

Decision No. C05-1350

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 05R-486T

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IN THE MATTER OF EMERGENCY RULES RELATING TO THE PROVISIONING OF THE ABBREVIATED DIALING CODE 8-1-1 FOR PROVIDING ADVANCED NOTICE OF EXCAVATION ACTIVITIES TO UNDERGROUND FACILITY OPERATORS.

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**ORDER ADOPTING EMERGENCY RULES**

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Mailed Date: November 14, 2005

Adopted Date: November 9, 2005

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for adoption of emergency rules entitled Rules Relating to the Provisioning of the Abbreviated Dialing Code 8-1-1 for Advanced Notice of Excavation Activities to Underground Facility Operators, 4 *Code of Colorado Regulations* (CCR) 723-24-8 (One Call Rules). For the reasons set forth in this decision, we now adopt on an emergency basis (*i.e.*, without compliance with the rulemaking requirements for permanent rules set forth in § 24-4-103, C.R.S.) the rules appended to this Order as Attachment A. We take this action in accordance with the provisions of § 24-4-103(6), C.R.S.

2. Generally, the purpose of the rules adopted by this order is to set the procedure for implementation of an 8-1-1 abbreviated dialing code to be used by a One Call Center to provide excavation information to the citizens of Colorado. These rules are enacted within the authority granted to the Commission by the Federal Communications Commission (FCC) pursuant to its

*Sixth Report and Order.*<sup>1</sup> In that order, the FCC determined that the assignment of an N-1-1 dialing code to be used by state One Call notification systems for providing advanced notice of excavation activities to underground facility operators was in the public interest, and therefore assigned 8-1-1 for that purpose.

3. These rules also further the FCC's directive that entities may request 8-1-1 and that state public utilities commissions continue their jurisdiction over 8-1-1 codes to ensure, among other things, that all carriers, including wireline, wireless and payphone service providers, comply with the deployment of 8-1-1 no later than April 13, 2007.

4. Therefore, with these emergency rules, we adopt such rules as are necessary for the assignment and implementation of the 8-1-1 dialing code

5. Rule 24-8 sets forth the "public benefit" standard in order to grant use of the 8-1-1 dialing code. Rule 24-8.1 provides the process for assignment of the 8-1-1 dialing code shall be upon the Commission's own motion or by petition of an entity. Rule 24-8.2 sets the burden of proof required for assignment of the 8-1-1 dialing code. The rule requires that a petitioner must show by clear and convincing evidence that a public benefit exists.

6. Rule 24-8.2.1 sets forth the required contents of a petition to the Commission for assignment of the 8-1-1 dialing code. This rule requires that the petitioner provide information on the petitioner's background, as well as demonstration of public need. Additionally, the petitioner must provide background on the historic volume of calls it has received seeking excavation information, as well as the geographic area it proposes to serve.

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<sup>1</sup> *In the Matter of the Use of N11 Codes and Other Abbreviate Dialing Arrangements*, CC Docket No. 92-05, Sixth Report and Order, adopted March 10, 2005, released March 14, 2005. FCC 05-59.

The rule also requires the petitioner to provide cost recovery solutions, its proposed community outreach and notification plan, and other pertinent factors the Commission may deem necessary.

7. Rule 24-8.3 sets out the procedure if two or more entities petition this Commission to provide access to advanced notice of excavation activities via the 8-1-1 dialing code. Rule 24-8.4 sets out the tasks required of the telecommunications providers affected by the 8-1-1 designation, including discontinuation of non-compliant uses, providing information regarding recovery or internal costs associated with 8-1-1 call completion, and estimates of the time required to perform the necessary translation and/or facilities work to allow 8-1-1 call completion from its subscribers. Rule 24-8.5 sets 30 days from the date a petition is granted as the deadline for telecommunications service providers to file the information required by Rule 25-8.4. Rule 24-8.6 provides that all telecommunications service providers serving customers in the affected area are to comply with the April 13, 2007 implementation date, unless the Commission grants a waiver for additional time.

8. We adopt the attached rules as emergency rules in accordance with the provisions of § 24-4-103(6), C.R.S. We find that immediate adoption of the rules is imperative and necessary to provide a process for implementation of the 8-1-1 dialing code in Colorado. Further, compliance with the rulemaking requirements associated with permanent rules, as set forth in § 24-4-103, C.R.S., would be contrary to the public interest.

9. As grounds for these findings, we state: It is necessary to adopt these emergency rules to ensure that the 8-1-1 dialing code may be implemented in Colorado in a timely manner to provide its citizens with critical information regarding advanced excavation notification.

10. Failure to adopt these rules on an emergency basis would delay action on this matter for several months. These rules provide for easy, consistent access to critical information

to the citizens of Colorado performing excavation activities, via the 8-1-1 dialing code. Implementation of this shortcut dialing code would be unduly delayed without these rules.

11. Therefore, emergency adoption of the attached rules is appropriate. The statutory authority for adoption of these rules is set forth in §§ 40-2-108, 40-3-101, 40-4-101 and 24-4-103(6), C.R.S. The rules attached to this order shall be effective immediately upon the mailed date of this decision, and shall remain in effect until permanent rules become effective or for 210 days, whichever period is less.

## **II. ORDER**

### **A. The Commission Orders That:**

1. The rules appended to this decision as Attachment A are hereby adopted as emergency rules consistent with the above discussion.

2. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
November 9, 2005.**

(SEAL)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

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POLLY PAGE

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CARL MILLER

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Commissioners

## COLORADO DEPARTMENT OF REGULATORY AGENCIES

### Public Utilities Commission

#### 4 CODE OF COLORADO REGULATIONS (CCR) 723-24

#### RULES RELATING TO THE PROVISION OF N11 ABBREVIATED DIALING CODES

**Abbreviated Dialing Codes:** Abbreviated dialing codes enable callers to connect to a location in the phone 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, including toll-free numbers, 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 one. N11 codes "011" and "111" are unavailable because "0" and "1" are used for switching and routing purposes.

723-24-1. The following abbreviated dialing codes have been designated and assigned by the FCC and may only be used for the stated purpose in Colorado:

723-24-1.1 211 – Community Information and Referral Services

723-24-1.2 311 – Non-Emergency Governmental Services

723-24-1.3 511 - Traffic and Transportation Information

723-24-1.4 711 – Telecommunications Relay Service

[723-24-1.5](#) [811 – Advanced Notice of Excavation Activities](#)

723-24-1.[56](#) 911 – Emergency Service

723-24-1.[76](#) The following abbreviated dialing codes are commonly used for the stated purpose in Colorado, but may be used for other purposes:

723-24-1.[87](#) 411 – Directory Assistance and Directory Assistance Call Completion

723-24-1.[98](#) 611 – Repair Service

~~723-24-1.9~~ ~~811~~ ~~Business Office~~

723-24-2. A jurisdictional telecommunications service provider in the state of Colorado may assign or use N11 dialing codes only as directed by the Commission.

723-24-3. The following limitations apply to a telecommunications use of N11 dialing codes for internal business and testing purposes:

723-24-3.1 use may not interfere with the assignment of such numbers by the FCC and within the North American Numbering Plan (NANP); and

723-24-3.2 use of an N11 dialing code must be discontinued on 14-days notice if the number is reassigned on a statewide or nationwide basis.

## **RULES RELATING TO THE PROVISIONING OF THE ABBREVIATED DIALING CODE 211 FOR COMMUNITY INFORMATION AND REFERRAL SERVICES**

723-24-4. An entity submitting a Petition for use of the 211 abbreviated dialing code established by the Commission, shall be granted use of that dialing code if it is found to meet a public benefit standard outlined in this rule. Any petitioner that is granted the authority to offer 211 access to a referral service for non-commercial community resource information shall comply with this rule and any provisions set out in the Commission decision granting such authority.

723-24-4.1 Process for Assignment of 211 Abbreviated Dialing Code. The assignment of the 211 abbreviated dialing code will be considered by the Commission upon: 1) the Commission's own motion; or 2) the petition of an information and referral organization.

723-24-4.2 PETITION FOR CONSIDERATION OF THE ASSIGNMENT OF 211 An entity filing a petition to request consideration the assignment of the 211 abbreviated dialing code for access to community information and referral services, must present clear and convincing evidence that a public benefit exists. The Commission will evaluate the petition based upon this evidence.

723-24-4.2.1 Contents of Petition. The petition shall contain the following information and documentation:

723-24-4.2.1(a) Background of Petitioner, including composition of any governing board or agency;

723-24-4.2.1(b) Demonstration of public need;

723-24-4.2.1(c) Comprehensive list of participating agencies including proposed process to add to or delete from the list;

723-24-4.2.1(d) Historic volume of calls seeking community service information;

723-24-4.2.1(e) Affected geographic area including list of cities/towns and counties or central offices, if known, and any plans for expansion of that initial geographic area;

723-24-4.2.1(f) Staffing expectations, including hours and days of operation;

723-24-4.2.1(g) Proposed cost recovery solution, including funding mechanisms;

723-24-4.2.1(h) Letters of support from stakeholders (e.g., community members, government agencies, non-profit organizations);

723-24-4.2.1(i) Proposed plan for community notification and outreach; and

723-24-4.2.1(j) Other pertinent factors that the Commission deems relevant.

723-24-4.3 If two or more entities petition the Commission to provide community information and referral services using 211 in the same or overlapping geographic areas, the Commission shall use the criteria in 24-4.2 to establish one assignee.

723-24-4.4 When a petition is granted by the Commission under Rule 24-4.2, any telecommunications provider that provides service in the geographic area outlined in the Petition shall complete the following tasks:

723-24-4.4.1 If an affected jurisdictional telecommunications service provider(s) is using 211 for purposes other than access to community information and referral services, that provider shall discontinue use for that non-compliant purpose(s).

723-24-4.4.2 If the affected jurisdictional telecommunications service provider(s) plans to seek recovery of internal costs associated with 211 call completion, the affected provider(s) shall perform all analyses required to quantify the cost to its individual company for the necessary translations and/or facilities work.

723-24-4.4.3 The affected jurisdictional telecommunications service provider(s) shall estimate the time required to perform the necessary translation and/or facilities work to allow 211 call completion from its subscribers as requested in the Petition.

723-24-4.5 Within 30 days of the granting of a Petition, the affected jurisdictional telecommunications service provider(s) shall file with the Commission, the information requested in 24-4.4.2 and 24-4.4.3.

723-24-4.6 Upon a showing that the public will benefit from the assignment of 211 to a Petitioner and factoring in the jurisdictional telecommunications service provider(s) filed information, the Commission will set up a time line for assignment and use of the 211 abbreviated dialing code in the affected geographic area. All jurisdictional telecommunications service providers serving customers in the affected area will comply with this assignment date unless a waiver is sought and granted.



## **RULES RELATING TO THE PROVISION OF THE ABBREVIATED DIALING CODE 3-1-1 FOR NON-EMERGENCY POLICE AND OTHER GOVERNMENTAL SERVICE INFORMATION**

723-24-5. A governmental entity submitting a Petition for use of the 3-1-1 abbreviated dialing code established by the Commission, shall be granted use of that dialing code if it is found to meet the public benefit standards as delineated in this rule. Any government entity that is granted the authority to offer 3-1-1 access to non-emergency police and other governmental services information shall comply with this rule and any other provisions set out in the Commission's decision granting such authority.

723-24-5.1 Definitions. The following definitions apply to this rule:

723-24-5.1.1 "Affected area" means the geographic area within which a 3-1-1 abbreviated dialing code is sought to be used, will be used, or (after implementation) is used for the purpose of providing non-emergency police and other governmental service information to the public.

723-24-5.1.2 "Governmental entity" or "entity" when used in this section means a department or agency of the State of Colorado, any county, or any city, municipality or town as those terms are defined in Colorado Revised Statutes Section 31-1-101 as may be revised or amended from time to time; and any Ambulance District, Fire Protection District, Health Service District or Metropolitan District as those terms are defined in Colorado Revised Statutes Section 32-1-103 as may be revised or amended from time to time.

723-24-5.1.3 "Jurisdictional telecommunications service provider" or "provider" means a local exchange provider, as defined in § 40-15-101(18), C.R.S.

723-24-5.2 On and after the date established by the Commission for implementation within an affected area, an assigned 3-1-1 abbreviated dialing code shall be used within that affected area exclusively to deliver non-emergency police and other governmental service information to the public.

723-24-5.3 Process for Assignment of 3-1-1 Abbreviated Dialing Code. The Commission will consider assignment of the 3-1-1 abbreviated dialing code either upon the Commission's own motion or upon the filing of a petition by a governmental entity.

723-24-5.4 The Commission will assign a 3-1-1 abbreviated dialing code when, after taking into consideration the available information, the Commission finds that assignment of a 3-1-1 abbreviated dialing code in a specific affected area for the purpose of delivering non-emergency police and other governmental service information to the public is in the public interest. A governmental entity that is granted the authority to offer access to non-emergency police and other governmental service information using a 3-1-1 abbreviated dialing code shall comply with this Rule 24.5 and with the provisions contained in the Commission's decision granting authority.

723-24-5.5 Petition for Assignment of a 3-1-1 Abbreviated Dialing Code. A governmental entity filing a petition must present evidence that a public benefit exists. The Commission will evaluate the petition based upon the evidence presented.

723-24-5.6 Contents of the Petition. A petition shall contain the following information and, as necessary, supporting documentation:

723-24-5.6.1 Specific information regarding the entity including:

- (a) The name and address of the governmental entity filing the petition;
- (b) The name, address and telephone number of the person filing the petition on behalf of the governmental entity;
- (c) The name, address, telephone number, facsimile number, and e-mail address of the entity's representative to whom all inquiries concerning the petition should be addressed;
- (d) The name, address, and telephone number of the person to contact with respect to the implementation and/or provisioning of the 3-1-1 abbreviated dialing service, if different from the person identified in (c) in the event the Commission grants the petition;
- (e) Information about the governmental entity, including the composition of any governing board or agency.

723-24-5.6.2 A statement that the entity agrees to answer all questions propounded by the Commission or its Staff concerning the petition.

723-24-5.6.3 A detailed plan for the use of the 3-1-1 abbreviated dialing code, including:

- (a) A description of the services to be offered;
- (b) Proposed hours of operation;
- (c) Proposed staffing;
- (d) A description of the staff training;
- (e) A detailed plan for community outreach with examples of notices and releases;
- (f) The proposed method for routing the 3-1-1 calls to the call center.

723-24-5.6.4 A precise description of the affected area, including a map of the affected area.

723-24-5.6.5 Historic volume of calls seeking non-emergency police and other governmental services information.

723-24-5.6.6 Demonstration of public need, including letters of support.

723-24-5.6.7 Estimated cost of implementation and the on-going provisioning of the 3-1-1 abbreviated dialing code.

723-24-5.6.8 Identification of funding source(s) for implementation and maintenance of the service, should the Commission grant the petition.

723-24-5.6.9 Acknowledgement that by signing the petition the entity understands that:

723-24-5.6.9.1 The filing of the petition does not, by itself, constitute approval of the petition.

723-24-5.6.9.2 If the petition is granted, the entity shall not commence the requested action until the entity has complied with applicable Commission rules and with any conditions established by the Commission order granting the petition.

723-24-5.7 In the event two or more requests for 3-1-1 are made to the Commission that cover the same geographic area or overlap the same geographic area, the governmental entities making the conflicting requests shall attempt to negotiate a settlement as to which entity shall provide the service in conflict. In the event the entities are not able to resolve a conflicting request for 3-1-1 service, the Commission shall have the final authority to determine which entity shall provide 3-1-1 service, taking into account the nature of the services to be provided, the number of residents the entity serves and the potential frequency of access to entities wishing to implement the 3-1-1 service.

723-24-5.8 The Commission shall mail its order granting the petition to all jurisdictional providers that offer service in the affected area.

723-24-5.9 When it receives notice of a Commission order assigning the 3-1-1 abbreviated dialing code for providing non-emergency police and other governmental service information to the public, a jurisdictional telecommunications provider that provides telecommunications services in the affected area shall:

723-24-5.9.1 If the jurisdictional telecommunications service provider is using a 3-1-1 abbreviated dialing code for purposes other than providing the public with access to non-emergency police and other governmental service information, that provider shall discontinue use for that non-compliant purpose within 30 days or such other time as the Commission shall order.

723-24-5.9.2 If the jurisdictional telecommunications service provider plans to seek recovery of its costs associated with implementation using the 3-1-1 abbreviated dialing code associated with non-emergency police and other governmental service information, the provider shall perform all analyses required to quantify its

costs for the necessary translations and/or facilities work associated with implementation of the 3-1-1 abbreviated dialing code. If a provider does not intend to recover its implementation costs, no analysis is required.

723-24-5.9.3 The jurisdictional telecommunications service provider shall estimate the time required to perform the necessary translation and/or facilities work to allow 3-1-1 call completion for its subscribers as requested in the Petition, keeping in mind that the Federal Communications Commission has determined that a request for 3-1-1 service shall initiate a 6 month deadline to take any necessary steps to complete 3-1-1 calls.

723-24-5.9.4 No fewer than 30 days prior to the Commission-ordered implementation date, each jurisdictional telecommunications service provider that offers service within the affected geographic area shall file, on not less than 30 days' notice, an advice letter and accompanying tariff that describes the availability of the 3-1-1 abbreviated dialing code; that contains the terms and conditions of the 3-1-1 abbreviated dialing code service; and, if the provider desires to recover its costs, the rates for the 3-1-1 abbreviated dialing code service.

723-24-5.9.5 All jurisdictional telecommunications service providers serving customers in the affected area shall comply with the Commission-established schedule unless a waiver is sought and granted.

723-24-5.10 Upon a showing that it is in the public interest to assign the 3-1-1 abbreviated dialing code for providing non-emergency police and other governmental service information to the public, and considering the jurisdictional providers' filed information pursuant to Rule 24-5.9, the Commission will establish a schedule for assignment and implementation of the 3-1-1 abbreviated dialing code in the affected area.

723-24-5.11 Discontinuance of offering of 3-1-1 access.

723-24-5.11.1 Any governmental entity that has been granted the authority to offer 3-1-1 access and wishes to discontinue providing the 3-1-1 service shall file a notification with the Commission not fewer than 45 days prior to the effective date of the proposed discontinuance. The Commission may give notice of the notification if it determines notice would be in the public interest.

723-24-5.11.2 Contents of the notification. The notification shall contain the following information:

- (a) The entity's name, complete mailed address (street, city and zip code), telephone number, and e-mail address;
- (b) Name, mailing address, telephone number and e-mail address of the person to contact for questions regarding the discontinuance;
- (c) The proposed effective date, which shall not be sooner than 45 days after the date on which the notification is filed with the Commission;

- (d) The reason(s) for the discontinuance;
- (e) A detailed description of the affected area, including a map of the affected area;
- (f) A copy of the notice to the affected users of the discontinuance of 3-1-1 service and a list of all the newspapers of general circulation in which the notice of discontinuance will be published;
- (g) A detailed description of the other means to be utilized to inform and educate the affected users of the discontinuance of 3-1-1 service;  
Acknowledgment that by signing the notification, it is understood and agreed that:
  - i. Filing of the notification does not, by itself, constitute authority to discontinue the offering of the service, and
  - ii. If the discontinuance is granted, it is conditional upon fulfillment of any conditions established by Commission Order.
- (h) An affidavit signed by a person who is authorized to act on behalf of the provider, stating that the contents of the notification are true, accurate and correct.

## **RULES RELATING TO THE PROVISIONING OF THE ABBREVIATED DIALING CODE 5-1-1 FOR TRAFFIC AND TRANSPORTATION INFORMATION**

723-24-6. A government entity submitting a Petition for use of the 5-1-1 abbreviated dialing code established by the Commission, shall be granted use of that dialing code if it is found to meet a public benefit standard outlined in this rule. Any petitioner that is granted the authority to offer 5-1-1 access to intelligent transportation systems or other transportation information shall comply with this rule and any provisions set out in the Commission's decision granting such authority.

723-24-6.1 Process for Assignment of 5-1-1 Abbreviated Dialing Code. The assignment of the 5-1-1 abbreviated dialing code will be considered by the Commission upon: 1) the Commission's own motion; or 2) the Petition of a government entity.

723-24-6.2 Petition for Consideration of the Assignment of 5-1-1. A government entity filing a Petition to request consideration of the assignment of the 5-1-1 abbreviated dialing code for intelligent transportation systems or other transportation information must present clear and convincing evidence that a public benefit exists. The Commission will evaluate the Petition based upon this evidence.

723-24-6.2.1 Contents of the Petition. The Petition shall contain the following information and documentation:

723-24-6.2.1(a) Background of the Petitioner, including composition of any governing board or agency;

723-24-6.2.1(b) Demonstration of public need;

723-24-6.2.1(c) Historic volume of calls seeking transportation information;

723-24-6.2.1(d) Proposed affected geographic area, including a list of cities/towns and counties or central offices, if known, and any plans for expansion of that initial geographic area;

723-24-6.2.1(e) Proposed cost recovery solution, including funding mechanisms;

723-24-6.2.1(f) Letters of support from stakeholders;

723-24-6.2.1(g) Proposed plan for community outreach and notification; and

723-24-6.2.1(h) Other pertinent factors that the Commission deems relevant.

723-24-6.3 If two or more entities petition the Commission to provide access to intelligent transportation systems or other transportation information using 5-1-1 in the same or overlapping geographic areas, the Commission shall apply the criteria in rule 24-6.2 to establish one assignee.

723-24-6.4 When a Petition is granted by the Commission under rule 24-6.2, any jurisdictional telecommunications provider that provides service in the geographic area outlined in the Petition shall complete the following tasks:

723-24-6.4.1 If an affected jurisdictional telecommunications service provider is using 5-1-1 for purposes other than access to intelligent transportation systems or other transportation information, that provider shall discontinue use for that non-compliant purpose.

723-24-6.4.2 If the affected jurisdictional telecommunications service provider plans to seek recovery of internal costs associated with 5-1-1 call completion, the affected provider shall perform all analyses required to quantify its cost for the necessary translations and/or facilities work.

723-24-6.4.3 The affected jurisdictional telecommunications service provider shall estimate the time required to perform the necessary translation and/or facilities work to allow 5-1-1 call completion from its subscribers as requested in the Petition.

723-24-6.5 Within 30 days of the granting of a Petition, the affected jurisdictional telecommunications service providers shall file with the Commission the information requested in rules 24-6.4.2 and 24-6.4.3.

723-24-6.6 Upon a showing that the public will benefit from the assignment of 5-1-1 to a petitioner and factoring in the jurisdictional telecommunications service providers' filed information the Commission will set a timeline for assignment and implementation of the 5-1-1 abbreviated dialing code in the affected geographic area. All jurisdictional telecommunications service providers serving customers in the affected area will comply with this assignment date unless a waiver is sought and granted.

## **RULES RELATING TO THE PROVISIONING OF THE ABBREVIATED DIALING CODE 711 FOR TELECOMMUNICATIONS RELAY SERVICE**

723-24-7. See Rules Prescribing the Implementation of Article 17 of Title 40, C.R.S. Telecommunications Relay Services for Disabled Telephone Users, 4 CCR 723-28.

## **RULES RELATING TO THE PROVISIONING OF THE ABBREVIATED DIALING CODE 8-1-1 FOR PROVIDING ADVANCED NOTICE OF EXCAVATION ACTIVITIES TO UNDERGROUND FACILITY OPERATORS**

723-24-8 An entity submitting a Petition for use of the 8-1-1 abbreviated dialing code established by the Commission, shall be granted use of that dialing code if it is found to meet a public benefit standard outlined in this rule. Any petitioner that is granted the authority to offer 8-1-1 access to provide a means for excavators and the general public to notify facility operators in advance of their intent to engage in excavation activities shall comply with this rule and any provisions set out in the Commission's decision granting such authority.

723-24-8.1 Process for Assignment of 8-1-1 Abbreviated Dialing Code. The assignment of the 8-1-1 abbreviated dialing code will be considered by the Commission upon: 1) the Commission's own motion; or 2) the Petition of an entity.

723-24-8.2 Petition for Consideration of the Assignment of 8-1-1. An entity filing a Petition to request consideration of the assignment of the 8-1-1 abbreviated dialing code to provide a means for excavators and the general public to notify facility operators in advance of their intent to engage in excavation activities must present clear and convincing evidence that a public benefit exists. The Commission will evaluate the Petition based upon this evidence.

723-24-8.2.1 Contents of the Petition. The Petition shall contain the following information and documentation:

723-24-8.2.1(a) Background of the Petitioner, including composition of any governing board or agency;

723-24-8.2.1(b) Demonstration of public need;

723-24-8.2.1(c) Historic volume of calls seeking notification to facility operators in advance of their intent to engage in excavation activities;

723-24-8.2.1(d) Proposed affected geographic area;

723-24-8.2.1(e) Proposed cost recovery solution, including funding mechanisms;

723-24-8.2.1(f) Proposed plan for community outreach and notification; and

723-24-8.2.1(g) Other pertinent factors that the Commission deems relevant.

723-24-8.3 If two or more entities petition the Commission to provide a means for excavators and the general public to notify facility operators in advance of their intent to engage in excavation activities using 8-1-1 in the same or overlapping geographic areas, the Commission shall use the criteria in rule 24.8.2 to establish one assignee.

723-24-8.4 When a Petition is granted by the Commission under rule 24.8.2, any telecommunications provider that provides service in the geographic area outlined in the Petition, shall complete the following tasks:

723-24-8.4.1 If an affected telecommunications service provider is using 8-1-1 for purposes other than access to notification to facility operators in advance of their intent to engage in excavation activities, that provider shall discontinue use for that non-compliant purpose.

723-24-8.4.2 If the affected telecommunications service provider plans to seek recovery of internal costs associated with 8-1-1 call completion, the affected provider shall perform all analyses required to quantify the cost to its individual company for the necessary translations and/or facilities work.

723-24-8.4.3 The affected telecommunications service provider shall estimate the time required to perform the necessary translation and/or facilities work to allow 8-1-1 call completion from its subscribers as requested in the Petition.

723-24-8.5 Within 30 days of the granting of a Petition, the affected telecommunications service providers shall file with the Commission, the information requested in rules 24-8.4.2 and 24-8.4.3.

723-24-8.6 All telecommunications service providers serving customers in the affected area will complete the requirements of 723-24-8.4.1 through 8.4.3 to allow for 8-1-1 call completion no later than April 13, 2007, unless a waiver is sought and granted.

## **RULES RELATING TO THE PROVISIONING OF THE ABBREVIATED DIALING CODE 911 FOR EMERGENCY SERVICES**

723-24-89. See Rules Prescribing the Provision of Emergency 911 Services for Emergency Telecommunications Service Providers, and Basic Local Exchange Carriers, 4 CCR 723-29.

723-24-910. Neither an entity granted the use of a N11 abbreviated dialing code nor a jurisdictional telecommunications service provider may charge end users a fee on a per-call or per-use basis for using the N11 system without the consent of the Commission.

723-24-101. Sale or transfer of N11 codes through private transactions is not allowed.

723-24-142. Procedure for Waiver of Rule 723-24. Jurisdictional telecommunications service providers may seek permission to waive all or part of this Rule 24. Blanket waivers will not be granted. A waiver may be granted on the implementation date only if the provider has demonstrated a good faith effort to meet the set date and the Commission finds good cause exists to grant the waiver.