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In re: : Case No.: 060640 - TP

Bessie Russ, :
: Petitioner, :
: vs. : PETITION TO INVESTIGATE, CLAIM FOR
: DAMAGES, COMPLAINT AND OTHER
: STATEMENTS
: Evercom Systems, Inc. d/b/a :
: Correctional Billing Services and :
: Bellsouth Corporation; jointly and
: severally,
: Respondents

PETITIONER, BESSIE RUSS'S, PETITION TO INVESTIGATE, CLAIM FOR DAMAGES,
COMPLAINT AND OTHER STATEMENTS AGAINST RESPONDENTS CORRECTIONAL
BILLING OF AMERICA AND BELLSOUTH CORPORATION; JOINTLY AND SEVERALLY

GENERAL FACTS, ALLEGATIONS, JURISDICTION AND VENUE

COMES Now Petitioner, Bessie Russ, who avers and alleges:

1. Petitioner is an African America female (a member of a protected class), age 52, United States citizen and

tax- payer, a private citizen and a telecommunications customer whose expenditure on telecommunications is substantial. At all times relevant and material hereto, Petitioner has been and is domiciled at 745 Orange Street; Chipley, Florida and currently is a customer of both Respondents. Every event at all times relevant and material hereto; did occur or such transactions did happen through telecommunications.

2. Respondents Correctional Billing Services (CBS) is a division of Evercom Systems, Inc. Furthermore, CBS maintains a website whose address is www.correctionalbillingservices.com and alleges that it is "the largest telephone billing company in America dedicated to the corrections industry. CBS leads the industry in providing inmate communications solutions to more than 2,000 correctional facilities in more than 48 states. We design, install, operate, and maintain sophisticated systems. We also provide alternate calling options, dedicated direct bill services, and automated information management systems. CBS maintains comprehensive customer service operations for both correctional facilities and the families and friends of inmates. Our Selma, Alabama call center has customer service representatives (CSRs) on duty Monday through Saturday and our automated inquiry system is

always available (24 hours a day, 7 days a week) to provide basic information and handle most routine activities." The Bellsouth Corporation owns Respondents Bellsouth Telephone Company (BTC). Both Respondents have numerous contacts in the state of Florida. Both Respondents also provide telecommunication services.

3. CBS and BTC differ in respect as to services as CBS provides telecommunication services to correctional inmates so that they may call family and friends from such institutions. Petitioner is unaware if BTC provides the same service.
4. Petitioner has used BTC for her service provider for more than a decade. Petitioner has used CBS for three to four months to contact a relative who is currently incarcerated. Petitioner must use CBS in order to contact such loved one as CBS is the only telecommunications provider known of at this time.

ALLEGATION ONE FOR CAUSE AGAINST BTC

5. Petitioner re-alleges averments 1-4 as if fully set forth herein.

6. Petitioner at all times material and relevant hereto, has sought and attempted to enjoy a relationship with the close relative who is incarcerated.
7. Petitioner has had service interrupted without just cause or explanation.
8. According to several conversations with Respondents CBS, it was Respondents BTC's meddling, interference, or doing.
9. Respondents BTC have failed to provide just cause or explanation, but have constantly and consistently pushed for the use of their services. Respondents BTC offer telecommunication service packages, which feature long distance as an option, but such packages do not allow individuals incarcerated in a correctional facility to utilize such service.
10. Correctional facilities have discretion over which service provider they will use for inmate telecommunications.
11. BTC is or has not chosen by this institution, to the best of Petitioner's knowledge, and continues to interfere with the CBS service in an effort to force Petitioner to utilize their service. Such efforts make have made or will make CBS services look inferior or unreliable.

12. Respondents BTC have conspired and combined with each other, and other non-respondents to monopolize, or attempt, combine, or conspire to monopolize the marketing and distribution of telecommunication services as specifically stated in the previously.

13. As a proximate result of respondents' conduct, petitioner has suffered the following injury:

(a) petitioner has been forced to purchase respondents' products at a price substantially higher than petitioner would have paid in the absence of respondents' unlawful conduct;

(b) petitioner has incurred lost sleep in a titanic amount and suffered severe emotional distress because of lost telecommunication with such close relative which would not have occurred in the absence of respondents' actions;

(c) petitioner's enjoyment of life has been reduced, and the value of the relationship with the close relative abridged.

(d) petitioner has no adequate remedy at law, since the damages caused by respondents' conduct are difficult, if not impossible, to ascertain. Respondents' acts, if allowed to continue, will cause petitioner irreparable injury.

14. Petitioner could not have uncovered the conspiracy at an earlier date by the exercise of due diligence

inasmuch as the unlawful conspiracy and the respondents through their adoption of elaborate schemes including the resort to secrecy to avoid detection concealed activities.

15. The acts and practices of Defendants, as herein before alleged, were and are to the injury and prejudice of members of the consuming public and constituted and now constitute unfair methods of competition within the meaning and intent of the Federal Trade Commission Act and the Florida Antitrust Act, §542.19 of the Florida Statutes.

ALLEGATION TWO FOR CAUSE AGAINST BTC AND CBS

16. Petitioner re-alleges averments 1-15 as if fully set forth herein.

17. Rule 25-4.111 of the Florida Administrative Code (F.A.C.) requires as stated in relevant part:

"(1) Each telephone utility shall make a full and prompt investigation of all complaints and service requests made by its customers, either directly to it or through the Commission and respond to the initiating party within fifteen (15) days. The term "complaint" as used in this rule shall be construed to mean any oral or written report from a subscriber or user of telephone service relating to

a physical defect, difficulty or dissatisfaction with the operation of telephone facilities, errors in billing or the quality of service rendered.

(2) Arrangements shall be made by each telephone company to receive customer trouble reports twenty-four (24) hours daily and to clear trouble of an emergency nature at all hours, consistent with the bona fide needs of the customer and personal safety of utility personnel.

(3) If the use of service by any subscriber interferes unreasonably with the necessary service of other customers, such subscribers may be required to take service in sufficient quantity or of a different class or grade." Florida Statutes (F.S.) 364.20 gives specific authority of such administrative code.

18. F.A.C.25-4.113 states in relevant part: "(1) As applicable, the company may refuse or discontinue telephone service under the following conditions provided that, unless otherwise stated, the customer shall be given notice and allowed a reasonable time to comply with any rule or remedy any deficiency:
- (a) For non-compliance with or violation of any state or municipal law, ordinance, or regulation pertaining to telephone service.

(b) For the use of telephone service for any other property or purpose than that described in the application.

(c) For failure or refusal to provide the company with a deposit to insure payment of bills in accordance with the company's regulations.

(d) For neglect or refusal to provide reasonable access to the company for the purpose of inspection and maintenance of equipment owned by the company.

(e) For noncompliance with or violation of the Commission's regulations or the company's rules and regulations on file with the Commission, provided 5 working days' written notice is given before termination.

(f) For nonpayment of bills for telephone service, including the telecommunications access system surcharge referred to in Rule 25-4.160(3), provided that suspension or termination of service shall not be made without 5 working days' written notice to the customer, except in extreme cases. The written notice shall be separate and apart from the regular monthly bill for service. A company shall not, however, refuse or discontinue service for nonpayment of a dishonored check service charge imposed by the company, nor discontinue a customer's Lifeline local service if the

charges, taxes, and fees applicable to dial tone, local usage, dual tone multifrequency dialing, emergency services such as "911," and relay service are paid. No company shall discontinue service to any customer for the initial nonpayment of the current bill on a day the company's business office is closed or on a day preceding a day the business office is closed.

(g) For purposes of paragraphs (e) and (f), "working day" means any day on which the company's business office is open and the U.S. Mail is delivered.

(h) Without notice in the event of customer use of equipment in such manner as to adversely affect the company's equipment or the company's service to others.

(i) Without notice in the event of hazardous conditions or tampering with the equipment furnished and owned by the company.

(j) Without notice in the event of unauthorized or fraudulent use of service. Whenever service is discontinued for fraudulent use of service, the company may, before restoring service, require the customer to make, at his own expense, all changes in facilities or equipment necessary to eliminate illegal use and to pay an amount reasonably estimated as the loss in revenues resulting from such fraudulent use.

(2) In case of refusal to establish service, or

whenever service is discontinued, the company shall notify the applicant or customer in writing of the reason for such refusal or discontinuance.

(3) Service shall be initiated or restored when the cause for refusal or discontinuance has been satisfactorily adjusted.

(4) The following shall not constitute sufficient cause for refusal or discontinuance of service to an applicant or customer:

(a) Delinquency in payment for service by a previous occupant of the premises, unless the current applicant or customer occupied the premises at the time the delinquency occurred and the previous customer continues to occupy the premises and such previous customer shall benefit from such new service.

(b) Delinquency in payment for service by a present occupant who was delinquent at another address and subsequently joined the household of the customer in good standing.

(c) Delinquency in payment for separate telephone service of another customer in the same residence.

(d) Failure to pay for business service at a different location and a different telephone number shall not constitute sufficient cause for refusal of residence service or vice versa.

(e) Failure to pay for a service rendered by the company which is not regulated by the Commission.

(f) Failure to pay the bill of another customer as guarantor thereof.

(g) Failure to pay a dishonored check service charge imposed by the company.

(5) When service has been discontinued for proper cause, the company may charge a reasonable fee to defray the cost of restoring service, provided such charge is set out in its approved tariff on file with the Commission." Specific Authority for this administrative code is given by F.S. 350.127 and F.S. 427.704(8). Finally Rule 25-4.070, F.A.C. (1) (c) If service is discontinued in error by the telephone company, the service shall be restored without undue delay, and clarification made with the subscriber to verify that service is restored and in satisfactory working condition."

19. Respondents have failed to give a reason or just cause as to why such service has been cut- off, notice that such service would be discontinued or otherwise halted and have failed to restore service despite multiple notifications. Petitioner first made such request sixty days ago and has made all payments with respect

to the charges and does not or should not have a balance of greater than zero.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays:

1. for the incidents described above to forever desist and
decease post haste,
2. an investigation and the findings be released to petitioner
and a temporary and permanent injunction enjoining defendants from
committing further violations,
3. reimbursement in the amount of \$500.00 for the cost of
preparing this Petition,
4. for service to be re-established so that petitioner may
communicate with incarcerated relative,
5. to have any and all of respondents waivers given by the
Public Service Commission or Federal Communications Commission voided
for failure to substantially, completely and in good faith comply with
the laws and intentionally causing petitioner distress and costs; and
6. any and all other relief that is deemed to be just and
reasonable.

ALTERNATIVELY, Petitioner prays for relief requested in
paragraphs 1, 3, 4, and 6.

Dated this 20th day of September,
2006

Bessie Russ

Bessie Russ
745 Orange Street
Chipley, Florida 32428
Telephone: (850) 638-9695

OTHER STATEMENTS

NOTE: This other statement is being drafted for the sole purpose to further the Petitioner's point of view and in no way reflects legal advice. Should you have such questions you should contact a licensed attorney.

FLORIDA ANTITRUST ACT OF 1980

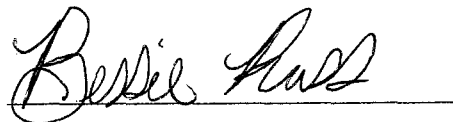
Any activity or conduct exempt under Florida statutory or common law or exempt from the provisions of the antitrust laws of the United States is exempt from the provisions of the Florida Antitrust Act of 1980. Thus, the Act explicitly exempts the same subjects as are exempt under federal law. A political subdivision may engage in anticompetitive conduct and be exempt from federal antitrust law if the conduct is an act of the State government as a sovereign pursuant to State policy to displace competition with regulation or monopoly public service. When private parties are involved in the conduct, antitrust immunity exists where the following test is met: first, the challenged restraint must be one clearly articulated and affirmatively expressed as State policy, and the policy must be actively supervised by the State itself. Respondents BCT and CBS do not qualify for immunity, as the disconnecting of service without warning or just cause is not furtherance of any state policy. In fact, it is quite the opposite as can be seen by the relevant FAC stated above.

THE SHERMAN ACT

Section 1 of the Sherman Act deals with means, and Section 2 of the Act deals with ends and section 1 forbids all means of monopolizing trade, that is, unduly restraining it by means of contracts and combinations, Section 2 condemns the result to be achieved rather than the form of the combination or the particular means used. Section 2 is

intended to supplement Section 1 and to make sure that by no possible guise could the public policy embodied in Section 1 be frustrated or evaded. Thus, if the object is forbidden by Section 2, the means employed to attain it are also unlawful under Section 2, even if those means are not embraced by Section 1 and even if those means are wholly innocent and lawful in themselves, see Standard Oil Co. vs. United States, 221 US 1, 55 L Ed 619, 31 S Ct 502 and American Tobacco Co. vs. United States, 328 US 781, 90 L Ed 1575, 66 S Ct 1125. Taken together, therefore, Sections 1 and 2 of the Act embrace every conceivable act which comes within the spirit or purpose of the prohibitions of the Sherman Act, regardless of the form in which such conduct is clothed see United States vs. American Tobacco Co., 221 US 106, 55 L Ed 663, 31 S Ct 632.

Dated this 20th day of September, 2006

A handwritten signature in cursive script, reading "Bessie Russ", written over a horizontal line.

Bessie Russ
745 Orange Street
Chipley, Florida 32428
Telephone: (850) 638-9695