

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

January 30, 2007

IN RE:

PETITION OF HELPING HANDS HOME  
ASSISTANCE, INC. FOR 211 UTILITY  
ALLOCATION IN EAST TENNESSEE

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DOCKET NO.  
05-00141

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ORDER APPROVING PETITION FOR ALLOCATION OF  
N11 NUMBER (211) TO HELPING HANDS HOME ASSISTANCE, INC.

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This matter came before Chairman Ron Jones, Director Pat Miller, and Director Sara Kyle of the Tennessee Regulatory Authority (the “Authority” or “TRA”), the voting panel assigned to this docket, at the regularly scheduled Authority Conference held on June 12, 2006, to consider the Amended Petition filed by Helping Hands Home Assistance, Inc. (the “Applicant” or “Helping Hands”) on February 28, 2006, seeking the allocation of the 211 abbreviated dialing code to provide information and referral services to Hamblen County. The Applicant in a Petition filed on May 11, 2005, had originally requested the proposed coverage area for allocation of the 211 abbreviated dialing code to include Anderson, Blount, Campbell, Claiborne, Cocke, Grainger, Hamblen, Hancock, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, and Union Counties.

**FCC’s Third Report and Order**

On July 31, 2000, the Federal Communications Commission (“FCC”) released its *Third Report and Order and Order on Reconsideration* in CC Docket No. 92-105 (“*Third Report and Order*”) in which the FCC granted a petition filed by information and referral service providers seeking nationwide assignment of an abbreviated dialing code.<sup>1</sup> In assigning the abbreviated dialing

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<sup>1</sup> “Abbreviated dialing codes enable the caller to connect to a location in the network that otherwise would be accessible only via a seven or ten-digit telephone number. The network must be pre-programmed to translate the

code 211 for access to community information and referral services, the FCC found that the proposal submitted by the petitioners met the “public interest” standards for assignment of N11 codes which the FCC established in its *N11 First Report and Order*.<sup>2</sup> The FCC specifically found in the *Third Report and Order*:

Individuals facing serious threats to life, health, and mental well being have urgent and critical human needs that are not addressed by dialing 911 for emergency assistance or 311 for non-emergency police assistance. . . . We believe that the Information and Referral Petitioners have shown a public need exists for an easy to use, easy to remember N11 code to efficiently bring community information and referral services to those who need them, providing a national safety network for persons to get access readily to assistance. Therefore, we find that the public interest standard has been met.<sup>3</sup>

The FCC then outlined the necessary steps that must be taken by telecommunications service providers upon receiving a 211 request.

[W]hen a provider of telecommunications services receives a request from an entity (e.g., the United Way) to use 211 for access to community information and referral services, the telecommunications provider must: (1) ensure that any entities that were using 211 at the local level prior to the effective date of this Order relinquish use of the code for non-compliant services, and (2) take any steps necessary (such as reprogramming switch software) to complete 211 calls from its subscribers to the requesting entity in its service area. . . . We expect community service organizations to work cooperatively to ensure the greatest public use of this scarce resource.<sup>4</sup>

The *Third Report and Order* also provides that the FCC, not the North American Numbering Plan Administration (“NANPA”) or another entity, will continue to designate and assign N11 codes for nationwide use. Nevertheless, the FCC explicitly stated that local assignments could be made by the state commissions.

Once we assign or designate an N11 for national use, essentially all that remains to do is to implement that assignment and monitor the uses of the N11 codes. We do not at this time decide what role, if any, state commissions may play once we make a

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three-digit code into the appropriate seven or ten-digit telephone number and route the call accordingly. Among abbreviated dialing arrangements, ‘N11’ codes are three-digit codes of which the first digit can be any digit other than 1 or 0, and the last two digits are both 1.” (Quoting from *In the Matter of: The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, (July 31, 2000) (Third Report and Order and Order on Reconsideration) (hereinafter *Third Report and Order*).

<sup>2</sup> *First Report and Order and Further Notice of Proposed Rulemaking*, 12 FCC Rcd. 5572, CC Docket No. 92-105 (1997).

<sup>3</sup> *Third Report and Order*, at paras. 18-19.

<sup>4</sup> *Id.* at para. 21.

national assignment. That role will necessarily be determined on a case by case basis as we make national assignments. We clarify, however, that states will be allowed to continue to make local assignments that do not conflict with our national assignments.<sup>5</sup>

### **TPSC's 1993 Interim Order**

Prior to the issuance of the FCC's *Third Report and Order*, the Authority reviewed requests for the allocation of N11 numbers pursuant to criteria set forth in the Interim Order issued on October 20, 1993, by the Tennessee Public Service Commission ("TPSC") in TPSC Docket No. 92-13892 ("TPSC Order"), to determine the most qualified applicant for allocation of each N11 number in each local calling area.<sup>6</sup> The criteria in the TPSC Order included: (1) the overall financial fitness of the applicant; (2) the technical ability and willingness of the applicant to provide the service on a permanent and continuous basis; (3) the ability and willingness of the applicant to abide by applicable TPSC rules and policies; (4) the rates, services and collection practices to be utilized by the applicant; (5) the extent and duration of the applicant's service to the local community; (6) anticipated future uses by the community of the proposed service being offered by the applicant; and (7) the type of information services to be provided by the applicant over N11 and its relative value to the public and local community.<sup>7</sup>

### **Findings and Conclusions**

The Authority finds that reliance on the criteria in the TPSC Order does not conflict with the FCC's national assignment of the 211 abbreviated dialing code and that these criteria continue to be

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<sup>5</sup> *Id.* at para. 43. The FCC described the assignment designation and implementation process as follows:  
Assignment or designation involves announcement to the industry that a particular N11 code will be used for certain, defined purpose(s). This announcement alerts current users of the N11 code that nonconforming uses must cease as part of the implementation process. Implementation, on the other hand, may involve, in addition to discontinuing nonconforming uses, preparing and modifying switches to translate the N11 code and route the call accordingly, installing additional switching equipment, and installing or modifying software or other hardware.

*Id.* at para. 43, n. 123.

<sup>6</sup> See TRA Docket No. 98-00554, *Order Granting Allocation of N11 Abbreviated Dialing Code* (June 22, 1999); TRA Docket No. 99-00743, *Order Approving Reallocation of N11 Number (211) to Knoxville Information and Referral, Inc. and Allocating N11 Number (511) to National Telephone Enterprises* (July 14, 2000).

<sup>7</sup> *In re: Investigation of N11 Allocations*, TPSC Interim Order, Docket No. 92-13892, pp. 4-5 (October 20, 1993).

instructive as the Authority carries out its role of making local assignments.<sup>8</sup> Accordingly, the Authority finds that the Applicant satisfies the criteria in the following manner:

1. **Overall financial fitness, both historical and future:** Helping Hands provided a balance sheet and income statement for 2005 that reported \$68,016 in total assets and \$34,671 in total liabilities with a remaining fund balance of \$33,345. Revenues for the Applicant totaled \$391,414 with expenses of \$383,722 leaving Helping Hands with a surplus of \$7,692. The Applicant also receives support from the Clayton Family Foundation and will accept support from other charitable institutions. The Applicant will fund the 211 program as part of ongoing existing services to citizens.

2. **Overall technical ability and willingness to provide service on a permanent and continuous basis:** The Applicant has been providing community information, referral service, case management and in-home services since 2002 to residents in East Tennessee. Helping Hands intends to utilize a staff of five fulltime employees and trained volunteers.

3. **Ability and willingness to comply with any applicable Authority rules and policies:** The Applicant has provided that it will follow the Authority's rules and policies.

4. **The rates, services and collection practices to be utilized by the service provider in providing N11 service:** The Applicant states that there will not be a charge for its services, and the Applicant will pay all charges incurred in connection with the assignment and utilization of the abbreviated access code and the cost of ongoing operations, other than any user generated charges occurring from access of the service from a cellular phone.

5. **The extent and duration of the applicant's service to the local community:** Since 2002, the Applicant has provided community services in East Tennessee.

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<sup>8</sup> This finding is consistent with the Authority's finding in TRA Docket No. 02-00126, *Order Approving Allocation of N11 Number (211) to Contact Ministries, Inc.*, (May 13, 2002), TRA Docket No. 02-00127, *Order Approving Allocation of N11 Number (211) to Contact-Concern of Northeast Tennessee, Inc.* (June 10, 2002) and TRA Docket No. 03-00383, *Order Approving Reallocation of N11 Number (211) from National Telephone Enterprises to United Way of Metropolitan Nashville* (February 23, 2004).

6. **Anticipated future uses by the community of the proposed service being offered by the Applicant:** The Applicant anticipates that its strong relationship with social services and community information concerns will continue and that small businesses in the county are interested in utilizing 211 services as a confidential referral source for their employees with addiction and mental health issues.

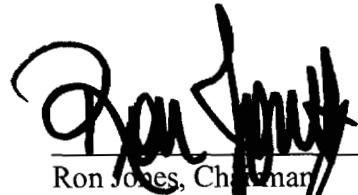
7. **The type of information services to be provided over N11 and its relative value to the public and local community:** Through access to the 211 abbreviated dialing code, the Applicant will serve the population of the proposed coverage area by providing free services about community organizations and guidance to individuals seeking social services and other assistance from available programs. The Applicant anticipates that the use of an abbreviated dialing code, such as the 211 code, will reduce confusion among citizens of the proposed coverage area concerning the availability of social services. The citizens who are in need of social or community services will have access to an increased number of social services that can be made available on a more uniform basis.

#### **June 12, 2006 Authority Conference**

The panel at the June 12, 2006 Authority Conference noted that the Applicant is budgeted to receive funds as a member of the Tennessee Alliance of Information and Referral Services in TRA Docket No. 04-00342. The panel also noticed for the record that the data response in TRA Docket No. 06-00048 stated that the 211 dialing code was not in use in Hamblen County. After taking administrative notice of the record in TRA Docket Nos. 04-00342 and 06-00048, and based upon careful consideration of the Petition and the exhibits thereto, and in following the mandate set forth in the FCC's *Third Report and Order* and the criteria set forth in the TPSC's 1993 Interim Order, the Directors voted unanimously to approve allocation of the 211 abbreviated dialing code to Helping Hands.

**IT IS THEREFORE ORDERED THAT:**

The Amended Petition filed on February 28, 2006 by Helping Hands Home Assistance, Inc. seeking the allocation of the 211 abbreviated dialing code to provide information and referral services to Hamblen County is approved.



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Ron Jones, Chairman



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Pat Miller, Director



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Sara Kyle, Director