

**REDACTED CONFIDENTIAL PER PROTECTIVE ORDER  
IN WUTC DOCKET NO. UT-042022**

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

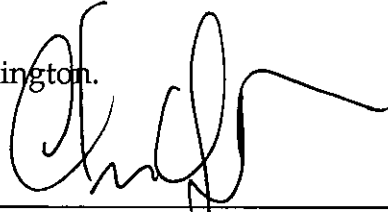
DECLARATION OF CHRIS R. YOUTZ  
RE: COMPLAINANTS' MOTION  
TO COMPEL DISCOVERY  
FROM T-NETIX

Chris R. Youtz declares, under penalty of perjury and in accordance with the laws of the State of Washington, that:

1. I am one of the attorneys for Complainants in this matter. I base this declaration on my personal knowledge and am competent to testify.
2. Attached as *Exhibit A* is a true and correct copy of T-Netix, Inc.'s First Set of Data Requests to Respondent AT&T Communications of the Pacific Northwest, Inc.
3. Attached as *Exhibit B* is a true and correct copy of T-Netix, Inc.'s Second Set of Data Requests to Respondent AT&T Communications of the Pacific Northwest, Inc.
4. Attached as *Exhibit C* is a true and correct copy of partial production from AT&T in response to Complainants' second data requests (which, in its entirety, contains confidential information).

5. Attached as *Exhibit D* is a true and correct copy of T-Netix' responses to requests 1, 2, 3, 5, 16, 19, 21, 22, and 23 Complainants' Second Data Requests.

DATED: November 26, 2008, at Seattle, Washington.



---

Chris R. Youtz

## CERTIFICATE OF SERVICE

I certify, under penalty of perjury and in accordance with the laws of the State of Washington, that on November 26, 2008, I served a copy of the foregoing document on all counsel of record in the manner shown and at the addresses listed below:

Letty S. D. Friesen  
AT&T COMMUNICATIONS  
OF THE PACIFIC NORTHWEST  
2535 E. 40<sup>th</sup> Avenue, Suite B1201  
Denver, CO 80205  
Attorneys for Respondent AT&T

By Email  
[lsfriesen@att.com](mailto:lsfriesen@att.com)  
 By United States Mail

Charles H.R. Peters  
SCHIFF HARDIN LLP  
6600 Sears Tower  
233 S. Wacker Drive  
Chicago, IL 60606  
Attorneys for Respondent AT&T

By Email  
[cpeters@schiffhardin.com](mailto:cpeters@schiffhardin.com)  
 By United States Mail

Arthur A. Butler  
ATER WYNNE LLP  
601 Union Street, Suite 1501  
Seattle, WA 98101  
Attorneys for Respondent T-NETIX, Inc.

By Email  
[aab@aterwynne.com](mailto:aab@aterwynne.com)  
 By United States Mail

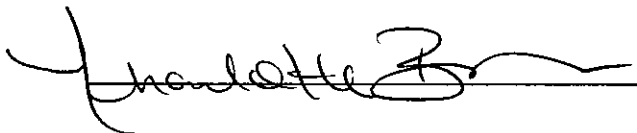
Glenn B. Manishin  
DUANE MORRIS LLP  
505 - 9<sup>th</sup> Street NW, Suite 1000  
Washington, DC 20004  
Attorneys for Respondent T-NETIX, Inc.

By Email  
[gmanishin@duanemorris.com](mailto:gmanishin@duanemorris.com)  
 By United States Mail

Marguerite E. Russell  
Administrative Law Judge  
1300 S. Evergreen Park Drive SW  
P.O. Box 47250  
Olympia, WA 98504-7250

By Email  
[mrussell@utc.wa.gov](mailto:mrussell@utc.wa.gov)

DATED: November 26, 2008, at Seattle, Washington.



# EXHIBIT A

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.'S FIRST SET OF  
DATA REQUESTS TO  
RESPONDENT AT&T  
COMMUNICATIONS OF THE  
PACIFIC NORTHWEST, INC.**

Pursuant to WAC 480-07-405, T-Netix, Inc. ("T-Netix"), by and through its attorneys of record, Ater Wynne LLP, hereby requests that Respondent AT&T Communications of the Pacific Northwest, Inc. ("AT&T") provide responses to the following Data Requests to the undersigned within *ten (10) business days* after service of these Data Requests.

THESE DATA REQUESTS ARE CONTINUING REQUESTS AND REQUIRE TIMELY SUPPLEMENTATION OF ANSWERS AND PRODUCTION OF DOCUMENTS AS ACQUIRED DURING THE PENDENCY OF THIS PROCEEDING.

**I. INSTRUCTIONS**

**A. ANSWERS TO DATA REQUESTS**

1. These Data Requests are to be answered fully, in writing, within *ten (10) business days* after service, which includes Data Requests that are faxed or emailed to you.

2. These Data Requests are continuing in nature. In the event you discover further information or documentation which alters, modifies, deletes, or augments the responses given now or any time hereafter, you are obligated to change, supplement and correct all appropriate responses to these Data Requests to conform to current and available information. If you are unwilling to supplement your responses, please so state.

3. The response to each Data Request should appear on a separate piece of paper and should repeat the Data Request at the top of the page on which the response begins. Your response should include: (a) the date the response was prepared; (b) the name of the person(s) preparing the response; and (c) the witness(es) who will be testifying on your behalf who will be prepared to answer questions relating to such response.

If, at the time that responses to these Data Requests are due, it has not been determined whether a witness will be testifying on your behalf who can answer questions relating to a particular response, then for each response provide the name of your representative most knowledgeable regarding the subject area of and information in the response. If, prior to the evidentiary hearing in this matter, you identify the witness(es) who will testify on your behalf on a particular response to a question set forth herein, please supplement your response to identify the appropriate witness(es).

4. These Data Requests should be construed broadly to the full extent of their meaning in a good faith effort to comply with applicable law.

5. In responding to these Data Requests, furnish all such information in your possession, custody or control, or that may be reasonably available to or ascertained by you, regardless of whether this information is obtained directly by you, through your agents or other representatives, or by your attorneys, or otherwise subject to your knowledge, possession, custody, or control.

6. If any Data Request cannot be answered in full, answer it to the best extent possible, specify the reasons for your inability to respond fully. As to information in response thereto which becomes known or available to you after service of your original answers hereto, you are requested to submit supplemental responses setting forth such additional information in full. If you object to any part of these Data Requests, answer all parts of the Data Requests to which you do not object, and as to each part to which you do object, separately set forth the specific basis for the objection.

7. If you file a timely objection to any portion of a request, definition, or an instruction, answer all parts of such Data Request to which you do not object, and as to the each part to which you do object, separately set forth the specific basis for your objection.

8. Unless otherwise expressly stated, the response to these Data Requests should cover the period beginning January 1, 1990 to the present.

9. Please provide a copy of your responses to these Data Requests to:

Arthur A. Butler  
Ater Wynne LLP  
601 Union Street, Suite 5450  
Seattle, WA 98101-2327

## **B. PRODUCTION OF DOCUMENTS**

1. If any part of a document responds to a Data Request, the whole document is to be produced.
2. Any alteration of a responsive document, including any notes, underlining, date stamps, received stamps, endorsed or filed stamps, drafts, revisions, modifications and other versions of a final document is a separate and distinct document and must be produced.
3. If you are unable to produce a document in response to any Data Request, please so state, and indicate whether the document ever existed, or whether the document once existed but cannot be located. If any document once was, but is no longer, in your possession, custody or control, state: (a) the whereabouts of such document when last in your possession, custody or control; (b) the date and manner of its disposition; and (c) identify its last known custodian. To the extent any documents are lost or destroyed, produce any documents which support your assertion that the document was lost or destroyed, and provide the date thereof.
4. To the extent that you claim any document described herein is privileged, or to the extent that you object to the production of any of the documents, please identify each and every document to which any claim of privilege or objection to production is being asserted by stating in writing: (a) a general description of the document; (b) its title; (c) number of pages; (d) date of preparation; (e) person(s) who prepared the document; (f) any person(s) who received or reviewed the document in original or other form; and (g) the current custodian(s) of each document, and state the nature and basis for each claim of privilege or objection for each such document.
5. If your response to any Data Request is that the requested documents are too voluminous to produce, or that the document is available for review at your offices, please provide: (a) an index of all the relevant documents; (b) the location of the documents; (c) a description of each document; (d) the location of the documents; and (e) the number of pages of each document.
6. If any document responsive to these Data Requests is considered to contain confidential or protected information, please furnish this information subject to an appropriate protective agreement.
7. Please provide a copy of all documents responsive to these Data Requests to:

Arthur A. Butler  
Ater Wynne LLP  
601 Union Street, Suite 5450  
Seattle, WA 98101-2327

## **II. DEFINITIONS**

1. "Commission" means the Washington Utilities and Transportation Commission.
2. "Document" means any written, printed, typed or visually reproduced material of any kind, whether or not privileged, and includes but is not limited to the original and all copies of any and all letters, reports, memoranda, files, communications, correspondence, agreements, bills, receipts, studies, analyses, telegrams, telexes, e-mails, minutes, bulletins, instructions, literature, memoranda of conversations, notes, notebooks, diaries, data sheets, financial statements, work sheets, recordings, tapes, drawings, graphs, indices, charts, telephone records, photographs,

phonographic records, computer files, other data compilation, or any other written, recorded, transcribed, punched, taped, filed or other graphic matter including any draft of the foregoing items and any copy or reproduction of any of the foregoing items upon which any notation, work, figure, or form is recorded or has been made which does not appear on the original or as to whose existence, either past or present, the responding party has any knowledge or information.

3. "Identification" or "identify" when used in reference to: (a) a natural individual, requires you to state his or her full name and residential and business address; (b) a corporation, requires you to state its full corporate name and any names under which it does business, the state of incorporation, and the address of its principal place of business; (c) a document, requires you to state the number of pages and the nature of the document (*e.g.*, a letter or memorandum), its title, its date, the name(s) of its author(s) and recipient(s), and its present location or custodian; or (d) a communication, requires you, if any part of the communication was written, to identify the document or documents which refer to or evidence the communications, and to the extent that the communication was not written, to identify the persons participating in the communication and to state the date, manner, place, and substance of the communication.

4. "Persons" mean the plural as well as the singular and includes any natural person, any firm, corporation, association, partnership, or other organization or form of legal entity.

5. The word "similar" is intended to be as comprehensive as possible.

6. "You" and "your" refer to Respondent AT&T.

7. As used in these Data Requests, the singular shall also be treated as plural and vice-versa.

### III. DATA REQUESTS

#### T-NETIX DATA REQUEST NO. 1:

As a continuing request, T-Netix requests that Respondent AT&T provide hard copies of *all* of its responses in this proceeding to *any and all* Data Requests served by any other party, Records Requisitions served by Staff and Bench Requests served by the Commission, to:

Arthur A. Butler  
Ater Wynne LLP  
601 Union Street, Suite 5450  
Seattle, WA 98101-2327

#### T-NETIX DATA REQUEST NO. 2:

Produce all documents provided to Complainants in this proceeding.

#### T-NETIX DATA REQUEST NO. 3:

Identify all persons, including but not limited to all existing or former AT&T personnel, who have knowledge about the claims in this proceeding.



**T-NETIX DATA REQUEST NO. 4:**

Produce all scripts for all prerecorded messages included for inmate collect calls from Washington state correctional institutions since August 1, 1996.

**T-NETIX DATA REQUEST NO. 5:**

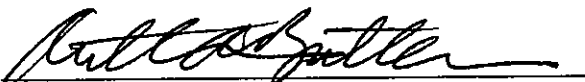
Identify all subcontractors retained by AT&T in connection with its provision of inmate telephone service from Washington state correctional institutions since August 1, 1996.

**T-NETIX DATA REQUEST NO. 6:**

Identify all inmate calling platforms used in connection with AT&T calls placed by inmates from Washington state correctional institutions since August 1, 1996.

DATED this 7<sup>th</sup> day of March, 2005.

ATER WYNNE LLP

By   
Arthur A. Butler, WSBA # 04678

Attorneys for Respondent T-Netix, Inc.

## CERTIFICATE OF SERVICE

I hereby certify that I have this 7<sup>th</sup> day of March, 2005, 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. Friesen  
AT&T Communications of the Pacific  
Northwest  
Law Department  
919 Congress Avenue, Suite 900  
Austin TX 78701-2444

Hand Delivered  
 U.S. Mail (first-class, postage prepaid)  
 Overnight Mail (UPS)  
 Facsimile (303) 298-6301  
 Email (lsfriesen@att.com)

### ***On Behalf Of T-Netix:***

Stephanie A. Joyce  
Kelley Drye & Warren LLP  
1200 19th Street NW, Suite 500  
Washington DC 20036-2423

Hand Delivered  
 U.S. Mail (first-class, postage prepaid)  
 Overnight Mail (UPS)  
 Facsimile (202) 955-9792  
 Email (sjoyce@kelleydrye.com)

### ***On Behalf Of T-Netix:***

Glenn B. Manishin  
Kelley Drye & Warren LLP  
1200 19th Street NW, Suite 500  
Washington DC 20036-2423

Hand Delivered  
 U.S. Mail (first-class, postage prepaid)  
 Overnight Mail (UPS)  
 Facsimile (202) 955-9792  
 Email (gmanishin@kelleydrye.com)

### ***On Behalf Of Judd & Herivel:***

Jonathan P. Meier  
Sirianni Youtz Meier & Spoonemore  
719 Second Avenue, Suite 1100  
Seattle WA 98104

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

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

Charles H. Peters  
Schiff Hardin LLP  
233 South Wacker Drive  
6600 Sears Tower  
Chicago IL 60606

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

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 7<sup>th</sup> day of March, 2005, at Seattle, Washington.

  
\_\_\_\_\_

# EXHIBIT B

RECEIVED

OCT 16 2008

[Service Date: October 15, 2008]

LAW OFFICE OF  
SIRIANNI YOUTZ  
MEIER & SPOONEMORE

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.'S SECOND SET  
OF DATA REQUESTS TO  
RESPONDENT AT&T  
COMMUNICATIONS OF THE  
PACIFIC NORTHWEST, INC.**

Pursuant to WAC 480-07-405, T-Netix, Inc. ("T-Netix"), by and through its attorneys of record, Ater Wynne LLP and Duane Morris LLP, hereby requests that Respondent AT&T Communications of the Pacific Northwest, Inc. ("AT&T") provide responses to the following Data Requests to the undersigned within *ten (10) business days* after service of these Data Requests.

THESE DATA REQUESTS ARE CONTINUING REQUESTS AND REQUIRE TIMELY SUPPLEMENTATION OF ANSWERS AND PRODUCTION OF DOCUMENTS AS ACQUIRED DURING THE PENDENCY OF THIS PROCEEDING.

**I. INSTRUCTIONS**

**A. ANSWERS TO DATA REQUESTS**

1. These Data Requests are to be answered fully, in writing, within *ten (10) business days* after service, which includes Data Requests that are faxed or emailed to you.

2. These Data Requests are continuing in nature. In the event you discover further information or documentation which alters, modifies, deletes, or augments the responses given now or any time hereafter, you are obligated to change, supplement and correct all appropriate responses to these Data Requests to conform to current and available information. If you are unwilling to supplement your responses, please so state.

T-Netix Second Set of Data Requests To Respondent  
AT&T Communications of The Pacific Northwest, Inc.  
(UT-042022) - Page 1

427768/1/AAB/102728-0001

ATER WYNNE LLP  
Lawyers  
601 Union Street, Suite 1501  
Seattle, Washington 98101  
(206) 623-4711

3. The response to each Data Request should appear on a separate piece of paper and should repeat the Data Request at the top of the page on which the response begins. Your response should include: (a) the date the response was prepared; (b) the name of the person(s) preparing the response; and (c) the witness(es) who will be testifying on your behalf who will be prepared to answer questions relating to such response.

If, at the time that responses to these Data Requests are due, it has not been determined whether a witness will be testifying on your behalf who can answer questions relating to a particular response, then for each response provide the name of your representative most knowledgeable regarding the subject area of and information in the response. If, prior to the evidentiary hearing in this matter, you identify the witness(es) who will testify on your behalf on a particular response to a question set forth herein, please supplement your response to identify the appropriate witness(es).

4. These Data Requests should be construed broadly to the full extent of their meaning in a good faith effort to comply with applicable law.

5. In responding to these Data Requests, furnish all such information in your possession, custody or control, or that may be reasonably available to or ascertained by you, regardless of whether this information is obtained directly by you, through your agents or other representatives, or by your attorneys, or otherwise subject to your knowledge, possession, custody, or control.

6. If any Data Request cannot be answered in full, answer it to the best extent possible, specify the reasons for your inability to respond fully. As to information in response thereto which becomes known or available to you after service of your original answers hereto, you are requested to submit supplemental responses setting forth such additional information in full. If you object to any part of these Data Requests, answer all parts of the Data Requests to which you do not object, and as to each part to which you do object, separately set forth the specific basis for the objection.

7. If you file a timely objection to any portion of a request, definition, or an instruction, answer all parts of such Data Request to which you do not object, and as to the each part to which you do object, separately set forth the specific basis for your objection.

8. Unless otherwise expressly stated, the response to these Data Requests should cover the period beginning January 1, 1998 to December 31, 2002.

9. Please provide your responses to these Data Requests, in paper and electronic form, to:

Arthur A. Butler  
Ater Wynne LLP  
601 Union Street, Suite 5450  
Seattle, WA 98101-2327

with a courtesy copy to:

Glenn B. Manishin  
Duane Morris LLP  
505 9th Street, N.W., Suite 1000  
Washington, DC 20004-2811

## B. PRODUCTION OF DOCUMENTS

1. If any part of a document responds to a Data Request, the whole document is to be produced.

2. Any alteration of a responsive document, including any notes, underlining, date stamps, received stamps, endorsed or filed stamps, drafts, revisions, modifications and other versions of a final document is a separate and distinct document and must be produced.

3. If you are unable to produce a document in response to any Data Request, please so state, and indicate whether the document ever existed, or whether the document once existed but cannot be located. If any document once was, but is no longer, in your possession, custody or control, state: (a) the whereabouts of such document when last in your possession, custody or control; (b) the date and manner of its disposition; and (c) identify its last known custodian. To the extent any documents are lost or destroyed, produce any documents which support your assertion that the document was lost or destroyed, and provide the date thereof.

4. To the extent that you claim any document described herein is privileged, or to the extent that you object to the production of any of the documents, please identify each and every document to which any claim of privilege or objection to production is being asserted by stating in writing: (a) a general description of the document; (b) its title; (c) number of pages; (d) date of preparation; (e) person(s) who prepared the document; (f) any person(s) who received or reviewed the document in original or other form; and (g) the current custodian(s) of each document, and state the nature and basis for each claim of privilege or objection for each such document.

5. If your response to any Data Request is that the requested documents are too voluminous to produce, or that the document is available for review at your offices, please provide: (a) an index of all the relevant documents; (b) the location of the documents; (c) a description of each document; (d) the location of the documents; and (e) the number of pages of each document.

6. If any document responsive to these Data Requests is considered to contain confidential or protected information, please furnish this information subject to an appropriate protective agreement.

7. Please provide all documents responsive to these Data Requests to:

Arthur A. Butler  
Ater Wynne LLP  
601 Union Street, Suite 5450  
Seattle, WA 98101-2327

with a courtesy copy to:

Glenn B. Manishin  
Duane Morris LLP  
505 9th Street, N.W., Suite 1000  
Washington, DC 20004-2811

## II. DEFINITIONS

1. "Commission" means the Washington Utilities and Transportation Commission.
2. "FCC" means the Federal Communications Commission.
3. "OSP" means operator service provider.
4. "Document" means any written, printed, typed or visually reproduced material of any kind, whether or not privileged, and includes but is not limited to the original and all copies of any and all letters, reports, memoranda, files, communications, correspondence, agreements, bills, receipts, studies, analyses, telegrams, telexes, e-mails, minutes, bulletins, instructions, literature, memoranda of conversations, notes, notebooks, diaries, data sheets, financial statements, work sheets, recordings, tapes, drawings, graphs, indices, charts, telephone records, photographs, phonographic records, computer files, other data compilation, or any other written, recorded, transcribed, punched, taped, filed or other graphic matter including any draft of the foregoing items and any copy or reproduction of any of the foregoing items upon which any notation, work, figure, or form is recorded or has been made which does not appear on the original or as to whose existence, either past or present, the responding party has any knowledge or information.
5. "Identification" or "identify" when used in reference to: (a) a natural individual, requires you to state his or her full name and residential and business address; (b) a corporation, requires you to state its full corporate name and any names under which it does business, the state of incorporation, and the address of its principal place of business; (c) a document, requires you to state the number of pages and the nature of the document (e.g., a letter or memorandum), its title, its date, the name(s) of its author(s) and recipient(s), and its present location or custodian; or (d) a communication, requires you, if any part of the communication was written, to identify the document or documents which refer to or evidence the communications, and to the extent that the communication was not written, to identify the persons participating in the communication and to state the date, manner, place, and substance of the communication.
6. "Persons" mean the plural as well as the singular and includes any natural person, any firm, corporation, association, partnership, or other organization or form of legal entity.
7. The word "similar" is intended to be as comprehensive as possible.
8. "You" and "your" refer to Respondent AT&T.
9. As used in these Data Requests, the singular shall also be treated as plural and vice-versa.

## III. DATA REQUESTS

### T-NETIX DATA REQUEST NO. 1:

State whether you contend that an entity can be an operator service provider ("OSP"), within the meaning of the Commission's regulations, in connection with payphone-originated intrastate, interLATA traffic when that entity is not also a common carrier or tariffed telecommunications service provider for the calls or traffic in question.



**T-NETIX DATA REQUEST NO. 2:**

State whether you deny that for purposes of intrastate, interLATA inmate collect calls in Washington State, if subject to the Commission's rate quote requirements as an OSP, T-Netix would have been obligated to disclose AT&T's rates for the calls at issue in this proceeding.

**T-NETIX DATA REQUEST NO. 3:**

State whether, and if so how, the FCC's definition of OSP and this Commission's definition of OSP differ, and identify all decisions, orders, legislative history or other legal precedent supporting such difference(s).

**T-NETIX DATA REQUEST NO. 4:**

Describe in full how, in your view, application of the Commission's regulations to T-Netix as an OSP for the calls or traffic at issue in this proceeding is consistent with the public policy objectives of the Commission's rate quote requirement for recipients of collect calls.

**T-NETIX DATA REQUEST NO. 5:**

For the Airway Heights correctional facility, from which complainant Herivel avers she received an interLATA, intrastate collect call, identify (a) which entity held the contract with the applicable government entity to provide collect telecommunications services to inmates in the facility, (b) which carrier's rates were charged, respectively, for local (intraLATA non-toll) calls placed from the facility, for intraLATA toll calls placed from the facility, and for intrastate interLATA calls placed from the facility, (c) whether or not T-Netix was permitted, for any or all intrastate interLATA calls processed with its platform, to set the rates charged for such calls, and (d) which carrier was "branded" or otherwise identified to the calling and/or called parties as the telecommunications carrier for intrastate interLATA calls placed from the facility.

**T-NETIX DATA REQUEST NO. 6:**

State whether (a) you ever instructed or requested T-Netix to comply with the Commission's rate quote requirement for recipients of collect calls, or (b) notified T-Netix that AT&T viewed compliance as T-Netix's responsibility under the Commission's regulations and definition of OSP, and if so (c) identify the date and form of such instruction, request or notice and (d) produce all documents constituting, evidencing, referring to, or relating in any way to such instruction, request or notice.

**T-NETIX DATA REQUEST NO. 7:**

State whether you have sought, by petition or otherwise, a waiver of the FCC's regulation requiring OSPs or providers of inmate operator services to disclose how to obtain a rate quote to recipients of collect calls, and identify the date and docket number of each such petition or request and the date and FCC release number of the decision, if any, on each such petition or request.

**T-NETIX DATA REQUEST NO. 8:**

Produce all documents constituting, evidencing, referring to, or relating in any way to a petition or request for a waiver of the FCC's regulation requiring OSPs or providers of inmate operator services to disclose how to obtain a rate quote to recipients of collect calls.

**T-NETIX DATA REQUEST NO. 9:**

State the reasoning behind your decision to submit or not submit a petition or request for a waiver of the FCC's regulation requiring OSPs or providers of inmate operator services to disclose how to obtain a rate quote to recipients of collect calls.

**T-NETIX DATA REQUEST NO. 10:**

Produce all documents relating in any way to your decision to submit or not submit a petition or request for a waiver of the FCC's regulation requiring OSPs or providers of inmate operator services to disclose how to obtain a rate quote to recipients of collect calls.

**T-NETIX DATA REQUEST NO. 11:**

Produce all documents constituting, evidencing, referring to, or relating in any way to a grant or denial (in whole or in part) by the FCC of any petition or request submitted by you for a waiver of the FCC's regulation requiring OSPs or providers of inmate operator services to disclose how to obtain an rate quote to recipients of collect calls.

**T-NETIX DATA REQUEST NO. 12:**

State whether you deny that you have never sought, by petition or otherwise, a waiver of this Commission's regulation requiring OSPs to provide rate quotes upon request to the recipients of collect telephone calls. If your answer is other than an affirmative "yes," identify the date and docket number of each such petition or other waiver request and, if applicable, produce a copy of the decision on every such petition or other request.

**T-NETIX DATA REQUEST NO. 13:**

Produce all documents constituting, evidencing, referring to, or relating in any way to any petition or request for a waiver of the Commission's regulation requiring OSPs to provide rate quotes upon request to the recipients of collect telephone calls, including without limitation the waiver granted to U.S. West, CenturyTel and other incumbent local exchange carriers by the Commission.

**T-NETIX DATA REQUEST NO. 14:**

State the reasoning behind your decision not to join in the incumbent local exchange carrier waiver requests (see Data Request No. 13) with respect to inmate collect calls or to submit your own petition or request for a waiver of the Commission's regulation requiring OSPs to provide rate quotes upon request to the recipients of collect calls.

**T-NETIX DATA REQUEST NO. 15:**

Produce all documents relating in any way to your decision not to join in the incumbent local exchange carrier waiver requests (see Data Request No. 13) with respect to inmate collect calls or to submit your own petition or request for a waiver of the Commission's regulation requiring OSPs to provide rate quotes upon request to the recipients of collect calls..

**T-NETIX DATA REQUEST NO. 16:**

State whether the Commission granted or denied (in part or in whole) any petition or request submitted by you for a waiver of the Commission's regulation requiring operator service providers to provide rate quotes upon request to recipients of collect telephone calls, and state the date and docket number for any such grant or denial.

DATED this 15<sup>th</sup> day of October, 2008.

T-NETIX, INC.

By: 

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this 15<sup>th</sup> day of October, 2008, 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 Communications***

Letty S.D. Friesen  
AT&T Communications of the Pacific  
Northwest  
2535 East 40<sup>th</sup> Avenue, Suite B 1201  
Denver, CO 80205

Hand Delivered  
 U.S. Mail (first-class, postage prepaid)  
 Overnight Mail (UPS)  
 Facsimile  
 Email (lsfriesen@att.com)

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

Charles H.R. Peters  
Schiff Hardin LLP  
233 South Wacker Drive  
6600 Sears Tower  
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 Email (cpeters@schiffhardin.com)

***On Behalf Of T-Netix:***

Glenn B. Manishin  
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***On Behalf Of Complainants :***

Chris R. Youtz  
Richard E. Spoonemore  
Sirianni Youtz Meier & Spoonemore  
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 (rspoonemore@sylaw.com)

  
\_\_\_\_\_

**Confidential Per Protective Order in  
WUTC Docket No. UT-042022**

# **EXHIBIT C**

**AT&T documents A000171 - A000193, partial production  
in response to Complainants' second data requests.**

**This exhibit , in its entirety, contains  
CONFIDENTIAL information  
and has been REDACTED.**

# EXHIBIT D

**WASHINGTON UTILITIES & TRANSPORTATION COMMISSION  
RESPONSES TO DATA REQUESTS**

Docket No.: UT-042022  
Response Date: November 17, 2008  
Requestor: Complainants  
Respondent: T-Netix, Inc.  
Prepared by: Glenn B. Manishin

Complainants' Amended Second Data Request No. 1: Please identify each T-NETIX INSTITUTION and with regard to each, identify when T-NETIX began providing equipment or services at the T-NETIX INSTITUTION, whether T-NETIX continues to provide equipment or services to the T-NETIX INSTITUTION, and if it no longer provides equipment or services, when T-NETIX stopped providing equipment or services at the T-NETIX INSTITUTION.

T-Netix's Response to Amended Second Data Request No. 1:

T-Netix objects to this Request on the ground that the term "T-NETIX INSTITUTION" improperly refers to all Washington Department of Corrections facilities rather than the three institutions 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.

Subject to and without waiving these objections, T-Netix responds that it has never provided equipment or services "to" any T-NETIX INSTITUTION. T-Netix provided equipment and/or services to AT&T at the following institutions during the following time frames: McNeil Island Corrections, March 27, 1995 through May 10, 2007; Airway Heights Correctional Center, November 8, 1994 through September 11, 2002; Monroe Correctional Complex, September 28, 1995 through November 12, 2006.

**WASHINGTON UTILITIES & TRANSPORTATION COMMISSION  
RESPONSES TO DATA REQUESTS**

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

Complainants' Amended Second Data Request No. 2: To the extent YOU have not already produced such DOCUMENTS, please produce all DOCUMENTS that describe or relate to PLATFORMS or other equipment or services that T-NETIX provided with regard to each T-NETIX INSTITUTION, including without limitation system drawings, trunking diagrams, trunking lists, configuration diagrams, systems engineering documents, systems specification documents, white papers, performance specification documents, performance analysis documents, systems architecture documents, marketing documents, and any other DOCUMENTS that describe or relate to the equipment or services that T-NETIX provided with regard to each T-NETIX INSTITUTION.

T-Netix's Response to Amended Second Data Request No. 2:

T-Netix objects to this Request on the ground that the term "T-NETIX INSTITUTION" improperly refers to all Washington Department of Corrections facilities rather than the three institutions 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 in addition objects to this Request because the trunking arrangements, architecture, performance specifications, and marketing of inmate calling PLATFORMS 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 irrelevant 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 all objections stated herein, T-Netix has attached responsive documents.



**WASHINGTON UTILITIES & TRANSPORTATION COMMISSION  
RESPONSES TO DATA REQUESTS**

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

Complainants' Amended Second Data Request No. 3: For each T-NETIX INSTITUTION, please produce all DOCUMENTS that describe or relate to the PLATFORM (including, but not limited to, Adjunct (TNXWA 00224), POP (TNXWA 00225) and Premise (TNXWA 00226)) used in that T-NETIX INSTITUTION, including all DOCUMENTS that show where the main components of the PLATFORM were located, how trunking was configured from the T-NETIX INSTITUTION to the PLATFORM location, how trunking was configured from the PLATFORM to the LEC or IXC switch, and, if the Adjunct configuration was used, which AT&T 5ESS was used, where it was located, and how trunking involving that switch was configured.

T-Netix's Response to Amended Second Data Request No. 3:

T-Netix objects to this Request on the ground that the term "T-NETIX INSTITUTION" improperly refers to all Washington Department of Corrections facilities rather than the three institutions 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 in addition objects to this Request because the trunking arrangements, architecture, performance specifications and marketing of inmate calling PLATFORMS 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 irrelevant 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 has not located any non-privileged, responsive documents that it has not previously produced to Complainants.

**WASHINGTON UTILITIES & TRANSPORTATION COMMISSION  
RESPONSES TO DATA REQUESTS**

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

Complainants' Amended Second Data Request No. 5: Please produce all DOCUMENTS in which T-NETIX uses the phrase "operator service" or "operator services" or "alternate operator services" or "automated operator" to describe any part of the services that it has provided, is providing, or will provide. This request for DOCUMENTS is not limited to T-NETIX INSTITUTIONS.

T-Netix's Response to Amended Second Data Request No. 5:

T-Netix objects to this Request on the ground that the term "T-NETIX INSTITUTION" improperly refers to all Washington Department of Corrections facilities rather than the three institutions 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 it is overly broad, unduly burdensome, and expensive. T-Netix cannot be expected to search every document it ever created containing the terms listed in the Request, as the expense for such a search would greatly outweigh any potential benefit to Complainants in this litigation. Therefore, the Request as framed is improper and cannot possibly be responded within any reasonable period of time.

**WASHINGTON UTILITIES & TRANSPORTATION COMMISSION  
RESPONSES TO DATA REQUESTS**

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

Complainants' Amended Second Data Request No.16: Please produce all documents that relate to the negotiation, interpretation, implementation, or performance of any CONTRACTS or SUBCONTRACTS in which T-NETIX is a party and which relate to INMATE-INITIATED CALLS.

T-Netix's Response to Amended Second Data Request No.16:

T-Netix objects to this Request on the ground that the term "INMATE INITIATED CALLS" improperly refers to calls made from "June 20, 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 further objects to this Request on the ground that the term "INMATE INITIATED CALLS" improperly refers to calls initiated by Washington inmates rather than inmates at the three facilities at issue in this litigation. 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 terms "negotiation, interpretation, implementation, or performance" are so overly broad, and unduly burdensome as to render it impossible to respond to the Request within any reasonable period of time. Every document already produced and every document produced in response to these Amended Data Requests would arguably be responsive to this Request, as phrased.

**WASHINGTON UTILITIES & TRANSPORTATION COMMISSION  
RESPONSES TO DATA REQUESTS**

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

Complainants' Amended Second Data Request No.19: Describe T-NETIX's role in creating, editing, requesting, reviewing, approving, or any other actions or responsibilities it undertook with respect to the scripts for providing rate quotes in connection with INMATE-INITIATED CALLS.

T-Netix's Response to Amended Second Data Request No.19:

T-Netix objects to this Request on the ground that the term "INMATE INITIATED CALLS" improperly refers to calls made from "June 20, 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 further objects to this Request on the ground that the term "INMATE INITIATED CALLS" improperly refers to calls initiated by Washington state inmates rather than inmates at the three institutions identified by Complainants as originating the inmate collect calls at issue in this litigation. 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.

Subject to and without waiving these objections, T-Netix refers Complainants to T-Netix's Response to Amended Second Data Request Nos. 8,10, 16, and 18

**WASHINGTON UTILITIES & TRANSPORTATION COMMISSION  
RESPONSES TO DATA REQUESTS**

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

Complainants' Amended Second Data Request No. 21: Please produce all DOCUMENTS relating to the "Project" referred to in A000108-09, paragraph (b), and the subject matter of TNXWA 00785-87.

T-Netix's Response to Amended Second Data Request No. 21:

T-Netix objects to this Request on the ground that it seeks information relating to interstate rather than intrastate regulatory provisions. The "Project" referred to in A000108-09, paragraph (b) and the subject matter of TNXWA00785-87 relates to a project to replace chips as needed to comply with the interstate rules outlined in FCC Order No. 96-424. Therefore, the Request is not relevant or reasonably calculated to lead to the discovery of admissible evidence.

**WASHINGTON UTILITIES & TRANSPORTATION COMMISSION  
RESPONSES TO DATA REQUESTS**

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

Complainants' Amended Second Data Request No. 22: If the "Project" referred to in A000108-09, paragraph (b), resulted in changes to the T-NETIX platform at any T-NETIX INSTITUTIONS, please identify those T-NETIX INSTITUTIONS and state when the "Project" was completed with respect to each T-NETIX INSTITUTION.

T-Netix's Response to Amended Second Data Request No. 22:

T-Netix objects to this Request on the ground that the term "T-NETIX INSTITUTION" improperly refers to all Washington Department of Corrections correctional institutions rather than the three institutions identified by Complainants as originating the inmate collect calls at issue in this litigation. 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 "INMATE INITIATED CALLS" improperly refers to calls made from "June 20, 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 on the ground that it seeks information relating to interstate regulatory compliance, and is therefore not relevant or reasonably calculated to lead to the discovery of admissible evidence. The "Project" referred to in A000108-09, paragraph (b) relates to a project to replace chips as needed to comply with the interstate rules outlined in FCC Order No. 96-424.

**WASHINGTON UTILITIES & TRANSPORTATION COMMISSION  
RESPONSES TO DATA REQUESTS**

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

Complainants' Amended Second Data Request No. 23: Please IDENTIFY YOUR employee or agent with the most knowledge relating to rate disclosure announcements made by T-NETIX for INMATE-INITIATED CALLS.

T-Netix's Response to Amended Second Data Request No. 23:

T-Netix objects to this Request on the ground that the term "INMATE INITIATED CALLS" improperly refers to calls made from "June 20, 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 further objects to this Request on the ground that the term "INMATE INITIATED CALLS" improperly refers to calls initiated by Washington inmates rather than inmates at the three facilities at issue in this litigation. 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.

Subject to and without waiving these objections, T-Netix refers Complainants to T-Netix's Response to Amended Second Data Requests Nos. 8 and 10.