

TAB 17

WASHINGTON UTILITIES & TRANSPORTATION COMMISSION
RESPONSES TO SECOND DATA REQUESTS

Docket No.: UT-042022
Response Date: December 12, 2008
Requestor: AT&T
Respondent: T-Netix, Inc.
Prepared by: Joseph Ferretti

AT&T's Second Data Request No. 7: Identify as specifically as possible all equipment (including hardware and software) provided by T-Netix relating to telephone service at Washington state prisons during the relevant period, including for each particular piece of equipment the dates during which T-Netix provided the equipment, the Washington state prison at which the equipment was provided or for which it facilitated telephone service, the person or entity that owned the equipment at the time, and the person most knowledgeable about such equipment.

T-Netix's Response to Second Data Request No. 7:

T-Netix objects to this Request on the ground that the term "Washington state prisons" improperly refers to all "reformatories, prisons, jails, or other correctional facilities in the State of Washington" rather than the three facilities identified by Complainants as originating the inmate collect calls at issue in this proceeding. Therefore, the Request is overly broad, unduly burdensome and expensive, oppressive, and not relevant or reasonably calculated to lead to the discovery of admissible evidence.

T-Netix further objects to this Request on the ground that the term "relevant period" improperly refers to "January 1, 1996 to the present" rather than from June 20, 1996 through December 31, 2000. According to telephone records that Complainants produced in response to T-Netix First Data Request No. 2, the latest month during which complainants received inmate collect calls for which they allege no prerecorded rate information was provided is November 2000. Therefore, the Request is overly broad, unduly burdensome and expensive, oppressive, and not relevant or reasonably calculated to lead to the discovery of admissible evidence.

T-Netix in addition objects to this Request because the "hardware and software" provided by T-Netix to AT&T bears no relationship at all to which party, if any, served as an OSP within the meaning of the Commission's rules for interLATA calls placed from the correctional facilities at issue. Since the telecommunications technologies underlying any platform are completely immaterial to the issue before the Commission in this primary jurisdiction proceeding, none of the information sought in this request is even remotely relevant.

Subject to and without waiving these objections, T-Netix refers AT&T to TNXWA00001-599, TNXWA01052-1125, TNXWA01126-1239, and TNXWA01528-1652 for detailed descriptions of equipment, software, and products provided by T-Netix to AT&T in Washington State. T-Netix owned the premise-based equipment described in these documents and provided that equipment, and any or all associated software, as a subcontractor to AT&T. At all correctional facilities in Washington State at which T-Netix provided hardware and/or

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software, AT&T held the primary contract with the State of Washington Department of Corrections, was the common carrier for all interLATA calls originating from covered institutions, the party that rated and priced and the entity identified as the telecommunications provider for such calls, and the party contractually responsible for regulatory compliance. T-Netix premise-based equipment was utilized at McNeil Island Corrections, Airway Heights Correctional Center, and Monroe Correctional Complex from prior to June 20, 1996 through later than December 31, 2000. Upon information and belief, individuals who may have knowledge of the facts described in this Response are Scott Passe, Engineer/System Architect; Ken Rose, Field Supervisor for Technicians; Gary Skinner, Manufacturing Engineer; and Alice Clements.

This response is not a concession or agreement, however, that AT&T was an OSP within the meaning of the Commission's rate quote regulations, which are applicable to payphones made available at aggregator locations only.

T-Netix's Amended Response to Second Data Request No. 7:

T-Netix objects to this Request on the ground that the term "Washington state prisons" improperly refers to all "reformatories, prisons, jails, or other correctional facilities in the State of Washington" rather than the four facilities identified by Complainants as originating the inmate collect calls at issue in this proceeding. Therefore, the Request is overly broad, unduly burdensome and expensive, oppressive, and not relevant or reasonably calculated to lead to the discovery of admissible evidence.

T-Netix further objects to this Request on the ground that the term "relevant period" improperly refers to "January 1, 1996 to the present" rather than from June 20, 1996 through December 31, 2000. According to telephone records that Complainants produced in response to T-Netix First Data Request No. 2, the latest month during which Complainants received inmate collect calls for which they allege no prerecorded rate information was provided is November 2000. Therefore, the Request is overly broad, unduly burdensome and expensive, oppressive, and not relevant or reasonably calculated to lead to the discovery of admissible evidence.

T-Netix in addition objects to this Request because the "hardware and software" provided by T-Netix to AT&T bears no relationship at all to which party, if any, served as an OSP within the meaning of the Commission's rules for interLATA calls placed from the correctional facilities at issue. Since the telecommunications technologies underlying any platform are completely immaterial to the issue before the Commission in this primary jurisdiction proceeding, none of the information sought in this request is even remotely relevant.

Subject to and without waiving these objections, T-Netix refers AT&T to TNXWA00001-599, TNXWA01052-1125, TNXWA01126-1239, and TNXWA01528-1652 for detailed descriptions of equipment, software, and products provided by T-Netix to AT&T in Washington State. T-Netix believes that it held legal title to the premise-based equipment described in these documents. T-Netix provided all such equipment, and any or all associated

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software, as a subcontractor to AT&T. At all correctional facilities in Washington State at which T-Netix provided hardware and/or software, AT&T held the primary contract with the State of Washington Department of Corrections, was the common carrier for all interLATA calls originating from covered institutions, the party that rated, priced and billed for the calls and the entity identified as the telecommunications provider for such calls, and the party contractually responsible for regulatory compliance. T-Netix premise-based equipment was utilized at McNeil Island Corrections, Airway Heights Correctional Center, Monroe Correctional Complex from prior to June 20, 1996 through later than December 31, 2000, and Clallam Bay Corrections Center from prior to June 20, 1996 through later than December 31, 2000. Upon information and belief, individuals who may have knowledge of the facts described in this Response are Scott Passe, Engineer/System Architect; Ken Rose, Field Supervisor for Technicians; Gary Skinner, Manufacturing Engineer; and Alice Clements.

This response is not a concession or agreement, however, that AT&T or any other party or entity was an OSP within the meaning of the Commission's rate quote regulations, which are applicable to payphones made available at aggregator locations only.