

# ORIGINAL

Timolyn Henry

**From:** Woods, Vickie [Vickie.Woods2@bellsouth.com]  
**Sent:** Wednesday, January 03, 2007 4:04 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** 060640-TP BellSouth's Response and Answer to Michael Russ' Petition for Sanctions  
**Attachments:** 060640-T.pdf

A. Vickie Woods  
 Legal Secretary to James Meza III and Manuel Gurdian  
 BellSouth Telecommunications, Inc.  
 150 South Monroe Street  
 Suite 400  
 Tallahassee, Florida 32301  
 (305) 347-5560  
[vickie.woods2@bellsouth.com](mailto:vickie.woods2@bellsouth.com)

B. Docket No. 060640-TP: Petition to investigate, claim for damages, complaint, and

other statements against respondents Evercom Systems, Inc. d/b/a Correctional Billing Services and BellSouth Corporation, by Bessie Russ

C. BellSouth Telecommunications, Inc.  
 on behalf of Manuel A. Gurdian

D. 8 pages total (including letter, certificate of service and pleading)

E. BellSouth Telecommunications, Inc.'s Response and Answer to Michael Russ' Petition for Sanctions  
 .pdf version attached

<<060640-T.pdf>>

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 OTH \_\_\_\_\_

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DOCUMENT NUMBER-DATE

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ORIGINAL

Legal Department

Manuel A. Gurdian  
Attorney

BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(305) 347-5561

January 3, 2007

Mrs. Blanca S. Bayó  
Director, Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

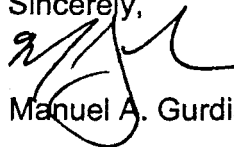
**Re: Docket No.: 060640-TP  
Petition to investigate, claim for damages, complaint, and  
other statements against respondents Evercom Systems, Inc.  
d/b/a Correctional Billing Services and BellSouth Corporation,  
by Bessie Russ**

Dear Ms. Bayó:

Enclosed is BellSouth Telecommunications, Inc.'s Response and Answer to Michael Russ' Petition for Sanctions, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,



Manuel A. Gurdian

cc: All Parties of Record  
Jerry D. Hendrix  
E. Earl Edenfield, Jr.  
James Meza III

DOCUMENT NUMBER-DATE

00076 JAN-3 07

FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE**  
**Docket No. 060640-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via  
(\* **Electronic Mail** and First Class U. S. Mail this 3rd day of January, 2007 to the  
following:

Theresa Tan (\*)  
Staff Counsel  
Florida Public Service  
Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
[ltan@psc.state.fl.us](mailto:ltan@psc.state.fl.us)

Bessie Russ  
745 Orange Street  
Chipley, FL 32428  
Tel. No. (850) 638-9695

Michael Russ (\*)  
745 Orange Street  
Chipley, FL 32428  
Tel. No. 850-638-5533  
[Comp102@earthlink.net](mailto:Comp102@earthlink.net)

Correctional Billing Services  
Mr. Curtis Hopfinger (\*)  
14651 Dallas Parkway, 6<sup>th</sup> Floor  
Dallas, TX 75254-7476  
Tel. No. (972) 277-0319  
Fax. No. (972) 277-0416  
[chopfinger@securustech.net](mailto:chopfinger@securustech.net)

  
\_\_\_\_\_  
Manuel A. Gurdian

**FLORIDA PUBLIC SERVICE COMMISSION**

Petition to investigate, claim for damages, ) Docket No. 060640-TP  
complaint, and other statements against )  
respondents Evercom Systems, Inc. d/b/a )  
Correctional Billing Services and BellSouth )  
Corporation, by Bessie Russ )  
\_\_\_\_\_ ) January 3, 2007

**BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSE AND ANSWER  
TO MICHAEL RUSS' PETITION FOR SANCTIONS**

BellSouth Telecommunications, Inc. ("BellSouth") respectfully files this Response and Answer to Michael Russ' Petition for Sanctions against Respondents. As previously advised in its Partial Motion to Dismiss and Answer to Bessie Russ' "Petition to Investigate, Claim for Damages, Complaint and Other Statements", BellSouth denies that it has interfered with Petitioner, Bessie Russ' service. Upon information and belief, Sprint Payphone Services, Inc. ("Sprint") is the provider who originates the pay phone service that Bessie Russ is complaining is being blocked at her residence. BellSouth has not and is not blocking Bessie or Michael Russ' ability to receive collect calls from the correctional facility at issue, because BellSouth only provides billing and collection services on behalf of Correctional Billing Services ("CBS") and does not provide inmate calling services to the facility in question. As previously advised, upon information and belief, BellSouth understands that CBS acts as a billing aggregator on behalf of Sprint and BellSouth believes that Sprint is the party that had blocked calls to Bessie Russ' residence. Upon information and belief, BellSouth understands that as of October 12,

2006, Bessie Russ' ability to receive collect calls from the subject correctional facility has been reestablished.<sup>1</sup>

### ANSWER

1. BellSouth admits that it does business in the State of Florida and that the Florida Public Service Commission ("Commission") has jurisdiction to hear the instant matter. The remainder of the allegations contained in paragraph 1 of the Petition do not require a response from BellSouth.

2. BellSouth denies the allegations contained in paragraph 2 of the Petition except BellSouth admits that it is a Georgia corporation authorized to do business in the State of Florida whose principal place of business is 675 West Peachtree St., NE. Suite 4500, Atlanta, GA 30375, that its corporate mailing address is 1155 Peachtree St., Suite 1800, Atlanta, GA 30309-3610<sup>2</sup>, that its registered agent is in Tallahassee, Florida, that it provides telephone service in Panama City, Florida, and that it is a telecommunications provider in the State of Florida.

3. BellSouth is without knowledge as to the allegations contained in paragraph 3 and therefore denies same.

4. BellSouth is without knowledge as to the allegations contained in paragraph 4 and therefore denies same.

5. BellSouth admits that it does not provide telecommunications services to correctional inmates at the Escambia County Correctional Institution. BellSouth is

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<sup>1</sup> Moreover, the issue of the alleged blockage of calls from the subject correctional facility may be moot, as Bessie Russ, in correspondence to Felicia West, attorney for the Commission, dated November 6, 2006, advised that "the relative, which I sought to communicate with, has been released..."

<sup>2</sup> All pleadings filed in this matter should be served on BellSouth c/o Nancy H. Sims, 150 South Monroe Street, Suite 400, Tallahassee, FL 32301.

without knowledge as to the allegations contained in paragraph 5 and therefore denies same.

6. BellSouth is without knowledge as to the allegations contained in paragraph 6 and therefore denies same.

7. BellSouth denies that it has blocked Michael or Bessie Russ' service. BellSouth is without knowledge as to the remainder of the allegations contained in paragraph 7 and therefore denies same.

8. BellSouth denies the allegations contained in paragraph 8 of the Petition except to admit that it investigated Bessie Russ' allegations of blocked calls and determined that BellSouth did not block any calls from the subject correctional institution.

9. BellSouth denies that it has blocked or otherwise interfered with Michael or Bessie Russ' service.

10. BellSouth denies that it has blocked or otherwise interfered with Michael or Bessie Russ' service.

11. BellSouth is without knowledge as to the allegations contained in paragraph 11 and therefore denies same.

12. BellSouth is without knowledge as to the allegations contained in paragraph 12 and therefore denies same.

13. BellSouth denies that it has blocked, disconnected or otherwise interfered with Michael or Bessie Russ' service. BellSouth is without knowledge as to the remainder of the allegations contained in paragraph 13 and therefore denies same.

14. BellSouth denies the allegations contained in paragraph 14 of the Petition.

15. BellSouth denies the allegations contained in paragraph 15 of the Petition.
16. BellSouth realleges and reavers all responses to paragraphs 1-15 as set forth above.
17. The allegations contained in paragraph 17 of the Petition do not require a response from BellSouth as Rule 25.4113 of the Florida Administrative Code speaks for itself.
18. The allegations contained in paragraph 18 of the Petition do not require a response from BellSouth as Rule 25.4113 of the Florida Administrative Code speaks for itself.
19. BellSouth is without knowledge as to the allegations contained in paragraph 19 and therefore denies same.
20. BellSouth denies the allegations contained in paragraph 20 of the Petition.
21. The allegations contained in paragraph 21 of the Petition do not require a response from BellSouth as Florida Statutes § 364.285 speaks for itself.
22. BellSouth denies the allegations contained in paragraph 22 of the Petition.
23. BellSouth realleges and reavers all responses to paragraphs 1-22 as set forth above.
24. BellSouth denies the allegations contained in paragraph 24 of the Petition.
25. BellSouth denies the allegations contained in paragraph 25 of the Petition.
26. BellSouth is without knowledge as to the allegations contained in paragraph 26 and therefore denies same.
27. BellSouth denies the allegations contained in paragraph 27 of the Petition.

28. The allegations contained in paragraph 28 of the Petition do not require a response from BellSouth as Florida Statutes § 364.285 speaks for itself.

29. BellSouth denies the allegations contained in paragraph 29 of the Petition.

30. BellSouth realleges and reavers all responses to paragraphs 1-29 as set forth above.

31. BellSouth denies the allegations contained in paragraph 31 of the Petition.

32. BellSouth denies the allegations contained in paragraph 32 of the Petition.

33. BellSouth denies the allegations contained in paragraph 33 of the Petition.

#### **AFFIRMATIVE DEFENSES**

1. Petitioner's Complaint fails to state a cause of action upon which relief can be granted.

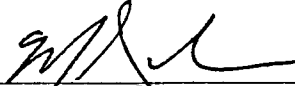
2. Petitioner's Complaint fails to join an indispensable party to this action, Sprint Payphone Services, Inc.

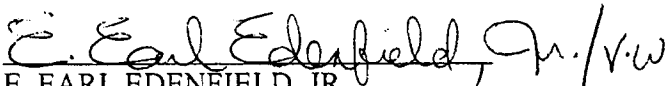
WHEREFORE, BellSouth respectfully requests the Commission to enter an Order in BellSouth's favor, deny the Petitioner the relief sought, and grant BellSouth such other relief as the Commission deems just and proper.



Respectfully submitted this 3<sup>rd</sup> day of January, 2007.

BELLSOUTH TELECOMMUNICATIONS, INC.

  
\_\_\_\_\_  
JAMES MEZA NI  
MANUEL A. GURDIAN  
c/o Nancy H. Sims  
150 So. Monroe Street, Suite 400  
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(305) 347-5558

  
\_\_\_\_\_  
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