

ORIGINAL
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Southern Bell

c/o Marshall M. Criser
Suite 400
150 So. Monroe Street
Tallahassee, FL 32301
Phone: (305) 530-5558

E. Barlow Kaener
Attorney

June 19, 1990

Mr. Steve C. Tribble
Director, Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32301

Re: Docket No. 891194-TL - Caller ID

Dear Mr. Tribble:

Enclosed please find an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response to Public Counsel's Request for Hearings, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely yours,

E. Barlow Kaener
E. Barlow Keener

ACK

AFA _____

APP _____

CAF _____

CMU Enclosures

CTR _____

EAG _____ cc: All Parties of Record

LEG 1 A. M. Lombardo

LIN 6 Harris R. Anthony

OPC _____ R. Douglas Lackey

RCH _____

SEC 1

WAS _____

OTH _____

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[Signature]

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A BELL SOUTH Company

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CERTIFICATE OF SERVICE
Docket No. 891194-TL

I HEREBY CERTIFY that a copy of the foregoing has been
furnished by United States Mail this ~~19th~~ day of *June*, 1990
to:

Walter D'Haeseleer
Division of Communications
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399-0866

A Babaco Locksmith
Attention David Merkatz
Post Office Box 5301
Ft. Lauderdale, FL 33310

Angela Green
Division of Legal Services
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399-0863

Mike Ramage
Florida Department of
Law Enforcement
Post Office Box 1489
Tallahassee, Florida 32302

Jack Shreve
Public Counsel
Office of the Public Counsel
c/o Florida House of Rep.
The Capitol
Tallahassee, FL 32399-1300

Winston Pierce
Department of General Svcs.
Koger Executive Center
2737 Centerview Dr.
Knight Bldg #110
Tallahassee, FL 32399-0950

John E. Thrasher, Esq.
Jeffrey L. Cohen, Esq.
Florida Medical Association
Post Office Box 2411
Jacksonville, FL 32203

Bruce W. Renard, Esq.
Messer, Vickers, Caparello,
French, Madsen & Lewis, PA
Post Office Box 1876
Tallahassee, Florida 32302-1876

E Barlow Keener
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff filings by) Docket No. 891194-TL
Southern Bell Telephone and)
Telegraph Company clarifying when) Filed: June 19, 1990
a non published number can be)
disclosed and introducing Caller)
ID to Touchstar Service)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
RESPONSE TO PUBLIC COUNSEL'S REQUEST FOR HEARINGS

COMES NOW Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), pursuant to Rule 25-22.037, Florida Administrative Code, and files this Response to the Office of Public Counsel's ("Public Counsel") Request for Hearings.

I. INTRODUCTION

1. On June 7, 1990, Public Counsel filed its Request for Hearings regarding Southern Bell's Caller ID tariff. That request was made over eight months after Southern Bell filed its proposed tariff with the Florida Public Service Commission ("Commission"), during which period the Commission conducted an exhaustive investigation into the various issues relating to Caller ID and specifically approved the Caller ID tariff. During that process, the Commission held three public agenda conference hearings in order to investigate issues concerning Caller ID as well as

various related blocking questions. Although Public Counsel did not participate in the Commission's Agenda Conferences, it conducted its own public hearing on Caller ID. In addition to these hearings, Southern Bell notified, by bill insert, all of its Florida customers who are served in areas where the tariff will be implemented about the new tariff. The Company also met with numerous groups of individuals in order to provide limited blocking pursuant to the Commission's specified criteria. As a result of the Commission's exhaustive investigation and thorough consideration of Caller ID and related issues, a formal hearing is neither necessary nor appropriate and Public Counsel's request should be denied.

II. FACTS AND ARGUMENT

2. Southern Bell filed the current Caller ID tariff on September 29, 1989. Because the Commission Staff stated that it required more than a sixty-day period to study the issues associated with Caller ID, Southern Bell waived the sixty-day statutory tariff suspension deadline. Subsequently, the Commission Staff investigated the issues associated with Caller ID and presented its recommendation to the Commission at the December 19, 1989 Agenda Conference. Public Counsel did not participate at that Agenda Conference. As described in Order No. 22397, the

Commission examined numerous issues regarding Caller ID at that Agenda Conference, including: treatment of nonpublished and nonlisted numbers; the sale of lists of nonpublished numbers; privacy issues; harassing telephone calls; limited blocking; and reporting requirements. After extensive discussion and consideration, the Commission approved Southern Bell's tariff subject to the Company filing a separate tariff providing for limited blocking. In Order No. 22397, issued on January 10, 1990, the Commission held:

We have concluded that Caller ID is in the public interest and should be made available to Southern Bell's subscribers.

* * *

Southern Bell shall refile its tariff to reflect the [limited blocking] requirements stated above, at which time the tariffs shall be approved administratively, effective February 1, 1990.

Id. at pp. 2 and 5.

3. In accord with the Commission's order, Southern Bell filed a tariff that offered limited blocking on January 10, 1990. The Commission Staff studied Southern Bell's blocking tariff and presented its recommendation regarding the same to the Commission at the January 30, 1990 Agenda Conference. During the Agenda Conference, at which the Commission Staff, Southern Bell, and a representative of a law enforcement agency participated, the

Commission discussed and considered the blocking issues. The Staff recommended that Southern Bell add revised blocking criteria to its proposed limited blocking tariff. The Staff also made further recommendations regarding the limited blocking service and how it should be implemented for specific groups. As a result of the lengthy discussion of the blocking issues, the Commission deferred its decision on Southern Bell's blocking tariff. Again, Public Counsel did not participate in this Agenda Conference.

4. At the Agenda Conference on February 20, 1990, the Commission considered the Staff's revised recommendation regarding limited blocking. As in the previous two Agenda Conferences, Public Counsel did not participate. At this Agenda Conference, the Staff addressed issues regarding: (1) the appropriate charge for blocking; (2) the persons who should receive blocking; (3) the blocking recommendation of the Information Industry Liaison Committee of the Exchange Carriers Standards Association; (4) the status of Caller ID in other states; (5) legislation regarding Caller ID before Congress; (6) a report regarding the results of the provision of Caller ID service in New Jersey for two years; and (7) a summary of testimony by a New Jersey law enforcement officer regarding the actual provision of Caller ID. Various parties participated in the February 20, 1990 Agenda Conference, including representatives from numerous law enforcement agencies

and the principal of a public school. As a result of the hearing, the Commission revised its requirements for blocking and ordered Southern Bell, as a condition of its tariff becoming effective, to notify its customers regarding the limited blocking service. The Commission also ordered Southern Bell to work with the law enforcement agencies represented at the Agenda Conference in order to resolve any blocking issues of concern to them. In addition, Southern Bell was required to file a report with the Commission summarizing both the results of the blocking notices and meetings as well as its proposed implementation schedules for blocking. The Commission determined that Southern Bell's tariff, although approved, would not become effective until the Commission reviewed at a future Agenda Conference the results of Southern Bell's implementation of its blocking procedures.

5. In accord with the Commission's order, Southern Bell notified, by bill inserts, its Florida customers located in those areas in which Caller ID can be offered, of the limited blocking service. On May 1, 1990, Southern Bell filed a detailed report with the Commission describing its implementation plans for blocking for law enforcement and certain other individuals. The report noted that only .001 percent of Southern Bell's customers who had received the notices regarding Caller ID, had made any negative comments regarding the provision of that service.

6. On May 29, 1990, more than three months after the February 20, 1990 Agenda Conference, Public Counsel held at the Dade County Administration Building in Miami, Florida, a public hearing regarding the provision of Caller ID. The public were invited to attend the hearing and present comments regarding Caller ID. Representatives of Public Counsel, the Commission Staff, and Southern Bell as well as members of the public participated in that hearing. Although the hearing was widely publicized in the Miami area, only fourteen people appeared to oppose Caller ID.

7. In summary, the Commission and its Staff have conducted an extensive study of Caller ID over an eight-month period. Three Agenda Conferences and one public hearing have been held, and all of Southern Bell's Florida customers in the areas in which Caller ID will be provided have been notified of the service and the blocking options. Only a minimal number of concerns regarding this valuable service have been raised, all of which have been considered by the Commission. Because of the Commission's exhaustive investigation of Caller ID, it simply is not necessary to conduct formal hearings regarding the Caller ID tariff. Indeed, such would be inappropriate and a waste of the Commission's resources given the extensive history of the matter and the Commission's previous approval of the tariff. Public

Counsel should not be allowed to request hearings at this late date. Procedurally, since the tariff has been approved, Public Counsel's request is untimely and should not be granted. To permit otherwise would unnecessarily delay implementation of a tariff that the Commission has already specifically found to be in the public interest.

WHEREFORE, Southern Bell respectfully requests that Public Counsel's Request for Hearings be denied.

Respectfully submitted,

SOUTHERN BELL TELEPHONE AND
TELEGRAPH COMPANY

Harris R. Anthony *mm*

HARRIS R. ANTHONY
General Attorney-Florida
c/o Marshall M. Criser, III
150 So. Monroe Street, Suite 400
Tallahassee, Florida 32301
305-530-5555

E. Barlow Keener *mm*

E. BARLOW KEENER
Attorney
c/o Marshall M. Criser, III
150 So. Monroe Street, Suite 400
Tallahassee, Florida 32301
305-530-5558