

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

May 6, 2011

IN RE:

**PETITION OF THE CITY OF MT. JULIET
TO PROVIDE 311 SERVICES TO THE
RESIDENTS OF THE CITY OF MT. JULIET**

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**DOCKET NO.
11-00027**

**ORDER APPROVING ALLOCATION OF
N11 NUMBER (311) TO THE CITY OF MT. JULIET**

This matter came before Chairman Mary W. Freeman, Director Kenneth C. Hill and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on March 28, 2011 for consideration of the Petition filed on February 11, 2011 by the City of Mt. Juliet ("City" or "Petitioner"). The Petition requests that the Authority approve allocation of an N11 Number (311) to the City for the purpose of providing public access to non-emergency City services and information. No party has filed to intervene in the docket.

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

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

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 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

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.

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 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 requests that the Authority approve allocation of an N11 Number (311) to the City for the purpose of providing public access to non-emergency City services and

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).

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).

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

Overall financial fitness – The City states that the 311 services will be funded through the General Fund. The General Fund budgeted revenues for fiscal year 2010-2011 in the amount of \$12,303,786. The Petitioner provided a copy of its Annual Financial Report for 2009-2010 to support its overall financial fitness. The Petitioner's assets exceed its liabilities by \$56,023,610.⁸ Of this amount, \$7,780,945 is unrestricted and may be used to meet the government's ongoing obligations to citizens and creditors.⁹

Overall ability and willingness to provide service on a permanent and continuous basis – The City states it will use a state of the art auto-attendant that is hosted by TDS Telecom and one staff member to accept calls that cannot be answered or routed by the auto-attendant during regular business hours.¹⁰ The City states that it intends to provide service on a continuous and permanent basis beginning in April 2011.¹¹

The ability and willingness of the applicant to abide by applicable TRA rules and policies - The City of Mt. Juliet states that it will abide with all applicable TRA rules and policies.¹²

Rates, services and collection practices to be utilized by the Petitioner – The Petitioner states that it does not intend to charge residents for use of the 311 services.¹³

Extent and duration of petitioner's service to the local community – The City states that should a citizen dial 311 within the city limits of Mt. Juliet, it will immediately connect the person to the auto-attendant offering the various city options for contact. The citizen will either

⁸ Annual Financial Report, p. v (February 10, 2011).

⁹ *Id.*

¹⁰ *Petition*, p. 3 (February 10, 2011)

¹¹ *Id.*

¹² *Petition*, p. 4 (February 10, 2011).

¹³ *Id.*

select one of the options from the auto-attendant or may opt out to seek assistance from a staff attendant.¹⁴ The 311 call center will service calls during business hours - 8:00 a.m. to 5:00 p.m. Monday through Friday.

Anticipated and future uses by the community of the proposed services to be offered and the provider's overall experience providing information – Some of the options that could be handled by the 311 system upon implementation are as follows:

- Sewer Billing / Maintenance Resources
- Codes and Inspections
- Planning
- City Hall
- Finance
- Police Records Division
- Public Works
- Roads and Streets
- Storm Water Management
- City Engineer
- Parks
- Animal Services
- Personnel
- Recreation Centers
- Non-emergency Police

Type of information to be provided over N11 and its relative value to the public and local community – By utilizing 311, the City intends to greatly enhance citizen access to government service and enhance the accountability of government departments.¹⁵ Citizens will be able to easily reach the government offices in the City of Mt. Juliet.¹⁶

FINDINGS AND CONCLUSIONS

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

¹⁴ *Id.*

¹⁵ *Petition*, p. 6 (February 10, 2011).

¹⁶ *Id.*

1. The City has shown that it has adequate funding for 311 services based on the amount budgeted for 2010-2011 in the General Fund and the fact that it will not have much increased expense to implement the service. According to the City, the residents will continue to call 911 for emergency services.

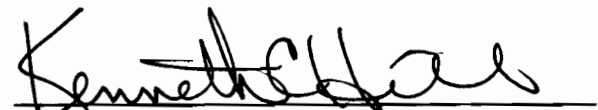
2. The City also maintains that it intends to abide by and comply with applicable TRA rules and policies and has provided information and documentation demonstrating that it meets the criteria established by the *TPSC Interim Order*.


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

IT IS THEREFORE ORDERED THAT:

The Petition requesting approval for the allocation of an N11 (311) Abbreviated Dialing Code for the City of Mt. Juliet is approved.


Mary W. Freeman, Chairman


Kenneth C. Hill, Director


Sara Kyle, Director