

ORIGINAL

MEMORANDUM


APRIL 10, 2007

RECEIVED TCC

07 APR 10 AM 9:54

COMMISSION
CLERK

TO: OFFICE OF COMMISSION CLERK

FROM: OFFICE OF THE GENERAL COUNSEL (TAN) 

RE: DOCKET NO. 060614-TC - COMPLIANCE INVESTIGATION OF TCG PUBLIC COMMUNICATIONS, INC. FOR APPARENT VIOLATION OF SECTION 364.183(1), F.S., ACCESS TO COMPANY RECORDS, AND DETERMINATION OF AMOUNT AND APPROPRIATE METHOD FOR REFUNDING OVERCHARGES FOR COLLECT CALLS MADE FROM INMATE PAY TELEPHONES.

Please file the attached Subpoena Duces Tecum in the above-referenced docket.

TLT/js
Attachment

DOCUMENT NUMBER-DATE

03023 APR 10 5

TCC-COMMISSION CLERK

FILED

Issued by the
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA *

**KIRSTEN SALB, an individual, on behalf
of herself and all others similarly situated**

SUBPOENA IN A CIVIL CASE

Plaintiff,

v.

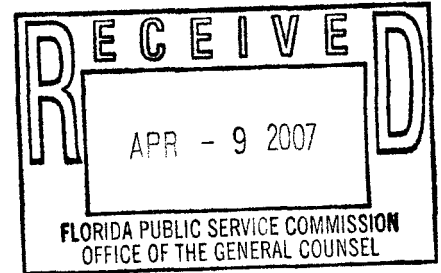
**EVERCOM SYSTEMS, INC. and
CORRECTIONAL BILLING SERVICES,
INC.,**

***Case Pending in Southern District of Florida
Case No.: 06-20290- CIV- UNGARO-
BENAGES/O'SULLIVAN**

Defendants. /

SUBPOENA DUCES TECUM

**TO: Lee Eng Tan
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
1-800-342-3552**



PLACE OF DEPOSITION Moyle, Flanigan, Katz, Raymond & Sheehan, P.A. The Perkins House 118 N. Gadsden Street Tallahassee, Florida 32301 (850) 681-3828	DATE AND TIME April 27, 2007 10:00 a.m.
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YOU ARE COMMANDED to produce and permit inspection and copying of the documents or objects identified on Exhibit A attached hereto at the place, date, and time specified.

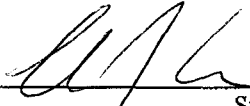
PLACE ATTN: Eleanor T. Barnett, Esq. Bilzin Sumberg Baena Price & Axelrod LLP 200 S. Biscayne Blvd., Suite 2500 Miami, Florida 33131	DATE AND TIME April 25, 2007
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) <i>Eleanor T. Barnett</i> , Co-counsel for Defendants	DATE 4/6/07
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Attn: Eleanor T. Barnett, Esq., Florida Bar No. 0355630 Bilzin Sumberg Baena Price & Axelrod LLP, 200 S. Biscayne Blvd., Suite 2500 Miami, Florida 33131 (305) 374-2443	

PROOF OF SERVICE	
DATE	PLACE
SUBPOENA SERVED SERVED ON (PRINT NAME)	4/9/07 2540 Shumard Oaks Blvd
SERVED BY (PRINT NAME)	MANNER OF SERVICE individual
Chris Colson	TITLE CPS #172
DECLARATION OF SERVER	
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.	
Executed on Date	Signature of
4/9/07	
Server	CAPITAL AREA PROCESS SERVICE, INC. Tallahassee's Premier Process Service Agency 1212 TUNG HILL DRIVE TALLAHASSEE, FLORIDA 32317-9545

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The Court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonable compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

EXHIBIT "A"

INSTRUCTIONS

The following definitions and instructions apply throughout this request for production, unless the context states otherwise:

1. This Request requires that you produce and identify all documents responsive to the following requests that are in your possession or control or subject to your control, wherever they may be located. The writings you must produce and identify include not only writings you presently possess, but also writings that are in the possession or control of your attorneys, accountants, bookkeepers, employees, representatives, or anyone else acting on your behalf.

2. You are requested to produce all documents responsive to the following requests for inspection and copying at the law offices of **Bilzin Sumberg Baena Price & Axelrod LLP, 200 South Biscayne Boulevard, Suite 2500, Miami, Florida 33131, on April 25, 2007.**

3. All documents that are responsive shall be produced in full, without abridgement, abbreviation, or expurgation of any sort. If any such documents cannot be produced in full, you are requested to produce the document to the greatest extent possible and indicate in your written response what portions cannot be produced and why.

4. You are requested to produce the original and all non-identical copies, including all drafts, of each document requested. If you are not able to produce the original of any document, please produce the best available copy and all non-identical copies, including drafts.

5. This Request and subparagraph or subdivision thereof shall be construed independently, and no other Request or subparagraph or subdivision thereof shall be referred to or relied on for the purpose of limiting its scope except insofar as the request or subparagraph or subdivision construed expressly refers to another request or subparagraph or subdivision thereof.

6. If any document request herein was at one time in existence, but has been lost, discarded, deleted, or destroyed, identify each such document including its date, author and subject matter.

7. If any document requested herein is maintained in electronic form (e.g., mail, computer files), you are requested to produce each such document in paper form as well as provide a copy of each document in electronic form (i.e., computer disk or CD-ROM).

8. If you are not producing a Document responsive to any of the numbered demands below on the basis of a claimed privilege, or for any other reason, please state the following:

(a) Describe the DOCUMENT with specificity;

(b) Identify the privilege claimed or other reason why the DOCUMENT is not being produced;

(c) State the names and capacities of all persons who participated in the preparation of the document; and

(d) State the names and capacities of all persons to whom the document was circulated or its contents communicated.

9. This Request seeks documents for the period January 1 to April 27, 2007, unless otherwise specified.

DEFINITIONS

1. "YOU" or "YOUR" mean Lee Eng Tan.

2. "DOCUMENT" should be construed to include, without limitation, a writing of any kind, including memoranda, correspondence, handwritten notices or any other printed, graphic, or recorded matter, however produced or reproduced, including working papers, preliminary, intermediate or final drafts, diaries, desk calendars, appointment books, photographs, films, video tapes, electronic mail, computerized financial records, electronically stored or computerized information, data stored on hard drives and floppy disks and all other writings and recordings of every kind which are in YOUR actual or constructive possession, custody or control. Any copies of documents bearing notations or marks not found in the original shall be deemed to be different documents and shall also be produced.

3. "COMMUNICATION(S)" shall mean, among others, any actual or attempted meetings, gatherings, assemblies, encounters, discussions, dialogues, exchanges, conversations, contact and correspondence of any type and by any means, including but not limited to letters, regular mail, telephone calls, facsimiles, electronic mail, and instant messaging communications, and so forth.

REQUEST

1. Please produce all DOCUMENTS, including but not limited to e-mail messages, letters, or phone messages, evidencing, regarding, reflecting or relating to COMMUNICATIONS with any of the following persons: Howard Bushman, Alison Harke, Sarah Clasby Engel, R. Jason Richards, Glen Goldberg, Clayton Pengel, Judd Rosen, or any other persons employed by the law firms of Goldberg & Rosen, Harke & Clasby, or Aylstock Witkin & Sasser on or after March 16, 2007.

2. Please produce all DOCUMENTS, including but not limited to e-mail messages, letters, or phone messages, evidencing, regarding, reflecting or relating to COMMUNICATIONS with Doug Kreis.

3. Please produce all DOCUMENTS, including e-mails, complaints, reports, and memoranda, provided to any of the following persons: Howard Bushman, Alison Harke, Sarah Clasby Engel, R. Jason Richards, Glen Goldberg, Clayton Pengel, Judd Rosen, or any other persons employed by the law firms of Goldberg & Rosen, Harke & Clasby, or Aylstock Witkin & Sasser on or after March 16, 2007.

4. Please produce all DOCUMENTS, including e-mails, complaints, reports, and memoranda, provided to Doug Kreis.

5. Please produce all DOCUMENTS, including but not limited to e-mail messages, letters, phone messages, evidencing, regarding, reflecting or relating to COMMUNICATIONS about Florida Public Service Commission Docket No. 060614-TP, since January 1, 2007, with any person not listed in Requests 1 and 2 that is not (a) a representative of a party to that docket, (b) counsel to a party in that docket, (c) an

entity that received a subpoena in that docket, or (d) counsel to an entity that received a subpoena in that docket.

6. Please produce all DOCUMENTS, including e-mails, complaints, reports, and memoranda, provided to any of the following persons, other than those persons listed in Requests 1 and 2, since January 1, 2007: (a) a representative of a party to Florida Public Service Commission Docket No. 060614-TP; (b) counsel to a party in that docket; (c) an entity that received a subpoena in that docket; or (d) counsel to an entity that received a subpoena in that docket.