

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
On-the-Record Presentation

July 8, 2009
St. Louis, Missouri
Volume 3

In the Matter of Southwestern)
Bell Telephone Company d/b/a AT&T)
Missouri's Application for Waiver)
of the General Distribution) No. IE-2009-0357
Requirement of White Page)
Directories)
Under 4 CSR 240-32.050(4)(B))

MORRIS L. WOODRUFF, Presiding
DEPUTY CHIEF REGULATORY LAW JUDGE

ROBERT M. CLAYTON, III, Chairman,
TERRY JARRETT,
KEVIN GUNN,
COMMISSIONERS

REPORTED BY:
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1 P R O C E E D I N G S

2 JUDGE WOODRUFF: We're here today to hear
3 questions from the Commissioners about the unanimous
4 stipulation and agreement that's been filed in Case No.
5 IE-2009-0357 which concerns AT&T Missouri's application
6 for waiver of the general distribution requirement of
7 White Page directories. We'll start the day by taking
8 appearances for the attorneys who are here. Let's start
9 with the attorney for AT&T.

10 MR. BUB: Thank you, your Honor. Leo Bub for
11 AT&T.

12 JUDGE WOODRUFF: And for Staff?

13 MR. RITCHIE: Sam Ritchie and Colleen Dale
14 for Staff, Missouri Public Service Commission.

15 JUDGE WOODRUFF: And Public Counsel?

16 MR. DANDINO: Michal Dandino, Office of
17 Public Counsel, representing the Office of Public Counsel
18 and the Public.

19 JUDGE WOODRUFF: And for Charter Fiberlink?
20 Just a moment. We're having trouble hearing you. Mr.
21 Garcia for CWA, Communications Workers of America, and
22 for Charter? We couldn't hear you the first time.

23 MR. WOODS: This is Kennard B. Woods. I am
24 counsel for Charter Fiberlink, Missouri, LLC, and also
25 available by telephone is Michael Moore, who is director

1 of regulatory affairs and counsel for Charter.

2 JUDGE WOODRUFF: I believe that's all the
3 parties in the case. The purpose of this proceeding
4 today is to allow the Commissioners to ask questions of
5 the parties about the stipulation and agreement, so we'll
6 begin.

7 MR. GARCIA: I'm sorry, I'm having a hard
8 time hearing.

9 JUDGE WOODRUFF: That was Mr. Garcia?

10 MR. GARCIA: Yes.

11 JUDGE WOODRUFF: I'll try getting closer to
12 the microphone so you can hear better. Is that better?

13 MR. GARCIA: Yes.

14 JUDGE WOODRUFF: Unfortunately, I don't have
15 a big part in this proceeding today. At this point I'm
16 going to turn it over to the Chairman, see if he has any
17 questions.

18 CHAIRMAN CLAYTON: Judge, at this point are
19 we going to have any witnesses available? Maybe they
20 could be sworn in.

21 JUDGE WOODRUFF: We do have witnesses
22 available. Mr. Voight is going to testify. We'll swear
23 him in first. Mr. Voight, do you want to please stand.

24 (Whereupon, Mr. William Voight was sworn.)

25 CHAIRMAN CLAYTON: Thank you, Judge. I thank

1 all the parties for being available. This is an
2 experiment on our part in trying to get out among the
3 different communities in the state as we deliberate
4 whether or not to move forward with this petition that's
5 been filed in this case.

6 Mr. Voight, I want to start with you. I want
7 to ask you how staff approached this case. I know we
8 have a unanimous stipulation before us, but how does
9 staff identify what interests it is going to protect as
10 it balances the rights of the company versus the rights
11 of the public? Can you tell me how the staff approached
12 this case?

13 MR. VOIGHT: I think we approached it from
14 the standpoint of the consumers, primarily to make sure
15 that residential and business households were able to
16 continue to receive the directory free of charge if they
17 so desired, and to balance that with our belief that not
18 everyone needs a White Pages directory, and that was
19 primarily our approach, to approach it from the
20 standpoint of the consumer needs.

21 CHAIRMAN CLAYTON: Has staff ever faced an
22 issue like this before where you have -- where cost
23 really isn't an issue for the staff, because rates are
24 not dependent upon the cost, so you're purely looking at
25 services being provided to customers? Have you ever

1 faced -- in your career on the staff, have you ever faced
2 an issue such as this before?

3 MR. VOIGHT: Given that in this case AT&T in
4 particular -- given that the telephone industry, in
5 general, the rates are now deregulated, we do not have
6 the concern with the costs that we would have
7 traditionally on revenue. In fact, the cost and revenue
8 are not determining factors.

9 CHAIRMAN CLAYTON: So you didn't look at cost
10 because really that doesn't matter anymore from the
11 perspective of staff in terms of balancing interests.
12 Does staff take a role of looking at the environmental
13 impact of distributing White Pages? Is that something
14 that you would consider or evaluate?

15 MR. VOIGHT: Yes. Yes, as I was -- obviously
16 we think that many people receive these, many households
17 and businesses receive these and simply don't need them
18 anymore and, yes, sometimes they end up in a landfill
19 without ever having been used.

20 CHAIRMAN CLAYTON: Were the Yellow Pages ever
21 discussed during these negotiations? Have they been a
22 part of this at all?

23 MR. VOIGHT: They were discussed actually
24 quite extensively, and in particular the information that
25 will go from -- the information that is circulated in the

1 White Pages as part of our rules will now be put into
2 Yellow Pages.

3 CHAIRMAN CLAYTON: What type of information
4 is that?

5 MR. VOIGHT: I'm prepared to speak at length
6 to that. Generally speaking, there are about -- in St.
7 Louis metropolitan White Pages there are about 25 pages
8 at the beginning of the directory that include everything
9 from how to contact emergency services, not only 911, but
10 certain companies, Ameren, that sort of thing, St. Louis
11 contacts, everything from that to how to dial long
12 distance, how to dial area codes. In the case of the
13 St. Louis directory approximately 25 pages of information
14 will be included going forward in the Yellow Pages, and
15 in that context the Yellow Pages were discussed.

16 CHAIRMAN CLAYTON: That's helpful. So
17 basically emergency numbers and traditional contact
18 information for local services like utilities, maybe
19 schools, government pages, those will all be included in
20 the Yellow Pages?

21 MR. VOIGHT: Yes.

22 CHAIRMAN CLAYTON: And the Yellow Pages will
23 continue to be distributed free of charge to all
24 customers by the company?

25 MR. VOIGHT: Yes, the short answer. I think

1 that's what the rule states. As a practical matter, I
2 think they generally tend to distribute both Yellow and
3 White Pages to all businesses and households irrespective
4 of whether or not they are a listed customer.

5 CHAIRMAN CLAYTON: So all households, so it's
6 beyond being a customer?

7 MR. VOIGHT: Yes.

8 CHAIRMAN CLAYTON: So in this agreement that
9 staff signed, the White Pages will not automatically be
10 distributed, but the Yellow Pages will be automatically
11 distributed as they always have been done; is that
12 correct?

13 MR. VOIGHT: Yes, that's correct.

14 CHAIRMAN CLAYTON: Now, are those all
15 conditions as part of the stipulation?

16 MR. VOIGHT: Yes, Mr. Chairman, they are part
17 of the conditions that are in the stipulation. The
18 stipulation itself contains approximately eight to 10
19 paragraphs of what I would call stipulation -- conditions
20 that have been placed upon AT&T and it is part of it.

21 CHAIRMAN CLAYTON: So if the Commission
22 approves this stipulation and agreement, there would be a
23 Commission order that if there's a violation of the
24 order, the Commission could come back and revisit it,
25 enforce the provisions of the stip as well as the

1 provisions included in our order; is that your
2 understanding?

3 MR. VOIGHT: Yes, most assuredly that is my
4 understanding. That is laid out in the stipulation as
5 well. What we call the amendments are laid out on Page 2
6 of the Stipulation and Agreement would be enforceable by
7 the Commission.

8 CHAIRMAN CLAYTON: My last question for you,
9 Mr. Voight, is in recent years AT&T moved from price
10 controls to pretty much deregulated in terms of price
11 throughout the state. Would you agree with that
12 characterization?

13 MR. VOIGHT: Yes.

14 CHAIRMAN CLAYTON: And I think it was last
15 year or maybe the year before, AT&T was given the ability
16 to opt out of a lot of quality of service and billing
17 regulations that we had in place. Would you agree with
18 that characterization?

19 MR. VOIGHT: Yes.

20 CHAIRMAN CLAYTON: All right. My question
21 is, regarding this rule and distributing the White Pages
22 and Yellow Pages, is this a waivable rule or a waivable
23 obligation by the company?

24 MR. VOIGHT: It would not be automatic. This
25 waiver is not pursuant to statute as with the quality of

1 services and billing rules, which you know are part of
2 the stipulation. Waiver of the rule for publication of
3 the telephone directories is contained in Chapter 32.050
4 of the regulation. Waiver of that is not automatic.

5 CHAIRMAN CLAYTON: Okay. But does the
6 company have the ability to opt out of complying with
7 this regulation like they did on the quality of service
8 and billing regulation?

9 MR. VOIGHT: No, sir, they do not.

10 CHAIRMAN CLAYTON: How many obligations does
11 AT&T still have to comply with in our regulations that
12 are not waivable or that they cannot opt out in
13 legislation passed recently?

14 MR. VOIGHT: I don't know the exact number,
15 but they are required to adhere to all of the
16 Commission's rules except those quality of service and
17 billing as specifically addressed by statute in addition
18 to any other rules that the Commission may have waived
19 over the course of the years.

20 CHAIRMAN CLAYTON: I don't have any more
21 questions. Judge, do you want to continue to have the
22 Commission go at him or do you want to --

23 JUDGE WOODRUFF: Does any of the
24 Commissioners have any questions for him?

25 COMMISSIONER JARRETT: I have a question.

1 JUDGE WOODRUFF: Okay. Go ahead.

2 COMMISSIONER JARRETT: Good morning, Mr.
3 Voight.

4 MR. VOIGHT: Good morning.

5 COMMISSIONER JARRETT: I just had a question
6 on the notice provisions. Obviously the most important
7 thing in the stipulation is notice to the customers,
8 because given technology, people use the internet to look
9 up phone numbers that way, but there's a lot of folks who
10 either don't want a computer or don't have one or maybe
11 don't have access to one because of cost, so there is
12 still going to be a need obviously to get the White Pages
13 delivered. Can you talk a little bit about the notice
14 provision and why staff agrees --

15 MR. VOIGHT: If I understand your question --
16 forgive me, I couldn't hear you as well for some reason,
17 but I think your question about notice is that the
18 directories will no longer be published and -- excuse me
19 -- the directories will no longer be distributed
20 automatically as well as how will we know in the future
21 when a White Pages comes out in order to request a copy
22 of it.

23 COMMISSIONER JARRETT: Right. I just want
24 you to go through the notice provision and explain why
25 staff believes that it's adequate.

1 MR. VOIGHT: I think the first part of the
2 answer is that AT&T has agreed to work with all of the
3 media and just generally getting the notice out to the
4 general public through various media outlets that
5 automatic distribution of the White Pages in St. Louis
6 and Kansas City will no longer occur, will no longer be
7 automatic, so there will be a substantial amount of news
8 coverage on that.

9 The second part will be that the Yellow Pages
10 that will be automatically distributed going forward to
11 all households and businesses will contain notification
12 that a new White Pages is available, will contain the
13 toll free number that people can call and order one. In
14 that manner the public will be notified that a new White
15 Pages directory is available simply for the asking.
16 Those are the primary notification methods that gave
17 staff some level of comfort that the public would be
18 notified adequately.

19 COMMISSIONER JARRETT: So Staff's position
20 then is that is adequate?

21 MR. VOIGHT: Yes.

22 COMMISSIONER JARRETT: Thank you. No further
23 questions.

24 COMMISSIONER GUNN: I have some. So once you
25 decide to order a White Pages, order a paper copy, is

1 that the same process they're going to have to go through
2 each year or is it more that once you have opted to get
3 the paper copy, the consumer won't have to call the 800
4 number and --

5 MR. VOIGHT: As I understand it, they're
6 going to have to call the 800 number every year.

7 COMMISSIONER GUNN: I have a bunch of
8 questions about web sites, about Yellowpages.com and
9 Realpages, and I don't know whether you're the right
10 person to ask about them. Do you feel comfortable
11 answering some of those questions?

12 MR. VOIGHT: I could try. Quite frankly, I'm
13 not the best for the Yellow Pages at this time, in
14 particular the Yellow Pages.

15 COMMISSIONER GUNN: Well, then I'll save
16 those and ask AT&T and if I have questions, I'll call you
17 back up and see if there are any more. So I'm okay, but
18 I have questions about the on-line directory.

19 JUDGE WOODRUFF: You can step down, Mr.
20 Voight.

21 CHAIRMAN CLAYTON: But keep him up here on
22 the stage.

23 JUDGE WOODRUFF: I don't think he's going to
24 run off.

25 CHAIRMAN CLAYTON: Well, lunch is probably

1 being served somewhere, so -- I want to ask something of
2 Mr. Ritchie.

3 MR. RITCHIE: Yes.

4 CHAIRMAN CLAYTON: I want to talk to you
5 about enforceability. What happens if a customer calls
6 the 1-800, goes to the web site, makes a request and
7 doesn't get the White Pages? Do they have the ability to
8 file a complaint before the Commission?

9 MR. RITCHIE: Yes, they will.

10 CHAIRMAN CLAYTON: So the -- and I should
11 have asked Mr. Voight the legal question, but this order
12 will be fully enforceable through a complaint process if
13 there are any deviations from the agreement; is that
14 correct?

15 MR. RITCHIE: Yes, that's correct.

16 CHAIRMAN CLAYTON: The reason I ask that is
17 that some complaint procedures generally are not
18 available to customers anymore, especially on the quality
19 of service side because those rules are not enforceable
20 anymore, and I just want to make sure that if we approve
21 this, that we can hold the company's feet to the fire if
22 there are any problems, and I don't have any reason to
23 expect that there would be problems, but we need to be
24 prepared for that possibility. Do you know, from Staff's
25 perspective, will they have the ability to monitor or

1 check on whether the company is complying with the
2 obligations of the stipulation?

3 MR. RITCHIE: I think we would probably
4 monitor that through a complaint process procedure.

5 CHAIRMAN CLAYTON: So Staff could file a
6 complaint as well?

7 MR. RITCHIE: Sure.

8 CHAIRMAN CLAYTON: Okay. I don't have any
9 other questions for you.

10 COMMISSIONER JARRETT: No questions. Thank
11 you.

12 COMMISSIONER GUNN: No questions.

13 CHAIRMAN CLAYTON: Mr. Bub, what are the
14 consumers getting out of this deal?

15 MR. BUB: The consumers are getting choice.
16 What the consumers are getting is choice, and I know the
17 Commissioners understand the proposal, but for those that
18 aren't listening now, I want to be clear that what we're
19 changing here is just the method for distributing the
20 metro residential White Pages. The White Pages are not
21 going away. So those customers that still want a paper
22 bound White Pages, all they need to do is make one call
23 to an 800 toll-free number, we'll get them a directory
24 personally, that's the change. And we're really giving
25 the customer a choice of how they can receive their

1 residential listings. If they don't have a computer and
2 they want paper, they can have it. If they want access
3 to listings on-line, they can do that. Actually our
4 residential White Pages, the electronic version, that web
5 site, it has the exact same book, it's an exact copy of
6 what we publish on the web site.

7 That electronic version is searchable, so
8 they can verify an address or a telephone number. All
9 they do is enter in a name and zoom right to the pages
10 without having to look through. Also another feature it
11 has is expanding the pages, so if you have trouble
12 reading the small print, it can be expanded. The third
13 option they have is they can request a CD ROM disc, and
14 so what we're doing is we're giving a choice to the
15 customer.

16 CHAIRMAN CLAYTON: You're giving the customer
17 choice, and I appreciate that, it's good, it's a good
18 answer, but I want to ask you, are customers clamoring
19 for this choice, or the contrary, do they just want to
20 get an automatic copy year after year of the White Pages?

21 MR. BUB: What we found was, we went to two
22 other cities that we've done this in, those early trials,
23 it was Austin and Atlanta, and in Austin we did the same
24 thing where we publicized that we were going to cease the
25 automatic distribution and books would be available upon

1 request. Not everyone wants one. There's a lot of
2 people that don't want them, don't use them, don't need
3 them and they go into the landfill, so we did a trial and
4 in Austin that research was three percent, and in Atlanta
5 one percent. So from that, we believe customers --
6 again, it's not just directory products we provide. We
7 want to give back personally, and a lot of listings that
8 might have schools and our church organizations, those
9 people every day and we'll have names and addresses, also
10 our cell phone, home phone number, and so it's not just
11 the White Pages.

12 CHAIRMAN CLAYTON: How many customers have
13 said please don't send me an automatic copy of the White
14 Pages? Tell the truth now.

15 MR. BUB: To be real honest, I wouldn't
16 expect to get that kind of a call. I think what we're
17 talking about, they just receive the same old
18 information, that you would be sending that paper
19 automatically.

20 CHAIRMAN CLAYTON: Is AT&T going to do
21 mailings through bills, through their bills that are sent
22 out or e-mails through their billing system?

23 MR. BUB: No. What we have proposed to do
24 was -- the first delivery cycle -- we realize there's a
25 change, so currently we deliver the White Pages through

1 just mass distribution in a plastic bag and we'll deliver
2 it to every household, every business, whether they're a
3 customer or not, just saturate the territory. We are not
4 eliminating the metro Yellow Pages, so, for example, in
5 St. Louis, I believe it's December -- at that time we'll
6 come with the mass distribution of the metro Yellow
7 Pages. With that there will be a ride-along flyer that
8 will explain changes to customers. They're going to get
9 it personally delivered to their house and to their
10 business telling them about the changes and telling them
11 how they --

12 CHAIRMAN CLAYTON: So the impact is for the
13 Yellow Pages -- they're not going to -- the answer is no,
14 they are not going to get an insert in their bill or
15 their e-mail distribution? Wouldn't it be easier to send
16 an e-mail for electronic customers or just put a little
17 postcard in a copy of the bills they send out?

18 MR. BUB: We could do a bill message, but
19 we're actually going to put it on a piece of paper that
20 will go with the directory and the directory itself, when
21 it comes, the Yellow Page directory will have a separate
22 hard copy so you can get that easily and that that will
23 also give the options of how to get the residential
24 listings and it will show the 800 number and it will show
25 that the CD Rom is available.

1 CHAIRMAN CLAYTON: If a customer calls the
2 1-800 number, do they get a live person when they call
3 and request the white pages?

4 MR. BUB: Not initially. What they will get
5 is they will get an automated voice and that voice will
6 respond to their telephone number. So the person calls
7 in from their home and the system will recognize that, so
8 our system will ask them is this your current address,
9 and they touch one for yes, and that's all we need and
10 the directory will be mailed. If the system doesn't
11 recognize the number, that will immediately default to a
12 live person, and that was the option, default to a live
13 person.

14 CHAIRMAN CLAYTON: Is AT&T going to do any
15 public service announcements on this issue?

16 MR. BUB: Yes. The media -- this is one of
17 our information sources given to us which is very helpful
18 and we agreed to work with them to do that. It's
19 important to us that customers know about how to get the
20 White Page directories and we do want to get the 800
21 number out.

22 CHAIRMAN CLAYTON: Is AT&T committed to
23 reducing rates with this from savings from not
24 distributing the White Pages? You're not committed? So
25 we shouldn't anticipate any reduction in rates from this?

1 MR. BUB: No. Everybody wants savings from
2 this program. I think the question mark is how well it's
3 going to be received by the customer. Probably the first
4 year, second year -- what we have right now in St. Louis,
5 for example, in June and starting in December is a
6 transition that's seamless, so that first book probably
7 isn't, but next year we hope to have savings, but how
8 that will be will depend on how well the program is
9 received, because mass distribution, that's one cost, but
10 then having to actually physically mail the book to the
11 household, it's much more expensive, so it really kind of
12 depends.

13 CHAIRMAN CLAYTON: So if only one percent
14 requests the White Pages, you don't think AT&T will have
15 a reduction in costs?

16 MR. BUB: We will see some savings, but it
17 won't be --

18 CHAIRMAN CLAYTON: Customers won't get it?

19 MR. BUB: It won't be that huge.

20 CHAIRMAN CLAYTON: I don't have any other
21 questions.

22 JUDGE WOODRUFF: Commissioner Jarrett?

23 COMMISSIONER JARRETT: Good morning, Mr. Bub.

24 MR. BUB: Good morning, Commissioner.

25 COMMISSIONER JARRETT: You indicated earlier

1 that you had initiated a similar program in Austin, Texas
2 and Atlanta, Georgia?

3 MR. BUB: Right.

4 COMMISSIONER JARRETT: Are the notice
5 provisions that are contained in the stipulation, are
6 they similar to the ones that you used in Austin and
7 Atlanta?

8 MR. BUB: The methods are similar. I do not
9 believe we actually had a proceeding like this, but we
10 did a ride-along in the Yellow Pages there as a hard sock
11 insert, and I believe we did that as well --

12 COMMISSIONER JARRETT: So the methods are the
13 same, the media, notification through the media and also
14 the inserts and the ride-alongs with delivery of the
15 Yellow Pages?

16 MR. BUB: Let me just double check that.
17 Ride-along in Austin actually, so yes, in Austin.

18 COMMISSIONER JARRETT: And so my question is
19 how does that work? Have you received any complaints
20 from folks who complained that they didn't receive notice
21 or they didn't understand the notice, any problems on the
22 notice issue in those areas?

23 MR. BUB: We did not have any problems, and
24 we would trust if there are anything, our customers would
25 actually call us on our normal 800 number and we would

1 get them a directory.

2 COMMISSIONER JARRETT: I'm not sure exactly
3 how in Texas or Georgia, but utility regulators in those
4 states. Do customers have the ability there to file
5 complaints with the Commission?

6 MR. BUB: They may file complaints, yes.

7 COMMISSIONER JARRETT: Similar to Missouri?

8 MR. BUB: Yes.

9 COMMISSIONER JARRETT: And has AT&T received
10 any feedback from Commissions in those states that there
11 were complaints filed with the Commission or any
12 problems?

13 MR. BUB: No, we did not receive any
14 complaints.

15 COMMISSIONER JARRETT: On the notice
16 provisions?

17 MR. BUB: Correct.

18 COMMISSIONER JARRETT: Thank you.

19 JUDGE WOODRUFF: Commissioner Gunn?

20 COMMISSIONER GUNN: Thank you. I have a
21 question about the web site. So part of what we're
22 saying is we're going to replace the hard copy with
23 on-line versions which will make up -- or give access to
24 most of the customers?

25 MR. BUB: Well, we're going to just give

1 customers that option. The book isn't going to be
2 replaced. There will just be different options so the
3 customer can choose what he wants.

4 COMMISSIONER GUNN: Fair enough. Who owns
5 the web site RealPagesLive.com and YellowPages.com?

6 MR. BUB: I believe AT&T owns them.

7 COMMISSIONER GUNN: Who administers those?

8 MR. BUB: The company.

9 COMMISSIONER GUNN: So it's an in-house
10 operation, not a third party?

11 MR. BUB: I believe our operations handles
12 those.

13 COMMISSIONER GUNN: Is the site going to get
14 a redesign or an upgrade or will they continue as is?

15 MR. BUB: I have an expert who's --

16 JUDGE WOODRUFF: Why don't you come up here
17 and we'll swear you in.

18 (Whereupon, Michael Barry was sworn in.)

19 JUDGE WOODRUFF: Tell us your name.

20 MR. BARRY: Michael Barry.

21 JUDGE WOODRUFF: And you're with AT&T?

22 MR. BARRY: Director of external affairs with
23 AT&T Advertising Services.

24 COMMISSIONER GUNN: I'll ask the question
25 again. Are the sites going to get an upgrade or redesign

1 or will they continue as is?

2 MR. BARRY: We continually look at the sites
3 and try to modify them to better serve customers. AT&T
4 has announced that changes are coming to -- there will be
5 a different version of YellowPages.com coming out soon.
6 We had a minor change, a relatively minor change to
7 RealPagesLive in the past several months, so we continue
8 to try to improve our products to better serve people
9 with them.

10 COMMISSIONER GUNN: The search engines, the
11 pure search engines, which is the first thing you see on
12 those web sites, will that continue to be the case or
13 will the first thing you see when you go to those the
14 option to --

15 MR. BARRY: If I understand the question
16 correctly, there is no intention to -- at this point,
17 that I'm aware of, to change the initial screen to the
18 page on those web sites, if that's what you're asking.

19 COMMISSIONER GUNN: Is access to the White
20 Pages on that initial screen or will it be on that
21 initial screen or do they have to go further?

22 MR. BARRY: If we could specifically talk
23 about RealPagesLive, to start this conversation, that is
24 an actual image of the book. When you land on that page,
25 you see the cover, so then you have to make a decision as

1 to where within that directory you want to look, whether
2 it's the guide section, which includes the mandated
3 information that we have, telephone service, the White
4 Pages, whether it's business White Pages, the residential
5 White Pages, or the Yellow Pages. So it's like using a
6 book.

7 COMMISSIONER GUNN: Right. What about the
8 YellowPages.com?

9 MR. BARRY: YellowPages.com is a little bit
10 different in terms of the way it's formatted. Once you
11 get on that page, it will automatically drop you onto a
12 -- your landing page will initially come up with the
13 opportunity to search for a business, or that's one of
14 the primary tabs, or find a person. So once again,
15 you're one step away from getting the list.

16 COMMISSIONER GUNN: And when you talk about
17 YellowPages.com, when you get to that find a person, it
18 is not a copy of the book, it is a search engine,
19 correct?

20 MR. BARRY: Yes, it's a listing search
21 engine.

22 COMMISSIONER GUNN: Because that's very
23 unforgiving. I've done it and it's very -- you don't get
24 -- at least the phone number for me, my wife's name came
25 up and mine didn't and a different Kevin that was not me,

1 and then there were multiple listings. So that's fairly
2 unforgiving, the search listing on YellowPages.com. I
3 mean, that's probably more a comment than a question, but
4 let me turn it into a question. Do you know the
5 parameters, is the exact name necessary to pull up that
6 name under YellowPages.com?

7 MR. BARRY: Unfortunately I don't know the
8 answer to that.

9 COMMISSIONER GUNN: Do you know if it takes
10 you to common spellings or getting the name spelled
11 wrong?

12 MR. BARRY: I'm not aware that it does. You
13 know, unfortunately the only time I've used it for
14 personal search, I've known what I was looking for.

15 COMMISSIONER GUNN: So, for example, if
16 someone is looking for my last name, put only one N on it
17 or put an I in it, would only those exact names come up?

18 MR. BARRY: I believe that to be the case,
19 yes.

20 COMMISSIONER GUNN: All right. And that's
21 YellowPages.com, but RealPages as well, but that's
22 the physical --

23 MR. BARRY: Well, no, it's not. With
24 RealPagesLive you can actually see pages.

25 COMMISSIONER GUNN: That's what I mean. So

1 it's basically essentially almost a PDF of the book.

2 MR. BARRY: It does, and it's got a real
3 nifty little page turner, as a matter of fact, but --

4 MR. BUB: Mr. Gunn, can I just add one thing
5 to that?

6 COMMISSIONER GUNN: Sure.

7 MR. BUB: If you were to look in
8 RealPagesLive, in fact, if you were to search for G-u-n,
9 it would probably take you to the beginning of that
10 section, and from then you could go to G-u-n-n.

11 COMMISSIONER GUNN: Right.

12 MR. BUB: It wouldn't take you to the wrong
13 person, because you only give partial information, so
14 just like when you flip through the book itself, I would
15 probably look for the G, then G-u-n and I would go more
16 specific after that and you would have that ability.

17 COMMISSIONER GUNN: I agree with you, that
18 when you go there, it's the book and you can click
19 through it and it's relatively easy. I think it's
20 actually a fairly nicely designed, user-friendly web
21 site. I'm not that sure about YellowPages.com, and I
22 know that's not its primary purpose, but what I'm
23 concerned about is that YellowPages.com is a much more
24 familiar name to people than RealPagesLive.com and in
25 relation to YellowPages.com, instead of having your own

1 separate search engine or directory on YellowPages.com
2 because I just think it -- I think Google is probably a
3 more effective tool, and I'm sure Staff might want to
4 take a look at how well that's working as well. How
5 often is RealPagesLive.com updated; just once a year?

6 MR. BARRY: RealPagesLive is updated once a
7 year with publication of the directory, and the
8 YellowPages.com is more dynamic, just sporadic basis
9 around the year.

10 MR. GUNN: So if someone's number is wrong,
11 address is wrong, someone is continually getting calls to
12 the wrong phone number, is there any procedure available
13 on RealPagesLive.com to fix that or correct that? And I
14 understand that there's no way to do that under the
15 physical paper copy as well, but I'm just curious whether
16 the web site allows you to do that.

17 MR. BARRY: Not easily, no. It can be done,
18 but usually there's great expense. I'm aware of really
19 one situation where -- and I haven't heard of a consumer
20 request that a change be made to that site.

21 MR. BUB: What we want is consistency between
22 our electronic product and the paper and we have
23 different things that we do. We do recognize that there
24 are errors made, but it's the same problem with the book.
25 With that site, RealPagesLive is intended to be an

1 electronic copy of the book as published.

2 COMMISSIONER GUNN: So if it's wrong, it
3 better be consistent, right?

4 MR. BUB: In this case there's reasons to be
5 consistent, so we would certainly correct it in the next
6 publication, whenever it was brought to our attention.

7 COMMISSIONER GUNN: So if the electronic
8 version is right, I would much rather have it be right
9 than consistent with the paper copy, but I understand
10 your point and your cost issues involved. So if someone
11 -- the procedure is the same. If someone requests it,
12 the on-line version is --

13 MR. BUB: Yes.

14 COMMISSIONER GUNN: Now, if someone
15 subsequently wants their number to be unpublished, how
16 does one get that off YellowPages.com?

17 MR. BARRY: When a number is transferred to
18 the non-published status, within a reasonable period of
19 time -- what we do on a regular basis is try to match the
20 databases being used for YellowPages.com against the
21 non-public numbers and avoid the publications that are
22 not published, anonymous numbers, and I can't recall if
23 that's once a week, twice a week, but it's run on a
24 fairly frequent recurring basis.

25 COMMISSIONER GUNN: Are the YellowPages.com,

1 are those entries linked to other search engines, so for
2 example, Google many times have other versions of pages
3 that come up for whatever reason. I think it's one of
4 the most frustrating things, if you have a search link --
5 is YellowPages.com linked to those other search engines
6 or -- so if I type in the phone number into Google, for
7 example, or whatever, some of the other search engines,
8 would a YellowPages.com link come up under those
9 searches, do you know?

10 MR. BUB: I don't know. I don't know.

11 COMMISSIONER GUNN: So you are updating these
12 web sites, the YellowPagesLive.com from the electronic
13 side once every --

14 MR. BARRY: No. RealPagesLive is updated on
15 an annual basis.

16 COMMISSIONER: Right. YellowPages.com?

17 MR. BARRY: YellowPages.com gets purged or
18 it's updated with regard to the non-published numbers on
19 a frequent basis. We probably need to make a
20 clarification to make sure we're on the same track. The
21 listing databases used for YellowPages.com is actually
22 provided by a third party because it's a national
23 directory search which is beyond the AT&T service area.
24 So I don't know what --

25 COMMISSIONER GUNN: So let me -- so

1 YellowPages.com, you buy those numbers, that database,
2 from a third party because it's nation-wide. So if I
3 type -- I can go to YellowPages.com and find a restaurant
4 in Austin, Texas through that web site?

5 MR. BARRY: That's correct.

6 COMMISSIONER GUNN: And the find-a-person
7 feature operates similarly?

8 MR. BARRY: Yes. I mean, there are some
9 subtle differences where AT&T is the primary service
10 provider, the business searches are first answered by
11 AT&T's database. The residential listings all come from
12 the third party.

13 COMMISSIONER GUNN: So if you have -- say
14 that again. So residential listings come from a third
15 party?

16 MR. BARRY: That is correct.

17 COMMISSIONER GUNN: So how do you monitor
18 that the person information on YellowPages.com is
19 consistently correct?

20 MR. BARRY: Basically the third party
21 provider of directory assistance is able to secure
22 listings from telephone companies that the FCC regulates
23 and actually has put themselves in the business of
24 acquiring listings, making a database to deal with
25 parties like YellowPages.com.

1 COMMISSIONER GUNN: So if that's incorrect,
2 do I contact the third party vendor in order to correct
3 that or do I contact AT&T?

4 MR. BARRY: We've had people contact AT&T and
5 AT&T has facilitated the correction of that listing.
6 We're also able to contact the direct listing provider,
7 if you will, or the database provider to get that listing
8 corrected.

9 COMMISSIONER GUNN: And who would AT&T
10 recommend if the customer calls in; call AT&T or call the
11 third party?

12 MR. BARRY: Well, the easiest thing for the
13 customer is on the web site, a link back -- I believe
14 there's a link back to the database provider to get that
15 listing corrected.

16 COMMISSIONER GUNN: Who is the database
17 provider?

18 MR. BARRY: I apologize. I'll have to get
19 back to you on that.

20 COMMISSIONER GUNN: That's all the questions
21 I have. I'm going to have some follow-up of Sam, but I
22 appreciate those answers.

23 MR. BUB: If I may comment on the questions
24 and answers you had with Mr. Barry.

25 COMMISSIONER GUNN: Sure.

1 MR. BUB: We appreciate you addressing these
2 issues for us.

3 COMMISSIONER GUNN: I appreciate it very
4 much.

5 MR. BUB: I think you hit the nail on the
6 head earlier in your comment about the design and
7 difference of RealPagesLive.com. It was designed to be a
8 White Pages residential and they're all -- businesses are
9 in there. With the YellowPages.com, that really is more
10 advertising driven, so if you're looking for a business,
11 that's its primary function. Also, the search for a
12 person function, and the goal is to give it a more
13 national scope, and I'm not sure if you followed Mr.
14 Barry's answer. The FCC requires telephone companies to
15 give their listing information, competitive directory
16 assistance providers, so that information coming from
17 telephone companies, we give our information to the third
18 party who aggregates it with other telephone company
19 directory information. That's the goal of that product.

20 I would also point out that under our
21 proposal here, the Yellow Pages search for businesses,
22 paper, that's not going away, that's staying, and the
23 business White Page listings are going to also be in that
24 physical paper Yellow Pages that gets delivered to
25 everyone.

1 COMMISSIONER GUNN: And I understand now.
2 Part of the stipulation is that YellowPages.com will be
3 part of it, so my questions are designed to make sure
4 that procedures are in place to make sure that the
5 YellowPages.com is an adequate choice for the consumer
6 and that if -- because I agree with you. I've been on
7 RealPagesLive and it's a good site. It's easily
8 searchable and looks very similar to the book, very
9 familiar, very comforting, but I'm not entirely sure the
10 YellowPages.com is really the best -- as it stands today,
11 is one of the best sources to go to. So part of it we
12 need to make sure we do is we direct consumers to the
13 best place to go, and while YellowPages.com may be a
14 backstop, I would think about directing people to
15 RealPagesLive and focus efforts around that. I
16 appreciate it. Again, it's primarily a business search
17 function, it's not a residential search function, and I
18 understand that. So I have a couple more questions for
19 Staff. I appreciate your comments. Thank you.

20 JUDGE WOODRUFF: Thank you.

21 COMMISSIONER GUNN: I have a couple questions
22 of Staff. Sam, let me ask you a quick question, and this
23 may be a legal question. Do you think that the third
24 party vendor on YellowPages.com as part of the
25 stipulation in this case have been adequately addressed

1 -- again, this might be a legal issue. That's probably
2 not fair to ask you.

3 CHAIRMAN CLAYTON: It's a fair question.
4 Don't let him off the hook. That's a fair question.

5 MS. DALE: The fact of the matter is we don't
6 regulate Yellow Pages. We regulate White Pages. The
7 regulation at issue is only the directory listings for
8 White Pages, and so even though there are additional --
9 while there were all kinds of discussions about choice,
10 from Staff's standpoint, our view of this matter was to
11 look at AT&T's obligation under the rule and to make sure
12 that they were fulfilling those obligations and that --

13 COMMISSIONER GUNN: Why are they included as
14 a platform in the agreement?

15 MS. DALE: Because one of the things that was
16 happening is that business listings -- the business White
17 Pages will now be included in the Yellow Pages and
18 distributed as part of that single book. So Yellow Pages
19 came up in that context.

20 COMMISSIONER GUNN: Okay. Thank you. I'll
21 have one more question for Bill. My last question is are
22 you convinced that the procedures set in place by AT&T
23 for updates and changes are adequate for
24 RealPagesLive.com and YellowPages.Com? Is staff
25 comfortable with shifting -- let me clarify that. Is

1 staff comfortable that those platforms that are by choice
2 for the customer to use are appropriate and adequate
3 choices for customers?

4 MR. VOIGHT: We are comfortable with the
5 stipulation, and to the extent that that's the
6 stipulation. However, I have heard some things just now
7 about search engines and Yellow Pages and in fact that
8 this thing will be a part of that Yellow Pages, I've
9 heard some things just now that I'm going to follow up
10 with AT&T on.

11 COMMISSIONER GUNN: Well, I would like to at
12 least -- maybe we could do it at a separate time. I
13 don't want to hold us up. I want to move forward, but if
14 you have concerns, I would like you to address them with
15 AT&T, and hopefully this will be a nice thing where we
16 can work together to try to figure this out, and I
17 appreciate that. I don't want to discharge that, and
18 overall I'm supportive of the changes that are being
19 made. But if you could let us know, make sure -- I don't
20 even need to know, just that the staff is comfortable
21 with the choices and the choices are adequate for the
22 consumers.

23 MR. VOIGHT: Yes.

24 COMMISSIONER GUNN: Thank you. That's all.

25 JUDGE WOODRUFF: Chairman, anything else?

1 CHAIRMAN CLAYTON: I'm finished with Staff.
2 Thank you. Mr. Dandino, from the perspective of the
3 public, I mean I asked kind of a difficult question, an
4 argumentative question of AT&T, but what is the consumer
5 getting out of this? Mr. Bub responded choice. Aside
6 from that, are consumers getting something out of they're
7 not going to automatically be getting the White Pages?
8 They will have an option of getting them, but what is the
9 public getting out of this and how does Public Counsel
10 approach this case?

11 MR. DANDINO: What I see the benefit that the
12 public is getting out of it is assurance that there still
13 will be a directory, that it still will be at no charge;
14 that there are other means, CD, electronic, that will
15 remain at no charge, and I think that's probably the best
16 benefits that I can say.

17 How we approached this was looking at -- I
18 started out being totally opposed to it because I thought
19 that they were taking away something that's been
20 traditionally part of the telephone service, but we're
21 also looking at what is the directory providing. It's
22 providing information, and as long as that information is
23 available to the customer and the customer can get it at
24 no charge and they can get it in the form they want or
25 they can get it if they want it or not, make that choice,

1 I believe that that was -- that helped to sway me.

2 Also, I think by having a stipulation and
3 agreement we're getting an enforceable decision; that the
4 stipulation and agreement also include by order of the
5 Commission that the customer can go to the Commission and
6 complain based solely upon this agreement. Public
7 Counsel can file a complaint based solely on enforcement
8 of this stipulation and agreement and order. I thought
9 that was the advantage, rather than let this go through
10 as a simple waiver of a rule. I wanted some assurance.

11 And like Mr. Chairman, I asked the question
12 about would they be willing to reduce the rates based on
13 the savings, and they were kind enough not to laugh at
14 me, but they were -- they gave me the same answer as they
15 gave you, and the same thing with reducing the price of
16 making adjustments on non-listed and non-publication, but
17 basically those are still the same.

18 I think what we're talking about here is the
19 electronic version of the telephone book that is
20 essentially equivalent -- it seems like it's essentially
21 equivalent, using the LivePages, that's the one I'm more
22 familiar with using that. I think the distribution --
23 and I think that's what we come down to, is it just an
24 alternate way of distributing the book, and it is
25 available by request. And they also get the Yellow

1 Pages, and most importantly, I think people use more the
2 business White Pages.

3 CHAIRMAN CLAYTON: From the public's
4 perspective do you think that the public is better off
5 under this agreement than status quo; that they are at
6 the same posture or gaining or losing or do you think
7 they're worse off under this stipulation?

8 MR. DANDINO: Well, I think they're not worse
9 off. I think kind of approaching this as do no harm, and
10 I don't think this does any harm. I think it -- to me,
11 it satisfies the public interest. Because it's something
12 the Commission normally doesn't look at, and to be honest
13 I don't look at too much, is that there is a savings, I
14 guess is a public greenhouse effect. Also, I think
15 there's another aspect which is to make people more aware
16 of the choices and that they can use an electronic
17 version rather than calling directory assistance. I also
18 see that -- I don't think people use directories as much
19 as they used to. I can't remember the last time I used
20 the directory, and I think the comments that we were
21 getting on the Commission's web site was more they were
22 concerned whether AT&T would follow through, would
23 actually deliver if they wanted a directory. They were
24 just worried about if they're going to get one. I think
25 there's a procedure where they can get one, and there

1 were a number that said we don't want them, we just throw
2 them away.

3 CHAIRMAN CLAYTON: Judge, I don't have any
4 more questions.

5 JUDGE WOODRUFF: Commissioner Jarrett?

6 COMMISSIONER JARRETT: No questions. Thanks.

7 JUDGE WOODRUFF: Commissioner Gunn?

8 COMMISSIONER GUNN: No questions. Thank you.

9 JUDGE WOODRUFF: All right. Questions for
10 anyone else?

11 CHAIRMAN CLAYTON: Judge, from my perspective
12 I don't have any more questions. I appreciate the
13 willingness of the participants and the parties over the
14 phone, but I don't have any questions for CWA or Charter.

15 COMMISSIONER JARRETT: I don't have any
16 further questions either.

17 COMMISSIONER GUNN: Nothing for me.

18 JUDGE WOODRUFF: Thank you all for coming,
19 and we are adjourned.

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21 (Whereupon, the proceedings were adjourned.)

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4 WITNESS NAME PAGE

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7 Michael Barry. 23

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1 CERTIFICATE OF REPORTER

2

3 I, BETH O. ZINK, a Registered Professional
4 Reporter, Missouri Certified Court Reporter, Illinois
5 Certified Shorthand Reporter and Notary Public within and
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20 State of Illinois, ILCSR#084-004477
21 MOCCR#799

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23 My commission expires August 3rd, 2010.

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