

The Modern Age of the White Page: White Pages by Request Only¹ “Opt-in Legislation”

This IPRO report examines different types of state legislation aimed at reducing the printing and distribution of phonebooks, particularly the white pages.

Background

In 35 states, including Iowa, state law mandates that phonebooks be automatically delivered each year to every doorstep without charge to the consumer. Recently a national trend to recycle or get rid of phone books altogether has begun with environmental objectives. Fifteen state legislatures have opted to give consumers the choice of whether to receive the white pages, the part of the phonebook that lists residential numbers. This movement is a response to the ease and widespread use of online white pages.

Proponents of decreasing distribution, such as White Pages Inc., the largest independent online directory provider, argue that online directories, social networks, and mobile phone applications make printed white pages redundant and wasteful. Opponents of decreasing distribution, mainly telephone companies who distribute the phonebooks, argue that digital listing mediums are not sufficiently accessible to all populations and that many prefer paging through phonebooks to using digital mediums.

Definitions

Opt-in: under opt-in legislation, a phonebook provider is only required to deliver phonebooks to those customers who indicate they wish to receive one. Thus opt-in legislation changes the status quo of automatic delivery of white page phonebooks.

Opt-out: under opt-out legislation, a phonebook provider is required to deliver phonebooks to all customers unless the customer indicates they do not wish to receive it.

Benefits of Electronic-Only White Pages

Environmental

- Significant amounts of paper and ink could be saved. Verizon estimates they use 17,000 tons of paper each year printing phonebooks.²
- Estimates indicate that 5 million trees are cut down yearly to print the white pages.³
- According to the Environmental Protection Agency (EPA), old editions of the white pages generated 840,000 tons of waste in 2008; only 20 percent of phonebooks were recycled.⁴

¹ This IPRO report was written in November 2010 by Katherine Winchester (katherine-winchester@uiowa.edu) and Elyse Abboud Kamps (elyse-kamps@uiowa.edu).

² Felberbaum, Michael. "Companies Yank Cord on Residential Phone Books." *Yahoo News*. Yahoo, 11 Nov. 2010. Web. 28 Nov. 2010. <http://news.yahoo.com/s/ap/20101111/ap_on_hi_te/us_goodbye_white_pages>.

³ "Help Stop the Waste!" *BanThePhoneBook.org*. Web. 28 Nov. 2010. <<http://www.banthephonebook.org/>>.

⁴ "Phone Books." *Campaign For Recycling | Keeping You up to Date on the Latest Developments in Recycling across the US*. Web. 28 Nov. 2010. <http://www.campaignforrecycling.org/our_issues/phone_books>.

- Every year, the production and disposal of phonebooks generates 3.57 million tons of carbon dioxide.⁵ In comparison, the transportation sector created 526.3 million metric tons of carbon dioxide.⁶

Meeting Decreasing Demand

- More and more people are using cell phones instead of landlines. In 2008, 20 percent of Americans did not have a landline.⁷ Cell phone numbers are typically not listed in the white pages. As a result, many people find that the white pages are not as useful as they once were.
- Many people do not use or want printed copies of the white pages. AT&T estimates that in places where they have been allowed to implement opt-in distribution, only 2 percent of customers have asked for a printed copy.⁸
- Most residential pages listings are already easily available online, free of charge, at websites such as *411.com*. With 74 percent of Americans with internet access at home, many Americans can easily assess online white pages⁹.

Economic

- Printing the white pages costs taxpayers nearly \$17 million in recycling costs per year nationwide.¹⁰ No longer printing the white pages would result in an annual savings of this money. The cost of printing the white pages, which is passed on to consumers, would also be eliminated, with the hope of lower phone rates.

Costs of Electronic-Only White Pages

Limited Accessibility to Local Businesses & Residents

- Many still rely on landline phones to connect with family, friends, and local businesses that are less likely to advertise online.¹¹
- Elderly, low-income, low-educated, rural, and racial and other minorities are less likely to have access to reliable Internet service, such as home broadband, limiting their access to electronic residential listings. According to a study by Connect Iowa, 95 percent of Iowans have access to some form of Internet, but this may not be at home or may be slow dial-up access.¹² The Federal Communications Commission (FCC) found in 2009 nationwide “78 percent of adults are Internet users, whether that means broadband, dial-up, access from home or access from someplace other than home.”¹³

⁵ "Phone Books." *Campaign For Recycling | Keeping You up to Date on the Latest Developments in Recycling across the US*. Web. 28 Nov. 2010. <http://www.campaignforrecycling.org/our_issues/phone_books>.

⁶ "U.S. Carbon Dioxide Emissions from Energy Use by Sector." *RITA: Bureau of Transportation Statistics (BTS)*. Web. 06 Dec. 2010. <http://www.bts.gov/publications/national_transportation_statistics/html/table_04_49.html>.

⁷ "Wireless Substitution." *Centers for Disease Control and Prevention*. Web. 06 Dec. 2010. <http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless200905.htm#telephone_status>.

⁸ Felberbaum, Michael. "Companies Yank Cord on Residential Phone Books." *Yahoo News*. Yahoo, 11 Nov. 2010. Web. 28 Nov. 2010. <http://news.yahoo.com/s/ap/20101111/ap_on_hi_te/us_goodbye_white_pages>.

⁹ Horrigan, John B. "Broadband Adoption and Use in America." *Obi Working Paper* 1st ser. (2010). Print.

¹⁰ "Help Stop the Waste!" *BanThePhoneBook.org*. Web. 28 Nov. 2010. <<http://www.banthephonebook.org/>>.

¹¹ Vestel, Leora Broydo. "Time to Scrap the White Pages?" *The New York Times* 20 Dec. 2010. *The New York Times Online*. 20 Dec. 2010. Web. 23 Nov. 2010. <<http://green.blogs.nytimes.com/2009/12/20/time-to-scrap-the-white-pages/>>.

¹² Munson, Kyle. "Munson: Internet Upgrades Keep Rural Iowans in Loop." *Des Moines Register*. 5 Dec. 2010. Web. 06 Dec. 2010. <<http://dmjuice.desmoinesregister.com/article/20101205/NEWS03/12050334/1001/NEWS>>.

¹³ Horrigan, John B. "Broadband Adoption and Use in America." *Obi Working Paper* 1st ser. (2010). Print.

- The FCC reports significant inequality in access rates; in 2009 69 percent of white non-Hispanics had broadband at home, but this number falls to only 59 percent of blacks and 49 percent of Latinos nationwide.¹⁴ In 2009, 50 percent of rural residents had broadband at home, compared to 68 percent of non-rural residents nationwide.¹⁵ Broadband access rates also vary significantly by age cohorts. While 75 percent of individuals 18-49 have broadband at home, only 35 percent of those over 65 have this level of access.¹⁶ Broadband access also varies by income, with 93 percent of those with incomes over \$75,000 with home broadband, and only 40 percent adoption rates for those with incomes of \$20,000 or less.¹⁷ Iowa is largely rural, and many parts of the state do not have high-speed access. Eliminating the white pages in hard copy could disadvantage these groups on the wrong side of the digital divide.

Prohibition of Free Speech

- Some phonebook publishing companies argue that electronic-only legislation restricts publishers' freedom of speech and is unconstitutional. The First Amendment prohibits government "from licensing or exercising advance approval of the press, from directing publishers what to publish and to whom they may communicate, and from assessing fees for the privilege of publishing."¹⁸
- Some phonebook publishing companies argue that state or municipal regulation of their publications will lead to further restrictions on other media in the future.¹⁹

Privacy Violations

- In some electronic-only programs, phonebook publishers are required to turn over consumers' private information to the city or state enacting legislation.²⁰

Economic Costs to Companies

- "Advance recovery fees" were imposed against the Yellow Pages industry in Seattle when the city implemented an opt-in program wherein phonebooks would be delivered by request only. The fees were previously limited to manufactured or distributed toxic or hard-to-recycle materials.²¹
- License fees for the right to publish were imposed against the Yellow Pages industry in Seattle when the city implemented its opt-in program.
- Disposal costs of recycled phonebooks are shifted from taxpayers to publishers in many opt-in programs.²²

¹⁴ Ibid.

¹⁵ Horrigan, John B. "Broadband Adoption and Use in America." *Obi Working Paper* 1st ser. (2010). Print.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ "Yellow Page Publishers Sue Seattle." *Grist*. 16 Nov. 2010. Web. 24 Nov. 2010. <<http://www.grist.org/article/2010-11-16-yellow-page-publishers-sue-seattle>>.

¹⁹ "Yellow Pages Publishers Sue to Overturn Seattle's Unconstitutional Phone Book Law; Offer Alternative Consumer Choice Option." *PR Newswire*. 15 Nov. 2010. Web. 30 Nov. 2010. <<http://www.prnewswire.com/news-releases/yellow-pages-publishers-sue-to-overturn-seattles-unconstitutional-phone-book-law-offer-alternative-consumer-choice-option-108275204.html>>.

²⁰ Ibid.

²¹ Ibid.

²² Granger, Trey. "Updated Phone Book Opt-Out Website to Debut in 2011." *Boise kivitv.com*. 15 Sep. 2010. Web. 30 Nov. 2010. <<http://www.kivitv.com/global/story.asp?s=13171454>>.

State Legislation

As of 2010, New York, Florida, Pennsylvania, Alabama, Delaware, Georgia, Indiana, Missouri, New Jersey, North Carolina, Ohio, Oklahoma, Texas, Virginia, and Wisconsin passed legislation stopping distribution of the white pages to consumers, except by request.²³ Iowa currently has no legislation on the subject. Table 1 provides a summary of these states.

In Minnesota (HF 170)²⁴ and California (SB 920),²⁵ propositions to halt automatic delivery of the white pages died in committee.

Missouri

AT&T was allowed to discontinue automatic distribution of the white pages in Missouri's larger metropolitan areas only.²⁶ Because of Iowa's large rural population, adopting a model similar to Missouri's might be more practical.

New York

In New York, Verizon, the state's largest phone book distributor, filed a petition asking to be allowed to print and deliver the white pages by request only.²⁷ Under Verizon's plan, customers can receive phone books by contacting them either via their website or calling their automated toll-free number.²⁸ Customers can receive the white pages in print or on a CD-rom free of charge.²⁹ Once a customer has requested to receive a phonebook, he or she will receive the white pages annually unless they file a request to stop receiving them.³⁰ New York accepted the petition.

Critics of the legislation, including the Public Utility Law Project (PULP), said that many customers who would want to request the white pages in print would not have access to the Internet to do so.³¹ Additionally, they claim that Verizon's automated hotline is difficult and confusing to use.³² After implementation, PULP asked that Verizon be required to automatically deliver the white pages to senior citizens and the disabled, among others.³³ PULP's demands were not met.

²³ Felberbaum, Michael. "Companies Yank Cord on Residential Phone Books." *Yahoo News*. Yahoo, 11 Nov. 2010. Web. 28 Nov. 2010. <http://news.yahoo.com/s/ap/20101111/ap_on_hi_te/us_goodbye_white_pages>.

²⁴ *Official California Legislative Information*. 28 May 2010. Web. 28 Nov. 2010. <http://leginfo.ca.gov/pub/09-10/bill/sen/sb_0901-0950/sb_920_bill_20100528_amended_sen_v94.html>.

²⁵ *Minnesota Legislature - Office of the Revisor of Statutes*. 23 Feb. 2010. Web. 28 Nov. 2010. <<https://www.revisor.mn.gov/bin/bldbill.php?bill=ceH0170.1.html&session=ls86>>.

²⁶ Felberbaum, Michael. "Companies Yank Cord on Residential Phone Books." *Yahoo News*. Yahoo, 11 Nov. 2010. Web. 28 Nov. 2010. <http://news.yahoo.com/s/ap/20101111/ap_on_hi_te/us_goodbye_white_pages>.

²⁷ "State of New York Public Service Commission." 14 Oct. 2010. Web. 28 Nov. 2010. <<http://documents.dps.state.ny.us/public/Common/ViewDoc.aspx?DocRefId=%7B92CCFF43-305D-4A71-9CA3-3277A4FEC467%7D>>.

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ *Ibid.*

³² *Ibid.*

³³ *Ibid.*

Ohio

In February 2009, the Public Utilities Commission of Ohio granted AT&T permission to stop delivering the white pages in its coverage area.³⁴ The company continued its annual delivery of the yellow pages. AT&T established an opt-in call center for residents who wanted to order a printed copy of the white pages.³⁵ The call center was overloaded by an influx of calls and customers waited over an hour to place their orders. The call center increased its staff numbers to meet the overwhelming initial demand for printed white pages.

Washington

In November 2010, Seattle established a unique opt-in program, which would affect Seattle residents alone, allowing them to receive the white and yellow pages by request only. Weeks later, Dex One Corp., SuperMedia and the Yellow Pages Association filed a suit in the U.S. District Court for the Western District of Washington against the City of Seattle challenging the forced discontinuation of the white pages. The companies will argue the ordinance is unconstitutional in restricting their fundamental rights as publishers, that it unlawfully interferes with interstate commerce and that it violates the privacy of Seattle residents.³⁶

Table 1: States Where the White Pages are Distributed by Request Only

State	Phonebook Provider	White Pages By Request Only?
Alabama	AT&T, Century Tel, TDS	Yes
Alaska		
Arizona	TDS, Qwest	
Arkansas	AT&T, Century Tel, TDS, Verizon	
California	AT&T, Century Tel, TDS, Verizon	
Colorado	Century Tel, TDS, Qwest	
Connecticut	AT&T, Verizon	
Delaware	Verizon	Yes
Florida	AT&T, TDS, Verizon, Embarq	Yes
Georgia	AT&T, Century Tel, TDS	Yes
Hawaii		
Idaho	Century Tel, TDS, Verizon, Qwest	
Illinois	AT&T, Century Tel, TDS	
Indiana	AT&T, Century Tel, TDS, Embarq, Verizon	Yes
Iowa	Dex, Qwest, Century Tel	
Kansas	AT&T, Century Tel, Embarq	
Kentucky	AT&T, TDS, Embarq	

³⁴ Samavati, Shaheen. "Phone Book Callers Overwhelm AT&T Call Center." *Cleveland.com*. 8 July 2009. Web. 30 Nov. 2010. <http://www.cleveland.com/business/index.ssf/2009/07/phone_book_callers_overwhelm_a.html>

³⁵ Ibid.

³⁶ Laughlin, Charles. "Yellow Pages Industry Counterpunches Seattle." BIA Kelsey/Global Yellow Pages. 16 Nov. 2010. Web. 28 Nov. 2010. <<http://blog.kelseygroup.com/yellow-pages/index.php/2010/11/16/yellow-pages-industry-counterpunches-seattle/>>.

State	Phonebook Provider	White Pages By Request Only?
Louisiana	AT&T, Century Tel	
Maine	TDS	
Maryland	Verizon	
Massachusetts	Verizon	
Michigan	Century Tel, TDS, Verizon	
Minnesota	Century Tel, TDS, Embarq, Qwest	
Mississippi	AT&T, Century Tel, TDS	
Missouri	AT&T, Century Tel, TDS, Embarq	Yes – limited to metropolitan areas
Montana	Century Tel, Qwest	
Nebraska	Embarq, Qwest	
Nevada	AT&T, Embarq	
New Hampshire	TDS	
New Jersey	Verizon, Embarq	Yes
New Mexico	Century Tel, Qwest	
New York	Verizon, TDS	Yes
North Carolina	AT&T, Century Tel, TDS, Verizon, Embarq	Yes
North Dakota	TDS, Qwest	
Ohio	AT&T, Century Tel, TDS, Verizon, Embarq	Yes
Oklahoma	AT&T, Century Tel, TDS	Yes
Oregon	Century Tel, TDS, Verizon, Embarq, Qwest	
Pennsylvania	Verizon, TDS, Embarq	Yes
Rhode Island	Verizon	
South Carolina	AT&T, TDS, Verizon, Embarq	
South Dakota	Qwest	
Tennessee	Century Tel, TDS, Embarq	
Texas	AT&T, Century Tel, Verizon, Embarq	Yes
Utah	Qwest	
Vermont	TDS	
Virginia	Verizon, TDS, Verizon, Embarq	Pending
Washington	Century Tel, TDS, Verizon, Embarq, Qwest	Seattle only – legislation include the Yellow Pages
West Virginia	Verizon	
Wisconsin	AT&T, Century Tel, TDS, Verizon	Yes
Wyoming	Century Tel, Qwest	

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