



February 2, 2017

**VIA HAND DELIVERY**

**David P. Zambito**

Direct Phone 717-703-5892  
Direct Fax 215-989-4216  
dzambito@cozen.com

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Shariff Ingram v. Securus Technologies, Inc.; Docket No. C-2016-2573790**

**SECURUS TECHNOLOGIES, INC. OBJECTION TO COMPLAINANT APPLICATION  
FOR SUBPOENA**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission, please find Securus Technologies, Inc's Objection to Complainant's Application for Subpoena in the above-referenced proceeding. A copy of this document has been served in accordance with the attached Certificate of Service.

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

RECEIVED  
2017 FEB -2 PM 4: 14  
PA.P.U.C.  
SECRETARY'S BUREAU

Sincerely,

COZEN O'CONNOR

By: David P. Zambito  
Counsel for Securus Technologies, Inc.

DPZ/kmg  
Enclosures

cc: Honorable Dennis J. Buckley, Administrative Law Judge  
Per Certificate of Service


**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the Securus Technologies, Inc.'s Objection to Complainant Application for Subpoena, upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**VIA FIRST CLASS MAIL:**

Shariff Ingram (DV 6749)  
SCI Fayette  
Box 9999  
LaBelle, PA 25450-09999

DATED: February 2, 2017



\_\_\_\_\_  
David P. Zambo, Esquire  
Counsel for Securus Technologies, Inc.

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SECRETARY'S BUREAU

VERIFICATION

I, Cameshia Davis, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 2/2/17

Cameshia Davis Regulatory Compliance Analyst  
PRINTED NAME  
TITLE  
COMPANY

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Administrative Law Judge  
Dennis J. Buckley

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2017 FEB -2 PM 4: 14  
PA. P.U.C.  
SECRETARY'S BUREAU

Shariff Ingram, :  
Complainant :  
v. : Docket No. C-2016-2573790  
Securus Technologies, Inc., :  
Respondent :

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**SECURUS TECHNOLOGIES, INC. OBJECTION TO  
COMPLAINANT APPLICATION FOR SUBPOENA**

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Securus Technologies, Inc. ("Securus"), pursuant to 52 Pa. Code § 5.421(f), hereby objects to the "Application for Subpoena" of Complainant Shariff Ingram ("Mr. Ingram"), dated January 20, 2017 and received by Securus on January 25, 2017, in the above-captioned matter. In support thereof, Securus avers and argues as follows:

1. By Secretarial Letter dated November 1, 2016, Securus was served with the above-captioned formal complaint ("Complaint").
2. On November 21, 2016, Securus filed an Answer and New Matter to the Complaint.
3. By Corrected Telephonic Hearing Notice, dated December 27, 2016, an initial telephonic hearing was scheduled in this matter for Thursday, February 16, 2017, at 10:00 a.m. ("Initial Hearing") before the Honorable Administrative Law Judge Dennis J. Buckley.

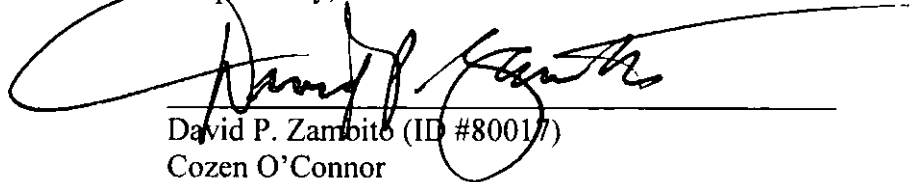
4. On January 25, 2016, Securus received by first class mail a document from Mr. Ingram titled an "Application for Subpoena" ("Subpoena"). A copy of the Subpoena is attached hereto as **Appendix A**. In the Subpoena, Mr. Ingram requests that the following individuals be required to testify at the Initial Hearing: Ms. Cameshia Davis (Compliance Analyst, Securus); Ms. Donna Gibson (On-Site Representative, Securus); Mr. Curtis Hopfinger (Director of Regulatory & Government Affairs, Securus); and, Mr. Matthew Salkowski (Assistant Counsel, PA Department of Revenue).

5. Securus objects to Mr. Ingram's demand to have three separate Securus employees appear as witnesses at the Initial Hearing: Ms. Davis, Ms. Gibson and Mr. Hopfinger. Such a request would cause unreasonable annoyance, burden and expense to Securus. Securus intends to call Ms. Davis as a witness at the Initial Hearing. She is an authorized representative of Securus who has knowledge of the facts and circumstances surrounding this Complaint and of Securus' tariff and business records. The Complaint involves the limited issue of whether Securus lawfully passed through the Pennsylvania Gross Receipts Tax to Mr. Ingram, which is primarily an issue of law. Mr. Ingram should not be permitted, in the context of an evidentiary hearing, to engage in a "fishing expedition" through the examination or cross-examination of three separate Securus witnesses. Accordingly, Mr. Ingram's request for the appearances of Ms. Gibson and Mr. Hopfinger at the Initial Hearing should be denied.

6. Securus has no control over Mr. Salkowski and, therefore, cannot compel his participation as a witness at the Initial Hearing. The burden is upon Mr. Ingram to subpoena Mr. Salkowski properly if Mr. Ingram wishes to have Mr. Salkowski appear as a witness.

WHEREFORE, Securus respectfully requests that Mr. Ingram's "Application for Subpoena" be denied with respect to all requested witnesses with the exception of Ms. Davis. In the alternative, Securus respectfully requests that the Initial Hearing be used solely to address Mr. Ingram's "Application for Subpoena" (and Securus' objection thereto) and that a subsequent hearing be scheduled for an evidentiary hearing on the merits of the Complaint.

Respectfully,

A handwritten signature in black ink, appearing to read "David P. Zambito", is written over a horizontal line. The signature is fluid and cursive.

David P. Zambito (ID #80017)

Cozen O'Connor

17 North Second Street, Suite 1410

Harrisburg, PA 17101

Telephone: (717) 703-5892

Facsimile: (215) 989-4216

E-mail: dzambito@cozen.com

Date: February 2, 2017

Counsel for *Securus Technologies, Inc.*

# **APPENDIX A**

Shariff Ingram  
DV-6749  
SCI Fayette  
Box 9999  
LaBelle Pa 15450

January 20 2017

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keyston Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg Pa 17105-3265

RE: Shariff Ingram v Securus Technologies Docket No. C-2016-2573790

Dear Secretary:

Please find the enclosed application for subpoena under the above docket number for Shariff Ingram. A copy of the application has been served in accordance with the attach certificate of service.

If you have any questions regarding this filing, please send them to me. Thank you for your time and attention in this matter.

CC:  
per certificate of service

Sincerely, *Shariff Ingram*

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Shariff Ingram :  
Complainant :  
V : Docket No C-2016-2573790  
Securus Technologies Inc. :  
Respondent :

APPLICATION FOR SUBPOENA

AND NOW, COMES, Shariff Ingram, the Complainant and pursuant to 52 Pa Code 5.421 files this application for subpoena for the following reason(s). In support hereof, avers as follows:

1) The Complainant filed a formal complaint on September 20, 2016 to the Pennsylvania Public Utility Commission.

2) The Respondent filed its answer and new matter on November 21, 2016, in which Complainant filed a answer and new matter to Respondents answer on November 27, 2016.

3) On December 5, 2016 Counsel for Securus Technologies tried to settle the case in which Complainant refused.

4) On December 20, 2016 the Honorable Administrative Law Judge Dennis J. Buckley schedule a telephonic hearing for February 16, 2017, in which Complainant filed a Application requesting the phone records and approved tariff on January 13, 2016.

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5) Due to the circumstances of the case, Complainant is now requesting the following to be subpoena to testify at the hearing.

WITNESS

A)  
Cameshia Davis  
Analyst, Regulator affairs  
14651 Dallas Parkway  
Suite 600  
Dallas Texas 75254

B)  
Donna Gibson  
Securus on site phone Rep.  
SCI Fayette  
50 Overlook Drive  
LaBelle Pa 15450  
(724)364-2200

C)  
Curtis Hopfinger  
Director & Regulator  
of Government affairs  
14651 Dallas Parkway  
Suite 600  
Dallas Texas 75254

D)  
Matthew Salkowski  
Office of Chief Counsel  
Pennsylvania Department of Revenue  
P.O. Box 281061  
Harrisburg Pa 17128-1061

6) In regards of witness 5(A) Cameshia Davis, Ms. Davis testimony is relevant to the answer and new matter as evidence of the verification dated November 21, 2016.

7) In regards of witness 5(B) Donna Gibson, Mrs. Gibson testimony is relevant since she is the on site phone representative for Securus Technologies at SCI Fayette and can testify concerning the grievance filed by Complainant (SEE EXHIBIT A).

8) In regards of witness 5(C) Curtis Hopfinger, Mr Hopfinger testimony is relevant to the filing of the approve tariff which was issued by him.

9) In regards of witness 5(D) Matthew Salkowski, Mr Salkowski testimony is relevant as to the collection of taxes from the Pennsylvania Department of Revenue from inmates, and Securus Technologies (SEE EXHIBIT B)

10) The witness mentioned above are relevant to Complainant case and they will be needed to help Complainant sustain his burden of proof. 66 Pa C.S. 332(a).

11) The Party filing a formal complaint with the Pennsylvania Public Utility Commission has the burden of establishing that a utility company failed to provide adequate notice that a tax increase was going into effect 66 Pa C.S. 332(a); 52 Pa Code 53.31.

12) The Complainant is asking that the following witness be issued subpoenas from the Commission due to the following reason(s):

- 1) witness 5(B) is employed and work for the Pennsylvania Department of Correction at Sci Fayette and can not accept said subpoena from inmate due to DC-ADM and state policy.
- 2) witness 5(D) is employed and work for the Pennsylvania Department of Revenue and is out of the Complainant reach and control to serve said subpoena.

13) A response or objection to the application shall be filed with the Commission within (10) days of service of the application.

WHEREFORE, Complainant request that the witness mentioned above be issued subpoenas in order to testify at the hearing on february 16, 2017.

DATE: 1/30/17

Respectfully Submitted,

1st. Shaciff Ingram  
Shaciff Ingram

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the "APPLICATION FOR SUBPOENA" upon the parties, listed below, in accordance with requirements of 52 Pa Code 1.54.

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keyston Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg Pa 17105-3265

David P. Zambito ESQ  
COZEN O'CONNOR  
17 North Second Street  
Suite 1410  
Harrisburg Pa 17101

DATE: 1/20/17

1st Shariff Ingram  
Shariff Ingram

# **EXHIBIT A**

**Facility Manager's Appeal Response**  
**SCI Fayette**  
**50 Overlook Drive**  
**LaBelle, PA 15450**

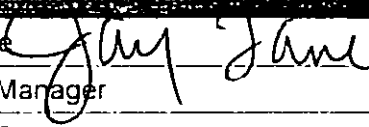
This serves to acknowledge receipt of your grievance appeal to the Facility Manager for the grievance noted below. In accordance with the provisions of DC-ADM 804, "Inmate Grievance System Policy", the following response is being provided based on a review of the entire record of this grievance. The review included your initial grievance, the Grievance Officer's response, your appeal to me and any other documents submitted.

<b>Inmate Name:</b>	Shariff Ingram	<b>Inmate Number:</b>	DV6749
<b>Facility:</b>	SCI Fayette	<b>Unit Location:</b>	CA 46
<b>Grievance #:</b>	626992		
<b>Publication (if applicable):</b>			

<b>Decision:</b>	<input checked="" type="checkbox"/> Uphold Response (UR) <input type="checkbox"/> Uphold in part/Deny in part <input type="checkbox"/> Uphold Inmate (UI) <input type="checkbox"/> Dismiss/Dismiss Untir'ely		
<i>It is the decision of this Facility Manager to uphold the initial response, uphold the inmate, dismiss, or Uphold in part/Deny in part. This response will include a brief rationale, summarizing the conclusion, any action taken to resolve the issue(s) raised in the grievance and your appeal and relief sought.</i>			
<b>Response:</b>	Frivolous		

In his response to you Mr. Oppman informed you that he discussed your issue with the on-site phone rep Ms. Gibson. He also informed you that the state of PA implements sales tax on all calls. This tax is regulated by the state and not SECURUS or the DOC. In your appeal you claim that you were not notified of the change until after you filed the grievance. According to information provided by Ms. Gibson "each call an inmate makes, clearly states 6 cents per minute plus all applicable taxes". You are correct in stating that the notice was not provided to the Unit Managers until mid-June. There was a miscommunication. While it is unfortunate there was a miscommunication concerning the posting of the notice on the housing units, according to SECURUS's onsite representative inmates are notified that they will be charged all applicable taxes when making a phone call. Please remember that using the phone is a privilege and you are not required to utilize said privilege. After careful evaluation of this grievance and initial review response, it has been determined that the action and response provided by the investigating grievance officer will be upheld.

Based on the above information, I must deny your appeal and all requested relief.

<b>Signature:</b>	Jay Lane 
<b>Title:</b>	Facility Manager
<b>Date:</b>	7-7-2016

cc: DC-15  
File

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# **EXHIBIT B**

Shariif Ingram #DV.6749

SCI.Fayette/ BOX.9999

LaBelle, PA 15450

Date: 12/12/16

Pennsylvania Department Of Revenue

Office Of Chief Counsel

Matthew Salkowski

P.O.Box 281061

Harrisburg, PA 17128-1061

RE: Sales Tax Vs. Use tax

I am writing to you regarding the double taxes that I'm paying for the purchase of a pre paid calling card, then the use of that prepaid calling card. As you can see, I am a inmate housed at the above home address, who have to purchase prepaid calling cards via the inmate commissary. When these prepaid calling cards are purchased I pay a 6% sales tax. This tax is collected from the vendor and remitted to the Department of Revenue. This has been in effect since July 1, 2002.

Now when I use that prepaid calling card, I pay a "5% use" tax which is collected by the vendor and remitted to the Department of Revenue. This has been in effect since April 1, 2016.

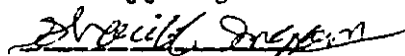
I would argue that this is double taxation which violate the statutes. 7202(a) and 7202(b) which prohibits a consumer being tax twice.

Please find the time to explain this to me as it relates to why is The Department Of Revenue violating this clearly established Law?

Thank you for your time and attention in this matter,

Sincerely,

Shariif Ingram

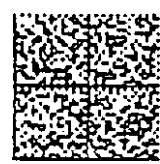


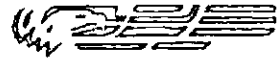
C.C. FILE

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Shariff Ingram # DV6749  
SCI Fayette  
Box 9999  
LaBelle, PA 15450-0999

Inmate Mail- Pa  
Department of Corrections



U.S. POSTAGE >>> PITNEY BOWNE  
  
ZIP 15450 \$ 000.67  
02 111  
0001388088 JAN 23 2017

David P. Zambato, Esq.  
Cozen O'Connor  
17 North Second Street  
Suite 1410  
Harrisburg, PA 17101

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INMATE MAIL DEPARTMENT OF CORRECTIONS