

**FCC FACT SHEET**\*

**Implementation of the National Suicide Hotline Improvement Act of 2018**  
Notice of Proposed Rulemaking – WC Docket No. 18-336

**Background:** Rapid access to suicide prevention and mental health crisis intervention services has never been more critical for Americans. Since 2008, suicide has ranked as the tenth leading cause of death in the United States, and the suicide rate is currently at its highest level since World War II. Additionally, suicide rates are higher across various at-risk populations, including Veterans and Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) communities. In fact, more than 20 Veterans die by suicide every day, and between 2008 and 2016, there were more than 6,000 Veteran suicides each year. LGBTQ youth contemplate suicide at a rate almost three times higher than heterosexual youth, and more than 500,000 LGBTQ youth will attempt suicide this year. Moreover, suicide rates are higher in rural America. In 2017, the suicide rate for the most rural counties was 1.8 times the rate for the most urban counties in the country.

The federal government has already established a National Suicide Prevention Lifeline (1-800-273-8255/1-800-273-TALK). But in recognition of the need to improve access to this potentially life-saving resource, Congress passed the National Suicide Hotline Improvement Act of 2018. The statute tasked the FCC, in coordination with the Assistant Secretary of Health and Human Services for Mental Health and Substance Abuse and the Secretary of Veterans Affairs, with examining and reporting on the technical feasibility of designating a shorter number—“a simple, easy-to-remember, 3-digit dialing code”—for a national suicide prevention and mental health crisis hotline. Consistent with the recommendations made by FCC staff in August 2019, this *Notice of Proposed Rulemaking (Notice)* would start the process of designating 988 as the 3-digit dialing code for this purpose. This designation will help increase the effectiveness of suicide prevention efforts, ease access to crisis services, reduce the stigma surrounding suicide and mental health conditions, and ultimately save lives.

**What the Notice Would Do:**

- Propose to designate a 3-digit dialing code for a national suicide and mental health crisis hotline.
- Propose to designate 988 as that 3-digit dialing code.
- Propose to require that all telecommunications carriers and interconnected VoIP service providers make, within 18 months, any changes to their networks necessary to ensure that users can dial 988 to reach the National Suicide Prevention Lifeline.
- Seek comment on issues relating to ubiquitous nationwide deployment of 988, including call routing, dialing in certain geographic areas, implementation timeframe, and implementation costs.

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

In the Matter of
Implementation of the National Suicide Hotline
Improvement Act of 2018
WC Docket No. 18-336

NOTICE OF PROPOSED RULEMAKING\*

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I. INTRODUCTION

1. Rapid access to suicide prevention and mental health crisis intervention services has never been more critical for Americans. The Centers for Disease Control and Prevention (CDC) reports that more than 47,000 Americans died by suicide and more than 1.4 million adults attempted suicide in the United States in 2017 alone<sup>1</sup>—an increase of 33% since 1999.<sup>2</sup> According to the CDC, from 1999 to

\* This document has been circulated for tentative consideration by the Commission at its December 2019 open meeting. The issues referenced in this document and the Commission’s ultimate resolution of those issues remain under consideration and subject to change. This document does not constitute any official action by the Commission. However, the Chairman has determined that, in the interest of promoting the public’s ability to understand the nature and scope of issues under consideration, the public interest would be served by making this document publicly available. The FCC’s ex parte rules apply and presentations are subject to “permit-but-disclose” ex parte rules. See, e.g., 47 C.F.R. §§ 1.1206, 1.1200(a). Participants in this proceeding should familiarize themselves with the Commission’s ex parte rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission’s meeting. See 47 CFR §§ 1.1200(a), 1.1203.

<sup>1</sup>The Substance Abuse and Mental Health Services Administration Report to the Federal Communications Commission, WC Docket No. 18-336, CC Docket No. 92-105, at 2 (Feb. 7, 2019) (SAMHSA Report).

2016, suicide increased in 49 of the 50 states, and in more than half of those states, the increase was greater than 20%.<sup>3</sup> And since 2008, suicide has ranked as the tenth leading cause of death in the United States.<sup>4</sup> Additionally, suicide rates are higher across various at-risk populations, including Veterans and Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) communities. In fact, more than 20 Veterans die by suicide every day<sup>5</sup> and between 2008 and 2016, there were more than 6,000 Veteran suicides each year.<sup>6</sup> And LGBTQ youth contemplate suicide at a rate almost three times higher than heterosexual youth,<sup>7</sup> and more than 500,000 LGBTQ youth will attempt suicide this year.<sup>8</sup> Moreover, suicide rates are higher in rural America. In 2017, the suicide rate for the most rural counties was 1.8 times the rate for the most urban counties in the country.<sup>9</sup>

2. The federal government has established a National Suicide Prevention Lifeline (1-800-273-8255 / 1-800-273-TALK).<sup>10</sup> But in recognition of the need to improve access to that potentially life-saving resource, Congress passed the National Suicide Hotline Improvement Act of 2018.<sup>11</sup> That statute tasked the Federal Communications Commission (FCC or Commission) with examining and reporting on the technical feasibility of designating a shorter number—“a simple, easy-to-remember, 3-digit dialing code”—for a national suicide prevention and mental health crisis hotline.<sup>12</sup> Consistent with the resulting recommendations made by FCC staff in August 2019,<sup>13</sup> we initiate this rulemaking to designate a simple, easy-to-remember, 3-digit dialing code for a national suicide prevention and mental health crisis hotline. In particular, we propose to designate 988 as the 3-digit number for this purpose and to require all telecommunications carriers and interconnected VoIP service providers to make, within 18 months, any changes necessary to ensure that users can dial 988 to reach the National Suicide Prevention Lifeline. We believe that taking these steps will ease access to suicide prevention and crisis intervention services, decrease the stigma surrounding suicide and mental health crises, and ultimately save lives.

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<sup>2</sup> Holly Hedegaard et al., *Suicide mortality in the United States, 1997-2017*, National Center for Health Statistics (NCHS) Data Brief No. 330, at 1 (Nov. 2018), <https://www.cdc.gov/nchs/data/databriefs/db330-h.pdf>.

<sup>3</sup> SAMHSA Report at 2 (internal citations omitted).

<sup>4</sup> Holly Hedegaard et al., *Suicide mortality in the United States, 1997-2017*, National Center for Health Statistics (NCHS) Data Brief No. 330, at 1 (Nov. 2018), <https://www.cdc.gov/nchs/data/databriefs/db330-h.pdf>.

<sup>5</sup> See Letter from Senator Tammy Baldwin and Senator Dan Sullivan, U.S. Senate Commerce Committee, to Hon. Ajit Pai, Chairman, FCC, WC Docket No. 18-336, at 2 (dated July 18, 2019) (Sen. Baldwin and Sen. Sullivan July 18, 2019 Letter).

<sup>6</sup> U.S. Dept. of Veterans Affairs, Veterans Health Administration, Office of Mental Health and Suicide Prevention, *Veteran Suicide Data Report 2005-2016*, at 4 (2018), [https://www.mentalhealth.va.gov/docs/data-sheets/OMHSP\\_National\\_Suicide\\_Data\\_Report\\_2005-2016\\_508.pdf](https://www.mentalhealth.va.gov/docs/data-sheets/OMHSP_National_Suicide_Data_Report_2005-2016_508.pdf).

<sup>7</sup> The Trevor Project, *Facts About Suicide*, <https://www.thetrevorproject.org/resources/preventing-suicide/facts-about-suicide/> (last visited Nov. 6, 2019).

<sup>8</sup> See Sen. Baldwin and Sen. Sullivan July 18, 2019 Letter at 1.

<sup>9</sup> Holly Hedegaard et al., *Suicide mortality in the United States, 1997-2017*, National Center for Health Statistics (NCHS) Data Brief No. 330, at 1 (Nov. 2018), <https://www.cdc.gov/nchs/data/databriefs/db330-h.pdf>.

<sup>10</sup> See, e.g., Press Release, Stewart and Hatch Introduce Bill to Improve National Suicide Prevention Hotline (May 3, 2017), <https://stewart.house.gov/media-center/press-releases/stewart-and-hatch-introduce-bill-to-improve-national-suicide-prevention>.

<sup>11</sup> National Suicide Hotline Improvement Act of 2018, Pub. L. No. 115-233, 132 Stat. 2424 (2018).

<sup>12</sup> *Id.* § 3(a)(1)-(2).

<sup>13</sup> See Wireline Competition Bureau and Office of Economics and Analytics, *Report on the National Suicide Hotline Improvement Act of 2018*, (Aug. 14, 2019), <https://docs.fcc.gov/public/attachments/DOC-359095A1.pdf> (FCC Staff Report).

## II. BACKGROUND

3. In the National Suicide Hotline Improvement Act of 2018 (Suicide Hotline Improvement Act), Congress directed the Commission, in coordination with the Assistant Secretary of Health and Human Services for Mental Health and Substance Use and the Secretary of Veterans Affairs, to (1) analyze the effectiveness of the existing National Suicide Prevention Lifeline (Lifeline), including how well it is working to address the needs of Veterans; and (2) examine the feasibility of designating a simple, easy-to-remember, 3-digit dialing code to be used for a national suicide prevention and mental health crisis hotline system.<sup>14</sup> The Suicide Hotline Improvement Act further required the FCC, in conducting its feasibility analysis, to (1) consider each of the current N11 dialing codes (i.e., 211, 311, 411, 511, 611, 711, 811, and 911) as well as other simple, easy-to-remember, 3-digit dialing codes (non-N11 codes);<sup>15</sup> (2) consult with the North American Numbering Council (NANC); and (3) review reports provided by the Department of Health and Human Services' Substance Abuse and Mental Health Services Administration (SAMHSA) and the Department of Veterans Affairs (VA).<sup>16</sup> Finally, the Suicide Hotline Improvement Act directed the Commission to submit a report to Congress recommending whether a particular N11 dialing code or other 3-digit dialing code should be used for a national suicide prevention and mental health crisis hotline.<sup>17</sup>

4. *The National Suicide Prevention Lifeline and the Substance Abuse and Mental Health Services Administration Report.* SAMHSA funds the Lifeline, which is a national network of 163 crisis centers linked by a toll free number, 1-800-273-8255 (TALK),<sup>18</sup> and is “available to people in suicidal crisis or emotional distress at any time of the day or night.”<sup>19</sup> Calls to the Lifeline from anywhere in the United States are routed to the closest certified local crisis centers, and “[s]hould the closest center be overwhelmed by call volume, experience a disruption in service, or if the call is from a part of the state not covered by a Lifeline crisis center, the system automatically routes callers to a backup center.”<sup>20</sup> Trained Lifeline counselors “assess callers for suicidal risk, provide crisis counseling, crisis intervention, engage emergency services when necessary, and offer referrals to mental health and/or substance use services.”<sup>21</sup> In addition to taking calls, 26 crisis centers answer online chats on a 24/7 basis.<sup>22</sup> In 2018, “the Lifeline answered a total of 2,205,487 calls, with an average of 183,790 calls per month,” and the Lifeline responded to 102,640 crisis chats, with an average of 8,553 chats per month.<sup>23</sup>

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<sup>14</sup> *Id.* § 3(a)(1)(A)-(B).

<sup>15</sup> *Id.* § 2. An N11 dialing code is an abbreviated dialing code that consists of three digits, the first of which may be any digit other than a 1 or 0 and the last two of which is a 1 (e.g., 211 and 911).

<sup>16</sup> *Id.* § 3(a)(2)(A)(i)-(iii); *see also id.* § 3(b)(1).

<sup>17</sup> *Id.* § 3(b)(1)-(2).

<sup>18</sup> The Lifeline can also be accessed via multiple toll free numbers, including 1-800-784-2433 (1-800-SUICIDE), 1-888-784-2433 (1-888-SUICIDE), and 1-877-784-2432 (1-877-SUICIDA). *See U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration Petition for the Permanent Reassignment of Three Toll Free Suicide Prevention Hotline Numbers*, WC Docket No. 07-271, Order, 27 FCC Rcd 2965 (WCB 2012); *see also* SAMHSA Report at 3.

<sup>19</sup> SAMHSA Report at 5.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

5. In its report, SAMHSA discusses empirical evidence that has “shown good results regarding effectiveness of the Lifeline,” including “reduction of suicidal ideation<sup>24</sup> and hopelessness, improved suicide risk assessment, response to callers at imminent risk, and improving follow up.”<sup>25</sup> For instance, “data from 1,507 monitored calls from 1,140 suicidal individuals across 17 Lifeline crisis centers showed that callers were significantly more likely to feel less depressed, less suicidal, less overwhelmed and more hopeful by the end of calls” handled by Lifeline counselors trained in Applied Suicide Intervention Skills Training.<sup>26</sup> Additionally, an evaluation of crisis centers’ experience providing follow-up services to 550 Lifeline callers “revealed that 79.6 percent of callers interviewed 6-12 weeks after their crisis call reported that the follow-up calls stopped them from killing themselves (53.8 percent a lot, 25.8 percent a little).”<sup>27</sup> These callers “said follow-up gave them hope, made them feel cared about, and helped them connect to further mental health resources” and they “also reported that the initial crisis calls stopped them from killing themselves (76.2 percent a lot, 18.7 percent a little).”<sup>28</sup>

6. In its report, SAMHSA concludes that designating an N11 code for a national suicide prevention and mental health crisis hotline “has the potential to play a key role in improving national crisis intervention and suicide prevention efforts[,] if the launch of a new number is accompanied by efforts to develop a more coordinated crisis system with greater capacity and access to sophisticated data and technology systems, and an ongoing commitment to data driven quality improvement.”<sup>29</sup> SAMHSA explains that the “arguments in favor of an N11 national number . . . appear to fall in two categories.”<sup>30</sup> The first “is the assertion that an N11 number would be easier to remember than a 10 digit number, and that this would lead to more people who are in need of help being able to access it.”<sup>31</sup> The second “is the need for what has been called ‘a 911 for the brain.’”<sup>32</sup> That is, “the combination of the N11 number and the message that mental health crises and suicide prevention are of equivalent importance to medical emergencies would, over time, bring needed parity and could result in additional attention and resources to improve typical local psychiatric crisis services throughout the nation.”<sup>33</sup> The SAMHSA Report does not address the potential impact of designating a non-N11 3-digit code on suicide prevention and crisis intervention efforts.

7. *The Veterans Crisis Line and the Veterans Administration Report.* In 2007, SAMHSA and the VA partnered to establish 1-800-273-8255 (TALK) as the access point for the Veterans Crisis Line.<sup>34</sup> The Veterans Crisis Line can be reached by pressing option 1; it can also be accessed via text at 838255 and via online chat by visiting [www.veteranscrisisline.net](http://www.veteranscrisisline.net).<sup>35</sup> The mission of the Veterans Crisis

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<sup>24</sup> The CDC defines suicidal ideation as “thinking about, considering, or planning for suicide.” See, e.g., Alex E. Crosby et al., *Self-Directed Violence Surveillance: Uniform Definitions and Recommended Data Elements*, Centers for Disease Control, at 11 (Feb. 2011), <https://www.cdc.gov/violenceprevention/pdf/Self-Directed-Violence-a.pdf>.

<sup>25</sup> SAMHSA Report at 8; see also *id.* at 6-8.

<sup>26</sup> *Id.* at 8.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.* at 11-12.

<sup>30</sup> *Id.* at 12.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.* at 3.

<sup>35</sup> U.S. Dept. of Veterans Affairs, Veterans Health Administration, Report to the Federal Communications Commission, WC Docket No. 18-336, CC Docket No. 92-105 at 4 (Feb. 7, 2019) (VA Report).

Line is “to provide 24/7, world-class suicide prevention and crisis intervention services to Veterans, Service members, and their family members.”<sup>36</sup> The Veterans Crisis Line “is comprised of 3 linked call centers in Canandaigua, New York, Atlanta, Georgia, and Topeka, Kansas,” and it collaborates with a network of over 400 Suicide Prevention Coordinators, which are located at VA facilities across the country.<sup>37</sup> Following completion of a call to the Veterans Crisis Line, an electronic consult may be submitted to the Suicide Prevention Coordinator located closest to the Veteran, and the Veteran’s local Suicide Prevention Coordinator will respond to this consult within 24 business hours.<sup>38</sup> Since its launch in 2007, “the Veterans Crisis Line has answered more than 3.8 million calls,” and since launching chat services in 2009 and text services in 2011, the Veterans Crisis Line has “answered more than 439,000 chats and nearly 108,000 texts.”<sup>39</sup>

8. In its report, the VA explains that the Veterans Crisis Line “has expanded the ability to respond to Veterans’ needs by increasing the amount of call centers and responders, drastically lowering the amount of calls unable to be answered by the primary system, decreasing the time to respond once received, and decreasing the rate of calls abandoned.”<sup>40</sup> For example, since the expansion of its crisis call centers in 2016, “the [Veterans Crisis Line’s] ability to respond to demand has significantly increased.”<sup>41</sup> Specifically, “[c]alls are no longer routinely routed to the contracted back-up center due to inability to respond,” and in fact, “the rollover rate went from 39.16% of calls offered in FY 2016 to 0.16% of calls offered in FY 2018.”<sup>42</sup> The VA also reports that, for FY 2018, over 95% of callers surveyed “stated that they would call the [Veterans Crisis Line] again for help” if they were in crisis.<sup>43</sup>

9. *The North American Numbering Council Report.* Pursuant to the Suicide Hotline Improvement Act’s directive that the FCC consult with the NANC in conducting its feasibility analysis, the FCC’s Wireline Competition Bureau requested that the NANC study three options for designating a 3-digit code to be used for a national suicide prevention and mental health crisis hotline system—expanding an existing N11 code, repurposing an existing N11 code, and using a new non-N11 code.<sup>44</sup> In response, the NANC first analyzed the advantages and disadvantages of expanding or repurposing each existing N11 code.<sup>45</sup>

10. To date, the Commission has assigned six of the N11 codes for the following nationwide uses: 211, for community information and referral services; 311, for non-emergency police and other governmental services; 511, for traveler information services; 711, for the Telecommunications Relay Service; 811, for notice of excavation activities; and 911, for emergencies.<sup>46</sup> The remaining N11 codes,

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<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.* at 3.

<sup>41</sup> *Id.* at 11.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.* at 9.

<sup>44</sup> See Letter from Kris Anne Monteith, Chief, FCC Wireline Competition Bureau, to Travis Kavulla, Chair, North American Numbering Council, WC Docket No. 18-336, CC Docket No. 92-105 (dated Feb. 22, 2019).

<sup>45</sup> See Report and Recommendation on the Feasibility of Establishing a 3-Digit Dialing Code for a National Suicide Prevention and Mental Health Crisis Hotline from Travis Kavulla, Chair, North American Numbering Council, to Kris Anne Monteith, Chief, FCC Wireline Competition Bureau, WC Docket No. 18-336, CC Docket No. 92-105, at 6-19 (May 10, 2019) (NANC Report).

<sup>46</sup> See *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, First Report and Order and Further Notice of Proposed Rulemaking, 12 FCC Rcd 5572 (1997) (assigned 311 for non-emergency

411 and 611, have not been permanently assigned by the Commission, but are used for directory assistance and wireline and wireless carrier customer service and repair, respectively.<sup>47</sup>

11. In its report, the NANC considered expanding the 211 code as a viable option because 211 is already used for crisis calling in some U.S. markets.<sup>48</sup> It noted that “[a]llowing 211 operators to act as a first line of defense in suicide prevention calls might alleviate the pressure on 911 call takers and allow the caller to obtain assistance for other non-suicide related services in addition to mental health referrals.”<sup>49</sup> But the NANC also recognized disadvantages to expansion of the 211 code, such as requiring callers in crisis to navigate an interactive voice response system, and the potential training deficit of individuals answering 211 calls.<sup>50</sup>

12. The NANC considered repurposing the 511 code; in so doing, the NANC noted that technological advances, such as smartphone applications and in-vehicle navigation systems, may be diminishing the need for access to 511 traveler information services,<sup>51</sup> and that it is not used as heavily as most other N11 codes.<sup>52</sup> However, the NANC also recognized that 511 is deployed in approximately 67% of states today, so repurposing it would require extensive customer re-education and costs to states and localities to remove or replace roadway signage where 511 is advertised.<sup>53</sup>

13. Additionally, the NANC evaluated repurposing the 611 code; in so doing, it considered the heavy usage of 611 today and the impact of such usage on repurposing the code for a national suicide prevention and mental health hotline system.<sup>54</sup> In particular, based on data collected from approximately 34 service providers during a 3-month period (December 1, 2018 to February 28, 2019), the NANC found that more than 74 million calls were made to 611.<sup>55</sup> While this data collection is not necessarily representative of the totals for the entire industry, it is informative for understanding the relative volume

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police and other governmental services); *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, Second Report and Order, 15 FCC Rcd 15188 (2000) (assigned 711 for telephone relay services for the hearing impaired); *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, Third Report and Order and Order on Reconsideration, 15 FCC Rcd 16753 (2000) (assigned 211 for community information and referral services and 511 for traveler information services); *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, Fourth Report and Order and Third Notice of Proposed Rulemaking, 15 FCC Rcd 17079 (2000) (assigned 911 as the national emergency number); *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, Sixth Report and Order, 20 FCC Rcd 5539 (2005) (assigned 811 for providing advanced notice of excavation activities to underground facility operators).

<sup>47</sup> NANC Report at 10, 13. The codes “011” and “111” are unavailable because “0” and “1” are used for switching and routing purposes. See, e.g., *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, Third Report and Order and Order on Reconsideration, 15 FCC Rcd 16753, 16753 n.1 (2000); see also Alliance for Telecommunications Industry Solutions, Inc. (ATIS), Numbering and Dialing Plan within the United States (ATIS-0300076), at 9-10 (Dec. 2008), [https://access.atis.org/apps/group\\_public/download.php/46548/ATIS-0300076\(2008-12\).pdf](https://access.atis.org/apps/group_public/download.php/46548/ATIS-0300076(2008-12).pdf).

<sup>48</sup> NANC Report at 7.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.* at 12.

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Id.* at 13-14.

<sup>55</sup> See *id.* at 20.

and estimating a floor for the total volume for each N11 code. Extrapolating these results on an annual basis indicates that at least 297 million calls are made to 611 each year:

<b>Table 1: Usage of Existing N11 Codes (As Reported by Approximately 34 Service Providers)</b>			
<b>N11 Code</b>	<b>Total Calls: Dec. 1, 2018 to Feb. 28, 2019</b>	<b>Estimated Total Annual Calls<sup>56</sup></b>	<b>Percentage of Total N11 Calls</b>
611	74,163,403	296,653,612	48.81%
911	43,974,408	175,897,632	28.94%
411	17,793,381	71,173,524	11.71%
311	6,405,646	25,622,584	4.22%
211	4,406,436	17,625,744	2.90%
511	3,398,581	13,594,324	2.24%
811	1,383,094	5,532,376	0.91%
711	406,943	1,627,772	0.27%
<b>Total</b>	<b>151,931,892</b>	<b>607,727,568</b>	<b>100.00%</b>

Accordingly, the NANC determined that repurposing 611 could take many years to implement—more than any other N11 code—and would require significant and lengthy re-education efforts.<sup>57</sup> In addition, the 611 code would need to sit idle for an extended period of time to further educate customers who may continue to call 611 for customer service or repair purposes after such use is discontinued—a step that would be critical to prevent the crisis hotline from receiving high volumes of misdirected calls and delaying crisis calls from being answered.<sup>58</sup>

14. In its report, the NANC next analyzed the advantages and disadvantages of designating a new non-N11, 3-digit dialing code for purposes of a national suicide prevention and mental health crisis hotline.<sup>59</sup> In examining the advantages of a wholly unique 3-digit code, the NANC noted that such a code prevents the need to “age” an existing N11 code, which should reduce the overall implementation timeline.<sup>60</sup> The NANC found that a new non-N11 3-digit dialing code should also simplify consumer education campaigns and therefore expedite the rollout of the hotline.<sup>61</sup> In particular, the NANC considered 988 because it is not currently assigned as an area code, and there are fewer corresponding 988 central office code assignments across the United States than some of the other codes the NANC considered, which minimizes the number of switches that would need development work.<sup>62</sup>

<sup>56</sup> Estimates based on total calls made from December 1, 2018 through February 28, 2019 multiplied by four quarters.

<sup>57</sup> NANC Report at 14.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.* at 25-26.

<sup>60</sup> *Id.* at 26. “Aging” refers to the practice of making a number that has been in use unavailable for reassignment to another end user or customer, or in this case, unavailable for its new purpose, for a specified period of time. See Alliance for Telecommunications Industry Solutions *National Suicide Hotline Improvement Act Public Notice Comments*, CC Docket No. 92-105, WC Docket No. 18-336 at 3-4 (filed Dec. 10, 2018) (explaining that “[n]umber assignment practices have historically required that any repurposed or reclaimed number sit unused for some time to avoid system and consumer confusion” and that “repurpos[ing] an existing N11 code” would require “the designated N11 code to sit unused for a period of time” to “provide time for educational efforts to be implemented to ensure that any existing users of that code are informed of its new use”).

<sup>61</sup> NANC Report at 26.

<sup>62</sup> *Id.* at 41.



15. Ultimately, the NANC recommended expanding the 211 code beyond providing community services to include crisis and suicide prevention services,<sup>63</sup> stating that is technically feasible and would be the most expedient and beneficial in providing easy access to suicide prevention and mental health crisis support services.<sup>64</sup> However, the NANC also recommended that, if a single-purpose code is preferred, a new 3-digit dialing code—preferably 988—could be deployed for the use of a national suicide prevention and mental health crisis hotline.<sup>65</sup> The NANC did not recommend repurposing an existing N11 code at this time; however, it noted that if one must be repurposed, the 511 code would be the best option in part because there are many alternatives to obtain traveler information, and the 511 code would be the most expeditiously repurposed with the least impact on users.<sup>66</sup> Finally, the NANC recommended that the Commission conduct a Notice of Proposed Rulemaking proceeding before adopting any final order designating a 3-digit dialing code.<sup>67</sup>

16. *Public Comments on the Suicide Hotline Improvement Act and the North American Numbering Council Report.* In preparation for the FCC’s report, the Commission’s Wireline Competition Bureau sought public comment on the issues that must be addressed pursuant to the Suicide Hotline Improvement Act and on the recommendations in the NANC Report.<sup>68</sup> The Bureau received over 1,600 comments, with overwhelming support for the designation of a 3-digit code for a national suicide prevention and mental health crisis hotline system.<sup>69</sup> Commenters argued that a 3-digit code would drastically improve access to the appropriate care<sup>70</sup> and “help reduce the pervasive stigma associated with mental health challenges.”<sup>71</sup> The majority of commenters advocated for a code dedicated solely for the purpose of a national suicide prevention and mental health crisis hotline system—rather than a dual or multi-purpose code—to provide callers with rapid access to trained counselors.<sup>72</sup>

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<sup>63</sup> See NANC Report at 3, 44; see also SAMHSA Report at 16 (explaining that 40 of the 163 Lifeline crisis centers are currently blended 211/crisis centers that provide both information and referral services and crisis response services).

<sup>64</sup> NANC Report at 3, 7-8, 22, 25, 40, 44-45.

<sup>65</sup> *Id.* at 3, 25-26, 41-42.

<sup>66</sup> *Id.* at 3-4, 12-13, 39-40.

<sup>67</sup> *Id.* at 44.

<sup>68</sup> See *Wireline Competition Bureau Invites Comments on Implementation of the National Suicide Hotline Improvement Act of 2018*, Public Notice, 33 FCC Rcd 11129, 11129 (WCB Nov. 8, 2018) (*Act Public Notice*); *Wireline Competition Bureau Invites Comments on NANC Recommendations on Implementing the National Suicide Hotline Improvement Act of 2018*, Public Notice, 34 FCC Rcd 3261 (WCB May 17, 2019) (*NANC Report Public Notice*).

<sup>69</sup> See, e.g., *Integral Care of Travis County Act Public Notice Comments* at 1; *National Alliance on Mental Illness of Oregon Act Public Notice Comments* at 1; *Lines for Life Act Public Notice Comments* at 2; see also, e.g., *American Psychiatric Association Act Public Notice Comments* at 1-2 (explaining that a 3-digit dialing code “would improve access to appropriate care and could reduce the prevalence of psychiatric boarding that is plaguing our emergency departments”); *American College of Emergency Physicians Act Public Notice Comments* at 1-2 (same); *People Encouraging People, Inc. Act Public Notice Comments* at 2; *Idaho Suicide Prevention Hotline Act Public Notice Comments* at 1 (supporting “adoption of a 3 digit number to simply, broadly and effectively promote access to crisis mental health and suicide prevention services”).

<sup>70</sup> See, e.g., *American Psychiatric Association Act Public Notice Comments* at 1-2; *Idaho Suicide Prevention Hotline Act Public Notice Comments* at 1.

<sup>71</sup> *People Encouraging People, Inc. Act Public Notice Comments* at 2.

<sup>72</sup> See, e.g., *Oregon Council for Behavioral Health Act Public Notice Comments* at 2; see also *National Alliance on Mental Illness of Oregon Act Public Notice Comments* at 1; *American Psychiatric Association Act Public Notice Comments* at 1-2.

17. Although there was widespread agreement in the record that the FCC should designate a 3-digit dialing code for the suicide prevention and mental health crisis hotline system, there was no consensus among commenters on which code should be designated. Commenters generally discussed one or more of the following codes as potential options for a national suicide prevention and mental health crisis hotline system: 211,<sup>73</sup> 511,<sup>74</sup> 611,<sup>75</sup> and 988.<sup>76</sup> Some commenters further argued for the need for specialized hotline services for higher-risk populations, including LGBTQ youth and Veterans.<sup>77</sup> Such specialized services could include establishing an interactive voice response system “to a group that has the resources and expertise to best serve [LGBTQ youth]” and “for specialty partners across all at-risk groups to assist SAMHSA in conducting further trainings to increase the ability for existing counselors to best service callers.”<sup>78</sup>

18. *FCC Staff Report*. On August 14, 2019, the FCC’s Wireline Competition Bureau and Office of Economics and Analytics (the Bureaus) submitted its report to Congress.<sup>79</sup> The FCC Staff Report considered each of the existing N11 codes and found that an existing N11 code should not be used for a national suicide prevention and mental health crisis hotline.<sup>80</sup> First, the Bureaus explained that expanding the use of 211, currently used for community services and referral services, could create confusion and additional delays for callers in crisis, subjecting callers with urgent mental health needs to a complex phone tree.<sup>81</sup> Second, the Bureaus concluded that repurposing 511 would harm public safety by eliminating states’ and localities’ current use of 511 to notify drivers of public-safety related alerts, including road conditions during emergencies and AMBER alerts.<sup>82</sup> Third, the Bureaus found that 611, which provides access to customer repair offices or customer service, retains significant call volumes—receiving at least 297 million calls per year—and repurposing such a widely-used code would create

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<sup>73</sup> See, e.g., 2-1-1 Broward *NANC Report Public Notice* Comments at 1 (supporting the expansion of 211); see also Alliance of Information and Referral Systems *NANC Report Public Notice* Comments at 3-4; 211 Tampa Bay Cares *NANC Report Public Notice* Comments at 2; IMPACT Alcohol and Other Drug Abuse Services, Inc. *Act Public Notice* Comments at 1.

<sup>74</sup> See, e.g., Carolyn Levitan *NANC Report Public Notice* Comments at 1; see also American Foundation for Suicide Prevention *NANC Report Public Notice* Comments at 3 (supporting 611 or 511); Centerstone *NANC Report Public Notice* Comments at 2 (same).

<sup>75</sup> Crisis Now *NANC Report Public Notice* Comments at 1; see also National Action Alliance for Suicide Prevention *Act Public Notice* Comments at 1-2; Utah Department of Health Services *NANC Report Public Notice* Comments at 1.

<sup>76</sup> See, e.g., Clay Smyth *NANC Report Public Notice* Comments at 1; Kimberly Huynh *Act Public Notice* Comments at 1; Didi Hirsch Mental Health Services *NANC Report Public Notice* Comments at 1 (supporting 988 if 611 is not designated).

<sup>77</sup> See, e.g., The Trevor Project *Act Public Notice* Comments at 2 (advocating “solutions for giving the best quality care to callers of the Lifeline, specifically for the at-risk LGBTQ youth population,” and arguing that such solutions will help the Lifeline “handle increased capacity” and “address[] one of the highest risk populations in the country”); Sen. Baldwin and Sen. Sullivan July 18, 2019 Letter at 2 (“[W]e believe there is further opportunity to provide specialized services to Veterans by making sure they get immediate access to the care they need.”).

<sup>78</sup> Sen. Baldwin and Sen. Sullivan July 18, 2019 Letter at 2; see also The Trevor Project *Act Public Notice* Comments at 2 (“[W]e recommend the NSPL transfer appropriate calls to The Trevor Project either via immediate transfer from a menu of options or via warm transfer after speaking to an NSPL counselor. Alternatively, The Trevor Project could be contracted to train NSPL counselors so that LGBTQ individuals can receive the specialized care that’s needed in times of crisis.”).

<sup>79</sup> See generally *FCC Staff Report*.

<sup>80</sup> *Id.* at 9-15.

<sup>81</sup> *Id.* at 10.

<sup>82</sup> *Id.* at 12.

substantial, avoidable delays in implementing a 3-digit dialing code for a national suicide prevention and mental health crisis hotline.<sup>83</sup> Moreover, the Bureaus expressed concern that repurposing 611 would result in a crisis hotline being inundated with misdirected callers seeking other information, causing confusion, delay—and potentially lost lives—if a caller in need could not speak with a counselor quickly.<sup>84</sup> The Bureaus further found that repurposing other N11 codes—311 (used for non-emergency police services), 411 (used for directory assistance services), 711 (used by persons with hearing or speech disabilities to make or receive telephone calls), 811 (used for notice of excavation activities), and 911 (used for emergency response)—would not be in the public interest because of those numbers’ importance to public safety, public assistance, and persons with disabilities, and because of their wide usage.<sup>85</sup>

19. Having examined the feasibility of existing N11 codes, the FCC Staff Report next examined the use of a non-N11 3-digit code for a national suicide prevention and mental health crisis hotline. The Bureaus agreed with the NANC that a non-N11 3-digit code has several advantages, including that (1) “[u]se of a wholly unique 3-digit code prevents the need to age an existing N11 code prior to repurposing,” which “should reduce the overall implementation timeline”; and (2) “[c]onsumer education campaigns would be simplified compared to the repurposing or expanded use of an existing N11 code,” as such campaigns “would be exclusively focused on” the suicide prevention and mental health crisis hotline, thereby expediting rollout of the hotline.<sup>86</sup>

20. The FCC Staff Report agreed with the NANC’s recommendation of 988 as a single-purpose, new 3-digit dialing code for a national suicide prevention and mental health crisis hotline for several reasons.<sup>87</sup> First, 988 is not currently assigned as a geographic area code and as such, using 988 would not require repurposing an existing area code.<sup>88</sup> Second, 988 has fewer corresponding central office code assignments across the U.S. than some other codes that the NANC considered, and as a result, wireline switches can more easily detect 988 as a new, non-N11 3-digit code.<sup>89</sup>

21. The FCC Staff Report also acknowledged the NANC’s finding that “the 988 code is not without technical and operational concerns.”<sup>90</sup> The NANC explained that currently, it is unlikely that a non-N11 3-digit dialing code, such as 988, can be deployed ubiquitously across all networks<sup>91</sup> because “[s]ome wireline switches may be unable to support any new 3-digit dialing code that is not an N11 code.”<sup>92</sup> The FCC Staff Report estimated that a relatively small percentage of legacy switches cannot accommodate the 988 code currently.<sup>93</sup> Further, because a U.S. telephone number consists of three basic parts (a three-digit Numbering Plan Area, known as the area code (NPA); a three-digit Central Office

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<sup>83</sup> *Id.* at 13.

<sup>84</sup> *Id.* at 13.

<sup>85</sup> *Id.* at 14.

<sup>86</sup> *Id.* at 15 (quoting NANC Report at 26).

<sup>87</sup> FCC Staff Report at 15.

<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

<sup>91</sup> *Id.* at 3.

<sup>92</sup> *Id.* at 26.

<sup>93</sup> *Id.* at 15.

code (NXX); and a four-digit line number),<sup>94</sup> areas that use 7-digit dialing—*i.e.*, callers in those areas do not first enter an area code or NPA—that also have 988 as the NXX code must implement a dialing delay to distinguish between calls 988 intended for a national suicide prevention and mental health crisis hotline and a 7-digit telephone call.<sup>95</sup> The Bureaus concluded that these technical and operational concerns associated with a non-N11 code such as 988 could be more easily and quickly addressed and resolved than any re-education efforts related to repurposing a N11 code and that for switches that can support 988, configuration and software upgrades could be implemented fairly quickly.<sup>96</sup> Moreover, the cost-benefit analysis conducted by FCC Staff concluded that the life-saving benefits of designating 988 for such a hotline are likely to outweigh the costs of implementation.<sup>97</sup> In all, the FCC Staff Report found designating 988 to be the fastest path to implementation of a 3-digit dialing code for a national suicide prevention and mental health crisis hotline.<sup>98</sup>

22. For all of these reasons, the FCC Staff Report recommended that the Commission initiate a rulemaking to designate a 3-digit dialing code for a national suicide prevention and mental health crisis hotline system, and that the Commission consider designating 988 as the dialing code for this important purpose.<sup>99</sup>

### III. DISCUSSION

23. Consistent with the recommendations in the FCC Staff Report, we propose to designate a 3-digit dialing code for a national suicide prevention and mental health crisis hotline, and we further propose to designate 988 as that code. We expect that designating 988 as the 3-digit dialing code will help increase the effectiveness of suicide prevention efforts, ease access to crisis services, reduce the stigma surrounding suicide and mental health conditions, and ultimately save lives.

24. We anticipate that designating 988 will support the efforts of our federal partners, SAMHSA and the VA, in their vitally important work in administering the Lifeline and the Veterans Crisis Line. To this end, we encourage interested stakeholders to work directly with SAMHSA, the VA, and Congress to foster collaboration and coordination of efforts to increase the overall effectiveness of the Lifeline, including any specialized hotline services for at-risk populations such as Veterans and LGBTQ youth.

#### A. Designating 988 as the 3-Digit Dialing Code for a National Suicide Prevention and Mental Health Crisis Hotline

25. We first propose to designate a 3-digit dialing code for a national suicide prevention and mental health crisis hotline. Based on the findings in the SAMHSA and VA Reports, we anticipate that the Lifeline would be more effective in preventing suicides and providing crisis intervention if it were accessible via a simple, easy-to-remember, 3-digit dialing code. For example, as SAMHSA explains, “[i]f a family member experiences severe chest pains in the company of another family member, both the patient and the family member, despite their heightened anxiety, would remember the number 911, while the concern is that many suicidal people or their family members at a similar moment of suicidal crisis might not remember 1-800-273-8255 (TALK).” And as Lines for Life has explained, “3-digit access”

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<sup>94</sup> See Alliance for Telecommunications Industry Solutions, Inc. (ATIS), Numbering and Dialing Plan within the United States (ATIS-0300076), at 7-8 (Dec. 2008), [https://access.atis.org/apps/group\\_public/download.php/46548/ATIS-0300076\(2008-12\).pdf](https://access.atis.org/apps/group_public/download.php/46548/ATIS-0300076(2008-12).pdf).

<sup>95</sup> See FCC Staff Report at 15; see also NANC Report at 26.

<sup>96</sup> FCC Staff Report at 15.

<sup>97</sup> *Id.* at 16-17.

<sup>98</sup> *Id.*

<sup>99</sup> *Id.* at 18.

would “make it easier to connect people in need with help” and “deliver timely and effective crisis intervention services to millions of Americans.”<sup>100</sup>

26. The record compiled for the FCC Staff Report supports the use of a dedicated 3-digit dialing code as a way to increase the effectiveness of suicide prevention efforts, ease access to crisis services, and reduce the stigma surrounding suicide and mental health conditions.<sup>101</sup> Thus, we expect that designating a 3-digit code will ultimately increase the convenience and immediacy of access to a national suicide prevention and mental health crisis hotline system, help enhance public awareness of available suicide prevention and mental health crisis services, and support our federal partners by simplifying such access.<sup>102</sup> We seek comment on this proposal.

27. We next propose to designate 988 as the 3-digit dialing code for a national suicide prevention and mental health crisis hotline system, and to require that all telecommunications carriers and interconnected VoIP providers transmit all calls initiated by an end user dialing 988 to the current toll free access number for the National Suicide Prevention Lifeline.<sup>103</sup> Designating 988 appears to provide the fastest, and therefore best, path to implementing a 3-digit code. *First*, using a unique 3-digit code obviates the need to age an existing N11 code and should therefore reduce the overall implementation timeline, allowing the Commission to bring this important national resource to the public years earlier than alternatives. *Second*, consumer education campaigns for a unique 3-digit code would be simpler and likely more effective than those necessary for repurposing or expanding use of an existing N11 code.<sup>104</sup> *Third*, using a wholly unique 3-digit code would be less disruptive to existing users and service providers.<sup>105</sup> In particular, several of the existing N11 codes discussed in the record are in heavy use and to expand or repurpose any one of these N11 codes would require significant work and resources.<sup>106</sup> *Fourth*, using 988 is less technically complicated than using other unique 3-digit dialing codes. 988 “is not currently assigned as a geographic area code<sup>107</sup> and therefore does not suffer the same problems

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<sup>100</sup> Lines for Life, *NANC Public Notice Comments* at 2-3.

<sup>101</sup> See, e.g., National Council of Behavioral Health *NANC Report Public Notice Comments* at 1 (“An easy-to-remember 3-digit phone number for a national suicide prevention and mental health hotline would increase public access to life saving crisis resources.”); Integral Care of Travis County *Act Public Notice Comments* at 1; National Alliance on Mental Illness of Oregon *Act Public Notice Comments* at 1; Lines for Life *Act Public Notice Comments* at 2 (arguing that “3-digit access” will meet the dramatically growing need for crisis intervention and “[h]elp eliminate the stigma of mental health by normalizing help seeking for mental illness”); The Trevor Project *NANC Report Public Notice Comments* at 3 (“The Trevor Project has supported a solely dedicated N11 or other three digit code as it confirms this is a national issue which deserves the federal government’s attention.”); American Psychiatric Association *Act Public Notice Comments* at 1-2 (explaining that a 3-digit dialing code “would improve access to appropriate care and could reduce the prevalence of psychiatric boarding that is plaguing our emergency departments”); American College of Emergency Physicians *Act Public Notice Comments* at 1-2 (same); People Encouraging People, Inc. *Act Public Notice Comments* at 2 (“A three-digit access line can help reduce the pervasive stigma associated with mental health challenges.”); Idaho Suicide Prevention Hotline *Act Public Notice Comments* at 1 (supporting “adoption of a 3 digit number to simply, broadly and effectively promote access to crisis mental health and suicide prevention services”).

<sup>102</sup> FCC Staff Report at 8-9.

<sup>103</sup> See Appendix A, Proposed Rule 47 CFR § 52.200(a)-(b).

<sup>104</sup> FCC Staff Report at 15 (citing NANC Report at 26).

<sup>105</sup> FCC Staff Report at 15.

<sup>106</sup> See NANC Report at 43 (estimating that implementation time would likely be quicker for 988 than repurposing an N11 code).

<sup>107</sup> See NANC Report, Appendix B (showing that the North American Numbering Plan Administrator (NANPA) recommended to the NANC “the assignment of an Easily Recognizable NPA [Numbering Plan Area] Code,” which “due to the unique digit pattern (N22, N33 . . . N88), have been used as non-geographic codes, and have been used to identify services rather than geographic areas”).

surrounding repurposing an existing area code. Moreover, in order for a switch to detect a new 3-digit code, it helps if the code is not comprised of the leading digits (often called the “prefix”) of a local number.<sup>108</sup> And 988 has fewer corresponding central office code assignments across the U.S. than other codes the NANC considered, and thus would be less disruptive to adopt than those other codes. We seek comment on this proposal.

28. Turning to an evaluation of specific N11 options, we seek comment on the views of SAMHSA and other commenters in the record who assert that expanding 211 would reduce the quality of and overburden the current capacity of crisis or community services offered, resulting in increased hold times and delayed crisis intervention, and create confusion as to the purpose of the dialing code.<sup>109</sup> We seek comment on the view, as explained in the FCC Staff Report, that repurposing 511 would endanger public safety because states and localities use 511 to enable drivers to receive information on road conditions during emergencies and information pertaining to AMBER and other public safety-related alerts.<sup>110</sup> We also seek comment on whether repurposing 511 would require states and localities to remove or replace roadway signage across the country that advertises 511 as a local travel information line, which could lengthen the timeline for implementation, and risk creating public confusion.<sup>111</sup> We seek comment on the view of the FCC Staff Report that repurposing 611—an N11 code that receives at least 297 million calls annually—could result in a crisis hotline being flooded with misdirected calls, creating confusion and delay, and risking loss of life if a caller in need could not reach a counselor quickly.<sup>112</sup> And we seek comment on the findings in the FCC Staff Report that expanding or repurposing any of the other N11 codes—311 (used for non-emergency police services), 411 (used for directory assistance services), 711 (used by persons with hearing or speech disabilities to make or receive telephone calls), 811 (used for notice of excavation activities),<sup>113</sup> and 911 (used for emergency response)—is not feasible and/or desirable. Using any N11 code would appear to significantly delay implementation of a 3-digit dialing code for a national suicide prevention and mental health crisis hotline because each of these N11 codes is widely used. Moreover, repurposing one of these N11 codes would eliminate the current and important purpose of the code.<sup>114</sup> We seek comment on these views.

29. In proposing to designate 988, we agree with the findings in the FCC Staff Report that the technical and operational issues associated with implementing 988 can be addressed more quickly than the time needed to repurpose an existing N11 code.<sup>115</sup> In particular, we find that, as telephone companies have been upgrading their networks to IP, the vast majority of switches in the U.S. can

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<sup>108</sup> FCC Staff Report at 15. A United States telephone number consists of three basic parts: a three-digit Numbering Plan Area (known as the area code) NPA, a three-digit Central Office (CO) code (NXX), and a four-digit line number. In total, it is ten digits and contains two three-digit codes and a four-digit line number (*e.g.*, (NPA) (NXX)-(XXXX)). *See* Alliance for Telecommunications Industry Solutions, Inc. (ATIS), Numbering and Dialing Plan within the United States (ATIS-0300076), at 7-8 (Dec. 2008), [https://access.atis.org/apps/group\\_public/download.php/46548/ATIS-0300076\(2008-12\).pdf](https://access.atis.org/apps/group_public/download.php/46548/ATIS-0300076(2008-12).pdf).

<sup>109</sup> *See, e.g.*, Vibrant Act Public Notice Comments at 14; Centerstone Act Public Notice Comments at 2; Crisis Now Act Public Notice Comments at 1; UW Utah NANC Public Notice Comments at 1; *see also* SAMHSA Report at 16.

<sup>110</sup> FCC Staff Report at 12.

<sup>111</sup> *Id.*; *see also* Joe Hurlbert NANC Public Notice Comments at 6 (dated May 30, 2019) (“Education will be difficult in that 511 signage (PSA’s) are scattered at various points highways across most states and it is likely the locations are not documented.”).

<sup>112</sup> FCC Staff Report at 12-13; *see also* NANC Report at 14.

<sup>113</sup> We note that repurposing 811 would require legislative changes and, more importantly, could have significant implications for pipeline safety. FCC Staff Report at 14.

<sup>114</sup> *Id.*

<sup>115</sup> *Id.* at 15.

accommodate 988 and the relatively small percentage of legacy switches that cannot currently support this code can be upgraded more easily and quickly than conducting the re-education efforts necessary to repurpose an existing N11 code.<sup>116</sup> We seek comment on these views and on any other challenges of designating a 3-digit dialing code for the national suicide prevention and mental health crisis hotline of (and designating 988 in particular) and ways to mitigate them.

30. *Legal Authority.* Section 251(e)(1) of the Act gives the Commission “exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States” and provides that numbers must be made “available on an equitable basis.”<sup>117</sup> Pursuant to this provision, the Commission retains “authority to set policy with respect to all facets of numbering administration in the United States.”<sup>118</sup> The Commission’s exclusive jurisdiction over numbering policy enables the Commission to act flexibly and expeditiously on important numbering matters.<sup>119</sup>

31. We believe that this authority allows us to designate 988 as the 3-digit dialing code for a national suicide and mental health crisis hotline system<sup>120</sup> and to require providers of telecommunications and interconnected VoIP services to take appropriate and timely action to implement this designation.<sup>121</sup> We further believe that taking these steps will help to ensure that all Americans can receive efficient, swift access to, and reap the benefits of, critical suicide prevention and crisis services offered through the Lifeline. We seek comment on these views.

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<sup>116</sup> *Id.*

<sup>117</sup> 47 U.S.C. § 251(e)(1).

<sup>118</sup> *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers, Area Code Relief Plan for Dallas and Houston, Ordered by the Public Utility Commission of Texas, Administration of the North American Numbering Plan, Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech-Illinois, Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd 19392, 19512, para. 271 (1996) (Local Competition Second Report and Order).*

<sup>119</sup> *Local Competition Second Report and Order, 11 FCC Rcd at 19512, para. 271.*

<sup>120</sup> *See, e.g., The Use of N11 Codes and Other Abbreviated Dialing Arrangements, CC Docket No. 92-105, Third Report and Order and Order on Reconsideration, 15 FCC Rcd 16753, 16777, para. 48 (2000) (relying on section 251(e)(1) authority to designate 211 for community information and referral services and 511 for traveler information services); The Use of N11 Codes and Other Abbreviated Dialing Arrangements, CC Docket No. 92-105, First Report and Order and Further Notice of Proposed Rulemaking, 12 FCC Rcd 5572, 5616, paras. 81-83 (1997) (relying on section 251(e)(1) authority to assign 311 as the national code for access to non-emergency police and other governmental services and to assign 711 as the national code for Telecommunications Relay Services use).*

<sup>121</sup> The Commission has previously concluded that its numbering authority allows it to extend numbering-related requirements to interconnected VoIP providers that use telephone numbers. *See Numbering Policies for Modern Communications et al.*, Report and Order, 30 FCC Rcd 6839, 6878, para. 78 (2015) (*VoIP Direct Access Order*); *see also IP-Enabled Services et al.*, WC Docket No. 04-36, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 10245, 10265, para. 33 (2005); *Telephone Number Requirements for IP-Enabled Services Providers et al.*, WC Docket Nos. 07-243 et al., Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking, 22 FCC Rcd at 19531, 19543, para. 22 (2007). As the Commission has explained, “the obligation to ensure that numbers are available on an equitable basis is reasonably understood to include not only how numbers are made available but to whom, and on what terms and conditions. Thus, we conclude that the Commission has authority under section 251(e)(1) to extend to interconnected VoIP providers both the rights and obligations associated with using telephone numbers.” *See VoIP Direct Access Order*, 30 FCC Rcd at 6878, para. 78; *see also id.* at 6879, para. 80 (finding that “[n]othing in section 251(e) restricts the Commission’s jurisdiction to telecommunications carriers”).

## B. Implementing 988 as the 3-Digit Dialing Code for a National Suicide Prevention and Mental Health Crisis Hotline

32. As the FCC Staff Report recognizes, “suicide does not discriminate by geographic region, and to be effective, any code designated for a national suicide and mental health crisis hotline must be ubiquitously deployed.”<sup>122</sup> To that end, we propose requiring that *all* telecommunications carriers and interconnected VoIP providers implement 988 by transmitting all calls initiated by an end user dialing 988 to the current toll free access number for the Lifeline.<sup>123</sup> We specifically seek comment on including one-way interconnected VoIP providers as well.<sup>124</sup> Our proposed requirement would thus apply to those providers that access the public switched telephone network on an interconnected basis to reach all Americans. We seek comment on our proposal. Should we apply the requirements we adopt to a different set of entities and, if so, what set of entities and why?

33. *Software and Equipment Updates.* We recognize that in order to implement 988, telecommunications carriers and interconnected VoIP providers must make changes to their networks and institute new dialing requirements in certain circumstances. In particular, we recognize that certain legacy switches will require upgrades.<sup>125</sup> The NANC has identified seven switch types that cannot support a new wholly unique 3-digit dialing code.<sup>126</sup> Based on the legacy switch types identified by the NANC, Commission staff estimate that a little over 6,000 switches and remotes, or approximately 12% of the 50,615 switches and remotes listed in the April 2019 edition of the Local Exchange Routing Guide (LERG), cannot currently support 988 and would need to be upgraded.<sup>127</sup> Of those, about 4,750 switches are DMS-10, EWSD, and DCO (e.g., Nortel and Siemens) switch types.<sup>128</sup> Some of these may have a direct upgrade path to IP, which we expect would enable use of 988 as a 3-digit dialing code at a relatively low cost per switch upgrade.<sup>129</sup> However, approximately 1,400 switches may not have a clear upgrade path, necessitating that they be replaced.<sup>130</sup> We seek comment on these estimates.

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<sup>122</sup> FCC Staff Report at 15 & n.135.

<sup>123</sup> See Appendix A, proposed rule 52.200(b).

<sup>124</sup> See *Implementing Kari’s Law and Section 506 of RAY BAUM’S Act; 911 Access, Routing, and Location in Enterprise Communications Systems; Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission’s Rules*, Report and Order, 34 FCC Rcd 6607, 6683, para. 198 (2019) (expanding, for purposes of the Commission’s 911 rules, the definition of interconnected VoIP service in section 9.3 of the Commission’s rules to mean a service that permits end users generally to terminate calls to the public switched telephone network).

<sup>125</sup> See NANC Report at 33.

<sup>126</sup> North American Numbering Council, Report and Recommendation of the Abbreviated Dialing For One Call Notification Issue Management Group at 8-9 (2003), [http://www.nanc-chair.org/docs/nowg/Dec03\\_One-Call\\_Dig-IMG\\_Report.doc](http://www.nanc-chair.org/docs/nowg/Dec03_One-Call_Dig-IMG_Report.doc).

<sup>127</sup> The LERG is an industry guide generally used by carriers in their network planning and engineering and numbering administration. It contains information regarding all North American central offices and end offices. See *In re AT&T Corp. v. Alpine Communications, LLC, Clear Lake Independent Telephone Co., Mutual Telephone Co. of Sioux Center, Iowa, Preston Telephone Co., and Winnebago Cooperative Telephone Association*, EB-12-MD-003, Memorandum Opinion and Order, 28 FCC Rcd 5842, 5849, para. 13 n.36 (2013).

<sup>128</sup> NANC Report at 34.

<sup>129</sup> See, e.g., Ribbon, *C15 Call Session Controller*, <https://ribboncommunications.com/products/service-provider-products/call-controllers/c15-call-session-controller>; Metaswitch, *Network Transformation*, <https://www.metaswitch.com/solutions/fixed-line-solutions/network-transformation>.

<sup>130</sup> See North American Numbering Council, Report and Recommendation of the Abbreviated Dialing For One Call Notification Issue Management Group at 8-9 (2003), [http://www.nanc-chair.org/docs/nowg/Dec03\\_One-Call\\_Dig-IMG\\_Report.doc](http://www.nanc-chair.org/docs/nowg/Dec03_One-Call_Dig-IMG_Report.doc).



34. Depending on the type of switch currently used, implementation of 988 may require that providers take a number of steps to update their networks, which may include: acquiring and installing new equipment; developing and testing software to implement 988; assigning 988 in the switch translations dialing plan to prevent other uses for that code; ensuring that switch routing elements correctly route 988; training staff; and deploying new software, such as adding logic to internal automated systems to implement any updates.<sup>131</sup> After upgrading and replacing switches, vendors will then need to perform network translation changes and monitor network operations.<sup>132</sup> We seek comment on these implementations steps. Are there trunking and/or network capacity requirements that carriers and providers would need to address in order to carry the expected increase in suicide hotline calls? Are there other implementation steps that will be necessary? We also ask commenters, particularly service providers, to provide information on the most expeditious and effective path toward achieving ubiquitous deployment of 988 across all networks.

35. *988 Call Routing.* We propose requiring telecommunications carriers and interconnected VoIP providers to route 988 calls to 1-800-273-8255 (TALK), the current toll free access number for the Lifeline and the Veterans Crisis Line. Doing so appears to provide the most efficient means to establish 988 as a national suicide prevention hotline. We seek comment on this proposal.

36. Whether to route calls to a central destination or to localized call centers will affect the 988 implementation timeline and cost.<sup>133</sup> Because it offers a streamlined approach using existing infrastructure, we believe our proposal is likely to be faster and more cost effective than the alternatives of either setting up a new routing database or entering local translations,<sup>134</sup> as is used for 911 calls, which are routed via a direct local translation to a 10-digit number of a local police station or Public Safety Answering Point (PSAP) based on the location of the calling number.<sup>135</sup> The NANC concluded that, for service providers, routing calls is likely to be “more efficient if the call is terminated to a national or centralized call center as opposed to a local or decentralized call center network.”<sup>136</sup> The toll free access number for the Lifeline, 1-800-273-8255 (TALK), is a national call center that currently serves to route calls to local crisis centers across the country.<sup>137</sup> We expect that routing calls to 1-800-273-8255 (TALK) will be more efficient than establishing a new call center to perform the same functions, or requiring direct local translations for each local crisis center. We seek comment on this analysis.

37. Further, service provider routing of 988 calls to 1-800-273-8255 (TALK), rather than localized call centers, may facilitate access to the Lifeline and the Veterans Crisis Line by reducing the likelihood that calls will be misdirected following any changes to the local crisis center network. If the Lifeline were to add new call centers or consolidate existing call centers, for example, routing changes could be implemented by updating the centralized 800 translations service and thereby avoid having to reprogram local switches, which if done improperly, could result in misdirected calls.<sup>138</sup> We seek

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<sup>131</sup> See NANC Report at 31-32.

<sup>132</sup> *Id.* at 34.

<sup>133</sup> See *id.* at 43.

<sup>134</sup> See *id.* at 42-43; TGM Consulting *Act Public Notice* Comments at 6 (filed Dec. 6, 2018).

<sup>135</sup> See *Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, Fifth Report and Order, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 22264 (2001) (discussing the routing of 911 calls generally).

<sup>136</sup> NANC Report at 42.

<sup>137</sup> See SAMHSA Report at 5.

<sup>138</sup> See United Way of Tri-County & Mass 2-1-1 *Act Public Notice* Comments at 2 (filed Dec. 7, 2018) (noting that “[t]he 211 network often hears from customers who are unable to reach 211 via the three-digit code” and that local routing of 211 calls requires “working with each carrier and router to provide regularly updated routing tables and ensuring that all responsible parties take necessary action to route calls correctly”).

comment on this view, on other benefits of this call routing proposal, and on the impact this proposal would have on the effectiveness of the Lifeline and Veterans Crisis Line once 988 is implemented. For example, would it impact the ability of the Lifeline to route calls to the closest local crisis center, as the Lifeline does currently?<sup>139</sup> Would our proposal affect the operations of the Veterans Crisis Line? Are there other models that would provide better functionality to users of the hotline? We also seek comment on whether SAMHSA or the VA and/or the existing national network of crisis centers that currently comprise the Lifeline and the Veterans Crisis Line will need to make changes to accommodate this proposal, and the length of time and costs that such changes will entail.

38. We seek comment on any drawbacks or costs associated with this proposal. TGM Consulting, for example, cautions that some TDM switches may only be able to translate a code like 988 into a local or geographic number.<sup>140</sup> Is this accurate and, if so, how many such switches are in use today and what would be required to upgrade them? Should we carve out an exemption for such switches and require them instead to route 988 calls to a geographic number? Are there other solutions that would allow these switches to direct 988 calls to 1-800-273-8255 (TALK)? We seek comment on any other issues related to this proposed call routing approach.

39. In the alternative, we seek comment on requiring service providers to route 988 calls directly to a local Lifeline or Veterans Crisis Line call center rather than to 1-800-273-8255 (TALK). In seeking comment on this alternative approach, we note that 1-800-273-8255 (TALK) currently provides access to both the Lifeline and the Veterans Crisis Line.<sup>141</sup> How would this functionality be maintained under a direct routing approach? Would the Lifeline still be able to route calls to a backup center, as is currently done if a local crisis center experiences a service disruption or excessive call volume?<sup>142</sup> How, if at all, would this alternative approach affect access to the Lifeline and Veterans Crisis Line? In this scenario, would routing databases need to be created to route 988 calls to such numbers? If so, what would such databases offer and who would own, maintain, and distribute such databases? How would this impact our proposed timeline and costs for implementation? What are the challenges in routing 988 calls directly to a local or regional crisis center as opposed to a single toll free number? Would such an approach offer any benefits over our proposal? We seek comment on these and any other relevant issues.

40. *Dialing in Certain Geographic Areas.* We next seek comment on how to address areas that both use 7-digit dialing and where 988 is in use as an NXX code. In such areas, a switch would need to distinguish between calls made to the suicide prevention and mental health crisis hotline and the assigned 988 central office code. Commission staff analysis of NANPA data shows that as of September 2019, there are 95 area codes that both still use 7-digit dialing and have assigned 988 as an NXX prefix.<sup>143</sup> We seek comment on whether this is an accurate estimate of area codes that would need to implement a solution.

41. One solution is the introduction of a dialing delay after 988 is entered—the switch would recognize that the caller is dialing 988 rather than a local 988-XXXX number when no digits are entered after 988. The downside with such an approach, as the NANC has noted, is that such a dialing delay “could result in the caller terminating the call because he thinks the call failed, or [result in] unrelated calls being routed to the hotline when a 7-digit number is dialed too slowly.”<sup>144</sup>

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<sup>139</sup> SAMHSA Report at 5.

<sup>140</sup> TGM Consulting *Act Public Notice* Comments at 6-7.

<sup>141</sup> SAMHSA Report at 3-4.

<sup>142</sup> *Id.* at 5.

<sup>143</sup> See the NANPA reports on NPA usage ([https://nationalnanpa.com/nanp1/npa\\_report.csv](https://nationalnanpa.com/nanp1/npa_report.csv)) and dial plans per NPA (<https://nationalnanpa.com/enas/npaDialingPlansReport.do>). The number 95 is arrived at by looking at how many NPAs use 988 (a total of 178) and then seeing which of those are located in a 7-digit dialing area code.

<sup>144</sup> NANC Report at 27.

42. Alternatively, requiring 10-digit dialing would enable the switches to distinguish between calls made to the national suicide prevention hotline system and those made to a number beginning with a 988 prefix.<sup>145</sup> With 10-digit dialing, a caller must first input the 3-digit area code before entering a 7-digit number. Thus, an individual attempting to call a 988-XXXX number would first have to input the area code (i.e., XXX-988-XXXX), avoiding the problem of calling the hotline in error.

43. We seek comment on whether the Commission should mandate one particular solution as part of our designation and implementation of 988. The Commission has mandated 10-digit dialing in cases of area-code relief, which involves establishing a new area code for a geographic region after the existing area code runs out of NXX prefixes.<sup>146</sup> And any transition to 10-digit dialing could likely be achieved in parallel within the other work to implement 988 and that the transition, based on previous conversions from 7 to 10-digit dialing, can be completed within a year.<sup>147</sup> Should we require states to transition to 10-digit dialing in areas where the 988 exchange has been assigned as an NXX prefix in area codes that still have 7-digit dialing, as the Commission has done for area-code-relief implementation?<sup>148</sup> Alternatively, should we leave it to state commissions to decide whether to mandate 10-digit dialing rather than a dialing delay for any given area code?

44. *Timeframe.* We propose that all telecommunications carriers and interconnected VoIP providers be required to implement 988 in their networks within 18 months.<sup>149</sup> We believe this timeframe would provide sufficient time for providers to make any necessary changes to equipment and software, and to institute new dialing requirements, if necessary.<sup>150</sup> To begin with, we understand that modern IP switches can already accommodate 988 today or do so with minor software updates. In this regard, we observe that most providers are already actively upgrading their equipment to IP technology given the technological advances in the marketplace and the advanced services that consumers are demanding.<sup>151</sup> Moreover, we believe that 18 months is sufficient time to upgrade the approximately 12% of legacy switches that will need such upgrades and we anticipate that the majority of technical upgrades necessary to switches and systems can be done in parallel with other work to implement 988. We seek comment on this proposal.

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<sup>145</sup> *Id.* at 26, 30, 43.

<sup>146</sup> See 47 U.S.C. § 251(e)(1); see also *New York & Pub. Serv. Comm'n of New York v. FCC*, 267 F.3d 91, 103-06 (2d Cir. 2001) (concluding that the FCC has jurisdiction under 47 U.S.C. § 251(e) to mandate 10-digit dialing in the area-code-relief context); *Local Competition Second Report and Order*, 11 FCC Rcd at 19518-19, paras. 286-87 (concluding that implementation of all-service overlays, which involves a new area code being introduced to serve the same geographic area as an existing area code, would be subject to mandatory 10-digit dialing to counteract anti-competitive effects); *Numbering Resource Optimization*, CC Docket Nos. 99-200, 96-98, Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking, 16 FCC Rcd 306, 339, para. 70 (2000) (retaining mandatory 10-digit dialing requirement for the implementation of all-services overlays pursuant to 47 CFR § 52.19(c)(3)(ii)).

<sup>147</sup> Indeed, in the last decade, states such as Connecticut and Nebraska moved to mandatory 10-digit dialing within a period of one year. See NANPA, *NPA 475 to Overlay NPA 203; NPA 860 10-digit dialing (Connecticut)*, [https://www.nationalnanpa.com/pdf/PL\\_388.pdf](https://www.nationalnanpa.com/pdf/PL_388.pdf); Nebraska Public Service Commission, *2010 Annual Report on Telecommunications*, <https://psc.nebraska.gov/sites/psc.nebraska.gov/files/doc/AnnualReport2010.pdf>. See also ATIS, *NPA Relief Planning & Notification Guidelines*, [https://access.atis.org/apps/group\\_public/search.php?search\\_val=ATIS-0300061&search\\_documents=1&x=0&y=0](https://access.atis.org/apps/group_public/search.php?search_val=ATIS-0300061&search_documents=1&x=0&y=0).

<sup>148</sup> See *Local Competition Second Report and Order*, 11 FCC Rcd at 19518-19, paras. 286-87.

<sup>149</sup> See Appendix A, proposed rules 52.200(b)-(c).

<sup>150</sup> See NANC Report at 31-32.

<sup>151</sup> See *Technology Transitions et al.*, WC Docket No. 05-25, GN Docket No. 13-530, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 30 FCC Rcd 9372, 9373, para. 1 (2015).

45. Alternatively, should we adopt a shorter or longer timeframe for implementation such as one year or two years, and if so, why? Further, does the use of legacy switch technology warrant a phased-in approach and, if so, how should that be implemented? Would such an approach inappropriately reward carriers that have not invested in their networks to prepare for the IP transition in a timely manner? How many such switches reside on the networks of rural local exchange carriers, if any, and what unique barriers would such carriers face in implementing 988 in a timely manner? Are there other challenges that service providers may face that we should consider in determining the appropriate timeframe for implementation?

46. *Costs.* We propose that all providers bear their own costs for executing the upgrades necessary to be able to implement 988 as a 3-digit code for a national suicide prevention and mental health crisis hotline. This approach encourages efficiency in implementation and avoids unnecessary administrative costs. In turn, section 251(e)(2) of the Act states that “[t]he cost of establishing telecommunications numbering administration arrangements and number portability shall be borne by all telecommunications carriers on a competitively neutral basis.”<sup>152</sup> The Commission is only required to apply section 251(e)(2) in situations involving some type of numbering administration arrangement, where for instance, the Commission hires a third party to develop a database for industry use.<sup>153</sup> Here, that circumstance is not present. Therefore, we believe the section 251(e)(2) requirements do not apply.<sup>154</sup> Even if section 251(e)(2) applies, we believe it is satisfied if we require each provider to bear its own costs because each provider’s costs will be proportional to the size and quality of its network. We seek comment on this proposal.

### C. Assessing the Benefits and Costs of Designating and Implementing 988

47. We expect that designation and implementation of 988 as a simple, easy-to-remember 3-digit dialing code nationwide will increase the convenience and immediacy of access to life-saving suicide prevention and mental health crisis services. By becoming a part of the existing framework of the Lifeline and Veterans Crisis Line, we expect that the 988 dialing code will “make it easier for Americans in crisis to access potentially life-saving resources.”<sup>155</sup>

48. In the FCC Staff Report, Commission staff conducted a cost-benefit analysis of designating 988 as the 3-digit dialing code for a national suicide prevention and mental health crisis hotline. The cost-benefit analysis used information from the NANC, SAMHSA, the VA, and publicly available data. Commission staff estimated the total costs for the first year at \$570 million, costs for the second year at approximately \$175 million, and subsequent years at approximately \$50 million annually.<sup>156</sup> In estimating the benefits of the 3-digit dialing code, the analysis used the Department of Transportation’s Value of a Statistical Life.<sup>157</sup> Staff determined that if the 3-digit code were to reduce

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<sup>152</sup> 47 U.S.C. § 251(e)(2).

<sup>153</sup> See, e.g., *Telephone Number Portability*, CC Docket No. 95-116, Third Report and Order, 13 FCC Rcd 11701, 11745-46, paras. 87-92 (1998) (implementing number portability administration arrangements); *Toll Free Assignment Modernization, Toll Free Service Access Codes*, Report and Order, 33 FCC Rcd 9274, 9298, paras. 70 (2018) (establishing an administrator for an auction for certain toll free numbers).

<sup>154</sup> 47 U.S.C. § 251(e)(2) (“The cost of establishing telecommunications numbering administration arrangements and number portability shall be borne by all telecommunications carriers on a competitively neutral basis as determined by the Commission.”).

<sup>155</sup> FCC Staff Report at 1.

<sup>156</sup> *Id.* at 16-17.

<sup>157</sup> See Memorandum from Molly J. Moran, Acting General Counsel, and Carlos Monje, Assistant Secretary for Transportation Policy, Office of the Secretary of Transportation, Department of Transportation, Guidance on Treatment of the Economic Value of a Statistical Life (VSL) in U.S. Department of Transportation Analyses – 2016 Adjustment (August 8, 2016),

suicide mortality risk by a fraction of one percent, it would be well worth its cost.<sup>158</sup> Based on this analysis, Commission staff concluded that the benefits of designating 988 as the dialing code for a national suicide prevention and mental health crisis hotline outweighed the costs. While the FCC Staff Report took a broad view and accounted for costs that may be incurred by a variety of entities from service providers to crisis centers, here we focus on the costs and benefits of our proposed rules to require covered providers to implement 988.

49. If the new 988 dialing code can deter one of every thousand Americans who would otherwise attempt suicide from harming themselves—a 0.1% reduction in suicides and suicide attempts—we expect the estimated benefit of \$2.4 billion in present value over the course of ten years will exceed the estimated, one-time \$367 million in implementation cost to service providers.<sup>159</sup> If providers choose to pass these costs on to customers, we expect any increased costs to consumers to be minimal, and we believe that this potential added cost is worth the benefit. We seek comment on this preliminary conclusion that benefits surpass costs and the estimation methods described below.

50. *Estimated Benefits of Implementing 988.* The Lifeline and the Veterans Crisis Line provide proven, effective intervention services for Americans in crisis.<sup>160</sup> We anticipate that integrating the 988 dialing code within this existing framework will allow callers to continue to benefit from experienced counselors, while also expanding access with the availability of a simple, easily remembered number to dial for those in need. Both the Lifeline and the Veterans Crisis Line have seen increased call volumes since their inception. SAMHSA reports that calls to the Lifeline more than doubled over a 5-year period—from under 1 million in 2012 to over 2 million in 2017—and expects the number of calls to continue to increase.<sup>161</sup> Similarly, the call volume to the Veterans Crisis Line has increased from just under 500,000 calls in fiscal year 2014 to over 700,000 in fiscal year 2017—an increase of more than 40% in three years.<sup>162</sup>

51. Studies have found that access to crisis counselors helps reduce suicides.<sup>163</sup> A recent SAMHSA-funded study found that for crisis-center callers at imminent risk of committing suicide, counselors and callers were able to cooperatively reduce the risk of suicide without police or ambulance services in 55% of calls, counselors sent emergency responders with the caller's cooperation in 19.1% of the cases, and counselors sent emergency services without collaboration for the remaining 25.9% of calls.<sup>164</sup> By facilitating access to crisis counselors, the 988 dialing code would likely help further reduce suicides.

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<https://www.transportation.gov/sites/dot.gov/files/docs/2016%20Revised%20Value%20of%20a%20Statistical%20Life%20Guidance.pdf>.

<sup>158</sup> FCC Staff Report at 17. We acknowledge the difficulty in attempting to quantify the value of mortality reductions and use Value of a Statistical Life only as a practical approach to conducting this necessary analysis.

<sup>159</sup> These are only the estimated costs that service providers will incur due to implementation. We assume the total estimated cost of \$367 million will be spread equally over 18 months and then discount back to the present day using a discount rate of 7%. See OMB, Circular A-4, *Regulatory Analysis*, 33 (Sept. 17, 2003).

<sup>160</sup> SAMHSA Report at 8.

<sup>161</sup> *Id.* at 11, 17.

<sup>162</sup> VA Report at 12.

<sup>163</sup> SAMHSA Report at 7.

<sup>164</sup> Madelyn S. Gould, *Helping callers to the National Suicide Prevention Lifeline who are at imminent risk of suicide: Evaluation of caller risk profiles and interventions implemented*, 46 *Suicide and Life-Threatening Behavior* 172 (2016). Studies of suicidal-caller survey responses in the UK found reductions as large as 25% in callers wanting to self-harm after speaking with hotline counselors. Philip Tyson, *Preventing Suicide and Self-Harm: Evaluating the Efficacy of a Helpline from a Service User and Helpline Worker Perspective*, 37 *Crisis* 355 (2016).

52. Estimating a precise reduction in suicide incidence, however, is difficult. The alternative is to evaluate plausible suicide-reduction scenarios. In 2017, 47,000 Americans committed suicide, while more than 1.4 million American adults attempted suicide.<sup>165</sup> If the implementation of 988 results in greater access to a nationwide network of suicide prevention and mental health services—in the way adopting 911 transformed emergency services provision<sup>166</sup>—suicides may drop by 10% or more, saving at least 4,700 lives a year. A more modest decline of 1% would save 470 lives a year. A marginal decline of 0.1% would save 47 lives a year. Multiplying suicides prevented by the value of mortality reduction last used by the Commission<sup>167</sup> (i.e., the value of a statistical life (VSL)) yields a range of annual benefits corresponding to the suicide reductions achieved (see Table 2):

<b>Table 2: Estimated Annual Benefits from Suicide Reductions</b>			
<b>VSL 2018</b>	<b>10% suicide reduction</b>	<b>1% suicide reduction</b>	<b>0.1% suicide reduction</b>
\$9.6 million	\$45.1 billion (4,700*\$9.6 million)	\$4.51 billion (470*\$9.6 million)	\$451 million (47*\$9.6 million)

53. We propose applying the most conservative assumption of a 0.1% reduction in suicides and estimating total annual benefits of implementing our 988 dialing code proposal to be \$451 million. Conservatively assuming the annual benefits of our actions do not accrue until the start of the third year of our action (to account both for a technical transition and a consumer education campaign) and looking out up to ten years, we estimate the present value of the total benefits from implementing a 988 dialing code to be \$2.4 billion.<sup>168</sup> We seek comment on this estimate.

54. Are there alternative methods of estimation that we should consider? What historic and more recent data sources, if any, are available? We seek comment on the benefits of facilitating access to the existing Lifeline and Veterans Crisis Line structure. We also seek comment on the benefits of facilitating access to the Lifeline should additional hotline services targeted at at-risk populations like LGBTQ youth be added. We also seek comment on other benefits of implementing 988, such as savings in emergency responder costs, and the dollar value of these additional benefits.

55. *Estimated Costs Incurred by Service Providers.* To implement 988 as the 3-digit dialing code, service providers must incur certain one-time monetary outlays to make updates to switches and replace legacy equipment. First, as noted by the NANC, “every originating switch in the United States and its territories would require translation updates.”<sup>169</sup> The NANC Report estimates these necessary

<sup>165</sup> SAMHSA Report at 2.

<sup>166</sup> Due to the lack of before-and-after statistics, the transformative impact of 911 on emergency service provision is difficult to capture in a snapshot; nevertheless, emergency response has dramatically improved. Ambulance, fire, police, and poison control centers have coalesced around 911 to dispatch the appropriate emergency service in response to one 3-digit call. Each minute saved in the sequence of recalling, dialing, and dispatching emergency services reduces response times, which saves lives. Commission staff estimated that a one-minute reduction in emergency response time saves 10,120 lives annually. *Wireless E911 Location Accuracy Requirements*, Third Further Notice of Proposed Rulemaking, 29 FCC Rcd 2374, 2388, para. 33 (2014).

<sup>167</sup> *Wireless Emergency Alerts Amendments to Part 11 of the Commission Rules Regarding the Emergency Alert System*, Second Report and Order and Second Order on Reconsideration, 33 FCC Rcd 1320, 1346 (2018); FCC Staff Report at 17.

<sup>168</sup> This calculation discounts the annual benefits for each of the eight years (from three to ten years in the future) back to the present using a discount rate of 7%. If, instead, a 3% discount rate is used, the estimated benefits are \$3 billion. Benefits under the 3% discount rate exceed the estimated discounted costs of \$381 million. See OMB, Circular A-4, *Regulatory Analysis*, 33 (Sept. 17, 2003).

<sup>169</sup> NANC Report at 35.

updates will result in a one-time cost to service providers of approximately \$92.5 million.<sup>170</sup> We seek comment on the accuracy of the \$92.5 million estimate for switching translation costs. We believe there are no recurring costs associated with implementation of 988 and we seek comment on this assumption.

56. Second, the NANC Report notes “some wireline switches may be unable to support any new 3-digit dialing code that is not an N11 code.”<sup>171</sup> Those switches unable to process 988 must be upgraded or replaced. In the FCC Staff Report, Commission staff estimated switch upgrades and replacements will result in a one-time costs to service providers of approximately \$300 million.<sup>172</sup> Commission staff estimate that a little over 6,000 switches and remotes listed in the April 2019 edition of the LERG cannot support 988.<sup>173</sup> We seek comment on the accuracy of the estimate of the number of switches and remotes that cannot support 988. Is this estimate correct? If not, what is the correct number? Is \$300 million over 18 months a reasonable estimate for the cost of replacing these legacy switches? What is the remaining useful life of these switches? Does the replacement cost change with our timeline for implementing 988? We recognize that some providers do not want to upgrade existing switches prior to the end of their life-cycle. However, we anticipate that upgrades to legacy switches will have significant offsetting benefits beyond the immediate context of this proceeding, such as providing consumers with the benefits of more advanced, IP-based services as well as new business opportunities for providers. How should we account for those benefits in calculating the actual cost of upgrading these networks?

57. The NANC Report mentions other possible costs of implementing 988 without offering specific estimates. For example, the NANC Report notes that 988 implementation costs will vary if calls are routed directly to a national or centralized call center or to a local or regional call center.<sup>174</sup> We seek comment on routing costs. If service providers route 988 calls to 1-800-273-8255 (TALK), what are the costs associated with such routing? How do such costs compare to other alternatives, such as routing to a local or regional call center? We seek comment on the types and amounts of any other implementation costs to service providers.<sup>175</sup> In this regard, we caution commenters that we do not intend to consider benefits or costs that may be important to the Lifeline or the Veteran’s Crisis Line as a whole but fall outside of the Commission’s specific numbering oversight role, such as those related to advertising or educational outreach to increase the public’s awareness of the availability of 988.

58. To accommodate 988, areas currently using seven-digit dialing will need to either transition to 10-digit dialing or implement post-dial delay. What are the costs and benefits of these solutions?

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<sup>170</sup> *Id.* The NANC arrived at this figure by multiplying the total number of dial plan changes (550,812) by the estimated time per dial plan change (1.6 hours), then multiplying that product by the hourly Telecommunications Engineering Contract rate of \$105.

<sup>171</sup> NANC Report at 26.

<sup>172</sup> For the approximately 4,750 switches with a direct upgrade path to IP, we expect a relatively low cost of approximately \$30,000 per switch. We estimate an average per switch replacement cost of \$100,000 for the approximately 1,400 switches without a clear upgrade path. Upgrading or replacing all switches, therefore, would cost (\$100,000 x 1,400 full upgrades =) \$140 million and (\$30,000 x 4,750 field upgrades =) \$142.5 million, for a total cost of \$282.5 million which we round up to \$300 million.

<sup>173</sup> North American Numbering Council, Report and Recommendation of the Abbreviated Dialing For One Call Notification Issue Management Group at 8-9 (2003), [http://www.nanc-chair.org/docs/nowg/Dec03\\_One-Call\\_Dig-IMG\\_Report.doc](http://www.nanc-chair.org/docs/nowg/Dec03_One-Call_Dig-IMG_Report.doc).

<sup>174</sup> NANC Report at 42.

<sup>175</sup> Such implementation costs could include cell site reprogramming cited in the Suicide Hotline Improvement Act, Sec. 3(b)(2)(i)(II). In the FCC Staff Report, staff estimated in response to Sec. 3(b)(2)(i)(II) that approximately \$50 million in additional annual funding would be needed to handle additional calls and that would be covered by federal, state, and local governments. See FCC Staff Report at 16.

59. In sum, we believe that designating 988 as the national suicide prevention and mental health hotline dialing code will facilitate access to life-saving suicide prevention services. We further believe that reductions in suicides and suicide attempts will result in estimated benefits of \$2.4 billion in present value over the course of ten years, exceeding the estimated one-time implementation cost to service providers of \$367 million, and that the proposals in this Notice complement ongoing efforts to deter suicide and provide support to Americans in crisis.<sup>176</sup> We seek comment on our analysis and on the costs and benefits of any alternative proposals.

#### IV. PROCEDURAL MATTERS

60. *Ex Parte Rules.* This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>177</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with Rule 1.1206(b). In proceedings governed by Rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

61. *Initial Regulatory Flexibility Analysis.* Pursuant to the Regulatory Flexibility Act (RFA),<sup>178</sup> the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and actions considered in this *Notice of Proposed Rulemaking*. The text of the IRFA is set forth in Appendix B. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *Notice of Proposed Rulemaking*. The Commission’s Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of the *Notice of Proposed Rulemaking*, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.<sup>179</sup>

62. *Comment Filing Procedures.* Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

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<sup>176</sup> For purposes of this estimate, we assume a discount rate of 7%. OMB, Circular A-4, *Regulatory Analysis*, 33 (Sept. 17, 2003).

<sup>177</sup> 47 CFR §§ 1.1200 *et seq.*

<sup>178</sup> See 5 U.S.C. § 603.

<sup>179</sup> See 5 U.S.C. § 603(a).



- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

63. **People with Disabilities:** To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), 202-418-0432 (tty).

64. **Paperwork Reduction Act of 1995 Analysis.** This document does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4).

65. **Contact Person.** For further information about this rulemaking proceeding, please contact Michelle Sclater, Competition Policy Division, Wireline Competition Bureau, at (202) 418-0388 or [michelle.sclater@fcc.gov](mailto:michelle.sclater@fcc.gov).

## V. ORDERING CLAUSES

66. IT IS ORDERED, pursuant to sections 201 and 251 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 201, 251, that the Notice of Proposed Rulemaking in WC Docket No. 18-336 IS ADOPTED.

67. IT IS FURTHER ORDERED that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

**APPENDIX A****Proposed Rules**

The Federal Communications Commission amends part 52 of Title 47 of the Code of Federal Regulations as follows:

**PART 52 – NUMBERING**

1. The authority citation for part 52 remains as follows:

Authority: 47 U.S.C. §§ 151, 152, 153, 154, 155, 201-205, 207-209, 218, 225-227, 251-252, 271, 332, unless otherwise noted.

2. part 52 by adding subpart E to read as follows:

**Subpart E - Universal Dialing Code for National Suicide Prevention and Mental Health Crisis Hotline System**

Sec. 52.200. Designation of 988.

3. Add section 52.200 to read as follows:

**§ 52.200 Designation of 988 for a National Suicide Prevention and Mental Health Crisis Hotline.**

(a) Beginning [[DATE]], 988 shall be the 3-digit dialing code for a national suicide prevention and mental health crisis hotline system maintained by the Assistant Secretary for Mental Health and Substance Use and the Secretary of Veterans Affairs.

(b) All telecommunications carriers and interconnected Voice over Internet Protocol (VoIP) providers shall transmit all calls initiated by an end user dialing 988 to the current toll free access number for the National Suicide Prevention Lifeline, presently 1-800-273-8255 (TALK).

(c) All telecommunications carriers and interconnected VoIP providers shall complete all changes to their systems that are necessary to implement the designation of the 988 dialing code by [[DATE]].

**APPENDIX B****Initial Regulatory Flexibility Analysis**

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),<sup>1</sup> the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in this *Notice of Proposed Rulemaking (Notice)*. The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments provided on the first page of the *Notice*. The Commission will send a copy of the *Notice*, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).<sup>2</sup> In addition, the *Notice* and IRFA (or summaries thereof) will be published in the Federal Register.<sup>3</sup>

**A. Need for, and Objectives of, the Proposed Rules**

2. Pursuant to the Suicide Hotline Improvement Act of 2018, the *Notice* proposes to designate a 3-digit dialing code for a national suicide and mental health crisis hotline system,<sup>4</sup> and also proposes to designate 988, specifically, as the 3-digit dialing code to be used.<sup>5</sup> The *Notice* also proposes to require that, within 18 months, all telecommunications carriers and interconnected VoIP service providers transmit calls initiated by dialing 988 to the current toll free access number for the National Suicide Prevention Lifeline.<sup>6</sup> The *Notice* seeks comment on all of these proposals, and also seeks comment on issues pertaining to ubiquitous nationwide deployment of 988, including whether we should mandate a 10-digit dialing code in places where 988 exchange has been assigned in area codes that still have seven-digit dialing, or nationwide;<sup>7</sup> on our proposal that service providers route 988 calls to 1-800-273-8255 (TALK);<sup>8</sup> on various other technical considerations associated with use of 988 as a 3-digit dialing code;<sup>9</sup> and on the costs and benefits to implementing 988.<sup>10</sup>

3. The Commission believes that the proposals in the *Notice* to designate 988 as the 3-digit dialing code for a national suicide and mental health crisis hotline system will help increase the effectiveness of suicide prevention efforts, help enhance public awareness of available suicide prevention and mental health crises services, ease access to crisis services, support our federal partners by simplifying such access, and reduce the stigma surrounding suicide and mental health conditions.

**B. Legal Basis**

4. The National Suicide Hotline Improvement Act of 2018 tasks the Commission with examining the effectiveness of the current National Suicide Prevention Lifeline and the feasibility of designating a 3-digit dialing code to be used for a national suicide prevention and mental health crisis

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<sup>1</sup> See 5 U.S.C. § 603. The RFA, see 5 U.S.C. § 601-612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

<sup>2</sup> See 5 U.S.C. § 603(a).

<sup>3</sup> See 5 U.S.C. § 603(a).

<sup>4</sup> See *supra* paras. 25-26.

<sup>5</sup> See *supra* paras. 27-29.

<sup>6</sup> See *supra* paras. 44-45.

<sup>7</sup> See *supra* paras. 32-34, 40-43.

<sup>8</sup> See *supra* paras. 35-39.

<sup>9</sup> See *supra* paras. 33-34.

<sup>10</sup> See *supra* paras. 46-60.

hotline system.<sup>11</sup> Section 251(e)(1) of the Communications Act, as amended, gives the Commission “exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States” and provides that numbers must be made “available on an equitable basis.”<sup>12</sup> The Commission proposes that this authority allows it to designate 988 as the 3-digit dialing code for a national suicide and mental health crisis hotline system, and to require providers of telecommunications and interconnected Voice over Internet Protocol (VoIP) services to take appropriate and timely action to implement this requirement.

**C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply**

5. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules and by the rule revisions on which the Notice seeks comment, if adopted.<sup>13</sup> The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”<sup>14</sup> In addition, the term “small business” has the same meaning as the term “small-business concern” under the Small Business Act.<sup>15</sup> A “small-business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.<sup>16</sup>

6. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe here, at the outset, three broad groups of small entities that could be directly affected herein.<sup>17</sup> First, while there are industry-specific size standards for small businesses that are used in the regulatory-flexibility analysis, according to data from the SBA’s Office of Advocacy, a small business in general is an independent business having fewer than 500 employees.<sup>18</sup> These types of small businesses represent 99.9% of all businesses in the United States, which translates to 30.2 million businesses.<sup>19</sup>

7. Next, the type of small entity described as a “small organization” is generally “any not-for-profit enterprise which is independently owned and operated and is not dominant in its field . . . .”<sup>20</sup>

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<sup>11</sup> See National Suicide Hotline Improvement Act of 2018, Pub. L. No. 115-233, 132 Stat. 2424 (2018) (Suicide Hotline Improvement Act).

<sup>12</sup> 47 U.S.C. § 251(e)(1). The North American Numbering Plan (NANP) is the basic numbering scheme that permits interoperable telecommunications service within the United States, Canada, Bermuda and most of the Caribbean. Section 251(e)(1) also provides that the Commission may delegate all or part of its numbering administration authority to State commissions or other entities.

<sup>13</sup> See 5 U.S.C. § 603(b)(3).

<sup>14</sup> See 5 U.S.C. § 601(6).

<sup>15</sup> 5 U.S.C. § 601(3) (incorporating by reference the definition of “small-business concern” in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

<sup>16</sup> See 15 U.S.C. § 632.

<sup>17</sup> See 5 U.S.C. § 601(3)-(6).

<sup>18</sup> See SBA, Office of Advocacy, “Frequently Asked Questions About Small Business,” <https://s3.amazonaws.com/advocacy-prod.sba.fun/wp-content/uploads/2017/08/04125711/Frequently-Asked-Questions-Small-Business-2018.pdf> (August 2018).

<sup>19</sup> See *id.*

<sup>20</sup> 5 U.S.C. § 601(4).

Nationwide, as of March 2019, there were approximately 356,494 small organizations based on registration and tax data filed by nonprofits with the Internal Revenue Service (IRS).<sup>21</sup>

8. Finally, the small entity described as a “small governmental jurisdiction” is defined generally as “governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.”<sup>22</sup> U.S. Census Bureau data from the 2012 Census of Governments<sup>23</sup> indicates that there were 90,056 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States.<sup>24</sup> Of this number, there were 37,132 general purpose governments (county,<sup>25</sup> municipal, and town or township<sup>26</sup>) with populations of less than 50,000, and 12,184 special-purpose governments (independent school districts<sup>27</sup> and special districts<sup>28</sup>) with populations of less than 50,000. The 2012 U.S. Census Bureau data for most types of governments in the local government category shows that a majority these governments have populations of less than 50,000.<sup>29</sup> Based on this data, we estimate that at least 49,316 local-government jurisdictions fall in the category of “small governmental jurisdictions.”<sup>30</sup>

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<sup>21</sup> Data from the Urban Institute, National Center for Charitable Statistics (NCCS) reporting on nonprofit organizations registered with the IRS was used to estimate the number of small organizations. Reports generated using the NCCS online database indicated that as of August 2016 there were 356,494 registered nonprofits with total revenues of less than \$100,000. Of this total, 326,897 entities filed tax returns with 65,113 registered nonprofits reporting total revenues of \$50,000 or less on the IRS Form 990-N for Small Exempt Organizations and 261,784 nonprofits reporting total revenues of \$100,000 or less on some other version of the IRS Form 990 within 24 months of the August 2016 data release date. See <http://nccsweb.urban.org/tablewiz/bmf.php> where the report showing this data can be generated by selecting the following data fields: Show: “Registered Nonprofit Organizations”; By: “Total Revenue Level (years 1995, Aug to 2016, Aug)”; and For: “2016, Aug” then selecting “Show Results.”

<sup>22</sup> 5 U.S.C. § 601(5).

<sup>23</sup> See 13 U.S.C. § 161. The Census of Government is conducted every five (5) years compiling data for years ending with “2” and “7.” See also Census Bureau, *Census of Government*, <https://factfinder.census.gov/faces/affhelp/jsf/pages/metadata.xhtml?lang=en&type=program&id=program.en.COG>.

<sup>24</sup> See U.S. Census Bureau, *2012 Census of Governments, Local Governments by Type and State: 2012 - United States — States*, <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG02.US01>. Local governmental jurisdictions are classified in two categories: general purpose governments (county, municipal and town or township) and special purpose governments (special districts and independent school districts).

<sup>25</sup> See U.S. Census Bureau, *2012 Census of Governments, County Governments by Population-Size Group and State: 2012 - United States — States*, <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG06.US01>. There were 2,114 county governments with populations less than 50,000.

<sup>26</sup> See U.S. Census Bureau, *2012 Census of Governments, Subcounty General-Purpose Governments by Population-Size Group and State: 2012 - United States — States*, <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG07.US01>. There were 18,811 municipal and 16,207 town and township governments with populations less than 50,000.

<sup>27</sup> See U.S. Census Bureau, *2012 Census of Governments, Elementary and Secondary School Systems by Enrollment-Size Group and State: 2012 - United States — States*, <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG11.US01>. There were 12,184 independent school districts with enrollment populations less than 50,000.

<sup>28</sup> See U.S. Census Bureau, *2012 Census of Governments, Special District Governments by Function and State: 2012 - United States — States*, <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG09.US01>. The U.S. Census Bureau data did not provide a population breakout for special district governments.

<sup>29</sup> See U.S. Census Bureau, *2012 Census of Governments, County Governments by Population-Size Group and State: 2012 - United States — States*, <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG06.US01>; U.S. Census Bureau, *2012 Census of Governments, Subcounty General-Purpose Governments by Population-Size Group and State: 2012 - United States — States*, <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG07.US01>; U.S. Census Bureau, *2012 Census of*

(continued....)

9. *Wired Telecommunications Carriers.* The U.S. Census Bureau defines this industry as “establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.”<sup>31</sup> The SBA has developed a small-business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees.<sup>32</sup> Census data for 2012 shows that there were 3,117 firms that operated that year and that of this total, 3,083 operated with fewer than 1,000 employees.<sup>33</sup> Thus, under this size standard, the majority of firms in this industry can be considered small.

10. *Local Exchange Carriers (LECs).* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. The closest applicable NAICS Code category is Wired Telecommunications Carriers.<sup>34</sup> Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees.<sup>35</sup> U.S. Census Bureau data for 2012 shows that 3,117 firms operated for the entire year.<sup>36</sup> Of that total, 3,083 operated with fewer than 1,000 employees.<sup>37</sup> Thus under this category and the associated size standard, the Commission estimates that the majority of local exchange carriers are small entities.

11. *Incumbent LECs.* Neither the Commission nor the SBA has developed a small-business size standard specifically for incumbent local exchange services. The closest applicable NAICS Code category is Wired Telecommunications Carriers.<sup>38</sup> Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees.<sup>39</sup> U.S. Census Bureau data for 2012 indicates that

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*Governments, Elementary and Secondary School Systems by Enrollment-Size Group and State: 2012 - United States — States*, <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG11.US01>. While U.S. Census Bureau data did not provide a population breakout for special district governments, if the population of less than 50,000 for this category of local government is consistent with the other types of local governments, then the majority of the 38,266 special district governments have populations of less than 50,000.

<sup>30</sup> *Id.*

<sup>31</sup> U.S. Census Bureau, *NAICS Code Description*, <https://www.naics.com/naics-code-description/?code=51731>.

<sup>32</sup> 13 CFR § 121.201 (NAICS Code 517311). The Wired Telecommunications Carrier category formerly used the NAICS code of 517110. As of 2017, the U.S. Census Bureau definition shows the NAICS Code as 517311 for Wired Telecommunications Carriers. See U.S. Census Bureau, *2017 NAICS Definition*, <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=517311&search=2017>.

<sup>33</sup> See U.S. Census Bureau, *American Fact Finder* (Jan. 08, 2016) [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN\\_2012\\_US\\_51SSSZ2&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ2&prodType=table).

<sup>34</sup> See 13 CFR § 121.201 (NAICS Code 517311).

<sup>35</sup> *Id.*

<sup>36</sup> See U.S. Census Bureau, *2012 Economic Census of the United States*, Table No. EC1251SSSZ5, *Information: Subject Series - Estab & Firm Size: Employment Size of Firms: 2012* (517110 Wired Telecommunications Carriers), [https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012\\_US/51SSSZ5//naics~517110](https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ5//naics~517110).

<sup>37</sup> *Id.*

<sup>38</sup> See 13 CFR § 121.201 (NAICS Code 517311).

<sup>39</sup> *Id.*

3,117 firms operated the entire year.<sup>40</sup> Of this total, 3,083 operated with fewer than 1,000 employees.<sup>41</sup> Consequently, the Commission estimates that most providers of incumbent local exchange service are small businesses that may be affected by our actions. According to Commission data, 1,307 Incumbent Local Exchange Carriers reported that they were incumbent local exchange service providers.<sup>42</sup> Of this total, an estimated 1,006 have 1,500 or fewer employees.<sup>43</sup> Thus, using the SBA's size standard, the majority of incumbent LECs can be considered small entities.

12. Competitive Local Exchange Carriers (Competitive LECs), Competitive Access Providers (CAPs), Shared-Tenant Service Providers, and Other Local Service Providers. Neither the Commission nor the SBA has developed a small-business size standard specifically for these service providers. The most appropriate NAICS Code category is Wired Telecommunications Carriers. Under that size standard, such a business is small if it has 1,500 or fewer employees.<sup>44</sup> U.S. Census Bureau data for 2012 indicate that 3,117 firms operated during that year.<sup>45</sup> Of that number, 3,083 operated with fewer than 1,000 employees.<sup>46</sup> Based on these data, the Commission concludes that the majority of Competitive LECs, CAPs, Shared-Tenant Service Providers, and Other Local Service Providers are small entities. According to Commission data, 1,442 carriers reported that they were engaged in the provision of either competitive local exchange services or competitive access provider services.<sup>47</sup> Of these 1,442 carriers, an estimated 1,256 have 1,500 or fewer employees.<sup>48</sup> In addition, 17 carriers have reported that they are Shared-Tenant Service Providers, and all 17 are estimated to have 1,500 or fewer employees.<sup>49</sup> Additionally, 72 carriers have reported that they are Other Local Service Providers.<sup>50</sup> Of this total, 70 have 1,500 or fewer employees.<sup>51</sup> Consequently, based on internally researched FCC data, the Commission estimates that most providers of competitive local exchange service, competitive access providers, Shared-Tenant Service Providers, and Other Local Service Providers are small entities.

13. We have included small incumbent LECs in this present RFA analysis. As noted above, a "small business" under the RFA is one that, *inter alia*, meets the pertinent small-business size standard (e.g., a telephone communications business having 1,500 or fewer employees) and "is not dominant in its field of operation."<sup>52</sup> The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not "national" in

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<sup>40</sup> See U.S. Census Bureau, *Information: Subject Series - Estab & Firm Size: Employment Size of Firms: 2012*, [https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012\\_US/51SSSZ5//naics~517110](https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ5//naics~517110).

<sup>41</sup> *Id.*

<sup>42</sup> See *Trends in Telephone Service*, Federal Communications Commission, Wireline Competition Bureau, Industry Analysis and Technology Division at Table 5.3 (Sept. 2010) (*Trends in Telephone Service*).

<sup>43</sup> *Id.*

<sup>44</sup> See 13 CFR § 121.201.

<sup>45</sup> See U.S. Census Bureau, *Information: Subject Series - Estab & Firm Size: Employment Size of Firms: 2012*, [https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012\\_US/51SSSZ5//naics~517110](https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ5//naics~517110).

<sup>46</sup> *Id.*

<sup>47</sup> See *Trends in Telephone Service*, at Table 5.3.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> 5 U.S.C. § 601(3).

scope.<sup>53</sup> We have therefore included small incumbent LECs in this RFA analysis, although we emphasize that this RFA action has no effect on Commission analyses and determinations in other, non-RFA contexts.

14. *Interexchange Carriers (IXCs)*. Neither the Commission nor the SBA has developed a definition for Interexchange Carriers. The closest NAICS Code category is Wired Telecommunications Carriers.<sup>54</sup> The applicable size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees.<sup>55</sup> U.S. Census Bureau data for 2012 indicate that 3,117 firms operated for the entire year.<sup>56</sup> Of that number, 3,083 operated with fewer than 1,000 employees.<sup>57</sup> According to internally developed Commission data, 359 companies reported that their primary telecommunications service activity was the provision of interexchange services.<sup>58</sup> Of this total, an estimated 317 have 1,500 or fewer employees.<sup>59</sup> Consequently, the Commission estimates that the majority of interexchange service providers are small entities.

15. *Local Resellers*. The SBA has developed a small-business size standard for Telecommunications Resellers that includes Local Resellers.<sup>60</sup> The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households.<sup>61</sup> Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry.<sup>62</sup> Under the SBA's size standard, such a business is small if it has 1,500 or fewer employees.<sup>63</sup> U.S. Census Bureau data for 2012 shows that 1,341 firms provided resale services during that year.<sup>64</sup> Of that number, all operated with fewer than 1,000 employees.<sup>65</sup> Thus, under this category and the associated small-business size standard, the majority of these resellers can be considered small entities. According to Commission data, 213 carriers have reported that they are engaged in the provision of local resale services.<sup>66</sup> Of these, an estimated 211

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<sup>53</sup> Letter from Jere W. Glover, Chief Counsel for Advocacy, SBA, to William E. Kennard, Chairman, FCC (filed May 27, 1999). The Small Business Act contains a definition of "small business concern," which the RFA incorporates into its own definition of "small business." 15 U.S.C. § 632(a); 5 U.S.C. § 601(3). SBA regulations interpret "small business concern" to include the concept of dominance on a national basis. 13 CFR § 121.102(b).

<sup>54</sup> See 13 CFR § 121.201.

<sup>55</sup> *Id.*

<sup>56</sup> See U.S. Census Bureau, *Information: Subject Series - Estab & Firm Size: Employment Size of Firms: 2012*, [https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012\\_US/51SSSZ5//naics~517110](https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ5//naics~517110).

<sup>57</sup> *Id.*

<sup>58</sup> See *Trends in Telephone Service*, at Table 5.3.

<sup>59</sup> *Id.*

<sup>60</sup> See 13 CFR § 121.201; NAICS Code 517911.

<sup>61</sup> U.S. Census Bureau, *2012 NAICS Definition*, NAICS Code 517911 "Telecommunications Resellers," <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=517911&search=2017+NAICS+Search&search=2017>.

<sup>62</sup> *Id.*

<sup>63</sup> 13 CFR § 121.201 (NAICS Code 517911).

<sup>64</sup> See U.S. Census Bureau, *Information: Subject Series - Estab & Firm Size: Employment Size of Firms: 2012*, [https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012\\_US/51SSSZ5//naics~517911](https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ5//naics~517911).

<sup>65</sup> *Id.*

<sup>66</sup> See *Trends in Telephone Service*, at Table 5.3.



have 1,500 or fewer employees.<sup>67</sup> Consequently, the Commission estimates that the majority of Local Resellers are small entities.

16. *Toll Resellers.* The Commission has not developed a definition for Toll Resellers. The closest NAICS Code category is Telecommunications Resellers. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry.<sup>68</sup> The SBA has developed a small-business size standard for the category of Telecommunications Resellers.<sup>69</sup> Under that size standard, such a business is small if it has 1,500 or fewer employees.<sup>70</sup> Census data for 2012 shows that 1,341 firms provided resale services during that year. Of that number, 1,341 operated with fewer than 1,000 employees.<sup>71</sup> Thus, under this category and the associated small-business size standard, the majority of these resellers can be considered small entities. According to Commission data, 881 carriers have reported that they are engaged in the provision of toll resale services.<sup>72</sup> Of this total, an estimated 857 have 1,500 or fewer employees.<sup>73</sup> Consequently, the Commission estimates that the majority of toll resellers are small entities.

17. *Other Toll Carriers.* Neither the Commission nor the SBA has developed a definition for small businesses specifically applicable to Other Toll Carriers. This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. The closest applicable NAICS Code category is for Wired Telecommunications Carriers as defined above. Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees.<sup>74</sup> Census data for 2012 shows that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees.<sup>75</sup> Thus, under this category and the associated small-business size standard, the majority of Other Toll Carriers can be considered small. According to internally developed Commission data, 284 companies reported that their primary telecommunications service activity was the provision of other toll carriage.<sup>76</sup> Of these, an estimated 279 have 1,500 or fewer employees.<sup>77</sup> Consequently, the Commission estimates that most Other Toll Carriers are small entities.

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<sup>67</sup> *Id.*

<sup>68</sup> U.S. Census Bureau, *2012 NAICS Definition*, <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=517911&search=2012+NAICS+Search&search=2012> (NAICS 517911 Telecommunications Resellers).

<sup>69</sup> 13 CFR § 121.201 (NAICS Code 517911).

<sup>70</sup> *Id.*

<sup>71</sup> U.S. Census Bureau, *American Fact Finder* (Jan. 08, 2016), [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN\\_2012\\_US\\_51SSSZ2&prodTpe=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ2&prodTpe=table).

<sup>72</sup> *Trends in Telephone Service*, at Table 5.3.

<sup>73</sup> *Id.*

<sup>74</sup> 13 CFR § 121.201 (NAICS Code 517110).

<sup>75</sup> See U.S. Census Bureau, *American Fact Finder* (Jan. 08, 2016), [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN\\_2012\\_US\\_51SSSZ2&prodTpe=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ2&prodTpe=table).

<sup>76</sup> *Trends in Telephone Service*, at Table 5.3.

<sup>77</sup> *Id.*

18. *Wireless Communications Services.* This service can be used for fixed, mobile, radiolocation, and digital audio broadcasting satellite uses. The Commission defined “small business” for the wireless communications services (WCS) auction as an entity with average gross revenues of \$40 million for each of the three preceding years, and a “very small business” as an entity with average gross revenues of \$15 million for each of the three preceding years.<sup>78</sup> The SBA has approved these small-business size standards.<sup>79</sup>

19. *Wireless Telephony.* Wireless telephony includes cellular, personal communications services, and specialized mobile radio telephony carriers. The closest applicable SBA category is Wireless Telecommunications Carriers (except Satellite),<sup>80</sup> and under the most appropriate size standard for this category, such a business is small if it has 1,500 or fewer employees.<sup>81</sup> For this industry, U.S. Census Bureau data for 2012 shows that there were 967 firms that operated for the entire year.<sup>82</sup> Of this total, 955 firms had fewer than 1,000 employees and 12 firms had 1000 employees or more.<sup>83</sup> Thus, under this category and the associated size standard, the Commission estimates that a majority of these entities can be considered small. According to Commission data, 413 carriers reported that they were engaged in wireless telephony.<sup>84</sup> Of these, an estimated 261 have 1,500 or fewer employees and 152 have more than 1,500 employees.<sup>85</sup> Therefore, more than half of these entities can be considered small.

20. *All Other Telecommunications.* The “All Other Telecommunications” category is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation.<sup>86</sup> This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems.<sup>87</sup> Establishments providing Internet services or voice over Internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry.<sup>88</sup> The SBA has developed a small-business size standard for All Other Telecommunications, which consists of all such firms with annual receipts of \$ 32.5 million or less.<sup>89</sup> For this category, U.S. Census Bureau data for 2012 shows that there were 1,442 firms that operated for the

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<sup>78</sup> *Amendment of the Commission’s Rules to Establish Part 27, the Wireless Communications Service (WCS)*, Report and Order, 12 FCC Rcd 10785, 10879, para. 194 (1997).

<sup>79</sup> See Letter from Aida Alvarez, Administrator, SBA, to Amy Zoslov, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, FCC (filed Dec. 2, 1998) (*Alvarez Letter 1998*).

<sup>80</sup> 13 CFR § 121.201 (NAICS Code 517210).

<sup>81</sup> *Id.*

<sup>82</sup> U.S. Census Bureau, *2012 Economic Census of the United States*, Table EC1251SSSZ5, Information: Subject Series: Estab and Firm Size: Employment Size of Firms for the U.S.: 2012 NAICS Code 517210 (rel. Jan. 8, 2016). [https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012\\_US/51SSSZ5//naics~517210](https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ5//naics~517210).

<sup>83</sup> *Id.* Available census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is for firms with “1000 employees or more.”

<sup>84</sup> See *Trends in Telephone Service*, at Table 5.3.

<sup>85</sup> *Id.*

<sup>86</sup> See U.S. Census Bureau, *2017 NAICS Definitions*, NAICS Code “517919 All Other Telecommunications,” <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=517919&search=2017+NAICS+Search&search=2017>.

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*

<sup>89</sup> See 13 CFR § 121.201 (NAICS Code 517919).

entire year.<sup>90</sup> Of those firms, a total of 1,400 had annual receipts less than \$25 million and 42 firms had annual receipts of \$25 million to \$49,999,999.<sup>91</sup> Thus, the Commission estimates that the majority of “All Other Telecommunications” firms potentially affected by our action can be considered small.

**D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities**

21. The Notice proposes a rule to implement 988 as the 3-digit dialing code for a national suicide prevention and mental health crisis hotline within an 18 month timeframe. The proposed rules do not contain any new or additional reporting, recordkeeping, or other compliance obligations.

**E. Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered**

22. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rules for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.<sup>92</sup>

23. In the *Notice*, the Commission seeks comment on alternatives to the proposals and on alternative ways of implementing the proposals. We expect to take into account the economic impact on small entities, as identified in comments filed in response to the *Notice* and this IRFA, in reaching our final conclusions and promulgating rules in this proceeding. As discussed in the *Notice*, the Commission has initiated this proceeding to solicit comments on, among other things, the costs associated with implementing our proposals, namely, the implementation of 988 as the 3-digit dialing code for a national suicide prevention and mental health crisis hotline.<sup>93</sup>

**F. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules**

24. None.

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<sup>90</sup> U.S. Census Bureau, *Information: Subject Series - Estab and Firm Size: Receipts Size of Firms for the United States*, [https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012\\_US/51SSSZ4//naics~517919](https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ4//naics~517919).

<sup>91</sup> *Id.*

<sup>92</sup> 5 U.S.C. § 603(c)(1)-(4).

<sup>93</sup> *See supra* paras. 46-59.