

EXHIBIT 12

WASHINGTON UTILITIES & TRANSPORTATION COMMISSION
RESPONSES TO SECOND DATA REQUESTS

Docket No.: UT-042022
Response Date: February 13, 2009
Requestor: AT&T
Respondent: T-Netix, Inc.
Prepared by: Joseph Ferretti

AT&T's Second Data Request No. 9: Identify as specifically as possible all services provided by T-Netix relating to telephone service at Washington state prisons during the relevant period, including for each particular service the dates during which T-Netix provided the service, the Washington state prison at which or for which it was provided, and the person most knowledgeable about such service.

T-Netix's Response to Second Data Request No. 9:

T-Netix objects to this Request on the ground that the term "Washington state prisons" improperly refers to all "reformatorys, prisons, jails, or other correctional facilities in the State of Washington" rather than the three facilities identified by Complainants as originating the inmate collect calls at issue in this proceeding. Therefore, the Request is overly broad, unduly burdensome and expensive, oppressive, and not relevant or reasonably calculated to lead to the discovery of admissible evidence.

T-Netix further objects to this Request on the ground that the term "relevant period" improperly refers to "January 1, 1996 to the present" rather than from June 20, 1996 through December 31, 2000. According to telephone records that Complainants produced in response to T-Netix First Data Request No. 2, the latest month during which complainants received inmate collect calls for which they allege no prerecorded rate information was provided is November 2000. Therefore, the Request is overly broad, unduly burdensome and expensive, oppressive, and not relevant or reasonably calculated to lead to the discovery of admissible evidence.

T-Netix in addition objects to this Request because the phrase "services provided by T-Netix relating to telephone service" is vague and ambiguous. T-Netix provided equipment and software to AT&T under the contract between the parties. AT&T has not specified, by definition or otherwise, what it means by services "relating to telephone service."

Subject to and without waiving these objections, T-Netix responds that lacks sufficient information at this time, years after the events at issue and after a number of intervening corporate and personnel changes, to determine with precision which services were provided by T-Netix to AT&T at which Washington State institution(s) at any particular period of time. T-Netix refers AT&T to TNXWA00001-599 for a list of products that would have been available for AT&T's use at any covered Washington State facility. Various Washington facilities may or may not have activated some or all of these products that were available on the T-Netix system. Upon information and belief, individuals who may have knowledge of the facts described in this Response are Scott Passe, Engineer/System Architect; Ken Rose, Field Supervisor for Technicians; Gary Skinner, Manufacturing Engineer; and Alice Clements

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T-Netix's First Supplemental Response to Second Data Request No. 9:

Complainants have now identified a fourth institution as originating the inmate collect calls at issue in this proceeding. As a result, T-Netix withdraws its objection to this Request as to that institution.

T-Netix's Second Supplemental Response to Second Data Request No. 9:

Subject to and without waiving any objection stated herein, T-Netix further states that the contract between the parties (TNXWA00741-72) details the services that were to be provided by T-Netix to AT&T at each of the four facilities in question during the relevant period. Generally, T-Netix provided services to AT&T for (a) creating and maintaining call block lists, (b) recording inmate calls, archiving such recordings and preventing recording of attorney-client privileged calls, (c) managing facility-specific rules for call time and call number limits applicable, as directed by AT&T and/or correctional officials, to each inmate, (d) capturing and retrieving call detail records for intrastate interLATA inmate calls billed by AT&T, (e) system upgrades, maintenance, and improvements, and (f) network operations status monitoring and trouble-shooting, including for local access lines supplied by the appropriate LEC. Upon information and belief, T-Netix provided all the services as agreed contractually between the parties. T-Netix does not have precise knowledge of specific dates when each of these services were provided on a facility-by-facility basis, but has no reason to believe such services were not provided to AT&T throughout the duration of the parties' relationship for all Washington DOC facilities, including the four institutions relevant to this proceeding.