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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

| | | |
|------------------------------|---|------------------------|
| In The Matter of | : | DOCKET NO. 891194-TL |
| Proposed tariff filings by | : | |
| SOUTHERN BELL TELEPHONE AND | : | <u>SECOND DAY</u> |
| TELEGRAPH COMPANY clarifying | : | |
| when a non-published number | : | <u>EVENING SESSION</u> |
| can be disclosed and intro- | : | |
| ducing Caller ID to | : | <u>VOLUME VI</u> |
| TouchStar Service. | : | |

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 Florida Public Service Commission

FPSC, Hearing Room 106
 Fletcher Building
 101 East Gaines Street
 Tallahassee, Florida 32399

Thursday, November 29, 1990

Met pursuant to adjournment at 1:00 p.m.

BEFORE: COMMISSIONER MICHAEL McK. WILSON, Chairman
 COMMISSIONER GERALD L. GUNTER
 COMMISSIONER THOMAS M. BEARD
 COMMISSIONER BETTY EASLEY
 COMMISSIONER FRANK MESSERSMITH

APPEARANCES:
 (As heretofore noted.)

REPORTED BY: CAROL C. CAUSSEAU, CSR, RPR
 JOY KELLY, CSR, RPR
 SYDNEY C. SILVA, CSR, RPR
 Official Commission Reporters

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EVENING SESSION

1
2 COMMISSIONER GUNTER: Come to order, call the
3 next witness.

4 MR. BECK: Staff counsel wanted to address
5 the Commissioners.

6 MS. GREEN: Commissioner Gunter, it came to
7 Staff counsel's attention during the break period that
8 there have been some members of the public sitting in
9 the audience that have wanted to testify that had not
10 been brought to my attention, I have not talked to any
11 of these people.

12 Apparently, they have left. Some of them, I
13 believe, were police officers that are rather upset,
14 but I don't know how to tell you that there are people
15 here if they don't make their presence known. Perhaps
16 you would like to poll the audience to see if there's
17 anyone still here?

18 COMMISSIONER GUNTER: Is anyone here that
19 wishes to be heard?

20 COMMISSIONER EASLEY: There's a gentleman
21 back there.

22 COMMISSIONER GUNTER: Come on up, sir.
23 Excuse me, we're going to interrupt.

24 FROM THE AUDIENCE: I may be out of place.

25 COMMISSIONER GUNTER: Well, come on up here

1 and we'll try, sir.

2 MS. GREEN: I apologize for not suggesting
3 that earlier, but I was not aware that persons were
4 here.

5 COMMISSIONER GUNTER: We apologize to you, sir.

6

- - - - -

7

LARRY H. YOUNG

8 appeared as a witness on behalf of the Citizens of the
9 State of Florida, and after being first duly sworn,
10 testified as follows:

11

DIRECT STATEMENT

12

COMMISSIONER GUNTER: Won't you please be
13 seated right there and give us your name and address
14 and any statement that you wish to make to the
15 Commission?

16

WITNESS YOUNG: Okay. My name is Larry H.
17 Young, 2303 Montana Avenue, Panama City, Florida. My
18 concern with the Caller ID is not so much Caller ID as
19 it is the things that it will, the good that it can be
20 done to the public.

21

I have a written thing here, if it's all
22 right for reading it, kind of helps me get through it
23 quicker.

24

COMMISSIONER GUNTER: Okay. That'll be fine.

25

WITNESS YOUNG: I think this explains pretty

1 well exactly what I'm talking about.

2 COMMISSIONER EASLEY: Do you have a copy?

3 WITNESS YOUNG: Oh, yeah.

4 COMMISSIONER EASLEY: If you do, if you would
5 give to it the court reporter, it would make it a
6 little bit easier for her.

7 THE REPORTER: Would you spell your name for
8 us?

9 WITNESS YOUNG: Larry H. Young, Y-o-u-n-g.

10 COMMISSIONER EASLEY: Thank you, sir.

11 WITNESS YOUNG: I missed the meetings that
12 you folks held in Jacksonville, Orlando and Miami, I
13 was working about five states away on a computer
14 project and could not get away from it on account of a
15 contract.

16 Anyway, this Caller ID is a CLASS feature by
17 Bell Labs known technically as Calling Number Delivery.
18 In my opinion, it is by far the most important thing
19 they have added since Touch-Tone. This is made
20 possible by the SS7 computer using the new switching
21 system and is a state-of-the-art venture for this
22 computer age we live in.

23 This is the part most important to us, this
24 is a new technology. We live in a computer age so why
25 not use it for that? I can visualize many good and

1 very important functions that Caller ID can provide to
2 the public and, of course, vital importance to all law
3 enforcement agencies. I also question totally calling
4 number blocking for any reason at all. There are
5 several ways that options now to totally make it a moot
6 point.

7 First, a few of the good things about Caller
8 ID. Harassing phone calls would be reduced to nil, as
9 well as those obscene and harassing phone calls that
10 most everyone has experienced at one time or another.
11 This would be especially true if the caller had to
12 answer to laws prohibiting these that are in force
13 right at this time.

14 Another excellent feature made possible is a
15 record of past telephone calls received even if the
16 telephone is not answered for any reason whatsoever.
17 Many times, the calling party encounters a hateful
18 answering machine, leaving no number to call back; but
19 Caller ID takes care of that, too.

20 The law enforcement agencies would reap
21 tremendous advantages with Caller ID they do not now
22 have even with calls placed to the present 911 systems.
23 Of course, they would know the telephone number the
24 call was made from and with a computer system such as I
25 -- you know, it is not necessary, as I have -- or any

1 computer system that would do the same would have the
2 exact location presented on the screen along with the
3 name, address and maps and other helpful data of that
4 location.

5 The one most important gain of all -- this might
6 step on the telephone company, I don't know. But the one
7 most important gain of all would be in the public
8 interests in general is a low-cost 911 system far superior
9 to any now at a small fraction of the price that the
10 taxpayer has to pay. This system, using computers around
11 \$1000 price, each would be locally owned and updated, and
12 could be operated easily by persons at local law
13 enforcement agencies. Software would be very minimal and
14 the only real cost would be what the phone company would
15 charge the Citizens for the name and address database and
16 updates as needed. That's similar to 911 but really
17 totally different in a way. This could easily put the
18 smaller towns into 911 systems quickly and reasonable.
19 And this 911 service would not need any special data lines
20 or other data services or special equipment other than the
21 SS7 Caller ID.

22 As I mentioned earlier, there are those who
23 would not like to see the Caller ID used for certain
24 fears that exist. The number one group that is against
25 it is, of course, the obscene and harassing caller.

1 The law enforcement agencies that are against it, I
2 believe, is based on misunderstanding the system and
3 not considering other logical methods. Because the
4 telephone company protects the users' unlisted numbers,
5 only available through a court order or a request by
6 the proper law authority, this makes a nice way to not
7 even need call blocking, which makes the calling party
8 appear up to something.

9 Two excellent and most effective methods for
10 this Call Blocking -- they've pretty well been
11 explained but not fully: Unlisted phone numbers that
12 are used only for call outs, no call ins whatsoever.
13 No one can call back and get even though a number has
14 been delivered. Also, you would get the variable
15 numbers in different places depending on what number
16 was assigned to that. A quickly returned call would
17 sure let you know that person is checking.

18 Another advantage, a large agency like FDLE,
19 HRS, or DEA, could have several lines like this and
20 still have their regular numbers.

21 Another method that is sure fire: RingMaster
22 service that is provided by the phone company for a
23 small amount you can have up to three telephone numbers
24 on the same line, call out as usual but only answer one
25 or the other rings. So, therefore, your phone is not

1 useless and preferred people can be let known that
2 number.

3 In summary, I believe that the good to the
4 public that this service provides will many times
5 outweigh any problem that it would present to some.

6 That's it.

7 CHAIRMAN WILSON: Any questions, Commissioners?

8 COMMISSIONER EASLEY: No.

9 CHAIRMAN WILSON: Any questions?

10 MS. CASWELL: No.

11 MS. GREEN: No.

12 CHAIRMAN WILSON: Thank you very much.

13 COMMISSIONER GUNTER: Thank you very much for
14 persevering. We apologize, we didn't realize there
15 were members of the public that wished to be heard.

16 CHAIRMAN WILSON: Are there others?

17 COMMISSIONER EASLEY: Thank you. There were,
18 but they left.

19 MS. GREEN: Commissioner Gunter had polled
20 the audience and this gentleman was the only one who
21 identified himself. Apparently, there was also, and I
22 hesitate to say this with Chairman Wilson in the room,
23 but a representative of Dominos Pizza was here that
24 wanted to speak and he has left a letter.

25 CHAIRMAN WILSON: Well, now, the representative

1 from Dominos Pizza has appeared at every public hearing
2 we've had plus agenda conferences we've had here so --

3 COMMISSIONER EASLEY: Is that the same letter
4 we've had?

5 MS. GREEN: No, it appears to be updated
6 somewhat.

7 CHAIRMAN WILSON: We'll add that to the
8 correspondence side of the docket.

9 MS. GREEN: Thank you. I'll take it to the
10 court reporter.

11 COMMISSIONER GUNTER: We haven't heard from
12 them but on five different occasions.

13 CHAIRMAN WILSON: Next witness.

14 MR. BECK: Mr. Chairman, Ms. Phoenix asked me
15 if I would do the foundation questions for her.

16

- - - - -

17

CHERYL RAY PHOENIX

18 appeared as a witness on behalf of Florida Coalition
19 Against Domestic Violence, and after being first duly
20 sworn, testified as follows:

21

DIRECT EXAMINATION

22 BY MR. BECK:

23 Q Would you please state your name.

24 A My name is Cheryl Ray Phoenix.

25 Q And with whom are you associated?

1 A The Florida Coalition Against Domestic
2 Violence.

3 Q Did you prepare direct testimony of six pages
4 to be filed in this case?

5 A Yes, I did.

6 Q If I -- or do you have any changes or
7 corrections to make to that testimony?

8 A To the last edition of that, I do not.

9 Q By "last edition," you mean the one --

10 A The one that was resubmitted, the latest one
11 that was submitted.

12 Q If I were to ask you the same questions here
13 today under oath, would your answers be the same?

14 A Yes. They would.

15 MR. BECK: Mr. Chairman, I would ask that
16 Ms. Phoenix' testimony be inserted into the record as
17 though read.

18 CHAIRMAN WILSON: Without objection, it will
19 be inserted into the record.

20

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25

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DIRECT TESTIMONY OF

947

CHERYL R. PHOENIX

DOCKET NO. 891194-77

1 Q. PLEASE STATE YOUR NAME AND OCCUPATION.

2 A. Cheryl R. Phoenix, Director of the Florida Coalition
3 Against Domestic Violence ("FCADV").

4 Q. WHAT IS YOUR EDUCATIONAL AND WORK BACKGROUND?

5 A. I have a Bachelor's Degree in Social Work, and have
6 worked in two Florida shelters before becoming FCADV Director.

7 Q. PLEASE DESCRIBE THE MEMBERSHIP AND FUNCTION OF THE
8 FLORIDA COALITION AGAINST DOMESTIC VIOLENCE.

9 A. FCADV is a non-profit group composed of twenty-nine
10 battered women's shelters, concerned citizens and other groups
11 working to end domestic violence in our state. We have been
12 working since our inception in 1976 to support shelters
13 through technical assistance and legislated funding, to
14 educate the public about the realities of domestic violence,
15 and to protect battered women and their children by bringing
16 to the forefront issues concerning them, such as protective
17 laws and better services.

1 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY TODAY?

2 A. The purpose of my testimony is to highlight issues
3 pertaining to Caller I.D. which we feel are detrimental to the
4 safety of battered women, their children, and the many
5 advocates who work to protect them everyday.

6 Q. WHAT IS YOUR UNDERSTANDING OF CALLER I.D.?

7 A. I understand Caller I.D. to be a service which Southern
8 Bell wishes to introduce in Florida which would allow a
9 customer to be able to identify the telephone numbers of
10 incoming calls with a purchased display unit.

11 Q. WHAT IS YOUR UNDERSTANDING OF PER-CALL AND PER-LINE
12 BLOCKING?

13 A. I understand that Southern Bell would not make either
14 option generally available to the public. However, domestic
15 violence intervention agencies and law enforcement agencies
16 will be able to obtain Per-Line Blocking free of charge, if
17 desired. It is my understanding that battered women may also
18 obtain Per-Line Blocking free of charge, on a case-by-case
19 decision basis made by Southern Bell.

20 Q. WHAT IS YOUR UNDERSTANDING OF CALL TRACE?

21 A. I understand Call Trace to be a third service option
22 which is now available, which allows a recipient of a crank
23 call, etc., to register the caller's phone number with the

1 local law enforcement agency if they subscribe to it. The
2 called/recipient would not know the number of the caller, but
3 law enforcement could deal with such calls appropriately.

4 **Q. WHAT EFFECTS WOULD CALLER I.D. HAVE ON BATTERED WOMEN AND**
5 **THEIR CHILDREN?**

6 A. Caller I.D., if offered as proposed, will be lethal to
7 battered women and their children. Every year, people leave
8 abusive partners, often having to hide in order to live. Many
9 of these victims have to contact the abuser, either because of
10 children involved, divorce or property settlements, etc. If
11 the abuser obtained the device needed, he would know what
12 state, city, and even house in which the victim was now
13 residing. Because during and after a separation is the most
14 dangerous time for a battered woman, resulting in 30% of all
15 female homicides being from their partners, this would
16 obviously endanger thousands of battered women and their
17 children.

18 This option would also endanger hundreds of shelter
19 advocates who return hotline calls from their homes at night.
20 If an abuser were to call during these hours, he would
21 automatically know the location of that advocate, putting her
22 at even further danger than is normally experienced.

1 Q. WHAT EFFECTS MIGHT CALL TRACE HAVE ON BATTERED WOMEN AND
2 THEIR CHILDREN?

3 A. Call Trace seems to be an excellent method for dealing
4 with harassing phone calls, crank calls, and obscene phone
5 calls. Call Trace, if offered on a per-use charge basis,
6 would be a viable option for battered women to document with
7 the police if the abuser is still harassing her. For a victim
8 with an Injunction for Protection, Call Trace would mean
9 safety and enforcement of the court order given. It would be
10 more of a service, however, if Call Trace were offered
11 immediately for all Southern Bell customers on a Per-Use
12 Charge, and could ultimately make the difference in time for
13 a battered woman whose abuser is threatening to kill her on
14 the telephone, but cannot be arrested until she can prove it.

15 Call Trace would also delete the chance of a
16 citizen/vigilante from taking "justice" into his or her own
17 hands if given the number of an obscene phone caller. Law
18 Enforcement officials would then be better equipped to deal
19 with complaints of disturbing phone calls since they would
20 immediately have the number of the offender. As a Coalition
21 of people concerned with all of the violence in our society,
22 we see this as a much more acceptable option to deal with
23 abusive behavior.

24 In conclusion, the Florida Coalition Against Domestic
25 Violence is very concerned with Caller I.D., Per-Call
26 Blocking, and Per-Line Blocking as proposed. We see them as

1 being very dangerous for many Florida citizens, but especially
2 for the 60,000+ victims of domestic violence who fear reprisal
3 from their abusive partners. We oppose both services as
4 offered because of this, but support the offering of Per-Line
5 Blocking to ALL Southern Bell customers, free of charge. We
6 also feel strongly that Call Trace should be an option for all
7 customers on a Per-use Charge, in order for people to be able
8 to utilize this service immediately. We trust that the
9 Florida Public Service Commission will take these concerns
10 into consideration when deciding the fate of our privacy and
11 safety.

12 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

13 A. Yes.

1 Q (By Mr. Beck) Ms. Phoenix, have you prepared
2 a summary of your testimony?

3 A Yes, I have.

4 Q Would you please provided that?

5 A Yes. The Florida Coalition Against Domestic
6 Violence is strongly opposed to Caller ID because of
7 the lethal danger it poses for thousands of women and
8 children and the workers who attempt to serve them.
9 Four women die every day in this country at the hand of
10 their abusers; and by exposing the telephone numbers of
11 the victims who must call their abusers for various
12 reasons, we are putting more people at risk. Anyone
13 can find an address if given a phone number through a
14 reverse directory and abusers are the first ones to
15 look. We cannot afford to risk additional lives for
16 the profit of the telephone company or to keep the
17 Caller ID system from being devalued.

18 We are also philosophically opposed to Caller
19 ID because of the loss of privacy for all citizens and
20 because of the emergence of Caller ID as it is becoming
21 a class issue. We have a situation where those with
22 the needed resources can obtain additional information
23 on those with none.

24 What is being proposed is that, to maintain one's
25 privacy through type of blocking other than free

1 universal blocking, one must incur expenses above and
2 beyond the monthly phone charge. For those citizens of
3 Florida who are on fixed or low incomes, many of which
4 are battered women who are struggling to survive, this
5 puts them at an automatic disadvantage if they choose
6 to maintain their privacy. Battered women, whether
7 rich or poor to begin with, often leave everything they
8 have and have no resources as they begin again.

9 If Caller ID is approved, free universal
10 blocking must be made available to all citizens. FCADV
11 and battered women shelters are unable to risk
12 liability to be responsible for producing a list to
13 Southern Bell of thousands of domestic violence victims
14 who are in danger in this state. Nor do we believe
15 that Southern Bell employees can make that
16 determination. It is our position that blocking must
17 be made available universally to ensure the safety and
18 privacy of thousands of victims of domestic violence.

19 MR. BECK: Ms. Phoenix is available for cross
20 examination.

21 CHAIRMAN WILSON: Questions?

22 CROSS EXAMINATION

23 BY MS. CASWELL:

24 Q Ms. Phoenix, my name is Kim Caswell, and I'm
25 here on behalf of the GTE. In your direct testimony at

1 Page 1, Lines 9 to 11, you state that the FCADV
2 comprises several battered women's shelters, concerned
3 citizens and other groups. Could you please identify
4 for us these other groups you refer to?

5 A They're local coalitions of groups. One is
6 the Pinellas County Domestic Violence Task Force.
7 They're task forces within the state that are set up to
8 end domestic violence.

9 Q How did FCADV formulate its position on
10 Caller ID?

11 A We have a quarterly general membership
12 meeting and we have been discussing this issue ever
13 since we heard about it from other state coalitions.
14 And after much discussion at many general membership
15 meetings, we decided what our position was that we were
16 going to have to take and how we were going to proceed
17 with that.

18 Q Would you agree that Caller ID could provide
19 some potential benefits to abused persons?

20 A It could provide some, yes.

21 Q Could you tell me what those might be?

22 A A battered woman who, if she had moved to a
23 new area and the abuser was in town, if the number that
24 came up on her screen, if she had one, if it was a
25 local number, she would know he was in town. I don't

1 foresee that that could happen very often, but that
2 might be a benefit.

3 Q Do you believe that Caller ID's ability to
4 allow the called party to screen and manage his calls
5 might be a valuable feature to some consumers?

6 A To some consumers?

7 Q Right.

8 A Yes.

9 Q Wouldn't the existence of universal per-line
10 blocking compromise any benefits that could be gained
11 through Caller ID?

12 A Not that we see, no.

13 Q I guess I should ask you also to clarify, you
14 said you favor free universal blocking, is that
15 per-line blocking or per-call blocking?

16 A Our position on that is that we would like
17 the customer to be able to choose. Our issue with
18 per-call blocking is that if children are in the home
19 and they have to call their father and they will not
20 use or do not know how to or possibly choose not to use
21 the code, then the abuser will find out their location
22 and again can track them down.

23 Q So you would favor per-line blocking?

24 A Yes.

25 Q Okay. Is it correct that your principal

1 objection to Caller ID lies in your belief that it can
2 sometimes be used by an abuser to help locate his
3 victim?

4 A Yes. That's the principal belief.

5 Q Are the telephone numbers of battered women's
6 shelters customarily published in the phone book?

7 A Yes. They are.

8 Q So the telephone number of a shelter could,
9 without much difficulty, be obtained in the absence of
10 Caller ID?

11 A The hot line number could, yes.

12 Q Could you tell us in general terms what you
13 think the right to privacy means?

14 A I think that, speaking from my position, that
15 people have a right to privacy if they have to -- and
16 specifically I'm going to keep it in battered women's
17 terms. She has a right, if she has gone to great
18 extent to have her privacy, that that batterer or some
19 other person doesn't know where she lives, I think she
20 has a right the maintain that privacy. Unfortunately,
21 if someone has your phone number, they can obtain your
22 location, too, and I think a person has a right to keep
23 that.

24 Q Would you agree that, just as a person making
25 a particular call may wish to maintain his anonymity,

1 the called party may wish to know the person calling
2 his home before he decides to answer that call?

3 A He may wish to know that, you're right.

4 Q So you would then agree that both called and
5 calling parties have privacy interest.

6 A I don't know that would be a privacy issue, I
7 just think he might be curious to know who is calling
8 him or her.

9 Q Would you describe Call Tracing service as
10 you understand it?

11 A I understand it a little differently after
12 yesterday's testimony. Call Trace, as I understand it,
13 is another service that is offered where after an
14 incoming call, the person who was called, if they have
15 the service, can push in the three-digit code and that
16 number will be registered with the telephone company.

17 My understanding, again after yesterday's
18 testimony, is that Southern Bell, and I'm not sure what
19 other companies do, but Southern Bell will keep that on
20 record. And if the caller calls in and makes enough
21 stink, then Southern Bell will do something about it.
22 That may be write a letter, it may be disconnect, it
23 may be -- I think those were the only two options that
24 I remember. But then the victim has to, again, call
25 law enforcement as they would in a regular trap and

1 trace situation.

2 Q Do you believe that an inherent aspect of any
3 company's Call Tracing service is that the number
4 traced will not be given to the victim who initiated
5 that trace?

6 A Yes.

7 Q Why do you believe that per-line blocking on
8 a universal basis is necessary, rather than a more
9 limited form available to select groups, such as
10 domestic violence agencies and law enforcement?

11 A Because I think that shelters, battered women
12 shelters, obviously as you have said, that hot line
13 numbers are listed. Their residence phone numbers
14 aren't listed. So that might pose a problem if a woman
15 is calling from the shelter and the abuser doesn't know
16 that she's in the shelter, that's the concern that we
17 have that we still need line blocking for shelters.

18 But there are thousands of women who either
19 did or did not come to the shelter but have fled for
20 their very lives and the lives of their children and
21 are residents of Florida and they're the ones who need
22 the protection first and foremost, as we see it. And
23 that if their location was known, that that would put
24 them and their children at risk.

25 Q Have you read the prefiled testimony of GTE

1 witness Larry Radin?

2 A Yes.

3 Q Are you familiar with the concept of
4 Protected Number Service that GTE has proposed as a
5 means to meet the concerns of domestic violence
6 agencies and law enforcement?

7 A To some extent, yes.

8 Q Do you agree that this service could remedy
9 the perceived problem of revealing the location and
10 telephone number of shelters and their employees?

11 A I think the shelters, it could. The
12 employees, I don't see -- the employees, and I'm going
13 to expand that to volunteers because we see them as the
14 same in many instances -- I don't see how that could --
15 how we could keep track of that, how GTE or anyone
16 could keep track of changing all of that for people,
17 because the volunteers change periodically and staff
18 changes periodically. Is that clear?

19 Q If the volunteers and the staff were given --
20 offered the option of having PNS in their homes,
21 wouldn't that to some degree remedy your concerns?

22 A I think it would remedy it. I don't know how
23 that -- I don't know who he would be responsible for
24 doing that, for providing the list of that, because I
25 don't know that shelters can do that and keep that

1 updated on a regular basis.

2 Q Do shelters customarily keep a record of the
3 names and addresses of the people who come there for
4 help?

5 A For clients? Yes, we do. We don't often
6 times know the addresses of women who leave the
7 shelter; we may or may not know that, it's up to them.

8 Q If that's true and the names and addresses
9 are recorded, then why would it be difficult for a
10 shelter to determine the individuals who should be
11 offered blocking?

12 A It depends on if you -- I don't, I didn't
13 hear you say that would be offered to clients or that
14 would be offered to staff and volunteers. I don't
15 remember what you said --

16 Q I'm sorry, I think I should back up. I guess
17 I'm thinking of Southern Bell's offering where battered
18 individuals would be given the option of having
19 blocking and that would be determined by the shelters
20 themselves rather than the --

21 A That's the proposal that Southern Bell has
22 had but we have not accepted that responsibility.

23 Q Okay. And you think that would be difficult
24 to do?

25 A I think that would be extremely difficult,

1 and legally, it would be suicidal for us to do that.

2 Q Yeah. On the liability issue that you just
3 mentioned, you talked about yesterday, what specific
4 problems might be associated with the shelter's
5 decision that a telephone company should activate
6 blocking or any other form of -- any other means of
7 concealing a number on a particular battered woman's
8 line?

9 A I think that could cover situations where
10 women had been residents and they gave us their
11 forwarding address. It could cover situations where
12 women had called in and said, "I'm moving to a new
13 place. I need to get some information but I don't need
14 to come to the shelter."

15 What that leaves uncovered is a vast majority
16 of victims who have been battered and are setting up a
17 new residence who do not call us or who might leave the
18 shelter, or who might call us and not give us their
19 name and address because they purely want to keep it
20 confidential. We know that we don't serve even half of
21 the battered women in this state, and that those are
22 still people who are very much at risk but just have
23 other means to obtain their own security.

24 MS. CASWELL: Thank you, Ms. Phoenix.

25 WITNESS PHOENIX: Thank you.

1 MR. KEENER: No questions.

2 MR. BERG: No questions.

3 CROSS EXAMINATION

4 BY MR. MATHUES:

5 Q Just one question, Ms. Phoenix. If someone
6 came to your center and it was determined that that
7 person was in need of some sort of special telephone
8 considerations, as has been suggested by the companies
9 here, do you think it would be reasonable to have to
10 wait a minimum of 30 days for that service to be
11 instituted?

12 A No. That is the -- what we know about
13 batterers and their pattern is that after a woman
14 leaves is the most extremely dangerous time for her
15 because he is losing control and often times he -- he's
16 losing control of her and often times will go to very
17 great extents to find her at that time.

18 30% of the women who are killed are killed by
19 their husbands or their boyfriends, and often it is
20 after she has left him when she is trying to get away.
21 So that's the real important time that she's going to
22 need a phone for safety in case he comes around; and if
23 she were to leave, if she were to have to wait another
24 30 days, that would be very, very dangerous for her.

25 MR. MATHUES: Thank you, no other questions.

CROSS EXAMINATION

1

2 BY MR. DORAN:

3

Q Ms. Phoenix, I'm Richard Doran from the
4 Attorney General's Office. I just have a couple of
5 questions for you. If you know, approximately how many
6 women or children are victimized by abusive husbands or
7 fathers in Florida each year?

8

A I don't know in Florida. I know we received
9 80,000 calls in the last fiscal year.

10

Q Let me stop you for a minute there. When you
11 say "We received 80,000 calls," you're referring to?

12

A The individual shelters collectively, their
13 hot lines.

14

Q And that's in the state of Florida?

15

A Yes. That's 29 battered women's shelters in
16 the state of Florida.

17

Q Okay. Do you have any information that would
18 enable you to expand, you know, based upon 80,000 calls,
19 how many other incidences of abuse might be occurring that
20 aren't reported?

21

A I would think that just from various state
22 statistics that usually that the estimate is that
23 1/10th of battered women contact battered women's
24 shelters. So if we were to use that to extrapolate
25 that, that would be 800,000 people in this state, which

1 would seem very likely given the statistic that half of
2 all women are battered some time in their life.

3 Q So even assuming that the suggested remedies
4 are provided to those women that come to the shelters,
5 there's a potential out there for literally thousands
6 of women to be victimized because they would not have
7 those remedies available, is that correct?

8 A That is absolutely correct.

9 Q Now, we're talking about a potential group of
10 at least 80,000 women. Do these episodes of domestic
11 violence normally run a course and end within, say, 30
12 to 60 days?

13 A Some women wonder if it's ever going to end.
14 No, they don't. As I stated before, after a woman
15 leaves is often the most dangerous time, and what we
16 know and have seen about abusers is that they go to
17 great lengths often times to find her and track her
18 down and that might -- if I could give you an example
19 in point.

20 A woman came to a shelter in Florida from out
21 of state and was hiding for a year and she thought
22 everything was relatively calm, she had a child. After
23 that year, he found -- the abuser came and finally
24 tracked her down. He had gotten a private investigator
25 and found her and battered her to the point she where

1 needed hospitalization. And after that, she came into
2 the shelter. He found her in the -- he found her at
3 the shelter. He found the shelter location and, of
4 course, threatened all of us and threatened her and she
5 had to leave again.

6 Q Okay. Let me just stop you a minute because
7 I want to pursue this idea of longevity. Assuming
8 80,000 women call in and assuming that, let's say,
9 40,000 of those women requested and received blocking
10 privileges, is it your position that those privileges
11 would have to go on indefinitely?

12 A Yes.

13 Q So that over a period of, say, four or five
14 years, the number of individuals that would have
15 blocking made available would be 200 or 300,000?

16 A It could possibly be so.

17 Q And that would -- would that, in your view,
18 in and of itself affect and devalue the type of Caller
19 ID value that we've heard testified about today?

20 A I don't think it could devalue Caller ID
21 because from what, everything that I have seen, even
22 when the call blocking goes up, that people still
23 appreciate the Caller ID. And I think of utmost
24 concern is not so much the value of Caller ID but the
25 value of people's lives.

1 Q Is there any way to assure that individuals
2 that are provided these services would only use them to
3 call their spouse?

4 A The per-call blocking?

5 Q Right.

6 A I don't know of any way that anyone could
7 ensure that.

8 Q For example, if a mother had the children
9 with her and wished to communicate with perhaps the
10 grandparents, would she wish to still protect that so
11 that the husband wouldn't know?

12 A Yes. Because often times batterers can
13 coerce family members into giving the locations and the
14 addresses.

15 Q So, potentially, if these services were
16 provided, a battered spouse or a battered woman could
17 potentially use it every time she made a call?

18 A Uh-huh. And might need and may have to do
19 that.

20 Q You stated that abusive husbands or
21 boyfriends will go to great lengths. Do you have a
22 personal background or experience upon which to make
23 that statement?

24 A Yes. I've worked with batterers in different
25 counseling capacities for the past two-and-a-half

1 years.

2 Q Have you received any training in this area?

3 A Yes. The Duluth Domestic Violence
4 Intervention Project is the nationally-known project,
5 the best in the nation, and I've gone to two of their
6 trainings on working with batterers.

7 Q Based upon your training and your experience,
8 could you please expound for the Commission on the
9 attitudes that these abusive husbands have and the
10 means to which they will go to seek out their spouses?

11 A I think one way to define it is that they're
12 obsessed with finding the partners that they have lost
13 control over. What we know about battering is it's all
14 about control and that they will go to very great
15 lengths. And that could go indefinitely until they
16 find the person that has left.

17 Q So you mentioned earlier that they will seek
18 out the shelters, try to come to the shelters?

19 A At times they have.

20 Q Will they attempt to go to places of
21 employment?

22 A Oh, that's the first place they would go.

23 Q Would they violate court orders?

24 A They do every day.

25 Q So, basically, if they have the opportunity

1 to use Caller ID to determine the number, they would
2 use it?

3 A Yes.

4 MR. DORAN: I have no further questions.

5 MR. RAMAGE: No questions.

6 MR. BECK: No questions.

7 CROSS EXAMINATION

8 BY MS. GREEN:

9 Q Good afternoon, Ms. Phoenix. I just have a
10 few questions for you.

11 Earlier, when Ms. Caswell was asking you some
12 questions, you stated that your knowledge about the
13 Call Trace feature had changed just from your presence
14 here at this proceeding.

15 A Yes.

16 Q Before you became involved in the Caller ID
17 issues, how aware would you say you were of the various
18 Custom Calling features like Call Trace or Call Block?

19 A I must say that I was almost ignorant on all
20 of those features. I had heard the terms and knew
21 other people had those features and had seen the
22 circular in my phone thing but knew very little about
23 those features --

24 Q As far --

25 A -- I'm sorry, or what the effects of those

1 could be.

2 Q Okay. And as far as the clients that your
3 agencies deal with, do you have a feeling as to their
4 level of education, dealing with these features?

5 A I think that all of the people that I have
6 talked to about this issue, almost all of the people
7 that I have talked to about this issue in the general
8 public is very unaware.

9 One thing that I heard over and over when we
10 were discussing Caller ID was women who had
11 nonpublished numbers continue to think, "Oh, they can't
12 get my number because it's not published and it won't
13 go over, even if he had Caller ID he couldn't get it
14 because it's not published." So I think there is not a
15 level of understanding with the clients that we see or
16 with the general public that is necessary to be
17 protective.

18 Q When you spoke earlier, I believe it was
19 during your summary, did you state that many or --
20 well, what proportion of the clients that you deal with
21 either have low income or no income when they come to
22 your shelter?

23 A The battering occurs in all socioeconomic
24 classes. When a woman leaves an abuser, she often
25 leaves everything behind. He oftentimes has control of

1 all of the money. And so, even though she may drive up
2 in a BMW or Mercedes Benz, she has no money in her
3 pocket and she couldn't sell the car if she wanted to.
4 So oftentimes in starting over again she has no
5 resources and it would be very, very -- it would be
6 extremely hard for her to be able to find additional
7 resources at that time.

8 Q Do you believe that that would warrant
9 battered women being treated differently, being allowed
10 to have free services?

11 A I think that since we don't know who all the
12 battered women are that everyone needs to have free
13 services in that aspect, because they might not have
14 the resources to pay for that, and we don't know who is
15 and who is not a battered person.

16 Q Have you considered the possibility that if
17 this Commission were to disallow Caller ID, that there
18 might still be a problem in Florida?

19 A With domestic violence?

20 Q Well, I'm sure, unfortunately, there still
21 will be one with that, but I mean with persons'
22 telephone numbers being passed.

23 A Yeah. This is an unrelated issue, but one
24 that battered women say continuously is that, "Somehow
25 he got my number," and oftentimes it's through the

1 utilities because that is public information; that he
2 finds out the address because of the number, or the
3 number because of the address, or because of who she is
4 staying with, or something like that.

5 MS. GREEN: I have no further questions.

6 Thank you.

7 WITNESS PHOENIX: Thank you.

8 CHAIRMAN WILSON: I'm not sure I understood
9 your last answer.

10 They got the numbers from the Utility?

11 WITNESS PHOENIX: What I have heard over and
12 over from the utility companies, and from where I live
13 in Orlando and from battered women, is that it is
14 public information and so if he knows -- like if he
15 knows her address, then he could get her phone number.
16 Or if he knows that she is staying with her mother and
17 he calls and says, "What is the information about
18 such-and-such person," then many, many batterers have
19 been able to determine the location because of that, of
20 where she is, and/or the telephone number where she is.
21 I don't know why that is; I just know that that has
22 happened on many, many instances.

23 CHAIRMAN WILSON: I'm not sure I understand
24 what you mean. Is this an unlisted number?

25 WITNESS PHOENIX: Uh-huh.

1 CHAIRMAN WILSON: Or a nonpublished number?

2 WITNESS PHOENIX: Uh-huh.

3 CHAIRMAN WILSON: And they call the telephone
4 company and the telephone company gives them the
5 number?

6 WITNESS PHOENIX: No, the utilities company.

7 CHAIRMAN WILSON: You mean like an electric
8 company will give somebody's telephone number?

9 WITNESS PHOENIX: Yeah, because it's public
10 information.

11 CHAIRMAN WILSON: I see.

12 WITNESS PHOENIX: That's what we have been
13 told. I wish it was different but that's what we have
14 been told.

15 COMMISSIONER EASLEY: Have you ever
16 documented that?

17 WITNESS PHOENIX: We could if we needed to,
18 and if that would be an issue that the Commission
19 wanted to look into, then we will definitely pursue
20 that.

21 COMMISSIONER GUNTER: If it's a municipal
22 utility --

23 COMMISSIONER EASLEY: If it's municipal, we
24 can't do anything about it anyway.

25 COMMISSIONER BEARD: Well --

1 COMMISSIONER EASLEY: Nonpub, unlist.

2 CHAIRMAN WILSON: But a private
3 investor-owned utility is not subject to the Public
4 Records Act for something like that.

5 COMMISSIONER EASLEY: No.

6 COMMISSIONER GUNTER: That might be something
7 that you all would like to look into during the next
8 session of the Legislature.

9 CHAIRMAN WILSON: Yeah. Any other questions?

10 (Pause)

11 Are there questions, Commissioners?

12 COMMISSIONER EASLEY: No.

13 COMMISSIONER GUNTER: No.

14 COMMISSIONER BEARD: No.

15 CHAIRMAN WILSON: All right. Thank you very
16 much.

17 WITNESS PHOENIX: Thank you.

18 (Witness Phoenix excused.)

19 - - - - -

20 CHAIRMAN WILSON: Next witness, please.

21 MR. BECK: Mr. Chairman, the witness is ready
22 to be sworn in.

23 (Witness sworn.)

24 JOYCE MARIE BROWN
25 was called as a witness on behalf of Florida Coalition

1 COMMISSIONER EASLEY: Nonpub, unlist.

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3 investor-owned utility is not subject to the Public

4 Records Act for something like that.

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7 that you all would like to look into during the next

8 session of the Legislature.

9 CHAIRMAN WILSON: Yeah. Any other questions?

10 (Pause)

11 Are there questions, Commissioners?

12 COMMISSIONER EASLEY: No.

13 COMMISSIONER GUNTER: No.

14 COMMISSIONER BEARD: No.

15 CHAIRMAN WILSON: All right. Thank you very

16 much.

17 WITNESS PHOENIX: Thank you.

18 (Witness Phoenix excused.)

19

- - - - -

20 CHAIRMAN WILSON: Next witness, please.

21 MR. BECK: Mr. Chairman, the witness is ready

22 to be sworn in.

23 (Witness sworn.)

24 JOYCE MARIE BROWN

25 was called as a witness on behalf of Florida Coalition

FLORIDA PUBLIC SERVICE COMMISSION

1 Against Domestic Violence and, having been first duly
2 sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. BECK:

5 Q Would you please state your name?

6 A Joyce Marie Brown.

7 Q Did you prepare testimony to be filed in this
8 case?

9 A Yes.

10 Q Do you have any corrections or changes to be
11 made to your testimony?

12 A Well, I don't have any changes but there are
13 a few things that I wasn't aware of when I made my
14 testimony that have since been cleared up or explained,
15 such as what is Call Trace and Call Block. So I don't
16 want to change that but some of my testimony was around
17 that. So, you know, you can disregard that part.

18 Q Okay. Other than that, will your testimony --

19 COMMISSIONER GUNTER: Your honesty and candor
20 is terribly refreshing. (Laughter)

21 COMMISSIONER EASLEY: I wish to goodness we
22 could get some of these other witnesses to say, "Just
23 disregard that, I didn't mean it." It's wonderful.

24 Q (By Mr. Beck) With that qualification,
25 should I ask you the same questions today, would your

1 answers be the same?

2 A Yes, sir.

3 MR. BECK: I would ask that Ms. Brown's
4 testimony be inserted into the record as though read.

5 CHAIRMAN WILSON: Without objection, it will
6 be so inserted into the record.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**DIRECT TESTIMONY OF****JOYCE M. BROWN****DOCKET NO. 891194-TI**

1 **Q. PLEASE STATE YOUR NAME AND OCCUPATION OR AFFILIATION.**

2 **A. My name is Joyce M. Brown, Woman's Advocate for the**
3 **Center Against Spouse Abuse, Inc. (CASA), a program for**
4 **survivors of domestic violence and their children in St.**
5 **Petersburg, Florida. I am also Co-Chair of the Women of Color**
6 **Caucus of the Florida Coalition Against Domestic Violence**
7 **(FCADV).**

8 **Q. WHAT IS YOUR EDUCATIONAL AND WORK BACKGROUND?**

9 **A. I have an A.S. Degree in Criminal Justice. I have worked**
10 **for CASA for the past six months and recently was elected Co-**
11 **Chair of the Women of Color Caucus of FCADV. In addition, I**
12 **have worked for the Department of Corrections and for HRS.**
13 **I am also a formerly battered woman. When I was running from**
14 **my abuser I stayed in two different shelters for battered**
15 **women in S. Carolina, a shelter in Orlando and finally, in**
16 **August of 1989, at CASA in St. Petersburg.**

17 **Q. PLEASE DESCRIBE THE MEMBERSHIP AND FUNCTION OF THE FCADV**
18 **WOMEN OF COLOR CAUCUS AND OF CASA.**

1 A. The FCADV is an alliance of 29 programs for battered
2 women, concerned citizens and other groups working to end
3 domestic violence in Florida. The Women of Color Caucus of
4 FCADV represents issues around domestic violence specifically
5 affecting women of color. CASA is a program for survivors of
6 domestic violence which includes a shelter, outreach and
7 community education programs. CASA, a non-profit
8 organization, has served Pinellas County for 13 years.

9 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY TODAY?

10 A. I am testifying before the Commission in opposition to
11 Caller I.D. which, in the opinion of CASA and FCADV, will
12 negatively affect the safety of battered women, their children
13 and other individuals who work on their behalf.

14 Q. WHAT IS YOUR UNDERSTANDING OF CALLER I.D.?

15 A. Caller I.D. is a service Southern Bell wishes to
16 introduce to Florida which allows the recipient of a phone
17 call the ability to view the phone number of in-coming
18 callers. The user must purchase a device to view the number
19 and pay a monthly fee to Southern Bell for the service.

20 Q. WHAT IS YOUR UNDERSTANDING OF CALL BLOCK?

21 A. There are apparently two types of call block services:
22 per-call block and line block. Per-call block gives the
23 dialing party the ability to enter a code before initiating

1 a call. The code is supposed to prevent the originating
2 number from being registered on a Caller I.D. box. Line block
3 accomplishes the same purpose, but blocks every call dialed
4 on a particular line (as opposed to having to enter a code
5 before each call).

6 Q. WHAT IS YOUR UNDERSTANDING OF CALL TRACE?

7 A. Call Trace refers to the ability of the recipient of a
8 harassing or obscene phone call to transfer information about
9 incoming calls to the telephone company and then to a local
10 law enforcement agency. The person will not know the phone
11 number of the caller. This can be offered on a per-use basis
12 or through a monthly billing.

13 Q. WHAT EFFECT WOULD CALLER I.D. HAVE ON BATTERED WOMEN AND
14 THEIR CHILDREN?

15 A. As a formerly battered woman, Caller I.D. would have been
16 very dangerous to me when I was running from my abuser. My
17 abuser hit me with a hammer ten times in the head. I received
18 ten wounds which were closed with 25 stitches for each wound.
19 When my abuser left, he thought I was dead. I managed to get
20 to my neighbor's house who called for an ambulance. After I
21 left the hospital, I was taken to a shelter with my three
22 children. My abuser went directly to my relatives to try to
23 find me when he heard I was not dead. Had Caller I.D. been
24 in place, he would have known where I was. (The shelter did

1 not permit personal calls, so I called from a friend's house.)
2 I did not even want him to know I was in the same small town
3 where we lived. Had I had Call Block on my telephone, I
4 believe I would have been unable to use the 911 service which
5 saved my life several times when I dialed and left the phone
6 off the hook.

7 Had my family had Caller I.D. when my abuser called me,
8 some members of my family might have attempted to rectify the
9 abuse and acted as vigilantes. I would prefer that the police
10 remain responsible for apprehending abusers.

11 Some of my children are very small and stay at home with
12 a baby sitter. My youngest child was permitted to call her
13 father, my abuser. As she was young, my fear would always
14 have been that just once she would not remember to use the
15 code and he would be at my house waiting for me when I came
16 home and, this time, I would die.

17 As a single parent, I cannot afford to pay a monthly fee
18 for my own privacy and I do not believe I should be forced to
19 tell my story over and over again every time I move in order
20 for Southern Bell to give me a waiver. Nor should I be forced
21 to contact a shelter to be "certified" as a battered woman or
22 some other such indignity, if I decide to move to another
23 community. I live with the fear that my abuser will find me
24 every day of my life. I do not need a reminder from Southern
25 Bell. How long would it take for me to become a "certified
26 battered women" from a shelter and how long would it take for

1 Southern Bell to install a per-call block? It only took a few
2 minutes for my abuser to nearly kill me.

3 Q. WHAT EFFECT WOULD CALLER I.D. HAVE ON DOMESTIC VIOLENCE
4 PROGRAMS AND STAFF?

5 A. Each shelter is staffed by paid and volunteer advocates
6 and administrators. Most of us carry beepers and respond from
7 homes of friends, family and other agencies that would not be
8 protected. If staff returned messages left by battered women
9 trying to escape, Caller I.D. could endanger many innocent
10 people.

11 Q. WHAT EFFECTS DO YOU BELIEVE CALL BLOCK WILL HAVE?

12 A. Southern Bell would offer Call Block for free only to
13 those who are first certified eligible. All others would have
14 to pay a fee for a calling card call or operator assisted call
15 to obtain per-call blocking. Women who enter shelters usually
16 are poor. The telephone provides a lifeline for women like
17 us. To force us to pay even more for our safety and our
18 privacy is ridiculous. If 911 services had been blocked for
19 me I would have died and I would live in fear that my child
20 would forget or be confused when to dial a special code.

21 I would never want to be "certified" as a battered woman
22 by a shelter and certainly not by Southern Bell. At least 50%
23 of all women will be abused by their intimate partner once in
24 a lifetime. The criteria proposed by Southern Bell would only

1 benefit a minority of women who can get into a crowded
2 shelter. Who would decide whether I would qualify for a call
3 block? Just how tragic does my situation need to be?

4 **Q. WHAT MIGHT BE THE EFFECTS OF CALL TRACE ON BATTERED WOMEN**
5 **AND THEIR CHILDREN?**

6 A. Call Trace appears to be an appropriate method of
7 handling obscene or harassing phone calls. For instance,
8 battered women could use Call Trace to inform police of calls
9 from their abusers. Courts would also welcome this
10 documentation for abusers with injunctions for protection
11 which order no contact including phone harassment. Call Trace
12 should be offered on a per call basis for everyone rather than
13 as a special service for those who can afford to pay.

14 **Q. DO YOU HAVE ANY CLOSING COMMENTS?**

15 A. Yes. CASA, the FCADV Women of Color Task Force and I
16 personally are opposed to Caller I.D. as it appears to present
17 danger to battered women and our children. Many of us have
18 called for help from programs but many more of us have not.
19 We all could suffer serious injuries because we could not
20 afford to pay for a block service or because we depend on a
21 complicated per-call block service. However, Call Trace, paid
22 for on a per-call basis, could be a welcomed service to us.
23 My life is just a little more important than to continue to
24 line the pockets of Southern Bell!

(End of Prefiled Direct Testimony)

1 Q (By Mr. Beck) Ms. Brown, did you prepare a
2 summary of your testimony?

3 A Sort of.

4 Q Would you please provide that?

5 A Okay. First of all, I would like to speak on
6 the Florida Coalition educating the public as to the
7 Caller ID situation. Let's see.

8 Southern Bell, or any other telephone
9 company, cannot expect the Florida Coalition Against
10 Domestic Violence to take up the slack or save them
11 money to educate the public on the particular devices
12 they introduce to the public. A woman is battered
13 every 15 seconds, that's four women a minute, and we
14 see only a small portion of these women. We cannot
15 expect, or even possibly educate the women who choose
16 not to reveal that they are battered, but have worked
17 very hard to escape that fact.

18 And then I would like to speak of
19 manipulation of the system. I am not real clear on a
20 whole lot of the terms so you really can't pin me down
21 on that, but from my understanding about the coding,
22 there is something, an O and a P, out of area, or
23 whatever. One way the system can be manipulated with
24 this line/per-call block is an abuser can be down the
25 street in a telephone booth from the woman and make a

1 phone call. "Yeah, honey, I'm out of state now, you
2 are safe, you can go out." She comes outside and,
3 boom, he gets her because now she's thinking because it
4 shows up as an O because he called the operator, and it
5 was an operator-assisted call, but he was just right
6 down the street. That's just one example of how the
7 system can be manipulated. Not that all other systems
8 can't be manipulated.

9 But for a battered woman we're not talking
10 about that they are not a small majority. The plight
11 of the battered woman is not an isolated issue. The
12 tragedy of domestic violence touches every single one
13 of us in this society, from baby on up to grandma. So
14 we need to recognize and realize that domestic violence
15 and a battered woman is a very real issue.

16 I myself am a battered woman, and there is no
17 level, certain level, of education or understanding
18 that you have to have in order to be battered. It's
19 just like Cheryl was saying, it comes from all levels.
20 So I know that my life would be in danger, and so would
21 so many other women.

22 Okay. And the last thing I would like to
23 talk about is who should decide if I'm battered. I
24 mean, I was almost killed, I was hit over the head with
25 a hammer ten times, and I have worked very hard to

1 downplay that. It doesn't mean that I am going to keep
2 it a secret but I am only one person. There's lots of
3 other women who never reveal that they have been
4 battered.

5 I don't want to walk in and try get a
6 telephone and have someone say to me that the criteria
7 for me being battered has to be bona fide. Give me a
8 break. Who's going to decide whether my life is bona
9 fide or not just because I don't have a black eye or
10 broken bones at this time. As it was already stated,
11 the potential and the abuse goes on forever, because I
12 put my abuser behind bars for ten years. He was out in
13 less than three. I moved to another state. He was
14 already back in the state before I got here, found me,
15 and I had to relocate all over again to another town.
16 I'm sure if he had any inclination of where I was now,
17 he would probably be looking for me right now. So
18 there is no escape. (Pause)

19 Q Does that conclude it?

20 A Yes.

21 MS. BECK: Ms. Brown is available for
22 questions.

23 CROSS EXAMINATION

24 BY MS. CASWELL:

25 Q I just have a few questions, Ms. Brown.

1 A Yes.

2 Q In your direct testimony at Pages 3 to 4, at
3 the bottom there, you note that the shelter where you
4 are staying did not permit personal calls. Do battered
5 women shelters typically forbid or restrict residents
6 from making personal calls?

7 A There is a difference in every shelter in
8 every state. In this particular state, I was in South
9 Carolina, they did not allow the residents to use the
10 telephone because there was only a couple of
11 telephones. So we had to go outside, use a telephone
12 booth to make personal calls. Any business calls, or
13 anything that had to do with business, could be made
14 with a one-minute limit, but you could not make
15 personal calls.

16 Q But that's not typical of most shelters,
17 would you say?

18 A There is no typical when it comes to
19 shelters.

20 Q Okay.

21 COMMISSIONER MESSERSMITH: What I guess we
22 might focus on that is that the shelter just didn't
23 want you calling from that number, or was it because
24 they just didn't have enough telephones?

25 WITNESS BROWN: It really depends on the size

1 of the shelter and the workers that are available.
2 Because a lot of times there is one crisis line and all
3 of the calls, incoming calls, must come in on that
4 line. So it's really -- I mean, we are fortunate at
5 CASA to have a telephone for the residents. I don't
6 know too many other shelters that just have a line that
7 the residents are able to call out on.

8 Q (By Ms. Caswell) Are you familiar with GTE's
9 Protected Number Service, as it has been proposed?

10 A No.

11 Q Okay. Are you familiar with any other
12 methods, other than blocking, that have been suggested
13 as ways for someone to maintain his anonymity in
14 particular situations?

15 A Well, the only one that I see that would be
16 of benefit would be the per-line blocking. It's just
17 like I said, I have children. I have a 12-year-old, a
18 13-year-old and a 9-year-old. And I really have a hard
19 time getting them to wash the dishes, so I know I'm
20 going to have hard time to get them to dial a code
21 every time they use the telephone. I mean, they pick
22 up the telephone, they pick up anything without asking,
23 without, you know, remembering. So it's really hard
24 for them to concentrate on things like that. So it
25 would be easier for me, and many other women, if there

1 was going to be a block, then it would have to be line
2 block and it would have to be permanent.

3 Q And you believe that per-line blocking should
4 be offered to everyone, rather than to just shelters or
5 battered women?

6 A Yes, because how would you know I was
7 battered unless I told you?

8 Q Well, I assume there would be some sort of
9 certification process.

10 A There is no certification. I would not want
11 to go through a certification, and I don't know of many
12 other women that would want to be certified as
13 battered. I would like to be certified of a lot of
14 things but not as being a battered woman.

15 MS. CASWELL: Okay. Thank you, Ms. Brown.

16 CHAIRMAN WILSON: Any questions?

17 MR. KEENER: No questions.

18 MR. BERG: No questions.

19 MR. MATHUES: No questions.

20 MR. DORAN: No questions.

21 MR. RAMAGE: No questions.

22 MR. BECK: No questions.

23 CROSS EXAMINATION

24 BY MS. GREEN:

25 Q Good afternoon, Ms. Brown. I just have a

1 couple of questions for you.

2 A Okay.

3 Q Before you got involved in this proceeding,
4 and in the Caller ID issues, how aware would you say
5 you were of the various custom calling features that
6 have been discussed, and the way to use them and the
7 services they provide?

8 A I knew absolutely nothing. My director
9 called me and told me that there was a Caller ID. So
10 we read the testimony; we went through it piece by
11 piece and I picked up bits and pieces of what was going
12 on. And if it wasn't for whatever I have in place
13 already, I don't think I would know what I know now,
14 which is not much. (Laughter)

15 Q You stated in your direct testimony that
16 previously you have worked for the Department of Health
17 and Rehabilitative Services, is that correct?

18 A Yes, I have.

19 Q There have been some suggestions made that
20 perhaps HRS is the organization that should certify
21 battered women. How do you react to that?

22 A I think it's absolutely horrendous to think
23 that HRS, one of the largest agencies, that
24 revictimizes women that are battered in so many ways,
25 although they help, because I myself came through that

1 system. So I have been through the ranks on up.

2 We have AFDC, we have food stamps. In an
3 emergency, for food stamps it takes anywhere from three
4 days to a week. And in an emergency for AFDC, it takes
5 anywhere from 45 to 65 days to receive the first check.
6 So it's absolutely ludicrous to think that while you
7 are waiting and your life is hanging on the line,
8 because your life does hang on the line when you're
9 waiting to get out from an abuser, that the telephone
10 will finally be put in place when HRS deems you
11 battered, you would be dead.

12 Q And you are basically opposed, though, to any
13 type of certification process for anyone, is that
14 correct?

15 A Yes, absolutely. I mean, it's like going --
16 I mean, why would a woman, she is already being
17 victimized, beaten, emotionally abused, isolated, why
18 now would she want to add just one more tail onto the
19 things that have already been going on with her
20 already? It doesn't make sense.

21 Q In the course of the work that you do, is it
22 correct to say that you have met women from varying
23 types of circumstances?

24 A Yes, I have. I have been in contact with
25 doctors' wives, policemen's wives, people like myself,

1 people from all levels and in all different situations,
2 from all states, from out of the United States that fly
3 in, or however, just to escape their abuser.

4 So when you say that you want to certify
5 them, they don't even want to be known. They don't
6 even want anybody to know that they are in the area. I
7 live in St. Petersburg and I escaped from Orlando.
8 However, the work that I do brings me out in the public
9 a lot, which I really don't mind because the women need
10 to know that they always have options. The women need
11 to know that they can educate themselves and they can
12 pull themselves out of whatever abusive situation that
13 they have to be in, but not without support from the
14 people around them.

15 Until society changes their attitudes towards
16 abused women, and stop thinking of them as some little
17 minority -- because I don't care whether you admit it
18 or not, somebody in your family somewhere is being
19 abused, or has been. So they just need to own up to
20 the facts.

21 If you are going to continue with this Caller
22 ID, then you need to put some type of protection in
23 place. And I would advocate free call/line block.
24 That's the only way I want it; otherwise, I don't want
25 it. It's not a privacy issue anymore because, you see,

1 a lot of times when we go into shelters, we have no
2 privacy because we have to tell our whole life story.
3 But what we do know is a safety issue, and that's about
4 the most important issue that we can bring out right
5 now.

6 Q Now, you said "per-line blocking." Would
7 that be acceptable as a choice along with per-call
8 blocking, or do you advocate only per-line blocking?

9 A I only advocate per-line blocking. I'm sure
10 that people would like to have a choice, but this is my
11 personal feelings. Because functional literate adults,
12 a 30-year-old a lot of times has a hard time
13 remembering their own phone number. So it's really
14 kind of backwards to think that they could remember a
15 whole lot of other host of numbers just to make a phone
16 call.

17 MS. GREEN: Okay. Thank you very much.
18 That's all we have.

19 CHAIRMAN WILSON: Commissioner, do you have a
20 question?

21 COMMISSIONER EASLEY: Yes, I do.

22 I appreciate your objection to particularly
23 the word "certified" or "certification." Would you
24 have an objection, if a woman had gone to a shelter, of
25 the shelter providing a list -- we're not talking about

1 certification as being a battered woman, but simply
2 providing a list to identify someone as being in need
3 of blocking, if that became necessary?

4 WITNESS BROWN: Could I just say that the
5 workers of the shelter, and I myself, have
6 approximately three jobs. However, I make less than
7 \$17,000 a year. Also, almost every other worker in my
8 office is entirely dealing with a woman and her whole
9 circumstance, and everything that goes on at one time.

10 To provide a list, a particular list, for a
11 telephone company would only touch the iceberg of the
12 women that are out there that we never see, that we
13 never touch, that never talk to us. So it would not
14 even be necessary to have a list because it wouldn't
15 begin to complete the job.

16 COMMISSIONER EASLEY: I was trying to get in
17 my mind whether you were objecting to being labeled. I
18 read your objection to certification as an objection to
19 labeling more than having the name provided, if that
20 was the way that --

21 WITNESS BROWN: I don't know anybody that
22 likes to be labeled. However, we can provide a list.
23 But all I'm saying is that it would be minute.

24 COMMISSIONER EASLEY: I understand. Thank
25 you, ma'am.

1 CHAIRMAN WILSON: Anything on redirect?

2 MR. BECK: No.

3 CHAIRMAN WILSON: Thank you very much, Ms.
4 Brown. We appreciate your coming.

5 WITNESS BROWN: Okay.

6 (Witness Brown excused.)

7 - - - - -

8 CHAIRMAN WILSON: Next witness, please.

9 (Witness Dunn sworn.)

10 ALICE REBECCA DUNN

11 was called as a witness on behalf of Florida Coalition
12 Against Domestic Violence and, having been first duly
13 sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. BECK:

16 Q Would you state your name, please?

17 A Yes. My name is Alice Rebecca Dunn.

18 Q And with whom are you associated?

19 A I am the President of the Florida Coalition
20 Against Domestic Violence, but I am also employed by
21 Peace River Center for Personal Development, which is a
22 private mental health center in Lakeland, Florida.

23 Q Did you prepare testimony to be filed in this
24 case?

25 A Yes, I did.

1 Q Do you have any changes or corrections to
2 make to that testimony?

3 A I have one correction. At the time I
4 prepared my testimony I had some data that was
5 incorrect. I have since then come across the
6 appropriate data.

7 On Page 3 of my direct testimony, Line 19, I
8 state that "Florida's shelter hotlines assisted 60,000
9 persons in the last year." Since then I have come
10 across the correct data, which is 80,000, which would
11 also adjust Line 21 to approximately 83,000.

12 Q With that amendment, if I were to ask you the
13 same questions here today, would your answers be the
14 same?

15 A Yes.

16 MR. BECK: I would ask that Ms. Dunn's
17 testimony be inserted into the record as though read.

18 CHAIRMAN WILSON: Without objection, it will
19 be so inserted into the record.

20

21

22

23

24

25

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DIRECT TESTIMONY OF

A. REBECCA DUNN

DOCKET NO. 891194-TI

1 Q. PLEASE STATE YOUR NAME AND OCCUPATION OR AFFILIATION.

2 A. A. Rebecca Dunn, Director of Women's Programs, Peace
3 River Center for Personal Development, Lakeland, Florida. I
4 am also the President of the Florida Coalition Against
5 Domestic Violence.

6 Q. WHAT IS YOUR EDUCATIONAL AND WORK BACKGROUND?

7 A. I earned a Bachelor's Degree in Social Rehabilitation.
8 I became the Operational Director for a domestic violence
9 shelter in early 1982. The agency has promoted me to become
10 the Administrative Director of three programs: the spouse
11 abuse shelter, a court-based Injunction for Protection program
12 and a rape crisis program.

13 Q. PLEASE DESCRIBE THE MEMBERSHIP AND FUNCTION OF THE
14 FLORIDA COALITION AGAINST DOMESTIC VIOLENCE.

15 A. The Florida Coalition Against Domestic Violence is an
16 alliance of twenty-nine battered women's shelters, concerned
17 citizens, and other groups working to end domestic violence
18 in Florida. The Coalition, which also consists of the State's
19 network of Batterer's Intervention Programs, organized in 1976

1 and operators under non-profit status. The FCADV gives direct
2 assistance to shelters by providing technical in-put/training,
3 by educating the public about the realities of domestic
4 violence, and confronting issues (such as protective laws and
5 improved services) which affect battered women and their
6 children.

7 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY TODAY?**

8 A. It is my intention to inform the Commission about issues
9 related to Caller I.D. which are, in the opinion of FCADV, of
10 paramount relevance to the protection of battered women, their
11 children, other family members and those who work with them
12 and in their behalf.

13 **Q. WHAT IS YOUR UNDERSTANDING OF CALLER I.D.?**

14 A. Caller I.D., as I understand, is a service Southern Bell
15 wishes to introduce to Florida which allows the recipient of
16 a phone call the ability to view the phone number of in-
17 coming callers. The person can view the number on a device
18 purchased from Southern Bell (and activated with a monthly
19 service charge).

20 **Q. WHAT IS YOUR UNDERSTANDING OF CALL BLOCK?**

21 A. There are two types of call block services: per-call
22 block and line block. Per call block, apparently, gives the
23 dialing party the ability to enter a code before initiating

1 a call. The code, it is said, prevents the originating number
2 from being registered on a Caller I.D. device. This service
3 must be purchased on a monthly basis. Line block accomplishes
4 the same purpose, but pertains to the blocking of every call
5 dialed on a particular line (as opposed to having to code
6 before each call).

7 Q. WHAT IS YOUR UNDERSTANDING OF CALL TRACE?

8 A. Call Trace refers to the ability of the recipient of a
9 harassing or obscene phone call to transfer information about
10 incoming calls to the telephone company and then to a local
11 law enforcement agency. The person will not know the phone
12 number of the caller. This can be offered on a per-use basis
13 or by way of monthly billings.

14 Q. WHAT EFFECT WOULD CALLER I.D. HAVE ON BATTERED WOMEN AND
15 THEIR CHILDREN?

16 A. Caller I.D. could prove to be very dangerous to battered
17 women and their children who are now in hiding and those who
18 plan to escape. Last year, Florida's shelter hotlines
19 assisted ⁸⁰~~60~~,000 people. Add to that the shelters, their
20 related programs, staff and volunteers and the total should
21 exceed ⁸³~~53~~,000. These are victims of crime who would not be
22 in hiding if they were not afraid for their lives or the
23 lives/health of loved ones. It is important to understand
24 that chronic abusers are unlike the general population. They

1 see their very existence, in many cases, attached to
2 maintaining a relationship (even a bad one) with the hiding
3 partner. Many use desperate measures to locate that person.
4 In some cases women are subject, by court order, to facilitate
5 contact between their children and their father. For some,
6 carrying out such an order involves delicate planning. One
7 mistake could result in tragedy. The abusive partner who uses
8 Caller I.D. will be able to locate the state, city, and
9 address of the ex-partner and children. Of course, if the
10 children are being protected due to physical or sexual abuse,
11 the same would be true.

12 Since technology is not a perfect science, it stands to
13 reason that, occasionally, problems may occur that will render
14 Caller I.D. useless. Is it also possible that the system
15 could display a false reading? When a battered woman responds
16 to advertisements for Caller I.D. she will most likely,
17 believe the service to be something that has the potential of
18 protecting her. My fear is it could create a sense of false
19 security among women who believe it to be absolute. They may
20 not realize that the system can break, transmit errors, or be
21 used against them as well as for them.

22 **Q. WHAT EFFECT WOULD CALLER I.D. HAVE ON DOMESTIC VIOLENCE**
23 **PROGRAMS AND STAFF?**

24 **A.** Each shelter is staffed by paid and volunteer advocates,
25 counselors, social workers and administrators. Many of these

1 people carry beepers and respond to shelter business from
2 home, the homes of friends and family as well as from other
3 agencies. Shelter staff return messages left by battered
4 women attempting to leave the residence shared with an abuser,
5 thus a Caller I.D. device could capture information which
6 would not only lead him to the fleeing partner, but to
7 innocent, non-participants.

8 Shelters exist to hide and protect people who cannot
9 protect themselves. Before building or locating a shelter,
10 extreme measures are carried out to provide for the security
11 and privacy of residents and staff. Caller I.D. will greatly
12 jeopardize these efforts.

13 Q. WHAT EFFECTS DO YOU BELIEVE CALL BLOCK WILL HAVE?

14 A. There are several problems with Call Block. This service
15 is free for those who are first certified eligible. All
16 others would have to pay a fee for a calling card or operator
17 assisted call to obtain per-call blocking. People who enter
18 shelters, for the most part, operate at a subsistence level.
19 They need telephones for protective purposes, but to force
20 them to pay for a additional service is both unrealistic and
21 cruel (since she is actually paying to protect her own right
22 to privacy). Secondly, it is my understanding that the Line
23 Block service will interfere with 911 calls. Should a caller
24 be unable to state their location, 911 staff would not be able
25 to dispatch assistance. Call Block would, in effect, render

1 911 useless. Thirdly, Per-Call Block causes a person (even
2 one who is upset or panicked) to remember or be responsible
3 for a code. There is always a chance that a young child or
4 angry teen might call the abuser and forget to use the code,
5 mis-dial, or get confused about the procedure.

6 Southern Bell has indicated an offer to provide free Call
7 Block to domestic violence shelters and staff as well as any
8 battered women referred by local shelters. The FCADV will not
9 recommend that member shelters accept the liability associated
10 with such a proposal. Additionally, the expense involved in
11 maintaining such a project is prohibitive. Of course, we
12 cannot endorse the prospect of Southern Bell screening victims
13 for eligibility for a Call Block service. After all, what
14 criteria should be used to determine if someone is worthy of
15 free Call Block? Who in Southern Bell will make the decision?
16 How many times will a battered woman have to repeat her
17 embarrassing story to strangers? How long will the service
18 be offered for free?

19 I respectfully suggest that the Commission consider the
20 criteria which would be needed or required to determine
21 eligibility for Call Block to over 60,000 people per year.
22 It is obvious that all of the individual services which will
23 be created by Caller I.D. will also pad the bank accounts of
24 Southern Bell. All the money the telephone company stands to
25 make is not worth losing the life or health of one battered
26 woman or her children.

1 Q. WHAT MIGHT BE THE EFFECTS OF CALL TRACE ON BATTERED WOMEN
2 AND THEIR CHILDREN?

3 A. More than any other method, Call Trace appears an
4 appropriate way of handling obscene or harassing phone calls.
5 Battered women could use Call Trace to inform police of calls
6 from abusers. This would be an excellent record of abusers
7 violating court orders prohibiting harassment or phone
8 contact. One problem does exist which should be discussed
9 with law enforcement: how can it be determined that it was
10 the abuser that placed the call instead of someone else in the
11 house?

12 The most significant advantage of Call Trace, as opposed
13 to Caller I.D., is that the purchaser of the service will not
14 have access to the phone number of the caller. The number,
15 instead, will be accessed by police. This should prevent
16 private citizens from using caller information to commit
17 vigilantism.

18 Q. DO YOU HAVE ANY CLOSING COMMENTS?

19 A. Yes. The Florida Coalition Against Domestic Violence is
20 opposed to the Caller I.D. system as it appears to present
21 danger to victims of domestic violence. Since over 60,000
22 people requested assistance last year, it can be assumed that
23 at least that many people could be impacted annually. Those
24 victims could suffer consequences related to being found while
25 in hiding and they could endure financial consequences of

1 having to pay for a block service. They could depend upon a
2 system which is difficult to use and monitor (such as Per Call
3 Block). Any system which depends upon combined technologies
4 (telephone, computers and electricity -- to name a few) are
5 subject to glitches or malfunctions. Caller I.D. must work
6 flawlessly in order to work at all for battered women. If it
7 does work without error, it could also enable further harm to
8 battered women. The only service proposed by Southern Bell
9 that appears appropriate for battered women is Call Trace.
10 This would allow an opportunity to alert police in the event
11 of harassing or threatening phone calls from a batterer. Call
12 Trace, however, is not without fault.

13 The Florida Public Service Commission has a very
14 important duty. I encourage you to examine all issues
15 relevant to Caller I.D., but especially to consider the number
16 of lives which will be directly impacted by the presence of
17 such a service. In the interest of battered women and their
18 children as well as the staff and volunteers of shelters, I
19 implore you to deny Southern Bell the ability to introduce
20 Caller I.D.

21 Q. DOES THAT CONCLUDE YOUR TESTIMONY?

22 A. Yes.

1 Q (By Mr. Beck) Have you prepared a summary of
2 your testimony?

3 A Yes, I have.

4 Q Would you please provide that?

5 A Thank you. I'm going to jump around a little
6 bit because I believe I have had brain mush this
7 afternoon and trying to organize my thoughts is a
8 little difficult. (Laughter) Someone understands?

9 CHAIRMAN WILSON: It tends to strike people
10 in this room from time to time; it may be
11 environmental, I don't know. (Laughter)

12 WITNESS DUNN: I recognize it with the blank
13 eyes.

14 CHAIRMAN WILSON: You're not looking up here
15 when you say that, are you?

16 WITNESS DUNN: No, not at all. (Laughter)

17 I have worked with the Domestic Violence
18 Program that I am employed in for the last nine years;
19 first as a social worker, then as a counselor, and now
20 in an administrative capacity. And there are two basic
21 facts that I can tell you, based on the experience,
22 that I have counseled well over 2,000 battered women
23 and I have dealt with several hundred batterers over
24 our telephone hotline, and I have counseled several
25 batterers face-to-face.

1 First of all, I can tell you that battered
2 women are concerned with continuing to exist on a
3 day-to-day basis. They operate at high levels of
4 stress, and to ask them to be concerned with an ideal
5 of a utility system is a very difficult thing to do.

6 Secondly, I can tell you that batterers
7 characteristically view their life partner as their
8 lifeline. They are creative in their pursuits and they
9 are relentless. But they are also often charming in
10 their approach to finding their spouse.

11 There are a couple of other items I would
12 like to interject just as information for you.
13 Personally, I carry a beeper 24 hours a day. And with
14 regards to per-call block, I find it very difficult to
15 return a call off of my beeper, especially if I'm
16 visiting someone, if I am at the home of a friend or a
17 relative, or someone else, and I'm asked to block a
18 call. I find it very difficult to do that with someone
19 who doesn't have this service in their home. So I
20 would be asked to leave maybe a party or an event that
21 I am attending to go block a call.

22 Secondly, I have personally been threatened
23 with death by abusers, believing that somehow I was
24 responsible for what was going on in their life.

25 Thirdly, I would like to correct some data,

1 or at least add to some data that was given earlier.
2 Three to 4,000 women are killed each year by the person
3 who professes to love them most in the world.
4 Approximately 6 million women are battered repeatedly
5 each year, and I believe that someone told you that the
6 statistic is that about 10% of the actual cases are
7 reported.

8 The last point I would like to make on that
9 issue, or along that line, is that we had a situation
10 where a batterer broke into the home of a victim, his
11 wife in this situation. And the purpose of his
12 break-in was simply to get access to her telephone and
13 to dial that magic code that gave him her telephone
14 number. Most of us know what the code is. No one was
15 home, he just dialed the code and he found out her
16 phone number. I know that that's one way that people
17 can do this.

18 But I give you the example to demonstrate the
19 relentlessness of batterers, and how they will stop at
20 nothing to get information. And to make something like
21 Caller ID easily accessible to them is something that
22 we find is a grave mistake. (Pause)

23 There are just a few other issues that I
24 would like to bring up. First of all, the introduction
25 of technology, particularly new technology, could

1 result in system cliches or breakdowns. For many
2 thousands of battered women and their dependents in
3 this state, one such incident could be fatal. Southern
4 Bell has responded to this, and other questions, by
5 identifying it as a gray area, and they promised to
6 come back to those gray areas when it's necessary.
7 They will consider it when the scenario is no longer a
8 scenario but an actual problem. My contention is that
9 for many battered women being caught in that gray area
10 could well be a matter of their own life.

11 Secondly, education of the customers,
12 particularly battered women, is a point of concern for
13 us. There are characteristics of battered women in
14 regards to situations, in regards to their situation,
15 which would cause them to be a difficult segment of the
16 population to reach with education, especially since
17 they are more concerned with their day-to-day existence
18 rather than reading materials that come in their
19 telephone bill, or in looking over newspaper ads that
20 they see that are run by the telephone companies. Of
21 course, education is also going to create added expense
22 for domestic violence programs, as we will find
23 ourselves printing materials or spending staff time in
24 training our victims as to what to expect and how to
25 use the systems.

1 Liability we have talked about. You have
2 heard FCADV's position that we cannot accept the
3 responsibility for determining the eligibility of those
4 requesting free blocking services. That's primarily a
5 liability issue for us, as it should be for Southern
6 Bell. Episodes of violence perpetrated by the use of a
7 Caller ID, and/or the breakdown of a blocked system,
8 will most likely result in many accusations of
9 liability. Is it possible that the costs incurred by
10 the telephone company from liability losses, or for the
11 purpose of implementing corrective measures after
12 liability losses, could eventually result in general
13 consumer price increases due to the recovery?

14 A Next, Call Trace seems to be the most
15 appropriate means of dealing with harassing or obscene
16 phone calls. However, I do have some concerns with the
17 lack of more responsive plan by Southern Bell to assist
18 the customer once information is gathered by a tracing
19 device. It seems that the telephone company should
20 provide the consumer with more proactive assistance
21 than those described in the proceedings here yesterday.

22 That's the end of my prepared statement.

23 MR. BECK: Thank you. Ms. Dunn is available
24 for questions.

25 COMMISSIONER BEARD: Let me ask a question.

1 CHAIRMAN WILSON: Commissioner?

2 COMMISSIONER BEARD: I don't want you to
3 reveal anything in the form of a code or stuff, but in
4 a real quick, informal pole up here, none of us have
5 any idea what you are talking about.

6 WITNESS DUNN: Oh, wow. That surprises me.

7 COMMISSIONER BEARD: In other words, if I am
8 at my house, and for some reason I wanted to get that
9 number, the number that I am at, I can pick up the
10 phone and I can do something with the code and get that
11 number?

12 WITNESS DUNN: Absolutely.

13 COMMISSIONER EASLEY: How do you get it?

14 WITNESS DUNN: There is a three-digit code.

15 COMMISSIONER EASLEY: No, no. What do you
16 get in response?

17 WITNESS DUNN: You get the phone number where
18 you are.

19 CHAIRMAN WILSON: Is it an automated
20 electronic response?

21 WITNESS DUNN: There is an electronic voice
22 response.

23 COMMISSIONER GUNTER: Did you all know about
24 that? Let's take a pole. Did you all know about it?

25 COMMISSIONER BEARD: Raise your hands if you

1 knew about it. (Pause)

2 COMMISSIONER EASLEY: There used to be a way
3 back in the old days with a rotary phone that you could
4 make it ring, that you could call yourself and make it
5 ring, but I've never heard anything about getting your
6 own phone number.

7 COMMISSIONER BEARD: You can still do that in
8 some instances.

9 COMMISSIONER MESSERSMITH: I was with the
10 sheriff's office ten years and I never heard of that.

11 MR. RAMAGE: This is something that the phone
12 service people have, it's like the number they would
13 dial when they were trying to figure out what the
14 assigned number of a particular phone was, when the
15 number wasn't displayed on the instrument.

16 COMMISSIONER EASLEY: Is this confidential?

17 WITNESS DUNN: I don't know whether it's
18 confidential or not.

19 (Simultaneous conversation.)

20 COMMISSIONER BEARD: I was just wondering on
21 the fact that it exists. I didn't want to break the
22 code.

23 The second thing, you were describing the
24 fact that you carry a beeper and so you are on call 24
25 hours a day. And having the audacity to maybe go to a

1 friend's house to relax for a few moments and that
2 beeper goes off. It would seem to me that the very
3 thing you would want would be per-call blocking because
4 that person might not be associated with your business,
5 or anything else, and you are there. And your option
6 is that if they don't have per-line blocking, that you
7 have to leave and go somewhere. Or if you have
8 per-call blocking capability in the system, you can use
9 per-call blocking and make the call from there.

10 A Well, I guess that the concern is that you're
11 asking me to accept Caller ID in order to accomplish
12 that. Is that what you're saying?

13 COMMISSIONER BEARD: Well, no. Well,
14 obviously, you don't need per-call blocking or any
15 other line blocking if there's no such thing as Caller
16 ID. Okay. I mean, if you don't approve Caller ID, I
17 see no sense in approving blocking because what are you
18 going to block? I'm only trying to understand --

19 WITNESS DUNN: Okay. Maybe I'm not following
20 you then.

21 COMMISSIONER BEARD: If there's such a thing
22 as Caller ID in the world --

23 WITNESS DUNN: Yes.

24 COMMISSIONER BEARD: -- okay? And I'm
25 assuming your position is no Caller ID under any

1 circumstances?

2 WITNESS DUNN: That would be nice.

3 COMMISSIONER BEARD: Okay, I was that far.

4 But if Caller ID exists and if you're at your
5 friend's house, that friend may or may not have
6 per-line blocking. Say all the options in the world
7 are available. Okay? You can have per-line blocking,
8 you can have per call-blocking, all those options are
9 legally available, we approve them in this hearing at
10 some point in time, anybody can get anything they want?

11 WITNESS DUNN: And that's available at my
12 friend's house, is that what you're saying?

13 COMMISSIONER BEARD: Well, I'm saying that
14 your friend, if they're not in the same business you're
15 in or some other business, they may not care to have
16 per-line blocking. They may not have blocking on their
17 line. To the extent you're there and want to use their
18 phone, the only alternative you have then would be
19 per-call blocking, you would enter a code at that point
20 in time and it would block that number and it would
21 transact your business from that friend's house.

22 WITNESS DUNN: Maybe I misunderstand the use
23 of per-call blocking.

24 CHAIRMAN WILSON: Per-call blocking would be
25 available on every phone that is associated in an area

1 where Caller ID is located. It would be on an
2 activation basis on a single instance or occurrence.

3 WITNESS DUNN: Okay. My misunderstanding,
4 then, of how that operates.

5 COMMISSIONER BEARD: Per-line blocking would
6 be: you order it and it's on your line in all
7 instances. But you come to my house and I may not have
8 it. I just don't it. I don't want Caller ID, I don't
9 want blocking. I would rather cuss them out and hang
10 up on them. But you get there and you don't have that
11 option because you're in a more dangerous profession,
12 and without per-call blocking you'll have to leave my
13 house to transact your business.

14 WITNESS DUNN: Right.

15 COMMISSIONER BEARD: Those are the
16 differences.

17 CHAIRMAN WILSON: Questions, Ms. Caswell?

18 MS. CASWELL: Yes.

19 CROSS EXAMINATION

20 BY MS. CASWELL:

21 Q Ms. Dunn, would you agree that Caller ID has
22 some potential for helping victims of domestic
23 violence?

24 A I believe there's some limited benefits.

25 Q What would those benefits be?

1 A I can only think of probably one off the top
2 of my head, and that would be that there are situations
3 where, if the victim possessed a Caller ID box and was
4 being telephoned by an abuser repeatedly, I suspect
5 that she could capture the number and perhaps prove a
6 court case. But in my opinion, Call Trace would do the
7 exact same thing. Actually, it would probably be in
8 her best interests to have Call Trace as opposed to
9 Caller ID in that situation.

10 I will clarify that by saying that my
11 understanding of Call Trace is that the information
12 will be transmitted to someone other than herself,
13 preferably all the way to the police. And evidentiary,
14 for evidentiary reasons, I believe that it would be to
15 her advantage to have someone else in charge of that
16 information rather than her saying, "Your Honor, I saw
17 this on my box, I saw this on my device."

18 Q Is it your understanding that Call Trace --
19 in just one call the police will prosecute or arrest
20 just on the basis of that one call?

21 A No. I don't believe that's true from what I
22 heard here yesterday.

23 Q At Page 4, Lines 18 to 19 of your testimony,
24 you indicate that the Caller ID service might create a
25 false sense of security among women who believe it to

1 be absolute. Can you explain that statement in a
2 little more detail?

3 A Well, I think that, in my recollection of
4 having written this, I believe that I was writing that
5 in reference to women who were responding -- who might
6 be responding to advertisements by the phone company
7 that Caller ID was available for their purchase. And
8 in my mind, in my knowledge of battered women, I
9 believe that they get very hopeful when they see such
10 kinds of advertisement when it says stop -- the ideal
11 would be to see an ad that says, "Stop those harassing
12 phone calls," which battered women get and "Stop
13 someone from intruding in your privacy," which happens
14 to battered women. I believe it would be a reactive
15 response by battered women when they see these ads to
16 believe that this might be something that's going to
17 save me, this might be something that can help me, and
18 not give them criteria that they need to evaluate its
19 actual potential for assisting them -- and not list the
20 dangers.

21 Q Are you familiar with the concept of
22 Protected Number Service that UT has proposed?

23 A I have a limited knowledge of that.

24 Q Okay. If the service were made available to
25 shelters and shelter workers at their homes, would you

1 agree that it would resolve some concern about
2 revealing location or telephone numbers of shelters and
3 their employees, as you understand the service?

4 A As I understand it, it would probably give
5 some limited usefulness. I'm not sure, to be honest
6 with you, how effective it would be overall. My basic
7 feeling is that universal block would be a more
8 appropriate response.

9 Q More appropriate in what sense?

10 A Well, I think that for a worker or a
11 volunteer, there's some security in knowing that every
12 call is going to be blocked and they're not going to
13 have to depend on someone else answering their phones.
14 My understanding of the PNS system is that there would
15 be a distinctive ring, there would be a distinctive way
16 to know that there's a call, an undesirable call. And
17 many times we're not the only ones that answer our
18 phones. Am I understanding that correctly?

19 Q Yeah. That you would know if it was someone
20 you wanted to talk to or not by the ring.

21 A Yeah. Well, I'm not the only one that
22 answers my telephone and I feel that's true in cases of
23 others.

24 MS. CASWELL: That's all I have, thank you.

25 MR. KEENER: No questions.

1 MR. BERG: No questions.

2 CROSS EXAMINATION

3 BY MR. MATHUES:

4 Q Just one, Ms. Dunn. I'm Steve Mathues with
5 the Department of General Services. Has it been your
6 experience that other people who might answer the
7 telephones in shelters other than yourself would
8 generally have the sophistication to know the
9 difference between a good ring and a bad ring?

10 A Not in my situation, no.

11 MR. MATHUES: Thank you, ma'am.

12 CROSS EXAMINATION

13 BY MR. DORAN:

14 Q Hi, I'm Richard Doran from the Attorney
15 General's Office. I wanted to follow up along the line
16 of harassing phone calls. First of all, am I to
17 understand that part of the problem that battered or
18 abused women have is simply that men will just call
19 them and harass them?

20 A Yes. That's true.

21 Q It doesn't have to amount to actual physical
22 abuse?

23 A I think that in the majority of the cases
24 that is the case.

25 Q And would you, given your background,

1 characterize that as a significant problem for these
2 women?

3 A Yes. Let me correct -- I mean, not correct,
4 but identify what I was saying by that. I think that
5 violence is preceded by harassment. And I think that
6 in order to explain how difficult this is for a victim,
7 it's necessary to understand, and I think the element
8 that we're missing in this whole discussion is the
9 human part. There are specific characteristics that go
10 along with battering, and it's necessary to understand
11 that not only are we talking about physical battering,
12 we're talking about emotional and psychological
13 battering as well. And most people who work in the
14 battered women's movement will tell you that the women
15 who report to them the episodes of abuse will readily
16 admit that the psychological and emotional abuse is
17 just as damaging in some ways -- in other words, it's
18 very difficult to recuperate from it.

19 Q Let me pursue that because I think there's an
20 area that -- you can tell me if I'm wrong -- but is
21 there not within your area of expertise a recognition
22 that there can be a cycle of abuse and then
23 reconciliation and then abuse again, and that this will
24 go on and on?

25 A That will happen in many cases.

1 Q That's generally recognized in the mental
2 health background with abusers?

3 A Yes. It is.

4 Q If an individual were able to get his
5 spouse's telephone number, he would then ostensibly
6 also be able to attempt to manipulate and reconcile, is
7 that correct?

8 A Yes. And generally when we get telephone
9 calls in a shelter, that is the purpose of the call.
10 Rarely do the calls to the woman in the shelter come as
11 a threatening nature in the beginning. The threats
12 come later.

13 Q Is it your view that those types of calls are
14 counterproductive to the woman's ability to detach
15 herself from that situation?

16 A It's counterproductive to her ability to
17 assess what her real problems are and to formulate a
18 plan of action.

19 Q Now let me switch gears just slightly. Often
20 times I'm led to believe, and we've heard testimony
21 today, that women will actually take the opportunity
22 seek to use the court system against the abusive
23 spouse, is that correct?

24 A That's correct.

25 Q Do battered spouse programs attempt to obtain

1 restraining orders or orders that would indicate that
2 the abuser have no contact with the victim?

3 A Yes. That's true. In my capacity as
4 supervisor of the domestic violence program that I
5 supervise, I also direct a Court-Based Injunction for
6 Protection Program and we write probably around 100
7 injunctions a month and we screen approximately 450
8 women and men who are requesting such injunctions.

9 Q Now, if you were to attempt to take a case of
10 an abusive phone call to court, in your opinion, would
11 it be better to have a business record as generated as
12 the testimony was yesterday by Call Trace than not to
13 have that business record?

14 A As received through Call Trace?

15 Q That is correct.

16 A Probably.

17 Q If you did not have that business record, and
18 you basically had the word of the wife versus the word
19 of the husband, that would simply leave a swearing
20 contest for the Judge?

21 A Right. It's always better to have some
22 physical evidence.

23 Q So in that regard, the system known as Call
24 Trace would be better suited to the needs of your
25 program to obtain your goals?

1 A Absolutely, and 1000% better than Caller ID
2 in that the report of the Caller ID would be a verbal
3 report. The information gathered on a Caller ID would
4 simply be verbal, a report of what have I saw on my
5 device, as I understand it.

6 MR. DORAN: Thank you, Ms. Dunn, I have know
7 further questions.

8 CROSS EXAMINATION

9 BY MR. RAMAGE:

10 Q Mike Ramage, FDLE. One quick follow-up to
11 the last set of questioning. From your experience
12 would the State Attorneys' Offices in the area in which
13 you operate, would it be likely that they would not
14 even file charges unless there was a third party
15 verification, either business records or corroboration of
16 these allegations in some manner?

17 A In my area, I believe that would be
18 absolutely true.

19 MR. RAMAGE: Thank you.

20 CROSS EXAMINATION

21 BY MS. GREEN:

22 Q Good evening, Ms. Dunn.

23 A Good evening.

24 Q I just have a few questions for you. By now
25 I'm sure you know what the first question will be.

1 Before your involvement in this proceeding, how aware
2 would you say that you were of the various Custom
3 Calling features that have been discussed?

4 A Of the ones discussed in my testimony, no
5 information.

6 Q And have you heard of new ones throughout
7 this proceeding?

8 A Yeah. I've heard of several that I probably
9 cannot pronounce. (Laughter)

10 COMMISSIONER BEARD: I'm warming up to you
11 big time. (Laughter)

12 A I'll tell you where I'm from later.

13 Q Previously, you were discussing the fact that
14 battered women are often not in the state of mind to be
15 learning about these types of services. How would you
16 propose getting more education out to them?

17 A Boy, that's a really tough question. We find
18 that battered women who are chronically battered -- and
19 that's usually what shelters deal with; if people were
20 not chronically battered, they probably would not need
21 the services that we have -- are often quite depressed.
22 And clinically, we find that people who are depressed
23 don't do a whole lot of reading, especially reading of
24 advertisements and things like this. They might read
25 self-help materials, but I find it difficult to see how

1 you can package this information as something that's
2 self-help.

3 The places of contact for battered women with
4 us is law enforcement, State's Attorneys offices,
5 doctors offices and emergency rooms and attorneys
6 offices. So I find it very difficult to figure out the
7 way to reach battered women. I would suspect that it
8 would be AFDC and food stamp offices, although you
9 heard testimony earlier from Ms. Phoenix that this is
10 not a particular ailment of society that is based in
11 one particular class or segment of society. It crosses
12 all socioeconomic lines and not every battered woman
13 goes to the AFDC or food stamp office. So I'm at a
14 loss to tell you the answer to that question.

15 Q What is your position as far as a shelter's
16 ability to take on responsibility for either a
17 certification or a listing process for blocking?

18 A Well, as a director of a program, I can tell
19 you that logistically it would be a nightmare. I don't
20 have enough staff as it is; and to ask someone on my
21 staff to perform a duty like that would be impossible.
22 But from a liability standpoint, I kind of like the
23 word that Ms. Phoenix used, and that was, "suicide." I
24 don't think that my agency can buy enough insurance to
25 allow us to do something like that.

1 There are case studies, if I could remember
2 them off the top of my head I would, in point. The
3 Thurman v. the State of Ohio? Pennsylvania? Somewhere
4 -- there was the Tracy Thurman story which was
5 documented in a TV movie and it was also a actual case
6 study in a northeastern state in which she repeatedly
7 tried to get assistance from law enforcement and could
8 not; and eventually she was maimed and won in a
9 substantial lawsuit because she tried to get help and
10 there was documentation that she had done that.

11 And I see, when women come into my shelter,
12 many of them know that story and many of them know that
13 there was a lawsuit. And quite often, they mention the
14 fact that when they're angry with the police,
15 especially, or their attorney or someone else, they
16 quite often mention that particular story, saying that
17 if they survive, they hope their family will do
18 something about it.

19 So when they remind me of the liability
20 behind what I do, I find it very difficult to want to
21 accept more liability beyond what I'm already faced
22 with.

23 Q Well, now, if it were up to you what the
24 decision would be from this Commission, what is your
25 number one position? Are you totally opposed to Caller

1 ID in any fashion? Is that your primary position?

2 A That would certainly be my primary position.
3 But I think that, given all of the other information
4 that we have and knowing that that might not be a
5 possibility, I think that universal Call Block would be
6 my No. 2 position.

7 Q And by that, you mean that it's available to
8 all subscribers without the need to do anything to get
9 it?

10 A Yes. I can't imagine having to sign up for
11 something like that, or asking my clients or the
12 victims of domestic violence in my city to do something
13 like that.

14 Q Now, an earlier witness expressed a definite
15 preference for per-line blocking. Where does that fit
16 in your position?

17 A Well, when I say universal, I mean universal
18 line block, not per call. Does that clarify?

19 COMMISSIONER BEARD: Let me stop you just a
20 minute. Because if I understand what you're saying,
21 you're saying that whenever you signed up for phone
22 service you would automatically have line blocking with
23 it?

24 WITNESS DUNN: Yeah.

25 COMMISSIONER BEARD: That would in effect be

1 saying no Caller ID?

2 WITNESS DUNN: In my mind, it would be.

3 COMMISSIONER BEARD: Then your second position
4 is the same as your first position, no Caller ID?

5 WITNESS DUNN: Yeah. I said it twice.

6 (Laughter)

7 CHAIRMAN WILSON: Any more questions?

8 MS. GREEN: Just one.

9 Q (By Ms. Green) Have you considered the
10 possibility that even if Caller ID was not allowed in
11 Florida that it could be allowed in other states?

12 A Have I considered that?

13 Q Yes.

14 A I know that it's offered in other states.

15 Q And that some day they may be connected, even
16 though that it's not allowed in Florida?

17 A Yeah. And I refer back to what I said
18 originally about being afraid of the technology. I
19 know there has been some discussion in here about the
20 ability of the technologies to blend as they merge
21 systems and it is kind of difficult for me to imagine
22 what we can do about that. I understand now that long
23 distance calls cannot be, cannot infiltrate that
24 system, is that correct? If I call out of state, they
25 don't know my number from another state?

1 Q As to Caller ID, that is apparently the case
2 right now, because the interconnections don't exist.

3 A And my fear is that certainly in the future
4 that particular feature will change.

5 MS. GREEN: Thank you very much.

6 WITNESS DUNN: Thank you.

7 COMMISSIONER BEARD: Real quick. The 800,000
8 figure that was expressed earlier --

9 WITNESS DUNN: 80,000?

10 COMMISSIONER BEARD: Pardon me? I thought I
11 heard 800,000 --

12 MS PHOENIX: We're saying one in 10 women
13 come to our shelters and we extrapolate that.

14 COMMISSIONER BEARD: I'm sorry. I thought I
15 heard 800,000 phone contacts to the 29 shelters.

16 MS. PHOENIX: 80,000.

17 WITNESS DUNN: 80,000.

18 COMMISSIONER BEARD: 80,000. Okay. Let me
19 focus just a minute. When you begin to make decisions
20 and/or try to fashion remedies for varying people, of
21 the 80,000, some of those obviously are repeat calls.
22 They're contacts with the same individuals. Do you
23 have a figure that more closely approximates the number
24 of people that we're dealing with in contacts?
25 Understanding the iceberg effect, I'm not trying to

1 take that out, but I'm just saying do you have any kind
2 of a figure that would represent --

3 WITNESS DUNN: I don't know. I know that
4 locally, my particular crisis hot line, we took 5,000
5 calls. We believe that less than -- we believe that
6 probably approximately -- and, boy, I'm grabbing this
7 figure from somewhere, I can't remember where I got
8 this number -- but a little over 3,000 of them were
9 nonrepeated calls, or nonduplicated, as we would say.

10 COMMISSIONER BEARD: That's 5,000 over a
11 year?

12 WITNESS DUNN: Per year.

13 COMMISSIONER BEARD: Okay. So you would be
14 looking at approximately 3,000 of those were one-call
15 events, if you will?

16 WITNESS DUNN: We believe so.

17 COMMISSIONER BEARD: And then you would of
18 sorts having a more, a longer basis relationship with a
19 clientele of close to 2,000 people?

20 WITNESS DUNN: A longer term relationship?

21 COMMISSIONER BEARD: Well, in that you got
22 more than one call, more than one contact?

23 WITNESS DUNN: Well, it would probably be a
24 little less than 2,000 from my understanding of what
25 we've done.

1 COMMISSIONER BEARD: Okay. Is that some kind
2 of a figure that I might even real rough be able to
3 carry to the bigger 80,000 figure?

4 WITNESS DUNN: Well --

5 COMMISSIONER BEARD: Or would that just be
6 happenstance?

7 WITNESS DUNN: I would say, you know, you can
8 subtract a third, maybe. You know, that's just
9 grabbing at straws. That's just a guess.

10 I'll tell you that we sheltered in Polk
11 County, which is my county, we sheltered 670 women and
12 children last year. And, you know, I don't know how
13 many of those were potential phone customers. My
14 perception is that a great deal of them would have been
15 because many, most of those people left shelter to
16 establish their own residences as opposed to doing
17 something else, like moving in with family.

18 COMMISSIONER BEARD: Okay, thanks.

19 CHAIRMAN WILSON: Any other questions? If
20 not, thank you very much.

21 We're going to take a 10-minute break and
22 come back for a big finish with Mr. Mayne.

23 (Brief recess.)

24

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25 COMMISSIONER GUNTER: All right, let's get

1 started.

2 (Witness Mayne sworn.)

3 MR. MATHUES: I have a slight housekeeping
4 matter to attend to before I call Mr. Mayne.

5 COMMISSIONER BEARD: I have never heard Mr.
6 Mayne referred to as a housekeeping matter before, but
7 go ahead.

8 MR. MATHUES: That's one of our other
9 divisions.

10 During the break we circulated a package with
11 two exhibits. The one marked GWM-1, due to my
12 inadvertence, was not included with Mr. Mayne's
13 rebuttal testimony, but it was mentioned therein. I
14 mailed this to all parties immediately following the
15 filing of that rebuttal testimony, but I wanted to make
16 sure that everybody had a copy, so it has been
17 circulated.

18 GWM-2 is the same documentation that was
19 circulated at the start of yesterday's hearing, and Mr.
20 Mayne will identify it.

21 GLENN W. MAYNE
22 appeared as a witness on behalf of the Department of
23 General Services of the State of Florida and, having
24 been duly sworn, testified as follows:

25 DIRECT EXAMINATION

FLORIDA PUBLIC SERVICE COMMISSION

1 BY MR. MATHUES:

2 Q Please state your name, sir?

3 A My name is Glenn Mayne.

4 Q What is your business address?

5 A 2737 Centerview Drive, Suite 110, Knight
6 Building, Tallahassee, Florida 32399.

7 Q And what is your current employment?

8 A I am the Director of the Division of
9 Communications in the Department of General Services.

10 Q Have you previously prepared and caused to be
11 filed in this proceeding direct testimony consisting of
12 six pages?

13 A Yes.

14 Q Do you wish to make any changes to that
15 testimony at this time?

16 A The only change is to pick up the exhibit
17 GWM-2 based on the actions that have taken place since
18 I filed the testimony, and the ascending of our policy
19 statement to the Governor and Cabinet on November 27th,
20 1990.

21 Q Is GWM-2 the only exhibit to your direct
22 testimony?

23 A Yes.

24 MR. MATHUES: I would like to offer GWM-2 as
25 an exhibit.

1 CHAIRMAN WILSON: What are you going to do
2 with GWM-1?

3 COMMISSIONER GUNTER: That's with the
4 rebuttal testimony.

5 CHAIRMAN WILSON: Oh, that's with the
6 rebuttal testimony, that's right. That will be marked
7 as Exhibit No. 29.

8 (Exhibit No. 29 marked for identification.)

9 Q (By Mr. Mathues) And have you also caused to
10 be filed in this case rebuttal testimony consisting of
11 seven pages?

12 A Yes.

13 Q Do you wish to make any changes to that
14 rebuttal testimony?

15 A No.

16 Q Are there any exhibits to that rebuttal
17 testimony?

18 A GWM-1 is an exhibit referenced in that
19 testimony.

20 MR. MATHUES: At this time I would like to
21 offer GWM-1.

22 CHAIRMAN WILSON: It will be marked for
23 identification as Exhibit No. 30.

24 (Exhibit No. 30 marked for identification.)

25 Q (By Mr. Mathues) Are the answers in both your

1 direct and rebuttal testimony, reflecting the changes
2 you made today, true and correct?

3 A Yes.

4 Q If I asked you the same questions today,
5 would your answers be the same?

6 A Yes.

7 MR. MATHUES: At this time, I would ask that
8 both the direct and rebuttal testimony be inserted into
9 the record as if read.

10 CHAIRMAN WILSON: Without objection, both the
11 direct and rebuttal testimony will be so inserted into
12 the record.

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TESTIMONY OF GLENN W. MAYNE

1034

BEFORE THE

FLORIDA PUBLIC SERVICE COMMISSION

PROPOSED TARIFF FILING BY SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY

CLARIFYING WHEN A NON-PUBLISHED NUMBER CAN BE DISCLOSED AND

INTRODUCING CALLER ID TO TOUCHSTAR SERVICE

DOCKET NO. 891194-TL

QUESTION: Please state your name and business address.

ANSWER: My name is Glenn W. Mayne; my business address is 2737 Centerview Drive, Knight Building, Suite 110, Tallahassee, Florida 32399-0950.

QUESTION: By whom are you employed, and what is your position?

ANSWER: I am employed by the Division of Communications, Florida Department of General Services, as the Division Director.

QUESTION: Please summarize your background and experience.

ANSWER: I have sixteen years experience in data and voice communications in State government and was the principal architect of the Florida Information Resource Network, serving the Florida educational system. I participated in the design and implementation of the current SUNCOM Network and personally directed its ability to service integrated signalling requirements. In 1987, I served as Standards

1 Committee Chairman of the National Association of State
2 Telecommunication Directors and was instrumental in having
3 that body adopt a resolution in support of all states
4 adhering to the open system interconnect model for Local
5 Area Networks. After securing this resolution, I then
6 coordinated the implementation of this resolution with the
7 National Bureau of Standards.

8

9 QUESTION: What is the purpose of your testimony?

10 ANSWER: My purpose is to present the concerns, positions and desires
11 of the state agencies in Florida, pursuant to Chapter
12 282.102(21), Florida Statutes.

13

14 QUESTION: How would you define CALLER ID?

15 ANSWER: CALLER ID is a calling feature that allows a called party to
16 receive the telephone number of the calling party by means
17 of customer premise equipment, and to display the number
18 while the telephone is still ringing.

19

20 QUESTION: Should the blocking of CALLER ID be allowed by the Florida
21 Public Service Commission?

22 ANSWER: Yes, all customers should have the ability to receive
23 blocking of CALLER ID on a per call basis, free of charge.
24 To protect the lives and anonymity of the sensitive agency
25 (i.e. law enforcement officers, human services etc.)

1 operations, full time blocking should be available on a line
2 by line basis. The proposed annual certification is not
3 beneficial and the determination of which employees receive
4 per line blocking is a decision that the agencies should
5 make.

6

7 QUESTION: Does the Division of Communications have a policy for state
8 agencies concerning CALLER ID?

9

10 ANSWER: Yes, the policy was established on March 22, 1990 and reads
11 as follows: It is the policy of the State that if blocking
12 of CALLER ID is desired by any SUNCOM user, that such
13 blocking be available on a line by line basis. Blocking
14 should also be optional for each State telephone on a per
15 call basis or a blanket blocking of CALLER ID for all calls.
16 Optional blocking should be available to employees for all
17 State business calls made while they are away from their
18 office.

19

20 QUESTION: In your policy you refer to the SUNCOM user, are you
21 referring to the SUNCOM Network as a long distance
22 communication service?

23 ANSWER: No, I am not. The SUNCOM Network by definition in Chapter
24 282.103(1) Florida Statutes includes both local and long
25 distance services; therefore; in regards to CALLER ID I am

1 referring to local service SUNCOM users.

2

3 QUESTION: What are the benefits of CALLER ID to state agencies?

4 ANSWER: I think the potential for benefits to state agencies in
5 providing their responsibilities to the people of Florida is
6 vast. CALLER ID could minimize the amount of time it takes
7 to identify a caller calling a state agency seeking the
8 status of an application, certificate, driver's license, or
9 a legislative bill. This would require, of course,
10 considerable effort on our part in the development of
11 automated applications to take advantage of this feature.

12

13 QUESTION: With all these benefits, why would a state agency want to
14 block its telephone number from being displayed when calling
15 the public?

16 ANSWER: There are many reasons for a state agency to desire
17 blocking. The most obvious ones being the life threatening
18 situations of the state's law enforcement officers and human
19 services employees. Other reasons include the investigative
20 operations of the Office of the Auditor General, Office of
21 the Comptroller, Department of Legal Affairs, the purchasing
22 functions of the numerous departments during contract
23 negotiations and the various inquiries of the Legislature.

24

25 QUESTION: Mr. Mayne, are you aware that the call trace feature is

1 similar to the CALLER ID feature?

2 ANSWER: Yes, but there is a big difference. Call trace is for the
3 protection of the public from harassing and threatening
4 phone callers. Call trace provides legal documentation of
5 the caller's telephone number. Presently the problem is the
6 call trace feature is not easily available. In other words,
7 it does not do the job intended.

8

9 QUESTION: Call return is also a feature that is similar to CALLER ID,
10 how do you feel about its affect on state agencies?

11 ANSWER: Call return could be detrimental to law enforcement
12 operations and human services organizations, as well as
13 annoying to any state agency if abused by the called party.
14 For these reasons, it is very important for the blocking of
15 CALLER ID to prevent the completion of call return when
16 activated by the called party.

17

18 QUESTION: Is CALLER ID in the public interest?

19 ANSWER: Yes, if implemented properly!

20

21 QUESTION: In your opinion, what is proper implementation?

22 ANSWER: Proper implementation would allow for free CALLER ID
23 blocking on a per call basis to everyone. To further
24 protect the sensitive agencies discussed previously, per
25 line blocking should be available at the desire of the state

1 agency. The public needs to be educated on the impact of
2 the feature on their lives and to fully understand the
3 ramifications of CALLER ID. At present, CALLER ID has been
4 promoted as a feature for protection against obscene
5 callers. Call trace can handle that problem safely and
6 should be required to do so, without endangering the called
7 party further. CALLER ID should be promoted for it's
8 potential in the information age as an aid to information
9 services. The public has a right to decide if it is best
10 for them to display their number, not the telephone company.
11 The long range implications of CALLER ID as a data
12 collection and processing mechanism are far reaching and
13 really not understood by the public. Unchecked
14 implementation can have wide-spread negative impact on
15 individual privacy and the way large users of
16 telecommunications services do business. We need to grow
17 into this offering in a planned fashion and not have it
18 forced upon an uneducated and unknowing subscriber
19 community.

20

21 QUESTION: Does this conclude your testimony?

22 ANSWER: Yes.

23

24

25

1 BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

2 REBUTTAL TESTIMONY OF

3 GLENN W. MAYNE

4 DOCKET NO. 891194-TL

5 Q. Please state your name and business address.

6 A. My name is Glenn W. Mayne; my business address is 2737
7 Centerview Drive, Knight Building, Suite 110, Tallahassee,
8 Florida 32399-0950.

9 Q. By whom are you employed, and what is your position?

10 A. I am employed by the Division of Communications,
11 Florida Department of General Services, as the Division
12 Director.13 Q. Mr. Mayne, have you reviewed the testimony of A.
14 Rebecca Dunn and Joyce M. Brown?15 A. Yes, I have reviewed each of their testimonies which
16 were prefiled in this case.17 Q. Do you agree with Ms. Dunn's statement on page 5 of her
18 prefiled testimony lines 22 through 25 and Ms. Brown's
19 statements on page 4, line 4, and page 5, line 18, of her
20 prefiled testimony that caller identification blocking would
21 block the transference of a caller's number to 9-1-1?22 A. No, I do not. It is my understanding that the caller's
23 number would display on the 9-1-1 system if the 9-1-1 system
24 had Automatic Number Identification (ANI) capabilities, even

1 if the caller used per call blocking when placing the call
2 or had line blocking where all calls would be blocked. At
3 the February 20, 1990, agenda conference, Mr. Marshall
4 Criser of Southern Bell assured the Division that this was
5 true. He said clearly that the transference of the numbers
6 to the 9-1-1 Emergency Systems will not be affected by the
7 use of blocking of CALLER ID deliverance.

8 Q. What would your reaction be if in fact the blocking of
9 CALLER ID display also blocked the transference of the
10 calling party's number to the 9-1-1 Emergency Telephone
11 Number System.

12 A. I would be totally opposed to the implementation of
13 CALLER ID. Along with my responsibilities to state
14 agencies, as the Director of the Division of Communications,
15 I am also the Director of the Statewide Emergency Telephone
16 Number 9-1-1 System. In these capacities, I can not support
17 a custom calling feature that would endanger the lives of
18 state employees and the public either by the display of
19 their telephone number or the lack of display in an
20 emergency situation. Both Ms. Dunn and Ms. Brown are
21 exactly correct, it would be intolerable for CALLER ID
22 blocking to prevent the presentation of any and all
23 available Automatic Location Identification (ALI) data after
24 calling 9-1-1.

1 Q. Mr. Mayne, are you familiar with the Joint Task Force
2 on State Agency Law Enforcement Communications?

3 A. Yes, I am. The Joint Task Force was formed in 1984 by
4 executive order and by statutes in July, 1988, by addition
5 to Chapter 282, Florida Statutes.

6 Q. Please tell us the function of this Joint Task Force.

7 A. The Joint Task Force was established to acquire and
8 implement a statewide radio communications system to serve
9 state agency law enforcement.

10 Q. What agencies are represented in this Joint Task Force?

11 A. The Joint Task Force is composed of five members,
12 consisting of representatives of the Division of Alcoholic
13 Beverages and Tobacco of the Department of Business
14 Regulation, the Division of Florida Highway Patrol of the
15 Department of Highway Safety and Motor Vehicles, the
16 Department of Law Enforcement, the Game and Fresh Water Fish
17 Commission, and the Division of Law Enforcement of the
18 Department of Natural Resources.

19 Q. What is the Division of Communications' relationship to
20 the Joint Task Force?

21 A. The Division provides technical support to the Joint
22 Task Force Board of Directors and is responsible for the
23 design, engineering, acquisition, and implementation of the
24 current pilot project of what we feel will eventually evolve

1 into a statewide radio communications system.

2 Q. Mr. Mayne, are you familiar with the prefilled
3 testimony of Nancy H. Sims?

4 A. Yes.

5 Q. On page 9, lines 14 through 21, Ms. Sims states that
6 law enforcement may have a problem with caller ID, but she
7 believes that Southern Bell has met their concerns. Are you
8 aware of Southern Bell offering the Joint Task Force an
9 acceptable solution to the display of a law enforcement
10 telephone number when an officer is patched from the state
11 agency law enforcement radio system to the local telephone
12 network?

13 A. No, I am not. I am not even aware that this issue has
14 been addressed by the industry. The pilot project for this
15 radio system is not complete and operational presently, so I
16 am sure it was an oversight of the telephone industry, but
17 it highlights how impossible it is to identify all these
18 situations that warrant alternatives to the display of the
19 calling party's number.

20 Q. Does the Board of Directors of the Joint Task Force
21 have a position on the Caller ID?

22 A. Yes, they support the policy of the Division of
23 Communications as stated in my prefilled testimony. Exhibit
24 1 of this rebuttal testimony is the "Joint Task Force on

1 State Agency Law Enforcement Radio Communication, Statement
2 on Caller ID".

3 Q. Would the Division of Communications' policy
4 accommodate the patched radio to telephone scenario
5 described previously?

6 A. Yes, the option of either per call blocking or line
7 blocking would give us the flexibility in the radio system
8 to resolve this problem of displaying a law enforcement
9 telephone number through the radio system into the public
10 switched network.

11 Q. Mr. Mayne, are you familiar with the prefiled testimony
12 of William C. Jones, Jr., a witness on behalf of United
13 Telephone Company of Florida?

14 A. Yes, I have read it.

15 Q. Did Mr. Jones have two definitions of CALLER ID which
16 he described on page 2, beginning with line 17?

17 A. Yes. There was one broad definition applying to the
18 feature which United calls Calling Party Identification
19 (CPID) in which there is the capability of passing a range
20 of information (including telephone number) about the
21 calling party through the network. Then there is a second,
22 more selective feature within CPID that passes only the
23 calling party's telephone number. United calls this Caller
24 ID.

1 Q. In your prefiled testimony on page 2, lines 15 through
2 18, you defined CALLER ID in the more specific sense that
3 Mr. Jones describes. Is that a correct statement?

4 A. Yes, it is. But I certainly agree with Mr. Jones' more
5 broad definition. I feel Mr. Jones' reference in his
6 testimony to calling party name, address or personal
7 identification codes, as well as industry documentation on
8 CCSS7, establish the capability as well as the intent of the
9 telephone industry to expand the information passed along
10 with the telephone number to include more details concerning
11 the calling party. I further believe that subscribers have
12 the right to know how and when such expanded information
13 about them is being used. This Commission must carefully
14 consider how to regulate and/or monitor the use of such
15 information so that its use does not adversely affect the
16 subscribers' privacy, the day-to-day operation of their
17 businesses, or present a situation where others may use this
18 information in a harmful manner.

19 Q. Then on page 2, line 20 of your prefiled testimony
20 concerning the correctness of allowing blocking of CALLER
21 ID, did you mean just the calling party's number should be
22 blocked or any information that may be transferred in the
23 future?

24 A. In my testimony I addressed the telephone number only,

1 but if the information transferred with the number increased
2 from the seven digit number to include name, address, etc.,
3 then I would recommend that blocking cover all information
4 passed with the telephone number.

5 Q. Does this conclude your rebuttal testimony?

6 A. Yes, it does.

1 Q (By Mr. Mathues) Mr. Mayne, do you have a
2 summary of your testimony.

3 A Yes, I do.

4 Q Would you share that with us, please?

5 A Thank you.

6 Mr. Chairman, members of the Commission, it
7 is my privilege to come before you and talk about the
8 docket.

9 Caller ID is an issue that we are very much
10 excited about in the Division of Communications. I
11 would like to address that from three different
12 perspectives, based on the fact that we deal with a
13 wide variety of communication services in our division.

14 The first of those objectives is: how could
15 we utilize this technology and this service in our role
16 as being a purveyor of communication services to state
17 and local government through the SUNCOM network.

18 Assuming that Caller ID is deemed by Florida
19 to be legal, and we feel like this can be a very
20 valuable addition to the SUNCOM portfolio of services
21 that we offer, as long as it is implemented in a
22 fashion that lets our subscribers learn how to use it
23 and when to use it. And those, I think, are two very
24 important issues.

25 We believe that the policy statement, as we

1 set it forth in front of the Governor and Cabinet
2 earlier this week, is a mechanism which will permit
3 Caller ID, with no cost per-line and per-call blocking,
4 to be an equitable way to satisfy this concern. Let me
5 expand a little bit more on that.

6 If we are going to use this facility as an
7 informational aid, and we believe that it can be used
8 as an informational aid and not nearly so much as a
9 solution to harassing calls or perhaps threatening
10 calls, we believe that Call Trace is a much better way
11 to handle that.

12 But from the standpoint of using Caller ID as
13 an informational aid, we feel like there are numerous
14 agencies that could take advantage of that by
15 integrating this signaling into their current use of
16 information management and come up with a better way to
17 deliver either services or information back to the
18 public in general, or to other agencies.

19 Now, in order to do this, we are going to
20 have to have some time to develop those automated
21 applications that can properly take this into account.
22 That's some fancy words, Commissioners, for writing the
23 computer programs in our various repositories of
24 information that we need to be able to sample this
25 signaling, interpret what we see coming off of it, and

1 properly display either information or responses to
2 queries that we have coming in our agencies.

3 There is interest in doing this right now
4 today. We have recently been asked to chair a subtask
5 that would look at implementing these types of services
6 in three of our agencies: the Secretary of State's
7 Division of Corporations is interested in it, our
8 Department of Education and their Teacher Certification
9 and the great volumes they deal with are interested in
10 it, and our Department of Insurance is very interested
11 in this technology also. And we are at this time
12 beginning to do the research that we feel like will
13 cause those three agencies to be able to come up with
14 an application that can integrate these technologies.

15 Why do we need time to do that? I think
16 there is a two-fold reason. It takes us a little time
17 to go through the appropriations process and get the
18 funding that we need to develop these applications, and
19 then to pull together the resources and write these
20 computer programs. That's the first instance.

21 But the second instance: we are dealing with
22 a very radical change in the way the state and local
23 government will be delivering services. We can't
24 expect to get that first design out and hit it right on
25 the head. It's my belief, and I think this is shared

1 by the majority of our information resource managers
2 that I have talked to in both state and county
3 governments, that we can give it our best shot. But
4 we're going to have to fine tune this, both from a
5 human factor standpoint and from the standpoint of how
6 can we best take this signaling, arrive and decide at
7 what needs to be returned with it, and then give the
8 answer back to whoever the query is generated by.

9 In the process of that, without a doubt, we
10 are going to make some people angry. We are going to
11 get some people fed up with us, and we are going to
12 have some folks that are not too happy with the way we
13 do that. We feel like that the ability for the public
14 to do a per-call blocking when they call in in these
15 instances will greatly ease that particular instance.

16 The second thing that I would like to address
17 is as we begin to put that together and fine tune these
18 applications, we are going to learn much more about
19 what we can do with this signaling. I would
20 conjecture, and propose to you today, that what we are
21 talking about is not just the display of a seven-digit
22 phone number. I don't we are even talking about the
23 display of a ten-digit phone number. It is my belief
24 that what we are talking about is a radical change that
25 can feature a goodly amount of information that flows

1 in with a traditional telephone channel and that this
2 information can be put to good purposes as we begin to
3 learn how to use this technology.

4 So I think the decision before us today is
5 much more than just whether or not we let folks look at
6 a seven- or ten-digit phone number. I think we're
7 looking at a radical change that can feature a lot of
8 information, and we believe that we can use that in a
9 very, very good fashion.

10 Another concern that you have heard a lot
11 about today is that we know that we have the need to
12 safeguard those agencies and those offices that we
13 serve, in both state and local government, whose jobs
14 may put them in a situation where harm or damage may
15 come to either their clients or to the employees of
16 those offices. We feel like per-call and per-line
17 blocking is an equitable way to protect those users of
18 ours that have this circumstance, but yet at the same
19 time let state and local government move forward with
20 the development of these applications.

21 So from the standpoint of the SUMCOM network,
22 we approach it very positively; we would very much like
23 to use this service, but only under the conditions as
24 we have set forth in our policy for the reasons that I
25 have stated.

1 Now, let me go into the second area that I
2 wanted to address with you and that we have some
3 concern, and that is of Enhanced 911. Over the past 14
4 years we have put together a 911 system on a statewide
5 basis of which the majority of that system right now is
6 Enhanced 911, and it services about 97% of our
7 population. We feel like that this is a very, very
8 important thing to our citizens, and we would be very
9 much opposed if anything introduced by the telephone
10 industry in the state of Florida adversely altered our
11 ability to continue to not only deliver that 911
12 service, but to continue to expand it. Because our
13 goal is to not stop until we have 911 available in all
14 67 counties, reaching 100% of our population.

15 We have some concerns that the industry has
16 talked to us and assured us that Caller ID will not
17 impede our ability to continue to deliver those ANI and
18 ALI information that we need for Enhanced 911. We need
19 you to help us ensure that that's, indeed, what
20 happens.

21 The third area that I would like to address
22 that we have some concerns with is our statewide joint
23 task force radio communication system. We are in the
24 process right now of conducting a pilot project that
25 runs from Key West up to West Palm Beach. We are going

1 to put in a common radio system that features a
2 technology that's known as 800 megahertz trunked radio.

3 What we are doing is involving five agencies
4 over the next couple of years to see can we, indeed,
5 take this technology, have a common radio system, and
6 service multiple agencies. What that means for us, in
7 terms of Caller ID, is that we will the capability for
8 various radios to come over the radio frequency link,
9 be transferred on to a microwave backbone system that
10 will at an entry point present itself into the public
11 switched network so that calls into the public switched
12 network can be made.

13 But our question is: we've got a situation
14 right now in our pilot project where we involve two
15 different phone companies; we're in Southern Bell's
16 area and we're in United's area. We are going to have
17 these interface points in both of those areas. We've
18 got radio towers and little squirrely waves that go
19 out of those towers that don't necessarily adhere to
20 you all's LATA boundaries. I mean those radio waves
21 just keep going. And when they cross over that
22 boundary, it's going to be very difficult for us to say
23 whether we, in this particular area, when we take that
24 call down off the frequency link and put it on a
25 switched network, or whether we're in another

1 territory.

2 The other thing is if we are talking about
3 five different agencies, we are not going to know which
4 one of the employees of which one of those five
5 agencies would be using that telephone system at any
6 given point. With the trunked radio system who used
7 that particular patch five minutes ago may, indeed, be
8 different from who is using it right now.

9 So from that standpoint we question what
10 value is it to have anything associated with that trunk
11 go out as Caller ID. That is an example of one case
12 where we feel like that having a per-line block would
13 be to the benefit as we begin to do this pilot project.
14 Now, that doesn't mean that we would always want to do
15 that. At some point we may be able to learn how to use
16 it and reintroduce that. But for right now we feel
17 like that per-line blocking would be the best way for
18 us to approach this project as we conduct this pilot
19 experiment.

20 That's the conclusion to my summary,
21 counselor.

22 MR. MATHUES: Mr. Mayne is available for
23 cross.

24 COMMISSIONER MESSERSMITH: Does that mean
25 you're an ISDN evangelist?

1 WITNESS MAYNE: Commissioner, our position
2 has been that we believe that we understand what ISDN
3 can do for us, as well as anyone can right now. I
4 think there's still some of that "I still don't know"
5 associated with the technology. We believe that the
6 basic functions that we want to serve to our
7 constituents can be met with the ISDN technology if it
8 fully matures. We're waiting for that to fully mature
9 and be able to be introduced into our network.

10 COMMISSIONER BEARD: As to the task force,
11 when someone, I assume, is out on surveillance, okay,
12 and that's what appears to be occurring here, they're
13 generating off of a cellular device, or off a radio?

14 WITNESS MAYNE: It's a radio; it's a
15 hand-held radio. And the way the trunk system works is
16 you assign a certain number of channels to a cell site;
17 just like cellular, very similar. In fact, it's in the
18 same part of the radio spectrum that cellular occurs
19 in. That hand-held radio can be used to query a
20 dispatcher with a code and asked to be sent across a
21 patch panel at the dispatch station that would go onto
22 a public switched trunk. Once that connection is
23 established, then dial tone is presented back to the
24 hand-held radio.

25 COMMISSIONER BEARD: In what form or fashion

1 will Caller ID identify -- let me back up.

2 What will the Caller ID -- I meant the end
3 result, and let's say you're calling a pusher, or
4 whatever you're doing, okay, and the pusher has got
5 Caller ID. Okay. Do you know what that Caller ID box
6 will identify as the number? Obviously, it won't
7 identify the hand-held radio.

8 WITNESS MAYNE: No, he'd show the trunk.
9 He'd show the trunk of that connection, wherever that
10 cell site was. Excuse me, the phone number of the
11 trunk.

12 COMMISSIONER BEARD: Why then, if it's in the
13 same band and spectrum, why then wouldn't a cellular
14 call do the same thing, go back to that cell site?

15 WITNESS MAYNE: Well, I think on the cellular
16 call, you could see the trunk if you had it programmed
17 properly.

18 COMMISSIONER BEARD: But it, in fact, shows
19 O.

20 WITNESS MAYNE: The cellular phones shows O
21 now because they do it in the switch, is my
22 understanding.

23 COMMISSIONER BEARD: Why wouldn't they be
24 able to do in the switch the same thing for you that
25 they can do for the cell site? They are both cell

1 sites, I assume.

2 WITNESS MAYNE: There's a possibility that we
3 could do that. I hadn't really thought about that,
4 Commissioner.

5 COMMISSIONER BEARD: It may well be that the
6 per-call blocking is still the thing to do, but I was
7 just curious as to the differentiation between those
8 two, other than radio waves.

9 WITNESS MAYNE: Now that you have mentioned
10 it, I think that there is a possibility that we could
11 do that.

12 CHAIRMAN WILSON: Are you familiar enough
13 with the per-line blocking to be able to tell me
14 whether you could disable per-line blocking? If I had
15 per-line blocking on my phone and I was calling an
16 information service provider who wouldn't accept a call
17 unless it carried my telephone number ID, can I disable
18 it on a per-call basis, or once I have per-line
19 blocking that's it?

20 WITNESS MAYNE: I believe that you would have
21 to have that done by a command issued in the switch. I
22 do not believe that you could do that from your
23 telephone.

24 COMMISSIONER BEARD: You mentioned the State
25 Department, the Education Department and the Insurance

1 Department on Caller ID. I'm assuming that they would
2 be interested in utilizing the Caller ID aspect of that
3 for an incoming call?

4 WITNESS MAYNE: That's correct.

5 COMMISSIONER BEARD: That they could either,
6 one, more readily facilitate or, two, capture the
7 information they might otherwise need?

8 WITNESS MAYNE: That's correct.

9 COMMISSIONER BEARD: So your concern there
10 isn't blocking; your concern there is the appropriate
11 ability to utilize Caller ID?

12 WITNESS MAYNE: I think it boils down to
13 setting up the application in those three agencies
14 where we do have a great amount of call volume, and we
15 have a call volume that's usually looking for
16 something. The Division of Corporations, people want
17 to know what the corporation registry number is.
18 Teacher certification, folks want to know whether or
19 not they have been certified for the next year. And
20 insurance, the insurance companies want to know what
21 status they have on a given request they have coming in
22 to the Department of Insurance.

23 So I think if we take a given segment of
24 those agencies and develop that application and set up
25 that particular phone system to accept Caller ID, yes,

1 we feel like we can put it to very good use.

2 COMMISSIONER BEARD: So your only concern
3 there is that you can't get it in time, properly, fast
4 enough, without making some customers angry, and so you
5 would give them per-call blocking in the interim until
6 you can keep from getting them angry and, hopefully,
7 you'll make fewer of them mad.

8 WITNESS MAYNE: That's one of our reasons,
9 yes, Commissioner.

10 COMMISSIONER BEARD: Well, I don't understand
11 then, what are the other reasons that you think
12 per-call blocking would help in the instance where
13 you're trying to develop Caller ID?

14 WITNESS MAYNE: Where we're trying to develop
15 it?

16 COMMISSIONER BEARD: Yes.

17 WITNESS MAYNE: I think where we're trying to
18 develop it we wouldn't have any need for per-call
19 blocking other than in that instance.

20 We're looking at implementing Caller ID on
21 the entire network. So what we would be interested in
22 having per-call blocking so that we could offer that as
23 a service to those people who did not want to have the
24 phone number go out from their state offices.

25 COMMISSIONER BEARD: Okay. You want per-call

1 blocking outgoing as opposed to ingoing?

2 WITNESS MAYNE: Yes, sir.

3 COMMISSIONER GUNTER: Out-calling.

4 COMMISSIONER EASLEY: Let me -- if universal
5 per-call blocking were available free, how much use
6 would you get out of those programs you're wanting to
7 put into State, and Insurance, and the rest of it?

8 WITNESS MAYNE: That's a very good question.
9 I guess one of the things that -- I've had a lot of
10 folks talk to me about that, Commissioner. My feeling
11 is that we seem to make a lot more progress when we
12 give folks a choice. There's an old adage that if your
13 goal is to try to catch flies, you're probably going to
14 do a lot better with honey than with a baseball bat.
15 And I believe that

16 I believe that if we could give the option
17 open to develop those applications, and to show both
18 the other agencies and local government and the public
19 that we can offer them something good; that we're going
20 to let that service grow and expand on its own merit;
21 we're not going to push it on them, we're going to
22 demonstrate that we can offer a good service, yes, I
23 think that there would be a lot of blocking initially;
24 yes, I think there's a lot of concern and a lot of that
25 blocking will probably come from folks who are just not

1 sure about whether they ought to block or not. But
2 over time I feel like that if we can develop a good
3 level of service and show that this is beneficial, then
4 that blocking is going to taper off gradually.

5 COMMISSIONER EASLEY: So for your purposes it
6 would have to be an optional per-call blocking and not
7 a per-line blocking?

8 WITNESS MAYNE: Yes, ma'am.

9 COMMISSIONER BEARD: Well, wait a minute,
10 because what I was hearing, I heard both options at
11 some point.

12 WITNESS MAYNE: Yes, you did.

13 COMMISSIONER BEARD: And I have two questions
14 written. The first question is who gets free per-call
15 blocking in your most perfect world today, everybody?

16 WITNESS MAYNE: Everybody.

17 COMMISSIONER BEARD: And who, in your most
18 perfect world, gets free per-line blocking?

19 WITNESS MAYNE: Whoever would request that
20 they have the per-line blocking. And I'm sure that in
21 our level of bureaucracy we would have some procedure
22 that we would go through in order to validate that. At
23 this time we haven't, you know, really developed that,
24 Commissioner.

25 COMMISSIONER BEARD: Well, I'm asking this in

1 a more universal sense than just governmental entities,
2 okay? Did I hear you say then that you would want free
3 per-line blocking for those individuals, agencies,
4 whatever term you want to use, that have been -- I hate
5 to use the word "certified" because that one has been
6 blasted pretty hard today -- that have been approved by
7 some internal mechanism to the governmental agency?

8 WITNESS MAYNE: We would like to have
9 per-call and per-line blocking at no cost optionally
10 available throughout the SUNCOM network.

11 Now, who would be eligible for the per-line
12 blocking, I would assume that we would have to have
13 some sort of a procedure to do that. But I don't know
14 the particulars of that.

15 COMMISSIONER BEARD: So you're not taking a
16 position of per-call or per-line blocking outside of
17 the SUNCOM network?

18 WITNESS MAYNE: No, sir, I'm not.

19 COMMISSIONER BEARD: Okay.

20 CHAIRMAN WILSON: Did I understand earlier
21 that your concern about per-line blocking was
22 principally for your radio system that you wanted to
23 have a time to figure out how it was going to work, and
24 you didn't want to have to bother with doing a per-call
25 blocking; you'd rather have line blocking until you

1 could get your system all fixed up to determine how you
2 are going to enter the network, and how it's going to
3 work. And at that point you may decide you don't need
4 line blocking anymore and it ought to be per-call?

5 WITNESS MAYNE: No, sir. That was only one
6 instance that we wanted line blocking. The line
7 blocking really was for the radio system, but also for
8 those agency offices that have a need to have a line
9 blocking. We have talked to some of the folks in our
10 human services agencies, and some of them have said
11 that their particular office may prefer to have line
12 blocking.

13 COMMISSIONER BEARD: What is their problem
14 with per-call blocking, in lieu of per-line blocking?

15 WITNESS MAYNE: The ones that I've talked to
16 felt like they would never want to have the number
17 going out. There were some certain instances where
18 they wouldn't want the number going out at all.

19 COMMISSIONER EASLEY: Are these SUNCOM
20 numbers, 488 numbers, or 487 numbers?

21 WITNESS MAYNE: Yes.

22 COMMISSIONER EASLEY: I'm having trouble with
23 that. If it's a state agency employee calling
24 somebody, chances are pretty good that somebody's going
25 to know they work for a state agency, right, pretty

1 good?

2 WITNESS MAYNE: Yes, ma'am.

3 COMMISSIONER EASLEY: I've got a book in my
4 office that has got every conceivable 488 or 487 number
5 cross-referenced by department, and by alphabetical
6 listing of the employee.

7 COMMISSIONER GUNTER: I'll bet there's some
8 that aren't in there.

9 COMMISSIONER EASLEY: Are there some that
10 aren't in there?

11 WITNESS MAYNE: Yes. There are some that
12 aren't in there.

13 COMMISSIONER BEARD: Well, in the some that
14 aren't in there, or for special uses, and I understand
15 what you're talking about.

16 WITNESS MAYNE: Yes, sir.

17 COMMISSIONER BEARD: And it's their assertion
18 that those lines are solely reserved for the functions
19 associated with those special services; they don't get
20 calls from their family, or vice versa, or whatever?

21 WITNESS MAYNE: That is correct.

22 CROSS EXAMINATION

23 BY MR. FALGOUST:

24 Q Mr. Mayne, isn't it true that there is CPE
25 available that will allow the programming of per-call

1 blocking to effectively create a line blocked from that
2 CPE? In other words, you could press in your per-call
3 block code, press in memory, and then until that memory
4 was released every call made from that CPE would be
5 blocked, isn't that correct?

6 A Obviously, you are going to have to have some
7 intelligence in that CPE in order to do that. I am
8 familiar with at least one work station that I have
9 seen demonstrated where you do have the intelligence
10 and the handset, and it is my recollection that I would
11 think that you could put in both the code and the phone
12 number and activate it from a command from the CPE
13 keyboard, so that you could enter whatever directory
14 you wanted to and activate that call blocking program
15 that way.

16 Q That would have the effect of making that
17 particular line a line block, wouldn't it?

18 A It would, anytime you activated the voice
19 channel from the keyboard. But if you just picked up
20 and dialed using the TouchTone pad, it would not go out
21 unless you entered the code on the device that I am
22 thinking about.

23 Q All right. But are you familiar with other
24 devices where you could press in the code and a memory
25 and it would then block the calling number delivery

1 until you removed the code?

2 A One doesn't come to mind, but it's certainly
3 something that I would think we ought to be able to do,
4 yes, sir.

5 COMMISSIONER BEARD: Actually, I could
6 probably program a code into my speed-dial one and hit
7 that before I dialed every number.

8 WITNESS MAYNE: Yeah. I would think that
9 would be something that --

10 COMMISSIONER BEARD: That's kind of a
11 primitive way of doing it.

12 WITNESS MAYNE: Yes, sir.

13 Q (By Mr. Falgoust) And it's your
14 understanding, Mr. Mayne, that that sort of system, as
15 suggested by Commissioner Beard, is available today?

16 A Yes, sir.

17 MR. FALGOUST: Thank you. That's all I have.

18 MR. BERG: No questions.

19 MR. MATHUES: No questions.

20 CROSS EXAMINATION

21 BY MR. DORAN:

22 Q Mr. Mayne, I'm Richard Doran from the
23 Attorney General's Office. A couple of questions for
24 you, please.

25 Could you explain for me your understanding

1 of how the Caller ID system would actually go through
2 the physical process of capturing the phone number and
3 providing it on the read-out?

4 A Well, my understanding is that when the
5 calling out-pulse is generated over the line that goes
6 back to the serving wire center, that as it enters that
7 serving wire center that pulse is trapped at that time.
8 It then goes over to a mass storage device of some sort
9 and picks up that particular dialed number, along with
10 the number that it's calling from, and determines the
11 routing. That routing then travels across the network
12 to wherever the calling number has the terminating
13 logic and circuitry in it. And then at that point that
14 number is transmitted to the calling device itself.

15 Q Now, as I currently understand the
16 technology, what the consumer would receive would be
17 the telephone number. But you seem to indicate to me
18 that there's a potential there for state government to
19 obtain further information?

20 A Oh, yeah, I believe that.

21 Q Would you please explain to me how much more
22 information could be captured?

23 A Well, we've tried to look quite a bit at
24 Common Channel System Signaling 7, which is what makes
25 this happen. And I think one of the Commissioners

1 already referenced ISDN.

2 If one goes back and looks at the formats and
3 protocols of CCSS 7, what you see in things like
4 calling number and called number, and a lot of your
5 normal addressing and management characteristics, in
6 terms of ones and zeros that those of us who like to
7 take ones and zeros and make them do things get a joy
8 out of looking at, you all would probably be pretty
9 bored to death with it.

10 But the interesting thing there is with -- in
11 a particular format, and I believe it's called the
12 initial address message that comes in, there is
13 reference in the definition of how you're going to line
14 up all them little ones and zeros down in that thing to
15 a calling number pointer and a called number pointer.
16 And then you've got reference in to calling number data
17 and called number data.

18 Now, if you spent a little time trying to
19 make these computers either do things for you or talk
20 to one another, you understand that pointers are
21 exactly that -- and I want to be careful with this
22 finger, I'm going to point over here (Laughter) -- that
23 a pointer is something that will give you a physical
24 address within an electronic device of some sort, and
25 it will point you to where you go next to pick up

1 either some more information or another address. So
2 you can either point right to where your information or
3 your data is that you're trying to get, or you could
4 point to another address, or series of addresses, that
5 may launch you off to go out and grab information.

6 Now, when I look at that and I read some of
7 the planning letters on the manufacturers of these
8 switches, there are references in there like processor
9 to processor communications has been made possible in
10 the CCSS 7 architecture so that on-line data base
11 queries, and external data base queries, are possible
12 and can be used for revenue-generating purposes and
13 feature enhancement.

14 Now, it don't take a nuclear physicist to
15 figure out what that's all about; I mean, that's pretty
16 clear, that you can either go in data bases associated
17 with the telephone industry, or you can decipher that
18 message coming off the terminating end of that line,
19 and you can issue a data base query to wherever you
20 want to as long as you've got the key, and the key is
21 really the telephone number.

22 Now, as far as the size of that goes, in
23 looking at some of the documentation that I've had a
24 chance to study over the last couple of years, I
25 believe we're getting to the point where we're up to

1 the level where we can handle the addressing -- and by
2 "the addressing" I mean the machine-to-machine
3 addressing -- we can handle the couple of numbers in
4 there, like the calling number and the called number.
5 We could probably go ahead and put some name and
6 address information in there, because we're up to the
7 place where we're over 130 or 135 characters in some of
8 the definitions that I've seen.

9 Now if you didn't want to put your name and
10 address in that particular package of information,
11 you've got beaucoup of space and codes that you could
12 use to use these pointers to point out to whichever
13 computer system or whichever disk file located wherever
14 it is that you wanted it to be located that you could
15 put that information together.

16 I will tell you that I am very, very
17 impressed with the architecture because it has a
18 significant expansion capability. And from a
19 standpoint of information management, I think it's
20 great. From the standpoint of how we're going to
21 figure out how to use it without getting ourselves all
22 knotted up in our underwear here, that's a problem for
23 these folks up here, I guess.

24 CHAIRMAN WILSON: Mr. Doran, could you
25 rephrase your question? (Laughter)

1 COMMISSIONER MESSERSMITH: Now you know how
2 we bought the 800 megawatt system.

3 COMMISSIONER EASLEY: Glenn, you're going to
4 have a court reporter come down here and point her
5 finger at you if you keep going at that speed.

6 WITNESS MAYNE: I'm sorry, excuse me.

7 MR. DORAN: I would ask you, Mr. Mayne, to be
8 a little more emphatic in your testimony.

9 COMMISSIONER EASLEY: Wishy-washy Mayne?

10 COMMISSIONER BEARD: He used to be indecisive
11 but now he's not so sure. (Laughter)

12 Q (By Mr. Doran) This architecture which
13 you've just detailed for the Commission, would that be
14 -- I'm going to try and understand this because I am
15 not a nuclear physicist. Would that be the type of
16 program or the type of information retrieval or capture
17 service that would be extremely valuable to a
18 commercial business?

19 A Oh, I think so.

20 Q As far as you're aware, are there businesses
21 or companies out there right now that the nature of
22 their business is to obtain and capture this
23 information and then sell it?

24 A Oh, there's no doubt about that. You know,
25 we have requests throughout state government to buy

1 name and address lists from just about every source.
2 Every part of our state government gets requests to do
3 that. And the other thing that I see is I see a
4 concerted effort on the part of the companies
5 themselves -- and the private sector -- to capture this
6 information.

7 Let's face it, whenever we go buy something
8 at a store, if we're going to use a check, what do they
9 ask for? They ask for your phone number. And when
10 you're going to use a credit card, what do they ask
11 for? They ask for your work phone number and your home
12 number.

13 I had an example last month where I got a gas
14 credit card, and I got my bill. I've had that credit
15 card for 20 years. And I had never called them and
16 they had never called me. And to the best of my
17 knowledge, I've always paid my bill, but yet they had a
18 thing on my bill that says, "Our records show that we
19 don't have your phone number. Please put your phone
20 number in this return address and send it in."

21 And like I say, why do they want my phone
22 number? And the answer is pretty obvious. I mean,
23 phone number is becoming as big a key as Social
24 Security number is in our society, and that's just
25 happening. Now, we can be afraid of that and we can do

1 a big brotherism and say we really got to watch out on
2 that, and I think we should be careful with it. But I
3 think we can also put it to very good use.

4 MR. DORAN: I have no further questions for
5 the witness.

6 COMMISSIONER BEARD: Commissioner Gunter got
7 asked for his last month and he gave them yours.

8 WITNESS MAYNE: Well, if they call us, we at
9 least talk the same, right, Commissioner? (Laughter)

10 CROSS EXAMINATION

11 BY MR. RAMAGE:

12 Q Mr. Mayne, a moment ago you said that
13 presently you thought there was room for the transfer
14 of data that might include the name and the address.
15 That leads to at least, as I listen to you, the
16 inference that in the near future or in the future
17 things might change and there might be an expansion.
18 Are you aware of any proposals to expand the data that
19 can be transferred or the ability to transfer even
20 greater data?

21 A Oh, yeah. I've seen examples of it working.
22 You know, the telephone industry has showed me in
23 various places. I've actually seen a demonstration of
24 using CCSS7 in a hypothetical example in a test mode in
25 one of the telephone companies where the call was made

1 to a work station, one of those little work stations
2 that had the CRT and the hand set on the side of it.
3 And the thing that impressed me is it was a simulated
4 bank record and the example being used was if you
5 wanted to call your bank and get some information done
6 about your bank account, here's what would happen. And
7 it was one of these little scenarios where the lady
8 picked up and said, "Good morning, Mr. Smith, I've got
9 your balance, what do you need to know?"

10 The thing that impressed me is the bank
11 balance is up on screen before the phone ever rang. So
12 yes, I think that's definitely in the test stage right
13 now.

14 Q Do you know which phone company provided that
15 demonstration to you?

16 A It was Southern Bell.

17 Q And would blocking the display or the
18 transmission of one's phone number through per-call
19 blocking or per-line blocking impact this type of
20 technology?

21 A That's what I was talking about when I said
22 that we're going to have to, you know, earn our spurs
23 in offering this kind of service. I think there are a
24 lot of people who will take the approach and say,
25 "Well, I'm not going to let that whatever it is cause

1 the number. The bank receives it as the phone call
2 goes to the teller or whomever, the customer service
3 rep. They already have the records there; they pick up
4 the phone and say, "Hello, Mr. Wilson, can I help you,
5 I've got your bank balance here, what do you need?"
6 You say, "I just need to check what my bank balance
7 is." They tell you what it is, and you're off the
8 phone in five seconds.

9 A person who's blocked their line calls in,
10 asks to speak to an account secretary, probably gets
11 put on hold for half a minute, a minute, eventually
12 transferred to someone, and they say, "What is your
13 account number?" They give the account number,
14 somebody types that into the computer, brings up the
15 same record that would have been brought up if he had
16 called in in the first place?

17 WITNESS MAYNE: Exactly.

18 CHAIRMAN WILSON: Right. Get the same
19 information, it just takes you 10 times longer, right?

20 WITNESS MAYNE: I would agree with that.

21 CHAIRMAN WILSON: And as a customer has
22 experience with that kind of system, I guess they're
23 going to do comparative experiences and realize one
24 person can get in and out in 10 seconds and the other
25 is going to take five minutes. There will be a

1 learning curve there, won't it?

2 WITNESS MAYNE: My observation in a lot of
3 cases of trying to take new technology and get folks to
4 use it is that word-of-mouth is the best way to do
5 that. Because that person that sits there and waits
6 the 10 minutes and the nice music that comes over the
7 hold pattern to get the same answer that the other
8 person got in 15 seconds is going to end up talking to
9 somebody who has tried that and found out that, A, they
10 didn't lose their bank balance or it didn't jump
11 through the phone circuit and bite them in the lip.
12 And they are going to say, "Well, I'm going to try it."

13 And they are going to go back and try it and
14 then you're going to see that blocking start to come
15 down. But there's always going to be some folks that
16 don't want to do it.

17 CHAIRMAN WILSON: For somebody what wants to
18 make the choice of blocking the call and calling the
19 bank and talking to whoever they talked to first, and
20 talking to whoever they talked to second, and talking
21 to whoever they talked to third, and going through all
22 that can do it.

23 WITNESS MAYNE: That's right.

24 CHAIRMAN WILSON: It's just not going to be
25 quite as convenient as it might be for somebody else.

1 With a per-call block they could still do that?

2 WITNESS MAYNE: That's correct.

3 Q (By Mr. Ramage) Or to build from that, they
4 could choose not to block the phone call to the bank
5 but could choose to block a phone call to the used car
6 salesman.

7 A Yes, they could do that.

8 COMMISSIONER BEARD: At least one out of five
9 times.

10 MR. RAMAGE: Or an attorney.

11 Q (By Mr. Ramage) Has the budget for
12 implementing the statewide trunked radio system that
13 you've mentioned been affected by the recently
14 announced state spending cuts?

15 A Yes, it has.

16 Q How?

17 A 5%, just like all the rest of us. What do
18 you expect? (Laughter)

19 COMMISSIONER EASLEY: We could have done a
20 chorus.

21 Q (By Mr. Ramage) Assuming a work order is
22 received by a phone company, computer programmer, or
23 service person or whoever would be in charge of doing
24 whatever needs to be done to the phone company switch
25 to make it per-line block or drop the per-line block,

1 from your understanding of the technology, about how
2 long would it take them to do that?

3 A Based on my recollection, that would be just
4 like, you know, a couple of commands in the switch,
5 once the technician got the order to do it. And I
6 would give -- you're talking about the physically, how
7 long would it take to do that? Maybe I don't know, 15
8 or 20 seconds after he got the order.

9 MR. RAMAGE: I have no further questions.

10 CHAIRMAN WILSON: Mr. Mayne, let me ask you
11 another thing, here. We had this statement by the ACLU
12 which part of it was directed to saying the government
13 should not use Caller ID to screen calls from the
14 public, which is a little bit contrary to what you're
15 saying here, that they could be a great convenience to
16 people who are clients, customers, beneficiaries of
17 certain government services.

18 Do you think that if Caller ID is implemented
19 that another concern that will have to be addressed
20 either by the Legislature or by government agencies is
21 the circumstances under which government agencies ought
22 to be allowed to block the calls that go out to
23 citizens for people? Should the government be allowed
24 to be anonymous as they call individual citizens?

25 WITNESS MAYNE: That's an interesting

1 question. And it raises a point, because certainly of
2 our public records situation that we have in Florida.
3 Right now, we don't have any recording of local phone
4 calls. We do on the long distance side, and that's
5 certainly a public record. Caller ID introduces, you
6 know, the recording of local call information.

7 Is that a public record? My opinion is yes
8 -- excuse me, not my opinion but my answer is yes
9 because my lawyers say everything I do is public
10 record, okay. That's just the way it is.

11 CHAIRMAN WILSON: So do ours.

12 WITNESS MAYNE: I would think that we would
13 certainly raise some issues along those lines,
14 Commissioner, if we tried to abuse that privilege that
15 we have there, I do.

16 CHAIRMAN WILSON: You would anticipate
17 someone in government is going to have to address the
18 policy of agencies blocking numbers going out to
19 citizens when HRS calls somebody or if the Department
20 of Revenue calls somebody. Of course, you may not want
21 to, I don't know -- well, never mind.

22 WITNESS MAYNE: Based on my experience, I
23 would say that yes, that's going to happen and the
24 answer is probably going to have to be legislation
25 before the thing finally gets settled down. And that's

1 -- I guess that goes along with what I was saying
2 earlier.

3 You know, we have got to learn how to use
4 this thing. I don't think anybody really recognizes
5 what a drastic change this is in our delivery of
6 telecommunication services. I know that we're probably
7 closer to it than most of the folks that deal with it
8 because we have to sit there and fight it day in and
9 day out. Certainly, some of the other technical folks
10 in this room are.

11 But this is a drastic change. And any time
12 you make that kind of change, two things are going to
13 happen: You're going to make folks angry and you're
14 not going to know exactly how to use that the way it
15 should be used the first couple of times you try it.
16 And I guess what you just said there is another example
17 why I feel like we need to ease into this thing and why
18 we sat down and gave some thought and developed that
19 policy.

20 CHAIRMAN WILSON: Let me ask you one more
21 thing. Would the most conservative structure to
22 implement Caller ID be to allow Caller ID and allow
23 both line and per-call blocking?

24 WITNESS MAYNE: That is my opinion. And I
25 would add one other thing to that, and no cost call

1 blocking at the per-line and per-call basis.

2 CHAIRMAN WILSON: Well, that would clearly
3 have to be an issue.

4 WITNESS MAYNE: Yes, sir.

5 CHAIRMAN WILSON: But taking that most
6 conservative view as the policy develops or
7 appreciation of policy develops as technology becomes
8 more accepted, you could draw back from those kinds of
9 decisions.

10 WITNESS MAYNE: Absolutely. And I feel like
11 that you would over time. I think that there's a good
12 possibility that you could at some point probably
13 release that completely. I don't want to sit here and
14 predict for you when that's going to be, and I'm not
15 absolutely sure because, you know, some folks still
16 don't like Touch-Tone and, you know, that's been around
17 a long time.

18 COMMISSIONER GUNTER: Right here.

19 COMMISSIONER BEARD: You said that you don't
20 record local calls. The reason for that is that it's
21 just not really cost effective to record local calls
22 when it's flat rate, is it?

23 WITNESS MAYNE: That's one reason. The other
24 reason is that we have, in our local service, we have a
25 flat rate billing so there's no need to record local

1 calls. That's correct.

2 COMMISSIONER BEARD: That's what I'm saying.
3 If it were local measured service then you would have a
4 reason to?

5 WITNESS MAYNE: That's correct.

6 COMMISSIONER BEARD: And the only other
7 reason would be if your productivity was dropped off so
8 low because everybody was making local personal calls
9 then you might record that to try to find out who's
10 really being productive and who isn't.

11 WITNESS MAYNE: That's a consideration, yes.

12 CHAIRMAN WILSON: But this wouldn't record
13 outgoing local calls, it would only record -- Caller ID
14 only records incoming local calls. Incoming of any
15 kind of call, right?

16 WITNESS MAYNE: Well, my understanding is
17 either outgoing or ingoing, the data is there. Now
18 what is done with it depends on what the software is in
19 the switch and how long they want to keep it and what
20 they want to do with it and where they want to send it.
21 But the data's going to be there.

22 CHAIRMAN WILSON: So you might have an option
23 of Calling ID instead of Caller ID, since it records
24 that as well?

25 WITNESS MAYNE: Uh-huh.

1 COMMISSIONER GUNTER: Glenn, you know, some
2 of us resist change on an economic basis when we don't
3 really need the gongs and whistles and the damned thing
4 still works and you sort of resist the thought of going
5 out and buying something and paying for the Touch-Tone,
6 when, hell, what you've got satisfies your needs.

7 WITNESS MAYNE: I would certainly agree with
8 that. I think that --

9 COMMISSIONER GUNTER: I recognize that I am
10 quite old fashioned.

11 WITNESS MAYNE: One of the things that I'm
12 constantly reminded of is, as we tout a lot of the
13 special features that are available in today's
14 technology, I have an awful lot of our users call me up
15 on the phone and say, "Look, all I want to do is make a
16 phone call. I don't want to learn how to program
17 nothing, I don't want to sit there and watch lights
18 flashing and all of that, all I want to do is talk to
19 somebody. And get all of this junk you've got out of
20 your state contract and give me just a phone and dial
21 tone."

22 So we get quite a bit of that. But, I think
23 that that goes along with what I was saying, if we can
24 convince those folks that it's value to them by showing
25 them it will do them some good, that's what I'd like to

1 try to do.

2 COMMISSIONER GUNTER: Well, eventually, you
3 know, they'll come up with the gong and whistle I need.
4 You know, if I'm not there, you know, hell, they call
5 and call and hang up. And they can call me back when
6 I'm there, you know. And if the line's busy, I'll call
7 them sometime later if I need to. Those kinds of
8 things. They're nice for people.

9 CHAIRMAN WILSON: The new CLASS III services
10 have one, it's called "Caller Shoe Size," that you may be
11 interested in.

12 COMMISSIONER GUNTER: Well, I understand. I'm
13 going to take that CLASS III when they get it.

14 MR. RAMAGE: With your permission, I have one
15 further line -- short line of questioning.

16 Q (By Mr. Ramage) Mr. Mayne, a couple of
17 comments you made there do raise a little concern to me
18 on behalf of the agents of the Department of Law
19 Enforcement. Our security concerns are going to remain
20 constant whether or not the general population becomes
21 comfortable with not blocking their phone calls or not.
22 Would you agree with that?

23 A Yes, I would.

24 Q All right. And I think I heard you say that
25 we might reach the point where we wouldn't need

1 per-call blocking or per-line blocking because people
2 are comfortable with it; but at least from the
3 Department of Law Enforcement's security concerns, that
4 need to blend in and be able to do that blocking to
5 blend in with other people that can do the blocking
6 would still be there and be a concern, would you agree?

7 A Yes, I would. And I didn't mean to imply
8 that we would not take that into account.

9 Let me go into a little bit more of an
10 example. If we were to be allowed to introduce this
11 service with the per-call and per-line blocking, and
12 after a while we find out that per-line really isn't
13 needed because we can either program around it and
14 address those concerns or we have found another way of
15 solving those concerns, then we'd have the option of
16 just removing that from our policy statement and from
17 our implementation.

18 Q So your comments are again in the context of
19 SUNCOM concerns and not the population of Florida in
20 general, correct?

21 A That's correct.

22 MR. RAMAGE: Thank you.

23 CHAIRMAN WILSON: Questions, Mr. Beck?

24 CROSS EXAMINATION

25 BY MR. BECK:

1 Q Mr. Mayne, do you have any concern that if
2 there were one policy on blocking for one telephone
3 company and a different policy in another, would that
4 adversely affect the Department of General Services?

5 A Oh, you betcha. There's no doubt about that
6 at all. That scenario that I raised on the 800
7 megahertz system is one that I thought about because
8 not only do you transcend two telephone companies, but
9 you've got your different agencies, you know, running
10 in and out of those trunk lines.

11 The other thing that we have, too, is in our
12 SUNCOM network in going, we use every telephone company
13 in Florida. So lack of uniformity would cause a
14 problem for us.

15 MR. BECK: Thank you, that's all I have.

16 CROSS EXAMINATION

17 BY MS. GREEN:

18 Q Mr. Mayne, I only have two questions for you.
19 If you could turn to Page 5 of your prefiled direct
20 testimony, please.

21 COMMISSIONER MESSERSMITH: Two questions are
22 about a half hour.

23 MS. GREEN: No, I assure you it won't be.

24 COMMISSIONER MESSERSMITH: Think about who
25 you're asking.

1 MS. GREEN: Oh.

2 Q (By Ms. Green) At Lines 11 through 16, you
3 discuss some detriments of Call Return. And beginning
4 at Line 14, you state, "For these reasons, it is very
5 important for the blocking of Caller ID to prevent the
6 completion of Call Return." Is that currently the
7 state of the technology or is that a change that needs
8 to be made?

9 A Excuse me, I'm on the wrong page. That was
10 Page 5 and Line 14?

11 Q Beginning at Line 11, you discuss detrimental
12 effects of Call Return. And then at Line 14 you say,
13 "For these reasons, it is very important for the
14 blocking of Caller ID to prevent the completion of Call
15 Return when activated by the called party." And I was
16 asking you whether that is currently the state of
17 technology or if that's a change that needs to be made
18 the way you understand Caller ID.

19 A I understand that when you do a per-call
20 block, right now, that that calling number ends up
21 sitting in the terminating switch office. It doesn't
22 go out to the CPE. I honestly don't know whether or
23 not if you do call return on that line if it will pick
24 it up from that switch and send it back, and that's one
25 of the reasons I put this in there. I really don't

1 know the answer to that. But our concern would be that
2 if someone does do a per-call block, that call return
3 not be allowed.

4 Q Okay. And your position is that all
5 customers should have free per-call blocking, correct?

6 A Yes, ma'am.

7 COMMISSIONER BEARD: I've got to back up a
8 minute. Someone has a per-call block, they should not
9 be able, the called party shouldn't be able to do Call
10 Return?

11 WITNESS MAYNE: That's correct.

12 COMMISSIONER BEARD: And why is that, because
13 of your fear that in fact when they do Call Return they
14 might be able to pick up the number?

15 WITNESS MAYNE: Yes.

16 COMMISSIONER BEARD: We've had very -- I
17 thought very clear testimony that says that, in fact,
18 the calling party's number does reside in the
19 terminating switch, does not go out to a passive CPE,
20 and consequently, the Call Return doesn't capture any
21 data whatsoever. Because it's a passive thing, it has
22 to capture data that's sent to it; it's never sent, it
23 can't capture it. That was the testimony.

24 WITNESS MAYNE: Well, that may be my lack of
25 understanding of that particular feature, Commissioner.

1 Another concern that I have heard and that I would
2 certainly agree with is that if you have an individual
3 state employee, say in law enforcement working out of
4 their home, and they have set up an arrangement to have
5 a call coming in from either an informant or some of
6 the bad guys, they don't happen to be there, one of
7 their children comes in and picks up the phone and
8 says, "I wonder who this is" and does Call Return, it's
9 my belief that we could have a compromising situation
10 there. And that would be much more of a concern than
11 actually the number itself from my viewpoint.

12 COMMISSIONER EASLEY: But that can happen
13 right now if there's Call Return. I would assume, law
14 enforcement knows better than to either have Call
15 Return option or to have the guy call his house.

16 WITNESS MAYNE: That is correct.

17 COMMISSIONER EASLEY: But that has nothing to
18 do with Caller ID, that can happen right now.

19 WITNESS MAYNE: That's correct.

20 CHAIRMAN WILSON: You know, this may be kind
21 of naive, but it seems to me that the undercover law
22 enforcement folks doing things like that out of their
23 home would, where children could answer the phone and
24 do something like that, is like leaving a loaded gun on
25 the dining room table. And it's not a very smart thing

1 to do. And that there are certain minimal precautions
2 that one would take to protect one's family, and one of
3 which would not be having informants calling when your
4 children are there and can pick up the phone and say,
5 "Yeah, my daddy, the cop, is not at home right now."

6 WITNESS MAYNE: I can certainly understand
7 that position.

8 CHAIRMAN WILSON: I mean, a minimal
9 precaution would be don't subscribe to Call Return.

10 WITNESS MAYNE: That's an alternative, yes,
11 sir.

12 MR. SHREVE: Call Return is on the other
13 person's phone.

14 COMMISSIONER EASLEY: No.

15 CHAIRMAN WILSON: Well, that's not the
16 example I was given was --

17 MR. FALGOUST: Mr. Chairman, can I object to
18 Mr. Shreve testifying?

19 CHAIRMAN WILSON: Sure.

20 MR. FALGOUST: I'd like to say that I object
21 to --

22 CHAIRMAN WILSON: Do you object to me
23 testifying?

24 MR. FALGOUST: No, sir.

25 MR. SHREVE: What was his grounds? He didn't

1 state them.

2 CHAIRMAN WILSON: I don't think you want to
3 hear it. (Laughter)

4 MR. SHREVE: Only if I get to reply to it.

5 COMMISSIONER BEARD: I'm sorry.

6 MS. GREEN: Let the record reflect that it is
7 not Staff that is creating this half hour. (Laughter)

8 COMMISSIONER BEARD: I resemble that remark.

9 MR. SHREVE: I think Chairman Wilson's remark
10 was well worth it.

11 Q (By Ms. Green) Mr. Mayne --

12 CHAIRMAN WILSON: I may have misunderstood
13 that last example.

14 MR. SHREVE: Yeah.

15 CHAIRMAN WILSON: If an undercover officer
16 calls an informant or calls a drug dealer or pusher or
17 whatever to make a deal from some phone and blocks that
18 call, the threat is that the drug dealer would then
19 activate Call Return, the call would come back to the
20 undercover officer's phone and their child would pick
21 it up and say, "My daddy, the cop, is not home," or
22 whatever.

23 COMMISSIONER EASLEY: That is not --

24 WITNESS MAYNE: Well, yes. That was an
25 example that we've considered, that we have some

1 concerns with. And perhaps not even so much as if the
2 officer in question did not have Caller ID, but a
3 family member heard the phone ringing and didn't get
4 there in time to answer it and they activated Call
5 Return, and that's where I think Commissioner Easley
6 was saying, that could happen right now.

7 CHAIRMAN WILSON: I did understand the first
8 example.

9 COMMISSIONER EASLEY: Right.

10 CHAIRMAN WILSON: Well, the answer to that,
11 of course, is to tell them not to buy Call Return if
12 you've got people in the family who are going to do
13 something like that.

14 COMMISSIONER BEARD: No --

15 COMMISSIONER EASLEY: That is why I reacted,
16 Mr. Chairman. Mr. Mayne's first example was for some
17 reason the call was going to be sent to the law
18 enforcement officer's home, the kid picks up the phone,
19 doesn't know who it is or wonders who it is, doesn't
20 answer it and hits Call Return and calls the drug
21 dealer. That was the first example and I did hear it
22 right.

23 CHAIRMAN WILSON: I did not misunderstand the
24 first example.

25 WITNESS MAYNE: That's correct.

1 COMMISSIONER BEARD: The second example --

2 CHAIRMAN WILSON: You did.

3 COMMISSIONER BEARD: -- clearly can happen
4 today.

5 WITNESS MAYNE: That's correct.

6 COMMISSIONER BEARD: Okay, that's a fact. It
7 doesn't even have a thing to do with Caller ID. Which
8 says to me, if I were a law enforcement officer, that
9 I, one, don't place a direct call to an informant, I
10 use a remote calling access. I do something because
11 the threat exists today. It's in Tallahassee right
12 now, you can buy it.

13 WITNESS MAYNE: That's correct. But if we
14 have Caller ID available and that officer subscribes to
15 it, and someone comes in with a blocked call on Caller
16 ID, wouldn't we want to block the outgoing call return?

17 CHAIRMAN WILSON: Why does the officer having
18 Caller ID have anything to do with it? Your argument
19 would obtain right now, today, Caller ID
20 notwithstanding, it seems to me, unless I'm missing
21 something.

22 WITNESS MAYNE: I apologize to you. I
23 honestly thought that it did at the time I wrote it,
24 but it's difficult at this hour for me to --

25 COMMISSIONER BEARD: If the officer has Call

1 Return and an informant calls his house, however that's
2 to occur or not to occur or whatever, and he calls
3 there --

4 WITNESS MAYNE: I see what you're saying.
5 You're right.

6 COMMISSIONER BEARD: And the child later
7 comes in and hits the Call Return, that can be resolved
8 by the officer not having Call Return. What can't be
9 resolved today is when the informant, the drug pusher,
10 whatever, has Call Return and can reaccess the number
11 dialed.

12 WITNESS MAYNE: There you go.

13 COMMISSIONER BEARD: And that's one that's a
14 very real thing today and has nothing to do with Caller
15 ID. It has to do with technology that is on the market
16 and out there.

17 WITNESS MAYNE: Yes, sir.

18 Q (By Ms. Green) I'm not sure if we've made it
19 worse or better, because we have heard different
20 witnesses testify to different things, and we've heard
21 some technologies that have surprised at least some of
22 us here. And Staff's concern was whether or not you
23 had information that that would, indeed, happen, as you
24 stated in your testimony. I'm not sure I understand
25 yet whether it will or won't happen.

1 COMMISSIONER GUNTER: It can.

2 A I think what we went through is that it can
3 happen today, the scenario that I've outlined here. It
4 can happen today.

5 Q But the reverse one. We keep saying the one
6 where the Call Return is at the cop's house, but the
7 reverse situation where the Call Return is out there to
8 the party he's calling, he has no way of knowing that
9 the person he's calling does or doesn't have Call
10 Return. And that's the one where I still feel I'm
11 unclear.

12 A Couldn't that also happen today?

13 COMMISSIONER BEARD: Absolutely.

14 COMMISSIONER GUNTER: It could happen today.

15 CHAIRMAN WILSON: I think we understand this
16 point.

17 MS. GREEN: Okay.

18 Q (By Ms. Green) With your position that all -

19 CHAIRMAN WILSON: It's a concern that exists.
20 It doesn't necessarily relate to Caller ID, but it is
21 related to the other class features and the existence
22 of that technology, which is already deployed in many
23 places in the state.

24 WITNESS MAYNE: Yes. I would agree with
25 that.

1 Q (By Ms. Green) With your position that all
2 customers should have free per-call blocking available
3 to them, do you envision any detrimental effects for
4 state agencies?

5 A No. None other than the ones I have already
6 mentioned, which is some folks are probably going to
7 get upset with us as we learn to use the technology.

8 MS. GREEN: Thank you very much.

9 MR. FALGOUST: One administrative matter, Mr.
10 Chairman.

11 Earlier today the Commission filed as an
12 exhibit, I think, the Order from the Maryland
13 Commission, the recent Order. On November 20th the
14 South Carolina Court of Common Pleas also issued an
15 Order holding that Caller ID, as it had been approved
16 in South Carolina, did not violate South Carolina's
17 Trap and Trace Law or the Constitutions of the United
18 States or South Carolina. I would ask the Commission
19 to take judicial notice of that Order. I have copies
20 here. If you would like to submit it as an exhibit,
21 that's fine, too.

22 CHAIRMAN WILSON: Either way. We can take
23 official notice of it, I think, can't we?

24 MS. GREEN: Yes, you can.

25 CHAIRMAN WILSON: It may be easier to mark it

1 as an exhibit so it can be referred to, if I can find
2 my exhibit list. (Pause)

3 That will be Exhibit No. 31. Does anybody
4 have any objection to that being marked as an exhibit
5 just for convenience? Good.

6 (Exhibit No. 31 marked for identification.)

7 MR. MATHUES: Mr. Chairman, was it your
8 intent that I would have the opportunity for redirect?

9 CHAIRMAN WILSON: Absolutely.

10 MR. MATHUES: Thank you.

11 CHAIRMAN WILSON: Absolutely.

12 MR. MATHUES: Do I have that opportunity now?

13 CHAIRMAN WILSON: You have that opportunity
14 right now.

15 MR. MATHUES: Thank you.

16 REDIRECT EXAMINATION

17 BY MR. MATHUES:

18 Q Just one matter, to make sure you had the
19 opportunity to completely answer one of Commissioner
20 Easley's questions, that was also similar to a question
21 by Mr. Wilson.

22 Understanding that you are wearing three hats
23 early on, please consider this in your SUNCOM hat, if
24 you would, please.

25 Commissioner Easley asked about outgoing

1 SUNCOM number blocking. Do you have any concern
2 regarding personal numbers of State employees being
3 transmitted out on the SUNCOM system?

4 A Personal numbers being transmitted on the
5 SUNCOM system. I would think that, yes, we would. I
6 just can't see that it would be appropriate to have a
7 person's personal phone number go out over the network
8 without any options on their choice, and be collected
9 and used, you know, for whatever purpose somebody would
10 want to do that. Is that what you're talking about?

11 Q I just wanted to make sure you had the
12 opportunity to fully answer the question.

13 A Okay.

14 COMMISSIONER EASLEY: Excuse me. Since it
15 was my question, Counselor, how could -- and I don't
16 think I said anything about personal phone numbers --
17 could an employee, State employee's phone number
18 inadvertently go out over --

19 WITNESS MAYNE: Their State phone number.

20 COMMISSIONER EASLEY: He said personal phone
21 number. Are you saying that the individual telephone
22 at an individual's desk is his personal phone? Is that
23 the way you're calling it?

24 WITNESS MAYNE: That's what I was talking
25 about, yes.

1 COMMISSIONER GUNTER: Not the home phone
2 number.

3 WITNESS MAYNE: Not the home phone number,
4 Commissioner.

5 COMMISSIONER EASLEY: Personal phone. Okay.

6 WITNESS MAYNE: Commissioner, what I was
7 alluding to is that we have an awful lot of central
8 office services with single line sets, and with single
9 line sets there is definitely the ability to start
10 capturing calling patterns from State agencies and
11 utilize that. And it just doesn't seem like it's
12 appropriate to use the State phone system for that
13 purpose.

14 COMMISSIONER EASLEY: Okay.

15 CHAIRMAN WILSON: I don't understand that.

16 COMMISSIONER EASLEY: I don't, either.

17 CHAIRMAN WILSON: What does "capture calling
18 patterns from a State agency" mean?

19 WITNESS MAYNE: If you've got some folks who
20 are in a purchasing environment and they are calling
21 certain people to verify pricing for an agency, that
22 sort of thing, I feel like they ought to have the
23 ability to block those calls while they do their
24 research in a particular area. Say it's associated
25 with wrapping up a contract negotiations, or something

1 of that nature.

2 CHAIRMAN WILSON: I'm still not sure I
3 understand what the import of that would be. For
4 instance, if we're here purchasing and we're looking at
5 computers, we call around to several vendors to get
6 prices, is that the kind of situation you're talking
7 about?

8 WITNESS MAYNE: Yes, sir. I think that the
9 purchasing office --

10 CHAIRMAN WILSON: So that they will not know
11 who's calling?

12 WITNESS MAYNE: No. My concern was more
13 along the lines of I don't feel like it's appropriate
14 for the vendors to be able to capture the number of
15 times that your agency calls them to check on pricing,
16 or whatever. I think the agency ought to have the
17 ability to block.

18 COMMISSIONER EASLEY: Wait, hold it a minute.
19 Now, if I'm going to call IBM and make five inquiries
20 about a computer, they don't need Caller ID to tell
21 them I have called five times. They've got a clerk
22 sitting down there in the office and they're going to
23 write down "Easley called, one; Easley called, two."
24 Is that what you're talking about?

25 WITNESS MAYNE: They can do that. But that

1 way they've got to write it down. They can't capture
2 it and then sell it to whoever wants to see a
3 particular calling pattern.

4 COMMISSIONER GUNTER: Hell, it doesn't really
5 matter.

6 COMMISSIONER BEARD: No. I don't understand
7 that.

8 COMMISSIONER MESSERSMITH: I think probably
9 what you're getting to is in the involvement of
10 purchasing for the State of Florida, the bidding
11 process and all those parts of it, is that if you were
12 making those calls on behalf of the State, someone
13 tracking it down involved in that type of service, that
14 could provide incentive or direction for those folks to
15 go that they wouldn't know about previously, as far as
16 a potential market, and then that would put you more in
17 a spot for a marketing situation?

18 WITNESS MAYNE: That's correct. That is my
19 concern, Commissioner.

20 COMMISSIONER BEARD: I'm not going to belabor
21 it, but if I'm in that business and I call IBM five
22 times and the first time I got the price but I forgot
23 to ask them does that include the printer, and then,
24 doggone it, I forgot to ask does that include the
25 WordPerfect software and I called them back again, I'm

1 still the point of contact.

2 COMMISSIONER MESSERSMITH: But if you weren't
3 using your name and your agency --

4 COMMISSIONER BEARD: Well, I'll tell you
5 what, if I call IBM and I'm not using my name and
6 agency, I guarantee you they're going to quote me
7 top-line retail. It's when you down to negotiating a
8 price over a thousand units, or five units, I mean --

9 COMMISSIONER GUNTER: We're just talking
10 hypothetical.

11 COMMISSIONER BEARD: Yeah.

12 CHAIRMAN WILSON: Move exhibits?

13 MR. MATHUES: Move 29 and 30.

14 CHAIRMAN WILSON: Are you through with
15 redirect?

16 MR. MATHUES: Yes, sir.

17 CHAIRMAN WILSON: Move Exhibit 29 and 30?

18 MR. MATHUES: Yes, sir.

19 CHAIRMAN WILSON: Without objection, they're
20 admitted into evidence.

21 (Exhibits 29 and 30 admitted into evidence.)

22 MR. FALGOUST: And 31 also, Mr. Chairman.

23 CHAIRMAN WILSON: Without objection.

24 (Exhibit 31 admitted into evidence.)

25 CHAIRMAN WILSON: Anything further?

1 MR. BECK: Yes, sir.

2 CHAIRMAN WILSON: Yes.

3 MR. BECK: Yesterday morning when we were
4 discussing our Motion to Conduct a Generic Proceeding,
5 I believe you encouraged me to renew the motion at the
6 end of the evidence. So I am not renewing the motion.

7 CHAIRMAN WILSON: Okay.

8 MR. PARKER: As long as that's renewed, I'll
9 renew my Motion to Strike, just for balance.

10 CHAIRMAN WILSON: Would you like to renew
11 your motion in limine? (Laughter) Which many times
12 during this hearing I wish I'd granted, by the way.

13 Are we prepared today to make a determination
14 about whether we need to expand this to a generic
15 hearing, or would you all rather ruminate on that a
16 bit?

17 COMMISSIONER GUNTER: Well, Mr. Chairman, one
18 of the things on a generic proceeding that has some
19 attractiveness would be that I think, God knows, after
20 however many hours we have been here there have been a
21 few common threads and a few items that penetrated to
22 me. I would think it would be desirable, such as we
23 have some statewide applications, it would be desirable
24 to at least explore whether if this service were
25 offered it would be offered on a consistent basis. You

1 know, we've got things like the pay phones and average
2 rates for MTS and, you know, a number of things around
3 the state. This is not something unusual.

4 But at least on the initial input it would
5 certainly be beneficial to me, rather than on a
6 case-by-case individual application with its peculiar
7 wrinkles and gongs and whistles, be a whole lot easier
8 for me to see it on a spreadsheet and make a decision
9 as to what is in the best interest of the consuming
10 public.

11 MR. RAMAGE: Mr. Chairman, I just have an
12 observation that the Centel's attorney is not here and,
13 obviously, they are going to be a party affected by any
14 determination that you make in ruling on that motion.

15 CHAIRMAN WILSON: Well, we're not taking
16 argument at this point.

17 COMMISSIONER EASLEY: No.

18 CHAIRMAN WILSON: I was just being courteous.

19 COMMISSIONER EASLEY: Mr. Chairman, it would

20 --

21 CHAIRMAN WILSON: I was going to suggest that
22 what we do -- Commissioner, if I could just voice a
23 thought here -- is to have Staff come back to us with a
24 recommendation about a possible procedure that could
25 include that.

1 COMMISSIONER GUNTER: Sure.

2 CHAIRMAN WILSON: It may be that if we decide
3 this case one way there's no necessity to go to a
4 generic statewide consideration. If we decided another
5 it would probably say yes, before we implement that we
6 need to hear everything from every single company in
7 every part of the state.

8 COMMISSIONER GUNTER: Yeah. If you allow it
9 then --

10 COMMISSIONER BEARD: Maybe this is a
11 technicality but we've been chasing this dog for a
12 while, and the parties have had a chance, and several
13 have taken the opportunity to get involved, have spent
14 a lot of time and energy on all sides of this issue,
15 and perhaps we may need to expand this generically.
16 And to the extent that that were to change the decision
17 here, yes. But we can run this thing ad nauseam.

18 COMMISSIONER GUNTER: Sure.

19 COMMISSIONER BEARD: And I don't see a harm
20 in going forward in this one. I don't see that
21 preventing us from moving forward generically, which we
22 quite often do. You can get there either way you want.

23 But what you're saying to a company is,
24 "You've come in, you've made a request, we've run you
25 through the hoops, we've all listened for two hard days.

1 and, oh, by the way, we're going to go back to the
2 drawing board and start over." Well, not start over,
3 that's prejudicial and that's a wrong term. But I'm
4 not sure how many more details and facts can be
5 hammered into this thing, to be honest with you.

6 CHAIRMAN WILSON: Well, that's why I would
7 like to have the opportunity to give it further thought
8 myself, as well as to have a recommendation from Staff
9 on how to deal with it. It may be after hearing --
10 because we have heard a lot of different views here,
11 and there may be some more out there that haven't been
12 heard. I can't imagine what they are, but I'm sure
13 there could be.

14 COMMISSIONER EASLEY: Mr. Chairman --

15 CHAIRMAN WILSON: I'm not suggesting we do
16 this, but certainly we could contemplate issuing a PAA
17 and then determine whether there are any further issues
18 of controversy out there.

19 COMMISSIONER GUNTER: We have not heard from
20 Florala.

21 CHAIRMAN WILSON: That's true. Florala
22 Telephone has not been here.

23 COMMISSIONER BEARD: I would suggest those we
24 haven't heard from are telephone companies, I think.
25 Otherwise, the participation has been extremely strong.

1 COMMISSIONER GUNTER: My point is that
2 Floralta might be the least.

3 CHAIRMAN WILSON: Commissioner Easley, I've
4 interrupted you a number of times.

5 COMMISSIONER EASLEY: No. I've been
6 interrupting you, Mr. Chairman.

7 CHAIRMAN WILSON: No, no, no, I've been
8 interrupting you. (Laughter) I insist that I've been
9 interrupting you.

10 COMMISSIONER EASLEY: Mr. Chairman, I think
11 that perhaps your suggestion is the way to go. What I
12 would like to do is see more on an issue-by-issue basis
13 or recommendation. There may be, and I have some
14 sympathy for what Commissioner Beard was saying. I
15 worry a little bit about just holding this docket open
16 in order to make it the generic docket, as Commissioner
17 Beard said, when a company has gone ahead and filed a
18 tariff. Now, whether as we go issue-by-issue into this
19 we decide that we can authorize Southern Bell now to go
20 forward based on this, and we don't think anything is
21 going to change, that's what bothers me. To go to a
22 generic docket with issues that could well change
23 statewide, I would not want to implement anything and
24 then come back and make particularly a drastic change
25 in it. So I think issue-by-issue is about the only way

1 to look at it, or segment-by-segment. It may not be
2 presented in such a way to do it issue-by-issue.

3 COMMISSIONER GUNTER: Because you'd almost
4 find yourself having to go to most conservative so that
5 you could back into it.

6 CHAIRMAN WILSON: Well, that's one reason I'd
7 like to see some Staff's thoughts on this and have a
8 recommendation come back to us on options to consider
9 that. I would rather do that than deny the motion out
10 of hand, or grant it out of hand, to have a little more
11 input on it.

12 MS. GREEN: Are you contemplating as part of
13 the recommendation that's scheduled, or as a separate
14 one that you would see before then?

15 CHAIRMAN WILSON: I'm not sure the extent to
16 which resolution of some of the specific issues in this
17 case might not dictate different outcomes on the
18 question of whether there ought to be a broader generic
19 inquiry into this area.

20 MS. GREEN: I guess our concern is that the --

21 CHAIRMAN WILSON: I suggest that you discuss
22 it with both the Prehearing Officer and the Chairman.

23 COMMISSIONER BEARD: Quickly.

24 CHAIRMAN WILSON: But not now. (Laughter)

25 COMMISSIONER GUNTER: I move we rise.

1 CHAIRMAN WILSON: All right. Is there
2 anything further that we need to address? All right.

3 The discovery piece has been laid to rest, I
4 know that, but we have at least a track that we are
5 following there and when we come to the decision points
6 we'll make those.

7 This hearing will stand adjourned.

8 (Thereupon, hearing was concluded at 7:40
9 p.m.)

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1 F L O R I D A)
2 :
3 COUNTY OF LEON)

CERTIFICATE OF REPORTERS

4 We, CAROL C. CAUSSEUX, CSR, RPR; JOY KELLY,
5 CSR, RPR, and SYDNEY C.SILVA,CSR, RPR, Official
6 Commission Reporters,

7 DO HEREBY CERTIFY that the proceedings, in
8 the captioned matter, Docket No. 891345-EI, were heard
9 by the Florida Public Service Commission at the time
10 and place herein stated; it is further

11 CERTIFIED that we reported in shorthand the
12 proceedings held at such time and place; that the same
13 has been transcribed under our direct supervision, and
14 that these proceedings, consisting of 1110 pages,
15 Volumes I through VI, inclusive, constitutes a true and
16 accurate transcription of our notes of said
17 proceedings; it is further

18 CERTIFIED that we are neither of counsel nor
19 related to the parties in said cause and have no
20 interest, financial or otherwise, in the outcome of
21 this docket.

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IN WITNESS WHEREOF, we have hereunto set our
hands at Tallahassee, Leon County, Florida, this 17th
of December, A.D., 1990.

Carol C. Causseaux
CAROL C. CAUSSEAU, CSR, RPR

Joy Kelly
JOY KELLY, CSR, RPR

Sydney C. Silva
SYDNEY SILVA, CSR, RPR

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