**Before the**
**COMMONWEALTH OF MASSACHUSETTS**
**DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

| | | |
|---|---|---|
| Petition of Recipients of Collect Calls From Prisoners at Correctional Institutions in Massachusetts Seeking Relief from the Unjust and Unreasonable Cost of Such Calls | ) | D.T.C. 11-16 |

**RESPONSE OF DAVID BAXTER TO GLOBAL TEL*LINK CORPORATION'S FIRST SET OF INFORMATION REQUESTS TO PETITIONERS**

**RESPONSES TO INFORMATION REQUESTS**

**GENERAL OBJECTIONS**

**General Objections:**

1. The Petitioners object to the requirement that each petitioner provide documents and information dating back to 1998. This is overbroad, unduly burdensome and unlikely to lead to the discovery of relevant information.

   Notwithstanding this objection, and without waiving this objection, the Petitioners have provided all responsive documents in their possession.

2. The Petitioners object to these requests insofar as they seek information already in the possession of the Respondents. This is unduly burdensome.

   Notwithstanding this objection, and without waiving this objection, the Petitioners have provided all responsive records and documents in their possession.

   In particular, the Petitioners produce all inmate calling service (ICS) requests for proposals and contracts that were obtained from correctional facilities through requests made under the Massachusetts Public Records Act. The Petitioners do not represent that these documents are complete. Individual petitioners have also produced records relating to their ICS service, but do not represent that these documents are complete, and the absence of such documents for any petitioner should not be interpreted to imply that no such records exist as regards that petitioner.

**Responses**

**DTC - GTL 1-1**:

Identify every Petitioner in this action. For each Petitioner that is an entity, provide its physical address, mailing address if different from its physical address, telephone number, and a list of all officers and directors or partners and their titles since January 1, 1998. For each Petitioner who is a natural person, provide that individual's mailing address(es), place(s) of business, telephone number, and any aliases or other names that person has used since January 1, 1998.

Response:

Mr. Baxter currently resides at Souza-Baranowski Correctional Center (SBCC), 1 Harvard Rd. Shirley, MA 01464. He has resided at SBCC since October of 2011. Below is a chronology of where he has resided since 1998.

1998-2000: 41 Kelogg St. Pittsfield, MA
2000-6/13/2003: 49 Gordon St. Pittsfield, MA
6/13/2003-September of 2004: Berkshire County Correctional Facility, 467 Cheshire Rd. Pittsfield, MA 01201
September 2004-spring 2006: Old Colony Correction Center, 1 Administration Rd. Bridgewater, MA 02324
Spring 2006-July 2006: MCI-Cedar Junction, 2405 Main St. Walpole, MA 02081
July 2006-January 2008: MCI-SBCC (see above for address)
January 2008-May of 2009: MCI-Cedar Junction (see above for address)
NCCI-Gardner from May 2009 to December 24, 2009, 500 Colony Rd. Gardner, MA 01440
December 24, 2009 through May 2011: MCI-Concord, 965 Elm St. Concord, MA 01742
May 2011 through October 2011: MCI-Shirley, 1 Harvard Rd. Shirley, MA 01464.

**DTC - GTL 1-2**:

For each telephone call that you received from, or placed as, a prisoner or inmate in a Massachusetts correctional facility since January 1, 1998, identify the name of the facility from which the call was placed, the parties to the call, the date and time of the call, the duration of the call, the amount charged for the call, whether the telephone call was placed using a prepaid calling card or as a collect call, the telephone service provider used, and all issues, if any, that you allege affected the quality of the call. Produce all documents, including any billing records or PINs relating to each such call.

Response:

The Petitioner objects to the request insofar as it requires him to identify each call made over his years in custody and provide specific information regarding each call. This request is unduly burdensome.

Without waiving this objection, Mr. Baxter states that he does not have records of all the calls made during his time in DOC custody. From 2003-2008, approximately, he placed calls collect. From 2008-the present Mr. Baxter has used a prepaid debit account but he does not have statements for this. Mr. Baxter has attached a DOC document listing his active telephone numbers as well as a print out of his canteen records dating back to 2009 demonstrating the funds debited for GTL phone calls from his account. Mr. Baxter's PIN is 611726. He made calls from various facilities as per the addresses listed in response to GTL 1-1.

**DTC - GTL 1-3**:

For each telephone call identified in response to DTC-GTL 1-2 that you allege was of poor quality, identify the alleged quality issues(s) and the cause(s) of the alleged quality issue(s), explain how you determined the cause(s) of the issue(s), and if you placed the call from a correctional facility, describe the telephone equipment you used to place the call, and whether the telephone service provider was contacted about the issue, the date and time of such contact, and all documents supporting such contact.

Response:

Mr. Baxter objects to the request insofar as it requires him to identify and describe each call of poor quality during his eleven years in custody. This request is unduly burdensome.

Without waiving this objection, Mr. Baxter states that he continues to experience frequent poor quality of service. Although there are sufficient funds in his account, calls will routinely get dropped after only 3-4 minutes after the 60 second warning interrupts the call forcing the prisoner to reinitiate the call and incur another surcharge. Another common problem Mr. Baxter encounters is that he no longer receives a balance message at the beginning of the call so there is no way of knowing if the correct amount is being deducted and if there are sufficient funds to cover the intended length of the call. Mr. Baxter has filed several complaints regarding the services through the DOC "trouble forms" process for complaints regarding GTL phone service, but he was not given copies and has no other records of these complaints in his possession.

**DTC - GTL 1-4**:

For Petitioners who are lawyers, law firms or otherwise provide legal services and that claim they have declined to accept calls placed from Massachusetts correctional facilities, or have limited the acceptance of such calls in any way, identify by date and time each instance in which an incoming call was declined and the individual attempting to place the call, and produce all documents relating to such calls and all any policies or procedures relating to accepting, declining or limiting calls placed from Massachusetts correctional facilities.

Response:

This request does not apply to Mr. Baxter.

**DTC - GTL 1-5**:

Identify each Petitioner that has used a prepaid calling card to place or receive a telephone call from a Massachusetts correctional facility and produce all documents relating to such prepaid calling cards or their use, including the PINs associated with those cards or other prepaid card activation and use records.

Response:

Mr. Baxter has made pre-paid calls through his debit account with the Department of Correction from the time this payment option became available to him in 2008 through the present. Mr. Baxter's PIN while in DOC custody is 611726. Mr. Baxter has submitted his canteen account records from 2009-2014 demonstrating the number of calls he made through is pre-paid debit and how much was debited.

**DTC - GTL 1-6**:

Produce all documents relating to per-call surcharges and/or tariffed service or other fees assessed by telephone service providers serving any Massachusetts correctional facility.

Response:

Mr. Baxter has no responsive documents in his possession.

**DTC - GTL 1-7**:

Produce all documents that were used or relied upon in relation to creating the chart attached as Appendix II to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix II, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Baxter, who did not participate in creating the chart attached as Appendix II to the Petition.

**DTC - GTL 1-8**:

Produce all documents that were used, or relied upon, to create Appendix III to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix III, and identify all individuals who were involved in the creation of Appendix III.

Response:

This request does not apply to Mr. Baxter, who did not participate in creating the chart attached as Appendix III to the Petition.

**DTC - GTL 1-9**:

Produce all documents that were used, or relied upon, to creating the chart attached as Appendix IV to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix IV, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Baxter, who did not participate in creating the chart attached as Appendix IV to the Petition.

**DTC - GTL 1-10**:

Produce all documents that were used, or relied upon, in relation to creating Appendix V to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix V, and identify all individuals who were involved in the creation of Appendix V.

Response:

This request does not apply to Mr. Baxter, who did not participate in creating the chart attached as Appendix V to the Petition.

**DTC - GTL 1-11**:

Produce all documents that were used, or relied upon, in relation to creating the chart attached as Appendix VI to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix VI, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Baxter, who did not participate in creating the chart attached as Appendix VI to the Petition.

**DTC - GTL 1-12**:

State whether you allege that the telephone rates for in-state and local calls charged by telephone service providers serving Massachusetts correctional facilities violate the Order on Payphone Barriers to Entry & Exit, and OSP Rate Cap issued on or about April 17, 1998 by the Massachusetts Department of Telecommunications and Energy, which was the predecessor

agency to the Massachusetts Department of Telecommunications and Cable (the "1998 Order") or any other Massachusetts law or regulation. If your answer is yes to any portion of this request, explain in detail which rates you allege violate the 1998 Order, other law or regulation and how those rates violate the 1998 Order, law or regulation.

Response:

The Petitioner objects to this request as calling for a legal conclusion. Without waiving this objection, Mr. Baxter defers to Petitioner Prisoners' Legal Services response to this request.

**DTC - GTL 1-13**:

Produce all documents reflecting all correspondence or communications you have had with a telephone service provider regarding any of the allegations in the Petition in this proceeding, including in its Amendments, including all billing records, requests for information relating to billing, and complaints regarding quality of service.

Response:

Mr. Baxter has no responsive documents in his possession.

**DTC - GTL 1-14**:

For each Petitioner that submitted an affidavit in this proceeding, identify all statements included in your affidavit that have changed since the time you signed your affidavit or were incorrect at the time of signing and provide a statement in response to this request updating and/or correcting your affidavit.

Response:

Mr. Baxter attests that there are no incorrect statements in his original affidavit. He also attests that he still experiences significant quality of service issues. For example, calls now tend to get cut off after only 3-4 minutes as opposed to 20 minutes, forcing the caller to reinitiate the call and incur a new surcharge. Also, the system no longer informs Mr. Baxter of what the balance is before or after the call. Since there is no paper statement issued, Mr. Baxter is unaware of the remaining balance or if he was appropriately charged.

**DTC - GTL 1-15**:

For each Petitioner that did not submit an affidavit in this proceeding, provide a statement in response to this request explaining why you did not submit an affidavit and detailing all issues that you allege support your inclusion as a Petitioner.

Response:

Mr. Baxter submitted an affidavit. This request does not pertain to him.

**DTC - GTL 1-16**:

Produce all documents relating to communications with Global Tel*Link or its predecessor relating to any allegations of quality of service or billing issues in relation to telephone calls placed from any Massachusetts correctional facility. If you have no such documents, please state that in writing.

Response:

Mr. Baxter has no responsive documents in his possession.

**DTC - GTL 1-17**:

Produce all documents relating to any communications you have had with the Department of Telecommunications and Cable, any Massachusetts correctional facility, any other federal, state, county or local agency or official, including the Federal Communications Commission, relating to telephone calls placed by prisoners or inmates at correctional facilities.

Response:

Mr. Baxter has no responsive documents in his possession.

**Before the**
**COMMONWEALTH OF MASSACHUSETTS**
**DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

| | | |
|---|---|---|
| Petition of Recipients of Collect Calls From Prisoners at Correctional Institutions in Massachusetts Seeking Relief from the Unjust and Unreasonable Cost of Such Calls | ) | D.T.C. 11-16 |

**RESPONSE OF DEREK BIGGS TO GLOBAL TEL*LINK CORPORATION'S FIRST SET OF INFORMATION REQUESTS TO PETITIONERS**

**RESPONSES TO INFORMATION REQUESTS**

**GENERAL OBJECTIONS**

**General Objections:**

1. The Petitioners object to the requirement that each petitioner provide documents and information dating back to 1998. This is overbroad, unduly burdensome and unlikely to lead to the discovery of relevant information.

   Notwithstanding this objection, and without waiving this objection, the Petitioners have provided all responsive documents in their possession.

2. The Petitioners object to these requests insofar as they seek information already in the possession of the Respondents. This is unduly burdensome.

   Notwithstanding this objection, and without waiving this objection, the Petitioners have provided all responsive records and documents in their possession.

   In particular, the Petitioners produce all inmate calling service (ICS) requests for proposals and contracts that were obtained from correctional facilities through requests made under the Massachusetts Public Records Act. The Petitioners do not represent that these documents are complete. Individual petitioners have also produced records relating to their ICS service, but do not represent that these documents are complete, and the absence of such documents for any petitioner should not be interpreted to imply that no such records exist as regards that petitioner.

**Responses**

**DTC - GTL 1-1**:

Identify every Petitioner in this action. For each Petitioner that is an entity, provide its physical address, mailing address if different from its physical address, telephone number, and a list of all officers and directors or partners and their titles since January 1, 1998. For each Petitioner who is a natural person, provide that individual's mailing address(es), place(s) of business, telephone number, and any aliases or other names that person has used since January 1, 1998.

Response:

Mr. Biggs has resided at NCCI-Gardner since March of 2000 at 500 Colony Rd, Gardner, MA 01440. From March 1999 to March 2000, Mr. Biggs was at MCI-Concord, which is located at 965 Elm St. Concord, MA 01742, and prior to that Mr. Biggs was incarcerated at Nashua St. Jail from 1997 to 1999 until he was transferred to MCI Concord. Nashua St. Jail is located on 200 Nashua St. Boston, MA 02114. Mr. Biggs has used no aliases.

**DTC - GTL 1-2**:

For each telephone call that you received from, or placed as, a prisoner or inmate in a Massachusetts correctional facility since January 1, 1998, identify the name of the facility from which the call was placed, the parties to the call, the date and time of the call, the duration of the call, the amount charged for the call, whether the telephone call was placed using a prepaid calling card or as a collect call, the telephone service provider used, and all issues, if any, that you allege affected the quality of the call. Produce all documents, including any billing records or PINs relating to each such call.

Response:

Mr. Biggs objects to the request insofar as it requires him to identify each call made over his years in custody and provide specific information regarding each call. This request is unduly burdensome.

Without waiving this objection, Mr. Biggs states that he does not have records of the individual calls made during his time in DOC custody. All calls relevant to this petition were made from NCCI-Gardner, MCI-Concord and the Nashua St. Jail. From 2004-2008, approximately, he placed calls collect. Since then, Mr. Biggs has mostly used a prepaid debit account but he does not have statements for this. Both the collect and pre-paid calls were/are made through GTL, except those made from Nashua St. His PIN is 938062. In general, Mr. Biggs mainly calls his father once a week, a friend, Ms. Carmen Rivera, 3-5 times a week, and a Mr. Derek Wilson 1-2 times a week.

In addition, Mr. Biggs states that he still experiences dropped calls and static during his calls. Ms. Carmen Rivera, one of the individuals on his call list uses a Bluetooth, which is often

detected falsely as a 3-way call. He estimates that he experiences dropped calls and an inability to hear the call clearly about once a week.

**DTC - GTL 1-3**:

For each telephone call identified in response to DTC-GTL 1-2 that you allege was of poor quality, identify the alleged quality issues(s) and the cause(s) of the alleged quality issue(s), explain how you determined the cause(s) of the issue(s), and if you placed the call from a correctional facility, describe the telephone equipment you used to place the call, and whether the telephone service provider was contacted about the issue, the date and time of such contact, and all documents supporting such contact.

Response:

Mr. Biggs objects to the request insofar as it requires him to identify and describe each call of poor quality during his years in custody. This request is unduly burdensome.

Without waiving this objection, Mr. Biggs states that he has experienced many dropped calls, inaudible calls, and frequent static on calls. The dropped calls are generally from false detection of 3-way calls which he can determine because a 3-way calling alert interrupts and then disconnects the phone call. Mr. Biggs has complained on a number of occasions through filling out GTL "trouble forms" available at the facility through the DOC for phone complaints, but he was not given copies of his forms. Mr. Biggs claims that the complaints rarely, if ever, resulted in the problems being addressed. Mr. Biggs has also lodged complaints during the facility's "happy hours", which are regularly held sessions where prisoners are given the opportunity to voice concerns prior to filing written complaints. Mr. Biggs attests that the GTL contract person responsible for addressing prisoner complaints and other issues related to the phone service was often present during these sessions at NCCI-Gardner, but did not address prisoner concerns. Mr. Biggs has no other responsive records in his possession.

**DTC - GTL 1-4**:

For Petitioners who are lawyers, law firms or otherwise provide legal services and that claim they have declined to accept calls placed from Massachusetts correctional facilities, or have limited the acceptance of such calls in any way, identify by date and time each instance in which an incoming call was declined and the individual attempting to place the call, and produce all documents relating to such calls and all any policies or procedures relating to accepting, declining or limiting calls placed from Massachusetts correctional facilities.

Response:

This request does not apply to Mr. Biggs.

**DTC - GTL 1-5**:

Identify each Petitioner that has used a prepaid calling card to place or receive a telephone call from a Massachusetts correctional facility and produce all documents relating to such prepaid calling cards or their use, including the PINs associated with those cards or other prepaid card activation and use records.

Response:

Mr. Biggs has been making pre-paid calls through his debit account with the Department of Correction since this payment option became available to him in 2008. Prior to that, he made collect calls. He occasionally makes collect calls when there is a delay placing funds on his account, but largely makes calls using the pre-paid system. His PIN number with the DOC is 938062. He has attached receipts, but has no other responsive documents in his possession.

**DTC - GTL 1-6**:

Produce all documents relating to per-call surcharges and/or tariffed service or other fees assessed by telephone service providers serving any Massachusetts correctional facility.

Response:

Mr. Biggs has no responsive documents in his possession.

**DTC - GTL 1-7**:

Produce all documents that were used or relied upon in relation to creating the chart attached as Appendix II to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix II, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Biggs, who did not participate in creating the chart attached as Appendix II to the Petition.

**DTC - GTL 1-8**:

Produce all documents that were used, or relied upon, to create Appendix III to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix III, and identify all individuals who were involved in the creation of Appendix III.

Response:

This request does not apply to Mr. Biggs, who did not participate in creating the chart attached as Appendix III to the Petition.

**DTC - GTL 1-9**:

Produce all documents that were used, or relied upon, to creating the chart attached as Appendix IV to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix IV, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Biggs, who did not participate in creating the chart attached as Appendix IV to the Petition.

**DTC - GTL 1-10**:

Produce all documents that were used, or relied upon, in relation to creating Appendix V to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix V, and identify all individuals who were involved in the creation of Appendix V.

Response:

This request does not apply to Mr. Biggs, who did not participate in creating the chart attached as Appendix V to the Petition.

**DTC - GTL 1-11**:

Produce all documents that were used, or relied upon, in relation to creating the chart attached as Appendix VI to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix VI, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Biggs, who did not participate in creating the chart attached as Appendix VI to the Petition.

**DTC - GTL 1-12**:

State whether you allege that the telephone rates for in-state and local calls charged by telephone service providers serving Massachusetts correctional facilities violate the Order on Payphone Barriers to Entry & Exit, and OSP Rate Cap issued on or about April 17, 1998 by the Massachusetts Department of Telecommunications and Energy, which was the predecessor

agency to the Massachusetts Department of Telecommunications and Cable (the "1998 Order") or any other Massachusetts law or regulation. If your answer is yes to any portion of this request, explain in detail which rates you allege violate the 1998 Order, other law or regulation and how those rates violate the 1998 Order, law or regulation.

Response:

The Petitioners object to this request as calling for a legal conclusion. Without waiving this objection, Mr. Biggs defers to Petitioner Prisoners' Legal Services response to this request.

**DTC - GTL 1-13**:

Produce all documents reflecting all correspondence or communications you have had with a telephone service provider regarding any of the allegations in the Petition in this proceeding, including in its Amendments, including all billing records, requests for information relating to billing, and complaints regarding quality of service.

Response:

Mr. Biggs has no responsive documents in his possession.

**DTC - GTL 1-14**:

For each Petitioner that submitted an affidavit in this proceeding, identify all statements included in your affidavit that have changed since the time you signed your affidavit or were incorrect at the time of signing and provide a statement in response to this request updating and/or correcting your affidavit.

Response:

Mr. Biggs states that his affidavit was accurate and does not require corrections at this time. He alleges that he continues to experience dropped calls, static and inaudible calls as stated in his responses above.

**DTC - GTL 1-15**:

For each Petitioner that did not submit an affidavit in this proceeding, provide a statement in response to this request explaining why you did not submit an affidavit and detailing all issues that you allege support your inclusion as a Petitioner.

Response:

Mr. Biggs submitted an affidavit. As such, this request does not pertain to him.

**DTC - GTL 1-16**:

Produce all documents relating to communications with Global Tel*Link or its predecessor relating to any allegations of quality of service or billing issues in relation to telephone calls placed from any Massachusetts correctional facility. If you have no such documents, please state that in writing.

Response:

Mr. Biggs has no responsive documents in his possession.

**DTC - GTL 1-17**:

Produce all documents relating to any communications you have had with the Department of Telecommunications and Cable, any Massachusetts correctional facility, any other federal, state, county or local agency or official, including the Federal Communications Commission, relating to telephone calls placed by prisoners or inmates at correctional facilities.

Response:

Mr. Biggs has no responsive documents in his possession.

**Before the**
**COMMONWEALTH OF MASSACHUSETTS**
**DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

| | | |
|---|---|---|
| Petition of Recipients of Collect Calls From Prisoners at Correctional Institutions in Massachusetts Seeking Relief from the Unjust and Unreasonable Cost of Such Calls | ) | D.T.C. 11-16 |

**RESPONSE OF ISAIAS RODRIGUEZ TO GLOBAL TEL*LINK CORPORATION'S FIRST SET OF INFORMATION REQUESTS TO PETITIONERS**

**RESPONSES TO INFORMATION REQUESTS**

**GENERAL OBJECTIONS**

**General Objections:**

1. The Petitioners object to the requirement that each petitioner provide documents and information dating back to 1998. This is overbroad, unduly burdensome and unlikely to lead to the discovery of relevant information.

   Notwithstanding this objection, and without waiving this objection, the Petitioners have provided all responsive documents in their possession.

2. The Petitioners object to these requests insofar as they seek information already in the possession of the Respondents. This is unduly burdensome.

   Notwithstanding this objection, and without waiving this objection, the Petitioners have provided all responsive records and documents in their possession.

   In particular, the Petitioners produce all inmate calling service (ICS) requests for proposals and contracts that were obtained from correctional facilities through requests made under the Massachusetts Public Records Act. The Petitioners do not represent that these documents are complete. Individual petitioners have also produced records relating to their ICS service, but do not represent that these documents are complete, and the absence of such documents for any petitioner should not be interpreted to imply that no such records exist as regards that petitioner.

**Responses**

**DTC - GTL 1-1**:

Identify every Petitioner in this action. For each Petitioner that is an entity, provide its physical address, mailing address if different from its physical address, telephone number, and a list of all officers and directors or partners and their titles since January 1, 1998. For each Petitioner who is a natural person, provide that individual's mailing address(es), place(s) of business, telephone number, and any aliases or other names that person has used since January 1, 1998.

Response:

Mr. Rodriguez currently resides NCCI-Gardner at 500 Colony Rd. Gardner, MA 01440. Mr. Rodriguez has resided at this address since 2007. From 2002-2007, he was at Souza-Baranowski Correctional Center, 1 Harvard Rd. Shirley, MA 01464. He resided at 185 Were Rd. in Palmer, MA 01064 from 1996-2002. He has used no aliases.

**DTC - GTL 1-2**:

For each telephone call that you received from, or placed as, a prisoner or inmate in a Massachusetts correctional facility since January 1, 1998, identify the name of the facility from which the call was placed, the parties to the call, the date and time of the call, the duration of the call, the amount charged for the call, whether the telephone call was placed using a prepaid calling card or as a collect call, the telephone service provider used, and all issues, if any, that you allege affected the quality of the call. Produce all documents, including any billing records or PINs relating to each such call.

Response:

Mr. Rodriguez objects to the request insofar as it requires him to identify each call made over his years in custody and provide specific information regarding each call. This request is unduly burdensome.

Without waiving this objection, Mr. Rodrigues states that he does not have records of every call made during his years in DOC custody. From 2004-2008, approximately, he placed calls collect. Since 2008 Mr. Rodriguez has used a prepaid debit account but he does not have statements for this. His PIN is 976961. Mr. Rodriguez also states that his calls are frequently disconnected for false detection of a three-way call. He knows this is the cause because the three-way call alert message interrupts and then disconnects the call. This happens to Mr. Rodriguez about twice a month when he calls his sister and mother in San Diego, CA.

**DTC - GTL 1-3**:

For each telephone call identified in response to DTC-GTL 1-2 that you allege was of poor quality, identify the alleged quality issues(s) and the cause(s) of the alleged quality issue(s),

explain how you determined the cause(s) of the issue(s), and if you placed the call from a correctional facility, describe the telephone equipment you used to place the call, and whether the telephone service provider was contacted about the issue, the date and time of such contact, and all documents supporting such contact.

Response:

Mr. Rodriguez objects to the request insofar as it requires him to identify and describe each call of poor quality during his ten years in custody. This request is unduly burdensome.

Without waiving this objection, Mr. Rodriguez states that he submitted written and verbal complaints to the Department of Correction about many dropped calls, inaudible calls, and charges for calls that had not been accepted. Mr. Rodriguez was not given copies of these trouble forms and does not have records of these complaints in his possession.

**DTC - GTL 1-4**:

For Petitioners who are lawyers, law firms or otherwise provide legal services and that claim they have declined to accept calls placed from Massachusetts correctional facilities, or have limited the acceptance of such calls in any way, identify by date and time each instance in which an incoming call was declined and the individual attempting to place the call, and produce all documents relating to such calls and all any policies or procedures relating to accepting, declining or limiting calls placed from Massachusetts correctional facilities.

Response:

This does not apply to Mr. Rodriguez.

**DTC - GTL 1-5**:

Identify each Petitioner that has used a prepaid calling card to place or receive a telephone call from a Massachusetts correctional facility and produce all documents relating to such prepaid calling cards or their use, including the PINs associated with those cards or other prepaid card activation and use records.

Response:

Mr. Rodriguez has made pre-paid calls through his debit account with the Department of Correction from the time this payment option became available to him in 2008 through the present. His PIN number with the DOC is 976961. He does not have records related to his prepaid account in his possession.

**DTC - GTL 1-6**:

Produce all documents relating to per-call surcharges and/or tariffed service or other fees assessed by telephone service providers serving any Massachusetts correctional facility.

Response:

Mr. Rodriguez has no responsive documents in his possession.

**DTC - GTL 1-7**:

Produce all documents that were used or relied upon in relation to creating the chart attached as Appendix II to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix II, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Rodriguez, who did not participate in creating the chart attached as Appendix II to the Petition.

**DTC - GTL 1-8**:

Produce all documents that were used, or relied upon, to create Appendix III to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix III, and identify all individuals who were involved in the creation of Appendix III.

Response:

This request does not apply to Mr. Rodriguez, who did not participate in creating the chart attached as Appendix III to the Petition.

**DTC - GTL 1-9**:

Produce all documents that were used, or relied upon, to creating the chart attached as Appendix IV to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix IV, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Rodriguez, who did not participate in creating the chart attached as Appendix IV to the Petition.

**DTC - GTL 1-10**:

Produce all documents that were used, or relied upon, in relation to creating Appendix V to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix V, and identify all individuals who were involved in the creation of Appendix V.

Response:

This request does not apply to Mr. Rodriguez, who did not participate in creating the chart attached as Appendix V to the Petition.

**DTC - GTL 1-11**:

Produce all documents that were used, or relied upon, in relation to creating the chart attached as Appendix VI to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix VI, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Rodriguez, who did not participate in creating the chart attached as Appendix VI to the Petition.

**DTC - GTL 1-12**:

State whether you allege that the telephone rates for in-state and local calls charged by telephone service providers serving Massachusetts correctional facilities violate the Order on Payphone Barriers to Entry & Exit, and OSP Rate Cap issued on or about April 17, 1998 by the Massachusetts Department of Telecommunications and Energy, which was the predecessor agency to the Massachusetts Department of Telecommunications and Cable (the "1998 Order") or any other Massachusetts law or regulation. If your answer is yes to any portion of this request, explain in detail which rates you allege violate the 1998 Order, other law or regulation and how those rates violate the 1998 Order, law or regulation.

Response:

The Petitioners object to this request as calling for a legal conclusion. Without waiving this objection, the Petitioners state that this request does not apply to Mr. Rodriguez, who is not an attorney.

**DTC - GTL 1-13**:

Produce all documents reflecting all correspondence or communications you have had with a telephone service provider regarding any of the allegations in the Petition in this proceeding, including in its Amendments, including all billing records, requests for information relating to billing, and complaints regarding quality of service.

Response:

Mr. Rodriguez has no responsive documents in his possession.

**DTC - GTL 1-14**:

For each Petitioner that submitted an affidavit in this proceeding, identify all statements included in your affidavit that have changed since the time you signed your affidavit or were incorrect at the time of signing and provide a statement in response to this request updating and/or correcting your affidavit.

Response:

Mr. Rodriguez wishes to make no corrections to his affidavit. In addition he states that dropped calls are still common, particularly when there is false detection of a three-way call. He alleges that such dropped calls occur about twice a month.

**DTC - GTL 1-15**:

For each Petitioner that did not submit an affidavit in this proceeding, provide a statement in response to this request explaining why you did not submit an affidavit and detailing all issues that you allege support your inclusion as a Petitioner.

Response:

Mr. Rodrigues submitted an affidavit so this request does not apply to him.

**DTC - GTL 1-16**:

Produce all documents relating to communications with Global Tel*Link or its predecessor relating to any allegations of quality of service or billing issues in relation to telephone calls placed from any Massachusetts correctional facility. If you have no such documents, please state that in writing.

Response:

Mr. Rodrigues has no responsive documents in his possession.

**DTC - GTL 1-17**:

Produce all documents relating to any communications you have had with the Department of Telecommunications and Cable, any Massachusetts correctional facility, any other federal, state, county or local agency or official, including the Federal Communications Commission, relating to telephone calls placed by prisoners or inmates at correctional facilities.

Response:

Mr. Rodriguez has no responsive documents in his possession.

**Before the**
**COMMONWEALTH OF MASSACHUSETTS**
**DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

| | | |
|---|---|---|
| Petition of Recipients of Collect Calls From Prisoners at Correctional Institutions in Massachusetts Seeking Relief from the Unjust and Unreasonable Cost of Such Calls | ) | D.T.C. 11-16 |

**RESPONSE OF EDWARD SARMANIAN TO GLOBAL TEL*LINK CORPORATION'S FIRST SET OF INFORMATION REQUESTS TO PETITIONERS**

**RESPONSES TO INFORMATION REQUESTS**

**GENERAL OBJECTIONS**

**General Objections:**

1. The Petitioners object to the requirement that each petitioner provide documents and information dating back to 1998. This is overbroad, unduly burdensome and unlikely to lead to the discovery of relevant information.

   Notwithstanding this objection, and without waiving this objection, the Petitioners have provided all responsive documents in their possession.

2. The Petitioners object to these requests insofar as they seek information already in the possession of the Respondents. This is unduly burdensome.

   Notwithstanding this objection, and without waiving this objection, the Petitioners have provided all responsive records and documents in their possession.

   In particular, the Petitioners produce all inmate calling service (ICS) requests for proposals and contracts that were obtained from correctional facilities through requests made under the Massachusetts Public Records Act. The Petitioners do not represent that these documents are complete. Individual petitioners have also produced records relating to their ICS service, but do not represent that these documents are complete, and the absence of such documents for any petitioner should not be interpreted to imply that no such records exist as regards that petitioner.

**Responses**

**DTC - GTL 1-1**:

Identify every Petitioner in this action. For each Petitioner that is an entity, provide its physical address, mailing address if different from its physical address, telephone number, and a list of all officers and directors or partners and their titles since January 1, 1998. For each Petitioner who is a natural person, provide that individual's mailing address(es), place(s) of business, telephone number, and any aliases or other names that person has used since January 1, 1998.

Response:

Mr. Sarmanian has resided at NCCI-Gardner since July 2, 1989. The address there is 500 Colony Rd, Gardner, MA 01440. He has used no aliases.

**DTC - GTL 1-2**:

For each telephone call that you received from, or placed as, a prisoner or inmate in a Massachusetts correctional facility since January 1, 1998, identify the name of the facility from which the call was placed, the parties to the call, the date and time of the call, the duration of the call, the amount charged for the call, whether the telephone call was placed using a prepaid calling card or as a collect call, the telephone service provider used, and all issues, if any, that you allege affected the quality of the call. Produce all documents, including any billing records or PINs relating to each such call.

Response:

Mr. Sarmanian objects to the request insofar as it requires him to identify each call made over his years in custody and provide specific information regarding each call. This request is unduly burdensome.

Without waiving this objection, Mr. Sarmanian states that he does not have records of the calls made during his time in DOC custody. All calls relevant to this petition were made from NCCI-Gardner. From 2004-2008, approximately, he placed calls collect. Since then, Mr. Sarmanian has used a prepaid debit account but he does not have statements for this. Both the collect and pre-paid calls were/are made through GTL. His PIN is 752863. In general, Mr. Sarmanian calls his father and sister every Sunday and speaks for about 20 minutes. He usually calls his sister again and nephew on Wednesdays and occasionally calls his brothers during the week. He averages about 4 calls per week. His father's name is Edward Sarmanian Sr. and his telephone number is 781-521-6828. His sister's name is Flora Lindberg and her telephone number is 781-853-8643. Mr. Sarmanian's two brothers are Michael and Robert Sarmanian. Michael's number is 781-279-4220 and Robert's number is 781-233-0072. Mr. Sarmanian's nephew's name is Derek Lindberg and his telephone number is 781-284-2206.

Mr. Sarmanian has attached his inmate calling lists dating back to 2001 and canteen records from October 2009. In addition, Mr. Sarmanian states that calls frequently drop due to false detection of 3-way calls. This is most common during his phone calls to his father who is now in his late 80s and has no 3-way calling capabilities. It is routinely hard to hear the party being called and static is frequent during calls to his family.

**DTC - GTL 1-3**:

For each telephone call identified in response to DTC-GTL 1-2 that you allege was of poor quality, identify the alleged quality issues(s) and the cause(s) of the alleged quality issue(s), explain how you determined the cause(s) of the issue(s), and if you placed the call from a correctional facility, describe the telephone equipment you used to place the call, and whether the telephone service provider was contacted about the issue, the date and time of such contact, and all documents supporting such contact.

Response:

Mr. Sarmanian objects to the request insofar as it requires him to identify and describe each call of poor quality during his 25 years in custody. This request is unduly burdensome.

Without waiving this objection, Mr. Sarmanian states that he has experienced many dropped calls, inaudible calls, and frequent static on calls. The dropped calls are generally from false detection of 3-way calls which he can determine because a 3-way calling alert interrupts and then disconnects the phone call. Mr. Sarmanian has complained on a number of occasions through filling out "trouble forms" available at the facility through the DOC for phone complaints but he was not given copies and the complaints rarely, if ever, addressed the problems. Mr. Sarmanian does not have other records of these incidents in his possession.

**DTC - GTL 1-4**:

For Petitioners who are lawyers, law firms or otherwise provide legal services and that claim they have declined to accept calls placed from Massachusetts correctional facilities, or have limited the acceptance of such calls in any way, identify by date and time each instance in which an incoming call was declined and the individual attempting to place the call, and produce all documents relating to such calls and all any policies or procedures relating to accepting, declining or limiting calls placed from Massachusetts correctional facilities.

Response:

This request does not apply to Mr. Sarmanian.

**DTC - GTL 1-5**:

Identify each Petitioner that has used a prepaid calling card to place or receive a telephone call from a Massachusetts correctional facility and produce all documents relating to such prepaid calling cards or their use, including the PINs associated with those cards or other prepaid card activation and use records.

Response:

Mr. Sarmanian has been making pre-paid calls through his debit account with the Department of Correction since this payment option became available to him in 2008. His PIN number with the DOC is 752863. He has attached a receipt and canteen records from 2009 which reference his pre-paid account. He has no other responsive documents in his possession.

**DTC - GTL 1-6**:

Produce all documents relating to per-call surcharges and/or tariffed service or other fees assessed by telephone service providers serving any Massachusetts correctional facility.

Response:

Mr. Sarmanian has no responsive documents in his possession.

**DTC - GTL 1-7**:

Produce all documents that were used or relied upon in relation to creating the chart attached as Appendix II to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix II, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Sarmanian, who did not participate in creating the chart attached as Appendix II to the Petition.

**DTC - GTL 1-8**:

Produce all documents that were used, or relied upon, to create Appendix III to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix III, and identify all individuals who were involved in the creation of Appendix III.

Response:

This request does not apply to Mr. Sarmanian, who did not participate in creating the chart attached as Appendix III to the Petition.

**DTC - GTL 1-9**:

Produce all documents that were used, or relied upon, to creating the chart attached as Appendix IV to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix IV, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Sarmanian, who did not participate in creating the chart attached as Appendix IV to the Petition.

**DTC - GTL 1-10**:

Produce all documents that were used, or relied upon, in relation to creating Appendix V to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix V, and identify all individuals who were involved in the creation of Appendix V.

Response:

This request does not apply to Mr. Sarmanian, who did not participate in creating the chart attached as Appendix V to the Petition.

**DTC - GTL 1-11**:

Produce all documents that were used, or relied upon, in relation to creating the chart attached as Appendix VI to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix VI, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Sarmanian, who did not participate in creating the chart attached as Appendix VI to the Petition.

**DTC - GTL 1-12**:

State whether you allege that the telephone rates for in-state and local calls charged by telephone service providers serving Massachusetts correctional facilities violate the Order on Payphone Barriers to Entry & Exit, and OSP Rate Cap issued on or about April 17, 1998 by the Massachusetts Department of Telecommunications and Energy, which was the predecessor agency to the Massachusetts Department of Telecommunications and Cable (the "1998 Order") or any other Massachusetts law or regulation. If your answer is yes to any portion of this

request, explain in detail which rates you allege violate the 1998 Order, other law or regulation and how those rates violate the 1998 Order, law or regulation.

Response:

The Petitioners object to this request as calling for a legal conclusion. Without waiving this objection, Mr. Sarmanian defers to Petitioner Prisoners' Legal Services response to this request.

**DTC - GTL 1-13**:

Produce all documents reflecting all correspondence or communications you have had with a telephone service provider regarding any of the allegations in the Petition in this proceeding, including in its Amendments, including all billing records, requests for information relating to billing, and complaints regarding quality of service.

Response:

Mr. Sarmanian has no responsive documents in his possession.

**DTC - GTL 1-14**:

For each Petitioner that submitted an affidavit in this proceeding, identify all statements included in your affidavit that have changed since the time you signed your affidavit or were incorrect at the time of signing and provide a statement in response to this request updating and/or correcting your affidavit.

Response:

Mr. Sarmanian states that his affidavit was accurate and does not require corrections at this time. He alleges that dropped calls and static are less frequent but he still routinely experiences trouble hearing the other party during his calls.

**DTC - GTL 1-15**:

For each Petitioner that did not submit an affidavit in this proceeding, provide a statement in response to this request explaining why you did not submit an affidavit and detailing all issues that you allege support your inclusion as a Petitioner.

Response:

Mr. Sarmanian submitted an affidavit. As such, this request does not pertain to him.

**DTC - GTL 1-16**:

Produce all documents relating to communications with Global Tel*Link or its predecessor relating to any allegations of quality of service or billing issues in relation to telephone calls placed from any Massachusetts correctional facility. If you have no such documents, please state that in writing.

Response:

Mr. Sarmanian has no responsive documents in his possession.

**DTC - GTL 1-17**:

Produce all documents relating to any communications you have had with the Department of Telecommunications and Cable, any Massachusetts correctional facility, any other federal, state, county or local agency or official, including the Federal Communications Commission, relating to telephone calls placed by prisoners or inmates at correctional facilities.

Response:

Mr. Sarmanian has no responsive documents in his possession.

**Before the**
**COMMONWEALTH OF MASSACHUSETTS**
**DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

| | | |
|---|---|---|
| Petition of Recipients of Collect Calls From Prisoners at Correctional Institutions in Massachusetts Seeking Relief from the Unjust and Unreasonable Cost of Such Calls | ) | D.T.C. 11-16 |

**RESPONSE OF WILLIAM NADWORNY TO GLOBAL TEL*LINK CORPORATION'S FIRST SET OF INFORMATION REQUESTS TO PETITIONERS**

**RESPONSES TO INFORMATION REQUESTS**

**GENERAL OBJECTIONS**

**General Objections:**

1. The Petitioners object to the requirement that each petitioner provide documents and information dating back to 1998. This is overbroad, unduly burdensome and unlikely to lead to the discovery of relevant information.

   Notwithstanding this objection, and without waiving this objection, the Petitioners have provided all responsive documents in their possession.

2. The Petitioners object to these requests insofar as they seek information already in the possession of the Respondents. This is unduly burdensome.

   Notwithstanding this objection, and without waiving this objection, the Petitioners have provided all responsive records and documents in their possession.

   In particular, the Petitioners produce all Inmate Calling Service (ICS) requests for proposals and contracts that were obtained from correctional facilities through requests made under the Massachusetts Public Records Act. The Petitioners do not represent that these documents are complete. Individual petitioners have also produced records relating to their ICS service, but do not represent that these documents are complete, and the absence of such documents for any petitioner should not be interpreted to imply that no such records exist as regards that petitioner.

**Responses**

**DTC - GTL 1-1**:

Identify every Petitioner in this action. For each Petitioner that is an entity, provide its physical address, mailing address if different from its physical address, telephone number, and a list of all officers and directors or partners and their titles since January 1, 1998. For each Petitioner who is a natural person, provide that individual's mailing address(es), place(s) of business, telephone number, and any aliases or other names that person has used since January 1, 1998.

Response:

Mr. Nadworny has resided at NCCI-Gardner since prior to January 1st 1998. Mr. Nadworny has used no aliases.

**DTC - GTL 1-2**:

For each telephone call that you received from, or placed as, a prisoner or inmate in a Massachusetts correctional facility since January 1, 1998, identify the name of the facility from which the call was placed, the parties to the call, the date and time of the call, the duration of the call, the amount charged for the call, whether the telephone call was placed using a prepaid calling card or as a collect call, the telephone service provider used, and all issues, if any, that you allege affected the quality of the call. Produce all documents, including any billing records or PINs relating to each such call.

Response:

Mr. Nadworny objects to the request insofar as it requires him to identify each call made over his years in custody and provide specific information regarding each call. This request is unduly burdensome.

Without waiving this objection, Mr. Nadworny states that he does not have records of the individual calls made during his entire time in DOC custody. All calls relevant to this petition were made from NCCI-Gardner. From 2004-2009, approximately, he placed calls collect. Since then, Mr. Nadworny has mostly used a prepaid debit account but he does not have statements for these calls as they are not provided to him. Both the collect and pre-paid calls were/are made through GTL. His PIN is 776102. Although Mr. Nadworny does not have phone bills, he has kept a log of what he believes are all of his calls made since 1998. H attaches his available canteen records for a 6 month period in 2011, a chart documenting his collect calls made from 1998 through 2009 and a chart documenting his pre-paid calls made since 2009 which is when he believes the pre-paid option became available. In addition, he attaches all of the call lists in his possession documenting the parties to whom he makes calls. Mr. Nadworny estimates that he made approximately 10,098 calls since 1998.

In addition, Mr. Nadworny has experienced various quality of service issues. In addition to poor connections, inaudible calls, dropped calls, and poor customer service, Mr. Nadworny states that he has also experienced many of his family's numbers being blocked because GTL had a policy which prohibited spending more than $75 per month in calling a particular number. He is also forced to make collect calls at times, which are more expensive, because the pre-paid system periodically becomes temporarily non-operational.

**DTC - GTL 1-3**:

For each telephone call identified in response to DTC-GTL 1-2 that you allege was of poor quality, identify the alleged quality issues(s) and the cause(s) of the alleged quality issue(s), explain how you determined the cause(s) of the issue(s), and if you placed the call from a correctional facility, describe the telephone equipment you used to place the call, and whether the telephone service provider was contacted about the issue, the date and time of such contact, and all documents supporting such contact.

Response:

Mr. Nadworny objects to the request insofar as it requires him to identify and describe each call of poor quality since 1998. This request is unduly burdensome.

Without waiving this objection, Mr. Nadworny incorporates his response to GTL 1-2. He further states that the dropped calls are generally from false detection of 3-way calls which he can determine because a 3-way calling alert interrupts and then disconnects the phone call. Mr. Nadworny's father, Richard C. Nadworny Sr. contacted GTL sometime during the last week of April 2009 because of his number being blocked preventing his son from calling him from NCCI-Gardner. Mr. Nadworny's father was informed by GTL that the call blocking was based on a strict policy and could not be removed. Mr. Nadworny's brother contacted GTL for the same reason sometime during the last week of March 2009. He received the same information from GTL as Mr. Nadworny's father. In addition, Mr. Nadworny states that all calls up until approximately February of 2014 were made from essentially the same phones at NCCI-Gardner, that to his knowledge had never before been replaced during his 30 years at the facility. To his knowledge approximately 113 out of an estimated 120 phones were replaced sometime in February 2014.

**DTC - GTL 1-4**:

For Petitioners who are lawyers, law firms or otherwise provide legal services and that claim they have declined to accept calls placed from Massachusetts correctional facilities, or have limited the acceptance of such calls in any way, identify by date and time each instance in which an incoming call was declined and the individual attempting to place the call, and produce all documents relating to such calls and all any policies or procedures relating to accepting, declining or limiting calls placed from Massachusetts correctional facilities.

Response:

This request does not apply to Mr. Nadworny.

**DTC - GTL 1-5**:

Identify each Petitioner that has used a prepaid calling card to place or receive a telephone call from a Massachusetts correctional facility and produce all documents relating to such prepaid calling cards or their use, including the PINs associated with those cards or other prepaid card activation and use records.

Response:

Mr. Nadworny has been making pre-paid calls through his debit account with the Department of Correction since this payment option became available to him in approximately 2009. Prior to that, he made collect calls. He occasionally makes collect calls when there is a delay placing funds on his account or when the pre-paid system is unavailable, but largely makes calls using the pre-paid system. His PIN number with the DOC is 776102. Other than his canteen records, he has no other responsive documents in his possession.

**DTC - GTL 1-6**:

Produce all documents relating to per-call surcharges and/or tariffed service or other fees assessed by telephone service providers serving any Massachusetts correctional facility.

Response:

Mr. Nadworny has no responsive documents in his possession.

**DTC - GTL 1-7**:

Produce all documents that were used or relied upon in relation to creating the chart attached as Appendix II to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix II, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Nadworny, who did not participate in creating the chart attached as Appendix II to the Petition.

**DTC - GTL 1-8**:

Produce all documents that were used, or relied upon, to create Appendix III to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix III, and identify all individuals who were involved in the creation of Appendix III.

Response:

This request does not apply to Mr. Nadworny, who did not participate in creating the chart attached as Appendix III to the Petition.

**DTC - GTL 1-9**:

Produce all documents that were used, or relied upon, to creating the chart attached as Appendix IV to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix IV, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Nadworny, who did not participate in creating the chart attached as Appendix IV to the Petition.

**DTC - GTL 1-10**:

Produce all documents that were used, or relied upon, in relation to creating Appendix V to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix V, and identify all individuals who were involved in the creation of Appendix V.

Response:

This request does not apply to Mr. Nadworny, who did not participate in creating the chart attached as Appendix V to the Petition.

**DTC - GTL 1-11**:

Produce all documents that were used, or relied upon, in relation to creating the chart attached as Appendix VI to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix VI, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Nadworny, who did not participate in creating the chart attached as Appendix VI to the Petition.

**DTC - GTL 1-12**:

State whether you allege that the telephone rates for in-state and local calls charged by telephone service providers serving Massachusetts correctional facilities violate the Order on Payphone Barriers to Entry & Exit, and OSP Rate Cap issued on or about April 17, 1998 by the Massachusetts Department of Telecommunications and Energy, which was the predecessor agency to the Massachusetts Department of Telecommunications and Cable (the "1998 Order") or any other Massachusetts law or regulation. If your answer is yes to any portion of this request, explain in detail which rates you allege violate the 1998 Order, other law or regulation and how those rates violate the 1998 Order, law or regulation.

Response:

The Petitioners object to this request as calling for a legal conclusion. Without waiving this objection, Mr. Nadworny defers to Petitioner Prisoners' Legal Services response to this request.

**DTC - GTL 1-13**:

Produce all documents reflecting all correspondence or communications you have had with a telephone service provider regarding any of the allegations in the Petition in this proceeding, including in its Amendments, including all billing records, requests for information relating to billing, and complaints regarding quality of service.

Response:

Mr. Nadworny has no responsive documents in his possession.

**DTC - GTL 1-14**:

For each Petitioner that submitted an affidavit in this proceeding, identify all statements included in your affidavit that have changed since the time you signed your affidavit or were incorrect at the time of signing and provide a statement in response to this request updating and/or correcting your affidavit.

Response:

Mr. Nadworny states that his affidavit was accurate and does not require corrections at this time. He attests that he has never been able to receive a paper bill from GTL and has no way of knowing if the billing is accurate.

**DTC - GTL 1-15**:

For each Petitioner that did not submit an affidavit in this proceeding, provide a statement in response to this request explaining why you did not submit an affidavit and detailing all issues that you allege support your inclusion as a Petitioner.

Response:

Mr. Nadworny submitted an affidavit. As such, this request does not pertain to him.

**DTC - GTL 1-16**:

Produce all documents relating to communications with Global Tel*Link or its predecessor relating to any allegations of quality of service or billing issues in relation to telephone calls placed from any Massachusetts correctional facility. If you have no such documents, please state that in writing.

Response:

Mr. Nadworny has no responsive documents in his possession.

**DTC - GTL 1-17**:

Produce all documents relating to any communications you have had with the Department of Telecommunications and Cable, any Massachusetts correctional facility, any other federal, state, county or local agency or official, including the Federal Communications Commission, relating to telephone calls placed by prisoners or inmates at correctional facilities.

Response:

Mr. Nadworny has no responsive documents in his possession.

**Before the**
**COMMONWEALTH OF MASSACHUSETTS**
**DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

| | | |
|---|---|---|
| Petition of Recipients of Collect Calls From Prisoners at Correctional Institutions in Massachusetts Seeking Relief from the Unjust and Unreasonable Cost of Such Calls | ) | D.T.C. 11-16 |

**RESPONSE OF ANTHONY GIUGLIANO TO GLOBAL TEL*LINK CORPORATION'S FIRST SET OF INFORMATION REQUESTS TO PETITIONERS**

**RESPONSES TO INFORMATION REQUESTS**

**GENERAL OBJECTIONS**

1. The Petitioners object to the requirement that each petitioner provide documents and information dating back to 1998. This is overbroad, unduly burdensome and unlikely to lead to the discovery of relevant information.

   Notwithstanding this objection, and without waiving this objection, the Petitioners have provided all responsive documents in their possession.

2. The Petitioners object to these requests insofar as they seek information already in the possession of the Respondents. This is unduly burdensome.

   Notwithstanding this objection, and without waiving this objection, the Petitioners have provided all responsive records and documents in their possession.

   In particular, the Petitioners produce all inmate calling service (ICS) requests for proposals and contracts that were obtained from correctional facilities through requests made under the Massachusetts Public Records Act. The Petitioners do not represent that these documents are complete. Individual petitioners have also produced records relating to their ICS service, but do not represent that these documents are complete, and the absence of such documents for any petitioner should not be interpreted to imply that no such records exist as regards that petitioner.

**RESPONSES**

**DTC - GTL 1-1**:

Identify every Petitioner in this action. For each Petitioner that is an entity, provide its physical address, mailing address if different from its physical address, telephone number, and a

list of all officers and directors or partners and their titles since January 1, 1998. For each Petitioner who is a natural person, provide that individual's mailing address(es), place(s) of business, telephone number, and any aliases or other names that person has used since January 1, 1998.

Response:

Mr. Giugliano currently resides at 669 Saratoga Street, East Boston MA 02128, 617-567-5576. Mr. Giugliano resided at this address from 1998 until February 2004, and was incarcerated in the Massachusetts Department of Correction from February 2004 until March 28, 2014. He has used no aliases.

**DTC - GTL 1-2**:

For each telephone call that you received from, or placed as, a prisoner or inmate in a Massachusetts correctional facility since January 1, 1998, identify the name of the facility from which the call was placed, the parties to the call, the date and time of the call, the duration of the call, the amount charged for the call, whether the telephone call was placed using a prepaid calling card or as a collect call, the telephone service provider used, and all issues, if any, that you allege affected the quality of the call. Produce all documents, including any billing records or PINs relating to each such call.

Response:

Mr. Giugliano objects to the request insofar as it requires him to identify each call made over his years in custody and provide specific information regarding each call. This request is unduly burdensome.

Without waiving this objection, Mr. Giugliano states that he does not have records of the calls made during his ten years in DOC custody. From 2004-2008, approximately, he placed calls collect. His aunt Barbara DiGiorolaumo is also a petitioner in this case. From 2008-2014 Mr. Giugliano used a prepaid debit account but he does not have statements for this. His PIN while in DOC custody was 999628.

**DTC - GTL 1-3**:

For each telephone call identified in response to DTC-GTL 1-2 that you allege was of poor quality, identify the alleged quality issues(s) and the cause(s) of the alleged quality issue(s), explain how you determined the cause(s) of the issue(s), and if you placed the call from a correctional facility, describe the telephone equipment you used to place the call, and whether the telephone service provider was contacted about the issue, the date and time of such contact, and all documents supporting such contact.

Response:

Mr. Giugliano objects to the request insofar as it requires him to identify and describe each call of poor quality during his ten years in custody. This request is unduly burdensome.

Without waiving this objection, Mr. Giugliano states that he submitted written and verbal complaints to the Department of Correction about many dropped calls, inaudible calls, and charges for calls that had not been accepted. Mr. Giugliano does not have records of these complaints in his possession.

**DTC - GTL 1-4**:

For Petitioners who are lawyers, law firms or otherwise provide legal services and that claim they have declined to accept calls placed from Massachusetts correctional facilities, or have limited the acceptance of such calls in any way, identify by date and time each instance in which an incoming call was declined and the individual attempting to place the call, and produce all documents relating to such calls and all any policies or procedures relating to accepting, declining or limiting calls placed from Massachusetts correctional facilities.

Response:

This does not apply to Mr. Giugliano.

**DTC - GTL 1-5**:

Identify each Petitioner that has used a prepaid calling card to place or receive a telephone call from a Massachusetts correctional facility and produce all documents relating to such prepaid calling cards or their use, including the PINs associated with those cards or other prepaid card activation and use records.

Response:

Mr. Giugliano made pre-paid calls through his debit account with the Department of Correction from the time this payment option became available to him in 2008 through his release on March 28, 2014. His PIN number with the DOC was 999628. He does not have records related to his prepaid account in his possession.

**DTC - GTL 1-6**:

Produce all documents relating to per-call surcharges and/or tariffed service or other fees assessed by telephone service providers serving any Massachusetts correctional facility.

Response:

Mr. Giugliano has no responsive documents in his possession.

**DTC - GTL 1-7**:

Produce all documents that were used or relied upon in relation to creating the chart attached as Appendix II to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix II, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Giugliano, who did not participate in creating the chart attached as Appendix II to the Petition.

**DTC - GTL 1-8**:

Produce all documents that were used, or relied upon, to create Appendix III to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix III, and identify all individuals who were involved in the creation of Appendix III.

Response:

This request does not apply to Mr. Giugliano, who did not participate in creating the chart attached as Appendix III to the Petition.

**DTC - GTL 1-9**:

Produce all documents that were used, or relied upon, to creating the chart attached as Appendix IV to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix IV, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Giugliano, who did not participate in creating the chart attached as Appendix IV to the Petition.

**DTC - GTL 1-10**:

Produce all documents that were used, or relied upon, in relation to creating Appendix V to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix V, and identify all individuals who were involved in the creation of Appendix V.

Response:

This request does not apply to Mr. Giugliano, who did not participate in creating the chart attached as Appendix V to the Petition.

**DTC - GTL 1-11**:

Produce all documents that were used, or relied upon, in relation to creating the chart attached as Appendix VI to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix VI, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Giugliano, who did not participate in creating the chart attached as Appendix VI to the Petition.

**DTC - GTL 1-12**:

State whether you allege that the telephone rates for in-state and local calls charged by telephone service providers serving Massachusetts correctional facilities violate the Order on Payphone Barriers to Entry & Exit, and OSP Rate Cap issued on or about April 17, 1998 by the Massachusetts Department of Telecommunications and Energy, which was the predecessor agency to the Massachusetts Department of Telecommunications and Cable (the "1998 Order") or any other Massachusetts law or regulation. If your answer is yes to any portion of this request, explain in detail which rates you allege violate the 1998 Order, other law or regulation and how those rates violate the 1998 Order, law or regulation.

Response:

Mr. Giugliano objects to this request as calling for a legal conclusion. Without waiving this objection, he defers to the PLS response to this request.

**DTC - GTL 1-13**:

Produce all documents reflecting all correspondence or communications you have had with a telephone service provider regarding any of the allegations in the Petition in this proceeding, including in its Amendments, including all billing records, requests for information relating to billing, and complaints regarding quality of service.
Response:

Mr. Giugliano has no responsive documents in his possession.

**DTC - GTL 1-14**:

For each Petitioner that submitted an affidavit in this proceeding, identify all statements included in your affidavit that have changed since the time you signed your affidavit or were incorrect at the time of signing and provide a statement in response to this request updating and/or correcting your affidavit.

Response:

Mr. Giugliano did not submit an affidavit in this proceeding.

**DTC - GTL 1-15**:

For each Petitioner that did not submit an affidavit in this proceeding, provide a statement in response to this request explaining why you did not submit an affidavit and detailing all issues that you allege support your inclusion as a Petitioner.

Response:

Mr. Giugliano was not asked to submit an affidavit in this proceeding. He was subject to the high rates, dropped calls, billing problems and poor quality of service complained of in the Petition and fully supports the Petition.

**DTC - GTL 1-16**:

Produce all documents relating to communications with Global Tel*Link or its predecessor relating to any allegations of quality of service or billing issues in relation to telephone calls placed from any Massachusetts correctional facility. If you have no such documents, please state that in writing.

Response:

Mr. Giugliano has no responsive documents in his possession.

**DTC - GTL 1-17**:

Produce all documents relating to any communications you have had with the Department of Telecommunications and Cable, any Massachusetts correctional facility, any other federal, state, county or local agency or official, including the Federal Communications Commission, relating to telephone calls placed by prisoners or inmates at correctional facilities.

Response:

Mr. Giugliano has no responsive documents in his possession.

**Before the**
**COMMONWEALTH OF MASSACHUSETTS**
**DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

| | | |
|---|---|---|
| Petition of Recipients of Collect Calls From Prisoners at Correctional Institutions in Massachusetts Seeking Relief from the Unjust and Unreasonable Cost of Such Calls | ) | D.T.C. 11-16 |

**RESPONSE OF ERIC J. MATHISON TO GLOBAL TEL*LINK CORPORATION'S FIRST SET OF INFORMATION REQUESTS TO PETITIONERS**

**RESPONSES TO INFORMATION REQUESTS**

**GENERAL OBJECTIONS**

1. The Petitioners object to the requirement that each petitioner provide documents and information dating back to 1998. This is overbroad, unduly burdensome and unlikely to lead to the discovery of relevant information.

   Notwithstanding this objection, and without waiving this objection, the Petitioners have provided all responsive documents in their possession.

2. The Petitioners object to these requests insofar as they seek information already in the possession of the Respondents. This is unduly burdensome.

   Notwithstanding this objection, and without waiving this objection, the Petitioners have provided all responsive records and documents in their possession.

   In particular, the Petitioners produce all inmate calling service (ICS) requests for proposals and contracts that were obtained from correctional facilities through requests made under the Massachusetts Public Records Act. The Petitioners do not represent that these documents are complete. Individual petitioners have also produced records relating to their ICS service, but do not represent that these documents are complete, and the absence of such documents for any petitioner should not be interpreted to imply that no such records exist as regards that petitioner.

**RESPONSES**

**DTC - GTL 1-1**:

Identify every Petitioner in this action. For each Petitioner that is an entity, provide its physical address, mailing address if different from its physical address, telephone number, and a

list of all officers and directors or partners and their titles since January 1, 1998. For each Petitioner who is a natural person, provide that individual's mailing address(es), place(s) of business, telephone number, and any aliases or other names that person has used since January 1, 1998.

Response:

Mr. Mathison is currently incarcerated in the Massachusetts Department of Correction in the Old Colony Correctional Center, One Administration Road Bridgewater, MA 02324 . He has been incarcerated in the DOC since 2007. He had a previous incarceration in the DOC but the dates of that incarceration are not available. When not incarcerated, he has lived at 48 Monnouth St. East Boston, MA 02128, tel. 617-569-1240.

**DTC - GTL 1-2**:

For each telephone call that you received from, or placed as, a prisoner or inmate in a Massachusetts correctional facility since January 1, 1998, identify the name of the facility from which the call was placed, the parties to the call, the date and time of the call, the duration of the call, the amount charged for the call, whether the telephone call was placed using a prepaid calling card or as a collect call, the telephone service provider used, and all issues, if any, that you allege affected the quality of the call. Produce all documents, including any billing records or PINs relating to each such call.

Response:

Mr. Mathison objects to the request insofar as it requires him to identify each call made over his years in custody and provide specific information regarding each call. This request is unduly burdensome.

Without waiving this objection, Mr. Mathison states that he made all calls from the facilities listed in his response to GTL 1-1 and prior to 2008 he made all of his calls collect. Since them he has been making pre-paid debit calls. Mr. Mathison has attached all responsive documents in his possession including letters, canteen records and bills.

**DTC - GTL 1-3**:

For each telephone call identified in response to DTC-GTL 1-2 that you allege was of poor quality, identify the alleged quality issues(s) and the cause(s) of the alleged quality issue(s), explain how you determined the cause(s) of the issue(s), and if you placed the call from a correctional facility, describe the telephone equipment you used to place the call, and whether the telephone service provider was contacted about the issue, the date and time of such contact, and all documents supporting such contact.

Response:

Mr. Mathison objects to the request insofar as it requires him to identify and describe each call of poor quality since 1998. This request is unduly burdensome.

Without waiving this objection, Mr. Mathison states that all responsive documents in his possession are attached. He has encountered problems such as billing problems, dropped calls, poor sound quality, inability to place calls inexplicably for a day or two, and inability to put calls through.

**DTC - GTL 1-4**:

For Petitioners who are lawyers, law firms or otherwise provide legal services and that claim they have declined to accept calls placed from Massachusetts correctional facilities, or have limited the acceptance of such calls in any way, identify by date and time each instance in which an incoming call was declined and the individual attempting to place the call, and produce all documents relating to such calls and all any policies or procedures relating to accepting, declining or limiting calls placed from Massachusetts correctional facilities.

Response:

This does not apply to Mr. Mathison.

**DTC - GTL 1-5**:

Identify each Petitioner that has used a prepaid calling card to place or receive a telephone call from a Massachusetts correctional facility and produce all documents relating to such prepaid calling cards or their use, including the PINs associated with those cards or other prepaid card activation and use records.

Response:

Mr. Mathison has made pre-paid calls through the Department of Correction as reflected in the attached records. His PIN number with the DOC is 968724.

**DTC - GTL 1-6**:

Produce all documents relating to per-call surcharges and/or tariffed service or other fees assessed by telephone service providers serving any Massachusetts correctional facility.

Response:

All records in Mr. Mathison' possession are attached.

**DTC - GTL 1-7**:

Produce all documents that were used or relied upon in relation to creating the chart attached as Appendix II to the Petition in this proceeding, dated August 31, 2009, including all

working drafts of Appendix II, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Mathison, who did not participate in creating the chart attached as Appendix II to the Petition.

**DTC - GTL 1-8**:

Produce all documents that were used, or relied upon, to create Appendix III to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix III, and identify all individuals who were involved in the creation of Appendix III.

Response:

This request does not apply to Mr. Mathison, who did not participate in creating the chart attached as Appendix III to the Petition.

**DTC - GTL 1-9**:

Produce all documents that were used, or relied upon, to creating the chart attached as Appendix IV to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix IV, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Mathison, who did not participate in creating the chart attached as Appendix IV to the Petition.

**DTC - GTL 1-10**:

Produce all documents that were used, or relied upon, in relation to creating Appendix V to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix V, and identify all individuals who were involved in the creation of Appendix V.

Response:

This request does not apply to Mr. Mathison, who did not participate in creating the chart attached as Appendix V to the Petition.

**DTC - GTL 1-11**:

Produce all documents that were used, or relied upon, in relation to creating the chart attached as Appendix VI to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix VI, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Mathison, who did not participate in creating the chart attached as Appendix VI to the Petition.

**DTC - GTL 1-12**:

State whether you allege that the telephone rates for in-state and local calls charged by telephone service providers serving Massachusetts correctional facilities violate the Order on Payphone Barriers to Entry & Exit, and OSP Rate Cap issued on or about April 17, 1998 by the Massachusetts Department of Telecommunications and Energy, which was the predecessor agency to the Massachusetts Department of Telecommunications and Cable (the "1998 Order") or any other Massachusetts law or regulation. If your answer is yes to any portion of this request, explain in detail which rates you allege violate the 1998 Order, other law or regulation and how those rates violate the 1998 Order, law or regulation.

Response:

Mr. Mathison object to this request as calling for a legal conclusion. Without waiving this objection, he defers to the PLS response to this request.

**DTC - GTL 1-13**:

Produce all documents reflecting all correspondence or communications you have had with a telephone service provider regarding any of the allegations in the Petition in this proceeding, including in its Amendments, including all billing records, requests for information relating to billing, and complaints regarding quality of service.

Response:

Any responsive documents in Mr. Mathison's possession are attached.

**DTC - GTL 1-14**:

For each Petitioner that submitted an affidavit in this proceeding, identify all statements included in your affidavit that have changed since the time you signed your affidavit or were incorrect at the time of signing and provide a statement in response to this request updating and/or correcting your affidavit.

Response:

Mr. Mathison does not have any corrections to his affidavit.

**DTC - GTL 1-15**:

For each Petitioner that did not submit an affidavit in this proceeding, provide a statement in response to this request explaining why you did not submit an affidavit and detailing all issues that you allege support your inclusion as a Petitioner.

Response:

This request does not apply to Mr. Mathison.

**DTC - GTL 1-16**:

Produce all documents relating to communications with Global Tel*Link or its predecessor relating to any allegations of quality of service or billing issues in relation to telephone calls placed from any Massachusetts correctional facility. If you have no such documents, please state that in writing.

Response:

All responsive documents in Mr. Mathison's possession are attached.

**DTC - GTL 1-17**:

Produce all documents relating to any communications you have had with the Department of Telecommunications and Cable, any Massachusetts correctional facility, any other federal, state, county or local agency or official, including the Federal Communications Commission, relating to telephone calls placed by prisoners or inmates at correctional facilities.

Response:

All responsive documents in Mr. Mathison's possession are attached.

**Before the**
**COMMONWEALTH OF MASSACHUSETTS**
**DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

| | | |
|---|---|---|
| Petition of Recipients of Collect Calls From Prisoners at Correctional Institutions in Massachusetts Seeking Relief from the Unjust and Unreasonable Cost of Such Calls | ) | D.T.C. 11-16 |

**RESPONSE OF STEPHEN FERNANDES TO GLOBAL TEL*LINK CORPORATION'S FIRST SET OF INFORMATION REQUESTS TO PETITIONERS**

**RESPONSES TO INFORMATION REQUESTS**

**GENERAL OBJECTIONS**

1. The Petitioners object to the requirement that each petitioner provide documents and information dating back to 1998. This is overbroad, unduly burdensome and unlikely to lead to the discovery of relevant information.

   Notwithstanding this objection, and without waiving this objection, the Petitioners have provided all responsive documents in their possession.

2. The Petitioners object to these requests insofar as they seek information already in the possession of the Respondents. This is unduly burdensome.

   Notwithstanding this objection, and without waiving this objection, the Petitioners have provided all responsive records and documents in their possession.

   In particular, the Petitioners produce all Inmate Calling Service (ICS) requests for proposals and contracts that were obtained from correctional facilities through requests made under the Massachusetts Public Records Act. The Petitioners do not represent that these documents are complete. Individual petitioners have also produced records relating to their ICS service, but do not represent that these documents are complete, and the absence of such documents for any petitioner should not be interpreted to imply that no such records exist as regards that petitioner.

**RESPONSES**

**DTC - GTL 1-1**:

Identify every Petitioner in this action. For each Petitioner that is an entity, provide its physical address, mailing address if different from its physical address, telephone number, and a

list of all officers and directors or partners and their titles since January 1, 1998. For each Petitioner who is a natural person, provide that individual's mailing address(es), place(s) of business, telephone number, and any aliases or other names that person has used since January 1, 1998.

Response:

Mr. Fernandes is currently incarcerated in the Massachusetts Department of Correction in the Old Colony Correctional Center, One Administration Road Bridgewater, MA 02324 . He has been incarcerated in the DOC since 1991. He has used no aliases.

**DTC - GTL 1-2**:

For each telephone call that you received from, or placed as, a prisoner or inmate in a Massachusetts correctional facility since January 1, 1998, identify the name of the facility from which the call was placed, the parties to the call, the date and time of the call, the duration of the call, the amount charged for the call, whether the telephone call was placed using a prepaid calling card or as a collect call, the telephone service provider used, and all issues, if any, that you allege affected the quality of the call. Produce all documents, including any billing records or PINs relating to each such call.

Response:

Mr. Fernandes objects to the request insofar as it requires him to identify each call made over his years in custody and provide specific information regarding each call. This request is unduly burdensome.

Without waiving this objection, Mr. Fernandes states that all responsive documents in his possession are attached.

**DTC - GTL 1-3**:

For each telephone call identified in response to DTC-GTL 1-2 that you allege was of poor quality, identify the alleged quality issues(s) and the cause(s) of the alleged quality issue(s), explain how you determined the cause(s) of the issue(s), and if you placed the call from a correctional facility, describe the telephone equipment you used to place the call, and whether the telephone service provider was contacted about the issue, the date and time of such contact, and all documents supporting such contact.

Response:

Mr. Fernandes objects to the request insofar as it requires him to identify and describe each call of poor quality since 1998. This request is unduly burdensome.

Without waiving this objection, Mr. Fernandes states that all responsive documents in his possession are attached. He further states that he filed a number of grievances with the

Department of Correction, but does not have copies of these grievances. He has encountered problems such as dropped calls, poor sound quality, inability to place calls inexplicably for a day or two, and inability to put calls through. He continues to experience several dropped calls each month and poor sound quality two to three times per week.

**DTC - GTL 1-4**:

For Petitioners who are lawyers, law firms or otherwise provide legal services and that claim they have declined to accept calls placed from Massachusetts correctional facilities, or have limited the acceptance of such calls in any way, identify by date and time each instance in which an incoming call was declined and the individual attempting to place the call, and produce all documents relating to such calls and all any policies or procedures relating to accepting, declining or limiting calls placed from Massachusetts correctional facilities.

Response:

This does not apply to Mr. Fernandes.

**DTC - GTL 1-5**:

Identify each Petitioner that has used a prepaid calling card to place or receive a telephone call from a Massachusetts correctional facility and produce all documents relating to such prepaid calling cards or their use, including the PINs associated with those cards or other prepaid card activation and use records.

Response:

Mr. Fernandes has made pre-paid calls through the Department of Correction as reflected in the attached records. His PIN number with the DOC is 355976.

**DTC - GTL 1-6**:

Produce all documents relating to per-call surcharges and/or tariffed service or other fees assessed by telephone service providers serving any Massachusetts correctional facility.

Response:

All records in Mr. Fernandes' possession are attached.

**DTC - GTL 1-7**:

Produce all documents that were used or relied upon in relation to creating the chart attached as Appendix II to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix II, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Fernandes, who did not participate in creating the chart attached as Appendix II to the Petition.

**DTC - GTL 1-8**:

Produce all documents that were used, or relied upon, to create Appendix III to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix III, and identify all individuals who were involved in the creation of Appendix III.

Response:

This request does not apply to Mr. Fernandes, who did not participate in creating the chart attached as Appendix III to the Petition.

**DTC - GTL 1-9**:

Produce all documents that were used, or relied upon, to creating the chart attached as Appendix IV to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix IV, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Fernandes, who did not participate in creating the chart attached as Appendix IV to the Petition.

**DTC - GTL 1-10**:

Produce all documents that were used, or relied upon, in relation to creating Appendix V to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix V, and identify all individuals who were involved in the creation of Appendix V.

Response:

This request does not apply to Mr. Fernandes, who did not participate in creating the chart attached as Appendix V to the Petition.

**DTC - GTL 1-11**:

Produce all documents that were used, or relied upon, in relation to creating the chart attached as Appendix VI to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix VI, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Fernandes, who did not participate in creating the chart attached as Appendix VI to the Petition.

**DTC - GTL 1-12**:

State whether you allege that the telephone rates for in-state and local calls charged by telephone service providers serving Massachusetts correctional facilities violate the Order on Payphone Barriers to Entry & Exit, and OSP Rate Cap issued on or about April 17, 1998 by the Massachusetts Department of Telecommunications and Energy, which was the predecessor agency to the Massachusetts Department of Telecommunications and Cable (the "1998 Order") or any other Massachusetts law or regulation. If your answer is yes to any portion of this request, explain in detail which rates you allege violate the 1998 Order, other law or regulation and how those rates violate the 1998 Order, law or regulation.

Response:

Mr. Fernandes objects to this request as calling for a legal conclusion. Without waiving this objection, he defers to the PLS response to this request.

**DTC - GTL 1-13**:

Produce all documents reflecting all correspondence or communications you have had with a telephone service provider regarding any of the allegations in the Petition in this proceeding, including in its Amendments, including all billing records, requests for information relating to billing, and complaints regarding quality of service.

Response:

Mr. Fernandes has no responsive documents in his possession.

**DTC - GTL 1-14**:

For each Petitioner that submitted an affidavit in this proceeding, identify all statements included in your affidavit that have changed since the time you signed your affidavit or were incorrect at the time of signing and provide a statement in response to this request updating and/or correcting your affidavit.

Response:

Mr. Fernandes did not submit an affidavit in this proceeding.

**DTC - GTL 1-15**:

For each Petitioner that did not submit an affidavit in this proceeding, provide a statement in response to this request explaining why you did not submit an affidavit and detailing all issues that you allege support your inclusion as a Petitioner.

Response:

Mr. Fernandes was not asked to submit an affidavit in this proceeding. He was subject to the high rates, dropped calls, billing problems and poor quality of service complained of in the Petition and fully supports the Petition.

**DTC - GTL 1-16**:

Produce all documents relating to communications with Global Tel*Link or its predecessor relating to any allegations of quality of service or billing issues in relation to telephone calls placed from any Massachusetts correctional facility. If you have no such documents, please state that in writing.

Response:

Mr. Fernandes has no responsive documents in his possession.

**DTC - GTL 1-17**:

Produce all documents relating to any communications you have had with the Department of Telecommunications and Cable, any Massachusetts correctional facility, any other federal, state, county or local agency or official, including the Federal Communications Commission, relating to telephone calls placed by prisoners or inmates at correctional facilities.

Response:

Mr. Fernandes has no responsive documents in his possession.

**Before the**
**COMMONWEALTH OF MASSACHUSETTS**
**DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

| | | |
|---|---|---|
| Petition of Recipients of Collect Calls From Prisoners at Correctional Institutions in Massachusetts Seeking Relief from the Unjust and Unreasonable Cost of Such Calls | ) | D.T.C. 11-16 |

**RESPONSE OF JAMES CARVER TO GLOBAL TEL*LINK CORPORATION'S FIRST SET OF INFORMATION REQUESTS TO PETITIONERS**

**RESPONSES TO INFORMATION REQUESTS**

**GENERAL OBJECTIONS**

**General Objections:**

1. The Petitioners object to the requirement that each petitioner provide documents and information dating back to 1998. This is overbroad, unduly burdensome and unlikely to lead to the discovery of relevant information.

   Notwithstanding this objection, and without waiving this objection, the Petitioners have provided all responsive documents in their possession.

2. The Petitioners object to these requests insofar as they seek information already in the possession of the Respondents. This is unduly burdensome.

   Notwithstanding this objection, and without waiving this objection, the Petitioners have provided all responsive records and documents in their possession.

   In particular, the Petitioners produce all inmate calling service (ICS) requests for proposals and contracts that were obtained from correctional facilities through requests made under the Massachusetts Public Records Act. The Petitioners do not represent that these documents are complete. Individual petitioners have also produced records relating to their ICS service, but do not represent that these documents are complete, and the absence of such documents for any petitioner should not be interpreted to imply that no such records exist as regards that petitioner.

**Responses**

**DTC - GTL 1-1**:

Identify every Petitioner in this action. For each Petitioner that is an entity, provide its physical address, mailing address if different from its physical address, telephone number, and a list of all officers and directors or partners and their titles since January 1, 1998. For each Petitioner who is a natural person, provide that individual's mailing address(es), place(s) of business, telephone number, and any aliases or other names that person has used since January 1, 1998.

Response:

Mr. James Carver currently resides at MCI-Shirley Medium since May 29, 2007 to the present.
He was at Souza Baranowski Correctional Center from June 2001 to May 2007.
He was at MCI-Norfolk from January 1991 to June 2001.

**DTC - GTL 1-2**:

For each telephone call that you received from, or placed as, a prisoner or inmate in a Massachusetts correctional facility since January 1, 1998, identify the name of the facility from which the call was placed, the parties to the call, the date and time of the call, the duration of the call, the amount charged for the call, whether the telephone call was placed using a prepaid calling card or as a collect call, the telephone service provider used, and all issues, if any, that you allege affected the quality of the call. Produce all documents, including any billing records or PINs relating to each such call.

Response:

James Carver objects to the request insofar as it requires him to identify each call he made since 1998 while in custody and provide specific information regarding each call. This request is unduly burdensome.

Without waiving this objection, Mr. Carver provides his redacted canteen account records from 2007 to 2014 in his possession, which demonstrate his debit calling records. Pages were omitted which did not contain debit calling entries.

**DTC - GTL 1-3**:

For each telephone call identified in response to DTC-GTL 1-2 that you allege was of poor quality, identify the alleged quality issues(s) and the cause(s) of the alleged quality issue(s), explain how you determined the cause(s) of the issue(s), and if you placed the call from a correctional facility, describe the telephone equipment you used to place the call, and whether the telephone service provider was contacted about the issue, the date and time of such contact, and all documents supporting such contact.

Response:

Mr. Carver objects to the request insofar as it requires him to identify and describe each call of poor quality since 1998. This request is unduly burdensome.

Without waiving this objection, Mr. Carver states that he continues to experience poor quality of service, such as dropped calls and poor sound. Recently while he was calling his Attorney at CPCS his call was erroneously diverted to an IPS office at MCI-Concord.

**DTC - GTL 1-4**:

For Petitioners who are lawyers, law firms or otherwise provide legal services and that claim they have declined to accept calls placed from Massachusetts correctional facilities, or have limited the acceptance of such calls in any way, identify by date and time each instance in which an incoming call was declined and the individual attempting to place the call, and produce all documents relating to such calls and all any policies or procedures relating to accepting, declining or limiting calls placed from Massachusetts correctional facilities.

Response:

This request does not apply to Mr. Carver.

**DTC - GTL 1-5**:

Identify each Petitioner that has used a prepaid calling card to place or receive a telephone call from a Massachusetts correctional facility and produce all documents relating to such prepaid calling cards or their use, including the PINs associated with those cards or other prepaid card activation and use records.

Response:

Please see Mr. Carver's canteen account records from 2007 to 2014. His Pin number is 215398.

**DTC - GTL 1-6**:

Produce all documents relating to per-call surcharges and/or tariffed service or other fees assessed by telephone service providers serving any Massachusetts correctional facility.

Response:

Please see canteen account records attached.

**DTC - GTL 1-7**:

Produce all documents that were used or relied upon in relation to creating the chart attached as Appendix II to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix II, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Carver, who did not participate in creating the chart attached as Appendix II to the Petition.

**DTC - GTL 1-8**:

Produce all documents that were used, or relied upon, to create Appendix III to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix III, and identify all individuals who were involved in the creation of Appendix III.

Response:

This request does not apply to Mr. Carver, who did not participate in creating the chart attached as Appendix III to the Petition.

**DTC - GTL 1-9**:

Produce all documents that were used, or relied upon, to creating the chart attached as Appendix IV to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix IV, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Carver, who did not participate in creating the chart attached as Appendix IV to the Petition.

**DTC - GTL 1-10**:

Produce all documents that were used, or relied upon, in relation to creating Appendix V to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix V, and identify all individuals who were involved in the creation of Appendix V.

Response:

This request does not apply to Mr. Carver, who did not participate in creating the chart attached as Appendix V to the Petition.

**DTC - GTL 1-11**:

Produce all documents that were used, or relied upon, in relation to creating the chart attached as Appendix VI to the Petition in this proceeding, dated August 31, 2009, including all working drafts of Appendix VI, and identify all individuals who were involved in the creation of that chart, and describe the methodology used to create such chart.

Response:

This request does not apply to Mr. Carver, who did not participate in creating the chart attached as Appendix VI to the Petition.

**DTC - GTL 1-12**:

State whether you allege that the telephone rates for in-state and local calls charged by telephone service providers serving Massachusetts correctional facilities violate the Order on Payphone Barriers to Entry & Exit, and OSP Rate Cap issued on or about April 17, 1998 by the Massachusetts Department of Telecommunications and Energy, which was the predecessor agency to the Massachusetts Department of Telecommunications and Cable (the "1998 Order") or any other Massachusetts law or regulation. If your answer is yes to any portion of this request, explain in detail which rates you allege violate the 1998 Order, other law or regulation and how those rates violate the 1998 Order, law or regulation.

Response:

The Petitioners object to this request as calling for a legal conclusion.

Without waiving this objection, Mr. Carver defers to Petitioner Prisoners' Legal Services' response to GTL 1-12.

**DTC - GTL 1-13**:

Produce all documents reflecting all correspondence or communications you have had with a telephone service provider regarding any of the allegations in the Petition in this

proceeding, including in its Amendments, including all billing records, requests for information relating to billing, and complaints regarding quality of service.

Response:

Mr. Carver has no responsive documents in his possession.

**DTC - GTL 1-14**:

For each Petitioner that submitted an affidavit in this proceeding, identify all statements included in your affidavit that have changed since the time you signed your affidavit or were incorrect at the time of signing and provide a statement in response to this request updating and/or correcting your affidavit.

Response:

Mr. Carver stands by his affidavit. In addition to the statements in his affidavit, he states that his calls to his Attorney have been diverted to DOC officials at another DOC facility.

**DTC - GTL 1-15**:

For each Petitioner that did not submit an affidavit in this proceeding, provide a statement in response to this request explaining why you did not submit an affidavit and detailing all issues that you allege support your inclusion as a Petitioner.

Response:

This request does not apply to Mr. Carver.

**DTC - GTL 1-16**:

Produce all documents relating to communications with Global Tel*Link or its predecessor relating to any allegations of quality of service or billing issues in relation to telephone calls placed from any Massachusetts correctional facility. If you have no such documents, please state that in writing.

Response:

Mr. Carver has no responsive documents in his possession.

**DTC - GTL 1-17**:

Produce all documents relating to any communications you have had with the Department of Telecommunications and Cable, any Massachusetts correctional facility, any other federal, state, county or local agency or official, including the Federal Communications Commission, relating to telephone calls placed by prisoners or inmates at correctional facilities.

Response:

Mr. Carver has no responsive documents in his possession.