

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. MOTION FOR  
LEAVE TO FILE REPLY TO  
AT&T'S SUPPLEMENTAL  
RESPONSE TO BENCH REQUEST  
NO. 13**

Respondent T-Netix, Inc. ("T-Netix"), pursuant to WAC 480-07-375(1)(d) and through counsel, hereby moves for leave to file a brief reply to AT&T's Supplemental Response to Bench Request No. 13 filed December 15, 2010 ("AT&T Supplemental Response") – one week past the deadline for responses. Because the Bench Requests, issued November 30, 2010, expressly permit all parties to reply to each other's Responses, T-Netix respectfully requests leave to reply to the untimely AT&T Supplemental Response.

The Commission will grant parties leave to respond for "good cause."

*Washington Utilities and Transportation Commission v. Avista Corporation d/b/a Avista Utilities*, Docket Nos. UE-080416, UG-080417, Order No. 4, 2008 WL 3845288 (Aug. 8, 2008). Good cause exists for this motion, because AT&T's having filed an affirmative response on the

same day that a reply thereto would have been due has deprived T-Netix of its right to comment on the statements in the AT&T Supplemental Response.

The form of Reply is appended hereto as **Attachment A**.

DATED this 20th day of December, 2010.

T-NETIX, INC.

By: 

Arthur A. Butler, WSBA # 04678  
ATER WYNNE LLP  
601 Union Street, Suite 1501  
Seattle, WA 98101-3981  
(206) 623-4711  
(206) 467-8406 (fax)

Stephanie A. Joyce  
ARENT FOX LLP  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036  
(202) 857-6081  
(202) 857-6395 (fax)

## CERTIFICATE OF SERVICE

I hereby certify that I have this 20th day of December, 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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Commission	<input checked="" type="checkbox"/>	Overnight Mail (UPS)
1300 S Evergreen Park Drive SW	<input type="checkbox"/>	Facsimile (360) 586-1150
Olympia, WA 98504-7250	<input checked="" type="checkbox"/>	Email (records@wutc.wa.gov)

I hereby certify that I have this 20th day of December, 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:

***On Behalf Of AT&T:***

Letty S.D. Friesen	<input type="checkbox"/>	Hand Delivered
AT&T Communications	<input type="checkbox"/>	U.S. Mail (first-class, postage prepaid)
Law Department	<input checked="" type="checkbox"/>	Overnight Mail (UPS)
Suite B 1201	<input type="checkbox"/>	Facsimile (303) 298-6301
2535 East 40th Avenue	<input checked="" type="checkbox"/>	Email (lsfriesen@att.com)
Denver CO 80205		

*Confidentiality Status: Highly Confidential*

***On Behalf Of AT&T:***

Charles H.R. Peters	<input type="checkbox"/>	Hand Delivered
Schiff Hardin LLP	<input type="checkbox"/>	U.S. Mail (first-class, postage prepaid)
233 South Wacker Drive	<input checked="" type="checkbox"/>	Overnight Mail (UPS)
6600 Sears Tower	<input type="checkbox"/>	Facsimile (312) 258-5600
Chicago IL 60606	<input checked="" type="checkbox"/>	Email (cpeters@schiffhardin.com)

*Confidentiality Status: Highly Confidential*

***On Behalf Of AT&T Communications of the Pacific Northwest, Inc.***

Cynthia Manheim	<input type="checkbox"/>	Hand Delivered
AT&T Services, Inc.	<input type="checkbox"/>	U.S. Mail (first-class, postage prepaid)
PO Box 97061	<input type="checkbox"/>	Overnight Mail (UPS)
Redmond WA 98052	<input type="checkbox"/>	Facsimile (425) 580-8333
	<input checked="" type="checkbox"/>	Email (cindy.manheim@att.com)

*Confidentiality Status: Confidential*

**On Behalf Of AT&T Communications:**

David C. Scott  
Schiff Hardin LLP  
233 South Wacker Drive  
6600 Sears Tower  
Chicago IL 60606

*Confidentiality Status: Highly Confidential*

- Hand Delivered
- U.S. Mail (first-class, postage prepaid)
- Overnight Mail (UPS)
- Facsimile (312) 258-5600
- Email (dscott@schiffhardin.com)

**On Behalf Of Complainants:**

Chris R. Youtz  
Sirianni Youtz Meier & Spoonemore  
Suite 1100  
719 Second Avenue  
Seattle WA 98104

*Confidentiality Status: Highly Confidential*

- Hand Delivered
- U.S. Mail (first-class, postage prepaid)
- Overnight Mail (UPS)
- Facsimile (206) 223-0246
- Email (cyoutz@syllaw.com)

**On Behalf Of Complainants:**

Richard E. Spoonemore  
Sirianni Youtz Meier & Spoonemore  
Suite 1100  
719 Second Avenue  
Seattle WA 98104

*Confidentiality Status: Highly Confidential*

- Hand Delivered
- U.S. Mail (first-class, postage prepaid)
- Overnight Mail (UPS)
- Facsimile (206) 223-0246
- Email (rspoonemore@syllaw.com)

**Courtesy Copy :**

Marguerite Friedlander  
Washington Utilities and Transportation  
Commission  
1300 S Evergreen Park Drive SW  
PO Box 47250  
Olympia WA 98504-7250

- Hand Delivered
- U.S. Mail (first-class, postage prepaid)
- Overnight Mail (UPS)
- Facsimile (360) 586-8203
- Email (mfriedla@utc.wa.gov)

S. Carpenter

# ATTACHMENT A

5 - T-NETIX, INC. MOTION FOR LEAVE TO FILE REPLY TO  
AT&T'S SUPPLEMENTAL RESPONSE TO BENCH REQUEST NO. 13

1103332/1/AAB/102728-0001

ATER WYNNE LLP  
LAWYERS  
601 UNION STREET, SUITE 1501  
SEATTLE, WA 98101-3981  
(206) 623-4711

[Service Date: December 20, 2010]

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**T-NETIX, INC. REPLY TO AT&T'S  
SUPPLEMENTAL RESPONSE TO  
BENCH REQUEST NO. 13**

Respondent T-Netix, Inc. (T-Netix), through counsel, submits this Reply to AT&T's Supplemental Response to Bench Request No. 13 dated December 15, 2010 ("AT&T Suppl. Response").

**BENCH REQUEST NO. 13 (TO AT&T):**

Did AT&T bill, or have a third party bill on AT&T's behalf, any consumer (as that term was defined and used in WAC 480-120-021 and WAC 480-120-141) for any intrastate operator services or operator-assisted calls placed from the four correctional institutions at issue in this proceeding between June 20, 1996 and December 31, 2000? If so, please identify the service(s) billed and provide a copy of the tariff or price list provisions in effect at that time that established the rates, terms, and conditions for the billed service(s).

**T-NETIX REPLY TO AT&T'S SUPPLEMENTAL RESPONSE TO BENCH  
REQUEST NO. 13**

AT&T reiterates findings in Order No. 23, the Initial Order in this proceeding, regarding the functions that the P-III platform provided. AT&T notes that "no party has challenged" those findings. AT&T Supp. Response at 2.

To the extent that AT&T is implying that T-Netix has conceded that it provided operator services at any Washington Department of Corrections facility, that implication is unfounded. T-Netix has maintained throughout this case that it cannot be deemed to have provided operator services at any of those sites, including in its Response to AT&T Petition for Review filed May 21, 2010, which states

T-Netix notes that although the ALJ chose to focus on the question of which entity owned the P-III Platform, she could have reached the same conclusion — that AT&T is the OSP — on the ground that T-Netix does not meet the definition of "OSP" because it does not provide "telecommunications" as the definition requires. T-Netix August 2009 Motion ¶¶ 16-23 (quoting WAC 480-120-021).

Response at 12 n.2.

DATED this 20th day of December, 2010.

T-NETIX, INC.

By: 

Arthur A. Butler, WSBA # 04678  
ATER WYNNE LLP  
601 Union Street, Suite 1501  
Seattle, WA 98101-3981  
(206) 623-4711  
(206) 467-8406 (fax)

Stephanie A. Joyce  
ARENT FOX LLP  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036  
(202) 857-6081  
(202) 857-6395 (fax)

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David S. Danner  
Secretary and Executive Director  
Washington Utilities and Transportation  
Commission  
1300 S Evergreen Park Drive SW  
PO Box 47250  
Olympia, WA 98504-7250

Hand Delivered  
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AT&T Communications  
Law Department  
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2535 East 40th Avenue  
Denver CO 80205

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6600 Sears Tower  
Chicago IL 60606

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 Facsimile (425) 580-8333  
 Email (cindy.manheim@att.com)

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**On Behalf Of AT&T Communications:**

David C. Scott  
Schiff Hardin LLP  
233 South Wacker Drive  
6600 Sears Tower  
Chicago IL 60606

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 Facsimile (312) 258-5600  
 Email (dscott@schiffhardin.com)

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Chris R. Youtz  
Sirianni Youtz Meier & Spoonemore  
Suite 1100  
719 Second Avenue  
Seattle WA 98104

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Hand Delivered  
 U.S. Mail (first-class, postage prepaid)  
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 Facsimile (206) 223-0246  
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Sirianni Youtz Meier & Spoonemore  
Suite 1100  
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Seattle WA 98104

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