

Zuraya Wright
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561-588-6353

February 21, 2013

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-B204
Washington, DC 20554

Re: FCC Proceeding No. 12-375

Dear Secretary Dortch,

On January 21, 2013, a historic settlement was announced in a class-action lawsuit: AT&T agreed to pay \$45 million to at least 70,000 Washington state consumers because it failed to disclose the exorbitant rates for collect phone calls made from Washington State correctional facilities between 1996 and 2000. While many people will benefit from the resolution of the class-action suit, I will not receive any justice from the settlement *even though I was one of the original lead plaintiffs in the case.*

My son Paul Wright was incarcerated in Washington prisons from 1987 to 2003. During that time, my husband Rollin and I received weekly calls from Paul at our home in Florida. The cost of those calls was astronomical, and between 1996 and 2000 we were never informed of the rates or advised how to determine the rates for the calls we accepted from Paul. I have since learned that we were being charged \$3.95 just to accept a call from our son plus \$.90 per minute. The fees to keep in touch were extremely high, but we needed to stay connected as a family.

In 2000, Sandy Judd and I, and attorney Tara Herivel, filed a class-action suit, *Judd, et al. v. AT&T, et al.*, over the failure of AT&T and other telecommunications companies to disclose the rates of collect calls from certain Washington State prisons. Sandy, my former daughter in law, also received collect calls from Paul during that time and was also charged enormous fees without disclosure of the rates by AT&T and other phone companies. The class members in our suit were all people who had received collect calls from Washington state prisoners between 1996 and 2000. Columbia Legal Services was later added as a plaintiff.

The issue of intrastate (in-state) collect calls was referred to the Washington Utilities and Transportation Commission while the issue of *interstate* (long distance) calls from Washington State prisons was completely discarded, leaving out-of-state families such as ours without recourse. As you are aware, only the FCC has jurisdiction over interstate phone rates.

Although Washington state's consumer protection laws ultimately offered relief for many Washington residents who accepted collect phone calls from prisoners, as demonstrated by the \$45 million settlement, they offered no relief to people like my husband and me, who stayed in touch with our incarcerated son in spite of thousands of miles between us and thousands of dollars in phone charges. Paul was released from prison in 2003 and is now the director of the Human Rights Defense Center.

It is because people like me are still without justice after being price-gouged by prison phone companies that I am asking the FCC to take meaningful action on the Proposed Notice of Rulemaking in Proceeding No. 12-375, by capping the rates of interstate calls from prisons, jails and detention centers. Even if it does not directly serve those of us who have been wronged by prison phone companies in the past, it will protect consumers in the future. Please take action on the Wright Petition and cap interstate prison phone rates so that prisoners' mothers will not have to choose between paying exorbitant phone bills or losing touch with the most important people in their lives – their children.

I did what I could to change the system, as a lead plaintiff in a class-action lawsuit that challenged violations by prison phone companies. My claims were dismissed because they related to interstate phone calls, which fall under the exclusive jurisdiction of the FCC. Thus, it is now up to you, and the FCC Commissioners, to change the system for the better.

I urge you to do so.

Sincerely,


Zuraya Wright

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

SANDY JUDD, and ZURAYA WRIGHT,
for themselves, and on behalf of all
similarly situated persons,

Plaintiffs,

v.

AMERICAN TELEPHONE AND
TELEGRAPH COMPANY; GTE
NORTHWEST INC.; CENTURYTEL
TELEPHONE UTILITIES, INC.; NORTH-
WEST TELECOMMUNICATIONS, INC.,
d/b/a PTI COMMUNICATIONS, INC.;
U.S. WEST COMMUNICATIONS, INC.;
T-NETIX, INC.,

Defendants.

NO. 00-2-17565-5 SEA

COMPLAINT - CLASS ACTION

I. PARTIES, JURISDICTION AND VENUE

1. Plaintiff Sandy Judd is a resident of Snohomish County, Washington. She has received and paid for intrastate long-distance collect calls from Washington State prison inmates.

2. Plaintiff Zuraya Wright is a resident of Lake Worth, Florida. She received and paid for interstate long-distance collect calls from a Washington State prison inmate before rate disclosure was first offered to her in November of 1999.

1 3. Jurisdiction is appropriate in this court because the defendants do
2 business in the state of Washington, and because the amount in controversy exceeds
3 \$300.00. Venue is proper because the non-resident defendants have been served in
4 King County, Washington.

5 II. NATURE OF CASE

6 4. Since at least 1992, the Washington State Department of
7 Corrections has contracted with private "operator service providers," also known as
8 "alternate operator services companies," to provide "0+" operator services on the
9 payphones used by prison inmates incarcerated in the State of Washington. Prison
10 inmates are required to use the "0+" operator service provider assigned by contract to
11 the prison from which the call is placed, and may place only collect calls.

12 5. Since at least 1988, telecommunications companies acting as or
13 contracting with operator service providers have been required by state law to assure
14 appropriate disclosure of rates charged to consumers for services provided while
15 connecting both intrastate and interstate long-distance telephone calls. However, the
16 defendants, all telecommunications companies and operator service providers, have
17 failed to assure appropriate disclosure of rates to the plaintiffs and others similarly
18 situated, and continue to fail to do so for intrastate long-distance telephone calls. The
19 defendants have provided disclosure of rates for at least some interstate calls from
20 Washington prison inmates only since November of 1999.

21 III. CLASS ACTION ALLEGATIONS

22 6. *Definition of Class.* The class consists of all individuals who have
23 received one or more long-distance intrastate or interstate collect calls from one or
24 more Washington State prison inmates since June 20, 1996, except for those
25 individuals who have received only interstate collect calls from Washington State
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1 prison inmates after November of 1999, and to whom timely disclosure of rates was
2 offered.

3 7. *Class Representatives.* Named plaintiff Sandy Judd has received
4 and paid for intrastate long-distance collect calls from Washington State prison
5 inmates. Named plaintiff Zuraya Wright received and paid for interstate collect calls
6 from a Washington State prison inmate between June 20, 1996 and November of 1999.

7 8. *Size of Class.* There are approximately 14,000 prison inmates
8 currently incarcerated in the State of Washington. Each inmate is permitted to
9 maintain a calling list of multiple family members and acquaintances. Every person
10 who is or has been on any incarcerated person's calling list since 1996 is a potential
11 class member, including family, friends, attorneys and news organizations. The class
12 is expected to number in the tens or hundreds of thousands and is so large that joinder
13 of all members is impracticable.

14 9. *Common Questions of Law and Fact.* This action requires a
15 determination of whether the defendants assured appropriate rate disclosure to the
16 class member recipients of inmate-initiated intrastate and interstate long-distance
17 collect telephone calls as required by RCW §80.36.520 and RCW §80.36.530.

18 10. *Defendants Have Acted On Grounds Generally Applicable to the*
19 *Class.* The defendants complete inmate-initiated collect telephone calls to call
20 recipients, and have consistently failed to make proper disclosures. The defendants
21 have acted on grounds generally applicable to the class. Certification is therefore
22 proper under CR 23(b)(2).

23 11. *Questions of Law and Fact Common to the Class Predominate*
24 *Over Individual Issues.* The claims of many individual class members are too small to
25 justify filing and prosecuting the claims separately. Thus, any interest that individual
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1 of inmate-initiated interstate calls could not access rates prior to receipt of the call, and
2 also were not provided with any information on how to obtain the applicable rates.

3 **V. CLAIMS FOR RELIEF**

4 **FIRST CLAIM—VIOLATION OF THE WASHINGTON CONSUMER** 5 **PROTECTION ACT, RCW 19.86 et seq.**

6 17. Plaintiffs re-allege paragraphs 1 through 16, above.

7 18. The defendants' repeated violations of RCW §80.36.520 constitute
8 per se violations of the Washington Consumer Protection Act, RCW §19.86 et seq.,
9 pursuant to RCW §80.36.530. The defendants have engaged in, and continue to
10 engage in, unfair or deceptive acts or practices in trade or commerce in violation of the
11 Washington State Consumer Protection Act. Such conduct affects the public interest,
12 and has caused injury to the named plaintiffs and the plaintiffs' class.

13 19. Plaintiffs and the plaintiff class are entitled to damages as defined
14 in RCW §80.36.530, and treble damages under RCW §19.86.090, along with costs of
15 suit and attorney fees.

16 **SECOND CLAIM—INJUNCTIVE RELIEF**

17 20. Plaintiffs re-allege paragraphs 1 through 19, above.

18 21. Plaintiffs and the plaintiff class are entitled to an injunction under
19 RCW §19.86.090, under the common law, and under any other applicable laws, to
20 enjoin further violations of RCW §80.36.520.

21 **VI. DEMAND FOR RELIEF**

22 WHEREFORE, plaintiffs request that this Court:

23 1. Enter judgment in favor of plaintiffs and the plaintiff class for
24 damages in an amount to be proven at trial due to the defendants' failure to assure
25 appropriate disclosure of rates charged under RCW §80.36 et seq. and RCW §19.86 et
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1 seq., including presumed damages under RCW §80.36.530 for each violation, and
2 treble damages up to \$10,000 to each class member for each violation;

3 2. Enter judgment in favor of plaintiffs and the plaintiff class, and
4 against the defendants, enjoining the defendants from further violations of
5 RCW §80.36.520;

6 3. Award plaintiffs and the plaintiff class their attorney fees; and

7 4. Award such other relief as is just and proper.

8 DATED: June 29, 2000.

9 SIRIANNI & YOUTZ

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11 *Copy*

12 Chris R. Youtz (WSBA #7786)
13 Jonathan P. Meier (WSBA #19991)
14 Marie E. Gryphon (WSBA #29242)
15 Attorneys for Plaintiffs
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HONORABLE J. KATHLEEN LEARNED

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AUG 28 2000

KING COUNTY
SUPERIOR COURT

JUDGE
J. KATHLEEN LEARNED

IN THE SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

SANDY JUDD, TARA HERIVEL and
ZURAYA WRIGHT, for themselves, and on
behalf of all similarly situated persons,

Case No.: 00-2-17565-5 SEA

Plaintiffs,

~~PROPOSED~~ ORDER GRANTING AT&T
CORP.'S MOTION TO DISMISS

v.

AMERICAN TELEPHONE AND
TELEGRAPH COMPANY; GTE
NORTHWEST INC.; CENTURYTEL
TELEPHONE UTILITIES, INC;
NORTHWEST TELECOMMUNICATIONS,
INC., d/b/a PTI COMMUNICATIONS, INC.;
U.S. WEST COMMUNICATIONS, INC.; T-
NETIX, INC.,

Defendants.

THIS MATTER came on for hearing before the Court on October 6, 2000. Having heard
argument of counsel and having considered the written submissions of the parties and all other
documents on file in this matter, NOW THEREFORE:

IT IS ORDERED, ADJUDGED AND DECREED ~~that Plaintiffs' First Amended Complaint is~~
~~hereby dismissed without prejudice for failure to state a claim. Plaintiffs shall have ___ days from the~~
~~date of entry of this Order to file an amended complaint.~~

Furthermore, Plaintiffs' claims against Defendant AT&T Corp. ("AT&T") for damages
premised on nondisclosure of interstate long distance rates are hereby dismissed with prejudice under
the filed tariff doctrine.

1 Furthermore, Plaintiffs' claims against AT&T premised on nondisclosure of intrastate long
2 distance rates ~~are hereby dismissed without prejudice and~~ are referred to the Washington Utilities and

3 Transportation Commission under the primary jurisdiction doctrine for resolution in the first instance,
4 *of whether or not they are considered by the agency to be an*
5 DATED this *5th* day of *November*, 2000. *DSP under the contracts at*

6 *issue herein, and if so*
7 *if the regulations have been violated*
8 *CPA, class & damage issues are stayed pending WUTC action.*

9 *J. Kathleen Learned*
10 THE HONORABLE J. KATHLEEN LEARNED
11 KING COUNTY SUPERIOR COURT JUDGE

12 Presented by:

13 STOKES LAWRENCE, P.S.

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By: *Kelly Twiss Noonan*
Kelly Twiss Noonan (WSBA #19096)
Laura J. Buckland (WSBA #16141)
Attorneys for Defendant AT&T Corp.