

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by BellSouth
Telecommunications, Inc. for
approval of tariff filing to
establish 311 NXX code for non-
emergency municipal use.

DOCKET NO. 031097-TL
ORDER NO. PSC-04-0041-TRF-TL
ISSUED: January 14, 2004

The following Commissioners participated in the disposition of
this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
LILA A. JABER
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

ORDER ON 3-1-1 TARIFF FILING

I. Background

On July 23, 1996, the President of the United States called on
the Attorney General to work with the Federal Communications
Commission (FCC), law enforcement leaders, and the
telecommunications industry to develop a national community
policing number for non-emergency calls that "will be as easy to
use and remember as 911."

By letter dated August 26, 1996, the U.S. Department of
Justice, after discussions with the industry, requested the FCC
assign the 311 service code for non-emergency police telephone
calls, and at the discretion of the jurisdiction, other government
service calls in addition to police calls.

By Order FCC 97-51, released February 19, 1997, the FCC set
aside the 311 NXX code to enable the public to gain access to non-
emergency police and other government services. Order at ¶ 35.

The 311 NXX code is one of eight service, or N11 codes, used
to provide three-digit dialing access for special services. In the
United States, the Federal Communications Commission administers

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N11 codes, and recognizes only 211, 311, 511, and 711 as nationally assigned. N11 codes with traditional uses are as follows:

N11 Code	Special Use
211	Community information and referral service
311	Non-emergency police and other governmental services
411	Local directory assistance
511	Travel information services
611	Repair service
711	Telecommunications Relay Service (TRS)
811 ¹	Business office
911	Emergency

On November 24, 2003, we received a letter from the 3-1-1 Coalition which includes Orange, Broward, Pinellas, Alachua, and Metro Dade counties. The coalition was formed to share information regarding the implementation of the 311 non-emergency government access number. In the letter, the coalition requests that we develop rules and procedures for the use of 311 in Florida. It also requests that "the number 311 not be a tariffed number," and suggests that 311 should be "handled like 211."

On December 8, 2003, BellSouth Telecommunications Company, Inc. (BellSouth) made a Tariff Filing for a proposed tariff to establish the 311 central office (NXX) code for non-emergency municipal use. The proposed effective date of the tariff is January 7, 2004.

BellSouth's proposed tariff would transfer initial assignment responsibility for the 311 NXX Code from BellSouth to this Commission. Herein, we address the tariff and the related requests by the 3-1-1 Coalition.

¹ On August 28, 2003, the United States Department of Transportation, by direction of Congress through the Pipeline Safety Improvement Act of 2002, filed a petition with the FCC to assign a three digit code for pipeline emergencies. On November 5, 2003, a working group of the North American Numbering Council, which is a federal advisory committee established to advise the FCC on policy matters relating to the administration of the North American Number Plan in the United States, recommended the use of the 811 NXX code for pipeline emergencies.

II. Discussion

As mentioned in the case background, by Order FCC 97-51, the FCC set aside the 311 NXX code for non-emergency police and other government services. The FCC leaves it up to local jurisdictions to determine whether 311 should be used strictly for non-emergency police services or other government services.

BellSouth's proposed tariff would transfer initial assignment responsibility for the 311 NXX Code from BellSouth to us. Part A and B of BellSouth's proposed A13.82.2 tariff states:

A. All requests for 311 must be submitted in writing to the Public Service Commission. The Commission will allocate the 311 code in the specified central office based upon requirements and/or standards established by the FCC.

B. Within 30 days of the number assignment by the Public Service Commission, the 311 subscriber must initiate the request for service. The Company will provision the subscriber's order within a reasonable time, given the complexity of the order. The 311 subscriber will be billed the nonrecurring charge when the service is provisioned by the Company. If during this period, the 311 subscriber has failed to establish service or decides to discontinue service establishment, the 311 number will be recalled and the number will be considered available for reassignment as specified in A. preceding. If the network has been provisioned for the subscriber, the nonrecurring charge will not be refunded or waived.

Previously, BellSouth has made assignments of 311 in accordance with Florida tariff A139.1 entitled "Three Digit Dialing Service (N11)." However, that tariff became obsolete as of February 25, 2002. That tariff stated that all requests for N11 service must be submitted in writing to an independent firm designated by BellSouth for assignment of N11 numbers. The independent firm would allocate N11 Service numbers in the specified Basic Local Calling Areas pursuant to non-discriminatory procedures approved by BellSouth.

Historically, we have not assumed a role in the assignment of N11 codes. Specifically, when addressing the 211 special access code at the September 25, 2000 Internal Affairs, we determined that we did not have jurisdiction over the assignment of the 211 number to a specific entity and requested that those interested in a 211 number contact their local exchange carrier².

While we have acknowledged we are without authority to allocate N11 codes, we have asserted jurisdiction with regard to compliance, service, and access issues related to N11 codes. For instance, by Order No. PSC-02-1640-PAA-TC, issued November 25, 2002, in Docket No. 021068-TC, In Re: Implementation of 211 access to comprehensive information and referral services from pay telephones, we ordered all pay telephone providers in Florida to implement 211 access to comprehensive information and referral services from their respective Florida pay telephones, because many pay telephone providers were using 211 for customer refund requests and repair requests.

In the FCC's Third Report and Order on Reconsideration on "The Use of N11 Codes and Other Abbreviated Dialing Arrangements", the FCC concluded that it should continue to designate and assign N11 codes on a national basis, and found it unnecessary to transfer N11 administration functions from the incumbent LECs to the North American Numbering Plan administrator (NANPA) or any other entity. FCC 00-256, ¶ 43.

In that same Order, the FCC, when discussing the role of state commissions, stated:

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.

Id. In Order FCC 97-51, the FCC did address the role of state commissions concerning the 311 code. In paragraph 37, the FCC

² Page two of Order No. PSC-02-1640-PAA-TC, issued November 25, 2002, Docket No. 021068-TC

found that in the case of any conflicting requests for the 311 code between local jurisdictions:

...that state public utilities commissions, in conjunction with state and local governments, can address any conflicting requests for use of 311 (for example situations in which city and county law enforcement agencies both request 311 implementation in the same geographic area) better than us.

The Order did not authorize state commissions to assume initial assignment responsibilities for 311 as proposed in BellSouth's tariff. It simply addressed cases where there may be an assignment conflict, and stated that state commissions can (but are not required to) address conflicting requests for the 311.

We are of the opinion that we have some limited authority over compliance, service, and access issues related to N11 codes pursuant to Section 364.01(4), Florida Statutes. This is in accord with FCC Orders indicating that this is also the FCC's view of State Commission jurisdiction in this area. For instance, in Order FCC 00-256, the FCC, when addressing the deployment of the 511 code, stated that: "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." Order at ¶ 15. Thus, pursuant to the FCC Orders, and Section 364.01, Florida Statutes, we feel we can exercise authority to oversee administration of the 311 code to insure the assignments are in accordance with FCC rules and guidelines.

At our January 6, 2004, Agenda Conference, BellSouth agreed to amend its tariff filing to delete the language transferring 3-1-1 assignment responsibility to us. This deletion addresses our concerns. Therefore, consistent with our past decisions regarding our authority over N11 codes, we find that BellSouth's tariff addressing the 311 NXX number, as amended, shall be allowed to go into effect as scheduled on January 7, 2004.

We note that the 3-1-1 Coalition may ask BellSouth to make modifications, or enhancements, to the basic 311 tariff provisions. BellSouth has indicated a willingness to negotiate regarding

ORDER NO. PSC-04-0041-TRF-TL
DOCKET NO. 031097-TL
PAGE 6

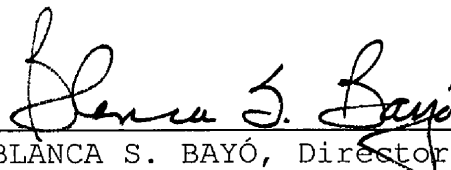
requested changes, but has pointed out that some changes may present issues of cost or technical feasibility. We encourage the parties to resolve their concerns informally, but we remain available, in a proper case, to address any disputes that may arise.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that BellSouth Telecommunications, Inc.'s A13.82.2 tariff, as amended, shall be allowed to go into effect, as scheduled on January 7, 2004. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 14th Day of January, 2004.



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

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ORDER NO. PSC-04-0041-TRF-TL
DOCKET NO. 031097-TL
PAGE 7

NOTICE OF FURTHER PROCEEDINGS

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, 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 or judicial review will be granted or result in the relief sought.

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 Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the proposed action files 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 February 4, 2004.

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 docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.