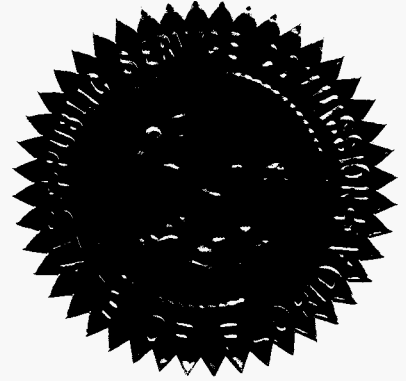


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 090082-TL

In the Matter of:

PETITION BY BELLSOUTH
TELECOMMUNICATIONS, INC. D/B/A AT&T
FLORIDA D/B/A AT&T SOUTHEAST FOR
WAIVER OF RULE 25-4.040(2), FLORIDA
ADMINISTRATIVE CODE.



PROCEEDINGS: AGENDA CONFERENCE
ITEM NO. 3

BEFORE: CHAIRMAN MATTHEW M. CARTER, II
COMMISSIONER LISA POLAK EDGAR
COMMISSIONER KATRINA J. McMURRIAN
COMMISSIONER NANCY ARGENZIANO
COMMISSIONER NATHAN A. SKOP

DATE: Tuesday, June 16, 2009

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: LINDA BOLES, RPR, CRR
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DOCUMENT NUMBER - DATE

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P R O C E E D I N G S

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3 **CHAIRMAN CARTER:** And with that,
4 Commissioners, we are now on Item 3.

5 Staff, you're recognized.

6 **MS. MORROW:** Good morning, Commissioners.
7 Jamie Morrow for Commission staff.

8 Item 3 is AT&T Florida's petition for a
9 permanent waiver of the residential directory
10 requirement of Rule 25-4.040(2), *Florida Administrative*
11 *Code*.

12 AT&T Florida has failed to satisfy the
13 requirements for a rule waiver as set out in Section
14 120.542, *Florida Statutes*, because while their request
15 meets the purpose of the underlying statute, they have
16 failed to demonstrate that AT&T Florida will in fact
17 incur a substantial hardship were the waiver to be
18 denied. Thus, staff believes the Commission should not
19 approve AT&T Florida's petition. Staff is available for
20 questions, as are the parties.

21 **CHAIRMAN CARTER:** Okay. Let's do this. I
22 think the parties from AT&T want to be recognized.
23 Let's hear from the company. You're recognized. Good
24 morning.

25 **MR. GURDIAN:** Good morning. Good morning,

1 Commissioners. Manny Gurdian on behalf of AT&T Florida.
2 Also with me today is Mr. Stan Greer on behalf of AT&T.

3 As indicated by staff, AT&T Florida has filed
4 a petition for a waiver of Rule 25-4.040(2). This
5 subsection of the rule requires AT&T to deliver a
6 residential white pages directory to its subscribers in
7 Florida. The intent of our petition is to provide
8 customers with various choices as to how they obtain
9 access to residential white page listings.

10 Since the petition was filed, AT&T has worked
11 very hard with the Office of Public Counsel and
12 Commission staff to modify its directory covers to
13 provide information to consumers about the program and
14 how to order a printed directory when the customer wants
15 one, and we thank OPC and staff.

16 Staff indicates in its recommendation the
17 petition does not meet the hardship element of the
18 statute. AT&T disagrees with this assessment.

19 To provide a little bit of background, over
20 the years, in order to fulfill the rule's requirements,
21 AT&T provided subscribers with a printed directory
22 containing the residential listings. Earlier this year
23 AT&T initiated a program in four cities in Florida, to
24 provide CD-roms to customers on an upfront basis rather
25 than a printed residential white pages directory. This,

1 this program is currently ongoing in Jacksonville,
2 Miami, West Palm Beach and Central Florida-Orlando area.
3 Under its programs, customers will still have the
4 ability to order free a printed residential directory
5 via a toll-free number, if they want one. Because it's
6 found that the customers just aren't using the
7 residential white pages directory as much as they used
8 to, AT&T initiated this trial program to lessen its
9 environmental footprint and to reduce its cost. AT&T
10 wants to expand this program to now be able to stop
11 providing the residential white page listings to its
12 customers on an upfront basis, whether in print or via
13 CD-rom. If the Commission grants the petition,
14 subscribers would still be able to order a free printed
15 directory via a toll-free number or a CD-rom if
16 available in their area.

17 In addition, customers will have access to
18 residential listings via realpageslive.com and
19 yellowpages.com. AT&T's waiver does not affect yellow
20 pages and it will continue to be delivered as
21 customers -- as AT&T has found that customers continue
22 to use the yellow pages.

23 In its recommendation, staff indicates that
24 the waiver request recognizes advances to technology
25 while protecting the interest of subscribers who want to

1 receive a free printed directory. Staff indicates that
2 the purpose of the -- that the rule waiver petition
3 meets the purpose of the underlying statute and that it
4 has merit. However, staff indicates in the
5 recommendation that AT&T has not met the hardship
6 requirement in the statute. Staff in its analysis
7 focuses too narrowly on whether AT&T has an economic
8 hardship, as the statute provides the Commission
9 flexibility in finding another type of hardship.

10 Specifically, AT&T has proven another type of
11 hardship under the statute in that it is required to
12 provide, per the rule, 2.5 million CDs containing the
13 residential white pages to subscribers in the four trial
14 markets and printed white page directories to its other
15 service areas in Florida when AT&T has shown that its
16 customers are not using the residential white pages on a
17 significant basis.

18 The fact of the matter is the Commission
19 requires AT&T, pursuant to the rule, to provide
20 residential white page listings via directory to its
21 customers. AT&T meets that obligation via an affiliate.
22 The staff wants to focus its hardship issue on a reading
23 that requires the economic savings to be directly
24 attributed to AT&T Florida versus savings for an
25 obligation created by this Commission. Such an

1 appropriate -- is inappropriate -- such an approach is
2 inappropriate and too narrow a reading of the statute,
3 especially for a rule that fails to cite to the
4 subsection of the statute cited by staff in its
5 recommendation.

6 In addition to the economic impact, the rule
7 has environmental impacts due to the production of
8 2.5 million CDs.

9 AT&T Florida believes that the Commission
10 should grant the petition to further its goals and allow
11 AT&T to operate in a customer friendly, economically
12 efficient and environmentally friendly manner. The
13 granting of the petition will allow AT&T to replace an
14 inefficient customer product with a more appropriate
15 product that meets its customers' needs. This solution
16 effectively melds customer needs and desires with a more
17 efficient resource usage. Thank you, Commissioners.

18 **CHAIRMAN CARTER:** Thank you.

19 Did you want to be heard on --

20 **MR. KONUCH:** Yes. It's Dave, Dave Konuch
21 from, from FCTA.

22 Right now, FCTA, we're remaining neutral on
23 this rule, but we wanted to note our -- my members have
24 interconnection agreements with AT&T, and those
25 agreements require AT&T to deliver directories to our,

1 our customers on parity with what they deliver to
2 theirs. So we, we're reviewing this rule and we're
3 still reviewing our, our obligations and the
4 interconnection agreements to just make sure that this
5 comports with what's in the agreement, and we're still
6 in the process of doing that.

7 Our initial concern with this was if one of
8 our customers needs a directory, they would have to call
9 AT&T. And we were concerned that perhaps if they called
10 AT&T, there would be some marketing going on or some
11 cross-selling at the, at the phone number that was used.
12 And we, we did some experiments, we looked at the phone
13 number that was listed. And right now it's, it's just,
14 it says it's AT&T, but it's an AT&T contractor and it's
15 a number that where you can't order directories -- or
16 where you can order directories and you can't actually
17 order phone service. So that to us, it seems innocuous
18 for now. But, you know, this is a permanent waiver, so
19 you never know what could change.

20 I think what we possibly would like to see,
21 if, if -- right now we're taking no position, but we're
22 here just in case. If it, if it looks like the
23 Commission is heading towards waiver of the rule, we'd
24 like to make sure that if the rule is waived, the ILECs
25 would provide notice to us so that we can notify our

1 customers that this is going on, and that way our
2 customer wouldn't have to call AT&T. We would notify
3 them, and the customer, if they needed the white pages
4 directory, would notify us and then we could obtain that
5 directory from AT&T on their behalf. So that's my, my
6 statement.

7 **CHAIRMAN CARTER:** Thank you. Commissioners,
8 we've heard from the parties and staff has kind of
9 introduced the issue. Any questions?

10 Commissioner Skop, you're recognized.

11 **COMMISSIONER SKOP:** Thank you, Mr. Chair. I
12 understood staff's concern and I've listened to the
13 parties. I think there's some good arguments to be made
14 on both sides for either granting or denying the waiver.
15 I just would like to point out if the waiver would be
16 granted by the Commission, my concern -- and I do
17 appreciate AT&T's efforts with respect to trying to make
18 the efficient use of resources in an environmentally
19 friendly manner. I think that having the ability for
20 consumers to have a choice as to whether they'd like to
21 receive a CD-rom or to request a hard paper copy of a
22 directory I think is a good thing, having a choice of
23 media. Because it's my reading of the rule, it, it does
24 not specify a specific media type. It leaves that open.
25 So I think that giving consumers alternatives is a good

1 thing. I could see how elderly consumers might be
2 disadvantaged to the extent that if it were limited to
3 CD-roms only, they might not be comfortable using a
4 computer and would want their traditional hard copy
5 which is available to them.

6 I think my primary concern though stems to the
7 concern that OPC and staff had with respect to the front
8 cover of the yellow pages on Page 8 at the bottom, how
9 to obtain a free copy. On the following page, on Page
10 9, I think that's great. I have no problem with that.
11 But I still feel that the type font on Page 8 for that
12 free copy is a little small. And if the waiver would
13 granted, were, excuse me, were to be granted, one of the
14 things I'd like to see is perhaps a commitment from AT&T
15 to make that a little bit bigger.

16 **MR. GREER:** Commissioners, we've tried to make
17 the font as big as we can without having it wrap and
18 make two lines. But I think that would be our
19 commitment is to make it as big as we possibly could
20 without having it wrap and cover up two lines.

21 **COMMISSIONER SKOP:** Okay. Thank you. I mean,
22 I guess my concern, I'm not a print expert, but it looks
23 like about 12-point bold font. You know, in talking to
24 staff, and I think OPC had similar concerns, I don't
25 know if they're available to speak to it, but, again, to

1 me that's a little bit hard to read still. And even if
2 it were a matter of shrinking the artwork to make a
3 little bit more space at the bottom, I see that they
4 have a prominent advertisement for a personal injury
5 attorney on there. But, again, you know, my concern is
6 making sure consumers are aware of the fact that there's
7 been a substantial change in the phone book that they've
8 been accustomed to. And I'm not adverse to change and I
9 think that's a good thing, not only for conservation and
10 being environmentally friendly, but I think any time
11 there is a substantial change, it behooves not only AT&T
12 but the Commission to make sure consumers are
13 adequately, adequately aware of that. And, again, I
14 think that that's a little bit small. So I think that
15 there are other things that could change on that page
16 not to the detriment of making that typeface smaller.

17 And so in response from what I heard is that
18 you would commit to not wrapping the text. I don't
19 think that was my question. I think my question is, is
20 if the waiver is granted, I'd like to see a bigger font.
21 And if we need to specify a minimum type font, I'm even
22 willing to go that far. I'm not trying to be difficult,
23 but I'm wanting cooperation from AT&T to the extent that
24 if a waiver is granted, that there's a good faith effort
25 and not just a bunch of running around here.

1 **MR. GREER:** Sure, Commissioner. And we've,
2 and we've looked at a whole bunch of things like putting
3 a letter in with the directory, which may be a good
4 option too. I don't know. Because, I mean, clearly in
5 all our discussions that we've had with the parties,
6 customer notice has always been the critical issue of
7 trying to make sure the customer is noticed. But --

8 **MR. GURDIAN:** If I may, Commissioner.

9 **CHAIRMAN CARTER:** You're recognized.

10 **MR. GURDIAN:** May I, Chairman? Thank you.

11 This isn't the only place that the information
12 is provided. As you could see in the customer guide,
13 there's also a stiff tab insert in the yellow pages, and
14 there will be a notice provided to the customers in
15 their bills the month before, the month before and
16 during the delivery of the white pages.

17 **COMMISSIONER SKOP:** And, Mr. Chair, I'm, with
18 all due respect, I am aware of that. I know that it's
19 printed in the "News You Can Use" section of the bill.
20 I know we had discussions and debate on, on that and the
21 readability of that.

22 Again, my concern is very specific directed
23 towards our elderly customers, our senior citizens who
24 may not be aware of the change. Again, at 42 years old,
25 if I'm having problems reading this, it's likely that

1 people with poorer eyesight might have the same thing.
2 So the more prominent we make it -- again, I'm not
3 asking you to publish this every year, but I'm merely
4 trying to get some good faith cooperation to address
5 what I feel is a legitimate concern as evidenced by OPC
6 and as evidenced by our staff.

7 **MR. GREER:** We, we will do that, Commissioner.

8 **CHAIRMAN CARTER:** Commissioner McMurrian.

9 **COMMISSIONER McMURRIAN:** Thank you. I guess
10 my first question goes to the hardship argument. And,
11 Mr. Gurdian, you talked about the hardship. You felt
12 like it went beyond what staff had included here and you
13 talked a little bit about the difference between AT&T
14 Florida and the affiliate. And I think you were arguing
15 that the cost savings to the affiliate should be taken
16 into consideration. But, of course, staff had pointed
17 out the language in the rule that talked about the, the
18 hardship to the person making the request. So can you
19 help me a little bit more with that? And I heard you
20 talk about the 2.5 million CDs and I guess the
21 production would be avoided of those CDs. So can you
22 talk to me a little bit more about how or if AT&T
23 Florida has a hardship?

24 **MR. GURDIAN:** Sure. The statute provides for
25 economic hardship, technological hardship, and I believe

1 there's another one, and other type of hardships. So
2 there's a lot of flexibility for the Commission to find
3 another type of hardship. The obligation to provide the
4 directory is on AT&T Florida. AT&T Florida does that
5 through its affiliate, you know, and there's costs
6 involved in that for the affiliate. But the obligation
7 is on AT&T Florida, it's done through its affiliate.
8 The rule requires it -- AT&T Florida to do it. And the
9 2.5 million CDs, those CDs wouldn't have to be produced
10 and provided to customers that aren't using, you know,
11 the residential white pages like they used to. It's
12 just an environmental impact that would be avoided on
13 society and that -- on, on AT&T Florida.

14 **COMMISSIONER McMURRIAN:** So does AT&T Florida
15 pay for the CDs to be produced or is that also a cost of
16 the affiliate?

17 **MR. GURDIAN:** That's a cost of the affiliate
18 but the obligation is on AT&T Florida.

19 **COMMISSIONER McMURRIAN:** Right. Okay. And I
20 guess I'll go ahead and ask you about the, the comments
21 that Mr. Konuch made and just give you an opportunity to
22 respond to his concerns about what the interconnection
23 agreements say and the concern about AT&T being able to
24 market, if their, if customers, if their customers,
25 cable customers called your 800 number and how you deal

1 with those issues and if there are any kinds of rules or
2 anything to prevent that kind of activity.

3 **MR. GURDIAN:** Well, the ICAs are going to
4 cover the relationship between AT&T Florida and the
5 CLECs. And so the ICAs, whatever the ICAs say, we're
6 going to continue to do. Now if there is a problem that
7 the CLECs have with regard to how we're doing it, they
8 can bring a complaint before this Commission.

9 With regard to the telephone number, it's run
10 by a contractor and no AT&T Florida services are sold
11 through there. They call up and they say, "Do you want
12 a directory?" "Yes." And, you know, they check their
13 list of whatever service area they might be in.

14 I was actually -- we were sitting next to
15 Mr. Konuch this morning. He called the number and, you
16 know, he asked them whether he could buy AT&T Florida
17 services and they said they didn't, they weren't able to
18 do that. They only provide directories. So I'm not --
19 I'm really trying to find what the concern for the CLECs
20 are when there's no services going to be sold through
21 this toll-free number.

22 **COMMISSIONER McMURRIAN:** Okay. And I guess
23 the other, the follow-up to that is would you have a
24 concern that if the rule was waived, Mr. Konuch has said
25 that he would want to obtain the directory from you all

1 or your affiliate, I suppose, and provide directly to
2 their customers. Do you see any concerns with that?

3 **MR. GURDIAN:** Just logistical concerns. I
4 mean, right now AT&T -- yellow -- AT&T yellow pages are
5 being delivered to CLEC customers, you know, on a, you
6 know, a yearly basis when they're being distributed. So
7 I don't understand what -- you know, if they're being
8 sent a residential white pages through the mail rather
9 than showing up on their front door like it normally
10 does, I don't understand what the concern is there.

11 **COMMISSIONER McMURRIAN:** I guess that's all
12 for now, Mr. Chairman. If someone else has questions.

13 **CHAIRMAN CARTER:** Okay. Commissioner Edgar.

14 **COMMISSIONER EDGAR:** Thank you, Mr. Chairman.
15 I am still not sure I understand your argument under
16 that substantial hardship provision for a requirement
17 for a waiver to be granted. And before I ask you to
18 respond, let me say that I do have declining eyesight
19 and, and I tend to hate to let go of my hard copy of
20 just about anything. But with that said, I am not
21 philosophically opposed to granting the waiver. I mean,
22 I do recognize that things change and things move on and
23 we all need to adjust and we need to look for
24 efficiencies, and this may be one of those times that it
25 just quite frankly makes sense. But I'm still

1 struggling with trying to understand how with the
2 statutory language as to the requirements to grant a
3 waiver, how your argument as to where the hardship
4 resides, if indeed it does, fits. So if I could ask you
5 to focus in on that point again.

6 **MR. GURDIAN:** Sure. First, there is an
7 economic hardship because AT&T Florida is required by
8 the rule to provide these directories. It does it
9 through an affiliate. Next year the terms could change
10 with its affiliate and its affiliate could just start
11 charging. I mean, we'd be back here if the Commission
12 doesn't find an economic hardship on that issue.

13 However, there's flexibility in the statute,
14 if the Commission doesn't believe there's an economic
15 hardship, to find another type of hardship. And the
16 other type of hardship is an environmental hardship that
17 the company, AT&T Florida is being forced to provide
18 2.5 million CDs to customers regarding these residential
19 white pages who just aren't using them as much as they
20 used to and who may not want them. And AT&T balances
21 that environmental impact with, you know, its customers'
22 needs. And it -- all they need to do is call a
23 toll-free number and they're sent the directory.

24 **COMMISSIONER EDGAR:** Okay. So, so when the
25 provision goes on to define substantial hardship as

1 we've talked about the economic, technological, legal or
2 other, again, just so I understand your argument, is it,
3 not to put words in your mouth, but for my
4 understanding, is it that you're kind of focusing in on
5 the other type of hardship which you are calling, were
6 referring to as environmental and which I'm going to
7 take a step further to maybe -- I think kind of what I'm
8 hearing you say is it's environmental, but maybe it's
9 just kind of a nonsensical waste of resources which --

10 **MR. GURDIAN:** It is a waste of resources. I
11 mean, we're required to provide, you know, 2.5 million
12 CDs, plus we're still required to, you know, in the
13 areas we're not providing CDs, we're required to
14 provide -- they're going to be co-bound with the yellow
15 pages, the residential white pages. So, you know, you
16 have this paper that is being co-bound that's being
17 provided to customers who aren't using it, the
18 residential white pages, in addition to 2.5 million CDs.
19 I believe 2.5 million CDs is a very large number. CDs
20 aren't as easily recyclable as a lot of other things.

21 **COMMISSIONER EDGAR:** And I guess I would just
22 make the comment to my colleagues that I guess what I'm
23 trying to focus in on is how broad that other type of
24 hardship may be interpreted by us today. And, again,
25 I'm not opposed to the change maybe, I'm not sure about

1 permanent, maybe on a trial basis. I don't know. I'd
2 be interested in your thoughts. But I am struggling a
3 little bit with, with that waiver language. So I
4 appreciate you expanding on that a little bit.

5 **COMMISSIONER ARGENZIANO:** Mr. Chair.

6 **CHAIRMAN CARTER:** You're recognized,
7 Commissioner Argenziano.

8 **COMMISSIONER ARGENZIANO:** I have a few
9 questions. And with all due respect, I have a hard time
10 finding the hardship issue. I have a hard time seeing
11 where AT&T really has a hardship issue. So I'm going to
12 shift gears and say that what I'm going to ask questions
13 about is my concern for the hardship of the consumers.
14 And what I'd like to know is how did AT&T determine that
15 their customers are not using white pages anymore or
16 some of them or a majority of them? What mechanism did
17 you use? Did you poll? What did you do?

18 **MR. GURDIAN:** AT&T contacted customers in some
19 of its service areas in Florida, and the results were
20 that customers just aren't using the residential white
21 pages as much as they used to. They're still using the
22 yellow pages on a significant basis, just not using the
23 residential white pages.

24 There's reasons for that. There's -- more
25 people are using cell phones and not using, and don't

1 have landlines. Cell phones store numbers. You don't
2 need to look up a phone number in a white page,
3 residential white pages if it's in your cell phone
4 organization list. There's actually more numbers not in
5 the residential white pages because of the proliferation
6 of cell phones than there are within them.

7 **COMMISSIONER ARGENZIANO:** Well, when you, when
8 you say certain areas of Florida, can you be more
9 definitive? How many calls? How many contacts did you
10 make? How many people did you talk to in total?

11 **MR. GREER:** Yes. Commissioner, this is Stan
12 Greer with AT&T.

13 The company conducted two or three studies in
14 the area, in basically the market trial areas that we
15 did. I believe, if I remember the number right, a
16 couple of hundred customers in the, in the area that
17 they did the survey with. I'm going from memory, so I
18 --

19 **COMMISSIONER ARGENZIANO:** Uh-huh.

20 **MR. GREER:** But they did do, conduct studies
21 to ask them. And if I recall, you know, there was about
22 three-fourths of the customers were okay with the fact
23 that, that you didn't get the white pages and they could
24 ask for them on a copy basis.

25 **COMMISSIONER ARGENZIANO:** Do you have the

1 questions that were asked of the customers?

2 **MR. GREER:** Yes, ma'am.

3 **COMMISSIONER ARGENZIANO:** I'm familiar with
4 polls and I'd like to see if it was a push poll or what
5 type of poll it was.

6 To be honest with you, I understand the desire
7 to get rid of something that may be environmentally
8 burdensome and, you know, people recycle, recycle phone
9 books in a large amount today and there's a lot of work
10 to be done with that, I'm sure. But what I'm trying to
11 get at is really I don't know what the consumer feels
12 about the white pages. I can only, can only speak to my
13 own family or friends and so on. And what I get from
14 people is that, yes, we still use white pages. And a
15 lot of people who have cell phones are replacing their
16 landlines and using their cell phones from home. That
17 doesn't mean now they don't mean that they're on the
18 road just using a cell phone. A lot of even elderly
19 people who have replaced their landlines with cell
20 phones in their homes still may use white pages.

21 And I guess my concern is while I'd like to
22 reduce the burdensome, you know, bulk of having white
23 pages, my concern is that, that a lot of people are
24 still using white pages. And I don't have the results
25 of your survey. I don't know what questions you asked,

1 and you don't even, you're not even sure as to how many
2 people you polled. Maybe a couple hundred. And what
3 I'm concerned with is that in the long-run, you know,
4 how long will it be before -- you know, this is a
5 service that's provided to the consumer now. And to me
6 what it says is we're going to take that service away
7 from the consumer, and if they want something, they can
8 contact us. And, yes, Commissioner Skop is 100 percent
9 correct, if you do this, if we do this, the type font --
10 not only asking, I would say, I would require that the
11 type font has to be larger at least on that first yellow
12 pages so that people are very aware that they can ask
13 for it.

14 But I guess the second question would be how
15 long is it before, that you would not be providing it at
16 all or would there be a charge somewhere down the road
17 for people to even get a white pages? And I guess the
18 reason I ask that is because there's service that's
19 given now. And if we agree to this, that's another
20 service taken away from the consumer. And I don't see
21 them benefiting any way from removal of that service.
22 You're not giving them a credit for not having a white
23 pages anymore. So, you know, I'm kind of reluctant as
24 to take something away from the consumer because they
25 may never get it back again or somewhere down the line

1 they may be charged for that CD-rom or, or a white pages
2 in general. So how do you, how do you kind of alleviate
3 my concerns in those areas?

4 **MR. GREER:** Commissioner, this is, this is
5 Stan Greer with AT&T. I mean, I've got the, the studies
6 that the company did. You know, we made reference to
7 them in our responses to the Commission staff.

8 As far as the type, we've already committed
9 that we will work to make the type bigger to the
10 satisfaction of, of the Commission. And if the staff
11 wants to review that, that's fine.

12 **COMMISSIONER ARGENZIANO:** But you
13 understand -- and I don't mean to cut you off, but when
14 you say you've made references to them, that's not
15 enough for me. I'd really like to see them. I'd like
16 to have a good feeling about the people, you know, and
17 what they want. Otherwise, as maybe Commissioner Edgar
18 had suggested, that a temporary -- because I understand
19 the reasons for wanting to do away with it, but I also
20 am reluctant to take something away from the consumer
21 that they already have. And in doing so, if I'm going
22 to do that in a movement towards progress, sometimes we
23 call it progress and sometimes it's really not, but
24 sometimes maybe to get rid of that bulk of that, of that
25 white pages, I'd like to know more than just a brief

1 alluding to a study. I'd like to know what the people
2 really feel. After all, I don't know that much about
3 what the people have responded to in your survey. And
4 we may, the PSC may be the recipient of many calls
5 afterwards about, you know, "Where is our yellow --
6 white pages, and how come we're not, you know, we're not
7 getting this anymore?"

8 And I understand the ability to call in and
9 get one, but I just don't know how long that would last.
10 I see that as a step saying, oh, okay, for the next few
11 years you can call in and get one. And after that, you
12 know, we may charge you or there may be a charge.
13 Another company will be handling this. And I see it as
14 a less service moving down the line.

15 So with all due respect, Mr. Chairman, I'd
16 like to know how the people feel. And without seeing
17 that survey or understanding it, maybe it can be done on
18 a trial basis until we hear, start hearing from people
19 or not hearing from people. And probably if AT&T can
20 add to that. I'm just not sure I feel comfortable
21 taking away a service from the consumer today, but
22 understanding that it's probably a good thing to get rid
23 of that bulk and move in a more maybe technological
24 movement forward. I'm just not sure that most people
25 are ready for the technology or the CD-rom. You know, I

1 have a mother at home and I have a lot of elderly
2 relatives who still use those white pages, and I'm one
3 of them. I mean, I can use a CD-rom, but I just have
4 some concerns.

5 **CHAIRMAN CARTER:** Commissioners, let me just
6 kind of throw something out based upon what I've heard
7 you say.

8 In lieu of a permanent waiver, maybe a
9 temporary waiver for a specific amount of time to allow
10 people to adjust to the transition. And I don't know,
11 maybe three years, five years or something like that,
12 and come back and see if there's a problem or concern,
13 and at that point in time we could determine whether or
14 not it may be plausible to entertain a permanent waiver.
15 This is just, just a thought from listening to our
16 discussion today.

17 Commissioner Skop, you're recognized.

18 **COMMISSIONER SKOP:** Thank you, Mr. Chairman.
19 If -- and maybe staff could speak to this. I think
20 that's an excellent suggestion. I guess my
21 understanding that the nature of the waiver, and I'm
22 trying to understand that to the extent that AT&T is
23 still making the materials available to consumers in
24 various media formats, whether it be a CD-rom or a hard
25 copy, but it's becoming not mandatory that they provide

1 it to everyone. It's becoming a subscription-based type
2 requirement where the actual, the consumer needs to call
3 in to receive their free copy; is that, is that correct?

4 **MS. SALAK:** That's correct. For the printed
5 hard copy you would need to call in. They, they have
6 certain areas they've designated for this year where
7 they're moving to CD-roms only and then they can still
8 call in to get the printed hard copy.

9 **COMMISSIONER SKOP:** Okay. And so to the
10 extent that a waiver would be required, I think when we
11 had our briefing on this, you know, if the waiver were
12 not granted, we'd need to go into some sort of
13 rulemaking to change the rule. I think staff
14 mentioned -- and I'm trying to weigh the economy of
15 having to go through that process versus what Chairman
16 Carter and I think some of my other colleagues have,
17 have, you know, hinted at to the extent that a temporary
18 waiver, which I don't know if there is such a thing,
19 could be granted, then perhaps that might be a
20 reasonable alternative with, with suitable conditions
21 placed upon it that would not tie the Commission's hands
22 or future Commissions.

23 **MS. SALAK:** I believe you can grant a
24 temporary waiver.

25 **COMMISSIONER SKOP:** Okay. Thank you.

1 **CHAIRMAN CARTER:** Thank you. Commissioner
2 Edgar.

3 **COMMISSIONER EDGAR:** And I was just trying to
4 think whether -- and I guess I would, of course, defer
5 for comment to our legal staff, but a temporary waiver
6 or maybe an exemption for a set period of time might be
7 another -- maybe it's just semantics, maybe it's not,
8 but perhaps an exemption from the Rule 4, and to follow
9 along our Chairman's comments, maybe two to three years
10 with potentially direction to our staff to review the
11 rule and the comments that we hear from all of our
12 outreach efforts and in-reach efforts with consumers to
13 maybe review the rule as I know we review all rules
14 over, you know, periods of time and perhaps approach it
15 that way. I'm just trying to think what, what makes the
16 most sense.

17 Because I think that under other type of
18 hardship that does give us a certain amount of
19 flexibility and, and discretion. I want to very much
20 follow the, you know, the requirements as they are laid
21 out, but yet I do recognize that part of why we're here
22 is to try to help respond to changing times and needs,
23 and this may be one of those situations. So a permanent
24 waiver gives me a little pause, but perhaps, again,
25 whether it be a temporary waiver or a temporary

1 exemption with direction to our staff to review the rule
2 and bring back a recommendation for two to three years
3 is what I'm thinking, and I'd be interested in your
4 comments.

5 **CHAIRMAN CARTER:** Commissioner McMurrian.

6 **COMMISSIONER McMURRIAN:** Thank you, Chairman.

7 And I didn't say this earlier probably. I
8 think that from looking at the rec and what we've heard
9 from a lot of the parties who are normally involved in
10 these matters and the input from OPC and all that's
11 listed in the rec, it seems like most everyone agrees
12 that the process could be a little better, that there
13 could be some flexibility there. That perhaps the rule
14 requirements as laid out specifically there are a bit
15 outdated and should allow more flexibility there. So I
16 think, I think we, we agree there.

17 And after -- and thanks, Commissioner Edgar,
18 for that clarification about the hardship because I
19 didn't hear Mr. Gurdian say originally the environmental
20 hardship. And I do think that that is something that we
21 could consider since we have a good bit of flexibility
22 there with respect to the demonstrated hardship and that
23 it could be some other type. And I do think that's a
24 better way to go than going through rulemaking, quite
25 frankly. Although I do think at some point if we are

1 looking at rules, perhaps it is something we might want
2 to look at giving a little bit more flexibility there
3 with respect to CDs and CD-roms and that sort of option.

4 But for now it seems that it would be a more
5 expeditious way to go to allow some sort of temporary
6 waiver. I guess we need to talk about the time frame
7 that we're talking about. But it seems to me that the
8 hardships that we're discussing do give us, do give us
9 the ability to allow a temporary waiver.

10 **CHAIRMAN CARTER:** Okay. Commissioner
11 Argenziano, before we talk about the time frame, I
12 notice that in the context of getting the information
13 out to the customers and the consumers during this
14 process, this temporary time would give us an
15 opportunity for them to make the adjustment, if any, to
16 say, you know, it works or it doesn't work. And I just
17 want to get some feedback from you on that.

18 **COMMISSIONER ARGENZIANO:** Mr. Chair, is there
19 a possibility -- doesn't the Public Service Commission
20 from time to time do announcements or public service
21 announcements of some type or some kind? Can't we find
22 out as the Public Service Commission? I mean, it's very
23 important to understand the hardships of the utility,
24 but we're also the Public Service Commission and we need
25 to know if there's any hardships for the consumers. And

1 I understand the environmental aspect of it. It's a
2 bulk, it's a lot of paper, it's an awful lot of books
3 that are printed every year, but I also know that
4 sometimes in the sake of environmental purposes it can
5 be very convenient to use the environmental aspect of
6 it. And I'm, and I'm trying to deal with it, what's
7 good for the company, but I also don't want to forget
8 about the consumer.

9 Can we as the Public Service Commission have
10 some type of announcement for the public to participate?
11 Because I'd hate to think that even after we did a
12 temporary thing and the public just, just finally got
13 aware of it by the time the temporary waiver expired or
14 just is understanding fully that we didn't get enough
15 input from the consumer. I mean, it's at times like
16 these I sit and listen and wonder, well, you know,
17 here's the company, they've got a legitimate issue that
18 they're bringing before us that they want us to
19 consider, but I haven't heard from the public. And I'd
20 like to know if we can somehow put out some type of a
21 feeler to get some feedback. People may overwhelmingly
22 say, "Yeah, we don't need that bulky book anymore. And
23 if I could get this, I'd be very happy." Because it
24 would be a lot better than after the fact getting phone
25 calls and being bombarded with consumers saying, "Hey,

1 you just took away another service from me, and what am
2 I getting for it," you know. And then somewhere down
3 the line I have no confidence that, that at one point
4 people may not be charged for this information, you
5 know. And right now they have this service. And for me
6 to take a service away from a consumer that they're
7 getting now, I want some type of good feeling about it
8 and I want something to hear from the people themselves.

9 If the Public Service Commission can do some
10 type of announcement or something that goes out there
11 and says give us your feedback on this. If people don't
12 write us back, well, then they had their opportunity.
13 We'd have a better idea not from a survey that the
14 company did that I don't have in front of me and can't
15 see the questions and, with all due respect, don't have
16 a feel for what the public is going to come up with. I
17 think that may be the way that we could legitimately
18 tackle the problem and show that we are caring about
19 both sides of the issue from the industry's point as
20 well as the consumers' point.

21 **CHAIRMAN CARTER:** Thank you.

22 **COMMISSIONER ARGENZIANO:** Can that, can that
23 be done?

24 **CHAIRMAN CARTER:** Yes, it can. Yes, it can.
25 We, we often through our communications and publications

1 as we're talking about Lifeline, we --

2 **COMMISSIONER ARGENZIANO:** Uh-huh.

3 **CHAIRMAN CARTER:** The Governor asked us
4 earlier this year about the, the prescription card, that
5 we made that available, information. And other -- our
6 sister agencies as we talk to from time to time. I
7 think it's just a matter of us making it part of our
8 consumer outreach. We can do that.

9 **COMMISSIONER ARGENZIANO:** I'd love to see the
10 questions developed or what the questions would be to
11 the consumers as to can you live without a white pages?
12 "Here's your options. If you call, would that be good
13 enough? Would you like a CD?" Something like that.
14 And I think that would give us the opportunity to really
15 find out what the consumer is thinking. And, again,
16 it's just to, to look at both sides of the issue. The
17 industry's point of view is well taken, and now I'd just
18 like to know the consumers'. Because, after all, once
19 you take a service away from them, it's probably never
20 going to go back.

21 **CHAIRMAN CARTER:** Yes, ma'am. We can do that.

22 **COMMISSIONER ARGENZIANO:** Okay.

23 **CHAIRMAN CARTER:** Commissioner Edgar.

24 **COMMISSIONER EDGAR:** Just a follow-up on one
25 of the Commissioner's questions to staff.

1 If this company or another similarly situated
2 one wanted to at some point charge for this service, is
3 that something that would need to come back to this
4 Commission for action?

5 **MR. TEITZMAN:** I believe that they would have
6 to come back to the Commission. Do you mean before --
7 let me see. Do you mean if the rule waiver was granted
8 and then would they have to come back?

9 **COMMISSIONER EDGAR:** Well, I wanted to try to
10 follow up on the concern that Commissioner Argenziano
11 raised about, you know, at this point we, we move
12 potentially in a different direction and then down
13 the -- for a service that is provided at no cost and to
14 provide that service through a different means or
15 mechanism. But then I think I heard her concern as that
16 at some point in the future perhaps that service that is
17 delivered at no charge but then may be in a potentially
18 different method could then be assessed a charge. And
19 if this Commission were to grant a waiver or an
20 exemption with the understanding that we would review
21 the rule at a future date, would the company be able to
22 assess a charge for that service that is now provided at
23 no cost on its own without coming back to the Commission
24 for a grant of authority to do that or approval?

25 **MR. TEITZMAN:** They are required to provide

1 the directories to the public for free at no cost. So,
2 and there's certainly no provision for charging to
3 provide those directories. So I believe they would have
4 to come back and request an additional rule waiver from
5 that requirement.

6 **COMMISSIONER ARGENZIANO:** Excuse me.

7 **COMMISSIONER EDGAR:** Okay. Well,
8 Commissioner -- that -- thank you. And that was my
9 thinking but I wanted to verify that. And that does
10 give me some additional comfort.

11 **COMMISSIONER ARGENZIANO:** Mr. Chair?

12 **CHAIRMAN CARTER:** Commissioner Argenziano.

13 **COMMISSIONER ARGENZIANO:** Yes. But to staff,
14 if we voted that they were not required to have that
15 white pages anymore, then what happens? We're then
16 saying you don't have to do this, we're taking this
17 service away. At that point somewhere down the road we
18 have no regulation on that anymore because we decided
19 that that is no longer something that we say this
20 company or any company needs to provide. At that point
21 when we've already voted, if we have, if we do, to say
22 that this is something you don't have to do anymore, why
23 would they have to give anything for free?

24 So, staff, the question is if down the road if
25 we were to vote, this Commission votes and says that you

1 don't have to provide this service anymore, aren't we
2 then exempting them from providing that for free?

3 **CHAIRMAN CARTER:** We'll hear from our General
4 Counsel.

5 **MR. IMHOF:** Booter Imhof, General Counsel.

6 Commissioner Argenziano, whatever the
7 Commission's decision, they can limit, you can limit the
8 duration of any grant of a variance or a waiver and
9 impose other conditions of the grant to the extent that
10 it serves the underlying purpose. So I, I think you
11 could put those requirements on there to make sure that
12 they don't charge for them.

13 **COMMISSIONER ARGENZIANO:** Okay. Here's the
14 thing that I'm going to ask, and I'm going to try to be
15 very articulate. What I'm saying is now if we do a
16 temporary waiver, of course we can do that. My point is
17 saying that some day this could be a charged item to
18 make you think -- because right now the people are
19 getting this free. Okay? And if, if, if we do a
20 temporary waiver and we do a public service type of
21 announcement out there and the people come back and say
22 we really don't care, well, then they don't care. If it
23 comes back that they do care and we decide not to say,
24 okay, you're exempt from giving -- the people still want
25 this, this is something that has to happen, that's the

1 rule today and that's probably where it's going to be
2 until things change down the line.

3 The reason I mention that some day it can be
4 charged, and what I want to get from staff today is that
5 the point, if this Commission turns around a year from
6 now and says, okay, we really didn't hear from that many
7 people, or let's just say that's the scenario we wind up
8 with and, okay, so then the temporary waiver is gone,
9 it's a permanent, permanent, you can have the waiver,
10 you never have to provide this service again, of course
11 then it can be charged, it could be something that's
12 charged for. You can't tell me otherwise, unless the
13 Commission all of the sudden turns around and reverses
14 its vote and says now you're going to have to provide
15 this again. So there is the potential.

16 And that's the reason I mentioned it to make
17 you -- it's thought provoking that at some point down
18 the line people may be charged for what they get for
19 free now. That's why I have a reluctance to take away a
20 service that's provided free, it's within what they pay,
21 a reluctance to take away that now. Because somewhere
22 down the line if we grant a permanent waiver that they
23 don't have to provide that anymore, I'm willing to
24 almost bet the bank that somewhere down the line that
25 the consumers will be paying for that service. And if

1 you could tell me today that that'll never happen, even
2 though we exempt them from that, I think that's just
3 inaccurate.

4 **CHAIRMAN CARTER:** Staff.

5 **COMMISSIONER ARGENZIANO:** So I think what I'm
6 saying to Mr. Booter and to staff is that if we go down
7 that direction somewhere down the line after a temporary
8 waiver, if that's what we vote for today, at some point
9 once you remove that service today, at some point, and
10 if it's totally a permanent waiver, then you can't tell
11 me today that people won't be charged for that down the
12 line. And I'm not saying to base your vote on that, but
13 that's the possibility and that's why I raised that
14 possibility. That was my point in making it that
15 somewhere down the line this could be something that
16 people are charged for, and it should be thought
17 provoking because you're taking away then a service that
18 is provided today for free. And that's all that was
19 meant to do.

20 **MS. SALAK:** Commissioner, this is Beth Salak.
21 I just wanted to clarify that we are not getting rid of
22 the requirement that they provide a free directory. We
23 are just changing how it goes about. It's just not
24 automatically given to them. We still require that if
25 they call the 1-800 number, that they have to give a

1 free directory. That requirement does not go away.

2 **COMMISSIONER ARGENZIANO:** And you don't think
3 that'll ever go away?

4 **MS. SALAK:** I believe under a waiver it will
5 not go away. I mean --

6 **COMMISSIONER ARGENZIANO:** And you don't think
7 the waiver could change? You don't think that this is
8 maybe partly moving towards changing the waiver and
9 changing the way things are done?

10 **MS. SALAK:** I think it is changing how things
11 are done through media and through the phone call. I
12 don't think that it does away with the free directory
13 requirement. And that would have to be another decision
14 on --

15 **COMMISSIONER ARGENZIANO:** Okay. Well, in five
16 years, well, maybe, maybe we can sit back again and talk
17 the possibility that that does occur. That's the reason
18 I'm mentioning it. I'm not saying it will, but there's
19 a possibility it could and that's my point.

20 And I understand your point that right now it
21 would still, people can still get that for free, but I
22 wonder for how long. And that's, that's the only thing
23 I'm mentioning. I'm not saying it's a good thing, a bad
24 thing. I'm just saying that's a possibility down the
25 line. And it looks like to me that may be the way that

1 it's moving in that direction, and I just wanted to make
2 sure.

3 **MS. SALAK:** It is a -- Commissioner, I think
4 it may be a possibility down the line, but I think that
5 would require another decision by you before that could
6 ever happen.

7 **COMMISSIONER ARGENZIANO:** Yes. But I probably
8 won't be here. And I kind of see the way, you know,
9 things go at the Commission, and sometimes there's
10 different Commissioners and different things that happen
11 and, of course, that's the way it's meant to be. And
12 I've got to think for today, not for who's going to be
13 here for tomorrow. And trying to think that the company
14 has, as I said before, legitimate concerns about, you
15 know, this bulky, mass-produced white pages and trying
16 to reduce that. But also, and as I said, and I'll say
17 it again, and somewhere down the line we keep limiting
18 the services that the people get from the company. I'm
19 not so sure that's a wise thing to do either unless I
20 have some kind of comfortable feeling, and that's why I
21 asked for some type of PAA to go out to the public.

22 And with all due respect to AT&T for their
23 survey, it really could come up that the people say,
24 "Hey, I don't need this thing anyway. I have other
25 mechanisms to get there." And that's why I'd like to

1 see what the people think. And, and to top that one
2 more time just to say that I can see a movement down the
3 line. It doesn't -- you don't -- you know, you see the
4 forest for the trees, that somewhere down the line this
5 could be a service that is one that the companies really
6 don't want to have anything to do with and it'll be to
7 an affiliate or whatever and it could, there could be a
8 charge that comes with this down the line because people
9 do tend to lose services a lot in progression, and I
10 want to make sure that that's not what we're doing
11 today.

12 **CHAIRMAN CARTER:** Thank you, Commissioner.
13 Commissioner McMurrian.

14 **COMMISSIONER McMURRIAN:** Thank you. I guess I
15 want to go back to the, to the discussion we were
16 talking about informing the public somehow, and I guess,
17 I guess I have a question.

18 But first I want to say I definitely think
19 that with respect to our ability to get the word out to
20 customers, to somehow, I don't know, do a press release
21 or something that talks about that if we were to grant a
22 temporary waiver, that we explain that and we say that
23 there's still a way to get a, get a free copy of the
24 white pages. I think that that, that I, that I fully
25 would support.

1 I guess though what I'm hearing is perhaps an
2 idea that we survey customers and that concerns me a
3 little bit, but I'm not sure I heard that correctly. So
4 I -- but let me ask staff first, if that were the idea
5 that's on the table that somehow surveying customers
6 about whether or not they're willing to give up their
7 free copy delivered automatically, the phone book, are
8 there -- I have concerns about how we would go about
9 that and the cost of that. The only time I remember us
10 actually surveying customers in that kind of a manner
11 was actually with the Aloha docket years ago. And we
12 surveyed the customers, if I remember correctly, in
13 those two service areas with respect to Aloha. Maybe it
14 was just even in one of the service areas. And our
15 staff did a survey of just those customers, and I know
16 that there was some cost and all in doing that, at least
17 of postage and things, and it's probably not, not huge.
18 And I don't, I don't want it to be said that I'm, that
19 I'm not interested in what customers think, but I do
20 think we have some basis in the recommendation in the
21 areas where this has been done before, how many people
22 requested, went ahead and requested the copy of the
23 phone book, at least with respect to Austin and Atlanta.
24 And those are definitely, I'll admit those are
25 definitely different territories and with some of the

1 surveys they did on the front end. And I realize that's
2 not a perfect indicator of what customers want that we
3 may have -- in Florida we may have a good, good bit
4 higher number of customers who still want the free copy
5 of the phone book.

6 But I guess my concern is if we're talking
7 about actually surveying customers, how many customers
8 we're talking about and what expense there would be in
9 that. So I guess I'd let staff respond to see if they
10 had any concerns there as well.

11 **MS. SALAK:** I think that, first of all, it
12 would be -- developing the survey instrument is always,
13 of course, the most difficult portion, but if we did
14 some very direct questions. I think that for large
15 populations, and I would have to go to a statistician we
16 have in-house and ask, but it's a surprisingly low
17 number for large quantities that you have to survey. I
18 mean, we'd have to get so many responses in, but it's
19 not, it would not be in the millions or even -- maybe a
20 thousand or so. But, so it's not an astronomical
21 number. So we could do it, but, yes, there would be an
22 expense and staff time associated with it.

23 **COMMISSIONER McMURRIAN:** Mr. Chair, can I ask
24 a follow-up?

25 **CHAIRMAN CARTER:** You're recognized.

1 **COMMISSIONER McMURRIAN:** Let me ask it this
2 way too. Is there a way that you all could suggest
3 perhaps that we could, we could address the concern to
4 make sure customers are aware and avoid perhaps the
5 notion of a, of a survey to avoid some of those issues?

6 **MS. SALAK:** I would suggest -- I have one
7 suggestion, but it's not done upfront per se. The
8 company has already targeted five trial areas of, in
9 major cities. And in those trial areas, if you -- you
10 could give a temporary waiver there where they would
11 stop giving out the printed copy and would not give out
12 the CD but have the printed copy still available. I
13 think that we could go ahead and, you know, we could
14 follow, you know, we could monitor complaints, we can
15 monitor how many complaints the company gets, how many
16 calls they get for the phone book and that kind of
17 information could be provided to us. We could do that
18 on a timely basis. I would think that most of the
19 complaints would come in shortly thereafter, the phone
20 book, they don't get it. I could be wrong about that.
21 But we can continue to monitor. And so we can do that
22 after each city, each city, we can look specifically at
23 the data for that city, and if there's an issue, a
24 tremendous issue, we could obviously bring it to your
25 attention then. If not, we could let the trial continue

1 until they make it through the five cities or four
2 cities, however many you want to do. It would be
3 realtime information. We could give a temporary waiver
4 for a year, year and a half, I would think, to collect
5 the data and see what kind of information we get, and
6 then we could be back here with the representative
7 cities that they've done and then give you a
8 recommendation on whether it should be permanent or not.
9 That would be another way -- it wouldn't be upfront, but
10 it would at least be gathering data from Floridians and
11 how they feel. That is going to be geared towards large
12 cities though.

13 **CHAIRMAN CARTER:** You may proceed.

14 **COMMISSIONER McMURRIAN:** Thank you, Mr.
15 Chairman. I have one more, and actually this is to
16 AT&T.

17 With respect to the discussion we were just
18 having a few minutes ago about the waiver and making
19 sure it's still free and -- well, let me just ask it
20 this way. Is it your understanding that if you were to
21 consider to start charging for a phone book, that you
22 would have to come back here, whether we grant a
23 temporary waiver or not, is it your understanding you'd
24 have to come back here and get some kind of approval
25 from us?

1 **MR. GURDIAN:** Yes.

2 **COMMISSIONER McMURRIAN:** Okay. Thank you.

3 **MR. GURDIAN:** Whether it's waiver, waiver
4 requests or rulemaking, whatever it might be, we would
5 have to come back to the Commission.

6 **COMMISSIONER McMURRIAN:** Thank you.

7 **CHAIRMAN CARTER:** Commissioner Skop.

8 **COMMISSIONER ARGENZIANO:** Mr. Chair?

9 **CHAIRMAN CARTER:** Commissioner Argenziano.

10 **COMMISSIONER ARGENZIANO:** Yes. A couple of
11 things. One, one is, and it's -- how do I say this? It
12 is, I think, never a mistake to, to find out. We're, we
13 are the Public Service Commission. We are here to keep
14 our industries practicing well and doing well and
15 healthy in the State of Florida, but we are also here
16 for the public. And when we sit here and we hear one
17 side, and this is not disparaging the utility, I think
18 they have a legitimate concern that I'm trying to go
19 through, but we don't hear from the consumers. I think,
20 I bet you I can find money that we spend at the Public
21 Service Commission that would be better used to let
22 know, the public know.

23 And, yes, I'm talking about surveying the
24 public. It is their service. We're here for both
25 sides, not just the utility side. So I can find the

1 money, if we, if we have the money, if money is a
2 concern about surveying the public. We can send out,
3 the way we send out press releases at the Public Service
4 Commission at the drop of anything we do, we can send
5 out press releases to let people know that this is
6 something to be considered and something they may agree
7 with but we care enough to hear their side. And that is
8 how I feel as an individual Commissioner. We need to
9 find out how the public feels.

10 And, again, with the survey that the company
11 did, I really don't know how far reaching it was. I
12 don't know what type of questions were asked. I don't
13 know and I don't want to use their survey. It can be
14 part of what we, what we have, of course, in front of
15 us. I'd like to know how people in the rural areas
16 feel. People in the rural areas, most of those people,
17 people don't even have computers and they must rely on
18 the, on the, on the white pages. I'd like to know a
19 sampling other than the one that the company took. And
20 I think sending a PSA out or press releases out and
21 surveying the public is a darn good idea, and I'd like
22 to move in that direction. And to use the company's
23 input also, I think that's very important, and as I
24 think our staff had said, monitor the company also, but
25 not just solely rely on the company, their phone calls.

1 And, of course, the company is probably going to be the
2 ones who get the phone calls, but so are we. We are the
3 Public Service Commission.

4 So I'd like to not only have a press release
5 that goes out and a PSA that goes out periodically
6 during the waiver because that would give us a true
7 picture of what the entire state, not just sampling
8 areas, along with what the company has done in their
9 sampling areas, and that's my concern and that's what I
10 would like to see. I think it's fair. Because we have
11 two sides of the issue, and it's good to get the whole
12 picture. And then we could probably work on an issue --
13 having all that information given to us we can get a
14 better idea. And I guarantee you that you'll come up,
15 we'll come up with far more information than we have now
16 and, and probably produce a better outcome at the end
17 for the companies to address the companies' concerns as
18 well as the consumers'.

19 So, no, Commissioner McMurrin, I don't think
20 it's a bad idea to survey the public. I think it's a
21 good idea and I think it could can be done inexpensively
22 and that's the way I would like to go, with the
23 temporary waiver in place, with the company's help in
24 determining the phone calls they get, but also taking
25 our own initiative, not just always relying on the

1 utility. I'd prefer that we did PSAs and we did our own
2 little bit of research, and I really don't think it will
3 cost that much.

4 **CHAIRMAN CARTER:** Thank you, Commissioner.
5 Commissioner Skop.

6 **COMMISSIONER SKOP:** Thank you, Mr. Chairman.
7 Just a few questions to AT&T and then perhaps
8 one to staff and then one to Commissioner Argenziano.

9 I guess it's my understanding that the CD
10 version of the white pages can be offered at
11 approximately one-third of the cost of a paper copy of
12 the white pages. Is that generally correct?

13 **MR. GREER:** Yes, Commissioner.

14 **COMMISSIONER SKOP:** Okay. All right. And as
15 a follow-up to Commissioner McMurrian's question where
16 she asked whether AT&T thought that it would be
17 necessary for them to reappear before the Commission,
18 you know, on certain things, would it be reasonable to
19 suspect that AT&T would not charge for one media type
20 over another to the extent -- and this is tied into the
21 current language under the rule where it says it shall
22 be furnished with a copy of the directory, but an
23 additional directory shall be provided by the local
24 exchange, which may charge a reasonable fee thereof.

25 So I'm kind of along some of the questioning I

1 heard, you know, if a directory was available and that
2 directory was CD only, would it be foreseeable that AT&T
3 might want to charge for one media type over another?

4 **MR. GREER:** The customer would have a choice
5 of either a CD or a hard, a white page directory, and
6 whichever one they chose, they would get that free. Now
7 if they wanted a CD and a directory, and a white page
8 directory, the rule today allows you to charge for
9 additional listings.

10 **COMMISSIONER SKOP:** Okay. So that hard, just
11 to be clear, that hard copy upon request would always be
12 available to the consumer without charge, the paper
13 copy?

14 **MR. GREER:** Yes.

15 **COMMISSIONER SKOP:** Okay.

16 **MR. GREER:** Well, that's, that's assuming that
17 it's not an additional request.

18 **COMMISSIONER SKOP:** Correct. Yes. I mean,
19 assuming that they weren't just mailed a CD and then had
20 to call in. But, again, I think that it's incumbent
21 upon the Commission to make sure that the consumer has
22 choices. And, again, I think that gets to the point of
23 offering various media types, I think, is a very
24 innovative approach by AT&T. I think it recognizes
25 environmentally friendly practices to the extent that

1 there's no need to create CDs if there's no demand for
2 CDs or to create paperbound copies of a directory if
3 there's no need. I think that the customer is the
4 driver of that demand per the subscription should a
5 waiver, a limited waiver be granted.

6 I think that some of the -- and also just in
7 passing I've seen that with online brokerage accounts.
8 I mean, they all seem to be going towards paperless or
9 online type services and they charge you for paper
10 copies.

11 But, again, as Commissioner Argenziano has
12 recognized, we are the Public Service Commission. We
13 need to look out for the consumers. The consumers ever
14 since I've been on this planet have gotten a hard copy
15 of the phone book, and I think that needs to be,
16 continue to be available to them at no cost, even if
17 they have to formally request it.

18 With respect to Commissioner Argenziano's
19 comment, I just had a couple of things that I wanted to
20 throw out for discussion. And I think Ms. Salak brought
21 up an interesting point about a geographic waiver in a
22 major metro area.

23 But to Commissioner Argenziano, I think, if I
24 heard you correctly, that there would need to be active
25 surveying conducted by the Commission via a public

1 service announcement seeking comments or consumer input
2 in addition to public outreach associated with informing
3 the consumer of any prospective change that might occur
4 from how things are traditionally done. Is that a
5 correct understanding?

6 **COMMISSIONER ARGENZIANO:** Can you hear me?

7 **COMMISSIONER SKOP:** Yes.

8 **COMMISSIONER ARGENZIANO:** Are you asking me
9 whether my concern is that we should have, the public
10 should be aware that this phone book that's been around
11 since probably the Stone Age it seems like, that there's
12 a possibility we can change this and would like their
13 input on it? Is that what you're asking?

14 **COMMISSIONER SKOP:** No. I'm asking -- there
15 seems to be -- if I understood your comments correctly,
16 is that in addition to public outreach via, you know,
17 public access or TV or news ads or, you know --

18 **COMMISSIONER ARGENZIANO:** PSAs and even our
19 press releases.

20 **COMMISSIONER SKOP:** Right. And so if I hear
21 you correctly, that in addition to the company's efforts
22 to inform consumers of any change, if I hear you
23 correctly, that you would also want the Commission to
24 actively survey the public via a public service
25 announcement or a news release seeking consumer input

1 and comment as to the effect of the proposed changes.
2 Is that a correct understanding?

3 **COMMISSIONER ARGENZIANO:** Absolutely. It's
4 incumbent upon us. Why do we always rely on the
5 utility?

6 **COMMISSIONER SKOP:** No, I'm not --

7 **COMMISSIONER ARGENZIANO:** Of course it's
8 important. No. No. I don't -- I'm not saying you are.

9 **COMMISSIONER SKOP:** Okay.

10 **COMMISSIONER ARGENZIANO:** But of course it's
11 important to have their, their survey also. But we have
12 it in a very limited reference at this point anyway.
13 But why aren't we as the Public Service Commission
14 putting that out there? I mean, it should be. It can
15 be done relatively inexpensively and it could be done --
16 we cannot say later -- we cannot answer to the public
17 and say why -- if they say, "Why didn't you let us
18 know," we can say, "Well, we did." And we -- and I
19 think that's incumbent upon us to do that. Ask the
20 public, let's let them have their input because this is
21 their Public Service Commission also.

22 **COMMISSIONER SKOP:** Okay. And so in a
23 nutshell, to be very concise on this, that you would
24 want to conduct that survey concurrent with any
25 temporary waiver that might be granted by the Commission

1 or would that survey need to be conducted before a
2 waiver, such a waiver would be granted?

3 **COMMISSIONER ARGENZIANO:** I think it could be
4 done during a temporary waiver.

5 **COMMISSIONER SKOP:** Okay.

6 **COMMISSIONER ARGENZIANO:** I don't think it has
7 to be as rigid. As long as we're doing it, you know, if
8 it's a temporary waiver, it's nothing permanent, it's
9 nothing in stone. And, I mean, and it could turn out
10 very much that the public says we really don't need it.
11 Just make sure we have access to it and that's great,
12 but we're asking them for their input. And I think at
13 this day and age when they're, when most of the public
14 out there thinks very low of the Public Service
15 Commission, that would be a very nice gesture. And not
16 only just a gesture, a very important question to ask
17 them. And I think that, I think that maybe the company
18 is right that maybe it's time to change it, but let's
19 ask the public. After all, it is their service they're
20 getting and we're sitting here making a decision that
21 may take away that service from them without even
22 knowing how they feel.

23 **COMMISSIONER SKOP:** Thank you.

24 And then just one final question, Mr. Chair,
25 to staff, Ms. Salak. Should that be a requirement by

1 the Commission staff could certainly through either our
2 PIF office or outreach conduct that concurrent public
3 survey to seek consumer input and comment with respect
4 to any proposed waiver that might be --

5 **MS. SALAK:** If you tell us to do it, that will
6 happen. Yes.

7 **COMMISSIONER SKOP:** Okay. Thank you.

8 **CHAIRMAN CARTER:** Thank you, Commissioners.
9 Commissioners, anything further?

10 Commissioner McMurrian, you're recognized.

11 **COMMISSIONER McMURRIAN:** Thank you, Mr.
12 Chairman.

13 I just wanted to be clear about what I was
14 saying earlier. I don't have any problem with the idea
15 of doing PSAs or press releases and even in a press
16 release asking for customer input. Usually I think
17 when, in any press release we do we have our 800 number
18 and we, there's ways for the public to contact the
19 Commission at any time on any matter, and I think that
20 this should be no exception. I guess what I was trying
21 to get nailed down is if we were talking about a survey
22 where our staff would call some kind of sampling of
23 customers, I suppose, with a certain list of questions,
24 I was trying to get at whether or not we're talking
25 about setting up a formal process to call individual

1 customers ourselves.

2 But to me the idea of doing press releases and
3 PSAs where we encourage people to give us input is
4 something consistent with what I think we always do.
5 Perhaps I'm wrong there. But I just wanted to be clear
6 that that was, that was my, that's what I was trying to
7 convey and perhaps I did not.

8 **CHAIRMAN CARTER:** Okay. I think the more the
9 merrier, you know, the different type of opportunities
10 that we do to get the information out. We have a good
11 group of people that are in our public information
12 section, our consumer affairs. They do a good job. As
13 I said earlier, one of the things they did this year in
14 addition to talking about Lifeline, we were able to
15 partner with the Governor's Office on the prescription
16 drug card, we were able to partner with our other
17 agencies, the Agency for Workforce Innovation,
18 Department of Children and Families. And so as we
19 continue to do that, I mean, obviously the more
20 information we can let people have access to in terms of
21 what we're doing here, the better off we are. And I
22 think based upon what Ms. Salak has said is that we
23 could probably get the information out as well as get,
24 ascertain how the consumers feel about this, this
25 temporary waiver. And am I correct, Ms. Salak? Is that

1 --

2 **MS. SALAK:** Yes, sir.

3 **CHAIRMAN CARTER:** Okay. Commissioner Skop.

4 **COMMISSIONER SKOP:** Thank you, Mr. Chair.

5 Like I say, if -- I'd be happy to try and take
6 a stab at crafting a motion based on the discussion that
7 we've heard that would encompass a temporary waiver
8 addressing the type font on the front page and also
9 encompassing having staff conduct the PSAs that
10 Commissioner Argenziano has pointed out at the
11 appropriate time.

12 **CHAIRMAN CARTER:** Commissioners, before I
13 recognize Commissioner Skop to give a stab at this
14 motion, is there any further discussion?

15 Commissioner Skop, you're recognized for a
16 motion, sir.

17 **COMMISSIONER SKOP:** Thank you, Mr. Chairman.

18 I would respectfully move that we, as to Issue
19 1, modify the staff recommendation to grant a temporary
20 waiver for a period of two years. That in conjunction
21 with granting that waiver, that the Commission as well
22 as the utility engage in public outreach from the
23 Commission's perspective. That would be public service
24 announcements, seeking consumer comment and input that
25 could be done via news releases, online media on our

1 website, on our website itself. For the utility, they
2 would go about that in their own ways.

3 The, the, as to the Yellow Pages, to address
4 OPC's and staff's comment with respect to the free copy
5 of the residential white pages, I would request that
6 would be a minimum of a 14-point type font to make that
7 a little bit more clearer to read for elderly people,
8 and also I think that that would take care of the issue
9 as to Issue 1 for all the points that I've heard.

10 As to Issue 2, it would be moving staff
11 recommendation to the extent that -- or actually
12 modifying staff recommendation on Issue 2, that the
13 docket would remain open pending consumer comment and
14 any feedback that would need to be made by the
15 Commission during the period of the temporary waiver.

16 **CHAIRMAN CARTER:** Commissioner, before I ask
17 for a second, I didn't hear you mention the survey. I
18 think that was part of that as well.

19 **COMMISSIONER SKOP:** Yes, it was. That we
20 would conduct, the Commission would conduct public
21 service announcements. And that might include also
22 making selective phone calls to consumers, whatever
23 actions that PIF and our Consumer Affairs group would
24 want to take.

25 And, again, I would leave that to staff to

1 embody the intent of the motion as well as the intent of
2 the Commission and the Commissioners. To the comments
3 that we've heard here, it's evident that Commissioner
4 Argenziano again is very adamant and passionate about
5 making sure the consumers are aware and soliciting their
6 input and I think getting their comments. I think we
7 can do that in many ways; we have many tools available
8 at our disposal to do so. But, again, so long as we
9 issue public service announcements seeking input and
10 doing those other things that seeks to actively engage
11 the consumers as to the proposed change and get their
12 input, I think that that would be a good thing to
13 address and remedy those issues that have been brought
14 forth before us today. And also to let the consumers
15 and the public know that the Public Service Commission
16 actually has a vested interest in making sure that we
17 hear their point of view.

18 **CHAIRMAN CARTER:** Thank you.

19 Commissioners, is there a second?

20 **COMMISSIONER ARGENZIANO:** Second.

21 **CHAIRMAN CARTER:** Moved and properly seconded.

22 Staff, are you clear on the motion?

23 **MS. SALAK:** I just had one slight question.

24 **CHAIRMAN CARTER:** You're recognized.

25 **MS. SALAK:** And that is you mentioned making

1 phone calls. I would hope that we could send out
2 questionnaires in written format as well and that would
3 be incorporated.

4 **COMMISSIONER SKOP:** That would be fine.

5 **MS. SALAK:** Okay.

6 **COMMISSIONER SKOP:** That would be fine.

7 **COMMISSIONER ARGENZIANO:** Mr. Chair?

8 **MS. SALAK:** Thank you.

9 **CHAIRMAN CARTER:** Okay.

10 **MR. GREER:** Commissioner, I hate to ask, but
11 on the 14-point, you're meaning the language on the, the
12 highlighted stuff on the front cover; correct?

13 **COMMISSIONER SKOP:** Yes. At the bottom.

14 **CHAIRMAN CARTER:** With the phone number?

15 **COMMISSIONER SKOP:** Yes.

16 **MR. GREER:** Okay.

17 **COMMISSIONER SKOP:** Assuming -- it looks like
18 to be 12-point bold now. It needs to be a bigger font,
19 either 14 or 16, but I'll settle on 14.

20 **MR. GREER:** Absolutely.

21 **COMMISSIONER ARGENZIANO:** Mr. Chair?

22 **CHAIRMAN CARTER:** You're recognized.

23 **COMMISSIONER ARGENZIANO:** I just, I would like
24 to be involved with staff as far as what is written in
25 the PSAs and what we, what message we really want to get

1 out there. I want to make sure it's the right message
2 for consumers. And I don't want to just place that on
3 staff's back and say, "Here you go, do it," and then
4 later, you know, say, "Why didn't you do this or why did
5 you do that?" I'd like to be involved in that process
6 before those PSAs go out and so on and so on just, just
7 to make sure that the, that the intent of what I'm
8 looking for and maybe the rest of the Commissioners is
9 embodied in those PSAs.

10 **CHAIRMAN CARTER:** That would be fine. I think
11 we all want to be involved in that part of it.

12 **COMMISSIONER ARGENZIANO:** Great.

13 **CHAIRMAN CARTER:** Commissioners, we're in
14 debate. We have a motion and a second. We're in
15 debate. Any further debate? Any further questions?

16 Hearing none, all in favor, let it be known by
17 the sign of aye.

18 (Unanimous affirmative vote.)

19 All those opposed? Show it done.

20 (Agenda item concluded.)

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STATE OF FLORIDA)
 :
COUNTY OF LEON)


CERTIFICATE OF REPORTER

I, LINDA BOLES, RPR, CRR, Official Commission Reporter, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript constitutes a true transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 30th day of June, 2009.



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