

State of Florida

Susan F. Clark
Chairman



Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
(904) 413-6040
FAX (904) 487-1716

Public Service Commission

October 3, 1996

96067-TI

Ms. Joanne S. Christian
Post Office Box 246
Menlo, Georgia 30731-0246

Dear Ms. Christian:

Your letter dated July 15, 1996, concerning the service you received and rates you were billed for collect calls made from a Florida correctional institute was referred to me by the Governor's Office of the Chief Inspector General.

The Commission has two separate investigations relating to companies overcharging for calls from correctional facilities. The Commission is nearing completion of its investigation of North American InTeleCom, Inc. (NAI). The enclosed copy of Order No. PSC-96-0647-AS-TC, accepting NAI's settlement offer will provide you with background information regarding the Commission's investigation into this matter.

I have been informed by the Commission's staff that NAI has requested its billing agents, Zero Plus Dialing, Inc. (ZPDI) and Operator Assistance Network (OAN), to process the refunds required by the Commission's Order. The refunds will be issued by the local exchange telephone companies to those customers who were overcharged. The refund process should be completed by October 15, 1996.

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH _____

NAI will be providing staff with status reports on the refunds. I would like to point out that some calls were rated correctly by NAI; therefore, all customers who were billed for calls by NAI are not necessarily entitled to a refund. If you believe you are due a refund, but have not received it by October 30, 1996, please call Ms. Paula Isler of the Commission's staff at (904) 413-6502. You may also reach Ms. Isler by calling the Commission's toll-free number, (800) 342-3552, and asking the Consumer Complaint Analyst to have Ms. Isler call you back.

The Commission is also investigating MCI for violations of the Commission's rules relating to pay telephone service. A resolution

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Ms. Joanne S. Christian
October 3, 1996
Page 2

of this matter has not yet been reached. Because the matter is pending before the Commission, I cannot comment specifically on any aspect of the case. You may call Ms. Isler to get more information regarding this case as well. The Commission is scheduled to consider this matter at its October 8, 1996, Agenda Conference. I can assure you that the Commission will carefully consider all of the evidence before a decision is made.

In your letter, you mentioned experiencing frequent disconnections during your conversations. These disconnections may be due to a time limit placed on calls from the payphones at the correctional institution. Many, if not all, calls from payphones in correctional institutions are limited to 15 minutes. If you do not believe this to be the cause of the disconnections, please provide your telephone number, the name of the correctional institute, or a copy of your bill to Ms. Isler, who will look into this matter.

Thank you for taking the time to express your concerns.

Sincerely,

Susan F. Clark
Susan F. Clark
Chairman

Enclosure

c: Division of Records and Reporting
-- Docket No. 960617-TI
Division of Communications (Isler)



LAWTON CHILES
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

96-0308 JUL 25

July 23, 1996

Mr. Lee Canterbury, Inspector General
Public Service Commission
Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RECEIVED

JUL 25 1996

Florida Public Service Comm
Commissioner Clark



Dear Mr. Canterbury:

Enclosed is a complaint received from Joanne S. Christian by the Governor's Office of the Chief Inspector General regarding allegations of unreasonable charges for phone calls made from Correctional Institution. We are forwarding this complaint to your office for handling as you deem appropriate.

Thank you for your attention to this matter. If you have any questions or comments, please call me or Beverley Fey at 922-4637.

Sincerely,

Susan M. Nix
Director of Investigations
Office of Chief Inspector General

SMN:bf
Enclosure

cc: Fred Schuknecht, Inspector General, Department of Corrections

RECEIVED

JUL 18 1996

CHIEF INSPECTOR GENERAL

7/15/96

Mr. Harold Lewis,
Governor's Inspector General
P.L.O.5, The Capitol
Tallahassee, Florida - 32399-0001

Please reference the enclosed copy(2)
concerning families and friends
of inmates being overcharged for
telephone services when the inmate
is calling home collect.

Very frequently we are "cut off" right
in the middle of our conversation for
no apparent reason whatsoever. This
requires another call back, which starts
the \$3.29 origination fee all over again.

Please send me any information con-
cerning this on going problem and
unnecessary expense to the families.
Thanks so much.

Respectfully submitted,
Joanne S. Christian
P.O. Box 246
Mexico, PA. 30731-0246

- file -

to photocopy (the protest petition form) for distribution to others for signature gathering [such as other visitors on weekends, neighbors, church groups, etc.]. If you cannot obtain signatures yourself please pass the forms on to another who can.

If additional photocopying is not possible for whatever reason, you may obtain additional copies of the forms directly from FPLP staff for yourself or to be sent to someone else on the outside by sending an addressed, stamped envelope to FPLP, ATTN: Petition Drive, P.O. Box 660-387, Chuluota, FL 32766, and simply requesting additional copies.

Your cooperation is appreciated and expected. Working together change is possible. Remaining divided or noncommittal will result in more of the same and worse to come in the future. It is going to take thousands of signatures to have any impact on state officials. Everyone's assistance is needed to gather signatures. We here at FPLP believe it is possible or we would not waste our time on it. It is time to take a stand and to let these civil servants know that we exist and that we can and will work together to protect our loved ones in prison and that we are tired of being treated as a suspect class ourselves by our mere association with prisoners.

It is requested that the forms be completed and returned to FPLP as soon as possible, preferably by June 15, 1996. On that date the forms that have been received back will be counted and we will see where we are. The goal is to have at least 10,000 signatures by June 15, 1996. This is only going to be possible by each and every one of us being involved, spreading the news, and working to obtain as many signatures as possible. The deadline for returning forms is June 30, 1996. It is requested that all forms be returned by then.

Once the signed protest petitions are received and counted they will be compiled into one petition and copies presented to Governor Lawton Chiles, Attorney General Bob Butterworth (gaintime petition only) and Harry Singletary, Secretary of the Florida Department of Corrections with notices to both Corrections Committees of the Florida Senate and House of Representatives. At the same time that the protest petitions are

presented to the above officials a press release will be provided to major newspapers and television stations throughout Florida.

This effort cannot be done without support. FPLP needs your assistance for this effort to have a chance of being effective. Everyone must get involved. This expanded issue of FPLP, having the petitions printed and presented, postage etc., has and is going to require financing. Please consider a donation to FPLP and this protest petition project, no matter how large or small, when returning the forms. FPLP and the information it provides, that often is not available anywhere else, is only possible through reader support. This is Your voice, the more support received the louder the voice will be to reach the ears of those who would be deaf. We are not bleeding heart liberals, soft on crime. It is just that common sense dictates that treating prisoners like animals, taking all incentives away from them, taking education and vocational opportunities away from them, and pursuing policies that destroy family ties is not going to reduce crime and is not going to create law abiding citizens when prisoners are released back into our communities. The "Back to Basics" plan to keep the prisons filled with recidivists must be checked and balanced.

FPLP's volunteer staff wishes to thank all those who have recently subscribed or made a donation. Let's get these petitions signed and returned as soon as possible.

Yours truly, T. Burns, Editor

BID RIGGING WRIST SLAPS

In the last issue of FPLP, Vol. 2, Issue 2, "DOC Contract Bid Rigging Exposed" was reported that on February 22, 1996, two top ranking Department of Corrections employees had been accused of rigging contracts on prisoner telephone services then attempting to destroy documents related to the illegal practices.

According to an investigation report released by the inspector general's office the two DOC employees, Assistant Secretary of the DOC Ron Kronenberger and General Services Bureau Chief Jim Morris, were further accused of being deceptive when questioned about the bid

illegalities and why they ordered men destroyed which showed that the two had awarded a \$10 million a year contract to a higher bidding company rather than to MCI which had the lowest bid. The two DOC employees alleged they awarded the contract to North American Intelecom because it would have meant that prisoner's families and friends would have been charged approximately \$300,000 per year more in telephone rates.

The inspector general recommended that unspecified disciplinary action be taken against Kronenberger and Morris. On March 15, 1996, the DOC released further information that Harry Singletary, Secretary of the DOC, had simply demoted the two. Kronenberger was "demoted" from Assistant Secretary of the DOC to Chief of Admissions and Release, and Former General Services Bureau Chief Morris was simply "demoted" to Operations Management. Together the two would lose approximately \$10,000 in salaries from the "demotions."

Following the exposure staff members of FPLP contacted the Governor's Inspector General with complaints about the minor disciplinary action taken against the two DOC employees and requested further investigation into illegal bid practices concerning prisoner telephone services and further investigation into other DOC employees participation. Also contacted was the Florida Public Service Commission requesting an investigation into overcharging prisoner's families and friends for telephone services. All family members and friends of prisoners should also file complaints with these two sources. Harold Lewis, Governor's Inspector General, FL05, The Capitol, Tallahassee, FL 32399-0001, Ph. No. (904)-922-4637; and Public Service Commission, 101 E. Gaines St., Tallahassee, FL., TOLL FREE Ph. No. 1-800-342-3552.

[Note: The above exposure resulted in a probe by the Governor's Inspector and the Florida Public Service Commission which found that the company who Kronenberger and Morris attempted to give the contract to illegally had overcharged the families and friends of Florida prisoners more than \$400,000. The Public Service Commission has now entered into an agreement that the overcharges are to be paid back. See "The Case of the Telephone Company Super Ripoff" article this issue. You or your family may be entitled to a refund from North American Intelecom-ed]

payment of such costs; provides that a court may dismiss a prisoner's legal action (or failure to state a claim, which the action seeks monetary damages from a defendant who is immune, when the action seeks relief for mental or emotional injury, not supported by physical injury, or when the court determines on its own that the action is frivolous, malicious or filed to harass one or more defendants. This amendment also provides that prisoners who have been adjudicated indigent twice in the preceding three years must request leave of the court to pursue a new suit, and when requesting such leave the prisoner must provide the court a complete listing of all actions brought by the prisoner in the preceding five years. The bill creates s. 92.351, F.S., prohibiting prisoners from submitting nondocumentary physical evidence without prior court authorization, and provides that the DOC may inspect certain packages mailed to a court. The bill continues to amend s. 95.11, F.S., providing a one year statutory time limit on filing any civil petition for an extraordinary writ (except one relating to disciplinary actions which must be filed within 30 days of administrative exhaustion), and for any civil action brought by a prisoner or "on the behalf of a prisoner" relating to conditions of confinement. The bill creates s. 944.279, F.S., and amends s. 944.28, F.S., providing that prisoners can be subjected to loss of all gaintime and the right to earn any future gaintime as the result of filing a frivolous or malicious legal action or for presenting any "false" information or evidence in pleadings before the court.

The much proclaimed reason for the passage of the above laws was to reduce the number of "frivolous" lawsuits filed by prisoners. Repeatedly referring to three or four much publicized truly frivolous lawsuits, that had been filed by a handful of Florida prisoners, certain legislators, such as Sen. Charlie "The Tuna" Crist (R) and Rep. Lori Edwards (D), used their access to the mainstream medias to totally denigrate prisoners' access to the courts. During the current legislative session legislators went to ridiculous lengths to discredit prisoners' right to access the courts for legal relief, including one legislator pounding on the House podium with a turkey leg bone to empha-

size one lawsuit filed by a prisoner complaining about gristle in the turkey leg. This was suppose to example how prisoners waste taxpayers monies by filing frivolous lawsuits. The same few lawsuits were paraded as exemplifying that ALL prisoners file frivolous lawsuits. What legislators did not expose for the public is ho many lawsuits are won by prisoners or settled in the prisoners' favor in Florida. This is where the problem lay and not with the few truly frivolous lawsuits filed by prisoners.

As prisoners in the past few years obtained experience in using the prison law libraries they had become a genuine threat to the DOC. No longer were prison officials able to mistreat prisoners with impunity, no longer was the legislature able to pass and have adopted laws that violated the constitutional rights of prisoners without embarrassment when the laws were declared unconstitutional by the courts. Such ready access to the courts for prisoners was undesirable to politicians and DOC officials who always have wanted to impose their own punishment on prisoners for their own personal gratifications.

Whether the passage of the new laws will actually reduce or increase prisoners' legal actions is yet to be seen. Florida has created a large class of prisoners who are never going to be released, have absolutely no money and could care less about whether gaintime is taken or not. No doubt, numerous prisoners will now be subjected to malicious, retaliatory, inhumane treatment by prison officials where such officials believe the prisoners' no longer have meaningful access to the courts. Experienced prison litigators should not be significantly burdened by the new laws, but the unexperienced will effectively have no court access. Many of Florida's rural circuit court judges will arbitrarily dismiss any legal action filed by a prisoner, with the probable result of flooding the appeal courts. Several experienced prisoner litigators have opined that the new laws are unconstitutional under existing law and feel that the Florida legislators, in passing these discriminatory laws, are simply anticipating a decision adverse to prisoners in *Lewis v. Carey*, Case No. 95-1511, which is pending certiorari review by the U.S. Supreme Court concerning prisoners' ac-

cess to the courts. Florida's Attorney General, Bob Butterworth, has been in the nationwide push to reduce strict all prisoner's meaningful access to the courts, Florida prisoners have been "working" Bob and his crew of assistants. An article in the April 1996 Readers Digest concerning frivolous lawsuits focuses largely on such suits being filed in Florida. Bob Butterworth authored a "10 Most Frivolous Lawsuits" listing and spread it throughout the country.

It is inevitable that some of the new laws will be challenged as unconstitutional by prisoners, causing more litigation. But, at least such actions will be important issues. Maybe now those few prisoners who have filed frivolous actions will realize the ridiculousness of wasting time on the little stuff and concentrate more on truly important issues, of which many abound in Florida. Work together, pool together on litigation, and remember the words of the philosopher Friedrich Nietzsche: "That which does not kill me makes me stronger."

"THE CASE OF THE TELEPHONE COMPANY'S SUPER RIP-OFF"
by JAMES R. TAYLOR

On April 24, 1996, a very incriminating article appeared on the front page of the Wall Street Journal. The article was entitled: "Prison Calls Are a Steal, Officials Say." This particular article was replete with instances of overcharging friends and family members of Florida inmates for collect phone calls, violations of the Competitive Bidding system supposedly utilized in the awarding of contracts, violations of Title 27 of the United States Code, and nepotism (the awarding of contracts to friends).

To the average reader, the contents of this article has the appearance of mere oversight, or pure human error. However, this is only the tip of the iceberg.

The inception of this malfeasance dates back as far as 1987, when the present phone system was set into motion. The competitive bidding system which is rooted in Florida law has been thrashed in favor of a "good-ole-boy" system which awards contracts to those with friends in

ces. A prime example of this is a revelation by the Governor's Inspector General's Office that a very lucrative contract was awarded to LDDS WORLDCOM, Inc., of Jackson, Miss. without a bid being submitted. The contract was renewed in 1994. It is very interesting to note that ensuing the renewal of said contract, the DOC sustained a 13 cents reduction in the Telephone revenue kickback fund (MCI offered 33 cents on the dollar while LDDS' top offer was 40 cents).

Another noteworthy item is that Liddin A. Woodard, Jr., LDDS' Tallahassee representative, is an admitted friend of William "Puppet Master" Thurber, Deputy Secretary of the DOC. An additional investigation by Florida's Public Service Commission (PSC) revealed that charges for collect calls were inflated by as much as 30%. This knowledge was obtained by making test collect calls from various prisons throughout the State. The PSC, in yet another report, stated that one company has rung up almost \$400,000 in overcharges to people on the receiving end of prisoners' phone calls. The company named by the PSC is NORTH AMERICAN INTELECOM, Inc., San Antonio. When confronted with these allegations, William "Puppet Master" Thurber attempted to evade accountability by stating "Way out of proportion." Earlier this month (April), the company agreed with the PSC to refund nearly \$400,000 to Florida inmates' friends and families. Don't hold your breath! This is the second time a settlement agreement has been entered into with a phone company to refund defrauded money.

On March 5, 1993, an agreement was negotiated with the DOC for the refund of overcharged money received by PEOPLE'S TELEPHONE COMPANY, with interest, to customers who had been overcharged for intrastate calls placed from the DOC facilities and served by the company between 1990 and 1991. As part of the agreement, the phone company was to take reasonable steps to locate persons actually billed. There was a stipulation in the agreement that if after "reasonable efforts", the people could not be located, the company was to pay the DOC the amount owed those people. The total estimated amount was

\$754,809.10. At the last report, which was March 1 1994, the DOC had received a total of \$150,000 of the \$175,000 due it under the agreement and an additional \$615,225 in redirected funds. The author is inclined to believe that none of the friends and families of inmates were located [through design] and that all the money ended up in the DOC coffers.

The above is an apparent violation of F.S. 287.057 (1995) which states that all contracts are to be awarded through Competitive Bidding and Title 47, subsection 202(a), U.S.C.A. which states in relevant: "... it shall be unlawful for any carrier (phone company) to make any unjust or unreasonable discriminations in charges, practices, classification, or services for or in connection with like communication services, directly or indirectly to any class of persons..." Closer investigation may very well reveal evidence of a R.I.C.O. violation. This gives one cause to wonder "who is guarding the guards."

If you have received collect calls from an inmate housed in one of the institutions that had NORTH AMERICAN INTELECOM, Inc., as a service provider, then you may be entitled to a refund under the present agreement. If so, you need to immediately contact the Public Service Commission, 101 East Gaines Street, Tallahassee, Fla. 32399-0850, or call them via their toll free number 1-800-342-3552, and demand your share of the refund.

POLK C.I. SUPT. ARRESTED, CHARGED WITH SEX CRIME

On April 13, 1996, Polk Correctional Institution Superintendent, Evon Colchiski, was arrested and charged with Lewd and Lascivious Conduct after offering to perform oral sex on a male undercover police officer. This incident allegedly occurred in a public park. According to DOC records, Colchiski has resigned from the Department of Corrections.

Evon Colchiski had been the superintendent of Polk CI for approximately two years prior to his resignation. During that time he has been accused of changing Polk CI from one of the best run institutions in the state to one of the most repressive. The DOC central office has several times been deluged with complaints from

both prisoners and their family members and loved ones concerning Colchiski's operation of the institution.

Reportedly, Colchiski's past repressive actions against prisoners and their visitors have been totally arbitrary and apparently motivated by a personal malice towards prisoners and anyone associated with them. Numerous family members and loved ones of prisoners have contacted FPLP seeking assistance against Colchiski's harassment of visitors and allowing his subordinate officers to harass visitors. Several times the staff of FPLP has contacted the central office about Colchiski, but in typical fashion the central office would not investigate or initiate any corrective action against Colchiski.

Recently FPLP staff was required to contact Colchiski when it was discovered that back issues of FPLP had not been delivered to subscribing prisoners at that institution. Colchiski, in apparent complicity with Polk CI Assistant Superintendent Donald Merritt had withheld the FPLP issues without any notice of rejection to either the prisoners or to FPLP staff. Upon threat of legal action for denial of due process and violation of First Amendment Rights Colchiski was ordered by the central office to immediately return all of the back issues to the prisoners. However, since such unnoticed rejection was a clear constitutional violation, that has been documented, FPLP is continuing to explore and develop legal action against those who were involved in the violation.

It is not expected that Colchiski will actually be prosecuted for this recent arrest, or if he is whether it will result in any actual criminal punishment since history in Florida shows that covering for fellow state employees by those in law enforcement is common.

DID YOU KNOW?

On 2-4-96 a nurse who worked at Florida State Prison was arrested for possession of marijuana as she came to work. Recently, Officer Benton was caught bringing crack and marijuana onto the compound at Avon Park CI.

Continued on Page 13