

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

SANDRA JUDD, et al.,

Complainants,

v.

AT&T COMMUNICATIONS OF THE  
PACIFIC NORTHWEST, INC.; and  
T-NETIX, INC.,

Respondents.

DOCKET NO. UT-042022

COMPLAINANTS' OPPOSITION TO  
AT&T'S MOTION FOR LEAVE TO  
FILE A SURREPLY REGARDING  
BENCH REQUEST NO. 12

1. In Bench Request No. 12, AT&T was asked:

Section 4 in Attachment B to Amendment No. 2 to the Agreement between the Washington Department of Corrections and AT&T dated June 16, 1995, and included in the record in this docket provides, "In the event AT&T is unable to provide [Inmate Calling Service (ICS)] as of the effective date of this Agreement, as defined in Section 3 of the Agreement, then AT&T will provide its standard live operator services to connect the inmate's call to the called party until it is able to provide ICS." Did AT&T provide its standard live operator services to connect an inmate's collect call to the called party from any of the correctional institutions covered by the Agreement between June 20, 1996, and December 31, 2000? If so, please describe those services and identify the time period during which AT&T provided the services, the types of intrastate calls (local, intraLATA, or interLATA) for which AT&T provided the services, and the location from which the calls originated.

2. Rather than simply answer the question of whether it provided live operator services, AT&T launched into an argument that it has no responsibility for the

P-III platform that provided the Inmate Calling Services. The complainants and T-Netix responded to that argument. AT&T is concerned with those responses and seeks permission to file a “surreply.”

3. The proposed “surreply” does not provide any facts responsive to the request for information. Instead, AT&T continues its argument that despite being the contractor who entered into the contract with the DOC to be responsible for providing services and equipment to handle collect calls from inmates, it cannot be an operator services provider and that the responsibilities for those services fall on T-Netix or other AT&T subcontractors. AT&T’s “surreply” also argues that a provision in the 1997 contract between it and T-Netix makes T-Netix was responsible for providing rate quotes while claiming that another provision in the same contract making AT&T the owner of the P-III platform should be ignored. These contentions have nothing to do with whether AT&T provided live operator services.

4. The proposed “surreply” also makes factual statements unsupported by a declaration or other source from the record. For example, AT&T suggests that the number of intraLATA calls greatly exceeded the number of interLATA calls but provides no basis for this assertion.

5. AT&T should not be allowed to submit this “surreply.” First, reply memoranda generally respond to arguments *opposing a motion*. AT&T has not filed a motion; it responded to a bench request for information. The Commission’s rules do not contemplate replies (or “surreplies”) to bench requests. AT&T chose to use this bench request for information as a way to make an argument rather than simply answering

the question. It should have had no expectation of being allowed to reply. AT&T is simply posturing to get the last word in on an argument where it has no right or justification for doing so.

6. Reply memoranda for motions or hearings are not generally permitted under the Commission's rules. AT&T claims that both complainants and T-Netix raise new arguments and facts. AT&T claims that the "new facts" asserted are the statement of its counsel in another proceeding and the dates that T-Netix initiated service of the P-III platform. Most of AT&T's "surreply," however, does not address those alleged new facts but is devoted to making arguments that it has made several times in other responses. Again, AT&T just wants to get the final say. This is not a sufficient reason to permit a "surreply."

7. Accordingly, AT&T's motion for leave to file a "surreply" should be denied.

DATED: December 29, 2010.

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## SERVICE LIST

Pursuant to WAC 480-07-150, I certify that on December 29, 2010, I served a copy of the foregoing on all counsel of record by e-mail and U.S. Mail at the below addresses:

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Pursuant to WAC 480-07-145, I further certify that on December 29, 2010, I filed MS Word and PDF versions of the listed documents by e-mail, and the original and five copies of the listed documents by overnight delivery (Federal Express or UPS), with the WUTC at the below address:

David Danner  
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Pursuant to the Prehearing Conference Order 08, I further certify that on December 29, 2010, I provided a courtesy copy of the listed documents, in MS Word, to Administrative Law Judge Marguerite E. Friedlander by e-mail to [mfriedla@utc.wa.gov](mailto:mfriedla@utc.wa.gov).

DATED: December 29, 2010, at Seattle, Washington.

/s/ Theresa A. Redfern