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Missouri Public
Service Commission

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Date 12-21-06 Case No. IT-2007-0187
Reporter JLT

**BEFORE THE
MISSISSIPPI PUBLIC SERVICE COMMISSION**

**DOCKET NO. 2006-AD-383 IN RE: PETITION OF MISSISSIPPI ONE-
CALL SYSTEM, INC. FOR
ALLOCATION OF 811**

AGREED FINAL ORDER

COMES NOW, the Mississippi Public Service Commission ("Commission") and
issues the following Order upon the agreement and joint submission of the parties:

BACKGROUND

On March 14, 2005, the Federal Communications Commission ("FCC") released its *Sixth Report and Order on Reconsideration*¹ in CC Docket No. 92-105 ("*Sixth Report and Order*") in which the FCC granted a petition filed by the United States Department of Transportation seeking assignment of a three-digit toll-free telephone number to access One Call centers throughout the country.² One Call centers provide advance notice of excavation activities to underground facility operators in compliance with the federal Pipeline Safety Act. In designating 811 as the nationally abbreviated dialing code to be used by the state One Call notification systems, the FCC found that such an assignment was in the public interest. The FCC specifically found in the *Sixth Report and Order*:

Adopting a national abbreviated dialing code for this purpose will enhance public safety, and strengthen homeland security by streamlining the advance notification of excavation activities. The measures adopted in this Order will reduce disruptions to underground facilities during excavation. Designation of 811 as the

¹ *In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, *Sixth Report and Order on Reconsideration*, 20 FCC Rcd 5539 ¶ 3 (2005).

² The United States Department of Transportation ("DOT") filed the petition in response to the Pipeline Safety Act (the "Act") which President Bush signed on December 17, 2002. The Act required, among other things, the DOT, in consultation with the FCC, to "provide for the establishment of a 3-digit nationwide toll-free telephone number system to be used by State one-call notification systems" Natural Gas Pipeline Safety Act, 49 U.S.C. § 60103 *et seq.*

abbreviated dialing code for providing advanced notice of excavation activities to underground facility operators will eliminate the need for each state One Call notification system to utilize different numbers, and therefore increase the public awareness and use of One Call services. Nationwide use of 811 will serve the public interest by minimizing confusion over which number to call before engaging in excavation activities.³

The FCC then stated that:

The 811 abbreviated dialing code shall be deployed ubiquitously by carriers throughout the United States for use by all telecommunications carriers, including wireline, wireless, and payphone service providers that provide access to state One Call Centers.⁴

The FCC delegated authority to state commissions, pursuant to Section 47 U.S.C. 251(e), to address the technical and operational issues associated with implementing the abbreviated dialing code.⁵ The FCC establish a two (2) year period for implementing 811 as the national abbreviated dialing code for access to state One Call Centers.⁶

PROCEDURAL BACKGROUND

On July 18, 2006, Mississippi One-Call System, Inc. ("Mississippi One-Call") filed a Petition for Allocation of 811 ("Petition") with the Commission. Also on July 18, 2006, Mississippi One-Call pre-filed the direct testimony of Sam Johnson in support of the Petition. On July 31, 2006, the Commission entered its Order granting the Motion to Intervene filed by Telepak Networks, Inc. ("Telepak"). On August 16, 2006, the Commission entered its Order granting the Motion to Intervene filed collectively by Windstream Mississippi, Inc. (formerly known as ALLTEL Communications, Inc.), Bay Springs Telephone Company, Bruce Telephone Company, Inc., Calhoun City Telephone Company, Myrtle Telephone Company, Southeast

³ *In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, Sixth Report and Order and Order on Reconsideration, 20 FCC Rcd 5539 ¶ 3 (2005).

⁴ *Id* at ¶ 4

⁵ *Id* at ¶ 35

⁶ *Id*

Mississippi Telephone Company, Century Telephone of North Mississippi, Decatur Telephone Company, Delta Telephone Company, Inc., Franklin Telephone Company, Inc., Frontier Telephone Company, Fulton Telephone Company, Georgetown Telephone Company, Lakeside Telephone Company, Sledge Telephone Company, Fail, Inc., d/b/a Mound Bayou Telephone, Noxapater Telephone Company, and Smithville Telephone Company (collectively "Independent Telephone Companies") timely intervened as parties. On September 6, 2006, the Commission entered its Order granting, with full rights for good cause shown, the Motion to Intervene Out of Time filed by BellSouth Telecommunications, Inc. ("BellSouth").

The Commission conducted an evidentiary Hearing on September 7, 2006. Mr. Sam Johnson and Ms. Lera Roark were sworn in as witnesses, however, Mr. Johnson was the only live witness to participate in the Hearing. At the Hearing, Telepak, the Mississippi Independent Companies, and BellSouth, were each represented by legal counsel. Additionally, legal counsel for the Mississippi Public Utilities Staff ("MPUS") and the Commission were present. The Commission, having heard from representatives of the parties, fully considered the evidence, documents, pre-filed testimony, live testimony, and the record before it, as authorized by law, finds as follows:

JURISDICTION

The Commission has jurisdiction to enter this Order and concludes that the entry thereof is in the public interest.

Due and proper notice of the Petition and of the Hearing was given to the public and to all interested parties as required by law and by the Commission's Rules.

FINDINGS OF THE COMMISSION

Mississippi One Call has shown that it satisfies the criteria set forth by the FCC in its *Sixth Report and Order*. In its Petition, Mississippi One Call set forth its current method of operation as well as its proposed method of operation using 811 as the means of contacting Mississippi One Call. Mississippi One Call has been in operation since 1983, pursuant to the provisions of Mississippi Code Sections 77-13-1, et seq. In 2005, Mississippi One Call had a budget of \$1,438,482 and its call-in volume was 203,363 while its call-out volume was 1,022,497. Mississippi One Call is primarily funded by fees paid by its members. The operations of Mississippi One Call will not be changed by the designation of 811 as an abbreviated dialing code for reaching Mississippi One Call.

Mississippi One-Call's witness, Sam Johnson, in his pre-filed testimony, testified that Mississippi One-Call is designated by Mississippi statutes as the entity to receive calls for advanced notice of excavation activities to underground facility operations. Mr. Johnson also stated that the FCC has mandated the use of 811 for all One-Call centers nationwide and that all calls made through 811 will be routed to the Mississippi One-Call's present 1-800-227-6477 number and then directly to Mississippi One-Call's service center. According to Mr. Johnson, each 811 caller will receive a message that tells the caller that he has called Mississippi One-Call and Mississippi One-Call can only take location requests for the state of Mississippi. The message will give the caller a different telephone number if such request is for Arkansas, Louisiana, Tennessee or Alabama. Thereafter, the caller will be connected to a service operator in Mississippi One-Call's service center who will take down the required information from the caller. The call will be handled exactly the same way as if the caller had dialed the 1-800-227-6477 number. The entire change from ten-digit 800 toll free number dialing to 811 three-digit dialing should be seamless. The caller should not notice any change.

Mr. Johnson further stated that Mississippi One-Call would not be required to change its method of operation because its sole purpose is to provide for advance notification of excavation work to underground facility operators in Mississippi. Mississippi One-Call currently has thirteen (13) customer service representatives taking calls and does not expect the use of the 811 number to require the hiring of additional employees or adding any additional services. Mr. Johnson testified at the Hearing that all costs to implement 811 three digit dialing will be funded by the members of Mississippi One Call by an increase in the fees paid by the members and should cover any additional costs created by any increase in calls. The various telecommunications carriers will be required to program their switching equipment to route all 811 calls in Mississippi to Mississippi One-Call's 1-800-227-6477 number. Mr. Johnson also testified at the Hearing that the fair and reasonable costs incurred by the telecommunications carriers to implement 811 will be borne by Mississippi One-Call through its member charges. Mr. Johnson also testified that Mississippi One-Call will look to the Commission, if necessary, to assist it with making sure that the rates charged by the telecommunications carriers are fair and reasonable.

Based upon a careful consideration of the entire record in this matter and in following the mandate set forth in the FCC's *Sixth Report and Order*, the Commission finds that the use of the 811 dialing code is in the public interest and hereby approves of the use of the 811 dialing code for the purpose of providing advance notice of excavation activities to underground facilities operators in the state of Mississippi. The Commission finds that Mississippi One Call shall reimburse the telecommunications carriers who submit bills for their reasonable costs in implementing the switching and other changes required to allow Mississippi One Call to utilize the 811 dialing code as authorized in this Order. The Commission further finds that Mississippi

One Call, in cooperation with the telecommunications carriers, should ensure that the implementation of 811 in Mississippi is completed before the FCC's national deadline of April 13, 2007.

IT IS THEREFORE ORDERED, that the Petition of Mississippi One-Call for allocation of 811 is in the public interest and should be and is hereby granted. Mississippi One-Call is directed to complete the implementation of the 811 calling code before the FCC's national implementation of April 13, 2007.

IT IS FURTHER ORDERED, that this Order shall be deemed issued on the day it is served upon the parties herein by the Executive Secretary of this Commission who shall note the service date in the file of this Docket.

DATED this the 20th day of October, 2006.

Chairman Nielsen Cochran voted aye; Vice-Chairman Leonard Bentz voted aye; and Commissioner Bo Robinson voted aye.

MISSISSIPPI PUBLIC SERVICE COMMISSION



Nielsen Cochran
NIELSEN COCHRAN, CHAIRMAN

Leonard Bentz
LEONARD BENTZ, VICE-CHAIRMAN

Bo Robinson
BO ROBINSON, COMMISSIONER

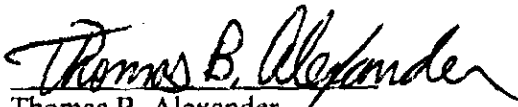
ATTEST: A TRUE COPY

Brian U. Ray
BRIAN U. RAY, EXECUTIVE SECRETARY

Effective this the 20th day of October, 2006.

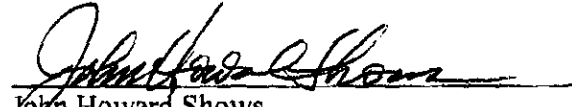
Respectfully submitted this ^{October} 20 day of ~~September~~, 2006.

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