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Richard Mercaldo,  
v.  
Securus Technologies,  
LLC,  
  
Initial Call-in Telephonic  
Hearing  
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Docket No.:  
C-2024-3051564

Pages 1 - 61

Judge's Chambers  
State Office Building  
801 Market Street  
4th Floor  
Philadelphia, PA  
February 26, 2025  
Commencing at 10:03 a.m.

INDEX TO EXHIBITS

Docket no. C-2024-3051564

Hearing Date: February 26, 2025

<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
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Answer to Complaint		
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Phone Block

# SECURUS EXHIBIT 1

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Richard Mercaldo, ED-4296	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-3051564
	:	
Securus Technologies, LLC	:	
Respondent	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing **Answer and New Matter to the Formal Complaint of Richard Mercaldo** upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

By First Class Mail

Richard Mercaldo, ED-4296  
Smart Communications/PADOC  
SCI Coal Township  
PO Box 33028  
St. Petersburg, FL 33733

Respectfully,

Cozen O'Connor



William A. Lesser (PA I.D. No. 332951)  
Cozen O'Connor  
3 WTC  
175 Greenwich Street, 55<sup>th</sup> Floor  
New York, NY 10007  
Tel: (212) 453-3808  
Fax: (646) 588-1450  
Email: wlesser@cozen.com

Counsel for *Securus Technologies, LLC*

Date: October 29, 2024

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Richard Mercaldo, ED-4296	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-3051564
	:	
Securus Technologies, LLC	:	
Respondent	:	

**NOTICE TO PLEAD**

To: Richard Mercaldo, ED-4296  
Smart Communications/PADOC  
SCI Coal Township  
PO Box 33028  
St. Petersburg, FL 33733

Pursuant to 52 Pa. Code § 5.63, you are hereby notified that you have twenty (20) days from the service of the enclosed Answer and New Matter of Securus Technologies, LLC (“Securus”) to file a reply to the New Matter. All pleadings, such as a reply, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for Securus, and where applicable the Administrative Law Judge presiding over the case.

**File with:**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**With a copy to:**

William A. Lesser  
Cozen O’Connor  
3 WTC  
175 Greenwich Street, 55th Floor  
New York, NY 10007  
Tel: (212) 453-3808  
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Email: wlesser@cozen.com



---

William A. Lesser (PA I.D. No. 332951)  
Cozen O’Connor  
Counsel for *Securus Technologies, LLC*

Date: October 29, 2024

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**ANSWER AND NEW MATTER OF SECURUS TECHNOLOGIES, LLC IN RESPONSE  
TO THE FORMAL COMPLAINT OF RICHARD MERCALDO**

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AND NOW COMES Securus Technologies, LLC (“Securus”), by and through its counsel, Cozen O’Connor, to answer the formal complaint (“Complaint”) filed by Richard Mercaldo, ED-4296 (“Complainant”) and served on Securus by e-mail on October 9, 2024. For the reasons set forth below, Securus respectfully requests that the Pennsylvania Public Utility Commission (“Commission”) dismiss the Complaint with prejudice.

**ANSWER**

1. ADMITTED. With respect to the Complainant’s Attachment to the Complaint, in response to the form titled “Reason for the Complaint,” Securus admits that Complainant is an inmate at the Coal Township State Correctional Institution (“SCI Coal Township”), under the supervision of the Pennsylvania Department of Corrections (“PA-DOC”). By way of further answer, Securus is an inmate telephone service provider that handles calls and various products and services for, among other correctional institutions, SCI Coal Township.

2. ADMITTED. After reasonable investigation, Securus admits that Complainant called the telephone number [REDACTED].

3. DENIED. Securus has no information as to the identity of the telephone number [REDACTED]. Securus has no information to assess whether or not this telephone number belongs to Mr. Frank Radons (“Mr. Radons”), who Complainant states is located in Scheffelstrasse 63, D-76135, Karlsruhe, Germany.

4. ADMITTED. Securus admits that any calls made by Complainant from SCI Coal Township must be made from Complainant’s prepaid phone account.

5. ADMITTED. After reasonable investigation, Securus admits that Complainant had a phone call on May 16, 2024 with the phone number [REDACTED], which Complainant identifies to be Mr. Radons.

6. ADMITTED. Securus admits that Complainant thereafter attempted to reach the telephone number he identifies as Mr. Radons.

7. DENIED. Securus denies any system issue or otherwise any error resulting in the fact that Complainant cannot reach the telephone number [REDACTED], which Complainant identifies to be Mr. Radons.

By way of further response, after reasonable investigation, Securus has found that a review of Complainant’s call records shows that for the last month beginning September 22, 2024, through October 19, 2024, Complainant attempted to make phone calls to [REDACTED], which Complainant identifies to be Mr. Radons. These phone calls did not go through and were otherwise unsuccessful because the holder of this phone number, which Complainant identifies to be Mr. Radons, requested to have Complainant’s phone number blocked. By blocking calls from Complainant, the holder of the phone number [REDACTED], which Complainant identifies to be Mr. Radons, cannot be called by Complainant.

Provided below is the Call Detail Report and the requested block:

Site	PortLoc	Ctry	Dialed#	Dest Zone	Start Time	End Time	Dur.(s)
Coal Township SCI, PA	FB7	█	██████████	International	09/22/2024 13:20:00	09/22/2024 13:20:12	0
Coal Township SCI, PA	FB7	█	██████████	International	09/28/2024 10:19:52	09/28/2024 10:20:19	0
Coal Township SCI, PA	FB4	█	██████████	International	10/02/2024 13:20:26	10/02/2024 13:20:42	0
Coal Township SCI, PA	FB7	█	██████████	International	10/05/2024 13:20:00	10/05/2024 13:20:11	0
Coal Township SCI, PA	FB4	█	██████████	International	10/09/2024 13:20:30	10/09/2024 13:20:40	0
Coal Township SCI, PA	FB4	█	██████████	International	10/09/2024 13:21:05	10/09/2024 13:21:17	0
Coal Township SCI, PA	FB6	█	██████████	International	10/10/2024 08:00:13	10/10/2024 08:00:24	0
Coal Township SCI, PA	FB7	█	██████████	International	10/10/2024 13:20:47	10/10/2024 13:20:59	0
Coal Township SCI, PA	FB9	█	██████████	International	10/15/2024 13:22:45	10/15/2024 13:22:58	0
Coal Township SCI, PA	FB7	█	██████████	International	10/18/2024 13:21:21	10/18/2024 13:21:35	0
Coal Township SCI, PA	FB7	█	██████████	International	10/18/2024 13:24:20	10/18/2024 13:24:32	0
Coal Township SCI, PA	FB8	█	██████████	International	10/19/2024 08:03:03	10/19/2024 08:03:20	0

DIALED #	ACTIVE	BLOCKED	PRIVATE START/END (LOCAL TIME)	WATCH	RECORD CALLS	PASSIVE ACCEPT	COS	SPEED DIAL	DESCRIPTION
██████████	Y	✓							Friend or Family Request

8. DENIED. Securus has no information as to whether Complainant filed a Telephone System Discrepancy Form on June 23, 2024. Securus has no information as to whether Complainant explained in the Telephone System Discrepancy Form that the system “keeps recycling” or Complainant’s issues as stated on this form. Complainant did not attach the Telephone System Discrepancy Form to the Complaint.

9. DENIED. Securus has no information as to whether Complainant wrote a Request to Staff to the Phone Coordinator. Securus has no information as to any response that was given

in response to this request. Complainant does not attach the June 27, 2024 Request to Staff or any response to the Complaint.

10. DENIED. Securus has no information as to whether Complainant reached out to his counselor, Ms. Pensye, nor does Securus have any information as to any instructions purportedly given to Complainant from his counselor. Securus denies the remaining allegations in the paragraph beginning “I finally went to my counsel . . .” as plead.

11. ADMITTED. Securus admits that Complainant submitted a Request to Staff, which is attached to the Complaint. Securus further admits that the response to the Request to Staff states: “Called party needs to call Securus, 1800-844-6591.”

12. DENIED. Securus denies the remaining statements in the Request to Staff attached to the Complaint as plead.

13. DENIED. Securus has no information as to whether Mr. Radons has tried to call Securus to address any alleged issue.

By way of further answer, Securus states that if Mr. Radons believes he inadvertently blocked Mr. Mercaldo’s calls, then he can call Securus’ Customer Care via the following options: calling Securus at 1-800-844-6591 or +1 972-734-1111 or visiting the Securus website at [www.securustech.net](http://www.securustech.net) to have the phone block removed. Securus has no record of any attempts made by Mr. Radons to contact Securus to discuss the phone block or to request its removal. There are no impediments preventing Mr. Radons from contacting Securus to remove the phone block.

14. DENIED. Securus has no information as to the letters Complainant received from Mr. Radons that purport to verify the Complaint.

By way of further response, Mr. Radons should contact Securus directly as explained in response to paragraph 13 to remove the existing phone block.

15. DENIED. Securus denies that Complainant has no available remedy, as plead.

By way of further response, Mr. Radons should contact Securus directly as explained in response to paragraph 13 to remove the existing phone block.

16. ADMITTED. Securus admits that Complainant has sufficient funds in his prepaid telephone account.

17. DENIED. Complainant's statement concerning violation of the First Amendment to the U.S. Constitution states conclusions of law to which no response is required.

18. DENIED. Securus denies that Complainant is entitled to any relief. By way of further answer, the Commission cannot grant compensatory damages. *Feingold v. Bell Tel. Co. of Pa.*, 383 A.2d 791 (Pa. 1977).

19. DENIED. Securus denies that Complainant has no other available recourse.

By way of further response, Mr. Radons should contact Securus directly as explained in response to paragraph 13 to remove the existing phone block.

#### **NEW MATTER**

20. Securus incorporates Paragraphs 1 through 19 of its Answer by reference as though fully set forth herein.

21. The Pennsylvania Public Utility Commission has only the powers and jurisdiction provided to the Commission by the Pennsylvania General Assembly; any claims or requests to relief alleged or asserted by the Complainant that exceed the powers and/or jurisdiction of the Commission should be dismissed.

22. The Complainant does not have standing or a cognizable, individual claim to relief to assert this Complaint on behalf of Mr. Radons. The claims asserted in the Complaint concern a phone block that was instituted by Mr. Radons to block any calls received by Complainant. The

relief requested in this Complaint would be accomplished if Mr. Radons, not Complainant, contacts Securus to remove the phone block. Securus has no ability to remove the phone block at Complainant's request. Securus may only remove the phone block at the request of Mr. Radons, or whoever is the holder or owner of the telephone number [REDACTED]. The Complainant does not have standing to request this relief or raise claims on behalf of Mr. Radons. Accordingly, the Complaint should be dismissed.

23. In the event the Commission finds that the Complainant has standing to assert this Complaint, Mr. Radons, or whoever is the holder or owner of the telephone number [REDACTED], is an indispensable and necessary third-party to this proceeding. Any claims to relief or allegations raised in the Complaint without the inclusion of Mr. Radons to this proceeding should be dismissed.

24. Further, the Complaint should be dismissed for legal insufficiency.

25. In order to be legally sufficient, a complaint must set forth an act or thing done or omitted to be done by any public utility in violation, or claimed violation, of any law which the Commission has jurisdiction to administer, or of any regulation or order of the Commission. 66 Pa. C.S. § 701.

26. The Complaint does not provide a basis upon which the Commission can conclude that Securus has violated the Code, Commission regulations, or a Commission order. Indeed, Complainant does not even allege a violation of any of those provisions. Rather, Complainant avers that he cannot reach a specified telephone number, which he claims to be Mr. Radons—and as explained above, Mr. Radons has instituted a phone block for calls from Complainant. This is not a matter concerning reliability, safety, or quality of utility service. Complainant's calls are not going through because of a phone block that was requested by Mr. Radons.

WHEREFORE, Securus Technologies, LLC respectfully requests that for the foregoing reasons, the Formal Complaint of Richard Mercaldo should be dismissed with prejudice and that the Commission grant such other relief as the Commission deems appropriate.

Respectfully,

Cozen O'Connor



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William A. Lesser (PA I.D. No. 332951)

Cozen O'Connor

3 WTC

175 Greenwich Street, 55<sup>th</sup> Floor

New York, NY 10007

Tel: (212) 453-3808

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Email: [wlesser@cozen.com](mailto:wlesser@cozen.com)

Counsel for *Securus Technologies, LLC*

Date: October 29, 2024

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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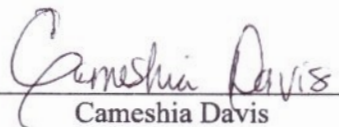
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**VERIFICATION**

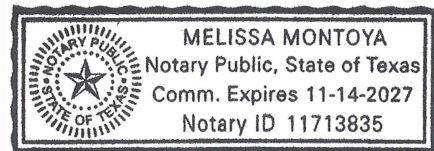
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I, Cameshia Davis, hereby state that I am authorized to make this verification on behalf of Securus Technologies, LLC. The facts set forth above in the Answer and New Matter are true and correct to the best of my knowledge, information and belief and 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: October 29, 2024

  
Cameshia Davis





# SECURUS EXHIBIT 2

Site	PortLoc	Ctry	Dialed#	Dest Zone	Start Time	End Time	Dur.(s)
Coal Township SCI, PA	FB7	█	██████████	International	09/22/2024 13:20:00	09/22/2024 13:20:12	0
Coal Township SCI, PA	FB7	█	██████████	International	09/28/2024 10:19:52	09/28/2024 10:20:19	0
Coal Township SCI, PA	FB4	█	██████████	International	10/02/2024 13:20:26	10/02/2024 13:20:42	0
Coal Township SCI, PA	FB7	█	██████████	International	10/05/2024 13:20:00	10/05/2024 13:20:11	0
Coal Township SCI, PA	FB4	█	██████████	International	10/09/2024 13:20:30	10/09/2024 13:20:40	0
Coal Township SCI, PA	FB4	█	██████████	International	10/09/2024 13:21:05	10/09/2024 13:21:17	0
Coal Township SCI, PA	FB6	█	██████████	International	10/10/2024 08:00:13	10/10/2024 08:00:24	0
Coal Township SCI, PA	FB7	█	██████████	International	10/10/2024 13:20:47	10/10/2024 13:20:59	0
Coal Township SCI, PA	FB9	█	██████████	International	10/15/2024 13:22:45	10/15/2024 13:22:58	0
Coal Township SCI, PA	FB7	█	██████████	International	10/18/2024 13:21:21	10/18/2024 13:21:35	0
Coal Township SCI, PA	FB7	█	██████████	International	10/18/2024 13:24:20	10/18/2024 13:24:32	0
Coal Township SCI, PA	FB8	█	██████████	International	10/19/2024 08:03:03	10/19/2024 08:03:20	0

# SECURUS EXHIBIT 3

DIALED #	ACTIVE	BLOCKED	PRIVATE START/END (LOCAL TIME)	WATCH	RECORD CALLS	PASSIVE ACCEPT	COS	SPEED DIAL	DESCRIPTION
[REDACTED]	Y	✓							Friend or Family Request