

Section 1 - Bureau of Records Completes

Docket No. 060640-TP Date Docketed: 09/22/2006 Title: 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.

Company: BellSouth Corporation
Bessie Russ
Evercom Systems, Inc. d/b/a Correcti

Official Filing Date: _____ Expiration: _____
 Last Day to Suspend: _____

Referred to: _____
 ('O' indicates OPR)

CCA	CMP	ECR	(GCL)	PIF	RCA	SCR	SGA
	X		X		X		

Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule

Program Module A9

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT
 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments

OPR Staff

Current CASR revision level

Due Dates
 Previous Current

Staff Counsel

OCRs

Recommended assignments for hearing and/or deciding this case:

Full Commission ___ Commission Panel ___
 Hearing Examiner ___ Staff ___

Date filed with CCA: _____

Initials OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	ED	DS	AR	CT	TW		

Prehearing Officer

Commissioners					ADM
ED	DS	AR	CT	TW	

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: _____
 Date: 07543 AUG 24 8

Section 1 - Bureau of Records Complete

Docket No. 060640-TP Date Docketed: 09/22/2006 Title: **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.**

Company: **BellSouth Corporation**
Bessie Russ
Evercom Systems, Inc. d/b/a Correcti

Official Filing Date: _____ Expiration: _____
 Last Day to Suspend: _____

Referred to:

CCA	CMP	ECR	(GCL)	PIF	RCA	SCR	SGA
	X		X		X		

("O" indicates OPR)

Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule

Program Module A9

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 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments

OPR Staff	F West	0	Current CASR revision level	Due Dates		
				Previous	Current	
			1.	Responses to Petition	NONE	10/17/2006
			2.	Close Docket or Revise CASR	NONE	11/17/2006
			3.			
			4.			
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			6.			
			7.			
Staff Counsel	F West		8.			
			9.			
			10.			
OCRs (CMP)	E Broussard, B Casey		11.			
	R Moses		12.			
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Recommended assignments for hearing and/or deciding this case:			31.			
			32.			
Full Commission <u>X</u> Commission Panel <u> </u>			33.			
Hearing Examiner <u> </u> Staff <u> </u>			34.			
			35.			
Date filed with CCA: <u>10/02/2006</u>			36.			
			37.			
Initials OPR <u> </u>			38.			
Staff Counsel <u> </u>			39.			
			40.			

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	ED	DS	AR	CT	TW		
X							

Prehearing Officer

Commissioners					ADM
ED	DS	AR	CT	TW	
				X	

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
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Approved: ED/ [Signature]
 Date: 10/02/2006

Section 1 - Bureau of Records Complete

Docket No. 060640-TP Date Docketed: 09/22/2006 Title: 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.
 Company: BellSouth Corporation
Bessie Russ
Evercom Systems, Inc. d/b/a Correcti

Official Filing Date: _____ Expiration: _____
 Last Day to Suspend: _____

Referred to: _____
 ("O" indicates OPR)

CCA	CMP	ECR	(GCL)	PIF	RCA	SCR	SGA
	X		X		X		

Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule

Program Module A9

Staff Assignments

Due Dates

OPR Staff	Staff Assignments	1 Current CASR revision level	Due Dates	
			Previous	Current
L Tan				
	1. Staff Recommendation		NONE	12/07/2006
	2. Agenda		NONE	12/19/2006
	3. PAA Order		NONE	01/08/2007
	4. Close Docket or Revise CASR		11/17/2006	02/02/2007
	5.			
	6.			
	7.			
Staff Counsel	L Tan			
	8.			
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	10.			
OCRs (CMP)	E Broussard, B Casey			
	R Moses			
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Recommended assignments for hearing and/or deciding this case:

Full Commission Commission Panel
 Hearing Examiner Staff

Date filed with CCA: 11/16/2006

Initials OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	ED	DS	AR	CT	TW		
X							

Prehearing Officer

Commissioners					ADM
ED	DS	AR	CT	TW	
				X	

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
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Approved: EDJ/hw
 Date: 11/16/2006

Section 1 - Bureau of Records Completes

Docket No. 060640-TP Date Docketed: 09/22/2006 Title: 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.

Company: BellSouth Corporation
Bessie Russ
Evercom Systems, Inc. d/b/a Correcti

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CCA	CMP	ECR	(GCL)	PIF	RCA	SCR	SGA
	X		X		X		

Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule

<u>Program Module</u> A9		WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770		
<u>Staff Assignments</u>		Due Dates		
<u>OPR Staff</u>	<u>L Tan</u>	<input checked="" type="checkbox"/> 2	Current CASR revision level	Previous Current
		1.	Staff Recommendation	12/07/2006 01/10/2007
		2.	Agenda	12/19/2006 01/23/2007
		3.	PAA Order	01/08/2007 02/12/2007
		4.	Close Docket or Revise CASR	02/02/2007 04/02/2007
		5.		
		6.		
		7.		
<u>Staff Counsel</u>	<u>L Tan</u>	8.		
		9.		
		10.		
<u>OCRs (CMP)</u>	<u>E Broussard, B Casey</u>	11.		
	<u>R Moses</u>	12.		
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Recommended assignments for hearing and/or deciding this case:
 Full Commission Commission Panel _____
 Hearing Examiner _____ Staff _____
 Date filed with CCA: 12/04/2006
 Initials OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes Assignments are as follows:

Commissioners						Hrg Exam	Staff
ALL	ED	DS	AR	CT	TW		
X							

Commissioners					ADM
ED	DS	AR	CT	TW	
				X	

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: ED/ [Signature]
 Date: Pending 12/20/06

Section 1 - Bureau of Records Completes

Docket No. 060640-TP Date Docketed: 09/22/2006 Title: 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.
 Company: BellSouth Corporation
Bessie Russ
Evercom Systems, Inc. d/b/a Correcti

Official Filing Date: _____ Expiration: _____
 Last Day to Suspend: _____

Referred to: _____
 ("O" indicates OPR)

CCA	CMP	ECR	(GCL)	PIF	RCA	SCR	SGA
	X		X		X		

Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule

Program Module A9

Staff Assignments

Due Dates

3 Current CASR revision level

Staff	Item	Previous	Current
OPR Staff	1. Staff Recommendation	01/10/2007	02/01/2007
	2. Agenda	01/23/2007	02/13/2007
	3. PAA Order	02/12/2007	03/05/2007
	4. Close Docket or Revise CASR	02/02/2007	04/02/2007
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Staff Counsel	L Tan		
OCRs (CMP)	E Broussard, B Casey		
	R Moses		

Recommended assignments for hearing and/or deciding this case:

Full Commission Commission Panel
 Hearing Examiner Staff

Date filed with CCA: 01/09/2007

Initials OPR _____
 Staff Counsel _____

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 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	ED	AR	CT	TW	LT		
X							

Prehearing Officer

Commissioners					ADM
ED	AR	CT	TW	LT	
			X		

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
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Approved: EO/ans
 Date: Pending 01/17/07

Section 1 - Bureau of Records Completed

Docket No. 060640-TP Date Docketed: 09/22/2006 Title: 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.

Company: BellSouth Corporation
Bessie Russ
Evercom Systems, Inc. d/b/a Correcti

Official Filing Date: _____ Expiration: _____
 Last Day to Suspend: _____

Referred to:

("O" indicates OPR)

CCA	CMP	ECR	(GCL)	PIF	RCA	SCR	SGA
	X		X		X		

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program Module A9

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 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff

L Tan

4 Current CASR revision level

Due Dates

Previous Current

Staff Counsel

L Tan

OCRs (CMP)

E Broussard, B Casey
R Moses

1.	Staff Recommendation	02/01/2007	03/01/2007
2.	Agenda	02/13/2007	03/13/2007
3.	PAA Order	03/05/2007	04/02/2007
4.	Close Docket or Revise CASR	04/02/2007	05/02/2007
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Recommended assignments for hearing and/or deciding this case:

Full Commission Commission Panel ___
 Hearing Examiner ___ Staff ___

Date filed with CCA: 02/01/2007

Initials OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	ED	CT	MM	C1	C2		
X							

Prehearing Officer

Commissioners					ADM
ED	CT	MM	C1	C2	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
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Approved: ED/AmS
 Date: Pending 2/13/07

Section 1 - Bureau of Records Complete

Docket No. 060640-TP Date Docketed: 09/22/2006 Title: 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.

Company: BellSouth Corporation
Bessie Russ
Evercom Systems, Inc. d/b/a Correcti

Official Filing Date: _____ Expiration: _____
 Last Day to Suspend: _____

Referred to:

CCA	CMP	ECR	(GCL)	PIF	RCA	SCR	SGA
	X		X		X		

("O") indicates OPR

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program Module A9

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 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff

L Tan

5 Current CASR revision level

Due Dates
 Previous Current

Staff Counsel

L Tan

OCRs (CMP)

C Beard, B Casey
R Moses

Recommended assignments for hearing and/or deciding this case:

Full Commission Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with CCA: 03/01/2007

Initials OPR _____
 Staff Counsel _____

1.	Staff Recommendation	03/01/2007	03/15/2007
2.	Agenda	03/13/2007	03/27/2007
3.	PAA Order	04/02/2007	04/16/2007
4.	Close Docket or Revise CASR	05/02/2007	07/02/2007
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	ED	CT	MM	C1	C2		
X							

Prehearing Officer

Commissioners					ADM
ED	CT	MM	C1	C2	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: ED/AMJ
 Date: Pending 3/13/07

STATE OF FLORIDA

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
J. TERRY DEASON
ISILIO ARRIAGA
MATTHEW M. CARTER II
KATRINA J. TEW



DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYO
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

September 22 2006

Bessie Russ
745 Orange Street
Chipley, Florida 32428

Re: Docket No. 060640-TP

Dear Ms. Russ:

This will acknowledge receipt of a 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, which was filed in this office on September 22, 2006, and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6248 or FAX (850) 413-7180.

Bureau of Records

I:\Records\sacklet-no-app2.doc

DOCUMENT NUMBER - DATE
07543 AUG 24 06
FPSC-COMMISSION CLERK

Kimberley Pena*Correspondence*

From: Kay Flynn
Sent: Tuesday, October 17, 2006 10:09 AM
To: MRodriguez@securustech.net
Cc: Matilda Sanders; Kimberley Pena; Hong Wang
Subject: FW: Bessie Russ / Docket No. 060640-TP
Importance: High
Attachments: Russ_FL_101606.doc

Ms. Rodriguez, please refer to the Commission's website for information on electronically submitting filings. To be treated as an e-filing, the document you have forwarded will need to be submitted in accordance with the instructions on our website.

Please contact Matilda Sanders at 850-413-6752 if you have additional questions.

Thank you.

Kay Flynn
FPSC

From: Monica Rodriguez [mailto:MRodriguez@securustech.net]
Sent: Mon 10/16/2006 5:41 PM
To: Consumer Contact
Subject: Bessie Russ / Docket No. 060640-TP

Ms. Flynn,

Attached is Evercom's response to the formal complaint filed under docket number 060640-TP by Ms. Bessie Russ, (850) 638-9695. If there are any additional questions please contact me.

Respectfully submitted,

Monica Rodríguez

Sr. Customer Service Specialist
Regulatory Affairs
SECURUS Technologies, Inc.
(on behalf of Evercom Systems, Inc. and T-Netix, Inc.)
14651 Dallas Parkway
Suite 600
Dallas, Texas 75254-8815
Desk: (972) 277-0598
Fax: (972) 277-0416
mrodriguez@securustech.net

10/18/2006



RECEIVED-PRSC

October 16, 2006

05 OCT 17 PM 4:22

Florida Public Service Commission
Consumer Affairs Division
Attn: Kay Flynn
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399

VIA EMAIL: contact@psc.state.fl.us
COMMISSION
CLERK

RE: Bessie Russ, (805) 638-9695
Docket No. 060640-TP

Dear Ms. Flynn:

This letter is in response to the complaint lodged by Ms. Russ concerning collect calls from the Escambia County facility in Pensacola, Florida.

Evercom Systems, Inc. is the inmate telephone service provider operating on behalf of Sprint that handles the inmate collect calls for this confinement facility. Correctional Billing Services ("CBS") provides the billing and customer care services. Sprint currently holds the contract with Escambia County facility to provide the telecommunication services at this location and they prefer to handle any disputes regarding this facility. They will be able to investigate the complaint filed by Ms. Russ and provide a timely resolution. Therefore, this complaint should be directed to Sprint for investigation. Please forward directly to Sprint all correspondence originating from your office in reference to the above referenced complaint. Sprint can also be reached at the address below.

Sprint Public Access
Attn: Complaints
6860 W. 115th Street
Overland Park, Kansas 66211
Executive.offices@mail.sprint.com

If there are any further questions regarding this complaint, please contact me at (972) 277-0300.

Sincerely,

Monica Rodriguez
Sr. Customer Service Specialist

cc:
Bessie Russ
745 Orange Street
Chipley, Florida 32428

Ravonda Claitt

From: Monica Rodriguez [MRodriguez@securustech.net]
Sent: Monday, October 16, 2006 5:42 PM
To: Consumer Contact
Subject: Bessie Russ / Docket No. 060640-TP
Importance: High
Attachments: Russ_FL_101606.doc

Ms. Flynn,

Attached is Evercom's response to the formal complaint filed under docket number 060640-TP by Ms. Bessie Russ, (850) 638-9695. If there are any additional questions please contact me.

Respectfully submitted,

Monica Rodriguez

Sr. Customer Service Specialist
Regulatory Affairs
SECURUS Technologies, Inc.
(on behalf of Evercom Systems, Inc. and T-Netix, Inc.)
14651 Dallas Parkway
Suite 600
Dallas, Texas 75254-8815
Desk: (972) 277-0598
Fax: (972) 277-0416
mrodriguez@securustech.net

Kay Flynn

From: Kay Flynn
Sent: Monday, December 04, 2006 3:31 PM
To: Lee Eng Tan
Cc: Matilda Sanders; Timolyn Henry
Subject: FW: 18506385533, 14 page(s)

Attachments: FAX.TIF

Lee Eng, I just talked with Michael Ross in Chipley and gave him instructions on e-filing this document.

Kay

From: Ruth McHargue
Sent: Monday, December 04, 2006 3:03 PM
To: Kay Flynn
Subject: FW: 18506385533, 14 page(s)

Does this go to you? Please advise.
Thanks,
Ruth

From: Consumer Contact
Sent: Monday, December 04, 2006 2:56 PM
To: Ruth McHargue
Subject: FW: 18506385533, 14 page(s)

Pleas review. This needs to go to CCA.

Angie

From: NET SatisFAXtion
Sent: Monday, December 04, 2006 11:29 AM
To: Consumer Contact
Subject: 18506385533, 14 page(s)

You have received a new fax. This fax was received by **NET SatisFAXtion**. The fax is attached to the message. Open the attachment to view your fax.

Received Fax Details

Received On: 12/04/2006 11:25 AM
Number of Pages: 14
From (CSID): 18506385533
From (ANI):
Sent to DID:

Duration of Fax: 0:03:28
Transfer Speed: 28800

Received Status: Success
Number of Errors: 1
Port Received On: RockForceOCTO+ Port 6



FAX.TIF (262
KB)

Kay Flynn

From: Kay Flynn
Sent: Monday, December 04, 2006 3:18 PM
To: Ruth McHargue
Cc: Lee Eng Tan; Everett Broussard; Bob Casey; Rick Moses
Subject: FW: 18506385533, 14 page(s)

Attachments: FAX.TIF

Yes, it would come to us. We will let Mr. Russ know the PSC doesn't accept filings by fax.

Thanks.

Kay

From: Ruth McHargue
Sent: Monday, December 04, 2006 3:03 PM
To: Kay Flynn
Subject: FW: 18506385533, 14 page(s)

Does this go to you? Please advise.

Thanks,
Ruth

From: Consumer Contact
Sent: Monday, December 04, 2006 2:56 PM
To: Ruth McHargue
Subject: FW: 18506385533, 14 page(s)

Pleas review. This needs to go to CCA.

Angie

From: NET SatisFAXtion
Sent: Monday, December 04, 2006 11:29 AM
To: Consumer Contact
Subject: 18506385533, 14 page(s)

You have received a new fax. This fax was received by **NET SatisFAXtion**. The fax is attached to the message. Open the attachment to view your fax.

Received Fax Details

Received On: 12/04/2006 11:25 AM
Number of Pages: 14
From (CSID): 18506385533
From (ANI):
Sent to DID:

Duration of Fax: 0:03:28
Transfer Speed: 28800

Received Status: Success
Number of Errors: 1
Port Received On: RockForceOCTO+ Port 6

Michael Russ

From: Filings@psc.state.fl.us
Sent: Monday, December 11, 2006 2:43 AM
To: Michael Russ
Subject: E-filing to PSC

Thank you for filing electronically with the Florida Public Service Commission. Your e-filing will be opened, printed, and entered in the appropriate Commission docket.

If your e-filing was received after 5 p.m. EST, it will be treated as filed on the Commission's next business day.

By electing to file electronically you agree to abide by and accept the Electronic Filing Requirements posted on the PSC's Web site.

Copies of these requirements can also be obtained from the Bureau of Records; call (850) 413-6770 during normal business hours.

Questions can be directed to this e-mail address (filings@psc.state.fl.us) or to the telephone number noted above.

Division of the Commission Clerk and Administrative Services Florida Public Service Commission

CORRESPONDENCE

RECEIVED

06 DEC 12 AM 9:50

Michael Russ

745 Orange Street
Chipley, Florida 32428

COMMISSION
CLERK

IN RE: DOCKET NO.: 060640-TP

December 9, 2006

060640-TP

06 DEC 12 AM 7:13

DISTRIBUTION CENTER

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

Dear Ms. Bayó:

Please find enclosed a Notice of Filing, Petition to Intervene, Memorandum of Law, Sworn Statement of Facts, a Petition containing various allegations of violations, and Certificates of Service. Copies of these documents have been served on the parties of record via United States Certified Mail With Return Receipt Requested, the proper postage paid on each. Please docket and file these documents accordingly.

Should you have any questions or concerns I will be more than happy to discuss them with you. You may contact me at the address listed above.

Respectfully,



Michael Russ

Cc: Parties of record

Enclosure (1)

IN THE FLORIDA PUBLIC SERVICE COMMISSION
IN THE FEDERAL COMMUNICATIONS COMMISSION
ORIGINALS FILED WITH THE AFORMENTIONED

Bessie Russ,

Petitioner

vs.

Evercom Systems, Inc. d/b/a Correctional Billing Services
and Bellsouth Corporation; jointly and severally,

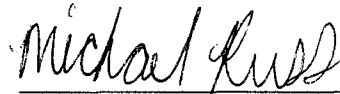
Respondents

IN RE: DOCKET NO.: 060640-TP

NOTICE OF INTERVENTION

YOU ARE HEREBY NOTIFIED that on December 09, 2006 a paper copy of a Petition to Intervene and supporting documents, were sent by United States Priority Mail to the Florida Public Service Commission and via first class United States Postal Mail with sufficient postage attached thereto, in the above styled docket by MICHAEL RUSS on behalf of Michael Russ.

Respectfully submitted December 9th, 2006



Michael Russ
745 Orange Street
ChIPLEY, Florida 32428
Telephone: Purposefully omitted
Cellular Telephone/ Device: Purposefully omitted
Facsimile: Purposefully omitted
E-mail: Purposefully omitted

PETITIONER'S CERTIFICATE OF SERVICE

Petitioner, Michael Russ, hereby certifies under the pains and punishment of perjury that a true and correct copy of the foregoing and all attachments or annexations were mailed via certified mail with return receipts requested on December 9, 2006, to the parties listed below with sufficient postage attached thereto.

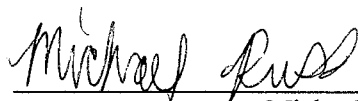
Bessie Russ (HAND DELIVERED)
745 Orange Street
Chipley, Florida 32428

James Meza III (CERTIFIED MAIL NO. : 71555474410042680957)
Manuel A. Guardian
c/o Nancy H. Sims
150 South Monroe Street, Suite 400
Tallahassee, FL 32301

E. Earl Edenfield, Jr. (CERTIFIED MAIL NO. : 7155 5474410042682464)
Suite 4300
675 West Peachtree Street, NE
Atlanta, Georgia 30375

ATTN: Mr. Curtis Hopfinger (CERTIFIED MAIL NO. : 71555474410042680995)
Correctional Billing Services
14651 Dallas Parkway, 6th Floor
Dallas, TX 75254-7476

Respectfully submitted December 9th, 2006



Michael Russ
745 Orange Street
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IN THE FLORIDA PUBLIC SERVICE COMMISSION
IN THE FEDERAL COMMUNICATIONS COMMISSION
ORIGINALS FILED WITH THE AFORMENTIONED

Bessie Russ,

Petitioner

vs.

Evercom Systems, Inc. d/b/a Correctional Billing Services
and Bellsouth Corporation; jointly and severally,

Respondents

IN RE: DOCKET NO.: 060640-TP

PETITIONER MICHAEL RUSS'S PETITION TO INTERVENE

Michael Russ, moves the Florida Public Service Commission pursuant to Florida Administrative Code Rule 25-22.039 (similar to Florida Rules of Civil Procedure 1.230) for an order permitting him to intervene as a Petitioner in the above-styled action, based on the memorandum of law set forth attached hereto as Exhibit "A" and on the grounds set forth in the affidavit attached hereto as Exhibit "B." The proposed claim of applicant is set forth in the pleading attached hereto as Exhibit "C" which shows or states a common claim with the Petitioner in this action.

WHEREFORE, Petitioner prays the Florida Public Service Commission will issue an order granting Petitioner, Michael Russ's petition to intervene forthwith.

Respectfully submitted November 29th, 2006



Michael Russ
745 Orange Street
Chipley, Florida 32428
Telephone: Purposefully omitted
Cellular Telephone/ Device: Purposefully omitted
Facsimile: Purposefully omitted
E-mail: Purposefully omitted

PETITIONER'S CERTIFICATE OF SERVICE

Petitioner, Michael Russ, hereby certifies under the pains and punishment of perjury that a true and correct copy of the foregoing and all attachments or annexations were mailed via certified mail with return receipts requested on November 29, 2006, to the parties listed below with sufficient postage attached thereto.

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Respectfully submitted November 29th, 2006



Michael Russ
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Facsimile: Purposefully omitted
E-mail: Purposefully omitted

**MEMORANDUM OF POINTS AND AUTHORITY SUPPORTING PETITIONER,
MICHAEL RUSS'S, PETITION TO INTERVENE**

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INTRODUCTION

The original Petitioner, Bessie Russ, did file a Petition with the Florida Public Service Commission dated September 20, 2006. Subsequently, Respondent, Bellsouth, filed a response denying the allegations contained therein and a host of other motions. The original Petitioner also filed other motions. Now *possible intervenor*, Michael Russ seeks an order to grant intervention pursuant to Florida Administrative Code 25- 22.039 (2006). The Florida Public Service Commission has specific authority to allow intervention pursuant to Florida Statutes §350.01(7) (2006) and §350.127(2) (2006). Michael Russ shall be referred to in this document as “Russ”, Bellsouth Corporation as “BSC” with respect to its telecommunications division and Correctional Billing Services as “CBS”. The Florida Public Service Commission shall be referred to as “FPSC”. The headings contained in this document are made and should be used solely as a guide to the reader.

ALLEGED FACTS

The original Petitioner, Bessie Russ, alleges in substance a violation of Florida Administrative Code Rule 25-22.032 (2006) (F.A.C. 25-22.032) or a failure to handle her complaint in an expedient manner as required by the aforementioned rule and Florida Administrative Code Rule 25- 4.113 (2006) (F.A.C. 25- 4.113) for discontinuing her service for no just or reasonable cause. Nor pursuant to F.A.C. 25- 4.113 did BSC have the authority to do so as Petitioner, Bessie Russ states that she was in full compliance with the law. BSC specifically denies the allegations. BSC does not specifically state why they make such a denial (whether it is due to lack of knowledge or because they feel there was no problem that was within their power to resolve). Russ alleges that BSC also violated F.A.C. 25- 4.113 and that BSC violated F.A.C. 25- 22.032 on several different occasions and more recently violated F.A.C. 25- 22.032 in the month of October 2006.

ISSUES

- I. Is it proper for the FPSC to grant Russ's Petition to intervene based on the facts of this particular case?

- II. If the FPSC does grant the petition to intervene, to what extent may the intervenor participate in the case or cause of action?

RULES

I. The Florida Supreme Court in the case of Morgareidge v. Howey, 75 Fla. 234, 78 So. 14, 15 (Fla.1918) (*Morgareidge*) adopted a rule to test whether or not the granting of a motion or in this case a petition for intervention, to intervene is possible which states "[t]he interest which will entitle a person to intervene ... must be in the matter in litigation, and of such a direct and immediate character that the intervenor will either gain or lose by the direct legal operation and effect of the judgment. In other words, the interest must be that created by a claim to the demand in suit or some part thereof, or a claim to, or lien upon, the property or some part thereof, which is the subject of litigation."

II. A court or administrative agency should determine not only whether the moving party has a proper interest but also the extent to which that party should be allowed to participate as an intervenor. In Union Cent. Life Ins. Co. v. Carlisle, 593 So.2d 505 (Fla.1992) (*Carlisle*), the court said that intervention should be limited to the extent necessary to protect the interests of all parties. The Florida Supreme Court Stated the rule to be "[f]irst, the trial court must determine that the interest asserted is appropriate to support intervention Once the trial court determines that the requisite interest exists, it must exercise its sound discretion to determine whether to permit intervention. In deciding this question the court should consider a number of factors, including the derivation of the interest, any pertinent contractual language, the size of the interest, the

potential for conflicts or new issues, and any other relevant circumstance. Second, the court must determine the parameters of the intervention.”

ANALYSIS

I. THE PROPER TEST FOR GRANTING INTERVENTION

In order for the FPSC to determine to what extent an intervenor may intervene, it must first determine whether an intervention is proper. Therefore, any discussion concerning an intervention must first begin with *Morgareidge*, which established the test for intervention by a party. Before a party can intervene, the matter must be one in litigation.

Here, the matter is in a litigation format with rules that resemble that of a court. In fact, an administrative trial judge may preside over the matter at hand and when a decision is made, the dissatisfied party may appeal the decision to the Florida Supreme Court according to Florida Statutes §350.128 (F.S. §350.128). The right of review is given to the First District Court of Appeal (although such other rulings do not bind either Petitioner as they are located in the Second District court of Appeal’s jurisdiction, such opinions maybe given great weight) and it appears that by the language of the statute that any decision made by the First District Court of Appeals will be binding on all the parties based on the language of the statute. The Florida Supreme Court may review the decision of the First District Court of Appeal, but the first right of review belongs to the First District Court of Appeals when such review pertains to “review[ing] any other action of the commission.” The Florida Supreme Court may “any action of the commission relating to rates or service of utilities providing electric, gas, or telephone service” and neither court may review the decision until a petition for review is filed and granted by the respective court. This statute imports that the FPSC is equivalent to a trial court. Furthermore, the FPSC may conduct or investigate facts, ascertain the existence of facts, hear evidence and make factual findings, and render decisions based on the application of legal rules to the ascertained facts see Canney v. Board of Public Instruction of Alachua County, 278 So. 2d 260 (Fla. 1973) (*Canney*). In essence, administrative agencies or tribunals may have and exercise powers and functions that are

quasi-judicial or judicial in nature as has been stated in a plethora of cases General Telephone Co. of Florida v. Florida Public Service Commission, 446 So. 2d 1063 (Fla. 1984) (*General Telephone*); Florida Export Tobacco Co., Inc. v. Department of Revenue, 510 So. 2d 936 (Fla. Dist. Ct. App. 1st Dist. 1987) (*Florida Export Tobacco*); Pasco County School Bd. v. Florida Public Employees Relations Commission, 353 So. 2d 108 (Fla. Dist. Ct. App. 1st Dist. 1977) (*Pasco*). Although, this is not a “judicial” proceeding it must be accompanied with certain formalities and safeguards typical of the judicial process as was held in State Dept. of Administration v. Stevens, 344 So. 2d 290 (Fla. Dist. Ct. App. 1st Dist. 1977) (*Stevens*).

Finally, the conferring of quasi-judicial powers and duties upon administrative agencies is not unconstitutional as an encroachment upon the judicial branch of government. Especially where such powers and duties relate to matters that are peculiarly affected with public interest or are subject to regulation under the police powers or where provision is made for appeal from decisions of such agencies to the courts as was held in *Stevens*. The constitutional right to a jury trial also does not constitute a bar to the vesting of adjudicating powers in administrative agencies see State ex rel. De Gaetani v. Driskell, 139 Fla. 49, 190 So. 461 (1939) (*Driskell*); State ex rel. Davis v. Rose, 97 Fla. 710, 122 So. 225 (1929) (*Rose*).

Based on the current proceedings of the FPSC such a motion is proper, as it appears that the parties are in “litigation” and this prong should not bar this petition to intervene.

The second prong to the test involves the intervenor’s interest. The intervenors’ interest must be of such a character that not to allow the intervenor to intervene will cause a gain or loss and be of an immediate character. While the test does not specifically state what facts will create this interest in is certain that potential adverse legal precedent does not constitute “substantial interest” needed for intervention. Furthermore, economic damage alone does not constitute “substantial interest”. In re: Monsanto Company, 86 FPSC 9:211 (1986) (*Monsanto*).

Here, Russ alleges in his petition that he has suffered the same damages (not quantitatively, but quality wise). Russ alleges, the same violations have occurred and he resides in the same household where the original Petitioner’s violations occurred. Russ is also the son of the current Petitioner, transacts business with BSC and attempted to transact business with CBS, but was unable to do so. CBS told Russ that BSC had placed a block on the phone to prevent him from doing business with them. As such, Russ shares the same or similar derivative of interest, no potential of any new claims and there are no potential

conflicts for with new claims. Nor would granting the petition to intervene place an undue or unjust burden on either Respondent. Russ stands to lose a great deal if this petition to intervene is not granted as Russ's relationship has become "rocky" at best based on the lack or inability to communicate with such relative because of Respondents. A familial relationship cannot be measured in dollars and cents. The damage done by Respondents may not have an adequate remedy at law, but there maybe on in equity. Russ need not establish an interest in every aspect of the pending case or matter. On the contrary, the court may allow a litigant to participate in the resolution of a particular issue even though the case may present other issues of no interest to that litigant as was stated and held in the cases of National Wildlife Fed'n Inc. v. Glisson, 531 So.2d 996 (Fla. 1st DCA 1988) (*Glisson*); Naples Community Hospital v. Department of Health and Rehabilitative Servs., 463 So.2d 375 (Fla. 1st DCA 1985) (*Naples*).

Finally, an intervenor need not request specific relief in petition, but must make allegations sufficient to show that petitioner has a substantial interest in outcome of proceedings. The FPSC granted such intervention In re: Application of South Hutchinson Service Company, 87 FPSC 10:298 (1987) (*Hutchinson*).

Based on these facts, there is no reason why petitioner should not be allowed to intervene, furthermore, an intervenor must accept the pleadings as he finds them and may not raise new issues. An intervenor is limited to arguing existing issues as they apply to him as a party as was stated in *Glisson*.

II. THE EXTENT TO WHICH AN INTERVENOR MAY PARTICIATE

A court or administrative agency should determine not only whether the moving party has a proper interest but also the extent to which that party should be allowed to participate as an intervenor. In *Carlisle*, the court said or basically held that an intervention should be limited to the extent necessary to protect the interests of all parties. While it is not completely clear what limits if any should be placed it is certain that it is in the discretion of the court or administrative agency to set the parameters or limits of the intervenor.

Here, the interest of Respondents appears to be to protect what they allege is proprietary information, the methods used when doing business with customers and other business dealings, which a competitor might use to his or her advantage to undermine Respondents. Petitioner, Bessie Russ and Russ are interested in having the ability to communicate freely

within the confines of the law and the ability to engage in lawful transactions with whomever they choose. Russ's interest are not necessarily adverse to any of the current parties involved and in fact are similar to those expressed in Florida Statute §364.01(3) (2006) (F.S. §364.01(3)) and as such there is no reason to place limits on his intervention. Russ should be treated as the current Petitioner, Bessie Russ and allowed to participate in all parts and matters of this proceeding.

Finally, an order denying a motion to intervene is a final adjudication of the right to participate in the case. Hence, an aggrieved litigant may appeal an order denying a motion to intervene as a final order, even though the case remains pending between the parties see Fasig v. Florida Society of Pathologists, 769 So.2d 1151 (Fla. 5th DCA 2000) (*Fasig*). "Commission orders come to this Court clothed with the statutory presumption that they have been made within the [FPSC's] jurisdiction and powers, and that they are reasonable and just and such as ought to have been made." Gulf Coast Elec. Coop., Inc. v. Johnson, 727 So.2d 259, 262 (Fla.1999) (*Johnson*).

CONCLUSION

Based on the foregoing and the attached there is no just or reasonable cause why Russ's motion to intervene should not be granted as he has met all of the necessary requirements, is barred from raising any new issues, has a substantial interest in this matter, and it will not cause any undue hardship or prejudice to any of the parties interest.

Respectfully submitted November 29th, 2006



Michael Russ
745 Orange Street
Chipley, Florida 32428
Telephone: Purposefully omitted
Cellular Telephone/ Device: Purposefully omitted
Facsimile: Purposefully omitted
E-mail: Purposefully omitted

PETITIONER'S CERTIFICATE OF SERVICE

Petitioner, Michael Russ, hereby certifies under the pains and punishment of perjury that a true and correct copy of the foregoing and all attachments or annexations were mailed via certified mail with return receipts requested on November 29, 2006, to the parties listed below with sufficient postage attached thereto.

Bessie Russ (HAND DELIVERED)
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Chipley, Florida 32428

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Correctional Billing Services
14651 Dallas Parkway, 6th Floor
Dallas, TX 75254-7476

Respectfully submitted November 29th, 2006



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IN THE FLORIDA PUBLIC SERVICE COMMISSION
IN THE FEDERAL COMMUNICATIONS COMMISSION
ORIGINALS FILED WITH THE AFORMENTIONED

Bessie Russ,

Petitioner

vs.

Evercom Systems, Inc. d/b/a Correctional Billing Services
and Bellsouth Corporation; jointly and severally,

Respondents

**PETITIONER MICHAEL RUSS'S SWORN AFFADAVIT OF
ALLEGED FACTS SUPPORTING PETITION TO INTERVENE**

COMES now Petitioner, Michael Russ, who avers and alleges under oath of perjury the following:

1. Michael Russ, (Petitioner) is an African male, of age twenty- five, who resides in the State of Florida, County of Washington, City of Chipley, and the physical address 745 Orange Street. Petitioner is and has been a resident at such address at all times material and relevant hereto.

2. Petitioner has been and is a customer of Respondent Bellsouth Telecommunications a division, subsidiary, substantially owned, substantially affiliated with or substantially apart of the Bellsouth Corporation (BSC) at all times material and relevant hereto.

3. On or about the month of October 2006, Petitioner did attempt to subscribe to a service offered or provided by Correctional Billing Service (CBS). CBS is

a division, subsidiary, substantially owned, substantially affiliated with or substantially apart of Evercom Systems, Incorporated.

4. Petitioner did make contact with CBS in October 2006. Petitioner was told by CBS that the service was activated. This service would allow him to speak to an individual who was incarcerated. BSC does not offer such service to this particular institution as CBS has the exclusive contract with the institution.

5. After receiving a communication from such individual that they were unable to make phone calls to Petitioner; Petitioner did call CBS to inquire as to the status of the service.

6. CBS informed Petitioner that the service was activated, but BSC had blocked the use of such service.

7. BSC was notified by Petitioner of this, but to the best of Petitioner's knowledge, BSC took no corrective action in regards to this matter, nor did Petitioner receive any further communication from BSC.


8. Petitioner has no knowledge of how or why the use of such service was blocked by BSC.

9. BSC and CBS have failed to explain, rationalize, justify or reasonably excuse the termination or blocking of such services. Petitioner did not have an outstanding balance with CBS (Petitioner also should not have an outstanding balance with BSC which will be addressed in a separate complaint) as this was Petitioner's *first* and *only* time utilizing CBS services.

10. Petitioner has not or did not request, demand or otherwise perform any act or omission which would, did or gave Respondents the impression, impliedly or explicitly that such service should be blocked, disconnected or otherwise interfered with.

11. Petitioner did or has not violated or refused to comply with any Public Service Commission Rule or Regulation, state law, court order, common law, federal regulation, rule or law.

Respectfully submitted December 4th, 2006



Michael Russ
Michael Russ
745 Orange Street
Chipley, Florida 32428
Resident Telephone: Purposefully omitted
Cellular Telephone/ Device: Purposefully omitted
Facsimile: Purposefully omitted
E-mail: Purposefully omitted

SWORN AFFIDAVIT

STATE OF FLORIDA

COUNTY OF Washington

I, Michael Russ, declare to the officer taking my acknowledgment of this instrument, that I signed this instrument without coercion, duress, of my own volition and that the above averments or allegations are true and correct to the best of my ability. Furthermore, I do so under the pains and punishment of perjury.

Dated this 7 day of December, 2006

Michael Russ

Michael Russ
745 Orange Street
Chipley, Florida 32428

Acknowledged and subscribed before me by the petitioner, Michael P Russ who is personally known to me or who has produced FL DL as identification, and sworn to and subscribed before me, in my presence as the officer administering said oath, all on this 7 day of December 2006.

Ashley Roberts
Signature of Notary Public

SHAYES COOK
CLERK OF CIRCUIT COURT
WASHINGTON COUNTY
AR - DEPUTY CLERK
EXPIRES WITH TERM

Ashley Roberts

Print, type, or stamp commissioned name and affix official seal

PETITIONER'S CERTIFICATE OF SERVICE

Petitioner, Michael Russ, hereby certifies under the pains and punishment of perjury that a true and correct copy of the foregoing and all attachments or annexations were mailed via certified mail with return receipts requested on November 29, 2006, to the parties listed below with sufficient postage attached thereto.

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IN THE FLORIDA PUBLIC SERVICE COMMISSION
IN THE FEDERAL COMMUNICATIONS COMMISSION
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Bessie Russ,

Petitioner

vs.

Evercom Systems, Inc. d/b/a Correctional Billing Services
and Bellsouth Corporation; jointly and severally,

Respondents

IN RE: DOCKET NO.: 060640-TP

**PETITIONER, MICHAEL RUSS'S, PETITION
FOR SANCTIONS AGAINST RESPONDENTS**

COMES NOW, Michael Russ, Petitioner, who avers and alleges:

JURISDICTION, VENUE AND GENERAL AVERMENTS

1. Petitioner, Michael Russ (Petitioner) is an African male, of age twenty-five, who resides in the State of Florida, County of Washington, City of Chipley, and the physical address 745 Orange Street. Petitioner is and has been a resident at such address at all times material and relevant hereto and is a citizen of the state of Florida. The Florida Public Service Commission (PSC) has jurisdiction pursuant to F.S. §364.01(2006) and is considered to be a "long- arm" of the legislative branch according to F.S. §350.001(2006). Venue is proper as the incidents giving rise to the petition occurred or were noticed in this state, majorities of the relevant witnesses are located in this state, and the PSC appears to have only one office located in Tallahassee, Florida. Furthermore, both Respondents have a "physical presence" in this state.

2. Petitioner has been and is a customer ((850) 638-5533) of Respondent Bellsouth Telecommunications (BSC) a division, subsidiary, substantially owned, substantially affiliated with or substantially apart of the Bellsouth Corporation (BC) at all times material and relevant hereto. BSC is now, and at all times mentioned in this complaint was and is a corporation organized as a foreign profit company, authorized by any jurisdiction other than Florida, to transact business in this State. BSC is organized and existing under the laws of the state of Georgia with its principal office and place of business located at 675 West Peachtree Street, Northeast, Suite 4500; City of Atlanta and state of Georgia and zip code of 30375. BSC list the mailing address as 1155 Peachtree Street, Northeast, Suite 1800; city of Atlanta, state of Georgia and zip code 30309- 3610. Furthermore, BSC or BC has a physical presence located in the city of Panama City, County of Bay and State of Florida, transacts a substantial amount of business in this state, and has a registered agent in Tallahassee, Florida available for service of process. BSC is engaged in the business of furnishing various communications services to Floridian's by transmitting electrical impulses by wire, pursuant to law.

3. Respondent Correctional Billing Services (CBS). CBS is a division, subsidiary, substantially owned, substantially affiliated with, or substantially apart of Evercom Systems, Incorporated (ESI) at all times material and relevant hereto. CBS has stated on their website that it is a division of ESI. ESI is now, and at all times mentioned in this complaint was and is a corporation organized as a foreign profit company, authorized by any jurisdiction other than Florida, to transact business in this State. ESI is organized and existing under the laws of the state of Texas with its principal office and place of business located at 14651 Dallas Parkway; Suite 600, city of Dallas, State of Georgia and zip code 75254. ESI list its mailing address as the same as its principal office and place of business. Furthermore, ESI transacts a substantial amount of business in this state,

with Escambia County and has a registered agent in Tallahassee, Florida available for service of process. ESI is engaged in the business of furnishing various communications services to Floridian's by transmitting electrical impulses by wire, pursuant to law.

4. Petitioner having fully complied with all of the conditions entitling it to the furnishing of telecommunication services, duly requested CBS in the month of October and year 2006, to install and furnish such service in conveying the electrical impulses necessary to produce sound from the Escambia County Correctional Institution to the receiving set at his residence as they currently hold the exclusive contract to provide such service.
5. Petitioner was told by CBS that the service was activated. This service would allow him to speak to an individual who was incarcerated at the Escambia County Correctional Institution. BSC does not offer such service to this particular institution as CBS has the exclusive contract with the institution.
6. After receiving a communication from such individual that they were unable to make phone calls to Petitioner, Petitioner did call CBS to inquire as to the status of the service.
7. CBS informed Petitioner that the service was activated, but BSC had blocked the use of such service.
8. BSC was notified by Petitioner of this, but to the best of Petitioner's knowledge, BSC took no corrective action in regards to this matter, nor did Petitioner receive any further communication from BSC.
9. Petitioner has no knowledge of how or why the use of such service was

blocked by BSC.

10. BSC and CBS have failed to explain, rationalize, justify, or reasonably excuse the termination or blocking of such services. Petitioner did not have an outstanding balance with CBS (Petitioner also should not have an outstanding balance with BSC which will be addressed in a separate complaint) as this was Petitioner's *first* and *only* time utilizing CBS services.
11. Petitioner has not or did not request, demand or otherwise perform any act or omission that would, did, or gave Respondents the impression, impliedly or explicitly, that such service should be blocked, disconnected, or otherwise interfered with.
12. Petitioner did or has not violated or refused to comply with any Public Service Commission Rule or Regulation, state law, court order, common law, federal regulation, rule or law.
13. Respondents CBS have failed and refused, and continues to fail and refuse, to honor this request or BSC has blocked, disconnected or otherwise interfered with this service.
14. Petitioner has suffered harm and damages by the failure and refusal to furnish the above-described service or the blocking, disconnecting, or otherwise interference with this service.
15. Petitioner's harm and damages are the actual and proximate cause of the willful and wrongfully acts or omissions by the Respondents.

COUNT I: VIOLATION OF FLORIDA ADMINISTRATIVE CODE RULE

§25.4113(2006)

16. Petitioner re- alleges averments 1- 15 as if fully set forth herein.
17. Under the provisions of Florida Administrative Code Rule §25.4113 (2006), Respondents are obligated to provide reasonable notice of the intent to discontinue service and a reasonable time to comply with any rule or remedy any deficiency, but failed to do so.
18. Under the aforesaid provisions, such service maybe disconnected by Respondents without reasonable notice in extreme cases and other exceptions provided therein.
19. Petitioner has fully complied with all of the conditions entitling it to the furnishing of telecommunication services and has not violated or refused to comply with any Public Service Commission Rule or Regulation, state law, court order, common law, federal regulation, rule or law.
20. Respondents acts or omissions were willful and wrongful and have occurred since the month of October year 2006 and as of the date of this complaint, to the best of Petitioner's knowledge, have not ceased.
21. Pursuant to Florida Statutes §364.285(2006) a monetary penalty maybe assessed for each offense and each day that such refusal or violation continues constitutes a separate offense after a finding by the PSC that a violation has occurred.
22. Respondents acts or omissions were willful and wrongful and are the actual and proximate cause of Petitioner's harm and damages suffered.

COUNT II: VIOLATION OF FLORIDA ADMINISTRATIVE CODE RULE
§25.4113(2006) AND FLORIDA STATUTES §364.03 (2006)

23. Petitioner re- alleges averments 1- 22 as if fully set forth herein.
24. Respondents failed to give five-business day's written notice of the termination of services as required by the aforementioned code or statute and did not do so under any exceptions provided in the code.
25. Such a failure does constitute a separate and distinct violation from Count I as that count substantially referred to the termination of the service by Respondents and this count refers to the failure to give notice of the adverse disconnection.
26. Petitioner has fully complied with all of the conditions entitling it to the furnishing of telecommunication services and has not violated or refused to comply with any Public Service Commission Rule or Regulation, state law, court order, common law, federal regulation, rule or law.
27. Respondents acts or omissions were willful and wrongful and have occurred since the month of October year 2006 and as of the date of this complaint, to the best of Petitioner's knowledge, have not ceased.
28. Pursuant to Florida Statutes §364.285(2006) a monetary penalty maybe assessed for each offense and each day that such refusal or violation continues constitutes a separate offense after a finding by the PSC that a violation has occurred.
29. Respondents acts or omissions were willful and wrongful and are the actual and proximate cause of Petitioner's harm and damages suffered.

COUNT III: VIOLATION OF FLORIDA ADMINSTRATIVE CODE RULE
§25.4113(2006) FLORIDA STATUTES §364.03 (2006)

30. Petitioner re- alleges averments 1- 29 as if fully set forth herein.
31. Under the aforementioned Florida Statute or code, Respondents are obligated to furnish the above-mentioned service and to render it to any person and perform in a prompt, expeditious, and efficient manner, but nevertheless willfully and wrongfully refused, omitted or otherwise failed to do so. Specifically, Respondents did so in that:
- a. they failed to establish or allow the establishing of service;
 - b. they stopped the use, enjoyment, and/ or the availability of such service;
 - c. BSC when called about the willful and wrongful termination of such service did attempt to persuade Petitioner to utilize their service, as “it appeared that you [Petitioner] receive or make a great deal of collect calls.” BSC refused to discuss how, why, or when Petitioner could get the service re- established. These calls were not collect calls, but calls received from the Escambia County Correctional Institute; and
 - d. did not promptly, expeditiously, and efficiently address this issue with this Petitioner as Petitioner requested in October 2006 and have not done so as of the date of the filing of this petition.
32. In so doing, Respondents have stifled, robbed, or otherwise taken away, Petitioner to contract freely and exercise his right to freely engage or enter in to a lawful contract for a lawful purpose. Such behavior is unreasonable and is contrary to what a civilized society will tolerate.
33. The aforementioned acts or omissions were willful and wrongful at the time they were committed and are the actual and proximate cause of Petitioner’s harm and damages suffered.

WHEREFORE, Petitioner prays that the PSC impose a fine that it believes to be just, fair and reasonable on Respondents; pursuant to Florida Statutes §364.285(2006) which reads in relevant part “(1) The commission shall have the power to impose upon any entity subject to its jurisdiction under this chapter which is found to have refused to comply with or to have willfully violated any lawful rule or order of the commission or any provision of this chapter a penalty for each offense of not more than \$25,000, which penalty shall be fixed, imposed, and collected by the commission; or the commission may, for any such violation, amend, suspend, or revoke any certificate issued by it. Each day that such refusal or violation continues constitutes a separate offense. Each penalty shall be a lien upon the real and personal property of the entity, enforceable by the commission as a statutory lien under chapter 85. Collected penalties shall be deposited in the General Revenue Fund unallocated.

(2) The commission may, at its discretion, institute in any court of competent jurisdiction a proceeding for injunctive relief to compel compliance with this chapter or any commission rule or to compel the accounting and refund of any moneys collected in violation of this chapter or commission rule.” Furthermore, Petitioner prays that the PSC grant any other relief that the PSC shall deem just and equitable.

Respectfully submitted December 9th, 2006



Michael Russ
745 Orange Street
Chipley, Florida 32428
Telephone: Purposefully omitted
Cellular Telephone/ Device: Purposefully omitted
Facsimile: Purposefully omitted
E-mail: Purposefully omitted

PETITIONER'S CERTIFICATE OF SERVICE

Petitioner, Michael Russ, hereby certifies under the pains and punishment of perjury that a true and correct copy of the foregoing and all attachments or annexations were mailed via certified mail with return receipts requested on December 9, 2006, to the parties listed below with sufficient postage attached thereto.

Bessie Russ (HAND DELIVERED)
745 Orange Street
Chipley, Florida 32428

James Meza III (CERTIFIED MAIL NO. : 71555474410042680257)
Manuel A. Guardian
c/o Nancy H. Sims
150 South Monroe Street, Suite 400
Tallahassee, FL 32301

E. Earl Edenfield, Jr. (CERTIFIED MAIL NO. : 7155547441004269)
Suite 4300
675 West Peachtree Street, NE
Atlanta, Georgia 30375

ATTN: Mr. Curtis Hopfinger (CERTIFIED MAIL NO. : 71555474410042680995)
Correctional Billing Services
14651 Dallas Parkway, 6th Floor
Dallas, TX 75254-7476

Respectfully submitted December 9th, 2006



Michael Russ
745 Orange Street
Chipley, Florida 32428
Telephone: Purposefully omitted
Cellular Telephone/ Device: Purposefully omitted
Facsimile: Purposefully omitted
E-mail: Purposefully omitted

Dorothy Menasco

060640-TP

From: Lee Eng Tan
Sent: Friday, January 12, 2007 1:01 PM
To: Dorothy Menasco
Cc: Jackie Schindler
Subject: RE: Docket No. 060640; DN 00333-07

00343-07 MR

Hi Dorothy,

00343-07 MR

In the abundance of caution, please submit document 00333-07 as confidential. Thank you.

Lee Eng

From: Dorothy Menasco
Sent: Friday, January 12, 2007 10:32 AM
To: Lee Eng Tan
Cc: Jackie Schindler
Subject: Docket No. 060640; DN 00333-07

Good morning Lee Eng,

CCA has received the document mentioned above. I would like to ask you to come review this letter and advise whether it should be treated as confidential or not. I don't want to have the document scanned until GCL advises it is safe to do so. Thank you!

Dorothy Menasco
FPSC
CCA - Records
850-413-6330
dmenasco@psc.state.fl.us

Matilda Sanders

FSC-07-0207-PCO-TP

From: Jackie Schindler
Sent: Tuesday, March 06, 2007 9:53 AM
To: CCA - Orders / Notices; Lee Eng Tan
Subject: Order / Notice Submitted

Date and Time: 3/6/2007 9:52:00 AM
Docket Number: 060640-TP
Filename / Path: 060640.intorder.tlt.doc
Order Type: Signed / Hand Deliver

An ORDER ESTABLISHING DOCKET, CONSOLIDATION OF DOCKETS AND DENYING INTERVENTION has been signed and moved to GC Orders for issuance today.

Jacqueline Schindler
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
850-413-6754

2/2

RECEIVED 11 30
07 MAR - 6 AM 10:57
COMMISSION
CLERK

Matilda Sanders

PEL-07-0332-PAA-TP

From: Jackie Schindler
Sent: Monday, April 16, 2007 1:52 PM
To: CLK - Orders / Notices; Lee Eng Tan
Subject: Order / Notice Submitted

Date and Time: 4/16/2007 1:51:00 PM
Docket Number: 060640 & 070151-TP
Filename / Path: 060640or.tit.doc

A PAA ORDER GRANTING PARTIAL MOTION TO DISMISS AND DENY COMPLAINTS has been moved to GC Orders for issuance today. Thanks.

js

Jacqueline Schindler
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
850-413-6754

3/2

Matilda Sanders

PSC-07-0332A-PAA-TP

From: Jackie Schindler
Sent: Tuesday, April 17, 2007 3:50 PM
To: CLK - Orders / Notices; Lee Eng Tan
Subject: Order / Notice Submitted

Date and Time: 4/17/2007 3:29:00 PM
Docket Number: 060640-TP & 070151-TP
Filename / Path: 060640ao.doc

An AMENDATORY ORDER has been moved to GC Orders for issuance. Thanks.

js

Jacqueline Schindler
Office of the General Counsel
Florida Public Service Commission
2510 Shumard Oak Boulevard
Tallahassee, FL 32399
850-413-6754

3/2

Matilda Sanders

PSC-07-0422-CO-TP

From: Jackie Schindler
Sent: Monday, May 14, 2007 1:56 PM
To: CLK - Orders / Notices; Lee Eng Tan
Subject: Order / Notice Submitted

Date and Time: 5/14/2007 1:55:00 PM
Docket Number: 060640 & 070151-TP
Filename / Path: 060640co.doc

A CONSUMMATING ORDER has been moved to GC Orders for issuance today. Thanks!!

Jacqueline Schindler
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
850-413-6754

3/2.

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
MATTHEW M. CARTER II
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



*Administrative
Correspondence*

OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission

August 3, 2007

Ms Nancy Sims
BellSouth Telecommunications, Inc.
d/b/a AT&T Florida
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301

FPSC, CLK - CORRESPONDENCE		
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. 07543-07		
DISTRIBUTION: _____		

Re: Return of Confidential Documents to the Source, Docket No. 060640-TP

Dear Ms. Sims:

Commission staff have advised that confidential Document Nos. 10509-06, 02365-07, and 02950-07, filed on behalf of BellSouth Telecommunications, Inc. d/b/a AT&T Florida, can be returned to the source. The documents are enclosed.

Please do not hesitate to contact me if you have any questions concerning return of this material.

Sincerely,

Ann Cole
Commission Clerk

AC:mhl
Enclosure

cc: Catherine Beard, Division of Competitive Markets and Enforcement
Lee Eng Tan, Office of the General Counsel

RECEIVED

DATE

8/6/07

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

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Internet E-mail: contact@psc.state.fl.us