PRISONERS' LEGAL SERVICES OF MASSACHUSETTS

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May 23, 2016

HAND DELIVERED

Ms. Sara Clark
Department Secretary
Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, MA 02118-6500

Re: D.T.C. 11-16

Dear Ms. Clark:

Enclosed please find an original and seven copies of the Petitioners' Reply Brief in relation to the Hearing Officer's Notice of March 18, 2016.

Many thanks for your attention to this matter.

Sincerely,

Elizabeth Matos
Staff Attorney

cc: Parties of Record

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

Introduction

Petitioners' submit this reply to address three points in the Providers responses to the Hearing Officers's Notice of March 18, 2016.

First, the responses from Securus Technologies, Inc. ("Securus"), Inmate Calling Solutions, LLC ("ICSolutions"), and Global Tel*Link Corp. ("GTL"), make clear that the ICS providers all object to the current cap of $0.10 per-minute.[1] Therefore, the Department should keep this investigation open, and it should reject the providers' request to close this proceeding. Closing this proceeding would be wasteful of the Department's resources and prejudicial to the Petitioners since it would simply cause the Providers to seek higher rates through rulemaking or a tariff proceeding.[2] . The investigation must consider evidence that the $0.10 per minute rate is

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[1] Securus and ICSolutions openly assert that the cap is confiscatory and unlawful. *See* Securus Brief at 7; ICSolutions Brief at 11. GTL is more discreet, urging the Department to close this proceeding but nevertheless signaling its intention to seek an increase. *See* GTL Brief at 7.

[2] *See* GTL Brief at 7 (the appropriate vehicle for ratesetting would be a generic rulemaking proceeding or a waiver request); Securus Brief at 7 ($0.10 is "not a just and reasonable rate" but the per-minute rate "is not part of this proceeding and Securus does not seek to add it to a complaint proceeding brought by the petitioners"); ICSolutions Brief at 14-16 (adjustments to the rate cap should be done through rulemaking).

too high, as well as too low, and it must give finality to the questions of per-call surcharges and ancillary fees.

Second, there is no support for ICSolutions' contention that a higher, interim rate is needed, and plentiful evidence that Inmate Calling Service (ICS) is profitable at $0.10 or less per minute.

Finally, in response to the Hearing Officer's questions on whether to proceed with an investigation into quality of service and billing problems, the Providers argue that the Petitioners' complaints on these matters are either unsubstantiated or moot. However, the Department already determined that the Petitioners had presented sufficient evidence regarding line quality, dropped calls and billing practices to warrant inclusion of these issues in this proceeding, and the Federal Communications Commission's (FCC) most recent Report and Order[3] does not resolve them. Further evidence of these problems should not be required now, but the Petitioners nevertheless provide affidavits that give evidence of recent problems.

I. The Department Should Set A Just and Reasonable ICS Rate in this Proceeding.

Securus and ICSolutions contend that with the elimination of the per-call surcharge, the per-minute rate cap of $0.10 is unlawful and confiscatory, and yet both object to an investigation in this proceeding.[4] GTL does not directly object to the rate (perhaps because it currently offers ICS through its DOC contract at $0.10 per minute[5]), but it, too, signals an intention to seek

[3] *See In re Rates for Interstate Inmate Calling* Services, WD Docket No. 12-375, Second Report and Order and Third Further Notice of Proposed Rulemaking, (rel. Nov. 5, 2015) ("Second Report and Order")

[4] *See* Securus brief at 7; ICSolutions Brief at 8-10, 14-16.

[5] *See* Ex. 1, Second Amendment to the Contract for a Secure Inmate Calling System and

higher rates through rulemaking or a waiver request.[6] The Department must therefore set a just and reasonable rate, and it should do so in this proceeding.

A. The Department Should Investigate Both the Per-Minute Rate and the Surcharge Issue in this Adjudicatory Proceeding.

By asking the parties to this matter if they believe it necessary to investigate whether the $0.10 per-minute rate is reasonable, the Hearing Officer clearly anticipated that such an investigation would occur within this proceeding. Indeed, Petitioners originally filed this case in order to establish, through their direct participation and robust discovery, a just and reasonable ICS rate, and it is in this case where such a rate should be determined. To do otherwise would be 1) prejudicial to consumers, 2) a waste of Agency resources, and 3) contrary to the history of ICS ratesetting in the Commonwealth. Indeed, the Department, in its Interlocutory Ruling in this matter, already firmly established that considering such systemic reform is entirely appropriate in this adjudicatory proceeding.[7]

First, to establish rates through rulemaking or a tariff filing procedure would prejudice Petitioners and ICS consumers. Although rulemaking is traditionally considered to offer more opportunities for public participation in policymaking,[8] that is not the case here. Since this proceeding was brought under the 20 ratepayer statute (G.L. c. 59 §24) it is, by nature, a proceeding brought in the interest of the public, and specifically, the class of consumers most impacted by these rates. Accordingly, as required by the statute, the Department held an extensive public hearing in this action in July of 2012 during which it heard and received comments from hundreds of impacted consumers regarding all issues initially raised by

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[6] *See* GTL brief at 7.
[7] *See supra note 15* at pp. 14-17.
[8] Lubbers, Jeffrey, A Guide to Federal Agency Rulemaking, 4th Edition, American Bar Association, 2006 at p. 123.

Petitioners, including the per-minute rate.[9] Moreover, rulemaking does not permit an adversarial process, including discovery and cross-examination,[10] which will more fully develop the facts necessary to determine just and reasonable rates. Entertaining a change in ICS rates through a tariff filing would similarly prejudice ICS consumers, as the process is an expedited one and provides only for the kind of public hearing described above.[11] Indeed, the statute governing changes to tariff schedules does not protect consumers from having a rate increase imposed on them before the Department has had a chance to fully investigate the propriety of such an increase.[12]

Second, it would be a waste of the Agency's resources to consider a change to the per-minute rate outside of this adjudicatory proceeding. This action has been pending for approximately nine years. All parties, including the Petitioners, have invested significant resources in this matter. The Petitioners have served extensive discovery requests on the parties which are directly relevant to the phone companies' costs and justifications they might have for now asserting that an increase in the per-minute rate is warranted.[13] Furthermore, as discussed below, this proceeding cannot be closed without resolution of ongoing quality of service and

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[9] http://www.mass.gov/ocabr/government/oca-agencies/dtc-lp/dtc-11-16.html

[10] *See generally* 220 CMR 1.00 and 220 CMR 2.00. Furthermore, although the rulemaking regulations do provide for a public hearing in a matter involving a change in rates, that hearing is held before the D.T.C. on one particular date and time and the record is closed ten days after the hearing. *See* 220 CMR 2.05. Thus, the rulemaking process does not afford impacted consumers the opportunity to seek discovery or cross examine witnesses as in adjudication. *See* 220 CMR 1.06 (6)(c) and 220 CMR 1.10

[11] M.G.L. c. 59 §§ 14 and 20.

[12] *See* M.G.L. c.159 § 19.

[13] http://www.mass.gov/ocabr/docs/dtc/dockets/11-16/pls1stirsgtl.pdf, http://www.mass.gov/ocabr/docs/dtc/dockets/11-16/plsreqproddocgtl.pdf, http://www.mass.gov/ocabr/docs/dtc/dockets/11-16/pls1stirssecurus.pdf, http://www.mass.gov/ocabr/docs/dtc/dockets/11-16/plsreqdocsecurus.pdf, http://www.mass.gov/ocabr/docs/dtc/dockets/11-16/pls1stirsics.pdf, http://www.mass.gov/ocabr/docs/dtc/dockets/11-16/plsreqproddocics.pdf

billing problems. Although Petitioners would make every effort to participate in any parallel proceeding in which the Department is determining the reasonableness of ICS rates, being involved in two active proceedings would seriously tax the resources of many Petitioners who are low-income or incarcerated. It will be more efficient for all parties for the Department to open an investigation into the reasonableness of the per-minute ICS rate and rate-setting mechanism in the present adjudicatory proceeding.

Finally, inmate calling service has historically been regulated by adjudication.[14] Utilizing this proceeding to assess the reasonableness of the current per-minute rate will best ensure that there is both a robust debate and that the information most necessary to determining a more appropriate rate structure is revealed through discovery. For these reasons, the Petitioners urge the Department to pursue ICS regulation, including a determination of a just and reasonable rate, through this adjudicatory proceeding.

B. The Department Must Give Finality to ICS Rates, Including the question of Per-Call Surcharges and Ancillary Fees.

In tandem with their request to close the investigation into the per-minute charge, the Providers ask the Department to close its investigation into the $3.00 per call surcharge. The Department should resolve both of these questions in this proceeding. While the FCC's prohibition of per-call surcharges has not been stayed by the D.C. Circuit, it is subject to appeal. It would be futile for the Department to set a just and reasonable per-minute rate and leave open

[14] *See* Hearing Officer Interlocutory Ruling at 2; *see also Investigation by the Dep't of Telecomms. & Energy on its own motion regarding 1) implementation of §276 of the Telecomms. Act of 1996 relative to Pub. Interest Payphones, 2) Entry and Exit Barriers for the Payphone marketplace, 3) New England Tel & Tel. Co. d/b/a NYNEX's Pub. Access Smart-pay Line Service, & 4) the rate policy for operator serv. Providers,* D.P.U/D.T.E. 97-88/97-18 (Phase II) Order on Payphone Barriers to Entry & Exit, & OSP Rate Cap (Apr. 17, 1998) ("1998 Order").

the prospect that the FCC regulation could be overturned and the $3.00 surcharge would once more be legal in Massachusetts.

It would take no exhaustive effort to determine that a per-call surcharge is unnecessary. The FCC found, "[n]o evidence in the record supports a conclusion that these charges are a necessary part of cost recovery" and noted that even provider proposals to the FCC did not include per-call or per-connection charges.[15] As discussed in the following section, the ICS costs which may have justified the surcharge in 1998 no longer do today, and a per-minute rate can capture all legitimate costs.

The objections to the FCC's authority to regulate surcharges in intrastate ICS which underlie the legal challenge to this provision clearly do not apply to the Department. Indeed, the National Association of Regulatory Utility Commissioners (NARUC), to which the Department belongs, maintains that such regulation should be left to state agencies, as noted in GTL's brief.[16] The Department unquestionably has jurisdiction to eliminate this outdated and unjustifiable burden on consumers, and it should not wait for the FCC's regulations to be approved by the courts before it does so.

Similarly, the Department already determined that it would investigate the issue of ancillary fees in this action and it should not now wait for the FCC's limits on ancillary fees to be decided by the courts. Massachusetts would not be alone in seeing through such an investigation as Alabama and New Mexico are among the other states that have chosen to regulate ancillary fees.[17]

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[15] Second Order at ¶¶101.
[16] *See* GTL Brief at 4.
[17] Second Order at ¶¶156-157 and footnote 554.

Massachusetts ICS consumers should not be left vulnerable to extortionate surcharges and ancillary fees if the FCC rules are overturned, nor should they be asked to wait for certainty until the FCC rules are finalized. As ICSolutions notes, a decision on the merits is not likely before the end of 2016 and very possibly will not issue before sometime in 2017.[18] If the FCC's actions on either per-call surcharges or ancillary fees are overturned, then consumers would be left without protection as the Department considered regulation in these areas. Consumers deserve the certainty and the protection that a ruling on these matters will provide.

C. The Providers Have Not Established that the Current Rate Cap is Confiscatory or That They are Entitled to a Higher Interim Rate.

The providers have not demonstrated that the rate of $0.10 per minute is confiscatory. While they may seek to demonstrate this in the course of a further investigation, there is no evidence to justify the summary imposition now of a higher "interim" rate, as ICSolutions requests.[19] To the contrary, there is ample indication that ICS may profitably be provided at $0.10 per minute or lower.

The Providers' main argument is that their revenues will be adversely affected by the elimination of the per-call surcharge, which was authorized in 1998 to allow for the recovery of costs uniquely associated with ICS.[20] This does not prove the current cap unreasonable. The Petitioners have put forward extensive evidence that the surcharge is no longer justified because the costs associated with ICS have dropped tremendously due to the growth of automation and other radical changes in technology; the shift from collect to pre-paid calling; reduced labor

[18] *See* ICSolutions Brief at 2.
[19] ICSolutions Brief at 12-13.
[20] *See* 1998 Order at 9-10.

costs; increased centralization; and economies of scale in the ICS industry[21], and the Department has found sufficient support for these claims to open an investigation.[22] Therefore it cannot be assumed, without additional evidence, that the 18-year-old surcharge still represents a necessary revenue source for ICS Providers.

Indeed, GTL's contract with the Massachusetts Department of Correction is evidence that ICS can profitably be offered within the existing per-minute cap even without the surcharge. This contract was recently amended to charge $0.10 per minute for intrastate ICS calls and yet *still* provides for site commissions of 55 percent.[23] Absent commissions, the GTL rate in Massachusetts is therefore $0.045 per minute, in line with rates charged in several states that have eliminated commissions.[24] The FCC has held that site commissions do not constitute a legitimate cost of providing ICS,[25] just as the Petitioners have argued that site commissions should not be passed on to ICS consumers.[26] If commissions are eliminated as a cost factor, the DOC's effective rate of $0.045 could be doubled and still remain below the cap, leaving room for profitability even in smaller facilities where the providers argue costs are higher. Thus, the

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[21] *See* Petition, August 31,2009 at 16-22 (providing web citations for evidence of decreased costs in the ICS industry); Memorandum of Petitioners Opposing Dismissal, March 23, 2012 at 7; Petitioners' Appeal of Hearing Officer Interlocutory Ruling, October 16, 2013, at 5-6 (further discussing decline of costs in ICS industry). The Plaintiffs also argued that the surcharge even in 1998 did not necessarily reflect actual ICS costs, as it was determined by adopting the rate prevalent in other states, rather than analysis of costs and revenues. *See* Hearing Officer's Interlocutory Ruling at 20; Memorandum of Petitioners Opposing Dismissal, March 23, 2012 at 7-8.

[22] *See* Hearing Officer's Interlocutory Ruling at 20-24.

[23] *See* Ex. 1.

[24] At least five states offer ICS for $0.06 or less per minute, including contracts with GTL and Securus. See Petitioners' principal brief at pp. 3-4.

[25] *See* Second Report and Order at ¶ 118; *see also id.* at ¶ 125 ("Passing the non-ICS-related costs that comprise the site commissions payments on to inmates and their families as part of the costs used to set rate caps would result in rates that exceed the fair compensation required by section 276 and that are not just and reasonable, as required by section 201").

[26] *See* Petition, August 31, 2009, at pp. 9-11; Memorandum of Petitioners Opposing Dismissal, March 23, 2012, at pp. 9-17.

Providers can and should renegotiate existing contracts that provide for site commissions under change of law provisions that are standard in ICS contracts, just as GTL re-negotiated its commissions for 60 to 55 percent.[27] A higher interim rate is not justified.

The fact that the FCC set per-minute rate caps somewhat higher than $0.10 per minute does not establish that this cap is unreasonable in Massachusetts. The FCC caps, which have been stayed pending appeal, limit per-minute charges for debit and prepaid calls to $0.11 for state prisons, and $0.14-$0.22 for county and local jails, depending on size, with caps on collect calls higher during a transition period but dropping to the debit/prepaid rates by July 1, 2018.[28] Far from setting these rates as the lowest permitted, the FCC encouraged states to consider lower rates, stating, "State requirements that result in rate caps below our caps advance our purpose and *there is no credible record evidence demonstrating or indicating that any requirements that result in rates below our conservative caps are so low as to clearly deny providers fair compensation.*[29] Thus the FCC itself was clear that rates below the ones it established may well be appropriate, and should not be presumed unreasonable.

The FCC allowed higher rates at jails than state prisons because it found that, on the whole, jails had higher costs, largely because prisons have more stable, long-term populations, and less "churn" (or turnover) than jails, and thus a lower share of costs such as setting up an account, allowing an initial free call, or closing an account.[30] Massachusetts differs from most states, however, in that its county facilities house populations with far longer sentences than in other states. Massachusetts county facilities house prisoners sentenced to 2.5 years or less, while

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[27] See FCC Second Order, ¶¶ 213-215.
[28] FCC, Second Order and Third Notice of Further Proposed Rulemaking, at¶ 9.
[29] *Id.* at ¶ 210 (emphasis supplied).
[30] *Id* at ¶ 33. The FCC also found higher costs in jails because prison populations make fewer, but longer, calls and incurred fewer bad debt costs than jail populations, *id.*, and because prisons benefit from economies of scale. *Id.* at ¶ 34.

in nearly every other state counties hold only those sentenced to 1 year or less.[31] With populations serving substantially longer sentences, Massachusetts counties have far less "churn," more stable populations, and correspondingly lower ICS costs. While the petitioners do not have access to national data on rates charged in all county facilities, it is clear that at least some offer rates well below $0.10.[32]

Thus while ICSolutions' request for an "interim rate" underscores the need to keep this investigation open, it is not justified by any facts in the record.

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[31] Massachusetts, Colorado, Iowa, Maryland, North Carolina, Pennsylvania, and Vermont are the only states which send people with sentences longer than one year to county jails. *See* https://cslcivilrights.com/2015/03/10/the-laws-are-a-changin-a-look-into-the-north-carolinas-statewide-misdemeanant-confinement-program (North Carolina); www.myoregondefenselawyer.com/criminal-charges (Oregon); http://statelaws.net/South-Dakota-Felony.php (South Dakota); "State Prisoners in County Jails" page 13 http://www.naco.org/sites/default/files/documents/State%20Prisoners%20in%20County%20Jails%20Updated.pdf (South Carolina); http://misdemeanorguide.com (Pennsylvania, Rhode Island and South Dakota); http://www.criminaldefenselawyer.com/topics/classification-crimes (all other states).

[32] In New Jersey, GTL's contract with the Department of Correction has provided ICS rates of under $0.05 per minute since April 27, 2015. *See* http://www.state.nj.us/treasury/purchase/noa/contracts/t1934_14-x-22648.shtml#documen2. At least 16 New Jersey counties have adopted this contract in recent years, and while it is difficult to determine the current contract for most counties, Bergen County and Cumberland County adopted the GTL contract in February 2016 and July 2015, respectively. *See* Ex. 2. Seven other counties currently list GTL as their vendor. *See* websites of Atlantic, Hudson, Middlesex, Morris, Ocean, Sussex and Union Counties' websites currently list GTL as their vendor. *See* http://www.aclink.org/publicsafety/pdf/jail-information-guide2016.pdf; http://www.hudsoncountynj.org/hccc-links; www.co.middlesex.nj.us/Government/Departments/PSH/Pages/adult_telephone.aspx; http://morriscountynj.gov/corrections/inmate-visitationinformation; http://www.co.ocean.nj.us/CorrectionsWebSite/ContentPage1.aspx?ID=ce4ce91e-810b-4281-a3fd-1d781d246599; http://www.sussexcountysheriff.com/corrections/inmate_visitation/; http://ucnj.org/correctional-services/inmate-mail-accounts/.

II. The Department Must Address the Quality of Service and Billing Issues Raised by the Petitioners.

The Hearing Officer's Interlocutory Ruling determined that the Petitioners had met their burden of providing sufficient factual allegations regarding a number of quality of service issues including dropped calls, heavy static, and poor voice quality, as well as problems with billing and customer service practices, such that dismissal of these claims was not appropriate.[33] The FCC's Orders did not resolve these quality of service issues or problems with billing and customer service practices in Massachusetts[34] and Petitioners are not required to continue to allege sufficient facts to substantiate the Department's prior decision to open an investigation on these matters. Regardless, as demonstrated by the attached affidavits, Petitioners consistently experience frequent dropped calls, poor voice quality, heavy static, and significant problems with billing and customer service practices.[35] There is no basis, therefore, for dismissing this portion of the investigation.

CONCLUSION

For the reasons stated above and in the Petitioners' principal brief, the Department should investigate ICS rates in this proceeding, including the per-minute rate, per-call surcharges and ancillary fees. It should reject ICSolutions' request for a higher "interim rate." And it should investigate line quality, dropped calls and billing problems in this proceeding.

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[33] *See* Interlocutory Ruling at 29-30.

[34] GTL incorretly asserts that the FCC's elimination of the per-call surcharges effectively moots Petitioners' concerns about dropped calls. *See* Brief of Global Tel* Link at 10. GTL completely misses the point that persistent dropped calls, in addition to imposing an undue financial burden on consumers, is a serious quality of service issue on its own. This is particularly true of cell phone users, whose calls are dropped due to false detection of three-way calling, which is generally prohibited by correctional facilities.

[35] *See* Affidavit of Alphonse Kamanzi attached to Petitioners' Brief in Response to Hearing Officer's Notice of March 18, 2016 at Exhibit 2 and Affidavits of 12 Petitioners, hereto attached as Ex. 3.

Date: May 23, 2016

Respectfully submitted:

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SECOND AMENDMENT TO THE CONTRACT FOR A SECURE INMATE CALLING SYSTEM AND RELATED SERVICES

RFR # 13-DOC-INMATE PHONE

This Second Amendment to the Contract for a Secure Inmate Calling System and Related Services, Request For Response ("RFR") 13-DOC-Inmate Phone dated 5/11, 2016, ("Second Amendment"), amends and revises the Contract between the Massachusetts Department of Correction, with an address at 50 Maple Street, Suite 3, Milford, MA 01757 ("MA DOC") and Global Tel*Link Corporation, an Idaho corporation, having its principle place of business at 12021 Sunset Hills Road, Suite 100, Reston Virginia 20190, ("GTL").

MA DOC and GTL hereby agree to amend and revise the Contract as follows:

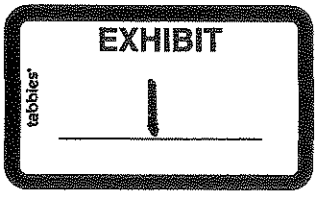
1) **Section 9.1** of the RFR, as modified by Contract Amendment One, executed on March 17, 2016, which currently reads:

The Bidder shall comply with the current DOC inmate calling rates for all local, intra-LATA and inter-LATA calling within the continental United States. These calling rates are as follows:

Calls within Massachusetts	
Call Type	**Cost Per Minute**
Collect	$0.14
Pre-Paid Collect	$0.11
Pre-Paid Debit	$0.1075

Calls Outside of Massachusetts	
Call Type	**Cost Per Minute**
Collect	$0.14
Pre-Paid Collect	$0.11
Pre-Paid Debit	$0.1075

is hereby stricken, and **Section 9.1** of the RFR, as modified by Contract Amendment One, is replaced in its entirety, with the following:



The Bidder shall comply with the current DOC inmate calling rates for all local, intra-LATA and inter-LATA calling within the continental United States. These calling rates are as follows:

Calls within Massachusetts	
Call Type	**Cost Per Minute**
Collect	$0.10
Pre-Paid Collect	$0.10
Pre-Paid Debit	$0.10

Calls Outside of Massachusetts	
Call Type	**Cost Per Minute**
Collect	$0.14
Pre-Paid Collect	$0.11
Pre-Paid Debit	$0.1075

The amended DOC inmate calling rates for calls within Massachusetts are effective **April 1, 2016.**

2) Cost Table 1.0 in the GTL Proposal, which currently reads, "The following stated percentage is the figure used to calculate the monthly Commission paid to the Mass DOC for all accepted telephone calls placed through the Inmate Calling System. This percentage will be based on monthly Gross Revenue attributed to the Inmate Calling System for ***all call traffic (collect, debit and pre-paid collect)***.

The Bidder must provide a commission rate that includes a figure to the 1/100 position (as in the example below) to ensure that no ties will be possible from proposing Bidders.

Example:	1	2	.	3	4

The Bidder must not leave any space in the following form blank. Insert an appropriate number into each space provide even if the number is a zero (0).

Bidder Name:	Global Tel*Link Corporation
Date:	February 28, 2013

Proposed Monthly Commission Percentage:	6	0	.	0	0

is hereby stricken, and the **GTL response to Cost Table 1.0** of the RFR is replaced in its entirety, with the following:

The following stated percentage is the figure used to calculate the monthly Commission paid to the Mass DOC for all accepted telephone calls placed through the Inmate Calling System. This percentage will be based on monthly Gross Revenue attributed to the Inmate Calling System for ***all call traffic (collect, debit and pre-paid collect)***.

The Bidder must provide a commission rate that includes a figure to the 1/100 position (as in the example below) to ensure that no ties will be possible from proposing Bidders.

Example:	1	2	.	3	4

The Bidder must not leave any space in the following form blank. Insert an appropriate number into each space provide even if the number is a zero (0).

Bidder Name:	Global Tel*Link Corporation

Proposed Monthly Commission Percentage:	5	5	.	0	0

The amended commission percentage is effective as of the latest signature date of this Second Amendment.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound, have duly executed this Amendment as of the date first written above, which is entered by the second party to sign.

Global Tel*Link Corporation

By: _____
Jeffrey B. Haidinger
President and COO

Date: 5/5/16

Massachusetts Department of Correction

By: _____
Thomas A. Turco III
Commissioner

Date: 5/11/16

2016
BERGEN COUNTY BOARD OF CHOSEN FREEHOLDERS
RESOLUTION

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
DeNicola	✓			
Felice	✓			
Ganz	✓			
Sullivan	✓			
Voss	✓			
Zur	✓			
Chairman Tanelli	✓			
TOTALS	7	—	—	—

VMG 2/17/16

Offered by: Ganz
Seconded by: DeNicola
Approved by: DT

Resolution No.	185-16
Date:	February 24, 2016
Page	1 of 14
Department/ Division:	Sheriff's Office / Jail
Purpose:	Provision of Inmate Telephone Services with Additional Technology Solutions for the Inmates at the Bergen County Jail via NJ State Contract
Account No.	
Contract No.	
Dollar Amount:	NO COST TO THE COUNTY OF BERGEN
Prepared By:	GTR:lc

Certified as a true copy of a Resolution adopted by the Board of Chosen Freeholders on above date at the Regular Meeting by:

Lisa Sciancalepore, Clerk, Board of Chosen Freeholders, Bergen County, New Jersey

WHEREAS, it has been determined by Michael Saudino, Sheriff and Joseph Hornyak, Undersheriff that the need exists for inmate telephone services with additional technology required by the Bergen County Jail; and,

WHEREAS, Global Tel*Link Corporation (GTL) shall charge not greater than $0.05084 cents per minute regardless of the calling plan chosen by the inmate or their families, including;

a) Collect (LEC/CLEC billed)
b) Prepay collect service through GTL's Advance Pay
c) Inmate Debit Calling; and

WHEREAS, the rate of $0.05084 cents per minute is inclusive and no other fees are assessed to the inmate, their families, or the County of Bergen; and,

WHEREAS, GTL shall supply all installation, equipment, maintenance and technical support at no expense to the County of Bergen.

NOW, THEREFORE BE IT RESOLVED, that Gerald T. Reiner Jr., CCPO, QPA, Purchasing Agent be authorized to issue a purchase order to:

EXHIBIT
tabbies
2

GLOBAL TEL*LINK CORPORATION, 12021 SUNSET HILLS ROAD, SUITE 100, RESTON, VIRGINIA 20190 TO PROVIDE INMATE TELEPHONE SERVICES WITH ADDITIONAL TECHNOLOGY SOLUTIONS FOR THE INMATES OF THE BERGEN COUNTY JAIL, 160 SOUTH RIVER STREET, HACKENSACK, NJ 07601 FOR THE PERIOD COMMENCING FEBRUARY 24, 2016 THROUGH APRIL 30, 2022 at No Cost to the County of Bergen; and,

RESOLVED, that this procurement is being made pursuant to N.J.S.A. Title 40A:11-12, Purchase through State Agencies. The applicable State Contract number is A88935/T-1934 Inmate/Resident Telephone Control Service.

SCHEDULE

Resolution:	Provision of inmate telephone services with additional technology solutions for the inmates of the Bergen County Jail
Contract Term:	For the period commencing date of award through April 30, 2022.
Requisition #:	34063
Agency:	Bergen County Jail 160 South River Street Hackensack, NJ 07601
Vendor:	Global Tel*Link Corporation 12021 Sunset Hills Road Suite 100 Reston, Virginia 20190
Contract Award:	NO cost to the County of Bergen

State of NJ Contract #: A88935/ T-1934 Inmate/ Resident Telephone Control Service

Features:

- Calling rate: not greater than $ 0.05084 per minute regardless of calling plan and includes no additional fees charged to the inmate, the inmate's family/ friends/ associates or the County of Bergen.
- Calling plan options: a) Collect (LEC/ CLEC billed)
  b) Prepaid Collect service via Global Tel Link Advance Payment plan
  c) Inmate Debit calling
- Global Tel Link shall supply all equipment, installation, maintenance and technical support at no expense to the County of Bergen.
- Global Tel Link offers a Zero (0) percent (%) commission rate.

Prepared by:
Cecelia Mansmann-MacMillan
Buyer
February 10, 2016

Cumberland County
Board of Chosen Freeholders

Regular Board Meeting

~ Minutes ~

http://www.co.cumberland.nj.us

Tuesday, July, 28, 2015 | **6:00 PM** | **Administration Building-164**

I. Director calls the meeting to order.

Call to Order

The meeting was called to order on July 28, 2015 at the County Administration Building, located at 164 West Broad Street, Bridgeton, NJ at 6:00 PM.

Director announces that adequate notice of this meeting was provided in accordance with Ch.231, P.L. 1975 (Senator Byron M. Baer Open Public Meetings Act).

II. Invocation - Silent Meditation

III. Salute to Flag and Pledge of Allegiance - Freeholder Carol Musso

IV. Clerk to the Board calls the roll.

Attendee Name	Organization	Title	Status	Arrived
Darlene Barber	County of Cumberland	Freeholder	Present	
Carman Daddario	County of Cumberland	Freeholder	Present	
Carol Musso	County of Cumberland	Freeholder	Present	
James R. Sauro	County of Cumberland	Freeholder	Present	
Thomas Sheppard	County of Cumberland	Freeholder	Present	
Douglas M. Long	County of Cumberland	Deputy Director	Present	
Joseph Derella	County of Cumberland	Director	Present	
Craig Atkinson	County of Cumberland	Personnel Director	Present	
Gerry Seneski	County of Cumberland	Chief Financial Officer	Present	

Cumberland County
Board of Chosen Freeholders

164 West Broad Street
Bridgeton, NJ 08302

ADOPTED

RESOLUTION 2015-329

Meeting: July 28, 2015 6:00 PM

RESOLUTION AUTHORIZING PURCHASES FROM ADDITIONAL STATE CONTRACT VENDORS

WHEREAS, pursuant to N.J.S.A. 40A:11-12, local government contracting units may purchase materials, supplies, services or equipment without advertising for bids under any contract for the purchase of such items entered into on behalf of the State of New Jersey by the New Jersey Department of the Treasury, Division of Purchase and Property; and

WHEREAS, on February 24, 2015, this Board duly adopted Resolution No. 2015-96 authorizing purchases from certain State contract vendors; and

WHEREAS, this Board desires to authorize purchases from additional State contract vendors; and

WHEREAS, this Board desires to evidence an open-ended agreement with the attached list of additional State contract vendors through this Resolution and properly executed purchase orders, which agreement shall be subject to all conditions applicable to the current State contracts for said items; and

WHEREAS, this Board desires to authorize the County Director of Purchasing to purchase certain items from approved State contract vendors within the thresholds hereinafter stated;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF CUMBERLAND, as follows:

1. That this Resolution shall constitute an agreement between the County of

Cumberland and the additional State contract vendors set forth on the attached Schedule A, subject to all terms and conditions applicable to the respective current State contracts.

2. That this Board hereby authorizes the County Director of Purchasing to purchase the items set forth on Schedule A from approved New Jersey State contract vendors pursuant to the respective current State contracts.

3. That pursuant to the rules of the Local Finance Board of the State of New Jersey, that no amount of said contracts shall be chargeable or certified until such time as goods are actually ordered or otherwise called for prior to placing said orders.

4. That this agreement shall expire on December 31, 2015 or upon expiration of the respective vendors' State contract, whichever occurs earlier.

Passed and adopted at a regular meeting of the Board of Chosen Freeholders held at the Cumberland County Administration Building, 164 West Broad Street, Bridgeton, New Jersey on Tuesday, July 28, 2015 at 6:00 p.m. prevailing time.

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	Douglas M. Long, Deputy Director
SECONDER:	Carol Musso, Freeholder
AYES:	Barber, Daddario, Musso, Sheppard, Long, Derella
ABSTAIN:	James R. Sauro

State Contract List

Title	Vendor	Distributor/Dealer	SC #	Start	End	T/Bid #
Furniture: Office, Lounge	Group LaCasse LLC		81714	7/30/12	7/31/17	G2004
Furniture: Office, Lounge	HON Company		81641	7/30/12	7/31/17	G2004
Furniture: Office, Lounge	Krueger International		81720	7/30/12	7/31/17	G2004
Furniture: Office, Lounge	Steelcase, Inc.		81639	7/30/12	7/31/17	G2004
Gases: Medical, Specialty & Industrial; Statewide	Airgas East		83289	3/1/13	2/29/16	T0081
Industrial/MRO Supplies & Equipment	Fastenal Co.		79873	9/14/11	2/28/17	M0002
Industrial/MRO Supplies & Equipment	W.W. Grainger, Inc.		79875	9/14/11	2/28/17	M0002
Inmate/Resident Telephone Control Service	Global Tel*Link		88935	4/27/15	4/30/22	T1934
Mailroom Equipment, Supplies, Accessories and Maintenance	Francotyp Postalia		75253	10/1/09	9/30/15	T0200
Mailroom Equipment, Supplies, Accessories and Maintenance	Garden State Office Systems & Equipment		75246	10/1/09	9/30/15	T0200
Mailroom Equipment, Supplies, Accessories and Maintenance	ITS Mailing Systems		75250	10/1/09	9/30/15	T0200
Mailroom Equipment, Supplies, Accessories and Maintenance	Neopost USA		75256	10/1/09	9/30/15	T0200
Mailroom Equipment, Supplies, Accessories and Maintenance	Pitney Bowes, Inc.		75237	10/1/09	9/30/15	T0200
Mailroom Equipment, Supplies, Accessories and Maintenance	Prior Nami Business Systems		75242	10/1/09	9/30/15	T0200
Maintenance & Repair Services for Vehicles with 15,000 lb GVWR or less	Bob's Auto Supplies, Inc.		76432	4/1/10	7/29/15	T0126

Attachment: State Contract List July 2015 (RES-2015-329 : Additional State Contract Vendors)

Marilyn Parker

To: rconcepcion@latinojustice.org
Subject: OPRA Request # 261-2013

Name/Company: Roberto Concepcion, Jr.

Mailing Address: 19 Henry Street, Fort Lee, NJ 07024

Phone: 212-739-7504 **Email:** rconcepcion@latinojustice.org

CUSTODIAN RESPONSE

Dear Mr. Concepcion:

I am in receipt of your request for government records submitted pursuant to the New Jersey Open Public Records Act (OPRA) You have indicated that your preferred method of delivery is email. Your request was submitted as follows:

Documents Requested (Be as specific as possible, include dates where applicable.)

I request all documents in the custody of Atlantic County pertaining to service provider contracts and/or subcontracts for telephone calls for inmates held in the adult correctional facility. If the county contract is tied to the state contract, please indicate which of the six price options the county has selected.

The above attachment contains the documents that are responsive to your request.

Please feel free to contact me with any questions you may have concerning your request (609) 343-2279

Sincerely,

Marilyn Parker, Paralegal

Atlantic County
Department of Public Safety

Dennis Levinson
County Executive

Geraldine D. Cohen
Warden

David C. Cohen
Deputy Warden

609/909-7433 FAX: 609/909-7451

Thursday, June 13, 2013

Tim Miller
Regional Sales manager
GTL
255 Butterfly Road
Jackson, NJ 08527

RE: Inmate Telephone Agreement

Mr. Miller,

On May 21, 2013 Atlantic County Board of Chosen Freeholders adopted Resolution number 291 authorizing purchases from state contract vendors. Effective March 4, 2013, the Atlantic County Justice Facility wishes to use Inmate Telephone services under State Contract # A61618 T#1934, Global Tel Link, expiration date 3/3/2014. Please enroll us in the option 1 (Rates/Commission) of the County Matrix portion of the contract. If you have any further questions please feel free to contact my office.

Sincerely,

Geraldine D. Cohen

Warden Geraldine Cohen

cc: Kathy Arrington, Purchasing Dept.
Susan Gross, Law Dept.
David Kelsey, Lieutenant

5060 Atlantic Avenue • Mays Landing, New Jersey 08330
Visit our web site at http://www.aclink.org

Atlantic County is an Equal Opportunity Employer

County of Atlantic, New Jersey

Resolution No.: 291

Approved as to Form and Legality

James R. Ferguson
County Counsel

Submitted By:

Gerald DelRosso
County Administrator

RE: RESOLUTION AUTHORIZING PURCHASES FROM STATE CONTRACT VENDORS.

WHEREAS, pursuant to N.J.S.A. 40A:11-12(a), Atlantic County is authorized to purchase materials, supplies or equipment under contracts entered into on behalf of the State under the State of New Jersey Cooperative Purchasing Program 1-NJCP, and

WHEREAS, the attached State Contract Summary list identifies current state contract vendors and categories from which purchases for various materials, supplies and equipment may be made during the calendar year 2013, and

WHEREAS, pursuant to N.J.S.A. 40A:11-12(b), Atlantic County is authorized to purchase from the Federal Supply Schedules of the General Services Administration (GSA) reprographic equipment or services, including digital copiers, and

WHEREAS, the Purchasing Agent recommends the utilization of these state contracts or GSA contracts because they generally represent the best available price, but where the price is not the best available, the County reserves the right to competitively bid.

I, Sonya G. Harris, Clerk of the Board of Chosen Freeholders of the County of Atlantic, State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Board at a meeting duly held on the 21 day of May 2013.

Signed_____
Clerk of the Board

FREEHOLDER	MOV	SEC	YES	NO	NV	ABS	AB	FREEHOLDER	MOV	SEC	YES	NO	NV	ABS	AB
BELL								MARINO							
BERTINO								RISLEY							
DASE								SUTTON							
GARRETT								FORMICA, Chairman							
MCDEVITT															

N.V. - Not Voting ABS - Abstain AB - Absent

County of Atlantic, New Jersey

Resolution No.: 291

Approved as to Form and Legality

James R. Ferguson
County Counsel

Submitted By:

Gerald DelRosso
County Administrator

RE: RESOLUTION AUTHORIZING PURCHASES FROM STATE CONTRACT VENDORS.

WHEREAS, pursuant to N.J.S.A. 40A:11-12(a), Atlantic County is authorized to purchase materials, supplies or equipment under contracts entered into on behalf of the State under the State of New Jersey Cooperative Purchasing Program 1-NJCP, and

WHEREAS, the attached State Contract Summary list identifies current state contract vendors and categories from which purchases for various materials, supplies and equipment may be made during the calendar year 2013, and

WHEREAS, pursuant to N.J.S.A. 40A:11-12(b), Atlantic County is authorized to purchase from the Federal Supply Schedules of the General Services Administration (GSA) reprographic equipment or services, including digital copiers, and

WHEREAS, the Purchasing Agent recommends the utilization of these state contracts or GSA contracts because they generally represent the best available price, but where the price is not the best available, the County reserves the right to competitively bid.

I, Sonya G. Harris, Clerk of the Board of Chosen Freeholders of the County of Atlantic, State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Board at a meeting duly held on the 21 day of May 2013.

Signed_____
Clerk of the Board

FREEHOLDER	MOV	SEC	YES	NO	NV	ABS	AB	FREEHOLDER	MOV	SEC	YES	NO	NV	ABS	AB
BELL								MARINO							
BERTINO								RISLEY							
DASE								SUTTON							
GARRETT								FORMICA, Chairman							
MCDEVITT															

N.V. - Not Voting ABS - Abstain AB - Absent

NO. 291

RESOLUTION SUMMARY

TYPE: Misc. - Cooperative Purchasing

NAME: N/A

AMOUNT: Up to 9,039,500

ACCT. #: Various

TERM: 1-1-2013 to 12-31-2013

The purpose of this resolution is to allow the County to utilize State Contracts per NJSA 40A11-12. It will enable the County to purchase materials, supplies or equipment under contracts entered into on behalf of the State under the State of New Jersey Cooperative Purchasing Program. This resolution also authorizes the County to purchase from the Federal Supply Schedules of the General Services Administration reprographic equipment or services, including digital copiers as allowed by State law.

RESOLUTION RATIFYING AN AGREEMENT (STATE CONTRACT NO. A-61618), BY AND BETWEEN THE COUNTY OF CAMDEN (DEPARTMENT OF CORRECTIONS) AND GLOBAL TEL*LINK FOR THE PROVISION OF INMATE TELEPHONE SERVICES FOR THE PERIOD OF JUNE 4, 2012 THROUGH MARCH 3, 2014

WHEREAS, by Resolution #16 adopted July 22, 2010, the County of Camden authorized the extension of an Agreement with Global Tel*Link Corporation (GTL) for the provision of inmate telephone services at the Camden County Correctional Facility for the term ending June 3, 2012 under State Contract A-61618, Option 2, with a commission rate payable to the County of Camden; and

WHEREAS, the State of New Jersey has extended Global Tel*Link 's State Contract A-61618, T-1934, for the period June 4, 2012 through March 3, 2014; and

WHEREAS, the County of Camden may, without advertising for bids, purchase certain materials, supplies or equipment under contract entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, it is the desire of the Board of Chosen Freeholders of the County of Camden to enter into an agreement with Global Tel*Link Corporation for the provision of inmate telephone services at the Camden County Correctional Facility, Option 2, as extended by the State of New Jersey, under State Contract No. A-61618, T-1934; and

WHEREAS, under the terms of said award GTL shall pay to the County the commission rate of 55%, pursuant to selected Rate Option #2, as set forth in the schedule attached to the original hereof; now, therefore,

BE IT RESOLVED by the Board of Chosen Freeholders of the County of Camden that the proper County officials be and are hereby authorized to execute all documents necessary to ratify the agreement for the provision of inmate telephone services at the Camden County Correctional Facility, as extended by the State of New Jersey, under State Contract A-61618, T-1934, with Global Tel*Link Corporation (GTL), 2609 Cameron Street, Mobile, Alabama 36607, which is an approved vendor pursuant to N.J.S.A. 40A:11-12 and N.J.A.C. 5:34-1.2 for the term commencing June 4, 2012 and terminating March 3, 2014, with a commission rate of 55% payable to the County of Camden during the term of the agreement.

CB:amf/7709-F(2)

H:Files-General\Jail Mgmt.-Inmate Telephone Services\
Resol. Auth. Contract with GTL for Jail Phone System-
Term ending 3-3-14 – Auth. 8-22-13

Introduced on: August 22, 2013
Adopted on:
Official Resolution#:

RESOLUTION AUTHORIZING CONTRACT WITH GLOBAL TEL LINK (GTL) FOR A PHONE INMATE SYSTEM FOR THE COUNTY OF GLOUCESTER THROUGH STATE CONTRACT NUMBER A61618, FOR THE PERIOD COMMENCING APRIL 1, 2010 AND CONCLUDING MARCH 31, 2014, AT NO COST TO THE COUNTY

WHEREAS, the County of Gloucester has a need to provide telecommunication services for inmates at the Gloucester County Correctional Facility; and

WHEREAS, N.J.S.A. 40a:11-12 permits the purchase of materials, supplies and equipment, through the State Contract, without the need for public bidding; and

WHEREAS, it has been determined that the County of Gloucester can provide said services through Global Tel Link (GTL), at no cost to the County of Gloucester for the period commencing April 1, 2010 and concluding March 31, 2014, through State Contract number A61618; and

WHEREAS, since Global Tel Link (GTL) is providing the County an average of 53% commission of all revenue and there is no cost to the County, no Certificate of Availability of Funds is required at this time; and

WHEREAS, the County is aware that that current State Contract will expire on March 31, 2010, but is expected to be awarded again by the State for the period beginning April 1, 2010; and

WHEREAS, the award of this Contract is contingent upon the State of New Jersey entering into a new Contract with Global Tel Link (GTL) under State Contract A61618 and the term of this Contract shall be within the term set by the State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Chosen Freeholders of the County of Gloucester that the Director and the Clerk of the Board are hereby authorized to contract with Global Tel Link (GTL) for a phone inmate system for the period commencing April 1, 2010 and concluding March 31, 2014 with the County receiving an average of 53% commission of all revenue.

BE IT FURTHER RESOLVED the award of this Contract is contingent upon the State of New Jersey entering into a new term with Global Tel Link (GTL) under State Contract A61618 and the term of this Contract shall be within the term set by the State of New Jersey.

ADOPTED at a regular meeting of the Gloucester County Board of Chosen Freeholders of the County of Gloucester held on Wednesday, March 24, 2010 at Woodbury, New Jersey.

COUNTY OF GLOUCESTER

STEPHEN M. SWEENEY, DIRECTOR

ATTESTED BY:

ROBERT N. DIELLA, CLERK

BOARD OF CHOSEN FREEHOLDERS
COUNTY OF HUDSON
RESOLUTION

No 531-11-2010

On Motion of Freeholder Dublin

Seconded by Freeholder Munoz

APPROVE PURCHASING AGENT'S AWARD
PURCHASES MADE UNDER STATE CONTRACTS

RESOLVED, by the Board of Chosen Freeholders of the County of Hudson

1. That this Board hereby approves the following purchases made pursuant to a fair and open process as recommended by the Purchasing Agent who has certified to this Board that all of the provisions of N.J.S.A. 40A:11-12 have been compiled with in regard to the purchase, without advertising for bids of any materials, supplies or equipment under any contract for such items entered into on behalf of the State, by the Division of Purchase and Property in the Department of the Treasury.

PART A)

VENDOR	*COMMODITY*	*AMOUNT*	*DEPTS.*
a) Central Lewmar Newark, NJ	Calcium Chloride	*$ 5,000.00*	Roads & Public Property
b) Creative Visual System Somerset, NJ	Materials used for County Signs	*$ 5,000.00*	Juvenile Detention Center
c) FYR Fyter Sales & Service Pennington, NJ	Fire Extinguishers and Service	*$ 5,000.00*	Various
d) Lawmen Supply Co. Egg Harbor City, NJ	Firearms	*$29,000.00*	Correctional Center
e) Xerox Corporation St. Petersburg, FL	Copier Maintenance, Repairs, Parts and Supplies	*$25,000.00*	Central Services
	TOTAL	*$69,000.00*	

* Denotes: Hudson County Vendor

Purchases Made Under State Contracts Cont'd.

PART B)

Commission rate which will be paid to the County through the use of a State Contract made available to County Correctional Facilities for Inmate/Resident Telephone Control Service.

VENDOR	*COMMODITY*	*AMOUNT*	*DEPTS.*
a) Global Tel*Link Mobile, AL	Inmate/Resident Telephone Control Service	*55%*	Correctional Center

2. The above contract is being awarded through a Fair and Open Process

3. The above-mentioned award is contingent upon satisfaction by the Director of Finance and Administration that funds are available in the appropriate account for the award of this contract.

Freeholder	Aye	Nay	Abst	N.P.	Freeholder	Aye	Nay	Abst.	N.P.
Cifelli	✓				O'Dea	✓			
DiDomenico	✓				Rivera	✓			
Dublin	✓				Romano	✓			
Liggio	✓				Chairperson Rivas	✓			
Munoz	✓								

SOURCE:

Purchasing Agent's

DJB/mm

It is hereby certified that at a regular meeting of the Board of Freeholders of the County of Hudson held on the 23 day of Nov., A.D. 2010, the foregoing resolution was adopted with 9 members voting in the affirmative and 0 in the negative.

_____, Clerk

APPROVED AS TO LEGAL FORM
BY: _____
DONATO J. BATTISTA
HUDSON COUNTY COUNSEL

COUNTY OF HUDSON

OPEN PUBLIC RECORDS ACT REQUEST FORM

567 Pavonia Avenue
Jersey City, NJ 07306
Tel. (201) 795-6250 Fax (201) 795-6428
ncarroll@hcnj.us
Neil Carroll

Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information – Please Print

First Name Jesse MI A Last Name Rockoff

E-mail Address jar756@nyu.edu

Mailing Address 245 Sullivan St., 5th Floor

City New York State NY Zip 10012

Telephone 202-210-4322 FAX 212-995-4031

Preferred Delivery: Pick Up ____ US Mail ____ On-Site Inspect ____ Fax ____ E-mail ✓

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I *HAVE / HAVE NOT* been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature [signature] Date 11/12/12

Payment Information

Maximum Authorization Cost $ 25.00

Select Payment Method

Cash (Check) Money Order

Fees: Letter size pages - $0.05 per page
Legal size pages - $0.07 per page
Other materials (CD, DVD, etc) – actual cost of material

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

Lt. Mike Rivera at Hudson County Correctional Center let us know that HCCC provides telephone services to inmates and detainees by opting in to state contract no. 61618 with Global Tel*Link ("GTL") GTL in the state contract offers counties a choice of one of six calling plans (see attachment). WE REQUEST ANY AND ALL RECORDS DEMONSTRATING WHICH OF THE SIX PLANS IS CURRENTLY IN EFFECT AT HUDSON COUNTY CORRECTIONAL CENTER.

AGENCY USE ONLY

Est. Document Cost ____
Est. Delivery Cost ____
Est. Extras Cost ____
Total Est. Cost ____
Deposit Amount ____
Estimated Balance ____

Deposit Date ____

AGENCY USE ONLY

Disposition Notes
Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open ____
Denied - Closed ____
Filled - Closed ____
Partial - Closed ____

AGENCY USE ONLY

Tracking Information

Tracking # ____
Rec'd Date ____
Ready Date ____
Total Pages ____

Final Cost

Total ____
Deposit ____
Balance Due ____
Balance Paid ____

Records Provided

Custodian Signature ____ Date ____

From: Larry Greene [mailto:records@co.hunterdon.nj.us]
Sent: Friday, December 13, 2013 10:29 AM
To: Roberto Concepcion
Subject: Your OPRA Request of December 13, 2013

Thank you for your recent OPRA request. Per the Hunterdon County Purchasing Department, the County contract for telephone calls for inmates held in the adult correctional facility is tied to the state contract; the County has selected Rate Option #1, with a 56% commission. Thank you. Robert L. (Larry) Greene, Jr. Records Management Analyst and Custodian of Records, County of Hunterdon.

COUNTY OF MERCER
OFFICE OF THE COUNTY COUNSEL
McDADE ADMINISTRATION BUILDING
640 SOUTH BROAD STREET
P.O. BOX 8068
TRENTON, NEW JERSEY 08650-0068
(609) 989-6511
(609) 392-8625 Fax

BRIAN M. HUGHES
COUNTY EXECUTIVE

KELVIN S. GANGES
CHIEF OF STAFF

ANDREW A. MAIR
COUNTY ADMINISTRATOR

ARTHUR R. SYPEK, JR.
COUNTY COUNSEL

October 10, 2013

Via email: zld207@nyu.edu
Zachary L. Dorado
245 Sullivan Street, 5th Floor
New York, NY 10012

RE: OPRA Request- Phone Services (Mercer County Correction Center)

Dear Mr. Dorado:

In response to your recent OPRA request, please be advised that the County of Mercer provides phone services to inmates at the Mercer County Correction Center by opting into the State contract provided by Global Tel Link, option 1. Listed below are the rates.

Call Type	Surcharge	MOU	New Tech.
Local:	$2.50	$0.05	**56%**
Intralata:	$2.50	$0.20	**56%**
InterLATA	$2.50	$0.40	**56%**
Interstate:	$2.50	$0.89	**56%**

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Arthur R. Sypek, Jr.
Mercer County Counsel

By: Sarah G. Crowley
Deputy County Counsel

SGC:ar

On Monday, October 21, 2013 2:30 PM, Susan Ostergaard <susan.ostergaard@co.middlesex.nj.us> wrote:

Ms. Wilkinson,

I have received your OPRA request from the Clerk of the Board's Office. We do not go out for bid for Inmate Telephone Services. These services are purchased from the New Jersey State Contract. If you have any further questions, you may contact the specifications writer in our office, Marc Boyler @ marc.boyler@co.middlesex.nj.us

Susan Ostergaard
Administrative Secretary
Middlesex County Office of Purchasing

SUMMARY COMMISSION REPORT

GTL
2609 Cameron St.
Mobile, AL 36607

Facility: Monmouth County NJ-County Prison

Supplier Code: ZZX249

Cost Center: X249

Period: December-2012

Call Type	Calls	% Calls	Minutes	% Minutes	Revenue	% Revenue	Commission Rate	Total Commission
Advance Pay Interstate Interla	872	5.31%	6,226	4.25%	$7,067.14	13.21%	55.00%	$3,886.93
Advance Pay Intrastate Interla	535	3.26%	3,675	2.51%	$2,406.25	4.50%	55.00%	$1,323.44
Advance Pay Intrastate Intrala	6,358	38.72%	58,515	39.99%	$22,829.50	42.66%	55.00%	$12,556.23
Advance Pay Local	6,377	38.83%	66,134	45.19%	$14,466.40	27.03%	55.00%	$7,956.52
Advance Pay Non-US Carribbe	2	0.01%	17	0.01%	$18.63	0.03%	55.00%	$10.25
Collect Interstate Interlata	119	0.72%	828	0.57%	$945.17	1.77%	55.00%	$519.84
Collect Intrastate Interlata	33	0.20%	163	0.11%	$122.95	0.23%	55.00%	$67.62
Collect Intrastate Intralata	1,824	11.11%	9,316	6.37%	$5,055.20	9.45%	55.00%	$2,780.36
Collect Local	301	1.83%	1,463	1.00%	$599.90	1.12%	55.00%	$329.95
Sum:	**16,421**	**100.00%**	**146,337**	**100.00%**	**$53,511.14**	**100.00%**		**$29,431.13**

Monmouth County of Monmouth, NJ

1 East Main Street, 3rd Floor
Freehold, NJ 07728

Any questions about this report? Contact Lisa Ferguson @ (251) 338-8859 ext. 5224 or lferguson@gtl.net

From: Zaccone, Tom [mailto:TZaccone@co.morris.nj.us]
Sent: Wednesday, December 18, 2013 1:03 PM
To: Roberto Concepcion
Subject: RE: OPRA Request re Service Provider Contracts and Subcontracts for Telephone Calls for Inmates in Adult Correctional Facility
Importance: High

Dear Mr. Concepcion,

The contract is the State Contract, Option 2.

Regards

Tom Zaccone

From: BVasil@co.ocean.nj.us [mailto:BVasil@co.ocean.nj.us]
Sent: Monday, December 09, 2013 1:29 PM
To: Roberto Concepcion
Subject: OPRA Request

Dear Mr. Concepcion:

In response to your Request for Records received in this Office on December 5, 2013, please be advised of the following:

The County is tied to the State Contract; Global Telelink (GTL) is the provider. The County uses Option 1.

Betty Vasil
Clerk of the Board, Ocean County
101 Hooper Avenue, Toms River, NJ 08753
732-929-2005
bvasil@co.ocean.nj.us

R13-174

RESOLUTION AUTHORIZING STATE CONTRACT
INMATE TELEPHONE CONTROL SYSTEM AND
COIN OPERATED TELEPHONES
TERM OF AGREEMENT EXTENDED
EFFECTIVE MARCH 3, 2013 THROUGH MARCH 3, 2014

WHEREAS, the County of Somerset Jail wishes to enter into an agreement for Inmate Telephone Control System and Coin Operated Telephones from an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by Local Public Contracts Law N.J.S. 40:11-12; and

WHEREAS, Global Tel*Link Corp., 2609 Cameron St., Mobile, AL 36607 has been awarded a nine month extension of the New Jersey State Contract No. A61618 as an authorized dealer for Inmate Telephone Control System and Coin Operated Telephones; and

WHEREAS, the Warden recommends the continued utilization of this Contract on the grounds that it represents the best rate of revenue return available through the State Contract; and

WHEREAS, the County has selected from the County Rate/Commission Matrix Options, Rate Option 2, Category NEW 1 from the State Agreement

Call Type	Surcharge	MOU (per minute)	Commission %
Local:	$1.75	$0.05	55%
Intralata:	$1.75	$0.20	55%
InterLATA	$1.75	$0.40	55%
Interstate:	$1.75	$0.89	55%

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Somerset that Global Tel*Link Corp. be awarded a nine month contract for Inmate Telephone Control System and Coin Operated Telephones for the County Jail; and

BE IT FURTHER RESOLVED by the Board of Chosen Freeholders of the County of Somerset that the Director and Deputy Clerk of the Board are hereby authorized to execute the proper contract.

I, Kathryn Quick, Deputy Clerk of the Board of Chosen Freeholders of the County of Somerset in the State of New Jersey, do hereby certify that the foregoing is a true copy of a Resolution adopted by said Board of Chosen Freeholders at its regularly convened meeting of March 26, 2013.

Kathryn Quick

Kathryn Quick, Deputy Clerk of the Board

Approved as to Form and Legality
Somerset County Counsel

By:

RESOLUTION RE: AUTHORIZATION TO UTILIZE THE NEW JERSEY STATE CONTRACT FOR THE PROVISION OF INMATE TELEPHONE SERVICES FOR THE SUSSEX COUNTY KEOGH DWYER CORRECTIONAL FACILITY

WHEREAS, the Board of Chosen Freeholders is required to operate and maintain a County Correctional Facility and provide telephone service to the individuals contained therein; and

WHEREAS, the following vendor is an authorized supplier as approved by the Division of Purchase and Property of the New Jersey Department of the Treasury, and assigned contract numbers, thereby affording the County, the opportunity of direct purchase without competitive bidding:

1. Global Tel*Link - Contract #A61618 - Inmate/Resident Telephone Control Service

NOW, THEREFORE, BE IT RESOLVED that the Board of Chosen Freeholders of the County of Sussex does hereby authorize the utilization of said Contract with the commission rates recommended by the Sussex County Sheriff providing said rates maintain or increase the existing income levels in the County Budget; and

BE IT FURTHER RESOLVED that the Purchasing Agent is hereby authorized to execute any agreements or documents required to utilize said State Contract; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to the County Sheriff; the County Treasurer; and the Purchasing Agent.

Certified as a true copy of the
Resolution adopted by the
Board of Chosen Freeholders
on the 15th day of December, 2010.

Elaine A. Morgan, Clerk
Board of Chosen Freeholders
County of Sussex

RECORD OF VOTE

FREEHOLDER	AYE	NAY	N.V.	ABS	MOVE	SEC
Crabb	✓					
Parrott	✓					
[illegible] SPACH	✓					
Zellmun	✓					✓
Zecil	✓				✓	

N.V. – Not Voting
MOVE – Resolution Moved
SEC – Resolution Seconded
ABS – Absent

UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

RESOLUTION: 2013-753
SEPTEMBER 19, 2013
CHAIRMAN LINDA CARTER

WHEREAS, there exists the need for continuation of an on-premise based inmate telephone system for the Union County Correctional Services Department, and

WHEREAS, pursuant to N J S A 40A 11-12(a) and N J A C 5 34-7 29(c) the County of Union is permitted to utilize contracts entered into by the State of New Jersey for the purchase of materials, supplies and equipment, and

WHEREAS, Global Tel*Link, identified with State Contract No A61618, located at 2609 Cameron Street, Mobile, Alabama 36607 has agreed to provide the goods needed by the County for the period of March 4, 2013 through March 3, 2014, and

WHEREAS, this is a revenue producing contract as per the terms under State Contracting at no cost to the County of Union

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Union that it hereby authorizes the County Manager to extend a contract with Global Tel*Link, Mobile, Alabama, State Contract No A61618 for on-premise based inmate telephone system as outlined above for the period of March 4, 2013 through March 3, 2014, and

BE IT FURTHER RESOLVED that the County Manager is hereby authorized to execute the contract, upon approval by the County Counsel's Office, for the above services

No Sufficiency of Funds Required
Approved as to Form
Certifying as to an Original Resolution
Certified as to a True Copy

Erick Nieves

✓ Vote Record

☒ Adopted
☐ Adopted as Amended
☐ Defeated
☐ Tabled
☐ Withdrawn

		Yes/Aye	No/Nay	Abstain	Absent
Bruce H. Bergen		☒	☐	☐	☐
Angel G. Estrada		☒	☐	☐	☐
Mohamed S. Jalloh		☒	☐	☐	☐
Bette Jane Kowalski	M	☒	☐	☐	☐
Alexander Mirabella		☒	☐	☐	☐
Vernel Wright		☒	☐	☐	☐
Christopher Hudak	S	☒	☐	☐	☐
Linda Carter		☒	☐	☐	☐

COUNTY OF UNION

Part C - GOVERNMENT RECORDS REQUEST RESPONSE

Requestor: Roberto Concepcion, Jr. **Request Date:** 12/5/13.

- ☑ Document(s) provided: one e-file Link pages, at a total cost of: no Fee. Contract and resolution re: inmate telephone service
- ☐ Special Service Charge imposed - Reason: _____, cost: _____
- ☐ Document(s) have been inspected by the requestor on the date shown below: _____ documents, _____ total pages
- ☐ Document(s) not provided (see below) @ U.C. Jail.

The document(s) you have requested that are checked below are NOT being provided because the document(s) are considered privileged or are otherwise exempt from public access, as provided by applicable law:

Privileged or Protected Category	Authority for Denial or Redaction
☐ Advisory, Consultative or Deliberative material	N.J.S.A. 47:1A-1.1, et seq.
☐ Autopsy Photos / Video	N.J.S.A. 47:1A-1.1, et seq.
☐ Attorney-Client Privilege Information	N.J.S.A. 47:1A-1.1, et seq.
☐ Computer Security Information	N.J.S.A. 47:1A-1.1, et seq.
☐ Criminal Investigatory Records	N.J.S.A. 47:1A-1.1, et seq.
☐ Credit Card Numbers	N.J.S.A. 47:1A-1.1, et seq.
☐ Domestic Security (Sabotage or Terrorism)	Executive Order 21 (McGreevey)
☐ Grievance Information with public employer	N.J.S.A. 47:1A-1.1, et seq.
☐ Drivers' License Numbers	N.J.S.A. 47:1A-1.1, et seq.
☐ Electronic Surveillance Materials	N.J.S.A. 2A:156A-19
☐ Emergency or Security Information or Procedures	N.J.S.A. 47:1A-1.1, et seq.
☐ Employee Sexual Harassment Complaints	N.J.S.A. 47:1A-1.1, et seq.
☐ Fingerprint Cards	Executive Order 9 (Hughes)
☐ Individual's Medical, Financial, or Tax records	Executive Order 26 (McGreevey)
☐ Insurance Communications	N.J.S.A. 47:1A-1.1, et seq.
☐ Investigation in Progress	N.J.S.A. 47:1A-3.a
☐ Labor Negotiation Information (strategy or positions)	N.J.S.A. 47:1A-1.1, et seq.
☐ Personnel or Pension Records	N.J.S.A. 47:1A-10
☐ Photographs of Crime Scene	Executive Order 9 (Hughes)
☐ Proprietary Information	N.J.S.A. 47:1A-1.1, et seq.
☐ Reasonable Expectation of Privacy	N.J.S.A. 47:1A-1.1, et seq.
☐ Resumes of unsuccessful applicants	Executive Order 26 (McGreevey)
☐ Safety of persons or the public	Executive Order 69 (Whitman)
☐ Security Measures and Surveillance Techniques	N.J.S.A. 47:1A-1.1, et seq.
☐ Social Security Numbers	N.J.S.A. 47:1A-1.1, et seq.
☐ Test Questions, Scoring Keys, or other Exam Data	Executive Order 26 (McGreevey)
☐ Victim records	N.J.S.A. 47:1A-1.1; N.J.S.A. 2A:82-46b
☐ Record has been destroyed/not retained pursuant to:	Records Retention and Disposition Schedule
☐ Other	_____

You have a right to appeal this decision that the documents requested are not accessible. You may take your appeal to the Government Records Council (GRC) or to the New Jersey Superior Court as provided by N.J.S.A. 47:1A-6 and 7. Please see the attached "Part D - Procedures to Challenge Denial of Access to Government Records" and GRC information.

Date: 12/5/13 _____
County Official

ACKNOWLEDGMENT

I hereby acknowledge that I have received copies of, or have been permitted to view/inspect, the documents requested except for any documents specifically listed above on which a determination has been made that the documents could not be provided in accordance with applicable law. If any documents have not been provided, I have received information as to the procedures for an appeal of the determination.

Date: _____ _____
Requestor's Signature

Version 2/13 (prior editions obsolete)

THE BOARD OF CHOSEN FREEHOLDERS
OF THE COUNTY OF WARREN
WAYNE DUMONT JR. ADM. BLDG.
BELVIDERE, NJ 07823

RESOLUTION 212-13

On motion by **Mr. Gardner**, seconded by **Mr. Smith**, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held April 10, 2013.

RESOLUTION RE: AUTHORIZATION TO ISSUE A PURCHASE ORDER TO GLOBAL TEL LINK CORPORATION UNDER NEW JERSEY STATE CONTRACT #A61618 COVERING INMATE TELEPHONE SERVICES FOR THE PERIOD OF MARCH 3, 2013 THROUGH MARCH 3, 2014 FOR THE WARREN COUNTY CORRECTIONAL CENTER WITH A COMMISSION RATE OF 56%

BE IT RESOLVED that the purchasing department is authorized to issue a purchase order for Inmate Telephone Services for the Warren County Correctional Center and is hereby awarded

to . . . Global Tel Link Corp., Mobile, Alabama

in the amount of . . . contractor to pay commission in the amount of 56%

at the prices established under New Jersey State Contract #A61618

No County Funds shall be required for this contract.

ROLL CALL: Mr. Gardner yes, Mr. Smith yes, Mr. Sarnoski yes

I hereby certify the above to be a true copy of a resolution adopted by the Board of Chosen Freeholders of the County of Warren on the date above mentioned.

Clerk

Steve Marvin

[H4]

AFFIDAVIT OF PATRICIA GARIN

I, Patricia Garin, Esq., do hereby affirm that:

1. I am a lawyer duly licensed to practice law in the Commonwealth of Massachusetts. I am a partner in the law firm Shapiro Weissberg & Garin, LLP. Our mailing address is 90 Canal St., Boston, MA 02114.

2. The firm represents and receives telephone calls from clients who are incarcerated in state and county correctional facilities in the Commonwealth. We requested and utilize collect and/or direct bill telephone service with Global Tel*Link (GTL) and Securus Technologies, Inc. so that we can communicate with our incarcerated clients by telephone. Shapiro Weissberg & Garin, LLP is the customer of record on accounts with GTL and Securus. The firm is responsible for paying for the telephone services rendered by these providers to us.

3. The sound quality of telephone calls received from incarcerated clients varies. For calls received in the office from clients in state correctional institutions, I estimate that one in every six or seven calls had a connection or reception problem. But connection problems with calls from incarcerated clients that I received at home on my personal cellular phone were markedly worse: at least one call in three received at home had a terrible connection and was hard to hear versus one in six or seven problem calls in the office.

4. We experience dropped calls and false three way detections. With respect to dropped or cut-off calls, I had a similar experience: calls at home on my personal cellular phone from incarcerated clients in state correctional institutions were much more likely to be dropped or cut-off prematurely than calls received at the office. Very few calls are dropped or prematurely cut off in the office. But calls received on my personal phone at home were frequently dropped, generally preceded by a message that an attempt to make a three-way call was detected. I never attempted to add a third party to such a call nor did I ever attempt to forward such a call to a third party.

Signed under the penalties of perjury this 18 day of May, 2016.

Patricia Garin

Patricia Garin

EXHIBIT

tabbies

3

AFFIDAVIT OF MARY T. ROGERS

I, Mary T. Rogers, Esq., do hereby affirm that:

1. I am a lawyer duly licensed to practice law in the Commonwealth of Massachusetts. My mailing address is P.O. Box 406, Peabody, MA 01960.

2. I represent and receive telephone calls from clients who are incarcerated in state and county correctional facilities in the Commonwealth. I requested and utilize collect and/or direct bill telephone service with Global Tel*Link (GTL) and Securus Technologies, Inc. so that I can communicate with my incarcerated clients by telephone. I am the customer of record on accounts with GTL and Securus and am responsible for paying for the telephone services they render to me.

3. The telephone calls, which I receive from clients held in the correctional institutions are of very poor quality. There is static, line noise, and very frequently the sound volume of my client's voice is very poor, which makes it very hard for me to hear what my client is saying. I have had to ask my clients to hang up and call back because the quality is so bad. When this happens, I am charged for the base fee twice as well as the number of minutes.

4. There are also instances of taping attorney calls by the providers and giving the tapes to assistant district attorneys. For example, I have a case where a call to the Committee for Public Counsel Services (CPCS) was taped and given to the prosecutor along with other calls. I have heard many other attorneys complain of attorney calls being taped. The telephone companies have given the calls to district attorneys without subpoenas.

5. The telephone companies do not specify the prison or other institution the call is coming from. The same telephone number has appeared on my caller identification despite the call coming from different institutions. At other times, the calls come up as "Texas" or another state, when the call is being made in Massachusetts. What is worse is that now the calls are coming up as "private caller." I do not know where they are originating, whether from a telemarketer or a particular correctional institution. The calls are hardly "private" as my clients' friends and family calls are listened to and recorded. This is more than a misnomer, it is a complete misrepresentation and contradicts the message that is played when the call is accepted - that all calls are not confidential and are recorded, except attorney calls. For the price that we pay, at the least we should know what institution the call is coming from. As attorneys, we need to know where the call is coming from in order to prioritize which calls to take. We generally will take the call because we cannot call the client.

6. In addition, there is virtually no way to get in touch with these companies. The hold time can be over an hour. This makes it a monopoly with no recourse for the consumer.

7. I have great concern about the costs of these calls because my clients' family and friends need to be able to maintain contact with them. Many friends and family have low income and an extreme hardship is placed upon them. Some cannot afford to take any calls and others pay extremely high bills because they do maintain contact. It is more than just a concern for these individuals, it also affects rehabilitation and reintegration. Most of the prisons are not easily accessible by public transportation and the only way to maintain contact for many is by the telephone.

Signed under the penalties of perjury this 16th day of May, 2016.

Mary T. Rogers

Mary T. Rogers

AFFIDAVIT OF PAUL DAVENPORT

I, Paul Davenport, Esq., do hereby affirm that:

1. I am a lawyer duly licensed to practice law in the Commonwealth of Massachusetts. My mailing address is One McKinley Sq. 9th Floor, Boston, MA 02109.

2. I represent and receive telephone calls from clients who are incarcerated in state and county correctional facilities in the Commonwealth. I requested and utilize collect and/or direct bill telephone service with Global Tel*Link (GTL) and Securus Technologies, Inc. so that I can communicate with my incarcerated clients by telephone. I am the customer of record on accounts with GTL and Securus and am responsible for paying for the telephone services they render to me.

3. The telephone calls, which I receive from clients held in the correctional institutions are of very poor reception. There is static to the point that I wonder what is happening at the other end of the line. There is line noise, which makes it very hard for me to hear what my client is saying.

4. There are false 3-way detections. Yet, neither I nor anyone in my office has ever attempted to add a third party or forward a call from an incarcerated client.

Signed under the penalties of perjury this 16 day of May, 2016.

Paul J Davenport

Paul Davenport

AFFIDAVIT OF JOHN H. CUNHA Jr.

I, John H. Cunha Jr., Esq., do hereby affirm that:

1. I am a lawyer duly licensed to practice law in the Commonwealth of Massachusetts. My mailing address is 1 State Street, Suite 500, Boston, MA 02109.

2. Our Law Office, Cunha & Holcomb, P.C. receives telephone calls from clients who are incarcerated in state and county correctional facilities in the Commonwealth. We requested and utilize collect and/or direct bill telephone service with Global Tel*Link (GTL) and Securus Technologies Inc. so that we can communicate with our incarcerated clients by telephone. Our Law Office is the customer of record on accounts with GTL and Securus and is responsible for paying for the telephone services they render to us.

3. Our office receives between 40 and 60 telephone calls per week from clients in Massachusetts correctional institutions. Approximately one-third of the calls are from county institutions serviced by Securus and two-thirds are from clients in state institutions serviced by GTL.

4. The telephone calls we receive from correctional institutions are of very poor quality. At times we have static and line noise that makes it very hard to hear what the client on the line is saying.

5. We have unexpected dropped calls, which are an inconvenience for our office and makes communication with our clients much more difficult as we cannot call them back at the facility.

Signed under the penalties of perjury this 13th day of May, 2016.

John H. Cunha Jr.

MAY 17 2016

AFFIDAVIT OF DENNIS SHEDD

I, Dennis Shedd, Esq., do hereby affirm that:

1. I am a lawyer duly licensed to practice law in the Commonwealth of Massachusetts. My mailing address is 114 Waltham Street, Suite 14, Lexington, MA 02421.

2. I represent and receive telephone calls from clients who are incarcerated in state and county correctional facilities in the Commonwealth. I requested and utilize collect and/or direct bill telephone service with Global Tel*Link (GTL) so that I can communicate with my incarcerated clients by telephone. I am the customer of record on an account with GTL and am responsible for paying for the telephone services they render to me.

3. My office receives between 5 and 10 telephone calls per month from clients in Massachusetts correctional institutions.

4. The telephone calls, which I receive from correctional institutions, are of poor quality. I have experienced instances of static and line noise, which makes it very hard for me to hear what the client is saying.

Signed under the penalties of perjury this 16th day of May, 2016.

Dennis Shedd

AFFIDAVIT OF LESLIE WALKER

I, Leslie Walker, Esq., do hereby affirm that:

1. I am a lawyer duly licensed to practice law in the Commonwealth of Massachusetts. I am the Executive Director of Prisoners' Legal Services (PLS). My mailing address is 10 Winthrop Square, 3rd Floor, Boston, MA 02110.

2. PLS represents and receives telephone calls from clients who are incarcerated in state and county correctional facilities throughout the Commonwealth. PLS requested and utilizes collect and/or direct bill telephone services with Global Tel*Link (GTL), Securus and Digital Solutions/Inmate Telephone, Inc. (DSI) (or affiliates). These telephone services permit our staff to communicate with our incarcerated clients. PLS is the customer of record on accounts with GTL, Securus and DSI and is responsible for paying for the telephone services the companies render to PLS.

3. PLS receives between 1200 and 1600 calls from Massachusetts Department of Correction (DOC) facilities each month. On occasion there have been serious connection problems with calls from an entire institution or all state facilities that have lasted for days, weeks or months. For example, in 2014 calls were consistently cut off from the DOC facilities for well over a month. The problem was eventually resolved, but our clients were unable to reach us for an extended period of time due to service interruption.

4. PLS receives between 90 and 120 calls per month from county correctional facilities serviced by Securus. PLS staff continue to report connection problems where clients are difficult to hear and understand.

5. In addition, our clients, many of whom are not Petitioners, continue to report problems with billing, including receiving refunds for overcharges, line noise, static and dropped calls.

Signed under the penalties of perjury this 18th day of May, 2016.

Leslie Walker

MAY 16 2016

AFFIDAVIT OF ISAIAS RODRIGUEZ

I, Isaias Rodriguez, do hereby affirm that:

1. I am incarcerated by the Massachusetts Department of Correction (DOC), and reside at DOC's North Central Correctional Institute at Gardner (NCCI), located at 500 Colony Road, Gardner, MA 01440.

2. I have a debit calling account at NCCI that I use to pay for telephone calls to my family and friends. Global Tel* Link (GTL) provides telephone service to NCCI and other DOC facilities. I requested that the debit calling account be established, and regularly transfer personal funds into this account so that I can make debit calls.

3. I make approximately 10 calls to family and friends per week using my debit calling account.

4. The quality of GTL's telephone service is poor. I have difficulty hearing what the person on the other end of the line is saying. They, too, have difficulties hearing what I am telling them. When I place a call there is always static. I cannot hear the telephone ringing on the other end and I do not know what is happening. Sometimes the wait is very stressful to me.

5. When I make a telephone call I experience frequent dropped calls.

Signed under the penalties of perjury this 13th day of May, 2016

Isaias Rodriguez (W80211)

AFFIDAVIT OF DAVID BAXTER

I, David Baxter, do hereby affirm that:

1. I am incarcerated by the Massachusetts Department of Correction (DOC). I live at MCI-Concord operated by DOC (MCI-Concord). It is located at 965 Elm St., Concord, MA 01742.

2. I have a debit calling account at MCI-Concord. I requested that a debit calling account be set up so that I could use debit calling to pay for telephone calls to my family and friends. Global Tel*Link (GTL) provides telephone service to all DOC facilities. I regularly transfer money from my inmate account into the GTL account at MCI-Concord.

3. A serious problem for me is the frequent dropped calls while I am talking to my loved ones. Worst still I get charged for those dropped calls. There are also constant false three way detections, which causes the phone company to end my conversation with my loved ones.

Signed under the penalties of perjury this 13 day of MAY, 2016.

David Baxter (W83642)

AFFIDAVIT OF WILLIAM NADWORNY

I, William Nadworny, do hereby affirm that:

1. I am incarcerated by the Massachusetts Department of Correction (DOC), and reside at DOC's North Central Correctional Institute at Gardner (NCCI), located at 500 Colony Road, Gardner, MA 01440.

2. I have a debit calling account at NCCI that I use to pay for telephone calls to my family and friends. Global Tel*Link (GTL) provides telephone service to NCCI and other DOC facilities. I requested that the debit calling account be established, and regularly transfer personal funds into this account so that I can make debit calls.

3. The quality of GTL's telephone service is poor. There are frequent dropped calls and false three way detections. I have to call the individual back, meaning that I have to pay an additional connection fee.

Signed under the penalties of perjury this 15 day of MAY, 2016.

William J. Nadworny

William J. Nadworny (W40533)

MAY 13 2016

AFFIDAVIT OF JAMES CARVER

I, James P. Carver, do hereby affirm that:

1. I am incarcerated by the Massachusetts Department of Correction (DOC). I reside at DOC's MCI-Shirley facility, located at P.O. Box 1218, Shirley, MA 01464.

2. I have a debit calling account at MCI-Shirley that allows me to place debit telephone calls to my family and friends. Global Tel*Link (GTL) provides telephone service to MCI-Shirley and other DOC correctional institutions. I requested that the debit calling account be established, and transfer my personal funds into this account from time to time so that I can place debit calls. I sometimes call my family and friends using GTL's collect call service as well.

3. There is line noise and problems with audibility causing prisoners to talk over each other. I can hear an echo repeat of what I said if the called party stays quiet.

4. There are false three way detections. The calls I place are prematurely dropped or cut off. Yet, I am charged for prematurely dropped calls that I should not be charged for. Sometimes my call will be accepted by the dialed party, but the call will be dropped before the parties are able to speak to each another.

5. When I try to leave a voice mail, a recording instructs me what number to push. But when this is done the recording tells me: "extra digits violations".

Signed under the penalties of perjury this 13 day of May 2016.

James B Carver

James B. Carver (W47514)

AFFIDAVIT OF HENRY HOUGHTON

I, Henry Houghton, do hereby affirm that:

1. I am incarcerated by the Massachusetts Department of Correction (DOC), and reside at DOC's North Central Correctional Institute at Gardner (NCCI), located at 500 Colony Road, Gardner, MA 01440.

2. I have a debit calling account at NCCI that I use to pay for telephone calls to my family and friends. Global Tel*Link (GTL) provides telephone service to NCCI and other DOC facilities. I requested that the debit calling account be established, and regularly transfer personal funds into this account so that I can make debit calls.

3. The quality of GTL's telephone service is poor. There is static and the wait can seem to be endless.

4. The telephone calls, which I make, are cut off prematurely with no warning at all; I have to call the individual back, meaning that I have to pay an additional connection fee.

Signed under the penalties of perjury this 14 day of MAY, 2016.

Henry Houghton

Henry Houghton (W39401)