

Exhibit 4

[Service date: *December* __, 2008]

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

DECLARATION OF ROBERT L. RAE

Robert L. Rae hereby declares under penalty of perjury as follows:

1. I am personally familiar with the facts set forth in this declaration. If called to testify on any of these matters, I could and would testify to them competently.
2. I am Executive Vice President - Operations for Securus Technologies, Inc, parent company of T-Netix, Inc. My office address is 14651 Dallas Parkway, Dallas, Texas, 75254.
3. I received a Bachelor of Arts Degree in Economics, a Bachelor of Science degree in Psychology and a Masters of Business Administration Degree from the University of Pittsburgh.
4. I have worked in the telecommunications industry for over 18 years. Prior to joining Securus in 2002, I was employed by Bell Atlantic Corporation where I held various

management positions with responsibilities in the Network Operations Center (NOC), installation, maintenance, and outside construction areas. After leaving Bell Atlantic, I was employed by Fujitsu Communications, Inc where I directed the technical assistance center and the field installation and maintenance group. Additionally, I worked for EngineX Networks, Inc as the Vice President - Operations where my organization was responsible for engineering, design, implementation and maintenance of IP, optical and wireless telecommunications networks. Since joining Securus in 2002, I have had responsibility for the entire company Operations organization. This includes network management, installation, provisioning, technical software and telephony support, hardware manufacturing, field maintenance, engineering and network planning. I was the architect of several system upgrades to the company's inmate calling platforms. I currently have 19 technical Patents pending in my name.

5. Kenneth Wilson, an expert hired by Complainants, has stated that certain "system drawings, configuration diagrams, systems engineering documents, systems architecture documents and ... other engineering drawings or documents specific to each Washington institution" served by AT&T and/or T-Netix have not been produced and are needed to "evaluate who the OSP was and whether the equipment was providing automated rate quote information." Wilson Decl. ¶ 6. This is not correct. First, T-Netix has previously produced configuration diagrams for the inmate call processing system at issue in this proceeding, see TNXWA 01052 thru TNXWA 01239 and TNXWA 01528 thru TNXWA 01652, and a call flow chart prepared by expert witness Alan Schott on behalf of T-Netix is already part of the record. Supplemental Affidavit of Alan Schott in Support of T-Netix, Inc.'s Motion for Summary Determination, Fig. 1 (July 2005)

6. Second, what Mr. Wilson terms “the exact telecommunications configuration in use at each institution” has no bearing on the determination of which entity, under this Commission’s regulations and definitions, provided a “connection” to local or interLATA services for inmate collect calls originating from these correctional facilities. That is because the number of trunks or lines and the type of inmate call processing platform deployed at an institution have no relevance to the functions performed by the various entities. No party claims in this proceeding, as I understand it, that rate quotes were technically infeasible for some or all of the equipment and systems deployed. Therefore, the capabilities and arrangements actually in place make no difference.

7. Third, Mr. Wilson is incorrect in asserting that it is “important from an engineering standpoint to see how that platform is connected into the Public Switched Telecommunications Network (PSTN).” None of the issues he identifies, “who the lines and/or trunks were purchased or leased from, how they were connected to the P-III Platform, [and] how many lines and/or trunks were in use,” will offer any evidence as to which party provided the operator services at an institution. The call flow for intrastate interLATA inmate collect calls (the type of traffic at issue in this proceeding) from each institution was the same. Schott Supp. Aff., ¶¶ 15-21 & Fig. 1.

8. As corroborated by the Schott Supplemental Affidavit, a call was placed by an inmate, processed by the T-Netix platform (essentially holding the voice path while the call was verified and the called party queried for collect call acceptance), outpulsed to a LEC trunk and thereafter switched at the LEC central office to connect either to (a) a local or intraLATA called party, via the LEC’s local or intrastate toll networks, respectively, or (b) LEC intrastate switched access services purchased by AT&T and thereafter to AT&T’s point-of-presence (POP). *Id.*


For interLATA calls, the call was then switched at the AT&T POP to connect to AT&T's long-distance network and then to a terminating LEC via the LEC's intrastate switched access service (typically at the tandem in the serving wire center) and finally switched by that terminating LEC to the called party's line. In this call flow, the entity that "connects" a collect call to local and long-distance services (WAC 99-02-020) is in every case the LEC or AT&T, so reviewing the engineering details underlying any of the T-Netix platforms, or their quantity and provider of trunks, facilitating this call flow will tell the Complainants and this Commission nothing of relevance.

9. In fact, telecommunications network configuration cannot be used to derive an answer to which party provided operator services under the Commission's regulations. That is because the word "connection" is not a term of art in the industry. A "connection" can never be limited to a single carrier, especially in the context of inmate services, because all local loop, access line, LEC switching, long distance carrier trunks and terminating LEC access lines and loops must work in conjunction to "connect" or complete a call to the called party end user. Carriers (whether facility-based or resale) can provide access, switching and/or transport, with access broken down further into originating or terminating and switched or dedicated. Taking the inmate collect call flow described above, from a telecom engineering perspective the originating LEC, AT&T and the terminating LEC all provided a "connection" for the traffic. For interLATA traffic, the question for the Commission to resolve is whether the LEC (by "connecting" to AT&T's switched access services) or AT&T (by "connecting" to its long-distance network) connected such calls to "long-distance services." (T-Netix, in contrast, did not provide access, switching or transport for any interLATA calls, and therefore did not make a "connection" as I interpret that phrase.)

10. Indeed, literal application of the word “connection” to identify an OSP leads to absurd consequences. For instance, as noted carriers can be resellers, that is using the network(s) of a facilities-based wholesale carrier to provide service to their end users. Many if not most OSPs are resellers. If “connect” was directed, as Mr. Wilson seems to suggest, to the provider of physical connectivity for a call path, then the operator service provider under the Commission’s regulations would be the wholesale carrier, not the actual service provider. That would make no sense from a regulatory perspective, in my view, because the point of telecom regulation is to ensure that the carrier serving the end user complies with pricing, disclosure, certification and related regulatory requirements. Literal application of a “connect” definition of OSP would therefore identify a party, in this example the wholesale network (switching and transport) provider, as responsible for regulatory compliance when the service, prices and customer(s) involved are actually those of its resale customer.

11. In sum, while Mr. Wilson is partially correct when he says “[a] P-III Platform for an institution would need to be connected to incoming and outgoing telephone lines or trunks,” (the system does not require “incoming” access lines and will operate with only out-going access lines) the number, configuration and lessor of these lines, as well as the equipment deployed by the various carriers and providers serving any specific Washington State prison, has no significance to the matters at issue before this Commission. In fact, there is no relevance to any telecom configuration because the Commission’s regulations use terms that, if applied literally, are at odds with accepted telecom parlance and lead to consequences that, in my view, are absurd and inconsistent with the purpose of telecommunications regulation.

Executed under penalty of perjury and in accordance with the laws of the State of Washington this 12th day of December 2008, at 9:38am.


Robert L. Rae