

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION)	
)	
Complainant,)	DOCKET NO. UT-060962
)	
v.)	ANSWER
)	
AT&T COMMUNICATIONS OF THE PACIFIC NORTHWEST, INC.)	
)	
Respondent.)	
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AT&T Communications of the Pacific Northwest, Inc. (“AT&T”) provides the following Answer to the Commission’s Complaint (“Complaint”):

ANSWER

1. AT&T neither admits nor denies the statement in paragraph 1 of the Complaint.
2. The cited statute speaks for itself, and AT&T denies any allegations in paragraph 2 that are inconsistent with that statute. In addition, the statements in paragraph 2 are allegations of law, not fact, and thus are not subject to admission or denial.
3. AT&T admits that some customers who accepted collect pay phone calls from two correctional facilities in Washington were erroneously billed in excess of amounts stated in AT&T’s price list on file with the Commission and in effect. AT&T denies the remaining allegations in paragraph 3.

4. AT&T lacks sufficient personal knowledge to admit or deny the allegations in paragraph 4. In addition, Staff's Investigative Report and Addendum speak for themselves.

5. AT&T admits that Staff requested information from AT&T about billing of correctional facility calls between March and June 2005 and that AT&T provided the information that was in AT&T's possession and control. AT&T admits that it accurately stated that other information responsive to Staff's requests was in the possession and control of Global Tel*Link ("GTL"), which purchased AT&T's correctional facility pay phone business. AT&T lacks sufficient personal knowledge to admit or deny the statements concerning Staff's investigation. AT&T denies the remaining allegations in paragraph 5.

6. The referenced Commission Order speaks for itself, and AT&T denies any allegations in paragraph 6 that are inconsistent with, or beyond the scope of, that Order.

7. AT&T admits that it timely provided records of billed prison collect calls obtained from GTL in response to the Commission Order on or about August 22, 2006, and that those records included records subsequent to the close of the sale of the correctional facility pay phone business to GTL. Staff's Investigation Report speaks for itself, and AT&T lacks personal knowledge sufficient to admit or deny how Staff conducted its investigation. AT&T denies the remaining allegations in paragraph 7.

8. AT&T admits the allegations in paragraph 8.

9. AT&T lacks sufficient personal knowledge to admit or deny the Staff determinations referenced in paragraph 9.

10. AT&T lacks sufficient personal knowledge to admit or deny the Staff determinations referenced in paragraph 10.

11. The cited statute speaks for itself, and AT&T denies any allegations in paragraph 11 that are inconsistent with that statute.

12. AT&T admits the allegations in paragraph 12.

13. AT&T admits the allegations in paragraph 13.

14. AT&T admits the allegations in paragraph 14.

15. AT&T realleges its answers contained in paragraphs 4 through 14 above.

16. AT&T admits the allegations in paragraph 16.

17. AT&T admits that between March 14, 2005 and June 1, 2005, a number of customers who accepted collect pay phone calls from the identified correctional facilities were billed the incorrect amount. AT&T denies the remaining allegations in paragraph 17.

18. AT&T denies that the Commission should make the findings alleged in paragraph 18.

19. AT&T denies that any monetary penalties or sanctions should be imposed on AT&T as alleged in paragraph 19.

20. AT&T denies the allegation in paragraph 20 that any other or further relief is appropriate under the circumstances.

21. The Commission's finding that probable cause exists to issue the Complaint is an issue of law and thus is not subject to admission or denial.

22. The remaining paragraphs in the Complaint provide notice of briefing and a prehearing conference and thus are not allegations subject to admission or denial.

AFFIRMATIVE DEFENSES

23. Failure to State a Claim. The Complaint was issued more than two years after any cause of action accrued for collection of more than lawful rates as required under RCW 80.04.240 and thus is time barred.

24. Lack of Due Process/Excessive Fine. Imposition of monetary sanctions that are not reasonably proportional to the overcharges at issue as Staff has proposed would be a violation of due process under the Fourteenth Amendment to the United States Constitution and an excessive fine prohibited under Article I, Section 14 of the Constitution of the State of Washington.

WHEREFORE, AT&T respectfully requests that the Commission find that AT&T is not liable for any monetary penalties, sanction, or other relief under the circumstances presented and that the Commission dismiss the Complaint.

Dated this 20th day of June, 2007.

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