

PROJECT NO. 32000

RULEMAKING TO AMEND SUBST. R.	§	PUBLIC UTILITY COMMISSION
§26.127 RELATING TO ABBREVIATED	§	
DIALING CODES TO DESIGNATE 811	§	OF TEXAS
FOR NATIONAL ONE CALL	§	
NOTIFICATION AND INQUIRY	§	
PURSUANT TO FCC CC DOCKET NO. 92-	§	
105 ADOPTED MARCH 10, 2005	§	

**PROPOSAL FOR PUBLICATION OF AMENDMENT TO §26.127
AS APPROVED AT THE JUNE 29, 2006 OPEN MEETING**

The Public Utility Commission of Texas (commission) proposes an amendment to §26.127, relating to Abbreviated Dialing Codes. The proposed amendment will designate the use of the abbreviated dialing code “811” for “One Call” advanced notification and inquiry related to excavation activities and underground facilities. This proposed amendment implements *Use of N11 Codes and Other Abbreviated Dialing Arrangements*, Sixth Report and Order, CC Docket No. 92-105, FCC 05-59 (Mar. 14, 2005) (Order), in which the Federal Communications Commission (FCC) designated 811 for One Call purposes. The use of 811 is intended to replace a myriad of telephone numbers with a nationally uniform number to allow contractors and property owners to give advance notice of excavation plans and allow facility operators to mark underground facilities prior to excavation to prevent facilities damage and service outages. Project Number 32000 is assigned to this proceeding.

Janis Ervin, Senior Policy Specialist, Infrastructure Reliability Division, and Mark Hallmark, Attorney, Legal Division, have determined that for each year of the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Ervin and Mr. Hallmark have 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 the use of a uniform abbreviated dialing code that facilitates notice of excavation to facility operators and allows facility operators to protect underground facilities, thereby reducing the possibility of facilities damage and service disruptions. There will be no adverse economic 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. The Texas Underground Facility Notification Corporation (doing business as One Call Board of Texas) currently operates a toll free-number (1-800-545-6005) for "One Call" purposes. It is anticipated that calls to the current toll-free number will be gradually migrated to the abbreviated dialing code within the two-year timeframe envisioned by the FCC's Order.

Ms. Ervin and Mr. Hallmark have 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 Texas Government Code §2001.022.

The commission staff will conduct a public hearing on this rulemaking, only if requested pursuant to the Texas Government Code §2001.029, at the commission's offices located in the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701 on Tuesday, August 29, 2006 at 10:00 a.m. The request for a public hearing must be received within 30 days after publication.

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. Parties are also requested to e-mail an electronic copy of comments to janis.ervin@puc.state.tx.us, if possible. Comments should be organized in a manner consistent with the organization of the proposed rule. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed section. The commission will consider the costs and benefits in deciding whether to adopt the section. All comments should refer to Project Number 32000.

This amendment is proposed under *Use of N11 Codes and Other Abbreviated Dialing Arrangements*, Sixth Report and Order, CC Docket No. 92-105, FCC 05-59 (Mar. 14, 2005) and Texas Utilities Code §14.002, which provides the Public Utility Commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction.

Cross Reference to Statutes: Texas Utilities Code §14.002, §251.001 et seq.

§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) 311 — Non-Emergency Governmental Service;
- (3) 411 —
 - (A) Directory Assistance; and
 - (B) Directory Assistance Call Completion;
- (4) 511 — Traffic and Transportation Information;
- (5) 611 — Repair Service;
- (6) 711 — Telecommunications Relay Service;
- (7) 811 — One Call Excavation Notification~~Business Office~~; and
- (8) 911 — Emergency Service.

(b)-(e) (No change.)

(f) 811 service.

- (1) **Scope and purpose.** This subsection applies to the assignment, provision, and termination of 811 service. Through this subsection, the commission implements the Federal Communications Commission's requirements in *Use of N11 Codes and Other Abbreviated Dialing Arrangements*, Sixth Report and Order, CC Docket No. 92-105, FCC 05-59 (Mar. 14, 2005), that designated 811 as the national abbreviated dialing code to be used by state One Call notification systems for providing advanced notice of excavation activities to underground facility operators in compliance with the Pipeline Safety Improvement Act of

2002. The commission intends to reduce the possibility of disruptions to underground facilities by implementing 811 service. Implementation of 811 service will facilitate advance notice by excavators of planned excavations to facility operators, allowing facility operators to mark and prepare their facilities before excavation.

(2) **Authority.** Authority for One Call Excavation Notification resides with the Texas Underground Facility Notification Corporation (doing business as One Call Board of Texas) pursuant to Section 251 of the Texas Utilities Code.

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

**ISSUED IN AUSTIN, TEXAS ON THE 29th DAY OF JUNE 2006 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
ADRIANA A. GONZALES**

Q:\CADM\TXR-Rules Management\Rules\Rulemaking Projects\Telecom\32000\32000pub.doc