

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of 211
access to comprehensive
information and referral
services from pay telephones.

DOCKET NO. 021068-TC
ORDER NO. PSC-02-1640-PAA-TC
ISSUED: November 25, 2002

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

NOTICE OF PROPOSED AGENCY ACTION
ORDER REQUIRING IMPLEMENTATION OF 211 ACCESS TO COMPREHENSIVE
INFORMATION AND REFERRAL SERVICES FROM PAY TELEPHONES

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

CASE BACKGROUND

On February 18, 1997, the Federal Communications Commission (FCC) adopted Order No. FCC 97-51 in CC Docket No. 92-105, In the Matter of The Use of N11 Codes and Other Abbreviated Dialing Arrangements. In this Order, the FCC set aside 311 for non-emergency access to police and other government services.

On July 21, 2000, the FCC adopted Order No. FCC 00-257 in the same docket. This Order set aside the 711 dialing code for telephone relay services used to communicate with the hearing and speech impaired. By Order No. PSC-01-0455-PAA-TP, issued February

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26, 2001, we required all certified telecommunications companies "provide 711 access to telecommunications relay services by August 1, 2001" (Order at p. 3).

On July 21, 2000, the FCC also adopted Order No. FCC 00-256, in CC Docket No. 92-105, which set aside the 211 dialing arrangement for comprehensive information and referral services, and 511 for access to transportation information.

Soon after FCC Order No. 00-256 was issued, the Florida Alliance for Information and Referral Services made an inquiry to the Commission regarding receiving statewide access to the 211 dialing arrangement. At Internal Affairs on September 25, 2000, we determined that we did not have jurisdiction over the assignment of the 211 number to a specific entity and requested those interested in a 211 number to contact their local exchange carrier.

During the 2002 Legislative Session, SB 1256 was passed, creating Section 408.918, Florida Statutes. This statute provides for a comprehensive health and human services access system. As part of the health and human services access system, this bill also gives the Agency for Health Care Administration (AHCA) the ability to certify various agencies as providers of 211 services in the Florida 211 Network. This statute also requires AHCA to consult with the Commission regarding the removal of non-certified users of the 211 number.¹ The statute also states that "[the] agency [AHCA] shall seek the assistance and guidance of the Public Service Commission and the Federal Communications Commission in resolving any disputes arising over jurisdiction related to 211 numbers."²

Based on Section 408.918, Florida Statutes, AHCA is currently developing rules for the certification of 211 providers. In working with AHCA, our staff has been made aware of the difficulty citizens have had reaching existing 211 providers using pay telephones. Some of this difficulty stems from the fact that many pay telephone providers use 211 for customer refund requests and repair requests.

¹Section 408.918 (2) (a), Florida Statutes

²Section 408.918 (2) (b), Florida Statutes

On September 20, 2002, our staff held a workshop to gain input from pay telephone providers regarding their ability to program their phones to provide 211 and other N11 services. The workshop was attended by representatives from the pay telephone industry and the Information and Referral Community. Our staff requested that parties file post-workshop comments by October 4, 2002. Verizon was the only party that filed post-workshop comments.

DISCUSSION

Section 408.918(1)(e), Florida Statutes, states:

(1) The Legislature authorizes the planning, development, and, subject to appropriations, the implementation of a statewide Florida 211 Network, which shall serve as the single point of coordination for information and referral for health and human services. The objectives for establishing the Florida 211 Network shall be to:

e) Promote the use of a common dialing access code and the visibility and public awareness of the availability of information and referral services.

To meet this objective in Florida, it is necessary that the 211 dialing code function uniformly throughout the state, including pay telephones. The Florida pay telephone providers, however, commonly use the 211 dialing code from their pay telephones as a refund or repair number.

During the 211 workshop, our staff queried the industry representatives concerning the technical and financial aspects of implementing the necessary changes to meet the Florida 211 Network objectives. Industry representatives stated that, for most pay telephones, the software can be reprogrammed remotely and downloaded to the pay telephones via modem. Also, the updated placards could be changed during routine coin collections. Thus, the industry representatives believe that there would be minimal costs involved in implementing the 211 dialing code for information and referral services.

Our staff then proposed that the pay telephone providers be given six months after the Consummating Order is issued to fully implement the 211 dialing code. Given the low level of technical difficulty and minimal cost impact to the providers, we find that this time frame is fair and reasonable. There were no objections raised to the six month time frame.

Further, the FCC has directed that pay telephone providers be compensated for every call made from their pay telephones, with the exception of 911 calls. Therefore, pay telephone providers can charge for 211 access. During the workshop, participants indicated that access to 211 would most likely be charged at the same level as a local telephone call.

Therefore, we find that all pay telephone providers in Florida shall implement 211 access to comprehensive information and referral services from their respective Florida pay telephones. If no protest to the Proposed Agency Action Order is filed within 21 days of the issuance of the Order, each pay telephone provider shall allow 211 to be forwarded as dialed to the local exchange company to provide 211 access to comprehensive information and referral services and should update its signage to reflect this change within six months of the date of issuance of the Consummating Order. Pursuant to Rule 25-24.515(21), Florida Administrative Code, this Order does not require Florida pay telephone providers to implement 211 access from payphones provided in confinement facilities.

We are vested with jurisdiction over this matter pursuant to Sections 364.01 and 364.3375, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that all pay telephone providers in Florida shall implement 211 access to comprehensive information and referral services from their respective Florida pay telephone and shall update its signage to reflect this change within six months of issuance of the Consummating Order.

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance

ORDER NO. PSC-02-1640-PAA-TC
DOCKET NO. 021068-TC
PAGE 5

of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 25th day of November, 2002.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

ORDER NO. PSC-02-1640-PAA-TC
DOCKET NO. 021068-TC
PAGE 6

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on December 16, 2002.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.