

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**January 30, 2007**

<b>IN RE:</b>	)	
	)	
<b>AMENDED PETITION OF MEMPHIS-SHELBY</b>	)	<b>DOCKET NO.</b>
<b>COUNTY PUBLIC LIBRARY AND INFORMATION</b>	)	<b>06-00057</b>
<b>CENTER FOR ALLOCATION OF AN N11 NUMBER</b>	)	
<b>(ABBREVIATED DIALING CODE)</b>	)	

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**ORDER APPROVING ALLOCATION OF N11 NUMBER (211) TO  
MEMPHIS-SHELBY COUNTY PUBLIC LIBRARY AND INFORMATION CENTER**

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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 May 15, 2006, to consider the *Amended Petition for Allocation of an N11 Number* filed by Memphis-Shelby County Public Library and Information Center (the "Applicant") on February 24, 2006, seeking the allocation of the 211 abbreviated dialing code to provide information and referral services to Lake and Obion Counties. On January 8, 2004, the Applicant was granted allocation of 211 by the Authority in TRA Docket No. 04-00008, to cover Shelby, Lauderdale, Tipton and Fayette 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 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>

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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 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.” *In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105 (*Third Report and Order and Order on Reconsideration*) 15 F.C.C.R. 16753, ¶ 3 (July 31, 2000) (hereinafter *Third Report and Order*).

<sup>2</sup> See *In the Matter of 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 (February 19, 1997) (hereinafter *N11 First Report and Order*).

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

<sup>4</sup> *Id.* at ¶ 21.

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.<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

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<sup>5</sup> *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.

<sup>6</sup> 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).

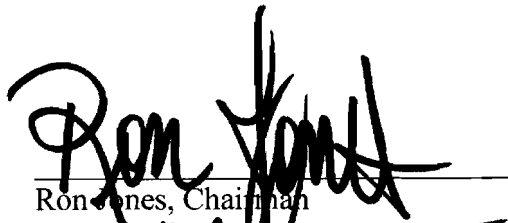
offered by the applicant; and (7) the type of information services to be provided by the applicant over N11 and its relative value to the public and local community.<sup>7</sup>


### **Findings and Conclusions**

At the May 15, 2006 Authority Conference, the panel assigned to this docket granted the Applicant's request for an expanded coverage area. The Authority noted that in TRA Docket No. 04-00008 the Applicant was found to have met the criteria required by the Tennessee Public Service Commission in TPSC Docket No. 92-13892. The Authority also 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. After taking administrative notice of the record in TRA Docket No. 04-00342, the Authority granted the Petition.

### **IT IS THEREFORE ORDERED THAT:**

The *Amended Petition for Allocation of an N11 Number* filed by Memphis-Shelby County Public Library and Information Center seeking the allocation of the 211 abbreviated dialing code to provide information and referral services to Lake and Obion Counties is approved.

  
Ron Jones, Chairman

  
Pat Miller, Director

  
Sara Kyle, Director

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