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James B. Wright  
Senior Attorney

March 21, 1997

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Mr. David Waddell  
Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

RE: Docket No. 96-01423  
Post Hearing Brief

Dear Mr. Waddell:

Enclosed for filing in the above case are the original and ten copies of the Post Hearing Brief of United Telephone-Southeast, Inc.

A copy is being furnished to counsel of record.

Very truly yours,

  
James B. Wright

Enclosures

CC: Steve Parrott  
Counsel of Record (with enclosure)  
Bob Wallace (with enclosure)

#10122

BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE

IN RE: UNITED TELEPHONE-SOUTHEAST, INC. TARIFF NO. 96-201  
TO REFLECT ANNUAL PRICE CAP ADJUSTMENT

DOCKET NO. 96-01423

POST HEARING BRIEF OF  
UNITED TELEPHONE-SOUTHEAST, INC.

During the March 11, 1997 hearing in this matter, one of the principal areas of disagreement concerned the categorization of services under Tennessee Code Annotated (T.C.A.) Section 65-5-208. At the end of the hearing, the Directors asked the parties to submit post hearing briefs regarding the statutes governing service categories, with a specific emphasis on a review of the legislative history of Public Chapter 408 (the "Act"), which was enacted in 1995 and contained a number of statutes regarding telecommunications regulation, including T.C.A. Section 65-5-208. United Telephone-Southeast, Inc. ("United") files this brief in response to that request in addressing the following two issues:

1. Is Directory Assistance a Non-Basic Service under the Act?

2. Is 911 Emergency Service a Non-Basic Service under the Act?

## ISSUE 1: DIRECTORY ASSISTANCE

The major issue in this case is whether or not Directory Assistance ("DA") is a Non-Basic service as defined in T.C.A. Section 65-5-208. If it is a Non-Basic service, United can implement its proposed rate. If it is a Basic service, the current zero rate may not be increased for four years because of the price restrictions contained in T.C.A. Section 65-5-209(e). The definitions of Basic and Non-Basic service are defined in the Act as follows:

### **T.C.A. Section 65-5-208(a):**

"(1) 'Basic local exchange telephone services' are telecommunications services which are comprised of

- an access line,
- dial tone,
- touch-tone
- and usage  
provided to the premises for the provision of
  - two-way switched voice or data transmission over voice grade facilities of residential customers or business customers within a local calling area,
  - Lifeline,
  - Link-Up Tennessee,
  - 911 Emergency Services
  - and educational discounts existing on June 6, 1995,
  - or other services required by state or federal statute.

These services shall, at a minimum, be provided at the same level of quality as is being provided on June 6, 1995. Rates for these services shall include both recurring and nonrecurring charges."

"(2) 'Non-Basic services' are telecommunications services which are not defined as basic local exchange services..."  
(Emphasis Added)

As is clear from even a cursory review of the above definition of Basic service, DA is not listed as one of the elements comprising Basic service. Since it not listed in subsection (1) which cites specific services, it must be considered a Non-Basic service under subsection (2).

In addition, it is significant to note that another provision of Tennessee law similarly addresses the services telecommunications companies must provide. This Section, T.C.A. 65-4-124(c), lists a large number of services which every basic local exchange telephone service provider must offer. Once again, DA is not one of the services listed. This statute reads as follows:

**T.C.A. Section 65-4-124:**

"(c) These rules shall also ensure that all telecommunications services providers who provide basic local exchange telephone service or its equivalent

- provide each customer a basic White Pages directory listing,
- provide access to 911 emergency services,
- provide free blocking service for 900/976 type services,
- provide access to telecommunications relay services,
- provide Lifeline and Link-Up Tennessee services to qualifying citizens of the state and
- provide educational discounts existing on June 6, 1995." (Emphasis Added)

While United is of the opinion that these statutes are unequivocally clear that DA is a Non-Basic service, the Consumer Advocate has taken a position that the legislature assumed DA was a part of Basic service. This assumption

seems incorrect in view of the great lengths the legislature took in detailing in the above statutes exactly what constitutes Basic service.

United believes the statute is clear on its face. However, additional evidence of the meaning of this statute is available. An examination of the legislative history surrounding the enactment of the Act reveals that DA was specifically known as a distinct element of telephone service, separate and apart from being part of "an access line, dial tone, touch-tone and usage". In the May 11, 1995 transcript of the Senate Session regarding the Act, at page 45, Senator Cooper states:

"Now, three or four years down the road when **directory assistance** goes up and your constituents calls you and says why did this go up? When some other kind of service, **call waiting** or whatever, you've all seen the ads in the paper and on the radios--whatever, whatever goes up, your constituents calls you and you are still in the legislature, they're going to blame you and that's the way it is." (Emphasis Added)

This discussion is particularly significant since the legislature in T.C.A. Section 65-5-209(h), did in fact separately limit when increases in call waiting could occur; however, no such specific restriction regarding DA was made.

The legislative history contains further indications that DA was regarded as a service not included in Basic service. For example, the following discussion appears in the transcript of the May 24, 1995 Senate Session:

"SPEAKER: Senator Kyle.

KYLE: The second question concerns directory assistance - 411 service. Does one get directory assistance under universal service of this bill?

SPEAKER: Senator Rochelle.

ROCHELLE: One does not get directory service under the basic set of services - basic services, no." [Tr. pg. 35,36]

\*\*\*\*

"SPEAKER: Senator Gilbert.

GILBERT: . . . Is it not true that under the bill that is before us with the amendments, that the telecommunication company, let me just use Bell - could institute charges for directory assistance?

SPEAKER: Senator Rochelle. Senator Rochelle.

ROCHELLE: I believe they already are authorized to institute charges for directory assistance and they don't do any now, so that's my understanding that it doesn't really change that.

SPEAKER: Senator Gilbert.

GILBERT: First answer, let me just add, I did not know that they could charge residential customers for directory service assistance and as I understood it, it took some kind of requirement by the PSC to do it, but I think the answer is under this bill they would be permitted to do it without PSC approval." [Tr. pg. 38,39]

Additionally, the Consumer Advocate attempted to rely on the "same level of quality" language in the Act to argue, in effect, that any **increase in the price** of a Basic service would cause an impermissible degradation of service quality. This interpretation of the statute is not supported by the

legislative history, even if it assumed DA is a Basic service. For example, in the transcript of the May 24, 1995 House Session, Representative Purcell, at page 15, states:

"We made absolutely clear in this Legislation through this amendment that white pages listings for example, nine hundred and nine seventy six services, for example, that 911 emergency services, for example, would be maintained as basis (sic) service. That any consumer that signs up for basis service would know that these things they would receive and at the same time we made sure that it would be at least at the same level of quality that they now receive their services. Many were concerned that quality might slip, that competition might change the quality level of the **voice transmission** and **data transmission** that your constituents receive -- this amendment makes it absolutely clear that cannot occur." (Emphasis Added)

Representative Purcell's comments make it clear that quality was not tied to price, but was a standard addressing the operational aspects of service.

Cumulatively, the legislators' comments verify that the legislature was keenly aware that DA was not considered an integral part of Basic service, that they recognized a DA charge could be imposed under the bill, and that they could have separately placed a cap on DA as a Non-Basic service (as they did with the cap on call waiting); however, no such restriction was enacted. Accordingly, DA is a Non-Basic service under the Act, and since United's proposed rate is otherwise appropriate, it must be approved.

While not as authoritative as floor debate in the legislature, there are legislative committee meetings which

contain discussions on proposed bills. Senate Bill 891, the bill which was the basis for Public Chapter 408, was the subject of such a discussion on April 18, 1995 before the Senate Committee on State and Local Government. Tape no. 3 contains the following comments by the Consumer Advocate:

"Williams: ...As Commission Hewlett indicated there are some very particular and precise language about what basic service should be. ...And so we were concerned about that aspect, and that narrow definition of universal service. We were concerned about the way that prices were granted increases. ... If they want to make some adjustment somewhere, they can. A company can freeze out various services by making the cost of them too prohibitive for a consumer to have. They can make directory assistance so high that no one would use it...

Senator Cohen: Let me hear that again. They can make directory assistance so high that nobody would use it?

Williams: Yes sir. The flexibility is essentially unlimited..."

Again, even the committee discussions support the position of United that Basic Service is limited to the services specifically identified in the definition, that the legislators were well aware a charge for DA could be implemented, yet no explicit price restrictions were contained in the statute when it was enacted.

For ease of reference, attached as Exhibit A are copies of the pages of the transcripts of the legislative history referred to above. United asks that the TRA take official notice of the above as authorized by T.C.A. Section 4-5-313(6) (A) .



## ISSUE 2: 911 EMERGENCY SERVICE

The categorization of United's 911 Emergency service is similar in many respects to the DA issue in that the same statutes are involved. United presented testimony and hearing exhibits which graphically showed the nature of the various types of activities provided in connection with this service. United's position is that the access line provided to the premises of the end user customers for the provision of 911 Emergency Services falls within the definition of Basic Services. United believes the services provided by or to emergency communications districts (such as ANI, ALI, and selective routing) are Non-Basic services. The Consumer Advocate contended that all of these services were Basic under the Act. Once again a careful reading of the Act shows that Basic Service consists of only the "access line, dial tone, touch-tone and usage provided to the premises for the provision of...911 Emergency Services..."(T.C.A. Section 65-5-208(a)). United's position is reinforced by the language in T.C.A. Section 65-4-124(c) which states in pertinent part that "all telecommunications service providers who provide basic [service shall]...provide access to 911 Emergency Services." A review of the Legislative history again supports United's position. Representative Purcell, at the May 24, 1995 House Session, at page 15, states:

"We made absolutely clear in this Legislation through this amendment that white pages listings for example,

nine hundred and nine seventy six services, for example, that 911 emergency services, for example, would be maintained as basis (sic) service. That any consumer that signs up for basis service would know that these things they would receive and at the same time we made sure that it would be at least at the same level of quality that they now receive their services."

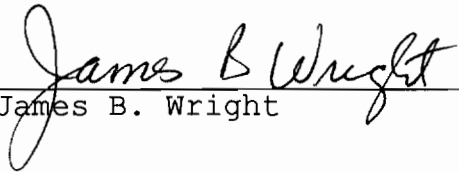
The Legislative history contains no references to services provided by an incumbent local exchange company to emergency communications districts. Its focus is entirely on the end user customer and represents almost verbatim what was ultimately contained in T.C.A. 65-4-124(c). To contend that services such as ANI, ALI and selective routing were impliedly meant to be included in Basic Services is contrary to the legislative intent and obviously were not literally included in the final law. Thus, none of these services should be considered Basic.

#### SUMMARY

A review of the legislative history clearly shows that the legislators discussed directory assistance as a Non-Basic service. Senator Rochelle's statement that "one does not get directory service under the basic set of services-basic services, no." leaves little room for doubt as to their intent. In the discussion of 911 emergency services, the comments centered on the "consumer that signs up for basic services" and subscribes to an access line, dial tone, touch-tone and usage; not on the emergency communications districts that need ANI, ALI and selective routing which are

Non-Basic services. For the foregoing reasons, United asks that its service classifications be approved.

Respectfully Submitted,  
UNITED TELEPHONE-SOUTHEAST, INC.

  
James B. Wright

#10159

**EXHIBIT A  
TO  
POST HEARING BRIEF**

**EXCERPTS OF 1995  
LEGISLATIVE HISTORY  
PUBLIC CHAPTER 408**

**SENATE SESSION 5-11-95: TAPE S-79 PG 45**

**SENATE SESSION 5-24-95: TAPE S-81 PGS 35, 36**

**HOUSE SESSION 5-24-95: TAPE H-90, PGS 14, 15**

**SENATE COMMITTEE ON STATE AND LOCAL  
GOVERNMENT 4-18-95: TAPE 3, RECDR KL**

SPEAKER: Take the roll, we've got to get it out of there before I can do anything with it. Are you ready? My red light's on up here - green lights on. Take the roll.

CLERK: "I's" 31, "nays" nothing.

SPEAKER: You adopt.

CLERK: 2 is amended.

SPEAKER: You ready. Those favoring ... Senator Cooper.

COOPER: Awhile ago --- and I have all the respect in the world for Senator Rochelle and Senator Rochelle knows that. I respectfully disagreed with Senator Rochelle. I think Senator Rochelle has told the truth about everything but you gotta understand what you are doing. If there is no rate hearing, when you pass that you put Amendment No. 2 statute the legislature is going to be setting the phone rates for this state. Because, there is probably not gonna be a rate hearing and what we do in Senator - Senator Rochelle's bill amendment, is establish - it establishes a procedure in which the phone rates are set in the state. Now, three or four years down the road when directory assistance goes up and your constituents calls you and says why did this go up? When some other kind of service, call waiting or whatever, you've all seen the ads in the paper and on the radios -- whatever, whatever goes up, your constituents calls you and you are still in the legislature, they're going to blame you and that's the way it is. If you put a green light up there on this amendment, your the one that is going to be responsible. I've heard the argument today to me that well, your bill - my bill - it's not really my bill but the other issue - the other uh, amendment before you is dead in the House. Let me tell you what is going to happen if you put a red light or blue light up there on amendment No. 2. All these folks in this balcony, who come over here to this side, go the downstairs, across the corridors, the House is in session and get my bill out of that committee over there in the House. That's what will happen. And, I'm not saying my bill is the best bill. I think it is a better bill than this bill, it's got more protection for the consumers and more protection for the people of this state Senate. So, I hope you stop and think what you're doing. If you put your green light up there on Amendment 2 you are going to be saying, I'm setting the phone rates for this state and that is exactly what you are doing. Thank you Mr. Speaker.

SPEAKER: Anyone else? Senator Rochelle do you desire to close?

ROCHELLE: Then I would ask you not to adopt Amendment No. 18.

SPEAKER: On the Amendment - are you ready? Those favoring vote "I" when the bell rings, opposed "no" - two-thirds. Every Senator vote. On the amendment every Senator vote on the amendment. Has every Senator voted? Does any Senator desire to change his vote? Take the roll Mr. Clerk.

CLERK: "I's" 11, nays 19.

SPEAKER: It fails.

CLERK: Amendment No. 19, by Senator Haun, filed today.

SPEAKER: Senator Haun.

HAUN: I withdraw.

CLERK: That's all the amendments.

SPEAKER: All the amendments. Senator Rochelle. Senator Kyle is recognized. Senator Henry is recognized. Would the sponsor yield. Senator Kyle.

KYLE: The questions I have for you on the bill as amended, Senator Rochelle, the same questions I've asked the previous - on the issue of universal service sir, does this bill change the funding mechanism of how the 911 - does one get 911 service in universal service on this bill?

SPEAKER: Senator Rochelle.

ROCHELLE: Yes and no. My understanding is that that's a topic desired to be proposed by a group in the House and then we expect that they will propose it and we expect that we will be able to agree to it when they propose it. But, it was felt that we should allow them to propose it. So, it is not in there now but I would anticipate that it will be in there. It will be coming back to the Senate to approve it.

SPEAKER: Senator Kyle.

KYLE: The second question concerns directory assistance - 411 service. Does one get directory assistance under universal service of this bill?

SPEAKER: Senator Rochelle.

ROCHELLE: One does not get directory service under the basic set of services - basic services, no. They don't now, I don't believe. Right now there is competition out there. And so, so because there is competition now, that's now addressed in the bill.

SPEAKER: Senator Henry. Senator Kyle, sir - I thought you yield, Senator Kyle, I apologize.

KYLE: In directory assistance - I believe and I assume the Senate is going to go forward and pass this legislation today based upon the (inaudible) I've seen and the mood that I feel on the floor. I hope that the House addresses the issue of 911 service. I question the wisdom of hoping they are going to do something and hoping that we are going to agree with it because by then we are getting in that (inaudible) that we are concurring in amendments that we can't amend how the House deals with the 911 issue and to me it is a very simple concept that we need to make sure that everybody has got a telephone in this state has 911 service and doesn't have the option of not having it. I don't know how that is funding, I don't know how that is funded. I don't know how that is funded when two or three people are in the phone business. This is not something I have raised today, I mean I asked this question four weeks ago. Well, on that -- but I hope that the House can resolve that and I know there are not amendments on the point. I haven't entered into the debate on that particular issue.

The second matter ....

SPEAKER: Senator Rochelle.

ROCHELLE: If I could clarify the answer to that on that - my understanding is that 911 - again it was assumed that it would be in there because you have got a separate 911 statute. There has been the request made by a House group that has been looking at the bill to expressly state it. That's what we anticipate will be done, but yes, my understanding the 911 service will be included in the basic...

SPEAKER: Senator Kyle. Senator Kyle.

KYLE: Secondly, the directory assistance issue, I didn't realize .. I hope that is addressed over there also. Perhaps it will be, and perhaps it will not. Perhaps there is full competition on directory information services today. I was unaware of that particular matter. Mr. Speaker, I want to clarify to everyone in this room

what's expected of them. So, Mr. Speaker, I urge you to give careful consideration now to majority leader Purcell as he explains to you and gives to you, the Amendment No. 1 which is a rewrite of the bill and I think a tremendously better bill than we had when we started out. Thank you very much.

SPEAKER: The gentleman renews his motion. Mr. Clerk, call up the first Amendment.

CLERK: Amendment --

SPEAKER: The next amendment.

CLERK: Amendment No. 17 by Representative Purcell spread on the members desk.

SPEAKER: Representative Purcell.

PURCELL: Thank you, Mr. Speaker, members of the House. If the House members will remember where we were last week when we last took up this matter, at that time, the previous 16 amendments were withdrawn or in the case of one amendment was rolled down. But this amendment is the heart of everything that Mr. Bragg just talked about in the heart of our vision and I hope your vision for the future of telecommunications in Tennessee. This is the amendment that rewrites in most important ways, the Senate bill that was sent to us now, I suppose two weeks ago. I don't care to talk at any length about perhaps the deficiencies that we found, I think it's perhaps better to emphasize the positive. As Mr. Bragg said, we looked at that bill over a period of weeks and made the improvements that we think give us the confidence that this is not only the right thing for Tennessee as a whole but the right thing for your constituents and therefore the right thing for you today. The rewrite of this bill begins right with Section 1. We restated the declaration of policy, the basic foundation upon which this bill will stand and that policy now stated, taking language that was proposed initially by one of the wisest telecommunications lawyers in this State. A policy that says straight-forwardly and in a simple way, that not only a court but a citizen can understand that what we're trying to do here is foster the development of an efficient and advanced state-wide system of services and it's a system that needs to remain affordable. That's the basic statement of policy, that's the promise on which everything else stands and the amendment that's before you, you have that assurance. We make clear the powers of both the Public Service Commission and then the success with the Tennessee Regulatory Authority in



Section 4 of the bill, the authority of that body to issue orders and do those things that they need to do, to be a regulator. We make clear for the first time, their ability to monitor the continued functioning of universal service. There were many issues when the bill first came before us as to whether or not that was a one time snatch-shot look or whether it would enable the Authority to continue to look on a regular basis on where we were on universal service. The change in this amendment makes that clear. There were those who were concerned that the FYI plan that had been established by the Public Service Commission and upon which many promises were based, would in some way be set aside or that the promises put a -- put an easier way, wouldn't be fulfilled. Section 10 of the bill, Section 10K of the amendment rather, makes it absolutely clear that those funded requirements that were placed upon the companies in this State must be fulfilled. The direction is clear, there should be no question about it. There were concerns that the productivity factor that was placed in the bill was not a -- sufficient to protect consumers. Many of you have heard the discussion, let me just say that we changed the productivity factor so that the consumers get the benefit of productivity whether inflation is high or inflation is low. We placed in the bill a provision that is identical in effect to the provision placed in the Georgia Legislation by the Georgia Legislature that make sure again, that whatever the inflationary situation in this State, it's low now and our change is particularly directed toward low inflation times that the consumers will be protected whatever later increases may be required in telephone rates. We made absolutely clear in this Legislation through this amendment that white pages listings for example, nine hundred and nine seventy six blocking services, for example, that 911 emergency services, for example, would be maintained as basis service. That any consumer that signs up for basis service would know that these things they would receive and at the same time we made sure that it would be at least at the same level of quality that they now receive their services. Many were concerned that quality might slip, that competition might change the quality level of the voice transmission and data transmission that your constituents receive -- this amendment makes it absolutely clear that cannot occur. There are further protection for consumers placed within the bill. We made sure, for example again, that the services that I described are included. We further clarified basic protections to make sure that it's not just the monthly bill that is maintained, that is frozen for four years in basis services but as well, that non-recurring cost that was not assured in the Senate bill. That means the cost

Senator Cohen:

The Consumer Advocate.

Williams:

Vincent Williams, Consumer Advocate Division of the Attorney General's Office. I think that there have been some good questions that have been asked today and I think that there has been some good information provided today. It sometimes concerns me about hearings of this type when ... of course, these are sort of non-evidentiary hearings meaning no one is under oath about what they say, but all of us have a duty of course to be direct and accurate with the quest... and respond to the questions asked. I agree with Mr. Burcham that there is no forecast in earnings. Not only that -- I mean -- it appears that we differ a bit the PSC witness, Dr. Kline, in that a rate review would go forward when the statute ... the proposed provision of Section 10 clearly says that the rate review only goes forward if you meet certain tests. And the test is whether or not the PSC 3.01 is within the range. If it's within the range, the different ranges, then there is no earnings review. If it's outside the range, meaning above the range, then there is -- there can be an earnings review, and if it's below the range, the company asks. And what our concern is that the PSC 3.01 does not accurately determine what price this should be, number one. The number two, it doesn't accurately state what prices should be in the future, which is what we're talking about going from here to the year 2000. So what the PSC talks about is historic earnings, which allows people to claim expenses in one period that won't be the expenses there tomorrow or the next day. And that the earnings of the company and the rates that are being charged should be rates that recognize that these expenses don't exist. The ... There was some mention of the rule which we at the Consumer Advocate, and I believe, nearly every other company other than the incumbent local carriers objected to in the Commission. Nearly every carrier here, even the ones that changed sides here for this proceeding, objected to the Commission's rule, and they objected to it on the basis -- on some of the same bases (sic) that we have here and they objected to it because -- and we challenged the rule that the Commission did not have authority to mandate price increases without an evidentiary hearing, which they tried -- which apparently the rule was attempting to do. It gave an inflation increase to the companies without an evidentiary hearing. It set productivity factors without a single evidentiary hearing. Nobody made an evidentiary hearing of that. Nobody made an evidentiary hearing that the companies ought to be entitled to inflations (sic) by look-examining the costs. It was an attempt to do it by rule. I thought I might share with you a little bit about that process where everyone was meeting together. When I became Consumer Advocate, I was asked by one of the Commissioners hold a meeting and see if we could arrive at a negotiated settlement about the rule, with the rule. And what happened was the Consumer Advocate was put in a room with South Central Bell and said ... and we were advised that this was going to be the rule and you have to decide whether you're going to go along with it or not. And so we asked, where's everyone else? Where's AT&T? Where's

MCI? And where are these other parties? And those parties ... they weren't there because they didn't count. And so we objected to that rule. We objected to the proceeding, and we refused to go along with a situation where the Commission, an entity which was supposed to be making an investigation and making an informed decision based on the facts would promulgate that by rule. We also did it because they would ... that rule would be denying Tennessee consumers some of the very things that they contracted for in the FYI plan as Commissioner Hewlett indicated and that FYI plan was supposed to be effective to the year 2000. In 1991, they projected those expenses and they projected benefits from FYI to the year 2000. And so, what we are here to say, and ... we do not take a position on bills ... we're here to share with the General Assembly what the operation of the bills do when they are applied by people ... when they are applied by technical people who understand how those nuances go. One bill is a combination of insertions and omissions. As Commission Hewlett indicated there are (sic) some very particular and precise language about what basic service should be. And that was for a reason. And it excludes the ability of some communities to have video services. It excludes the ability of various communities to have different and new technologies. And so we were concerned about that aspect, and that narrow definition of universal service. We were concerned about the way that prices were granted increases. Now I've heard a lot of testimony about cap, and I think that the understanding needs to be clear that this is a cap of the aggregate revenues of the company, which .... I think there was some testimony that it was \$1.2 billion. And that any service can be capped up to the aggregate revenues of the company, up to billions of dollars. If they want to make some adjustment somewhere, they can ... A company can freeze out various services by making the cost of them too prohibitive for a consumer to have. They can make directory assistance so high that no one would use it. They can take away the rights of the elderly to ....

Senator Cohen: Let me hear that again. They can make directory assistance so high that nobody would use it?

Williams: Yes sir. Their flexibility is essentially unlimited. They can take .. they can ... they can charge call blocking -- that's the block of 900 numbers, for example. They can make ... If they decide ... If they can be reasonable, they can take call blocking and charge it so that no one would want to use call blocking. If they wanted to deal with the listings .... if someone wanted an unlisted number, they can make the price of the unlisted number so high that people won't want to use it. They are able to deter services through sheer pricing power when there is no effective alternative to the consumer. And so, competitive services we believe should be regulated -- I mean unregulated, and monopoly services, where the company is the only provider, should be regulated. And it should be regulated through some oversight by whatever entity you would choose. So what we're sharing with you is

that the 891 -- because of the way it's structured endangers all the things that the Staff fought for over the years at the Public Service Commission. What we have fought for since I have been Consumer Advocate. And so those -- all of those things, and all of those services that we are talking about that many Tennesseans find important to them are dramatically affected, and can be dramatically affected solely by the company's decision and not by regulation of the Public Service Commission because of the narrow language that is used to keep them from being able to do certain things.

Senator Cohen:

Thank you Mr. Williams. You have spoken well for the Consumer Advocate's office during your testimony here on directory assistance and are a testimony to the good work of Senator Cooper in passing the bill that created you. Senator Miller?

CERTIFICATE OF SERVICE  
(UTSE Annual Price Cap Adjustment)

The undersigned hereby certifies that Post Hearing Brief of United Telephone-Southeast, Inc. has been served upon the following counsel of record in Docket No. 96-01423 this 21st day of March, 1997, by FAX, by air express, by hand delivery or by placing a copy of the same in the United States Mail postage prepaid and addressed as follows:

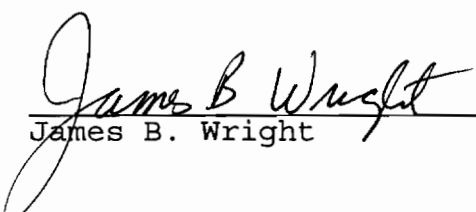
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