

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Proposed tariff filings by)
SOUTHERN BELL TELEPHONE AND TELEGRAPH)
COMPANY clarifying when a nonpublished)
number can be disclosed and introducing)
Caller ID to TouchStar Service)

Docket No. 891194-TI
Filed: October 26, 1990

REBUTTAL TESTIMONY OF DR. MARK N. COOPER
On Behalf of the Citizens of the State of Florida

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DOCUMENT NUMBER
09647 OCT 26 1990
FPSC-RECORDS/REPORTING

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DOCKET NO. 891194-TI

1 Q. PLEASE STATE YOUR NAME AND ADDRESS.

2 A. My name is Dr. Mark N. Cooper. My address is 802 Lanark
3 Way, Silver Spring, MD.

4 Q. HAVE YOU PREVIOUSLY FILED TESTIMONY IN THIS CASE?

5 A. Yes I filed direct testimony on September 26, 1990.

6 Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?

7 A. In my rebuttal testimony I respond to certain conclusions
8 reached by witnesses for two of the three companies which have
9 filed in this case.

10 Q. HAVE THE TELEPHONE COMPANY WITNESSES ANALYZED THE
11 PROBLEMS CAUSED BY CALLER ID IN A BALANCED MANNER?

12 A. No. Both Southern Bell and GTE present the issue as
13 Caller ID or no Caller ID. The compromise of Caller ID with
14 blocking was never considered. Having set up the wrong
15 framework, one is forced to either accept or reject problems
16 that individuals have with Caller ID, rather than seek a
17 solution.

1 Nancy Sims, on behalf of Southern Bell (p. 14), simply
2 looks at the institutional point of view. She fails to give
3 adequate consideration to individual problems.

4 Dr. Sue Elseewi, on behalf of GTE, ignores the evidence
5 of individual problems with Caller ID. This evidence was
6 available in the report of the focus group discussions. The
7 focus groups were small discussion sections held with
8 individuals who had participated GTE's trial of the CLASS
9 services. The discussions are run by a consultant employed by
10 GTE.

11 Participants in the focus groups identified a variety of
12 problems including commercial abuse, problems with anonymity
13 dependent organizations, work at home people, as well as a
14 general concern about unlisted numbers being advertised.

15 A storm window company, which normally sends a
16 flyer, if you should call to ask them
17 something, then they call you and start
18 bugging you (p. 1).

19 This is something I hadn't really thought of.
20 If I had an unlisted number and I called
21 someone, now they have my number (p. 2).

22 Another scenario... let's say Alcoholics
23 Anonymous or a rape crisis center, if they had
24 access, somebody, somehow, someday, it gets
25 out, then somebody can intimidate you, or
26 alarm you or threaten your family (p. 2).

27 Myself it wouldn't bother. But my daughter
28 has an unlisted number; she lost her husband
29 and got calls she wasn't interested in (p. 3).

30 My mom is going through a bad divorce. It
31 would be bad if someone got hold of her
32 number. It would defeat the purpose of paying
33 for an unlisted number. She has been kind of

1 harassed and now feels safer with an unlisted
2 number (p. 3).

3 I wouldn't want my students knowing my number.
4 I call parents in the evening (p. 3).

5 These are fairly small groups of people in a small scale
6 trial (twelve per group), with the moderator extracting what
7 he or she feels like (rather than giving a complete transcript
8 of the proceeding). In spite of that, participants came up
9 with a series of problems that they can easily envision. It
10 appears that these problems were raised in at least three of
11 the four groups. In two of the four groups they came up
12 spontaneously. "Some" participants saw the need for a
13 compromise.

14 In spite of this, Ms. Elseewi only finds "some potential
15 irritation" (p. 21, line 24) with Caller ID and proposes no
16 solution.

17 In my testimony on pages 10 and 11, I identified twenty
18 problems in four broad categories that Caller ID creates.
19 Each of these broad categories is clearly demonstrated by the
20 survey evidence available from all Bell Atlantic
21 jurisdictions. A perceived loss of privacy is an actual
22 problem. If people hesitate or feel uncomfortable in calling
23 a business because they fear that their number will be
24 forwarded, that is an actual state of unease caused by the
25 service.

26 Moreover, the survey evidence includes results from New
27 Jersey, responses which were benchmarked and made long after

1 Caller ID was widely available (which contradicts Elseewi's
2 claim that the Elizabethtown trial is unique (p. 4, line 15).
3 This survey evidence clearly shows that concern has increased
4 the longer the service is available.

5 The recent public hearings in Maryland are the first time
6 that a public proceeding has been fully noticed after the
7 widespread availability of Caller ID. These hearings
8 demonstrate the validity of the problems identified and the
9 strong sense of violation of privacy felt by the public.

10 The excerpts in Attachment I show that a variety of
11 individuals perceive and have experienced these problems. Of
12 the twenty problems identified, seventeen were clearly noted
13 by witnesses at the public hearings. Numerous examples of
14 each of the four broad categories of abuse are given.

15 Q. DOES GTE'S SURVEY EVIDENCE PRESENT A CASE AGAINST PER
16 CALL BLOCKING?

17 A. Not at all. The survey evidence utilized by Ms. Elseewi
18 to try to show that "positive aspects outweigh the negative"
19 (p. 21, lines 12-13) of Caller ID is biased and misleading and
20 misses the fundamental policy question at issue with per call
21 blocking. Both design of the questionnaire and design of the
22 survey are fatally flawed for the issues at hand. This is a
23 marketing survey that is being used badly to address policy
24 questions.

1 With respect to the design of the questionnaire I find
2 the following problems.

3 The questions about the privacy impact of
4 Caller ID are prefaced with a long series of
5 biased questions. The questionnaire describes
6 the positive benefits of a series of services.
7 It never mentions any of the drawbacks of the
8 services. Then it asks people to give
9 advantages and disadvantages of the services.

10 The questions about the other services are
11 personalized. That is, they place the
12 respondent in the active role by stating, for
13 example, "what if there were a service which
14 would let you..." The question about privacy
15 was depersonalized -- "In order for some of
16 these new services to work, the person who is
17 receiving the call will know the phone number
18 of the party who is calling..."

19 The major question of privacy, does not relate
20 to Caller ID. Thus, Elseewi's table which
21 refers to Calling Number Forward
22 Protects/Violates Privacy is simply wrong.
23 That is not what the question asked.

24 With respect to the design of the survey, I find the
25 following problems.

26 The post-trial results, which are based on a
27 somewhat improved questionnaire, are totally
28 biased, based on a highly self-selected
29 population.

30 The trial was designed to preclude the most
31 pervasive abuse of caller ID -- since the
32 service was apparently not made available to
33 businesses. Therefore, it is highly unlikely
34 to turned up the kinds of problems that
35 respondents in other states have been most
36 concerned about.

37 The post-trial also excludes the most
38 important control group, those who had none of
39 the services.

1 For these reasons, both the pre- and post-trial results
2 are likely to be biased and not representative of the general
3 population.

4 **Q. PLEASE ELABORATE ON YOUR CONCERNS ABOUT THE DESIGN OF THE**
5 **QUESTIONNAIRE.**

6 **A. Attachment II shows the sequence of questions leading up**
7 **to the questions about reactions to calling number forwarding**
8 **and privacy issues.**

9 First, note that a series of positive uses of a variety
10 of services is presented. Then respondents are asked to give
11 advantages and disadvantages. There is little wonder that
12 they did not think of many disadvantages. All respondents,
13 pre- and post were exposed to this highly biased set of
14 questions. Even though the post-trial questionnaire did not
15 repeat the positive situations, respondents had been recently
16 exposed to this series in the pre-test.

17 Second, each and every description of a service entails
18 the respondent as the active party. However, when opinions
19 about the negative aspects of the service come up, the
20 questions shift to an impersonal view. Thus, after almost a
21 dozen questions in which respondents had been told about ways
22 they personally could benefit from the service, they were
23 presented with ways in which some other person (the calling
24 party, or "one") might be hurt by it.

1 It would have been easy to maintain the personal voice.
2 For example the following questions would have been consistent
3 with the wording of the questions about the other services.

4 As you know, for some of the new/Smart Call
5 services to work the person you call knows
6 your telephone number. Which of the following
7 statements best describes your feelings about
8 your telephone number being made available to
9 the person you are calling.

10 Now having heard both points of view, do you
11 feel these new services protect your
12 privacy... or violate you privacy.

13 Third, it is impossible to assert that the privacy
14 question in the survey deals with call number identification
15 in any direct sense. The question deals with the overall
16 package of services, not call number identification. In fact,
17 it explicitly mentions only three services -- return, block,
18 and trace -- but not CNID.

19 In varying degrees, both the pre and post trial surveys
20 suffer from these flaws and therefore are not a sound basis
21 for reaching policy conclusions.

22 Q. PLEASE ELABORATE ON YOUR CONCERNS ABOUT THE SURVEY
23 DESIGN.

24 A. As I understand the survey design, approximately 1,000
25 residential subscribers were assigned to four treatment levels
26 -- 1) Smartcall services, 2) Smartcall and a special phone, 3)
27 Smartcall, a special phone and a CNID device, and 4) Smartcall
28 and a CNID device.

1 These people had to agree to participate in the trial, in
2 order to be part of the post-trial survey, so they were self-
3 selected. Moreover, the participation process entailed an
4 effort to overcome an objection (a typical marketing tactic),
5 so they are not only self-selected, but they might have been
6 pre-sold as well.

7 Based on the characteristics of potential and actual
8 subscribers in other states, we know that those who take the
9 service are very unlike the general population in their
10 attitudes and make up only a very small subsegment of the
11 population. Thus, Elseewi's survey results give much too much
12 weight to a segment of the population that is predisposed to
13 liking the service and seeing little problem with it.

14 It is particularly important to note that there appears
15 to be no control group in the post-test. None of the post-
16 test respondents simply had telephone service but not
17 Smartcall service. We have seen in states like New Jersey
18 that 95 percent of subscribers do not take any of the CLASS
19 services. They also have strong concerns about number
20 forwarding, yet they were excluded from the post-trial survey.
21 In fact, those with the strongest concerns may have self-
22 selected out of the trial.

23 Thus, the post-trial results are highly suspect.

24 Q. DOES THE QTE SURVEY EVIDENCE INDICATE THAT THERE ARE NO
25 CONCERNS ABOUT CALL NUMBER IDENTIFICATION?

1 A. No. Even with a highly biased and ambiguous
2 questionnaire, but a randomly selected pre-trial sample, 41
3 percent of respondents said the new services violates one's
4 privacy. With a biased post-trial sample, and a somewhat less
5 biased questionnaire, 21 percent of the respondents said the
6 new services violate one's privacy. Those without Caller ID
7 were more likely to express these concerns, although we do not
8 know what people who selected themselves out of or did not
9 participate in the trial would say.

10 Q. DOES YOUR RECOMMENDATION THAT PER CALL BLOCKING BE ALLOWED
11 CONFLICT WITH MS. ELSEEWI'S RECOMMENDATION THAT THE PUBLIC
12 ITSELF BE THE BEST INDICATOR OF THE PUBLIC INTEREST?

13 A. Absolutely not. In fact, my recommendation that per call
14 blocking be made available takes her position to its logical
15 conclusion. Those people who are concerned about forwarding
16 their number should be allowed to preserve their "peace of
17 mind" and block the forwarding of that number. Since this
18 would simply preserve the current status of number forward
19 blocking, I recommend that they not be charged for the right
20 to make this choice.

21 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

22 A. Yes.

ATTACHMENT I

PROBLEMS WITH CALLER ID AS EVIDENCED IN THE
PUBLIC HEARINGS
STATE OF MARYLAND
PUBLIC SERVICE COMMISSION OF MARYLAND¹

A. DISRUPTION OF ROUTINE COMMUNICATIONS

1. CONSUMER INFORMATION:

Requests for consumer information will be foregone because customers do not want to expose their telephone numbers in commercial transactions.

Caller ID is a gross invasion of my privacy. I do not want my number recorded every time I call somewhere for legitimate information that is available to the general public, such as a call to the Internal Revenue Service, Securities and Exchange Commission and Federal Trade Commission, among many others, nor do I want to be added to a potential customer calling list just because I call a company and ask the price of an item. (Frazer, p. 12)

I don't want people who I call knowing who I am. If I want to order wall-to-wall carpeting or whatever, I don't want seven companies calling me back every day to say, "Have I made up my mind?" (Grover, p. 57)

Caller ID will reduce the willingness of consumers to phone around to get the best deal on a product. They will hesitate calling because they will be afraid that the business will get their number and call them back with high pressure sales pitches. (Key, p. 512)

As a consumer I would be less likely to let my fingers do

1. All references are to the transcript of the public hearings in the Matter of: Provision of Caller Identification Service by the Chesapeake and Potomac Telephone Company of Maryland. Case No. 8233, September 17, 25, October 1, 2, 1990.

the walking for fear of who would be using those numbers and more likely to have to burn valuable gasoline to get the information I am after. (Pease, p. 529)

I feel that it is an invasion of my privacy. I do not like the idea that a business can call me or I can call them to get information and they will then have my telephone number and they can sell it or do what they would like with it. (Fournier, p. 601)

2. SOCIAL MANEUVERABILITY:

Revelation of one's location may undermine delicate social relationships (e.g. a call from a lawyer or doctor's office).

For the woman still living in the home, Caller ID enables her abuser to monitor all incoming calls to her that she's making to agencies that are being returned, agencies that want to help her, such as police, shelters, counselors, lawyers and physicians...

Already, shelter workers are reporting increased calls from men who are demanding to know who and what they are calling so these men are calling in with a number who have no idea who they are calling. They are getting this number from somewhere. (Phelps, pp. 15-16).

The only thing that Caller ID really means to me is that I and other people, millions of us perhaps, ordinary people will suffer loss of privacy in ordinary use of our telephones for calls to relatives, doctors, business associates, clients, public servant and so forth who have no automatic right to know where I am when I call them or from whose number I was calling. (Rash, p. 529)

When I called the ex-husband, my private university number was IDed on his Caller ID machine. Instead of discussing the problems between the children and the visitation rights, he asked me a lot of questions about my mediation records, about who I was and whether or not he could subpoena myself and my records for a suit against his ex-wife.

He called me several names including a liar because he said that county government numbers in Prince George's County had a different prefix than my University number that was identified on his system and that is true. (Heinholdt, pp. 566-567)

3. LOCATIONAL AND NETWORK MONITORING:

The location of people as they move about their business may be revealed, conveying information the calling party may not wish revealed.

Caller ID puts battered women and their children in danger in two primary ways. One is for women who are still in the home, the other is for women who flee their home...

The second way is for women who flee the home. Caller ID will identify her whereabouts by revealing her phone number if her children make calls to their father...

Caller ID makes it faster and easier for an abuser to track her down, to harass, abuse, intimidate or kill her. (Phelps, pp. 15-16).

Caller ID will make it an easy matter for men to gain access to the very safe places that these women and children have escaped to (Lietske, pp. 47-48)

We have seen men escalate the tracking that they do in attempts to reach the women that they are abusing.

We have seen them trace them through the prefix of the telephone number. We have seen them use, in very sophisticated ways, Caller ID, and you will hear testimony tonight to that effect. (Alexander, p. 554)

I work directly with the men who have been convicted of assault and battery on their partners. When this issue was discussed in group, there were some very strong feelings about it and it was 100 percent consensus that the men in the group would use Caller ID to track down their partner.

I guess, as proof of it, some of the men volunteered to come down to show support that they would use Caller ID to track down their partners...

COMMISSIONER HEINZ: Mr. Cobbs, I note about eight individuals are here to signify that they endorse your comment (Cobbs, p. 557)

I'm a survivor of domestic violence and I am very much

opposed to the Caller ID. The precautions that I take to insure my safety as far as unlisted numbers are totally destroyed with Caller ID should I decide or need to get hold of either my son or my former abuser. (Mcpherson, p. 602)

When a battered woman or her children's location is identified by an abuser with Caller ID, they and the people who aid them are at terrible physical risk...

Many abused women will not know to go to a pay phone or to call the operator, as we have heard, that will protect them. We do not have the wonderful capabilities of doing a very sophisticated marketing about the dangers of Caller ID that C&P has done so effectively about any positive parts (Shifflet, p. 677-678)

I witnessed this weekend a battered woman calling from a private home to a location that she did not want her location to be known. She called a number that we know had Caller ID.

She called the operator, explained the situation, requested that the operator place the call so that the line cannot be traced. The operator's response was, that won't work. I.'s going to be traced one way or the other if he has Caller ID. (Shifflet, p. 681-682)

4. TELEGRAPHIC STRATEGIC AND PERSONAL PLANS:

Identification of caller may reveal vital information about their plans.

We are very concerned that Caller ID is both a way for the abuser to monitor a woman's calls and to monitor the incoming calls when she may reach out for help as a way for him to track her. (Alexander, p. 554)

We have already had an incident in Baltimore County because of Caller ID. We had a domestic violence victim who was in contact with the Criminal Justice Office and was called back by them and was not at home. The husband took the call off the machine and called the number. Of course, when the person answered the phone, they identified the Criminal Justice Office. He wanted to know why they were calling his wife.

This is just, I'm afraid, a very beginning of some very bad things that could happen because of Caller ID. (Clapper, p. 519)

B. COMMERCIAL ABUSE OF THE TELEPHONE NUMBER

5. TELEMARKETING:

Identification of the telephone number will result in inclusion on more lists and annoying call backs

We believe, in fact that Caller ID will increase unwanted telephone calls from people who will now have your telephone number who didn't have it before, and also businesses that will be able to increase their telemarketing capability (Cohen, p. 24)

Caller ID is made to order for the sales profession for leads such as real estate salesmen, insurance salesmen, automobile salesmen, and let's not forget lawyers, too, etcetera. (Griffin, p. 541)

Caller ID, in effect, publishes your phone number to anybody that you call, particularly to businesses who have automatic logging devices. Instead of now relying on automatic dialers, they can log calls from people who are interested in specific products and now you can get on a preferred calling list.

A prime reason for having an unpublished number is to avoid harassing calls, particularly from businesses who are constantly trying to sell you something. (Whiteside, p. 627)

First to the businessmen who are so eager, understandably, to have Caller ID. If they think they are losing calls now, they must rest assured they will lose far more when this goes into effect because I won't call them. I like being able to make a private call just to satisfy my curiosity about a product, I don't necessarily want to be called back. In fact, I probably don't...

Those who are concerned about harassing phone calls. Think how many more you will get when your number has been sold a couple of dozen times by these businesses who get your phone number from a casual call. (Hostetter, pp. 638-639).

6. PERSONAL DATABASES:

Combination of the phone number with other data could compromise personal information.

Well, I think a lot of people have had problems with businesses of different natures and have wanted to call and find out about the business's policy without having it apply to their account on the spot. (Hartmen, p. 125)

I was more surprised the next morning when I received a call from this subscriber on my main listed number and was informed by her that my office had placed a half a dozen abusive calls to her home the previous evening. I asked how she had traced the calls to my company and was informed by this Caller ID subscriber that as a C&P employee she had traced the unpublished number and accessed my billing file.

I then reminded this subscriber employee that it was I who had handled her abusive calls. Abruptly the line went dead (Begley, pp. 546-547)

By offering Caller ID to anyone, C&P is allowing an open door to businesses to collect and store data endlessly. Businesses make money by selling the addresses and other data about their clients.

And I know this will snowball very quickly. Businesses will be cross-referencing all of their data with other businesses. And they will have all of my own personal private information. It will be open to the world. (Stancliff, p. 665).

7. THEFT OF TELEPHONE NUMBER RELATED SERVICE OR INFO:

Service triggered by a telephone call may be mistakenly offered to anyone possessing the number, even though it was improperly taken from a Caller ID register.

In a nation where credit card fraud and telemarketing scams are so rampant, what this economy, this society and this state do not need is to facilitate automated intrusion into private communications. (Rosh, p. 64)

I am further opposed to this because I perceive that it definitely will increase commercial abuse of the telephone, what I consider commercial abuse, increase the number of junk calls, increasing of commercial espionage, one company gaining access to the customer base of another company through the use of these

kinds of devices and that sort of nonsense that I do not think is necessary. (Boulton, p. 35)

8. REDLINING: Businesses may chose not to answer calls from specific exchanges based on the social, economic, racial, or other characteristics of those exchanges.

C. SPECIAL SITUATIONS

9. ANONYMITY DEPENDENT ORGANIZATIONS:

Organizations like hot lines, tip lines, political organizations, government agencies, etc., require strict anonymity to induce callers to seek help or offer information.

Individuals who want to expose wrongdoing to public officials or the media will have no way to protect anonymity from the ID screen (Frazier, p. 15)

There is one other piece I would like to add, and that's from a personal friend who chose not to be here to protect her anonymity. Several years ago she called a cocaine hot line because she needed support and information. Inasmuch as this was prior to the Caller ID controversy, it never occurred to her that her identity might be in question.

She asked me to speak on her behalf and on the behalf of anyone else who uses hot lines for any reason, to say that her fear is now that not only will Caller ID be available to individuals, but it is also available to hot line people, and she feels as though there is no way that she would be guaranteed of anonymity, and would, therefore, choose not to use a hot line in the future, rather than seek that support. (Burnett, p. 29)

As a result of our promise to employees, they have provided to us information that has resulted in identifying the following business problems. Embezzlement of corporate funds, identifying bogus accounts, computer tampering and frauds, storage and use of cocaine on company property, intentionally withholding company merchandise to falsify inventories...

For ten years we've been able to provide employees this

outlet where they can report things like this with their anonymity being protected.

Like citizens, employees require the right to remain anonymous and private. Caller ID infringes on this right of the caller to remain anonymous.

We do not use Caller ID. However, our callers may have fears that we do use Caller ID.

For this reason, an intended caller may not call their knowledge or suspicion of crime into the alert line. (Frank, pp. 559-560)

I'd just like to say, I know someone who wanted to call an agency because the person was having personal problems. Had that person known the number was going to be identified, I'm sure that person would not have made the call in the first place. (Lavey, p. 613)

10. SANCTUARIES:

The location of certain organizations requires secrecy for the protection of residents.

Our program staff have already encountered Caller ID in their calls to clients and family members and while we have instructed our staff to only use the blocked lines installed by CAP Telephone, and to not make calls to clients from home, this has been unsettling and has caused considerable concern. (Cohen, p. 23)

11. WORK AT HOME:

Certain professions require work from home and revelation of the location could undermine the ability to conduct business.

I've just resigned my position as a hot line volunteer, and the main reason is because of Caller ID. This option not only jeopardizes the confidentiality of the women who call for support, but it also jeopardizes my personal safety inasmuch as my telephone number becomes available to batterers. (Brunnet, p. 23)

I do not want people calling me because they have my number because I have called a client at home and, instead of getting her, I have gotten her abuser who has maybe held her in bondage and is taking down all the numbers of anybody who calls her (Lawson, pp. 51-52)

I'm concerned for the women I work with but I'm equally concerned for my own safety. As a woman who lives alone, part of my job responsibility is to call not only battered women, but also violent men. If I call these people from my home, it is a simple matter to gain my address and put myself at risk (Mize, p. 115)

We do find that we have to call parents in the evening. When I first started teaching, life, family life, was very different. You sent a little note home and mother came in to see me for a conference and the matter was settled. But now with so many working mothers, it's almost impossible to just send a little note home and mother will come to see you. And we do make a lot of phone calls at night. As a matter of fact, the very first thing a parent tells you, if there's a problem call me. Don't hesitate to call me. Well, I'm not too crazy to have my phone number displayed in every household. I do sometimes make three or four calls a night. I don't wish to stay in a dark school building until 7:00 at night to make these calls. And I don't want my number to be throughout the entire school because we do have some children who will be children and I'll start getting these telephone calls. But I can remember vividly the previous number that I had which was not an unlisted number. And I did get some calls, silly little situations from parents that should have known better, but didn't. The disturbing thing was, people knew where I lived. And I had people from the school dropping in to see me. I did not appreciate that one bit.

But again, I'm repeating. The main reason that I don't want it is I would like to protect my privacy without my number being given over to every child in school (Manie, pp. 122-123)

As a teacher, a call home to a student or to a parent after hours from my home phone could conceivably be recorded with possibility of harassment from that standpoint (Pease, p. 529)

The second grounds on which I oppose it is on the ground of safety. As a private citizen and a social worker who works with battered women, I feel that Caller ID puts my clients and myself at risk because of the invasion of privacy and because I would not have control over the information nor would my clients.

(Rogan, pp. 531-532)

Also, as a former teacher, if Caller ID had been available when I was still a full time teacher, I would have refused to make phone calls from my home to students to talk to their parents because if the parents had Caller ID I know that my phone number would shortly be the property of every student in that high school that I taught and I would get harassing calls. (Fournier, pp. 601-602)

I have been asked, however, to read the testimony of a former intern at CASA who prefers to keep her identity unknown

"I am a student at the University of Maryland Graduate School of Social Work. During 1989 and 1990, as part of my graduate work, I was a social worker intern at CASA...

One day when I was working at the CASA office, I was given a message that was taken when all the counselors were on the phone. It had the name and phone number of a battered woman. I called the number and a man answered the phone. I immediately hung up to protect the woman who had called us.

The phone rang back within 20 seconds. I picked up the phone thinking it was an incoming call on the help line and said, 'Hello, CASA, may I help you?' A belligerent man said, 'Who are you and why are you calling me?' I was completely taken aback and said, 'I must have called the wrong number.'

The incident scared me tremendously. I was only fortunate that I was not calling from my home phone. (Kunetz, pp. 621-622)

The second point is that there are times when I am in my home and must call a client for reasons that they're severely depressed. I'm concerned about life and death issues of suicide, I'm concerned about potential violence or harm that might be done. It is important that I make contact with clients at times outside of my office.

Caller ID would give them my home phone number. I do not wish them to have that. It is true that I could put in another telephone line and I could put in a pseudonym for my name and I could make my calls from that phone line. It also means that our rates would have to increase in order to cover those costs. (Olson, p. 687-688)

12. PUBLIC PERSONS:

Highly visible public persons can be subject to annoyance and/or harassment should their number become available.

D. INTERPERSONAL PROBLEMS ARISING FROM CALLER ID

13. MISTAKEN NO ANSWERS:

Valuable calls from unfamiliar locations will be mistakenly unanswered (a wife calling from a gas station)

And I was surprised at the parents who are saying they would tell the children only to answer phone calls from a given number. Well, what if I was on the road somewhere and I wanted to reach my child. The child would not answer the phone call. (Emmans, p. 119)

Persons with Caller ID may choose not to answer important calls if they are made from numbers which are not recognized. For example, an older woman might be hurt while shopping and try to call her daughter from pay phone or a store. But her daughter doesn't answer because she does not recognize the number (King, p. 512)

As a daughter, I have parents who crisscross the country in a motor home. Should they call me from some unknown place, I would not recognize the telephone number. As a mother with a college age daughter caught someplace on a street corner in a phone booth, I would not recognize the telephone number (Pease, p. 528)

14. PRIVACY WITHIN THE HOME:

The information about an incoming call for one household member may be made available to others for whom it is intended, compromising private relationships.

We believe that abusers, who are very obsessive about controlling their partners, will use Caller ID to control their partners' contacts while they are living at home and will use

Caller ID to find them if they leave. (Cohen, pp. 20-21)

I had a conversation with a friend of mine recently. And during the conversation he mentioned that someone had called his wife from her place of employment.

Further on in the conversation, something he said made me realize that he hadn't spoken to his wife that day. And I asked him how he knew that they had called her. And he said whenever he comes in, he checks his Caller ID box to see who has called.

I was quite frightened by that, the implications of that. I mean, this woman, her husband is going to know anybody who calls her. She loses her privacy.

She may not mind that, I don't know. But I feel that it's a privacy issue that she has the right to have people call her without anyone else knowing unless she chooses to tell them. (Doyle, pp. 682-683)

If I call a client from my office and that number is identified by Caller ID, anyone in that client's home may find out easily that they are being called. They no longer have the privacy to seek mental health services, and that confidentiality is violated before we have ever begun to speak..

We never call and identify ourselves when we are speaking with anyone in the home except the client who has given us their name. I would not like to have that violated (Olson, pp. 683-684)

I'll give you an example of this. I have a close friend whose husband is very abusive to her and limits who she sees, where she goes, who she talks to. When I call her, I have to be real discreet since he does not want her talking to friends who are supportive. If my number would appear on their Caller ID machine, she would be put at risk and so would I. (Rollins, p. 707)

15. MISTAKEN IDENTITIES:

The assumption that whoever answers the telephone at a number obtained through Caller ID was the original caller may be wrong, leading to cases of mistaken identity.

I do get a substantial number of calls that are misdialled numbers, or where the caller has been given my number incorrectly. Caller ID is not going to correct that. (Frazer, p. 14)

16. WRONGFUL RETURN OF A CALL:

Mistakes happen in dialing and a Caller ID subscriber who dials the number of a perceived annoyance caller can create an even greater annoyance.

I didn't recognize the number. I called back and I got a lady's response who was asleep, so I won't even repeat -- it was very disappointing because I don't like to wake people up. (Austin, p. 131)

17. REVERSE HARASSMENT:

Many of the perceived annoyance calls are innocent mistakes, such as wrong numbers. Caller ID may bring about a spate of reverse harassment with an innocent misdialer being harassed by an angry caller ID subscriber who feels wronged.

It has been my personal experience that subscribers call the numbers displayed on their boxes in an attempt to determine the source and reason of the original call. In nearly 70 percent of the calls placed to the outgoing lines in my office, the callers are verbally abusive, irritating and offensive to the point of vulgarity. It is ironic that these are traits normally attributed to my telemarketers.

One case, however, warrants particular note tonight. On the morning of July 24th, one of my employees placed a call to a Caller ID subscriber. The call was unanswered. At 6:30 that evening, the Caller ID subscriber called the unpublished line in my office. The caller was abusive and vulgar. I took the return call personally and terminated the call by hanging up. The subscriber proceeded to call back five times during the next 20 minutes, continuing the abuse and threatening further action against my company (Begley, pp. 545-546)

When Caller ID came out, I found that my ex had the service

and I had to do something quick. When I called the phone company, there was nothing they could do for me so what I had to do to keep the harassment from happening, I had to take phones off the hook when I go to work so the children wouldn't call. With the unlisted number, they could call him if they feel the need to but then I would be harassed. This way, the children cannot make any phone calls. They cannot get any phone calls during the day. They could not call me if there was an emergency and I could not call them. (Highkin, pp. 563-564)

18. PROLONGED HARASSMENT:

Some harassing calls are dialed randomly. If Caller ID is used to dial the harasser back, the number will be revealed and a prolonged exchange of calls may be initiated.

So I literally took it upon myself, you people who want security, to call that number back and back, and back, and back, until they called me back to stop my harassment. (Austin, p. 131)

19. MISTAKEN ADDRESSES:

Reverse directories (official or commercial) may be out of date leading to mistakes in associating numbers with addresses

20. UNEQUAL ACCESS TO PRIVACY:

The cost of Caller ID and subterfuges to protect one's privacy will result in lower income households being less able to afford these services and enjoying less privacy.

I wonder if C&P is going to offer this service at a discount or free rate to low income people who feel that they need this for safety reasons. We have not heard anything of that.

It is very expensive, and C&P is trying to exploit the fear of people and is going to use that fear and exploit it in order to make a profit (Sykes, p. 726)

ATTACHMENT II

GTE SURVEY QUESTIONS RELATING TO SMARTCALL SERVICES
AND PRIVACY CONCERNS

38. Now I'd like your opinion about some new services that the telephone company is thinking about offering. These services do not require a special phone. Before I describe them to you can you tell me if you have ever heard of CLASS services?

39. I'd like you to think of a situation where you have Call Waiting on your phone, which is a beeping sound letting you know that you have another call waiting for you. However, you would only like it to interrupt your conversation if certain specific people were calling.

40. What if there were a service that would let you set your phone to give a different sounding ring when certain people call you, so that you'd know who was calling before you picked up the phone.

41. Now, think of a situation where the phone stopped ringing before you could answer it, or you wanted to know if someone called while you were out. Imagine there were a service that would allow you to hear the number of the last person who called you and then, if you wish, it would automatically call them back for you.

42. Thinking of a situation where you're dialing a number and it's busy, suppose you could push a button on your phone and it would automatically keep trying to call the number. When the number was no longer busy, your phone would ring so you could pick it up and complete the call.

43. Sometimes we receive nuisance calls which we would rather not take. What if there were a service which would let you block such calls.

44. Occasionally people receive obscene phone calls, Suppose you could push a button which would automatically trace the call.

45. Imagine there was a service that let you select the numbers of people from whom you want to receive calls, and block out all others. This service could be turned on and off by you at any time.

46. Suppose there were a service that allowed you to forward selected calls to the number where you could be reached when you're away from home.

45c-1. Overall what advantages, if any do you see in these new

services?

46c-2. And what disadvantages, if any, do you see in these new services?

46c-3. In order for some of these new services to work, the person who is receiving a call will know the number of the party who is calling them. Which of the following statements best describes your feeling about the caller's number being made available to the person who is being called.

46c-4. and why do you dislike the idea.

46c-5. There is some disagreement over how these new services might affect one's privacy.

Those who feel the services might violate one's privacy say:

These services might discourage calls from people who want to protect their identifies, such as hot line users, police tipsters, or those who have unlisted telephone numbers.

Also they say that businesses will record customers' numbers, and could use them for sales calls, or sell lists of these telephone numbers to other sales people.

On the other hand, those who believe the services would protect one's privacy say:

The person being called has a right to know who is calling into their home

Also, they say that these services discourage obscene and prank telephone calls by allowing one to return, block or even trace these calls.

Now, having heard both these points of view, do you feel these new services would violate one's privacy... or protect one's privacy?

CERTIFICATE OF SERVICE
Docket No. 891194-TI

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail or hand-delivery to the following parties this 26th day of October, 1990.

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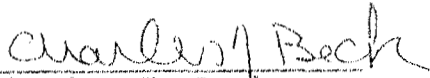
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