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24 February 1997

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Mr. William Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: CC Docket No. 96-115

Dear Mr. Caton:

At its 15 January 1997 meeting with various Common Carrier Bureau staff, representatives of the Association of Directory Publishers ("ADP") discussed Ameritech's treatment of subscriber list information ("SLI"). ADP hereby encloses copies of various documents pertaining to BellSouth's treatment of SLI including: (1) a transcript of a Florida PSC hearing; (2) BellSouth advertising material; and (3) portions of various BellSouth interconnection agreements. The relevant portions of those documents are summarized below. ADP also provides documentation showing that at least one smaller LEC is refusing to provide its listings to independent directory publishers.

Transcript - Hearing Before The Florida PSC - 1/13/97:

- **PRICING:** BellSouth admitted that its 4 cents per listing price is "market-based" (p.129) and yields a profit margin of 1,300%. (p.130). When questioned, BellSouth stated that it regarded the 1,300% profit as "very reasonable." (p.130-31). BellSouth further admitted that the 1,300% return was "the percentage of the rate above the incremental cost." (p.145). BellSouth also conceded that its prices were based on the perception of value to the end user, the more valuable the service being provided by competing directory publishers, the more BellSouth would charge such publishers for its directory listings. (p.148-49, 161-63, 189-91).

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- **UPDATES:** BellSouth does not provide updates or new connect information to independent directory publishers (p. 5-7, 43) except for a monthly refresh service. (p.118). In fact, BellSouth opposes any requirement that it offer for sale new connections for residential and business services. (p.105-106). BellSouth, does, however, provide such information to its directory publishing affiliate on a daily basis (p 111, 125-126, 165) and expressly admitted that it "does not currently offer service to independent publishers with the same frequency as is provided to BAPCO," its directory publishing affiliate. (p.112). As noted by BellSouth, BAPCO uses updates to "sell advertising and to distribute[] directories." (p.126). Without timely updates, neither activity is available to ADP's members.

Additionally, ADP notes that BellSouth's refresh service is basically a more recent list of BellSouth's subscribers. Thus, as conceded by BellSouth, independent publishers would "have to compare the listing from the prior month to the new listing" (p.143) in order to determine what changes have occurred. Such comparison must be done with thousands of listings. (p.143).

- **NON-PUBLISHED INFORMATION:** BellSouth does not wish to provide such listings even if limited to address information sufficient to permit delivery of independent publishers' directories. (p.116).

BellSouth Advertising Materials:

BellSouth has distributed materials insinuating that independent directory publishers will not be able to deliver directories to "new residences, new businesses, pay phones, and hotel phones." (Att. B. p.1). Such action is especially egregious because -- as noted above -- BellSouth is refusing to provide updates on a timely manner and at a price in accordance with Section 222(e) of the Communications Act. It is that reason -- and no other -- which prevents independent directory publishers from providing their directories to new connects.

BellSouth also advises advertisers in Florida to keep the price of Yellow Page advertisements down "by refusing to support other directories." (Att. B p.4).

BellSouth Interconnection Agreements:

BellSouth requires CLECs to provide BellSouth's directory publishing affiliate with their subscriber listings and daily updates. (BellSouth-Hart Communications Agreement at 14) (obligating CLEC to provide "its directory listings and daily updates to those listings, including new, changed and deleted listings, in an industry accepted format"). BellSouth also requires that the CLECs provide their listings to BellSouth's directory publishing affiliate "at [their own] expense and at no charge." (BellSouth-Hart Alphabetical Directory Side Agreement at 1; WinStar Agreement at 1; ACSI Agreement at 1.) ADP submits that BellSouth's arrangements with CLECs on behalf of BellSouth's directory publisher demonstrate conclusively the importance to all directory publishers of timely and inexpensive access to directory listing information. BellSouth exploits its market power to take listings from CLECs for free while selling them at a 1,300 percent mark-up.

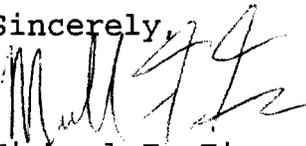
Refusal To Sell Listings:

At the 15 January 1997 meeting, ADP discussed recent, discriminatory actions taken by local exchange carriers against independent directory publishers. Since that meeting, ADP has learned that the Millington Telephone Company, a small Tennessee-based local exchange carrier, has refused to sell listings to the Sunshine Pages (an ADP member), stating that they do not sell their listings to "just anybody." Although the attached letter was sent via Fax on 4 February 1997 to Vivian Dobbins of Millington Telephone informing her of Millington Telephone's obligations under Section 222(e), the Sunshine Pages has yet to receive a response. ADP notes that the Millington Telephone Company permits its listings to be published by its "approved" directory publisher. That such discriminatory actions persist in the face of Section 222(e) highlights the need for strong action by the Commission.

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Should you have any questions concerning the enclosed materials, please feel free to contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael F. Finn". The signature is stylized and cursive, with the first name "Michael" being the most prominent part.

Michael F. Finn

Enclosures

CC:

Bill Kehoe
Dorothy Attwood
Florence Setzer
Gayle Radley Teicher

1 to earn some measure of profit on the service.

2 CHAIRMAN JOHNSON: Okay.

3 MR. HORTON: I'll come back to the cost in a
4 minute.

5 Q (By Mr. Horton) There's an indication in
6 responses to interrogatories -- not an indication, but
7 I think BellSouth has stated that the prices which the
8 publishers pay are market based. Are you familiar
9 with that?

10 A Yes.

11 Q What do you mean by market based?

12 A It means that the listings that the
13 directory publishers receive have value. As we've
14 heard in the earlier testimony there are basically two
15 choices that seem to be available to the directory
16 publishers that maybe were portrayed as viable
17 choices. One is to buy the listing service from the
18 BellSouth DPDS tariff. The other was to use a tariff
19 that was -- I mean use a directory that was available
20 on the street.

21 If BellSouth's tariff has value such that
22 the publisher would choose to purchase that, I believe
23 a market value is a worthwhile means of pricing the
24 service. And to give maybe a little more definition
25 to that, 100,000 listings was used in an example

1 earlier, a directory with 100,000 listings. At four
2 cents, that directory -- the White Page portion of
3 that directory would cost the independent publisher
4 \$4,000. But with that White Page section, the
5 publisher then has the opportunity to sell thousands,
6 if not hundreds of thousands of dollars of
7 advertising. It seems to have great value to the
8 publishers. It also allows them to avoid the cost of
9 taking a printed directory and then either scanning or
10 in some other fashion reformatting that directory into
11 their own.

12 **COMMISSIONER CLARK:** Mr. Juneau, I'm
13 confused. Are you basing your tariffed rate on market
14 prices or costs plus a reasonable contribution?

15 **WITNESS JUNEAU:** This tariff is based on
16 cost or it's based on a market price that covered the
17 cost of the tariff and it includes contribution.

18 **COMMISSIONER CLARK:** How much is that
19 contribution?

20 **WITNESS JUNEAU:** The contribution, if you
21 calculate it mathematically, is 1300%. I don't
22 disagree with their --

23 **COMMISSIONER CLARK:** You don't characterize
24 that as a reasonable contribution, do you?

25 **WITNESS JUNEAU:** Commissioner, in this

1 regard I think that is a reasonable rate. When you
2 consider --

3 COMMISSIONER CLARK: Because that's what the
4 market will bear? Is that your -- is that the basis
5 on which you call it reasonable?

6 WITNESS JUNEAU: I would think in this
7 situation, Commissioner, that if this is a market rate
8 it is based on what the market would bear, and then
9 what the market would determine to be a reasonable
10 rate.

11 The rates that I'm aware of that the other
12 LECs and the other BOCs and the major LECs charge are
13 considerably in excess of our rates. Our rate is 4
14 cents, and we've heard quoted 98 cents or 60 cents for
15 a listing in a published directory. The others I'm
16 aware of, the next lowest rate for a magnetic tape
17 delivery is about 15 cents per listing from any other
18 LEC.

19 I think we thought that in filing this our
20 rate was, in fact, very reasonable and very low, and
21 it would be the other LECs that would be upset with
22 our rate, not the directory publishers.

23 COMMISSIONER CLARK: What do you charge
24 BAPCO for the same information per listing?

25 WITNESS JUNEAU: BAPCO is charged in a

1 **WITNESS JUNEAU:** That is the percentage of
2 the rate above the incremental cost.

3 **COMMISSIONER CLARK:** And what is it again?

4 **WITNESS JUNEAU:** 1300%.

5 **COMMISSIONER CLARK:** Okay. Do you think
6 that your costs for providing that sort of only
7 supplemental service would be more -- would eat up
8 that entire return?

9 **WITNESS JUNEAU:** I don't know the answer to
10 that, Commissioner.

11 **COMMISSIONER CLARK:** One of the things you
12 indicated in your testimony was you have concern that
13 you may be required to tariff something that nobody
14 wants.

15 **WITNESS JUNEAU:** To actually produce -- to
16 do the work and produce a report that no one would
17 purchase, that's correct.

18 **COMMISSIONER CLARK:** I agree with you that
19 we need to be cautious in that area because I think
20 there has been a case where we asked BellSouth to do
21 some sort of tariff for pay telephones and nobody took
22 the service, so I do have concerns about that.

23 But you've indicated that you think as a
24 publisher you would find that purely supplemental list
25 more valuable than a complete reproduction.

1 service the way you would want him to?

2 A The idea is that used in that fashion, the
3 CD ROM provides a greater value. It can store
4 additional data. It could store, I guess, the
5 listings for the whole state of Florida. The example
6 given is that that could be placed on a network server
7 and effectively be used by many individuals to provide
8 a directory assistance-type service. It's seen as a
9 more valuable product than the listing of a paper
10 directory.

11 Q But so long as you recover the cost of
12 providing that service through your rate to your price
13 to the directory publisher, what difference does it
14 make to you as to what it can be used with afterwards
15 by a customer of the publisher?

16 A I guess in the difference of the use, I
17 can't say that, other than the fact that it is a more
18 valuable product.

19 Q Turn back over to page --

20 **COMMISSIONER DEASON:** Let me interrupt for
21 just a second. Do you think there's a motivation on
22 the company's part to protect this DA revenue?

23 **WITNESS JUNEAU:** No, Commissioner, I don't
24 see that. DA does have value; and compared to that,
25 that's true. But to state it in terms of just

1 protecting DA revenue, I wouldn't say so.

2 COMMISSIONER DEASON: It's based simply upon
3 the fact that it's more valuable to have the
4 information presented in the CD ROM format, therefore,
5 you can demand a higher market rate for information
6 that is used for that purpose?

7 WITNESS JUNEAU: That's the way I would
8 categorize it. A CD ROM, as I would view it, is more
9 valuable to the customer, just as directory assistance
10 is more valuable in the fashion it is used by a
11 customer than a printed directory. It provides an
12 alternative when that directory is not available. It
13 provides an alternative when the directory may not
14 contain the listing. In this instance the CD ROM
15 could be shared and used as directory assistance.
16 It's one possibility but it does have value as a
17 directory assistance.

18 Q (By Mr. Horton) Refer back to Page 11, if
19 you would. Have you got that? Again, with
20 Interrogatory No. 10. Do you have that?

21 A Yes.

22 Q With respect to multiple additions, again
23 that rate of 12 cents per listing is based upon value
24 received, correct?

25 A That's correct.

1 conflict. You initially say you would be willing to
2 offer that to them based on cost plus a reasonable
3 contribution.

4 **WITNESS JUNEAU:** Cost plus reasonable
5 contribution and the demand that would allow us to
6 recover those costs in a reasonable amount of time.

7 **CHAIRMAN JOHNSON:** Now, would your cost at
8 all be based on what you think the market price is?

9 **WITNESS JUNEAU:** Would our costs be based on
10 the market price or ---

11 **COMMISSIONER CLARK:** I'm sorry. Would your
12 rate be charged on the market?

13 **WITNESS JUNEAU:** Our rate would be based on
14 what we perceive the value of that service to be above
15 the cost.

16 **COMMISSIONER CLARK:** Sounds to me like
17 you're saying market, whatever the market will bear
18 you will charge for that service just like you
19 apparently do for the initial listings.

20 **WITNESS JUNEAU:** Yes, Commissioner. I think
21 that's what I would characterize it to be.

22 **COMMISSIONER CLARK:** So it is not cost plus
23 a reasonable contribution?

24 **WITNESS JUNEAU:** We feel like it is a fair
25 rate, if I can speak in our defense to that. It is of

1 great value to the publishers, and it is -- they can
2 buy our service, or they can -- you can get it from
3 another spot, but if you can buy the service at what
4 we feel like is a fair price and then put it into the
5 form of directory, we feel like that is worthwhile,
6 and we feel like we have offered a very low and fair
7 price.

8 **COMMISSIONER CLARK:** We may be talking past
9 each other, because when I think of reasonable
10 contribution -- which you have said to you means
11 reasonable profit -- I think in terms of a regulated
12 profit, and it tends not to be 13,000%.

13 **WITNESS JUNEAU:** 1,300. I understand.

14 **COMMISSIONER CLARK:** 1,300. It tends not to
15 be that high.

16 **WITNESS JUNEAU:** Yes, ma'am.

17 **COMMISSIONER CLARK:** So it sounds to me like
18 what you intend to charge is what you think the value
19 of the service is in terms of what the market will
20 bear.

21 **WITNESS JUNEAU:** That has been -- whether
22 the market will bear or not is -- it seems as though
23 in other areas the market bears a considerably higher
24 price than we charge. We're completely out of line
25 with any other LEC or RBOC that provides a service.

1 **COMMISSIONER CLARK:** Let me ask one other
2 thing. Why is it appropriate to charge market prices
3 for this service as opposed to cost plus a
4 contribution of, say, 12%?

5 **WITNESS JUNEAU:** In this instance the
6 listing information has great value, Commissioner. It
7 allows the directory publisher to have the
8 information, the basic information, to go forth with a
9 directory that will contain, like I said, thousands,
10 hundreds of thousands, millions of dollars of
11 advertising. It is very valuable information.

12 **COMMISSIONER CLARK:** What is BellSouth's
13 relationship to BAPCO? Is it a sister company?

14 **WITNESS JUNEAU:** BAPCO is a subsidiary of
15 BellSouth Corporation.

16 **CHAIRMAN JOHNSON:** Mr. Horton, do you have
17 more questions?

18 **Q** **(By Mr. Horton)** Mr. Juneau, I'm going to
19 hand you a sheet of paper, and I've already showed
20 this to counsel. This is a page from
21 Telecommunications Act of 1996. It's Section 222-E.
22 Would you -- there's a star with a number 1 by it. Do
23 you see that?

24 **A** Yes.

25 **Q** Would you read that section, please?

1 used is different. The directory assistance, because
2 of its value to the customer, creates a value to the
3 directory assistance provider. The directory, the
4 published directory, has a different value in our
5 estimation.

6 **COMMISSIONER CLARK:** Let me ask you one
7 follow-up question. Why is it appropriate to price
8 this based on market as opposed to cost plus a
9 reasonable contribution? Why is this particular
10 service appropriately priced that way as opposed to
11 the cost?

12 **WITNESS JUNEAU:** Which one are you speaking
13 of?

14 **COMMISSIONER CLARK:** Why is it appropriate
15 to tariff both DPDS and DADS at a market price as
16 opposed to cost plus a reasonable contribution? And I
17 would define that as being 12%.

18 **WITNESS JUNEAU:** I think I'm giving you the
19 same answer and I don't want to seem like I'm evading
20 it. But it's based on the value that that service has
21 to the user, and it's not just the directory provider,
22 but it's to the end user of the directory itself for
23 the directory assistance service itself. And in
24 setting the market rate, you know, again we thought
25 coming into this that we had set a very, very low

1 market rate.

2 **COMMISSIONER CLARK:** Let me ask it
3 differently. Maybe that's what the confusion is.
4 There are some services that under our
5 Telecommunications Act, meaning the state
6 Telecommunications Act, and the Federal
7 Telecommunications Act that tell you how you can price
8 various services, and some of those services are
9 TELRIC or TSLRIC, but as I understand it, the notion
10 of the TELRIC is marginal cost plus a reasonable --

11 **WITNESS JUNEAU:** Which one was that?

12 **COMMISSIONER CLARK:** TELRIC, I think. I get
13 them confused. Really, what I'm getting at is why for
14 these services is it appropriate for you to look at
15 value of service as opposed to what it costs you to
16 provide the service?

17 **WITNESS JUNEAU:** In this situation -- I
18 mean, in one of the interrogatories we responded that
19 it was based on the TSLRIC cost, and I am not a cost
20 expert and don't portray to be, but one significant
21 difference that I'm aware of is that the cost in a
22 TSLRIC or just a common incremental cost study is not
23 complete cost. That is direct cost. It doesn't
24 include any indirect loadings or overheads. It is
25 simply the direct cost of providing the service.

1 **COMMISSIONER CLARK:** I just want to know why
2 is it appropriate to price these services on the value
3 in the market as opposed to what it cost you plus a
4 reasonable contribution?

5 **WITNESS JUNEAU:** Commissioner, I guess I
6 can't get to that answer because I wasn't aware that
7 what we had done was inappropriate. I don't mean to
8 be evasive to you. I know that you have tried to ask
9 me several ways, and I'm not coming back to any
10 different answer and I don't mean to be that way, but
11 I didn't realize we were perceived to be inappropriate
12 in our structure.

13 **COMMISSIONER CLARK:** Okay.

14 **Q** **(By Mr. Pellegrini)** Just a final question,
15 Mr. Juneau. One of Staff's key concerns in this
16 proceeding is whether independent publishers could
17 utilize the information procured under DPDS to avoid
18 the DADS tariff.

19 **A** Right.

20 **Q** I'm certain you understand this. In one
21 view, an Internet home page is really nothing more
22 than perhaps a more current version of what's
23 available in a printed directory; and if you accept
24 that, then how would you preserve the distinction
25 between directory assistance and directory

1 Directory Publishers.

2 MR. PELLEGRINI: Charles Pellegrini on
3 behalf of Commission Staff, 2540 Shumard Oak
4 Boulevard, Tallahassee, Florida 32399.

5 CHAIRMAN JOHNSON: Counsel, are there any
6 preliminary matters?

7 MR. PELLEGRINI: Yes, Madam Chairman. As a
8 preliminary matter Staff would ask the Chairman to
9 officially recognize four Commission Orders. These
10 being the following: PSC-93-0485-FOF-TL, issued
11 4-1-93.

12 CHAIRMAN JOHNSON: Could you repeat that.

13 MR. PELLEGRINI: I'm sorry?

14 CHAIRMAN JOHNSON: Is it in this list, or
15 are you making it oral?

16 MR. PELLEGRINI: I'm making it orally.

17 CHAIRMAN JOHNSON: Could you repeat that
18 then?

19 MR. PELLEGRINI: Yes. PSC-93-0485-FOF-TL
20 issued April 1, 1993.

21 The second, PSC-94-0641-FOF-TL issued
22 May 25, 1994.

23 Third, PSC-96-0446-FOF-TL dated March 29,
24 1996.

25 And fourth, PSC-96-0446A-FOF-TL issued April

1 11, 1996, and I would note that the last order was
2 protested.

3 MR. KITCHINGS: Madam Chairman, also, on
4 behalf of BellSouth we'd like to withdraw our motion
5 for confidential treatment regarding the cost study
6 which was filed in this docket.

7 CHAIRMAN JOHNSON: That will be noted, and
8 for the record the Commission will take official
9 notice of its own orders.

10 MR. KITCHINGS: Thank you.

11 CHAIRMAN JOHNSON: Are there any other
12 preliminary matters? The witnesses are here? Are
13 they both here? If they could stand to be sworn.

14 (Witnesses collectively sworn.)

15 CHAIRMAN JOHNSON: The Prehearing Order
16 lists Gerry Screven as the first witness.

17 MR. HORTON: That is correct. We'd call
18 Mr. Screven.

19 CHAIRMAN JOHNSON: And let me understand for
20 clarification purposes, will the witness be providing
21 both direct and rebuttal at this time?

22 MR. HORTON: Yes, ma'am.

23

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GERRY SCREVEN

was called as a witness on behalf of Florida Independent Directory Publishers and, having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. HORTON:

Q Would you please state your name and address for the record?

A My name is Gerry Screven, 115 Newman Drive, Brunswick, Georgia 31520.

Q By whom are you employed, Mr. Screven?

A Direct Media Corporation.

Q And have you prepared and prefiled direct testimony in this docket consisting of some 14 pages?

A Yes, I have.

Q Do you have any changes, additions or corrections to make to this testimony?

A Yes. There are some typographical errors that we wish to change.

Q Go ahead and read those off.

A I don't have the sheet with me, I'm sorry.

(Counsel hands document to witness.)

On Page 2, Line 1 of my direct testimony, the last word on line should be "include" not "included."

1 A It was sort of implied.

2 Q It was implied. There was no specific
3 authority given to ask for these services on behalf of
4 the other companies?

5 A Well, it was implied on the basis that we
6 asked them to help support any legal costs and the
7 fees to contribute dollars so we could have
8 representation in this forum. And by their
9 contributions, I would assume that they would not be
10 contributing any money to measure if they didn't agree
11 with it.

12 Q Is every one of these companies contributing
13 money to this proceeding, to your legal cost for this
14 proceeding?

15 A I think so. I'm not 100% sure but I think
16 just everyone that I've mentioned is.

17 Q Okay. Mr. Screven, what purposes do you
18 want a complete list of new connects for?

19 A Purposes of distributing directories, so
20 that they arrive at about the same time BellSouth's
21 directory is distributed to newcomers.

22 Q Is it for delivery only; is that a fair
23 characterization of your testimony?

24 A Yes, it is.

25 Q Would you be willing to accept a

1 Q (By Mr. Carver) Mr. Juneau, could you
2 summarize your testimony, please?

3 A Yes. There are four issues in this
4 proceeding that I address in my testimony. The first
5 issue regards requiring BellSouth to offer a listing
6 service consisting solely of new connections of
7 residential and business subscribers. BellSouth
8 should not be required to offer such a listing service
9 because lists consisting solely of new connects are
10 not required to publish directories and there is no
11 demand from publishers for this service. In regional
12 negotiations with the directory publishers, BellSouth
13 has offered similar services and no one has expressed
14 willingness to buy these services at the price
15 required to cover our cost. Outside of the testimony
16 filed in this proceeding we're not aware of any other
17 demand.

18 The second issue regards the appropriateness
19 of BellSouth's newly effective update service. This
20 update service is appropriate. The monthly refresh
21 option was implemented based on negotiations with
22 Independent Publishers. In fact, the regional
23 negotiations -- in the regional negotiations three
24 options were offered and the publishers chose this
25 option.

1

2 A. I am responsible for the pricing, tariffing and regulatory support of
3 several different services offered by BellSouth in all jurisdictions served
4 by BellSouth.

5

6 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

7

8 A. On July 25, 1996 the Florida Public Service Commission Staff
9 ("Commission Staff") presented a list of four issues to be addressed in
10 this docket. The purpose of my testimony is to address the issues that
11 the Commission Staff has identified. I shall respond to each issue as it
12 has been presented.

13

14 **ISSUE 1**

15

16 Q. SHOULD BELLSOUTH BE REQUIRED TO OFFER A LISTING
17 SERVICE CONSISTING OF NEW CONNECTIONS OF RESIDENTIAL
18 AND BUSINESS SUBSCRIBERS? IF SO, WHAT ARE THE
19 APPROPRIATE RATES, TERMS AND CONDITIONS?

20

21 A. No. BellSouth should not be required to offer a listing service
22 consisting solely of new connections of residential and business
23 subscribers for several reasons:

24

25

- 1 1. Lists consisting solely of new connects are not required to
2 publish directories.
3
- 4 2. BellSouth should not be required to develop and offer services
5 which customers will not buy in sufficient quantity at appropriate
6 rates. The Company is not aware of demand from the directory
7 publishers for a listing of new connects service in sufficient
8 quantity at the appropriate rates to justify the development of
9 this product. At this time, we know of only one customer who
10 desires this service.
11
- 12 3. The question of whether BellSouth should be required to provide
13 residence listing new connect information via its Weekly
14 Business Activity Report (WBAR) has already been ordered by
15 the Commission in its Order No. PSC-96-0446-FOF-TL, issued
16 March 29, 1996.
17

18 **ISSUE 2**
19

20 Q. IS BELLSOUTH'S NEWLY EFFECTIVE UPDATE SERVICE
21 APPROPRIATE? IF NOT, WHAT CHANGES SHOULD BE MADE?
22

23 A. Yes. The Monthly Refresh option was implemented based on
24 negotiations with the independent publishers, including those operating
25

1 A. My testimony rebuts the direct testimony filed in this case by Gerry
2 Screven of Direct Media Corporation, on behalf of the Florida
3 Independent Directory Publishers.

4

5 Q. WHY IS YOUR REBUTTAL NECESSARY?

6

7 A. My rebuttal testimony is necessary to respond to certain statements
8 made in Mr. Screven's testimony and ensure that the Florida Public
9 Service Commission ("Commission") clearly understands that
10 BellSouth's Directory Publishers Database Service (DPDS) tariff
11 effectively provides the data necessary for the independent directory
12 publishers to publish their directories. Additionally, the refresh option in
13 the DPDS tariff provides the publishers an economical means of
14 obtaining updated directory listings.

15

16 Q. ON PAGE 6, LINES 8 THROUGH 16, MR. SCREVEN'S TESTIMONY
17 STATES THAT BELLSOUTH'S AFFILIATE RECEIVES NEW LISTING
18 INFORMATION THAT IS NOT MADE AVAILABLE TO INDEPENDENT
19 PUBLISHERS. IS THIS TRUE?

20

21 A. No. BellSouth's affiliate publisher, BellSouth Advertising and
22 Publishing Company (BAPCO), receives a daily transmittal of all
23 service order activity occurring in BellSouth's nine state serving area.
24 Information about new listings is imbedded in the data transmitted, but
25 a report of new listings is not provided.

1 Q The first one being that new connects are
2 not required to publish directories, right?

3 A Correct.

4 Q I believe in your testimony you indicate
5 that BAPCO receives a daily list of service orders or
6 a record of service orders; is that correct?

7 A Yes.

8 Q What does that consist of? What does BAPCO
9 get on a daily basis?

10 A BAPCO receives every service order activity
11 item that occurred in the nine-state BellSouth region.
12 BAPCO receives it in an electronic transmission in an
13 unedited format, every item.

14 Q That would include the new connects, though,
15 wouldn't it?

16 A It would.

17 Q Would the information that BAPCO receives on
18 a daily basis include the name of the subscriber?

19 A Yes.

20 Q The telephone number?

21 A Yes.

22 Q Address?

23 A Yes.

24 Q The type of activity?

25 A Yes.