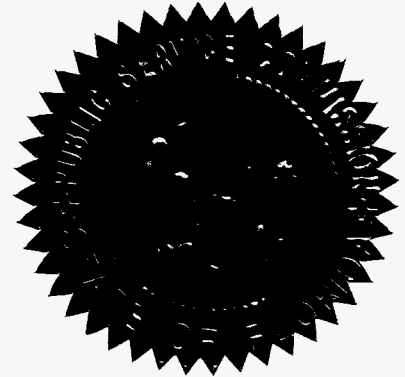


BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 100327-TL

PETITION BY VERIZON FLORIDA LLC  
FOR WAIVER OF RULE 25-4.040(2),  
F.A.C.



PROCEEDINGS:                   AGENDA CONFERENCE  
ITEM NO. 5

COMMISSIONERS  
PARTICIPATING:               CHAIRMAN NANCY ARGENZIANO  
COMMISSIONER LISA POLAK EDGAR  
COMMISSIONER NATHAN A. SKOP  
COMMISSIONER ART GRAHAM  
COMMISSIONER RONALD A. BRISÉ

DATE:                            Tuesday, September 14, 2010

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

REPORTED BY:                 LINDA BOLES, RPR, CRR  
Official FPSC Reporter  
(850) 413-6734

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FLORIDA PUBLIC SERVICE COMMISSION

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## P R O C E E D I N G S

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3           **CHAIRMAN ARGENZIANO:** Okay. Let's move on to  
4 our next issue, Issue 5.

5           Good morning, Mr. Trueblood.

6           **MR. TRUEBLOOD:** Good morning, Commissioners.  
7 I'm Frank Trueblood with Commission staff. Item 5 is  
8 staff's recommendation --

9           **CHAIRMAN ARGENZIANO:** Hang on. I don't think  
10 we're hearing Mr. Trueblood very well.

11           Okay. Try it again.

12           **MR. TRUEBLOOD:** Okay. I'm Frank Trueblood  
13 with Commission staff. Item 5 is staff's recommendation  
14 addressing whether the Commission should grant or deny  
15 Verizon's permanent waiver request. If granted, Verizon  
16 would no longer be required to annually distribute an  
17 upfront copy of the residential white page directory to  
18 each of its subscribers.

19           Verizon states that if the waiver is granted,  
20 the underlying statutory requirement would be met  
21 through alternate means. Verizon also states that  
22 subscribers would be notified of the change prior to it  
23 taking effect. Staff recommends that the Commission  
24 deny Verizon's permanent rule waiver and instead grant a  
25 temporary two-year waiver. During the two years, the

1 Commission should require Verizon and staff to solicit  
2 feedback from Florida consumers to determine how they  
3 feel about the discontinuance of the upfront  
4 distribution of the white residential pages.

5 Staff is available for questions, and also  
6 Mr. De O'Roark from Verizon is available for questions  
7 as well.

8 **CHAIRMAN ARGENZIANO:** Hang on.

9 **MR. O'ROARK:** Good morning, Madam Chair.  
10 Commissioners.

11 **CHAIRMAN ARGENZIANO:** Good morning.

12 **MR. O'ROARK:** I'm De O'Roark and I represent  
13 Verizon. Verizon had requested a permanent waiver of  
14 the rule requiring the annual distribution of  
15 residential white pages directories. Staff, as you  
16 heard, has recommended that Verizon's request for relief  
17 be granted, but for a two-year period. That is  
18 substantially the same relief that the Commission  
19 awarded AT&T last year.

20 Staff's recommendation is acceptable to  
21 Verizon. We're confident that with two years'  
22 experience the Commission will conclude that the waiver  
23 is good policy and a good idea, so Verizon supports  
24 staff's recommendation.

25 **CHAIRMAN ARGENZIANO:** That's nice. Thank you.

1 Commissioner Skop.

2 **COMMISSIONER SKOP:** Thank you, Madam Chair.  
3 Well, that was a little unexpected. Again, Mr. O'Roark,  
4 I guess that would reflect a little bit of a change from  
5 Verizon's original position to grant relief on a  
6 permanent basis based on the one-year experience the  
7 Commission has already had with AT&T?

8 **MR. O'ROARK:** Commissioner Skop, our -- it  
9 doesn't reflect a change in our position. We still  
10 think that permanent relief would be appropriate.  
11 Nevertheless, we understand that staff would like two  
12 years of experience, and we don't oppose the  
13 recommendation.

14 **COMMISSIONER SKOP:** All right. Thank you.  
15 Madam Chair, to staff. I have a question in  
16 relation to that specific point. On page 5 of the staff  
17 recommendation Verizon pointed out the two-year  
18 temporary waiver granted to AT&T has been in effect  
19 since July 2009 and allowed Commission staff the  
20 opportunity to evaluate how it impacts Florida consumers  
21 over an extended period of time. What has been the  
22 experience to date as a result of the waiver that was  
23 granted to AT&T from staff's perspective in relation to  
24 the Verizon request?

25 **MR. TRUEBLOOD:** If I understand, if I

1 understand the question correctly, our call center have  
2 received calls regarding the waiver. Approximately 95  
3 calls have been received. 64 of the callers expressed  
4 concern that the waiver should not be granted. We had  
5 four callers that were for it and 26 other calls that  
6 were relating to something other than the granting or  
7 the denying of the waiver.

8 In addition to the information we got from the  
9 call center, I know the Office of Public Counsel (sic.)  
10 has also conducted some outreach activities as well, and  
11 I think Ms. Muir can address that.

12 **MS. MUIR:** The Office of Public Information.  
13 Yes, and we did. We used call center recipients that  
14 were, had already called the call center and they had  
15 landline service. And of those, we had 93 respondents  
16 from 676 that were, that we mailed out, and the majority  
17 of those did still want to receive a directory. But on  
18 top of that, we also have done outreach with AARP,  
19 Florida Telecommunications Relay Institute, Florida  
20 Association of Counties and the Florida League of  
21 Cities, as well as our public libraries and our regular  
22 outreach for our customer meetings, and we've got  
23 respondents from those and they also overwhelmingly  
24 still want a hard copy.

25 We've also, if you've looked on our website

1 under "Hot Topics," it's the very first little hot topic  
2 there, and it's interesting that the online respondents  
3 is different. They would prefer not to have a directory  
4 mailed and they are fine with online search engines.  
5 That's the gist of our outreach so far. We're  
6 continuing to do it.

7 **COMMISSIONER SKOP:** Madam Chair, two more  
8 questions.

9 **CHAIRMAN ARGENZIANO:** Commissioner Skop.

10 **COMMISSIONER SKOP:** Thank you.

11 Mr. Trueblood, with respect to the AT&T  
12 portion, the experience the Commission has gained, has  
13 that experience been well received or has the Commission  
14 received complaints from consumers with respect to the  
15 waiver currently in effect?

16 **MR. TRUEBLOOD:** Commissioner Skop, I'm not  
17 aware of any complaints other than the 95 that I would  
18 say that was logged into the call center where they  
19 expressed concern that they would like to continue to  
20 receive the residential white pages.

21 **COMMISSIONER SKOP:** And that, and that's for  
22 Verizon or for AT&T?

23 **MR. TRUEBLOOD:** That was regarding the AT&T  
24 outreach. That's correct.

25 **COMMISSIONER SKOP:** Okay. All right. Thank

1 you. All right. So that clarifies that.

2 All right, Madam Chair, just one final  
3 question. On page 6 of the staff recommendation in the  
4 sentence just before the conclusion section, Verizon  
5 stated that the residential white page directory might  
6 not be eliminated in some markets with a small  
7 residential white page listing. I wanted to relate that  
8 back to pages 8 and 9 of the staff recommendation to the  
9 language in the draft paragraphs in Attachment A and  
10 Attachment B.

11 In that it states, "Verizon directories  
12 delivered in Florida will not include residential white  
13 page listings." And then on Page 9, "Most directories  
14 in Florida will not include residential white page  
15 listings." So it seems to be a little bit of a  
16 disconnect on Attachment A versus Attachment B versus  
17 the language on page 6. And should -- I guess what I'm  
18 asking is should the language in the draft of Attachment  
19 A be clarified to list those areas that will continue to  
20 receive the white page listings?

21 **MR. TRUEBLOOD:** Commissioner Skop, I agree. I  
22 think it should be clarified. And in a data request  
23 that we sent to them, some of that information has been  
24 clarified already. We have that information for our  
25 use. However, the attachments we have here were

1 actually received prior to the Commission center data  
2 request getting some clarification on those two, two  
3 points.

4 **COMMISSIONER SKOP:** All right. Thank you.

5 **CHAIRMAN ARGENZIANO:** Just a question. I was  
6 just thinking if the white pages were to go in -- it  
7 sounds like they would stay in rural areas where there  
8 are small white pages. But if the white pages were to  
9 be eliminated except online, would there still be a  
10 charge for people who do not want to have their names  
11 published and numbers published?

12 **MR. TRUEBLOOD:** I'm not really sure if there  
13 would be a charge, but I would think that there wouldn't  
14 be a charge. The process would continue the way it is  
15 as best as I can understand. I know Mr. O'Roark, again,  
16 is here from Verizon. He would probably address that.

17 **CHAIRMAN ARGENZIANO:** Well, I would -- thank  
18 you. I would just think that, that since there's not  
19 the production or the need to produce the white pages  
20 anymore, that that cost would either be eliminated or  
21 reduced.

22 **MR. O'ROARK:** Commissioner Argenziano, that's  
23 an interesting question. Bear in mind though that even  
24 in those places where we would not automatically  
25 distribute the white pages, they would still be



1 published and would still be online, would be  
2 distributed upon request or either in the form of --

3 **CHAIRMAN ARGENZIANO:** Right. But -- and I  
4 understand that.

5 **MR. O'ROARK:** Okay.

6 **CHAIRMAN ARGENZIANO:** That's why I said or  
7 reduced, eliminated or reduced. Because I would think  
8 that the bulk of the charge goes to the printing of the  
9 white pages. I mean, it's hard for people to  
10 understand. They go, well, because I don't want my  
11 number published I have to pay for that. And now if  
12 it's not going to be published in a printed text, in a  
13 printed telephone book, I would think that there's not  
14 that much charge or cost to put it online if you're  
15 still going to have it online.

16 **MR. O'ROARK:** Madam Chair.

17 **CHAIRMAN ARGENZIANO:** Just a, just a thought  
18 for the future. And I would like to know if it's been  
19 thought out because as a paying customer I would ask  
20 that question. It may not be a lot of money, but why am  
21 I still paying not to have my number printed in a book  
22 that is no longer printed?

23 **MR. O'ROARK:** Madam Chair, I'm not aware of  
24 any plan to change for charges for non-listed,  
25 non-published numbers.

1           **CHAIRMAN ARGENZIANO:** I'd like staff to think  
2 about that, how that would work. It may be small, but  
3 it's, it means something.

4           **MR. TRUEBLOOD:** And we will -- as a matter of  
5 fact, I was just making a note to that effect so we can  
6 go back and look into that situation.

7           **CHAIRMAN ARGENZIANO:** Thank you.

8           **MR. TRUEBLOOD:** Thank you.

9           **CHAIRMAN ARGENZIANO:** Commissioner Skop.

10           **COMMISSIONER SKOP:** Thank you, Madam Chair.  
11 If there's no additional questions, I'd like to be  
12 recognized for a motion.

13           **CHAIRMAN ARGENZIANO:** You're recognized. Any  
14 other questions?

15           **COMMISSIONER EDGAR:** I did have a question.

16           **CHAIRMAN ARGENZIANO:** Commissioner Edgar.

17           **COMMISSIONER EDGAR:** Okay. And this has been  
18 covered, but I want to make sure that, that I understand  
19 it correctly, which is under the temporary waiver that  
20 was granted to AT&T, if a customer still wants to  
21 receive a hard copy, they make that request and one is  
22 delivered at no charge; is that correct?

23           **MR. TRUEBLOOD:** That's correct, Commissioner  
24 Edgar.

25           **COMMISSIONER EDGAR:** And that is the way this

1 recommended temporary waiver is constructed for Verizon  
2 that is before us.

3 **MR. TRUEBLOOD:** That's correct.

4 **COMMISSIONER EDGAR:** Okay. And have -- from  
5 the outreach efforts that our staff, our offices have  
6 done and also from those contacts that we've received at  
7 the call center, has there been for AT&T, while that  
8 waiver has been in effect, has there been any complaints  
9 or concerns expressed that a request was made and one  
10 was not received?

11 **MR. TRUEBLOOD:** We did not receive any  
12 information indicating that.

13 **COMMISSIONER EDGAR:** Okay. All right. Thank  
14 you.

15 **CHAIRMAN ARGENZIANO:** One other question to  
16 that first point that Commissioner Edgar made. When the  
17 temporary waiver, if the temporary waiver ceases to  
18 exist and there is a waiver that goes into place that  
19 the Commission grants, will a customer be charged then  
20 after that point if they do require or ask for a white  
21 pages?

22 **MR. TRUEBLOOD:** Again, no. We have discussed  
23 that, and based on the way the statute is right now, we  
24 think they would not be charged. But, again, I would  
25 like to hear from Verizon.

1           **MR. O'ROARK:** Madam Chair, as we stated in our  
2 petition, we will not charge someone who requests a  
3 directory. We will deliver it for free.

4           **CHAIRMAN ARGENZIANO:** Okay. And that's for  
5 Verizon. We don't -- do we know the other companies, if  
6 they have the same -- or maybe we can find out. That  
7 would --

8           **MS. KING:** I believe that's the same  
9 circumstance for AT&T.

10          **CHAIRMAN ARGENZIANO:** Okay.

11          **MS. KING:** If the waiver goes permanent, the  
12 rule is still there that requires a directory. They're  
13 just -- what they were waiving was the upfront delivery,  
14 not now they get to start charging. So that was the  
15 intent.

16          **CHAIRMAN ARGENZIANO:** Are we, are we letting  
17 people know in the, online? Because I've read through  
18 it and I've heard from people too because they've seen  
19 it online. Are we letting them know that if, if it's  
20 granted, if this Commission decides at some point to  
21 waive that delivery, that they can receive one without  
22 charge or have we not said that yet? Because that may  
23 make a difference in their response.

24          **MS. MUIR:** Well, the survey is designed so  
25 that they, just to find out how much they use the white

1 pages. We really did not address that in the survey,  
2 but we can.

3 **CHAIRMAN ARGENZIANO:** Okay. That's the  
4 question I get from people is, when they talk about  
5 that, and I've gotten a few here and there because of  
6 our website and because some of the people have been  
7 told that they will not get yellow pages and white pages  
8 and they're not sure which one they're not getting  
9 anymore, that if they could get one, if they so desired,  
10 they want to -- the next question was, "Do I have to pay  
11 for it?" So it may be good if the companies are saying,  
12 and I don't know that they are, all of them are saying  
13 they're not going to charge, it may be good to let  
14 people know that they may not or may be a charge.  
15 Because they may all feel, you know, the ones who were  
16 opposed to it may feel, well, if I can get it anyway and  
17 I don't have to be charged, maybe that's okay, and it  
18 might help down the line to eliminate, you know, the  
19 opposition that would be there if they know they can  
20 call and get it without a charge.

21 **MS. MUIR:** Chairman, if I may. Question four  
22 on the survey does address the charge. "If your  
23 telecommunications company offered to deliver the  
24 residential white pages on request for no charge, would  
25 you request one?"

1                   **CHAIRMAN ARGENZIANO:** Okay. And that's the  
2 question I was asking, the responses that you're  
3 getting. Are there any that were to the charge?  
4 Because that's what I've, I've gotten, and I looked at  
5 that and --

6                   **MS. MUIR:** Well, again, the online responses,  
7 they don't, they --

8                   **CHAIRMAN ARGENZIANO:** They don't go towards  
9 the -- okay.

10                   **MS. MUIR:** -- prefer not to have one  
11 regardless. The other two groups, they would still want  
12 one.

13                   **CHAIRMAN ARGENZIANO:** They did. Even if --  
14 okay. All right. Thank you.

15                   Mr. O'Roark.

16                   **MR. O'ROARK:** Madam Chair, just to be clear,  
17 our notices state that distribution is free, or delivery  
18 of the directory is free. So there's no question about  
19 that.

20                   **CHAIRMAN ARGENZIANO:** Very good. Thank you.  
21 Commissioner Skop.

22                   **COMMISSIONER SKOP:** Thank you, Madam Chair.  
23 At this point is a motion appropriate?

24                   **CHAIRMAN ARGENZIANO:** Any other questions? I  
25 don't see any.

1                   **COMMISSIONER SKOP:** Okay. All right. Thank  
2 you. With respect to the disposition of Item 5 before  
3 the Commission, I'd respectfully move staff  
4 recommendation on Issues 1 and 2, with the understanding  
5 that staff will work with Verizon to clarify the  
6 language in Attachment A and Attachment B as shown on  
7 pages 8 and 9 of the staff recommendation.

8                   **CHAIRMAN ARGENZIANO:** Do I have a second?

9                   **COMMISSIONER GRAHAM:** Second.

10                  **CHAIRMAN ARGENZIANO:** All those in favor, aye.

11                  (Unanimous vote.)

12                  Opposed? Show that passing. Thank you.

13                  (Agenda item concluded.)

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STATE OF FLORIDA        )  
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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 17<sup>th</sup> day of September, 2010.

Linda Boles  
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