dismissed all of their claims. *Feigley v. Pa. P.U.C.*, 794 A 2d 428 (Pa. Cmwlth. 2002).

4. The Complainants should not be permitted to relitigate these claims once more and such claims, accordingly, should be dismissed.

WHEREFORE, Verizon Select Services Inc. respectfully requests that the Complaint of Sandra Feigley and George Feigley be denied or dismissed preliminary in its entirety.

Respectfully submitted,



Todd S. Stewart
HAWKE MCKEON SNISCAK & KENNARD LLP
100 North Tenth Street
Post Office Box 1778
Harrisburg, PA 17105-1778
717-236-1300

Counsel for Verizon Select Services Inc.

DATED: October 4, 2004

⁶ *Parklane Hosiery Company v. Shore*, 439 U.S. 322, 326 (1979).

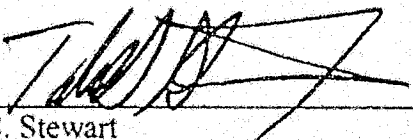
⁷ *United States v. Utah Construction*, 384 U.S. 394, 421 (1966).

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the persons named:

Service By First Class Mail:

Sandra and George Feigley
P.O. Box 15541
Harrisburg, PA 17105



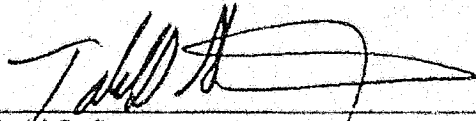
Todd S. Stewart

Dated: October 4, 2004

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SECRETARY'S BUREAU

AFFIDAVIT

I, Todd S. Stewart, certify that I am counsel for Verizon Select Services Inc. and that, in this capacity, I am authorized to and do make this Affidavit for them, that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief, and that I expect Verizon Select Services Inc. to be able to prove the same at any hearing hereof. I understand that false statements made therein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authorities.



Todd S. Stewart
HAWKE MCKEON SNISCAK & KENNARD LLP
100 North Tenth Street
PO Box 1778
Harrisburg, PA 17105
717-236-1300

Counsel for Verizon Select Services Inc.

Dated: October 4, 2004

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SECRETARY'S BUREAU

Before the Pennsylvania
Public Utility Commission

STAMPED

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

Number C-200443621

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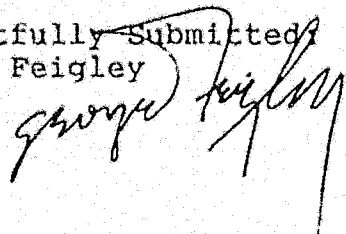
Motion For Admission of Evidence

The Complainants, Sandra and George Feigley, move that the testimony and exhibits received at the 28 September 2004 hearing in the matter of Jon Yount et al. v T-Netix, Inc., C-20042655 be received as evidence also in the above captioned matter.

1. The evidence is germane, relevant and material to claims made by Sandra and George Feigley as it goes toward proving (A) the prison telephone system is a defective product, (B) the prison telephone system imposes improper costs by improperly disconnecting telephone conversations, (C) the prison telephone system can be tampered with by prison guards for vindictive reasons and (D) the prison telephone system imposes unreasonable charges for periods of time during which persons cannot speak because of a so-called "overlay."

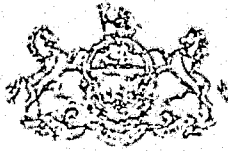
Wherefore the evidence is admissible and relevant to the complaint made by Sandra and George Feigley.

Respectfully Submitted
George Feigley



Date: 1 October 2004

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FILED



ORIGINAL

PENNSYLVANIA DEPARTMENT OF CORRECTIONS
GOVERNOR'S OFFICE OF GENERAL COUNSEL
55 UTLEY DRIVE
CAMP HILL, PENNSYLVANIA 17011
(717) 731-0444

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October 7, 2004

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Pennsylvania Public Utility Commission
Secretary's Bureau - Filing Room
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: *Sandra and George Feigley v. Verizon Select Services, Inc. et al.*
No. C-20043621

Dear Sir or Madam:

Enclosed please find for filing in the above-captioned matter the original and three copies of the Department of Corrections' Entry of Appearance and Motion to Strike. Also enclosed is an extra copy of both pleadings to be time/date stamped and returned to me in the stamped self-addressed envelope enclosed for your convenience.

I thank you for your attention to this matter.

Very truly yours,

Stacy M. Jarvis
Stacy M. Jarvis, Secretary
For William E. Fairall, Jr.
Deputy Chief Counsel

/smj
Enclosures
cc: Sandra Feigley (w/enclosures)
File

ORIGINAL

BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION

2004 OCT - 2

SANDRA AND GEORGE FEIGLEY, :

Complainants, :

v. :

VERIZON SELECT SERVICES, INC. :
AND DEPARTMENT OF :
CORRECTIONS BY ROBERT :
SHANNON, :

Respondents. :

No. C-20043621

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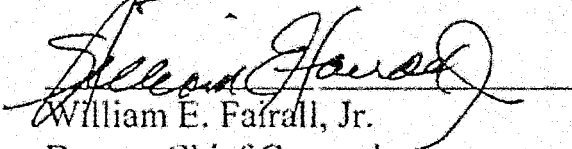
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PRAECIPE FOR ENTRY OF APPEARANCE

To the extent that a document number has been assigned to the above-captioned matter and that Feigleys have filed some documentation with the Pennsylvania Public Utility Commission in a form of a Complaint, William E. Fairall, Jr., undersigned counsel, enters his appearance on behalf of the Pennsylvania Department of Corrections by Robert Shannon, Superintendent of the State Correctional Institution at Frackville.

Respectfully submitted,
Office of General Counsel

By:



William E. Fairall, Jr.
Deputy Chief Counsel
Attorney I.D. No. PA20840
Pennsylvania Department of Corrections
55 Utley Drive
Camp Hill, PA 17011
717-731-0444

Dated: October 7, 2004

BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION

2004 OCT -9

SECRET

SANDRA AND GEORGE FEIGLEY, :

Complainants, :

v. :

VERIZON SELECT SERVICES, INC. :
AND DEPARTMENT OF :
CORRECTIONS BY ROBERT :
SHANNON, :

Respondents. :

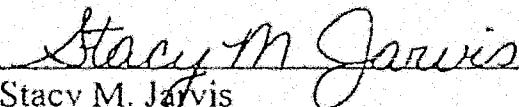
No. C-20043621

CERTIFICATE OF SERVICE

I undersigned hereby certifies that a true and correct copy of the Praecipe for Entry of Appearance in this matter was served upon the person(s) in the manner indicated below.

Service by first-class mail
addressed as follows:

Sandra Feigley
Box 15541
Harrisburg, PA 17105


Stacy M. Jarvis
Clerical Supervisor
Pennsylvania Department of Corrections
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444

Dated: October 7, 2004

BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION

2004 OCT - 28

SANDRA AND GEORGE FEIGLEY, :

Complainants, :

v. :

VERIZON SELECT SERVICES, INC. :
AND DEPARTMENT OF :
CORRECTIONS BY ROBERT :
SHANNON, :

Respondents. :

No. C-20043621

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MOTION TO STRIKE

Respondent, Pennsylvania Department of Corrections by Superintendent Robert Shannon, by and through Deputy Chief Counsel William E. Fairall, Jr. respectfully files this Motion to Strike Complainants' First Request for Production, Motion for Recusal and Motion to Include Evidence and in support of the Motion to Strike avers as follows:

1. Sandra and George Feigley ("Feigley") ostensibly filed a Complaint with the Pennsylvania Public Utility Commission in September 2004.

2. While Respondent Shannon received a copy of Feigley's First Request for Production, a Motion for Recusal and a Motion to Include Evidence from a prior hearing, Shannon has not received or been served with a formal

Complaint which sets forth in appropriate form the claims and concerns which Feigley wishes to address before the Pennsylvania Public Utility Commission.

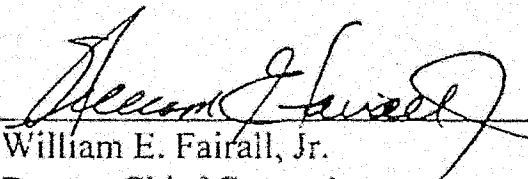
3. Respondents respectfully submit that unless and until Feigley files a formal Complaint with the Pennsylvania Public Utility Commission there is no method or basis for Feigley to file a bona fide Request for Production of Documents, a Motion to Recusal or a Motion to Include Evidence from a prior matter.

WHEREFORE, in the absence of filing and/or service of a formal Complaint before the Pennsylvania Public Utility Commission by Feigley, Respondent Shannon respectfully requests that Feigley's First Request for Production, Motion for Recusal and Motion to Include Evidence should be **STRICKEN** from the Record.

Respectfully submitted,

Office of General Counsel

By:


William E. Fairall, Jr.
Deputy Chief Counsel
Attorney I.D. No. PA20840
Pennsylvania Department of Corrections
55 Utley Drive
Camp Hill, PA 17011
717-731-0444

Dated: October 7, 2004

BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION

2004 OCT 7
SEC
END

SANDRA AND GEORGE FEIGLEY, :

Complainants, :

v. :

No. C-20043621

VERIZON SELECT SERVICES, INC. :
AND DEPARTMENT OF :
CORRECTIONS BY ROBERT :
SHANNON, :

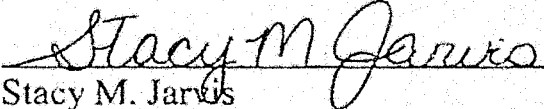
Respondents. :

CERTIFICATE OF SERVICE

I undersigned hereby certifies that a true and correct copy of the Motion to Strike in this matter was served upon the person(s) in the manner indicated below.

Service by first-class mail
addressed as follows:

Sandra Feigley
Box 15541
Harrisburg, PA 17105



Stacy M. Jarvis
Clerical Supervisor
Pennsylvania Department of Corrections
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444

Dated: October 7, 2004

Hawke
 McKeon
 Sniscak &
 Kennard LLP
ATTORNEYS AT LAW

William T. Hawke
Kevin J. McKeon
Thomas J. Sniscak
Norman James Kennard
Lillian Smith Harris
Scott T. Wyland
Todd S. Stewart
Craig R. Burgraff
Steven D. Snyder
Janet L. Miller
Steven K. Haas
William E. Lehman
Rikardo J. Hull
Katherine E. Lovette

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmsk-law.com

October 15, 2004

Sandra and George Feigley
P.O. Box 15541
Harrisburg, PA 17105

DOCUMENT

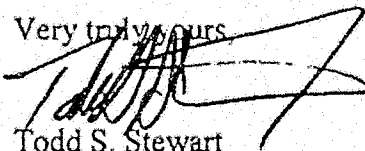
Re: Sandra Feigley and George Feigley v. Verizon Select Services Inc.;
Docket No. C-20043621; VERIZON SELECT SERVICES INC.
RESPONSE TO FIRST REQUEST FOR PRODUCTION OF
SANDRA AND GEORGE FEIGLEY

Dear Mr. and Mrs. Feigley:

Enclosed is Verizon Select Services Inc. ("VSSI") Response to your First Request for Production in the above captioned matter.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Todd S. Stewart
Counsel for
Verizon Select Services Inc.

TSS/tap
Enclosure
cc: James J. McNulty, Secretary (cover letter only)

MAILING ADDRESS: P.O. BOX 1778 HARRISBURG, PA 17105

RECEIVED
2004 OCT 19 PM 1:58
SECRETARY'S OFFICE

Hawke
 McKeon
 Sniscak &
 Kennard LLP
ATTORNEYS AT LAW

William T. Hawke
Kevin J. McKeon
Thomas J. Sniscak
Norman James Kennard
Lillian Smith Harris
Scott T. Wyland
Todd S. Stewart
Craig R. Burgraff
Steven D. Snyder
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Katherine F. Lovette

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmsk-law.com

October 19, 2004

ORIGINAL

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
North Office Building, Filing Room - B20
Harrisburg, PA 17105-3265

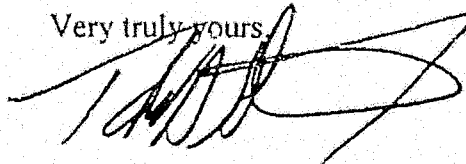
Re: Sandra Feigley and George Feigley v. Verizon Select Services Inc.; Docket No. C-20043621; ANSWER OF VERIZON SELECT SERVICES INC. TO MOTION TO STRIKE

Dear Secretary McNulty:

Enclosed, for filing with the Commission are the original and three (3) copies of the Answer of Verizon Select Services Inc. ("VSSI") To Motion to Strike in the above-captioned proceeding.

If you have any questions with regard to this filing, please direct them to me. Thank you for your attention to this matter.

Very truly yours,



Todd S. Stewart
Counsel for Verizon Select Services Inc.

TSS:tap
Enclosures

**DOCUMENT
FOLDER**

SECRETARY'S BUREAU
OCT 19 PM 4:22
RECEIVED

MAILING ADDRESS: P.O. BOX 1778 HARRISBURG, PA 17105

42

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

Sandra Feigley and George Feigley,
Complainant

v.

Verizon Select Services Inc.,
Respondent

Docket No. C-20043621

ANSWER OF
VERIZON SELECT SERVICES INC.
TO MOTION TO STRIKE

SECRETARY'S BUREAU

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Verizon Select Services Inc. ("VSSI") by and through its counsel in the above-captioned matter, Hawke McKeon Sniscak & Kennard LLP, hereby Answers the Motion to Strike filed by Complainant, George Feigley on or about October 19, 2004. Simultaneous with the filing of its Motion to Strike, Complainant also filed an Answer to New Matter¹

1. ADMITTED. On October 4, 2004, VSSI served its Answer and New Matter on both Complainants at the address is listed on the Complaint that was served upon VSSI. While George Feigley is listed on the Complaint, the Complaint does not contain a separate address for Mr. Feigley, nor does it indicate that Mr. Feigley resides at an address different from that of Sandra Feigley.

¹ Complainant's Answer to New Matter takes issue with the fact that VSSI pleaded an affirmative defense as New Matter. VSSI directs the Complainants to 52 Pa. Code § 5.62(b) wherein the regulations require that "an affirmative defense shall be pleaded in an Answer or other responsive pleading under the heading of 'New Matter.'" Therefore, it was entirely appropriate for VSSI to have pleaded the affirmative defense of *res judicata* as an affirmative defense under the heading of New Matter. Moreover, it is clear that the doctrine of *res judicata* applies to all claims, which were raised or could have been raised. Clearly the Complaint now before the Commission raises claims, which are not only similar to, if not identical to, the claims raised by the Complainants in their prior action (which initially included Verizon as a respondent) but also contains claims, which could have been raised in that prior action.

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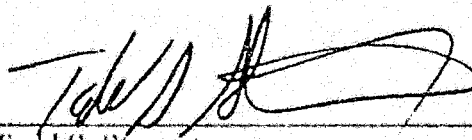
**DOCUMENT
FOLDER**

It is not the duty of the Respondent to investigate the whereabouts of the purported Complainant, particularly where the Complaint does not even allege that one of the Complainants resides at an address different from the other.

2. DENIED. The Answer and New Matter was served on both Complainants at the only address listed on the Complaint. VSSI DENIES that service was improper and/or incomplete. Rather, the service complied with the regulations of the Pennsylvania Public Utility Commission, 52 Pa. Code § 1.51, *et seq.* If Mr. Feigley resides at an address different from his spouse, it is his responsibility to include his address on the Complaint, 52 Pa. Code § 1.35. He failed to do so, and his motion is meritless.

WHEREFORE, Verizon Select Services Inc. respectfully requests that Complainant's Motion to Strike be DENIED.

Respectfully submitted,



Todd S. Stewart
HAWKE McKEON SNISCAK & KENNARD LLP
100 North Tenth Street
Post Office Box 1778
Harrisburg, PA 17105-1778
717-236-1300

Dated: October 19, 2004

Counsel for Verizon Select Services Inc

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the persons named:

Service By First Class Mail:

Sandra Feigley
P.O. Box 15541
Harrisburg, PA 17105

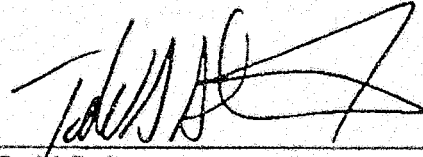
George Feigley
AK 2760
1111 Altamont Blvd.
Frackville, PA 17931

ORIGINAL

SECRETARY'S BUREAU

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REC-FILED



Todd S. Stewart

Dated: October 19, 2004

Before the Pennsylvania
Public Utility Commission

2004 OCT 15 10:00 AM

SECRET

Sandra and George Feigley,
Complainants

v

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

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:
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Number: C-20043621

Motion to Strike
Answer and New Matter of
Verizon Select Services, Inc.

1. On or about 7 October 2004 Sandra Feigley was served by first class mail with Verizon Select Services' Answer and New Matter.

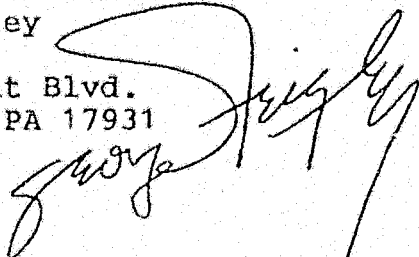
2. Complainant George Feigley was not served with the document.

Wherefore, service was improper and incomplete and the document must be stricken.

Respectfully Submitted:

George Feigley
AK 2760
1111 Altamont Blvd.
Frackville, PA 17931

Date: 15 October 2004



DOCKETED
NOV 02 2004

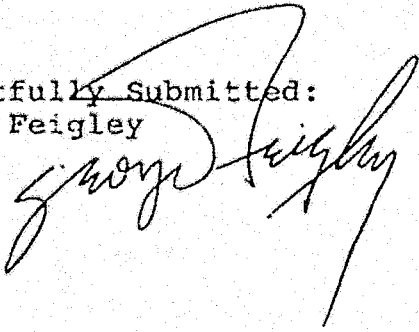
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6. While the Complaints brought an action against improper activity by corporate gougers in 1999, the present complaints deal with torts occurring in 2004, not the same transaction nor the same set of fact or claims.

7. Neither res judicata nor collateral estoppel have merit as an affirmative defense to the present complaint.

Wherefore the Complaints ask the administrative law judge to dismiss Verizon Select Services' new matter.

Respectfully Submitted:
George Feigley

A handwritten signature in cursive script, appearing to read "George Feigley", written over the typed name.

:Date: 16 October 2004

Before the Pennsylvania
Public Utility Commission

2004 OCT 19 5:11 PM

Sandra and George Feigley,
Complainants
v
Verizon Select Services, Inc.,
and Department of Corrections
by Robert Shannon,
Respondents

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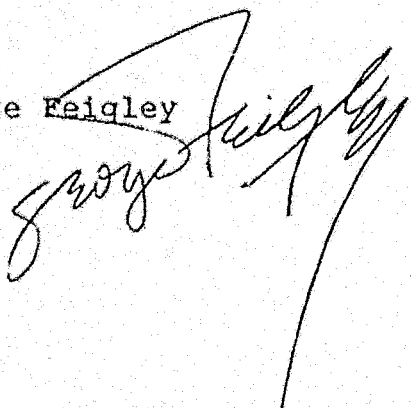
Number: C-20043621

ORIGINAL

Certificate of Service

I certify that copies of the herewith Motion to Strike and Answer were served upon the Respondents by first class mail at the same time the originals were mailed to the Commission.

I am:
George Feigley



Date: 16 October 2004

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FOLDER

8

NOV 10 10:00 AM '04

Before the Pennsylvania
Public Utility Commission

SECRET

Sandra and George Feigley,
Complainants
v
Verizon Select Services, Inc.
and Department of Corrections
by Robert Shannon
Respondents

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Number: C-20043621

Complainants' Memorandum Opposing
Department of Corrections'
Motion to Strike

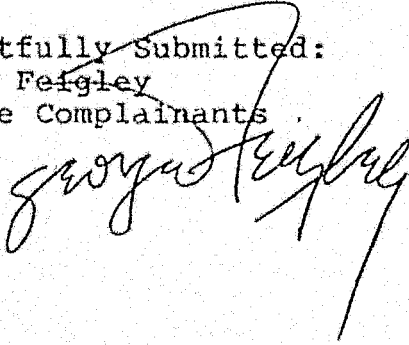
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NOV 10 2004
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1. Sandra Feigley and her husband, George, exchange telephone conversations over a telephone system operated by the Respondents between prisons and the community.
2. After repeated costly disconnections of telephone conversations and numerous other telephone problems, the Complainants filed a formal complaint with the Public Utility Commission dated 21 August 2004 docketed to C-20043621 (a copy is attached as Exhibit #1).
3. The rules provide that the Commission serves the complaint upon the Respondents. The Complainants have no reason to believe that the Commission failed to make service upon Department of Corrections and/or Robert Shannon.
4. The service of the herewith exhibit serves to rectify any oversight by the Commission.

Wherefore the Complainants ask that the Commission overrule Department of Corrections' motion to strike and direct respondents to provide the requested discovery.

Respectfully Submitted:
George Feigley
for the Complainants

Date: 14 October 2004

A handwritten signature in black ink, appearing to read "George Feigley", is written over the typed name and extends downwards and to the right.

REC'D BY 10/15/08
10/15/08

Sandra and George Feigley

Box 15541

Harrisburg, PA 17105
Dauphin and
Schuylkill

717-236-6045
717-856-4487

Verizon Select Services,
Inc. in partnership with Dept. of Corrections, by Robert Shannon

The telephone system operated by the prison and Verizon Select Services, Inc. is a defective product sold and promoted fraudulently. The service habitually disconnects calls thereby imposing an additional connection fee. It interrupts conversations with announcements which the user must pay for. It does not accurately time the calls. The service charges and unreasonable and exorbitant fee of \$3.99 just to accept payment of its bills.

We want the service prosecuted as a defective product and a fraud.
We want the service replaced. We want a refund of overcharges,
improper reconnection fees and \$3.99 fee imposed to pay the bill.

George Feigley

21 August 2009

ORIGINAL

Before the Pennsylvania
Public Utility Commission

2004 00

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SECRET

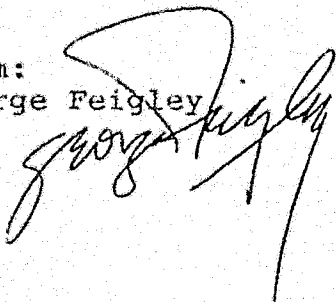
Sandra and George Feigley,
Complainants
v
Verizon Select Services, Inc.
and Department of Corrections
by Robert Shannon
Respondents

:
:
: Number: C-20043621
:
:
:
:

Certificate of Service

I certify that copies of the herewith memorandum was served upon
the Respondents by first class mail at the same time that the
original was mailed to the Commission.

I am:
George Feigley



Date: 15 October 2004

7

Hawke

McKeon

Sniscak &

Kennard LLP

ATTORNEYS AT LAW

ORIGINAL

William T. Hawke
Kevin J. McKeon
Thomas J. Sniscak
Norman James Kennard
Lillian Smith Harris
Scott T. Wyland
Todd S. Stewart

Craig R. Burgraff
Steven D. Snyder
Janet L. Miller
Steven K. Haas
William E. Lehman
Rikardo J. Hull
Katherine E. Lovette

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmsk-law.com

October 27, 2004

Sandra and George Feigley
P.O. Box 15541
Harrisburg, PA 17105

George Feigley
AK 2760
1111 Altamont Blvd.
Frackville, PA 17931

DOCUMENT
FOLDER

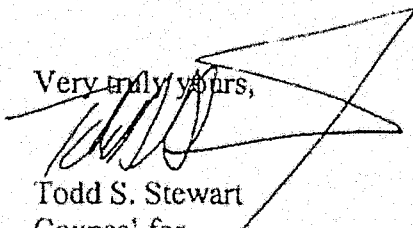
Re: Sandra Feigley and George Feigley v. Verizon Select Services Inc.;
Docket No. C-20043621; **VERIZON SELECT SERVICES INC.
INTERROGATORIES AND REQUEST FOR PRODUCTION OF
DOCUMENTS DIRECTED TO COMPLAINANTS, SANDRA AND
GEORGE FEIGLEY (SET I)**

Dear Mr. and Mrs. Feigley:

Enclosed are Verizon Select Services Inc. ("VSSI") Interrogatories and Request for Production of Documents (Set I) in the above captioned matter.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Todd S. Stewart
Counsel for
Verizon Select Services Inc.

TSS/tap
Enclosure
cc: James J. McNulty, Secretary (cover letter only)

MAILING ADDRESS: P.O. BOX 1778 HARRISBURG, PA 17105

RECEIVED
2004 OCT 27 PM 4:12
SECRETARY'S OFFICE

34

Hawke
 Mckeon
 Sniscak &
 Kennard LLP
ATTORNEYS AT LAW

William T. Hawke
Kevin J. McKeon
Thomas J. Sniscak
Norman James Kennard
Lillian Smith Harris
Scott T. Wyland
Todd S. Stewart
Craig R. Burgraff
Steven D. Snyder
Janet L. Miller
Steven K. Haas
William E. Lehman
Rikardo J. Hull
Katherine E. Lovette

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmsk-law.com

November 16, 2004

Sandra Feigley
P.O. Box 15541
Harrisburg, PA 17105

George Feigley
AK 2760
1111 Altamont Blvd.
Frackville, PA 17931

RECEIVED

Re: Sandra Feigley and George Feigley v. Verizon Select Services Inc.;
Docket No. C-20043621; **RESPONSE TO CORRESPONDENCE**
DATED NOVEMBER 3, 2004

Dear Ms. Feigley:

I have received your letter dated November 3, 2004, stating your objection to our Interrogatories on the grounds that the Interrogatories did not provide space on the page in which you could provide answers. The Pennsylvania Public Utility Commission's procedural regulations do not recognize such an objection. As you know, those Interrogatories were duly served upon you and your husband on October 27, 2004, and as such, answers to those Interrogatories are due to be sent out by you no later than November 19, 2004. By your letter I understand that you are refusing to provide those answers. Without waiving Verizon Select Services Inc.'s ("VSSI") rights under the Pennsylvania Public Utility Commission's regulations at 52 Pa. Code § 5.342 *et seq.*, I have enclosed, copies of the Interrogatories propounded upon you in the form of one Interrogatory per page. If I do not receive responses to these Interrogatories within a reasonable amount of time, I will file the appropriate pleading with the Commission to compel such responses.

If you have any questions, please contact me.

Very truly yours,

Todd S. Stewart

Counsel for Verizon Select Services Inc.

RECEIVED
JAN 18 2005

TSS/tap
Enclosure
cc: James J. McNulty, Secretary

MAILING ADDRESS: P.O. BOX 1778 HARRISBURG, PA 17105

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JAN 18 2005
SECRETARY'S OFFICE

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Sandra Feigley and George Feigley,
Complainant

v.

Verizon Select Services Inc.,
Respondent

Docket No. C-20043621

**VERIZON SELECT SERVICES INC.
INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS
DIRECTED TO COMPLAINANTS,
SANDRA AND GEORGE FEIGLEY (SET I)**

SECRETARY'S BUREAU

NOV 12 2004

REC'D

Pursuant to 52 Pa. Code § 5.341, Verizon Select Services Inc. ("VSSI") hereby propounds the following Interrogatories (Set I) to Sandra Feigley and George Feigley ("Complainants" or "Feigleys").

Pursuant to 52 Pa. Code § 342.(d), answers are due within 20 days from the date of service. Please contact me if you have any questions.

Dated: October 27, 2004

RECEIVED

Instructions and Definitions

1. The term "document" means any written, printed, typed, or other graphic matter of any kind or nature, however produced or reproduced, whether sent or received or neither, including drafts and copies bearing notations or marks not found in the original, and includes, but is not limited to:
 - (a) all contracts, agreements, representations, warranties, certificates, opinions;
 - (b) all letters or other forms of correspondence or communication, including envelopes, notes, telegrams, cables, telex messages, messages (including reports, notes, notations, and memoranda of or relating to telephone conversations or conferences);
 - (c) all memoranda, reports, test results, financial statements or reports, notes, transcripts, tabulations, studies, analyses, evaluations, projections, work papers, government records or copies thereof, lists, comparisons, questionnaires, surveys, charts, graphs, summaries, extracts, statistical records, compilations;
 - (d) all desk calendars, appointment books, diaries;
 - (e) all books, articles, press releases, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, manuals;
 - (f) all minutes or transcripts of all meetings; and/or
 - (g) all photographs, microfilms, phonographs, tapes or other records, punch cards, magnetic tapes, print-outs, and other data compilations from which information can be obtained;
2. The term "communication" means not only oral communications but also any "documents" (as such term is defined in Paragraph 1 above), whether or not such document or the information contained therein was transmitted by its author to any other person.
3. When used in reference to a natural person, the terms "identify," "identity," or "identification" mean to provide the following information:
 - (a) the person's full name;
 - (b) the person's present or last-known business and residential addresses;
 - (c) the person's present or last-known business affiliation; and

- (d) the person's present or last-known employment position (including job title and a description of job responsibilities).
4. When used with reference to any entity other than a natural person, the terms "identify," "identity," or "identification" mean to provide the following information:
- (a) its full name;
 - (b) the address of its principal place of business,
 - (c) in the case of a corporation, the names of its directors and principle officers; and
 - (d) in the case of an entity other than a corporation, the identities of its partners or principals or all individuals who acted or authorized another to act on its behalf in connection with the matters referred to.
5. When used in reference to a document, the terms "identify," "identity," or "identification" mean to provide the following information:
- (a) the nature of the document (e.g., letter, contract, memorandum) and any other information (i.e., its title, index, or file number) which would facilitate in the identification thereof;
 - (b) its date of preparation;
 - (c) its present location and the identity of its present custodian, or if its present location and custodian are not known, a description of its last known disposition);
 - (d) its subject matter and substance or, in lieu thereof, attach a legible copy of the document to the answers of those interrogatories;
 - (e) the identity of each person who performed any function or had any role in connection therewith (i.e., author, contributor of information, recipient, etc.) or who has any knowledge; and
 - (f) if the document has been destroyed or is otherwise no longer in existence or cannot be found, the reason why such document no longer exists, the identity of the people responsible for the document no longer being in existence and of its last custodian.
6. When used in connection with an oral communication, the terms "identify," "identity," and "identification" mean to provide the following information:
- (a) the general nature (i.e., conference, telephone communication, etc.);

- (b) the time and place of its occurrence;
- (c) its subject matter and substance;
- (d) the identity of each person who performed any function or had any role in connection therewith or who has any knowledge thereof, together with a description of each such person's function, role, or knowledge; and
- (e) the identity of each document which refers thereto or which was used, referred to, or prepared in the course or as a result thereof.

7. The terms "describe" and "description" mean:

- (a) provide a descriptive statement or account thereof, including but not limited to the general nature of the subject and its time or location;
- (b) identify each person who has any knowledge thereof;
- (c) identify each document which refers thereto, or which was used, referred to, or prepared in the course of, or as a result thereof, and
- (d) identify each oral communication which refers thereto, or which occurred in the course of or as a result thereof.

8. The term "basis" means set forth each item of information upon which the allegation, contention, claim, or demand referred to in the interrogatory is based.

9. The terms "relates to" or "thereto" or "relating to" means used or occurring or referred to in the preparation therefore, or in the course thereof, or as a consequence thereof, or referring thereto.

10. Answer by Reference to Documents: If any interrogatory is answered by reference to a document or group of documents, with respect to each such interrogatory answer, identify the specific document or documents containing the requested information.

11. The term "person" means all natural persons, corporations, partnerships, or other business associations, public authorities, municipal corporations, state governments, local governments, all governmental bodies, and all other legal entities.

12. Inability to Answer: If any interrogatory cannot be answered after the Complainant(s) has conducted a reasonable investigation, state:

- (a) the answer to the extent possible;
- (b) what information cannot be provided; and
- (c) what efforts were made to obtain the unknown information.

**Verizon Select Services Inc.'s
Interrogatories and Request for Production of Documents, Set I
To Sandra and George Feigley**

1. With regard to your Complaint dated September 13, 2004, at paragraph 3 wherein you allege that "the telephone system operated by the prison and Verizon Select Services, Inc. is a defective product sold and promoted fraudulently."
 - (a) State each and every basis for your allegation that the telephone system is "a defective product."
 - (b) State each and every basis for the allegation that the telephone system is "promoted fraudulently."
 - (c) Define the term "promoted" as it is used in the section quoted above.

2. With regard to the above-captioned Complaint at paragraph 3 wherein it is alleged "the service habitually disconnects calls," state each and every incident in which it is alleged that the service disconnected a call involving either of the Complainants and for each alleged incident, list the date and time, and the name and telephone number of the called party.

3. With regard to the above-captioned Complaint at paragraph 3 wherein it is alleged "it does not accurately time the calls." State each and every basis for the allegation that the automated inmate telephone system does not accurately time calls.

4. With regard to the above-captioned Complaint at paragraph 3 wherein it is alleged that "the service charges and [sic] unreasonable and exorbitant fee of \$3.99 just to accept payment of its bills." State Complainants understanding of the basis of the alleged \$3.99 fee. For each time the Complainant believes it was charged \$3.99 just to accept payment of its bills, please identify such bill and provide copies of all such bills.

5. Provide copies of each and every document in the possession of Complainants which tends to support the allegations raised in the Complaint.

6. Identify each and every person that the Complainants intend to call as witnesses at any hearing in the above-captioned matter and provide their address, telephone number and a description of the substance of their testimony.

7. Provide copies of any and all documents, which may be introduced by Complainants in any hearing in the above-captioned matter.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

February 3, 2005

In Re: C-20043621

(SEE ATTACHED LIST)

AGREEMENT Sandra and George Feigley
v.
Verizon Select Services Inc.

MAR 07 2005

Service Dispute.

Telephone Hearing Notice

This is to inform you that a hearing by telephone on the above-captioned case will be held as follows:

Type: Initial Telephonic/ Video Conference Hearing
Date: Friday, May 6, 2005
Time: 10:00 a. m.
Presiding: Administrative Law Judge Louis G. Cocheres
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 783-5452
Fax: (717) 787-0481

If you have not provided a current telephone number where you can be reached for participation in the hearing OR YOUR AREA CODE HAS CHANGED, then you must contact the presiding officer at least 7 days before the actual hearing and provide the necessary information.

At the above date and time, the Presiding Officer will contact the parties as follows:

Sandra Feigley	717.236.6045
George Feigley	570.874.4516
Todd S. Stewart, Esquire	717.236.1300
William E. Fairall, Esquire	717.731.0444

If you have any hearing exhibits to which you will refer during the hearing, 3 copies must be sent to the Administrative Law Judge and 1 copy each must be sent to every other party. All copies must be received at least 3 days before the hearing.

Attention: You may lose the case if you do not take part in this hearing and present facts on the issues raised.

Except for those individuals representing themselves, the Commission's rules require that all parties have an attorney; therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc. Judge Cocheres
Ona Lester
Beth Plantz
Docket Section
Calendar File

DOCUMENT
FOLDER

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P O BOX 3265, HARRISBURG PA 17105-3265

DATE SERVED: March 2, 2005

C-20043621

WILLIAM E. FAIRALL, JR.
DEPUTY CHIEF COUNSEL
PENNSYLVANIA DEPARTMENT OF CORRECTIONS
55 UTLEY DR.
CAMP HILL PA 17011

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by SANDRA AND GEORGE FEIGLFY. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

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FOLDER

MAR 01 2005

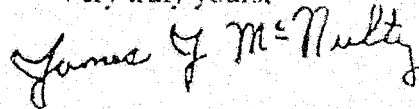
March 2, 2005

Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

Very truly yours,

A handwritten signature in cursive script that reads "James J. McNulty".

James J. McNulty
Secretary

ksb

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: March 2, 2005

SANDRA AND GEORGE
FEIGLEY
Complainant

VS.

Complaint Docket
No: C-20043621

PENNSYLVANIA DEPARTMENT OF
CORRECTIONS - ROBERT SHANNON
Respondent

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: PENNSYLVANIA DEPARTMENT OF CORRECTIONS-ROBERT SHANNON

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a)

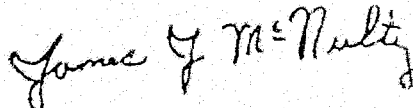
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which

imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied, any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C S Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



James J. McNalty
Secretary

(SEAL)

Certified Mail
Return Receipt Requested

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Sandra and George Feigley

v.

C-20043621

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

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APR 19 2005

PREHEARING ORDER NO. 2

The purpose of this order is to rule on the pending motion for the issuance of three subpoenas by George Feigley. Having reviewed the Motion For Subpoenas from Mr. Feigley, the Pennsylvania Department of Corrections' Objections To Motion For Subpoenas and Verizon Select Services Inc.'s Objection To Issuance [sic] Of Subpoenas Of Sandra and George Feigley, I find that the requests for subpoenas for Amanda Ashelman and Dennis Durant should be granted and the request for subpoena for John McAndrews, AF-9458 should be denied.

The central issue of the original Complaint in this case concerns whether or not Verizon Select Services, Inc., provides unreasonable service in violation of Section 1501 of the Public Utility Code to Mr. and Mrs. Feigley. 66 Pa. C.S. §1501. Based on my experience as the Administrative Law Judge who has been the presiding officer for the vast majority of the inmate complaints against Verizon Select Services, Inc. (VSSI), and its predecessors (I-Netix, Inc., I-Netix Telecommunications, Inc., and AT&T Communications of Pennsylvania, Inc.), I am aware that VSSI provides inmate telephone service in Pennsylvania with equipment supplied by T-Netix and controlled by Department of Corrections personnel. My review of the Motion revealed that the vast majority of the information requested from Ms. Ashelman and Captain Durant was relevant to central issue

in this case. Accordingly, the subpoenas for Ms. Ashelman and Captain Durant will be included with this order.

The Objections the Department of Corrections (DOC) are misguided. The DOC has confused this Commission's subject matter jurisdiction over utilities with the Commission's statewide statutory subpoena authority over all persons and entities within the Commonwealth. 66 Pa. C.S. §309. It is not unusual for persons unconnected with the utility industry to provide evidence with or without a subpoena during the hearing process. Indeed, it would stifle the Commission's ability to gather information on utility issues if statewide subpoena authority did not exist. I hasten to add that in a previous case, Sandra L. Feigley v. AT&T Communications of Pennsylvania, Inc., at Docket No. C-00981434, Mr. Shaffer, then a Deputy Secretary of the DOC, and Mr. Malcolm, then the Department of General Services Manager of Telephone Technology Services for the Commonwealth, both testified in front of me. The appearance of these two men demonstrate that Commonwealth, Executive Branch employees regularly participate in the Commission hearing process. The Objections of the DOC will be denied below, and I will expect the DOC to cooperate with subpoena and hearing process.

VSSI also objected to the issuance of the subpoenas. Its first objection was that, if the witnesses brought the documents requested by the subpoenas to the video conference hearing at one location, parties at other locations would not be able to examine them. While I appreciate VSSI bringing this issue to my attention, I do not regard it as a valid reason for denying the subpoenas. Instead, I will direct the witnesses to distribute the documentation prior to the hearing. The objection will be denied below.

VSSI raised, as its second objection, the concept that this Commission had previously ruled that it did not have the jurisdiction to adjudicate the merits of the contract in Sandra L. Feigley v. AT&T Communications of Pennsylvania, Inc., Opinion and Order, entered April 20, 2001, at Docket No. C-00981434 (Slip Op.). I agree that the statement of