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January 2, 1991

**ORIGINAL
FILE COPY**

Mr. Steve C. Tribble
Director, Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32301

Re: Docket No. 891194-TL - Caller ID

Dear Mr. Tribble:

Enclosed please find an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response to Public Counsel's Motion for Additional Limited Hearing and for Other Relief and to the Department of General Services' Joinder in Public Counsel's Motion, which we ask that you file in the captioned docket.

ACK

AFA _____

APP _____

CAF _____

CMU _____

CTR _____

EAG _____

LEG 1 _____

LIN 6 _____

OPC _____

RCH _____

SEC 1 _____

WAS _____

OTH _____

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely yours,

E. Barlow Keener

E. Barlow Keener

Enclosures

cc: All Parties of Record
A. M. Lombardo
Harris R. Anthony
R. Douglas Lackey

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TS
FPSC-BUREAU OF RECORDS

A BELL SOUTH Company

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FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE
Docket No. 891194-TL

I HEREBY CERTIFY that a copy of the foregoing has been
furnished by United States Mail this 2nd day of January,
1990 to:

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E. Barlow Keener

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff filings) Docket No. 891194-TL
by Southern Bell Telephone and)
Telegraph Company clarifying when) Filed: January 2, 1991
a nonpublished number can be)
disclosed and introducing Caller)
ID to Touchstar Service)
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S RESPONSE
TO PUBLIC COUNSEL'S MOTION FOR ADDITIONAL LIMITED HEARING
AND FOR OTHER RELIEF AND TO THE DEPARTMENT OF
GENERAL SERVICES' JOINDER IN PUBLIC COUNSEL'S MOTION

COMES NOW Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), pursuant to Rule 25-22.037, Florida Administrative Code, and files its Response to the Office of Public Counsel's ("Public Counsel") Motion for Additional Limited Hearing and For Other Relief (hereinafter "Motion") and to the Department of General Services ("DCS") Joinder in the Motion for Additional Hearing and for Other Relief.

1. Public Counsel's Motion, filed on December 20, 1990, requests that the Commission conduct additional limited hearings in order to consider information contained in documents produced by Southern Bell. On December 21, 1990, DCS joined in Public Counsel's Motion. The documents in question were produced by Southern Bell in a timely response to the Prehearing Officer's order and were obtained from Southern Bell's holding company, BellSouth Corporation. For the reasons set forth below, Southern

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Bell does not believe additional hearings in this docket are appropriate, necessary or required.

2. Despite inferences made to the contrary by Public Counsel at the Caller ID hearings on November 28, 1990, Southern Bell has fully complied with the Florida Rules of Civil Procedure and the Prehearing Officer's orders throughout the course of the proceeding. With regard to the production of documents discussed by Public Counsel in its Motion, Southern Bell, in good faith, timely objected to producing documents that were in the possession of its parent in accord with the rule of law established by the First District Court of Appeals in Medivision v. Department of Health and Rehabilitative Services, 483 So.2d 885 (Fla. 1st DCA 1986). On November 28, 1990, when the Prehearing Officer rejected Southern Bell's argument and ordered the documents produced, Southern Bell immediately complied with that order.

3. Public Counsel argues in its Motion that the United States and Florida constitutional due process guarantees require additional hearings. In support of its motion Public Counsel describes the contents of four categories of documents which Public Counsel believes require further investigation in order that the Commission be able to make a proper determination of the Caller ID issues.

4. The first category listed involves a single document discussing different rates for Call Tracing:

- a) A document discussing the possibility of charging 50¢, 75¢, or \$1.00 per call for Call Trace service.

(Motion, p. 3) The issue regarding the rate structure for Call Tracing was thoroughly considered by the Commission during the hearings. (Tr. Simms, pp. 68-69, 72-73, 89-91, 233-238 and 343-349) Clearly, different individuals can and often do have different opinions as to the rate structure and rates for various services offered by Southern Bell. In order for a company such as Southern Bell to determine the most appropriate rate structure, internal discussion regarding possible rate structure and rates for services is necessary. However, internal discussion and debate are of no significance once Southern Bell's policy, such as its pricing policy for Call Tracing, is decided. Furthermore, Public Counsel submitted its own evidence with respect to this issue. Southern Bell believes that more than sufficient evidence regarding Southern Bell's formal position was presented to the Commission during the hearing concerning this issue and further evidence is not needed or required by the Commission in order to allow it to make a decision on the issue.

5. Public Counsel states that other documents discussed

the possibility of disclosing a telephone number trapped through the use of Call Tracing:

- (b) Documents considering plans to provide the calling party's telephone number to subscribers of Call Trace service -- a service which may have important implications for law enforcement if the Commission should approve per call blocking, since Call Trace will produce the calling party's telephone number even if the calling party utilizes per call blocking.

(Motion, p. 3) Southern Bell's witness at the Caller ID hearings discussed this issue and explained that Southern Bell's intention was not to disclose the number. (Tr. Simms, p. 226) Regardless of Southern Bell's future intentions, the issue of disclosing the number recorded through Call Tracing was not an issue in this docket. In addition, if Southern Bell wishes to provide in the future a service whereby the number recorded through Call Tracing will be disclosed, it will be required to seek future Commission approval of such. Thus, there is no practical need or legal requirement for the Commission to consider in this docket additional evidence regarding the disclosing of the number recorded by Call Tracing.

6. Public Counsel also complains that the Commission

should conduct an additional hearing to consider documents discussing proposals to provide name and address information:

- (c) Documents considering plans to provide names and address information to subscribers throughout the BellSouth region. Combined with Caller ID, this service would allow subscribers to obtain the name and address of calling parties.

(Motion, p. 4) The issue of providing name and address information in conjunction with Caller ID was also discussed by Southern Bell's witness at the Caller ID hearing. She indicated in her response to a question that Southern Bell did not have current plans to offer the service. (Tr. Simms, pp. 101-102) In addition, this matter was not identified as an issue to be decided by the Commission in the Caller ID proceedings. If Southern Bell at some point in the future changes its plans and proposes to offer the service, such an offer will also be subject to Commission approval. Thus, there is no practical need or legal requirement for the Commission to consider additional evidence on this matter in the Caller ID docket.

7. Public Counsel also complains that the Commission needs to examine a document discussing the possibility of blocking unidentified calls:

- (d) A document discussing the possibility of providing "block

unidentified calls" -- a service allowing a Caller ID customer to block the receipt of calls when the calling party blocks the transmission of their number.

(Motion, p. 4) During the course of discovery, Southern Bell provided the Commission Staff with documents and information discussing this service. See Exhibit 10, Southern Bell's Response to Item 6 of Staff's November 7, 1990 Interrogatory. Southern Bell's witness also discussed the service during her testimony. (Tr. Simms, pp. 341-342) Southern Bell believes the Commission received complete and adequate evidence regarding this matter in order to make an informed decision and that additional hearings are unnecessary.

9. Finally, Public Counsel suggests that the Commission conduct further hearings in order to cross examine other witnesses. Public Counsel had considerable opportunity to depose and cross examine all of the witnesses listed in its Motion prior to the hearing and, indeed, does not deny that it had this opportunity. Merely because Public Counsel wishes to cross examine more witnesses is not sufficient rationale to grant additional hearings in this matter. Such a request is frivolous and should be denied.

WHEREFORE, Southern Bell respectfully requests that the Commission deny Public Counsel's Motion for Additional Limited

Hearing and for Other Relief and DGS's Joinder in Public Counsel's
Motion.

Respectfully submitted,

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