



## 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:

Prisoners' Legal Services, formerly known as Massachusetts Correctional Legal Services, has been located at 10 Winthrop Sq. 3<sup>rd</sup> Floor, Boston, MA 02110 since May of 2011. From 1998 through May 2011, PLS was located at 8 Winter St. 11<sup>th</sup> Floor, Boston, MA 02108-4705. The PLS phone number, 617-482-2773, and fax number, 617-451-6383, have remained the same throughout this time. Prisoners' Legal Services changed its name from Massachusetts Correctional Legal Services in 2010.

PLS has provided separate responses regarding each Petitioner, attached to this document. As of this date, PLS has not received responses from the following petitioners:

Peter T. Sargent; Louis M. Badwey; Frank D. Camera; John H. Cunha Jr.; John G. Darrell; Michael DiGioia; Gregory DiPaolo; Anne E. Gowen; James S. Murphy; Anne Roche; Frank H. Spillane; Leonardo Alvarez-Savageau; Kenneth Moccio; Shirley Jay MacGee; Samuel Conti; Stephen Metcalf; Marcos Ramos; Christina Rapoza and Gerardo Rosario.

PLS will continue to make diligent efforts to secure responses from these petitioners and produce them as soon as possible after receipt.

### 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:

Prisoners' Legal Services objects to the request insofar as it requires the identification of each call received from all clients over the years and specific information regarding each call. This request is unduly burdensome. PLS also objects to the request that parties to the calls be identified as a violation of attorney-client privilege.

Without waiving this objection, PLS provides the phone records in its possession, which go back to 2006. PLS receives phone calls via collect call and direct bill from all county and state correctional facilities in Massachusetts. The providers are GTL, Securus (formerly Evercom) and Inmate Calling Solutions. PLS refers Respondent GTL to its response to Securus 1-7 for average duration of a call for 2008 and for documentation regarding total payments made for phone service in 2008 to both Securus Correctional Billing and Correctional Billing Services. In addition, PLS submits print outs of all payments made to the following providers or third party billers: EarthLink, DSI-ITI, LLC, Correctional Billing Services, and Securus Correctional Billing Services. In addition, PLS submits all relevant phone records in its possession.

PLS further attests that poor quality of phone calls, dropped calls, inability of clients to get through to PLS, static, inaudible phone calls, and interference (beeping, other conversations, etc.) remain commonplace problems. Over the last three months, in particular, PLS has experienced additional problems with GTL. For multiple periods since early February 2014, clients have been unable to call PLS out of various correctional facilities. On at least two occasions, PLS was unable to receive calls from clients from *any* state facility. Multiple clients also reported that the PLS number was dropped from their PIN list by GTL, which further hindered their ability to call when the system was up and running again. During this same time period, PLS experienced multiple dropped calls or an inability to accept calls. The phone would ring, a PLS staff person would attempt to pick up the phone to accept the call and the call would repeatedly drop.

**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:**

PLS objects to the request insofar as it requires an identification and description of each call of poor quality during conversations with each client. This request is unduly burdensome. PLS also objects to the extent that this request calls for attorney work product or information protected by attorney-client privilege.

Without waiving this objection, PLS states that beginning on February 3, 2014, clients from DOC facilities and some counties began having serious difficulty reaching PLS. Especially in early February, there were several periods during which PLS was completely unable to receive phone calls from prisoners. From on or about February 3rd through mid-April 2014 Department of Correction prisoners were often unable to reach PLS using the speed dial number which is how virtually all prisoners from DOC facilities call PLS. There were also widespread reports from DOC prisoners that GTL had dropped PLS from their PIN lists, preventing them from

being able to call PLS. Although PLS does not have a complete list of each incident, the following are dates on which PLS confirmed such connection problems: February 3, 4, 7, 10, 18, and 20<sup>th</sup>; March 4; April 3, 4, 7, and 15. All of these dates are from 2014.

PLS omits on the basis of attorney work product and attorney-client privilege internal e-mails exchanged on or about February 3<sup>rd</sup> to the present regarding the problems PLS has been experiencing receiving calls from correctional facilities, which includes some discussion regarding telephone calls with correctional facilities and a GTL field representative. PLS also omits an attorney's handwritten notes on those conversations.

**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:**

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

Without waiving this objection, PLS has no records or recollection of rejecting or limiting any calls and has no responsive documents in its possession. However, as PLS has mentioned above, PLS was unable to accept calls due to glitches in the DOC phone system, particularly since February. In support of its statements that calls were limited, PLS submits two Department of Corrections memos in its possession: 1) Temporary Stop to Inmate Debit Calling Deposits and 2) Dialing Instructions for Universally Approved Services.

**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 PLS.

**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:**

PLS has no responsive documents in its possession other than bills referenced above and the inmate calling service contracts and requests for proposals submitted in response to Respondents Securus' information requests.

**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:**

PLS objects to this request insofar as it seeks attorney work product. Without waving this objection, PLS refers Respondent GTL to its answer to Securus 1-4. In addition, PLS states that the methodology it used to create the chart was simple arithmetic using the commission data it obtained from public records request responses from the DOC and county facilities and by using the population data for each facility for the corresponding year, which is posted on the Department of Corrections website. PLS provided that link in its response to Securus 1-4.

**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:**

PLS objects to this request insofar as it seeks attorney work product. Without waving this objection, PLS refers Respondent GTL to its answer to Securus 1-5.

**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:

PLS objects to this request insofar as it seeks attorney work product. Without waving this objection, PLS refers Respondent GTL to its answer to Securus 1-15. In addition, PLS states that the methodology it used to create the chart was simple arithmetic using the collect intralata per minute or flat call rate data it obtained from various sources disclosed in response to Securus 1-15. In some cases the calculations were provided by the CURE etc. campaign or by individual state contracts and for others, PLS calculated the amounts by adding the surcharge to the 15 minute rate total for each state for 2004 and 2008 as available.

**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:

PLS objects to this request insofar as it seeks attorney work product. Without waving this objection, PLS refers Respondent GTL to its answer to Securus 1-14.

**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:

PLS objects to this request insofar as it seeks attorney work product. Without waving this objection, PLS refers Respondent GTL to its answer to Securus 1-38. In addition, PLS states that the methodology it used to create the chart was simple arithmetic using the commission data it obtained from public records requests to the DOC and county facilities and by backing out the commission amount from the total consumer cost of the call.

**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:

Petitioner PLS objects to this request as calling for a legal conclusion.

Without waiving this objection, PLS does not contend that any state or county rates or surcharges currently violate the Order on Payphone Barriers to Entry & Exit, and OSP Rate Cap issued on or about April 17, 1998 by the Massachusetts DTE.

**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:

PLS objects insofar as this requests seeks information already in the possession of the Respondents. Without waiving this objection, PLS has provided all billing records in its possession from all relevant providers as well as other written communications and complaints in its possession that PLS has sent to the providers.

**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:

PLS attests that its affidavit was accurate at the time it was signed. PLS states that in addition to the problems mentioned in its original affidavit, PLS has also experienced the problems explained in its answers to GTL 1-2 and 1-3.

**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:

PLS submitted an affidavit.

**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:

PLS provided all responsive documents in its possession in its response to GTL 1-13.

**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:

PLS objects insofar as this request seeks information already in the possession of Respondents. PLS also objects on the basis that the request is overly broad and seeks attorney work product. Without waiving this objection, PLS has produced all communications in its possession except for internal e-mails, notes and other documents that are protected as attorney work product and which PLS has identified below.

PLS omits the following correspondence between former staff attorney Brad Brockmann and Michael Isenberg, former Director of the Telecommunications Division of the DTE:

Letter from Brad Brockman to Michael Isenberg dated January 16, 2007

E-mail correspondence between Brad Brockmann and Mike Isenberg dated 10/3/2007 and 10/7/2007

E-mail correspondence between Brad Brockman and Mike Isenberg dated 1/15/2008 and 1/17/2008

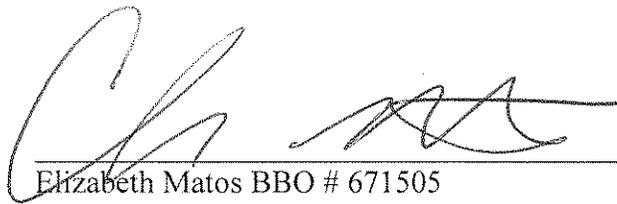
E-mail correspondence between Brad Brockman and Mike Isenberg dated 2/26/2007 and 2/29/2008.

Public records request correspondences with Massachusetts correctional facilities were submitted along with the respective contracts and RFRs for those facilities. PLS also submits e-mail correspondence with Kyra Silva, Director of Operation at the DOC from February 2014 as well as e-mail correspondence with Brian Kearnan, Contract Director for the DOC, from January and February 2013 and February 2014.

In addition, PLS submits a letter from Attorney Brad Brockman to DOC Commissioner James Bender dated May 31, 2006 and a letter to Attorney Jesse Reyes at the Massachusetts Attorney General's Office dated September 8, 2010.

Prisoners' Legal Services submitted comments to the FCC on NPRM 12-375 on March 25, 2013 as well as on 12/18/2013 in FNPRM 12-375. PLS comments regarding NPRM 12-375 can be found at: <http://apps.fcc.gov/ecfs/document/view?id=7022134716>. PLS comments regarding FNPRM 12-375 can be found at: <http://apps.fcc.gov/ecfs/document/view?id=7520963431>.

Dated: 4/29/14



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