

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 24, 2006

IN RE:

**PETITION OF UNITED WAY OF WEST
TENNESSEE FOR ALLOCATION OF A
N11 NUMBER (ABBREVIATED DIALING CODE)**

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**DOCKET NO.
05-00317**

**ORDER APPROVING PETITION FOR ALLOCATION OF
N11 NUMBER (211) TO UNITED WAY OF WEST TENNESSEE**

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 February 21, 2006, to consider the Petition filed by United Way of West Tennessee (the "Applicant" or "United Way") seeking the allocation of the 211 abbreviated dialing code to provide information and referral services to Carroll, Crockett, Dyer, Gibson, Hardeman, Haywood, Henderson, Madison, McNairy, and Weakley counties.

BACKGROUND

On November 29, 2005, United Way filed a Petition for assignment of a N11 Code, specifically "211" in order to provide health and human services information and referral to the citizens of Carroll, Crockett, Dyer, Gibson, Hardeman, Haywood, Henderson, Madison, McNairy, and Weakley Counties in Tennessee ("proposed coverage area"). The Authority Staff issued a data request to BellSouth Telecommunications, Inc. ("BellSouth") on January 3, 2006 regarding the status and availability of the 211 number in the proposed coverage area. BellSouth

filed a response on January 8, 2006 confirming that the N11 Code was not being utilized in the proposed coverage area.

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.¹ In assigning the abbreviated dialing 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*.² 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.³

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

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 *Thurd 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 *Third Report and Order* at ¶¶ 18-19.

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.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 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

⁴ *Id.* at ¶ 21.

⁵ *Id.* at ¶ 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. (¶ 43, n.123).

⁶ See TRA Docket No. 98-00554, *Order Granting Allocation of N11 Abbreviated Dialing Code* (June 22, 1999) and 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).

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

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

1. **Overall financial fitness, both historical and future:** United Way has raised in excess of \$2,700,000. The Applicant as of December 31, 2004 has \$4,286,285 in total assets and \$879,510 in cash. The Applicant contends that it has the active support of community leaders on its Board of Directors and will solicit additional funding for the 211 service from public, corporate, and individual sources and local United Ways. Also United Way has been listed as a call center that is budgeted to receive \$48,698 from the Tennessee Alliance of Information and Referral Systems ("TNAIRS"), the collaborative designated by the Authority for consideration of statewide 211 coverage.⁹

2. **Overall technical ability and willingness to provide service on a permanent and continuous basis:** The Applicant intends to provide 211 information and referral services

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

⁸ 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.*, (issued May 13, 2002), TRA Docket No. 02-00127, *Order Approving Allocation of N11 Number (211) to Contact-Concern of Northeast Tennessee, Inc.* (issued 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* (issued February 23, 2004).

⁹ See *In re: Petition of Tennessee Alliance of Information & Referral Systems for 2-1-1 Statewide Coverage*, Docket No. 04-00342, *Data Response*, pp. 9-10 (November 29, 2005).

on a permanent and continuous basis. The Applicant has been providing information and referral service since 1941 and estimates that it currently responds to 1,000 calls each year. The staff of United Way is experienced and knowledgeable. Its president, Barry Mathews, has eight years of information and referral experience at United Way of West Tennessee.

3. **Ability and willingness to comply with any applicable Authority rules and policies:** The Applicant 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:** The Applicant states that there will not be a charge for its services and will pay all charges incurred in connection with the assignment and utilization of the abbreviated access code and the cost of ongoing operations.

5. **The extent and duration of the applicant's service to the local community:** Since 1941, the Applicant has provided community services in the proposed coverage area.

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 expects that the availability of a uniform access number such as 211 will reduce confusion and frustration regarding services available in the coverage area.

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

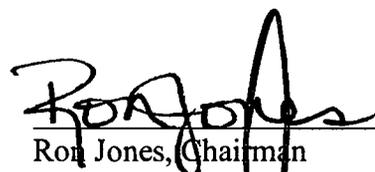
coverage area concerning the availability of social services. The citizens who are in need of social or community services will have access to an increased number of social services that can be made available on a more uniform basis.

FEBRUARY 21, 2006 AUTHORITY CONFERENCE

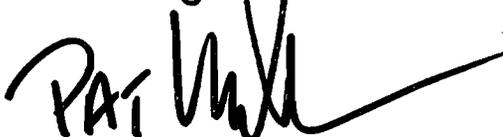
During the February 21, 2006 Authority Conference, the Directors took administrative notice of the record in Docket No. 04-00342, which provides that United Way will be funded as a member of TNAIRS. Based upon careful consideration of the Petition and the exhibits thereto, and in following the mandate set forth in the FCC's *Third Report and Order* and the criteria set forth in the TPSC's 1993 Interim Order, the Directors at the February 21, 2006 Authority Conference, voted unanimously to approve allocation of the 211 abbreviated dialing code to United Way of West Tennessee.

IT IS THEREFORE ORDERED THAT:

The Petition filed by United Way seeking the allocation of the 211 abbreviated dialing code to provide Information and Referral services to Carroll, Crockett, Dyer, Gibson, Hardeman, Haywood, Henderson, Madison, McNairy, and Weakley Counties is approved.



Ron Jones, Chairman



Pat Miller, Director



Sara Kyle, Director