



Privacy Rights Clearinghouse  
Utility Consumers' Action Network

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The Honorable Fran Pavley  
State Capitol, Room 4035  
Sacramento, CA 95814

April 22, 2009

Fax: (916) 324-4823

**Re: Support for SB 437, elimination of fee for unlisted telephone number**

Dear Senator Pavley:

The Privacy Rights Clearinghouse (PRC) and its parent organization the Utility Consumers' Action Network strongly support SB 437. Both groups are San Diego-based nonprofit consumer organizations. This bill would amend Section 2891.1 of the Public Utilities Code by prohibiting a telephone subscriber from being charged for choosing not to have their name and phone number listed in a directory or publicly available directory assistance database.

By eliminating extra and exorbitant charges for maintaining the privacy of a landline, SB 437 would put landline companies on equal footing with cell phone companies, who are prevented by law from charging for an unlisted cell phone number.

In May 2007, AT&T raised the charge for maintaining an unlisted number for a phone line from 28 cents to \$1.25 cents per month per customer. This is a price increase of 346 percent. There is no apparent cost justification for this increase, nor does AT&T require one under the new regime of deregulation. In reality, the costs of data processing for an unlisted number have declined drastically, down to nearly zero, from the time when the phone companies were allowed to charge for the cost of unlisted numbers.

AT&T has turned customer privacy into a profit center by now charging each customer an additional \$15 per year over and above the cost of other telephone services. But privacy is a right guaranteed in the California Constitution, and previously the charge had been regulated on a cost basis.

The competitors to landline companies, the cell phone companies, are restricted by law from charging for not publishing directory listings. Under Section 2891.1 of the Public Utilities Code, which this bill amends, cell phone companies cannot charge when consumers choose to not have their name and number listed in a publicly available directory assistance database.

While the default for landlines will continue to be listing of numbers, in part because, unlike cell phones, there is no charge to incoming calls, SB 437 will prevent the continued excessive charges which landline companies put on customer privacy.

Thank you. Please feel free to contact us if you have questions about our position on this matter.

Sincerely,

Beth Givens, Director  
Privacy Rights Clearinghouse

Michael Shames, Executive Director  
Utility Consumers' Action Network

cc: Senate Energy, Utilities & Communications Committee (R. Chinn) -- Fax (916) 445-1389  
Lenny Goldberg & Assoc.