

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's)
Investigation into the Allocation and Use of)
the 8-1-1 Dialing Code for Use by One Call) Case No. 05-1306-AU-COI
Notification Systems for Providing)
Advance Notice of Excavation Activities to)
Underground Facility Operators.)

ENTRY

The Commission finds:

- (1) On March 14, 2005, the Federal Communications Commission (FCC) released its 05-59 Order,¹ by which it designated the 8-1-1 dialing code as a nationwide number to be used by state One Call notification systems² for providing advanced notice of excavation activities to underground facility operators. The express purpose of the FCC's 05-59 Order is to implement the Pipeline Safety Act,³ which provides for the establishment of a nationwide toll-free abbreviated dialing arrangement to be used by state One Call notification systems. The FCC mandated that, within two years from the date of publication of its 05-59 Order, 8-1-1 should 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. However, the FCC stated that it would "defer to the expertise of the carriers, in cooperation with the individual states, to develop and determine the most appropriate technological means of implementing 8-1-1 access to One Call services, as dictated by their particular network architectures" (FCC's 05-59 Order at paragraph 32).

¹ See *Use of N11 Codes and Other Abbreviated Dialing Arrangements*, Sixth Report and Order, CC Docket 92-105, released March 14, 2005.

² In the order, the FCC defined a "One Call notification system" as a communication system established by operators of underground facilities and/or state governments in order to provide a means for excavators and the general public to notify facility operators in advance of their intent to engage in excavation activities. This advanced notice, in turn, allows utility companies to mark underground facilities prior to excavation to prevent damage to these facilities.

³ Pipeline Safety Improvement Act of 2002, Pub. L. No. 107-355, § 17, 116Stat. 2985, 3008 (2002).

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- (2) The Commission has opened this docket to address any issues that may exist relating to how timely implementation in Ohio of the 8-1-1 dialing code for use by one-call centers shall be achieved in compliance with the FCC's 05-59 order. As a preliminary step towards this overall objective, on November 4, 2005, the Commission issued an entry by which it invited interested parties to file comments and/or reply comments addressing any technical, operational, cost or compensation issues pertaining to 8-1-1 implementation, along with recommendations regarding what, if any, steps the Commission should take in order to ensure that they are resolved in a timely manner. The Commission expressed particular interest, given that there are currently two one-call centers in Ohio, in receiving information concerning whether and how it may be possible for both Ohio one-call centers to receive 8-1-1 calls from the same area.
- (3) Numerous entities timely submitted initial and/or reply comments in this docket. With only a few exceptions, nearly all of the initial and reply comments expressed support for the idea that the Commission should designate one of the existing Ohio one-call centers, namely the Ohio Utilities Protection Service (OUPS), as the sole 8-1-1 one-call system provider in Ohio. However, there were two commenting parties, namely the Ohio Oil and Gas Association (OOGA) and the Oil and Gas Producer's Underground Protection Service (OGPUPS) who did not join other commenting parties in recommending that the Commission should designate OUPS as the sole provider of protection service in Ohio.
- (4) By entry dated April 4, 2006, the Commission scheduled, and later held as scheduled, an 8-1-1 deployment workshop for May 4, 2006. The purpose of the workshop was to provide a forum for interested persons or entities (including members of the public) to discuss any technical, operational, cost, or compensation issues pertaining to 8-1-1 implementation. The workshop provided the Commission and its staff with a greater understanding of how local exchange companies will technically deploy 8-1-1 service in Ohio. It also allowed exploration of the issue of whether a solution could be implemented that would enable 8-1-1 callers from anywhere in Ohio to reach either or both of the two Ohio one call centers for

the same protection service that they currently can receive using traditional ten-digit dialing.

- (5) Since the time of the workshop, the two Ohio one-call centers have been working together in an attempt to achieve a technical and/or operational solution to the problem of achieving ubiquitous deployment of 8-1-1 service in Ohio, in a manner that enables 8-1-1 callers from anywhere in Ohio to use the 8-1-1 dialing code in order to obtain the same protection service that they currently can receive using traditional ten-digit dialing. It is expected that the two Ohio one-call centers may soon reach a mutually satisfying agreement that achieves that objective.
- (6) The Commission finds it appropriate now to direct all local exchange companies in Ohio to take whatever actions may be prudent and necessary in order to offer and provide 8-1-1 service throughout their Ohio service areas. This includes the deployment and testing of all systems, facilities, and/or equipment that they must have in place in order to provide such service. The Commission encourages all local exchange companies to complete this process and to begin providing 8-1-1 service ubiquitously throughout their Ohio service areas by May 14, 2007. If a local exchange company finds itself unable to meet this target date for 8-1-1 service implementation, it should file a letter in this docket by May 14, 2007, explaining the reasons why not and describing the additional steps the company will take in order to begin providing the service, along with an estimated date when it expects to begin providing 8-1-1 service.

The Commission recognizes that the telephone companies who incur reasonable costs in providing 8-1-1 service should be entitled to recoup those costs. The Commission believes that a specialized or customer-specific contractual arrangement between the telephone company and its 8-1-1 service customer(s) would likely be the most efficient and effective means for provisioning the service in a way that allows the company to be so compensated. Therefore, we will direct all local exchange companies to begin negotiating such contracts immediately. The Commission's staff is available to mediate the contract negotiations if the parties to the contract would request it. The Commission expects the parties to complete the

necessary contract negotiations and execute a contract prior to the May 14, 2007 service implementation target date. If, as an alternative way of provisioning the service, a company would rather provide the service as a tariff service offering, it should submit its proposed tariff for doing as soon as possible as part of its effort to meet the May 14, 2007 service implementation target date.

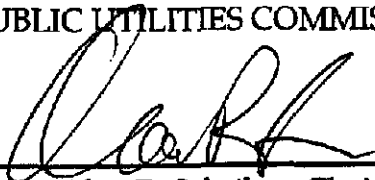
It is, therefore,

ORDERED, That, in accordance with the above findings, all local exchange companies in Ohio shall take whatever actions may be prudent and necessary in order to offer and provide 8-1-1 service throughout their Ohio service areas. The Commission encourages such companies to offer and provide 8-1-1 service throughout their Ohio service areas by May 14, 2007 and, if a local exchange company finds itself unable to meet this target date for 8-1-1 service implementation, it should file a letter in this docket by May 14, 2007, explaining the reasons why not and describing the additional steps the company will take in order to begin providing the service, along with an estimated date when it expects to begin providing 8-1-1 service. It is, further,

ORDERED, That all local exchange companies in Ohio shall immediately begin negotiating a specialized or customer-specific contractual arrangement between the telephone company and its 8-1-1 service customer(s). The Commission's staff is available to mediate the contract negotiations if the parties to the contract would request it. The Commission encourages the parties to complete the necessary contract negotiations and execute a contract prior to the May 14, 2007 service implementation target date. If, as an alternative way of provisioning the service, a company would rather provide the service as a tariff service offering, it should submit its proposed tariff for doing as soon as possible, as part of its effort to meet the May 14, 2007 service implementation target date. It is, further,

ORDERED, That, a copy of this entry be served upon all interested persons of record in this matter.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman



Ronda Hartman Fergus



Judith A. Jones

Valerie A. Lemmie



Donald L. Mason

DEF/vrm

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Renee J. Jenkins
Secretary