

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

SANDY JUDD AND TARA)	DOCKET UT-042022
HERIVEL,)	
)	
Complainants,)	ORDER 20
)	
v.)	
)	
AT&T COMMUNICATIONS OF THE)	ORDER GRANTING UNOPPOSED
PACIFIC NORTHWEST, INC., AND)	MOTION TO CORRECT
T-NETIX, INC.,)	DEPOSITION TRANSCRIPT
)	
Respondents.)	
.....)	

MEMORANDUM

- 1 **SYNOPSIS.** *This order grants AT&T’s unopposed motion to correct several errors in a deposition transcript.*

- 2 **NATURE OF PROCEEDING.** Docket UT-042022 is a complaint filed by recipients of inmate-initiated calls against AT&T Communications of the Pacific Northwest, Inc. (AT&T), and T-Netix, Inc. (T-Netix), alleging that AT&T and T-Netix failed to disclose rates for the calls, violating the Commission’s rules governing disclosure. The complaint was filed with the Commission after the King County Superior Court referred the matter to the Commission under the doctrine of primary jurisdiction to allow the Commission to complete an adjudication into the matters alleged.

- 3 **APPEARANCES.** Chris R. Youtz, Sirianni Youtz Meier & Spoonemore, Seattle, Washington, represents Sandy Judd and Tara Herivel (Complainants). Letty Friesen, AT&T Law Department, Austin, Texas, and Charles H. R. Peters, Schiff Hardin, LLP, Chicago, Illinois, represent AT&T. Arthur A. Butler, Ater Wynne

LLP, Seattle, Washington, and Joseph S. Ferretti, and Glenn B. Manishin, both of Duane Morris, LLP, Washington, D.C., represent T-Netix.

4 **PROCEDURAL HISTORY.** On November 17, 2004, Complainants filed a formal complaint with the Commission against T-Netix and AT&T under the court's referral. The procedural history in this matter is described more fully in previous orders in this docket and need not be repeated here.

5 **REQUEST TO CORRECT DEPOSITION TESTIMONY.** On June 12, 2009, AT&T filed an Unopposed Motion to Correct Transcription Errors (AT&T's Motion). AT&T states that the company produced Frances Mary Gutierrez, a former AT&T employee for deposition in Dallas, Texas, on April 22, 2009.¹ According to AT&T, a court reporter was present and transcribed Ms. Gutierrez's deposition.²

6 Ms. Gutierrez received a copy of the deposition transcript and completed a notarized errata sheet documenting five transcription errors.³ AT&T requests that the Commission grant its Motion and allow correction of the deposition transcript in accordance with Ms. Gutierrez's notarized errata sheet.⁴ AT&T acknowledges that its Motion is filed later than the ten days following transcript delivery prescribed in WAC 480-07-410(5), but asks for an extension of that ten-day time limit noting that the other parties do not oppose such an extension.⁵

7 **DECISION.** Pursuant to WAC 480-07-410(5)(a), a party may move to correct a transcription error in a deposition transcript within ten days after the deposition transcript is delivered. AT&T, notably, filed its Motion 3 weeks after Ms. Gutierrez executed the notarized errata sheet. The company failed to provide the Commission with the exact date upon which the deposition transcript was delivered. The date the

¹AT&T's Motion, at 1.

²*Id.*

³*Id.* AT&T included a copy of Ms. Gutierrez's notarized errata sheet with its Motion as Exhibit 1 and copies of the relevant transcript pages as Exhibit 2.

⁴*Id.*, at 2.

⁵*Id.*

transcript was delivered is important since it is the deadline before which the movant has to request corrections to the transcript. Further, AT&T did not endeavor to explain why it had waited so long to bring the transcription errors to the Commission's attention. For that matter, AT&T alleges *no* reason for such a delay. AT&T bases its Motion on the sole rationale that "[c]ounsel for Complainants and T-Netix have indicated that they do not oppose an extension of the time limit in this instance." The parties do not have the authority to grant exemptions from the Commission's regulations. WAC 480-07-110(1) mandates that *the Commission* may grant an exemption from or modify the application of its rules in individual cases.⁶ All parties to this matter would do well to remember that in the future and provide an actual basis for the Commission to act upon.

8 That being said, the Commission finds that the transcription errors in Ms. Gutierrez's deposition are minor. Correction of these errors will clarify the record.

ORDER

9 **THE COMMISSION ORDERS That** AT&T's motion to correct transcription errors is granted.

Dated at Olympia, Washington, and effective June 17, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER
Administrative Law Judge

⁶Emphasis added.