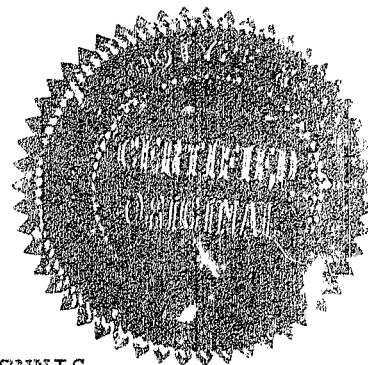


BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL  
FILE COPY

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

DOCKET NO. 891194-TI



TELEPHONIC DEPOSITION OF:

GARY J. DENNIS

TAKEN AT THE INSTANCE OF:

The Citizens of the State of  
Florida, by and through  
Jack Shreve, Public Counsel

DATE:

Tuesday, February 25, 1991

TIME:

Commenced at 11:30 a.m.  
Concluded at 11:52 a.m.

PLACE:

Office of the Public Counsel  
111 West Madison Street  
Room 812  
Tallahassee, Florida 32301

REPORTED BY:

JANE FAUROT  
Notary Public in and for the  
State of Florida at Large

ACCURATE STENOTYPE REPORTERS, INC.  
100 SALEM COURT  
TALLAHASSEE, FLORIDA 32301  
(904) 878-2221

DOCUMENT NUMBER-DATE

02313 MAR-7 1991

APPEARANCES:

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DAVID M. FALGOUST, ESQUIRE  
Southern Bell Telephone and Telegraph Company  
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ANGELA GREEN, ESQUIRE  
FPSC Legal Division  
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Tallahassee, Florida 32317-2519

I N D E X

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WITNESS

PAGE

GARY J. DENNIS

Direct Examination by Mr. Beck  
Cross Examination by Mr. Mathues  
Cross Examination by Ms. Green

4  
12  
14

EXHIBITS

IDENTIFIED

1 Memo of Gary Dennis to Tom Hamby and  
Ernest Bush Dated 8-6-90

6

CERTIFICATE OF REPORTER

19



1 A Approximately two years.

2 Q Okay. And, if you could, just briefly describe the  
3 function of the corporation BellSouth LC?

4 A Essentially, the organization develops and executes  
5 advocacy programs designed to enhance BellSouth's policies and  
6 positions, interests, pending before various agencies here in  
7 Washington, as well as the Congress.

8 Q And is BellSouth-DC a wholly-owned subsidiary of  
9 BellSouth Corporation?

10 A To my understanding, it is.

11 Q In your representation of the policies of BellSouth,  
12 does that also encompass the representation of Southern Bell  
13 and South Central Bell as subsidiaries of BellSouth  
14 Corporation?

15 A Yes, it does.

16 Q Mr. Dennis, you are familiar generally with Caller  
17 ID, are you not?

18 A Yes, I am.

19 Q Could you generally describe your involvement with  
20 Caller ID?

21 A My specific responsibilities here in Washington  
22 involve those programs that we are trying to advocate here in  
23 Washington involving the Federal Communications Commission, or  
24 the FCC. So, I particularly stay involved with the Caller ID  
25 activity that is before the Commission or the FCC. And one

1 docket that I have been tracking has been the petition for  
2 rulemaking that was initiated or filed with the Commission last  
3 year by a person named Joseph Bear. And so in that regard I  
4 try to stay atuned to Caller ID activities for the most part  
5 from their federal or national significance.

6 Q Were you also involved in the bill by Senator Cole to  
7 require per call blocking with Caller ID?

8 A No, not directly. I am aware of it. I am aware of  
9 the testimony that we filed in that proceeding, but I didn't  
10 participate in the preparation of the testimony or even attend  
11 the various hearings that did occur last year.

12 Q Mr. Dennis, do you have a copy of your memorandum  
13 dated August 6, 1990 that you wrote to Tom Hamby and Ernest  
14 Bush?

15 A Yes, I do.

16 Q We have marked that as Deposition Exhibit No. 1 here  
17 for your reference, please.

18 (Deposition Exhibit No. 1 marked for identification.)

19 BY MR. BECK:

20 Q Could you tell me what prompted you to write that  
21 memorandum?

22 A I guess from my experience with the Commission I have  
23 obviously been involved with the Caller ID debate and that  
24 issue, for the most part, from a federal viewpoint. And in  
25 doing so, I have tried to track what has been going on in the

1 state. I guess I developed some personal feelings as to how we  
2 should track and proceed with that debate on a federal basis,  
3 and some of those might apply to state activity.

4 Q Okay. In your memorandum dated August 6th, you  
5 proposed the offering of Caller ID in three forms, do you not?

6 A Yes, I did.

7 Q Okay. And how did you develop those three different  
8 forms of offering Caller ID?

9 A Really, in a sense, I kind of dreamed up these ideas.  
10 As I said, I have been involved with the debate. Overall they  
11 may be considered a little tendentious in that the end result  
12 that I was trying to achieve with those three ideas was one  
13 that I emphasized the importance of the privacy of the called  
14 party, not necessarily the calling party. And I, for the most  
15 part, was trying to develop an idea or suggestion. It was  
16 merely a suggestion that might help us address in some form or  
17 fashion the rights of both the called and the calling party.  
18 Though, as you can tell by my suggestion, it was really  
19 oriented more towards protecting the rights of the party being  
20 called or the called party. Because I had pretty well been  
21 discouraged by the various privacy rights organizations, and I  
22 personally had a feeling that they had, basically, taken the  
23 wrong side of that argument. And in my mind the privacy that  
24 is most important is the party that is being called. So, with,  
25 I guess, the limited technology background that I had with

1 regard to this specific issue, I thought these three forms of  
2 Caller ID might solve at least some of the debate and protect  
3 the value of Caller ID, not only to the telephone company, but  
4 to the called party.

5 Q And do you believe those three forms would achieve a  
6 balance between the privacy rights of the calling and called  
7 parties while retaining the public value of Caller ID?

8 A I think at the time I wrote that memorandum I  
9 believed that, yes.

10 Q And I take it, then, from the way you answered that  
11 that you no longer believe that?

12 A Essentially, that is true. The response I received  
13 on that memorandum was that those were good suggestions;  
14 however, the technology will not support that for any time in  
15 the near future.

16 Q Were the responses you received, then, limited to the  
17 technology of being able to offer these as opposed to them  
18 being a good policy way to go?

19 A Yes, they were. We didn't get into a lot of detail.  
20 I kind of dropped the subject. This was probably towards the  
21 early part of fall last year. We could have gotten into the  
22 other aspect of it, was that people might see through this  
23 proposal and particularly the privacy people might see through  
24 it, and say that it's not -- it is really not of any benefit.  
25 It is still Caller ID with no per call blocking. Especially if



1 you would assume that most customers would not want to receive  
2 unidentified anonymous phone calls and would select the option  
3 to have those rejected. But, for the most part, the  
4 discussion, that was a very short verbal conversation with Tom  
5 Hamby basically said, you know, "We have been working with a  
6 number of the suppliers, and this is not available." And I  
7 believe he said Northern Telecom was at least pursuing this  
8 line of thought, but it would be years before such technology  
9 was even available.

10 Q And is it your understanding that even now it would  
11 be years before it would be available?

12 A Yes. I think because of the process that has to take  
13 place, I am sure you are familiar with our MFJ restrictions, we  
14 cannot do a lot of interacting with various features that we  
15 need with an individual vendor. It is more along the lines of  
16 those vendors telling us what features they have developed, and  
17 I think that is, unfortunately, the situation here. When we go  
18 towards the end of the industry with features, we have to go in  
19 a generic requirements document that generally take a year or  
20 so to develop, and make all vendors aware of it. And then  
21 because of the requirements of being even-handed with all  
22 vendors, it generally takes another year to get those developed  
23 and selected. And so, you are talking about a two to  
24 three-year process from the time ideas are invented as to how  
25 to do features and functions of switching equipment until you

1 see them in the field. Those may be in the field, but the  
2 first deployment is not general deployment.

3 Q Mr. Dennis, do you have a copy of a memorandum from  
4 Tom Hamby to you dated December 6th, 1990?

5 A Is that the one with my other suggestion?

6 MR. FALGOUST: Yes.

7 BY MR. BECK:

8 Q What other suggestion?

9 A Well, there was a suggestion with regard to routing  
10 Caller ID through voice mail.

11 Q Do you have a memorandum that discusses that?

12 A No. Well, I honestly have not looked for that  
13 memorandum. When I pulled the file of Caller ID information, I  
14 did have this response from Hamby. To my knowledge, that was  
15 as a result of another suggestion that I submitted that was  
16 more focused and that unidentified calls ought to go to a voice  
17 messaging kind of response.

18 Q Would that be in lieu of block identified call option  
19 in your August 6th memorandum?

20 A Yes.

21 Q Okay. So, instead of just getting it blocked, they  
22 would get a message saying that the subscriber isn't taking  
23 calls from people who block their number?

24 A That's true. I believe that suggestion actually  
25 followed this August 6th, I -- like I said, I did not go

1 research that specific one, because I did not feel that was  
2 part of the issue here.

3 Q Okay. Your December 6th, 1990, or I should say the  
4 response of Tom Hamby dated December 6th, 1990 describes the  
5 development of unidentified call rejections, is that right?

6 A Yes, it does.

7 Q And doesn't it state that both Northern Telecom and  
8 AT&T are scheduled to release unidentified caller rejection in  
9 late 1991 or early 1992?

10 A Yes.

11 Q Okay. And is that still your understanding of when  
12 these technologies are expected to be available?

13 A Yes. Those are at least the time frames, and they  
14 pretty well track what I mentioned earlier, that it takes a  
15 year or two before a first release of a feature. And in this  
16 case, it also indicates that those two companies have, you  
17 know, basically begun development on this feature without any  
18 detailed generic requirements from the telephone  
19 companies.

20 Q Going back to your August 6th memorandum, what  
21 response did you get then from Tom Hamby and Ernest Bush?

22 A Well, as I said, Hamby and I met, as I recall,  
23 outside of a meeting we were both in, and he verbally told me  
24 that he had received the suggestion. And said, you know, "We  
25 are aware of what capabilities the switching equipment

1 manufacturers can provide, and this is not -- that they are  
2 going to be providing it any time in the near future." He said  
3 that although it was a good suggestion, it was too far off in  
4 time to have an impact on the policy that they needed to make  
5 at the current time."

6 Q Okay. Could you tell us briefly who Tom Hamby is and  
7 what his position is with your Company?

8 A Tom Hamby is the Assistant Vice President of  
9 Marketing.

10 Q For what company?

11 A For BellSouth Services.

12 Q And who is Ernest Bush?

13 A Ernest is the Assistant Vice President for Regulatory  
14 Matters, BellSouth Services.

15 Q Okay. Did you have any conversations with Mr. Bush  
16 about your August 6th memo?

17 A Not that I recall. We may have, but I do not recall  
18 especially any specifics to the detail that I do with Tom  
19 Hamby. He may have said, "I saw your memo," but he didn't  
20 really have any comment. I don't really recall any details of  
21 a conversation with Ernest on that.

22 MR. BECK: Thank you. That is all I have. The  
23 other attorneys may have some questions for you too,  
24 though.

25 CROSS EXAMINATION

1 BY MR. MATHUES:

2 Q Mr. Dennis, my name is Steve Mathues, I represent the  
3 Florida Department of General Services. In your August 6th,  
4 1990 memorandum, after the third bullet relating Caller ID, you  
5 mentioned something called a privacy bridge. Can you tell me  
6 what that is, please, sir?

7 A Just one second, let me look at that specific part of  
8 the document. Oh, my understanding at that time, which is, I  
9 guess, still my understanding, is that the telephone company  
10 could establish an 800 number, or even a local number, or a 90  
11 number and basically achieve a second dial tone through that  
12 telephone number to complete an anonymous phone call. In other  
13 words, they would dial a local telephone number that would give  
14 them a -- and their number would be identified to that bridge,  
15 but then a second dial tone would be afforded, and they could  
16 dial an anonymous phone call from, basically, by using that  
17 bridge.

18 MR. MATHUES: Thank you, sir. That is all I have.

19 CROSS EXAMINATION

20 BY MS. GREEN:

21 Q Mr. Dennis, I'm Angela Green, and I represent the  
22 Commission Staff here in Florida. I just have a few questions  
23 for you.

24 Regarding the suggestion in your August 6th, 1990  
25 memorandum to Mr. Hamby and Mr. Bush, in particular the block

1 unidentified calls option. I believe you stated earlier that  
2 it was your understanding that the technology to accomplish  
3 this suggestion is still not available as of this date. Is  
4 that correct?

5 A Yes, that is my understanding. I might add that my  
6 knowledge of the availability is very limited in my role. It  
7 was back in August and remains so today. I do not have a role  
8 of day-to-day interface with those various entities providing  
9 technology to our firm.

10 Q Perhaps I don't understand exactly, and should get  
11 this straight before we proceed further, what your  
12 responsibilities are with your Company. One of the things you  
13 mentioned that you were involved with was tracking the  
14 rulemaking petition at the FCC. Could you describe for me, and  
15 if you already did this earlier, I'm sorry, but could you  
16 describe for me what your job duties are?

17 A Yes, I believe I did that earlier, but I will repeat  
18 it. It is basically to develop and execute advocacy programs  
19 designed to further BellSouth's policies and positions here in  
20 Washington before, primarily, the FCC. My focus is primarily  
21 around issues such as ONA, mobile services, ISDN, SS-7 and  
22 cable TV.

23 Q And you stated that you really don't have a technical  
24 background. What is your background?

25 A Well, I do have a technical background. I began

1 working with Southern Bell in the network operations  
2 organization. I think the difficulty is, with this job is I  
3 don't have day-to-day contact with technology. I basically  
4 represent the various policies and positions the corporation  
5 takes on the issues before the FCC. That representing role  
6 does not afford me the opportunity to be in touch directly on a  
7 day-to-day basis with various technologies.

8 Q So how do you keep yourself informed as to these  
9 various technologies as, say, a rulemaking docket progresses?

10 A Well, I would say it is not easy because there are  
11 lot of various technologies that I have to cover. I read the  
12 periodicals and try to keep up with the documentation and the  
13 substantiation behind our positions that we take. And then at  
14 times I try to use the background and the information I have  
15 acquired directly in my previous roles with the Company.

16 Q I can certainly appreciate that that is a lot to keep  
17 up with. Would it surprise you to learn that a recent  
18 technological publication reported that AT&T and Northern  
19 Telecom have both made this equipment available to do block  
20 identified calls as you suggested?

21 A Yes, it would. I am not aware that they have done  
22 that, but as you implied, I would not normally be in that  
23 direct information flow in this position.

24 Q If you did know for a fact that that technology was  
25 available, would that cause you to change your position in any

1 respect from what you have discussed with Mr. Beck earlier?

2 MR. FALCOUST: Can you be more specific, Angela? I  
3 am not sure if I understand --

4 THE WITNESS: I am concerned that that is a  
5 hypothetical question. Can you give me a little more  
6 rephrasing on that?

7 BY MS. GREEN:

8 Q Would it be correct to say that you had more or less  
9 abandoned your position because of the technological  
10 impossibility of your suggestions?

11 A I certainly pretty well put it aside. I guess I also  
12 felt like that, you know, this is just part of the ongoing  
13 internal discussion that is healthy to a company in that -- for  
14 providing suggestions and making sure that others have thought  
15 of various things and that there are things in the mill. I am  
16 not sure with this proceeding that I am going to be as  
17 forthright with suggestions in the future. But, essentially, I  
18 had fairly well put that aside. And to my knowledge, it still  
19 is a technology that is a possibility, one that we haven't even  
20 made purchase decisions on, to my knowledge. And there is a  
21 lot to happen before that technology could be in place in any  
22 part of the region.

23 Q Do you still maintain an interest in working to have  
24 your suggestions accepted within your company or have you  
25 abandoned those?



1           A     I wouldn't use the term "abandoned." I think what I  
2 did was, as I would hope that other people in the corporation  
3 would, and I would hope that people external to the corporation  
4 would understand there is a certain amount of suggesting and  
5 suggestion and discussion that goes on in any policy decision.  
6 But I had my time and my say as to what I was suggesting based  
7 on, I think with hindsight, limited technological understanding  
8 of the details of what was in place today.

9                     But, nevertheless, I made a suggestion. I, in fact,  
10 got it acknowledged as at least being received and thought  
11 about to some degree. And then the policymakers of our  
12 corporation, in this case Southern Bell, proceeded on with the  
13 information that they had and established a policy position and  
14 carried that forth.

15                    So, you know, I haven't necessarily abandoned it. I  
16 had a part in the process because of the policies that were  
17 made and that I support. The corporation went forward. Three  
18 years down the road those policymakers, based on currently  
19 available technology, might well make another decision. But I  
20 fully understand they had to make their decision last fall and  
21 as far as I am concerned even today, based on what is available  
22 to them in the technology marketplace.

23                    MS. GREEN: I have no further questions for you.

24                    MR. FALGOUST: We will agree to the same stipulation  
25 as the previous deposition just before we closed it?

1 MR. BECK: Yes.

2 MR. FALGOUST: Gary, thank you very much. I  
3 appreciate your time.

4 THE WITNESS: Sure.

5 (The deposition was concluded at 11:52 a.m.)  
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CERTIFICATE OF REPORTER

STATE OF FLORIDA )

COUNTY OF LEON )

I, JANE FAUROT, Court Reporter, Notary Public in and for the State of Florida at Large:

DO HEREBY CERTIFY that the foregoing proceedings was taken before me at the time and place therein designated; that before testimony was taken the witness/witnesses were duly sworn; that my shorthand notes were thereafter reduced to typewriting; and the foregoing pages numbered 1 through 18 are a true and correct record of the proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor relative or employee of such attorney or counsel, or financially interested in the foregoing action.

WITNESS MY HAND AND SEAL this 5th day of March, 1991, in the City of Tallahassee, County of Leon, State of Florida.

*Jane Faurot*

JANE FAUROT, Court Reporter  
Notary Public in and for the  
State of Florida at Large

My Commission Expires: July 16, 1993

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff filings by ) Docket No. 891194-TI  
SOUTHERN BELL TELEPHONE AND TELEGRAPH )  
COMPANY clarifying when a nonpublished )  
number can be disclosed and introducing )  
Caller ID to TouchStar Service )  
\_\_\_\_\_ )

Deposition Exhibit No.   1

BELLSOUTH D.C., INC.

FEDERAL  
REGULATORY

*File  
Calling Number  
Delivery*

FAX NO. \_\_\_\_\_

PLEASE DELIVER OR CALL FOR PICK-UP IMMEDIATELY

Date: 8/4

No. of pages: 1 (plus transmittal sheet)

MESSAGE TO: Tom Rawls PHONE NO. \_\_\_\_\_

SUBJECT: \_\_\_\_\_

ACTION REQUIRED: FYI REVIEW & COMMENT CONCURRENCE REQUIRED

RESPONSE REQUIRED BY: \_\_\_\_\_

ADDITIONAL NOTES: \_\_\_\_\_

MESSAGE FROM: BELLSOUTH FEDERAL REGULATORY, WASHINGTON, D.C.

B. Blau  
463-4108

F. Urbany  
463-4110

G. Dennis  
463-4112

M. Talbot  
463-4113

W. Jordan  
463-4114

G. Preston  
463-4104

R. McGuire  
463-4123

D. Markey  
463-4101

M. Henze  
463-4109

K. Nolin  
463-4150

If message is unclear, please contact Dartene @ 202-463-4116

Bellsouth DC FAX Numbers: 202-463-4195

202-463-4196

202-463-4197

202-463-4198

August 6, 1990

Memorandum To: Tom Hamby  
Ernest Bush

From: Gary J. Dennis

Subject: Caller ID

I have a suggestion that we may want to consider that will unravel the Caller ID issue, once and for all!

Offer Caller ID service in three forms:

- o Caller ID - Block Unidentified Calls (This would allow a Caller ID customer to choose not to receive unidentified calls by the C.O. rejecting the calls in a fashion similar to Call Reject)
- o Caller ID - Allow Unidentified Calls (This would allow Caller ID customers to receive anonymous or privacy calls if they choose)
- o Caller ID - Per Call Blocking (This would allow a caller to call anonymously with nominal or no charge by requiring extra dialed digits or by using a "privacy bridge.")

This three-part suggestion meets all of our needs, could give us some favorable press, and could get this service on track towards implementation. It also achieves "balance" between privacy rights of calling and called parties, while retaining public value of Caller ID. With Caller ID - Block Unidentified Calls an unidentified call (i.e. someone using per call blocking) cannot get through to a customer who does not choose to be bothered by unidentified calls. Thus the value of unidentified calls is diminished and the privacy needs of Caller ID customers are retained in that they can choose to only receive identified calls. Obviously, out of Caller ID service area calls would pass through to Caller ID customers whether or not they have blocked unidentified calls.

We are getting no where in the public debate on the per call blocking and I believe this may give us the opportunity to lead the effort on this important new service without giving up the benefits of Caller ID to our customers. My suggestion may require a minor switching system software modification (to block unidentified calls) but that would be a small price to pay to get this debate behind us.

Please let me know what you think. We may want to consider this proposal in our upcoming written Congressional testimony on Caller ID.

cc: Lynn Holmes  
Karen Poesner  
Jim McCollum  
Don Davis

December 6, 1990

TO: G. J. Dennis  
FROM: T. L. Hamby  
SUBJECT: Caller ID

Gary, thanks so much for your suggestion on routing unidentified callers to the Caller ID (or any) subscribers voice mail (Memory Call). I am happy to report to you that a feature known as Unidentified Caller Rejection (UCR) is presently scheduled for standards development by Bellcore in 1991. Northern Telecom has already begun development of this feature, and both they and AT&T are scheduled to release UCR in the late 1991 to early 1992 timeframe.

Preliminary indications are that this feature is being developed to utilize a common central office announcement. However, your suggestion of forwarding to a voice mail box is an excellent one, and we will certainly champion its incorporation as an option into the technical standards.

Thanks again for your suggestion.

*Tom*