

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission Investigation)
Into the Allocation of Abbreviated Dialing) Case No. 93-1799-TP-COI
Arrangements, Such as N-1-1.)

In the Matter of the Application of SBC Ohio)
To Introduce a New Tier 1 Non-Core Service) Case No. 04-601-TP-ATA
Named SBC 511.)

ENTRY

The Commission finds:

- (1) On July 31, 2000, the Federal Communications Commission (FCC) released its Third Report and Order in FCC Docket 00-256,¹ pertaining to the assignment of abbreviated dialing arrangements, such as N-1-1.² (*N11 Third Report and Order*). In that order, the FCC, among other things, granted a petition of the U.S. Department of Transportation for assignment of a nationwide N-1-1 abbreviated dialing code (i.e., specifically the 511 dialing code) for use by state and local governments to deliver travel-related information to the public through access to intelligent transportation system (ITS) services nationwide. The FCC specified that “a governmental entity may request 511

¹ See Third Report and Order and Order on Reconsideration, FCC Docket 00-256, *In the Matter of the Petition by the United States Department of Transportation for Assignment of an Abbreviated Dialing Code (N11) to Access Intelligent Transportation System (ITS) Services Nationwide*, NSD-L-24; *In the Matter of the Request by the Alliance of Information Referral Systems, United Way of America, United Way 2-1-1 (Atlanta, Georgia), United Way of Connecticut, Florida Alliance of Information and Referral Services, Inc. and Texas I&R Network for Assignment of 2-1-1 Dialing Code*, NSD-L-98-80; and *In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105; released July 31, 2000.

² Abbreviated dialing arrangements enable the caller to connect to a location in the network that otherwise would be accessible only via a seven or ten-digit telephone number. The network must be pre-programmed to translate the three-digit code into the appropriate seven or ten-digit telephone number and route the call accordingly. Among abbreviated dialing arrangements, “N-1-1” codes are three-digit codes of which the first digit can be any digit other than 1 or 0, and the last two digits are both 1.

from both wireline and wireless providers to use for intelligent transportation systems or other transportation information.” Further, the FCC stated:

We do not specify parameters for cost recovery and other technical issues, contrary to suggestions of some commenters. Instead, we leave with federal, state, and local government transportation agencies the discretion to determine the deployment schedule and the type of transportation information that will be provided using 511.... We conclude that setting parameters for these issues may in fact hinder government entities in deploying 511. We encourage federal, state, and local government transportation agencies to work cooperatively to ensure that the transportation information provided using 511 is appropriate to the national scope of our designation and the scarcity of the N11 public resource. In order to put the 511 code to the best use, callers should have access to information that transcends municipal boundaries and that is easily retrievable in a single call. 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. We also note that governmental entities, working in conjunction with regional government transportation agencies, will need time to determine uniform standards for how travel information services should be provided to the public.³

- (2) This entry will address two pending pleadings that are intended to impact the future deployment of 511 in Ohio. The first, filed on March 23, 2001, in Case No. 93-1799-TP-COI (93-1799), is a formal request by the Ohio Department of Transportation (ODOT) for “designation as the governmental

³ The FCC also indicated that it would reexamine and reassess its assignment of the 511 code for access to travel information systems five years after the effective date of the *N11 Third Report and Order*. The FCC stated that if, at that time, 511 is not being used on a widespread basis for provision of travel information services, the FCC may consider designating the 511 code for other uses, or removing the exclusive assignment for travel information services.

agency responsible for implementing and coordinating the use of the 511 abbreviated dialing code for traveler information services in the State of Ohio" (*Request for Designation*). The second is a tariff application filed by SBC Ohio on April 23, 2004, in Case No. 04-601-TP-ATA (04-601).

- (3) In its *Request for Designation*, ODOT has indicated that it seeks the requested designation in order "to facilitate the deployment of the 511 dialing code for traveler information statewide." In support of its request, ODOT has cited several reasons why it believes it is qualified to be designated in the role it seeks. Among these are the facts that: (a) it claims to have experience working on several intelligent transportation system (ITS) projects; (b) it claims to be currently developing plans for a statewide ITS architecture, an integral part of which will be the provision of traffic and traveler information systems; and (c) it claims that ODOT's "role in constructing, operating, and maintaining transportation infrastructure and resources in Ohio is well established" (*Request for Designation* at 3).
- (4) An entry was issued in the 93-1799 case on April 30, 2001, which invited interested persons or entities to file initial and/or reply comments on ODOT's *Request for Designation*, by May 21, 2001 and May 31, 2001, respectively. The entry indicated that the Commission would consider any such comments prior to its taking any further action with respect to ODOT's *Request for Designation*. Initial comments on ODOT's *Request for Designation* were timely filed by numerous entities, namely, Ameritech Ohio (SBC Ohio); CenturyTel of Ohio, Inc. (CenturyTel); jointly by United Telephone Company of Ohio dba Sprint, Sprint Communications Company L.P. and Sprint Spectrum L.P. dba Sprint PCS (collectively, Sprint); Cincinnati Bell Telephone Company (Cincinnati Bell); Verizon North Inc. (Verizon); jointly by AT&T Communications of Ohio and TCG Ohio (collectively AT&T); and AT&T Wireless Services, Inc. (AWS). Only SBC Ohio filed reply comments. In addition, on May 31, 2002, a letter was filed in the 93-1799 docket by the Ohio State Highway Patrol (OSHP) which indicated that, while the OSHP is not opposing ODOT's *Request for Designation*, it does request that any 511 implementation plan adopted in Ohio should be required to include the OSHP among the answering points that could be accessed by dialing 511. Because, as will be further explained below, it is not our

intention to rule on ODOT's *Request for Designation* now, but rather to allow ODOT and others a new opportunity to file supplemental comments to further bolster the record in the 93-1779 case as pertains to that request, we will neither summarize nor discuss in detail, the substance of the initial comments and reply comments filed by the entities just identified.

- (5) Upon review, we find that we do not yet have a complete record upon which to decide whether to grant ODOT's *Request for Designation* in the 93-1799 docket. Given the amount of time that has passed since ODOT first made this request, we ask that ODOT update its request to indicate whether it is still interested in being designated as the governmental agency responsible for implementing and coordinating the use of 511 in Ohio. If ODOT is still interested in this, ODOT shall supplement its request to describe how, if its request were to be granted, it intends to carry out its proposed function as the agency responsible for statewide deployment of the 511 code. Specifically, the Commission is interested in learning more about the standards and procedures that ODOT proposes to use in making the necessary determinations concerning: (1) who will be authorized to use the 511 code; (2) how it will be determined where and how such use will be authorized; (3) and what type of travel information will or will not become accessible by using 511, as a result of those standards, procedures, and authorizations. Beyond that, we would also invite ODOT to now explain its position, if any, on whether this Commission should, as Sprint and others have suggested in their initial comments in response to ODOT's *Request for Designation*, simply delay any new decision it might otherwise make regarding how 511 shall be deployed in Ohio until after the FCC has ruled on all of the currently pending petitions for reconsideration of the FCC's *N11 Third Report and Order*. In the interest of gathering a complete record on which to base our decision, ODOT may also respond to any other issue raised in the comments and reply comments that has already been filed in response to its *Request for Designation* and to the May 31, 2002 letter filed by the OSHP.
- (6) We will establish June 21, 2004, as the deadline by which ODOT shall file any such supplemental comments in support of its *Request for Designation*. Moreover, any person or entity who wishes to submit to the Commission new or additional

comments which would either respond to supplemental comments, if any, filed by ODOT, or otherwise would pertain to the manner in which this Commission should now proceed in terms of seeing the 511 service code properly deployed in Ohio, shall file such comments in the 93-1799 docket by July 8, 2004. Any such comments could also address the question of how the Commission should proceed in deciding whether to approve SBC Ohio's 511 tariff application in the 04-601 docket, but to the extent that topic is addressed, the comments should be filed not only in the 93-1799 docket, but also in the 04-601 docket.

- (7) In the 04-601 case, SBC Ohio is seeking to establish a new tier 1, non-core service named SBC 511. According to SBC Ohio's application, SBC 511 is an optional service that may be purchased only by a federal, state or local government transportation agency. It is intended to allow wireline local exchange end users, by dialing 511, to reach a call center designated by the tariff customer (i.e., the governmental agency that purchases SBC 511 service under the tariff). In practical terms, SBC 511 is an intelligent routing service that determines the central office serving the calling party, converts the 511 dialed digits to a Routing Telephone Number (RTN) and then uses the RTN to complete the call over the public switched network to a call center designated by the 511 customer.

SBC Ohio's proposed 511 tariff provides, among other things, that:

- (a) Each stand-alone, host, or remote central office serving area may constitute a separate "511 service area". While the tariff states both that "normally" only one RTN can serve a 511 service area and also that "typically", there can only be one 511 customer for each 511 service area, ultimately, the tariff fails to establish any procedures or standards for determining who will be the customer in situations where there are multiple governmental transportation agencies who all wish to become the tariff customer in any particular 511 service area.
- (b) SBC 511 is an optional service that may be purchased only by a federal, state or local government

transportation agency. This runs counter to an argument that remains currently under further consideration by the FCC. More specifically, Sprint has, within a still-pending petition for reconsideration of the FCC's *N11 Third Report and Order*, challenged the legality of the FCC's assignment of the 511 code to only government agencies.

- (c) Provision of SBC 511 service shall be subject to both nonrecurring charges and recurring monthly charges. The proposed recurring charge is \$35.00 per month. The proposed nonrecurring charges are associated with the establishment or modification of 511 service areas. These include a \$785.00 nonrecurring charge per stand-alone or host central office, and of \$130.00 per each customer-requested 511 table change.
- (8) The Commission finds that SBC Ohio's tariff application in the 04-601 docket raises certain issues that are similar to, and should not be decided independently from, those raised by ODOT's *Request for Designation*, as filed in the 93-1799 docket. For example, like ODOT's *Request for Designation*, SBC Ohio's proposed tariff fails to address completely the question of which standards or procedures should apply in determining who shall be authorized to use the 511 code in situations where more than one potentially qualified 511 service customer may exist in a particular 511 service area. Moreover, among other things, it also begs a question that Sprint and others have raised in comments filed in the 93-1799 docket in response to ODOT's *Request For Designation*, namely whether this Commission should simply delay any new decision it might otherwise make regarding how 511 shall be deployed in Ohio until after the FCC has ruled on all of the currently pending petitions for reconsideration of the FCC's *N11 Third Report and Order*. As a result, the Commission finds it appropriate to suspend the automatic approval of SBC Ohio's tariff application for a period of at least 60 days, pursuant to Rule 4901:1-6-04, Ohio Administrative Code (O.A.C.).

It is, therefore,

ORDERED, That, in accordance with the above findings, ODOT shall have until June 21, 2004, to supplement the record in the 93-1799 docket with respect to its pending *Request for Designation*. It is, further,

ORDERED, That, in accordance with the above findings, any person or entity who wishes to submit to the Commission new or additional comments which would either respond to supplemental comments, if any, filed by ODOT, or otherwise would pertain to the manner in which this Commission should now proceed in terms of seeing the 511 service code properly deployed in Ohio, shall file such comments in the 93-1799 docket by July 8, 2004. Any such comments could also address the question of how the Commission should proceed in deciding whether to approve SBC Ohio's 511 tariff application in the 04-601 docket, but to the extent that topic is addressed, the comments should be filed not only in the 93-1799 docket, but also in the 04-601 docket. It is, further,

ORDERED, That the tariff application filed by SBC Ohio in the 04-601 docket is hereby suspended for a period of at least 60 days, pursuant to Rule 4901:1-6-04, Ohio Administrative Code (O.A.C.). It is, further,

ORDERED, That a copy of this entry be served upon all persons or entities, including ODOT and the OSHP, who have previously filed comments or letters relating to ODOT's *Request for Designation*, upon SBC Ohio, upon the County Commissioners' Association of Ohio, upon the Ohio Municipal League, and upon other interested persons of record in either the 93-1799 docket or the 04-601 docket.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Alan R. Schriber, Chairman

Ronda Hartman Fergus

Judith A. Jones

Donald L. Mason

Clarence D. Rogers, Jr.

;geb

Entered in the Journal



A handwritten signature in cursive script, reading "Renee J. Jenkins", is centered on the page. The signature is written in black ink and is flanked by two horizontal lines, one above and one below.

Renee J. Jenkins
Secretary