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I. INTRODUCTION

1. In 1992, the Commission adopted a Notice of Proposed Rulemaking proposing that incumbent local exchange carriers (incumbent LECs) be required to provide abbreviated dialing arrangements.¹ "Abbreviated dialing arrangements" are telephone numbers of less than the standard 7 or 10 digits. Among abbreviated dialing arrangements, "N11 codes" are 3-digit telephone numbers of which the first digit may be any digit other than 0 or 1, and the last two digits are both 1.² Since the N11 NPRM was released, various parties have asked that the Commission designate N11 codes for a variety of applications,³ including, for example, to facilitate network access: (1) for individuals with hearing or speech disabilities; (2) to information services; (3) to federal and state government agencies; and (4) to non-emergency police services.

2. Under the amendments to the Communications Act of 1934 (the Act) in the Telecommunications Act of 1996,⁴ the Commission has exclusive jurisdiction over "those portions of the North American Numbering Plan that pertain to the United States."⁵ The Commission also has authority to delegate to "State commissions or other entities all or any portion of such jurisdiction."⁶ In this First Report and Order, we allow the incumbent LECs, in addition to the states and Bell Communications Research (Bellcore), to continue to perform the N11 code administration functions that they performed at the time of enactment of the 1996 Act amendments to the 1934 Act, until further Commission action. We also adopt several other important measures regarding abbreviated dialing arrangements. Specifically, we respond to a request for an N11 code that could be dialed to reach non-emergency police

¹ See The Use of N11 Codes and Other Abbreviated Dialing Arrangements, CC Docket No. 92-105, 7 FCC Rcd 3004 (1992) (N11 NPRM). Appendix A lists those parties filing comments and reply comments in response to the N11 NPRM.

² Under the North American Numbering Plan (NANP), N11 codes are known as service codes. The NANP is the basic numbering scheme for the telecommunications networks located in Anguilla, Antigua, Bahamas, Barbados, Bermuda, British Virgin Islands, Canada, Cayman Islands, Dominica, Dominican Republic, Grenada, Jamaica, Montserrat, St. Kitts & Nevis, St. Lucia, St. Vincent, Turks & Caicos Islands, Trinidad & Tobago, and the United States (including Puerto Rico, the U.S. Virgin Islands, Guam and the Commonwealth of the Northern Mariana Islands).

³ National Center for Law and Deafness and Telecommunications for the Deaf, Inc. (NCLD Petition), filed October 1, 1993. Appendix B lists the parties filing comments and replies in response to the NCLD Petition. GSA, Petition for Declaratory Ruling (GSA Petition), filed March 11, 1994. Appendix C lists the parties filing comments and replies in response to the GSA Petition and the National Association of State Telecommunications Directors. ex parte Presentation in CC Docket No. 92-105, September 22, 1993.

⁴ Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996).

⁵ 47 U.S.C. § 251(e)(1).

⁶ Id.

services by assigning 311 on a nationwide basis for this purpose.⁷ Wherever 311 is currently in use for other purposes, however, we would allow that use to continue until the local government in that area was prepared to activate a non-emergency 311 service. In this First Report and Order we also conclude that, as the incumbent LECs can do currently, all providers of telephone exchange service must be able to have their customers call 611 and 811 to reach their repair and business service offices. We also conclude that a LEC may not itself offer enhanced services⁸ using a 411 code, or any other N11 code, unless that LEC offers access to the code on a reasonable, nondiscriminatory basis to competing enhanced service providers in the local service area for which it is using the code to facilitate distribution of their enhanced services. Finally we respond to a request for an N11 code that could be used throughout the nation to reach telecommunications relay services (TRS) by directing Bellcore to assign 711 on a nationwide basis for this use. We decline, however, to: (1) mandate that N11 numbers be made available for access to information services; (2) mandate that an N11 code be designated for access to government agencies; or (3) disturb the current allocation of various N11 codes for access to emergency services,⁹ directory assistance, and LEC repair and business offices.

3. In the Further Notice of Proposed Rulemaking (FNPRM) we ask for comment on the technical feasibility of implementing 711 for TRS access. We also ask parties: (1) if it would be possible to develop within a reasonable time an N11 "gateway" offering access to multiple TRS providers; (2) whether, with such gateway access, TRS calls would still be answered within our mandatory minimum standards for TRS answer times; (3) whether such a gateway would be consistent with Section 255 of the Act; and (4) whether any other important disability services could be accessed through the same gateway. Regarding TRS, the FNPRM also requests comment from interested parties, particularly TRS providers, about the possibility of providing both voice and text TRS services through the same abbreviated N11 code. Finally, we ask for comment on the proprietary nature of N11 codes and on our proposal to transfer the administration of N11 codes at the local level from the incumbent LECs to the NANP administrator.

⁷ Assignment means that a numbering plan administrator announces to the industry that a particular number will be used for certain, defined services. This warns current users of that number that they will need to relinquish their use of the number when the new assignment is implemented. Implementation involves, among other things: relinquishing current local uses for the number; preparing switches for the new, assigned use; modifying switches to route calls; and installing additional switching or other equipment required to provide the services contemplated.

⁸ The term "enhanced services" refers to services, offered over common carrier transmission facilities used in interstate communications, which employ computer processing applications that act on the format, content, code, protocol or similar aspects of the subscriber's transmitted information; provide the subscriber additional, different, or restructured information; or involve subscriber interaction with stored information. See Section 64.702 (a) of the Commission's Rules, 47 C.F.R. §64.702(a). For purposes of this proceeding, information and enhanced services are used interchangeably.

⁹ As discussed within, 911 has been designated as a national code for emergency services.

II. BACKGROUND

4. Prior to enactment of the 1996 Act amendments to the 1934 Act, Bellcore, the states, the incumbent LECs, and the Commission each performed functions relating to the administration of N11 codes. Since the AT&T divestiture, Bellcore has served as the administrator of the NANP. Bellcore has assigned N11 codes for national use. In addition, the Commission may direct Bellcore to assign an N11 code for national use if the Commission determines that such a national assignment is appropriate.¹⁰ Bellcore, in its role as NANP administrator, has issued specific guidelines addressing the use of N11 codes.¹¹ Bellcore has stated that it has made no additional national assignments in the last few years, pending resolution of the instant proceeding. Bellcore guidelines recognize four N11 codes as assigned for national use: 411 (local directory assistance); 611 (repair service); 811 (business office); and 911 (emergency services).¹² Bellcore also has stated that the remaining N11 codes, listed as "unassigned," along with any assigned codes that are not used locally (611 and 811 in some areas), would be kept available for future assignment by the NANP administrator.¹³

5. Bellcore guidelines permit local use of N11 codes provided that such assignments and use can be discontinued on short notice.¹⁴ In states where N11 codes have been used locally, state public utilities commissions have directed the LECs to assign and administer these codes. The specific procedures for assignment of N11 codes for local use vary from state to state. Three local N11 codes have been assigned for particular uses in at least some LEC service areas (411 for local directory assistance; 611 for LEC repair service; and 811 for LEC business office use).

¹⁰ 711 is currently used in Canada for relay service for the hearing disabled. In a letter dated September 8, 1993, the Canadian Steering Committee on Numbering (CSCN) confirmed "the assignment of 711 as the access code for relay service for the deaf . . . and [stated that it had] negotiated the assignment of 1-800-855-0511 as the national 800# for access to MRS [message relay service]." See September 8, 1993 letter from B.M. Stevens, Secretary CSCN, Canadian Numbering Administrator, to its "distribution list" advising the Canadian industry of changes. CSCN was established under the authority of Industry Canada (the Canadian agency that regulates telecommunications services and their providers in Canada) to advise it on an ad hoc basis. It has been confirmed with Industry Canada that in February 1994, both 711 and 1-800-855-0511 were implemented for relay service in Canada. The 711 number is used by the hearing disabled to access the relay service, while the 1-800-855-0511 number is used by the hearing to access the relay service.

¹¹ See Bell Communications Research, BOC Notes on the LEC Networks -- 1994 (Issue 2), April 1994 (Network Notes), "Numbering Plan and Dialing Procedures."

¹² See id. at 3.4. Thirty years ago, AT&T designated 911 for access to emergency services.

¹³ Id. at 3.4.1.

¹⁴ Id.

6. The Commission, in the NANP Order,¹⁵ adopted a new model for administration of the NANP by announcing its intent to establish the North American Numbering Council (NANC) under the Federal Advisory Committee Act.¹⁶ (The NANC held its first meeting on October 1, 1996). The NANP Order did not specifically consider the issue of service code allocation. In addition to holding that the NANP administrator's existing functions will be transferred to an entity to be recommended by the NANC, the Commission in the NANP Order also held that central office (CO) code administration functions will be transferred from the LECs to the new NANP administrator to be recommended by the NANC within 18 months after completion of the transfer of the existing NANP administrative functions from the current NANP administrator.¹⁷ The NANC will advise the Commission on numbering issues and also is charged with recommending and guiding a neutral NANP administrator. Within the United States, prior to enactment of the 1996 Act amendments to the 1934 Act, twelve regional CO code administrators handled CO code assignments.¹⁸ Many LECs serving as CO code administrators administered N11 codes for local use.¹⁹

7. On March 6, 1992, BellSouth petitioned the Commission to declare that mandatory assignment of N11 codes for access to information services would be consistent with the Communications Act and Commission policies.²⁰ The petition was prompted by a request from Cox Enterprises, Inc. (Cox), which had asked BellSouth to assign it an N11 code in Atlanta for the purpose of offering information services. On May 4, 1992, the Commission informed BellSouth that "there appears to be no regulatory or legal impediment prohibiting BellSouth from currently assigning N11 codes in a reasonable, non-discriminatory manner," which may include, for example, assigning N11 codes on a first-come, first-service basis.²¹

8. On the same day that the Commission issued its letter to BellSouth, the Commission adopted the N11 NPRM tentatively concluding that: (1) service codes 211, 311,

¹⁵ Administration of the North American Numbering Plan, CC Docket No. 92-237, Report and Order, 11 FCC Rcd 2588 (1995).

¹⁶ 5 U.S.C., App. 2 (1988).

¹⁷ NANP Order at para. 115.

¹⁸ The current telephone number format within the NANP is given by: NXX-NXX-XXXX, with the second three digits representing CO code. The CO code administrators within the United States were: Alascom; Ameritech; Bell Atlantic; BellSouth Corporation (BellSouth); Cincinnati Bell; GTE (for 813 area code); GTE (for 808 area code); NYNEX; Pacific Bell; Southern New England Telephone; SBC; and U S WEST.

¹⁹ See paras. 72-75, infra, for further discussion of administration of N11 codes.

²⁰ BellSouth, Petition for Declaratory Ruling (BellSouth Petition), March 6, 1992.

²¹ Letter from Robert L. Pettit, FCC General Counsel, to David J. Markey, Vice President, BellSouth, dated May 4, 1992 (May 4 1992 FCC General Counsel Letter to BellSouth).

411, 511, 611, 711 and 811 should be available for abbreviated dialing²² (2) N11 codes should be made available for abbreviated dialing until it is necessary to use the codes as area codes;²³ (3) LECs should not be subject to any additional restrictions on how they allocate N11 codes;²⁴ and (4) use of N11 service codes for information services would not result in customer confusion.²⁵

9. In light of these tentative conclusions, the Commission solicited comment on the following broad issues: (1) whether LECs should be able to use 411 for delivery of enhanced services; (2) whether continued LEC use of 611 and 811 represented an efficient use of limited numbering resources that served the public interest; (3) whether procedures for recalling N11 codes should be developed; (4) whether three digit dialing should be available for purposes other than calling enhanced services; (5) whether sale or transfer of N11 codes should be permitted; (6) whether restrictions should be placed on the manner in which LECs allocate N11 codes if demand exceeds supply; (7) whether LECs should be permitted to grant a preference to parties that "propose innovative ways of using the company's network;"²⁶ (8) what role state regulators should play in allocating N11 codes if demand exceeds supply; (9) whether the use of N11 codes for information services results in customer confusion; and (10) whether it is feasible to require other abbreviated dialing arrangements to be made quickly available by LECs in lieu of or in addition to requiring them to make N11 codes available.

10. In October 1993, the National Center for Law & Deafness and Telecommunications for the Deaf, Inc. (NCLD) petitioned the Commission to direct the assignment or reservation²⁷ of two uniform N11 numbers. It requested 711 for access to TRS by persons with speech and/or hearing disabilities and a second unspecified service code for TRS access by voice and telephone users. On October 14, 1993, the Commission released a public notice describing the petition and requested comments.²⁸

²² See N11 NPRM at para. 12.

²³ See id. at para. 13.

²⁴ See id. at para. 16.

²⁵ See id. at para. 18.

²⁶ Id. at para. 16.

²⁷ Parties refer both to assignment and to reservation. Throughout our discussion we will refer to assignment. For a definition of "assignment," see footnote 7, supra.

²⁸ Commission Requests Comment on Petition for Assignment of N11 Codes to Facilitate Access to Telecommunications Relay Services, Public Notice, 8 FCC Rcd 7587 (1993) (TRS N11 Notice). See also Commission Clarifies Pleading Cycle for Comments on Petition for Assignment of N11 Codes to Facilitate Access to Telecommunications Relay Services, Public Notice, 8 FCC Rcd 8391 (1993).

11. In March 1994, the General Services Administration (GSA) filed a petition requesting that an N11 code be reserved to facilitate nationwide public telephone access to federal executive agencies.²⁹ In a similar request, the National Association of State Telecommunications Directors (NASTD), in an ex parte letter filed in this docket, requested that a single N11 code be reserved to facilitate public access to state agencies.³⁰

12. In a letter dated August 26, 1996, the United States Department of Justice's Office of Community Oriented Policing Services (Department of Justice) asked that an N11 code, specifically 311, be reserved on a national basis for use by communities for non-emergency police telephone calls. The Department of Justice also suggested that the N11 code could be used to give access to other government services, at the discretion of each jurisdiction. In a Public Notice dated September 10, 1996, the Commission sought comment on the Department of Justice's request.

III. FIRST REPORT AND ORDER³¹

A. Analysis

1. Jurisdiction/Numbering Authority

13. The Act states that, "[t]he Commission shall have exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States."³² Although the Act gives the Commission exclusive jurisdiction over those portions of the NANP that pertain to the United States, the Act also allows the Commission to delegate "to State commissions or other entities all or any portion of such jurisdiction."³³ As stated above, prior to enactment of the 1996 Act amendments to the 1934 Act, Bellcore, the states, and the incumbent LECs each performed functions relating to the administration of N11 codes. In Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, Second Report and Order and Memorandum Opinion and Order, FCC 96-333 (rel. Aug 8, 1996). (Local Competition Second Report and Order), the Commission

²⁹ GSA Petition at 3.

³⁰ National Association of State Telecommunications Directors (NASTD), Ex Parte Presentation in CC Docket No. 92-105, September 22, 1993.

³¹ Although this First Report and Order adopts several measures regarding abbreviated dialing arrangements, it does not specifically adopt the rules proposed in the N11 NPRM. See N11 NPRM at Appendix A.

³² See 47 U.S.C. § 251(e)(1). For this reason, the discussion of jurisdiction appearing in the N11 NPRM and comments filed in response to that discussion are moot. The Act states that, "the term 'United States' means the several states and Territories, the District of Columbia, and the possessions of the United States, but does not include the Canal Zone." 47 U.S.C. § 153(50).

³³ See id.

stated:

[w]e authorize Bellcore to continue to perform its functions as the North American Numbering Plan Administrator in the same manner it did at the time of enactment of the 1996 Act. We also allow the incumbent LECs to continue to perform the CO code administration functions that they performed at the time of enactment of the 1996 Act. Finally, we allow the states, if they performed any number administration functions prior to enactment of the 1996 Act, to continue to do so until such functions are transferred to the new NANP administrator.³⁴

As noted above, prior to enactment of the 1996 Act amendments to the 1934 Act, many LECs serving as CO code administrators managed N11 codes for local use. In this First Report and Order, we also allow the incumbent LECs, therefore, to continue to perform the N11 code administration functions that they performed at the time of enactment of the 1996 Act amendments to the 1934 Act. This is consistent with the Commission's statement in the Local Competition Second Report and Order that the "transfer of numbering administration functions will be a complex task, one that cannot be accomplished immediately even on a transitional basis."³⁵

2. **Mandatory Assignment of N11 Codes for the Provision of Information Services**

14. Background. The N11 NPRM proposed to require LECs to assign N11 codes to parties requesting them for information services unless and until it is necessary to use the N11 numbers as area codes.³⁶ The Commission tentatively concluded that LECs should be permitted to select any reasonable method to allocate N11 codes that would ensure fair and efficient number allocation.³⁷

15. Comments. Commenters are divided on whether LECs should be required to assign N11 codes for access to information services. Those supporting the proposal contend

³⁴ Local Competition Second Report and Order at para. 329.

³⁵ Id. at para. 330.

³⁶ N11 NPRM at para. 13.

³⁷ Id. at para. 16. The Commission did not set out specific allocation methods because reasonable methods could vary with circumstances. For example, if supply exceeded demand, a first-come first-served allocation method might be reasonable.

that it would compel LECs to provide the public with convenient access to such services.³⁸ N11 access, they argue, would enable information service providers to provide the public with information of significant local interest quickly and conveniently.³⁹ Such ease of access for consumers, they say, would, in turn, enhance the viability of independent information service providers, putting them closer to an equal footing with LECs and spurring competition. Cox asserts that enhancing competition in information services markets is a long-standing Commission goal.⁴⁰ In an *ex parte* presentation, Cox emphasized that commercial uses of N11, such as information services, which have received wide consumer acceptance, serve the public interest and therefore necessitate the assignment of an N11 number.⁴¹ The Alternative Newspapers contend that N11 codes serve their needs far better than alternate dialing arrangements, claiming that: (1) N11 provides customers an option that is "easier to remember, easier to dial, and faster and quicker than seven or ten-digit alternatives;" (2) 900 services are too expensive for the local information services offered by the alternative newspapers; and (3) the pricing and terms and conditions of the new 960 service are not known to the alternative newspapers.⁴² Local government agencies involved in the provision of 911 emergency service contend that N11 codes should not be available for assignment for commercial purposes, arguing that such use would cause confusion regarding the use of 911 for emergency service⁴³ by increasing the misdials to 911 in nonemergency situations⁴⁴ and misdials to other N11 codes in emergency situations.⁴⁵

16. Among LECs filing comments, only BellSouth supports assignment of N11

³⁸ See, e.g., Alternative Weekly Newspapers, New Times, Inc., Sasquatch Publishing, City Pages, and Tuscon Weekly (collectively, Alternative Newspapers) Comments at 4; Cox Comments at 2, Datatrex Comments at 1; Infocom Comments at 1; Advance Reply Comments at 1.

³⁹ See, e.g., NAA Comments at 2-3; Alternative Newspapers Comments at 2-3.

⁴⁰ See Cox Reply Comments at 5 (citing *Computer III* Proceedings).

⁴¹ Cox December 12, 1995 *ex parte* presentation.

⁴² See Alternative Newspaper Comments at 3-5.

⁴³ See, e.g., Shelby County, Tennessee Emergency Communications District (Shelby County) Comments at 1-2; St. Charles Parish Communications District Comments at 1; St. Landry Parish Communications District Comments at 1; Texas Advisory Commission on State Emergency Communications (Texas Advisory Commission) Comments at 3-4.

⁴⁴ See, e.g., Shelby County, Tennessee Emergency Communications District (Shelby County) Comments at 1-2; St. Charles Parish Communications District Comments at 1; Claiborne Parish Communications District Comments at 2.

⁴⁵ See, e.g., Shelby County, Tennessee Emergency Communications District (Shelby County) Comments at 2; West Carroll Parish Communications District Comments at 1.

codes for information services.⁴⁶ BellSouth argues that there is a need for abbreviated dialing for information services that is not being met under the current NANP. BellSouth suggests, however, that permissive allocation of N11 codes would be preferable to mandatory allocation.⁴⁷

17. Parties opposing mandatory assignment of N11 codes raise various concerns. Some argue that mandatory assignment of N11 codes could disrupt current use of an N11 code in some geographic areas,⁴⁸ while others argue that some LECs utilize older switching equipment that might not be able technologically either to handle N11 codes or to bill accurately.⁴⁹ Some parties believe that N11 codes should be reserved for non-commercial public service uses.⁵⁰ Other objections raised include: the strong likelihood that demand will exceed supply;⁵¹ the likelihood of consumer confusion if services using N11 codes vary from area to area;⁵² the difficulty of reclaiming such codes if the Commission later determines that the public interest requires reclamation;⁵³ the possible challenges to the Commission's jurisdiction over codes used locally;⁵⁴ the use of N11 codes as prefixes, platforms, or gateways to reach a menu of service providers rather than just a single provider;⁵⁵ the availability of alternative dialing arrangements;⁵⁶ the likelihood of extensive litigation;⁵⁷ the

⁴⁶ See BellSouth Comments at i.

⁴⁷ See Reply of BellSouth at 5. Accord Florida PSC Reply at 2.

⁴⁸ See, e.g., APCC Comments at 3; ATU Comments at 1; Bellcore Comments at 5; OPASTCO Reply Comments at 2.

⁴⁹ See, e.g., GTE Comments at 4; USTA Comments at 17; U S WEST Comments at 16.

⁵⁰ See, e.g., Ameritech Comments at 5; CSCN Comments; U S WEST Comments at 6; NYNEX Reply Comments at 2; NCLD Reply Comments at 9.

⁵¹ See, e.g., Ad Hoc Telecommunications Users Committee (Ad Hoc) Comments at 6; Ameritech Comments at 2; SNET Comments at 3; GTE Reply Comments at 5; Sprint Reply Comments at 3.

⁵² See, e.g., Ad Hoc Comments at 3; AT&T Comments at 4; Ameritech Comments at 8; ARRC Reply Comments at 6; OPASTCO Reply Comments at 4.

⁵³ See, e.g., Bellcore Comments at 5; BONA Comments at 4; SWBT Comments at 9.

⁵⁴ See, e.g., ATU Comments at 2; NTCA Comments at 5; Pacific Comments at 17; NYPDS Reply Comments at 1.

⁵⁵ See, e.g., AT&T Comments at 3; Bell Atlantic Comments at 2; IIA Comments at 1; SNET Comments at 5; ARRC Reply Comments at 7; Pacific Reply Comments at 3.

⁵⁶ See, e.g., Ameritech Comments at 6; NYNEX Comments at 4; USTA Comments at 9; U S WEST Comments at 10; NYPDS Reply Comments at 4; SWBT Reply Comments at 2.

perceived problems caused by multiple LECs providing N11 codes in a local dialing area;⁵⁸ the potential for problems if interexchange carriers obtain N11 codes;⁵⁹ and the problems of implementing call blocking on pay-per-call N11 numbers.⁶⁰ Some parties also argue that an abbreviated dialing arrangement (such as an N11 code) is merely a convenience, and is not essential to making information services available to consumers.⁶¹

18. Many commenters claim that the scarcity of such codes and the many competing uses for them require that all the remaining N11 codes be devoted to public service uses.⁶² Possible public service uses include multiple codes for emergency services,⁶³ special number services for persons with physical disabilities,⁶⁴ and telephone access to federal and state agencies.⁶⁵ Information service providers urge the Commission not to narrowly define public use as encompassing only nonprofit entities. They assert that commercial uses of N11 codes serve the public interest by providing the public access to information which is difficult for the general public to obtain.⁶⁶

19. Discussion. We decline to require LECs to make N11 codes available for information services at this time. We anticipate that because only three to five N11 codes will be available in any given geographic area, demand for each N11 code is likely to exceed supply.⁶⁷ We agree with Rochester's argument that open assignment of N11 codes is likely to

⁵⁷ See, e.g., Ameritech Comments at 10; Rochester Comments at 3; GTE Reply Comments at 2.

⁵⁸ See, e.g., GTE Comments at 5; MFS Comments at 5; and OPASTCO Reply Comments at 3.

⁵⁹ See, e.g., Pacific Comments 10; SWBT Comments at 7.

⁶⁰ See PRTC Comments at 4.

⁶¹ See, e.g., USTA Comments at 12; Sprint Reply Comments at 5.

⁶² See, e.g., Ameritech Comments at 5; CSCN Comments at 4; NCLD Reply Comments at 4; NYNEX Reply Comments at 2; SWBT Reply Comments at 5.

⁶³ See, e.g., Ameritech Comments at 6; NYNEX Comments at 4; Pacific Comments at 3.

⁶⁴ See, e.g., BellSouth Reply Comments at 10; NYNEX Reply Comments at 2.

⁶⁵ See GSA Petition.

⁶⁶ See Media Parties (collectively, Cox Enterprises, Inc., Advance Publications, Inc., Gannett Co., Inc., The Hearst Corporation, The Washington Post Company) Reply Comments at 3-6.

⁶⁷ Generally for most of the 50 states, 911, 411, and 611 are deemed to be "special services," and are defined as services for which the caller either pays no charge or the charge is tariffed. This category also includes services that require presubscription and provide access to customer services provided by the LEC, including access to LEC repair services. See generally, "Central Office Code Usage Report", Industrial Analysis Division, Common Carrier Bureau, Federal Communications Commission, July, 1993 (FCC Report); "The Use of N11 Codes and Other

invite "endless litigation over the reasonableness of an exchange carrier's allocation plan."⁶⁸ According to Rochester and others, this potentially could draw the Commission into numerous decisions as to who should receive unassigned N11 codes and for what purpose.⁶⁹ As a result, we believe that the burden should be on those who urge the Commission to require that LECs assign available N11 codes to show that the benefits of such a requirement outweigh the costs. On the record before us, we are not satisfied that supporters of such a requirement have met this burden.

20. The parties offer only conjecture that, from a user's perspective, using N11 codes significantly enhances the quality of access to information services. First, although an N11 number for information services may be considered "novel," and might be convenient for some users, it is by no means essential to making the service available. Second, even assuming that consumers do perceive a benefit from such abbreviated dialing arrangements, we find there are other ways currently available to achieve convenient dialing that do not drain scarce N11 resources. In New York, for example, information services are assigned a common central office prefix such as 540 or 970.⁷⁰ As consumers associate these prefixes with information services, they need remember only the last four digits of an information service provider's telephone number. Such dialing arrangements appear to offer the same results as N11 without the competitive concern of having to decide to whom the codes should

Abbreviated Dialing Arrangements- State Survey". Sandy Ibaugh, Indiana Utility Regulatory Commission, November, 1993 (NARUC Report). For a vast majority of the states, the codes 211, 311, 511, and 711 are reserved for various purposes but are not currently in use. See FCC Report at 3

Some state regulatory commissions have granted assignments of N11 codes for commercial uses. By the terms of the Commission's Local Competition Second Report and Order and this First Report and Order, these grants, some of which are described below, are left in place. The Florida Public Service Commission, for example, approved "511" for an information service run by Cox Communications' Palm Beach Post as a two year experiment in 1993. State Telephone Regulation Report, Vol. 11, No. 16 (August 12, 1993). The State of Georgia has approved the use of "211" code for Cox Communications' information service in Atlanta. NARUC Report at 9. The State of Hawaii has reserved 711 for TRS access use. Some sections of Maryland use 711 for internal LEC use by telephone company employees. See FCC Report at 25 and 49. According to a staff member of the New York State Department of Public Services, Teleport currently allows end users to dial 211 at its own payphones to permit callers to access Port Authority Police for access to its emergency services. This use of 211 is in addition to the use of 911 for access to emergency services at New York City PSAPS. While Teleport does not use 211 in this manner as a result of an NYSDPS requirement, according to the NYSDPS staff member, the NYSDPS does not prohibit such use. See E-mail reply from Yog Varma, NYSDPS, to Elizabeth Nightingale, FCC, CCB, dated November 7, 1996.

⁶⁸ Rochester Comments at 3.

⁶⁹ See, e.g., Rochester Comments at 3; Ameritech Comments at 10; GTE Reply Comments at 2.

⁷⁰ New York Telephone states that the 540, 550 and 976 prefixes currently available to enhanced service providers allow for 30,000 seven-digit numbers within a LATA. By contrast, up to only eight N11 codes would be available for local information services in the New York Telephone service area. See New York Telephone Comments at 4.

be assigned.

21. We recognize the concerns expressed by some information service providers that, absent Commission order, some LECs may unjustly or unreasonably withhold N11 codes for local information services. As discussed in the FNPRM below, we propose that the LECs' functions related to N11 administration⁷¹ be transferred to the neutral NANP administrator to be recommended by the NANC.⁷² With a neutral administrator, the concerns of the information service providers should be mitigated. We also note that when a LEC assigns N11 codes, it must do so in a reasonable, non-discriminatory manner, such as on a first-come, first-served basis.⁷³ Should, however, there be particular problems related to the availability of one or more N11 codes from a particular LEC serving as the administrator prior to the transfer of functions to a new NANP administrator, parties can bring these unresolved disputes to our attention by filing a complaint pursuant to Section 208. We also are prepared to address specific problems even after a transfer of N11 code administration to a new entity.

3. National Assignment of Specific N11 Codes

a. Background

22. The N11 NPRM did not propose to disturb 911's existing designation as a national code for emergency services⁷⁴ nor did it propose to disturb the use of 411 for local directory assistance. Currently, 411 directory assistance services are classified as basic or adjunct to basic services for purposes of the Commission's rules even if those numbers are not presently used in some geographic areas for those purposes.⁷⁵ In addition, the Commission tentatively concluded: (1) that 211, 311, 511, and 711, which, at the time of the

⁷¹ By the terms of the Commission's Local Competition Second Report and Order and this First Report and Order the incumbent LECs are permitted to continue performing functions related to N11 administration they performed prior to enactment of the 1996 Act amendments to the 1934 Act.

⁷² See NANP Order at para. 65-67.

⁷³ See May 4 1992 FCC General Counsel Letter to BellSouth.

⁷⁴ See footnote 12, supra, regarding AT&T's designation of 911 as a national code.

⁷⁵ N11 NPRM at para. 11. A basic service is an offering of transmission capacity between two or more points suitable for a user's transmission needs, and subject only to the technical parameters of fidelity and distortion. See North American Telecommunications Association, Petition for Declaratory Ruling Under Section 64.702 of the Commission's Rules Regarding the Integration of Centrex, Enhanced Services, and Customer Premises Equipment, 101 FCC 2d 349, 358 at para. 23 (1985) NATA Centrex Order, recon., 3 FCC Rcd 4385 (1988). An adjunct to basic service is a service that might fall within a literal reading of our definition of enhanced service (see footnote 8, supra) but which is clearly basic in purpose and use and which brings maximum benefits to the public through its provision in the network.

N11 NPRM were "apparently not used at all,"⁷⁶ should be available for abbreviated dialing; and (2) that the 611 code now used by some LECs for repair services and the 811 code now used for quick connection to LEC business offices should also be available for abbreviated dialing.⁷⁷

b. Emergency Services (911)

23. As stated above, AT&T designated 911 as a national code for reaching emergency services. Commenters generally agree that the current use of 911 for emergency services should remain unchanged.⁷⁸ We find that use of a national uniform N11 code for this purpose clearly serves the public interest because end users know that they can dial this code from virtually any exchange in the country in order to obtain emergency assistance. Moreover, 911's virtual ubiquity and long-standing nationwide status as the phone number for quick and easy access to emergency services along with the absence of equally useful numbers for this important public purpose, supports its continuing use.⁷⁹ We, therefore, do not intend to alter 911's designation as a national code.⁸⁰

c. Access to Government Services

24. Background. GSA, in its petition, requests that the Commission assign an N11 number for access to federal government agencies. GSA proposes that callers dialing the GSA N11 code be connected to a menu of services, and select the federal agency or service

⁷⁶ N11 NPRM at para. 8.

⁷⁷ Id. at para. 12.

⁷⁸ See, e.g., Ameritech Comments at 7; Sprint Reply Comments at 4.

⁷⁹ The Minnesota Department of Administration 911 Program, based on a compilation of state-by-state estimates of population coverage as of late 1996, estimates that approximately 87 percent of the population in the United States is served by 911. See, facsimile transmission from Jim Beutelspacher, Minnesota 9-1-1 Program to Elizabeth Nightingale of the FCC Common Carrier Bureau dated November 22, 1996.

⁸⁰ In an Order released July 26, 1996, the Commission adopted rules regarding enhanced 911 (E911) emergency service for wireless providers. See In The Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, RM-8143 Report and Order and Further Notice of Proposed Rulemaking, FCC 96-264 (released July 26, 1996) (Wireless E911 Report and Order and FNPRM). The Commission, also in CC Docket No. 94-102, currently is considering establishing E911 rules in the wireline context. See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Notice of Proposed Rulemaking, 9 FCC Rcd 6170 (1994). We also note that, under the Act, BOCs, before they are permitted to offer in-region, interLATA services, must show that the access or interconnection they offer to other telecommunications carriers includes, among other things, "non discriminatory access to . . . 911 and E911 services." 47 U.S.C. §271(c)(2)(B)(vii)(I). We highlight this obligation here to emphasize the duty imposed by Congress on each BOC to provide competitors with nondiscriminatory access to 911 and E911 services.

desired by responding to recorded prompts.⁸¹ GSA also contends that such an N11 assignment would serve the public interest by providing easy access to the federal government through a uniform nationwide three-digit code. NASTD seeks uniform nationwide assignment of an N11 code, specifically 211, to facilitate public access to state agencies.⁸² NASTD, in comments supporting its request, argues that such a number would serve the public interest because: (a) virtually everyone needs the services of state agencies at one time or another; (b) state government institutions and programs would be made more readily available to state citizens; and (c) national uniformity would enhance accessibility regardless of the state in which a person happens to be located.⁸³ The Department of Justice, in its request, asks that the Commission reserve an N11 number, specifically 311, for use for non-emergency police telephone calls and suggests that the number could be used to give access to other government services, at the discretion of each jurisdiction.

25. Comments. While many commenters agree that N11 codes should be assigned for national public use, and acknowledge the benefit of quick and convenient public access to government services, commenters are divided on the issue of whether these services warrant a national N11 assignment. Several commenters support assignment of a national N11 code for access to government services.⁸⁴ For example, the City of Dallas (Dallas) "urge[s] the Commission not only to assign a 3 digit number for national usage of Federal Government offices, but also one for local government and one for state government use."⁸⁵ In noting that it is seeking use of an N11 code (preferably 511) for access to its city's services, Dallas asserts that "use of a simple to dial, easy to remember number will aid in our desire to be more responsive and accountable to our citizens."⁸⁶ Dallas notes the N11 usage it seeks is similar to that proposed by GSA. The Tennessee Valley Authority (TVA) supports the Commission's proposal to establish a national N11 code, arguing that such a code would provide greater awareness and access to its services.⁸⁷ The United States Department of Agriculture (USDA) claims that use of a national N11 code will enable it to more effectively

⁸¹ GSA Petition at 2-3.

⁸² See NASTD September 22, 1993 Letter to FCC Commissioner Quello. Comments filed in response to the GSA and NASTD requests will be referred to as Government Comments.

⁸³ NASTD Government Comments at 2.

⁸⁴ See, e.g., Overseas Private Investment Corporation Government Comments at 2; City of Dallas Government Comments at 2; Tennessee Valley Authority Government Comments at 2.

⁸⁵ Dallas Government Comments at 2.

⁸⁶ Id. at 1.

⁸⁷ TVA Government Comments at 2.

control their emergency preparedness programs in times of natural disaster.⁸⁸ Further, USDA suggests that the use of an N11 code will encourage public calls on a more timely basis, thereby increasing efficiency and its ability to serve the public.⁸⁹

26. Nevertheless, many argue that it would be premature to grant GSA's or NASTD's request at this time. MCI and Sprint, for example, argue that the Commission should first establish a comprehensive policy governing assignment of available N11 codes, including codes assigned to the government.⁹⁰ NENA expresses concerns about possible public confusion between N11 codes for emergency and non-emergency government information programs.⁹¹ As noted above, in opposing assignment of N11 codes for commercial purposes, several agencies also express concern about confusion with 911. Several of these parties ask that the Commission not allow any new N11 code assignments, or in the alternative, if the Commission decides to allow new assignments, limit the new assignments to access to public service and governmental entities.⁹² The Caddo Parish Communications District Number One (Caddo Parish) cautions that if the Commission grants the GSA and NASTD requests, close cooperation will be needed between local governments operating 911 emergency systems and all Federal and State agencies participating in the use of the N11 number.⁹³ There is also concern expressed that there are numerous technical and cost issues that must be resolved before abbreviated codes can be implemented. For example, BellSouth notes that the N11 use contemplated by GSA has not yet been tested.⁹⁴ GSA responds that alleged technical and other barriers are not insurmountable and that, in any event, it does not envision a "flash cut" to ubiquitous nationwide access to its proposed information services.⁹⁵ Finally, the Ad Hoc Telecommunications Users Committee (Ad Hoc)

⁸⁸ USDA Government Comments at 1.

⁸⁹ Several federal executive agencies take the same position with respect to increased efficiency and public responsiveness. See, e.g., Department of Health and Human Services (DHHS) Government Comments at 2; The Department of Justice Government Comments at 2; U.S. Department of Transportation (DOT) Government Comments at 2; Department of Veteran Affairs (VA) Government Comments at 3; Environmental Protection Agency (EPA) Government Comments at 2; Overseas Private Investment Corporation (OPIC) Government Comments at 2; Consumer Products Safety Commission (CPSC) Government Comments at 1; National Aeronautics and Space Administration (NASA) Government Comments at 1.

⁹⁰ See MCI Government Comments at 3-4; Sprint Government Comments at 3.

⁹¹ NENA Government Reply Comments at 3.

⁹² See, e.g., Texas Advisory Commission Government Comments at 4-5; Jackson Parish 9-1-1 Communication District Government Comments at 1.

⁹³ See Caddo Parish Government Reply Comments at 7.

⁹⁴ BellSouth Government Comments at 6-7.

⁹⁵ GSA Government Reply Comments 13-14.

argues that the GSA request, as well as the state requests, should be denied. Ad Hoc suggests that the Commission act expeditiously to ensure that N11 codes are allocated on a uniform national basis⁹⁶ and acknowledges that an N11 code may provide users with the benefits of ease and recognition.⁹⁷ Ad Hoc argues, nonetheless, that GSA fails to demonstrate a compelling need for the assignment.⁹⁸

27. Acadian Ambulance Service, Inc. (Acadian), a privately-owned ambulance service in Louisiana using 311 since August 1, 1994,⁹⁹ supports the Commission's proposal in the N11 NPRM that LECs be required to provide abbreviated dialing arrangements. Acadian states that customer confusion will not result from the use of abbreviated dialing arrangements,¹⁰⁰ but requests that the Commission provide grandfathering preferences for medical communications systems "that are already saving lives on existing N11 service code authorizations."¹⁰¹ Acadian requests that the grandfathering include retaining existing medical and emergency services' use of N11 codes as authorized by other governmental bodies, such as state public service commissions, and requiring recall of N11 codes used for emergency services (after a minimum one-year notice period) only after the recall of those used for other services.¹⁰² According to Acadian, these grandfathering preferences are warranted because of the life-saving services provided by emergency communications systems such as Acadian's.¹⁰³ Several local government agencies involved in the provision of 911 emergency service, while requesting that the Commission not allow any new N11 code assignments, assert that if the Commission decides to allow new assignments, the new assignments should be limited to access to public service and governmental entities.¹⁰⁴

28. Many parties filing comments¹⁰⁵ in response to the Department of Justice's

⁹⁶ Ad Hoc Government Comments at 4.

⁹⁷ Id. at 7.

⁹⁸ Id. at 7-8.

⁹⁹ Acadian states that it serves 23 Louisiana parishes.

¹⁰⁰ Acadian Comments at 4.

¹⁰¹ Id.

¹⁰² Id. at 4-5.

¹⁰³ Id. at 5.

¹⁰⁴ See, e.g., Texas Advisory Commission Government Comments at 4-5; Jackson Parish 9-1-1 Communication District Government Comments at 1.

¹⁰⁵ The comments filed in response to the Department of Justice request are referred to as "311 Comments."

request for assignment of 311 for non-emergency police calls support that request.¹⁰⁶ For example, asserting that their 911 systems have been overloaded by calls that may not be of an emergency nature, various fire departments across the country filed comments supporting national assignment of 311 as beneficial to their ability to deliver emergency services.¹⁰⁷ Asserting the need to reduce the number of calls placed to 911, various police departments¹⁰⁸ and associations,¹⁰⁹ as well as the National Sheriff's Association¹¹⁰ and the National Troopers Coalition,¹¹¹ support the Department of Justice's request.

29. The Maryland Public Service Commission (MDPSC) filed comments supporting the request in which it asserts that 911 is overburdened in many jurisdictions¹¹² and provides information about the two-year trial in Baltimore (Baltimore 311 Trial), which commenced on October 2, 1996, and in which individuals in the City of Baltimore may dial 311 for access to non-emergency police services.¹¹³ The MDPSC asks that if the Commission does not grant the request that we refrain from taking action that would compromise the Baltimore 311 Trial.

30. Several commenters, while supporting assignment of a non-emergency number, express concern about issues related to implementation. These concerns include issues such as

¹⁰⁶ See, e.g., Ameritech 311 Comments at 2-3; AT&T 311 Comments at 2-3; National Association of Police Organizations, Inc. (ANPO) 311 Comments; City of Austin Comments; Fire Commissioner/Chief of the Boston Fire Department 311 Comments.

¹⁰⁷ See, e.g., Dallas Fire Chief 311 Comments; Fort Worth Fire Chief 311 Comments; Fire Chief of the City of Pittsburgh, Department of Public Safety 311 Comments; Fire Chief of the Seattle Fire Department 311 Comments; Commissioner of the Philadelphia Fire Department 311 Comments; Fire Commissioner/Chief of the Boston Fire Department 311 Comments. Cf. International Association of Fire Chiefs, Inc., and International Municipal Signal Association (collectively, International Fire Chiefs/Municipal Signal); Fairfax County Fire and Rescue Department 311 Comments.

¹⁰⁸ See, e.g., The Dallas Police Department 311 Comments; the San Jose, California 311 Comments; the San Bernadino, California Police Department 311 Comments; the Los Angeles Police Department 311 Comments; City and County of Denver Department of Safety, Chief of Police 311 Comments.

¹⁰⁹ See, e.g., Maryland Chiefs of Police Association 311 Comments; National Association of Police Organizations 311 Comments; National Fraternal Order of Police 311 Comments.

¹¹⁰ See National Sheriff Association 311 Comments.

¹¹¹ See National Troopers Coalition Comments.

¹¹² See MDPSC 311 Comments at 3.

¹¹³ On October 31, 1996, the MDPSC filed two responses to requests for supplemental information by Commission staff. See Response of the Maryland Public Service Commission to Request for Supplemental Information From the Federal Communications Commission, CC Docket No. 92-105, October 31, 1996; Response of the Maryland Public Service Commission to Request for Supplemental Information From the Federal Communications Commission November 6, 1996 (November 6, 1996 Supplemental Filing).

routing, translation programming, funding and technical compatibility with existing 911 systems.¹¹⁴ For example, APCO argues that addition of this number may cause problems for development of wireless location technology for 911 services.¹¹⁵ CBT cautions that nationwide implementation of 311 will necessitate translation programming in central offices so that 311 calls that are translated into a standard seven-digit number in the central office switches will ring to the corresponding local law enforcement agency.¹¹⁶ The County of Los Angeles expresses concerns about expenditures, staffing and technical compatibility with 911 systems, such as Automatic Location Identification (ALI) and Automatic Number Identification (ANI).¹¹⁷ The Los Angeles Police Department contends, for example, that: a national non-emergency N11 number should be supported by the same network selective routing system as E911/911 to ensure appropriate routing of non-emergency and emergency calls; the non-emergency calls should be supported with full ANI and ALI, provided through the same database platform; and in the future network, as with 911 calls, 311 calls should be routed using signalling system 7 over the public switched telephone network instead of on dedicated trunking.¹¹⁸ The Texas DIR supports the request, with the stipulation that a local jurisdiction could provide access to other government information and services.¹¹⁹ but asserts that the FCC must first consider such things as the possibility of adverse impacts to 911 and that access to government information should include all levels of government and both voice and data information.¹²⁰ The Texas DIR expresses concern that the Justice Department proposal does not address funding, noting that for the Baltimore 311 project, the Justice Department has provided \$350,000 dollars to the City of Baltimore for the two-year project and that AT&T has donated phone lines and invested over \$1 million in the program.¹²¹

¹¹⁴ See, e.g., Cellular Telecommunications Industry Association (CTIA) comments: Ameritech 311 Comments at 2-3; The Association of Public-Safety Communications Officials-International, Inc. (APCO) 311 Comments at 2-3; Cincinnati Bell Telephone Company (CBT) 311 Comments at 4-5; County of Los Angeles 311 Comments at 2; Los Angeles Police Department 311 Comments; Texas Department of Information Resources (Texas DIR) 311 Comments at 2-3.

¹¹⁵ APCO 311 Comments at 2.

¹¹⁶ See CBT 311 Comments at 4.

¹¹⁷ See County of Los Angeles 311 Comments at 2. Other commenters raise the issue of the use of ALI for 311 non-emergency services. See, e.g., Cellular Telecommunications Industry Association (CTIA) 311 Comments (expressing concern about whether ALI would be required for 311); City of Houston 311 Comments (asserting that the 311 code will not require a dedicated telephone network because, unlike 911 ALI will not be needed).

¹¹⁸ See Los Angeles Police Department 311 Comments at 2.

¹¹⁹ See Texas DIR 311 Comments at 2.

¹²⁰ See *Id.* at 2-3.

¹²¹ *Id.* at 2.

31. Parties also raise concerns about the ability to analyze the results of the Baltimore 311 Trial prior to the Commission's making a determination in this proceeding.¹²² Several other parties suggest that it is premature to make a determination that 311 should be assigned for non-emergency police calls,¹²³ claiming, for example, that the issue should be referred to industry fora,¹²⁴ that the Commission should subject the issue to further scrutiny in the context of a broader review of abbreviated dialing arrangements,¹²⁵ and that alternative dialing arrangements such as 800 and seven-digit or ten-digit numbers should be considered.¹²⁶ Several parties opposing the Department of Justice's request also cite available 800, seven-digit and ten-digit alternatives.¹²⁷

32. Parties opposing the Department of Justice's request include entities currently assigned 311 for local use, several state 911 communications centers,¹²⁸ the National Emergency Number Association (NENA)/National Association of State Nine One One Administrators (NASNA) (collectively, National 911 Commenters), and the International Association of Fire Chiefs, Inc., and International Municipal Signal Association (collectively, International Fire Chiefs/Municipal Signal). Many parties opposing the Department of Justice's request cite implementation concerns,¹²⁹ suggest education efforts as an alternative,¹³⁰ and caution that implementation of a non-emergency number prior to ubiquitous 911 service

¹²² See, e.g., California Highway Patrol 311 Comments; Cox 311 Comments at 1-2.

¹²³ See, e.g., GTE 311 Comments at 2-4; BellSouth 311 Comments at 3; The Office of Information Resources of the Budget and Control Board of the State of South Carolina (South Carolina OIR) 311 Comments.

¹²⁴ See, e.g., GTE 311 Comments at 2-4; BellSouth 311 Comments at 4-5.

¹²⁵ See South Carolina OIR 311 Comments.

¹²⁶ See GTE 311 Comments at 2-4.

¹²⁷ See, e.g., Texas Advisory Commission on State Emergency Communications (TX-ACSEC) 311 Comments at 2; Arizona APCO Chapter 311 Comments; Mesa 311 Comments at 1-2; King County E911 Program Manager Comments at 1-2; International Association of Fire Chiefs, Inc., and International Municipal Signal Association 311 Comments at 9-11 (suggesting a 555 number alternative)

¹²⁸ See, e.g., City of Mesa, Arizona, Police Department Communications (City of Mesa) 311 Comments; Southern Idaho Regional Communications Center 311 Comments; Greater Harris County 9-1-1 Emergency Network 311 Comments.

¹²⁹ See, e.g., National 911 Commenters 311 Comments at 6-7; Arizona APCO Chapter 311 Comments; City of Mesa 311 Comments at 1-2; International Fire Chiefs/Municipal Signal 311 Comments at 7-9.

¹³⁰ See, e.g., Bismark Emergency Management & Combined Communications (Bismark) 311 Comments; Cox 311 Comments at 4; Greater Harris County 9-1-1 Emergency Network 311 Comments at 1; Mesa Comments at 1; Southern Idaho Regional Communications Center 311 Comments; Fairfax County Fire and Rescue Department 311 Comments; King County E911 Program Manager 311 Comments at 1; International Fire Chiefs/Municipal Signal 311 Comments at 7.

would be detrimental to efforts to make it so.¹³¹

33. The National 911 Commenters oppose the Department of Justice request, arguing, for example, that 911 networks in most of the country are not overloaded;¹³² time and speed dialing are not important in non-emergency situations; N11 numbers, unlike seven-digit and ten-digit numbers (such as 800 numbers) are scarce; implementation is costly; and there are wide local variations of use of N11 numbers, which, in some cases are causing confusion for 911 callers.¹³³ The National 911 commenters ask whether national uniformity is superior to local choice and also contend that the Commission must consider that there are other pending requests for N11 numbers.¹³⁴ The State of New York Department of Public Service (NYS DPS), while supporting the concept of a national non-emergency police N11 number, opposes the use of 311 for this purpose because this code is used in New York state by individuals with hearing or speech disabilities to access New York State Police emergency services.¹³⁵ NYNEX also opposes the particular use of 311 for the same reason, but, unlike NYSDPS, opposes the use of an N11 code for this purpose generally, on the grounds that it may be too easily confused with 911.¹³⁶ NYNEX suggests, as an alternative, an interchangeable numbering plan area (INPA) three digit code such as 222, 333, 444, 777 or 933, and any conflicts between the INPA and an NXX could be resolved through "interdigital dialing" by having switches programmed to determine whether an NXX is dialed after the INPA.¹³⁷ Other opponents, like NYNEX, cite possible confusion with 911 as a reason not to choose 311 as a non-emergency police number.¹³⁸ The City of Fresno, California Chief of Police (Fresno Police Chief), while not objecting to a national three digit number for non-emergency police calls, contends that the national number should not have any of the numbers contained in 911, and suggests, for example, a number such as 333. The Fresno Police Chief also suggests that the national number should not be mandatory and that if it is, "legislation be passed to fund the cost of establishing and maintain[ing] the non-emergency telephone

¹³¹ See, e.g., Mesa 311 Comments at 1; Arizona APCO 311 Comments at 1.

¹³² National 911 Commenters 311 Comments at 4.

¹³³ *Id.* at 6-7.

¹³⁴ *Id.* at 8.

¹³⁵ NYSDPS 311 Comments at 1.

¹³⁶ See NYNEX 311 Comments at 2.

¹³⁷ See *id.* at 3. See also Florence Cainoce, Staff Manager for NYNEX Consumer Affairs 311 Comments at 2, stating that she is a member of the Deaf community and she hopes 311 will continue to be used in New York for its current purpose until the year 2000.

¹³⁸ See, e.g., National 911 Commenters 311 Comments at 8; Cox 311 Comments at 5-6; International Fire Chiefs/Municipal Signal 311 Comments at 6.

system."¹³⁹ Costs of upgrading the network and funding issues are raised not only by opponents of the Department of Justice's request¹⁴⁰ but also by its supporters who express concern about implementation of 311.¹⁴¹

34. Several other parties note current uses of 311. Acadian Ambulance and AIR MED Services of Louisiana (*Acadian et. al.*),¹⁴² while generally supporting the non-emergency number effort, opposes the selection of 311, which it has been using since March 1994 to provide rural ambulance service in Louisiana. *Acadian et al.* requests that the Commission, if it chooses 311 as a national non-emergency number, direct the Louisiana PSC to award Acadian a replacement number.¹⁴³ The Kentucky Department of Transportation (Kentucky DOT) and the Ohio Department of Transportation (Ohio DOT), while both supporting the assignment of a national non-emergency N11 number, object to the choice of 311 because each uses that number in its state for traffic information. The Ohio DOT cites its current cellular use of the number and pending request for landline use for the Advanced Regional Traffic Interactive Management and Information System (ARTIMIS), a traffic management system that according to the Ohio DOT has been very successful.¹⁴⁴ The Kentucky DOT states that it views N11 as a scarce numbering resource that should be assigned for public, rather than private projects, but contends that it has spent much money, including a "business opportunity" fee of \$45,000.00 per year to Cincinnati Bell Telephone Company (CBT), for its use of 311.¹⁴⁵ The Kentucky DOT suggests 611 as an appropriate number, contending that very few telephone customers actually know that this number can be used for telephone company repair calls.¹⁴⁶ CBT, although expressing implementation concerns and noting the Kentucky DOT's current use of 311, supports the Department of Justice's request.¹⁴⁷ Morris Communications Corporation (Morris) of Augusta, Georgia, opposes the request because the

¹³⁹ Fresno Police Chief 311 Comments.

¹⁴⁰ See, e.g., City of Mesa 311 Comments at 2; Arizona APCO 311 Comments at 2; National 911 Commenters 311 Comments at 6-7; International Fire Chiefs/Municipal Signal 311 Comments at 8.

¹⁴¹ See, e.g., AT&T 311 Comments at 3; Los Angeles Police Department 311 Comments at 2;

¹⁴² Acadian Ambulance Service, Inc. (*Acadian*) filed comments in response to the N11 NPRM. See para. 28. supra. *Acadian* filed together with AIR MED Services of Louisiana (*Acadian et. al.*) in response to the Department of Justice request. *Acadian et. al.* states that it serves 26 Louisiana parishes, three more than *Acadian* said it served in 1994.

¹⁴³ See *Acadian et. al.* 311 Comments at 2-4.

¹⁴⁴ See Ohio DOT 311 Comments at 1-2.

¹⁴⁵ See Kentucky DOT 311 Comments at 2.

¹⁴⁶ Id.

¹⁴⁷ See CBT 311 Comments at 2.

company uses 311 in three cities in Georgia and one in Florida as a pay-per-call number providing updates on, for example, news, sports and entertainment. Morris requests that a different three digit code be used, suggesting that 811 might be better because it immediately precedes 911.¹⁴⁸ Finally, Morris states that it would investigate whether its legal rights would be infringed by a "taking" of the 311 number.¹⁴⁹

35. Discussion. We find assignment of a national number through which the public could gain access quickly to non-emergency police and other government services¹⁵⁰ to be in the public interest. After reviewing the record, we conclude that this number should be an N11 code, specifically 311. We direct Bellcore, as of the effective date of this First Report and Order, in its capacity as NANP administrator, to assign 311 for this purpose. When a provider of telecommunications services receives a request from an entity (for example a local police chief or local fire chief) to use 311 for access to non-emergency police and other government services in a particular jurisdiction, it must ensure that, within six months of the request: (1) entities that were assigned 311 at the local level prior to the effective date of this First Report and Order relinquish non-compliant uses; and (2) it takes any steps necessary (for example reprogramming switch software) to complete 311 calls from its subscribers to a requesting 311 entity in its service area.

36. We find that use of an N11 code for access to non-emergency police services could alleviate congestion on 911 circuits, which could permit more effective operation of 911 emergency services. By promoting the safety of life and property, ensuring the public prompt access to emergency services is consistent with the purpose stated in Section 1 of the Act.¹⁵¹ In determining not to alter 911's designation as a national code for emergency services, we have already noted that the use of 911 for this purpose "clearly serves the public interest because end users know that they can dial this code from virtually any exchange in the country in order to obtain emergency assistance."¹⁵² Therefore, ensuring that 911 circuits are not overburdened with non-emergency calls is also of utmost importance. Eventually, the use of a single N11 code nationwide for non-emergency calls will let callers know that they can dial this code from any exchange (to obtain necessary governmental services) without hampering others' access to 911 for emergencies. We also are confident that local education programs will help ensure that members of communities become aware of: (1) the new non-emergency number and its primary purpose; (2) the importance of continuing to dial 911 in

¹⁴⁸ See Morris 311 Comments at 1.

¹⁴⁹ Id. The Commission has stated that carriers do not own numbers and that numbers are a national public resource. See para. 71, infra.

¹⁵⁰ See discussion at para. 37, infra.

¹⁵¹ See 47 U.S.C. § 151.

¹⁵² See para. 23, supra.

real emergencies; and (3) any secondary uses for the new code in the particular jurisdiction.

37. We also leave with local jurisdictions in the first instance the discretion to determine whether 311 should be used locally to reach other government services, as the Department of Justice has suggested.¹⁵³ Local jurisdictions can better determine whether this code could or should be used for access to services in addition to non-emergency police services. We find 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.

38. The record indicates that 311 is being used in several jurisdictions. Our decision to allow other uses of the 311 code to continue for a reasonable period will ensure that there is no unreasonably abrupt disruption of those uses. We expect that, in ensuring relinquishment of non-compliant uses of 311 as required above, providers of telecommunications services also ensure that this occurs with the least disruption possible to the user's business.¹⁵⁴ We are particularly concerned that there be no confusion for individuals with hearing or speech disabilities who currently use 311 to access emergency services in the State of New York. Our decision to allow non-compliant uses to continue until six months after a request is made to use 311 for non-emergency services in a particular jurisdiction will provide the State of New York additional time: (1) to educate users with hearing and speech disabilities about the future unavailability of 311 for emergency services; and (2) to ensure that 911 and other emergency services are directly accessible by users with disabilities, as required by regulations implementing the Americans with Disabilities Act (ADA).¹⁵⁵

39. While we acknowledge that many commenters raise concerns about using 311 for non-emergency police calls (citing the possibility of user confusion with 911, technical issues related to implementation, costs, funding and the potential effects on the 911 system), we find, nonetheless, that the benefits of a national N11 assignment for non-emergency calling in those communities choosing to use 311 will outweigh the implementation concerns, which are most appropriately addressed by local governments. This national assignment is intended to reduce the burden on 911 circuits, when needed, by providing an easy-to-remember number for such use. We realize, as the National 911 Commenters assert, that not all 911 circuits are congested. Local governments are best suited to determine the need for relief of their 911 systems from non-emergency calling, and therefore, whether to avail themselves of the ability, made easier by this national assignment, to request 311 implementation in their respective

¹⁵³ See Department of Justice August 26, 1996 Letter.

¹⁵⁴ See para. 35. *supra*.

¹⁵⁵ See 28 C.F.R. § 35.162, implementing Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. § 12131 - 12161.