Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
The Use of N11 Codes and Other	)	CC Docket No. 92-105
Abbreviated Dialing Arrangements	)	

REPLY COMMENTS OF AN INTERESTED PARTY TO CONSIDERATION OF PETITIONS FILED FOR THE RECONSIDERATION OF THE 211/511 FCC ASSIGNMENT ORDER

I, Mark S. Owens, Representative-elect North Dakota House of Representatives, wishes to submitted for consideration the following comments in response to the Commission's 211/511 Assignment Order and the petition for reconsideration of said order by a number of wireless carriers and their association, CTIA.

I. CURRENT 511 IMPLEMENTATION

The first statewide 511 service was launched in Nebraska in 2001, roughly one year after the 511 Assignment Order. While some of the technology that operates 511 was developed years early in 1995, service enhancements as well as economical improvements have followed and continue to date. Currently, 24 services are operating in 22 states. 511 now serves travelers and daily commuters across rural and urban on both wireless and wireline systems as well as the internet.

The most important demonstration of 511's penetration is that of usage by travelers, which has grown steadily over the years. 511 technologies are still in their infancy with new developments and services being added annually, with the suggestion of most improvements coming from the user themselves.

II. PETITIONERS CONCERNS

I like would to specifically address some key comments filed by the wireless carriers and CTIA in their petition for reconsideration. It appears that both the carriers and CTIA are focus on three main concerns: (1) ambiguity regarding which government entities should have access to 511; (2) problems associated with wireless carrier network service areas not aligning with 511 service areas; and, (3) the assertion that government-provided 511 services interfere with commercial activities. Most of these issues have been either addressed or improved by the advances of 511 developing system applications within the #SAFE technology.

III. AMBIGUITY OF WHAT ENTITIES SHOULD HAVE ACCESS TO 511

One of the concerns dealt with the 211/511 Assignment Order possibly creating an ownership issue problem of the N11 number for each carrier, causing them to decide between which organization should control and have authority to direct the carriers as to implementation and changes for 211/511. While I have some experience in dealing with 211 to date, 211 agency ownership issues are different than that of 511, therefore I will focus all remaining comments directed at 511 alone.

Since the initial construction of the first 511 state wide system, up to the remaining six states that I have personally been involved with over the past 5 years, at no time was this an issue for the states or carriers. The ownership of 511 was clearly outlined by Public Service Commissions or Governor's Offices from the start in an effort to avoid any confusion of responsibility for 511. In most cases, the state agency responsible for transportation policy and procedures was given the implementation responsibilities of 511 and held workshops from the outset to coordinate efforts of both

the wireline and wireless carriers to properly route the 511 code. In one case, the responsibility is shared between the transportation agency and the Highway Patrol. The original order by the FCC was taken to mean a state agency, thus the state had the right to assign responsibility exclusive of any city, county or federal agency.

IV. WIRELESS CALL ROUTING NOT IN ALIGNMENT WITH 511 SERVICE BORDERS

As stated a number of times during the early development of 511, radio waves do not recognize state boundaries. It is possible that a 511 caller in one state or region along a border may have the call go through a cell tower programmed to send calls to a different state. This problem was eliminated prior to 511 with the nation's first multi-state Advanced Traveler Information System (ATIS) known as #SAFE. #SAFE was a single number (#7233) that was accessible across North and South Dakota beginning in November 1996. From the very beginning, #SAFE solved the wireless problem of interoperability between states and along state lines with regard to wireless tower locations by offering both states on each system. This allowed a traveler to access the information for a given state regardless of their location to a state line or wireless tower. Today, the #SAFE technology operates five statewide systems and represents the only interoperable systems in the nation that ignore state lines for wireless users. These concerns about geographic difficulties by both the carriers and CTIA are outdated and misrepresentative of the current systems deployed. This is not an issue that causes wireless carriers problems, in fact the wireless carrier is allowed to program the entire state or switch with one number translation and the requests are handled on the technology side of 511.

V. 511 SERVICES INHIBIT PRIVATE MARKET OPPORTUNITIES

Some of the wireless carriers claim that providing 511 from government transportation agencies infringes on their competitive right for new product development by preventing the wireless carriers from providing branded traveler information to their customers. They go on to suggest that, if not for the government 511 system, there would exist a thriving market of for-profit 511 services. Please ask yourself a question, while systems like the #SAFE system were under development for 2 years and operational for 4 years before the FCC order for 511, where were these wireless carriers and their new innovative product development? The history of their marketing push is clear evidence of a total disinterest in Traveler Information Systems until the FCC issued the 511 order, thus providing them with even the simplest idea of the market. Furthermore, 511 speaks directly to surface transportation safety; thus should not and can not be restricted to only those travelers that can pay a premium for the service.

Two main reasons why a list of basic services should be free:

1. Premium services would soon be worthless if only a few were receiving the information necessary to alter their travel decisions. While the few would have the information necessary to make intelligent choices, the reminder would still be the problem and cause of the very thing ATIS is meant to change: Traveler Behavior.
2. All travelers across all income groups, living in urban and rural areas should be provided basic information necessary to judge the safety and security of the surface transportation system they wish to use for any given trip. If left to the commercial entities, rural America will see

traveler information services somewhere around the year 2045, while urban areas will receive the only noticeable attention.

These arguments have no basis in the historical realities of either traveler information services or wireless communications.

VI. CONCLUSIONS

AASHTO and the 511 Deployment Coalition welcome the opportunity to update the Commission on the progress of 511 implementation and the coordinated efforts of federal, state and local government entities, academia and the private sector to establish 511 services to meet the vision of the Commission in its 211/511 Assignment Order. However, AASHTO has seen no real-world examples of the concerns raised by the carriers and CTIA, thus does not believe any additional rulemaking associated with 511 is necessary at this time.