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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In The Matter of : DOCKET NO. 891194-TL

Proposed Tariff Filings by :
SOUTHERN BELL TELEPHONE AND : FIRST DAY - MORNING SESSION
TELEGRAPH COMPANY Clarifying :
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Florida Public Service Commission

FPSC, Hearing Room 106
Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399

Wednesday, November 28, 1990

Met pursuant to notice at 9:30 a.m.

BEFORE: COMMISSIONER MICHAEL MCK. WILSON, Chairman
COMMISSIONER GERALD L. GUNTER
COMMISSIONER THOMAS M. BEARD
COMMISSIONER BETTY EASLEY
COMMISSIONER FRANK MESSERSMITH

APPEARANCES:

DAVID M. FALGOUST, Southern Bell Legal
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Peachtree Street, Northeast, Atlanta, Georgia 30375,
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Southern Bell Telephone and Telegraph Company.

DOCUMENT NO.
10930-90
12/10/90

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6 Company.

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8 KIM CASWELL, GTE Florida Incorporated, Post Office Box
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10 224-4001, appearing on behalf of GTE Florida Incorporated.

11 ALAN N. BERG, Post Office Box 5000, Altamonte
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18 appearing on behalf of the Attorney General of Florida.

19 PETER A. ANTONACCI and MARTY MOORE, Statewide
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5 behalf of the Florida Department of Law Enforcement.

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10 CHERYL R. PHOENIX, Director, Florida
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20 of General Services.

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24 behalf of Central Telephone Company of Florida.

25

1 APPEARANCES CONTINUED:

2 JACK SHREVE and CHARLES J. BECK, Office of
3 the Public Counsel, Claude Pepper Building, Room 812,
4 111 West Madison Street, Room 801, Tallahassee, Florida
5 32399-1400, Telephone No. (904) 488-9330, appearing on
6 behalf of the Citizens of the State of Florida.

7 ANGELA B. GREEN and JOHN K. ADAMS, FPSC
8 Division of Legal Services, 101 East Gaines Street,
9 Tallahassee, Florida 32399-0863, Telephone (904)
10 487-2740, appearing on behalf of the Commission Staff.

11 PRENTICE P. PRUITT, FPSC Office of General
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I N D E X

WITNESSES

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P R O C E E D I N G S

(Hearing convened at 9:35 a.m.)

CHAIRMAN WILSON: Call the hearing to order.

Would you read the notice, please?

MS. GREEN: Pursuant to notice the hearing was convened on November 28th, 1990, in Tallahassee, Florida in this matter.

This is Docket No. 891194-TL, proposed tariff filings by Southern Bell Telephone and Telegraph Company.

CHAIRMAN WILSON: Lets take appearances of counsel.

MR. FALGOUST: Good morning. David Falgoust, 675 West Peachtree Street, Atlanta, Georgia 30375, on behalf of Southern Bell.

MR. KEENER: Barlow Keener, Suite 1910, 150 West Flagler Street, Miami, Florida 33130, appearing on behalf of Southern Bell Telephone and Telegraph Company.

MR. PARKER: Thomas R. Parker and Kim Caswell, P. O. Box 110, Mail Code 7, Tampa, Florida 33601, on behalf of GTE Florida, Incorporated.

Commissioners, I'd like at this time to introduce Ms. Caswell to you. She's licensed to practice law in California and Washington, D.C. She

1 has passed the Florida Bar; is waiting for her
2 background investigation to clear. She is certificated
3 as a Class B Practitioner before you and she'll be
4 appearing in this case.

5 MR. BERG: Alan N. Berg, Post Office Box
6 5000, Altamonte Springs, Florida 32716-5000, appearing
7 on behalf of United Telephone Company of Florida.

8 MS. PHOENIX: Cheryl Phoenix, P.O. Box
9 532641, Orlando, Florida 32853-2041, appearing on
10 behalf of the Florida Coalition Against Domestic
11 Violence.

12 MR. MATHUES: Steven S. Mathues, 2737
13 Centerview Drive, Suite 309, Knight Building,
14 Tallahassee 32399-0950, representing the Florida
15 Department of General Services.

16 MR. DORAN: Richard Doran, Director of the
17 Criminal Law Division of the Attorney General's Office.
18 Our address is The Capitol, Tallahassee.

19 MR. RAMAGE: Michael Ramage, Deputy General
20 Counsel, Florida Department of Law Enforcement, P. O.
21 Box 1489, Tallahassee, Florida 32302.

22 MR. BECK: Jack Shreve and Charles J. Beck,
23 Office of the Public Counsel, 111 West Madison Street,
24 Room 812, Tallahassee, Florida 32399-1400, appearing on
25 behalf of the Florida Citizens.

1 MR. ANTONACCI: I'm Peter Antonacci. My
2 address is Plaza Level 01, The Capitol, Tallahassee,
3 Florida. I represent the Office of Statewide
4 Prosecution. My assistant, Marty Moore, will also be
5 appearing in lieu of me from time to time.

6 COMMISSIONER GUNTER: Are congratulations in
7 order?

8 MR. ANTONACCI: Depends on how you look at
9 it. (Laughter)

10 MS. GREEN: Angela B. Green and John K.
11 Adams, Florida Public Service Commission, 101 East
12 Gaines Street, Tallahassee, on behalf of the Commission
13 Staff.

14 MR. PRUITT: I'm Prentice P. Pruitt, same
15 address, Counselor to the Commissioners.

16 CHAIRMAN WILSON: All right. Are there any
17 preliminary matters that we need to address before we
18 begin the hearing?

19 MS. GREEN: I believe that there are.

20 First, as to the customer notices that were
21 issued in this matter. I understand those will be
22 entered into the record, so we would need exhibit
23 numbers for those.

24 CHAIRMAN WILSON: I believe those have been
25 previously marked at those public hearings and --

1 MS. GREEN: So those would 1 through 3?

2 CHAIRMAN WILSON: 1, 2 and 3. The first one
3 is Orange Park, the second one is the notice from
4 Orlando, and the third would be the notice from Miami.

5 MS. GREEN: Okay. And the Staff has entered
6 into a stipulation with Southern Bell and the Office of
7 Public Counsel regarding the foundational requirements
8 for the eight Staff exhibits. They've agreed to
9 stipulate these into the record and that is without
10 objection of any of the other parties.

11 MR. BECK: Angela, there may be a
12 misunderstanding. I have got no objection to the
13 deposition of Jim Whitehead that you wanted to put into
14 the record. But I've not stipulated on any of the
15 others.

16 MS. GREEN: Well, then there is a
17 misunderstanding on my part.

18 CHAIRMAN WILSON: Why don't you see if you
19 all can straighten that out at the first break before
20 the first exhibits are used.

21 MS. GREEN: Okay. Thank you.

22 Now, Staff has no other preliminary matters,
23 but I believe some other parties do.

24 CHAIRMAN WILSON: Speak now.

25 MR. BECK: Commissioner, I've got a number of

1 preliminary matters.

2 The first is that we're going to ask to defer
3 these hearings. There are a number of document
4 requests that we have out to Southern Bell. I have had
5 a Motion to Compel filed since August 7th, 1990, that's
6 still not been ruled on. There are documents that
7 Southern Bell has refused to produce as well as they
8 have refused to produce documents from BellSouth
9 Corporation.

10 A number of the documents, subject to the
11 motion, were delivered to my office at 5 o'clock this
12 past Wednesday, before the Thanksgiving weekend, and I
13 got them this Monday morning. Some of those documents
14 deal with items that we could have used in our direct
15 testimony. And I can give you specific examples. In
16 particular, there was a blocking survey done by
17 BellSouth Services where Southern Bell had purged all
18 information relating to other states but it left in
19 Florida's. And we have testimony dealing with the
20 portion we had. Had we had the documents in a timely
21 manner, we would have included the other information in
22 there.

23 So we've got the pending Motion to Compel.
24 There are a number of other pending matters as well.
25 But until we get the documents so we can prepare our

1 case, we're going to ask that the hearing be delayed.

2 CHAIRMAN WILSON: What's the nature of the
3 items that are subject to the Motion to Compel?

4 MR. BECK: There are a series of documents,
5 15 or 20, or so, that were delivered to our office with
6 the information that had been purged previously being
7 given to us.

8 The motion to delay with those documents
9 deals with the fact that we have been prejudiced by not
10 being able to use those documents in our direct
11 testimony that was filed. Now, in the Motion to Compel
12 on documents that have not be produced, there are two
13 items.

14 Southern Bell made an objection on relevancy,
15 broadly objected, saying, "We're not going to give you
16 anything we don't think is irrelevant," but failed to
17 identify what the documents were, or why they felt they
18 were irrelevant. Subsequently, since our Prehearing
19 Conference have identified the documents; one of them
20 still, as yet, has not been produced. Southern Bell
21 says it's proprietary and just simply hasn't produced
22 it.

23 The second matter deals with documents from
24 BellSouth Corporation, and I dealt in length in that in
25 our Motion to Compel filed August 7th. We're still

1 waiting on a ruling on that.

2 COMMISSIONER EASLEY: Mr. Chairman, part of
3 this problem was that at issue was not only in
4 relevancy but the fact that some of the documents were
5 considered irrelevant because they contained
6 information from out-of-state jurisdiction, and at the
7 time of the Prehearing Conference the nature of the
8 documents was not available.

9 As I understand it, the Company was to
10 provide to Public Counsel, and apparently did provide
11 to Public Counsel, a list of those documents, at least
12 identifying, for want of a better term, the reason why
13 they were considering these documents irrelevant and
14 what material was to be considered out of state, and,
15 therefore, irrelevant.

16 That part of the motion was deferred by me
17 pending the receipt of that information; there was no
18 way for me to determine relevancy or anything else
19 until we knew what it was we were talking about. It
20 was my opinion at that time that Public Counsel should
21 not be permitted to ask for everything under the sun
22 but neither should the Company be permitted to
23 stonewall everything under the sun. We had a little
24 bit of a Mexican standoff on this particular issue, so
25 it's kind of where it is.

1 MR. FALGOUST: Mr. Chairman?

2 CHAIRMAN WILSON: Yes.

3 MR. FALGOUST: As Commissioner Easley has
4 pointed out, she issued an oral order at the Prehearing
5 Conference requiring Southern Bell to produce a list of
6 the documents which had either been redacted or not
7 produced at all based on the objection of relevancy.
8 She ordered that that be done, if possible, by
9 Wednesday, the day before Thanksgiving. Not only did
10 Southern Bell produce such a list identifying the
11 documents that had been redacted, I believe there were
12 22 such documents, but also identifying two documents
13 which had not been produced at all because of the
14 relevancy objection.

15 Southern Bell continues to maintain its
16 relevancy objection to other state's information.
17 However, in a effort to settle these continuing
18 discovery disputes, we, indeed, made available to Mr.
19 Beck, the Public Counsel, each of the 22 documents that
20 have been redacted in its original form. We also made
21 available to Public Counsel one of the two documents
22 that have not been produced at all.

23 The second document is a document that was a
24 joint study done by AT&T and BellSouth Services, which
25 is marked "AT&T proprietary." I have attempted to

1 obtain permission from AT&T to release that document.
2 However, the Counsel for AT&T, Mr. Coker, with whom I
3 have been working, has been involved in hearings
4 yesterday and day before yesterday in Georgia, and I've
5 simply not been able to get back to him. I've left
6 word for him to call me and have not heard from him.
7 But that's the only document that has not been produced
8 by Southern Bell.

9 CHAIRMAN WILSON: There is one document
10 outstanding that has not been produced?

11 MR. FALGOUST: That's right.

12 MR. BECK: No. Mr. Chairman, in addition to
13 the one document, there's a category of documents, and
14 that's the ones from BellSouth Corporation in total.
15 Southern Bell objected in total to providing anything
16 from BellSouth Corporation. And I have got a Motion to
17 Compel. I guess normally it would be ruled upon by the
18 Prehearing Officer but I've got copies and I'm prepared
19 to argue it straight to the whole Commissioner if you'd
20 prefer.

21 MR. FALGOUST: Mr. Chairman, if I may
22 recharacterize, Southern Bell has, indeed, produced
23 BellSouth Corporation documents that were in Southern
24 Bell's possession, and that were responsive to Public
25 Counsel's request. What Southern Bell has not done is

1 ask BellSouth to produce documents that are in its
2 possession because BellSouth is not a party to this
3 matter.

4 MR. BECK: When the time is appropriate, I
5 want to argue that, and pass out copies of my motion
6 which address that issue at length.

7 MR. FALGOUST: Southern Bell, by the way, Mr.
8 Chairman, has both procedural and substantive arguments
9 opposed to that part of the motion.

10 CHAIRMAN WILSON: Well, it seems to me the
11 appropriate time to have done this is about a week ago,
12 not this morning.

13 COMMISSIONER EASLEY: The problem, Mr.
14 Chairman, was that we did not have, at the time of the
15 prehearing, enough information for me to make any kind
16 of judgment. And that was the reason for the attempt
17 to get the list.

18 May I ask Mr. Beck a question?

19 CHAIRMAN WILSON: Absolutely.

20 COMMISSIONER EASLEY: Mr. Beck, the list that
21 we required the Company to produce, was it complete?

22 MR. BECK: As far as I know. And what
23 Southern Bell did is provided a list of the areas where
24 they had purged information from the documents and gave
25 those documents to me. Now, the prejudice we've got

1 there in general is now I can't use that information in
2 the testimony we provided the Commission; and, in
3 specific, there is a rather lengthy survey BellSouth
4 Services did of blocking information. And we addressed
5 it to the extent we had the information in our direct
6 testimony, but we were precluded from doing it because
7 we didn't have that information at the time.

8 Now, there are still two items that have been
9 produced at all. One is that one document Mr. Falgoust
10 mentioned that it's a Southern Bell document they
11 didn't provide us based on claim of relevancy. Second,
12 is the category of documents in the possession of
13 BellSouth Corporation.

14 CHAIRMAN WILSON: You have that survey now?

15 MR. BECK: Yes, I do.

16 CHAIRMAN WILSON: Or you do not have that
17 survey?

18 MR. BECK: Yes. I received it Monday morning
19 when I arrived at work. It was delivered late
20 Wednesday, I believe.

21 MR. FALGOUST: Mr. Chairman, may I respond,
22 please?

23 CHAIRMAN WILSON: Briefly.

24 MR. FALGOUST: Briefly.

25 The document to which Mr. Beck refers was

1 conducted in Florida and in Tennessee. The matter that
2 had been redacted was a Tennessee matter. He had all
3 the categories, all of the Florida statistics that
4 indeed have been used in his testimony. All that had
5 been redacted was the specifically identifiable
6 Tennessee information, which has now been produced.

7 CHAIRMAN WILSON: Is that correct?

8 MR. BECK: Oh, that's correct. You'll see
9 from all the testimony that's filed that all the
10 parties have relied extensively on out-of-state data,
11 both Southern Bell and our office. (Pause)

12 MR. RAMAGE: Mr. Chairman?

13 CHAIRMAN WILSON: Yes.

14 MR. RAMAGE: The Florida Department of Law
15 Enforcement, the Office of Statewide Prosecution, and
16 the Attorney General's Office, at this time, we'd like
17 to bring to your attention that we're filing a similar
18 motion and basically would reincorporate the arguments
19 that have already been made.

20 Our basic position is that Southern Bell has
21 taken the posture that throughout these proceedings
22 that this various out-of-state material, et cetera, is
23 not relevant to the Florida proceedings; yet, the
24 prefiled testimony, the various testimony that has been
25 filed as Mr. Beck has just indicated, does rely

1 explicitly and implicitly on out-of-state information.
2 And it's the position of the three parties that are
3 entering into that motion that we're presenting an
4 alternative motion.

5 Our motion would be, and it is in writing,
6 that this Commission either grant a Motion in Limine,
7 which would limit the testimony, if this is the
8 position that the Commission chooses to take, that
9 out-of-state information is completely irrelevant to
10 these proceedings, then all testimony, prefiled,
11 rebuttal, cross examination testimony, et cetera,
12 should be limited to information that's based
13 exclusively on materials made available and exclusively
14 regarding the state of Florida. And we would also, in
15 conjunction with that, be moving to strike all prefiled
16 testimony, prefiled rebuttal testimony, that explicitly
17 or implicitly is relying upon out-of-state information.

18 In the alternative, because it is our belief
19 that that material could lead to information which
20 would be reasonably calculated to lead to the discovery
21 of admissible evidence and ought to be within the scope
22 of the discovery that's provided in these proceedings,
23 our alternative motion is that this Commission grant
24 our Motion to Compel the discovery in the extensive
25 state; that there be a date certain for the production

1 of those records; and that this matter be continued to
2 a date reasonably calculated after that date certain
3 for production to give us the opportunity to look at
4 that material and determine whether or not we need to
5 file supplemental testimony. And that's our basic
6 position. And the motion is in writing, and I'll be
7 filing it at this time.

8 CHAIRMAN WILSON: What is the material to
9 which you are referring?

10 MR. RAMAGE: It's hard for us to specify what
11 the material is because we don't know to what extent
12 the material that's not been provided at this point
13 could be reasonably calculated to lead to admissible
14 evidence --

15 CHAIRMAN WILSON: Do you know whether it's
16 relevant or not?

17 MR. RAMAGE: Well, the scope of what is to be
18 provided in discovery goes beyond direct relevance. It
19 could be material that could lead to the discovery of
20 relevant information.

21 CHAIRMAN WILSON: I believe if you look at
22 the standard in the Rules of Civil Procedure it says,
23 "Relevant information which could lead to evidence
24 which may be admissible at hearing," or the fact it may
25 be inadmissible would not be a grounds for

1 nondiscovery.

2 MR. RAMAGE: Well, Rule 1.280 --

3 CHAIRMAN WILSON: First sentence of it, I
4 believe it says, it's limited to relevant material.

5 MR. RAMAGE: Rule 1.208, (b)(1), concludes
6 with, "It is not ground for objection that the
7 information sought will be inadmissible at the trial,
8 if the information sought appears reasonably calculated
9 to lead to the discovery of admissible evidence."

10 CHAIRMAN WILSON: Read the first sentence of
11 the Rule.

12 MR. RAMAGE: "Parties may obtain discovery by
13 one or more of the following methods:" And goes
14 through the various methods. "Unless otherwise limited
15 by order," this is Part B, scope of discovery, "Unless
16 otherwise limited by order of the court, in accordance
17 with these rules, the scope of discovery is as follows:
18 1, in general parties may obtain discovery regarding
19 any matter not privileged that is relevant to the
20 subject matter of the pending action, whether it
21 relates to the claim or defense of the parties --"

22 COMMISSIONER EASLEY: Slow down a little bit,
23 Counselor.

24 MR. RAMAGE: I'm sorry.

25 CHAIRMAN WILSON: As the first condition for

1 discovery is the information must be relevant?

2 MR. RAMAGE: I would respectfully disagree
3 that Southern Bell's objection to the production of
4 discovery is that it is not relevant and the Rule
5 explicitly says that is not a ground for objection.
6 "If it appears that the information sought by those
7 seeking discovery appears reasonably calculated to lead
8 to the discovery of the admissible evidence." Our
9 position basically is we don't know whether it's going
10 to lead to it or not because we haven't been able to
11 receive the information itself.

12 COMMISSIONER BEARD: I'm handicapped by the
13 problem of not being an attorney, and so I don't have
14 the ability to interchangeably use the words "relevant"
15 and "admissible," which is what I'm hearing happening,
16 okay? And we have been schooled in this because the
17 Chairman has beat my brains out on this issue time and
18 again, and it appears that relevance is the first word.
19 And then if it's relevant, whether it's admissible or
20 not, you have access to it. Now, that's just the old
21 English teacher beating my brains out on that. Now, if
22 you can explain to me how it's different then --

23 MR. RAMAGE: I believe the scope of the
24 discovery rule says, "Relevant to the subject matter."
25 Now, that's a different relevancy from whether or not

1 it's necessarily admissible as evidence at the hearing.
2 And, furthermore, that's why the Rule then says that
3 it's not a ground for objection, that the information
4 sought, if it appears that the information is
5 reasonably calculated to lead to the discovery of
6 admissible evidence. And that's the criteria for
7 admitting evidence at trial.

8 COMMISSIONER BEARD: So can we start -- I
9 understand the admissible part -- can we start with the
10 first issue which is relevance? We don't care whether
11 it's admissible or not, you're right, forget that,
12 okay? My understanding of this debate is on relevance.
13 Is that not correct?

14 MR. RAMAGE: Yes, sir.

15 COMMISSIONER BEARD: We can drop all those
16 words about admissible and inadmissible and we can get
17 right down to the question of relevancy, I think. And
18 the Chairman's question was is this information
19 relevant? So we're right there at the very core test.

20 MR. BECK: Maybe I can address that,
21 Commissioner Beard.

22 The documents I requested back in June 19th
23 and June 21st, and filed a Motion to Compel on August
24 7th. What Bell did in their objections filed, I guess,
25 in late July is said, "We're not going to give you

1 anything we think is irrelevant." They didn't tell us
2 what it was or why it was. Just said, "We're not going
3 to give you anything if we think it's irrelevant." And
4 that was one of the aspects of the Motion to Compel.
5 Commissioner Easley told Bell, "Tell us what it is that
6 is not relevant, because how can anybody address it if
7 we don't even know what it is?"

8 That's what Southern Bell -- now, they, I
9 don't believe, have said why they think it's
10 irrelevant. They've just identified what it was they
11 withheld.

12 COMMISSIONER EASLEY: Mr. Chairman, I have
13 yet to see the list as provided by Southern Bell. I
14 have not had access to the material. I understand that
15 it's potentially about three boxes full of stuff. I
16 apologize to the Commission for not having been in a
17 position to shortcut this as Prehearing Officer, but,
18 frankly, there was no way to do it.

19 If you wish me to, I can take this list, look
20 at it, look at the material, and try and come to some
21 conclusion to avoid having to put the Commission
22 through the delay of this matter to the extent
23 possible.

24 CHAIRMAN WILSON: Well, Commissioners, if it
25 suits you all, what I'm going to suggest, I'm going to

1 deny the motions to postpone or delay this hearing. We
2 will proceed. I think the matter of discovery has been
3 a matter of great contention in front of this Commission
4 in a number of cases, I would have hoped the parties would
5 have learned by now to try to take care of these things
6 before you get into the hearing room. We are not going to
7 decide that here this morning.

8 If you are withholding relevant evidence,
9 some action's going to be taken. By the same token, I
10 think both of you understand that Public Counsel cannot
11 have everything that he wants, neither can any other
12 party, and you cannot withhold anything that you want.
13 But that determination should be made on relevance by
14 the Prehearing Officer by examining those documents.
15 And to the extent that you've dragged your feet on
16 this, it raises a real serious concern.

17 After we go through this hearing, and we're
18 going to proceed with the hearing, we will give an
19 opportunity, Mr. Beck, to you, other counsel to argue
20 whether your case has in fact been prejudiced by this;
21 and if it's necessary to have further proceedings in
22 this matter, then we'll do so to cure that. But that
23 will be after the Prehearing Officer has an opportunity
24 to look at those documents and the arguments of the
25 parties on their relevance or admissability, whatever

1 your arguments are, and make that determination.

2 To the extent that you can use documents in
3 cross examination today that you have -- and I realize
4 that you may not have gotten them as soon as you would
5 liked to have had them -- I would encourage you to do so.

6 MR. BECK: Is the Commission going to rule on
7 our Motion to Compel that was filed in August?

8 CHAIRMAN WILSON: I am not going to rule on
9 the Motion to Compel here today. Commissioner Easley
10 is going to rule on that as Prehearing Officer after
11 she has an opportunity to examine the documents and
12 your motion, Southern Bell's response and the documents
13 that are involved.

14 MR. BECK: Are we going to have a motion
15 hearing on that after this evidentiary hearing?

16 COMMISSIONER EASLEY: Mr. Chairman, it would
17 be my suggestion that we get with the Staff, my Staff
18 and the Commission Staff, and we'll set a date. As
19 soon as possible, the sooner the better, as far as I'm
20 concerned.

21 MR. BECK: I accept that as the Commission's
22 ruling. I do object to proceeding without having even
23 a ruling on the Motion to Compel we filed in August.

24 COMMISSIONER GUNTER: Mr. Chairman, as we go
25 through this, and I have read the testimony, I think

1 that arguments that have been made by and are followed
2 up by the motion from FDLE and the Statewide
3 Prosecution and Legal Affairs, in reading the
4 documents, there's one piece that does trouble me as we
5 go -- and I say "the documents," the prefiled
6 testimony.

7 One of the things I want everybody to keep in
8 mind that one Commissioner is going to be looking at is
9 there has been reference made to outside the borders of
10 the State of Florida in bolstering the case on the
11 parts of some testimony. Just for consideration, it's
12 difficult -- and I've been sitting here listening and
13 not a party to the difficulty that Commissioner Easley
14 has had. I have been down that road in a previous
15 proceeding, in fact, spent one whole Friday downstairs
16 with stacks of documentation trying to find what in
17 fact would be held confidential and what would not.

18 I'm always reminded of a 33-page document
19 that was to be held confidential, and there was one
20 word in it, and that word happened to be an access code
21 for a computer program. So, you know, there's beauty
22 in the eyes of the beholder.

23 But there is some troubling element when you
24 move outside the state of Florida to bolster your
25 testimony and at the same time attempt -- and I'm just

1 parrotting the words to say that data from outside the
2 state of Florida would not be relevant. That is a
3 concern. I just wanted to voice that as we go through
4 the --

5 CHAIRMAN WILSON: Is that your point that the
6 data, I'm not sure I do understand.

7 COMMISSIONER GUNTER: Well, if you say that
8 you've got redacted testimony, redacted data from
9 Tennessee, and yet -- and that would be, and I
10 understand the Company's position, I haven't looked at
11 that document, so it would be difficult to understand.
12 But then when you go outside and talk about experience
13 that has taken place in other states, and yet you don't
14 want that information or those kinds of reviews made in
15 context with the Florida situation, I'm troubled by that.

16 MR. FALGOUST: May I respond, Commissioner
17 Gunter?

18 COMMISSIONER GUNTER: Yes.

19 MR. FALGOUST: I do think that we need to
20 make it perfectly clear that Southern Bell never did
21 take the position that any out-of-state information was
22 not relevant. We did take the position that certain
23 types of out-of-state information was not relevant.
24 But --

25 COMMISSIONER GUNTER: Well, I prefaced my

1 remarks, counselor, in saying I haven't seen the
2 documents. But, in listening to the arguments and
3 having read the testimony, you know, there's a sort of
4 a trite term that's used about levelizing the playing
5 field. You've got all the information, all of it, in
6 preparing your testimony and you know what to use and
7 what not to use. I'm somewhat troubled, in a
8 proceeding coming before the Commission when the intent
9 is to educate the Commission on the facts fully and
10 have the parties have an opportunity, for the parties
11 not to have the same opportunity. Do you understand my
12 trouble? That's just stating it as simply as I can.

13 COMMISSIONER EASLEY: Mr. Chairman, let me
14 ask this. Is the list of documents provided by the
15 Company currently available to me?

16 CHAIRMAN WILSON: Are the documents
17 themselves going to be available?

18 COMMISSIONER EASLEY: That was my next
19 question. Are the -- well, no, there's an intervening
20 question. Mr. Beck, one of the purposes of that list
21 was to make a determination as to whether or not there
22 were still documents that you contended needed to be
23 compelled to be produced as a result of looking at that
24 list. Are there any documents that can be eliminated
25 from my consideration as a result of the production of

1 that list?

2 MR. BECK: Yes. Commissioner Easley, the
3 documents Southern Bell filed on November 21 lists 24
4 documents. 22 of them are documents that had
5 information purged from them. They have -- at 5:00
6 o'clock last Wednesday, they provided me the documents
7 without the information purged. So those, -- you know,
8 I raise the issue we've been prejudiced by the late
9 arrival of that. But other than that, I guess you
10 don't have to address them because they've been
11 produced.

12 One of two letters or one of two documents
13 that were withheld in their entirety have been
14 produced, that's No. 23 on their list. The 24th item
15 has not been produced. Bell simply gives us a title
16 and tells us what it is. It doesn't say why they
17 object to the --

18 COMMISSIONER EASLEY: So we're down to one
19 document that is at issue?

20 CHAIRMAN WILSON: What is that document?

21 MR. BECK: It's called "TouchStar and
22 Interconnect Services, a Qualitative Evaluation,
23 November 1989," conducted in Memphis, Tennessee.
24 That's not been produced.

25 CHAIRMAN WILSON: Why was that not produced?

1 MR. FALGOUST: Mr. Chairman, there's an
2 asterisk after that that says, "This document may be
3 proprietary to AT&T." And as I say, I've attempted to --

4 CHAIRMAN WILSON: That is the document --

5 MR. FALGOUST: Yes, sir.

6 CHAIRMAN WILSON: -- that is proprietary to
7 AT&T?

8 MR. FALGOUST: It may be. It's marked
9 proprietary. I'm trying to get them to tell me that
10 it's not.

11 CHAIRMAN WILSON: When did you ask for that?

12 MR. BECK: In June.

13 CHAIRMAN WILSON. When did you try to find
14 out from AT&T whether you could have access to that
15 document?

16 MR. FALGOUST: As soon as I got back to
17 Atlanta after the Prehearing Conference when
18 Commissioner Easley ordered us to put the list together
19 and to tell her why certain documents were irrelevant.

20 COMMISSIONER EASLEY: That's part of the
21 problem, Mr. Chairman.

22 MR. BECK: But they have still not identified
23 why it was irrelevant. And, in addition to that,
24 there's the whole category of not --

25 CHAIRMAN WILSON: Is your claim of relevance

1 or that the document is confidential to another party
2 and you cannot produce --

3 MR. FALGOUST: The original claim was
4 relevance. The claim now is that it may be
5 confidential to AT&T.

6 CHAIRMAN WILSON: Why were you claiming that
7 it was irrelevant?

8 MR. FALGOUST: Because it was a study that
9 related to long distance services in another state.

10 MR. BECK: Its title is "TouchStar and
11 Interconnect Services, a Qualitative Evaluation."

12 CHAIRMAN WILSON: Are you suggesting that
13 experience in another state is not relevant to --

14 MR. FALGOUST: No, sir, just the opposite. I
15 think experience in other states with respect to the
16 issue that we're examining is indeed relevant.

17 CHAIRMAN WILSON: All right.

18 COMMISSIONER MESSERSMITH: That was only long
19 distance?

20 MR. FALGOUST: Yes, sir.

21 MR. BECK: That's not what the title
22 indicates. It says "TouchStar and Interconnect
23 Services." TouchStar is these family of services
24 including Caller ID.

25 CHAIRMAN WILSON: And TouchStar is a local

1 service, isn't it?

2 MR. FALGOUST: It is a local service. But
3 haviny seen the document, I can make a representation
4 that it involves a study of whether TouchStar Services
5 could be applicable to long distance and how that might
6 work.

7 COMMISSIONER EASLEY: Mr. Chairman, is there
8 any problem in my seeing that document?

9 CHAIRMAN WILSON: Absolutely none.

10 COMMISSIONER EASLEY: May I suggest that at
11 some point --

12 CHAIRMAN WILSON: Do you have that document
13 here?

14 MR. FALGOUST: I have it in my hand, Mr.
15 Chairman.

16 CHAIRMAN WILSON: All right, what other
17 documents, Mr. Beck?

18 MR. BECK: Now, there are other documents
19 Southern Bell objected to their entirety, and that is
20 from BellSouth Corporation. I don't know what they
21 withheld, they simply objected to providing anything
22 from BellSouth Corporation.

23 CHAIRMAN WILSON: What is the nature of the
24 request that you made of them that are BellSouth
25 documents?

1 MR. BECK: Okay, those go back --

2 CHAIRMAN WILSON: Are they numerous?

3 MR. BECK: There's about 12 different --

4 CHAIRMAN WILSON: 100 or 12 or --

5 MR. BECK: -- there's about 12 different
6 requests for production of documents; and BellSouth's
7 objection, or Southern Bell's objection on all of these
8 is that they would not provide any response of
9 documents in the possession of BellSouth Corporation.
10 Only to the extent they were in the possession of
11 Southern Bell.

12 COMMISSIONER EASLEY: Was this the request
13 that said to the Company, "Provide every document that
14 mentions or has reference to"? Was this the --

15 MR. BECK: There were about 12 different
16 requests.

17 COMMISSIONER EASLEY: -- forgive the use of
18 the word "shotgun," but was this the "shotgun" request?

19 MR. BECK: No, it's not "shotgun."

20 COMMISSIONER EASLEY: I don't know any other
21 way to describe it.

22 MR. BECK: There were -- I would describe it
23 as requests for categories or types of documents.

24 COMMISSIONER EASLEY: Okay. That's a better
25 description, I apologize.

1 MR. BECK: The motion addresses that at
2 length, and at the appropriate time I would like to
3 argue that at length. Because we have some indication
4 of Bell -- quite a bit of indication of BellSouth's
5 Corporation's involvement in Caller ID that I want to
6 argue.

7 MR. FALGOUST: Mr. Chairman, if it's the
8 pleasure of the Chair to entertain an argument of that
9 kind, we certainly understand. However, Southern Bell
10 will take the position that Public Counsel waived any
11 right to compel on that issue at the Prehearing
12 Conference. Commissioner Easley asked on three
13 separate occasions whether there was any other
14 business, to which silence was heard. So that would be
15 our procedural argument.

16 And then substantively, of course, we'll
17 argue that the Medivision is inappropriately relied on
18 by Public Counsel.

19 MR. BECK: In short response, I did argue the
20 motion and argued it specifically at the Prehearing
21 Conference and never waived anything.

22 COMMISSIONER EASLEY: You're not going to
23 believe this, Mr. Chairman, but the Prehearing
24 Conference went reasonably well. (Laughter)

25 COMMISSIONER BEARD: We don't believe that.

1 COMMISSIONER EASLEY: Maybe I just didn't
2 understand what was going on at the Prehearing
3 Conference. (Laughter)

4 Well, I'm going to suggest, Mr. Chairman,
5 that we follow the procedure you outlined, that I look
6 at the document, the one document that is apparently in
7 counsel's possession. Are the other -- I need to look
8 at the request specifically and then I need to look at
9 the response specifically and we'll go from there. Do
10 you want me to do that during the day today?

11 CHAIRMAN WILSON: May I suggest that you do
12 that. We'll take sufficient time at the lunch hour for
13 you to do that --

14 COMMISSIONER EASLEY: All right.

15 CHAIRMAN WILSON: -- and see if we can
16 resolve this.

17 It's actually embarrassing to be sitting here
18 and listening to these kind of what strikes me as being
19 very adolescent arguments sometimes. We've been
20 through so much of this confidentiality and relevance
21 objections to a lot of these documents, you've won some
22 of them, you've lost some of them. It seems to me
23 these things should be and ought to be worked out well
24 before we get to the point on the first day at the
25 beginning of the hearing. I, for one, have just about

1 had enough of it.

2 We're ready to hear this case, we're ready to
3 hear it today. To the extent that you're prejudiced
4 Mr. Beck, we're going to do something about it. I hope
5 the hearing this morning in front of Commissioner
6 Essley where you all discuss these will produce the
7 documents that you need, and then we can move on with
8 this.

9 I appreciate your frustration with having
10 documents just sort of blanket withheld and certain
11 categories that there ought to be better reasons and
12 more reasons given, it ought to be done more timely,
13 and to that extent you're admonished for not having
14 done so. On the other side, you can't have every
15 document in the world that's in the possession of
16 anybody that even mentions the word.

17 MR. BECK: That's not what we've asked.

18 CHAIRMAN WILSON: Well, we're going to move
19 on now and try to resolve this thing.

20 MR. FALGOUST: Mr. Chairman?

21 CHAIRMAN WILSON: Yes.

22 MR. FALGOUST: On a technical matter, may I
23 make an oral motion for temporary proprietary protection
24 on this AT&T document?

25 CHAIRMAN WILSON: Make that before the

1 Prehearing Officer when you see her at lunch.

2 MR. FALGOUST: Thank you.

3 MR. MATHUES: Mr. Chairman, one procedural
4 question. I noticed that you've extended the right to
5 defend themselves to Public Counsel. Is that a right
6 to all parties who may have been prejudiced by this
7 late-produced material?

8 CHAIRMAN WILSON: If you've requested it.

9 MR. MATHUES: Thank you.

10 CHAIRMAN WILSON: If you failed to ask for
11 the material, I don't see how you're going to be
12 prejudiced by not having it.

13 MR. MATHUES: Thank you.

14 CHAIRMAN WILSON: Is there anything else?

15 MS. GREEN: Not to my knowledge.

16 CHAIRMAN WILSON: Anything equally as
17 entertaining as this?

18 MS. GREEN: I'm afraid I couldn't do that if
19 I stayed up all night.

20 MR. BECK: We have other items.

21 CHAIRMAN WILSON: All right, Mr. Beck.

22 MR. BECK: On September 24, our office filed
23 a Motion to Consolidate the Consideration of Caller ID
24 Tariff Filings and to Conduct Generic Proceedings. At
25 the Prehearing Conference, Commissioner Easley denied

1 the motion and we would like the full Commission to
2 consider that.

3 In other words, I would like to appeal her
4 decision to the full Commission. There has been no
5 written order to my knowledge on that, but it was ruled
6 on at the Prehearing Conference. I've got copies of
7 the motion we filed if that would assist the Commission.

8 CHAIRMAN WILSON: I just saw it in my file.

9 COMMISSIONER GUNTER: Is this a copy of the
10 motion?

11 COMMISSIONER EASLEY: Yes. (Pause)

12 MS. GREEN: The ruling on that motion is
13 contained on Page 50 of the Prehearing Order. And that
14 would be Item No. 4, under "Rulings." (Pause)

15 MR. BECK: Briefly, Commissioners, this
16 motion asked the Commission to consolidate the tariff
17 filings of Central Telephone Company and Southern Bell
18 and to determine a generic policy for the State of
19 Florida on Caller ID. I feel that the interests of the
20 citizens of the state would be best served by doing
21 this in one generic proceeding and make a consistent
22 policy throughout the state rather than doing it on a
23 piecemeal basis and going through the same type of
24 procedure on General Telephone and United Telephone and
25 Central Telephone. We feel that that would be more

1 efficient.

2 A number of parties have filed testimony also
3 stating for policy reasons why the state would be best
4 served by a generic policy on Caller ID and Caller ID
5 blocking. You'll find that in testimony from law
6 enforcement and also from the witness for the
7 Department of General Services.

8 What I have done, just to fill in background
9 out of an act of desperation, I've done something I
10 never did before, and that is, I have filed testimony
11 of a telephone company witness as rebuttal, Dean Kurtz
12 from Central Telephone Company.

13 CHAIRMAN WILSON: Let's not make a habit of
14 that, Mr. Beck.

15 MR. BECK: You know, they weren't excited at
16 the prospect but they cooperated with us.

17 COMMISSIONER GUNTER: I'll bet they weren't.

18 MR. BECK: I feel and I would have preferred
19 that Central Telephone Company put him up because I
20 have a lot of documents I would have liked to have
21 asked him about cross examining him myself. Not the
22 least of which concerned the delivery of name and
23 address, not just Caller ID. This method I used to get
24 something in, I think, is very much a bandaid approach;
25 and the better way to do it would be to have one

1 generic proceeding where in one proceeding we determine
2 a generic policy for the entire state.

3 CHAIRMAN WILSON: Anyone want to respond to
4 this?

5 MR. MATHUES: Mr. Chairman, in our prehearing
6 statement, we urged that that motion be granted as
7 well. That's especially important to us at General
8 Services in the statewide implementation for our law
9 enforcement communications that this feature, if
10 offered, be offered uniformly.

11 MR. WILLIS: Mr. Chairman, I'm Lee Willis,
12 Post Office Box 391, Tallahassee, Florida, I represent
13 the Central Telephone Company of Florida. We have not
14 intervened in this proceeding and we're only going to
15 participate to the extent that Mr. Beck had requested
16 that Mr. Kurtz' deposition be filed as testimony.

17 Mr. Chairman, I think that the Prehearing
18 Officer has come to a reasonable compromise in this
19 particular situation where the testimony of Mr. Kurtz
20 will be presented here. This is a very long and
21 complicated proceeding; Centel had elected not to
22 intervene in this particular proceeding. While it
23 obviously does have some precedential value in
24 subsequent proceedings, it is, I think, a reasonable
25 procedure for you to proceed on the tariff that is

1 before you now and to receive the evidence that Mr.
2 Kurtz will present at the request of Public Counsel.
3 So we would urge that that motion not be granted.

4 COMMISSIONER EASLEY: Mr. Chairman, the
5 reason for denying the motion was that I was
6 particularly concerned that we are here on a docket for
7 a specific tariff for a specific company. It is my
8 understanding that there are other tariffs that have
9 been filed, some of which differ from this specific
10 tariff.

11 Further, that the fact that we might be
12 setting a precedent in some areas did not trouble me
13 because we have set precedent or actions that have been
14 taken in specific dockets have been reviewed as not
15 being precedential in subsequent dockets.

16 In addition, there was a notice problem. Not
17 all of the customers of all of the companies were
18 allowed to have service hearings or public hearings on
19 this. It was limited to the service area of the
20 company requesting the tariff.

21 I also felt that the potential for a generic
22 hearing still existed after we dealt with this tariff,
23 if we felt it was necessary. That the full Commission
24 could do that if it wished to, but that we were being
25 asked to address the tariff in this docket and that we

1 should do it that way.

2 COMMISSIONER GUNTER: Mr. Chairman, there
3 also appears to be some difficulty and just having read
4 the petition, we've spent some while talking about
5 interest perhaps could be prejudiced and that if in
6 fact when this hearing was noticed that all the
7 parties, all the companies, would have had an
8 opportunity to realize that they, too, should be
9 involved both in the discovery process and in the
10 preparation of their case process. And it
11 significantly -- and I know what we've heard here.

12 It would appear that we would be wading into
13 a legal thicket which, you know, we've had some severe
14 problems with notice, putting people on notice that
15 they in fact were going to be required to participate
16 or were going to be affected and not having received
17 the proper notice. And I would think that may be on a
18 procedural basis one, when you get to an eventual
19 result, a court of competent jurisdiction might find
20 that we might have a problem. And I would support the
21 finding of the Prehearing Officer in her conclusion in
22 ruling on this motion.

23 COMMISSIONER BEARD: Mr. Chairman, three
24 points. I know it's hard to believe that the Citizens
25 of Orlando and Miami and Orange Park might think

1 differently from those in Bonifay, but I haven't heard
2 from them and it's been my past knowledge that they
3 sometimes do.

4 We spend a lot of time going out to hear from
5 people. I heard on at least four instances from the
6 intervenors. And unfortunately, we heard some from
7 citizens as well. I suspect that Centel is at risk,
8 and it's a risk they've chosen to take by not
9 participating in this hearing to any precedent that
10 comes from that. That's something they have to accept,
11 and that's their choice.

12 I would expect that the Kurtz testimony would
13 certainly bring their thought process into this hearing
14 sufficiently, based on what little knowledge I have of
15 the differences of the two tariffs that have been
16 filed.

17 COMMISSIONER MESSERSMITH: Mr. Chairman, I
18 concur with the Prehearing Officer also. Given the
19 nature of the process we use here, I think that would
20 be stepping out of those formal lines and I think that
21 would jeopardize the processes everybody is used to
22 working, and I would suggest we stay with the
23 Prehearing Officer.

24 CHAIRMAN WILSON: Commissioners, let me
25 express the thought that may be a little bit different

1 from that. I think Public Counsel may have a very good
2 point here and it's one that we need to seriously
3 consider, but I don't think we necessarily need to make
4 that decision this morning.

5 After we hear the testimony in this case --
6 and one of the issues that has been raised by parties
7 in testimony is that there could be some benefit to
8 having a uniform statewide policy.

9 COMMISSIONER GUNTER: That's true.

10 CHAIRMAN WILSON: I think there's certainly
11 some merit to that and I look forward to hearing more
12 about that in the hearing this morning. But it may be
13 that after we hear the discussion of these items that
14 we will reach the conclusion that we need to expand
15 this to a generic hearing and to make that
16 consideration. But I think that we will benefit in
17 reaching that conclusion from the testimony we're going
18 to hear today.

19 I know that since this tariff was first filed
20 and the proceeding began, we've seen a lot of thought
21 given to this whole issue of Caller ID and the social
22 and philosophical issues that it raises in different
23 people's minds -- those opposed to it, those in favor
24 of it and those who have some middle ground. And I
25 think that kind of discussion of social policy is

1 ongoing. And there may be some benefit to us hearing
2 this testimony here this morning and allowing this
3 discussion and evolution of thought on this to sort of
4 bubble around a little while longer before we reach a
5 conclusion.

6 So I'm going to suggest, rather than denying
7 this motion, which I would not be in favor of, is to
8 take it under advisement and either at the conclusion
9 of these hearings or at the time that this would come
10 to us for a vote at Agenda Conference that that be one
11 of the issues we consider as to whether we ought to in
12 fact expand this to generic consideration for all
13 telephone companies for the state of Florida.

14 We may conclude after we hear some of this
15 testimony that to have different policies for each
16 company, different kinds of tariffs and different
17 conditions for this service, is a bad idea. We may
18 reach the conclusion that there is no harm from having
19 separate tariffs, but I think we'll benefit from the
20 discussion we'll hear the next two days.

21 COMMISSIONER GUNTER: Mr. Chairman, I don't
22 think I disagree with you. But in listening to the --
23 listening to the Prehearing Officer's rationale for her
24 decision, she closed with that comment --

25 CHAIRMAN WILSON: I don't think what I said

1 is inconsistent with what she said.

2 COMMISSIONER GUNTER: No. She closed with
3 that comment, because there's one place that I think we
4 find ourselves is in this two-day proceeding, are we
5 going to operate under the guise of the motion being
6 there for us to consider? And I think the only place
7 you and I differ just a tad is that Commissioner Easley
8 said once we get through we might find out that we have
9 to continue this hearing. I think you've got the same
10 thing, if we're going to have a statewide generic
11 policy. And from listening this morning, we're
12 probably going to be hearing on this thing into next
13 year sometime.

14 So I don't disagree with you, but that's the
15 reason I was supporting her logic is to say what we've
16 got before us today, let's handle what we've got before
17 us today and if we, when we get there, as a result of
18 the testimony that we have and the enlightenment that
19 we receive and the education that the Commission
20 receives on this matter, then we may find, whoops, we
21 need to develop a generic policy. I think you all are
22 saying the same thing there.

23 CHAIRMAN WILSON: Mr. Beck, perhaps it would
24 be useful if you were to renew this motion at I guess
25 the end of the day tomorrow, which hopefully won't be

1 too late.

2 COMMISSIONER GUNTER: That would be fine,
3 that would be the best way to do that.

4 CHAIRMAN WILSON: And we'll rediscuss this.
5 Because I don't know that I disagree or agree with you
6 at this point. I'd like to hear some of the testimony
7 that we've got coming before us today. Although I
8 think that in all the testimony we've heard the
9 positions of parties, you almost cover the range of
10 almost any option that any telephone company could
11 possibly imagine to configure their tariffs to offer
12 this kind of service, but I would like to hear the
13 discussion on that.

14 COMMISSIONER GUNTER: Sure.

15 COMMISSIONER EASLEY: And I concur with that.

16 COMMISSIONER BEARD: I want to make one
17 point. The inevitability of discussing the uniformity
18 on this issue is not a question. It's going to get
19 discussed. It's going to get discussed today and
20 tomorrow. To the extent that we have established
21 uniform policies to the extent reasonably possible in
22 the past without generic hearings. Okay, I don't think
23 that's a question. To the extent that St. Joe can
24 offer the identical services in the identical manner as
25 Southern Bell without bankrupting the company, I think

1 we've attempted to do that and will continue to do
2 that.

3 So, perhaps it's semantics and it's
4 technicalities, but we're going to hear the arguments.

5 CHAIRMAN WILSON: Do you have any --

6 MR. BECK: That's all I have.

7 MR. MATHUES: Mr. Chairman, I have one
8 procedural question.

9 Yesterday morning the Governor and Cabinet
10 unanimously adopted and endorsed general Services
11 position previously articulated in this hearing. I
12 have available copies of the transcript of the Cabinet
13 meeting as well as our backup material, and I wondered
14 if you would like me to circulate that at this time or
15 tomorrow when our witness is on?

16 CHAIRMAN WILSON: Why don't you go ahead and
17 circulate -- is anybody going to have any objection to
18 that? Has everyone seen it? I can't see how you
19 possibly would because you'll probably read it in the
20 newspaper anyway. If you want to go ahead and
21 circulate it, that will give us an opportunity to read
22 it before your witness comes on.

23 MR. MATHUES: Thank you, sir.

24 CHAIRMAN WILSON: I will, however, wait and
25 mark it as an exhibit tomorrow when your witness does

1 take the stand.

2 (Hands out document.)

3 CHAIRMAN WILSON: Anything else now before we
4 begin the real hearing? Nothing further?

5 (No response.)

6 Good, lets take a 10-minute break.

7 (Brief recess.)

8

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9 CHAIRMAN WILSON: Call your first witness.

10 MR. FALGOUST: Mr. Chairman, Southern Bell
11 would call Nancy Sims to the stand.

12 NANCY H. SIMS

13 was called as a witness on behalf of Southern Bell
14 Telephone and Telegraph Company, and having been first
15 duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. FALGOUST:

18 Q Ms. Sims, would you state your name and
19 address for the record, please?

20 A My name is Nancy H. Sims. My address is 675
21 West Peachtree Street, Northeast, Atlanta, Georgia
22 30375.

23 Q And have you prepared and caused to be filed
24 testimony in this matter consisting of 27 pages of
25 direct testimony and 15 pages of rebuttal testimony in

1 question and answer form?

2 A Yes, I did.

3 Q Do you have any changes to make to that
4 prefiled testimony?

5 A No, I do not.

6 Q If I asked you the questions contained in
7 that testimony today would your answers be the same?

8 A Yes, they would.

9 MR. FALGOUST: Mr. Chairman, I move the
10 prefiled testimony of Ms. Sims be copied into the
11 record as though read.

12 CHAIRMAN WILSON: Without objection it will
13 be so inserted into the record.

14

15

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1 SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY

2 TESTIMONY OF NANCY H. SIMS

3 FLORIDA PUBLIC SERVICE COMMISSION

4 FLORIDA DOCKET NO. 891194-TL

5 SEPTEMBER 26, 1990

6

7

8

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

9

10

A. I AM NANCY H. SIMS. MY BUSINESS ADDRESS IS 675
11 WEST PEACHTREE STREET, ATLANTA, GEORGIA, 30375.

12

13

Q. PLEASE GIVE A BRIEF DESCRIPTION OF YOUR
14 BACKGROUND AND EXPERIENCE.

15

16

A. I WAS GRADUATED FROM NORTH CAROLINA STATE
17 UNIVERSITY IN 1971 WITH A BACHELOR OF SCIENCE
18 DEGREE. IN 1973 I WAS EMPLOYED BY SOUTHERN
19 BELL TELEPHONE AND TELEGRAPH COMPANY (SOUTHERN
20 BELL) IN THE NORTH CAROLINA HEADQUARTERS
21 ORGANIZATION WHERE I REMAINED UNTIL 1979. I
22 WAS THEN TRANSFERRED TO WORK ON A ROTATIONAL
23 ASSIGNMENT WITH AMERICAN TELEPHONE AND
24 TELEGRAPH COMPANY (AT&T) IN THE ANTITRUST AND
25 STRATEGIC PLANNING DIVISIONS IN ORLANDO,

1 FLORIDA. IN JULY, 1983 I RETURNED TO SOUTHERN
2 BELL AS STAFF MANAGER IN THE COMPANY
3 HEADQUARTERS RATES AND TARIFFS DEPARTMENT.
4

5 IN SEPTEMBER, 1987 I ASSUMED MY CURRENT
6 POSITION AS OPERATIONS MANAGER WITH
7 RESPONSIBILITIES FOR TARIFF SUPPORT AND
8 COORDINATION OF ISSUES PERTAINING TO LOCAL
9 EXCHANGE, VERTICAL SERVICES AND MOBILE
10 SERVICES. I HAVE TESTIFIED ON THESE ISSUES IN
11 EACH OF THE SOUTHERN BELL STATES.
12

13 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?
14

15 A. THE PURPOSE OF MY TESTIMONY IS TO EXPRESS
16 SOUTHERN BELL'S POSITION ON THE ISSUES
17 IDENTIFIED IN THIS DOCKET WITH REGARD TO CALLER
18 ID.
19

20 Q. WOULD YOU BRIEFLY EXPLAIN HOW CALLER ID WORKS.
21

22 A. CALLER ID IS A NEW OPTIONAL TOUCHSTAR FEATURE
23 THAT ALLOWS THE CALLED PARTY TO SEE THE CALLING
24 PARTY'S TELEPHONE NUMBER DISPLAYED BEFORE
25 ANSWERING THE PHONE. THE BASIS FOR

1 PROVISIONING CALLER ID AS WELL AS ALL OTHER
2 TOUCHSTAR SERVICES IS SOFTWARE AND HARDWARE
3 RESIDENT IN THE CENTRAL OFFICE, BUT IN ORDER TO
4 PROVIDE THESE SERVICES ON AN INTEROFFICE BASIS,
5 SOUTHERN BELL UTILIZES THE COMMON CHANNEL
6 SIGNALING SYSTEM 7 (SS7) TECHNOLOGY.

7
8 WHEN A CALL IS ORIGINATED FROM AN OFFICE
9 EQUIPPED WITH SS7, THE SWITCH SERVING THAT
10 OFFICE GENERATES AND SENDS INFORMATION
11 CONTAINING THE CALLING PARTY'S NUMBER TO THE
12 TERMINATING SWITCH. IF THE CALLED PARTY'S LINE
13 IS IDLE, FACILITIES TO CONNECT THE TWO PARTIES
14 ARE RESERVED. IF THE CALLED PARTY IS A CALLER
15 ID CUSTOMER, THE TALKING PATH IS OPENED AND THE
16 SWITCH TRANSMITS THE CALLING PARTY'S NUMBER TO
17 CUSTOMER PREMISES EQUIPMENT (CPE) OVER THE
18 LOCAL SUBSCRIBER'S LOOP. THE CALLING PARTY
19 NUMBER WILL THEN BE DISPLAYED AND/OR STORED ON
20 THE CUSTOMER'S CPE.

21
22 THE GENERATION, TRANSMISSION AND RECORDING OF
23 THE CALLING PARTY NUMBER DATA OCCUR ON ALL
24 CALLS INVOLVING OFFICES EQUIPPED TO PROVIDE
25 TOUCHSTAR SERVICES, REGARDLESS OF WHETHER THE

1 CALLED OR THE CALLING PARTY HAS SUBSCRIBED TO A
2 TOUCHSTAR FEATURE, INCLUDING CALLER ID. THIS
3 SAME CALLING PARTY NUMBER IS USED BY THE
4 NETWORK TO PROVIDE ALL OTHER TOUCHSTAR
5 FEATURES, SUCH AS CALL TRACING, CALL RETURN AND
6 CALL BLOCK.

7
8 THUS, ALL FUNCTIONS RELATED TO CAPTURING
9 INFORMATION NEEDED TO MAKE CALLER ID OPERATE
10 OCCUR IN THE TELEPHONE COMPANY NETWORK,
11 PARTICULARLY THE CENTRAL OFFICE. THE CPE USED
12 TO DISPLAY THE CALLING PARTY'S NUMBER BY CALLER
13 ID CUSTOMERS IS MERELY A PASSIVE DEVICE THAT
14 CAN ONLY DISPLAY INFORMATION THAT HAS BEEN
15 FORWARDED TO IT BY SOUTHERN BELL AFTER THAT
16 INFORMATION HAS BEEN GENERATED, TRANSMITTED AND
17 RECORDED WITHIN THE TELEPHONE NETWORK. THIS
18 DEVICE CANNOT CAPTURE OR OTHERWISE GENERATE ANY
19 DATA ON ITS OWN.

20
21 Q. IS CALLER ID IN THE PUBLIC INTEREST? (ISSUE 12)

22
23 A. YES. IN PROVIDING THIS SERVICE, WE ARE
24 RESPONDING TO THE NEEDS OF OUR CUSTOMERS WHO
25 HAVE TOLD US THAT THEY WANT TO HAVE MORE

1 CONTROL OVER WHOM THEY TALK WITH ON THE
2 TELEPHONE. JUST AS THEY PREFER TO KNOW WHO IS
3 KNOCKING AT THEIR DOOR BEFORE THEY OPEN IT,
4 MANY OF OUR CUSTOMERS WANT TO KNOW WHO IS
5 CALLING ON THEIR TELEPHONE BEFORE THEY ANSWER
6 IT. CALLER ID SERVICE GIVES THEM THAT
7 INFORMATION. CALLER ID THUS GIVES THE PARTY
8 WHO IS CALLED A LEVEL OF CONTROL OVER HIS
9 TELEPHONE SERVICE THAT HE DOES NOT HAVE TODAY.

10

11 Q. WHAT ARE THE BENEFITS OF CALLER ID TO
12 RESIDENTIAL CUSTOMERS? (ISSUE 5)

13

14 A. BENEFITS FOR RESIDENTIAL CUSTOMERS INCLUDE:

15

16 -- CALLER ID WILL GIVE THE CUSTOMER CONTROL OF
17 INCOMING CALLS SINCE CUSTOMERS CAN CHOOSE
18 WHICH CALLS TO ANSWER. FOR EXAMPLE,
19 CUSTOMERS OFTEN GET SOLICITATION CALLS
20 AROUND DINNER TIME. CALLER ID WILL HELP
21 THEM DECIDE WHETHER THEY WANT TO ANSWER
22 SUCH CALLS.

23

24 -- CALLER ID WILL DISCOURAGE
25 OBSCENE/ANNOYING/HARASSING CALLS. WITH

1 CALLER ID, ANNOYANCE CALLERS WILL HAVE TO
2 BE CONCERNED THAT THE CALLED PARTY WILL
3 OBTAIN THEIR NUMBER, MAKING THEM FAR MORE
4 RELUCTANT TO MAKE SUCH CALLS. A REPORT
5 PREPARED BY NEW JERSEY BELL OF THEIR
6 EXPERIENCES AFTER THE DEPLOYMENT OF CALLER
7 ID INDICATED A 50% DECREASE IN ANNOYANCE
8 CALLS TO THOSE CUSTOMERS SUBSCRIBING TO
9 CALLER ID. IN ADDITION, THERE HAS BEEN
10 A 49% OVERALL REDUCTION IN TRAP AND TRACE
11 REQUESTS.

12

13

14

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--- CALLER ID WILL INCREASE THE CUSTOMERS'
SENSE OF SECURITY AND PRIVACY BY ALLOWING
THEM TO CHOOSE WHICH CALLS TO ANSWER.
CALLER ID IS ANALOGOUS TO THE PEEPHOLE IN A
DOOR, IN THAT IT ALLOWS A PERSON TO
DETERMINE IF HE KNOWS THE CALLER BEFORE
ANSWERING.

-- CALLER ID WILL PROVIDE A MORE SECURE METHOD
OF ACCESS TO BUSINESS DATABASES FROM THE
HOME. COMPUTERS CAN BE PROGRAMMED TO
ACCEPT CALLS FROM AUTHORIZED NUMBERS ONLY.
THIS DECREASES THE THREAT OF HACKERS.

1

2

-- CALLER ID CAN ASSIST DEAF CUSTOMERS BY PROVIDING A WAY FOR THEM TO DISTINGUISH INCOMING CALLS THAT THEY WISH TO ANSWER IMMEDIATELY WITH A TELECOMMUNICATIONS DEVICE FOR DEAF PERSONS (TDD) FROM THOSE THAT THEY WISH TO HAVE ANSWERED WITH AN AUTOMATED RECORDING/ANNOUNCEMENT DEVICE.

3

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-- CALLER ID ALLOWS CUSTOMERS TO STORE TELEPHONE NUMBERS OF MISSED CALLS SO THAT THEY CAN BE RETURNED LATER.

11

12

13

14

Q. ARE THERE BENEFITS FOR BUSINESS CUSTOMERS?

15

(ISSUE 5)

16

17

A. YES. SOME BENEFITS WHICH ARE UNIQUE TO

18

BUSINESSES ARE AS FOLLOWS:

19

20

-- CALLER ID WILL PROVIDE SMALL BUSINESSES WITH THE ABILITY TO PERSONALIZE BUSINESS SERVICES, THEREBY GIVING PROMPT, EFFICIENT SERVICE.

21

22

23

24

25

-- CALLER ID GIVES BUSINESSES WHICH PROVIDE

1 DELIVERY SERVICES BASED ON ORDERS RECEIVED
2 OVER THE PHONE A QUICK AND EASY WAY TO
3 VERIFY THE ACCURACY OF THE INFORMATION
4 BEFORE ACCEPTING THE ORDER OR SENDING THE
5 REQUESTED PRODUCT. CALLER ID WILL ASSIST
6 IN REDUCING THE OCCURRENCE OF FRAUDULENT
7 ORDERS AND REDUCE EXPENSES FOR BUSINESSES
8 THAT ACCEPT TELEPHONE ORDERS AS WELL AS
9 REDUCE THE RISK OF HARM TO DELIVERY
10 PERSONNEL.

11

12 Q. ARE THERE OTHER BENEFITS TO THE PUBLIC? (ISSUE
13 5)

14

15 A. YES, SOME OF THE BENEFITS TO THE PUBLIC OVER
16 AND ABOVE THOSE DESCRIBED PREVIOUSLY INCLUDE:

17

18 -- CALLER ID WILL REDUCE FALSE FIRE ALARMS AND
19 BOMB THREATS.

20

21 -- CALLER ID WILL REDUCE PRANK CALLS TO LAW
22 ENFORCEMENT AND OTHER PUBLIC SAFETY
23 AGENCIES.

24

25 -- CALLER ID CAN BE USED BY LAW ENFORCEMENT TO

1 VERIFY THAT PERSONS ON PAROLE OR "HOUSE
2 ARREST" ARE CALLING FROM AN APPROPRIATE
3 LOCATION.

4
5 -- CALLER ID CAN BE USED TO PROVIDE ADDITIONAL
6 INFORMATION TO ASSIST EMERGENCY SERVICES
7 PROVIDERS.

8
9 Q. WHAT ARE THE DETRIMENTS TO FLORIDA CONSUMERS OF
10 CALLER ID SERVICES? (ISSUE 5)

11
12 A. SOUTHERN BELL BELIEVES THAT FOR MOST FLORIDA
13 CONSUMERS CALLER ID PROVIDES BENEFIT RATHER
14 THAN DETRIMENTS. HOWEVER, FOR A SMALL SEGMENT
15 OF SUBSCRIBERS SUCH AS LAW ENFORCEMENT AND
16 DOMESTIC VIOLENCE INTERVENTION AGENCIES THE
17 DELIVERY OF THE CALLER'S NUMBER APPEARS TO BE
18 OF PARTICULAR CONCERN. SOUTHERN BELL, HOWEVER,
19 BELIEVES IT HAS ADEQUATELY MET THE CONCERNS OF
20 THOSE GROUPS BY DEVELOPING AND OFFERING VARIOUS
21 BLOCKING OPTIONS.

22
23 IN THE VAST MAJORITY OF CALLS ANONYMITY IS NOT
24 AN ISSUE. MOST CALLERS ARE ACCUSTOMED TO
25 IDENTIFYING THEMSELVES WHEN THEY PLACE A CALL

1 AND, IN FACT, SOUTHERN BELL'S GENERAL
2 SUBSCRIBER SERVICE TARIFF, SECTION A2.2.2
3 ALREADY STATES "THE CALLING PARTY SHALL
4 ESTABLISH HIS IDENTITY IN THE COURSE OF ANY
5 COMMUNICATION AS OFTEN AS MAY BE NECESSARY."

6

7

8

9

10 A. OUR TARIFF STATES: "A NONPUBLISHED LISTING IS
11 NOT LISTED IN EITHER THE ALPHABETICAL SECTION
12 OF THE COMPANY'S DIRECTORY OR DIRECTORY
13 ASSISTANCE RECORDS AND WILL NOT BE FURNISHED
14 UPON REQUEST OF THE CALLING PARTY."
15 NONPUBLISHED LISTINGS WERE CONCEIVED AS AN
16 OPTIONAL SERVICE WHEREBY A SUBSCRIBER COULD
17 HAVE HIS NUMBER EXCLUDED FROM THE TELEPHONE
18 DIRECTORY AND DIRECTORY ASSISTANCE RECORDS.
19 THE INTRODUCTION OF CALLER ID WILL NOT CHANGE
20 THIS IN ANY FASHION.

21

22

23

24

25

IT IS ALSO IMPORTANT TO KEEP IN MIND THAT A
CALLER'S TELEPHONE NUMBER WILL BE AVAILABLE TO
ANOTHER PERSON ONLY WHEN THE CALLER HAS
ACTUALLY CALLED A PERSON WHO SUBSCRIBES TO

1 CALLER ID. THUS, A CUSTOMER WITH A
2 NONPUBLISHED NUMBER OR ANY OTHER SOUTHERN BELL
3 SUBSCRIBER WHO DOES NOT WISH A CERTAIN PARTY TO
4 HAVE HIS PHONE NUMBER CAN CHOOSE EITHER NOT TO
5 CALL THAT PERSON, TO CALL FROM A DIFFERENT
6 NUMBER OR TO USE SOME OTHER METHOD SUCH AS
7 PLACING THE CALL THROUGH AN OPERATOR. TO MAKE
8 SURE THERE IS NO CONFUSION, HOWEVER, EFFECTIVE
9 WITH THIS FILING, THE PROPOSED TARIFF WILL
10 INCLUDE A STATEMENT, AS WAS DONE WITH E911,
11 SAYING THAT, UPON INITIATION OF A CALL, THE
12 CALLING NUMBER MAY BE DISCLOSED IF THE CALLED
13 PARTY HAS THE NECESSARY EQUIPMENT.

14
15 FURTHERMORE, CALLER ID CAN BE UTILIZED TO
16 ENHANCE THE PRIVACY OF CUSTOMERS WITH
17 NONPUBLISHED NUMBERS BY GIVING THEM THE ABILITY
18 TO SCREEN INCOMING CALLS, THEREBY GIVING THEM
19 MORE CONTROL OVER THEIR SERVICE. IN FACT, IN
20 NEW JERSEY CALLER ID HAS BEEN OFFERED BY NEW
21 JERSEY BELL SINCE OCTOBER, 1988. IN A REPORT
22 TO THE NEW JERSEY PUBLIC SERVICE COMMISSION,
23 FOR THE PERIOD MAY 1 THROUGH OCTOBER 31, 1989,
24 NEW JERSEY BELL STATED THAT 50% OF CALLER ID
25 CUSTOMERS WERE SUBSCRIBERS WITH NONPUBLISHED

1 NUMBERS AS WELL. ALSO, AS OF THAT DATE ONLY
2 FIFTY OUT OF ONE MILLION NONPUBLISHED LISTING
3 CUSTOMERS HAD REMOVED THEIR NONPUBLISHED
4 LISTING ONCE CALLER ID WAS APPROVED IN NEW
5 JERSEY.

6
7 Q. SHOULD THE COMMISSION ALLOW OR REQUIRE THE
8 BLOCKING OF CALLER ID? IF SO, TO WHOM AND
9 UNDER WHAT RATES, TERMS AND CONDITIONS? (ISSUE
10 8)

11
12 A. IT IS SOUTHERN BELL'S POSITION THAT ALL
13 TELEPHONE NUMBERS SHOULD BE DELIVERED IN ORDER
14 TO MAXIMIZE THE SOCIETAL BENEFITS TO BOTH THOSE
15 WHO SUBSCRIBE AND THOSE WHO DO NOT SUBSCRIBE TO
16 THE SERVICE. WE RECOGNIZE, HOWEVER, THAT LAW
17 ENFORCEMENT AND DOMESTIC VIOLENCE INTERVENTION
18 AGENCIES HAVE SPECIAL CONCERNS ABOUT DELIVERY
19 OF ALL NUMBERS AND WE HAVE PROPOSED OPTIONAL
20 CALLING NUMBER DELIVERY BLOCKING AT NO CHARGE
21 FOR THESE GROUPS.

22
23 Q. WHAT SPECIAL ARRANGEMENTS, IF ANY, SHOULD BE
24 MADE REGARDING CALLER ID FOR LAW ENFORCEMENT
25 OPERATIONS AND PERSONNEL? (ISSUE 10)

1
2 A. WE HAVE WORKED CLOSELY WITH LAW ENFORCEMENT IN
3 AN ATTEMPT TO DEVELOP SOLUTIONS THAT WILL
4 ACCOMMODATE THEIR NEEDS. THEREFORE, WE HAVE
5 DESIGNED ADDITIONAL OPTIONS WHICH GO BEYOND
6 JUST SENDING THE PRIVACY INDICATOR. MANY NEW
7 AND CREATIVE ALTERNATIVES THAT ADEQUATELY MEET
8 THE NEEDS OF LAW ENFORCEMENT HAVE BEEN
9 DEVELOPED AS A RESULT OF THE JOINT
10 COLLABORATION BETWEEN LAW ENFORCEMENT AND THE
11 COMPANY OVER THE PAST MONTHS. THESE INCLUDE
12 PER LINE BLOCKING AS WELL AS OTHER OPTIONS THAT
13 WILL NOT ONLY PROTECT LAW ENFORCEMENT'S
14 ANONYMITY BUT WILL ALSO ASSIST THEM WITH THEIR
15 INVESTIGATIVE EFFORTS. IN ADDITION, BECAUSE
16 LAW ENFORCEMENT INDICATED COST WAS ONE OF ITS
17 MAJOR CONCERNS, WE OFFERED THESE OPTIONS AT NO
18 COST. SOUTHERN BELL, HOWEVER, IS NOT WILLING
19 TO MEET LAW ENFORCEMENT'S REQUEST THAT THEY BE
20 PROVIDED WITH THE ABILITY TO DELIVER ANYONE'S
21 NUMBER SINCE IT COULD JEOPARDIZE THE GENERAL
22 PUBLIC.
23
24 Q. WHAT SPECIAL ARRANGEMENTS, IF ANY, SHOULD BE
25 MADE REGARDING CALLER ID FOR ANY OTHER GROUP OR

- 1 GROUPS? (ISSUE 11)
- 2
- 3 A. SOUTHERN BELL WILL PROVIDE OPTIONAL PER LINE
- 4 BLOCKING AT NO CHARGE FOR DOMESTIC VIOLENCE
- 5 INTERVENTION AGENCIES. SOUTHERN BELL HAS ALSO
- 6 OFFERED A SPECIAL CALLING CARD FOR DEPARTMENT
- 7 OF HEALTH AND REHABILITATIVE SERVICES (HRS)
- 8 SPONSORED AGENCIES TO ENABLE "AT RISK"
- 9 INDIVIDUALS TO PLACE OPERATOR HANDLED CALLS AND
- 10 THEREBY PROTECT THEIR ANONYMITY. SOUTHERN BELL
- 11 PROPOSES THAT ANY AGENCY, SUCH AS A DOMESTIC
- 12 VIOLENCE INTERVENTION AGENCY, WHICH ESTABLISHES
- 13 THE FACT THAT THE DIVULGENCE OF IDENTITIES OVER
- 14 THE TELEPHONE COULD CAUSE SERIOUS PERSONAL OR
- 15 PHYSICAL HARM TO ITS EMPLOYEES AND CERTIFIED
- 16 CLIENTS, SHOULD BE PROVIDED BLOCKING OF CALLER
- 17 ID SERVICE. SOUTHERN BELL BELIEVES THAT
- 18 PERSONAL SAFETY, NOT JUST INCONVENIENCE, SHOULD
- 19 BE THE DETERMINING FACTOR.
- 20
- 21 Q. WHAT ALTERNATIVES TO CALLER ID BLOCKING ARE
- 22 AVAILABLE AND DO THEY SUFFICIENTLY PROTECT
- 23 CUSTOMERS' ANONYMITY? (ISSUE 7)
- 24
- 25 A. SOUTHERN BELL BELIEVES THAT FOR THE VAST

1 MAJORITY OF CALLS CUSTOMERS HAVE NO NEED OR
2 DESIRE FOR ANONYMITY. THIS IS CONFIRMED BY THE
3 RECENT US WEST TRIAL WHERE CALLERS ACTIVATED
4 PER CALL BLOCKING A MERE 143 TIMES OUT OF A
5 BILLION CALLS. FOR THOSE FEW INSTANCES WHERE
6 ANONYMITY IS IMPORTANT THERE ARE SEVERAL
7 ALTERNATIVES AVAILABLE.
8
9 FIRST, THE SUBSCRIBER'S TELEPHONE NUMBER
10 CAN BE KEPT CONFIDENTIAL BY PLACING CALLS
11 THROUGH AN OPERATOR, SINCE CALLS SO PLACED WILL
12 BE DELIVERED WITH AN "OUT OF AREA" INDICATION
13 RATHER THAN THE TELEPHONE NUMBER OF THE
14 ORIGINATING PARTY. SECOND, IN INSTANCES WHERE
15 ANONYMITY IS IMPORTANT, PAY TELEPHONES MAY BE
16 USED. WHILE THE CALLING NUMBER OF A PAY
17 TELEPHONE SET WOULD BE DELIVERED TO A CALLER ID
18 SUBSCRIBER, THE SUBSCRIBER'S ABILITY TO CONVERT
19 THAT TELEPHONE NUMBER INTO A LOCATION IS
20 EXTREMELY LIMITED. CALLS CAN ALSO BE PROCESSED
21 THROUGH THIRD PARTIES SUCH AS ANSWERING
22 SERVICES AND OFFICE PBX'S. IN ADDITION,
23 RECENTLY APPROVED OUT DIAL ONLY LINES CAN
24 PROVIDE ANONYMITY TO INDIVIDUALS OR AGENCIES.
25 FURTHER, RINGMASTER SERVICE, WHICH ASSIGNS

1 DISTINCTIVE RINGS TO TWO OR MORE TELEPHONE
2 NUMBERS ON ONE LINE, CAN BE UTILIZED TO
3 IDENTIFY CALLERS RETURNING CALLS TO A NUMBER AS
4 A RESULT OF THEIR USE OF CALLER ID. SERVICES
5 SUCH AS FOREIGN CENTRAL OFFICE, FOREIGN
6 EXCHANGE AND CELLULAR ALSO WILL PROVIDE CALLING
7 NUMBER ANONYMITY.

8
9 Q. ARE THERE ANY EXISTING CLASS SERVICES (E.G.,
10 CALL TRACE, CALL RETURN, CALL BLOCK, ETC.) THAT
11 HAVE SIMILAR FUNCTIONS AND/OR SIMILAR BENEFITS
12 AS CALLER ID AND, IF SO, WHAT ARE THEIR
13 DETRIMENTS? (ISSUE 6)

14
15 A. THE OBJECTIVE OF SOUTHERN BELL'S INTRODUCTION
16 OF TOUCHSTAR FEATURES IS TO PROVIDE A RANGE OF
17 SERVICES WHEREBY THE CALLED PARTY CAN HAVE MORE
18 CONTROL OVER HIS TELEPHONE, AND BOTH THE CALLED
19 PARTY AND THE CALLING PARTY CAN CHOOSE OPTIONS
20 TO TAILOR THEIR TELEPHONE SERVICE TO SUIT THEIR
21 INDIVIDUAL NEEDS. WHILE THERE IS A POSSIBILITY
22 OF CROSS ELASTICITY AMONG THE TOUCHSTAR
23 FEATURES, ONLY CALLER ID DISPLAYS THE TELEPHONE
24 NUMBER OF THE PARTY WHO IS CALLING. THERE
25 SEEMS TO BE A GENERAL MISUNDERSTANDING THAT

1 CALL TRACE, CALL RETURN AND CALL BLOCK ARE
2 EQUIVALENT OR COMPARABLE TO CALLER ID. THEY
3 ARE NOT.

4
5 FOLLOWING IS A COMPARISON OF THE FEATURES
6 OFFERED BY EACH SERVICE:

7
8 CALL BLOCK - ALLOWS THE CUSTOMER TO BLOCK CALLS
9 FROM THE LAST NUMBER THAT CALLED. IT ALSO
10 ALLOWS THE CUSTOMER TO PROGRAM BLOCKING FOR
11 UP TO SIX NUMBERS. IN CONTRAST TO CALLER
12 ID, CALL BLOCK DOES NOT IDENTIFY THE NUMBER
13 OF THE PARTY MAKING THE CALL. NOR DOES IT
14 LET THE CUSTOMER KNOW WHO IS CALLING BEFORE
15 ANSWERING THE CALL. IN FACT, CALL BLOCK
16 WORKS BY PREVENTING THE COMPLETION OF THE
17 CALL.

18
19 CALL RETURN - REDIALS THE LAST PHONE NUMBER
20 THAT CALLED. IT WORKS ONLY ON THE LAST
21 CALL; INFORMATION ON PREVIOUS CALLS IS
22 UNAVAILABLE. UNLIKE CALLER ID, CALL RETURN
23 DOES NOT IDENTIFY THE NUMBER OF THE PARTY
24 MAKING THE CALL. CALL RETURN IS EFFECTIVE
25 ONLY TO THE EXTENT THAT THE OTHER PARTY

1 PICKS UP THE PHONE WHEN THE CALL IS
2 RETURNED. IF THAT PERSON DOESN'T ANSWER,
3 CALL RETURN IS INEFFECTIVE. WITH CALLER ID
4 A SUBSCRIBER CAN IDENTIFY REPETITIVE CALLS
5 FROM THE SAME CALLER, WHICH HE CANNOT DO
6 WITH CALL RETURN.

7
8 CALL TRACING - THIS TOUCHSTAR FEATURE ALLOWS
9 THE CUSTOMER TO ACTIVATE A SYSTEM THAT
10 RECORDS THE NUMBER OF A PERSON MAKING A
11 CALL. THE CUSTOMER CAN THEN ASK SOUTHERN
12 BELL TO INVESTIGATE. CALL TRACING DOES NOT
13 LET THE CUSTOMER KNOW THE IDENTITY OF THE
14 ANNOYING CALLER, EVEN IF SOUTHERN BELL
15 INVESTIGATES THE CASE. IT DOES NOT LET THE
16 CUSTOMER KNOW WHO IS CALLING BEFORE
17 ANSWERING THE CALL. THEREFORE, A PERSON
18 MAY KEEP ANSWERING CALLS FROM THE SAME
19 CALLER. CALL TRACING DOES NOT IMMEDIATELY
20 IDENTIFY THE NUMBER OF THE PERSON MAKING
21 THE CALL AS DOES CALLER ID. IN A CRISIS
22 SITUATION, SUCH AS A POTENTIAL SUICIDE, THE
23 CALLED PARTY WOULD HAVE TO HANG UP BEFORE
24 THE TRACE COULD BE INITIATED, WHICH WOULD
25 JEOPARDIZE THE RESCUE EFFORT. IN CONTRAST,

1 CALLER ID PROVIDES AN IMMEDIATE VEHICLE TO
2 DETERMINE THE CALLING NUMBER AND THEREBY
3 ALLOW RESCUE EFFORTS WHILE KEEPING THE
4 CALLER ON THE LINE.

5
6 CALLER ID - LETS THE CALLED PARTY KNOW THE
7 NUMBER OF THE CALLING PARTY BEFORE PICKING
8 UP THE PHONE, AND DEPENDING ON THE TYPE OF
9 PREMISES EQUIPMENT USED, MAY STORE
10 TELEPHONE NUMBERS OF CALLERS.

11
12 IN THE JULY 17, 1990 AGENDA SESSION, A VICTIM
13 ADVOCATE FROM JACKSONVILLE, FLORIDA, APPEARED
14 BEFORE THIS COMMISSION AND DISCUSSED TWO CASES
15 IN WHICH SHE WAS PERSONALLY INVOLVED. IN ONE
16 CASE THE HARASSING CALLER PLACED THE CALLS FROM
17 A PRISON BUT THE VICTIM DID NOT KNOW THAT. THE
18 VICTIM BELIEVED SHE WAS IN IMMEDIATE DANGER AND
19 COMMITTED SUICIDE. THE VICTIM ADVOCATE,
20 SPEAKING TO THE COMMISSION, STATED,

21
22 "THE KEY TO KEEPING A VICTIM STABLE AND
23 LATER ABLE TO TESTIFY IS TO GIVE THEM SOME
24 CONTROL OVER THE THREAT, REAL OR IMAGINED.
25 NONE OF THE CURRENTLY AVAILABLE SERVICES

1 WOULD HAVE GIVEN THE VICTIM PROOF OF WHERE
2 THE CALL HAD ORIGINATED." (JULY 17, 1990
3 AGENDA TRANSCRIPT PAGE 84)

4
5 IN THE SECOND CASE THE VICTIM PUT HERSELF IN
6 IMMEDIATE PHYSICAL DANGER BECAUSE SHE DID NOT
7 KNOW THAT THE CALLER WAS CALLING FROM THE
8 CORNER PAY PHONE. IT WAS STATED THAT CALLER ID
9 WOULD HAVE HELPED THE VICTIM IDENTIFY THAT HER
10 HARASSER WAS CALLING FROM THE IMMEDIATE AREA
11 AND SHE, THEREFORE, MIGHT NOT HAVE LEFT THE
12 RELATIVE SECURITY OF HER HOME. THE VICTIM
13 ADVOCATE FURTHER STATED,

14
15 "CALL TRACE WOULD NOT HAVE ADDRESSED THIS
16 PROBLEM BECAUSE THE SYSTEM BY WHICH CALL
17 TRACE OPERATES DOES NOT ALLOW FOR IMMEDIATE
18 RESPONSE TO A PHYSICALLY THREATENING
19 SITUATION AS PERCEIVED BY THE VICTIM....
20 (JULY 17, 1990 AGENDA TRANSCRIPT PAGE 86)

21
22 CALL BLOCK WOULD NOT HAVE BLOCKED THIS
23 NUMBER BECAUSE IT WOULD NOT HAVE BEEN ON A
24 PRE-SELECTED TARGET LIST OF NUMBERS TO BE
25 IDENTIFIED TO BE BLOCKED.... (JULY 17,

1 1990 AGENDA TRANSCRIPT PAGE 86)

2

3

CALL RETURN WOULD HAVE SENT HER BACK TO THE

4

PHONE BOOTH WITH HIM ANSWERING OR NO ONE

5

ANSWERING. IT WOULD NOT HAVE IDENTIFIED

6

WHERE THE CALL CAME FROM." (JULY 17, 1990

7

AGENDA TRANSCRIPT PAGE 87)

8

9

A BROWARD COUNTY COMMISSIONER WHO ALSO APPEARED

10

AT THE JULY AGENDA SESSION STATED IN REGARD TO

11

CALL TRACING,

12

13

"BUT I DON'T THINK THE PEOPLE OF THIS STATE

14

WANT TO WAIT UNTIL AFTER THEY HAVE RECEIVED

15

THAT CALL TO DECIDE THAT IT CAN BE TRACED.

16

THEY WANT THE CHANCE NOT TO BE HARASSED AND

17

NOT TO HEAR THAT VOICE ON THE OTHER END OF

18

THE PHONE." (JULY 17, 1990 AGENDA

19

TRANSCRIPT PAGE 37)

20

21

CLEARLY, THEN, IN THE MINDS OF THE PUBLIC,

22

CALLER ID MEETS A SPECIFIC CUSTOMER NEED THAT

23

IS NOT SATISFIED BY OTHER TOUCHSTAR FEATURES.

24

25

Q. IS THE RATE STRUCTURE FOR THE EXISTING CLASS

1 (TOUCHSTAR) SERVICES THAT YOU JUST DISCUSSED
2 APPROPRIATE? (ISSUE 6)

3
4 A. SOUTHERN BELL BELIEVES THE RATE STRUCTURE FOR
5 EACH OF THE EXISTING CLASS (TOUCHSTAR) SERVICES
6 IS APPROPRIATE FOR RESIDENTIAL AND SMALL
7 BUSINESS APPLICATIONS. A COMPARISON OF USAGE
8 VERSUS FLAT RATE PRICING FOR TOUCHSTAR SERVICES
9 INDICATED THAT THE FLAT RATE STRUCTURE WAS
10 PREFERRED BY OUR CUSTOMERS AND, IN ADDITION
11 WOULD PROVIDE MORE CONTRIBUTION TO BASIC LOCAL
12 SERVICE.

13
14 SEVERAL FACTORS WERE ALSO IDENTIFIED THAT MAY
15 INFLUENCE RESIDENTIAL AND SMALL BUSINESS
16 CUSTOMER BEHAVIOR. FIRST, WITH USAGE PRICING
17 OF DISCRETIONARY SERVICES, THE CUSTOMER MUST
18 REALLY MAKE A "BUYING DECISION" EACH TIME HE
19 USES THE SERVICE. SECOND, IN ORDER TO
20 STIMULATE AND MAINTAIN CUSTOMER USE AT THE
21 DESIRED LEVEL, SIGNIFICANT ADVERTISING DOLLARS
22 MUST BE ALLOCATED TO THE PRODUCT ON AN ONGOING
23 BASIS.

24
25 ALSO, WITH ANY NEW SERVICE, OUR GOAL IS TO

1 ENCOURAGE A CUSTOMER'S USE, THEREBY INCREASING
2 THE VALUE OF THE PRODUCT TO HIM.

3

4 Q. WHAT FURTHER ACTION SHOULD BE TAKEN ON SOUTHERN
5 BELL'S TARIFF FILINGS INTRODUCING CALLER ID
6 (T-89-507) AND CHANGING THE CONDITIONS UNDER
7 WHICH NONPUBLISHED NUMBER INFORMATION WILL BE
8 DIVULGED (T-90-023)? WHAT SHOULD BE THE
9 EFFECTIVE DATE OF SUCH ACTION? (ISSUE 13)

10

11 A. ALL APPROPRIATE STEPS NEEDED TO ADDRESS
12 SOUTHERN BELL'S CALLER ID TARIFF OFFERING HAVE
13 BEEN TAKEN.

14

15 SOUTHERN BELL FILED TARIFF REVISIONS ON
16 SEPTEMBER 29, 1989 BY WHICH WE ADDED CALLER ID
17 TO OUR TOUCHSTAR FEATURES AND PROPOSED
18 CLARIFICATIONS REGARDING THE DIVULGENCE OF
19 NONPUBLISHED TELEPHONE NUMBERS. THE TARIFF
20 IMPLEMENTING CALLER ID WAS APPROVED EFFECTIVE
21 FEBRUARY 1, 1990, AND SOUTHERN BELL WAS
22 DIRECTED TO AMEND THE FILING WITH A PROHIBITION
23 ON THE RESALE OF ANY NUMBERS ACQUIRED THROUGH
24 CALLER ID.

25

1 THE ISSUE CONCERNING THE APPROPRIATENESS OF
2 BLOCKING CERTAIN AGENCIES' NUMBERS AND ANY
3 CHARGE FOR SUCH BLOCKING WAS DEFERRED FOR
4 FURTHER CONSIDERATION BEFORE THE FEBRUARY 1,
5 1990 EFFECTIVE DATE. IN RECOGNITION OF THE
6 NEEDS OF LAW ENFORCEMENT AND DOMESTIC VIOLENCE
7 INTERVENTION AGENCIES, SOUTHERN BELL IS
8 PREPARED TO FILE A TARIFF SETTING THE FOLLOWING
9 CRITERIA FOR BLOCKING:

10
11 1. THE ENTITY SHOULD ESTABLISH THAT ITS
12 BUSINESS IS LAW ENFORCEMENT OR ONE IN WHICH
13 THE DIVULGENCE OF IDENTITIES OVER THE
14 TELEPHONE COULD CAUSE SERIOUS PERSONAL OR
15 PHYSICAL HARM TO ITS EMPLOYEES AND
16 CERTIFIED CLIENTS, SUCH AS A DOMESTIC
17 VIOLENCE INTERVENTION AGENCY;

18
19 2. THE ENTITY SHOULD ESTABLISH THAT THE
20 FORWARDING OF NUMBERS THROUGH CALLER ID
21 WOULD SERIOUSLY IMPAIR OR PREVENT IT FROM
22 PERFORMING ITS BUSINESS; AND,

23
24 3. THE ENTITY SHOULD ESTABLISH THAT NO
25 REASONABLE OFFERING BY THE TELEPHONE

1 COMPANY OTHER THAN BLOCKING WILL PROTECT
2 ITS DESIRED ANONYMITY.

3
4 SOUTHERN BELL ALSO SENT BILL INSERTS TO ALL
5 CUSTOMERS WHERE CALLER ID WAS TO BECOME
6 AVAILABLE TO NOTIFY THEM OF THESE CRITERIA.

7
8 AT THE JULY 17, 1990 AGENDA, THE COMMISSION
9 HEARD WITNESSES FOR AND AGAINST CALLER ID, AND
10 STATED THAT SINCE SOUTHERN BELL AND LAW
11 ENFORCEMENT HAD NOT BEEN ABLE TO COME TO AN
12 AGREEMENT, IT WOULD SCHEDULE HEARINGS.

13
14 BASED ON THE FOREGOING, SOUTHERN BELL BELIEVES
15 THAT WE HAVE ADEQUATELY ADDRESSED THE NEEDS OF
16 OUR CUSTOMERS AND THAT THE CALLER ID TARIFF
17 SHOULD BE APPROVED FOR IMMEDIATE
18 IMPLEMENTATION.

19
20 Q. PLEASE PROVIDE A SUMMARY OF YOUR TESTIMONY.

21
22 A. CALLER ID IS A NEW OPTIONAL TOUCHSTAR FEATURE
23 THAT ALLOWS THE CALLED PARTY TO SEE THE CALLING
24 PARTY'S TELEPHONE NUMBER DISPLAYED BEFORE
25 ANSWERING THE PHONE. SOUTHERN BELL BELIEVES

1 THAT CALLER ID WILL PROVIDE MANY BENEFITS TO
2 RESIDENCE AND SMALL BUSINESS CUSTOMERS, WHEREBY
3 THE INTERESTS OF BOTH THE CALLED AND THE
4 CALLING PARTY WILL BE BETTER BALANCED. CALLER
5 ID WILL REDUCE THE POTENTIAL FOR OBSCENE,
6 ANNOYING, HARASSING AND FRAUDULENT TELEPHONE
7 CALLS. IN THE STATES WHERE CALLER ID HAS BEEN
8 APPROVED AND IMPLEMENTED, THE RESPONSE HAS BEEN
9 OVERWHELMINGLY FAVORABLE.

10
11 SOUTHERN BELL HAS WORKED CLOSELY WITH THOSE
12 GROUPS WHO PERCEIVE THAT CALLER ID PRESENTS
13 THEM WITH SERIOUS RISK. WE HAVE WORKED
14 EXTENSIVELY WITH LAW ENFORCEMENT TO DEVELOP
15 SOLUTIONS THAT WILL ACCOMMODATE THEIR NEEDS AND
16 WE HAVE DEVELOPED A SIGNIFICANT LIST OF
17 APPROPRIATE ALTERNATIVES. SOUTHERN BELL WILL
18 CONTINUE TO WORK WITH LAW ENFORCEMENT TO MEET
19 SPECIAL TECHNICAL REQUESTS AS LONG AS THEY DO
20 NOT COMPROMISE THE WELFARE OF THE COMPANY'S
21 OVERALL CUSTOMER BODY OR THE INTEGRITY OF ITS
22 NETWORK. EXTENSIVE WORK WAS ALSO CONDUCTED TO
23 SOLVE THE CONCERNS OF HRS AGENCIES.

24
25 BASED ON THIS COMMISSION'S THOROUGH REVIEW OF

1 THE ISSUES REGARDING CALLER ID, THE TARIFF
2 SHOULD BE ALLOWED TO BECOME EFFECTIVE
3 IMMEDIATELY.

4

5 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

6

7 A. YES.

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SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY

REBUTTAL TESTIMONY OF NANCY H. SIMS

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 891194-TI

OCTOBER 26, 1990

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A. I AM NANCY H. SIMS. MY BUSINESS ADDRESS IS 675 WEST PEACHTREE STREET, ATLANTA, GEORGIA 30375.

Q. ARE YOU THE SAME NANCY H. SIMS THAT PREFILED DIRECT TESTIMONY IN THIS DOCKET?

A. YES, I AM.

Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?

A. THE PURPOSE OF MY TESTIMONY IS TO ADDRESS SEVERAL OF THE CONCERNS ABOUT CALLER ID THAT HAVE BEEN PRESENTED IN THE PREFILED TESTIMONY OF THE LAW ENFORCEMENT, PUBLIC COUNSEL AND DOMESTIC VIOLENCE AGENCY WITNESSES. MORE SPECIFICALLY, I WILL DISCUSS THE ISSUES OF

BLOCKING THE CALLING NUMBER FROM BEING DELIVERED, PROVIDING CALL TRACING ON A PER CALL BASIS, AND DEALING WITH THE ADVANCEMENT IN TECHNOLOGY REPRESENTED BY CALLER ID.

Q. BASED ON THE PREFILED TESTIMONY IN THIS DOCKET, WHAT IS THE PREVALENT THEME WHEN THE NEED FOR BLOCKING CALLING NUMBER DELIVERY IS DISCUSSED?

A. OTHER THAN THE MORE GENERALIZED, SPECULATIVE EXAMPLES GIVEN IN DR. COOPER'S TESTIMONY, THE OVERWHELMING STATED REASON FOR WANTING THE CAPABILITY TO BLOCK CALLING NUMBER DELIVERY IS FOR SAFETY AND SECURITY. CERTAIN PARTIES, SUCH AS THE LAW ENFORCEMENT AGENCIES, CRISIS INTERVENTION AGENCIES, AND SOME HELP LINES ARE SPECIAL GROUPS THAT HAVE SPECIAL NEEDS AND VALID REASONS FOR SPECIAL TREATMENT. SOUTHERN BELL AGREES THAT THE EMPLOYEES, VOLUNTEERS AND CLIENTS OF THESE GROUPS SHOULD BE AFFORDED BLOCKING OPTIONS TO PROVIDE THEM WITH ANONYMITY FOR SAFETY AND SECURITY REASONS.

AS STATED IN MY DIRECT TESTIMONY, SOUTHERN BELL HAS OFFERED A MULTITUDE OF OPTIONS FOR USE BY

THESE GROUPS, ANY ONE OF WHICH WILL AFFORD THEM THE ANONYMITY THEY DESIRE. IN ADDITION, THESE OPTIONS ARE NOT DIFFICULT TO USE AND THEY ARE TO BE OFFERED FREE OF CHARGE.

Q. COULD YOU ADDRESS SOME OF THE CONCERNS EXPRESSED BY THE FLORIDA COALITION AGAINST DOMESTIC VIOLENCE AND THE CENTER AGAINST SPOUSE ABUSE?

A. YES. THE FEAR EXPERIENCED BY ABUSED SPOUSES AND CHILDREN DESCRIBED BY MS. BROWN, MS. DUNN, AND MS. PHOENIX IS CERTAINLY REAL AND THEIR SAFETY SHOULD NOT BE COMPROMISED. THEREFORE, THE SAFE HOMES AND THE SHELTERS WILL BE AFFORDED ACCESS TO FREE BLOCKING OF CALLING NUMBER DELIVERY. THE VOLUNTEERS OF THE AGENCIES WILL ALSO HAVE FREE BLOCKING AVAILABLE, AS WILL THE VICTIMS ON WHOSE BEHALF A REQUEST FOR BLOCKING IS MADE BY THE AGENCY. IN NEW JERSEY, WHERE CALLER ID HAS BEEN IN EFFECT FOR ALMOST THREE YEARS, SHELTERS USE PAY TELEPHONES FOR OUTGOING CALLS TO PROTECT THEIR CLIENTS. IN ADDITION, THE INCOMING LINES ARE PROVISIONED WITH CALLER ID IN ORDER TO IDENTIFY

THE NUMBER OF THE PERSON, PERHAPS AN ABUSER,
WHO IS CALLING THE SHELTER.

MS. DUNN'S CONCERN THAT SOUTHERN BELL WILL BE
ASSUMING THE RESPONSIBILITY FOR "SCREENING
VICTIMS FOR ELIGIBILITY FOR A CALL BLOCK
SERVICE" IS MISPLACED. SOUTHERN BELL HAS NOT
PROPOSED TO DO THIS TYPE OF SCREENING NOR WILL
IT REQUIRE THE VICTIM TO BE EMBARRASSED BY
HAVING TO REVEAL PERSONAL EXPERIENCES IN ORDER
TO RECEIVE FREE CALL BLOCKING. WE BELIEVE THE
AGENCIES ARE QUALIFIED TO MAKE THIS
DETERMINATION, AND SOUTHERN BELL WOULD HAVE A
PERSON DESIGNATED IN ITS CUSTOMER ASSISTANCE
BUREAU TO RECEIVE ORDERS FROM THESE AGENCIES.
THIS ARRANGEMENT WILL HELP KEEP ANY
ADMINISTRATIVE COSTS TO A MINIMUM. FINALLY,
THE FREE BLOCKING BEING PROPOSED WOULD NOT
INHIBIT THE AVAILABILITY OF 911 SERVICES FROM
THESE LINES.

Q. HOW WOULD YOU ADDRESS THE SITUATION DESCRIBED
BY MS. BROWN WHERE A VICTIM OF ABUSE SEEKS
REFUGE AT A FRIEND'S HOUSE AND HAS A NEED TO
CALL HOME?

A. CALLER ID SERVICE IS AN OPTIONAL SERVICE WHICH IS SUBSCRIBED TO BY THE CUSTOMER AND WHICH REQUIRES THE PURCHASE OF A DISPLAY DEVICE.

THE VICTIM WHO SEEKS SHELTER WITH A FRIEND OR FAMILY MEMBER WILL KNOW BEFORE SHE MAKES THE CALL BACK TO HER HOME IF CALLER ID IS INDEED WORKING ON HER HOME NUMBER. IF IT IS NOT, THEN CALLER ID WILL NOT BE A FACTOR. IF IT IS, OR IF SHE IS UNCERTAIN WHETHER IT HAS BEEN ADDED IN HER ABSENCE, THEN THE VICTIM COULD USE THE OPERATOR IN PLACING THE CALL.

Q. DO YOU AGREE THAT LAW ENFORCEMENT AGENCIES HAVE UNIQUE NEEDS THAT PER CALL OR PER LINE BLOCKING MAY NOT ADEQUATELY ADDRESS?

A. YES. AS STATED IN MR. RADIN'S TESTIMONY FOR GTE TELEPHONE, IN CERTAIN SITUATIONS, LAW ENFORCEMENT MAY HAVE NEED OF MAINTAINING THE ABILITY TO APPEAR AS ANY OTHER CALLER. FOR INSTANCE, WITH PER CALL OR PER LINE BLOCKING, A "P" WILL BE DISPLAYED WHICH WOULD INDICATE TO A CALLER ID SUBSCRIBER THAT THE CALLING NUMBER IS BEING BLOCKED. SOUTHERN BELL AGREES WITH

GTE THAT BY GIVING LAW ENFORCEMENT THE ABILITY TO PASS A "SAFE" NUMBER AT WILL, THEIR NEEDS SHOULD BE RESOLVED.

OTHERS, SUCH AS INFORMANTS WHO HAVE AN OCCASIONAL NEED TO PROTECT THEIR NUMBER, CAN USE THE OTHER READILY AVAILABLE ALTERNATIVES DESCRIBED IN MY DIRECT TESTIMONY.

Q. WOULD YOU PLEASE COMMENT ON THE PORTIONS OF MR. TUDOR'S TESTIMONY THAT REFER TO THE EFFECTS THAT ADVANCEMENTS IN TECHNOLOGY HAVE HAD ON LAW ENFORCEMENT?

A. MR. TUDOR'S TESTIMONY EMPHASIZES HOW LAW ENFORCEMENT IN GENERAL HAS OVER THE YEARS HAD TO ADJUST THE WAY IN WHICH IT OPERATES TO MEET THE CHANGES BROUGHT ON BY NEW TECHNOLOGIES. IN PARTICULAR, HE MENTIONS PAGING AND CELLULAR SERVICES WHICH HAVE BEEN USED HEAVILY IN CRIMINAL ACTIVITIES.

I DO NOT CONDONE THIS USE OF SUCH SERVICES, BUT I AM SURE THAT MR. TUDOR DOES NOT PROPOSE THAT SUCH SERVICES SHOULD NEVER HAVE BEEN OFFERED OR

ONLY PROVIDED UNDER VERY RESTRICTIVE RULES. I AM ALSO SURE THAT HE WOULD ADMIT THAT CELLULAR AND PAGING SERVICES PROVIDE GREAT BENEFIT TO THE PUBLIC AT LARGE AS WELL AS ASSISTANCE TO LAW ENFORCEMENT.

ADVANCEMENTS IN TELECOMMUNICATIONS SERVICES ARE OFFERED TO SERVE THE GENERAL PUBLIC'S INTEREST. IN SO DOING, THEY ALSO HELP LAW ENFORCEMENT. MR. TUDOR HAS ONLY EMPHASIZED THE PROBLEMS THAT MAY OCCUR WITH THE DELIVERY OF THE CALLING NUMBER, WHICH SOUTHERN BELL HAS ADDRESSED THROUGH VARIOUS BLOCKING OPTIONS. HE HAS IGNORED THE VOLUMINOUS TESTIMONY THAT SAYS CALLER ID WILL ENHANCE EMERGENCY OPERATIONS AND WILL REDUCE AS WELL AS ASSIST INVESTIGATIONS INTO BOMB THREATS, HARASSING AND THREATENING CALLS AND FALSE AS WELL AS ACTUAL FIRE CALLS.

NOTING THE EXCEPTIONS FOR SECURITY AND SAFETY, CALLER ID SERVICE SHOULD BE IMPLEMENTED WITHOUT PER CALL OR PER LINE BLOCKING IN ORDER FOR THE SERVICE TO BE USED IN THE MANNER IN WHICH IT WAS INTENDED. THE GENERAL OFFERING OF BLOCKING COULD NOT ONLY HAMPER THE USE OF THE SERVICE IN

EMERGENCY SITUATIONS, BUT COULD DEVALUE THE LONG-TERM VIABILITY OF THE SERVICE.

Q. DO YOU AGREE WITH DR. COOPER'S BELIEF THAT WITH CALLER ID THE CALLER ACTUALLY LOSES CONTROL OVER HIS TELEPHONE NUMBER?

A. NO. THE CALLER HAS THE ABILITY TO CHOOSE TO MAKE A CALL OR TO NOT MAKE A CALL. THE CALLER CAN CHOOSE WHO THEY WANT TO CALL AND WHEN THEY WANT TO CALL. THE CALLER CAN ALSO CHOOSE THE CALLING LOCATION AND THE METHOD BY WHICH THE CALL IS MADE. WITH CALLER ID, THE CALLER MAY GIVE MORE CONSIDERATION TO THE MANNER IN WHICH THE CALL IS PLACED, BUT WITH CALL TRACING AND CALL RETURN NOW IN PLACE, THE CALLER PROBABLY DOES THIS TO SOME DEGREE TODAY.

EVEN THE CUSTOMER WITH A NONPUBLISHED NUMBER IS PROTECTED WITH THE IMPLEMENTATION OF CALLER ID. HIS NUMBER WILL NOT BE DISPLAYED UNLESS: 1) HE INITIATES A CALL, AND 2) THE CALLING PARTY HAS SUBSCRIBED TO CALLER ID. BECAUSE OF THE NONPUBLISHED STATUS OF THE NUMBER, IF THE NUMBER IS DISPLAYED THROUGH CALLER ID SERVICE,

IT CANNOT BE ASSOCIATED WITH AN ADDRESS. IF THE CALLER IS CONCERNED ABOUT AN UNWANTED CALLBACK, HE CAN INITIATE INCOMING CALL BLOCKING. FURTHERMORE, THE CUSTOMER WITH A NONPUBLISHED NUMBER IS USUALLY MORE CONCERNED ABOUT KNOWING WHO IS CALLING, AND CALLER ID WITHOUT BLOCKING CAN GIVE HIM THAT CONTROL MECHANISM.

Q. IN DR. COOPER'S TESTIMONY AT PAGES 28 AND 29, HE DISCUSSES THE OPTIONS FOR HANDLING ANNOYANCE CALLS. IS CALLER ID BEING PROPOSED AS THE ANSWER TO PREVENTING ANNOYANCE CALLS?

A. CALLER ID IS NOT BEING PROPOSED BY SOUTHERN BELL AS THE ULTIMATE SOLUTION TO THE ANNOYANCE CALL PROBLEM. IT IS, HOWEVER, A USEFUL DETERRENT, ESPECIALLY WHEN COUPLED WITH OTHER SOUTHERN BELL TOUCHSTAR FEATURES. FOR INSTANCE, CALLER ID CAN BE USED TO SCREEN INCOMING CALLS AND, IN CONJUNCTION WITH INCOMING CALL BLOCKING, CAN BE USED TO PREVENT THE RECURRENCE OF AN UNWANTED CALL.

WHILE SOUTHERN BELL ESTIMATES THAT THERE ARE

APPROXIMATELY 75,000,000 CALLS MADE IN SOUTHERN BELL TERRITORY WITHIN THE STATE OF FLORIDA EACH DAY, HARASSING AND ANNOYING CALLS CONSTITUTE ONLY A TINY FRACTION OF THOSE CALLS.

THEREFORE, FOCUSING ON CALLER ID AS A SERVICE DIRECTED AT HANDLING ANNOYANCE CALLS DISREGARDS THE MORE IMPORTANT REASONS FOR OFFERING THIS SERVICE.

CUSTOMERS HAVE INDICATED THAT THEY LIKE TO SEE THE NUMBER OF THE PERSON CALLING THEM AS THEY MAY THEN BE ABLE TO IDENTIFY THE CALLER BEFORE ANSWERING THE CALL. BASED ON THE CALLING NUMBER THEY CAN THEN MAKE AN INFORMED DECISION AS TO HOW TO ANSWER THE CALL OR WHETHER OR NOT TO ANSWER THE CALL AT ALL. IN FACT, WHEREAS SOME OF THE OPPOSITION TESTIMONY SAYS THAT CALLER ID COMPROMISES SECURITY AND SAFETY, MANY OTHERS PRAISE THE SERVICE AS AN ENHANCEMENT TO SAFETY AND SECURITY. ALSO, AS DESCRIBED AT LENGTH IN MY DIRECT TESTIMONY, THERE ARE NUMEROUS USES FOR CALLER ID SERVICE, SUCH AS PROVIDING ADDITIONAL INFORMATION FOR EMERGENCY SERVICES PROVIDERS, ASSISTING DEAF CUSTOMERS TO DETERMINE IF THEY SHOULD ANSWER THEIR PHONE

WITH A TELECOMMUNICATIONS DEVICE FOR DEAF PERSONS, AND PROVIDING SMALL BUSINESSES WITH THE ABILITY TO PERSONALIZE SERVICE, THAT ARE TOTALLY UNRELATED TO THE UNWANTED CALL ISSUE. THESE USES ARE IN THE GENERAL PUBLIC'S INTEREST AND SHOULD NOT BE IGNORED.

DR. COOPER AND OTHERS WOULD LEAD ONE TO BELIEVE THAT SERVICES SUCH AS CALL TRACING, CALL RETURN AND INCOMING CALL BLOCK CAN SERVE THE SAME NEEDS OF THE CUSTOMER AS DOES CALLER ID. SOUTHERN BELL DOES NOT AGREE. EACH SERVICE BRINGS A UNIQUE SET OF BENEFITS TO THE CUSTOMER. WHILE THERE ARE SOME CROSS ELASTICITIES AMONG THE SERVICES, CUSTOMERS HAVE VARYING NEEDS AND EACH TOUCHSTAR FEATURE PERFORMS A SPECIAL, UNIQUE SERVICE WHICH MAY OR MAY NOT SATISFY AN INDIVIDUAL CUSTOMER'S NEEDS. THESE SERVICES ARE DESIGNED TO ALLOW CUSTOMERS, BOTH CALLER AND CALLING PARTY, TO TAILOR THEIR TELEPHONE SERVICE TO BETTER SERVE THEIR PERSONAL AS WELL AS BUSINESS NEEDS.

Q. DO YOU AGREE WITH DR. COOPER'S PORTRAYAL OF CALLER ID AS FUEL TO FURTHER TELEMARKETING

WITH A TELECOMMUNICATIONS DEVICE FOR DEAF PERSONS, AND PROVIDING SMALL BUSINESSES WITH THE ABILITY TO PERSONALIZE SERVICE, THAT ARE TOTALLY UNRELATED TO THE UNWANTED CALL ISSUE. THESE USES ARE IN THE GENERAL PUBLIC'S INTEREST AND SHOULD NOT BE IGNORED.

DR. COOPER AND OTHERS WOULD LEAD ONE TO BELIEVE THAT SERVICES SUCH AS CALL TRACING, CALL RETURN, AND INCOMING CALL BLOCK CAN SERVE THE SAME NEEDS OF THE CUSTOMER AS DOES CALLER ID.

SOUTHERN BELL DOES NOT AGREE. EACH SERVICE BRINGS A UNIQUE SET OF BENEFITS TO THE CUSTOMER. WHILE THERE ARE SOME CROSS ELASTICITIES AMONG THE SERVICES, CUSTOMERS HAVE VARYING NEEDS AND EACH TOUCHSTAR FEATURE PERFORMS A SPECIAL, UNIQUE SERVICE WHICH MAY OR MAY NOT SATISFY AN INDIVIDUAL CUSTOMER'S NEEDS. THESE SERVICES ARE DESIGNED TO ALLOW CUSTOMERS, BOTH CALLER AND CALLING PARTY, TO TAILOR THEIR TELEPHONE SERVICE TO BETTER SERVE THEIR PERSONAL AS WELL AS BUSINESS NEEDS.

Q. DO YOU AGREE WITH DR. COOPER'S PORTRAYAL OF CALLER ID AS FUEL TO FURTHER TELEMARKETING

ACTIVITIES?

- A. ABSOLUTELY NOT. TELEMARKETING ABUSES, INCLUDING OBJECTIONABLE SOLICITATION, IS A PROBLEM THAT EXISTS TODAY WITHOUT THE PRESENCE OF CALLER ID SERVICE. COMPUTERIZED TELEMARKETING CALLING GENERALLY OCCURS AT RANDOM. TELEPHONE NUMBERS ARE OBTAINED BY TELEMARKETING FIRMS FROM MANY SOURCES OUTSIDE THE TELEPHONE COMPANY SUCH AS CREDIT CARD COMPANIES, MAIL ORDER COMPANIES, BANK TRANSACTIONS, AND ENTRIES IN CONTESTS.

TELEMARKETING IS MORE APPROPRIATELY ADDRESSED AS A SEPARATE ISSUE. THIS COMMISSION AS WELL AS THE FLORIDA LEGISLATURE HAS RECOGNIZED THIS, AND HAS ALREADY TAKEN STEPS TO RESTRICT THIS TYPE OF CALLING. IN ADDITION, SOUTHERN BELL'S CALLER ID TARIFF SPECIFICALLY PROHIBITS THE RESALE OF NUMBERS OBTAINED THROUGH THE USE OF CALLER ID SERVICE.

- Q. IN THEIR DIRECT TESTIMONIES, DR. COOPER, MS. DUNN, MR. TUDOR, AND MS. PHOENIX ALL SUPPORT THE PROVISION OF CALL TRACING ON A PER CALL

SIGNIFICANT DROP IN THE CONTRIBUTION THAT IS RECEIVED FROM THE SERVICE TODAY.

FURTHERMORE, IN NEW JERSEY A SURVEY SHOWED THAT 84% OF CALLER ID SUBSCRIBERS SAID THAT CALLER ID WAS MORE EFFECTIVE THAN CALL TRACING IN HANDLING NUISANCE CALLING. IN MOST CASES, UNLESS THE CALL IS TRULY OBSCENE OR THREATENING, THE RECIPIENT OF THE CALL JUST WANTS THE CALLING TO CEASE; SHE DOES NOT WANT TO TAKE LEGAL ACTION.

IT SHOULD ALSO BE NOTED THAT THE AVAILABILITY OF CALLER ID IS EXPECTED TO REDUCE THE NUMBER OF CALLS INITIATED THROUGH CALL TRACING. MANY OF THE CALLS INITIATED TO CALL TRACING ARE THOSE THAT DO NOT WARRANT LAW ENFORCEMENT INTERVENTION. THESE INCLUDE SALES SOLICITATION CALLS, WRONG NUMBERS AND PRANK CALLS WITH NO MALICIOUS INTENT. CALLER ID WOULD PROVIDE CUSTOMERS CONCERNED WITH THESE TYPES OF CALLS AN EFFECTIVE METHOD OF AVOIDING THEM.

Q. WOULD YOU PLEASE COMMENT ON THE PREFILED TESTIMONY OF MR. TUDOR, MS. PHOENIX AND MS.

DUNN REGARDING THE POSSIBLE USE OF CALLER ID INFORMATION FOR VIGILANTE ACTIVITIES?

A. ALTHOUGH SOME OF THE TESTIMONY SUGGESTS THAT CALLER ID MAY SPAWN VIGILANTE OR RETALIATORY CONFRONTATIONS BETWEEN THE CALLER AND THE CALLED PARTY, I BELIEVE THIS TO BE PURE SPECULATION. IN THE SIX STATES WHERE CALLER ID IS CURRENTLY AVAILABLE, SOME FOR TWO OR MORE YEARS, THERE IS NO EVIDENCE THAT THIS TYPE OF ACTIVITY HAS BEEN A PROBLEM.

Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?

A. YES.

1 Q (By Mr. Falgoust) Ms. Sims, do you have a
2 summary of your testimony?

3 A Yes, I do.

4 Q Would you please give that at this time?

5 A Caller ID is a new optional TouchStar feature
6 that allows the called party to see the calling party's
7 telephone number displayed before answering the
8 telephone. Southern Bell believes, and actual
9 experience elsewhere has shown, that Caller ID will
10 provide many benefits to residents and small business
11 customers.

12 It will also help balance the interest of
13 both the called and the calling party. Customers have
14 indicated that they like to see the number of the
15 person calling them as they may then be able to
16 identify the caller before answering the call. This
17 allows the customer to make an informed decision as to
18 how to answer the call, or whether or not to answer the
19 call at all.

20 There are numerous usages for Caller ID
21 service, such as providing additional information for
22 emergency services providers, assisting deaf customers
23 to determine if they should answer their phone with the
24 telecommunication device for deaf persons, and
25 providing small businesses with the ability to

1 personalize service.

2 In addition, Caller ID will reduce the
3 potential for obscene, annoying, harassing, and
4 fraudulent telephone calls. In the states where Caller
5 ID has been approved and implemented, the response has
6 been overwhelmingly favorable. Whereas, a few people
7 find fault with the service as compromising security
8 and safety, the overwhelming majority praise the
9 service as an enhancement to safety and security.

10 Southern Bell has worked closely with those
11 groups who perceive that Caller ID presents them with
12 serious risk. We have worked extensively with law
13 enforcement to develop solutions that will accommodate
14 their needs, and we have developed a significant list
15 of appropriate alternatives. Southern Bell will
16 continue to work with law enforcement to meet special
17 technical requests as long as they do not compromise
18 the welfare of the Company's overall customer body or
19 the integrity of its network.

20 Extensive work was also conducted to solve
21 the concerns of HRS agencies. The special options we
22 have proposed to those groups that have special needs
23 for safety and security reasons, including the
24 employees, volunteers and clients of those groups are
25 not difficult to use and they are being offered free of

1 charge. In addition, these blocking options will not
2 interfere with 911 services.

3 Caller ID service is an optional service that
4 is offered in addition to the other six TouchStar
5 features as the latest in telecommunication services
6 that serve the general public's benefit. Caller ID can
7 be used in conjunction with other TouchStar features to
8 give the caller as well as the called party more
9 control over their telecommunication services. The
10 calling party does not lose control over his telephone
11 number since he continues to be able to choose who to
12 call, when to call, where to call, the calling location
13 and the method by which the call is made.

14 This is equally true for published and
15 nonpublished listing customers. In fact, the customer
16 with the nonpublished number is usually more concerned
17 about knowing who is calling; therefore, Caller ID can
18 give this customer more control.

19 Based on this Commission's thorough review of
20 the issues regarding Caller ID, the service should be
21 allowed to be implemented immediately under the
22 conditions proposed by Southern Bell.

23 Q Does that conclude your testimony, Ms. Sims?

24 A Yes, it does.

25 MR. FALGOUST: Mr. Chairman, Ms. Sims is

1 available for cross.

2 COMMISSIONER EASLEY: I believe we agreed to
3 take direct and rebuttal at the same time. Did you
4 want to handle rebuttal now or wait until she finished?

5 MR. FALGOUST: Commissioner Easley, Ms. Sims'
6 rebuttal testimony and her recital of her summary
7 included the rebuttal.

8 Now, to the extent that it would become
9 necessary to have Ms. Sims respond in rebuttal to
10 something that is said over the next two days, I would
11 hope the Commission would entertain her being able to
12 do that.

13 CHAIRMAN WILSON: Did you move that her
14 rebuttal testimony be inserted into the record, not
15 only the direct?

16 MR. FALGOUST: I intended to. I so move now
17 if I didn't.

18 COMMISSIONER EASLEY: It was not specified, I
19 wasn't sure either.

20 CHAIRMAN WILSON: All right. Both Ms. Sims
21 both her rebuttal and direct testimony are, without
22 objection, inserted into the record.

23 (For the convenience of the record, direct
24 and rebuttal prefiled testimony was inserted at Page 3.)

25 CHAIRMAN WILSON: Cross examination?

CROSS EXAMINATION

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BY MS. CASWELL:

Q Good morning, Ms. Sims. My name is Kim Caswell. I'm with GTE Florida. I have just a few questions.

In Southern Bell's view, what is the principal function of Caller ID?

A Well, it's got several functions, but most of our customers have indicated that they would like to know the number of the person who is calling them. They like the ability to be able to identify who is calling them. Also, of course, some have indicated that they perceive it to be a service that will cut down on harassing annoyance calls.

Q Are there any individual CLASS services that serve the same needs as Caller ID?

A As I stated in my testimony, there are some Caller ID, I mean, TouchStar features which will function not exactly like Caller ID, but will provide some of the similar capabilities, but they each are stand-alone services that each provide a unique service, depending on what the customer's needs are.

Q In your opening statement you discussed call blocking for HRS and violence intervention agencies. Through what process will eligibility for free call

1 blocking be determined?

2 A We have indicated that if the agency tells us
3 that a certain person needs call blocking, we will give
4 that blocking to them.

5 Q So Southern Bell doesn't have any discretion,
6 the shelter themselves make the decisions?

7 A That's what we have proposed.

8 MS. CASWELL: Okay. That's all I have.

9 MR. BERG: No questions.

10 MR. BECK: Commissioner, a number of the
11 other intervenors have asked that I go first.

12 CHAIRMAN WILSON: Fine. Go ahead. No
13 problem.

14 MR. BECK: Maybe it will save time later.

15

16 CROSS EXAMINATION

17 BY MR. BECK:

18 Q Ms. Sims, Southern Bell is opposed to giving
19 the general body of ratepayers free per-call blocking,
20 is it not?

21 A That's correct.

22 Q But Southern Bell has no objections to
23 allowing persons to purchase per-call blocking through
24 a number of other -- the use of another service, is it?

25 A Well, there are technologies available today

1 that are used in the provision of other services, such
2 as RingMaster, such as operator services, such as
3 placing a call on a pay phone that exists today for
4 other purposes, and it just so happens those
5 technologies can be used to block a call. They are
6 available for anybody to use.

7 Q What is the charge for a calling card call?

8 A Calling card call is -- if you're using it
9 from your home is 75 cents.

10 Q If you were to make a local call -- that's
11 for a local call?

12 A Well, it's just a credit card call, 75 cents.

13 Q You could make a local call using your
14 calling card, could you not?

15 A That's correct.

16 Q And what would be displayed on a Caller ID
17 display unit if a person made a calling card call?

18 A Out of area, an O.

19 Q So that's one way the general body of
20 ratepayers could purchase per-call blocking from
21 Southern Bell, is it not?

22 A That's correct.

23 Q Is there another operator-assisted call?

24 A Yes.

25 Q If an operator comes, what's the charge in.

1 that case?

2 A If an operator comes on, if it's like a 0-
3 call which is just to get the operator to place the
4 call for you, the charge is a dollar.

5 Q If a person made a local operator-assisted
6 call, what would appear on the Caller ID unit?

7 A An out of area also.

8 Q How about a cellular phone call? What
9 appears if somebody makes a cellular phone call to a
10 person with Caller ID?

11 A It's my understanding a 0 shows also.

12 Q Ms. Sims, suppose you were shopping at a --

13 CHAIRMAN WILSON: Can I ask a question here?

14 Is the reason that an 0 or out-of-area designation
15 appears is because you've programmed it that way or is
16 it possible that you could have the credit card number
17 show or the telephone number that's usually associated
18 with a credit card number show on a Caller ID box?

19 WITNESS SIMS: I believe that's the way the
20 software is configured. When the "0" shows on the
21 operator-handled, or anytime you're using the TOPS
22 trunks to carry an operator-type call, then it's out of
23 the Signaling System 7 capability, and we don't have
24 any plans at this point to put Signaling System 7 onto
25 the TOPS. You would have to do a lot -- it would be

1 very expensive at this point and we don't have plans to
2 do that.

3 CHAIRMAN WILSON: All right. What about
4 cellular?

5 WITNESS SIMS: Cellular, it's because it's
6 not part of the Signaling System 7, also, is my
7 understanding. Now, cellular, you know, at some point
8 if Signaling System 7 capability is placed on cellular,
9 then the number would show up on cellular.

10 COMMISSIONER BEARD: Unless the cellular --
11 person using the cellular phone opted to do a 0- then
12 it would be treated just as though any other 0-?

13 WITNESS SIMS: That's correct.

14 COMMISSIONER BEARD: So the difference is
15 cellular is not on SS7?

16 WITNESS SIMS: That's correct.

17 CHAIRMAN WILSON: Okay. Would you be the
18 appropriate witness to answer the question of how far
19 -- how much would the next step of this process be from
20 transmitting the calling number to transmitting the
21 name and address?

22 WITNESS SIMS: When you say how much --

23 CHAIRMAN WILSON: I mean, is this just a
24 little tiny technological leap from just the number to
25 both the name and address and the number?

1 WITNESS SIMS: I don't know how much of a
2 difference there is. I know that there's been some
3 trial -- there's a trial out west on delivering calling
4 name and address --

5 CHAIRMAN WILSON: Technology --

6 WITNESS SIMS: So the technology is there.
7 Now, what it takes to do it or what the costs are, I
8 don't know.

9 COMMISSIONER MESSERSMITH: Well, if I might
10 continue that, is that data there already available and
11 it's just the software doesn't drop out the rest of it?

12 WITNESS SIMS: I can't answer that,
13 Commissioner. I'm sorry.

14 CHAIRMAN WILSON: Go ahead, Mr. Beck.

15 Q (By Mr. Beck) So, Ms. Sims, if the Commission
16 were to grant your proposal in its entirety exactly as
17 proposed by Southern Bell, customers will, for the
18 foreseeable future, still have opportunities to
19 purchase per-call blocking from Southern Bell, using
20 those techniques you have just described earlier, will
21 they not?

22 A Oh, yes. And they can use other available
23 services, also, like I have stated in my testimony,
24 they can subscribe to other services if they
25 specifically want to block.

1 Q Southern Bell believes that the recipient of
2 a phone call has a right to know the telephone number
3 of the person calling them, is that correct?

4 A We say that the calling party has had the
5 control over the telephone service, more or less,
6 because of the existing technology. Now that the
7 technology is available, the called party has the
8 ability to have more control over his telecommunications
9 services, so there's more of a balance.

10 We believe that the called party has a right
11 to know who is calling them.

12 COMMISSIONER GUNTER: Let me, Mr. Beck, can I
13 interrupt just for a second, please?

14 MR. BECK: Certainly, please do.

15 COMMISSIONER GUNTER: Ms. Sims, you have been in
16 the telecommunications business a long time, haven't you?

17 WITNESS SIMS: Yes, sir.

18 COMMISSIONER GUNTER: How many telephone
19 numbers do you have committed to memory, would you say,
20 that you can know who it is that is calling you? 10,
21 15, 20?

22 WITNESS SIMS: I probably don't have that
23 many committed to memory. I would probably know more
24 from the -- if it was a long distance call, you know,
25 if it was coming from my family in North Carolina -- if

1 long distance was available at this point and it was a
2 704 number coming in, I would say, "Well, that's
3 probably my family," you know.

4 COMMISSIONER GUNTER: Well, it's probably
5 your family. But of a local call?

6 WITNESS SIMS: Just a few.

7 COMMISSIONER GUNTER: How many local calls do
8 you know?

9 WITNESS SIMS: Just a few.

10 COMMISSIONER GUNTER: Just a few. I'm trying
11 to understand the logic of being able to control who
12 called you. Because unless I had some sort of a
13 number, sequential number thing and the phone was
14 ringing, and I was hurrying going down, to me, that
15 seems kind of a hollow argument of being able to
16 control who calls you.

17 Now, to know who called you -- I mean to know
18 where they were calling from once you said "Hello" and
19 they identified themselves, that's one thing to know
20 where they had called from. But to say you have
21 control over whether you want to respond, answer that
22 phone or not, it seems to me you've got to be a genius.

23 WITNESS SIMS: Well, I'll agree that --

24 COMMISSIONER GUNTER: Because there's only a
25 few people that I know their telephone numbers.

1 WITNESS SIMS: -- that I wouldn't know very
2 many telephone numbers, and I'm sure a lot of people
3 would not recognize some telephone numbers. Of course,
4 they would recognize if it was Mom calling or they
5 would recognize if their brother was calling. But
6 there's some curiosity in every one of us when the
7 phone rings, "Who is it calling?"

8 COMMISSIONER GUNTER: I'm not going to doubt
9 that.

10 WITNESS SIMS: They see the number displayed,
11 say, "Well, I don't recognize the number." They would
12 still probably pick it up. The nice thing about Caller
13 ID is that if you're out of the house, depending on
14 what type of CPE you have, you're going to have a
15 record of all the calls that came in. Whether or not
16 --- with an answering machine, of course, if they don't
17 leave a message, you don't know who called.

18 People like that. They've stated it in
19 surveys ---

20 COMMISSIONER GUNTER: You can do that with
21 the answering machine. You have to leave a message;
22 and, you know, if there's somebody that the message is
23 important enough to talk about, they leave it on the
24 machine.

25 I'm trying to understand the position -- and

1 I'm really groping, I'm not being argumentative here.
2 You have been in the phone business for a long time and
3 how many numbers you would remember versus an ordinary
4 person who is not in the business. The position that
5 it allows a person to control who called them, I fall
6 down on that. Because I've tried to put that on a
7 personal basis and when people would call, and I've
8 sort of done this, people would call me and I would
9 think to myself, "Well, hell, I don't know their
10 telephone number, but I know them when I talk to them,
11 but how would I have ever known who that was?"

12 And I certainly would not want to retreat my
13 telecommunications correspondence only to those people
14 that I could recognize their telephone numbers.

15 Am I making any sense?

16 WITNESS SIMS: Oh, yeah, you're making
17 complete sense. And I think that what you are pointing
18 out, though, is the fact that when I say that the
19 advances in telecommunications are allowing the called
20 party to have more control over their service, I'm not
21 saying just Caller ID. Caller ID is one tool that can
22 be used if you have a desire for that tool.

23 I'm not saying everybody is going to want to
24 subscribe to Caller ID, but there is some significant
25 indication that there are customers out there who have

1 an interest in the service.

2 Now, you may not have it, I may not have it,
3 but somebody else may have that desire to have that
4 particular service.

5 But if you look at the other TouchStar
6 features in combination with Caller ID, you can
7 certainly control who is calling you because you can
8 put your preferred blocking on there; because you can
9 stop calls from coming in to you; if you know a number
10 that you don't want to call you, you can block that
11 number coming in.

12 COMMISSIONER GUNTER: I understand the
13 features, but right before us today is Caller ID. And
14 I'm trying to get firmly in my head the position of the
15 parties and the rationale that they have. And I find
16 it difficult to think that from a personal basis --

17 WITNESS SIMS: Right.

18 COMMISSIONER GUNTER: I realize I'm not too
19 smart, but on a personal basis unless I want to retreat
20 to that circle of those people that I know, and in
21 order to really control that, my use of telecommunications
22 would be severely restricted at home.

23 WITNESS SIMS: There are a lot of residential
24 customers, evidently, that have a real need for Caller
25 ID, who really like the service. They use it.

1 COMMISSIONER GUNTER: Well, there are other
2 reasons for that.

3 WITNESS SIMS: Right.

4 COMMISSIONER GUNTER: And usually the reasons
5 that have come before us in public hearings is, once
6 the call is completed, to have the ability to know
7 where that call originated from.

8 WITNESS SIMS: Uh-huh.

9 COMMISSIONER GUNTER: Now, there was a
10 different reason for that, in case they wanted to
11 vigilante or whatever they wanted to do. I'm not
12 characterizing that in a bad sense, I just don't have
13 another descriptive adjective for that or whatever --
14 shotgun.

15 All right, excuse me, Mr. Beck.

16 CHAIRMAN WILSON: Mr. Beck, I don't want to
17 trample on your cross examination.

18 MR. BECK: I know, that's okay.

19 CHAIRMAN WILSON: I don't want to jump ahead
20 of where you're going, but I just want to clear up a
21 couple of things.

22 Am I understanding your marketing philosophy
23 with respect to Caller ID is that if the customers want
24 it, you want to give it to them -- or sell it to them
25 in the case?

1 WITNESS SIMS: They have indicated a desire
2 for the service, yes, sir. The technology is there to
3 provide it to them.

4 CHAIRMAN WILSON: All right. I understand
5 that philosophy. What is the Company's philosophy on
6 blocking?

7 WITNESS SIMS: The Company's basic philosophy
8 on blocking is not to provide blocking.

9 CHAIRMAN WILSON: All right. And the reason
10 you don't want to provide blocking is what?

11 WITNESS SIMS: We feel that providing blocking
12 will devalue the service.

13 CHAIRMAN WILSON: To whom?

14 WITNESS SIMS: To whoever subscribes to
15 Caller ID service or whoever would benefit from Caller
16 ID being there. Because we have -- with the advent of
17 Caller ID, even those who do not subscribe to Caller ID
18 should reap some benefit from it in that customers --
19 maybe harassing callers and so forth will think twice
20 before they make a call because they don't know who has
21 Caller ID and who does not have Caller ID.

22 CHAIRMAN WILSON: So blocking devalues the
23 network for those who subscribes to Caller ID?

24 WITNESS SIMS: That is our feeling, that it
25 will devalue the service.

1 CHAIRMAN WILSON: All right. Well, Mr. Beck
2 just asked you about calling card, operator-assisted
3 calls and cellular. So your philosophy is really not
4 that there should be no blocking, it's that blocking
5 ought to be extremely inconvenient, that's more your
6 philosophy, isn't it?

7 WITNESS SIMS: That it shouldn't be offered
8 just to be activated for everyone and anyone to use.

9 CHAIRMAN WILSON: All right. Because you
10 clearly offer services that allow blocking, the calling
11 card, the operator assist or the cellular?

12 WITNESS SIMS: That's correct, it is a little
13 more --

14 CHAIRMAN WILSON: If somebody wants to go to
15 the trouble of paying 75 cents and using their calling
16 card, a dollar and using operator assist and sinking
17 however much money it takes to have a cellular
18 telephone and pay the usage and all that, that they
19 can, in fact, block their calls?

20 WITNESS SIMS: Right. They can go to a pay
21 phone, they can subscribe to RingMaster, they can get
22 the out-dial line. There are alternatives. Those are
23 technologies that exist today; we offer them because
24 there's other reasons for those services to be out
25 there, but they can be used for blocking.

1 CHAIRMAN WILSON: So you really don't object
2 to blocking, what you object to is easy blocking?

3 WITNESS SIMS: No. We object to blocking, but
4 we're not going to stop those technologies that are out
5 there today because they exist for other reasons. And
6 it just so happens people can use those for blocking
7 and we recognize that.

8 CHAIRMAN WILSON: Well, let me see if I can
9 reconcile that with what you said earlier was your
10 policy with respect to offering Caller ID was that the
11 technology exists there to offer that service and that
12 there was a demand among customers for that service,
13 and so you wanted to offer it. What I just heard you
14 say is that there are technologies that allow blocking:
15 calling card, operator assist, cellular, RingMaster,
16 whatever the other ones were, that you wouldn't stand
17 in the way of that technology allowing a customer to
18 take advantage of that kind of service which would
19 allow blocking?

20 WITNESS SIMS: That's correct.

21 CHAIRMAN WILSON: The ability to block
22 through SS7 is another technology?

23 WITNESS SIMS: That's correct.

24 CHAIRMAN WILSON: That could be available to
25 customers?

1 WITNESS SIMS: That's correct.

2 CHAIRMAN WILSON: So it is your approach to
3 this, or the Company's approach, that you want to make
4 blocking inconvenient so that you don't have general
5 blocking, is that it?

6 WITNESS SIMS: We feel like that the service
7 would be more of value if the blocking is not readily
8 available, that it's more inconvenient to use it. I
9 mean, somebody has got to make an informed decision as
10 to block, they're going to have to think about it
11 before they block.

12 CHAIRMAN WILSON: I'm trying -- I hear all
13 the positions on Caller ID stated in very absolutist,
14 absolutist sense. That you absolutely have to have
15 Caller ID; and, on the other hand, there should be no
16 blocking at all. In fact, your position is not no
17 blocking at all, your position is blocking with some
18 technologies that are tremendously inconvenient, that
19 is a very high hurdle that a customer has to climb over
20 versus easy blocking.

21 So it's some blocking but not easy blocking,
22 that's more your approach to this?

23 WITNESS SIMS: I guess that's the way you
24 could characterize it. I don't know that we've ever
25 laid it out like that, but --

1 CHAIRMAN WILSON: Well, if that's wrong, I
2 would like to have you the opportunity to correct me.

3 WITNESS SIMS: No, I can't put it in any
4 other words, basically.

5 CHAIRMAN WILSON: Okay.

6 WITNESS SIMS: Now, we have offered, just to
7 clarify our position, because of the concerns of law
8 enforcementment, as you well know, and crisis
9 intervention agencies and so forth, that we would make
10 available limited free blocking alternatives.

11 COMMISSIONER BEARD: If I'm at my home and I
12 want to dial a local telephone number, and I dial 1 and
13 the local telephone number, would that in effect create
14 an "0"?

15 WITNESS SIMS: I don't believe the number
16 would go through if you dialed 1 --

17 COMMISSIONER BEARD: If I'm at my home and
18 I'm going to make a local telephone call and I dial 0
19 and I dial that number, and then I punch in a credit
20 card, that would cost me 75 cents and that would get an
21 0?

22 WITNESS SIMS: That's correct.

23 COMMISSIONER BEARD: How about checking on
24 the 1+ for me. I would like to have the answer to that
25 question.

1 WITNESS SIMS: A 1+ is going to display a
2 number. 1+ is a sent-paid call.

3 COMMISSIONER BEARD: Okay. So it would
4 display?

5 WITNESS SIMS: Yes. I mean, 1+ is a toll
6 call, though. I mean, if you dial 1+ and then a local
7 number, I don't think it will go through.

8 COMMISSIONER BEARD: You don't think the call
9 will go through at all?

10 WITNESS SIMS: I don't think so.

11 COMMISSIONER BEARD: I believe that a zero
12 followed by a local will go through.

13 WITNESS SIMS: Yes, a zero will because, see,
14 that's a nonsent-paid. That's a credit card call.

15 COMMISSIONER BEARD: So, in fact, I have
16 per-call blocking at my disposal. I have it for a cost
17 of 0- one dollar, I have it credit card 0+ for the
18 price of 75 cents. Cellular is kind of an anomaly,
19 because that's something that might go away, but
20 currently, that's roughly in the neighborhood of, what,
21 35 cents a minute for the call?

22 WITNESS SIMS: Depending on the provider,
23 right.

24 CHAIRMAN WILSON: That's disregarding the
25 sunk cost.

1 COMMISSIONER BEARD: If you had per-call
2 blocking, if you were to offer per-call blocking, what
3 price would put on that?

4 WITNESS SIMS: Oh, goodness. I don't know
5 how much we would charge for that.

6 COMMISSIONER BEARD: Certainly not any more
7 than 75 cents on it because I could buy it cheaper,
8 couldn't I?

9 WITNESS SIMS: I wouldn't think so.

10 COMMISSIONER BEARD: Okay. And RingMaster
11 would create zero also?

12 WITNESS SIMS: Well, no, RingMaster, actually
13 what that does is it gives you an additional line --
14 you have one telephone but you have two lines actually
15 working with two telephone numbers and it will pass the
16 main number. And so if somebody calls back on that
17 number, there is a separate ring, there are two
18 different rings and so the customer can decide how to
19 answer it or whether to answer it or whatever.

20 COMMISSIONER BEARD: My point is it's kind of
21 an artificial substitution for call blocking?

22 WITNESS SIMS: That's correct, it's a way to
23 monitor it.

24 COMMISSIONER BEARD: If I dial 0- and the
25 operator puts my local call through for me, there will

1 be a record of that, won't there?

2 WITNESS SIMS: Yes.

3 COMMISSIONER BEARD: If I dial 0+ and it goes
4 through and I punch my credit card in, there will be a
5 record at the phone company of that, won't there?

6 WITNESS SIMS: That's right.

7 COMMISSIONER BEARD: But if I have per-call
8 blocking, as described by others, there will be no
9 record of that number at the phone company, will there?

10 WITNESS SIMS: I don't believe there will be
11 a record unless it's a toll call.

12 COMMISSIONER BEARD: Okay. So the difference
13 between per-call blocking and the leased 0-/0+ is that
14 in the event there was something illegal about that
15 call that I might as the receiver of the call want to
16 take advantage of and go to the State Attorney's office
17 and say, "This was an obscene call." I would know that
18 there perhaps would be a record of that someplace?

19 WITNESS SIMS: There could be. Oh, yes,
20 there would be a record of it if it was made through --

21 COMMISSIONER BEARD: 0+ or 0-?

22 WITNESS SIMS: Right.

23 CHAIRMAN WILSON: Okay. Let me -- when a
24 customer dials a number, that number is captured by the
25 SS7 at the originating office, is that right?

1 WITNESS SIMS: The number is passed, yes.

2 CHAIRMAN WILSON: It's passed to the
3 terminating office?

4 WITNESS SIMS: Right, the calling number.

5 CHAIRMAN WILSON: The calling number is
6 passed from the originating to the terminating office;
7 and if there's blocking to be done, it is blocked at
8 that terminating office?

9 WITNESS SIMS: That's correct.

10 CHAIRMAN WILSON: And if a customer has
11 subscribed to Caller ID, it's passed on through there.
12 So that number is captured in the system?

13 WITNESS SIMS: That's right. Exempt the
14 display box is passive. In other words, it just
15 displays a number. The number actually resides in the
16 terminating end office.

17 CHAIRMAN WILSON: But you don't record that
18 number, it's captured but not recorded?

19 WITNESS SIMS: It's not recorded, no -- not
20 unless there's some billing associated with that number
21 that has to be done because of that call, like in a 0+.
22 Of course, it's not going to show up a number on 0+,
23 but if it's a toll call, for instance.

24 COMMISSIONER MESSERSMITH: Ms. Sims, under
25 the scenario Mr. Beck discussed on ways to get around

1 Caller ID in regard to going to an operator or
2 whatever, in the Call Trace service that you offer, can
3 you avoid getting your number traced that way also in
4 that process?

5 WITNESS SIMS: No. There's no avoidance of
6 the Call Trace because the Call Trace actually works by
7 capturing the number. Because the number resides in
8 the switch in that terminating office, that number is
9 there. And if you activate the Call Trace -- if you
10 have subscribed to Call Trace and you activate it, it
11 will capture that number; that number will be captured.
12 The memory is there because it's been activated for
13 that particular telephone number.

14 COMMISSIONER MESSERSMITH: Thank you.

15 COMMISSIONER GUNTER: Ms. Sims, let me ask
16 one curious sort of question, if I may. Have you got a
17 real ballpark on the penetration of cellular phones in
18 your service area? You could probably tell me what
19 BellSouth Mobility has.

20 WITNESS SIMS: No. I really can't tell you
21 what BellSouth Mobility has.

22 COMMISSIONER GUNTER: Okay. Ballpark.

23 CHAIRMAN WILSON: Are you looking for the
24 number of cellular telephones, or minutes of use, or --

25 COMMISSIONER GUNTER: No. Numbers of

1 customers.

2 WITNESS SIMS: Gosh, I should have it.

3 (Pause) No, but I can find out.

4 COMMISSIONER GUNTER: 100,000, 200,000?

5 WITNESS SIMS: Oh, it's more than that, I
6 would think it would be --

7 CHAIRMAN WILSON: A million?

8 WITNESS SIMS: -- close to a million, I would
9 imagine.

10 COMMISSIONER GUNTER: Okay. And that's
11 inside the state of Florida?

12 WITNESS SIMS: I would say, yes.

13 CHAIRMAN WILSON: And you have how many
14 access lines, five, six?

15 WITNESS SIMS: Yeah. Now, I'm saying --
16 excuse me, I'm saying the entire state of Florida, I'm
17 not necessarily saying in our serving area.

18 COMMISSIONER GUNTER: So if you had -- assume
19 it's 1 million. Out of assume we have 5 million access
20 lines, 10 million?

21 WITNESS SIMS: Well, Southern Bell has a
22 little over 4 million.

23 COMMISSIONER GUNTER: A little over 4
24 million, so we'll say we have 10 million. So you have
25 10% of the population has available to them through

1 their telecommunication services -- and I'm sort of
2 surprised that you all don't really have a handle on
3 that penetration because that appears to be the biggest
4 threat to the local company that exists is the cellular
5 system.

6 WITNESS SIMS: We have it, it's just that I
7 don't remember it off the top of my head.

8 COMMISSIONER GUNTER: But you have at least
9 10% of the population using those round figures, you
10 know, whatever, a million to 10 million access lines.
11 You have 10% of the population that has access to
12 telecommunications devices as their primary -- probably
13 their primary telecommunications device that is not
14 subject to Caller ID anyway.

15 WITNESS SIMS: That's correct.

16 COMMISSIONER GUNTER: Okay. I just -- see, I
17 think it's important we look at the magnitude of the
18 service and go down to the things -- you all are
19 attempting to satisfy the customers' needs. And we need
20 to recognize the magnitude that is available with no
21 change in those people's lifestyles at all. They have a
22 cellular phone riding down the road, in the automobile, at
23 the house, hunting camp or wherever they are, you're
24 taking a sizeable percentage that already that the
25 benefits of Caller ID disappear.

1 WITNESS SIMS: That's correct.

2 COMMISSIONER GUNTER: Okay.

3 COMMISSIONER EASLEY: Are you going to have
4 to add to that consideration pay phones?

5 WITNESS SIMS: Well, pay phone actually
6 displays a number, for what it's worth. I mean, it
7 does help that, for instance, if you're in a school and
8 somebody calls in a bomb threat, at least you have the
9 number, you have the number of the pay phone. I think
10 in an instance like in New Jersey they got the pay
11 phone number and they recognized it as being the pay
12 phone there in the school and it was a student. So
13 that does give you an edge, the pay phone number.

14 COMMISSIONER EASLEY: I remember some
15 testimony on that one.

16 CHAIRMAN WILSON: Now, Mr. Beck, back to you.

17 COMMISSIONER EASLEY: Do you have anything
18 left?

19 MR. BECK: Oh, yes.

20 Q (By Mr. Beck) Let me backtrack a little. In
21 response to Commissioner Messersmith, on Call Trace, if
22 per-call blocking were ordered by the Commission, is it
23 true that Call Trace would still capture the number
24 even if a person used per-call blocking to block the
25 transmission of their number?

1 A That's correct.

2 CHAIRMAN WILSON: Call Trace, then, will
3 capture the number under every circumstance?

4 WITNESS SIMS: That's correct.

5 CHAIRMAN WILSON: What does it capture with
6 cellular?

7 WITNESS SIMS: Oh, well, now cellular, I think
8 it captures that number. I would have to double check
9 on that. You caught me on that one.

10 CHAIRMAN WILSON: All right. If you would?

11 WITNESS SIMS: Because I think Call Trace
12 will work because of the fact that it captures the
13 number that is residing in the office, and I believe we
14 would -- the Call Trace will work with the cellular
15 phone.

16 CHAIRMAN WILSON: This I guess this is just
17 the same question in a different form. But last number
18 redial, will that work with cellular? I mean, the only
19 way that would work is if you're capturing the number,
20 right? It would be the same technology as the Caller
21 ID, you're capturing the number in the terminating
22 office or somewhere.

23 WITNESS SIMS: The problem is if it's out of
24 the office, you know, if it comes into an interoffice
25 call and since cellular doesn't have Signaling System 7,

1 it probably would not work.

2 CHAIRMAN WILSON: All right. So -- all
3 right?

4 WITNESS SIMS: That's where the Signaling
5 System 7 comes in is when it becomes an interoffice
6 call.

7 CHAIRMAN WILSON: So if it goes from the
8 cellular -- if it doesn't go between offices, it goes
9 directly into what, it goes directly from the cellular
10 to the terminating office?

11 WITNESS SIMS: See, the problem you have with
12 cellular is cellular has their own office.

13 CHAIRMAN WILSON: Right.

14 WITNESS SIMS: They're MTSO. And if that
15 office is not Signaling System 7 equipped, then that's
16 the reason your Caller ID is not going back and forth.
17 Now what I have looked for when I looked in my Call
18 Tracing where it wouldn't work, I don't remember
19 cellular as being one of those places where it wouldn't
20 work.

21 COMMISSIONER BEARD: Wouldn't the central
22 office record the number of the cellular location, and,
23 in fact, the cellular location has got to record the
24 number for billing purposes of who made the call at
25 that point in time? You might not be able to narrow it

1 down to more than three or four calls that were within
2 two or three minutes of each other?

3 WITNESS SIMS: Well, the problem is it's the
4 cellular office that actually does the recording for
5 billing purposes unless it's a toll call.

6 COMMISSIONER BEARD: I understand that. But
7 in the instance of Call Trace where you're tracing
8 somebody doing obscene phone calls or bomb threats or
9 whatever, there is some form of an audit trail from
10 your central office to their point of presence and
11 their billing records to at least narrow the focus?

12 WITNESS SIMS: There is.

13 CHAIRMAN WILSON: On RingMaster, I assume
14 that the number that would be captured in the system is
15 the primary number?

16 WITNESS SIMS: Yes, it's the main number.

17 CHAIRMAN WILSON: Not the secondary number?

18 WITNESS SIMS: That's correct.

19 CHAIRMAN WILSON: It wouldn't make any
20 difference because it's all at the same phone anyway,
21 right?

22 WITNESS SIMS: That's correct. I mean the
23 main number -- it's going to be, you know, you can
24 have the main number listed and have the other number
25 not listed.

1 Q (By Mr. Beck) Ms. Sims, Commissioner Wilson
2 earlier asked you about Southern Bell's position on
3 blocking being that Southern Bell wanted to make it
4 inconvenient or not easy, do you recall that?

5 A Yes.

6 Q It's not just that, is it, Ms. Sims. It's
7 also that Southern Bell wants to be paid every time
8 somebody uses a blocking mechanism, is it not?

9 A Well, certainly, that we have proposed that,
10 you know, the cost causer should pay in most all of our
11 services that we offer. In the technologies that are
12 there, those technologies are there for other reasons.
13 And when someone uses that technology, they're paying
14 for the purpose that service was intended to serve.
15 Like, for instance, the 0+, you're paying for a cost
16 there. If they use that service for blocking, they're
17 going to pay the same price.

18 We're not saying that, "Yes, we want you to
19 pay us for blocking." We have said we really would
20 prefer to not have any blocking.

21 Q But each of those mechanisms do produce
22 additional revenues for Southern Bell, do they not?

23 A That's correct.

24 Q For example, a cellular call, even if
25 BellSouth Mobility were not used, there's still

1 revenues that Southern Bell would get on a cellular
2 call for transport?

3 A That's correct.

4 Q Then if it's BellSouth Mobility by
5 circumstance, then you have an affiliate getting
6 additional revenues?

7 A That's correct.

8 Q Okay. And a pay phone, the charge would be a
9 quarter that Southern Bell would get if somebody opted
10 to use a pay phone?

11 A Well, it may be some other provider of pay
12 phone service that gets that quarter.

13 Q Well, if some other provider is used,
14 Southern Bell's still gets additional revenues, though,
15 because --

16 A We get for interconnection, yes.

17 Q Okay. And, of course, you have gone over the
18 rates for the calling card and the operator-assisted
19 call?

20 A Right.

21 Q You mentioned, I think in response to
22 Commissioner Gunter, that Caller ID is a popular
23 service or words to that effect?

24 A Yes.

25 Q Can you tell me what the typical take-rate is

1 for Caller ID among the population in general?

2 A Well, I think in Tennessee it's for, in the
3 lines that it's available, it's somewhere around 12% at
4 this point, which is a pretty good take-rate for an
5 optional service.

6 Q Is that one out of eight or so?

7 A I think there's 80,000, something like that,
8 subscribers. And in New Jersey, I believe it's about,
9 oh -- of course, they have got it more fully deployed.
10 I think their subscription rate is somewhere around,
11 let me look here, I can tell you without me scrambling
12 here and guessing.

13 COMMISSIONER MESSERSMITH: While you're
14 looking, I would be interested also if you have a
15 comparable number for Call Trace.

16 WITNESS SIMS: Okay. (Pause)

17 A Let me find a little chart here. (Pause)

18 Okay. They have -- in this report they had
19 52,000, over 52,000 with Caller ID service, this was in
20 New Jersey, out of about 2.4 million lines that are
21 equipped.

22 COMMISSIONER EASLEY: What's the date on
23 that?

24 COMMISSIONER GUNTER: That's 2%?

25 WITNESS SIMS: This is the latest study that

1 was done, and that was as of April of 1990.

2 COMMISSIONER GUNTER: About 2%?

3 WITNESS SIMS: Right. And their total CLASS
4 service penetration on customer penetration is 3.6% and
5 that's all of their CLASS services combined. Now,
6 their Call Trace is on a per-activation basis.

7 Now, Call Trace, I don't have the figures --
8 I'm sorry, on Tennessee, on Call Trace -- but I can
9 tell you what Southern Bell's take is on Call Trace
10 even though I can't tell you, you know, we don't have
11 Caller ID, so I can't tell you about what our take rate
12 is on that. (Pause)

13 On Call Trace on our customer penetration,
14 for total residence and business -- well, for
15 residence, which is more indicative, it's 2%.

16 CHAIRMAN WILSON: Do you get any kind of
17 rebound effect from interest on a service like Caller
18 ID in New Jersey? Right after the service is
19 introduced you get a lot of people who take it and it
20 sort of tails off and maybe comes back, or is there any
21 kind of predictable response by customers to those
22 kinds of services?

23 WITNESS SIMS: A lot of that varies with what
24 you do prior to introducing services. A lot of
25 controversy or a lot of publicity surrounding the

1 service before it goes in; you might really see a big
2 surge in it, or if there is a lot of advertising done.
3 Of course, we do see a surge when we put the new --
4 when the TouchStar features, period, are introduced
5 because of the fact that we offer a rolling three-month
6 service waiver, service order waiver, when the service
7 is first cut in the office; and, therefore, we do see a
8 jump in the service.

9 COMMISSIONER EASLEY: Let me ask you about
10 those penetration rates before you get going on those.

11 2% in New Jersey was residential, I believe
12 you said?

13 WITNESS SIMS: No. That's overall.

14 COMMISSIONER EASLEY: It was overall?

15 WITNESS SIMS: Uh-huh.

16 COMMISSIONER EASLEY: What was the 12% in
17 Tennessee?

18 WITNESS SIMS: The 12% is their take.

19 COMMISSIONER EASLEY: Overall?

20 WITNESS SIMS: Overall. Uh-huh.

21 COMMISSIONER EASLEY: Is that as disparate a
22 number as it sounds? Is that 10% difference a large
23 difference?

24 WITNESS SIMS: Well, I think part of the
25 problem is that you're looking at a different base,

1 total base. Because in Tennessee it's been deployed, I
2 believe, in Memphis and in Nashville, whereas, in New
3 Jersey it's more widely deployed, therefore, your base
4 is bigger.

5 COMMISSIONER EASLEY: So the percentage
6 really doesn't mean as much? Okay.

7 WITNESS SIMS: That's right.

8 CHAIRMAN WILSON: I don't know that I
9 understand that. Would I conclude from that that this
10 service is in higher demand in urban areas rather than
11 rural areas?

12 WITNESS SIMS: No, I don't think so.

13 COMMISSIONER EASLEY: That's what I just
14 concluded.

15 CHAIRMAN WILSON: If it's been offered in
16 Nashville and Memphis, which are two -- for Tennessee
17 there are urban areas. The conclusion I drew when you
18 talked about the New Jersey experience where it becomes
19 more widely deployed, what you do is dilute apparently
20 the base.

21 WITNESS SIMS: You have a larger base.

22 CHAIRMAN WILSON: All right. But for that to
23 dilute you have to extend it to areas that don't take
24 it as often as the original areas that you began with.

25 WITNESS SIMS: Or you perhaps when the

1 deployment is extended, you're not advertising it as
2 vigorously as you did when you first introduced it.
3 There are a lot of factors that can fall in there other
4 than the fact that one is urban and one is rural. A
5 lot of it will depend on how much advertising you have
6 done; how much sales you have done on the service.

7 CHAIRMAN WILSON: So the penetration rates
8 mean absolutely nothing?

9 COMMISSIONER EASLEY: That's right. If
10 you're saying --

11 CHAIRMAN WILSON: Draw no conclusion from it,
12 right?

13 WITNESS SIMS: It just depends on how long
14 you have to -- the service in Tennessee has been in a
15 little over a year, and until you have full deployment
16 in a area, you know, at any given point the percentage
17 is going to be --

18 CHAIRMAN WILSON: What you're telling me is
19 when you have full deployment in an area, you have an
20 aggressive advertising campaign, and you have waiver of
21 the initial sign-up or connection, that there are lots
22 of different factors, no one of which in these cases
23 would give rise to any conclusion whatsoever.

24 WITNESS SIMS: Except that if you -- there
25 are sales opportunities out there, and you're selling

1 the service more vigorously. The customers who want it
2 they take it. The advertising is there.

3 CHAIRMAN WILSON: You don't know why it's 12%
4 in one place and 2 in another?

5 WITNESS SIMS: Not specifically. No.

6 CHAIRMAN WILSON: Did I --

7 COMMISSIONER EASLEY: You got it.

8 Q (By Mr. Beck) Ms. Sims, you said this has
9 been deployed in Tennessee for about a year?

10 A That's correct.

11 Q But it's only in Memphis and Nashville?

12 A It may be in another area at this point, but
13 in Memphis -- it was first offered in Memphis at the
14 end of November of 1989. And then it was deployed in
15 Nashville, in February.

16 Q What are the numerators and denominators?

17 CHAIRMAN WILSON: Is that some of the
18 out-of-state evidence that's irrelevant?

19 MR. BECK: This is the exact state whose data
20 was purged from the document.

21 CHAIRMAN WILSON: Just want to make sure I
22 understand.

23 Q (By Mr. Beck) I'm sorry, what were the
24 numerators and denominators that result in that 12%
25 figure?

1 A I don't have the base. All I've got is the
2 percentage and the number of customers that are taking
3 it.

4 Q Was this just -- or do you know whether this
5 was just a trial, an initial selected areas of these
6 urban areas that resulted in those percentages?

7 A No. Not according to this.

8 Q What are you looking at, because I don't
9 recall seeing that in the document you produced?

10 A This is some information that I asked for
11 prior to the hearings.

12 Q Okay.

13 A You know, what's the current take in
14 Tennessee.

15 Q Okay. And that's -- but you don't know how
16 widely deployed, or do you know the date of that number
17 when it was determined?

18 A September 1990.

19 Q But you don't know whether that was a trial
20 or the whole state, or what?

21 A So as far as I know, it's wherever it's
22 deployed in Tennessee.

23 Q And you asked what, somebody in South Central
24 Bell to provide you with that data?

25 A I asked one of my people to obtain the data.

1 And if I'm not mistaken, it was obtained from the
2 BellSouth Services.

3 Q You mentioned that the take rate for Call
4 Traces was about 2%. Was that in Tennessee or --

5 A No, that's Southern Bell in Florida.

6 Q Okay. And that's -- with a flat rate of \$4
7 per month being charged to customers?

8 A That's what's in existence today. We charge
9 \$4 a month for Call Trace in the state of Florida.

10 Q Okay. And you can't have a comparable figure
11 for New Jersey because they don't offer it on a flat
12 rated basis like you do in Southern Bell, is that
13 right?

14 A That's correct.

15 Q Do you have any information how often Call
16 Trace is used in New Jersey, like the number of traces
17 implemented?

18 A I think that in the study it showed about as
19 many activations as we're seeing, about 30,000 a month.

20 CHAIRMAN WILSON: What do they charge per
21 call?

22 WITNESS SIMS: A dollar.

23 CHAIRMAN WILSON: A dollar per call.

24 Do you know what the average number per
25 subscriber to the service, number of activations per

1 month are?

2 WITNESS SIMS: You mean per subscriber?

3 CHAIRMAN WILSON: Uh-huh.

4 WITNESS SIMS: I don't know.

5 CHAIRMAN WILSON: Would you capture that data
6 somewhere?

7 WITNESS SIMS: You may be able to obtain it
8 from the study that was done in New Jersey, you know,
9 the latest study that was reported to the Commission
10 but --

11 CHAIRMAN WILSON: I'm not talking about New
12 Jersey, I'm talking about Florida.

13 WITNESS SIMS: Would we be able to tell how
14 many activations?

15 CHAIRMAN WILSON: Per subscriber per lines.

16 WITNESS SIMS: We have the total number of
17 activations.

18 COMMISSIONER GUNTER: Let me ask her a
19 question.

20 WITNESS SIMS: And we could come up with an
21 average activation per customer because we know how
22 many customers subscribe to it.

23 COMMISSIONER GUNTER: How many access lines
24 do you have, 4 million?

25 WITNESS SIMS: 4 million.

1 COMMISSIONER GUNTER: All right. At 2%, you
2 have got 80,000; you have got 360,000 calls. Using
3 your figure of 30,000 a month that would be what, less
4 than 5 annually?

5 WITNESS SIMS: Uh-huh.

6 CHAIRMAN WILSON: The number I'm looking for
7 is for a subscriber who subscribes to this service and
8 pays \$4 a month. What is the average number of times
9 among those subscribers who subscribe to that service,
10 the average number of activations of the service?

11 WITNESS SIMS: I don't know. We'd have to
12 calculate that. We'd have to look at that.

13 CHAIRMAN WILSON: Is it information that you
14 have? Or that you can calculate?

15 WITNESS SIMS: We would have to use total.
16 In other words, the total number of customers, we have
17 the total number of activations per month.

18 Q (By Mr. Beck) Is the 2% figure you gave on
19 Call Trace both residential and business combined? Or
20 just residential?

21 A That was residential; business is less than
22 1%.

23 Q A while back I think I asked you if Southern
24 Bell's position was that the party receiving the call
25 has a right to have the telephone number from -- the

1 telephone number of the person calling them. I think
2 you agreed with that, did you?

3 A Yes.

4 Q Okay. Suppose you went to a department store
5 and you went shopping, and you wanted to ask a sales
6 clerk a question about some piece of merchandise you
7 were interested in. Do you think that person would
8 have a right to have your telephone number before
9 answering your question?

10 A I think they would have the right to have the
11 telephone number. I don't necessarily think that they
12 necessarily need it, but, I mean, that's just my
13 opinion.

14 Q That if you went shopping, a sales clerk
15 would have a right to your telephone number before
16 answering your question? Do you think that's --

17 A I don't think it's needed before she answers
18 the question. But I think in the overall scheme of the
19 telephone etiquette and so forth that the person who is
20 responding to you has a right to know who they are
21 talking to.

22 Now, of course, there is going to be
23 controversy as to is a name enough? You know. Some
24 people think it is. Some people think it's not.

25 Q You would agree though, there is not much

1 difference between a person shopping and asking a sales
2 clerk a question as opposed to calling up the business
3 and asking that, would you?

4 A Well, now, wait a minute. I want to go back
5 to your other question.

6 Are you saying that when I go into the store
7 and I'm talking to that person, you're asking me that
8 that person has a right to my telephone number before
9 she answers a question?

10 Q Yeah.

11 A I'm not calling her on the phone in that
12 case. I'm right there face-to-face.

13 Q So if you went into a store and you wanted to
14 ask the sales clerk a question and she said, "Hold it.
15 I want to know your telephone number before I answer
16 that." Do you think she has a right to do that?

17 A No, because I'm not calling her. I'm there
18 face to face.

19 Q What's the difference if you called up that
20 sales clerk and asked them a question? Do you think
21 they have a right to your phone number?

22 A I think that person has a right to know who
23 they are talking to, and if that person perceives that
24 that telephone number is necessary, then that's their
25 prerogative. You've called them.

1 Q So you see the difference there is that you
2 called them as opposed to speaking to them in person?

3 A That's correct, and that's going back to the
4 old "peephole theory." In this particular case it
5 happens to be a business, but you're knocking on the
6 door asking to come in. The person wants to know who
7 you are before you can come in the house.

8 Q If you had a peephole in your house and
9 somebody put their thumb up in front of it, would you
10 answer the door?

11 A No.

12 Q Do you think --

13 A I would not open the door. I'd say, "Who is
14 it?"

15 Q Now, if per-call blocking were made
16 available, people would know before answering the phone
17 that the person blocked the transmission of their
18 number to them, would they not?

19 A Yes.

20 Q And in that instance the subscriber to Caller
21 ID would then be in a position to choose whether to
22 answer the phone or not knowing that the person blocked
23 the transmission of their number, wouldn't they?

24 A That's correct.

25 Q And you feel that's a significant additional

1 tool that would give people more information to manage
2 their telephone?

3 A Well, I think that unfortunately people would
4 probably answer their phone anyway in most cases, which
5 might subject them to abusive language or an abusive
6 call; and, therefore, the Caller ID service is not
7 functioning the way that they perceive it to function.

8 I think that the more P's that are passed,
9 the more O's that are passed, the less value the Caller
10 ID service is.

11 COMMISSIONER BEARD: I've got to stop right
12 here because you answered a question and either I don't
13 understand what's going on or you answered incorrectly.

14 If a person calls and per-call blocking is
15 allowed and if a person calls you at your home and you
16 see that O, you know that they've either got per-call
17 blocking, or that they're calling from a cellular
18 phone, or that it's a 0- or that it's a 0+ call, don't
19 you?

20 WITNESS SIMS: No if a P shows, it's been
21 blocked.

22 COMMISSIONER BEARD: So you would show a P
23 for per-call blocking, and you would show an O for
24 everything else?

25 WITNESS SIMS: For out of area, uh-huh.

1 CHAIRMAN WILSON: Is SS7 capable of blocking
2 a blocked number?

3 WITNESS SIMS: The capability -- well, it's
4 not Signaling System 7, and, of course, I'm not the
5 real technical expert. The capability is being worked
6 on by certain manufacturers of software to do blocking,
7 unidentified call blocking, and it's not available at
8 this point, though.

9 CHAIRMAN WILSON: So at some point --

10 WITNESS SIMS: We responded to that in an
11 interrogatory.

12 CHAIRMAN WILSON: All right. I haven't seen
13 that.

14 WITNESS SIMS: They are working on that
15 technology.

16 CHAIRMAN WILSON: So at some point in the
17 future it could be that as a customer, I or someone
18 else could subscribe to a service from the phone
19 company that would not even pass through a blocked call
20 to my telephone.

21 WITNESS SIMS: That's correct. It would
22 stop.

23 CHAIRMAN WILSON: So the only calls that
24 would come through to my phone would be ones that had
25 the number transmitted along with it?

1 WITNESS SIMS: Right, at an additional cost,
2 of course, too, to the person who has Caller ID service
3 -- is paying for Caller ID service.

4 CHAIRMAN WILSON: Currently, you have a
5 service that allows me to block a number or several
6 numbers from -- a call from coming through to a
7 telephone, don't you?

8 WITNESS SIMS: That's correct.

9 CHAIRMAN WILSON: And that is up to how many
10 numbers?

11 WITNESS SIMS: Six.

12 CHAIRMAN WILSON: Six numbers?

13 WITNESS SIMS: Six, uh-huh.

14 COMMISSIONER BEARD: When that is blocked,
15 the person that's doing the calling, what do they hear?

16 WITNESS SIMS: They hear something to the
17 effect that, "The party you're trying to call does not
18 wish to receive a call at this -- your call at this
19 point," or something to that effect. I don't have the
20 exact script in front of me, but they do get a
21 recording that says the call has been -- and it will
22 not go through, and it has been blocked.

23 CHAIRMAN WILSON: And the technology to do
24 that lies in the terminating office?

25 WITNESS SIMS: The blocking is in the

1 terminating office.

2 CHAIRMAN WILSON: And is that --

3 WITNESS SIMS: It's in the office that serves
4 the person who has -- who is subscribing to the service
5 so it's not the terminating office. It's the --

6 CHAIRMAN WILSON: The serving office.

7 WITNESS SIMS: If I subscribe to Call Block,
8 it's in my office.

9 CHAIRMAN WILSON: All right. Is that a part
10 of SS7, the ability to do that?

11 WITNESS SIMS: The ability to --

12 CHAIRMAN WILSON: Block --

13 WITNESS SIMS: For interoffices it's part of
14 the Signaling System 7 capabilities. Signaling System
15 7, in my understanding, provides the out-of-band
16 signaling when it's going from one office to another
17 office, interoffice. The CLASS features themselves
18 actually work in the central office. If it was
19 intraoffice, it would work without Signaling System 7
20 as long as the office is provisioned with the CLASS
21 features, the CLASS generics.

22 CHAIRMAN WILSON: So we're talking about a
23 software generic that would reside in the switch in the
24 serving office of the called party --

25 WITNESS SIMS: That's correct.

1 CHAIRMAN WILSON: -- to allow blocking the
2 blocker, I think is what it's called?

3 WITNESS SIMS: That's correct.

4 CHAIRMAN WILSON: Or blocking this up to six
5 numbers?

6 WITNESS SIMS: That's my understanding,
7 uh-huh.

8 COMMISSIONER EASLEY: Let me come at that
9 from a slightly different direction as long as we're 45
10 degrees out now.

11 Has there been any discussion of the
12 possibility of putting an electronic tone or a
13 recording on where the calling party would receive a
14 signal to indicate that they are calling a number that
15 has a Caller ID box?

16 WITNESS SIMS: My discussions -- the
17 discussions I've heard on that signaling is that the
18 problem associated with that -- I don't believe the
19 technology exists right now, but that it ties up -- it
20 adds additional time to the call. In other words, it
21 ties up the network and any lengthening of the access
22 is very expensive, very costly for the network.

23 COMMISSIONER EASLEY: But it's all right to
24 have --

25 WITNESS SIMS: It's a delay.

1 COMMISSIONER EASLEY: It's all right to have
2 the other kind of recording or tone that you were just
3 talking about. That doesn't tie it up?

4 WITNESS SIMS: Well, that's because the call
5 is already completed. When the recording starts, the
6 call is completed. But you're going to have to put
7 that tone on prior to the ringing.

8 COMMISSIONER EASLEY: That's right.

9 WITNESS SIMS: And so that's got to be a
10 further delay in connecting the call which places
11 additional time on the network.

12 COMMISSIONER EASLEY: So the consideration is
13 strictly the internal technical consideration. Have
14 you all considered the effect, for instance, for law
15 enforcement, where you would not put such a tone on
16 their phones if they had Caller ID. What it does is
17 shift the responsibility or the right, whichever way
18 you want to say it, from the blocking to also being a
19 deterrent. If I were making a harassing phone call,
20 and I dialed a number that had a tone on it that said
21 I'm getting ready to call a Caller ID box, chances are
22 pretty good I'm going to hang up.

23 WITNESS SIMS: You're right.

24 COMMISSIONER EASLEY: I didn't know whether
25 we talked about. I didn't ever hear anything.

1 WITNESS SIMS: There had been some
2 discussions, and I have not gotten into the real deep
3 technical aspects of it. But I know that network has
4 thrown up their hands and talked about that --
5 everybody is talking about the time that elapses
6 between calls, and when you put this in, you've got to
7 do it on every single -- you've got to have the
8 configuration there for every single line that you've
9 got out there. And it does tie up the office.

10 COMMISSIONER EASLEY: Okay. Thank you.

11 Q (By Mr. Beck) Ms. Sims, just to go back a
12 second.

13 Calling card calls, operator-assisted calls
14 and cellular calls all would appear as an O on a Caller
15 ID box. Or is it out of area? What shows on the --

16 A Well, it depends on your CPE. Some of them
17 will actually -- it will display "out of area". It
18 will say those words. Just depends on your CPE as to
19 exactly what it says.

20 Q Now, if the Commission were to go along with
21 per-call blocking, a P would show up for those calls on
22 a Caller ID box?

23 A Or private.

24 Q But it would be distinguishable from all the
25 other types at least?

1 A Yes.

2 COMMISSIONER BEARD: That's because that's
3 the way it's been programmed, isn't it?

4 WITNESS SIMS: That's my understanding. And
5 it's -- I think we went through this discussion where
6 it's an expensive changeout of the software in order to
7 make it do anything differently.

8 COMMISSIONER BEARD: It's an expensive change
9 in the software to make it show O instead of P?

10 WITNESS SIMS: Yes, sir.

11 CHAIRMAN WILSON: Would you pardon my
12 skepticism, but I can't understand that.

13 WITNESS SIMS: I wish I could answer it, but
14 I'm not the technical expert.

15 CHAIRMAN WILSON: If you wanted it to show an
16 R, you're telling me it would require tons of manhours
17 and millions of dollars to change that signal from a P
18 to an R?

19 WITNESS SIMS: It has to do with the
20 software, the generic in the software.

21 COMMISSIONER BEARD: Well, what if I wanted
22 it to show a Z or a Q or an asterisk? Come on.

23 Let's ask this a different way: Who is the
24 technical expert that's going to be on that stand that
25 can answer those questions?

1 WITNESS SIMS: We don't have one here that
2 can answer that question. We can find out the answer
3 for you.

4 COMMISSIONER BEARD: Okay.

5 COMMISSIONER MESSERSMITH: Well, this is
6 fairly new software, is it not?

7 WITNESS SIMS: Sir?

8 COMMISSIONER MESSERSMITH: The software
9 itself, is that a new generation of software?

10 WITNESS SIMS: It's pretty new, yes, sir.

11 COMMISSIONER MESSERSMITH: Well, I guess if
12 you're going to find out that question, I'd like to
13 know is if that software is -- part of it is encoded or
14 if it's table driven, because I can't imagine them
15 encoding everything by line without the new aspect of
16 being able to change it with the table. So I'd like to
17 know from that perspective.

18 WITNESS SIMS: Okay. Because you're talking
19 out of my field when you start talking --

20 COMMISSIONER MESSERSMITH: Very simply, is
21 that software table driven instead of all the commands
22 encoded line by line?

23 CHAIRMAN WILSON: Mr. Beck, if we're at a
24 point that we can break, what I suggest is that we go
25 ahead and take lunch now and that you all meet with

1 Commissioner Easley back here at 12:30, or you may want
2 to use the small hearing room.

3 COMMISSIONER EASLEY: That might be easier,
4 Mr. Chairman, since we can get out. I suggest
5 everybody run to the cafeteria and we'll be back up
6 here at the small conference room at 12:30.

7 CHAIRMAN WILSON: And we will reconvene here
8 at 1 o'clock.

9 (Lunch recess.)

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