

CAPTION SHEET

CASE MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00/00
- 2. BUREAU: ALJ
- 3. SECTION(S):
- 5. APPROVED BY: DIRECTOR: SUPERVISOR:
- 6. PERSON IN CHARGE:
- 8. DOCKET NO: C-20042802
- 4. PUBLIC MEETING DATE: 00/00/00
- 7. DATE FILED: 04/07/04
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: PFEIFLY, PRESTON B. ET AL

RESPONDENT/APPLICANT: T-NETIX, INC.

COMP/APP COUNTY: HUNTINGDON

UTILITY CODE: 310631

ALLEGATION OR SUBJECT

COMPLAINANT STATES THERE ARE REPEATED SERVICE DISCONNECTS, BLOCKAGE OF SERVICE ON CERTAIN NUMBERS, EXTREME OVECHARGES, TAPED INTERRUPTION/VOICE OVERLAYS AT SET REPEATED INTERVALS, NOISES, AND LACK OF SERVICE/AND OR ACCOUNTABILITY TO CONSUMER COMPLAINTS. HE WANTS PROBLEMS WITH DISCONNECTS ELIMINATED, THE RATES ADJUSTED TO MORE COMPETITIVE RATES, BLOCKAGES REMOVED, TAPED INTERRUPTIONS ELIMINATED, AND A SIMPLIFIED SYSTEM TO ADDRESS COMPLAINTS AND REIMBURSE CONSUMERS. ADDITIONAL RESPONDENT: VERIZON SELECT SERVICES

DOCUMENT FOLDER

DOCKETED  
 APR 20 2004

**ORIGINAL**

C-2004-802

310631

C-20042802

**Formal Complaint Form  
Pennsylvania Public Utility Commission**

SECRETARIAT BUREAU

2004 APR -7 10:24

RECEIVED

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

1. Your name, mailing address and telephone number

Name Preston B. Pfeifly

Street/P.O Box 1100 Pike Street Apt # AK-7971

City Huntingdon State PA Zip 16654-1112

County Huntingdon Area Code/Home Phone N/A  
Area Code/Work Phone \_\_\_\_\_

2. Name of company your complaint concerns: T-NETIX/VERIZON SELECT SERVICES

3. What is your complaint? (Use additional paper if need more space).

(Please see attachment)

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

(Please see attachment)

5. You must sign and date your complaint below (Please see attachment #2)

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

Preston B. Pfeifly  
Signature

April 6, 2004  
Date

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APPENDAGE to Question #3

3. What is your complaint?

- (1) Repeated service "disconnects".
- (2) Extreme "Overcharges" for service.
- (3) "Blockage" of service on certain phone numbers.
- (4) "Taped Interruptions"/"Voice Overlays" at set repeated intervals.
- (5) Other noises and service interruptions exclusive to this system.
- (6) Lack of service and/or accountability to consumer complaints.

APPENDAGE to Question #4

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

- (1) Eliminate the problem(s) causing the repeated "Disconnects".
- (2) Adjust rates more in line with open competitive rates applied to the general public.
- (3) Remove all "Blockage" to numbers and dialing areas that are deemed unprofitable (or whatever excuse/term T-NETIX/VSSI applies to justify this gross disservice) by this company.
- (4) Eliminate "Taped Interruptions" during conversations. One (1) taped information warning before accepting each call is sufficient notice for all Users.
- (5) Provide service that is indicative of a national service provider and maintain a system that is consumer/user friendly.
- (6) Develop a simplified system to address all consumer complaints and reimburse consumers for additional charges or expenses incurred due to system malfunction(s) such as those previously mentioned.

(Attachment #1)

I am a prisoner of the Department of Corrections of the Commonwealth of Massachusetts, and I am currently incarcerated at the Massachusetts State Prison, Norfolk County, Massachusetts. I am currently serving a term of imprisonment for the crime of Rape of a Child, 18A M.G.A. § 27B(1)(a). I was sentenced to the custody of the Massachusetts Department of Corrections (hereinafter referred to as "MDC") on 01/11/2001, and I am currently incarcerated at the Massachusetts State Prison, Norfolk County, Massachusetts. I am currently serving a term of imprisonment for the crime of Rape of a Child, 18A M.G.A. § 27B(1)(a).

Anthony Brown , : AY7727  
1103 Pine Street  
Washington, PA 15301-1112  
Signature: Anthony Brown

Richard Gordon , : AK4680  
1103 Pine Street  
Washington, PA 15301-1112  
Signature: RICHARD GORDON

JIM CUNNINGHAM : AP-7627  
1103 Pine Street  
Washington, PA 15301-1112  
Signature: Jim Cunningham

Stuart Cuman , : BP-8976  
1103 Pine Street  
Washington, PA 15301-1112  
Signature: Stuart Cuman

JAMES Smeal , : AP-8040  
1103 Pine Street  
Washington, PA 15301-1112  
Signature: James Smeal

ROBERT CARL , : AK-5493  
1103 Pine Street  
Washington, PA 15301-1112  
Signature: Robert Carl

BRUCE McCASLIN , : AP-8941  
1103 Pine Street  
Washington, PA 15301-1112  
Signature: Bruce McCaslin

James C Rudolph , : AK-9921  
1103 Pine Street  
Washington, PA 15301-1112  
Signature: James Rudolph

JOHNORT , : AK9979  
1103 Pine Street  
Washington, PA 15301-1112  
Signature: Johnort AK9979

JAMES KAUTZ , : BP44261  
1103 Pine Street  
Washington, PA 15301-1112  
Signature: James Kautz

(Attachment #2)

ENTRY NO.: 0001  
NAME: T-NETIX, INC  
ADDRESS1: 1544 VALWOOD PARKWAY #102  
ADDRESS2:  
CITY: CARROLLTON STATE: TX ZIP: 75006  
REPRESENTING: RESPONDENT TYPE

ENTRY NO.: 0002  
NAME: PRESTON B. PFEIFLY  
ADDRESS1: 1100 PIKE STREET AK-7971  
ADDRESS2:  
CITY: HUNTINGDON STATE: PA ZIP: 16654-1112  
REPRESENTING: COMPLAINANT TYPE

ENTRY NO.:  
NAME:  
ADDRESS1:  
ADDRESS2:  
CITY: STATE: ZIP: TYPE  
REPRESENTING:

RESPONDENT OR APPLICANT: T-NETIX, INC.  
PARTY OR COMPLAINANT: PFEIFLY, PRESTON B. ET AL  
[CU25] [ ] [C-20042802] [ ] [ ] [ ] [ ] [ ] PRINT- [ ]  
THIS IS THE LAST RECORD OF THIS CASE NUMBER

ENTRY NO.: 0001  
NAME: JAMES H CAWLEY ESQUIRE (WITHDRAWN)  
ADDRESS1: PHOADS & SING  
ADDRESS2: ONE MARKET SQUARE 12TH FL PO BOX 1146  
CITY: HARRISBURG STATE: PA ZIP: 17108-1146  
REPRESENTING: VERIZON SELECT SERVICES INC (W/DRAWN) TYPE

ENTRY NO.: 0002  
NAME: ROBIN BLACKWOOD ESQUIRE  
ADDRESS1: HQK03B65  
ADDRESS2:  
CITY: IRVING STATE: TX ZIP: 75038  
REPRESENTING: VERIZON SELECT SERVICES INC TYPE

ENTRY NO.:  
NAME:  
ADDRESS1:  
ADDRESS2:  
CITY: STATE: ZIP:  
REPRESENTING: TYPE

RESPONDENT OR APPLICANT: VERIZON SELECT SERVICES INC

PARTY OF COMPLAINANT:

[CU25] [ ] [A-310291 : [F] [0005] [ ] [ ] PRINT- [ ]

THIS IS THE LAST RECORD OF THIS CASE NUMBER

RCV | |FORM| |LTAI| |Col 4|Row 24|Page 1|Terminal 1

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

DATE SERVED: April 21, 2004

C-20042802

VERIZON SELECT SERVICES INC.  
ROBIN BLACKWOOD ESQUIRE  
HQKO3B65  
IRVING TX 75038

DOCUMENT  
FOLDER

Dear Sir/Madam:

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

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

CUSTOMER OF A UTILITY

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

COMPANY/UTILITY

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

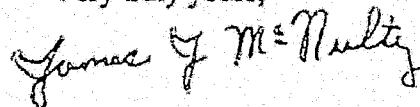
April 21, 2004

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

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

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

Very truly yours,

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

James J. McNulty  
Secretary

KSB

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: April 21, 2004

PRESTON B. PFEIFLY, ET AL  
Complainant

VS.

VERIZON SELECT SERVICES INC.  
Respondent

Complaint Docket  
No: C-20042802

DOCUMENT  
FOLDER

INDEXED  
APR 20 2004

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FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

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TO: VERIZON SELECT SERVICES INC.

TAKE NOTICE:

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

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

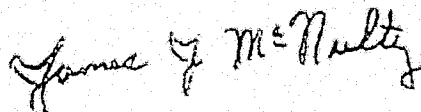
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which

prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

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

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

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



James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested

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

DATE SERVED: April 21, 2004

C-20042802

T-NETIX, INC.  
1544 VALWOOD PARKWAY #102  
CARROLLTON TX 75006

DOCUMENT  
FOLDER

Dear Sir/Madam:

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

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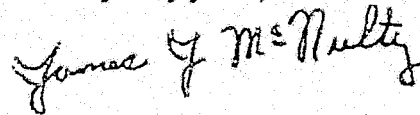
April 21, 2004

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Harrisburg, PA 17108  
(800) 692-7375

Very truly yours,

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

James J. McNulty  
Secretary

KSB

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: April 21, 2004

PRESTON B. PFEIFLY, ET AL  
Complainant

VS.

T-NETIX, INC.  
Respondent

Complaint Docket  
No: C-20042802

DOCUMENT  
FOLDER

DOCKETED  
APR 20 2004

---

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

---

TO: T-NETIX, INC.

TAKE NOTICE:

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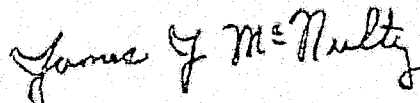
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which

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James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
May 13, 2004

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: C-20042802

TODD S STEWART ESQUIRE  
HAWKE MCKEON SNISCAK & KENNARD LLP  
P O BOX 1778  
HARRISBURG PA 17101

DOCUMENT  
FOLDER

Preston B. Pfeifly v. T-Netix, Inc.

NOTICE

Please be advised that your request for extension of time to file an answer on the above-captioned complaint has been granted.

An answer must be filed on or before June 14, 2004. Failure to submit an answer by that date may result in the scheduling of a hearing.

If you have any questions regarding this response, please contact the scheduling office at (717) 787-1399.

pc: Dawn Reitenbach  
Beth Plantz  
Docket Section

**DOCKETED**  
JUN 25 2004

RJP

ORIGINAL

Hawke



McKeon



Sniscak &



Kennard LLP

ATTORNEYS AT LAW

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

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

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmsk-law.com  
June 7, 2004

VIA HAND DELIVERY

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

SECRETARY'S BUREAU

2004 JUN -7 PM 4:16

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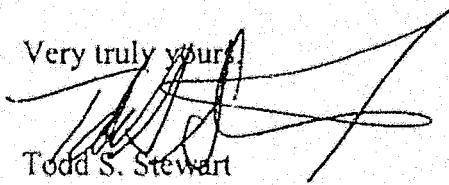
RE: Preston B. Pfeifly, et al. v. Verizon Select Services Inc.;  
Docket No. C-20042802; Shayne Flood v. Verizon Select Services Inc.;  
Docket No. C-20042852; Kevin L. Taylor v. Verizon Select Services Inc.;  
Docket No. C-20042878; Felix L. Trevino v. Verizon Select Services Inc.;  
Docket No. C-20042879; ANSWER OF VERIZON SELECT  
SERVICES INC. TO COMPLAINT

Dear Secretary McNulty:

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

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

Very truly yours,



Todd S. Stewart  
Counsel for Verizon Select Services Inc.

TSS:tap  
Enclosures

DOCUMENT  
FOLDER

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

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ORIGINAL

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Preston B. Pfeifly, et al

Complainant

v.

Verizon Select Services Inc.

Respondent

Docket No. C-20042802

Shayne Flood

Complainant

v.

Verizon Select Services Inc.

Respondent

Docket No. C-20042852

Kevin L. Taylor

Complainant

v.

Verizon Select Services Inc.

Respondent

Docket No. C-20042878

Felix L. Trevino

Complainant

v.

Verizon Select Services Inc.

Respondent

Docket No. C-20042879

SECRETARY'S BUREAU

2004 JUN -7 PM 4:16

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FOLDER

DOCKETED  
JUN 9 2004

SECRETARY'S BUREAU

2004 JUN -7 PM 4:18

RECEIVED

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ANSWER OF  
VERIZON SELECT SERVICES INC.  
TO COMPLAINT

---

Verizon Select Services Inc. ("VSSI"), by and through its counsel in the above captioned matter, hereby Answers the Formal Complaints of Preston B. Pfeifly, et al.<sup>1</sup>, Shayne Flood, Kevin Taylor and Felix Trevino ("Complainants") in the above-captioned matters. While these Complaints were filed by four different individuals, the status of the individual complainants and the allegations raised in the separate Complaints are practically identical. Consequently, VSSI will answer the four separate Complaints as if they had been raised in a single Complaint.<sup>2</sup>

**Background**

Each of the Complainants is an inmate at the State Correctional Facility at Huntingdon ("SCI Huntingdon") which is operated by the Pennsylvania Department of Corrections ("DOC"). Telephone privileges are allowed to inmates in accordance with strict policies of the DOC. These restrictive policies include: restrictions on the specific telephone numbers that inmates are permitted to call; limitations on the amount of time an inmate may use a telephone at one time; limits on the number of times an inmate may call any particular number in a specified period of time; and, an absolute prohibition of

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<sup>1</sup> Attached to this Complaint, was a separate sheet containing the signatures of ten additional inmates. VSSI considers these individual complaints as being identical to that of Mr. Pfeifly.

<sup>2</sup> VSSI has filed, simultaneous with this Answer, a Motion to Consolidate the four (4) Complaints for purposes of litigation and Commission decision because the allegations raised by each are identical for all practical purposes.

any three-way calling or call forwarding.<sup>3</sup> In general, the Complaints raise issues that address the requirements of those policies, which are implemented on an operational level by means of the contract between the Commonwealth of Pennsylvania and Verizon Pennsylvania, Inc. ("Verizon PA")("Contract"), VSSI's affiliate and the general contractor with the Commonwealth for inmate services. Under that Contract, services are provided by Verizon PA, VSSI and T-Netix, Inc. For example, the first count of paragraph 3, "repeated service disconnects;" appears to address squarely the requirement that the Automated Inmate Telephone System ("AITS") prohibits "three-way calling, call forwarding, and calls through a call forwarding service using a local phone number."<sup>4</sup> VSSI is aware of only one situation in which an inmate telephone call would be automatically disconnected, and that is when the AITS detects the presence, or likely presence, of suspected three-way calling or call forwarding attempts on the line. However, rather than addressing the underlying requirement, which has previously been challenged and defeated,<sup>5</sup> the Complaint raises a vague and general issue that is in reality a collateral attack on the specific policy.

### **Responses to Specific Allegations**

For purposes of this Answer, VSSI shall respond to the allegations raised by the four (4) Complaints in the order in which the allegations appear.

1. Neither ADMITTED nor DENIED. VSSI is without knowledge or information sufficient to form a belief as to the truth of any of the Complainant's

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<sup>3</sup> Department of Corrections, Policy No. DC-ADM 818, effective December 3, 2001 (Attachment "A"); *Chimenti v. Pa. Dept. of Corrections*, 720 A.2d 205 at 214 (Pa.Cmwlth. 1998), 18 Pa. C.S. § 5704, 66 Pa. C.S. § 2907

<sup>4</sup> DC-ADM 818 at 6.

<sup>5</sup> *Chimenti v. Pa. Dept. of Corrections*, 720 A.2d 205 (Pa.Cmwlth. 1998)

allegations that they are inmates at SCI Huntington or any Complainant's identification number.

2. ADMITTED.

3. With a single exception, each of the Complaints contains six (6) separate allegations which are identical and will be answered by VSSI in the order presented.<sup>6</sup>

(1) "Repeated service disconnects." VSSI DENIES that the AITS that it provides to the SCI Huntington for the use of inmates is prone to service "disconnects." By way of further answer, VSSI avers that due to the fact that the Complainants are incarcerated, the AITS is designed specifically to comply with the requirements of the contract between Verizon PA and the Commonwealth. The specific requirements of that contract require that the system prohibit inmates, such as the Complainants, from engaging in any three-way calling or call-forwarding scheme (relevant sections attached as "Attachment B"). Therefore, the system is designed to detect three-way calling or call forwarding and automatically disconnect inmates when it detects the potential for a three-way call or call forwarding on the facility. In addition, if the called party's telephone has call-waiting or other features, these features also can be detected as a potential three-way call and cause a disconnect. This type of surveillance is necessary because when call waiting is initiated, the called party may be able to bridge the inmate call and thereby engage in a call forwarding or three-way calling scheme. In short, T-Netix cannot know what transfer capability may be associated with call waiting in any particular circumstance. To the best of VSSI's knowledge, information and belief, the only potential cause for service disconnects other than those initiated either by the calling

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<sup>6</sup> The sole exception to the consistency among the Complaints is that the Complaint of Shayne Flood does not include what is numbered as count No. 3 in the other three (3) Complaints; namely, "blockage."

or called party, is the system that is designed to prevent three-way calls and/or call forwarding. To the extent that the Complaints allege that the AITS is malfunctioning in this regard, said allegations are DENIED. To the extent that the Complaint alleges that this system is improperly placed upon the telephone service provided for the use of the inmates, said allegations are incorrect conclusions of law and are DENIED. To the extent that the Complaints allege that the system improperly terminates calls based upon some faulty detection of three-way calling on the line, said allegations are DENIED.

(2) "Extreme overcharges for services." VSSI DENIES that Complainants are over-charged for services. By way of further answer, VSSI avers that rates for local calls and intraLATA toll charges are provided at the rates contained in the Verizon Pa Tariff.<sup>7</sup> Carriage of intrastate interLATA traffic is provided by VSSI at rates contained in VSSI's tariff.<sup>8</sup> The rates for interstate calls are not tariffed. Under the contract with the DOC, inmates are provided two options for completing telephone calls. First, an inmate may make collect calls to approved parties, provided that the called-parties are not in arrears or have not had the ability to receive collect calls blocked for any other reason (Attachment "B"). Inmates also have the option of paying for the calls themselves through a debit system that is administered through the DOC's commissary system. The Complaints do not allege that any of the individual Complainants take advantage of this latter option. It cannot be concluded therefore, that anyone other than the called party actually pays for any calls that are the subject of the Complaint. Moreover, the Commission previously has determined that the rates for such services are competitive,

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<sup>7</sup> Verizon Pennsylvania Inc., Tariff Pa. P.U.C. - No. 500, Sections 35B (intraLATA) and 38A (local).

<sup>8</sup> Verizon Select Services Inc., Tariff Pa. P.U.C. No. 6, Supplement No. 8, Original pages 39-41.

and that the Commission does not regulate such rates.<sup>9</sup> Even so, the rates charged to end users under the collect-call option have been reduced by 10-30% within the past two years and under either option the rates are lower than the rates charged to the general public for similar calls.

(3) "Blockage of service on certain phone numbers." VSSI ADMITS that the Contract specifically requires that inmates be allowed to call only certain approved numbers and that calls to any unapproved numbers be blocked. (Attachment "B"). Moreover, if the called party in any transaction does not pay the charges for such calls, the service from the prison to those particular accounts may be blocked by their local service provider. To the extent that the Complaints alleges that compliance with the mandatory requirement of blocking calls to unauthorized numbers, numbers for which the inmate has exceeded his weekly allotment of time or allotted number of calls is inappropriate or unreasonable, said allegations are DENIED. On the contrary, and by way of further answer, VSSI avers that it has complied with the terms of the Contract that require that such calls be blocked. To the extent that the Complaints allege that there are numbers that should not be restricted but are nonetheless restricted, said allegations are DENIED; rather, the specifications for the AITS requires that all numbers be blocked except those that are specifically authorized for any particular inmate.

(4) "Taped interruptions/voice overlays at set repeated intervals." VSSI ADMITS that there is a taped message that is played at the beginning of every inmate originated call and at random periods through such calls that informs the call party that the call has originated from a state correctional facility. By way of further Answer, VSSI

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<sup>9</sup> *Robert Smith v. Verizon Pennsylvania, Inc.*; Pa PUC Docket No C-20030420 (Initial Decision of ALJ Cochieres entered December 4, 2003, Final Order entered February 3, 2004).

avers that the taped message is mandated by state law as well as the Contract.<sup>10</sup> (Attachment "B"). The requirement that said message be repeated at certain intervals throughout a call, and the timing of such repetitions are within the discretion and at the direction of the DOC under the terms of that same Contract. To the extent that the Complaints aver that these messages are inappropriately provided by VSSI, said allegations are DENIED. To the extent that the Complaint avers that the interval at which the repeat announcements are provided is unreasonable, or that the repetition of the announcement at all is unreasonable, said allegations are DENIED. By way of further answer, Verizon PA avers that it complies with the requirements of the Contract.

(5) "Other noises and service interruptions exclusive to this system." VSSI is without knowledge or information sufficient to form a belief as to the truth of allegations concerning "noises or service interruptions exclusive to this system" not addressed above, and any such allegations therefore are DENIED. By way of further answer, VSSI avers that there is a process in place within the DOC that transmits complaints to VSSI that are registered regarding the service it provides to correctional facilities for the benefit of inmates. VSSI avers that it has received no complaints with regard to noise or service interruptions and it has no knowledge of any such allegations. Likewise, the DOC has not provided any notification to VSSI of any such service issues with regard to the service it provides to SCI Huntington.

(6) "Lack of service and/or accountability to consumer complaints." To the extent the Complaints intend to suggest that the inmates, including the Complainants, are telephone customers of VSSI, such allegations are DENIED. By way of further answer, VSSI submits that it is the DOC that is its customer and that there is no basis upon which

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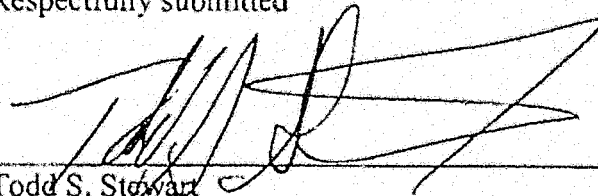
<sup>10</sup> 66 Pa. C.S. § 2907(a).

to contend that VSSI is not responsive to any concern raised by the DOC, nor could Complainants raise such issues. To the extent that the Complainants allege that VSSI is not responsive to complaints by inmates, these allegations are DENIED. By way of further answer, VSSI avers that there is a process by which inmates are able to register complaints with regard to phone service through the DOC. Moreover, there exists a separate complaint procedure for issues regarding debit calls. Finally, with regard to collect calls, the called party, who actually pays for the calls, is not only able to address all manner of disputes through their local telephone company's residential service office, but they also may contact Verizon PA's Corrections Solutions Group directly to raise questions or complaints by calling a toll free number.

4. The statements in paragraph 4 constitute the opinions of the Complainants or requests for relief to which no response ordinarily is required. However, because of certain additional allegations raised in the requests for relief, VSSI believes that a response is appropriate and it responds as follows. To the extent that any request for relief avers that the rates provided for inmate originated calls are not competitive, this allegation is DENIED. To the extent that the Complainants allege that "unprofitable" numbers are blocked, these allegations are DENIED. Rather, and by way of further answer, VSSI avers that prisoners only are permitted to call specific approved numbers and that all other numbers are blocked. There is no "profitability" calculation made to determine which calls are blocked. To the extent that the Complainants aver that the prisoners themselves have any standing to raise Complaints with regard to the service provided to the DOC for the use of the prisoners, such allegations are DENIED.

WHEREFORE Verizon Select Services Inc. respectfully requests that the Complaints of Preston B. Pfeifly, et al, Shayne Flood, Kevin L. Taylor and Felix L. Trevino be dismissed or denied in their entirety.

Respectfully submitted



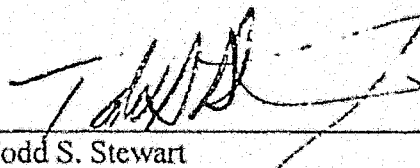
Todd S. Stewart  
William E. Lehman  
Hawke McKeon Sniscak & Kennard  
Harrisburg Energy Center  
100 North Tenth Street  
Post Office Box 1778  
Harrisburg, PA 17105  
717-236-1300

Counsel for Respondent,  
Verizon Select Services Inc.

Dated: June 7, 2004

**AFFIDAVIT**

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



---

Todd S. Stewart  
Hawke McKeon Sniseak & Kennard LLP  
Harrisburg Energy Center  
100 North Tenth Street  
PO Box 1778  
Harrisburg, PA 17105  
717-236-1300

Counsel for Verizon Select Services Inc.

Dated: June 7, 2004

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SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

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

**SERVICE BY FIRST CLASS MAIL:**


Preston B. Pfeifly, AK-7971  
1100 Pike Street  
Huntingdon, PA 16654-1112

Shayne Flood, AK-7986  
1100 Pike Street  
Huntingdon, PA 16654-1112

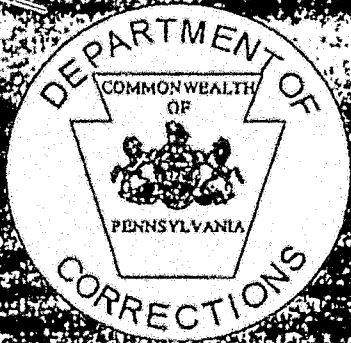
Kevin L. Taylor, DQ 2227  
1100 Pike Street,  
Huntingdon, PA 16654-1112

Felix L. Trevino, EL-6256  
1100 Pike Street,  
Huntingdon, PA 16654-1112

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\_\_\_\_\_  
Todd S. Stewart

Dated: June 7, 2004



**POLICY STATEMENT**  
Commonwealth of Pennsylvania • Department of Corrections

<b>Policy Subject:</b> Automated Inmate Telephone System		<b>Policy Number:</b> DC-ADM 818
<b>Date of Issue:</b> <i>Jeffrey A. Beard</i> 2001	<b>Authority:</b> Jeffrey A. Beard, Ph.D.	<b>Effective Date:</b> December 3, 2001

**I. AUTHORITY**

The Authority of the Secretary of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, 71 P.S. §§61, 66, 186 and 310-1, Act of April 9, 1929, P.L. 177, No. 175, as amended.

**II. PURPOSE**

It is the purpose of this document to establish policy and procedures governing inmate telephone privileges and the electronic surveillance of inmate telephone calls.

**III. APPLICABILITY**

This policy applies to all State Correctional Facilities, Regional Correctional Facilities, and the Motivational Boot Camp.

**IV. DEFINITIONS**

**A. Attorney**

For the purpose of this policy, any person licensed to practice law in any state or federal court and who represents an inmate.

**B. Automated Inmate Telephone System (AITS)**

A computer based telephone system, which enables the Department to monitor and control the use of inmate telephones.

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**C. Call Block**

Placing a restriction on a specific number or series of numbers which prohibits calling those numbers.

**D. Calling Blocks**

A calling block is a 15 minute period of time with which an inmate may make phone calls.

**E. Called Number Frequency**

The ability to place a limit on the number of times an individual number may be called in any given period.

**F. Call Records**

The data storage and retrieval of all calling information.

**G. Department**

The Pennsylvania Department of Corrections.

**H. Electronic Surveillance**

The interception, recording, monitoring, and/or divulging of inmate telephone calls.

**I. Facility Authorized Telephone Call**

Telephone calls placed for inmates by staff on the facility's regular telephone system.

**J. Facility Manager**

The Superintendent of a State Correctional Facility or State Regional Correctional Facility, Commander of a Motivational Boot Camp, Director of a Community Corrections Center or Director of the Training Academy.

**K. Immediate Family Member**

Immediate family members are defined as spouse (**includes common law**), children, parents, grandparents, brothers, sisters, and guardian, aunt or uncle or step relatives in the aforementioned categories with whom the inmate has made his/her home. Such relationships must be verifiable in the inmate's facility records by the counselor. This information can be obtained in the inmate's **DC-15, Classification Section**, on the Personal Data Questionnaire (PDQ).

**L. Inmate Personal Identification Number (IPIN)**

The unique set of six digits assigned to individual inmates, which enables them to access the AITS.

**M. Inmate Telephone Authorization**

A Department form DC-8A completed by inmates listing the name, relationship, telephone number and address of individuals with whom the inmate is requesting to maintain telephonic communications.

**N. Inmate Telephone Authorization Supplement**

A Department form DC-8B completed by inmates requesting changes to their approved telephone list DC-8A.

**O. Investigative or Law Enforcement Officer**

Any officer of the United States or of the Commonwealth of Pennsylvania or political subdivision thereof, who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in the **Wiretapping and Electronic Surveillance Act, 18 Pa. C.S. §5701 et. seq.**, and any attorney authorized by law to prosecute or participate in the prosecution of such offense.

**P. Minor**

Any person under 18 years of age.

**Q. Multiple Long Distance Carriers**

Companies which offer long distance calling requiring a five digit code for access.

**R. North American Calling Plan**

The area includes all 50 states, Canada and parts of the Caribbean Islands composed of the following with area codes: Bahamas (242), Bermuda (441), Barbados (246), British Virgin Islands (284), Puerto Rico (787) and the U.S. Virgin Islands (340).

**S. Pennsylvania Relay Service**

The Pennsylvania Relay Service is a telephone service that allows persons to use TDDs to communicate with hearing and speech-impaired persons and, vice versa, through the assistance of specially trained operators.

**T. Recording Media**

A digital audiotape or other electronic recording medium which stores the human voice.

**U. Recording/Monitoring (R/M)**

The recording/monitoring of inmate telephone conversations.

## V. Station-to-Station Calling

Enables the caller to speak to any answering party at the number you have asked the Operator to dial.

## W. Text Telephones (TTY/TDDs)

Telecommunications Devices for the Deaf (TDD) are typewriter-like machines that permit hearing or speech-impaired persons to communicate by typing messages back and forth over telephone lines.

## X. Three Way Calling

A telephone company service which adds a third party with a different telephone number to an existing conversation.

## V. POLICY

It is the policy of the Department to grant inmates the privilege of legitimate telephone communications with individuals in the community, while at the same time protecting society from harm, including but not limited to criminal activity, harassment, threats, and intimidation using the inmate telephone system.<sup>1</sup>

## VI. PROCEDURES

The inmate telephones may only be used to place collect calls to a telephone number in the North American Calling Plan. All procedures relative to staff are contained in the confidential procedures manual for this policy.

### A. Inmate Access

1. Telephone system call frequency and duration are based on the custody level for general population inmates. Custody Level 4 inmates are permitted a maximum of three 15 minute calling blocks of time per week. Custody Level 3 inmates are permitted a maximum of one 15 minute calling block every day. Custody Level 3Y, 2, and 1 inmates are authorized more frequent use of the telephone system consistent with the individual facility's custody level incentive procedures.
2. Multiple calls per time block are permitted. Facilities may limit calling frequency below the maximum if the number of inmate telephones available does not allow for sufficient calling blocks of time, and for other operational or security reasons.
3. Calling schedules will be determined by the facility.
4. Telephone privileges for inmates in Restricted Housing Units (RHU), Special Management Units (SMU), Long Term Segregation Units (LTSU), and any other specialized housing unit will be governed by Department policy DC-ADM 801,

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<sup>1</sup> 3-4439, 1-ABC-5D-11, 2-CO-5D-01

"Inmate Discipline," DC-ADM 802, "Administrative Custody Procedures," and 6.5.1, "Administration of Security Level 5 Housing Units."<sup>2</sup>

5. Inmate telephone calls are a privilege, which can be curtailed or rescinded by the Unit Manager through the informal resolution of a misconduct in accordance with Department policy DC-ADM 801. Inmate telephone calls may also be curtailed or rescinded for administrative or disciplinary reasons by the Hearing Examiner, Facility Manager or designee.

#### B. Telecommunication Devices for the Hearing Impaired

1. Facilities housing hearing impaired inmates shall provide Telecommunication Devices for the Deaf (TTY/TDDs) to provide communication to or from hearing or speech-impaired persons.
2. The Pennsylvania Relay Service allows persons to use TTY/TDDs to communicate with hearing impaired and speech-capable persons and vice-versa, through the assistance of specially trained operators.
  - a. The toll free number for operator assistance for placing TTY/TDD calls is 800-855-1155.
3. A remote printer will produce a copy of the conversation for monitoring purposes.

#### C. Restrictions

1. All calls on the AITS will be initially announced to the called party as originating from a correctional facility and subject to monitoring and/or recording. Announcements may be made periodically during telephone conversations.
2. Inmates are prohibited from initiating calls to the following:
  - a. inmates, former inmates, parolees, probationers or co-defendants without the written approval of the Facility Manager;
  - b. an employee or former employee of the Department unless requested in writing by the employee/former employee and approved in writing by the Facility Manager(s);
  - c. a judge, criminal justice official, prosecutor or court administrator without his/her prior written approval;
  - d. a minor unless approved in writing by a parent or legal guardian;
  - e. a victim of the crime for which the inmate is incarcerated unless requested in writing by the victim and approved by the Facility Manager;

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<sup>2</sup> 3-4259, 3-4260, 3-4263

- f. a member of the public who requests in writing to have their telephone number call blocked;
  - g. all toll-free and emergency numbers, e.g., 800, 888, 911; with the exception of toll-free numbers for the Pennsylvania Relay Service for TTY/TDD equipment for the hearing impaired;
  - h. three-way calling, call forwarding, and calls through a call forwarding service using a local phone number;
  - i. placing calls through multiple long-distance carriers; and
  - j. placing calls to local, county, state, or federal correctional facilities, and to Community Corrections Centers or to an inmate housed there without the prior written approval of officials at both facilities.
3. If written approval is granted for any of the calls listed above, the call shall be monitored.
  4. Use of any office telephone or other telephone not specifically designated for inmates is prohibited except as otherwise provided for under this policy.
  5. Telephone numbers that the facility has reason to believe are being used to violate Department policy or regulations will be call blocked.
  6. Use of the same telephone numbers on multiple IPIN lists at individual facilities is prohibited unless an immediate family relationship can be established. The Facility Manager/designee must approve such exceptions in writing.

#### **D. Procedure for Obtaining Telephone Privileges**

1. Inmates shall be permitted to place a call on the AITS within 72 hours of initial reception or recommitment as a parole violator. The inmate shall be required to have an IPIN to access the system. The length of the call will be automatically limited to 15 minutes. Each facility will develop procedures to ensure compliance with the time frame requirement.
2. A list of approved telephone numbers shall be established during the initial classification period and recorded on the **DC-8A, Inmate Telephone Authorization Form (Attachment A)**. A copy of all DC-8As shall be kept in the inmate's record. The Diagnostic and Classification Center (DCC) will develop detailed procedures to be followed.
3. Inmates must sign the **DC-8A**, verifying that they have read, or had read to them, the provisions of this policy. Failure to sign the form will result in denial of inmate telephone privileges.
4. Individual inmate telephone lists are limited to 20 telephone numbers.

5. Attorney telephone numbers are to be listed separately on the DC-8A, and are not counted against the total of 20. Attorneys must be representing the inmate and such relationships must be verifiable through the inmate's counselor. Attorney telephone numbers must be verifiable and will not be subject to recording or monitoring.<sup>3</sup>
6. The complete names, relationships, telephone numbers, and street addresses of all persons whom the inmate wishes to call must be listed. P.O. Boxes may be considered a valid address. Incomplete forms shall be returned to the inmate without action.
7. Inmates may request to add or to delete from their approved list of telephone numbers monthly using the DC-8B, **Supplementary Authorized Inmate Telephone Numbers Form (Attachment B)**. A copy of all DC-8Bs shall be kept in the inmate's record. Each facility will develop local written procedures detailing implementation of this process. Inmates must sign the DC-8B, verifying that they have read or had read to them the provisions of this policy. Failure to sign the form will result in denial of inmate telephone privileges.
8. Inmates may place calls when they receive a computer listing of the telephone numbers which have been entered into the AITS under their IPIN.
9. The IPIN number issued to an inmate is considered confidential. The loaning, borrowing, or theft of that number is prohibited and will result with involved inmates receiving a misconduct.
10. In the event an inmate experiences difficulty in using the AITS after their phone numbers have been entered into the AITS computer, a DC-8C, **Telephone System Discrepancy Form (Attachment C)** shall be completed to resolve the problem. The form shall be forwarded to the Telephone System Administrator for resolution.
11. Inmates shall be notified in the event the system experiences any malfunctions or becomes inoperable.

#### E. Payment

1. All telephone calls using the AITS must be collect in accordance with 66 Pa. C.S. §2907. The cost of the telephone call must be borne by the called party.
2. Calls placed under exceptional circumstances as stated in Section F of this policy must be collect or paid for by the inmate. Regular facility telephones may be used only when such calls cannot be made on the AITS. Prior to placing a non-collect call, the inmate must sign a cash slip authorizing the deduction from his/her account prior to placing the call. If the inmate is indigent, has no funds currently available and collect calls are not feasible, the cost shall be charged to the inmate's account and the debt will be satisfied as funds are deposited to the inmate's account.

<sup>3</sup> 3-4260, 3-4263, 1-ABC-3D-02

## F. Facility Authorized Telephone Calls

1. The Facility Manager/designee may authorize the use of the facility owned telephone system for the following reasons:
  - a. serious illness, hospitalization or death of an immediate family member;
  - b. contact with an attorney regarding legal matters when the attorney won't accept collect calls;
  - c. contact with an attorney regarding legal matters which, because of an immediate deadline, cannot be handled in person or via correspondence; and/or
  - d. extraordinary or unusual circumstances.
2. The inmate placing the call must establish that an actual emergency exists. The staff member authorizing the inmate telephone call must verify the emergency exists prior to placing the call and document the call on a **DC-121 Part 3, Employee Report of Extraordinary Occurrence**, and forward the report to the Security Office, Facility Manager or designee. In addition, all facility-authorized calls are to be monitored by the staff member providing this privilege. Inmates not agreeing to have these phone calls monitored will not be granted the privilege of placing a phone call on the regular telephone system. Attorney phone calls shall not be monitored, however, staff will first verify that the call is received by the attorney.
3. All calls placed under this section will be recorded by the counselor on the inmate's **DC-14, Cumulative Adjustment Record**.
4. Department staff authorizing an inmate phone call to arrange for a ride upon the inmate's release or parole do not need to fill out a **DC-121 Part 3**.

## G. Electronic Surveillance

Pursuant to the **Wiretapping and Electronic Surveillance Act, 18 Pa.C.S. §5701, et seq.**, all inmate telephone calls are subject to interception, recording, monitoring, and disclosure except those placed to or from an attorney representing the inmate.

## VII. SUSPENSION DURING AN EMERGENCY

In an emergency or extended disruption of normal facility operation, the Secretary, or designee may suspend any provision or section of this policy, for a specific period.

## VIII. RIGHTS UNDER THIS POLICY

This policy does not create rights in any person nor should it be interpreted or applied in such a manner as to abridge the rights of any individual. This policy should be interpreted to have sufficient flexibility to be consistent with law and to permit the accomplishment of the purpose(s) of the policies of the Department of Corrections.

## IX. RELEASE OF INFORMATION AND DISSEMINATION OF POLICY

### A. Release of Information

#### 1. Policy

This policy document is public information and may be released to members of the public, staff, legislative, judicial, law enforcement and correctional agencies and/or inmates upon request.

#### 2. Procedure Manual (if applicable)

The procedure manual for this policy is not public information and shall not be released in its entirety or in part, without the prior approval of the Secretary of Corrections or designee. This manual or parts thereof, may be released to any Department of Corrections employee on an as needed basis.

### B. Distribution of Policy

#### 1. General Distribution

The Department of Corrections' policy and procedure manuals (when applicable) shall be distributed to the members of the Central Office Executive Staff, all Facility Managers, and Community Corrections Regional Directors on a routine basis. Distribution to other individuals and/or agencies is subject to the approval of the Secretary of Corrections or designee.

#### 2. Distribution to Staff

It is the responsibility of those individuals receiving policies and procedures, as indicated in the "General Distribution" section above, to ensure that each employee expected or required to perform the necessary procedures/duties is issued a copy of the policy and procedures.

## X. SUPERSEDED POLICY AND CROSS REFERENCE

### A. Superseded Policy

#### 1. Department Policy

- a. DC-ADM 818, Automated Inmate Telephone System issued July 9, 1998 by former Secretary Martin F. Horn.
- b. DC-ADM 818-1 bulletin, Automated Inmate Telephone System issued June 8, 1999 by former Secretary Martin F. Horn.
- c. 6.3.27, Automated Inmate Telephone System Procedures Manual issued July 9, 1997 by former Secretary Martin F. Horn.
- d. 6.3 27-1 bulletin, Automated Inmate Telephone System Procedures Manual issued October 30, 1997 by former Secretary Martin F. Horn.

## **2. Facility Policy and Procedures**

This document supersedes all facility policy and procedures on this subject.

### **B. Cross Reference(s)**

#### **1. Administrative Manuals**

- a. DC-ADM 801, Inmate Discipline
- b. DC-ADM 802, Administrative Custody Procedures
- c. 6.5.1, Administration of the Restricted Housing Unit
- d. 6.3.1, Facility Security

#### **2. ACA Standards**

- a. Administration of Correctional Agencies: 2-CO-5D-01
- b. Adult Correctional Institutions: 3-4137, 3-4259, 3-4260, 3-4263, 3-4437, 3-4439
- c. Adult Community Residential Services: None
- d. Adult Correctional Boot Camp Programs: 1-ABC-3D-02, 1-ABC-5D-11
- e. Correctional Training Academies: None

#### **3. Other**

- a. Wiretapping and Electronic Surveillance Act, 18 Pa.C.S. §5701, et seq.
- b. Public Utility Code, 66 Pa. C.S. §2907

*CONTRACT*

*PAYPHONE AND INMATE TELEPHONE  
SERVICES*

RFP NUMBER 97-15-2580-011

**ATTACHMENT B**

## GENERAL CONTRACT CONDITIONS

### 5.1 Introduction

THIS CONTRACT, entered into this 10<sup>th</sup> day of February, 1999, by and between Bell Atlantic-Pennsylvania, Inc., a Pennsylvania corporation, qualified to do business in Pennsylvania, hereinafter referred to as Bell Atlantic, and the Commonwealth of Pennsylvania, acting by and through the Department of General Services, both hereinafter called the Commonwealth, is for the providing of payphone and inmate telephone services.

WHEREAS, the Commonwealth has a need for payphone services at state government and state government affiliated/related facilities throughout the state; and

WHEREAS, the Commonwealth has a need for inmate telephone services at all State Correctional Institutions (SCI) and Bootcamps; and

WHEREAS, the Commonwealth has a need to obtain high quality payphone and inmate telephone services, to minimize the cost to the users of such services, and to make the benefits of new, but proven, service features available to persons using the service; and

WHEREAS, the Commonwealth issued Request for Proposal (RFP) No. 97-15-2580-011 on January 7, 1998, and Addenda Numbers 1-6, hereinafter called the RFP, to solicit proposals for payphone and inmate telephone services; and

WHEREAS, Bell Atlantic submitted a proposal in response to the RFP, hereafter called the Proposal; and

WHEREAS, the Commonwealth selected the Bell Atlantic ("Proposal"), representing a consortium that includes AT&T, GTE Corporation, T-Netix, Inc., and Dictaphone Corporation, as a result of its evaluation of the Proposal in accordance with the criteria for selection in the RFP,

NOW THEREFORE, for the consideration hereinafter set forth, and the Commonwealth and Bell Atlantic intending to be legally bound hereby, do hereby agree as follows:

approved number, the number is placed into the OPTIMIZER table until the next LIDB dip is performed. During the one calendar day period, when an inmate makes a phone call, the Inmate Calling System, before performing a LIDB dip, will check if the number is in the OPTIMIZER table. If it is, the call is denied and the inmate is given a message which says: "Your collect call cannot be made to this number." If the number is not in the OPTIMIZER table during the one calendar day period the call will continue its process through the ICS.

w. Single Central Office:

The system will be able to detect, in real time, the called party's attempt to access 3-way and/or call forward calling on a call *made within the same central office* following the connection of the call between the inmate and the called party, regardless of whether the called party has first accepted the call. The system will terminate the connection instantaneously upon detection of the attempt to access 3-way and/or call forward calling. The vendor will provide a detailed technical description of how the proposed system functions in controlling the 3-way calling and the best estimate of the percentage of total call attempts that the system being proposed detects, and the percentage of these total detected attempts that the system being proposed terminates instantaneously upon detection.

**Bell Atlantic Response:**

*T-NETIX'S is the patent holder for 3-way call prevention for fraud protection in the inmate telephone industry. This technology will detect hook flash initiated 3-way calls along with detecting the momentary loss of line battery that is inherent in 3-way calls initiated within the same central office as the originating call. Using both of these detection methods concurrently produces a highly accurate detection process. This detection is accomplished in real-time and is active from the beginning of the call, when the call is connected, to the termination of the call. Unlike others in the marketplace whose attempt to monitor 3-way calls do not start until after the call is accepted.*

T-NETIX is currently in the process of enhancing its capability with new 3-way detection algorithms to meet the requirements stated above concerning attempts at call forwarding. This new technology has been submitted and has a patent pending with the US Patent Office, which therefore precludes T-NETIX from outlining the specific technology in this bid. T-NETIX will provide this information once clearance is obtained from the US Patent Office. Complete technical details on our current 3-way technology are described in our U.S. patents 5,319,702 and 5,539,812. Actual independent test results have confirmed the detection accuracy to be greater than 93% for

"hook flash" created 3-way events. Any detection of a true 3-way event will cause the call to be immediately disconnected.

Detection of 3-way and/or call forward calling will be capable of being configured by/for each SCI to either automatically terminate suspected calls, report the suspected calls, monitor and record suspected calls or any combination.

**Bell Atlantic Response:**

Any attempt at a 3-way connection will be detected and logged in the call record. After detection, the system can be configured to automatically terminate the call or allow the call to continue. These attempts can be flagged to enable the recording port that allows the rest of the conversation to be recorded. These features may be configured in any combination.

The vendor will explain in detail the type of three way calling or call forwarding its system is capable of detecting and disconnecting. The vendor will, at a minimum, indicate whether its proposed system is capable of detecting and disconnecting each of the following types of three way or forwarded calls. If it is not possible to detect and disconnect any or all of these types of calls, so state. What is your recommended alternative for detection?

- (1) Calls to telephone numbers which have been automatically forwarded to another telephone number by the local telephone company.

**Bell Atlantic Response:**

T-NETIX is currently in the process of enhancing its capability with new 3-way detection algorithms and methods to meet the requirements stated above concerning attempts at call forwarding. This new technology has been submitted to, and has a patent pending with the US Patent Office.

- (2) Calls to telephone numbers which have been automatically forwarded by called parties through the use of feature groups provided by the local telephone company.

**Bell Atlantic Response:**

T-NETIX is currently in the process of enhancing its capability with new 3-way detection algorithms and methods to meet the requirements stated above concerning attempts at call forwarding.

This new technology has been submitted to, and has a patent pending with the US Patent Office.

(3) Calls to telephone numbers which "hook flash", dial another number and complete the three way call.

**Bell Atlantic Response:**

Calls attempting 3-way calls using "hook flash" techniques will be detected and disconnected immediately.

(4) Conference calls facilitated through customer provided switching equipment.

**Bell Atlantic Response:**

Most conferencing attempts will be detected by our current technology, however, we are currently in the process of enhancing our capability with new 3-way detection algorithms to increase accuracy of conference calling detection. This new technology has been submitted to, and has a patent pending with the US Patent Office.

x. Multiple Central Offices:

The system will be able to detect in real time, the called party's attempt to access 3-way and/or call forward calling following the connection of the call between the inmate and the called party, regardless of where the called party is located (intraLATA or interLATA) or whether the called party has first accepted the call. The system will terminate the connection instantaneously upon detection of the attempt to access 3-way and/or call forward calling. The vendor will provide a detailed technical description of how the proposed system functions in controlling the 3-way calling. Responding vendors will explain the technical problems inherent in the multiple central office environment, the technology used to detect and disconnect these calls, and the best estimate of the percentage of total call attempts that the system being proposed detects, and the percentage of these total detected attempts that the system being proposed terminates instantaneously upon detection.

**Bell Atlantic Response:**

As stated previously, T-NETIX is the patent holder for 3-way call prevention for fraud protection in the inmate telephone industry. Complete technical details on our current 3-way technology are described in our U.S. patents 5,319,702 and 5,539,812. Three-way events that occur in a multiple central office environment present the additional technical challenge of being able to detect events that vary in amplitude. The T-NETIX approach to this

very positive impact in controlling fraud perpetrated by call forwarding techniques.

- z. The 3-way calling prevention feature will be able to be deactivated on a per number dialed, per inmate basis. This will permit call transfer or 3-way conferencing of specific inmate calls placed to certain telephone numbers such as those at attorneys' offices.

**Bell Atlantic Response:**

The 3-way prevention feature may be activated/deactivated on a per number, per inmate, or per facility basis. This can permit call transfers or 3-way conferencing to certain telephone numbers.

- aa. Call acceptance by the called party is to be accomplished through an active process initiated by the called party. The active process required is the dialing of a digit on the called party's telephone.

**Bell Atlantic Response:**

When the system asks the called party to dial "1" to accept the collect call, it will recognize the precise Touch Tone or rotary digit "1". If digits 2-0 are dialed by the called party, the connection will not be made. If no acceptance is entered, the system will replay the accept message twice. If the call is not actively accepted then, the call will terminate.

- bb. The active call acceptance method will permit the called party to accept the call by dialing the digit specified not only on a Touch Tone telephone but also on a rotary dial telephone or a non-Touch Tone telephone equipped with a central office access line.

**Bell Atlantic Response:**

Active acceptance may be accomplished via rotary or touch tone dialing. If it is rotary or DTMF/touch tone, the system will accept.

- cc. The system will be capable of having a collect call accepted in the passive mode. Explain in detail how the proposed system does this. State what percentage of inmate calls are handled passively at existing installations. Explain under what conditions the proposed system is required to handle the calls passively.

**Bell Atlantic Response:**

- c. **Concurrence for Disconnection/Removal:** No inmate stations will be disconnected/removed without the concurrence of the Commonwealth.

**Bell Atlantic Response:**

**Bell Atlantic will not disconnect or remove any inmate telephone station without the express written concurrence of the Commonwealth.**

2. **OPERATIONAL STANDARDS:** The system for inmate calling service will have the following operational standards:
  - a. One-way, out-going only service.

**Bell Atlantic Response:**

**The Inmate Calling Service is one-way, outgoing service only. The system will deny all incoming calls to the extent authorized under applicable regulation and legal requirements in the Commonwealth of Pennsylvania.**

- b. Collect-only, station-to-station calling.

**Bell Atlantic Response:**

**The Inmate Calling System (ICS) operates as a station to station collect call only. Please note, there are some inmate service providers that will charge a person to person rate should the inmate hesitate during the dialing sequence.**

- c. Direct dialed calls of any type will be prohibited.

**Bell Atlantic Response:**

**Only 0+ collect calling is allowed. There are no direct dialed calls of any type allowed.**

- d. Access to "411 " and/or "555-1212" information service will be prohibited.

**Bell Atlantic Response:**

The Inmate Calling System will block access to 411, 555-1212 and all other information numbers.

**Block Number Table**

The T-NETIX Inmate Calling System is equipped with a standard generic Block Table capable of blocking 800,000 individual 11 digit telephone numbers. This includes blocking ranges of numbers. When a number is blocked, the system will not allow a call to that number by any of the inmate telephones.

The ICS provides for general telephone number blocking such as:

- Direct Dialing (1+)
- Operators (0-, 00-, 1-0-XXX-0-)
- Information (411, 1-411, 555-1212, 1-555-1212, 500)
- Talk Lines (900, 976 Exchanges)
- IXC Access (950, 10-XXX)
- Toll Free Lines (700, 800, 1-888)
- Emergency (911)

Additionally, the unit will allow for blocking of up to 1,400 (11 digit) numbers, in order to prevent calling to the following types of numbers:

- Correctional Facility telephone numbers
- Correctional Facility Employees' home numbers
- Judges' and Prosecutors' home numbers
- Emergency numbers (Police, Fire, Poison, etc.)
- Doctors' answering system numbers
- Facilities known to accept collect calls (Hospitals, Telephone Companies, Unions, etc.)

All call restrictions are programmed on-site, from the local system center, or at T-NETIX'S National Service Center, via modem and are updated as required.

- e. Access to 800/888/877 numbers will be prohibited.

**Bell Atlantic Response:**

The Inmate Calling System provides for general telephone number blocking such as:

- Direct Dialing (1+)
- Operators (0-, 00-, 1-0-XXX-0-)
- Information (411, 1-411, 555-1212, 1-555-1212, 500)
- Talk Lines (900, 976 Exchanges)
- IXC Access (950, 10XXX)
- Toll Free Lines (700, 800, 877, 888)
- Emergency (911)

Please see Block Number Table description above in item d.

- f. Access to multiple IntraLATA/interLATA carriers via 800+ 900+, 950+, 976+, or 10XXX and other calls as defined from time to time by the Issuing Office will be prohibited.

**Bell Atlantic Response:**

Access to all of these carriers will be blocked.

- Direct Dialing (1+)
- Operators (0-, 00-, 1-0-XXX-0-)
- Information (411, 1-411, 555-1212, 1-555-1212, 500)
- Talk Lines (900, 976 Exchanges)
- IXC Access (950, 10XXX)
- Toll Free Lines (700, 800, 877, 888)
- Emergency (911)

- g. Access to the "911 " emergency system will be prohibited.

**Bell Atlantic Response:**

Access to 911 is prohibited.

- k. The system will, by function, be *completely integrated with* the call monitoring and recording equipment designed to monitor and record individual inmate calls. The system will alert the monitoring station operator that a preprogrammed PIN is placing a call or that a preprogrammed terminating telephone number has been dialed by a PIN in the system. In addition, certain preprogrammed PIN calls will alert one or more of the Headquarters Security and Professional Responsibility Offices and the Emergency Command Center. It is the responsibility of the vendor to ascertain that Systems B and C are appropriately integrated and that the clocking between Systems B and C is synchronized.

**Bell Atlantic Response:**

Through Bell Atlantic, Dictaphone will supply the recording and monitoring capability for the Commonwealth. The system will alert the monitoring station operator that a preprogrammed PIN is placing a call or that a preprogrammed terminating telephone number has been dialed by a PIN in the system. In addition, certain preprogrammed PIN calls will alert one or more of the Headquarters Security and Professional Responsibility Offices and the Emergency Command Center. The clocking between Systems B and C is synchronized.

Needs information from Dictaphone explaining all the synchronization process of the ICS and the recording system.

1. The system will be restricted to use in association with authorized Personal Identification Numbers (PIN) assigned to each inmate. Individual PIN lists will have up to 25 telephone numbers for outbound purposes, i.e.: 20 inmate selected non-attorney numbers, three (3) for attorney numbers and two (2) common numbers for administrative purposes. Calls to attorney telephone numbers will not be monitored or recorded. The vendor will be responsible for PIN administration.

**Bell Atlantic Response:**

In the PIN Allow Number Table, each inmate may be allowed to register from one to thirty telephone numbers. The ICS PIN Allow Number Table is expandable to an infinite number of 11 digit telephone numbers. The facility can determine the maximum number of telephone numbers that each inmate is allowed to have, and for what purpose. Registration of a telephone number requires the

number, the name of the called party and the relationship to the inmate. The numbers allowed are identified with the inmate's PIN and are resident on the Processor. Only that specific PIN may call those numbers. T-NETIX will administer the PIN process.

The default configuration for all collect calling is in the "active" mode which requires a positive accept action from the called party. However, the system is capable of allowing calls to be accepted in a passive manner. This feature may be applied to specific destination numbers globally, or from numbers in a PIN list. When the passive flag is set, the system will play the call acceptance message twice to allow the called party to actively accept and allow two-way conversation to commence. This feature is used very infrequently (less than 1%), and only in cases where the called party cannot accept the call due to non-standard telephone equipment or physical disability.

- dd. During the call set up process, a prerecorded announcement identifying that the collect call is coming from a specific inmate at a specific SCI will be heard by the answering party. The identification to the called party of the identity of the inmate who is placing the call will be done by a pre-recorded statement of the inmate's name. It is not permissible to require or permit the inmate to state his name during the call set up process. *No preacceptance communication by the inmate who is placing the call is permitted.* However, the inmate *will be able* to hear the call set up announcements and acceptance results which occur after the call has been answered.

#### Bell Atlantic Response:

Branding is a unique announcement which greets the called party with the origin of the call, the caller's name and the information concerning charges for the call. For example: *"Bell Atlantic has a collect call from (inmate's name/voice) at the (name of facility). If you refuse this call, hang up now. If you wish to accept this call, do not use 3-Way Calling or Call Waiting features, or you will be disconnected."* This announcement precedes the call acceptance window in the T-NETIX system. *It alerts the called party that an inmate is calling and avoids unsure acceptance of the call.* The customized announcement may also include a message indicating that calls are subject to monitoring or recording, or any message the facility feels necessary to include.

When a new PIN is added, the inmate's name is recorded in permanent memory associated with the inmate's PIN database. This process will be required only once. The inmate's name is recorded in real-time voice and stored in Call Control Platform (CCP) memory for access from any inmate telephone in the facility. When an inmate places an authorized call, the CCP up-loads his or her name to the inmate telephone Controller Module, for insertion at the appropriate time during the called party announcement.

- cc. The system will be capable of providing an announcement that overlays as background to the voice conversation stating that the call is from a SCI. The system will allow this overlay announcement to be automatically played intermittently during the call.

**Bell Atlantic Response:**

The Branding feature noted above allows a message to be heard periodically during each call, alerting the called party that the call is coming from a correctional facility. The time between announcements may be determined by the facility or Commonwealth. *This is an additional protection to the public, thwarting scam attempts by inmates.*

- ff. The vendor will explain how the control and administration functions are performed to include, but not be limited to, the following:
- (1) time of day and day of week restrictions.

**Bell Atlantic Response:**

With PIN call time limiting, the ICS is capable of setting a maximum time limit for any type of call and/or all calls related to an individual PIN and/or all PINs.

- Time of day and/or days of week that number may be called
- Maximum duration of call for that number and/or PIN
- Maximum number of calls to that number or from that PIN per day/week/month, etc.

When restrictions are imposed, they are automatically managed by the Processor. This may be accomplished by system, line or PIN.

- (2) telephone shut-off and system usage report generation by telephone number or by PIN.

**Bell Atlantic Response:**

Via Tel-Base, the T-NETIX proprietary software reporting product, the Commonwealth will generate reports by telephone shut off and system usage by telephone number or PIN.

Hawke

McKeon

Sniscak &

Kennard LLP

ATTORNEYS AT LAW

ORIGINAL

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

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

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmsk-law.com  
June 7, 2004

VIA HAND DELIVERY

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

DOCUMENT  
FOLDER

SECRETARY'S BUREAU

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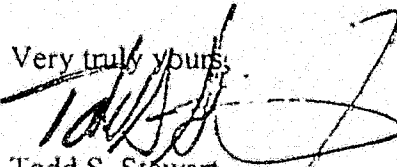
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RE: Preston B. Pfeifly, et al. v. Verizon Select Services Inc.;  
Docket No. C-20042802; Shayne Flood v. Verizon Select Services Inc.;  
Docket No. C-20042852; Kevin L. Taylor v. Verizon Select Services Inc.;  
Docket No. C-20042878; Felix L. Trevino v. Verizon Select Services Inc.;  
Docket No. C-20042879; MOTION TO CONSOLIDATE OF  
VERIZON SELECT SERVICES INC.

Dear Secretary McNulty:

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

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

Very truly yours:  


Todd S. Stewart  
Counsel for Verizon Select Services Inc.

TSS:tap  
Enclosures

ORIGINAL

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Preston B. Pfeifly, et al.

Complainant

v.

Verizon Select Services Inc.

Respondent

Docket No. C-20042802

Shayne Flood

Complainant

v.

Verizon Select Services Inc.

Respondent

Docket No. C-20042852

Kevin L. Taylor

Complainant

v.

Verizon Select Services Inc.

Respondent

Docket No. C-20042878

Felix L. Trevino

Complainant

v.

Verizon Select Services Inc.

Respondent

Docket No. C-20042879

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NOTICE TO PLEAD

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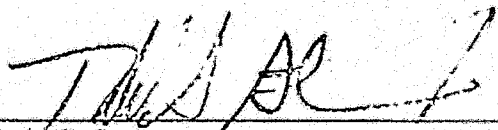
TO: Preston B. Pfeifly, AK-7971  
1100 Pike Street  
Huntingdon, PA 16654-1112

Kevin L. Taylor, DQ 2227  
1100 Pike Street,  
Huntingdon, PA 16654-1112

Shayne Flood, AK-7986  
1100 Pike Street  
Huntingdon, PA 16654-1112

Felix L. Trevino, EL-6256  
1100 Pike Street,  
Huntingdon, PA 16654-1112

Pursuant to 52 Pa. Code § 5.103(c), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Answer and New Matter of Verizon Select Services Inc. within ten (10) days from service of this notice, the facts set forth by Verizon Select Services Inc. in the Answer and New Matter may be deemed to be true, thereby requiring no other proof. All pleadings such as a Reply to the Answer, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served on the undersigned counsel for Verizon Select Services Inc.

  
\_\_\_\_\_  
Todd S. Stewart  
William E. Lehman  
Hawke McKeon Sniscak & Kennard LLP  
Harrisburg Energy Center  
100 North Tenth Street  
PO Box 1778  
Harrisburg, PA 17105-1778  
717-236-1300

Counsel for Verizon Select Services Inc.

DATED: June 7, 2004

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Preston B. Pfeifly, et al. :

Complainant :

v. :

Verizon Select Services Inc. :

Respondent :

Shayne Flood :

Complainant :

v. :

Verizon Select Services Inc. :

Respondent :

Kevin L. Taylor :

Complainant :

v. :

Verizon Select Services Inc. :

Respondent :

Felix L. Trevino :

Complainant :

v. :

Verizon Select Services Inc. :

Respondent :

Docket No. C-20042802

Docket No. C-20042852

Docket No. C-20042878

Docket No. C-20042879

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MOTION OF VERIZON SELECT SERVICES INC.  
TO CONSOLIDATE FORMAL COMPLAINTS

---

Verizon Select Services Inc. ("VSSI"), by and through its counsel, Hawke McKeon Sniscak & Kennard LLP, and pursuant to 52 Pa. Code § 5.81 and § 5.103, hereby files this Motion to Consolidate the above-captioned Formal Complaints. In support of its Motion, VSSI avers and represents as follows:

1. Between April 21, 2004 and April 28, 2004, each of the above-named individuals (collectively the "Complainants") filed Formal Complaints against VSSI with the Pennsylvania Public Utility Commission ("Commission").<sup>1</sup> The Complaints contain virtually identical allegations concerning service provided by VSSI to the Department of Corrections ("DOC") at the State Correctional Institution at Huntington ("SCI Huntington").<sup>2</sup>
2. All of the individual Complainants are inmates at SCI Huntington.
3. All but one (1) of the Complaints contain six (6) separately identified complaints, or counts, specifically: 1) "repeated service 'disconnects'"; 2) "extreme 'overcharges' for services"; 3) "'blockage' of service on certain phone numbers"; 4) "'taped interruptions/voice overlays' at set repeated intervals"; 5) "other noises and service interruptions exclusive to this system"; and, 6) "lack of service and/or accountability to consumer complaints."<sup>3</sup>

---

<sup>1</sup> Attached to the Complaint of Preston Pfeifly, et al. was a separate sheet containing the signatures of ten (10) additional inmates. VSSI considers the individual complaints as being identical to that of Mr. Pfeifly.

<sup>2</sup> Concurrently with this Motion, VSSI is filing an Answer to the above-captioned Complaints. VSSI's Answer is incorporated in its entirety herein.

<sup>3</sup> The Complaint of Shayne Flood, Docket No. C-20042852, does not contain the allegation listed as No. 3, namely, "blockage" of service on certain phone numbers.

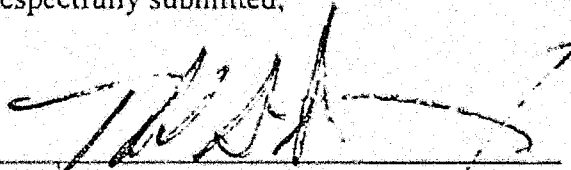
4. In addition, the relief requested by the Complainants is almost identical. In particular, the Complaints request: 1) to eliminate the disconnects issue; 2) to adjust the rates; 3) to remove the "blockage" that prohibits them from calling certain telephone numbers; 4) to eliminate the taped "interruptions" that notify the called party that the call has originated from a correctional institution; 5) provide service indicative of a national service provider; and, 6) to develop a system to address consumer complaints and to reimburse inmates for "additional charges or expense" caused by the system operating as it does.

5. The Commission's Regulation at 52 Pa. Code § 5.81 provides that proceedings may be consolidated if they involve common issues of fact and law. The above-captioned Complaints are virtually identical as to the issues involved and the relief requested. Thus, the facts to be proven by the Complainants in support of their request and the defenses to be raised by VSSI will be identical. The relief that is granted, if any, will be the same for all Complainants. Therefore, the Commission's standard for consolidation is satisfied. A consolidated proceeding will eliminate unnecessary time and expense to the parties, Your Honor and the Commission, and will allow these proceedings to be litigated most efficiently.

6. Consolidation of these matters will not prejudice any of the Complainants, each of which will still have an opportunity to state on the record the reasons underlying their Complaint.

WHEREFORE, for the foregoing reasons, Verizon Select Services, Inc., respectfully requests that the Pennsylvania Public Utility Commission consolidate the four (4) above-captioned Complaint proceedings for hearing and decision.

Respectfully submitted,



---

Todd S. Stewart  
William E. Lehman  
Hawke McKeon Sniscak & Kennard LLP  
Harrisburg Energy Center  
100 North Tenth Street  
PO Box 1778  
Harrisburg, PA 17105-1778  
717-236-1300

Counsel for Verizon Select Services Inc.

DATED: June 7, 2004

## CERTIFICATE OF SERVICE

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

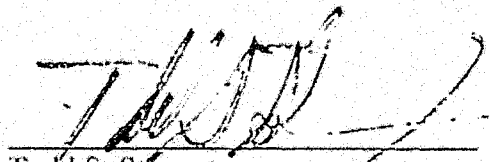
### Service by First Class Mail

Preston B. Pfeifly, AK-7971  
1100 Pike Street  
Huntingdon, PA 16654-1112

Shayne Flood, AK-7986  
1100 Pike Street  
Huntingdon, PA 16654-1112

Kevin L. Taylor, DQ 2227  
1100 Pike Street,  
Huntingdon, PA 16654-1112

Felix L. Trevino, EL-6256  
1100 Pike Street,  
Huntingdon, PA 16654-1112



Todd S. Stewart

Dated: June 7, 2004

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

TYSONS CORNER

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STAMFORD, CT  
PARSIPPANY, NJ

BRUSSELS, BELGIUM

AFFILIATE OFFICES

JAKARTA, INDONESIA  
MUMBAI, INDIA

August 20, 2004

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AUG 20 2004

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

VIA UPS

Mr. James J. McNulty  
Secretary's Bureau  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor, Room N201  
Harrisburg, Pennsylvania 17105

DOCUMENT  
FOLDER

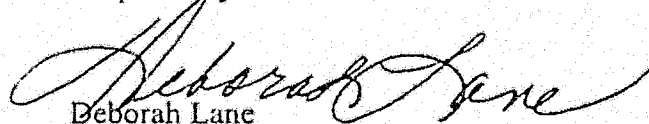
Re: Motion for Admission *Pro Hac Vice* -- Complaint Docket No. C-20042802 / Preston B. Pfeiffer et al

Dear Mr. McNulty:

Enclosed please find a Motion for Admission *Pro Hac Vice* of Glenn B. Manishin, Andrea P. Edmonds and Winifred R. Brantl in the above-captioned proceeding. Also enclosed are Notices of Appearance filed on behalf of Mr. Manishin, Ms. Edmonds and Ms. Brantl. As explained in the Motion and Notice, Mr. Manishin, Ms. Edmonds and Ms. Brantl represent T-NETIX, Inc. in state and federal regulatory matters and have been retained to handle the complaint filed in the above-referenced proceeding.

Also enclosed, please find two copies of this filing, a duplicate and a self-addressed, postage prepaid envelope. Please date-stamp the duplicate and return in the envelope provided. If you have any questions regarding this matter, please contact Winifred Brantl at (703) 918-2315.

Respectfully submitted,

  
Deborah Lane

Enclosure

100

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AUG 20 2004

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Preston B. Pfeifly et al )  
Complainant )  
vs. )  
T-NETIX, INC. )  
Respondent )

Complaint Docket No. C-20042802

**DOCKETED**  
SEP 22 2004

MOTION FOR ADMISSION *PRO HAC VICE* OF  
GLENN B. MANISHIN, ANDREA P. EDMONDS AND WINAFRED R. BRANTL

NOW COMES Enrico C. Soriano, a member in good standing of the Bar of the Supreme Court of Pennsylvania, on behalf of T-NETIX, Inc. ("T-NETIX"), and hereby respectfully moves for admission *pro hac vice* of T-NETIX's out-of-state counsel. In support thereof, the following is stated:

1. Rule 301 of the Pennsylvania Bar Admission Rules permits an attorney qualified to practice in the courts of another jurisdiction to be admitted to the Bar of this Commonwealth for purposes limited to a particular matter. See Pa. B.A.R. Rule 301.

2. Glenn B. Manishin, Andrea Pruitt Edmonds and Winafred R. Brantl, T-NETIX's's out-of-state attorneys, are qualified to practice in jurisdictions which accord reciprocal privileges to members of the Bar of this Commonwealth.

3. Mr. Manishin is a partner with the law firm of Kelley Drye & Warren LLP, 8000 Towers Crescent Drive, Suite 1200, Vienna, Virginia 22182. He is a member in good standing of the Bars of California, Virginia and the District of Columbia. Mr. Manishin has not been

DOCUMENT  
FOLDER

disbarred or suspended from the practice of law in the jurisdictions in which he is admitted, nor is he presently subject to pending disciplinary proceeding in any jurisdiction.

4. Ms. Edmonds is an associate with the law firm of Kelley Drye & Warren LLP, 8000 Towers Crescent Drive, Suite 1200, Vienna, Virginia 22182. She is a member in good standing of the Bars of the District of Columbia and the Commonwealth of Virginia. Ms. Edmonds has not been disbarred or suspended from the practice of law in any jurisdiction in which she is admitted, nor is she presently subject to pending disciplinary proceeding in any jurisdiction.

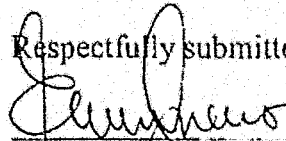
5. Ms. Brantl is an associate with the law firm of Kelley Drye & Warren LLP, 8000 Towers Crescent Drive, Suite 1200, Vienna, Virginia 22182. She is a member in good standing of the Bars of the State of Maryland and the Commonwealth of Virginia. Ms. Brantl has not been disbarred or suspended from the practice of law in any jurisdiction in which she is admitted, nor is she presently subject to pending disciplinary proceeding in any jurisdiction.

6. Mr. Manishin, Ms. Edmonds and Ms. Brantl are T-NETIX's counsel in various federal and state matters, and are familiar with T-NETIX's business and the instant proceeding. Consequently, Mr. Manishin, Ms. Edmonds and Ms. Brantl are best qualified to represent T-NETIX's interests in this proceeding.

7. Finally, Mr. Manishin, Ms. Edmonds and Ms. Brantl possess the requisite character and fitness to represent T-NETIX in the Commonwealth for the purpose of this proceeding. They have agreed to abide by all applicable statutes and regulations governing the practice of law in Pennsylvania.

WHEREFORE, the undersigned movant respectfully requests that the Commission grant *pro hac vice* admission to Glenn B. Manishin, Andrea Pruitt Edmonds and Winifred R. Brantl, pursuant to Rule 301 of the Pennsylvania Bar Admission Rules.

Respectfully submitted,



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Enrico C. Soriano\*  
Pennsylvania Bar No. 63933  
KELLEY DRYE & WARREN LLP  
1200 19<sup>th</sup> Street, N.W., Suite 500  
Washington, D.C. 20036  
(202) 955-9600  
(202) 955-9792 (facsimile)

Counsel for T-NETIX, Inc.

Dated: August 20, 2004

\*Also licensed to practice in New Jersey and the District of Columbia.

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing document to be sent this day  
by first class U.S. Mail (except as otherwise noted), postage prepaid, to the parties named below:

Preston B. Pfeifly (AK-7971)  
Huntingdon SCI  
1100 Pike Street  
Huntingdon, PA 16654-1112

Hon. Louis G. Cocheres  
Administrative Law Judge  
Office of Administrative Law Judge  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Dated this 26th day of August 2004 at  
Fairfax County, Virginia.



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Winifred R. Brantl, Associate  
KELLEY DRYE & WARREN LLP

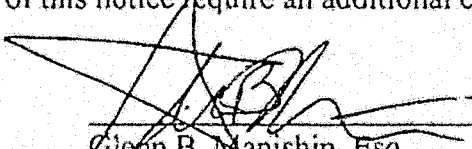
**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PRESTON B. PFEIFLY, et al	)	
Complainants	)	
	)	Complaint Docket No. C-20042802
vs.	)	
	)	
T-NETIX, INC.	)	
Respondent	)	
	)	

**NOTICE OF APPEARANCE**

Please enter my appearance in the above-designated matter on behalf of T-NETIX, Inc., a Delaware corporation, located at 1544 Valwood Parkway, Suite 102, Carrollton, Texas 75006. I am authorized to accept service on behalf of said participant in this matter.

- On the basis of this notice, I request a copy of each document hereafter reviewed by the Commission in this matter.
- I am already receiving or have access to a copy of each document issued by the Commission in this matter (alone, or in a consolidated proceeding) and do not on the basis of this notice require an additional copy.

  
\_\_\_\_\_  
Glenn B. Manishin, Esq.  
**KELLEY DRYE & WARREN LLP**  
8000 Towers Crescent Drive,  
Suite 1200  
Vienna, Virginia 22182  
(703) 918-2322


**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PRESTON B. PFEIFLY, et al	)	
Complainant	)	
	)	Complaint Docket No. C-20042802
vs.	)	
	)	
T-NETIX, INC	)	
Respondent	)	
	)	

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Andrea Pruitt Edmonds, Esq.  
**KELLEY DRYE & WARREN LLP**  
8000 Towers Crescent Drive,  
Suite 1200  
Vienna, Virginia 22182  
(703) 918-2380

RECEIVED

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

AUG 20 2004

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

PRESTON B. PFEIFLY, et al )  
Complainant )  
vs. )  
T-NETIX, INC. )  
Respondent )

Complaint Docket No. C-20042802

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Winifred Brantl  
Winifred R. Brantl, Esq.  
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