

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

In the Matter of)
)
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES)
) **CC Docket No. 95-155**
Substance Abuse and Mental Health Services Administration)
)
REQUEST FOR REASSIGNMENT OF)
)
TOLL FREE SUICIDE)
)
PREVENTION NUMBERS)
_____)

To: The Commission

**SUPPLEMENTAL PETITION OF THE U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES IN SUPPORT OF ITS REQUEST FOR REASSIGNMENT OF
TOLL FREE SUICIDE PREVENTION NUMBERS**



Rina Hakimian
Constance L. Foster
Petitioner's Representatives
Office of the General Counsel
Public Health Division
Department of Health and Human Services
5600 Fishers Lane, Room 4A-53
Rockville, MD 20857
(301) 443-2644 (phone)
(301) 443-2639 (Fax)

December 20, 2006

12, 2006, SAMHSA filed a petition with the FCC updating and renewing this letter, and requesting that the FCC exercise its authority to permanently assign the following five toll free numbers used as suicide prevention hotlines to SAMHSA:

(800) 784-2433 (1-800-SUICIDE)

(877) 784-2432 (1-877-SUICIDA)

(888) 784-2433 (1-888-SUICIDE)

(800) 442-4673 (1-800-442-HOPE)

(800) 827-7571

Collectively, these numbers are referred to as the “toll free suicide prevention numbers.”

SAMHSA’s renewed request was precipitated by receipt of notice on November 28, 2006 that the telecommunications provider would cease telecommunications services for the toll free suicide prevention numbers without an agreement reflecting orderly transfer of the numbers to SAMHSA.

As a result, SAMHSA included in its December 12 petition a request that the FCC direct McLeodUSA, Telecommunications Services, Inc. (McLeod), the Responsible Organization for the suicide prevention numbers, to permit SAMHSA to port the toll free numbers to the Responsible Organization of its choosing. As explained in more detail below, SAMHSA has been operating and supporting these lines since August 25, 2006. If these five toll free numbers are placed on disconnect status, then during each hour that calls go unanswered, lives may be

lost.

The FCC has the authority to assign toll free numbers in the public interest. SAMHSA's request for emergency assignment of these numbers is based on its concern that the numbers could be disconnected and unavailable for public use. SAMHSA has had financial and operational control over these toll free suicide prevention numbers since August 2006, ensuring their stability and public availability. SAMHSA has an established record of and commitment to focusing attention, programs, and funding on improving the lives of people with or at risk for mental illnesses and substance abuse disorders.

I. The FCC has the Authority to Reassign Toll free Numbers to Benefit the Public Interest

The Communications Act of 1934, 47 U.S.C. §151 et seq., as amended by the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, gives the Commission exclusive jurisdiction over “those portions of the North American Numbering Plan that pertain to the United States. 47 U.S.C. 1 and 251(e)(1). The Communications Act authorizes the FCC to “ensure the efficient, fair, and orderly allocation of toll free numbers.”¹ The FCC has previously characterized telephone numbers as a public resource, rejecting the notion that either carriers or

¹47 U.S.C. §251(e)(1)

subscribers could “own” telephone numbers.²

To ensure fairness, efficiency, and equitable distribution of numbers, the FCC has adopted rules governing allocation of numbers. However, the FCC has expressly reserved the right to direct the assignment of numbers other than on a first-come, first-served basis.³

II. SAMHSA’s Mission and Support for Suicide Prevention

As part of its public health mission, SAMHSA supports efforts to prevent suicide. Suicide is a severe but preventable public health problem. According to the National Center for Health Statistics at the Centers for Disease Control and Prevention, more than 30,000 Americans commit suicide every year. Suicide is the third leading cause of death among young people between the ages of 15 and 24 and the eleventh leading cause of death among persons of all ages. Last year alone, over 7 percent of all American youth 1.8 million young people had thoughts about killing themselves. Approximately 900,000 of these youth made plans to commit suicide; 712,000 acted on those plans by attempting suicide. Across the country, someone dies by suicide every 17 minutes. In the United States, more people die every year by suicide (30,000) than by homicide (18,000). These individuals leave behind family and friends who are devastated emotionally by this tragedy.

²Citing *In the Matter of Administration of the North American Numbering Plan, Report and Order*, CC Docket No. 92-237, 11 FCC Rcd 2588 (1995).

³47 C.F.R. §52.111

SAMHSA supports a broad national effort to stem the tide of suicides. Currently, it operates the National Suicide Prevention Lifeline that uses a national toll free number to connect callers at risk for suicide to trained counselors close to where they live.

Funded by a \$6.6 million grant from SAMHSA's Center for Mental Health Services (CMHS), the Lifeline came into existence following the 2001 launch of the National Strategy for Suicide Prevention, a broad initiative aimed at reducing the number of suicides across the country. In addition to the Lifeline, SAMHSA provides funding for the Suicide Prevention Resource Center, which offers technical assistance, training, and informational materials to support suicide prevention efforts.

III. SAMHSA Supports Toll Free Suicide Prevention Numbers in the Public Interest

From September 2001 through March 2005, SAMHSA funded the American Association of Suicidology (AAS) through a cooperative agreement to focus on the certification and networking of local crisis centers using a single, national toll free number. AAS had an agreement with the Kristin Brooks Hope Center (KBHC), which established 1-800-SUICIDE in 1999, to provide the toll free service using the 1-800-SUICIDE number. Thus, KBHC received funding from AAS to operate 1-800-SUICIDE from 2001 until 2005, pursuant to AAS' grant

from SAMHSA, which was awarded pursuant to SAMHSA's statutory mission as set forth in the Public Health Service Act, as amended.⁴

As described in the attached Declaration of Dr. Broderick, during the months of July and August 2006, SAMHSA was informed that KBHC had unpaid telephone bills to the telecommunications provider, Patriot Communications LLC (Patriot) that provided telecommunications services to the toll free number 1-800-SUICIDE, and other suicide prevention hotlines maintained by KBHC. As a result of the unpaid telephone bills, SAMHSA was told that the suicide prevention hotlines were in imminent danger of being disconnected.

On August 1, 2006, the 1-800-SUICIDE number came within hours of being disconnected and "ringing busy." On the evening of August 1, a request from SAMHSA to Patriot prevented the line from being disconnected. Patriot informed SAMHSA that it had notified KBHC that it intended to sever its contract with KBHC on August 12. Patriot Communications stated that service to the lines supported by KBHC would cease until the current debt is paid, potentially leaving the telephone number in limbo and unanswered until it is reassigned. On August 11, 2006, with partial payment and a request for an extension by KBHC, Patriot Communications agreed to keep 1-800-SUICIDE operating for 2 more weeks. (See Declaration of Eric Broderick).

⁴Public Health Service Act, 42 U.S.C. §290aa(d)

IV. SAMSHA's Petition to the FCC

On August 25, 2006, SAMHSA was informed that the Kristin Brooks Hope Center agreed that SAMHSA should assume control of the toll free number 1-800-SUICIDE and twelve other toll free numbers operated by Patriot for KBHC. SAMHSA and KBHC agreed to advise Patriot that SAMHSA would assume financial and operational control over 1-800-SUICIDE and other toll free numbers⁵. (See Declaration of Dr. Eric Broderick). KBHC requested financial assistance from SAMHSA to repay Patriot for the existing debt for unpaid telephone services. As a result of this agreement, SAMHSA assumed financial responsibility for (800) 784-2433 (1-800-SUICIDE), (877) 784-2432 (1-877-SUICIDA), (888) 784-2433 (1-888-SUICIDE), (800) 442-4673 (1-800-442-HOPE), 1-800-827-7571 and eight other numbers operated by Patriot.⁶ Following notification by KBHC that SAMHSA would assume financial and operational control of the toll free number 1-800-SUICIDE, HHS Secretary Michael Leavitt submitted a petition to the FCC requesting the reassignment of the number 1-800-SUICIDE to SAMHSA.

On November 28, 2006, SAMHSA received a letter from Patriot Communications stating that if KBHC and SAMHSA did not confirm "in a binding written agreement that Patriot may [operate the numbers] and that KBHC will assert no claims against Patriot for having done so or

⁵SAMHSA assumed financial and operational control over thirteen toll free numbers, pending review of the services provided by the numbers. SAMHSA's evaluation showed that five of these numbers (the toll free suicide prevention numbers) were utilized for suicide prevention.

⁶KBHC used the term "donation" to describe the transfer of the toll free number 1-800-SUICIDE to SAMHSA. KBHC made public statements, disseminated on its web site that the line was being "donated" to SAMHSA.

continuing to do so," the Patriot would cease routing telephone calls to the toll free numbers at 12:01am on January 9, 2007 (see November 28, 2006 letter from Lee Hejmanowski).

As a result of the need to ensure that the toll free numbers remain open and of service to callers in crisis, and because it appeared that the numbers will be disconnected, SAMHSA renewed the HHS petition to the FCC. The request by Dr. Eric Broderick was filed on December 12, 2006.⁷

V. SAMHSA Operates the Toll Free Suicide Prevention Numbers as a Public Service

Since August 25, 2006, SAMHSA has had financial and operational control of the toll free suicide prevention numbers. SAMHSA has contracted with Gallup Organization, which in turn has contracted with Patriot, to provide ongoing service and support for the lines, which offer critical crisis counseling service to nearly 30,000 callers per month.

KBHC asserts that it is the subscriber of record for the toll free suicide prevention numbers, despite representations by the Responsible Organization (McLeod) to the contrary (see

⁷1-877-SUICIDA is a Spanish-language toll free suicide prevention line. 1-888-SUICIDE is a suicide prevention number that is in use by callers. The toll free number (800) 827-7571 was previously identified as a national suicide prevention hotline number prior to the establishment of either 1-800-SUICIDE or 1-800-273-TALK. While no one is currently promoting this number (1-800-827-7571) as a suicide prevention line, it can still be found on a number of websites by using internet search engines. A SAMHSA evaluation has shown that a few calls continue to come in on this line daily. The toll free number (800) 442-4673 is not explicitly promoted as a suicide prevention hotline. However, it still receives significant call volume (approximately 30 calls per day). Among these callers, it is likely that some are suicidal.

attached letter of November 15, 2006). The filings before the Commission indicate a dispute regarding the subscriber of record. SAMHSA takes no position on the proper outcome of the dispute, except to the extent it prevents the numbers from being operated as toll free suicide prevention hotlines. SAMHSA seeks reassignment of the suicide prevention numbers based on its statutory mission to promote services to meet the mental health needs of individuals.

SAMHSA responded to an imminent public health crisis in August 2006, when the needs of approximately 30,000 callers per month were about to go unmet. Nothing in the filings that we have reviewed should distort or deflect attention from the factual record demonstrating SAMHSA's ongoing commitment to operating the suicide prevention numbers as a public service, with uninterrupted access to crisis counseling for callers in need.

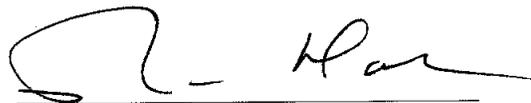
On December 12, 2006, following notification that the suicide prevention numbers would be disconnected on January 8, 2007, SAMHSA renewed and updated the HHS request to the FCC. In the case that these numbers are transferred to SAMHSA, SAMHSA is in a position to ensure that the numbers are lawfully used to deliver vital mental health services to those in need. We are also concerned that any sudden disconnection of the suicide prevention numbers could foreclose the opportunity to arrange for an orderly transition of the suicide prevention numbers.

VI. Conclusion

We understand that the Communications Act and the Commission's rules grant it the authority to assign toll free numbers in a manner that serves the public interest.

We urge the FCC to agree to SAMHSA's request. Based on the events that have occurred to date, we believe that the failure to grant such a request will lead to the disconnection of the toll free suicide prevention numbers. If the toll free suicide prevention numbers are disconnected, each hour that passes will lead to an increase in life-threatening risk to callers in crisis. SAMHSA's operation and support for the toll free suicide prevention numbers can ensure that these lines are maintained as a public resource.

Respectfully submitted,



Rina Hakimian
Constance L. Foster
Petitioner's Representatives
Office of the General Counsel
Public Health Division
Department of Health and Human Services
5600 Fishers Lane, Room 4A-53
Rockville, MD 20857
(301) 443-2644 (phone)
(301) 443-2639 (Fax)

December 20, 2006

NORMAN T. SELTZER
ROBERT CAPLAN
GERALD L. MCMAHON
REGINALD A. VITEK
DAVID J. DORNE
JAMES R. DAWE
BRIAN T. SELTZER
ELIZABETH A. SMITH-CHAVEZ
JOYCE A. MCCOY
DENNIS J. WICKHAM
JOHN H. ALSPAUGH
JAMES P. DELPHEE
ELINOR T. MERIDETH
MICHAEL G. NARDI
THOMAS F. STEINKE
NEAL P. PANISH
SEAN T. HARGADEN
DAVID J. ZUBKOFF
CHARLES L. GOLDBERG
PATRICK Q. HALL
MICHAEL A. LEONE
DANIEL A. ANDRIST
J. SCOTT SCHEPER
LEE E. HEJMANOWSKI
DANIEL E. EATON
MONTY A. MCINTYRE
GREGORY A. VEGA
HOWARD J. BARNHORST II
PAUL R. DATNOW
JACK R. LEER
AMANDA L. HARRIS
MARNIE S. SKEEN
DAVID M. GREELEY
CHARLES B. WITHAM
RHONDA K. CRANDALL
SCOTT A. MILLER
ROBERT (ROBIN) M. TRAYLOR
LINDA PAPST de LEON
JOSEPH P. MARTINEZ
RICHARD A. CLEGG
G. SCOTT WILLIAMS
ANDREW D. BROOKS
JEFFREY B. HARRIS
MATTHEW M. MAHONEY
CHRISTINE M. LA PINTA
DANIEL W. ABBOTT
ANGELA A. BASSETT
ALLISON C. SHANAHAN
ERIK L. SCHRANER
JASON P. SWEENEY
JASON M. SANTANA
CLARICE A. ESTRADA
CHRISTOPHER L. LUDMER
NICHOLAS S. BARNHORST
CHAD M. HARRIS
CYNTHIA MORGAN
MICHAEL B. LEES
JUSTINE M. PHILLIPS
HOPE N. CHAU
J. KEVIN MANN
TRACY A. WARREN
MICHELE HENTRICH HARBIN

OF COUNSEL
M. CHRISTINE TENNISON

ADMITTED IN TEXAS ONLY

www.scmv.com 2100 SYMPHONY TOWERS
619.685.3003 750 B STREET
619.685.3100 FAX SAN DIEGO, CALIFORNIA 92101

SELTZER | CAPLAN | MCMAHON | VITEK

A LAW CORPORATION

LEE E. HEJMANOWSKI, ESQ.

hejmanowski@scmv.com
619.685.3043
619.702.6841 FAX

November 28, 2006

VIA FACSIMILE AND U.S. MAIL

Danny E. Adams, Esq.
Kelley Drye & Warren LLP
Washington Harbour, Suite 400
3050 K Street, NW
Washington D.C. 20007-5108

Rina Hakimian, J.D., MPH
SAMHSA
Office of General Counsel
Public Health Division
5600 Fishers Lane, Room 4A-53
Rockville, MD 20857

Ms. Heather Hendricksen
Federal Communications Commission
445 12th Street SW
Washington D.C. 20554

Eric B. Broderick, D.D.S., M.P.H.
Richard McKeon
SAMHSA
1 Choke Cherry Road, 8-1059
Rockville, MD 20857

Constance Foster, Legal Team Leader
SAMHSA
Office of General Counsel
Public Health Division
5600 Fishers Lane, Room 4A-53
Rockville, MD 20857

William A. Haas
V.P. and Deputy General Counsel
McLeodUSA Telecommunications
Services, Inc.
6400 C Street, SW
Cedar Rapids, IA 52406

RE: *Patriot Communications LLC v. Kristin Brooks Hope Center*
Our File No. 02586.57481

Dear Ladies and Gentlemen:

This firm represents Patriot Communications LLC ("Patriot"). Patriot is the subscriber of record for the following toll-free telephone numbers, all of which Patriot has been supporting on behalf of the Substance Abuse and Mental Health Services Administration ("SAMHSA") since August 25, 2006:

(800) 784-2433 (1 (800) SUICIDE)
(877) 784-2432 (1 (877) SUICIDA)
(888) 784-2433 (1 (888) SUICIDE)
(800) 442-4673

Danny E. Adams, Esq.
Dr. Eric B. Broderick
Mr. Richard McKeon
Rina Hakimian, JD., MPH
Constance Foster, Esq.
Ms. Heather Hendricksen
William A. Haas, Esq.
November 28, 2006
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(800) 722-9498
(800) 827-7571
(866) 672-7733
(866) 771-1276
(866) 968-8454
(877) 495-0009
(877) 838-2838
(888) 861-8460

SAMHSA wishes for Patriot to continue to support only the following three (3) toll-free telephone numbers:

(800) 784-2433	(1 (800) SUICIDE)
(877) 784-2432	(1 (877) SUICIDA)
(888) 784-2433	(1 (888) SUICIDE)

Patriot suggests Kristin Brooks Hope Center ("KBHC") submit a change of Resprog request for the balance of the toll-free telephone numbers listed above, so that another service provider may support them. Alternatively, Patriot will release those toll-free telephone numbers back to the toll-free telephone number administrator.

Patriot is ready, willing and able to continue to support the other three (3) toll-free telephone numbers. We understand that KBHC contends that Patriot cannot support those toll-free telephone numbers. Patriot disagrees with that contention. The relative merits of the parties' positions should not be their focus at this time.

Fortunately, all stake holders share a common goal of ensuring that these toll-free telephone numbers continue to be supported so that a vital public service is available to persons in crisis. Indeed, KBHC stated on or around August 25, 2006 that it would donate 1 (800) SUICIDE ((800) 784-2433) to SAMHSA at no cost.

While Patriot would be pleased to continue to support the suicide-prevention toll-free telephone numbers, it is not willing to do so unless SAMHSA and KBHC confirm in a binding, written agreement that Patriot may do so and that KBHC will assert no claims against Patriot for having done so or continuing to do so. Absent an agreement in writing from KBHC and SAMHSA by January 8, 2007, acknowledging Patriot may continue to support these toll-free telephone numbers, and that no claims will be made

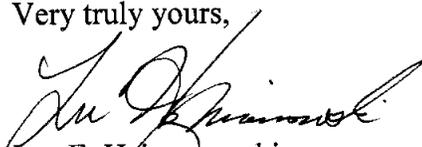
Danny E. Adams, Esq.
Dr. Eric B. Broderick
Mr. Richard McKeon
Rina Hakimian, JD., MPH
Constance Foster, Esq.
Ms. Heather Hendricksen
William A. Haas, Esq.
November 28, 2006
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for Patriot's doing so or having done so in the past, Patriot will cease routing telephone calls to the toll-free telephone numbers at 12:01 am on January 9, 2007 and will post an outgoing message directing callers to call 1-800-273-TALK for assistance.

Patriot is committed, given the current conditions, to supporting the toll-free telephone numbers through the critical holiday season. Patriot trusts and anticipates that before January 8, 2007, one or more written agreements and releases among SAMHSA or its designee, Patriot and KBHC will be executed. We remain hopeful that no interruption in services will be required, but wanted to express Patriot's position clearly, and early, so that all interested parties may plan accordingly.

We look forward to hearing that SAMHSA and KBHC have agreed that Patriot may continue to support these important toll-free telephone numbers so that such an agreement may be documented in a timely manner.

Very truly yours,



Lee E. Hejmanowski
Seltzer Caplan McMahon Vitek
A Law Corporation

LEH/mlq

cc: Douglas S. Livingston, President and COO
Patriot Communications, LLC

McLeodUSA®
November 15, 2006

Ms. Heather Hendrickson
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Subscriber of Record

Dear Ms. Hendrickson

Per your request and the request of Mr. Richard McKeon from the Substance Abuse and Mental Health Service Administration (SAMHSA), I am confirming that our records show that Patriot Communications LLC ("Patriot") is the subscriber of record for the following toll-free telephone numbers:

(800) 784-2433	800-SUICIDE
(877) 784-2432	877-SUICIDA
(888) 784-2433	888-SUICIDE

McLeodUSA Telecommunications Services, Inc. ("McLeodUSA") is the Resp Org for these toll-free numbers for Patriot, and we shall continue to be the Resp Org until Patriot directs otherwise.

If you have any questions please feel free to contact me at your convenience.

Sincerely,



William A. Haas
Vice President & Deputy General Counsel

Cc: Doug Livingston, President/COO Patriot Communications LLC
Stacey Stewart
Susan Rogers
Richard McKeon