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Sent: Wednesday, October 12, 2005 4:25 PM
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Subject: Docket No. 050421 -TL; Workshop Response Letter
Attachments: PSC Letter.doc

To Whom It May Concern:

Attached is a letter submitted by this electronic filing for inclusion in Docket No. 050421-TL.

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Docket Number 050421-TL

Name of Party on Whose Behalf the Petition is Filed

Florida Alliance of Information and Referral Services (FLAIRS)

Total Number of Pages of Attached Filing

2

Brief Description of the Attached Filing

The attached letter responds to questions raised at the PSC workshop held on September 22, 2005.

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DOCUMENT NUMBER - DATE
09828 OCT 12 '05
FPSC-COMMISSION CLERK

October 12, 2005

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RE: Docket No. 050421-TL

TO WHOM IT MAY CONCERN:

Pursuant to direction provided to the Florida Alliance of Information and Referral Services (FLAIRS) at the Public Service Commission Staff Workshop held on September 22, 2005, this letter details the reasons underlying the FLAIRS petition to initiate rulemaking to require publication of 211 information on the inside cover of telephone directories.

211 is an easy-to-remember and universally recognized number that makes a critical connection between individuals and families in need and community-based organizations and governmental agencies that can help them. It is the primary point of access to non-emergency human services for millions of Floridians. 211 services help people stay out of emergency rooms, off of government assistance, out of "deep end" social service programs, safe from abuse, and in stable housing. They provide people information about job training and assistance, elder care and child care, and before- and after-school care that will allow them to stay employed, in addition to myriad other types of information, including crisis intervention, such as suicide hot lines.

Leading up to and following the hurricanes of 2004, 211s answered hundreds of thousands of calls. Emergency Operations Centers, county governments, volunteer centers, and many others found 211 to be of inestimable value.

211 services are now available to more than 14 million Floridians – almost 80 percent of the state's population – in 40 counties. It is anticipated that all 67 counties will be covered by 211 by the end of 2007. 211 providers and the information and referral providers they are connected to answer more than three million telephone inquiries regarding human services each year.

There is currently no uniformity regarding how 211 information is provided to telephone customers via the multitude of telephone directories across the state. In most directories, 211 information is not located where most people will be able to easily and quickly find and use it.

Through experience, it has been difficult to identify the appropriate contact with each telephone directory to request placement of the 211 number on the inside front cover or facing page. When appropriate representatives are identified, they are not always willing to accommodate the request for this placement. Instead, they offer placement on inside pages, sometimes called "human services pages" that are difficult to locate or use for quick reference. Furthermore, they sometimes state that there are "policies" that do not permit placing the 211 number on their "Emergency Numbers" or "Important Numbers" pages.

Failure to place information about 211 in easy-to-find places in telephone directories and the lack of uniformity from community to community – and indeed the lack of uniformity even within

communities but between different directories – poses untenable challenges to people who need to quickly and easily access information in their hour of need.

The greater the challenges in locating 211 information in the directories, the more likely it is that people will not access the information they need on a timely basis, thereby heightening the possibility that their problems will grow and have more adverse financial, emotional and physical impacts on themselves, their families, and their communities.

Placement of information about 211 on the inside front cover of telephone directories would address this serious problem. It is well known that when looking for critically needed information, such as 911, the front inside cover of directories is the first place people look. For someone contemplating suicide, a spouse who is being abused, and many others seeking non-emergency but fundamentally important information about how to address these types of problems and others, 211 information should be placed in the most easily and most recognizable place in the directories – on the inside front cover. The Federal Communications Commission designated this scarce three-digit resource because of its critically important purpose. Front cover placement of the 211 number would seem congruent with this intent.

The PSC has rulemaking authority to promulgate the rule being sought by the Petitioners. Section 120.536(1), Florida Statutes, appears not to grant such authority, particularly in light of its provision that “An agency may adopt only rules that implement or interpret the specific powers and duties granted by the enabling statute”, and its proscription against rule making based merely upon “provisions setting forth general legislative intent or policy.”

We contend that s. 408.918, Florida Statutes, provides a specific grant of authority and goes beyond the mere “intent” of the Legislature, thereby authorizing the PSC to promulgate the proposed rule. Section 408.918(1)(e) provides that

“The Legislature authorizes the planning, development, and, subject to appropriations, the implementation of a statewide Florida 211 Network, which shall be 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.....Promote the use of a common dialing access code and the visibility and public awareness of the availability of information and referral services.”

This section sets forth a clear duty to “promote the use of a common dialing access code...”, and, by specifying the “objectives” for the 211 Network, goes far beyond a mere statement of intent or policy by the Legislature.

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