TAB 11

```
 1                         BEFORE THE

 2                  WASHINGTON UTILITIES AND

 3                  TRANSPORTATION COMMISSION

 4

 5   SANDY JUDD and TARA HERIVEL,  *

                                   *

 6        Plaintiffs,              *

                                   *

 7   VS.                           *    DOCKET NO.

                                   *    UT-042022

 8   AT&T COMMUNICATIONS OF THE    *

     PACIFIC NORTHWEST, INC., and  *

 9   T-NETIX, INC.,                *

                                   *

10        Defendants.              *

11

     ********************************************************

12                     ORAL DEPOSITION OF

13                        SCOTT PASSE

14                      APRIL 15, 2009

     ********************************************************

15

16        ANSWERS AND DEPOSITION of SCOTT PASSE, a witness

17   produced on behalf of the Defendant AT&T Communications,

18   taken in the above styled and numbered cause on the 15th

19   day of April, 2009, from 9:02 a.m. to 5:08 p.m., before

20   Rachel D. Chavez, a Certified Shorthand Reporter in and

21   for the State of Texas, taken in the offices of Bennett

22   Weston & Lajone, P.C., 1750 Valley View Lane, Suite 120,

23   in the City of Dallas, County of Dallas, State of Texas,

24   in accordance with the Washington Utilities and

25   Transportation Commission.
```

1 you own any interest in all in any entity that has any

2 right to participate in the earnings or potential

3 earnings of growth of --

4   A. I'm not aware of -- I don't -- I do not. I'm

5 sorry.

6   Q. -- of SECURUS?

7   A. I do not. And I'm not even aware if it's a

8 possibility of doing that.

9   Q. Are you familiar with a product called the

10 P-III?

11   A. Yes.

12   Q. When did you start working on the P-III?

13   A. The P-III was a second commercially-released

14 product that, I'll use the word T-Netix or Tele-Matic,

15 Tele-Matic created.

16   Q. What was the first?

17   A. It was called a P-I.

18   Q. What happened to P-II?

19   A. That was an engineering prototype. Never --

20 never saw the light of day, as far -- I don't think. It

21 could have. It might have. You know, marketing names

22 are -- I don't know. I don't recall.

23   Q. What was your role in the development of P-III?

24   A. Prototype engineer, schematic capture, some of

25 the printed circuit board layout. Partic- -- I should

1 say I participated in that. I wasn't the only person.

2 Dwight Kitchin and I worked very closely on that.

3   Q. Do you recall when the prototypes for P-III

4 were first developed?

5   A. I do not.

6   Q. What would be your best estimate, as you sit

7 here now?

8   A. The early '90s time frame. The early to mid

9 '90s.

10   Q. How did you first become familiar with this

11 litigation?

12   A. I believe it was when -- this case is very old,

13 so I --

14   Q. You're telling me.

15   A. I believe it was the first -- first request for

16 documentation and -- Yeah, request for documentation.

17   Q. Is that at the outset of litigation?

18   A. Yes.

19   Q. Did you initially have any role in collecting

20 documents in connection with the litigation?

21   A. I -- I had the repository for things like

22 schematics and Word documents and, you know, anything of

23 that nature. So, yes, I was involved in that.

24   Q. Over the last say year and a half have you been

25 involved in collecting any documents as well?

1   Q.   I mentioned briefly the P-III platform.   Is

2 there anybody currently at T-Netix or SECURUS who knows

3 more about the P-III platform than you do?

4   A.   Probably not.   In terms of, you know, hardware

5 and so forth, I mean, yeah.   You know, as far as feature

6 set, you know, Alice might know more about that than I

7 do.   I don't know.

8   Q.   When you say "feature set," what do you mean by

9 that?

10   A.   Well, again, I was the hardware engineer so I

11 was not really concerned in how, you know, the unit was

12 programmed to respond for a particular customer, you

13 know, what -- things of that nature.   So in other words,

14 there were -- there were -- there was a feature set that

15 the customer didn't necessarily want the whole feature

16 set, so the P-III platform was set up in a particular

17 way.

18   Q.   Okay.   So in other words, how it was set up or

19 customized for an indiv- -- for a particular

20 application?

21   A.   For a particular customer, yeah.

22   Q.   Are you -- you are knowledgeable, though, about

23 the functionality of the P-III, what it's intended to do

24 and how it operates?

25   A.   I'm -- I'm familiar with the hardware and what

1   Q.   And --

2   A.   To the call party, to the B party, if you want

3 to use that term.

4   Q.   And do you know how that -- how the calling

5 sequence works after the computer allows the call to go

6 out to the public switch telephone network?

7   A.   No.

8   Q.   Up until that point, is there any signal that's

9 sent to the public switch telephone network?

10   A.   No. It -- it decides that -- it's made -- it's

11 done all those checks before it seizes the public PSTN

12 line and dials out.

13   Q.   Does the P-III platform have any role in terms

14 of billing?

15   A.   It -- it collects the call detail records, we

16 call them the CDR records. And that record -- those

17 records are -- depending upon the connectivity between

18 the site and the -- and T-Netix, we had -- we had

19 various modem pools that would call up the phone -- call

20 up the platform, I'm sorry, typically the host, and

21 download that information every night, for example. And

22 it's a particular -- 2:00 in the morning or something

23 like that. We would download those CDR records and that

24 would go into our billing system.

25   Q.   Okay. What's the purpose for -- let me back up

 1   for a second.

 2   It's the T-Netix equipment that stores

 3   these call records?

 4   A.   Yes.

 5   Q.   And what's the purpose of storing those call

 6   records?

 7   A.   To allow us to -- we had -- this -- again, this

 8   is a big discussion because we had various arrangements

 9   with the carriers and how we were going to -- how the

10   money was going to be collected. So sometimes we -- you

11   know, we would collect the records and -- and --

12   typically we would collect the records and then we would

13   download them to ours. We would process them in a

14   format that whoever we were -- had the agreement with,

15   whatever carrier we had the agreement with, that those

16   would be formatted in a fashion that they could use

17   them. And then we'd forward those onto them and then

18   that would become part of the billing -- their billing

19   cycle.

20   Q.   So you would -- T-Netix would keep the call

21   records in order to assist in the billing of the call?

22   A.   Right. Right.

23   Q.   The P-III platform, my understanding is that it

24   also would provide certain prompts or announcements?

25   A.   Uh-huh.

1   the call to whoever was required to route the call,

2   it's -- to the B party.

3   Q.   Okay.   So the P-III always connected to the

4   local exchange carrier?

5   A.   As far as a physical interface to that carrier,

6   I don't know how it could -- I don't understand how -- I

7   have no knowledge of how it would do otherwise.

8   Q.   And am I correct in understanding then that

9   the -- what we referred to as -- previously as the

10 telephony control module, that would determine whether

11 or not the call was allowed to pass to the local

12 exchange carrier before it got to any interexchange

13 carrier?

14   A.   Well, you also had -- you also had various

15 monitors inside the P-III that could -- if you've got a

16 triple tone intercept, for example, or a call not being,

17 you know, disconnected, you know, a call -- disconnected

18 line or -- we had -- we had various ways of terminating

19 the call based on CO signaling also.

20   Q.   Okay.   But for any -- any interLATA call, it

21 would always route first through T-Netix's telephony

22 control module; is that correct?

23   A.   The telephony control module is the device that

24 connects the inmate to the PSTN period.   So it's -- you

25 know, I mean, I guess the answer is yes, it's the --

1   that's the -- that's the interface between the inmate

2   and the -- and the PSTN.

3   Q.   Okay.   Let's, if you could, turn to page 17 of

4   Exhibit 2 -- of AT&T Exhibit 2.

5   A.   (Indicating.)

6   Q.   I'm looking at the response to second data

7   request number 18.

8   A.   Okay.

9   Q.   And it asks to describe the process by which an

10 intrastate interLATA call from a pay phone in a

11 Washington state prison is processed. Do you see where

12 I read that from the request number 18?

13   A.   Okay. Yes. That's the -- like the third

14 paragraph in that AT&T -- in the --

15   Q.   Well, actually, I was just -- let's start over

16 again.

17   I just want to, for purposes of the

18 transcript, request number 18 asks T-Netix to describe

19 in as much detail as possible the process by which an

20 intrastate interLATA call from a pay phone at a

21 Washington state prison was processed. Did --

22   A.   Yes, you --

23   Q.   Did I read that correctly?

24   A.   Yes.

25   Q.   And then looking at the answer -- again,

 1   determine if the inmate's dialing request should be

 2   granted."

 3   A.   Right.

 4   Q.   Do you see that?

 5   A.   Yes.

 6   Q.   And I understand if the dialing request is

 7   denied, that call never makes it to the PSTN, correct?

 8   A.   Correct.

 9   Q.   Down on the -- towards the bottom of this page

10   where it's talking about features of the P-III

11   system, --

12   A.   Uh-huh.

13   Q.   -- one of the features is described as

14   "automated operator." Do you see that?

15   A.   Yes.

16   Q.   Could you describe that feature for us?

17   A.   Automated operator in this context is

18   discussing voice prompting and -- and routing under

19   microprocessor control, according to its programming.

20   Q.   And that's functionality that's provided by the

21   P-III system?

22   A.   Yes.

23   Q.   Would you turn, please, TNXWA 43.

24   A.   (Indicating.)

25   Q.   Let me know when you're there.

1   Q.   Is that accurate?

2   A.   Yes.

3   Q.   We talked a lot about the voice chips that

4 would be installed on that card.

5   A.   Yes.

6   Q.   What is -- what do the programs chips do?

7   A.   The program chips ran the basic micro code that

8 made the card function. In other words, it had a V40

9 microprocessor in it and, you know, the basic

10 functionality of the card, what happened when the inmate

11 picked up the phone, played tones to the controlling of

12 the PSTN site, controlling of the inmate side, you know,

13 the basic PBX functions, if you will, of the card. That

14 was all run by the program chip.

15   Q.   Did the program chips ever need to be changed?

16   A.   We had -- we had features. As features -- new

17 features were developed and so forth, yes, we made -- we

18 made changes to the programs, yes.

19   Q.   When there were changes made to the program

20 chips, how would those get installed on a P-III that was

21 already out in service?

22   A.   Again, we could send the chips to the site or

23 the card could come back and we could ret- -- we could

24 retrofit it.

25   Q.   Okay. They would have been inserted, though,

 1   by a T-Netix employee?

 2   A.   Yes.   Or a site administrator or a service

 3   technician.   Or in the case of it coming back, you know,

 4   somebody working for Danny.

 5   Q.   Turn to page 1307.

 6   A.   Okay.

 7   Q.   It appears, again, to be the drawing of a P-III

 8   controller card.   With the voice chip it says,

 9   "customized to site."   Do you see that?

10   A.   Yes.

11   Q.   That customization would have been done by

12   T-Netix?

13   A.   Yes.

14   Q.   Turn to page TMXWA 1328.

15   A.   (Indicating.)

16   Q.   This a section that, again, is describing the

17   P-III host training.   Do you see that?

18   A.   Uh-huh.

19   Q.   Could you read the second paragraph on page

20   1328, the one that says "The T-Netix system is designed

21   as an on-site Central Host Processor," and let me know

22   whether or not there's anything in that paragraph that

23   you consider to be inaccurate?

24   A.   No, I find that to be a generally accurate

25   description.