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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In The Matter of	:	DOCKET NO. 891194-TL
Proposed Tariff Filings by	:	
SOUTHERN BELL TELEPHONE AND	:	<u>SECOND DAY - MORNING SESSION</u>
TELEGRAPH COMPANY Clarifying	:	
when a Non-Published Number	:	<u>VOLUME - IV</u>
can be Disclosed and Intro-	:	
ducing Caller ID to	:	Pages 553 through 738
TouchStar Service.	:	

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 DEC 13 1990
 Florida Public Service Commission

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

Thursday, November 29, 1990

Met pursuant to adjournment at 9:00 a.m.

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

APPEARANCES:

(As heretofore noted.)

DOCUMENT NO.
11006-90
12/13/90

1 ADDITIONAL APPEARANCES:

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6 Commission.

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12 REPORTED BY:

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Official Commission Reporters

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I N D E X

WITNESSES

<u>Name:</u>	<u>Page No.</u>
MARK N. COOPER	
Direct Examination by Mr. Beck	557
Voir Dire Examination by Mr. Parker	567
Prefiled Direct and Rebuttal Testimony	
Inserted	593
Cross Examination by Mr. Parker	650
Cross Examination by Mr. Falgoust	695

1 Index Continued:

2 EXHIBITS

3	<u>Number:</u>		<u>Identified</u>	<u>Admitted</u>
4	19	(Cooper) Attachment 1 Rebuttal Testimony	558	
5				
6	20	(Cooper) Responses to Interrogatories	567	
7				
8	21	(Cooper) Caller ID Service Pennsylvania Residential/ Business Customers	573	
9				
10	22	(Cooper) Six-Month Caller ID Report From New Jersey	695	
11				
12	23	(Cooper) (Late-filed) State of Maryland Public Service Commission Order 69021	737	
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

1 P R O C E E D I N G S

2 (Hearing reconvened at 9:10 a.m.)

3 CHAIRMAN WILSON: Lets see who the next
4 witness is here.

5 MS. GREEN: Mr. Chairman, before we begin,
6 could I please enter an appearance for Patricia A.
7 Kurlin on behalf of the Commission Staff.

8 CHAIRMAN WILSON: All right.

9 MS. GREEN: Thank you.

10 CHAIRMAN WILSON: Mr. Beck.

11 MARK N. COOPER

12 was called 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 DIRECT EXAMINATION

16 BY MR. BECK:

17 Q Would you please state your name?

18 A My name is Mark N. Cooper.

19 Q By whom are you employed?

20 A I'm self-employed.

21 Q Dr. Cooper, did you have filed 44 pages of
22 direct testimony in this case?

23 A Yes, I did.

24 Q Do you have any changes or corrections to
25 make to your direct testimony?

1 A Other than minor typos, no changes.

2 Q If I were to ask you the same questions today
3 under oath, would your answers be the same?

4 A Yes, they would.

5 Q Did you also cause to be filed nine pages of
6 rebuttal testimony?

7 A Yes, I did.

8 Q Do you have any changes or corrections to
9 your rebuttal testimony?

10 A No, I do not.

11 Q And did you have an attachment to your
12 rebuttal testimony?

13 A Yes, I did.

14 Q Attachment 1.

15 MR. BECK: Could I have Attachment 1 to his
16 rebuttal testimony labeled as an exhibit?

17 CHAIRMAN WILSON: All right. That would be
18 Exhibit No. 19

19 (Exhibit No. 19 marked for identification.)

20 Q (By Mr. Beck) Dr. Cooper, if I were to ask
21 you the same questions today as contained in your
22 prefiled rebuttal testimony, would your answers be the
23 same

24 A Yes, they would.

25 MR. BECK: Mr. Chairman, I ask that Dr.

1 Cooper's direct and rebuttal testimony be inserted into
2 the record as though read.

3 MR. PARKER: Objection

4 CHAIRMAN WILSON: All right. State the
5 nature of the objection.

6 MR. PARKER: It's a voluminous objection,
7 Chairman Wilson, and to expedite it, I'd like to hand
8 out a copy of Dr. Cooper's direct testimony. I have no
9 objection to his rebuttal testimony going into the
10 record, but a copy of his direct testimony with the
11 deletions that we would move for in a Motion to Strike.

12 CHAIRMAN WILSON: All right. Let's have it.

13 (Pause)

14 COMMISSIONER BEARD: Does that mean something
15 when the objection is thicker than the testimony?

16 MR. PARKER: It should be about the same,
17 Commissioner. All we did was draw lines.

18 MR. PARKER: Shall I proceed, Mr. Chairman?

19 CHAIRMAN WILSON: Yes, please do.

20 MR. PARKER: Okay. The basis of the
21 objection on Dr. Cooper's direct testimony is on the
22 basis of hearsay, due process, inability to engage in
23 any intelligent cross examination of the stricken
24 portions of his testimony.

25 I believe what you have here in Dr. Cooper's

1 testimony, and I'm more than willing to engage in voir
2 dire to back this up, is that in the stricken portions
3 through either the words or the charts, you have
4 proprietary documents which are the basis for those
5 presentations by Dr. Cooper.

6 As I understand the situation, Dr. Cooper is
7 under proprietary order or protective agreements in
8 other jurisdictions regarding all the underlying
9 material which supports the stricken portions of this
10 testimony.

11 General Telephone served discovery requests
12 on the Public Counsel, interrogatories and requests for
13 productions of documents, which concerned each portion
14 -- I mean there were more than what is stricken here,
15 but in regards to the stricken portions, a direct
16 question or request for production of documents
17 regarding each matter.

18 Dr. Cooper very meticulously came back and
19 designated those documents which supported his
20 conclusions and opinions in the charts which are
21 contained in his testimony. And in every instance
22 where you will find stricken or proposed stricken
23 language in this testimony, those documents were not
24 produced on the grounds that they were proprietary
25 documents in other jurisdictions.

1 To further compound the matter, I believe it
2 to be true that what you have here are not charts which
3 are lifted from the proprietary documents themselves.
4 What you have is compilations of various pages and
5 underlying proprietary data put into a format that was
6 proposed or put together by Dr. Cooper; therefore, you
7 don't even have a lift of data from proprietary
8 documents. You have a complication of various pages of
9 proprietary documents. As such, I cannot cross examine
10 Dr. Cooper on his opinion and conclusions because I do
11 not have the underlying data which he claims to be as
12 proprietary.

13 Now, let me state for the record I understand
14 the dilemma that Dr. Cooper is in. He's under
15 Protective Order, or protective agreements in other
16 jurisdictions I understand it, and I'm sympathetic to
17 that. But by the same token I don't believe that a
18 witness can come in here, present summary data which
19 has been compiled from proprietary data, and not
20 present that proprietary data. I mean, we're at about
21 the third level of hearsay here. I do not have the
22 people that compiled the studies in other
23 jurisdictions. I don't have the documents from other
24 jurisdictions, and I have Dr. Cooper interpolating that
25 data from other jurisdictions.

1 Let me make clear for the record I'm not
2 objecting to out-of-state data here. What I'm
3 objecting to is Dr. Cooper has not performed these
4 studies, these studies have not been produced. I
5 cannot cross examine Dr. Cooper, and on that basis I
6 would move to strike those portions of his direct
7 testimony which were contained in the handout that was
8 just given to you. Thank you.

9 CHAIRMAN WILSON: Mr. Beck.

10 MR. BECK: Mr. Parker is free to cross
11 examine Dr. Cooper at whatever length he wishes on the
12 testimonies provided. It is true that he can't reveal
13 information that has been claimed to be proprietary by
14 telephone companies and if he's under a Protective
15 Order from other Commissions. Yet this Commission has
16 heard abundant evidence, for example, in New Jersey,
17 which is the information he wishes to strike from Dr.
18 Cooper's study. You heard Ms. Sims yesterday for
19 Southern Bell talk about New Jersey. It would be
20 anomalous for the Commission to hear her comments, when
21 she hasn't even seen the underlying data, and yet
22 strike Dr. Cooper's testimony who has much more
23 knowledge about it than did yesterday's witness.

24 You've also seen the level of hearsay we've
25 had here and I can give you an example of Tennessee

1 yesterday, where Ms. Sims had some information that
2 wasn't provided to us before based on a telephone
3 conversation she had with BellSouth Services and gave
4 us the wrong number, as far as the penetration of
5 Caller ID in Tennessee, and then had to come back in
6 later and correct it. So certainly the fact that this
7 is hearsay is not a basis to strike it because we have
8 been hearing an awful lot of hearsay already.

9 I don't think you should strike this because
10 you have heard evidence on the same subjects by people
11 less knowledgeable about it, and it would be quite
12 anomalous for you to strike it from a person who has
13 better knowledge and accept it from those who don't.

14 MR. PARKER: Could I be heard in brief
15 response, Mr. Chairman?

16 CHAIRMAN WILSON: Let me ask a question
17 first: Is it relevant that there was no objection to
18 Ms. Sims' testimony or the fact that that came out, in
19 fact, on cross examination and was not a part of direct
20 examination? I mean there was no objection to her
21 testimony.

22 MR. BECK: I think there was a question from
23 Commissioner Easley, I believe, I'm not absolutely
24 certain, that brought out the information about
25 Tennessee as an example. I give that to you merely as

1 an example of the level of hearsay that's routinely
2 accepted by the Commission.

3 COMMISSIONER EASLEY: It was my question
4 concerning the difference in the original numbers, but
5 I don't think my question led to the original numbers.
6 It led to the change, if that makes a difference. I
7 just remembered it.

8 MR. BECK: I offered it merely as an example.

9 MR. PARKER: I think this situation is
10 distinguishable from the argument that Mr. Beck makes.
11 I think there is a substantial difference between a
12 witness making a generic comment regarding something
13 they may or may not know about in another state and
14 having a professional witness appear here and assert
15 the numbers that are contained in other evidence before
16 you. He is here for the truth asserted. He's
17 asserting that those numbers are truthful. Any
18 comments Ms. Sims had were basically generic in nature.
19 What you have here is some 40 pages of testimony with
20 detailed numbers which have been compiled and tabulated
21 without any sort of data upon which to do cross
22 examination. It's not business hearsay; it's not any
23 exception to the hearsay rule that I can think of. And
24 I guess this is a sloppy categorization, but I mean, in
25 one instance you have hearsay and the other instance

1 you have rank hearsay. I mean, there is absolutely no
2 way to do any cross examination on this. I think it
3 just takes another level. And, indeed, as the Chairman
4 points out, no one objected to Ms. Sims' testimony.

5 MR. BECK: Mr. Chairman, I believe that --
6 the procedure I would recommend the Commission take is
7 to hear the testimony, not strike it; let Mr. Parker
8 cross examine, and if he is precluded from obtaining
9 answers he seeks because of protective orders in
10 another state, then that would go the weight of the
11 evidence, of course, with the Commission; but not to
12 receive the evidence at all would be very anomalous.
13 If I might, I'd like a moment to talk to Dr. Cooper.

14 MR. PARKER: I mean, that is totally contrary
15 to Mr. Beck's argument at the beginning of this hearing
16 that he's been denied due process because he hasn't
17 received documents. I'm now supposed to do cross
18 examination of Dr. Cooper blind with him throwing at me
19 proprietary numbers that I've never seen before because
20 they weren't produced in a production of documents.

21 COMMISSIONER EASLEY: Are you saying that
22 some of the numbers that are here are claimed to be
23 proprietary?

24 MR. PARKER: I represent to you,
25 Commissioner, that in every -- well, not in every

1 instance -- in every instance where you find a black
2 line through a chart, that the underlying numbers
3 behind those numbers are deemed proprietary, and that
4 the numbers that you find on those charts are not
5 necessarily lifted straight out of a Bell document.
6 There are categories put together, tabulations made by
7 Dr. Cooper.

8 MR. BECK: Commissioner Easley, if I might.
9 All of the information they say to strike is publicly
10 available and it's been presented before Commissions in
11 other states. The data itself that's in this testimony
12 is not confidential.

13 CHAIRMAN WILSON: Well, I hadn't assumed that
14 the data in the testimony was confidential since it's
15 been printed for all the world to see. And I don't
16 think that's what the nature of the objection is.

17 MR. BECK: No. I think Commissioner Easley
18 was asking about it.

19 CHAIRMAN WILSON: Mr. Parker, what I think
20 I'd like to do is hear -- you indicated that you would
21 be willing to voir dire the witness on this matter?

22 MR. PARKER: Certainly.

23 CHAIRMAN WILSON: If you would do that, I
24 think it may be helpful for the Commission to
25 understand exactly what we're dealing with here.

VOIR DIRE EXAMINATION

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Q (By Mr. Parker) Good morning, Dr. Cooper.

My name is Tom Parker with General Telephone.

A Good morning.

Q Dr. Cooper, you answered certain interrogatories and requests for production of documents in this case, is that correct?

A Yes, I did.

MR. PARKER: Chairman Wilson, I'd like a document marked for identification, please.

CHAIRMAN WILSON: All right. That would be marked for identification as Exhibit No. 20.

(Exhibit No. 20 marked for identification.)

MR. PARKER: The document which is being handed out is notice of serving responses submitted by the Public Counsel to General Telephone's discovery request, and Public Counsel timely responded on November 15, 1990.

Q (By Mr. Parker) Do you have that document before you, Dr. Cooper?

A Yes, I do.

Q Can you identify that document for me, sir?

A Yes. It is my response to the interrogatories.

Q Okay. And was this document prepared by you

1 or under your direct supervision?

2 A Yes, it was.

3 Q And is it true and correct to your best
4 belief and knowledge?

5 A Yes, it was. Well, actually, I should say
6 that some of the documents declared proprietary here
7 came into my possession in a proprietary manner.
8 Subsequently, in this proceeding Southern Bell has
9 actually given me some of those documents subsequent to
10 that in a nonproprietary manner. They don't go to any
11 of the Bell Atlantic surveys of which you have raised
12 this issue.

13 Q Okay. Now, Dr. Cooper, if you could, please,
14 sir, if you could turn to Page 3 of Exhibit 20.

15 A Yes.

16 Q And am I correct in my understanding that on
17 Page 3 of Exhibit 20 that there is a legend produced in
18 the middle of that page where one star in the main area
19 of this document means that it's a proprietary document
20 which is not provided, and that two stars means it's a
21 nonproprietary document and you have provided that?

22 A Yes.

23 Q All right. Now, if we turn to Page 4 of
24 Exhibit 20, you have provided a list of documents,
25 which are responsive to the interrogatories and

1 requests for production of documents submitted by
2 General Telephone, is that correct?

3 A Yes.

4 Q And there are 99 some documents, is that
5 correct?

6 A Yes.

7 Q And out of those 99 documents you have
8 produced approximately 47, is that correct?

9 A Subject to check. I didn't count.

10 Q Okay. And the remainder of those documents
11 were proprietary and were not produced, is that
12 correct?

13 A They are not produced because they are
14 proprietary.

15 Q Now, Dr. Cooper, if I could at this time,
16 would you please turn to Page 19 of your direct
17 testimony, sir? And keep Exhibit 20 handy there,
18 please.

19 CHAIRMAN WILSON: I'm sorry, what page?

20 MR. PARKER: Page 19 of his direct testimony,
21 Chairman Wilson.

22 CHAIRMAN WILSON: All right.

23 Q (By Mr. Parker) Now, on the chart that
24 appears on Page 19 we asked you a discovery request
25 concerning that chart, is that correct, Dr. Cooper?

1 A I guess. The specifics -- subject to check,
2 I'll accept that.

3 Q Well, let me turn you to Page 36 of Exhibit
4 20, sir.

5 A Yes.

6 Q Okay. Now, at the top of Page 36 of Exhibit
7 20, the request is a table entitled, "Specific Cost of
8 Caller ID," appears at Page 19, Lines 20 -- or 10 to 25
9 of Mr. Cooper's direct testimony. It names the source
10 of the table. It says, "Please provide this item in
11 its entirety along with all documents in your
12 possession, custody or control mentioning, analyzing,
13 evaluating or discussing this item." And your response
14 is that you have four documents and they are all
15 proprietary, is that correct?

16 A Yes.

17 Q And those four documents are the underlying
18 support for the chart that appears on Page 19, is that
19 correct?

20 A Well, the chart that appears on Page 19 was a
21 chart in which numbers were taken from those documents,
22 placed in this table, and testified to in Pennsylvania.
23 At that point in the Pennsylvania proceeding, all
24 testimony was unsealed and made part of a public
25 record, so that this table is a reproduction from that

1 document.

2 Q Okay. But the underlying study, is that a
3 proprietary document?

4 A The underlying study is a hard-copy study in
5 this case, and it is proprietary to that proceeding or
6 the Bell Atlantic proceedings.

7 CHAIRMAN WILSON: Well, wait a minute now.
8 This chart was an exhibit in a proceeding in
9 Pennsylvania?

10 WITNESS COOPER: Yes.

11 CHAIRMAN WILSON: And who sponsored it?

12 WITNESS COOPER: People's Counsel in
13 Pennsylvania, Office of People's Counsel.

14 CHAIRMAN WILSON: Who was the witness?

15 WITNESS COOPER: I was the witness.

16 CHAIRMAN WILSON: Okay.

17 Q (By Mr. Parker) Now, let me direct your
18 attention to Page 19 of your direct testimony, Doctor.

19 A Yes.

20 Q The caption at the top of that chart that
21 says, "Specific Costs of Caller ID," that doesn't
22 appear in the underlying data, does it, Doctor?

23 A No, that's my characterization.

24 Q Right. And, likewise, the categories that
25 follow on Page 19, such as "wouldn't want to be

1 bothered by follow-up calls. Prefer" -- I can't say
2 this word, "anonymity in certain situations." That is
3 not a total layout of all the documents or the
4 categories in the underlying documents, is it, Doctor?

5 A Those probably are -- they are multiple
6 responses listed under. Everything below the title of
7 the page is directly from the underlying research --

8 Q I see.

9 A -- in that particular case, to the best of my
10 recollection.

11 Q All right. Now, under the line that says,
12 "Specific Costs of Caller ID," there is another one
13 that says, "Would mind forwarding on many/few
14 occasions," and it says, "36%," is that correct?

15 A Yes.

16 Q So without the underlying documentation,
17 would I be correct, Dr. Cooper, that I cannot tell of
18 that 36% what percentage is few and what percentage is
19 many?

20 A Actually, you could ask me that question and
21 I could answer that one.

22 Q Well, before you do that, would I know that
23 before I ask this question today?

24 A No, from this table, you would not.

25 MR. BECK: I'd like to ask that Dr. Cooper be

1 given a chance to answer before. He was about to
2 provide that or apparently, Mr. Parker doesn't want the
3 answer provided.

4 MR. PARKER: Well, I'm going to get to the
5 answer, but I asked could I tell. I didn't ask for the
6 answer.

7 WITNESS COOPER: I said I could provide the
8 answer because that answer was unsealed, to the best of
9 my recollection, in Pennsylvania.

10 MR. PARKER: I'd like an exhibit marked, Mr.
11 Chairman.

12 CHAIRMAN WILSON: All right. This will be
13 Exhibit 21.

14 (Exhibit No. 21 marked for identification.)

15 MR. PARKER: The exhibit being passed out is
16 the Caller ID Service Pennsylvania Residential and
17 Business Customers. (Pause)

18 Q (By Mr. Parker) Do you have that document
19 before you, Doctor?

20 A Yes, I do.

21 Q All right. Now, is this the declassified
22 information to which you were just referring? I have
23 the entire study down here if you'd like to look at it.

24 A Well, again, it's proprietary for me. It may
25 not be proprietary for you.

1 Q Do you recognize these pages, Doctor?

2 A It looks familiar, yes.

3 Q Now, at the bottom of your chart on Page 19,
4 you cite a source which is the Caller ID service,
5 Pennsylvania residential and business customers,
6 November 1988, is that correct?

7 A I do.

8 Q And you also cite certain pages contained
9 therein on which you have relied, is that also correct?

10 A Yes, I do.

11 Q Now, would you turn to what has been numbered
12 at the bottom, Page 18 of Exhibit 21?

13 A I have it.

14 Q Does that document reflect that the many
15 occasions of the 36% is 5%, and that the few occasions
16 is 31%.

17 A Yes, it does.

18 Q Do you think that that is meaningful data
19 which this Commission should have before it in
20 evaluating your testimony?

21 A Well, that's apparently where the 35 came
22 from, yes.

23 Q Do you think it's meaningful that of the 36%,
24 5% was many and 31% was few?

25 A It certainly is meaningful, yes.

1 Q And that was not presented in your cross
2 examination, is that correct? I'm sorry, in your
3 direct testimony?

4 A Probably was not.

5 Q Could you turn to Page 20, or what has been
6 marked as Page 20, of Exhibit 21, please?

7 A Yes.

8 Q Now, under the "Many/few occasions would
9 mind," on Page 20 of Exhibit 21, there are certain
10 categories which are set forth on that page, is that
11 correct, Doctor?

12 A Yes.

13 Q And those categories don't line up with the
14 categories in your chart, is that correct?

15 A They line up until we get to the small
16 numbers.

17 Q Okay. And can you tell me why you decided
18 not to put in the numbers or the categories exactly as
19 were contained in the base data?

20 A Well, I summed up some of the small number
21 categories, I suppose.

22 Q If I hadn't gotten hold of this Pennsylvania
23 data myself, there is no way I could have just asked
24 you those questions, is there, Doctor?

25 A No. You could certainly have asked me those

1 questions and I would have been able to answer the
2 first one.

3 Q Could you have answered the rest?

4 A I could have answered the sum-up question as
5 well in the general manner, yes.

6 MR. PARKER: Based on that, Chairman Wilson,
7 I would renew my Motion to Strike. There is absolutely
8 no way I could have done any of that examination except
9 at my peril by asking questions I don't know the answer
10 to without this underlying document.

11 Q (By Mr. Parker) By the way, Dr. Cooper, if
12 this is in a nonproprietary document, why didn't I get
13 it?

14 A It's proprietary for my purpose. No one has
15 ever given me this document without outside of
16 protective cover. Now, you can call the phone company
17 and they may give it to you, but they are a little bit
18 more hesitant to give them to me.

19 In point of fact, I suspect that most of what
20 we have discussed is in the Pennsylvania record
21 available for you to examine. Certainly the 5% was.
22 Because you have given me the cover page from testimony
23 that you sought in that proceeding.

24 CHAIRMAN WILSON: When did that become a part
25 of the Pennsylvania record?

1 WITNESS COOPER: It was unsealed on the first
2 day of the hearing.

3 CHAIRMAN WILSON: Which was when?

4 WITNESS COOPER: The date of Pennsylvania was
5 in early '89, mid-'89, I believe. Well, we know the
6 date from the list. I can check it, get the exact
7 date.

8 MR. BECK: I'd like to respond to Mr.
9 Parker's --

10 CHAIRMAN WILSON: I want to ask a couple more
11 questions before you do that.

12 WITNESS COOPER: Lets see, no there is no
13 dates here. I believe Pennsylvania was mid-'89.

14 CHAIRMAN WILSON: Did you know that that
15 document, or that information, had been made a part of
16 the public record when you responded to these
17 interrogatories?

18 WITNESS COOPER: You mean this document?

19 CHAIRMAN WILSON: Uh-huh.

20 WITNESS COOPER: No, the underlying pages --

21 CHAIRMAN WILSON: Any of the documents. Any
22 of the documents that underlie the --

23 WITNESS COOPER: This cover page, which is
24 Mr. Guralnick's testimony, is unsealed. Whether this
25 page was in her testimony, I believe it was not, but

1 I'd have to go back and check. The underlying page is
2 stamped, and I just don't believe it was in her
3 testimony. But --

4 CHAIRMAN WILSON: Just a couple of seconds
5 ago you said you suspect that all of the data of these
6 studies have been made a part of the record.

7 WITNESS COOPER: What was made a part of the
8 record was any of the exchanges between myself and the
9 witnesses, so that as I said at the outset, the
10 breakdown between 31 and 5 was -- I recall that as
11 definitely being part of the public record. So he
12 could have asked me that question, and I could have
13 answered it. But this underlying page, to the best of
14 my recollection, and the document from which it came or
15 even in some cases data that underlay that document,
16 were not unsealed. But Mrs. Guralnick's assertion it
17 was 5 and 31 was in the public record.

18 COMMISSIONER BEARD: Just trying to
19 understand something.

20 You said that when you got the smaller
21 numbers, you simply summed them into "other" because
22 the larger numbers had shown, I guess, the bigger
23 category, and you summed the others?

24 WITNESS COOPER: Well, what has happened in
25 the table is the two primary categories are preserved.

1 The Anonymity category is preserved and the Call Back
2 category is preserved. Beyond that you have a series
3 of small categories that go to different issues. The
4 issue I'm addressing is the question of: Are people
5 concerned about anonymity and privacy? And so that I
6 have shown the percentages that exhibit that concern.

7 COMMISSIONER BEARD: Well, let me ask it
8 again to make sure I understood.

9 I thought you said you summed the smaller
10 numbers and yet, you summed the smaller numbers with
11 the exception of a one-percenter.

12 WITNESS COOPER: Which is an
13 anonymity-privacy issue.

14 COMMISSIONER BEARD: So you summed the
15 numbers -- I'm not trying to say this in a prejudicial
16 manner because I suspect witnesses do what shows the
17 best light for what they're trying to point out anyway
18 --- but you summed the numbers, with the exception of
19 those that pointed to the issues you want it to.

20 WITNESS COOPER: And if you read the
21 question, it was presented that way: Is there evidence
22 of these problems, and to establish the evidence of
23 that problem.

24 CHAIRMAN WILSON: Mr. Beck?

25 MR. BECK: Yes. Mr. Parker claims that he

1 would have to ask questions that is peril.

2 I first of all note that General Telephone
3 never asked to depose Dr. Cooper, never moved to
4 compel, never did anything other than get the answers
5 we provided them and the documents that we provided
6 them. We also know from his voir dire of Dr. Cooper
7 that he could have asked questions and would have
8 gotten the information he was seeking at that point
9 about asking the questions on here.

10 What his point is goes to the weight of the
11 evidence. He's going to ask questions and if Dr.
12 Cooper can't answer because of restrictions placed on
13 him by other Commissions, proprietary protective
14 orders, well, then, that goes to the weight; but it
15 certainly shouldn't go to the basic admissibility of
16 his testimony.

17 MR. PARKER: I would note I would have gotten
18 half my answers. Dr. Cooper said I wouldn't have
19 gotten my answers under the categories, which I also
20 find interesting seeing as how what Dr. Cooper is
21 claiming as a proprietary section of the document,
22 which is Exhibit 21, except for what he summed up, is
23 contained on Page 19. Flip that around. The
24 categories on Exhibit 21, which he summed up, they all
25 appear in the public record here, so I don't understand

1 how this is proprietary.

2 WITNESS COOPER: This is part of someone
3 else's testimony in that case. It is not a document.
4 And I was not asked to deliver the testimony in that
5 case.

6 COMMISSIONER EASLEY: Could I ask, if the
7 record was unsealed in Pennsylvania at the time the
8 hearing began, right?

9 WITNESS COOPER: Yes.

10 COMMISSIONER EASLEY: And the information
11 contained in the record, if I heard you correctly, was
12 more complete than what is in your testimony here, is
13 that correct?

14 WITNESS COOPER: Well, the record is full of
15 testimony, rebuttal testimony, surrebuttal testimony,
16 cross examination, et cetera.

17 COMMISSIONER EASLEY: But as far as the
18 underlying material, there is more of it, if I remember
19 the comments you made to Mr. Parker, that he could have
20 gotten most of the information once they opened the
21 record anyway, something to that effect. Is that
22 right?

23 WITNESS COOPER: No. In Pennsylvania the
24 judge moved to open the proceeding. That was resisted
25 and so that all underlying documents were not unsealed.

1 But everything that was said in the room through direct
2 testimony, cross examination, rebuttal, et cetera was
3 unsealed but none of the underlying documents were
4 unsealed.

5 COMMISSIONER EASLEY: Okay. But to the
6 extent that there were numbers in the underlying
7 documents that were completely moved into, not having
8 been manipulated, not having been compiled, not having
9 been changed but were in the record and became public
10 record when the judge unsealed it, did that portion of
11 the underlying document become public record?

12 WITNESS COOPER: No, it did not. Only the
13 actual physical hard copy that was there was unsealed.

14 COMMISSIONER BEARD: The document that is
15 shown on Page 19 of your testimony.

16 WITNESS COOPER: Yes.

17 COMMISSIONER BEARD: That came from someone
18 else's testimony in Pennsylvania?

19 WITNESS COOPER: No, no. That came from --
20 in this particular case it came from a document, which
21 is proprietary to Bell Atlantic, that I examined under
22 proprietary cover, filed as a redacted and unredacted
23 testimony.

24 COMMISSIONER BEARD: Okay. Now, explain to
25 me how -- one minute now, please. Explain to me how

1 the figures that are on Page 19, which are portions of
2 the figures on the Exhibit 20, how those became
3 nonproprietary but that the other columns remained
4 proprietary?

5 WITNESS COOPER: Because the judge said we
6 cannot conduct this proceeding blanking out every other
7 word. Therefore, whatever we say will be
8 nonproprietary. And we conducted our examination,
9 cross examination, in open air, but no one moved -- you
10 couldn't move documents into the unproprietary.

11 COMMISSIONER BEARD: I understand that. Now,
12 so the figures that are on Page 19 were said out in the
13 open air.

14 WITNESS COOPER: Yes, sir.

15 COMMISSIONER BEARD: Okay. And the remaining
16 figures on that Exhibit 20 were not set out in the open
17 air?

18 WITNESS COOPER: Well, if another witness
19 chose to say something, such as 5 and 31, that moved
20 into open air. It has been asserted today that this
21 page was attached to the witness' testimony. I don't
22 recall that. And I will have to go back and check. I
23 know the other witnesses went back to their own data
24 and brought what numbers they thought helped them into
25 the light of day.

1 COMMISSIONER BEARD: Okay. I understand that
2 they attached it, they attached it, and it's not
3 proprietary at that point. Because you're under a
4 different contract, if I understand it, that you have
5 to live with. Even if we have the whole document,
6 you're still stuck with what you're stuck with.

7 WITNESS COOPER: I'm at serious risk because
8 he's got lots of documents that I haven't seen, yes.

9 COMMISSIONER BEARD: Okay. In the context of
10 this one, then somebody had to use these figures out in
11 the hearing room?

12 WITNESS COOPER: I don't know about this
13 page. But when he asked me the question could I give
14 him -- that's what I'm saying. He might have called
15 Southern Bell and Bell Atlantic said, "Fine. "

16 COMMISSIONER BEARD: Just your page, your
17 Page 19.

18 WITNESS COOPER: Okay. My Page 19.

19 COMMISSIONER BEARD: Those figures were used
20 in the hearing room?

21 WITNESS COOPER: Yes, because they are in my
22 testimony and they haven't sued me yet.

23 COMMISSIONER EASLEY: In this exact table was
24 in your testimony up there?

25 COMMISSIONER BEARD: I've got to get

1 sequentially so I can understand.

2 At the time you used those figures, I guess
3 you said you used those figures in your testimony?

4 WITNESS COOPER: Yes.

5 COMMISSIONER BEARD: They were proprietary to
6 the extent that they were within this document?

7 WITNESS COOPER: Well, when we filed them
8 they were proprietary. We had two versions and the
9 judge said we can't do this case, and so he said
10 everything that is here is nonproprietary.

11 COMMISSIONER BEARD: We've gone through this
12 and some of this crowd is familiar with this. How can
13 you utter a proprietary number in a hearing room if
14 it's proprietary?

15 WITNESS COOPER: He declared that anything
16 that had been written was not proprietary and that
17 cross examination was going to go forward, and if there
18 were proprietary numbers that were spoken, they would
19 be automatically nonproprietary. And that is the basis
20 on which we went forward.

21 COMMISSIONER BEARD: And it was only
22 happenstance that these numbers were spoken and certain
23 other number weren't spoken, and, therefore, they
24 remain proprietary and these were nonproprietary?

25 WITNESS COOPER: Absolutely. But there was

1 rebuttal and surrebuttal. In a certain sense the
2 entire proceeding was conducted with no constraints
3 because everyone thought they were doing a proprietary
4 hearing and so they did whatever the heck they wanted
5 in terms of those numbers. And then the judge says,
6 "Guess what, this is nonproprietary." And so everybody
7 had three rounds, including direct, supplemental,
8 rebuttal and surrebuttal, to use proprietary data and
9 then it was unsealed.

10 COMMISSIONER BEARD: We use a different rule
11 in Florida. We use the "lawyer-blurts rule." We
12 usually talk about this until one of the lawyers blurts
13 the number out and then we go forward.

14 COMMISSIONER GUNTER: Let me ask you one
15 question, Dr. Cooper.

16 Just trying to understand, you know, we get
17 other jurisdictions brought in here and people around
18 the country do things significantly different from one
19 another.

20 In the proceeding in Pennsylvania, in 1989,
21 did all the parties have an opportunity to review under
22 Protective Order all of the underlying data that was
23 available?

24 WITNESS COOPER: Everyone under the
25 Protective Order could have gotten it I assume.

1 COMMISSIONER GUNTER: So it was available to
2 everyone to be able to prepare for cross examination on
3 prefiled testimony.

4 WITNESS COOPER: Yes.

5 COMMISSIONER GUNTER: All right. Thank you.

6 COMMISSIONER BEARD: I guess yesterday we
7 went through a series -- I don't know if you were here
8 at that time or not -- where there was, I think, one
9 document left before lunchtime. And there was a big
10 hubbub, and I think Southern Bell rushed back to AT&T
11 and made many long distance telephone calls to track
12 them down and say, "Hey, can we turn this thing loose?"
13 AT&T had to make a decision and they finally said,
14 "Yes."

15 Okay. Did you perhaps go back to where the
16 -- I mean, there was a request for information. Did
17 you go back to those jurisdictions or whomever and say,
18 "Hey, this has been requested. Is there a problem
19 releasing it?" In a confidential form or a
20 nonproprietary form, or whatever?

21 WITNESS COOPER: I thought of that. The
22 problem is that this same proprietary data is now at
23 issue in -- well, Maryland just issued an order but
24 Delaware is still open. So we have these 50-odd
25 documents in 10 databases subject to proprietary cover

1 in Delaware. It has been a very contentious process.
2 I have had a great deal of difficulty getting the
3 proprietary data. And I was not about to ask them to
4 lift the cover and have them threaten my other cases.

5 COMMISSIONER BEARD: Could we have been in a
6 position -- and I don't know how the jurisdiction would
7 work -- to receive it on a confidentiality basis or for
8 them to release it to you only on the basis that if
9 Florida proves it confidential? You just wouldn't want
10 to take that chance?

11 WITNESS COOPER: I would encourage this
12 Commission to get all the New Jersey data and let us
13 have at it in a proprietary hearing because I have done
14 it four times. So I would encourage you to do that.

15 CHAIRMAN WILSON: I'll tell you, that Motion
16 in Limine you all filed yesterday is beginning to sound
17 better and better.

18 MR. PARKER: I'd like to renew my motion,
19 Chairman. I mean, I think this has made it plainly
20 obvious. I mean, I cannot test the veracity of this
21 testimony. I can ask Dr. Cooper questions all day
22 long. I mean there is no question about that, and
23 he'll either give me an answer or he won't give me an
24 answer. But I don't have the underlying data. I
25 cannot test the basis of his conclusion, his

1 assumptions and the numbers in the record. And
2 contrary to Dr. Cooper's statement -- or it really
3 wasn't a statement -- but he said, "I've got a lot of
4 documents down here."

5 This is the only instance in which I had
6 documents on which to test his testimony. And I think
7 I've firmly shown here is that this testimony is not
8 exactly what it seems. You get a 36% lump number or
9 5% or many -- or the other way around, 5% or few; 5% of
10 many and 31% is the other way. I mean, you have
11 meaningless data before you, you have manipulated
12 compiled data before you, and now I cannot engage in
13 cross examination to find out where the rest of this
14 has been done, and I renew my motion.

15 MR. BECK: Mr. Parker is free to ask
16 questions, free to go through discovery and could have
17 deposed Dr. Cooper to see what answers he could get or
18 not get, to what extent he would be prejudiced or not.
19 He chose not to do any of those things. I think the
20 correct procedure here would be to let him ask
21 questions and see if he gets the answers or not.

22 CHAIRMAN WILSON: I'm going to allow Dr. Cooper
23 to testify, and you may renew your motion at the end of
24 his testimony. We will probably -- we will be making the
25 same kind of determination with respect to your ability to

1 present your case through cross examination as we are with
2 Public Counsel's, because I don't see you materially in
3 any different position than Public Counsel was yesterday
4 morning with respect to the documents that they were
5 unable to obtain from Southern Bell. To the extent that
6 any one of you are prejudiced, both of you are prejudiced;
7 to the extent that you are not and were able to develop
8 here on the record the kind of meaningful information the
9 Commission needs, then you may not have been prejudiced,
10 and we'll determine that at a later date.

11 MR. BECK: Thank you, Chairman.

12 MR. SHREVE: Can I make one comment? I agree
13 totally with what you just said. And at that point, if
14 Mr. Parker wants to go ahead and move to compel the way
15 we did, we can get the documents or Gentel can go in
16 and have discovery out of state with some type of an
17 agreement with that another Commission that this
18 Commission could issue a proprietary order, maybe that
19 would be available. I think you hit the nail on the
20 head. You view that and see exactly what it was and
21 maybe we can go get that. But they have not moved to
22 compel and there is discovery available to them. They
23 asked and were not given the documents and then backed
24 off. I think you're exactly right in handling it that
25 way.

1

2

CHAIRMAN WILSON: For the record that's

3

Mr. Shreve's, he's the Public Counsel.

4

MR. PARKER: It's not my burden to go to any

5

other state and get data to cross examine somebody's

6

testimony in Florida.

7

MR. SHREVE: It's not ours either.

8

MR. PARKER: Well, then, okay. Let's strike

9

the witness' testimony.

10

CHAIRMAN WILSON: Well, now, if you've got a

11

Southern Bell witness who is using data and has access

12

to data from BellSouth, you make the argument that that

13

witness or that party has the obligation to get that

14

information. I'm not sure that it's any different when

15

this party uses some other state's information. But

16

it's your obligation to get that data if it can be

17

gotten. There is a burden on each party in this case.

18

I don't think we need to carry this further at this

19

time. We're going to take a break now and come back at

20

about five minutes after 10:00.

21

(Brief recess.)

22

23

- - - - -

24

25

CHAIRMAN WILSON: All right, I've overruled

1 the objection, the prefiled testimony will be inserted
2 into the record as though read, both the direct and
3 rebuttal with the caveat that was mentioned earlier
4 about renewing the motion.

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1 I. BACKGROUND AND OVERVIEW

2

3 Q. PLEASE STATE YOUR NAME, ADDRESS AND OCCUPATION.

4 A. Dr. Mark N. Cooper, President, Citizens Research, 802 Lanark
5 Way, Silver Spring Maryland 20901.

6

7 Q. WHAT IS YOUR EDUCATIONAL BACKGROUND?

8 A. I hold a Ph. D. in Sociology from Yale University, an M. A.
9 in Sociology from the University of Maryland, and a B. A. in
10 English from the City College of New York.

11

12 Q. PLEASE BRIEFLY SUMMARIZE YOUR RELEVANT EMPLOYMENT EXPERIENCE

13 A. Prior to founding Citizens Research, a consulting firm
14 specializing in economic, regulatory and policy analysis, I spent
15 four years as Director of Research at the Consumer Energy Council
16 of America. Prior to that I was an Assistant Professor at
17 Northeastern University teaching courses in Business and Society
18 in both the College of Arts and Sciences and the School of
19 Business. I have also been a Lecturer at the Washington College
20 of Law of the American University co-teaching a course in Public
21 Utility Regulation.

22

23 Q. HAVE YOU PREVIOUSLY TESTIFIED IN TELEPHONE CASES?

24 A. Yes. In the United States, I have testified before the
25 Federal Communications Commission (FCC) and the Public Service
26 Commissions of the District of Columbia, Delaware, Georgia,

1 Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio,
2 Pennsylvania, South Carolina, and Washington. In Canada, I have
3 testified before the Public Utilities Board of Manitoba and the
4 Canadian Radio-Television Commission (CRTC) on various aspects of
5 telephone rate making.

6

7 Q. HAVE YOU TESTIFIED ON THE MATTER OF CUSTOM LOCAL AREA
8 SIGNALING SERVICES?

9 A. Yes, I have testified before the Public Service Commissions
10 of Pennsylvania, the District of Columbia, Georgia, Kentucky,
11 Maryland, and Delaware, the legislatures of Maryland and
12 Virginia, and the U.S. Senate.

13

14 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

15 A. The purpose of my testimony is to review the characteristics
16 of the new signaling System 7 (SS7) technology and the services
17 it makes possible, which the company refers to as Custom Local
18 Area Signaling Services (CLASS) services. I demonstrate the
19 privacy problem created by one of these services, Caller ID, and
20 I present a solution to this problem by recommending that an
21 additional function be added to the SS7 technology -- number
22 forward blocking.

23

24 Q. WHAT DO YOU CONCLUDE?

25 A. The new SS7 technology makes a number of services possible,
26 including Calling Number ID (Caller ID), Call Tracing Service

1 (Automatic Call Trace), Call Block, Automatic Call Return
2 (Automatic Recall), etc., that embody significant potential to
3 enhance subscribers' call management capabilities. However, as
4 with every technology, there are both potential benefits and
5 potential problems resulting from its implementation.

6 Caller ID represents a fundamental change in the nature of
7 telephone service. It takes control over the telephone number
8 away from the calling party and gives it to the party receiving
9 the call. This loss of control means the loss of anonymity that
10 has been the norm and expectation of calling parties for at least
11 the last several decades. It can result in a host of potential
12 problems ranging from turning up on more telemarketers' calling
13 lists, to undermining the viability of hot lines, to increasing
14 the number of angry and harassing exchanges between telephone
15 subscribers.

16 Q. WHAT DO YOU RECOMMEND?

17 A. I recommend that an additional function be added to the
18 CLASS family of services to strike a better balance between the
19 potential costs and benefits of this new technology. The
20 function is referred to as Number Forward Blocking. It allows
21 the calling party to preserve the anonymity of his or her
22 telephone number, thereby alleviating many of the potential
23 problems of Caller ID. Number forward blocking is well within
24 the capability of the technology, having been designed into its
25 initial implementation, and ordered and/or implemented in a
26 number of other jurisdictions.

1 Because of the broad based impact of Caller ID and the fact
2 that subscribers do not now have to reveal their numbers when
3 they place a call, I recommend that number forward blocking be
4 offered to subscribers on a per call basis at no charge.

5
6 Q. HOW DOES PER CALL NUMBER FORWARD BLOCKING AFFECT THE VALUE OF
7 THE NEW TECHNOLOGY?

8 A. It should be stressed that even with number forward
9 blocking, the call recipient will still have a greatly enhanced
10 capacity to manage incoming calls as a result of the SS7
11 technology. The anonymity of the telephone number provided by
12 number forward blocking does not apply to the central office
13 switch. Therefore, in those cases where number forward blocking
14 is invoked, the called party will still have all the other CLASS
15 services available. He or she will be able, for example, to
16 trace or return an incoming call automatically or block further
17 calls from a particular number.

18 At the same time, per call blocking preserves the basic
19 benefit of Caller ID. It allows emergency service providers to
20 see the telephone number of those in need of assistance, since
21 very few people would block the forwarding of their number in
22 emergency circumstances. It does not significantly diminish the
23 ability of the new technology to deter harassing or annoying
24 calls.

25 Thus, the addition of number forward blocking provides a
26 significant benefit to the vast body of subscribers by allowing

1 them to preserve the privacy of their telephone numbers, while
2 also preserving the functionality and usefulness of the overall
3 887 technology.
4

5 Q. ON WHAT EVIDENCE DO YOU BASE YOUR CONCLUSIONS?

6 A. I have reviewed numerous Southern Bell Documents, the
7 service prospectus and other documents prepared by Bellcore
8 dealing with the new technology, national survey evidence not
9 specific to any single company, and survey and other documentary
10 evidence from a number of companies including Southern Bell, Bell
11 Atlantic, Pacific Bell, Rochester Telephone, and Central
12 Telephone which have proposed and implemented the service.

13 Caller ID represents a very fundamental change in the nature
14 of telephone service. Its impact on subscribers is complex. No
15 single company has researched the implications of the service
16 completely, but a large body of evidence is emerging across the
17 nation.

18 In order to present a complete picture of Caller ID,
19 throughout my testimony, I state generic issues and refer to the
20 empirical evidence from Florida where it is available. However,
21 since a great deal of research has been conducted in other
22 states, I then examine non-proprietary empirical data that is
23 available from other jurisdictions to illustrate my points.
24
25
26

1 II. THE POSITIVE AND NEGATIVE ASPECTS OF THE NEW TECHNOLOGY

2
3 Q. PLEASE DESCRIBE THE NEW TECHNOLOGY AND ITS FUNCTIONS.4 A. The new technology enables the central office switch to use
5 the dialed number in a very flexible manner. Both the calling
6 and the called party can instruct the central office switch to
7 manipulate the number that was dialed. For example, the calling
8 and called parties can tell the switch whether or not to forward
9 the number to the party receiving the call. The called party can
10 tell the switch to trap the number for later reference, dial the
11 number back automatically, or block additional calls from the
12 originating number to the called party.
13

14 Q. WHAT ARE THE USES OF THE NEW SERVICES?

15 A. The Service Prospectus for the SS7 technology, published
16 five years ago, identified a variety of functions that could be
17 served by this technology, as the table on the following page
18 shows. The functions include information, convenience, privacy
19 (peace of mind), security, and discretion.20 Among the SS7 services, Caller ID, Automatic Recall
21 (redial), Customer Originated Trace and Distinctive Ringing (VIP
22 Alert) were identified as having informational benefits.
23 Customer Originated Trace (Automatic Call Trace) and Selective
24 Call Rejection (Call Block), not Caller ID, were seen as
25 providing privacy or security benefits. These are the functions
involved in the question of how best to configure the SS7

ALTERNATIVES TO CLASS OFFERING

<u>CLASS Feature</u>	<u>Service/Benefit</u>	<u>Alternatives</u>
Automatic Recall	Redials last incoming call/Information	Answering machine Call Forwarding Call Waiting
Automatic Callback	Redials last outgoing call/Convenience	Autodialers
Customer Originated Trace	Stores last call at a secured terminal/Security/Information	Annoyance Call Bureau Service
Selective Call Rejection	Blocks specific calls/Privacy, peace of mind	Place phone off hook, Don't answer Answering machine
Distinctive Ringing	Identifies incoming calls/Information	Answering machine Consumer pre-arranged ringing patterns
Selective Call Forwarding	Re-routes specific calls/Discretion	Call Forwarding Consumer provided itinerary
Call Number Delivery	Incoming call display/Information	Answering machine

SOURCE: Bell Communications Research, Custom Local Area Signaling Service: Service Prospectus (Special Report, SR-BEL, December 1985), p. 6.

technology.

Other network and non-network services also provided similar services. An answering machine was seen as "a very flexible product for meeting call management needs," which met informational and privacy needs. The annoyance call bureau was seen as a security alternative.

This is not to say that any one service is a perfect

1 substitute for any other, but the considerable overlap of
2 functionalities clearly suggests that the functions of Caller ID
3 can be compensated for by these other services and instruments.
4 Moreover, since this early conceptual analysis the evidence has
5 continued to mount showing that consumers perceive the overlap of
6 functionalities and use the services in interchangeable ways.

7
8 Q. WHAT IS THE PROBLEM THAT CALLER ID POSES?

9 A. Caller ID is a unique type of service. Unlike most other
10 telephone services, the mere availability of Caller ID imposes
11 social and economic costs on all subscribers, even those who do
12 not want the service, while it provides benefits to some others.
13 The costs stem from the customer's loss of control over his or
14 her telephone number.

15 Patterns of telecommunications have been built on the
16 assumption of anonymity. There are a host of situations in which
17 the average person seems to want to place a call without
18 revealing his or her telephone number. When Caller ID robs them
19 of that ability, the social costs imposed are a disruption of
20 communications patterns and the economic costs are the expense to
21 consumers of restoring their privacy and anonymity.

22 The following table identifies problems arising from the
23 loss of anonymity and privacy caused by Caller ID. Four broad
24 categories of problems are identified -- disruption of routine
25 communications, commercial abuse of a Caller ID revealed

26

PROBLEMS WITH CALLER ID**TYPE OF PROBLEM****DEFINITION OF ISSUE****DISRUPTION OF ROUTINE COMMUNICATIONS****CONSUMER INFORMATION**

REQUESTS FOR CONSUMER INFORMATION WILL BE FOREGONE BECAUSE CONSUMERS DO NOT WANT TO EXPOSE THEIR TELEPHONE NUMBERS IN COMMERCIAL TRANSACTIONS.

SOCIAL MANEUVERABILITY

REVELATION OF ONE'S LOCATION MAY UNDERMINE DELICATE SOCIAL RELATIONSHIPS (E. G. A CALL FROM A LAWYER OR DOCTOR'S OFFICE).

LOCATIONAL AND NETWORK MONITORING

THE LOCATION OF PEOPLE AS THEY MOVE ABOUT THEIR BUSINESS MAY BE REVEALED, CONVEYING INFORMATION THE CALLING PARTY MAY NOT WISH REVEALED.

TELEGRAPHIC STRATEGIC AND PERSONAL PLANS

IDENTIFICATION OF CALLER MAY REVEAL VITAL INFORMATION ABOUT THEIR PLANS.

COMMERCIAL ABUSES OF THE TELEPHONE NUMBER**TELEMARKETING**

IDENTIFICATION OF THE TELEPHONE NUMBER WILL RESULT IN INCLUSION ON MORE LISTS AND ANNOYING CALL BACKS.

PERSONAL DATABASES

COMBINATION OF THE PHONE NUMBER WITH OTHER DATA COULD COMPROMISE PERSONAL INFORMATION.

THEFT OF TELEPHONE NUMBER RELATED SERVICE OR INFO

SERVICES TRIGGERED BY A TELEPHONE CALL MAY BE MISTAKENLY OFFERED TO ANYONE POSSESSING THE NUMBER, EVEN THOUGH IT WAS IMPROPERLY TAKEN FROM A CALLER ID REGISTER.

RECALLING

BUSINESSES MAY CHOOSE TO NOT ANSWER CALLS FROM SPECIFIC EXCHANGES BASED ON THE SOCIAL, ECONOMIC, RACIAL, OR OTHER CHARACTERISTICS OF THOSE EXCHANGES.

SPECIAL SITUATIONS**ANONYMITY DEPENDENT ORGANIZATIONS**

ORGANIZATIONS LIKE HOT LINES, TIP LINES, POLITICAL ORGANIZATIONS, GOVERNMENT AGENCIES, ETC. REQUIRE STRICT ANONYMITY TO INDUCE CALLERS TO SEEK HELP OR OFFER INFORMATION.

SANCTUARIES

THE LOCATION OF CERTAIN ORGANIZATIONS REQUIRES SECRECY FOR THE PROTECTION OF RESIDENTS.

WORK AT HOME

CERTAIN PROFESSIONS REQUIRE WORK FROM HOME AND REVELATION OF THE LOCATION COULD UNDERMINE THE ABILITY TO CONDUCT BUSINESS.

PUBLIC PERSONS

HIGHLY VISIBLE PUBLIC PERSONS CAN BE SUBJECT TO ANNOYANCE AND/OR HARASSMENT SHOULD THEIR NUMBER BECOME AVAILABLE.

PROBLEMS WITH CALLER ID (CONTINUED)**INTERPERSONAL PROBLEMS ARISING FROM CALLER ID**

MISTAKEN NO ANSWERS	VALUABLE CALLS FROM UNFAMILIAR LOCATIONS WILL BE MISTAKENLY UNANSWERED (A WIFE CALLING FROM A GAS STATION).
PRIVACY WITHIN THE HOME	THE INFORMATION ABOUT AN INCOMING CALL FOR ONE HOUSEHOLD MEMBER MAY BE MADE AVAILABLE TO OTHERS FOR WHOM IT IS INTENDED, COMPROMISING PRIVATE RELATIONSHIPS.
MISTAKEN IDENTITIES	THE ASSUMPTION THAT WHOEVER ANSWERS THE TELEPHONE AT A NUMBER OBTAINED THROUGH CALLER ID WAS THE ORIGINAL CALLER MAY BE WRONG, LEADING TO CASES OF MISTAKEN IDENTITY.
WRONGFUL RETURN OF A CALL	MISTAKES HAPPEN IN DIALING AND A CALLER ID SUBSCRIBER WHO MISDIALS THE NUMBER OF A PERCEIVED ANNOYANCE CALLER CAN CREATE AN EVEN GREATER ANNOYANCE.
REVERSE HARASSMENT	MANY OF THE PERCEIVED ANNOYANCE CALLS ARE INNOCENT MISTAKES, SUCH AS WRONG NUMBERS. CALLER ID MAY BRING ON A SPATE OF REVERSE HARASSMENT WITH AN INNOCENT MISDIALER BEING HARASSED BY AN ANGRY CALLER ID SUBSCRIBER WHO FEELS WRONGED.
PROLONGED HARASSMENT	SOME HARASSING CALLS ARE DIALED RANDOMLY. IF CALLER ID IS USED TO DIAL THE HARASSEE BACK, THE NUMBER WILL BE REVEALED AND A PROLONGED EXCHANGE OF CALLS MAY BE INITIATED.
MISTAKEN ADDRESSES	REVERSE DIRECTORIES (OFFICIAL OR COMMERCIAL) MAY BE OUT OF DATE LEADING TO MISTAKES IN ASSOCIATING NUMBERS WITH ADDRESSES.
UNEQUAL ACCESS TO PRIVACY	THE COST OF CALLER ID AND SUBTERFUGES TO PROTECT ONE'S PRIVACY WILL RESULT IN LOWER INCOME HOUSEHOLDS BEING LESS ABLE TO AFFORD THESE SERVICES AND ENJOYING LESS PRIVACY.

1 telephone number, special situations where anonymity is
2 particularly important, and interpersonal problems. Within these
3 categories, twenty specific types of problems are identified.
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1 III. GENERAL CONSUMER REACTIONS TO CALLER ID
2

3 Q. WHAT IS THE GENERAL CONSUMER REACTION TO CALLER ID?

4 A. In general, consumer reaction to Caller ID is sharply
5 divided. The number of telephone subscribers who find the
6 service troubling equals or exceeds the number who find the
7 service interesting or valuable. This is true for those who are
8 presented with the prospect of having the service available in
9 their area as well as those who have lived with it.
10

11 Q. ARE THERE NATIONAL OPINION SURVEYS REGARDING CALLER ID?

12 At the national level, a public opinion poll conducted by
13 Louis Harris for Equifax clearly showed this division. As the
14 table on the next page shows, when simply presented with a
15 description of the services, public opinion splits 55-to-43
16 percent to allow the service. When the positive and negative
17 aspects of the service are pointed out, less than one-quarter of
18 respondents say the service should be allowed without
19 restriction. Almost half the respondents say that the service
20 should be allowed only if the ability to prevent the forwarding
21 of a telephone number is made available. Over one-quarter say
22 the service simply should not be allowed.
2324 Other, less scientific, surveys of readers of specific
25 magazines have produced similar results. For example, in a
26 Glamour Magazine survey from May 1990 (p. 187) roughly half

NATIONAL OPINION POLLS ON CALLER ID

A new telephone service, "Caller ID," is available in some states. People with this service will be able to see the telephone number of the person calling them. Do you think telephone companies should be allowed to sell this service to people who want to buy it, or not?

Yes, should be allowed to sell	55%
No, shouldn't be allowed to sell	43
Not sure	2

Some telephone companies are offering a new service that displays to subscribers the telephone number of the person calling them when the phone rings. Some people are worried that this will reduce privacy of telephone use, by giving people's unlisted numbers and because people will no longer be able to call help or hotlines and remain anonymous. Telephone companies say the service will allow people to screen out unwanted calls. They also report that tests of the service and publicity about it have produced a drop in obscene or harassing calls. Considering these arguments, do you feel this new service should be (read each item) or not?

Available to telephone subscribers without any limitation	23%
Permitted by regulators only if calling parties have the ability to block display of their number when they want to	48
Forbidden by law as too intrusive	27
Not sure	3

SOURCE: The Equifax Report on Consumers in the Information Age, 1990, pp. 79-82.

1 of the respondents said they would like to know the number before
2 it was called, but 77 percent said that the telephone company
3 should provide devices for people to block the forwarding of
4 their number to customers who want to.

5
6 Q. DOES THE EVIDENCE FROM FLORIDA EXHIBIT SIMILAR DIVIDED
7 OPINIONS?

8 A. Yes, although no such direct question was posed about the
9 service in the Southern Bell Telephone and Telegraph Company
10 (hereafter the Company) surveys. Consider the feelings about the
11 key issue of privacy as reflected in the table on the following
12 page. A large segment of the population feels that forwarding
13 the outgoing number will decrease privacy. For a service that
14 has been marketed as a privacy enhancing device this underscores
15 the fundamental problem with the service.

16 The conflicting feelings about the service are quite strong
17 in certain sub-segments of the population. Those who are not
18 likely to take the services (the majority) and those with non-
19 published numbers are more likely to see forwarding their number
20 as decreasing privacy and/or less likely to see receiving
21 incoming numbers as increasing privacy.

22
23 Q. DO CONSUMERS PERCEIVE THIS SERVICE AS A THREAT TO THEIR
24 PRIVACY IN OTHER STATES?

25 A. Yes, a substantial segment of the population does. Privacy
26 is one of the leading concerns offered about the service in
Pennsylvania, when consumers were asked in an open ended question

1
2 THE IMPACT OF CALLER ID ON RESIDENTIAL
3 SUBSCRIBER PRIVACY

4 FORWARDING THE RECEIVING THE
5 OUTGOING NUMBER INCOMING NUMBER
6 EFFECT ON PRIVACY

7 ALL FLORIDA
8 RESPONDENTS

9 INCREASE	11%	48%
10 DECREASE	23	5
11 NO CHANGE/NA	64	47

12 BY LIKELY SUBSCRIPTION
13 (FLORIDA & TENNESSEE)

14	TAKERS	NON- TAKERS	TAKERS	NON- TAKERS
15 INCREASE	16%	12%	68%	15%
16 DECREASE	17	23	7	5
17 NO CHANGE/NA	67	64	25	60

18 BY DIRECTORY STATUS (FLORIDA)

19	PUB	NON- PUB	PUB	NON- PUB
20 INCREASE	10%	13%	42%	53%
21 DECREASE	15	31	4	5
22 NO CHANGE/NA	75	56	54	42

23 SOURCE: BSS Market Research, Caller ID/Call
24 Blocking Study, October 1989, Tables 13,
25 14, 15, 16 (hereafter, Blocking Survey)
26

1 about their concerns regarding Caller ID. When given a direct
 2 statement that the service is an invasion of privacy 38 percent
 3 of respondents agreed.

4 The following table shows both the concern about privacy and
 5 the concern number forwarding. Overall, 59 percent of
 6 respondents say that the service is either an invasion of their
 7 privacy or that they would mind forwarding their numbers on at
 8 least a few occasions. This feeling is strongest among
 9 subscribers with non-published numbers (65 percent).

10
 11 **COMBINED CONCERNS ABOUT PRIVACY
 AND NUMBER FORWARDING**

	ALL	PUB	NON-PUB
n=	601	301	300
PROBLEM WITH CALLER ID	59%	57%	65%
PRIVACY & FORWARDING	(16)	(16)	(19)
PRIVACY ONLY	(22)	(23)	(19)
FORWARDING ONLY	(20)	(19)	(26)
NO PROBLEM	41	43	35

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 19 **SOURCE: Pennsylvania 1988 database.**

20 These survey results have been repeated in Maryland,
 21 Delaware and the District of Columbia. Moreover, businesses in
 22 those jurisdictions express an even higher level of concern.

23 Similar findings obtain in other areas of the country. For
 24 example, Pacific Bell found similar results in its service
 25 territory.

26 Our research indicates that without offering

1 any blocking options those strongly opposed
 2 to Caller ID are about equal to those
 3 strongly supporting the service. Adding Per
 4 Call Privacy significantly reduced
 5 opposition to the product ("Statement of John
 6 Stangland on Privacy Related Concerns
 7 Surrounding "Caller ID" Service,"
 8 Subcommittee on Technology and the Law,
 9 Committee on the Judiciary, United States
 10 Senate, August 1, 1990, p. 6).

11 The above responses are from consumers who are presented
 12 with the prospect of Caller ID. A similar response is in
 13 evidence among those who live with the service (as the following
 14 table shows). For example, in Hudson County, New Jersey,
 15 where

16 CONCERN ABOUT CALLER ID COMPARED TO INTEREST IN THE SERVICE
 17 IN HUDSON COUNTY, NEW JERSEY

	PUBLISHED	NON-PUBLISHED
	6/88	6/88
VERY OR SOMEWHAT CONCERNED	39%	59%
VERY OR SOMEWHAT INTERESTED	27	51
RATIO OF CONCERN TO INTEREST	1.44	1.16

18 SOURCE: Wave III Results for Class Non-Users in Hudson
 19 and Passaic Counties, June 1988, (marked as
 20 Attachment X), p. 10, 14-of-24.

21 these services have been available the longest, those expressing
 22 concern about revealing their number exceed those expressing
 23 interest in the service.

24 This trend has been growing since the early days of the

1 service. The longer it is available, the stronger the trend
2 toward concern outweighing interest in the service.

3 The pattern in Florida mirrors that in New Jersey. Those
4 with non-published numbers exhibit strong privacy concerns about
5 the services -- both about revealing their own numbers and seeing
6 incoming numbers.
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1 IV. SPECIFIC PROBLEMS WITH CALLER ID

2

3 Q. IS THERE EVIDENCE ON THE SPECIFIC PROBLEMS THAT CALLER ID
4 CREATES?

5 A. Unfortunately, there does not appear to be survey evidence
6 from Florida on the types of problems that Caller ID creates.
7 However, there is testimonial evidence in Florida and Maryland
8 and survey evidence from other states.

9 For example, as the following table shows, consumers in

10

11 SPECIFIC COSTS OF CALLER*ID

12	WOULD MIND FORWARDING ON MANY/FEW OCCASIONS	36%
13	Wouldn't want to be bothered by follow-up calls	12
14	Consider my telephone number to be private information.	12
15	Prefer anonymity in certain situations	3
16	First thing you know, I'd be getting calls from all kinds of businesses.	1
17	Other	7
18	Don't know	4
19	NO OCCASION	63

20

21 SOURCE: Caller *ID Service:
22 Pennsylvania Residential and
23 Business Customers, November
24 1988 (Chilton
25 Research Service), marked
26 Exhibit No. 2, pp. 14-of-66
and 20-of-66.

26 Pennsylvania are concerned about follow-ups and call backs from

1 businesses. The hearings conducted in Florida by the Office of
 2 People's Counsel saw testimony on this point (Record of
 3 Proceedings, RE: Southern Bell Caller I.F., Docket No. 891194-TL,
 4 May 30, 1990, pp. 25-26, 46, and 196, hereafter Record).

5 Consumers in Pennsylvania also are concerned about the
 6 privacy and anonymity of their telephone calls. The hearing
 7 record in Florida also reflects this concern (Record, p. 157).

8 Even more specific data is available from a question asked
 9 by Bell Atlantic about calls on which consumers would wish not to
 10 forward the numbers, as the following table shows.

RESPONDENT CONCERN ABOUT NUMBER FORWARDING AND WILLINGNESS TO BLOCK SPECIFIC TYPES OF CALLS		
	% WITH CONCERN	% OF CONCERNED WHO WOULD BLOCK FOR FREE
ALL RESPONDENTS		
CAR DEALER	40%	84%
REAL ESTATE AGENT	33	79
DEPARTMENT STORE	29	77
DRUG HOTLINE/AGENCY	25	73
800 NUMBER	24	75
INSURANCE COMPANY	23	84
INTERNAL REVENUE	21	75
PIZZA CALL BACK	17	70
EMPLOYER	10	51
EMERGENCY SERVICES	8	19
LEAVING HOUSE	6	51
FRIENDS	5	43
FAMILY	3	50
SOURCE: Pennsylvania 1986 Data base.		

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 24 In the category of disruption of ordinary communications, there
 25 is evidence of concern about revealing the telephone number on
 26 business calls, like a call to a car salesman, real estate agent,

1 department store or insurance agent.

2 Directly linking this to the category of commercial abuse of
3 the telephone number, respondents seem particularly annoyed about
4 telemarketing. They correctly perceive that Caller ID could
5 increase telemarketing calls. Telemarketing is the most frequent
6 form of annoying calls that survey respondents say they receive.
7 This is true in the Privacy Survey conducted by Bell
8 Communications Research for the Southern Bell region (question
9 213). It is also true in each Bell Atlantic survey of annoying
10 and harassing calls.

11 In the category of special situations, the Pennsylvania data
12 shows that people are concerned about revealing their numbers to
13 hotlines. Needless to say, various special situations have
14 received considerable attention in Florida (e.g. Record, pp. 55-
15 56).

16 In Pennsylvania respondents also recognize that unpublished
17 numbers will be compromised and are concerned about it. This is
18 a very clear finding of the Florida survey research. A majority
19 of respondents felt that these numbers should not be given out
20 (Blocking Survey, Table 7).

21 The general public's concern about number forwarding on
22 specific occasions only underscores the importance of blocking
23 for others with special needs to protect the privacy of their
24 telephone numbers.

25 These groups are quite large. They include doctors, lawyers
26 and school teachers who have to call patients, clients and

1 parents after hours to deliver stern messages or bad news and
2 don't want to be subject to repeated call backs or harassing
3 calls (Record, pp. 12, 87, 160).

4 They include public figures -- judges, prosecutors, public
5 utility commissioners, journalists and legislators -- who are in
6 the public eye and need to keep their numbers private, but will
7 be unable to do so with Caller ID (Record, p. 174).

8 They include the volunteers for battered women's centers, or
9 estranged wives who call home from a friend's house to check on
10 the kids, and don't want to have their location compromised; or
11 charity workers who call from home to raise money for the church
12 and don't want to give their number out to every potential bad
13 guy who they might happen to call in the course of their
14 legitimate and good work (Record, p. 110, 170, and Attachment).

15 Overall, sixty percent of the respondents in Pennsylvania
16 identified at least one type of call for which they did not want
17 to forward their number.

18 Results from California are similar (Ethan Thorman, Pacific
19 Bell: Calling Number Delivery and Privacy, Issues, Options and
20 Implementation, March 16, 1990, p. 3). The predominant concern
21 expressed dealt with privacy and a desire not to have their
22 telephone number given out. Exposure to harassing calls, and
23 sales calls were cited next.

24

25

26

1 V. INTEREST IN NUMBER FORWARD BLOCKING
2

3 Q. HOW DOES INTEREST IN CALLER ID COMPARE TO INTEREST IN NUMBER
4 FORWARD BLOCKING?

5 A. Given the high level of concern about loss of privacy and
6 potential abuse of telephone numbers, we would expect to find
7 considerable interest in the ability to block the forwarding of
8 the telephone number. As we have seen, the national surveys as
9 well as the Pacific Bell evidence indicate strong support for
10 number forward blocking. Interest in blocking or preventing the
11 service from going forward because of privacy concerns reaches
12 three quarters of the respondents in the national surveys.

13 Unfortunately, the Florida survey did not contain a direct
14 question on the interest in blocking. People were only asked
15 whether some, unspecified, alternative to blocking was
16 acceptable. About one-fifth of the respondents said only
17 blocking was acceptable. Approximately one-seventh said they did
18 not know, indicating that alternatives to blocking might not be
19 acceptable.

20 More detailed questions are available in Pennsylvania, as
21 the following table shows. More people said they would be
22 interested in blocking the forwarding of their number than in
23 taking the service. The willingness to pay for blocking is
24 roughly equal to the willingness to pay for the service.

25 Similar results occur in other Bell Atlantic jurisdictions.
26

	LIKELIHOOD OF SUBSCRIBING TO			
	CALLER*ID		NUMBER BLOCK	
	FREE	\$5/Mo.	FREE	\$5/Mo.
Total Likely	26%	27%	33%	25%
Very Likely	4	8		11
Somewhat Likely	22	19		14
Total Not Likely	74	73	N/A	75
Not Too Likely	22	18		27
Not At All Likely	52	55		48

SOURCE:
Bell Atlantic Network Services Inc., ANI Disclosure,
marked Attachment I, pp. 9-of-20, 18-of-55, 28-of-55.

It is interesting to note that the willingness to pay for Caller ID as stated in response to a price-based question is similar in Florida and Pennsylvania. When reminded that they would have to pay for the display device and presented with a monthly charge of \$7, approximately 5 percent of the respondents said they would definitely subscribe and about 19 percent said they were likely to subscribe. This is very close to the response in Pennsylvania where 8 percent said they were very likely to subscribe and 19 percent said they were somewhat likely.

Moreover, we have noted that about one-fifth of Florida respondents said they would not accept alternatives to blocking and another 13 percent said they did not know whether they would accept an alternative. This is similar to Pennsylvania where one-third said they would block for free.

1 Thus, we find similar levels of interest in the service and
 2 number forward blocking in a variety of states. By and large,
 3 interest in blocking equals or exceeds interest in the service.
 4 Number forward blocking will meet a need and concern of consumers
 5 to preserve their anonymity. This need appears to be at least as
 6 strong as the desire to have the number of the incoming call
 7 revealed. In short, number forward blocking is just as valuable
 8 to consumers as Caller ID, if not more valuable.

9
 10 Q. ON WHAT SPECIFIC TYPES OF CALLS ARE CONSUMERS LIKELY TO
 11 BLOCK THE FORWARDING OF THEIR NUMBER?

12 A. This expression of concern about number forwarding and
 13 interest in blocking is followed up with a desire to block
 14 specific types of calls, as the following table shows. Those
 15 people who said they would mind having their number forwarded on

	% OF CONCERNED WHO WOULD BLOCK FOR FREE	% OF BLOCK FOR FREE WHO WOULD BLOCK FOR \$.05
CAR DEALER	84%	63%
REAL ESTATE AGENT	79	57
DEPARTMENT STORE	77	49
DRUG HOTLINE/AGENCY	73	55
800 NUMBER	75	43
INSURANCE COMPANY	84	57
INTERNAL REVENUE	75	59
PIZZA CALL BACK	70	42
EMPLOYER	51	16
EMERGENCY SERVICES	19	13
LEAVING HOUSE	51	16
FRIENDS	43	15
FAMILY	50	17

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SOURCE: 1986 Pennsylvania database.

1 specific types of calls were quite likely to say that they would
2 take advantage of number forward blocking.

3 For example, 84 percent of those who said they would mind
4 revealing their number to a car salesman said they would block
5 for free. This relatively high percentage of people who say they
6 would block for free typifies all of the calls dealing with
7 purchases and governmental bodies -- car salesman, real estate
8 agent, department store, insurance company, drug hotline/social
9 agencies and the IRS.

10 Interestingly, the willingness to block emergency services
11 (which are like other governmental functions) is low. Blocking
12 for family members and friends is also low, but those who are
13 concerned about number forwarding have an interest in blocking
14 for free.

15 These responses lend strong support for a policy which
16 allows emergency service agencies to have access to numbers --
17 either through Enhanced 911 service or Call Trace or Caller ID --
18 and allows subscribers to block on a per call basis. Consumers
19 generally do not mind the former and a significant minority wants
20 the latter.

21

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1 VI. THE IMPACT OF NUMBER FORWARD BLOCKING ON
2 THE REDUCTION OF ANNOYING CALLS

3 Q. WON'T NUMBER FORWARD BLOCKING UNDERMINE THE ABILITY OF THE
4 SS7 TECHNOLOGY TO REDUCE ANNOYANCE CALLS?

5 A. Not significantly, for three reasons. First, as noted,
6 there is considerable overlap in the functionality of the
7 services. Second, careful analysis of annoying calls reveals
8 that many of these types of calls will not be deterred by this
9 technology, regardless of how it is configured. Third, there are
10 actually ways in which number forward blocking may enhance the
11 call management capabilities of the new technology.

12 Q. WHY IS THE OVERLAP OF FUNCTIONALITIES SO IMPORTANT?

13 A. The overlap is important because these functions can help
14 the public manage the use or reduce the abuse of the telephone
15 network. Therefore, they are worthwhile and should be offered.
16 The fact that one of the services -- Caller ID -- creates a major
17 problem can be responded to by reconfiguring the technology
18 without losing the important functions of other services.
19 Because the reconfiguration I propose -- number forward blocking
20 -- does not affect the usefulness of the other services and only
21 marginally affects Caller ID, the public achieves just about the
22 same functionalities but without the major cost that Caller ID
23 imposes.
24

25 I have already noted that the industry recognizes the
26 substitutability of services. Recent testimony by a

1 representative of Central Telephone reiterates this overlap.

2 Nor does optional call blocking prevent the
3 identification of the originating number of
4 obscene or harassing calls. Customers with
5 Return Call service have the option of
6 returning an immediately preceding incoming
7 call even if Calling Number ID Block had been
8 used by the caller. Furthermore, the related
9 Call Trace feature enables all customers,
10 regardless of whether they subscribe to
11 Calling Number ID and whether the caller used
12 Calling Number ID block, to immediately
13 initiate a trace of obscene or harassing
14 calls. Results of such a trace would be
15 stored in the telephone company's switching
16 office and would be released only to
17 appropriate law enforcement authorities.
18 Return Call and Call Trace can be effective
19 deterrents to obscene and harassing callers
20 even while optional call blocking preserves
21 the privacy of other users ("Statement of
22 S.E. Leftwich on Electronic Communications
23 Privacy," Subcommittee on Technology and the
24 Law, Committee on the Judiciary, United
25 States Senate, August 1, 1990, p. 3).
26

The hearing record in Florida makes this point quite clearly
(e.g. Record, pp. 30, 36).

17 Q. DOES THE SURVEY EVIDENCE SUGGEST THE SUBSTITUTABILITY OF
18 SERVICES?

19 A. Yes, in New Jersey, survey respondents were asked to discuss
20 the effectiveness of Caller ID, Call Trace and Call Block in
21 managing prank calls and unwanted sales calls, as the table on
22 the following page shows. Not only were Call Trace and Call
23 Block seen as ways to handle prank or unwanted sales calls, but
24 subscribers feel they can meet their call management needs with
25 these alternative services. Among those who said Caller ID is a
26

TRACE OR BLOCK AS A SUBSTITUTE FOR CALLER ID

HANDLING PRANK OR ANNOYING CALLS

	HUDSON		PASSAIC	
	PUB	NON-PUB	PUB	NON-PUB
CALLER ID EXCELLENT				
TRACE OR BLOCK				
EXCELLENT	89%	86%	76%	88%
GOOD	11	14	22	12
FAIR OR WORSE	0	0	2	0

CALLER ID GOOD

	HUDSON		PASSAIC	
	PUB	NON-PUB	PUB	NON-PUB
TRACE OR BLOCK				
EXCELLENT	49	44	48	32
GOOD	49	56	51	67
FAIR OR WORSE	2	0	1	1

HANDLING UNWANTED SALES CALLS

CALLER ID EXCELLENT

	HUDSON		PASSAIC	
	PUB	NON-PUB	PUB	NON-PUB
TRACE OR BLOCK				
EXCELLENT	72	69	75	72
GOOD	24	31	25	28
FAIR OR WORSE	4	0	0	0

CALLER ID GOOD

	HUDSON		PASSAIC	
	PUB	NON-PUB	PUB	NON-PUB
TRACE OR BLOCK				
EXCELLENT	49	41	44	38
GOOD	49	59	53	62
FAIR OR WORSE	1	0	2	0

SOURCE: New Jersey, Wave III database.

good or excellent way to handle prank calls or unwanted sales calls, 96 to 100 percent say that either Call Trace or Call Block is at least a good way to accomplish the same thing.

1 Q. DO CONSUMERS USE THE SERVICES INTERCHANGEABLY AS THEIR
2 PERCEPTIONS OF THE SERVICE FUNCTIONALITIES SEEMS TO INDICATE?

3 A. Yes, follow up analysis shows that they do. A report from
4 Bell Atlantic's first trial noted that subscribers were using
5 Call Trace for prank and nuisance calls, or even hang-ups.

6 Most traces are being made on prank/nuisance calls
7 or when a person just calls and hangs up,
8 applications that are probably more appropriate
9 for either Automated Recall or Selective Call
10 Rejection (Trial Market Research: Status Report
11 Update, p. 15).

12 New Jersey is experiencing over 30,000 call traces per
13 month, with a total subscriber base that is smaller than Southern
14 Bell's base in Florida.

15 Q. HOW WILL NUMBER FORWARD BLOCKING AFFECT THE ABILITY OF THE
16 SS7 TECHNOLOGY TO DETER ANNOYING OR HARASSING CALLS?

17 A. In order to understand how number forward blocking will
18 impact the SS7 technology's ability to reduce annoyance calls, we
19 must have a clear understanding of the types of annoying calls
20 and the alternative services available to deal with them.

21 Several of the types of calls which have been identified as
22 annoyance or crank calls simply are not going to be greatly
23 reduced by the SS7 technology, no matter how it is configured. As
24 the table on the following page shows, a very large number of
25 annoyance and nuisance calls lack the underlying motivation to be
26 deterred by SS7 technology. The caller may be intentionally
27 placing the call, as in a business call, or unintentionally

1 placing it, as in a wrong number. In these cases, the caller has
 2 innocent intentions and, therefore, there is no fear of having
 3 the number revealed.

4 Sales, solicitation, advertising or survey calls are very
 5 unlikely to be reduced by Caller ID because the fact that the
 6 caller's number might be revealed is a matter of indifference to
 7 the caller. The caller has a business purpose which is legal
 8 and, he or she believes, legitimate. Moreover, it is interesting
 9 to note that by giving the telephone number to local businessmen,

10 **ASSESSMENT OF THE IMPACT OF SS7 TECHNOLOGY ON**
 11 **CRANK/ANNOYING CALLS**

12 CATEGORY OF CALL	REASON FOR IMPACT ASSESSMENT	TYPES OF CALLS
13 NOT LIKELY TO BE 14 IMPACTED BY SS7 TECHNOLOGY		
15 Intentional and legal	16 Caller has nothing to fear from revealing number	Sales, Advertising Solicitation, Surveys
17 Accidental	18 Caller is not responsible for the mistake	Call & Hangup, Wrong Number, Late Night
19 Non-Anonymous Harassment	20 Caller does not care if number is revealed	Lover's quarrel Neighbor dispute
21 Calculated deviant	22 Caller uses subterfuge to avoid detection	Obscene, burglar
23 POTENTIALLY IMPACTED BY SS7		
24 Anonymous Harassment 25 & Deviant behavior	26 Caller would not like to be identified but takes no evasive action	Joke, nuisance, obscene, burglar

1 inconsistent assumptions are simply not plausible. Automatic
2 Call Trace is the more effective response to the problem of the
3 determined harasser.
4

5 Thus, there is only a small subset of annoyance calls which
6 could be affected by the SS7 technology and which might be
7 affected differently, if number forward blocking is offered --
8 intentional harassment without sufficient intelligence or
9 motivation to hide the number. Caller ID would pose a threat to
10 and might deter these gimwitted deviants, but so too would Return
11 Call or Call Trace. Even with number forward blocking, an
12 annoying call could be returned with automatic Return Call and/or
13 the number could be traced automatically. Call Block would end
14 the problem from the point of view of the called party.

15 Some officials in the Southern Bell group of companies have
16 recognized that Caller ID and even the Touchstar family of
17 services are not the panacea that they have been portrayed as.

18 As you and I have discussed, Caller I.D. is
19 not a remedy for someone receiving annoying
20 calls. The telephone number of a harassing
21 caller delivered to a Caller I.D. customer is
22 not usable by the Annoyance Call Center to
23 take action against the caller. Furthermore,
24 Legal has prohibited anyone in the Company
25 from providing the name and address
26 associated with the telephone number of a
27 harassing caller...

28 Also, we do not believe Caller I.D. will have
29 the deterrent effect on annoyance callers
30 that some individuals perceive. Last year
31 when the Touchstar Call Trace feature was
32 introduced in Memphis, similar comments were
33 made relative to the deterrent effect. We
34 have yet to see any significant reduction in
35 the annoyance call problem in Memphis.

1 Although the number of Memphis customers
2 requesting the traditional, free, Annoyance
3 Call Center call trace service appears to
4 have declined, this has been more than off-
5 set by the number of TouchStar Call Trace
6 customers calling to report their annoyance
7 call problems (Memo from Terry Lane, Manager-
8 Security to Janet Bernstein, Staff Manager-
9 LOB Network, December 12, 1989, hereafter,
10 Memo).

11 In fact, this is precisely the situation in New Jersey,
12 where the increase in automatic call trace initiations more than
13 offsets the reduction in reports to the Annoyance Call Bureau.
14

15 Q. DESCRIBE AN EFFECTIVE RESPONSE TO DETERMINED HARASSERS BASED
16 ON AUTOMATIC CALL TRACE AND WHY IT IS PREFERABLE TO CALLER ID.

17 A. Obviously, if a harasser is going to hide his or her
18 telephone number, then there is no technological fix. If a
19 telephone number is going to be available to start a trail to the
20 harasser, then Automatic Call Trace with a rapid response by
21 authorities is preferable.

22 The victim of serious telephone harassment can immediately
23 and automatically trace the call. The victim should then call
24 911, just as he or she would if any other crime was suffered or
25 witnessed. The police would contact the telephone company
26 immediately and be given not only the telephone number of the
27 caller, but also the street address. The police would then
28 pursue the investigation as they would for any serious crime.

29 That is the least expensive and most efficient means of
30 catching the criminal and giving relief to the victim for a
31 variety of reasons.

1 The telephone company's computerized reverse directory is
2 likely to be more complete and up to date than any commercial
3 directory the police are likely to use.
4

5 If the victim writes the number down, that will be
6 vigorously challenged as evidence. A telephone company record of
7 a traced call will be a stronger piece of evidence.

8 Third, the victim is not likely to recognize the number. If
9 he or she recognizes the exchange as one which is far away -- or
10 assumes that one which is not recognized is distant -- the victim
11 may be making a mistaken assumption that there is no danger. But
12 the number tells absolutely nothing about the intentions of the
13 harasser.

14 Third, if the victim has the number, he or she may be
15 tempted to call the harasser back and that could be a big
16 mistake. In general, contact with telephone harassers is unwise.
17 In fact, the first piece of advice given in the telephone book is
18 to hang up.

19 Finally, under these circumstances Caller ID also opens the
20 way to new types of abuse. For example, innocent mistakes, like
21 dialing a wrong number, may be incorrectly interpreted as
22 harassment and lead to escalating rounds of harassing calls.

23 Thus, automatic call trace with an effective and rapid
24 response is the better response to serious telephone harassment.
25
26

1 Q. DOES THE MOST RECENT EVIDENCE FROM NEW JERSEY DEMONSTRATE
2 THAT CALLER ID DRAMATICALLY LOWERS NUISANCE AND ANNOYING CALLS
3 AND THAT NUMBER FORWARD BLOCKING WOULD REDUCE THIS BENEFIT?

4 A. Not at all.

5 First, even if good data showed that there had been a
6 reduction in these types of calls, the evidence could not
7 distinguish which of the SS7 services had accounted for the
8 decline. Call Trace or any of the other services could account
9 for any decline.

10 Second, any measurable decline in the reports of annoying
11 calls to the telephone company may simply reflect 1) the way the
12 phone company handles complaints or 2) a displacement of such
13 complaints to other agencies. While this may reduce the work
14 load of the telephone company, it does not tell us much about the
15 nature or level of annoyance calls.

16 Third, there is no evidence on the impact of number forward
17 blocking on Caller ID or annoyance calls. Logically, there
18 should be little effect for the reasons I have given.

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1 VII. NUMBER FORWARD BLOCKING AND CALL MANAGEMENT

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3 Q. ARE THERE WAYS THAT NUMBER FORWARD BLOCKING MIGHT
4 IMPROVE THE CALL MANAGEMENT CAPABILITIES OF THE SS7 TECHNOLOGY?

5 A. Yes. With Caller ID, the subscriber still must get up and
6 go over to the phone. He reads the number and decides he is not
7 going to answer; now he has to listen to the phone ring. For
8 many of the most frequently cited crank or annoyance calls --
9 wrong numbers, calls and hang-ups, sales calls, recorded computer
10 messages, survey researchers, fund raisers -- the called party
11 might actually terminate the annoying incident more quickly by
12 picking up the telephone and telling the other party that they
13 have a wrong number or that he or she is not interested in what
14 they have to offer.

15 In some ways, it is entirely possible that for the types of
16 calls which seem to dominate the crank and annoyance categories,
17 number blocking would actually be an aid in managing the
18 telephone. The overwhelming majority of such calls are almost
19 certain to be numbers which the subscriber to Caller ID does not
20 recognize. The subscriber is going to have to make a blind
21 judgment about a call whose number he or she does not recognize.

22 Now suppose number forward blocking is offered. For those
23 people who do not mind forwarding their numbers, the Caller ID
24 subscriber would have the same information. However, for those
25 people who do not want to forward their number, the Caller ID
26 subscriber would have a different piece of information about the

1 caller -- the caller won't reveal the number. The subscriber
2 could well choose not to deal with people who do not want to
3 reveal their numbers. In both cases, the Caller ID subscriber
4 has more information than he or she has today.

5 We should also not forget that when a number is not
6 forwarded, the called party still has the option of asking the
7 standard opening question "who is it." Callers who refuse to
8 identify themselves twice, once with number forward blocking and
9 once with a failure to say who it is, are certainly not going to
10 be well received by the called party.

11 Number blocking might also play a role in combining with
12 other services to deal with annoyance calls. Suppose a number is
13 not forwarded and you answer it anyway. The refusal to forward
14 has alerted you to be prepared to deal with someone who is
15 withholding this information. You are better able to confront an
16 annoying caller by utilizing Return Call, or Call Trace, or put a
17 stop to the calls by the use of Call Block.

18
19 Q. HAVE INDUSTRY REPRESENTATIVES RECOGNIZED THIS VALUE OF
20 NUMBER FORWARD BLOCKING?

21 A. Yes, Pacific Bell has recognized this point in its decision
22 to offer per call blocking

23 The key aspect of offering Per Call Privacy
24 is that the "private number" indicator, when
25 displayed, has message value. It says the
26 person calling has chosen, on this call, to
mask his telephone number. That knowledge
provides the recipient with helpful
information to make a choice as to whether to
answer such a call (effectively where we are

1 today) ("Statement of John Stangland on
2 Privacy Related Concerns Surrounding "Caller
3 ID" Service," Subcommittee on Technology and
4 the Law, Committee on the Judiciary, United
5 States Senate, August 1, 1990, p. 4).

6 Q. WILL NUMBER FORWARD BLOCKING UNDERMINE THE USEFULNESS
7 OF CALLER ID IN EMERGENCY SITUATIONS?

8 A. No. First, Enhanced 911 service will still provide the
9 number where it is available. Second, people are very unlikely
10 to block the forwarding of their number in an emergency.

11 Moreover, if they do, emergency services should have access to
12 Automatic Call Trace with the rapid response I have described
13 above.

14 Q. HOW DOES PER CALL BLOCKING AFFECT THE VALUE OF CALLER ID FOR
15 SPECIAL NEEDS GROUPS, LIKE THE HEARING IMPAIRED?

16 A. Caller ID with per call blocking will put the hearing
17 impaired in the same position as all other subscribers are today.
18 The primary call screening device available today is an answering
19 machine. If someone calls and chooses not to leave his or her
20 number, there is little the party receiving the call can do. If
21 they leave the number, or their name, then the call can be
22 returned.

23 Answering machines are not useful for the hearing impaired,
24 but Caller ID with per call block will be. If the caller does
25 not block, the hearing impaired person will have the number, just
26 like an answering machine. If the caller chooses to block the

1 forwarding of the number, the hearing impaired person will not be
2 able to return the call, just as if no message is left on an
3 answering machine.

4 Obviously, videotext messaging services would provide a
5 higher level of service for the hearing impaired (one which
6 approximates the functionality of an answering machine), but such
7 services have nothing to do with Caller ID.

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VIII. THE ECONOMICS OF NUMBER FORWARD BLOCKING

Q. IN LIGHT OF THESE MINOR IMPACTS OF PER CALL BLOCKING, WILL IT UNDERMINE THE ECONOMIC VALUE OF THE SERVICE?

No. The potential market for Caller ID is very small under any circumstances. However, the company has chosen to price it very aggressively. Therefore, any detraction from the value of the service that might result from per call blocking, through a reduction in demand for the service, will be easily absorbed by the service.

Pacific Bell has concluded that "activation of the Per Call Privacy feature does not significantly diminish the value of the product" ("Statement of John Stangland on Privacy Related Concerns Surrounding "Caller ID" Service," Subcommittee on Technology and the Law, Committee on the Judiciary, United States Senate, August 1, 1990, p. 4). Pacific Bell believes that this is the lesson of the Caller ID trial in Rochester, N.Y., as well as its own research.

Centel reached a similar conclusion, arguing that "optional per-call blocking will permit our customers to stop the delivery of their number on particular calls if they wish, while not taking away the broad range of benefits made possible by Calling Number ID" ("Statement of S.E. Leftwich on Electronic Communications Privacy," Subcommittee on Technology and the Law, Committee on the Judiciary, United States Senate, August 1, 1990, p. 2).

1 The Blocking Survey supports this conclusion (Blocking
2 Survey, Tables 17 and 18). When universally available number
3 forward blocking is presented, about one-quarter of the
4 respondents who said they were definite or likely to take the
5 service lower their interest in the service. Out of 371
6 respondents who said they were definite or likely to take the
7 service, 308 said that allowing no one to block either made no
8 difference, or increased their likelihood of subscribing (not
9 that 63 said it decreased their likelihood of subscribing). At
10 the same time, 228 respondents said that allowing anyone to block
11 would make no difference or increase their likelihood of
12 subscribing. Similar results obtain with respect to questions
13 about the value of the service (Blocking Survey, Tables 24, 25).

14 Thus, I do not believe that per call blocking would bear any
15 responsibility for undermining the value or viability of Caller
16 ID.

17 It is important to note that business interest in the
18 service is much more likely to be curtailed by number forward
19 blocking. Their interest is likely to be oriented toward the
20 generation of telemarketing lists.

21
22 Q. HOW SHOULD NUMBER FORWARD BLOCKING BE MADE AVAILABLE?

23 A. It should be available on a per call basis without charge.
24 The data shows large numbers of respondents who are concerned
25 about Caller ID. To impose such a cost on them, when only a
26 small number of subscribers appears likely to want the service,

1 and when other offerings can accomplish the same goals,
2 sacrifices the interests of the vast majority to the interests of
3 a small minority.

4 I have already noted that those people who said they would
5 mind having their number forwarded on specific types of calls
6 were quite likely to say they would take advantage of blocking.

7 I also recommend that a vigorous educational campaign be
8 instituted when Caller ID is made available. For the past
9 several decades the telephone number has not been forwarded.
10 People have come to depend on that. They must be made aware that
11 it is now necessary for them to take some action (dial a three
12 key prefix) in order to preserve the privacy and anonymity of
13 their telephone number. Vigorous efforts to educate them so that
14 they do not inadvertently reveal their numbers must be made.

15

16 Q. NOW SHOULD THE COSTS OF NUMBER FORWARD BLOCKING BE HANDLED?

17 A. As an incremental service, the costs are not great. Since
18 Caller ID creates the problem that number forward blocking is
19 intended to solve, I believe that any costs associated with
20 blocking should be attributed to Caller ID. This does not
21 necessitate an increase in price, however, since Caller ID has
22 already been priced far above costs.

23

24 Q. SUMMARIZE YOUR BENEFIT/COST ANALYSIS OF NUMBER FORWARD
25 BLOCKING.

26 A. SS7 is an excellent new technology that opens the way toward
a number of powerful services. One of them also opens the door

1 to significant and pervasive problems by robbing customers of the
2 anonymity they have come to depend on for conducting much of
3 their telecommunications.

4 There is a clear compromise available between giving
5 complete control over the number to the called party and leaving
6 complete control in the hands of the calling party. The SS7
7 technology guarantees that the central office switch will have
8 the number available for storage and other manipulations that
9 enhance the call management powers of the called party. The
10 calling party should have the option, at no cost, of deciding who
11 should know his or her telephone number.

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13 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

14 A. Yes.
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
REBUTTAL TESTIMONY OF DR. MARK N. COOPER

DOCKET NO. 891194-TI

1 Q. PLEASE STATE YOUR NAME AND ADDRESS.

2 A. My name is Dr. Mark N. Cooper. My address is 802 Lanark
3 Way, Silver Spring, MD.

4 Q. HAVE YOU PREVIOUSLY FILED TESTIMONY IN THIS CASE?

5 A. Yes I filed direct testimony on September 26, 1990.

6 Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?

7 A. In my rebuttal testimony I respond to certain conclusions
8 reached by witnesses for two of the three companies which have
9 filed in this case.

10 Q. HAVE THE TELEPHONE COMPANY WITNESSES ANALYZED THE
11 PROBLEMS CAUSED BY CALLER ID IN A BALANCED MANNER?

12 A. No. Both Southern Bell and GTE present the issue as
13 Caller ID or no Caller ID. The compromise of Caller ID with
14 blocking was never considered. Having set up the wrong
15 framework, one is forced to either accept or reject problems
16 that individuals have with Caller ID, rather than seek a
17 solution.

1 Nancy Sims, on behalf of Southern Bell (p. 14), simply
2 looks at the institutional point of view. She fails to give
3 adequate consideration to individual problems.

4 Dr. Sue Elseewi, on behalf of GTE, ignores the evidence
5 of individual problems with Caller ID. This evidence was
6 available in the report of the focus group discussions. The
7 focus groups were small discussion sections held with
8 individuals who had participated GTE's trial of the CLASS
9 services. The discussions are run by a consultant employed by
10 GTE.

11 Participants in the focus groups identified a variety of
12 problems including commercial abuse, problems with anonymity
13 dependent organizations, work at home people, as well as a
14 general concern about unlisted numbers being advertised.

15 A storm window company, which normally sends a
16 flyer, if you should call to ask them
17 something, then they call you and start
18 bugging you (p. 1).

19 This is something I hadn't really thought of,
20 if I had an unlisted number and I called
21 someone, now they have my number (p. 2).

22 Another scenario... let's say Alcoholics
23 Anonymous or a rape crisis center, if they had
24 access, somebody, somehow, someday, it gets
25 out, then somebody can intimidate you, or
26 alarm you or threaten your family (p. 2).

27 Myself it wouldn't bother. But my daughter
28 has an unlisted number; she lost her husband
29 and got calls she wasn't interest in (p. 3).

30 My mom is going through a bad divorce. It
31 would be bad if someone got hold of her
32 number. It would defeat the purpose of paying
33 for an unlisted number. She has been kind of

1 harassed and now feels safer with an unlisted
2 number (p. 3).

3 I wouldn't want my students knowing my number.
4 I call parents in the evening (r. 3).

5 These are fairly small groups of people in a small scale
6 trial (twelve per group), with the moderator extracting what
7 he or she feels like (rather than giving a complete transcript
8 of the proceeding). In spite of that, participants came up
9 with a series of problems that they can easily envision. It
10 appears that these problems were raised in at least three of
11 the four groups. In two of the four groups they came up
12 spontaneously. "Some" participants saw the need for a
13 compromise.

14 In spite of this, Ms. Elseewi only finds "some potential
15 irritation" (p. 21, line 24) with Caller ID and proposes no
16 solution.

17 In my testimony on pages 10 and 11, I identified twenty
18 problems in four broad categories that Caller ID creates.
19 Each of these broad categories is clearly demonstrated by the
20 survey evidence available from all Bell Atlantic
21 jurisdictions. A perceived loss of privacy is an actual
22 problem. If people hesitate or feel uncomfortable in calling
23 a business because they fear that their number will be
24 forwarded, that is an actual state of unease caused by the
25 service.

26 Moreover, the survey evidence includes results from New
27 Jersey, responses which were benchmarked and made long after

1 Caller ID was widely available (which contradicts Elseewi's
2 claim that the Elizabethtown trial is unique (p. 4, line 15).
3 This survey evidence clearly shows that concern has increased
4 the longer the service is available.

5 The recent public hearings in Maryland are the first time
6 that a public proceeding has been fully noticed after the
7 widespread availability of Caller ID. These hearings
8 demonstrate the validity of the problems identified and the
9 strong sense of violation of privacy felt by the public.

10 The excerpts in Attachment I show that a variety of
11 individuals perceive and have experienced these problems. Of
12 the twenty problems identified, seventeen were clearly noted
13 by witnesses at the public hearings. Numerous examples of
14 each of the four broad categories of abuse are given.

15 Q. DOES GTE'S SURVEY EVIDENCE PRESENT A CASE AGAINST PER
16 CALL BLOCKING?

17 A. Not at all. The survey evidence utilized by Ms. Elseewi
18 to try to show that "positive aspects outweigh the negative"
19 (p. 21, lines 12-13) of Caller ID is biased and misleading and
20 misses the fundamental policy question at issue with per call
21 blocking. Both design of the questionnaire and design of the
22 survey are fatally flawed for the issues at hand. This is a
23 marketing survey that is being used badly to address policy
24 questions.

1 With respect to the design of the questionnaire I find
2 the following problems.

3 The questions about the privacy impact of
4 Caller ID are prefaced with a long series of
5 biased questions. The questionnaire describes
6 the positive benefits of a series of services.
7 It never mentions any of the drawbacks of the
8 services. Then it asks people to give
9 advantages and disadvantages of the services.

10 The questions about the other services are
11 personalized. That is, they place the
12 respondent in the active role by stating, for
13 example, "what if there were a service which
14 would let you..." The question about privacy
15 was depersonalized -- "In order for some of
16 these new services to work, the person who is
17 receiving the call will know the phone number
18 of the party who is calling..."

19 The major question of privacy, does not relate
20 to Caller ID. Thus, Elseewi's table which
21 refers to Calling Number Forward
22 Protects/Violates Privacy is simply wrong.
23 That is not what the question asked.

24 With respect to the design of the survey, I find the
25 following problems.

26 The post-trial results, which are based on a
27 somewhat improved questionnaire, are totally
28 biased, based on a highly self-selected
29 population.

30 The trial was designed to preclude the most
31 pervasive abuse of caller ID -- since the
32 service was apparently not made available to
33 businesses. Therefore, it is highly unlikely
34 to turned up the kinds of problems that
35 respondents in other states have been most
36 concerned about.

37 The post-trial also excludes the most
38 important control group, those who had none of
39 the services.

1 For these reasons, both the pre- and post-trial results
2 are likely to be biased and not representative of the general
3 population.

4 **Q. PLEASE ELABORATE ON YOUR CONCERNS ABOUT THE DESIGN OF THE**
5 **QUESTIONNAIRE.**

6 **A.** Attachment II shows the sequence of questions leading up
7 to the questions about reactions to calling number forwarding
8 and privacy issues.

9 First, note that a series of positive uses of a variety
10 of services is presented. Then respondents are asked to give
11 advantages and disadvantages. There is little wonder that
12 they did not think of many disadvantages. All respondents,
13 pre- and post were exposed to this highly biased set of
14 questions. Even though the post-trial questionnaire did not
15 repeat the positive situations, respondents had been recently
16 exposed to this series in the pre-test.

17 Second, each and every description of a service entails
18 the respondent as the active party. However, when opinions
19 about the negative aspects of the service come up, the
20 questions shift to an impersonal view. Thus, after almost a
21 dozen questions in which respondents had been told about ways
22 they personally could benefit from the service, they were
23 presented with ways in which some other person (the calling
24 party, or "one") might be hurt by it.

1 It would have been easy to maintain the personal voice.
2 For example the following questions would have been consistent
3 with the wording of the questions about the other services.

4 As you know, for some of the new/Smart Call
5 services to work the person you call knows
6 your telephone number. Which of the following
7 statements best describes your feelings about
8 your telephone number being made available to
9 the person you are calling.

10 Now having heard both points of view, do you
11 feel these new services protect your
12 privacy... or violate you privacy.

13 Third, it is impossible to assert that the privacy
14 question in the survey deals with call number identification
15 in any direct sense. The question deals with the overall
16 package of services, not call number identification. In fact,
17 it explicitly mentions only three services -- return, block,
18 and trace -- but not CNID.

19 In varying degrees, both the pre and post trial surveys
20 suffer from these flaws and therefore are not a sound basis
21 for reaching policy conclusions.

22 Q. PLEASE ELABORATE ON YOUR CONCERNS ABOUT THE SURVEY
23 DESIGN.

24 A. As I understand the survey design, approximately 1,000
25 residential subscribers were assigned to four treatment levels
26 -- 1) Smartcall services, 2) Smartcall and a special phone, 3)
27 Smartcall, a special phone and a CNID device, and 4) Smartcall
28 and a CNID device.

1 These people had to agree to participate in the trial, in
2 order to be part of the post-trial survey, so they were self-
3 selected. Moreover, the participation process entailed an
4 effort to overcome an objection (a typical marketing tactic),
5 so they are not only self-selected, but they might have been
6 pre-sold as well.

7 Based on the characteristics of potential and actual
8 subscribers in other states, we know that those who take the
9 service are very unlike the general population in their
10 attitudes and make up only a very small subsegment of the
11 population. Thus, Elseewi's survey results give much too much
12 weight to a segment of the population that is predisposed to
13 liking the service and seeing little problem with it.

14 It is particularly important to note that there appears
15 to be no control group in the post-test. None of the post-
16 test respondents simply had telephone service but not
17 Smartcall service. We have seen in states like New Jersey
18 that 95 percent of subscribers do not take any of the CLASS
19 services. They also have strong concerns about number
20 forwarding, yet they were excluded from the post-trial survey.
21 In fact, those with the strongest concerns may have self-
22 selected out of the trial.

23 Thus, the post-trial results are highly suspect.

24 **Q. DOES THE GTE SURVEY EVIDENCE INDICATE THAT THERE ARE NO**
25 **CONCERNS ABOUT CALL NUMBER IDENTIFICATION?**

1 A. No. Even with a highly biased and ambiguous
2 questionnaire, but a randomly selected pre-trial sample, 41
3 percent of respondents said the new services violates one's
4 privacy. With a biased post-trial sample, and a somewhat less
5 biased questionnaire, 21 percent of the respondents said the
6 new services violate one's privacy. Those without Caller ID
7 were more likely to express these concerns, although we do not
8 know what people who selected themselves out of or did not
9 participate in the trial would say.

10 Q. DOES YOUR RECOMMENDATION THAT PER CALL BLOCKING BE ALLOWED
11 CONFLICT WITH MS. ELSEEWI'S RECOMMENDATION THAT THE PUBLIC
12 ITSELF BE THE BEST INDICATOR OF THE PUBLIC INTEREST?

13 A. Absolutely not. In fact, my recommendation that per call
14 blocking be made available takes her position to its logical
15 conclusion. Those people who are concerned about forwarding
16 their number should be allowed to preserve their "peace of
17 mind" and block the forwarding of that number. Since this
18 would simply preserve the current status of number forward
19 blocking, I recommend that they not be charged for the right
20 to make this choice.

21 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

22 A. Yes.

1 BY MR. BECK

2 Q Dr. Cooper, have you prepared a summary of
3 your testimony?

4 A Yes. I have.

5 Q Would you please provide that?

6 A The issue, as stated a number of times
7 yesterday, is one of balancing the need for privacy and
8 anonymity against the desire to see incoming telephone
9 numbers. Per-call blocking balances those needs best
10 because it provides call management functions on both
11 sides of the call, because the rest of the technology
12 is very powerful to do similar and overlapping things,
13 and because there are other alternatives available.

14 When Mom or Pop calls the kids, they forward
15 their number and that sends a message to pick up the
16 phone. When they call the department store, they don't
17 forward their number since they don't want to get a
18 call back or they don't want to be on another
19 telemarketing list.

20 When the kids see Mom's number on the other
21 side, they answer it since they know who it is. When
22 they get a unrecognizable number, they probably answer
23 it anyway since they don't know that many numbers.
24 When they get an O or a P, maybe they answer it, maybe
25 they don't. But if they do answer it, they're on their

1 guard because here's somebody who might, in the case of
2 a P, have blocked for some nefarious reasons.

3 Meanwhile, the department store will still
4 answer the phone when the P comes through because
5 that's a business opportunity. This is call management
6 on both sides of the call. The network is enhanced
7 with per-call blocking.

8 Now, if there is a problem in the network of
9 annoying, harassing or threatening calls, there are
10 responses -- Call Trace, Call Block, Automatic Return Call.
11 These services cannot be frustrated by per-call blocking.

12 If you need to scare a prankster, you don't
13 have to do a blind bluff, as described yesterday, you
14 can use Automatic Return Call. You actually did get
15 back to them, even though you don't know their number.
16 If you want to catch real harassers, you can use
17 Automatic Call Trace and generate real documentary
18 records. If you just want it to stop, you can use Call
19 Block. If you want a list of who called, you can use
20 an answering machine. Those people who really want to
21 talk to you will leave your number. There are
22 alternatives to manage the system.

23 Automatic Call Trace puts all harassers at
24 risk of identification with an official telephone
25 record, that is the terms and the response. Automatic

1 Call Block frustrates repeat harassers and it would
2 appear that many are not repeat harassers. Automatic
3 Return Call exposes people to the interpersonal
4 exchange of being chastized for pranks and other
5 activity.

6 On the other hand, the problem that is
7 created by loss of privacy and anonymity is real in the
8 minds of subscribers, as evidenced in survey after
9 survey and in the experience of people who have lived
10 with Caller ID. People fear that businesses will use
11 the service to compile lists, and businesses say that's
12 one of the reasons they're interested in it. People do
13 get reverse harassing calls when they dial a wrong
14 number and they are compromised when they give their
15 number out.

16 Nonpublished subscribers expressed the
17 greatest concern about having their number passed
18 around. Yes, they are the most likely to subscribe to
19 Caller ID because they're high privacy people. But
20 they're also the most likely to use per-call blocking
21 because they're high privacy people. Per-call blocking
22 balances those two interests.

23 Whether we measure the problem as the
24 two-thirds in Pennsylvania who say they have a problem,
25 or the 40% in the pretest in Kentucky who say it

1 violates their privacy, or the 23% in Florida who say
2 it decreases their privacy, this is a substantial
3 problem. Since the benefits of S⁷ are available and
4 little diminished by Caller ID, since the per-call
5 blocking adds significant call management functions,
6 and since substantial problems can result from
7 unblocked Caller ID, I believe that per-call blocking
8 is a better way to go.

9 The New Jersey experience is given as an
10 example. Even if it were successful, and I have stated
11 in my testimony at length why it is not, that doesn't
12 mean Florida should not look for a better way.

13 And let's ask is New Jersey successful? If
14 it's so successful, why there are only 2% take rate?
15 In some sections of the state it's been available for
16 over two years. If unblockable Caller ID will eliminate
17 the problem, why are there an ocean of Automatic Call
18 Traces. Those are annoying calls. Twice the rate per
19 capita as in Florida, in New Jersey. So the calls
20 still go on.

21 Why has the increase in Call Traces
22 absolutely swamped any decrease in the number of
23 Annoyance Call Bureau reports and why is New Jersey the
24 only place where we get this anomalous reaction of
25 reduction of Annoyance Call Bureau reports?

1 I believe the successs in New Jersey is a
2 figment of the New Jersey Bell's imagination supported
3 by evidence that has been reviewed in other
4 jurisdictions and been rejected in those jurisdiction?
5 You can't find it in the aggregate numbers of Call
6 Traces, and you can't find it creditably in the answers
7 to survey questions. Because I believe that Caller ID
8 with per-call blocking is the best way to meet the
9 public interests and give the public the maximum choice
10 and the maximum call management capability. Thank you.

11 MR. BECK: Dr. Cooper is available for cross
12 examination.

13 CHAIRMAN WILSON: Mr. Parker.

14 CROSS EXAMINATION

15 BY MR. PARKER:

16 Q Dr. Cooper, in your summary there you were
17 mentioning take rates in New Jersey. Do you have any
18 marketing experience, Dr. Cooper?

19 A No. I have not been employed as a market
20 researcher.

21 Q Can you go back to Page 19, please?

22 A Yes.

23 Q Okay. Now, this is back, I guess, to the
24 examination that was done on voir dire. This exhibit,
25 as you have depicted it, shows that on no occasion

1 would 63% of the people block a call, is that correct?

2 A That was the response there, yes.

3 Q Okay. And if I started lumping categories
4 and took "No occasion" and also took those that are
5 only doing it on a few occasions, then 94% of the
6 people would either never block a call or only do it on
7 a few occasions, is that correct?

8 A Yes.

9 Q Would you turn to Page 16 of your testimony,
10 please, Doctor?

11 A Yes.

12 Q And down at the bottom of that page I believe
13 you take a quote from the testimony of a Mr. Stangland
14 before a Senate subcommittee, is that correct?

15 A Yes.

16 Q And is that quote submitted for the purpose
17 of showing that people feel, I guess, equally strong
18 either way about Caller ID?

19 A Well, the quote occurs under a question that
20 has to do with privacy.

21 Q Okay. And the first sentence says, "Our
22 research indicates that without offering any blocking
23 options, those strongly opposed to Caller ID are about
24 equal to those strongly supporting the service," right?

25 A That's what it says, yes.

1 Q Okay. Now, am I correct in my understanding,
2 Doctor, that the quote that you have placed in your
3 direct testimony comes out of a document that is some
4 10 pages in length, is that correct?

5 A Well, it's a piece of testimony given in the
6 Senate, yes.

7 Q Okay. Have you read that testimony, Doctor?

8 A I read it, yes, a while back.

9 Q How long is "a while back"?

10 A Probably around the time it was given in
11 August.

12 Q Your testimony was given in August?

13 A No. That testimony was given in the August.
14 I actually testified at the hearing as well, so I heard
15 the oral statement.

16 Q Okay. And you have read this document?

17 A I have read the document.

18 Q Okay. Isn't it a fact, Dr. Cooper, that
19 Mr. Stangland stated in his statement to the Senate
20 Subcommittee that his research was California-specific
21 and that it may well vary from state to state?

22 A Absolutely. And I presented evidence from a
23 variety of states for that reason.

24 Q And isn't it also a fact that he stated that
25 Pacific Bell did not want to promote its approach as a

1 nationwide standard?

2 A Yes. Although the purpose of that hearing
3 was to inquire into federal legislation, but yes, he
4 did say that.

5 Q All right. And isn't it also a fact that the
6 10-page statement that Mr. Stangland gave the Senate
7 Subcommittee did not include any numbers or research,
8 specific quantitative research, in that statement?

9 A No. It did not. He summarized his
10 understanding of the research.

11 Q And isn't it also a fact that Pacific Bell
12 had not deployed Caller ID at the time this statement
13 was given?

14 A That is correct.

15 Q Have they deployed that technology today?

16 A I guess they've tariffed it but not deployed
17 it.

18 Q So would it be an accurate statement to say
19 that Mr. Stangland's testimony was based on concept
20 research, is that correct?

21 A I don't know what other research -- whether
22 he had seen US West research, whether he had read my
23 testimony in other proceedings about other trials. I
24 mean, he might have based it on other things, but he
25 had not himself deployed and counted noses, no.

1 Q Dr. Cooper, would you agree with me that the
2 most accurate data utilized is data based on actual
3 experience as opposed to data coming from concepts
4 which people have not had yet the opportunity to
5 experience?

6 A Well, it depends on the purpose. For
7 instance, give you a perfect example, the nontest
8 people in Elizabethtown. They don't have Caller ID.
9 Are they still concept or have they lived with it? If
10 they have lived in E-town and they know of other people
11 who have it, do we count them as experience or concept?
12 I don't know.

13 Similarly in New Jersey, you have extensive
14 evidence from the 98% of the people who lived in Hudson
15 County for two years who don't have Caller ID. Are
16 they concept or experience? The line is hard to draw.

17 Q Would you agree with me that consumer
18 opinions change when consumers are presented with a
19 philosophical concept and then they actually have the
20 actual experience of the product?

21 A Sometimes they do and sometimes they don't.

22 Q And the only way to find that out is to put
23 the product in the marketplace and do the research, is
24 that correct?

25 A Well, that's one way to find it out.

1 Q What's any other way to find it out if you
2 don't deploy the product?

3 A You deploy the product but what about the
4 nontakers? Do you consider them having experienced it
5 or not?

6 Q They have the option to take the service,
7 correct?

8 A Fine. Then I will submit that they have
9 experienced the service and their responses are
10 after-the-fact, if you will.

11 Q Now, you have also given some testimony in
12 your direct concerning people with nonpub numbers, is
13 that correct?

14 A Yes.

15 Q And isn't it a fact that in Mr. Stangland's
16 statement that he stated that, "While some people claim
17 that the rights of customers with unlisted numbers to
18 privacy are violated by a number delivery service,
19 research results indicate that in reality these
20 customers' views are not significantly different from
21 the rest." Do you recall that statement?

22 A I don't recall that statement. That's
23 contradictory to the evidence I presented from
24 Pennsylvania and Florida.

25 MR. PARKER: May I approach the witness?

1 CHAIRMAN WILSON: Yes. (Pause)

2 Q (By Mr. Parker) Doctor, let me place in front
3 of you Mr. Stangland's testimony and direct you
4 to a specific portion. Let me refer you to Page 6 of
5 his statement and see if you can read that paragraph,
6 the fifth one down, and see if that refreshes your
7 recollection?

8 A Well, it states exactly what you said, "While
9 some claim that the rights of customers with unlisted
10 numbers to privacy are violated by the number delivery
11 service, research results indicate that in reality
12 these customers' views are not significantly different
13 from the rest. In fact, this group reported a slightly
14 higher interest in buying this service than those with
15 published numbers."

16 I already testified that that is the case and
17 they also expressed a higher interest in blocking.

18 (Pause)

19 Q Doctor, could you turn to Page 24 of your
20 direct testimony, please?

21 A I have it.

22 Q Now, at the beginning of this testimony, I
23 believe, Mr. Beck asked you if you had any changes to
24 your testimony? And you said "Only minor ones, not of
25 significance," I believe, is that correct?

1 A Yes.

2 Q And is there an error in the chart that
3 appears on the top of Page 24, Doctor, of which we have
4 previously been made aware?

5 A Well, these -- actually in Kentucky we went
6 over this chart and I subsequently went back and looked
7 at it. And actually, as I understand it, the question
8 was: "Without a price stated." But if you look at the
9 original questionnaire or the original report, the word
10 "free" actually appears there. So the column -- you
11 have to understand, now, you have a gap between the way
12 the question was worded and the way it was reported in
13 the original survey instrument or in the original
14 document. The question did not state a price, but the
15 table actually used, in one instance, the word "free."

16 Q I see. Now, under the source document down
17 at the bottom there --

18 COMMISSIONER BEARD: Let me, before you go --

19 MR. PARKER: Certainly.

20 COMMISSIONER BEARD: -- let's go back.

21 The actual survey used the word "free"?

22 WITNESS COOPER: No. It did not.

23 COMMISSIONER BEARD: It did not?

24 WITNESS COOPER: No. The question said,
25 "Would you block? Are you likely to block?" And then

1 didn't state a price. At some other point, the
2 question might have been reasked, "If it cost you \$5 a
3 month, are you likely to subscribe?"

4 COMMISSIONER BEARD: Was that question asked
5 or not?

6 WITNESS COOPER: Yes. Both questions were
7 asked, one question without a price, one question with
8 a price.

9 CHAIRMAN WILSON: But they did not use the
10 word "free"?

11 WITNESS COOPER: It did not use the word
12 "free." And, subsequently, I discovered that in one
13 instance the word "free" was use in one of the tables.
14 Which is a misinterpretation -- which is -- the
15 question then becomes if you don't say how much it
16 costs, what are people is assuming? Is free or is
17 there an assumed price?

18 COMMISSIONER BEARD: Now, the fact that 26%
19 said they are likely to take it and 74% are not likely
20 to take Caller ID, what significance is that to you?

21 WITNESS COOPER: Well, in this context, what
22 I'm comparing is the interests in the two sides, if you
23 will. That is, are people interested in Caller ID and
24 blocking? And are they interested in it under one
25 circumstance, which is no price stated, another

1 circumstance, which is with the price stated? And the
2 point here is to suggest that there are similar levels
3 of interest. People are just as interested in blocking
4 at a price or for free approximately as they are in
5 having Caller ID in response to those kinds of
6 questions.

7 COMMISSIONER BEARD: Go ahead, I'll come back
8 to that later.

9 Q (By Mr. Parker) Okay. So if I understand
10 your testimony, Doctor, you went back and reexamined, I
11 guess, the underlying data after your cross examination
12 from GTE in Kentucky and found that in one instrument
13 it said "at no price" and in the chart they used the
14 word "free," is that correct?

15 A As I recall, yes.

16 Q Okay. Now, at the bottom of the chart on
17 Page 24, you give the source document as Bell Atlantic
18 Network Services ANI Disclosure, is that correct?

19 A Yes.

20 Q And could I turn you to Page 41 of Exhibit
21 20, which is your discovery responses, Doctor?

22 A Yes.

23 Q Okay. And does your response to that
24 discovery request state that Document No. 8, which is
25 ANI Disclosure of Pennsylvania, that that document is

1 proprietary?

2 A Yes.

3 Q And that document was not produced?

4 A It was not.

5 Q And I would be unable to go back into the
6 underlying documentation and determine whether the use
7 of the word "free" was correct or whether it was "no
8 cost stated," is that correct?

9 A You would -- you would be able to go back
10 into the underlying documentation, you could go back to
11 the Kentucky record, the Pennsylvania record or today
12 the Delaware record as well.

13 Q So you're saying that that material has been
14 declassified in other jurisdictions?

15 A No. The discussion of the word "free" is in
16 public. I don't know whether the discussion of the
17 word "free" occurred in Pennsylvania, I don't recall
18 that far back. I know that we'd had a -- you and I or
19 GTE and I have had a discussion of the word "free" in
20 Kentucky; and subsequent to that, we had a discussion
21 of this table in Delaware, that word.

22 Q If you don't know whether it's in
23 Pennsylvania or not, Doctor, how am I supposed to find
24 it when you don't disclose it in response to the
25 discovery request?

1 A Well, I can't -- I couldn't disclose what you
2 asked for, which is the document.

3 Q Okay.

4 A And I did -- excuse me. But if you read the
5 first page of the proceeding, I did, in fact, identify
6 all of the proceedings --

7 Q That's correct.

8 A -- in which nonproprietary material could be
9 obtained.

10 Q And that is Page 2 of Exhibit 20, is that
11 correct?

12 A Yes.

13 Q Now, would you agree with me, Doctor, that
14 the use of the word "free" in that chart, in your
15 professional opinion, is misleading?

16 A Well, we have pinned down the underlying
17 question did not use the word "free."

18 Q Would you agree with me, in your professional
19 opinion, that the use of the word "free" in that chart
20 is misleading?

21 A Well, if you're suggesting that the question
22 which said "free" versus a question which didn't say
23 anything about price is liable to elicit a different
24 response, then yes.

25 Q Okay. And you agreed in Kentucky that the

1 use of the word "free" was misleading and it should be
2 "at no cost," is that correct -- or "at no price"?

3 A It should have been described as "no price
4 stated." But when I discovered that the word "free"
5 was actually in the underlying -- one of the underlying
6 documents, I left it.

7 Q And the reason that there is an apparent
8 inconsistency in the numbers on the chart on Page 24 is
9 because of the ramifications associated with consumers
10 when you use "no price stated" as opposed to "free," is
11 that correct?

12 A Well, if you say to someone, "Would you be
13 likely to block," and you don't say anything about a
14 price, they're liable to give one answer. If you say,
15 "Would you be liable to block for \$5 a month," they'll
16 give another answer. If you say, "Would you be liable
17 to block for free," they may give a third answer.

18 Q Would you turn to Page 25 of your direct
19 testimony, please, Doctor?

20 CHAIRMAN WILSON: Is the word "free" one of
21 these kind of hot words or buzz words that people who
22 design surveys or accumulate the results of surveys or
23 do questionnaires either stay away from, or use, or
24 advise not to use, or to be careful with?

25 WITNESS COOPER: Well, in the marketing

1 research, a great deal of attention is paid to how you
2 present price. And so in these surveys, particularly,
3 there were a variety of sequences at which people were
4 given a first price, for instance, and a second price.
5 And what you say in the first price affects how people
6 will respond to it as well as how they will respond to
7 the second price. So if the point of this is to
8 establish that putting a price on a service or an
9 action is important, yes, you are absolutely correct
10 that that is very important in market research.

11 CHAIRMAN WILSON: My question really is, you
12 read professional literature that's related to surveys
13 and designing questionnaires, is the word "free" one of
14 those words that is considered to be a hot word that
15 elicits a particular response?

16 WITNESS COOPER: Absolutely.

17 CHAIRMAN WILSON: That you should stay away
18 from or you should use?

19 WITNESS COOPER: It's not stay away from in
20 the sense that if you intend for something to be free,
21 then you ought not to stay away from it because it's
22 going to elicit a fairly strong reaction versus
23 something else, that's the point. It is an important
24 word and it was not used in the wording of those
25 questions.

1 CHAIRMAN WILSON: But you --

2 WITNESS COOPER: If you intended, let me put
3 it this way. If you intended to ask people how they
4 would react for free per-call blocking, you better say
5 "free" per-call blocking. Because if you don't say
6 "free," then you run the risk of having a doubt in the
7 minds of the respondents that, "Well, but I wonder what
8 the price is. So "free" would be an important word in
9 that cases.

10 COMMISSIONER GUNTER: Well, "free" would be
11 an important word to us in evaluating the charts in
12 your -- because, you know, it's like yesterday. If you
13 were here yesterday --

14 WITNESS COOPER: Yes, sir.

15 COMMISSIONER GUNTER: I shouldn't have done
16 this, I thought about it later and I felt bad about it.
17 When the witness came on and there wasn't any charge
18 for hooking up, and it didn't cost you anything for
19 using it, and it didn't cost you anything to drop it,
20 well, hell, you know, that's the best of all worlds. I
21 never could see why you'd even consider that because
22 nobody would drop it.

23 So when I look at this and I see "free, and
24 it would skew my thinking as a decisionmaker, to say
25 well, even if it's "free", there's all this kind of

1 take rate. So that's editorializing on your part.

2 Is that how I understand that? You're

3 editorializing --

4 WITNESS COOPER: As I said.

5 COMMISSIONER GUNTER: -- which could lead to

6 a different conclusion for those of us who are reading

7 this and trying to understand it?

8 WITNESS COOPER: As I said, the word "free"

9 did not appear in the underlying question but did

10 appear in the chart, in one of the charts.

11 COMMISSIONER GUNTER: Yeah. But that -- you

12 don't disagree with my comment, though, when I'm trying

13 to understand those buzz words?

14 WITNESS COOPER: Actually, the way you stated

15 it is probably the obverse of what the point was. I

16 mean, it's not clear to me whether "free" 26%, \$5 a

17 month, 27%, or 33 and 25 -- I'm not sure what sort of

18 skewed message that's sending.

19 COMMISSIONER GUNTER: Well, it sending a

20 message to me that at "free" you only get that kind of

21 take rate. When things are "free," if I'm going

22 through the store, I would probably go to eating

23 anchovies if they were "free" but I wouldn't pay five

24 cents for a case of them. (Laughter)

25 WITNESS COOPER: Well, the interesting thing

1 is --

2 COMMISSIONER GUNTER: You understand the
3 logic there?

4 WITNESS COOPER: The point of the testimony
5 here, however, was not to make a value judgment about
6 what's "free" and what is not, but the relative take
7 rates. If you look at -- the point of the table is to
8 show you that the interest is roughly equal to the two
9 services, one point.

10 COMMISSIONER GUNTER: Well, you know, we're
11 almost at the point and you're new down here, Dr. Cooper,
12 but let me just ask you one question and it's a matter of
13 perception. Did you ever run across many mothers that
14 thought their babies were ugly?

15 WITNESS COOPER: No.

16 COMMISSIONER GUNTER: Did you ever see very
17 many ugly people?

18 WITNESS COOPER: No. (Laughter)

19 I'm a good-hearted soul.

20 COMMISSIONER GUNTER: We have a perception
21 problem.

22 CHAIRMAN WILSON: Clearly, he's new to
23 Florida.

24 COMMISSIONER GUNTER: Clearly, clearly, he's
25 new to Florida.

1 WITNESS COOPER: Let me, but --

2 COMMISSIONER EASLEY: Is that why you didn't
3 feel constrained to explain the word "free" in your
4 testimony?

5 COMMISSIONER GUNTER: No. In my eyes, I had
6 never seen, you know, rare exceptions of mothers that
7 thought her baby was not beautiful. But yet as I look
8 around, I don't see a hell of a lot of beautiful people.
9 So that's a perception matter. And that's -- I'm trying
10 to give you a illustration of your perception and my
11 perception is different on the utilization here.

12 WITNESS COOPER: I would stress that the
13 point here was not to draw a value judgment about the
14 absolute magnitude, but to show that, given the same
15 question, you had roughly equal levels of interest in
16 both per-call blocking and Caller ID.

17 COMMISSIONER BEARD: Chairman Wilson, I want
18 to let the record show that Commissioner Gunter was
19 looking at the audience and not at the Commissioners
20 when he made that statement.

21 COMMISSIONER EASLEY: Which one? (Laughter)

22 COMMISSIONER BEARD: About ugly people.

23 Q (By Mr. Parker) Would you turn to Page 25 of
24 your direct testimony, Doctor?

25 A Yes, sir.

1 Q And the "free"/"No price stated" discussion
2 that we just had here, that's equally applicable to
3 that chart, is that correct?

4 A Yes, sir. I think that's the one where it
5 actually came in, yes, sir.

6 Q Would you turn to Page 30 of your direct
7 testimony, Doctor?

8 A Yes.

9 Q Now, in Lines 6 through 9, you have a quote
10 from a Trial Market Research Status Report Update, is
11 that correct?

12 A Yes.

13 Q Now, could I turn you to Page 43 of Exhibit 20?

14 A Page 43?

15 Q Yes, sir.

16 A Yes, sir.

17 Q Okay. And did we ask you -- I guess the
18 discovery was, quote, "Mr. Cooper's direct testimony at
19 Page 30, Lines 6 through 8 contains a quote, the source
20 of which is listed (at in Lines 8 through 9) as Trial
21 Market Research Status Report Update. Please provide
22 this item along with all documents in your possession,
23 custody or control relating to, mentioning, analyzing
24 or discussing this item."

25 And the answer is, "Document No. 58 is

1 proprietary"?

2 A Yes.

3 Q Could you tell me how you could take a quote
4 out of a proprietary document and put it in your
5 testimony?

6 A Excuse me?

7 Q Could you tell me how you can take a quote
8 out of a proprietary document as stated in your
9 response to POD number 16 and place it in your
10 testimony?

11 A Well, again, I've explained the Pennsylvania
12 circumstance.

13 Q Okay. So this is a quote out of a document
14 that's been declassified?

15 A No. It's from my Pennsylvania testimony.

16 Q Well, what portions of the Trial Market
17 Research Status Report Update --

18 CHAIRMAN WILSON: You're quoting yourself?

19 WITNESS COOPER: I am -- no, no. This --

20 COMMISSIONER GUNTER: Cut and paste?

21 WITNESS COOPER: Cut and paste.

22 COMMISSIONER GUNTER: Cut and paste. I
23 understand.

24 WITNESS COOPER: It was declassified in
25 Pennsylvania, the hard copy, so that hard copy is

1 available to me. I have reproduced it here, subject to
2 typographical retyping and what not, but that is
3 reproduced here, just as the numbers in the tables are
4 reproduced here.

5 Q (By Mr. Parker) Does that mean you got
6 permission from whoever to use this quote in your
7 Pennsylvania testimony and then you cut and pasted it
8 in here, is that what you just said?

9 A I've explained how Pennsylvania came about.
10 We did everything under proprietary cover, the Judge
11 lifted the order, and I have subsequently put these
12 things in unexpurgated versions of testimony in every
13 case I have been in.

14 Q Okay. And I don't mean to be dense, Doctor,
15 but is Document No. 58 proprietary or not?

16 A The document is absolutely proprietary. That
17 paragraph, since it appeared in the public record, is a
18 matter of public information.

19 Q Okay. So you pulled this one out of a
20 proprietary document and the court or administrative
21 agency said it's going to be placed in the public
22 record, is that it?

23 A Yes.

24 Q Okay. Now, I don't have the rest of that
25 document from which you lifted that quote, is that

1 correct?

2 A Southern Bell produced some, I don't know if
3 they produced that one. And they did not claim
4 proprietary cover on those.

5 Q When did they produce that document?

6 A After I did these answers, to the best of my
7 knowledge.

8 CHAIRMAN WILSON: Southern Bell produced this
9 document?

10 WITNESS COOPER: I'm not sure.

11 CHAIRMAN WILSON: I'm not following this.

12 COMMISSIONER EASLEY: Yeah.

13 WITNESS COOPER: No, no, no. The proprietary
14 document. And as I said, I have been in four Bell
15 Atlantic jurisdictions where proprietary cover is a
16 very sensitive matter. And so --

17 COMMISSIONER GUNTER: You think it's not down
18 here?

19 WITNESS COOPER: Excuse me?

20 COMMISSIONER GUNTER: You think it's not been
21 here?

22 WITNESS COOPER: Oh, no, but I've lived
23 through that one, this is my first time down here.

24 COMMISSIONER EASLEY: Just wait.

25 WITNESS COOPER: And so when this request was

1 made, I answered on the basis of all the documents that
2 I had seen. Subsequently, Southern Bell may have
3 produced, because Southern Bell shared in that trial,
4 they were the Orlando part of the Harris -- Harrisburg/
5 Orlando was simultaneous. Southern Bell produced some
6 documents. But I had seen these proprietary -- I
7 answered this before I had them or knew I had them and
8 so Southern Bell may have produced this document in a
9 separate fashion.

10 Q (By Mr. Parker) All right. Okay. I
11 appreciate the explanation. Can I turn you to Page 15
12 of your direct testimony, please?

13 A 15?

14 Q Yes, sir.

15 A Yes.

16 Q Now, as I understand the chart which appears
17 on Page 15 of your direct, Doctor, this is Florida data
18 and also Tennessee data, is that correct?

19 A Well, I believe the takers/nontakers included
20 both states. And I have now subsequently discovered the
21 question of whether they delivered any Tennessee data.
22 But I didn't see those tables labeled as Florida only, so
23 I thought the takers/nontakers were both states.

24 COMMISSIONER EASLEY: Could I ask a question
25 I guess procedurally? This is the second time you've

1 referenced that you learned something after this was
2 prepared, both now the Florida and the Tennessee
3 takers/nontakers and that word "new." I gather you
4 did not know that the word "new" was in the tables when
5 the questions didn't have the word "new," right?

6 WITNESS COOPER: No, no. Well that -- yeah.
7 Well, that table was constructed in Pennsylvania and I
8 have not -- have tried not to take the tables apart as
9 they were in the original record. In Kentucky, the
10 question came up about whether the word "free" appeared
11 or didn't appear.

12 COMMISSIONER EASLEY: All right. Well, my
13 question will still hold on that subject. But on this
14 Florida/Tennessee, you're now saying that you have
15 since found out that one is only one? Then say it
16 again.

17 WITNESS COOPER: The question was, "This is
18 partially Florida and Florida and Tennessee data,"
19 okay.

20 COMMISSIONER EASLEY: Uh-huh.

21 WITNESS COOPER: That was my understanding of
22 this document when I read it.

23 COMMISSIONER EASLEY: All right.

24 WITNESS COOPER: Yesterday, I heard a great
25 deal of discussion about the redaction of Tennessee

1 data from what was delivered to People's counsel.

2 COMMISSIONER EASLEY: Does that make this
3 table wrong?

4 WITNESS COOPER: No. The numbers are right.
5 I'm just not sure that title is correct, Florida and
6 Tennessee.

7 MR. BECK: Commissioner Easley, I think I can
8 explain it because I have more knowledge about it than
9 does Dr. Cooper, if you want me to go through when
10 documents were produced and what they were.

11 COMMISSIONER EASLEY: No, what I'm really
12 getting to is the question that every attorney asks his
13 witness at the very beginning, "Are there any changes
14 or corrections you want to make to this testimony?"
15 And these changes or corrections weren't made. And I'm
16 hearing now that some of these things came to his
17 attention after the testimony is here and I'm wondering
18 if they should have been changed if they're that kind
19 of change, or not. And I'm getting confused.

20 WITNESS COOPER: The word "free" is an
21 inconsistency in the wording and the reporting. I have
22 left that and you have heard that discussion.

23 COMMISSIONER EASLEY: Uh-huh.

24 WITNESS COOPER: Okay. This is my
25 understanding of the data that was provided to me.

1 COMMISSIONER EASLEY: Okay.

2 COMMISSIONER BEARD: Can I ask, where did the
3 -- I guess it's BellSouth Services Market Research
4 Caller ID/Call Blocking Study of October '89, Table 13,
5 14, 15 and 16 come from?

6 WITNESS COOPER: They gave it to --

7 MR. BECK: This is one of the documents. Dr.
8 Cooper has seen the redacted version, and this is one
9 of the documents that Bell came up with 5 o'clock
10 before Thanksgiving, and there's been a copy that's not
11 been redacted. Dr. Cooper hasn't had an opportunity to
12 review that.

13 COMMISSIONER BEARD: This is redacted?

14 MR. BECK: No. Well, this comes from the
15 Bell redacted version.

16 COMMISSIONER BEARD: Okay.

17 MR. BECK: And that's what he's had access
18 to. And that's all he had access to when he filed his
19 testimony. In fact, I haven't gotten around to giving
20 him the one that Bell just gave me.

21 CHAIRMAN WILSON: Okay. This is the one
22 they gave you just before Thanksgiving.

23 MR. BECK: Right.

24 COMMISSIONER BEARD: Okay. There's three
25 groups here; the first group says "Florida," the second

1 group says "Florida and Tennessee," and the third group
2 says "Florida." Is that inaccurate?

3 WITNESS COOPER: Well, I need to examine the
4 two documents. Let me say that in the document I saw
5 the first group and the third group were clearly
6 labeled under a column that that said "FL." The middle
7 group said "takers/nontakers" with no reference to the
8 state. So since they were not excluded, I assumed all
9 the takers and nontakers were in there.

10 MR. FALGOUST: Just for the record, Mr.
11 Chairman, Public Counsel continues to make reference to
12 the fact that he received documents at 5:00 on the day
13 before Thanksgiving.

14 I point out that that was over a week ago,
15 and I can't speak for Public Counsel, but I know that
16 except for Sunday afternoon I've spent every day since
17 then, working on this case. So, just a personal point
18 that I'd like to make to clarify the record.

19 MR. BECK: Well, I'd like to make a point
20 that I was never notified that it would be produced.
21 The first time I got them was Monday morning, and I
22 found out on Monday morning that Bell had delivered
23 them Friday afternoon. So as far as I'm concerned they
24 came Monday morning.

25 COMMISSIONER EASLEY: They were to be

1 prepared -- they were to be delivered by the close of
2 business on Wednesday.

3 MR. BECK: No. Madam Chairman, what was to
4 be delivered was a list. Bell never told me they were
5 going to provide the documents. I found out about it.
6 And they never called -- they never told me they would.
7 I found out Monday morning that they were producing the
8 documents that they had previously --

9 COMMISSIONER EASLEY: All right, the list was
10 to be provided because they were uncertain about the
11 documents themselves. They were encouraged to present
12 the documents as I recall, if they could. I don't
13 think that was part of the order. You're absolutely
14 correct, the list was.

15 Q (By Mr. Parker) Now, as I understand the
16 chart that appears on Page 15, Doctor, it is a
17 compilation of several tables from the BSS market
18 research Caller ID caller blocking study, is that
19 correct?

20 A Yes.

21 Q So if I went into the Southern Bell document,
22 I would not find this chart that appears on Page 15, is
23 that correct?

24 A You would find every number, but they might
25 not all be side by side.

1 Q Okay, but for example, the impact of Caller
2 ID on residential subscriber privacy would not appear
3 as you have it?

4 A No. That's my title to introduce you to the
5 data.

6 Q Okay. Now, as I understand the purpose of
7 this chart, it is meant to convey feelings about
8 privacy, is that correct?

9 A The question says, "Does the evidence from
10 Florida state similar divided opinions?" Yes, and its
11 feelings about privacy.

12 Q And it is intended to present views about
13 residential subscriber privacy, is that correct?

14 A Yes.

15 Q Okay. Now, could you explain to me, Doctor,
16 why table 14 which you have cited is a source, is
17 entitled "Caller ID Caller" -- I'm sorry, "Caller ID/
18 Call Blocking Study, Business Results by Takers and
19 Nontakers?"

20 A Excuse me, didn't hear that.

21 Q "Caller ID/Call Blocking Study, Business
22 Results by Takers and Nontakers."

23 A Well, it was in the sequence. I may not have
24 extracted any numbers from it.

25 Q Do you have Table 14 before you, Doctor?

1 A I do not.

2 CHAIRMAN WILSON: I didn't understand your
3 answer to the question anyway.

4 WITNESS COOPER: Well, there's a sequence of
5 tables here because these were a sequence of questions
6 that were presented, and he's picked what appears to be
7 a business table. Well, that's 12. Lets see 13.

8 Q (By Mr. Parker) And my real question is,
9 Doctor, I'm not trying to mislead you, this thing is
10 called "Business Results by Takers and Nontakers," and
11 then it has "Business and Residence Data."

12 A Well, it has "Business and Residence Data"
13 side by side, yes.

14 Q What is the association with the residence
15 data with the chart that's entitled "Business Results
16 by Takers and Nontakers"? Could you explain that to
17 me?

18 A Lets look at the sequence.

19 Well, you see all of the tables are labeled
20 -- the first table is labeled "Call Blocking Results by
21 Area and Customer Type, Business and Residence."

22 Q Where does it say "Business and Residence,"
23 Doctor?

24 A In the column heads.

25 Q And my curiosity is, is under a table that is

1 marked "Business," what is the applicability of
2 residence, if you know?

3 A I am not aware of that, nor am I certain I
4 took numbers from that table. Or by customer type.

5 (Pause)

6 I guess I had to assume that those are
7 residence takers and nontakers, and I believe that was
8 in part based on the sum of the total number of
9 respondents. Lets see, yes, I believe that was based
10 on the total number of respondents.

11 Q Okay. Thank you.

12 Now, on Page 14 of your testimony, Doctor,
13 and maybe you already stated it, on Line 12 you say a
14 large segment of the population feels that forwarding
15 the outgoing number will decrease privacy, is that
16 correct?

17 A Yes.

18 Q Okay. Now, on Page 15 where the chart
19 appears, if I start combining categories, would you
20 agree with me that when a Florida residential ratepayer
21 is making -- is the calling party, that 75% of the
22 people either see no effect on privacy or an increase
23 in privacy when they are that calling party?

24 A Yes. And the remaining segment of the 23%
25 see a decrease.

1 Q Okay. And likewise when they are the called
2 party, 95% of people -- if I combine the increase in no
3 change/nonapplicable categories, see either no change
4 or increase to privacy, is that correct?

5 A Yes.

6 Q And likewise, if we came down and did this
7 under the by likely subscription, Florida and Tennessee
8 when they are the calling party, it would be 33% with
9 17% seeing a decrease with takers, and on nontakers it
10 would be 70% with an increase or no change of 23%
11 seeing a decrease, is that correct?

12 A Yes.

13 Q What did you do your PhD doctoral dissertation
14 on, Doctor?

15 A I did it on the political economy of Egypt.

16 Q I'm sorry?

17 A Political economy of Egypt. Yes.

18 Q When did you --

19 A In the Sociology Department at Yale.

20 Q Okay. And when did you get that degree,
21 Doctor?

22 A In 1979.

23 Q Now, as a part of obtaining your PhD did you
24 ever do any independent or original research, or
25 consumer research, while getting your PhD?

1 A Yeah. I began doing survey research in 1972,
2 analyzing surveys.

3 I taught statistical methods at the
4 University of Maryland and at Yale University.

5 Q Are you done?

6 A I was employed as a consultant on survey
7 research on and off throughout the 1970s, and since
8 then frequently as well.

9 Q Okay. So you, yourself, have gone out into
10 the field and have designed some questionnaires, and
11 have actually physically conducted some surveys, is
12 that correct?

13 A Well, I have certainly designed
14 questionnaires. Have I administered the questionnaire;
15 that is, knocked on people's doors or sat on the other
16 side of the telephone and punched the responses into
17 the computer? No, I have not done that.

18 Q Okay. When did you get your masters, Doctor?

19 A In 1974, I believe. Yes.

20 Q What was your masters thesis on?

21 A I don't believe I actually have a formal
22 thesis.

23 Q Okay. Now, would it be a correct statement
24 to state that for purposes of presenting your testimony
25 here today that you have not performed any independent

1 original research regarding Caller ID or its associated
2 aspects?

3 A It would be absolutely incorrect.

4 Q You have designed survey instruments and have
5 gone into the field and have conducted your own
6 independent research?

7 A No. What I have done is the following: When
8 you -- for instance, when you draw a blood sample from
9 a patient and put it in the freezer or put it in the
10 frig, that's not research, that's data gathering. You
11 have to look at it under the microscope before it
12 becomes research.

13 So what I have done is looked at survey
14 questions, raw data compiled by other companies and
15 reanalyzed it. In the case of the Bell Atlantic
16 Companies, I have had access to the underlying raw
17 data. And so, I can give you a couple of examples of
18 research that creates knowledge.

19 For instance, in Pennsylvania, the company
20 asked the question, "Is this service a violation of
21 your privacy?" And 38% of the people agreed with that.
22 And they asked the question, "Do you mind forwarding
23 your number?" And as we've established, 36% of the
24 people said they did, on at least a few occasions.

25 But the company never put that data under the

1 microscope and cross-tabulated it and said, "Well, what
2 about the mix of people?" It never discovered that 60%
3 of the people either thought it was an invasion of
4 their privacy or they minded forwarding their number.
5 That's knowledge that by not putting it under the
6 microscope the company failed to create.

7 Another example. By putting things under the
8 microscope, you do research. In New Jersey, we've
9 heard a great deal about the reduction of calls,
10 annoyance calls. The company has put that number into
11 the world. It never looked, by cross tabulating its
12 own evidence, to discover that more people said they
13 had a reduction in annoyance calls than said they got
14 them in the first place. So I've destroyed a myth by
15 doing research.

16 COMMISSIONER BEARD: Can I ask a question?
17 You said that 36% thought it was an invasion of their
18 privacy, and 38% would on at least a few occasions not
19 want to forward. But you had sufficient underlying raw
20 data to show you that of the -- if I add those two
21 numbers, they are completely --

22 WITNESS COOPER: No, you don't add them,
23 though. You have to cross tabulate.

24 COMMISSIONER BEARD: Well, that's the reason
25 I'm asking you. You have sufficient raw data then to

1 show that rather than adding them, there was sufficient
2 differentiation of those to show that 36 plus 38 is
3 going to be 74%, so there was only 14% crossover
4 between the invasion and the -- would use it on at
5 least a few occasions.

6 WITNESS COOPER: That's on Page 16. It turns
7 out to be Page 16. I rounded off. But yes, that
8 cross-tabulation and the point is that's research.
9 That gives you a new fact. And the simple fact that
10 you've asked the question does not define research.
11 It's what you do with the answers that defines
12 research.

13 COMMISSIONER BEARD: That would lead me to
14 believe then that 22% of those that thought it was an
15 invasion of privacy would not use, even on a few
16 occasions, call blocking?

17 WITNESS COOPER: Absolutely. That's in that
18 table of mine, privacy only. But the point is that's
19 research. It's not simply asking the question; that's
20 research.

21 COMMISSIONER GUNTER: Let me ask you a
22 question, Doctor. Over here.

23 WITNESS COOPER: Sorry, I thought you were
24 calling from over there.

25 COMMISSIONER GUNTER: I'll send a signal up

1 there.

2 Does it surprise you, the last statement that
3 you made prior to the question by Commissioner Beard,
4 would it surprise you -- do you find that a surprise
5 that you have more people say that nuisance calls are
6 reduced or stopped than had reported that they had had
7 nuisance calls?

8 WITNESS COOPER: Yeah it surprised me.

9 COMMISSIONER GUNTER: I'll tell you what, you
10 must come -- you and I must live on -- I live on the
11 earth down here in Florida. But I get nuisance calls
12 and hell, I don't go report them to people. And
13 there's a lot -- there's a vast majority of people, I
14 guess maybe in this laid back society that we have down
15 here, that don't go run and report all the nuisance
16 calls.

17 WITNESS COOPER: No, no, no, this was --

18 COMMISSIONER GUNTER: Well, that's what you
19 said.

20 WITNESS COOPER: No, no, but these were
21 internally inconsistent responses; is that people are
22 asked first, "How many of these do you get?" And a lot
23 of them said none. But then after they -- but these
24 were subscribers to Caller ID. Now, you run them
25 through a series of questions about "You got the

1 service?" "Yeah, I got the service." "Does it work?
2 How much does it cost?" You get them all revved up and
3 then you ask them the question, "Does it work?" and a
4 lot of them say "Yeah, it reduces my annoyance calls."
5 Because they've been run through a response set -- bad
6 research -- run through a reponse set; I got the
7 service, it must work. And so a lot of them say, "It
8 reduced my calls." They forgot that at the beginning
9 they admitted they didn't get any.

10 COMMISSIONER BEARD: Bad research or bad data
11 gathering?

12 WITNESS COOPER: Either one. But the point
13 is that you have to look at it under the microscope,
14 and that's part of the research process. That was the
15 question.

16 COMMISSIONER BEARD: Isn't the initial
17 research process to look at the questions that are used
18 to gather the data?

19 WITNESS COOPER: Oh, yeah, absolutely.

20 COMMISSIONER BEARD: And how they're asked
21 and the sequence that they're asked.

22 WITNESS COOPER: Absolutely. And I'll tell
23 you, the tougher job is taking other people's
24 questions, which possibly have a bias from their point
25 of view and making it work against them by doing good

1 cross-tabulations

2 COMMISSIONER BEARD: That's what I really
3 wanted to get to. Let's just take it from the start
4 and make an assumption. You've got a bad survey
5 instrument. Okay, and I would infer from some of your
6 comments that the survey instrument at best was flawed.

7 WITNESS COOPER: Yes.

8 COMMISSIONER BEARD: At worst, was a piece of
9 crap. I don't how to say that any nicer.

10 WITNESS COOPER: I'll say.

11 COMMISSIONER BEARD: Okay. Now, you take
12 that instrument and you gather data. You've got a
13 flawed instrument that's creating -- obviously flawed
14 instruments create bad data but you're going to create
15 good research from that.

16 WITNESS COOPER: Well, no, no. Now, I gave
17 you that example to show you how you destroy a myth.
18 There was enough in there to make you see that "wait a
19 minute, what they told me was based on a bad
20 instrument." Now, you didn't know that until I pointed
21 out the inconsistency.

22 COMMISSIONER BEARD: So your only point here
23 is that this data isn't valid?

24 WITNESS COOPER: No. The point in response
25 to the question was that that's research.

1 COMMISSIONER BEARD: No, now I'm on -- forget
2 his question.

3 WITNESS COOPER: Okay.

4 COMMISSIONER BEARD: Okay, I count more than
5 him right now, at least. Now when we get out on the
6 streets, he probably counts a lot more than me.

7 Your point in your testimony then, if I infer
8 that the instrument's flawed --

9 WITNESS COOPER: But that's not the questions
10 we're talking about. We're talking about New Jersey.
11 He's moved on from that table. He asked me a new
12 question about research.

13 COMMISSIONER EASLEY: I thought that was a
14 generic question?

15 WITNESS COOPER: No, no. I gave him two
16 examples of how you do research without asking
17 questions. And I've shown in several jurisdictions
18 that the New Jersey data stinks.

19 COMMISSIONER BEARD: That's what I'm trying
20 to get at. Forget his question for a moment. What I
21 got from you is that the initial instrument was at best
22 flawed?

23 WITNESS COOPER: In that particular study,
24 yes.

25 COMMISSIONER BEARD: Okay.

1 COMMISSIONER BEARD: No, now I'm on -- forget
2 his question.

3 WITNESS COOPER: Okay.

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18 that the New Jersey data stinks.

19 COMMISSIONER BEARD: That's what I'm trying
20 to get at. Forget his question for a moment. What I
21 got from you is that the initial instrument was at best
22 flawed?

23 WITNESS COOPER: In that particular study,
24 yes.

25 COMMISSIONER BEARD: Okay.

1 COMMISSIONER GUNTER: Excuse me just a
2 second. And down here we don't point at one another.

3 WITNESS COOPER: I'm sorry.

4 COMMISSIONER GUNTER: That's kind of
5 impolite, unless you're getting ready and the next one
6 would be to swing. Okay?

7 COMMISSIONER BEARD: Well, I'm going to duck
8 and run.

9 So this study -- the data then certainly has
10 to be at least flawed.

11 WITNESS COOPER: Which study?

12 COMMISSIONER BEARD: The New Jersey study.

13 WITNESS COOPER: The New Jersey study, yeah.

14 COMMISSIONER BEARD: Okay. So to the extent
15 that the instrument's flawed, therefore, the data is
16 flawed, do I not assume then -- I can't create good
17 research from bad paper.

18 WITNESS COOPER: Yeah, but you can destroy
19 myths by showing inconsistencies.

20 COMMISSIONER BEARD: The myths being that the
21 data is not any good.

22 WITNESS COOPER: No. The myth being that
23 there was a reduction in the number of annoyance calls.

24 COMMISSIONER BEARD: Well, I don't -- now,
25 I'm not a lawyer and accountant but I am a scientist,

1 and I have been trained in scientific method, okay.

2 Now, I could only show --

3 WITNESS COOPER: That that data does not
4 provide a good evidentiary basis for reaching the
5 conclusion. Yes.

6 COMMISSIONER BEARD: And no more.

7 WITNESS COOPER: No more.

8 COMMISSIONER BEARD: Thanks.

9 WITNESS COOPER: But the point was, to this
10 question, that's research.

11 COMMISSIONER BEARD: I understand. I was
12 trying to get to a new question. That's why I was
13 wanting to get focused on my question.

14 COMMISSIONER EASLEY: Mr. Parker, is this a
15 good time for about a five-minute break?

16 MR. PARKER: Sure.

17 COMMISSIONER GUNTER: With your admonishment,
18 we'll take a five-minute break.

19 COMMISSIONER EASLEY: Thank you, Mr.
20 Chairman.

21 (Brief recess.)

22 - - - - -

23 COMMISSIONER GUNTER: All right, you were
24 inquiring?

25 MR. PARKER: Thank you, Commissioner Gunter.

1 Q (By Mr. Parker) Doctor, if I understood the
2 exchange between you and Commissioner Beard, you have
3 engaged in a process whereby you have taken other
4 people's base data, have loaded your own database and
5 drawn your own conclusions, is that correct?

6 A I have taken other people's raw data and
7 analyzed it.

8 Q Okay. And to the extent that that raw data
9 is skewed because the survey instrument is incorrect,
10 then likewise your database is skewed, is that correct?

11 A Well, if I observe a skewed database, I try
12 and unmask that error. If I have a good question, I
13 may develop it in other ways. I mean, I exercise
14 judgment.

15 Q If you have a bad question, how do you
16 straighten that out with the responses? You can't, can
17 you?

18 A You can simply make it clear that it's a bad
19 question.

20 Q Now, this analysis that you've done, I don't
21 have any of that, either, do I?

22 A You have the results of that.

23 Q I don't have your database, though, is that
24 correct?

25 A You don't have the underlying data, no. Nor

1 do I have yours.

2 Q Au contraire, Doctor. Do you have the CLASS
3 III test date tabulations, which was Attachment J to
4 our response to your discovery request?

5 A No, that's not data, that is hard copy. The
6 underlying data would allow me to do cross tabulations
7 as I have done in Pennsylvania using that example.

8 Q I see.

9 A I haven't been given the data to do that
10 here.

11 Q I see. And you could take the data
12 tabulations here, put it in an optical scanner and jam
13 it into a database and run that, couldn't you?

14 A No. I'd need the underlying data because I
15 need to know by respondent. This is summarized tables,
16 I need to have each respondent's answer so that I can
17 cross-tabulate them.

18 Q Okay. Now, back again to this question of
19 original research. I mean --

20 CHAIRMAN WILSON: Does that mean that, in
21 order to appropriately evaluate or analyze any of these
22 surveys, that you need the underlying data?

23 WITNESS COOPER: You use underlying data for
24 a variety of things. One is to make sure they're
25 counted right. I mean, when I see the Xs and Os, I can

1 count them and see the percentages. But also unless
2 you have that, you can't ask the question: "If so-and-so
3 said yes to question one, what did they say to question
4 two?" And to gain knowledge and information from that,
5 you need the underlying data.

6 Q And I don't have the underlying data, do I,
7 Doctor?

8 A No. And as I said, nor do I from you.

9 MR. PARKER: I have no further questions.

10 COMMISSIONER BEARD: I want to be careful.

11 In Pennsylvania -- I only use it as an example because
12 I know you have multiple proprietary relationships you
13 have to deal with. In Pennsylvania, the underlying
14 data, and when I say "underlying data," by that I mean
15 the by respondent by response was proprietary?

16 WITNESS COOPER: Yes.

17 COMMISSIONER BEARD: The compilation of that
18 data into tables was proprietary?

19 WITNESS COOPER: Yes, with the exception of
20 any that were extracted.

21 COMMISSIONER BEARD: With the exception of
22 any data that was aired in the hearing and thereby
23 unsealed?

24 WITNESS COOPER: Yes, sir.

25 COMMISSIONER EASLEY: You were through?

1 MR. PARKER: Yes, ma'am.

2 COMMISSIONER GUNTER: Okay. Southern Bell?

3 MR. FALGOUST: May I have an exhibit marked
4 for identification, please?

5 COMMISSIONER GUNTER: As soon as we get it.
6 Barlow is going to give everybody a copy but us.

7 (Laughter)

8 MR. FALGOUST: He's from south Florida,
9 Mr. Gunter.

10 COMMISSIONER EASLEY: He means he goes from
11 west to east.

12 COMMISSIONER BEARD: He'd better go from east
13 to west or he's going to get wet quick.

14 COMMISSIONER GUNTER: That next number will
15 be Exhibit No. 22.

16 (Exhibit No. 22 marked for identification)

17 CROSS EXAMINATION

18 BY MR. FALGOUST:

19 Q Dr. Cooper, hello, David Falgoust,
20 representing Southern Bell. Good to see you again.

21 A Howdy.

22 COMMISSIONER GUNTER: You've been down here
23 too long.

24 WITNESS COOPER: I'm practicing. I'm
25 practicing.

1 COMMISSIONER EASLEY: That's really, "Hi, you
2 all."

3 WITNESS COOPER: Oh, I'm a little farther
4 west.

5 COMMISSIONER BEARD: Howdy's pretty good.

6 MR. FALGOUST: Dr. Cooper and I got to know
7 each other in Georgia a few months ago, Commissioner
8 Gunter.

9 Q (By Mr. Falgoust) Would you please take a
10 look at Exhibit No. 22 for a minute or two?

11 A I have it.

12 Q Do you recognize this exhibit, these
13 documents?

14 A I have seen this document.

15 Q What is it, Dr. Cooper?

16 A It's a Bell study of subscriber perceptions
17 of Caller ID service.

18 Q It's a New Jersey six-month report, isn't it?

19 A Well, it was probably appended to a New
20 Jersey six-month report.

21 Q Dr. Cooper, would you look at the first page
22 it's an unnumbered, it's a cover letter, a transmittal
23 letter, from Edward Young, III of New Jersey Bell to
24 the Board of Public Utilities of New Jersey. Doesn't
25 that cover letter --

1 A I don't have a cover letter.

2 Q The second page of the exhibit, Dr. Cooper?

3 A My second page is the table of contents.

4 CHAIRMAN WILSON: Maybe they're not looking
5 at the same exhibit.

6 WITNESS COOPER: This is what he handed me.

7 Okay. Well, I know that one is coming. (Laughter)

8 Q (By Mr. Falgoust) Do you have Exhibit No. 22,
9 now, Doctor?

10 A Okay, this is the most recent six-months
11 report, I guess.

12 Q So you recognize this as the most recent --

13 A I have not seen this before, to the best of
14 my knowledge.

15 Q All right. You haven't seen it before, but
16 do you recognize it as a New Jersey Bell six-month
17 report?

18 A This is the format they use, yes.

19 Q Okay. Now, on Page 30 -- well, did you use
20 the six-month report previous to this one in support of
21 your testimony, Dr. Cooper?

22 A Well, no. Frankly, I criticized the heck out
23 of the various and sundry surveys that they did

24 Q Did you use it, Dr. Cooper?

25 A It is referred to and criticizedd in my

1 testimony.

2 Q Thank you.

3 A Not this one, though. I haven't seen the
4 underlying data.

5 Q That's right.

6 A I haven't had a chance.

7 Q Would you refer, please, to Page 36 of your
8 prefiled testimony. The question on Line 1, Dr. Cooper,
9 states, "Does the most recent evidence from New Jersey
10 demonstrate," et cetera, isn't that correct?

11 A Yes, it is.

12 Q Now, Dr. Cooper, you haven't referred to the
13 most recent evidence from New Jersey, have you?

14 A Well, I've referred to the most recent
15 evidence that I had available to me, which terminated
16 with the previous six-month report.

17 Q Did you ask anybody for this most recent
18 study, Dr. Cooper?

19 A I have discovered the Company in other
20 proceedings and I was never given the underlying data
21 for this or this, to the best of my recollection.

22 Q Did you ask for it?

23 A I discovered the Company, yes, I discovered
24 Bell Atlantic.

25 Q I'm sorry, I didn't understand the answer?

1 A We discovered Bell Atlantic subsidiaries in
2 Maryland, Delaware, Maryland and Delaware subsequent to
3 the date on this letter. They did not provide it to
4 me, I suspect in part because they don't want to give
5 me the data, but they never gave it to me.

6 Q Mr. Chairman, excuse me for asking for the
7 third time, but did you ask for this document?

8 A We discovered them for their data so we asked
9 for it to the best of my knowledge.

10 CHAIRMAN WILSON: The question was did you
11 ask for this document? This document. You can respond
12 to that question.

13 MR. FALGOUST: The most recent?

14 WITNESS COOPER: We have asked the Company
15 and the parent --

16 CHAIRMAN WILSON: Just a plain old yes or no
17 will do fine.

18 WITNESS COOPER: Yes.

19 Q (By Mr. Falgoust) You asked for it?

20 A And now I will explain what the yes means.
21 The yes is that we have asked the Company, certainly in
22 Delaware and Maryland, to deliver all the relevant
23 documents, and I have not seen this one nor have I had
24 the access to the underlying data.

25 COMMISSIONER EASLEY: Did you ask the Company

1 in New Jersey?

2 WITNESS COOPER: No. I did not ask the
3 Company -- well, again, all of the six-months reports
4 have been delivered to me in proceedings.

5 COMMISSIONER EASLEY: Dr. Cooper, that was
6 the question: Had you asked for this document which is
7 New Jersey?

8 WITNESS COOPER: I have not asked New Jersey
9 Bell for any documents. I have asked Bell Atlantic and
10 its other subsidiaries.

11 Q (By Mr. Falgoust) Dr. Cooper, would you
12 please refer to Page 8 of your prefiled testimony,
13 specifically, Lines 4 through 6. You discuss the fact
14 that you stated that, "The early conceptual analysis of
15 the evidence is continuing to mount showing that
16 consumers perceive the overlap of functionalities and
17 the use, and use the services in interexchangeable
18 ways"?

19 A Yes.

20 Q That statement is contradicted by this most
21 recent study, isn't it?

22 A No. It is not.

23 Q Oh, it is not?

24 A No.

25 Q Okay. Would you turn to Page, please, to --

1 isn't it true that this study, Dr. Cooper, indicates
2 that the number of traps and Call Tracing investigations
3 declined by 18% in the last year and that this is, indeed,
4 a continuing trend?

5 CHAIRMAN WILSON: Do you have a reference,
6 counsel?

7 MR. FALGOUST: I'm trying to find it.

8 MR. BECK: I'm going to object to this. The
9 witness has already stated that he hasn't seen this
10 report, nor has he seen the underlying data. So there
11 has not been a sufficient foundation laid for these
12 questions.

13 MR. FALGOUST: Mr. Chairman, he also stated
14 that he's familiar with the format and, in fact, has
15 used the previous six-month report in support of his
16 testimony.

17 MR. BECK: Well, he's seen a New Jersey Bell
18 logo or something. But that doesn't mean he has seen this
19 document, which he said he hasn't, nor has he seen the
20 underlying data.

21 CHAIRMAN WILSON: What was the question you
22 just asked?

23 MR. FALGOUST: Whether or not this report
24 indicated that the most -- that the number of traps and
25 Call Trace investigations declined by 18% in the last

1 year.

2 CHAIRMAN WILSON: Where would that show up in
3 this document?

4 WITNESS COOPER: Page 2.

5 MR. FALGOUST: Page 2, thank you.

6 COMMISSIONER BEARD: It's back past the
7 Executive Summary. It's the second Page 2, Tab II,
8 Page 2. (Pause)

9 Q (By Mr. Falgoust) Would you refer to Tab II?

10 A Tab II?

11 Q Tab II, that's titled "Caller ID Impact"?

12 A Yes. And it's Page 2 of Tab II.

13 Q Page 2, Tab II?

14 A I see the sentence.

15 Q Down at the bottom?

16 A I see the sentence.

17 CHAIRMAN WILSON: Well, I don't have it.

18 Where --

19 Q (By Mr. Falgoust) Doesn't it state, Dr. Cooper,
20 that, "During the six-month period covered by this report,
21 the number of traps and call tracing investigations, two
22 methods of collecting telephone call data for possible
23 prosecution, declined 18% in CLASS-capable statewide
24 compared with the same period one year earlier."

25 A It states that. It also fails to state that

1 Automatic Call Tracings are increasing; and, as you
2 heard yesterday, that the Company is migrating people
3 from trap-and-trace to Automatic Call Trace. So it
4 doesn't tell us anything useful, which is why you need
5 to look at these six-months reports, as I said,
6 figments of New Jersey Bell's imagination.

7 COMMISSIONER BEARD: Can I ask a question,
8 and perhaps it's still for you all's debate. I keep
9 getting trapped by the English language. It's always
10 confused me.

11 "During the six-months period covered by this
12 report, the number of traps and Call Tracing
13 investigations." Okay, now, is it your statement that
14 in total they have decreased by 18%; but because
15 there's such a significant increase of Call Tracing --
16 I mean, sooner or later these two have to meet and
17 cross at some time.

18 WITNESS COOPER: Absolutely. As I said in my
19 introductory remarks, what they're counting here is the
20 traditional trap-and-trace and Annoyance Call Bureaus.

21 COMMISSIONER BEARD: That's not what this
22 says. This says they're using the traps and traces,
23 you suggested and Call Tracing, both methods, that's
24 what it says?

25 WITNESS COOPER: If you had access to the

1 data -- which is another document that they showed me
2 earlier, perhaps by accident -- you'll discover that
3 that decline applies to only specific categories,
4 Annoyance Call Bureau reports and traditional trap and
5 trace. It does not apply to Automatic Call Trace,
6 which we have heard a policy at least of one company to
7 migrate people to that.

8 So this is misleading language because you
9 have to see what they say is declining by 18% and it's
10 not the total, it's only specific categories. You've
11 noticed that they even left out, or have vaguely
12 admitted, that there are other categories, other ways
13 to collect this kind of data.

14 So that I have said, and the numbers will
15 show, that if you calculate, go back two years and take
16 the total number of Annoyance Call Bureau, traditional
17 trap-and-trace and Automatic Call Trace, you will see
18 Annoyance Call Bureau and traditional trap and trace
19 declining but Automatic Call Trace skyrocketing.

20 COMMISSIONER BEARD: Is the raw data
21 available? I don't mean raw data in the sense of per-
22 respondent per-response, but the table that breaks some
23 of this stuff out, is that available?

24 MR. FALGOUST: Commissioner Beard, I don't
25 know.

1 COMMISSIONER BEARD: Okay. It would appear
2 you all's debate is, for my inten's and purposes,
3 frivolous.

4 MR. FALGOUST: Dr. Cooper --

5 CHAIRMAN WILSON: Let me ask you a question.
6 Would you look at Attachment A?

7 WITNESS COOPER: Eight to this?

8 CHAIRMAN WILSON: A.

9 COMMISSIONER BEARD: Where is that?

10 CHAIRMAN WILSON: It's toward the back.

11 WITNESS COOPER: What was it?

12 CHAIRMAN WILSON: It says Attachment A. It's
13 a spread sheet, showing '89 and the first four months
14 of 1990.

15 WITNESS COOPER: Yes. Yes, that's --

16 CHAIRMAN WILSON: Should I presume that that
17 calculation that we saw in the earlier page is made
18 from the data on this page? I see a trace-trap
19 activity, it says "Call Trace Activation"?

20 WITNESS COOPER: Yes. This one doesn't show
21 Annoyance Call Bureau responses.

22 CHAIRMAN WILSON: Are you familiar enough
23 with this report to know what these categories are on
24 this spread sheet? Has this been subject to cross
25 examination or your criticism or testimony in other

1 cases?

2 WITNESS COOPER: Not the most recent one
3 because I haven't seen this.

4 CHAIRMAN WILSON: No, I'm talking about --

5 WITNESS COOPER: In general, yes.

6 CHAIRMAN WILSON: -- categories.

7 WITNESS COOPER: If you go back to the
8 previous ones, the trend line, you will get back to a
9 fairly small number and then a rapid ramp up in the
10 Call Trace activations.

11 CHAIRMAN WILSON: Let me avoid, for the
12 moment, any trend line at all and just ask you about
13 the categories here. Under trace/trap activity it has
14 Call Trace activations. Is that under the CLASS
15 service called Call Trace?

16 WITNESS COOPER: I believe that is.

17 CHAIRMAN WILSON: And traps placed Call Trace
18 cases, is that something different? Is that the
19 traditional trap and trace?

20 WITNESS COOPER: Yes. Although one wonders
21 -- that may be the aggregate of traditional trap and
22 traces, yes.

23 CHAIRMAN WILSON: Okay. So that's the
24 service that they're migrating people off of and --

25 WITNESS COOPER: Well, no. As we heard

1 yesterday, they're also migrating people out of
2 Annoyance Call Bureau by bouncing them to police with
3 Automatic Call Trace.

4 COMMISSIONER BEARD: If I were to read the
5 words on that line, I would infer that that is traps
6 placed in the traditional old sense, and I would also
7 infer that that are Call Trace cases that ensued from
8 the previous line of Call Trace activations, would I
9 not? In other words, you've got 38,000 per month Call
10 Trace activation and from that ensued in November 490
11 either traps that were placed in the traditional sense
12 or Call Trace cases that were instigated?

13 WITNESS COOPER: It could have.

14 COMMISSIONER BEARD: Okay. Well, I thought
15 you were familiar with the format, you're not sure in
16 this case which --

17 WITNESS COOPER: Well, I mean a Call Trace
18 case could occur from either one, a traditional trap
19 and trace or an Automatic Call Trace.

20 CHAIRMAN WILSON: So you think that what this
21 category shows is both traditional trap and trace and
22 call trace cases that may have originated from the Call
23 Trace CLASS activity --

24 WITNESS COOPER: Yes.

25 CHAIRMAN WILSON: -- taken to whatever action

1 that occurs after that's happened.

2 WITNESS COOPER: Yes.

3 CHAIRMAN WILSON: All right. (Pause)

4 In New Jersey -- this is New Jersey, right?

5 The Call Trace is on a per-activation basis, or is that
6 the monthly charges?

7 WITNESS COOPER: My understanding is it's
8 per-activation.

9 CHAIRMAN WILSON: Per-activation.

10 COMMISSIONER BEARD: Now tell me -- and I'm
11 sure you are fully capable of telling me -- where the
12 flaw is in this?

13 WITNESS COOPER: Well, I --

14 COMMISSIONER BEARD: Let me ask my question,
15 before you tell me what the flaw is. Don't filet me,
16 flaw me.

17 Using the Traps Placed/Call Trace cases as we
18 at least tentatively think it might be, just that last
19 discussion, if I follow that out there the six-month
20 total, I am showing an 18% decrease from current year
21 to previous year?

22 WITNESS COOPER: That's probably what they're
23 referring to, yes.

24 COMMISSIONER BEARD: Okay.

25 WITNESS COOPER: That is year-to-year, not

1 the six-month trend. The six-month trend is,
2 obviously, up by 74%.

3 COMMISSIONER BEARD: No?

4 WITNESS COOPER: Yeah, if you compare
5 November '89 to April '90, you have an increase. But
6 if you compare April '90 to April '89, you have a
7 decrease.

8 COMMISSIONER BEARD: I have -- well, let me
9 -- I follow that logic. But then if I were to do that
10 and I looked at the previous year, November of '88 to
11 it would appear to be April of '89 --

12 WITNESS COOPER: Yes. You have an increase.

13 COMMISSIONER BEARD: -- the same thing
14 occurs.

15 WITNESS COOPER: You have an increase.

16 COMMISSIONER BEARD: An increase. But in
17 aggregate, I'm showing a decrease from the six-month
18 period to the six-month period?

19 WITNESS COOPER: Yes.

20 COMMISSIONER BEARD: Okay. Now, that leads
21 me back to the question where you said Call Trace was
22 skyrocketing. From where do you make that conclusion
23 in a document like this, realizing you didn't use this
24 document?

25 WITNESS COOPER: I didn't use this document.

1 Well, if you were to go back -- we've now got all the
2 pieces on the table. If you were to have the number of
3 Call Traces activations, the line above, from April '88,
4 you would see an astronomical increase.

5 COMMISSIONER EASLEY: Where do you get that?

6 WITNESS COOPER: It's not there. Exactly my
7 point.

8 COMMISSIONER EASLEY: Where did you get that
9 figure?

10 WITNESS COOPER: I'm seen that in other cases
11 in previous six-month reports.

12 CHAIRMAN WILSON: From this report?

13 WITNESS COOPER: From this six-month report.
14 This set is compiled every six months.

15 CHAIRMAN WILSON: So for us to get the real
16 picture of what's going on here, we would need the
17 series of six-month reports showing the trend or the
18 activity over a greater period of time than just any
19 one six months to get a trend?

20 WITNESS COOPER: And you would always want to
21 think about --

22 CHAIRMAN WILSON: Do you have that? Do you
23 have the prior six-month report?

24 WITNESS COOPER: I have physical possession
25 of it.

1 CHAIRMAN WILSON: Is that proprietary? It
2 can't be proprietary.

3 WITNESS COOPER: Sure, it can be proprietary.

4 CHAIRMAN WILSON: I'd be willing to bet it
5 isn't.

6 COMMISSIONER EASLEY: Filed with the Public
7 Service Commission?

8 MR. FALGOUST: Public Counsel has identified
9 it as proprietary, but --

10 WITNESS COOPER: I have received these things
11 under proprietary cover. That is, when we do a data
12 request, they stamp "proprietary" on it. You will find
13 proprietary stamps on the documents, plenty of
14 documents that are filed. And as I say, again, I have
15 been very fastidious in not letting documents, not
16 circulating documents I receive under proprietary --

17 CHAIRMAN WILSON: And I appreciate that
18 because otherwise --

19 WITNESS COOPER: I bet this Commission could
20 get them from that Commission.

21 COMMISSIONER EASLEY: Are these reports the
22 ones that you said are figments of their imagination?

23 WITNESS COOPER: No, no. The conclusions are
24 figments of their imagination, the reports are there.

25 COMMISSIONER BEARD: Let me finish. I think

1 only have one more question to understand where you're
2 coming from in this.

3 It would then be your position that, in
4 understanding this thing, we should concentrate on the
5 number of Call Trace activations as opposed to
6 concentrating on the traps placed and the Call Trace
7 cases instigated?

8 WITNESS COOPER: If the assertion has been
9 that Caller ID unblocked will rid the network of
10 annoyance, then you can't only look at traps and trace
11 because you now have a new way of measuring annoyance,
12 which is Automatic Call Traces. People aren't tracing
13 calls for the fun of it, as we've seen. They're
14 annoyed, they're harassed, so on and so forth.

15 So you need to look at all the pictures to
16 answer the question, has unblocked Caller ID rid the
17 New Jersey network of annoyance calls? And the answer
18 is, I submit, that in April of 1990, you had 33,000
19 annoyance calls measured by Automatic Call Traces,
20 which, on a per-capita basis, is two to three times --
21 I guess twice the rate you're having them in Florida.

22 COMMISSIONER BEARD: Okay. Now, again, it's
23 obviously a narrow focus that's difficult, as you
24 stated. There would not appear, at least from November
25 of '89 to April of '90, to be a skyrocketing of

1 activations. You gave me a large number but I don't
2 have anything to compare that to so I don't know.

3 WITNESS COOPER: There is an absolute, in
4 this set of data there is a 13.8% decline.

5 COMMISSIONER BEARD: Okay. But it also looks
6 like a little bit of a roller coaster because December
7 of '90 was actually lower, December of '89 is lower
8 than April '90?

9 WITNESS COOPER: Yes. If you look over --
10 that's why if you look over the long term, I mean, the
11 simple fact of the matter is that before Automatic Call
12 Trace, you didn't have that way of expressing the
13 problem. You now have it and the question you need to
14 ask yourself is, "Has the problem gone away?" And the
15 answer is, if this is a measure of cleaning the network
16 up, it hasn't worked yet in New Jersey where it's been
17 available in some places for moving on into the third
18 year.

19 COMMISSIONER EASLEY: Are you all through?
20 Let me try.

21 CHAIRMAN WILSON: Hard to tell.

22 COMMISSIONER EASLEY: I know. Let me try to
23 understand something. Your argument is that Call Trace
24 -- that unblocked Caller ID has not eliminated the
25 nuisance calls and the evidence of that is Call Trace?

1 WITNESS COOPER: At one level that is the
2 evidence is that the -- if you were to go back, I mean,
3 here you have in a certain sense an experiment, a
4 perfect experiment. Florida had Call Trace without
5 unblocked Caller ID. New Jersey has Call Trace with
6 unblocked Caller ID. The assertion is that unblocked
7 Caller ID will solve your annoyance call problem. If
8 you look at the statistics on Automatic Call Traces it
9 hasn't worked yet in New Jersey, a perfect natural
10 experiment.

11 COMMISSIONER EASLEY: Wouldn't you have to
12 either know or assume that the person with Caller ID
13 also has Call Trace to put them together?

14 WITNESS COOPER: But the assertion is that
15 unblocked Caller ID is going to get rid of all these
16 annoyance calls.

17 COMMISSIONER EASLEY: But does -- this is
18 what I'm having trouble with. Does the number of Call
19 Trace activations mean anything in relation to Caller
20 ID only because the person having Caller ID likely does
21 not have Call Trace?

22 WITNESS COOPER: Well, they have access to it
23 and actually some people say they use both.

24 COMMISSIONER EASLEY: Some people. Again,
25 what are the numbers? You know, out of this -- all of

1 a sudden it dawned on me that I'm not sure we're
2 talking about the same people and I'm not sure I can
3 make the logical leap that Call Trace has any impact on
4 Caller ID or Caller ID has any impact on Call Trace.

5 WITNESS COOPER: Or that either of them have
6 impact on annoyance calls.

7 COMMISSIONER EASLEY: No. I'm not going to
8 go that far because I think independently you could
9 probably make a judgment about that depending on the
10 numbers you come up with --

11 WITNESS COOPER: But my point is I will
12 accept -- I have suggested and we saw telephone company
13 advertisements yesterday that said Call Trace should be
14 used to deal with annoyance/harassing/obscene calls.

15 COMMISSIONER EASELY: Okay.

16 WITNESS COOPER: We also heard the Company
17 say that unblocked Caller ID will diminish the number
18 of annoyance/harassing/obscene calls. Okay.

19 COMMISSIONER EASLEY: But I haven't heard you
20 have to have them in tandem to do that?

21 WITNESS COOPER: You don't have to -- no,
22 what you heard is that if you do unblock Caller ID
23 itself, it is the essence of solving the problem.

24 COMMISSIONER BEARD: Well, maybe I've missed
25 it somewhere. Your previous statement that unblocked

1 Caller ID will diminish the problem, I've seen that.

2 WITNESS COOPER: That's the assertion.

3 COMMISSIONER BEARD: Okay. Can we hold it
4 there? Because you've made some statements to the
5 effect that it will obliterate the problem --

6 WITNESS COOPER: Okay.

7 COMMISSIONER BEARD: -- that it will solve
8 the problem. I want to be careful because -- let me
9 tell you. Because in my understanding of the testimony
10 -- and correct me if I'm wrong -- was that one of the
11 functions of Caller ID is a diminishment of that
12 problem. The sole purpose of Call Trace is a
13 diminishment of that problem. Is that an accurate --
14 because I don't think -- unless human nature is quite
15 different than what I think, Call Trace can't
16 obliterate the problem either.

17 WITNESS COOPER: Well, a primary purpose of
18 Caller ID that has been represented -- an important, a
19 major purpose and I believe we could find the exact
20 word is "primary" -- is to handle this problem. And
21 what I submit to you is that you have in Florida no
22 Caller ID; you have in New Jersey, yes Caller ID
23 unblocked; and you cannot look at the Call Trace
24 numbers and show that somehow or another the problem
25 has gone away in New Jersey.

1 Can you -- and that's what, of course, this
2 report contends. I mean, you heard yesterday repeated
3 references, "The problem has been diminished in New
4 Jersey." You look at these numbers and you don't see
5 that. That's the point I'm making.

6 COMMISSIONER BEARD: Can I look at numbers in
7 Florida that show that Call Trace has diminished/solved/
8 anything the problem?

9 WITNESS COOPER: I'm aware of no research
10 that has been done in Florida to demonstrate that.

11 COMMISSIONER BEARD: So I really don't have
12 any relationship between Florida and New Jersey even
13 relatively speaking?

14 WITNESS COOPER: Other than this interesting
15 natural experiment of having trace without Caller ID in
16 one place and trace with unblockable Caller ID in
17 another.

18 COMMISSIONER BEARD: Except that an experiment
19 with no data is certainly fruitless.

20 WITNESS COOPER: Well, we have one set of
21 data, the number of Automatic Call Traces in both
22 places.

23 COMMISSIONER EASLEY: How do I get from --
24 and maybe I just don't understand what they're doing in
25 New Jersey. But how does, if I've got Caller ID and

1 I'm getting annoying calls and I do not have Call
2 Trace, how can I get that complaint into the Call Trace
3 statistics?

4 WITNESS COOPER: No, no. That's not the
5 contention. The contention is that because you have
6 Caller ID, people will be deterred from making annoying
7 calls. That's what they said yesterday.

8 COMMISSIONER EASLEY: I understand that.

9 WITNESS COOPER: I don't believe that either,
10 but I'm agreeing with you.

11 COMMISSIONER EASLEY: Dr. Cooper, I'm not
12 telling you whether I believe it or don't believe it.
13 What I'm trying to do is figure out what the
14 relationship is between the Call Trace activation
15 numbers, and whether they go up and down, and how that
16 tells me anything about the impact of Caller ID when
17 Caller ID complaints do not get into Call Trace. I
18 can't --

19 WITNESS COOPER: No, no.

20 COMMISSIONER EASLEY: -- take Caller ID
21 numbers and find out anything about Call Trace.

22 WITNESS COOPER: No, I can. In the filings
23 -- suppose the Company was right and suppose Caller ID
24 was a powerful tool to deter people from making
25 annoyance and harassing calls. Suppose they were

1 right. Why would anybody be making Automatic Call
2 Traces? There are no more annoying, harassing or
3 obscene phone calls.

4 COMMISSIONER EASLEY: You're saying -- oh,
5 okay. You're saying that because the idea of Caller ID
6 is out there --

7 WITNESS COOPER: Absolutely.

8 COMMISSIONER EASLEY: -- that nobody, that
9 they're saying that nobody will ever --

10 WITNESS COOPER: And I will document that in
11 their testimony, oral and written.

12 COMMISSIONER BEARD: In New Jersey, how is
13 Call Trace offered?

14 WITNESS COOPER: Per-call basis.

15 CHAIRMAN WILSON: Per-call basis.

16 WITNESS COOPER: So in point of fact in New
17 Jersey you do have access.

18 COMMISSIONER BEARD: So if I live in New
19 Jersey and I choose not to pay \$7.50 a month or
20 whatever they charge for Caller ID, my only way to
21 deter or deal with a harassing call is through per-call
22 Call Trace?

23 WITNESS COOPER: Or traditional trap and trace.

24 COMMISSIONER BEARD: Well, it depends on who
25 you believe, you certainly don't ever want to use trap

1 and trace if you had Call Trace. But if I have Caller
2 ID, then I have both options available to me?

3 WITNESS COOPER: Absolutely.

4 COMMISSIONER BEARD: I can dial back, and
5 say, "Get off my back," or I can do Call Trace?

6 WITNESS COOPER: You can do both, you don't
7 even have to do one or the other, yes.

8 COMMISSIONER BEARD: Okay. But each and
9 every citizen of New Jersey has access to per-call Call
10 Trace?

11 WITNESS COOPER: Yes. Where they're switched,
12 obviously, where they're available.

13 COMMISSIONER BEARD: Then what's the percent
14 of penetration of Caller ID?

15 WITNESS COOPER: Well, if you look the
16 percent of penetration of Caller ID here is on the page
17 57,500 approximately divided by 2.453 million, I guess
18 2.3%? If my zeroes --

19 COMMISSIONER BEARD: Okay. So what I can
20 assume from that is 2.3% of the people of New Jersey at
21 the current time have a choice of which service they
22 use, and I can assume 97.7% can only use Call Trace to
23 deal with the annoying harassing phone calls?

24 WITNESS COOPER: of those 2.4 million who've
25 been cut over, yes.

1 COMMISSIONER BEARD: Okay. Given that
2 number, would I be extremely shocked that 38,000 Call
3 Traces would be occurring when 96% of the population
4 has only that available to them?

5 WITNESS COOPER: Well, again, I -- my answer
6 is: I'm going to one specific assertion that somehow
7 or another Caller ID because of its mere existence
8 would deter these calls. Now, since all of these
9 people live in the same area and the harassing caller
10 doesn't know who's got it, the theory went, harassing
11 callers would be disinclined, would be deterred from
12 placing those calls because they don't know who has
13 Caller ID.

14 That's the theory. You heard it here
15 yesterday. You read it in written testimony. These
16 are the numbers that say that all those people who
17 don't have Caller ID are still getting those annoying
18 calls, and if you do it at the rate they're still
19 getting them as fast or faster than they are in
20 Florida, which doesn't have unblockable Caller ID.

21 CHAIRMAN WILSON: Can that be a function of
22 -- I understand your point, I think it's a good one.
23 Can that be a function of the penetration rate? I
24 mean, assume I'm an obscene caller and I'm looking out
25 there and I say, "Well, only a couple of percent of the

1 people have Caller ID. My chances are 98 out of 100
2 I'm not going to get caught so I'll go ahead and make
3 it." But if I knew that 30% had Caller ID, I would
4 have second and third thoughts?

5 WITNESS COOPER: But let me ask you this
6 question. If you're --

7 CHAIRMAN WILSON: No, no. No, no. You can't
8 ask me questions.

9 WITNESS COOPER: I will respond. No, I'll
10 respond.

11 CHAIRMAN WILSON: That's against the rules.

12 (Laughter)

13 WITNESS COOPER: A rhetorical question. If
14 you're a harasser who is thinking enough about the
15 penetration rate of Caller ID, and you say, "Well, look
16 only 3% of the people might have my number. Well,
17 what do I care? What are they going to do with my
18 number? Call me back?" If I'm that thoughtful a
19 harasser, the bigger threat is Automatic Call Trace.
20 Everybody has that and everybody can get my number into
21 the telephone company's computer.

22 So, in point of fact, the universal
23 availability of Call Trace to that harasser should be a
24 bigger deterrent because everybody can use it.

25 CHAIRMAN WILSON: Does the data show that

1 harassing calls may have fallen off because of Call
2 Trace?

3 WITNESS COOPER: My honest opinion is that
4 the data in New Jersey doesn't show any of that. You
5 cannot use the data in New Jersey to reach the kinds of
6 conclusion that we read on Page --

7 CHAIRMAN WILSON: Is that because it hasn't
8 been in effect long enough, because the numbers are too
9 small, there are not enough people take the service, or
10 just the numbers are nonsense?

11 WITNESS COOPER: I'll give you, no. There
12 are real reasons for it and I've gone into them in my
13 testimony.

14 One, analyze the types of annoying and
15 harassing calls that occur. The overwhelming majority
16 of them have nothing to do with Caller ID or this
17 technology. The single largest category, telemarketing
18 calls. We heard people might be using Call Trace for
19 that.

20 Caller ID doesn't deter a telemarketer.
21 Wrong numbers and hang-ups, late at night, early in the
22 morning, any time, Caller ID doesn't deter that. So
23 the underlying assertion theory was wrong if we use the
24 broad category of annoyance harassing calls.

25 Let's go on to an even more important

1 category, harassers, people who want to make an obscene
2 phone call. Frequently, they're random. They pick a
3 phone number, they dial it. They harass you once and
4 they're gone. How does Caller ID deter them? Are you
5 going to call them back? By and large, the phone
6 company is right, you don't want to do that, that's
7 what they're looking for. That's why the telephone
8 book says, "Hang up." They move on to the next person.

9 Unfortunately, neither Call Trace nor Caller
10 ID is going to deter that person. Why? Because you
11 have to have two. He has to recall the same person.
12 So here you have telemarketing calls, wrong numbers and
13 random harassers, none of whom could have possibly been
14 deterred by Caller ID. Now, there's a good theoretical
15 basis for explaining why when you really look at the
16 data you don't see any impact.

17 Q (By Mr. Falgoust) Dr. Cooper, would you turn
18 to Tab II, Caller ID Impact, the page preceding where
19 we began a few minutes ago?

20 A Yes.

21 Q Do you see the quotations there from various
22 customers in New Jersey?

23 A Yes.

24 Q Do you have any reason to dispute the
25 veracity of those quotations?

1 category, harassers, people who want to make an obscene
2 phone call. Frequently, they're random. They pick a
3 phone number, they dial it. They harass you once and
4 they're gone. How does Caller ID deter them? Are you
5 going to call them back? By and large, the phone
6 company is right, you don't want to do that, that's
7 what they're looking for. That's why the telephone
8 book says, "Hang up." They move on to the next person.

9 Unfortunately, neither Call Trace nor Caller
10 ID is going to deter that person. Why? Because you
11 have to have two. He has to recall the same person.
12 So here you have telemarketing calls, wrong numbers and
13 random harassers, none of whom could have possibly been
14 deterred by Caller ID. Now, there's a good theoretical
15 basis for explaining why when you really look at the
16 data you don't see any impact.

17 Q (By Mr. Falgoust) Dr. Cooper, would you turn
18 to Tab II, Caller ID Impact, the page preceding where
19 we began a few minutes ago?

20 A Yes.

21 Q Do you see the quotations there from various
22 customers in New Jersey?

23 A Yes.

24 Q Do you have any reason to dispute the
25 veracity of those quotations?

1 A No. I don't.

2 Q Okay. So those people have testified,
3 haven't they, that in those particular cases the Caller
4 ID caused their calls to stop?

5 A Yes.

6 Q Okay. Now with respect to Call Tracing and
7 the numbers of Call Tracing, isn't it possible that
8 greater deployment of Call Tracing has had something to
9 do with how the numbers have worked, how the real
10 numbers have grown?

11 A Well, if you do the long-term trend on a
12 per-capita, it depends -- that's going to depend on
13 where you pick your starting point and now you do the
14 per-capita usage.

15 Q So you're denying that the deployment of Call
16 Tracing would have an impact on --

17 A No. It will have an impact and so you should
18 probably, instead of doing the absolutes, you want to
19 look over the long term at the per-subscriber
20 activations. In point of fact, whenever I have
21 compared Florida to New Jersey, I have always been
22 careful to talk about per-capita use rather than
23 absolutes values.

24 A I have it.

25 Q Okay. In Lines 6 through 9, I believe I

1 understand your testimony to stand for the proposition
2 that nonusers are more likely to express concerns about
3 Caller ID, is that correct?

4 A Yes.

5 Q Okay. Would you then please refer to Page 17
6 of your prefiled testimony, your direct testimony.

7 A Yes.

8 Q All right. Lines 6 through 10, you say that
9 -- actually Line 7 "A similar response is in evidence
10 among those who live with the service as the following
11 table shows."

12 A Yes.

13 Q Now, the following table is a table compiled
14 of CLASS nonusers, isn't it?

15 A Yes.

16 Q So it's not a fair representation of what
17 people who live with the service would do.

18 A Well, we went at great length with the
19 initial cross examination deciding what you are going
20 to consider the experience of Caller ID.

21 These are people who live in an area where
22 Caller ID is available, and I asserted that they
23 experienced the service. Of course, their neighbors
24 have it, someone else has it, and in all circumstances
25 we've had these very, very meager penetration rates.

1 But the answer is these people live some place where
2 it's out there, and so they live with it.

3 Q But they were nonusers.

4 A They didn't subscribe to it but their
5 neighbor might have.

6 Q Do you have the Caller ID/Call Blocking Study
7 available to you there?

8 A I do not have it with me.

9 Q With the tables?

10 A No, I don't.

11 (Hands document to witness.)

12 A Now I do.

13 Q Now, in your chart on Page 15 of your
14 testimony, you support that table by reference to
15 Tables 13, 14, 15 and 16, do you not?

16 A Yes.

17 Q Now, is your table appearing in your
18 testimony some kind of aggregate -- or aggregate
19 compilation of the four tables you refer to as support
20 for it?

21 A Yes.

22 Q And the actual numbers vary quite a bit,
23 don't they, based upon the way the question was asked,
24 and I ask you to specifically refer to Table 15 in the
25 Call Blocking Study. Table 15 of the Call Blocking

1 Study, doesn't it report a question, quote, "Do you
2 think that seeing the calling number before you pick up
3 the phone would increase, decrease, or make no
4 difference in protecting your privacy?" And in Florida
5 respondents, only 4% thought that it would decrease
6 their privacy. That's true of both -- that's true of
7 business customers and Florida pub customers. And with
8 respect to Florida nonpub customers, the number was
9 only 5.4% who thought it would decrease their privacy,
10 is that right?

11 A That's the column receiving the incoming
12 number, yes.

13 Q Okay. Now, Dr. Cooper, would you please
14 refer to Page 20 of your testimony, direct testimony?

15 A Yes.

16 Q You have a chart there, too, which expresses
17 concern about No. 40. One of the categories you refer
18 to is 800 numbers. Isn't it true, Dr. Cooper, that
19 Caller ID per-call blocking would not block the ANI
20 sent over 800 services?

21 A Unfortunately.

22 Q That's true?

23 A That's true.

24 Q Okay.

25 COMMISSIONER BEARD: Are you leaving that

1 chart?

2 MR. FALGOUST: I'm sorry.

3 COMMISSIONER BEARD: Are you leaving that
4 chart?

5 MR. FALGOUST: Yes.

6 COMMISSIONER BEARD: Before you do, I didn't
7 see in here, and perhaps I missed it, what size of
8 sample was associated with this and the level of
9 accuracy, and I ask that just first if you have that.

10 WITNESS COOPER: The sample sizes tend to
11 look about like the one you see in Florida. That is
12 600, 300 splits. That's what people tend to use to get
13 3 to 5% validity at the state level.

14 COMMISSIONER BEARD: 3 to 5%.

15 WITNESS COOPER: Again, off the top of my
16 head, but that's a rough range.

17 COMMISSIONER BEARD: Well, again, my
18 calculator just gets me in trouble and gets me excited
19 at the same time.

20 If I follow this, when I look at the Caller
21 ID, percent with concern and those concerned who would
22 block for free, the net effect is 33% of the
23 population.

24 WITNESS COOPER: Yes.

25 COMMISSIONER BEARD: Okay. At what point, as

1 I come down that level, do I -- I mean if it's 3 to 5%,
2 I guess I cut off at employer, which I calculated at
3 5%, somewhere in that vicinity. All those below, I
4 then say at least statistically they have no meaning,
5 if I'm understanding?

6 WITNESS COOPER: Well, yeah. If you wanted
7 to put a confidence interval around, you would probably
8 put it around the individual numbers, and you would
9 begin to conclude that it was not statistically
10 different from zero. Certainly, with the bottom three.
11 Whether it would apply to emergency services or not --
12 emergency services certainly, yes. Employer, if it's
13 5, it's going to be close.

14 COMMISSIONER BEARD: That's great, okay. Go
15 ahead.

16 Q (By Mr. Falgoust) Dr. Cooper, did you
17 testify before the United States --

18 CHAIRMAN WILSON: Can I just comment that
19 it's nice to see that this list didn't have lawyers on
20 it. (Laughter) Go ahead.

21 COMMISSIONER BEARD: In the future, in the
22 future.

23 Q (By Mr. Falgoust) Did you testify before the
24 U.S. Senate and Subcommittee on Technology and the Law
25 in August of 1990?

1 A Yes.

2 Q All right. Are you aware that Col. Clinton
3 Pagano of New Jersey also testified?

4 A Orally?

5 Q He may have filed a statement. I'm asking
6 you are you aware of --

7 A I'm not aware of his oral testimony and so I
8 don't think he was there. He might have filed a
9 written statement.

10 Q Do you know if he filed written testimony?

11 A I'm not aware of that in the record, no.

12 Q May I refresh your memory, please, by having
13 you refer to Exhibit C -- of Exhibit 22. Attachment C
14 of Exhibit 22.

15 A Okay. He filed it so he probably wasn't
16 there. It was probably submitted as a written
17 statement.

18 Q Have you seen this statement before?

19 A I have not seen it.

20 Q Now, Dr. Cooper --

21 A I have seen New Jersey police in a variety of
22 proceedings, however, Bell Atlantic service territory.

23 Q All right, so you can't testify as to whether
24 this statement accurately reflects the testimony of Mr.
25 Pagano or not?

1 A No. I mean you've xeroxed a document and put
2 it before me.

3 Q All right, that's all I'm asking, if you can
4 testify.

5 Dr. Cooper, you attached to your testimony an
6 exhibit containing a long list of anecdotes from the
7 Maryland proceedings, didn't you?

8 A Those are not anecdotes, that's testimony.

9 Q All right.

10 A Unsolicited.

11 Q Have you read the transcript of the Maryland
12 proceeding, Dr. Cooper?

13 A Yes.

14 Q 795 pages long, isn't it?

15 A Yes.

16 Q All right. The testimony that you submitted
17 in your attachment, did you submit any testimony of
18 people who were favorable to the service?

19 A No. I was demonstrating the reality of
20 individual problems; that the individual problems I had
21 referred to actually do occur.

22 Q Yet you criticized Southern Bell and GTE for
23 not analyzing this problem fairly.

24 A No, no. I explicitly stated the purpose of
25 that attachment as evidence of conceptual problems that

1 had been identified in survey research.

2 Q All right. You wouldn't dispute then that of
3 the 148 public witnesses who testified in that
4 proceeding the vast majority were in favor of the
5 service?

6 A I will actually dispute it and get a direct
7 quote from the Commission's order. (Pause)

8 Subsequent to my response, which is why it
9 wasn't on the list, the Commission in Maryland issued
10 an order in the case.

11 MR. FALGOUST: Mr. Chairman, I'm not sure --

12 WITNESS COOPER: And they actually
13 characterized the evidence they received.

14 CHAIRMAN WILSON: Just a moment, just a moment.

15 MR. FALGOUST: We had a document request. We
16 were presented with a transcript of the Maryland
17 hearing but we were not presented with any order of the
18 Commission, and I think I'd object to him referring to
19 an order of the Commission. My question went to
20 numbers.

21 WITNESS COOPER: Well, that's right, but I'm
22 going to respond to your question with their own
23 account of what was presented to them, which is dated
24 November 20th, so I couldn't possibly have given it to
25 you in my response.

1 MR. FALGOUST: November 20th was nine days
2 ago.

3 WITNESS COOPER: Well, I complied with the
4 interrogatory.

5 CHAIRMAN WILSON: I'm going to allow you to
6 answer the question.

7 MR. FALGOUST: Mr. Chairman, may I withdraw
8 the question?

9 CHAIRMAN WILSON: No, because if you do, I'm
10 going to ask it because my curiosity is now peaked.
11 Did you do your own count of the testimony --

12 WITNESS COOPER: I read it all and I went
13 through -- in point of fact this entered -- the public
14 hearings occurred after my testimony and after rebuttal
15 testimony from the Company. The Company asserted in
16 their testimony -- and this will explain the quoting --
17 the Company asserted that Dr. Cooper had congered up
18 all these problems.

19 CHAIRMAN WILSON: My question to you was:
20 Have you counted the responses of the "fors" --

21 WITNESS COOPER: I have identified every
22 response of a problem that wasn't congered.

23 CHAIRMAN WILSON: You haven't answered my
24 question yet.

25 WITNESS COOPER: No, I have not counted.

1 CHAIRMAN WILSON: I'm going to try for the
2 third time.

3 WITNESS COOPER: I'm sorry. I have not
4 counted them.

5 CHAIRMAN WILSON: Have you counted the
6 responses that appeared in the public hearing held in
7 Maryland of the "fors" and the "against."

8 WITNESS COOPER: I have not categorized or
9 counted them.

10 MR. FALGOUST: How can he dispute my
11 representation to him?

12 WITNESS COOPER: Because I read the
13 Commission's order which counted them and told me what
14 they thought they were.

15 MR. FALGOUST: I have no further questions.

16 MR. BECK: I would like for the witness to be
17 able to answer. He asked him --

18 CHAIRMAN WILSON: We're going to hear the
19 answer.

20 WITNESS COOPER: I may need a moment to find
21 it.

22 CHAIRMAN WILSON: I would like the order, a
23 copy of the order in the record.

24 WITNESS COOPER: I have it.

25 MR. BECK: We'll be happy to furnish that.

1 WITNESS COOPER: It may take me a moment to
2 find it.

3 COMMISSIONER BEARD: I need to understand.
4 That transcript is of the hearing, is that correct?
5 And it's my understanding that after the hearing there
6 were public hearings held?

7 WITNESS COOPER: No. The public hearings
8 occurred between filing of testimony, all direct and
9 rebuttal, and expert testimony. The public hearings
10 intervened.

11 COMMISSIONER BEARD: So that transcript
12 should reflect numbers associated with that order, is
13 that correct?

14 WITNESS COOPER: Absolutely.

15 COMMISSIONER BEARD: Okay. So if we have a
16 copy of the transcript, and we have a copy of the
17 order, we ought to be able to do some comparison to
18 see. Is that not correct?

19 WITNESS COOPER: You can read the transcript,
20 see if the Commission counted right.

21 COMMISSIONER BEARD: They ought to match,
22 right?

23 WITNESS COOPER: Yes.

24 CHAIRMAN WILSON: Now, Commissioner Easley,
25 if you're going to ask what the relevance of this is,

1 you're going to destroy the whole --

2 COMMISSIONER EASLEY: Well, I can imagine it
3 being relevant up there, but I'd be more concerned with
4 the numbers in Florida. I'm just curious as to what
5 difference it makes.

6 MR. FALGOUST: The reason for the question,
7 Commissioner Easley, was that Dr. Cooper has
8 characterized Southern Bell and GTE's approach to this
9 issue as being unbalanced, and it's simply to
10 demonstrate that Dr. Cooper's approach is far from
11 balanced.

12 CHAIRMAN WILSON: Well, let me suggest --

13 WITNESS COOPER: Here, I have it now.

14 CHAIRMAN WILSON: I don't like being
15 interrupted.

16 WITNESS COOPER: Oh, I'm sorry.

17 CHAIRMAN WILSON: That's all right. Go ahead.

18 WITNESS COOPER: Oh, no, that was only the
19 total count.

20 CHAIRMAN WILSON: Let me suggest that you
21 simply submit that as an exhibit. Well, yeah, as an
22 exhibit, and we'll determine from the reading of the
23 order what the order itself says. We'll mark that as
24 Exhibit No. 23.

25 (Late-filed Exhibit No. 23 marked for

1 identification.)

2 Does that complete your cross examination?

3 No questions? Questions?

4 MR. DORAN: I have a few.

5 CHAIRMAN WILSON: Do you have a lot?

6 MR. DORAN: No. Maybe four.

7 CHAIRMAN WILSON: All right why don't you go
8 ahead.

9 MR. RAMAGE: I have more than 4, but I don't
10 know how long.

11 CHAIRMAN WILSON: Well, let's break and come
12 back at a quarter till?

13 COMMISSIONER GUNTER: Whatever you want to
14 do.

15 CHAIRMAN WILSON: We'll come back at 1:00.

16 (Lunch recess.)

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