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

	)	**FCC 97-51**
In the Matter of	)	
The Use of N11 Codes and Other	)	CC Docket No. 92-105
Abbreviated Dialing Arrangements	)	

FIRST REPORT AND ORDER AND FURTHER NOTICE OF PROPOSED RULEMAKING

Adopted: February 18, 1997 **Released: February 19, 1997**

By the Commission:

Comment Date: March 31, 1997
Reply Comment Date: April 30, 1997

TABLE OF CONTENTS

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 services by assigning

[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.

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 services[8] 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 provided 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 dialing[22] (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 reservation[27] 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]

11. In March 1994, the General Services Administration (GSA) filed a petition

---

[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).

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 ORDER[31]

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 stated:

---

[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.

> [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 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

---

[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.

[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.

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 know 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 service[43] by increasing the misdials to 911 in nonemergency situations[44] and misdials to other N11 codes in emergency situations.[45]

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

---

[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.

[46] See BellSouth Comments at i.

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

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 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

---

[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.

[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.

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]

---

[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 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,

We agree with Rochester's argument that open assignment of N11 codes is likely to 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 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 administration[71] be transferred to the neutral NANP administrator to be recommended by the NANC. [72] With a neutral administrator, the concerns of the information

---

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.

[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.

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 services[74] 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 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

---

[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.

[76] N11 NPRM at para. 8.

[77] Id. at para. 12.

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

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 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

[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.

[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.

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 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

---

[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.

[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.

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) 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 basis[96] 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

[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.

[96] Ad Hoc Government Comments at 4.

[97] Id. at 7.

[98] Id. at 7-8.

[99] Acadian states that is serves 23 Louisiana parishes.

[100] Acadian Comments at 4.

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 comments[105] in response to the Department of Justice's 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 departments[108] and associations,[109] as well as the

---

[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."

[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.

National Sheriff's Association[110] 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 jurisdictions[112]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 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

---

[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).

[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

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]

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]

---

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.

[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

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 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 (NYSDPS), 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

---

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.

[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.

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 system."[139] Costs of upgrading the network and funding issues are raised not only by opponents of the Department of Justice's request[140] 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

---

[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.

[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.

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 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 services[150] 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

[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.

[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.

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 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

[151] See 47 U.S.C. § 151.

[152] See para. 23, supra.

[153] See Department of Justice August 26, 1996 Letter.

[154] See para. 35, supra.

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 jurisdictions. Several parties suggest that prior to considering 311 for non-emergency calling, the Commission should focus on making ubiquitous 911 emergency calling. As noted above,[156] thirty years ago, AT&T designated 911 for access to emergency services, and this First Report and Order declines to alter this designation for 911.[157] Decisions to implement 911 service continue to be made locally. We do not require local jurisdictions to implement 911 because they are best fit, as they are with 311, to determine the need for it.

40. Some of the concerns that lead certain parties to suggest alternatives to a national N11 number for non-emergency calls, such as a three digit number without "11" as the last two digits (such as 222), an 800 number, or a seven-digit number,[158] are the same reasons that have led us to find an N11 number superior to those alternatives: namely, the similarity to 911. While it may be technically possible to implement the alternatives above, the similarity between an N11 number and 911 will make the non-emergency number both easy to remember and easy to use, thus resulting in greater reduction of non-emergency calls on 911 emergency circuits. We are

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

[156] See footnote 12, supra.

[157] See para. 23, supra.

[158] We note that parties have expressed interest in other abbreviated dialing arrangements generally as alternatives to N11 codes. We discuss these alternatives at para. 59-62, infra. We find that, on the record before us, we are unable to find that the public interest supports national reservation at this time of any alternative dialing arrangements for any particular purpose. See para. 61, infra.

confident that, to lessen the possibility of confusion between 311 and 911, local education programs in jurisdictions requesting 311 service, will focus on the importance of continuing to dial 911 in real emergencies. If a local government concludes that an alternative number is working well for non-emergency calling, it may decide not to request 311 implementation. Our assignment leaves the choice to local governments.

41. We deny requests that current non-compliant uses of 311 at the local level be grandfathered. Grandfathering existing uses would make it impossible for a local government, in a jurisdiction that may need to relieve overburdened 911 circuits and in which 311 is already assigned for non-compliant uses to choose to use 311 to obtain that relief. We note, however, that uses of 311 for other purposes prior to the effective date of this First Report and Order may continue until the local government in that area is prepared to activate a non-emergency 311 service. Our actions here are consistent with existing Bellcore guidelines permitting local use of N11 codes provided that such assignments and use can be discontinued on short notice.[159] The need to provide relief, in a timely fashion, when 911 circuits become congested with non-emergency calls makes it unreasonable for us to defer implementation issues to industry fora.

42. States and local governments may deploy 311 through their 911 centers or devise alternative procedures for routing and answering 311 calls. We acknowledge that a provider of telecommunications services may incur certain costs (for example, in reprogramming switch software) to enable implementation of 311. Since 311 calls, like 911 calls, are typically intrastate, states would regulate cost recovery in most instances.[160] Funding of 311 service also is a local issue.

43. The wireless industry expresses concern about costs and other implementation issues. CTIA,[161] while supporting nationwide reservation of 311 for non-emergency police telephone calls, contends that the Commission must define the scope of 311 service so that CMRS providers are technically capable of providing the service. CTIA states that the Commission should, therefore, address how calls would be routed and terminated. CTIA emphasizes that 311 non-emergency service is separate and distinct from 911 emergency service and argues, therefore, that carriers should not be required to provide the same features or the same terms for 311 service

[159] See Network Notes, "Numbering Plan and Dialing Procedures" at 3.4.1.

[160] Cf. 47 U.S.C. § 332(c)(3) (preempting state regulation of rates and entry for CMRS, but allowing the states to petition the Commission for authority to regulate rates in limited circumstances). Section 332 provides that CMRS providers are to be treated as common carriers, but permits the Commission to forbear from applying certain sections of Title II. Specifically, the Commission may forbear from applying any section of Title II, except Sections 201, 202, and 208. See 47 U.S.C. § 332(c)(1)(A). In the CMRS Second Report and Order, the Commission determined that it would be in the public interest to forbear from imposing most Title II requirements on CMRS providers, including tariffing requirements. See Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Service, Second Report and Order, 9 FCC Rcd 1411, 1463-93 (1994).

[161] See CTIA 311 Comments.

that they do for 911 emergency service (for example, carriers should be able to provide 311 service for a fee). We agree with CTIA that 311 should be used to provide a non-emergency service that is distinct from 911 service. For this reason, it is not our intention by this First Report and Order to impose the same types of obligations on wireless providers with regard to 311 service as we did with regard to 911 service.[162]

44. We deny GSA's request to assign an N11 code specifically for access to federal government services. Even though they are not 911 emergency situations, we find an element of urgency likely attaching to calls to police that is lacking when the public is seeking access to other governmental services. There are other easily remembered numbers available from toll free dialing codes that could give the public prompt and easy access to services for which there is not the urgency associated with calls to local police. We note, however, that the discretion we give local governments to use 311 for other government service access, in addition to non-emergency police access, grants in part NASTD's request for national assignment of an N11 code to facilitate public access to state agencies.

[162] See Wireless E-911 Report and Order and FNPRM, cited at footnote 80, supra.

d. Access to Repair Services (611) and Business Office Uses (811)

45. Some LECs currently use 611 and 811 to facilitate repairs and other customer services. Use of these two codes, however, appears to be far less ubiquitous than use of 411 for directory assistance and 911 for emergency services. For example, unlike 911 emergency service, LECs may use 611, 811, or other unassigned N11 codes for other local services. Several LECs that currently use 611, 811, or both for customer services and internal functions request that they be allowed to continue to use these N11 codes.[163] Because the record does not support reassignment of either of these N11 codes, we conclude that these two codes may continue to be used for their present purposes until one or both of them is needed for other national purposes.

46. With multiple LECs in the local market, access to these codes for repair and business office uses by only one facilities-based carrier serving that market would be anticompetitive. The possibility of anticompetitive effects is not an issue with respect to other facilities-based carriers because 811 and 611 are only used within a carrier's own network. Therefore, a facilities-based LEC can use one or both of these codes even if it is already being used by another LEC. In an effort to ensure that no facilities-based LEC gains an unfair advantage over its competitors, we conclude that: (1) all providers of telephone exchange service, both incumbents and new market entrants, whether facilities or non facilities-based providers of telephone exchange service, should be enabled to use the 611 and 811 codes for repair services and business office uses as the incumbent LECs do now; and
(2) by dialing these N11 numbers, customers should be able to reach their own carriers' repair or business services. These conclusions are consistent with the Act's requirement that all LECs permit competing providers of telephone exchange service and telephone toll service to have nondiscriminatory access to telephone numbers.[164]

---

[163] See, e.g., Ameritech Comments at 4; SNET Comments at 2.

[164] See 47 U.S.C. § 251(b)(3). We note that the Commission, in Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98, First Report and Order, FCC 96-325 (rel. Aug. 8, 1996) (First Interconnection Order), motion for stay of the FCC's rules pending judicial review denied, Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98, FCC 96-378 (rel. Sep. 17, 1996), partial stay granted, Iowa Utilities Board v. FCC, No. 96-3321, 1996 WL 589204 (8th Cir. Oct. 15, 1996) (Iowa Utilities Board v. FCC) (Local Competition First Report and Order) found that CMRS providers (specifically cellular, broadband PCS and covered SMR), in addition to meeting the statutory definition of telecommunications carriers, also provide telephone exchange service and exchange access as defined by the Act. This means that these CMRS providers would have nondiscriminatory access to telephone numbers from LECs. See Local Competition First Report and Order at para. 1012-1013. The Commission declined to treat CMRS providers as LECs at this time. See id. at para. 1004. Therefore, the requirements imposed on LECs in Section 251(b)(3) do not apply to CMRS providers.

e. Directory Assistance (411)

47. Like 911 for access to emergency services, 411 has long been assigned for access to local directory assistance services. Because directory assistance queries are often made while travelling away from one's regular residence or place of business, a short, easy-to-recall, uniform nationwide code would be very useful for obtaining telephone numbers. For these reasons, we find continued use of 411 to call local directory assistance services justified by public convenience and necessity. Accordingly, as we proposed in the N11 NPRM, we do not alter the assignment of the 411 code. The number 555-1212, like 411, is a nationally-recognized number for directory assistance.[165] U S WEST, in its comments, noted:

> The 555 central office code, or prefix, is generally used for access to LEC directory assistance services. Typically, an end user dials 1+555-1212 to reach his/her LEC's 'local' directory assistance service. For directory assistance for an area code different than the area code from which the call originates . . . the end user dials 1-[area code]-555-1212.[166]

U S WEST suggests expanding the 555 prefix to information service providers. U S WEST suggests that "to avoid potential conflicts with existing directory assistance services, it might be useful to reserve the 555-1XXX series of numbers for directory information and related services."[167] The Commission, in the recent Local Competition Second Report and Order, concluded that no Commission action was necessary "with respect to the ability of customers to reach directory assistance services through 411 or 555-1212 arrangements"[168] and decided not to require any alternatives to these two codes for access to directory assistance. By concluding here that the assignment of 411 for such local services should continue, we do not intend to foreclose the use of 555-XXXX or any other dialing arrangements for such services.

48. In view of reports that some LECs were planning to use 411 for new information service offerings that would be classified as enhanced services under our rules,[169] the N11 NPRM sought comment on whether LEC use of 411 should be restricted to the provision of traditional directory assistance services.[170] Several commenters argue that we should link a decision to allow

---

[165] See Local Competition Second Report and Order at para. 149.

[166] U S WEST Comments at 13.

[167] Id. at 14.

[168] Id. at 151.

[169] See footnote 8, supra, for a definition of "enhanced services."

[170] See N11 NPRM at para. 11. By "traditional" directory assistance services we refer to operator provision of local telephone numbers. The Commission has determined that traditional directory assistance services are "adjunct" to

a particular LEC to provide enhanced services through 411 with a decision to direct assignment of N11 codes to information service providers competing with that LEC.[171] Others argue that 411 should always be restricted to basic directory assistance.[172] While we encourage LECs to expand the range of services they offer to the public, we recognize the possible competitive advantage that LECs would be given if they were able to use N11 codes for their enhanced services offerings. We conclude, therefore, that a LEC may not itself offer enhanced services 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.[173] LECs offering enhanced services through the use of an N11 code are subject to rules designed to protect against discrimination and possibly other anticompetitive conduct.[174] Moreover, the Bell Operating Companies (BOCs) are subject to additional safeguards pursuant to Computer III.[175] For example, BOCs offering such services today must file and receive approval of comparably efficient interconnection (CEI) plans.[176] Such measures will help ensure that competing enhanced service providers will have access to basic transmission facilities on an unbundled and functionally

---

basic services and are regulated pursuant to Title II of the Communications Act. See Amendment of Section 64.702 of the Commission's Rules and Regulations, 77 FCC 2d 384 at para. 421 (1980) (Computer II), modified on recon, 84 FCC 2d 50 (1980) (Computer II Reconsideration Order), modified on further recon., 88 FCC 2d 512 (1981) (Computer II Further Reconsideration Order), aff'd sub nom., Computer and Communications Industry Assoc. v. FCC, 693 F.2d 198 (D.C. Cir. 1982), cert. denied, 461 U.S. (1983).

[171] See, e.g., Ameritech Comments at 3; Pacific Comments at 4; USTA Comments at 30.

[172] See, e.g., Mobile Comments at 2.

[173] We note that the Commission has established its ancillary jurisdiction over enhanced services in its Computer II decision. See Computer II at paras. 124-125.

[174] See, e.g., Computer II at para. 231.

[175] See Amendment of Section 64.702 of the Commission's Rules and Regulations (Computer III), CC Docket No. 85-229, Phase I, 104 FCC 2d 958 (1986) (Phase I Order), recon., 2 FCC Rcd 3035 (1987) (Phase I Recon. Order), further recon., 3 FCC Rcd 1135 (1988) (Phase I Further Recon. Order), second further recon., 4 FCC Rcd 5927 (1989) (Phase I Second Further Recon.), Phase I Order and Phase I Recon. Order vacated, California v. FCC, 905 F.2d 1217 (9th Cir.1990) (California I); Phase II, 2 FCC Rcd 3072 (1987) (Phase II Order), recon., 3 FCC Rcd 1150 (1988) (Phase II Recon. Order), further recon., 4 FCC Rcd 5927 (1988) (Phase II Further Recon. Order), Phase II Order, vacated, California v. FCC, 905 F.2d 1217 (9th Cir.1990); Computer III Remand Proceedings, 5 FCC Rcd 7719 (1990) (ONA Remand Order), recon., 7 FCC Rcd 909 (1992), pets. for review denied, California v. FCC, 4 F.3d 1505 (9th Cir.1993) (California II); Computer III Remand Proceedings: Bell Operating Company Safeguards and Tier 1 Local Exchange Company Safeguards, 6 FCC Rcd 7571 (1991) (BOC Safeguards Order); BOC Safeguards Order vacated in part and remanded, California v. FCC, 39 F.3d 919 (1994) (California III).

[176] See, e.g., Bell Operating Companies Joint Petition for Waiver of Computer II, 10 FCC Rcd 13758 (Com. Car. Bur. 1995).

equivalent basis.[177] These conclusions are also consistent with the Act's requirements that all LECs permit competing providers of telephone exchange service and telephone toll service to have nondiscriminatory access to directory assistance and to telephone numbers,[178] and that 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, nondiscriminatory access to directory assistance services.[179]

f. Access to Telecommunications Relay Services

49. Background. NCLD's petition requests that two N11 numbers be assigned or reserved for TRS access.[180] It states that under the ADA, common carriers are required to provide TRS, a telephone transmission service designed to provide persons with speech or hearing disabilities functionally equivalent access to the telephone network.[181] NCLD argues that assignment of N11 numbers will facilitate TRS access and thus further the goals of the ADA. NCLD states that variations among and within states in the TRS numbers assigned make access to the relay service confusing and difficult. NCLD also states that access can be especially difficult for TTY[182] users because they cannot directly call directory assistance, and thus cannot easily determine the local relay number. In addition, NCLD argues that an N11 number would significantly reduce the number of digits that must be dialed when placing a relay call. NCLD explains that many relay centers have an eleven digit 800 number, and that as many as twenty-one digits (eleven to reach the relay center, and ten to reach the final destination) may be needed to complete a call. Finally, NCLD notes that while a majority of states use two numbers for relay access, one for access by TTY users and one for access by voice users, approximately seventeen states use only one number for both TTY and voice callers.

---

[177] See Phase I Order at para. 147.

[178] See 47 U.S.C. § 251(b)(3). See footnote 164, supra, for a discussion of the application of this provision of the Act to CMRS providers.

[179] 47 U.S.C. § 271(c)(2)(B)(vii)(II).

[180] TRS allows people with hearing or speech disabilities to use the telephone. TRS facilities are equipped with specialized equipment and staffed by communications assistants who relay conversation between people who use text telephones and people who use traditional telephones. The Commission issued a Notice of Inquiry (NOI) seeking comment on TRS issues in Telecommunications Relay Services, the Americans with Disabilities Act of 1990, and the Telecommunications Act of 1996, Notice of Inquiry, CC Docket No. 90-571, FCC 97-7, ___ FCC Rcd. ___, (Released January 14, 1997) (TRS NOI). This TRS NOI, states that it will not include consideration of assignment of N11 numbers to access TRS because that issue is pending before the Commission and will be addressed in this proceeding. See id. at n. 6.

[181] See 47 U.S.C. § 225(a)(3), (c).

[182] TTY is a teletypewriter, which is a device for communicating alphanumeric information over telecommunications networks.

50. Comments. Most commenters support reservation or assignment of a nationwide N11 code for TRS access. Commenters agree that a uniform N11 code will reduce confusion, provide quicker dialing and promote TRS use.[183]

51. States filing comments generally support assignment of nationwide N11 codes for TRS access.[184] In particular, the Attorney General of the State of Illinois (Illinois) supports the allocation of both 711 and a second N11 number to access TRS on a nationwide basis.[185] Texas, relying on the ADA, states that it believes that a nationwide assignment of N11 codes for TRS is appropriate.[186] The Florida Public Service Commission (Florida), however, while noting that it does not oppose the assignment of 711 and the use of another N11 code for access to TRS systems, observes that its investigation of the use of N11 codes, in which it decided not to reserve N11 codes for TRS access, has revealed that "other numbers such as 555-XXXX or 1-800-XXX-XXXX could be better suited and more easily converted to TRS access."[187] Florida asserts that any Commission rulemaking should "address N11 access in comparison with other potential access arrangements . . . ."[188]

52. LECs generally favor reservation of a single N11 code for TRS access, but question whether an N11 assignment is appropriate at this time.[189] Commenters supporting an N11 reservation, rather than assignment, generally argue that a number of policy and technical issues must be resolved before a nationwide N11 code for TRS can be implemented.[190] Bell Atlantic states that a dialing arrangement that automatically routes all TRS callers to a single TRS provider would place other TRS providers at a competitive disadvantage.[191] GTE warns that a "flashcut" to N11 access, on either a nationwide or statewide basis, would require a heavy commitment of resources, would be difficult to coordinate, and would create network problems

---

[183] See, e.g., Louisiana Relay Comments at 1; Leigh Comments at 1; Life After Deafness/California Comments at 1; Gallaudet/Kapi'olani Comments at 1. Comments and reply comments cited in paragraphs 30-36 are responding to the NCLD petition.

[184] See, e.g., Oregon Public Utility Commission Comments at 1; Attorney General of the State of Illinois Comments at 1; State of Texas Comments in response to Emergency Petition for Rulemaking by National Center for & Deafness and Telecommunications for the Deaf, Inc (hereinafter NCLD/TDI petition) at 3.

[185] Illinois Comments at 1.

[186] Texas Comments in response to NCLD/TDI petition at 3.

[187] Florida Reply Comments at 3.

[188] Id.

[189] See U S WEST Comments at 3-4.

[190] See, e.g., SWBT Comments at 1-7; U S WEST Comments at 3-4.

[191] Bell Atlantic Comments at 4.

during implementation and testing.[192] GTE suggests that industry fora could resolve technical issues and could establish a state by state schedule for implementation.[193]

53. Noting that N11 codes are a scarce resource, several parties suggest alternative solutions such as a uniform nationwide 800 number, 555-XXXX number, or 950-XXXX number for TRS access. Cox contends that technical and operational issues render N11 numbers unsuitable for providing uniform access to relay service in the near future.[194] Cox, in its December 12, 1995, ex parte presentation, reiterated its position that there should be no N11 numbers reserved for national use for access to TRS.[195] Cox presented three general reasons for its position: (1) N11 cannot provide "ubiquity" in that it would not be possible to make the code available to all subscribers, regardless of their location; (2) N11, because of the needed modifications in switches around the country, is too expensive for such a non-commercial use; and (3) N11 is best suited for purely local services because, for example, current network architectures support such use, and there are no comparable resources available for local services. Cox asserts that 800 service would and should be made available for TRS access. Cox notes that 800 service is designed for regional and nationwide coverage. It asserts that, especially with 800 number portability, a national 800 number for TRS access would be ubiquitous and much less expensive than an N11 number. U S WEST asserts that "it is clear that not all U S WEST end offices have the capability to replace the current 800 numbers [through which it accesses service arrangements to route TRS calls] with a 711 telephone number."[196] U S WEST suggests that, until technical issues are resolved, "the industry should promote the deployment of a single national 800 telephone number that can direct calls to the nearest TRS bureau."[197] It asserts that with a national 800 number using geographic routing, each originating call would go to the nearest TRS provider. As noted above, Florida, while stating that it does not oppose the assignment of 711 and the use of another N11 code for access to TRS systems, suggests the need for a Commission investigation into alternatives to an N11 code, such as an 800 number.[198]

54. Other parties, however, assert that an 800 number, necessitating dialing many digits, is not a viable alternative to an N11 number for TRS access. Illinois, for example, states that an 800 number necessitates dialing 17 digits, thus doubling the length of time to dial, and

---

[192] GTE Reply Comments at 9.

[193] GTE Comments at 9.

[194] Cox Reply Comments at 3-6.

[195] Cox December 12, 1995 Ex parte Presentation.

[196] U S WEST Comments at 5.

[197] Id. at 7.

[198] Florida Reply Comments at 3.

adds that currently each state has one or more different telephone numbers to access TRS. Illinois asserts that the existence of multiple numbers may pose difficulties for those travelling to various states:

> In Illinois, for example, voice users and TTY users of the TRS must dial one of two 1-800 numbers to access TRS. If a person who is severely hard of hearing, deaf, or has speech disabilities travels from another state to Illinois and attempts to make a telephone call using TRS, he/she must know the 1-800 number or know someone who knows the number or must have access to a current telephone book, because one can only reach directory assistance (411) through the relay service, not directly by TTY. This is especially frustrating for those who travel to many different states.[199]

The State of Wisconsin, Department of Health and Social Sciences (Wisconsin), in advocating reservation of an N11 number for TRS, expresses concern that currently "deaf/hard of hearing and speech impaired users of the relay [service] must dial a 11-digit (800) number to access the service, then enter the 7 or 10-digit number they wish to call."[200] According to Wisconsin, this necessity fails to provide "equal access in telecommunications." The Triangle Association of the Deaf (Triangle) notes a similar problem with the use of 1-800 numbers for access to TRS: "often more than 17 numbers must be dialed before reaching the called party, which can double the length of time on the line needed to dial for relay users."[201] NCLD, in its reply comments, refers to the Commission proceeding that resulted in its July 26, 1991 issuance of rules implementing title IV of the ADA. Those rules imposed minimum guidelines regarding TRS service:

> [i]ncluded within the reply comments of [over 70 organizations submitting comments to the FCC] was a request that access to relay services be made available through a single 800 nationwide telephone number set aside through the North American Numbering Plan. The Commission responded that because 800 numbers are assigned to particular carriers, it did not find it feasible to establish a single, nationwide relay number at that time. Nevertheless, even then, the Commission recognized the benefits of a universal number: 'We encourage state systems and all other relay providers to use numbers that are easy for consumers to remember and would further the goal of nationwide access . . . .'[202]

---

[199] Illinois Comments at 2.

[200] Wisconsin Comments at 1.

[201] Triangle Comments at 1.

[202] NCLD Comments at 8, note 6, quoting Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990, Report and Order and Request for Comments, CC Docket No. 90-571 at para. 42.

55. Discussion. We conclude that an N11 code, specifically 711, should be assigned for TRS use. We agree with parties asserting that certain issues related to technical and operational capability, cost, and competition, must be resolved before a nationwide N11 code for TRS access can be implemented. We address such issues in the FNPRM. We tentatively conclude that nationwide implementation of 711 for TRS access should occur within three years of the effective date of this First Report and Order and we seek comment on this proposal. Three 800-855-XXXX numbers have been allocated for TRS access by the Industry Carriers Compatibility Forum (ICCF) of the Alliance for Telecommunications Industry Solutions.[203] In the FNPRM, we state that we do not anticipate any conflict between allowing activation of the 800-855-XXXX numbers and the later implementation of a 711 code for access by individuals with hearing or speech disabilities to TTY. The 711 code, unlike the 800 codes, will support three digit access to TTY by people with hearing or speech disabilities. We believe this offers distinct advantages to such persons for whom, as commenters note, the time on the line before reaching the called party would possibly be doubled due to the number of digits that access through an 800 number would require. A nationwide N11 code would also eliminate the current need for TRS users travelling from state to state to remember different lengthy 800 numbers for each state.

56. An N11 code may significantly facilitate TRS access, thus furthering the goals of both the 1996 Act[204] and the ADA. In particular, a nationwide N11 code will significantly reduce the number of digits that must be dialed when placing a relay call, and will eliminate the problem of determining the appropriate local relay number. We also note that most commenters agree that assignment of an N11 code for TRS is in the public interest. Because N11 codes are a scarce resource, and because many states already provide TRS access for both TTY and voice users through a single number, we conclude that only one N11 number should be used for TRS. Moreover, because Hawaii and Canada already use 711 for TRS access, and because uniformity would facilitate access to TRS, we conclude that 711 is the most appropriate code to support TRS access. We, therefore, determine that 711 should be assigned as a national code for TRS use, and we direct Bellcore, in its capacity as NANP administrator, to assign 711 for such use as of the effective date of this First Report and Order.

4. Statutory Preemption

[203] The entire 855 "NXX" code, within the 800 area code, has been reserved for disability access. NXX refers to the first three digits of a North American local telephone number and identifies the local central office. N represents any digit from 2 to 9 and X is any digit. Of the approximately ten thousand numbers associated with this NXX code, three have been specifically reserved by the industry for access by persons with speech or hearing disabilities.

[204] The Act requires that telecommunications services, telecommunications equipment, and customer premises equipment be accessible to persons with disabilities, if readily achievable. The duty to ensure accessibility is imposed on: (1) telecommunications service providers regarding their services; and (2) equipment manufacturers regarding their telecommunications equipment and customer premises equipment. See 47 U.S.C. § 255. The Commission released a Notice of Inquiry on September 19, 1996, beginning the Commission's implementation of Section 255. See In the Matter of Implementation of Section 255 of the Telecommunications Act of 1996, Notice of Inquiry, WT Docket No. 96-198, FCC 96-382, 61 Fed. Reg. 50465 (September 26, 1996) (Section 255 NOI).

57. The Act gives the Commission exclusive jurisdiction over numbering in the United States.[205] Because the Commission's jurisdiction is exclusive, the states have no authority to permit the use of N11 codes in a manner inconsistent with the conclusions reached in this First Report and Order. As noted above, the release of the N11 NPRM and the filing of the comments and replies all occurred prior to enactment of the 1996 Act amendments to the 1934 Act. Insofar as they discuss the issue of preemption, therefore, they have become moot.[206]

58. Moreover, we find that a nationwide, uniform system of numbering is essential to the efficient delivery of interstate and international telecommunications.[207] Despite the fact that most individual N11 calls are likely to be intrastate, N11 numbers, like 911, have significance that go beyond state boundaries. At times, an end user who is travelling can dial the same N11 code used at home to access the same service accessed at home. In order to achieve the maximum public benefit from the allocation of particular codes to certain services, those codes must be allocated in a consistent manner on a nationwide basis.

5. Other Issues

a. Alternate Abbreviated Dialing Arrangements

59. Background. In the N11 NPRM, the Commission stated that other abbreviated dialing arrangements, such as "XX#" or "*XX", might accommodate many times the number of providers that N11 service codes could serve.[208] We said that using these arrangements, however, might require substantial time to implement and be expensive. For example, if "#" were required in an abbreviated dialing arrangement, dialing could not occur from millions of rotary telephones still in service. Moreover, "#" and "*" are used today to activate switch capabilities, not for customer dialing. It is noteworthy, however, that with CLASS services, if it is not possible to use "*XX" dialing, for example with a rotary telephone, "11XX" is an alternative abbreviated dialing

[205] See 47 U.S.C § 251(e)(1).

[206] Few commenters addressed the preemption issue directly. The State of Texas noted that the FCC does not have general preemptive authority over the assignment of N11 codes used for "purely intrastate uses" but conceded that Title IV of the ADA provides authority for the "FCC to require the uses of a particular N11 code for access to interstate relay programs and to condition approval of state programs on the use of the same code." See Texas Comments in response to NCLD/TDI petition at 3, citing 47 U.S.C. §§ 225(b)(2), (c)(2), (d).

[207] See NANP Order at para. 26; Ameritech Order at para. 13.

[208] See N11 NPRM at para. 19. By "alternate dialing arrangements," we mean arrangements other than the conventional seven and ten digit sequences that facilitate recall and use by the general public. "Abbreviated dialing arrangements" are alternate dialing arrangements that involve less than seven and usually four or fewer dialing digits."xx#" is an example where "X" may be any number from 0 to 9.

arrangement.[209] The N11 NPRM invited comment on the feasibility of requiring abbreviated dialing arrangements to be made quickly available in lieu of or in addition to requiring exchange carriers to make N11 codes available.

60. Comments/Discussion. The record shows that there is considerable interest in alternative abbreviated dialing arrangements.[210] Some commenters seek abbreviated numbers in only one local calling area,[211] while others seek a uniform abbreviated number for an entire state, a region, or the whole country.[212] Commenters suggest using numbers with two to four digits plus a "*" or a "#", such as *XX or NXX#. One commenter suggests codes with "**X."[213]

61. We conclude that abbreviated dialing could clearly serve many useful purposes and we urge industry fora to continue to explore the feasibility of their use. When those entities identify abbreviated dialing arrangements that would be practical, both economically and technically, we encourage them to develop reasonable guidelines for the implementation and allocation of the related numbers. In addition, we ask the NANC to explore how rapidly abbreviated dialing arrangements could be deployed and to report back to the Commission on this issue. On the record before us, however, we are unable to find that the public interest supports national reservation at this time of any alternative dialing arrangements for any particular purpose, except as previously described in this First Report and Order.

62. While we decline to make any national assignment or other reservation of abbreviated dialing arrangements at this time, we reiterate that no federal policy bars the use of such arrangements for intrastate service offerings.

b. Recall Procedures

63. Background/Comments. In the N11 NPRM, the Commission solicited comment on methods for recalling N11 service codes and any notice periods that should precede such recalls.[214] Several commenters express concern that this Commission or state commissions will be

[209] CLASS is a set of calling party number (CPN)-based services, such as caller ID, auto call return, selective call forwarding and other services.

[210] See, e.g., Alternative Newspapers Comments at 4; Cox Comments at 4; Advance Reply Comments 2; Cox Reply Comments at 29.

[211] See, e.g., Cox Comments at 4.

[212] See, e.g., Mobile Comments at 3; MCI Reply Comments at 7.

[213] PBS/PG Comments at 3.

[214] N11 NPRM at para. 13.

unable to recall on short notice those N11 codes that have been made available for local uses.[215] They request establishment of specific time periods and other procedures for recall to avoid any unreasonable delay if the public convenience and necessity requires that assigned N11 codes be used for other purposes.

64. Discussion. We believe it unnecessary to adopt specific rules for future recall of N11 codes at this time. First, widely distributed industry numbering documents consistently and unambiguously state that an N11 code assignment is not a permanent assignment and is subject to termination on short notice.[216] Second, when state commissions have allowed N11 use, their authorization orders, which, by the terms of the Commission's Local Competition Second Report and Order remain in effect,[217] consistently state that such use is subject to termination or other modification on short notice, typically six months.[218] If an N11 assignee is unable or unwilling to cooperate in a national recall of an N11 code, we would not hesitate to order termination of the switching services necessary to the functioning of that N11 code or to take other action required to make the N11 code available for other purposes. In the event of a national recall, the Commission will take such action as necessary to give interested parties sufficient notice of the recall and an opportunity to be heard on how the recall should be enforced. Moreover, as the time needed for code relinquishment could vary depending on the use of codes in question, parties will further be given an opportunity to address the network, customer, and administrative concerns that affect recall.

---

[215] See, e.g., SWBT Comments at 9-10.

[216] See Network Notes. "Numbering Plan and Dialing Procedures" at 3-8. As stated above, Network Notes does not define short notice.

[217] See para. 13, supra.

[218] See, e.g., Request for Approval of Tariff Filing to Introduce N11 Service, Order Regarding N11 Abbreviated Dialing, Docket No. 920962-TL, Florida Public Service Commission, Nov. 4, 1993 (noting that Southern Bell's tariff clearly states that any and all N11 codes could be recalled by the NANP at any time, and if so, must be relinquished within six months).

6. Regulatory Flexibility Act

65. See Appendix E, infra, for the Final Regulatory Flexibility Analysis.

IV. FURTHER NOTICE OF PROPOSED RULEMAKING

A. Introduction

66. The proposals below, and the comments we seek regarding them, are part of our analysis of the Commission's role with respect to numbering administration. The guiding principal shaping these proposals is that a uniform numbering plan is an essential prerequisite to an integrated public switched telephone network. There must be a single, consistent set of numbering principles allowing all switching equipment connected to the network to route every call to its correct destination. Concomitant with the need for one uniform numbering plan is the imperative that any numbering plan be capable not only of serving incumbents, but also of accommodating new market entrants. For this reason, we have attempted, wherever possible, to ensure that new telecommunications carriers have access to numbering resources on the same basis as incumbents.

B. Access to Telecommunications Relay Services

67. While we believe that an N11 code to support nationwide TRS access is in the public interest, it is not clear, as several commenters note, whether it is technically feasible to implement such a code at this time.[219] We specifically request parties to address whether there can be nationwide implementation of an N11 code and how to address less than nationwide implementation, if network facilities of some telecommunications carriers preclude use of N11 for TRS access. Parties should also address the following issues:
(1) how competition among relay providers would be maintained; (2) whether implementation is technically feasible and, if so, the details of such implementation; (3) the projected costs of implementation and how those costs should be recovered; and (4) what effect, if any, nationwide implementation of an N11 code for TRS access will have on CMRS providers and their networks.

68. We tentatively conclude that nationwide implementation of 711 for TRS access should occur within three years of the effective date of the First Report and Order and we seek comment on this proposal. Sprint, we note, has projected this as a reasonable timeframe for

[219] For example, there are technical issues associated with the switch modifications necessary to route N11 calls on a local basis. Configuring the dialing arrangements to enable relay service users to choose interexchange carriers is another technical issue.

switched-based N11.[220] We understand switched-based N11 in the context of TRS to mean that the N11 dialing information would be stored in the switch, and when TRS users in a calling area dial the N11 code, the telecommunications carrier's end office switch would automatically route the call to the relay center. We understand from Sprint that such implementation may not permit end users to select a preferred TRS provider.[221] We ask that interested parties comment on what steps must be taken to ready the network for use of 711 as the TRS code and whether these steps can be completed in the three year timeframe or perhaps even sooner. We ask parties addressing implementation issues to present a timeline for completion of steps they foresee as necessary to introduce 711. We also ask parties if it would be possible to develop within a reasonable time an N11 "gateway" offering access to multiple TRS providers. With such a gateway, a database query would be launched, and parties would be able to select their TRS providers, or parties would have their calls routed to a presubscribed TRS provider. In addition, we request comment on whether any other important disability services could be accessed through the same gateway and whether such a gateway would be consistent with Section 255 of the Act.[222] We request comment on whether, with such gateway access, TRS calls would still be answered within our mandatory minimum standards for TRS answer times, which require 85% of calls to be answered within 10 seconds.[223] Finally, we request comment from interested parties, particularly TRS providers, about the possibility of providing both voice and text TRS services through the same abbreviated N11 code.

C. Sale or Transfer of N11 Codes

69. Background. In the N11 NPRM, the Commission identified the extremely limited number of service codes available in each geographic area. The Commission stated that because these codes may acquire some value, holders of these codes may wish to sell or transfer their numbers to others.[224] Accordingly, the Commission sought comment on whether N11 codes should be permitted to be sold or transferred.[225]

---

[220] Switched-based N11 is only one example of an architectural arrangement supporting the use of N11. Another example may be an arrangement using intelligent network capabilities.

[221] Sprint Ex Parte presentation of July 24, 1995.

[222] This section of the Act requires that telecommunications services, telecommunications equipment, and customer premises equipment be accessible to persons with disabilities, if readily achievable. The duty to ensure accessibility is imposed on: (1) telecommunications service providers regarding their services; and (2) equipment manufacturers regarding their telecommunications equipment and customer premises equipment. See 47 U.S.C. § 255. The Commission has begun implementing Section 255. See Section 255 NOI, cited at footnote 204, supra.

[223] See 47 C.F.R. § 64.604(b)(2).

[224] N11 NPRM at para. 15.

[225] Id.

70. Comments. Most commenters oppose the transfer or sale of N11 numbers.[226] They argue that the assignment of a public resource, such as N11 codes, does not confer property rights upon the assignee.[227] Some commenters support the transfer or sale of N11 codes, but urge the Commission to develop and enforce rules regarding such transfers and that the transfer or sale be limited to companies that merge or are acquired.[228]

71. Discussion. The Commission has stated that carriers do not "own" codes or numbers but rather administer their distribution for the efficient operation of the public switched telephone network.[229] The Commission, also on several occasions, has further characterized telephone numbers as a national public resource.[230] Based on our review of the record, we tentatively conclude that N11 codes should not be transferred or sold through private transactions at this time. N11 codes are not only essential public resources that serve important national and state goals, but are also much more scarce than other codes. Parties are asked to comment on our statutory authority to sell the right to use N11 codes. We also ask parties to distinguish statutory authority to sell the right to use N11 codes from the right to sell other abbreviated dialing arrangements.

D. Administration of N11 Codes

72. As stated above, 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 at the national level. 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 in the public interest.

73. Bellcore, in its role as NANP administrator, has issued specific guidelines

---

[226] See, e.g., AT&T Comments at 7; U S WEST comments at 21.

[227] See, e.g., Sprint Reply Comments at 7; USTA Comments at 19-20, 31.

[228] See, e.g., Rochester Comments at 4; Mobile Comments at 4; Mtel Comments at 7;

[229] See The Need to Promote Competition and Efficient Use of Spectrum for Radio Common Carrier Services, Memorandum Opinion and Order, 59 Rad. Reg. (P&F)1275,1284 (1986). We note that Bellcore, as current administrator of the NANP, also has characterized numbers as a public resource and has specifically rejected that the assignment of a number implies ownership by either the assignor or assignee. See Personal Communications Services N00 NXX Code Assignment Guidelines, Para. 2.10 (April 8, 1995 Revision).

[230] See, e.g., NANP Order at para. 4 (stating that telephone numbers are a public resource); The Need to Promote Competition and Efficient Use of Spectrum for Radio Common Carrier Services, Declaratory Ruling, 2 FCC Rcd 2910, 2912 (1987), recon., 4 FCC Rcd 2369 (1989) (stating that NXX codes are a national resource).

addressing the use of N11 codes.[231] These guidelines permit local use of N11 if such assignments and use can be discontinued on short notice.[232] 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).

74. As part of our analysis of the Commission's role with respect to numbering administration, we seek comments below on issues related to administration of N11 codes. The Commission had already embarked on an extensive analysis of its role with respect to numbering prior to enactment of the 1996 Act amendments to the 1934 Act. The Commission, in adopting a new model for administration of the NANP in the NANP Order, decided not only that the NANP administrator's existing functions will be transferred to a neutral entity to be recommended by the NANC, but also that "the functions associated with CO code administration shall be transferred from the LECs to the new NANP administrator no more than 18 months after the transfer of the existing NANP administrative functions from Bellcore to the new administrator has been completed."[233]

75. We propose that the administration of N11 codes for local use, to the extent that this administration was done by the incumbent LECs prior to enactment of the 1996 Act amendments to the 1934 Act, and would otherwise continue under the terms of this First Report and Order and the Commission's Local Competition Second Report and Order, should instead be transferred from the incumbent LECs to the neutral NANP administrator to be recommended by the NANC. We propose that the transfer occur with the transfer of the functions associated with CO Code administration.[234] We seek comment on our proposal.

E. Procedural Matters

1. Ex Parte Presentations

76. This is a non-restricted notice-and-comment rulemaking proceeding. Ex parte presentations are permitted, except during the Sunshine Agenda period, provided that they are disclosed as provided in the Commission's rules. See generally 47 C.F.R. §§ 1.1202, 1.1203,

---

[231] See Network Notes "Numbering Plan and Dialing Procedures."

[232] Id.

[233] NANP Order at para. 115.

[234] The Commission did not intend to limit the functions to be transferred to the new entity to those specifically listed in the NANP Order. The Commission stated there that it seeks recommendations from the NANC on several issues, one of which is "[w]hat number resources, beyond those currently administered by Bellcore, as the NANP administrator, should the new NANP administrator administer?" Id. at para. 118.

1.1206. Written submissions, however, will be limited as discussed below.[235]

2. Regulatory Flexibility Act

77. See Appendix F, infra for the Initial Regulatory Flexibility Analysis.

F. Comment Filing Procedures

78. General Requirements. Pursuant to applicable procedures set forth in sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **March 31, 1997**, and reply comments on or before **April 30, 1997**. To file formally in this proceeding, you must file an original and twelve copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original and 16 copies. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554, with a copy to Janice Myles of the Common Carrier Bureau, 1919 M Street, N.W., Room 544, Washington, D.C. 20554. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, 1919 M Street, N.W., Room 239, Washington, D.C. 20554.

79. Other requirements. In order to facilitate review of comments and reply comments, both by parties and by Commission staff, we require that comments be no longer than seventy-five (75) pages and reply comments be no longer than thirty-five (35) pages, including exhibits, appendices, and affidavits of expert witnesses. Empirical economic studies and copies of relevant state orders will not be counted against these page limits. These page limits will not be waived and will be strictly enforced. Comments and reply comments must include a short and concise summary of the substantive arguments raised in the pleading. Comments and reply comments must also comply with Section 1.49 and all other applicable sections of the Commissions rules.[236] We also direct all interested parties to include the name of the filing party and the date of the filing on each page of their comments and reply comments. Comments and reply comments also must clearly identify the specific portion of this Notice of Proposed Rulemaking to which a particular comment or set of comments is responsive. If a portion of a party's comments does not fall under a particular topic listed in the outline of this Notice, such comments must be included in a clearly labelled section at the beginning or end of the filing.

---

[235] See paras. 78-80, infra.

[236] See 47 C.F.R. § 1.49. We require, however, that a summary be included with all comments and reply comments, although a summary that does not exceed three pages will not count towards the 75 page limit for comments or the 35 page limit for reply comments. The summary may be paginated separately from the rest of the pleading (e.g., as "i, ii"). See 47 C.F.R. § 1.49.

Parties may not file more than a total of ten (10) pages of ex parte submissions, excluding cover letters. This 10 page limit does not include: (1) written ex parte filings made solely to disclose an oral ex parte contact; (2) written material submitted at the time of an oral presentation to Commission staff that provides a brief outline of the presentation; or (3) written material filed in response to direct requests from Commission staff. Ex parte filings in excess of this limit will not be considered as part of the record in this proceeding.

80. Parties are also asked to submit comments and reply comments on diskette. Such diskette submissions would be in addition to and not a substitute for the formal filing requirements addressed above. Parties submitting diskettes should submit them to Gloria Shambley of the Common Carrier Bureau, Network Services Division, 2000 M Street, N.W., Room 235, Washington, D.C. 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible form using MS DOS 5.0 and WordPerfect 5.1 software. The diskette should be submitted in "read only" mode. The diskette should be clearly labelled with the party's name, proceeding, type of pleading (comment or reply comments) and date of submission. The diskette should be accompanied by a cover letter.

V. ORDERING CLAUSES

81. Accordingly, IT IS ORDERED, pursuant to Sections 1, 4(i), 201-205 and 251(e)(1) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 201-205, and 251(e)(1), that the First Report and Order is hereby ADOPTED.

82. IT IS FURTHER ORDERED, that Bellcore, as the NANP administrator, shall assign 711 as a national code for TRS use as of the effective date of this First Report and Order, as discussed in this First Report and Order.

83. IT IS FURTHER ORDERED, that Bellcore, as the NANP administrator, shall assign 311 as a national code for access to non-emergency police and other government services as of the effective date of this First Report and Order, as discussed in this First Report and Order.

84. IT IS FURTHER ORDERED, that when a provider of telecommunications services receives a request from an entity 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.

85. IT IS FURTHER ORDERED, that (1) all providers of telephone exchange service, both incumbents and new market entrants, whether facilities or non facilities-based providers of telephone exchange service, should be enabled to use the 611 and 811 codes for repair services and business office uses as the incumbent LECs do now; and (2) by dialing these N11 numbers,

customers should be able to reach their own carriers' repair or business services.

86. IT IS FURTHER ORDERED, that a LEC may not itself offer enhanced services 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.

87. IT IS FURTHER ORDERED, that the North American Numbering Council will explore how rapidly abbreviated dialing arrangements could be deployed and report back to the Commission on this issue.

88. IT IS FURTHER ORDERED that GSA's request for a national N11 assignment is DENIED and that NASTD's request for a national assignment is GRANTED IN PART as discussed in this First Report and Order, and otherwise DENIED.

89. IT IS FURTHER ORDERED, pursuant to Sections 1, 4(i) and (j), 201-205, 218 and 251(e)(1) of the Communications Act as amended, 47 U.S.C. Sections 151, 154(i), 151(j), 201-205, 218 and 251(e)(1), that the Further Notice of Proposed Rulemaking is hereby ADOPTED.

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton

Acting Secretary

Appendix A
Comments Filed on N11 NPRM
CC Docket 92-105

Comments

1. Ad Hoc Telecommunications Users Committee (Ad Hoc)
2. Alternate Weekly Newspapers, New Times, Inc., Sasquatch Publishing, City Pages, and Tuscon Weekly (Alternative Newspapers)
3. American Public Communications Council (APCC)
4. American Telephone and Telegraph Company (AT&T)
5. Ameritech Operating Companies (Ameritech)
6. Anchorage Telephone Utility (ATU)
7. Bell Atlantic Telephone Companies (Bell Atlantic)
8. Bell Communications Research, Inc. (Bellcore)
9. BellSouth Telecommunications, Inc. (BellSouth)
10. BT North America (BONA)
11. Canadian Steering Committee on Numbering (CSCN)
12. Central Telephone Company (Centel)
13. Cox Enterprises, Inc. (Cox)
14. Datatrex
15. Florida Public Service Commission (FPSC)
16. GTE Service Corporation (GTE)
17. Infocom International, Incorporated (Infocom)
18. Information Technology Association of America (ITAA)
19. Information Industry Association (IIA)
20. LO/AD Communications (LO/AD)
21. MCI Telecommunications Corporation (MCI)
22. Metropolitan Fiber Systems, Inc. (MFS)
23. Mobile Connections, Inc. (Mobile)
24. Mobile Telecommunications Technologies Corporation (Mtel)
25. National Telephone Cooperative Association (NTCA)
26. Newspaper Association of America (NAA)
27. NYNEX Telephone Companies (NYNEX)
28. Pacific Bell and Nevada Bell (Pacific)
29. Puerto Rico Telephone Company (PRTC)
30. Rochester Telephone Corporation (Rochester)
31. Southern New England Telephone (SNET)
32. Southwestern Bell Telephone Company (SWBT)
33. Sprint Corporation (Sprint)
34. Telesector Resources Group (Telesector)
35. United States Telephone Association (USTA)

36. U S WEST Communications, Inc. (U S WEST)

Reply Comments

1. Advance Publications, Inc. (Advance)
2. AT&T
3. Ameritech
4. Bell Atlantic
5. Bellcore
6. BellSouth
7. BONA
8. Cox
9. Datatrex
10. First Financial Management Corporation (FFMC)
11. FPSC
12. GTE
13. Illinois Commerce Commission, Indiana Utility Regulatory Commission, Michigan Public Service Commission, Public Utilities Commission of Ohio, Public Service Commission of Wisconsin (Ameritech Regional Regulatory Committee, or ARRC)
14. Information Industry Association (IIA)
15. LO/AD
16. MCI
17. Mtel
18. National Center for Law and Deafness (NCLD)
19. New York State Department of Public Service (NYPDS)
20. Newsday
21. NYNEX
22. Organization for the Protection and Advancement of Small Telephone Companies (OPASTCO)
23. Pacific
24. PBS/The Print Group
25. Sprint
26. SWBT
27. United Cerebral Palsy Association, Inc. (UCPA)
28. USTA
29. U S WEST

Appendix B
Comments Filed on TRS Petition

Comments

1. Access Independence and Mobility
2. Ad Hoc
3. ALDA California Style
4. ALDA Sacramento
5. Alexander Graham Bell Association for the Deaf, Inc.
   American Council of the Blind
6. American Society for Deaf Children
7. American Speech-Language Hearing Association
8. Ameritech
9. Anderson, Herker
10. AT&T
11. Baltimore's Empowered Advocates for the
    Right's of Deaf and Hard of Hearing People
12. Bell Atlantic
13. BellSouth
14. Bourne-Firl, Bridgetts
15. Center for Media Education
16. Chicago Hearing Society
17. Commonwealth of Massachusetts
18. Cox and Dallas Morning News
19. Deafness Education Advocacy Foundation
20. Eakes, Dorothy
21. Eakes, Malcolm
22. Fitts, Beth
23. Gallaudet University Regional Center- Ohlone College
24. Gallaudet University Regional Center- Kapiolani Community College
25. General Communications, Inc.
26. GTE
27. Hamilton Telephone Co.
28. Hawaii State Coordinating Council on Deafness
29. Helen Keller National Center
30. Illinois Commerce Commission, Indiana Utility Regulatory Commission,
    Public Utilities Commission of Ohio, Public Service Commission of Wisconsin
31. Illinois, Attorney General
32. Illinois Alliance for the Hearing Impaired
33. Jacksonville Community Center for the Deaf
34. Jacob, Philip
35. Joint Commission Indiana Utility Reg. Comm.,

Illinois Commerce Commission, PUC of Ohio and the PSC of Wisconsin
36. Jones, Samuel
37. Lake County Center for Independent Living
38. Leigh, Irene
39. Life After Deafness Magazine- Gayle McCullough
40. Life After Deafness
41. LING Inc.
42. Mame Telecommunications Relay Service Advisory Committee
43. McBroom, Betty
44. MCI
45. Minnesota Telecommunications Access for Communication-Impaired Persons Board
46. Missouri Commission for the Deaf
47. National Technical Institute for the Deaf
48. National Association of the Deaf
49. New York Society for the Deaf
50. North Carolina; Division of Services for the Deaf and Hard of Hearing
51. North Country Club of the Deaf
52. Northern Virginia Resource Center for Deaf and Heard of Hearing Persons
53. NYNEX
54. Oregon Public Utility Commission
55. Oregon Association of the Deaf, Inc.
56. Pacific
57. People Mutual Telephone Company, Inc.
58. Public Utility Commission of Texas
59. Relay Texas Advisory Committee
60. Riker, David
61. Rochester Institute of Technology
62. Schaumberg Township Disabled Services
63. Self Help for Hard of Hearing People
64. South Carolina Telecommunications Relay Service Advisory Committee
65. South Carolina Budget and Control Board
66. SWBT
67. Springfield Center for Independent Living
68. Sprint Corporation for Sprint Communications Co. LP
& The 69. United and Centel Telephone Companies
70. Still, G. Howard
71. Telecommunications for the Deaf, Inc.
72. Telecommunications Relay Services Advisory Council
73. Texas Attorney General
74. Texas, Public Utility Commission
75. Triangle Association of the Deaf
76. USTA
77. United States Department of Agriculture

78. USDA- Southwestern Region
79. U S WEST Communications, Inc.
80. Virginia Department for the Deaf and Heard of Hearing (VDDHH)
81. Walker, Kristina Leitch
82. Washington Post Company
83. Wisconsin, Department of Health and Social Services
84. WisTRS

Reply Comments

1. Alexander Graham Bell Association for the Deaf
2. Association of Late Deafened Adults
3. Bell Atlantic
4. BellSouth
5. Chicago Hearing Society
6. Florida PSC
7. General Communication, Inc.
8. GTE
9. Illinois Alliance for the Hearing Impaired
10. Joint Parties (Cox and Dallas Morning Times)
11. Minnesota
12. National Association of the Deaf
13. National Center for Law and Deafness
14. National Fraternal Society of the Deaf
15. Nevada Bell
16. Newspaper Association of America
17. Pacific Bell
18. Pacific Telesis
19. Saks, Andrea
20. Self Help For Hard of Hearing People, Inc.
21. SWBT
22. Sprint Corporation, on Behalf of:
    Sprint Communications Company LP
    United & Central Telephone Companies
23. Telecommunications for the Deaf, Inc.
24. USTA
25. Washington Post

Appendix C
Comments Filed on GSA Petition

Comments

1. Acadian Ambulance Service, Inc.
2. Ad Hoc
3. American Public Telecommunications Council
4. Ameritech
5. Bell Atlantic
6. BellSouth
7. Caddo Parish Communications District No. One
8. Citizen Tribune
9. City of Dallas
10. Claiborne Parish Communications District
11. Consumer Product Safety Commission
12. Cox, Advance, Gannett, Washington Post
13. Daily Republic
14. Department of Agriculture
15. Department of Health and Human Services
16. The Department of Justice
17. Department of Transportation
18. Department of Veterans Affairs
19. Environmental Protection Agency
20. Federal Labor Relations Authority
21. Florida PSC
22. Goldsboro News-Argus
23. GTE
24. Idaho Public Utilities Commission
25. Information Industry Association
26. Iowa Utilities Board
27. Jackson Parish 9-1-1 Communication District
28. Louisiana Public Service Commission
29. MCI
30. Mulvany, Dana
31. National Aeronautics and Space Administration
32. National Association of Regulatory Utility Commissioners
33. National Association of State Telecommunications Directors
34. National Center for Law and Deafness, Nat'l Association of the Deaf, Self Help for Hard of Hearing People, and Telecommunications for the Deaf, Inc.
35. National Newspaper Association
36. Newspaper Association of America
37. Office of Personnel Management

38. Overseas Private Investment Corporation
39. Relay Administration Board
40. Southwestern Bell Corporation
41. Sprint
42. St. Charles Parish Communications District
43. St. Landry Parish Communications District
44. Stein, Paul
45. Tennessee Valley Authority
46. Texas Advisory Commission on State Emergency Communication
47. West Carroll Parish Communication District
48. Wilson Daily Times

Reply Comments

1. Acadian Ambulance Service, Inc.
2. Ad Hoc
3. American Public Telecommunications Council
4. Bell Atlantic
5. BellSouth
6. Caddo Parish Communications District No. One
7. Cox, Advance, Gannett, Washington Post Co.
8. Francis Dummer Fisher
9. General Services Administration
10. MCI
11. National Emergency Number Association (NENA)
12. National Newspaper Association
13. Southwestern Bell Corporation
14. Texas Department of Information

Appendix D
Comments Filed on Department of Justice Request

1. 311 Direct, Inc.
2. Ameritech
3. AT&T
4. Cincinnati Bell Telephone Company (CBT)
5. The County of Los Angeles
6. The Los Angeles Police Department
7. The Texas Department of Information resources (Texas DIR)
8. SBC Communications, Inc. (SBC)
9. U S WEST
10. Warren W. Owens
11. The Riverside County Sheriff's Department
12. The City of Austin
13. The Attorney General for the State of California
14. Dallas Police Department
15. Dallas Fire Chief
16. The Fort Worth Fire Chief
17. The Fire Chief of the City of Pittsburgh, Department of Public Safety
18. The Fire Chief of the Seattle Fire Department
19. The Commissioner of the Philadelphia Fire Department
20. The Fire Commissioner/Chief of the Boston Fire Department
21. The City of Garland Texas
22. Janice F. Hill
23. The City of Houston
24. The Maryland Chiefs of Police Association
25. The Maryland Public Service Commission (MDPSC)
26. The National Association of Police Organizations, Inc. (ANPO)
27. The National Sheriff's Association
28. The San Jose, California Police Department
29. The San Bernadino, California Police Department
30. The City of University Park, Texas
31. The National Fraternal Order of Police
32. The National Troopers Coalition
33. Daniel Ginty
34. The California Highway Patrol (CHP)
35. The City of Sacramento, California Police Department (Sacramento)
36. GTE
37. BellSouth
38. The Office of Information Resources of the Budget and Control Board of the State of 39. South Carolina (South Carolina OIR)
40. Acadian Ambulance and AIR MED Services of Louisiana (Acadian)

41. The Ohio Department of Transportation (Ohio DOT)
42. The Commonwealth of Kentucky Transportation Cabinet (Kentucky DOT)
43. The Association of Public-Safety Communications Officials-International, Inc. (APCO)
44. The Arizona APCO Chapter
45. Bismark Emergency Management & Combined Communications (Bismark)
46. Cox Enterprises, Inc.
47. The City of Fresno, California Chief of Police (Fresno Police Chief)
48. The Greater Harris County 9-1-1 Emergency Network
49. The City of Mesa, Arizona, Police Department Communications (Mesa)
50. Morris Communications Corporation (Morris)
51. The State of New York Department of Public Service (NYSDPS)
52. NYNEX
53. Florence Cainoce, Staff Manager for NYNEX Consumer Affairs
54. The Southern Idaho Regional Communications Center
55. The Texas Advisory Commission on State Emergency Communications (TX-ACSEC)
56. The National Emergency Number Association (NENA) and the National Association of State Nine One Administrators (NASNA) (National 911 Commenters)
57. Francis Dummer Fisher
58. Dr. Bill Munn, PhD, First Vice President of NENA
59. The Louisiana Public Service Commission
60. The National Association of the Deaf (NAD)
61. Bell Atlantic
62. Fairfax County Fire and Rescue Department, Fire Chief
63. County of Los Angeles Fire Department, Fire Chief
64. City of Miami Fire Chief
65. International Association of Fire Chiefs, Inc., and International Municipal Signal Association 311
66. King County E-911 Program Manager (Seattle, Washington)
67. Cellular Telecommunications Industry Association
68. City of Phoenix Fire Department.
69. City and County of Denver Department of Safety, Chief of Police
70. Kootenai County, Idaho 911 Director
71. Charlotte-Mecklenburg, North Carolina Chief of Police

APPENDIX E: FINAL REGULATORY FLEXIBILITY ANALYSIS

1. As required by the Regulatory Flexibility Act (RFA), 5 U.S.C. § 601 et. seq., the Commission considered regulatory flexibility issues in the Notice of Proposed Rulemaking (NPRM) in this proceeding, and certified that there was no significant economic impact on a substantial number of small entities.[1] The Commission sought written public comments on the proposals in the NPRM. Although there were no comments filed in response to the certification, on our own motion we have reconsidered our certification in the NPRM and decided to undertake a Final Regulatory Flexibility Analysis (FRFA) in conformity with the RFA, as amended by the SBREFA.

A. Need for and Objectives of this First Report and Order

2. "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, e.g., 911. This First Report and Order directs Bell Communications Research (Bellcore) to assign 711 as a national number for access to telecommunications relay services for the deaf (TRS) and 311 as a national number for access to non-emergency police services; concludes 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 and that a LEC may not itself offer enhanced services 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.

B. Analysis of Significant Issues Raised in Response to the Certification

3. As stated above, no comments were submitted in response to the Commission's certification in the NPRM that the rules it proposed to adopt in this proceeding would not have a significant economic impact on a substantial number of small business entities.[2] Nonetheless, we have reconsidered our certification in the NPRM and have decided to undertake an FRFA. We do so because the requirements governing agency treatment of regulatory flexibility issues have become more stringent while this docket has been open, and because even though a review of the general comments for issues that might impact small businesses revealed that most comments did

[1] See NPRM at para. 21 We note that the certification was issued prior to enactment of the amendments to the RFA in the Small Business Regulatory Enforcement Fairness Act of 1996 ("SBREFA"), which was enacted as Title II of the Contract With America Advancement Act of 1996 (CWAAA), 5 U.S.C. § 605(b), Pub. L. No. 104-121, 110 Stat. 847 (1996).

[2] See id.

not specifically address possible impacts on small entities,[3] we realize that a substantial number of small entities may be affected by this First Report and Order. In reaching our determinations in this First Report and Order, we have considered all arguments raised by parties.

C. Description and Estimates of the Number of Small Entities Affected by this First Report and Order

4. The RFA defines "small entity" to include the definition of "small business concern" under the Small Business Act, 15 U.S.C. § 632.[4] Under the Small Business Act, a "small business concern" is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria established by the Small Business Administration (SBA).[5] The SBA has defined companies listed under Standard Industrial Classification (SIC) categories 4812 (radiotelephone communications) and 4813 (telephone communications, except radiotelephone) to be small entities when they have 1500 or fewer employees.[6] These standards also apply in determining whether an entity is a small business for purposes of the RFA.

5. Because the small incumbent LECs that would be subject to these rules are either dominant in their field of operations or are not independently owned and operated, consistent with our prior practice, they are excluded from the definition of "small entity" and "small business concerns."[7] Accordingly, our use of the terms "small entities" and "small businesses" does not encompass small incumbent LECs.[8] Out of an abundance of caution, however, for regulatory flexibility analysis purposes, we will consider small incumbent LECs within this analysis and use the term "small incumbent LECs" to refer to any incumbent LECs that arguably might be defined

[3] We note that the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) (formerly known as the Organization for the Protection and Advancement of Small Telephone Companies), which represents more than 440 independently owned and operated telephone companies serving rural areas, opposes mandatory assignment of N11 codes because they could disrupt current use of an N11 code in some geographic areas (See OPASTCO Reply Comments at 2-3, expressing concern about 611 and 811) and also argues that customer confusion could ensue if services using N11 codes vary from area to area (See id. at 4).

[4] See 5 U.S.C. § 601(6) (incorporating by reference the definition of "small business concern" in 15 U.S.C. § 632).

[5] See 15 U.S.C. § 632(1)(a).

[6] See 13 C.F.R. § 121.201, Standard Industrial Classification (SIC) Codes 4812 and 4813 (SIC 4812 and SIC 4813, respectively).

[7] See Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, First Report and Order, 11 FCC Rcd 15499 (1996) (First Interconnection Order), motion for stay of the FCC's rules pending judicial review denied, Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Order, 11 FCC Rcd 11754 (1996), partial stay granted, Iowa Utilities Board v. FCC, No. 96-3321, 1996 WL 589204 (8th Cir. Oct. 15, 1996) (Iowa Utilities Board v. FCC) at paras. 1328-1330 and 1342.

[8] See id. at para. 1342.

by SBA as "small business concerns."

6. The decisions made by the Commission in this First Report and Order may apply to a variety of entities listed below.

7. Local Exchange Carriers. Neither the Commission nor SBA has developed a definition of small entity specifically applicable to providers of local exchange services. The closest applicable definition is that under SBA rules for telephone communications, except radiotelephone, SIC 4813, which defines a small entity as one with 1500 or fewer employees. The most reliable source of information regarding the number of LECs nationwide of which we are aware appears to be the data that we collect annually in connection with the Telecommunications Relay Service (TRS). According to our most recent data, 1,347 companies reported that they were engaged in the provision of local exchange service.[9] Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1500 employees, we are unable at this time to estimate with any more certainty the number of LECs that would qualify as small business concerns. Consequently, we estimate that there are fewer than 1,347 small incumbent LECs that may be affected by the decision and rules adopted in this First Report and Order.

8. Interexchange Carriers. Neither the Commission nor SBA has developed a definition of small entity specifically applicable to providers of interexchange services (IXCs). The closest applicable definition is that under SBA rules for telephone communications, except radiotelephone, SIC 4813. The most reliable source of information regarding the number of IXCs nationwide of which we are aware appears to be the data that we collect annually in connection with TRS. According to our most recent data, 130 companies reported that they were engaged in the provision of interexchange services, and 30 companies reported they were engaged in "other" toll services. [10] Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1500 employees, we are unable at this time to estimate with greater precision the number of IXCs that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 130 small entity IXCs and 30 "other" toll carriers that may be affected by the decision and rules adopted in this First Report and Order.

9. Wireless Service Providers. Neither the Commission nor SBA has developed a definition of small entity specifically applicable to providers of wireless services. The closest applicable definition is that under SBA rules for radiotelephone communications, SIC 4812, which

[9] Federal Communications Commission, CCB, Industry Analysis Division, Telecommunications Industry Revenue: TRS Fund Worksheet Data, Tbl. 1 (Average Total Telecommunications Revenue Reported by Class of Carrier) (Dec. 1996) (TRS Worksheet).

[10] Id. Firms filing TRS Worksheets are asked to select a single category that best describes their operation. As a result, some carriers describes themselves as IXCs, some as resellers, some as OSPs, and some as "other."

defines a small entity as one with 1500 or fewer employees. The 1992 Census of Transportation, Communications, and Utilities, conducted by the Bureau of the Census, shows that only 12 radiotelephone firms out of a total of 1,176 such firms that operated during 1992 had 1,000 or more employees.[11] Therefore, even if all 12 of these large firms were radiotelephone companies, all of the remainder were small businesses under the SBA's definition. We assume that, for purposes of our evaluations and conclusions in the FRFA, all of the current radiotelephone licensees are small entities, as that term is defined by the SBA.

10. Cellular and Mobile Radio Telephone Service. In an effort to further refine our calculation of the number of radiotelephone companies affected by the rules adopted herein, we consider the categories of radiotelephone carriers, Cellular Service Carriers and Mobile Service Carriers. Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to Cellular Service Carriers and to Mobile Service Carriers. The closest applicable definition under SBA rules for both services is for telephone companies other than radiotelephone (wireless) companies. The most reliable source of information regarding the number of Cellular Service Carriers and Mobile Service Carriers nationwide of which we are aware appears to be the data that we collect annually in connection with the TRS. According to our most recent data, 792 companies reported that they are engaged in the provision of cellular services and 138 companies reported that they are engaged in the provision of mobile services.[12] Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of Cellular Service Carriers and Mobile Service Carriers that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 792 small entity Cellular Service Carriers and fewer than 138 small entity Mobile Service Carriers that might be affected by the actions and rules adopted in this First Report and Order. We assume that all of the current rural cellular and mobile licensees are small businesses.

11. Personal Communications Service. The broadband PCS spectrum is divided into six frequency blocks designated A through F and the Commission has held auctions for each block. The Commission defined "small entity" for Blocks C and F as an entity that has average gross revenues of less than $40 million in the three previous calendar years.[13] For Block F, an additional classification for "very small business" was added and is defined as an entity that, together with their affiliates, has average gross revenues of not more than $15 million for the

[11] U.S. Bureau of the Census, U.S. Department of Commerce, 1992 Census of Transportation, Communications, and Utilities, UC92-S-1, Subject Series, Establishment and Firm Size, Table 5, Employment Size of Firms: 1992, SIC 4812 (issued May 1995).

[12] See TRS Worksheet.

[13] See Amendment of Parts 20 and 24 of the Commission's Rules -- Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap, Report and Order, FCC 96-278, WT Docket No. 96-253, paras. 57-60 (rel. June 24, 1996); See also 47 C.F.R. § 24.720(b) .

preceding three calendar years. [14] These regulations defining "small entity" in the context of broadband PCS auctions have been approved by the SBA. No small businesses within the SBA-approved definition bid successfully for licenses in Blocks A and B. There were 90 winning bidders that qualified as small entities in the Block C auctions. A total of 93 small and very small business bidders won approximately 40% of the 1,479 licenses for Blocks D, E, and F.[15] However, licenses for blocks C through F have not been awarded fully, therefore there are few, if any, small businesses currently providing PCS services. Based on this information, we conclude that the number of small broadband PCS licensees will include the 90 winning C Block bidders and the 93 qualifying bidders in the D, E, and F blocks, for a total of 183 small PCS providers as defined by the SBA[16] and the Commission's auction rules.

12. Paging and Radiotelephone Service, and Private Land Mobile Radio Services, Paging Operations. Neither the Commission nor SBA has developed a definition of small entity specifically applicable to providers paging services. The closest applicable definition is that under SBA rules for radiotelephone communications, SIC 4812, which defines a small entity as one with 1500 or fewer employees. The Commission anticipates that a total of 15,531 non-nationwide geographic area licenses will be granted or auctioned. The geographic area licenses will consist of 3,050 MTA licenses and 12,481 EA licenses. In addition to the 47 Rand McNally MTAs, the Commission is licensing Alaska as a separate MTA and adding three MTAs for the U.S. territories, for a total of 51 MTAs. No auctions of paging licenses have been held yet, and there is no basis to determine the number of licenses that will be awarded to small entities. Because nearly all radiotelephone companies have fewer than 1,000 employees, and no reliable estimate of the number of prospective paging licensees can be made, we assume, for purposes of this FRFA, that all the 15,531 geographic area paging licenses will be awarded to small entities, as that term is defined by the SBA. We estimate that the approximately 600 current paging carriers could partition or disaggregate a license or take the opportunity to obtain an additional license through partitioning or disaggregation. We estimate that up to 48,393 licensees or potential licensees could take the opportunity to partition or disaggregate a license or obtain a license through partitioning or disaggregation. This estimate is based on the total estimate of paging carriers (approximately 600) and non-nationwide geographic area licenses to be awarded (15,531) and our estimate that each license will probably not be partitioned or disaggregated among more than three parties. Because nearly all radiotelephone companies have fewer than 1,000 employees, and no reliable estimate of the number of future paging licensees can be made, we assume for purposes of this FRFA that all of the licensees will be awarded to small businesses. We believe that it is possible that a significant number of the estimated 48,393 licensees or potential licensees who could take the opportunity to partition or disaggregate a license or who could obtain a

[14] See Amendment of Parts 20 and 24 of the Commission's Rules -- Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap, Report and Order, FCC 96-278, WT Docket No. 96-253, para. 60 (1996).

[15] FCC News, Broadband PCS, D, E and F Block Auction Closes, Mimeo No. 71744 (rel. Jan. 14, 1997).

[16] See para. 9, supra.

license through partitioning or disaggregation will be a small business.

13. Competitive Access Providers. Neither the Commission nor SBA has developed a definition of small entity specifically applicable to providers of competitive access services (CAPs). The closest applicable definition is that under SBA rules for telephone communications, except radiotelephone, SIC 4813, which defines a small entity as one with 1500 or fewer employees. The most reliable source of information regarding the number of CAPs nationwide of which we are aware appears to be the data that we collect annually in connection with TRS. According to our most recent data 57 companies reported that they were engaged in the provision of competitive access services.[17] Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1500 employees, we are unable at this time to estimate with greater precision the number of CAPS that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 57 small entity CAPS that may be affected by the decision and rules adopted in this First Report and Order.

14. Operator Service Providers. Neither the Commission nor SBA has developed a definition of small entity specifically applicable to providers of operator services. The closest applicable definition is that under SBA rules for telephone communications, except radiotelephone, SIC 4813. The most reliable source of information regarding the number of operator service providers nationwide of which we are aware appears to be the data that we collect annually in connection with TRS. According to our most recent data 25 companies reported that they were engaged in the provision of operator services.[18] Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1500 employees, we are unable at this time to estimate with greater precision the number of operator service providers that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 25 small entity operator service providers that may be affected by the decision and rules adopted in this First Report and Order.

15. Pay Telephone Operators. Neither the Commission nor SBA has developed a definition of small entity specifically applicable to providers of pay telephone operator services. The closest applicable definition is that under SBA rules for telephone communications, except radiotelephone, SIC 4813. The most reliable source of information regarding the number of pay telephone operators nationwide of which we are aware appears to be the data that we collect annually in connection with TRS. According to our most recent data, 271 companies reported that they were engaged in the provision of pay telephone services.[19] Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1500 employees, we are unable at this time to estimate with greater precision the number of pay

[17] See TRS Worksheet.

[18] Id.

[19] Id.

telephone operators that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 271 pay telephone operators that may be affected by the decision and rules adopted in this First Report and Order.

16. Resellers. Neither the Commission nor the SBA has developed a definition of small entity specifically applicable to resellers. The closest applicable definition is that under SBA rules for all telephone communications companies, SIC 4812 and SIC 4813, combined, both of which define a small entity as one with 1500 or fewer employees. The most reliable source of information regarding the number of resellers nationwide of which we are aware appears to be the data that we collect annually in connection with TRS. According to our most recent data, 260 companies reported that they were engaged in the resale of telephone services.[20] Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1500 employees, we are unable at this time to estimate with greater precision the number of resellers that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 260 small entity resellers that may be affected by the decision and rules adopted in this First Report and Order.

17. Telecommunications Equipment Manufacturers. The SBA classifies manufacturers of telecommunications equipment in two categories, one for wireless and another for wireline.

18. Wireline Telecommunications Equipment Manufacturers. Neither the Commission nor the SBA has developed a specific definition of small entities applicable to manufacturers of wireline telecommunications equipment. Therefore, we will utilize the SBA definition of manufacturers of Telephone and Telegraph Apparatus. According to the SBA's regulations, a small entity must have 1000 or fewer employees in order to qualify as a small business concern.[21] Census Bureau data indicates that there are 479 U.S. firms that manufacture telephone and telegraph equipment, and that 436 of these firms have fewer than 1000 employees and would be classified as small entities.[22] The Census Bureau category is very broad, and specific figures are not available as to how many of these firms are manufacturers of wireline telecommunications equipment that would be subject to these rules or how many are independently owned and operated. Consequently, we estimate that there are fewer than 436 small manufacturers of wireline telecommunications equipment.

19. Wireless Telecommunications Equipment Manufacturers. Neither the Commission nor the SBA has developed a specific definition of small entities applicable to manufacturers of wireless telecommunications equipment. Therefore, we will utilize the SBA definition of

---

[20] Id.

[21] 13 C.F.R. § 121.201, SIC 3661.

[22] U.S. Dept. of Commerce, 1992 Census of Transportation, Communications and Utilities, Table 1D, (issued May 1995), SIC 3661.

manufacturers of Radio and Television Broadcasting and Communications Equipment.[23] According to the SBA's regulations, a small entity must have 750 or fewer employees in order to qualify as a small business concern.[24] Census Bureau data indicates that there are 858 U.S. firms that manufacture radio and television broadcasting and communications equipment, and that 778 of these firms have fewer than 750 employees and would be classified as small entities.[25] The Census Bureau category is very broad, and specific figures are not available as to how many of these firms are manufacturers of wireless telecommunications equipment or how many are independently owned and operated. Consequently, we estimate that there are fewer than 778 small manufacturers of wireless telecommunications equipment.

20. Fire and Burglar Equipment Manufacturers. The Commission has not developed a definition of small entities applicable to manufacturers of fire and burglar alarm equipment. We will utilize the SBA classification of such manufacturers under Communications Equipment Not Elsewhere Classified. This definition provides that a small entity is an alarm equipment manufacturer employing 750 or less persons.[26] Census Bureau data indicates that there are 498 U.S. firms that manufacture alarm equipment, and that 469 of these firms have fewer than 750 employees and would be classified as small entities.[27] The Census Bureau category is very broad, and includes manufacturers of other equipment such as traffic signalling and intercommunications equipment. Specific figures are not available as to how many of these firms produce alarm equipment or how many are independently owned and operated. Consequently, we estimate that there are fewer than 469 small manufacturers of alarm equipment that may be affected by the decision and rules adopted in this First Report and Order.

21. Alarm Service Providers. The SBA has developed a definition of alarm service providers (SIC 7382) which are entities that are primarily engaged in the monitoring and maintenance of security systems devices, such as burglar and fire alarms.[28] According to the SBA, a small security system provider must have $9 million or less in annual receipts.[29] Census

[23] This category excludes establishments primarily engaged in the manufacturing of household audio and visual equipment which is categorized as SIC 3651.

[24] 13 C.F.R. § 121.201, SIC 3663.

[25] U.S. Dept. of Commerce, 1992 Census of Transportation, Communications and Utilities, Table 1D, (issued May 1995), SIC 3663.

[26] 13 C.F.R. § 121.201, SIC 3669.

[27] U.S. Dept. of Commerce, 1992 Census of Transportation, Communications and Utilities, Table 1D, (issued May 1995), SIC 3669.

[28] Standard Industrial Classification Manual, (SIC) 7382, Executive Office of the President, Office of Management and Budget (1987).

[29] 13 C.F.R. § 121.201, SIC 7382.

Bureau data reports that there were 2,190 security system service providers with $7.499 million or less in annual receipts and 2,200 with less than $9.999 million in annual receipts.[30] Therefore, we tentatively conclude that there are approximately 2,190 small security system service providers that may be affected by the decision and rules adopted in this First Report and Order.

D. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements of the Rules

22. The First Report and Order requires Bell Communications Research, as the NANP administrator, to assign, as of the effective date of this First Report and Order, to assign 311 as a national code for access to non-emergency police and other government services and to assign 711 as a national code for TRS use. The First Report and Order also requires that 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. We recognize that some of these requirements may require the use of professional engineering skills.

E. Significant Alternatives Minimizing Impact on Small Entities and Consistent with Stated Objectives

23. The Commission considers and implements alternatives in this First Report and Order that seek to benefit competing providers of telephone exchange service and telephone toll service which may include small business entities. As alternatives to the determination to require Bellcore to assign 311 as a national number for access to non-emergency police services and 711 for national TRS access, we considered, for example, the possibility of using other numbering resources such as 800 numbers. See First Report and Order at paras. 40 and 55. The Commission's determination to allow local governments to determine whether they need to avail themselves of the 311 non-emergency option should serve to lessen possible implementation burdens (cost, time, etc.) on smaller telecommunications carriers in particular. This determination avoids not only unnecessary investments for providers of telecommunications services but also unnecessary relinquishment of the customers' (some of which may be small) uses of 311 assignments made at the local level prior to the effective date of the First Report and Order. Furthermore, allowing six months from a request for 311 service in a local jurisdiction to prepare for 311 non-emergency service should lessen implementation burdens that may have been more costly if implementation were required during a shorter period. This six-month period should prove beneficial also to customers that were assigned 311 at the local level prior to the

[30] 1992 Economic Census Industry and Enterprise Receipts Size Report, Table 2D, SIC 7382 (U.S. Bureau of the Census data under contract to the Office of Advocacy of the U.S. Small Business Administration).

effective date of the First Report and Order. See First Report and Order at paras. 35-43.

F. Report to Congress

24. The Commission shall send a copy of this Final Regulatory Flexibility Analysis, along with this First Report and Order, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. § 801(a)(1)(A). A copy of this FRFA will also be published in the Federal Register.

APPENDIX F: INITIAL REGULATORY FLEXIBILITY ANALYSIS

1. As required by the Regulatory Flexibility Act (RFA), 5 U.S.C. § 601 et seq., the Commission is incorporating an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the policies and proposals in this Further Notice of Proposed Rulemaking (FNPRM).[1] Written public comments concerning the effect of the proposals in the FNPRM, including the IRFA, on small businesses are requested. Comments must be identified as responses to the IRFA and must be filed by the deadlines for the submission of comments in this proceeding. The Secretary shall send a copy of this FNPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the RFA, amended by the SBREFA.

A. Reasons Why the Actions Are Being Considered and Need for and Objectives of this FNPRM

2. The FNPRM is initiated to obtain comment on the technical feasibility of implementing 711 for TRS access. The FNPRM also asks 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 Telecommunications Act of 1934 (Act), as amended by the Telecommunications Act of 1996;[2] 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, the FNPRM asks 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. The objective of this FNPRM is to develop a record that addresses issues related to the efficient use of scarce numbering resources and adheres to the imperative, concomitant with the need for one uniform numbering plan, that any numbering plan be capable of serving all telecommunications carriers, both incumbents and new market entrants.

B. Legal Basis

3. Authority for actions proposed in this FNPRM may be found in: Sections 1, 4(i) and (j), 201-205, 218 and 251(e)(1) of the Communications Act as amended, 47 U.S.C. Sections 151, 154(i), 151(j), 201-205, 218 and 251(e)(1).

---

[1] Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. § 601 et. seq. (1981), as amended. Amendments to the RFA were enacted in the Small Business Regulatory Enforcement Fairness Act of 1996 ("SBREFA"), which was enacted as Title II of the Contract With America Advancement Act of 1996 (CWAAA), Pub. L. No. 104-121, 110 Stat. 847 (1996).

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

C. Reporting, Recordkeeping and Other Compliance Requirements

4. No new recording, recordkeeping or other compliance requirements are proposed.

D. Federal Rules that Duplicate, Overlap, or Conflict With Proposed Rules

5. None.

E. Description and Estimate of the Number of Small Entities To Which the Proposed Rules Would Apply

6. For entities to which the proposals in this FNPRM may apply, as well as for the definition of small entity and discussion of small independent LECs, See Appendix E, supra, Final Regulatory Flexibility Analysis, Heading C (Description and Estimates of the Number of Small Entities Affected by this First Report and Order) (paras. 4-21). In addition, as described below, the proposed rules would apply to TRS providers.

7. TRS Providers. Neither the Commission nor SBA has developed a definition of small entity specifically applicable to providers of telecommunications relay services (TRS). The closest applicable definition is that under SBA rules for telephone communications, except radiotelephone, SIC 4813. According to our most recent data, there are 12 interstate TRS providers, which consist of interexchange carriers,[3] local exchange carriers,[4] state entities, and non-profit organizations. Although it seems certain that some of these TRS providers are not independently owned and operated, or have more than 1500 employees, we are unable at this time to estimate with greater precision the number of TRS providers that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 12 small entity TRS providers that may be affected by the proposals in this FNPRM.

F. Significant Alternatives Minimizing Impact on Small Entities and Consistent with Stated Objectives

8. The proposals in the FNPRM, and the comments the Commission seeks regarding them, are part of the Commission's analysis of its role with respect to numbering administration. The guiding principal shaping these proposals is that a uniform numbering plan is an essential prerequisite to an integrated public switched telephone network. There must be a single, consistent set of numbering principles allowing all switching equipment connected to the network to route every call to its correct destination. Concomitant with the need for one uniform numbering plan is the imperative that any numbering plan be capable not only of serving incumbents, but also of accommodating new market entrants. For this reason, we have

[3] See Appendix E, supra, Final Regulatory Flexibility Analysis at para. 8.

[4] See id. at para. 7.

attempted, wherever possible, to ensure that new telecommunications carriers have access to numbering resources on the same basis as incumbents. These competing providers of telephone exchange service and telephone toll service may include small business entities. To gather information from all interested parties about alternative timeframes for nationwide implementation of 711 for TRS access, in addition to seeking comment on our tentative conclusion that this implementation should occur within three years of the effective date of the First Report and Order, we ask, among other things, that parties addressing implementation issues present a timeline for completion of steps they foresee as necessary to introduce 711. See First Report and Order at para. 68. We tentatively conclude that our proposals in the FNPRM would impose minimum burdens on small entities. We seek comment on this tentative conclusion.