

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,) Application No. C-3479/
on it's own motion, to seek) PI-107
comment on the establishment and)
implementation of "811" as a) ORDER IMPLEMENTING 811
statewide three digit calling)
number reserved for access to)
the Nebraska One-Call)
Notification System.) Entered: December 19, 2006

BY THE COMMISSION:

In 1994, the Nebraska Legislature established the One-Call Notification System Act, which is codified at Neb. Rev. Stat. § 76-2301 through 76-2330 (Reissue 2003) (the One-Call Act). The requirements of the One-Call Act have been implemented with the establishment of the Diggers Hotline of Nebraska, which is operated by a board of directors and certified by the Nebraska State Fire Marshall.

On December 17, 2002, President George W. Bush, signed the Pipeline Safety Improvement Act of 2002 ("Pipeline Safety Act" or "The Act") into law. The Act reflected the government's support for the One Call program by requiring the DOT, with the help of the Federal Communications Commission (FCC), to provide for the establishment of a 3-digit nationwide toll-free telephone number to be utilized by State One Call notification systems. The DOT supported the North American Numbering Council's' recommendation to use an N11 code, specifically 811, for utilization by the state One Call centers.

On March 14 2005, the Federal Communications Commission (FCC) released its Sixth Report and Order in CC Docket No. 92-105, "The Use of N11 Codes and Other Abbreviated Dialing Arrangements". The FCC order specifically -

- Requires One Call Centers to notify carriers of the toll-free number or local number the One Call Center uses in order to ensure that callers do not incur toll changes.
- Allows carriers to use either the Numbering Plan Area (NPA)-NXX or the originating switch to determine the appropriate One Call Center to which a call should be routed.
- Requires the use of 811 as the national abbreviated dialing code for providing advanced notice of excavation activities to underground facility operators.

- Delegates authority to the states, to address the technical and operational issues associated with the implementation of the 811 code.

The FCC's Sixth Report and Order at paragraph 20 delegated ". . . authority to the state commissions, pursuant to section 251(e), to address the technical and operational issues associated with the implementation of 811."

This proceeding was initiated by the Commission on September 13, 2005. The Commission established a task force representing appropriate segments of the industry to examine and resolve implementation issues. Other interested parties were requested to submit comments in response to the questions posed. Comments were filed by Windstream Nebraska, Inc.

As a result of a task force meeting held December 2, 2005, various telephonic conferences, and formal comments submitted, the following information in response to the Commission's questions was gathered.

1. In translating calls dialed as 811 (888-827-9309) how should a wireless call received by a tower located out of state, for location service in Nebraska, be handled? How should misdialed calls to 911 be handled?

As directed by the FCC's order in Docket No. 05-59 released March 14, 2005, for wireless originated calls, the originating Mobile Switch Center will determine the appropriate One Call Center to which the call is sent. If the wireless call is originated off a Nebraska switch, or a tower located in an adjacent state with a sector directed to a Nebraska switch, the call would be directed to the Nebraska One Call Center. Otherwise, the call will be directed to the appropriate One Call Center in the other state.

Regarding misdialed calls to 911, the consensus was that the most appropriate course of action was to instruct the caller of the misdial and ask them to dial again. To aid in identifying the magnitude of misdialed calls for 911, the Nebraska One Call Center has asked that a dedicated 800 number (888-827-9309) be used for all 811 translations regardless of the originating rate center.

2. To be effective the public will need to be educated on the use of 811 to reach the Diggers Hotline. Such education could be provided through use of billing inserts, directory listings, media campaigns, and One Call literature. What other means of educating the public should be used?

Several methods of educating the public were suggested by the Task Force including: the Commission issuing a press release

announcing the implementation of 811 in the State, the One Call Board for the State of Nebraska focusing on 811 education programs throughout the State at various Home Shows, Husker Harvest Days as well as Nebraskaland Days, and carriers providing a bill message on one of their monthly billing statements.

3. How long will it take for Nebraska phone companies to make the necessary changes to their phone books?

Telephone directories in Nebraska are typically published annually on a cyclical basis. However, the publishing date is usually not coordinated between carriers. Therefore, information regarding the implementation of 811 should be included in the next scheduled publishing cycle of a carrier's directory following the implementation of 811.

4. How long will it take for Nebraska phone companies to provide their consumers with education regarding the new 811 access to the One Call notification system? Will the PSC be involved in this information campaign?

The FCC order did not provide any requirements for customer education from carriers. However, a bill message would reach all customers that receive a statement, allow carriers flexibility with timing, and provide wide notification to the public of the establishment of 811. A reasonable time frame would seem to be within 90 days of the implementation of 811.

5. The FCC has set the implementation date of 811 as a state One Call notification system at two years from the publication of the order in the Federal Register, which will be April 13, 2007. What is a reasonable time frame to implement 811 in Nebraska?

The consensus of the Task Force members and comments received was that implementation by April 13, 2007, was reasonable.

6. Is the 811 code presently being used anywhere in Nebraska for any other purpose? If so, how long will the current user need to discontinue such use of 811?

Based upon information submitted the 811 code was not in use in Nebraska.

7. The FCC defers to the expertise of the carriers and the states to determine and develop the most appropriate technological means of implementing 811 access to the One Call notification system as dictated by their particular network architectures. What is the most appropriate technological means to implement this system in Nebraska?

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The Task Force members and commenting parties believe the most appropriate technological means is to translate the 811 abbreviated dialing code into the appropriate number identified by the State One Call Center (888-827-9309).

For wireless originated calls, the originating Mobile Switch Center will determine the appropriate One Call Center to which the call is sent. If the wireless call is originated off a Nebraska switch, or a tower located in an adjacent state with a sector directed to a Nebraska switch, the call would be directed to the Nebraska One Call Center.

As with previous Commission orders implementing N11 types of access, it is our preliminary belief that individual carrier costs for 811 access will not be significant. If, however, a carrier seeks recovery of costs associated with routing 811 calls, the Commission requires that plans for cost recovery be submitted to the Commission for approval.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that April 13, 2007, is the deadline set by the Commission for implementation of 811 routing to a number provided by Diggers Hotline of Nebraska, which currently is 888-827-9309.

IT IS FURTHER ORDERED that all carriers cease any use of 811 for any function other than access to Diggers Hotline of Nebraska.

IT IS FURTHER ORDERED that all carriers include 811 information in all directories published after April 1, 2007.

IT IS FURTHER ORDERED that carriers seeking recovery of costs associated with routing 811 calls submit plans for cost recovery to the Commission for approval.

MADE AND ENTERED in Lincoln, Nebraska, on this 19th day of December, 2006.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Lowell C. Johnson

Frank E. Landis

James C. Boyle

Lowell C. Johnson
Chairman

ATTEST:

A. B. Pollock
Executive Director

//s// Lowell C. Johnson

//s// Frank E. Landis