

The Public Utility Commission of Texas (commission) proposes an amendment to §26.127 relating to Abbreviated Dialing Codes. The proposed amendment designates the 211 dialing code for community information and referral services and the 511 dialing code for traffic and transportation information. Project Number 22939 is assigned to this rulemaking proceeding.

On June 8, 2000, the Texas Health and Human Services Commission, on behalf of the Texas Information and Referral Network (petitioners) filed a petition for rulemaking requesting that the commission assign the 211 dialing code for use by the public to access services providing free information and referrals regarding community resources. This Petition for Rulemaking was assigned Project Number 22643, *Petition by the Texas Information & Referral Network for Assignment of 211 Dialing Code for Use by the Public to Access Health and Human Service Information and Referral*. Petitioners indicated that the assignment of the 211 code would alleviate congestion on 911 calling by providing a source to access information regarding available community resources in circumstances involving immediate needs for social services. In addition, petitioners believed that the assignment would allow for better coordination of a state-network that provides local and state access points for health and human services information.

The commission published notice of the petition in the *Texas Register* on June 23, 2000 at 25 TexReg 6225. Comments on the petition were received from Southwestern Bell Telephone

Company and GTE Southwest Incorporated. Both commenters opined that the commission should defer granting the petition until all interested parties were provided an opportunity to discuss the provisioning of the 211 dialing code. In addition, both commenters believed that technical problems would be avoided if the commission coordinated its efforts with those of the Federal Communications Commission (FCC).

On July 21, 2000, in its Third Report and Order and Order on Reconsideration (FCC 00-256/FCC00-257), the FCC announced its decision to assign the 211 code for community information and referral services and the 511 code for traffic and transportation information. At its Open Meeting on August 10, 2000, based on the mandate given by the FCC and the compelling reasons offered by the petitioners, the commission granted the petitioners' request to proceed with a rulemaking to amend §26.127.

John Mason, Attorney, Legal Division, has determined that for each year of the first five-year period the proposed section is in effect there will be no fiscal implications for the commission as a result of enforcing or administering this section. However, there may be fiscal implications for state and local governments as a result of enforcing or administering this section. Specifically, the petitioners have indicated that implementation-related costs will be incurred. Petitioners have indicated an intention to request approximately seven to ten million dollars in state funds over the first five-year period the proposed section is in effect to cover half of these costs.

Mr. Mason has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be increased public safety as a result of having a centralized number to obtain local and state health and human services information and the alleviation of congestion on 911 calling. There will be no effect on small businesses or micro-businesses as a result of enforcing this section. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Mr. Mason has also determined that for each year of the first five years the proposed section is in effect there should be no effect on a local economy, and therefore no local employment impact statement is required under Administrative Procedure Act §2001.022.

The commission staff will conduct a public hearing on this rulemaking under Government Code §2001.029 in the Commissioners' Hearing Room on the 7th floor of the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, on Tuesday, January 9, 2001 at 9:30 a.m.

Comments on the proposed amendment (16 copies) may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, within 30 days after publication. Reply comments may be submitted within 45 days after publication. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed section. All comments should refer to Project Number 22939.

In addition, the commission has set up an implementation docket, Project Number 23150, *Implementation of Project Number 22939, Relating to Unabbreviated Dialing Codes*, to address any implementation issues regarding the provisioning of 211. The commission plans to address implementation issues through collaborative workshops involving all interested parties. Notification of dates, times, and agenda will be provided by the commission under Project Number 23150.

This amendment is proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (Vernon 1998, Supplement 2000) (PURA), which provides the Public Utility Commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction, including rules of practice and procedure.

Cross Reference to Statutes: Public Utility Regulatory Act §14.002.

§26.127. Abbreviated Dialing Codes.

(a) **Code assignments.** The following abbreviated dialing codes may be used in Texas:

(1) 211 — Community Information and Referral Services;

(2)(1) 311 — Non-Emergency Governmental Service;

(3)(2) 411 —

(A) Directory Assistance; and

(B) Directory Assistance Call Completion;

(4) 511 — Traffic and Transportation Information;

(5)(3) 611 — Repair Service;

(6)(4) 711 — Telecommunications Relay Service;

(7)(5) 811 — Business Office; and

(8)(6) 911 — Emergency Service.

~~(b) The following N11 dialing codes are not assigned for use in Texas:~~

~~(1) 211; and~~

~~(2) 511.~~

(b)(e) Use only as directed. A certificated telecommunications utility (CTU) within the State of Texas may assign or use N11 dialing codes only as directed by the commission.

(c)(4) Unassigned codes. An unassigned N11 dialing code may be used by a CTU for internal business and testing purposes such as inspector ringback, line opener, dual tone multifrequency testing (DTMF Test), automatic number announcement, and 911 system cutover.

(d)(e) Limitations. The following limitations apply to a CTU's use of N11 dialing codes for internal business and testing purposes:

(1) - (2) (No change.)

(e) 211 service.

(1) Scope and purpose. This subsection applies to the assignment, provision, and termination of 211 service. Through this subsection, the commission intends to enhance the ability of the public to access services that provide free information and referral to community resources in situations that are not immediately life-endangering, but still represent a serious but less urgent threat to basic human needs and individuals' health or welfare.

(2) Definitions. The following words and terms, when used in this subsection, shall have the following meanings unless the context indicates otherwise:

(A) Alliance of Information and Referral Systems (AIRS) – A
professional organization whose mission is to unite and serve the field and to advance the profession of information and referral as a vital means of

bringing people and services together. AIRS has developed national quality standards and methods of evaluating information and referral services.

(B) **Area Information Center (AIC)** – An entity that serves as regional coordinator for health and human services information for a specified geographical area or region.

(C) **Community resources** – A for profit or nonprofit resource that provides health or human services in a designated geographic area.

(D) **Information and referral service** – A service whose primary purpose is to maintain information about human service resources in the community and to link people who need assistance with appropriate service providers and/or to supply descriptive information about the agencies or organizations which offer services.

(E) **Selective routing** – The feature provided with 211 service by which 211 calls are automatically routed to the 211 answering point for serving the place from which the call originates.

(F) **Texas Information and Referral Network (Texas I & R Network)** – A program of the Health and Human Services Commission (HHSC) that is responsible for the development, coordination, and implementation of the statewide information and referral network.

(G) **211 answering point** – An AIC that:

- (i) provides 24 hour, seven day a week operations;
- (ii) is assigned by HHSC the responsibility to receive 211 calls;
- (iii) serves the area or region designated by HHSC; and
- (iv) performs the roles and responsibilities of an AIC.

(H) **211 service** – A telecommunications service provided by a certified telecommunications provider to a designated area information center through which the end user of a public phone system has the ability to access services providing free information and referrals regarding community service organizations.

(3) **Role and responsibilities of the Texas Health and Human Services Commission (HHSC).**

- (A) To designate an AIC as a 211 provider for a particular geographical area;
- (B) HHSC and the AICs educate the populace about the use of 211 service from its inception through termination;
- (C) HHSC is responsible for dispute resolution should a conflict regarding the selection of an AIC occur; and
- (D) HHSC may terminate an AICs designation for good cause and is responsible for ensuring prompt and efficient selection of a new AIC for continuation of service.

(4) **Use of the 211 system.**

(A) 211 calls may not be completed over the 311 or 911 networks or use the 311 or 911 databases.

(B) The 211 network shall not be used for commercial advertisements.

(5) **Privacy policy.** To preserve the privacy of callers who wish to use the 211 service anonymously, an AIC which uses Automatic Number Identification (ANI), Automatic Location Identification (ALI) service or other equivalent non-blockable information-gathering features for the provision of 211 service must establish an in-house procedure that is consistent with the AIRS national standards and the standards set forth by HHSC that allows access to the 211 service while honoring caller's call and line-blocking preferences and/or caller anonymity.

(6) **Fee.** An AIC may not charge its citizens a fee on a per-call or per-use basis for using the 211 system.

(f) **311 service.**

(1) - (3) (No change.)

(4) **Requirements of application by certificated telecommunications utility.**

(A) Applications, tariffs, and notices filed under this subsection shall be written in plain language, shall contain sufficient detail to give customers, governmental entities, and other affected parties adequate notice of the filing, and shall conform to the requirements of ~~§26.209~~~~§23.26~~ of this title (relating to New and Experimental Services) or ~~§26.211~~~~§23.27~~ of this title

(relating to Rate-Setting Flexibility for Services Subject to Significant Competitive Challenges), whichever is applicable.

(B) - (D) (No change.)

(5) **Notice.** The presiding officer shall determine the appropriate level of notice to be provided and may require additional notice to the public.

(A) (No change.)

(B) The proposed notice shall include the identity of the governmental entity, the geographic area to be affected if the new 311 service is approved, and the following language: "Persons who wish to comment on this application should notify the commission by (specified date, 30 days after notice is published in the *Texas Register*). Requests for further information should be mailed to the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326, or you may call the Public Utility Commission's ~~Office of~~ Customer Protection Division at (512) 936-7120 or toll free at (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136."

(6) - (9) (No change.)

(10) To preserve the privacy of callers who wish to use the governmental entity's non-emergency service anonymously, a certificated telecommunications utility which uses Automatic Number Identification (ANI) service, Automatic Location

Identification (ALI) service or other equivalent non-blockable information-gathering ~~features~~feature for the provision of 311 service must establish a non-abbreviated phone number that will access the same non-emergency police and governmental services as the 311 service while honoring callers' call- and line-blocking preference. When publicizing the availability of the 311 service, the governmental entity must inform the public if its 311 service has caller or number identification features, and must publicize the availability of the non-abbreviated phone number that offers the same service with caller anonymity. When a certificated telecommunications utility uses Caller Identification (Caller ID) services or other equivalent ~~features~~feature to provide 311 service, relevant provisions of the commission's substantive rules and of the Public Utility Regulatory Act apply.

(11) - (14) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

**ISSUED IN AUSTIN, TEXAS ON THE 20th DAY OF OCTOBER 2000 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
RHONDA G. DEMPSEY**