

FLORIDA PUBLIC SERVICE COMMISSION  
FLETCHER BUILDING  
101 EAST GAINES STREET  
TALLAHASSEE, FLORIDA 32399-0850

M E M O R A N D U M

FEBRUARY 13, 1990

TO : DIRECTOR OF RECORDS AND REPORTING

FROM : DIVISION OF COMMUNICATIONS [LONG, GREER] *WJG*  
DIVISION OF LEGAL SERVICES [GREEN] *WJG*

RE : DOCKET NO. 891194-TL - PROPOSED TARIFF FILINGS BY SOUTHERN BELL  
TELEPHONE AND TELEGRAPH COMPANY CLARIFYING WHEN A NONPUBLISHED  
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)

AGENDA : FEBRUARY 20, 1990 - CONTROVERSIAL - PARTIES MAY PARTICIPATE -  
DEFERRED FROM JANUARY 30, 1990 AGENDA

PANEL : FULL COMMISSION

CRITICAL DATES: COMMISSION VOTED TARIFF EFFECTIVE DATE: NONE

ISSUE AND RECOMMENDATION SUMMARY

ISSUE 1: Should the Commission require blocking of Caller ID service and, if so, to whom and under what circumstances?

RECOMMENDATION: Yes, the Commission should require some optional blocking of Caller ID service. It should be provided as a "last resort" option in the event alternatives proposed by Southern Bell Telephone and Telegraph Company are not satisfactory to the customer. The criteria used to determine eligibility for this blocking should include but not be limited to all three of the following:

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1. The customer (agency or individual) should establish that its business is law enforcement or one 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 towards (but not necessarily limited to) federal, state, and local law enforcement and domestic violence-type agencies and the home telephones of staff members of such agencies whose personal safety may be compromised if blocking is not provided.

Southern Bell should add these provisions to its Caller ID tariff offering no later than ten (10) days from the date of the vote on this item.

ISSUE 2: What should be the charge for the blocking service proposed in Issue 1?

RECOMMENDATION: The blocking service, if necessary, should be offered at the company's nonrecurring secondary service order charge. No recurring charge should be required. All customers meeting the criteria in Issue 1 should have the opportunity to have the nonrecurring charges waived for blocking, RingMaster, or any other solution that is determined to be appropriate for their needs. This waiver should be effective thirty (30) days

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prior and sixty (60) days subsequent to the effective date of the tariff. As each new exchange is added, eligible customers in those exchanges should also have thirty (30) days prior/sixty (60) days subsequent to the service being turned up to request a solution with no nonrecurring charge. Customers should be notified before the service begins in each new exchange. Recurring charges should apply at the tariffed rate for each service ordered, and nonrecurring charges should apply after the sixty (60) day period.

ISSUE 3: Should the Commission require Southern Bell to submit a report within ninety (90) days of this agenda conference which outlines the alternatives available to customers that receive blocking and do not want the letter "P" delivered to the called party?

RECOMMENDATION: Yes, the Commission should require Southern Bell to submit a report within 90 days of this agenda conference, outlining the options currently available to agencies in lieu of the delivery of the letter "P" to the called party's CPE (i.e. Southern Bell's RingMaster service). In addition, Southern Bell should investigate possible options to the delivery of the letter "P" which are not currently inherent in Southern Bell's existing telephone network (i.e. sending a dummy number instead of the letter "P" from the terminating central office). This report should include a breakdown of the cost to the company and customer for each option, a detailed explanation of how each option will eliminate the delivery of the letter "P" and how long it would take Southern Bell to deploy each option from the initial recognition of a problem with the delivery of the letter "P" to a called party.

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ISSUE 4: What should be the effective date of the proposed tariffs (T-89-506 and T-89-507)?

RECOMMENDATION: The tariffs should not become effective until the company has taken reasonable measures to notify and accommodate all agencies and individuals eligible for blocking. Southern Bell should send a notice in its March billing cycle to all customers. The bill insert should first be reviewed by the Commission staff and should 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 requests.

The company should then file a report to this Commission on March 10, 1990 outlining their plans to solve the affected agencies' problems, then again on May 15, 1990 outlining the requests received for blocking and any remaining implementation schedules. If all worthy requests have been accommodated, the tariffs may be effective on May 20, 1990. If not, then the Commission staff may set an effective date five days subsequent to the last blocking installation from a request received during the March-April comment period.

ALTERNATIVE RECOMMENDATION: The Commission should suspend the effective date until comments from the public are received. The company should send a notice first approved by this Commission's staff in its March billing cycle as

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outlined in Attachment A of this recommendation. The notice should be submitted to staff by February 27, 1990. Comments should be accepted until April 30, 1990. The Commission staff should then compile the results of the comments and report to the Commission these results at the June 5, 1990 agenda. The Commission may then decide if further blocking requirements are necessary, and the effective date of the tariffs.

ISSUE 5: Should this docket be closed?

RECOMMENDATION: No, this docket should remain open until the conclusion of the report cycle outlined in Issue 4.

CASE BACKGROUND

On June 19, 1984, the Commission approved a two-year trial of TouchStar service in Orlando (Docket No. 840139-TL). This experiment was extended for a third year and was completed on May 9, 1988. One of the features offered during this trial was Call Monitor (now called 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 CPE restricted this service to a very few subscribers.

When TouchStar was reimplemented on a permanent basis in August 1988 (Docket No. 880791-TL), Call Monitor was not included. Southern Bell Telephone and Telegraph Company (Southern Bell) indicated that it would further test the feature in other states and gather information from regional Bell companies' offerings in other parts of the country before reintroducing it here.

Southern Bell filed two proposed tariff revisions on September 29, 1989. One added Caller ID to its TouchStar features; the other filing proposed clarifications regarding the divulgence of nonpublished telephone numbers.

Staff had several concerns with the appropriateness of that filing. Among the concerns were the usefulness of the service, its influence on nonpublished subscribers, the privacy concerns, and its compliance with state and federal wiretapping/trap-and-trace laws.

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Some of those concerns were adequately addressed at the December 19, 1989 Agenda Conference. The tariff implementing Caller ID (T-89-507) was approved as filed, effective February 1, 1990. The tariff amending the nonpublished/unlisted telephone number offering (T-89-506) was denied as filed; Southern Bell was directed to amend the filing with a prohibition on the resale of any nonpublished numbers acquired through Caller ID. This tariff filing, if amended, would be approved administratively also effective February 1, 1990.

Only one issue remained for consideration. The appropriateness of blocking certain agencies' numbers and any charge for such blocking was deferred for further consideration before the February 1, 1990 effective date. However, this issue was again deferred at the January 30, 1990 agenda and the effective dates suspended when additional questions were raised concerning the blocking and privacy issues. Staff and the company were directed to seek answers to those questions and return to the Commission on February 20, 1990.

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DISCUSSION OF ISSUES

ISSUE 1: Should the Commission require blocking of Caller ID service and, if so, to whom and under what circumstances?

RECOMMENDATION: Yes, the Commission should require some optional blocking of Caller ID service. It should be provided as a "last resort" option in the event alternatives proposed by Southern Bell Telephone and Telegraph Company are not satisfactory to the customer. The criteria used to determine eligibility for this blocking should include but not be limited to all three of the following:

1. The customer (agency or individual) should establish that its business is law enforcement or one 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 towards (but not necessarily limited to) federal, state, and local law enforcement and domestic violence-type agencies and the home telephones of staff members of such agencies whose personal safety may be compromised if blocking is not provided.

Southern Bell should add these provisions to its Caller ID tariff offering no later than ten (10) days from the date of the vote on this item.



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STAFF ANALYSIS: It is important to note at the outset that personal safety, not mere inconvenience, is the driving force behind staff's support for any Caller ID blocking provision. A general policy of unblocked passage can only be effective if the safety of undercover police, abuse victims/workers and the like is not compromised.

Although the company has presented several alternatives that legitimate entities may use to circumvent the service without the necessity for blocking (such as installing a payphone), staff believes that there may be some instances where such an agency may require some blocking to effectively conduct its business. Two such entities staff believes warrant consideration and the availability of optional blocking are nonprofit, tax-exempt domestic violence intervention agencies and federal, state, and local law enforcement agencies.

Abuse shelters may be unable to maintain communication between an abuse victim and the family without their number being blocked. A woman calling home to check on her children may not desire an abusive husband to know her whereabouts. If a means to make calls from this shelter without divulging enough information to determine the caller's location cannot be provisioned, the shelter's operations are hindered. Southern Bell has indicated that in most cases it will be able to overcome this problem through transferred calls or operator intervention. Staff encourages this approach and believes that if the company and the agency can work an arrangement that will overcome the problem without blocking, such an arrangement should be used. However, if circumstances exist where the company and the agency cannot come to terms on an arrangement without blocking, it should be available to

that agency.

Law enforcement agencies may be hampered in conducting investigations if their number is forwarded. Inquiries to staff by law enforcement agencies have indicated that criminals are sometimes sophisticated enough to determine someone's whereabouts within blocks by analyzing the NXX codes of the telephone numbers and cross-referencing the information with cable pair data stolen from the phone company. If a law enforcement agency is located within that block or blocks, the criminal becomes suspicious.

Staff believes that an arrangement without blocking in this instance is also desirable, if possible. Law enforcement agencies also want to avoid blocking if feasible because a blocked number may also arouse suspicion with the suspect (it should be noted that several kinds of numbers are not forwarded at this time: long distance numbers, numbers out of area, numbers from nonCCS7-equipped offices, cellular calls, etc. However as these numbers become available in the future it will become more important for law enforcement to use unblocked lines of some kind). In these instances, if the company cannot provide one of these customers with a mutually agreed-upon service without blocking, the customer should have the choice of having some or all of its numbers blocked.

Staff arrived at these two classes of customers by establishing three basic criteria for determining a blocking-eligible entity. Although the thrust of the criteria is directed towards "agencies," some individuals (employees of these agencies or witnesses to and victims of crimes, for example) may provide compelling arguments for caller anonymity. However, with

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the widespread availability of RingMaster service, the vast preponderance of these individuals should not satisfy staff criterion #3, and would therefore not receive blocking.

The three criteria used in this determination and their rationale are:

1. The customer (agency or individual) should establish that its business is law enforcement or one 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.

Recent hearings conducted in Pennsylvania resulted in a Pennsylvania Commission order (November 9, 1989 Opinion and Order) that concluded that violence intervention centers, confidential health and social service agencies and other crisis professionals, as well as law enforcement agencies, personnel, informants, witnesses and victims of crime are peculiarly dependent upon the anonymity provided by the present use of the telephone. It found the potential to harm these individuals "clear, credible, convincing and compelling."

The Information Industry Liaison Committee, a branch of the Exchange Carriers Standards Association, also singled out violence intervention and law enforcement agencies as potential justifications for blocking or some other protective measure in a position recommendation to its Non-Technical Working Committee. The committee recognized, although endorsing Caller ID with a minimum of blocking, that these agencies should be separated to mitigate risk

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and assure inaccessibility.

Staff agrees with this position and believes the first step in determining whether an entity should be eligible for Caller ID blocking is that it should be a law enforcement agency conducting covert operations with suspects or any agency where personal injury or danger could result to its employees or clients if anonymity is not maintained.

2. The customer (agency or individual) should establish that the forwarding of numbers would seriously impair or prevent it from performing its business.

The second determinant for blocking eligibility should be the establishment that Caller ID, or in particular the forwarding of the entity's telephone number to the outside world, could seriously curtail its ability to function. For example, an abuse shelter needs the ability for its clients to call their homes anonymously. However, a telephone counseling service or "hot line" which satisfies #1 above, does not need the same ability. It can simply not subscribe to the service, and advertise that it does not.

3. The customer (agency or individual) should establish that no reasonable offering by the telephone company other than blocking will protect its desired anonymity.

This criterion should eliminate most agencies and individuals from eligibility. Staff believes that the availability of RingMaster service constitutes a "reasonable" offering by the local exchange company, as do

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outward-only trunks, payphones, etc. This encourages the company to work with the agency to find a solution without resorting to blocking. If, however, the entity establishes that in its particular case the offerings will not protect its anonymity, it should be allowed to have its calls blocked.

QUESTIONS FROM THE JANUARY 30, 1990 AGENDA CONFERENCE

The Commission posed seven specific questions at the January 30, 1990 Agenda and requested staff and the company to work toward answers and return with updated information. The questions, with their answers in order, are as follows:

(1) What is the status of Caller ID in other states?

Several states have developed or are developing policies regarding Caller ID service. Each state contacted will be discussed below. A summary of actions is as follows:

States with service in effect with no blocking provision: New Jersey, Tennessee, Virginia, Maryland, West Virginia.

States with service in effect with unlimited blocking: New York.

States currently investigating the service (no tariff in effect): Washington, D.C., North Carolina, South Carolina, Pennsylvania.

State legislatures with bills introduced providing unlimited blocking: California (approved and in effect), New York (working on bill now), Virginia, Pennsylvania (HB 1227), Maryland (HB 1232, SB 705), US Senate (SB 2030, Attachment D).

The following is a state-by-state synopsis of major state action regarding Caller ID:

California

The California Assembly passed a law last September requiring free blocking on a per-call basis. The California PUC opposed bill at

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first then chose not to intervene. No Caller ID service is in effect at this time, but the PUC expects a filing "any day now" for Los Angeles and San Francisco.

#### Maryland

Maryland's Caller ID tariff has been in effect since 9-89 with no explicit provision for blocking. It is currently limited to residential and three line or less business customers. No formal investigation is currently underway. The Maryland Assembly has introduced a bill requiring unlimited blocking of the service; however it has not yet gone to committee.

#### New Jersey

New Jersey trialed two areas in 1987 and required 6-month reports from New Jersey Bell (see Attachment B). The service was expanded to permanent statewide status (where SS7 is available) in 1988 and reports are still being filed. As of October 31, 1989, 67,745 TouchStar features have been sold; 27,683 of those features (40.9%) are Caller ID. No explicit blocking provision is included, but the New Jersey State Police stated that NJ Bell was working with their criminal investigations team to provide some blocking if necessary.

The New Jersey commission has received 11 complaints so far: 9 of a general nature, one from law enforcement, and one from a social worker. The status of these complaints is not known.

#### New York

New York has approved a trial in Rochester, and is considering a statewide proposal by NY Tel. Trial requires both unlimited per-call and permanent blocking. The Commission there has not made a final blocking decision.

Some state Assemblymen are considering a bill to require blocking and plan to introduce one if the Commission there does not require it on an unlimited basis.

#### North Carolina

The North Carolina Commission has suspended the Caller ID tariff and initiated an investigation. A bill insert was mailed in December 1989 requesting public comments. Over 2000 responses, an unprecedented amount for any previous proceeding, have been received so far. Approximately 67% of the responses are opposed and 33% in favor of the service. The Attorney General's office is opposed to the service without unlimited blocking. The Police Chief's association is opposed without some form of blocking. The

Commission's Public Staff has not yet formulated a position on the blocking issue.

#### Pennsylvania

In response to complaints filed by the Office of Consumer Advocate (OCA), the ACLU of PA (ACLU), and the PA Coalition Against Domestic Violence (PCADV), the PA PUC suspended the Caller ID tariff and referred the matter to an Administrative Law Judge (ALJ) for a hearing. In his Recommended Decision issued September 22, 1989, the ALJ concluded that Caller ID would violate the PA Wiretap Act, unless per-calling blocking was offered at no cost to all customers. The PA PUC rejected this interpretation in its decision of November 9, 1989, and approved Caller ID, with free per-call blocking provided only to certain type agencies and their employees.

The OCA, ACLU, PCADV, and the Consumer Education and Protective Association of PA filed a Petition for review of the PUC's decision before the PA Commonwealth Court. On December 29, 1989, the Court issued a stay, pending appeal, prohibiting Bell of PA from offering Caller ID to the general public. The various groups that petitioned for review, claim that Caller ID violates PA's wiretap statute. Oral arguments were scheduled to be heard by the Court on February 7, 1990.

#### South Carolina

The South Carolina has set a hearing for March 14, 1990 regarding Caller ID and the blocking issue at the request of the Consumer Advocate's office.

#### Tennessee

The Tennessee PSC approved the tariff on a statewide basis on November 7, 1989. No blocking provision was proposed or required. Only five complaints to date have been received; the status and nature of the complaints is unknown.

#### Texas

The Texas PUC has been informed by Southwestern Bell that it will not attempt to introduce Caller ID anywhere in its territories until the privacy/blocking issues have been resolved.

#### Virginia

Virginia's tariff has been approved since November 1, 1989. No blocking provision was proposed or required. Two dozen or so letters have been received from ACLU-type organizations and police associations. Most of these are negative, but not all. A Senate bill mirroring California's is in committee at this time.

Washington, D.C.

The District of Columbia PSC is investigating the matter and has scheduled hearings for April 1990. The Commission has held two community hearings so far with the vast majority of the responses in favor of the service.

West Virginia

Bell's tariff has been approved in West Virginia since December 1989. No provision for blocking was proposed or required. Very few complaints so far, but the Commission is prepared to readdress the blocking issue if necessary.

It should be noted that these are the only states staff is aware that any significant action has been taken. This issue is progressing so rapidly that the information on it changes almost daily; therefore an exhaustive and up-to-date summary is virtually impossible.

(2) What provision is made by the company in its tariff for nonpublished and/or unlisted subscribers?

No provision for the blocking of nonpublished/unlisted customers purely because they are listed is proposed by the company or recommended by the staff. Staff believes that allowing these customers to have their numbers blocked (assuming that they do not also meet the criteria for blocking) would undermine the very nature of the service.

Southern Bell polled over 200 nonpublished subscribers in answering a staff data request last fall. Although the poll was speculative, nonpublished customers screened to have an interest in purchasing the service (Attachment C).

(3) Should employees of agencies be treated the same as the agencies themselves with regard to blocking and any charge for it?

Staff proposes that individual employees be treated identically to agencies. If blocking is appropriate for the agency, then that agency may designate which employees' phones should be blocked as well. Staff proposes that this same charge be imposed on any blocking installation (see Issue 2).



(4) What was the position of the Information Industry Liaison Committee "after" the January meeting in Miami?

The IILC has proposed many drafts of their position on Caller ID, and more meetings are scheduled. However, their position after the Miami meetings held fast that the service should be available "on virtually all calls", but further states that "...blocking might be made available only to a limited number of subscribers, for example, violence intervention Service and law enforcement personnel, who might desire such anonymity to mitigate personal risk and to ensure inaccessibility."

(5) [related to #3] Would the service order charge apply to individuals and agencies both? What would be the financial impact to an agency if we required such a charge?

Staff has recommended that all agencies and individuals be charged the company's Secondary Service Order charge (see issue 2). HRS could not estimate cost at the time of this filing; however, if the Commission approves staff's recommendation in Issue 2, all agencies would have at least sixty (60) days to request blocking at no charge.

(6) What is the cost for alternatives to blocking?

Southern Bell has provided a list of possible alternatives and their costs. They are:

	RECURRING COST	NONRECURRING COST
1. Payphone	\$ .25 per call	-0-
2. Operator Assistance	\$ 1.00 per call	-0-
3. Call transfer via PBX or ESSX	-0-	-0-
4. RingMaster Service	\$ 3.95 residence \$ 6.95 business	\$ 9.00 \$12.00
5. Cellular Phone	\$ .25-\$ .35 per minute + CPE	
6. Additional line with nonpub. number and CPE's ringer turned off	\$12.40 residence* \$30.85 business*	\$76.00 \$86.00
7. Outward-only line-available only with PBX	applicable PBX trunk rate	

\*South and Southeast Florida

(4) What was the position of the Information Industry Liaison Committee "after" the January meeting in Miami?

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(7) How can we solve the problem with undercover police lines displaying a "P" when blocked?

Staff's analysis of this problem is delineated in Issue 3.

#### Conclusion

Staff believes that there are compelling arguments that at least law enforcement and abuse shelters should have a "last resort" of Caller ID blocking if no other reasonable agreement can be made with the telephone company. The criteria recommended will prevent the feature from being made to the general public, and the company has assured staff that all reasonable measures will be taken to utilize this option as few times as possible. Staff recommends that Southern Bell file an amendment to their Caller ID tariff no later than 10 days after the date of the Commission vote on this item providing for this option to all entities meeting the recommended criteria.

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ISSUE 2: What should be the charge for the blocking service proposed in Issue 1?

RECOMMENDATION: The blocking service, if necessary, should be offered at the company's nonrecurring secondary service order charge. No recurring charge should be required. All customers meeting the criteria in Issue 1 should have the opportunity to have the nonrecurring charges waived for blocking, RingMaster, or any other solution that is determined to be appropriate for their needs. This waiver should be effective thirty (30) days prior and sixty (60) days subsequent to the effective date of the tariff. As each new exchange is added, eligible customers in those exchanges should also have thirty (30) days prior/sixty (60) days subsequent to the service being turned up to request a solution with no nonrecurring charge. Customers should be notified before the service begins in each new exchange. Recurring charges should apply at the tariffed rate for each service ordered, and nonrecurring charges should apply after the sixty (60) day period.

STAFF ANALYSIS: Southern Bell was asked by the Commission at the December 19, 1989 Agenda Conference to establish a cost and rate for Caller ID blocking if it was determined that a rate should apply. The company responded with two draft tariff proposals that alternatively offer blocking at no charge and at their secondary service order charge. The company explained that there is no recurring cost for blocking, and the nonrecurring cost is roughly the same as establishing any other like feature, e.g. Call Waiting. No memory is required to provision this feature, so Southern Bell proposed that only the

standard secondary service order charge be incurred. This charge would be levied on a per service order basis; each group of lines (but not necessarily each line) would require the one-time charge.

Staff's rationale for its recommendation is similar to the one for 976 service in Docket No. 880200-TL. In that docket, customers were given thirty (30) days prior and sixty (60) days subsequent to 976 availability in their area to request blocking; the blocking would be free during that time.

Staff believes that agencies or individuals qualifying for blocking, or ones meeting criteria 1 and 2 but able to be served by an alternative arrangement (e.g. RingMaster or an additional line), should have a similar opportunity to have their nonrecurring charges waived. If the Commission approves either of staff's recommendations in Issue 4 concerning implementation there will be plenty of time for all of the affected parties to notify Bell that they need a solution.

It should be made clear that staff is only recommending that nonrecurring charges be waived during this period. Recurring charges should remain at their tariffed levels (for all alternatives). Blocking, however, because it has no recurring cost and no rate has been proposed, can be assumed to have a "zero" recurring charge. If the Commission decides a recurring charge for blocking is appropriate, then it should apply in the same fashion as the other services. We are not recommending that a service with an established monthly cost and rate be given away on a continuing basis.

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ISSUE 3: Should the Commission require Southern Bell to submit a report within ninety (90) days of this agenda conference which outlines the alternatives available to customers that receive blocking and do not want the letter "P" delivered to the called party?

RECOMMENDATION: Yes, the Commission should require Southern Bell to submit a report within 90 days of this agenda conference, outlining the options currently available to agencies in lieu of the delivery of the letter "P" to the called party's CPE (i.e. Southern Bell's RingMaster service). In addition, Southern Bell should investigate possible options to the delivery of the letter "P" which are not currently inherent in Southern Bell's existing telephone network (i.e. sending a dummy number instead of the letter "P" from the terminating central office). This report should include a breakdown of the cost to the company and customer for each option, a detailed explanation of how each option will eliminate the delivery of the letter "P" and how long it would take Southern Bell to deploy each option from the initial recognition of a problem with the delivery of the letter "P" to a called party.

STAFF ANALYSIS: At the January 30, 1990 agenda conference, the Commission expressed concern over the fact that the delivery of the letter "P" to the called party for agencies such as the law enforcement agencies may cause a security problem. Therefore, the Commission directed staff to investigate whether there are potential alternatives to the delivery of the letter "P" to the called party's CPE available to these agencies which may be involved in some form of covert operation.

Due to the short period of time between the filing date of the

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February 20 agenda and the January agenda conference, staff has been unable to prepare a list of possible alternatives to the delivery of the letter "P" to the called party. However, staff has contacted several companies, discussed later in the staff analysis, which have lead staff to believe that there is probably a better alternative than what Southern Bell presented at the January agenda. Basically, Southern Bell stated that there were several options available to law enforcement agencies which would protect their anonymity. Of the options discussed, the purchasing of Southern Bell's RingMaster service seems to be the most appropriate short term solution for the law enforcement agencies since this service was the only service discussed which sent an actual number to the called party's CPE instead of the letter "P". This in staff's opinion is an important part to a solution of the delivery of the letter "P", since it will draw less attention to the calls placed by law enforcement agencies. However, staff believes there should be a better alternative available to these agencies other than requiring these agencies to listen for a distinctive ring before someone answers the telephone.

After discussions with the other RHCs and a few equipment vendors, staff believes there are alternatives to the delivery of the letter "P" to the called party's CPE that may not be inherent in Southern Bell's current telephone network. One possible alternative that staff specifically discussed with several companies was the ability of the signaling system seven network to query a database of dummy telephone numbers. It is staff's understanding that the originating central office switch could identify calls to be blocked

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by keying on the privacy indicator. If the privacy indicator was activated, then the switch would utilize the service switching point to query a service control point (database with dummy telephone numbers) which contained the dummy telephone numbers, similar to an LEC's 800 service. After the originating switch receives the number from the service control point, then the privacy indicator should be able to be replaced with the dummy telephone number and transmitted to the called party's CPE. At the January agenda conference, Southern Bell claimed that the signaling system seven network could not be utilized to replace the letter "P" with a dummy telephone number due to some problems with the standards associated with the signaling network. When staff proposed the alternative discussed above to some of the other RHCs and a few equipment vendors, two of the companies seemed to believe that it should be possible and to the best of their knowledge knew of no need to change the signaling network standards or protocol. The remainder of the companies had not looked into the problem since their company either didn't provide the Caller ID service, did not provide blocking to their customers or just did not know if the signaling system seven network had that capability.

Another possible solution would be to change the letter "P" to the letter "O" or to a dummy telephone number. It is staff's understanding that Bellcore has established specifications which would require three messages to show up on the called party's CPE, the letter "P" for private, the letter "O" for out of range or the actual directory number. Staff believes Southern Bell should be able to deploy a software update which would key on the privacy



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indicator. If the privacy indicator was on then the terminating central office switch would either replace the letter "P" with the letter "O" or with a dummy telephone number.

After the discussions with the other RHCs and the CPE vendors, staff believes that there are technical alternatives to the delivery of the letter "P" to the called party's CPE other than existing services such as Southern Bell's RingMaster service. However, staff has not been able to establish a cost to the company or customer associated with these types of alternatives. Therefore, staff believes the Commission should require Southern Bell to file a report within 90 days outlining all possible alternatives which Southern Bell has available in its network today to eliminate the delivery of the letter "P" to the called party. In addition, staff believes Southern Bell should present to the Commission alternatives which may not be currently inherent in their telephone network. This report should provide the Commission with a breakdown of the cost to the company (including different switch types) and the customer for each alternative, a detailed explanation of how each alternative will eliminate the delivery of the letter "P" to the called party's CPE and how long it would take Southern Bell to deploy each alternative.

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ISSUE 4: What should be the effective date of the proposed tariffs (T-89-506 and T-89-507)?

RECOMMENDATION: The tariffs should not become effective until the company has taken reasonable measures to notify and accommodate all agencies and individuals eligible for blocking. Southern Bell should send a notice in its March billing cycle to all customers. The bill insert should first be reviewed by the Commission staff and should 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 requests.

The company should then file a report to this Commission on March 10, 1990 outlining their plans to solve the affected agencies' problems, then again on May 15, 1990 outlining the requests received for blocking and any remaining implementation schedules. If all worthy requests have been accommodated, the tariffs may be effective on May 20, 1990. If not, then the Commission staff may set an effective date five days subsequent to the last blocking installation from a request received during the March-April comment period.

ALTERNATIVE RECOMMENDATION: The Commission should suspend the effective date until comments from the public are received. The company should send a notice in its March billing cycle as outlined in Attachment A of this

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recommendation. Comments should be accepted until April 30, 1990. The Commission staff should then compile the results of the comments and report to the Commission these results at the June 5, 1990 agenda. The Commission may then decide if further blocking requirements are necessary, and the effective date of the tariffs.

STAFF ANALYSIS: Southern Bell has indicated that it is a difficult task to seek out all of the agencies that may require blocking. Staff believes that the most reasonable method for accommodating all of these agencies is to properly notice them of the impending nature of Caller ID. A bill insert will allow all of the unfound agencies to request blocking on their lines.

Staff realizes that noticing each customer may bring all sorts of opinions "out of the woodwork" and may result in many improper requests for blocking, but no other method has been determined to be effective enough to allow all agencies to respond. If an agency does not respond within the prescribed period, they will be dealt with on an ongoing basis, but will not hold up the effective date of the tariff.

ALTERNATIVE STAFF ANALYSIS: Caller ID service has received enormous media attention in just the past 45 days. The nature of this service and the way it has been presented produced opinions of wide disparity, and apparently the awareness by the public is increasing at a rapid pace. Given these recent developments and the overwhelming response to North Carolina's survey (see Attachment A), staff believes that a comment period such as the one conducted in North Carolina may be appropriate.

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We recommend that the company mail a notice with its March bills requesting comments on Caller ID service as outlined in our recommendation statement. At the conclusion of the comment period, staff will report to the Commission the results of the survey. The Commission may, at that time, decide on further restrictions on the service and set an effective date.

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ISSUE 5: Should this docket be closed?

RECOMMENDATION: No, this docket should remain open until the conclusion of the report cycle outlined in Issue 4.

0959c/bg

# Notice Concerning New Caller ID Service

North Carolina Utilities Commission

Docket No. P-55, Sub 925

The North Carolina Utilities Commission is seeking comments regarding Caller ID, a new service proposed by Southern Bell that would allow subscribers to see the telephone number of incoming calls before they answer the call. Caller ID is the seventh in a series of TouchStar® services offered by Southern Bell, which make use of the calling party's number. The other TouchStar services, which are already available, include Call Return, Call Tracing, Call Block, Call Selector, Repeat Dialing and Preferred Call Forwarding. Unlike the other services, with Caller ID the calling party's number would be delivered to the called party.

When a Caller ID subscriber receives a call, the number of the calling party, as well as the date and time, appears in a special display unit connected to the telephone line. Under Southern Bell's proposal, the number of *all* incoming direct-dial local calls would appear. After reading the displayed number, the person receiving the call may then choose to answer the call, to return the call later or to ignore it altogether. In addition, some display units now available are capable of storing up to 40 or more calling numbers.

Caller ID would work on local calls originating from central offices equipped to offer the service. Initially, Caller ID would not work on long distance calls.

Although the immediate availability of Caller ID would be somewhat limited, Southern Bell plans to deploy the service eventually in all exchanges.

Caller ID would be priced at \$7.50 per month for residential customers and \$10 per month for single-line business customers. Caller ID would not be available for multi-line business customers under the current proposal.

Customers would also need to purchase a small piece of equipment to display the incoming number. This display unit would be available from a variety of sources.

Callers concerned about the display of their number, including people with unlisted or unpublished numbers, would have several options available that would allow them to prevent their number from being revealed to a Caller ID subscriber. One option would be to have the operator place the local call for them; additional charges would apply. Another option would be to place their call from a public telephone.

If you have questions, or need more information about the proposed service or the other TouchStar services currently available, please call Southern Bell at 780-2355. The call is toll-free from Southern Bell's service area.

The Commission's decision on whether to allow the proposed Caller ID service to become available will be based in part upon written comments received in response to this notice. Any comments should be directed to the Commission or to the Attorney General at the following addresses:

North Carolina Utilities Commission,  
Communications Division--Public Staff  
Post Office Box 29520  
Raleigh, NC 27626-0620.

Attorney General Lacy H. Thornburg  
c/o Utilities Section  
Post Office Box 629  
Raleigh, NC 27602

Comments must be postmarked by Feb. 27, 1990.

B

## New Jersey Bell Trial Results

The following section is a reprint of New Jersey Bell's six month report to its Board of Public Utilities. (By this time, Ident-a-Call had been renamed Caller ID).

By Order dated September 25, 1987 the Board of Public Utilities ('BPU') authorized New Jersey Bell Telephone Company to provide CLASS Calling Service (CLASS) on a trial basis for up to two years. The purpose of that trial as stated by the Board is to provide actual experience with the service so that "...both the Company and the Board will be able to make final determinations respecting Call Identification and other CLASS features." One trial area involved about 16,500 residence customers in Atlantic City. The other involved approximately 178,000 residence customers in the following Hudson County communities: Bayonne, Guttenberg, Hoboken, Jersey City, North Bergen, Secaucus, Union City, West New York and Weehawken.

The Board required that the Company report each six months detailing customer reaction to the experiment. This six month report reflects that customers experience with CLASS service has been overwhelmingly positive. In summary, the trial has shown:

- Caller ID has had an extremely positive impact.
- Research has consistently found strong public support for Caller ID.
- Concerns identified prior to the trial have not been reflected in the trial experience.
- Trial data provides no support for the imposition of Caller ID use restrictions.
- Deployment of a yet-to-be-developed feature that would alert callers to Caller ID should not be required.

The report further reflects that the results of New Jersey Bell's surveys indicate that a majority of customers want to see the telephone number of calling parties. These results are validated by national survey data from Belicore, a research consortium.

Finally, the report shows that New Jersey Bell customers both inside and outside the trial areas have complained that CLASS service is too limited.

The report which follows details each of the foregoing trial period results.

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Call Trace Activity. The trial data reflects that both Call Trace and Caller ID provide customers with an added sense of security. The number of traps placed in the trial areas has dropped 30% from the number of traps placed during the same time period in the preceding year. (A trap is a central office arrangement which enables the Company to identify and record the calling number in persistent annoyance call situations.) Six hundred customers who activated Call Trace signed a release form authorizing the Company to send trace information to the local authorities. Eight subpoenas have been issued and one case has resulted in a conviction. In the view of New Jersey Bell's Annoyance Call Bureau, CLASS service is providing a strong deterrent to annoying and harassing calls. As a result, customers do not need to follow up on Call Trace activations because the calls stop as the presence of Caller ID and Call Trace become known. Fear of the features makes telephone misusers more wary.

Other Benefits. Participants in focus groups with residence and small business customers stressed the importance of Caller ID in threatening or emergency situations. Subscribers spoke of "peace of mind" the service brought to them. They described a sense of comfort they experienced simply from having the number of a harassing caller. Further, benefits accrue not only to Caller ID customers, but also to their callers. For example, one focus group participant missed an urgent call from her brother. He was in a hurry and hung up after just a few rings. The participant related that Caller ID enabled her to determine that the incomplete call had been made by her brother. With that knowledge, she was able to call him back and provide the help he needed.

1. Statistical survey research has consistently found strong public support for Caller ID.

Survey Research. The Company conducted surveys in October, prior to the trial's inception, and in February, during the trial. The survey samples were drawn from New Jersey Bell customers who did not subscribe to CLASS. Four different groups of CLASS non-users were studied; Hudson County published customers, Hudson County non-published, Passaic County published, and Passaic County non-published. In addition, a quality assurance study of CLASS subscribers was conducted.

Brand-based Support. The quality assurance data reflects that approximately 90% of customers with CLASS features rated the service a good or excellent value. Among non-subscribers, the surveys found certain similarities across all groups. Approximately half of our customers are interested in seeing the

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calling number. When asked about the annoyance call problem almost 90% of those surveyed, across all four groups, thought Caller ID was a good solution.

The survey also asked published and non-published customers about the fact that their number, whether published or not, would be displayed to Caller ID subscribers. Approximately half expressed concern over having their number revealed. However, in responding to the question of whether New Jersey Bell should offer the service, "...whether or not you are personally interested in Caller ID", over 80% responded that it was a good idea, both before and after the start of the trial. While customers recognized the loss of anonymity associated with Caller ID, they seem to believe that the potential benefits more than outweigh the detriments. On balance, the survey data indicate that all groups of customers, published and non-published, those inside and those outside the trial areas, clearly support the service.

Similar Results Nationwide. Bellcore, the research consortium owned by Bell Atlantic and the six other regional holding companies, commissioned a nationwide survey on new telephone services including call identification. The study was completed in February, 1988 and the results of that survey were similar to those of the NJB surveys. In the Bellcore survey, about half of the respondents were interested in seeing the calling number. Further, over half felt that their personal privacy would be increased by such a service, and only 16% felt it would decrease.

2. Concerns identified prior to the trial have not been reflected in the trial experience.

Abuse by Businesses. One concern expressed in the CLASS proceedings was that Caller ID would be misused by businesses to harass consumers who made inquiry calls. Trial experience does not support that stated concern. The Company has received no complaints regarding abuse of the feature by businesses. In fact, over 90% of Caller ID customers are residence customers. While small businesses that subscribe to the feature represent a large number of industries, none appear to be telemarketers or hotlines. (See Appendix C, Distribution of Business Caller ID Subscribers by SIC Code.)

A focus group drawn from these subscribing business customers unanimously agreed that they would not use a customer's phone number obtained through Caller ID unless, in doing so, they performed the customer a

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service. For example, a distributor received a call about the availability of a particular part. The distributor advised the customer that he did not carry it. The distributor then realized he had made a mistake. Since he did in fact carry the requested part, he called the customer back and met the customer's need. In this case, both the calling and called parties benefited from the availability of Caller ID.

Another focus group participant described an additional situation where businesses may appropriately use Caller ID. The participant, a pizzeria owner, indicated that his delivery personnel were in certain situations subject to robbery and beatings. These situations often result when callers provide a delivery address other than their own. Assailants then wait and hide at the address given. The shopowner in our focus group indicated that Caller ID allows verification of the telephone number given by the customer. This ability has eliminated both the threat to his employees and also the problem of prank pizza orders.

Hotline Issues. Another point of concern expressed prior to the trial was that hotlines could experience decreased call volumes due to a perceived breach of anonymity, or that hotlines could actually breach anonymity by purchasing Caller ID. Although no customers in the trial areas are hotlines, NJA has conducted discussions with the Director of an Association of 24 hour telephone counseling and crisis intervention services. The Director had originally expressed concerns relating to the Caller ID feature. However, in later discussions with New Jersey Bell representatives in which the service was fully explained, the Director recognized the potential benefits of the feature in certain life-threatening situations. For example, on a suicide hotline, Caller ID offers life-saving potential.

Recently, New Jersey Bell had occasion to discuss the Caller ID feature with a representative of a hotline service in the Hudson County trial area that provides assistance for acute psychological problems. That representative advised that no reduction in the volume of calls to the hotline had been experienced since the introduction of Caller ID and that no caller had expressed concern that their calling number might be displayed. Additionally, the representative expressed a genuine interest in employing the Caller ID feature. That interest was based on two considerations. First, the representative indicated that the hotline is subject to prank calls. The Caller ID feature could

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be used to address that problem. Second, the representative advised that the feature could be beneficially employed to assist severely disoriented hotline callers.

Formal Statements of Public Concern. Prior to Board authorization of the CLASS trial, several interested parties expected that Caller ID would generate adverse public reaction. The Company has, in fact, experienced minimal negative reaction. The Company sent over 200,000 letters to customers in the trial areas in order to notify them of the trial. The letter specifically stated that customer telephone numbers would be passed to Caller ID subscribers. Notwithstanding that mailing, the Company has received no complaints involving any incident where actual use of Caller ID had a negative impact, no subscriber to the service has complained, and no one whose number was passed to a Caller ID subscriber has complained to the Company.

Non-published Customers. Another concern was that customers who choose not to have their telephone numbers listed in a telephone directory would no longer find any value in that service and, as a result, would discontinue it. As of the end of April 1988, only 20 out of the 104,000 non-published listing service customers within the trial areas have discontinued that service, citing the introduction of Caller ID as the reason. On the other hand, 778 non-pubs have purchased Caller ID. Those 778 customers account for over half of Caller ID subscriptions. Survey data reflects that non-published as well as published customers support the offering of Caller ID.

Support for Caller ID among non-published customers is not surprising, since they may benefit both as subscribers to the service and as callers. The instances related in focus group discussions described in this section illustrate how all customers can benefit from availability of unrestricted Caller ID.

3. New Jersey Bell's customers' only complaint in quantity; CLASS service is too limited.

No Negative Incidents. As stated earlier, the Company has received no complaints involving use of Caller ID from calling customers in the trial areas. Throughout the report period, the Company has sought to gain a balanced view of customer reaction to the trial, seeking not only positives, but also negatives. No negatives were discovered. Indeed, the hypothetical problems remain hypothetical. The trial has thus far

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met with extremely positive levels of approval and acceptance from the public. It has proven its value in a number of specific cases and public acceptance of the feature has been reflected in statistically valid studies of general opinion.

Calls for Expansion. CLASS customers want the geographic limitations removed. A focus group comprised of people who ordered and subsequently canceled CLASS Services advised that they took that action because they did not realize the implications of the geographic limitations of the service at the time of purchase. They all agreed that if the geographic limitations were removed, they would resubscribe. Several participants in a focus group of current CLASS subscribers expressed a fear that the trial might end. They already have come to depend on the services.

Finally, the Company has received a number of requests, both oral and written, that the CLASS service areas be expanded. Those requests have come from inside and outside the trial areas. In fact, a number of requests have come from outside New Jersey. One woman from a small town in Nebraska made a poignant request for information about Caller ID. She and her mentally disabled son have been receiving harassing calls that frighten her son. Moreover, NJB's Speaker Society members are frequently asked when the service will be available statewide. These requests seem to validate the findings of both the quantitative and qualitative research presented in this report. They also reflect that CLASS services, including Caller ID, have a positive impact on both subscribers and non-subscribers in the communities where they are offered. Further, those outside the trial areas are already cognizant of the benefits of the service.

As a result of the outstanding trial results, New Jersey Bell filed a permanent tariff, without blocking options. That tariff has been approved. Bell of Pennsylvania, another Bell Atlantic Company, is now in the process of filing a full service CLASS offering, with no blocking options as well.

PROFIT

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EMERGENCY SERVICE PROVIDERS WITH CALLER ID

	DATE INSTALLED
BAYONNE POLICE DEPARTMENT	12/31/07
GUTTENBERG POLICE DEPARTMENT	2/1/08
NORTH HUDSON REGIONAL COMMUNICATIONS CENTER (Handles fire emergency calls for Union City, Weehawken, and North Bergen.)	12/31/07
SECAUCUS POLICE AND FIRE DEPARTMENTS	3/08

PROVIDER

SEGMENT	NO.	% OF TOTAL
Agriculture & Fishing	1	1%
Construction	9	7%
Manufacturing	12	9%
Transportation, Communication, and Public Utilities	5	4%
Wholesale Trade	4	3%
Retail Trade (Including Restaurant and Nightclubs)	35	27%
Finance, Insurance, and Real Estate	9	7%
Health and Legal Services	8	6%
Repair Services	17	13%
Management/Public Relations	4	3%
Films/entertainment	4	3%
Educational Institutions	3	2%
Emergency Service Providers	4	3%
Beauty Shops	2	2%
Funeral Services	2	2%
Passenger Car Rental	3	2%
Other Services	7	5%

The "Other Services" category includes one collection agency.  
None are telemarketers or hotlines.

## Testimonials

Below is a selected list of testimonials provided at the New Jersey Trial hearing.

- "The first point that I would like to make is that, as the Superintendent of State Police and as a public official who, for 35 years has handled complaints from the public, the CLASS features being offered by Bell come as a welcome relief [...] because to my experience and certainly through our ongoing experience some of the people who are most affected negatively by the telephone system are those citizens who are recipients of obscene calls, threatening calls, nuisance calls, harassing calls, of a million of different varieties including the up-to-date means by which people are using stolen credit cards to form obscenity clubs where they select a citizen, generally some young female, and then as a group set upon that person with all sorts of suggested kinds of intimidations!" (from the superintendent of State Police)
- "I have seen over the past several years major industry shut down as a result of bomb threats and this kind of offering (Caller ID) will certainly cut into that sort of activity." (from the Superintendent of State Police)
- "We see schools shut [down] generally toward the beginning of the school year or towards the end of the school year when some prankster announces a bomb threat. And, it would seem to me to be a very simple matter of [if] the school people involved could recognize that person and say to the student that is calling, forget the threat and come into school where you're supposed to be in the first place." (from the Superintendent of State Police)

This next excerpt of testimony is given by the Captain of the Cranford, N. J. Police Department, who has been in law enforcement for approximately 23 years.

- "I hope that my explanation of this incident would [will] define the incremental benefit of the Ident-a-Call (Caller ID) system to law enforcement agencies.

This is not a hypothetical case. I'm going to discuss an actual case, and I have a 47-minute tape on it and if anyone is interested I'll make it available after the hearing.

It concerns a call that came into the Cranford police station at 12:30 a.m. The caller asked the Desk Sergeant specifically at the outset, how long it would take gas to kill someone?

The Sergeant immediately and alertly surmised that the woman had or may have been attempting to commit suicide. He kept her on the phone for 47 minutes while we tried to effect a trace via New Jersey Bell. We were fortunate in this particular case because we were able to ultimately get the trace.

The call came from an apartment house in Edison, New Jersey. There were 20 apartments in the house and on the tape, it's a very dramatic tape, and on the tape you can actually hear, after 47 minutes, the Edison Police breaking in the door of the house. You can hear the woman talking with the Edison Police and the officers picking up the phone and talking to our Sergeant and my Sergeant asks, well, what's going on, did she really try to do it?

And the Edison Police said, no question about it. He said that they could smell the gas before they even got to the apartment complex. And, there were 20 apartments, as I said, in this particular complex. He said that the woman had all four jets wide open on the stove and she had here even jet on with the pilot light extinguished.

Needless to say, if we were unable to effect this trace, it was a 47-minute tape, remember, we might be reading articles in the newspaper that due to a mysterious blast 40 or 50 people were killed in this complex.

I don't want to be overdramatic about this issue but that could very easily happen. I did in fact call fire officials and ask some hypothetical questions, what if we were unable to effect that call and what if that woman hung up on us and we were unable to effectively trace that call, and what if the woman passed out towards the end of the conversation on those tapes?

Because, towards the end of those conversations the woman started to become very thick-tongued because the effects of the gas was taking hold. She was close to passing out. Suppose the woman passed out and the line was just left dangling, what would happen?

And the answer I got under all circumstances was that we may well have lost the entire complex. I wonder if it's ever happened before because we do not at this time, with all the technology that's available to us, have the capability of making a rapid, immediate spontaneous response to a call like that. Edents-Call (Caller ID) would effect this trace, but Call Trace would not be of assistance to us in this particular situation because right now as I understand it, Bell will not guarantee that Call Trace will work every time.



And also, we have the problem of hanging up or, not hanging up as the case may be. I'm not sure that the Call Trace would work if the woman passed out after leaving the phone dangling.

I have another officer here that may share some personal experiences with you after I'm finished. I'm suggesting that Call Identification (Caller ID) is a vital tool that is needed and I would hope that this Board would act prudently and expeditiously to clear any obstacles to its implementation.

And I would certainly hope that Bell Telephone would pursue with vigor the technology that would make this available on a statewide basis.

I could go on with many examples like for instance, recently 20 or 30 bomb threats that we had, and in fact, there was a \$30,000 fire that was involved with phone calls that if we had the ability to trace those calls we probably could have prevented.

But I would be redundant in my remarks."

PRESIDENT CURRAN: "Your main purpose is to put on the record the argument in favor of Call Identification?"

CAPTAIN WILDE: "That's right."

PRESIDENT CURRAN: "For law enforcement agencies?"

CAPTAIN WILDE: "For law enforcement agencies and for the public as well."

Another issue is the frequency with which we get third party involvement. In other words, a caller calls the wrong number thinking that they have the police station. When we get a call from that third party, if that party doesn't have for instance, Indenta-Call, (Caller ID) we can't trace it. That's another important scenario which probably is more hypothetical.

I try to deal with facts as opposed to hypothetical situations. But I would think that there would be a strong argument for Indenta-Call (Caller ID) on a statewide basis."

"...within the last seven to eight weeks, I have had a personal experience with callers where the lines have gone dead, had been dropped, and the Indenta-Call would have been so valuable in that type situation. One was a woman that was reporting a multiple rape and she had gotten away from her captors and wound up in a factory which had no telephone number. All she was able to do

was dial the Cranford Police. It was over 55 minutes before we could trace where she was, and it was lucky that it was in another town and that arrests had been made on the rape." (from a Cranford Police Officer) (continuing)

"We had another one within the last four or five weeks where a caller called from a pay phone and said that there were some males behind the building on South Avenue with sawed-off shotguns and left the phone hanging. Now, South Avenue in Cranford is about six miles long and we had to search up and down to find the exact location which took a while. Ident-a-call definitely from my personal experience is very, very beneficial." (from the same Cranford Police Officer)

"I favor the immediate availability of a system which allows the person being telephoned to know before and after the call the identity of the calling number for the following reasons: Number one, security and safety, against the call made to see if someone is at home, against the call made for purposes of harassment or a nuisance. Number two, the reduction or elimination of unwanted solicitation phone calls to permit one to contact the responsible executives of the calling organization to request an end to that practice. Number three, review of phone numbers called during one's absence to decide if a callback is warranted." (from a private citizen with a listed number)

"...I believe the person being called has rights that infinitely exceed the rights of the party who negotiates the call." (from a private citizen).

"With regard to the concern about the Ident-a-Call becoming a means for the scoundrel who get access to the numbers illegitimately, without Ident-a-Call there are many, many situations now in existence that permit that to happen. And, my feeling is that the Ident-a-Call offers protection against the individual who should come by a number maliciously and be able to be dealt with." (from a private citizen).

Southern Bell Telephone & Telegraph Co.  
FPSC Staff's First Data Request  
Caller ID  
November 3, 1989  
Item No. 12  
Page 1 of 1

REQUEST:

Has Southern Bell surveyed non-published service subscribers for their opinion on Caller ID? Please provide the contacts and results of any such survey.

RESPONSE:

Interviews were conducted with 202 Southern Bell residence customers in Florida who subscribe to non-published service. The customers were asked about their interests, rights, delivery and privacy aspects of Caller ID. The results were as follows:

Non-published customers surveyed had a greater interest in subscribing to Caller ID than did published customers: 34.2 percent versus 21.9 percent.

When asked who has more rights, the caller or the called party, 79.2 percent of the non-published customers said that the person being called has the most rights and has the right to refuse to answer.

In response to one question, the survey results show that most non-published customers do not mind letting people see their number when calling. However, in response to another question, a majority of non-published customers felt that, in general, non-published numbers should not be displayed. Some customers explained that they do not call people who should not have their number.

Overall, 63.4 percent of the non-published respondents said allowing others to see their number either increased or made no difference in their privacy. In addition, the majority of non-published customers said that seeing the calling number would increase their privacy.

101ST CONGRESS  
2D SESSION

# S. 2030

To protect the privacy of telephone users by amending title 18, United States Code.

## IN THE SENATE OF THE UNITED STATES

JANUARY 29 (legislative day, JANUARY 23), 1990

Mr. KOHL introduced the following bill; which was read twice and referred to the Committee on the Judiciary

### A BILL

To protect the privacy of telephone users by amending title 18, United States Code.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Telephone Privacy Act of  
5 1990".

6 SEC. 2. PURPOSE.

7 To protect their right to privacy, telephone users must  
8 be able to limit the dissemination of their telephone numbers  
9 to persons of their choosing.

RECEIVED  
FEDERAL PUBLIC  
SERVICE COMMISSION  
JAN 29 - 8 11 59 AM '90  
MAIL ROOM



## 1 SEC. 3. TITLE 18 AMENDMENTS.

2 (a) Section 3121 of title 18, United States Code, is  
3 amended by striking subsection (b)(3) and adding immediately  
4 after paragraph (2) the following:

5 “(3) where a nongovernmental recipient of wire or  
6 electronic communication consents and its provider en-  
7 ables any originator to block receipt of the originating  
8 number; except that the provider is not required to  
9 enable an originator to block receipt of the originating  
10 number on the emergency assistance telephone line of  
11 a State or municipal police or fire department, or on a  
12 911 emergency line; or

13 “(4) on the emergency assistance telephone line of  
14 a State or municipal police or fire department, or on a  
15 911 emergency line.”.

16 (b) Section 3121 of title 18, United States Code, is fur-  
17 ther amended by redesignating subsection (c) as subsection  
18 (d) and by inserting immediately after subsection (b) the fol-  
19 lowing new subsection:

20 “(e) CIVIL ACTION.—Any user of wire or electronic  
21 communication service aggrieved by a provider’s failure to  
22 enable an originator to block receipt of the originating  
23 number under subsection (b)(3) may recover from the provid-  
24 er in accordance with section 2707 of this title.”.

○