



Florida Department of Law Enforcement

Office of General Counsel

P.O. Box 1489
Tallahassee, Florida 32302
(904) 486-8323

James T. Moore
Commissioner

*called
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T*

July 13, 1990

**ORIGINAL
FILE COPY**

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

Dear Mr. Tribble:

Attached find the original and 12 copies of the Florida Department of Law Enforcement's Motion To Intervene and Motion For Hearing to be filed regarding Docket Number 891194-TI (the Southern Bell "Caller ID" matter).

Thank you for your attention in this regard.

Sincerely,

Michael R. Ramage
Michael R. Ramage
Deputy General Counsel

DATE: 7-13-90
TO: Local

The attached is sent to you for:

- Your Information
- Further Handling
- Necessary action
- Advice on Handling
- Response

Remarks: 06270-10 06271-10

Division of Records & Reporting TRB
PSC/R&R 9 (3/87)

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- OTH _____

RECEIVED & FILED

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EPSC-BUREAU OF RECORDS

Request
DOCUMENT NUMBER-DATE
06271 JUL 13 1990
PSC-RECORDS/REPORTING

Motion
DOCUMENT NUMBER-DATE
06270 JUL 13 1990
PSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Tariff Filings By) Docket No. 891194-TT
SOUTHERN BELL TELEPHONE AND TELEGRAPH) Filed: July 13, 1990
COMPANY Clarifying When A Nonpublished)
Number Can Be Disclosed And Introducing)
Caller ID To TouchStar Service)

MOTION TO INTERVENE

COMES NOW James T. Moore, Executive Director of the Florida Department of Law Enforcement (FDLE), by and through the undersigned attorney, and pursuant to Chapter 120, Florida Statutes, and Chapter 25-22, Florida Administrative Code, requests permission to intervene in this docketed matter. As grounds in support, FDLE states the following:

1. FDLE is a law enforcement agency of the State of Florida, created under the authority of Chapter 943, Florida Statutes.
2. A major responsibility of FDLE is to "investigate violations of any of the criminal laws of the state..." as stated at Section 943.04(2)(a), Florida Statutes.
3. In addition, FDLE is charged in Chapter 943, Florida Statutes, with responsibility to aid local law enforcement officers in preventing or solving crimes and controlling criminal activity.
4. A major portion of FDLE's investigative efforts is directed towards the investigation of violations of Chapter 893, Florida Statutes, which include drug trafficking and related offenses.
5. Frequently, investigations conducted by or in conjunction with FDLE are investigations involving undercover personnel, informants, or other persons whose identity and/or place of residence or business must not be revealed to those being investigated.

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06270 JUL 13 1990

FCC-RECORDS/REPORTING

6. Investigations conducted by or in conjunction with FDLE frequently involve the use of telephones or other telecommunication services.
7. The proposed Caller ID Service subject of this tariff will adversely affect law enforcement activities of FDLE and its ability to meet its responsibilities to the citizens of the State of Florida. Also adversely affected will be the municipal, county, federal or other state law enforcement agencies conducting investigations in conjunction with FDLE.
8. The interests of FDLE as may be affected by the Public Service Commission's actions in this matter are real and substantial in that Southern Bell's proposal (if implemented as proposed or with the limited modifications suggested by Southern Bell) will substantially and adversely affect FDLE's investigative and enforcement activities, including, but not limited to, FDLE's ability to engage in undercover work and utilize confidential sources of information in law enforcement activities.
9. In particular, FDLE remains greatly concerned that its special agents and members, and the various law enforcement officers or others working with or in conjunction with FDLE in investigations who are called upon to utilize FDLE office phones, other law enforcement agency phones, residential or business phones for investigative operations or who are called upon to utilize personal residence or business telephones as part of investigative activities are in particular danger of having their association with law enforcement being discovered by those being investigated. Such revelation could not only jeopardize the safety of the actually involved agent, member, officer, or other person, but also the family members or others associated with such individuals.
10. The proposed "limited Caller ID blocking solution" and other alternatives as have been suggested by Southern Bell to law enforcement representatives do not resolve FDLE's concerns.

11. Grounds for FDLE's continued concern regarding "Caller ID" include, but are not limited to:

- (a) Any "limited Caller ID blocking" system implemented in the Southern Bell calling areas inherently will tend to identify as "law enforcement" those making an ID-blocked call to the recipient of a call "blocked."
- (b) Actual verification by criminals or even the suspicion of criminals that callers are "law enforcement" or are associated with law enforcement carries with it the likelihood of a disruption of investigative efforts, and, of utmost significance, the real possibility of physical injury to, or even the death of, law enforcement operatives. Any compromise of an investigator's or undercover operative's identity in a criminal investigation carries with it grave consequences.
- (c) Alternatives proposed by Southern Bell such as "operator assisted calls," "use of cellular phones," or "credit card calling" are impractical when applied to the day-to-day realities of investigations of criminal activity.
- (d) Information available to FDLE suggests that Southern Bell's "solutions" to FDLE's concerns regarding Caller ID such as the use of cellular phones or credit card calling are short-lived at best. Technological developments in the communications industry will allow Caller ID to display cellular and credit card calling numbers in the not-too-distant future.
- (e) The "remote calling" alternative offered by Southern Bell as a solution to FDLE's concerns is impractical for numerous reasons, including the difficulty of being able to control or coordinate the use of such alternatives by citizen undercover operatives assisting FDLE in its investigative activities.
- (f) It is the stated policy of the State of Florida Department of General Services, Division of Communications (statement issued March 22, 1990) that "...if blocking of Caller ID Display is desired by any SUNCOM user, that such blocking be available on a line by line basis. Blocking should also be optional for each

State telephone on a per call basis or a blanket blocking of Caller ID Display for all calls. Optional blocking should be available to employees for all State business calls made while they are away from their office." The only practical method of implementing such a policy within FDLE would be to have available universal caller ID blocking.

(g) If universal Caller ID blocking is not available, there will be a "chilling effect" upon receipt by FDLE (and other law enforcement agencies) of anonymous "tips" regarding criminal activity since those making such tips will fear being identified and cannot be expected to utilize pay phones each time giving a tip is being considered.

12. Impractical and complex solutions to FDLE's concerns regarding Caller ID have been suggested by Southern Bell. Given the actual impact upon day to day operations and investigative activity that such solutions will have, unless universal call blocking is made available to the citizens of the State, and the other options are made available to law enforcement in addition to universal call blocking, FDLE would oppose implementation of Caller ID as proposed.

13. While not minimizing the importance of reducing obscene, annoying or harassing calls, it is FDLE's position that other alternatives available to phone customers such as "Call Tracing" or "Call Blocking" can address similar or identical concerns without imposing upon the law enforcement community the complications inherent in the Caller ID system.

14. The citizens of the State of Florida have a substantial interest in continued effective law enforcement investigative efforts (which will be negatively impacted by implementation of Caller ID as proposed). Any such interest, and the responsibilities of FDLE derived from such an interest, must be considered.

15. FDLE and the citizens of Florida have a substantial interest in assuring to the greatest extent possible the safety of those involved in law enforcement activities. The Caller ID proposal presently before this Commission increases the possibility that law enforcement operatives' safety will be jeopardized since it increases the likelihood that law enforcement operatives will become known to members of the criminal community. Any such identification carries with it an increase in the possibility that law enforcement operatives' safety and lives will be jeopardized. The proprietary interests of Southern Bell in marketing Caller ID and the general interests citizens may hold in securing the Caller ID system cannot outweigh the concern for the safety of those involved in law enforcement efforts. Accordingly, any shift from the status quo in this regard cannot be justified unless FDLE's and other law enforcement agencies' concerns about safety have been fully and completely resolved.

16. The interests and concerns of FDLE cannot be adequately presented or addressed by others who have intervened in this matter.

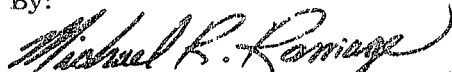
17. The continuing concerns of FDLE and law enforcement generally cannot be adequately expressed or addressed to this Commission unless FDLE is allowed to intervene and participate in the Commission's proceedings.

WHEREFORE, the Florida Department of Law Enforcement respectfully requests to intervene in this docket.

Respectfully submitted,

James T. Moore,
Executive Director

By:



Michael R. Ramage (EBID#0261068)
Deputy General Counsel
Florida Dept. Of Law Enforcement
P.O. Box 1489
Tallahassee, FL 32302
(904) 488-8323

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COMPANY Clarifying When A Nonpublished)
Number Can Be Disclosed And Introducing)
Caller ID To TouchStar Service)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S.

Mail or hand-delivery to the following parties this 13th day of July, 1990.

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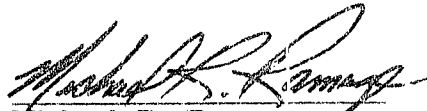
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