

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

November 27, 2007

IN RE:)	
)	
PETITION OF THE CITY OF DYERSBURG)	DOCKET NO.
TO PROVIDE 311 SERVICES TO THE)	07-00045
RESIDENTS OF THE CITY OF DYERSBURG)	

**ORDER APPROVING ALLOCATION OF
N11 NUMBER (311) TO THE CITY OF DYERSBURG**

This matter came before Chairman Sara Kyle, Director Eddie Roberson, and Director Pat Miller of the Tennessee Regulatory Authority (the “Authority” or “TRA”), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on April 30, 2007 for consideration of the *Petition of the City of Dyersburg to Provide 311 Services to the Residents of the City of Dyersburg* (“*Petition*”). The *Petition* was filed by Mr. Mark Grant, Communications Director, on behalf of the City of Dyersburg (“Dyersburg” or “City”) on February 12, 2007.

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

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 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, *Third Report and Order and Order on Reconsideration* (July 31, 2000) (hereinafter *Third Report and Order*)).

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.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

* * *

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 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

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

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

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

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).

TPSC's 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 an interim order issued on October 20, 1993 by the Tennessee Public Service Commission ("TPSC") in TPSC Docket No. 92-13892 ("*TPSC Interim Order*") to determine the most qualified applicant for allocation of each N11 number in each local calling area.⁶ The criteria in the *TPSC Interim 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

THE PETITION

The *Petition* and supporting documentation state that the Mayor and nine member council intend to serve the City of Dyersburg by providing the 311 service. The City plans to enable its residents to call one phone number to gain access to non-emergency police and government services from a centralized source.

FINDINGS AND CONCLUSIONS

In considering this matter at its regularly scheduled Authority Conference held on April 30, 2007, the Authority found that reliance on the criteria in the *TPSC Interim Order* does not conflict with the FCC's national assignment of the 311 abbreviated dialing code and that these

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

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

criteria continue to be instructive as the Authority carries out its role of making local assignments. Accordingly, the Authority found that the City satisfied the criteria. In finding that the City meets the requisite criteria, the Authority relied on the following assertions of the City.

1. Overall financial fitness, both historical and future: The City provided audited financial statements proving its overall financial fitness for year-end 2005. Further, this financial information states that the 311 service will be funded through the City's general fund.

2. Overall technical ability and willingness to provide service on a permanent and continuous basis: The City stated that it has an eleven member staff providing information and telecommunications services to all City Departments.

3. Ability and willingness to comply with any applicable Authority rules and policies: The City 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 City states that it will provide information and telecommunications services without charge to anyone in its service areas.

5. The extent and duration of the applicant's service to the local community included in the N11 calculation: 311 service will be implemented in two phases. Phase I will be for all non-emergency public safety services and phase II will provide 311 service to all other non-emergency government services. The 311 call center will service calls twenty four hours a day, seven days a week.

6. Anticipated future uses by the community of the proposed service and the provider's overall experience in providing information to this community: The City's implementation of a call center will provide customer service and general information for all Dyersburg government services and may then consider utilizing the call center for all government services in Dyer County.


7. The type of information services to be provided over N11 and its relative value to the public and local community: The City will provide public access to non-emergency services and intends to greatly enhance Dyersburg's ability to accurately track the performance of City government.

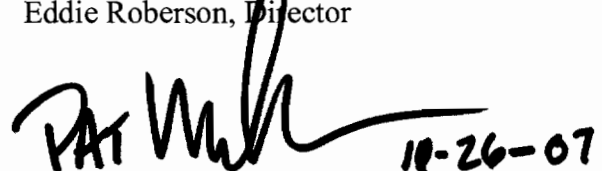
Based upon these findings and conclusions, the panel voted unanimously to approve allocation of the 311 abbreviated dialing code to the City of Dyersburg.

IT IS THEREFORE ORDERED THAT:

The Petition of the City of Dyersburg to Provide 311 Services to the Residents of the City of Dyersburg is approved.


Sara Kyle, Chairman


Eddie Roberson, Director


Pat Miller, Director 10-26-07