

COMMONWEALTH OF PENNSYLVANIA

PUBLIC UTILITY COMMISSION

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Preston Pfeifly, et al. v. T-Netix/ : Docket No.
Verizon Select Services, Inc., : C-20042802
 Service Dispute :
 :
Shayne Flood v. T-Netix/Verizon : Docket No.
Select Services, Inc., Service : C-20042852
 Dispute :
 :
Kevin L. Taylor v. T-Netix/Verizon : Docket No.
Select Services, Inc., Service : C-20042878
 Dispute :
 :
Felix L. Trevino v. T-Netix/Verizon : Docket No.
Select Services, Inc., Service : C-20042879
 Dispute :
 :
 (Further Telephonic Hearing) :
 ----- X

Pages 254 through 350

Hearing Room 3
Commonwealth Keystone Building
Harrisburg, Pennsylvania

Wednesday, October 26, 2005

Met, pursuant to notice, at 9:18 a.m.

BEFORE:

LOUIS G. COCHERES, Administrative Law Judge

APPEARANCES:

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

KEVIN L. TAYLOR, DQ-2227, pro se
SCI-Huntingdon
1100 Pike Street
Huntingdon, Pennsylvania 16654-1112
(Complainant)

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700 Lisburn Road
Camp Hill, Pennsylvania 17011

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55

1 APPEARANCES (continued):

2 BRUCE McCASLIN, AP-8941, pro se
3 SCI-Huntingdon
4 1100 Pike Street
5 Huntingdon, Pennsylvania 16654-1112
6 (Complainant)

7 ANDREA P. EDMONDS, Esquire
8 Kelley Drye & Warren LLP
9 1200 19th Street NW, Suite 500
10 Washington, DC 20036
11 (Counsel for T-Netix)

12 WILLIAM E. LEHMAN, Esquire
13 Hawke McKeon Sniscak & Kennard LLP
14 100 North Tenth Street
15 Post Office Box 1778
16 Harrisburg, Pennsylvania 17105
17 (Counsel for Verizon Select Services)

18 BRUCE KAZEE, Esquire
19 Verizon
20 600 Hidden Ridge
21 Irving, Texas 75038
22 (Counsel for Verizon)

23 ***
24
25

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None

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FORM 7

P R O C E E D I N G S

ADMINISTRATIVE LAW JUDGE LOUIS G. COCHERES:

1
2
3 Good morning, ladies and gentlemen. We're here today for
4 basically a total of four hearings, but we're only going to
5 have three because one gentleman has opted not to show. I
6 think that was Mr. Simon.

7 Is Mr. Taylor in the room?

8 MS. STREIGHTIFF: No. Judge, Mr. Taylor has
9 not come in yet. I'm going to step out and check to see
10 what his status is, and I'll get back to you.

11 JUDGE COCHERES: Okay, then. We'll be off
12 the record and wait for Mr. Taylor.

13 (Whereupon, a brief recess was
14 taken.)

15 JUDGE COCHERES: Good morning, ladies and
16 gentlemen. We are a little late getting started, but this
17 is what I believe to be the final hearing in the matter of
18 Preston Pfeifly and Shayne Flood and Kevin Taylor and Felix
19 Trevino versus T-Netix and Verizon Select Services,
20 Incorporated, at the following Commission docket numbers:
21 C-20042802, C-20042852, C-20042878, and C-20042879.

22 I currently have in the hearing room spread
23 throughout the country by telephone the following parties:
24 I have Ms. Edmonds in her Washington, DC office; I have her
25 clients, Ms. Carpenter and I don't remember who else is

1 going to be with Ms. Carpenter today, but they are in
2 Dallas, Texas, generally; I have Mr. Kazee representing
3 Verizon Select Services also in Dallas, Texas, with Mr.
4 Ries; and I have Mr. Lehman representing Verizon Select
5 Services in Altoona, Pennsylvania; and I have Mr. Williams
6 from Verizon Select Services, I believe, in California, and
7 that's a big state but we won't narrow it down for right now
8 where he really is because I don't know.

9 I have Mr. Pfeifly in Rockview State
10 Correctional Institute, and I have Mr. McCaslin in the
11 Huntingdon State Correctional Institute; and we're waiting
12 for Mr. Taylor to join Mr. McCaslin. However, we're already
13 late getting started and I think it would be appropriate for
14 us to begin with Mr. McCaslin.

15 Mr. McCaslin, I know you were one of the
16 inmates who signed the original Pfeifly complaint. That's
17 fine. I read back through the complaint; but, as a
18 Complainant, you are responsible for presenting your own
19 case. So I assume that you're going to be the witness
20 today; is that true?

21 MR. McCASLIN: Yes, sir.

22 JUDGE COCHERES: All right. I want you to
23 raise your right hand.

24 Whereupon,

25 BRUCE McCASLIN,

1 having been duly sworn, testified as follows:

2 JUDGE COCHERES: Tell me your name and
3 address so that we can identify you for the record.

4 THE WITNESS: Bruce McCaslin, Huntingdon
5 Prison.

6 DIRECT TESTIMONY

7 JUDGE COCHERES: All right. I know the
8 general nature of your complaint is about the phone system.
9 Tell me what problems you have experienced.

10 THE WITNESS: I've been cut off several
11 times. I've had a couple of phone blocks put on and just
12 the constant interruptions throughout the phone
13 conversation.

14 JUDGE COCHERES: All right. Let's talk about
15 disconnections for a moment. What do you mean by
16 disconnection?

17 THE WITNESS: In the middle of the phone
18 call, there'll be a recording comes on stating that special
19 calling features are not allowed, and then the phone just
20 goes dead.

21 JUDGE COCHERES: And tell me something, sir.
22 When you call, what locations are you calling? I don't need
23 to know the people's names, but I'm kind of interested in
24 knowing where they live.

25 THE WITNESS: All of them were in the

1 northern part of Pennsylvania.

2 JUDGE COCHERES: Okay. And do you have any
3 idea in what kind of timeframe or how often this occurs?

4 THE WITNESS: In the last four, five months
5 I've been cut off six or seven times talking to my parents
6 alone.

7 JUDGE COCHERES: Okay. Do you know when this
8 problem first started?

9 THE WITNESS: Somewheres in June.

10 JUDGE COCHERES: June of what year, sir?

11 THE WITNESS: Of 2005.

12 JUDGE COCHERES: Okay. But you joined on to
13 this complaint in 2004 complaining about this issue. When
14 did the problem of disconnections start, in 2004 or earlier?

15 THE WITNESS: I couldn't say for sure. It
16 was shortly after the first of the year.

17 JUDGE COCHERES: Again, is that after the
18 first of 2004?

19 THE WITNESS: 2004, yes, sir.

20 JUDGE COCHERES: Okay. And is there any
21 particular pattern that you're noticing? Are you calling
22 your parents and having that problem? Other family members
23 and having that problem?

24 THE WITNESS: So far it's been mostly my
25 parents.

1 JUDGE COCHERES: Okay. What do you know
2 about the telephone system that your parents have? Do they
3 use a cordless phone for example?

4 THE WITNESS: Yes, they do. They have both
5 cordless and one hooked up to a cord.

6 JUDGE COCHERES: Okay. To differentiate, one
7 is a hardline and one is a cordless; is that what you're
8 telling me?

9 THE WITNESS: Yes, sir.

10 JUDGE COCHERES: I don't suppose you call
11 anybody on a cell phone, do you?

12 THE WITNESS: Not that I know of. As far as
13 I know, it's either a cordless or a hardline.

14 JUDGE COCHERES: Okay. And is there anything
15 more about the disconnection problem before we go on to the
16 next issue that you raised?

17 THE WITNESS: No.

18 JUDGE COCHERES: All right. Let's talk about
19 interruptions. What kind of interruptions are you concerned
20 about?

21 THE WITNESS: Just at the beginning of the
22 phone call they tell everybody that we're in a prison and
23 all that about being recorded; and, then just throughout the
24 conversation, they come in and tell them all over again that
25 this phone call can be recorded and is monitored and all.

1 JUDGE COCHERES: And why is that a concern to
2 you?

3 THE WITNESS: I figure they already know I'm
4 in prison. I don't see where they would need to be
5 constantly reminded.

6 JUDGE COCHERES: How many times are you
7 interrupted like that?

8 THE WITNESS: Four times.

9 JUDGE COCHERES: Do you count as one of the
10 four times the announcement at the beginning of the call?

11 THE WITNESS: No, sir.

12 JUDGE COCHERES: Okay. And are all of your
13 calls collect calls?

14 THE WITNESS: Yes, they are.

15 JUDGE COCHERES: Okay. What did you mean by
16 blockages?

17 THE WITNESS: I've had a phone block on my
18 parents' phone call and my sister-in-law's phone, and I'm
19 not sure what they were for. But I tried to make a call and
20 the recording would come on saying this call has a long
21 distance block on it and then that was it.

22 JUDGE COCHERES: How often do you call those
23 numbers?

24 THE WITNESS: My parents I usually call once
25 a week, my sister-in-law every couple of months.

1 JUDGE COCHERES: Okay. Were there any other
2 issues that you wanted to tell me about regarding your phone
3 service?

4 THE WITNESS: Just the cost of what it costs
5 to make a collect call to them compared to what it would
6 normally be if I was on the street.

7 JUDGE COCHERES: Do you think that's an
8 appropriate comparison?

9 THE WITNESS: I don't see why not. I don't
10 think I should be paying more or having them pay more for a
11 collect call from me than it would be from anybody else out
12 there who's in the same distance.

13 JUDGE COCHERES: Well, I've heard this
14 complaint before. I can't tell you that I've been real good
15 about ruling in the prisoner's favor on this. Do you know
16 how much a collect call costs?

17 THE WITNESS: Calling my parents costs \$5 and
18 calling my sister-in-law or sister is, I think, just a
19 little over \$8.

20 JUDGE COCHERES: And for how many minutes on
21 the phone is that?

22 THE WITNESS: Fifteen.

23 JUDGE COCHERES: What town do your parents
24 live in?

25 THE WITNESS: They live in Westfield, PA.

1 JUDGE COCHERES: And how far away from
2 Huntingdon is that?

3 THE WITNESS: Just about 160 miles.

4 JUDGE COCHERES: The reason I'm asking is, \$5
5 doesn't sound like enough money to call your parents.
6 You're getting a deal there. Everybody else pays more.

7 THE WITNESS: Well, for them it is, yes; but
8 my sister-in-law and brother or sister is a little bit more.

9 JUDGE COCHERES: Yes, I can understand where
10 it would be. Where are they located?

11 THE WITNESS: They're located in the same
12 general area. My sister-in-law lives in the same house as
13 my parents, and my sister lives in a little town called
14 Little Marsh.

15 JUDGE COCHERES: You really do have me
16 puzzled when you tell me that they all live pretty close to
17 each other.

18 THE WITNESS: They're all within 15, 20 miles
19 of each other.

20 JUDGE COCHERES: Okay. Do you have any other
21 problems with your phone service that you want to tell me
22 about?

23 THE WITNESS: Nothing that I can think of.

24 JUDGE COCHERES: All right. At this point
25 I'm going to allow cross-examination of you to occur by the

1 company attorneys, and we'll start with Ms. Edmonds.

2 MS. EDMONDS: All right.

3 CROSS-EXAMINATION

4 BY MS. EDMONDS:

5 Q. Hi, Mr. McCaslin.

6 A. Pardon me.

7 Q. Hi. I just have one question for you. In your
8 testimony you allege that there was a certain number of
9 calls that were blocked when you placed the call; is that
10 correct?

11 A. Yes, ma'am.

12 Q. Can you specify the dates where you experienced
13 numbers dialed to blocked, I guess -- or calls to blocked
14 numbers?

15 A. I don't know the dates.

16 Q. Can you give me an estimate of a date?

17 A. Somewheres back in early to mid 2004.

18 MS. EDMONDS: Okay. Thank you. No further
19 questions.

20 JUDGE COCHERES: Mr. Lehman.

21 MR. LEHMAN: Just one, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. LEHMAN:

24 Q. Mr. McCaslin, so there are no current blocks on your
25 line; is that correct?

1 A. No, not now.

2 MR. LEHMAN: Thank you. That's all I have.

3 JUDGE COCHERES: All right.

4 Now, Mr. McCaslin, this is kind of like your
5 last bite at the apple for right now. Is there anything
6 else you want to tell me that perhaps discussing the issues
7 with either Ms. Edmonds or Mr. Lehman generated more
8 information that you haven't already told me about?

9 THE WITNESS: No, sir.

10 JUDGE COCHERES: Okay.

11 (Witness excused.)

12 JUDGE COCHERES: Let's go off the record,
13 then.

14 (Whereupon, a brief recess was
15 taken.)

16 JUDGE COCHERES: I'm pleased to say that Mr.
17 Taylor has been able to join us.

18 Mr. Taylor, I'm Judge Cocheres. This is your
19 opportunity to have the hearing for the complaint that you
20 submitted, and I'm going to assume that you're going to be
21 the witness for your side of the case, sir.

22 MR. TAYLOR: Yes, sir.

23 JUDGE COCHERES: All right. I want you to
24 raise your right hand.

25 Whereupon,

1 KEVIN TAYLOR,
2 having been duly sworn, testified as follows:

3 JUDGE COCHERES: Let's identify you for the
4 record. Tell me your name and your address, please.

5 THE WITNESS: Kevin Taylor. Inmate number is
6 DQ-2227, 1100 Pike Street, Huntingdon, PA 16654.

7 DIRECT TESTIMONY

8 JUDGE COCHERES: Thank you. Now, I want you
9 to know that I did look over the complaints yesterday, and I
10 do know what yours talked about. I know it's about
11 telephone problems, but we're here to create a record. I
12 want you to tell me about the problems that you have
13 experienced.

14 THE WITNESS: Okay. On numerous occasions,
15 about three or four occasions that I can recall, using the
16 inmate telephone system here I was either disconnected or
17 there's several interruptions. And, when I filed the
18 complaint to the phone people here, my answer back was
19 saying that my people were either using call waiting service
20 or another problem, which none of the parties were using at
21 that time. My phone was just -- my phone call was abruptly
22 just disconnected; and that's what they were saying, that
23 special features weren't allowed.

24 And, like I'm saying, my people were never
25 using them calls. When I wrote the people here, that's what

1 they told me, that they were using these special features.

2 JUDGE COCHERES: Okay. Let's talk about it a
3 little more specifically here. First of all, where are the
4 people located that you're calling? Where in Pennsylvania?

5 THE WITNESS: My father's number, he's
6 located in New Tripoli; and twice I got disconnected with
7 him. And, like, three times I called a girlfriend of mine
8 on her cell phone using the inmate precall [sic] stuff that
9 they sell here now so we pay for the call ahead of time.

10 JUDGE COCHERES: Those are prepaid minutes,
11 are they?

12 THE WITNESS: Yes, sir.

13 JUDGE COCHERES: All right. What happened
14 there?

15 THE WITNESS: I was talking to her, and she
16 was on her cell phone, the number I called; and, again, it
17 was just abruptly disconnected saying that she was using the
18 call waiting feature, which she wasn't. And she's located
19 -- she lives in -- her address is a Bethlehem address,
20 Bethlehem, Pennsylvania address.

21 JUDGE COCHERES: Okay. Let's talk about your
22 lady friend for just a minute here. You know, I've got a
23 cell phone in my pocket right now and I can tell you that
24 it's not real reliable; do you agree with that?

25 THE WITNESS: I never owned a cell phone

1 myself, so I can't. I mean, numerous times I called her on
2 this and nothing ever happened; and, all of a sudden, it
3 just started happening. As a matter of fact, the one time I
4 believe it was twice in one -- I called her, it hung up. I
5 called her back and it hung up again. After, like, three
6 minutes of talking, it just stopped and said no special
7 features allowed during these conversations.

8 JUDGE COCHERES: All right. Well, I'm going
9 to be real candid with you here. There is nothing I can do
10 on the subject of cell phones. If the person you're calling
11 is going to use a cell phone, you're going to have this kind
12 of problem.

13 Let me just give you a personal example. We
14 have family who lives in Boston on my wife's side. We were
15 driving up to see them. We're in the car. My wife's
16 talking on business phone calls on her cell phone. Every
17 time we went under a bridge on the interstate, she got cut
18 off.

19 THE WITNESS: Mm-hmm.

20 JUDGE COCHERES: They're not very reliable
21 phones, sir. I appreciate that you may never have had one,
22 but I have already written several decisions that simply say
23 that, if the party you're calling is using a cell phone, you
24 just cannot count on that phone staying connected. And I
25 know enough about the software and the electronics equipment

1 to know that, on the prison side, it will interpret a cell
2 phone switching towers or switching signals or going under a
3 bridge and cut you off. So, if you're going to talk to that
4 young lady, you've got to call her on a hardline phone.

5 THE WITNESS: Well, she was in her house.

6 JUDGE COCHERES: Okay. What do you know
7 about your father's phone?

8 THE WITNESS: As far as what?

9 JUDGE COCHERES: Well, does he use a cordless
10 phone to talk to you?

11 THE WITNESS: Not that I believe. It's just
12 a regular phone. It's not no -- I don't believe it's a
13 cordless.

14 JUDGE COCHERES: Good. And are those the
15 only problems you've had with the phone system is being cut
16 off?

17 THE WITNESS: Besides there's the constant
18 interruptions of service coming on talking about, you know
19 -- let me think what it says again because it still does it
20 now. It does it to everybody.

21 JUDGE COCHERES: Let me help you here. By
22 chance does it say that this call is from a prison and
23 subject to recording and monitoring?

24 THE WITNESS: Yes, sir.

25 JUDGE COCHERES: Okay. Not like I've never

1 heard this story before, okay?

2 THE WITNESS: Yes. It does it approximately
3 about four or five times during a phone call most of the
4 times when I call.

5 JUDGE COCHERES: When you say four or five
6 times, do you mean that, when you first place the call, you
7 hear kind of a longer message; is that one of them?

8 THE WITNESS: After that. After that long
9 message, after my people accept the call, then as I'm
10 talking most of the times I can count four times. Every now
11 and then it might go to five. It will come on as we're
12 talking again. It will interrupt us saying that this call
13 is subject to monitoring and recording.

14 JUDGE COCHERES: And, also, does that
15 completely preempt your conversation?

16 THE WITNESS: Yes, it does. I can't hear
17 them and they can't hear me.

18 JUDGE COCHERES: All right. And does it also
19 give you a little reminder when you've got one minute left
20 in your phone call?

21 THE WITNESS: Yes, one minute and then at 15
22 seconds.

23 JUDGE COCHERES: Does that completely preempt
24 your phone conversation, too?

25 THE WITNESS: Yes, it does.

1 JUDGE COCHERES: You can't talk through those
2 two announcements?

3 THE WITNESS: No.

4 JUDGE COCHERES: Okay. Do you have any idea
5 when this problem with the disconnections started up?

6 THE WITNESS: Let me think back. It was,
7 like, basically right when they started selling -- they
8 switched over to this new phone system and started selling
9 these prepaid minutes. That's when I started having the
10 problems. To me that was, like, 2003, end of 2002,
11 beginning of 2003, I think it was.

12 JUDGE COCHERES: You're right. Tell me about
13 the prepaid minutes. Do you buy and pay for all of your
14 phone calls?

15 THE WITNESS: Most of the times, yes. I
16 mean, I can't now. I don't use it to call. I used to call
17 pretty much but now I'm unable to. I lost my job here so I
18 can't buy the minutes. But before, yes, I used to buy all
19 my minutes and call my family like that.

20 JUDGE COCHERES: How often do you call your
21 family?

22 THE WITNESS: Now, once a month or once every
23 month I call now.

24 JUDGE COCHERES: Do you call them on your
25 dime, or do they take a collect call?

1 THE WITNESS: Right now they take a collect
2 call from me.

3 JUDGE COCHERES: Okay. And let me think
4 here.

5 THE WITNESS: And now that I'm calling
6 collect, I'm having problems sometimes reaching my people.
7 It's saying that these numbers are unavailable to take
8 collect calls, and I have to send in paperwork and get these
9 phone numbers; and the phone numbers that the jail provided
10 me when I finally did get a hold of my people when I got
11 enough money in call and to buy a precall [sic], they're
12 saying that these numbers ain't working that the company's
13 giving them numbers and they've got to run around through
14 the company getting these different numbers to get this
15 taken care of.

16 Now that they finally reached a point where
17 they have to do -- I think it's Verizon, whoever -- they
18 have to purchase calling minutes through them or like, I
19 think, it's \$50, \$100 and \$500, I believe it was they said.
20 They've got to purchase this through them, like, a billing
21 service in order for me to call them. In other words,
22 they're saying if they run over that amount that they
23 purchased, I'm not allowed to call until they pay that bill.

24 JUDGE COCHERES: Okay.

25 MS. CARPENTER: Your Honor, I'm sorry for

1 interrupting. This is Ms. Carpenter, and we are having a
2 very hard time hearing Mr. Taylor.

3 JUDGE COCHERES: Mr. Taylor, the technology
4 today is not all that perfect. If you're using the
5 Speakerphone, sit closer to it and pull it close to you.

6 THE WITNESS: Okay. I'm trying to bend over
7 to it.

8 Is that fine, ma'am?

9 MS. CARPENTER: That is better. Thank you.

10 JUDGE COCHERES: Thank you, Ms. Carpenter.

11 MS. CARPENTER: You're welcome.

12 JUDGE COCHERES: Just so, Mr. Taylor, you
13 don't think you're the only one, she yelled at me earlier.

14 Mr. Taylor, do you know how often you were
15 calling your family before you lost your job in the prison?

16 THE WITNESS: Usually about every other week.
17 Every other week I'd call my family or my friends, you know,
18 using the prepaid numbers sometimes. Sometimes I'd call
19 them collect, you know. It varies, you know. If I was able
20 to afford it that week, then I went to the store to buy the
21 prepaid minutes. I bought them and I used them. If I
22 wasn't able to afford them, I just called them collect.

23 JUDGE COCHERES: How many preapproved numbers
24 are on your list?

25 THE WITNESS: I have approximately about 12,

1 13, I think.

2 JUDGE COCHERES: Are they all in
3 Pennsylvania?

4 THE WITNESS: No. I have two out of state.

5 JUDGE COCHERES: Okay.

6 THE WITNESS: One in Atlanta, Georgia, and
7 one in California.

8 JUDGE COCHERES: Okay. Is there anything
9 else you want to tell me about your telephone problems
10 before I let the attorneys for the companies talk to you?

11 THE WITNESS: No. I think that would be
12 about it for now that I can remember.

13 JUDGE COCHERES: Ms. Edmonds.

14 THE WITNESS: Excuse me.

15 JUDGE COCHERES: All right.

16 THE WITNESS: One other thing I wanted to
17 comment real quick about was when you said about the cell
18 phone, when I called my girlfriend, she was always in one
19 place. She wasn't in a car moving around or nothing. She
20 was in one place. She was either at her home residence, or
21 she was at her job. It's not like she was in a car driving
22 around.

23 JUDGE COCHERES: It doesn't make a big
24 difference, sir, but I appreciate the clarification.

25 THE WITNESS: Okay.

1 JUDGE COCHERES: All right.

2 Ms. Edmonds, do you have any questions for
3 this witness?

4 MS. EDMONDS: I do.

5 CROSS-EXAMINATION

6 BY MS. EDMONDS:

7 Q. Mr. Taylor, good morning. Can you provide the dates
8 that the calls you allege were disconnected? Can you
9 provide the dates those calls took place?

10 A. I don't have that paper with me. When I went to the
11 hole, a lot of my stuff got thrown away. So a lot of the
12 papers that were sent to me and my phone records that I kept
13 I couldn't find them when I came out of the hole, which was
14 just back in June.

15 Q. Okay. Do you have a general idea as to the dates
16 this occurred?

17 A. I believe the last one occurred with my father was, I
18 believe, like around September, October of last year.

19 Q. 2004?

20 A. Yes, ma'am.

21 Q. Okay. Were all the disconnects you talk about or you
22 raise preceded by a message stating that there had been a
23 violation of the custom calling restrictions?

24 A. Yes, ma'am, and that's what I also wrote to the
25 prison here to find out why when my people weren't using --

1 most of the times when I wrote them, they sent back a paper
2 saying that whoever I was talking to was using a call
3 waiting feature. They specified to me that they were using
4 a call waiting feature, and neither party was using a call
5 waiting feature. That's what the prison wrote me back on
6 the complaint sheet that we fill out here.

7 Q. And, when you say neither party was using a call
8 waiting feature, what do you mean by that? Do you mean they
9 --

10 A. Both times when they disconnected me with my
11 girlfriend that I called and my father.

12 Q. Okay. Does your girlfriend and father have a call
13 waiting feature on their phone?

14 A. Well, I know my father does, I believe, but he does
15 not use it; and my girlfriend on her cell phone, she does
16 not. I don't believe on her cell phone she has a call
17 waiting feature.

18 Q. Okay. But you haven't -- have you seen an invoice
19 from your girlfriend's cell phone?

20 A. No, ma'am, I did not.

21 Q. Okay. This is concerning blocked calls. Do you have
22 the dates on which you called a number that was blocked?

23 A. No. The last few dates I can -- I'm not going to
24 give you exact dates, but the last -- let's see, this is
25 October. I just came out of the hole in June, and I had a

1 problem -- June, July. July I came out of the hole, and I
2 had a problem calling my father's number.

3 Q. When you say June or July, you mean June or July of
4 2005?

5 A. Yes, ma'am.

6 Q. Okay.

7 A. I had a problem calling my father's number then; and,
8 back in March, I had a problem calling my one friend's
9 number. It's Mr. Mushler is his name. I had a problem
10 calling his number, too. And those are both taken care of
11 now. You know, after I had to give them this number that
12 they gave me here at the prison, they went and called the
13 company and found out they had to pay this bill.

14 Both times they had said that -- with my
15 father, they said that he didn't pay his bill, which he
16 never received. And then, with the other number, they said
17 the same thing that they didn't pay the bill; and she
18 provided the check showing that she did pay the bill.

19 MS. EDMONDS: Okay. All right. I have no
20 further questions.

21 JUDGE COCHERES: Mr. Lehman.

22 MR. LEHMAN: Yes, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. LEHMAN:

25 Q. Mr. Taylor, when you called your girlfriend on the

1 cellular phone, did you call her collect?

2 A. No, sir, prepaid calling card. That's the only way
3 we can call the cell phones.

4 Q. Okay. Thank you. You just testified that your
5 father, you believe, does have calling features on his
6 phone, however your girlfriend does not but, either way,
7 that they weren't using them. How do you know that they
8 weren't using them?

9 A. Well, because we were just basically -- both times we
10 were talking and they just blank cut off and the recording
11 came on saying that special calling features cannot be used
12 during this time.

13 Q. But you're not for sure whether they're using them or
14 not, you're just saying you just -- you're assuming they
15 didn't use a calling feature?

16 A. Well, if they would have used a calling feature, they
17 would have asked me to hold on saying the other line was
18 going off; and I would have told them that they couldn't
19 answer it, but we were just in the middle of a conversation.
20 It just plain cut off.

21 MR. LEHMAN: All right. I have no further
22 questions, Your Honor.

23 JUDGE COCHERES: Fine.

24 Okay, Mr. Taylor, this is kind of your last
25 bite at the apple here. Do you have anything else you

1 haven't already told me about?

2 THE WITNESS: Not off the top of my mind
3 right now, sir.

4 (Witness excused.)

5 JUDGE COCHERES: Okay. Now, I want both you
6 and Mr. McCaslin to pay attention because the company
7 witnesses are going to start off; and, at the end of each
8 witness's testimony, you will have the opportunity to ask
9 questions.

10 Ms. Edmonds, Mr. Lehman, have you had any
11 agreement about whose witnesses are going first here?

12 MR. LEHMAN: The way we did it before was, I
13 went first so I believe I'll do it the same.

14 JUDGE COCHERES: That will be fine, Mr.
15 Lehman.

16 MR. LEHMAN: Yes, Your Honor. I'd like to
17 call Denise Breslin.

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

20 Whereupon,

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

23 JUDGE COCHERES: Counselor.

24 DIRECT EXAMINATION

25 BY MR. LEHMAN:

1 Q. Would you please state your name and business address
2 for the record, please.

3 A. Yes. Denise Breslin, that's B-R-E-S-L-I-N, Verizon,
4 1119 16th Street, Third Floor, Altoona, Pennsylvania 16601.

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

6 A. Verizon Pennsylvania, Incorporated. I am the
7 Corrections Product Line Manager.

8 Q. Would you please briefly describe the nature and
9 scope of your job responsibilities?

10 A. Sure. As the Manager of the Corrections Product Line
11 Management Team, my team's responsible for the product
12 management, vendor relations, marketing, our financial
13 results and planning, as well as requests for proposals.

14 Q. Are you authorized to testify on behalf Verizon in
15 this proceeding?

16 A. Yes, I am.

17 Q. Have you reviewed the complaint filed in this matter?

18 A. Yes, I have.

19 Q. And were you present during the testimony given by
20 the Complainants in this matter?

21 A. Yes.

22 Q. Could you please briefly describe the arrangement for
23 the provision of inmate telephone services to the Department
24 of Corrections?

25 A. Verizon Pennsylvania provides the inmate telephone

1 services, which includes local and intraLATA telephone
2 services to the Pennsylvania Department of Corrections.
3 Now, these are subject to the rules and regulations of the
4 Department of Corrections as well as the laws of
5 Pennsylvania.

6 Verizon Pennsylvania's affiliate, Verizon
7 Select Services, Incorporated, otherwise known as VSSI,
8 provides the interLATA telephone service in all traffic at
9 the Department of Corrections' facilities that are not
10 within Verizon's territory. We also have another
11 subcontractor, Securus or T-Netix, which provides the inmate
12 call control system and software. We also subcontract to
13 Shawntech, which provides the site administrators at the DOC
14 facilities.

15 Q. Now, could you please briefly describe the general
16 operation of the inmate call system and some of the
17 requirements that are placed on Verizon by the Department of
18 Corrections.

19 A. Sure. Inmates in the state correctional facilities
20 in Pennsylvania have been given the privilege of making
21 phone calls which are subject to certain restrictions placed
22 on them by state law and Department of Corrections
23 requirements. Generally speaking, depending on their
24 security status, they're allowed to make up to 15 minutes of
25 phone calls a day.

1 They use phones at the facility that are only
2 allowed to make either collect or prepaid calls. If it's a
3 prepaid call, the inmate deposits money through a commissary
4 transaction at the facility into their phone account. They
5 also have to register numbers which they like to call, and
6 they have to be approved by the Department of Corrections.
7 Once they are approved, then they can call only those calls
8 and numbers that are on their approved lists.

9 All calls actually have an announcement which
10 plays to the called party when the call is being made that
11 it's being made from a correctional facility and that it's
12 subject to monitoring and recording. Once a call is
13 accepted by the called party, a similar message -- a smaller
14 message, actually -- replays every few minutes. It's state
15 law and it's the Department of Corrections' contractual
16 requirement for these overlay messages.

17 The Department of Corrections also has
18 determined that, for safety reasons, if at any time during
19 these calls that the call control system detects a tone or
20 noise that it believes to be a three-way call attempt, the
21 call would be terminated.

22 Q. Could you please -- we'll talk about the three-way
23 call disconnects now. Does the contract with the DOC
24 require that the system detect and terminate calls for
25 three-way call attempts?

1 A. Yes, it does. The Department of Corrections requires
2 this for security purposes. The call control system must be
3 able to prevent three-way call attempts. This requirement
4 is to basically prevent inmates from contacting people that
5 they do not have on their approved call list. For example,
6 possibly they want to prevent witness victim intimidation,
7 criminal activity, and threats to lawyers and judges.

8 Q. Can the three-way call attempt be initiated by the
9 called party or the inmate?

10 A. The called party would be the one initiating a
11 three-way call attempt.

12 Q. Is three-way calling a feature offered by Verizon?

13 A. Yes, it is. It's offered either by subscribing it
14 monthly or the called party can actually initiate it on a
15 individual-use basis.

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

19 A. Yes. They would first press and release the switch
20 hook to put the first caller on hold, then dial the third
21 number.

22 Q. Now, pressing and releasing the switch hook,
23 currently, though, with modern technology, are there other
24 ways? Would they be able to press the pound key for example
25 or another key to initiate that?

1 A. Yes. On a more push-button modern phone, the pound
2 button would be the same as the switch hook on an old rotary
3 phone.

4 Q. Okay. So, even if the called party does not
5 subscribe to the three-way calling feature, they can still
6 initiate a three-way call attempt while they are talking to
7 an inmate; is that correct?

8 A. That is correct, yes.

9 Q. Are the sensitivity of this system adjustable?

10 A. Yes, it is. The Department of Corrections may
11 require the system to be calibrated to be more or less
12 sensitive within a range within its own discretion.

13 Q. Now, talking specifically to the individual inmates
14 that have testified today, did you review the call records
15 for Bruce McCaslin?

16 A. Yes, I have. I have reviewed his calling records
17 from September, 2003, to the present time.

18 Q. What do these records indicate about the calls he has
19 had disconnected for prohibited three-way call attempts?

20 A. Mr. McCaslin has had 122 intrastate calls connected.
21 Of this 122, eight of them have been disconnected for a
22 prohibited three-way call attempt.

23 Q. Are there any similarities in the numbers he dialed
24 that were terminated for three-way call attempts?

25 A. Yes. Actually, all eight of the three-way call

1 disconnects were to the same number.

2 Q. Is there anything in Verizon's records to suggest
3 that these calls were terminated in error?

4 A. No.

5 Q. In your opinion, what is the reliability of the
6 three-way call detection system?

7 A. Security and public safety are the main concerns in
8 the performance of the call control system. No system is
9 perfect. However, as evidenced by long-standing and
10 wide-spread use of the T-Netix system nationally by Verizon
11 and its competitors and the reliance thereupon by prisons at
12 local, state, and federal levels, the lack of complaints by
13 prison authorities, victims, witnesses, judges, and
14 attorneys of unauthorized inmate calls made nationally by
15 relatively lack of similar complaints by inmates and their
16 called parties, it balances against the critical
17 requirements of the system detect and prevent likely
18 three-way call attempts, which it does quite well.

19 And it indicates to me, in my opinion, that
20 the system is working as it should.

21 Q. I'm sorry. Let's discuss Mr. Taylor. Have you
22 reviewed the call records for Mr. Taylor?

23 A. Yes, I have.

24 Q. And what do the records indicate about the calls he
25 has had disconnected for prohibited three-way call attempts?

1 A. Looking at his call records from September, 2003, to
2 the present, Mr. Taylor had 207 intrastate calls connected.
3 Five of them were disconnected for prohibited three-way call
4 attempts.

5 Q. And are there any similarities in the numbers he
6 dialed that were terminated for three-way call attempts?

7 A. Yes. Four of the five three-way call attempts were
8 to the same telephone number.

9 Q. Is there anything in Verizon's records to suggest
10 that these calls were terminated in error?

11 A. No.

12 Q. All right. Let's move to the call overlays now or
13 the interruptions as the inmates call them.

14 A. Uh-huh.

15 Q. Please explain what these overlays are and why they
16 are there.

17 A. Sure. The overlays are taped messages that appear at
18 the beginning of the call and repeat during the call. They
19 appear between the second and third minute and then every
20 five to six minutes thereafter. A message is basically five
21 seconds long. So, during a 15-minute call, there would be
22 approximately 15 seconds would be used for these overlays.
23 It's state law and the Department of Corrections' contract
24 that requires these messages to be played. It's to inform
25 the called party that the call is originating from a

1 correctional facility and that it's subject to monitoring
2 and recording.

3 Q. Now, are the inmates charged for the initial message
4 at the beginning of the call?

5 A. No. The billing does not start until the called
6 party accepts the call.

7 Q. And are the inmates charged while the remaining
8 messages are played?

9 A. Yes. Verizon is carrying the call and incurring the
10 expense to process the call, which includes the time that
11 these messages are being played. The messages, again, are a
12 requirement of the Department of Corrections, plus these
13 messages are only about five seconds long. So, again, it
14 would be a total of 15 seconds for a 15-minute call.

15 Q. Could Verizon remove these messages even if it wanted
16 to?

17 A. No. Like I said earlier, these overlays are
18 requirements of state law and of the DOC contract. They
19 cannot be removed. In fact, in 2004 Verizon made an inquiry
20 to the DOC regarding their policy regarding the overlays,
21 and they responded back to us in December of 2004 that under
22 no circumstances would the Department of Corrections change
23 their policy regarding the playing of these overlays.

24 MR. LEHMAN: Your Honor, I have no further
25 questions for Ms. Breslin at this time.

1 JUDGE COCHERES: I have a couple questions
2 before I allow the inmates to ask questions. One is going
3 to be especially easy. Would you be kind enough to spell
4 Shawntech for me?

5 THE WITNESS: Certainly. That's
6 S-H-A-W-N-T-E-C-H.

7 JUDGE COCHERES: Is that all one word?

8 THE WITNESS: Yes.

9 JUDGE COCHERES: Thank you. All right. Now,
10 you talked about overlays interrupting the phone calls; do
11 you remember that?

12 THE WITNESS: Yes, Your Honor.

13 JUDGE COCHERES: And let's talk about the
14 last two messages that the inmates receive.

15 THE WITNESS: Sure.

16 JUDGE COCHERES: And, frankly, I have to tell
17 you that I've been getting conflicting evidence in the wide
18 number of hearings I've had with the inmates. To the best
19 of your knowledge, Ms. Breslin, does the one minute to go
20 and the 15 seconds left, do those two messages preempt the
21 conversation or do they play in the background?

22 THE WITNESS: It's my understanding, Judge,
23 that it would preempt their discussion.

24 JUDGE COCHERES: Was there a time when your
25 company simply had them as a background message?

1 THE WITNESS: To my knowledge, no; but,
2 actually, as a witness coming up, Securus probably can be a
3 -- better at answering that because it is their system.

4 JUDGE COCHERES: Thank you.

5 THE WITNESS: Sure.

6 JUDGE COCHERES: All right. Let's start with
7 Mr. McCaslin. Do you have any questions for Ms. Breslin?

8 MR. McCASLIN: Just one.

9 CROSS-EXAMINATION

10 BY MR. McCASLIN:

11 Q. When you stated that they can adjust the sensitivity
12 of the system, whose responsibility is that?

13 A. Mr. McCaslin, that would be the Department of
14 Corrections. The equipment that we place out there is
15 Securus equipment. It comes with a standard factory mode.
16 It would be at the discretion of the facility where you are
17 located if they wish to change that, and it would be under
18 their direction that we would have Securus do that.

19 MR. McCASLIN: All right. Thank you.

20 THE WITNESS: Sure.

21 JUDGE COCHERES: And, Mr. Taylor, do you have
22 any questions for the witness?

23 MR. TAYLOR: Yes, I have one.

24 CROSS-EXAMINATION

25 BY MR. TAYLOR:

1 Q. How would you know if the termination was improper as
2 far as, you know, the system picking up whether these people
3 are actually using three-way calling or if it's just
4 background noise making that system pick that up, you know,
5 detect -- saying that it was when it wasn't?

6 A. Well, Mr. Taylor, each and every call records a
7 termination reason. And it's my opinion that, if the system
8 detected a three-way as it's designed to, it would
9 disconnect for that reason. I have no valid reason to
10 expect that that would be wrong. You will have the
11 capability to speak to the T-Netix witness which is coming
12 up, and he would be the appropriate person to explain their
13 system a bit better than I would.

14 MR. TAYLOR: Okay.

15 JUDGE COCHERES: Are there any more questions
16 from either Mr. Taylor or Mr. McCaslin?

17 MR. TAYLOR: No, sir.

18 MR. McCASLIN: No, sir.

19 JUDGE COCHERES: All right.

20 Mr. Lehman, do you have any redirect?

21 MR. LEHMAN: No, I do not, Your Honor.

22 JUDGE COCHERES: The witness is excused,
23 then.

24 (Witness excused.)

25 JUDGE COCHERES: Who is your next witness,

1 Mr. Lehman?

2 MR. LEHMAN: My next witness is John Ries.

3 JUDGE COCHERES: Mr. Ries, would you raise
4 your right hand?

5 Whereupon,

6 JOHN RIES,
7 having been duly sworn, testified as follows:

8 JUDGE COCHERES: Counselor.

9 MR. LEHMAN: Yes. Thank you, Your Honor.

10 DIRECT EXAMINATION

11 BY MR. LEHMAN:

12 Q. Could you please state your name and business address
13 for the record.

14 A. My name is John Ries. Ries is spelled R-I-E-S. My
15 business address is Verizon Select Services, 6665 North
16 MacArthur Boulevard, Irving, Texas 75039.

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

18 A. Verizon Select Services, Inc. My title is Business
19 Specialist, and I work specifically with the Inmate
20 Services.

21 Q. And could you please briefly describe the nature and
22 scope of your job responsibilities?

23 A. I manage the inmate program for Verizon Select
24 Services. Some of my responsibilities include ensuring the
25 traffic from the correctional facility traverses the VSSI

1 network, working with vendors to ensure billing data is
2 processed appropriately, financial review of revenue and
3 costs for inmate services, ensuring that VSSI has the proper
4 tariffs in place, and resolving any billing or network
5 disputes with either the end-user or the network carrier.

6 Q. Are you authorized to testify on behalf of VSSI in
7 this proceeding?

8 A. Yes.

9 Q. Have you reviewed the complaints filed in the
10 above-captioned matters?

11 A. Yes.

12 Q. And were you present during the testimony of the
13 Complainants today?

14 A. Yes.

15 Q. The Complainants allege that they're being charged
16 too much for their calls. Could you please describe the
17 calls that VSSI carries from the correctional facilities.

18 A. VSSI carries local, intraLATA, interLATA, and
19 interstate traffic for the Pennsylvania Department of
20 Corrections locations.

21 Q. Have these rates been approved by the Commission?

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

24 Q. And what are the rates for these calls?

25 A. Local and intraLATA rates vary based on the location

1 of the Pennsylvania DOC facility. The maximum amount for a
2 call would rate with a \$2 surcharge plus \$.20 per minute.
3 Therefore, a 15-minute call would be charged \$5. That would
4 be the same for either a collect call or a prepaid call.

5 All interLATA calls for Pennsylvania DOC
6 terminating in Pennsylvania would rate with a collect charge
7 of \$2.50 for a surcharge plus \$.27 per minute. Therefore, a
8 15-minute interLATA call would be charged \$6.55, and that's
9 for collect. For prepaid, the surcharge is \$2.25 with a
10 \$.22 rate per minute. Therefore a 15-minute interLATA
11 prepaid would cost \$5.55.

12 Interstate calls terminating outside
13 Pennsylvania for collect would rate with a \$3.50 surcharge
14 plus \$.55 per minute. A 15-minute interstate collect call
15 would be charged \$11.75. For prepaid, it would rate with a
16 \$3 surcharge plus \$.45 per minute. A 15-minute interstate
17 call would rate \$9.75.

18 Q. How do these rates compare with collect calls made by
19 the general public on a public payphone?

20 A. Public payphone rates are higher. For instance, an
21 interLATA call would rate with a \$3.99 surcharge plus \$.59
22 per minute. A 15-minute call would be charged \$12.84.

23 Q. What is VSSI's position with regard to the rates
24 charged for inmate calls?

25 A. The rates that inmates pay for collect and prepaid

1 calls are less than the rates paid by the general public for
2 calls from payphones. The rates have been approved and
3 determined to be reasonable by the Commission.

4 Q. At this time, let's talk about the blockage issues
5 that were raised by the inmates, Mr. McCaslin and Taylor.
6 Mr. McCaslin had alleged that his calls are sometimes
7 blocked. Would VSSI keep records of inmates' calls that are
8 blocked and the reasons for the blocks?

9 A. Yes.

10 Q. Do VSSI's records show that calls for Mr. McCaslin
11 were blocked?

12 A. With VSSI's records, I show out of 129 call attempts
13 only one call attempt that was blocked. That block appeared
14 to be a block from the LEC. Again that was just a one-time
15 incident, and calls have subsequently been allowed to that
16 number.

17 Q. Could you please briefly describe what you mean by
18 LEC?

19 A. A LEC block could be identified as an account -- as
20 an uncollectible number. VSSI would place a block on
21 collect calls for that receiving party's line.

22 Q. But a LEC, what is exactly a LEC? That's an acronym.
23 What does that stand for?

24 A. A LEC is a local exchange carrier.

25 Q. It would be the local carrier of the called party?

1 A. Correct.

2 Q. Okay. Thank you. What about Mr. Taylor. Do VSSI's
3 records show that calls for Mr. Taylor were blocked?

4 A. Yes. We show out of 251 call attempts four attempts
5 that were blocked. One number was blocked due to the fact
6 that the LEC did not have a billing arrangement with Verizon
7 Select Services. One was blocked because it was a cellular
8 number that was attempted to be dialed. One number was
9 blocked due to what appeared to be a block from the local
10 exchange carrier. Subsequently a direct bill has been set
11 up and so those calls are now allowed to go through. And
12 one call attempt was blocked because of a no LIDB response.

13 LIDB is a line information database, and each
14 LEC is responsible for keeping that line information
15 database up to date. And it appeared that on one attempt it
16 could not find that number in the line information database
17 so it was blocked. But, again, subsequently to that, calls
18 have been allowed to that number.

19 Q. Do your records -- do they indicate at all whether
20 there are any current blocks at all on either of these
21 lines?

22 A. No. Currently, looking since mid July, both Mr.
23 Taylor and Mr. McCaslin have been receiving calls; and I do
24 not see any blocking on those attempts.

25 Q. They have been placing calls, correct?

1 A. Yes, sir, they have been placing calls.

2 MR. LEHMAN: Your Honor, I have nothing
3 further at this time.

4 JUDGE COCHERES: Mr. Ries.

5 THE WITNESS: Yes.

6 JUDGE COCHERES: Tell me something. Did you
7 understand what Mr. McCaslin -- or perhaps Mr. Taylor it was
8 -- said about establishing an account with Verizon in 50 and
9 \$100 increments?

10 THE WITNESS: It was a little confusing
11 because if they are talking about their called parties
12 setting up a direct bill account, the direct bill process is
13 handled by T-Netix for VSSI. So that would probably be a
14 better question for Ms. Carpenter regarding any type of
15 accounts set up via direct bill.

16 JUDGE COCHERES: And what is your company's
17 policy about notifying the customer that a call block has
18 been placed on their account?

19 THE WITNESS: VSSI as an interexchange
20 carrier is not required to provide notification prior to
21 placing a block onto a customer's line when, again, the
22 reasons for a block become apparent to VSSI.

23 JUDGE COCHERES: Wait a minute. I lost you
24 at the very end there. Why don't you give me that answer
25 again?

1 THE WITNESS: The very end there was the fact
2 that, when VSSI sees a reason to place a block whether it's
3 because the system is showing that a called party is with a
4 noncarrier that does not have a billing arrangement with
5 VSSI or if the reason that the block attempt needs to be put
6 on is because of a block coming from the LEC itself or
7 through other nonpayment issues, then again as an
8 interexchange carrier VSSI is not required to provide
9 notification prior to placing a block onto the line.

10 JUDGE COCHERES: How did you come to that
11 conclusion?

12 THE WITNESS: That might be more of a legal
13 conclusion that I've come to just through discussions with
14 my attorneys.

15 JUDGE COCHERES: All right. I'm not going to
16 ask you to waive the attorney-client privilege. Fine. Mr.
17 Ries, do you remember the July hearing?

18 THE WITNESS: Yes, I do.

19 JUDGE COCHERES: Okay. And do you remember
20 that one of the Verizon people -- and I must confess I don't
21 remember if it was you or whether it was Ms. Breslin --
22 introduced VSSI Exhibit Number 1?

23 THE WITNESS: Yes.

24 JUDGE COCHERES: Now, was that you who
25 introduced that exhibit?

1 THE WITNESS: Yes, it was.

2 JUDGE COCHERES: Okay. Now, correct me if
3 I'm wrong, but have you been -- you and Ms. Breslin been
4 updating the data on that exhibit for me today?

5 THE WITNESS: Yes, that would be correct,
6 Your Honor.

7 JUDGE COCHERES: So when was the cutoff point
8 for the data that you gave me today?

9 MR. LEHMAN: Your Honor, I'm sorry. This is
10 Mr. Lehman. It was Denice Breslin who originally introduced
11 that exhibit in the first hearing, and the data has been
12 updated in our testimony regarding Mr. McCaslin and Mr.
13 Taylor regarding the number of connects and the number of
14 three-way call attempts for disconnection but that's it.
15 Those two people, it would be updated for those two.

16 JUDGE COCHERES: Yes. I was aware that, when
17 she was testifying and when Mr. Ries was testifying, that
18 there obviously was an update here. What confused me, Mr.
19 Lehman, was the bottom right-hand corner of the exhibit says
20 that the time period for the exhibit is August 1, '03,
21 through July 10, '05; and I thought Ms. Breslin started her
22 testimony by indicating that she started at a different
23 point other than August 1, '03. And, similarly, I thought
24 that Mr. Ries also provided a different start point, and I
25 didn't get from either one of them when the finish point

1 was.

2 So let me start with Mr. Ries. The material
3 that you provided, when was the stopping point?

4 THE WITNESS: The stopping point was, I
5 believe, July of 2005.

6 JUDGE COCHERES: Even in your testimony
7 today?

8 THE WITNESS: No. As of my testimony today,
9 I'm looking at data through current; but, previously when we
10 were on the record, the stopping point was, you know, in
11 July.

12 JUDGE COCHERES: Right. The exhibit says
13 July 10th, '05, but I wanted to know what you used today.
14 Are you telling me that was current as of yesterday?

15 THE WITNESS: It was current as of Friday of
16 last week.

17 JUDGE COCHERES: Fine. That's what I wanted
18 to know. Okay.

19 MS. Breslin, I know you're probably still in
20 the room there. Do you want to tell me when you stopped
21 collecting data?

22 MS. BRESLIN: Yes, Your Honor, October 18th,
23 2005.

24 JUDGE COCHERES: Thank you.

25 MS. BRESLIN: Sure.

1 JUDGE COCHERES: All right.

2 Mr. Ries, did you explain what the LIDB
3 database is for the record?

4 THE WITNESS: The LIDB database, line
5 information database is a database that's maintained by all
6 LECs. The database is basically a system database to where,
7 when a LEC has a number that is active, then it is put into
8 that database as pertaining to that LEC and that it is an
9 active number.

10 JUDGE COCHERES: And what purpose does it
11 serve when a phone call is made that that database is
12 consulted?

13 THE WITNESS: Well, the purpose is that the
14 system would look at that line information database to make
15 sure that the ten-digit number being dialed is a number
16 that, you know, would have a destination.

17 JUDGE COCHERES: And what does it also tell
18 you about billing?

19 THE WITNESS: It would tell you which carrier
20 that number is assigned to.

21 JUDGE COCHERES: And how would you use that
22 information to know whether the call should go through or
23 not?

24 THE WITNESS: Well, we would know based on
25 the carrier whether that carrier has a billing arrangement

1 with Verizon Select Services.

2 JUDGE COCHERES: And why is that important?

3 THE WITNESS: That is important because, if a
4 collect call came through to a destination that did not have
5 a billing arrangement with Verizon, then Verizon would have
6 no means to be able to place that call onto a bill from the
7 local exchange carrier to that customer and, therefore,
8 would not be able to receive compensation for the call.

9 JUDGE COCHERES: And electronically when your
10 system comes to that conclusion, what happens to the call?

11 THE WITNESS: The call is blocked by the
12 system or the call basically is not allowed to complete from
13 the system, and so no call attempt would be generated
14 through that number.

15 JUDGE COCHERES: And what would the inmate
16 learn about that?

17 THE WITNESS: The inmate would learn that
18 that call could not be completed to that number.

19 JUDGE COCHERES: Okay. Now, my questions
20 were in small increments, and we went through that very
21 slowly. Electronically how long does that take?

22 THE WITNESS: That would probably be a better
23 question to ask the T-Netix as they operate the inmate
24 control system.

25 JUDGE COCHERES: Fine. Thank you.

1 Mr. McCaslin, do you have any questions for
2 Mr. Ries?

3 CROSS-EXAMINATION

4 BY MR. McCASLIN:

5 Q. You stated earlier the collect calls from the
6 institution and from payphones out in the street, what would
7 be -- the calls from one household to the other be compared
8 to a long distance call from a phone booth to somewhere?

9 A. I do not know what the call is in Pennsylvania from,
10 you know, calling from one house to another. I do know for
11 a collect call what those charges are, and I stated that in
12 my response.

13 MR. McCASLIN: All right.

14 JUDGE COCHERES: Mr. Ries, tell me why you
15 used a public payphone collect call format for a comparison.

16 THE WITNESS: Because the inmate services is
17 making a collect call to the called party, and so I was
18 comparing that to public payphones making a collect call to
19 a called party.

20 JUDGE COCHERES: And what is the Federal
21 Communications Commission designation for inmate phone
22 systems?

23 THE WITNESS: I'm sorry, what?

24 JUDGE COCHERES: What is the Federal
25 Communications Commission's designation of an inmate

1 telephone system?

2 THE WITNESS: I'm not sure what that
3 classification is.

4 JUDGE COCHERES: Would I be correct in
5 assuming that it has been classified by the Federal
6 Communications Commission as a payphone?

7 THE WITNESS: I believe that's correct.

8 JUDGE COCHERES: And is that why you would
9 compare making an inmate telephone call to that of a public
10 payphone call?

11 THE WITNESS: Yes.

12 JUDGE COCHERES: Mr. McCaslin, do you have
13 any more questions for the witness?

14 MR. McCASLIN: No.

15 JUDGE COCHERES: Mr. Taylor?

16 CROSS-EXAMINATION

17 BY MR. TAYLOR:

18 Q. What about, like, prepaid calling cards? Where do
19 they get that rate from, too?

20 A. The rates that are tariffed for both collect calls
21 and prepaid calls are on file with the Commission.

22 JUDGE COCHERES: Let's help him out a little
23 bit more, Mr. Ries. Is there a discount for using the
24 prepaid calling system?

25 THE WITNESS: Yes, there is a discount on

1 interLATA and interstate calls when using the prepaid
2 calling system versus collect.

3 JUDGE COCHERES: What is the discount?

4 THE WITNESS: As I stated in my response, a
5 15-minute collect call at interLATA would be \$6.55, for a
6 prepaid call it is \$5.55. For interstate calling, a
7 15-minute collect call is \$11.75, for prepaid it's \$9.75.

8 JUDGE COCHERES: And is there a particular
9 percentage associated with the discount?

10 THE WITNESS: It is roughly, I believe,
11 around ten percent. Again, it's not a direct percentage.

12 JUDGE COCHERES: Okay.

13 Mr. Taylor, do you have any more questions?

14 MR. TAYLOR: No, sir.

15 JUDGE COCHERES: All right.

16 Mr. Lehman, do you have any redirect?

17 MR. LEHMAN: No, I don't, Your Honor.

18 JUDGE COCHERES: All right. The witness is
19 excused.

20 (Witness excused.)

21 JUDGE COCHERES: Do you have yet another
22 witness for me, Mr. Lehman?

23 MR. LEHMAN: No, I do not, Your Honor. I am
24 not going to call Mr. Williams to the stand.

25 JUDGE COCHERES: Okay. Let's move on to

1 T-Netix.

2 Ms. Edmonds.

3 MS. EDMONDS: Yes.

4 JUDGE COCHERES: Do you have a witness for me
5 today?

6 MS. EDMONDS: Yes, Your Honor. I would first
7 like to call Ms. Tammy Carpenter.

8 JUDGE COCHERES: Ms. Carpenter, please raise
9 your right hand.

10 Whereupon,

11 TAMMY CARPENTER,
12 having been duly sworn, testified as follows:

13 JUDGE COCHERES: Counselor.

14 DIRECT EXAMINATION

15 BY MS. EDMONDS:

16 Q. Name, title, and business address for the record.

17 A. Tammy Carpenter, Customer Service Manager. The
18 address is 14651 Dallas Parkway, Suite 600, that's Dallas,
19 Texas 75254.

20 Q. Are you familiar with the complaints filed by Mr.
21 Taylor, Mr. Pfeifly, and Mr. McCaslin?

22 A. Yes, I am.

23 Q. Did you have an opportunity to review the complaint?

24 A. Yes, I have.

25 Q. The topic I'd like to discuss is the Complainants'

1 allegations of call disconnects. Does T-Netix provide
2 inmate telecommunications at SCI-Huntingdon?

3 A. Not at this time. T-Netix stopped providing
4 telecommunications service to SCI-Huntingdon and other state
5 correctional institutions in Pennsylvania in August of 2003.

6 Q. Have you had an opportunity to review the
7 Complainants' prepaid records for the period T-Netix
8 provided service?

9 A. Yes, I have.

10 Q. -- a prepaid account prior to August of 2003?

11 A. Yes, the Complainants did make calls using a prepaid
12 account prior to August, 2003.

13 Q. Didn't you review the Complainants' prepaid --
14 actually, all of your detailed call records? Did you find
15 any evidence of calls disconnected due to a system
16 malfunction?

17 A. No.

18 Q. Please explain how you're able to determine whether a
19 call has been disconnected to a system malfunction?

20 A. T-Netix uses software that provides and tracks
21 certain information about each and every phone call that's
22 attempted from a correctional facility. Within that
23 information tracks is the manner or the reason that the
24 phone call is terminated. And, at the conclusion of the
25 call, the software generates a code that explains the reason

1 for the call termination.

2 Q. And have you received any information from those call
3 records that would indicate that any of the Complainants'
4 calls were improperly disconnected?

5 A. No, and that does raise a good point. The complaint
6 that we received in this proceeding does not provide any
7 specific detail as to which calls the Complainants believe
8 were disconnected or why the Complainants believe that a
9 particular call was improperly disconnected.

10 Q. Ms. Carpenter, you heard the testimony provided, I
11 believe, back in July. We didn't really have a chance to
12 talk about Mr. Pfeifly, but you had an opportunity to hear
13 the testimony from Mr. Pfeifly. Have you also had the
14 opportunity to review the call records from Mr. Pfeifly?

15 A. Yes, I have.

16 Q. In your review did you find any calls initiated by
17 Mr. Pfeifly that were disconnected due to a custom calling
18 violation?

19 A. Bear with me just a moment. I'm looking for my
20 information on him. For custom calling features during the
21 time period that we provided service, there were three call
22 attempts that were disconnected due to three-way call
23 detection.

24 Q. And how many calls did Mr. Pfeifly make total in the
25 period you provided service?

1 A. There were a total of 153 calls.

2 Q. So, of 153 --

3 (Whereupon, a recorded message
4 played.)

5 THE WITNESS: -- disconnected due to a custom
6 calling feature violation.

7 JUDGE COCHERES: Just a minute. I've lost
8 somebody off the line. They may have hit a button.

9 Mr. Williams, are you there?

10 MR. WILLIAMS: Yes, I am.

11 JUDGE COCHERES: Mr. Lehman?

12 (No response.)

13 JUDGE COCHERES: Mr. Lehman?

14 (No response.)

15 JUDGE COCHERES: Okay. Let's go off the
16 record. I can call Mr. Lehman's phone number again.

17 (Whereupon, a brief recess was
18 taken.)

19 JUDGE COCHERES: Now, I'm sorry, Ms. Edmonds,
20 but I know you were examining Ms. Carpenter; and I don't
21 know where you left off.

22 MS. EDMONDS: I'll just go back. We were
23 just recapping.

24 DIRECT EXAMINATION (continued)

25 BY MS. EDMONDS:

1 Q. I just wanted to confirm that it was Mrs. Carpenter's
2 testimony that Mr. Pfeifly completed 153 calls during the
3 period in which T-Netix was the telecommunications service
4 provider and that of those calls three were disconnected for
5 a custom calling feature violation; is that correct?

6 A. That is correct.

7 Q. Okay. Let's move on to Mr. McCaslin. Ms. Carpenter,
8 you've also had the opportunity to review the call records
9 for Mr. McCaslin; is that correct?

10 A. Yes, it is.

11 Q. In your review, did you find any calls initiated by
12 Mr. McCaslin that were disconnected due to a custom calling
13 restriction violation?

14 A. There were two calls that were disconnected due to a
15 three-way calling attempt.

16 Q. Okay. And how many calls did Mr. McCaslin make
17 total?

18 A. Mr. McCaslin had a total of -- my apologies. He had
19 a total of 74 calls.

20 Q. So it's your testimony that two of 74 calls completed
21 by Mr. McCaslin were terminated due to a violation of the
22 DOC's custom calling restrictions?

23 A. That is correct.

24 Q. Let me go to Mr. Taylor. Have you also had the
25 opportunity to review the call records for Mr. Taylor?

1 A. Yes, I have.

2 Q. In your review, did you find any calls initiated by
3 Mr. Taylor that were disconnected due to a custom calling
4 restriction violation?

5 A. There were no calls disconnected for a three-way call
6 attempt for Mr. Taylor.

7 Q. Okay. And how many calls did Mr. Taylor make total?

8 A. There were 74 calls made total.

9 Q. Seventy-four calls, none were disconnected due to a
10 violation of the DOC's custom calling restriction?

11 A. That is correct.

12 Q. Concerning blocked calls, Complainants also allege
13 that certain numbers on their phone list were blocked from
14 receiving collect calls from correctional institutions.
15 Have you had an opportunity to review the Complainants'
16 records to determine whether there was a collect call
17 restriction placed on any number included on a Complainant's
18 call list?

19 A. Yes.

20 Q. Did any of the Complainants have instate telephone
21 numbers that were subject to a collect call restriction at
22 some point during the period T-Netix provided instate long
23 distance services?

24 A. Only Mr. McCaslin had instate telephone number on his
25 calling list that was subject to a restriction, and our

1 records indicate that a phone call was blocked to this
2 number on one occasion. However, Mr. McCaslin called the
3 same number just a few seconds later, and he was able to
4 connect with the called party and talk for a full 15
5 minutes.

6 Q. So, other than that single call in which Mr. McCaslin
7 was able to turn around and call back, there were no records
8 of blocked calls?

9 A. That is correct.

10 MS. EDMONDS: I have no further questions of
11 this witness.

12 JUDGE COCHERES: All right.

13 Mr. McCaslin, do you have any questions?

14 MR. McCASLIN: No.

15 JUDGE COCHERES: Mr. Taylor?

16 MR. TAYLOR: Yes.

17 CROSS-EXAMINATION

18 BY MR. TAYLOR:

19 Q. Why would one time a number be blocked and, if the
20 gentleman called right back, it wasn't blocked? What's
21 causing that to happen like that?

22 A. Unfortunately, Mr. Taylor, because the call records
23 are so old, I'm unable to determine the exact cause for that
24 call block and as to what happened during that call. The
25 code that we have is very broad. It could have been for a

1 number of reasons; and I know in Mr. Ries' testimony he did
2 speak about LIDB, which is the line information database;
3 and that database is updated every few seconds. So it could
4 have been that maybe there was a restriction on the line,
5 and the line had been released and the second attempt to
6 call was allowed. But I can't give a specific reason as to
7 why that line was blocked.

8 MR. TAYLOR: Okay. Thank you.

9 JUDGE COCHERES: Mr. Pfeifly.

10 MR. PFEIFLY: Yes.

11 CROSS-EXAMINATION

12 BY MR. PFEIFLY:

13 Q. Ms. Carpenter, good morning.

14 A. Good morning.

15 Q. Okay. Let me say this that, prior to the time that
16 Verizon took over, the problem with blocked calls was almost
17 unheard of in the system. That problem did not occur and
18 become rampant until after VSSI took over. Next, how would
19 I -- I guess this is your area -- how would I as an inmate
20 and as a customer -- I believe I am a customer when I buy
21 phone time -- how would I go about receiving compensation
22 for a call that has been disconnected? If I'm just -- I'm
23 saying that my phone call was disconnected unjustly, there
24 was no three-way call, no custom calling feature attempt,
25 how would I go about getting reimbursed for that call?

1 MS. EDMONDS: Your Honor, this is Andrea
2 Edmonds. I just want to clarify that Ms. Carpenter's
3 testimony should be limited to the period during which
4 T-Netix was the service provider. She cannot and should not
5 testify as to what Verizon's or VSSI's refund policy is or
6 should be.

7 JUDGE COCHERES: Well, that raises a really
8 interesting question and a topic that I was going to take up
9 with her when the inmates were completed, and that is some
10 definition of whether your client functions as a billing
11 agent for VSSI. And I clearly heard Mr. Ries explain at
12 least one instance where it does.

13 So, Mr. Pfeifly, if you'll just stand aside
14 for a moment. Let me try to clarify something here with Ms.
15 Carpenter.

16 MR. PFEIFLY: Certainly.

17 JUDGE COCHERES: Ms. Carpenter, did you hear
18 Mr. Ries's testimony?

19 THE WITNESS: Yes, I did.

20 JUDGE COCHERES: Now, I remember him saying
21 that, when it came to a customer-established prepaid account
22 for family and friends of the inmates, that it was your
23 company that handled that; am I correct?

24 THE WITNESS: We handle billing for
25 customers, called parties that would not have a billing

1 agreement. So anyone that would need a special account set
2 up to receive collect calls, we do provide the service to
3 set up those accounts on behalf of VSSI.

4 JUDGE COCHERES: And do you have anything to
5 do with the prepaid accounts?

6 THE WITNESS: The prepaid accounts are pretty
7 much handled through the facility. We do have record of
8 that, and we can investigate if need be.

9 JUDGE COCHERES: And doesn't that fall within
10 your management area?

11 THE WITNESS: Generally speaking, if there is
12 an issue with an inmate account, a debit account so to
13 speak, then that is taken to Shawntech who I believe would
14 have VSSI or Verizon involved to determine if there would be
15 a need for any type of reimbursement. At that point they
16 would ask us, and we would have to through the system give
17 that reimbursement. It would not be our decision as to
18 whether or not we would provide a reimbursement on a debit
19 account.

20 JUDGE COCHERES: Okay.

21 Mr. Pfeifly, given the questions that she's
22 just answered, did she answer your questions?

23 MR. PFEIFLY: No.

24 JUDGE COCHERES: Then go ahead.

25 BY MR. PFEIFLY:

1 Q. Because my question is, how would I go about
2 receiving a reimbursement for a call that was disconnected?
3 Who would I contact? Would I write -- as an inmate I would
4 have to write -- would I write and issue my complaint to Ms.
5 Carpenter's office, or where would I direct that to?

6 A. Mr. Pfeifly, it depends on what type of call is being
7 placed and to what type of account. I'm sorry. I know that
8 that's not hardly enough information for you. If it's for
9 collect calls in which your called party needs to dispute
10 and they have a direct account that has been set up on
11 behalf -- through T-Netix on behalf of VSSI, then they could
12 contact our call center in order to have that investigated.

13 Q. Okay. But I'm primarily looking at it from my angle
14 as an inmate. As a prisoner I can only make collect calls,
15 and I would have to contact someone since the DOC has
16 already issued an edict that they will not reimburse.
17 Everybody wants to get paid, but nobody wants to be
18 responsible in this system. So I'm asking who would I
19 contact for reimbursement if I had a problem where a call
20 was disconnected just like a customer on the street?

21 A. Right. And I can tell you what our policy is. I
22 think that Verizon would be better suited to answer that
23 question because they do know what their policy is through
24 the DOC in order to dispute any charges. As far as our
25 policy, you would not be able to dispute a call on a called

1 party's phone bill. That called party or your loved one or
2 friends would have to dispute that.

3 Q. Again, if I'm paying for the call on a prepaid call
4 through the commissary and my call is disconnected, that is
5 out of my pocket; and who do I contact to get reimbursed?

6 A. Okay. And, again, Verizon, as they hold that
7 contract, would be better suited to answer that question for
8 you.

9 Q. Okay. Thank you. One more thing. Have you
10 submitted any of this information as evidence as exhibits
11 any of this --

12 A. I'm sorry, sir. Any of what information?

13 Q. The information that you just said about the number
14 of phone calls that were made and the number of disconnects.
15 There was no chart or anything submitted as an exhibit then,
16 right?

17 A. No, sir, I do not believe that there were exhibits on
18 the call records.

19 Q. Okay. So that's just information that you're giving,
20 then. There's no exhibit?

21 A. Correct.

22 MR. PFEIFLY: Thank you. That's all.

23 JUDGE COCHERES: Thank you. Mr. Pfeifly, let
24 me just have a short conversation with you. It has always
25 been my understanding based on the many hearings I've had on

1 this subject that, if you have established a prepaid account
2 with the commissary and you wish to be reimbursed, don't you
3 have available to you a telephone discrepancy form?

4 MR. PFEIFLY: Yeah, we have a telephone
5 discrepancy form and I'll give you that number. It is a
6 DC-8C. And, when you fill out that discrepancy form, Your
7 Honor, and send it in, they have a standard line that says,
8 oh, your family had three-way calling. So, therefore, it's
9 your fault, even though your family does not have any custom
10 calling features.

11 I have since learned from the beginning of
12 these hearings to make copies of everything that I bring
13 because the DOC previously was not providing copies of any
14 complaints that you sent in. That's why everybody that's
15 involved in this on the inmate side seems ill-prepared, even
16 though they're, you know -- what they're saying is correct.
17 It's just that the DOC has never responded with giving them
18 copies of their complaints.

19 But they've recently issued an edict that the
20 DOC will not reimburse. That's it. It's final. They just
21 want to, you know -- they're going to get their 80 percent
22 and that's it.

23 JUDGE COCHERES: Well, all right. I
24 understand what you think your problem is, and let me simply
25 say that the Department of Corrections' edict as you

1 described it --

2 MR. PFEIFLY: Whatever.

3 JUDGE COCHERES: -- policy statement is an
4 indication that the Department will not reimburse you. That
5 is different from saying that, if you have a legitimate
6 complaint -- and I have been through this many times -- but,
7 if you have a legitimate complaint, that is different from
8 saying that the telephone company cannot reimburse you.

9 MR. PFEIFLY: That's exactly what I'm trying
10 to get at. Who do I contact since the DOC has completely
11 absolved themselves of any responsibility for reimbursing in
12 any way? Then who is the person or the company that I
13 contact in order for this reimbursement? Apparently it's
14 not T-Netix because of their position on this. So where do
15 I go from there?

16 JUDGE COCHERES: Unfortunately, Mr. Pfeifly,
17 I've had so many of these cases that they get a little
18 blurred together; and I did not read the entire transcript
19 from July since it was over 250 pages long. But I can tell
20 you that I have had instances where T-Netix and VSSI -- I
21 know in particular T-Netix, and I think this also applies to
22 VSSI -- where they have admitted on the record that they
23 have been able to trace the telephone code on the call and
24 determine that there was a malfunction. When they get to
25 that point, they usually contact the inmate because they

1 have received that information through the telephone
2 discrepancy form.

3 All right. Now, they don't do it very often,
4 okay. It's not like every hearing I have they tell me, yes,
5 and we've reimbursed this inmate or that inmate. Yes, they
6 do reimburse inmates. Based on my understanding from prior
7 cases, they have the ability to credit your prepaid account
8 without the DOC's interference -- in some cases I suspect
9 even without their knowledge. But my point for you to
10 assimilate here is that they don't do it very often; but
11 they do, in fact, do it.

12 And, as far as I know, that information first
13 starts with the inmate using the telephone discrepancy form.
14 It gets shunted up the line to the Shawntech administrator.
15 The Shawntech administrator checks what he or she can
16 locally and then moves on. If there is a problem that is
17 not well-defined, they'll move that on up to either the VSSI
18 or T-Netix people for more clarification. But that is the
19 answer that the companies have very uniformly provided to
20 me.

21 Now, you may not be happy with the idea that
22 the answer often comes back a three-way calling attempt.
23 That's a different story. But, when they do make a mistake
24 that they are sure they made the mistake, they do tell you.

25 MR. PFEIFLY: Yeah. Well, I have my DC-8Cs

1 here, and they have their standard form answer on that it's
2 always someone else's fault here. But this is a local
3 thing, and I believe if I had an address to write to -- I
4 think if the parties on this end, if the inmates had an
5 address to contact with this thing, I think a lot of this
6 stuff could be resolved because that's the main problem
7 here.

8 No one wants to take responsibility; and, if
9 there is someone that could be contacted beyond the DOC, a
10 lot of this stuff could be resolved. And it would certainly
11 eliminate things like we're going on -- we're going through
12 right now and that's what I'm after. I'm simply asking,
13 give me an address, someone I can write to.

14 JUDGE COCHERES: I understand what you're
15 saying, sir; and I don't have a particularly good answer for
16 you right now. You may see an answer coming. I will not
17 guarantee that, though.

18 MR. PFEIFLY: Uh-huh.

19 JUDGE COCHERES: All right. Do you have any
20 more questions for Ms. Carpenter?

21 THE WITNESS: No, I don't. I appreciate her
22 help.

23 JUDGE COCHERES: All right. Are there any
24 other questions for this witness?

25 Ms. Edmonds, do you have redirect?

1 MS. EDMONDS: I do not.

2 JUDGE COCHERES: Thank you.

3 MS. CARPENTER: Your Honor, it's Ms.
4 Carpenter again; and you are slowly fading away. We're
5 having a hard time hearing you again.

6 JUDGE COCHERES: Okay. Thank you for keeping
7 me on the ball, Ms. Carpenter. For the remainder of the
8 parties on the line, Ms. Carpenter and I have been through a
9 lot of hearings together, so she is not shy about making
10 corrections and I appreciate that.

11 All right, Ms. Carpenter, you are excused as
12 a witness but not as a person who can tell me that you still
13 can't hear me.

14 THE WITNESS: Thank you, Your Honor.

15 (Witness excused.)

16 JUDGE COCHERES: Ms. Edmonds, do you have
17 another witness for me?

18 MS. EDMONDS: I'd like to call Larry Batts,
19 please.

20 JUDGE COCHERES: Mr. Batts, would you raise
21 your right hand?

22 Whereupon,

23 LARRY BATTs,
24 having been duly sworn, testified as follows:

25 JUDGE COCHERES: Counselor.

DIRECT EXAMINATION

1
2 BY MS. EDMONDS:

3 Q. State your name, title, and business address for the
4 record.

5 A. My name is Larry Batts. I'm a level 4 technician,
6 and I work for Securus at 8201 Tristar in Irving, Texas
7 75023.

8 Q. Are you familiar with the complaints filed by Mr.
9 Taylor?

10 A. Yes. Were you finished asking?

11 Q. Taylor, Pfeifly, and McCaslin?

12 A. Yes.

13 Q. As presented in testimony during this hearing, the
14 Complainants allege that various recorded announcements are
15 played during prepaid and collect calls from correctional
16 institutions; is this allegation correct?

17 A. Yes, there are certain prerecorded announcements
18 played during the course of a call from a correctional
19 institution. Some are played prior to the call acceptance
20 and some throughout the call.

21 Q. Which messages or message is played prior to call
22 acceptance?

23 A. Generally there are three types of announcements.
24 One tells the called party that the call is from a
25 correctional facility, plays the inmate's name and the

1 location he is located in. The second one is a message that
2 plays that the call is from a correctional institution and
3 is subject to monitoring and recording. And the third one
4 that plays is the announcement that custom calling features
5 are not allowed.

6 Q. Which message is played during the calls from a
7 correctional institution?

8 A. The only message played repeatedly throughout the
9 entire call is the second message that tells them that the
10 call is from a correctional institution and subject to
11 monitoring and recording.

12 Q. Are these recordings at the direction of the
13 Department of Corrections?

14 A. Yes.

15 Q. And is T-Netix at liberty to change the manner in
16 which the recorded announcements are provided?

17 A. No. T-Netix provides these recordings at the
18 direction of the DOC.

19 Q. Okay. Let's move on to Complainants' allegations
20 concerning custom calling restrictions and disconnects as a
21 result of the Department of Corrections' policy.

22 Complainants also allege that T-Netix provides a security
23 feature which disconnects calls for use of custom calling
24 features; is this allegation correct?

25 A. Yes.

1 Q. What is the purpose of this feature?

2 A. The purpose of this feature is to prevent the inmates
3 from using custom calling features and the case of fraud or
4 possibility of harassment.

5 Q. Okay. Is the system designed to detect any other
6 features?

7 A. Yes. It's designed to detect touching the keypad,
8 dialing numbers.

9 Q. Okay. And please explain to us how the detection
10 technology works.

11 A. The technology uses what they call a click-based
12 technology. When you depress the hook switch, you get a
13 click on the line which is a audible signal that the system
14 is designed to detect. When it detects this, it waits for
15 audio and, if it doesn't see it, it disconnects after
16 playing the prerecorded announcement.

17 Q. Is the system used by T-Netix widely used?

18 A. Yes. It's one of the most popular technologies used
19 for three-way disconnects.

20 Q. Okay. Is the system defective as Complainants
21 allege?

22 A. No. I've worked with it quite a bit, and I've worked
23 with other ones; and, to my knowledge, it's very accurate
24 and --

25 Q. Okay. Ms. Breslin provided some testimony that you

1 are able to adjust the sensitivity of the system; is that
2 correct?

3 A. Yes, the levels can be adjusted.

4 Q. Okay. And, just for general knowledge, what other
5 technologies are available for security features to
6 correctional institutions?

7 A. The only other one that I'm aware of is a voice-based
8 technology which usually looks for audible gaps where there
9 is no speaking; and they use this as a three-way attempt.
10 In some cases they would disconnect or they would play a
11 message.

12 Q. Okay. And why is voice-based technology
13 unacceptable?

14 A. In my experience, in most conversations there's
15 always audible gaps.

16 JUDGE COCHERES: Let me interrupt at this
17 point.

18 Mr. Batts, you also are dropping your voice
19 as I have been accused, and there is obviously hammering
20 going on somewhere -- I suspect in one of the prisons --
21 which makes it even more difficult to hear you. So you're
22 going to have to sit closer to your phone and talk louder.

23 THE WITNESS: I'm only eight inches away from
24 it.

25 JUDGE COCHERES: Then talk louder.

1 THE WITNESS: Okay.

2 JUDGE COCHERES: That's better.

3 THE WITNESS: All right.

4 BY MS. EDMONDS:

5 Q. This is actually the end of my direct examination.

6 So my final question is, does this conclude your testimony?

7 A. Yes, it does.

8 MS. EDMONDS: Thank you.

9 JUDGE COCHERES: All right. Ms. Edmonds, in
10 fact, it does not; and the reason I'm going to say that is
11 the last question and answer prior to, does this complete
12 your testimony, got lost in the hammering.

13 MS. EDMONDS: Okay. I will ask that question
14 again.

15 JUDGE COCHERES: Thank you.

16 MS. EDMONDS: Just a second.

17 BY MS. EDMONDS:

18 Q. The question asked was, why is the voice-based
19 technology unacceptable?

20 A. It has a higher rate of error. The major problem
21 with it, there's always interruptions in voice during normal
22 conversation and it's constantly detecting this as a
23 three-way event.

24 Q. Okay. What would happen if there was a pause in
25 conversation?

1 A. It would either disconnect the call based on how the
2 system was designed, or it would play a message to the
3 called party to make sure they would speak so that it would
4 determine whether it was a three-way or not.

5 Q. Okay. Now, does this conclude your testimony?

6 A. Yes.

7 MS. EDMONDS: Thank you. No further
8 questions.

9 JUDGE COCHERES: Thank you, Ms. Edmonds.
10 Mr. Batts.

11 THE WITNESS: Yes.

12 JUDGE COCHERES: We've talked before, right?

13 THE WITNESS: Yes, we have, sir.

14 JUDGE COCHERES: Okay. First of all, let's
15 talk about voice gaps. I've actually heard complaints --
16 not from the three witnesses you heard today -- that, if
17 there is a silence gap on their conversation, they've had
18 disconnections occur. Is that possible with the system you
19 have in place now?

20 THE WITNESS: No, sir.

21 JUDGE COCHERES: All right. I've had inmates
22 tell me that, when the fire alarm rang in the prison, the
23 phone disconnected. Would it be possible for your software
24 to hear that noise and assume it's a three-way calling
25 attempt?

1 THE WITNESS: I do not believe it would
2 assume it as a three-way call attempt. It could be a
3 possibility. It could assume it as a DTMF disconnect or
4 dialing on the phone.

5 JUDGE COCHERES: Say that again.

6 THE WITNESS: I do not know the exact
7 frequency of some of the alarms, but your tones on your
8 phone are frequency.

9 JUDGE COCHERES: No. I didn't hear the very
10 beginning of your answer when you used some sort of initial
11 or jargon?

12 THE WITNESS: I used DTMF, which is dual
13 tunnel multifrequency. When you push a keypad, it's a dual
14 tone frequency that is heard.

15 JUDGE COCHERES: Okay.

16 THE WITNESS: The system is designed to
17 detect this, and I do not know what the alarm system would
18 have as far as the frequency.

19 JUDGE COCHERES: Okay.

20 THE WITNESS: It can be interpreted.

21 JUDGE COCHERES: And I've had folks tell me
22 that, if one of the kids in the background screamed or
23 cried, the system could disconnect. Would that be likely to
24 be true?

25 THE WITNESS: Well, I would like to have some

1 more information. There are situations where you have
2 cordless phones. You also have baby monitors. You have
3 Princess phones where, when you're holding the baby, you are
4 pressing the handset up against your head and holding it
5 with your shoulder; and the hook switch is in the handset.
6 So, without really having all the information, it's really
7 hard to determine it.

8 JUDGE COCHERES: What causes the use of a
9 cordless phone to be read as a three-way disconnect?

10 THE WITNESS: The cordless phones usually
11 have an auto-sensing channel changer where it automatically
12 switches channels to get a better connection. There's also
13 other devices inside the house that run at the same
14 frequencies. Microwaves will run at 900 megaHertz, baby
15 monitors run at 900 megaHertz. They will also interfere
16 with cordless.

17 JUDGE COCHERES: All right. Let's talk cell
18 phones. What is there about the technology of a cell phone
19 that would force a disconnect?

20 THE WITNESS: That one's hard to say other
21 than the fact that cell phones hang up. My phone hangs up
22 no matter what I do, even if I'm not moving. It just
23 terminates my call. You also get noise from cell phones.
24 It becomes very staticky. Your voice starts garbling.

25 JUDGE COCHERES: What about if someone picks

1 up an extension phone in the same household, will that be a
2 basis for a disconnect?

3 THE WITNESS: Possibly could.

4 JUDGE COCHERES: Why would that happen?

5 THE WITNESS: Because, when you pick up
6 another phone, you add another load to the line which causes
7 increase in current and increase in voltage; and that's
8 pretty much the same thing as hitting the hook switch. The
9 signal may not be loud enough. If it is loud enough, the
10 signal will detect it.

11 JUDGE COCHERES: And I've actually had people
12 tell me that, if they have a thunderstorm in the background
13 or perhaps somebody slams the screen door in the background,
14 that those will cause disconnects; is that possible?

15 THE WITNESS: The system is looking for a
16 sub-300 Hertz noise. It's an audible signal. If something
17 can produce a sub-300 Hertz signal, the system will detect
18 it as a three-way.

19 JUDGE COCHERES: And it will disconnect the
20 call, right?

21 THE WITNESS: Yes.

22 JUDGE COCHERES: All right. Now, would you
23 agree with me that we just went through kind a of long list
24 of things where you've told me that the system will
25 disconnect?

1 THE WITNESS: There's a possibility it will.
2 I'm telling you a frequency can be interpreted.

3 JUDGE COCHERES: Okay.

4 THE WITNESS: And, if you have a baby
5 monitor, a baby monitor works identical as a walkie-talkie.
6 You got squelch control. You get a click when it kicks off
7 when audio kicks in.

8 JUDGE COCHERES: All right. Thank you for
9 the information. I wanted you to review for us because I
10 don't think anybody has put this on the record and I think
11 you're the right person to do that, Ms. Breslin did say that
12 the system sensitivity is adjustable; do you remember that,
13 sir?

14 THE WITNESS: Yes, sir.

15 JUDGE COCHERES: And she did say that it was
16 adjustable at the discretion of the Department of
17 Corrections; do you remember that as well?

18 THE WITNESS: Yes, sir.

19 JUDGE COCHERES: Who actually makes the
20 adjustment to the system?

21 THE WITNESS: Securus tech support.

22 JUDGE COCHERES: Would that be people like
23 you?

24 THE WITNESS: Yes, I did.

25 JUDGE COCHERES: But my point, sir -- and

1 this is something that the inmates have always been curious
2 about -- does the Department of Corrections have the
3 capability of making the sensitivity adjustment?

4 THE WITNESS: No, sir.

5 JUDGE COCHERES: And if they want it
6 adjusted, how do they go about doing that?

7 THE WITNESS: They would contact Verizon, and
8 Verizon would contact us.

9 JUDGE COCHERES: All right.

10 Mr. McCaslin, do you have any questions?

11 MR. McCASLIN: Yes.

12 CROSS-EXAMINATION

13 BY MR. McCASLIN:

14 Q. You say that the system can be adjusted for
15 sensitivity. Is it possible it could be adjusted that, when
16 the interruptions on our phone call come on and go off, it
17 could shut the system down?

18 A. No. The system knows when it's playing the messages.
19 It already compensates for it.

20 Q. Is there any forms of checks and balances to make
21 sure the people in the institution aren't adjusting the
22 sensitivity?

23 A. People in the institution don't have access to the
24 equipment.

25 MR. McCASLIN: All right. Thank you.

1 JUDGE COCHERES: Mr. Taylor.

2 MR. TAYLOR: You had asked two questions the
3 guy answered, but I have one more.

4 CROSS-EXAMINATION

5 BY MR. TAYLOR:

6 Q. Who determines how or what determines how or where
7 the sensitivity level is set at?

8 A. That is usually during installation when the
9 equipment was first put in. There were tests made and after
10 that the DOC makes those approvals.

11 Q. So they'd be able to sit there and tell you to make
12 it more sensitive than what it already is?

13 A. If that's what they choose to do, yes.

14 Q. And what I'm trying to find out here is, is it
15 possible that this setting is too sensitive for what's going
16 on and that's what's causing these calls to be disconnected?

17 A. No. Looking at the call records, I do not see that.

18 MR. TAYLOR: Thank you.

19 JUDGE COCHERES: Mr. Pfeifly.

20 MR. PFEIFLY: Yes.

21 CROSS-EXAMINATION

22 BY MR. PFEIFLY:

23 Q. Mr. Batts, good morning.

24 A. Good morning.

25 Q. Is that B-A-T-T-S?

1 A. Yes, sir.

2 Q. Okay. Thank you. How are you doing this morning?

3 A. I'm doing fine.

4 Q. Good. Let me ask you -- or Judge Cocheres went over
5 most of the things I was going to ask you, but I got a few
6 things anyway. Are you aware of any law that requires that
7 these voice overlays be included on a prison phone system?

8 A. That's not my decision.

9 Q. Excuse me.

10 A. That is not my decision.

11 Q. It's not your decision. I was just wondering if you
12 were aware of any laws?

13 A. No.

14 Q. Okay. Now, you said you worked with many of these
15 systems; and you believe that this system is the most
16 accurate, the one that we're using right now. Have you ever
17 made a phone call from a prison to another location using
18 one of these prison phones, particularly like at Huntingdon
19 or --

20 A. I have installed in over 200 facilities and made test
21 calls from all of them.

22 Q. And you've called from the facilities?

23 A. Not in PA, in other facilities across the country.

24 Q. Right. Okay. And all of these phone calls there was
25 never no problem with them when you used the prison phone

1 call, then?

2 A. No.

3 Q. All right. So Judge Cocheres asked you about the
4 sensitivity level, about picking up background noise like
5 incidental noise. You even said that baby monitors and
6 things like that could make a disconnect if it was, what did
7 you say, sub-300, sub-megaHertz?

8 A. Yes.

9 Q. But you don't really know. Like, there's never been
10 any kind of a sensitivity test to test the decibels of the
11 noise, like, say, metal gates slamming and fire alarms going
12 off or other people yelling, bells ringing and all the other
13 noise that would go on inside a prison. Or even I've had
14 incidences where people have -- I was talking to people
15 where they had visitors pull into their driveway and blew
16 the horn on the car; and next thing I had a disconnect, that
17 that noise made disconnects.

18 And I appreciate that you admitted that these
19 things do and can possibly interfere with that. That's
20 what you had said, right?

21 A. I said if the system detects a frequency that sounds
22 like you pushed the keypad, wherever that frequency comes
23 from, it will disconnect for DTMF.

24 Q. Right. But there are those possibilities out there.
25 I mean, this system is absolutely not fool-proof, it's not

1 fail-safe. I mean, there are situations that exist.

2 A. The system was not designed to make your life
3 miserable.

4 Q. (Laughter.)

5 A. It was designed to keep you from making someone
6 else's life miserable.

7 Q. Contrary to what we all believe in here, right. No,
8 I absolutely believe that you're trying to make the system
9 the best it possibly can; however, you know, what we're
10 telling you, what I'm telling you is that there are some
11 problems and, you know, but --

12 A. If the system hangs up because it detected a DTMF,
13 that event is also triggered; and I don't see that, either.
14 I look at these and I see maybe one here and one there,
15 so --

16 Q. Yeah, but there are those -- that possibility exists
17 and I believe it exists more often than maybe now you want
18 to admit or anybody else because these complaints are real,
19 and there are problems going on. Of course, there is a lot
20 of stuff we don't know, however. Anyway, the noise -- like
21 I say, the cordless phone you had said can read as if there
22 would be noise in the background. It would read that as a
23 three-way disconnect then is what you were saying?

24 A. No, I did not.

25 Q. Okay. You want to --

1 A. Cordless phones have possibilities of being
2 interrupted their signal by other things in the house such
3 as microwaves, cordless remote controls. There's a lot of
4 things that run at 900 megaHertz. They will interfere. The
5 phone will automatically start switching through channels to
6 find a good signal. This will cause problems -- this could
7 possibly cause problems.

8 MR. PFEIFLY: Okay. Thank you. That's it.
9 No more questions.

10 JUDGE COCHERES: Mr. Batts.

11 THE WITNESS: Yes.

12 JUDGE COCHERES: I think that there was
13 another subject that we ought to touch on very briefly, and
14 you may actually have covered it in July; but I want these
15 people to hear it. Do you know what the sensitivity level
16 is currently for the Huntingdon facility?

17 THE WITNESS: No, sir, I do not.

18 JUDGE COCHERES: Okay.

19 THE WITNESS: I don't have that documentation
20 in front of me.

21 JUDGE COCHERES: Okay. Fine.

22 Ms. Edmonds, do you have any redirect?

23 MS. EDMONDS: I do not.

24 JUDGE COCHERES: Fine.

25 The witness is excused.

(Witness excused.)

1
2 JUDGE COCHERES: Do you have anyone else for
3 me today?

4 MS. EDMONDS: No, that concludes our case.

5 JUDGE COCHERES: All right.

6 Mr. McCaslin, Mr. Taylor, and Mr. Pfeifly,
7 this is your last bite at the apple here. You've heard the
8 companies' cases. I don't want you to repeat yourselves;
9 but, if there is something that came out of the company case
10 that you think I ought to know about, this is going to be
11 your opportunity.

12 We're going to start with Mr. McCaslin. Was
13 there anything we didn't cover that you think we should
14 have?

15 MR. MCCASLIN: No, sir, Your Honor.

16 JUDGE COCHERES: Mr. Taylor.

17 MR. TAYLOR: No, sir.

18 JUDGE COCHERES: Mr. Pfeifly.

19 MR. PFEIFLY: No. The only thing that I
20 would like is the address of Ms. Breslin's workplace, if I
21 can get a hold of that, because I believe that's the place I
22 got to go with this complaint. If I can obtain that, I
23 mean, it's on the record. I just missed it when she was
24 giving it.

25 JUDGE COCHERES: Well, you're right. She did

1 put it on the record.

2 Ms. Breslin, do you accept customer
3 complaints at your office?

4 MS. BRESLIN: Your Honor, no, it's not --
5 it's not the policy that it would come to me directly. Any
6 inmate needs to follow the guidelines of the DOC and
7 complete their discrepancy form. It would then go to the
8 Shawntech administrator. First they would research it and
9 get back to the inmate. If it needs to be escalated to be
10 further investigated between Securus and Verizon, we would
11 certainly take it upon ourselves to do that. And, as you
12 attested, if there is a problem, we will reimburse it if
13 necessary; but that is the policy that the inmates need to
14 follow.

15 JUDGE COCHERES: Ms. Breslin, let's assume
16 that all of that happens, okay. Mr. Pfeifly and the other
17 inmates file the telephone discrepancy form. The Shawntech
18 administrator looks at it and either decides that it's not a
19 problem and returns it to the prison administrator for
20 return to the inmate or kicks it up to the next level in
21 your company and ultimately the company personnel decide
22 that there is no problem and it's sent back to the prisoner
23 as, you know, your claim has been denied. If the inmate is
24 dissatisfied with that answer, is there a higher level that
25 they're supposed to go to?

1 MS. BRESLIN: Your Honor, it's been the
2 inmate would have to follow and file an actual grievance
3 with the DOC. The Department of Corrections then would
4 reach out to the Shawntech administrator; and, if it needs,
5 it can escalate to me for my involvement at that point.
6 That would be the policy that the inmates need to follow.

7 JUDGE COCHERES: So you're saying first they
8 go up the chain of command with the telephone discrepancy
9 form, and then they follow that if they're not happy with
10 the inmate grievance form?

11 MS. BRESLIN: Correct. Then they would need
12 to file and pursue through their handbook of their actual
13 grievance procedures.

14 JUDGE COCHERES: Does that seem a bit
15 cumbersome to you?

16 MS. BRESLIN: No, it does not, Your Honor.

17 JUDGE COCHERES: Okay.

18 MR. PFEIFLY: Your Honor.

19 JUDGE COCHERES: Yes, Mr. Pfeifly.

20 MR. PFEIFLY: For the record, may I have VSSI
21 address from Altoona where Ms. Breslin works, please. You
22 know, it's on the record. That's all I need. I don't, you
23 know -- wherever it goes from there.

24 MR. KAZEE: Your Honor, this is Bruce Kazee.
25 Ms. Breslin does not work for VSSI. If he wanted the

1 address for VSSI, they could certainly direct their
2 correspondence to me as counsel for VSSI.

3 MR. PFEIFLY: I didn't want to write to Ms.
4 Breslin. I just need the address for Verizon. She's the
5 next one -- she even admitted that, after all the
6 complaints, it comes back to her, so -- not her personally.
7 I just need the address. It's on the record. She stated
8 it. I just missed it. It's 16 something, Altoona, okay?

9 MR. KAZEE: Judge, we do not want to
10 designate Ms. Breslin as a recipient of complaints and
11 correspondence from these inmates. Ms. Breslin has
12 described the procedure that's in place for inmates who make
13 complaints. That's the procedure that is to be followed.
14 We're not changing that.

15 JUDGE COCHERES: Mr. Pfeifly, I sense your
16 frustration here, all right; and I understand the point
17 you're making.

18 MR. PFEIFLY: Yeah.

19 JUDGE COCHERES: But, quite frankly, having
20 her address is not going to help you.

21 MR. PFEIFLY: I don't want her personal
22 address, Your Honor. I just wanted the work station here,
23 the address that she gave for the public record.

24 JUDGE COCHERES: I understand that, sir; but,
25 again, it's not going to help you. Mr. Kazee is more likely

1 to be able to help you.

2 MR. PFEIFLY: He's her attorney.

3 JUDGE COCHERES: No, he is not. Let me go
4 over a little framework here.

5 Verizon has the contract to render telephone
6 service to the Commonwealth agencies generally. However, as
7 part of their responsibilities, they are rendering service
8 to the Department of Corrections. In order to do that, they
9 use Verizon Select Services, an affiliated company that is
10 headquartered in Texas. That's where Mr. Kazez is.

11 They also use Shawntech, which is the onsite
12 administrator; and they use T-Netix, now known as Securus,
13 for equipment. That's a team of people and companies,
14 basically. Ms. Breslin is in charge of that -- for lack of
15 a better way of putting it and based on her explanations --
16 she's generally in charge of leading that team.

17 But, for you to go up the chain of command
18 and try and start with her or her office, they're not
19 prepared to deal with inmate complaints, all right? Mr.
20 Kazez is the attorney representing VSSI.

21 MR. PFEIFLY: Mm-hmm.

22 JUDGE COCHERES: If anybody's office is
23 prepared to deal with service complaints, it should be Mr.
24 Kazez.

25 Am I right, Mr. Kazez?

1 MR. KAZEE: Yes, Judge, that's fine.

2 JUDGE COCHERES: All right.

3 MR. PFEIFLY: So if I write to Mr. Kazee
4 about these complaints that I have here that I'm not
5 satisfied with, he will go and check it out to make sure
6 that what I'm saying is legit. And then he would issue the
7 reimbursement if it turns out to be what I'm saying is
8 correct; is that what you're telling me?

9 JUDGE COCHERES: I'm telling you that it
10 would be his duty to have those things investigated.
11 Incidentally, I've known Mr. Kazee for many, many years,
12 long before he was ever a member of the VSSI staff; and I
13 have enough confidence in him as an attorney that, if his
14 client owed the money, he'd tell them that they owed the
15 money.

16 Now, if you want Mr. Kazee's address, that's
17 available to you.

18 MR. PFEIFLY: I have it here, 600 Hidden
19 Ridge; is that correct?

20 JUDGE COCHERES: Irving, Texas?

21 MR. PFEIFLY: Irving, Texas, yes.

22 JUDGE COCHERES: Right. If you look at the
23 documents that my office sends you, they send copies to Mr.
24 Kazee. So that's listed on our certificate of service,
25 except we don't have to call it a certificate. We call it

1 the parties list, all right?

2 MR. PFEIFLY: Okay. It's a mystery to me
3 that, you know, the public record I can't get. But we have
4 the phone book. I'll get it that way. But anyway, you
5 know, I appreciate that. I've got a whole new perspective
6 on organized crime.

7 JUDGE COCHERES: All right. Now, here's a
8 perspective you don't have. After many months, we have
9 finally completed all of the hearings related to not only
10 your complaint but all of the inmates who signed your
11 complaint and the inmates who submitted their own complaints
12 including Mr. Taylor, Mr. Flood, and Mr. Trevino. So today
13 is the last day of hearings in this case, and that's a very
14 important landmark for you and the other inmates.

15 The reason that's important is that now I get
16 to make a decision in this case, and I have the opportunity
17 to discuss briefs, legal briefs. Now, I don't particularly
18 think I need them. I've heard these issues in great detail
19 in many other cases.

20 I will also tell you that, currently, eight
21 or nine of my decisions are pending Commission review even
22 as we speak; and I am hopeful, albeit I can't tell you when
23 because they are my boss and I'm not allowed to talk for
24 them, I am hopeful well before the end of year the
25 Commission will tell me how many mistakes I really made in

1 the decisions that I've issued so far and give us guidance
2 on what relationship in terms of providing service that
3 T-Netix, VSSI, and Verizon are required to meet, what
4 standards should they meet. When they do that, trust me,
5 I'll follow whatever they tell me. I've given them lots of
6 ideas.

7 But, in the meantime, I'm responsible for
8 writing the decision in this case. Because there are so
9 many inmates, it will be a long time. I'm supposed to have
10 at least 90 days from the close of the record. Today will
11 not be the close of the record. It will not be the close of
12 the record because my court reporter is allowed 21 days to
13 write the transcript for this case, and I'm certainly not
14 going to close the record before she produces a transcript.

15 After that point, I will need at least 90
16 days to decide this case because it's a big record, because
17 although many of you said the same things and raised
18 problems I've heard many times before, some of you were a
19 little different; and I'm supposed to pay attention to those
20 details. So I will have to review closely what each inmate
21 produced and testified to. I expect it's going to take me
22 longer than 90 days to write this decision. My best
23 guesstimate is you will not see it before the beginning of
24 the new year, which, given 90 days from today, would have
25 been true anyway. How much into the new year, I can't tell

1 you; but this is going to take some time to do.

2 Do you have any comments, Mr. Pfeifly, or
3 questions about that?

4 MR. PFEIFLY: No. No, Your Honor.

5 JUDGE COCHERES: Okay. Because obviously all
6 the inmates can't be on this phone call, I will probably
7 send out a letter very specifically giving the record close
8 date simply because that's the only way I have of notifying
9 all the parties because the inmates are just generally not
10 available for this kind of procedure.

11 Mr. McCaslin and Mr. Taylor, do you have
12 anything else for me?

13 MR. McCASLIN: No, sir.

14 MR. TAYLOR: No, sir.

15 JUDGE COCHERES: Fine. Counselor, Mr.
16 Lehman, Ms. Edmonds, do you have anything further?

17 MR. LEHMAN: (No response.)

18 MS. EDMONDS: I do not.

19 JUDGE COCHERES: Mr. Kazez.

20 MR. KAZEE: I do not. Thank you.

21 JUDGE COCHERES: All right. I think the
22 inmates have done a pretty good job of explaining what their
23 concerns are. I'm going to be quite candid. I have
24 generally not been sympathetic to people whose family
25 members use cordless phones or cell phones. There are just

1 limits in the technology we cannot overcome with those
2 items. I have been concerned about disconnects; and I have
3 directed the company in the past -- both companies, as a
4 matter of fact -- to make refunds of connection fees that I
5 didn't think were necessarily justified. I have, in fact,
6 penalized some of the companies and at least T-Netix in the
7 past. I don't know whether any of the record justifies the
8 assessment of a penalty.

9 But those are the things I have done. I have
10 to look at the record to find out what is justified in this
11 case.

12 Thank you all for coming, and I appreciate
13 your help. I'm going to disconnect my line which will
14 disconnect everybody from everybody except whoever Ms.
15 Edmonds is connected to. I'm going to go off the record.

16 (Whereupon, at 11:53 a.m., the
17 hearing was adjourned.)

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I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me and thereafter reduced to typewriting by me, or under my direction, and that this transcript is a true and accurate record to the best of my ability.

COMMONWEALTH REPORTING COMPANY, INC.

By: Judith E. Shuller
Judith E. Shuller, CSR

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