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ORIGINAL
FILE COPY

March 25, 1991

Steve Tribble, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, FL 32399-0850

Re: Docket No. 891194-TI

Dear Mr. Tribble:

Enclosed for filing in the above-captioned proceeding on behalf of the Citizens of the State of Florida are the original and 12 copies of Citizens' Additional Brief to be filed in this docket.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Darlene Driscoll
Darlene Driscoll

Enclosure

RECEIVED & FILED

EFSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

02926 MAR 25 1991

EFSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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-TT
Filed: March 25, 1991

CITIZENS' ADDITIONAL BRIEF

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, file this additional brief on the documents and depositions placed into evidence after conclusion of the evidentiary hearing held on November 28-29, 1990.

**SOUTHERN BELL MISGUIDED THE COMMISSION ABOUT THE EFFECT
OF CALLER ID IN NEW JERSEY**

Southern Bell relied heavily upon claims about the effect of Caller ID in New Jersey, where unblocked Caller ID has been in force for some time. The direct testimony of Nancy Sims, for example, claims that "a report prepared by New Jersey Bell of their experiences after the deployment of Caller ID indicated a 50% decrease in annoyance calls to those customers subscribing to Caller ID. In addition, there has been a 49% overall reduction in trap and trace requests." (T., pg. 56).

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Southern Bell had other information available to it. Around February, 1990, Mr. J. R. Monk, general security manager at BellSouth Corporation, asked Mr. William J. Schultz, a staff manager in the security department at BellSouth Corporation, to contact the New Jersey Bell Annoyance Call Center staff. He was asked to inquire about claims appearing in a newspaper article describing a marked reduction of annoyance calls after Caller ID went into effect. (Schultz Deposition at 6; Schultz Deposition Exh. 1 at 2). The newspaper article cited a study by New Jersey Bell purporting to show that the number of harassing or obscene telephone calls in New Jersey declined by half since the introduction of Caller ID. (Schultz Deposition Exh. 1 at 3).

Mr. Schultz contacted the Annoyance Call Center manager at New Jersey Bell, Ms. Marge Duncan, and found that there was not a reduction of harassing or obscene telephone calls of that magnitude. Mr. Schultz learned that there had been a 50% reduction in the number of traditional traps and traces placed as a result of the introduction of both Caller ID and Call Trace. Of course, such a reduction would be no surprise since the new call trace service all but replaces the need for traditional traps and traces. The manager of the Annoyance Call Center at New Jersey Bell guessed there might have been about a 10% reduction in annoyance calls, not the 50% claimed in the newspaper article. (Schultz Deposition Exh. 1 at 1; Schultz Deposition at 9).

After talking with the manager of the Annoyance Call Center at New Jersey Bell, Mr. Schultz confirmed the same conclusion with Ms. Barbara Dorsey, a manager in the security department at New Jersey Bell. Ms. Dorsey, Mr. Schultz' counterpart at Bell Atlantic, confirmed what the manager at the Annoyance Call Center had said. (Schultz Deposition Exh. 1 at 1; Schultz Deposition at 11-13).

As a result of Mr. Schultz's conversations with managers at New Jersey Bell, he concluded that "it appears that they (New Jersey Bell) are playing with the numbers." (Schultz Deposition Exh. 1 at 1).¹

**THE COMMISSION SHOULD ORDER SOUTHERN BELL TO OFFER
CALL TRACE TO ALL CUSTOMERS AT A RATE OF \$1 PER USE**

Evidence presented at the hearings held on November 28-29, 1990, supported the petition filed by the Citizens on September 21, 1990 to require the offering of call trace service to all customers at reasonable, usage based rates. The evidence showed that call trace addresses the problem of abusive and harassing phone calls better than Caller ID; that the use of call trace would also avoid the confrontations suggested by the use of Caller ID; that call

¹It is also interesting to note that Terry Lane, a manager at South Central Bell, believed that caller ID would not substantially reduce the annoying call problem initially at South Central Bell. (Lane deposition at 9; Lane deposition exhibit 1 at 3). At a meeting of the touchstar implementation team he requested that Caller ID not be promoted as a way to stop harassing calls. (Lane Deposition Ex. 1 at 3).

trace charged on a per-use basis would be a viable option for battered women to document an harassing abuser; and that surveys conducted by United Telephone Company showed that the overwhelming majority of respondents preferred to pay per-use fees for call trace rather than fixed monthly fees. (See Citizens' Brief filed January 11, 1991, at 19-24).

Since the hearing, a document produced by Southern Bell shows that charging for call trace on a per-use basis would help focus the use of call trace toward harassing and obscene phone calls. In a memorandum dated March 20, 1990, Ms. Darlene Wallace, manager of the Annoyance Call Center located in Ft. Lauderdale, Florida, proposed charging either 50¢, 75¢, or \$1.00 per activation for call trace. In addition, her memorandum favored abolishment of the present \$4.00 monthly charge in order to provide universal service to all subscribers. Her memorandum noted that universal availability of call trace to all subscribers would discourage potential offending callers because such callers would be aware that their calling number could be delivered through the use of call trace. (Wallace Deposition Exh. 1 at 2).

She noted that when a customer pays \$4.00 per month for call trace, the customer is apt to activate it frivolously because they feel they should be receiving something in return. According to Ms. Wallace's memorandum, the fixed monthly charge prompted use of call trace for curiosity over hang-up calls or apparently

misdirected calls. This behavior inundated the Annoyance Call Center. (Wallace Deposition Exh. 1 at 1). Considering that (1) charging call trace on a per-use basis would focus the use of call trace on obscene and harassing phone calls, and that (2) universal availability of call trace would help make this service more effective in deterring potential offending callers, Ms. Wallace proposed to replace the present fixed monthly charge of \$4.00 per month with a usage charge of 50¢, 75¢, or \$1.00.

Curiously, at the deposition Ms. Wallace mused that the monthly rate might be "the way to go" (Wallace Deposition at 17), but she could not explain how the monthly charge would help discourage those persons who might otherwise frivolously activate call trace. Notwithstanding the position taken in her memorandum, at the deposition Ms. Wallace was more inclined to defer to the rate structure chosen by the company, even though she didn't know what went into its makeup. (Wallace Deposition at 18-19). Even so, she continued to agree that a usage charge would discourage abuse of this service, while a fixed monthly charge encourages use of call trace for frivolous reasons. (Wallace Deposition at 19). She could give little reason for changing her position, other than deference to the company policy. (Wallace Deposition at 20).

UNBLOCKED CALLER ID MAY ADVERSELY AFFECT INNOCENT CALLERS

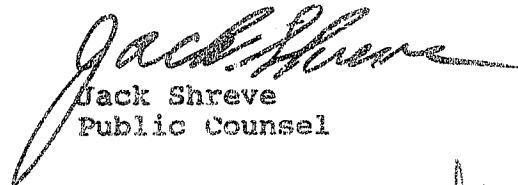
Unblocked Caller ID may lead to instances of harassment of innocent callers by subscribers to Caller ID. The deposition of Michael Cox provided one example of this in Tennessee, where Southern Bell offers unblocked Caller ID.

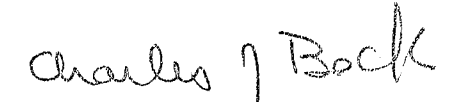
In this instance a person accidentally dialed the number of a caller ID subscriber. The party accidentally called was not home at the time of the call, but apparently viewed the telephone number of the caller on the Caller ID display unit at a later time.

This led to a number of harassing calls from the Caller ID subscriber to the person who accidentally dialed the wrong number. They told him: "Look. We've got Caller ID. We know who you are. We know where you live. And we know that you called us." (Cox deposition Ex. 1 at 3). They were hostile, threatening, and obscene to the person who accidentally dialed their number. (id.).

This example provides yet another reason why the Commission should approve Caller ID only if free per-call and per-line blocking is made available to all callers.

Respectfully submitted,


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CERTIFICATE OF SERVICE
Docket No. 891194-TI

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail or hand-delivery to the following parties this 25th day of March, 1991.

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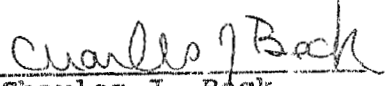
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