

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION
TALLAHASSEE, FLORIDA

IN RE:

Proposed tariff filing by SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY clarifying when a non-
published number can be disclosed (T-89-506 filed
9/29/89) and introducing Caller ID to TouchStar
Service (T-89-507 filed 9/29/89).
(Deferred from the 6/5/90 Commission Conference)
DOCKET NO. 891194-TL

RECEIVED

BEFORE: Division of Records & Reporting Chairman Michael Wilson
Commissioner Gerald L. Gunter
Commissioner Thomas M. Beard
Commissioner Betty Easley
Commissioner Frank Messersmith

JUL 30 1990

Florida Public Service Commission

PROCEEDINGS: Agenda Conference

ITEM NUMBER: 16**

DATE: Tuesday, July 17, 1990

PLACE: 106 Fletcher Building
Tallahassee, Florida

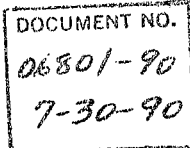
REPORTED BY: PATRICIA L. GOMIA
Notary Public in and for the
State of Florida at Large

* * *

THIS IS A COMPUTER PRODUCED TRANSCRIPT

GOMIA AND ASSOCIATES
CERTIFIED COURT REPORTERS
216 WEST COLLEGE AVENUE, ROOM 122
TALLAHASSEE, FLORIDA 32301
904-224-6200

1



1 PARTICIPATING:

2 ANGELA GREEN, Esquire, FPSC Legal Division

3 MARK LONG, FPSC Communications Division

4 HANK ANTHONY, Esquire, Southern Bell Telephone

5 JACK SHREVE, Esquire, Public Counsel

6 * * *

7 SPEAKERS IN ORDER OF APPEARANCE

8 JACK SHREVE, Esquire, Public Counsel 5

9 PETER ANTONACCI, Esquire, Statewide Prosecutor 14

10 CHARLENE CARRIS, Legislative Counsel for ACLU 15

11 GEORGE RAGOR, Individual 17

12 JOHN HASTINGS, U.S. Department of Justice, Drug
Enforcement Administration 1913 RON TUDOR, Florida Department of Law Enforcement, 20
Law Enforcement Committee

15 NICKY GROSSMAN, Commissioner, Broward County 34

16 ROBERT SENIOR, Esquire, Assistant U.S. Attorney, 37
Southern District of Florida17 AL COWARD, Assistant Special Agent, Drug 38
Enforcement Administration19 MIKAEL RAMAGE, Esquire, Deputy Counsel, Florida 42
Department of Law Enforcement20 WILLIS BOOTH, Executive Director, Florida Police 44
Chiefs Association

22 BILL MILFORD, Director, Florida AIDS HIV Hotline 48

23 JEFF COHEN, Esquire, Associate General Counsel, 50
Florida Medical Association24 DAVID WAYNE HEFFNER, Police Benevolent 50
Association

25

GOMIA AND ASSOCIATES

1	STACEY, BLAZER, Founder PATTH	52
2	FRANK T. BROGAN, Superintendent of Schools, Marion County, Florida	56
3	ANN MOREAU, Department of General Services, Division of Communications	62
4		
5	WARREN LUDWIG, Self	62
6	JOSEPH A. FLYNN, Retired, New Jersey State Police	63
7	CHIEF SCUTTE, Westfield, New Jersey Police Department	69
8	DANIEL GONOS, Domino's Pizza, Incorporated	74
9	JAMES ADKINS, Fire Chief, Brooksville Fire Department	80
10		
11	GLENIS COLLVERN, Victim Advocate	81
12	CHARLES McCUTCHEON, Undersheriff, Palm Beach County	89
13	GIL KERLIKOWSKI, Chief of Police, Fort Pierce	92
14	ROBERT CROWDER, Undersheriff, St. Lucie County	92
15	BARRY LINDQUIST, Commander, Pompano Beach Police Department	93
16		
17	RICHARD WITT, Chief of Police, Hollywood Police Department	95
18	RICHARD RICHARDSON, FBI, Miami	96
19	HANK ANTHONY, Esquire, Southern Bell	97
20	TONY LOMBARDO, Southern Bell	99
21		
22		
23		
24		
25		

P R O C E E D I N G S

1
2 CHAIRMAN WILSON: If there are no questions on
3 Item 16 we'll move on.

4 MR. LONG: Commissioners, Item 16 is a proposed
5 tariff filing.

6 CHAIRMAN WILSON: Just a minute.

7 MR. LONG: Commissioners, Item 16 is a proposed
8 tariff filing by Southern Bell introducing Caller ID
9 Service. The staff recommends that the Commission
10 grant Public Counsel's request for customer hearings
11 for a formal evidentiary hearing, and take no further
12 action on Caller ID until these proceedings are
13 concluded.

14 CHAIRMAN WILSON: Just for the record, I have
15 also, I guess this morning, received a request from the
16 Office of the Attorney General requesting a hearing,
17 and also from the Office of Statewide Prosecution
18 requesting a hearing as well. It's in addition to all
19 the other letters that I have gotten from --

20 MS. GREEN: Chairman, before we begin, since the
21 time the staff filed its recommendation, there has also
22 come in a motion to intervene by FDLE, and requests for
23 hearings by FDLE, the Florida police Chiefs
24 Association, and the Florida Medical Association. I
25 believe that one was in time.

GOMIA AND ASSOCIATES

1 CHAIRMAN WILSON: The FMA was I think in the staff
2 recommendation. I also want to put on the record that
3 I had a conversation this morning with Melvin Tucker,
4 who is the Chief of Police here in Tallahassee, urging
5 that we approve the Caller ID service.

6 COMMISSIONER MESSERSMITH: Mr. Chairman, I also
7 wants to put on the record that I had a conversation
8 with the sheriff of Palm Beach County talking about
9 that service and their support or non-support for that
10 also.

11 CHAIRMAN WILSON: Parties want to be heard on the
12 request for hearing? Public Counsel, it's your motion.

13 MR. SHREVE: Thank you, Commissioner. Jack
14 Shreve, Public Counsel.

15 We have filed a request for hearing along with
16 other parties. We feel that that is the proper way to
17 go; that the Commission needs the additional
18 information that would be provided at these public
19 hearings.

20 We have recently tried to gather as much
21 information, as many points of view as we could. We've
22 had several meetings around the state to try and give
23 different parties the opportunity to be heard. And I
24 think at this point there is a great deal of
25 misunderstanding, and particularly among the members of

1 the public, and even among some of the people that have
2 actually taken positions.

3 At the meetings we've had, of course, there's been
4 representations going both ways, both pro Caller ID and
5 anti Caller ID, and in between Caller ID with certain
6 types of blocking. I think sometimes this needs to be
7 thought well through.

8 And one of the things that has come to light to us
9 is under the proposal, which primarily is put out to
10 fight obscene phone calls, harassing phone calls, there
11 is the ability for unlimited blocking by paying a fee
12 for credit card local calls, local operator assisted
13 calls, and cellular phone calls, so that basically
14 anyone who wanted to make an obscene phone call, even
15 under the service as it is being offered by Southern
16 Bell, could make that and it would not be blocked out
17 on the Caller ID system that would be provided. This
18 blocking would also be available to everyone else, but
19 it would be penalizing all of the people who had
20 legitimate reasons for wanting to make calls and have
21 them blocked out and not have that number carried
22 forward.

23 We also feel after our discussions that one of the
24 provisions or one of the facilities or mechanisms that
25 is available that would, without apparently any

1 controversy, be a real deterrent to Caller ID is Call
2 Trace, not the old Call Trace but the new Call Trace
3 which is available, and will be offered by Centel on a
4 per call availability, not on a subscription where you
5 pay a monthly charge. That is the same type of service
6 that was offered in New Jersey along with Caller ID
7 where most of the statistics have come from.

8 I think it would be good to hear from the people
9 and see what their feelings are concerning Caller ID,
10 which may or may not be available or may be available
11 in a small percentage of the peoples, on a small
12 percentage of the peoples' lines at a cost of around
13 \$80 per screen, and roughly 7.50 per month as compared
14 to the deterrent that would be --

15 CHAIRMAN WILSON: \$80 per what?

16 MR. SHREVE: Per machine, per -- that's, I think
17 they run higher than that, and I have heard some calls
18 lower than that. I think that is the figure that has
19 been used for the initial screen that would display the
20 number.

21 Caller -- Call Trace, if it were provided on a per
22 call basis would be available anytime anyone received
23 any type of harassing or obscene phone call, and they
24 could lock that in. Now, there may be benefits from
25 Caller ID that go beyond the obscene phone call and the

1 harassing phone call and I think these should be
2 considered.

3 But I don't think the public should be penalized
4 and charged to keep their number private in a situation
5 which is set up primarily to deter obscene phone calls
6 when a person making an obscene phone call or wishes to
7 make an obscene phone call can, one, go to a pay phone.
8 Now, that would then present that telephone number on
9 the screen, but then beyond that, if they make a credit
10 card local call, a charge of 75 cents, I believe, or an
11 operator-assisted call, for a local call I believe the
12 charge would be a dollar. So that those people who
13 wish to make obscene or harassing phone calls could
14 accomplish that just by paying that fee.

15 So I think the deterrent really would not be there
16 as much as the Call Trace.

17 CHAIRMAN WILSON: Are you appearing in favor or
18 opposing Caller ID?

19 MR. SHREVE: I'm arguing in favor of my hearings
20 that I have requested because I think --

21 CHAIRMAN WILSON: I understand that.

22 MR. SHREVE: -- there is a great deal of
23 confusion. I have never heard that point brought out
24 by anyone that these calls could still be made even
25 though it's being sold as a deterrent, when that is

1 still available to the people that would like to make
2 that telephone -- that type of call.

3 COMMISSIONER BEARD: Let me ask you a technical
4 question. We don't need to spend much time on it. But
5 would you not, for example, if, and I think I saw them
6 advertise 900 services actually as a way or something
7 like that to route through like you suggested. If you
8 routed through a 900 or through the operator and
9 whoever was called immediately called back, wouldn't
10 they still be able to have a record of that call at
11 that location or not?

12 MR. SHREVE: It's my understanding, and I brought
13 this up yesterday morning in meeting that Centel had.
14 I wanted to clarify for myself whether or not Call
15 Trace, I believe that is what you are talking about
16 there.

17 COMMISSIONER BEARD: No, I'm talking about Caller
18 ID. If I decide to call someone on an obscene phone
19 call and I route through the operator assisted or I
20 route through some service that they have advertised, I
21 think I have seen them in California.

22 MR. SHREVE: Right.

23 COMMISSIONER BEARD: Okay, and I call them 900,
24 but I don't know that that is what it is. I route
25 through them, because that way when it gets to the end

1 user over here and they put Caller ID on it, they get
2 that number. Once they have that number and identify
3 an obscene call, can't they go back to them and there
4 is a record still at that place or the operator has the
5 billing records certainly?

6 COMMISSIONER GUNTER: There has to be a billing
7 record.

8 MR. SHREVE: If that number, and I'm not familiar
9 with -- I'm not sure how the 900 service would work,
10 but Bell has described the service that would provide
11 it for anyone else where you used a credit card call,
12 that would not show up on the Caller ID screen because
13 the number would appear to come from the operator.
14 Neither would the local operator-assist call show up on
15 the screen, because it would come from the operator.

16 COMMISSIONER BEARD: It would show up on the
17 telephone company records in case there was a real
18 obscene phone call, right?

19 MR. SHREVE: Yes, let's say -- yes, I think that
20 is the case. I think that billing would then go back
21 to the person making the phone call. And the argument
22 that has been made, and I think most of the people that
23 have sincerely said they want Caller ID as a deterrent
24 have almost uniformly said they want to see that number
25 on the screen so they will have it. That, they felt

1 that was better than Call Trace.

2 But the point I'm making here is that the person
3 that is making the obscene phone call can now block
4 that with a fee and not have it appear, and that takes
5 away from what the people appear to really want,
6 because with Call Trace available to everyone without
7 them buying this service, they could accomplish locking
8 that number in and have that available for prosecution.

9 CHAIRMAN WILSON: I understand that you have filed
10 a request for hearings and appropriately so I think.
11 Are you taking a position on Caller ID itself, either
12 in opposition or in favor?

13 MR. SHREVE: I am saying that I would like to have
14 the hearings so that I can hear from the general public
15 and make sure that they have all the accurate
16 information that is necessary, which I don't feel they
17 have at this time.

18 I do not feel that Caller ID without unlimited
19 blocking should be voted out at this time. There are
20 great many situations where I will want to hear from
21 the public before I make a final decision on what my
22 position is going to be.

23 At this time I'm requesting the hearings because I
24 think from what I have seen there are points that have
25 not been made clearly to the public as to what is

1 available, and primarily the fact that obscene phone
2 calls can still be made and blocked under this system.

3 CHAIRMAN WILSON: Any questions, Commissioners?

4 COMMISSIONER MESSERSMITH: I was curious, Mr.
5 Shreve --

6 MR. SHREVE: Yes, sir.

7 COMMISSIONER MESSERSMITH: The more you talk
8 about, you had a series of public meetings already?

9 MR. SHREVE: Yes, sir.

10 COMMISSIONER MESSERSMITH: As a veteran of many
11 public meetings and town hall meetings, I was curious,
12 you are talking about the public not having, not
13 receiving all the information. Do those types of
14 things, all of the issues come up in any of those
15 meetings? How well attended were they? Would they
16 have people there asking questions? I was just
17 curious, trying to get a feel for that.

18 MR. SHREVE: Sure. What we did, the first meeting
19 we had was in Miami. I took the letters that the
20 Public Service Commission and my office had received,
21 most of them from the Public Service Commission, and
22 the phone calls that we had records of, and contacted
23 all the people and told them we were going to have a
24 meeting to at least give them an opportunity to discuss
25 it with me. Because there were obviously varied

1 opinions, and I was to represent the public in this
2 situation.

3 There really wasn't much in the way of publicity.
4 The press new about it. But we didn't have the ability
5 to send out a mailout in bills, in Bell's bills or
6 anything. As a matter of fact the only notice that has
7 gone out to the general public by way of bills is the
8 fact that Caller ID had been approved by the Public
9 Service Commission. That was sent out.

10 We did the same thing primarily in the other
11 hearings last week or meetings last week, just to give
12 us the opportunity to talk to the people. We did put
13 press out on it, and all of these issues were
14 discussed. Some of them, at times there were
15 misunderstandings on what was offered or what the
16 results would be.

17 And I think that this point that I have tried to
18 make this morning is probably the primary one that
19 doesn't appear to have been understood.

20 COMMISSIONER BEARD: What kind of attendance did
21 you have?

22 MR. SHREVE: Fairly good. We had one in West Palm
23 -- no, Fort Lauderdale first and West Palm Beach and
24 then Brevard County, Cocoa and Orlando. Considering
25 the type of publicity and the interest and with people

1 thinking it had already been approved, which it has,
2 but with questions still unanswered as far as what type
3 of blocking we will have, we had fairly good
4 attendance. I would have to check on the exact numbers
5 for you. Each meeting lasted two or three hours with
6 discussions.

7 CHAIRMAN WILSON: Any other questions? Anyone
8 else want to be heard on the issue of hearings?
9 All right, sir:

10 MR. ANTONACCI: Mr. Chairman, briefly on the issue
11 of hearings if I may. Mr. Chairman, Members of the
12 Commission, I am Peter Antonacci. I am the Statewide
13 Prosecutor. I had filed a brief motion joining in with
14 the Public Counsel's request for public hearings on
15 this issue.

16 Speaking only to the issue of public hearings and
17 not to the merits of the case, I would ask the
18 Commission to grant Public Counsel's motion. I think,
19 I'm sure that the Commission and I think Bell as well
20 is very interested in providing the best service
21 possible and accommodating all the interests that there
22 are out there.

23 It's clear from the information that the Public
24 Counsel has gathered that perhaps this issue is not
25 ripe for decision. There is much to be gained by a

1 complete record, and nothing to be lost by this
2 Commission particularly in having before it all of the
3 matters and all of the interests that should be
4 redeemed prior to the institution of this service in
5 the Bell area and throughout the State of Florida.

6 So I would ask on behalf of my office, and as well
7 as the Attorney General, who the Chairman indicated has
8 filed a similar pleading, that the Commission proceed
9 in granting the motion. Thank you.

10 CHAIRMAN WILSON: Your pleading indicates that you
11 are opposed to Caller ID without unlimited blocking.

12 MR. ANTONACCI: Yes, sir.

13 CHAIRMAN WILSON: Thank you. Anyone else? Yes.

14 MS. CARRIS: Mr. Chairman, my name is Charlene
15 Carris. I am Legislative Counsel for the American
16 Civil Liberties Union in Florida. I'll be very brief.

17 We are here today also to support the numerous
18 requests that the Commission has had to hold public
19 hearings and gather information on this issue.

20 The National American Civil Liberties Union
21 recognizes that there are competing privacy interests
22 involved in telephone services. On the one hand people
23 do have an interest in knowing who is contacting them
24 by phone. On the other hand there is a very strong
25 privacy interest in keeping information about yourself

1 from being divulged to other parties without your
2 consent.

3 This is a particularly strong interest in Florida.
4 In fact last year the Florida Supreme Court in deciding
5 a case concerning our constitutional privacy amendment
6 and its impact on a pen register system, which in fact
7 gives information to a third party about which phone
8 numbers an individual is dialing, which people that
9 person is trying to contact, said that, "the right to
10 privacy ensures that individuals are able to determine
11 for themselves when, how and to what extent information
12 about them is communicated to others."

13 We feel that it's crucial for any proposal dealing
14 with implementing a Caller ID system be carefully
15 crafted so that it not violate privacy rights,
16 particularly here in Florida where we have such
17 strongly protected privacy rights. And in order to
18 determine whether the needs that would be served by
19 Caller ID might not be served by other services that
20 are currently available, such as Call Trace, that Mr.
21 Shreve mentioned to you, or priority ringing, because
22 some people would like to have Caller ID to determine
23 if an individual they know, or a family member, for
24 example, is the person placing the call, is another
25 service available which creates a different ring on the

1 phone for people who have the code to be able to do
2 that.

3 The position of the National ACLU is that even
4 though there are competing interests, the interest in
5 keeping information about yourself from other people is
6 the stronger of the two, and in fact they oppose Caller
7 ID unless callers are given the ability to control
8 when, if ever, the caller's number is displayed on the
9 receiving end. So we would support the position that
10 the Statewide Prosecutor has taken, that without the
11 universal availability of a block, Caller ID probably
12 violates Florida constitutional privacy rights.

13 CHAIRMAN WILSON: Any questions? All right.
14 Anyone else?

15 MR. RAGOR: May I approach the Commissioners? I
16 respectfully request to be heard.

17 CHAIRMAN WILSON: Yes, sir, if you would. If
18 someone would yield your chair and allow this man to
19 have access to a microphone there, I would appreciate
20 it.

21 MR. RAGOR: -- I have come quite a distance, and I
22 have come before you because all of this is a lot of
23 nonsense.

24 CHAIRMAN WILSON: Would you give us your name
25 please?

1 MR. RAGOR: George Ragor, and I am from North
2 Miami Beach, and I traveled a thousand miles. Thank
3 God I had transportation.

4 Anyway, all of this is a lot of nonsense because
5 basically what it amounts to is what the person, you
6 know, to accept the call or reject the call once they
7 see it on that screen. I for the longest time now have
8 been harassed. I have received calls, picked up the
9 phone, nobody answers and they hang up. Solicitations,
10 unwanted. Other things. And that's too much.

11 And on behalf of single women, elderly, people
12 that live alone, whatever, children, I think that
13 Caller ID should be passed. As far as anything else is
14 concerned, as far as law enforcement, that can be taken
15 care of. On the other hand, people that don't want
16 their numbers to be shown on the screen have something
17 to hide, and if they don't want, if they don't -- you
18 know, they already have people that have their numbers
19 who probably pass it around. So that, that is a lot of
20 nonsense.

21 And I want to thank you for letting me, allowing
22 me to speak.

23 CHAIRMAN WILSON: Well, we appreciate you
24 traveling up from Miami and giving us the benefit of
25 your thoughts.

1 MR. RAGOR: But I honestly believe, I honestly
2 believe and a lot of people would be grateful to you
3 for passing Caller ID because it would do away with a
4 lot of wanted, unnecessary nonsense and calls, and
5 harassment and annoyances.

6 CHAIRMAN WILSON: Any questions? Thank you, sir,
7 we appreciate it.

8 MR. RAGOR: Thank you.

9 CHAIRMAN WILSON: Anyone else want to be heard on
10 this issue? Yes, sir.

11 MR. HASTINGS: My name is John Hastings. I'm with
12 the U.S. Drug Enforcement Administration. Last
13 February at this meeting we appeared, and you had asked
14 that we form a Committee and work with Southern Bell
15 over the law enforcement concerns. We met with them
16 over a half a dozen times. Southern Bell has, had
17 decided to decline to accommodate the needs of law
18 enforcement, and to that end I would like for Mr. Ron
19 Tudor of the Florida Department of Law Enforcement --

20 CHAIRMAN WILSON: I think it would be more
21 accurate to say that they declined to meet all the
22 needs of law enforcement.

23 MR. HASTINGS: Yes.

24 CHAIRMAN WILSON: I think they have gone --

25 MR. HASTINGS: Well, they have met some of them.

1 CHAIRMAN WILSON: We have gotten records of the
2 meeting, and there has been substantial discussions of
3 ways to accommodate some needs of law enforcement.

4 MR. HASTINGS: Yes, there has. Some of the needs
5 have been addressed, but not all of them, and there are
6 some things that may or may not be possible. That is
7 where part of problems are.

8 I would ask Mr. Tudor of the Florida Department of
9 Law Enforcement to articulate the position of the
10 Committee.

11 CHAIRMAN WILSON: Thank you.

12 MR. TUDOR: Mr. Chairman, first of all, I would
13 like to state -- my name is Ron Tudor. I am with the
14 Florida Department of Law Enforcement. However, I
15 speak not today on their behalf, but on behalf of this
16 Committee that has been put together to look in to
17 this.

18 As you know the Florida Department of Law
19 Enforcement has filed a separate motion to intervene,
20 and I believe that could be best addressed through that
21 motion.

22 As Mr. Hastings indicated, the Committee has met
23 several times with Bell. We feel that the more
24 meetings we have, the more questions that have been
25 brought up as to potential dangers that these, and

1 threats that this service poses unnecessarily as a
2 nonessential service. We feel the Committee, and we
3 put this Committee together with a lot of consideration
4 for need. The Committee is made up from everything
5 from undercover officers on the street to technical
6 specialists and supervisors from front line to senior
7 management. So we have tried to cover the broad
8 spectrum.

9 We have members on the Committee that go from
10 municipal police, county sheriffs, prosecutors, state
11 investigators and all levels of federal investigation
12 from the FBI, Secret Service, DEA, et. al.

13 In addition to this, the Florida Chiefs of Police
14 Association, the Florida Sheriffs Association, the
15 Florida State Law Enforcement Chiefs Association, the
16 Fraternal Order of Police and Police Benevolent
17 Association have contacted this Committee to express
18 their concerns and support of our findings.

19 In view of this, the Committee finds it somewhat
20 distressing that the PSC staff report completely
21 dismisses this Committee's collective expertise and
22 concerns, and our dissatisfaction with the alternatives
23 to Caller ID proposed by Bell. We feel that we have
24 some very unique problems that we have tried to
25 articulate, and the recommendation I read from staff

1 was, yeah, we've heard all of that, but although I have
2 never worked law enforcement, I don't think you guys
3 know what you are talking about. And that is hard for
4 us to accept. We have some very specific cases that we
5 can document that have been a problem.

6 Many of the alternatives that Bell has proposed to
7 this point we feel are not much more than reworded
8 versions of what this Commission has heard in February.
9 We feel probably the biggest improvement was a recent
10 offering to defer or absorb many of the costs of some
11 of the alternatives proposed. And although law
12 enforcement agrees we shouldn't have to absorb
13 increased costs of Caller ID posing just to maintain
14 our status quo, the costs must be secondary to ensuring
15 that adequate safeguards are provided to making
16 undercover telephone calls.

17 We have conducted much of our own research over
18 the last five months. We feel that at least two of the
19 suggested alternatives are at best short-lived, Band-
20 aid approaches to the problem, and I might add they are
21 probably two of the most prevalently discussed. One of
22 those is the ability to use a cellular telephone.

23 We have information from a technology task force
24 in Washington D.C. that within six months they plan on
25 implementing a pilot program to deliver Caller ID to

1 the Caller ID box the number of cellular phones; that
2 will be a technical test. It is not a marketing test.
3 We are talking approximately six months they want to
4 start experimenting with that program.

5 The telephone industry trade journals that we
6 subscribe to and have read indicate a nationwide plan
7 that within five years interLATA delivery should begin.
8 I will not say that within five years everybody's phone
9 number across the nation would be delivered, but
10 certainly within five years interLATA capabilities are
11 being addressed.

12 A Bell representative at the public hearings that
13 I went to in response to someone who wanted Caller ID
14 very much said they would pay greatly for it. Their
15 only concern was they wouldn't have the ability to get
16 long distance calls. One of the Bell representatives
17 stated that within the next couple of years they
18 expected to be able to deliver long distance calls.

19 To me such information suggests that the solution
20 of using calling cards to deliver out of area to a
21 Caller ID box would be meaningless and begs the
22 question what is out of area. If cellular phones and
23 calling cards in the not too distant future are going
24 to be delivered, then what would out of area mean?
25 Would it have any significance? I would suggest that

1 if those other things will be delivered, then out of
2 area won't mean much as far as an alternative.

3 The Committee's position is that we should not
4 accept short-lived solutions to such a complex and
5 serious problem. Nor do we wish to continually have to
6 re-address this issue while class service develops.
7 And this, unfortunately for me, has become a full-time
8 job since February, and I think my supervisors will
9 tell you that I spend three to four days a week
10 researching and looking into documents, calling for
11 documents from other agencies. It has become a full-
12 time job. I can't continue as class service develops
13 to keep going back and re-addressing these issues. We
14 look for a little bit longer term.

15 Some of the other alternatives that have been
16 suggested as our position completely ignore the need of
17 our confidential informants to make undercover calls.
18 Since their access to solution, such as remote access
19 dialing, would at best be imprudent. Nor do we have
20 any intentions of issuing credit cards on cellular
21 phones to informants. That is completely unacceptable
22 law enforcement.

23 And Bell, I might add, although they have agreed
24 to absorb some of the cost, have certainly not said
25 that they would absorb the cost of our cellular

1 telephones or issuing them to informants.

2 That would also, of course, apply to civilian
3 witnesses and victims who work with us in making
4 control calls, and this is another segment of our
5 concern. We don't think it's been adequately addressed
6 having to encumber these people with going through a
7 lot of special hoops to make a call without delivering
8 their identity.

9 Some of the suggestions made by this Committee to
10 Bell, although not a panacea, we thought workable, even
11 though they required a complex compromise on behalf of
12 the undercover operatives. These were at first
13 adamantly refused by Bell as technically impossible.
14 When Committee members were able to prove otherwise on
15 several occasions as to the technical capabilities that
16 existed, Bell kept serious discussions of these unique
17 and innovative ideas delayed through what we can most
18 diplomatically describe as marketing double-speak. In
19 fact at the conclusion of one of our Committee meetings
20 in April one Bell spokesman stated, and I quote, "I
21 realize that it's taken several weeks for you guys to
22 drag these answers out of us."

23 We feel it's unfortunate because although the law
24 enforcement members entered the discussions with a
25 sincere believe that it was a joint effort to solve

1 problems, it soon evolved in to an adversarial
2 relationship, which is not what we anticipated.

3 Because of this the Committee has to conduct much
4 of the research on its own. Since the information from
5 Bell was found to be deceptive and distorted and seemed
6 only to support its February position that law
7 enforcement already had their needs addressed.

8 CHAIRMAN WILSON: Mr. Tudor, are you in favor of
9 holding a hearing?

10 MR. TUDOR: We are at the very least. But I
11 would, Mr. Chairman, and I do have these for the
12 Commission members to read. I apologize, I didn't know
13 the protocol to get them to you. I do want to finish a
14 part of my statement because this Committee feels it
15 important that the Commission understand that we would
16 like to refute staff's reports and recommendations,
17 certain things that we feel are in error in that report
18 that Bell has made and staff has made.

19 The next item, sir, is the fact that no other law
20 enforcement agencies are having problems with this.
21 And that is simply not true. And I have traveled to
22 other states and talked to officers that are not police
23 chiefs. They, I will acknowledge, are not
24 investigators of harassing and obscene phone calls, but
25 they do work undercover. They do work major organized

1 crime and long-term criminal investigations. And they
2 have stated to me, and I attended a meeting in New
3 Jersey, the state that allegedly loves this service, I
4 attended a meeting of over 60 investigators. I was
5 apprehensive, I will admit to this Commission, in going
6 to that state and talking on this. I was somewhat
7 apprehensive.

8 I got an overwhelming majority of the officers say
9 that they've had numerous cases put in jeopardy since
10 Caller ID has been in effect. They feel they are in a
11 quandary because it was put in so rapidly, the tariff
12 passed before anybody knew what the negative side, the
13 down sides were that they don't know what to do now to
14 re-address it. They are actually considering, agencies
15 that I talked to are considering talking to the
16 attorney general's office and having the laws rewritten
17 in that state patterned similarly after Pennsylvania,
18 which I believe this Commission is aware has recently
19 ruled it illegal in Pennsylvania under that statute.
20 These officers were that adamant.

21 Statements made to me were, "We hope Florida has
22 better luck than Jersey did in keeping this service
23 being rammed down your throat. We are stuck with it."
24 They don't know what to do.

25 CHAIRMAN WILSON: Did you not talk to any law

1 enforcement people in New Jersey who had the opinion
2 that it wasn't a problem?

3 MR. TUDOR: No, sir.

4 CHAIRMAN WILSON: Is this the universal opinion
5 held by people --

6 MR. TUDOR: No, sir, I did not, and I will not at
7 all address this Commission with the fact that I talked
8 to everybody and everybody was a hundred percent in my
9 behalf. What I did find is the ones that agreed with
10 Caller ID, and I might add people I have talked to in
11 this state that agree with the position of Caller ID
12 being implemented, once made aware of the negative
13 impact, had no problems with this Committee's
14 recommendations of per call unit blocking and other
15 technical requirements to address our specific needs to
16 work undercover.

17 And I would respectfully request this Commission
18 allow us not to go in to the details of some of the
19 mechanics that we have suggested as technical work-
20 arounds. We know they are available, and we would
21 gladly enjoy discussing these in a closed session or
22 hearing with this Commission, but we feel for the
23 safety and security of the, all involved that it would
24 not be prudent to discuss them in an open forum.

25 If I might just close, and I will delete a couple

1 of pages here. What we feel, as Mr. Shreve does, that
2 there are other services that can address some of the
3 harassing and annoying phone calls, we certainly do not
4 dismiss those as a problem in society. We do feel
5 there are less intrusive and safer means to address
6 those problems.

7 The following are the recommendations that the
8 Committee feels are necessary for us to remain whole in
9 our ability to conduct complex and dangerous
10 investigations and to maintain its current level of
11 safety and security.

12 Caller ID should be introduced only with universal
13 call blocking available to the public at large, again
14 so we can blend in with the anonymity that that would
15 provide us.

16 We would request Southern Bell still work with law
17 enforcement to provide other special technical
18 considerations allowing undercovers to continue to
19 convince their adversaries that they are being
20 truthful.

21 Along with this we feel that it is important to
22 mention to this Commission that such special solutions
23 as these suggested should only be implemented with
24 the cooperation of the individual law enforcement
25 agency's management who would institute the proper

1 accountability and audit measures to minimize any
2 abuse.

3 Our third request from this Commission would be a
4 delay of at least 120 days from the decision before
5 Caller ID can be implemented, and this is because I
6 have considerable experience in training and developing
7 training programs, we feel this timeframe would be a
8 minimum necessary to develop and deploy training
9 programs statewide that we deem imperative to educating
10 personnel to whatever new procedures are necessary for
11 their continued survival, and we feel to do less would
12 only pose undue harm on a segment of society that
13 provides, we feel, a very dangerous yet valuable
14 service to the State of Florida.

15 Thank you.

16 CHAIRMAN WILSON: Thank you. Are there questions,
17 Commissioners?

18 COMMISSIONER BEARD: I might have misunderstood.
19 Is it my understanding that it is the officially
20 sanctioned position of the Florida Police Chiefs
21 Association and the Florida Sheriffs Association that
22 they officially support your position?

23 MR. TUDOR: Sir, I believe there are
24 representatives from both of those organizations here
25 today, Mr. Willis Booth and Mr. Tom Berlinger, from the

1 Sheriff's Association and the Chiefs of Police
2 Association. I would request that you ask them that.
3 They have told me personally on the phone and face to
4 face that that is their position, but I would rather
5 they speak to this Commission.

6 COMMISSIONER BEARD: And I ask that because there
7 has been some, I can't remember what I saw where, but
8 there is some indication that certain police chiefs may
9 not feel like they were polled or contacted, and I
10 don't know how the process works quite frankly in those
11 organizations to get an officially sanctioned position.
12 That's why I asked the question.

13 MR. TUDOR: That could be, and I again I would
14 respectfully request that you address those questions
15 to those --

16 CHAIRMAN WILSON: I know that I have had either
17 letters from or phone calls from a number of police
18 chiefs, all of whom, at least in recent weeks, have
19 supported Caller ID.

20 MR. TUDOR: Mr. Chairman, may I address that, sir?

21 CHAIRMAN WILSON: I don't know what there is to
22 address.

23 MR. TUDOR: Well, sir --

24 CHAIRMAN WILSON: My getting phone calls.

25 MR. TUDOR: Well, I appreciate that, and I have

1 heard -- I would agree with you, except that in my
2 travels many of the people that have taken that
3 position, as soon as they heard our position on it,
4 what the negative impact was, why we felt certain
5 alternatives were not supportive of our needs, have
6 flocked, and I addressed the Sheriffs Association in
7 Pensacola as recently as a week ago today, and the same
8 thing happened. When we told them what our
9 alternatives were, they say, "Well, we would have no
10 problem supporting that. We just believe in Caller
11 ID."

12 And please accept this Committee's findings that
13 we are not opposing a hundred percent Caller ID. We
14 just feel that the suggestions made by this Committee
15 would be palatable to those chiefs. I have had police
16 chiefs and sheriffs state to me, "Bell never mentioned
17 that to us," and I again quote, that we are making
18 issues known to some of these folks that are coming
19 forward to you and in support of this service that we
20 don't feel have adequately heard this Law Enforcement
21 Committee's side, and again that supports the motion by
22 Public Counsel for further hearings.

23 CHAIRMAN WILSON: Well, absolutely, what your
24 comments say is that what we need to do or would
25 certainly support the idea of having a hearing where

1 we examine the substantive concerns that law
2 enforcement has with the implementation of Caller ID
3 and what blocking concerns that you do have, rather
4 than having a campaign of going around the states and
5 seeing how many police chiefs you can line up on this
6 side and how many police chiefs you can line up on this
7 side, that we examine the substance of the concerns,
8 the objections or the support therefor, and look at
9 that.

10 MR. TUDOR: I agree.

11 CHAIRMAN WILSON: Which is very strongly in
12 support of having a hearing. Thank you, Mr. Tudor.

13 Any other questions?

14 COMMISSIONER MESSERSMITH: Mr. Chairman, I want to
15 ask Mr. Antonacci a question again.

16 Earlier when you were talking about opposition to
17 Caller ID without universal blocking, you were
18 referring to it with regard to criminal investigation,
19 and also in your letter you do that. The assertion
20 that I heard from the ACLU is that you oppose it also
21 because of the Florida Constitution. Is that also
22 substantive?

23 MR. ANTONACCI: There is a Constitutional issue,
24 Commissioner Messersmith, and I believe that that
25 Constitutional issue should be fleshed out before the

1 Commission before you proceed. I don't think the --

2 COMMISSIONER MESSERSMITH: The assertion was that
3 you are agreeing that it is constitutionally illegal.

4 MR. ANTONACCI: I certainly agree that there is an
5 issue there. Article I, Section 23, of our
6 Constitution is a very specific privacy right, and our
7 Supreme Court has been pretty tough in, as you know, in
8 implementing that privacy right. And I think it would
9 only again serve the Commission's interests to see to
10 it that that Constitutional issue was laid out and laid
11 out in a very complete way in the context of the Caller
12 ID proposal and the other facets of Caller ID, which as
13 we have heard this morning are numerous.

14 COMMISSIONER MESSERSMITH: You are not saying
15 absolutely --

16 MR. ANTONACCI: No, sir.

17 COMMISSIONER MESSERSMITH: Okay. That is the
18 question I had. Thank you.

19 CHAIRMAN WILSON: Anyone else that wants to be
20 heard? Yes, ma'am.

21 MS. GROSSMAN: Thank you, sir. Are you limiting
22 discussion now except obviously the previous speaker --

23 CHAIRMAN WILSON: We are talking about -- well, we
24 have obviously strayed in to some of the substantive
25 concerns, but really what we would like to talk about

1 is whether we have a hearing or not.

2 MS. GROSSMAN: I would like to then take this
3 opportunity. My name is Nicky Grossman. I am a
4 Broward County Commissioner and a strong advocate both
5 budget-wise and otherwise of law enforcement in the
6 State of Florida, and in fact in our nation. I
7 represent, however, a large number of elderly
8 residents, a community that has a large number of
9 single parent family homes.

10 There are people in our community who I believe if
11 a public hearing process was undertaken by this
12 Commission would surprise the Public Counsel, the
13 representatives of law enforcement and perhaps this
14 Commission itself. There is a demand in the
15 communities of the State of Florida that there is a
16 serious difference between a right of privacy and a
17 right to anonymity. Anonymity creates some very, very
18 serious dilemmas that Alexander Graham Bell obviously
19 never even considered when he created this kind of
20 communication.

21 There is a real difference between having an
22 opportunity to hang up on an obscene call or harassing
23 call, and I've had that opportunity many times myself,
24 or choosing not to subject yourself as a called party
25 to that kind of harassment. Law enforcement I think

1 has some very, very critical considerations that need
2 to be aired and that need to be resolved.

3 But I would tell that you the public, the general
4 public of the State of Florida also has an extreme
5 interest in whether or not they get this protection
6 from harassment. There is a difference between an
7 annoying call where a public official like myself is
8 occasionally, and sometimes more than occasionally,
9 called an idiot, and other times when that phone is
10 picked up and my life or my family's life is threatened
11 by a caller at five o'clock in the morning.

12 It would be a whole lot better I think for people
13 whose phone rang at that time for that purpose to know
14 that the call was not from their family, or not from an
15 expected caller, and that in fact they have the
16 opportunity before a harassing call became an obscene
17 call to not answer that phone.

18 The letters that I have received from residents of
19 my community, the phone calls that I have received from
20 people in our community after they were aware of the
21 availability of Caller ID indicates that a public
22 hearing would probably support the immediate
23 implementation of that.

24 I certainly understand the perspective of the law
25 enforcement community that they would want some time to

1 gear up some protection for their activities. But I
2 don't think the people of this state want to wait until
3 after they have received that call to decide that it
4 can be traced. They want the chance not to be harassed
5 and not to hear that voice on the other end of the
6 phone.

7 So I would certainly support any, any additional
8 hearings that you wanted to hold before you made the
9 decision, because obviously the public is going to
10 demand that right to be heard from you as well.

11 CHAIRMAN WILSON: Thank you. Any questions,
12 Commissioners? Thank you very much. We appreciate you
13 coming.

14 Yes. sir.

15 MR. SENIOR: Mr. Chairman, Commissioners, my name
16 is Robert Senior. I'm an Assistant United States
17 Attorney. I work out of the United States Attorney for
18 the Southern District of Florida, Mr. Lehtinen's
19 office. I have been asked here to come today basically
20 to reiterate some of the law enforcement community's
21 concerns. Rather than go in to them in detail, I would
22 rather adopt what has been said previously.

23 Briefly Caller ID would possibly have a very wide-
24 reaching and negative effect on current law enforcement
25 capabilities. We are very concerned about this. We

1 simply ask that in employing your balancing test to
2 determine what is in the public's interest, you give
3 serious concern to the negative effect that it will
4 have on our capabilities.

5 I understand having received the agenda that, that
6 the only issue that would further law enforcement's
7 position today would be Issue No. 1, wherein further
8 hearings will be held on this issue. Therefore, based
9 on not only our concerns being federal law enforcement
10 officers, but also Public Counsel's concerns
11 representing the public in general, and also based on,
12 of course, your own staff's recommendation, we would
13 simply ask that this very important matter be heard
14 further, and that the public's word and some of the
15 technical matters come out further also.

16 Thank you very much.

17 CHAIRMAN WILSON: Thank you. I appreciate it. I
18 think it's pretty clear from expressions by the
19 Commission that we are aware of, and are concerned with
20 the effect that this would have on law enforcement and
21 law enforcement efforts. So I don't think you need to
22 have any fears about that fact, that the Commission
23 will take that into consideration.

24 Yes, sir.

25 MR. COWARD: Thank you, Mr. Chairman. Just to

1 reaffirm that once again that all segments of law
2 enforcement are, at least to the knowledge of the
3 Committee and I did participate in that Committee. My
4 name is Al Coward. I'm Assistant Special Agent in
5 Charge with the U.S. Drug Enforcement Administration.
6 My office in Miami has the responsibility for all of
7 our agents throughout the State of Florida.

8 Because of the nature of our work, that is the
9 enforcement of the federal drug laws, DEA is
10 particularly and detrimentally impaired by Caller ID if
11 there are not adequate safeguards built into the system
12 for law enforcement. Drug traffickers are no longer
13 the ill-prepared, uneducated and uninformed characters
14 on intercity street corners. Instead they are today
15 sophisticated, well-educated and enormously well-funded
16 criminals, and we cannot afford to give them an edge.
17 That is precisely what Caller ID without any
18 consideration of our needs would do for them.

19 DEA is concerned on two fronts, first and most
20 importantly for the safety of our agents, and thereby
21 the public. Whenever an agent perhaps is shot, there
22 is always public in the vicinity, so they, too, are at
23 risk. But we are also concerned for the integrity of
24 our cases.

25 To introduce Caller ID without providing universal

1 per call blocking and other law enforcement safeguards
2 would needlessly endanger our personnel and the public.
3 I have no doubt that traffickers will not only be
4 passively assisted by Caller ID, but also that they
5 will actively turn the technology to their advantage.
6 Criminals will soon be using Caller ID to verify the
7 bona fides of their clientele.

8 And we must for once be a step ahead of them in
9 this regard. If we do otherwise, we are simply going
10 to be playing catch-up once again.

11 With these things in mind, we respectfully ask the
12 Commission to do everything possible to protect our
13 agents and to safeguard the integrity of our cases. We
14 urge that universal call blocking be mandated and we
15 urge that Southern Bell be required to meet the case-
16 specific needs of law enforcement. The details of
17 which we would prefer to discuss in closed session.

18 These are matters of tremendous importance, not
19 only to us but to the public. To dismiss public safety
20 and law enforcement considerations in favor of more
21 efficient pizza delivery or even increased revenue for
22 Southern Bell would send a clear signal indeed to the
23 drug traffickers operating in the State of Florida. A
24 message which I would hope and I'm sure that this
25 Commission would not like to send.

GOMIA AND ASSOCIATES

1 Thank you.

2 CHAIRMAN WILSON: Questions, Commissioners?

3 COMMISSIONER MESSERSMITH: No, but, Mr. Chairman,
4 for the sake of discussion, I would like to -- I don't
5 mind visiting with all my friends from my former career
6 in law enforcement, but we do seem to stray from the
7 issue of whether or not we are going to have a public
8 hearing in to the issues themselves, and if we are
9 going to do, if we are going to have a public hearing,
10 we will get in to that in a great deal more
11 specificity.

12 I was just wondering, to get a feeling from the
13 Committee -- from the Commission whether or not we
14 should just take up the issue on the public hearing
15 right now and relegate comments to that, because if we
16 make that decision to have the public hearings, then
17 we'll be going through this testimony to more degree,
18 and this could save some time if that would be the
19 Commission's desire to do that.

20 CHAIRMAN WILSON: I think that is a good
21 suggestion. And I would, what I would like to do is
22 hear a few more brief comments and then let the Company
23 at least have an opportunity to speak, since they may
24 be the only ones here who are speaking in favor of not
25 having a hearing before we actually vote on that issue.

1 COMMISSIONER MESSERSMITH: I would also like to
2 give anyone the opportunity, the citizens, for example,
3 the gentleman who traveled all the way from Miami --

4 CHAIRMAN WILSON: Who have come here to speak,
5 yes.

6 COMMISSIONER MESSERSMITH: Give them a platform
7 also.

8 COMMISSIONER BEARD: I've got to make one comment,
9 too, that especially the people who have been involved
10 in this process, that I as one would appreciate
11 slightly less inflammatory comments like "more
12 efficient pizza delivery and total disregard for law
13 enforcement," because we have made that clear that that
14 is not going to be our position. If we had thought
15 that at all we would have passed this out the first
16 time, and we have held it up and held it up to make
17 sure that we do this thing and do it right, okay, and
18 that may well include public hearings.

19 CHAIRMAN WILSON: And certainly the impression
20 that the only positive aspect of Caller ID is more
21 efficient pizza delivery is an exaggeration of the
22 other side of the question.

23 MR. COWARD: I apologize.

24 CHAIRMAN WILSON: Yes, sir.

25 MR. RAMAGE: I'm Mike Ramage, Deputy Counsel for

1 the Florida Department of Law Enforcement. We have
2 filed a motion to intervene and a request for hearing
3 which states the Department's position, and we just
4 want to restate that we join with the Statewide
5 Prosecutor and the Attorney General, and the Public
6 Counsel in seeking the hearings.

7 One thing that I would suggest to the Commission
8 is there seems to be an underlying assumption in at
9 least some of the discussions that this is like a
10 blue plate special where only certain alternatives can
11 be picked to the exclusion of other alternatives. And
12 the Department's position is that a lot of the
13 balancing interests that have been addressed and will
14 be addressed in a public hearing when properly designed
15 and properly addressed at the a public hearing will
16 allow this Commission to formulate reconciliation of
17 those interests. And the Department's position is at
18 this point, and knowing what we know and taking the
19 position that we have, is that it is essential to that
20 reconciliation that at least part of that solution be
21 the universal caller blocking option in addition to
22 some of the other options that have been suggested.

23 But again for the sake of brevity, we just wanted
24 to state that the Department has stated its position in
25 its motion and in its request for hearing, and would

1 request that this Commission do conduct those hearings.

2 CHAIRMAN WILSON: Thank you. I am looking forward
3 to seeing some of those things aired. I am not sure
4 that on the one hand where you say the reconciliation
5 is possible that you get that reconciliation with
6 universal call blocking and Caller ID. I am not sure
7 whether they may be exclusionary, but we'll see.

8 Willis.

9 MR. BOOTH: Good morning, Mr. Chairman, Members of
10 the Commission. I'm Willis Booth. I'm the Executive
11 Director of the Florida Police Chiefs Association,
12 representing some 350 police chiefs from one end of the
13 state to the other.

14 And I want to assure you, Mr. Chairman and Members
15 of the Commission, that it is not our intent to have
16 one group of thieves lined up against the other to
17 debate this particular issue. Unity is what we are
18 striving for, and the protection of our officers and
19 our undercover informants is paramount in our minds.

20 I come probably with a positive and a negative
21 perspective. First of all, I think that traditionally
22 that the telephone companies and the law enforcement
23 community have worked together for the 43 years that I
24 have been a police officer in this state. It has been
25 a tremendously good relationship.

1 I think at this point that Caller ID has probably
2 raised some, maybe some emotional issues with regard to
3 the security and the safety in turn of the law
4 enforcement and a number of things as far as the public
5 is concerned. I believe that there are some very fine
6 issues with Caller ID that migrate down to the benefit
7 of the general public.

8 However, I would like to join my colleagues here
9 and to suggest and to recommend that for the welfare of
10 law enforcement and for the telephone companies, as
11 well as the general public in this state, that you do
12 have hearings, evidentiary hearings.

13 Because, for instance, I am receiving information
14 from one end of the state to the other. From one
15 section of the state I hear one thing. From another
16 section of the state I hear something else. And
17 I think one of the problems that we are confronted here
18 with today is the fact that it has been so, it's so
19 complex an issue when you get into it, and it's so
20 convoluted to the point where now people are becoming
21 emotional. They feel they are not being told the
22 entire truth.

23 It's kind of like a game. I think now is the time
24 for us to lay all of the cards on the table and let the
25 Public Service Commission be the judge, and let us move

1 at that point forward once the decision is made.

2 For instance, there are questions from police
3 chiefs as to what the costs are going to be. Some
4 chiefs are of the opinion, and apparently have been
5 told, that it's not going to cost anything to implement
6 Caller ID, and the blocking and all of the services
7 that will be provided.

8 On the other hand I have documented evidence in my
9 files at the office showing the breakdown of what the
10 costs are going to be. Well, if the costs are going to
11 be as much for the large departments as some of the
12 smaller departments have indicated to me that their
13 costs are going to be, breaking down the various
14 component elements, then it's going to be a very costly
15 situation. I don't know. But that is one of an
16 innumerable number of questions that must be resolved.

17 So, Mr. Chairman, I would just suggest here today,
18 having been in this state for so long that, that I
19 believe that the Public Service Commission in its
20 wisdom can once and for all bring all of the
21 information together, and that we can then predicate
22 our future actions.

23 Let me just preface one more remark. The
24 futurists in Washington, the people who are
25 prognosticating the future are showing us a very dismal

1 picture for the next ten years. It would appear that
2 law enforcement and the criminal justice system is
3 going to be beset with some of the most horrendous
4 problems in the history of our nation. They are
5 telling us that we are going to see more advanced
6 technology and more conflict of all kinds in this
7 country and in this state within the next ten to 15
8 years, and that advanced technology is going to come
9 upon us sweeping like an inundating wave.

10 That means that we have got to be doubly careful.
11 I think for the first time in the history of this state
12 you have seen almost a complete unison of law
13 enforcement coming before you and asking you to take
14 this action to hold these hearings to make positively
15 sure that law enforcement is on the right track, that
16 the telephone company is on the right track, so that
17 the general public can be served, and that we can all
18 be protected because of it.

19 I can tell you right now that if we are going to
20 see more change in the next ten years than we have seen
21 in the last 40 years all put together, it's high time
22 that before we just put a stamp of approval on
23 something because it sounds good that we make
24 positively sure that we know what we are doing before
25 we allow it to happen.

1 Thank you, Mr. Chairman.

2 CHAIRMAN WILSON: Thank you, Mr. Booth. Any
3 questions?

4 MR. MILFORD: I would like to give a slightly
5 different perspective from the social service mental
6 health providers' aspect. My name is Bill Milford, and
7 I am the Director of the Florida AIDS HIV Hotline, a
8 social worker and also an employee of A telephone
9 counseling referral service which provides several hot
10 lines serving the state. In addition, I'm also a
11 guardian ad litem, which is a court appointed
12 representative for children in the court.

13 And in regards to those roles, I would like to
14 just make three points and back it up with a little
15 data so I'll be very brief.

16 CHAIRMAN WILSON: Are you speaking in favor of a
17 hearing?

18 MR. MILFORD: In favor of the hearing, yes.

19 CHAIRMAN WILSON: I probably should have done this
20 at the beginning, but I would appreciate it if you all
21 would abbreviate your remarks, because right now we are
22 talking about the hearing, and not the substance.

23 MR. MILFORD: Okay, I'll go to the strongest point
24 regarding the hearing.

25 CHAIRMAN WILSON: All right, if you would do that

1 I would appreciate it.

2 MR. MILFORD: After the last hearing whatever, I
3 sent out 60 surveys to hot lines in the states that
4 already have Caller ID asking them for information
5 regarding how they felt it affects their service and
6 their observations upon it, which I got about, back
7 about a dozen, and of those they said that they felt as
8 if it had little or no effect upon their callers, but
9 they felt as if their callers really did not know about
10 it.

11 And I find that very curious from a hot-line point
12 of view that callers would not be concerned with their
13 anonymity or their own personal identity in calling
14 into a hot line as confidentiality and anonymity are
15 kind of cornerstones of a lot of hot-line work.

16 So in support of the public hearings I would say
17 that this is a very difficult issue for the public to
18 be informed about and to be educated with regards to.

19 An additional point for guardian ad litem, if that
20 is all right. There is risk for mental health
21 professionals who seek to do -- as a guardian ad litem
22 you do your work out of your home, and you are the
23 equivalent of a state social service worker in doing
24 child abuse investigations, so you are often making
25 calls from your home, and I think that the guardian ad

1 litem community, paraprofessionals to the social
2 service organizations would also like to be heard on
3 this issue, and I think they would attend these public
4 hearings.

5 CHAIRMAN WILSON: Okay. Thank you very much.
6 Yes, sir.

7 MR. COHEN: My name is Jeff Cohen. I'm the
8 Associate General Counsel here on behalf of the Florida
9 Medical Association. And with regard to the concerns
10 raised by Mr. Chairman and Commissioners Messersmith, I
11 will not make any substantive statements except to
12 reiterate our support for public hearings.

13 Thank you.

14 CHAIRMAN WILSON: Thank you. I appreciate that.

15 MR. HEFFNER: Commissioner Wilson, my name is
16 David Wayne Heffner. I'm a staff representative of the
17 Florida Police Benevolent Association. The Florida PBA
18 is representative of over 24,000 law enforcement and
19 corrections officers in this state.

20 The FPBA also supports the motions made by the
21 Public Counsel, the FMA and our other law enforcement
22 colleagues here today, that a 120.57 Hearing be
23 convened to discuss and further examine the pluses and
24 minuses associated with Caller ID.

25 We would also urge the Commission that the

1 Commission examine at length whether or not the
2 provision of Caller ID without universal protocol
3 blocking conflicts with the Legislature's intent behind
4 providing a blanket exemption for law enforcement
5 personnel, their families and former law enforcement
6 personnel from the Public Records Act.

7 As you may be aware the Public Records Act
8 exemption results in providing law enforcement officers
9 and their families a degree of privacy so that they
10 have control over who receives personal information
11 regarding them, such as their home telephone number.

12 CHAIRMAN WILSON: Don't you have that control if
13 you don't want anybody to know your number, don't call
14 them?

15 MR. HEFFNER: Well, Commissioner Wilson, if --

16 CHAIRMAN WILSON: I mean technically speaking you
17 have, the person themselves have disclosed their
18 number, have they not?

19 MR. HEFFNER: Commissioner Wilson, we believe that
20 the Legislature has probably, in providing that blanket
21 exemption possibly addressed unknowingly perhaps this
22 issue, and we would urge that the Commission consider
23 this issue in holding a 120.57 Hearing.

24 Thank you very much.

25 CHAIRMAN WILSON: Okay. Thank you. I appreciate

1 you --

2 COMMISSIONER BEARD: What you are saying, if I
3 understand you, is that in theory that is correct. But
4 from a practical standpoint, they inadvertently may not
5 have addressed it?

6 MR. HEFFNER: They may not have. As we are all
7 aware, technology, especially in the telecommunications
8 industry is advancing so rapidly that this may be an
9 issue that is not just a regulatory policy issue, but
10 perhaps a more important overall public policy issue as
11 it regards the health, safety and welfare of not only
12 our members but the law enforcement community as a
13 whole.

14 COMMISSIONER EASLEY: You raise a whole other
15 interesting question, and that is are telephone numbers
16 public record.

17 MR. HEFFNER: It's another issue that may need to
18 be considered, Commissioner Easley.

19 CHAIRMAN WILSON: Thank you.

20 Yes. Were you here to speak?

21 MS. BLAZER: Hi. My name is Stacey Blazer. I'm
22 here from Maryland. I'm here on behalf of victims of
23 telephone harassment. I have formed an organization to
24 help victims and those who care about them and try to
25 bring public awareness that annoying and nuisance calls

1 are not what we call this. I personally call it
2 telephone terrorism.

3 In September of 1987 I started receiving obscene
4 phone calls. And by November the man called me and
5 told me he was going to rape and sodomize me. Excuse
6 me. That night someone broke in my home where I was
7 alone with my two children. Luckily I had a gun, and I
8 called out that I was going to shoot him, and he left.

9 I thought that would be the end of my problems,
10 but the calls continued. And the man would be in my
11 windows. And every time my husband wasn't home he was
12 at my door.

13 I was begging and pleading for help from the
14 police and the phone company. The police said they
15 couldn't do anything unless he did something to me.
16 The phone company wouldn't put a trace on my line
17 because he didn't call me four times a week.

18 So for eight months I was terrorized by this man,
19 vandalizing my home, looking in my windows, calling me
20 and scaring me to death. Finally after eight months my
21 parents got in touch with an official through a friend
22 of theirs, an official in the police department, and
23 only because of that connection would anybody help me.

24 A police officer was put on my case, and he got
25 the phone company to put a trace on my line. But

1 because of their rules the trace could only be on for
2 two weeks. They would get the area from where he was
3 calling but not his number, and then they would take
4 the trace off.

5 So finally almost a year after the whole thing had
6 started, the phone company told me that the trace would
7 be off at five o'clock that night, and that would be my
8 last trace. And God was on my side that day because my
9 weirdo called and we got him. He was arrested and
10 convicted and got sentenced to 18 months probation.

11 During that 18 months he continued to call and
12 harass me. The phone company wouldn't put a trace on
13 my line because they already knew who it was, and the
14 police wouldn't arrest him because there was no proof.
15 So I was in a Catch-22 situation.

16 He continued to vandalize my home. He continued
17 to call me. And on the year anniversary of his arrest,
18 my six-year old son was sitting in my back yard, excuse
19 me, and a man fitting his description fired a shot at
20 him. It killed the bird that was right above my son's
21 head. And then he called me afterwards.

22 They still did nothing. He got off probation in
23 February without a criminal record because he was such
24 a good boy.

25 When Caller ID became available in my state, my

1 problems stopped. It was amazing. As soon as the
2 commercials aired, he stopped because he knew I would
3 have proof.

4 I have talked to so many victims. My story is
5 boring compared to some of the horror stories that I
6 hear from across the country, people who are silent
7 victims out there are finally realizing that this is an
8 issue that somebody is willing to listen.

9 Caller ID without blocking is a deterrent because
10 the guy out there, when he decides to reach out and
11 touch someone doesn't know who has it and who does not,
12 and that is why it works. Call Trace is not as
13 effective.

14 I don't want to have to deal with law enforcement
15 again. They are already overburdened. The only way
16 that you can get help through Call Trace is to get the
17 authorities involved, and do you really want to have a
18 teen-age boy arrested because he is embarrassed to talk
19 to your teen-age daughter, and he is hanging up. I
20 mean it's absurd to think that the caller's right to
21 privacy is more important than my right as the
22 recipient. They are intruding into my home and in to
23 my life. And it only takes a couple of seconds to
24 climb into somebody's mind.

25 Up until just a few months ago I wasn't capable of

1 going to the grocery store by myself. Now, because I'm
2 speaking out it has been therapy for me, and I've
3 gotten so many people who are helping me and are in
4 support of what I'm doing.

5 Call Trace also isn't as effective to, when a
6 woman is called and scared to death, the first thing
7 she wants to know is if this guy is watching her. And
8 if I could have just looked down and seen on my box
9 that this guy wasn't next door, it would have done a
10 world of good for me.

11 My Caller ID is my savior. I love my Caller ID.
12 I will not give it up. And I intend to make sure that
13 there are no other victims, and I will fight for Caller
14 ID in every state.

15 Thank you.

16 CHAIRMAN WILSON: Thank you very much. We
17 appreciate it.

18 We are going to break for lunch now and come back
19 at 1:15.

20 (Noon recess)

21 AFTERNOON SESSION

22 CHAIRMAN WILSON: I'm not sure where we were, but
23 we'll pick up here.

24 MR. BROGAN: Yes, sir. Mr. Chairman, my initial
25 question would be you seem to be moving along the lines

1 of questioning the hearing.

2 CHAIRMAN WILSON: Yes.

3 MR. BROGAN: If that is still your line, I would
4 just as soon defer until you clear that matter up and
5 then make my statements later.

6 CHAIRMAN WILSON: Good.

7 MR. BROGAN: That is acceptable?

8 CHAIRMAN WILSON: Absolutely. If people follow
9 suit, as a matter of fact --

10 MR. BROGAN: If that is today, yes.

11 COMMISSIONER GUNTER: If, we are going to run out
12 of time if we hear from everybody that is here. Mr.
13 Chairman, just as a suggestion, it would not be
14 inappropriate to have folks have adoptive, kind of like
15 adoptive testimony, you know, sort of like raise your
16 hand and sign the sheet if you want a hearing, because,
17 you know, it's going to be --

18 COMMISSIONER BEARD: How about in the alternative
19 if we take a few minutes to hear from who doesn't want
20 a hearing?

21 COMMISSIONER GUNTER: Maybe that would be a good
22 thing.

23 COMMISSIONER BEARD: And get that on record,
24 because I think we've got a line up right now that do
25 want one.

1 COMMISSIONER EASLEY: Well, how many, could I ask
2 this question, how many more people have we got that
3 want to speak? Maybe that would -- ahhh, okay.

4 CHAIRMAN WILSON: How many of those that want to
5 speak are in favor of a hearing. One?

6 UNIDENTIFIED SPEAKER: I couldn't hear you.

7 CHAIRMAN WILSON: How many of those who have come
8 and would like like to speak are in favor of us holding
9 a hearing, not today, but a hearing at a later date on
10 this issue about Caller ID. One. I guess the only
11 people we have left are the ones who don't a hearing.

12 COMMISSIONER GUNTER: The ones who don't want the
13 hearing.

14 CHAIRMAN WILSON: All right, let's move then. And
15 if you will make your comments as brief as possible,
16 because we do have other business to discuss today.

17 MR. BROGAN: Yes, sir. Thank you, Mr. Chairman.

18 CHAIRMAN WILSON: You are about, you are concerned
19 with the hearing. You are not concerned with the
20 hearing?

21 MR. BROGAN: Well, promptness thereof I suppose is
22 the way to answer that question. I'll make my remarks
23 very brief, if I might.

24 CHAIRMAN WILSON: All right.

25 MR. BROGAN: I have addressed the Commission

1 before in February. And I will not belabor any of
2 these points, but I think it's necessary to point
3 out that, as the gentleman from Miami, I feel very
4 strongly about this particular issue, and I have
5 traveled a great distance at my own expense because I
6 do feel that this particular question bears close
7 scrutiny.

8 I am Frank Brogan. I am the Superintendent of
9 Schools for the Martin County School system.

10 I first want to commend you on your cafeteria
11 food. That comes from a gentleman who eats in
12 cafeterias daily. It wasn't all that bad.

13 Ladies and gentlemen, I first want to make mention
14 of the fact that I empathize with our allies in the law
15 enforcement field. We in the school systems across the
16 State of Florida work very closely with the people in
17 law enforcement, and I certainly would like to make
18 sure that those people are comfortable with Caller ID
19 once it is implemented.

20 But I'm speaking to you today as a gentleman who
21 is also entrusted with the health and welfare of 12,000
22 young people who are unable to be here today to speak
23 for themselves. And I feel it necessary to point out
24 that the question of a hearing, although essential, I
25 believe bears some promptness.

1 We are looking at a situation across the State of
2 Florida where we face numerous bomb threats in our
3 school system. Martin County school system, for
4 example, has had 12 just this current year. Now, 12
5 may not sound like a great deal of bomb threats, but if
6 you put it in its proper perspective that involves over
7 10,000 students being moved in an emergency situation
8 and hundreds of employees.

9 We are looking at three major factors in
10 connection with bomb threats. One is the physical
11 danger in which we find our students whenever we are
12 moving them or evacuating them in an emergency
13 situation.

14 Two is the emotional dilemma which our students
15 find themselves placed in, and their families, and
16 their teachers and administrators whenever there is the
17 fear or danger of a bomb threat.

18 And then three, as I have spoken to you before, is
19 the tremendous loss of educational time that comes due
20 to a bomb threat. In Martin County we take bomb
21 threats with all seriousness. That may differ from
22 county to county. But I can tell you quite honestly
23 that whenever there is a bomb threat phoned in to one
24 of our schools in Martin County it is acted upon as
25 though it were a real imminent danger to the students

1 in that facility and they are evacuated from that
2 facility until that school is deemed safe by the
3 appropriate authorities.

4 Now, as I mentioned, whenever you are moving large
5 numbers of students in a situation such as that,
6 whenever you are placing people in a traumatic
7 situation that surrounds such movement, it become
8 increasingly different to regain or recapture the
9 attention of those students once you have reoccupied
10 that particular facility. And that in itself expands
11 the tremendous loss of educational time.

12 As I mentioned, I have talked to you before, and I
13 hope to keep this brief and just let you know how
14 strongly I feel and many of the superintendents across
15 the State of Florida feel about one of the problems
16 that we face as the chief educational officers in our
17 communities; that we must protect the health and
18 welfare of those students.

19 You know the array of problems that we face in
20 education each and every day. And if we can chip away
21 at those problems that continue to erode that
22 educational process one at a time, we are going to turn
23 out a better educational product.

24 We feel that before we can educate, we must
25 provide a safe environment for our students. And we

1 feel that Caller ID, even though you obviously have
2 tremendous dilemma to wrestle with as far as privacy is
3 concerned, would provide a major impact immediately on
4 a dilemma that we face on a regular basis, which is the
5 bomb threat.

6 And that's why I call for you, if in fact you are
7 going to have a hearing, and I believe that seems to be
8 the move of the Commission, that such a hearing be held
9 in an expedient fashion so that when we start the next
10 school year in Martin County and in the other 66 school
11 systems across the State of Florida, we can start that
12 school year knowing that one of the major problems that
13 we are facing has been eradicated.

14 Thanks for your kind attention.

15 CHAIRMAN WILSON: Thank you very much.

16 MS. MOREAU: Thank you, I'm Ann Moreau with the
17 Department of General Services, Division of
18 Communications. And I did intend to read the policy
19 that our division has drafted on Caller ID and the
20 desire for blocking, but we would just like to say we
21 would like to have a hearing on this issue and we would
22 participate.

23 CHAIRMAN WILSON: Thank you very much.

24 MS. MOREAU: Thank you.

25 MR. LUDWIG: I'm Warren Ludwig. I'm a private

1 citizen. No titles. Don't represent anybody but
2 myself. An awful lot of people are here with
3 impressive organizations, and they all want a hearing.
4 I say you've got all the people right here and now that
5 can answer any question you want in any fashion, any
6 style, to any degree of technical expertise, and I say
7 get it over with, get it done. Let's get this Caller
8 ID issue settled.

9 And if I have an opportunity to speak, I would
10 like to, because I came here from Orlando to.

11 CHAIRMAN WILSON: Are you in favor of Caller ID?

12 MR. LUDWIG: I am in favor of Caller ID.

13 CHAIRMAN WILSON: With or without blocking.

14 MR. LUDWIG: I think that law enforcement agencies
15 should have blocking available to them, and that's it.
16 Everybody else would have to take the risks.

17 CHAIRMAN WILSON: Any questions, Commissioners?

18 Thank you, sir, appreciate it. Yes.

19 MR. FLYNN: Mr. Chairman, Members of the
20 Commission, my name is Joseph A. Flynn. I'm the
21 immediately past deputy superintendent of the New
22 Jersey State Police, a position I held for five years
23 until my retirement on March 1st of this year.

24 During my state police career, which spanned 31
25 years, the majority was spent in the investigative

1 area, 12 years assigned to the narcotic bureau. The
2 New Jersey State Police have been a proponent of Caller
3 ID without blocking as the service is currently offered
4 in New Jersey since the beginning of the public
5 discussion on the subject.

6 Following New Jersey, Bell's initial trial of the
7 service, Colonel Clinton L. Pigano (phonetic),
8 Superintendent of the State Police at the time appeared
9 before the New Jersey Board of Public Utilities urging
10 approval of Caller ID on a statewide basis.

11 The purpose of my testimony is to share with you
12 the reason why I believe that Caller ID is a valuable
13 service which directly benefits law enforcement as well
14 as the citizens who suffer various forms of harassment
15 and abuse over the telephone.

16 I also want to explain why blocking requirements
17 would limit the effectiveness of Caller ID for both law
18 enforcement and the general public.

19 Finally, I hope to diffuse the apparent belief by
20 some that Caller ID without blocking might jeopardize
21 undercover police activities. My comments concerning
22 undercover work are based upon personal experience in
23 all phases of undercover activity, including, for
24 example, investigation of drug trafficking, organized
25 crime and domestic terrorist organizations. However,

GOMIA AND ASSOCIATES

1 these observations may result from an actual law
2 enforcement experience in a Caller ID environment in
3 New Jersey.

4 Law enforcement agencies in New Jersey where
5 Caller ID has been in use since 1987 at the state,
6 federal and local level have successfully adapted to
7 Caller ID technology, just as they have adapted to
8 other technology changes in the past, and that they
9 will continue to adapt in the future.

10 Caller ID provides the public with added security
11 in their homes and place of business from those who
12 would otherwise seek to use the telephone to annoy,
13 harass, and threaten or intimidate.

14 Telephone threats of violence and other threats of
15 intimidation against our citizens unfortunately are not
16 uncommon. The crank, annoying, harassing and obscene
17 telephone call that citizens must endure at odd hours
18 and on a continuing basis are becoming more and more
19 common.

20 With the widespread availability of Caller ID not
21 only will those persons be discouraged from making such
22 vile telephone calls, but the victim will now be able
23 to successfully address the problems themselves by
24 advising the offensive caller that his telephone number
25 has been identified.

GOMIA AND ASSOCIATES

1 Personal safety is one of those intangible factors
2 that cannot be measured or quantified. The elderly,
3 particularly those living alone in high crime areas now
4 feel insecure in their homes, and Caller ID may provide
5 the needed peace of mind to that segment of society.

6 The police simply cannot be effective as Caller ID
7 in addressing the day-in and day-out burden of
8 harassing calls endured by our citizens. I'm convinced
9 that Caller ID without blocking constitutes an
10 effective turn in these areas. In many instances
11 victims of telephone harassment are not interested in
12 spending time dealing with the telephone company or the
13 police. They just want the calls to stop.

14 Caller ID offers a solution. Yet if blocking were
15 available, the harassing or obscene caller would
16 certainly take advantage of the ability to prevent the
17 telephone number from passing to the called party and a
18 significant public benefit of Caller ID would be
19 diminished.

20 Every police and fire department, large and small
21 receives numerous emergency calls, which includes life-
22 threatening telephone calls requiring immediate action
23 by the respective department. However, because of the
24 traumatic nature of the call the public is generally
25 not trained, and the public is not generally trained to

1 react in crisis situations. The caller may hang up
2 before giving the dispatcher enough information to
3 ensure a speedy response. In other situations due to
4 the severity of the injury or an ongoing attack or
5 confrontation, the victim call may not be completed.
6 In New Jersey Caller ID has been responsible for
7 identifying locations of first aid and fire
8 emergencies, for the successful apprehensions of
9 individuals making false fire alarms, and most
10 importantly in saving lives.

11 In situations involving the telephone bomb threats
12 to schools and businesses, false alarms, kidnaping and
13 residential burglaries, Caller ID serves as an
14 invaluable tool in the investigative process because it
15 provides information instantly. Caller ID dramatically
16 increases the ability of law enforcement to respond and
17 to perhaps apprehend a suspect, or begin an
18 investigation quickly thereby increasing the chances of
19 a successful conclusion.

20 I urge that the Committee reject the suggestions
21 that blocking is required to safeguard police
22 activities. In fact blocking would not serve as an
23 effective safeguard for undercover officers if blocking
24 itself could raise the suspicion of the person to whom
25 the call is placed. The law enforcement groups that

1 got actively involved in undercover operations would
2 tell you that blocking would be the equivalent of
3 sending a target of an undercover investigation a
4 message that the police could be on the line.

5 In summary I believe that blocking requirements
6 would limit the effectiveness of Caller ID for both the
7 law enforcement agencies and the general public. In
8 addition blocking is not the answer to safeguard
9 undercover police operations. On balance, the upsides
10 of this program for the general public and law
11 enforcement, law enforcement, far outweigh its
12 downside.

13 I'm sure that the mutual cooperation of the
14 telephone company and the adjustment of investigative
15 techniques by law enforcement officers will enable any
16 negative impact on undercover investigations to be
17 adequately addressed.

18 Earlier today Mr. Tudor talked about his
19 appearance before the MAGLAKLIN Group (phonetic) in
20 the State of New Jersey where a number of his members
21 apparently had a concern about Caller ID in New Jersey.
22 MAGLAKLIN is a federal risk program, a regional
23 intelligence, a sharing system program. It's a grant,
24 you know, given by the Department of Justice, and that
25 grant for MAGLAKLIN, which stands for Mid-Atlantic and

1 Great Lake area, is administered by the New Jersey
2 State Police.

3 I have attended those meetings in the past. I
4 haven't heard any problems with Caller ID. But there
5 very well may have been at the most recent meeting
6 concerns by members of the MAGLAKLIN Group about
7 Caller ID. And I think, you know, when I do return to
8 New Jersey, I will get in touch with Jerry Lynch, who
9 is the executive director of MAGLAKLIN. I'll get
10 together with those people in New Jersey who may have
11 problems with the Caller ID system, get them together
12 with the telephone, New Jersey Bell and Bell Atlantic
13 and attempt to resolve the problem.

14 I think that the technology continues to increase
15 as was indicated this morning, and technology and law
16 enforcement are going to have to coexist in the future.
17 And I thank you very much.

18 CHAIRMAN WILSON: Thank you. Appreciate your
19 comments.

20 Yes, sir.

21 MR. SCUTTE: Thank you, Mr. Chairman. I'm Chief
22 Scutte of the Westfield, New Jersey Police Department.
23 I just wanted to stop here this morning to let you know
24 that in Westfield we have had Caller ID since January
25 of 1989. And during that period of time we have

1 nothing but positive comments.

2 Many times we run into situations where we have a
3 caller who calls into our dispatch center either
4 excited, nervous, frightened or whatever the case may
5 be. They either give us bad information or wrong
6 information, and it's not on purpose, it's just because
7 of their condition.

8 As a result of Caller ID I could directly
9 attribute three instances within the past year and a
10 half which have saved lives as a result of Caller ID.
11 If you could bear with me for a minute.

12 Back in May of 1989 we had a young woman call
13 saying she was going to commit suicide. Now, our
14 normal procedure is to keep this type of caller on the
15 line to try to deter them.

16 Again in opposition to Call Trace, we could not do
17 that with Call Trace, because in order to trace the
18 call you would have to have the caller hang up first
19 before it can be activated.

20 In this particular instance this young woman
21 called up and said she was going to commit suicide. We
22 tried to talk to her, and she said, "It's too late,"
23 and she hung up. Our officer, as is procedure, saw the
24 telephone number and called her back while the
25 dispatcher was notifying the telephone company so that

1 we could get the correct address. Ironically we did
2 get her. She said, "It's too late," and hung up again.

3 The ironic part about the whole situation is the
4 fact that when we arrived at the home that the
5 telephone was listed at, this young lady was actually a
6 homemaker who was hired by a young couple who lived
7 there. The young couple were walking out their front
8 door and never knew what was going on and asked why we
9 were there. We explained the situation to them, went
10 to this young girl's room. She was unconscious on the
11 floor. As a result she was transported to the hospital
12 and saved.

13 Ironically, it was about two weeks after that
14 incident we received another call from a young couple
15 reporting that their baby was choking. The dispatcher
16 got on the phone. They requested an ambulance, while
17 he was still on the phone, and said everything is okay.
18 The baby had cleared whatever they were choking on.
19 And they hung up the phone without giving us any
20 further information.

21 The dispatcher wanted to make sure everything was
22 all right, had the availability because of Caller ID,
23 the telephone number was there, called back this young
24 couple. Ironically when he called them back they said,
25 "the baby is fine." While they were on the phone the

1 baby started to choke again. And as a result, he was
2 a trained medical technician, he gave them directions
3 on what to do and at the same time we dispatched an
4 ambulance to the scene and fortunately the baby was
5 okay.

6 In June of this year we had an instance where a
7 young lady, again very incoherent called up our desk.
8 He could not understand what she was saying, what was
9 going on. With the use of Caller ID we were able to
10 ascertain where the address was. We dispatched a unit
11 to the home. She was under the influence of either
12 alcohol or drugs and attempting to commit suicide. and
13 another case where we felt that we got there in time
14 and she was taken to the hospital.

15 During our experience in Westfield with Caller ID
16 I have yet to this day to have any citizen from the
17 Town of Westfield call in to my office or report to me
18 that they have had a problem with Caller ID or they
19 felt that it intruded upon their privacy. On the
20 contrary I have people come up to me and congratulate
21 us on this technology.

22 We had an incidence of a, we dubbed her the Ghost
23 Lady, a 92-year old resident, who prior to our Caller
24 ID program, she was receiving annoying telephone calls,
25 and later on we found out what had happened. It was

1 just young kids who were randomly dialing, which is
2 very common with youngsters, got her number, which
3 happened to be a low digit number since she was such an
4 elderly resident in Westfield. And once they received
5 her on the phone, she had a voice impediment because
6 she had an operation on her voice box. So because of
7 her strange voice they dubbed her the Ghost Lady. So
8 the word spread throughout the school system, "if you
9 want to talk to the Ghost Lady, this is the number to
10 call, 0001.

11 She was very upset by it, and naturally she was
12 getting annoyed. We contacted the telephone company in
13 the beginning, and they did set up a trap. Like I
14 said, it was prior to Caller ID. We did get a couple
15 of addresses, but by then it was too widespread.
16 Naturally she didn't want to sign any complaints. We
17 did speak to the juveniles but we had no way of
18 controlling it.

19 Once we received Caller ID, we found out that most
20 of the calls were coming from the surrounding town. As
21 a result with the cooperation of the local police
22 department in that town, the board of education and
23 newspapers, we put a large advertisement in the
24 newspaper. "We know who is calling. We have Caller
25 ID. If it does not cease, we will prosecute." And as

1 a result this woman now has a peaceful night's sleep
2 because the calls have just about stopped.

3 In summation I would also like to say that I'm not
4 only the Chief of Police of Westfield, but I'm also the
5 Fourth Vice-president of our New Jersey Chiefs
6 Association, which has a total membership of over 520
7 police chiefs, on the average of about a hundred, a
8 hundred and 50 per per meeting attend. In our last two
9 meetings we discussed the Caller ID in New Jersey.

10 I have with me for your information, if you would
11 like to see it, a resolution from the New Jersey State
12 Chiefs Association very emphatically endorsing Caller
13 ID and the benefits it has derived for not only the
14 police department, law enforcement in New Jersey, but
15 also for the citizens of New Jersey.

16 Thank you very much for your time.

17 CHAIRMAN WILSON: I think we would like to get a
18 copy of that for our staff.

19 Yes, sir.

20 MR. GONOS: My name is Daniel Gonos. I'm a
21 project manager for Domino's Pizza, Incorporated, Ann
22 Arbor, Michigan. I have a statement that I would like
23 to read. And I will be happy to answer questions
24 afterwards, if you have any.

25 Domino's Pizza, Inc. is a Michigan based

1 corporation, which specializes in the sale of delivered
2 pizza to customers homes and places of business. The
3 corporation presently has approximately 5500 stores
4 located in all 50 states, the District of Columbia and
5 20 foreign countries. This number is currently
6 expanding at the rate of approximately one store per
7 day system wide. At present 375 of these stores are
8 located in the State of Florida.

9 Because Domino's primary thrust is delivery,
10 approximately 80 percent of our business consists of
11 orders for delivery placed to us by telephone. We
12 offer an unconditional guarantee of delivery within 30
13 minutes or refund to the customer a minimum of \$3.00
14 for failure to meet the 30 minute deadline. The
15 business is heavily dependent upon the telephone and
16 accurate telephone number and address information is
17 crucial to meeting the 30-minute delivery commitment.

18 Additionally, because Domino's Pizza is a visible
19 company, our stores and drivers are highly susceptible
20 to fraudulent orders, robbery and even violence.
21 System wide, 462,000 orders were undeliverable last
22 year, accounting for \$4,620,000 in lost revenue to the
23 company. For the first six months of 1990, 52,730
24 orders have been undeliverable in the State of Florida
25 resulting in \$514,113 in lost revenue. Lost revenue,

1 however, while significant, is subordinate to
2 considerations of the security and safety of Domino's
3 Pizza employees.

4 Each year a significant number of Domino's Pizza
5 drivers are victims of robbery. Approximately two
6 thirds of all robberies committed against our drivers
7 are armed robberies where the lives of our drivers are
8 jeopardized.

9 In an overwhelming majority of these security
10 incidents, drivers are set up for robbery through a
11 fraudulent order. If Caller ID or a like service is
12 made available, incidents like these could be virtually
13 eliminated. And in those cases where robbery did take
14 place, valuable information about those responsible
15 could be furnished to authorities in a timely manner.

16 In Northern New Jersey where 14 stores have been
17 equipped with Caller ID on a test basis, undeliverable
18 orders have been reduced by more than 90 percent. No
19 driver robberies have occurred since the feature's
20 installation, despite the fact that these stores are
21 located in an area which is considered to be high
22 security, that is highly susceptible to robbery.

23 Presently in an area where robberies or
24 undeliverable orders are prevalent, stores are forced
25 to call back customers to verify orders since the thief

1 is unlikely to give correct telephone number
2 information when placing a bogus order. This creates
3 an inconvenience for the store and the customer since
4 an extra step is required in the order process, yet is
5 the only effective way to minimize the potentially
6 criminal activity. This also creates a negative
7 customer perception since there is a question in the
8 customer's mind about us questioning his veracity.

9 In such areas Caller ID can enable businesses to
10 enhance service to customers by enabling those placing
11 legitimate orders to receive the product in a more
12 timely, less cumbersome manner, since calls where the
13 telephone number given by the customer matched that
14 appearing on the Caller ID display would readily be
15 accepted as legitimate. In those cases where a match
16 did not exist, the call would be screened more closely.
17 And if a legitimate reason for the difference exists,
18 for instance, an order from the office to be delivered
19 at home, an order from a neighboring address, the
20 customer would still be served. A company is better
21 able to provide quality service while ensuring the
22 welfare of its employees.

23 As for those who argue that Caller ID can be used
24 to red line, that is refuse to service an area based on
25 its telephone exchange, Domino's Pizza believes that

1 this is unlikely. To the contrary, Caller ID provides
2 a means to differentiate valid orders from those which
3 are suspect, enabling the company to once again serve
4 an area which may previously have been judged as too
5 risky to service because of a high rate of robbery or
6 undeliverable orders. Further, telephone exchange is
7 most often a very poor indicator of an area's economic
8 status or safety.

9 For example, in Michigan, the second poorest city
10 in the state shares a telephone exchange with the
11 second wealthiest community in the county. Therefore,
12 we believe that the tendency to use this feature to red
13 line would be minimal as well as ill-advised.

14 As for the issue of preserving the privacy of
15 entities such as undercover police officers, community
16 mental health workers, rape crisis centers, and
17 shelters for battered spouses, identifying information
18 for these subscribers could be excluded on a case-by-
19 case basis, and we support this. However, we believe
20 that the blanket denial of Caller ID information from
21 non-published numbers would neither serve the best
22 interests of customers with non-published numbers nor
23 of those subscribing to Caller ID services.

24 Finally, on the issue of telephone marketing,
25 Caller ID only becomes a source of junk calls for those

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

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

21 In summary, Domino's Pizza, Inc. urges the Florida
22 Public Service Commission to act favorably on Southern
23 Bell Telephone Company's request to offer Caller ID.
24 We believe that the potential benefits to consumers and
25 businesses in increased security, preservation of

1 revenues, and consequently lower prices, far outweighs
2 any perceived compromise to the right to privacy. We
3 further believe that present technology makes available
4 the necessary safeguards to ensure the privacy of
5 individuals who desire or require it.

6 And echoing the gentleman from the school district
7 earlier, I would strongly urge that hearings be
8 conducted as quickly and as expediently as possible so
9 that we can begin using the feature in the State of
10 Florida.

11 Thank you.

12 CHAIRMAN WILSON: Thank you.

13 MR. ADKINS: My name is Jim Adkins. I'm the Fire
14 Chief of the City of Brooksville here in Florida.

15 I'm going to speak in favor of Caller
16 Identification. My department has responded to
17 numerous bomb threats. These bomb threats are mainly
18 in school, during school, either holidays, preschool
19 or whatever, these type of situations. And this
20 creates a cost, not only in my department as a response
21 to these type of calls, but also as the gentleman from
22 the school system has identified as the lost school
23 hours.

24 And these responses create a danger to responding
25 personnel and the general public, as well as tying up

1 needed emergency vehicles. And all of the calls that
2 we responded to last year, and I have 11 of them here,
3 there has been no ability to identify the caller. And
4 this is working with the telephone company and whatever
5 it is. It's just a call comes in to the school
6 district or to a business, hangs up, and it's not
7 traceable or whatever, and there is no way of getting
8 it.

9 And I urge that this Commission take this Caller
10 ID and "expediate" it as fast as you can and get it
11 over with.

12 Thank you.

13 CHAIRMAN WILSON: Thank you sir.

14 Yes, ma'am.

15 MS. COLLVERN: My name is Glenis Collvern from
16 Jacksonville. I would like to offer my views on Caller
17 ID as a private citizen.

18 My background for the past 12 years has been in
19 victim advocacy as an unpaid volunteer. I have worked
20 in advocacy programs with the state attorney's office,
21 the sheriff's office, sexual assault treatment centers,
22 mental health and other related fields.

23 I read about Caller ID in the newspaper and
24 realized how much of an impact it would have on the
25 areas of victimization. To make my point, I would like

1 to share with you two cases that I have been personally
2 involved in, which would have had a different outcome
3 had Caller ID been in effect in our area.

4 The first case addresses the psychological impact
5 that calls can make on a victim. This victim worked at
6 a convenience store a block from her home. A male
7 customer feeling that he had been shortchanged from a
8 purchase waited until the cashier got off of work and
9 followed her home. He broke in to her apartment and
10 proceeded to rape her over a period of several hours.

11 The police were not able to identify or apprehend
12 him at that time. The victim was hospitalized for a
13 week because of her injuries and unable to return to
14 work. The perpetrator started calling her and
15 described in great detail what he was going to do next.
16 She was supported by both the state attorney and the
17 sheriffs victim advocate programs, and received ongoing
18 counseling. The police stepped up surveillance of the
19 area.

20 She also had volunteer advocates stay with her
21 during her recovery. I was one of those advocates.
22 Additional threatening phone calls were received and
23 recorded by those of us staying with her. Several
24 weeks after the first incident when she was alone he
25 broke in and raped her again. This time he was

1 apprehended and sent to jail.

2 In the following two months she recovered from the
3 attack and returned to work. She was at peace knowing
4 that he was in incarcerated and could no longer harm
5 her. He then started calling her from prison saying
6 that he was free. The sheriffs office verified to us
7 that he was still in jail.

8 His phone privileges were revoked for 30 days. At
9 the end of his phone suspension, the calls started
10 again.

11 At this time we explored the alternatives that
12 would have given her control over her phone line.
13 Change her number. She was encouraged to change her
14 number, however, she also operated as a beauty care
15 consultant from her home, and she felt her number was
16 listed with too many clients to change.

17 Answer machine. She still would have heard the
18 message that he intend to continue his attacks, and she
19 would not have been able to identify where he was
20 coming from.

21 Call Trace. We knew where he was coming from
22 because we believed our sources as being accurate, that
23 he was indeed still incarcerated. The victim, however,
24 still would not have been given proof, such as Caller
25 ID would have provided, that the number originated from

1 prison.

2 Call block. Call block had been requested, but
3 had not been implemented because prison officials were
4 slow cooperating in this case. He was not considered
5 an immediate threat to her, and the situation was not
6 considered a priority.

7 Their solution was to review his phone complaint
8 and then decide if his privileges would again be
9 suspended.

10 Her frustration grew with the system that was
11 supposed to assist her. She no longer believed that he
12 was in jail and didn't trust law enforcement officials.
13 Her reality was that he was free and an immediate
14 danger to her. She committed suicide.

15 Had she had Caller ID we would have identified
16 those calls as coming from the jail, and she would have
17 known that she was in no physical danger. Keep in mind
18 that this woman was a normal, sane and functioning
19 individual prior to the attack. Her reality had
20 shifted from a controlled person to a brutally
21 terrorized victim. It is not unusual for a victim of a
22 personal crime to distrust the authorities.

23 The key to keeping a victim stable and later able
24 to testify is to give them some control over the
25 threat, real or imagined. None of the currently

1 available services would have given the victim proof of
2 where the call had originated.

3 I would like to emphasize at this time that
4 although the conditions of this case may appear
5 singular, and not patterned behavior, it is just one of
6 many cases that I have dealt with that I believe Caller
7 ID would have positively affected the outcome. You
8 must be willing to recognize that victim witness
9 programs see many levels of abuse, many phone related.
10 The problems, although varying in intensity are
11 widespread and touch each and every one of us at some
12 point in our lives.

13 Don't be overly concerned with the privacy of the
14 individual placing the call. The emphasis should be on
15 the rights of the person, especially the person in his
16 own home who is receiving the call.

17 The second case addresses immediate physical
18 danger. A woman working in a political office started
19 receiving threatening calls from a caller because her
20 screened -- because she screened her bosses calls as
21 per his order. The caller after learning the
22 secretary's name started calling her both at work and
23 at home harassing her over a period of several days.
24 He called her at three o'clock one morning and said
25 that he was on his way over to harm her. She grabbed a

1 few things and ran out of her house to her car. What
2 she did not know was that he had phoned from an area
3 corner pay phone. He had already positioned himself in
4 her car and attempted to strangle her with her seat
5 belt. She escaped. However, he is still at large.

6 Had she had Caller ID she could have identified
7 the call as having come from the immediate area, and
8 she would not have put herself in physical jeopardy by
9 leaving the relative safety of her home. Using
10 reasonable caution her approach to this problem, had
11 Caller ID already been on-line, would have been to
12 identify the public access phones in her immediate area
13 when the problem started.

14 Call Trace would not have addressed this problem
15 because the system by which Call Trace operates does
16 not allow for immediate response to a physically
17 threatening situation as perceived by the victim.

18 Annoyance calls are sent to the phone company
19 security, and then referred to the police, if there is
20 a repeated violation. It is unlikely that a personal
21 phone threat would have been considered an emergency or
22 priority, especially during peak police response hours.
23 The response time would have been considerable,
24 especially to a victim who is in distress.

25 By giving the victim control of the incoming phone

1 number, he or she could make a logical and reasonable
2 decision on how to act on the problem.

3 Call block would not have blocked this number
4 because it would not have been on a pre-selected target
5 list of numbers to be identified to be blocked.

6 Call Return would have sent her back to the phone
7 booth with him answering or no one answering. It would
8 not have identified where the call came from.

9 If she used an answer machine, she still would
10 have heard the message of the threat and would have
11 responded the same way with the limited amount of
12 information available to her.

13 The last option is simply to take the phone off
14 the hook until the offender either acted on his threat,
15 got caught or lost interest. The reality of this last
16 scenario is that this could go on for months or years.
17 Having a phone inoperable is not an acceptable
18 solution.

19 An important issue to consider is this, many
20 people when they think of police duties are under the
21 impression that the police are there to protect the
22 individual and their rights. This is not true. The
23 police are there to protect the general public.
24 Consequently you must allow the victim or the
25 prospective victim some latitude in protecting

1 themselves.

2 A Washington D.C. District Court ruling states
3 that it is not the job of the police to protect you,
4 the individual. Their job is to find the perpetrator
5 of the crime and collect evidence where possible. They
6 often have an active prevention program for the
7 community. But they are mostly an after-the-fact
8 agency. If you are lucky they will be there when you
9 need them. Most of us, however, must deal with the
10 situation as it occurs with whatever information we
11 have available to us at that moment.

12 Caller ID is critical in this area and in
13 obtaining privacy rights.

14 One final note. As a victim advocate I make most
15 of my calls from my home because many victims cannot or
16 will not discuss their case while in their work place.
17 I have heard of the opposition using this as a reason
18 for having call block so they may keep their number
19 unknown. They must be mindful that they do not speak
20 for all people who work in this field. My evening
21 calls are to the victims who I freely give my number to
22 so they can reach me in a time of crisis. I want them
23 to call me. I need them to call me. I would never
24 consider calling from an unsecured environment now or
25 with Caller ID. For those calls which are delicate in

1 nature I will gladly go to a pay phone or arrange for a
2 secured line.

3 I urge you to consider Caller ID without blocking.
4 Thank you.

5 CHAIRMAN WILSON: Thank you.

6 COMMISSIONER MESSERSMITH: Do you support a public
7 hearing?

8 MS. COLLVERN: Yes.

9 CHAIRMAN WILSON: Yes, sir.

10 MR. McCUTCHEON: My name is Charlie McCutcheon.
11 I'm the undersheriff in Palm Beach County. I'll make
12 my remarks brief.

13 COMMISSIONER MESSERSMITH: Let's question this
14 guy.

15 CHAIRMAN WILSON: You don't want him him under
16 oath to answer any questions, do you?

17 COMMISSIONER GUNTER: Swear him in.

18 MR. McCUTCHEON: Being in local law enforcement,
19 you can imagine being the recipient of many complaints
20 from the public as this young lady is talking about,
21 and I know what we have done traditionally with this,
22 we've played ping-pong with them and shuttled them back
23 and forth between law enforcement and the telephone
24 company. Obviously it hasn't actually acted as a
25 deterrent at all. So I'm in favor of Caller ID.

1 I did check with our narcotics division. They
2 didn't seem to have any problem with the Caller ID
3 system. But maybe they just aren't well-read enough.
4 So I would hope that the problem between law
5 enforcement and the phone company can get straightened
6 out because certainly I would be the last one to ever
7 want to put an officer's safety in jeopardy or anything
8 like that.

9 A public hearing is fine. I have been to two of
10 them. I think if we are going to have a public
11 hearing, we better structure it to try to get to the
12 meat of the matter, and the problem seems to be between
13 some special interest groups and the phone company. So
14 whether a public hearing is going to remedy that or
15 not, I don't know.

16 I would hope that maybe some strong guidance from
17 the Commission directing these people to get together
18 and get the problem worked out would --

19 CHAIRMAN WILSON: I'll tell you quite frankly, we
20 tried that. One of the reason we suggested that some
21 of the law enforcement people put together a committee
22 and discuss with the telephone company some
23 accommodation to their special interests would have
24 been a rational and reasonable reason way to work out
25 some the concerns. That did not meet with success, and

1 so I think one of the reasons we are looking at having
2 a public hearing is that that process having failed,
3 the Commission will listen to the substance of those
4 concerns, and we will make the decision about what
5 accommodations will be reasonable and necessary since
6 the parties themselves can't do that.

7 COMMISSIONER GUNTER: Amen.

8 COMMISSIONER MESSERSMITH: And, Chief, what may
9 come, if this Commission votes for a public hearing,
10 and those are conducted around the state, the parties
11 involved will begin to get an earful of what the
12 general public thinks about it, and they may well reach
13 a settlement between them to keep it from going
14 necessarily to a climax like that. Although I don't
15 know if once you --

16 Let me ask something, once you start something
17 here do they have to carry it through or --

18 CHAIRMAN WILSON: Once we decide to take this to
19 an evidentiary hearing we are going to make the
20 decision.

21 MR. McCUTCHEON: Thank you for your time. If you
22 want any background on your newest member please
23 contact me.

24 COMMISSIONER MESSERSMITH: Can we talk?

25 COMMISSIONER EASLEY: He already made me promise

1 not to tell, Chief.

2 CHAIRMAN WILSON: Yes, sir.

3 MR. KERLIKOWSKI: My name is Gil Kerlikowski. I'm
4 the chief of police in Fort Pierce, also the vice-
5 president of the Treasure Coast Police Chiefs and
6 Sheriffs Association. Our group consists of the chiefs
7 and sheriffs in the four-county Treasure Coast area.

8 We in June passed a motion of limited support for
9 Caller ID, local law enforcement, our group, sees a
10 number of benefits to law enforcement, but we certainly
11 want to ensure that adequate protections and
12 restrictions are in place for undercover operatives.

13 Thank you.

14 CHAIRMAN WILSON: Thank you.

15 Yes, sir.

16 MR. CROWDER: My name is Robert Crowder. I'm the
17 undersheriff for St. Lucie County. Fort Pierce is the
18 County seat.

19 I would preface my comments by saying that I speak
20 only for our agency. I would not attempt to speak for
21 the other chiefs or sheriffs. When the advent of
22 Caller ID was presented to us, we were very concerned
23 as to how it may affect our investigations, and we
24 expressed these concerns to Southern Bell and their
25 representatives.

1 There has been some talk that Southern Bell has
2 not been receptive to law enforcement. I must say in
3 our area they have been extremely receptive. We've had
4 a very good working relationship with Southern Bell for
5 many years. They have assisted us with a number of
6 investigations, and they seem to have sincere sympathy
7 for our needs and our problems as may be posed by
8 Caller ID.

9 They have several options which are available to
10 us to work around Caller ID without having to have
11 blocking. Our special investigations unit people were
12 sent to Fort Lauderdale to see this equipment and to be
13 presented with these alternatives, and their report
14 back to myself and the sheriff was that although there
15 would be some inconveniences, they would be minor
16 inconveniences, and they felt that they could
17 successfully work around it without jeopardizing their
18 investigations, and they felt that the benefit of
19 Caller ID would outweigh these inconveniences.

20 Basically those are my comments and --

21 CHAIRMAN WILSON: Thank you. We appreciate you
22 coming.

23 Yes, sir.

24 MR. LINDQUIST: My name is Barry Lindquist. I'm
25 the commander in the police department of Pompano

1 Beach. I'm in charge of the investigations division.

2 Law enforcement, I am personally concerned that
3 maybe law enforcement is getting a little bit of a
4 black eye, that we are waiving a flag that we don't
5 want Caller ID, and personally, like I say that may be
6 the farthest thing from the truth. I do have concerns
7 that some of my people in doing our investigations
8 would be at risk, and it's not only in narcotics-type
9 investigations.

10 And I am just going to, a real short story. We
11 had an armed kidnaping investigation that we conducted
12 where a, the victim was taken by force at gun point,
13 was severely beaten, had a pistol held at his head,
14 clicked numerous times. He called his family. "I need
15 \$10,000. I need it now."

16 And the family really didn't know what to do.
17 They ended up coming to us. The subjects had a pager
18 and that was the main means of communicating with them.
19 We asked them to page them, give them our number, that
20 we could use on a hello line at the police department.
21 As soon as they realized that it was the family member
22 calling, they hung up. We were able with the
23 assistance of the phone company with that one limited
24 call to be able to work further with the investigation,
25 and we were able to apprehend the subjects and get the

1 victim out.

2 If there was the Caller ID option in this
3 particular case I would venture to say that maybe the
4 subjects never would have even picked up the phone.
5 Now, there is two sides to the story, and I am urging
6 you to please look at it carefully and please let us
7 proceed with some more hearings so that you have all
8 the information involved.

9 CHAIRMAN WILSON: Thank you.

10 Yes, sir.

11 MR. WITT: My name is Richard Witt, and I'm the
12 Chief of Police of Hollywood, Florida.

13 I must agree with Commander Lindquist in that
14 there are at least two sides to this story. I suspect
15 that there are many more than two sides. As a police
16 administrator I can certainly see the salutary effect
17 of Caller ID. And as a police administrator I
18 certainly want the opportunity to apply that salutary
19 effect.

20 I don't think that there is a police administrator
21 in this state who, given the opportunity to quickly and
22 readily identify the number of the people at the other
23 end, wouldn't accept that ability. On the other hand,
24 we are absolutely concerned with the continued security
25 of our undercover agents.

GOMIA AND ASSOCIATES

1 So we have an ambivalence. We come before you,
2 many of us, and we are trying to find the solution to
3 something that I, and I can only speak for myself in
4 this case, am absolutely certain is not insoluble.

5 There are committees that have been working. In
6 the period of time that they have been working
7 together, they have certainly lost communication with
8 any one another. It has now deteriorated in those
9 events that I have been present at to a clash of wills
10 and personalities.

11 It is certainly time for you, as someone earlier
12 had recommended, to take control, conduct an
13 evidentiary hearing, allow each side to express
14 themselves in a civil, rational manner, and let's
15 discover all of the elements and allow those of us in
16 law enforcement to make the best options, not only for
17 ourselves, but the public at large that we represent.

18 Thank you.

19 CHAIRMAN WILSON: Thank you, sir.

20 Yes, sir.

21 MR. RICHARDSON: Mr. Chairman, my name is Richard
22 Richardson. I'm with the Federal Bureau of
23 Investigation in Miami, Florida.

24 I have also been a member of the Committee
25 discussing these matters with Southern Bell. We have,

1 maybe South Florida is a little bit unique in its
2 position, but we also have all, every day, the
3 undercover agents, the informants, contacting subjects,
4 narcotics investigations. We buy Stinger Missiles,
5 weapons, and you name it.

6 And the Caller ID as I stands right now is an
7 obstacle to certain forms of these investigations, and
8 we are very frightened that it will endanger the life
9 of our agents working in the field. And we obviously
10 would like more hearings, and if we can get back
11 together with the specifics of the deal, to see if
12 Caller ID or whatever, if we really need it at all.

13 CHAIRMAN WILSON: Well, I think, I appreciate you
14 saying that. I think the concerns that you have are
15 the same ones that we have, and I think they are very
16 legitimate ones. And we are going to be addressing
17 those. Once we get the facts we will go from there.

18 Ready to hear from the Company at long last.

19 MR. ANTHONY: I do this with some trepidation.
20 Hank Anthony on behalf of Southern Bell.

21 I do not intend to argue the merits of Caller ID
22 today. I'm simply going to address the matter of the
23 hearings and try to keep my comments brief.

24 Southern Bell believes that Caller ID is a
25 valuable service. By the same token Southern Bell has

1 absolutely no desire to endanger any law enforcement
2 official. I think we have made that position clear
3 throughout these proceedings. And I just want to
4 reiterate that for everyone who is in the room today.

5 As a consequence of those desires to keep the law
6 enforcement safe we have met extensively,
7 representatives of Southern Bell have met extensively
8 with representatives of law enforcement and have tried
9 to reach an accommodation of the law enforcement
10 representatives' concerns. Unfortunately we have not
11 been able to do that. We think we have made some
12 reasonable offers. They disagree about what is
13 reasonable and not. And so we have been unable to
14 reach an agreement.

15 The public, however, as you have heard today has
16 expressed great interest in the service. Not only
17 interest but expressed a need for the service in a
18 number of instances. I won't repeat all of that
19 testimony, but you have heard it here today.

20 This matter has been pending for approximately
21 eight months now. This is the fourth agenda at which
22 the matter has been brought to you to be considered.
23 It's only recently that hearings have been requested.

24 Southern Bell filed a motion in opposition to
25 those requests for hearings. I'm going to withdraw

1 that opposition and agree that in light of the concerns
2 that hearings are probably appropriate, but I would
3 ask, as other people have, that in light of the
4 interest in the service, and in light of the need for
5 this service that we hold those hearings as
6 expeditiously as possible, not push them off if we can
7 until next year sometime, but try to resolve the
8 concerns and differences and allow us to offer this
9 valuable service to the public.

10 And I believe Mr. Lombardo has just one or two
11 comments.

12 MR. LOMBARDO: I'm Tony Lombardo from Southern
13 Bell, and I will be very, very brief. I'm not going to
14 argue the merits either on one side or the other.
15 You've heard all of that today.

16 I do want to just take a couple of minutes on an
17 issue that I think is very, very important, because I
18 want to dispel an image. Earlier today you heard
19 someone speak about Southern Bell double speaking,
20 distorting the facts, being in an adversarial position
21 to the law enforcement community.

22 As to the double speaking and to the distortion,
23 if that perception ever existed in anyone's mind, I
24 apologize for it for Southern Bell. I know that was
25 never intended, and I know that, I know the example

1 that was used, that were never the intent on the
2 individual's part that said that.

3 As far as the adversarial position, there is no
4 adversarial position that exists between Southern Bell
5 and law enforcement officials. We have been in our
6 communities together, working shoulder to shoulder
7 before Caller ID ever came to the fore, and will be
8 together shoulder to shoulder after Caller ID goes its
9 way working for the betterment of our communities.

10 We've spent, I personally have spent dozens of
11 hours of my own personal time, and I can multiply my
12 time probably by 50 within Southern Bell trying to come
13 up with solutions to work out the obstacles that
14 continue to exist between Southern Bell and the law
15 enforcement community.

16 They are honest differences of opinion. I think
17 you have seen today that there are even honest
18 differences of opinion between members of the law
19 enforcement community. And whether you realize it or
20 not, there are even honest differences of opinion
21 within the Southern Bell Telephone Company on this
22 particular issue.

23 The point, the bottom line is that we are going to
24 continue to try to work out -- I am ready to meet at
25 any time with any law enforcement group to be able to

1 resolve these differences.

2 I now support the, we now support the, the public
3 hearings because I think we are up against an
4 immovable object as to what they want versus what we
5 think is the appropriate manner of providing Caller ID.
6 I think perhaps your wisdom may help us overcome that.

7 And thank you very much for your time.

8 CHAIRMAN WILSON: Thank you. Mr. Lombardo.

9 COMMISSIONER EASLEY: I move staff recommendation
10 on Issue 1.

11 CHAIRMAN WILSON: On Issue 1, that we do have a
12 public hearing, an evidentiary hearing on this.

13 COMMISSIONER EASLEY: And, Mr. Chairman, I would
14 agree with those who have asked that we do this as
15 soon as possible. I think that we have almost an
16 obligation to get this thing finished as soon as we
17 can.

18 CHAIRMAN WILSON: I agree, and I will get the
19 calendar and try to schedule this as soon as possible.
20 Southern Bell can certainly continue to discuss this
21 with law enforcement, and law enforcement can continue
22 to discuss it with Southern Bell. But I'll tell you,
23 what we are going to do is we are going to hear the
24 evidence in the hearing, and the Commission is going to
25 make the decision, because you all have had your

1 opportunity to try to work this out amicably. It
2 hasn't worked, and so now we are at -- the ball is in
3 our court, and we are going to make the decision.

4 COMMISSIONER MESSERSMITH: For a point, Mr.
5 Chairman, in all the volumes of material that I have
6 been reading about this, somewhere there was a
7 reference to Mr. Sikes and the FCC Brigade, and that
8 enormous agenda that they are trying to deliver in
9 about an October timeframe, is there something
10 involving Caller ID in that, do you know, at the FCC
11 level?

12 MR. LOMBARDO: Not where Sikes, now that I'm aware
13 of where Sikes is involved. I mean the only thing that
14 I'm aware of on, as a major national issue is the Cole
15 Bill, which is being taken up in Congress, but I'm not
16 aware of anything at the FCC.

17 COMMISSIONER MESSERSMITH: Too much input.

18 CHAIRMAN WILSON: All right. Then without
19 objection public hearing on Issue 1. The other issues
20 will be considered in that hearing.
21 (Whereupon, discussion on the above item concluded.)
22
23
24
25

CERTIFICATE OF REPORTER

STATE OF FLORIDA)

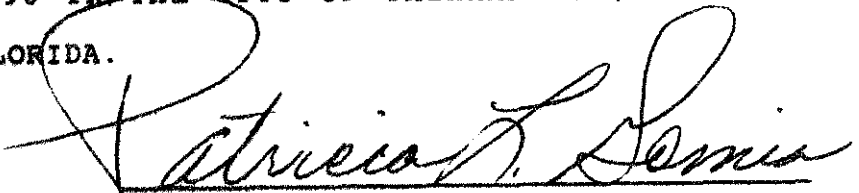
COUNTY OF LEON)

I, PATRICIA L. GOMIA, Registered Professional Reporter, Certified Shorthand Reporter, and Notary Public in and for the State of Florida at Large:

DO HEREBY CERTIFY that the foregoing agenda conference proceedings were taken before me at the time and place therein designated; that my shorthand notes were thereafter reduced to typewriting under my supervision; and the foregoing pages numbered 1 through 102 are a true and correct record of the aforesaid proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor relative or employee of such attorney or counsel, nor financially interested in the foregoing action.

WITNESS MY HAND AND SEAL this, the 27th day of JULY, A. D., 1990 IN THE CITY OF TALLAHASSEE, COUNTY OF LEON, STATE OF FLORIDA.


PATRICIA L. GOMIA
216 West College Avenue
U.S. Post Office, Room 122
Tallahassee, Florida 32301

My Commission expires: June 17, 1994

GOMIA AND ASSOCIATES