

Decision No. C02-103

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02R-051T

IN THE MATTER OF PROPOSED RULES REGARDING N11 ABBREVIATED
DIALING CODES.

NOTICE OF PROPOSED RULEMAKING

Mailed Date: January 31, 2002

Adopted Date: January 30, 2002

I. BY THE COMMISSION

A. Statement

1. The Colorado Public Utilities Commission gives notice of proposed rulemaking regarding N11 Abbreviated Dialing Codes. A copy of the proposed rules is attached to this notice of proposed rulemaking.

2. The purpose of the new rule is to clarify for jurisdictional telecommunications services providers in the state of Colorado, in light of the FCC's recent assignment of 211, 311 and 511, the limitation on the use of N11 codes by individual companies for purposes that are not consistent with the FCC's assignments.

3. Further, this new rule describes the petition and implementation processes for the use of the newly assigned 211 abbreviated dialing code for use with community information

and referral services and reserves for future use, rule sections for the petition and implementation processes for 311 and 511. The abbreviated code 311 has been assigned by the FCC to non-emergency governmental services and the code 511 has been assigned for traffic and transportation information.

4. The history of N11 code assignments indicates that the FCC intended that state commissions were to administer the implementation of N11 code assignments so long as they did not conflict with national assignments. 47 U.S.C. § 251(e)(1) provides that the FCC may delegate all or part of its numbering administration authority to state commissions or other entities. Prior to the Telecommunications Act of 1996, the FCC, Bellcore and state commissions handled N11 code assignments; however, local exchange carriers administered N11 codes for local use throughout the U.S. In February 1997, the FCC released its *N11 First Report and Order*¹ and recognized that state commissions had directed LECs to assign and administer certain N11 codes. The FCC affirmed that states would be allowed to continue to perform these number administration functions until the functions had been formally transferred to the North American Numbering Plan Administrator ("NANPA").

¹ In *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 (1997)

5. However, in July 2000, the FCC released its *N11 Third Report and Order*, which declined to transfer N11 code assignments to the NANPA. Instead, the FCC stated that it would continue to designate and assign N11 codes. The FCC explained that assignment or designation of an N11 code provides an announcement to the industry for a defined purpose and alerts current users of the N11 code that nonconforming uses must cease as part of the implementation process. The FCC authorized state commissions to continue to make local assignments of N11 codes that do not conflict with FCC national N11 code assignments. In its *Third Report and Order and Order on Reconsideration*² the FCC stated, "State public utilities commissions may continue to exercise jurisdiction over N11 codes to the extent necessary to ensure that carriers comply with transportation agencies' requests to deploy 511 expeditiously." Consistent with FCC orders, the PUC has authority to administer the implementation of N11 dialing codes in Colorado.

6. Specific to the 211 abbreviated dialing code, there is a compelling need for the PUC to exercise its

² In *The Petition by the United States Department of Transportation for Assignment of an Abbreviated Dialing Code (N11) to Access Intelligent Transportation System (ITS) Services Nationwide and Request by the Alliance of Information and Referral Systems, United Way of America, United Way 211 (Atlanta, Georgia), United Way of Connecticut, Florida Alliance of Information and Referral Services, Inc. and Texas I&R Network for Assignment of 211 Dialing Code and The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, NSD-L-99-24, NSD-L-98-80 and CC Docket No. 92-105, *Third Report and Order and Order on Reconsideration*, FCC 00-256 (2000).

jurisdiction and address the 211 implementation issues in Colorado. Implementation of 211 dialing will require the coordination of disparate interests, some of which may be competing. The PUC is the state agency with the authority and expertise to accomplish this task consistent with the public interest. Based on the FCC's past actions on numbering issues and the history of 211 itself, state commissions like the PUC are the logical and appropriate bodies to oversee local implementation of 211. In its *Third Report and Order and Order on Reconsideration*, the FCC explained that information and referral providers "must work with carriers and appropriate state and local governments to implement 211." Several state public utilities commissions across the United States, including Georgia, Connecticut, North Carolina, Ohio, California, Utah, Texas and others already have asserted their jurisdiction over 211 implementation.

7. It is also clear that the PUC is best equipped to protect the public interest associated with the assignment of the 211 numbering resource to non-regulated entities. The PUC is also familiar with numbering matters and has the technical expertise to resolve issues surrounding activating an N11 code across Colorado. The PUC is also positioned to resolve implementation issues such as the process and timeline for 211 implementation and any non-compliant use of the code. Further,

given the social utility associated with 211 dialing, it is preferable for the PUC to require a uniform tariff for this service.

8. The Commission requests comment on the proposed rules attached to this Notice of Proposed Rulemaking.

9. A hearing commissioner has been assigned the task of hearing deliberations and ruling on the items at issue. Interested persons may submit written comments on the rules. In the event interested persons wish to file comments before the deliberations, the hearing commissioner requests that such comments be filed on or before February 22, 2002. The hearing commissioner will consider all submissions.

II. ORDER

A. The Commission Orders That:

1. This Notice of Proposed Rulemaking shall be filed with the Colorado Secretary of State for publication in the February 10, 2002 edition of The Colorado Register.

2. Deliberations on the proposed rules and related matters shall be held as follows:

TIME: March 4, 2002
DATE: 9:00 a.m.
PLACE: Commission Hearing Room A
Office Level 2 (OL2)
Logan Tower
1580 Logan Street
Denver, Colorado

3. Interested persons may file written comments in this matter before deliberations. The Commission requests that such prefiled comments be submitted on or before February X, 2002. All submissions will be considered by the hearing commissioner.

4. This order is effective immediately upon its mailed date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 30, 2002.**

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



RAYMOND L. GIFFORD

POLLY PAGE

ATTEST: A TRUE COPY

Bruce N. Smith
Director

JIM DYER

Commissioners

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

**COMMISSION RULES RELATING TO THE PROVISION OF
N11 ABBREVIATED DIALING CODES**

4 CODE OF COLORADO REGULATIONS (CCR) 723-24

RULE (4 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 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 may be used in Colorado:

- 723-24.1.1 211 - Community Information and Referral Services
- 723-24.1.2 311 - Non-Emergency Governmental Services
- 723-24.1.3 411 - Directory Assistance and Directory Assistance Call Completion
- 723-24.1.4 511 - Traffic and Transportation Information
- 723-24.1.5 611 - Repair Service
- 723-24.1.6 711 - Telecommunications Relay Service
- 723-24.1.7 811 - Business Office
- 723-24.1.8 911 - Emergency Service

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 the North American Numbering Plan (NANP); and
- 723-24.3.2 use of an N11 dialing code must be discontinued on short 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 an 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 of 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 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 PROVISIONS OF THE ABBREVIATED DIALING CODE 311 FOR NON-EMERGENCY GOVERNMENTAL SERVICE

723-24.5 Reserved for Future Use.

RULES RELATING TO THE PROVISIONING OF THE ABBREVIATED DIALING CODE 511 FOR TRAFFIC AND TRANSPORTATION INFORMATION

723-24.6 Reserved for Future Use.

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 911 FOR EMERGENCY SERVICES

723-24.8 See Rules Prescribing the Provision of Emergency 911 Services for Emergency Telecommunications Service Providers, and Basic Local Exchange Carriers, 4 CCR 723-29.

723-24.9 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.

723-24.10 Sale or transfer of N11 codes through private transactions is not allowed.

723-24.11 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.

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