

BEFORE THE
WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

SANDY JUDD and TARA HERIVEL,

Complainants,

v.

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

Respondents.

Docket No. UT-042022

**T-NETIX, INC.'S RESPONSE TO
AT&T'S RESPONSE REGARDING
BENCH REQUEST NO. 6 AND T-
NETIX'S RESPONSE THERETO**

Respondent T-Netix, Inc. (T-Netix), through counsel, submits this Reply to AT&T's Response Regarding Bench Request No. 6 and T-Netix's Response Thereto. AT&T purports to respond to Bench Request No. 6, which was directed only to T-Netix, and to question the validity of T-Netix's Response. AT&T's challenge is baseless.

BENCH REQUEST NO. 6:

In Amendment No. 3 to the DOC contract, T-Netix is obligated to remit a twenty-seven percent (27 percent) monthly commission to the DOC "on local calls." Other telecommunications companies, such as AT&T, are also required to remit a monthly commission to the DOC in connection with each company's "billed revenues." Yet, the DOC contract simply states that T-Netix is a station provider, not a provider of operator-assisted telephone services.

Please indicate what activities or services, if any, T-Netix was providing upon which the monthly commission was based.

T-NETIX REPLY TO AT&T'S RESPONSE REGARDING BENCH REQUEST NO. 6

AT&T admits that it is undisputed that T-Netix installed the P-III platform at correctional facilities operated by the Washington Department of Corrections ("DOC"). It thus does not quarrel with T-Netix's statement that "T-Netix provided the premises-based equipment located at Department of Corrections (DOC) correctional facilities which consisted of both hardware and software mainly associated with security features."

Nor does AT&T dispute T-Netix's statement in its Response that "[t]his equipment included the premises-based call processor (P-III), security features such as the ability for the facilities to turn on and off certain, or all, inmate telephones, and monitoring and recording equipment (actual recordings were and remain the property of the DOC)."

Nor does AT&T dispute T-Netix's statement that "T-Netix is not, and was not, a facilities-based carrier and did not provide any network facilities, transmission facilities, network switching facilities, or central office call processing services or facilities."

AT&T challenges, however, T-Netix's statement that "T-Netix did lease facilities needed to provide local calls from five (5) facilities on behalf of AT&T." AT&T states that T-Netix did not "provide such service on AT&T's behalf." That statement is false according to record evidence submitted by AT&T.

The letter from John Giannaula, T-Netix, Inc. VP Finance, to Sandi Hornung, AT&T, dated March 10, 1999, attached as Exhibit 12 to AT&T's Amended Motion for Summary Determination ("Giannaula Letter"), explicitly states that it regards "the responsibilities of both AT&T and T-Netix in respect to those Washington DOC facilities listed below where T-Netix is carrying the local traffic on AT&T's behalf." The

Giannaula Letter goes on to state that “T-NETIX will provision the local traffic on AT&T’s behalf beginning March 3, 1998. T-NETIX will perform or cause to be performed the administrative services required on behalf of AT&T.” The letter also states under AT&T’s Responsibilities that “AT&T will reimburse T-NETIX for the commissions paid, for the cost of the inmate telephone lines, and for the charges billed T-NETIX by its billing agent ZPDI, including bad debt, unbillable calls, billing agent service fees and LEC fees (“Reimbursements”). Bad debt, unbillable calls and LEC fees are billed to AT&T at actual costs passed on to ZPDI from the LECs. . . .”

AT&T has never refuted or qualified any of the language in the Giannaula Letter. Indeed, AT&T inexplicably submitted that letter in support of its motion for summary determination. As such, its contents should be deemed an admission by AT&T that all local calls — to the extent local calls are relevant in this case, there being none alleged — were handled on AT&T’s behalf. AT&T therefore cannot assert that T-Netix did not provide local calling on AT&T’s behalf.

To the extent that AT&T raises issues regarding intraLATA and interLATA toll traffic, the AT&T Response is inappropriate and non-responsive. Not only is AT&T responding to ALJ Friedlander’s question for T-Netix, but it is supplying information well outside that question in an effort to suggest that T-Netix withheld information. That effort is inappropriate and unhelpful. T-Netix has fully explained its role with regard to all traffic in this case, and did not fail to answer Bench Request No. 6 in any respect.

DATED this 9th day of April, 2010.

T-NETIX, INC.

By: 

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4 - T-NETIX, INC'S RESPONSE TO AT&T'S RESPONSE
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CERTIFICATE OF SERVICE

I hereby certify that I have this 9th day of April, 2010, served via e-filing a true and correct copy of the foregoing, with the WUTC Records Center. The original, along with the correct number of copies (5), of the foregoing document will be delivered to the WUTC, via the method(s) noted below, properly addressed as follows:

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I hereby certify that I have this 9th day of April 2010, served a true and correct copy of the foregoing document upon parties of record, via the method(s) noted below, properly addressed as follows:

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Confidentiality Status: Highly Confidential

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