

(5) Permit flexible regulation of competitive telecommunications companies and competitive telecommunications services; and

(6) Allow full and fair competition to function as a substitute for regulation when consistent with the public interest.

I do not consider Caller ID service as serving the purposes outlined by the Missouri legislature in providing for the introduction of new telecommunications services. Underlying all the stated purposes of the legislature is the unstated goal of enhancing communication and our ability to communicate with each other. Caller ID does not maintain or advance the efficiency of telecommunications services, pursuant to Section 392.530.1(2).

I believe that Caller ID in the form authorized by the majority opinion constitutes a barrier and impediment to efficient and effective telecommunication. Caller ID allows the receiver of a telephone call to know in advance of answering the telephone the telephone number from which the incoming phone call is placed. It does not tell the recipient the identity of the person who is making the phone call from that phone number, nor does it tell the recipient the identity of the caller if the recipient does not recognize the incoming telephone number. The only way to ascertain this information is to either answer the telephone call or use an answering machine to screen this information. If the recipient of an incoming phone call does not recognize the telephone number of that incoming phone call or the caller is either calling from a blocked telephone line or blocks the release of the caller's phone number on that particular phone call, the recipient only possesses the information that he or she is being called but does not know the number of the incoming phone call. This leaves the recipient in a quandary as to whether to answer a phone call when he does not recognize the number or when the number has been blocked or is out of the area in which Caller ID is offered. A person calling who for whatever reason does not wish to have his telephone number transmitted can take an affirmative action and

have the transmittal of his phone number blocked on that particular phone call, but if the phone call is not answered, that leaves the caller not knowing whether the recipient was merely not at home or was home but chose not to take the caller's call because the identifying phone number was not transmitted at the time. Some persons who do not want their phone number released will be deterred from making phone calls that would otherwise be routine, e.g., to acquire innocuous and helpful information routinely obtained via telephone, if Caller ID is a service in their area. For these reasons, I believe that Caller ID does not enhance communication or telecommunication services, but serves to impede desirable communication and is not in the public interest. New technology is not always a benefit to society, and Caller ID is an example of such technology.

Although one of the purposes underlying Chapter 392 is to promote diversity in the supply of telecommunications services and products throughout the state of Missouri pursuant to Section 392.530.1(3), these new services should not be forced upon customers on the pretext that they are more beneficial to the public than existing services. One of the reasons repeatedly given for providing and purchasing Caller ID service is to deter and cut down on harassing and annoying telephone calls. It is my opinion that use of the Call Trace service is a better means of dealing with truly harassing telephone calls, because all that a person making a harassing telephone call need do is block his outgoing telephone number, call from a different number than the one recognized by the recipient or call from a pay phone.

In the case of merely annoying phone calls, e.g., siding salesmen calling during dinner, an answering machine better serves the recipient for screening those calls. If a phone call is received from a telephone number which the recipient does not recognize during dinner or some other inconvenient time, as stated earlier, the recipient has no way of knowing whether he wants to talk to the caller without knowing the identity of the caller, and this information

can only be ascertained by either answering the phone or using an answering machine to obtain the caller's identity. This is the current situation when a call would be received from an unidentified phone number.

However, Caller ID as it is currently being offered is only one small step away technologically from much more information than merely the phone number of the caller being passed along to the recipient whenever a call is placed. It is only a matter of software before the recipient of a phone call is presented with the caller's name, address, age, employment, work history, family history, credit history, and unlimited other information in addition to the caller's telephone number. This view of the near future disturbs me greatly. I find it of no consolation that the technology is already here and that the Commission makes no attempt to delay its implementation.

The evidence presented at the hearing was that the buy-up rate for Caller ID is projected to be approximately nine percent, which is about the same percentage of customers who purchase unlisted phone number service. I did not hear at the hearing any evidence that there exists an overwhelming demand by customers for Caller ID service. The evidence was that generally the same customers who desire unlisted phone numbers are the same ones who purchase Caller ID. I do not believe that the projected nine percent buy-up rate constitutes a sufficient interest and benefit to inconvenience the remaining ninety-one percent of SWB's customers. If it is the responsibility of the Commission to allow Caller ID in order to promote diversity in the supply of telecommunications services and products throughout the state of Missouri pursuant to Section 392.539.1(3) and to accommodate the desires of the nine percent desiring the service, then I would only approve it with free per-line blocking. I do not think this new service should place a burden on the ninety-one per cent of telephone customers who have no interest in purchasing Caller ID to block their number from being released on each individual call they make in

order to satisfy the nine percent of the customers who desire Caller ID service, nor do I think that the ninety-one percent should be charged for not having their telephone numbers released to the nine percent who have an interest in Caller ID. Evidence was presented at the hearing that persons who did not want to dial the special blocking code for each phone call they made could purchase special telephone equipment that would automatically dial the blocking code before each call. However, I do not believe that the ninety-one percent who have no interest in purchasing Caller ID should have to purchase the special telephone needed to automatically block their phone number from being transmitted to benefit the nine percent desiring this service or to benefit the marketability of this service for the company.

If free per-line blocking were approved, I believe that would also meet the needs and desires of the law enforcement agencies and the domestic violence agencies expressed at the hearing. In balancing the interests of the parties, I think that it is inappropriate to find that the interests of the nine percent seeking information (i.e., the phone number of the incoming caller) outweighs the safety concerns of law enforcement agencies and domestic abuse agencies.

Evidence was presented at the hearing that per-line blocking would reduce the value of Caller ID service. It my opinion that the majority of customers who do not want Caller ID should be penalized by being required to utilize per-call blocking merely to enhance the marketability of the service to the projected nine percent of customers who want it. Furthermore, customers not desiring the service should not be required to purchase special equipment to automatically dial the special blocking code to benefit those desiring the service.

For the foregoing reasons, I respectfully dissent from the majority opinion.

Respectfully submitted,

Patricia D. Perkins

Patricia D. Perkins
Commissioner

Dated at Jefferson City, Missouri,
on this 19th day of March, 1993.