

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 2, 2006

IN RE:)	
)	
PETITION OF CLARKSVILLE/MONTGOMERY)	DOCKET NO.
COUNTY CRISIS INTERVENTION CENTER FOR)	06-00025
ALLOCATION OF AN N11 NUMBER (ABBREVIATED)	
DIALING CODE))	

**ORDER APPROVING PETITION FOR ALLOCATION OF
N11 NUMBER (211) TO CLARKSVILLE/MONTGOMERY COUNTY
CRISIS INTERVENTION CENTER**

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 March 20, 2006, to consider the Petition filed by the Clarksville/Montgomery County Crisis Intervention Center (the “Applicant” or “CMCCI”) seeking the allocation of the 211 abbreviated dialing code to provide information and referral services to Montgomery, Stewart, and Houston Counties in Tennessee.

Background

On January 30, 2006, CMCCI filed a Petition for assignment of a N11 Code, specifically “211,” in order to provide health and human information and referral services to the citizens of Montgomery, Houston, and Stewart Counties in Tennessee (“proposed coverage area”). The Authority issued data requests to BellSouth Telecommunications, Inc. (“BellSouth”) and Peoples Telephone Company (“Peoples”) on February 16, 2006 regarding the status and availability of the 211 number in the proposed coverage area. BellSouth filed a response on February 24, 2006

and Peoples replied on March 7, 2006. Both responses confirmed 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 *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

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 *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, Third Report and Order and Order on Reconstruction, 15 FCC Rcd. 16753 (2000) ("*Third Report and Order*").

² *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, First Report and Order and Further Notice of Proposed Rulemaking, 12 FCC Rcd. 5572 (1997) ("*First Report and Order*")

³ *Third Report and Order*, 15 FCC Rcd. 16753 at ¶¶ 18-19.

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.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

⁴ *Id.* at ¶ 21.

⁵ 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 ¶ 43, n.123.

⁶ See *In re: Petition for Allocation of N11 Abbreviated Dialing Code*, Docket No. 98-00554, *Order Granting Allocation of N11 Abbreviated Dialing Code* (June 22, 1999); *In re: Knox Helpline, Inc. Petition for N11 Abbreviated Dialing Code Pursuant to BellSouth Tariff A39*, 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).

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

On May 24, 2004, Chapter 762 of the Tennessee Public Acts of 2004 ("Chapter 762")⁸ became effective, establishing a two step process by which the Authority was to 1) designate an entity to serve as the 2-1-1 Collaborative ("Collaborative") to run a statewide network which anyone in Tennessee can access by dialing "2-1-1" and then be referred to information and other social services agencies and 2) allocate one-time public funds from the public utility account to assist in the start-up of the Collaborative. At a regularly scheduled Authority Conference held on December 13, 2004, the Directors unanimously designated the Tennessee Alliance of Information and Referral Systems ("TNAIRS") as the state 2-1-1 Collaborative.⁹ The Directors also at the March 20, 2006 Authority Conference, voted unanimously to grant a one time allocation of \$400,000 to TNAIRS, pursuant to Tenn. Code Ann. § 65-4-301(a)(2), to assist TNAIRS with start-up costs for 2-1-1 telephone service in Tennessee. The Applicant states that CMCCI is a member of the Alliance of Information and Referral Systems. CMCCI is also listed by TNAIRS as a call center budgeted to receive funds in TRA Docket No. 04-00342.

Findings and Conclusions

The Authority finds that reliance on the criteria in the TPSC Order does not conflict with

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

⁸ Chapter 762 is codified at Tenn. Code Ann. § 65-4-117(b) and § 65-4-301 (a)(2).

⁹ The Directors stated that this designation does not provide blanket approval to prospective 2-1-1 providers included in the TNAIRS petition for the unserved areas of the state. Any entity seeking to provide 2-1-1 service must file the necessary petition with the TRA to obtain authority to provide 2-1-1 service for the requested area.

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.¹⁰ Accordingly, the Authority finds that the Applicant satisfies the criteria in the following manner:

1. **Overall financial fitness, both historical and future:** CMCCI is partnered with the Clarksville/Montgomery County United Way. CMCCI raised \$68,725 from grants and contributions and listed total expenses of \$71,367. CMCCI reported a cash flow of \$17,257 in 2004. 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. Finally, CMCCI is listed as a call center that is budgeted to receive \$21,414 from TNAIRS, the collaborative designated by the Authority.¹¹

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 on a permanent and continuous basis with a staff of four employees and twenty-five volunteers. CMCCI estimates that it will receive 5,000 calls per year.

3. **Ability and willingness to comply with any applicable Authority rules and policies:** The Applicant has provided a statement that it will comply with 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

¹⁰ This finding is consistent with the Authority's finding in *In re: Contact Ministries, Inc.'s Petition to the TRA to Provide the 211 Information and Referral Services to Carter, Green, Unicoi, and Washington Counties*, Docket No. 02-00126, *Order Approving Allocation of N11 Number (211) to Contact Ministries, Inc.*, (May 13, 2002); *In re: Petition to Designate 211 Service for Non-Profit Health and Human Services Information and Referral Line for the Counties of Sullivan, Johnson, and Hawkins, TN*, Docket No. 02-00127, *Order Approving Allocation of N11 Number (211) to Contact-Concern of Northeast Tennessee, Inc.* (June 10, 2002) and *In re: Petition of United Way of Metropolitan Nashville for N11 Allocation*, Docket No. 03-00383, *Order Approving Reallocation of N11 Number (211) from National Telephone Enterprises to United Way of Metropolitan Nashville* (February 23, 2004).

¹¹ See *In re: Petition of Tennessee Alliance of Information & Referral Systems for 2-1-1 Statewide Coverage*, Docket No. 04-00342, *Amended Petition for 2-1-1 Statewide Coverage*, p. 10 (March 3, 2006).

services except for charges occurring from cellular phone access to the service. 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.

5. The extent and duration of the applicant's service to the local community:

Since 1987, 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 be utilized by a significant number of residents in the proposed 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.

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 March 20, 2006 Authority Conference, voted unanimously to approve allocation of the 211 abbreviated dialing code to Clarksville/Montgomery County Crisis Intervention Center.

IT IS THEREFORE ORDERED THAT:

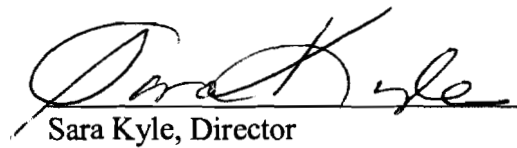
The Petition filed by Crisis Intervention Center of Clarksville/Montgomery County seeking the allocation of the 211 abbreviated dialing code to provide Information and Referral services to Montgomery, Stewart, and Houston Counties is approved.



Ron Jones, Chairman



Pat Miller, Director



Sara Kyle, Director