

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 REPLY TO AT&T'S
RESPONSE TO T-NETIX'S
RESPONSE TO BENCH REQUEST
NO. 14**

Respondent T-Netix, Inc. ("T-Netix"), pursuant to WAC 480-07-375(1)(d) and through counsel, hereby moves for leave to reply to AT&T's Response to T-Netix's Response to Bench Request No. 14 ("AT&T Response"). The AT&T Response raises a question whether T-Netix accurately responded to Bench Request No. 14, and T-Netix seeks to demonstrate that its response was indeed accurate.

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). For example, leave will be granted where a party offers "additional information on which to base our decision." *In the Matter of the Petition of Qwest Corporation For an Alternative Form of*

1 - T-NETIX, INC. MOTION FOR LEAVE TO REPLY TO AT&T'S
RESPONSE TO T-NETIX'S RESPONSE TO BENCH REQUEST NO. 14

1103337/1/AAB/102728-0001

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Regulation Pursuant to RCW 80.36.135, Docket No. UT-061625, Order No. 18, 2009 WL 3939980 (Nov. 12, 1999). Here, T-Netix wishes to explain that, in fact, it did not bill or cause to be billed any calls from the Clallam Bay facility as AT&T suggests.

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

DATED this 20th day of December, 2010.

T-NETIX, INC.

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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)
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Olympia, WA 98504-7250	<input checked="" type="checkbox"/>	Email (records@wutc.wa.gov)

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Confidentiality Status: Highly Confidential

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ATTACHMENT A

5 - T-NETIX, INC. MOTION FOR LEAVE TO REPLY TO AT&T'S
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[Service Date: December 20, 2010]

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RESPONSE TO T-NETIX'S
RESPONSE TO BENCH REQUEST
NO. 14**

Respondent T-Netix, Inc. (T-Netix), through counsel, submits this Reply to AT&T's Response to T-Netix's Response to Bench Request No. 14 dated December 15, 2010 ("AT&T Response").

BENCH REQUEST NO. 14:

Did T-Netix bill, or have a third party bill on T-Netix'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 RESPONSE TO BENCH REQUEST NO. 14:

T-Netix did not bill, nor did T-Netix have a third party bill on its 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. As T-Netix stated on October 6, 2010, in response to Bench Request No. 7, it was not the telephone company who carried the calls at issue in this proceeding, nor did it brand, rate, or bill the calls.

T-NETIX REPLY TO AT&T'S RESPONSE TO T-NETIX'S RESPONSE TO BENCH REQUEST NO. 14

AT&T states that

T-Netix's claim that it did not bill for these services, or have anyone bill on its behalf, appears to be inconsistent with the terms of Amendment 3 to AT&T's agreement with the Washington Department of Corrections. ... Amendment 3 states that T-Netix will replace PTI as the station provider at certain prisons including Clallam Bay and:

Upon execution of this Amendment, T-Netix, Inc. shall pay to Department a monthly commission rate of Twenty-seven percent (27%) on local calls only, for the term of the Agreement, from the facilities in PTI territory ...

Id. It seems inconsistent that the T-Netix would have been required to pay commissions if it was not billing consumers for its services.

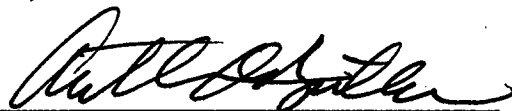
T-Netix in fact did not bill any consumer for any inmate from a Washington Department of Corrections ("DOC") facility, neither before nor after the implementation of Amendment No. 3 to the contract between AT&T and the DOC. Prior to Amendment

No. 3, PTI was the local exchange carrier for Clallam Bay and PTI performed the billing for local, intraLATA, and interLATA calls from Clallam Bay. After Amendment No. 3, local and intraLATA calls after Amendment No. 3 were carried by TCG, a local exchange carrier that later was acquired by AT&T. T-Netix assisted TCG by acting as the intermediary for the procurement of Customer Owned Coin-Operated Telephone ("COCOT") lines, which were necessary to carry telephone traffic out of Clallam Bay, from a third party. T-Netix also arranged for a third party to bill for the local, intraLATA, and interLATA calls placed from Clallam Bay that were carried by other telephone companies. T-Netix was not the billing entity, it did not carry any calls from Clallam Bay, and it did not set the rates for the calls placed from Clallam Bay. The rates for local calls were TCG's rates, and TCG received the payments for those local calls.

For all these reasons, T-Netix's Response to Bench Request No. 14 was accurate.
DATED this 20th day of December, 2010.

T-NETIX, INC.

By:



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