

## 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 nonpublished	)	ORDER NO. 22704
number can be disclosed and introducing	)	
Caller ID to TouchStar Service	)	ISSUED: 3-19-90
	)	

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 REGARDING TARIFF FILINGS

BY THE COMMISSION:

On September 29, 1989, Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed two proposed tariff revisions: one adds Caller ID to its TouchStar features (T-89-507); the other clarifies the circumstances under which a nonpublished telephone number can be disclosed (T-89-506). At the time of these filings, we had several 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.

By Order No. 22397, issued January 10, 1990, we announced our finding that Caller ID was in the public interest and should be made available to Southern Bell's subscribers. February 1, 1990, was set as the effective date for this new service. However, because of our concerns about the legitimate privacy interests of certain segments of society, we directed the Company to file a separate tariff proposal to provide for optional blocking. The blocking tariff was to be filed in sufficient time to allow for our review prior to the February 1, 1990, effective date of the other two tariffs. Southern Bell subsequently made the required tariff filing.

At our January 30, 1990, Agenda Conference, we considered Southern Bell's tariff proposal to provide optional blocking.

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After extensive debate, we determined we would defer our decision on the blocking proposal to our February 20, 1990, Agenda Conference. Additionally, on our own motion, we voted to reconsider our prior decision in Order No. 22397 which would have allowed the other two tariff filings to become effective on February 1, 1990. Instead, we decided that the effective date of those two tariff filings would also be determined at our February 20, 1990, Agenda Conference, in conjunction with our decision on the blocking proposal. The decisions from the January 30th Agenda Conference are reflected in Order No. 22505, issued February 7, 1990.

At our February 20, 1990, Agenda Conference, we determined that Southern Bell shall be required to offer optional blocking of Caller ID service. Customer eligibility for blocking shall be determined by, but not limited to, the following criteria:

1. The customer (agency or individual) should establish that its business is law enforcement or one in which the divulgence of identities over the telephone could cause serious personal or physical harm to its employees or clients, such as a domestic violence intervention agency; and,
2. The customer (agency or individual) should establish that the forwarding of numbers through Caller ID would seriously impair or prevent it from performing its business; and,
3. The customer (agency or individual) should establish that no reasonable offering by the telephone company other than blocking will protect its desired anonymity.

Optional blocking is targeted toward, but not necessarily limited to, federal, state and local law enforcement agencies and domestic violence intervention agencies, as well as the home telephones of staff members of such agencies, where personal safety may be compromised if blocking is not provided. In addition to the three criteria discussed above, the availability of blocking to non-law enforcement personnel will require a certification of need by the individual's employer and an annual renewal of the certification and blocking subscription.

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We believe it is important to emphasize from the outset that personal safety, and not mere inconvenience, is the driving force behind our decision to require any form of Caller ID blocking. It is our intention by this action to establish Caller ID as the norm and blocking as the exception. We recognize, however, that a general policy of unblocked passage of telephone numbers can only be in the public interest if the safety of undercover police officers, abuse victims, and other similarly situated individuals is not compromised.

This blocking service, where established as necessary, shall be offered at the Company's nonrecurring secondary service order charge only, with no recurring charge applied. All customers qualifying for blocking shall have the nonrecurring charge waived during the initial implementation of Caller ID. This waiver shall be in effect for thirty (30) days prior and sixty (60) days subsequent to the effective date of Caller ID. Additionally, those agencies or individuals meeting both criteria number 1 and number 2, but able to be adequately served by an alternative offering, shall be granted an identical waiver period for the nonrecurring charge normally applied to the alternative offering. It should be noted, however, that normal recurring charges shall continue to apply to these alternative offerings, at the tariffed rate for each service ordered. Further, as each new exchange is added, eligible customers in those exchanges shall be granted identical waiver periods. Finally, the Company shall be required to notify its customers of these waiver provisions before Caller ID service begins in each exchange.

During our February 20, 1990, Agenda Conference, a number of concerns were raised by representatives of various law enforcement agencies. We directed Southern Bell to work with these representatives to resolve their concerns over Caller ID and the blocking alternatives, through an informally created task force. The status of this effort is to be addressed in the Company's May 1, 1990, report, as further detailed below. Additionally, we directed Southern Bell and a representative of this informal law enforcement task force to advise the Chairman on a weekly basis as to their progress in resolving these concerns.

We have not yet determined an effective date for the tariffs to implement Caller ID, nor have we yet reached a decision on how blocking will be provided (i.e. blanket or per call basis). We have scheduled these decisions for our June 5.

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1990, Agenda Conference because we do not believe the service should be finalized until Southern Bell has taken reasonable measures to notify and accommodate all agencies and individuals eligible for blocking. Southern Bell shall send a notice in its March, 1990, billing cycle to all its customers. This notice shall first be reviewed by our staff and shall include the following information:

1. A notification of the impending approval of Caller ID service and what the service will do;
2. The criteria for blocking;
3. A Company address for blocking requests; and
4. A postmark deadline of April 30, 1990, for blocking requests.

The Company shall file a report with this Commission on May 1, 1990, outlining its plans to solve the affected agencies' problems and detailing the requests received for blocking, along with any remaining implementation schedules. Additionally, beginning May 1, 1990, the Company shall submit a report on the number on non-law enforcement subscribers to blocking. This second report shall be filed monthly for a total of six (6) months, and then quarterly until further notice.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Southern Bell Telephone and Telegraph Company shall offer optional blocking of Caller ID service, in accordance with the terms and conditions specified herein. It is further

ORDERED that Southern Bell Telephone and Telegraph Company shall provide certain notices to its customers, as set forth herein. It is further

ORDERED that Southern Bell Telephone and Telegraph Company shall file certain reports with this Commission, in accordance with the requirements contained herein. It is further

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ORDERED that Southern Bell Telephone and Telegraph Company shall take all other actions required by this Order. It is further

ORDERED that certain remaining issues in this docket shall be scheduled for determination at our June 5, 1990, Agenda Conference, as specified in the body of this Order. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission  
this 19th day of MARCH, 1990.

  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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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



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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.