

Before the
Department of Telecommunications and Cable
Commonwealth of Massachusetts

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Petition of Recipients of Collect Calls)	
From Prisoners at Correctional)	
Institutions in Massachusetts Seeking)	D.T.C. 11-16
Relief from the Unjust and Unreasonable)	
Cost of such Calls)	
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**RESPONSE OF PETITIONERS TO SECURUS TECHNOLOGIES, INC.'S
FIRST SET OF INFORMATION REQUESTS**

General Objections:

1. The Petitioners object to these requests insofar as they seek documents and information dating back to 1998. This is overbroad, unduly burdensome and unlikely to lead to the discovery of relevant information.

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

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

Notwithstanding this objection, and without waiving this objection, the Petitioners have provided all responsive records and documents in their possession. In particular, the Petitioners note that they have produced inmate calling service (ICS) requests for proposals and contracts obtained through public records requests to Massachusetts correctional facilities which may be incomplete. (Bates stamped 000001- 003747). The Respondents, collectively, are likely to possess many or all of the relevant documentation relating to these RFPs and contracts.

The ICS requests for proposals, contracts and associated documents are organized with the Department of Correction first and the counties in alphabetical order thereafter, and in reverse chronological order within each county. However, Essex County materials appear after Worcester county.

Responses

- SECURUS-1-1. On page 2 of Petition, Petitioners claim that the Department must determine what is just and reasonable based on "actual, necessarily incurred costs of providing prisoner telephone service plus a reasonable return on investment."

Please identify and provide copies of all documents relating to and relied upon by Petitioners to support that claim.

Response: The Petitioners object to this request as calling for legal argument and outside the scope of discovery. Without waiving this objection, the petitioners refer to the briefing in this case.

SECURUS-1-2. On page 2 of Petition, Petitioners claim that “state and most counties are required by law to use these funds for non-telephone objectives.” Please identify and provide copies of all laws or regulations that impose this requirement.

Response: The Petitioners object to this request as calling for legal argument and outside the scope of discovery. Petitioners refer to the briefing in this case for discussion of this issue. Without waiving this objection, the Petitioners produce G.L. c. 29 § 2 (April 1, 2003); FY2009 budget summary and Senate no. 2119 Section 3 and Section 12 (a). The Petitioners also refer to “An Act Transferring County Sheriffs to the Commonwealth,” Senate, No. 2045 of 2009, Section 12a, which was attached as Exh. 1 to the Petitioners’ Memorandum in Opposition to Dismissal.

SECURUS-1-3. On page 3 of Petition, Petitioners claim that “the overwhelming majority of prisoner phone calls are paid from prepaid accounts....” Please identify and provide copies of all documents relating to and relied upon by Petitioners to support that claim.

Response: The Petitioners object insofar as this seeks information already in the possession of the Respondents.

Without waiving this objection, the Petitioners refer to the following documents included in the state and county public records responses produced by the Petitioners:

Request for Proposal, Inmate Telephone Service, Hampshire Sheriff’s Office, September 29, 2008, Appendix A

Hampshire Sheriff’s Office, Summary Commission Reports for October 2012 – March 2013

Norfolk County Sheriff’s Office, Written Record of Questions and Answers Submitted as of September 5, 2008, questions 21 and 51.

GTL Summary Commission Report, Plymouth County MA-Sheriff, September-2011 and August -2011

DOC Summary Reports on call type and commissions, June – October 2011.

Petitioners additionally refer to In Matter of Rates for Interstate Inmate Calling Services, No. 12-375, Report and Order and Further Notice of Proposed

Rulemaking, Federal Communications Commission (Sept. 26, 2013) (hereinafter "FCC Report"), ¶ 30 and comments and sources cited in footnote 112.

SECURUS-1-4. On page 4 of Petition, Petitioners claim that "gross annual telephone proceeds per prisoner bed average over \$1000 for many of the county facilities for which we have data," citing "the last column of Appendix II, 'Avg. Gross Proceeds Per Prisoner.'" Please identify provide copies of all documents relating to and relied upon in preparing the information reflected in the "last column of Appendix II" and supporting the \$1000 figure.

Response: The Petitioners object insofar as this seeks information already in the possession of Securus. The petitioners additionally object that the sources used to prepare Appendix II are listed and available to the Respondents.

Without waiving this objection the Petitioners refer to the following documents:

DOC: Commonwealth of Massachusetts, Department of Correction, RFR July 11, 2005, Attachment C, Commission History (FY 04 and 05) and Attachment D, Cost Tables; Quarterly Report on the Status of Prison Overcrowding, Fourth Quarter for 2004, 2005, 2006, 2007, 2009; Quarterly Report on the Status of Prison Overcrowding, Second Quarter for 2008 and First Quarter for 2009; E-mail from Peter Macchi detailing commission history from FY 06-FY08.

Worcester County: Commonwealth of MA Standard Contract Form, Contract signed by Worcester County Sheriff's Department and Evercom, May 2006, Attachment C for commission rate; Commissions paid available on last page of contract; See also Quarterly Report on the Status of Prison Overcrowding, Fourth Quarter, 2005.

Hampden County: Commonwealth of MA Standard Contract Form signed 2005, Exhibit A for commission rate, last page of packet for commissions paid; Quarterly Report on the Status of Prison Overcrowding, Fourth Quarter, 2006.

Plymouth County: Plymouth County Commission and Sheriff's Department contract with Evercom, June 3, 2005 and attached canteen account sheets for 05-06 and cashed checks for 07-08; Quarterly Reports on the Status of Prison Overcrowding, Fourth Quarters, 2004, 2005, and 2007.

Hampshire County: First Amendment to Inmate Telephone Agreement, Hampshire Sheriff's Office and Inmate Calling Solutions, October 2004 p. 2 and 3 for commission rate data and commissions paid; Quarterly Report on the Status of Prison Overcrowding, Fourth Quarter, 2007.

Middlesex County: Agreement between Securus and Middlesex County Sheriff's Office, March 2006 indicating commission rate; Fiscal year 2005-2006 Canteen Funds indicating telephone commissions received; Quarterly Reports on the Status of Prison Overcrowding, Fourth Quarter, 2005.

Barnstable County: Agreement between Barnstable County and Evercom, January 2005 (52% commission); 2006 canteen fund data for total commissions paid; Quarterly Reports on the Status of Prison Overcrowding, Fourth Quarter, 2005.

Berkshire County: Commonwealth of MA Standard Contract Form, signed by Berkshire Sheriff's Department and Evercom, July 2004, and adopting Evercom proposal (45 percent commission); Commissions paid data at end of "inmate non-coin telephone system" packet; Quarterly Reports on the Status of Prison Overcrowding, Fourth Quarter, 2006

Franklin County: Commonwealth of MA Standard Contract Form, signed by Franklin County Sheriff's Office and Evercom, effective 9/1/06; Quarterly Reports on the Status of Prison Overcrowding, Fourth Quarter, 2006

Suffolk County: 2005 Evercom RFP response Attachment F. Quarterly Reports on the Status of Prison Overcrowding, First Quarter, 2009.

Norfolk County: Norfolk County Sheriff's Office Request for Bid: Inmate Telephone System, 2008, p. 2 (indicating annual revenue for year ending 6/30/08 was \$790,745.16 and that revenue was based on an average daily population of 652).

Quarterly reports are also available online at:

<http://www.mass.gov/eopss/law-enforce-and-cj/prisons/rsch-data/quarterly-overcrowding-reports.html>

SECURUS-1-5. On page 5 of Petition Petitioners claim that "[p]risoners tend to come from the poorest communities in the state." Please identify provide copies of all documents relating to and relied upon to support this claim.

Response: Hard copies of the information found at the links below have also been provided.

<http://www.mass.gov/eopss/docs/doc/research-reports/doc-commits/com2008.pdf>

<http://www.usa.com/rank/massachusetts-state--median-household-income--city-rank.htm?yr=3000&sb=ASC&tag=Poorest+Cities+by+Income+in+MA>

<http://www.massbenchmarks.org/statedata/data/median99.pdf>

SECURUS-1-6. On page 5 of Petition, Petitioners refer to a "half century of studies." Please provide a list of all such studies and copies of all documents cited Appendix III not available online (where certain pages are cited or relied upon only those pages need to be provided).

Response: Petitioners provide hard copies of the available studies and documents below cited in Appendix III, which are not available online.

Petitioners omit an internal memorandum memorializing a conversation with DOC Chief Operating Officer Peter Macchi on December 12, 2007 (footnote 16 to Appendix III) on the basis of attorney work product. The memorandum is between attorneys employed by Prisoners' Legal Services and was created in preparation of filing the petition which commenced this matter. The memorandum also includes the impressions and conclusions of the attorney who authored it.

- Daniel LeClair, "The Effect of Community Reintegration on Rates of Recidivism: A Statistical Overview of Data for the Years 1971 Through 1987" at 2, 10, 11 (MA DOC, July 1990).
- Christy A. Visser & Jeremy Travis, *Transitions From Prison to Community: Understanding Individual Pathways*, Annual Review of Sociology 89, 100 (2003).
- C.F. Hairston, *Family Ties During Imprisonment: Important to Whom and for What?*, J.Soc.& Soc. Welfare, Mar. 1991, at 87, 97.
- Rebecca L. Naser & Christy A. Visser, "Family Members' Experiences with Incarceration and Reentry," 7 W.Criminology Rev. 20, 21 (2006).
- Public Correctional Policy on Adult/Juvenile Offender Access to Telephones unanimously ratified by ACA Delegate Assembly on Jan. 24, 2001; last amended Feb. 1, 2006.
- American Bar Association, House of Delegates, Resolution Adopted August 2005.

SECURUS-1-7. On page 6 of Petition, Petitioners claim that Massachusetts Legal Services paid "almost \$4000 in charges for phone calls from county prisoners last year."

Response: The Petitioners object insofar as this seeks information already in the possession of Securus.

Without waiving this objection, Petitioners answer the following questions based on available accounting records for the year in question as well as phone bills for 9 months of 2008, which are the only Correctional Billing Services phone bills available at this time.

a. What year is "last year" and how many calls were involved?

Response: The "last year" referenced in the petition is 2008 and approximately 1000 calls were involved. (based on average number of calls received each month of the available 2008 records).

b. What was the average length of such calls?

Response: The average length of the calls was approximately 5 minutes.

c. Were all county prisoner calls referenced in-state Massachusetts calls? If not, please provide a breakdown of the number of calls and amounts charged

between in-state MA calls and calls received from other states (Interstate calls).

Response: The calls reviewed all appear to be in-state calls.

- d. Please identify and provide copies of relevant billing records or other documents relating to and relied upon to support the “almost \$4000 in charges” figure.

Response: Petitioners submit a Prisoners’ Legal Services (formerly known as Massachusetts Correctional Legal Services) quick report demonstrating all payments made to Correctional Billing Services for 2008 calls along with Correctional Billing Services phone bills for 9 months in 2008. In addition, PLS submits an accounting of all payments made to Securus Correctional Billing for 2008. PLS was unable to ascertain by the deadline of these information requests why it has been paying both Securus Correctional Billing and Correctional Billing Services for county calls. In addition to these bills, PLS also paid One Communications for GTL phone calls made in 2008.

SECURUS-1-8. On page 6 of Petition, Petitioners claim that the Committee for Public Counsel Services paid “over \$100,000 for collect and prepaid phone calls from prisoners in 2008.”

- a. How many calls were involved?
- b. What was the average length of such calls?
- c. Please provide a breakdown of the number of calls and amounts charged between in-state MA calls and calls received from other states (Interstate calls)
- d. Please identify and provide copies of relevant billing records or other documents relating to and relied upon to support the “over \$100,000 figure.”

Response: The Petitioners object to this request as overly broad and unduly burdensome, particularly given the volume of calls involved. Without waiving this objection, the Petitioners provide the ICS billing records for 2008 that are in CPCS’ possession.

SECURUS-1-9. On page 7 of Petition, Petitioners claim that “commissions are now the single largest component of prisoner payphone costs in Massachusetts, ranging from 30% to more than 52% of gross telephone revenues.” Please identify and provide copies of all documents relating to and relied upon in support of this claim, including all documents relied upon in preparing the relevant component of Appendix II cited in footnote 12 of the Petition.

Response: The Petitioners object insofar as this seeks information already in the possession of Securus.

Without waiving this objection, the Petitioners refer to the following documents included in the ICS requests for proposals and contracts produced by the Petitioners:

Commonwealth of MA Standard Contract Form, signed by Barnstable County Sheriff's Office and Securus Technologies, December 2010, p.1 (commission of 59.75%, with 60.75 percent in extension year one, 61.75 percent in extension year two, and 62.75 percent in extension year three).

Agreement between Barnstable County and Evercom, January 2005 (52% commission).

Commonwealth of MA Standard Contract Form, signed by Berkshire Sheriff's Department and Securus Technologies, July 2012, (commission of 48percent).

Commonwealth of MA Standard Contract Form, signed by Berkshire Sheriff's Department and Evercom, July 2004, and adopting Evercom proposal (45 percent commission).

Commonwealth of MA Standard Contract Form, signed by Bristol Sheriff's Department and Securus Technologies, July 11, 2012, p.1 (commission of 48 percent).

Goods and Services Agreement signed by Essex County Sheriff's Department and Securus, April 2012, adopting contract between Bristol Sheriff's Department and Securus (48% commission)

Commonwealth of MA Standard Contract Form, signed by Franklin County Sheriff's Office and Evercom, effective 9/1/06, p.1 ((40% commission).

Commonwealth of MA Standard Contract Form, signed by Franklin County Sheriff's Office and Evercom, July 2013 (48 percent commission).

First Amendment to 2006 contract, Franklin County Sheriff's Office and Securus (March 2012) (38% commission).

Letter signed by Franklin County Sheriff's Office and Evercom, (renewing terms of 2006 contract through August 2013) (40% commission).

Commonwealth of MA Standard Contract Form, signed by Franklin County Sheriff's Office and Evercom, September 2006 (40% commission).

Commonwealth of MA Standard Contract Form, Contract signed by Hampden County Sheriff's Department and Global Tel Link, June 2012, Exhs. B and (commission of 74 percent).

Hampshire Sheriff's Office and Inmate Calling Solutions, Inmate Telephone Service Agreement, August 2009, ¶¶ 5.1-5.4 and Attachment B (53% commission and guaranteed annual commission of \$137,000.00).

First Amendment to Inmate Telephone Agreement, Hampshire Sheriff's Office and Inmate Calling Solutions, October 2004 (44% commission).

Letter dated July 22, 2013 executed by Securus and Middlesex Sheriff's office (48% commission).

Agreement between Securus and Middlesex County Sheriff's Office, March 2006 (40 percent commission).

Commonwealth of MA Standard Contract Form, Contract signed by Norfolk County Sheriff's Office and GTL, June 2013, p.1 (65% commission).

Norfolk County Sheriff's Office Vendor Service Agreement, January 28, 2009 (56.55% commission).

Commonwealth of MA Standard Contract Form, Contract signed by Plymouth County Sheriff's Department and GTL, May, 2011, Attachment A, p. 6 and Attachment B, p. 1 (60 % commission).

Plymouth County Commission and Sheriff's Department contract with Evercom, June 3, 2005 (52% commission)

Commonwealth of MA Standard Contract Form, Contract signed by Suffolk County Sheriff Department and Securus Technologies, June 2012, p.1 (commission of 48 percent).

Commonwealth of MA Standard Contract Form, Contract signed by Worcester County Sheriff's Department and Securus, December 2012, p.1 (48% commission).

Commonwealth of MA Standard Contract Form, Contract signed by Worcester County Sheriff's Department and Evercom, May 2006, Attachment C (40 percent commission).

SECURUS-1-10. On page 8 of Petition, Petitioners claim that since the 1998 Order was issued the special costs cited by the Department "have been almost entirely eliminated." Please identify and provide copies of all documents, other than Dawson Declarations, relating to and relied upon in support of this claim.

Response: In addition to the two Dawson declarations filed in this case (his Amended Declaration and his Second Declaration), the petitioners refer to two declarations he filed in Wright et. al. proceeding before the FCC, No. DA 03-4027: Affidavit of Douglas Dawson and Declaration of Douglas Dawson in support of Petitioners' Alternative Proposal (both produced herein). The Plaintiffs additionally refer to FCC Report ¶ 29 and comments and sources cited therein.

SECURUS-1-11. On pages 11-12 of Petition, Petitioners claim that commissions paid by prisoner telephone service providers in Massachusetts are the "single largest category of prisoner payphone expense incurred by providers." Please identify and provide copies of all documents relating to and relied upon in support of this claim.

Response: The Petitioners object insofar as this seeks information already in the possession of Securus.

Without waiving this objection, the Petitioners refer to documents produced in response to 1-9.

SECURUS-1-12. On page 13 of Petition, Petitioners claim that "[h]alf of the counties in the state are required by statute to pay telephone commissions into these funds." Please identify such statutes, including citations, and provide copies of all such statutes identified.

The Petitioners refer to documents produced in response to 1-2, in particular FY2009 budget summary and the explanation provided in the Petition, p. 13 n. 20.

SECURUS-1-13. On page 15 of Petition, Petitioners claim that "the need for an extraordinary per call charge to fund the special cost categories enumerated by the DTE no longer exists." Please identify and provide copies of all documents, other than Dawson Declarations, relating to and relied upon in support of this claim.

Response: In addition to the four Dawson declarations, the Petitioners cite FCC Report ¶ 29 and comments and sources cited therein.

SECURUS-1-14. On page 15 of Petition, footnote 23 there is reference to Appendix V. Please identify and provide copies of all documents relating to and relied upon in preparing Appendix V.

The Petitioners refer to the DOC RFR of July 11, 2005, Attachment C, Current Inmate Call Volume and Commission History.

SECURUS-1-15. On page 16 of Petition, Petitioners reference is made to "column 8 of Appendix IV, 2008 IntraLATA rates...." Please identify and provide copies of all documents relating to and relied upon in preparing column 8 of Appendix IV.

Response: The Petitioners object insofar as this seeks information already in the possession of Securus. Petitioners also omit attorney notes referring to rates in various states on the basis of attorney work product.

Without waiving this objection, Petitioners submit the following documents used to create Appendix IV.

1. eTc Campaign 2006 Table of State by State 15 minute cost of prison phone call. http://www.etccampaign.com/etc/current_status.php
2. eTc Campaign 2008 Table of State by State 15 minute cost of prison phone call. http://web.archive.org/web/20081223003439/http://www.etccampaign.com/etc/current_status.php
3. Montgomery County, MD RFP Attachment H Fee Schedule
4. RI GTL contract- 10 minute calling rate schedule
5. RI GTL contract, 2008 inmate calling rates at p. 2
6. New Mexico DOC Amendment 5 to Agreement for Inmate Telephone Call Monitoring
7. North Carolina Journal of Law and Technology, Comparison of Selected States' Prison Phone Rates
8. State of Michigan DOC Accepted Pricing for Embarq Inmate Telephone Services
9. Article, *Nebraska Prisons Get Progressive Phone Contract*
10. State of Nebraska Inmate Calling System Rate Information Sheet
11. Contract between the Florida Department of Corrections and Securus Technologies Inc. 2007 (see p. 40, Compensation page)
12. Alaska Rate Schedule with Evercom, 2004
13. Letter from Morrison and Foerster to the FCC regarding the decrease in New York prison phone rates pursuant to a GTL contract.
14. New York Times article regarding decrease in cost of prisoner phone calls in NY.
15. GTL Response to he Massachusetts DOC RFR 2006

16. California Inmate/Ward Telephone system contract Attachment 7-A, Pricing Workbook
17. State of Missouri Offender Telephone Services- RFP fee schedule
18. Hampden County (MA) 2008 Evercom contract
19. GLT NH Rate Schedule, 2006
20. NH Pricing Schedule, Exhibit B 2008
21. Article, Kansas and Nevada Inmate Phone Rates to Decrease, 2008
22. E-mail from Alabama DOC stating 2004 rate schedule
23. E-mail from Tennessee DOC confirming 2004 rate schedule
24. Inmate Call out Program, Ohio
25. Printout of e-mail from Washington DOC policy office with Rate Schedule
26. E-mail from the grant/contract office of Idaho DOC, 2006
27. State of Idaho DOC Inmate Phone Service Cost Comparison Sheet demonstrating the Pre-paid collect flat rate option
28. Article confirming new Oklahoma DOC rates, 2008
29. E-mail from North Carolina DOC confirming rates in 2007
30. Wyoming Department of Corrections Press Release: Wyoming DOC Announced Savings on Phone Calls for Inmates/Families
31. Contract between State of Wyoming Department of Corrections and Inmate Calling Solutions for Inmate Calling Services, Attachment A, page 2
32. Department of Correction, Richmond, VA, Contract Modification Agreement, 2006
33. Kansas Department of Corrections New Calling Rates
34. Kansas T-Netix contract, Exhibit B, 2004
35. Communications Daily Article, August 18, 2008 stating Texas rates
36. Evercom Response to Barnstable County RFP, 2006

37. Hampshire County, First Amendment to Inmate Telephone Agreement, 2004
38. Hampshire Sheriff's Office Inmate Telephone Service Agreement, 2009
39. E-mail from Oregon DOC stating 2004 rates
40. E-mail from Utah DOC stating 2004 rates
41. Suffolk County (MA) 2005 Securus proposal
42. E-mail from Arizona DOC stating 2004 rates
43. Kentucky DOC 2004 rate schedule
44. Plymouth County 2005 contract with Evercom
45. Worcester County 2006 contract with Evercom
46. Wisconsin Inmate Telephone Contract, rates at page 16
47. State of Vermont Inmate Telephone rate schedule
48. New Jersey Rate and Commission Menu
49. Louisiana Department of Public Safety and Corrections phone rates, 2007
50. Arkansas Department of Corrections Inmate Phone Contract, 2007
51. E-mail from Mississippi DOC confirming 2004 rates
52. South Carolina DOC Inmate Collect Call Rates Sheet, 2004
53. Minnesota Department of Corrections Offender Phone Rates, 2007
54. Letter from Morrison Foerster confirming Indiana rates, 2008
55. Pennsylvania DOC Collect Calling rate sheet
56. Maine Department of Corrections Client Phone System Rates 2008
57. Agreement between Montana Department of Correction and PCS, 2005
58. E-mail from Colorado DOC confirming rates, 2008
59. South Dakota Department of Corrections Frequently Asked Questions regarding prison phone rates 2008

SECURUS-1-16. On page 16 of Petition, Petitioners claim that “costs in all expense categories are lower and continue to decline as improved technologies make telephone operations more efficient.” Please identify and provide copies of all documents, other than Dawson Declarations, relating to and relied upon in support of this claim.

Response: In addition to the four Dawson declarations, the Petitioners cite FCC Report ¶ 29 and comments and sources cited therein.

SECURUS-1-17. On page 16 of Petition, Petitioners claim that there have been “considerable cost savings over the past decade as communications technologies have continued to advance, tighter payment safeguards have been imposed and the industry itself has undergone widespread consolidation resulting in significant economies of scale.”

- a. Please define “considerable.” Please identify and provide all documents relied upon to support such definition.

Response: The Petitioners object insofar as it requires them to define a commonly understood word, “considerable.”

- b. Please identify and provide copies of all documents, other than Dawson Declarations, relied upon to support such claim.

The Petitioners, in addition to the four Dawson declarations, cite FCC Report ¶ 29 and comments and sources cited therein.

SECURUS-1-18. On page 17 of the Petition, Petitioners claim that “live operators and the high wages and infrastructure needed to support them are a thing of the past.”

- a. When was the last time that live operators were used in the provision of inmate calling service in Massachusetts? By whom?

Response: The Petitioners object to this request insofar as it seeks information more available to the Respondents than to the petitioners. They also object to the request that they identify “the last time that live operators were used” as vague.

Without waiving this objection, the Petitioners state that they do not know the last date on which live operators were employed in the provision of ICS in Massachusetts.

- b. Please identify and provide copies of all documents relating to and relied upon to establish when and how live operators were employed in the provision of inmate calling services in Massachusetts.

Response: The Petitioners have no responsive documents in their possession.

SECURUS-1-19. On page 18 of Petition, Petitioners claim that “[a]dvanced recording devices developed since the 1998 Order make it possible to record and monitor calls...more efficiently and cheaply.” Please identify and provide copies of all documents, other than Dawson Declarations, relating to and relied upon to support this claim.

In addition to the four Dawson declarations, the Petitioners cite FCC Report ¶ 29 and comments and sources cited therein.

SECURUS-1-20. On page 18 of Petition, Petitioners claim that there has been a “substantial elimination of uncollectibles” and “[u]ncollectibles essentially vanish...” Please identify and provide copies of all documents, other than Dawson Declarations, relating to and relied upon in support of that claim.

In addition to the four Dawson declarations, the Petitioners cite FCC Report ¶ 30 and the Securus comments cited in FN 114 therein.

SECURUS-1-21. On page 19 of Petition, Petitioners claim that “truly collect calls are generally available only to the most financially responsible and credit-worthy third parties.” Please identify and provide copies of all documents relating to and relied upon in support of that claim.

Response: The Petitioners object insofar as this seeks information already in the possession of Securus.

Without waiving this objection, Petitioners refer to the following links to support this claim:

http://securus.custhelp.com/app/answers/detail/a_id/596/kw/direct%20billed

<http://www.prisonpolicy.org/phones/AL-proposed-100113.pdf>

SECURUS-1-22. On page 19 of Petition, Petitioners claim that the “only individuals and entities that are generally exempted from the prepaid requirement are lawyers and government agencies...” and there are “some exceptions for individuals with certain local providers, like Verizon, that have a contractual relationship with the prison payphone provider...” Please identify and provide copies of all documents relating to and relied upon in support of that claim.

Response: The Petitioners object insofar as this seeks information already in the possession of Securus.

Without waiving this objection, Petitioners submit the following documents:

GTL Usage Blocking Policy Posting 2006

DOC postings to prisoners regarding to GTL phone service.

Petitioners also refer to the link below which is referenced above in Securus 1-21:

http://securus.custhelp.com/app/answers/detail/a_id/596/kw/direct%20billed

.SECURUS-1-23. On page 20, footnote 40, of Petition, Petitioners refer to an email from John Reynolds, Economist, Telecommunications Bureau, New Mexico Public Regulations Commission. Please provide a copy of that email.

Response: Petitioners object insofar as this request seeks information that is attorney work product. Without waiving this objection, Petitioners produce an e-mail dated 6/9/2009 from John Reynolds of the Public Regulations Commission in New Mexico.

SECURUS-1-24. On page 20 of Petition, Petitioners claim “dramatic reductions as personnel costs fall by eliminating live operators and shifting virtually all of their functions to computers...” and “through mergers and acquisitions that have resulted in unprecedented consolidation...and accompanying centralization.” Please identify and provide copies of all documents, other than Dawson Declarations or those cited in the relevant footnotes, relating to and relied upon in support of this claim.

Response: In addition to the four Dawson affidavits, petitioners refer to: (1) FCC Report ¶ 29 and comments and sources cited therein, and (2) “Is There a Winning Argument Against Excessive Rates for Collect Calls from Prisoners?, Madeleine Severin, 25 Cardozo L. Rev. 1469 n. 26 (2004).

SECURUS-1-25. On page 20 of Petition, Petitioners claim that that there has been “centralization allowed by new switching technologies.”

- a. Please define the term “new switching technologies.”
- b. Please identify and provide copies of all documents, other than Dawson Declarations and those cited in the relevant footnotes, relating to and relied upon in support of that claim.

Response: The Petitioners object to this request insofar as it asks them to define a technical term known to the Respondents. The Petitioners rely on the usage employed in the Dawson affidavit and in the FCC Order. In addition to the four Dawson affidavits, the Petitioners refer to FCC Report ¶ 29 and comments and sources cited therein.

SECURUS-1-26. On page 21 of Petition, Petitioners claim “huge savings from reduced labor costs on a per call basis...” Please quantify the reduced labor costs on a per call basis and identify and provide copies of all documents relating to and relied upon in making such calculation.

Response: The Petitioners object to the request that they quantify the Respondents’ savings from reduced labor cost as unduly burdensome and as more available to the

Respondents than to the Petitioners. Without waiving this objection, the Petitioners refer to the Dawson affidavits and to FCC Report ¶ 29 and comments and sources cited therein.

SECURUS-1-27. On page 23 of Petition, Petitioners calculate that a “\$6 call actually ends up costing \$6.83; a \$10 call ends up costing \$11.39.”

a. What is the length of each call?

Response: The calculations are not based on a particular call length. The amounts were chosen merely to illustrate the effect of the service charge on a call.

b. Please explain how Petitioners made these calculations.

Response: \$6.83 and \$11.39 represent a 13.9% Securus service charge on a theoretical \$6 or \$10 call respectively. The calculations were made as follows: $\$6 \times 13.9 = 83.4/100 = .834$ cents. $\$6 + .83 = \6.83 ; $\$10 \times 13.9 = 139/100 = 1.39$. $\$10 + 1.39 = \11.39 .

c. Please identify and provide copies of all documents relating to and relied upon in making these calculations.

Response: See answer to 1-28

SECURUS-1-28. On page 23 of Petition, Petitioners claim that “Evercom charges a 14% service fee.” Please explain how Petitioners calculated this percentage and identify and provide copies of all documents relating to and relied upon in making such calculation.

Response: Petitioners object insofar as this seeks information already in the possession of Securus. Without waiving this objection Petitioners refer to the report: *Please Deposit All of Your Money: Kickbacks, Rates and Hidden Fees in the Jail Phone Industry*, Kukorowski, Drew, Wagner Peter and Sakala, Leah, Prison Policy Initiative, May 8, 2013, See Table 3 and Exhibit 26.

See also Securus RFR to Barnstable County, Price Proposal at Attachment C.

SECURUS-1-29. On page 25 of Petition, Petitioners claim that “at least two-thirds of individuals incarcerated in Norfolk County are actually from the county....” Please identify and provide copies of all documents relating to and relied upon in support of that claim.

Response: Petitioners believe that this information was based on common knowledge at the time and anecdotal information. Petitioners have no directly responsive documents at this time, however, Petitioners note that in the Norfolk County Request for Bid for 2008, the data demonstrates that 77% of the calls made from

Norfolk County are intralata calls which is at least suggestive of the fact that the majority of prisoners are from Norfolk County.

SECURUS-1-30. On page 25 of Petition, Petitioners provide information on a 15-minute intraLata collect call in Hampden County and commission payments to the Inmates Commissary Fund for the period December 2005 to November 2006. Please identify and provide copies of all documents relating to and relied upon in preparing those calculations.

Response: Petitioners object insofar as this seeks information already in the possession of Securus.

Without waiving this objection, Petitioners refer Respondent Securus to the Hampden County Jail Inmate Commissary Fund Phone Revenue Chart received in response to a 2011 public records request as well at Petitioner's response to Securus 1-4.

SECURUS-1-31. On page 25-26 of Petition, and in footnote 50 on page 26, Petitioners provide certain calculations regarding the price of a 15-minute local and intraLATA calls in Worcester County. Please identify and provide copies of all documents relating to and relied upon in preparing those calculations on pages 25 and 26 and footnote 50.

Response: Petitioners object insofar as this seeks information already in the possession of Securus. Without waiving this objection, Petitioners refer Respondent Securus to the Response provided to Securus 1-4.

SECURUS-1-32. On page 27 of Petition, Petitioner sets forth a table relating to commissions paid to the Barnstable HOC Canteen Fund. Please identify and provide copies of all documents relating to and relied upon in preparing that table.

Plaintiffs refer to Barnstable County House of Correction Canteen Fund printout dated 1/27/07.

[I don't think this matches up with Brad's chart; I added up the inmate phone deposits for 2003 and came up with \$75,443.92 and the chart has \$100,585.40 for that year. Also the printout shows commission deposits through 12/07/06 but Brad's chart says he had only 10 months of data for 2006. I'm not sure what he relied on, but I'm not inclined to worry about it now – what do you think?]

SECURUS-1-33. On page 28 of Petition, Petitioners claim that "at least five Massachusetts counties *increased* their surcharges in the same general time frame, and a sixth imposed a surcharge that qualifies as the second highest in the country." Please identify and provide copies of all documents relating to and relied upon to support that claim.

Response: Petitioners object insofar as this seeks information already in the possession of Securus. Without waiving this objection, Petitioners refer Respondent Securus to the Response provided to Securus 1-15.

SECURUS-1-34. On page 28 of Petition, Petitioners claim that “along with Arkansas and Minnesota, Massachusetts counties now charge the highest per call surcharges in the country for instate calls.” Please identify and provide copies of all documents relating to and relied upon to support that claim.

Response: Petitioners object insofar as this seeks information already in the possession of Securus. Without waiving this objection, Petitioners refer Respondent Securus to the Response provided to Securus 1-15.

SECURUS-1-35. On page 28 of Petition, reference is made in footnote 55 to correspondence in September 2008 with Board members of Colorado CURE. Please provide a copy of such correspondence.

Response: Petitioners object to this request insofar as it seeks attorney work product, Without waiving this objection, Petitioners submit copy of correspondence with the Board member of Colorado CURE.

SECURUS-1-36. On page 29 of Petition in continuation of footnote 58 reference is made to Appendix II. Please identify and provide copies of all documents relating to and relied upon in preparing Appendix II.

Response: The Petitioners object insofar as this seeks information already in the possession of Securus. The petitioners additionally object that the sources used to prepare Appendix II are listed and available to the Respondents.

Without waiving this objection, the Petitioners refer to the DOC and county public records responses they have produced, cited at 1-4. The Quarterly Overcrowding Reports cited in the chart are available at: <http://www.mass.gov/eopss/law-enforce-and-cj/prisons/rsch-data/quarterly-overcrowding-reports.html>.

SECURUS-1-37. On page 29 of Petition in footnote 59 reference is made to “column 7 of Appendix IV.” Please identify and provide copies of all documents relating to and relied upon in preparing column 7 of Appendix IV.

Response: Petitioners object insofar as this seeks information already in the possession of Securus. Without waiving this objection, Petitioners state that all responsive documents were identified and provided in response to Securus 1-15.

SECURUS-1-38. On page 29 of Petition in footnote 60 reference is made to the “last column of Appendix VI.” Please identify and provide copies of all documents relating to and relied upon in preparing the last column of Appendix VI.

Response: Petitioners object insofar as this seeks information already in the possession of Securus. Without waiving this objection, Petitioners state that all state and county contracts and RFRs have been provided in response to Respondents' information requests and responsive documents were previously identified and provided in responses to Securus 1-4, 1-9, and 1-15.

SECURUS-1-39. On page 29 of Petition, Petitioners claim that "[v]irtually none of the commissions are used for telephone or telephone security related purposes." Please define "telephone or telephone security related purposes" and "virtually none." If virtually none is greater than "0" what percentage are used for such purposes?

Response: The Petitioners object to the request insofar as it asks for a definition of easily understood phrases.

Without waiving that objection, Petitioners state that "telephone or telephone security related purposes" means for a purpose related to the provision of telephone service or telephone security. "Virtually none" means close to none, if any. No percentage is used for this purpose.

SECURUS-1-40. On page 30 of Petition, Petitioners cite to the American Correctional Association policy in footnote 62.

a. Please provide a copy of the cited policy.

Response: Petitioners state that this policy was provided in response to Securus 1-6.

b. Please define the terms "general public" and "like services" as those terms are used in the policy? Please identify and provide copies of all documents relating to and relied upon in support of your definition.

Response: Petitioners object on the grounds that Petitioners did not author the policy and cannot attest to any specific definitions of the terms used in the policy.

SECURUS-1-41. On page 30 of Petition, Petitioners refer to "enormous deviations in rates from those charged to the general public." Specifically, what rates charged to the "general public" for what services are Petitioners referring to?

Response: The Petitioners object that this phrase is easily understood from the context in which it appears.

Without waiving their objection, the Petitioners state that their usage is consistent with that of the American Correctional Association policy that they quote, which states that surcharges for prison calls should be "commensurate with those charged to the general public for like services." The Petitioners' reference to "enormous deviations in rates from those charged to the general public" in

Massachusetts indicates that ICS rates in Massachusetts are greatly different from rates charged to the general public.

SECURUS-1-42. To the extent not previously requested, please provide identify and provide copies of all documents relating to and relied upon in preparing all Appendices to the Petition.

Response: Petitioners object insofar as this seeks information already in the possession of Securus. Without waiving this objection, Petitioners state that all responsive documents were identified and provided in Petitioners responses to 1-4, 1-6, 1-14, 1-15, and 1-38.

SECURUS-1-43. On page 3 of the Amendment #1 and Supplement On Quality of Service (“Amendment #1”), Petitioners indicate that each of Petitioners requested prisoner telephone service. Please identify and provide copies of all documents other than the Affidavits of Petitioners, relating to and relied upon as a basis for the claim that each of Petitioners requested such service.

Response: The Petitioners refer to the documents produced in response to GTL’s information requests of each of the Petitioners, as well as to all documentation attached to the Petition and Amendments.

SECURUS-1-44. On page 3 of Amendment #1, reference is made to Petitioners as “customer of record” of Evercom Systems, Inc. and Correctional Billing Services, Inc. Please identify and provide copies of all documents, other than the Affidavits of Petitioners, relating to and relied upon to support the claims that certain Petitioners are “customers of record” of Evercom Systems, Inc. and/or Correctional Billing Services, Inc.

Response: The Petitioners refer to the documents produced in response to GTL’s information requests of each of the Petitioners, as well as to all documentation attached to the Petition and Amendments.

SECURUS-1-45. With respect to Appendix 1 to Amendment #1, please identify and provide copies of all documents, other than the Affidavits of Petitioners, relating to and relied upon in preparing said Appendix 1.

Response: The petitioners object to the extent that this request calls for the production of attorney work product.

Without waiving this objection, the Petitioners state that they have no responsive documents other than what is included in the documents they have produced in response to GTL’s information requests of each of the Petitioners.

SECURUS-1-46. On page 5 of Amendment #1, Petitioners state that “data in this section are drawn primarily from Affidavits submitted by Petitioners.” Please identify and provide copies of all other documents, other than said Affidavits, relating to and

relied upon in preparing the data in Section IV relating to Evercom Systems, Inc. or Correctional Billing Services, Inc.

Response: The petitioners object to the extent that this request calls for the production of attorney work product and privileged attorney-client communications.

Without waiving this objection, the Petitioners refer to the documents they have produced in response to GTL's information requests of each of the Petitioners.

SECURUS-1-47. Please identify and provide copies of all documents, other than the Affidavits of Petitioners, reflecting complaints or comments or requests submitted by Petitioners to Evercom Systems, Inc., Correctional Billing Services, Inc. the Department, the FCC, or any other Federal or State agency or office or private agency or office, including the Massachusetts Office of Consumer Affairs and Business Regulation and Better Business Bureau in connection with the claims relating to "connection problems", disconnected calls, "call reporting and details of charges", or "customer service problems" as discussed in Sections IV.A.ii., IV.B.ii., IV.C.ii. and IV.D.ii. of Amendment #1, including all billing records, service adjustments or other statements reflecting any calls referred to and when such calls were made.

Response: The petitioners refer to the documents they have produced in response to GTL's information requests of each of the Petitioners.

SECURUS-1-48. With respect to the Petitioners added by Amendment #2 – Additional Petitioners, please identify and provide copies of all documents, other than the Affidavits supplied by the Additional Petitioners, relating to and relied upon to establish that each of the Additional Petitioners receives telephone calls from prisoners in state or county correctional facilities in Massachusetts, including any billing statements or other form of customer records reflecting any calls referred to and when such calls were made.

Response: The petitioners refer to the documents they have produced in response to GTL's information requests of each of the Petitioners.

SECURUS-1-49. With respect to the Petitioners added by Amendment #2 – Additional Petitioners please identify and provide copies of all documents, other than the Affidavits of Petitioners, reflecting complaints or comments or requests submitted by Petitioners to Evercom Systems, Inc., Correctional Billing Services, Inc. the Department, the FCC, or any other Federal or State agency or office or private agency or office, including the Massachusetts Office of Consumer Affairs and Business Regulation and Better Business Bureau in connection with the claims reflected in the Affidavits of the Additional Petitioners.

Response: The petitioners refer to the documents they have produced in response to GTL's information requests of each of the Petitioners.

SECURUS-1-50. Please provide a copy of Appendix C to Inmate Fees As a Source of Revenue: Review of Challenges. Report of Special Commission to Study the Feasibility of Establishing Inmate Fees, Massachusetts Executive Office of Public Safety AND Security, July 1, 2001.

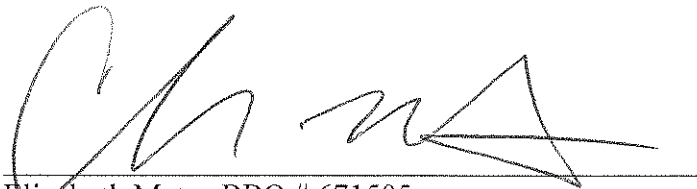
Response: Appendix C is attached.

SECURUS-1-51. Please identify and provide all other documents not previously identified or requested which Petitioners rely upon in support of their Petition in connection with the issues that are the subject of the Department's proceeding as reflected in the Hearing Officer Interlocutory Decision of September 23, 2013.

Response: The Petitioners object to this request as overly broad and unduly burdensome.

Without waiving this objection, Petitioners have no other responsive documents at this time.

Dated: 4/29/14

A handwritten signature in black ink, appearing to read 'Elizabeth Matos', is written over a horizontal line.

Elizabeth Matos BBO # 671505
Bonita Tenneriello BB) # 662132
on behalf of Petitioner PLS and all other Petitioners
Prisoners' Legal Services
10 Winthrop Sq. 3rd Floor
Boston, MA 02110
lmatos@plsma.org
617-482-2773 x105