

DT 05-198

DIG SAFE SYSTEM, INC.

Petition for Assignment of 811 Dialing Code

Order *Nisi* Granting Petition

O R D E R N O. 24,634

June 8, 2006

I. INTRODUCTION

On December 19, 2005, Dig Safe System, Inc. (Dig Safe), a corporation organized under the laws of the Commonwealth of Massachusetts, filed a petition with the New Hampshire Public Utilities Commission (Commission) requesting that the Commission implement 811 as the abbreviated dialing code for providing notification of excavation activities to underground facility operators in New Hampshire.

Dig Safe is the sole One-Call notification system in New Hampshire for excavation activities to underground facility operators and is duly registered with and certified by the Commission. Pursuant to RSA 374:49 and 374:52, Dig Safe has established a toll-free telephone number for receipt of excavation notices, and operates during the prescribed hours.

Dig Safe states that the Federal Communications Commission (FCC) *In The Matter Of The Use Of N11 Codes And Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, Order, 20 FCC Rcd. 5539 released March 14, 2005 (811 Order) requires the use of the 811 dialing code nationwide to implement certain provisions of the Pipeline Safety Improvement Act of 2002 (Pipeline Safety Act). The Pipeline Safety Act, signed into law on December 17, 2002, mandated changes in the way the natural gas industry ensures the safety and integrity of its pipelines. Section 17 of the Pipeline Safety Act directed the FCC, underground facility

operators, excavators, and One-Call notification system operators to provide for the establishment of a 3-digit, nationwide, toll-free telephone number system to be used by state One-Call notification systems.

The 811 Order requires that states implement the 811 dialing code within two years after the date the 811 Order was published in the Federal Register. That occurred on April 13, 2005. The FCC expects all states to have converted to the abbreviated code by April 13, 2007.

The 811 Order also states that: 1) the One-Call system operator is required to supply carriers with a local or toll-free number to ensure charge-free calls for the 811 caller; 2) wireline carriers must use either the originating switch location or the NPA-NXX to determine the appropriate One-Call Center to which a call should be routed; 3) wireless carriers must use the originating mobile switch center to determine the appropriate One-Call center to which a call should be routed; and 4) authority is delegated to the state commissions, pursuant to section 251(e) of the administration of the North American Numbering Plan, to address technical and operational issues associated with the implementation of the 811 dialing code. Additionally, the 811 Order states that, while the FCC has reviewed all the arguments for the continued use of other dialing codes for One-Call access, and while it recognized that 811 is used for different purposes by some carriers, there is sufficient time to clear the way for the use of 811 as the national abbreviated dialing code for access to state One-Call Centers by April 13, 2007.

Dig Safe's petition asks the Commission to: 1) designate 811 as the abbreviated code to be used exclusively for access to Dig Safe in New Hampshire; 2) require all telecommunications carriers and payphone service providers to immediately cease using 811 for any purpose other than providing access to Dig Safe; and 3) require all telecommunications carriers to route 811

calls for New Hampshire excavations to the toll-free number designated by DigSafe, 866-892-9177, to ensure that the caller does not incur toll charges.

On June 1, 2006, Commission Staff filed a memorandum recommending that the Dig Safe petition be approved. Among other things, Staff reports that a technical session was held on February 8, 2006, with Dig Safe, AT&T, BayRing Communications, Comcast, CTC Communications Corp., Dunbarton Telephone Company, Granite State Telephone Inc., Sprint Nextel, TDS Telecom, Union Telephone Company, Verizon NH and pay phone providers “to discuss the specific roles of Dig Safe and the carriers in the conversion to 811, timing issues and cost recovery.” Staff further reported that the technical session “revealed no technical or operational issues preventing the statewide conversion.” Staff did indicate, however, that there was an outstanding issue “about how conversion costs will be paid,” but that the issue was one to be resolved by Dig Safe and the carriers.

II. COMMISSION ANALYSIS

We find that the April 13, 2007 deadline set by the 811 Order is necessary and in the public interest. Since New Hampshire telecommunications carriers have already implemented 511, 711, and 911 codes statewide, we do not anticipate that the implementation of the 811 code will present any unique or technically difficult issues for the carriers involved. Consistent with the 811 Order, we will therefore grant the petition of Dig Safe. Correspondingly, we find the designation of Dig Safe as the implementing agency to be in the public interest.

We take notice that the Enhanced 911 Commission passed a motion at its June 14, 2002 meeting requesting that it and the Bureau of Emergency Communications be involved in any discussion of N-1-1 requests. Accordingly, we instruct Dig Safe to use its best efforts to work

with the Enhanced 911 Commission and the Bureau of Emergency Communications in the development of 811 service.

Based upon the foregoing, it is hereby

ORDERED *Nisi*, that subject to the effective date below, the petition of Dig Safe System, Inc. is hereby granted; and it is

FURTHER ORDERED, that Dig Safe System, Inc. shall use its best efforts to coordinate with state agencies, including the Enhanced 911 Commission and the Bureau of Emergency Communications, in the development, implementation, and operation of the 811 system to improve communication between excavators and underground facility operators in the state; and it is

FURTHER ORDERED, that all telecommunications carriers shall cooperate with Dig Safe System, Inc. to deploy the 811 dialing code expeditiously; and it is

FURTHER ORDERED, that the Petitioner shall cause a copy of this Order *Nisi* to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than June 19, 2006 and to be documented by affidavit filed with this office on or before July 5, 2006; and it is

FURTHER ORDERED, that all persons interested in responding to this Order *Nisi* be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than June 26, 2006 for the Commission's consideration; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than July 5, 2006; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective July 10, 2006, unless the Petitioner fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this eighth day of June, 2006.

Thomas B. Getz
Chairman

Graham J. Morrison
Commissioner

Clifton C. Below
Commissioner

Attested by:

Debra A. Howland
Executive Director & Secretary