

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 19, 2006

IN RE:

**PETITION OF METROPOLITAN
GOVERNMENT OF NASHVILLE AND
DAVIDSON COUNTY FOR USE OF 311
FOR NON-EMERGENCY MUNICIPAL
USE.**

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DOCKET NO. 05-00259

**ORDER APPROVING ALLOCATION OF
N11 NUMBER (311) TO THE METROPOLITAN GOVERNMENT OF NASHVILLE
AND DAVIDSON COUNTY**

This matter came before Director Deborah Taylor Tate, Director Pat Miller and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on November 7, 2005 for consideration of the Petition seeking approval to provide allocation of the 311 abbreviated dialing code for the purpose of providing to the Metropolitan Government of Nashville and Davidson County ("Metro") access to non-emergency police, government, and other safety and health services.

Background

FCC's First 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.¹ In assigning the abbreviated dialing code 311 for access to non-emergency police 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*.² The FCC specifically found in the *First Report and Order*:

Specifically, we respond to a request for an N11 code that could be dialed to reach non-emergency police services by assigning 311 on a nationwide basis for this purpose. Wherever 311 is currently in use for other purposes, however, we would allow that use to continue until the local government in that area was prepared to activate a non-emergency 311 service.³

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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.⁴

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

¹ "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 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*.)

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

³ *First Report and Order*, at Paras. 2-3.

⁴ *Third Report and Order*, at Paras. 18-19.

make a 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.⁵

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.⁶ 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.⁷

Metro's Petition

Metro filed its Petition with the Authority on September 16, 2005 seeking allocation of the 311 abbreviated dialing code. The Petition and supporting documentation demonstrate that

⁵ *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. (Para. 43, n.123).

⁶ See TRA Docket No. 98-00554, Petition of National Telephone Enterprises for Allocation of an N11 Number (Abbreviated Dialing Code) and TRA Docket No. 99-00743, Petition of Knoxville Information and Referral, Inc. for Allocation of an N11 Number.

⁷ *In Re: Investigation of N11 Allocations*, TPSC Interim Order, Docket No. 92-13892, pp. 4-5 (Oct. 20, 1993).

Metro plans to enable its residents to call one phone number to gain access to non-emergency police and government services from a centralized source by providing the 311 service.

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 311 abbreviated dialing code and that these criteria continue to be instructive as the Authority carries out its role of making local assignments. Accordingly, the Authority finds that the Metro satisfies the criteria given that the 311 service will be funded through the local government's general fund, and given that Metro has a staff dedicated to providing information and telecommunications services to all City Departments.

1. **Overall financial fitness, both historical and future:** Metro provided audited financial statements proving its overall financial fitness for year-end 2004. This financial information states that the 311 service will be funded through the general fund, and that Metro has net assets worth \$2,404,233,750.

2. **Overall technical ability and willingness to provide service on a permanent and continuous basis:** Metro states that it has a nine member staff providing information and telecommunications services to all City Departments. A capital budget of \$1.975 million for initial expenses of the design and implementation of a 311 call center has been approved by the City Council.

3. **Ability and willingness to comply with any applicable Authority rules and policies:** Metro has provided a statement 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:** Metro states that it will provide information and telecommunications services without charge to anyone in Davidson County for the use of 311 services.

5. **The extent and duration of the applicant's service to the local community included in the N11 calculation:** Upon the implementation of the One Call Center, the residents of Metro will no longer be required to select from numerous telephone numbers at multiple departments. By utilizing the 311 access code, citizens will be able to contact all Metro services and information. The service will be provided from 7:00 a.m. until 7:00 p.m. during weekdays with a gradual phased expansion of service. Metro intends initially to allow the 311 number to co-exist with the current Metro phone numbers to allow for the growing demand for information and services and to allow for citizen choice.

6. **Anticipated future uses by the community of the proposed service; and the provider's overall experience in providing information to this community:** Metro has been providing residents with a customer call center since 2002. Metro plans to expand the current call center offering 311 to residents, as the one call number, to access non-emergency government information and services. The 311 Metro call center will handle inquiries, service requests, and investigations.

7. **The type of information services to be provided over N11 and its relative value to the public and local community:** Metro intends to focus on the need to increase citizen access to government service and to enhance the accountability of government agencies. Citizens will have more convenient access to request metro services such as garbage pickup and information such as obtaining operating hours for Metro parks plus the 311 technology will enable Metro to accurately track the performance of Metro government.

Based upon careful consideration of the Petition and the exhibits thereto, and in following the mandate set forth in the FCC's *First Report and Order* and the criteria set forth in the TPSC's 1993 Interim Order, the Directors voted unanimously to approve allocation of the 311 abbreviated dialing code to the Metropolitan Government of Nashville and Davidson County.


IT IS THEREFORE ORDERED THAT:

1. The Petition filed by the Metropolitan Government of Nashville and Davidson County, a municipality, seeking allocation of the 311 abbreviated dialing code to provide information and telecommunications services to its residents is approved.

2. BellSouth Telecommunications, Inc. shall file the appropriate tariff or contract service arrangement specifying N11 rates, terms and conditions; such filing shall be comparable to the rates, terms and conditions approved for other N11 providers in Tennessee or provide detailed cost justification for the proposed rates.

Deborah Taylor Tate, Director⁸


Pat Miller, Director


Sara Kyle, Director

⁸ Director Tate voted in agreement with the other directors but resigned her position as director before the issuance of this order.