

DT 04-027

**NEW HAMPSHIRE COALITION OF
COMPREHENSIVE INFORMATION AND REFERRAL SERVICES**

Petition for Designation as Lead Implementing Agency for 211 Services

Order *Nisi* Approving Settlement Agreement

ORDER NO. 24,566

December 22, 2005

On November 5, 2004, the New Hampshire Public Utilities Commission (Commission) issued Order No. 24,397 in this docket, which concerns the implementation in New Hampshire of a nationwide initiative approved by the Federal Communications Commission (FCC) to use the “211” dialing code to connect callers with an appropriate local source of community information and referral services. In Order No. 24,397, the Commission acted pursuant to RSA 365:28 to vacate a previous order resolving the docket and, instead, designated the matter for hearing. In dispute was not the contemplated use of the 211 dialing code but, rather, the plan for implementing and paying for the program.

The petitioning group of community information and referral services (I&R) providers, the New Hampshire Coalition of Comprehensive Information and Referral Services (Coalition), has now entered into a settlement agreement with the Staff of the Commission as well as Verizon NH, Conversent Communications of New Hampshire LLC and the New Hampshire Telephone Association. The agreement, filed on December 8, 2005, provides (1) for designation of the Coalition as the lead implementing agency for 211 service in New Hampshire, (2) requires that wireline providers of local exchange service in the 603 area code to route 211 calls to a toll-free number assigned to the particular I&R agency serving the geographic area

associated with the NXX code (i.e., local exchange) of the caller, (3) requires that the I&R providers will bear responsibility for acquiring and paying for the toll-free numbers, and (4) states that the routing of 211 calls will be effective 24 hours per day and seven days per week, but that carriers will not be obliged to vary call routing by time of day or day of week. The settlement agreement also includes an RSA 378:18 and 18-a special contract, entered into between the Coalition and Verizon, comprising the service agreement whereby Verizon would provide the relevant 211 services to the I&R agencies. The signatories agreed that the special contract meets the statutory standard for approval and that the special contract is an integral part of the agreement.

Two parties (Omnipoint Holdings, Inc. d/b/a T-Mobile and Sprint Nextel Corporation, f/k/a Nextel Communications, Inc.), both wireless carriers, jointly filed a letter with the Commission on December 14, 2005. The two wireless carriers indicated that they did not oppose the settlement, that they intended to provide 211 service in New Hampshire but that certain issues would need to be resolved before they could do so. Those issues are (1) the provision of a single toll-free number to which any wireless 211 calls received in New Hampshire could be routed, (2) the need for a legal entity or entities for the carriers to contract with, given that the petitioning coalition is not itself such an entity, and (3) the need for a contractual limitation-of-liability provision that is, in the case of wireline carriers subject to Commission jurisdiction, included in their published tariffs.

Inasmuch as the Commission lacks jurisdiction over wireless carriers, outstanding issues with regard to their providing 211 service should not prevent approval of an agreement involving wireline carriers. No other issues appear to be in controversy. Because the settlement

terms are reasonable, we will approve the agreement as filed, which will allow 211 service to commence in New Hampshire early in 2006. Accordingly, we approve the December 8, 2005 settlement agreement.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that subject to the effective date below, the Settlement Agreement entered into among the New Hampshire Coalition of Comprehensive Information and Referral Services, Verizon NH, Conversent Communications of New Hampshire LLC, the New Hampshire Telephone Association and the Staff of the New Hampshire Public Utilities Commission is APPROVED; and it is

FURTHER ORDERED, that the Executive Director of the Commission shall cause a copy of this Order *Nisi* to be published once in a statewide newspaper of general circulation no later than December 27, 2005 and to be documented by affidavit filed with this office on or before January 13, 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 January 3, 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 January 9, 2006; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective January 13, 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 twenty-second day of December, 2005.

Thomas B. Getz
Chairman

Graham J. Morrison
Commissioner

Michael D. Harrington
Commissioner

Attested by:

Debra A. Howland
Executive Director & Secretary