

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

**No. D.T.C. 11-16**

**PETITION OF RECIPIENTS OF COLLECT CALLS FROM  
PRISONERS AT CORRECTIONAL INSTITUTIONS IN MASSACHUSETTS  
SEEKING RELIEF FROM  
THE UNJUST AND UNREASONABLE COST OF SUCH CALLS**

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**PETITIONERS' AMENDED MOTION FOR EXTENSION OF TIME  
TO FILE MOTION TO COMPEL ICSOLUTIONS' RESPONSES**

On May 30<sup>th</sup>, 2014 Petitioners moved for an extension of time to file a motion to compel discovery responses from ICSolutions until Friday, June 13, 2014 (today). On June 12, 2014, the D.T.C. denied Petitioners' motion, but allowed Petitioners until 5pm on June 13, 2014 to amend their May 30<sup>th</sup> Motion. Petitioners' wish to address the concerns raised by the D.T.C. in its Order denying the Motion. Petitioners also wish to report that a conference between ICSolutions and Petitioners resolved most of the pending discovery disputes. Their Motion to Compel largely reports on agreed discovery responses, and thus it would be wasteful and a disservice to the investigation of this case to deny the Motion to Compel.

1. ICSolutions, as stated in the previous motion, did not serve Petitioners with its narrative discovery responses or its responsive documents by mail as required by the Procedural Order, nor did it advise counsel for Petitioners in advance that it would provide only electronic service.

2. Attorneys Tenneriello and Matos are co-counsel for Petitioners on this matter. Attorney Tenneriello inadvertently missed the emailed responses sent by ICSolutions on April

29<sup>th</sup>, 2014. Co-counsel Elizabeth Matos was not included in that email (and appears to have been dropped from the D.T.C. service list). Counsel for Petitioners assumed, given ICSolutions' limited role in the case to date, that the company had chosen not to respond.

3. On May 28, 2014 Counsel for Petitioners contacted ICSolutions for a discovery conference to discuss ICSolutions' lack of response to Petitioners' First Set of Interrogatories and Document Requests as Petitioners were preparing to file a Motion to Compel ICSolutions. However, it was only then that Counsel for Petitioners were informed of the responses that had been sent electronically to Attorney Tenneriello.<sup>1</sup> Counsel for Petitioners asked ICSolutions if they would consent to an extension, but the Respondent declined. Consequently, Counsel for Petitioners filed a Motion for an Extension to Late File.

4. Counsel for Petitioners concurrently file their Proposed Motion to Compel Discovery responses from ICSolutions on this date, June 13, 2014 and respectfully request that this Amended Motion for Extension of Time to Late File the Motion to Compel be allowed. Counsel for Petitioners participated in a lengthy and productive discovery conference with ICSolutions on June 13, 2014 and reached substantial agreement regarding the majority of discovery disputes. It would serve judicial economy and the public interest to allow Petitioners' motion. Further, Petitioners are amenable to conferring with ICSolutions on a mutually agreeable timeline for ICSolutions to respond to the Motion to Compel

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<sup>1</sup> Although two other PLS staff members, Jim Pigeon and Leslie Walker were on that email list, they had no reason to assume that Counsel Tenneriello and Matos were unaware of the filing and would not have notified them in any event as they are not active on the case.

Date: June 13, 2014

Respectfully submitted:



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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail (by hand)

on 6/13/14

