

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELBERTA JONES)	
)	
COMPLAINANT)	
)	
V.)	CASE NO.
)	2008-00565
CORRECTIONAL BILLING SERVICES)	
)	
and)	
)	
EASTERN KENTUCKY CORRECTIONAL COMPLEX)	
)	
DEFENDANTS)	

ORDER TO SATISFY OR ANSWER

Correctional Billing Services and Eastern Kentucky Correctional Complex are hereby notified that they have been named as defendants in a formal complaint filed on December 23, 2008, a copy of which is attached hereto. The defendants shall be required to satisfy the matters complained of or file written answers to the complaint within 10 days from the date of service of this Order.¹ If the defendants choose to file written answers, each defendant shall explain, in detail, the nature of its business affiliation to the other defendant in relation to the allegations outlined in the complaint.

¹ See 807 KAR 5:001, Section 12.

IT IS HEREBY ORDERED AND ADJUDGED that:

1. Correctional Billing Services and Eastern Kentucky Correctional Complex shall have 10 days from the date of service of this Order to satisfy the matters complained of or file a written answer to the complaint.

2. If a defendant should file a written answer, the defendant shall explain, in detail, the nature of its business affiliation to the other defendant in relation to the allegations outlined in the complaint.

3. Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

4. The Executive Director shall also serve a copy of this complaint upon the following:

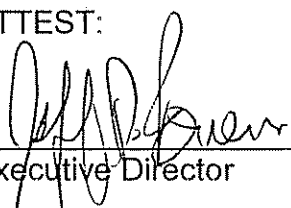
Kentucky Department of Corrections
Office of the General Counsel
275 East Main Street
P.O. Box 2400
Frankfort, KY 40602

Office of the Attorney General
Utility and Rate Intervention Division
1024 Capital Center Drive
Suite 200
Frankfort, KY 40601

Done at Frankfort, Kentucky, this 9th day of January, 2009.

By the Commission

ATTEST:



Executive Director

gs

RECEIVED

DEC 23 2008

PUBLIC SERVICE
COMMISSION

TO: KENTUCKY PUBLIC SERVICE COMMISSION
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40601
Telephone No. (502) 2008-00565

RECEIVED

DEC 23 2008

PUBLIC SERVICE
COMMISSION

FROM: Ms. Elberta Jones
3437 Newburg Road Apt. #3
Louisville, Kentucky 40218
Phone No. (502) 452-1554 or 712-6779

DATE: December 9, 2008

RE: REQUEST FOR REFUND FROM CORRECTIONAL BILLING
FOR MONEY OVER-CHARGED ME (THE RECIPIENT)
FOR CALLS FROM KY DEPT. OF CORRECTIONS INMATES
THIS REQUEST IS MADE PURSUANT TO KRS 278.

RECEIVED
DEC 29 2008

PSC Consumer Services

Dear Sir, or Madam:

I'm writing to lodge a formal complaint against Correctional Billing Services concerning Correctional Billing Services "OVER-CHARGING" the undersigned for inmates phone calls from facilities operated by the KY. Dept. of Corrections.

The undersigned states on October 16, 2008, she wrote and call Correctional Billing Services and asked to be provided with an "[INVOICE]" concerning her payment to them. Correctional Billing Services, has refused to provide the undersigned with an Invoice concerning her payment to them (Correctional Billing Services).

The underisgned states that her personal records and Bank account shows that the undersigned has paid Correctional Billing Services "OVER" twenty-seven hundred dollars \$2,700.00 since the month of April 2008, for inmates telephone calls from facilities operated by the Kentucky Dept. of Corrections. Thus, the under- signed requests a full refund of her money for the following reasons:

The legal rate for inmates collect telephone calls is set at \$1.50 per call for the (sub-charge) and the intraLATA \$0.28 and the interLATA \$0.23. In ORDER NO.378 of this Public Service Commission, stated that "no-set use fees could be assessed against inmates calls. The undersigned for one fifteen (15) minute inmate telephone call is charged \$5.00 whether she gets to talk the whole 15 minutes or not.

On December 6, 2008 between 12:00 A.M. and 1:00 A.M. she was disconnected after about one minute on the phone with inmate

Joseph L. Silverburg#151608 at the Eastern KY Correctional Complex, located in West Liberty, KY.

On Dec. 6, 2008, at approximately 11:50 P.M. she was again disconnected after about one minute of talking with inmate Silverburg, and on December 7, 2008, at approximately 6:20 P.M. She was again disconnected after only talking to inmate Silverburg, for about five minutes.

Correctional Billing Services, refuses to credit her for those calls, notwithstanding, the calls were not of the fifteen (15) minutes duration.

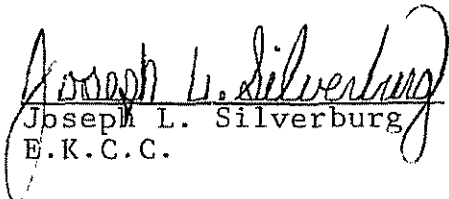
In the past the undersigned has been wrongfully charged by Correctional Billing Services for first \$30.00 and again for \$70.00 dollars of calls she did not receive.


On December 8, 2008, at approximately 9:55 P.M. the undersigned and inmate Silverburg, were disconnected after talking for about thirty (30) seconds. Inmate Silverburg, called the undersigned back, and was unable to speak with the undersigned at approximately 9:59 P.M. The undersigned called Correctional Billing on December 9, 2008, complaining about the problems Eastern KY Correctional Complex, were having with their telephone system, and asked that she be credited with those calls. Correctional Billing Services, refuses to credit the undersigned with those telephone calls she did not receive.

The undersigned requests that she be refunded the \$125.00 dollars she has been deprived of by Correctional Billing Services for telephone calls she did not receive.

Attached with this letter/PETITION is the undersigned's letter of October 16, 2008, in support of her claim that she has asked Correctional Billing Services, to provide her with an "[INVOICE]" in order for her to Petition this Commission for a refund of her money.

Thus, the undersigned requests that she be refunded in full all the money she has been overcharged by Correctional Billing Service.


Joseph L. Silverburg
E.K.C.C.

Respectfully submitted,

Elberta Jones
3437 Newburg Rd. Apt.3
Louisville, KY 40218

Cc: Jefferson Circuit Court

Hon. Jack Conway
Attorney General

AFFIDAVIT

I, Elberta Jones, reside at :3437

Newburg Road Apt.3 Louisville, Kentucky 40218-2419

and I have lived here from _____ to October 16, 2008 I declare under the penalty of perjury that the following statements are true and correct to the best of my knowledge and belief, on this 16th day of October, 2008

COMMONWEALTH OF KENTUCKY ATTORNEY GENERAL CONSUMER PROTECTION DIVISION

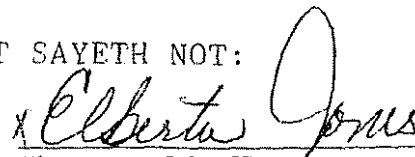
1. Affiant states that the statements made in the attached letter are true and correct and she believes that she as well as all other citizens of the Commonwealth of Kentucky are being "OVER-CHARGED" by Kentucky Dept. of Corrections and Correctional Billing Services, and that the same constitute criminal and civil Racketeer Influence Corrupt Organization Activities.

2. Affiant thus, wishes to file and bring a citizen's complaint, and law-suit against Kentucky Dept. of Corrections and Correctional Billing Services, and the Kentucky Public Service Commission, concerning this matter.

3. Affiant requests that Correctional Billing Services refund her in full for the "OVER-CHARGING" of her collect calls from her family and friends incarcerated in the custody of the KY Dept. of Corrections. Affiant affirmatively state that she has paid over \$1,300,00 (thirteen Hundred Dollars) on collect calls from her family and friends incarcerated in the custody of the Kentucky Dept. of Corrections.

4. Affiant states that in Daleure v. Kentucky, 119 F.Supp. 2d 683 (W.D.Ky.2000), the Federal Court stated a request for refunding is the first step in such matter. Thus, I request that Correctional Billing Services, refund me the money "OVER-CHARGED ME."

FURTHER AFFIANT SAYETH NOT:


Signature Of Affiant
Elberta Jones

TO: Correctional Billing Services
P.O. Box 1010
Selma, AL 36702;

KY Public Service Commission
211 Sower Blvd.
P.O. 615
Frankfort, KY 40601; and

Commonwealth of Kentucky
ATTORNEY GENERAL OFFICE
Consumer Protection Division

8911 Shelby Road
Louisville, KY 40222 Telephone No. (502) 429-7134

FROM: Ms. Elberta Jones
3437 Newburg Road Apt. 3
Louisville, Kentucky 40218
Phone No. (502) 452-1554 or 712-6779

DATE: October 16, 2008

RE: REQUEST FOR FULL REFUND AND CRIMINAL R.I.C.O.
INVESTIGATION BY THE KY ATTORNEY GENERAL'S
OFFICE

Dear Sir, or Madam:

I, am writing to vehemently complain of KY. Dept. of Corrections and Correctional Billing Services OVER-CHARGING the public for telephone services from inmates incarcerated in the Kentucky Dept. of Corrections custody.

I, am also writing to request that I be "REFUNDED IN FULL" the money I have paid for the services. See Daleure v. Kentucky 119 F.Supp.2d 683 (W.Dist.Ky.2000).

In 1999, the Kentucky Public Services Commission in CASE NO. 368 directed the Kentucky Dept. of Corrections and then MCI to lower its rates for collect calls from inmates in correctional facilities in Kentucky. In CASE NO. 378 the Kentucky Public Service Commission directed the Kentucky Dept. of Corrections to also make available calling cards/debit cards for the inmates within the custody of the Kentucky Dept. of Corrections.

This, has not been done by the KY. Dept. of Corrections or Correctional Billing Services, instead the public is being charged a high excessive rates for telephone calls from inmates in the KY. Dept. of Corrections custody, while inmates in the

Instructions

NOTE: To receive calls from a correctional facility, you must use a touch-tone telephone.

1. When you answer a call from a correctional facility, you will hear an automated voice. Wait for the voice to finish speaking, and then follow the instructions to accept or reject the call.

2. If you either do nothing or select the option to reject the call, the phone will hang up without a charge to your telephone number. **NOTE:** The facility reserves the right to limit the number of times a called number may be rejected or accepted within a given time period.

3. If you choose to accept the call, begin speaking after selecting this option. **NOTE:** To protect you and provide equitable telephone access for all inmates, the correctional facility may place a time limit on calls. Many facilities provide a warning tone 30 seconds before a call is terminated.

4. The call will either appear on your local telephone company bill or arrive separately in the mail. If using a prepaid account you must request an invoice. **NOTE:** If you do not pay this bill within 30 days, your telephone number may be restricted from receiving calls from any facility served by CBS.

If you do not wish to receive calls from a correctional facility, contact CBS Customer Service.

Questions? Contact CBS Customer Service at:

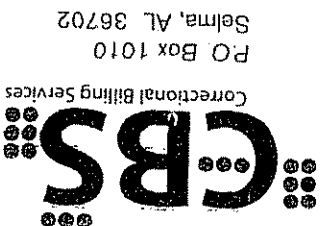
1-800-844-6591

OR

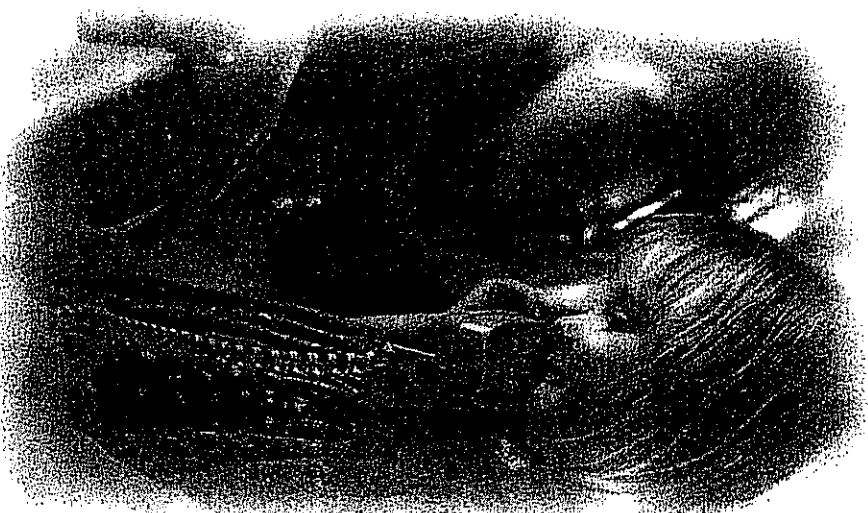
www.CBSCorrectionalBillingServices.com

WE APPRECIATE YOUR BUSINESS AND
LOOK FORWARD TO SERVING YOU

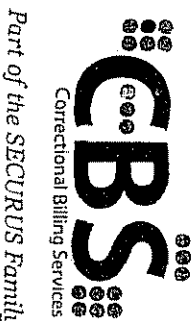
... A Helping Hand When You Need it Most



Friends & Family Telephone Service Guide



General Instructions and Credit Policy



Correctional Billing Services
P.O. Box 1010
Selma, AL 36702

Eastern Kentucky Correctional Complex
U.S. 460, Index Hill
P.O. Box 636
West Liberty, KY 41472

Elberta Jones
3437 Newburg Road
Apt 3
Louisville, KY 40218