

Exhibit 3

BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

SANDRA JUDD, et al.,)
)
Complainants,)
) DOCKET NO.
vs.)
) UT-042022
AT&T COMMUNICATIONS OF THE)
PACIFIC NORTHWEST, INC.,)
and T-NETIX, INC.,)
)
Respondents.)
-----)

Atlanta, Georgia

August 10, 2009

DEPOSITION OF MARK POLLMAN

called for oral examination by Counsel for
Respondents, pursuant to notice, at Duane Morris,
1180 West Peachtree Street, Suite 700, Atlanta,
Georgia, commencing at 10:45 a.m., before Donna
Fishman for Capital Reporting, a Notary Public and
Certified Court Reporter in and for the State of
Georgia.

1 Q Without regard to how Mr. Schott
2 described the call flow, in your view, having
3 conducted your analysis, at what point in the
4 initiation to the final completion of a collect call
5 from Washington DOC facilities was a connection to
6 intrastate long distance services made?

7 A That's an ambiguous question. I can't
8 answer that question.

9 Q Can you tell me what's ambiguous about
10 it?

11 A You use the term "final connection." In
12 a call such as this, there are multiple connections
13 performed at various points in the call flow. In the
14 context of this particular item here where we look at
15 the WUTC definition, there is a connection when the
16 OSP has decided to connect the call to the LEC to
17 provide access to the local service provider, the
18 intrastate or the interstate provider, has made that
19 decision to provide that connection to that next
20 step. That is not the final connection. The final
21 connection is the point a lot further on down the
22 line. That's why I consider it ambiguous.

23 Q By final connection, if I define final
24 connection as terminate the call to the called
25 party --

1 connected to a local service versus intrastate
2 interLATA calls being connected to a long distance
3 service?

4 A No, there was no difference.

5 Q And at what point, since there's no
6 difference, were those connections made, in your view
7 for calls, originating from the Washington DOC
8 facilities?

9 A I don't understand the question.

10 Q Let me rephrase it.

11 Whether you want to call it call flow,
12 call path, network routing configuration, whatever
13 description you want to use, where in that train, in
14 that process, in your opinion, for Washington DOC
15 calls were calls connected to a long distance
16 service?

17 MR. PETERS: Same objection.

18 A If the call was deemed to be a long
19 distance call, the LEC would make the determination
20 that it was a long distance call and they would make
21 that determination from the LEC to the long distance
22 provider. The same LEC that would also make the
23 determination if it was a local call or an intrastate
24 call.

25 Q And by the same LEC, you mean not only

1 the same company but that for purposes of this
2 definition it's the same point in the call flow?

3 A The same point in the call flow, yes.

4 Q Am I correct that that is when a call
5 from the Washington DOC would reach the LEC central
6 office?

7 A Yes, that is -- that's the point, yes.

8 Q Now, why don't we turn to Exhibit 82
9 then.

10 Your first opinion states, quote, AT&T
11 did not serve as the operator service provider at the
12 Washington prisons at issue between 1996 and 2000.

13 That's an accurate statement of your
14 opinion, is it not, sir?

15 A Yes, it is.

16 Q Can you tell me the basis for that
17 opinion, please.

18 A It was based upon, number one, the
19 definition of the operator services provider as based
20 upon the UTC definition, the regulations. Also,
21 based upon the call flow as provided in the
22 declarations and through my personal experience.

23 Q What criterion or criteria did you apply
24 to determine who was the operator service provider at
25 the Washington prisons between 1996 and 2000?

1 A The criteria was based upon who was
2 performing the functions that are classified as those
3 considered operator services.

4 Q Then from where did you formulate or
5 derive that criterion?

6 A Meaning?

7 Q Meaning?

8 A Where did I formulate what criteria they
9 are, or who was providing the criteria?

10 Q No, let's back up.

11 I asked you what criteria did you apply
12 in deciding who was an OSPS, and you said the
13 criterion was who was doing the functions of an OSP.

14 A Doing the functions.

15 Q And my follow-up question was from where
16 did you derive that performing the functions of an
17 OSP was a test that you should apply in your
18 analysis, that's what I'm asking.

19 A I was -- I was aware of the particular
20 functions that the DOC had required. I was also
21 aware of what were the standard functions that an
22 operator services provider should use in processing a
23 collect call. That was my criteria. I looked at
24 those functions and then looked at who was actually
25 performing those particular functions.

1 Q What do you mean by "type one," sir?

2 A From what I have been led to believe,
3 that those were lines and they utilized lines-based
4 signaling, which is essentially the originating
5 number was assigned at the LEC end, a piece of copper
6 wire came in, it must be associated with this
7 telephone number. The only thing that was conveyed
8 across that telephone line was, bear with me, the
9 prefix code, which in this case was a one, and the
10 ten-digit designation number. The CIC was not
11 signaled.

12 Q And all of this was using in-band
13 signaling as opposed to out-of-band SS7 signaling?

14 A Yes, it was.

15 Q Is the reason that you clarified my use
16 of CIC code that T-Netix, the P-3 platform, and the
17 LEC were not connected on a carrier-to-carrier basis?

18 MR. PETERS: Objection to form. And
19 foundation.

20 A I don't understand the use of the term
21 "carrier-to-carrier."

22 Q Okay. Well, let me see if I can ferret
23 that out because I believe you told me that the type
24 of facility connecting the P-3 platform to the LEC
25 central office was a regular line, a type one line?

1 A That is my understanding, yes.

2 Q Is that also the same thing as what's
3 commonly referred to as a DS-0 or a POTS line?

4 A Yes, it would be.

5 Q Okay. And if an originating carrier,
6 say, an originating CLEC sends traffic for routing to
7 a local exchange carrier, does it ordinarily do that
8 over regular POTS lines or some other sort of access,
9 service or facility?

10 MR. PETERS: Objection. Form. It's
11 vague and ambiguous.

12 A That's not --

13 Q Is that beyond the scope of your
14 expertise?

15 A Not only is it beyond the scope of my
16 expertise, it would have to depend upon the
17 circumstances of the connection.

18 Q It could because -- well, if it's beyond
19 the scope of your expertise, I won't ask you about
20 it. You're not familiar with the different ways in
21 which carriers connect for purposes of long distance
22 access?

23 MR. PETERS: I'm going to object to the
24 form of that, but you can answer subject to
25 that objection.