

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Richard Mercaldo	:	
	:	
v.	:	C-2024-3051564
	:	
Securus Technologies LLC	:	

ORDER
DENYING THE ADMISSION OF LATE-FILED EXHIBITS
AND CLOSING THE RECORD

On September 27, 2024, Richard Mercaldo (“Mr. Mercaldo”) filed a Formal Complaint against Securus Technologies LLC (“Securus”) with the Pennsylvania Public Utility Commission. In his Complaint, Mr. Mercaldo complained of not being able to place calls to Frank Radons, who lives in Germany.

On October 29, 2024, Securus filed an Answer and New Matter to the Complaint. Securus asserted in its Answer that Mr. Radons requested to have Mr. Mercaldo’s phone number blocked.

On February 26, 2025, an evidentiary hearing was held in the above captioned matter. Both parties participated in the hearing and presented evidence on the issues raised. The evidentiary record was not closed at the conclusion of the hearing.

During the hearing, I gave Mr. Mercaldo permission to submit as late-filed exhibits letters between himself and Mr. Radons, noting that I would rule on the admissibility of the late-filed exhibits after Securus had the opportunity to object to their admission into the record (Tr. 58). The late-filed exhibits were received by the Commission’s Security Bureau on March 5, 2025. I forwarded these documents to William Lesser, Esquire, representing Securus in this matter, on March 21, 2025. On the same date, the Commission issued my Order

Regarding Submission of Late-Filed Exhibits, directing Securus to submit any objections to the admission of the late-filed exhibits by April 4, 2025.

On April 4, 2025, Securus filed objections to the late-filed exhibits.

The late-filed exhibits purport to be letters from Mr. Radons addressed to Mr. Mercaldo, dating from August 12, 2024, to January 13, 2025. Relevant to this proceeding, Mr. Radons talks in these letters about not being able to place phone calls to Mr. Mercaldo and sending notes to Securus concerning this problem. In its objections, Securus properly objected to the letters as being hearsay.

Hearsay is an out-of-court statement made by a declarant that is offered by a party to prove the truth of the matter asserted in the statement. *See* Pa. R.E., Rule 801. The general rule against hearsay is that hearsay is inadmissible at trial unless it falls into one of the recognized exceptions to the hearsay rule pursuant to the Pennsylvania Rules of Evidence. *See* Pa. R.E., Rules 801, 802, 803, 803.1, 804. The rationale for the rule against hearsay is that hearsay lacks the guarantees of trustworthiness to be considered by the trier of fact; however, exceptions have been fashioned to accommodate certain classes of hearsay that are substantially more trustworthy than hearsay in general, and thus merit exception to the rule against hearsay. *See e.g. Commonwealth v. Kriner*, 915 A.2d 653 (Pa. Super. 2007); *Commonwealth v. Cesar*, 911 A.2d 978 (Pa. Super. 2006); *Commonwealth v. Bruce*, 916 A.2d 657 (Pa. Super. 2007).

As Mr. Radons was not present for the hearing and the letters are being used to prove that Mr. Radons did not request a phone number block, the letters from Mr. Radons are hearsay. The letters do not fall into any of the exceptions to the rule against hearsay. As the letters are hearsay they will not be admitted into the record in this proceeding.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the objections filed by Securus Technologies LLC to the late-filed exhibits submitted by Richard Mercaldo are sustained.
2. That the late-filed exhibits submitted by Richard Mercaldo on March 5, 2025, in the matter of Richard Mercaldo v. Securus Technologies LLC, Docket No. C-2024-3051564, are not admitted into the record.
3. That the record in the matter of Richard Mercaldo v. Securus Technologies LLC, Docket No. C-2024-3051564, is closed.
4. That an Initial Decision in the matter of Richard Mercaldo v. Securus Technologies LLC, Docket No. C-2024-3051564, will be prepared and issued.

Date: April 11, 2025

/s/
Alphonso Arnold III
Administrative Law Judge

C-2024-3051564 - RICHARD MERCALDO v. SECURUS TECHNOLOGIES LLC

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