

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ORIGINAL

----- x
: Preston Pfeifly, et al. v. T-Netix/
: Verizon Select Services, Inc.,
: Service Dispute

: Docket No.
: C-20042802 /

: Shayne Flood v. T-Netix/Verizon
: Select Services, Inc., Service
: Dispute

: Docket No.
: C-20042852

: Kevin L. Taylor v. T-Netix/Verizon
: Select Services, Inc., Service
: Dispute

: Docket No.
: C-20042878

: Felix L. Trevino v. T-Netix/Verizon
: Select Services, Inc., Service
: Dispute

: Docket No.
: C-20042879

: (Initial Telephonic/Video
: Conference)
: ----- x

DOCKETED

Pages 1 through 253

Room 812
Health & Welfare Building
Harrisburg, Pennsylvania

OCT 11 2005

Friday, July 29, 2005

Met, pursuant to notice, at 9:36 a.m.

J.H.

BEFORE:

LOUIS G. COCHERES, Administrative Law Judge

SECRETARY'S BUREAU

2005 AUG 23 PM 1:32

RECEIVED

APPEARANCES:

SHAYNE FLOOD, AK-7986, pro se
SCI-Huntingdon
1100 Pike Street
Huntingdon, Pennsylvania 16654-1112
(Complainant)

DOCUMENT
FOLDER

Commonwealth Reporting Company, Inc.
700 Lisburn Road
Camp Hill, Pennsylvania 17011

21

1 FELIX L. TREVINO, FL-6256, pro se
2 SCI-Huntingdon
3 1100 Pike Street
4 Huntington, Pennsylvania 16654-1112
5 (Complainant)

6 ANTHONY BROWN, AY-7727, pro se
7 SCI-Huntingdon
8 1100 Pike Street
9 Huntington, Pennsylvania 16654-1112
10 (Complainant)

11 JAMES KAUTZ, AH-4561, pro se
12 SCI-Huntingdon
13 1100 Pike Street
14 Huntington, Pennsylvania 16654-1112
15 (Complainant)

16 PRESTON B. PFEIFLY, AK-7971, pro se
17 SCI-Rockview
18 Box A
19 Bellefonte, Pennsylvania 16823-0820
20 (Complainant)

21 JAMES C. RUDOLPH, AK-9921, pro se
22 SCI-Huntingdon
23 1100 Pike Street
24 Huntington, Pennsylvania 16654-1112
25 (Complainant)

ROBERT CARL, AK-5493, pro se
SCI-Huntingdon
1100 Pike Street
Huntingdon, Pennsylvania 16654-1112
(Complainant)

RICHARD GORDON, AK-4680, pro se
SCI-Huntingdon
1100 Pike Street
Huntingdon, Pennsylvania 16654-1112
(Complainant)

JOHN ORT, AK-9479, pro se
SCI-Huntingdon
1100 Pike Street
Huntingdon, Pennsylvania 16654-1112
(Complainant)

1 JAMES SMEAL, AP-8040, pro se
 2 SCI-Huntingdon
 1100 Pike Street
 3 Huntingdon, Pennsylvania 16654-1112
 (Complainant)

4 TODD S. STEWART, Esquire
 WILLIAM E. LEHMAN, Esquire
 5 Hawke McKeon Sniscak & Kennard LLP
 100 North Tenth Street
 6 Post Office Box 1778
 Harrisburg, Pennsylvania 17105
 7 (Counsel for Verizon Select Services)

8 BRUCE KAZEE, Esquire
 Verizon
 9 600 Hidden Ridge
 Irving, Texas 75038
 10 (Counsel for Verizon)

11 ANDREA P. EDMONDS, Esquire
 Kelley Drye & Warren LLP
 12 Tysons Corner
 8000 Towers Crescent Drive, Suite 1200
 13 Vienna, Virginia 22182
 14 (Counsel for T-Netix)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FORM 7

WITNESS INDEX

2	WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
3	Shayne Flood				
	(By Judge Cocheres)	9	--	--	--
4	(By Mr. Stewart)	--	18	--	--
5	Felix Lewis Trevino				
	(By Judge Cocheres)	24	--	--	--
6	Anthony Brown				
7	(By Judge Cocheres)	31	--	--	--
	(By Mr. Stewart)	--	36	--	--
8	(By Ms. Edmonds)	--	41	--	--
9	James S. Cunningham				
	(By Judge Cocheres)	46	--	--	--
10	(By Ms. Edmonds)	--	49	--	--
11	James Kautz				
	(By Judge Cocheres)	49	--	--	--
12	(By Mr. Stewart)	--	51	--	--
	(By Ms. Edmonds)	--	52	--	--
13	Denise Breslin				
14	<u>Docket No. C-20042879</u>				
	(By Mr. Lehman)	55	--	--	--
15	(By Mr. Flood)	--	77,104	--	--
	(By Mr. Brown)	--	87	--	--
16	<u>Docket No. C-20042802</u>				
	(By Mr. Lehman)	188	--	212	--
17	(By Mr. Pfeifly)	--	202	--	--
	(By Mr. Rudolph)	--	209	--	--
18	(By Mr. Smeal)	--	211	--	--
19	John Ries				
	<u>Docket No. C-20042879</u>				
20	(By Mr. Stewart)	94	--	--	--
	(By Mr. Flood)	--	101	--	--
21	<u>Docket No. C-20042802</u>				
	(By Mr. Stewart)	214	--	--	--
22	(By Mr. Pfeifly)	--	218	--	--
	(By Mr. Rudolph)	--	226	--	--
23					
24					
25					

1	Randall Williams				
	<u>Docket No. C-20042879</u>				
2	(By Mr. Stewart)	110	--	--	--
	<u>Docket No. C-20042802</u>				
3	(By Mr. Stewart)	228	--	--	--
	(By Mr. Pfeifly)	--	234	--	--
4					
	Tammy Carpenter				
5	<u>Docket No. C-20042879</u>				
	(By Ms. Edmonds)	119	--	--	--
6	(By Mr. Trevino)	--	130	--	--
	(By Mr. Brown)	--	133	--	--
7	<u>Docket No. C-20042802</u>				
	(By Ms. Edmonds)	243	--	--	--
8					
	Larry Batts				
9	(By Ms. Edmonds)	134	--	--	--
	(By Mr. Flood)	--	140	--	--
10	(By Mr. Brown)	--	146	--	--
	(By Mr. Stewart)	--	147	--	--
11					
	Preston B. Pfeifly				
12	(By Judge Cocheres)	154	--	--	--
	(By Ms. Edmonds)	--	163	--	--
13					
	James C. Rudolph				
14	(By Judge Cocheres)	166	--	--	--
	(By Mr. Stewart)	--	168	--	--
15	(By Ms. Edmonds)	--	169	--	--
16					
	Robert Carl				
17	(By Judge Cocheres)	171	--	--	--
18					
	Richard Gordon				
19	(By Judge Cocheres)	174	--	--	--
	(By Mr. Stewart)	--	177	--	--
20					
	John H. Ort				
21	(By Judge Cocheres)	178	--	--	--
	(By Mr. Stewart)	--	182	--	--
22	(By Ms. Edmonds)	--	182	--	--
23					
	James Smeal				
24	(By Judge Cocheres)	183	--	--	--
	(By Mr. Lehman)	--	185	--	--
	(By Ms. Edmonds)	--	186	--	--
25	(By Mr. Stewart)	--	187	--	--

EXHIBIT INDEX

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
	<u>NUMBER</u>																							
	<u>Complainant Flood's</u>																							
	1 (Inmate's Request to Staff Member)					11						30												
	2 (7/16/04 Telephone System Discrepancy Form)					12						30												
	3 (4/23/04 Telephone System Discrepancy Form)					12						30												
	4 (Fairness to Families)					13						--												
	<u>Verizon's</u>																							
	1 (Intrastate Call Summary)					63						63												

Any reproduction of this transcript
is prohibited without authorization
by the certifying reporter.

P R O C E E D I N G S

ADMINISTRATIVE LAW JUDGE LOUIS G. COCHERES:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Good morning. My name is Louis Cocheres, and I am the Administrative Law Judge assigned to hear the matters of -- wow, we have a list of Mr. Shayne Flood, Mr. Kevin Taylor, and Mr. Felix Trevino at Commission docket numbers C-20042852, C-20042878, and C-20042879. We have a fourth docket number for Mr. Preston Pfeifly, and his docket number is C-20042802. Mr. Pfeifly is now at Rockview prison; and, because of some time restrictions on the use of their video equipment, we have elected to move his portion of the hearing to our 12:30 agenda.

Currently, I'm expecting to find a gentleman, if you'll say hello or yes when I call your name, we'll at least be able to identify that you're all here.

Mr. Flood, are you in the hearing room?

MR. FLOOD: Yes.

JUDGE COCHERES: Mr. Trevino?

MR. TREVINO: Yes, sir.

JUDGE COCHERES: Anthony Brown?

MR. BROWN: Yes, sir.

JUDGE COCHERES: Mr. Cunningham?

MR. CUNNINGHAM: Yes, sir.

JUDGE COCHERES: And Mr. Kautz?

MR. KAUTZ: (Indicating).

1 JUDGE COCHERES: We're here, gentlemen,
2 because you wanted us to be. We're having this hearing
3 because you all filed complaints, and I'm going to start
4 with Mr. Flood because he's the first named character with a
5 cocket number. And then, I know several of you signed on
6 with Mr. Pfeifly, and we'll get to you next.

7 As it happens, Mr. Flood, you also in
8 preparation for your October hearing, which got put off
9 until today, sent me some exhibits; do you remember that,
10 sir?

11 MR. FLOOD: Yes, sir, I do.

12 JUDGE COCHERES: All right. Let me swear you
13 in, and we'll get started here. Sir, would you raise your
14 right hand.

15 Whereupon,

16 SHAYNE FLOOD,
17 having been duly sworn, testified as follows:

18 JUDGE COCHERES: All right. Let's identify
19 you for the record. Tell us your name and address.

20 THE WITNESS: Shayne Flood, Huntingdon State
21 Correctional Institution.

22 JUDGE COCHERES: All right. Mr. Flood, we're
23 having just a little trouble hearing you, and I think it
24 might be a combination of the equipment and the fact that --
25 right. Would you move the microphone?

1 THE WITNESS: All right. Excuse me.

2 JUDGE COCHERES: That's all right.

3 THE WITNESS: Can you hear me better now?

4 JUDGE COCHERES: Yes, we can. Thank you.

5 DIRECT TESTIMONY

6 JUDGE COCHERES: Let's start with the idea
7 that you filed a complaint. Why don't you tell us what the
8 problems you've been having are, and we'll go from there.

9 THE WITNESS: All right. It started off
10 where, when every time I would make a phone call, the phone
11 would get cut off and they'd give me a prerecorded answer
12 saying that I was using a three-way or call waiting. At the
13 time most of my people did not have these options on their
14 phone. When I filed the formal paperwork here, I would get
15 either no answer or minimal answers, no real reason why this
16 could continuously happen.

17 Also, numbers were being blocked where I was
18 told I couldn't call collect from this institution to my
19 people. When I would put in grievances or the official form
20 that they have here, I couldn't get an answer as to what the
21 criterium was to put my people on this blocked list. My
22 people would call the number that I was given; and they
23 would say, oh, that block has been taken off and I still
24 couldn't get through. They would call again. They had
25 trouble getting through to the number given them.

1 The prerecorded messages going through over
2 our conversations were cutting our time down from the
3 allotted 15 minutes to about 14 minutes. So my people were
4 actually paying for the security measures for the DOC.

5 Let me see. Yeah, and I could never get a
6 satisfactory answer at all regarding these blocks. No one
7 seems to know what the story is with it, what the practice
8 and procedure is, who initiates it. The only thing I can
9 figure out was my sister changed phone companies; and, all
10 of a sudden, there's a block put on her phone, which was
11 mysteriously taken off when your office started these
12 proceedings.

13 I think I've touched on just about
14 everything.

15 JUDGE COCHERES: Okay. Do you have copies of
16 the documents that you sent to me earlier?

17 THE WITNESS: Yes, I do.

18 JUDGE COCHERES: All right. Now, you sent me
19 the correct number of copies, and I'm giving two to the
20 court reporter right now. Let's talk about what they are
21 and why you thought they were important.

22 THE WITNESS: All right.

23 JUDGE COCHERES: The first document I have
24 that you sent me in the package is an Inmate's Request to
25 Staff Member, and it's dated April 20, 2004. Why did you

1 send this, and why did you send it to me?

2 THE WITNESS: Okay. This was sent to my
3 counselor outlining the problems that I've been having with
4 the phone. When I spoke to the block officers, they would
5 tell me there's nothing that they could do. When I filed
6 the official Department of Corrections form, I would get
7 back answers with just little stickers put on it, which
8 really didn't answer the problem; and they didn't address
9 most of the issues.

10 So I sent this to my counselor asking him
11 what the problem was with the phone system because, from
12 December to the fourth month there, I was having so much
13 trouble getting through. I couldn't get a complete call for
14 months. So I've included that as an exhibit to the problems
15 that I was having in this institution.

16 JUDGE COCHERES. All right. I'm going to
17 call that Flood Exhibit Number 1.

18 (Whereupon, the document was marked
19 as Flood Exhibit Number 1 for
20 identification.)

21 JUDGE COCHERES: Let's turn the page. The
22 next item I have here is a Telephone System Discrepancy
23 Form, and I have a stamped date of July 16, 2004, on it.
24 Why did you send this to me?

25 THE WITNESS: Okay. This one is where I

1 tried calling my sister-in-law, and the number was -- weeks
2 before was okay. I could get through. And, then, all of a
3 sudden, there was a block on it; and I received the recorded
4 message restricted, 12/9. The officers on the block again
5 did not know what that meant. When I put in the grievance
6 form to find out what the story was, all I got was that
7 little sticker that you see on the bottom there that says
8 this party has been call restricted --

9 JUDGE COCHERES: All right.

10 THE WITNESS: -- and the telephone number to
11 contact.

12 JUDGE COCHERES: I'm going to identify this
13 as Flood Exhibit Number 2.

14 (Whereupon, the document was marked
15 as Flood Exhibit Number 2 for
16 identification.)

17 JUDGE COCHERES: Let's move on to the third
18 page of the packet, which is another Telephone Discrepancy
19 Form, and it's dated April 23rd, 2004. We'll call that
20 Flood Exhibit Number 3.

21 (Whereupon, the document was marked
22 as Flood Exhibit Number 3 for
23 identification.)

24 THE WITNESS: All right.

25 JUDGE COCHERES: Why did you send this to me?

1 THE WITNESS: Okay. This also is another one
2 where the collect call I couldn't get through because it was
3 blocked, and I could not get any information other than the
4 sticker on the bottom again.

5 JUDGE COCHERES: All right.

6 And, finally, I'm not sure what you've sent
7 me here. In the upper left-hand corner of the page, it says
8 Fairness to Families.

9 THE WITNESS: Okay. That is --

10 JUDGE COCHERES: We'll call this Flood
11 Exhibit Number 4.

12 (Whereupon, the document was marked
13 as Flood Exhibit Number 4 for
14 identification.)

15 JUDGE COCHERES: Now, you tell me what this
16 is.

17 THE WITNESS: This is an article out of the
18 publication called the Greatest Friends, and this outlines
19 how other phone systems have been changed over in the feds
20 to where the collect calls are 3.75 to anywhere in the
21 nation and how that there's problems with the DOC receiving
22 kickbacks or exclusivity rights or whatever you want to call
23 it from our phone calls.

24 I alleged in the body of my original
25 complaint that the phone prices seemed a little high

1 considering it was \$14 a make one 15-minute phone call.
2 Verizon denied that and asked for information as to why I
3 would think that. Well, sir, there is some information that
4 would lead me to believe that Verizon's prices are
5 considerably higher.

6 MR. STEWART: Your Honor, I'm going to object
7 to the admission of this exhibit. It doesn't indicate who
8 wrote it. We don't have the whole article obviously. It's
9 hearsay. It's being admitted for the truth. It's being
10 proposed to be admitted for the truth, and there's no
11 exception that covers this, Your Honor. It's inadmissible
12 and I object.

13 JUDGE COCHERES: First of all, Mr. Stewart,
14 let me introduce you on to the record. Mr. Stewart
15 represents Verizon Select Services, and he has objected to
16 Exhibit Number 4, which we have simply identified for the
17 record.

18 Mr. Flood, did you hear what --

19 THE WITNESS: Yes, sir.

20 JUDGE COCHERES: Did you hear what he said?

21 THE WITNESS: Yeah. He was saying that it
22 was hearsay because it wasn't a complete document, didn't
23 know who the writer was, etc.

24 JUDGE COCHERES: Okay. Do you have a reply
25 for me?

1 THE WITNESS: Yes, I do. I'm an inmate. I
2 have very few resources available to me. This is the
3 representatives of Verizon asked for proof regarding this.
4 I can't say that this is God's truth in the matter, but it
5 is information that could be checked and verified through
6 your office, sir.

7 JUDGE COCHERES: Well, I appreciate your
8 position, but this is a hearing and there are certain rules
9 of law that I'm required to apply. Mr. Stewart's objection
10 is sustained.

11 Now, are you done, sir? I didn't want to cut
12 you short.

13 THE WITNESS: No. I've pretty much said my
14 piece.

15 JUDGE COCHERES: Let me try and understand
16 some of the things that you talked about.

17 THE WITNESS: All right.

18 JUDGE COCHERES: First of all, how many of
19 these phones calls are to people who live inside
20 Pennsylvania?

21 THE WITNESS: None, sir. I'm not from this
22 state.

23 JUDGE COCHERES: All right. And tell me, you
24 talked about cutoffs. How do you know that these cutoffs
25 were not appropriate cutoffs?

1 THE WITNESS: Well, when they were saying
2 that I was using an attempted three way or call waiting,
3 Denise Garcia and Sandra Radtke, my sister and
4 sister-in-law, at the time did not have these options on
5 their phone.

6 JUDGE COCHERES: Would you spell their names
7 for my court reporter, please.

8 THE WITNESS: Sandra R-A-D-T-K-E.

9 JUDGE COCHERES: And the other name?

10 THE WITNESS: Garcia, G-A-R-C-I-A.

11 JUDGE COCHERES: Thank you.

12 THE WITNESS: Certainly.

13 JUDGE COCHERES: All right. Were all those
14 calls collect calls?

15 THE WITNESS: Yes, sir, they were.

16 JUDGE COCHERES: All right. Do you use the
17 calling card system that's available in your commissary at
18 all?

19 THE WITNESS: I've tried it, sir; but the
20 problem is, my people have to send me the money because I
21 only make pennies an hour. And, when they send me money, it
22 must be in the form of a money order, which they have to pay
23 for. So any savings that may have come from the prepaid
24 calling card is pretty much moot by the time they've paid
25 for the money order. So I prefer to use the collect call

1 system.

2 JUDGE COCHERES: All right. Do you have
3 anything to add to your testimony that you haven't already
4 told me?

5 THE WITNESS: No, sir. I think I pretty much
6 said it.

7 JUDGE COCHERES: All right. Do you know what
8 year or month that you started experiencing these problems?

9 THE WITNESS: Well, let me see here. In
10 Exhibit 1, it starts talking about December. That's when
11 the main real problem started. I've had a few little
12 incidents before that -- oh, and that was '04 by the way.
13 So, up to that point, it was negligible; but, from that
14 point, all of a sudden it seemed like the problems
15 blossomed. And since I've -- though I have to admit, since
16 I put this grievance in and you've entertained the
17 grievance, there has been considerably fewer cutoffs on my
18 phone system, which I dearly appreciate.

19 JUDGE COCHERES: Well, first of all, when you
20 say December, did you mean December, '03?

21 THE WITNESS: '04, sir.

22 JUDGE COCHERES: Well, that would make it
23 kind of difficult to put in an April, '04 inmate request for
24 something that hadn't happened until December of '04.

25 THE WITNESS: Oops. I stand corrected, then.

1 Excuse me. I stand corrected.

2 JUDGE COCHERES: Okay. So you're telling me
3 these issues began in December of '03 for you?

4 THE WITNESS: That's correct.

5 JUDGE COCHERES: All right. Since your
6 complaint names both T-Netix representatives and Verizon
7 representatives, I think I'm going to allow the T-Netix
8 attorney to begin cross-examination.

9 MS. EDMONDS: Your Honor, I think Mr.
10 Flood's complaint only names Verizon. The Commission in
11 its documentation included T-Netix but Mr. Flood did not, so
12 we're not prepared to cross-examine Mr. Flood.

13 JUDGE COCHERES: That's absolutely true, and
14 I appreciate the correction. The clerical staff in other
15 parts of the Commission picked the name of a Respondent. I
16 did not. Thank you.

17 MS. EDMONDS: You're welcome, Your Honor.

18 JUDGE COCHERES: Mr. Stewart.

19 MR. STEWART: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. STEWART:

22 Q. Good morning, Mr. Flood. My name is Todd Stewart.
23 As Judge Cocheres said, I represent Verizon Select Services.
24 I just have a few questions for you. Can you hear me okay?

25 A. Yes, sir, I can.

1 Q. Thank you. Just a couple questions. You said that
2 you testified just a couple minutes ago that your sister
3 and your sister-in-law, in making calls to both of them, you
4 had been disconnected and the message said a three-way call
5 attempt; is that correct?

6 A. Three-way and/or call waiting, that's correct.

7 Q. Okay. Now, you also testified to the Judge that, in
8 response to a question from Judge Cocheres, that they didn't
9 have three-way calling or call waiting. How do you know
10 that?

11 A. I asked them.

12 Q. So you haven't seen their bills from the telephone
13 service, have you?

14 A. No, sir, I haven't.

15 MR. STEWART: Your Honor, I'm going to move
16 to strike --

17 THE WITNESS: I have no reason for them to
18 lie to me about something like that.

19 MR. STEWART: Your Honor, I'm going to move
20 to strike Mr. Flood's testimony with regard to his sister
21 and sister-in-law not having call waiting or three-way
22 calling features. It's clearly hearsay and he's admitted
23 such, and it's not admissible.

24 JUDGE COCHERES: I appreciate where you're
25 coming from, counselor. I'm just going to hold my ruling in

1 abeyance. I have some other problems, but just go ahead
2 with your cross examination.

3 BY MR. STEWART:

4 Q. I just have one more question, Mr. Flood. You said
5 that, with regard to the use of the prepaid system, that you
6 don't use it because of the cost of the money order that
7 eats up the savings that you would experience from the
8 prepaid; is that correct?

9 A. That's correct.

10 Q. Now, who requires that you pay into the prepaid with
11 a money order? Is that the DOC requirement?

12 A. That's correct.

13 MR. STEWART: That's all I have. Thank you.

14 JUDGE COCHERES: All right.

15 Mr. Flood, you sort of get the last bite at
16 the apple here. Is there anything else that we didn't talk
17 about that you haven't told me about already?

18 THE WITNESS: Well, there is one thing that I
19 would like to mention on to the record. Since this action
20 has been brought before you, Mr. Pfeifly and Mr. John Yount
21 have been transferred out of this institution. And rumor
22 has it that it's a direct result of these hearings and that
23 they have been labeled troublemakers. A lot of people are
24 afraid to speak to you and afraid to answer the
25 interrogatories and dealt with these issues directly for

1 fear of retribution from the DOC.

2 And I'd like to make everyone aware of this,
3 that there is possible retribution on this end. Thank you.

4 JUDGE COCHERES: Mr. Flood, to the best of my
5 knowledge, I am not aware of any efforts by the DOC to seek
6 some sort of retribution against Mr. Yount and Mr. Pfeiffer.
7 I have been, as I call myself, the Prisoner Judge for at
8 least five years now; and I have entertained many prisoner
9 hearings. I am aware that the DOC does from time to time
10 move inmates about, but it has in no way impacted
11 particularly Mr. Yount's ability to write to me, get
12 materials to me, and receive my orders.

13 And the Department of Corrections has
14 generally been fairly responsive to my needs to conduct
15 hearings as was just demonstrated by Major Cooper's
16 willingness to extend the four o'clock deadline.

17 THE WITNESS: That is true, sir.

18 JUDGE COCHERES: I'm going to be very candid
19 with you. You answered one critical question that gives me
20 a big problem in helping you. The critical question was,
21 how many calls were made to people inside the state of
22 Pennsylvania; and you said none of them.

23 THE WITNESS: That's correct.

24 JUDGE COCHERES: My problem is my
25 jurisdiction for the Public Utility Commission to help

1 people stops at the Pennsylvania borders. None of the calls
2 that you complained about are within the subject matter that
3 my Commission is authorized to deal with. I know that's not
4 the answer you wanted to hear, but I thought if you heard it
5 from me first you would understand why I don't believe I can
6 help you at all, which is different from --

7 THE WITNESS: So let me see if I got this
8 right, that just because my people live outside of the state
9 and this is a state institution, this is the only
10 opportunity that I have for contact with my family, that you
11 can't help me because they live out of state?

12 JUDGE COCHERES: Well, I can't help you
13 because my Commission does not have the jurisdiction to
14 regulate from state-to-state phone calls. We only regulate
15 inside-the-state phone calls, and that's troubling to me.
16 Your complaints are not unfamiliar. It's not like the phone
17 system works any better or any worse because the phone call
18 is leaving Pennsylvania, and I've already written decisions
19 explaining that it's got to work better in some instances.

20 The benefit that you will derive from this
21 case and others that are very much like it is that I will
22 have directed the companies to either make refunds or make
23 improvements as I have found that their service may be
24 inadequate for instate Pennsylvania phone calls. The trick
25 is that, if they fix it for instate Pennsylvania phone

1 calls, they also have fixed it for out-of-state Pennsylvania
2 phone calls. It's just that your name will not be on the
3 lucky list as a specific target to take care of.

4 THE WITNESS: So any refunds and such are
5 just basically out of the question?

6 JUDGE COCHERES: As far as my Commission is
7 concerned, yes, sir. And I don't want you to think it's a
8 conspiracy, but I just have to be brutally honest with you,
9 sir.

10 THE WITNESS: Actually I appreciate the
11 honesty, and I appreciate your willingness to actually hear
12 us as convicts. Most individuals from the street
13 automatically assume we're liars and not worth the time.
14 You have given us the time, and I do appreciate that even if
15 it doesn't directly affect me.

16 JUDGE COCHERES: Well, sir, you've been very
17 eloquent; and let me simply tell you and everyone else the
18 Public Utility Law only talks about customers. It doesn't
19 make a distinction as to where you live.

20 THE WITNESS: All right.

21 JUDGE COCHERES: And that's the law I am
22 required to enforce.

23 THE WITNESS: All right.

24 JUDGE COCHERES: All right. That being said,
25 sir, I should move on.

1 (Witness excused.)

2 JUDGE COCHERES: Mr. Trevino.

3 MR. TREVINO: Yes, sir.

4 JUDGE COCHERES: I want you to raise your
5 right hand.

6 Whereupon,

7 FELIX LEWIS TREVINO,

8 having been duly sworn, testified as follows:

9 JUDGE COCHERES: Tell me your name and
10 address, please.

11 THE WITNESS: Felix Lewis Trevino,
12 SCI-Huntingdon.

13
14 DIRECT TESTIMONY

15 JUDGE COCHERES: All right. Now, you, too,
16 submitted a complaint as well. Why don't you tell me what
17 the problems are that you have encountered.

18 MR. STEWART: Your Honor, I have an objection
19 with this witness testifying. I filed -- and maybe you've
20 already dealt with it; but I filed a motion to compel
21 answers to interrogatories, which covered the full gamut of
22 the issues raised in Mr. Trevino's complaint, which he did
23 not respond. I subsequently filed a motion for sanctions.
24 He has still refused to respond to the discovery, and I
25 don't have a ruling on either of those two, Your Honor. I'm

1 at a disadvantage because I have no idea what he's going to
2 say, and it hinders our preparation considerably.

3 And I don't know -- I renew my motion or what
4 to do, but it's highly prejudicial to the company to allow
5 Mr. Trevino to testify without requiring him to provide the
6 discovery that was requested, and we do have a right to that
7 discovery, Your Honor.

8 JUDGE COCHERES: First of all, let's hear
9 from Mr. Trevino, even though I already have the answer for
10 you.

11 Mr. Trevino, what happened? You got these
12 questions. Why didn't you answer them?

13 THE WITNESS: I didn't answer them because
14 for the simple fact that the rumor that was running around
15 was that they would transfer me and lock us up over this.
16 That's why I didn't answer them.

17 JUDGE COCHERES: All right. Much as I hate
18 to admit it, Mr. Trevino, this is isn't all your fault.
19 It's partially mine.

20 Mr. Stewart, the problem here is that I did
21 not rule on the motion to compel, all right? If I had
22 issued a ruling and if Mr. Trevino had disobeyed the ruling,
23 then a motion for sanctions for violation of the ruling
24 would have been appropriate. None of that is the fault of
25 Verizon or your advocacy, sir. It's my fault for not having

1 responded to the motion. And I appreciate that, in a prior
2 conversation that I had with you, that you reminded me that
3 I had these things.

4 And so what I am determined to do is to hear
5 Mr. Trevino's testimony and that of all of the other
6 inmates. I looked carefully at their complaints. If I'm
7 the Prisoner Judge, you're most definitely one of the
8 prisoner lawyers. You have represented Verizon faithfully
9 through a lot more hearings that have occurred before this.
10 I don't think we're going to hear anything that is new or
11 unusual about the prisoner complaints. In fact, Mr. Shayne
12 Flood just gave us the complete menu; and you and I have
13 heard it all before.

14 If I am convinced at the end of any one of
15 these hearings that we have something new to deal with, I
16 will not hesitate to find that you have been prejudiced; and
17 I will not hesitate to grant you a further hearing, but I
18 think our mandate today is to try to get through these
19 hearings. And, if we have a problem, we can deal with it.

20 Therefore, currently, Mr. Stewart, your
21 objection is overruled, although you do have a conditional
22 out there.

23 All right, Mr. Trevino, tell me the problems
24 that you've been having.

25 THE WITNESS: I basically have the same

1 problems. When I'm calling, whether it's a collect call or
2 with a prepaid calling card system, every time I call I get
3 a recording telling them about no attempted three-way or
4 call waiting. And it takes time off of me, especially when
5 I'm the one paying for the call.

6 Then my out-of-state phones I was able to use
7 them before when I first go into this institution in 2001,
8 and I was able to make direct calls to Puerto Rico with no
9 problems. Then, all of a sudden, everything just switched
10 up and changed and I can't make any collect calls over
11 there. So I sent them this 800 number where it indicated
12 they gave us in here; and, when they called, they wanted my
13 family over in Puerto Rico to put, like, some prepaid money
14 into the account so I could be able to call them collect.

15 JUDGE COCHERES: All right. I'm sorry, sir,
16 I didn't mean to cut you short. Is there something else you
17 need to tell me?

18 THE WITNESS: All my calls are in the state
19 of Pennsylvania except for the ones to Puerto Rico.

20 JUDGE COCHERES: All right. Now, you tell
21 me, sir, how many people are on your list of authorized
22 phone calls?

23 THE WITNESS: Ten of them.

24 JUDGE COCHERES: All right. Of those ten,
25 how many are in Pennsylvania?

1 THE WITNESS: About eight of them are in
2 Pennsylvania.

3 JUDGE COCHERES: Well, if you think Mr. Flood
4 has a problem with calling outside of Pennsylvania to places
5 in the United States, Puerto Rico is one of those places
6 that's not quite inside of the United States yet but it's
7 pretty close. And I assure you I can do nothing to help you
8 with Puerto Rico. In fact, I've already written one
9 decision where the only place the inmate wanted to call was
10 Puerto Rico, and I dismissed the case because that is still
11 considered an international call. And, if I don't have
12 jurisdiction beyond Pennsylvania's borders, I sure don't
13 have it outside of the United States. So we'll take those
14 off the table to start with, sir.

15 Now, where are the people in Pennsylvania
16 located that you call?

17 THE WITNESS: Lancaster.

18 JUDGE COCHERES: All right. And when did you
19 start experiencing the problems? Give me a month and a
20 year.

21 THE WITNESS: Sometime in 2003, December,
22 November.

23 JUDGE COCHERES: All right. And, at that
24 time, were you making collect calls or were you making both
25 collect and calling card calls?

1 THE WITNESS: Collect calls.

2 JUDGE COCHERES: And were your calls blocked?
3 You didn't say that.

4 THE WITNESS: No. The only ones that I got
5 blocked would actually be one from New York City and then
6 the one from Puerto Rico is the only ones that they got
7 blocked now.

8 JUDGE COCHERES: So one of those ten
9 authorized numbers is to New York City as well?

10 THE WITNESS: Yes, sir.

11 JUDGE COCHERES: So now we've got Puerto Rico
12 and New York City off the list, right?

13 THE WITNESS: Yes.

14 JUDGE COCHERES: Okay. You've got to keep me
15 straight here. All right. Your concern at the beginning of
16 your call, are you telling me that you think you are paying
17 for the announcement that tells you and the call recipient
18 that it's a call from a state institution and it will be
19 monitored?

20 THE WITNESS: Yes, sir, because it indicates
21 it right before they actually accept the call, whether it's
22 collect call or it's prepaid call. The recording comes up
23 and states all the rules on it; and, once they accept it, it
24 does it while you are on the phone speaking to your family.
25 It comes up about three to four times, four times, right?

1 JUDGE COCHERES: All right. Is there
2 anything else the that we need to talk about before I let
3 you be cross-examined?

4 THE WITNESS: No, that's about it, Your
5 Honor.

6 JUDGE COCHERES: All right.

7 Mr. Stewart.

8 MR. STEWART: Nothing, Your Honor.

9 JUDGE COCHERES: All right. The witness is
10 excused.

11 (Witness excused.)

12 JUDGE COCHERES: Incidentally, just for
13 clarity of the record, I'm going to admit Flood Exhibits 1,
14 2, and 3. I didn't do that earlier as I should have.

15 (Whereupon, the documents marked as
16 Flood Exhibits Numbers 1, 2, and 3
17 were received in evidence.)

18 JUDGE COCHERES: The next name on my list is
19 Mr. Anthony Brown. Where are you, sir?

20 MR. BROWN: (Indicating).

21 JUDGE COCHERES: Good. Leave that right hand
22 up.

23 Where upon,

24 ANTHONY BROWN,
25 having been duly sworn, testified as follows:

1 JUDGE COCHERES: All right. Tell me your
2 name and where you live.

3 THE WITNESS: Anthony Brown, SCI-Huntingdon.

4 DIRECT TESTIMONY

5 JUDGE COCHERES: All right, sir. Now, you
6 didn't sign a separate complaint. You're part of the
7 Pfeifly crew, aren't you?

8 THE WITNESS: Yes, sir.

9 JUDGE COCHERES: All right. And I'm bringing
10 that up because I know Ms. Edmonds represents T-Netix; and
11 the Pfeifly complaint I believe does, in fact, concern
12 T-Netix as well.

13 MS. EDMONDS: Your Honor, Judge Cocheres, so
14 did Mr. Trevino's complaint. I didn't have -- I actually
15 didn't have any further questions of him. I think he
16 answered everything I would have asked through your
17 cross-examination, so -- but, yes, his complaint also
18 included T-Netix.

19 JUDGE COCHERES: All right. Thank you for
20 correcting me yet again.

21 All right. Let's go back to Mr. Brown. Mr.
22 Brown, you tell me about the problems you've been having and
23 when they occurred.

24 THE WITNESS: Well, we're talking the same
25 timeframe. Again, I didn't answer any of the

1 interrogatories for fear -- out of fear for reprisals from
2 the DOC. I must say that, you know, while you may not be
3 able to have any documentation of this, this fear is very
4 real. You know, I can't afford to have my life just torn up
5 and moved to another prison. I have a job. You know, I
6 have a family that I'm trying to help from in here; and it's
7 a very real fear, Your Honor. The timeframe is the same.
8 The complaints are more or less the same.

9 I have a problem with the interruption of
10 calls constantly before messages that they say are
11 definitely needed. You know, I think that's a little bit of
12 redundancy. Also, I have out-of-state calls also. I don't
13 call to Pennsylvania anymore. I'm divorced. My wife moved
14 to North Carolina, and my current girlfriend lives in
15 Colorado. So most of my calls are to Colorado, which you've
16 already stated you can't help us with.

17 During my marriage, there was something that
18 my wife would have to pay, extra money. As long as -- she
19 kept the phone bill paid, but she kept telling me that these
20 blocks were put on the phone and that she would pay money to
21 -- I'm not sure if it was T-Netix or Verizon, and the block
22 would be taken off the phone. And I just could not
23 understand that, and we could never get any answers as to
24 why this was. I just told her, look, pay the money, and we
25 can keep our phone system open. So that was a problem.

1 I got very frustrated with all the paperwork,
2 with the forms that Mr. Shayne had sent to you, the
3 complaint forms that the prison gives us saying we tell them
4 the date of the call, who we're calling, what the nature of
5 the problem is; and we would never get a sufficient answer.
6 It was always a mystery to us who to contact; and it just,
7 you know, they were just telling us that, you know, if you
8 pay this money, your phone calls would be fine. So that's
9 what we did; and, you know, I was brought -- Mr. Pfeifly
10 asked me to attend here to, you know, answer some questions.

11 So, basically, my complaints are the same and
12 it just -- the rates don't seem to be -- you know, they seem
13 high or competitive. They seem high, but I never really --
14 I never really said anything because I don't need a lot of
15 hassles in my life. I'm sure you can understand that.

16 JUDGE COCHERES: All right. Let's start with
17 the rates thing. When you say they're high, what are you
18 comparing them to?

19 THE WITNESS: As Mr. Flood tried to tell to
20 you earlier, there is a lot of prison advocacy newsletters
21 that are out; and one printed some information, which I
22 admit we cannot say where it came from. But, I mean, I'm
23 sure that this could be checked into and verified.

24 But the federal system and what the rates are
25 that federal inmates are paying as opposed to what we have

1 to pay, their rates are cheaper. So naturally we ask, well,
2 how come our rates are so much higher? If this is a federal
3 system, how can they operate much cheaper than what we have
4 to pay? That's always been the question on our minds.

5 The second thing was, again, this money that
6 seemed that you have to pay -- that my people have to pay on
7 top of their phone bills, and I don't know whether it's
8 because of the carrier that they have or long distance or
9 whatever it was; but there was extra money that was being
10 paid on top of their phone bills. And I just never could
11 get a decent answer about that.

12 JUDGE COCHERES: All right. Now, the only
13 other subject that you touched on was interruptions to your
14 calls; and, with that, are you talking about a recorded
15 announcement that essentially preempts your conversation and
16 tells the listeners that it is a call from a prison and it
17 is subject to recording and monitoring?

18 THE WITNESS: Yes. Not only that, but the
19 interruption to your call because somewhere the system
20 senses there's a three-way or other systems that are not
21 allowed. When you asked -- when the lawyer asked Mr. Flood
22 if he had any proof that his sister or sister-in-law had
23 three-way calling, my people don't have that function
24 either.

25 There have been times when the phone call has

1 been cut off, and I have called back immediately and the
2 phones -- you know, I was able to talk my full time, which
3 suggests that, sometimes, if anything -- I was told that, if
4 anything in the background, if the system has reason to fear
5 for a potential three-way call or something like that, then
6 it will automatically cut off. And it cannot tell if, in
7 fact, that the other party has three-way calling or any of
8 the banned services.

9 A lot of people here, families cannot afford
10 the extra benefits on a phone like that; and they have
11 vanilla service, as I call it, where they don't have
12 three-way calling or have all these other features; but,
13 yet, their phone calls are constantly interrupted for that
14 reason. And I'm sure that, you know, if he had sent you
15 their phone bill, you would be able to discern this. But it
16 is a problem.

17 JUDGE COCHERES: First of all, can I safely
18 assume that, when you were married, that your wife and
19 family lived in Pennsylvania?

20 THE WITNESS: Yes.

21 JUDGE COCHERES: All right. Do you know what
22 kind of phone your wife and children were talking to you
23 using in the sense that was this a hardline phone or was it,
24 for example, a portable phone?

25 THE WITNESS: Hard phone. Portable -- cell

1 phone are you talking about?

2 MR. FLOOD: Cordless he means.

3 THE WITNESS: No, no, hardline.

4 JUDGE COCHERES: Hardline, all right.

5 THE WITNESS: In fact, my wife had a rotary
6 phone. Now, that's as old, you know -- and we had to get --
7 later on she got a pushbutton phone; but, at first, we got a
8 rotary phone.

9 JUDGE COCHERES: And you didn't exactly pin
10 down for me when these problems started occurring. Give me
11 a month and a year.

12 THE WITNESS: I would have to say around
13 2001, December, 2001.

14 JUDGE COCHERES: All right. I'm going to
15 turn you over for cross-examination unless you've got some
16 other subject you haven't talked to me about.

17 THE WITNESS: No.

18 JUDGE COCHERES: All right. We'll start with
19 Mr. Stewart again.

20 CROSS-EXAMINATION

21 BY MR. STEWART:

22 Q. Good morning, Mr. Brown. My name is Todd Stewart.

23 A. Good morning.

24 Q. You testified -- you said a couple different times
25 you said that calls to your wife had been blocked because

1 she didn't pay the telephone bills. Did you see those
2 bills?

3 A. Yes. In fact, I did with my wife, yes, because I
4 kept up with the bills, yes.

5 Q. Who's her local carrier?

6 A. At this time, I don't remember all that. All I know
7 is that the phone bill was paid and that she was told by
8 some representative that she would have to pay extra money
9 on top of the phone bill.

10 Q. But you don't know who the phone bill came from?

11 A. No. As a matter of fact, my current party also has
12 to pay money to keep blocks from occurring. Two months ago
13 she had to pay money, and this is from Colorado.

14 Q. Okay. Now, does she get a bill from somebody that --
15 from somebody asking for payment for these collect calls
16 that you make from Huntingdon?

17 A. I would assume, yes. If I can remember correctly,
18 it's all handled through her local carrier. Whoever she's
19 dealing with, the money is paid to them I think and then
20 however it's dispersed.

21 Q. But you don't have any copies of any bills from
22 anybody asking for this money for these payments?

23 A. No, I don't, sir.

24 Q. And the only way you know about this is because
25 people have told you? Your wife or your girlfriend?

1 A. Yes, because the -- the block was put on the phone.
2 I could not get through. She would call the prison. We've
3 been through this so many times. She would call the prison.
4 They would say that it's nothing on their end. She would
5 then call her phone company, and they would say that they
6 don't have a block issued. She has this number that was
7 given to her by the people here. She would call them, and
8 they would explain to her that she would have to pay this
9 money; and she would call the prison and let me know when
10 the block had been removed.

11 MR. STEWART: Your Honor, I'm going to move
12 to strike all of Mr. Brown's testimony about the blocks only
13 because he relates certain details, but others he doesn't
14 know about. It's obvious that he's relating information
15 that someone told to him but not the whole story. I can't
16 effect a thorough cross-examination of someone who's not in
17 the room on this. And it's clear that more details are
18 needed in order to clarify the exact situation.

19 It's highly prejudicial and it's hearsay, and
20 I move to strike.

21 JUDGE COCHERES: Mr. Brown, do you have a
22 response?

23 THE WITNESS: All I'm just telling you what
24 goes on between me and my family. When I try to make a
25 call, the call is blocked. My family makes calls to the

1 numbers they are given. These are the instructions that
2 they are given. When they follow the instructions, I'm able
3 to get through. That's all I can say for now. I don't have
4 documentation here. I'm really sorry I don't, but I'm not
5 making this up.

6 JUDGE COCHERES: No. I realize that, and
7 I've heard this story before and so has Mr. Stewart.

8 Mr. Stewart, while I appreciate your
9 objection, I'm going to take that objection and hold my
10 ruling in abeyance and I'll tell you why. First of all, he
11 has seen some of the phone bills. When he was married, he
12 said his wife brought the bills to the prison.

13 Second, I expect that this is really a
14 billing issue, and this is a situation that goes as far back
15 as when T-Netix was providing service. So, based on my
16 experience in these proceedings, I'm going to wait for the
17 T-Netix witness -- and I know she's here today -- to explain
18 how those billing issues were being solved. And it may well
19 be that the explanation of the details that you're so richly
20 concerned about will be forthcoming but albeit not from this
21 witness.

22 I also remind you that the inmates today have
23 the burden of proof; and, if they are not able to identify
24 the appropriate carriers, including the possibility of your
25 client, then they have not been able to make out a prima

1 facia case. So I don't think you're being harmed. So
2 currently I'll just hold off on making a ruling there.

3 Ms. Edmonds, you have the right to
4 cross-examine as well if Mr. Stewart is completed.

5 MS. EDMONDS: Are you finished, Mr. Stewart?

6 JUDGE COCHERES: Ms. Edmonds, Mr. Stewart
7 wasn't done.

8 MS. EDMONDS: I understand. Thank you.

9 JUDGE COCHERES: All right. Mr. Stewart.

10 BY MR. STEWART:

11 Q. You also testified, Mr. Brown, that you had been cut
12 off when people didn't have three-way calling; and a message
13 came up saying that you had attempted a three-way call.

14 A. Yes.

15 Q. Can you give me dates of those, when those things
16 happened, approximately?

17 A. No, I don't have any dates. My way of handling that
18 was because I already knew that we didn't have three-way, I
19 would just call back. I would get through, and we would get
20 through our conversation. You know, on top of that, I paid
21 extra money now because, when I call back again, the rates
22 start all over again.

23 Q. Can you tell me --

24 A. And --

25 Q. -- where you were calling? Excuse me. I'm sorry. I

1 didn't realize you weren't done.

2 A. This happened when I talked to my wife. It's also
3 happened when I talked to my friend in Colorado also. And
4 we just chalked it up to, you know, there was some kind of
5 malfunction somewhere; and I would just call back again.
6 But, again, my argument is that, you know, this kind of
7 stuff shouldn't happen. I mean, the system should work more
8 smoothly and efficiently than that.

9 MR. STEWART: I'm done, Your Honor.

10 JUDGE COCHERES: Ms. Edmonds.

11 MS. EDMONDS: Okay. Like Mr. Stewart, I have
12 some similar issues with how to effectively cross-examine
13 Mr. Brown, but I will do my best.

14 CROSS-EXAMINATION

15 BY MS. EDMONDS:

16 Q. Mr. Brown, when you first testified, you said that
17 your timeframe was essentially the same as Mr. Flood and Mr.
18 Trevino; is that correct?

19 A. Yes.

20 Q. Okay. Those two individuals testified that their
21 alleged problems with the system commenced around -- I think
22 the testimony was November, December, 2003; is that correct?

23 A. Okay.

24 Q. So I need to clarify something because it's a little
25 different from a response you provided to Judge Cocheres.

1 So my first question is -- and I know you answered this but
2 I need to clarify this -- is for you to provide a potential
3 date when your phone call was disconnected due to a
4 three-way violation.

5 A. Again, I'm not working from any documents or
6 anything, just from memory. I'm not sure about exact dates
7 or whatever.

8 Q. Can you provide --

9 A. I was a little bit --

10 Q. Can you provide a general timeframe as to when you
11 think the issue started?

12 A. I said somewhere around December of 2001, so around
13 that time. I know it was in the winter.

14 Q. Okay. And that was for -- by December of 2001 you
15 mean your calls were being disconnected for a custom calling
16 feature or three-way violation?

17 A. Yes.

18 Q. Okay. And I'll ask you the same question with
19 respect to blocked lines. About when was the first time you
20 made a call and you received a message that the call could
21 not be completed due to a blocked line?

22 A. (No response.)

23 MS. BRESLIN: Excuse me. They're having a
24 problem hearing you. Could you talk up a little bit louder?

25 MS. EDMONDS: I'll move the microphone a

1 little closer. Can you hear better now?

2 THE WITNESS: Yes.

3 BY MS. EDMONDS:

4 Q. I'm going to ask you the same question with respect
5 to your claims regarding blocked lines. Can you provide to
6 me a general timeline as to when you first made a call where
7 the line was blocked or subject to a collect call
8 restriction?

9 A. It happened several times. I would say, from
10 December of 2001 to -- I've dealt with a blocked line two
11 months ago.

12 Q. Do you have any recollection as to how many of the
13 numbers on your call list have been subject to a custom or
14 -- I'm sorry, a collect call restriction?

15 A. I only had the two, and both of them have been
16 subject to that.

17 Q. Okay. All right. So there are only two numbers that
18 have been subject, okay. And you testified that it started
19 December of 2001 and lasted until about two months ago?

20 A. Yes. As a matter of fact, my Colorado calls are
21 frequently subjected to blocks.

22 Q. Okay. Do you have a copy of the invoices from the
23 services provided?

24 A. No, but I think I'll start getting them.

25 MS. EDMONDS: Judge Cocheres, will you tell

1 us if this is appropriate? I guess for our purposes and I
2 think later when our witness testifies, we would need to
3 know the numbers that were allegedly blocked. I don't know
4 if it's appropriate to do that on the record.

5 JUDGE COCHERES: That's an interesting
6 question, counselor. Why do you think it might not be
7 appropriate?

8 MS. EDMONDS: Well, you know, I don't know if
9 there is any security concerns, etc., with putting that type
10 of information into the record. I'm just not aware, not
11 having done this as much as Mr. Stewart.

12 JUDGE COCHERES: Don't be so modest. Let me
13 try and help you a little bit here.

14 Mr. Brown.

15 THE WITNESS: Yes.

16 JUDGE COCHERES: We don't normally hand out
17 folks' phone numbers in public. Do you remember when you
18 were calling in Pennsylvania what number you were calling?
19 I assume that number is closed.

20 THE WITNESS: Yes, it is. We've had several
21 numbers. I don't remember those.

22 JUDGE COCHERES: You don't remember those.

23 MS. EDMONDS: Okay.

24 JUDGE COCHERES: All right. Do you have any
25 problem telling us the numbers in North Carolina and

1 Colorado that you call?

2 THE WITNESS: Yes, I do.

3 JUDGE COCHERES: All right. And this matter
4 will respect your privacy.

5 THE WITNESS: Thank you.

6 JUDGE COCHERES: Counselor.

7 MS. EDMONDS: All right.

8 BY MS. EDMONDS:

9 Q. So you do not have any written evidence of, I guess,
10 lines or calls that were blocked and --

11 A. Well --

12 Q. And you --

13 A. No, I don't.

14 Q. And you do not have written evidence or any type of
15 evidence of phone records that demonstrate that parties do
16 not have three-way calling capabilities or any type of
17 custom calling features on their lines; is that correct?

18 A. Yes.

19 MS. EDMONDS: Okay. I have no further
20 questions. Thank you.

21 JUDGE COCHERES: All right, Mr. Brown. Once
22 again, you get the last bite at the apple. Is there
23 something that you haven't told me that was sparked by the
24 questions from the attorneys?

25 THE WITNESS: No, Your Honor.

1 JUDGE COCHERES: Okay. The witness is
2 excused.

3 (Witness excused.)

4 JUDGE COCHERES: The next name on my list is
5 Mr. Cunningham. Sir, raise that right hand for me.
6 Whereupon,

7 JAMES H. CUNNINGHAM,
8 having been duly sworn, testified as follows:

9 JUDGE COCHERES: All right, sir. Let's
10 identify you for the record. Tell me your name and where
11 you reside.

12 THE WITNESS: James H. Cunningham,
13 SCI-Huntingdon.

14 DIRECT TESTIMONY

15 JUDGE COCHERES: All right, sir. You tell me
16 about the problems you've been experiencing with the phone
17 system.

18 THE WITNESS: Exactly the same as everyone
19 else, although I have not had troubles with blocks. I do
20 pay for my own calls. They are two calls, basically, each
21 one of my two sisters. One is Burbank, California; the
22 other is Clinton, Tennessee.

23 JUDGE COCHERES: All right. Tell me what
24 kinds of problems you have.

25 THE WITNESS: For the most part, the calls go

1 through very smoothly with the exception of the
2 interruptions three times, three or four times per call,
3 which I asked -- I had a complaint about it and I said yes.
4 And this is basically my reason for being here right now,
5 the interruptions, redundancy of the interruptions.

6 Secondly, the cutoffs on occasion. Maybe one
7 out of every ten calls I get a cutoff for no reason. Then I
8 recall again unless there's only two minutes left on the
9 call. Then I do not bother recalling. If it takes place
10 within the first five minutes, then I recall again. We
11 discuss the matter of why we were cut off with my family
12 member, as I said, each sister.

13 Now, there was a time when I bumped a phone
14 on the side piece and that just automatically killed the
15 call because the side pieces are about this far apart
16 (indicating), not like on another block where there's a much
17 larger distance. But, anyways, I bumped the phone and that
18 killed the call. So I recalled again.

19 JUDGE COCHERES: Over what timeframe are you
20 talking about, sir?

21 THE WITNESS: I believe around 2003, end of
22 2002, 2003.

23 JUDGE COCHERES: Is that when it started?

24 THE WITNESS: (No response.)

25 JUDGE COCHERES: I said, is that when it

1 started, sir?

2 THE WITNESS: Yes.

3 JUDGE COCHERES: And do you make any calls in
4 Pennsylvania?

5 THE WITNESS: Very, very seldom, and I do pay
6 for my calls. I have to admit to you there was a time when
7 all three phones went off together with the same message.
8 And another time I was told about it by an inmate who came
9 down to see me, and we had other things to talk about. He
10 said, you know, I just got off the phone. They cut all
11 three of us off at the same time. There were three phones
12 there.

13 JUDGE COCHERES: Okay. I was
14 misunderstanding what you were trying to tell me. Are you
15 telling me that there are three phones available for inmate
16 calls, and they were all cut off at the same time?

17 THE WITNESS: Exactly right, sir.

18 JUDGE COCHERES: Okay.

19 Mr. Stewart.

20 MR. STEWART: Just one second. Nothing, Your
21 Honor. Thank you.

22 JUDGE COCHERES: All right.

23 And, Mr. Cunningham, you're part of the
24 Pfeifly crew, aren't you?

25 THE WITNESS: That is correct.

1 JUDGE COCHERES: Ms. Edmonds.

2 MS. EDMONDS: Yes. I wanted to clarify what
3 I think I understood as Mr. Cunningham's testimony.

4 CROSS-EXAMINATION

5 BY MS. EDMONDS:

6 Q. The two calls that you make are in California and
7 Tennessee; is that correct?

8 A. That is correct.

9 MS. EDMONDS: Okay. No further questions.

10 THE WITNESS: Okay.

11 JUDGE COCHERES: Thank you.

12 (Witness excused.)

13 JUDGE COCHERES: All right. The last person
14 is Mr. Kautz. Mr. Kautz, raise your right hand.

15 Whereupon,

16 JAMES KAUTZ,

17 having been duly sworn, testified as follows:

18 JUDGE COCHERES: All right. Tell me your
19 name, sir.

20 MR. KAUTZ: James Kautz, SCI-Huntingdon.

21 DIRECT TESTIMONY

22 JUDGE COCHERES: All right. What kind of
23 problems have you been having with the telephone company?

24 THE WITNESS: I've been getting cut off from
25 my people on the phone lately. We'll be talking, all of a

1 sudden we'd be cut off. I don't know why, but they cut the
2 phone off. I also have a lot of trouble getting through to
3 the calls. You dial the number three or four times before
4 you get through.

5 JUDGE COCHERES: Do you not have an automatic
6 dialer as part of your preselected phone?

7 THE WITNESS: No, I don't have an automatic
8 dialer.

9 JUDGE COCHERES: Well, when you dial the
10 wrong number, will the call even go through?

11 THE WITNESS: I didn't dial no wrong number,
12 no.

13 JUDGE COCHERES: So you're dialing the
14 correct number; and, when you say the call doesn't go
15 through, what happens?

16 THE WITNESS: Sometimes they say insufficient
17 funds, which I know ain't true; and I got to dial three,
18 four, five times more just to get through.

19 JUDGE COCHERES: When you say insufficient
20 funds, is that a reference to your calling card?

21 THE WITNESS: I don't have a calling card. I
22 call collect.

23 JUDGE COCHERES: So they're not telling you
24 that the number is blocked, but they're saying there's
25 insufficient funds somewhere?

1 THE WITNESS: That's all. They say
2 insufficient funds; but I call two, three more times then I
3 finally get through.

4 JUDGE COCHERES: All right.

5 Mr. Stewart -- wait a minute, Mr. Stewart.
6 Let me preempt you.

7 Mr. Kautz, are all these calls in
8 Pennsylvania or where are they?

9 THE WITNESS: Yes, sir, they're all in
10 Pennsylvania.

11 JUDGE COCHERES: Where in Pennsylvania?

12 THE WITNESS: Carlisle and Mechanicsburg,
13 Newport.

14 JUDGE COCHERES: Okay.

15 Now, Mr. Stewart.

16 MR. STEWART: I'm just trying to verify
17 something.

18 CROSS-EXAMINATION

19 BY MR. STEWART:

20 Q. Just one question, Mr. Kautz. You made phone calls,
21 so you're familiar with what comes up on the phone when you
22 make a call.

23 A. Pardon me.

24 Q. When you make a phone call, when you say you're
25 getting this message that says insufficient funds, which

1 button are you pressing to initiate that call?

2 A. What did he say?

3 MR. BROWN: Which button are you pressing to
4 initiate the call?

5 BY MR. STEWART:

6 Q. When the message comes up -- Mr. Kautz?

7 A. I press 717.

8 Q. Mr. Kautz, when you first start the phone call --

9 A. Number one.

10 Q. Okay. And you press one every time?

11 A. Yeah.

12 Q. Okay. Can you tell me what the message says; do you
13 recall? That asks you?

14 A. What's the operator saying?

15 Q. Yeah, what does the operator say?

16 A. Just insufficient.

17 Q. Okay.

18 A. But, after I dial it two or three times, then I get
19 through.

20 MR. STEWART: Okay. Thank you.

21 JUDGE COCHERES: Ms. Edmonds, do you have
22 questions?

23 MS. EDMONDS: I do. I just have one
24 question.

25 CROSS-EXAMINATION

1 BY MS. EDMONDS:

2 Q. You say that you have been or had experienced
3 cutoffs. Can you provide a month and year when you
4 experienced a cutoff?

5 A. I don't know.

6 Q. I'm trying to tell the timeframe.

7 A. I just can't tell you the timeframe, you know. I
8 call in the evening. That's about all.

9 Q. Can you give me a year? When did this --

10 A. Dates, I don't know the dates. I don't remember the
11 dates. I don't even bother looking at the dates half the
12 time.

13 MS. EDMONDS: Okay. No further questions.

14 THE WITNESS: I call my nephew four times a
15 month.

16 BY MS. EDMONDS:

17 Q. Can you give me an approximate date as to the first
18 time you experienced a cutoff?

19 A. No, I can't give you that. I really don't remember
20 it, but I have been getting them.

21 MS. EDMONDS: Okay. No further questions but
22 thank you.

23 JUDGE COCHERES: All right. Mr. Kautz, is
24 there anything we haven't discussed that you need to tell me
25 about?

1 THE WITNESS: No, that's it.

2 JUDGE COCHERES: Okay.

3 (Witness excused.)

4 JUDGE COCHERES: Ms. Edmonds, Mr. Stewart,
5 have you made any decisions about what order you wanted to
6 present you witnesses in?

7 MR. STEWART: We have not, Your Honor. I'll
8 defer to Ms. Edmonds whether she wants to go first or not.

9 JUDGE COCHERES: Ms. Edmonds.

10 MS. EDMONDS: Mr. Stewart, please feel free
11 to go first. That's fine.

12 MR. STEWART: Okay, thanks. Then we'll do
13 that. Mr. Lehman is going to examine the first witness, so
14 I'll let him call the first witness.

15 JUDGE COCHERES: Mr. Lehman.

16 MR. LEHMAN: Yes. My name is William Lehman,
17 counsel for Verizon, and I'd like to call Denise Breslin as
18 my witness.

19 JUDGE COCHERES: Ms. Breslin, would you raise
20 your right hand?

21 Whereupon,

22 DENISE BRESLIN,
23 having been duly sworn, testified as follows:

24 JUDGE COCHERES: Thank you. Please talk to
25 the microphone and look at the camera because they're the

1 folks that want to hear what you have to say. I do, too,
2 but I'm here in the room with you.

3 THE WITNESS: Okay. Certainly.

4 DIRECT EXAMINATION

5 BY MR. LEHMAN:

6 Q. First of all, would you please state your name and
7 business address for the record, please.

8 A. Yes. Denise Breslin at Verizon, 1119 16th Street,
9 3rd Floor, in Altoona, Pennsylvania.

10 Q. And by whom are you employed and in what capacity?

11 A. Verizon Pennsylvania, Incorporated, and I'm the
12 Manager of the Product Line Management Team for Corrections.

13 Q. Could you please briefly describe the nature and
14 scope of your job responsibilities.

15 A. Yes. As manager of the Product Line Management Team,
16 I oversee a team that is in charge of vendor relations,
17 financial results, RFP responses.

18 Q. Are you authorized to testify on behalf of Verizon PA
19 in this proceeding?

20 A. Yes, I am.

21 Q. Have you reviewed the complaints filed in this
22 matter?

23 A. Yes, I have.

24 Q. And were you present during the testimony that was
25 presented by the witnesses in this matter?

1 A. Yes.

2 Q. Initially, please briefly describe the arrangement
3 for the provision of inmate telephone service to the
4 Department of Corrections.

5 A. Certainly. As Verizon Pennsylvania, Incorporated, we
6 provide the telecommunications services to all Department of
7 Correction facilities throughout the state of Pennsylvania.
8 As part of that telecommunications services, we have -- I'll
9 start with Verizon Pennsylvania.

10 We provide the dial tone lines and local and
11 intraLATA telephone services. We subcontract to a company
12 named Verizon Select Services, Incorporated, that's VSSI,
13 which is an affiliate of Verizon, for the long distance as
14 well as phone services in areas in which Verizon
15 Pennsylvania does not cover, out of our territory.

16 Another subcontractor to Verizon Pennsylvania
17 is T-Netix or Securus. They are the provider of the inmate
18 system out there as well as the software that runs that call
19 control system. Another subcontractor to Verizon
20 Pennsylvania is Shawn Tech. They are site administrators
21 that do PIN administration at the facilities.

22 Q. And, as a quick follow-up, the services that you
23 provide, are they subject to the rules and regulations of
24 the DOC and the laws of Pennsylvania?

25 A. Yes, they are.

1 Q. Now, could you please describe the general operation
2 of the inmate call system and some of the requirements that
3 are placed on VSSI by the DCC.

4 A. Sure. As a contractor to the Commonwealth of
5 Pennsylvania, Department of Corrections, we have a
6 requirement for security. The requirement that we provide
7 is the ability for inmates to make telephone calls to their
8 allowed parties. It's a privilege to provide phone service
9 to the inmates to communicate.

10 Part of that security has to have the ability
11 to control the calls. The Department of Corrections has
12 requirements to allow phone calls to certain people. There
13 is also requirements of Verizon to provide a phone system
14 that monitors these calls and records them and eliminates
15 the possibility of three-way calling to people that are not
16 on their allowed call list.

17 Q. And are there announcements that are played on this?

18 A. Yes. Part of the security and requirements of the
19 Department of Corrections are at the beginning and
20 throughout the call. At the beginning, there is an
21 announcement that tells the called party that the call is
22 coming from SCI-Huntingdon, that it is subject to monitoring
23 and recording, and that custom calling features such as
24 three-way could disconnect the call. It provides the cost
25 of the call and allows the called party to accept the call.

1 And, once it's accepted, then the call proceeds.

2 Throughout the call, there are subsequent
3 messages that are randomly played between the second and
4 third message and every five to six minutes thereafter until
5 the call limit of 15 minutes. That overlay message is a
6 requirement of Department of Corrections. That overlay
7 message basically says that the call is subject to
8 monitoring and recording and allows -- the caller is
9 reminded that it is coming from a correctional facility.

10 And then there is one remaining one-minute
11 warning that the call is about to end.

12 Q. What about the two different types of calls that
13 they're allowed to make?

14 A. An inmate has the ability to make a collect call as
15 well as a prepaid call.

16 Q. And the prepaid call, is that through their
17 commissary?

18 A. Yes. The Department of Corrections runs a commissary
19 in which the inmate and family members are able to deposit
20 funds into there, and the inmate then selects funds to be
21 transferred to a telephone account that can be utilized for
22 phone conversations.

23 Q. Thank you. Now, let's talk about the service
24 disconnections. Does the contract with the DOC require that
25 the system detect and terminate calls for three-way call

1 attempts?

2 A. Yes. It is a requirement of Verizon by the
3 Department of Corrections to attempt to eliminate the call
4 forwarding capability. The Department of Corrections
5 monitors and screens these calls and does determine what
6 family members or friends that the inmate can call. The
7 system is designed to monitor if a three-way call is
8 attempted.

9 Q. Now, would the three-way call attempt be initiated by
10 the called party or by the inmate?

11 A. That would be the called party.

12 Q. And is three-way calling a feature offered by Verizon
13 PA?

14 A. Yes, it is a feature offered by Verizon Pennsylvania.
15 It is also a feature that can be selected on a call --
16 case-by-case basis.

17 Q. So, whether one subscribes to the monthly service or
18 attempts three-way calling on an individual-use basis, do
19 they initiate the attempt the same way?

20 A. Yes, the called party would do it exactly the same
21 way.

22 Q. How would they do that?

23 A. Okay. Once the call is connected, the party who
24 answers would utilize the hook flash. If you recall, that's
25 where your receiver enters on to the phone. That is

1 depressed. That is how they would then put the inmate on
2 hold and attempt to connect a third party. In newer phones
3 today, we have the flash button. That would also be
4 utilized in a more modern phone. It is the same tone and
5 sound whether it's the hook flash or tone as well as a call
6 waiting would be the same feature that those buttons would
7 be utilized. So that's how it would be utilized.

8 Q. So, even if the called party does not subscribe to
9 the monthly three-way call feature as some of the inmates
10 have testified to that they believe or were told that their
11 called parties did not have a monthly -- you know, did not
12 subscribe to that feature, they could still initiate a
13 three-way call attempt while they are talking to an inmate,
14 correct?

15 A. That is absolutely correct. People do subscribe to
16 that. They can use it throughout the month, or it can be
17 used on a select call basis.

18 Q. Now, have you prepared an exhibit that shows the
19 number of three-way call terminations for the named
20 Complainants?

21 A. Yes, I have. And I do want to alert the team here
22 that there has been a change. We had a correction found on
23 Richard Gordon, inmate number AK-4980. We need to resubmit
24 it. The number that was given was AK-9680 on the original
25 exhibit. It is now AK-4680 for Richard Gordon.

1 MR. LEHMAN: Your Honor, this would be
2 Verizon PA Exhibit Number 1 Revised. We had submitted
3 Verizon PA Exhibit Number 1 to you. We passed out the
4 revised exhibit here with the correct numbers. For the
5 benefit of the Complainants who are at Huntingdon, if they
6 have that in front of them -- I don't know. It doesn't look
7 like maybe they do. Maybe Mr. Flood does.

8 MR. FLOOD: Yes, I do.

9 THE WITNESS: I can read to you what has been
10 adjusted so you have your correct record. If you'll please
11 go to Richard Gordon. He would be the fifth name down.

12 MR. FLOOD: That's correct.

13 THE WITNESS: We'll go across. That is his
14 name. His ID is AK-4680. The number of completed calls in
15 Pennsylvania are 115. The average length of call is 13
16 minutes. The number of three-way call attempts, four. And
17 the percentage of three-way on the connected calls, that is
18 at three percent.

19 MR. LEHMAN: All right. I'll continue, Your
20 Honor?

21 JUDGE COCHERES: Yes.

22 MR. LEHMAN: Okay. Thank you.

23 BY MR. LEHMAN:

24 Q. Now, was VSSI Exhibit Number 1 prepared by you or
25 under your direction and control.

1 A. Yes, it was.

2 Q. And is the information contained in this exhibit true
3 and correct to the best of your knowledge?

4 A. Yes.

5 Q. Now, looking at this exhibit, could you please
6 explain what this exhibit is and the information that's
7 contained in this exhibit.

8 A. Yes, certainly. All of the Complainants are listed.
9 This has the number of completed calls that were in
10 Pennsylvania from August 1st of 2003 through July 10th of
11 the current year. The total number of completed calls were
12 1,517. The average length of call was 13 minutes. The
13 number of three-way call attempt disconnects were 60,
14 equalling to a percentage of four percent of the completed
15 calls.

16 Q. Now, referencing this document quickly, we had Mr.
17 Brown, Anthony Brown, talk about three-way disconnects
18 during his testimony. What does this exhibit -- did Mr.
19 Brown have any intrastate in Pennsylvania calls that were
20 disconnected for three-way call attempts?

21 A. No. Mr. Brown had no calls disconnected for an
22 attempted three-way in Pennsylvania, as well as Robert Carl
23 and Shayne Flood, as well as John Ort. Those four gentlemen
24 had no three-way call attempts disconnected within
25 Pennsylvania.

1 MR. LEHMAN: Your Honor, at this time, I'd
2 like to move VSSI Exhibit Number 1 into the record, please,
3 subject to cross-examination.

4 JUDGE COCHERES: It's admitted subject to
5 cross-examination and any timely objections.

6 (Whereupon, the document was marked
7 as VSSI Exhibit Number 1 for
8 identification and received in
9 evidence.)

10 MR. LEHMAN: Thank you.

11 BY MR. LEHMAN:

12 Q. Now, in your opinion, what does this information on
13 this exhibit show about the reliability of the three-way
14 call detection system?

15 A. It shows that the system is working very well and
16 efficiently in disconnecting calls that are three-way call
17 attempts. It also shows to me that the percentage of calls
18 that are disconnected is small, four percent of the 1,517
19 calls that were connected within the state of Pennsylvania.

20 Q. So it certainly doesn't indicate that there are
21 repeated disconnects by the prisoners on the prisoners'
22 calls?

23 A. No, not in my opinion.

24 Q. Is the sensitivity of the this system adjustable?

25 A. Yes. The sensitivity of the inmate call control

1 system is at the discretion of the Commonwealth of
2 Pennsylvania, Department of Corrections. It can be adjusted
3 by Securus. It is my understanding that, at SCI-Huntingdon,
4 the sensitivity is normal, so it is not high or low. It is
5 about average across all SCI facilities.

6 MR. LEHMAN: Thank you.

7 One second, Your Honor.

8 BY MR. LEHMAN:

9 Q. Mr. Cunningham -- specifically Mr. Cunningham's
10 testimony, he explained that he had numerous cutoffs using
11 the -- I believe he uses the prepaid system. What do
12 Verizon's records show regarding the amount of time that he
13 calls and the amount of time his typical calls entail?

14 A. Certainly. I am the Manager of the Product Line
15 Management Team and part of that is the prepaid calling
16 account.

17 Mr. Cunningham, I have your complete records
18 regarding your prepaid calling account; and, as I can see,
19 you do utilize prepaid for a majority of your calls, most of
20 them. The usage is the maximum of 15 minutes. I would
21 approximately say about 95 percent of your calls are 15
22 minutes in length, which would be the maximum call length
23 that the Department of Correction allows.

24 Q. And Mr. Cunningham also testified to the fact that he
25 gets a message insufficient funds. Please explain when

1 someone makes a call the two options they have when dialing
2 and the digits that they have to and what would be the
3 digits that they have to push and what would be the typical
4 reason or an explanation as to why he's getting that
5 message?

6 A. Certainly. As the inmates are aware, when you
7 attempt to make your call, you have a choice. You can make
8 it collect or prepaid. If you select one, it would be
9 collect. If you select two, it would be prepaid. If you're
10 selecting two, it will tell you at the beginning the amount
11 of funds that you have available in your telephone account
12 through commissary to utilize for phone service. You will
13 get an insufficient fund recording if you have no money in
14 the prepaid commissary account.

15 Q. Thank you. One more. Referring to the exhibit, VSSI
16 Exhibit Number 1 once more for James Cunningham, it does
17 show that he had one three-way call attempt disconnected --

18 A. Yes.

19 Q. -- intrastate out of 16 calls. Was three-way --
20 would three-way calling, however, be available on a one-time
21 basis to the number that he called?

22 A. Yes, it would be.

23 Q. Thank you. Now moving to the call overlays. The
24 Complainants have also raised issues regarding the taped
25 overlays during the call. Could you please explain in

1 detail the overlays and why they are there.

2 A. Certainly. I can actually read them if you like.

3 The overlay messages, they are actually -- I don't want to
4 confuse them. The initial message -- and I'm holding it
5 right in front of me -- is approximately 18 seconds, and it
6 is played before the call is completed.

7 The message states to the called party the
8 inmate is on hold at this time, and the called party is told
9 that it's a call coming from the State Correctional
10 Institution at Huntingdon. This call is from a correctional
11 institution and is subject to monitoring and recording.
12 Custom calling features are not allowed during this
13 conversation. The cost for this call is blank dollars and
14 cents. Thank you for using Verizon. That is before the
15 call begins.

16 Once the called party accepts the call, they
17 have to actually physically push a button or say that they
18 accept the charges for the call or accept the call period if
19 it's prepaid.

20 There are subsequent messages. These are, I
21 must state, requirements of the Department of Corrections.
22 These overlays are not by choice of Verizon. It is a
23 requirement that we have to meet to the Department of
24 Corrections. The subsequent messages -- and, again, are
25 required by the Department of Corrections -- these play

1 between the second and third minute into the call and
2 between the fifth and six minute thereafter until the length
3 of the call of 15 minutes. That again says that it is a
4 call from a correctional institution and subject to
5 monitoring and recording.

6 A brief third overlay tells the callers that
7 there's one minute remaining.

8 Q. Now, the Complainants -- and I believe it was
9 specifically Mr. Trevino -- had a problem with paying for
10 the call -- or paying for the amount of time that these
11 messages are playing. First of all, the initial message
12 that plays, do the -- are the charges -- are they incurring
13 charges at that time during that initial message?

14 A. Not the inmate for prepaid and not the called party.
15 The initial message is played as part of the call setup
16 process. Only until the called party accepts the call do
17 the charges begin.

18 Q. What about the allegations that they should not be
19 paying for the time that the other messages occurred during
20 the call? What would be your response to that?

21 A. My response to that is, Verizon is bearing an expense
22 at the very beginning of the call so, therefore, we're
23 bearing expense because of utilization of the network and
24 line; and that would be my rebuttal.

25 Q. Now, could Verizon remove these messages even if it

1 wanted to?

2 A. No. It is at the discretion of the Commonwealth of
3 Pennsylvania, Department of Corrections.

4 Q. Has Verizon made inquiry to the DOC regarding their
5 policy and these overlays and whether anything can be done
6 about them?

7 A. Yes, actually we have. I have a letter if I may
8 present it.

9 MR. LEHMAN: Your Honor, at this time we have
10 a letter that was sent from the Department of Corrections to
11 Verizon Communications dated December 27th, 2004. We did
12 not have time to submit it as an exhibit; however, I would
13 request that Ms. Breslin be allowed to read into the record
14 the relevant parts of that letter.

15 JUDGE COCHERES: Okay.

16 MR. FLOOD: Your Honor, I'd like to object.
17 He's been telling us that, since we didn't put in
18 documentation in a timely manner, that it should be
19 dismissed. He didn't put his in in a timely manner;
20 therefore, his should not be admitted into the record.

21 MR. LEHMAN: Your Honor, I'm not putting
22 anything into the record. It's just a simple testimony off
23 of a business -- state document, and I would request that
24 she be allowed to read that into the record.

25 JUDGE COCHERES: May I see it, please.

1 MR. LEHMAN: Sure.

2 (Document handed to Judge Cocheres.)

3 MR. LEHMAN: Certainly, the Complainants have
4 been able to testify as to that information that we objected
5 to. That's all we are doing is testifying to that
6 information.

7 JUDGE COCHERES: Mr. Lehman, I have seen this
8 letter before, and it was objected to by the inmates who
9 were in attendance at that particular hearing, which is one
10 of the Yount hearings we had last week. The author is not
11 here. The person who received it is not here. You just
12 haven't laid a foundation that gets over the hearsay
13 objection any better than some of the things they've tried
14 to put in.

15 MR. LEHMAN: Well, Your Honor, I'd like to
16 respond to that by saying that this is an official record.
17 I believe it qualifies as an official record; and I would
18 like to make an offer of proof, however, and have it in for
19 the record, have her read it in for the record subject to
20 your discretion to exclude it.

21 MR. FLOOD: Your Honor, also, we have not
22 been given a copy of this to be reviewed so that we can be
23 properly prepared to respond to it. I again object.

24 JUDGE COCHERES: Mr. Lehman, did you just
25 tell me that this is a public document?

1 MR. LEHMAN: No, I'm sorry. Well, I said
2 public and then I changed it. It's an official record,
3 business record.

4 (Whereupon, Mr. Cunningham left the
5 conference room at 11:11 a.m.)

6 JUDGE COCHERES: What makes you think that
7 this is a business record that is admissible in this
8 proceeding?

9 MR. LEHMAN: Well, it's an official state
10 record. It's an official state record that came from an
11 employee of the state. I believe that qualifies as an
12 official state record. It would be the same as a decision
13 made by Your Honor something made by a state employee.
14 However, for purposes of this hearing, Ms. Breslin can
15 certainly just respond to -- I'll withdraw having the
16 sections of the letter read into the record. That's fine.

17 JUDGE COCHERES: All right. The document has
18 been withdrawn.

19 BY MR. LEHMAN:

20 Q. Ms. Breslin, did Verizon Pennsylvania request of the
21 DOC -- make inquiry of the DOC regarding the overlays and if
22 anything could be done about that?

23 A. Yes. We did appeal to the Department of Corrections
24 on their requirement of the overlay messages; and, in
25 December of 2004, we were told that it would not be removed

1 and that we must abide and have those on the system.

2 Q. Thank you. Now, moving to the complaint procedures.

3 The Complainants have alleged a general inadequacy in the
4 complaint process regarding the phone system. Is there a
5 complaint or grievance process that the inmates can utilize
6 to seek redress for their problems that they encounter?

7 A. Yes. As the inmates are aware, in their document --
8 their handbook of the Department of Corrections, there are
9 two policies. The one policy, number DC ADM818, is the
10 automated telephone inmate telephone system policy. Part of
11 this describes an actual telephone discrepancy procedure.

12 If an inmate has a question or concern
13 regarding their telephone calls in the system, what they
14 would do is complete the discrepancy form which is on the
15 back page, Attachment C to this policy, 818 of the handbook.
16 They would turn this discrepancy form in to their unit
17 manager who, in turn, would forward it to the Shawn Tech
18 site administrator there at Huntingdon. The Shawn Tech
19 administrator would do research. They would clear the
20 complaint or escalate it if they're not able to clear the
21 complaint at their level.

22 If they need to escalate it, it would go to
23 our Verizon Corrections Solutions Center who would try to
24 troubleshoot it further or involve Securus if needed.

25 Eventually it is cleared. It is then

1 submitted back to the unit manager and returned to the
2 inmate with resolution.

3 Q. Now, when you said goes to Verizon VSC, is it -- what
4 do you mean? Does it physically go there?

5 A. No. These discrepancy forms, Attachment C 818, is a
6 document of the Department of Corrections. It does not
7 leave the facility. It is their ownership. They do not
8 require the site administrator to keep copies. It's
9 returned to the inmate. What they would do upon escalation
10 is contact Verizon Corrections Solution Center if they can't
11 clear the complaint or trouble at their level. No, the form
12 does not come to Verizon.

13 MR. LEHMAN: Your Honor, at this time I have
14 no further questions.

15 JUDGE COCHERES: Ms. Breslin, have you ever
16 seen a telephone discrepancy form?

17 THE WITNESS: I have in the past if submitted
18 as evidence in previous hearings.

19 JUDGE COCHERES: Well, it just happens that
20 we have two of them here in the hearing room with us.

21 THE WITNESS: Yes.

22 JUDGE COCHERES: Have you looked at them?

23 THE WITNESS: I'm looking at it right now,
24 yes.

25 JUDGE COCHERES: Which one are you looking

1 at, Exhibit 3 or Exhibit 2?

2 THE WITNESS: What exhibit is this? Oh,
3 Flood 1. No. Actually, Your Honor, I believe this may be
4 -- this is form DC 135A. That may be a grievance. I'm
5 looking at the wrong one. That's another procedure. Right
6 here, yes. This is a discrepancy form in Flood Exhibit 2.

7 JUDGE COCHERES: All right. Let's look at
8 the bottom of the form on Flood Exhibit 2, which appears to
9 be identical to the bottom of the form of Flood Exhibit 3.

10 THE WITNESS: Yes.

11 JUDGE COCHERES: Okay. How does the inmate
12 know when they get this information back who gave it to
13 them?

14 THE WITNESS: The inmate would receive this
15 back from their unit manager, Your Honor.

16 JUDGE COCHERES: That's -- I'm sorry. Let me
17 ask a more specific question for you, then. How do they
18 know who provided the information that is on this little
19 sticker?

20 THE WITNESS: T-Netix use only, and this goes
21 to the site administrator at the site. This is their
22 section where they write, and obviously this shows T-Netix
23 use only. It came from the site administrator. Their name
24 is not on this.

25 JUDGE COCHERES: Is that some sort of company

1 policy that's enforced by your site administrator not to put
2 their names on it?

3 THE WITNESS: This discrepancy form is not a
4 Verizon policy. This is the policy of the Department of
5 Corrections. So, whether the name or date on here, it would
6 be at the discretion and requirement of the Department of
7 Corrections.

8 JUDGE COCHERES: Well, I understand the
9 history of when your company started rendering service and
10 when T-Netix stopped; but are you aware that, at least in
11 other hearings that we've had, that the onsite administrator
12 at least signed the form?

13 THE WITNESS: To the best of my knowledge,
14 sir, I can only attest to the few that I have seen.
15 Obviously, these two exhibits, the T-Netix -- at this time,
16 these were T-Netix employees. They are not Shawn Tech.
17 Shawn Tech became the site administrators around December,
18 January of 2005. So this would probably be best answered by
19 T-Netix or Securus because these would have been their
20 employees responding on these discrepancy forms.

21 JUDGE COCHERES: All right.

22 (Whereupon, Mr. Cunningham returned
23 to the conference room at 11:18 a.m.)

24 JUDGE COCHERES: If the inmate passes the 800
25 number that's written at the bottom of the form on to their

1 family, because these are obviously about blocked calls, and
2 those only occur with collect calls, right?

3 THE WITNESS: Well, there could be a blocked
4 call on a prepaid if it's blocked by the facility and
5 doesn't allow the call. But, in this instance, I would say
6 this was blocked for other reasons than the DOC restricting
7 it.

8 JUDGE COCHERES: All right. Whose 800 number
9 is that?

10 THE WITNESS: That is Verizon's.

11 JUDGE COCHERES: And, whoever dials this
12 number, will they be connected to a Verizon Service Center?

13 THE WITNESS: Actually, I would think this
14 may be -- they're answering for Verizon. They technically
15 may be T-Netix employees offering alternative dialing.
16 Again, I would ask Securus to respond. This 800 number is
17 handled by a service that they provide Verizon to allow
18 inmate families to receive calls, to deposit funds into
19 prepaid accounts by family members, Your Honor.

20 JUDGE COCHERES: Would you understand why
21 that might just be a little confusing?

22 THE WITNESS: Possibly.

23 JUDGE COCHERES: For the record, when did
24 your company first start rendering service to state
25 correctional institutes in Pennsylvania?

1 THE WITNESS: Off the top, Your Honor, I
2 would have to go back and look at the contract, 2002
3 possibly or 1999. I believe the current contract that we
4 have, I believe, was signed in 1999 with a six-month
5 extension which is leading us to the end of the year.

6 JUDGE COCHERES: Do you know when T-Netix
7 stopped rendering collect call and calling card services to
8 the state correctional institutes?

9 THE WITNESS: Yes, Your Honor. That was
10 approximately August of 2003.

11 JUDGE COCHERES: Maybe even August 19th or
12 20th of 2003?

13 THE WITNESS: Possibly. I'm not a hundred
14 percent sure of the exact date, but it was around that time.

15 JUDGE COCHERES: Thank you. And, at that
16 time period in August of 2003, your company would have
17 stepped into the breach and taken over, right?

18 THE WITNESS: That is correct for the dial
19 tone and the call -- carrying the call traffic. Prior to
20 that, it would have been T-Netix.

21 JUDGE COCHERES: Okay. And that would have
22 been for local and intraLATA calls, right?

23 THE WITNESS: Up to 2003, August, all calls
24 were being handled by T-Netix. In the August timeframe of
25 -- I correct myself. Verizon would have had the local and

1 intralATA. It would have been the interLATA which would
2 have been handled by Securus, T-Netix.

3 JUDGE COCHERES: Okay.

4 THE WITNESS: At that point, our long
5 distance company, our affiliate Verizon Select Services,
6 would have handled the long distance.

7 JUDGE COCHERES: When you're saying at that
8 point, you're saying starting in August?

9 THE WITNESS: Of 2003.

10 JUDGE COCHERES: Of 2003, okay. All right.

11 Now, let me talk to the inmates for a few
12 minutes. You do have the right to cross-examine this
13 witness. And you may have heard things that you didn't
14 know, and you may have heard some things that you don't
15 understand, and you may have heard some things that you
16 disagree with. I want you to try and reserve those comments
17 and ask questions because that's what the purpose of
18 cross-examination is.

19 So we'll start with Mr. Flood. Do you have
20 any questions for Ms. Breslin?

21 MR. FLOOD: Yes, I do.

22 CROSS-EXAMINATION

23 BY MR. FLOOD:

24 Q. In your June 4th answer to the complaint regarding
25 the disconnects, page 3, paragraph 1, line 11 and 12, it

1 says AITS detects the presence or likely presence or
2 suspected presence. Could you explain to me if --

3 MR. LEHMAN: Your Honor, she doesn't know
4 what he's referring to right now.

5 JUDGE COCHERES: Mr. Flood.

6 MR. FLOOD: Yes, sir.

7 JUDGE COCHERES: Start again and remember a
8 couple things here. We're going to have to shuffle some
9 papers to catch up with what you want us to look at.

10 MR. FLOOD: Excuse me, Your Honor.

11 JUDGE COCHERES: That's okay.

12 THE WITNESS: If you don't mind repeating, I
13 just want to be right where you're at. Mr. Flood, what are
14 you referring to, please.

15 BY MR. FLOOD:

16 Q. All right. It's on page 3, paragraph 1, line 11 and
17 12.

18 JUDGE COCHERES: Stop there. He's referring
19 to the answer to the complaint.

20 THE WITNESS: Okay. Thank you.

21 JUDGE COCHERES: All right.

22 Do you have that document in front of you,
23 Ms. Breslin?

24 THE WITNESS: No, I don't.

25 JUDGE COCHERES: All right. Let's be off the

1 record for a moment while we all find it.

2 (Whereupon, a brief discussion was
3 held off the record.)

4 JUDGE COCHERES: Go ahead now, Mr. Flood,
5 refer them to the words you were talking about.

6 BY MR. FLOOD:

7 Q. All right. Page 3, paragraph 1, line 11 and 12.

8 A. Paragraph 1 starts with repeated service disconnects,
9 Mr. Flood?

10 Q. Well, let me try it a different way. Page 3 starting
11 from the top of the page, lines 11 and 12. Would that be
12 more accurate, ma'am?

13 A. Beginning with automatically disconnected?

14 Q. That's correct.

15 A. Okay. I'm with you, now.

16 Q. All right. Why would there be words such as likely
17 presence of suspected three-way or call waiting? There
18 doesn't seem to be a gray area in this, would there be?

19 MR. LEHMAN: Your Honor, I'd like to object
20 to this question, first of all because it deals with a
21 pleading. A pleading is not part of the record, and this is
22 not regarding her testimony that she made today. So I would
23 like to object on those grounds on those questions -- to
24 this line of questioning.

25 JUDGE COCHERES: Mr. Flood, did you hear Mr.

1 Lehman?

2 MR. FLOOD: I heard him object. I wasn't
3 quite sure what he was objecting to, about it being a
4 pleading. This is a document that Verizon prepared, is it
5 not? This is their assertion of the truth of the matter, is
6 it not?

7 JUDGE COCHERES: Yes, but, when I asked you
8 to cross-examine, I asked you to cross-examine on the
9 subject of what she had testified about. Let me try to make
10 this a little easier for us.

11 Mr. Lehman, do you anticipate presenting a
12 witness who is more on the level of a technician who can
13 describe the operation of the equipment which detects
14 three-way calling?

15 MR. LEHMAN: No, Your Honor.

16 MR. STEWART: We would not. That's not
17 Verizon's equipment.

18 JUDGE COCHERES: Ms. Edmonds, do you intend
19 to present a witness today who will describe the operation
20 of equipment manufactured by your client in operation at the
21 Huntingdon State Correctional Institute designed to detect
22 three-way calling?

23 MS. EDMONDS: That's correct. We have to
24 testify today Mr. Larry Bass.

25 JUDGE COCHERES: All right, then.

1 Mr. Flood, I'm going to ask you to hold your
2 question until

3 MS. EDMONDS: Your Honor, Mr. Flood, again,
4 is -- did not name T-Netix in his complaint.

5 JUDGE COCHERES: Yes, but he uses T-Netix
6 equipment, which Mr. Stewart has just identified, to make
7 calls on Verizon Select Services. You have the distinction
8 of representing a client that not only historically carried
9 telephone calls but also historically and currently supplies
10 the equipment to carry telephone calls.

11 MS. EDMONDS: Sure.

12 JUDGE COCHERES: All right.

13 So, Mr. Flood, the answer to your question
14 will have to wait until you get somebody that can answer it.

15 MR. FLOOD: All right. Thank you very much.
16 May I proceed to a different question?

17 JUDGE COCHERES: Yes, of course.

18 BY MR. FLOOD:

19 Q. I forgot your name, ma'am, and I apologize.

20 A. Ms. Breslin. That's fine.

21 Q. You were saying that the DOC -- or on the overlays
22 that your company basically eats the cost of the initial
23 message and that you feel that it would be proper for our
24 people to basically eat the cost during any subsequent; is
25 that correct?

1 A. Verizon is not only providing the telephones in which
2 you yourself and your fellow inmates utilize, we have costs
3 associated with providing you your privilege of phone calls,
4 the equipment that you utilize to make the call, as well as
5 the network cost to collect and connect you to your loved
6 ones and friends. And, as a requirement of our contract
7 with the Department of Corrections, those overlays --
8 they're not our idea. It is a requirement that we meet
9 according to Department of Correction requirements.

10 Q. So it is your statement that we pay for all those
11 messages? We pay for the time that those messages are being
12 presented to us where we can't speak; is that correct?

13 A. You do not -- the cost of the call, the timing of the
14 call begins when your called party accepts the initial
15 18-second message. You do not bear the cost nor does your
16 called party.

17 Q. What about the subsequent messages, ma'am?

18 A. Yes, those are borne into. The cost of the call --
19 of the 15-minute call length, there would be approximately
20 15 seconds of overlays that you or your called party would
21 bear.

22 Q. Fifteen seconds, that seems a little short, ma'am;
23 but I'll accept that for right now. You were also
24 mentioning that the forms that we -- that you have in front
25 of you from the DOC, they're only forwarded to you if the

1 DOC can't resolve the problem; is that correct?

2 A. That is not correct, Mr. Flood. These forms are the
3 property of the Department of Corrections, not Verizon's.
4 They are not forwarded to Verizon.

5 Q. So you're saying the Department of Corrections is
6 taking on the responsibility of forwarding any complaints to
7 Verizon; is that what you're saying?

8 A. The site administrator, the Shawn Tech site
9 administrator, if they are not able to resolve a complaint
10 at the facility level, they would then contact Verizon
11 through the Verizon Corrections Solutions Center; and then
12 they would investigate it and involve Securus if necessary
13 and get back to the site administrator for resolution, back
14 to yourself.

15 Q. So you're saying the site administrator is the one
16 that answers our grievances, even though it's on a DOC form?

17 A. No. A grievance is not the telecommunications
18 discrepancy form. You're referring to a completely
19 different process that's outlined in the inmate grievance
20 system policy DC ADM804.

21 Q. No, ma'am. No, ma'am. I'm referring to -- these
22 forms right here (indicating) are commonly known as
23 grievance forms for the telephone.

24 A. I can't --

25 JUDGE COCHERES: Mr. Flood.

1 THE WITNESS: I can't see.

2 BY MR. FLOOD:

3 Q. Exhibit 2 and 3, excuse me, ma'am.

4 A. Okay. No problem. I want to get on the same page.
5 2 and 3 are not grievance forms. These are discrepancy
6 forms, sir. They are two different forms.

7 Q. Discrepancy forms, excuse me for misspeaking. So
8 you're saying that these forms are the DOC or Verizon?

9 A. The Department of Corrections.

10 Q. Who answers those? Does the Department of
11 Corrections answer those? If they can't resolve it, then
12 they forward to Verizon; is that correct?

13 A. The telephone system discrepancy form, your first
14 question, is the Department of Corrections. That is their
15 form. It is their policy in which Shawn Tech follows. If
16 Shawn Tech site administrators cannot at their level resolve
17 the question or complaint, it is at that time that they call
18 the Verizon Corrections Solutions Center to help in their
19 investigation, sir.

20 MR. BROWN: Can I interject?

21 MR. FLOOD: Sure.

22 MR. BROWN: Ms. Breslin, what kind of
23 problems would you categorize as either onsite as opposed to
24 the ones that Verizon would have to solve? What would make
25 it -- what's the difference if I send my discrepancy report

1 to inside the prison and they're telling me that there's
2 nothing here that's causing this block or this problem?
3 What do you differentiate between what problems can be
4 handled here and what problems have to be handled by
5 Verizon?

6 THE WITNESS: Sir, there will be another
7 expert from Verizon that will be able to answer this. We
8 have a representative from the Verizon Corrections Solutions
9 Center that would handle any escalation and can better
10 answer that for you, sir.

11 MR. BROWN: Sure.

12 BY MR. FLOOD:

13 Q. All right. Why would there be a separate form for
14 collect calls and prepaid calls?

15 A. There are none, sir.

16 Q. That's not what you said in your answer to the
17 original complaint.

18 A. No, sir. The telephone system discrepancy form is,
19 again, the form of the Department of Corrections. It's
20 utilized for telephone discrepancies, collect or prepaid.
21 There's not a separate form whether your complaint is
22 regarding collect or prepaid.

23 Q. Excuse me one second. On page 8 of your response in
24 here it says moreover there exists a separate complaint
25 procedure for issues regarding debit calls.

1 JUDGE COCHERES: All right. Wait a minute,
2 Mr. Flood. What are you talking about?

3 MR. FLOOD: Page 8 of the response to --
4 answer from Verizon to original complaint dated June 7th,
5 '04.

6 JUDGE COCHERES: All right.
7 Ms. Breslin, do you have a copy of that
8 answer?

9 THE WITNESS: May I see it, please.

10 JUDGE COCHERES: Look at page 8.

11 THE WITNESS: Mm-hmm. Mr. Flood, can you
12 please tell me, are you referring to item number 4 on page
13 8, that response?

14 MR. FLOOD: No, ma'am.

15 BY MR. FLOOD:

16 Q. From the top, line 5, moreover, there exists
17 complaints with this regard to the phone system to the DOC.
18 Moreover there exists a separate complaint procedure for
19 issues regarding debit calls, why?

20 A. Okay. I understand what this is saying. Thank you
21 for getting me on to the right page. What you're referring
22 to and what Verizon's response here refers to a refund
23 procedure for prepaid calling cards versus a refund for
24 collect calls. We're actually not talking about a different
25 form, a discrepancy form, one for collect and prepaid.

1 Total different issue.

2 We're referring to and answering your
3 response regarding refunds. If it is found through a
4 discrepancy form, a complaint of yours, that a refund is
5 due, by all means if it is a debit call, it is through our
6 system. And, if there is an issue, we can certainly provide
7 you a credit onto your prepaid account, your telephone
8 account. That's what this is referring to. If it's a
9 collect call, there's a separate refund procedure which
10 would be dealing with the called party's telephone company,
11 totally different.

12 So I think that's what you're referring to,
13 and that is why Verizon has this response.

14 MR. FLOOD: I believe that pretty much covers
15 my questions that I have for this witness.

16 JUDGE COCHERES: All right.

17 Mr. Trevino, do you have any questions?

18 MR. TREVINO: No, Your Honor.

19 JUDGE COCHERES: Mr. Brown?

20 MR. BROWN: Yes, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. BROWN:

23 Q. This would be VSSI Exhibit Number 1, the Intrastate
24 Call Summary by Inmate.

25 JUDGE COCHERES: All right, sir.

1 BY MR. BROWN:

2 Q. I just have a question about if a call is shut down
3 but it's not -- it's a mistake. It's not a three-way
4 attempt, but if something -- and it might be a malfunction
5 in the system or something other than that -- do you have
6 some way of knowing that?

7 A. Yes, Mr. Brown. All calls have a termination code,
8 so we would -- the system, the Securus system, would know
9 whether you spoke for your 15-minute allotment, if you hung
10 up, if your called party hung up, if a three-way call
11 attempt was attempted, and it was shut down. So there's
12 various reasons why a phone call would end, and the system
13 has the capability of recognizing each and every call and
14 why it ended.

15 Q. Okay. But I don't see it noted here. It just says
16 -- from looking at this, it would say that I have no
17 three-way attempts, meaning -- I take it to mean that
18 neither myself nor my parties called attempted a three-way;
19 is that correct?

20 A. Mr. Brown, the exhibit --

21 Q. Would I be correct in that?

22 A. What you have front of you shows the number of calls
23 that were made in Pennsylvania, which were none. And there
24 were no calls disconnected for you in Pennsylvania for
25 three way.

1 Q. Okay. But what it doesn't say is whether or not any
2 of my calls were discontinued for any other reason. What
3 I'm getting at is that sometimes the phone has malfunctioned
4 when, in fact, my party has not initiated a three-way
5 attempt and we were disconnected the same. This does not
6 reflect that.

7 A. This exhibit reflects three-way call disconnects.

8 Q. Specifically?

9 A. Yes, sir.

10 Q. Okay. Another statement that you had made earlier
11 was that the numbers -- given the numbers, you would say
12 that your system seems to be working fine because of the
13 small percentage of three-way unconnects. Right away my
14 thought was that this is just a small percentage of what you
15 are summarizing.

16 In fact, what are your numbers for the entire
17 -- I know you're saying it probably doesn't concern me, but
18 this is just a small number and I'm curious to know what the
19 real numbers are for a system this large, whether, in fact,
20 that 3.9 percent is actually larger. It's only 3.9 for the
21 people concerned that are in this case right before you. It
22 may be larger. These numbers may be larger for the
23 entire population of SCI-Huntingdon, not to mention --

24 MR. STEWART: Your Honor, I'm going to
25 object. He's making a statement.

1 JUDGE COCHERES: Are you done, sir?

2 MR. BROWN: Yes, Your Honor.

3 JUDGE COCHERES: Now, Mr. Stewart.

4 MR. STEWART: I'm going to object. There's
5 no question there. He's testifying. It's argumentative.
6 There was no question. It was just a statement, and I ask
7 that it be stricken.

8 MR. BROWN: My point is that this information
9 on this exhibit does not tell the whole story. It's not
10 telling me why my call is being disconnected. It's saying I
11 have a zero three-way attempt calls, but it's not saying --
12 it does not calculate all the other calls for whatever
13 reason that were disconnected. It's not giving me a
14 complete story here.

15 JUDGE COCHERES: Mr. Brown.

16 MR. BROWN: Yes.

17 JUDGE COCHERES: You're currently making
18 calls to Colorado and North Carolina, right?

19 MR. BROWN: Yes.

20 JUDGE COCHERES: This is the record of calls
21 made by you only in Pennsylvania. Focus for a moment on the
22 first column where it says number of connections. You don't
23 make any calls in Pennsylvania.

24 My question is, Ms. Breslin, for a man who
25 makes no calls in Pennsylvania, of course, there would be no

1 three-way disconnects?

2 MR. BROWN: What about the calls I made to my
3 wife? Where is the record for that?

4 JUDGE COCHERES: Mr. Brown.

5 MR. BROWN: Yes.

6 JUDGE COCHERES: It is very hard for us to
7 know whether you are talking for the record or just having a
8 conversation with Mr. Flood, and it's not your fault.
9 Several of you have talked in the background while we're
10 trying to talk and conduct this hearing. We have some
11 difficulty understanding whether you want this to be part of
12 the record or not, and it's something that you all are going
13 to have to be aware of. We can hear you, all right?

14 MR. BROWN: Sorry, Your Honor.

15 JUDGE COCHERES: That's okay.

16 MR. BROWN: What about the calls to my wife
17 that I was making while I was married from the time from '93
18 through -- oh, I see. I'm sorry. Never mind.

19 JUDGE COCHERES: All right. Yes, I suspect
20 you were divorced before August of '03, right?

21 MR. BROWN: Yes.

22 JUDGE COCHERES: Thank you.

23 MR. BROWN: Yes, Your Honor.

24 JUDGE COCHERES: All right.

25 Ms. Breslin, if he makes no calls, how can he

1 have an average length of 11 minutes per call?

2 THE WITNESS: That was actually was submitted
3 with his out-of-state. So that probably shouldn't have been
4 in there.

5 JUDGE COCHERES: Wait a minute here. I'm
6 confused.

7 THE WITNESS: That's okay. The average
8 length of call that he does make out-of-state is 11 minutes.

9 JUDGE COCHERES: And, even though the exhibit
10 is supposed to be only in-Pennsylvania calls, this tally for
11 average on length of calls is all calls?

12 THE WITNESS: Right.

13 JUDGE COCHERES: Okay. But the rest of the
14 statistics, the number of connections he makes, the number
15 of three-way attempts, and the percent of three-way calls on
16 connection are all only dealing within Pennsylvania?

17 THE WITNESS: You are correct.

18 JUDGE COCHERES: Okay.

19 All right, Mr. Brown, does it make more
20 sense.

21 MR. BROWN: Yes, Your Honor.

22 JUDGE COCHERES: Does it make more sense?

23 MR. BROWN: Yes, Your Honor.

24 JUDGE COCHERES: Okay. Do you have any more
25 questions, Mr. Brown?

1 MR. BROWN: None at this time.

2 JUDGE COCHERES: All right.

3 Mr. Cunningham, do you have any questions?

4 MR. CUNNINGHAM: I just wanted to tell you
5 the sensitivity of the cutoff, one man told me that he gave
6 his girlfriend --

7 JUDGE COCHERES: Mr. Cunningham, I very
8 specifically asked if you had questions. You started your
9 sentence with the words I have a comment. Hold your comment
10 and tell me if you have any questions.

11 MR. CUNNINGHAM: Well, I came up with a
12 little comment before I had the question and that is the
13 sensitivity of the cutoff, sir. One gentleman told me that
14 he gave his --

15 MR. STEWART: Objection, Your Honor.

16 MR. CUNNINGHAM: -- girlfriend instructions
17 not to kiss him over the phone because that would be an
18 automatic cutoff. I thought you'd like to hear that.

19 JUDGE COCHERES: Thank you, sir. Do you have
20 any questions?

21 MR. CUNNINGHAM: No questions, Your Honor.

22 JUDGE COCHERES: Mr. Kautz, do you have a
23 question?

24 MR. KAUTZ: No, I'm done.

25 JUDGE COCHERES: You don't have anything.

1 Mr. Lehman, do you have any redirect?

2 MP. LEHMAN: No, I don't, Your Honor.

3 JUDGE COCHERES: Thank you.

4 Then the witness is excused.

5 (Witness excused.)

6 JUDGE COCHERES: Do you have any witness for
7 me, Mr. Lehman?

8 MR. STEWART: I have another witness for you,
9 Your Honor. Verizon Select Services calls John Ries.

10 JUDGE COCHERES: Mr. Ries, I believe you're
11 in Texas?

12 MR. RIES: Correct.

13 JUDGE COCHERES: Sir, would you raise your
14 right hand?

15 Whereupon,

16 JOHN RIES,
17 having been duly sworn, testified as follows:

18 JUDGE COCHERES: Thank you.

19 Counselor.

20 MR. STEWART: Thank you, Your Honor.

21 DIRECT EXAMINATION

22 BY MR. STEWART:

23 Q. Mr. Ries, could you please state your name and
24 business address for the record, please.

25 A. My name is John Ries. Ries is spelled R-I-E-S. My

1 business address is Verizon Select Services, Inc., 6665
2 North MacArthur Boulevard -- MacArthur is spelled
3 M-A-C-A-R-T-H-U-R -- Irving, I-R-V-I-N-G, Texas 75039.

4 Q. By whom are you employed, Mr. Ries?

5 A. Verizon Select Services.

6 Q. What's your title?

7 A. My title is Business Specialist, and I work
8 specifically with the Inmate Services Program.

9 Q. Could you describe what you do in your job, Mr. Ries,
10 briefly?

11 A. I manage the Inmate Program for VSSI. My
12 responsibilities include ensuring traffic from the
13 correctional facility traverses the VSSI network, working
14 with vendors to ensure billing data is processed
15 appropriately, financial review of revenue and costs for
16 inmate services, ensuring that VSSI has a proper tariff in
17 place, and resolving any billing or network disputes with
18 either the end-user or the network carriers.

19 Q. And, Mr. Ries, are you authorized to testify on
20 behalf of VSSI in this proceeding?

21 A. Yes.

22 Q. Have you reviewed the complaints in these matters?

23 A. Yes.

24 Q. You've heard several of the Complainants opine that
25 they believe they're being charged too much for their

1 telephone calls. Can you please describe the types of calls
2 that VSSI -- or the types of calls that can originate from a
3 correctional facility and who carries what types of calls.

4 A. VSSI carries all types of calls from the Pennsylvania
5 DOC, local, intraLATA, interLATA and interstate traffic.

6 Q. Okay. And have the rates for these different types
7 of calls been approved by the Pennsylvania Public Utility
8 Commission?

9 A. Yes. The rates are approved and contained in VSSI's
10 tariff on file with the Commission.

11 Q. Can you tell us what the rates are for the record,
12 please, and try to break it down by the various types of
13 calls that could be made.

14 A. Local and intraLATA rates vary based on the location
15 of the Pennsylvania DOC facility, but the maximum amount for
16 a call would be charged a \$2 surcharge plus \$.20 per minute.
17 Therefore, a 15-minute call would be charged \$5. InterLATA
18 calls for the Pennsylvania DOC terminating within
19 Pennsylvania would be charged a \$2.50 surcharge plus \$.27
20 per minute. Therefore, a 15-minute call would be charged
21 \$6.55. Interstate calls terminating outside Pennsylvania
22 would be charged a \$3.50 surcharge plus \$.55 per minute. A
23 15-minute call then would be charged \$11.75.

24 Q. Okay. How do those rates compare with collect calls
25 made by the general public? First of all, let me as you

1 this. Does VSSI provide payphone service to the general
2 public?

3 A. Yes. VSSI does provide payphone calls within the
4 state of Pennsylvania.

5 Q. What are the rates for those phones?

6 A. Public payphone rates are higher. For instance, an
7 interLATA call would be charged a \$3.99 surcharge plus \$.59
8 per minute. Therefore, a 15-minute call would be charged
9 \$12.84.

10 Q. Okay. Can you describe for me what VSSI's position
11 is with regard to the rates for the inmate calls?

12 A. The rates that the inmates pay for collect and
13 prepaid calls are less than the rates paid by the general
14 public for calls from payphones. The rates have been
15 approved and determined to be reasonable by the Commission
16 and we agree.

17 Q. Okay. I think Mr. Brown -- I just have a question.
18 Do you have any record of any calls being intrastate calls
19 within Pennsylvania having been blocked for Mr. Brown?

20 A. No. Mr. Brown's calling patterns are interstate
21 calls, so I do not have any blocked calls within
22 Pennsylvania.

23 Q. Okay. Then you heard the other inmates talk about --
24 at least let me see if any others did talk about -- see if I
25 have the names.

1 JUDGE COCHERES: Did we lose anybody on that
2 connection?

3 Mr. Ries, can you still hear us?

4 THE WITNESS: I can still hear you.

5 JUDGE COCHERES: Huntingdon, are you still on
6 board?

7 MR. FLOOD: Yes.

8 JUDGE COCHERES: Thank you.

9 Ms. Edmonds, are you still on board?

10 MS. EDMONDS: I am here, yes.

11 JUDGE COCHERES: Not only did we get a loud
12 noise, but we got a lightening streak on the screen.

13 MS. EDMONDS: From my office?

14 JUDGE COCHERES: No.

15 BY MR. STEWART:

16 Q. Mr. Ries, do you have anything else that you wish to
17 add in your testimony today?

18 A. No.

19 MR. STEWART: The witness is available for
20 cross-examination, Your Honor.

21 JUDGE COCHERES: Mr. Ries.

22 THE WITNESS: Yes.

23 JUDGE COCHERES: Mr. Ries, you were kind
24 enough to give us rates, but I got just a little confused.
25 When you gave us the rates for local and intraLATA calls,

1 you said that maximum charge would be \$2 connection fee and
2 \$.20 a minute, right?

3 THE WITNESS: Correct.

4 JUDGE COCHERES: And you said that applied to
5 correctional facilities, right?

6 THE WITNESS: Correct.

7 JUDGE COCHERES: Now, are those collect call
8 rates or calling card rates?

9 THE WITNESS: Those are collect call rates;
10 but I would add that, for local calls and intraLATA calls,
11 the collect call rate and the prepaid rate are the same.

12 JUDGE COCHERES: Thank you. That was what
13 was confusing me. Let's move right on down to interLATA
14 within the state. You told me it was \$2.50 connection fee
15 plus \$.27 a minute and that a 15-minute call was \$6.55,
16 correct?

17 THE WITNESS: Correct.

18 JUDGE COCHERES: And was that also a collect
19 call only?

20 THE WITNESS: That was collect only.

21 JUDGE COCHERES: Do you know what a calling
22 card rate for the same call would be?

23 THE WITNESS: Yes. For a interLATA prepaid
24 calling card rate, the surcharge is \$2.25 and the per minute
25 rate is \$.22 per minute.

1 JUDGE COCHERES: And what is the 15-minute
2 charge, then?

3 THE WITNESS: I do not have that calculated.
4 I would have to --

5 JUDGE COCHERES: All right. Save yourself.

6 THE WITNESS: It would be --

7 JUDGE COCHERES: Relax. If I need it, I'll
8 do the math.

9 THE WITNESS: I believe it's \$5.55.

10 JUDGE COCHERES: You don't trust my math, do
11 you? Okay. And now let's talk about a calling card
12 interstate, between the state, calls. Is that the same as
13 what you just told me as \$3.50 for the connection fee and
14 \$.55 a minute?

15 THE WITNESS: The interstate calling card
16 rate is for prepaid is also discounted; but, I'm sorry, I do
17 not have the interstate rate with me.

18 JUDGE COCHERES: And you told me that the
19 public --

20 THE WITNESS: Basically, it's a ten percent.

21 JUDGE COCHERES: You told me that the public
22 payphone costs are generally more, right?

23 THE WITNESS: Correct.

24 JUDGE COCHERES: And were you referring only
25 to public payphone collect call service?

1 THE WITNESS: Yes.

2 JUDGE COCHERES: All right. Now, let's talk
3 about, is there a calling card service by public payphone
4 that would be comparable?

5 THE WITNESS: There are various calling card
6 services that, you know, the public can buy and purchase
7 prepaid calls; but that would not be comparable to calls
8 from the inmate environment going to the inmate control
9 system.

10 JUDGE COCHERES: Is that the reason why you
11 say they're not comparable?

12 THE WITNESS: Yes.

13 JUDGE COCHERES: All right.

14 Mr. Flood, do you have questions for this
15 witness?

16 MR. FLOOD: Just one short one, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. FLOOD:

19 Q. How much of each phone call goes back to the DOC in
20 the form of exclusivity rights or kickbacks or whatever you
21 want to call it?

22 MR. KAZEE: I'm not really getting any video,
23 either.

24 JUDGE COCHERES: Let's be off the record for
25 a moment.

1 (Whereupon, a brief discussion was
2 held off the record.)

3 JUDGE COCHERES: Mr. Flood, can you now see
4 Texas?

5 MR. FLOOD: No, sir, I cannot.

6 JUDGE COCHERES: You can't see a conference
7 room with a Verizon sign?

8 MR. FLOOD: No, sir. I am seeing you.

9 THE WITNESS: Your Honor, I guess I would
10 need to speak for him to be able to see myself.

11 MR. FLOOD: Now I see.

12 JUDGE COCHERES: Good. Mr. Flood, do you
13 have questions for Mr. Ries?

14 MR. FLOOD: Just one.

15 JUDGE COCHERES: All right.

16 BY MR. FLOOD:

17 Q. How much percentage-wise, how much does the DOC
18 receive off of each one of our phone calls?

19 A. Verizon Select Services does not have the contract
20 with the DOC, that's Verizon. And I would not be the one to
21 answer that question.

22 Q. Who would be, sir?

23 A. That would be back with Denise Breslin who is the
24 Verizon employee that handles the contract between Verizon
25 and the Department of Corrections.

1 MR. FLOOD: Thank you.

2 JUDGE COCHERES: Mr. Flood, do you have any
3 more questions for this witness?

4 MR. FLOOD: No, sir.

5 JUDGE COCHERES: All right. I know you might
6 have one more for Ms. Breslin, but let's get through with
7 Mr. Ries, first.

8 Mr. Trevino, do you have any questions for
9 this witness?

10 MR. TREVINO: No, Your Honor.

11 JUDGE COCHERES: Mr. Brown, do you have any
12 questions for this witness?

13 MR. BROWN: No, Your Honor.

14 JUDGE COCHERES: Mr. Cunningham, do you have
15 any questions for this witness?

16 MR. CUNNINGHAM: No, Your Honor.

17 JUDGE COCHERES: Mr. Kautz, do you have any
18 questions for this witness?

19 MR. KAUTZ: No, Your Honor.

20 JUDGE COCHERES: Ms. Edmonds, do you have any
21 questions?

22 MS. EDMONDS: No, I do not.

23 JUDGE COCHERES: This witness is excused.

24 (Witness excused.)

25 JUDGE COCHERES: I'll recall Ms. Breslin to

1 answer the question that Mr. Flood is going to ask.

2 Whereupon,

3

DENISE BRESLIN,

4 having been duly sworn previously, testified as follows:

5

FURTHER CROSS-EXAMINATION

6 BY MR. FLOOD:

7 Q. Percentage-wise, how much does the DOC receive off of
8 each one of our phone calls, ma'am?

9

MR. LEHMAN: Your Honor, before she answers,
10 I would like to object. This is proprietary information.
11 Certainly, if we would like the record to be sealed if this
12 information is made available publicly. This is per the
13 contract.

14

JUDGE COCHERES: Why is that a proprietary
15 restriction, a restriction on me and this Commission?

16

MR. LEHMAN: Well, because this is a contract
17 between the DOC and Verizon, and certainly this involves the
18 DOC. Certainly they're not present here. They should
19 certainly be able to respond to that in this proceeding, so
20 I would request that it at least be marked proprietary in
21 the report -- in the record seeing how the DOC isn't even
22 here to address that.

23

MR. FLOOD: Your Honor, I'll withdraw the
24 question. May I ask one more?

25

JUDGE COCHERES: I'm not going to limit the

1 number of questions once you've got a witness on the stand,
2 so you can ask more than one.

3 BY MR. FLOOD:

4 Q. I have a document here that wasn't admitted into
5 evidence that says the DOC receives 40 percent --

6 MR. STEWART: Your Honor, I'm going to object
7 to the question.

8 BY MR. FLOOD:

9 Q. -- 47 percent of the gross collected money off of
10 each call; is that correct?

11 JUDGE COCHERES: Wait a minute. Read it
12 again. You got drowned out by Mr. Stewart who wants to
13 object when you're finished.

14 MR. FLOOD: Yes, please.

15 BY MR. FLOOD:

16 Q. PA DOC here says receives 47 percent of each one of
17 our phone calls of the fee; is that correct?

18 JUDGE COCHERES: Mr. Stewart.

19 MR. STEWART: I've objected because he's
20 asking a question about a document which has not been
21 admitted into evidence; and, therefore, it's inappropriate,
22 Your Honor. He's reading expressly from a document which
23 was refused to be admitted because it's hearsay.

24 MR. FLOOD: That's why I'm asking the
25 question, sir. I would like for it to not be hearsay.

1 JUDGE COCHERES: All right. Here's the
2 problem I'm having with this subject. I've been the
3 Prisoner Judge for so long I actually know the answer to the
4 question, and I know it from having held other proceedings.
5 I had both Executive Deputy Secretary Dr. Shaffer and I had
6 the gentleman, now retired, from the Department of General
7 Services who had let the telephone contract and administered
8 it for many, many years in previous cases. And they
9 provided this information.

10 What I don't remember but I suspect is true
11 is that it was not on the proprietary record. Because we're
12 functionally in a building across the street from my office,
13 I cannot go back to my files and pull it out.

14 But is there something about this particular
15 contract number that is expressly labeled proprietary in the
16 contract?

17 MR. STEWART: Let me look.

18 JUDGE COCHERES: Mr. Lehman, you're the one
19 who asserted the objection. You tell me.

20 MR. LEHMAN: We have the contract here. I
21 don't know. I don't know off the top of my head if it
22 specifically says that in the contract or no.

23 JUDGE COCHERES: Tell me, Ms. Breslin, what
24 you are you saying?

25 THE WITNESS: Your Honor, obviously, this is

1 through a Request for Proposal procedure. Request for
2 Proposals are public record. The financial
3 responsibilities, obligations of such a contract are always
4 sealed from public record, so that portion of our contract
5 that would present the percentage of revenue is sealed. So
6 that's why, according to the contract, I feel that it would
7 not be admissible to public record.

8 JUDGE COCHERES: Well, I get to decide what's
9 admissible, but I understand why you're asserting that it's
10 proprietary. Even if it is proprietary, there's ways of
11 having it admitted into the record; and that's what Mr.
12 Lehman was trying to do.

13 Be patient, Mr. Flood, we'll get back to you.

14 MR. STEWART: It's probably in this contract
15 which is over 200 pages, so it would take me quite a while
16 to read it.

17 JUDGE COCHERES: All right. Let's go off the
18 record.

19 (Whereupon, a brief discussion was
20 held off the record.)

21 JUDGE COCHERES: This is what I'm going to
22 do. I'm going to provide a very brief summary of the things
23 that we've discussed, and I think I can find a way to deal
24 with this in a few minutes. During our off-the-record
25 discussions, the attorneys for Verizon were concerned that

1 the information requested by Mr. Flood's most recent
2 question was subject to a business secrets rule. I tried to
3 explain to the parties that, because of my experience with
4 prison issues, I thought I already knew the answer to that
5 question. I knew generally where I got that information,
6 but I wasn't sure whether it was classified as proprietary
7 or not.

8 I have the ability to direct the witness to
9 answer the question on the record. My problem is that, even
10 if I do that, I still may have to protect it. What I want
11 to do is that, at some point, I'm going to take a break and
12 hopefully this group in here will at least get lunch at the
13 snack bar downstairs. But, during that break, I will make a
14 fast trip over to my office and check out whether that
15 information is proprietary or not.

16 If it is not proprietary, I will make sure
17 that it is put on the record for the benefit of the parties
18 and my decision.

19 All right, Mr. Flood?

20 MR. FLOOD: Thank you very much, Your Honor.
21 I appreciate that.

22 JUDGE COCHERES: Okay. I want you to go on
23 now. I called Ms. Breslin back to the stand because you
24 raised that issue during your examination of Mr. Ries. That
25 is the only issue and only reason I called her back on the

1 stand. I'm not going to have that question answered right
2 this moment. I appreciate that you all may not be in the
3 room when we get to whether or not we can answer the
4 question. But, even if that's true, rest assured that, if
5 it is public information, it will be on the public record;
6 and I will put it in my decision.

7 Does that help you?

8 MR. FLOOD: Thank you. I appreciate that
9 decision.

10 JUDGE COCHERES: Mr. Stewart, do you have any
11 more witnesses for me?

12 MR. STEWART: I do, Your Honor. Hopefully
13 he's still on the phone with us. Verizon calls Randall
14 Williams.

15 MR. WILLIAMS: Yes, can you hear me?

16 JUDGE COCHERES: Yes. Mr. Williams, would
17 you raise your right hand?

18 MR. WILLIAMS: Yes.

19 MR. STEWART: That's not Mr. Williams.

20 JUDGE COCHERES: No, that is Mr. Pfeifly.
21 Good afternoon to you, sir.

22 MR. PFEIFLY: Good afternoon. We're here for
23 round two.

24 JUDGE COCHERES: You wish you were; but, in
25 fact, you're coming in at the end of round one as I was

1 afraid would happen.

2 MR. PFEIFLY: I'm here and I'm available.

3 JUDGE COCHERES: That's fine, sir. We're
4 just going to leave you alone for now.

5 Mr. Williams.

6 MR. WILLIAMS: Yes.

7 JUDGE COCHERES: Mr. Williams, raise your
8 right hand, sir.

9 MR. WILLIAMS: Okay.

10 Whereupon,

11 RANDALL WILLIAMS,
12 having been duly sworn, testified as follows:

13 JUDGE COCHERES: All right, sir.
14 Counselor.

15 DIRECT EXAMINATION

16 BY MR. STEWART:

17 Q. Mr. Williams, can you please state your name and
18 business address for the record.

19 A. Yes. It's Randall Williams, 32 Executive Park,
20 Irvine, California 92614.

21 Q. By whom are you employed and in what capacity?

22 A. I am employed by Verizon. I'm a Senior Staff
23 Consultant.

24 Q. How long have you been in that position?

25 A. Current position has been four months.

1 Q. What position did you hold immediately prior to that
2 one?

3 A. I was the Manager of the Verizon Corrections
4 Solutions Center.

5 Q. Could you please describe what you did as the Manager
6 of the Corrections Solution Center for Verizon.

7 JUDGE COCHERES: Just a moment. We've lost
8 the video. Let's go off the record for a moment.

9 (Whereupon, a brief discussion was
10 held off the record.)

11 JUDGE COCHERES: We're back on the record.

12 BY MR. STEWART:

13 Q. Could you briefly describe the nature and scope of
14 your job responsibilities in your previous job as the
15 Corrections Center Manager? Corrections Solutions Center.

16 A. Yes. I manage the nationwide technical assistance
17 center for inbound calls from Verizon correctional
18 facilities.

19 Q. And are you authorized to testify on behalf of
20 Verizon in this proceeding?

21 A. Yes.

22 Q. And were you present -- were you able to hear the
23 testimony earlier today regarding the few service
24 difficulties that were complained of?

25 A. Yes, I was.

1 Q. And did you hear Ms. Breslin describe the complaint
2 and grievance process that an inmate would use to seek -- I
3 should say the telephone discrepancy form process that an
4 inmate would use to address phone problems?

5 A. Yes, I was.

6 Q. Is this the same process that would be used to report
7 service-related difficulties?

8 A. Yes, it is.

9 Q. Okay. Can you just give us a real quick overview of
10 the type of telephone equipment that's used at Huntingdon to
11 provide service?

12 A. Sure. I'll start with where it enters the building.
13 The Verizon-owned facilities, the cable comes into the
14 building and goes to a demarcation point somewhere inside
15 the building at the facility. And then it goes to the
16 customer-owned cable end which would take it to the call
17 control system provided by T-Netix. And then, from there,
18 it would go -- and that's similar to a PBX, if you will.
19 It's on a little switch. And then it goes from there
20 usually via a cross-connect block or cabling to the
21 different buildings that actually house the phones and goes
22 by an inside wire to each individual phone.

23 Q. Okay. And can you describe the type of usage that
24 the equipment, the actual phones themselves, get by
25 comparing it to, like, a residential or commercial usage or

1 a paid telephone?

2 A. Yes. I would say that it is prone to more damage on
3 the physical handset and the touch call pad and the phone
4 itself in a payphone environment or in a prison environment
5 versus a residential environment. The handset cords are
6 armored so that they cannot easily be damaged. The handsets
7 themselves are more rugged. The general casing on the phone
8 is not made out of plastic like it would be in a residential
9 or a business setting. It's usually made of either
10 stainless steel or some kind of tough metal.

11 Q. Okay. In the complaint process the way Ms. Breslin
12 described it, if a service complaint goes to the site
13 administrator, it would then be passed on up to the Verizon
14 Solutions Center. Have you had any of those types of
15 complaints passed up from any of the inmates who are
16 Complainants here today in the past two years?

17 A. No, I haven't.

18 Q. Okay. Have you had any service-type complaints get
19 passed up from Huntington in general in the last, say, two
20 years?

21 A. Yes, I have. I've had 56 reports from Huntington.

22 Q. Are they all service related? Can you just give me a
23 general idea of what the types of complaints are that get
24 passed up?

25 A. The types of reports are varied. They vary from a

1 problem with a site administrator with the actual system
2 itself or gaining access to reports on the system to maybe a
3 monitor or a PC that malfunctions if they access the system.
4 There is approximately nine or ten of those type calls that
5 involve vendor equipment.

6 There are some, about 12 tickets, for various
7 things that are no trouble found or found okay. And there
8 is about 35 other tickets that are physical damage to the
9 phone, static on the line, broken wiring, general service
10 issues.

11 Q. And have all those tickets been closed out?

12 A. Yes, they have.

13 Q. Did Verizon perform line tests on the lines that
14 serve Huntingdon?

15 A. Yes, we did.

16 Q. Can you tell me what the results of those tests were?

17 A. Yes. All lines at Huntingdon tested okay.

18 Q. When did you perform that test?

19 A. That test was performed on 7/26 and 7/27.

20 Q. Okay. And, based upon your experience and the
21 investigation that you've done and the data you've looked at
22 in preparing for this hearing, how would you characterize
23 the level of service at Huntingdon from a physical facility
24 and service perspective?

25 A. I would say it's very good.

1 Q. Why would you say that?

2 A. If you look at the number of phones at the facility,
3 I show there to be relatively few trouble tickets compared
4 to the amount of phones. The general trouble reports were
5 about 35. That would be about almost 2 percent of the
6 phones were reported in trouble per month. I would consider
7 that being a very low number, and I would consider the
8 phones were available and ready for the inmates' use at most
9 times.

10 Q. Do you have anything further you wish to add?

11 A. Not at this time.

12 MR. STEWART: The witness is available for
13 cross-examination, Your Honor.

14 JUDGE COCHERES: Mr. Williams, you started
15 your testimony with a term that I found slightly confusing.
16 You said that you're in charge of inbound calls. That to me
17 would seem calls made from the outside into the institution?

18 THE WITNESS: No, I'm sorry. We're -- we
19 receive inbound calls for trouble tickets. In other words,
20 we do not generate outbound calls in that manner. What
21 we're responsible for is all the -- any type of trouble
22 complaint that comes in on our phones at facilities.

23 JUDGE COCHERES: And --

24 THE WITNESS: That may be a better way to put
25 it.

1 JUDGE COCHERES: Okay. And you talked a few
2 minutes ago with Mr. Stewart about line tests; do you
3 remember that?

4 THE WITNESS: Yes.

5 JUDGE COCHERES: Do you regularly test the
6 lines from Huntingdon and the other state correctional
7 institutions on a schedule of any kind?

8 THE WITNESS: I don't do the line testing, so
9 I don't know.

10 JUDGE COCHERES: Earlier today, I believe
11 perhaps it was Mr. Brown who asked a question which seems to
12 have gotten through me. I had it a second ago. Is there a
13 specific -- for lack of a better way of putting this --
14 generic subject matter division call stuff that you take
15 care of that is not resolved at the local level? Are there
16 specific subjects that you cover? How is the division of
17 responsibility made?

18 THE WITNESS: I can answer that basically by
19 saying that the site administrator would be responsible for
20 taking all types of trouble and differentiating what to do
21 with that. If they cannot fix the trouble, then they would
22 refer it to us. If we can't fix it, we would refer it to
23 T-Netix.

24 There are some obvious types of trouble that
25 they would refer to us. If it's reported or they observe

1 that a handset is broken on a phone, they would not attempt
2 to fix the handset. They would refer that to us, and we
3 would dispatch a technician to the site.

4 JUDGE COCHERES: Are there other obvious
5 examples, billing issues for example?

6 THE WITNESS: Yes, billing issues or reports.
7 If there was a request for a report, the site administrator
8 would do that. They would not send that to us.

9 JUDGE COCHERES: What kind of report are you
10 talking about?

11 THE WITNESS: Possibly if the DOC wanted a
12 report on calls, how many calls were attempted or if Verizon
13 for billing purposes possibly would want a report or
14 something like that.

15 JUDGE COCHERES: All right.

16 Mr. Flood, do you have questions for this
17 witness?

18 MR. FLOOD: Would this be the gentleman that
19 would be in charge of the AITS system?

20 MR. STEWART: No, I'm sorry. I didn't say it
21 loud enough.

22 MR. FLOOD: Okay. No, I don't have any
23 questions for him.

24 JUDGE COCHERES: Mr. Stewart, who is --

25 MR. STEWART: Well, let me ask him. Are you

1 talking about the functions of the call surveillance and all
2 the stuff that goes on there?

3 MR. FLOOD: Very much.

4 MR. STEWART: That's not him.

5 JUDGE COCHERES: That's not him.

6 Mr. Trevino, any questions?

7 MR. TREVINO: No, Your Honor.

8 JUDGE COCHERES: Mr. Brown?

9 MR. BROWN: No, Your Honor.

10 JUDGE COCHERES: Mr. Cunningham?

11 MR. CUNNINGHAM: No, Your Honor.

12 JUDGE COCHERES: Mr. Kautz?

13 MR. KAUTZ: No, Your Honor.

14 JUDGE COCHERES: All right.

15 Is there any redirect at all for this
16 witness?

17 MR. STEWART: No, Your Honor.

18 JUDGE COCHERES: Perfect. The witness is
19 excused.

20 (Witness excused.)

21 JUDGE COCHERES: Any more witnesses for me,
22 Mr. Stewart?

23 MR. STEWART: Not for this group, Your Honor.

24 JUDGE COCHERES: Okay.

25 Ms. Edmonds.

1 MS. EDMONDS: Yes. As the first witness, I'd
2 like to call is Tammy Carpenter.

3 JUDGE COCHERES: Ms. Carpenter, would you
4 raise your right hand?
5 Whereupon,

6 TAMMY CARPENTER,
7 having been duly sworn, testified as follows:

8 THE WITNESS: Could Ms. Edmonds get closer to
9 the mic? I'm having a hard time hearing her.

10 MS. EDMONDS: I'm pretty close. Can you hear
11 me?

12 THE WITNESS: You're still not real clear.

13 MS. EDMONDS: Really? Why don't I try to
14 adjust the volume, and we'll see what that does. Does that
15 help?

16 THE WITNESS: Maybe it only helps on my end.

17 MS. EDMONDS: How about now?

18 THE WITNESS: No. We'll go with that.

19 MS. EDMONDS: Okay. I'm sorry. Is my voice
20 okay?

21 THE WITNESS: Yes, it is.

22 MS. EDMONDS: Great, wonderful.

23 DIRECT EXAMINATION

24 BY MS. EDMONDS:

25 Q. Would you please state your name, title, and business

1 address for the record, please.

2 A. Tammy Carpenter, Customer Service Manager. My
3 business address is 14651 Dallas Parkway, 6th Floor, that's
4 in Dallas, Texas 75254.

5 Q. Okay. Are you familiar with the complaints filed by
6 Preston Pfeifly and others and Felix Trevino?

7 A. Yes.

8 Q. Have you had an opportunity to review these
9 complaints?

10 A. Yes, I have.

11 Q. Does T-Netix provide inmate telecommunications
12 services at SCI-Huntingdon?

13 A. Not at this time. T-Netix stopped providing the
14 telecommunications services to SCI-Huntingdon and other
15 correctional institutions in Pennsylvania in August of 2003.

16 Q. In preparation for this hearing, did you have an
17 opportunity to review the Complainants' prepaid records for
18 the period T-Netix did provide service?

19 A. Yes, I did.

20 Q. Did all of the Complainants make calls using a
21 prepaid account prior to August, 2003?

22 A. The Complainants that are here for this session,
23 there are three of those Complainants, Mr. Trevino, Mr.
24 Brown, and Mr. Cunningham, who have used a prepaid or
25 commissary account who have calls on them. Not all of those

1 calls are to Pennsylvania numbers.

2 Q. During your review of the Complainants' prepaid
3 accounts, did you find any evidence of calls disconnected
4 due to a system malfunction?

5 A. No.

6 Q. And, also during your review of the Complainants'
7 collect call records, did you find any evidence of calls
8 disconnected due to a system malfunction?

9 A. No.

10 Q. Please explain how you're able to determine whether a
11 call has been disconnected due to a system malfunction or
12 for any reason.

13 A. I can. T-Netix uses software that provides and
14 tracks certain information about each and every phone call
15 that is attempted from a correctional facility. Among the
16 information that's tracked, there is a reason code at the
17 end of the phone call, and that's how we determine how the
18 phone call is terminated. At the conclusion of the call,
19 the software generates a code that explains the reason that
20 the call was terminated.

21 Q. Okay. Have you received any additional information
22 from the Complainants that would indicate that a call was
23 improperly disconnected?

24 A. No, I have not. And that raises a good point. That
25 question raises a good point. The Complainants that we've

1 received in this proceeding -- the complaints we received in
2 this proceeding are - do not provide specific information
3 concerning their telephone calls, and it is virtually
4 impossible for me to investigate every single phone number
5 for every single phone call without having, for example, a
6 specific telephone number that the inmate may be having
7 issues with or even a timeframe for that telephone number.

8 Q. Okay. I'd like to turn to some of the testimony
9 provided by Complainants earlier this morning. Let's first
10 turn to Mr. Anthony Brown. Have you had an opportunity to
11 review the call detail records for Mr. Brown?

12 A. Yes.

13 Q. And, in the call detail records that you reviewed,
14 can you tell us how many calls were terminated for a
15 three-way call attempt?

16 A. My records indicate that there was one call that was
17 terminated due to a three-way call attempt. That call was
18 terminated in Pennsylvania.

19 Q. Okay. Let's see. Also with respect to Mr. Kautz,
20 how many calls were terminated for a three-way call attempt?

21 A. I'm sorry, for Mr. Kautz?

22 Q. Mr. Kautz, correct.

23 A. I do show calls terminating in Pennsylvania. That
24 would be one three-way detection as well.

25 Q. Okay. And, for Mr. Cunningham, how many calls were

1 terminated as a result of a three-way call attempt?

2 A. My records indicated there was one terminated for a
3 three-way call attempt for Mr. Cunningham in the state of
4 Pennsylvania as well.

5 Q. And, also for Mr. Trevino, do you have any records of
6 a three-way call attempt termination code?

7 A. For Mr. Trevino, I have actually five three-way call
8 attempts.

9 Q. Okay. If we can move on to issues pertaining to
10 customer service support. Does T-Netix provide any onsite
11 administration at SCI-Huntingdon?

12 A. No, not at this time. T-Netix provides technical
13 support only. However, T-Netix did provide onsite
14 administration at an earlier time.

15 Q. Okay. When did T-Netix stop providing onsite
16 administration at SCI-Huntingdon?

17 A. T-Netix stopped providing the onsite administration
18 on its behalf in August of 2003; however, T-Netix continued
19 to provide onsite administration to VSSI until a transition
20 to Shawn Tech transpired.

21 JUDGE COCHERES: Excuse me for interrupting,
22 Ms. Edmonds.

23 MS. EDMONDS: Yes.

24 JUDGE COCHERES: Excuse me for interrupting.
25 Ms. Carpenter, since we're on the subject,

1 when did T-Netix stop providing onsite administration in
2 SCI-Huntingdon?

3 THE WITNESS: Actually, our records indicate
4 that, on behalf of T-Netix, that was in August of 2003; and
5 then a T-Netix representative continued onsite
6 administration on behalf of VSSI until May of 2004. And our
7 records indicate that, in June of 2004, that function was
8 transitioned to Shawn Tech.

9 JUDGE COCHERES: Thank you very much.

10 Continue, counselor.

11 THE WITNESS: You're welcome.

12 BY MS. EDMONDS:

13 Q. Earlier Ms. Breslin described the process for
14 addressing inmate telephone complaints. Was the process the
15 same during the period in which T-Netix provided onsite
16 administration?

17 A. Yes, it was. There was a phone discrepancy form that
18 was filled out and provided to the Department of
19 Corrections. So it was the very same process.

20 Q. Okay. All right. Now, if we can move to issues
21 pertaining to blocked numbers. The Complainants also allege
22 that certain numbers were blocked from receiving collect
23 calls from correctional institutions. Have you had an
24 opportunity to review the Complainants' records to determine
25 whether there was a collect call restriction on any number

1 included on a Complainant's call list?

2 A. Yes.

3 Q. And did all of the Complainants have instate
4 telephone numbers that were at some point subject to a
5 collect call restriction during the period T-Netix provided
6 instate long distance?

7 A. Actually, no. And, out of all of the Complainants,
8 the 13 Complainants totaling all of our hearings today,
9 there are only four that had instate numbers on their call
10 list that were subject to collect call restrictions.

11 MS. EDMONDS: Okay. We have no further
12 questions of the witness.

13 JUDGE COCHERES: Ms. Carpenter.

14 THE WITNESS: Yes, sir.

15 JUDGE COCHERES: For the period up to and
16 ending August, 2003, what was your official title with
17 T-Netix?

18 THE WITNESS: It was the same title, Manager
19 of Customer Service.

20 JUDGE COCHERES: And, in that position, did
21 you manage personnel who dealt with billing issues
22 associated with T-Netix calls?

23 THE WITNESS: Yes, I did.

24 JUDGE COCHERES: Okay. And I realize and I
25 do want to emphasize this to you that I have written

1 decisions indicating that I didn't agree with some of the
2 things that your company did then, and I also know that your
3 company has changed its processes. But Mr. Brown, in
4 particular to my memory and perhaps some of the other
5 people, did not understand how their families could be
6 paying their phone bills and still need to send money
7 someplace else. Can you explain what company policies you
8 had at that time and how they could have created the issue
9 that these folks are concerned about?

10 THE WITNESS: I can. I'm only hesitant
11 because, Your Honor, there was only one account that was a
12 direct bill account that was established directly with
13 T-Netix out of all of these complaints and out of all the
14 numbers that had restrictions. I can speak to that in
15 general, definitely.

16 If a called party does not -- has a phone
17 company that is not billable for T-Netix, then we would
18 allow them to set up a direct account in order to receive
19 calls from their loved one. And what I mean by not billable
20 is that there is not an agreement between T-Netix and the
21 customer's local telephone providers in order for us to
22 include the collect call charges from the facility onto
23 their local telephone bill.

24 There are other cases that may take place
25 where there could be a collect call restriction with the

1 customer's local telephone provider; and, in those cases,
2 T-Netix has no control over that. If the -- my apologies --
3 the local telephone company does not allow third-party
4 calling or a collect call to that number, then the number
5 would be blocked through that local provider.

6 JUDGE COCHERES: And you heard the testimony
7 that, basically, the inmates asked their families and the
8 families said -- or, in Mr. Brown's case, he saw the bills
9 and his wife paid them to her local carrier.

10 By the way, who was that one person? Is that
11 one person in this group of inmates that you're talking
12 about?

13 THE WITNESS: I'm sorry, if you can give me
14 just a moment to look through my chart. No. And, as a
15 matter of fact, Your Honor, I don't even think that was a
16 Pennsylvania call. I don't believe that that account was
17 for a call that terminated in Pennsylvania.

18 JUDGE COCHERES: And it was none of these
19 people that are here with us now?

20 THE WITNESS: Actually, I apologize. Yes, it
21 was. I did just find it. It was Mr. Trevino.

22 JUDGE COCHERES: All right.

23 THE WITNESS: And that account was
24 established as that carrier was not billable for us.

25 JUDGE COCHERES: Okay. After August, 2003,

1 did your company continue to render services as a
2 subcontractor to Verizon for billing procedures?

3 THE WITNESS: Yes, sir.

4 JUDGE COCHERES: How long did you continue to
5 do that?

6 THE WITNESS: We currently do that, sir.

7 JUDGE COCHERES: All right. Are there
8 company policies that you follow or historically follow that
9 could result in a call block, even though it might look to
10 the inmate and his family as if they had paid all of their
11 bills?

12 THE WITNESS: Formerly, yes, and that process
13 was bad. It was a random selection that we would convert a
14 customer to a direct billing account. Those rules were
15 changed, I would say, about two years ago. So we worked in
16 changing both rules and stopped blocking for that reason,
17 just as a random selection.

18 JUDGE COCHERES: I know and I don't mean to
19 revisit painful areas here, Ms. Carpenter. You've testified
20 in front of me many times before. It occurs to me that the
21 information I'm asking you about -- and I know you have it
22 -- is information that causes confusion to the users of the
23 system, and I will re-emphasize that I know that you have
24 changed your policies. And I'm more here looking for
25 explanations so that they can understand what was going on

1 because it's obviously not clear to them.

2 Did you also have a policy at any time that
3 limited the liability that any particular customer could run
4 up on a collect call basis?

5 THE WITNESS: On -- for collect calls, yes,
6 sir, and currently still are for direct billing accounts.
7 There are credit limits, per se, on those accounts in which
8 the customer, which would be the end-user, can receive X
9 number of calls depending on how their account is
10 established. Once they reach that amount -- and it's not
11 just within a 30-day time period -- at any time they reach
12 that amount, then they would need to apply additional moneys
13 to their account.

14 Again, please keep in mind that, out of all
15 of the numbers that we have, there would have only been one
16 phone number that was applicable to that particular
17 situation.

18 JUDGE COCHERES: And does your company
19 currently inform the customers who use collect calling
20 accounts what that limit is?

21 THE WITNESS: If an account -- if a direct
22 bill account is established, then, yes, they do.

23 JUDGE COCHERES: Fine.

24 THE WITNESS: They are informed as to what
25 their limit is.

1 JUDGE COCHERES: Okay. Thank you. You've
2 been very kind and generous in your answers.

3 THE WITNESS: You're welcome.

4 JUDGE COCHERES: Mr. Flood, do you have
5 questions for this witness?

6 MR. FLOOD: I'm sorry, no.

7 JUDGE COCHERES: Mr. Trevino, do you have
8 questions?

9 MR. TREVINO: Yes, I do.

10 CROSS-EXAMINATION

11 BY MR. TREVINO:

12 Q. Ms. Tammy Carpenter, she stated they stopped August
13 30, not billable for the U.S. Does local phone company also
14 add changes -- charges, I'm sorry?

15 A. Okay. I'm sorry. Can you repeat your question? I
16 didn't quite understand what you were asking.

17 Q. You stated that, on August of 2003, not billable for
18 U.S. Does local phone companies also add charges to that?

19 A. No.

20 MS. EDMONDS: This is Andrea Edmonds. If I
21 may clarify, what Ms. Carpenter testified was that, in
22 August, 2003, T-Netix stopped providing instate long
23 distance services to the state correctional institutions in
24 Pennsylvania. So, as of that date, the company no longer
25 provided a regulated telecom service to your location. And

1 I hope that clarifies.

2 JUDGE COCHERES: I agree with you, Ms.
3 Edmonds.

4 Mr. Trevino, what are you trying to ask?
5 None of us quite understand the question.

6 MR. FLOOD: If you have a blockage on the
7 phone and the local company doesn't have -- is not billable
8 to Verizon or whatever company, does the local phone company
9 add charges to Verizon's already set rate so that they can
10 get through?

11 THE WITNESS: I think I understand your
12 question. Let me attempt to answer that. If the call is
13 blocked due to the consumer having an unbillable carrier for
14 T-Netix, no, there are not additional charges to that local
15 provider. The local provider isn't charging you anything
16 for those charges. They won't allow those charges to go
17 through. In that case, there would be a direct account set
18 up; and that is where the collect calls would be charged, to
19 that direct account not to the local provider.

20 BY MR. TREVINO:

21 Q. Is there such thing then that they have to put, like,
22 a prepaid amount of money into that account before being
23 able to --

24 A. In the past -- and we're going back prior to August
25 of 2003, okay -- we did request deposits for some accounts.

1 And two years ago that deposit request ceased. We no longer
2 requested deposit for any direct billed account.

3 Now, what could be happening, in the way you
4 worded your question, if the customer has a direct bill
5 account, they have a limit. For example, we say a hundred
6 dollars. So they have \$100 worth of calls that they can
7 receive. That 100 -- if you were able to contact your
8 family and speak for the hundred dollars' worth -- I know
9 you can't do that; but if you could in a two-hour timeframe,
10 then the line would be blocked because they reached that
11 amount.

12 Now, the way for them to get that unblocked
13 is just to make a payment that would make their balance less
14 than their credit limit. So, if they made a payment of \$50,
15 then that would make -- if they reach the hundred, they make
16 a payment of 50, then that makes their balance \$50. So now
17 they're able to receive \$50 worth of calls again.

18 Q. And that will only be for the state of Pennsylvania,
19 not outside, like, towards Puerto Rico, New York?

20 A. That's for any type of calls. I do not have
21 statistics for anything other than Pennsylvania accounts.

22 MR. TREVINO: Okay. Thank you. No more
23 questions.

24 JUDGE COCHERES: Mr. Brown.

25 MR. BROWN: Yes.

CROSS-EXAMINATION

1
2 BY MR. BROWN:

3 Q. Ms. Carpenter, you stated that I had one call that
4 was interrupted for a three-way calling. Is there any way
5 that you could tell whether or not I immediately called
6 again once it was cut off?

7 A. Give me just a moment. I apologize. I'm trying to
8 decipher the instate and -- not instate. My records are not

9 --
10 Q. That would be instate? I assume that would be
11 instate.

12 A. Could you give me the last four digits of that
13 instate telephone number?

14 Q. I don't have it.

15 A. Okay. This would be -- I'm going to assume that this
16 is in the 2000 timeframe, and give me just a moment while I
17 review my records here. Yes, sir, I apologize. It does
18 look like, on April 28th of 2002 is when that three-way call
19 attempt was. The call was terminated for a three-way call
20 attempt.

21 Q. Was another call made right after that?

22 A. Yes, sir. That call was not -- it looks like there
23 was two call attempts after that. The first one was not
24 successful. The second one was.

25 MR. BROWN: Thank you.

1 THE WITNESS: You're welcome.

2 JUDGE COCHERES: Questions from Mr. Kautz?

3 MR. KAUTZ: I'm okay, Your Honor.

4 JUDGE COCHERES: All right.

5 Mr. Cunningham?

6 MR. CUNNINGHAM: No questions.

7 MR. FLOOD: Mr. Cunningham said he didn't
8 have any questions.

9 JUDGE COCHERES: We heard him. That's fine.

10 (Witness excused.)

11 JUDGE COCHERES: All right. Ms. Edmonds, do
12 you have another witness for us?

13 MS. EDMONDS: I do. I'd like to call Larry
14 Batts, please.

15 JUDGE COCHERES: Sir, would you raise your
16 right hand?

17 Whereupon,

18 LARRY BATTS,
19 having been duly sworn, testified as follows:

20 JUDGE COCHERES: All right, sir. You're
21 going to have to speak up. We could barely hear you.

22 THE WITNESS: Okay.

23 JUDGE COCHERES: All right.
24 Counselor.

25 DIRECT EXAMINATION

1 BY MS. EDMONDS:

2 Q. Mr. Batts, please state your name, title, and
3 business address for the record.

4 A. My name is Larry Batts. My title is Tech Level 4,
5 and I work for Securus Technologies at 8201 Tristar in
6 Irving, Texas. 75603 is the ZIP code.

7 JUDGE COCHERES: Would you spell Batts for
8 the court reporter, please.

9 THE WITNESS: B-A-T-T-S.

10 JUDGE COCHERES: Thank you.

11 BY MS. EDMONDS:

12 Q. Are you familiar with the complaints filed by Preston
13 Pfeifly and others and Mr. Felix Trevino?

14 A. Yes.

15 Q. In the complaints and as presented in testimony
16 during this hearing, the Complainants allege that various
17 recorded announcements are played during prepaid and collect
18 calls from state correctional institutions; is this
19 allegation correct?

20 A. Yes, and it's true. There is one message played
21 periodically throughout the call.

22 Q. Can you please describe the message that is played
23 during the call?

24 A. Generally, there are three types of announcements
25 played to the called party. Before acceptance, the first

1 one is just letting them know that it's from a correctional
2 institution, the name of the inmate, and the institution
3 that he's calling from. The next one is to let them know
4 that the call is subject to monitoring or recording. And
5 the third one is a message telling them the use of custom
6 calling features is not allowed.

7 Q. And which message is played during the call since the
8 Complainants have raised issues?

9 A. The second message that the call is from a
10 correctional institution and it's subject to monitoring and
11 recording.

12 Q. And how often is that message played?

13 A. It's roughly played three times in a 15-minute
14 timeframe.

15 Q. Does T-Netix provide these recordings at the
16 direction of the Department of Corrections?

17 A. Yes.

18 Q. And is T-Netix at liberty to change the manner in
19 which these recorded announcements are provided?

20 A. No. This feature or any other feature would have to
21 be changed at the discretion of the Department of
22 Corrections.

23 Q. Okay. The Complainants also allege that T-Netix
24 provides a security feature which disconnects calls for the
25 use of certain custom calling features; is this allegation

1 correct?

2 A. Yes. As part of our contract to the DOC, we provide
3 a security feature that will detect custom calling features
4 and disconnect for them.

5 Q. What is the purpose of this feature?

6 A. The purpose of the feature is to discourage
7 fraudulent or criminal activities that might be created by
8 the inmate prohibiting him from doing so.

9 Q. Is the system designed to detect any other features?

10 A. The system is designed to detect other fraudulent
11 activities such as pressing the key pad or touching the
12 digits on the telephone.

13 Q. And can you please explain for us how the detection
14 technology works.

15 A. The system is designed to detect custom calling
16 features once the call has been accepted and noises that may
17 be caused on the line. And, for example, some of these
18 calls, like, prepaid or collect -- it doesn't really matter
19 which one you're doing -- if the called party should answer
20 a call waiting tone, the system will detect that and
21 disconnect. If the called party attempts to do a three-way,
22 it will detect that and disconnect. Or, if the called party
23 is playing with the receiver or even the inmate playing with
24 the hook switch on the phone or touching buttons, the system
25 will disconnect.

1 Q. Can you please describe the type of technology that
2 this system is based on?

3 A. The three-way technology is based on what we call
4 click technology. Click technology is the signal created by
5 the hook switch.

6 Q. Okay. Is the system used -- is this click technology
7 used by T-Netix widely used in the industry?

8 A. It's pretty much used by almost all providers.

9 Q. Is the system defective in any way?

10 A. No. The system is designed to detect any activity
11 that would permit the inmate to engage in restricted
12 activities, and it's our experience that it works quite
13 well.

14 Q. Now, are you able to adjust the sensitivity of the
15 system?

16 A. Yes, the detection level can be adjusted.

17 Q. Okay. Can you also describe for us any other
18 alternative technologies that may be available?

19 A. The only other one I'm familiar with is a voice-based
20 technology.

21 Q. And is the voice-based technology an acceptable
22 technology from your understanding and for your purposes?

23 A. To my understanding, it has a very high failure rate.
24 It uses a message -- actually it uses a period of silence to
25 detect or consider a three-way event, and it will either

1 play a message to the called party telling them that they
2 need to dial a number to indicate that they still are there;
3 or, depending how it is programmed, it just hangs up on you.

4 Q. Okay. I'd like to just go back and ask you one other
5 question about the sensitivity level. Has the Department of
6 Corrections requested that you adjust the sensitivity level
7 at SCI-Huntingdon?

8 A. I am not aware of that, no.

9 Q. Does this complete your testimony?

10 A. Yes.

11 MS. EDMONDS: Okay. No further questions.
12 Thank you.

13 JUDGE COCHERES: Hello, Mr. Batts.

14 THE WITNESS: Hello, how are you doing?

15 JUDGE COCHERES: Fine, sir.

16 THE WITNESS: Was I loud enough?

17 JUDGE COCHERES: Yes, you were. Let's talk
18 about the same things we did the last time we were together.
19 Isn't it true that the click detection system and technology
20 will give you a reading of attempted three-way calling when
21 there, in fact, was no attempt at three-way calling?

22 THE WITNESS: There is a possibility, yes,
23 sir.

24 JUDGE COCHERES: And would that have been
25 covered in your testimony, for example, pushing the buttons

1 on the phone?

2 THE WITNESS: Pushing the buttons can create
3 a click. It depends on where you are, what kind of CO.
4 We've seen events where pushing the buttons will cause a
5 click from the phone, but the system is there to detect DTMF
6 dialing because of fraud possibilities. The system will
7 automatically disconnect without warning if you press a
8 zero, a pound, or a star. It will let you press any other
9 digit up to four times without disconnecting.

10 JUDGE COCHERES: Would you be willing to
11 accept that we've had testimony in other cases that have
12 said things like the fire alarm in the prison set off and
13 disconnected the phones?

14 THE WITNESS: I'm not sure what the frequency
15 of the fire alarm might have been, that the system might
16 have saw it as a DTMF digit. I have heard that the intercom
17 system when they were dialing it, when they kicked in, they
18 were still holding the zero digit down; and system picked up
19 and digit zero and hung up and terminated the call. Not in
20 PA, but I've heard this in the past. But we are looking for
21 DTMF as a fraud attempt.

22 JUDGE COCHERES: Mr. Flood, do you have any
23 questions for the witness?

24 MR. FLOOD: Yes, I do.

25 CROSS-EXAMINATION

1 BY MR. FLOOD:

2 Q. You were just saying

3 MS. EDMONDS: Excuse me, excuse me. I have
4 to object. Again, Mr. Flood did not name T-Netix as a party
5 to this proceeding; and, whereas I understand that T-Netix
6 provides equipment, the equipment is not a regulated
7 telecommunications service and therefore would not be a
8 subject for -- for one, I know they provide the equipment;
9 but Mr. Batts is here testifying on behalf of T-Netix, and
10 T-Netix is not a party to Mr. Flood's complaint.

11 Secondly, the equipment at issue is a
12 nonregulated service from the Commission's perspective, so
13 I'm not really sure how Mr. Batts' testimony could assist
14 Mr. Flood in any way.

15 JUDGE COCHERES: Well, let me make that
16 easier for you, Ms. Edmonds. The Public Utility Code gives
17 me the duty and the Public Utility Commission subsequently
18 and ultimately the duty of deciding whether or not the
19 telephone company at issue -- and, in this particular case
20 with Mr. Flood, that would be Verizon -- is rendering
21 adequate service. In the process of rendering adequate
22 service, Verizon has chosen to use equipment that this
23 witness has a great deal of expertise about.

24 So I think there is a necessary link in
25 relevance there. Your objection is overruled.

1 Mr. Flood, your questions.

2 MR. FLOOD: Thank you, sir.

3 BY MR. FLOOD:

4 Q. You were just saying that, in some cases when the
5 prison PA system is used, if they touch these keys or the
6 pound, the zero, or a number, that our calls could very
7 likely be automatically terminated; is that correct?

8 A. There is a possibility. I have not heard of it in
9 PA. Most of the ones I have dealt with were using old
10 analog Valcom systems, and that's where you would dial an
11 extension and it would ring this device that would answer.
12 And those were the ones that were definitely at issue in
13 prisons. If you have a PBX and you're using an internal PBX
14 for intercom, you will not have that problem.

15 Q. I have absolutely no idea what a PBX intercom is. I
16 do know they do have an intercom here that they tend to push
17 buttons on, and it goes on over the PA system. Could that
18 cause a disconnect?

19 A. If it's a zero, pound, or a star, yes.

20 Q. Is there any other noises that could possibly set it
21 off? You mentioned touching or wiggling the buttons, or how
22 about hitting or bumping the headset against something?

23 A. Bumping the handset?

24 Q. That's correct.

25 A. Odds are it's less likely to happen. If you hit the

1 phone itself, the switch hook could bounce on you and
2 disconnect.

3 Q. So there are quite a few different ways of setting
4 off this system other than the three-way and call waiting;
5 is that what you're saying to us?

6 A. Well, if you hang up a phone, would you expect it to
7 hang up? I mean, if you hit the switch hook on your phone,
8 it hangs up just like it's supposed to. It does as it's
9 supposed to do.

10 Q. I do not understand that answer at all. Let me try
11 this again. There are quite a few other ways of setting off
12 this detection system other than the three-way or call
13 waiting, yes or no?

14 A. There are three.

15 Q. There are three?

16 A. One is DTMF, two is three-way, and three is hanging
17 up the phone.

18 Q. You just mentioned another way of having it set off
19 through the analog system of the PA system. Now, are you
20 denying that can possibly happen?

21 A. Do you have an analog PA system?

22 Q. I have no idea. I'm just saying --

23 A. Neither do I.

24 Q. -- how many ways are there? You said there's three.
25 I just came up with a fourth. Can you name any others that

1 are possible?

2 A. The PA system provided a DTMF signal. A DTMF signal
3 is an audible signal that goes through your phone. It's
4 audible.

5 Q. So, now, there's call waiting, three-way, hanging up
6 the phone, and this audible signal. Are there any other
7 ways --

8 MS. EDMONDS: Your Honor, I object.

9 BY MR. FLOOD:

10 Q. -- like fire alarms or noise on the block?

11 MS. EDMONDS: I object. I believe Mr. Flood
12 is starting to harass the witness a bit; and I also think
13 that he's misinterpreting, intentionally or not, Mr. Batts'
14 testimony.

15 MR. FLOOD: Ma'am, when he says there's only
16 three ways to have it happen and then turns around and tells
17 me of a fourth possible way and a fifth possible way with
18 the fire alarm, I have to question it, yes, I do.

19 MS. EDMONDS: I understand, but I believe
20 perhaps Mr. Batts should clarify what he just stated. He
21 did not add audible as a new category of ways the phone may
22 be connected. What he said was that the PBX is audible,
23 meaning it can be heard. That's my understanding. I just
24 want to make this objection because I think we're going down
25 the wrong path, and I think you're misinterpreting his

1 testimony.

2 JUDGE COCHERES: All right.

3 Mr. Flood, I'm going to let you respond to
4 that, and then I'm going to have to make a ruling.

5 MR. FLOOD: Well, Your Honor, it seems that
6 there's more ways to set this system off other than just the
7 three ways they keep putting down in paperwork, and we get
8 charged if we have to re-make the call. So I think that
9 this information is very important to have complete. I
10 guess that's about as much as I can ask.

11 JUDGE COCHERES: All right. Mr. Flood, I
12 agree with your objective. I am a little concerned that
13 you're not necessarily understanding what Mr. Batts is
14 telling you and that lends some credibility to what Ms.
15 Edmcnds just told you was that you may not fully understand
16 what he's told you.

17 I've heard Mr. Batts testify before, all
18 right; and the point you're trying to establish, you have
19 established. What you've established is that, while the
20 system is designed to detect the possibility that somebody
21 will try to initiate three-way calling or call waiting, that
22 it detects other things which it interprets to be those
23 things.

24 MR. FLOOD: That's correct.

25 JUDGE COCHERES: That's already on the

1 record. I know it. It's on this record. I can make that
2 finding if I wish and so can my Commission. Since you've
3 made that point and since basically I helped you make it by
4 asking Mr. Batts some questions to start with, move on to
5 your next one, okay?

6 MR. FLOOD: That will do it.

7 JUDGE COCHERES: Good. Do we have any other
8 questions for this witness?

9 Mr. Brown?

10 MR. BROWN: Yes.

11 CROSS-EXAMINATION

12 BY MR. BROWN:

13 Q. You spoke about the sensitivity being adjusted, if
14 you will. My question is, from the inception of the system,
15 how many times, if any, was the sensitivity adjusted and for
16 what reason?

17 A. I'll be honest with you, I can't answer that
18 question. I have no clue. The current parameters are our
19 default parameters, so I can't tell you what variations it
20 has gone through over the five years. I can't answer it.

21 JUDGE COCHERES: Any other questions?

22 (No response.)

23 JUDGE COCHERES: Any redirect, Ms. Edmonds?

24 MS. EDMONDS: No, I have no further
25 questions.

1 JUDGE COCHERES: Mr. Stewart, I didn't mean
2 to leave you out, but I've never known you to be shy. Did
3 you have any questions?

4 MR. STEWART: I was horribly confused, and I
5 just wondered if the witness could just clear up this
6 intercom question because --

7 CROSS-EXAMINATION

8 BY MR. STEWART:

9 Q. You were talking about the fact that an analog
10 intercom system could disconnect the calls. Does that
11 analog intercom system have to be connected to the inmate
12 system, or can it be separate in order for that to happen?

13 A. The DTMF digit is an audible signal that the CO
14 hears. It's an audible signal that we also hear in our
15 system. On an analog intercom system, you dial an
16 extension; and, as soon as you hit that last digit, it's
17 just like, for example, it was extension 120. You hit a
18 zero, it rings. It only takes a millisecond or so to detect
19 the zero. It rings that extension; and, when the intercom
20 system answers, which answers immediately when it hears the
21 ring, you may still have your finger on the digit zero when
22 it kicks in so you got that DTMF zero spewing out over the
23 intercom system, which is going through our mic, and we pick
24 it up as a DTMF just like if you pushed it again.

25 Q. Okay. Now I understand.

1 A. PBXs don't do that.

2 Q. Right, I understand. But it has to be an analog
3 system, correct?

4 A. Yes.

5 JUDGE COCHERES: All right. Are there any
6 questions left for this witness?

7 (No response.)

8 JUDGE COCHERES: Hearing none, the witness is
9 excused.

10 (Witness excused.)

11 JUDGE COCHERES: Ms. Edmonds, do you have any
12 other witnesses for us?

13 MS. EDMONDS: I do not.

14 JUDGE COCHERES: All right.

15 Mr. Flood and the fellows with you, are there
16 any comments now? We had questions before. Now we're
17 talking comments. This is your last chance to bring up
18 something that you haven't talked about before.

19 Mr. Flood, do you have anything?

20 MR. FLOOD: Your Honor, I think I'm going to
21 shut up now.

22 JUDGE COCHERES: I always appreciate
23 discretion, Mr. Flood.

24 Does anybody else have any comments?

25 (No response.)

1 JUDGE COCHERES: All right, gentlemen. Let
2 me give you a rough idea of what happens next. Hopefully
3 for you folks you get lunch; but, more importantly, what
4 happens here, my court reporter has 21 days to do the
5 transcript; and then I have about three months after that to
6 finish my decision. I will not be able to finish my
7 decision until all of the people in this case testify.
8 We're behind schedule. You know that. We may not finish
9 today. As a matter of fact, I doubt that we will finish
10 today. So I won't start my three-month time period until
11 the last court reporter and I finish the hearing with the
12 last inmate in the Pfeifly, Flood, Taylor, Trevino cases and
13 then I sit down to write the decision.

14 So it's going to be awhile, fellows, before
15 you hear from me. When you do, you'll get my decision. It
16 will be under a cover letter. The cover letter will tell
17 you if you disagree with Judge Cocheres, you have so many
18 days to put something in writing and send so many copies to
19 the Commission and one to the attorneys representing the
20 companies. Those are called exceptions. In a nutshell,
21 that's your opportunity to tell the Commission what a bad
22 job I did.

23 And the cover letter will also tell you that,
24 if you receive exceptions from the companies, you have so
25 many days to respond to those. And, basically, you'll get

1 the same kind of instructions about how many copies to send
2 and who to send them to. Those are called reply exceptions.
3 In a nutshell, reply exceptions are your opportunity to tell
4 the Commission what a great job I did and not to pay
5 attention to the criticisms made by the other people.

6 Then the Commission has the opportunity to
7 make a decision reviewing my work, the exceptions, and the
8 reply exceptions; and they do that on their own schedule.
9 Eventually, you'll get a piece of paper that says this case
10 is over. Sometimes it will have an order with it that says
11 we've changed Judge Cocheres's decision and this is how.
12 And other times it will just be a piece of paper that says
13 it's over.

14 Anybody have any questions about that?

15 (No response.)

16 JUDGE COCHERES: Okay. I want to thank you
17 all for coming. I did not ask for briefs on this. I've had
18 these kinds of cases for quite a while now. I think I know
19 what I'm doing with them; and, as soon as I finish all the
20 hearings here, I'll work on getting a decision out.

21 By any chance is that nice lady back in the
22 room, Pauline Streightiff? Is she back?

23 MS. STREIGHTIFF: I'm here.

24 JUDGE COCHERES: Okay. We need a break here
25 badly.

1 MS. STREIGHTIFF: I'll tell you what. The
2 officer's going to be taking this group down. So, until we
3 get the other group up here, you're going to have a break;
4 and I wanted to make sure you knew that until we had the
5 groups switched out.

6 JUDGE COCHERES: Thank you.

7 I do know that there's one little piece of
8 unfinished business about the percentage that the
9 Commonwealth gets back on this contract. I'll try to have
10 that information at the end of the break. I know you
11 fellows won't hear it; but, if it's public, it will be in my
12 decision.

13 Now, it's about 1:40. Let's take a 30-minute
14 break and be back in our seats at a quarter after 2:00.

15 Ms. Streightiff, does that work?

16 MS. STREIGHTIFF: That's fine.

17 JUDGE COCHERES: Thank you.

18 MS. STREIGHTIFF: Okay.

19 JUDGE COCHERES: For Mr. Pfeifly in Rockview.

20 MR. PFEIFLY: Yes.

21 JUDGE COCHERES: This hearing ran awfully
22 long. I'm hoping it can be a little shorter the next time
23 around.

24 All right. We'll be back at about 2:15.

25 (Whereupon, the hearing was adjourned)

1 at 1:40 p.m., and reconvened at
2 2:31 p.m.)

3 JUDGE COCHERES: Good afternoon, ladies and
4 gentlemen. As you know by now, my name is Louis Cocheres;
5 and I am the Administrative Law Judge assigned to hear the
6 cases of Preston Pfeifly and others versus T-Netix and
7 Verizon Select Services, Inc., of Shayne Flood versus
8 Verizon Select Services, Inc., of Kevin Taylor versus
9 Verizon Select Services, Inc., and Felix L. Trevino versus
10 T-Netix and Verizon Select Services, Inc., at the following
11 Commission docket numbers: C-20042802, C-20042852,
12 C-20042878, and C-20042879.

13 We're here today by video conference. I have
14 people spread out across the country who are with us. In my
15 own hearing room, I have the attorneys for Verizon and one
16 of the Verizon witnesses whom you'll get to meet shortly.
17 In Huntingdon, Pennsylvania, I have five inmates, Mr.
18 Rudolph, Mr. Carl, Mr. Gordon, Mr. Ort and Mr. Smeal. In
19 Rockview prison, I have Mr. Pfeifly. In Washington, DC, I
20 have Ms. Edmonds who represents T-Netix. In Dallas, Texas,
21 I have a variety of people; one attorney on behalf of
22 Verizon and I believe four witnesses two from Verizon, two
23 from T-Netix; and finally, in California, I have yet another
24 Verizon witness. So welcome all of you to the afternoon
25 session.

1 We are late getting started. We did have
2 technical difficulties with some of the stations. In fact,
3 California has no video. We just have to go on without
4 them.

5 For the inmates, gentlemen, you are the
6 reason we're here. You filed the complaints. Because there
7 are just certain space limitations in the video conference
8 center, what I have done is, I have divided you into groups
9 so that each of you will have the opportunity to have a
10 hearing and to hear the witnesses from the companies and to
11 cross-examine them. That being said, we should start with
12 Mr. Pfeifly who is in Rockview.

13 Sir, you are the lead Complainant in these
14 cases, and I'm assuming you are the witness for your side of
15 the case. So I want you to raise your right hand. First of
16 all, just give me a couple words or numbers so we can get
17 the TV screen on you.

18 MR. PFEIFLY: One, two, three, four.

19 JUDGE COCHERES: That worked. Sir, would you
20 raise your right hand?

21 Whereupon,

22 PRESTON B. PFEIFLY,
23 having been duly sworn, testified as follows:

24 JUDGE COCHERES: All right, sir. Tell me
25 your name and address, please.

1 THE WITNESS: My name is Preston B. Pfeifly.
2 I currently reside at the State Correctional Institution at
3 Rockview, which is Box A, Bellefonte, Pennsylvania.

4 DIRECT TESTIMONY

5 JUDGE COCHERES: All right, sir. You are,
6 like I said before, the lead Complainant at the first docket
7 number, so why don't you tell me what your problems have
8 been with the phones and we'll go from there.

9 THE WITNESS: Yes. First on the agenda is
10 pretty much the same as everyone else has filed. The main
11 problem that I have is the repeated service disconnects.
12 Oftentimes these phones are interrupted by being
13 disconnected for no apparent reason. I know there is a
14 technology in place to prevent three-way calls; however, no
15 one that I call has three-way service and they're still
16 being disconnected.

17 Also the extreme overcharge for services. I
18 feel that these rates that are being charged are extremely
19 out of line; and actually I think that they are prejudiced
20 specifically towards a select group of customers, namely,
21 prisoners and the their families.

22 Also, the random blocking of phone numbers of
23 phone calls for no apparent reason.

24 Fourthly, the taped interruptions or the
25 voice overlays at repeated intervals. There are a total of

1 five, which just blank out the conversation, cause
2 disruption to the conversation. And, also, the loss of time
3 on the phone is still charged to myself and the people that
4 are receiving the calls.

5 Other noises and service interruptions that
6 are exclusive to this system, oftentimes there's static.
7 All kind of other noises that are involved. Sometimes you
8 hear bleed-over from other phone conversations.

9 And, along with that very same complaint, is
10 a lack of service or accountability for these consumer
11 complaints. There is a complaint system in place with the
12 DOC; however, when these complaints are filed, a copy is --
13 or a copy is never returned to the inmate, so you never have
14 a record as to whether the complaints were addressed or not.
15 When you push the subject, no one -- it's either Verizon's
16 fault or it's T-Netix's fault or, from their point of view,
17 it's the DOC's fault. No one wants to take responsibility
18 for the shabby service, but they certainly are there to
19 collect their money.

20 So those are basically the six complaints
21 that I have that form the foundation of this official
22 complaint.

23 JUDGE COCHERES: All right. Let's talk about
24 them a little more specifically, sir. You first started
25 with the idea of disconnected calls. Where and when have

1 they happened?

2 THE WITNESS: As you know, Your Honor, the
3 DOC does not provide inmates with an itemized list of the
4 phone calls that we make, so there is no way that I can
5 produce a document to show you which calls are being
6 disrupted. However, over the years since the inception of
7 this system, I had many, many calls disconnected for no
8 apparent reason. You could have noises in the background,
9 people driving past the residence that I'm calling, a horn
10 blowing on a car, a door slamming, or kids yelling in the
11 yard. And that seems to be what it takes. Dogs barking in
12 the house is enough to make a disconnect.

13 And, as have said before, there's no one on
14 my calling list that has three-way calling; but, yet, this
15 is a problem that persists to this day.

16 And I've listened to the testimony of Mrs.
17 Carpenter earlier, and I'm just absolutely astounded that
18 there were no complaints that reached her desk about any of
19 this. I can assure you that I filed complaints.

20 JUDGE COCHERES: Can you give me a general
21 month and day -- or year of the problem?

22 THE WITNESS: A month and day of these phone
23 calls being disconnected?

24 JUDGE COCHERES: No, sir. I meant to say
25 month and year.

1 THE WITNESS: Month and year?

2 JUDGE COCHERES: Month and year of the start
3 of the problem.

4 THE WITNESS: Okay. The start of these
5 problems, Your Honor, began on the day that they installed
6 this system; and it's continued ever since. I don't have an
7 exact day. I didn't write all that down. I thought that,
8 by sending in the official complaints -- actually December
9 18th, 2002, is when this system was initiated. And it's
10 continued randomly, periodically, and continuously
11 throughout.

12 Do I have anything frequent? I haven't had
13 anything in the last two months; however, it does continue
14 to happen. And this wasn't a specific number. It can be
15 any number.

16 JUDGE COCHERES: How many approved phone
17 numbers do you have on your call list?

18 THE WITNESS: I believe I have 15.

19 JUDGE COCHERES: Are they all in
20 Pennsylvania?

21 THE WITNESS: There is one that is outside of
22 Pennsylvania.

23 JUDGE COCHERES: Where outside? What state?

24 THE WITNESS: Shifsanny (ph.), Michigan.

25 JUDGE COCHERES: All right. Now, when you

1 call these numbers, are you using a calling card, a collect
2 call, or both?

3 THE WITNESS: Both.

4 JUDGE COCHERES: Am I correct that you only
5 experience number blocking when you're using collect call
6 systems?

7 THE WITNESS: Yes.

8 JUDGE COCHERES: Is there any particular
9 pattern to the calls that have been blocked and in what
10 state have they been blocked? Are they all the Michigan
11 number or are they other numbers?

12 THE WITNESS: The Michigan number has been
13 blocked, and I think it still is blocked. At one point,
14 every number that I had was blocked until just recently. In
15 fact, four months ago there was one call left on my list
16 that was not blocked; and I had called that number a few
17 days afterwards, and it was blocked. And then I put a
18 complaint in on that; and, next thing I know, there were --
19 just about all the numbers were okay. And Verizon issued
20 their latest edict on the -- what the reasons were for
21 blocking these calls.

22 So most of the numbers are okay now. Some of
23 my numbers, I believe, are still have to set up this escrow
24 account with Verizon, which I'm not sure why that exists.

25 JUDGE COCHERES: Have we pretty much covered

1 the subject of blocking?

2 THE WITNESS: Yes, sir.

3 JUDGE COCHERES: Let's talk about overlays.

4 THE WITNESS: Okay.

5 JUDGE COCHERES: You seemed to divide those
6 into two categories, ones that preempt your conversations
7 and ones that you pay for.

8 THE WITNESS: Okay.

9 JUDGE COCHERES: What overlays are you
10 talking about? Tell me how the system works and what you
11 find objectionable about it.

12 THE WITNESS: Okay. What we have, the voice
13 overlays -- the ones that are most annoying and most
14 disruptive are the voice overlays informing the callers or
15 the person talking, myself, and the people I'm talking to
16 that this call is coming from a correctional institution and
17 can be subject to monitoring and recording. This is done in
18 the beginning of the call before the customer even accepts
19 the call and then three times throughout the call. And it
20 just blanks out the conversations. They're at least 15
21 minutes [sic] in duration, taking up 45 seconds to at least
22 a minute of the conversation.

23 And I realize that this is something that the
24 DOC requires; however, I feel that it's completely
25 unnecessary. They have one disclaimer, one warning right in

1 the beginning of the call should be suitable enough for any
2 customer. They full well know -- anybody that you're
3 talking to full well knows that the call is coming from a
4 correctional institution. I think after 23 years my family
5 finally got the idea that I'm in prison. We're not that
6 smart, but I think they figured it out. They got it.

7 JUDGE COCHERES: Okay. Do you think you
8 actually pay for the initial announcement?

9 THE WITNESS: Yeah.

10 JUDGE COCHERES: Why?

11 THE WITNESS: Because that's when the call
12 starts.

13 JUDGE COCHERES: Now, isn't there one
14 announcement that announces one minute to go?

15 THE WITNESS: Yeah, there are two additional
16 overlays. The first one announces that you have one minute
17 left, and then there's one with 15 seconds left so -- and
18 both of those blank out the conversation also. They are
19 shorter in duration, but they're still there. I guess I can
20 appreciate the one-minute warning rather than just being cut
21 off, though.

22 JUDGE COCHERES: Okay. You brought up the
23 subject of high rates. What makes you believe that the
24 rates are high?

25 THE WITNESS: Right here (indicating), we

1 have a notice from Net Two Phone. It says \$.02 worldwide,
2 \$.01 in the USA. These are the rates that they're charging
3 other customers; and I don't know where Verizon comes up
4 with rates like this, that are \$4.35 for the first minute
5 and \$.59 for the second minute. Now, this is just one
6 advertisement I picked up. I see \$.49 to connect on this.
7 That's a big difference between \$4.35.

8 So, for Verizon to claim that their rates are
9 competitive, I'm not sure what they're competitive with.

10 JUDGE COCHERES: Are you telling me that you
11 are comparing calling card rates, purchased calling card
12 rates with collect call rates or with your calling card
13 rates?

14 THE WITNESS: My calling card rates.

15 JUDGE COCHERES: All right. And have you got
16 any more information you want me to consider on that
17 subject?

18 THE WITNESS: That's okay. We're good.

19 JUDGE COCHERES: All right. Now, you talked
20 about and this was, in fact, a different -- it can even be a
21 subchapter of disconnects. You also talked about noises on
22 the line. Why don't you tell me about what you have
23 encountered there?

24 THE WITNESS: Noises on the line range from
25 static to beeping noises to just loud noises and bleed-over

1 from other conversations. Many times that I've been talking
2 on the phone talking with family that other conversations
3 have bled over, and I'm not sure where they're coming from,
4 if they're coming from within the institution or from out on
5 the street. But, anyway, we have bleed-over from other
6 phone conversations.

7 I've put in many complaints about this, and
8 never once have I received anything back on it. So there's
9 been no satisfaction, and that persists to this day.

10 JUDGE COCHERES: Do those noises interrupt or
11 preempt your conversation?

12 THE WITNESS: Yes, they do. I'll tell you
13 what else happens, Your Honor. There's times they have the
14 instructions in English and in Spanish and sometimes you
15 have -- while you're in your conversation, you'll have these
16 Spanish instructions bleeding out the conversations. So
17 that part I know is from the system right here.

18 JUDGE COCHERES: All right. The last subject
19 that I wrote down at least was lack of accountability. What
20 did you mean by that?

21 THE WITNESS: There's no one that will accept
22 responsibility for the problems with the system. You can
23 get no satisfaction from the DOC. They don't even want to
24 answer it. There's nothing. Verizon has no response to it.
25 It's the DOC's fault. The DOC blames it on Verizon.

1 There's supposed to be technicians coming around; but
2 there's never anything getting done. The system if it
3 works, it works. If it doesn't, it doesn't.

4 JUDGE COCHERES: Speaking of the system --
5 and this is just to put it on the record -- I assume the
6 acronym AITS is automated inmate telephone system.

7 THE WITNESS: Yes.

8 JUDGE COCHERES: All right.

9 THE WITNESS: That's what I have here.
10 According to the language I have from Verizon, yes.

11 JUDGE COCHERES: All right, sir. Do you have
12 anything else you want to add to this before I let the other
13 attorneys cross-examine you?

14 THE WITNESS: I had some interrogatories that
15 I wanted to put out, but I'll wait until my turn. That's
16 it.

17 JUDGE COCHERES: Okay.

18 Mr. Stewart.

19 MR. STEWART: No, Your Honor, I don't have
20 anything for this witness.

21 JUDGE COCHERES: Ms. Edmonds.

22 MS. EDMONDS: Yes. I wanted to clarify that
23 Mr. Pfeifly testified that, at some point, all the numbers
24 on his call list were blocked.

25 CROSS-EXAMINATION

1 BY MS. EDMONDS:

2 Q. Can you provide a time period when a Pennsylvania
3 number on your list was blocked?

4 A. No. The DOC does not provide me with a listing to
5 indicate when I made a phone call. I have no information
6 like that. I don't get a phone bill like you would get.

7 Q. Right. But, when you make a call, you're aware of
8 the date and the time you're making a call; is that correct?

9 A. Yeah, I write them down.

10 Q. Okay. But you have no recollection or recorded
11 record as to a number you called that was blocked?

12 A. We can go back. Probably three months ago was the
13 time that I noticed that all but one of my phone numbers was
14 blocked.

15 Q. Okay. So three months ago?

16 A. Yes. I wish I could be more specific, but I have no
17 paperwork to support it.

18 Q. Sure. With respect to -- sorry. We've talked a
19 little bit about service disconnects, and I believe it's my
20 recollection that you testified that none of your called
21 parties has a three-way call function; is that correct?

22 A. That is correct.

23 Q. Do you have a copy of a written invoice from any of
24 these individuals?

25 A. No, I do not.

1 Q. How do you know that they do not have a --

2 A. Because I asked them.

3 Q. And -- okay. You've never actually seen their phone
4 bills?

5 A. No. I haven't asked them for their phone bills.

6 MS. EDMONDS: Okay. I believe that's all I
7 have for you. Thank you.

8 THE WITNESS: Thank you.

9 JUDGE COCHERES: Mr. Pfeifly, is there
10 anything else that we haven't discussed before I leave the
11 subject and move on to the next inmate?

12 THE WITNESS: That covers it, all the
13 questions I have on my complaint, sir.

14 JUDGE COCHERES: The reason I hesitated is
15 something flashed through my head while you were answering
16 questions for Ms. Edmonds, and I've forgotten what it was.

17 All right, sir, you are excused as a witness.

18 (Witness excused.)

19 JUDGE COCHERES: I will move over to the
20 people in Huntingdon, now.

21 Mr. Rudolph, raise your right hand, please.

22 Whereupon,

23 JAMES C. RUDOLPH,
24 having been duly sworn, testified as follows:

25 JUDGE COCHERES: All right. Let's identify

1 you for the record. Tell me your name and address.

2 THE WITNESS: James Rudolph, Huntingdon, PA,
3 1100 Pike Street.

4 DIRECT TESTIMONY

5 JUDGE COCHERES: All right, sir. Just like I
6 was talking with Mr. Pfeifly, why don't you tell me what
7 your problems have been with the phone lines.

8 THE WITNESS: Well, sir, my problems are when
9 I call my mother. I call her on my phone card; and just
10 recently this month, on the 16th and the 17th, I was
11 disconnected shortly after the first minute. As soon as the
12 first interruption came on, I was hung up; and my mother has
13 no three-way whatsoever. She just has the direct phone
14 line, and it happened once with my sister and once with my
15 daughter. But it happened several times with my mother and
16 not only when I use the card. When I call someone collect,
17 it never happens.

18 JUDGE COCHERES: Where does your mother live?

19 THE WITNESS: Lock Haven, PA.

20 JUDGE COCHERES: How many approved numbers do
21 you have on your call list?

22 THE WITNESS: Well, I got about somewhere
23 around 15, but I only ever call three.

24 JUDGE COCHERES: And where are those three?

25 THE WITNESS: Right around Lock Haven, Jersey

1 Shore, and Avis of PA.

2 JUDGE COCHERES: Is the disconnection the
3 only problem you have with any frequency?

4 THE WITNESS: Well, the interruptions, too,
5 because it's announced before they accept the phone call.
6 And, even though when I'm paying for the call, I don't mind
7 the first interruption and I don't mind the end when they
8 say one minute then 15 seconds. I don't mind that because
9 that allows me time to say my goodbyes and things. It's
10 just my point that, why should I get hung up right after
11 their interruption of telling us this call is being made
12 from an institution, Huntingdon Institution. Then, shortly
13 after my mom gets back on, we're hung up and she has no
14 three-way.

15 JUDGE COCHERES: Does she have a portable
16 phone?

17 THE WITNESS: She has a portable; but, when
18 she sees it's my call, she gets on her direct line.

19 JUDGE COCHERES: What do you mean by that?
20 Does she just answer on the direct line or does she answer
21 on the portable and then switch over?

22 THE WITNESS: No, she answers on the direct
23 line. She knows what days I'm calling. I only ever call
24 her on a Wednesday, and it's always right around five
25 o'clock or shortly after 5:00.

1 JUDGE COCHERES: Is there anything else that
2 you need to tell me about before I switch over to the
3 attorneys?

4 THE WITNESS: No, sir.

5 JUDGE COCHERES: Mr. Stewart.

6 CROSS-EXAMINATION

7 BY MR. STEWART:

8 Q. Good afternoon, sir. You said that you've gotten
9 disconnects from calling your mother, your sister, and your
10 daughter, I believe?

11 A. Right.

12 Q. I don't want to ask for telephone numbers, but can
13 you even give me their first names? We could probably
14 check. I wanted to check on the calls in the records.

15 A. Cordy Rudolph, Mary Cox, and Jamie Rudolph. Now, the
16 one with my daughter, Jamie Rudolph, that was her fault
17 because her daughter talked to me, my little granddaughter.
18 She pushed the button, and we got hung up. So I called her
19 right back, but that call was their fault.

20 But the other two I called my mom. I know I
21 got disconnected with my mom at least 15 times since this
22 system been in, and we never had that problem before this
23 system. And I believe the problem is when the officers here
24 that are assigned to listen in to our phone calls figure,
25 well, they ain't talking about nothing and goes on to

1 another phone call. I think that's when it happens.

2 Q. Upon what do you base that opinion?

3 A. Because my mother has no three-way, no nothing, and
4 it seems to happen. The majority of times that it happens
5 is when I call my mother, and I always call her on my phone
6 card.

7 Q. Your mother's name is Cordy?

8 A. Yes.

9 MR. STEWART: Okay. I have nothing further,
10 Your Honor.

11 JUDGE COCHERES: Ms. Edmonds.

12 MS. EDMONDS: I just have two questions.

13 CROSS-EXAMINATION

14 BY MS. EDMONDS:

15 Q. One, I'm trying to establish a timeline for the
16 disconnects. You testified that you had a couple of recent
17 disconnects. Are there any others?

18 A. Oh, I couldn't give you the exact times or nothing,
19 but I know I've had at least six this year already. But the
20 last two was just this month on the 16th and the 17th. I
21 called my sister on the 17th and called my mother on the
22 16th.

23 Q. Okay. But you do not have any other times or
24 ballpark of times when this may have happened?

25 A. No, I don't, ma'am.

1 MS. EDMONDS: Okay. No further questions.
2 Thank you.

3 THE WITNESS: You're welcome.

4 JUDGE COCHERES: Mr. Rudolph, is there
5 anything more that you want to let me know about that you
6 haven't already told me?

7 THE WITNESS: No, sir. That's about it.

8 JUDGE COCHERES: All right. You're excused.

9 (Witness excused.)

10 MR. RUDOLPH: Thank you.

11 JUDGE COCHERES: Mr. Carl.

12 Mr. Rudolph, you don't need to leave.

13 MR. RUDOLPH: Okay.

14 JUDGE COCHERES: I meant you were excused as
15 a witness. You may want to stay and listen to what the
16 company has to say and you might want to ask some questions,
17 and you have the right to do so. You also have the right to
18 leave if you don't want to stay.

19 MR. RUDOLPH: No, I want to stay. I just
20 thought you meant I had to leave.

21 JUDGE COCHERES: That's all right. We got
22 that straightened out. If anybody does that after this,
23 they're really going to get laughed at.

24 Mr. Carl, raise your right hand.

25 Whereupon,

1 ROBERT CARL,
2 having been duly sworn, testified as follows:

3 JUDGE COCHERES: All right. Let's identify
4 you for the record, sir. Tell me who you are and where you
5 live.

6 MR. CARL: Robert Carl, Huntingdon
7 Correctional Institution, 1100 Pike Street, Huntingdon, PA.

8 DIRECT TESTIMONY

9 JUDGE COCHERES: And tell me about the
10 problems you have had with the phone system.

11 THE WITNESS: Well, over the last couple
12 years, I may have been cut off maybe two or three times. I
13 have no idea when it was. It's been probably quite a while
14 ago. They were all collect calls.

15 JUDGE COCHERES: Do you use a phone card
16 calling card?

17 THE WITNESS: No, sir, they're all collect
18 calls.

19 JUDGE COCHERES: And how many numbers do you
20 have on your approved calling list?

21 THE WITNESS: Roughly ten.

22 JUDGE COCHERES: Are they all in
23 Pennsylvania? I'm sorry.

24 THE WITNESS: I normally call three of them.

25 JUDGE COCHERES: All right. Where are the

1 people living that you call on the three?

2 THE WITNESS: All in Pennsylvania.

3 JUDGE COCHERES: What about the remaining --
4 I'm sorry. We're talking over each other. You said all in
5 Pennsylvania and then what?

6 THE WITNESS: Herndon, Pennsylvania and
7 Sunbury, Pennsylvania.

8 JUDGE COCHERES: And the rest of the names on
9 your call list, are any of them outside of Pennsylvania?

10 THE WITNESS: No, sir.

11 JUDGE COCHERES: Have you experienced blocked
12 calls?

13 THE WITNESS: No, sir.

14 JUDGE COCHERES: You've been able to call all
15 those folks collect whenever you needed to?

16 THE WITNESS: Yes.

17 JUDGE COCHERES: Good. Tell me about the
18 circumstances when you have disconnected calls. What
19 happens?

20 THE WITNESS: It just says something to the
21 effect that custom calling features are not allowed, and it
22 dies.

23 JUDGE COCHERES: Do you know whether or not
24 the people you were talking to have custom calling features?

25 THE WITNESS: Well, I know my mother doesn't,

1 and the other two I'm not sure about.

2 JUDGE COCHERES: Do any of them use portable
3 phones?

4 THE WITNESS: Well, I don't know that for
5 sure, either.

6 JUDGE COCHERES: Are any of the numbers that
7 you call cell phones?

8 THE WITNESS: No.

9 JUDGE COCHERES: Do you have anything else
10 you need to tell me about before we move on to the attorneys
11 and cross-examination?

12 THE WITNESS: Just the normal interruptions
13 during your phone call, coming from a state correctional
14 institution, it can be monitored and recorded.

15 JUDGE COCHERES: When do they occur?

16 THE WITNESS: About three during a 15-minute
17 phone call. One at the beginning, then you have, like,
18 three during the phone call. Towards the end, you have the
19 one-minute warning and the 15-second warning.

20 JUDGE COCHERES: Who's paying for the call at
21 that time, you or the phone company?

22 THE WITNESS: I have no idea.

23 JUDGE COCHERES: All right.

24 Mr. Stewart, any questions?

25 MR. STEWART: No, Your Honor.

1 JUDGE COCHERES: Ms. Edmonds, any questions?

2 MS. EDMONDS: I have none. Thank you.

3 JUDGE COCHERES: All right. Well, Mr. Carl,
4 I appreciate what you've told me.

5 (Witness excused.)

6 JUDGE COCHERES: I'm going to move on to the
7 next name on my list.

8 Mr. Gordon, raise your right hand.

9 Whereupon,

10 RICHARD GORDON,
11 having been duly sworn, testified as follows:

12 JUDGE COCHERES: All right, Mr. Gordon, raise
13 your hand again so we know which one you are.

14 THE WITNESS: (Indicating.)

15 JUDGE COCHERES: Thank you. You weren't on
16 screen. We had Ms. Edmonds on screen there.

17 DIRECT TESTIMONY

18 JUDGE COCHERES: Why don't you tell me about
19 the problems you have encountered with the phone system.

20 THE WITNESS: Mine is just with the being cut
21 off several times. Last month was the latest one. I had
22 several before that.

23 JUDGE COCHERES: Do you know when these
24 problems started?

25 THE WITNESS: No, it's been several.

1 Probably last year they started for me.

2 JUDGE COCHERES: Do you make collect calls or
3 calling card calls?

4 THE WITNESS: Collect calls.

5 JUDGE COCHERES: How many numbers do you have
6 on your approved call list?

7 THE WITNESS: About 15.

8 JUDGE COCHERES: How many are out of state?

9 THE WITNESS: None.

10 JUDGE COCHERES: All right. Do you call all
11 of those numbers?

12 THE WITNESS: No, not all of them, just off
13 and on.

14 JUDGE COCHERES: Any numbers that you call
15 regularly?

16 THE WITNESS: Yes.

17 JUDGE COCHERES: How many of those are there?

18 THE WITNESS: That's the one I'm having
19 problems with.

20 JUDGE COCHERES: All right. What kind of
21 problem are you having? Give me some more details.

22 THE WITNESS: The only problem I have is,
23 after maybe three, four minutes, I get cut off due to
24 something about you cannot use two-way calling or something
25 like that. She don't have that. She's an old lady. She

1 just has a regular phone in her house.

2 JUDGE COCHERES: Does she have a portable
3 phone?

4 THE WITNESS: I never asked her.

5 JUDGE COCHERES: And I assume she doesn't
6 have a cell phone.

7 THE WITNESS: No.

8 JUDGE COCHERES: All right. Do you ever hear
9 any noises that you think might be triggering this problem?

10 THE WITNESS: No. Every once in a while
11 you'll hear a click on the line, but it don't go off. I
12 still keep on talking. It just -- all of a sudden, it just
13 goes off; and they'll tell you no two-way calling or certain
14 things like that.

15 JUDGE COCHERES: Do you have any other
16 problems with the phone system?

17 THE WITNESS: Just the interruptions all the
18 time, that's all.

19 JUDGE COCHERES: Well, tell me which ones
20 you're talking about.

21 THE WITNESS: The repeated conversations
22 about the institution monitoring your calls.

23 JUDGE COCHERES: How many times do you hear
24 that one?

25 THE WITNESS: Four times.

1 JUDGE COCHERES: Who's paying for it when you
2 do?

3 THE WITNESS: I presume my party that's
4 paying the charges for the phone call.

5 JUDGE COCHERES: Those four times that you
6 hear it, when is the first time that you hear it?

7 THE WITNESS: When they first tell your
8 people on the line who the phone call is from.

9 JUDGE COCHERES: So what you're telling me is
10 that's the initial call that has not yet been accepted,
11 right?

12 THE WITNESS: Yes.

13 JUDGE COCHERES: Before I move on, do you
14 have anything else you need to tell me?

15 THE WITNESS: No, sir.

16 JUDGE COCHERES: All right.

17 Mr. Stewart, do you have any questions?

18 MR. STEWART: Yes, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. STEWART:

21 Q. Mr. Gordon, you have someone listed on your approval
22 call list who's noted as being your cousin. Do you call
23 them often?

24 A. No. Oh, yes, yes, yes, that's --

25 Q. Do you know whether they have three-way calling on

1 their phone?

2 A. I don't think so, no.

3 Q. Is that a no to my question, or you don't think so?

4 A. I don't think she has three-way calling.

5 MR. STEWART: Okay. Thank you. I have
6 nothing further.

7 JUDGE COCHERES: Ms. Edmonds?

8 MS. EDMONDS: Yes. I have no questions of
9 him, please. Thank you.

10 JUDGE COCHERES: All right. The witness is
11 excused.

12 (Witness excused.)

13 JUDGE COCHERES: The next name on my list is
14 John H. Ort.

15 Mr. Ort, would you raise your right hand?
16 Whereupon,

17 JOHN H. ORT,
18 having been duly sworn, testified as follows:

19 JUDGE COCHERES: Mr. Ort, would you tell me
20 your name and your address, please.

21 THE WITNESS: John H. Ort, 1100 Pike Street,
22 Huntingdon, Pennsylvania.

23 DIRECT TESTIMONY

24 JUDGE COCHERES: All right, sir. Now, in
25 your own words, why don't you tell me about the problems you

1 may have had with the phone service.

2 THE WITNESS: Well, I've been interrupted
3 with that there inmate calling feature telling them not to
4 have special calling features or anything and it's from an
5 institution, and I get cut off. And several times I tried
6 to call, and they told me it's an unauthorized call and they
7 hang up on me before they even get to accept the call.

8 JUDGE COCHERES: All right. Let's talk about
9 the overlays. What kind of information are they overlaying
10 over your conversation?

11 THE WITNESS: That this call is from an
12 institution and it's subject to monitoring and recording.

13 JUDGE COCHERES: How many times do you hear
14 it?

15 THE WITNESS: You get one that's real loud
16 right in the beginning. You get one that's a little softer.
17 Then there's three during the phone call.

18 JUDGE COCHERES: And do you have any idea
19 who's paying for that time that you're listening to those
20 messages?

21 THE WITNESS: No, sir, I don't.

22 JUDGE COCHERES: How many names do you have
23 on your approved calling list?

24 THE WITNESS: Two or three.

25 JUDGE COCHERES: Are they all in Pennsylvania

1 or outside of Pennsylvania?

2 THE WITNESS: I think two -- one or two is in
3 Pennsylvania, and one is out of state.

4 JUDGE COCHERES: Let's talk about the ones in
5 state. How often do you call?

6 THE WITNESS: I haven't called the one in
7 about three years. The other one I haven't talked to in 1
8 don't know how long. Most of my calls go out of state.

9 JUDGE COCHERES: Do you use collect calls or
10 calling card calls?

11 THE WITNESS: Collect only.

12 JUDGE COCHERES: Do you know what the going
13 rate is for instate calls?

14 THE WITNESS: No, sir, I don't. I know what
15 it costs to call Ohio, though.

16 JUDGE COCHERES: How much does it cost to
17 call Ohio?

18 THE WITNESS: 4.35 and \$.59 a minute.

19 JUDGE COCHERES: Did you tell me you
20 experienced some sort of blocked calls about no authority,
21 no authorization?

22 THE WITNESS: In January, I think it was.
23 January, February I tried calling my family in Ohio, and the
24 operator came on just after I called the number and said
25 that this is an unauthorized call. And once or twice I've

1 had the same problem. After I dial it, and they started a
2 little spiel and they said this call is not authorized; and
3 it went dead.

4 JUDGE COCHERES: Do you have any other
5 guidance on what to do about an unauthorized call?

6 THE WITNESS: No, sir, I don't. I don't even
7 understand what an unauthorized call is.

8 JUDGE COCHERES: I don't mean to seem like an
9 expert on this, but I thought an unauthorized call would
10 mean it was one that was not on your list.

11 THE WITNESS: It might be, but it's on my
12 list.

13 JUDGE COCHERES: Do you know if you dialed
14 the number correctly?

15 THE WITNESS: Yes, sir, I did. I take my
16 time and dial it to make sure I get it through. I was told
17 once I was too slow.

18 JUDGE COCHERES: Well, I'm sorry to hear
19 that. When you get an unauthorized call response, do you
20 try and dial it again?

21 THE WITNESS: Yes, sir.

22 JUDGE COCHERES: Does it go through?

23 THE WITNESS: Sometimes, sometimes it don't.

24 JUDGE COCHERES: And, when that happens, do
25 you do it again?

1 THE WITNESS: Well, if I can't get through
2 the second time, I just walk away until the next day and try
3 again.

4 JUDGE COCHERES: All right.

5 Mr. Stewart, do you have any questions for
6 the witness?

7 CROSS-EXAMINATION

8 BY MR. STEWART:

9 Q. The calls for which you get the unauthorized call
10 recording, are they all to the same person or are they to
11 different people?

12 A. Same person.

13 Q. Can you tell us who that person is? You don't have
14 to give me their name.

15 A. That's Elster Ort, my father.

16 MR. STEWART: Okay. Thank you.

17 THE WITNESS: Okay.

18 JUDGE COCHERES: Ms. Edmonds?

19 MS. EDMONDS: I just have a question. I just
20 want to clarify and make sure I understand Mr. Ort's
21 testimony.

22 CROSS-EXAMINATION

23 BY MS. EDMONDS:

24 Q. Are you testifying that you do not make any instate
25 Pennsylvania calls?

1 A. No, ma'am, I don't.

2 Q. That is not your testimony?

3 A. I don't make no instate calls at all right now.

4 Q. You do not, okay. And do you recall the last time
5 you made an instate call?

6 A. Probably 2001, 2002.

7 MS. EDMONDS: Okay. No further questions.
8 Thank you.

9 JUDGE COCHERES: Sir, do you have anything
10 left in your story that you haven't told us?

11 THE WITNESS: No, sir.

12 JUDGE COCHERES: All right. You're excused
13 as a witness.

14 (Witness excused.)

15 JUDGE COCHERES: Mr. Smeal, we saved you for
16 last. Raise your right hand, sir.

17 Whereupon,

18 JAMES SMEAL,
19 having been duly sworn, testified as follows:

20 JUDGE COCHERES: All right. Tell us your
21 name and address, please.

22 THE WITNESS: James Smeal, 1100 Pike Street,
23 Huntingdon, PA.

24 DIRECT EXAMINATION

25 JUDGE COCHERES: All right, sir. Tell me

1 about the problems you've had with your phone service.

2 THE WITNESS: Mine are when I make the phone
3 call to my mother's house or my brother's house after the
4 recording, and they tell my family to press zero to accept
5 the call. The call is not going through.

6 JUDGE COCHERES: When you say not going
7 through, what do --

8 THE WITNESS: No.

9 JUDGE COCHERES: What are you saying? They
10 can't hear you.

11 THE WITNESS: No. The call is not being
12 accepted. I mean, they're accepting it; but, for some
13 reason when they press the zero or dial the zero, it's not
14 accepting it, the call.

15 JUDGE COCHERES: So you can't talk to them?

16 THE WITNESS: I wait maybe a day or so and
17 call again, and then it will accept.

18 JUDGE COCHERES: Do you call other numbers
19 besides your mother's and your brother's?

20 THE WITNESS: Yes, I do.

21 JUDGE COCHERES: How many names are on your
22 call list?

23 THE WITNESS: I would say probably around
24 eight to ten.

25 JUDGE COCHERES: And, in that eight to ten,

1 how many of those names live outside of Pennsylvania?

2 THE WITNESS: None.

3 JUDGE COCHERES: Have you had any other
4 problems with the phone system?

5 THE WITNESS: No, other than just the
6 continuous with the recording.

7 JUDGE COCHERES: Would that be the overlays?

8 THE WITNESS: Yes.

9 JUDGE COCHERES: All right. Do you have
10 anything else to add before I turn you over to the attorneys
11 for cross-examination?

12 THE WITNESS: No, that will be all.

13 JUDGE COCHERES: Mr. Stewart.

14 MR. STEWART: Mr. Lehman has a question.

15 MR. LEHMAN: I have one question, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. LEHMAN:

18 Q. This is Bill Lehman. Mr. Smeal, you testified that
19 you only call your mother, brother; and did you indicate
20 that you also called some other people besides those two?

21 A. Yes.

22 Q. How many other people? Do you have any idea?

23 A. Let's see, it would be one, two, three -- three
24 brothers and a sister.

25 Q. That was recently within the last year?

1 A. No, I haven't talked to them. No, not within the
2 last year.

3 Q. Last two years?

4 A. Yes.

5 MR. LEHMAN: That's all I have, Your Honor.

6 THE WITNESS: It would only be one brother.

7 BY MR. LEHMAN:

8 Q. You have three brothers -- I'm sorry. You have three
9 brothers, but you only call one?

10 A. I have six brothers, but I only call four of them.

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

12 JUDGE COCHERES: Ms. Edmonds, do you have any
13 questions?

14 MS. EDMONDS: Sorry, I do have one. I just
15 want to understand.

16 CROSS-EXAMINATION

17 BY MS. EDMONDS:

18 Q. Do you have any information on the dates you called
19 numbers on your call list and the number -- you received a
20 message that the number was blocked or subject to a collect
21 call restriction?

22 A. No, it wasn't blocked. It's just that the call
23 wasn't accepted. I was told one time was because my mother
24 had her rotary telephone, and that seemed to be the reason
25 why I had so many problems ever since the institution

1 changed over to this new phone company. But, other than
2 that, that's it.

3 MS. EDMONDS: All right. No further
4 questions. Thank you.

5 MR. STEWART: Could I just ask one clarifying
6 question?

7 JUDGE COCHERES: Certainly.

8 CROSS-EXAMINATION

9 BY MR. STEWART:

10 Q. Mr. Smeal, did I understand you correctly that your
11 mother uses a rotary telephone?

12 A. Yes.

13 MR. STEWART: That's what I thought you said.
14 Thank you.

15 THE WITNESS: You're welcome.

16 JUDGE COCHERES: Mr. Smeal, is there anything
17 left on your story that we haven't heard?

18 THE WITNESS: No.

19 JUDGE COCHERES: You're excused.

20 (Witness excused.)

21 JUDGE COCHERES: I'm going to turn my
22 attention to the company side of the case.

23 Verizon, do you have a witness for me?

24 MR. LEHMAN: Yes, Your Honor, Bill Lehman.
25 I'd like to call Denise Breslin, please.

1 JUDGE COCHERES: Ms. Breslin, you testified
2 at the hearing earlier today. You remain under oath.
3 There's no reason for me to swear you in.

4 Whereupon,

5 DENISE BRESLIN,
6 having been duly sworn previously, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. LEHMAN:

9 Q. Could you please state your name and business address
10 for the record, please.

11 A. Certainly. Denise Breslin, Verizon, 1119 16th
12 Street, 3rd Floor, in Altoona, Pennsylvania 16601.

13 Q. And by whom are you employed and in what capacity?

14 A. Verizon Pennsylvania, Incorporated. I am the Manager
15 of the Corrections Product Line Management Team.

16 Q. Could you please briefly describe the nature and
17 scope of your job responsibilities.

18 A. Certainly. As the Manager of the Corrections Product
19 Line Management Team, my team is responsible for the vendor
20 relations, financial results for the Corrections Teams, RFP
21 responses, etc.

22 Q. And are you authorized to testify on behalf of
23 Verizon PA in this proceeding?

24 A. Yes, I am.

25 Q. And have you reviewed the complaints filed in this

1 matter?

2 A. Yes, I have.

3 Q. Could you please describe the arrangement for the
4 provision of inmate telephone service to the Department of
5 Corrections.

6 A. Yes, I'd be happy to. Verizon Pennsylvania,
7 Incorporated, provides the inmate calling system at the
8 Department of Correction facilities throughout the state.
9 Part of that -- the inmates have the privilege of making
10 phone calls. Part of that is to provide security as well as
11 the ability for the facilities to monitor and record
12 telephone conversations and to prevent elicited activity such
13 as call forwarding and whatnot.

14 Part of the relationship that Verizon has is
15 that we are the local and intraLATA carrier of the calls.
16 An affiliate of Verizon, Verizon Select Services is the long
17 distance provider. We also subcontract out to a company
18 named T-Netix or Securus who actually provides the inmate
19 call control system and its software. There's also another
20 vendor that we subcontract out to which is currently done by
21 Shawn Tech, which is the site administrators physically at
22 the facilities to do PIN administration.

23 Q. Are the services that you provide subject to the
24 rules and regulations of the DOC and the laws of
25 Pennsylvania?

1 A. Yes, they are.

2 Q. Now, could you please describe the general operation
3 of the inmate call system and some of the requirements that
4 are placed on VSSI by the DOC?

5 A. Certainly. Under contract with the Commonwealth of
6 Pennsylvania, Department of Corrections, we are required to
7 provide obviously the telephones, the ability for the inmate
8 to communicate with the families and loved ones. Part of
9 that is the inmate call control system of Securus that
10 monitors and records the calls. An inmate is typically,
11 depending on their security clearance, permitted 15 minutes
12 of calls a day.

13 Q. What types of calls?

14 A. An inmate has the choice of making a collect call or
15 a prepaid calling card call.

16 Q. Could you please briefly describe the announcement.
17 Is there an announcement?

18 A. Yeah. A requirement of the Department of Corrections
19 at the beginning of each call is to notify the called party
20 -- and, if you don't mind, I'll read it for you -- notify
21 the called party that the -- let me read it exactly. This
22 is an 18-second message that is played before the called
23 timing starts. The called party hears this. At this time,
24 the inmate would be placed on hold.

25 You are receiving a call from an inmate at

1 the State Correctional Institution at Huntingdon. This call
2 is a correctional institution and is subject to monitoring
3 and recording. Custom calling features are not allowed
4 during this conversation. The cost for this call is blank
5 dollars and cents. Thank you for using Verizon.

6 At that time, the called party would need to
7 actually agree to accept the call. And, then, subsequently
8 throughout the call, there is an overlaid message played
9 between the second and third minute and five minutes each
10 thereafter, up to the minute of 15-minute calls. So there
11 could be three interruptions in total of five seconds each
12 that basically say that his call is from a correctional
13 institution and is subject to monitoring and recording.

14 There would also be one at a minute remaining
15 and five seconds remaining.

16 Q. Now, let's move to the service disconnects part of
17 this testimony. Does the contract with the DOC require that
18 the system detect and terminate calls for three-way call
19 attempts?

20 A. Yes, it is a requirement of the DOC.

21 Q. Would the three-way call attempt be initiated by the
22 called party or the inmate?

23 A. The called party.

24 Q. Is this feature, the three-way calling feature,
25 offered by Verizon PA?

1 A. Yes, it is offered by Verizon Pennsylvania.

2 Q. How would you sign up for this? Do they offer it on
3 a monthly basis? An individual-use basis?

4 A. A called party can subscribe to it monthly or can
5 also initiate it on a call-by-call basis.

6 Q. Whether one subscribes to the monthly service or
7 attempts a three-way call on an individual-use basis, do
8 they initiate the three-way call attempt in the same way?

9 A. The called party would initiate it the exact same
10 way.

11 Q. How would that be?

12 A. By utilizing the flash hook. It would be when you
13 take the phone off hook that's the flash hook. The called
14 party would depress that. What it would do is put the
15 inmate on hold, and they would then dial another number and
16 then flash it again and it would come back. Also, in a more
17 modern phone, you have -- on a push button phone, you would
18 have a flash button. The flash button is basically the same
19 thing as a hook flash. It would function the exact same
20 way. It's based on tones.

21 Q. So, even if the called party does not subscribe to
22 the three-way calling feature on a monthly basis, they could
23 still initiate a three-way call attempt while they are
24 talking to an inmate?

25 A. Yes, they could.

1 Q. I believe one of our gentlemen, he also testified,
2 Mr. Smeal I believe, that his mother has a rotary phone.
3 The switch hook works the same on a rotary phone; is that
4 not correct?

5 A. There would be a switch hook on a rotary phone.

6 Q. Now, have you prepared an exhibit that shows the
7 number of three-way call terminations for the named
8 Complainants?

9 A. Yes, I have.

10 MR. LEHMAN: Your Honor, at this time, I'd
11 like to introduce Verizon -- VSSI Exhibit Number 1 Revised.
12 I believe you have a copy of the revised exhibit; however,
13 for the benefit of the inmates, if any of them have it there
14 in front of them, this was distributed last week.

15 BY MR. LEHMAN:

16 Q. We do have one correction for Mr. Richard Gordon. So
17 if you would please just go through this and explain what
18 the corrections are.

19 A. Certainly. If you will go to the exhibit.
20 Gentlemen, if you'll please look at Richard Gordon's line,
21 Mr. Gordon's number was inaccurate on the original exhibit.
22 It should be AK-4680. I believe on the copy you have it
23 would reflect AK-9680. The number of connections within the
24 state of Pennsylvania for Mr. Gordon is 115. The average
25 length of call is 13 minutes. The number of three-way call

1 attempts for disconnect four, which equates to a three
2 percent three-way on completed calls.

3 Q. Now, was VSSI Exhibit Number 1 prepared by you or
4 under your direction and control?

5 A. Yes, it was.

6 Q. And is the information contained in this exhibit true
7 and correct to the best of your knowledge?

8 A. Yes.

9 Q. Could you please now explain what this exhibit is and
10 the information contained in this exhibit.

11 A. Certainly. On the exhibit, this is a reflection of
12 all instate completed calls from August 1st of 2003 through
13 July 10th of the current year. As you'll see, each of you
14 gentlemen, your names are listed here as well as other
15 Complainants. The total number of completed instate calls
16 made were 1,517. The average length of call, the time that
17 you were on the phone on these calls was 13 minutes. The
18 total number of three-way call attempt disconnects were 60.
19 So of the 1,517 calls, four percent of them were
20 disconnected because of three-way call attempts.

21 Q. Now, in your opinion, what does this information show
22 about the reliability of the three-way call detection
23 system?

24 A. It proves to me that it is functioning properly and
25 well. It amounts to four percent of all calls made, and I

1 actually would like to point out there are several people
2 that had no calls disconnected for three-way call attempts,
3 such as Anthony Brown, Robert Carl, Shayne Flood, and John
4 Ort.

5 Q. Now, is the sensitivity of this system adjustable?

6 A. Yes, it is. That sensitivity is at the discretion of
7 the Commonwealth of PA, the Department of Corrections.

8 Q. So the DOC is the one who determines what the
9 sensitivity level is?

10 A. Yes, that's correct.

11 Q. What is the sensitivity level at Huntingdon?

12 A. At Huntingdon, it is normal. I believe it is set at
13 the factory default.

14 Q. Thank you. Now, turning our attention to some
15 testimony of specific individuals. Mr. Pfeifly testified, I
16 believe, that his -- all of his numbers at some point --
17 three months ago all of his numbers were blocked. Do the
18 records from Mr. Pfeifly reflect that?

19 A. No. The records from Mr. Pfeifly do not reflect
20 that. What I'm looking at, I have a report that we pulled.
21 This basically goes back to September 7th of 2003 to the
22 current. I can see a consistent use of the phone. I do not
23 see -- this goes up to July 10th. I do not see an amount of
24 time that calls were blocked completely.

25 Q. Mr. Pfeifly also testified that no one he calls has

1 three-way calling. Could you respond to that?

2 A. Yes. Actually, of the four calls that were
3 disconnected for three-way call attempts, two were to a
4 number that had call waiting on the line; and, in addition,
5 three-way calling can also be initiated on a per-use basis.

6 Q. Now, Mr. Rudolph testified that he calls his mother
7 Cordy Rudolph, I believe, a sister or a daughter, Mary Cox.
8 What can you tell us regarding their three-way calling
9 features? I believe he testified that his mother does not
10 have that; however, what do the records indicate?

11 A. The Verizon records indicate that Cordy Rudolph
12 subscribes to call waiting and that Mary Cox also subscribes
13 to call waiting.

14 Q. What about call forwarding and three-way calling?

15 A. Well, of the 11 of his 14 disconnected calls for
16 three-way, they were to a number -- to numbers that had
17 three-way calling on the line. And, in addition, three-way
18 calling can be initiated on a per-call basis.

19 Q. Now, also turning to VSSI Exhibit Number 1, Mr. Carl
20 testified here. What does it indicate about the number of
21 three-way call attempts that he had disconnected for
22 intrastate calls?

23 A. For intrastate three-way, Mr. Robert Carl had zero.

24 Q. Mr. Gordon, I believe, also testified that he calls
25 his mother or all his cutoffs were to his mother. We also

1 asked on cross-examination he also calls his cousin. What
2 do the records indicate about the number that he calls when
3 disconnected -- when he gets a three-way disconnect? Let me
4 rephrase that. I'm sorry. He testified that his mother
5 does not -- he does not believe his mother has three-way
6 calling; however, the records indicate that he had a couple
7 disconnects. Instate disconnects are zero. However, he did
8 have a couple -- well, instate disconnects are zero;
9 however, he did have a couple disconnects. Where were they
10 to?

11 A. Richard Gordon?

12 Q. I'm sorry. Richard Gordon.

13 A. Richard Gordon had four calls of 115 call attempts,
14 calls completed, of three-way call were cut off. Four were
15 cut off. The similarities between the numbers called and
16 terminated for three-way, all four were terminated at the
17 same number, to his cousin.

18 Q. So all of his terminations, three-way terminations
19 were actually to his cousin not his mother, correct?

20 A. Correct, all four were to his cousin.

21 MR. GORDON: I don't have a number for my
22 mother. I don't know where he got my mother at.

23 MR. CARL: She just said your mother's a
24 liar.

25 MR. GORDON: No, my mother ain't. I don't

1 even have my mother on my list. She's dead.

2 BY MR. LEHMAN:

3 Q. Mr. Ort, what about his disconnects? They were out
4 of -- he had none instate. He had a couple out of state.
5 Do the records indicate --

6 A. Correct.

7 Q. -- who was cut off?

8 A. Yes. Mr. Ort had zero calls cut off within state.
9 There were two calls in 2004 disconnected for three-way
10 attempt to the same number, and that was in 2004, out of
11 state.

12 Q. One more. Mr. Smeal indicated that he only calls his
13 mother and brother, and he had four brothers that he calls.
14 Do the records indicate -- if you can pull the records out.
15 Where were the calls to that he has placed in the last two
16 years?

17 A. Since October of 2003 to the present, Mr. Smeal has
18 called two parties. Those parties would be what is listed
19 as his father and brother. That's all.

20 Q. Okay. Thank you. Let's move on to the call overlays
21 if we could. The Complainants have also raised issues
22 regarding the taped overlays during the calls. You've
23 already indicated what the initial overlay is and what the
24 overlays are. Now, are they charged for this initial
25 overlay that you hear?

1 A. No. The initial 18-second overlay the inmate nor the
2 called party if they made a collect call is charged for
3 that. The calling time begins once the called party accepts
4 the call, so there is no charge to either party.

5 Q. And the rest of the overlays that they would hear,
6 say, in a 15-minute call, what would be the total amount of
7 time that would be taken out of the call for those overlays?

8 A. Approximately 15 seconds.

9 MR. PFEIFLY: How much?

10 THE WITNESS: Fifteen seconds, approximately.

11 BY MR. LEHMAN:

12 Q. Now, the Complainants allege that they don't believe
13 they should be charged for the time that these messages are
14 playing. Could you respond to that?

15 A. Certainly. Verizon incurs an expense providing the
16 privilege of the inmates to utilize the phone to communicate
17 to their family and loved ones. We actually incur the
18 expense as soon as the inmate picks up the telephone. We
19 have to provide the dial tone. We have to provide the
20 phone. We have to provide the inmate call control system
21 that allows the state to have the security that the state
22 and the law requires. We only begin timing of the call once
23 the called party accepts the charge.

24 Q. Now, could Verizon even remove these messages even if
25 it wanted to?

1 A. No. That's at the discretion of the Commonwealth of
2 Pennsylvania, DOC. Actually, Verizon had requested that the
3 state remove; but we received a letter back in December of
4 2004 that the DOC would not remove the overlay requirement
5 of Verizon.

6 Q. I'm moving on to the complaint procedures. The
7 Complainants have alleged a general inadequacy in the
8 complaint process regarding the phone system. Is there a
9 complaint or a grievance process that the inmates can
10 utilize for problems that they encounter?

11 A. Yes. There is an informal discrepancy form through
12 the telecommunications system. There's also a formal
13 grievance procedure. These procedures are -- and I'm
14 looking at policies that I pulled directly off of the
15 handbook that each inmate has access to. The automated
16 inmate telephone system, the discrepancy form is in policy
17 DC ADM818; and the actual formal inmate grievance procedure
18 is documented in the DOC policy number DC ADM804.

19 Q. Could you just please explain a little more of the
20 process regarding the site administrator and possible
21 escalation or what that site administrator would do.

22 A. If an inmate following the policy 818 has a question
23 or a concern regarding the telephone system, they are to
24 complete a discrepancy form. The discrepancy form is
25 actually on the last page of the handbook, and it is form DC

1 ADM818, Attachment C. This discrepancy form they complete
2 and they turn it in to their unit manager. The unit manager
3 then would turn it over to the Shawn Tech site administrator
4 at Huntingdon. The Shawn Tech site administrator would
5 investigate. They would try to clear the problem.

6 Once the problem is cleared, they would
7 respond back on the discrepancy form and return it to the
8 unit manager who would return it back to the inmate so the
9 inmate would know how it was resolved.

10 If the Shawn Tech administrator is not able
11 to investigate completely and not able to resolve the issue,
12 they would then escalate it to the Verizon Corrections
13 Solution Center -- not the form, but they would call the
14 Verizon Corrections Solutions Center for assistance.
15 Verizon would try to clear the problem. If that is not
16 cleared, then it would go to Securus. Securus would come
17 back to Verizon and go back to the site administrator who,
18 in turn, would finish completing the discrepancy form and
19 return it back to the unit manager, ultimately back to the
20 inmate.

21 MR. LEHMAN: Thank you. Your Honor, I have
22 nothing further at this time.

23 JUDGE COCHERES: Thank you. All right.

24 Ms. Edmonds.

25 MS. EDMONDS: Yes.

1 JUDGE COCHERES: You don't have any questions
2 for Ms. Breslin?

3 MS. EDMONDS: I do not.

4 JUDGE COCHERES: Okay. Let's start with Mr.
5 Pfeifly.

6 Do you have any questions for Ms. Breslin?

7 MR. PFEIFLY: Yes, I do, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. PFEIFLY:

10 Q. Could you give your title to me one more time,
11 please.

12 A. Certainly, sir. I'm the Manager of the Product Line
13 Management Team for Corrections at Verizon.

14 Q. Okay. Product Line Management?

15 A. Right.

16 Q. Thank you.

17 A. Sure.

18 Q. Okay. Now, you stated that these collect calls,
19 there's two forms of calling for prisoners, collect and I
20 think you said credit card. Is that the term you used,
21 credit card?

22 A. There would be two types of calling all inmates have
23 access to. That would be collect or prepaid.

24 Q. Or prepaid, okay. Thank you for that. And, also,
25 you said about these three-way calls, the disruption could

1 occur even without a three-way hook up; is that right?

2 A. No, sir. A three-way call attempt, the system -- the
3 Securus system is designed to detect three-way call attempts
4 and should shut the call down if one is attempted.

5 Q. Okay. So it's designed to detect even a potential
6 three-way call; is that correct?

7 A. That would be correct.

8 Q. Okay. So the system is designed that it's that
9 sensitive and that intelligent that it would know that, if
10 someone was thinking about a potential three-way call even
11 if there wasn't a three-way call, that this system would
12 know that it's a three-way call; that's what you're saying?

13 A. No, that is not what I'm saying. The Securus inmate
14 call control system would not detect that your called party
15 is thinking about doing a three-way call.

16 Q. But it would detect a three-way call or detect
17 anything that would even resemble a three-way call and
18 disconnect you?

19 A. Again, you will be able to hear from Securus -- we
20 actually have a representative from them -- who can talk
21 more intelligently about their system. It is their system,
22 not mine. It's my understanding is the system works as it
23 should and as required by the Department of Corrections.

24 Q. Of course. Okay. I didn't catch when you said where
25 the sensitivity level at Huntingdon is on the phone system

1 for the three-way.

2 A. Mr. Pfeifly, it's my understanding that the system at
3 Huntington is set at the default of the factory, which would
4 be normal currently.

5 Q. Is that how it's rated, normal? When we ask the
6 sensitivity level, it's rated normal as opposed to not
7 normal? If they would ask me, I would say the sensitivity
8 level is normal and that would be an intelligent answer; is
9 that correct?

10 A. It is set at the factory default of Securus.

11 Q. Factory default at Securus. How about at Rockview?
12 Do you know what the sensitivity level is at SCI-Rockview?

13 A. No, I don't, Mr. Pfeifly.

14 Q. Okay. Thank you. Now, you were talking about -- Mr.
15 Lehman had asked you for the record to read off of your
16 records there to see who has three-way calls and who
17 doesn't; and I testified, some other people testified that
18 their families, the people they call, do not have three-way
19 calls. But you refuted by saying that, yes, of the four
20 calls that were disconnected in my case, that two of those
21 calls actually have three-way or call waiting. I think we
22 were talking about three-way calls. Now, how could you know
23 that information?

24 A. Mr. Pfeifly, the instate calls that were made were
25 made over Verizon, through our central office. We have

1 records that indicate that two of your four terminated calls
2 were made to a number that had call waiting.

3 Q. Call waiting?

4 A. Call waiting uses the exact same algorithm that call
5 forwarding uses, which would be your hook switch or your
6 flash button depending on what type of phone they own. So
7 technology sees them exactly the same.

8 Q. Okay. Well, you have to, you know, pardon me. I'm
9 not trying to be abusive here, but I've been down for 22
10 years. So I'm somewhat of a dinosaur. I'm not too smart to
11 begin with, so this technology is beyond me. So with this
12 call waiting, we were just getting over 8 tracks when I
13 fell, so I have to ask a lot of questions. So forgive me,
14 please.

15 All right. We went into the voice overlays,
16 and you said that there's no charge for the initial overlay;
17 is that correct?

18 A. That's correct.

19 Q. And you said that all of the additional three
20 overlays that are set at certain intervals, you said that
21 those were a total of 15 seconds?

22 A. That's correct.

23 Q. All right. You've timed these already, or this is
24 information that they've given you?

25 A. No, I personally have timed them, sir.

1 Q. I personally timed them myself, and they're 15
2 seconds. So it's 45 seconds wasted on those phone calls.
3 Thank you.

4 MR. STEWART: I'm going to move to strike,
5 Your Honor.

6 BY MR. PFEIFLY:

7 Q. You also said --

8 JUDGE COCHERES: Wait a minute, Mr. Pfeifly.

9 MR. PFEIFLY: Yes, sir.

10 JUDGE COCHERES: Mr. Stewart has moved to
11 strike your comment.

12 Why is that, Mr. Stewart?

13 MR. STEWART: Because it's argument, it's not
14 a question. If he wants to state it as argument, he can.
15 It's not appropriate for him to offer comment on the
16 witness's answers.

17 JUDGE COCHERES: Well, I'll forgive him this
18 one time, and I think I can recognize the difference between
19 argument and a question. So we'll just let him go on.

20 MR. PFEIFLY: Thank you, Your Honor. I
21 apologize for that if I seemed argumentative.

22 BY MR. PFEIFLY:

23 Q. Okay. The other thing we have here, you said -- the
24 question was asked by Mr. Lehman asked if you felt it was
25 appropriate for Verizon to charge inmate and customers for

1 that time of the overlays, and you stated that it is indeed
2 a privilege for inmates to make that call and that Verizon
3 does so many other good things that they absorb the costs of
4 this and that; and, therefore, it shouldn't be a problem. I
5 was just wondering, do you have any inmates calling you?

6 A. No, sir, I do not.

7 Q. Pardon me.

8 A. No, sir.

9 Q. Okay. So you wouldn't have the annoyance of those
10 calls or have to pay them. You know that inmates are paid
11 pennies an hour; and, when they have to pay for that credit
12 cards or that prepaid, you know, 15 seconds or 45 seconds of
13 that time is quite an expense. So, okay, they should be
14 charged.

15 The other thing was, you were outlining the
16 formal complaint process. You said that there are complaint
17 forms, official complaint forms, that are used if there's a
18 complaint on the phone. Now, do you get to see these forms?
19 Are any of the these complaint forms ever sent to you when
20 the inmates make official complaints?

21 A. I do at times, not on a routine. They are the
22 property of the Department of Corrections. It remains at
23 the facility. They're in Huntingdon and, in your case,
24 Rockview. The site administrator with Shawn Tech is the
25 recipient of it. There would be no need for me to be

1 involved once they feel it's substantiated and cleared and
2 resolved and back to the inmate at the time.

3 Q. And, also, the ADM, the DOC ADM grievance form you
4 outlined, ADM804 is the procedure.

5 A. Right.

6 Q. And you have a copy of it there. Do you know what
7 date that was issued?

8 A. Yes, date of issue December 1st, 2004.

9 Q. 2004, okay. And have you -- you haven't, of course,
10 experienced the procedure involved with this grievance
11 procedure, so you wouldn't yourself be fully aware of each
12 step along the way, would you?

13 A. The grievance, the inmate grievance procedures
14 outlined in this policy is internal to the Department of
15 Corrections, not Verizon, Mr. Pfeifly. My knowledge of it
16 is by reading it in black and white right here. I would
17 personally not be involved in this. This would be through
18 yourself and the Department of Corrections.

19 Q. One other thing. You work for Verizon; that's
20 correct?

21 A. Yes.

22 Q. And they pay you, right?

23 A. I am an employee paid, yes. I'm not a volunteer.

24 MR. PFEIFLY: That's it. I'm done. Thank
25 you.

1 JUDGE COCHERES: Mr. Rudolph, do you have any
2 questions for the witness?

3 MR. RUDOLPH: Yes.

4 CROSS-EXAMINATION

5 BY MR. RUDOLPH:

6 Q. Ma'am, you said about I called my mother, she has
7 call waiting and all that. Even if she does have call
8 waiting, in order for me to get disconnected, she would have
9 to push a button or something to put that person on hold or
10 what? I mean, we don't even hear nothing but the
11 interception of them coming on saying that we're
12 disconnected. That's all we hear. We don't even hear a
13 click or nothing. What I'm saying is my mom, when I called
14 her the following time and asked her what happened, she said
15 I don't know what happened. I mean, my mom ought to know if
16 her phone is showing that somebody else is calling.

17 MR. LEHMAN: Your Honor, is there a question?

18 BY MR. RUDOLPH:

19 Q. You just said she has it. I disagree because she
20 said she don't. She don't have no nothing on her phone.

21 JUDGE COCHERES: Mr. Rudolph, do you have a
22 question for Ms. Breslin here? You've made a comment, but I
23 really would rather that you ask some questions.

24 MR. RUDOLPH: Yes, I got a question.

25 BY MR. RUDOLPH:

1 Q. If that is so, then how do we get disconnected when
2 she has nothing on her phone? I always thought, when you
3 accept a phone call, even though I'm paying for it with the
4 phone card, I thought that, if she answered, she accepted
5 the phone call, that we wouldn't get hung up providing she
6 didn't accept no other phone calls. That's my question.
7 How am I getting hung up, then?

8 A. Mr. Rudolph, Cordy Rudolph does subscribe to call
9 waiting, as well as Mary Cox. These features, these custom
10 calling features are monthly charged to these customers. Of
11 the 14 calls that on our history shows to me that were
12 disconnected for three-way, 11 of them were to called
13 parties that have three-way calling.

14 Q. I don't know who.

15 A. In addition, three-way calling doesn't have to be
16 subscribed to. It can be on a call-by-call basis.

17 Q. My question is, how am I getting hung up if they
18 don't accept nothing and they stay on talking to me? That's
19 my question. How are we getting hung up if no one is
20 accepting nothing?

21 A. The inmate call control system, Mr. Rudolph, detected
22 a three-way call attempt; and, as it functions as it should,
23 as a requirement of the DOC, it terminated 14 of your calls.

24 JUDGE COCHERES: Mr. Rudolph.

25 MR. RUDOLPH: Yes, sir.

1 JUDGE COCHERES: There is another witness who
2 might be better at answering that question. Earlier today
3 we heard from a T-Netix gentleman who is the technician who
4 works with the system. Maybe you ought to save that
5 question for him.

6 MR. RUDOLPH: Yes, sir.

7 JUDGE COCHERES: Do you have any other
8 questions for Ms. Breslin?

9 MR. RUDOLPH: No, sir. It seems like she
10 couldn't give me an answer regardless.

11 JUDGE COCHERES: Mr. Carl, do you have any
12 questions?

13 MR. CARL: No.

14 JUDGE COCHERES: Mr. Gordon?

15 MR. GORDON: No.

16 JUDGE COCHERES: Mr. Ort?

17 MR. ORT: No, sir. I won't waste the Court's
18 time with asking her anything.

19 JUDGE COCHERES: Mr. Smeal?

20 MR. SMEAL: Yes, just one.

21 CROSS-EXAMINATION

22 BY MR. SMEAL:

23 Q. With the argument I made concerning my phone call not
24 being accepted, I would like to know if she could give me
25 any idea of why that occurs?

1 A. Mr. Smeal, can you describe at what point in the call
2 you say your call is not being accepted? That may help me
3 help you better.

4 Q. Okay. Thank you. At the beginning of the call when
5 the person is advised to press zero to accept the call.

6 A. Okay. If the called party -- and, again, you'll be
7 able to hear from Securus, the company that designs and runs
8 the system, they can address the functionality of their
9 system. If the called party accepts the call and depresses
10 the correct number, the call should be completed. They have
11 to actively accept.

12 If they don't accept, whether you're paying
13 for it through your debit system or collect, the call will
14 not go through. That's exactly the way that the Department
15 of Corrections requires us to do it. As long as the called
16 party is depressing or dialing the right digit, the call
17 should be completed.

18 MR. SMEAL: Okay. Thank you.

19 JUDGE COCHERES: Are there any other
20 questions for this witness?

21 (No response.)

22 JUDGE COCHERES: Mr. Lehman, is there any
23 redirect?

24 MR. LEHMAN: Just one, Your Honor.

25 REDIRECT EXAMINATION

1 BY MR. LEHMAN:

2 Q. Mr. Rudolph indicated there was some discrepancy
3 between the testimonies, whether his mother has three-way
4 calling. However, even if she doesn't have three-way
5 calling, she could still initiate a three-way call on a
6 one-time, per-use basis; is that not correct?

7 A. That is correct.

8 MR. LEHMAN: That's all I have, Your Honor.

9 JUDGE COCHERES: Ms. Edmonds, any questions?

10 MS. EDMONDS: I have no questions. Thank
11 you.

12 JUDGE COCHERES: All right. The witness is
13 excused.

14 (Witness excused.)

15 JUDGE COCHERES: Mr. Stewart, do you have
16 another witness for us?

17 MR. STEWART: Yes. Thank you, Your Honor.

18 Verizon calls John Ries.

19 JUDGE COCHERES: Mr. Ries.

20 MR. RIES: Yes.

21 JUDGE COCHERES: You testified earlier today,
22 and this is a continuation of the proceeding. There's no
23 need to swear you in. You already remain under oath.

24 Whereupon,

25 JOHN RIES,

1 having been duly sworn previously, testified as follows:

2 JUDGE COCHERES: Counselor.

3 MR. STEWART: Thank you, Your Honor.

4 DIRECT EXAMINATION

5 BY MR. STEWART:

6 Q. Could you please state your name and business address
7 for the record?

8 A. My name is John Ries, R-I-E-S. I work for Verizon
9 Select Services, 6665 North MacArthur Boulevard, Irving,
10 Texas 75039.

11 Q. Are you an employee of Verizon Select Services, Inc.?

12 A. Yes.

13 Q. What's your title?

14 A. My title is Business Specialist. I work specifically
15 with the Inmate Services Program.

16 Q. Okay. And can you give us a quick description of
17 what you do as a Specialist in the Inmate Services Program?

18 A. I manage the Inmate Program for VSSI. Some of my
19 responsibilities include ensuring traffic from the
20 correctional facility traverses the VSSI network, working
21 with vendors to ensure billing data is processed
22 appropriately, financial review of revenue and cost for
23 Inmate Services, ensuring VSSI that has the proper tariffs
24 in place, and resolving any billing or network disputes with
25 the network carrier.

1 Q. And are you authorized to testify on behalf of VSSI
2 today?

3 A. Yes.

4 Q. And have you reviewed the complaints in this matter?

5 A. Yes, I have.

6 Q. You heard the Complainants allege, at least some of
7 the Complainants allege, that they felt they were being
8 charged too much for the calls. Could you please describe
9 what calls VSSI carries for the correctional facilities?

10 A. VSSI carries local intraLATA, interLATA, and
11 interstate traffic for the Pennsylvania Department of
12 Correction locations.

13 Q. Are these tariffed rates?

14 A. These rates have been tariffed, and they are approved
15 by the Commission.

16 Q. Could you give us a breakdown of the rates for these
17 various types of calls that you just talked about?

18 A. Sure. The local and intraLATA rates for collect
19 calls vary based on the location of the Pennsylvania
20 Department of Corrections facility. The maximum amount for
21 a call would be a \$2 surcharge plus \$.20 per minute. A
22 15-minute call would be charged \$5. Both collect and
23 prepaid rates are the same for local or intraLATA calls.
24 All interLATA calls for the Pennsylvania DOC terminating in
25 Pennsylvania would be charged a \$2.50 surcharge plus \$.27

1 per minute. A 15-minute interLATA collect call would be
2 charged \$6.55. For prepaid for an interLATA call, the
3 surcharge is \$2.25 and \$.22 per minute. So a 15-minute
4 interLATA call would be \$5.55.

5 For interstate calls terminating outside of
6 Pennsylvania, the rate would be a \$3.50 surcharge plus \$.55
7 per minute for collect, so a 15-minute call would be charged
8 \$11.75. For prepaid the interstate rate would be \$3
9 surcharge plus \$.45 per minute, so a 15-minute call would be
10 \$9.75.

11 Q. And does VSSI provide public payphone service in
12 Pennsylvania?

13 A. Yes.

14 Q. And how do these rates that you just quoted us
15 compare with those rates?

16 A. The public payphone rates are higher. For instance,
17 an interLATA call would be rated with a \$3.99 surcharge plus
18 \$.59 per minute, so a 15-minute call would be charged
19 \$12.84.

20 Q. What's VSSI's position with regard to the rates for
21 inmate calls?

22 A. The rates an inmate pays for public -- I'm sorry.
23 The rates that the inmates pay for collect and prepaid calls
24 are less than the rates paid by general public for calls
25 from payphones. The rates have been approved and determined

1 to be reasonable by the Commission and we agree.

2 Q. You heard Mr. Pfeifly -- I'm sorry if I get your name
3 wrong -- talk about having calls blocked. Does VSSI keep
4 records of inmate calls that were blocked and the reasons
5 for the blocks?

6 A. Yes. We reviewed the calling of Mr. Pfeifly; and,
7 from August of 2003 through July of 2005, we showed 317 call
8 attempts being placed that were collect. Nineteen of those
9 calls were blocked, so about six percent of his attempts
10 incurred blockage.

11 Q. Can you tell me what the reasons are for those
12 blocks?

13 A. Those six attempts -- I'm sorry. The six percent of
14 the attempts or the 19 attempts that were blocked translated
15 into five telephone numbers that were being called. One of
16 the telephone numbers was being blocked because of a block
17 that was put on by the LEC. So the local exchange carrier
18 itself had placed a block onto the line. The other calls
19 are a little bit more difficult to determine why the block
20 might have occurred.

21 Looking at the best data we could, it appears
22 that one would have been blocked because it received a no
23 LIDB. A no LIDB response refers to the line information
24 database which is a national database where each LEC keeps
25 phone numbers that are active in the system. At times when

1 a customer is moving from one carrier to another, that
2 system may not be updated yet; and so you would receive a
3 error code that the phone number was not in the line
4 information database and the call would be blocked. We do
5 see other collect calls going to that number, so that seemed
6 to be just an interim blockage issue.

7 The other numbers, there were two numbers
8 that had been receiving collect calls. Then, more recently,
9 they had been blocked. Again, the data doesn't show exactly
10 why that block might have occurred. But, from our overall
11 data, the blockage seems to be pretty low on Mr. Pfeifly's
12 total attempts.

13 Q. Okay. Thank you. Do you have anything else you wish
14 to add?

15 A. Not at this time, no.

16 MR. STEWART: Thank you. I have no further
17 questions at this time, Your Honor.

18 JUDGE COCHERES: Mr. Pfeifly, do you have
19 questions for the witness?

20 MR. PFEIFLY: Yes, sir.

21 CROSS EXAMINATION

22 BY MR. PFEIFLY:

23 Q. Mr. Ries, you stated that you are the Business
24 Specialist for Verizon, and you work specifically with
25 Inmate Services; is that correct?

1 A. Yes, sir.

2 Q. Thank you. And you review all the complaints, or you
3 reviewed this complaint. I wasn't clear.

4 A. I specifically reviewed the complaints that are put
5 forth in this motion.

6 Q. Okay. Thank you. Now, we were talking about
7 overcharges, the allegation that we made and I made on
8 overcharging; and you stated some rates here. And I think
9 you said that the rate we have local intra and interstate
10 calls and then out-of-state calls. Was that pretty much
11 what you said?

12 A. There's three type of calls within the state, local,
13 intraLATA, and interLATA; and then the out-of-state calls
14 are referred to as interstate.

15 Q. Thank you. And I think you said that the extended
16 local area call is \$2 for the first minute and \$.20 after
17 that; is that correct?

18 A. Depending on the facility, the local and intraLATA
19 rate can vary. What I provided was the maximum rate that is
20 involved at the Pennsylvania DOC. So the maximum rate for a
21 local or intraLATA call is \$2 with \$.20 per minute. There
22 are some locations that are being charged a slightly lower
23 rate.

24 Q. Do you know what the rates -- when they started --
25 rate increases. This system was brought in December 18th,

1 2002. Have there been any rate increases since that time?

2 A. Verizon Select Services became involved with the
3 Pennsylvania DOC in August of 2003. I know there has been
4 no rate increase since August of 2003. I cannot comment on
5 activity prior to that time.

6 Q. Well, currently the rates that I have here are far
7 higher than the rates that you just stated. I was just
8 wondering if you had any knowledge of that or any
9 understanding of why that may be?

10 A. Well, it might just be the way I presented the rates.
11 If you're looking at the rate with a first minute and
12 additional minute, then you would need to -- when I provided
13 -- for instance, if I provided that the interLATA rate was
14 \$2.50 surcharge plus \$.27 per minute, another way to state
15 that is that the first minute is \$2.77 and each additional
16 minute is \$.27. So that might be one reason for the
17 confusion if you're looking at a calculation just showing
18 first minute and then additional.

19 Q. Right. So, in fact, in reality we're paying \$.27 for
20 15 minutes plus --

21 A. That is correct.

22 Q. -- \$2.50 for the initial call?

23 A. That is correct.

24 Q. Right. Okay. Thank you. One other thing here is,
25 you said that the pay rates are -- the charges that we're

1 paying are less than the public phone system. If I went to
2 a public phone, I would be paying considerably more than I
3 am here in the prison at these rates?

4 A. If you went to a public payphone that Verizon Select
5 Services has in Pennsylvania and made a collect call, that
6 rate would be higher than the rates that are provided to the
7 inmates.

8 Q. Well, what would be the rates for residents to
9 residents? What would that rate be? Suppose I was making a
10 call from one house to another house in Pennsylvania but in
11 a different area code. What would that be?

12 A. I do not know the local and intraLATA residential
13 rates. I do not see where that is comparable to the inmate
14 situation because of the inmate control system that is
15 required at the Department of Corrections.

16 Q. But a residential-to-residential rate would be a lot
17 less?

18 MR. STEWART: Your Honor, I'm going to object
19 to the question. The witness has already said he doesn't
20 know.

21 JUDGE COCHERES: Mr. Pfeifly, do you have a
22 response?

23 MR. PFEIFLY: I have a response, yes, Your
24 Honor. The witness did not answer the question. I asked
25 him if the residential rates would then be less. A simple

1 yes or no is good.

2 JUDGE COCHERES: Well, the man doesn't know.

3 THE WITNESS: The residential rates --

4 JUDGE COCHERES: Let me make this just a
5 little easier. I've already answered that question in a
6 previous decision, Mr. Pfeifly. I have ruled previously
7 that people who make calls from their residence to another
8 residence are not a good comparison to what an inmate and
9 their family must pay to talk to a correctional institution.
10 I have ruled and the courts have upheld me that payphone
11 rates are comparable but that residential rates were not.
12 So there isn't much sense in having him answer the question
13 as far as I'm concerned, sir.

14 MR. PFEIFLY: Your Honor. I'm sorry. I
15 thought you were finished.

16 JUDGE COCHERES: I am and you can make a
17 comment if you wish.

18 MR. PFEIFLY: Yeah. A payphone you can -- I
19 mean, you know, like I said, I've been down a long time.
20 What is a payphone?

21 JUDGE COCHERES: A payphone is hard to find,
22 but I set you up for that, Mr. Pfeifly. I want you to know
23 that.

24 MR. PFEIFLY: Okay. I got you set up.

25 JUDGE COCHERES: I use the payphone because,

1 in the previous case, the rate designation for state
2 correctional institutions by the Federal Communications
3 Commission was to use a payphone rate, which was confusing
4 this particular inmate because he said -- and I have no
5 doubts that it was true then and true now -- that he did not
6 use a payphone to physically make the call.

7 And, while that may well be true, the Federal
8 Communications Commission, which controls some of the rules
9 here, didn't say he had to use an actual payphone. They
10 said it was a payphone rate and that's why, as a legal
11 matter, I concluded and the courts agreed that that was the
12 proper comparison. And the difference is -- and I know this
13 is also true -- I've heard it before. I mean, I can walk
14 into a supermarket and buy a calling card for a well-known
15 phone company like AT&T or some other mom and pop phone
16 company that none of us have ever heard of and that rate
17 will be less.

18 And that's the history and how we got to the
19 conclusion.

20 MR. PFEIFLY: Okay. But I don't have a
21 payphone. I live here. This is my residence. So it's a
22 dead issue?

23 JUDGE COCHERES: Yes, sir, it is a dead
24 issue. And I appreciate why you come to that conclusion.
25 There are some other ones. If I can remember by the time we

1 get to the end of this hearing, I'll explain for you, too.
2 But please proceed if you have some more questions.

3 MR. PFEIFLY: I have one more for Mr. Ries.
4 He stated that I have 317 collect calls, 19 of those were
5 blocked; and he felt or he stated that makes for six percent
6 of my phone calls. I'm not sure if that's a good goal for
7 Verizon or not, but it certainly wasn't good for me or the
8 people I was calling.

9 BY MR. PFEIFLY:

10 Q. And I was just wondering, what was the reason for the
11 blockage on 6234 -- on the number 6234? If you could give
12 me an answer on that I was wondering what that result was.

13 A. Excuse me. I did not have enough information to
14 fully determine. The 6234 showed that calls were being
15 allowed, then they were being blocked. Why they are
16 currently being blocked, there's a number of different
17 reasons; but I have no concrete information to pinpoint the
18 specific reason.

19 Q. Thank you, Mr. Ries. How about 4252? Why was that
20 one blocked?

21 A. My response would be the same on 4252.

22 Q. How about 4657? Why was that one blocked?

23 A. That one appeared to be blocked because it got a
24 response back of no LIDB, meaning that number was not active
25 in the national line information database. But, again, that

1 looked to be just a temporary situation, and it is now
2 receiving calls.

3 Q. How about 2566? Why was that one blocked?

4 A. I do not show blockage on 2566. So, again, I do not
5 have enough information to try to determine if there was an
6 attempt on that line that might have been blocked at one
7 time since August of 2003.

8 Q. So phone numbers could be blocked, and Verizon
9 wouldn't have any knowledge of it or reason for why they
10 would block it? It's happened apparently?

11 A. We can take a look at any current phone number and
12 determine the current status; but, to go back to August of
13 2003. And I don't have within my ability to pull data, the
14 definition as to why some of these numbers were apparently
15 having calls but have a one- or two-time block at an earlier
16 point in time.

17 MR. PFEIFLY: Thank you, Mr. Ries. That's
18 all, Your Honor.

19 JUDGE COCHERES: All right.

20 Mr. Rudolph, do you have some questions?

21 MR. RUDOLPH: Yes, sir.

22 MR. RACKOVAN: Your Honor, can you hold on
23 for one second, please.

24 JUDGE COCHERES: Yes, sir.

25 MR. RACKOVAN: I just wanted to let you know

1 that it's 4:30, and we'll have to try and get Mr. Pfeifly at
2 five o'clock.

3 JUDGE COCHERES: Okay, Mr. Rackovan. I know
4 we talked about this earlier this morning and the other
5 group of inmates who are here did not hear that
6 conversation. I will keep an eye on the time. I appreciate
7 your flexibility, and we may simply need to schedule Mr.
8 Pfeifly again later.

9 MR. RACKOVAN: Okay. That would be fine.

10 JUDGE COCHERES: Thank you for telling me.

11 JUDGE COCHERES: All right, Mr. Rudolph, I'm
12 sorry. Mr. Pfeifly will remain until five o'clock.

13 Mr. Rudolph, please continue.

14 MR. RUDOLPH: Yes.

15 CROSS-EXAMINATION

16 BY MR. RUDOLPH:

17 Q. Mr. Ries, could you tell me the reason why my phone
18 calls with my mother gets disconnected when she presses no
19 buttons, she don't accept no calls, she don't make no
20 three-way calls? She just talking to me and boom it hangs
21 up.

22 A. I think the witness that will be on later in this
23 case can better respond to those questions. Those are
24 outside of my area of responsibility.

25 MR. RUDOLPH: Then, Your Honor, there's no

1 question.

2 JUDGE COCHERES: All right.

3 Mr. Carl, do you have a question?

4 MR. CARL: No, sir.

5 JUDGE COCHERES: Mr. Gordon?

6 MR. GORDON: No, sir.

7 JUDGE COCHERES: Mr. Ort?

8 MR. ORT: No, sir.

9 JUDGE COCHERES: Mr. Smeal?

10 MR. SMEAL: No, sir.

11 JUDGE COCHERES: All right.

12 Mr. Stewart, do you have another witness for
13 me?

14 MR. STEWART: I do, Your Honor.

15 JUDGE COCHERES: Then let me say that Mr.
16 Ries is dismissed as a witness.

17 (Witness excused.)

18 MR. STEWART: Thank you. Verizon calls
19 Randall Williams.

20 JUDGE COCHERES: All right. Mr. Williams, I
21 know you're out in California, and I know we don't have
22 video for you today, but please raise your right hand.
23 Whereupon,

24 RANDALL WILLIAMS,
25 having been duly sworn, testified as follows:

1 JUDGE COCHERES: All right, sir.

2 Please proceed, Mr. Stewart.

3 MR. STEWART: Thank you, Your Honor.

4 DIRECT EXAMINATION

5 BY MR. STEWART:

6 Q. Mr. Williams, can you please state your name and
7 business address for the record, please.

8 A. Yes. It's Randall Williams, 32 Executive Park,
9 Irvine, California 92614.

10 Q. And by whom are you employed?

11 A. Verizon.

12 Q. And what's your job title right now?

13 A. My current job title is Senior Staff Consultant.

14 Q. How long have you been in this job?

15 A. About four months.

16 Q. What did you do before that?

17 A. I was the Manager of the Verizon Corrections
18 Solutions Center.

19 Q. What did you do as the Manager of the Verizon
20 Corrections Solutions Center?

21 A. I managed the group that handles all the help desk
22 activity, technician dispatch for Verizon, and the
23 associated inmate facilities.

24 Q. Let me try this. You heard Ms. Breslin testify
25 earlier that calls -- when the Shawn Tech site administrator

1 can't solve a problem on the site, that they escalate it to
2 the Solution Center. Is that the type of call that you
3 take?

4 A. Yes.

5 Q. Okay. And are you authorized to testify on behalf of
6 Verizon in this proceeding?

7 A. Yes, I am.

8 Q. Okay. And were you here earlier when some of the
9 people talked about some trouble they were having with the
10 telephones at the various correctional facilities?

11 A. Yes, I was.

12 Q. Could you give us a brief description of the type of
13 equipment that's used to serve a correctional facility?

14 A. Sure I can. The Verizon-owned facilities, the
15 cabling that runs the dial tone into the facility, comes
16 into the building entrance and hits a point of demarcation.
17 There it goes to the what we call the customer side of the
18 line, which is their internal cabling. It goes from there
19 usually to a main telephone room where it is connected to
20 the call control system that T-Netix runs for us that is
21 very similar to a PBX switch, private branch exchange
22 switch.

23 It goes from there to some cross-connect
24 blocks that take it out to the individual buildings or
25 housing units or wings. From there, it goes by usually by

1 inside wire to the individual phones.

2 Q. Okay. And could you describe the level of intensity
3 of the use of this type of equipment, comparing it maybe to
4 a residential or commercial, like in an office or a payphone
5 or something like that?

6 A. Sure. The residential and business phones are
7 constructed of plastic and are not reinforced because they
8 don't go through as heavy of wear and tear as the phones
9 that are payphones at an inmate facility. The inmate
10 facility and payphones have a steel casing around them
11 usually or some other metal. Instead of plastic, they have
12 a reinforced handset, steel reinforced handset so that they
13 don't get damaged. They have a more rugged handset itself.
14 They generally go through more wear and tear and more
15 constant use than business or residential.

16 Q. Has Verizon received any service-related complaints
17 from any of the inmates who are present on this call in the
18 last couple years?

19 A. No.

20 Q. Okay. Had there been any of the types of the
21 complaints that we heard Mr. Pfeifly talk about? I think he
22 said there was static, beeping, bleed-over, and other
23 noises. Have you had any of those types of complaints
24 coming from Huntingdon in the last couple months?

25 A. In the last couple months?

1 Q. I'm sorry. Even go back two years.

2 A. Okay. Back two years since we started taking the
3 reports from there, we have 56 total reports there for a
4 variety of issues.

5 Q. Could you categorize them for us perhaps?

6 A. Sure. There's the typical service things like you
7 mentioned, like, no dial tone or broken handset or trouble
8 on the line. Then there are system issues like a broken
9 card or a report can't be generated or the site
10 administrator can't put a PIN in, or there's payment account
11 issues with prepaid or debit.

12 Q. Do all of these actually turn out to be something
13 wrong when the technician gets out to the site?

14 A. Not always.

15 Q. Okay. And how many of the type of these 56 that you
16 mentioned were -- actually turned out to be service-type
17 complaints?

18 A. There was approximately 35 service issues, which is
19 about two per month.

20 Q. Okay. Is that unusual based upon the level of use at
21 Huntingdon?

22 A. No, not in my opinion.

23 Q. Okay. Did Verizon test the lines that served the
24 Huntingdon facility?

25 A. Yes, we did.

1 Q. When did you do that?

2 A. We did that on 7/26 and 7/27. All 44 of the trunks
3 that serve Huntingdon were tested.

4 Q. And what were the results of those tests?

5 A. All lines tested okay.

6 Q. What is that test for; do you know?

7 A. Yeah. It tests for the cable pairs for proper
8 balance, capacitance, and resistance.

9 Q. Okay. And, based upon your experience and your
10 investigation and preparation for testifying today, what's
11 your view of the service at Huntingdon?

12 A. I would say it's very good.

13 Q. And what do you base that view upon?

14 A. Based on the fact that the number of phones out there
15 and the fact that there are only two to three trouble
16 reports per month from that facility, I would say the
17 majority of the phones are up and running for the majority
18 of the time.

19 Q. Do you have anything further you wish to add to your
20 testimony?

21 A. Not at this time.

22 MR. STEWART: Thank you. The witness is
23 available for cross-examination, Your Honor.

24 JUDGE COCHERES: Before we get to that, Mr.
25 Pfeifly.

1 MR. PFEIFLY: Yes, sir.

2 JUDGE COCHERES: Let me tell you how I'm
3 going to have to handle the time limit on you. We are not
4 going to be able to finish the hearing today. Mr. McCaslin,
5 Mr. Simon, and Mr. Taylor are just too late in the day for
6 us to even get started with them. We were supposed to start
7 with them at 2:30. We're not going to make it. So I will
8 request that another hearing date be set for those gentlemen
9 and your name will be included once again because of the
10 time limits on your particular facility and that particular
11 building.

12 I think this is a good break place for you.
13 Well, according to my watch, you've got, like, about 15
14 minutes. What I'm assuming is that they'll probably want
15 you to leave a little sooner than that.

16 MR. PFEIFLY: The institution will be
17 conducting a head count in probably 10, 15 minutes.

18 JUDGE COCHERES: Okay. And do you have the
19 time to ask the questions you have for Mr. Williams?

20 MR. PFEIFLY: I believe. I think I do.

21 JUDGE COCHERES: Okay.

22 MR. PFEIFLY: I only really have two
23 questions.

24 JUDGE COCHERES: Mr. Williams.

25 THE WITNESS: Yes.

1 JUDGE COCHERES: Go ahead.

2 CROSS-EXAMINATION

3 BY MR. PFEIFLY:

4 Q. Mr. Williams, you said you did a line test on -- that
5 was July 26th and July 27th of this year?

6 A. Yes.

7 Q. Okay. And that was at Huntingdon?

8 A. Yes.

9 Q. SCI-Huntingdon?

10 A. Yes.

11 Q. You didn't conduct a similar test at SCI-Rockview,
12 did you?

13 A. Yes, we did.

14 Q. And what was the results there, please.

15 A. You know what, I don't have results, so we must not
16 have.

17 Q. Thank you.

18 A. I'm sorry. It does not look like we did. We had
19 them on the list, but they were not tested.

20 Q. That's fine. I just wondered what the results were.
21 Also, getting back to the sensitivity, do you deal with the
22 sensitivity of the phone calls dealing with, like, three-way
23 or call waiting service as far as disconnecting the calls?
24 Do you have any knowledge on that part?

25 A. Only if there's a trouble ticket placed on that. We

1 would then refer that on to the vendor.

2 Q. You don't know that the system could be that
3 sensitive that things other than a three-way call could
4 disrupt or disconnect a phone call, something like outside
5 noise or noise on the line or even the disclaimers that are
6 put on there by the DOC?

7 A. I don't know that much about it to know that
8 specifically, no.

9 MR. PFEIFLY: Okay. Thank you, Your Honor.
10 That's all I have.

11 JUDGE COCHERES: I invite you to stay there
12 as long as they will let you, and I'm sure they can be
13 persuasive about leaving. But I'm going to move on to the
14 rest of the people at Huntingdon.

15 Mr. Rudolph.

16 MR. RUDOLPH: Yes, sir.

17 JUDGE COCHERES: Do you have any questions or
18 was Mr. Williams' responses to Mr. Pfeifly enough to
19 dissuade you?

20 MR. RUDOLPH: He got to everything I wanted
21 to know.

22 JUDGE COCHERES: I thought he might have.

23 Mr. Carl.

24 MR. CARL: No questions.

25 JUDGE COCHERES: Mr. Gordon.

1 MR. GORDON: No questions.

2 JUDGE COCHERES: Mr. Ort.

3 MR. ORT: No questions.

4 JUDGE COCHERES: And Mr. Smeal.

5 MR. SMEAL: No questions.

6 JUDGE COCHERES: Mr. Stewart, did you have
7 any redirect?

8 MR. STEWART: I do not, Your Honor.

9 JUDGE COCHERES: Then the witness is excused.

10 (Witness excused.)

11 JUDGE COCHERES: I think I'm going to at this
12 point -- while hopefully Mr. Pfeifly can hear this -- I'm
13 going to recall Ms. Breslin to the stand to deal with an
14 issue we had left over this morning. And that issue was a
15 question from Mr. Flood.

16 Whereupon,

17 DENISE BRESLIN,
18 having been duly sworn previously, testified as follows:

19 JUDGE COCHERES: The question was, Ms.
20 Breslin, since you work for Verizon and are aware of the
21 contract between Verizon and the DOC, can you tell us how
22 much in terms of a percentage of funds paid to Verizon for
23 phone services is required to be returned to the Department
24 of Corrections?

25 THE WITNESS: Yes, I do, Your Honor.

1 Approximately 47 percent is returned to the Department of
2 Corrections.

3 JUDGE COCHERES: All right. That is
4 consistent, gentlemen, with information I received in a case
5 years ago that started in 1998. I have been hearing
6 prisoner appeals for quite some time, and I wrote the same
7 thing in June of the year 2000.

8 I explained to Mr. Flood at the time and the
9 gentlemen with him that this is not a low-bid contract
10 situation. It is a high-bid contract situation. This is
11 not a situation where the Department of Corrections was
12 trying to buy toilet seats or hammers or the Department of
13 Transportation was trying to buy asphalt for highways where
14 they wanted to buy at the lowest possible price for the
15 goods.

16 Instead, they were selling something. What
17 they were selling was access to the prison population by the
18 telephone customers around this state basically. So,
19 instead of accepting the lowest bid, they accepted the
20 highest bid because it's one of the few times that the
21 taxpayers have a product to sell.

22 That confirms something that was an exhibit
23 that Mr. Flood tried to introduce into the record. It had
24 the same number in it. Like I said, I had the same number
25 in my files. I couldn't confirm it, and we had a question

1 as to whether it was proprietary information or not. During
2 the very brief lunch break that the crew here got in
3 Harrisburg and Washington and Texas and California, I went
4 back to my office and dug up my old decision, which I had,
5 for some reason, been looking at yesterday and was able to
6 confirm that number was not a business secret. It had been
7 derived in the public bidding system for the contract.

8 That being said, are there any questions for
9 this witness on that very, very limited subject?

10 Mr. Pfeifly.

11 MR. PFEIFLY: No, sir.

12 JUDGE COCHERES: Mr. Rudolph.

13 MR. RUDOLPH: No, sir.

14 JUDGE COCHERES: Mr. Carl.

15 MR. CARL: No, sir.

16 JUDGE COCHERES: Mr. Gordon.

17 MR. GORDON: No, sir.

18 JUDGE COCHERES: Mr. Ort.

19 MR. ORT: No, sir.

20 JUDGE COCHERES: And Mr. Smeal.

21 MR. SMEAL: No, sir.

22 JUDGE COCHERES: All right. The witness is
23 excused.

24 (Witness excused.)

25 JUDGE COCHERES: I appreciate your

1 cooperation with that, Ms. Breslin. It is something I
2 promised I would put on the public record and mention in my
3 decision because, obviously, the men who were ahead of you
4 in Huntingdon weren't around to hear the answer, but it's a
5 public answer.

6 Okay. Mr. Stewart, do you have any more
7 witnesses for me?

8 MR. STEWART: I do not, Your Honor.

9 JUDGE COCHERES: Then I think we need to move
10 over to Ms. Edmonds' witnesses.

11 Ms. Edmonds.

12 MS. EDMONDS: I was just wondering, would you
13 be so kind as to give us a three-minute bathroom break?

14 JUDGE COCHERES: Ten-minute break. Let's all
15 be back in our seats about five o'clock. We're off the
16 record.

17 (Whereupon, a brief recess was
18 taken.)

19 JUDGE COCHERES: During our break off the
20 record, all of the prisoners in Huntingdon decided that they
21 were sufficiently pleased or satisfied with the proceedings
22 up until this point and determined that they would actually
23 leave their conference room and allow the hearing to
24 continue in their absence.

25 Mr. Pfeifly, I had no choices. We knew early

1 this morning that his particular site would be shut down at
2 five o'clock. At the beginning of the break, I said be back
3 in your seats at five o'clock, so that automatically put him
4 out of the proceeding at this point. And I think you all
5 heard me tell him that we would schedule him to appear
6 again; and, since we'll be doing the hearing again from
7 scratch for the last three, we may well be doing it again
8 for him as well.

9 The question then becomes, what to do with
10 the Huntingdon site. Lieutenant Kitchens from the
11 Huntingdon site was the officer that Major Cooper directed
12 to stay on board with the prisoners. He came in. I
13 informed him that, if he wished, he could shut down the
14 Huntingdon site; and he decided to do that. And I told him
15 that was fine.

16 The remaining business agenda for this
17 hearing is to give Ms. Edmonds the opportunity with her
18 witnesses to present whatever evidence she thinks is
19 necessary. She's already informed me that she has a motion.

20 What is that motion, Ms. Edmonds?

21 MS. EDMONDS: I would move that the
22 Commission dismiss the complaint with respect to Messrs.
23 Rudolph, Carl, Gordon, Ort, and Smeal for failure to
24 prosecute their claims, at least with respect to T-Netix. I
25 believe that their actions at this point indicate, you know,

1 a lack of interest in furthering their complaints. I wasn't
2 here to see them leave; but, based on the information
3 relayed up to that point, that's the conclusion I'm drawing.

4 JUDGE COCHERES: Well, while I can understand
5 why you want to come to that conclusion, I'm going to deny
6 the motion. They did attend the hearing. They did present
7 direct testimony. They did stand for cross-examination, and
8 they did hear all of the Verizon witnesses and participate
9 in the cross-examination of them as well.

10 I don't have a particularly good memory of
11 all the items they covered in their testimony, but certainly
12 I think some of them said some things about the service
13 provided by your client, which at least leads me to believe
14 that there is evidentiary record that some of the parties,
15 and I think, particularly Mr. Pfeifly, but it may have been
16 some of the other parties as well, were dissatisfied with
17 the T-Netix service and that they wished some sort of
18 decision from the Commission be rendered.

19 They are not required to stay and listen to
20 your witnesses, and I don't think that is a requirement that
21 is necessary for them to meet to defeat a motion to dismiss
22 for lack of prosecution.

23 So, again, Ms. Edmonds, your motion is
24 denied; and you need to tell me what witness or witnesses
25 you'd like to have on the stand.

1 MS. EDMONDS: Sure. I'm going to call Tammy
2 Carpenter, please.

3 JUDGE COCHERES: All right. Before I turn my
4 attention to Ms. Carpenter, let me turn my attention instead
5 to Mr. Stewart and Mr. Lehman and simply inform them that,
6 unless you have some reason to keep Mr. Williams on the line
7 in California, as far as I'm concerned, we can't see him;
8 and, if he doesn't want to hear the end of this, I will not
9 be insulted nor in any way feel slighted.

10 MR. STEWART: I don't have any reason to keep
11 him on, Your Honor.

12 Randy, if you want to drop off, you can feel
13 free to go ahead and do that. If it's okay with Bruce, it's
14 okay with me.

15 JUDGE COCHERES: Mr. Kazez.

16 MR. KAZEE: Well, I'm not really sure what
17 testimony T-Netix is going to offer. I'd just as soon Randy
18 stay on for it.

19 MR. STEWART: That's fine.

20 JUDGE COCHERES: Okay.

21 Ms. Carpenter, as I've said to previous
22 witnesses, this is the same case that we started this
23 morning; and you remain under oath.

24 Whereupon,

25 TAMMY CARPENTER,

1 having been duly sworn previously, testified as follows:

2 JUDGE COCHERES: With that being said, Ms.
3 Edmonds, your witness is available.

4 MS. EDMONDS: Thank you.

5 DIRECT EXAMINATION

6 BY MS. EDMONDS:

7 Q. Ms. Carpenter, would you please state your name,
8 title, and business address for the record.

9 A. Tammy Carpenter, Customer Service Manager, Securus
10 Technologies. Business address is 14651 Dallas Parkway, 6th
11 Floor, Dallas, Texas 75254.

12 Q. Are you familiar with the complaints filed by Preston
13 Pfeifly and others?

14 A. Yes, I am.

15 Q. Have you had an opportunity to review the complaint?

16 A. Yes.

17 Q. When did T-Netix stop providing telecommunications
18 services at SCI-Huntingdon?

19 A. SCI-Huntingdon, we stopped providing service in
20 August of 2003.

21 Q. Okay. And have you had an opportunity to review the
22 Complainant's prepaid records for the period T-Netix
23 provided service at SCI-Huntingdon?

24 A. Yes.

25 Q. Did -- let's see. With respect to -- I want to

1 actually address some of the issues raised by Mr. Pfeifly.

2 Actually, he's no longer here.

3 MS. EDMONDS: We'll handle him at a different
4 time; is that correct?

5 JUDGE COCHERES: Yes.

6 BY MS. EDMONDS:

7 Q. All right. I'd like to address issues raised by Mr.
8 Ort. Have you had an opportunity to review Mr. Ort's phone
9 call records?

10 A. Yes.

11 Q. Did Mr. Ort's phone call records include any calls to
12 a Pennsylvania telephone number in 2002 or 2003?

13 A. My records do not indicate that. They indicate that
14 he dialed two numbers, and neither of those numbers
15 terminated in Pennsylvania.

16 Q. Okay. With respect to Mr. Smeal, have you had an
17 opportunity to review his phone records?

18 A. Yes.

19 Q. Do you have any record of a call block or a collect
20 call restriction having been placed on -- to a number on Mr.
21 Smeal's call list during the period you provided services to
22 SCI-Huntingdon?

23 A. No. For any of the numbers that he dialed, I did not
24 find any collect call restrictions or blocks on the numbers
25 that he dialed during our service periods.

1 Q. Okay. Did you find any records of a collect call
2 block for Mr. Carl, Robert Carl?

3 A. No. There was no record of collect call blocks for
4 any of the numbers that Mr. Carl had dialed, either.

5 Q. How about Richard Gordon?

6 A. And no collect call blocks on the numbers that he
7 dialed as well.

8 Q. Okay. And Mr. -- I believe we discussed Mr. Smeal;
9 is that correct?

10 A. Yes, we did. He was the last one.

11 Q. You already answered. During your review of the
12 Complainants' prepaid accounts, did you find any evidence of
13 calls disconnected due to a system malfunction?

14 A. No.

15 Q. Did you find any evidence of calls disconnected due
16 to -- I'm sorry, any evidence of Complainants' collect calls
17 disconnected due to a system malfunction?

18 A. No.

19 MS. EDMONDS: Okay. I have no further
20 questions of Ms. Carpenter.

21 JUDGE COCHERES: Ms. Carpenter, maybe I
22 missed it because I had my attention diverted, but did you
23 say that your review of the records for the time your
24 company provided phone service indicated that none of the
25 inmates placed calls that were terminated because of

1 third-party call usage detection?

2 THE WITNESS: No, sir, not specifically
3 third-party call usage. It would be any type of collect
4 call block, which we covered earlier, can be a number of
5 reasons that there's a restriction with the local telephone
6 company or that the call would be unbillable. Therefore,
7 the called party would need a direct account, and in none of
8 the cases that we've just spoken of were there any blocks
9 that we found for any reason.

10 JUDGE COCHERES: All right. I appreciate
11 your repeating that for me, but what I was concerned about
12 was all of them testified about call disconnections and
13 cutoffs. I was wondering if your records indicated that any
14 of the calls that were cut off were due to detection of
15 third-party usage?

16 THE WITNESS: I'm sorry. I misunderstood
17 your question. And, yes, actually there were. Mr. Gordon,
18 my records indicated a three-way call detection for a
19 disconnected call. Also Mr. Rudolph, I am showing one
20 disconnection for three-way detection. And, I'm sorry, Your
21 Honor. We are covering Mr. Pfeifly later, or do you want me
22 to give that information now?

23 JUDGE COCHERES: Why don't you just do it now
24 since you have it.

25 THE WITNESS: And, for Mr. Pfeifly, my

1 records indicate three calls that were terminated for
2 three-way detection. And the other Complainants, Mr. Carl,
3 Mr. Smeal, and Mr. Ort, had -- my records did not indicate
4 that there were any three-way detection on any of those
5 accounts.

6 JUDGE COCHERES: Okay. There is a question
7 that I've been meaning to ask and please forgive me if I'm
8 asking the wrong person, but today I heard something that
9 was just somewhat different from what I've heard all the
10 other times. And that was that the system was designed to
11 detect the attempt of using custom calling features,
12 particularly three-way calling. And what was the second
13 one? What was the second one it was set up to detect? Call
14 waiting.

15 MS. EDMONDS: Mr. Batts.

16 JUDGE COCHERES: Wasn't it call waiting that
17 has been mentioned?

18 THE WITNESS: Your Honor, call waiting has
19 been mentioned in the past and not necessarily that it's set
20 up to detect call waiting. As you know, I've testified
21 before and you questioned me before about that so that, on
22 some phone lines, the call waiting is much louder. You hear
23 a click. You hear a noise. On some phone lines you don't.

24 JUDGE COCHERES: Yes.

25 THE WITNESS: I'm not sure which testimony

1 you're speaking of, but the detection of a --

2 JUDGE COCHERES: Call waiting signal.

3 THE WITNESS: -- hook flash -- exactly, there
4 you go -- to attempt to answer that line could disconnect
5 the call.

6 JUDGE COCHERES: All right. The reason I
7 thought that was significant was -- and I'm not going to
8 review past history that you and I have plowed through
9 before -- but, in all of the other hearings up until today,
10 the presentation about the sensitivity of the system and
11 what it was designed to prevent was to prevent the use of
12 three-way walling and not call waiting but call forwarding.
13 And the vast majority of today's hearing did not deal with
14 the call forwarding issue at all. And I wondered, was there
15 some reason there was a shift in emphasis or what
16 explanation there was?

17 MS. EDMONDS: Well, if I may, I don't think
18 there was an intended snift. I think what happened was
19 essentially Mr. Batts was testifying that the system was
20 designed to detect certain custom calling features, and then
21 he also talked about the sensitivity of the system and it
22 would pick up certain sounds including if a called party
23 answered a call waiting tone. I think, unless I'm wrong,
24 that that was the testimony that was presented.

25 I think most of the Complainants actually

1 focused on call waiting saying that -- their focus actually
2 was more on call waiting and the fact that their testimony
3 that certain calls were disconnected after a call waiting
4 tone is played.

5 MR. STEWART: I think, Your Honor, if I
6 might, it also is because I think this is the first time
7 that Verizon put on that type of --

8 JUDGE COCHERES: Right, and I was just going
9 to say that. Verizon witnesses starting with, I believe,
10 Ms. Breslin said that three-way calling and call waiting
11 were some of the things that the system was set up to
12 detect. No one mentioned call forwarding, which I think is
13 a lot more dangerous than call waiting. But it was such a
14 marked departure, and I wasn't intending to accentuate it
15 for simply Ms. Carpenter or for Mr. Batts. And I always
16 appreciate Mr. Batts' testimony, but the focus for the
17 Verizon side was on call waiting. And I have Mr. Stewart
18 and Ms. Breslin shaking their heads yes in the hearing room.

19 So I just kept forgetting to ask the right
20 person the right question, and I didn't mean to stick Ms.
21 Carpenter with it; but there was a definite shift in the
22 presentation of evidence today.

23 All that being said, Ms. Carpenter, I think
24 perhaps I've asked all the embarrassing questions I could
25 think of for today and maybe we ought to let her go home.

1 MS. CARPENTER: Thank you.

2 JUDGE COCHERES: Thank you for being such a
3 good sport, Ms. Carpenter.

4 (Witness excused.)

5 MR. KAZEE: Judge, this is Bruce Kazee. I
6 just have a question.

7 JUDGE COCHERES: Yes.

8 MR. KAZEE: If I understood what you just
9 said, you characterized Verizon's testimony as focusing on
10 more on call waiting as opposed to three-way calling?

11 JUDGE COCHERES: No, not three-way calling,
12 on call waiting as opposed to call forwarding.

13 MR. KAZEE: As opposed to call forwarding. I
14 understand.

15 JUDGE COCHERES: Okay and --

16 MR. KAZEE: I thought you were --

17 JUDGE COCHERES: All right, Mr. Kazee, you go
18 ahead and hold up Mr. Ries. He's getting tired.

19 MR. KAZEE: That's fine. What you just said
20 clarified it for me because you were comparing the focus on
21 call waiting to call forwarding, not call waiting to
22 three-way calling. Thank you for the clarification.

23 JUDGE COCHERES: Yes. And certainly I can
24 understand from a penology standpoint that three-way calling
25 and call forwarding would be the focus of their efforts, and

1 I was surprised today to hear call waiting because, goodness
2 knows, we all talk to people who have call waiting who don't
3 think we're quite important enough to finish the
4 conversation and so they go on and put us on hold. My own
5 sister being one of those, but I'm getting over that.

6 Ms. Edmonds, do you have anything else to
7 present today?

8 MS. EDMONDS: No, I do not. Thank you.

9 JUDGE COCHERES: And, Mr. Kazee, you wanted
10 to wait to hear what Ms. Carpenter said. Did you have
11 anything you were concerned about or you needed to ask
12 questions about?

13 MR. KAZEE: No. And, since T-Netix is
14 completed with their evidence, Mr. Williams is certainly
15 free to go from my perspective.

16 JUDGE COCHERES: That's fine.

17 MR. WILLIAMS: Wow, thanks, Bruce.

18 JUDGE COCHERES: Is there anything else that
19 I have to deal with today? Are there any exhibits that I
20 didn't admit that I should have?

21 MR. KAZEE: Did you admit Verizon Exhibit 1,
22 Your Honor? I know you did subject to objections.

23 JUDGE COCHERES: Right.

24 MR. KAZEE: But I don't recall hearing you
25 actually admitting it.

1 JUDGE COCHERES: Since I heard no objections
2 or timely motions, the exhibit is certainly admitted.

3 MR. KAZEE: Thank you.

4 JUDGE COCHERES: Is there anything else I
5 needed to deal with?

6 MR. STEWART: I don't think so, Your Honor.

7 JUDGE COCHERES: I have nothing from Mr.
8 Stewart. In that case, I want to thank you all. It's been
9 a long day. I'm sorry we couldn't get the equipment to work
10 better. I'd really like to know what Mr. Williams looked
11 like. And I appreciate your patience and your cooperation.
12 We'll obviously have four more people to go through,
13 including a second round of Mr. Pfeifly; and we'll just have
14 to deal with that.

15 I'll have my scheduling people start to work
16 on that as soon as they can. Thank you for coming. I'm
17 going to shut things down here. Have a safe trip home,
18 everyone.

19 (Whereupon, at 5:26 p.m., the
20 hearing was adjourned.)

21 ***

22

23

24

25

C E R T I F I C A T E

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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: Judith E. Shuller
Judith E. Shuller, CSR

RECEIVED

2005 AUG 23 PM 1:33

SECRETARY'S BUREAU

FORM 2