

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

SANDY JUDD AND TARA	)	DOCKET NO. UT-042022
HERIVEL,	)	
	)	
Complainants,	)	
	)	
v.	)	
	)	NOTICE OF PREHEARING
AT&T COMMUNICATIONS OF	)	CONFERENCE
THE PACIFIC NORTHWEST, INC.,	)	<b>(Set for February 16, 2005, 9:30 a.m.)</b>
AND T-NETIX, INC.,	)	
	)	
Respondents.	)	
.....	)	

1 On November 17, 2004, a formal complaint was filed with the Commission by Sandy Judd and Tara Herivel (Complainants), against AT&T Communications of the Pacific Northwest, Inc. (AT&T) and T-Netix, Inc. On November 29, 2004, AT&T filed a motion for an extension of time to file an answer to December 15, 2004. On December 15, 2004, AT&T filed its Answer to Formal Complaint, and a Motion for Summary Judgment. T-Netix filed its Answer on December 16, 2004. On December 21, 2004, complainants filed a Motion for a Continuance of Response Deadline to AT&T's Motion for Summary Determination to February 1, 2005. The Commission on January 3, 2005, granted the request.

2 The Complainants request that the Commission resolve issues referred to the Commission by the King County Superior Court, specifically whether AT&T and T-Netix are Operator Service Providers, or OSPs under the contracts at issue in the King County proceeding, and whether AT&T and T-Netix violated Commission rules governing OSPs. The complaint specifically alleges that the respondents failed to disclose rates to the recipients of inmate-initiated collect

calls. A more detailed account of the dispute is reflected in the complaint, which is available for inspection at the Commission's office located at Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, and on the Commission's web site at [www.wutc.wa.gov/042022](http://www.wutc.wa.gov/042022). It is appropriate that the matters raised in the pleadings be brought for hearing before the Commission.

3 The Commission will hear this matter pursuant to Part IV of chapter 34.05 RCW pertaining to adjudicative proceedings, including but not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission has jurisdiction over this matter pursuant to Title 80 RCW, having legal authority to regulate the rates, services, and practices of telecommunications companies providing service within the state of Washington. Statutes and rules cited in the complaint include WAC 480-120-021 and 480-120-141.<sup>1</sup> Statutes and rules involved, in addition to those previously cited, include those within chapters 80.01 RCW, 80.04 RCW, 480-07 WAC, and 480-120 WAC, including but not limited to RCW 80.01.040 and RCW 80.04.020.

4 The ultimate issues involved are generally stated above and more specifically contained in the complaint.

5 **THE COMMISSION GIVES NOTICE That a prehearing conference in this matter will be held at 9:30 a.m., on Wednesday, February 16, 2005, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** Although it is preferable that parties appear in person, persons who cannot attend the conference in person may participate via the Commission's teleconference bridge line, **360-664-3846**. Persons desiring to participate via the bridge line must make advance reservations by calling Ms. Kippi Walker at 360-664-1139, no later than Noon on Tuesday, February 15, 2005.

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<sup>1</sup> The Commission amended, adopted and repealed sections in chapter 480-120 on December 12, 2002, in Docket No. UT-990146, General Order No. R-507. In that Order, WAC 480-120-141 was repealed and replaced with WAC 480-120-262 (Operator Service Providers).

6 The purpose of the prehearing conference is to take interventions, establish dates for distribution of evidence and workpapers and other scheduling matters, consider formulating the issues in the proceeding and to determine other matters to aid in its disposition, as specified in WAC 480-07-430.

7 Petitions to intervene should be made in writing at least three business days prior to the date scheduled for the prehearing conference, as required in WAC 480-07-355(a). The Commission will consider petitions to intervene made orally during the conference, but strongly prefers written petitions to intervene. In addition, party representatives must file notices of appearance with the Commission, as required by WAC 480-07-345(2), no later than the day prior to the conference. If any party or witness needs an interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission. The time and place for any evidentiary hearings will be set at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

8 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default in accordance with RCW 34.05.440. The parties are further advised that the sanction provisions of WAC 480-07-450 are specifically invoked.**

9 The names and mailing addresses of all parties and their known representatives are as follows:

Complainants:	Sandy Judd
	972 Putney Road, PMB 251
	Brattleboro, VT 05301

Tara Herivel  
1617 Yale Avenue, #310  
Seattle, WA 98104

Representative: Jonathan P. Meier  
Sirianni Youtz Meier & Spoonemore  
719 Second Avenue, Suite 1100  
Seattle, WA 98104  
(206) 223-0303

Respondent: AT&T Communications of the  
Pacific Northwest, Inc.  
2120 Canton Way S.W., Suite B  
Olympia, WA 98502

Representatives: Letty S.D. Friesen  
AT&T Communications of the  
Pacific Northwest  
919 Congress Avenue,j Suite 900  
Austin, TX 78701-2444  
(303) 298-6475

Laura Kaster  
AT&T Communications of the Pacific  
Northwest  
One AT&T Way  
Room 3A213  
Bedminster, NJ 07921  
(908) 532-1888

Charles H.R. Peters  
Schiff Hardin, LLP  
6600 Sears Tower  
Chicago, IL 60606  
(312) 258-5500

Respondent: T-Netix, Inc.  
1544 Valwood Parkway, Suite 102  
Carrollton, TX 75006

Representatives: Sandrin B. Rasmussen  
Donald H. Mullins  
Badgley-Mullins Law Group  
Bank of America Tower  
701 Fifth Avenue, Suite 4750  
Seattle, WA 98104  
(206) 621-6543

Glenn B. Manishin  
Stephanie A. Joyce  
Kelley Drye & Warren LLP  
1200 19<sup>th</sup> Street N.W., Suite 500  
Washington, D.C. 20036

10 Administrative Law Judge Ann E. Rendahl, from the Utilities and Transportation Commission's Administrative Law Division, will preside during this proceeding.

11 Notice of any other procedural phase will be given in writing or on the record, as the Commission may deem appropriate during the course of this proceeding.

DATED at Olympia, Washington, and effective this 20th day of January, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN  
Executive Secretary

Inquiries may be address to:

Secretary  
Washington Utilities and  
Transportation Commission  
Chandler Plaza Building  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

**NOTICE**

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Carole J. Washburn, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket No.: \_\_\_\_\_

Case Name: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Hearing Location: \_\_\_\_\_

Primary Language: \_\_\_\_\_

Hearing Impaired (Yes) \_\_\_\_\_ (No) \_\_\_\_\_

Do you need a certified sign language interpreter:

Visual \_\_\_\_\_ Tactile \_\_\_\_\_

Other type of assistance needed: \_\_\_\_\_

English-speaking person who can be contacted if there are questions:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: (\_\_\_\_) \_\_\_\_\_