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Legal Department

Manuel A. Gurdian
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AT&T Florida
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
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COMMISSION
CLERK

March 15, 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

-on 060640-TP

Re: Docket No.: 070451-TP
**Complaint to investigate Evercom Systems, Inc. d/b/a
Correctional Billing Services and BellSouth
Telecommunications, Inc. on behalf of Michael Russ for
improper call blocking as established by Order PSC-07-0207-
PCO-TP**

Dear Ms. Bayó:

Enclosed is BellSouth Telecommunications, Inc. d/b/a AT&T Florida'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.

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- CTR _____
- ECR _____
- GCL 1
- OPC _____
- RCA _____
- SCR _____
- SGA _____
- SEC _____
- OTH leaf

Sincerely,

Manuel A. Gurdian
Manuel A. Gurdian

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

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FPSC-BUREAU OF RECORDS

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CERTIFICATE OF SERVICE
Docket No. 070151-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 15th day of March, 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

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

Correctional Billing Services
Mr. Curtis Hopfinger (*)
14651 Dallas Parkway, 6th Floor
Dallas, TX 75254-7476
Tel. No. (972) 277-0319
Fax. No. (972) 277-0416
chopfinger@securustech.net


Manuel A. Gurdian

FLORIDA PUBLIC SERVICE COMMISSION

Complaint to investigate Evercom Systems,) Docket No. 070151-TP
 Inc. d/b/a Correctional Billing Services and)
 BellSouth Telecommunications, Inc. on)
 behalf of Michael Russ for improper call)
 blocking as established by Order No.)
 PSC-07-0207-PCO-TP)
 _____) March 15, 2007

AT&T FLORIDA'S RESPONSE AND ANSWER TO MICHAEL RUSS' PETITION FOR SANCTIONS

AT&T Florida d/b/a BellSouth Telecommunications, Inc. ("AT&T Florida") respectfully files this Response¹ 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," AT&T Florida 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 complains is being blocked on (850) 638-9695 at her residence. AT&T Florida is not blocking Bessie or Michael Russ' ability to receive collect calls from the correctional facility at issue.² AT&T Florida 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, AT&T Florida understands that CBS acts as a billing aggregator on behalf of Sprint, and AT&T Florida believes that Sprint is the party that had blocked calls on (850) 638-9695 to Bessie Russ' residence. Upon information and belief, AT&T Florida understands that as of October

¹ This Response and Answer to Michael Russ' Petition for Sanctions supersedes and replaces AT&T Florida's Response and Answer previously filed on or about January 3, 2007 in Docket No. 060640.

² Michael Russ' Petition for Sanctions references calls allegedly made in October 2006.

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12, 2006, Bessie Russ' ability to receive collect calls on (850) 638-9695 from the subject correctional facility has been reestablished.³

ANSWER

1. AT&T Florida 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 AT&T Florida.

2. AT&T Florida denies the allegations contained in paragraph 2 of the Petition except AT&T Florida 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 30309-3610⁴, 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. AT&T Florida is without knowledge as to the allegations contained in paragraph 3 and therefore denies same.

4. AT&T Florida is without knowledge as to the allegations contained in paragraph 4 and therefore denies same.

5. AT&T Florida admits that it does not provide telecommunications services to correctional inmates at the Escambia County Correctional Institution. AT&T

³ 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..." In addition, Allison Russ, the relative who was the alleged incarcerated relative, has filed an affidavit indicating that she has been released.

⁴ 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.

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

6. AT&T Florida is without knowledge as to the allegations contained in paragraph 6 and therefore denies same.

7. AT&T Florida denies that in or about October 2006 it blocked Michael or Bessie Russ' service. AT&T Florida is without knowledge as to the remainder of the allegations contained in paragraph 7 and therefore denies same.

8. AT&T Florida denies the allegations contained in paragraph 8 of the Petition except to admit that it investigated the allegations of blocked calls and determined that AT&T Florida did not block any calls from the subject correctional institution in or about October 2006.

9. AT&T Florida denies that in or about October 2006 it has blocked or otherwise interfered with Michael or Bessie Russ' service.

10. AT&T Florida denies that in or about October 2006 it has blocked or otherwise interfered with Michael or Bessie Russ' service.

11. AT&T Florida is without knowledge as to the allegations contained in paragraph 11 and therefore denies same, except to affirmatively state that [REDACTED]

[REDACTED]

12. AT&T Florida is without knowledge as to the allegations contained in paragraph 12 and therefore denies same.

13. AT&T Florida denies that in or about October 2006 it has blocked, disconnected or otherwise interfered with Michael or Bessie Russ' service. AT&T

Florida is without knowledge as to the remainder of the allegations contained in paragraph 13 and therefore denies same.

14. AT&T Florida denies the allegations contained in paragraph 14 of the Petition.

15. AT&T Florida denies the allegations contained in paragraph 15 of the Petition.

16. AT&T Florida 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 AT&T Florida 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 AT&T Florida as Rule 25.4113 of the Florida Administrative Code speaks for itself.

19. AT&T Florida is without knowledge as to the allegations contained in paragraph 19 and therefore denies same.

20. AT&T Florida 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 AT&T Florida as Florida Statutes § 364.285 speaks for itself.

22. AT&T Florida denies the allegations contained in paragraph 22 of the Petition.

23. AT&T Florida realleges and reavers all responses to paragraphs 1-22 as set forth above.

24. AT&T Florida denies the allegations contained in paragraph 24 of the Petition.

25. AT&T Florida denies the allegations contained in paragraph 25 of the Petition.

26. AT&T Florida is without knowledge as to the allegations contained in paragraph 26 and therefore denies same.

27. AT&T Florida 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 AT&T Florida as Florida Statutes § 364.285 speaks for itself.

29. AT&T Florida denies the allegations contained in paragraph 29 of the Petition.

30. AT&T Florida realleges and reavers all responses to paragraphs 1-29 as set forth above.

31. AT&T Florida denies the allegations contained in paragraph 31 of the Petition.

32. AT&T Florida denies the allegations contained in paragraph 32 of the Petition.

33. AT&T Florida 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, AT&T Florida respectfully requests the Commission to enter an Order in AT&T Florida's favor, deny the Petitioner the relief sought, and grant AT&T Florida such other relief as the Commission deems just and proper.

Respectfully submitted this 15th day of March, 2007.

AT&T FLORIDA D/B/A BELLSOUTH TELECOMMUNICATIONS, INC.


JAMES MEZA III⁵
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⁵ The undersigned is licensed in Louisiana only, is certified by the Florida Bar as Authorized House Counsel (No. 464260) per Rule 17 of the Rules Regulating the Florida Bar, has been granted qualified representative status by the Commission in Order No. PSC-06-0165A-FOF-OT, and has filed an Application for Qualified Representative Status for 2007 in Docket No. 070008-OT per Commission Order No. 07-0008-PCO-OT.