

State of Florida



**Public Service Commission** FPSC  
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TALLAHASSEE, FLORIDA 32399-0850 DEC 23 AM 10:29

**-M-E-M-O-R-A-N-D-U-M-** COMMISSION  
CLERK

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**DATE:** DECEMBER 23, 2003

**TO:** DIRECTOR, DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES (BAYÓ)

**FROM:** OFFICE OF THE GENERAL COUNSEL (DODSON) *pk for*  
DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (CASEY) *CRP/CSB*

**RE:** DOCKET NO. 031097-TP - BELL SOUTH PROPOSED TARIFF FILING TO  
ESTABLISH THE 311 NXX CODE FOR NON-EMERGENCY MUNICIPAL USE *DAB*

**AGENDA:** 01/06/04 - TARIFF FILING - INTERESTED PERSONS MAY  
PARTICIPATE

**CRITICAL DATES:** JANUARY 7, 2004 PROPOSED EFFECTIVE DATE OF TARIFF

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\GCL\WP\031097.RCM

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**CASE 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. (¶ 35)

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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 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 <sup>1</sup>	Business office
911	Emergency

<sup>1</sup> 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.

On November 24, 2003, the Florida Public Service Commission (FPSC or Commission) 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 the PSC 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 with the Commission 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.

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BellSouth's proposed tariff would transfer initial assignment responsibility for the 311 NXX Code from BellSouth to the PSC. This recommendation addresses BellSouth's proposed tariff.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should BellSouth's tariff, which includes language providing that the Florida Public Service Commission will allocate the 311 NXX number, be allowed to go into effect?

**RECOMMENDATION:** No, BellSouth's tariff, which includes language providing that the Florida Public Service Commission will allocate the 311 NXX number, should not be allowed to go into effect.  
**(DODSON, CASEY)**

**STAFF ANALYSIS:** 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 the PSC. 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, this Commission has 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, the Commission determined that it 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 carrier<sup>1</sup>.

While the Commission has acknowledged it is without authority to allocate N11 codes, it has asserted jurisdiction with regard to compliance, service, and access issues related to N11 codes. For instance, by Commission Order No. PSC-02-1640-PAA-TC, issued November 25, 2002, Docket No. 021068-TC, In Re: Implementation of 211 access to comprehensive information and referral services from pay telephones, the Commission 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

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<sup>1</sup> Page two of Order No. PSC-02-1640-PAA-TC, issued November 25, 2002, Docket No. 021068-TC

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. (§ 43)

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

Staff believes that the Commission has 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." (§ 15) Thus, pursuant to the FCC Orders, and Section 364.01, Florida Statutes, staff believes the PSC could exercise authority to oversee administration of the 311 code to insure the assignments are in accordance with FCC rules and guidelines. However, consistent with past Commission decisions regarding its authority over N11 codes, staff recommends that BellSouth's tariff addressing the 311 NXX number be rejected because it proposes to have the Commission act to assign the 311 number.

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**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes. If the Commission approves the recommendation in Issue 1, and if no timely protest is filed within 21 days from the issuance of the Order, this docket should be closed. **(DODSON)**

**STAFF ANALYSIS:** If the Commission approves the recommendation in Issue 1, and if no timely protest is filed, this docket should be closed.