

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In The Matter of : DOCKET NO. 891194-TL
:
:
Proposed tariff filings :
by SOUTHERN BELL TELEPHONE :
AND TELEGRAPH COMPANY : JACKSONVILLE
clarifying when a :
nonpublished number can : CUSTOMER SERVICE HEARING
be disclosed and introducing :
Caller ID to TouchStar :
service. :

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Holiday Inn
Meeting Rooms A, B, and C
150 Park Avenue
Orange Park, Florida

Florida Public Service Commission

Tuesday, September 25, 1990

Met pursuant to notice at 2:30 and 6:30 p.m.

BEFORE: COMMISSIONER GERALD L. GUNTER
COMMISSIONER FRANK MESSERSMITH

APPEARANCES:

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FLORIDA PUBLIC SERVICE COMMISSION

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5 on behalf of Southern Bell.

6 JACK SHREVE and C. J. BECK, Office of the
7 Public Counsel, 111 West Madison Building, Room 812,
8 Tallahassee, Florida 32399-1400, Telephone No. (904)
9 488-9330, appearing on behalf of the Citizens of the
10 State of Florida.

11 ANGELA GREEN, Florida Public Service
12 Commission, Division of Legal Services, 101 East Gaines
13 Street, Tallahassee, Florida 32399-0861, Telephone No.
14 (904) 487-2740, appearing on behalf of the Commission
15 Staff.

16 DAVID SMITH, Florida Public Service
17 Commission, Division of Appeals, 101 East Gaines
18 Street, Tallahassee, Florida 32399-0850, Telephone No.
19 (904) 488-7464, appearing here as Counselor to the
20 Commissioners.

21 MICHAEL R. RAMAGE, Deputy General Counselor,
22 Florida Department of Law Enforcement, Post Office Box
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24 488-8323, appearing on behalf of the Department of Law
25 Enforcement.

FLORIDA PUBLIC SERVICE COMMISSION

1 APPEARANCES CONTINUED:

2 JEFFREY L. COHEN, Associate General Counsel,
3 Florida Medical Association, Post Office Box 2411,
4 Jacksonville, Florida 32203, Telephone No. (904)
5 356-1571, appearing on behalf of the Florida Medical
6 Association.

7 ALSO PRESENT:

8 MARSHALL L. CRISER, Operations Manager,
9 Southern Bell Regulatory Relations.

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14 REPORTED BY:

CAROL C. CAUSSEAU, CSR, RPR
JOY KELLY, CSR, RPR
Official Commission Reporters

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P R O C E E D I N G S

(Hearing convened at 2:30 p.m.)

COMMISSIONER GUNTER: Let's call the hearing to order. Counselor, read the notice.

MS. GREEN: Pursuant to notice a hearing was convened this day, Tuesday, September the 25th, 1990, at 2:30 p.m. in Orange Park, Florida. This is docket 891194-TL regarding proposed tariff filings by Southern Bell.

COMMISSIONER GUNTER: We'll take appearances.

MR. SHREVE: Jack Shreve and Charlie Beck, Office of Public Counsel, Claude Pepper Building, Tallahassee, Florida, representing the Citizens of the State of Florida.

MR. FALGOUST: David Falgoust and Barlow Keener, representing Southern Bell. With us is Marshall Criser, also.

MS. GREEN: Angela Green on behalf of the Commission Staff.

MR. SMITH: I'm David Smith of the Commission's Division of Appeals, appearing here as Counselor to the Commissioners.

MR. RAMAGE: I'm Michael Ramage, Deputy General Counselor, Florida Department of Law Enforcement, appearing on behalf of the Department of

1 Law Enforcement.

2 COMMISSIONER GUNTER: All right. Is that all
3 the appearances?

4 MR. COHEN: Commissioner Gunter, I'm Jeff
5 Cohen. I'm Associate General Counsel, here on behalf
6 of the Florida Medical Association.

7 COMMISSIONER GUNTER: All right. The purpose
8 of this proceeding is to get public input. This is the
9 first one of these hearings that are being held around
10 the state. There will be one here; be one in Orlando
11 tomorrow afternoon and evening, and then there will be
12 a hearing in Miami on Thursday evening; Thursday during
13 the day and the evening.

14 We're very interested in public input on this
15 particular subject of Caller ID. We have had an
16 enormous amount of correspondence, pro and con. We
17 have had a number of telephone calls, as well as we
18 have had two or three rather lengthy sessions in
19 Tallahassee at our agenda conference discussing Caller ID.

20 I encourage each and every member of the
21 public here to give us full and unabashed feelings
22 about Caller ID, pros and cons. Because your input
23 today, input of the public tomorrow in Orlando, and on
24 Thursday in Miami, is part of the record that the
25 Commission will use in its final determination as to

1 whether to allow Caller ID or not, or if allowed, under
2 what circumstances.

3 The procedure we'll follow will be the same
4 procedure that we follow in all of our public hearings
5 in that the Public Counsel will sponsor -- unless
6 represented by counsel, Public Counsel will sponsor the
7 general public witnesses, and we'll call those
8 witnesses and do the name, address, telephone number
9 kind of situation for clarification of the record and
10 completeness of the record, and go down in the list
11 that people signed up in.

12 What we will do to cut down on repetition, as
13 is our standard practice, everyone that intends to
14 testify or thinks that you would testify, we will swear
15 everyone in at one time so that we don't have to go
16 through the repetition of swearing each of the
17 witnesses.

18 Mr. Shreve, are you ready?

19 MR. SHREVE: Yes, sir.

20 COMMISSIONER GUNTER: All right. Call your
21 first witness.

22 MR. SHREVE: Mr. Eric Evans.

23 COMMISSIONER GUNTER: All right, Mr. Evans,
24 will start with you. Everyone that intends to testify
25 or thinks you may testify, please rise and we'll swear

1 everyone in at one time. Raise your right hand,
2 please.

3 (Witnesses simultaneously sworn.)

4 MR. SHREVE: Commissioner, may I -- excuse me
5 just one minute. Is Bell going to put on a
6 presentation?

7 MR. KEENER: Marshall Criser is going to
8 present Bell's position. Why don't we do that first.

9 COMMISSIONER GUNTER: That would be fine. I
10 didn't know that you intended to do that.

11 MR. SHREVE: I'm sorry, but it would be
12 better if everybody knew what we were all talking
13 about.

14 COMMISSIONER GUNTER: All right, fine.
15 That'd be good. I apologize, Counselor, I didn't
16 realize you all were going to do that.

17 MR. KEENER: No problem, Commissioner.

18 COMMISSIONER GUNTER: All right. We'll know
19 better for Orlando.

20 - - - - -

21 MARSHALL CRISER:
22 appeared as a witness and testified as follows:

23 MR. CRISER: Commissioners, ladies and
24 gentlemen, I'm Marshall Criser. I'm here today
25 representing Southern Bell. What I would like to do,

1 if you don't mind, is take a couple of minutes just to
2 discuss what Caller ID is, and I think, equally
3 importantly, what Caller ID is not, to make sure that
4 we all understand or start with the same basic
5 understanding of the service.

6 Caller ID is a service which allows the
7 calling party's number to be displayed on a box or a
8 screen on a box which is connected to the called
9 party's telephone. It does not display the calling
10 party's name or address or provide any additional
11 information besides their telephone number. And what
12 has been found is that the presence or the availability
13 of this service in markets is that it provides a
14 significant social impact and benefit.

15 Number one, and I think, most significantly,
16 in the affect it's had on curbing harrassing and
17 annoying telephone calls, and what has been seen in
18 some trial areas where the service has been
19 implemented. And as an example, in New Jersey the
20 service has been up and running for over two years now.
21 But they have had almost a 50% reduction in these types
22 of phone calls in the areas where Caller ID has been
23 available. And I think it's significant to understand,
24 it's not just customers who have Caller ID, but in a
25 area where Caller ID is available. The mere fact that

1 the service is available in an area can have that kind
2 of impact.

3 Southern Bell, when we first brought our
4 proposal to this Commission, came forward with a
5 proposal for Caller ID with what we refer to as "any
6 number delivery." In essence, the proposal was all
7 numbers of all calling parties should be delivered.

8 Through the procedure that has already gone
9 forward at the Commission, and the give and take that
10 has gone on in this process by the number of parties
11 participating in raising their concerns, specific areas
12 of concern have been identified. Specifically, in law
13 enforcement and with violence intervention agencies,
14 where there was concern that there may be a specific
15 need for privacy or protection. As a result of that,
16 Southern Bell has worked, both with the HRS and has
17 been meeting with law enforcement, to try to develop
18 mechanisms which can deal with those agencies and their
19 clients to address that specific need.

20 In the case of HRS, we came to an agreement
21 sometime ago with two proposals that we are already
22 prepared to provide to them which protects both the
23 agency and its clients. We have also made a number of
24 offers to law enforcement for mechanisms which go
25 beyond just the idea of protecting anonymity, but

1 actually can assist law enforcement in their undercover
2 activities.

3 One area where we have not been able to reach
4 agreement, and, frankly, we have very significant
5 concerns was with the request that we provide the
6 ability for a law enforcement officer making a call to
7 deliver any telephone number. And when I mean any
8 telephone number, I mean potentially my telephone
9 number or your telephone number. And the concern there
10 is an innocent uninvolved third party could become
11 involved in an undercover operation without ever having
12 been involved simply by this being available to them.
13 And that is an area where we believe there are
14 significant public concerns of not taking that final
15 step.

16 But, we are at the same time, and have been
17 working with, a number of groups who have come to us.
18 Within guidelines that, frankly, were developed through
19 the process that's already gone on at the Commission of
20 dealing on a case-by-case basis with other individuals.
21 Again, when we say a violence intervention agency, and
22 one of the things that we have learned in this process,
23 is that originally we were talking to HRS and HRS
24 supported agencies, but there are other similar type
25 agencies out there. And the intent of Southern Bell is

1 to work with any effected party who believes that they
2 do have a significant interest to determine if and when
3 a mechanism can be provided to them that will provide
4 the kind of privacy or anonymity control that they
5 believe they need.

6 Caller ID, I think, in closing, I'd like to
7 add is also an unique service. There has been a lot of
8 discussion of late that there are potential substitutes
9 for Caller ID, as an example, a service called "Call
10 Trace", which Southern Bell also provides. I think
11 it's important to draw the distinction that Call Trace,
12 while it is a very good service in many ways, has at
13 least one significant drawback within the area that
14 we're talking about that Caller ID can solve. And that
15 is simply that Call Trace requires the called party,
16 the receiving party, to hang up the phone before they
17 can initiate a trace on the call. And while that may
18 be helpful with an annoying or harassing telephone
19 call, to give you one example, the concern would be in
20 the case of a suicide, where the last thing you want to
21 do is hang up the phone.

22 What Caller ID provides is the ability to
23 obtain that telephone number, directly, immediately and
24 not requiring that you disconnect the line in order to
25 initiate or obtain that telephone number.

1 I appreciate your time this afternoon. I
2 also appreciate the fact that many of you have come
3 here because one thing we have learned in this process
4 is that as people raise their concerns or their
5 objections, we believe we have been able to work
6 through those and come up with solutions that are
7 acceptable and reasonable. And again, I appreciate the
8 opportunity to speak to you this afternoon. Thank you.

9 COMMISSIONER GUNTER: Mr. Shreve.

10 MR. SHREVE: Yes, sir.

11 COMMISSIONER GUNTER: Did you want to --

12 MR. SHREVE: I wanted to ask Mr. Criser a
13 couple of questions.

14 MR. KEENER: If that's appropriate with
15 Commission Counsel?

16 MR. SHREVE: If it's appropriate?

17 COMMISSIONER GUNTER: Usually in opening
18 statements that they have --

19 MR. SHREVE: Well, I thought he was sworn.

20 COMMISSIONER GUNTER: Well, he was but that
21 was an opening statement. It was just an error --

22 MR. SHREVE: Okay. I was just going to clear
23 some things up that I thought the Commission --

24 COMMISSIONER GUNTER: That's just an opening
25 statement. We can bring it up.

1 One of the things that I'm going to explore a
2 whole lot further at some point, and I don't know if
3 this is appropriate in receiving comment from the
4 public, was the proposal that I read about that you all
5 had put -- Mr. Shreve and that's an interesting one,
6 one I had never heard about.

7 MR. SHREVE: Well, I apologize if it's not
8 appropriate to ask questions at this point. I thought
9 Bell was presenting the facts and try and lay out
10 what's available and what's not available --

11 COMMISSIONER GUNTER: Just like an opening
12 statement, Mr. Shreve.

13 MR. SHREVE: When will we have an opportunity
14 to ask Southern Bell some questions?

15 MR. KEENER: Well, we intended, excuse me,
16 Mr. Commissioner.

17 COMMISSIONER GUNTER: Go ahead.

18 MR. KEENER: We intended to present our
19 witness for Caller ID at the hearing that will be held
20 in Tallahassee in November, and Mr. Criser was going to
21 present the position of the company. However, he will
22 be glad to answer questions.

23 MR. SHREVE: However you want to handle it.

24 COMMISSIONER GUNTER: Go ahead.

25 MR. SHREVE: I just thought there might be

1 some things you all and the public might want to know.

2 COMMISSIONER GUNTER: Go ahead. We'll have --

3 CROSS EXAMINATION

4 BY MR. SHREVE:

5 Q Mr. Criser, I know you made the original
6 presentation to the Public Service Commission in
7 Tallahassee, and mentioned the fact that Caller ID is
8 available in New Jersey and there has been a marked
9 reduction in, I guess, obscene phone calls or obscene
10 phone call reports.

11 Now, one thing that you did mention -- our
12 petition if that's what you're referring to, did not
13 ask that Call Trace be a substitute for Caller ID. I
14 don't know if you realized that or not.

15 A I was not -- my remarks were not referring
16 solely to your petition.

17 Q Okay. Because I think Call Trace should be
18 there whether or not we have Caller ID. I don't think
19 it should be a substitute. I think if we have Caller
20 ID or don't have it, we should still that Call Trace.
21 Isn't it true in New Jersey Call Trace was available on
22 a per-call basis at one dollar cost?

23 A I believe that's correct.

24 Q And that was available to what percentage of
25 the people, of the consumers in New Jersey?

1 A I do not know the answer to that.

2 Q I believe it would be 100%, would it not, if
3 it was available to all lines on a one dollar per-call
4 basis?

5 A If it were available to all lines, yes.

6 Q All right. Do you know what percentage of
7 the people Caller ID was available to?

8 A In New Jersey during that trial?

9 Q Yes, sir. It was in a county where --

10 Q It's not a trial. Isn't it still going on?

11 A There was originally a trial that the first
12 reports came out of on Caller ID, which was in one
13 county. It is now deployed beyond that.

14 Our concern with the per call -- maybe it's
15 not necessarily what you call a concern. But the
16 experience we have had with the idea of a charge per
17 call though is that there was a trial in Florida, in
18 Orlando, of class services one of which was Call Trace,
19 which, frankly, did not work out.

20 Q And neither did Caller ID, did it?

21 A Because they were available on a per use
22 basis rather than a flat rate charge.

23 Q Caller ID?

24 A The services under the class trial, my
25 understanding in Orlando, were available on a per use

1 or usage based charge.

2 Q For Call Trace.

3 A For Call Trace.

4 Q But Caller ID was also offered?

5 A In the Orlando trunk.

6 Q Yes. All right. In New Jersey, if a person
7 was to make an obscene phone call, then would not Call
8 Trace be available across the Board for any person that
9 wanted to have that number recorded with the telephone
10 company?

11 A That's correct.

12 Q Caller ID would only be available if they had
13 purchased a screen as well as subscribe to the system
14 from Bell?

15 A In New Jersey?

16 Q In New Jersey or anywhere else?

17 A Under the way it's offered there, yes.

18 Q All right. So, basically, how can you
19 conclude that Call Trace did not contribute a great
20 deal to the fact that there was a reduction in obscene
21 phone calls and harrassing phone calls?

22 A My understanding is that what they have done
23 is also isolate areas where Call Trace was not
24 available with Caller ID and tried -- or to separate
25 out the impacts between the two services. But I think

1 what is more important is that --

2 Q Do you have those studies available?

3 A I do not, no.

4 I think what is more important to that is
5 what they have seen is not so much where Caller ID is
6 available in terms of what customers have it, but the
7 perception or knowledge that Caller ID is there acts as
8 a deterrent because the person initiating an obscene
9 call runs the risk that their number may be identified.

10 Q And with Caller -- with Call Trace, it would
11 not only be a perception but would be a reality that it
12 could be traced, couldn't it?

13 A Could be traced --

14 Q Where with Caller ID it would be a perception
15 that if a certain percentage had Caller ID available,
16 then -- and they called someone that had Caller ID,
17 then their number would be revealed to that party.
18 However with Call Trace, it would be available to each
19 person that received a harrassing or obscene phone call
20 to trace that number and log it with the telephone
21 company.

22 A I'm not sure if that was a question.

23 MR. KEENER: Could you repeat your question,
24 Mr. Shreve. I couldn't follow it. It got too long.

25 MR. SHREVE: Glad to. Glad to.

1 COMMISSIONER GUNTER: Let me see if I can cut
2 through this.

3 Mr. Shreve's point, I think, the question is
4 Mr. Criser, Mr. Shreve's point is that if the Call
5 Trace is available to 100% of the access lines, 100% of
6 the subscribers, you can cover it all if you have an
7 obscene -- any kind of harrassing call or whatever, you
8 can cover the whole spectrum, whereas with Caller ID,
9 you would have a limited portion of the subscribers,
10 only those that subscribe to that service. Isn't that
11 what you're getting at, Jack.

12 MR. SHREVE: Yes, sir. And was the
13 Commission made aware of this?

14 COMMISSIONER GUNTER: When I read it in the
15 newspaper was the first time I knew anything about it.

16 MR. CRISER: I want to be careful, though. I
17 don't want to sound as though -- I believe that Call
18 Trace has significant value, social benefit. I think
19 Caller ID is a service that goes above and beyond that
20 this two areas.

21 One is that by displaying the telephone
22 number, it gives the person receiving the call
23 immediate reassurance or knowledge as to where that
24 call is coming from. And I think there was an example
25 at the Commission last time of a lady receiving phone

1 calls allegedly from a convict out of prison. And, I
2 guess, the issue there being that gives her immediate
3 ability to have known where that call was coming from
4 versus yes, you can use Call Trace and it does have
5 significant value, but I think the Caller ID as some
6 immediacy about it. It also has some value beyond just
7 the obscene or harassing phone call issue.

8 COMMISSIONER GUNTER: Let me ask you one
9 question: Is there -- on the network, on Southern
10 Bell's network, are there any changes necessary to be
11 made to implement Caller ID, like in the central office
12 or what have you, or is it equipment at the end, at the
13 consumer's premises?

14 MR. CRISER: Caller ID is one of the
15 TouchStar features that's being deployed, and yes,
16 there is --

17 COMMISSIONER GUNTER: I'm leading you --

18 MR. CRISER: I'm trying to get a nontechnical
19 answer, yes, there are things that are done in the
20 switch in order to enable the number to be delivered.

21 COMMISSIONER GUNTER: All right. If I'm
22 understanding correctly then, I couldn't go to New
23 Jersey, or wherever this equipment is available, and
24 probably available a lot of places -- I couldn't go
25 where that is available, and go make the connection at

1 my home phone and achieve the same thing today?

2 MR. CRISER: No.

3 COMMISSIONER GUNTER: You couldn't do -- all
4 right. I have had it alleged that that could be done.

5 MR. CRISER: In other words, go to New Jersey
6 buy and buy a box or call a mail order company and buy
7 the Caller ID box and hook it up in Florida?

8 COMMISSIONER GUNTER: Yeah.

9 MR. CRISER: Not today.

10 COMMISSIONER GUNTER: Okay. All right.

11 Q (By Mr. Shreve) Mr. Criser, then it's your
12 feeling that Caller ID offers some benefits that Call
13 Trace does not?

14 A Yes, it is.

15 Q Is it also the case that Call Trace offers
16 some benefits that Caller ID does not? Particularly if
17 it's available to 100% of the customers.

18 A I'm not sure that Caller ID couldn't be
19 available to 100% of the customers.

20 Q They would have to subscribe and pay Bell a
21 fee for it, would they not?

22 A Or the fact that the -- the fact that it's
23 available and customers are aware that it's there or
24 callers are aware that it's there can have the same
25 impact.

1 Q All right. What if an obscene phone caller
2 is not deterred but makes a call.

3 MR. FALGOUST: Mr. Chairman, Mr. Chairman,
4 may I ask a question and perhaps make an objection?

5 It was my understanding that, as announced by
6 Counsel, that the purpose of this hearing was to
7 "Receive public input about Caller ID." Public Counsel
8 will certainly have every opportunity available to them
9 to cross examine Southern Bell at the hearing in
10 November, and I'm just asking the Chair for a
11 clarification of what the purpose of this meeting is.

12 COMMISSIONER GUNTER: Well, one of the things
13 Mr. Shreve is trying to bring to our attention, in any
14 formal proceeding we have, and the purpose, and I hope
15 Southern Bell and all folks won't lose sight of the
16 fact that the purpose of hearings is to educate the
17 Commissioners. We quite frequently see games played,
18 and what have you, but where people lose sight of what
19 the purpose is is to educate us. Because you get to be
20 a Commissioner, and I'll tell you real quickly, you
21 don't become the sum total of knowledge with the
22 annointment of the status of Commissioner. Our purpose
23 of being here is trying to learn.

24 This is kind of like getting to cross
25 examining in some depth, though of a technical witness,

1 but I understand what Mr. Shreve is trying to do. And
2 I'm going to allow this for a limited period.

3 MR. SHREVE: Thank you, Commissioner. I
4 appreciate that, and we are here to hear from the
5 public, but it has to be an informed public. And have
6 all of the facts made available to the public before
7 they make a determination of their testimony.

8 Q (By Mr. Shreve) You had discussed, in some
9 discussion that I remember hearing in some other
10 meetings we have had around the state, as I recall in
11 the hearings with the Public Service Commission, there
12 was a great deal of discussion about who should be
13 allowed to block, and the other thing would be whether
14 it would be per-call blocking or line blocking. And I
15 think that was the question that was really before the
16 Commission, and then cost; in addition to that whether
17 or not cost was going to be incurred.

18 Is there really a decision to be made as to
19 who can block or can anyone block?

20 A In the network as it is configured today or
21 provisioned today, there is not the ability for per-
22 call blocking on a per-call basis. That would require
23 changes in the switches; translations.

24 Q Then you're saying that the decision would
25 have to be made to allow only line blocking?

1 A I'm not sure I understand --

2 Q Okay, how would you block --

3 COMMISSIONER GUNTER: Mr. Shreve, one of the
4 things -- I think you're probably asking him questions
5 that maybe you ought to ask the Commission. Because
6 they can request -- and the Commission will make the
7 decision as to whether it would be call blocking on a
8 per-call basis or a line basis or whatever. We have
9 the request of the company before us.

10 MR. SHREVE: Yes, sir. I understand.

11 COMMISSIONER GUNTER: It's what we may order
12 them to do.

13 MR. SHREVE: I understand that. And I think
14 you have the ability or authority to order them to do
15 anything you want to. Now, if it's just not available,
16 maybe that's a different story. But are you saying you
17 cannot have per-call blocking?

18 A Yes, you can, but not -- you have to do
19 something to the network.

20 Q All right. Line blocking, if I recall the
21 discussion with the Public Service Commission, you
22 would have an one-time charge that would be made when
23 you set up the line blocking at that time, is that
24 correct?

25 A My understanding of that was that the

1 analysis of that is that the cost was similar to a
2 service order charge, and the indication at that time
3 was that the charge would be waived for those agencies.

4 Q In several of the meetings that we had, the
5 discussion came up concerning nonpublished numbers or
6 nonlisted numbers.

7 Are you saying that the ability is not there
8 today to block those individual numbers?

9 A I want to be clear. I think what I'm trying
10 to say is the same as I said to Commissioner Gunter's
11 question in terms of could you go to New Jersey and buy
12 a box and come into Florida and plug it in and make it
13 work? No, you can't. Nor could you go in today and
14 initiate a per-call blocking without doing something to
15 the network first. And that's what I'm trying to say.

16 Q Okay. But when you put the system in, you're
17 going to put the entire system in and whatever needs to
18 be done or whatever you ordered to do. So I guess I'm
19 talking down the line and not just today then.

20 COMMISSIONER MESSERSMITH: Mr. Shreve, let
21 me ask you a question. Do you know the answer to these
22 questions?

23 MR. SHREVE: Yes, sir, I'll be glad to
24 testify to it.

25 COMMISSIONER MESSERSMITH: Well, I'll tell

1 you what, for my own -- from the knowledge perspective,
2 I think it would be preferable instead of doing this in
3 a hearing process, let them make a presentation. I
4 just as soon you make the presentation and tell me what --

5 Q (By Mr. Shreve) All right. With the system
6 that Bell has proposed, is blocking is to anyone?

7 A You mean per-call blocking or per-line
8 blocking?

9 Q Per-call blocking.

10 A Per-call blocking would not be available with
11 the system as it was proposed. You would require
12 additional software changes beyond that to implement
13 per-call blocking at an additional cost.

14 Q Okay. In testimony we received earlier in
15 some other meetings, in testimony and discussions, it
16 was my understanding that -- and credit card and
17 operator- assisted local calls would block.

18 COMMISSIONER GUNTER: That's part of the
19 difficulty we're at, Mr. Shreve, is there have been so
20 many meetings; some that were before the Commission.
21 There have been meetings that were held with other
22 parties, with law enforcement, and what have you, and
23 there is a myriad of understandings that people are
24 having. That's the reason we're fleshing this thing
25 out to make sure we get the public input just as we do

1 in other proceedings. Then we're going to get to
2 Tallahassee and we're going to iron this out on the
3 record.

4 MR. SHREVE: But I think you need the answer
5 to that as to whether or not it's available.

6 COMMISSIONER GUNTER: Well, the only thing
7 that's before us is not those informal meetings. The
8 thing that's before us, Mr. Shreve, is the petition
9 they had before the Commission, and we've held it up,
10 primarily, because of the issue of law enforcement and
11 other folks in making sure that that blocking would be
12 available. There isn't anything else before us yet.

13 MR. SHREVE: That is the petition I'm talking
14 about and the petition as they have offered it.

15 COMMISSIONER GUNTER: Yeah, yeah. And the
16 petition as they have offered it. And I'm trying to --
17 because part of the purpose here is for our
18 understanding. I think I understand that. In the
19 hearings that we had -- not in the hearings but in the
20 agenda conferences we had, no, there would be no
21 blocking of unlisted or unpub numbers. No, there would
22 be no blocking of that.

23 There was some discussion about law
24 enforcement, about some of the methodologies that they
25 could have to be blocked. It was brought before the

1 Commission about there is a statutory provision that
2 there are certain state employees and certain law
3 enforcement personnel whose numbers would not be.
4 Yeah, I understand where we are with their petition.
5 But the thing we don't understand, and we don't have
6 before us in a decisionmaking thing and I'm trying to
7 understand where you are going trying to educate us.

8 MR. SHREVE: Just simply, under the proposal
9 that Southern Bell has, without any decision as to law
10 enforcement or anyone else, can any individual block by
11 using operated-assisted local or credit card calls,
12 local calls?

13 MR. CRISER: I think we have a problem with
14 semantics, and if I can take just a second I think I
15 can clarify.

16 When I talk about blocking, I am referring
17 specifically to delivering a privacy indicator on a
18 Caller ID box which can be done on a per-line -- or
19 per-call or per-line basis.

20 The other arrangements are a way of
21 delivering something other than the calling party's
22 number, and I'm sorry, but I was not referring to or
23 thinking of those as blocking specifically. They are
24 ways of ensuring anonymity. What they deliver, and the
25 simplest example is, with the blocking example, it

1 delivers a "P", which was one of the concerns we were
2 asked to address. The other proposals deliver an
3 out-of-area indicator, an "O", something other than --
4 and I'm sorry, I don't think of that as blocking.
5 Because something is being delivered, it's just not the
6 calling parties number.

7 Q So that everyone will understand, though, the
8 number will not appear on the screen under those
9 situations?

10 COMMISSIONER GUNTER: That's right.

11 MR. CRISER: Under our proposal --

12 MR. SHREVE: That's available in an
13 unrestricted manner.

14 MR. CRISER: -- under the proposal and the
15 mechanisms that we have tried to work out with law
16 enforcement and HRS --

17 COMMISSIONER GUNTER: Yeah, but those are not
18 before us. Those are not before us today. That'll
19 come up at hearing because you all weren't able to cut
20 a deal, weren't able to satisfy the requirements some
21 way or another.

22 MR. SHREVE: Leave law enforcement totally
23 out of it. I think the point I really want to make
24 here is --

25 COMMISSIONER GUNTER: I'm trying to

1 understand what the point is.

2 MR. SHREVE: Okay. They point is that have
3 -- the question is, let's say --

4 COMMISSIONER GUNTER: There are ways you can
5 circumvent the system.

6 MR. SHREVE: -- unrestricted blocking is
7 available under their proposal for a fee. Any person
8 can make an obscene phone call if they are willing to
9 pay Southern Bell either 75 cents or a dollar and have
10 their number blocked off the screen. So the question
11 really comes down to whether or not you will of
12 unrestricted blocking free or unrestricted blocking for
13 a fee.

14 COMMISSIONER GUNTER: Well, we understand and
15 that's the purpose for the hearing, Mr. Shreve, and
16 today we're supposed to hear from the public and
17 supposed to understand what the system is.

18 MR. SHREVE: Sure. And I think the public
19 should understand that, though, because I've going back
20 and forth --

21 COMMISSIONER GUNTER: We would be here for
22 weeks.

23 MR. SHREVE: Well, as long as they understand
24 it, because I didn't find where it had been brought up
25 in the Commission hearing.

1 COMMISSIONER GUNTER: Well, it's not before
2 us yet, Mr. Shreve. It hadn't been brought up in
3 hearing. It's not before us.

4 MR. SHREVE: It's brought up in their
5 petition.

6 COMMISSIONER GUNTER: In their petition?

7 MR. SHREVE: Yes, sir.

8 COMMISSIONER GUNTER: In the tariff we
9 approved, Mr. Shreve?

10 MR. SHREVE: Yes, sir.

11 COMMISSIONER GUNTER: Well, I appreciate you
12 bringing that to our attention. But I'm trying to
13 understand really where we're trying to go.

14 MR. SHREVE: I just want everybody to
15 understand that it's already available regardless of --

16 COMMISSIONER GUNTER: Well, I hope folks here
17 understand because I don't.

18 MR. SHREVE: Well, then Bell should explain it.

19 COMMISSIONER GUNTER: Let's call your witness
20 and let's get on with the hearing.

21 MR. SHREVE: Okay. Thank you, Mr. Criser.

22 MR. CRISER: Thank you.

23 MR. SHREVE: Mr. Evans.

24 - - - - -

25 ERIC W. EVANS

1 was called as a witness for the Citizens of the State
2 of Florida and, having been first duly sworn, testified
3 as follows:

4 DIRECT STATEMENT

5 WITNESS EVANS: First of all, if I cough, I
6 apologize. I have a little asthma acting up. For the
7 past six months my family --

8 COMMISSIONER GUNTER: Could you give us your
9 name and address for the record, please, sir.

10 Okay. My name is Eric W. Evans. I live at
11 5233 Damascus Road South, Jacksonville. I don't want
12 to give my phone number out. (Laughter)

13 For the past six months my family has gone
14 through the agonizing effects of obscene phone calls.
15 I live in a house full of girls, and when I say
16 agonizing, it is agonizing. We've taken steps with
17 Southern Bell to try and solve it and so far, there is
18 periods where it gets so bad that we'll unplug the
19 phones in the bedrooms and take turns in there on the
20 couch, you know, so that we can at least hear the phone
21 when it rings. And if it's that, we'll leave it off
22 the hook for a little while.

23 I have had people tell me I could get an
24 unlisted line, leave the phone off the hook at night.
25 And all I can think about is that we've got relatives

1 that are aged that might -- there might be an emergency
2 and I don't feel like I should do that. So I followed
3 this Caller ID issue pretty close, and I know that the
4 major opposition to it is on a privacy basis.

5 I looked in the dictionary and the dictionary
6 defines "privacy" as the condition of being secluded or
7 isolated from view or contact with others. And I
8 submit to you that the telephone is the exact opposite
9 of privacy. The telephone is an instrument that let's
10 you go into the home of another person. And if Caller
11 ID is said to invade someone's privacy that is making a
12 call, then the telephone system as it is right now let
13 that person invade somebody else's privacy in that it
14 gives them the ability to enter that home without
15 question, you know, without knocking at the door. They
16 can just simply dial the number.

17 And the issue here is, is the telephone --
18 what exactly is the telephone? The telephone is not
19 someone's private right. The telephone is a service.
20 And anytime you involve two or more people in something
21 it's not -- you're not dealing with their private
22 rights, you're dealing with the public. And some
23 examples of this are: everyone has a right to have a
24 stereo in their home. If I go home and I turn my
25 stereo up at 3:00 in the morning to where it wakes all

1 my neighbors up, then I'm invading their privacy. Now,
2 that telephone is the same situation. That stereo in
3 my home is in my home and nobody has a right to enter
4 and do anything to my stereo, yet I can't let it go
5 outside those walls.

6 A gun, everybody is able to have a gun in the
7 state of Florida. You can have a gun in the privacy of
8 your home. But if you go to our window and you open up
9 the window and you start shooting across the street,
10 then you're invading somebody's privacy. Everybody has
11 the right to a CB radio. You can have a CB radio in
12 your living room or your den and you can talk all day
13 long and as long as you don't abuse that privilege, the
14 privilege of a CB radio, as long as you don't abuse it
15 you can have it. But if you abuse the right to have
16 that CB, and you use obscene language and you do things
17 that are not in the rules, so to speak, then you are
18 then abusing your privilege. And you should be --
19 somebody should take action against you.

20 I've got a situation at my house where I have
21 a telephone there for emergency. I have a telephone
22 there to talk to my friends, and I have a telephone
23 that, on several occasions, has just gotten me -- there
24 is the agony -- now it may be some small child. It may
25 be some adult that's kind of warped. It may be just

1 anybody, but the fact is I don't know who it is. And I
2 don't know what's going through that person's mind, and
3 for a father and a husband who has fairly nice looking
4 women that live with him, it's an agonizing thing.

5 And, so I say to you, that Caller ID, in my
6 particular case, if I had Caller ID, if I had a box
7 that recorded the phone numbers, that kept track of the
8 phone numbers, then at least I would have a tool where
9 I could go to some kid's parent or I could have a law
10 officer go to some kid's parent or I could go to
11 Southern Bell and say, "Here's what the box says," and
12 I could at least make an effort to find out exactly who
13 is calling me.

14 The pros and cons, the rights issue here, I
15 define freedom and I define a person's right a little
16 bit different than the world seems to do it sometimes.
17 My definition of freedom is the right to do what is
18 right. Not the right to do what is wrong. Freedom
19 doesn't give you the right to go out and kill somebody
20 or do things like that. Well, this is a privilege.
21 The telephone is a privilege, and I consider that if we
22 have a right to use the telephone, we have a right to
23 use it right. We don't have a right to use it wrong.
24 Caller ID would give me a chance at least to not move
25 into the couch on the weekends. And so I ask you -- I

1 ask you to approve Caller ID.

2 COMMISSIONER GUNTER: Any questions?

3 MR. SHREVE: No questions.

4 COMMISSIONER MESSERSMITH: I have a
5 question. Mr. Evans, are you familiar with Call Trace?

6 WITNESS EVANS: Call Trace, the first time I
7 had heard of it was today. Southern Bell is offering a
8 service that's available October the 1st that I have
9 already signed up for. In fact, I told the gentleman
10 on the phone when I called the first time about Caller
11 ID, I said, "If anything comes out that's available
12 that I could use, and I'm not your first customer, then
13 I'm going to be mad at you." So I get them calling me
14 all the time, you know, anything that's offered. And I
15 have signed up for the thing that's coming out October
16 1st that allows me to call the phone number back,
17 automatic redial or whatever, where you --

18 MR. KEENER: Call Return.

19 WITNESS EVANS: Call Return, okay. But I'm
20 not familiar with Call Trace.

21 COMMISSIONER MESSERSMITH: Well, let me ask
22 Mr. Shreve and Southern Bell, since it's a learning
23 episode for me too. Would Caller Trace be an answer to
24 his problem, Mr. Shreve?

25 MR. SHREVE: There might be some things that

1 he would not get from Call Trace that he would get from
2 Caller ID, for instance, being able to see the number
3 on the screen. I think Call Trace -- he's going to
4 subscribe it to it. What we would propose is have it
5 automatically available -- not automatically, available
6 to everyone because suppose you had not received the
7 obscene harrassing phone calls in the past and hadn't
8 subscribed to this or Caller ID, then you got the calls
9 and you wouldn't be ready for it. If it would be
10 available so that anytime you could key in two or three
11 numbers and trap that number, then I think that would
12 be an additional benefit because it would be available
13 without necessarily having to subscribe to it.

14 COMMISSIONER GUNTER: And put that on a usage
15 basis.

16 MR. SHREVE: Yes, sir.

17 COMMISSIONER MESSERSMITH: But do you still
18 have to have that readout that gives the number?

19 MR. SHREVE: No, sir.

20 WITNESS EVANS: All right. Is Call Trace a
21 telephone company thing where they do the tracing or is
22 it something where the Call Trace is registered at
23 Southern Bell or -- in other words, what on my
24 telephone tells me what number just called me?

25 COMMISSIONER MESSERSMITH: Well, you and I

1 are both going to find out right now.

2 MR. CRISER: What Call Trace would do and I
3 guess there's a first step. These services are being
4 deployed through the state, and Jacksonville is due to
5 be deployed, which why they're not available here yet.
6 It's ready to be turned up in whichever combination.

7 What Call Trace would do would be to provide
8 the telephone number back at Southern Bell and then the
9 mechanism would be where you can call in and have
10 someone pull that number, identify what it is, and then
11 proceed with the appropriate law enforcement officials.
12 The number would not be provided to you.

13 WITNESS EVANS: Okay. In other words, it
14 still puts it in Southern Bell's hands to do something
15 about it.

16 COMMISSIONER MESSERSMITH: Is there an
17 immediacy of that type of thing, Mr. Criser, or is that --

18 MR. CRISER: It's not as immediate as -- I
19 mean it is a -- it's a quick process, next working day.
20 It is not as immediate as having the number displayed
21 for you there.

22 WITNESS EVANS: Let me tell you why I want
23 Caller ID. Now, I suspect this is children doing this.
24 If I had that phone number in front of me, if I had the
25 number, the last 6 or 12 calls, whatever it records,

1 then I can chose a time when those parents are probably
2 home. I could dial that number and say, "Listen, I'm
3 having a little bit of trouble here. Someone is
4 calling from your number and please stop it." That's
5 the smallest amount of effort to stop a problem. And
6 it puts it -- it gives a tool to me instead of relying
7 on Southern Bell.

8 Now, I'm not cutting down Southern Bell, but
9 I have gone through, twice, the measures of recording
10 the calls when they are supposed to be happening,
11 writing down what is said and all that and turned it
12 back in and relied on them to stop it. And it hasn't
13 stopped. And it may be multiple cases here. So what
14 I'm saying is Caller ID gives me the tools instead of
15 relying on somebody else. I feel I have a right to
16 those tools.

17 Another thing is telemarketing companies are
18 probably against this idea. Because Jacksonville, if
19 you live in Jacksonville, you get a lot of telemarketing
20 phone calls. People call you up and say, "I want to sell
21 you siding, I want to sell you --"

22 COMMISSIONER GUNTER: That's not unique to
23 Jacksonville, Mr. Evans; that's not unique to
24 Jacksonville.

25 WITNESS EVANS: If I understand Caller ID

1 right, the very second that phone rings, I know what
2 number it is. It pops up on that screen before I even
3 answer it. So, I have the option of answering that
4 phone or not. If I recognize it is a telemarketing
5 company, and I don't want to be bothered, I don't want
6 to have to get up from the dinner table or whatever,
7 then I have the option of just letting it ring. Or if
8 I don't like those phone calls, I have the ability to
9 call back and say, "Would you all please take my name
10 off the list.

11 UNIDENTIFIED SPEAKER: Can I ask him a
12 question?

13 COMMISSIONER GUNTER: No. Thank you. I'm
14 sorry about that.

15 COMMISSIONER GUNTER: That's not the way to
16 do it. You'll get your opportunity when it comes your
17 time.

18 CROSS EXAMINATION

19 BY MR. RAMAGE:

20 Q Mr. Evans, could I ask you a couple of
21 questions?

22 I'm with the Florida Department of Law
23 Enforcement. I'm assuming from your testimony that a
24 part of the disturbance that you are -- you find that
25 occurs during the nighttime is not necessarily what is

1 said on the phone but by the ringing of the telephone
2 at inappropriate times.

3 A No, it's what's said, too. If somebody calls
4 you at 3 o'clock in the morning and tells you what to
5 do to yourself.

6 Q As you understand Caller ID, you recognize
7 that the phone will continue to ring, even though you
8 know it is coming from the abusive caller.

9 A If it is a child doing it and you can stop it
10 at my level, then I want to do it. But if it is more
11 serious than that, then that's a stronger point for
12 this. If it's more serious than that, and I come to
13 your office and I say, "My little box here tells me
14 these calls right here are not from" -- that's a male
15 voice on there and he's telling my wife something or my
16 young daughter something, then it at least gives me the
17 ability to say, "Here's what I have recorded at my
18 house."

19 Q Do you recognize that generally the phone
20 companies and law enforcement agencies recommend not
21 engaging in conversations with abusive phone calls?

22 A We hang the phone up every time it happens.

23 Q With the availability of the Call Trace, for
24 example, as Mr. Criser pointed out, the telephone
25 security people would become involved so that you would

1 not have to be personally involved. And do you
2 recognize that many times these calls are not by
3 children whose parents can be talked to but they may be
4 by adults who have serious problems and that personal
5 contact may not be appropriate, and, in fact, might
6 encourage further calls?

7 A I have a problem with the immediacy there.
8 You're -- we're dealing with relying on law enforcement
9 and Southern Bell to act, and from what I understand,
10 the number of these calls that they get is
11 astronomical. The office that I turned all these
12 reports in to gets just thousands of calls like this
13 all the time. And I would assume that what they do is
14 they look at the number that's being done and they take
15 the most frequent or the most, the highest number --
16 the person that's getting the most calls and they deal
17 with them first.

18 I realize a point that you're trying to make,
19 and that is that we don't need vigilantes. We don't
20 need people having a tool that will get them in
21 trouble. We don't need a man that's irate at 3 o'clock
22 in the morning going over to somebody's house and
23 beating them up or something. I realize that's an
24 issue.

25 In my particular case I don't think I would

1 be that -- I think I can control myself enough to where
2 I could turn it over to somebody that could handle it.
3 But to just totally rely on you all, the law
4 enforcement and on Southern Bell -- Call Trace, if I
5 implemented that every time, it's going to go into a
6 list of 1,000 calls just being implemented, and it's
7 going to take probably ten calls that I've got to
8 endure before Southern Bell will be able to do anything
9 about it. So I think Caller ID -- I like Caller ID.

10 COMMISSIONER GUNTER: Mr. Evans, if I -- I
11 think if I characterize your testimony, I want to make
12 sure that I made my notes correctly -- as you say,
13 you've tried within the system and the system hasn't
14 worked.

15 WITNESS EVANS: Yes.

16 COMMISSIONER GUNTER: All right. Fine.

17 (Witness Evans excused.)

18 - - - - -

19 COMMISSIONER GUNTER: Mr. Shreve?

20 MR. SCHREVE: Mr. Young.

21 RITA DeYOUNG

22 appeared as a witness on behalf of the Citizens of the
23 State of Florida, and having been duly sworn, testified
24 as follows:

25 DIRECT EXAMINATION

FLORIDA PUBLIC SERVICE COMMISSION

1 BY MR. SHREVE:

2 Q Would you state your name and address,
3 please, for the record?

4 A Yes. My name is Rita DeYoung. I'm the
5 Executive Director of Hubbard House, which is the
6 Domestic Violence Program here in Jacksonville. The
7 mailing address is P. O. Box 4909, Jacksonville 32201.

8 I'm here out of great concern for the program
9 that is under consideration. Based on FBI statistics,
10 somewhere between two and six million women are beaten
11 in their homes every year. Many of these women have to
12 get out of these situations. Only a small percentage
13 ever work through the Domestic Violence Programs, such
14 as Hubbard House. Last year we sheltered over 550
15 women and their children. Across the state that number
16 is somewhere around 8,800. That is fraction of the
17 percentage of the number of battered women who are in
18 our state right now.

19 The risk to battered women with Caller ID is
20 incredible. First of all, it discourages them from
21 contacting the hot lines which provide essential
22 support and referral information to them. It also
23 gives them information about their options. It would
24 discourage them from doing that. They could only
25 safely do that by going to a pay phone if they wanted

1 to maintain their anonymity, and for that reason I
2 don't think it's fair to implement a service like that.
3 That would also apply to any other kind of hot line
4 service, such as suicide hot lines or any other mental
5 health hot lines.

6 There is a lot of risk in homes where
7 children might have access to calling their fathers.
8 Small children oftentimes have that phone number and
9 don't understand the grave danger that exists for their
10 mother if they pick up the phone and call the father
11 from that residence, and in doing that they would be
12 tipping him off where she is. 4,000 women are killed
13 every year at the hands of abusive partners. And if
14 the man could get access to that phone number and trace
15 down her address through that, which incidentally
16 batterers will go to any extreme to locate women in
17 these situations, that will happen, and that will put
18 these women in life-threatening situations. So we are
19 in strong opposition to called ID on that basis.

20 As a private citizen, I am very concerned
21 about the invasion of privacy that occurs with a system
22 of this nature. I, for one, like to shop prices, and I
23 don't want to think that every time I call a furniture
24 store or hardware store and shop for price on something
25 I'm going to get a call back or that I'm going to

1 immediately get literature in the mail from that
2 company. I already get enough unsolicited mail as it
3 is, and I don't need someone else following up with me.

4 I would also like to know that I or my family
5 members could have access to the same kinds of crisis
6 hot lines services that I referred to earlier. I think
7 that's essential when we have children and teens and
8 any family at risk in a society like we have today. We
9 need to have the freedom to make these calls from the
10 privacy of our own homes without fearing that someone
11 who recognize who we are from making those phone calls.

12 I'm also concerned about the risk that exist
13 for discrimination. And, of course, there are other
14 methods to address this, but it does set up the
15 potential whereby callers from certain neighborhoods
16 might be given one set of information about loan money
17 that might be available. Callers from another neighbor
18 might receive different types of responses to those
19 inquiries. So I think it does set up a lot of
20 opportunity for discrimination.

21 I think that more battered women and other
22 people across the community and across our state are at
23 risk than suicide victims could ever be saved. I
24 personally have experienced the gentleman's concern
25 about obscene, threatening and harassing phone calls.

1 I was a little more fortunate. My situation was
2 resolved through law enforcement and Southern Bell. I
3 think that capability does exist, and I think that
4 capability would be further enhanced by Call Trace, as
5 I understand it at this point, anyhow.

6 I would just encourage very strongly that the
7 state of Florida follow the state of Pennsylvania and
8 consider this to be a marketing gimmick on behalf of
9 Southern Bell; something that is going to cost the
10 consumers as well as cost the corporations in the
11 community who would be offered this service. I think
12 it's something that the corporate people are going to
13 benefit from. I think the private individuals will get
14 very little benefit from it, and I truly believe that
15 it does compromise our constitutional rights. Thank
16 you.

17 COMMISSIONER GUNTER: Any questions?

18 MR. SHREVE: Thank you very much.

19 COMMISSIONER GUNTER: Hold on. Ms. DeYoung,
20 Ms. DeYoung, just for a second.

21 CROSS EXAMINATION

22 BY MR. FALGOUST:

23 Q Ms. DeYoung, you made reference to the state
24 of Pennsylvania. Isn't it true that the Pennsylvania
25 Utilities Commission approved Caller ID?

1 A It is my understanding that it has been
2 banned. That was the state that had not accepted it.

3 I'm not an expert on this subject but the
4 information that was given to me was that Pennsylvania
5 had not accepted it, and the two states where it had
6 been passed through, it had been passed through with a
7 lot of misunderstanding, a lot of misinformation, and
8 the citizens of those states are not enjoying this
9 system as it exists.

10 (Witness DeYoung excused.)

11 - - - - -

12 COMMISSIONER GUNTER: Thank you, Ms. DeYoung.
13 Mr. Shreve.

14 MR. SHREVE: Mr. Leslie Pawson.

15 LESLIE PAWSON

16 appeared as a witness on behalf of the Citizens of the
17 State of Florida and, after being first duly sworn,
18 testified as follows:

19 WITNESS PAWSON: My name is Leslie Pawson,
20 4130 Lake Forest, Mount Dora, Florida. I come to urge
21 you to not approve Caller ID, as it is currently
22 proposed. I think the concept of having Caller ID for
23 public emergency services such as enhanced 911, police
24 departments, and so forth, is an excellent idea, but,
25 otherwise, I don't see a need for it.

FLORIDA PUBLIC SERVICE COMMISSION

1 There appears to be little personal need for
2 the average citizen to have Caller ID and those needs
3 that do exist I believe can be addressed and addressed
4 better through Call Trace; better because that gives an
5 official record of what the calling number was.
6 Whereas, if you get into a dispute with Caller ID, you
7 only have the receiving caller's statement that that's
8 what the number was that had called. With Call Trace,
9 you're going to have the record at the telephone
10 company.

11 I think a more significant issue, however, is
12 one that was touched on briefly a few moments ago that
13 in cases of harassing or obscene phone calls, Caller ID
14 gives the person being called immediate information and
15 possibly the incentive to follow up personally on that
16 information and can put them in a hazardous situation;
17 can certainly put other people in a hazardous
18 situation, and basically those are the kind of
19 situations that are far better left to our law
20 enforcement people who are trained to handle them. I
21 see no benefit that the person would get out of Caller
22 ID, no legitimate benefit to get out of Caller ID, that
23 they couldn't get out of Call Trace.

24 I see a great number of commercial benefits
25 for companies to have Caller ID, and I dislike all of

1 them. I see a great potential as has just been
2 mentioned for using it to enhance telemarketing, and
3 that's already a nuisance. Let's not make it worse.

4 As has just been stated, with Caller ID if
5 it's used commercially, every time you call a company
6 for something, you have the potential of putting
7 yourself on their list for returned calls, harassing
8 calls, or whatever. We don't need that.

9 In my opinion, Caller ID is an invasion of
10 privacy. I must differ very strongly with the
11 statement made by the representative from Southern Bell
12 philosophically, in which the statement was made that
13 they are trying very hard to modify Caller ID to adjust
14 for those legitimate problems that have surfaced when
15 the need for privacy is established. I believe
16 nationally, and especially in Florida, there shouldn't
17 be a need for privacy to be established. I believe it
18 should be a given. And the need for maintaining
19 privacy is there unless there is a public need to do
20 something differently.

21 My third objection is the proposal that if
22 it's done that way, that blocking of Caller ID could be
23 available to individual subscribers for some sort of a
24 fee, if they chose not to have their number disclosed.
25 This would obviously be the case in unlisted numbers,

1 unpublished number, and perhaps people who just don't
2 want it.

3 I think that is a very, very bad precedent to
4 get into. It in effect means that if I don't want it,
5 I have to pay a fee to have someone remove a service
6 that I didn't want in the first place. I don't mind
7 paying for services that I do want. I strongly object
8 to paying somebody not to give me services that I don't
9 want. And I don't think we should get into that. That
10 approaches blackmail, I think.

11 Thank you very much.

12 COMMISSIONER GUNTER: Questions?

13 MR. SHREVE: No questions.

14 COMMISSIONER GUNTER: Questions? Thank you
15 very much, Mr. Pawson.

16 (Witness Pawson excused.)

17 - - - - -

18 MR. SHREVE: Don Bragg.

19 DON BRAGG

20 appeared as a witness on behalf of the Citizens of the
21 State of Florida and, after being first duly sworn,
22 testified as follows:

23 WITNESS BRAGG: Commissioners, ladies and
24 gentlemen, my name is Don Bragg, and I'm a special
25 agent with the Florida Department of Law Enforcement.

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1 P. O. Box 1489, Tallahassee, Florida.

2 I'm here today to speak on behalf of the
3 Florida Department of Law Enforcement concerning the
4 Caller ID situation.

5 Back in February of this year, and just prior
6 to the approval of the Southern Bell tariff in
7 Tallahassee for Caller ID, law enforcement at that time
8 recognized a serious threat to undercover operations if
9 Caller ID was implemented.

10 Due to the concerns of law enforcement as
11 stated in this hearing, the Public Service Commission
12 asks that a Law Enforcement Committee be established to
13 work with Southern Bell representatives in trying to
14 reach a successful remedy to our concerns on Caller ID.
15 We've met with Southern Bell -- the Law Enforcement
16 Committee, I say, has met with Southern Bell on several
17 occasions, and I can say even to this date that there
18 has not been a remedy to the Caller ID situation.

19 I might add that the FDLE is not totally
20 opposed to Caller ID. We feel that Caller ID has its
21 place in today's society. But we do feel that it can
22 be very detrimental to undercover law enforcement
23 operations.

24 Now, FDLE is a large investigative law
25 enforcement agency, and we conduct many undercover

1 operations throughout the state in the course of a
2 year. And these operations are conducted either by a
3 confidential source or conducted by a special agent.
4 And sometimes these undercover operations are
5 spontaneous in nature where the identity of that
6 undercover operative would be very detrimental to the
7 investigation and/or the safety and preservation of
8 human life. And that's why FDLE and the Law
9 Enforcement Committee ask that Caller ID be implemented
10 with universal call blocking, not only available to law
11 enforcement but to the public at large. And this will
12 allow the anonymity of the undercover operative and
13 also remove the threat of the criminal element
14 identifying the caller. All that the FDLE and the Law
15 Enforcement Committee asks is if and when Caller ID is
16 implemented, that it be provided to the public at large
17 with the option to block the delivery of the calling
18 party's number at the caller's discretion.

19 COMMISSIONER GUNTER: Let me ask you a
20 question, because I don't recall you being in
21 Tallahassee. But I have a great affinity for the law
22 enforcement community and I made the statement at that
23 time I would never vote to approve it if it put the
24 first officer, regardless of who he was, in any
25 jeopardy whatsoever.

1 Your Committee was made up of folks from the
2 Justice Department and FBI and municipalities and -- is
3 this the uniform position of that Committee?

4 WITNESS EVANS: Yes, sir.

5 COMMISSIONER GUNTER: Fine. That's good
6 enough for me. Questions? Questions from the Company?

7 MR. FALGOUST: No.

8 COMMISSIONER GUNTER: Call your next witness.

9 (Witness Bragg excused.)

10 - - - - -

11 MR. SHREVE: Mr. Robert Michelotte.

12 ROBERT MICHELOTTE

13 appeared as a witness on behalf of the Citizens of the
14 State of Florida and, after being first duly sworn,
15 testified as follows:

16 WITNESS MICHELOTTE: My name is Robert
17 Michelotte. I am the resident agent in charge of the
18 Drug Enforcement Administration, U. S. Department of
19 Justice, here in Jacksonville, Florida, and the
20 territory we cover of the Jacksonville office is seven
21 counties.

22 I don't want to sound redundant from the
23 speaker that just spoke, but I'd like to state that
24 because of the nature of the work that we do in the
25 DEA, and in conjunction with the Sheriff's Office here

1 in Jacksonville with the FDLE, we enforce the Federal
2 drug laws, and DEA is particularly and detrimentally
3 impaired by Caller ID if there are not adequate
4 provisions that are made to accommodate law enforcement
5 needs.

6 Drug traffickers are no longer ill-prepared,
7 uneducated, and uninformed people on inner city
8 streets. Rather, they are sophisticated, highly
9 educated, and very well-funded criminals. And we
10 cannot afford in our line of work to give them the
11 upper edge.

12 DEA and the law enforcement community is
13 concerned basically on two fronts. First of all, the
14 safety of our agents and public, and also the integrity
15 of our investigations.

16 To introduce Caller ID without providing
17 universal precall blocking and other law enforcement
18 safeguards, I think would needlessly endanger the
19 personnel that work for me and other law enforcement
20 officers and the public. I have no doubt that the
21 traffickers will not only be passively assisted by
22 Caller ID, but I believe that they will actively turn
23 the technology to their use and their advantage.
24 Criminals will soon be utilizing Caller ID to verify
25 their clientele, and we must be definitely one step

1 ahead of that.

2 With these things in mind, we respectively
3 ask that the Commission do everything possible to
4 protect our agents and all law enforcement officers and
5 safeguard the integrity of the investigations that we
6 are trying to bring here for the courts here in Florida
7 and across the nation.

8 We urge that universal call blocking be
9 mandated, and we urge that Southern Bell be required to
10 at least meet the specific needs of law enforcement.

11 I think this is a matter of tremendous
12 importance and to dismiss public safety and law
13 enforcement considerations in favor of either more
14 efficient pizza delivery and/or increased revenue for
15 Southern Bell, would send a clear signal to the drug
16 traffickers that are operating in the state of Florida
17 -- and I hate to say it but there are many -- and a
18 message that I'm sure that the Commission does not want
19 to send out, either. Thank you.

20 COMMISSIONER GUNTER: No, that's none of our
21 constituency.

22 Let me ask you a question, and one of the
23 things we have been wrestling with, we sort of make a
24 joke now when we have a Caller ID, everybody leave your
25 guns, you know, at the door, because there's so many

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1 law enforcement folks with fat coats that come in
2 around us.

3 You mention one thing: The universal
4 blocking, and then to meet the particular needs of the
5 law enforcement community. I spoke with Jake Miller.
6 I don't know if you know Jake -- the sheriff in Brevard
7 County, this morning about that. I've known Jake
8 forever.

9 How do we get those needs before us? How do
10 we get those specific needs? You know, you all know --
11 and I'm trying to get this communication there -- we
12 say, "Well, I want universal block and then satisfy our
13 needs." But thus far, coming to the Commission it's
14 been on the negative side. It's been, "No, we don't
15 want to this because," and we embrace that.

16 Commissioner Messersmith had ten years with
17 the law enforcement before he went in the Legislature.
18 We embrace that. No, we don't want any danger; we
19 don't want to endanger battered women; we don't want to
20 endanger psychiatrists; we don't want to endanger
21 anybody that, you know -- case workers, whatever. But
22 how do we get that positive communicated to us -- and
23 I'm holding out that hand saying, "Help." How do we
24 get that communicated to us, what are those particular
25 needs of law enforcement beyond the universal blocking?

1 Is that -- are you all planning -- as a group, are you
2 all planning to be at our proceeding in November when
3 we have the hearing on this to discuss with us?
4 Because if we don't know, an uninformed Commission is
5 the most dangerous kind of Commission because we can do
6 things with the best motives but really honk it up big
7 time.

8 Am I being clear with what I'm saying?

9 MR. RAMAGE: Commissioner, the Department of
10 Law Enforcement intends to prefile direct testimony
11 from one of our special agents that participated in the
12 task force and is aware of the Federal and other
13 concerns of significant needs. And at least through
14 that purpose and for the formal hearing in November,
15 we'll do our best to communicate what is being referred
16 to as the "special needs." I can't speak on behalf of
17 the Drug Enforcement Administration, but at least FDLE
18 will attempt to address that and identify those for the
19 Commission.

20 COMMISSIONER GUNTER: Okay. Well, as I
21 recall originally on the task force was a DEA
22 representative out of Miami, heavy-set, I can't -- the
23 name misses me. But, anyway, in that task force would
24 the -- and, Counselor, this is a question for you -- is
25 it going to represent the views of the task force or

1 FDLE alone, because it's going to be interesting
2 because the FBI had some particular interest, you all
3 had some particular interest; as whose action there
4 was, even had some local police chiefs said, you know,
5 "Hell, that's great, the way they're talking about
6 doing it."

7 MR. RAMAGE: Commissioner, as we plan to do
8 it, there will be an identification of FDLE concerns
9 and task force concerns communicated through that
10 testimony.

11 Most of the time they are exactly the same,
12 and if there were any distinction between the two, it
13 would be made clear.

14 COMMISSIONER GUNTER: All right. Now,
15 concerns may be -- and that's where I speak about from
16 my perception being negative.

17 Concerns about saying, "We don't like this
18 because," is one way to go, but that's kind of a
19 negative thing. And if they are saying, "If it's going
20 to be done, here are some things we would like to see
21 done and satisfy those particular needs."

22 Do you understand what I'm saying?

23 WITNESS MICHELOTTE: Yes, sir.

24 COMMISSIONER GUNTER: And I feel that's very
25 important for -- a burden that the law enforcement

1 community needs to shoulder. And when I say it's
2 negative -- not taking it negative, but it's, you know,
3 "I don't like this because," but if we say, "If you do
4 this, it makes it palatable. But, in addition, to make
5 our job a little easier, to see if we can fill up the
6 prisons with these folks, here's something you might
7 want to consider," you might come pretty close to
8 getting it.

9 COMMISSIONER MESSERSMITH: Also, in the
10 hearings, if you are going to be at the hearings, at
11 the hearing I would be interested in exploring,
12 reflecting back on undercover work, to talk about
13 safety versus inconvenience issue in this situation,
14 because there are some mechanical parts I'd really like
15 to understand more so because there is a diversity of
16 opinion in the law enforcement community. So I don't
17 think this is probably the proper format to go into
18 that, but at that hearing I'll be very much interested
19 in dialogue with you on that perspective.

20 MR. RAMAGE: I think I can represent to the
21 Commissioners that FDLE's representative at that
22 hearing is well versed, well experienced, and be able
23 to answer any of the concerns and be able to answer the
24 questions to the extent that obviously, the answer
25 wouldn't jeopardize some sort of law enforcement

1 technique, et cetera. But I think it's our plan to be
2 as candid as we can in order to help you make the
3 findings that you need.

4 COMMISSIONER MESSERSMITH: Thank you.

5 COMMISSIONER GUNTER: And one of the things
6 that we do for folks that are here, we have a world of
7 correspondence that we've received on this matter, and
8 if there is -- it's all received and put on the
9 correspondence side of the docket, so it's available
10 for public record. But sometimes we forget to tell
11 everybody that I probably have not over two or three
12 pounds of letters, and I've got them in two files: pro
13 and con. And surprisingly they are pretty equal.

14 Ready, Mr. Shreve.

15 MR. SHREVE: Yes, sir.

16 (Witness Michelotte excused.)

17 - - - - -

18 MR. SHREVE: Mr. Cohen?

19 JEFF COHEN

20 appeared as a witness on behalf of the Citizens of the
21 State of Florida and, after being first duly sworn,
22 testified as follows:

23 WITNESS COHEN: Commissioners, my name is
24 Jeff Cohen. I'm the Associate General Counsel for the
25 Florida Medical Association. The Florida Medical

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1 Association is comprised approximately 17,000
2 physicians in the state of Florida, and osteopaths.

3 I'd like to take a moment just to thank the
4 Commission and the Public Counsel's Office and Southern
5 Bell to get together and have a forum. I think it
6 gives us an opportunity to present our position and our
7 understanding about the service that's being offered.
8 And I think it's doing a fine job to that end.

9 The FMA is very supportive of the same
10 concerns that have been voiced here today by Mr. Evans,
11 Ms. DeYoung, some of the law enforcement personnel here
12 today. They are concerns that we share and we're very
13 supportive of.

14 Our opposition to Caller ID is based
15 primarily on the understandings we've gained both
16 through materials supplied to us by Southern Bell and
17 Public Counsel's Office and other parties involved.
18 That understanding is this, and I think I've put it to
19 you in a nutshell: Essentially Caller ID does not
20 permit nonpublished telephone number subscribers to
21 prevent the operation of Caller ID in their case. A
22 lot of physicians and a lot of other similarly-situated
23 professionals who operate out of their homes find it
24 necessary to use the telephone from their home to
25 operate businesses, to operate their professions, and

1 for either safety or privacy reasons they have
2 determined that they do not wish their privacy invaded;
3 they want to have some kind of control over that
4 situation. It is an understanding that I believe has
5 been propagated by Southern Bell, by other marketing
6 services, that if you buy a nonpublished telephone
7 number, you are afforded a right of privacy. And I
8 think that's a reasonable expectation. And it's
9 something that the FMA is very supportive of.

10 We are very concerned that Caller ID will
11 infringe on that right of privacy. I think it's
12 important that the Commission understand that it's not
13 a hollow right that's based on some case somewhere or
14 some statute somewhere. These are actual workings in
15 the physicians' homes where they have to call patients.
16 They want to have some kind of control over when
17 they're called and who calls them, and this is
18 something that they live with every day. They want to
19 have some kind of control over that.

20 These concerns have been raised and
21 acknowledged by the Attorney General's Office, both
22 formally and informally in letter forms and in motion
23 forms. We feel very aligned with the Attorney
24 General's Office on this point.

25 I'd like to add that initially when we

1 opposed Southern Bell's Caller ID program, we said that
2 we would approve -- we would support the program if
3 Caller ID were offered with a per-call blocking free of
4 charge. The reason why we took that position was we
5 felt it untenable and unfair to the members of the
6 Florida Medical Association and to the public at large
7 to permit them to buy a nonpublished number, pay for
8 that with the expectation that their privacy rights
9 would be intact, and then to pay them to opt out of a
10 -- opt out of a service that they don't want. I
11 believe that point has been raised.

12 COMMISSIONER GUNTER: Mr. Cohen, let me ask
13 you a question, and it's one I growled about a little
14 bit back in the early stages of this.

15 What if the rate for blocking, assume the
16 will of the Commission after the evidentiary proceeding
17 was over -- the will of the Commission was to allow
18 Caller ID with blocking available. And would it be a
19 fair proposition -- see, I'm one of these kind of folks
20 that tries to operate with the doctrine of fairness --
21 and would it be a fair proposition that the rate for
22 blocking would be the same as the rate was for nonpub,
23 nonlisted numbers?

24 WITNESS COHEN: The problem that I see --

25 COMMISSIONER GUNTER: You hadn't paid any

1 more.

2 WITNESS COHEN: Pardon me, sir?

3 COMMISSIONER GUNTER: You hadn't paid any
4 more than you would have paid previously.

5 WITNESS COHEN: If, in fact, they don't have
6 a nonpublished number, I think that most people who
7 have nonpublished numbers wouldn't find a problem with
8 that. But I think the people that don't have
9 nonpublished numbers, for a number of reasons they
10 don't want to expose their names to marketing services
11 or to solicitation or what have you, would probably
12 object to that.

13 COMMISSIONER GUNTER: Well, how would you
14 respond to the question about what right does the
15 called party have?

16 WITNESS COHEN: I think the called party's
17 rights are intact today. I think they are intact in
18 the form of Call Trace.

19 COMMISSIONER GUNTER: Well, Call Trace is not
20 universal so let's get to something that is universal
21 today and not something that is coming down the road.

22 Okay. What about me in Tallahassee? What
23 rights do I have as a called party? None?

24 WITNESS COHEN: No, I think you do.

25 COMMISSIONER GUNTER: The only recourse I

1 have is to hang up.

2 WITNESS COHEN: And I think the Legislature
3 has spoken on this issue and it has decided not to put
4 trap and trace devices into the hands of the general
5 public. And I think that was based on a policy
6 understanding than when you have a trap and trace
7 device like Caller ID, you don't want to put it in the
8 hands of the public, you don't want to give it to me,
9 you don't want to give it to you. What you want to do
10 is, you want to do something like call tracing that
11 Southern Bell has so well thought out and it's well
12 intact. And it permits -- essentially, it permits
13 Southern Bell to act as conduit to the appropriate
14 party to intervene in that situation, law enforcement.

15 And I think Mr. Evans alluded to this very
16 well and felt that he could handle that, but I think
17 that -- and I have no reason to doubt that any number
18 of people could handle having some kind of telephone
19 number and being able to resolve a situation. Plenty
20 of people can do that. But I think the Legislature has
21 taken a -- made a policy decision when it enacted
22 Chapter 934, this state's Wiretap Act, and it
23 prohibited the use of trap and trace devices, which
24 Caller ID -- which Southern Bell has acknowledged in
25 previous litigation that Caller ID is, and has decided

1 to put that -- to carve out some exceptions so that the
2 general public doesn't have that. That's something
3 that the FMA is very concerned about. We certainly
4 don't want to see, and I don't think anybody wants to
5 see, somebody get hurt by trying to handle a situation
6 that they are not really not equipped to handle.

7 COMMISSIONER MESSERSMITH: Mr. Cohen, on the
8 legislative intent --

9 WITNESS COHEN: Yes, sir.

10 COMMISSIONER MESSERSMITH: -- I think that's
11 really using journalistic license to think that the
12 Legislature was embracing Caller ID when they did the
13 phone tap legislation because that was not true. The
14 concepts you may be embracing there but the idea of
15 thinking about Caller ID, as we are thinking of it
16 right now, was not something that was paddled up and
17 down the hallways of the Legislature.

18 WITNESS COHEN: I agree with you, and to the
19 extent I applied that, I apologize. Because I
20 certainly don't think that they intended that something
21 like Caller ID would come down the pike. But I think
22 that there was a policy decision when the Legislature
23 acted that they don't want something like a trap and
24 trace device to go into the hands of the general
25 public, be it Caller ID or some other service offered

1 by some other company or what have you. And these are
2 concerns that the FMA has looked at, both the
3 legislative angle; also the aspect of the
4 constitutional provision, the right of privacy
5 provision of the Florida Constitution is a unique
6 provision. It's a provision which is, as the
7 Commissioners and anybody involved in this, any legal
8 realm knows is being interpreted by the Florida Supreme
9 Court very broadly.

10 I think that if Caller ID were adopted as
11 proposed, I think it would probably find a
12 constitutional problem as well as a problem with the
13 violation of Chapter 934, and these are things that the
14 FMA has looked at and feels very strongly about.

15 COMMISSIONER GUNTER: Well, what's your
16 position? I have been listening carefully and I've
17 been trying to get you to -- are you all for it or
18 against it?

19 WITNESS COHEN: We're against it.

20 COMMISSIONER GUNTER: Totally.

21 WITNESS COHEN: Yes, sir.

22 COMMISSIONER MESSERSMITH: You're just
23 totally against it.

24 WITNESS COHEN: We're totally against it, for
25 the reasons that we don't see a way to carve out Caller

1 ID in a acceptable fashion in light of the Florida
2 Statute that I've mentioned and the constitutional
3 provision.

4 Instead, we think, and we support very
5 strongly, the Public Counsel's Office, Mr. Shreve and
6 his Staff's proposal as outlined in their petition to
7 require the offering of Call Trace service to all
8 customers at reasonable usage-based rates. This
9 position has been supported by Mr. Butterworth, the
10 Attorney General of the State of Florida, and we feel
11 very strongly that this keeps intact the legislative
12 intent on this issue and it's something that the
13 Florida Medical Association strongly endorses.

14 MR. KEENER: Mr. Cohen, I have a question for
15 you.

16 WITNESS COHEN: Yes, sir.

17 CROSS EXAMINATION

18 BY MR. KEENER:

19 Q Can you demonstrate where Southern Bell
20 admitted that Caller ID was the same as a trap and
21 trace device?

22 A Yes, sir, it was admitted in the testimony
23 that I've obtained in the Pennsylvania lawsuit where an
24 appellate court overturned that state's equivalent of
25 the PSC, their decision, their approval. And in the

1 Pennsylvania Court's decision there is an
2 acknowledgement, as I recall, it's either in the
3 decision itself, or a transcript of the testimony, that
4 there was an acknowledgement that Caller ID is a trap
5 and trace device.

6 COMMISSIONER GUNTER: Let me, if I can: One,
7 that's not serviced by Southern Bell, that's another
8 RBOC, so it's not Southern Bell.

9 Secondly, I think a review would say that
10 that was not an appellate court but was something akin
11 to our Circuit Court and that has been appealed to an
12 appellate court. Isn't that more correct?

13 WITNESS COHEN: That's correct.

14 COMMISSIONER GUNTER: All right.

15 WITNESS COHEN: Thank you.

16 COMMISSIONER GUNTER: Let's take about five
17 minutes, if we can. Let's take about a five-minute
18 break.

19 (Brief recess.)

20

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21 COMMISSIONER GUNTER: Mr. Beck?

22 MR. BECK: Carl Walker.

23 CARL WALKER

24 appeared as a witness on behalf of the Citizens of the
25 State of Florida and, having been first duly sworn,

1 testified as follows:

2 WITNESS WALKER: My name is Carl Walker. My
3 residential address is 390 10th Street, in Atlantic
4 Beach. I'm representing today, the Suicide Prevention
5 Center of Jacksonville, which is at 2218 Park Street,
6 in Jacksonville.

7 I am the President of the Board of Directors
8 of the Suicide Prevention Center, and additionally, and
9 somewhat importantly in my mind, I'm also a telephone
10 crisis worker at the Center and was a crisis worker
11 long before I became on the Board and since I have been
12 on the Board. I'm pointing this out simply to give you
13 an indication that hopefully, in addition to being a
14 Board member and officer, I also am familiar with the
15 calls we get at our Center and the callers.

16 The Center, which has been in existence for
17 22 years, is not a treatment center in any way.
18 Conversely, it is not information and referral service
19 as are some crisis centers. We are an intervention
20 agency, prevention and "postvention," if there's such a
21 word, for the problem of suicide and people involved
22 with suicide.

23 Probably not what you're expecting and not as
24 expressed earlier today while I was here, the Center
25 endorses the caller identification program very

1 enthusiastically. In discussing it with the people at
2 the Center, our board members, the Staff, the
3 volunteers and with other agencies and other people
4 involved with suicide, it's the consensus that it will
5 not in any way reduce the number of calls we get for an
6 emergency situation that is suicidal and very possibly
7 lethal.

8 I don't want to indicate that all of the
9 calls we get are like you see on TV on Midnight Caller
10 or whatever the program is where everything is a
11 crisis. Probably a very small percentage of the calls
12 that we actually do get are, in fact, a matter of life
13 or death, or possible life or death. We do get,
14 however, a lot of calls that don't really involve
15 suicide. They are not technically crisis calls. They
16 may be someone who is upset because their husband may
17 or may not be having an affair with someone else. We
18 get calls from people who are probably less than
19 sincere or not earnest in calling a suicide prevention
20 center and there may be giggling in the background-type
21 thing for some teenagers that apparently have nothing
22 better to do that day, or night. Those calls will
23 probably be reduced with a system of caller
24 identification.

25 We have in place at this time the ability to

1 trace calls that we get. The Call Trace, I had not
2 even heard that term until a couple of days ago, so I
3 don't know whether our system is Call Trace or not.
4 What we have is like you see in movies, that if I had
5 someone on a telephone call that I think needs to have
6 a tracer put on so that we can take appropriate action,
7 I will get the person next to me, by slipping them a
8 note, to institute the tracer process by calling the
9 operator. We have it preprogrammed on our phone, and
10 it is traced in that manner. It takes X amount of time
11 to do this.

12 In the meantime, while my cohort is doing
13 that, I've got to keep the caller on the phone on which
14 they called. Additionally, and regrettably, we may not
15 always, at our Center, we are open 24 hours a day, 7
16 days a week, type thing, have two people or more than
17 two people in our Lifeline Room where these calls come
18 in and are handled. We may have two, but the other
19 person is also dealing with a lifeline situation where
20 they cannot terminate that conversation so that they
21 can trace the call that I'm on.

22 With the ability to know immediately, when
23 the call came in, the number that that call was being
24 placed from, we would have that ability in the event it
25 was necessary for us to take action because it was an

1 incident that required that, and the person was either
2 unwilling or unable to give us their number or address
3 or location or identity. I say "unable" because we do
4 get calls, and this can be verified, where someone has
5 taken an overdose of pills and alcohol or whatever and
6 they are really not able to talk so that we can
7 understand them for very long and they either get off
8 the phone by hanging it up or they leave it dangling.

9 So we would have their number instantaneously,
10 and hence, we could take the action that we felt
11 appropriate. We do not feel we have a very, very high
12 degree of discretion of records and of the clients who
13 call us. I can say that we do have calls where people
14 willingly give their name, number, address, and these
15 people probably would be recognized in the Jacksonville
16 area by name. To my knowledge, that discretion has never
17 been breached, we have never had a complaint to that
18 effect on anyone who has answered our phones, nor has it
19 hit the media as I suspect it would. The calls we get are
20 held in strict confidentiality. They are not discussed
21 outside of the center by the volunteers who are
22 paraprofessionals and are trained, with their families or
23 elsewhere. I don't think that the people who call in a
24 serious condition -- bear in mind they're calling us.
25 They have looked our number up or found out our number in

1 some way. I don't really think that they would be calling
2 us unless they were looking for help in some way. And I
3 know that sounds dramatic but it's concise. They are
4 calling because they want help. We can best help them if
5 we know who they are, where they are, or at least where
6 they are, and we know the action we should take depending
7 on the circumstances. Short, but to the point, I hope we
8 endorse the Caller ID program very enthusiastically and
9 feel it would be an asset to us for the service that we
10 provide. Thank you.

11 COMMISSIONER GUNTER: Thank you, Mr. Walker.

12 Any questions of Mr. Walker? Questions?

13 Questions? Thank you Mr. Walker.

14 WITNESS WALKER: Thank you.

15 (Witness Walker excused.)

16 - - - - -

17 MR. BECK: Donna Reilly.

18 DONNA REILLY

19 appeared as a witness on behalf of the Citizens of the
20 State of Florida and, having been first duly sworn,
21 testified as follows:

22 WITNESS REILLY: My name is Donna Reilly, and
23 I'm Program Director at Hubbard House, which is the
24 Spouse Abuse Center here in Jacksonville.

25 Contrary to what you just heard, I as a

1 crisis line worker, do not want this system for many
2 reasons. Many of the women who seek help from us are
3 scared to death. Most of them are scared to death.
4 And they may call us several times before we get a
5 name. That's okay. We don't want to endanger her any
6 more than they is already in danger. I work with
7 battered women and I also work with the abuser. I know
8 what the abuser can do.

9 I'm very concerned that several of the states
10 that have Caller ID are now going back to the drawing
11 board and looking at the system and questioning that
12 maybe this was done too quickly.

13 If I were not involved in domestic violence
14 and I were just a person in the street, a taxpayer, I
15 would probably not pay too much attention to this. I
16 would see it as another wonderful service that I could
17 take advantage of. And after the system were in my
18 house, then all of a sudden it would dawn on me this is
19 not such a great idea. I'm talking about danger in my
20 work, I'm talking about violating my privacy in my
21 home, and I ask you to seriously consider this. It
22 seems to me that if something is so controversial that
23 many more people should be brought into it, and there's
24 a handful of people here today, and I think it should
25 be brought before the media and should be brought

1 before the taxpayer so that he and she are fully aware
2 of what we're talking about. Thank you.

3 COMMISSIONER GUNTER: Thank you. Any
4 questions? Any questions?

5 MR. SHREVE: No.

6 COMMISSIONER GUNTER: Thank you so much.

7 (Witness Reilly excused.)

8 MR. BECK: Jeff Cohen would like to clarify
9 his earlier statement.

10 - - - - -

11 JEFF COHEN

12 reappeared as a witness on behalf of the Citizens of
13 the State of Florida and, having been first duly sworn,
14 testified as follows:

15 WITNESS COHEN: I just wanted to take just
16 one second to clarify a statement that I made that was
17 pointed out to me by Southern Bell to be incorrect.
18 And, I've gone back and looked in the court opinion
19 that I referred to, the Pennsylvania case, and, in
20 fact, it's not Bell that admitted that the Caller ID is
21 a trap and trace device. Bell contended that it
22 wasn't. Bell of Pennsylvania contended that it wasn't.
23 It was the Attorney General of the State of
24 Pennsylvania that agreed that Caller ID is a trap and
25 trace device.

1 COMMISSIONER GUNTER: Good. Thank you.

2 MR. COHEN: Thank you.

3 MR. KEENER: Mr. Cohen, you understand that
4 Southern Bell is in no way related to Bell of
5 Pennsylvania?

6 WITNESS COHEN: Yes, sir, I do. Thank you
7 very much.

8 (Witness Cohen excused.)

9 MR. BECK: Ron Tudor.

10 - - - - -

11 RON TUDOR

12 appeared as a witness on behalf of the Citizens of the
13 State of Florida and, having been first duly sworn,
14 testified as follows:

15 WITNESS TUDOR: My name is Ron Tudor. I'm a
16 special agent with the Florida Department of Law
17 Enforcement. I'm also a liason representative for the
18 Law Enforcement Task Force on the study of Caller ID.

19 Just a couple of points I'd like to make and
20 a couple of questions that I was wondering if perhaps
21 could be clarified. I really wish some of the previous
22 witnesses had not left yet because I had some concerns
23 about some of their comments.

24 For one thing, I'd like to clarify that as
25 currently proposed by Southern Bell, FDLE is opposed to

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1 Caller ID as it's proposed now. We agreed in the
2 beginning, however, that per-call blocking on a
3 universal basis would be an acceptable compromise to no
4 Caller ID at all. The original threat of Caller ID was
5 such that we perceived it not to be a good thing. And
6 in listening to some of Bell's presentations, we heard
7 that there were perhaps some good to come of it, and
8 that a compromise position would be with universal
9 per-call blocking. The opposition, of course, is as
10 it's currently tarified.

11 The gentleman that spoke earlier in reference
12 to the problem with his daughters, I could certainly
13 sympathize with. I would hate to be in that position,
14 and I know it would trouble me terribly.

15 I do acknowledge that working within the
16 system, up until now on Call Trace, it has been rather
17 complex. And I know that putting a call trap and trace
18 on a telephone required a deal of complexity and
19 mechanical work. However, I believe my understanding
20 of the current Call Trace would make it much simpler
21 and much easier to institute and implement it, is that
22 correct? That we're not going through a lot of the
23 hoops and a lot of the physical equipment that would
24 have to be attached in the central office if it could
25 be activated by the user. And I seriously want to make

1 sure I understand that too, because previously, I'm
2 like him, the trapping and tracing aspects seem to be a
3 little cumbersome.

4 MR. CRISER: Now if I understand the
5 question, the Call Trace that has been implemented or
6 is being implemented in Florida, would simply require
7 that the party that was called hang up the phone. They
8 would then dial the digits necessary to activate the
9 service, and that would generate a record which could
10 be accessed by Southern Bell security.

11 WITNESS TUDOR: Okay, so Mr. Criser, and
12 again, that's with the TouchStar version of Call Trace
13 and not what police officers used to call tracing
14 calls.

15 MR. CRISER: Correct. As compared to the
16 other mechanism having to go in and put a meter on.

17 WITNESS TUDOR: I don't know if there was
18 confusion there or if he was just associating it with
19 the old system. That's the way I was used to it, and
20 it was rather cumbersome and involved a lot more
21 problems for law enforcement and probably even in the
22 Bell system.

23 COMMISSIONER GUNTER: Well, I think Mr.
24 Tudor, he probably was talking about the old system
25 because he did say in his testimony, if I recall

1 correctly, that he had jumped through the hoops of
2 making a list of the times that the calls were placed,
3 as well as what was said on the calls and kept that
4 record, which is part of that old system.

5 WITNESS TUDOR: Okay. I wanted -- I thought
6 it was a little bit simpler on this new one.

7 COMMISSIONER GUNTER: Yeah.

8 WITNESS TUDOR: Okay. We're concerned from
9 the law enforcement standpoint, again from an
10 investigative standpoint as far as taking Caller ID.
11 The point was made that you could bring the box to law
12 enforcement officers. And it's been my experience as
13 an investigator that if someone brought me something
14 simply like that, I'm not satisfied that that would be
15 enough for us to get probable cause to conduct an
16 investigation or make an arrest or make a prosecution.
17 So, I'm not satisfied the Caller ID box would be, from
18 an evidentiary standpoint, as good as the Call Trace
19 system. I feel that we would have a lot better chance
20 of stopping it.

21 I believe the gentlemen from Bell mentioned
22 that if I had Call Trace on my phone and I punched the
23 numbers in and implemented the trace procedure and then
24 contacted security, they wouldn't give the -- is it
25 correct that you wouldn't give the number back to the

1 party that implemented Call Trace, and I was curious as
2 to why Bell couldn't give them that number if they
3 asked for it.

4 MR. CRISER: That's just been a policy that
5 we've had with regard to the trace. Same procedures we
6 use today or have been using for the meter that's put
7 on for call tracing.

8 WITNESS TUDOR: Okay, because the only
9 difference I saw between that and the call box was the
10 fact that one of them cost you 750 a month and one of
11 them didn't cost -- you didn't pay the 750 a month.
12 And one of them, you could get the number and the other
13 one didn't. I didn't know if there was a technical
14 reason you couldn't give it to them or it was just a
15 policy, like you said, that if they paid the monthly
16 fee that they could be entitled to the number but
17 otherwise you couldn't give it.

18 The other thing, I wanted to make sure that
19 as I understand it, and I know there is a little
20 dispute in the terminology of block and call blocking.
21 But as I see it right now, an obscene caller that truly
22 wants to go through his call could probably use that
23 pay phone or the calling card or an operator assistance
24 because that in effect -- and again with all due
25 respect to your definition of blocking -- does keep his

1 number from showing up. And I think that perhaps the
2 real obscene callers I've experienced in the past from
3 an investigative standpoint, people that are abusing
4 the phone, would, as soon as they found that out, are
5 just going to move to that system to avoid detection.

6 What we would propose as an alternative would
7 be the use of the Call Trace. We think that the Call
8 Trace, if they blocked their call, you could trace it,
9 and that block wouldn't be delivered. They could go
10 ahead and stop it at that point.

11 The service of call blocking we certainly see
12 as a good alternative again to maybe minimizing some of
13 these crimes, because if it is a juvenile that you
14 didn't want to prosecute, and perhaps that would be the
15 case, you wouldn't want to bring in the authorities and
16 maybe bother the police or bother the security people.
17 If it was the juveniles calling from their same home,
18 again could Call Block be implemented, and wouldn't
19 that stop that juvenile from calling back? And the
20 next question is, of course, if they move to another
21 phone number because they weren't completing their
22 call, then moving to another phone number to me it
23 seems like it would be the same thing on the Caller ID
24 box. If you move to another phone number, you wouldn't
25 recognize it as the abuser and you'd have to answer the

1 phone anyway. So if he's going to keep that cycle of
2 moving around, I don't know what the call -- the value
3 there is.

4 The last gentleman that talked, asked about
5 the crisis center, and I wonder very sincerely why the
6 technology that we have today can't allow for Call
7 Block not to be delivered to identified emergency
8 centers or identified crisis centers or identified
9 schools where perhaps you were concerned about a bomb
10 threat. If we had per-call block available by and
11 large, if you put a mechanism in the system that says
12 you don't deliver the blocked capability to an
13 identified crisis organization, be it a crisis center,
14 be it an emergency center, be it a police department,
15 be it a school who very legitimately might get a bomb
16 threat. I would also question if you're calling a
17 crisis center or an emergency center, as the gentleman
18 said, most people are calling them looking for help.
19 They probably would not implement a per-call block
20 three-digit extra step if they were calling for help in
21 the first place. And if the Bell could look into that
22 technology, I think it's there, and maybe not in the
23 currently offered software, but it would go a long way
24 to addressing some of these sincere needs of the people
25 worried about if we had per-call block what happens if

1 they call the school with a bomb threat? Well, if
2 schools are an identified agency that per-call block
3 won't go to, then hopefully that would prevent that
4 from going any further. And these are some of the
5 questions that may be a little bit esoteric. I would
6 hope they could be addressed because I think they will
7 go a long way towards solving some of law enforcement's
8 needs.

9 The per-call blocking that we're asking for,
10 the blanket that we would like to put on society with
11 per-call block is so again that undercover operative
12 can operate in the umbrella of society. That's the
13 very nature again of undercover is to being able to
14 blend in with those people. That's why the per-call
15 block is so important as opposed to individual blocking
16 for certain specified agencies or entities.

17 COMMISSIONER GUNTER: Questions?

18 MR. SHREVE: No questions.

19 MR. RAMAGE: Mr. Commissioner, I'd like Mr.
20 Tudor to at least clarify one other issue. I think
21 early on in the opening comments there was a suggestion
22 that law enforcement had asked that they had the
23 capability of picking a phone number and displaying it
24 on Caller ID and that it might be an unknowing
25 citizen's phone number. Mr. Tudor, would you at least

1 state the Department of Law Enforcement's position
2 regarding that?

3 WITNESS TUDOR: Yes, sir. I'd like to even
4 go a step further. And as a party to the task force
5 that looked into that as an alternative, I must explain
6 the intent when that alternative was suggested.

7 The department's position and the task
8 force's position is number one, it would serve us no
9 benefit to at randomly just pick someone's innocent
10 number out of the air if they were not party to the
11 investigation we were currently conducting, it would
12 not help us to further the investigation if we couldn't
13 use a number that played a part in the scenario.

14 The Department of Law Enforcement realizes
15 quite honestly that undercover operators now, if asked
16 by a bad guy where he's calling from, is going to give
17 the bad guy, for lack of a better term, an answer.
18 Okay, he's not going to say, "I can't tell you that."
19 He's going to give him an answer. If he could make
20 that answer and does make that answer, "I'm calling
21 from the airport pay phone in the Miami International
22 Airport or from a bus station," something that would be
23 privileged to part of that scenario and make the
24 adversary feel that he's working with a confederate,
25 then that makes a lot more sense than picking a number

1 out of the air. That was something, I don't know where
2 it came from.

3 I'm going to tell you that I feel I belong to
4 an extremely responsible and professional organization.
5 Law enforcement in general I feel fits that definition,
6 and it would serve us no benefit to go out there as
7 rogues and be making up numbers and putting the public
8 at large at risk. It wouldn't service our -- by
9 furthering our investigations.

10 Q (By Mr. Keener) So Mr. Tudor, if I could ask
11 you a question.

12 So the task force has not proposed to be able
13 to put up just any number it wished to put up on a
14 Caller ID display unit?

15 A There has been several proposals made. We
16 are saying that we would like, and the term is
17 controlled delivery that we've tried to use, the number
18 would be managed by the case agent as being part of
19 that investigation. In other words, at the moment if
20 someone was taken down and we needed to deliver a
21 number specific to that investigation, yes, we don't
22 want a blanket number that perhaps Bell would pick and
23 would not mean anything to the investigation or not
24 mean anything to the adversary. Because as we stated
25 previously, we do have information that the drug

1 traffickers in particular are currently mandating their
2 clients to call from specific numbers. And if our
3 intelligence and undercover information indicates that
4 we need to deliver a specific number, there may, in
5 fact, not be time to go through the normal work order
6 process of the Bell in getting the approval to deliver
7 and have them reroute their phone system to deliver
8 that specific number.

9 It is a very transient business working
10 undercover in narcotics, it changes. It goes from
11 point A to point B from people to people back and
12 forth, so we can't lay you out a month in advance the
13 numbers we will need to call. These are mechanics, of
14 course, that I believe the technology exists to work
15 out. There have been other alternatives that we have
16 suggested that were turned down that seemed far more
17 compromising on our part. And in discussions with
18 other phone companies, they have assured us that not
19 only the technology but the willingness in behalf of
20 those companies to accommodate us is there. So we were
21 still very much open to negotiations and working out
22 those concerns.

23 MR. KEENER: Thank you.

24 COMMISSIONER GUNTER: Thank you, Mr. Tudor.

25 Is there anyone else that wishes to be heard?

1 Anyone else?

2 All right. We will conclude this first half
3 of the proceeding and we will begin at 6:00 on the --
4 it is 6:00, is it not?

5 MS. GREEN: 6:30.

6 COMMISSIONER GUNTER: 6:30 in the afternoon
7 session, or the evening session.

8 (Thereupon, hearing adjourned at 4:35 p.m.)

9 - - - - -

10 (Thereupon, hearing reconvened at 6:30 p.m.)

11 COMMISSIONER GUNTER: All right, we'll call
12 the hearing to order.

13 Counselor, read the notice.

14 MS. GREEN: Pursuant to notice a public
15 hearing was convened on Tuesday, September the 25th,
16 1990, at 6:30 in Orange Park, Florida. This is Docket
17 No. 891194-TL, Proposed Tariff Filings by Southern Bell.

18 COMMISSIONER GUNTER: Let's take appearances.

19 MR. SHREVE: Jack Shreve and Charlie Beck,
20 Office of the Public Counsel, Tallahassee, Florida,
21 representing the Citizens of the State of Florida.

22 MR. RAMAGE: Michael Ramage, Deputy General
23 Counsel, Florida Department of Law Enforcement.

24 MR. KEENER: Barlow Keener and David
25 Falgoust, representing Southern Bell Telephone and

1 Telegraph Company.

2 MS. GREEN: Angela Green, Florida Public
3 Service Commission, on behalf of the Commission Staff.

4 MR. SMITH: I'm David Smith of the Florida
5 Public Service Commission's Division of Appeals,
6 appearing as Counsel to the Commissioners.

7 COMMISSIONER GUNTER: As we have done in the
8 first half of this proceeding, which began at 2:30
9 today, the process that we will follow this evening is
10 to take testimony from the public regarding the
11 question of Caller ID services that are being proposed
12 by Southern Bell.

13 The process that we will use is Mr. Shreve,
14 Office of Public Counsel, will represent those persons
15 from the public who wish to be heard on this matter,
16 and he will call the witnesses in the order that they
17 have signed up.

18 Is there anyone who wishes to testify this
19 evening who has not signed up? All right, if you get
20 with Mr. Shreve, please. (Pause)

21 Before we get started, and so that everybody
22 at least is on the same wavelength, there has been some
23 misunderstanding about actions taken on the part of the
24 Commission regarding Caller ID, and I didn't have
25 copies of the orders. They were here in the room but I

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1 was just trusting on memory and I didn't want to
2 discuss until I had had an opportunity to read the
3 orders.

4 Order No. 22397, dated 1-10-90, January 10th
5 of this year, the Commission's operative order was an
6 order denying the tariff filings of Southern Bell. The
7 Commission, at that time, did tell Southern Bell in its
8 order that if they were to comply with certain items,
9 certain changes to their tariffs, and what have you,
10 that they would be considered for administrative
11 approval on the part of the Commission. Southern had
12 waived their statutory time period for filing, but the
13 title of that order was "Order Denying Tariff Filings."

14 On February the 7th, 1990, in Order No.
15 22505, there was an Order of Reconsideration where the
16 Commission, in its own behalf, sort of reiterated that
17 same thing and said, "No, you don't get to put those in
18 because there has not been an accord with the parties
19 that were involved, so there was no tariff ever
20 approved by the Commission."

21 The next order in this proceeding was an
22 Order Granting the Hearing Request where the Office of
23 Public Counsel had filed a Request for Hearing on these
24 tariff proposals, and that's where we are, and that
25 order was dated the 25th of August, 1990, in Order No.

1 23370.

2 So I think it needs to be abundantly clear
3 that this Commission has never by order approved a
4 tariff for Southern Bell.

5 Now, there is a question about the notice
6 sent to customers about this service would be
7 available. That is not before us. How Southern Bell
8 conducts the notice to their customers will be a
9 subject for another proceeding, but there has not been
10 an order approving the tariff filing by this
11 Commission, and this Commission is the only one that
12 can approve a tariff filing.

13 There was a condition set forth that said,
14 "If you do all those things and resubmit and change
15 your tariffs they would be approved." That was never
16 accomplished. I just wanted to make sure everybody
17 understood that.

18 All right. We will swear everybody in at one
19 time because this is sworn testimony and it becomes a
20 part of the record in this proceeding. We have a court
21 reporter that is taking these proceedings so, Mr. Shreve,
22 if you will call your first witness, then we will swear
23 everyone in who intends to testify this evening.

24 MR. SHREVE: Mr. Rasco.

25 COMMISSIONER GUNTER; If everyone would rise

1 who intends to testify this evening and raise your
2 right hands.

3 (Witnesses collectively sworn.)

4 COMMISSIONER GUNTER: Go right ahead, sir.

5 - - - - -

6 ED RASCO

7 appeared as a witness on behalf of the Citizens of the
8 State of Florida and, having been first duly sworn,
9 testified as follows:

10 WITNESS RASCO: Commissioner Gunter and
11 Commissioner Messersmith, members of counsel of
12 interested parties, I'm here tonight as an individual
13 citizen to recount to you some --

14 COMMISSIONER GUNTER: Excuse me, sir. Could
15 you give us your name and address for the record?

16 WITNESS RASCO: Yes. My name is Ed Rasco, my
17 address is 3479 North Ride Drive, Jacksonville 32223.

18 COMMISSIONER GUNTER: Thank you, sir.

19 WITNESS RASCO: I would like to give you the
20 benefit of some experiences that my wife and I have had
21 personally in regard to some problems with phone calls.

22 We have been bothered over four months
23 recently with almost daily, regular phone harassment,
24 and at predictable times. We changed from one
25 nonlisted phone number to another; we had our phone

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1 trapped twice by the phone company, and we had an
2 apparent burglary that we believe was related to the
3 phone calls.

4 Initially, the calls came from a business
5 phone with identifiable background noises. We feel
6 certain that Caller ID would have allowed us to put a
7 stop to this problem in its inception, with no further
8 difficulty. In the ensuing days and weeks, however,
9 our caller became considerably more cautious, more
10 crafty and more clever, and by information given to us
11 by phone company security, when traps were on the line,
12 no two calls came from the same number. We received as
13 many as three and four calls in an evening on occasion.

14 We cost the City of Jacksonville time and
15 money of at least two different police investigations
16 and one detective. We cost the phone company time and
17 money in conversations we have had and the time and
18 energy and the cost to put traps on our line. We
19 personally incurred the cost of a phone answering
20 machine and a phone number change. But, most
21 importantly, we have cost ourselves, individually,
22 untold hours of frustration, anger, fear and stress,
23 all of which we feel certain could have been prevented
24 if Caller ID had been available when we received the
25 very first phone call.

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1 There is nothing more certain to put a stop
2 to harassing or obscene or threatening phone calls than
3 having the calling party's phone number, and
4 immediately confronting them on the phone after their
5 call and, if necessary, having the number available to
6 supply to the police.

7 The citizens of other states have had the
8 advantage of Caller ID, and we understand through
9 relatives, specifically in Tennessee, that this system
10 has been very successful and was accepted without the
11 requirement of call blocking.

12 There must be some way that special needs of
13 special groups in Florida, such as undercover police,
14 can be met and protected and still allow the individual
15 citizen the protection of Caller ID to prevent the kind
16 of difficulty that we have encountered.

17 Thank you very much.

18 COMMISSIONER GUNTER: Thank you. Any
19 questions?

20 COMMISSIONER MESSERSMITH: I have one.

21 Mr. Rasco, just for the sake of discussion
22 and trying to figure out the mechanics of this, you did
23 have a line trace, a trap put on the line, and you were
24 able to check out the series of numbers and they were
25 all different, is that correct?

1 WITNESS RASCO: That's correct.

2 COMMISSIONER MESSERSMITH: Given that
3 scenario, if you had Caller ID and you came up with
4 those same numbers, and you were unable to do anything
5 about it with those numbers then, how would Caller ID
6 help now?

7 WITNESS RASCO: We would never have gotten
8 that far, sir. We would have checked the first phone
9 call at a time when the call was coming from a business
10 where we felt we knew where the call was coming from,
11 for several reasons, including the background noises
12 that made the business identifiable. I think we could
13 have stopped it right then. I think if we had made a
14 call back and said, "Look, we have your number, we want
15 this stopped or we're going to call the police," I
16 don't think we would have had another phone call, sir.
17 I don't think you have called me again if I done that
18 to you, would you?

19 COMMISSIONER MESSERSMITH: Probably not.

20 (Laughter) I would like to know how you do that,
21 right?

22 I'm curious because in the earlier meeting we
23 had a discussion about the effectiveness of -- there
24 was a gentleman here who also talked about the
25 timeliness of being able to immediately get back to

1 that number and it just raised my curiosity when you
2 said you ultimately did get to the location of those
3 numbers why you couldn't do something then.

4 WITNESS RASCO: I think the key to it is to
5 call immediately after such a call has occurred. I
6 think that's the timing that makes the system
7 effective, sir.

8 COMMISSIONER MESSERSMITH: Okay. Thank you.

9 WITNESS RASCO: Thank you, sir.

10 COMMISSIONER GUNTER: Any other questions?

11 MR. KEENER: No questions.

12 MR. RAMAGE. SHREVE: Thank you, sir.

13 (Witness Rasco excused.)

14 - - - - -

15 MR. RAMAGE. SHREVE: Ms. Mondì.

16 GARA MONDI

17 appeared as a witness on behalf of the Citizens of the
18 State of Florida and, having been first duly sworn,
19 testified as follows:

20 WITNESS MONDI: I am a Gara Mondì, 2618

21 Algonquin Avenue, Jacksonville, Florida.

22 I want to express to you my appreciation of
23 having the chance to talk tonight. I believe Caller ID
24 can end up re-empowering people who frequently feel
25 helpless when somebody calls them and they don't know

1 what to do about it.

2 I have a number of examples that I can give
3 you. My business is in human services and I have been
4 doing this since 1975. A lot of the time, we work with
5 people who are not your most upstanding citizens. I
6 specifically work in the area of alcohol and drug
7 rehabilitation. I have been involved in, and have
8 assisted in, getting people put in prison. Needless to
9 say, they're not real happy with me. On one occasion I
10 had the federal probation office to call me and said
11 there was a contract out on me, at which point I got a
12 number of calls. I do not know who these calls are
13 from. I do not know if it was coincidence. I don't
14 believe in that kind of coincidence. Once the man was
15 sentenced the calls stopped. Then I was advised that
16 was on a list with his cousin and I went, "Oh, no." I
17 had a few more calls, but they also stopped. I also
18 started having my husband answer the phone.

19 At this point, I would like to again talk
20 about power. I felt powerless to handle this
21 situation. I felt victimized. My husband would be
22 awakened at 2 or 3 or 4:00 in the morning. He wants to
23 protect me and what is there to do with the anger? So
24 we would end up sitting for an hour or two in the
25 morning saying, "Well, do we check the doors, do we get

1 the dog up, is he going to call up, what's going to
2 happen?" We felt invaded. We felt powerless. And I
3 felt personally violated. I didn't know what to do
4 with that. That was a serious situation. I could have
5 had my life in threat.

6 Another example of where I feel that Caller
7 ID would empower me is that I had a call about 2 or
8 3:00 one morning. Somebody said, "Help, I need help."
9 I said, "Who is this?" and I'm waking up, I'm groggy,
10 and I don't know what is going on. They said, "Isn't
11 this Suicide Prevention?" I said, "No, it isn't. Tell
12 me what's your number, what's your name." They said,
13 "Well, I think I lost it." And then they hung up. I
14 really felt powerless.

15 My business is working with people to help
16 them be the best that they can be, and I can't even
17 find out if this person needs help immediately, or if
18 they have overdosed, or what they have done.

19 A third example that I can give you at the
20 workplace. It is not unusual -- I work specifically
21 with adolescents -- it is not unusual for the parents
22 to also be users. We have had the situation where a
23 parent will call us and they will say, "I don't know
24 what to do about my child," and the voice is slurred,
25 they are losing control, and obviously the parent is

1 having some personal problems with drugs and alcohol.

2 We do not know how to reach them.

3 Several times we have had to call the
4 spouses, we have had to call the child in and see if
5 they could tell where their mother or father might be
6 at that time. We have had to call the police in
7 smaller communities and say, "This person is out there
8 and they are a threat to themselves, they've threatened
9 suicide, they have threatened homicide." It hasn't
10 happened a lot, but if you're in my job all it takes is
11 once and you remember that feeling of powerlessness.

12 It is my belief that this system would
13 re-empower people who want to do things positively,
14 motivated to take responsibility for having that
15 instrument in their home, and take responsibility for
16 follow-through, if that is necessary, if they get
17 harassing phone call. I believe that it would make me
18 feel more secure, more safe and more vital in what I do
19 with a community if I had this available. Thank you.

20 COMMISSIONER GUNTER: Any questions?

21 MR. KEENER: No questions.

22 COMMISSIONER GUNTER: Thank you very much.

23 MR. SHREVE: Thank you.

24 (Witness Mondt excused.)

25

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1 MR. RAMAGE. SHREVE: Mr. Johnson?

2 WELDON JOHNSON

3 appeared as a witness on behalf of the Citizens of the
4 State of Florida and, having been first duly sworn,
5 testified as follows:

6 WITNESS JOHNSON: My name is Weldon Johnson.
7 I appreciate the opportunity to express my feelings,
8 and maybe a lot of them are personal and I hope they
9 are well-founded reasons, but I will let you decided
10 that.

11 I live in Ponte Vedra. We have a nice
12 community down there, but for some reason or other we
13 are getting more darned calls. They are not harassment
14 calls but they are always somebody always wanting to
15 sell us something.

16 COMMISSIONER MESSERSMITH: That's harassment.

17 WITNESS JOHNSON: Well, okay. Are you on my
18 side or not? (Laughter)

19 COMMISSIONER MESSERSMITH: I can't say from
20 this side of the table. (Laughter)

21 WITNESS JOHNSON: Well, I am an AT&T
22 sympathizer but I think they have gone too far in
23 coming up with some equipment like this. I noticed
24 that this little brochure that you have handed out says
25 that, "Most customers believe they have the right to

1 know who's calling." I say I have the right to not
2 know who is calling if I don't want to. I think it's
3 an invasion of my privacy.

4 I have read a lot about this, I have never
5 been to one of these meetings, and I do know that
6 certain states have it. But it bothers me that the
7 only solution they have, if they put it into effect, is
8 that we are going to have some kind of a call blocking.
9 Who pays for that, we? Is Southern Bell going to do
10 it? Somebody must know. Who should answer that?

11 COMMISSIONER GUNTER: Well, as we said to
12 begin with, Southern Bell has a tariff filing that thus
13 far before the Commission has not been approved. The
14 reason we are setting the proceeding is to find out, to
15 get answers for ourselves.

16 Originally, as I recall, and Commissioner
17 Messersmith was not on the Commission at that time is
18 the reason I'm answering, yes, there was proposed to be
19 a charge for individuals who would choose to have their
20 numbers blocked, as I recall. You know, it has been
21 some while.

22 Jack, do you remember anything, or the
23 Company, either one?

24 MR. CRISER: Commissioner, when we first
25 filed the tariff the proposal was for no blocking;

1 therefore, there would have been no charge.

2 COMMISSIONER GUNTER: That's right.

3 MR. CRISER: Then the proposal was to provide
4 blocking to specific agencies, and I think really, in
5 all fairness, it's probably an issue that has never
6 been -- it has been a subject of debate as to who
7 should pay, and there have been proposals back and
8 forth on that.

9 COMMISSIONER GUNTER: The reason for the
10 hesitancy, Mr. Johnson, is that there is not a specific
11 proposal before the Commission as to that specific
12 question.

13 WITNESS JOHNSON: Well, I don't think that we
14 should have to pay to keep our privacy, and I would
15 hope that you would consider that idea. I don't know
16 what we're going to do, and, again, I have a son who
17 prefers not to get calls at home. He is an attorney
18 and he has a private number. He has no privacy if this
19 goes into effect in Florida.

20 I just think -- well, I still would like to
21 have some facts, if you can provide me, and I'm
22 speaking again with Southern Bell, that most customers
23 believe they have the right to know who is calling.
24 Just what kind of statistics are these? Are they bona
25 fide? I can give you all sorts of statistics and make

1 then out of proportion, or anything else. Is there a
2 good concrete basis for making that statement?

3 MR.CRISER: In terms of do the customers have
4 the right to privacy in their --

5 WITNESS JOHNSON: It's in this brochure that --

6 MR. CRISER: Well, I'm just trying to make
7 sure that I understand the question.

8 WITNESS JOHNSON: Yes.

9 MR. CRISER: I think there are probably two
10 ways to respond to that. One is that there are surveys
11 that have been taken that indicate that that is the
12 opinion of the majority. There is also language in the
13 tariffs for any of the local exchange companies which,
14 in fact, support the right of the person receiving it,
15 instruct or require that the person initiating the call
16 identify who they are. There has never been, I guess,
17 a reverse right, in terms of the calling party having
18 the right not to be known who they were.

19 WITNESS JOHNSON: Well, in my younger days I
20 was a fair statistician, and if you told me what you
21 wanted, I could provide you with those facts, and they
22 would be honest facts but they would be distorted.
23 It's how you ask the question and what group of people
24 you are contacting, whether it's the general public or
25 not. So I question that statement, I really do. I'm

1 not saying we're all crooks but some of us are.

2 So what about the attorney/client
3 relationship, attorneys and their clients? They get
4 harassed a little bit. Have you resolved this?

5 COMMISSIONER GUNTER: This is one of the
6 reasons, Mr. Johnson, that we are here. We are
7 interested in comments from the public. We are
8 interested in comments and whether you are for Caller
9 ID, against Caller ID, and what your reasons and
10 rationale might be on that.

11 COMMISSIONER MESSERSMITH: After this series
12 of public hearings to get input, we will also be having
13 an evidentiary-type hearing on this issue, and that's
14 where we will ask the questions that we will formulate
15 based on input from persons like yourself to come and
16 ask these questions. What is going to happen in a
17 certain given situation, with a certain scenario of
18 activities, that's why we are here.

19 WITNESS JOHNSON: I would submit that you
20 should question anything that Southern Bell puts out
21 like this because they have a biased point to get
22 across. And I'm not being critical of you people, I
23 use your long distance service. I know you can't be
24 blamed for all of these salesmen that call us. I had
25 one tonight and she says, "I'm Miss so-and-so from

1 AT&T," and I think she was talking about some service
2 that I'm not interested in. I know it was some service
3 that I was not interested in because I've got what I
4 want. And I said, "Ma'am, I'm not interested." And
5 she just kept talking. So finally I said, "Ma'am, I'm
6 going to hang up on you," and then I hung up. I don't
7 like to do that but I will do it.

8 And I'll tell you, as far as some harassment
9 calls are concerned, and maybe some of you know this
10 little trick, if you will just keep a good whistle by
11 your bedside and use it, it will get them off the line
12 in a hurry.

13 MR. SHREVE: Commissioners, before Mr.
14 Johnson goes off, he asked a question while ago and I
15 really think he deserves an answer to it. He asked
16 about the blocking and who would pay for it, and I
17 think he wants the facts of the situation as they exist
18 under this filing and where we are.

19 I want to read you from Bell's notice that
20 they sent out to all of the customers of Southern Bell.
21 Down through there, they are talking in terms of
22 working something out at the Public Service
23 Commission's instructions with law enforcement. "If no
24 other reasonable alternative can be arranged, two such
25 alternatives would be to place the call through an

1 operator, additional charges apply, or to place the
2 call from a public pay phone."

3 So blocking is available under their
4 proposal, and there is another way, too, and one would
5 be credit cards. I found that out from them. Without
6 working any deals with law enforcement, or anything
7 else, there are two ways to block now. One is by
8 making a local credit card call and one by making a
9 local operator-assisted call. There you would pay, you
10 would pay a dollar in one instance and you would pay 75
11 cents in the other instance.

12 WITNESS JOHNSON: Which we shouldn't have to
13 do.

14 MR. SHREVE: And that is unrestricted, anyone
15 can do that, so you have unrestricted blocking for a
16 fee.

17 COMMISSIONER GUNTER: One of the things,
18 though, Mr. Shreve, I would just caution you. Let's go
19 to the tariff because, as I said awhile ago, Southern
20 Bell, and this is a good thing for an evidentiary
21 proceeding, it is a notice that they sent out which I
22 would consider at this juncture an unauthorized notice.

23 MR. SHREVE: I don't disagree with that,
24 Commissioner, but I'm talking about facts under their
25 filing. If you put a system in that allows absolutely

1 no blocking, there would still be a block.

2 COMMISSIONER GUNTER: I understand. I
3 understand that, but that wasn't his question. His
4 question was if he blocked it -- and go back and read
5 the record and listen very carefully because you know
6 me well enough to know that I do listen very carefully.
7 His question was if he chose to have blocking, who
8 would pay. In other words, if he wanted to block his
9 access line, who would have to pay for that? That was
10 the reason I asked the question is that -- and I think
11 the record would indicate that that was his question.

12 WITNESS JOHNSON: That is true. Now, I'm
13 going to say something else, and I don't know if
14 everybody is as nasty as I can be, but if Southern Bell
15 persists in this, there are some other long distance
16 services that are available, and I might very well
17 suggest to me wife that we get this other service.
18 Now, there are you are talking money out of your
19 pockets, and if there is very many of us that feel this
20 way, Southern Bell should back away from some of these
21 requests.

22 I have said all I think I need to say. You
23 know I'm against this, that's for sure, correct?

24 COMMISSIONER GUNTER: Got you.

25 WITNESS JOHNSON: Good night, and thank you

1 very much.

2 COMMISSIONER GUNTER: Any questions of Mr.
3 Johnson?

4 MR. SHREVE: No questions.

5 MR. KEENER: No questions.

6 (Witness Johnson excused.)

7 - - - - -

8 MR. SHREVE: Mr. Nelson.

9 KEN NELSON

10 appeared as a witness on behalf of the Citizens of the
11 State of Florida and, having been first duly sworn,
12 testified as follows:

13 WITNESS NELSON: Good evening. My name is
14 Ken Nelson, I am the Area Security Director for
15 Domino's Pizza. I just have a prepared statement on
16 behalf of Domino's Pizza that I would like to read into
17 the record, if I may.

18 Domino's Pizza, Incorporated, is a
19 Michigan-based corporation which specializes in the
20 sale of delivered pizzas to customers' homes and places
21 of business. The corporation presently has over 5,500
22 stores located in all 50 states, the District of
23 Columbia, and 20 foreign countries. The number is
24 currently expanding at approximately the rate of one
25 store per day, system-wide. At present we have 375

1 stores in the state of Florida.

2 Because Domino's primary thrust is delivery,
3 approximately 80% of our business consists of orders
4 for delivery placed to us by telephone.

5 We offer an unconditional guarantee of
6 delivery within 30 minutes or refund of a minimum of \$3
7 for failure to meet this 30-minute deadline. The
8 business is heavily dependent upon the telephone and
9 the accurate telephone number and address information
10 is crucial to meeting the 30-minute delivery
11 commitment.

12 Additionally, because Domino's Pizza is a
13 visible company, our stores and our drivers are visible
14 and are highly susceptible to fraudulent orders,
15 robbery, and even violence. System-wide, 462,000
16 orders were undeliverable last year, accounting for
17 over \$4,620,000 in lost revenue to the company. For
18 the first six months of 1990, 52,730 orders have been
19 undeliverable, and this is just in the state of
20 Florida. This resulted in over \$514,000 in lost
21 revenue in the state of Florida. Lost revenue,
22 however, while significant, is subordinate to
23 considerations of security of Domino's Pizza employees.

24 Each year a significant number of Domino's
25 Pizza drivers are victims of robbery. Approximately

1 two-thirds of these robberies are armed robberies,
2 where the lives of our drivers are jeopardized.

3 In an overwhelming majority of these security
4 incidents, drivers are set up for a robbery through a
5 fraudulent order. If Caller ID, or a like service, is
6 made available, incidents like these would be virtually
7 eliminated. And in those cases where robbery did take
8 place, valuable information about the caller, and where
9 the robbery took place, would be provided to the
10 police.

11 In northern New Jersey, where 14 stores have
12 been equipped with Caller ID on a test basis,
13 undeliverable orders have been reduced by more than
14 90%, and no driver robberies have occurred since the
15 feature's installation, despite the fact that these
16 stores are located in a high-crime area of New Jersey.

17 Presently, in an area where robberies or
18 undeliverable orders are prevalent, stores call back
19 customers to verify orders. Since the robber is
20 unlikely to give the correct telephone number when
21 placing a bogus order, this creates an inconvenience
22 for the store and the customer, since an extra step is
23 required in the order process. Yet, it is the only
24 effective way to minimize potentially criminal
25 activity.

1 This also creates a negative customer
2 perception, since there is a question about the
3 customer's veracity. In such areas Caller ID can
4 enable businesses to enhance service to customers by
5 enabling those placing legitimate orders to receive the
6 product in a more timely and less cumbersome manner.
7 Since calls where the telephone number given by the
8 customer match that appearing on the Caller ID display,
9 they would greatly be accepted as legitimate. Those
10 where a match did not exist would be screened more
11 closely, and if a legitimate reason for the difference
12 exists, such as a caller calling, or customer calling
13 from his office to have the product delivered to his
14 home or from a neighboring address, then those could be
15 still served without any fear of robbery. The company
16 would then be able to better serve and provide better
17 quality service, while ensuring the welfare of its
18 employees.

19 As for those who argue that caller ID can be
20 used to red line, that is to refuse to service an area
21 based on its telephone exchange, Domino's Pizza
22 believes this is unlikely. To the contrary, Caller ID
23 provides a means to differentiate valid orders from
24 those which are suspect, enabling the company to once
25 again serve an area which may have previously been

1 judged too risky -- an area which may have previously
2 been too risky to service and now can be serviced.

3 Further, the telephone exchange is most often
4 a very poor indicator of an area's economic or status
5 of its safety. For an example, in the state of
6 Michigan, the second poorest city in the state shares a
7 telephone exchange with the second wealthiest community
8 in the country. Therefore, we believe that the
9 tendency to use this feature to red line would be
10 minimal, as well as the ill-advised.

11 As for the issue of preserving the privacy of
12 entities such as undercover police officers, community
13 mental health workers, rape crisis centers and shelters
14 for battered spouses, identifying information for these
15 subscribers could be excluded on a case-by-case basis,
16 and we support this.

17 The mere fact that this issue is before the
18 Commission today clearly indicates that the technology
19 for Caller ID exists, and it exists for those who are
20 engaged in the criminal activity, to employ its use to
21 continue. Denying Southern Bell's Caller ID request
22 would not limit the criminals from engaging in the use
23 of its product but, instead, would possibly offer a
24 viable solution to law enforcement agencies, and
25 others, that wish to have their calls blocked.

1 Finally, on the issue of the use of the
2 telephone marketing, Caller ID only becomes a source of
3 junk calls for those whose telephone number is already
4 published in the telephone directory, or whose identify
5 is known to the caller. By and large, nonpublished
6 numbers are not available through published third-party
7 data bases, and they are never available from the
8 telephone directory or directory assistance.
9 Therefore, Caller ID is no more likely to become a
10 source of junk calls than a consumer credit card
11 account or a low-budget, boiler-room telemarketing
12 operation, which instructs its employees to dial all
13 numbers in a telephone exchange sequentially to give a
14 sales pitch. We believe, therefore, that this is an
15 insignificant problem.

16 On the other hand, the information can
17 legitimately be used to contact customers on a quality
18 survey basis. In this respect, it can actually yield
19 to the customers benefit. Domino's Pizza, for
20 instance, would use the information to call random
21 customers and make certain that the product and service
22 which they received was satisfactory.

23 In summary, Domino's Pizza, Incorporated, the
24 Public Service Commission of Florida to act favorable
25 on Southern Bell Telephone and Telegraph Company's

1 request to offer Caller ID. We believe that the
2 potential benefits to consumers and businesses in
3 increased security, preservation of revenues and,
4 consequently, lower prices far outweighs any perceived
5 compromise to the right of privacy. We further believe
6 that the present technology makes available the
7 necessary safeguards to ensure the privacy of
8 individuals who desire or require it.

9 Thank you very much.

10 COMMISSIONER GUNTER: Any questions of Mr.
11 Nelson?

12 Mr. Shreve?

13 DIRECT EXAMINATION

14 BY MR. SHREVE:

15 Q If you received a call requesting delivery of
16 a pizza and that call was blocked, what would you do,
17 probably not deliver it because you wouldn't -- if you
18 didn't receive it on the Caller ID screen?

19 A I think in a case like that it would be like
20 a red flag going up.

21 Q Yes, sir, I see.

22 A It would allow our phone personnel to more
23 closely scrutinize that particular order by asking such
24 questions as to obtain information on the veracity of
25 the caller's legitimacy. In other words, we employ

1 such efforts as we might ask them where their house is
2 located in reference to a particular street; how many
3 houses in from Blanding Avenue is it, and at what
4 intersection, stuff like that. And the more you
5 inquire of that caller, if it's not a legitimate order,
6 then the caller is probably going to trip himself up
7 and it is going to throw up more red flags and, yes,
8 you're right, at that point, we would not deliver that
9 order.

10 Q Do you have the same situation now? Do
11 sometimes people refuse to give you telephone numbers?

12 A Not very often, no.

13 Q But if they did, that would be the same type
14 of red flag?

15 A It would be an indication that our employees
16 should screen that call a little closer, yes.

17 Q Okay. So if you received a call that was
18 blocked off the screen, whether it be for a fee or
19 free, it would give you the same indication?

20 A That's correct.

21 MR. SHREVE: No further questions.

22 CROSS EXAMINATION

23 BY MR. RAMAGE:

24 Q I represent the Department of Law
25 Enforcement, and law enforcement is opposed to Southern

1 Bell's proposal. And one of the compromises that we
2 have suggested is a per-call free blocking option to
3 all customers. The rationale behind that is that
4 undercover officers don't need to be sign-posted by
5 utilizing a blocking option that is available only to
6 law enforcement agencies and maybe a few social welfare
7 or human services agencies. The very fact that a
8 criminal could receive a blocked call could be tipping
9 the criminal off that this is potentially from a law
10 enforcement officer.

11 We are concerned about the safety of our law
12 enforcement officers, and we are likewise concerned
13 about the safety of individuals that are subject to
14 robbery, like Domino's Pizza delivery persons. If a
15 per-call blocking were made available to all customers,
16 it would appear then that Domino's response to a
17 blocked call would be sufficient to resolve in Domino's
18 mind whether or not to make a delivery of that pizza.

19 On the other hand, the option of allowing
20 that blocking to the community as a whole will serve to
21 better protect law enforcement officers operating in an
22 undercover capacity.

23 Would Domino's object to universal per-call
24 blocking, knowing that it might help save an undercover
25 law enforcement officer?

1 A Domino's Pizza certainly supports the law
2 enforcement communities, and we would not be in favor
3 of jeopardizing their lives whatsoever. However, we
4 feel that there is adequate technology available that
5 would circumvent any danger that the law enforcement
6 officers would encounter while doing their undercover
7 operations.

8 As I understand it now, a call is blocked
9 whether it is, you know, if it actually has the block
10 on it, or it could very well be a portable telephone or
11 a cellular telephone or an out-of-area call. And all
12 of those telephone numbers would appear on the Caller
13 ID screen in identical fashion.

14 Q But, again, to clarify, if Domino's received
15 a blocked call, assuming that per-call blocking was
16 made available, couldn't the simplest response from
17 Domino's be not to be to deliver the pizza unless you
18 are provided adequate information to get around the
19 concerns raised by the block?

20 A I must not be understanding your question
21 because if it appeared on the Caller ID box that that
22 was from a blocked call, as I explained earlier, we
23 would scrutinize or screen that call more closely.

24 Q I guess the point being, then, that if you
25 can scrutinize and screen the calls more closely, then

1 what would be Domino's objection to having per-call
2 blocking available to the public at large?

3 A We would not be opposed to any kind of
4 blocking whatsoever. If we saw that that block was on
5 there, it would indicate that we would need to screen
6 it more closely.

7 Q Thank you.

8 A However, on the other hand, you know, with
9 the call coming up verifying, you know, the caller's
10 telephone number with his verbal information provided
11 with his telephone number, it would indicate that that
12 call would be, you know, relatively valid, and our
13 drivers would most likely be safe in delivering the
14 product.

15 MR. RAMAGE: Thank you.

16 COMMISSIONER GUNTER: Any questions?

17 MR. KEENER: No questions.

18 MR. SHREVE: Nothing further.

19 COMMISSIONER GUNTER: Thank you very much,
20 Mr. Nelson.

21 WITNESS NELSON: Thank you.

22 (Witness Nelson excused.)

23 - - - - -

24 COMMISSIONER GUNTER: Mr. Shreve?

25 MR. SHREVE: Yes, sir. We call Mr. Murphy.

1 THOMAS J. MURPHY

2 appeared as a witness on behalf of the Citizens of the
3 State of Florida and, having been first duly sworn,
4 testified as follows:

5 WITNESS MURPHY: My name is Tom Murphy, I
6 live in Orlando, and I appreciate the chance to appear
7 here this evening. If Call Blocking --

8 COMMISSIONER GUNTER: Mr. Murphy, I hate to
9 tell you this, but tomorrow night there's going to be
10 one in Orlando.

11 WITNESS MURPHY: I know that but I won't be
12 there. (Laughter)

13 COMMISSIONER GUNTER: Okay. I thought maybe
14 you came up just for this.

15 WITNESS MURPHY: Okay, go ahead and make
16 yourself feel good.

17 MR. SHREVE: You knew Commissioner Gunter was
18 going to be here, didn't you?

19 WITNESS MURPHY: I sure did, and now that
20 I've seen him, I guess I can go home. (Laughter)

21 If call blocking was available on an
22 unlimited basis, I guess I really wouldn't have a
23 problem with the technology. I do feel that it is an
24 invasion of my privacy to not be able to regulate who
25 gets my telephone number.

FLORIDA PUBLIC SERVICE COMMISSION

1 The Pennsylvania Appeals Court, as I know
2 most everybody in this room probably is aware, unless
3 that been reversed has ruled against that by five to
4 zero, based on a wire tap connection, and also
5 something to do with the constitutional right of
6 privacy.

7 I believe my telephone number is mine, and I
8 have a right to do with it as I please, and no one else
9 should have that access. I don't believe I should have
10 to pay, out of my pocket, I should have to pay to
11 support a system that the telephone company wants to
12 implement, and that's what it would be if call blocking
13 was even available.

14 I noticed that Commissioner Gunter referred
15 to, which apparently slipped out before it should have,
16 implied that it would only be available to the agencies
17 that were represented tonight, And I think the retired
18 executive from the phone company, who left after his
19 testimony.

20 So I am unalterably opposed to that, based on
21 a privacy issue, and I hope that Caller ID does not
22 make it to Florida. Thank you.

23 COMMISSIONER GUNTER: Mr. Murphy, let me ask
24 you a question, if I may. You do have an unlisted
25 number?

1 WITNESS MURPHY: No.

2 COMMISSIONER GUNTER: Okay, so your number is
3 in the phone book and is available for anybody anyway?

4 WITNESS MURPHY: Right, but I don't want to
5 call Domino's -- that guy left, too -- Domino's Pizza
6 and have them call me tomorrow night to order another
7 pizza.

8 COMMISSIONER GUNTER: Yeah.

9 WITNESS MURPHY: If they call me out of the
10 phone book -- well, if my number became a problem
11 because it's listed, I can unlist it.

12 COMMISSIONER GUNTER: Sure, I understand.

13 My next question is: should there be a charge
14 for blocking for those folks who had elected to have a
15 nonlisted or nonpub number, nonpublished number?

16 WITNESS MURPHY: No, sir. I think the fact
17 that our side, Mr. Johnson's and mine, is under-
18 represented tonight, is the fact that most people don't
19 know what the hell call blocking is. My neighbors, who
20 are my neighbors, I have talked to them about it and
21 they glaze over for about 30 seconds. It's just not
22 something that is yet well-known.

23 COMMISSIONER GUNTER: Okay. Questions of Mr.
24 Murphy?

25 MR. KEENER: No questions.

1 COMMISSIONER GUNTER: Thank you very much.

2 WITNESS MURPHY: No call blocking, please.

3 COMMISSIONER GUNTER: Okay, I've got you down

4 as ---

5 WITNESS MURPHY: No Caller ID, is what I

6 mean. (Laughter)

7 MR. KEENER: Commissioner Gunter, I just have

8 one comment to make, and we're trying to search for the

9 order, but with regard to the notice that we sent out.

10 COMMISSIONER GUNTER: Yes.

11 MR. KEENER: I believe, Commissioner, that

12 you all ordered us to send out the notice, and the

13 Commission Staff reviewed the notice before it went

14 out. We worked closely with the Commission Staff.

15 COMMISSIONER GUNTER: I hope you can find it

16 for me. The fact of the matter is -- did you find it?

17 MR. KEENER: Commissioner, we are looking for

18 the part in the order, but I just wanted to assure you

19 that we have worked closely with the Commission Staff

20 in coming up with that order, and they have helped us

21 draft part of it.

22 MS. GREEN: What is the date of that notice?

23 COMMISSIONER GUNTER: March 6th, 5th?

24 MR. SHREVE: March 5th.

25 COMMISSIONER GUNTER: Okay, March 5th. Then

1 you've got to find another order because the first two
2 orders I don't find any reference to that at all.
3 There is an additional order that I didn't have a
4 minute ago, that was one entitled, "Order Regarding
5 Tariff Filing," which didn't really change the
6 language, and that was dated 3-19-90, Order No. 22704.
7 But of the four orders, there has been nothing
8 approving the tariff.

9 MR. KEENER: Oh, I'm not debating with you on
10 that point.

11 COMMISSIONER GUNTER: I'm trying to find out
12 something about the notice. (Pause)

13 MR. KEENER: Commissioner, we can come back
14 to this later at another time.

15 COMMISSIONER GUNTER: Okay, that's fine. But
16 I want you to show me chapter and verse because I don't
17 think my memory is so bad that I wouldn't have said,
18 "If we haven't approved the tariff, why in the hell
19 would we have asked you to go out and tell somebody
20 about it." That fails my doctrine of sanity.

21 MR. SHREVE: Commissioner, I really
22 appreciate your pointing that out because, frankly, I
23 had not looked at the orders. All I had was the
24 notice, which was given to me in Miami.

25 COMMISSIONER GUNTER: Oh, I understand.

1 MR. SHREVE: And I really appreciate it. I
2 think you said you have received calls, and we have
3 been told by an awful lot of people then.

4 MS. GREEN: It's in Order No. 22704, issued
5 March 19th, which I apologize, it was stuck to the back
6 of something else when I was trying to give you these.
7 It's on Page 2, and let's see, where does it say that?

8 COMMISSIONER GUNTER: Well, we can come back
9 if we have some other public witnesses. Is there
10 anyone further?

11 MR. SHREVE: Yes.

12 MS. GREEN: I'm sorry, it's on Page 5.

13 COMMISSIONER GUNTER: Go ahead, Jack.

14 MR. SHREVE: Mr. Bick

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16 ARNOLD BICK

17 appeared as a witness on behalf of the Citizens of the
18 State of Florida and, having been first duly sworn,
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MR. SHREVE:

22 Q If you would, please, sir, state your name
23 and address for the record.

24 A My name is Arnold Bick, I live in Ponte Vedra
25 Beach.

1 I hope you will bear with me. I was in my
2 car at 6:00 and had my radio on and I heard that the
3 meeting was here. I was in the Mayport area and I
4 raced down here. I haven't had dinner and I'm out of
5 breath and I'm dry. (Laughter)

6 I tell you that only because I think it's
7 important enough that I disrupt my own personal
8 schedule to be here. I just made some notes as I was
9 sitting there and I find that I can't read them, I
10 scribbled, but I will do the best that I can.

11 I don't know what occurred here earlier this
12 afternoon. I am with Mr. Johnson, and the other
13 gentleman -- I mean, I didn't arrive with them but I
14 concur with them -- and Mr. Johnson is on the Zoning
15 Board of Ponte Vedra, and have I ever appeared before
16 you, Mr. Johnson? (Laughter)

17 However, I feel that it is important. I hope
18 you will consider this Caller ID in the context of what
19 I think are basic losses of freedom that are eroding
20 the American system on a progressive basis. And I
21 don't think that Caller ID is just a little
22 technological blip on the horizon. I think it's a big,
23 big thing that will affect us in ways that we can't
24 even imagine on a daily, everyday living basis.

25 Just consider the fact that -- and I hope you

1 don't think I'm going too far afield -- driving along
2 in your automobile, you can be stopped only because you
3 happen to be in a particular spot because the police
4 have a roadblock and are looking for intoxicated
5 drivers. Now, that sounds like a good idea, people are
6 getting killed every day by drunken drivers. And in
7 our zest to stop that carnage, we are jabbing the
8 Constitution and saying, "It's okay to stop you, we
9 have a good reason." Well, there's always a good
10 reason in Democracy. Democracy is tough, and there's
11 always a good reason to go around the corner and go in
12 the back door.

13 Warrantless searches are available now. They
14 can enter your premises without a warrant if their
15 intentions were okay. Thomas Jefferson must be turning
16 over in his grave. The very foundation, the very basis
17 of the Revolution, one of the very reasons that we
18 wanted to separate from England and do our own thing,
19 were the searches of the British soldiers against the
20 settlers.

21 The Social Security number. When have you
22 filled out a form of any kind, including a mail order
23 or one of those TV offers, that they didn't ask you for
24 your Social Security number? That number has opened
25 the door wide to everything about you that anyone wants

1 to know. Those credit reports, get that Social
2 Security number and a credit report together, do you
3 know that if someone makes an inquiry about your
4 credit, that inquiry appears on the credit report?

5 So let's say the FBI inquires about your
6 credit. Now, it may be a perfectly legitimate,
7 innocuous item, or inquiry. Maybe you applied for a
8 job with the FBI as a secretary. But it will say on
9 your credit report that a credit inquiry was made by
10 the FBI, or maybe it was a probation department, the
11 Secret Service. And it may be innocent, but in the
12 looker's mind, "Why the hell did the FBI want to know
13 what this guy's credit was?"

14 All these things are happening today, and
15 with technology being what it is, computers being what
16 they are, our freedoms and our rights are being delved
17 into consistently and constantly.

18 Now, I think Caller ID is more than any of
19 those things. I think it is really an invasion. What
20 if I wanted to call the IRS, and they strike terror
21 into most people, but they have a service available
22 where you can call them. They are not too reliable --
23 I hope that there's nobody here -- but they aren't too
24 reliable apparently, but you can call them and ask them
25 questions about perceived problems or for information.

1 Why should your number be available? Why should that
2 not be as private as possible? Why should they say,
3 "Why is this guy asking this question? Who is he?
4 What has he got to hide? Or what is he doing?" This
5 is the same IRS that recently engaged an accountant to
6 testify against his client. You talk about the
7 attorney/client relationship, that's just like an
8 attorney testifying against someone that he is
9 defending. And they nailed this guy with his own
10 accountant. I think that is horrendous.

11 Of course, the police matter, and law
12 enforcement agencies have been brought up, and I think
13 those things are obvious, the reasons why they would
14 not want this.

15 I just feel -- you know, radio talk shows.
16 Radio talk shows are part of America today. Now, this
17 may sound frivolous, but if a government official, or
18 the Attorney General, or the head of the FBI were on a
19 radio talk show, on Larry King's or whoever it might
20 be, and I had some information or wanted to ask him a
21 question that was about information that I had that was
22 perhaps important to national security or something but
23 didn't want to give my name, why should that be
24 available? Now, he may not run over to the monitor and
25 see who is calling, but then again it is right there.

1 The interrogator is here and the guest is right here.

2 Again, I don't mean to be frivolous but the
3 salesman out on the road who is tired and has told his
4 boss that he is in such and such a town when he is
5 really in the next town and calls in. The wrong thing
6 to do? Possibly, but I think it's a basic American
7 right that he has the right to do it. (Laughter)
8 Why should he have to guide his life by this
9 technological idea?

10 COMMISSIONER GUNTER: It would be worse if he
11 called home, wouldn't it? (Laughter)

12 WITNESS BICK: I'd even thought about that
13 one yet, but that really would disrupt a lot of lives.

14 But it really isn't a joking matter. I think
15 it's important; it's something that I think will affect
16 us in ways that we haven't even dreamed of. (Pause) I
17 was about to make another point and I forgot.

18 You know, Southern Bell, and I'm really
19 genuine about this, I know a number of executives at
20 Southern Bell. Southern Bell's public service record
21 in exemplary, their community service record is
22 exemplary, their 911 service is just outstanding, just
23 something that all the money in the world couldn't
24 really buy. They got paid for that but it's worth
25 every penny of it. They're fine people, but they very

1 clearly hope to make money on this, and I'm sure they
2 feel they are justified and will make a lot of money on
3 this. But I certainly hope in this case that they
4 don't get what they want, and that if they do, I surely
5 hope that universal free blocking is available.

6 That's all I have to say.

7 COMMISSIONER GUNTER: Any questions of Mr.
8 Bick?

9 MR. KEENER: No questions.

10 COMMISSIONER GUNTER: Thank you, sir.

11 MR. SHREVE: Is there anyone else who wishes
12 to testify? (Pause)

13 That's it, Mr. Chairman.

14 COMMISSIONER GUNTER: Is that it?

15 MR. SHREVE: Yes, sir.

16 COMMISSIONER GUNTER: Thank you all for
17 coming. It has been a pleasure for me to come back to
18 Jacksonville where, lo, those many decades ago the
19 country boy got out of PA-35 right here in Jacksonville.
20 (Laughter)

21 (Thereupon, the hearing was adjourned at 7:30 p.m.)

22 - - - -

23

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1 F L O R I D A)
2 :

CERTIFICATE OF REPORTERS

3 COUNTY OF LEON)

4 WE, CAROL C. CAUSSEAU, CSR, RPR, and JOY

5 KELLY, CSR, RPR, Official Commission Reporters,

6 DO HEREBY CERTIFY that the hearing in the
7 captioned matter, Docket No. 891194-TL, was heard by the
8 Florida Public Service Commission commencing at the time
9 and place therein stated; it is further

10 CERTIFIED that we reported in shorthand the
11 proceedings held at such time and place; that the same has
12 been transcribed under our direct supervision, and that
13 the transcript consisting of 131 pages, constitutes a true
14 and accurate transcription
15 of our notes of said proceedings; it is further

16 CERTIFIED that we are neither of counsel nor
17 related to the parties in said cause and have no interest,
18 financial or otherwise, in the outcome of this docket.

19 IN WITNESS WHEREOF, we have hereunto set our
20 hands and seals at Tallahassee, Leon County, Florida,
21 this 19th day of October, A.D., 1990.

22 Carol C. Causseau
CAROL C. CAUSSEAU, CSR, RPR

23 Joy Kelly
JOY KELLY, CSR, RPR

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FLORIDA PUBLIC SERVICE COMMISSION

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