

TAB 3

WASHINGTON UTILITIES & TRANSPORTATION COMMISSION
RESPONSES TO SECOND DATA REQUESTS

Docket No.: UT-042022
Response Date: November 17, 2008
Requestor: AT&T
Respondent: T-Netix, Inc.
Prepared by: Joseph Ferretti

AT&T's Second Data Request No. 15: Produce all documents relating to the transfer from T-Netix to AT&T of ownership of any equipment relating to telephone service at Washington state prisons during the relevant period, including any bills of sale, transfers of title, or sales receipts.

T-Netix's Response to Second Data Request No. 15:

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 phrase "equipment relating to telephone service" is vague and ambiguous. T-Netix provided equipment and software to AT&T under the contract between the parties. AT&T has not specified, by definition or otherwise, what it means by services "relating to telephone service."

T-Netix in addition objects to this Request because the equipment provided by T-Netix to AT&T, and the title thereto, 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 documents described in this request is even remotely relevant.

Subject to and without waiving these objections, T-Netix responds that it lacks sufficient information at this time, years after the events at issue and after a number of intervening corporate and personnel changes, to determine with precision whether or not there was a transfer from T-Netix to AT&T, or vice-versa, of title to or ownership interests in any of the hardware or software "relating to telephone service" in Washington State.