

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6873

Petition of Vermont Agency of Transportation)
for designation as service manager of 511)
telecommunications service)

Order entered: 11/13/2003

I. INTRODUCTION & PROCEDURAL HISTORY

On July 23, 2003, the Vermont Agency of Transportation ("AOT") filed a petition ("Petition") with the Public Service Board ("Board") requesting designation as an N11 service manager in Vermont pursuant to Board Rule 7.300. This Proposal for Decision recommends that the Board designate AOT as the service manager for 511 service in Vermont.

On August 20, 2003, I convened a prehearing conference in this proceeding. Appearances were entered by: June Tierney, Esq., for the Vermont Department of Public Service ("Department"); Peter Zamore, Esq., of Sheehey Furlong & Behm, P.C., and Linda Ricci, Esq., on behalf of Verizon New England Inc., d/b/a Verizon Vermont ("Verizon"); and Daniel M. Grahovac, for AOT. None of the prehearing conference participants sought evidentiary hearings on AOT's request for designation as service manager pursuant to Board Rule 7.300. Instead, the parties requested the Hearing Officer to issue a Proposal for Decision based upon the Petition.

I issued a Proposal for Decision on August 29, 2003. The Department filed comments expressing agreement with the Proposal for Decision and waiving its right to further hearing on this matter. Verizon filed comments requesting the proposed decision be revised to clarify two issues. Verizon also stated that it would waive its right to further hearing once these issues were clarified. Accordingly, I have revised the Proposal for Decision to reflect these clarifications through the addition of two footnotes to the findings below.

II. FINDINGS OF FACT

I present the following Findings of Fact to the Board in accordance with 30 V.S.A.

§ 8.

1. On July 23, 2003, AOT filed a Petition, pursuant to Board Rule 7.303, with the Board for designation as the service manager for 511 services throughout the State of Vermont.

Petition at 1.

2. AOT's 511 service is a telephone-based travel and weather information system which currently operates through its underlying 1-800-ICY-ROAD number. The service utilizes an interactive voice response system to provide traffic and weather conditions, ferry, transit and tourism information, and National Weather Service Advisories. Petition at 4-5.

3. AOT has created an Intelligent Transportation Systems ("ITS") unit whose primary responsibility will be managing the 511 service. The ITS unit is part of the Operations Division of the AOT and a sub-unit of the Division's Maintenance Program's Section. The unit consists of three employees: a program manager; a project engineer; and an IT manager. Petition at 5-6.

4. AOT has been the primary governmental entity responsible for managing the state's highway infrastructure for over seventy-five years. AOT is also responsible for congestion management, safety enhancements and accident prevention. Petition at 6.

5. AOT is the sole designee of the Federal Highway Administration to receive federal funding. In addition, the Vermont State Legislature appropriates state funds to support and match the federal program funds. The AOT's current yearly budget, as approved by the Legislature, is approximately \$300,000,000. Petition at 7.

6. AOT proposes to implement the 511 service by September of 2003.¹ Petition at 7.

7. AOT is currently working with other states to coordinate the provision of 511 services on a regional and national level. These efforts should ensure the systems are compatible and minimize future maintenance and operational costs. AOT has also been working with the telephone companies in Vermont to avoid any undue technical difficulty associated with 511 service. Petition at 8-10.

8. AOT has developed a multi-faceted approach to public outreach and education regarding the 511 system. AOT has hired a marketing firm to promote and advertise the system. The promotions will include news conferences, printed materials, buttons, stickers and magnets. The marketing firm has also designed a logo and theme for the 511 system. AOT will install

1. This date represents the AOT's projected implementation date of the program. The date is not meant to prescribe a specific date or deadline by which the program must be implemented.

over forty-five highway signs with the 511 logo listing the information available on the system. Petition at 11 and Attachment C.

9. In order to retain existing caller base, all 511 calls in Vermont will be routed to the existing 1-800-ICY-ROAD number. Petition at 13.

10. AOT has hired a consultant to work with each telephone company to perform the required switch translation to 511. AOT is assuming all of the development, deployment, and hosting costs associated with using the 511 system over wireline telecommunications facilities. Customers using wireless facilities will still incur per-minute charges to access the system.² Petition at 10.

11. The 511 system will be available twenty-four hours a day, seven days a week. Petition at 14.

12. Pursuant to the Commercial Hosting Services Agreement between AOT and the system developer, BeVocal, the 511 system will be available 99.9% of the time. BeVocal is required to provide a system availability report on a monthly basis. If levels of availability drop below the threshold level, the contract amounts are adjusted downward to compensate for the lower levels of performance. Petition at 12-14.

III. DISCUSSION AND CONCLUSION

N11 codes are three-digit dialing arrangements that allow end users to access the telephone network. There are only eight available N11 codes, which make the codes particularly scarce. Of the eight available codes three (411, 711, and 911) are already used on a nationwide basis and two other codes (611 and 811) are used by local telephone companies for repair and customer service. On July 21, 2000, the Federal Communications Commission ("FCC") issued an Order designating 511 as the national code for travel information services.³ In the Order, the FCC concludes that governmental entities may request 511 from both wireline and wireless telephone providers for use with transportation information. However, the FCC did not specify

2. The Petition indicates that wireless carriers intend to charge end-users for accessing 511 services. This finding does not limit the imposition of usage charges to wireless carriers or give approval to those charges. Pursuant to Board Rule 7.300 at 7.302B no telephone company may impose end-user charges without the authorization of the Board.

3. *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, *Third Report and Order on Reconsideration*, at 10, para. 15 (rel. July 31, 2000).

parameters for cost recovery or other technical issues associated with 511 service. Instead, the FCC allowed that state public utilities commissions may continue to exercise jurisdiction over N11 codes to the extent necessary to ensure deployment of the designated N11 services.

In order to facilitate the expeditious deployment of N11 services, the Board, on September 4, 2002, adopted Rule 7.300 (*Telephone Number Resource Use and Administration*), which sets forth the parameters for service managers and telephone providers with respect to N11 services.

Board Rule 7.300 requires entities seeking designation as an N11 service manager in Vermont to file a petition with the Board.⁴ The petition must identify the N11 code and the proposed geographic area coverage, and describe the use for the code. In addition, the petitioner is required to provide additional information in order to demonstrate compliance with certain prescribed standards. The standards include: a description of the petitioner's organizational structure; sufficient managerial and technical expertise; a stable funding source; a feasible implementation date; a workable plan for coordination with other N11 service managers in the area; a plan for public outreach; a proposal for routing the N11 calls; a proposal for the mechanism by which the telephone companies will recover costs associated with the system implementation; twenty-four hour a day availability; and a plan to ensure service quality. Based on the findings above, I conclude that AOT has demonstrated that it will meet the standards required by Board Rule 7.300. In addition, no party has raised an objection to AOT's designation as 511 service manager. Accordingly, I recommend that the Board designate AOT as the service manager for 511 services throughout the State of Vermont.

This revised Proposal for Decision has been served on all parties to this proceeding in accordance with 3 V.S.A. § 811.

DATED at Montpelier, Vermont, this 12th day of November, 2003.

s/Gregg C. Faber

Gregg C. Faber
Hearing Officer

4. Board Rule 7.300 at 7.303C.

VI. ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Service Board of the State of Vermont that:

1. The Hearing Officer's findings, conclusion, and recommendations are adopted.
2. The Vermont Agency of Transportation is designated as the service manager for 511 services throughout the State of Vermont.

DATED at Montpelier, Vermont, this 13th day of November, 2003.

s/Michael H. Dworkin)	PUBLIC SERVICE BOARD OF VERMONT
)		
s/David C. Coen)	
)		
)		
s/John D. Burke)	

OFFICE OF THE CLERK

FILED: November 13, 2003

ATTEST: s/Susan M. Hudson
Clerk of the Board

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: Clerk@psb.state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.