

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCUMENT

Preston B. Pfeifly et al

v.

T-Netix, Inc. and Verizon Select Services, Inc.

C-20042802

Shayne Flood

v.

T-Netix, Inc. and Verizon Select Services, Inc.

C-20042852

Kevin L. Taylor

v.

T-Netix, Inc. and Verizon Select Services, Inc.

C-20042878

Felix L. Trevino

v.

T-Netix, Inc. and Verizon Select Services, Inc.

C-20042879

OCT 07 2004

PREHEARING ORDER AND CONSOLIDATION ORDER

An initial telephonic hearing by video conference in these cases is scheduled for Monday, October 25, 2004, at 8:30 a.m., 12:30 p.m. and 2:30 p.m. Accordingly, the parties are hereby directed to comply with the following requirements:

1. If you intend to present any documents or exhibits for my consideration, you must send one (1) copy to the other parties and three (3) copies to me one week before the hearing. Be sure that you serve me directly with a copy of any document that you file in this proceeding at the time of filing. If you send me any correspondence or documents, you must send a copy to all

other parties. For your convenience, a copy of the Commission's current service list of the parties to this proceeding is enclosed with this Order.

2. If you or any proposed witness will be at a video conference number that is different than the number on the hearing notice, you must notify me of that video conference number at least one (1) week before the hearing.

3. A request for a change of the scheduled hearing date must be submitted in writing no later than five (5) days prior to the hearing. 52 Pa. Code §1.15(b). Requests for changes must be sent to me and all parties of record. Requests for continuances will only be granted for good cause. My correct address is: Louis G. Cocheres, Administrative Law Judge, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.

4. **YOU MAY LOSE THIS CASE IF YOU DO NOT TAKE PART IN THIS HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.**

5. **ALTHOUGH THIS HEARING IS BEING CONDUCTED TELEPHONICALLY FOR THE CONVENIENCE OF THE PARTIES, IT IS STILL A FORMAL HEARING AND WILL BE CONDUCTED IN ACCORDANCE WITH THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE.**

6. Pursuant to 52 Pa.Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney represent you. However, if you are a partnership, corporation, trust, association or governmental agency or subdivision, you must have an attorney represent you in this proceeding. Unless you are an attorney, you may not represent someone else.

7. The complainants bear the burden of proof in this proceeding and must show by a preponderance of the evidence that the respondent has violated the Public Utility Code or a regulation or an Order of this Commission so that the complainant is entitled to the relief requested in the Complaint.

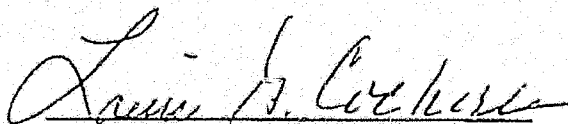
8. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa.Code §5.421. You must submit your written application to me sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days' notice to answer or object, and so that you will have enough time to receive the subpoena and serve it.

9. Any party may conduct discovery to learn the factual basis of another party's position in this case. However, 52 Pa.Code §5.331(b) provides, in relevant part, that "[a] participant shall endeavor to initiate discovery as early in the proceedings as reasonably possible." Additionally, 52 Pa.Code §5.322 provides, in relevant part, that "participants are encouraged to exchange information on an informal basis." All parties are urged to cooperate in informal information exchanges and in conducting discovery. Cooperation is preferable to disagreements, which require my participation to resolve. There are limitations on discovery (52 Pa.Code §5.361) and sanctions for abuse of the discovery process (52 Pa.Code §§5.371 & 5.372).

10. Commission policy is to encourage settlements. 52 Pa.Code §5.231(a). Therefore, you are urged to discuss informally between yourselves the possible settlement of this case at least one (1) week before the hearing. If you are unable to settle this case, you may still resolve as many questions or issues as possible during your informal discussion.

11. Because the above captioned cases concern common questions of law and fact, they are hereby consolidated for hearing and decisional purposes to avoid unnecessary costs and delay. 52 Pa. Code §5.81.

Dated: September 27, 2004


Louis G. Cocheres
Administrative Law Judge

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

TYSONS CORNER

8000 TOWERS CRESCENT DRIVE

SUITE 1200

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AFFILIATE OFFICES
BANGKOK, THAILAND
JAKARTA, INDONESIA
MANILA, THE PHILIPPINES
MUMBAI, INDIA
TOKYO, JAPAN

ORIGINAL

October 8, 2004

VIA UPS

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

OCT 08 2004
PA PUBLIC UTILITIES COMMISSION
COMMUNICATIONS SECTION

Re: Docket No. C-20042802: Answer to Complaint of Preston B. Pfeifly et al

Dear Mr. McNulty:

Enclosed on behalf of T-NETIX, Inc. and T-NETIX Telecommunications Services, Inc. (collectively, "T-NETIX"), please find T-NETIX's answer to the complaint of Preston B. Pfeifly et al in the above-referenced proceeding. Also enclosed are two copies of this filing, a duplicate and a self-addressed, postage prepaid envelope. Please date-stamp the duplicate and return in the envelope provided.

If you have any questions regarding this matter, please contact the undersigned at (703) 918-2380.

Respectfully submitted,

Andrea P. Edmonds

Andrea P. Edmonds

DOCUMENT
FOLDER

2. With respect to the allegation of extreme "overcharges" in paragraph two of the Complaint, T-NETIX denies the allegation. By way of further answer, T-NETIX states that in compliance with Pennsylvania statutes and Commission regulations it provides all telecommunications services pursuant to rates, terms and conditions set forth in its tariff on file with the Commission.¹ Any rates charged for services provided by T-NETIX are within the range of rates permitted under the Company's tariff, which has been reviewed and approved by the Commission.²

3. With respect to allegations of "blockage" of service on certain phone numbers in paragraph (3) of the Complaint, Complainants fail to provide sufficient information or facts upon which a response may be made. Thus, T-NETIX denies the allegation. By way of further answer, to the extent Complainants allege that numbers are blocked due to a lack of profitability, T-NETIX denies the allegations.

4. With respect to Complainants' allegation in paragraph (4) regarding "taped interruptions"/"voice overlays" at set repeated intervals, T-NETIX generally admits that certain security announcements are made at various points during a prepaid or collect call from a state correctional institution. By way of further answer, T-NETIX states that the "interruptions" referenced by Complainants are actually security-related announcements required by the Department of Corrections. These announcements, which are approved by the Department of Corrections, are intended to inform and remind the called and calling parties that all calls from the correctional institution are subject to monitoring and recording and that any use of a custom calling features such as three-way calling and call waiting may result in the call being disconnected. Thus, while the Complainants may feel inconvenienced by the announcements,

¹ See Pa. C.S.A. § 1302; Pa. Code § 63.114(d).

² See T-NETIX Telecommunications Services, Inc, Telephone-Pa P.U.C. No. 2.

the announcements are provided at the request of the Department of Correction and are necessary to ensure the security and privacy of the general public and to prevent fraudulent activity.

5. With respect to Complainants' allegation of "[o]ther noises and service interruptions exclusive to this system" in paragraph 5, Complainants fail to provide sufficient information or facts upon which a response may be made. Thus, T-NETIX denies the allegation.

6. With respect to Complainants' allegations regarding a "[l]ack of service and/or accountability to consumer complaints" in paragraph 6, Complainants fail to provide sufficient information or facts upon which a response may be made. Thus, T-NETIX denies the allegation. By way of further answer, T-NETIX states that the Department of Corrections (and not the Complainants) is the customer of T-NETIX. Accordingly, Complainants have no basis upon which to claim that T-NETIX is not responsive or accountable to any concerns raised by the DOC.

CONCLUSION

Based on the foregoing, Respondent, T-NETIX, respectfully requests that the Pennsylvania Public Utility Commission dismiss or deny the Complaint, and all the relief sought therein, with prejudice.

Respectfully submitted,

Andrea P. Edmonds

Glenn B. Manishin

Andrea Pruitt Edmonds

Winafred R. Brantl

KELLEY DRYE & WARREN LLP

8000 Towers Crescent Drive

Suite 1200

Vienna, Virginia 22182

(703) 918-2300 (telephone)

(703) 918-2450 (facsimile)

**Counsel for T-NETIX, Inc. and
T-NETIX Telecommunications
Services, Inc.**

Dated: October 8, 2004

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of October, 2004, copies of the Answer to Complaint of Preston B. Pfeifly, et al., were sent via first class mail, postage pre-paid to all parties listed below:

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

Anthony Brown AY-7727
Huntingdon SCI
1100 Pike Street
Huntingdon, PA 16554-1112

Jim Cunningham, AP-7627
Huntingdon SCI
1100 Pike Street
Huntingdon, PA 16554-1112

James Smeal, AP-8040
Huntingdon SCI
1100 Pike Street
Huntingdon, PA 16554-1112

Bruce McCaslin, AP-8961
Huntingdon SCI
1100 Pike Street
Huntingdon, PA 16554-1112

Todd S. Stewart, Esq.
Hawke, McKeon, Sniscak & Kennard, LLP
100 North Tenth Street
P.O. Box 1778
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John Ort, AK-9479
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OCT 6 8 2004
PA PUBLIC UTILITY COMMISSION
SECRETARY'S

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Richard Gordon, AK-4680
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Dorina Rogers
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Robert Carl, AK-5493
Huntingdon SCI
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James C. Rudolph, AK-9921
Huntingdon SCI
1100 Pike Street
Huntingdon, PA 16554-1112

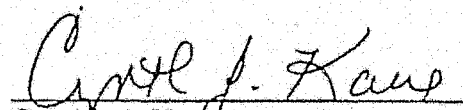
James Kautz, AK4761
Huntingdon SCI
1100 Pike Street
Huntingdon, PA 16554-1112

Administrative Law Judge Louis G. Cocheres
P.O. Box 3265
Harrisburg, PA 17105-3265

RECEIVED

OCT 08 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU


Cynthia J. Kave

N. Bruce Kazee
Senior Counsel
Legal Department

ORIGINAL



Legal Department
HCE03J27
500 Hidden Ridge
Irving, Texas 75038

Phone 972 718-6969
Fax 972 719-2146
bruce.kazee@verizon.com

October 6, 2004

OCT 06 2004

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
North Office Building
Harrisburg, Pennsylvania 17105-3265

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FOLDER

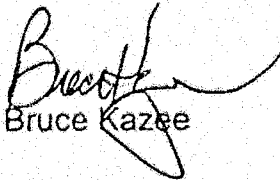
Re: Docket Nos. C-20042802, C-20042852, C-20042878, C-20042879;
Commonwealth of Pennsylvania Before the Pennsylvania Public Utility
Commission.

Dear Mr. McNulty:

Enclosed is an original and three (3) copies of a Notice of Appearance to be filed regarding the above referenced dockets. Please file the original and return one copy to me in the enclosed self-addressed, postage paid envelope.

Please do not hesitate to call if you have any questions.

Sincerely,



Bruce Kazee

BK:jh

Enclosures (4)

c: Judge Louis G. Cocheres

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COMMONWEALTH OF
PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC
UTILITY COMMISSION

In the Matter of:
Docket No. C-20042802
Docket No. C-20042852
Docket No. C-20042878
Docket No. C-20042879

DOCKETED
OCT 21 2004

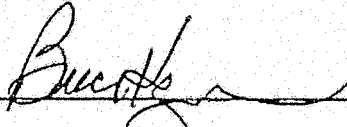
NOTICE OF APPEARANCE

Please enter my appearance in the above-designated matter on behalf of
Verizon Select Services Inc.

I am authorized to accept service on behalf of said participant in this matter.

On the basis of this notice, I request a copy of each document hereafter issued
by the Commission in this matter.

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



Signature
Bruce Kazee

Name (Printed)
Verizon, P.O. Box 152092

P.O. Address
Irving, TX 75038

City, State and Zip Code
972-718-6969

Telephone Number

ORIGINAL

DOCUMENT
FOLDER

ORIGINAL

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the participants, listed below, in accordance with the requirements of 52 Pa. Code § 1.54.

Preston B. Pfeifly, et al AK-7971
Huntingdon SCI
1100 Pike St.
Huntingdon, PA 16654-1112

Anthony Brown AY-7727
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James Smeal AP-8040
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Todd S. Stewart, Esquire
Hawke, McKeon, Sniscak & Kennard
LLP
100 N. 10th St.
P.O. Box 1778
Harrisburg, PA 17105-1778

Andrea P. Edmonds, Esquire
Kelley Drye & Warren LLP
Tysons Corner
8000 Towers Crescent Dr., Ste. 1200
Vienna, VA 22182

Dated this 6 day of October, 2004.



Bruce Kazee

Counsel for
Verizon

October 15, 2004

ORIGINAL

C-20042802

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


Preston B. Pfeifly
AK-7971
Box -A-
Bellefonte, PA. 16823-0820

RE: address change notice

Dear PUC Secretary:

Please notice the address change information listed above. Please forward all future correspondence to my address listed above.

Sincerely,



Preston B. Pfeifly

DOCUMENT
FOLDER

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DEC 03 2004

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BUREAU
OCT 21 PM 1:23

139

KELLEY DRYE & WARREN LLP

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HONG KONG

AFFILIATE OFFICES

BANGKOK, THAILAND

JAKARTA, INDONESIA

MANILA, THE PHILIPPINES

MUMBAI, INDIA

TOKYO, JAPAN

VIA UPS

October 22, 2004

DOCKETED
DEC 01 2004

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

Re: Docket Nos. C-20042802, C-20042878 and C-20042879:
Hearing Continuance

Dear Mr. McNulty:

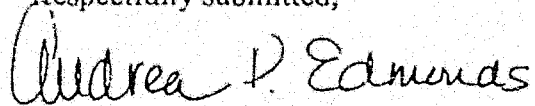
By this letter, T-NETIX Services, Inc. and T-NETIX Telecommunications Services, Inc. ("T-NETIX") confirms that Administrative Law Judge Louis G. Cocheres has granted its request for a continuance of the October 25, 2004 hearing in the above-captioned proceedings. By way of background, T-NETIX requested a 60-day continuance so that it may more thoroughly investigate the claims set forth in the above-referenced complaints. During this extension period, T-NETIX will initiate discussions with the Department of Corrections ("DoC") to address several issues raised in the complaints THAT ARE SUBJECT TO THE CONTROL AND JURISDICTION OF THE DoC, including recorded announcements (or voice overlays) and the internal process for telephone service-related complaints.

Also enclosed are two copies of this filing, a duplicate and a self-addressed, postage prepaid envelope. Please date-stamp the duplicate and return in the envelope provided. If you have any questions regarding this matter, please contact the undersigned at (703) 918-2380.

64

Mr. James J. McNulty
October 22, 2004
Page Two

Respectfully submitted,

A handwritten signature in cursive script that reads "Andrea P. Edmonds". The signature is written in black ink and is positioned above the printed name.

Andrea P. Edmonds

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of October, 2004, copies of the Continuance of the October 25, 2004 Hearing in Docket Nos. C-20042802, C-20042878 and C-20042879 were sent via first class mail, postage pre-paid to all parties listed below:

Preston B. Pfeifly, et al.
AK-7971
Huntingdon SCI
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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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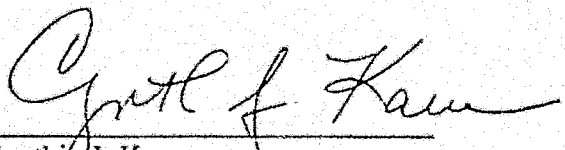
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Huntingdon SCI
1100 Pike Street
Huntingdon, PA 16553-1112

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Felix L. Trevino EL-6246
Huntingdon SCI
1100 Pike Street
Huntingdon, PA 16654-1112

Administrative Law Judge Louis G. Cocheres
P.O. Box 3265
Harrisburg, PA 17105-3265


Cynthia J. Kave



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
October 22, 2004

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20042802
C-20042852
C-20042878
C-20042879

DOCUMENT

(SEE LETTER OF 9-13-04)

- C-20042802 - Preston Pfeifly et al v. T-NETIX/Verizon Select Services Inc.
C-20042852 - Shayne Flood v. T-NETIX/Verizon Select Services Inc.
C-20042878 - Kevin L. Taylor v. T-NETIX/Verizon Select Services Inc.
C-20042879 - Felix L. Trevino v. T-NETIX/Verizon Select Services Inc.

Cancellation Notice

This is to inform you of the following cancellation:

Type: Initial Telephonic/ Video Conference Hearing
Date: Monday, October 25, 2004
Time: 8:30 a. m.
12:30 a. m.
2:30 p. m.
Presiding: Administrative Law Judge Louis G. Cocheres

DOCKETED
DEC 15 2004

Please mark your records accordingly.

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

10/25/2004

F

PRESTON B PFEIFLY ET AL v. T-NETIX/VERIZON SELECT SERVICES INC
C-20042802, C-20042852, C-20042878, & C-20042879

PRESTON B PFEIFLY ET AL
AK-7971
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16654-1112

SHAYNE FLOOD AK-7986
HUNTINGDON SCI
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KEVIN L TAYLOR DQ-2227
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16654-1112

FELIX L TREVINO EL-6256
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16654-1112

TODD S STEWART ESQUIRE
HAWKE MCKEON SNISCAK &
KENNARD LLP
100 NORTH TENTH STREET
P O BOX 1778
HARRISBURG PA 17105-1778
717.236.1300

DORINA ROGERS
SCI-HUNTINGDON
1100 PIKE STREET
HUNTINGDON PA 16654-1112
814.643.2400

ANDREA P EDMONDS ESQUIRE
KELLEY DRYE & WARREN LLP
TYSONS CORNER
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VIENNA VA 22182
703.918.2380

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ROBERT CARL AK-5493
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JAMES C RUDOLPH AK-9921
HUNTINGDON SCI
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HUNTINGDON PA 16554-1112

JAMES KAUTZ AK-4761
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16554-1112

BRUCE KAZEE ESQUIRE
VERIZON
P O BOX 152092
IRVING TX 75038
972.718.6969



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
October 22, 2004

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20042802
C-20042852
C-20042878
C-20042879

BRUCE KAZEE ESQUIRE
VERIZON
PO BOX 152092
IRVING TX 75038

C-20042802 - Preston Pfeifly et al v. T-NETIX/Verizon Select
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2:30 p. m.
Presiding: Administrative Law Judge Louis G. Cocheres

Please mark your records accordingly.

DOCUMENT
NUMBER

PRESTON B PFEIFLY ET AL v. T-NETIX/VERIZON SELECT SERVICES INC
C-20042802, C-20042852, C-20042878, & C-20042879

PRESTON B PFEIFLY ET AL
AK-7971
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16654-1112

SHAYNE FLOOD AK-7986
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16654-1112

KEVIN L TAYLOR DQ-2227
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16654-1112

FELIX L TREVINO EL-6256
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16654-1112

TODD S STEWART ESQUIRE
HAWKE MCKEON SNISCAK &
KENNARD LLP
100 NORTH TENTH STREET
P O BOX 1778
HARRISBURG PA 17105-1778
717.236.1300

DORINA ROGERS
SCI-HUNTINGDON
1100 PIKE STREET
HUNTINGDON PA 16654-1112
814.643.2400

ANDREA P EDMONDS ESQUIRE
KELLEY DRYE & WARREN LLP
TYSONS CORNER
8000 TOWERS CRESCENT DRIVE
SUITE 1200
VIENNA VA 22182
703.918.2380

ANTHONY BROWN AY-7727
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16554-1112

JIM CUNNINGHAM AP-7627
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RICHARD GORDON AK-4680
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JAMES KAUTZ AK-4761
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16554-1112

BRUCE KAZEE ESQUIRE
VERIZON
P O BOX 152092
IRVING TX 75038
972.718.6969

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	C-20042802		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input type="checkbox"/>
Case Name:	Preston B Pfeifly et al v. T-NETIX/Verizon Select Services, Inc.	Hearing Held:	<input type="checkbox"/>	<input type="checkbox"/>
		Testimony Taken:	<input type="checkbox"/>	<input type="checkbox"/>
		Transcript Due:	<input type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input type="checkbox"/>	<input type="checkbox"/>
Location:	HBG	Further Hearing Needed:	<input type="checkbox"/>	<input type="checkbox"/>
		Estimated Add'l Days:		
Date:	October 25, 2004			
		RECORD CLOSED:	<input type="checkbox"/>	<input type="checkbox"/>
ALJ:	Louis G. Cocheres	DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
<h2 style="margin: 0;">DOCUMENT FOLDER</h2>		REMARKS: T-Netix requested a continuance. The hearing was cancelled.		

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City</td> <td style="width: 33%;">State</td> <td style="width: 33%;">Zip</td> </tr> </table>	City	State	Zip	
City	State	Zip			
Telephone:	E-mail Address:	Fax Number:			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City</td> <td style="width: 33%;">State</td> <td style="width: 33%;">Zip</td> </tr> </table>	City	State	Zip	
City	State	Zip			
Telephone:	E-mail Address:	Fax Number:			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City</td> <td style="width: 33%;">State</td> <td style="width: 33%;">Zip</td> </tr> </table>	City	State	Zip	
City	State	Zip			
Telephone:	E-mail Address:	Fax Number:			

Check this box if additional parties or attendees appear on back of form.

Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.

ORIGINAL

Hawke

McKeon

Sniscak &

Kennard LLP

ATTORNEYS AT LAW

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

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

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmsk-law.com
October 27, 2004

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

DOCUMENT
FOLDER

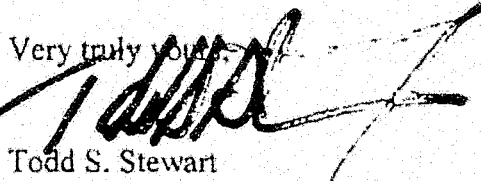
RECEIVED
OCT 27 PM 4:14
CLERK'S BUREAU

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

Dear Secretary McNulty:

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

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

Very truly yours,


Todd S. Stewart
Counsel for Verizon Select Services Inc.

TSS:tap
Enclosures
Cc: Administrative Law Judge Louis Cocheres (via hand delivery)

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Before the Honorable Louis G. Cocheres, Presiding Administrative Law Judge

Preston B. Pfeifly, et al.

Complainant

v.

Verizon Select Services Inc.

Respondent

Shayne Flood

Complainant

v.

Verizon Select Services Inc.

Respondent

Kevin L. Taylor

Complainant

v.

Verizon Select Services Inc.

Respondent

Felix L. Trevino

Complainant

v.

Verizon Select Services Inc.

Respondent

Docket No. C-20042802

Docket No. C-20042852

Docket No. C-20042878

Docket No. C-20042879

SECRETARY'S BUREAU

OCT 27 PM 4: 14

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DOCKETED
NOV 24 2004

RECEIVED
7PM OCT 27 PM 4:14
SECRETARIAT'S BUREAU

**MOTION TO COMPEL
OF VERIZON SELECT SERVICES INC.**

Verizon Select Services Inc. ("VSSI"), by and through its counsel in the above-captioned matter, Hawke McKeon Sniscak & Kennard, LLP, hereby moves the Presiding Officer in the above-captioned matter to compel responses to Interrogatories pursuant to 52 Pa. Code § 5.342(e) and/or for sanctions pursuant to 52 Pa. Code §§ 5.371 and 5.372. In support of its Motion, VSSI states and avers as follows:

1. On or about September 24, 2004, VSSI propounded Interrogatories and Request for Production of Documents (Set I) upon Complainants, Preston Pfeifly, et al., Kevin L. Taylor, Felix L. Trevino, and Shayne Flood.¹ According to the Commission's Regulations at 52 Pa. Code § 5.342(d) Responses to those Interrogatories are due within twenty (20) days or on October 17, 2004, allowing three (3) days for mailing.

2. On or about October 9, 2004, VSSI received the Interrogatory Responses of Shayne Flood.

3. VSSI has not received Responses to the Interrogatories from any other of the Complainants in this matter; namely: Preston Pfeifly, Anthony Brown, Jim Cunningham, James Smeal, Bruce McCaslin, John Ort, Richard Gordon, Stuart Simon, Robert Carl, James C. Rudolph, James Kautz, Felix Trevino, or Kevin Taylor.

4. VSSI has not received Objections to any of the Interrogatories from any Complainant.

¹ Copies of the Interrogatories are Attached hereto as Appendix A.

**DOCUMENT
FILE**

5. VSSI's Interrogatories request the Complainants to disclose the factual basis of the allegations in the Complaint, because the allegations as set forth in those Complaints were vague at best. That information is necessary to allow VSSI to prepare an adequate defense to the allegations. Without the responses, VSSI's ability to defend itself is prejudiced.

6. The Commission's regulations provide that Objections to Interrogatories must be served within ten (10) days of service and that responses to Interrogatories must be filed within twenty (20) days. None of the Complainants has offered any excuse for their failure to respond to the unobjected-to discovery.

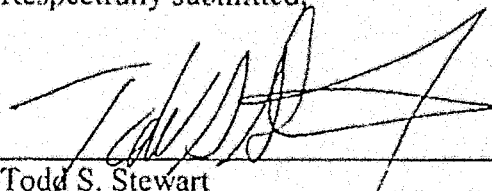
7. The Commission's regulations provide:

"the Commission or the Presiding Officer may, on Motion, make an appropriate order if one of the following occurs; (1) a participant fails to appear, answer, file sufficient answers, file objections, making designation or otherwise respond to discovery requests, as required by this subchapter." 52 Pa. Code § 5.371(a)(1).

8. VSSI is entitled to the responses to its questions. Without the responses, its defense will be prejudiced. Accordingly, VSSI requests that the Presiding Administrative Law Judge enter an Order Compelling responses to said discovery on a date certain. Moreover, VSSI requests that said Order provide, that in the event that any of the Complainant's fail to provide the responses, that pursuant to 52 Pa. Code § 5.372(a), such Complainant would be prohibited from entering any evidence into the record to support the claims for which he refused to provide the discovery responses. Otherwise VSSI is subject to trial by ambush, which is not fair.

WHEREFORE Verizon Select Services Inc. hereby moves to compel responses to the Interrogatories by the above-named Complainants and in the event that the Complainants fail to comply with said Order, VSSI sanctions be imposed as discussed in this Motion.

Respectfully submitted,



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

Counsel for Respondent,
Verizon Select Services Inc.

Dated: October 27, 2004

CERTIFICATE OF SERVICE

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

SERVICE BY FIRST CLASS MAIL:

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

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

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

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

Anthony Brown, AY7727
1100 Pike Street
Huntingdon, PA 16654-1112

Jim Cunningham, AP-7627
1100 Pike Street
Huntingdon, PA 16654-1112

James Smeal, AP-8040
1100 Pike Street
Huntingdon, PA 16654-1112

Bruce McCaslin, AP-8941
1100 Pike Street
Huntingdon, PA 16654-1112

John Ort, AK9479
1100 Pike Street
Huntingdon, PA 16654-1112

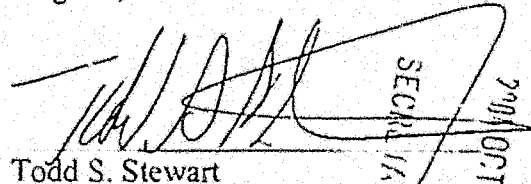
Richard Gordon, AK9680
1100 Pike Street
Huntingdon, PA 16654-1112

Stuart Cimon, BP8976
1100 Pike Street
Huntingdon, PA 16654-1112

Robert Carl, AK5493
1100 Pike Street
Huntingdon, PA 16654-1112

James C. Rudolph, AK9921
1100 Pike Street
Huntingdon, PA 16654-1112

James Kautz, AP-4761
1100 Pike Street
Huntingdon, PA 16654-1112


Todd S. Stewart

Dated: October 27, 2004

RECEIVED
OCT 27 PM 4: 14
SECURITY'S BUREAU

Cocheres, Louis

From: Cocheres, Louis
Sent: Thursday, September 30, 2004 5:10 PM
To: Todd S. Stewart
Cc: Lester, Ona; Dupler, Marna
Subject: C-20042802 Pfeifly et al v. VSSI and T-Netix

Mr. Stewart -

The OALJ has recently received a message from June Holland asking that Mr. Kazee be included in the video conf. hearing on Oct 25, 2004 in these cases. According to Ms. Holland, you already provided the notice of hearing to Bruce. In order for OALJ and the Dept. of Health (which allows us to use its equipment) to process the paperwork, kindly provide Mr. Kazee's address, phone number, fax number and e-mail address. This info will facilitate his appearance at the hearing, testing his equipment for compatibility etc.

Note that Ms. Lester is on the OALJ scheduling staff and is waiting to add Mr. Kazee's name and address to the parties' list. Ms. Dupler is with the Dept. of Health and is already (I believe) working with Ms. Holland to link Kazee to the video conf.

Even though I have known Mr. Kazee for many years, I no longer remember if he is a member of the Pa. Bar. If he is not a member and intends to participate as a party or advocate, kindly prepare a Motion for Admission Pro Hac Vice, at your earliest convenience.

If you have a question, do not hesitate to contact me at 787-9816.

ALJ Cocheres

pc: File Room (PLEASE DOCKET)

DOCKETED
DEC 02 2004



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

IN REPLY PLEASE
REFER TO OUR FILE

April 11, 2005

In Re: C-20042802
C-20042852
C-20042878
C-20042879

**DOCUMENT
FOLDER**

(SEE ATTACHED LIST)

- C-20042802 - Preston Pfeifly et al v. T-Netix/Verizon Select Services Inc.
C-20042852 - Shayne Flood v. T-Netix/Verizon Select Services Inc.
C-20042878 - Kevin L. Taylor v. T-Netix/Verizon Select Services Inc.
C-20042879 - Felix L. Trevion v. T-Netix/Verizon Select Services Inc.

Service Dispute

KJR

Telephone Hearing Notice

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

Type: Initial Telephonic / Videoconference Hearing

Date: Wednesday, June 29, 2005

Time: 8:30 a.m.
12:30 p.m.
2:30 p.m.

Location: Health & Welfare Building
Room 812
7th & Forester Streets
Harrisburg, Pennsylvania

Presiding: Administrative Law Judge Louis G. Cocheres
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 783-5452
Fax: (717) 787-0481

DOCKETED
JUN 22 2005

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

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

Preston B. Pfeifly et al	814-643-2400
Andrea P. Edmonds, Esquire	703-918-2380
Bruce Kazee, Esquire	972-718-6969

ALL OTHER PARTIES MUST APPEAR IN PERSON

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

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

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

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

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

pc: Judge Cocheres
Cherie Pyle, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

PRESTON B PFEIFLY ET AL v. T-NETIX/VERIZON SELECT SERVICES INC
C-20042802, C-20042852, C-20042878, & C-20042879

✓ PRESTON B PFEIFLY ET AL
AK-7971
SCI ROCKVIEW
BOX A
BELLEFONTE PA 16823-0820

! SHAYNE FLOOD AK-7986
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3 TODD S STEWART ESQUIRE
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BRUCE KAZEE ESQUIRE
SENIOR COUNSEL
VERIZON
600 HIDDEN RIDGE
IRVING TX 75038
MAIL CODE: HQ E03527
972.718.6969



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

IN REPLY PLEASE
REFER TO OUR FILE

April 11, 2005

In Re: C-20042802

(SEE ATTACHED LIST)

Preston B. Pfeifly v. T-Netix/Verizon Select Services Inc.

Service Dispute

Telephone Hearing Notice

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

Type: Initial Telephonic / Videoconference Hearing

Date: Tuesday, July 26, 2005

Time: 9:30 a.m.

Location: Health & Welfare Building
Room 812
7th & Forester Streets
Harrisburg, Pennsylvania

Presiding: Administrative Law Judge Louis G. Cocheres
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 783-5452
Fax: (717) 787-0481

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

DOCUMENT
FOLDER

DOCKETED
MAY 05 2005

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

Preston B. Pfeifly	814-357-1135
Andrea P. Edmonds, Esquire	703-918-2380
Bruce Kazee, Esquire	972-718-6969

ALL OTHER PARTIES MUST APPEAR IN PERSON

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

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

pc: Judge Cocheres
Cherie Pyle, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

PRESTON B PFEIFLY ET AL v. T-NETIX/VERIZON SELECT SERVICES INC
C-20042802, C-20042852, C-20042878, & C-20042879

- PRESTON B PFEIFLY ET AL
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BRUCE KAZEE ESQUIRE
SENIOR COUNSEL
VERIZON
600 HIDDEN RIDGE
IRVING TX 75038
MAIL CODE: HQ E03527
972.718.6969

TAMMY YARNELL
SCI ROCKVIEW
BOX A
BELLEFONTE PA 16823-0820
814-355-4874 X321



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

IN REPLY PLEASE
REFER TO OUR FILE

April 12, 2005

In Re: C-20042802

(SEE LETTER DATED 4/11/05)

Preston B. Pfeifly v. T-Netix/Verizon Select Services Inc.

Service Dispute

**DOCUMENT
FOLDER**

CORRECTED Hearing Notice

This is to inform you that the notice dated April 11, 2005 on the above-captioned case contained incorrect information. The purpose of this notice is to correct that information. All corrections will be double underlined.

Type: Initial Telephonic / Videoconference Hearing

Date: Friday, July 29, 2005

Time: 9:30 a.m.

Location: Health & Welfare Building
Room 812
7th & Forester Streets
Harrisburg, Pennsylvania

Presiding: Administrative Law Judge Louis G. Cocheres
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 783-5452
Fax: (717) 787-0481

DOCKETED
MAY 07 2005

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

BT;

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

Preston B. Pfeifly	814-357-1135
Andrea P. Edmonds, Esquire	703-918-2380
Bruce Kazee, Esquire	972-718-6969

ALL OTHER PARTIES MUST APPEAR IN PERSON

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

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

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

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

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

pc: Judge Cocheres
Cherie Pyle, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	C-20042802		YES	NO
Case Name:	Preson Pfeifly et al v T-Netix/Verizon Select Services Inc	Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Location:	HBG	Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date:	June 29, 2005	Testimony Taken:	<input type="checkbox"/>	<input type="checkbox"/>
ALJ:	Louis G. Cocheres	Transcript Due:	<input type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	Hearing Concluded:	<input type="checkbox"/>	<input type="checkbox"/>
		Further Hearing Needed:	<input type="checkbox"/>	<input type="checkbox"/>
		Estimated Add'l Days:		
		RECORD CLOSED:	<input type="checkbox"/>	<input type="checkbox"/>
		DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
		REMARKS:	The hearing was rescheduled to July 29, 2005	

DOCUMENT FOLDER

RECEIVED

JUN 26 2005

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address			Who are you representing?
	City	State	Zip	
Telephone:	E-mail Address:		Fax Number:	
	City	State	Zip	
Telephone:	E-mail Address:		Fax Number:	
	City	State	Zip	
Telephone:	E-mail Address:		Fax Number:	

Check this box if additional parties or attendees appear on back of form.

6/29/05

Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
July 7, 2005

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20042802
C-20042852
C-20042878
C-20042879

(SEE LETTER OF 4-11-05)

- C-20042802 - Preston Pfeifly et al v. T-Netix/Verizon Select
Services Inc.
C-20042852 - Shayne Flood v. T-Netix/Verizon Select Services Inc.
C-20042878 - Kevin L. Taylor v. T-Netix/Verizon Select Services
Inc.
C-20042879 - Felix L. Trevion v. T-Netix/Verizon Select Services
Inc.

Hearing Notice

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

Type: Video Conference Hearing

Date: Monday, July 25, 2005

Time: 9:00 a. m.
12:30 p. m.
2:30 p. m.

Location: Health & Welfare Building
7th & Forster Streets
Room 812
Harrisburg, PA

DOCKETED
AUG 04 2005

Presiding: Administrative Law Judge Louis G. Cocheres
P.O. Box 3265
Harrisburg, PA 17105-3265
Phone: 717.783.5452
Fax: 717.787.0481

RJP

**DOCUMENT
FOLDER**

At the date & time of this hearing, the parties must call the bridge telephone number which will be provided by the Office of Administrative Law Judge scheduler via facsimile.

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

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

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

- Scheduling Office: 717.787.1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1.800.654.5988

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

PRESTON B PFEIFLY ET AL v. T-NETIX/VERIZON SELECT SERVICES INC
C-20042802, C-20042852, C-20042878, & C-20042879

- PRESTON B PFEIFLY ET AL
AK-7971
SCI ROCKVIEW
BOX A
BELLEFONTE PA 16823-0820
- SHAYNE FLOOD AK-7986
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16654-1112
- KEVIN L TAYLOR DQ-2227
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16654-1112
- FELIX L TREVINO EL-6256
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16654-1112
- TODD S STEWART ESQUIRE
HAWKE MCKEON SNISCAK &
KENNARD LLP
100 NORTH TENTH STREET
P O BOX 1778
HARRISBURG PA 17105-1778
717.236.1300
- C A DZIUBAN
• DIRECTOR GOVT AFFAIRS
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14651 DALLAS PARKWAY
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DALLAS TX 75254-7476
972.277.0319
- ANDREA P EDMONDS ESQUIRE
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1200 19TH STREET NW
SUITE 500
WASHINGTON DC 20036
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HUNTINGDON PA 16554-1112
- JIM CUNNINGHAM AP-7627
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16554-1112
- JAMES SMEAL AP-8040
HUNTINGDON SCI
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HUNTINGDON PA 16554-1112
- BRUCE MCCASLIN AP-8941
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16554-1112

• JOHN ORT AK-9479
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16554-1112

• RICHARD GORDON AK-4680
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16554-1112 .

• STUART SIMON BP-8976
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16554-1112

• ROBERT CARL AK-5493
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16554-1112

• JAMES C RUDOLPH AK-9921
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16554-1112

• JAMES KAUTZ AH-4561
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16554-1112

• BRUCE KAZEE ESQUIRE
SENIOR COUNSEL
VERIZON
600 HIDDEN RIDGE
IRVING TX 75038
MAIL CODE: HQ E03527
972.718.6969

Hawke

McKeon

Sniscak &

Kennard LLP

ATTORNEYS AT LAW

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Thomas J. Sniscak
Norman James Kennard
Lillian Smith Harris
Scott T. Wyant
Todd S. Stewart

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

ORIGINAL

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmsk-law.com
July 14, 2005

Honorable Louis G. Cocheres
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
PO Box 3265
Harrisburg, PA 17105 (mail)

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

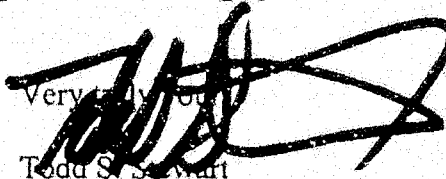
RE: Preston B. Pfeifly, et al. v. Verizon Select Services Inc.;
Docket No. C-20042802; Shayne Flood v. Verizon Select Services Inc.;
Docket No. C-20042852; Kevin L. Taylor v. Verizon Select Services Inc.;
Docket No. C-20042878; Felix L. Trevino v. Verizon Select Services Inc.;
Docket No. C-20042879; **MOTION FOR SANCTIONS PURSUANT
TO 52 Pa. CODE §§ 5.371 and 5.372**

Dear Judge Cocheres and Secretary McNulty:

Enclosed, for filing with the Commission are the original and three (3) copies of the Motion For Sanctions Pursuant to 52 Pa. Code §§ 5.371 and 5.372 in the above-captioned proceeding.

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


DOCUMENT
FOLDER

Very truly yours,


Todd S. Stewart
Counsel for Verizon Select Services Inc.

TSS:tar
Enclosures

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

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2005 JUL 14 PM 4:23


ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Before the Honorable Louis G. Cocheres, Presiding Administrative Law Judge

Preston B. Pfeifly, et al.

Complainant

v.

Verizon Select Services Inc.

Respondent

Docket Nos. C-20042802, C-20042852,
C-20042878 and C-20042879

STENOGRAPHIC BUREAU
700 PINE ST. PHILADELPHIA, PA 19106

NOTICE TO PLEAD

TO:

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

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

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

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

Anthony Brown, AY7727
1100 Pike Street
Huntingdon, PA 16654-1112

Jim Cunningham, AP-7627
1100 Pike Street
Huntingdon, PA 16654-1112

James Smeal, AP-8040
1100 Pike Street
Huntingdon, PA 16654-1112

Bruce McCaslin, AP-8941
1100 Pike Street
Huntingdon, PA 16654-1112

John Ort, AK9479
1100 Pike Street
Huntingdon, PA 16654-1112

Richard Gordon, AK9680
1100 Pike Street
Huntingdon, PA 16654-1112

Stuart Cimon, BP8976
1100 Pike Street
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Robert Carl, AK5493
1100 Pike Street
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James C. Rudolph, AK9921
1100 Pike Street
Huntingdon, PA 16654-1112

James Kautz, AP-4761
1100 Pike Street
Huntingdon, PA 16654-1112

Andrea Edmunds

Pursuant to 52 Pa. Code §§5.62 and 5.63, you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion For Sanctions Pursuant To 52 Pa. Code §§ 5.371 and 5.372 to Verizon Select Services Inc. within five (5) days from service of this notice, the facts set forth by Verizon Select Services Inc. in the Motion for Sanctions may be deemed to be true, thereby requiring no other proof. All pleadings must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served on the undersigned counsel for Verizon Select Services Inc.



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

Counsel for Verizon Select Services Inc.

DATED: July 14, 2005

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Before the Honorable Louis G. Cocheres, Presiding Administrative Law Judge

Preston B. Pfeifly, et al.

Complainant

v.

Verizon Select Services Inc.

Respondent

Docket Nos. C-20042802, C-20042852,
C-20042878 and C-20042879

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**MOTION FOR SANCTIONS
PURSUANT
TO 52 Pa. CODE §§ 5.371 and 5.372**

DOCKETED
JAN 13 2006

Verizon Select Services Inc. ("VSSI"), by and through its counsel in the above-captioned matter, Hawke McKeon Sniscak & Kennard, LLP, hereby moves to sanction certain Complainants in the above caption matter by prohibiting them from introducing evidence or alternatively, by dismissing their Complaints. VSSI seeks these sanctions for Complainant's failure to abide with the Pennsylvania Public Utility Commission's regulations concerning discovery. In particular, all but two of the Complainants have knowingly and willfully refused to abide by the requirement that they provide answers to duly propounded discovery. In support of its Motion, VSSI states as follows:

I. BACKGROUND AND PROCEDURAL HISTORY

1. On or about April 21, 2004, VSSI was served with the Complaint of Preston B. Pfeifly, et al. Appended to the Complaint of Mr. Pfeifly was a document

containing the signatures of Anthony Brown, Jim Cunningham, James Smeal, Bruce McCaslin, Richard Gordon, Stuart Cimon, Robert Carl, James Rudolph, John Ort and James Kautz.

2. On or about April 26, 2004, VSSI was served with the Complaint of Shayne Flood.

3. On or about April 28, 2004, VSSI was served with the separate Complaints of Kevin L. Taylor and Felix L. Trevino.

4. All four Complaints are virtually identical in content.

5. By notice dated May 13, 2004 and May 14, 2004, VSSI was granted extensions of time within which to answer the four Complaints..

6. On or about June 7, 2004, VSSI simultaneously filed a single Answer to the four (4) Complaints and a Motion to Consolidate the four (4) Complaints.

7. On or about June 15, 2004, VSSI received a document purported to be a Response to its Answer from Shayne Flood.

8. By Notice dated September 13, 2004 an Initial Telephonic Hearing was scheduled in the above-captioned matter for Monday, October 25, 2004.

9. On September 24, 2005, VSSI served Interrogatories and Requests for Production of Documents on each of the four-named inmate Complainants as well as the ten Complainants listed on the attachment to the Pfeifly Complaint.

10. By Prehearing Order and Consolidation Order dated September 27, 2004, VSSI's Motion to Consolidate the above-captioned proceeding was granted. By Notice dated October 22, 2004, the October 25, 2004 Hearings were cancelled.

11. On October 6, 2004, Complainant, Shayne Flood, provided Responses to the Interrogatories.

12. On October 27, 2004, VSSI filed a Motion to Compel Responses to the Interrogatories by the non-responding Complainants, or in the alternative requested that those Complainants be prohibited from entering any evidence into the record to support the claims for which the individual Complainant had refused to provide discovery responses.

13. On November 10, 2004, VSSI received Interrogatory Responses from Preston B. Pfeifly.

14. None of the other Complainants have responded to the Interrogatories.

15. To date, there has been no Order granting or denying VSSI's Motion to Compel provided to counsel for VSSI.

16. By Notice dated April 11, 2005, the above-captioned matters were set for hearing on July 26, 2005. By Corrected Hearing Notice dated April 12, 2005, the above-captioned matters were set for hearing on Friday, July 29, 2005.

17. By Notice dated July 7, 2005, received by counsel for VSSI on July 12, 2005, the above-captioned matters were rescheduled for a Hearing to be held on July 25, 2005.

18. By email request sent on July 12, 2005, counsel for Respondent, VSSI, requested that the original Hearing date of July 29th be reinstated because of the unavailability of certain witnesses for VSSI. That request remains pending.

II. MOTION FOR SANCTIONS

19. The regulations of The Pennsylvania Public Utility Commission provide that a participant may “obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action . . .” 52 Pa. Code § 5.321(c). The Commission’s regulations further provide for the imposition of sanctions in the event that “a participant fails to appear, answer, file sufficient answers, file objections, make a designation or otherwise respond to discovery request, as required under this subject.” 52 Pa. Code § 5.371(a)(1).

20. The regulations provide different types of sanctions that may be imposed for the failure to comply with the discovery rules, including: the determination of facts in the favor of the party obtaining the Order; prohibiting the disobedient party from introducing any evidence or testimony regarding the issues for which they have refused to respond in discovery; striking out a pleading, or, any other Order as may be just. 52 Pa. Code § 5.372. The Commission has also dismissed Complaints as a sanction for refusal to participate in the discovery process. *Joseph M. Kapusink v. Verizon Pennsylvania Inc.*, Docket No. C-20031224 (Final Order entered April 13, 2004, Initial Decision of Administrative Law Judge Michael A. Nemeec, entered February 4, 2004).

21. It cannot be disputed that VSSI properly served discovery requests upon each Complainant in this case and that each Complainant received them, since none were returned to VSSI by the post office. Moreover, at least two (2) inmates clearly received and responded to the discovery requests, albeit one belatedly. Moreover, it cannot be disputed that the Complainants received VSSI’s Motion to Compel, because none were

returned by the Post Office and because at least one inmate produced responses within mere days of receiving VSSI's Motion to Compel. Moreover, that Motion to Compel put each Complainant on notice of the possibility of sanction for failure to abide by the regulations. Yet only one responded and none of the Complainants offered any Objection to any Interrogatory or claimed any other hardship as an excuse for failing to provide responses.

22. Due to fact-specific nature of the allegations of these Complaints, it is vital that VSSI have specific information of that nature requested in order to make the investigations that allow it to respond to the allegations of the individual Complainants. VSSI's Interrogatories, a copy of which is attached hereto, comprehensively address each of the issues raised by the Complainants.

23. Without the information sought by the Interrogatories or the sanctions requested herein, VSSI's preparation for the Hearing is severely prejudiced because the Complainants would be able to present specific evidence, which VSSI would be unable to rebut because it would not have the information with which to respond. It is simply too burdensome to expect VSSI to investigate every possible permutation of defenses and/or issues which may be raised by each individual Complainant particularly here where there are multiple Complainants.

24. It is clear that VSSI is entitled under the Commission's regulations to receive responses to the discovery. Accordingly, VSSI seeks to limit, pursuant to the Sanctions in 52 Pa. Code § 5.372, the introduction of any evidence or testimony on any of the points covered by the Interrogatories by those Complainants that have failed to respond to appropriately propounded discovery requests.

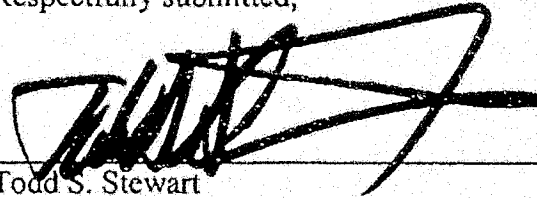
25. The Complainants have had ample opportunity to respond. In fact, Mr. Pfeifly did respond after being served with the Motion to Compel. No Complainant has offered any excuse for their failure to respond according to the requirements of the Commission's regulations. The fact that no ruling was made on the Motion to Compel does not alter the obligation of the Complainants to respond to discovery as required by the Commission's regulations.

26. In the alternative, VSSI believes that because of the comprehensive nature of the discovery requests in question, there is no subject upon which any of the inmates who have failed to respond to discovery should be permitted to testify or present evidence. Therefore, VSSI submits that it is appropriate to dismiss those Complaints outright because it would be impossible for any Complainant to carry his burden of proof on any issue raised by their Complaint. Moreover, dismissal is the appropriate result because it will free VSSI from having to prepare and present evidence in defense of claims, which cannot be supported in any fashion. VSSI submits that a Complainant who willfully decides not to respond to discovery, once having been informed of the possible sanction for that failure, should not be permitted to proceed where doing so would prejudice the rights of the other party. Such willful refusal has been approved by the Commission as a basis for dismissal of a Complaint. *Kapusink, supra.*

WHEREFORE Verizon Select Services Inc. respectfully requests that Your Honor enter an Order limiting the ability of any Complainant that failed to respond to discovery responses: Anthony Brown, Jim Cunningham, James Smeal, Bruce McCaslin, John Ort, Richard Gordon, Stuart Cimon, Robert Carl, James C. Rudolph, James Kautz, Felix Trevino or Kevin Taylor, to present any evidence or testimony regarding any fact or

any inference to be drawn from such facts that are the subject of the discovery requests to which those Complainants have failed to respond. In the alternative, Verizon Select Services Inc. requests that the Complaints of each individual named, be dismissed as a sanction for the willful refusal to respond to discovery.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Todd S. Stewart', is written over a horizontal line.

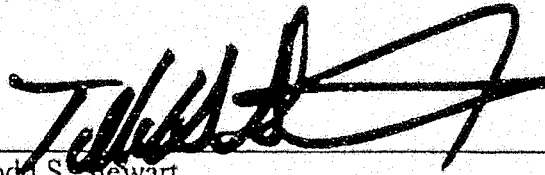
Todd S. Stewart
William E. Lehman
Hawke McKeon Sniscak & Kennard
Harrisburg Energy Center
100 North Tenth Street
Post Office Box 1778
Harrisburg, PA 17105
717-236-1300

Counsel for Respondent,
Verizon Select Services Inc.

Dated: July 14, 2005

AFFIDAVIT

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



Todd S. Stewart
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100 North Tenth Street
PO Box 1778
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Telephone: (717) 236-1300
Facsimile: (717) 236-4841
E-mail: tsstewart@hmsk-law.com

Counsel for Verizon Select Services Inc

DATED: July 14, 2005

CERTIFICATE OF SERVICE

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

SERVICE BY FIRST CLASS MAIL:

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

Shayne Flood, AK-7986
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Huntingdon, PA 16654-1112

Kevin L. Taylor, DQ 2227
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Felix L. Trevino, EL-6256
1100 Pike Street,
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Anthony Brown, AY7727
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Jim Cunningham, AP-7627
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James Smeal, AP-8040
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Bruce McCaslin, AP-8941
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John Ort, AK9479
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Richard Gordon, AK9680
1100 Pike Street
Huntingdon, PA 16654-1112

Stuart Cimon, BP8976
1100 Pike Street
Huntingdon, PA 16654-1112

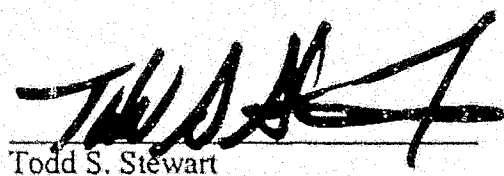
Robert Carl, AK5493
1100 Pike Street
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James C. Rudolph, AK9921
1100 Pike Street
Huntingdon, PA 16654-1112

James Kautz, AP-4761
1100 Pike Street
Huntingdon, PA 16654-1112

SECRET

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Todd S. Stewart

Dated: July 14, 2005

Hawke

McKeon

Sniscak &

Kennard LLP

ATTORNEYS AT LAW

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

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

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.330.4842 www.tmk-law.com

September 24, 2004

JUL 14 2005

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

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

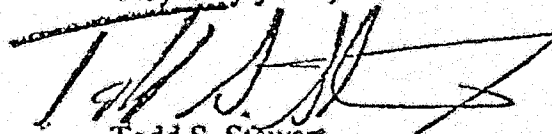
RE: Preston B. Pfeifly, et al. v. Verizon Select Services Inc.;
Docket No. C-20042802; Shayne Flood v. Verizon Select Services Inc.;
Docket No. C-20042852; Kevin L. Taylor v. Verizon Select Services Inc.;
Docket No. C-20042878; Felix L. Trevino v. Verizon Select Services Inc.;
Docket No. C-20042879; VERIZON SELECT SERVICES INC.'S
INTERROGATORIES AND REQUEST FOR PRODUCTION OF
DOCUMENTS (SET I)

Dear Sirs:

Enclosed is Verizon Select Services Inc.'s Interrogatories and Request for
Production of Documents (Set I) in the above-captioned matter.

If you have any questions, please direct them to me.

Very truly yours,



Todd S. Stewart
Counsel for Verizon Select Services Inc.

TSS/tap

Enclosures

cc: James J. McNulty, Secretary (cover letter only)

SECRETARY'S BUREAU

2004 SEP 24 PM 1:17

RECEIVED

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

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Preston B. Pfeifly, et al.

Complainant

v.

Verizon Select Services Inc.

Respondent

Docket No. C-20042802

Shayne Flood

Complainant

v.

Verizon Select Services Inc.

Respondent

Docket No. C-20042852

RECEIVED

JUL 14 2005

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Kevin L. Taylor

Complainant

v.

Verizon Select Services Inc.

Respondent

Docket No. C-20042878

Felix L. Trevino

Complainant

v.

Verizon Select Services Inc.

Respondent

Docket No. C-20042879

VERIZON SELECT SERVICES INC.'S
INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS (SET I)

Pursuant to 52 Pa. Code § 5.341, Verizon Select Services Inc. ("VSSI") hereby propounds the following Interrogatories (Set I) to Preston B. Pfeifly, Anthony Brown, Jim Cunningham, James Smcal, Bruce McCaslin, John Ort, Richard Gordon, Stuart Cimon, Robert Carl, James C. Rudolph, James Kautz ("Pfeifly"), to be answered by those individuals, employees or agents who are cognizant of the requested facts and who are commissioned to answer on behalf of Pfeifly.

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

INSTRUCTIONS

Definition of Terms

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

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

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

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

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

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

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

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

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

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

- (a) the answer to the extent possible;

(b) what information cannot be provided; and

(c) what efforts were made to obtain the unknown information.

Verizon Select Services Inc.'s
Interrogatories and Request for Production of Documents, Set I
To Pfeisly Dated September 24, 2004

1. With regard to paragraph 3(1) of your Complaint, for you and for each Complainant identified in the Complaint, describe in detail what you mean by the use of the phrase "repeated service disconnects."
 - a. how often do you allege that service was interrupted?
 - b. list in detail all evidence which supports the contention that none of the called parties had services on their line that would cause a disconnection or otherwise would tend to show that said disconnection was in error, if any such evidence exists.

RESPONSE:

Verizon Select Services Inc.'s
Interrogatories and Request for Production of Documents, Set I
To Pfcifly Dated September 24, 2004

2. With regard to paragraph 3(1) of your Complaint, for you and for each Complainant identified in the Complaint, wherein you allege "extreme overcharges for services," list in detail all evidence, which tends to substantiate this allegation and provide each and every document, including invoices upon which this allegation is based. Also, provide copies of the tariffs and/or invoices for any other provider of similar services which you claim substantiate the allegation that the rates for this service provided by Verizon Select Services Inc. are higher than the other providers.

RESPONSE:

Verizon Select Services Inc.'s
Interrogatories and Request for Production of Documents, Set I
To Pfeiffer Dated September 24, 2004

3. With regard to paragraph 3(1) of your Complaint, for you and for each Complainant identified in the Complaint, wherein you allege "blockage" of service on certain numbers. Provide the following:
- a. Describe in detail what you mean by "blockage;" and
 - b. List each and every number which you allege has been inappropriately blocked and the alleged inappropriate reason for the blockage.

RESPONSE:

**Verizon Select Services Inc.'s
Interrogatories and Request for Production of Documents, Set I
To Pfcifly Dated September 24, 2004**

4. With regard to paragraph 3(1) of your Complaint, for you and for each Complainant identified in the Complaint, wherein you allege "other noises and service interruptions exclusive to this system." Describe in detail what you mean by "other noises" and other "service interruptions".
 - a. list each and every occurrence of these other noises and/or service interruptions.

RESPONSE:

Verizon Select Services Inc.'s
Interrogatories and Request for Production of Documents, Set I
To Pfeifly Dated September 24, 2004

5. Provide copies of all exhibits, which you and/or each of the Complainants identified in the Complaint may present at the hearing in this matter.

RESPONSE:

Verizon Select Services Inc.'s
Interrogatories and Request for Production of Documents, Set I
To Pfeiffer Dated September 24, 2004

6. List each and every witness, which you and/or each of the Complainants identified in the Complaint expect to call in support of your allegations in this matter. For each witness, give a brief summary of the scope of their testimony and provide a list of any documents upon which their testimony may rely.

RESPONSE:

CERTIFICATE OF SERVICE

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

SERVICE BY FIRST CLASS MAIL:

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

Anthony Brown, AY7727
1100 Pike Street
Huntingdon, PA 16654-1112

Jim Cunningham, AP-7627
1100 Pike Street
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James Smeal, AP-8040
1100 Pike Street
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Bruce McCaslin, AP-8941
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John Ort, AK9479
1100 Pike Street
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Richard Gordon, AK9680
1100 Pike Street
Huntingdon, PA 16654-1112

Stuart Cimon, BP8976
1100 Pike Street
Huntingdon, PA 16654-1112

Robert Carl, AK5493
1100 Pike Street
Huntingdon, PA 16654-1112

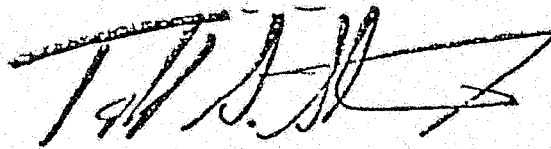
James C. Rudolph, AK9921
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Huntingdon, PA 16654-1112

James Kautz, AP-4761
1100 Pike Street
Huntingdon, PA 16654-1112

Shayne Flood, AK-7986
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Huntingdon, PA 16654-1112

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

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



Todd S. Stewart

Dated: September 24, 2004

Hawke
 McKeon
 Sniscak &
 Kennard LLP
ATTORNEYS AT LAW

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

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmsk-law.com
July 22, 2005

RECEIVED

JUL 26 2005

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

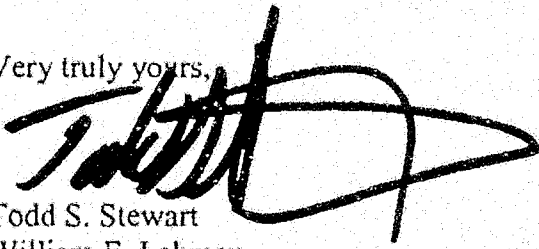
Honorable Louis G. Cocheres
Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street - 2 West
PO Box 3265
Harrisburg, PA 17105-3265

RE: Preston B. Pfeifly, et al. v. Verizon Select Services Inc.;
Docket No. C-20042802; Proposed Hearing Exhibits of VSSI

Dear Judge Cocheres:

Enclosed as required by your prehearing order are three (3) copies of proposed VSSI Exhibit No. 1 in the above-captioned matter. As indicated by the attached certificate of service, copies of this exhibit are being provided to all parties to this proceeding. If you have any questions regarding this service, please do not hesitate to contact me.

Very truly yours,


Todd S. Stewart
William E. Lehman

Counsel for Verizon Select Services, Inc.

DOCUMENT
FOLDER

TSS/smw
Enclosure

CERTIFICATE OF SERVICE

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

SERVICE BY FIRST CLASS MAIL:

Preston Pfeifly
SCI Rockview
Box A
Bellefonte, PA 11823-0820

Shayne Flood, AK-7986
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1100 Pike Street
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Richard Gordon, AK9680
1100 Pike Street
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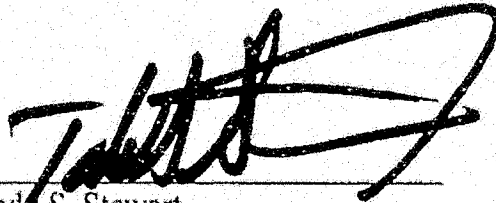
Stuart Cimon, BP8976
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Robert Carl, AK5493
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James C. Rudolph, AK9921
1100 Pike Street
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James Kautz, AP-4761
1100 Pike Street
Huntingdon, PA 16654-1112

Andrea P. Edmonds, Esquire
Kelley Drye & Warren LLP
1200 19th Street NW
Suite 500
Washington DC 20036



Todd S. Stewart

Dated: July 22, 2005



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
July 29, 2005

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20042802
C-20042852
C-20042878
C-20042879

(SEE LETTER OF 7-7-05)

DOCUMENT FOLDER

- C-20042802 - Preston Pfeifly et al v. T-Netix/Verizon Select
Services Inc.
C-20042852 - Shayne Flood v. T-Netix/Verizon Select Services
Inc.
C-20042878 - Kevin L. Taylor v. T-Netix/Verizon Select Services
Inc.
C-20042879 - Felix L. Trevion v. T-Netix/Verizon Select Services
Inc.

Service Dispute.

Hearing Cancellation/Reschedule Notice

This is to inform you that the Video Conference Hearing on
the above-captioned case previously scheduled for July 25, 2005,
has been canceled.

RJD

The hearing has been rescheduled as follows:

Type: Video Conference Hearing
Date: Friday, July 29, 2005
Time: 9:00 a. m.
12:30 p. m.
2:30 p. m.

DOCKETED
AUG 04 2005

Presiding: Administrative Law Judge Louis G. Cocheres
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: 717.783.5452
Fax: 717.787.0481

Please mark your records accordingly.

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

PRESTON B PFEIFLY ET AL v. T-NETIX/VERIZON SELECT SERVICES INC
C-20042802, C-20042852, C-20042878, & C-20042879

PRESTON B PFEIFLY ET AL
AK-7971
SCI ROCKVIEW
BOX A
BELLEFONTE PA 16823-0820

SHAYNE FLOOD AK-7986
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HUNTINGDON PA 16654-1112

FELIX L TREVINO EL-6256
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1100 PIKE STREET
HUNTINGDON PA 16654-1112

TODD S STEWART ESQUIRE
HAWKE MCKEON SNISCAK &
KENNARD LLP
100 NORTH TENTH STREET
P O BOX 1778
HARRISBURG PA 17105-1778
717.236.1300

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DIRECTOR GOVT AFFAIRS
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ANDREA P EDMONDS ESQUIRE
KELLEY DRYE & WARREN LLP
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PAULINE STREIGHTIFF
SCI-HUNTINGDON
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HUNTINGDON PA 16654-1112
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SCI ROCKVIEW
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814.355.6060 (FAX)

ANTHONY BROWN AY-7727
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JIM CUNNINGHAM AP-7627
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JAMES SMEAL AP-8040
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JOHN ORT AK-9479
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RICHARD GORDON AK-4680
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BRUCE KAZEE ESQUIRE
SENIOR COUNSEL
VERIZON
600 HIDDEN RIDGE
IRVING TX 75038
MAIL CODE: HQ E03527
972.718.6969

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	C-20042802		YES	NO
Case Name:	Preston Pfeifly et al v T-Netix/Verizon Select Services Inc.	Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Location:	HBG	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date:	July 29, 2005	Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALJ:	Louis G. Cocheres	Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	Hearing Concluded:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Further Hearing Needed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Estimated Add'l Days:	one day	
		RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
		REMARKS:	Due to prison schedules this hearing was not completed	

DOCUMENT RECEIVED
FOLDER

AUG - 2 2005

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

PLEASE PRINT CLEARLY - Incomplete information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
Todd S. Stewart William Lehman Hawke Mabeon Sinsack Alcorn LLP	100 N 10th St. Harrisburg PA 17105	USSI
Telephone: 717-236-1700	E-mail Address: tsstewart@hmsk-kw.com	Fax Number: 717-236-4841
Andrea P Edmonds	1200 19th Street NW Suite 500 Washington DC 20036	T-Netix, Inc or Securus
Telephone: 202-955-9621	E-mail Address:	Fax Number:
Anthony Brown AY-7727	SCI Huntington 1100 Pike Street Huntington PA 1554-1112	Pro Se
Telephone:	E-mail Address:	Fax Number:

Check this box if additional parties or attendees appear on back of form

8/1/05
elp

Judith E. Shuller
Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
August 29, 2005

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20042802
C-20042852
C-20042878
C-20042879

(SEE LETTER DATED 8/29/05)

- C-20042802 - Preston Pfeifly et al v. T-Netix/Verizon Select Services Inc.
C-20042852 - Shayne Flood v. T-Netix/Verizon Select Services Inc.
C-20042878 - Kevin L. Taylor v. T-Netix/Verizon Select Services Inc.
C-20042879 - Felix L. Trevion v. T-Netix/Verizon Select Services Inc

Service Dispute

Telephone Hearing Notice

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

Type: Further Telephonic Hearings
Date: Wednesday, October 26, 2005
Time: 9:00 a.m. - Kevin L. Taylor DQ-2227
10:00 a.m. - Jim Cunningham AP-7627
11:00 a.m. - Bruce McCaslin AP-8941
1:00 p.m. - Stuart Simon BP-8976
Presiding: Administrative Law Judge Louis G. Cocheres
P.O. Box 3265
Harrisburg, PA 17105-3265
Phone: 717.783.5452
Fax: 717.787.0481

DOCKETED
SEP 01 2005

DOCUMENT
FOLDER

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

If you have a witness at different location, you must provide a phone number for that witness.

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

Kevin L. Taylor DQ-2227	
Jim Cunningham AP-7627	
Bruce McCaslin AP-8941	
Stuart Simon BP-8976	814-643-2400 x566
Todd S. Stewart, Esquire	717-236-1300
Bruce Kazee, Esquire	972-718-6969
Andrea P. Edmonds, Esquire	202-955-9621

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

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

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

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

- Scheduling Office: 717.787.1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1.800.654.5988

pc: Judge Cocheres
Cherie Pyle, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

Hawke
 McKeon
 Sniscak &
 Kennard LLP
ATTORNEYS AT LAW

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

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

October 21, 2005

Via Facsimile

Honorable Louis G. Cocheres
Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street - 2 West
PO Box 3265
Harrisburg, PA 17105-3265

RECEIVED

OCT 24 2005

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: C-20042802 - - Preston Pfeifly et al. v. T-Netix/Verizon Select Services Inc.;
C-20042852 - - Shayne Flood v. T-Netix/Verizon Select Services Inc.;
C-20042878 - - Kevin L. Taylor v. T-Netix/Verizon Select Services Inc.,
C-20042879 - - Felix L. Trevion v. T-Netix/Verizon Select Services Inc.; WITNESS LIST

Dear Judge Cocheres:

On Wednesday, October 26, 2005, Your Honor is to preside over further telephonic hearings in the above-captioned case. Both Bruce Kazee and I will be representing Verizon Pennsylvania Inc. ("Verizon PA") and will be presenting three witnesses. Denise Breslin will testify on behalf of Verizon PA and John Ries and Randall Williams will testify on behalf of Verizon Select Services Inc. ("VSSI"). Both Denise and I can be reached on telephone number 814-949-8020, Bruce Kazee and John Ries can be reached on telephone number 972-718-4578 and Randall Williams can be reached on telephone number 949-425-2945.

If you have any questions, please feel free to contact me at 717-236-1300.

DOCUMENT FOLDER

Regards,

BTL

William E. Lehman
Counsel for Verizon Pennsylvania Inc.

WEL/kmg
Enclosure

cc: Kevin L. Taylor (DQ-2227)
Jim Cunningham (AP-7627)
Bruce McCaslin (AP-8941)
Stuart Simon (BP-8976)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the persons and in the manner indicated below.

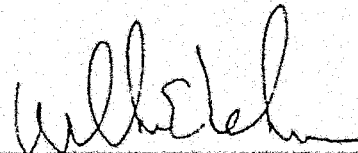
Service by first class mail:

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

Bruce McCaslin (AP-8941)
1100 Pike Street,
Huntingdon, PA 16654-1112

Jim Cunningham (AP-7627)
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Huntingdon, PA 16654-1112

Stuart Simon (BP-8976)
1100 Pike Street
Huntingdon, PA 16654-1112



William E. Lehman

DATE. October 21, 2005

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	C-20042852		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	Shayne Flood v T-Netix/Verizon Select	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Services Inc.		Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concuded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	HBG	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
Date:	October 26, 2005			
		RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALJ:	Louis G. Cocheres	DATE:	11/16/05	
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reporting Firm	Commonwealth Reporting	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
<div style="font-size: 2em; font-weight: bold; margin: 0;">DOCUMENT FOLDER</div>		REMARKS: <u>Mr. Flood presented his case on July 29, 2005. This case was consolidated with C-20042802</u>		

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
	City State Zip	
Telephone:	E-mail Address:	Fax Number:
	City State Zip	
Telephone:	E-mail Address:	Fax Number:
	City State Zip	
Telephone:	E-mail Address:	Fax Number:
	City State Zip	

Check this box if additional parties or attendees appear on back of form.

10/31/05 [Signature]

Judith E. Shuller
Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	C-20042878		YES	NO
Case Name:	Kevin L Taylor v T-Netix/Verizon Select Services Inc.	Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Location:	HBG	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date:	October 26, 2005	Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALJ:	Louis G. Cocheres	Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
		RECORD CLOSED:	<input type="checkbox"/>	<input type="checkbox"/>
		DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
<h2 style="margin: 0;">DOCUMENT FOLDER</h2>		REMARKS: This case was consolidated with <u>C-20042802</u>		

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
✓ Kevin L. Taylor, 00-2227	SC1 Huntingdon 1100 Pike Street <small>City State Zip</small> Huntingdon PA 16654	Complainant
Telephone:	E-mail Address:	Fax Number:
William E. Lehman, Esq.	Hawke McKoon Shtisak & Kennard LLP 100 North Tenth Street P.O. Box 1778 <small>City State Zip</small> Harrisburg PA 17105	Verizon Select Services
Telephone:	E-mail Address:	Fax Number:
✓ Andrea P. Edmonds, Esq.	Kelly Dye & Warren LLP 1200 14th St. NW Suite 500 <small>City State Zip</small> Washington DC 20036	T-Netix
Telephone:	E-mail Address:	Fax Number:

Check this box if additional parties or attendees appear on back of form.

10/31/05 elp

Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No:	C-20042879		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	Felix L Trevino v T-Netix/Verizon Select	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Services Inc.		Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	HBG	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
Date:	October 26, 2005			
		RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALJ:	Louis G. Cocheres	DATE:	11/16/05	
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
<h2 style="margin: 0;">DOCUMENT FOLDER</h2>		REMARKS: <i>MR. TREVINO presented his testimony on July 29, 2005. This case was consolidated with C-20042802</i>		

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
	City State Zip	
Telephone:	E-mail Address:	Fax Number:
	City State Zip	
Telephone:	E-mail Address:	Fax Number:
	City State Zip	
Telephone:	E-mail Address:	Fax Number:

Check this box if additional parties or attendees appear on back of form.

11/31/05:lpj

Judith E. Shuller
Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.

OALJ Hearing Report

Please check those blocks which apply

Docket No:	C-20042802		YES	NO
Case Name:	PReston Pfeifly et al v T-Netix/Verizon Select Services Inc.	Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Location:	HBG	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date:	October 26, 2005	Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALJ:	Louis G. Cocheres	Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p style="text-align: center; font-size: 2em; font-weight: bold;">DOCUMENT FOLDER</p>		Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
		RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		DATE:	11/16/05	
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
REMARKS: This case was consolidated with C-20042852, C-20042878 and C-20042879				

PLEASE PRINT CLEARLY - Incomplete information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
✓ Preston B Pfeifly	SEA-Rockview Box A City: Bellefonte PA Zip: 16823	Complainant
William E. Lehman, Esq.	Hawke, McKern, Sniscak, & Kennard LLP 100 North Tenth Street P.O. Box 1778 City: Harrisburg PA Zip: 17105	Verizon Select Services
✓ Andrea Y. Edmonds, Esq.	Kelly Dye & Warren LLP 1200 14th St. NW Suite 500 City: Washington DC Zip: 20036	T Netix

Check this box if additional parties or attendees appear on back of form.

12/1/05 [Signature]

Judith E. Skuller
Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

----- X
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

DOCUMENT
FOLDER

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)

SECRETARY'S BUREAU
PA PUC

Handwritten initials

2005 NOV 14 PM 1:39

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JUL 5 - 2006

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

(717) 761-7150

1-800-334-1063

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55



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

PLEASE DOCKET

IN REPLY PLEASE
REFER TO OUR FILE

November 29, 2005

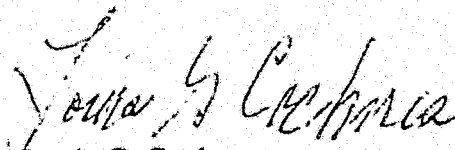
TO ALL PARTIES

Re: Pfeifly v. T-Netix, Inc. and Verizon Select Services, Inc. at No. C-20042802
Flood v. T-Netix, Inc. and Verizon Select Services, Inc. at No. C-20042852
Taylor v. T-Netix, Inc. and Verizon Select Services, Inc. at No. C-20042878
Trevino v. T-Netix, Inc. and Verizon Select Services, Inc. at No. C-20042879

Ladies and Gentlemen:

This letter is to inform you that the transcript for the hearing held on October 26, 2005, was received in the Office of Administrative Law Judge. The evidentiary record is closed effective immediately. No briefs are needed.

Yours truly,


Louis G. Cocheres
Administrative Law Judge

pc: All Parties on attached pages
File Room (PLEASE DOCKET)
Chief Smith/Williams/Pyle
B. Plantz

PRESTON B PFEIFLY ET AL v. T-NETIX/VERIZON SELECT SERVICES INC
C-20042802, C-20042852, C-20042878, & C-20042879

PRESTON B PFEIFLY ET AL
AK-7971
SCI ROCKVIEW
BOX A
BELLEFONTE PA 16823-0820

SHAYNE FLOOD AK-7986
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16654-1112

KEVIN L TAYLOR DQ-2227
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16654-1112

FELIX L TREVINO EL-6256
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16654-1112

TODD S STEWART ESQUIRE
HAWKE MCKEON SNISCAK &
KENNARD LLP
100 NORTH TENTH STREET
P O BOX 1778
HARRISBURG PA 17105-1778
717.236.1300

C A DZIUBAN
DIRECTOR GOVT AFFAIRS
T-NETIX INC
14651 DALLAS PARKWAY
SUITE 600
DALLAS TX 75254-7476
972.277.0319

ANDREA P EDMONDS ESQUIRE
KELLEY DRYE & WARREN LLP
1200 19TH STREET NW
SUITE 500
WASHINGTON DC 20036
202.955.9621
202.955.9792 (FAX)

PAULINE STREIGHTIFF
SCI-HUNTINGDON
1100 PIKE STREET
HUNTINGDON PA 16654-1112
814.643.2400
814.506.1187 (FAX)

TAMMY YARNELL
SCI ROCKVIEW
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BELLEFONTE PA 16823-0820
814-355-4874 X321
814.355.6060 (FAX)

ANTHONY BROWN AY-7727
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16554-1112

JIM CUNNINGHAM AP-7627
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16554-1112

JAMES SMEAL AP-8040
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16554-1112

BRUCE MCCASLIN AP-8941
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16554-1112

JOHN ORT AK-9479
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16554-1112

RICHARD GORDON AK-4680
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16554-1112

STUART SIMON BP-8976
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16554-1112

ROBERT CARL AK-5493
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16554-1112

JAMES C RUDOLPH AK-9921
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16554-1112

JAMES KAUTZ AH-4561
HUNTINGDON SCI
1100 PIKE STREET
HUNTINGDON PA 16554-1112

BRUCE KAZEE ESQUIRE
SENIOR COUNSEL
VERIZON
600 HIDDEN RIDGE
IRVING TX 75038
MAIL CODE: HQ E03527
972.718.6969

December 9, 2005

VIA HAND DELIVERY

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, P.O. Box 3265
Harrisburg, PA 17105-3265

ORIGINAL

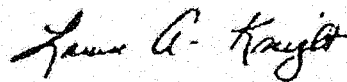
Re: Preston B. Pfeifly v. T-Netix, Inc. and Verizon Select Services, Inc.; Docket No. C-20042802; **NOTICE OF APPEARANCE/NOTICE OF WITHDRAWAL**

Dear Mr. McNulty:

Enclosed for filing please find the original and three (3) copies of the Notice of Appearance of Saul Ewing LLP and the Notice of Withdrawal of Kelley Drye & Warren LLP on behalf of T-Netix, Inc. with regard to the above-referenced matter.

Please date-stamp the extra copy of each notice and return it with our messenger. Thank you for your attention in this matter.

Sincerely,



Louise A. Knight

**DOCUMENT
FOLDER**

LAK:cj
Enclosure

c: As Per Certificate of Service
LaTasha Miller, Securus Technologies, Inc.

RECEIVED
2005 DEC -9 PM 3:52
IA PIC
SECRETARY'S BUREAU

2 North Second Street, 7th Floor • Harrisburg, PA 17101-1604 • Phone (717) 257-7500 • Fax (717) 238-4622

BALTIMORE CHESTERBROOK HARRISBURG PHILADELPHIA PRINCETON WASHINGTON WILMINGTON

A DELAWARE LIMITED LIABILITY PARTNERSHIP



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

Preston B. Pfeifly

Complainant,

v.

T-Netix, Inc. and Verizon Select Services, Inc.
Respondents.

Docket No. C-20042802

NOTICE OF APPEARANCE

Please enter the appearances of David P. Zambito, Daniel D. Santos and myself in the above-designated matter on behalf of T-Netix, Inc.

On the basis of this Notice, we request a copy of each document hereafter issued by the Pennsylvania Public Utility Commission in this matter.

Respectfully submitted,

RECEIVED

DEC 09 2005

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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DOCKETED
DEC 29 2005

Louise A. Knight

Louise A. Knight, Esquire
Attorney ID No. 26167
(717) 238-7655

David P. Zambito, Esquire
Attorney ID No. 80017
(717) 257-7526

Daniel D. Santos, Esquire
Attorney ID No. 89071

Saul Ewing LLP
2 North Second Street, 7th Floor
Harrisburg, PA 17101
(717) 257-7512

Dated: December 9, 2005

Counsel for T-Netix, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of § 1.54 (relating to service by a participant).

FIRST CLASS MAIL

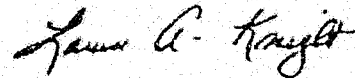
Hon. Louis G. Cocheres
Administrative Law Judge
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105

Preston B. Pfeifly (AK-7971)
SCI-Rockview
Box A
Bellefonte, PA 16823

Todd S. Stewart, Esq.
Hawke McKeon Sniscak & Kennard LLP
100 North Tenth Street
P.O. Box 1778
Harrisburg, PA 17105

Bruce Kazez, Esq.
Verizon
P.O. Box 152092
Irving, TX 75038

Dated: December 9, 2005



Louise A. Knight, Esquire

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Preston B. Pfeiffer

Complainant,

v.

T-Netix, Inc. and Verizon Select Services, Inc.
Respondents.

Docket No. C-20042802

WITHDRAWAL OF APPEARANCE

Pursuant to authorization from T-Netix, Inc., kindly withdraw the appearance of Glenn B. Mantshin, Andrea P. Edmonds, and Winafred R. Brantl of Kelley Drye & Warren LLP as counsel for T-Netix, Inc., in the above-captioned matter.

RECEIVED

DEC 09 2005

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Respectfully submitted,

Saul A. Knight

By: _____

Saul Ewing LLP
Penn National Insurance Plaza
2 North Second Street, 7th Floor
Harrisburg, PA 17101
Tel: (717) 257-7500

Dated: December 9, 2005

DOCUMENT
FOLDER

DOCKETED
DEC 29 2005

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of § 1.54 (relating to service by a participant).

FIRST CLASS MAIL


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

Preston B. Pfeifly (AK-7971)
SCI-Rockview
Box A
Bellefonte, PA 16823

Todd S. Stewart, Esq.
Hawke McKeon Sniscak & Kennard LLP
100 North Tenth Street
P.O. Box 1778
Harrisburg, PA 17105

Bruce Kazee, Esq.
Verizon
P.O. Box 152092
Irving, TX 75038

Dated: December 9, 2005



Louise A. Knight, Esquire

Mr. Bruce Kazez, Esq.
VERIZON
P.O. Box 15092
Irving, TX 75038

December 29, 2005

RE: REIMBURSEMENT REQUEST

Dear Mr. Kazez:

As suggested by the Honorable Louis G. Cocheres during the telephonic hearing on Wednesday, October 26, 2005, I am sending you a listing of the calls I made that were interrupted or terminated for no explainable reason other than the fact that the Verizon equipment and system is faulty. The persons to whom I was talking to at the time had no special calling features on their phone service so the problem had to be with Verizon's equipment.

The following is a listing of the calls in question:

August 07, 2005	(610)298-2566	bleedover from a Spanish connection making the conversation impossible (re-dial).
August 10, 2005	(570)648-0641	unwarranted disconnect shortly after call was accepted (re-dialed).
August 21, 2005	(610)756-6234	unwarranted disconnect (re-dial).

All of the above calls were long distance within Pennsylvania; the rate is \$2.47 for the first minute and \$0.22 for each additional minute. My conservative calculation for these gross inconveniences is \$8.07. This figure is for three (3) initial connection charges and one (1) minute each of lost conversation although the first call listed had interference throughout the entire 15 minute call.

If you should have any questions about this request please do not hesitate to contact me or request verification of my DC-8C's from the "on site coordinator" at this institution.

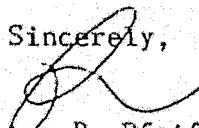
Please forward a check for the amount of \$8.07 in my name to my address listed below.

RECEIVED

JAN - 4 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Sincerely,


Preston B. Pfeifly
SCI- Rockview
Box -A-, AK-7971
Bellefonte, PA. 16823-0820

cc:file
cocheres

CS
PA PUC



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
January 4, 2006

PLEASE FOLD

IN REPLY PLEASE
REFER TO OUR FILE

TO ALL PARTIES

RE: C-20042802
Preston B. Pfeifly et al v. T-NETIX/Verizon Select Services Inc

Per Judge Cocheres' request, please find attached a letter he received from a party to this case.
Thank you.

Sincerely,

Dawn M. Reitenbach
ALJ Secretary

Hawke
 McKeon
 Sniscak &
 Kennard LLP
ATTORNEYS AT LAW

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

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

January 23, 2006

Via Hand Delivery:

Honorable Louis G. Cocheres
Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street - 2 West
PO Box 3265
Harrisburg, PA 17105-3265

RECEIVED

JAN 24 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: C-20042802 -- Preston B. Pfeifly et al. v. T-Netix/Verizon Select Services Inc.;
MOTION TO STRIKE

Dear Judge Cocheres:

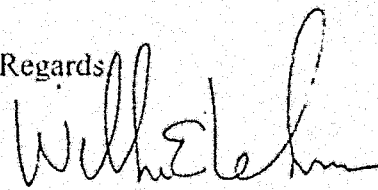
The purpose of this letter is to respond to Mr. Pfeifly's letters that were submitted to you on December 29, 2005. Although I am sure Your Honor will not consider the information contained in these letters in ruling on the issues in this Complaint, VSSI is compelled to respond to these letters, nonetheless.

Mr. Pfeifly has participated in two separate hearings before Your Honor and has had ample opportunity to present evidence on his behalf. These letters are a clear attempt to provide extra-record evidence into this proceeding. Therefore, Verizon PA respectfully requests that these letters and their contents be stricken from this proceeding and not be included in the record.

Thank you very much for your attention to this matter. Please feel free to contact me at 717-236-1300 with any questions.

DOCKETED **DOCUMENT**
FOLDER
JAN 27 2006

Regards



William E. Lehman
Counsel for Verizon Select Services Inc.

WEL/kmg
Enclosure

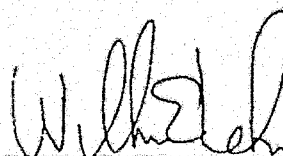
PA FILED
JAN 24 2006

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the person and in the manner indicated below.

Service by first class mail:

Preston B. Pfeifly, AK-7971
SCI Rockview
Box A
Belfonte, PA 16823



William E. Lehman

DATE: January 23, 2006