

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
 )  
Toll Free Service Access Codes ) CC Docket No. 95-155

**ORDER**

**Adopted: December 20, 2007**

**Released: December 20, 2007**

By the Chief, Wireline Competition Bureau:

1. On January 22, 2007, the Wireline Competition Bureau (Bureau) assigned three toll-free numbers to the Substance Abuse and Mental Health Services Administration (SAMHSA)<sup>1</sup> for a period of one year.<sup>2</sup> Those numbers had previously been used by the Kristin Brooks Hope Center (KBHC), a private non-profit organization. KBHC filed an application for review of that Order on February 21, 2007.<sup>3</sup> In this Order, pursuant to the Commission's exclusive jurisdiction over numbering resources<sup>4</sup> and its obligation to protect public safety,<sup>5</sup> we extend by 90 days the temporary reassignment of three toll-free numbers.<sup>6</sup>

2. The Communications Act of 1934, as amended (the Act), grants the Commission exclusive jurisdiction over "those portions of the North American Numbering Plan that pertain to the United States."<sup>7</sup> The Act requires the Commission to "ensure the efficient, fair, and orderly allocation of toll-free numbers."<sup>8</sup> In addition to exclusive jurisdiction over numbering resources, the Commission also has an obligation to protect public safety<sup>9</sup> and has broad authority to execute its functions.<sup>10</sup> Telephone numbers

<sup>1</sup> SAMHSA is a component of the U.S. Department of Health and Human Services.

<sup>2</sup> See *Toll Free Service Access Codes*, CC Docket No. 95-155, Order, 22 FCC Rcd 651 (WCB 2007) (*800-SUICIDE Order*) at 1, *app. for review pending*.

<sup>3</sup> Kristin Brooks Hope Center Application for Review, *In the Matter of Toll Free Service Access Codes*, CC Docket 95-155 (filed Feb. 21, 2007) (Application for Review).

<sup>4</sup> 47 U.S.C. § 251(e)(1).

<sup>5</sup> 47 U.S.C. § 151.

<sup>6</sup> The numbers that are subject to this extension are 1-800-784-2433 (1-800-SUICIDE); 1-888-784-2433 (1-888-SUICIDE); and 1-877-784-2432 (1-877-SUICIDA).

<sup>7</sup> 47 U.S.C. § 251(e)(1).

<sup>8</sup> *Toll Free Service Access Codes*, CC Docket No. 95-155, Second Report and Order, 12 FCC Rcd 11162, 11176, para. 18 (1997) (*Toll Free Second Report and Order*); see also 47 U.S.C. §§ 151, 251(e).

<sup>9</sup> 47 U.S.C. § 151.

<sup>10</sup> 47 U.S.C. § 154(i). Furthermore, section 1.3 of our rules authorizes the Commission to suspend, revoke, amend, or waive a Commission rule for good cause shown. 47 C.F.R. § 1.3. This rule provides that "[a]ny provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefore is shown." *Id.*

are a public resource and neither carriers nor subscribers “own” their telephone numbers.<sup>11</sup> Courts have found that no one has a property interest in a telephone number.<sup>12</sup>

3. On November 20, 2007, SAMHSA filed a request that the temporary assignment be made permanent to ensure the continuous operation of the three toll-free numbers as public resources.<sup>13</sup> In response to SAMHSA’s petition, KBHC filed comments stating that “the Commission should issue a Public Notice to refresh the record prior to taking any permanent action on the [application for review] or the SAMHSA petition. A temporary extension of the prior reassignment for that purpose could provide the necessary time for that important exercise.”<sup>14</sup> Therefore, in conjunction with this Order, the Commission is issuing a public notice to refresh the record on the KBHC application for review. This will allow interested parties to provide any new information or arguments they believe to be relevant to deciding any issues still pending.<sup>15</sup> In this Order, we extend by 90 days the assignment to SAMHSA of the three toll-free numbers at issue. This extension will allow us to review thoroughly the record filed in response to that public notice.

4. Accordingly, IT IS ORDERED that, pursuant to sections 151 and 251(e) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 251(e), and authority delegated under sections 0.91 and 0.291 of the Commission’s rules, 47 C.F.R. §§ 0.91, 0.291,<sup>16</sup> the temporary assignment of the three toll-free numbers at issue is extended to April 21, 2008.

FEDERAL COMMUNICATIONS COMMISSION

Dana R. Shaffer  
Chief  
Wireline Competition Bureau

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<sup>11</sup> *Toll Free Service Access Codes*, CC Docket No. 95-155, Fourth Report and Order and Memorandum Opinion and Order, 13 FCC Rcd 9058, 9061, n.14 (1998) (*Toll Free Fourth Report and Order*); see also *Toll Free Service Access Codes*, CC Docket No. 95-155, Notice of Proposed Rulemaking, 10 FCC Rcd 13692, 13702, para. 36 (1995); *Administration of the North American Numbering Plan*, CC Docket No. 92-237, Report and Order, 11 FCC Rcd 2588, 2591, para. 4 (1995).

<sup>12</sup> See, e.g., *StarNet, Inc.*, 355 F.3d 634, 637 (7th Cir. 2004).

<sup>13</sup> U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration Petition for Permanent Reassignment of Three Toll Free Suicide Prevention Hotline Numbers, WC Docket No. 07-271 (filed Nov. 20, 2007) (Petition) at 2, 4.

<sup>14</sup> See Comments of the Kristin Brooks Hope Center, *In the Matter of U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration Petition for Permanent Reassignment of Three Toll Free Suicide Prevention Hotline Numbers*, WC Docket No. 07-271, at 2 (filed Dec. 7, 2007).

<sup>15</sup> *Wireline Competition Bureau Seeks to Refresh the Record Regarding Kristin Brooks Hope Center’s Application for Review of the 800-Suicide Order*, CC Docket No. 95-155, Public Notice (released December 20, 2007).

<sup>16</sup> See 47 U.S.C. § 155(c).