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June 12, 2009

VIA U.S. MAIL AND E-MAIL

Mr. David W. Danner
Secretary and Executive Director
Washington Utilities and Exchange Commission
1300 S. Evergreen Park Drive S.W.
Olympia, WA 98504-7250

Re: **UT-042022 - Judd, et al. v. AT&T and T-Netix**
AT&T'S UNOPPOSED MOTION TO CORRECT TRANSCRIPTION
ERRORS

Dear Mr. Danner:

Please find enclosed and accept for filing in the above-referenced docket the original and four copies of AT&T'S UNOPPOSED MOTION TO CORRECT TRANSCRIPTION ERRORS. All Parties of Record were served as outlined in the Certificate of Service included with the document.

Sincerely,

SCHIFF HARDIN LLP

/s/ Tiffany Redding

Tiffany R. Redding

Enclosures

cc: Glenn B. Manishin
Joseph Ferretti
Chris R. Youtz
Arthur A. Butler
Richard E. Spoonemore
Charles H.R. Peters
Letty S.D. Friesen
David C. Scott

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

**AT&T'S UNOPPOSED MOTION TO
CORRECT TRANSCRIPTION
ERRORS**

**AT&T'S UNOPPOSED MOTION
TO CORRECT TRANSCRIPTION ERRORS**

Respondent AT&T Communications of the Pacific Northwest, Inc. ("AT&T"), by and through its attorneys, respectfully submits this Unopposed Motion to Correct Transcription Errors. In support of this Motion, AT&T states the following:

1. On April 22, 2009, AT&T produced Ms. Frances Mary Gutierrez ("Ms. Gutierrez"), a former employee of AT&T, for a deposition at the offices of Bennett Weston & Lajone in Dallas, Texas. A court reporter was present and transcribed Ms. Gutierrez's deposition in its entirety. After the court reporter finished preparing the transcript, she sent it directly to Ms. Gutierrez.

2. On May 22, 2009, after reviewing the transcript, Ms. Gutierrez executed a notarized errata sheet which indicated five transcription errors. These corrections to the transcript should be apparent from the context of Ms. Gutierrez's testimony. A copy of Ms. Gutierrez's notarized errata sheet is attached as Exhibit 1. Copies of the relevant pages of the transcript are attached as Exhibit 2.

3. AT&T's Motion seeks to correct the transcription errors present in Ms. Gutierrez's deposition transcript and noted in the errata sheet pursuant to WAC 480-07-410 05, which provides that "[a] party may file a motion to correct a transcription error in a deposition within ten days after the deposition is delivered."

4. While AT&T acknowledges that this motion is outside of the proscribed time limit, the WUTC has the authority to extend the ten-day time limit. Counsel for Complainants and T-Netix have indicated that they do not oppose an extension of the time limit in this instance.

WHEREFORE, for the reasons set forth above, AT&T respectfully requests that the WUTC grant this Motion and permit correction of the transcription errors in Ms. Gutierrez's deposition transcript consistent with the attached errata sheet.

Dated: June 12, 2009

Respectfully submitted,

**AT&T COMMUNICATIONS OF
THE PACIFIC NORTHWEST, INC.**

By: /s/ David C. Scott

Charles H.R. Peters

David C. Scott

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Exhibit 1

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JURAT

I, Frances Gutierrez do

hereby certify that I have read the
foregoing transcript of my testimony,
taken on April 22, 2009, and have signed
it subject to the following changes:

PAGE	LINE	CORRECTION	REASON
5	-10	Frances	Name miss-spelled
15	-20	- Change "Rate" to Create Market Plans	
109	-9	- Change InterLata to Intra Lata Call	
110	-23	- Change InterLata to Intra Lata	
111	-1	- Change InterLata to Intra Lata	

Sworn and subscribed to before me on this
22 day of May, 2009.

NOTARY PUBLIC Amey Jimenez

Exhibit 2

1 FRANCES MARY GUTIERREZ,
2 having been first duly sworn, testified as follows:

3 EXAMINATION

4 BY MR. YOUTZ:

5 Q. Good morning, Ms. Gutierrez. My name is Chris
6 Youtz and I represent the plaintiffs in this matter. As
7 the first item, I'd like you to give the court reporter
8 your full name, home address, and business address, if
9 you have one, please.

10 A. My name is Francis Mary Gutierrez. My address
11 is 4023 75th Place, Lubbock, Texas 79423. And I
12 actually have a virtual office and I work out of my
13 home.

14 Q. Okay. Have you had your deposition taken
15 before?

16 A. Yes.

17 Q. How many times?

18 A. I've done one other deposition.

19 Q. Okay. What was that in?

20 A. Actually, I cannot recall. It was during the
21 time I worked for AT&T.

22 Q. Okay. Was it in connection with a prison
23 issue?

24 A. Most likely, yes.

25 Q. Okay. When was that deposition?

1 going to be deploying, which at that point was T-Netix,
2 or it was Tele-Matic back then. I did market analysis
3 to gauge the needs within the industry.

4 Q. The "industry" being the corrections --

5 A. The corrections industry. And how they
6 differed on a state versus a county level.

7 Q. Okay. Any other duties?

8 A. I looked in -- at RFPs.

9 Q. These would be RFPs from the corrections --

10 A. From the correction officials, whether they
11 were state or county.

12 Q. Okay. Anything else?

13 A. I worked in conjunction with AT&T's product
14 team because they had product managers that were
15 responsible for the prison industry.

16 Q. Okay. Any other duties?

17 A. I would meet with customers on occasion. I
18 would attend industry-related conferences.

19 Q. Okay. Any other duties?

20 A. Rate market plans.

21 Q. Okay.

22 A. And do competitive analysis.

23 Q. "Competitive analysis" being AT&T's competitors
24 for these bids?

25 A. AT&T's competitors for this business, yes.

1 Q. Okay. So after February of 1997, is it your
2 understanding that -- well, what is --

3 Let me just ask you, what is your
4 understanding after 19- -- February of 1997, T-Netix's
5 role was with respect to Clallam Bay Correctional
6 Facility?

7 A. It's my understanding that T-Netix took over
8 those facilities that were in the PTI territory and
9 handled the local and interLATA calls as a CLEC
10 provider. They provided the equipment, as well as the
11 call control platform at all those locations and handled
12 the billing -- the traffic that they carried.

13 Q. Okay. Now, would you turn back to attachment
14 2, which is the letter to Sandi Hornung?

15 A. Yes.

16 Q. And the letter begins by saying, "This letter
17 is to outline AT&T's understanding of the
18 responsibilities of both AT&T and T-Netix in respect to
19 those Washington DOC facilities listed below where
20 T-Netix is carrying the local traffic on AT&T's behalf."

21 Do you see anything in here about -- in
22 this letter about T-Netix handling intraLATA calls?

23 MR. PETERS: I'm going to object to the
24 form.

25 A. I don't see anything about intraLATA.

1 Q. (BY MR. FERRETTI) Okay. So it is your
2 understanding that T-Netix would handle the intraLATA
3 calls at Clallam Bay from some other document, or is it
4 from this document?

5 A. It's from the amendment number 3.

6 Q. Can you take a moment to look through amendment
7 number 3 and point out what it is that gives you that
8 impression and that -- that T-Netix was the provider for
9 intraLATA calls?

10 A. In the fifth paragraph it says that -- let's
11 see, "the agreement to change the expiration date of the
12 agreement, to increase the commissions, to delete
13 Telephone Utilities of Washington or PTI as the
14 subcontractor, and to include T-Netix as the station
15 provider."

16 And then in number 6 -- let's see. No,
17 number 5. In number 5, "Upon the execution of this
18 amendment, T-Netix shall pay to the Department a monthly
19 commission rate of 27 percent on local calls only, for
20 the term of the agreement, from the facilities in PTI
21 territory referred to in paragraph 2 above."

22 And it was my belief that the LECs carried
23 the interLATA and local since AT&T only carried the
24 interstate traffic. So, therefore, if T-Netix was
25 picking up the responsibilities of PTI, that would have

1 included interLATA and local calls.

2 Q. Is there anything else other than this
3 agreement that gives you that impression, that gives you
4 that understanding?

5 A. The original contract.

6 Q. Which contract?

7 A. The original contract between Washington DOC
8 and AT&T, which identifies the LECs and what their
9 responsibilities were going to be.

10 Q. Okay. Is there any other document?

11 A. No, there's no other document besides the
12 original contract and the amendment to that, the
13 amendment number 3 to that.

14 Q. Would you look at the letter to Sandi Hornung
15 again? On the first page of the letter on the
16 subsection "AT&T responsibilities."

17 A. Yes, I have it.

18 Q. The second paragraph under "AT&T
19 responsibilities," begins with "AT&T will reimburse
20 T-Netix." Are you with me?

21 A. Yes.

22 Q. It says, "AT&T will reimburse T-Netix for the
23 commissions paid for the cost of the inmate telephone
24 lines and for the charges billed T-Netix by its billing
25 agent ZPDI, including bad debt, unbillable calls,

CERTIFICATE OF SERVICE

Pursuant to WAC 480-07-150, I hereby certify that I have this day, June 12, 2009, served this document upon all parties of record by e-mail and Federal Express overnight delivery at the e-mail addresses and mailing addresses listed below:

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Pursuant to WAC 480-07-145, I further certify that I have this day, June 12, 2009, filed MS Word and PDF versions of this document by e-mail, and the original and four copies of this document by Federal Express, with the WUTC at the e-mail address and mailing address listed below:

Mr. David W. Danner
Secretary and Executive Director
Washington Utilities and Transportation Commission
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PO Box 47250
Olympia, WA 98504-7250
records@utc.wa.gov

Pursuant to the Prehearing Conference Order 08, I further certify that I have this day, June 12, 2009, provided a courtesy copy of this document, in MS Word, to ALJ Friedlander by e-mail at the following e-mail address: mfriedla@utc.wa.gov.

Dated: June 12, 2009

/s/ Tiffany R. Redding
Tiffany R. Redding