

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE TARIFF FILING OF SOUTH CENTRAL BELL)
TELEPHONE COMPANY TO INTRODUCE CALLER ID) CASE NO. 91-218

O R D E R

On December 4, 1991, the Commission entered an Order approving South Central Bell Telephone Company's ("South Central Bell") Caller ID tariff subject to certain modifications concerning blocking requirements and advertising requirements. The Order also directed the same modifications be made to the GTE South Incorporated ("GTE South") Caller ID tariff. South Central Bell and GTE South filed motions for rehearing of the Commission's Order. The Commission granted the petitions for rehearing on January 9, 1992 and authorized South Central Bell to provide Caller ID service in the same manner as GTE South had been authorized more than a year earlier,¹ pending the final determination of this proceeding. The requirements enumerated in the Order granting rehearing are: (a) per-call blocking available free of charge to all customers and exchanges in which Caller ID service is offered; (b) all subscribers informed of the availability of free per-call blocking through the provision of at

¹ Case No. 90-096, Tariff Filing of GTE South Incorporated to Establish Custom Local Area Signaling Service, Order dated October 8, 1990.

least three bill inserts over a three month period; (c) an advanced copy of the bill insert filed with the Commission for its consideration; and (d) telephone directories to include information concerning free per-call blocking and directions for its use.

All parties were given an opportunity to prefile testimony for rehearing. Testimony was filed by South Central Bell; GTE South; and the Attorney General of the Commonwealth, by and through his Utility Rate and Intervention Division ("Attorney General"). Data requests were also promulgated and responses filed.

Prior to any public hearing, on April 6, 1992, South Central Bell, GTE South, the Attorney General, Lexington Fayette Urban County Government, the American Civil Liberties Union, and AT&T Communications of the South Central States, Inc., comprising all parties to this proceeding, filed a joint motion requesting that the Commission approve a Settlement Agreement and conclude the case without further proceeding. The Settlement Agreement, attached hereto and incorporated herein as Appendix A, contains the following:

1. The provisions of the Commission's January 9, 1992 Order approving Caller ID service on an interim basis shall be made permanent.

2. South Central Bell and GTE South will make available per-call blocking to all South Central Bell and GTE South customers free of charge without presubscription and in all exchanges where Caller ID service is offered.

3. South Central Bell and GTE South agree to provide upon request free per-line blocking to law enforcement agencies and shelters of domestic intervention agencies.

4. All future print advertising including bill inserts concerning Caller ID service will advise customers of the availability of free per-call blocking in legible type no smaller than the typed size used to describe the Caller ID service, stating:

If you choose not to have your number forwarded to someone with Caller ID, you can activate free per-call blocking by dialing *67 on your touch-tone phone or 1167 on a rotary phone before you dial your call.

5. Beginning with the calendar year 1993 through and including 1997, South Central Bell and GTE South will mail a bill insert to all subscribers on a semi-annual basis on or about January 1 and June 30 concerning the availability of free per-call blocking of the Caller ID service.

On May 5, 1992, the Commission conducted a public hearing on the reasonableness of the Settlement Agreement. Testimony in support of the reasonableness of the Settlement Agreement as a final resolution on the merits was provided by South Central Bell, GTE South, the Attorney General, and LFUCG. Comments in favor of the Settlement Agreement were given by a representative from the Center for Women and Families in Louisville, Kentucky.

Extensive testimony was presented on privacy issues. When asked if customers subscribing to non-published listings and unlisted numbers should have per-line blocking made available, all parties testified that the per-call blocking which is available to

all subscribers without special request meets the privacy needs of subscribers with nonpublished and unlisted numbers.² The Attorney General's witness testified that the focal point of the Settlement Agreement was to allow individuals the opportunity to decide whether their phone number would be forwarded. The evidence put forth by the Attorney General was that the Settlement Agreement serves the public interest because it requires that per-call blocking be generally available without having to presubscribe to the blocking service, thus giving a choice to the general public, and also requires educating the public. Therefore, according to the Attorney General and other parties, since all customers will have the ability to prevent the forwarding of their number and to choose when to forward their number, the service is in the public interest.³

No evidence was presented in opposition to the Settlement Agreement. There is no evidence of record to support a finding that per-line blocking should be made available to any customer other than law enforcement agencies and shelters of domestic intervention.

Based upon the evidence of record, the Commission finds that the Settlement Agreement's terms are fair, just, and reasonable, in the public interest, and should be adopted as the final resolution in this proceeding. However, because of potential

² Transcript of Evidence ("T.E.") at 50.

³ T.E. at 9, 27-28, 53, 76, and 109.

privacy concerns, the Commission will require South Central Bell and GTE South to file a status report in 12 months which contains the following information: (a) percentage of customers subscribing to Caller ID Service; (b) percentage of customers subscribing to Call-Tracing Service; (c) listing of inquiries from any customer requesting per-line blocking; (d) listing of any complaints by a customer related to privacy concerns with Caller ID; and (e) percentage of calls blocked by subscribers via per-call block capability.

IT IS THEREFORE ORDERED that:

1. The Settlement Agreement filed April 6, 1992 is hereby adopted and approved as the final resolution in this proceeding.

2. Within 20 days of the date of this Order, South Central Bell and GTE South shall file tariffs reflecting all conditions of service for Caller ID.

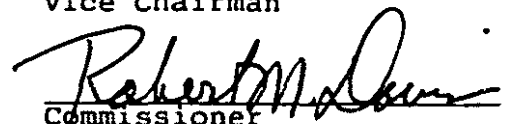
3. South Central Bell and GTE South shall file a status report of the provision of Caller ID and related services in Kentucky within 12 months of the date of this Order as enumerated herein.

Done at Frankfort, Kentucky, this 26th day of June, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director, Acting

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 91-218 DATED JUNE 26, 1992

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE TARIFF FILING OF SOUTH CENTRAL)	
BELL TELEPHONE COMPANY TO INTRODUCE)	CASE NO. 91-218
CALLER ID)	

SETTLEMENT AGREEMENT

BellSouth Telecommunications, Inc., d/b/a South Central Bell Telephone Company ("SCB"), GTE South ("GTE"), the Attorney General of Kentucky ("AG"), Lexington-Fayette Urban County Government ("Lexington-Fayette"), American Civil Liberties Union ("ACLU"), and AT&T Communications of the South Central States ("AT&T") agree to settle the above-styled docket as follows:

1. The provisions of the Commission's Order of January 9, 1992, approving Caller ID service on an interim basis shall be made permanent.

2. SCB and GTE will make available per-call blocking to all SCB and GTE customers free of charge without presubscription in all exchanges where Caller ID service is offered.

3. SCB and GTE agree to provide upon request free per-line blocking to legitimate law enforcement agencies and established shelters of domestic intervention agencies as provided in relevant local exchange carrier tariffs.

4. All future print advertising, including bill inserts, concerning Caller ID service shall advise customers of the availability of free per-call blocking in legible type (no smaller

than the type size used to describe the service in the body of the ad) as follows:

If you choose not to have your number forwarded to someone with Caller ID, you can activate free per-call blocking by dialing *67 on your Touchtone phone (or 1167 on a rotary phone) before you dial your call.

5. Beginning with the calendar year 1993 through and including 1997, SCB and GTE will mail a bill insert to all customers on a semiannual basis on or about January 1 and June 30 concerning the availability of free per-call blocking of the Caller ID. The insert will be on colored stock different from the actual bill and will notify customers of the availability of free per-call blocking and how to activate it. If the insert also includes a description of Caller ID service, the blocking information must be in bold type and of the same type size as that used to describe Caller ID service.

6. This Agreement is submitted for purposes of this case only and is not deemed binding upon the parties hereto in any other proceeding, nor is it to be offered or relied upon in any other proceeding involving SCB, GTE, or any other utility. Nothing in this Agreement is intended or should be construed to prohibit any party from taking any position it deems necessary in any other Commission proceeding or in any civil action.

7. If the Commission issues an order adopting this Agreement in its entirety, each of the parties hereto agrees that it shall file neither an application for rehearing with the Commission, nor an appeal to the Franklin County Circuit Court from such order.

8. If this Agreement is not adopted in its entirety, each party reserves the right to withdraw from it and require that hearings go forward upon all or any matters involved herein, and that in such event the terms of this Agreement shall not be deemed binding upon the parties hereto, nor shall such Agreement be admitted into evidence or referred to or relied on in any manner by any party hereto, the Commission or its staff in any such hearing.

9. All of the parties hereto agree that the foregoing Agreement is reasonable and in the best interest of all concerned, urge that the Commission adopt this Agreement in its entirety, and will join in a petition requesting that the docket be concluded based on the Agreement outlined herein without further proceedings.

Witness the acceptance and concurrence of all parties on the documents attached.

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SETTLEMENT AGREEMENT AND JOINT MOTION OF PARTIES
FOR APPROVAL OF AGREEMENT AND CONCLUSION OF DOCKET

The undersigned party to this docket hereby acknowledges and accepts the attached Settlement Agreement and moves the Commission to approve same in its entirety and to conclude this docket without further proceeding.

BellSouth Telecommunications, Inc.
d/b/a South Central Bell Telephone Company

By: _____

Creighton Inershan Jr

Date: _____

4-1-92

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The undersigned party to this docket hereby acknowledges and accepts the attached Settlement Agreement and moves the Commission to approve same in its entirety and to conclude this docket without further proceeding.

AT&T Communications of the South Central States

By: *A. A. Long*

Date: 4-2-92

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American Civil Liberties Union

By: 

Date: APRIL 1, 1992

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GTE South

By: Kimberly Caswell

Date: 4/2/92

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Lexington-Fayette Urban County Government

By: _____

Edmund W. Gardner

Date: _____

4-2-92

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Attorney General of Kentucky

By: Paul E. Renshaw, Asst. Atty. Gen.

Date: 4-6-92