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Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

N11 Code / National Suicide Hotline Improvement Act of 2018
WC Docket No. 18-336; CC Docket No. 92-105; CC Docket No. 97-51

Note: I am submitting these comments as a concerned citizen, an Air Force Viet Nam Era Veteran and someone with a strong background working with the North American Numbering Plan (NANP). While I am a VA Employee, the comments in this document have not been vetted by the VA or SAMHSA, they are my professional opinions based on my work experience in the Telecom Industry. I have represented a previous employer at the Alliance for Telecommunications Industry Solutions (ATIS) on the Industry Numbering Committee (INC) and representing ATIS/INC at the North American Numbering Council (NANC) after co-chairing a committee to research another Congressionally mandated report for Numbering for Relay Services for the Deaf and Hearing Impaired. I have worked at industry level on several Area Code Splits and Overlays. I have over 40 years working with communications systems including 20+ in Healthcare settings and 30+ in Telecom.

Ex Parte: On July 31, 2019 I had a phone conversation with Michelle Sclater, Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission. We discussed previous comments I had submitted considering an FCC document that other have cited but I had not previously explored. FCC 97-51 ([FCC 97-51 Use of N11 Codes](#)) which is cited in several comments quoting Section 45 “may continue to be used for their present purposes until one or both of them is needed for other national purposes.” Reading it I found both Section 45 and 46 relate to issues surrounding 611. The following are points were discussed in that call:

FCC 97-51 Section 45. Some LECs currently use 611 and 811 to facilitate repairs and other customer services. Use of these two codes, however, appears to be far less ubiquitous than use of 411 for directory assistance and 911 for emergency services. For example, unlike 911 emergency service, LECs may use 611, 811, or other unassigned N11 codes for other local services. **Several LECs that currently use 611, 811, or both for customer services and internal functions (JH 1)** request that they be allowed to continue to use these N11 codes. Because the record does not support reassignment of either of these N11 codes, we conclude that these two codes **may continue to be used for their present purposes until one or both of them is needed for other national purposes.**

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Joe Hurlbert (JH) noted:

JH 1) “Internal Functions” ... while not defined, this may help to explain some of the 300M Annual Calls to 611 (74,163,403 in 90 days as reported in the [NANC/NAOWG 5/10/19 report 4.10 page 20](#)). Very likely “intern functions” would include Service Provider Engineering calls using 611 for a variety of engineering tests. This may include automated calls. While not addressed by the Telecom Providers in the report, automated calls would be easily stopped without any public education needed as FCC explicitly directed in 2004 that “N11 codes that have not been assigned nationally can continue to be assigned for local uses, provided that such use can be discontinued on short notice” ([FCC-04-111A1: III,A.8. page 5](#)).

Another element likely contributing to massive amounts of calls to 611 while for the most part the public doesn’t seem to be aware that 611 exists... during the current dialog for Suicide Prevention the industry mentioned that some phones are programmed with 611, this may also include “apps” provided at no charge to consumers by the Telecom Service Provider. One would hope that since the industry was give notice as stated above that they may be required to vacate use of 611 “on short notice”, that they made provisions to remotely reprogram these devices and / or apps remotely. Again, that would take little or no public education measures and be done virtually overnight. One would also wonder given the requirement to be able to do this on short notice, if it wasn’t somewhat irresponsible to build 611 into a phone or an app knowing that 611 was a temporary use and given alternatives for programming an 800# or a *# number to call the service provider.

Placing 97-51 Section 46 in technology and time context: In 1997 when 97-51 NOTICE OF PROPOSED RULEMAKING was published:

The Cell Phone Industry was still in early stages of growth. Cell Phone were provided by and repaired by the Cellular Service Provider. There was no competition for Phone Repair Services.

Wireless Number Portability was still not possible. The phone number provided when you signed up for Cellular Service had to remain with that Service Provider (SP). In order to change Providers, you had to give up your phone number. Besides being inefficient for the North American Numbering Plan (NANP) it was a significant deterrent to competition in the Cellular Industry marketplace... once you signed with the initial SP.

The conclusions in Section 46, dismissing an anticompetitive environment created by use of 611 for repair service, was made during this time frame (02/18/1997).

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FCC 97-51 Section 46. With multiple LECs in the local market, access to these codes for repair and business office uses by only one facilities-based carrier serving that market would be anticompetitive. (JH 2) The possibility of anticompetitive effects is not an issue with respect to other facilities-based carriers because 811 and 611 are only used within a carrier's own network. (JH 3) Therefore, a facilities based LEC can use one or both of these codes even if it is already being used by another LEC. In an effort to ensure that no facilities-based LEC gains an unfair advantage over its competitors, (JH 2) we conclude that: (1) all providers of telephone exchange service, both incumbents and new market entrants, whether facilities or non-facilities-based providers of telephone exchange service, should be enabled to use the 611 and 811 codes for repair services and business office uses as the incumbent LECs do now; and (2) by dialing these N11 numbers, customers should be able to reach their own carriers' repair or business services. These conclusions are consistent with the Act's requirement (JH 4) that all LECs permit competing providers of telephone exchange service and telephone toll service to have nondiscriminatory access to telephone numbers.

JH 2) In 1997, Cell Phones were marketed and repaired directly through the Carrier providing service. As such the concern of creating an "anticompetitive" market could be dismissed. Today however, repair services abound... Best Buy, Phone Doctor... a variety of storefronts offer cell phone repair across the full spectrum of cell phone manufacturers. Now a competitive marketplace however 611 only goes to the carrier providing service for the device placing the call. This now is creating an "unfair advantage over its competitors". Also impacted by the nature of a 611 "anticompetitive" marketplace are:

- a) Cable TV Providers not offering Telecom Services are at a competitive disadvantage because of 611. Those providing Cable TV Providers offering Telecom have expanded 611 Telecom Repair Service to include Tradition Cable services and sales.**
- b) IP Resellers marketing telecom services are not able to offer 611 placing them at a competitive disadvantage.**
- c) As stated above... the relatively new Cell Phone Repair Industry which did not exist in 1997.**

JH 3) 611 (calls) are only used within a carrier's own network. While not an anticompetitive impact among Telecom Service Providers, in today's technology marketplace, 611 does provide an advantage for Telecom Service Providers over the new spin-off Cell Phone Repair Industry, Cable TV Providers (not offering Telecom) and IP Telecom Providers / Resellers not able to utilize 611.

JH 4) Although consistent with *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996* ("the Act's") requirement in 1997, with the changes in technology and the marketplace, 611 as currently used, is creating an

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unfair or anticompetitive advantage over this expanded marketplace in favor of the providers having access to and utilizing 611.

Thank you for your consideration.

Respectfully,

Joe Hurlbert