

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

SANDY JUDD, and TARA HERIVEL,

Complainants,

v.

**AT&T COMMUNICATION OF THE PACIFIC
NORTHWEST, INC., and T-NETIX, INC.,**

Respondents.

Docket No. UT-042022

AT&T’S RESPONSE TO BENCH REQUEST NO. 5

AT&T Communications of the Pacific Northwest, Inc. (“AT&T”), by its attorneys, hereby submits this response to Bench Request No. 5.

1. In Bench Request No. 5, the Administrative Law Judge cited AT&T’s assertion in its motion for summary determination that “[d]iscovery in this proceeding has demonstrated that Qwest, Verizon Northwest, and PTI [collectively, LECs] retained T-Netix to both connect calls from the prisons at issue to local or long-distance service providers and provide the operator services for such calls,” and the DOC Contract’s provision “that the LECs will be responsible for providing operator services.” In the Bench Request, the Administrative Law Judge asked AT&T to “provide the contract(s) between T-Netix and the LECs within which T-Netix pledges to connect calls and provide operator services to the correctional facilities at issue in this case on behalf of the LECs.”

2. T-Netix did not produce any contracts with any LECs covering the relevant time period, but during discovery, employees and agents of T-Netix testified that T-Netix had direct business relationships or partnering arrangements with the various LECs, including during the

relevant time period. For example, Robert Rae, T-Netix's expert and former Executive Vice President of Operations, testified during his deposition as follows:

Q. Is it your understanding, though, this is accurate, that T-NETIX did, in fact, have business relationships with the LECs?

A. Yes.

(Ex. A hereto, Excerpts of Aug. 6, 2009 Dep. of Robert Rae, at 231:22-25.)

Q. It says, in the third paragraph on this page, that T-NETIX has established contractual and strategic relationships with American Telephone and Telegraph and several RBOCs, including Bell Atlantic, US West, Southwestern Bell, NYNEX and the larger independent telephone companies, such as GTE, United Telephone and Alltel. Do you see that?

A. I see that.

Q. Any reason to doubt the accuracy of that?

A. No. I was — I was actually around and did due diligence for other purposes into relationships that occurred with several of those.

Q. Okay. Is it accurate that T-NETIX had relationships with US West and GTE in 1996?

A. I believe that to be true. I can't say for sure. I know that I had seen remnants of those relationships at periods in 2004.

Q. Who would have documentation related to those arrangements?

A. Well, they would — contracts of any kind would be in company record stored in the general counsel's organization, so somewhere in that file retention process.

(*Id.* at 232:6-25, 233:1-3; *see also* Ex. B hereto, Excerpts from T-Netix Site Administrators Handbook, at TNXWA 00369 (describing T-Netix's "contractual and strategic relationships" with, among others, Bell Atlantic, U.S. West, GTE).) Other T-Netix employees confirmed that T-Netix had, in fact, recorded voice prompts referencing LECs, such as U.S. West and GTE. (Ex. C hereto, Excerpts of Apr. 15, 2009 Dep. of Scott Passe, at 163:11-25, 164:1-14.)

Dated: April 2, 2010

SUBMITTED BY:

**AT&T COMMUNICATIONS OF
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CERTIFICATE OF SERVICE

Pursuant to WAC 480-07-150, I hereby certify that I have this day, April 2, 2010, served this document upon all parties of record by e-mail and Federal Express overnight delivery at the e-mail addresses and mailing addresses listed below:

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Pursuant to WAC 480-07-145, Prehearing Conference Order 08, and Bench Request Nos. 5 & 6, I further certify that I have this day, April 2, 2010, filed MS Word and PDF versions of this document by e-mail, and the original and five copies of this document by Federal Express, with the WUTC at the e-mail address and mailing address listed below:

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Pursuant to the Prehearing Conference Order 08 and Bench Request Nos. 5 & 6, I further certify that I have this day, April 2, 2010, provided a courtesy copy of this document, in MS Word, to ALJ Friedlander by e-mail at the following e-mail address: mfriedla@utc.wa.gov.

Dated: April 2, 2010

/s/Charles H.R. Peters
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