



## STATEMENT OF AT&T CONNECTICUT

**Regarding House Joint Resolution No. 85  
Resolution Accepting the Recommendation of the Claims Commissioner to Grant an  
Award to SNET dba AT&T CT on its Claim against the State  
Before the Committee on Judiciary  
March 20, 2009**

My name is Edward Fitzgerald, General Attorney for AT&T, and I am here in support of House Joint Resolution No. 85, LCO No. 3214.

This is a Resolution Accepting the Recommendation of the Claims Commissioner to Grant an Award to SNET d/b/a AT&T Connecticut on its claim against the State.

The claim concerns AT&T Connecticut's training services to the State of Connecticut, Department of Public Safety Answering Point of E-911, completed on December 14, 2007, which has not been paid.

I have included a copy of AT&T Connecticut's Invoice No. 140911 for the training services totaling \$20,400.00. (See Exhibit A.) In addition, enclosed as Exhibit B is a letter received from Commissioner John Danaher, State of Connecticut, Department of Public Safety, dated July 31, 2008. That letter acknowledges the services received by the State but says the State cannot pay the invoice because of budget issues. The letter recommends AT&T Connecticut submit this claim to the Claims Commissioner for payment of the invoice.

I am also enclosing as Exhibit C a letter from the Connecticut Attorney General's office, dated January 6, 2009, to the Claims Commissioner indicating the State admits liability and that the State has received the benefit and the Claim is "just and equitable" and recommending payment of the Claim. On January 8, 2009, Claims Commission Smith recommended approval of the award of twenty thousand, four hundred dollars. (See Exhibit D.)

Based on the information provided today, I request the approval of House Joint Resolution No. 85.

If there are any questions, I am available to answer them. Thank you for your time and consideration.



George Pohorllak  
 OFFICE OF STATEWIDE EMERGENCY  
 TASKFORCE (OSET)  
 1111 COUNTRY CLUB RD, 3RD FL  
 MIDDLETOWN, CT 06457

Account Number: BSC003  
 Invoice Number: 140911  
 Invoice Date: 02/10/08  
 For Billing Inquiries: 2032874644

**New Charges**

Usage Charges:	\$0.00
Recurring Charges:	\$0.00
Non-Recurring Charges:	\$20,400.00
<b>Total Usage and Non-Usage Charges:</b>	<b>\$20,400.00</b>
Federal Taxes:	\$0.00
State/Local Taxes and Surcharges:	\$0.00
<b>Total Taxes and Surcharges on Charges:</b>	<b>\$0.00</b>

**Other Charges and Credits**

Finance Charges:	\$0.00
Adjustments:	\$0.00
Discounts:	\$0.00
<b>Total Other Charges and Credits:</b>	<b>\$0.00</b>

**Balance Brought Forward**

Previous Balance:	\$48,870.00
Payments:	\$0.00
<b>Balance Brought Forward:</b>	<b>\$48,870.00</b>

**Remittance Amount**

**Total Payable Upon Receipt: \$69,270.00**

Bills not paid within thirty (30) days of SBC Connecticut invoice date may be subject to contractual interest penalties.  
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To ensure proper credit, please detach this portion and return with remittance.

**Remittance Document**

Check if new address and correct below



OFFICE OF STATEWIDE EMERGENCY  
 TASKFORCE (OSET)  
 1111 COUNTRY CLUB RD, 3RD FL  
 MIDDLETOWN, CT 06457

Account Number: BSC003  
 Invoice Number: 140911  
 For Inquiries Call: 2032874644  
 Invoice Date: 02/10/08

Please remit payments to:

AT&T Special Billing  
 PO BOX 9462  
 New Haven, CT 06534

Amount Due: \$69,270.00  
 Amount Enclosed:



Detail Of New Charges

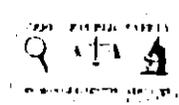
OFFICE OF STATEWIDE EMERGENCY  
TASKFORCE (OSET)  
MIDDLETOWN, CT 06457

Bill Date: 02/10/08  
Customer Number: BSC003  
Invoice #: 140911

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Total New Usage Charges		\$0.00
<u>Recurring Charges</u>		
Total Recurring Charges*		\$0.00
<u>Non-Recurring Charges</u>		
E911 Training-Admin & User Classes	\$20,400.00	
Total Non-Recurring Charges		\$20,400.00
<u>Taxes/Surcharges</u>		
Total Taxes/Surcharges		\$0.00
Total Discounts		\$0.00
TOTAL NEW CHARGES		\$20,400.00
Balance From Last Statement		\$48,870.00
Finance Charges		\$0.00
<b>TOTAL AMOUNT DUE - PAYABLE BY 3/1/2008</b>		<b>\$69,270.00</b>

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STATE OF CONNECTICUT



DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF THE COMMISSIONER



*John A. Danaher III*  
Commissioner

*Lieutenant Edwin S. Henon*  
Chief of Staff

July 31, 2008

Mr. Edward A. Pass  
AT&T Special Billing  
P.O. Box 9462  
New Haven, CT 06534

Dear Mr. Pass:

The Department of Public Safety is in receipt of your request for payment of \$20,400 for work performed in 2007. These charges appear on invoice number 140911. The department acknowledges that we have received the services as invoiced and we owe you payment for services. However, due to failure on our part to follow the proper administrative processes required by statute, we cannot legally pay you at this time.

We recommend that you file a claim with the Connecticut Office of Claims Commissioner. Information on how to file the claim is readily available at <http://www.claims.state.ct.us/procedures.htm>. We are not disputing the claim. The department needs authorization by the Claims Commissioner in order to process your payment.

I have assigned Carey Thompson from the Office of Statewide Emergency Telecommunications to assist you in facilitating your claim with the Office of Claims Commissioner. Ms. Thompson can be contacted at 860-685-8031.

We are sorry about the inconvenience that this has caused you and we are taking steps to ensure that this does not occur in the future.

Sincerely,

*John A. Danaher III*  
John A. Danaher III  
COMMISSIONER

- CC: Mike Wambolt, CFAO
- Dawn Hellier, Legal Affairs Unit
- Robert Ross, DFEB Director
- Ann M. Williams, Fiscal Administrative Manager I

Phone (860) 685-8000 Fax (860) 685-8334

111 Country Club Road

Middletown, CT 06457-2380

*An Equal Opportunity Employer*

RICHARD BLUMENTHAL  
ATTORNEY GENERAL



Exhibit C

MacKenzie Hall  
110 Sherman Street  
Hartford, CT 06105-2291

Office of The Attorney General  
**State of Connecticut**

Tel. No. (860) 808-5450  
Fax. No. (860) 808-5591

January 6, 2009

The Honorable James R. Smith  
Claims Commissioner  
Office of the Claims Commissioner  
999 Asylum Avenue, 2<sup>nd</sup> Floor  
Hartford, CT 06105

**RE: Claim of SNET d/b/a AT&T CT; File No. 21620**

Dear Commissioner Smith:

The claimant, SNET d/b/a AT&T CT, entered into an agreement with the State of Connecticut Department of Public Safety to provide 9-1-1 telecommunication training to members of the Department of Public Safety, which was completed on December 14, 2007. The fee for these services, in the amount of \$ 20,400.00, has not been paid by the State of Connecticut and the claimant seeks payment or, in the alternative, seeks permission to sue the State.

For the reasons set forth below, the Office of the Attorney General on behalf of the State of Connecticut admits liability in this matter.

Article Eleventh, Sec. 4 of the Connecticut Constitution provides that: "Claims against the state shall be resolved in such manner as may be provided by law." The legislation implementing this directive is set forth in Chapter 53 of the General Statutes. These provisions constitute a limited waiver of the sovereign immunity of the state. It is a well established principle that statutes in derogation of sovereign immunity should be strictly construed. DeFonce Construction Corporation v. State, 198 Conn. 185, 188 (1985); Berger Lehman Associates, Inc. v. State, 178 Conn. 352, 355-56 (1979). Where there is any doubt about their meaning or intent they are given the effect which makes the least rather than the most change in sovereign immunity. White v. Burns, 213 Conn. 307, 312 (1990).

Conn. Gen. Stat. § 4-158 authorizes the Commissioner to pay claims. Conn. Gen. Stat. § 4-141 defines a "just claim" as a "[c]laim which in equity and justice the state should pay provided the state has caused damage or injury or has received a benefit." While the "equity and justice" standard provides the Commissioner with discretion, that discretion cannot be exercised unless and until the claimant establishes that the state has caused damage or injury. For authorization to sue the state the Commissioner must deem it to be just and equitable and find, in

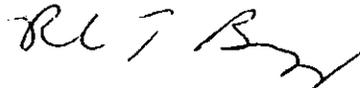
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ATTORNEY GENERAL

his opinion, that the claim presents an issue of law or fact under which the state, were it a private person, could be liable. Conn. Gen. Stat. § 4-160.

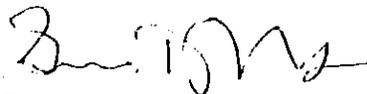
The Department of Public Safety admits liability. On July 31, 2008, John A. Danaher, III, Commissioner of the Department of Public Safety, submitted a letter to Mr. Edward Pass of the Special Billing Division of AT&T acknowledging the amount due and admitting that there is no dispute as to the services received by the Department of Public Safety or the amount owed for those services. Commissioner Danaher did acknowledge that due to a failure on the part of the Department of Public Safety to follow proper administrative processes required by statute, the bill for services could not be paid and further advised AT&T to submit a claim to the Claims Commissioner. (see copy of letter attached).

Because the State has received a benefit and the claim is "just and equitable," the Office of the Attorney General admits liability on behalf of the Department of Public Safety and the claimant should be paid in the amount of \$20,400.00. Therefore, the Claims Commissioner should issue an order for payment to be made from the budget of the Department of Public Safety.

Very truly yours,



Richard T. Biggar  
Assistant Attorney General



Gregory T. D'Auria  
Associate Attorney General

RTB/GTD/ml

cc: Edward J. Fitzgerald, Esq.  
AT&T Services, Inc.  
310 Orange Street  
New Haven, CT 06510



STATE OF CONNECTICUT  
Office of Claims Commissioner

**FILE NO. 21620**

IN THE MATTER OF  
A CLAIM AGAINST THE STATE OF CONNECTICUT  
BY  
SNET d/b/a AT&T CT

SNET d/b/a AT&T CT, by Edward J. Fitzgerald, Esq., AT&T Services, 310 Orange Street, New Haven, CT 06510, filed a claim with the Commissioner for services rendered.

**RECOMMENDATION FOR AWARD**

The Respondent by position letter (copy attached) admits liability.

The Commissioner recommends approval of an award of twenty thousand, four hundred dollars (\$20,400.00), subject to the provisions of Section 4-159 of the General Statutes. Award is payable from the budget of the Department of Public Safety.

BY ORDER OF THE COMMISSIONER

  
JAMES R. SMITH

DATED: January 8, 2009

cc: Comptroller's Office  
Richard T. Biggar, Assistant Attorney General