

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In The Matter of	:	DOCKET NO. 891194-TL
Proposed Tariff Filings by	:	
SOUTHERN BELL TELEPHONE AND	:	FIRST DAY
TELEGRAPH COMPANY Clarifying	:	
when a Non-Published Number	:	<u>AFTERNOON SESSION</u>
can be Disclosed and	:	
Introducing Caller ID to	:	<u>VOLUME II</u>
TouchStar Service.	:	

Pages 150 through 351

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Division of Records & Reporting

DEC 12 1990

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:

(As heretofore noted.)

REPORTERS BY: CAROL C. CAUSSEUX, CSR, RPR
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Official Commission Reporters

DOCUMENT NO.
10904-10
12/12/90

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AFTERNOON SESSION

(Hearing commenced 12:32 p.m.)

COMMISSIONER EASLEY: Let's go on the record.

I guess for the purposes of this we'll call it a Special Hearing on the Documents and the request for -- on the Motion by Public Counsel for Production. Is that the correct title of this procedure?

MS. GREEN: That's acceptable.

COMMISSIONER EASLEY: All right. I have before me the one document, let's deal with that one document first. The Company?

MR. FALGOUST: Commissioner, I have spoken to Mr. Coker at noon, who tells me that his preliminary results are that AT&T may have proprietary information in that document. He was going to contact Mr. Tye, who is AT&T's counsel here in Tallahassee, try to get Mr. Tye to come over here if possible to allow AT&T to assert their proprietary interests.

As I've stated, Southern Bell has no proprietary interests; but out of courtesy to AT&T, we wanted to protect that document for the time being until AT&T could make its own determination.

CHAIRMAN WILSON: What kind of time frame, do we have any idea at all what we're talking about?

MR. FALGOUST: Mr. Coker told me he was going

1 to try to get in touch with Mr. Tye immediately and try
2 to get Mr. Tye over here this afternoon.

3 COMMISSIONER EASLEY: How long ago was that?

4 MR. FALGOUST: That was at noon today that I
5 had that conversation.

6 COMMISSIONER EASLEY: Let me understand, now.
7 On this specific document, Public Counsel, have you
8 received this document?

9 MR. BECK: No, I haven't.

10 COMMISSIONER EASLEY: All right. And you are
11 withholding this document on the basis of proprietary
12 claim by AT&T?

13 MR. FALGOUST: Yes, that's correct. Pursuant
14 to a Motion for Protective Order, we can make it
15 available to Public Counsel, if that's what --

16 COMMISSIONER EASLEY: Mr. Beck?

17 MR. BECK: That was my question. I guess
18 you're dropping your objection on relevancy, which was
19 your basis for withholding it initially --

20 MR. FALGOUST: Commissioner, we have dropped
21 all of our objections to relevancy with respect to all
22 24 of these documents.

23 COMMISSIONER EASLEY: Then where does that
24 put us, Mr. Beck?

25 MR. SHREVE: I think we should receive the documents.

1 COMMISSIONER EASLEY: I'm going to grant the
2 Temporary Protective Order, particularly until we can
3 get AT&T in here; and then we can make a final ruling
4 if it becomes necessary on proprietary.

5 MR. ANTONACCI: May I be heard?

6 COMMISSIONER EASLEY: So I will grant the
7 Temporary Protective Order on -- yes, sir?

8 MR. ANTONACCI: Very quickly. I don't see --
9 and I apologize to you and Mr. Pruitt for not knowing
10 local practice here -- but I don't see how this counsel
11 can assert rights on behalf of someone not before this
12 tribunal. I can't assert the Constitutional rights of
13 anyone else at this table and neither can you. And for
14 him to come in here and say he can assert the rights of
15 someone else to defeat the rights that the parties have
16 is simply beyond me.

17 MR. FALGOUST: It's a matter of courtesy to
18 AT&T, Commissioner.

19 COMMISSIONER EASLEY: Now, wait. Before we
20 get into this now, guys, my understanding is that this
21 document is also a joint effort document. Now, if it's
22 a joint effort document, it would seem to me that one
23 of the parties to the joint effort could make that
24 request.

25 MR. ANTONACCI: Why haven't they?

1 COMMISSIONER EASLEY: They just did, this is
2 one of the parties to --

3 MR. ANTONACCI: He doesn't represent AT&T,
4 Commissioner, --

5 COMMISSIONER EASLEY: No. Am I --

6 MR. FALGOUST: I represent --

7 MR. ANTONACCI: And he's waived all
8 objections on behalf of his client.

9 COMMISSIONER EASLEY: Mr. Pruitt?

10 MR. PRUITT: Madam Chairman, we're not in a
11 Court of Law trying a first degree murder case, we're
12 in a quasi judicial proceeding under the Administrative
13 Procedures Act of the State of Florida and you have a
14 broad discretion how you want to run this hearing. And
15 if somebody has represented to you through -- if they
16 sent you a note by a boy on a mule and said, "My name
17 is Mike Tye, I'm at my office and I'll be here just as
18 soon as I can get there to look into something that
19 might help the Commission," you have the authority and
20 the power to afford him that courtesy.

21 MR. ANTONACCI: I don't challenge your
22 authority, Commissioner Easley. I'm enunciating what I
23 think is a basic principle of law.

24 COMMISSIONER EASLEY: Mr. Shreve?

25 MR. SHREVE: I don't challenge your authority

1 but that must be the slowest mule in the world because
2 it's been out there for five months and the only thing --

3 (Simultaneous speaking)

4 -- they have waived whatever rights they have, they
5 have raised one objection to relevancy and they waived
6 that.

7 COMMISSIONER EASLEY: Mr. Shreve, I'm going
8 to get you all a document under the protective order.
9 The only thing I've said I'm not going to do is release
10 the document, period, until AT&T gets here. Now,
11 you've got, this gives you the information; are you
12 damaged in any way by doing that?

13 MR. SHREVE: At this point, that's probably
14 the best that you can do. But yes, we are damaged
15 because they sat on this thing for months.

16 COMMISSIONER EASLEY: Well, that's not at
17 issue here now -- not right here, not right now. I am
18 here only to dispose of the argument over these
19 documents.

20 Now, I have granted the Protective Order, you
21 may see the documents. Does that Protective Order
22 extend to any of the other parties?

23 MR. FALGOUST: I would hope so, Ms. Chairman.

24 COMMISSIONER EASLEY: Good.

25 MR. BECK: I didn't get a chance to -- the

1 one observation I would like to make is that Bell has
2 not asserted the grounds for -- they have said somebody
3 claims it is proprietary, but that's not the basis for
4 the claim. There must be some basis for it somewhere.
5 They can say that the moon is made of cheese because
6 they think it's so, but they have to show a basis; and
7 they have not provided any basis for showing that this
8 document is proprietary other than somebody claims it.
9 And I submit to you that's an insufficient basis to
10 grant it for.

11 MS. GREEN: Not under our rule. There's
12 provisions in the rule for a Notice of Intent to
13 request confidential treatment, and during that time
14 period the person espousing that position has 21 days
15 to get it together.

16 COMMISSIONER EASLEY: Well, I'm going to
17 shortcut this because we've got to get back in there at
18 1:00 o'clock and we still have a biggie to get through
19 yet. I'm granting the Temporary Protective Order. It
20 will be good until close of business today. That will
21 give Mr. Tye the opportunity, that will give me the
22 opportunity, it will give the parties the opportunity
23 to look at the document under the Protective Order.

24 Okay. Next request?

25 MS. GREEN: Before we get off of the

1 Protective Order, could we clarify to whom it extends?
2 Because under the statute, anyone who is subject to the
3 Public Records Act would be in the same shoes as Mr.
4 Beck.

5 COMMISSIONER EASLEY: My intent and my
6 understanding is that that is the way it would work.

7 MS. GREEN: Okay. I'm trying to think
8 quickly if there's anyone else that's not under the
9 Public Records Act.

10 MR. SHREVE: If there's a Protective Order,
11 it covers it.

12 MS. GREEN: Okay.

13 COMMISSIONER EASLEY: That means I -- let me
14 ask for my own benefit, then. There is one party that
15 I'm going to assume is not covered by Florida's Public
16 Records Law, and that's the group for -- I can't even
17 think of the name.

18 MR. RAMAGE: Cheryl Phoenix and --

19 COMMISSIONER EASLEY: Yes, thank you. Are
20 they covered or not?

21 MR. FALGOUST: Commissioner Easley, the only
22 party that has requested this document is Public
23 Counsel; therefore, the only party that ought to get it
24 is Public Counsel.

25 MR. ANTONACCI: They're subject to the Public

1 Records Law.

2 COMMISSIONER EASLEY: They've got the
3 Protective Order on that.

4 MS. GREEN: I can't let that statement go
5 completely without responding because in case it has
6 some precedential effect by being said. And that is
7 we've had a lot of parties that are not familiar with
8 the practice before this Commission and they have
9 relied in believing that they would receive these
10 things because they are on the service list rather than
11 be overly litigious and file repetitive requests for
12 the same information.

13 COMMISSIONER EASLEY: Well, now I heard the
14 Chairman specifically talk about -- beg your pardon?

15 MR. SHREVE: Why don't you make the
16 Protective Order cover all of the parties in this case?

17 COMMISSIONER EASLEY: Well, I'm not going to
18 create a precedent, though, Mr. Shreve. I want no --

19 MR. SHREVE: That's not a precedent, that's
20 done time after time.

21 COMMISSIONER EASLEY: I'm being very
22 cautious. This is the first time I've had to deal with
23 this and you all are arguing among yourselves about a
24 lot of things that don't have anything to do with this
25 case and I'm not going to get caught in the middle of

1 that. And as a result, I'm being very careful not to
2 set any kind of precedent on either side.

3 Now, I heard the Chairman talk about the
4 prejudicial nature of any of this information in the
5 way it is treated and that the party had to have
6 requested the document before he can claim he was
7 damaged by not getting the document. I remember
8 hearing that one very clearly and I want to be sure I'm
9 not in any way altering that by this ruling.

10 MR. SHREVE: I don't know what you want to
11 do. I mean, if you want to protect the parties --

12 COMMISSIONER EASLEY: I want to protect --

13 MR. SHREVE: If the counsel is worried about
14 someone walking in under the Public Records Law and
15 demanding the document and it going out, then the
16 Protective Order should cover all of the parties. If
17 you're going to just make it to us, then you have a
18 Protective Order just over us. I'm not sure where
19 she's going.

20 MS. GREEN: Well, I had assumed you were
21 going to let everyone have the document when I made
22 that first statement.

23 MR. PRUITT: At this stage of it I would
24 recommend that the Commissioner rule that the
25 inspection of the document be limited to the parties

1 who have requested it.

2 COMMISSIONER EASLEY: I'm going to follow the
3 advice of the eminent counsel and I will clarify that
4 the Temporary Protective Order extends to those parties
5 who have requested the document.

6 MR. RAMAGE: I'd like to show an objection to
7 that ruling on the part of the Department of Law
8 Enforcement, the Statewide Prosecutor and the
9 Department of Legal Affairs. It's been our posture
10 throughout the discovery process that, rather than
11 litigate and file cumulative discovery responses, to
12 the extent that the documents were made available
13 through and to the Office of the Public Counsel and
14 they have made all the documents that have been turned
15 over through the discovery process accessible to the
16 three parties, we have not felt obliged to make formal
17 discovery requests.

18 COMMISSIONER EASLEY: And as soon as there is
19 a ruling on the confidentiality or on the proprietary
20 nature of this document, whatever remains will be made
21 available to everybody. The Protective Order extends
22 to 5:00 o'clock this afternoon.

23 MR. ANTONACCI: I'm satisfied, Your Honor.

24 COMMISSIONER EASLEY: All right. Next
25 request?

1 MR. BECK: The next request, Commissioner
2 Easley, goes to the documents in the possession of
3 BellSouth Corporation, which is a parent corporation to
4 Southern Bell. In the Motion to Compel, I have showed
5 you a number of things that tie BellSouth to Caller ID
6 in specific.

7 COMMISSIONER EASLEY: I need a copy of that.
8 I'm sorry.

9 MR. PRUITT: I didn't get mine.

10 COMMISSIONER EASLEY: I don't have mine.

11 MR. FALGOUST: I will be happy to lend you
12 mine if I can have it back.

13 COMMISSIONER EASLEY: That would be fine.
14 That would be quicker. Thank you.

15 Okay, this is the Motion to Compel dated
16 August 7?

17 MR. BECK: Yes.

18 COMMISSIONER EASLEY: All right.

19 MR. BECK: Commissioner, first attachment,
20 Attachment No. 1, there's a number there that leads you
21 through BellSouth's involvement. Attachment 1 is a
22 memo dated November 1, 1988, dealing with Caller ID and
23 the policies that Southern Bell and BellSouth have
24 pursued. And as you'll see there -- Attachment 1 is a
25 document I received in discovery -- it goes through

1 four possible different alternatives. It mentions that
2 BellSouth's policy is to deliver all numbers; and then
3 it states, "As before, Southern Bell has a different
4 recommendation. We still feel strongly that private
5 listing customers be allowed to inhibit their calls on
6 a per-call basis," and then it gives you a number of
7 reasons why in the attachment. So there you have a
8 conflict of policies between BellSouth and Southern
9 Bell.

10 Attachment 2 is a memo dated January 12,
11 1989, which deals with the resolution of that conflict.
12 And the way it was resolved was that a Regional
13 Marketing Council decided that the BellSouth position
14 would be to deliver all numbers, essentially overruling
15 the Southern Bell position that had been there.

16 For your information, the Regional Marketing
17 Council is made up of representatives of both Southern
18 Bell, South Central Bell, BellSouth Services, and
19 BellSouth Corporation. So it has people from all those
20 corporations in there. But they had the power to
21 decide what the policy would be throughout all the
22 BellSouth companies.

23 Attachment 3 put in there for your
24 information is a memo from Linda Linn, who is the
25 Product Manager of White Pages Product Team. And it

1 somewhat laments that, you know, that this paper was
2 moot because of the decision of the BellSouth position
3 that was adopted by the Regional Marketing Council.
4 Nonetheless, this shows that at least this part of
5 Southern Bell or the people in this product team were
6 opposed to the position that was ultimately adopted by
7 the Regional Marketing Council.

8 Now, not only do we have these positions
9 being overruled, I actually have one document from the
10 BellSouth Vice President and Comptroller, this being
11 the BellSouth Corporation, the parent corporation, and
12 that's Attachment 4. And in here he goes through a
13 number of concerns about Call Trace and people's
14 reactions to advertisements, makes specific
15 recommendations about Call Trace and what they should
16 be doing.

17 Again, this is showing a web of
18 interrelationships of BellSouth Corporation, the parent
19 corporation, getting involved in Caller ID, which is an
20 offering of the subsidiary, Southern Bell. Again, we
21 just happened to get this document because it happened
22 to have been in the possession of Southern Bell and so
23 it was captured by the document request. What Southern
24 Bell is refusing to do is do a document search of
25 BellSouth Corporation, the people who wrote memos like

1 attached here as Attachment 4, because they have not
2 provided anything that a search of BellSouth
3 Corporation would have produced.

4 In addition to these documents that we
5 happened to be fortunate enough to get, our motion also
6 gives you the interrelationships in a more broad sense
7 between Southern Bell and its parent corporation. We
8 have attached documents showing the daily transactions
9 between Southern Bell and BellSouth Corporation, the
10 amount of money that flows in between them. You'll see
11 there's millions of dollars charged to Southern Bell's
12 ratepayers in Florida to support BellSouth
13 Corporation's services and that they interact back and
14 forth on a continuing basis, on a daily basis.

15 Based on that, we feel that they've met the
16 standard enunciated in the Medivision case, which I
17 cite on Page 8 of the brief, saying that if they act as
18 one, the parent corporation is amenable to a document
19 request, essentially. That when they act as one, the
20 parent corporation will have to produce documents as
21 well as the sub when requested. In fact, I have noted
22 in the argument that we even have more in this case
23 than we did in Medivision; because in this case, we
24 have the parent corporation being financed by charges
25 that flow through to the regulated ratepayers of

1 Southern Bell, which is not something you had in that
2 case.

3 Commissioner Easley, there has been other
4 occasions recently which the Commission has ordered
5 BellSouth Corporation to produce documents; most
6 recently, that was in the cost allocation docket where
7 the relief granted by the Commission was precisely what
8 we're requesting in this case. And I think this case
9 is an even stronger one than we showed in that and that
10 you should order a search of BellSouth Corporation to
11 produce documents responsive to our request.

12 COMMISSIONER EASLEY: This indicates that
13 you're talking about documents responsive to your First
14 and Second Requests for Production.

15 MR. BECK: Right, those are dated June 21st
16 and June 19th of 1990.

17 COMMISSIONER EASLEY: Do I have a copy of
18 that?

19 MR. BECK: I don't know if you have that or
20 not.

21 MR. FALGOUST: It's in the booklet.

22 COMMISSIONER EASLEY: It's in the booklet?

23 MR. FALGOUST: Yes, ma'am. Commissioner, may
24 I respond to some of that?

25 COMMISSIONER EASLEY: Sure, go right ahead.

1 MR. FALGOUST: Commissioner Easley, you put
2 your finger right on it when you said that what's being
3 disputed here are a lot of issues that have nothing to
4 do with this case. Mr. Beck would concede that the
5 law in the State of Florida does not allow a nonparty
6 to be subject to discovery. There is an exception to
7 that law, a very narrow exception, under the case he
8 refers to, Medivision.

9 He would concede that BellSouth Corporation
10 is not a party to this litigation. He would concede, I
11 think, that Southern Bell indeed did produce all
12 BellSouth Corporation documents that were in Southern
13 Bell's possession. What we have a dispute about is
14 whether Medivision applies to this case.

15 Now, the one BellSouth Corporation document
16 that he cites is a document that was written a full
17 nine months after the "BellSouth," quote/unquote,
18 policy was adopted. Now, Mr. Beck didn't tell us about
19 the depositions he took in Atlanta in mid August after
20 he filed this Motion to Compel in which he explored the
21 meaning of the term "BellSouth." He was told the
22 reference to BellSouth there meant BellSouth Services
23 and meant generally the region, the nine-state area,
24 and not necessarily the BellSouth Corporation.

25 So for him to rely on that one document as

1 sufficient to support Medivision's exception to the
2 general rule of law I suggest to you is inappropriate
3 and insufficient.

4 Medivision, and you have the case, but
5 Medivision held that the parent corporation was subject
6 to discovery where the subsidiary had been created for
7 the sole purpose of applying for a license or a permit
8 of some kind. And, in fact, if you look at the last
9 paragraph, I think, of the court's decision, the court
10 actually stated that the holding in that case was to be
11 construed narrowly, that it didn't mean that it would
12 apply to every case of every parent corporation. And I
13 suggest to you that for Public Counsel to rely on one
14 document from BellSouth Corporation which was written
15 nine months after a Southern Bell policy was adopted is
16 not sufficient to meet the Medivision standard.

17 MR. BECK: Commissioner, I think counsel has
18 not correctly stated the results of the deposition. I
19 did not have that deposition when filing the motion but
20 I do have copies now. And I would encourage you to
21 look at it -- as a matter of fact, I urge you to let me
22 introduce that in this motion hearing to let you read
23 the deposition of Allan Price, who is an officer, I
24 guess, at Southern Bell now. He was at --

25 MR. FALCOUST: He's not an officer.

1 MR. BECK: He's an Assistant Vice President.
2 And I would urge you to read that deposition, it's not
3 lengthy. It would give you an even clearer idea of the
4 BellSouth connection on Caller ID. Because he explores
5 at length those documents that I went through, showing
6 the Southern Bell position, the Regional Marketing
7 Council, and decisions that was made, he explores that
8 at length in deposition. Or I asked him about it and
9 his answers go into that at length.

10 I ask you to read that. I have copies in the
11 other room, I'll be glad to go get them.

12 MR. FALGOUST: And, Commissioner, if you're
13 going to read that, I suggest that you also read
14 Southern Bell's responses to Public Counsel's
15 Interrogatories which asks about the composition of the
16 market accounts --

17 COMMISSIONER EASLEY: Guys, I'm going to try
18 and deal with the reason I'm in here. I'm going to
19 make that attempt, especially since we only have ten
20 minutes.

21 MR. PRUITT: I think it's eight.

22 COMMISSIONER EASLEY: Eight.

23 The difficulty I'm having --and I'll be as
24 up-front with you as I possibly know how to do, because
25 I'm going to be looking for help from Mr. Pruitt. The

1 two document requests appear to be almost identical in
2 what you are requesting, Mr. Beck; that is, "Each
3 document," and it goes through several topics, but it's
4 "Each document in your possession, custody or control,
5 discussing, evaluating or otherwise commenting on the
6 effect of Caller ID or Call Trace, or whatever." And
7 it appears to be that is pretty much the language
8 throughout.

9 You referred to a "document search." Is
10 that what this is, a document search?

11 MR. BECK: What the Company would normally do
12 when being presented with requests for documents, they
13 would go through those people who would be reasonably
14 likely to have documents responsive to the request and
15 have them identify what documents they have. That's
16 what Southern Bell has refused to do with respect to
17 BellSouth Corporation.

18 COMMISSIONER EASLEY: All right. The Motion
19 to Compel is on what basis? Is it --

20 MR. BECK: They have, let me try and reword
21 this. With respect to the documents that BellSouth
22 Corporation might have that are responsive to any of
23 these requests, they have objected in total. In other
24 words, they said, "We're not going to provide you any
25 documents responsive to any of these requests that are

1 in the possession of BellSouth Corporation." And what
2 I have asked you to do and what this motion says is to
3 have them do that, have them give us the documents in
4 the possession of BellSouth Corporation that are
5 responsive to any of these because ---

6 COMMISSIONER EASLEY: But are you claiming ---
7 what are you claiming that your need for these
8 documents is?

9 MR. BECK: They relate to the subject matter
10 of this dispute or of this whole hearing. I don't
11 think there's any claim by Southern Bell that these
12 requests request irrelevant information. I don't think
13 there's any dispute about that. They just don't want
14 to give it by that corporation.

15 MR. FALGOUTS: Commissioner Easley, again, as
16 Mr. Beck points out, ordinarily one would search for
17 documents in that company. We're talking about a
18 separate legal entity here. And yes, there are
19 specific rules concerning cost allocation methodologies
20 where affiliated companies can provide information,
21 that's not at issue here. What's at issue is this
22 Medivision case, which is an exception to the rule; and
23 I suggest to you that they have not, that Public
24 Counsel has not met the test of Medivision in this
25 case.

1 COMMISSIONER EASLEY: Mr. Pruitt, do you need
2 to see any of this? Do you need to see the motion?

3 MR. PRUITT: I doubt if I'd have time to look
4 at it.

5 COMMISSIONER EASLEY: Well, I'd rather be
6 late going back in there if you feel the need to look
7 at this.

8 MR. PRUITT: I don't think so.

9 COMMISSIONER EASLEY: Okay.

10 MR. PRUITT: I'm going to just try to tell
11 you what I think the law is about it, and that is that
12 neither the Federal Constitution nor the Constitution
13 of the State of Florida or the statutes of the State of
14 Florida or the Rules of Procedure, the Rules of
15 Evidence or whatever, does not prohibit you or the
16 people practicing before you from examining
17 transactions between a public utility and its
18 affiliates. You have the authority to do that. And
19 that, I've got a case I like, IT&T v. GTE, 518 Fed.2d
20 913, 1972 case. And also reported at 449 Fed.Sup. 1158.

21 MR. FALCOUST: Commissioner?

22 MR. PRUITT: If the question of relevancy is
23 out of the way --

24 COMMISSIONER EASLEY: Yeah.

25 MR. PRUITT: -- and if it falls into the

1 category of a transaction between this Utility and its
2 affiliates or the affiliate and the Utility, you can
3 require that the document be produced.

4 MR. FALGOUST: We've already produced
5 transactional documents; the documents that were in our
6 possession, we've produced those. What he is wanting
7 you to do is for us to go to BellSouth Corporation and
8 ask BellSouth Corporation to inspect their own books
9 for any of these documents that may comment on, relate
10 to, or whatever the request is for. Not transactional.
11 We've already produced transactional documents.

12 COMMISSIONER EASLEY: Aren't going to make it
13 easier.

14 MR. PRUITT: If there's still material out
15 there that BellSouth and Southern Bell or whoever
16 produced together, you can still require them to be
17 produced.

18 COMMISSIONER EASLEY: All right. That really
19 gets me to my question: Does the requesting party have
20 to be able to identify those documents or may the
21 requesting party simply say to the Company, "Go on a
22 search and find anything that I think is in that area"?

23 MR. PRUITT: Wait a minute, I have something
24 on that, too.

25 COMMISSIONER EASLEY: They can do that, is

1 that what you're telling me?

2 MR. PRUITT: No, it's not that broad.

3 (Chairman Wilson joins the hearing)

4 COMMISSIONER EASLEY: Mr. Chairman, come on in.

5 CHAIRMAN WILSON: I don't know that I want to.

6 MR. PRUITT: Come on in. (Pause)

7 Commissioner, I found what I'm looking for
8 when you're ready for it.

9 COMMISSIONER EASLEY: I'm ready.

10 MR. PRUITT: A request for all documents and
11 other objects and materials that support an allegation
12 in a pleading has been upheld. I'll give you the case
13 if you want it. But in that case -- I'm trying to
14 speed it up -- the request was broad but the category
15 was limited and definite. "However, requests for all
16 correspondence, instructions, memoranda, orders,
17 sheets, work sheets, books, records, invoices,
18 financial statements including audit reports, memoranda
19 received from internal and independent auditors and
20 employees, balance sheets, profit and loss statements,
21 trial balances, journal and subsidiary ledgers, diaries
22 and other papers of all witnesses, statements to all
23 incident reports and similar broad requests are not
24 proper. The principle correctly stated is: A general
25 and unlimited request is improper, while a broad

1 request in a refined category is proper."

2 If anybody wants the case citations, I'm glad
3 for them to have them.

4 MR. BECK: Commissioner, I think we're
5 getting way off point. There's no objection to our
6 requests as being over-broad, because I think that's
7 what Mr. Pruitt is referring to, that our requests were
8 so broad that they thought it was a fishing expedition
9 or whatever. There's no objection on that basis.
10 They've not objected saying that these items are
11 irrelevant or over-broad, they're simply saying, "We're
12 not going to produce anything responsive by BellSouth
13 Corporation because it's another corporation." That's
14 the only issue that's really before you.

15 COMMISSIONER EASLEY: The only trouble that I
16 see with that is that Mr. Pruitt tells me I can request
17 those documents that are transactional. Now, if the
18 request is for "every document in the possession of
19 BellSouth having to do with," how is that
20 transactional?

21 MR. BECK: It's not just transactional.
22 First of all, the case is not limited in that way.
23 Second of all, the Commission as a whole has done this
24 in the cost allocation docket. It was just very
25 recently that the whole Commission ordered BellSouth

1 Corporation to produce documents responsive to the
2 request. I think the Commission has already determined
3 that you have the authority to do that because you've
4 done it, and it was the whole Commission that did it.

5 That's really -- whether you have that
6 authority or not I don't think is at issue, it's
7 whether you're going to do it or not. And the new
8 statute, Commissioner Easley, goes even further than
9 ever before on giving you authority to order documents
10 in the possession of an affiliate, not just
11 transactional but in the possession of an affiliate.

12 MR. FALGOUST: Commissioner, I think the new
13 statute is, A, limited to the Staff; and, B, limited
14 also to cost allocation. There's nothing to do with
15 cost allocation here. Medivision controls these facts
16 in Southern Bell's opinion.

17 COMMISSIONER EASLEY: Off the record.

18 (Pause)

19 CHAIRMAN WILSON: Let me ask, what is Account
20 Match?

21 MR. BECK: Account Match is a service that
22 would, when you call up a business, that Southern Bell
23 -- and they plan to offer this in 1992, as I understand
24 it -- that would call up whatever database that the
25 business might have on customers. You know, if you

1 called that company, they would say, "Hello, Mr.
2 Wilson, have you enjoyed the product you ordered from
3 us? You know, the Dominos Pizza you ordered last
4 week?"

5 CHAIRMAN WILSON: Spiegel already does that
6 to me.

7 MR. BECK: That's what Account Match is.

8 CHAIRMAN WILSON: The telephone company does
9 that?

10 MR. BECK: They plan to offer it in 1992. I
11 think that's the last thing I recall them saying, it's
12 a system they plan to offer like that. I think they
13 call it Record Retrieval Service is what Southern Bell
14 calls it.

15 Chairman Wilson, one of the things you missed
16 when we went through the documents linking BellSouth to
17 Southern Bell on Caller ID, they're all attached to the
18 motion, I've already argued them.

19 CHAIRMAN WILSON: I'm sorry?

20 MR. BECK: There are a number of documents
21 linking BellSouth specifically on the Caller ID issue.
22 I've gone through them, I have already argued them to
23 Commissioner Easley, I thought you ought to be aware
24 that there are some documents linking BellSouth
25 Corporation. In particular, there's a memo from the

1 Comptroller of BellSouth Corporation addressing it.

2 MR. FALGOUST: Southern Bell has disputed the
3 characterization of Public Counsel on that issue.

4 (Pause)

5 I'm glad I could finally be some help today,
6 Commissioner. (Pause)

7 COMMISSIONER EASLEY: I am prepared to give
8 our ruling (Laughter). And I appreciate the help,
9 believe me. This is our first one, let's make sure I
10 say it right.

11 I'm going to grant in part the Motion for
12 Production and deny in part, and put a condition on or
13 a subsequent condition on production. I will grant the
14 Motion for Production of everything except Account
15 Match and the item listed in 5v, which is "Each service
16 the Company plans to offer," that's something in the
17 future.

18 The restriction then would be that each
19 document produced would be subject to an objection to
20 production -- each individual document would be subject
21 to an individual objection to production if they have
22 grounds. That way, we're not dealing with the
23 universe, we have an opportunity to deal with the
24 documents.

25 MR. FALGOUST: Commissioner Easley, not

1 having the document in front of me, let me make sure I
2 understand it. The motion is granted with respect to
3 everything except Account Match and those services that
4 are planned to be offered in the future?

5 COMMISSIONER EASLEY: It says, "Please
6 provide your business plan for each service, regulated
7 or unregulated, you plan to offer that will or may use
8 Caller ID." I am not granting the motion for that.

9 MR. FALGOUST: Since BellSouth Corporation is
10 a separate company, what time restraints is the
11 Commission going to impose for the conduct of that
12 search?

13 CHAIRMAN WILSON: Let me ask you a question.
14 Are you suggesting that if you as Southern Bell request
15 of BellSouth documents, they're not going to give them
16 to you?

17 MR. FALGOUST: Commissioner, I'm suggesting
18 that they won't give them to me happily. If the
19 Commission orders Southern Bell to --

20 CHAIRMAN WILSON: Well, you won't even give
21 them to the Commission happily. We're not talking
22 about mood here, we're talking (Laughter) it's when we
23 order you to produce those with gladness.

24 MR. FALGOUST: We have produced transactional
25 documents -- in other words, BellSouth documents in our

1 possession, transactional documents. What Mr. Beck has
2 asked for are documents that are in BellSouth
3 Corporation's possession. We're going to have to ask
4 them to conduct a search, because it's a separate
5 company, it's a parent company.

6 CHAIRMAN WILSON: I appreciate that. But if
7 you're talking about implementing SS7 throughout each
8 of the companies in your system, you are talking about
9 generic offerings of products, regulated products, by
10 the companies; that's an integral part of the
11 technology that's being deployed through the system.
12 In your own testimony that's been presented, in the
13 testimony we've heard thus far this morning have been
14 citing to other states and other data for examples of
15 customer demand or customer response or reactions to
16 this kind of service; and these studies and information
17 have been flowing back and forth, I'm sure, between
18 BellSouth and Southern Bell on how this is to be
19 structured, how it is to be offered, the kind of
20 technology available and the implementation of it --

21 MR. FALGOUST: I'm not sure that's a correct
22 assumption, Commissioner. I think my first response
23 is that services that are going to be offered are not
24 going to be offered by BellSouth Corporation.

25 CHAIRMAN WILSON: I appreciate that.

1 MR. FALGOUST: Secondly, I'm not sure that it
2 is a safe assumption to make that this information has
3 been transported between BellSouth Corporation and
4 Southern Bell. Information is exchanged between
5 BellSouth Services and Southern Bell because it's a
6 subsidiary of Southern Bell created for that purpose
7 and all of those documents have been produced. In
8 addition, documents that BellSouth Corporation did
9 generate -- and there's only one. There's one document
10 from the security officer, and security is set up
11 differently for specific reasons, the BellSouth Vice
12 President in charge of security wrote a memo nine
13 months after the policy of Southern Bell was adopted
14 that commented on what the impact of that policy might
15 be on security.

16 COMMISSIONER EASLEY: The difficulty we have
17 and I share with OPC their frustration in that, without
18 seeing something, there it is, you know.

19 MR. FALGOUST: I appreciate that,
20 Commissioner. The question is really a legal question,
21 and that is, just like the government can't compel your
22 son or daughter to do things on your behalf, I mean,
23 this is a separate legal entity and there are
24 exceptions to that rule.

25 MR. ANTONACCI: And I would like to raise

1 that point, Commissioners, since you're both in here.
2 I would like to know if Mr. Falgoust is speaking on
3 behalf of BellSouth? What he has been ordered to do as
4 counsel for Southern Bell, I assume, he has been
5 ordered to produce documents. As you indicated,
6 Commissioner, all he has to do is take that order up to
7 BellSouth. If they have a beef, Commissioner, you're
8 still here. He's not representing BellSouth.

9 MR. FALGOUST: That's exactly correct, I do
10 not represent BellSouth Corporation.

11 MR. ANTONACCI: Well, he's sitting here
12 raising BellSouth's objections, and along the same
13 lines of the objection that I was raising a few minutes
14 about, about him raising objections on behalf of AT&T.
15 Who does he represent?

16 MR. FALGOUST: That's technically correct but
17 we don't want to put you through this any more than you
18 have to go through it.

19 COMMISSIONER EASLEY: Gentlemen, I'm through
20 it, okay? The ruling stands and we will -- yes?

21 MR. BECK: You didn't give them a date by
22 which to do this.

23 COMMISSIONER EASLEY: A date. Before the --
24 when is the hearing scheduled?

25 MS. GREEN: Today and tomorrow only.

1 CHAIRMAN WILSON: How voluminous is the data,
2 or do you know?

3 MR. FALGOUST: I have no idea.

4 COMMISSIONER EASLEY: He has no idea, there's
5 no way to know.

6 When are the briefs going to be due?

7 MR. BERG: Briefs are due the 11th of
8 January.

9 COMMISSIONER EASLEY: 11th of January?

10 MR. ANTONACCI: If we could have them in time
11 to supplement the appendix, I think that --

12 CHAIRMAN WILSON: If I could make a
13 suggestion, I would suggest a list of what is available
14 now and that can be produced be available by Friday
15 afternoon, and a statement of what can't be available
16 and could be available will be provided at that time,
17 and give an outside date for the actual production.
18 Seems to me that the sooner the parties see this stuff,
19 the better.

20 I think what, and this may be an incorrect
21 assumption, but I'm assuming that a lot of stuff that
22 you're going to see is going to be somewhat redundant
23 to things -- I mean, if we have studies in five
24 different states and we already have two of the states,
25 you're probably going to see a lot of overlap from one

1 to the other. It's going to be cumulative kind of
2 evidence, it may be, but we'll have to see the
3 documents to make that kind of determination.

4 What are we, two weeks from today?

5 COMMISSIONER EASLEY: Two weeks, if you took
6 it to December 15th, I believe, is a Saturday; so if
7 you took it to December 14th, that would put it about
8 midway on the briefs.

9 MR. FALGOUST: I would be glad to -- well,
10 again, I don't represent BellSouth Corporation. I
11 think what we can do is make the request; if they want
12 to come in here and urge, as counsel suggests, their
13 own objection, fine, they'll be back.

14 COMMISSIONER EASLEY: Tell them I want the
15 list of documents they can produce by Friday afternoon,
16 5:00 o'clock. The additional list that you
17 characterized as what?

18 CHAIRMAN WILSON: Of when they're going to
19 produce the balance of it, what the balance of it is
20 and when they're going to produce it. The thing we
21 don't want to do is get in the position where BellSouth
22 waits one month or 15 or 20 days and then objects and
23 says, "We want to argue it in front of the Commission."
24 We want to know immediately whether there's going to be
25 that objection and whether they intend to argue it so

1 there's not further substantive delay.

2 COMMISSIONER EASLEY: Yes, and then the
3 production actually by the 14th of December.

4 MR. FALGOUST: By when?

5 COMMISSIONER EASLEY: The 14th of December,
6 5:00 o'clock Friday afternoon, the 14th of December.

7 MR. BECK: Commissioner, I'd like to ask you
8 to set a hearing sometime after the 14th of December
9 but before the end of the year to review the prejudice
10 that we have experienced from the way you've approached
11 the documents. And that would be a couple of different
12 aspects, one is from the documents that they're going
13 to produce on the 14th, the other is from their late
14 production -- months late production of documents --
15 that we were not able to incorporate into our --

16 MR. FALGOUST: I object to that
17 characterization.

18 MR. BECK: The documents that were only
19 produced Wednesday at 5:00 o'clock, so we can look at
20 what the relief might be. A hearing to explore what
21 has happened, what relief we might get and what kind of
22 prejudice we have experienced.

23 COMMISSIONER EASLEY: Unless my boss here
24 contradicts me, it would be my inclination to take that
25 motion under advisement for review at such time as we

1 have seen the list of documents and we have heard some
2 of the testimony, because there's no way I'm going to
3 schedule a hearing on prejudice when I doesn't know
4 whether any has occurred or not.

5 MR. BECK: Well, I've already got some, and they
6 argued that earlier, and that's the documents we were not
7 able to incorporate into our direct testimony --

8 COMMISSIONER EASLEY: And I believe you ruled
9 we would not deal with prejudice until later? What was
10 your ruling on that?

11 CHAIRMAN WILSON: I think that's what was
12 said.

13 MR. BECK: Yeah, I don't think we can do it
14 until we have all the --

15 COMMISSIONER EASLEY: I'll set a date so that
16 we have the time reserved since it has been requested,
17 but that's as far as I'm willing to go at this moment.
18 The motion will have to be renewed.

19 MR. FALGOUST: Commissioner, may I make one
20 response to that? The characterization by Public
21 Counsel of "late-filed documents" is incorrect.
22 Southern Bell timely objected to his Motion to Produce
23 and Southern Bell even now has not been ordered to
24 produce anything except a list. Southern Bell on its
25 own volition produced the documents themselves.

1 MR. RAMAGE: Mike Ramage, FDLE. In order to
2 preserve the right of FDLE, the Statewide Prosecutor
3 and the Department of Legal Affairs, we are arguing
4 prejudice, we would orally at this time make and adopt
5 the same Motion for Discovery as has been filed by the
6 Office of Public Counsel but would waive production of
7 documents that have already been produced to the Office
8 of Public Counsel because we have been made accessible
9 to those documents. But as a matter of form, if, in
10 fact, there is a requisite that there be a demand for
11 discovery in order to have the standing to argue
12 prejudice, we would make that Oral Motion and Demand
13 for Discovery at this point.

14 MR. FALGOUST: It's a little late for that,
15 they've never filed, Commissioner. They've never asked
16 for any documents.

17 CHAIRMAN WILSON: If you want to file
18 discovery, file discovery. If you wanted discovery,
19 you should have filed discovery. I think at this point
20 to make an oral motion like that is to posture
21 yourselves for procedural argument. Am I correct?

22 COMMISSIONER EASLEY: I agree.

23 MR. SHREVE: Commissioner, on your ruling as
24 to the time of the documents, I wonder, we really don't
25 know at this point, is counsel saying they have not

1 discussed this with BellSouth and possibly there has
2 been already a search made by BellSouth? We don't know
3 that. If there has --

4 COMMISSIONER EASLEY: Mr. Shreve, I don't
5 remember hearing that asked or answered.

6 MR. SHREVE: Well, that's what I'm wondering.
7 If there has already been a search made and the
8 documents have been made available, it might change the
9 time frame. I'm sure they must have discussed it with
10 BellSouth.

11 MR. FALGOUST: Once again, as far as I know,
12 there has been no discussion with --

13 COMMISSIONER EASLEY: Mr. Shreve? Counsel,
14 I'm going to interrupt you.

15 Mr. Shreve, the time has been set for Friday
16 afternoon, 5:00 o'clock production -- for the list.
17 The production of documents has been set, I hope I'm
18 right on the date, Friday the 14th of December,
19 whatever that Friday is, at 5:00 o'clock. If there is
20 any -- I'm more concerned about delay. If there is any
21 way that they can provide that list earlier, they are
22 urged to do so. I think that's about as far as I can go.

23 MR. SHREVE: Okay, I just thought you might
24 want that additional information if it's available.

25 COMMISSIONER EASLEY: I understand.

1 MR. FALGOUST: Are the statements that
2 Commissioner Easley made earlier concerning
3 precedential values still applicable to this order?
4 Because I'm not certain for purposes of appeal, for
5 example, I'm not certain of what the basis of the
6 Commission's order is. Does Medivision not apply?

7 COMMISSIONER EASLEY: I don't know that I'm
8 required to rule on Medivision at this point. I'm not
9 going to.

10 CHAIRMAN WILSON: That's a case, right?

11 COMMISSIONER EASLEY: Yeah.

12 CHAIRMAN WILSON: It's not a new service
13 being offered? (Laughter)

14 MR. PRUITT: The ruling speaks for itself.

15 COMMISSIONER EASLEY: Mr. Pruitt advises me
16 that the ruling speaks for itself.

17 MR. FALGOUST: Thank you.

18 COMMISSIONER EASLEY: Is there anything else
19 that we have to do right now?

20 MS. GREEN: Yes. Commissioner, you gave the
21 Temporary Protective Order until 5:00 p.m. today, do
22 you mean until the proceeding is closed today?

23 COMMISSIONER EASLEY: No, I mean the close of
24 business today, 5:00 o'clock today.

25 MS. GREEN: We may be here beyond 5:00

1 o'clock.

2 COMMISSIONER EASLEY: I don't care whether
3 we're here beyond 5:00 o'clock.

4 MS. GREEN: No, I mean for having to
5 interrupt the hearing at some point.

6 COMMISSIONER EASLEY: I mean for Mr. Tye to
7 get in here and deal with it. That's close of
8 business. If we have to interrupt the hearing before
9 5:00 o'clock, which I hope we will have to do, we will
10 do so. Right, Mr. Chairman?

11 CHAIRMAN WILSON: You're ruling at 5:00
12 o'clock that document becomes public absent Mr. Tye
13 having done something?

14 COMMISSIONER EASLEY: That's correct.

15 MS. GREEN: If that's your intent, that's
16 fine. I wasn't sure that was your intent.

17 COMMISSIONER EASLEY: No, that's my intent
18 loud and clear.

19 CHAIRMAN WILSON: Mr. Beck, I believe you
20 were inquiring.

21 MR. BECK: Thank you, Mr. Chairman.

22 MR. FALGOUST: Mr. Chairman, Ms. Sims looked
23 into one or two of the questions she was asked by you
24 all before the break, and she has an answer to those.
25 May she give those now?

1 CHAIRMAN WILSON: All right.

2 WITNESS First of all, on the question about
3 the O and the P, can you change that? The passing of
4 the O and the P was decided upon by the industry, as an
5 industry standard. In other words, it was a decision
6 by the entire telecommunications industry that this is
7 the way it will be done. In order to change that, we
8 would have to get concurrence from, and on a nationwide
9 basis to change this in order for it to work properly.
10 It's kind of like saying we not having 1+ dialing any
11 more, we're going to have 2+ dialing.

12 CHAIRMAN WILSON: That's a little different
13 because that has to do with how the mechanics of the
14 system work. It seems to me, though, if you're talking
15 about an agreed-to protocol, that you will use P for
16 this and you will use O for this, that you wanted to
17 say anytime it would have otherwise shown an O or P
18 it's going to show a M, just instruct your system
19 through the software to say where it otherwise would
20 have been designated O all of it is going to be
21 designated M.

22 WITNESS SIMS: Well, the software can be
23 programmed to display whatever you want to display but
24 the CPE will not display it. The CPE is programmed to
25 pass a zero or P. If you send a Q to it, it's not

1 going to display it.

2 CHAIRMAN WILSON: Could you program it to
3 display 0 regardless of what the signal was?

4 WITNESS SIMS: It could be programmed to
5 display an 0.

6 COMMISSIONER BEARD: But you're saying that
7 programming is inherent in the CPE dependent upon the
8 signal it receives.

9 WITNESS SIMS: It is an industry standard
10 that has been developed for the CPE production and the
11 software that goes with it that passes the number.

12 COMMISSIONER BEARD: So if the CPE, which is
13 not regulated, receives signal X.1, it's going to show
14 a P to the end user or a "private" or whatever, but
15 that concept.

16 WITNESS SIMS: That's my understanding.

17 COMMISSIONER BEARD: If your central office
18 equipment sends a signal X.2, which happens to represent
19 a 0- call or whatever, it's going to show an 0, right?

20 WITNESS Out of area, right.

21 COMMISSIONER BEARD: Okay. So what the CPE
22 displays is based on the signal generated at your
23 central office equipment, correct?

24 WITNESS SIMS: That's what drives -- it's my
25 understanding -- like they said that it can -- you

1 could change the P to an O and probably deceive the CPE
2 into saying it's an O because it can accept the O and
3 it can accept the P. But what you're doing is, you
4 know, going against the industry standard that was
5 developed for the -- for this particular service that's
6 used throughout the nation.

7 COMMISSIONER BEARD: Well, it's used
8 throughout parts of the nation.

9 WITNESS SIMS: Hopefully, will be used
10 throughout the nation.

11 COMMISSIONER MESSERSMITH: Well, it would
12 seem the industry would be receptive to reexamine that
13 protocol if, in fact, you could adopt something that
14 would further mask calls and alleviate some of the
15 concerns of law enforcement people. I mean, if -- it
16 seems that would go a long way to helping solving that
17 problem of identifying even with those calls, with
18 those pieces of equipment hooked on them if you get a P
19 or an O, you begin to suspect something or other about
20 the caller. That's what one of the things reasons we
21 were asking is if you change that, would that not help
22 the whole situation.

23 WITNESS SIMS: Well, I think the better way
24 to approach that if the concern is the law enforcement,
25 which we have been dealing with, we have said we would

1 come up, you know, use other alternatives for them.
2 And we have provided a number of alternatives for them.
3 In fact, they have indicated to us they would rather
4 pass a number, a valid number, rather than having an O
5 or a P. Because, from my understanding in some of
6 their investigative activities, you know, it's less
7 suspicious if a number is passed. And, therefore, we
8 have provided some alternatives for them that would
9 pass a number, and it would be a safe number.

10 COMMISSIONER MESSERSMITH: Okay.

11 WITNESS SIMS: Now, the other thing I wanted
12 to clear up was our discussion on the percent penetration.
13 When I went back and reviewed the Tennessee document,
14 the decimal place is in the wrong place. Instead of
15 80,000 subscribers, it's 8,000 subscribers. Instead of
16 12% penetration, it's 1.2%. So that's more in line. I
17 wanted to clear that up for the record.

18 COMMISSIONER GUNTER: The accountants would
19 say that's a material difference.

20 WITNESS SIMS: Absolutely.

21 CHAIRMAN WILSON: Mr. Beck.

22 NANCY H. SIMS

23 having been previously called and sworn as a witness on
24 behalf of Southern Bell Telephone and Telegraph
25 Company, resumed the stand and testified as follows:

1 CONTINUED CROSS EXAMINATION

2 BY MR. BECK:

3 Q Ms. Sims, Southern Bell has both services for
4 nonpublished numbers and unlisted numbers, does it not?

5 A That's correct.

6 Q I used the right acronym -- I always get confused
7 which is "non" and which one is "un", is that correct?

8 A You can use either -- well, you say "nonpub"
9 and "unlisted" numbers.

10 Q Could you describe the difference between
11 those two services?

12 A The nonpub number, that means that the number
13 will not be listed in the directory nor will it be
14 given out upon request if someone calls directory
15 assistance and asks for the number.

16 With an unlisted number, the number will not
17 be listed in the directory, but if somebody calls up
18 directory assistance and asks for the number, it will
19 be given out.

20 Q What are the rates Southern Bell charges for
21 nonpub?

22 A Nonpub is \$1.75 a month.

23 Q And what's the rate for unlisted?

24 A You caught me on the unlisted. Let me look
25 at my -- the nonlisted is 80 cents.

1 Q And do you know how many subscribers of
2 Southern Bell in Florida have not or subscribed to
3 nonpub?

4 A Well, the nonpub is about 17% of our
5 customers.

6 Q Do you know how many lines that is?

7 A We provided that in a interrogatory, I
8 believe.

9 COMMISSIONER GUNTER: Close to 700,000.

10 Q I think it's in excess of 800, but let me
11 identify an exhibit.

12 A Here it is.

13 Q Let's identify that exhibit.

14 A The nonpub is 834,000 rounded.

15 Q And how many customers do you have with
16 unlisted?

17 A 211,000.

18 Q So between those two services over a million
19 of Southern Bell subscribers are either nonpub or
20 unlisted?

21 A That is correct.

22 Q Do you know how much revenue Southern Bell
23 receives each year on account of those services?

24 A For nonpub we get about 14.5 million. And
25 for unlisted 551,000.

1 Q And do you know about how many residential
2 lines Southern Bell has?

3 A You mean total residential lines?

4 Q Yeah, in Florida.

5 A I just have the total lines. We have a
6 little over 4 million lines, total lines.

7 Q But that would include a lot of business
8 lines, would it not?

9 A Yes, it would. I don't have it broken down
10 in front of me on residential and business. But the
11 majority of our nonpub is residential.

12 COMMISSIONER GUNTER: Your figure 17% can't
13 be correct. 17% of 4 million is not in excess of
14 800,000, at least I don't think. It would have to be
15 something over 20% to be over 800,000. So there is a
16 difference in the figures if we're talking 4 million.
17 I'm just going back to the percentages that you used
18 previously when you said 17%. 4728, that would be
19 680,000, and you're roughly 200,000 over that. Am I
20 making myself clear? If you talked about percentage of
21 customers that avail themselves of nonpub or unlisted,
22 I think you said 17%.

23 WITNESS SIMS: 17% is the nonpub.

24 COMMISSIONER GUNTER: Okay. You're just
25 talking about --

1 WITNESS SIMS: Right. And the unlisted is
2 about 1.5%.

3 COMMISSIONER GUNTER: All right. Now, what
4 were the figures for nonpub, 800 and how many thousand?

5 WITNESS SIMS: 834,000.

6 COMMISSIONER GUNTER: There is a significant
7 difference, anyway. You'd have to have something of 4
8 million access lines if they were -- if 4 million was
9 the figure. It would be in excess of 20% to come up
10 with your 800,000 figure. Run the math.

11 WITNESS SIMS: I know what you're saying.
12 But I've got 4 million access lines is what I have been
13 shown on the report.

14 COMMISSIONER GUNTER: Okay. You're showing
15 it on your report. I'm just trying to get down to some
16 accuracy, and it was 800 and how many thousand?

17 WITNESS SIMS: 834.

18 COMMISSIONER GUNTER: 834.

19 CHAIRMAN WILSON: Let's use the real numbers
20 instead of the percentages and move on.

21 COMMISSIONER GUNTER: That would be about 21%.

22 WITNESS SIMS: This is what we respond to in
23 the interrogatories 834,456.

24 CHAIRMAN WILSON: Let's move on.

25 COMMISSIONER GUNTER: I was trying to find

1 which one was right.

2 Q (By Mr. Beck) Ms. Sims, you said -- do you
3 have any idea of those 834,000 nonpub what portion
4 would be residential and business?

5 A I only have it broken down by percentages.
6 The residential is 22.5%.

7 Q I don't understand. 22.5%.

8 A Of 834,000. In other words, well, I've got
9 --- of the total customer body, 22.5% of the residents
10 --- see, this is showing on our nonpub and nonlist that
11 of our total customers 17% have the nonpub, okay?

12 Q Ms. Sims, I don't think we're communicating.
13 Of the nonpub numbers, of the universe that's only
14 those people subscribing to nonpub, do you know how
15 many are businesses as opposed to residential
16 subscribers?

17 A Of course, this that I'm showing here doesn't
18 -- the vast majority are residents.

19 Q Would the same be true to unlisted as well?

20 A Yes.

21 Q Okay. But you don't know how many?

22 A I don't know the definite number.

23 Q Okay. Do you know about how many residential
24 lines there are in Southern Bell?

25 A No, I don't have them broken out.

1 Q Okay. Why do you think -- putting aside
2 technical definitions of what your tariff says about
3 nonpub and nonlisted, why do you think, in general,
4 public subscribe to those services?

5 A I don't know if I could give you just one
6 reason, but there are any number of reasons that people
7 will subscribe to them.

8 Mainly, that they may -- a lot of them don't
9 want annoyance calls, a lot of them have personal
10 reasons. There is any number of reasons. I mean I can
11 just sit here and name off quite a few. It may be the
12 type of work they do that they don't want calls, they
13 don't want to be bothered. Just various reasons.

14 Q Okay. And you would have to agree, would you
15 not, that Caller ID is going to change some of those
16 expectations that people have?

17 A I don't know if I'd agree with that because
18 the nonpub customer is more concerned I think with who
19 calls them. Now, they still have control over
20 initiating the call. If I call somebody, if I'm a
21 nonpub customer and I call somebody, if I don't want
22 that person to have my number, there is a way to keep
23 that from happening. But now most of the time they are
24 more concerned about who is going to call them.

25 COMMISSIONER EASLEY: Let me get in there.

1 If they are concerned and the reason why they have a
2 nonpub number is because they are concerned about who
3 is going to call them, and yeah, the minute they make a
4 phone call with Caller ID their phone number is now
5 out, it is now published unless they use one of the
6 means that you have enumerated for blocking.

7 WITNESS SIMS: That's correct.

8 COMMISSIONER EASLEY: And if they don't
9 subscribe to any of those other services, that
10 nonpublic number is out, right?

11 WITNESS SIMS: Well --

12 COMMISSIONER EASLEY: Unless they go to
13 another phone.

14 CHAIRMAN WILSON: It's out to whomever they
15 have called.

16 WITNESS SIMS: Right. I mean, if the person
17 they call has Caller ID and it shows up. Now, they
18 don't have to subscribe to anything to perform some
19 type of blocking because they could use an 0+ call.

20 COMMISSIONER EASLEY: Well, they'd have to --

21 WITNESS SIMS: They have to take some type of
22 action.

23 COMMISSIONER EASLEY: How do you propose they
24 are going to know about that, how to take that action,
25 if they don't subscribe to one of the other services?

1 Are you going to tell them about it?

2 WITNESS SIMS: I would expect if they have a
3 concern about passing their number, that they possibly
4 are cognizant of the types of services that are out
5 there. I don't think Caller ID has been hidden from
6 anybody. And if they have that much concern over
7 protecting their number, they are going to ask about
8 it. Plus, I think they've already been notified that
9 Caller ID is -- back in March when we sent out the bill
10 inserts.

11 CHAIRMAN WILSON: But in order to maintain
12 the nonpublished character of that number, they would
13 have to, in each instance that they called someone to
14 whom they wished not to give their number, use a
15 calling card or operator assisted process to block that
16 number.

17 WITNESS SIMS: If they had a need to keep
18 that number from being displayed, yes.

19 CHAIRMAN WILSON: I mean, they wouldn't
20 bother doing that if they were calling their sister or
21 somebody to whom they have already given the number, it
22 doesn't matter to them. But every time they make a
23 call to someone they don't want to reveal the number,
24 they would have to use the 75 cent or dollar option.

25 WITNESS SIMS: Right. Or some other option.

1 CHAIRMAN WILSON: Or some other option.

2 Q (By Mr. Beck) Ms. Sims, I'd like to charge
3 the topic a little bit, if I might.

4 In your direct testimony at Pages 2 through
5 4, you spend some time going through, I guess what I
6 would call engineering aspects of Caller ID, and
7 describing how the system works within Southern Bell's
8 network, is that right?

9 A That's correct.

10 Q Would you turn to Page 4 and in specific
11 looking at Lines 8 through 19. There you make a point
12 that "all functions related to capturing information
13 needed to make Caller ID operate occur in the telephone
14 network", is that right?

15 A That's correct.

16 Q That CPE is just a passive device that shows
17 what's in the network. Is that generally what you're
18 doing?

19 A That's right.

20 Q Southern Bell switches are almost entirely
21 digital now in the state of Florida, are they not?

22 A I don't know what the percentage is. We have
23 a large proportion of digital switches.

24 Q Could you tell me how -- the process you
25 describe in your testimony, this part in your

1 testimony, how that would differ from your traditional
2 trap-and-trace device and how that would work with
3 Southern Bell's network.

4 A I can't give you the specifics of how a
5 trap-and-trace device works.

6 It's my understanding that if we trace a
7 call, we're tracing it using the data that's in the end
8 office, that resides in the end office.

9 Q Let me ask you, specifically, you know, at
10 Lines 8 through 11 of your testimony where you say,
11 "All functions related to capturing the information
12 needed to make Caller ID operate occur in the telephone
13 company network." Would not exactly that same thing be
14 true for the traditional trap-and-trace in a digital
15 office?

16 A I don't know if I can answer that question,
17 because what we're trying to say here is that the
18 number is actually residing in the end office. The
19 device itself does not capture the number. The device
20 displays the number. It's passive.

21 Q Okay. But you don't have enough knowledge to
22 compare and contrast that with your traditional
23 trap-and-trace device?

24 A No, I do not.

25 Q Okay. Let me move on. Could you turn to

1 your rebuttal testimony at Page 7. What I'd like to do
2 is compare and contrast two parts of your testimony, if
3 I could. The bottom of Page 7 at Line 24, you contend
4 that "The general offering of blocking could not only
5 hamper the use of a service in emergency situations,
6 but could devalue the long-term viability of the
7 service." Is that right?

8 A That's correct.

9 Q Okay. Now, with that in mind, would you turn
10 to your direct testimony at Page 15, at the top. Where
11 you refer to a US West trial. There you state that in
12 a US West trial, callers activated per-call blocking a
13 mere 143 times out of million calls, is that right?

14 A That's correct

15 Q How do you reconcile those two statements?

16 A How do I reconcile it? Well, there are two
17 ways you could probably look at the results of the
18 trial. The -- one faction could say the 143 times,
19 which seems to be insignificant out of a million calls,
20 would mean that per-call blocking wouldn't interfere
21 with Caller ID.

22 On the other hand, you could say, "Well, if
23 only 143 were initiated, then there is really no need
24 to have per-call blocking because there's other
25 alternatives out there. If somebody really has a need,

1 they have something available. This was a short-term
2 trial.

3 What we're saying is that Southern Bell
4 believes that if per-call blocking is offered to
5 everybody, that over the long period of time when
6 Caller ID is fully deployed and customers become
7 educated about the use of Caller ID, they know it's out
8 there, what it can do, and they also know they have
9 per-call blocking, more and more are going to use
10 per-call blocking.

11 If, for instance, they do harassing calls,
12 they are going to say, "Ah, I have this per-call
13 blocking." It might deter the harassing calls for a
14 little while, but then they institute the per-call
15 blocking or more people say, "Well, I'm not going --
16 I'm going to start using the per-call blocking" and,
17 therefore, it erodes the value of the Caller ID
18 service.

19 I don't think that you can make a
20 determination that the service is going to be devalued
21 just based on this one trial because it's a short-term
22 trial. I don't know how well-educated the customers
23 are that Caller ID is out there. I think with -- when
24 it became more of an institution that yes, this is
25 available, that the service will be affected by the

1 fact that more and more people would use per-call
2 blocking. And the wrong people.

3 CHAIRMAN WILSON: That sort of assumes that
4 technology is static, that there aren't other services
5 that develop either CPE equipment that refuses to
6 accept blocked calls or a service through the network
7 that you may develop that allows a person to opt for a
8 service that doesn't even pass the call through if it's
9 being blocked.

10 WITNESS SIMS: Oh, certainly.

11 CHAIRMAN WILSON: Everything remains static,
12 what you say may occur. But you're going to see other
13 technologies that are entered that, in fact, give the
14 individual telephone subscriber the kind of control
15 that you're advocating each subscriber, both calling
16 and called party, ought to have over their own phone.

17 WITNESS SIMS: But the thing we have to take
18 into consideration is that what will this cost? Will
19 the customer be willing to purchase this in addition to
20 Caller ID? Will that be beyond what he is willing to
21 pay and will he then determine, "Well, it's not a
22 service that I need," and disconnect it. That's a
23 possibility. Of course, I can't say what might be
24 coming down the line because technology is changing as
25 rapidly as we can keep pace with it. But I do know

1 that based on, of course, evidence that we have gotten
2 from the New Jersey reports to the New Jersey
3 Commission that they do not offer blocking in New
4 Jersey the Caller ID appears to be working well. They
5 haven't had a lot of disconnections on nonpub
6 customers. They haven't had an outstanding number of
7 complaints. That's factual data. I mean, that's
8 actually what is happening today.

9 CHAIRMAN WILSON: Let me ask you something:
10 Have the numbers on nonpub and unlisted remained fairly
11 stable over time?

12 WITNESS SIMS: Yes, sir. I mean, you get the
13 growth factor there because of the influx.

14 CHAIRMAN WILSON: Doesn't -- don't
15 nonpublished numbers and unlisted numbers present
16 essentially the same kind of threat that blocking of
17 Caller ID does? You've got a product. You've got --
18 you call it a product, white pages and yellow pages,
19 and you have a certain number of people who are
20 refusing to let their numbers be identified in the
21 phonebook or through directory assistance. To the
22 extent that they decline to do that, don't you diminish
23 the usefulness of the telephone network, use of the
24 white and yellow pages to the extent people don't allow
25 their numbers to be put there? Isn't it sort of the

1 same argument? If everybody came to you and said, "I
2 want a nonpub/unlisted number." Would you consider
3 that as a deminution of the value of the telephone
4 network?

5 WITNESS SIMS: I don't know. I guess it
6 depends on how you price your telephone service. If it
7 was on a usage sensitive basis, possibly I would
8 object. I would say that it might diminish my
9 revenues. Of course, it's on a flat-rated basis, it
10 wouldn't necessarily impact but -- people are going to
11 call other people.

12 COMMISSIONER EASLEY: How would it diminish
13 your revenue? I've got to understand that.

14 WITNESS SIMS: Well, that's what I'm saying,
15 it wouldn't --

16 COMMISSIONER EASLEY: Oh.

17 WITNESS SIMS: -- in that we're pricing it on
18 a flat-rate basis. Now, if we're pricing it on a usage
19 sensitive basis, you'd want to stimulate the calling as
20 much as possible. And to that extent if people didn't
21 have access to other people's numbers --

22 CHAIRMAN WILSON: They wouldn't use the
23 network.

24 WITNESS SIMS: -- they wouldn't use the
25 network as often.

1 CHAIRMAN WILSON: Well, then, am I correct in
2 assuming that the pricing of either blocking or Caller
3 ID is what drives your policy with respect to those
4 services?

5 WITNESS SIMS: What? I'm sorry, I didn't
6 hear your question.

7 CHAIRMAN WILSON: Pricing and the revenues
8 associated with both blocking and Caller ID are what
9 drives the desire for the service?

10 WITNESS SIMS: Well, certainly, we feel like
11 the service is a revenue producer. It's like other
12 custom calling type features or TouchStar features,
13 it's something the customer has asked for. We want to
14 offer it in its purest form. We want to offer it in
15 the way we feel like it's intended to be used.
16 Certainly, there is room for abuse. It's just like
17 anything else that you roll out that you hope will be
18 used in the proper way. You may make some assumptions
19 "Well, somebody might use it in the way it's not to be
20 intended," but that's not necessarily a reason not to
21 offer the service.

22 CHAIRMAN WILSON: Go ahead, Mr. Beck.

23 Q (By Mr. Beck) Ms. Sims, let me return to
24 your testimony. That portion of your direct testimony
25 where you cite the US West trial. There you cite the

1 very low incidence of blocking to support your
2 contention that most people don't need or desire
3 anonymity, is that right?

4 A Well, it just shows that it doesn't appear
5 that the blocking was a real big factor.

6 Q But don't you cite that for your proposition
7 that the majority of customers have no need or desire
8 for anonymity? Isn't that what your testimony says at
9 the top of the page?

10 A Yes.

11 Q But then when opposing per-call blocking, you
12 say that the general offering of blocking could devalue
13 the long-term viability of this service, is that right?

14 A That's right. And I think I explained what I
15 was saying there. That over the long term that the
16 number of instances of per-call blocking could increase
17 with customer education.

18 Q Would you agree that the contention about
19 devaluing a service is based in major part on
20 speculation by Southern Bell?

21 A I would say that on both sides of the fence
22 that both Southern Bell and opposing parties are using
23 speculation on this issue because the only thing we
24 have to go by is a couple of trials that had been done
25 using blocking. We have the opinion that it will

1 devalue the service because we believe the customer
2 wants to see the number. In fact, we have been told
3 that. We know that in New Jersey it's working without
4 call blocking. And we are speculating that it would
5 devalue the service. But we do have some facts that
6 show that the service works well without the blocking.

7 Q Okay. Let me change a little bit again
8 Ms. Sims.

9 Southern Bell has a product manager for
10 Caller ID, does it not?

11 A Yes, they do.

12 Q Okay. And that's not you, is it?

13 A They work for BellSouth Services.

14 Q Okay. Who is the project manager to Caller ID?

15 A I believe it's Will Hendricks.

16 Q Okay. And does that product team have
17 regular meetings?

18 A Yes, they do.

19 Q Okay. And is it correct that you have never
20 attended one of them?

21 A No. But I have had some of my people attend
22 those meetings.

23 Q So it's correct you have never attended any
24 of them?

25 A That's correct.

1 Q Okay. And in your testimony you also refer
2 to the Law Enforcement Committee, were you a member of
3 that?

4 A No, I was not. It mainly was attended by the
5 personnel in Florida.

6 Q Okay. Are you familiar with the background
7 leading up the BellSouth position to oppose per-call
8 blocking?

9 A Yes.

10 Q Okay. Didn't Southern Bell back in late 1988
11 have a position that -- against the delivery of numbers
12 in all situations and supporting per-call blocking for
13 unlisted and nonpub numbers?

14 A That's correct.

15 Q And the Southern Bell position was overruled,
16 if you will, by a regional marketing council?

17 A No. I wouldn't portray it as being overruled.
18 The regional marketing council is a council whereby
19 Southern Bell and South Central Bell along with
20 BellSouth Services discuss new products, and how these
21 products possibly will be deployed if they will be
22 deployed. It's joint decision making, joint review,
23 and there was additional information provided after the
24 1988 written Southern Bell position that after looking
25 at that additional information Southern Bell changed

1 their position.

2 Q I didn't hear you mention BellSouth
3 Corporation. Aren't members of BellSouth Corporation
4 on the regional marketing council as well?

5 A I don't know that they are. I know BellSouth
6 Services is, I know South Central Bell and I know
7 Southern Bell is.

8 MR. BECK: I'd like to have an exhibit marked
9 for identification.

10 CHAIRMAN WILSON: That would be Exhibit No. 4.
11 (Exhibit No. 4 marked for identification.)

12 CHAIRMAN WILSON: When Southern Bell had the
13 position that call blocking would be allowed for people
14 with nonpub or unlisted numbers, did that position go
15 so far as to decide whether it would be included in the
16 charge that was already being made for nonpub and
17 unlisted, that, in fact, that would be a part of that
18 service? Or was it to be something additional?

19 WITNESS SIMS: It's my opinion that that was
20 still up in the air as to what was going to be done
21 with that. I think that the position was that we would
22 want to charge for the per-call blocking.

23 CHAIRMAN WILSON: On a per-occasion basis or
24 you would charge just as you would with nonpub and
25 unlisted with a monthly fee so the line would be

1 blocked?

2 WITNESS SIMS: To charge on a per-call basis.

3 CHAIRMAN WILSON: Was there a charge arrived
4 at or a range of charges arrived at that would be
5 applicable to the blocking?

6 WITNESS SIMS: No, because -- not that I
7 know of because of the fact that at that point in time
8 all of this was still speculative as to what position
9 was really going to be taken. They were looking at
10 different avenues, you know, what affect would it have
11 on nonpub revenues? What affect would it have on other
12 stakeholders? There were all types of areas being
13 looked at by all different departments, and all this
14 information had to flow together. And blocking was a
15 possibility, but they had not done any extensive
16 studies at that point because of the fact that it is
17 expensive to do these studies. They have to do special
18 studies. They take the time to do that and usually the
19 -- once they decide that yes, the product will be
20 deployed this way, then additional research is done as
21 to what the cost would be, what the price would be and
22 so forth afterwards.

23 CHAIRMAN WILSON: All right. Mr. Beck.

24 Q (By Mr. Beck) Ms. Sims shall do you have
25 Exhibit 4 in front of you?

1 A Yes, I do.

2 Q Okay. Could you tell me who J. C. Edwards
3 is?

4 A J. C. Edwards presently works for BellSouth
5 Services, and he's -- the product manager for Caller ID
6 reports to him. I don't know his exact title. I
7 believe he's a segment manager.

8 Q Okay. And back in November -- on November
9 1st, 1988, did Mr. Edwards work for Southern Bell?

10 A I'm not sure. I don't know exactly when he
11 went to BellSouth Services.

12 Q Would you agree that this paper or this
13 document accurately portrays the Southern Bell position
14 as it existed before the regional marketing council
15 made its decision? (Pause)

16 A Yes.

17 Q Could you tell me about when the regional
18 marketing council made its decision on per-call
19 blocking?

20 A I want to say it was prior, of course, to all
21 of our filings. It was in 1989, I want to say the
22 first part of 1989.

23 Q Ms. Sims, does Southern Bell have an
24 Annoyance Call Bureau, I guess, an Annoyance Call
25 Center?

1 A Yes.

2 Q Where is that located?

3 A I don't know exactly where it's located in
4 Florida.

5 Q Okay. Could you tell me what the function
6 served by an Annoyance Call Center are?

7 A Well, they usually take complaints from
8 customers on annoying calls. They also perform tracing
9 for customers. They are called upon to interface with
10 law enforcement for security reasons, too, is my
11 understanding.

12 Q Okay. So if you were a Southern Bell
13 customer that had received an obscene, harassing or
14 annoying call, is that where you would be directed?

15 A Yes.

16 Q Okay. Could I have an exhibit marked for
17 identification?

18 CHAIRMAN WILSON: Yes.

19 (Exhibit No. 5 marked for identification.)

20 CHAIRMAN WILSON: Let me ask you about this
21 exhibit. I missed -- who is Jim Gadd, who was he in
22 1988?

23 WITNESS SIMS: Jim --

24 CHAIRMAN WILSON: I'm sure he's the same
25 person today, but what position did he hold in 1988?

1 WITNESS SIMS: Jim changes jobs quite often.
2 He's a moving target, but he's basically been in
3 marketing, with BellSouth Services recently.

4 CHAIRMAN WILSON: Was he with BellSouth
5 Services in November of 1988?

6 WITNESS SIMS: I believe he was.

7 CHAIRMAN WILSON: All right. Who was
8 Mr. Edwards?

9 WITNESS SIMS: J. C. Edwards currently works
10 for BellSouth Services in the product --

11 CHAIRMAN WILSON: Who did he work for in
12 1988?

13 WITNESS SIMS: Sometime during that time
14 period he went to BellSouth Services. Prior to that he
15 was working for Southern Bell. And I can't -- it would
16 be based on subject to check he worked for Southern
17 Bell at this particular time.

18 CHAIRMAN WILSON: Well, based on the contents
19 of the memo it sounds like he was working with Southern
20 Bell at that time.

21 WITNESS SIMS: -- he was working for Southern
22 Bell at that time.

23 COMMISSIONER BEARD: Do other phone companies
24 have the Annoyance Call Center that you all have?

25 WITNESS SIMS: It varies by company.

1 COMMISSIONER BEARD: In Florida.

2 WITNESS SIMS: Do what?

3 COMMISSIONER BEARD: In Florida. Or do you
4 know?

5 WITNESS SIMS: I don't know in the other
6 companies. I know that it varies from company to
7 company because like, for instance, New Jersey Bell
8 does not have an Annoyance Call Bureau.

9 COMMISSIONER BEARD: Let me ask you just
10 about yours then. Maybe that's another one of these
11 generic policies we want to look at some day.

12 If my phone -- if I receive an obscene phone
13 call or bomb threat or whatever, and I contact that
14 center, okay, and you all perhaps would institute a
15 trap-and-trace?

16 WITNESS SIMS: Well, it's a pretty
17 complicated process if you don't already have, if
18 you're not subscribed to Call Trace. If you're just a
19 customer out there and you haven't presubscribed to
20 Call Trace, you get an obscene phone call, you may call
21 the Call Annoyance Bureau. The Call Annoyance Bureau
22 will, if you feel like that you might get one of these
23 calls again, they are willing to send out a package to
24 you to keep a log on these calls.

25 COMMISSIONER BEARD: Let's back off and let's

1 say that Call Trace, that I had subscribed to Call
2 Trace.

3 WITNESS SIMS: You have subscribed to Call
4 Trace?

5 COMMISSIONER BEARD: Let's just say I have.

6 WITNESS SIMS: Okay, and you get an obscene
7 call. After you get the obscene call, if you hang up,
8 you activate the Star 57, I believe, is what the code
9 is. And you get a little announcement that tells you
10 it has been activated and then it will say you need to
11 call the Call Annoyance Bureau to report this.

12 So you call in to the Call Annoyance Bureau;
13 we tell you that you need to, if you receive another
14 one of these calls, you need to activate your Call
15 Trace again. And we do not really take any action
16 until after at least we get two successful traces.

17 COMMISSIONER BEARD: At least two. In
18 reality, how many do you normally get before you do
19 anything?

20 WITNESS SIMS: It varies. It depends on the
21 customer, or how severe the customer feels the problem
22 is. But we will have the record there after two
23 traces, and we will take action if the customer wants
24 us to take action after the two traces. He can go to
25 law enforcement after the two traces if he wants to.

1 COMMISSIONER BEARD: Let's say the customer
2 calls you up and says, "They have threatened to burn my
3 house down and kill me." Then what do you do?

4 WITNESS SIMS: We would work with that
5 customer. We would probably advise that customer to go
6 to the law enforcement at that time.

7 COMMISSIONER BEARD: Do you follow up on the
8 relationship between the customer and these phone
9 messages and law enforcement action?

10 WITNESS SIMS: What we do is we basically
11 turn it over the law enforcement and law enforcement
12 would come back to us and work with us on either
13 further track and trace on it or whatever they want to
14 do with it.

15 COMMISSIONER BEARD: So really yours, other
16 than a technological standpoint, yours is a very
17 passive role. You might recommend to the customer,
18 okay, go call law enforcement. And if law enforcement
19 doesn't come to you, you take no further action?

20 WITNESS SIMS: Not unless we're told by the
21 customer to take further action or by law enforcement
22 to take further action. Sometimes it can be a very
23 long, drawn-out process because the customer -- most of
24 the customers do not go to the law enforcement.

25 COMMISSIONER BEARD: The only action the

1 customer can tell you to take is when they punch the
2 code again and it activates again?

3 WITNESS SIMS: When he activates it, the Call
4 Annoyance Bureau does not get involved until he
5 actually calls the Call Annoyance Bureau. The
6 activation is really not considered an actual complaint
7 to the Call Annoyance Bureau until he follows up with a
8 call to the Call Annoyance Bureau.

9 COMMISSIONER BEARD: My point is that once he
10 has called you two or three times, let's say, your next
11 action is to recommend that that individual call law
12 enforcement, right?

13 WITNESS SIMS: Well, no. What we will do, if
14 the subscriber wishes, we will write a letter to the
15 offending party, the caller, and say, "Look, you know,
16 you've done this a few times, you have been calling
17 this person; you need to quit." We will actually
18 write the letter rather than -- if the law enforcement,
19 if it's not a situation where they're going to burn
20 your house down and threaten your a life, it's really
21 at the whim of the caller -- I mean the called party.

22 COMMISSIONER EASLEY: I'm remembering
23 something a little different from -- I wish I could
24 tell you which service hearing and I wish I could tell
25 you who the witness was. But I am certain that it was

1 a Company witness, I just don't remember where. But it
2 was my impression that the customer receiving the
3 threatening or annoying phone call who had Call Trace
4 would have to, indeed, begin any kind of action by you
5 by requesting it. And that your action then was
6 notification of law enforcement of the telephone number
7 at the request of the customer. But I was under the
8 very clear impression that after like the third call --
9 and three is what sticks in my mind -- that you did an
10 automatic notification of law enforcement and that all
11 you did was notify law enforcement.

12 WITNESS SIMS: No, we do not. It's my
13 understanding, and based on our directions, that we do
14 not automatically notify law enforcement.

15 COMMISSIONER EASLEY: It is only at the
16 request of the customer, and the customer has to
17 specifically request that law enforcement be notified?

18 WITNESS SIMS: Unless we feel that perhaps
19 there's some pressing situation that should be turned
20 over to the law enforcement. There is some judgment
21 used, but --

22 COMMISSIONER EASLEY: That's the threat of
23 murder and arson?

24 WITNESS SIMS: Right. In the normal
25 situation, the customer will request it to be turned

1 over to the law enforcement.

2 COMMISSIONER BEARD: I'm just trying to
3 understand your actions.

4 The problem is that since this has begun, I
5 inadvertently had -- I keep making the mistake of going
6 back over to rural Northeast Florida, where people know
7 how to call you up and they don't even -- and most of
8 them know your number anyway. I have had two
9 situations where people have called me where they're
10 into this problem, deeply into this problem. You're
11 not the company that's involved, but I'm trying to
12 generically understand what companies are doing.

13 WITNESS SIMS: Right. And I'm sure it's very --

14 COMMISSIONER BEARD: And it's not being
15 successful. Whatever is happening is not being
16 successful.

17 WITNESS SIMS: It varies by company because
18 some companies don't have Call Annoyance Bureaus.

19 We try to accommodate the customer. That's
20 the reason it's very difficult for me to say we do it
21 automatically after two, automatically after three,
22 because it's going to vary by the situation. But very
23 rarely does it go to law enforcement.

24 It sometimes goes to the point of us writing
25 a letter to the caller and saying, "Don't do this," and

1 it stops. Sometimes we make suggestions to the
2 customer that, you know, you hang up, or whatever.
3 There's a lot of judgment used in discussions with
4 individual customers, depending on the situation. But
5 we do have procedures that we will follow, and
6 depending on how the customer reacts to what is going
7 on.

8 COMMISSIONER MESSERSMITH: As a matter of
9 fact, there's 11 pages of procedure for the Annoyance
10 Call Center. And directing to what Commissioner Easley
11 was talking about, actually, according to their
12 procedures, the telephone company will not disclose the
13 identification of this number to anyone or law
14 enforcement unless the customer elects to pursue
15 prosecution. And they will only release it on demand
16 of service of a lawful subpoena; they will not release
17 it in any circumstances to the person receiving the
18 offending call.

19 WITNESS SIMS: That's correct.

20 COMMISSIONER MESSERSMITH: I think what we --
21 in a lot of places in this public hearing, a lot of
22 people we talk to, I asked the question particularly,
23 you might recall, about people who had Call Tracing,
24 how happy they were or unhappy with it. And I think
25 basically they thought they were trying to tighten a

1 stripped screw when they used Call Tracing and it never
2 really tightened up.

3 MR. BECK: Commissioner Messersmith, is that
4 an 11-paged Call Annoyance Bureau instruction?

5 COMMISSIONER MESSERSMITH: Is it a what,
6 please?

7 MR. BECK: I'm just wondering what you're
8 reading from?

9 COMMISSIONER MESSERSMITH: I'm reading from
10 the Call Procedures that the telephone company uses for
11 the people who run the Annoyance Call Centers.

12 Q (By Mr. Beck) Ms. Sims, in addition to those
13 functions of the Annoyance Call Center, Southern Bell
14 has also used its Annoyance Call Center to solicit
15 favorable testimony to this Commission on Caller ID,
16 has it not?

17 A I'm not aware of it being of favorable
18 testimony. I do know that after the bill inserts were
19 sent out, there were some, there were records kept, I
20 believe, of complaints or inquiries on Caller ID, and
21 those reports were given to the Commission. But I
22 don't know that there was -- whether or not that was
23 handled through the Call Annoyance Bureau, I'm not
24 sure. Some of it may have come from the business
25 office.

1 Q Do you have Exhibit 5 in front of you?

2 A This says "Exhibit 7."

3 Q Letter from D.A. Wallace, Manager, Call
4 Annoyance Center. Would you take a look at that?

5 CHAIRMAN WILSON: I don't know whether we
6 marked that or not, but that would be marked as
7 Exhibit 5.

8 WITNESS SIMS: Okay.

9 Q (By Mr. Beck) This is a memo from the
10 Manager of the Annoyance Call Center in Fort
11 Lauderdale, is it not?

12 A Yes. I'm familiar with her name.

13 Q Okay. And does not this memo ask that the
14 people in the Annoyance Call Center furnish to Public
15 Affairs the name and telephone number of customers who
16 are particularly favorable about the Company offering
17 Caller ID?

18 A Yes. It does. It looks like it's an
19 internal memo, but I do know that we kept records of
20 complaints, as well. And that was furnished to the
21 Commission.

22 Q And the memo is addressed to "all Annoyance
23 Call Center personnel," is it not?

24 A Right.

25 Q Would you take a look at the attachment?

1 (Pause) The attachment asks why are they favorable
2 about Caller ID, does it not?

3 A Yes.

4 Q Wasn't this memo used to solicit testimony
5 only, or only that testimony that would be favorable to
6 Southern Bell's position and to use it before the
7 Florida Public Service Commission?

8 A I don't know exactly what it was actually
9 used for. It appears to be a way to identify those
10 stakeholders that are favorable or in favor with Caller
11 ID.

12 Q Do you not know how the Company used its
13 Annoyance Call Center to solicit the favorable
14 testimony on Caller ID?

15 A No. I do not.

16 Q You don't have any personal knowledge about
17 that?

18 A No. All I know is what it says in this
19 letter. I don't know what they actually did with it.

20 Q Or how it was used?

21 A No. I do know there has been extensive
22 stakeholder work. That we identify both those who are
23 opposed and those who are in favor of Caller ID. And
24 of course we try to get support for Caller ID and try
25 to recognize those who are opposed to it, and find out

1 why people are opposed to it and why they support it.
2 That way it makes it easier for us to work with those
3 stakeholders if we know why people are for it and why
4 they are against it.

5 Q This memo doesn't seek out anybody against
6 it; it only seeks out those in favor of it, does it
7 not?

8 A No. But we certainly have plenty of
9 documentation about why people are against it.

10 Q Ms. Sims, in your direct testimony you spend
11 about three pages quoting comments made to the
12 Commission at its July 17 Agenda Conference, do you
13 not? Pages 19 through 21?

14 A Yes. We do.

15 Q Do you know whether Southern Bell procured
16 any of that testimony as a result of the soliciting
17 people from the Annoyance Call Center?

18 A I don't know exactly what prompted these
19 parties to participate. I know that one of the ladies
20 has testified in many agenda sessions, and she does it
21 on her own. I think that's Stacy Blalock.

22 Q Stacy Blalock?

23 A I believe that was her name.

24 Q Do you know whether Southern Bell has been
25 contacting people to get them to write letters to the

1 Commission favorable to Caller ID?

2 A Do what? I'm sorry.

3 Q Whether Southern Bell has been contacting
4 people to get them to write letters to the Commission
5 favorable to Caller ID?

6 A I'm not aware of anything directly, no. I
7 mean, I know that there was some controversy in North
8 Carolina about letter writing.

9 MR. BECK: May I have another exhibit marked
10 for identification? Is this Exhibit 6?

11 CHAIRMAN WILSON: Will be Exhibit No. 6.
12 (Exhibit No. 6 marked for identification)

13 Q (By Mr. Beck) Could you take a minute and
14 look at all three pages of Exhibit 6, if you would.
15 (Pause)

16 A Okay.

17 Q Ms. Sims, do you know who Gary Allington is?

18 A I didn't know who he was until this morning.

19 Q Is he an Operations Manager at Southern
20 Bell's Miami office?

21 A I know he works for Southern Bell in Florida,
22 I don't know exactly what his function is.

23 Q Could you turn to the third page of Exhibit
24 6? At the bottom?

25 A Yes.

1 Q Do you see where he indicates to the chief
2 here that, "Please do not reflect that you have sent me
3 a copy of your letter or cc'd a copy to my attention"?
4 Do you see that?

5 A Yes.

6 Q Do you know why Mr. Allington would be asking
7 this person to write the Commission but not indicating
8 that they had copied Southern Bell?

9 A No, I sure don't.

10 Q Do you know to what extent Southern Bell is
11 engaged in that of activity?

12 A No. I do not. I do know that Southern Bell
13 has worked very closely with law enforcement throughout
14 this whole proceeding. And we have been in contact
15 with all types of law enforcement agencies, both in
16 group and individually, and certainly there have been
17 differing opinions among the law enforcement groups as
18 to how they feel about Caller ID.

19 Q Do you know why a request for production of
20 document to Southern Bell would produce tens of letters
21 addressed to the Commission all in this same type of
22 format?

23 A No. I do not.

24 Q Who would know in Southern Bell about that,
25 or who do you think would be likely people that would

1 be knowledgeable about that?

2 A I would assume you would have to ask the
3 Florida personnel.

4 Q Do you think Mr. Vic Beninotti might be a
5 candidate for that?

6 A I don't know. It doesn't appear to have come
7 out of -- I don't know. I don't know who Gary
8 Allington reports to or what actual group he works
9 with.

10 Q You don't know which people in Southern Bell
11 might be knowledgeable about activities to present
12 letters or testimony to the Commission?

13 MR. FALGOUST: Mr. Chairman, she's already
14 answered she doesn't know except for Florida personnel.
15 I object.

16 Q (By Mr. Beck) You don't know, Ms. Sims?

17 CHAIRMAN WILSON: I think she has already
18 answered.

19 You do not know, is that --

20 WITNESS SIMS: I do not know particularly who
21 would be the right person to go to, who specifically.

22 MR. BECK: Let me change topics.

23 Q (By Mr. Beck) On Call Trace, Ms. Sims, am I
24 correct that Southern Bell is opposed to offering Call
25 trace on a per-call basis? In other words, charging

1 for Call Trace on a per-call basis?

2 A Yes. That's correct.

3 Q And I gather you have based that upon some
4 comparison of the trial of Call Trace in Orlando
5 compared to Natchez, Mississippi, is that right?

6 A That's correct. That was one of the factors,
7 yes.

8 Q And you describe that, starting at Page 22,
9 Line 4, of your direct testimony? Is that right?

10 A Page what? I'm sorry.

11 Q Page 22 of your testimony.

12 A Yes.

13 Q In making that decision, did Southern Bell do
14 a cash flow analysis, deciding whether a flat rate or a
15 usage-based rate would produce higher cash flows for
16 the Company?

17 A Yes. They looked at the revenues and made a
18 determination that the flat rate pricing was a better
19 revenue producer.

20 Q And is that the sole basis for deciding to
21 offer Call Trace on a flat rate as opposed to a
22 per-call basis?

23 A It's one of the major factors. The other
24 factor, there are also other factors involved in that
25 you have to look at what the cost would be to put it on

1 an activation-type basis. And we don't know exactly
2 what that cost would be, because that is going to take
3 more investigation. Because you do have to make the
4 memory available in all the switches because you don't
5 know exactly what the activation level would be.

6 There are also some billing concerns because
7 it is a usage-based billing arrangement which requires
8 additional lines on the bill and so forth. So we would
9 have to set -- determine what the appropriate price
10 would be for that type of a service.

11 Q In making the comparison between the Orlando
12 trial and the Natchez, Mississippi, trial, what was the
13 flat rate that was used in Natchez, Mississippi, for
14 that comparison?

15 A I believe it was \$4. Let me double check
16 here. I'm sorry, it was \$5.

17 Q And what was the usage charge charged by
18 Southern Bell in the Orlando trial to compare that to?

19 A \$5.

20 Q So you compared your revenues under charging
21 people \$5 a month in Natchez, Mississippi, compared to
22 \$5 per use in Orlando, is that right?

23 A That's correct.

24 Q Were there any other prices that were tried
25 in making this comparison?

1 A No. We just used the number of activations
2 that we had experienced in Natchez and applied the rate
3 that we would have received in Orlando and it turned
4 out to be a significant drop in revenue, even at the \$5
5 rate per activation.

6 Q Do you think that comparison shows that
7 people were willing to pay \$5 a month simply to be able
8 to use Call Trace, even though they may or may not use
9 it?

10 A Yes. I think it's very similar to an alarm
11 service to a certain extent. It's a security measure
12 for some people. Some people have absolutely no need
13 to presubscribe to Call Trace, they don't get that many
14 harassing or obscene calls or calls that they would
15 deem to be one that they would want to report.

16 With an alarm service, you buy an alarm
17 service and you pay a monthly fee for it in hopes that
18 you never have to use it, but you pay that monthly fee.
19 Now, if you had to do it on a per-activation basis, I
20 doubt there would be very many alarm companies in
21 business.

22 CHAIRMAN WILSON: But those are the only two
23 pricing structure comparisons you have is \$5 a month
24 and \$5 a call?

25 WITNESS SIMS: Yes. Now, you could do any

1 number of calculations to determine, you know, you
2 could do all type of revenue analysis. We did this
3 because this was actual experience we had had to
4 compare activations on a flat-rate basis versus
5 activations on a per-call basis.

6 CHAIRMAN WILSON: Are there any states or any
7 companies in the Bell system that you're aware of that
8 use any other pricing scheme other than a monthly flat
9 rate or a per-activation charge?

10 WITNESS SIMS: That use anything other than
11 that?

12 Those are the only two I've heard of that
13 they use -- I've heard some using a flat fee per month.
14 In other words, you would subscribe to it but you also
15 -- you pay the flat fee but you also pay an activation
16 charge, too. So some combine the two.

17 CHAIRMAN WILSON: Do you know who that is
18 that does that?

19 WITNESS SIMS: Not right offhand.

20 Q (By Mr. Beck) Ms. Sims, how is a person
21 going to know ahead of time that they're going to need
22 Call Trace?

23 A Well, they don't in most cases, if it's just
24 an occasional call that is a problem or annoying call.
25 But you do have those that maybe have teenaged

1 daughters or have situations where perhaps they get
2 quite a few calls that they deem to be annoying. Maybe
3 they're not annoying to the point that it really
4 requires law enforcement involvement or actual calls
5 into the Call Annoyance Bureau, but they feel more
6 comfortable having Call Trace.

7 MR. BECK: I wonder if I might have a minute,
8 Commissioner? This would be a good opportunity for a
9 short break.

10 CHAIRMAN WILSON: Let's take a short break.

11 (Brief recess.)

12 - - - - -

13 CHAIRMAN WILSON: Go ahead.

14 Q (By Mr. Beck) Ms. Sims, you mentioned
15 earlier that New Jersey Bell charges \$1 per call for
16 Call Trace, does it not?

17 A Yes.

18 Q And, do you know, was Call Trace implemented
19 in New Jersey at the same time that Caller ID was put
20 into effect?

21 A I'm not sure. I think it was put in prior to
22 that. I'm not sure.

23 Q Okay. You don't know by how much?

24 A No, because I've been following the New
25 Jersey studies mainly for the Caller ID issue and

1 that's been, you know, since October of '88, I believe.

2 Q Call Trace is a deterrent to harassing and
3 obscene phone calls, is it not?

4 A Yes.

5 Q Does Southern Bell also promote Call Trace as
6 a way of dealing with annoying or nuisance calls?

7 A Well, it's been advertised, as I believe, in
8 certain publications for annoying calls, nuisance calls.
9 I have made suggestions that perhaps that advertising in
10 that publicity should be tightened up to a certain extent
11 to reduce the number of calls that are really not
12 necessary, that it really should be proposed as a service
13 that is used when a call is like, for instance, an obscene
14 call or a threatening call, a serious situation rather
15 than just calling in because it's a solicitation call or
16 annoying call that you just want to get rid of. I think
17 that's kind of an abuse of the service. It also causes
18 additional cost, additional manpower in the Call Annoyance
19 Bureau where that manpower could be better utilized for
20 more serious situations.

21 MR. BECK: Could I have an exhibit marked for
22 identification.

23 COMMISSIONER GUNTER: Yes.

24 MR. BECK: Be No. 7.

25 (Exhibit No. 7 marked for identification.)

1 Q (By Mr. Beck) Ms. Sims, I'd like to go
2 through these ads of Southern Bell and see if you think
3 those are proper uses of Call Trace or not.

4 See the first one where somebody gets a call
5 at 3:00 in the morning and it's a crank call?

6 A Yes.

7 Q And Southern Bell advertises it says, or
8 advertises Call Trace as a way of dealing with this
9 type of crank call, does it not?

10 A Yes, it does.

11 Q Okay. And would you say that's a proper use
12 of Call Trace?

13 A The -- like I said before, I believe Call
14 Trace is more appropriately used for the more offensive
15 calls, the more threatening call. To the extent that
16 the customer feels that these type of calls are such a
17 bother that they want action taken, at least the Call
18 Tracing offers them the ability if they activate it to
19 have it captured in case they call back again.

20 I really don't think it's necessarily the
21 proper way to use it because I think it's made some
22 unnecessary calls to our Call Annoyance Bureau.

23 COMMISSIONER GUNTER: Mr. Beck, may I ask a
24 question, please?

25 MR. BECK: Yes.

1 COMMISSIONER GUNTER: Is Call Trace a
2 tariffed item?

3 WITNESS SIMS: Yes, it is.

4 COMMISSIONER GUNTER: Does the tariff -- and
5 I don't have the tariff before me, but does the tariff
6 call out for, you know, there's a specific action on
7 the part of the customer to sign up and to pay the
8 bill, is that right?

9 WITNESS SIMS: Yes.

10 COMMISSIONER GUNTER: All right. For that
11 service, does the tariff spell out the responsibilities
12 of the company under that offering?

13 WITNESS SIMS: Yes. We will provide the
14 service. If he activates it and he calls us --

15 COMMISSIONER GUNTER: No. See, you're
16 talking about what you prefer and what you prefer.

17 WITNESS SIMS: Right.

18 COMMISSIONER GUNTER: But what does the
19 tariff say?

20 WITNESS SIMS: The tariff --

21 COMMISSIONER GUNTER: If the tariff doesn't say
22 anything --

23 WITNESS SIMS: -- the tariff really doesn't
24 say what type of a call Call Trace is to be used for.
25 In other words, the tariff spells out the service

1 that's provided and --

2 COMMISSIONER GUNTER: Well, then maybe that's
3 an incomplete tariff and we need to revisit it because
4 there has to be --

5 WITNESS SIMS: That's a possibility.

6 COMMISSIONER GUNTER: -- has to be a
7 circumstance on where the responsibility is with the
8 company. Because just saying you're going to have Call
9 Trace, you know, that doesn't really mean anything.
10 But what are you going to do for that service? What is
11 that service, how does it work and what does the
12 customer get for it? Does that make sense?

13 WITNESS SIMS: Yes, absolutely. And we have
14 recognized that perhaps the advertising has not been
15 the best. It could have been tightened somewhat, to be
16 more specific.

17 COMMISSIONER GUNTER: Could this statement
18 perhaps be characterized as perhaps being misleading?

19 WITNESS SIMS: I wouldn't say it's
20 misleading. Customers, believe it or not, use Call
21 Trace for this type of call. I mean, they subscribe to
22 it and they use it. They use it for solicitation
23 calls, and that was -- it's a service, the customers
24 use it for that and that's their option. If they
25 purchase it to use it for that and they elect to use it

1 for that, but it would be more appropriate if they were
2 using it for -- in the way really it should be intended
3 to be used.

4 COMMISSIONER EASLEY: The tariff does not say
5 the purposes for which the customer should use Call
6 Trace. Does the tariff say what will happen -- what
7 the company will do after the Call Trace is initiated
8 or activated?

9 WITNESS SIMS: I don't think it details
10 exactly what will happen because that would go into the
11 call annoyance procedures, you know, and that varies by
12 customer.

13 COMMISSIONER EASLEY: Does it even talk about
14 the call annoyance procedures in the tariff?

15 WITNESS SIMS: Let me double check, I don't
16 believe it does.

17 CHAIRMAN WILSON: I'm kind of curious because
18 the customer, I'm looking at this first example of a
19 copy from the ad, it's Draft No. 3. It's a nuisance
20 phone call at 3:00 in the morning. What representation
21 does the Company make to the customer that's going to
22 be the consequence of them activating Call Tracing
23 under this kind of circumstance?

24 WITNESS SIMS: What representation --

25 CHAIRMAN WILSON: Does the Company make to a

1 customer. "Okay, customer, you get a call at 3:00 in
2 the morning, you activate Call Tracing and we're going
3 to --"

4 WITNESS SIMS: Well, when they activate the
5 Call Tracing it will indicate by reporting the call to
6 the Call Annoyance Bureau, to follow up with a call to
7 the Call Annoyance Bureau, and oftentimes the customer
8 either does it or they don't do it. The majority of
9 the times they do not even follow up with a call to the
10 Call Annoyance Bureau. They activate the Call Trace
11 and nothing ever comes of it.

12 CHAIRMAN WILSON: They activate Call Trace
13 upon the ---

14 WITNESS SIMS: Right after they receive the
15 call.

16 CHAIRMAN WILSON: -- after they receive the
17 call. After they activate the Call Trace, they get a
18 recording back from the Company --

19 WITNESS SIMS: Right.

20 CHAIRMAN WILSON: -- that says, "If you wish
21 to proceed further, please contact the Call Annoyance
22 Bureau."

23 WITNESS SIMS: Right.

24 COMMISSIONER EASLEY: Do they know what's
25 going to happen if they contact the Annoyance Bureau?

1 Does the Company tell them here's what happens from
2 then on?

3 CHAIRMAN WILSON: If I understand what you've
4 said, it can be different for many customers.

5 WITNESS SIMS: It can be different --

6 CHAIRMAN WILSON: They can ask you to write a
7 letter to whoever this is that says "Please stop
8 calling this other number at 3:00 in the morning."

9 WITNESS SIMS: Right, right. It can vary.
10 What they do know is that Southern Bell will
11 have a record of this call and that they -- that we
12 will take action if they want action to be taken.

13 COMMISSIONER BEARD: Well, in fact, once I
14 purchase this service on a monthly basis, I make the
15 determination of what's an annoyance to me and I activate
16 the service based on my threshold. If it's an aluminum
17 siding salesman at 6:00 in the evening when I'm eating
18 dinner, that's an annoyance and I'm going to punch the
19 thing in and decide later, after I've digested my meal,
20 whether I want to do something about that or not.

21 WITNESS SIMS: That's correct.

22 COMMISSIONER BEARD: And that's the risk you
23 take on selling it on a flat-rate basis.

24 WITNESS SIMS: That's right.

25 Q (By Mr. Beck) Ms. Sims, I guess the first

1 two ads here are both crank calls, but you disagree
2 with the Company's promotion of it in that way?

3 A I think that the Company, and it's not just
4 my thinking, it's been talked about because of the
5 increase in calls to the Call Annoyance Bureau that
6 rather than -- if you want to decrease these calls into
7 the Call Annoyance Bureau so that we can keep the expense
8 down, then you need to tighten up the advertising and try
9 to reduce these number of calls that are being produced.
10 And one way to do that is to limit your advertising, and
11 to promote it as a true Call Trace service.

12 A To that it is as a true Call Trace service.

13 Q Could you turn to the third ad, the one that
14 is has Call Tracing on the bottom and the person by the
15 bed, where it says, "You're fast asleep and the phone
16 rings, it's an annoying or abusive call." Do you see
17 that one?

18 A Uh-huh.

19 Q To the right of that word it describes the
20 action, it says, "Ask us to take appropriate action.
21 And the action we take varies, so ask for details."

22 A Uh-huh.

23 Q What do you tell customers when they call up
24 and ask for the details?

25 A Well, we tell them basically what I have been

1 saying to you at this point, that, you know, the
2 customer has a choice of asking us to write a letter.
3 You know, if there's two or more successful traces of
4 the number, if it's a repeat situation, then we will
5 write a letter to the customer, whoever -- the caller,
6 we will write a letter to the caller, asking him to
7 stop. If it persists, we may even disconnect the
8 service, the caller service. We can go that far if
9 customer still doesn't want to involve law enforcement.

10 Now, we also tell the customer that he can go
11 to the law enforcement. If it's a threatening
12 situation, an abusive situation, we will be glad to
13 work with them.

14 COMMISSIONER MESSERSMITH: Mr. Beck, if I
15 might?

16 Why won't the Company release that number to
17 the citizen?

18 WITNESS SIMS: Because we have taken the
19 position that we would rather have the customer deal
20 with the law enforcement if it's an abusive,
21 threatening situation.

22 COMMISSIONER MESSERSMITH: Well, then, that
23 would be, that would bring me to a good question then
24 on Caller ID.

25 I've asked the question one time, in fact at

1 the conference, I asked the questions with the states
2 where they had a Caller ID and asked them if there were
3 a situation that you could find brewing when the Caller
4 ID was implemented where you had the vigilante-type
5 action of people who had Caller ID. You're saying that
6 you don't release the name from caller trace because
7 you fear that type of action?

8 WITNESS SIMS: Because we have chosen not to
9 get involved between the law enforcement and the
10 customer. In other words, if the law enforcement comes
11 to us with the proper directives and so forth, the
12 number to be turned over, we would go to court with the
13 law enforcement, you know, with the customer, to
14 testify.

15 COMMISSIONER MESSERSMITH: But you have no
16 fear of letting the caller have the number on the
17 caller ID?

18 WITNESS SIMS: Well, the caller has asked to
19 have the number on the Caller ID. Of course, they want
20 it on the Call Trace, too. And that's one of the
21 drawbacks that they have told us on Call Trace, that
22 they want the number. They want to know who is calling
23 them; they want to be able to have access to that
24 number.

25 I can't say that there would never be some

1 type of vigilante activity. Certainly that could
2 happen. From reading quote after quote in the New
3 Jersey studies, the majority of them say, "I called the
4 number back, told them I had their number and asked
5 them to not call me back and the calls stopped." Time
6 after time after time, they said, "I called the number
7 back, told them I had their number."

8 The surveys indicate that most of them just
9 want to have the number and they'll call them back and
10 say, "Look, I got your number," and the calls stop.

11 CHAIRMAN WILSON: So tell me again why you
12 wouldn't give somebody the number under Call Trace?

13 WITNESS SIMS: In Call Trace, our position
14 has been that we will not get involved between the
15 customer. I mean --

16 CHAIRMAN WILSON: I know that's your position
17 but tell me why that's your position.

18 WITNESS SIMS: That's the Company's position.

19 COMMISSIONER MESSERSMITH: Particularly if
20 you will provide it through Caller ID, I don't
21 understand. I mean, if you're willing to let it happen
22 one way, why not the other?

23 WITNESS SIMS: I think that with the call --
24 of course, I can't give you a real definitive response
25 on that. In fact, there's been some discussion about

1 wanting to give out the number on the Call Trace.

2 COMMISSIONER EASLEY: Could I ask?

3 Could it possibly be because with Caller ID
4 ostensibly you know ahead of time your phone number has
5 the potential for going out but with Call Trace you
6 don't know one way or the other? Does that have
7 something to do with it? It's the only thing I can
8 think of.

9 WITNESS SIMS: I don't know whether that
10 would be a factor. Because customers certainly know
11 that the Call Trace is out there and that they're
12 liable to be tracked down that way.

13 COMMISSIONER EASLEY: Well, you just
14 triggered another possibility, that word "liable"
15 triggered another possibility.

16 WITNESS SIMS: Yes, the liability can play a
17 part into it.

18 Q (By Mr. Beck) Ms. Sims, isn't the real
19 reason you want to sell the number? You don't want to
20 give it away with Call Trace?

21 A No, I don't think I'll agree with that.

22 COMMISSIONER EASLEY: Is that the same thing
23 as a liability?

24 WITNESS SIMS: I don't think I'll agree with
25 that.

1 Q (By Mr. Beck) You certainly have no
2 objection to selling the number in the form of Caller
3 ID, do you?

4 A I'm selling a service with that. I'm not
5 really selling the number itself; I'm selling a
6 service.

7 COMMISSIONER BEARD: I want to take up
8 something just a minute. I'm not sure I understand the
9 last little dialogue.

10 In effect, if I buy Call Trace, I'm buying
11 the number anyway; the charges are perhaps a little
12 different unless one has more market value, I'm not
13 real good at market value, I guess.

14 There is just plain an inconsistency between
15 a company, whomever the company at this level is,
16 position between divulging the number through Call
17 Trace and through Caller ID. And I have to
18 simplistically assume there is some liability
19 representation there, and I'm curious as to how that
20 liability goes away when you migrate from the service
21 Call Trace to the service Caller ID?

22 WITNESS SIMS: I can't answer that.

23 COMMISSIONER BEARD: Okay.

24 WITNESS SIMS: I'm not an attorney to respond
25 to the liability issue.

1 Q (By Mr. Beck) Ms. Sims, isn't one of the
2 problems that if you provided the number on Call Trace,
3 those people might not purchase Caller ID?

4 A That could be a factor, but I don't believe
5 that's even been discussed. Because Caller ID -- I
6 know the issue on display and the number with Call
7 Trace at least surfaced after Caller ID was a
8 well-developed product.

9 CHAIRMAN WILSON: How much do you charge for
10 Call Trace?

11 WITNESS SIMS: Call Trace is \$4.

12 CHAIRMAN WILSON: And how much are you going
13 to charge for Caller ID?

14 WITNESS SIMS: Caller ID is \$7.50. This is
15 for residential customers.

16 COMMISSIONER BEARD: And in the case of
17 Caller ID, I have to purchase the CPE as well?

18 WITNESS SIMS: That's correct. And that runs
19 anywhere from \$40 on up, depending on how many numbers
20 you want to store in your box and what bells and
21 whistles you want on the CPE.

22 Q (By Mr. Beck) Ms. Sims, Caller ID for
23 residential is \$7.50 a month?

24 A That's correct.

25 Q And for a single line business it's \$10 per

1 month?

2 A That's correct.

3 Q What is for multiline business?

4 A We do not offer it to multiline business.

5 Q You have a tariff called "Bulk Coin Line
6 Identification" filed with the Commission, do you not?

7 A That's correct.

8 Q And isn't that essentially Caller ID for
9 multiline business users?

10 A If you want to portray it like that. It's
11 got more features to it because it not only tells you
12 the number that's calling but it also tells the called
13 number. It displays, I believe, whether it was in a,
14 whether the phone, whether the number was call
15 forwarded or whether it was in a multiline hunt group.
16 There are several different things that it tells you
17 over and above what a multiline Caller ID would do.
18 Just a basic multiline Caller ID will just display the
19 number and perhaps the date and the time of the call.

20 Q That old coin line tariff is being held in
21 abeyance pending the outcome of this case, is it not?

22 A Well, it's certainly probably connected with
23 this but it's part of the O&A filing that we made in
24 August.

25 COMMISSIONER BEARD: Is that terminology you

1 just used, is that another terminology for SMDI?

2 WITNESS SIMS: No, sir. They're two separate
3 services.

4 They can be used very much by large
5 businesses for managing and controlling the calling
6 within a system or intersystem. SMDI is data driven;
7 it's more for like telephone answering-type services.

8 COMMISSIONER BEARD: Is there some form of
9 Caller ID implication in SMDI as well?

10 WITNESS SIMS: It will display calling
11 number, yes, sir. Because that's part of the functions
12 of SMDI is to display the called number, the calling
13 number, whether it was forward on a busy condition.

14 COMMISSIONER BEARD: So we can take this and
15 leapfrog it into the bulk issue and then SMDI and
16 potentially into ANI as well?

17 WITNESS SIMS: ANI passes, of course, the
18 billing number and it's usually used with billing
19 services at this point in time. It's related.

20 COMMISSIONER GUNTER: When you get to my shoe
21 size, I'm going to object. (Laughter)

22 COMMISSIONER EASLEY: They probably have
23 already got it.

24 WITNESS SIMS: Somebody probably has it.

25 COMMISSIONER GUNTER: The people at the house

1 have been confused over it, when trying to buy
2 Christmas presents.

3 CHAIRMAN WILSON: He's gotten the wrong sized
4 shoes every Christmas for the last five years. So
5 whoever has that information, please convey it to his
6 family.

7 Q (By Mr. Beck) Ms. Sims, your bulk coin line
8 tariff, that's usage-sensitive tariff as opposed to a
9 flat rate for a single line business, is it not?

10 A That's correct.

11 Q Can you tell me what the rate levels are for
12 the bulk coin line?

13 A I believe it's 3 cents per message.

14 Q Why is that tariff usage sensitive while
15 single line business is flat-rated?

16 A The big reason is, of course, like I said,
17 bulk line calling identification is offered for large
18 business application. It has market value to these
19 businesses. We have done surveys on it. It's very
20 much like, even though it's passing calling line
21 identification, it's very much akin to what AT&T is
22 offering today, the Info 2 services, which they charge
23 for on a usage sensitive basis. And they've been very
24 successful with it. There is a customer willingness to
25 pay.

1 In fact, on Info 2, they even have to pay for
2 additional charges like for Megacom services in
3 addition to the per-message charge, so we feel like the
4 3 cents is very marketable.

5 Q Okay. And one of the reasons is that
6 Southern Bell feels it will maximize its cash flow from
7 the service?

8 A That's right. It will be a high usage.
9 There would be much more usage there on a large
10 business than there would be with a small residence or
11 small business.

12 Q Does Southern Bell plan to offer a Caller ID
13 for multiline business without the customer having to
14 take the bulk calling line identification?

15 A Yes.

16 Q What is the rate structure you're going to
17 propose for that?

18 A I haven't seen the rate structure, but it
19 will probably be usage based.

20 Q Do you know when the Company plans to propose
21 that?

22 A I think they're looking at filing it sometime
23 during '91. But I don't know the exact date, because I
24 haven't even seen any drafts yet.

25 Q And, again, the reason why that would be

1 usage sensitive as opposed to the flat rate for single
2 line is value of service and maximized cash flow?

3 A And the usage, the concentrated usage that
4 goes over a business line, multiline business line.

5 MR. BECK: Commissioner, I think that's all
6 the questions I have for Ms. Sims. I know the Staff
7 intends to offer a deposition of another person and
8 have Ms. Sims sponsor it. I wish to do the same.
9 These are both depositions that were taken in Atlanta.
10 I guess the right thing to do would be to just pass it
11 around and then move it in later, even though --

12 CHAIRMAN WILSON: Are all parties -- have
13 they seen this, are they aware of that?

14 MR. BECK: No, no. I wanted to get it in
15 with Alan Price.

16 MS. GREEN: They have seen the Staff exhibit
17 that Mr. Beck is referring to.

18 MR. BECK: Let me pass it around.

19 CHAIRMAN WILSON: Why don't you pass that
20 around and we'll take that up after others have
21 examined Ms. Sims and we'll have an opportunity to look
22 at it.

23 MR. BECK: This is the deposition of Alan
24 Price. (Pause) If I could have a number for it for
25 identification?

1 CHAIRMAN WILSON: That would be No. 8.

2 (Exhibit No. 8 marked for identification)

3 COMMISSIONER BEARD: Ms. Sims is sponsoring
4 this?

5 MR. BECK: Well, I'm going to ask that she
6 sponsor it.

7 COMMISSIONER BEARD: Okay. (Pause)

8 MR. FALGOUST: Mr. Chairman, it wouldn't be
9 the first time but I may be confused.

10 I'm wondering how Ms. Sims is going to
11 sponsor the deposition of Mr. Price. This deposition
12 certainly wasn't listed in Public Counsel's Prehearing
13 Order, and Ms. Sims has not been cross examined on it.
14 I don't know that it is properly a cross examination
15 exhibit.

16 MR. BECK: I think counsel for Southern Bell
17 has an excellent point. But I think the same would be
18 true for what the Staff intends to do, offering Mr.
19 Whitehead's deposition with Ms. Sims. So I'm going to
20 do it on the same basis, whatever it is. (Laughter)

21 COMMISSIONER GUNTER: Uh-huh, et tu, Brutus.

22 MR. FALGOUST: Far be it for me to object to
23 the Staff.

24 MS. GREEN: Thank you. The Staff did not
25 intend to have Ms. Sims sponsor the exhibit in the way

1 that lawyers use that terminology. It was listed under
2 her name because she was the only Bell witness on the
3 Prehearing Order.

4 This was the subject of the earlier
5 discussions about stipulations, and I had been under
6 the mistaken impression that we had reached an
7 agreement about offering this into evidence without the
8 need to establish the foundation. So I believe Mr.
9 Beck wants to make a package deal of some kind.

10 CHAIRMAN WILSON: I would suggest, Mr. Beck,
11 that after the Company has had an opportunity to look
12 at this, if you would discuss with them whether they're
13 willing to stipulate that into the record without a
14 formal basis for doing so. And if they don't, we'll
15 charge on from there.

16 MR. BECK: I'll do that. Thank you.

17 CHAIRMAN WILSON: And see what happens.

18 Let me ask you a question about Exhibit
19 No. 4, before we go on to others' cross examination.

20 This has to do with the prior Southern Bell
21 position, which was that blocking should be offered.
22 Could I correct -- from reading this memo, would it be
23 correct to characterize what happened is that you were
24 overruled by BellSouth, Southern Bell's position was
25 overruled by BellSouth?

1 WITNESS SIMS: No. I wouldn't characterize
2 it in that way.

3 CHAIRMAN WILSON: All right, how?

4 WITNESS SIMS: There was a lot of additional
5 information that was offered that -- one of the biggest
6 concerns, as mentioned in this letter -- and by other
7 documents -- that was a nonpub revenue stream.

8 It is a stable revenue stream. I mean,
9 there's no ignoring that. There was concern that that
10 revenue stream possibly would be eroded. But based on
11 some studies that were done and based on, for instance,
12 the New Jersey experience, those fears were pushed
13 aside; and at that point that information, plus some
14 further stakeholder contacts and reviews basically
15 changed the position of Southern Bell. But BellSouth,
16 to my knowledge, did not overrule Southern Bell.

17 CHAIRMAN WILSON: Well, as I read this memo,
18 I see language like "Southern Bell feels a commitment
19 to the private listing customer and wants to continue
20 to deliver a service to them for their money. We are
21 committed to our customer base and to our own
22 integrity; therefore, the Southern Bell position should
23 remain the same."

24 I don't -- unless you're telling me that the
25 only concern that I should -- the concern that I should

1 glean from those words is merely a revenue stream from --

2 WITNESS SIMS: Well, I mean, we do furnish a
3 service to the nonpub customer. And if the nonpub
4 customer has a perception that that service -- that
5 number is protected in all instances, then certainly it
6 would compromise the nonpub customer. And that was a
7 concern and it had to be investigated fully.

8 That's one reason for filing, of course, the
9 tariff change where we, just as we had done with 911,
10 we filed a tariff change to say that, you know, your
11 number could be displayed with Caller ID, so there
12 would be no deception there.

13 And we also, like I said, studied the
14 research that was done and the actual experience. And
15 using that information, came to the conclusion that it
16 probably would not impact the nonpub revenue stream or
17 the nonpub customer, because in a lot of instances, the
18 majority of takers to Caller ID were nonpub customers.

19 COMMISSIONER GUNTER: That response to the
20 Chairman sounds like the attitude was, you know, the
21 first memo came out in '88 and the decision was, "Let
22 them eat cake."

23 WITNESS SIMS: Well, we looked at whether or
24 not it really would --

25 COMMISSIONER GUNTER: Did you notify every

1 customer or did you just change your tariff? Did you
2 notify every customer of that service and say, "Whoa,
3 wait a minute, your service is going to change."

4 WITNESS SIMS: We wouldn't do that until the
5 service, until we actually had a tariff approval.

6 COMMISSIONER GUNTER: Well, the problem is,
7 though, is that I think you're correct, people do
8 assume -- in fact, we had a lot of witnesses. The
9 public does assume that when they have that nonpub,
10 nonlist service that you're not going to give their
11 number out. And then you come up and there is a
12 service that all of a sudden you say, "Whoops, we filed
13 and the Commission bought off on it so that now the
14 ability and the probability is there that it is going
15 to be exposed" ---

16 WITNESS SIMS: That's correct, if you make a
17 call, it is a possibility it will be displayed.

18 COMMISSIONER GUNTER: If you make a call. So
19 if you want to keep your telephone -- well, if we do
20 that, we might want to review the notice that goes out
21 to make sure that Staff understands and that we
22 understand the language and that the options are
23 spelled out completely. That since their number is
24 going to be out -- and I'm not after anybody's revenue
25 stream, or what have you, just concerned about those

1 customers that are under a perception; and if their
2 number is going to be out anyway, they might want to
3 change from a nonpub to an unlisted situation.

4 WITNESS SIMS: That's a possibility. And
5 that was our concern, too. That's the reason for
6 writing the letters and for being concerned about those
7 customers.

8 CHAIRMAN WILSON: All right. I want to make
9 absolutely sure that I understand what you're saying,
10 now. Because this letter says, "BellSouth's policy,"
11 according to the position paper, "is to deliver all
12 numbers. As before, Southern Bell has a different
13 recommendation, we still feel strongly private listing
14 customers be allowed to inhibit their calls on a
15 per-call basis."

16 COMMISSIONER BEARD: Let me ask a simple
17 question.

18 CHAIRMAN WILSON: And you're saying to me
19 that that concern arises out of the revenue stream from
20 nonpub or unlisted numbers? That's your concern?

21 WITNESS SIMS: Well, the concern comes from
22 the revenue stream, of course. But it also comes from
23 the fact that there is -- that we would be concerned
24 about the customers, too. Just as it says in there,
25 that if the customer has this one perception, as

1 Commissioner Gunter was saying, we want to make sure
2 that that customer is not going to be totally
3 dissatisfied and just --

4 CHAIRMAN WILSON: Well, your response to that
5 piece of the concern, the nonrevenue piece of the
6 concern, is basically to tell your nonpub and unlisted
7 numbers, "tough cookies."

8 COMMISSIONER GUNTER: "Let them eat cake."

9 CHAIRMAN WILSON: I mean, the way you address
10 their concern is tell them "Your service doesn't cover
11 this and your number is going to be revealed if you
12 call somebody who has Caller ID."

13 WITNESS SIMS: If someone has Caller ID, your
14 number will be displayed.

15 CHAIRMAN WILSON: You would be required to do
16 that anyway?

17 WITNESS SIMS: Yes.

18 CHAIRMAN WILSON: I don't see how that allays
19 the concern that was addressed in this memo, which says
20 that, "Southern Bell feels strongly that private
21 listing customers be allowed to inhibit their calls on
22 a per-call basis."

23 I'm just having trouble reconciling that with
24 the flavor of this memo, which seems to be concerned
25 with a little more than just revenues. (Pause)

1 If you can't help me, you can't help me.

2 WITNESS SIMS: Well, the revenue stream has
3 certainly been a big piece of this decision. That if a
4 customer is dissatisfied, if he doesn't feel like he is
5 getting the service that he thinks or perceives he
6 should have, that he would disconnect the service.

7 CHAIRMAN WILSON: Well, I have to tell you as
8 I read that, I read that as an interest in preserving a
9 privacy element to customers who seek that kind of
10 service either with a nonpub or an unlisted number and
11 that your concern was to address the underlying
12 concerns that those customers had, which was the reason
13 they subscribed to that service.

14 And now you're saying that the way you
15 address that concern is to tell them that they can't
16 have that expectation anymore, that the number will be
17 revealed under Caller ID?

18 WITNESS SIMS: We would tell them that. But
19 also, as I said previously, when we were making this
20 analysis, when we were looking at this privacy issue,
21 the issue of the nonpub customer and whether or not his
22 privacy is being compromised, that on the other side of
23 the fence the Caller ID actually provided them with
24 additional privacy and that --

25 CHAIRMAN WILSON: Well, if privacy --

1 WITNESS SIMS: -- would be an option.

2 CHAIRMAN WILSON: -- privacy as a called
3 party.

4 WITNESS SIMS: Right. And that's where the
5 nonpub customer comes out, because he does not want the
6 calls coming in. He is concerned about who is calling
7 him or he wouldn't have a nonpub number. That's the
8 reason more than half of your subscribers to Caller ID
9 have nonpub numbers.

10 CHAIRMAN WILSON: So you viewed this as an
11 incremental addition to that protective shield that a
12 nonpub number --

13 WITNESS SIMS: There were two sides to the
14 issues. And, of course, as we have heard here, there
15 are the people who are advocating the calling party
16 rights and the called party rights, and you have to
17 weigh those. And we looked at both sides in this
18 particular position. And we said, "Well, they are not
19 going to be listed in the directory, so every Tom, Dick
20 and Harry cannot get their number."

21 We are not going to give out their number.
22 If somebody knows their name and calls and says, "Do
23 you have a number for so-and-so?" We're not going to
24 give out their number. But if they make a call to
25 someone who possibly has Caller ID, yes, the number may

1 be displayed.

2 But you also have the ability now to take
3 Caller ID if you would like it, and it might give you
4 some additional privacy. We had to weigh both sides
5 and Southern Bell came out on no blocking.

6 COMMISSIONER EASLEY: Does the Company tell
7 people who subscribe to nonpub or unlisted numbers that
8 if they call an 800 number they've just given out -- in
9 many cases, have just begin out their telephone number?

10 WITNESS SIMS: I don't believe the majority
11 other of customers know that, Commissioner Easley.

12 COMMISSIONER EASLEY: Shouldn't it be --

13 WITNESS SIMS: It doesn't -- I don't know if
14 it happens. Well, it's -- of course, it's ANI that's
15 going. It's a billing function and I think in most
16 cases of 800 it doesn't go -- it goes to whoever is
17 going to bill for the 800 service, which is usually a
18 carrier, of course. But there are 800-type services
19 that allow the customer, like the Info 2 service,
20 actually allows the customer to see the number --

21 COMMISSIONER EASLEY: Do you think --

22 WITNESS SIMS: And that -- I'm not so sure
23 customers know that is happening today. We don't
24 provide that service.

25 COMMISSIONER EASLEY: Philosophically, based

1 on this whole discussion, do you think that anybody
2 that provides that service ought to notify the
3 customer? And particularly a nonpub or an unlisted
4 customer? We're talking about privacy rights here; how
5 far do we want to go with it? How far should we go?

6 WITNESS SIMS: That could be a possibility.

7 COMMISSIONER BEARD: Does the same carrier,
8 some of who have been accused of slamming other
9 carriers?

10 WITNESS SIMS: I don't know about that.

11 COMMISSIONER BEARD: Oh, I do.

12 CHAIRMAN WILSON: Come back on Tuesday,
13 you'll hear plenty of that.

14 COMMISSIONER BEARD: They have that information
15 about billing and all of those things.

16 WITNESS SIMS: Well, I mean, the ANI -- we
17 have to be realistic on ANI, I mean, the interexchange
18 carriers have to have the ability to bill their
19 customers. And it just so happens with these
20 advancements in technologies, they are using that to
21 offer new services to customers that display numbers,
22 and it happens to display the ANI. And they are doing
23 it today under the guise of an interstate offering.

24 COMMISSIONER BEARD: Let me ask you the real
25 question I wanted to ask: In the first page of the

1 Gadd/Edwards document we have just been talking about,
2 Exhibit 4, the third line, the term "BellSouth Services,"
3 I assume that refers to BellSouth Services.

4 WITNESS SIMS: Where are you? I'm sorry.
5 Oh, the third line?

6 COMMISSIONER BEARD: Yes.

7 WITNESS SIMS: BellSouth Services, right.
8 It's not BellSouth Corp.

9 COMMISSIONER BEARD: What is -- you go down a
10 couple of paragraphs and "it's BellSouth's policy" who
11 is the BellSouth referred to there?

12 WITNESS SIMS: That's BellSouth Services
13 because Services makes the recommendations.

14 COMMISSIONER BEARD: I thought that was it.
15 I kept hearing about BellSouth. Does BellSouth
16 Services -- is Southern Bell a subsidiary of BellSouth
17 Services?

18 WITNESS SIMS: No, sir.

19 COMMISSIONER BEARD: So it would be hard for
20 them to overrule them, perhaps?

21 WITNESS SIMS: It would be hard for BellSouth
22 Services to overrule Southern Bell.

23 CHAIRMAN WILSON: Okay. All right, who is
24 going next on cross examination? All right.

25

1 CROSS EXAMINATION

2 BY MR. RAMAGE:

3 Q Ms. Sims, I'm Michael Ramage with the Florida
4 Department of Law Enforcement.5 Could you indicate what approximate
6 percentage of Florida Bell customers are currently
7 subscribing to Call Trace?8 A Yes. Let me dig that piece of paper out in
9 all my numerous papers here. I think it was right at
10 2%.11 Q I believe in one of the interrogatories, it
12 was projected for fiscal year 1991 to be at about 2.2%.
13 I don't want to hold you the exact number, but is that --14 A This is -- the report I'm looking at is a
15 September '90 report for Florida. And on Call Trace we
16 have -- of course, it depends on if you are looking at
17 residence or business.

18 Q Let's limit it to the residential costs.

19 A Well, if you look at residences, the Call
20 Trace is coming out 2.07 and that's percent customer
21 penetration of the lines that were available.22 Q Okay. Do you have any projection as to the
23 projected penetration of Caller ID -- of Caller ID as
24 proposed by Bell is implemented on the residential
25 level?

1 A I believe that -- I was trying to see if we
2 actually had a -- I know when we did the surveys, the
3 -- if you looked at -- if you combined those who were
4 definitely interested in taking the service and those
5 who were, you know, kind of boarder line, you could
6 approach, you know, 15% take. But on a realistic-type
7 approach, it would be more in line of approaching, you
8 know, 5 to 7% over a three to five-year period.

9 Q Did you not state earlier that the New Jersey
10 experience and the Tennessee experience converted to,
11 roughly I think, Tennessee 1.2% penetration and about
12 2% penetration in New Jersey on residential Caller ID?

13 A That's correct.

14 Q Now, you frequently in your direct testimony
15 that's been prefiled today have been indicating that
16 you believe and Bell believes that a person has a right
17 to know who that person is talking to on the phone, is
18 that correct?

19 A That's correct.

20 Q But displaying a phone number on a Caller ID
21 display box doesn't necessarily convert to knowing who
22 that person is that's placed the telephone call, does
23 it?

24 A That would be the interpretation of the
25 person who is subscribing to Caller ID. You know, if

1 they feel like that having the number is identifying
2 the person who's calling, then it's all in the eyes of
3 the beholder as to whether or not that is an adequate
4 means by which to identify the caller. If he knows
5 numbers, like the discussion with Commissioner Gunter,
6 if he knows numbers, he can equate the number to a
7 caller. He may be able to equate the NXX, the three-
8 digit prefix of a number, to an area because a lot of
9 people are familiar with the three-digit NXX calls
10 within their area. They could possibly pinpoint the
11 location the call is coming from. Some people might
12 perceive that doesn't identify who the caller is.

13 Q Well, let's break the responses on a Caller
14 ID box down to their basics. You're either going to
15 get a phone number displayed or some sort of an
16 indication other than a phone number displayed, is that
17 correct?

18 A That's correct.

19 Q All right. Taking the display of the phone
20 number it would appear to me you have two options: you
21 either identify and know the phone number that's
22 displayed or you don't know the number that's displayed
23 for whatever reason. Would that be correct?

24 A Yes.

25 Q If you know the number that is being

1 displayed, you could then determine whether that known
2 displayed number is from a friendly caller or an
3 unfriendly caller based on track record, is that
4 correct?

5 A Yes.

6 Q If it's an unknown phone number, how would
7 you be able to determine whether that's from a friendly
8 caller or an unfriendly caller?

9 A You wouldn't be able to I wouldn't think.

10 Q Well, in fact, if your spouse, for example,
11 was broken down on the side of the road, and went to
12 the Sing Store and used a pay phone to call you to come
13 and pick her up or pick him up as the case may be, the
14 number displayed on the Caller ID unit would more than
15 likely be an unknown number displayed on the unit,
16 wouldn't it?

17 A That's correct. And the person who
18 subscribes to Caller ID has the option of picking up
19 the phone or not picking up the phone, and he may or
20 may not leave his wife stranded. (Laughter)

21 Q That's true, too.

22 The same would hold true if a known party
23 calls from a phone that has access to several different
24 people. Prepares the phone at an office complex where
25 it could be a known friend or perhaps someone else, but

1 the number displayed would be the CENTREX number or the
2 office complex number, is that correct?

3 A That's correct.

4 Q Or for example, that same spouse borrows a
5 cellular phone on the side of the interstate and is
6 trying to call home for help. The display box, as I
7 understand it under present technology, would display
8 no number, so that would be basically an unknown source
9 of a call, that correct?

10 A That's correct. It would display an out of
11 area.

12 Q Okay. And the possibilities are endless.
13 But what about at home if you have a Caller ID box on
14 your downstairs phone and you're upstairs and the phone
15 is ringing and there is no box there. You have the
16 option of picking up the phone or running downstairs
17 and looking for the display, don't you?

18 A Yes. Or you can let it ring and then look at
19 it later.

20 Q Okay. The same would hold true if you are
21 out by the pool and you have your poolside portable
22 phone that doesn't have a display box.

23 A Yes.

24 Q So, again, the use of Caller ID does not
25 necessarily mean that at the moment the call is

1 received, the recipient of the call will know who's
2 calling, is that correct?

3 A That's correct. Not in all cases will they
4 know exactly who is calling, but they will have some
5 identification there possibly if it does show a number.

6 Q Well, isn't it a fact that there is a good
7 possibility that friendly calls could be coming from
8 numbers that are displayed and are unknown numbers to
9 the recipient?

10 A Sure.

11 Q So, in fact, residential users of Caller ID
12 may be frequently receiving displays of information on
13 Caller ID boxes that have absolutely no relevance
14 whatsoever to identifying who the person is that's
15 calling.

16 A That's correct.

17 COMMISSIONER EASLEY: Couldn't you also
18 receive an unfriendly call from a friendly number?

19 (Laughter)

20 WITNESS SIMS: I'm sure you could. Anybody
21 could be calling from that, but you can ---

22 COMMISSIONER EASLEY: You can also have one
23 that started out friendly and turned out unfriendly.

24 (Laughter)

25 COMMISSIONER BEARD: God bless America.

1 WITNESS SIMS: But you have the number.

2 Q (By Mr. Ramage) You indicated early on in
3 your testimony that the calling party is able to chose
4 who, when and where to call from. But that's not
5 always true, is it? For example, if you're a law
6 enforcement officer conducting an undercover
7 investigation, and you receive a beeper indication to
8 call a doper, you may not be at a position where you
9 can choose where to make that call from, is that
10 correct?

11 A Well, you may have to use a pay phone that's
12 handy. I'm sure the law enforcement agents use
13 judgment as to what things they use today. I mean even
14 without the existence of Caller ID, I'm sure that they
15 think about where they are calling from.

16 Q Or perhaps the law enforcement officer could
17 be in his vehicle and try to make a patch-through using
18 the duty desk phone to respond to a call when he's out
19 in the middle of the interstate. Is that a possibility?

20 A I would think so, if the, you know, the
21 cellular call or whatever he's using his radio dispatch
22 will work through the office.

23 Q Okay. Similarly that stranded spouse out
24 there on the side of Interstate 95 may not be able to
25 particularly make a choice of where to call from; there

1 may only be one phone that's usable?

2 A Absolutely.

3 Q You've indicated that Caller ID has value to
4 Florida law enforcement agencies in the context other
5 than the 911 or the E911 emergency services. Are you
6 aware of the Florida America Civil Liberty Union's
7 position regarding government use of Caller ID in
8 context other than emergency calls?

9 A Not specifically, no.

10 Q Would you turn to Page 24 of your prefiled
11 testimony.

12 COMMISSIONER EASLEY: Direct or --

13 Q Direct. Direct prefiled.

14 Before I ask that question let me ask you,
15 would it surprise you to know that the ACLU has
16 indicated they feel a court order or a warrant will be
17 required for government use of Caller ID in any context
18 other than emergency calls?

19 A That wouldn't surprise me, no. (Laughter)

20 Q Turning to Page 24, criteria that you were
21 listing in terms of determining whether optional
22 blocking would be made available by Bell, looking at
23 the third criteria there that reads, "The entity should
24 establish that no reasonable offering by the telephone
25 company other than blocking will protect its desired

1 anonymity."

2 Doesn't this, in effect, give Bell virtually
3 an unlimited discretion to veto or block a request for
4 selective blocking by an entity if Bell takes the
5 position that quote, "Another reasonable offering"
6 unquote by the telephone company would protect the
7 desired anonymity?

8 A No. I think that decision still lies with
9 this Commission. Anybody who comes to us and if we
10 deem that "well, there is some reasonable alternative
11 for this person to use," and if he disagree with us, he
12 or she disagrees with us, the Commission would be the
13 ultimate decider on that factor.

14 Q The whole purpose of this criteria that's
15 listed here fits into Bell's position that there should
16 be some sort of a prequalifying of recipients of the
17 blocking option, is that correct?

18 A Yes. And I think that these particular
19 criteria, I think were discussed, you know, with the
20 Commission, and with the Staff. And we were trying to
21 limit what -- the application so that everybody
22 couldn't come in and just have blocking, because we
23 don't want the abusers and so forth to have the ability
24 to just readily use blocking whenever they want free of
25 charge. But we do recognize that law enforcement and

1 certain agencies have valid concerns and have a need
2 for blocking. And we're going to work with these
3 agencies in the law enforcement.

4 Now, to the extent that there are going to be
5 gray areas, there is no doubt. There are going to be
6 an agency or a group or maybe an individual that's in a
7 gray area, and when that comes up, we'll have to
8 address it at that time.

9 Q Well, it's part of the concern of Bell as has
10 been expressed earlier that, for example, Bell would be
11 concerned about universal blocking because of the
12 possibility of a blocked call being placed as a bomb
13 threat to a school, is that one of the examples that's
14 been given?

15 A That's one of the examples, yes.

16 Q And similar examples of where for policy
17 reasons, public policy reasons, it would be
18 inappropriate for entities or agencies to be receiving
19 blocked calls have been given as examples by Bell
20 frequently, is that correct? Fire threats, perhaps
21 crisis hot line receiving blocked calls to crisis hot
22 line, these are examples of where Bell has indicated
23 it's inappropriate to allow blocking to occur?

24 A I think we've said that we have been told by
25 certain hot lines and so forth that they would not want

1 to see the blocking so we're responding to the
2 customers who have said that they -- that could be an
3 instance where blocking would not be appropriate.

4 Q I recognize you're not the technical expert,
5 and believe me neither am I, but as I understand if you
6 were to make blocking available, let's say, to
7 identified classes of entities such as law enforcement
8 et cetera, that this would be done through the
9 programming of the Bell switching computers or the
10 computer system so that those identified entities would
11 have the blocking option. Is that how you understand
12 the method by which they would be given blocking?

13 A Yes. The programming is done in the switch,
14 the particular switch. It would be on a individual
15 case basis as far as whatever the law enforcement needs
16 were. Depending on what offices served the particular
17 law enforcement agency and so forth.

18 Q Well, assuming universal per-call blocking
19 were made available, couldn't those same computers be
20 programmed to pass through blocked calls to schools,
21 crisis centers and places like that. In other words,
22 basically, computer -- programming the computer to say
23 these preidentified entities will not be allowed to
24 receive a blocked call?

25 A We have not addressed that particular avenue,

1 and, of course, I'm not an attorney, but I have been
2 given some indication --

3 MR. FALGOUST: If I might interrupt, is that
4 limited to technologically or with respect to policy or
5 legal criteria?

6 MR. RAMAGE: Right now it would just be in
7 terms -- as she understands the technological capacity.

8 WITNESS SIMS: I'm not sure whether that
9 capability exists today.

10 COMMISSIONER BEARD: Isn't that block the
11 blocker that we were talking about earlier.

12 WITNESS SIMS: It's a little different. It's
13 unblocking the blocker. It's allowing the -- like, for
14 instance in the school, if somebody blocks a call,
15 purposely, you know, sends a P with a call to the
16 school, it would be unblocked. In other words, the
17 number would come through regardless of whether the
18 person activated the blocking.

19 COMMISSIONER BEARD: That's not what I just
20 heard you say.

21 WITNESS SIMS: I think that's what he's
22 saying. That's my interpretation.

23 MR. RAMAGE: She probably did a better job of
24 explaining my question than I did. That is exactly
25 what I was trying to get across.

1 At least from a matter of programming the
2 computer, it could be possible to identify certain
3 entities such as a school, et cetera, that the
4 displayed number would always be displayed whether the
5 caller tried to block or not.

6 WITNESS SIMS: I'm saying I don't know if
7 that can be done today or whether there is a problem
8 with that. I would have to look into that further.
9 But I mean it may be a possibility.

10 CHAIRMAN WILSON: Where does blocking occur
11 in the originating?

12 WITNESS SIMS: The block being actually
13 occurs -- I mean, it stops the number from being
14 delivered at the terminating end office. We're talking
15 about the per-call blocking, that attaches the P, P
16 indicator to the number, and the number goes from one
17 end office, the originating caller's end office to
18 perhaps the terminating caller's end office. The
19 number stops at that end office, and the P stops it
20 from being displayed. I mean, that's my simplistic
21 nontechnical explanation.

22 COMMISSIONER BEARD: Or the Z or the R.

23 WITNESS SIMS: Or the Z or the Q. Yes.

24 COMMISSIONER BEARD: Okay.

25 Q (By Mr. Ramage) You indicated that some of

1 the comments in the New Jersey study that you'd
2 reviewed, indicated customers were saying, "Well, I
3 called the number back and told them I have your
4 number." And that the track record was indicating that
5 frequently the calls were stopping after that contact,
6 is that correct?

7 A Yes.

8 Q I mean -- all right.

9 Then it would appear that it would be correct
10 that Caller ID is promoting self-help reponse to
11 annoying calls?

12 A Yes.

13 Q And, in fact, of all the TouchStar services
14 that are being offered by Bell, Caller ID is the only
15 one that provides the calling number to the recipient
16 of the call, is that correct?

17 A Yes, that's correct at this point in time.

18 Q So given of the present technology, Caller ID
19 is the only offering that would allow that self help
20 direct contact by the annoyed customer calling the
21 annoying caller.

22 A With perhaps the exception of Call Return but
23 that's only on the immediate call that has just called
24 you, you can return that call. You won't know the
25 number but you can return the call.

1 Q Are you familiar with Bell's general position
2 as published in the, say, like the Miami phone book and
3 different phone books regarding what the customer
4 response should be when receiving an annoying or
5 obscene call?

6 A I haven't read it lately, but I know,
7 basically, what it says.

8 Q What's the first instruction as you remember
9 it that is given to customers when they receive
10 annoying or obscene call?

11 A Hang up. Don't listen to him or her. I
12 don't want to be sexist here. I want to be fair.

13 COMMISSIONER EASLEY: Go ahead. (Laughter)

14 COMMISSIONER GUNTER: Yeah. But I said a
15 while ago, you know, you were talking about folks had
16 young girls and they -- in the home today, in today's
17 liberated world, young guys get a whole lot of phone
18 calls and I think the only difference is the guys sit
19 there and say, "Yeah". (Laughter)

20 Q Focusing for a moment on what the phone
21 company could do in response to an annoying call that's
22 intercepted through the Caller ID unit, there's really
23 not much that the phone company can do for a customer
24 who's received an annoying call solely and exclusively
25 based upon the Caller ID unit, is there?

1 A I'm not sure I follow your question.

2 Q Well, isn't it Bell's position that if a
3 subscriber seeks legal remedies or asks that the phone
4 company take help, that the phone company then refers
5 it back over to this Annoyance Call Bureau?

6 A Yes. Yes. That's on the call tracing, yeah.

7 Q Okay. And, in fact, the options available to
8 the Call Annoyance Bureau right now would be the old
9 fashioned trap and trace option, which is basically
10 getting the orders and setting up the trap and trace
11 type of scenario and not to be confused with call
12 tracing, that's one option, is that correct?

13 A That's correct. The old fashioned trap-and-
14 trace procedures are lengthy, involved. The call
15 tracing streamlines that to a certain degree. There is
16 still quite a bit of involvement if we have to go
17 through a letter writing campaign, but yes, it
18 streamlines it to a certain extent.

19 Q I think, in fact, earlier you said the old
20 trap-and-trace type of system was pretty complicated
21 and explained you have to keep the log and there's a
22 certain level of activity that has to be documented, et
23 cetera, before law enforcement is brought in, is that
24 correct?

25 A In most cases, yes. I mean, like I was

1 saying before, if there is an extreme threatening
2 situation, it certainly can be accelerated.

3 Q Okay. So that is one option that even a
4 customer with Caller ID could pursue is contact the
5 Call Annoyance Bureau?

6 A Yes.

7 Q Now, in Florida currently Bell customers must
8 subscribe to Call Tracing as an option ahead of time or
9 must presubscribe to the option, is that correct?

10 A Yes.

11 Q And you indicated at the beginning of my
12 questioning that approximately 2 or so percent of your
13 residential customers have subscribed to Call Tracing
14 at this time?

15 A That's correct. I do want to clarify one
16 thing, though, that Call Trace, the -- we will provide
17 the service -- we will go through this lengthy
18 procedure for anyone who just calls in and says, "I'm
19 having annoying calls." They don't have to subscribe
20 to Call Tracing to get us to help them take action.
21 But, certainly, Call Tracing is a more convenient form,
22 more readily active form of service.

23 Q But you did indicate a few minutes ago that
24 your experience has been that Call Trace is frequently
25 activated and there is not even a follow-up call to the

1 Annoyance Call Bureau the next day.

2 A That's correct.

3 Q All right. Now, you've got about 2% of your
4 residential customers subscribing to Call Trace.

5 A Right.

6 Q That means 98% of your customers do not have
7 the option of Call Trace available to them because they
8 haven't subscribed to it.

9 A They have it available to them if they want
10 it. They have to subscribe to it or they can go
11 through the other lengthy procedure if they start
12 getting annoying calls.

13 Q But if they have not presubscribed to Call
14 Trace and they receive an annoying phone call, there is
15 nothing they can do to institute Call Tracing, at least
16 in the Bell System.

17 A Immediately, absolutely.

18 COMMISSIONER BEARD: We keep talking about
19 this really lengthy hard process of trap and trace and
20 his much more simplified procedure of Call Trace. I've
21 got to tell you there's people out there that don't see
22 any appreciable difference at all, okay, and that's two
23 for two that I have talked to see no difference between
24 those two because they are two potential bottlenecks
25 there.

1 One is the phone company's ability to get the
2 information and do something with it. And the second
3 is law enforcement's desire, ability, or whatever to do
4 something with it. Okay? And I'm telling you there
5 is some people not meeting with success out there. You
6 can say that it's much simpler, but there's certainly
7 -- two people that I know of, and the only two that
8 I've talked to because they called me, they don't
9 think it's so simple.

10 WITNESS SIMS: Is this Southern Bell?

11 COMMISSIONER BEARD: No. But it's Call
12 Trace, it's an activation system.

13 WITNESS SIMS: Well, it should work. If it's
14 working properly, it should be a more immediate type
15 action. Because of the fact that when they activate
16 it, and they use a follow-up call, that number is
17 already captured. There is none of this having to do
18 the log, and there is none of this putting the trap and
19 trace on after the fact, after the first call, or after
20 the second call.

21 COMMISSIONER BEARD: What I'm telling you is
22 they are not able to get action taken on numbers by
23 entities. One of two entities. In some cases both,
24 there is problems and I'm sure there's extenuating
25 circumstances. But I'm telling you, they are not

1 seeing it as an easy process at all.

2 COMMISSIONER MESSERSMITH: Do you have any
3 numerical direction on this with regard to how many
4 people were using Call Trace have, in fact, activated
5 Call Trace, followed up with the Company, and then
6 resulted in some kind of prosecution or some type of
7 successful action?

8 WITNESS SIMS: We have that information. I
9 don't have it here with me. I do have what we
10 responded to in the interrogatories, in that, of
11 course, on average, on a per-monthly basis, we're
12 seeing about 30,000 activations. Now, these are just
13 the activations, not the calls into the Annoyance
14 Bureau. And approximately -- well not even 20% are
15 being followed up with calls into the Call Annoyance
16 Bureau. An insignificant number of that is actually
17 reported to law enforcement, from what I understand,
18 but I don't have that particular figure with me at this
19 point in time. But those numbers are available.

20 COMMISSIONER MESSERSMITH: I guess the last
21 question to follow up on that would be: Does it end
22 more as a result of the user, the customer not pursuing
23 it any further or it just dwindles there somewhere in
24 never-never land, between the law enforcement agency,
25 the telephone company and the customer?

1 WITNESS SIMS: I'm being told that in the
2 majority of the cases, it ends with the customer. The
3 customer just doesn't take any further action.

4 CHAIRMAN WILSON: How long do you retain a
5 number that's recorded as a result of Call Trace?

6 WITNESS SIMS: Commissioner Wilson, I don't
7 know that.

8 Q (By Mr. Ramage) To just reconstruct the last
9 couple of questions of your response, you did indicate
10 basically with the Caller ID unit you have the old
11 complicated trap and trace; I think you used the phrase
12 "pretty complicated" versus Call Trace, the new option,
13 as far as phone company interventions, is that correct?

14 A That's correct.

15 Q And 98, 97, 98% of your customers do not
16 presubscribe to your new option, Call Trace?

17 A Call Tracing, yes, that's correct.

18 Q So for the 97 or 98%, their real options are
19 either self-help intervention or the cumbersome,
20 complicated, old trap-and-trace involvement of the
21 phone company?

22 A Yes. Or call in law enforcement directly, I
23 guess they could do that.

24 Q You indicated, correct me if I'm wrong. I
25 think you said realistically that you could expect

1 about a 5 to 7% penetration of Caller ID into the
2 residential market?

3 A Over about three to five years, yes.

4 Q Nonpublished callers or any other person who
5 is about to place a call really has no way of knowing
6 if the person he or she is calling is utilizing Caller
7 ID based under the present system, is that correct?

8 A That's correct. And I had time to think a
9 little bit about Commissioner Easley's suggestion or
10 inquiry about the little signal, you know, on the line,
11 if you call the line and the signal comes on indicating
12 that the person has Caller ID before you answer the
13 phone -- before you complete the call? The delay
14 certainly is one of the biggest factors in that.

15 But it's kind of like putting an indicator in
16 the telephone directory that a person has Caller ID. A
17 harassing person is going to go down and pick out the
18 numbers that don't have Caller ID and call. And that
19 could happen if -- you know, he may randomly be making
20 phone calls and certainly hang up when he hears that
21 dong.

22 COMMISSIONER GUNTER: In other words, you're
23 following the philosophy -- I always have to put it in
24 a farming sense. But there was a big field of very
25 delicious looking watermelons with a sign on there that

1 "One of these watermelons has been poisoned." And the
2 farmer came out the next morning and the "one" had been
3 struck out and it said "two of these watermelons had
4 been poisoned." (Laughter)

5 So that's the philosophy you all are
6 operating on? You just don't know which watermelon
7 might be poisoned?

8 WITNESS SIMS: Well, could be.

9 COMMISSIONER GUNTER: Okay.

10 Q (By Mr. Ramage) Regardless of whether or not
11 a caller might be inclined to try to seek out those
12 calls that don't have a carrier tone or whatever, if a
13 caller is interested in preserving the privacy of his
14 or her originating phone number under the projected
15 penetration that Bell is anticipating here, the caller
16 would have to assume 100% of the customers out there
17 are using Caller ID, when, in fact, only 5 to 15% of
18 the customers may be using it, is that correct?

19 A He would have to think a little bit before
20 making the call if he wants to preserve the number,
21 because he's not going to know who has Caller ID.

22 Q But Bell's suggestion for people such as that
23 is that they can go out and make a phone call from a
24 pay phone or operator-assisted call or calling card ID
25 number, or something to that effect, if they're

1 concerned about that?

2 A That's right. If they only have an
3 occasional need possibly to block a number, that they
4 could use these alternatives. Perhaps if it's someone
5 who has a real desire, there are services they can
6 purchase like RingMaster or the out-dial line that will
7 also assist.

8 Q Is it possible with RingMaster for there to
9 be a computer failure and result in the display of the
10 original number that you did not want displayed?

11 A I would hate to say that that would ever
12 happen. But with technology, you know, with machinery,
13 computers, I would think that if anything would happen,
14 it would just not display anything, rather than display
15 the wrong number.

16 Q You've indicated that, in Bell's opinion,
17 universal block would reduce or erode the value of
18 Caller ID, is that correct?

19 A That's correct.

20 Q Are you familiar with the experience of
21 Pacific Bell in California as far as what the
22 California Legislature mandated regarding Caller ID?

23 A Yes, I am.

24 Q In fact, did not the Legislature mandate
25 per-call blocking available to all the Citizens of

1 California?

2 A That's correct. And, of course, Pacific had
3 originally advocated Caller ID without any blocking.
4 And, in fact, they actually had support of one of the
5 Commissioners who indicated, you know, was in
6 opposition to the bill, to the law.

7 And Pacific did some analysis and said that
8 yes, it would devalue their service by some 30%; but
9 70% was better than nothing, basically, and they have
10 no choice but to offer per-call blocking. It is my
11 understanding the service is not in and working at this
12 point in time.

13 I will take note, though, that Info 2 service
14 was exempted.

15 Q Does Pacific Bell, to your understanding,
16 still plan to implement Caller ID despite the
17 Legislative restriction?

18 A Does what? I'm sorry.

19 Q Does Pacific Bell, to your knowledge, still
20 plan to implement Caller ID in California despite the
21 California Legislative restriction?

22 A I believe they do.

23 Q Are you familiar with the Centel tariff that
24 is filed here in Florida where they basically plan to
25 offer per-call blocking, too, is that correct?

1 A That's correct. I believe that's their
2 position nationwide.

3 Q All right. Well, then, wouldn't it be fair
4 to assume that at least with regard to some Bell
5 Companies and one of Bell's Florida competitors that
6 Caller ID with universal blocking still remains, to
7 some extent, financially sound and profitable?

8 A Evidently, that's the decision that some of
9 those companies have made. I guess the proof is in the
10 pudding if the service goes out that way as to whether
11 or not it will be a valid service. Because right now,
12 the experience that's out there has been Caller ID with
13 no blocking as a successful service.

14 MR. RAMAGE: No further questions.

15 COMMISSIONER MESSERSMITH: Let me follow up
16 just on one.

17 And the question a while ago with regard to
18 computer delivering the wrong number and you said it
19 probably would deliver no number? I'm curious, because
20 I know if I'm on line, on the telephone line with my
21 computer, I can pull up an unbelievable string of
22 numbers from some sort of a noise spike or power surge.
23 And when you believe that it would be no number at all?

24 WITNESS SIMS: Well, I'm just saying that we
25 have -- for instance, we have run across some billing

1 problems sometimes where the data has dumped or has
2 been disappeared. And in more instances than not, it's
3 usually a disappearance of a number versus some type of
4 interference in the number.

5 I'm not saying that it can't happen because
6 that would be ridiculous on my part to say that nothing
7 could ever happen like that. But I would say it would
8 be just a very isolated instance that it would happen
9 that way.

10 CHAIRMAN WILSON: Let's take about five
11 minutes. Let's take a five-minute break and then we'll
12 come back.

13 (Brief recess.)

14

15 CHAIRMAN WILSON: Next?

16 CROSS EXAMINATION

17 BY MR. MATHUES:

18 Q Ms. Sims, my name is Steve Mathues. I
19 represent the Department of General Services. I would
20 like you to look on Page 24 of your direct filed
21 testimony, please, and refer to --

22 COMMISSIONER MESSERSMITH: Which page?

23 MR. MATHUES: Excuse me, Page 24.

24 Q (By Mr. Mathues) Referring to those three
25 criteria that are listed there, could you explain to me

1 how you envision an application coming in and it being
2 handled in your company?

3 A I would envision that -- of course, in the
4 case of a law enforcement or one of the HRS agencies
5 which we've already been dealing with, that they would
6 already know that the request for blocking would come
7 in to our Customer Assistance Group and we would have a
8 special personnel to handle; they will have methods and
9 procedures in order to process the blocking request.
10 And then that, of course, would be passed on to the
11 appropriate people to implement it.

12 Q Do you have one Customer Assistance Group or
13 are they regional?

14 A Well, we would -- it's my understanding we
15 have a centralized Florida group. It would go to the
16 Florida group.

17 Q And how long would it take to process such a
18 request?

19 A It would depend on what type of blocking a
20 particular agency was requesting. You know, in the
21 case of law enforcement, we have different types of
22 alternatives from the very basic, which is just issuing
23 a specific credit card or per-line blocking, which
24 could be implemented quickly. When I say "quickly,"
25 probably less than 30 days.

1 The other options, like the number
2 substitution, for instance, depending on the particular
3 office in which it was going to be configured, may take
4 a little longer; but I wouldn't envision it would be a
5 long, drawn-out process.

6 Q Mentioning the per-line blocking, as your
7 system currently operates, is it correct that the key
8 would be displayed on the Caller ID box?

9 A That's correct.

10 Q Would it be unreasonable to assume that if
11 only law enforcement had that option -- that is, the
12 per-line blocking -- that that would likely identify
13 the caller as some sort of a law enforcement officer?

14 A That's what law enforcement's concern is and
15 that's the reason we have tried to offer them some way
16 to actually pass a number.

17 Q Do you envision these special considerations
18 being made available to entities other than law
19 enforcement or the domestic violence groups?

20 A To the extent that a particular entity could
21 demonstrate that for purposes of security and safety
22 that they needed this specialized treatment over and
23 above what reasonable alternatives there are.

24 Q Security and safety are the only two
25 considerations that would be worthwhile in Southern

1 Bell's mind?

2 A Those are the major reasons. Certainly, we
3 would probably look at perhaps health-type concerns, too.

4 Q Do you think that there are any governmental
5 communications at the state level which are not within
6 the bounds of law enforcement which would merit this
7 type of consideration if they did not involve safety?

8 A I think it's a possibility, and I think that
9 those should be looked at on an individual-case basis.

10 Q You say this process would take approximately
11 30 days or longer. How would you envision a resolution
12 of a dispute if the applying agency wasn't happy with
13 your answer?

14 A Then, I guess at the customer's option, he
15 could appeal it to the Commission.

16 Q Would that entail a formal hearing before the
17 Commission?

18 A Possibly or just maybe a discussion with the
19 Commission. Or go through the complaint procedure
20 process which doesn't always result in a hearing. It
21 can be mediated without a hearing.

22 Q Is it true that the capacity to allow
23 per-line and per-call blocking currently resides in a
24 number of switches in Southern Bell's Florida
25 installations?

1 A Yes, that is true.

2 Q Has that capability already been bought and
3 paid for by Southern Bell?

4 A In some switches, yes.

5 CHAIRMAN WILSON: Did you say per-line?

6 MR. MATHUES: My question was per-call and
7 per-line.

8 CHAIRMAN WILSON: And you said that the
9 software --

10 WITNESS SIMS: I said in some switches
11 per-line -- the per-line is there today, per-line
12 blocking, with the exception, I think, of a couple of
13 switches, it's an insignificant number of switches that
14 the per-line blocking is not available. The per-call
15 blocking is a different matter. It is available in
16 some of the switches but would have to be implemented
17 on some of the other switches on a job basis which
18 could take, you know, 18, 24 months if it was done on a
19 regular routine basis.

20 CHAIRMAN WILSON: Is that a software upgrade?

21 WITNESS SIMS: Yes. That's software, yes, sir.

22 CHAIRMAN WILSON: And it's already in some
23 switches?

24 WITNESS SIMS: Yes, sir.

25 CHAIRMAN WILSON: Why is it already in some

1 switches?

2 WITNESS SIMS: It depends on how the
3 manufacturer provides us with the software packages as
4 to whether or not it's prepackaged with the service.
5 That's my understanding of the way. In other words,
6 the function is already there. It's prepackaged.

7 CHAIRMAN WILSON: Would that be present in
8 later purchased switches or generics for switches as
9 opposed to earlier purchased ones?

10 WITNESS SIMS: No, sir. It depends on the
11 manufacturer, either AT&T or Northern Telecom.

12 COMMISSIONER BEARD: Which one does it come
13 packaged in?

14 WITNESS SIMS: Well, let me get my -- we
15 responded in the interrogatory on the -- where it was
16 available. Like I said, the per-line blocking is in
17 place.

18 In our response to Staff's Interrogatory Item
19 No. 7, we said that, "In both the 5-ESS and the 1-AESS
20 switches the per-call blocking feature is a part of the
21 Caller ID feature, and as such is automatically
22 purchased and installed with the Caller ID feature
23 itself. In the DMS-100, the DMS-100, 200, which are
24 the Northern Telcom switches, the per-call blocking
25 feature is a separate feature package and is purchased

1 and installed independently of the Caller ID feature.
2 And then we have a couple of Seimen switches, which at
3 this time, they are separate software items, and they
4 are installed independently of one another.

5 CHAIRMAN WILSON: The switches that you have
6 the per-call capability in are the AT&T's; I mean you
7 haven't purchased it for the Northern Telecom DMS?

8 WITNESS SIMS: That's correct.

9 CHAIRMAN WILSON: Do you know how much that
10 generic upgrade cost -- or that package costs?

11 WITNESS SIMS: I have been told that if you
12 do it on like a next-job basis, which is -- if you just
13 fold it into the work that's being done in the switch
14 in the prearranged schedule, which is your usual 18 to
15 24-month schedule, it runs like almost \$4,000 a switch.
16 But if you do it on a expedited interval, which is like
17 a three-week type interval, it runs about \$35,000 a
18 switch. Now, that is just software. It does not
19 include the cost for any hardware that has to go along
20 with it. And I do not have any estimates of what that
21 would be.

22 CHAIRMAN WILSON: Does that mean that if you
23 have switches that are on a regular 18 month to 2-year
24 upgrade schedule, if one falls -- if one is in that
25 schedule and falls in January of this next year, that

1 you would be able to install the software package at
2 the \$3000 rate?

3 WITNESS SIMS: They would have to have a
4 little bit of lead time. And I can't --

5 CHAIRMAN WILSON: Well, whatever.

6 WITNESS SIMS: Right.

7 CHAIRMAN WILSON: It's not an 18-month lead
8 time.

9 WITNESS SIMS: That's right. It wouldn't be
10 a 18-month lead time. You should be able to fold it
11 into the process as you're going along if there is a
12 planned work job for that particular office. And
13 usually you're doing some kind of work on all those
14 offices within a 18 to 24-month schedule.

15 CHAIRMAN WILSON: All right.

16 COMMISSIONER EASLEY: The switches you
17 currently have, do they need the additional software?

18 WITNESS SIMS: Yes, we have quite a few
19 DMS-100s, 200s that need the additional software.

20 COMMISSIONER EASLEY: The AT&T switches.

21 WITNESS SIMS: Yes, ma'am. I mean the
22 Northern Telcom switches, yes, ma'am.

23 COMMISSIONER EASLEY: Did you pay \$3000 more
24 for the AT&T switches or was that all the same?

25 WITNESS SIMS: It's -- I can't tell you what

1 the cost of all that generic was. That's done on a
2 contractual vendor relationship basis.

3 COMMISSIONER EASLEY: If you replace a non --

4 COMMISSIONER BEARD: Northern Telecom.

5 COMMISSIONER EASLEY: No. Do you have any
6 AT&T switches that don't have that capability?

7 WITNESS SIMS: They are being provisioned,
8 the deployment is being -- you know, we have a
9 deployment schedule. And where we're deploying the
10 TouchStar features in those offices, that feature is
11 there.

12 COMMISSIONER EASLEY: All right.

13 WITNESS SIMS: That function is there.

14 COMMISSIONER EASLEY: All right. Got it.

15 Q (By Mr. Mathues) Ms. Sims, do you envision
16 having your existing Staff process these requests or
17 would you have to hire additional personal personnel?

18 A It's my understanding that we would use our
19 existing Staff, because I think what we would see would
20 be an initial influx, you know, when the service is
21 first offered. Of course, it would be an ongoing
22 monitoring process, but I would think that once the
23 initial -- plus the fact that you would only be getting
24 requests from those areas where the deployment is, and
25 so there would be some -- it would be spread out

1 somewhat, but once you handle the initial request where
2 it's being deployed, it shouldn't require a tremendous
3 number of additional people. We don't envision that.

4 Q I'm unclear on another issue. Is it your
5 current position that you would offer these special
6 considerations if you saw fit to give them at no
7 charge, at cost or at some other figure?

8 A I would think if it was special consideration,
9 which -- it's handled under the criteria that this would
10 be the no charge-type situation. Because if it's decided
11 there's a reasonable alternative, then it would be using
12 the existing services, it would have a charge. (Pause)

13 Q Would you make those special considerations
14 available to nongovernmental entities? At no charge?

15 A I don't know. I mean, we've got some -- I'm
16 sure there would probably be an instance where there is
17 a nongovernment related, you know, intervention agency
18 possibly that would require that type of blocking. But
19 like I said, we'd just have to approach it on a
20 individual case basis.

21 COMMISSIONER BEARD: The correct answer is, I
22 think, we'll be the judge of that.

23 WITNESS SIMS: That's correct.

24 COMMISSIONER BEARD: Just kidding.

25 (Laughter)

1 Q (By Mr. Mathues) Changing gears for a
2 moment, do you know what would appear on a Caller ID
3 box for a subscriber in your area who received a call
4 that had been blocked in another area where call
5 blocking was allowed?

6 CHAIRMAN WILSON: You mean in the state or
7 interstate call?

8 MR. MATHUES: Out of Southern Bell's area.

9 WITNESS SIMS: It's my understanding a P
10 would still show up. That's one of the reasons for
11 having these standards, and I know there have been
12 discussions as to what would happen, and it's my
13 understanding that the P would be displayed, that that
14 blocking would be honored.

15 COMMISSIONER GUNTER: In most circumstances
16 would it not -- I realize there are some unusual ones,
17 but in most circumstances if you had a call from
18 another company or another area, wouldn't it show as an
19 out of area?

20 WITNESS SIMS: Yes, sir. I was assuming --
21 he was assuming -- maybe I shouldn't have done that.
22 They say that's not good witness preparation, I'm sure.

23 But I was assuming that if Signaling System 7
24 is there and everything is working and we have the
25 agreements with the independent telephone companies to

1 have the Signaling System 7 and the numbers are passed
2 from one area to another, which we hope ultimately will
3 be done, that, for instance, if it was coming from
4 Centel's area, Centel has per-call blocking. Coming
5 into Southern Bell's territory, where we do not have
6 per-call blocking, the per-call blocking would be
7 honored because it is being passed to us with that P
8 indicator.

9 COMMISSIONER GUNTER: Okay.

10 COMMISSIONER BEARD: Let's carry this just
11 one step further, though, from a technical standpoint.

12 We're in Orlando and I'm in Southern Bell's
13 territory, and I'm calling Chairman Wilson in United's
14 territory. And I don't want him to know it's a blocked
15 call, and, fortunately, the Commission has mandated
16 that that signal is going always look like an O and
17 we're never going to see a P in the state of Florida.
18 And that's generic. Then, in fact, a P wouldn't so but
19 an O would show?

20 WITNESS SIMS: An O would show. I mean, if
21 he places it through -- well, I don't know about that
22 now. I'll have to call this off.

23 If the standards were in place, an O should
24 show where an O would normally show, which would be on
25 the operator-handled call, any out-of-area call. A P

1 should show if it was being blocked.

2 Now, if something other than that is used
3 like a Q or R or somebody changes the generic, I don't
4 know what would happen when it enters the other
5 person's territory.

6 COMMISSIONER BEARD: Well, as long as we
7 assume that the territory is inside Florida, and that
8 there is one standard in Florida, whatever that
9 standard might be, then it should be consistent from
10 one telephone company to another, correct?

11 WITNESS SIMS: It could be as long as, of
12 course, the CPE honors it also.

13 COMMISSIONER BEARD: As long as the central
14 switch honors whatever that standard is that's sent out
15 in central switch, you're not charged a CPE.

16 WITNESS SIMS: I'm not charged a CPE. That's
17 correct.

18 COMMISSIONER BEARD: Not a thing you can do
19 about that.

20 WITNESS SIMS: That's correct. Now, I guess
21 the question I have when it's expanded to interstate?
22 What happens? I don't know.

23 COMMISSIONER BEARD: Well, one, that's not a
24 problem today, I guess, but two, it would appear since
25 you have indicated that the signal is programmed at the

1 terminating switch, that if it terminated in Florida,
2 it's going to be whatever the standard in Florida is.
3 If it happens to be the same as the United states,
4 that's fine. If it terminates in Georgia, or
5 Mississippi or South Carolina, it's going to be
6 whatever is at that terminating switch, correct?

7 WITNESS SIMS: But probably -- well, I'm not
8 so sure what will actually show up on the CPE. If
9 there were different standards from one state to
10 another, I just cannot tell you what would show up, if
11 anything.

12 COMMISSIONER BEARD: Then perhaps it's not
13 all done then at the terminating switch then.

14 WITNESS SIMS: The CPE has to meet certain
15 standards in order to work, and it displays, I mean, if
16 it gets a signal for a P, it should display a P. I
17 mean --

18 COMMISSIONER BEARD: That's correct. If it
19 gets a signal for an O, it will display an O. So it's
20 whatever the signal that's sent from the terminating
21 switch to protect the number that's going to determine
22 what shows up on the passive CPE.

23 WITNESS SIMS: But, what I'm saying is if
24 Florida has configured all Ps to be Os, and I'm not so
25 sure what would happen if it came from like, for

1 instance, Georgia, being sent with a P, we're not going
2 to change that P. I don't believe our switch would
3 change that P coming to us and I'm not so sure what
4 would happen to us when it hits us. I can't answer
5 that question.

6 COMMISSIONER BEARD: Okay.

7 Q (By Mr. Mathues) One more step down this
8 rabbit trail, if I might. If you know, which number is
9 displayed if X calls Y, Y transfers the call to Z, and
10 Z has a Caller ID box. Do you see X's number or Y's
11 number?

12 A Oh, boy. X calls Y. And then Y calls Z. Y
13 transfers to Z. It's on my understanding that Y's
14 number shows up.

15 MR. FALGOUST: That's assuming a call
16 forwarding situation, Mr. Chairman, I --

17 CHAIRMAN WILSON: What do you mean by a
18 transfer?

19 WITNESS SIMS: Call transferring situation.

20 MR. MATHUES: The question, as handed to me,
21 says "transfer". (Laughter)

22 WITNESS SIMS: It's a call transfer
23 situation.

24 CHAIRMAN WILSON: Why don't you hand the
25 question back and see if it can be revised.

1 MR. MATHUES: Well, I might could rephrase
2 the question. What I'm getting at is if an individual
3 outside of a blocking area called to another individual
4 inside a blocking area, could that individual within
5 the blocking area transfer the call blocked?

6 A I would think so, yes.

7 Q Changing gears once again, in your rebuttal
8 testimony on Page 7 you made a statement to the effect
9 that a general offering of blocking could hamper the
10 use in emergency situations. Do you recall what you
11 were referring to there?

12 A Well, when I say emergency situation, that's
13 a broad category. Of course, there are two sides of
14 the fence here. If someone had per-line blocking, for
15 instance, then all their calls are being blocked. If
16 they had an emergency situation whereby perhaps they
17 didn't call 911, where the number would be displayed
18 regardless of the blocking, but they maybe called
19 another -- maybe a law enforcement number or maybe
20 their neighbor calling for help or their son-in-law who
21 has caller ID, and it doesn't display the number, the
22 person can't maybe speak, for instance, there is no
23 help there. It could deter that emergency situation.
24 It might hamper a bomb threat call. Somebody calls
25 from home, activates the blocking, could hamper that.

1 And that to me is an emergency situation. False fire
2 alarms is an emergency situation. There could be any
3 number of --

4 Q It's not your position though that someone
5 seeking emergency help would deliberately block their
6 number is it?

7 A I would hope they would not.

8 CHAIRMAN WILSON: Unless the kind of
9 emergency help they needed was psychiatric.

10 WITNESS SIMS: That's a possibility.

11 Q (By Mr. Mathues) One last question, I
12 believe, unless some begin to rain down around me from
13 someplace.

14 COMMISSIONER GUNTER: Did you ever see the
15 Commission do a wave? (Laughter)

16 Q (By Mr. Mathues) In the event that an entity
17 made an application for your special consideration and
18 was unsuccessful, you said they would be stuck with
19 paying the cost of whatever the other reasonable
20 alternatives are, is that correct?

21 A I didn't portray it as being stuck. I just
22 said yes, they would have other alternatives available
23 to them.

24 Q Well, let's say they would have the
25 opportunity to pay for those alternatives? Is that

1 correct?

2 A Yes, that's correct.

3 Q If they were forced to use those alternatives
4 as a result of you having implemented Caller ID without
5 blocking, aren't you really the cost causer in that
6 situation?

7 A I don't know. I guess you could portray it
8 that way if you wanted to, but the person has the
9 ability to decide whether or not to make the call, and
10 in that particular case, the caller is still the cost
11 causer. Now, yes, things have changed. There is a
12 different outlook. There is more control on the called
13 party's side. But there is still control on the
14 calling party's side also.

15 COMMISSIONER BEARD: Be careful, counselor,
16 you're playing right into Southern Bell's local
17 measured service hands here. So --

18 MR. MATHUES: Don't tell me I need to
19 intervene in that one, too.

20 COMMISSIONER BEARD: No. (Laughter)

21 MR. MATHUES: Thank you, ma'am. I don't have
22 any more questions.

23 CHAIRMAN WILSON: Any one else.

24 MS. PHOENIX: Yeah.

25

CROSS EXAMINATION

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BY MS. PHOENIX:

Q Ms. Sims, my name is Cheryl Phoenix and I'm Director of the Florida Coalition Against Domestic Violence, which is a member program of 29 battered women directors. I just wanted to ask you a few questions.

First of all, I wanted to clarify to the Commission and to the intervening parties the FCADV and battered women shelters are not HRS agencies as has been -- it seems like some misinformation that I've read. Although battered women shelters receive money that is administered by HRS, they are not an HRS agency.

One of the things I wanted to ask you about is a statement that I've read on a few occasions is "That we've worked closely with several different agencies about this." And I was real confused because we had never gotten any information from Southern Bell on any of this, on any of our concerns until last week.

Do you know of any other information or anything that has been done or exchanged with battered women shelters or about battered women's issues in this state?

A Well, I know that we have reported to the

1 Commission, you know, our contacts with agencies, and,
2 of course, we have asked for the agencies to tell us
3 what their blocking needs are.

4 Now, to the extent that there were some
5 agencies there were not contacted, I don't know which
6 ones those were, but we certainly -- I think there were
7 in one of the reports we gave to the Commission that
8 there had been contacts with over 32 different
9 agencies. Now, whether or not those were all HRS
10 agencies, I don't know. But it's certainly not our
11 intention to overlook the battered women shelters. We
12 have certainly said those are part of the agencies that
13 we would provide the offerings to.

14 Q Okay. Let me clarify what -- your offering
15 at this point is that battered women shelters, volunteer
16 staff and certified clients will receive free per-line
17 blocking?

18 A That's correct. We have also offered, in
19 some instances, the credit card, I know, to some of the
20 HRS agencies if they needed that. But the per-line
21 call blocking appears to be what the crisis
22 intervention-type agencies desire.

23 Q Is that being offered to the domestic
24 violence shelters, the calling card option?

25 A I'll have to double-check with that but I

1 don't think there is a limitation there.

2 Q Okay. Do you know what the stipulations
3 would be on that?

4 A What do you mean by stipulations?

5 Q Well, if I were you, I'd be scared to give
6 calling cards out to a bunch of people I don't know.

7 A Oh, well, we would have to have some kind of
8 certification from the agency as to, you know, who
9 would have these cards.

10 Q Okay. Well, that gets me to the next issue
11 is: what if FCADV or the battered women shelters decide
12 that legally we cannot accept the responsibility and
13 liability to, quote/unquote, "certify" a battered woman
14 and who is in need of safety and who is not in need of
15 safety, and what would be the direction you that you
16 would take if we did not and were not able to accept
17 that responsibility?

18 A I don't know. I guess --

19 CHAIRMAN WILSON: Just a moment. I'm not
20 sure I understand the question. You said certify a
21 battered woman. Are you saying that as opposed to
22 certify an agency or an agency's phone?

23 MS. PHOENIX: What I understand is being
24 offered is that if we provide a list -- FCADV or
25 battered woman shelter provides a list of people who

1 are in danger to Southern Bell, then they will provide
2 that blocking free. And what I'm asking is if we don't
3 think that we have the liability or want to accept the
4 liability to make that list, then how is that going to
5 be determined? Does that make sense?

6 CHAIRMAN WILSON: I understand your question
7 now.

8 WITNESS SIMS: Yeah. I understand the
9 question, and I'm sorry, I can't answer exactly what we
10 would have to do at that point.

11 We were hoping that the agencies could give
12 us a list knowing that the women do come to the
13 agencies and seek shelter and we do know that the
14 volunteers often work from their homes. And we would
15 want those volunteers to feel free to make those calls
16 from their home, and, therefore -- but we wouldn't want
17 to just give it to just anybody. We would want the
18 agency to say, "Yes, this volunteer does -- she is
19 currently a volunteer, and she needs per-call
20 blocking." We would also hope that perhaps there would
21 be some type of an update to that list periodically, so
22 that if somebody did decide they were no longer wanting
23 to be a volunteer, you could drop that person off the
24 list.

25 I understand your concern, but I guess we

1 would have to discuss that with Legal, and come up with
2 some other alternative.

3 COMMISSIONER BEARD: You're going to be a
4 witness later on.

5 MS. PHOENIX: Yes, tomorrow.

6 COMMISSIONER BEARD: Okay. Because there are
7 some questions I'd like to understand. It would
8 probably be more appropriate to wait until then so I
9 can understand where you are coming from.

10 MS. PHOENIX: Okay. Just stop me if this is
11 getting too incongruent. But --

12 Q (By Ms. Phoenix) Well, what you said is
13 partly true, that battered women do come into our
14 agencies. But the latest statistics that were out for
15 the '89/90 fiscal year was that 11,000 women and
16 children came to our shelters but that 80,000 called
17 and needed information and referrals. And, unfortunately,
18 nonprofits don't have the personnel or the Staff to be
19 able to --

20 MR. FALGOUST: Mr. Chairman, is the lady
21 testifying now or cross examining? I'm not sure and I
22 certainly defer to the Commission's wishes on this but
23 she will take the stand tomorrow and will be given an
24 opportunity to testify.

25 MS. PHOENIX: Okay. Could I finish my

1 question and I'll cut through this stuff

2 CHAIRMAN WILSON: I think he was asking
3 whether you were asking a question or testifying. And
4 I'm taking it you're laying a vast predicate for your --
5 (Laughter)

6 MS. PHOENIX: Trying. You have to get all of
7 the information. (Laughter)

8 Q (By Ms. Phoenix) What I'm wondering is for
9 the other 75,000 or 65,000 people who don't come to the
10 shelter, and we don't -- oftentimes, don't get
11 information about their names and numbers. How are
12 those people going to be protected? And oftentimes, I
13 mean, we don't shelter men who are battered, and there
14 are a lot of other factors --

15 MR. FALGOUST: Mr. Chairman, may I object to
16 this line of questioning?

17 CHAIRMAN WILSON: In order to testify, we're
18 going to wait until you get on the stand. If you have
19 some questions that would aid you of the technical
20 requirements of Caller ID or what their proposal is, go
21 ahead and ask them at this point.

22 Q (By Ms. Phoenix) Do you have a plan for
23 people who do not contact agencies, that they might
24 also be protected?

25 A What we have said is that if someone comes to

1 us, if an individual comes to us and has a need, we
2 will certainly look at them in the context of these
3 criteria first.

4 Q The criteria of safety and security?

5 A Right. Right.

6 Q And that, like I said previously, there are
7 certainly going to be some gray areas. There are going
8 to be some people that ride the line, and, certainly,
9 we would be concerned with the liability too. And we
10 would just have to address these on an individual case
11 basis, and that's the only answer that I can give at
12 this point.

13 Q Okay.

14 A Because we don't have the experience with who
15 is going to actually come in and ask for this blocking
16 to a great degree.

17 Q Okay.

18 A I would not think that perhaps, you know, all
19 80,000 of the callers would necessarily even need
20 per-line blocking. Perhaps they could use some other
21 alternative. But certainly if there was somebody in a
22 real desperate situation, we would have to address that
23 at that time.

24 Q Okay. Another question that I had, and I've
25 heard two different things you said today, is that you

1 didn't plan on having any excessive education -- public
2 education awareness or marketing about blocking. Or
3 about the blocking issues or what might can happen with
4 Caller ID. Is that correct?

5 A No. I don't think I said that. I said that
6 I think it was in a conversation with one of the
7 Commissioners, about should there be or perhaps there
8 could be -- the Commission can certainly tell us to
9 notify customers or give special notice or whatever,
10 especially, I think on the nonpublic issue was what he
11 was referring to. Because our position has been that
12 we don't want to offer per-call blocking just to
13 everyone, and it certainly -- we don't want to
14 necessarily tell everybody that, "Look you can use all
15 these other technologies to block," because that
16 devalues the service to a certain extent, too. But if
17 it's necessary to give the information to the nonpub
18 customers or to give them special notice, we'll work
19 with the Commission on that.

20 Q Okay. Another question is that you have said
21 on several occasions today. At this time this is true.
22 And is it possible that Southern Bell may change their
23 position and ask that battered women or domestic
24 violence intervention programs start paying for the
25 blocking, the free blocking or to be reconnected at any

1 time?

2 A No.

3 Q Okay.

4 MS. PHOENIX: That concludes my questions
5 today.

6 CHAIRMAN WILSON: Anyone else? Let me tell
7 you what our intentions are, is to go for a few more
8 hours, several hours, and give the parties an
9 opportunity to send out for food, and we'll break about
10 5:30 so you can make arrangements. Do you want to eat
11 here? And we'll probably go to 8:00 or 9:00 tonight.

12 COMMISSIONER GUNTER: Why don't you tell them
13 we went to 10:00 the other night just to make them feel
14 good.

15 CHAIRMAN WILSON: Yeah. We went to 10:00 the
16 other night. I could be off by a hour.

17 CROSS EXAMINATION

18 BY MS. GREEN:

19 Q Good afternoon, Ms. Sims.

20 A Good evening.

21 MS. GREEN: Commissioners, if I could direct
22 you to the stack of Staff exhibits that have been
23 furnished for you, we will be referring to those that
24 have been identified as Staff 2 and Staff 7.

25 COMMISSIONER EASLEY: Staff what and 7?

1 MS. GREEN: 2 and 7.

2 COMMISSIONER EASLEY: Okay.

3 MS. GREEN: Staff 2 and 7. And if we could
4 get those numbered, please.

5 CHAIRMAN WILSON: We'll give Exhibit 2 the
6 Number 9, that will be Exhibit 9. And Staff Exhibit 7
7 will be Exhibit 10.

8 MS. GREEN: Thank you.

9 (Exhibits Nos. 9 and 10 marked for
10 identification.)

11 Q (By Ms. Green) Ms. Sims, do you have before
12 you copies of these two exhibits that I referred to?

13 A No. I do not. I don't believe I do, I don't
14 see them. They could be lost.

15 Q I hope you have had an opportunity to peruse
16 them at some time prior to this moment.

17 A Yes. I have seen these, I didn't have them
18 appropriately marked in front of me.

19 Q If I could direct your attention first to the
20 one that's been identified as Exhibit 9, which is the
21 Staff No. 2. This consists of excerpts from your
22 August 15, 1990, deposition, as well as two exhibits
23 thereto. If you were to be asked the same questions as
24 you were asked at that deposition today, would your
25 answers be the same as what is represented in this

1 text? (Pause)

2 A Yes, I believe they would be.

3 Q And I have not yet received an errata sheet
4 for this deposition. Have you prepared one yet?

5 A Yes. I was delinquent in doing the errata
6 sheet. I don't have it --

7 Q Well, what I was going to say --

8 A They were very minor type changes. I did do
9 one, but it has not been notarized.

10 Q Okay. Well, what I was going to say was,
11 subject to any of those minor changes that you would
12 have on that -- and Staff would file that, for the
13 record, once we receive it -- then you would have no
14 corrections to this?

15 A That's correct.

16 Q And if I could refer you to the other Exhibit
17 0, which consists of some interrogatories that were
18 sent to Southern Bell by the Commission Staff? These
19 are numbered 1 through 21, I believe. Were the
20 responses to these interrogatories either provided by
21 you personally or under your direction and control, or
22 are you in the position to attest to the veracity of
23 those responses?

24 A Yes.

25 MS. GREEN: Commissioners, what has been

1 placed before you is a confidential exhibit that is a
2 part of this packet, this Staff 10, that's numbered 10.
3 And that is the response to one interrogatory, I
4 believe it is Interrogatory No. 14, which is also on
5 Page 14.

6 COMMISSIONER GUNTER: Are all the parties
7 getting a redacted copy of that?

8 MS. GREEN: All the parties have a redacted
9 copy, yes, sir. And that's on Page 15 of the exhibit
10 packet.

11 MR. RAMAGE: Excuse me, Angela, are you
12 referring to Exhibit 10?

13 MS. GREEN: Yes.

14 MR. RAMAGE: Okay.

15 Q (By Ms. Green) On Page 14 is the question itself
16 and on Page 15 is the response, the redacted response.
17 There's a pending request for confidentiality on that, and
18 I just wanted to call your attention that you have the
19 data there available to you.

20 Okay. Now, I only have a few questions for
21 you, Ms. Sims, on behalf of the Staff. If you could
22 refer to Page 14 of your prefiled testimony, please,
23 Lines 10 through 17?

24 A The direct?

25 Q Yes, I'm sorry, the direct, please.

1 A Page 14?

2 Q Yes. And this is Mr. Ramage as well as some
3 of the other attorneys were asking you quite a bit
4 about this area. In Lines 10 through 17 is a
5 discussion that Southern Bell would propose "that any
6 agency which establishes the fact that divulgence of
7 identities could cause serious personal or physical
8 harm should be provided the blocking service."

9 When Southern Bell made that determination,
10 ~~to your knowledge, has Southern Bell considered its~~
11 ~~potential liability for that type of determination?~~

12 A I think it's been discussed, but I can't
13 respond as to what the determination has been.

14 Q If you could turn to Page 16 of your direct
15 testimony, in Lines 15 through 21 is a discussion of
16 Bell's position that both the called and a calling
17 party should be able to choose options to tailor their
18 telephone service to suit their own needs. Wouldn't
19 universal per-call blocking be just the thing to do
20 that?

21 A I think that universal per-call blocking, you
22 could say, well, you could offer that as a service, you
23 could charge for it on a per-call basis. I think that,
24 of course, our position is that it's a service that
25 devalues the Caller ID service; that the calling party

1 has other alternatives available without offering
2 per-call blocking. It's Southern Bell's position that,
3 because the per-call blocking does devalue Caller ID,
4 that we have decided that it's not the appropriate
5 service to offer.

6 COMMISSIONER BEARD: Can I ask a question
7 here, if you would. Haven't we got now to those three
8 crucial issues that we always deal with: price, price
9 and price? If you charge \$1,000 per call for per-call
10 blocking, do you think that would devalue Caller ID
11 very much?

12 WITNESS SIMS: Probably not.

13 COMMISSIONER BEARD: \$500 probably still
14 would not be very devalued?

15 WITNESS SIMS: Probably not.

16 COMMISSIONER BEARD: But as we come down,
17 there's a greater potential of devaluation all the way
18 down to your greatest potential for devaluation is give
19 it away universally?

20 WITNESS SIMS: That's a factor, yes.

21 COMMISSIONER BEARD: Okay. I thought we were
22 back to the price, again.

23 WITNESS SIMS: It's not a total factor but it
24 is a factor; because we're trying to put some control
25 into the hands of the called party, and if he perceives

1 it should work one way and it does not work, then you
2 don't sell Caller ID.

3 Q (By Ms. Green) How high, then, would you rank
4 the customer's ability to tailor his service to suit
5 his needs?

6 A I think I would rank it pretty high. I think
7 that a customer -- there are some customers who really
8 don't care about their telecommunication service. In
9 fact, we have one Commissioner in Georgia who hates
10 Touch-Tone. I mean, he wouldn't have Touch-Tone if
11 you, you know, gave it to him. He doesn't want it.
12 There are other customers who subscribe to everything.
13 They like the options, they like the technology -- oh,
14 is there a Commissioner here who doesn't like Touch-Tone?

15 CHAIRMAN WILSON: No. We were just thinking
16 we wouldn't mind having one of these Commissioners in
17 Georgia, either. (Laughter)

18 CHAIRMAN WILSON: We did have a Commissioner
19 in Georgia about three weeks ago, didn't we, or was
20 that Alabama?

21 COMMISSIONER GUNTER: Do you read lips?
22 (Laughter)

23 WITNESS SIMS: But some customers are just
24 not that concerned with the telecommunication service,
25 you know. They've got service, they have it to use.

1 Others like the options, they have need for it, they
2 may have a special need for it such as I was telling
3 about they may have a lot of teenagers in the house,
4 they need call waiting, they need these. These
5 services are perceived as a necessary function to their
6 everyday life. I mean, they wouldn't be able to get
7 along without it, you know. As soon as they get it,
8 they say, "Gosh, this is a great service, how did I do
9 without it?"

10 Yes, I think that the customers have a great
11 deal of knowledge about their service. Certainly, a
12 lot of it depends on how much promotion is done on the
13 service, how much "publicity" the service gets as to
14 whether or not a lot of customers take it. But I
15 believe we underestimate the customer in a lot of ways
16 of his understanding of what the service is and what it
17 can do for him.

18 Q (By Ms. Green) If I could get you to turn to
19 Page 21 of your direct testimony, please, at Lines 21
20 through 23, you state, "In the minds of the public,
21 Caller ID meets a specific customer need that is not
22 satisfied by other TouchStar features."

23 How do you believe the public has come to
24 that conclusion?

25 A I think that a lot of this has come about

1 through, of course, publicity, but a lot of it has come
2 about by the fact that we have rolled out other
3 services that are providing the customer with more
4 control over their service.

5 For instance, with the Call Trace, when we
6 did a survey on the customers who currently have Call
7 Tracing, we asked them questions about, you know, how
8 they liked Call Tracing? One of the biggest complaints
9 they had was, here we go back to the number, but they
10 wanted the number. A lot of them said, "We don't
11 really want to prosecute these people, we want the
12 number. We'd like to be able to call them back and
13 say, 'Don't harass me any more.' We don't really need
14 this third party intervention."

15 That's telling us that there is a need for
16 the service, that there are customers out there who are
17 not particularly enamored with Call Tracing. They're
18 using Call Tracing but it's not necessarily doing what
19 they envisioned it to do. Perhaps they don't need that
20 indepth involvement, you know, they don't need the law
21 enforcement involvement. They just want to know is
22 that Lisa's, little Lisa's boyfriend calling in the
23 middle of the night? I'm going to call him back and
24 say, "I've got your number, don't call me back."

25 Q Let's talk about that need. If you could

1 turn to Page 14 of your rebuttal testimony, in that
2 first full paragraph, the version I have does not have
3 line numbers on it but the first full paragraph, the
4 second sentence states, "In most cases, unless the call
5 is truly obscene or threatening, the recipient of the
6 call just wants the calling to cease."

7 A That's correct. And in that case, Call Trace
8 really doesn't necessarily serve that function. The
9 Caller ID will do it for them. Call Return necessarily
10 doesn't do it for them; they can use it, but there's
11 other reasons for it, too.

12 Q But if that's the case, shouldn't Southern
13 Bell be trying to narrowly tailor a medicine to fix the
14 condition? In other words, some expanded form of
15 blocking, for instance, or a way to intercept to
16 program something into your phone so that you wouldn't
17 get a repetitive call from that same person if they
18 just want the calls to cease?

19 A Well, there's a call blocking function now,
20 you can block the call that you just received if you
21 don't want that call to call back. You can use these
22 services in a similar way, but they're not complete
23 substitutes for each other.

24 The Caller ID, there are people who say,
25 "Gosh, I use it for when I'm out of the house, I come

1 back in and see who has called me, you know, see the
2 numbers that have called me." You can't do that with
3 Call Return. You can't do that with Call Tracing. I
4 mean, call blocking doesn't serve that function. Call
5 Tracing serves a different function.

6 Yes, it is a deterrent to nuisance calls,
7 that's been proved in the state of New Jersey, it does
8 deter nuisance calls. It not only works with people
9 who have Caller ID, but it also is applicable to those
10 who do not have Caller ID; because of the fact that
11 it's out there, nuisance calls can be reduced. But
12 there are other reasons for having Caller ID other than
13 just deterring nuisance calls.

14 Q I feel like we're having a parallel
15 conversation, two separate ones. I think also a couple
16 of Commissioners want to ask you something.

17 COMMISSIONER GUNTER: Well, you just ought to
18 be listening.

19 COMMISSIONER BEARD: Commissioner Gunter
20 thinks call blocking is good for nuisance calls as well
21 because his son called home for money and he's blocking
22 that from now on. (Laughter)

23 WITNESS SIMS: I guess the point is that
24 customers can use these services for their own needs,
25 their own personal needs. What's good for one person

1 may not be useful for another person. You have a menu
2 of items to choose from, and you pick and choose from
3 those items.

4 I may not have need for the Caller ID because
5 I'm at work all the time and I have an answering
6 machine. I don't have any children and I don't get
7 that many nuisance calls. I love repeat dialing, I've
8 got repeat dialing because I like -- if I call somebody
9 and the line is busy, I activate my repeat dialing and
10 it continues to poll the line until the line is not
11 busy and calls me back. So it's different services for
12 different needs.

13 COMMISSIONER GUNTER: Yeah. You've got some
14 folks that threaten to fine the telephone company
15 \$2,000 if they even took an application for a telephone
16 at hunting camp.

17 WITNESS SIMS: For a telephone what?

18 COMMISSIONER GUNTER: You know, threaten the
19 Telephone company with a \$2,000 fine if they even
20 accepted an application for a place called the Booger
21 Bay Hilton, which is a hunting camp. So everybody has
22 different things. You know, we don't need communications
23 devices at that kind of place. So it runs the full
24 spectrum. Every has gongs and whistles like you until
25 there are times and extended periods that you don't want

1 any of that service.

2 WITNESS SIMS: That's right.

3 COMMISSIONER EASLEY: Just out of curiosity,
4 let me, before we totally leave this, to be sure I
5 remember correctly, the penetration on Caller ID in New
6 Jersey and Tennessee is 2% or less, right?

7 WITNESS SIMS: I think New Jersey is a little
8 more than 2% and in Tennessee it's a little over 1%.

9 COMMISSIONER EASLEY: All right. Was that
10 total residential and commercial or was that broken
11 down?

12 WITNESS SIMS: I think it's total.

13 COMMISSIONER EASLEY: I think it's total,
14 too. Did we know -- you didn't have the information
15 broken down as to whether it was commercial or what
16 part of that was commercial, did you?

17 WITNESS SIMS: No, I didn't. From --

18 COMMISSIONER EASLEY: Can I make an educated
19 guess that probably 50% of that, better than 50% of
20 that 2% is commercial?

21 WITNESS SIMS: No.

22 COMMISSIONER EASLEY: No?

23 WITNESS SIMS: No. I believe I think from
24 the indications in the study that like 90% is
25 residential.

1 COMMISSIONER EASLEY: Is residential?

2 WITNESS SIMS: Uh-huh.

3 COMMISSIONER EASLEY: So the customer that
4 you're talking about is probably the residential
5 customer, by and large?

6 WITNESS SIMS: Yes, ma'am.

7 COMMISSIONER EASLEY: Okay. How will Caller
8 ID stop -- you said the primary concern usually in a
9 nuisance call is you don't want any more calls?

10 WITNESS SIMS: That's correct.

11 COMMISSIONER EASLEY: Tell me how Caller ID
12 will guarantee or deliver no more calls better than
13 Call Trace? Or could it?

14 WITNESS SIMS: What happens is -- and this is
15 just from reading the quotes from the customers who
16 have Caller ID in New Jersey. They say that, "I was
17 receiving the calls, several calls late at night. I
18 got the number, I called the number back, I said, 'I've
19 got your number, quit calling me,' and the call
20 stopped."

21 COMMISSIONER EASLEY: So it takes the direct
22 intervention in most cases?

23 WITNESS SIMS: In most cases. But it also
24 says that there are some customers who actually have --
25 there has been a reduction in trap and trace overall in

1 the state of New Jersey since -- of course, now, that's
2 since the advent of Caller ID and Call Trace. But if
3 you talk specifically to the Caller ID customers, they
4 say that Caller ID has been an effective deterrent to
5 the calls.

6 COMMISSIONER EASLEY: Without them having to
7 talk to the individual that they don't wish to talk to?

8 WITNESS SIMS: Yes. Yes, both. They've had
9 to make some calls, the calls stopped. We had -- there
10 were a couple of people who said that since they got
11 Caller ID since it was introduced, the calls have gone
12 away.

13 Now, I'm not going to say that every single
14 call is going to go away because of Caller ID, but,
15 certainly, in effect, it appears to be an effective
16 deterrent.

17 COMMISSIONER EASLEY: I had a four- or
18 five-year-old calling my house, my number is an easy
19 one to dial. He's been calling and I answer the phone.
20 He says, "Who is this?" I always know it's him because
21 he's the only one who says, "Who is this?" I keep
22 telling him he's got a wrong number, not to call
23 anymore. And the last time I talked to him I told him
24 I was going to call his mother and tell his mother to
25 make him quit using the phone.

1 He hasn't called me in about a month-and-a-half.
2 And I don't know whether he thinks I've got his phone
3 number or not, but I ran a bluff on a five-year-old, it
4 worked. (Laughter)

5 WITNESS SIMS: There is a cite in here on a
6 bluff where a woman said, "I don't have Caller ID, but
7 I got a harassing call, I told them, 'I have Caller ID,
8 I got your number, don't call me back.'" And she never
9 called back.

10 COMMISSIONER GUNTER: Commissioner, I know
11 some folks you've threatened that are a whole lot older
12 than five years old and they do exactly what they're
13 supposed to do.

14 COMMISSIONER EASLEY: Make a list, please.

15 Q (By Ms. Green) Ms. Sims, do you have any
16 statistics on what has happened with the nuisance
17 calling in Tennessee since the introduction of Caller
18 ID?

19 A I don't think I've got anything on that.

20 Q Do you have statistics on any other state in
21 that regard other than the New Jersey study?

22 A I was looking to see if I had any Tennessee
23 information. (Pause) I don't have the Tennessee data,
24 the data that I have available is just New Jersey.

25 Q Okay. I wanted to clarify one thing about

1 the call block service, and I'm talking about the
2 TouchStar feature, Call Block, not blocking of Caller
3 ID. Earlier you were describing that in response to
4 someone's question. And if I understand, when the call
5 comes in and I don't like this call for whatever
6 reason, after I hang up, I can press star, a two-digit
7 code, and that number will not be able to call me any
8 more. How long does that stay in?

9 A It stays in until you deactivate it.

10 Q Now, what happens if I get another annoying
11 call after that and I assume now it's not coming from
12 the same number because if I program that in, will that
13 delete the first one?

14 A No. You can do up to six numbers.

15 Q Oh, now, because when I saw "up to six
16 numbers," I thought that was a preprogram option. In
17 other words, my mother-in-law and --

18 A You're right. Well, no, I think you can do
19 up to six numbers, whether or not you actually input
20 those numbers -- unless I'm misinterpreting the way it
21 works. And I'm getting a yes, I'm saying right.

22 Q That it's six altogether, regardless of
23 whether you put the number in yourself ahead of time,
24 or if you do it in response?

25 A Yes.

1 Q So by the time the person reached the seventh
2 pay phone, that would be it?

3 A That would be it, that's correct.

4 Q Okay. Public Counsel had asked you some
5 questions earlier about Southern Bell's soliciting
6 favorable comments from its customers for presentation
7 to this Commission. Are you aware of any pressure by
8 Southern Bell put on these customers to provide such
9 comments?

10 A No. I'm not.

11 Q Are you aware of any other parties in this
12 docket soliciting comments to the Commission?

13 COMMISSIONER EASLEY: You mean from either
14 point of view?

15 MS. GREEN: Yes, ma'am.

16 COMMISSIONER EASLEY: Or all five points of
17 view, whichever is appropriate?

18 COMMISSIONER GUNTER: You are aware, are you
19 not, that some professions had had a chain letter kind
20 of thing that you --

21 COMMISSIONER EASLEY: Form letter.

22 COMMISSIONER GUNTER: Form letter, I want to
23 call it chain letter.

24 WITNESS SIMS: No, sir, I don't know about
25 that.

1 Q (By Ms. Green) You've not even heard any
2 rumors in that direction that that has been done?

3 A Not about a chain letter, no, I haven't.

4 COMMISSIONER GUNTER: Form letter?

5 WITNESS SIMS: Or form letter.

6 Q (By Ms. Green) How about advertisements in
7 professional magazines directing people with certain
8 viewpoints to write to the Commission?

9 A I haven't seen those. If they're there, I
10 haven't seen them.

11 Q Would that surprise you if something like
12 that had, in fact, occurred?

13 A No. I would think that someone who was
14 opposing or even supporting a service might solicit
15 support to back them up. I really don't see a whole
16 lot of anything wrong with getting somebody to -- if
17 they feel, personally, that it's the right thing to do,
18 to support someone.

19 COMMISSIONER MESSERSMITH: I have a question
20 about that, is that against the rules?

21 MS. GREEN: No. I don't see that it is
22 against the rules per se, but it has been given a
23 somewhat sleazy connotation here today.

24 COMMISSIONER MESSERSMITH: Okay. I was just
25 curious because I was just wondering about that

1 soliciting people --

2 CHAIRMAN WILSON: You said you don't see
3 anything wrong in doing that?

4 WITNESS SIMS: Right.

5 CHAIRMAN WILSON: Let me ask you a different
6 question. Do you see any point in doing that?

7 WITNESS SIMS: I think that it gives more
8 support. In other words, it -- naturally, you know, if
9 you come in here and support in numbers, it has a
10 little more impact. You know, if a --

11 CHAIRMAN WILSON: Does it?

12 WITNESS SIMS: Possibly. Possibly, there's a
13 perception that it has an impact.

14 I disagree with strong-arm tactics. I think
15 a person should come in here firmly believing that
16 that's a position, whether in support or in opposition.
17 I think they should do that on their own free will.
18 Whether or not somebody has suggested to them, "Oh,
19 look, we're having a hearing, come on in," I really
20 don't see a whole lot wrong with that, but I do see
21 something wrong with the strong-arm tactics where
22 someone is being pressured to do something.

23 CHAIRMAN WILSON: Go ahead.

24 Q (By Ms. Green) Earlier, Commissioner Wilson
25 had asked you some questions about the capability for

1 an automatic intercept for blocked calls, do you
2 remember that?

3 A Yes.

4 Q And I believe you said that US West was
5 running a trial at this time? Maybe I'm mistaken,
6 someone was running a trial.

7 A No. I didn't say anything about a trial. I
8 said that the technology was being looked at. You're
9 talking about the unidentified call projection?

10 Q Yes, something like --

11 A The blocking?

12 Q Yes. Something like, "The number you have
13 reached does not accept blocked calls"?

14 A No. I don't know that it's being trialed
15 anywhere. We answered in our interrogatory, to Staff's
16 interrogatory, that, you know, the technology is being
17 looked at but I don't know that it's being trialed
18 anywhere.

19 Q Oh, I think that clears up my misconception,
20 I misunderstood what you said.

21 A Perhaps that was in regard to the name and
22 address function, where US West is doing some trials on
23 passing the name and address.

24 MS. GREEN: I remember that now that you have
25 refreshed me. That concludes Staff's questions of this

1 witness. Thank you.

2 CHAIRMAN WILSON: Redirect?

3 MR. FALGOUST: Two or three questions,
4 Mr. Chairman.

5 REDIRECT EXAMINATION

6 BY MR. FALGOUST:

7 Q Ms. Sims, you were asked today about the fact
8 that New Jersey Bell offers Call Tracing at a dollar
9 per call. Could you explain the differences, if any,
10 between what New Jersey Bell offers and what Southern
11 Bell offers? Are they the same service?

12 A No. It's not the same service. There has
13 been a lot of talk of offering a service, as New Jersey
14 Bell does, at a dollar a call. The problem with that
15 is that New Jersey does not offer the same Call Tracing
16 service that we do. What New Jersey Bell does, basically,
17 is when you activate your Call Tracing function, New
18 Jersey Bell puts a recording on there and says, "Call your
19 law enforcement department." So they refer -- it is a
20 passive function, it is referred to the law enforcement
21 and, in fact, law enforcement right now is complaining
22 that they are being inundated with calls because of Call
23 Tracing. Now, they can call the business office --
24 CHAIRMAN WILSON: Wait a minute, I don't
25 understand at this point.

1 COMMISSIONER MESSERSMITH: What does that
2 have to do --

3 CHAIRMAN WILSON: What happens is the central
4 office functionality is the same?

5 WITNESS SIMS: That's right, we will capture
6 the -- they. They capture the number, the number is
7 captured but they take a passive-type response to it.
8 Or in other words, they say, "If this is a threatening,"
9 I don't know exactly what the words are, but, "If it's a
10 threatening situation, contact your law enforcement
11 agency." Now, the other alternative --

12 CHAIRMAN WILSON: That's different, your
13 recording says what?

14 WITNESS SIMS: We say, "Call the Call
15 Annoyance Bureau." They do not have a Call Annoyance
16 Bureau.

17 CHAIRMAN WILSON: All right.

18 WITNESS SIMS: If you call, it has to be a
19 call to the business office. And the business office,
20 more than likely, is going to tell you, again, refer
21 you to the law enforcement.

22 Q You were also asked some tough questions by
23 the Commission concerning the logic of releasing the
24 calling number in a Call Trace situation as opposed to
25 a Caller ID situation. I'd ask you, Ms. Sims, to refer

1 to Page 9 and 10 of your rebuttal testimony, and
2 comment, if you would, on the context in which the
3 release of those numbers must be considered.

4 COMMISSIONER GUNTER: Is that a question,
5 counselor?

6 MR. FALGOUST: I think I asked her to
7 comment, yes, sir.

8 COMMISSIONER GUNTER: I thought you wanted an
9 answer. But, whatever.

10 COMMISSIONER EASLEY: His comment would be
11 the answer.

12 COMMISSIONER GUNTER: Well, okay.

13 CHAIRMAN WILSON: What page was that?

14 MR. FALGOUST: Pages 9 and 10 of the rebuttal
15 testimony. You've testified, Ms. Sims, that
16 approximately 75 million calls are made in Southern
17 Bell's territory within Florida each day.

18 A Yes, I did.

19 Q Now, do you know what percentage of those
20 would be annoyance calls?

21 A A very small fraction. If you look at what
22 the Call Annoyance Bureau handles, and if you also look
23 at maybe the number of activations per month, it is a
24 very small, small, small percentage. And, I think that
25 in the cases of calls that come to --- that actually go

1 through Call Annoyance Bureau, it is a small percentage
2 of calls. More than likely, these calls are to the
3 point of being obscene, harassing or threatening. And,
4 in this situation, we prefer not to give out the
5 number. It is a small percentage of calls. We work
6 with law enforcement in those cases where it goes to
7 prosecution.

8 Before it goes to prosecution, we will send
9 out a letter, we possibly will suspend service, we'll
10 possibly even disconnect service. But we make it clear
11 with the customer right up front what do you want to do?
12 Do you want to prosecute? Do you want to just have us
13 monitor the situation, or let us take action?

14 It is a small percentage of calls, and what
15 we're saying is that we are not revealing that number
16 on those small percentage of calls. Yet if there's 75
17 million calls made a day approximately, that includes
18 intraLATA calls as well as local calls, then what about
19 those other 75 million, those other 74.5 million calls?
20 Caller ID would be useful in this situation because
21 they are not ever reported to the Call Trace center.
22 You've got a volume of calls right there that are going
23 to be revealed through Caller ID. You put it in
24 perspective, the Call Trace situation is more of a
25 protective type approach.

1 Q Ms. Sims, you were also asked about Pacific
2 Bell's position on per-call blocking and the
3 legislation adopted by the state of California. Do you
4 know whether Pacific Bell supported or opposed that
5 legislation?

6 A They opposed that legislation.

7 Q Now, Mr. Mathues, I believe, was asking you
8 about what he termed special considerations, and who
9 they might be offered to and under what circumstances.
10 I just want to clarify the record with respect to
11 special considerations. Was it your understanding that
12 special considerations meant credit card and per-line
13 blocking or did you understand that to mean something
14 else?

15 A Now, as far as law enforcement is concerned?

16 Q I guess that's the point. Has law
17 enforcement been offered some things that the
18 intervention agencies may not have been offered?

19 A Yes.

20 Q And it's your understanding the intervention
21 agencies, the nonlaw enforcement people have been offered
22 credit card and per-line blocking essentially.

23 A That's correct.

24 MR. FALGOUST: That's all I have, Mr.
25 Chairman.

1 COMMISSIONER MESSERSMITH: Just to follow up,
2 I was curious looking at your testimony and the
3 extended conversation you had with regard to how a
4 small percentage of the 75 million are harassing and
5 annoying calls, that there's a greater utilization of
6 the Caller ID by customers who like to see the number
7 of the person calling them just so they can identify
8 before answering.

9 I looked through all of the -- I recorded all
10 of the testimony of our public hearings around the
11 state that I attended, and except for the Domino Pizza
12 guy, I haven't found any of them that really said
13 they'd like to know who's going to pick it up so much,
14 but 90 plus percent of them are interested in Caller ID
15 because of harassing phone calls. I mean, I don't
16 think that percentage reflects much upon the service.
17 I mean, the people who really are motivated for the
18 service are motivated more for the harassment and
19 obscene phone calls I think than --

20 WITNESS SIMS: Well, it is an important
21 feature in having Caller ID, but based on our surveys
22 and some of the responses we've got in the surveys, the
23 actual quotes from the customers who say they've
24 expressed an interest in Caller ID and the actual
25 quotes from the customers who have Caller ID in New

1 Jersey, there are other reasons for having the service.

2 In New Jersey, I think it was over 50% said
3 that it was helpful in annoyance call situations, but
4 they had a large percentage that also said it was
5 useful in other situations also, such as the answering
6 machine situation, emergency situations. Certainly we
7 have had some testimony from -- such as fire departments
8 and so forth; the schools that say that it would be useful
9 in emergency situations, also.

10 CHAIRMAN WILSON: Any other questions,
11 Commissioners? All right. Thank you very much.

12 (Witness Sims excused.)

13

14 CHAIRMAN WILSON: Move exhibits.

15 MR. BECK: Citizens move exhibits 4 through
16 8. With respect to exhibit 8 which is the deposition,
17 we discussed earlier, we made an agreement, I think
18 Southern Bell and I have reached an agreement in that
19 it will not object to the deposition if we enter into a
20 stipulation that the regional marketing council has been
21 dissolved this year, which I'm happy to stipulate to.

22 MR. FALCOUST: I don't know when it was
23 dissolved, but sometime since the deposition in August
24 that council has been dissolved and if counsel, as he
25 has indicated --

1 CHAIRMAN WILSON: That must have been a
2 pretty effective deposition then. There's no cause and
3 effect. Oh, I see.

4 MR. FALGOUST: If he's willing to stipulate
5 to that, I will not object, although it's a little bit
6 unconventional, I will no object to his moving Mr.
7 Price's deposition.

8 CHAIRMAN WILSON: All right. And without
9 objection 4, 5, 6, 7 and 8 are admitted into evidence.

10 MS. GREEN: Staff would ask to move Exhibits
11 9 and 10.

12 CHAIRMAN WILSON: Without objection --

13 MS. GREEN: Staff would also --

14 CHAIRMAN WILSON: -- Exhibits 9 and 10 are
15 admitted into evidence.

16 MS. GREEN: -- ask if we could get labeled
17 and moved in one other Staff exhibit, and that is Staff
18 3. That is the deposition of -- he is titled James
19 Whitehead, and as he states in his erratta sheet, his
20 name is actually Ennis Whitehead.

21 CHAIRMAN WILSON: Is this likewise subject of
22 agreement with --

23 MR. FALGOUST: No objection.

24 CHAIRMAN WILSON: -- no objection. All
25 right. We'll mark that as Exhibit No. 11. And,

1 without objection, we'll admit that into evidence.

2 MS. GREEN: Thank you, Commissioner.

3 CHAIRMAN WILSON: All right, anything further
4 at this point?

5 (Exhibit No. 11 marked for identification.)

6 (Exhibit Nos. 4 through 11 received into
7 evidence.)

8 CHAIRMAN WILSON: All right, we're going to
9 take about a 10-minute break. Folks can send out for
10 dinner, supper if they would care to, and we will
11 resume at 10 minutes 'til.

12 (Brief recess.)

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