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 ATTORNEY REBECCA JACOBSTEIN 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:

Attorney Rebecca Jacobstein is currently employed at the Committee for Public Counsel Services located at 44 Bromfield St. Boston, MA, 02108. The phone number is 617-482-6212 and fax number is 617-988-8495. She has worked at this address since April of 2014. From 2009-April 2014, Attorney Jacobstein worked out of her office at P.O. Box 223, Watertown, MA 02471. Prior to that, Attorney Jacobstein was not a practicing attorney in Massachusetts. Her e-mail addresses are: rjacobstein@publiccounsel.net and rjacobstein@gmail.com. She 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:

Attorney Jacobstein objects to the request insofar as it requires her to identify each call received from all of her clients over the years and provide specific information regarding each call. This request is unduly burdensome. Attorney Jacobstein also objects to the request that she identify the parties to the calls as a violation of attorney-client privilege.

Without waiving this objection, Attorney Jacobstein provides the phone records in her possession, which go back to 2009. She also states that she has had numerous quality of service issues including being billed for calls she never accepted, bad connections or inaudible calls and dropped calls. Clients would sometimes complain to her of having to call back repeatedly because the phones were not functioning properly.

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:

Attorney Jacobstein objects to the request insofar as it requires her to identify and describe each call of poor quality during her conversations with her clients. This request is unduly burdensome.

Without waiving this objection, Attorney Jacobstein states that she was billed for two calls she did not receoce while on maternity leave in August of 2012. After registering a complaint, Verizon removed the charge for the call. Attorney Jacobstein experienced other quality of service issues as referenced above in GTL 1-2, but has no further responsive documents in her 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:

Attorney Jacobstein objects to the request insofar as it requires her to identify by date and time each instance in which an incoming call was declined. This request is unduly burdensome.

Without waiving this objection, Attorney Jacobstein has no records or recollection of rejecting or limiting any calls and has no responsive documents in her possession.

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:

This request does not apply to Attorney Jacobstein.

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:

Other than bills, Attorney Jacobstein has no other responsive documents in her 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 Attorney Jacobstein, 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 Attorney Jacobstein, 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 Attorney Jacobstein, 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 Attorney Jacobstein, 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 Attorney Jacobstein, 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, Attorney Jacobstein 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:

Attorney Jacobstein has attached all responsive documents in her 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:

Attorney Jacobstein attests that her affidavit was accurate at the time. Attorney Jacobstein additionally states that she has experienced frequent problems accepting calls when GTL recently made changes to its system with calls dropping after she pressed the phone key to accept the call. Clients would repeatedly call back trying to get through. She continues to experiences bad connections and dropped 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:

Attorney Jacobstein submitted an affidavit so this request does not apply to her.

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:

Attorney Jacobstein has provided all responsive documents in her possession.

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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:

Attorney Jacobstein has no responsive documents in her possession.

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