

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

IN RE:

June 9, 2008

PETITION OF KNOXVILLE-KNOX COUNTY
COMMUNITY ACTION COMMITTEE FOR
ALLOCATION OF AN N11 NUMBER
(ABBREVIATED DIALING CODE)

DOCKET NO.
08-00055

ORDER APPROVING ALLOCATION OF
N11 NUMBER (211) TO THE KNOXVILLE-KNOX COUNTY COMMUNITY ACTION
COMMITTEE

This matter came before Director Tre Hargett, Director Sara Kyle, and Director Ron Jones of the Tennessee Regulatory Authority (the “Authority” or “TRA”), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on May 19, 2008 for consideration of the *Petition for Allocation of an N11 Number* (“*Petition*”) filed by the Knoxville-Knox County Community Action Committee (“CAC” or “Petitioner”) on April 11, 2008.

BACKGROUND

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

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*.)

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 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

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 Paras. 18-19.

⁴ *Id.*, at Para. 21.

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

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

CAC's *Petition* requests allocation of an N11 Code, specifically "211," in order to provide information and referral services to the citizens of Knox County and all contiguous counties proposed coverage area").⁸ Currently, this abbreviated dialing code is allocated to East Tennessee Information and Referral, Inc. ("ETIR").⁹

CAC asserts that it meets the criteria set out in the *TPSC Interim Order*. Specifically, CAC asserts that it possesses the following qualifications:

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).

⁶See *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).

⁸The contiguous counties include: Anderson, Blount, Jefferson, Grainger, Union, Roane, Sevier and Loudon.

⁹Knoxville Information and Referral, Inc.'s petition was approved for N11 Abbreviated Dialing to cover the same proposed coverage area by the Authority at a regularly scheduled Authority Conference in Docket No. 99-00743 on February 1, 2000. According to an April 22, 2008 docket filing, this organization amended its charter to change its name from Knoxville Information and Referral, Inc. to East Tennessee Information and Referral, Inc. ETIR's petition in Docket No. 08-00054 requests that the Authority transfer its 211 abbreviated code to CAC so that the 211 services can be improved through the consolidation of information and referral centers.

Overall financial fitness – CAC states that it has been in existence for forty-four years and that its annual budget is approximately 30 million. The Petitioner has supplied audited financial statements for the year end June 30, 2006 and a projected budget for 2008. CAC had \$11,665,000 in total assets and \$8,181,000 in total liabilities at year end June 2006. Funding sources available to CAC consists of 69% federal monies, 2.5% state, 19% private, 2% city and nearly 7% county funds. CAC states that presently all of the United Ways in the proposed coverage area are supporting 211 with their campaign proceeds. CAC further states that 211 is fully funded for 2008.

Overall ability (technical and otherwise), and willingness to provide service on a permanent and continuous basis – The Petitioner states that if allocated an abbreviated dialing code, it will provide N11 service on a permanent and continuous basis. The Petitioner intends to retain the Crisis Intervention Center, Inc. (Nashville's 211 call center/service provider) to provide ongoing 12 hours a day, 5 days per week, information and referral service. CAC avers that the excellent service level that ETIR is receiving from the Crisis Intervention Center would be difficult and expensive to replicate locally. The Petitioner's Senior Citizen "Information and Referral Service ("SCIR") program is a member of the Alliance of Information and Referral System ("AIRS"), has staff that is AIRS certified in data base management and information and referral assistance and serves as a board member and officer of the Tennessee Alliance of Information and Referral Service ("TNAIRS").

Ability and willingness to abide by TRA Rules and Policies – The Petitioner states that it agrees to follow the TRA rules and policies.

Rates, services and collection practices to be utilized by the Petitioner – Petitioner states that it agrees to abide by the terms, conditions and rates for N11 service set by the TRA and embodied in the Tariff. Petitioner expects to bear all costs of operating the N11 service other than cellular phone connection time and charges. Petitioner intends to pay all charges incurred in connection with the assignment and utilization of the abbreviated access code and the cost of ongoing operations.

Extent and duration of petitioner's service to the local community – CAC states that it is one of the region's longest standing not-for-profit social service organizations in the East Tennessee region, servicing the area since 1964. It now provides referral information to more than 7,000 individuals. Further, CAC states that it has been providing data base management to ETIR thru the SCIR program for two years.

Anticipated and future uses by the community of the proposed services to be offered and the provider's overall experience providing information – Petitioner states that each year it publishes and distributes 50,000 copies of a "Senior Services Directory" that provides descriptive information about the area's programs and services offered for the senior population. Presently the 211 call volume in the proposed coverage area is 1,100-1,700 calls per month. It is anticipated that the call volume will increase with public awareness. The Petitioner states that it's ongoing, strong relationship with social services and community information concerns will continue.

Type of information to be provided over N11 and its relative value to the public and local community – The CAC states that it will serve the population of the proposed coverage area providing free information regarding community service organizations and referral guidance to individuals seeking social services and other assistance. The Petitioner states that an abbreviated dialing code (211) will tend to reduce any confusion among citizens of the proposed coverage area concerning the availability of social and community services.

FINDINGS AND CONCLUSIONS

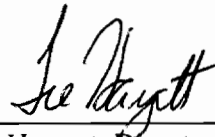
Applying the criteria established in the *TPSC Interim Order* to CAC's *Petition* which sets out the Petitioner's qualifications for the allocation of an abbreviated dialing code, the panel made the following findings.

1. The proposed services that the Petitioner described are an excellent use of scarce abbreviated dialing codes.
2. CAC has been financially solvent over the forty-four year lifetime of the organization.
3. Because CAC will have the continued support of call center operations from "The Crisis Intervention Center" located in Nashville and is able to handle the data base management internally, it possesses the managerial, technical and financial ability to qualify for the 211 designation.

Based upon these findings, the panel voted unanimously to approve allocation of the 211 abbreviated dialing code to the CAC.

IT IS THEREFORE ORDERED THAT:

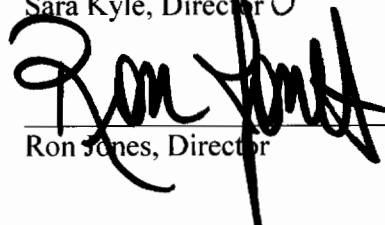
The *Petition for Allocation of an N11 Number* filed by the Knoxville-Knox County Community Action Committee on April 11, 2008 is approved.



Tre Hargett, Director



Sara Kyle, Director



Ron Jones, Director