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Public Service Commission

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COMMISSION  
CLERK

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**DATE:** August 8, 2005  
**TO:** Blanca S. Bayó, Commission Clerk and Administrative Services Director  
**FROM:** Kiwanis L. Curry, Regulatory Analyst I, Division of Competitive Markets & Enforcement *KLC*  
**RE:** Docket No. 050379-TP

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Please add the attached documents to the docket file.

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SGA \_\_\_\_\_
- SEC   1
- OTH \_\_\_\_\_

DOCUMENT NUMBER-D/

07628 AUG-8

FPSC-COMMISSION CLERK

**T-Netix  
Telecommunications  
Services, Inc.**

14651 Dallas Parkway  
Suite 600  
Dallas, Texas 75254

August 5, 2005

**BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Ms. Kiwanis L. Curry  
Bureau of Service Quality  
Florida Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

RE: Docket No. 050379-TP – Compliance Investigation Of T-Netix Telecommunications Services, Inc. PATS Certificate No. 5102, T-Netix Telecommunications Services, Inc. IXC Registration No. TJ804, and T-Netix, Inc., IXC Registration No. T1158 (collectively “T-Netix”) for apparent violation of Rule 25-22.032(6)(b), F.A.C., Section 364.02, F.S., Definitions, and Section 364.04, F.S. Billing Practices – Revised Offer of Settlement

Dear Ms. Curry:

T-Netix submits this letter (a) in further response to your letter, dated July 12, 2005, regarding the referenced Docket and (b) upon consideration of our telephonic discussions with you, Mr. Ray Kennedy and Ms. Kira Scott on July 28, 2005.

Again, T-Netix reiterates that it takes its regulatory compliance responsibilities seriously. As reflected in our letter of July 21, 2005 and our telephonic discussions, T-Netix has put in place procedures to further ensure that in the event of any future customer complaints its regulatory responsibilities with respect to such complaints will be fully and timely completed.

Nevertheless, upon further consideration, T-Nextix hereby revises is offer of settlement to \$1500.00 for each of the ten (10) consumer complaints remaining in this docket for a total of \$15,000.<sup>1</sup> The company’s formal Offer of Settlement is attached hereto.

If there are any questions on this revised offer of settlement, please contact me at 972-277-0319.

Sincerely,

Colleen Dziuban  
Director – Governmental Affairs

cc: R. Roland – w/atts (FPSC)

<sup>1</sup> As explained in our July 21, 2005 letter, the complaint lodged by Sheila Smith, No. 647903, was timely resolved and reported to the Commission. T-Netix received that complaint on April 5, 2005, with a response due date of April 26, 2005. After resolving the complaint, our records reflect that T-Netix reported the resolution to the Commission on April 12, 2005. During our telephonic discussions you agreed that the Sheila Smith complaint would be deemed timely satisfied and in effect removed from the Docket.

## Offer of Settlement

Docket No. 050379-TP

This Offer of Settlement (the "Settlement") is submitted this 3rd day of August 2005 by T-Netix Telecommunications Services, Inc. and T-Netix, Inc., (collectively, the "Company") to the Florida Public Service Commission (the "Commission").

WHEREAS, pursuant to a Request To Establish Docket, dated May 27, 2005, from the Division of Competitive Markets & Enforcement, the Commission opened Docket No. 050379-TP;

WHEREAS, thereafter, the Company's representatives and the Staff engaged in discussions and exchanged certain information relevant to the apparent violations and proposed penalty; and

WHEREAS, based on those discussions the Company is prepared to make the following Offer of Settlement.

NOW THEREFORE, the Company hereby agrees as follows:

1. This Settlement is in consideration for the termination of Docket No. 050379-TP and upon approval by the Commission shall be incorporated by reference into a Proposed Agency Action Order of the Commission disposing of Docket No. 050379-TP.
2. This Settlement is for settlement purposes only and its execution by the Company does not constitute an admission by the Company, or its principals, of any violation of law, rules or policy associated with or arising from its

actions or omissions as described in the Staff recommendation that was the basis for the opening of Docket No. 050379-TP.

3. The Commission will not use the facts developed as part of Docket No. 050379-TP, or the existence of this Settlement, to institute, on its own motion, any new proceedings, formal or informal, or take any actions against the Company. Consistent with the foregoing, nothing in this Settlement limits, *inter alia*, the Commission's authority to consider and adjudicate any complaints that may be filed by third parties pursuant to the F.A.C., as amended, or to take any action in response to such complaints.

4. For purposes of settling the matters set forth herein, the Company agrees to make a voluntary contribution to the Florida General Revenue Fund in the amount of \$15,000. Upon the Commission's approval of this Settlement, the Company shall make the payment of this voluntary contribution in accordance with written instructions provided by Staff or included in any Commission order approving this Settlement.

5. This Settlement shall satisfy and resolve all issues against the Company that have been raised in Docket No. 050379-TP.

6. The Company's decision to enter into this Settlement is expressly contingent upon this Settlement being approved by the Commission without revision, change, addition, or modification.

7. The Company may withdraw from this Settlement if any revision, change, addition, or modification is made to its terms.

8. The Effective Date of this Settlement shall be the date that the Commission issues a Consummating Order approving the Settlement by making the Proposed Agency Action Order effective and final. This Settlement shall be attached to and incorporated by reference in any such Commission order.

9. In the event this Settlement is not accepted by the Commission or is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

10. The Parties agree that if any provision of the Settlement conflicts with any subsequent rule or order adopted by the Commission, where compliance with the provision would result in a violation, (except an order specifically intended to revise the terms of this Settlement to which the Company and its principals do not consent) that provision will be superseded by such Commission rule or order.

11. By this Settlement, the Company does not waive or alter its right to assert and seek protection from disclosure of any privileged or otherwise confidential and protected documents and information, or to seek appropriate safeguards of confidentiality for any competitively sensitive or proprietary information. The status of materials prepared for, reviews made and discussions held in the preparation for and implementation of the Company's compliance

efforts under the Settlement, which would otherwise be privileged or confidential, are not altered by the execution or implementation of its terms and no waiver of such privileges is made by this Settlement.

12. The Company will take such other actions as may be reasonably necessary to effectuate the objectives of this settlement.

For T-Netix Telecommunications Services, Inc.  
and T-Netix, Inc.

Dennis J. Reinhold

Vice President - General Counsel

August 3, 2005

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