

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Compliance investigation of TCG Public Communications, Inc. for apparent violation of Section 364.183(1), F.S., Access to Company Records, and determination of amount and Appropriate method for refunding overcharges For collect calls made from inmate pay telephones

Docket No. 060614-TC

Filed: April 9 2007

RESPONSE TO PETITIONER'S PETITION AND MEMORANDUM TO INSPECT AND EXAMINE CONFIDENTIAL MATERIAL AND NOTICE OF AGREEMENT

T-NETIX Telecommunication Systems, Inc. (T-Netix) and Evercom Systems, Inc. d/b/a Correctional Billing Services (Evercom) (collectively, "Respondent"), pursuant to Rule 25-22.006(5)(c)2, Florida Administrative Code, hereby respond to Petitioner Kirsten Salb's ("Salb") Petition and Memorandum to Inspect Confidential Material and informs the Commission that an agreement of consent has been reached to permit the inspection and examination.

Background

1. Respondent is not a party to the above-referenced Public Service Commission matter. Respondent received a subpoena dated October 25, 2006 from the Public Service Commission seeking certain documents. On November 30, 2006, Respondent objected to the subpoena and moved to have the subpoena quashed. On December 4, 2006, Respondent responded to Staff's requests 1 through 4 affixed to the subpoena and asserted confidentiality over such information pursuant to section 364.183(1), Florida Statutes. On December 13, 2006, Respondent supplemented its original response to Staff's request number 4 affixed to the subpoena, and again asserted confidentiality over such information pursuant to section 364.183(1), Florida Statutes.

Respondent received an informal data request from Staff on February 6, 2007. Respondent responded to this informal data request on March 7, 2007 and asserted confidentiality over such information pursuant to section 364.183(1), Florida Statutes.

2. Petitioner Salb is the plaintiff in a class action lawsuit pending before the federal district court for the Southern District of Florida, Case No. 06-20290-civ-UNGARO-BENAGES/O'SULLIVAN. Respondent is a defendant in that case.

3. In the federal class action matter, Salb sought discovery from Respondent of all documents provided to the Florida Public Service Commission. Respondent produced the requested documents to Salb. The documents produced are confidential pursuant to an Order entered by Judge Ungaro-Benages. (Stipulated Protective Order entered June 26, 2006). Counsel for Respondent has represented that all documents produced to the PSC have also been produced to counsel for Salb. These documents have been afforded confidential protection at both the PSC and before the federal district court.

Petitioner's Petition to Inspect and Examine Confidential Information

4. Petitioner now apparently seeks to inspect and examine the documents Respondent produced to the PSC merely "to confirm the completeness of discovery." ("As to documentation and information relating to these parties or entities [Evercom, CBS, and T-Netix], Petitioner simply seeks to confirm the completeness of discovery from said entities and such parties representation as to production." Petitioner's Petition and Memorandum to Inspect and Examine Confidential Material, p. 3.

5. On March 23, 2007, Petitioner Salb filed her Petition and Memorandum to Inspect and Examine Confidential Material. Petitioner's express purpose for reviewing the documents produced by Respondent to the PSC is to double check the completeness

of the documents that have already been produced directly to it. Accordingly, Respondent does not object to the Petitioner being provided the opportunity to inspect and examine the documents Respondent produced to the PSC under the following conditions:

- a. A date and time for such review that is acceptable to counsel for Petitioner and counsel for Respondent be established;
- b. Staff and counsel for Respondent and Petitioner be present during the inspection and, examination;
- c. That the documents will continue to be treated as confidential by the parties and the PSC unless otherwise ordered by a court of competent jurisdiction; provided, however that Respondent reserves its right to seek confidentiality protection by means of a protective order or other appropriate mechanism and Petitioner reserves her right to challenge the confidentiality of such documents in a subsequent pleading if necessary.

The parties have agreed to allow the inspection and examination to take place as outlined in Paragraph 5 above, and as contemplated by Rule 25-22.006(7)(b).

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Response to Petitioner's Petition and Memorandum to Inspect and Examine Confidential Material and Notice of Agreement was furnished by electronic mail and U.S. Mail this 9th day of April, 2007, to:

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