

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff filings by	)	DOCKET NO. 891194-TL
SOUTHERN BELL TELEPHONE AND TELEGRAPH	)	
COMPANY clarifying when a non	)	ORDER NO. 22397
published number can be disclosed and	)	
introducing Caller ID to TouchStar	)	ISSUED: 1-10-90
Service	)	
	)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
 THOMAS M. BEARD  
 BETTY EASLEY  
 GERALD L. GUNTER  
 JOHN T. HERNDON

ORDER DENYING TARIFF FILINGS

BY THE COMMISSION:

By Order No. 13505, issued July 10, 1984, we approved a tariff filing by Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) to introduce its TouchStar service on a two-year trial basis in the Orlando exchange. Subsequently, the trial was extended for a third year by Order No. 16378, issued July 18, 1986. One of the features offered during this trial period was Call Monitor, now named Caller ID, a feature whereby a caller's telephone number was displayed to the called party after the first ring. The usage sensitive rate structure of Call Monitor, coupled with the difficulty in obtaining the required customer premises equipment (CPE), restricted the Call Monitor service to only a few subscribers.

By Order No. 19881, issued August 25, 1988, we approved Southern Bell's reintroduction of TouchStar on a permanent basis across its certificated territory. Call Monitor was not included in this offering. Southern Bell indicated that it would further test this particular feature in other states and would gather information from the regional Bell companies' offerings in other parts of the country, before attempting to reintroduce this feature in Florida.

On September 29, 1989, Southern Bell filed two proposed tariff revisions: one adds Caller ID (formerly Call Monitor) to its TouchStar features; the other clarifies the circumstances under which a nonpublished telephone number can be disclosed. At the time of these filings, we had several

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concerns about the appropriateness of these proposals. In response to our concerns, Southern Bell waived the statutory tariff suspension deadline for both filings to allow our staff additional time to research the issues raised by these proposals. We have concluded that Caller ID is in the public interest and should be made available to Southern Bell's subscribers.

Caller ID is a central office-based feature that allows the calling party's number to be forwarded to the terminating address of the call. A display unit is required and is placed in-line, between the jack and the telephone. The terminal device displays the calling party's number to the called party and, depending upon the CPE purchased, stores the time and originating number in a revolving memory that can recall the last twenty five (25) or more numbers. While Southern Bell is restricted from the manufacture and sale of the CPE, the Company has informed us that the necessary equipment is readily available from private vendors at a cost of approximately \$50 to \$80 to an end user.

Caller ID, like all TouchStar features, is dependent upon the new Common Channel Signaling System Seven (CCS7) technology to function. When a call is placed, the originating digits are forwarded to the terminating number's central office. The terminating office completes the call and, upon determining that the customer is a Caller ID subscriber, forwards the originating number after the first ring. The Company's proposed tariff does not allow any originating numbers to be blocked from the terminating address.

Because Caller ID is dependent upon CCS7 to function, it will only forward numbers within and among CCS7-equipped central offices. No long distance numbers or numbers from nonCCS7-equipped central offices will be forwarded at the present time. As CCS7 is implemented throughout the state, more numbers will be available for transmission through Caller ID. Although Southern Bell has no plans to transmit long distance numbers in the immediate future, as technology progresses, long distance transmission of telephone numbers will no doubt occur.

Caller ID has some differences from its predecessor, Call Monitor. Call Monitor did not automatically forward nonpublished numbers. Additionally, during the trial period, the Display Delete feature could be added to allow the originating caller (a TouchStar subscriber) to prevent his

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telephone number from being forwarded. Caller ID, as proposed by Southern Bell, forwards all calls with no blocking by the originating caller allowed.

Southern Bell's costs for Caller ID were developed using a resource cost methodology. These costs include long run incremental costs for the feature, plus an allocated portion of the joint incremental costs associated with TouchStar service. Southern Bell developed a banded rate structure for Caller ID similar to its other TouchStar features, but at a higher rate, due to its higher costs and anticipated market value. The company believes that its proposed rate structure is market-based and will maximize contribution. We agree, as long as Caller ID remains a truly discretionary service. We find Caller ID's engineering, function, rates, and cost methodology all to be appropriate in this filing.

Southern Bell filed another proposed tariff revision concurrently with its Caller ID proposal, to clarify when a nonlisted or nonpublished number may be forwarded. The Company claims it was never its intent to make nonpublished numbers unavailable "to the general public," as the tariff presently reads. We are not sure we could agree with that statement; however, we recognize that the intent of any offering can change over time.

Southern Bell's proposed tariff changes allow a customer to have his telephone number omitted from the directory but available through directory assistance (nonlisted), or to have it unavailable through either source (nonpublished). This is essentially how the service works today, except that before now, the technology has been unavailable to obtain the number in any other fashion. With the availability of Caller ID, this is no longer the case.

We do not believe that wholesale blocking of nonpublished numbers is a viable solution, since this would essentially negate the usefulness of the Caller ID feature. Further, based upon the experiences in other states where Caller ID is already in place, we believe nonpublished subscribers have a strong interest in using Caller ID. We do, however, recognize that this tariff revision results in some loss of privacy on the part of all subscribers. Therefore, we will require Southern Bell to include in its tariff a prohibition against the sale of any nonpublished, nonlisted, or "no sales solicitation" numbers. Southern Bell shall also be required to notify



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subscribers to such numbers of the change in the tariff under which their service is provided.

The privacy issue is also our main concern in the Caller ID tariff. In our view, the question comes down to one of striking a balance. We believe the called party's privacy was a key concern during the infancy of the telephone industry. An operator connected all calls, rang the called party, and announced to the called party who was on the other line. In most cases, this practice continued until traffic volumes increased to the degree where speed became a concern and then, operators increasingly connected calls without announcing the calling party. Finally, with the advent of direct dialing, it was still a common courtesy to announce one's identity upon connection. Over the years, the emphasis seems to have shifted to a certain extent to concern over the privacy of the calling party. Anonymous phone tips, hotlines, etc. are all perceived as "legitimate" cases for calling party anonymity. Society has grown accustomed to the inherent disadvantage of the called party under the present state of technology. Caller ID helps restore the balance. This will undoubtedly change the way each subscriber perceives his telephone and its use. This feature will also make it much more difficult to commit crimes over the telephone. The fear alone of having one's number displayed should significantly reduce the number of attempted harrassing and obscene calls. This has indeed been the case in other states where Caller ID is already in place.

At the same time, we do not believe the legitimate privacy concerns of certain segments of society, such as law enforcement, shelters, and helplines, for example, should be ignored. Therefore, we hereby direct the Company to file a separate tariff providing for optional blocking. The tariff is to be filed in sufficient time to allow for our review prior to February 1, 1990. Our staff will be available to work with the Company in defining the entities to which blocking should be made available, its cost, and other pertinent details.

Finally, because Caller ID is a TouchStar feature, it shall be subject to the same requirements we have imposed upon TouchStar service. The Company shall include Caller ID in any and all reports on TouchStar that are presently required. Additionally, because this feature has a limited history and could be considered controversial, Southern Bell shall be required to file quarterly reports on the status of Caller which include the following information: exchanges in which the feature is offered; number of published and nonpublished subscribers;

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total revenues from the feature; and the number and nature of all complaints regarding the feature. These reports shall be filed for one year from the date of implementation of the tariff. We shall also require Southern Bell to insure that subscribers to Caller ID are informed of all vendors from which the required CPE is available and to include this information in the Company's first quarterly report.

The tariffs presently on file shall be denied. Southern Bell shall refile its tariffs to reflect the requirements stated above, at which time the tariffs shall be approved administratively, effective February 1, 1990.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the two tariff revisions (T-89-506 and T-89-507) filed September 29, 1989, by Southern Bell Telephone and Telegraph Company to clarify when a nonpublished number can be disclosed and to introduce Caller ID to TouchStar service are hereby denied, but upon refiling of the tariffs in accordance with the terms and conditions set forth herein, the tariffs shall be approved administratively, with an effective date of February 1, 1990. It is further

ORDERED that Southern Bell Telephone and Telegraph Company shall file a separate tariff proposal to provide for blocking in accordance with the terms set forth herein. It is further

ORDERED that Southern Bell Telephone and Telegraph Company shall file reports on its Caller ID feature that comply with the terms and requirements set forth herein. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission this 10th day of JANUARY, 1990.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

ABG

by: Kay Helton  
Chief, Bureau of Records

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.