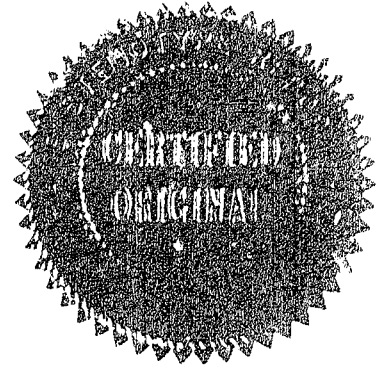


BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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:

WILLIAM JAMES SCHULTZ

TAKEN AT THE INSTANCE OF:

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

DATE:

Thursday, February 28, 1991

TIME:

Commenced at 2:00 p.m.  
Concluded at 2:30 p.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

02314 MAR-7 1991

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I N D E X

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S T I P U L A T I O N S

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The following deposition of WILLIAM JAMES SCHULTZ was taken on oral examination, telephonically, pursuant to notice, for purposes of discovery, and for use as evidence, and for other uses and purposes as may be permitted by the applicable and governing rules. All objections, except as to the form of the question, are reserved until the final hearing in this cause; and reading and signing is not waived.

\* \* \*

Thereupon,

WILLIAM JAMES SCHULTZ

was called as a witness, having been first duly sworn, was examined and testified as follows:

MR. FALGOUST: Charlie, I propose that we stipulate that this deposition is being taken for purposes of discovery and the witness does not waive reading and signing.

MR. BECK: I will stipulate that this deposition is taken pursuant to the Florida Rules of Civil Procedure and, of course, the waiver is up to you.

MR. FALGOUST: All right.

DIRECT EXAMINATION

BY MR. BECK:

Q Sir, would you please state your full name.  
A William James Schultz.

1 Q By whom are you employed?

2 A BellSouth Corporation.

3 Q Is that the parent corporation of Southern Bell?

4 A Yes, sir.

5 Q And what is your position with BellSouth Corporation?

6 A I am a Staff Manager in the Security Department.

7 Q How long have you held that position?

8 A About 2-1/2 years.

9 Q And could you briefly describe your duties as a Staff  
10 Manager in the Security Department?

11 A I have methods and procedures responsibilities for  
12 categories of claims, Annoyance Call Centers, security  
13 mechanization and Caller ID.

14 Q And with respect to Caller ID, what are your specific  
15 duties?

16 A I am to coordinate with the various state security  
17 offices and work in conjunction with them.

18 Q I don't understand what that entails. Could you  
19 amplify on that a bit?

20 A It entails anything that they want me to do for them  
21 in the line of staff function.

22 Q Okay. Could you give me some examples of what that  
23 entails?

24 A Well, in Alabama I attended law enforcement  
25 functions, described the product to them. In Florida I

1 attended law enforcement meetings along with Florida security  
2 folks. In North Carolina I did both.

3 Q Okay. Mr. Schultz, do you have a memorandum before  
4 you that is from you to a person whose initials are initial J.,  
5 initial R., Monk, General Security Manager?

6 A Yes, sir.

7 Q Okay. And is that a memorandum regarding New Jersey  
8 Bell Annoyance Call Center case reductions?

9 A Yes, sir.

10 Q And does that memo have two pages attached to it  
11 which show an article appearing in the January 30th, 1990 New  
12 York Times?

13 A Yes, sir.

14 Q Okay. Did you write that memorandum?

15 A Yes, sir.

16 Q Do you know when you wrote it?

17 A Around February 1990.

18 Q What led you to write this memorandum?

19 A Pursuant to the instructions of my supervisor,  
20 J. R. Monk, to look into the article.

21 MR. BECK: Could we pause for just a moment, please?

22 (Discussion off the record.)

23 MR. BECK: Let's go back on the record.

24 BY MR. BECK:

25 Q Mr. Schultz, I think before we got into a discussion

1 off the record about getting everybody on the line, you were  
2 telling us what led you to write the memorandum that we  
3 discussed, is that right?

4 A Yes, sir.

5 Q And could you tell me once again what it was that led  
6 you to write that?

7 A Instructions of my supervisor.

8 Q Who was that?

9 MR. FALGOUST: Charlie, did you ask who was that?

10 MR. BECK: Yes.

11 BY MR. BECK:

12 Q Who was your supervisor?

13 A J. R. Monk.

14 Q What is his position with the Company?

15 A General Security Manager, BellSouth Corporation.

16 Q Had you had any discussions with Mr. Monk prior to  
17 his request concerning New Jersey Bell?

18 A Yes, sir.

19 Q Did you subsequently call up somebody from New Jersey  
20 Bell?

21 A Yes, sir.

22 Q Who did you talk to it first?

23 A Barbara Dorsey.

24 Q Okay. Was she the first person you talked to?

25 A Excuse me, no. I first talked to Marge Duncan.

1 Q Okay. Who was Marge Duncan?

2 A She's a manager at the Annoyance Call Center in New  
3 Jersey Bell.

4 Q Do you know who her parallel would be with Southern  
5 Bell in Florida?

6 A You would have two, and I know the two ladies, but  
7 their names escape me right now. Perhaps I will think of them.

8 Q Okay. Could you, to the best of your recollection,  
9 recount the conversation you had with Marge Duncan?

10 A It has been quite awhile, and I really don't recall  
11 everything about it or even -- except for the main topic.

12 Q What was the main topic?

13 A I asked her if they had a 50 percent reduction in  
14 their Annoyance Call Center problem with the advent of Caller  
15 ID.

16 Q What did she tell you?

17 A No.

18 Q And could you elaborate on that?

19 A She told me they had a 50 percent reduction in the  
20 amount of traps and traces placed.

21 Q Are those traditional traps and traces?

22 A Yes, sir.

23 Q And did she tell you why there had been a 50 percent  
24 reduction in the traditional traps and traces?

25 A I don't recall.



1 Q Did she estimate for you the actual reduction of  
2 annoyance calls that had occurred in New Jersey Bell?

3 (Pause)

4 Mr. Schultz?

5 A Yes, sir.

6 Q Did she estimate for you the amount of reduction in  
7 annoyance calls that they had experienced in New Jersey Bell  
8 from the introduction of Caller ID?

9 A Yes, she did.

10 Q And what was that?

11 A Ten percent. It was a guess.

12 Q Could you refer to the memorandum that you have, the  
13 first paragraph on the first page?

14 A Did I just refer to it just then?

15 Q Yes. You've been discussing the same things that are  
16 discussed in that paragraph, have you not?

17 A Yes, sir.

18 Q Okay. And in that paragraph at one point you state  
19 that, "A check with the ACC Manager, Marge Duncan, reveals  
20 that the newspaper article quotes really reflect a reduction of  
21 traps being placed not a reduction of calls." Do you see that?

22 A Yes, sir.

23 Q Could you tell me, or tell me what the quote is that  
24 reflects that. In other words, I'm trying to find the quote  
25 that you referred to in your memorandum?

1           A     Probably quotes is not the proper word.  Maybe topic  
2 or -- perhaps topic would be a better word than quotes.

3           Q     Could you turn to the last page of the newspaper  
4 article that is attached to your memorandum?

5           A     Yes, sir.

6           Q     And on the right-hand column, the fourth paragraph  
7 from the bottom?

8           A     Yes, sir.

9           Q     The last sentence states that, "Mr. Pitt cited a  
10 recent study by New Jersey Bell that shows the number of  
11 harassing or obscene telephone calls in New Jersey has declined  
12 by half since the introduction of the new service."  Do you see  
13 that?

14          A     Yes, sir, I see that.

15          Q     And is that what you are referring to in your  
16 memorandum where you say what the newspaper article quotes?

17          A     I think I probably took that and missed a point.  And  
18 that point is I never saw the study.  And I guess I thought  
19 that Marge Duncan was telling me that the 50 percent reduction  
20 in traps and traces was in that study, and I don't know that.

21          Q     But I take it from your conversation with Ms. Duncan  
22 that, in any event, the quote in the newspaper about a  
23 reduction in harassing or obscene telephone calls is  
24 inaccurate, is that correct?

25          A     I don't know if that is true or not.

1 Q Wasn't that what your memorandum said?

2 A Well, that is what I was saying, that if -- I missed  
3 the point that this Mr. Pitt was referring to a study, and I  
4 haven't seen that study.

5 Q Right. But you discussed the newspaper article with  
6 Marge Duncan at New Jersey Bell, did you not?

7 A Yes, sir.

8 Q And did she not tell you that they did not experience  
9 a 50 percent reduction in harassing and obscene telephone  
10 calls?

11 A She told me they did not, right.

12 Q And what they did experience was a 50 percent  
13 reduction in the amount of traditional traps and traces being  
14 placed, is that right?

15 A That's correct.

16 Q And is it correct that she estimated the reduction in  
17 obscene or harassing telephone calls was about 10 percent?

18 A Yes, sir.

19 Q Okay. After talking with Ms. Duncan did you  
20 subsequently have a conversation with a Ms. Barbara Dorsey at  
21 Bell Atlantic?

22 A Yes, sir.

23 Q Is she your counterpart at Bell Atlantic?

24 A Yes, sir.

25 Q What led you to call her?

1           A     I asked Marge who would be my counterpart, and she  
2 gave me her name and telephone number.

3           Q     But why did you feel it necessary to talk to someone  
4 else in addition to Ms. Duncan?

5           A     I also wanted to make a contact. At that point, I  
6 was new on the job, fairly new, and I wanted to establish a  
7 network to call for help if there was ever something that I  
8 wanted from a more experienced person.

9           Q     And did you ask Ms. Dorsey similar questions about  
10 the newspaper article?

11          A     Yes, sir.

12          Q     And did she confirm the same thing that Ms. Duncan  
13 had told you?

14          A     I don't really recall if she did or not.

15          Q     Could you look at the third paragraph of your  
16 memorandum?

17          A     My memorandum says that. I don't have an independent  
18 recollection, but I assume that that is what happened.

19          Q     Okay. Was your recollection more fresh at the time  
20 that you wrote this memorandum?

21          A     Yes, sir.

22          Q     And did the memorandum accurately portray what your  
23 recollection was at that time?

24          A     In that paragraph, yes, sir.

25          Q     Could you look at the bottom of the first page on

1 your memorandum, the handwritten notes about abandoned calls,  
2 do you see that?

3 A Yes, sir.

4 Q Whose handwriting is that?

5 A J. R. Monk.

6 Q If you know, are these notes that he wrote on your  
7 memorandum after you had sent it to him?

8 A Yes, sir.

9 Q Okay. Have you discussed this memorandum with him?

10 A I'm sure that I haven't in the last ten months.

11 Q That you have not in the last ten months?

12 A Yes, sir, I am sure that I have not.

13 Q Do you recall any earlier conversations with him  
14 about the memorandum?

15 A I am assuming that I did, but I don't know that for a  
16 fact, right afterwards, but I don't know that for a fact.

17 Q Did you discuss the subject of your memorandum with  
18 any other persons?

19 MR. FALGOUST: When Charlie?

20 MR. BECK: At any time.

21 THE WITNESS: Yesterday I did with Falgoust.

22 BY MR. BECK:

23 Q Other than your attorneys, have you discussed your  
24 memorandum with anybody else at any other time?

25 A No, I don't recollect a discussion.

1 Q Do you know who Nancy Sims is?

2 A I know that she represented the Company in Caller ID  
3 testimony.

4 Q Have you ever had any conversations with her about  
5 your findings about the New Jersey Bell reduction in harassing  
6 and annoyance telephone calls?

7 A My recollection, I have never had a discussion with  
8 Nancy Sims.

9 Q Have you ever discussed Caller ID with her?

10 A Or had a discussion at all with her.

11 Q She never asked you about what you found about New  
12 Jersey Bell?

13 MR. FALGOUST: Objection, Charlie, he's answered the  
14 question twice.

15 MR. BECK: Okay.

16 BY MR. BECK:

17 Q And could you answer it again, then, please?

18 A To my recollection, I have never had a conversation  
19 with Nancy Sims.

20 MR. BECK: Mr. Schultz, thank you. That is all I  
21 have. There may be questions from other attorneys here,  
22 though, also.

23 MR. MATHUES: No questions.

24 CROSS EXAMINATION

25 BY MS. GREEN:

1 Q This is Angela Green, Mr. Schultz. I'm sorry I  
2 missed the deposition, so I am not certain what documents you  
3 have been referred to. Can we go off the record for a second  
4 please?

5 A Yes.

6 MR. BECK: Sure, Angela.

7 (Off the record briefly).

8 MS. GREEN: The Staff has no questions of this  
9 witness.

10 MR. BECK: Okay. Mr. Schultz, thank you very much.

11 MR. FALGOUST: Wait a minute. I have a couple of  
12 questions for him.

13 MR. BECK: Okay.

14 CROSS EXAMINATION

15 BY MR. FALGOUST:

16 Q Mr. Schultz, would you refer, please, to the second  
17 paragraph in the memorandum, undated memorandum?

18 A Yes, sir.

19 Q The first sentence of that paragraph says that, "It  
20 appears that they, New Jersey Bell, are playing with the  
21 numbers," is that correct?

22 A Yes, sir, it says that.

23 Q Can you tell us, please, whether those words mean  
24 what they appear to say?

25 A No, sir. That is what I thought I explained earlier

1 was that when I looked at what Mr. Pitt said, now I recollect  
2 that I have not ever seen that study, so I don't know what he  
3 was referring to. I thought at the time that he was referring  
4 to traps and traces reduction of 50 percent. But today,  
5 without seeing the study that he cites, I don't know what he is  
6 referring to. So, that would be an error, premature, I would  
7 say.

8 Q With respect to the handwritten notation that you  
9 testified was Mr. Monk's at the bottom of the page, have you  
10 discussed that notation with Mr. Monk?

11 A I don't recall having a discussion with him about  
12 that. I may have, but I just simply don't recall it.

13 Q Do you have an opinion about his use of the words,  
14 "If successful, we make one dollar"?

15 A Well, I guess what he is saying is what happen is  
16 that if it is a successful trace, New Jersey Bell -- and I  
17 assume that he inserted Southern Bell into this, that they make  
18 a dollar on the tariff. I guess that is the way it is  
19 tariffed. If it is an unsuccessful trace, they don't make  
20 anything off of it.

21 Q You believe that his use of the word "we," was a  
22 generic reference to the telephone company?

23 A Right.

24 MR. BECK: David, I'm going to object. You are  
25 asking him what somebody else meant when they wrote it.



1 and that is beyond his competence to testify to.

2 MR. FALGOUST: Objection noted.

3 That's all I have.

4 MR. BECK: I have a few questions.

5 REDIRECT EXAMINATION

6 BY MR. BECK:

7 Q Mr. Schultz --

8 MR. FALGOUST: Can we go off the record?

9 MR. BECK: Sure.

10 (Off the record discussion.)

11 BY MR. BECK:

12 Q Mr. Schultz, you stated in response to Mr. Falgoust,  
13 that you don't know what study Mr. Pitt was referring to in the  
14 newspaper article, is that right?

15 A Yes, sir.

16 Q If there were such a study, would not its results be  
17 contradicted by the information you received from both Marge  
18 Duncan and Barbara Dorsey at New Jersey Bell?

19 MR. FALGOUST: Objection. Isn't there an assumption  
20 in your question, Charlie, about what the study would  
21 say? I would like for you to rephrase that, please.

22 MR. BECK: Okay.

23 BY MR. BECK:

24 Q Mr. Schultz, let me backtrack a little more then.  
25 You don't even know if there is a study by New Jersey Bell, do

1 you?

2 A That's true.

3 Q So, you're concerned that you haven't seen the study  
4 that's quoted in the article, yet you don't even know if there  
5 is a study there, is that right?

6 A That's true.

7 Q Now, your conversations with Marge Duncan and Barbara  
8 Dorsey reveal that New Jersey Bell at best had about a 10  
9 percent reduction in harassing or obscene telephone calls  
10 resulting from Caller ID, is that not right?

11 A Yes, sir. Yes, sir, that is true.

12 MR. BECK: Thank you, that is all I have. Anybody  
13 else?

14 MR. FALGOUST: Okay. Charlie, would you like to --

15 MR. KEENER: Are we finished with the deposition?

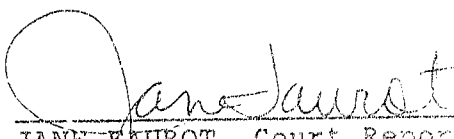
16 MR. BECK: Yes, I think, unless somebody else has a  
17 question.

18 (The deposition was concluded at 2:30 p.m.)  
19  
20  
21  
22  
23  
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25

## 1 CERTIFICATE OF REPORTER

2 STATE OF FLORIDA )

3 COUNTY OF LEON )

4 I, JANE FAUROT, Court Reporter, Notary Public in and  
5 for the State of Florida at Large:6 DO HEREBY CERTIFY that the foregoing proceedings was  
7 taken before me at the time and place therein designated; that  
8 before testimony was taken the witness/witnesses were duly  
9 sworn; that my shorthand notes were thereafter reduced to  
10 typewriting; and the foregoing pages numbered 1 through 18 are  
11 a true and correct record of the proceedings.12 I FURTHER CERTIFY that I am not a relative, employee,  
13 attorney or counsel of any of the parties, nor relative or  
14 employee of such attorney or counsel, or financially interested  
15 in the foregoing action.16 WITNESS MY HAND AND SEAL this 5th day of March,  
17 1991, in the City of Tallahassee, County of Leon, State of  
18 Florida.19  
20   
21 JANE FAUROT, Court Reporter  
22 Notary Public in and for the  
23 State of Florida at Large24 My Commission Expires: July 16, 1993  
25

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

Memorandum

To: J. R. Monk  
General Security Manager  
From: W. J. Schultz  
Staff Manager  
Re: New Jersey Bell ACC Case Reductions

*Bill... this is a big help in responding to 3 from others who only have seen about 1-5. I kept a copy of Casey*

I have reviewed the attached newspaper article. The New Jersey Bell ACC is quoted as experiencing a reduction of annoyance calls as a result of "Caller ID". A check with the ACC Manager, Marge Duncan revealed that the newspaper article quotes really reflect a reduction of "traps" being placed - not a reduction of calls. Although Ms. Duncan does not supply any figures to support the call reduction, she guesses about ten per cent.

It appears that they (New Jersey Bell) are playing with the numbers. Naturally the traps will reduce with the introduction of "Caller ID" and "Call Trace". There is no reason to put up a trap if the customer has Call Trace.

I further discussed the topic with Barbara Dorsey who is my coordinate with Bell Atlantic. She confirmed what Marge Duncan told me. Ms. Dorsey also did not have any comparisons to the overall work load. She did, however, give me a "rundown" of how New Jersey Bell has priced Call Trace.

When a Central Office comes on line with TouchStar features, all customers have access to Call Trace. If a customer activates Call Trace, a recording advises that the trace was successful (or unsuccessful). If the call was successful, a recording advises the customer to call the Business Office and a one dollar charge appears on the customers next phone bill. The Business Office refers the customer to the local police. The only party calling the ACC is the police officer working the case.

With this system, the workload of the ACC must be reduced. Almost all of the Call Trace customer contact has been taken away from the ACC. The only contact on Call Trace that the ACC has is from the police departments and that number is greatly reduced by customer abandoned complaints. The Call Trace feature transfers the work load from the ACC to the Business Office.

I know that I have gotten off of the topic of the newspaper articles. However, knowing the procedural differences between Companies helps in understanding their annoyance call reduction statements. They haven't eliminated the problem, they shifted the work load.

*\* abandoned call - cust activates call trace - if successful we make \$1.00 even if customer abandons and doesn't do anything else -*

# Bill Would Curb Disclosure Of Phone Caller's Number

By CALVIN SIMS

Responding to concern that a new telephone service is an invasion of privacy — it discloses the phone number of the caller to the party being called — legislation was introduced in the Senate yesterday to give callers the right to block their numbers from being seen.

The proposed legislation requires telephone companies that offer the caller identification service to allow consumers to prevent their numbers from being displayed by dialing a special code.

The recent introduction of caller identification in some areas has touched off a debate in many states over whether it is an invasion of privacy.

Some state regulatory agencies and advocacy groups say caller identification could be used to discriminate and violate the rights of phone users who want to keep their numbers private.

9 A landlord advertising a vacant apartment, for example, could tell

what neighborhood the caller was phoning from to inquire about the vacancy. A banker responding to calls on a mortgage hot line could screen which calls to take, based on where people were calling from.

The first three digits of a phone number reflect the location of the phone.

These critics say caller identification will make the public less likely to use confidential social services like hot lines for people with the AIDS virus or women or children who have been battered. They also say that consumers phoning businesses might find their numbers being collected and passed on to marketing concerns without the callers' permission.

Supporters of the service say the number of reported obscene or harassing telephone calls has fallen sharply in areas where the service is available. Telephone companies expect the caller identification to be extremely popular and profitable, especially among businesses that want to

Continued on Page C9

*Bill -  
No contact N.J. Bell ACC staff  
person and determine if these claims  
are true and prepare a short response  
back to PHC for me - N.J. Bell  
would be a great source of info as to  
what to expect.  
JCS  
Gini*

Continued From First Business Page

compile lists of callers.

The phone companies also say that caller identification increases the privacy of people answering calls, by allowing them to screen what calls they accept. The service allows people to see the caller's phone number on a small digital screen before the receiver is picked up.

Caller identification is available in New Jersey and parts of Florida, Vermont, Ohio, New York, Virginia, West Virginia, Maryland and Tennessee. All seven regional telephone holding companies are expected to offer the services by 1992; some have said they have delayed introduction of the service because of the privacy issues.

#### A Curb in California

In California, the Legislature passed a bill last year that requires phone companies offering the service to include a feature allowing people to prevent their numbers from being displayed. The Pacific Telesis Group, the regional phone company, delayed caller identification until 1992 because of the privacy debate.

In Pennsylvania, the Public Utilities Commission approved caller identification with the condition that the phone company allow only people with a need to conceal their identity — battered women, law enforcement personnel and witnesses in criminal cases, for example — to block their numbers. The American Civil Liberties Union and groups representing battered women appealed the decision and the Commonwealth Court has temporarily blocked the company from introducing the service.

The bill introduced yesterday, the Telephone Privacy Act of 1990, brings the debate to a national level. The legislation is sponsored by Senator Herbert H. Kohl, Democrat of Wisconsin, a member of the Senate Judiciary Committee.

#### 'Who Decides?'

"We are talking about choice," Mr. Kohl said. "Who decides whether the caller will reveal his or her number? I think the decision must rest with the caller. The caller identification device displays listed and unlisted numbers alike. That means that people

with unlisted phones are forced to divulge their numbers every time they contact someone who has caller identification. And it's easy to find out someone's address from his or her phone number."

Reverse directories, which can be bought from the telephone company, or consulted at an investigation agency, list the address that corresponds to each telephone number.

Public response to caller identification has varied. New Jersey Bell introduced the service last year without much opposition and said that the number of reported obscene or harassing telephone calls had fallen sharply. When regulators in Maryland, West Virginia and Virginia recently gave regional telephone companies permission to offer the service, there was little or no objection.

Kenneth A. Pitt, a spokesman for the Bell Atlantic Corporation, which offers caller identification in four states, said, "We think that the bill is totally inappropriate because the benefits of caller identification far outweigh any hypothetical concerns about privacy." Mr. Pitt cited a recent study by New Jersey Bell that shows the number of harassing or obscene telephone calls in New Jersey has declined by half since the introduction of the new service.

Bell Atlantic plans a "lobbying and education" campaign to convince the public and legislators of the service's merits. "There is no new technology that does not have some side effects," Mr. Pitt said. "How long are we supposed to wait when the major concerns are only hypothetical and may never be realized?"

Dr. Bonnie Guiton, special adviser to President Bush for consumer affairs, said in a statement yesterday that consumers should be allowed to block their telephone numbers from being displayed.

"Businesses have used caller identification technology for years to identify customers who phone them to complain or simply to get information. Consumers just didn't know it," Dr. Guiton said. "Thus, if residential consumers can be offered a blocking mechanism in conjunction with caller identification, they will be able to take back some of the privacy they have already lost."