

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**Telecommunications Division
Market Structure Branch**

**RESOLUTION T-16776
October 16, 2003**

R E S O L U T I O N

Resolution T-16776. INFO LINE of Los Angeles. Request for certification as the 2-1-1 service provider for Los Angeles County.

By Letters to Executive Director dated March 20, 2003 and July 8, 2003.

Summary

This resolution grants to The Information & Referral Federation of Los Angeles County, Inc., dba INFO LINE of Los Angeles (INFO LINE) the authority to use the 2-1-1 abbreviated dialing code to provide information and referral (I&R) services to all of Los Angeles County. This authority is granted for an indefinite term, and can be contested by letter to the Executive Director or by formal application to the Commission.

Background

2-1-1 is the national abbreviated dialing code designated by the Federal Communications Commission (FCC)¹ to be used to phone non-emergency community I&R providers. Upon dialing 2-1-1, a caller will be routed to a referral service and then to an agency that can provide information concerning social services such as housing assistance, programs to assist with utility bills, food assistance and other less urgent situations not currently addressed by either 911 or 311 services. On January 23, 2002, the California Public Utilities Commission (Commission) instituted Rulemaking (R.) 02-01-025 into the implementation of 2-1-1 dialing in the State of California. In Decision (D.) 03-02-029, the Commission adopted regulatory policies and procedures to implement 2-1-1 dialing.

Included among these policies were guidelines and procedures whereby the Commission can certify information and referral (I&R) providers as eligible to purchase network telephone service that will enable them to receive calls from those who dial 2-1-1. Most of the procedures for I&R providers to follow in requesting authority to use

¹ FCC 00-256

the 2-1-1 dialing code are contained in D.03-02-029's Ordering Paragraph 2, quoted below:

2. Information and Referral (I&R) providers seeking authority to provide 2-1-1 service or to establish Regional Technical Centers for routing 2-1-1 calls to I&R service providers in California shall submit a letter to the Executive Director of the Commission approximately nine months before they plan to commence service. The letter shall contain the information detailed in the Service Provider Application Package in Appendix A, shall include a service rollout plan, and shall demonstrate compliance with the guidelines contained in Appendix A to this decision, along with letters of endorsement from community groups as described in Appendix A. The I&R providers shall serve this application letter on the parties to this proceeding on the same day as its submission to the Commission. The Commission shall publish a notice of this letter in its Daily Calendar. We establish a milestone of six months from the initial filing of this application letter for action by the Commission via a resolution resolving any issues. This application letter should be served on the appropriate incumbent local exchange carriers and on all parties to this proceeding.

On March 20, 2003, INFO LINE sent to the Commission Executive Director a complete copy of its application letter² requesting certification as the 2-1-1 service provider in Los Angeles County, as well as a copy with information INFO LINE considered confidential redacted. On the same date, INFO LINE sent to the service list for R.02-01-025 redacted copies of its application letter. After discussions between Commission Telecommunications Division staff and INFO LINE's legal counsel regarding the types of application information that should be made public, INFO LINE resubmitted its revised application letter on July 8, 2003.

Notice/Protests of Application Letter

INFO LINE states that it mailed a copy of its application letter to the service list for R.02-01-025, which includes the appropriate incumbent local exchange carriers. The Telecommunications Division published notice of INFO LINE's application letter in the Commission Daily Calendars on July 29 through August 5, 2003. Written comments on INFO LINE's application letter were received from California Medical Association, Los

² The terms "application letter" and "application" used herein mean the package of materials the prospective I&R provider files with the Commission by letter to the Executive Director, as specified in D.03-02-029, and are not a formal application to the Commission as described in the Commission's Rules of Practice and Procedure.

Angeles County Medical Association, and California Nurses Association.³ These comments are discussed toward the end of the Discussion section below.

Discussion

The application prescribed by D.03-02-029 for potential I&R providers is divided into four major sections. The first section elicits information on the I&R provider's organization, its structure, its background, and experience.

INFO LINE is a non-profit corporation, incorporated in California on April 17, 1980. The documents INFO LINE included to support this categorization are its articles of incorporation, including amendments, and letters from the Internal Revenue Service. Its location is 526 West Las Tunas Drive, San Gabriel CA, 91776, and its current mailing address is P.O. Box 726, San Gabriel CA 91778-0726. The contact person is Ms. Maribel Marin, Executive Director, (626) 350-1841, extension 2100.

INFO LINE's application states (and no commenter has disputed) that it has been the formally designated comprehensive I&R provider for all of Los Angeles County for the past 22 years. The types of services INFO LINE performs, according to its application, are: "(1) help people find and effectively utilize human services; (2) collect, classify and disseminate information about health and human services and inquirer needs in ways which optimize the quality and efficiency of the health and human services delivery system; (3) provide leadership, technical assistance, training and support to other I&R providers and direct service agencies; and (4) participate in community-wide planning and service coordination coalitions." INFO LINE's application indicates that all six of its key managers have many years of experience either directly in comprehensive I&R service, or in similar human services planning and information management.

INFO LINE's budget and financial statements indicate a stable and solvent financial position. It appears that INFO LINE has appropriate budgetary planning procedures to support 2-1-1 service at current call volumes. The budget INFO LINE submitted in its application shows relatively minor increases for salaries this year and next. If the use of the 2-1-1 abbreviated dialing code causes a substantial increase in INFO LINE's call volume, it is not clear whether INFO LINE could accommodate such an increase without increases in funding and staff. These are issues that the Los Angeles County Board of Supervisors appears to be already aware of as it moves to examine INFO LINE's business plan.

³ These groups sent letters regarding INFO LINE's application to the Commission's president, but not directly to the applicant. TD is treating these letters as comments on INFO LINE's application. In the future, commenting parties should send copies of their comments to the applicant and to the Commission on the same day.

The second section of the prescribed application sets forth the required service conditions that a 2-1-1 service provider must meet. Section 2 of INFO LINE's application indicates that INFO LINE does not and will not receive fees from referred organizations nor charge providers to be listed in its database. Furthermore, INFO LINE provides its service at no charge to callers and there are no advertisements or commercial sponsorship messages on its lines. INFO LINE states that it provides its I&R services by its live I&R specialists 24 hours per day, every day of the year, and that it provides its services in English and Spanish, with interpreter support available in more than 140 other languages.

In the third section of the prescribed application, the applicant must demonstrate its understanding of and agreement to adhere to the standards for delivery of I&R services established by the Alliance of Information and Referral Services (AIRS). INFO LINE's application includes descriptions of its policies in the areas of call assessment and follow-up, confidentiality, database standards, disaster readiness, reports and measures, cooperative relationships, training, marketing, and program evaluation. These policies appear to be more than adequate to meet the standards established by AIRS. INFO LINE was the first I&R provider to have been accredited by AIRS, and is the only I&R provider in Los Angeles County accredited by AIRS.

In the fourth section of the prescribed application, the applicant demonstrates its level of community support by including up to 15 letters of endorsement from organizations and agencies that are stakeholders in the health and human services network in its community. INFO LINE included in its application letters of endorsement from 15 different organizations and agencies in a broad range of health and human service fields including housing, health, mental health, employment, domestic violence, disability, emergency (disaster), alcohol and drugs, and senior services. Many of INFO LINE's endorsements are from city and county agencies in Los Angeles County, indicating its close integration with local government in its area of service.

The comment letters from the California Medical Association (CMA), the Los Angeles County Medical Association, and the California Nurses Association raise substantially identical issues, and will be discussed together.

CMA's comments suggest that arrangements should be made so that when the public calls 2-1-1 in Los Angeles County, those calls that better fit within the expertise of the NexCare Collaborative⁴ be routed directly to NexCare through an automatic voice option given to the caller when the 2-1-1 line is first answered. While this method of categorizing and routing calls to 2-1-1 was not suggested or considered during the

⁴ NexCare Collaborative is a party to R.02-01-025, and is a nonprofit corporation operating an information and referral "warm line" and web site for families with children to and including five years of age, under the name FIRST 5 LA CONNECT. NexCare is funded by Proposition 10 revenues administered by the Los Angeles County Children and Families First Proposition 10 Commission.

workshop on 2-1-1 dialing, it may be a reasonable method of routing 2-1-1 calls. However, the only evidence or information on this question which the Commission had when it issued D.03-02-029 is the two sentences on page 6 of “NexCare Collaborative’s Comments on 2-1-1 Workshop Report of August 20, 2002”, dated September 16, 2002. Those sentences very generally suggested the possibility of categorizing calls to 2-1-1 in a manner such as CMA suggests, but did not specifically advocate separating and routing the calls to 2-1-1 using an automatic voice option. In D.03-02-029, the Commission adopted the approach wherein each I&R provider or each integrated group of I&R providers would serve the area of an entire county or form consortia to serve multiple counties (Conclusion of Law 4), as was suggested in the “2-1-1 Dialing Workshop Report”.

If an integrated group of I&R providers were to apply to the Commission to provide 2-1-1 service using a call routing option such as that suggested in CMA’s comments, and were supported by the relevant county government, the application would merit the Commission’s careful consideration. However, the Commission faces a far different situation here. We do not have an application from an integrated group of I&R providers that includes NexCare. Instead we have an application from a single comprehensive I&R provider, INFO LINE, which proposes to have all calls to 2-1-1 answered by a live person to assess the caller’s needs before routing the call to a specialized agency. This method comports with the model of I&R provider service and call routing discussed in the Workshop Report and in D.03-02-029. We also have, in the comments of CMA et al., and in INFO LINE’s reply to the comments of CMA et al., information suggesting a failure of INFO LINE and NexCare to reach agreement on a working relationship between them. It would be unwise for the Commission to interpose itself into the relationship between these two I&R providers.

CMA also requests that the Commission hold a hearing on the application of INFO LINE. The Commission has no particular expertise or legislative mandate in the fields of health and human services, and is thus ill-equipped to intervene in disputes between I&R providers, or more generally to respond to complaints that may arise regarding the quality of service provided by the 2-1-1 I&R provider. We therefore deny CMA’s request to hold a hearing on the application of INFO LINE.

In processing this 2-1-1 application, Telecommunications Division felt it appropriate to seek the opinion of Los Angeles County government, which oversees the operations of county hospitals, a county welfare department, and numerous other agencies and programs in the fields of health and human services, and is best equipped to evaluate whether an I&R provider is well suited to provide comprehensive I&R service in Los Angeles County. California’s size and diversity, in geography, politics, and many other categories, argue against a statewide “one-size-fits-all” approach to evaluating and choosing comprehensive I&R providers. County governments can best apply local standards and local knowledge to this difficult but important task. Accordingly, the

Telecommunications Division sent a letter on July 25, 2003 seeking the comments and opinion of Los Angeles County's Board of Supervisors on INFO LINE's 2-1-1 application. On August 12, 2003, the Los Angeles County Board of Supervisors met and discussed INFO LINE's application. From the transcripts of its meeting, the Los Angeles County Board of Supervisors expressed support for the 2-1-1 application of INFO LINE. The Board of Supervisors discussed INFO LINE's 2-1-1 application again at its September 23 meeting, and sent letters to each of our Commissioners on September 24, 2003 in which they state that they "strongly support the selection of INFO LINE as Los Angeles County's 2-1-1 service agency." The Commission values the input of the Los Angeles County Board of Supervisors on this matter, and takes official notice of its action.

For future 2-1-1 applications, the Commission should revisit D.03-02-029 to consider requiring the endorsement of the county's or counties' board(s) of supervisors as part of the application of an I&R provider for authority to use the 2-1-1 dialing code in a county or group of counties, as well as to address whether the Commission should be involved in handling potential disputes and complaints regarding the quality of service provided by a 2-1-1 I&R provider.

One other issue that D.03-02-029 did not specifically address is the length of time for which the Commission's grant of authority to use the 2-1-1 dialing code should be made. Utilities and other frequent participants in Commission proceedings generally know that most Commission decisions, resolutions, and actions can be later modified or rescinded if a showing of sufficient grounds to do so is made in a filing before the Commission. However, most I&R providers and county governments are not frequent participants in Commission proceedings, and may benefit from some clarification of this point. The grant of authority to use the 2-1-1 dialing code in a county or group of counties may be revised or rescinded if a showing of sufficient grounds to do so is made to the Commission. For the reasons cited in the previous paragraph, the Commission should consider a resolution by the Los Angeles County Board of Supervisors as a crucial part of any showing that the authority to use the 2-1-1 dialing code for comprehensive I&R service for Los Angeles County should be rescinded, reassigned, or modified. A letter to the Commission's Executive Director could serve to initiate such a process. Any such process should provide notice to all affected parties and an opportunity to be heard.

The Telecommunications Division concludes that the application letter filed by INFO LINE meets the requirements set forth in the Commission Orders and recommends that the Commission approve this filing. Commission approval is based on the specifics of the application letter, and does not establish a precedent for the contents of future filings or for Commission approval of similar requests.

Comments

In accordance with P.U. Code Section 311 (g), a draft resolution prepared by the Telecommunications Division staff was mailed on September 2, 2003, to the parties of record to R.02-01-025, to INFO LINE, to the parties that commented on INFO LINE's application, and to the Los Angeles County Board of Supervisors.

The Telecommunications Division received comments on this draft resolution from INFO LINE and from California Alliance of Information and Referral Services, Inc. (CAIRS).

Both INFO LINE and CAIRS note that on May 16, 2003, CAIRS submitted a letter to the Executive Director of the Commission which endorsed the request of INFO LINE to use the 2-1-1 dialing code in Los Angeles County, and both parties state that the resolution should acknowledge that endorsement and give it appropriate weight. INFO LINE also points out that INFO LINE is the only I&R provider that is funded by the County of Los Angeles. CAIRS also requests that the resolution acknowledge that if anyone requests that the Commission modify or rescind its grant of authority to use the 2-1-1 dialing code, affected interests must receive notice and an opportunity to be heard as in the case of complaints, consistent with Public Utilities Code § 1708.

On September 26, NexCare Collaborative delivered to Telecommunications Division staff a document entitled "Position Statement of Nexcare Collaborative, Inc. in response to Request for Information dated September 8, 2003 by Mr. Timothy J. Sullivan, Assistant to Commissioner Susan P. Kennedy, relating to Application of InfoLine of Los Angeles to be the exclusive 2-1-1 provider in Los Angeles County." This document consists of a four-page cover letter and an approximately 700-page position statement. The cover letter states that it was served on the service list for R.02-01-025 and other parties, but several parties on that service list have indicated to Telecommunications Division staff that they did not receive any part of this filing. The document was received by Telecommunications Division staff 9 days after the deadline for comments on this resolution and 4 days after the deadline for reply comments. In spite of these impediments, Telecommunications Division staff has read and considered NexCare's position statement, and provides the following conclusions on the document.

NexCare's position statement provides voluminous and sometimes repetitive information about NexCare's collaborators, its operations, and its plans to provide information and referral services, but it is completely silent on any specific item in the draft resolution, and says very little about the application of INFO LINE. The only portion of the 700 pages in NexCare's September 26 filing that provides us new information directly addressing the application of INFO LINE is the four-page cover letter. In this cover letter, NexCare asks the Commission to condition any approval of the application of INFO LINE to be the exclusive 2-1-1 provider for Los Angeles County

on the establishment of an Interactive Voice Response (IVR) system that would refer all non-emergency healthcare-related calls to NexCare by directing the caller to push a particular number on the phone keypad. NexCare claims that the IVR process it proposes would get a caller with a healthcare problem to a live operator more promptly than requiring callers to go through INFO LINE's call handling process. NexCare also states that INFO LINE staff does not have the healthcare credentials or training required to properly triage and handle healthcare callers.

While the IVR process proposed by NexCare may get a caller with a healthcare problem to a live operator more promptly than requiring callers to go through INFO LINE's call handling process, it is equally true that requiring all callers to go through the IVR process proposed by NexCare would get callers with needs *other* than healthcare to a live operator *less* promptly than would INFO LINE's call handling process. Furthermore, NexCare's claim that its proposed IVR process would get a healthcare caller to a live operator more promptly is only true to the extent that the caller has sufficient English comprehension to understand the IVR prompt, as well as sufficient mental clarity to know that his/her problem is a healthcare problem as opposed to a drug-dependency problem, a suicide problem, a spousal abuse problem, or any of many other problems that may, in the mind of the caller, strain the boundaries of the two simple categories of NexCare's proposed IVR.

There is no indication either in the FCC decision allowing states to assign the 2-1-1 dialing code nor in this Commission's implementing decision that non-emergency healthcare was meant to be the primary type or even one of two main categories of service for which the 2-1-1 system would provide referrals. In both of the referenced decisions, healthcare is only one of numerous human needs that a 2-1-1 system was contemplated to address. We thus decline to assign healthcare the elevated status in the 2-1-1 system that NexCare seeks, and decline to require INFO LINE to establish the IVR system proposed by NexCare.

The application of INFO LINE and the position statement of NexCare each include letters of endorsement or support from numerous institutions involved in health and other human services. The relative healthcare credentials and training of INFO LINE's employees versus NexCare's employees is a matter that falls far outside the scope of public utility regulation, and which we are thus not equipped to judge. Even assigning relative weights to the letters of support from various institutions included in the application of INFO LINE and in the position statement of NexCare is beyond the scope of our expertise, and is an inherently political process. For this type of judgment we must rely on other institutions with expertise and authority in the areas of health and human services.

In summary, we find that NexCare's September 25 position statement does not identify any factual, legal, or technical errors in the draft resolution mailed September 2, 2003.

The Commission stands by its initial finding that it should defer heavily to the judgment and expertise of county government for the selection of the county's comprehensive I&R provider.

Findings

1. INFO LINE first sent its application letter for certification as the 2-1-1 service provider for Los Angeles County to the Commission on March 20, 2003, and sent its revised application letter to the Commission on July 8, 2003.
2. On May 16, 2003, the California Alliance of Information and Referral Services, Inc., the professional association of information and referral in California, submitted a letter to the Executive Director in support of INFO LINE's application.
3. The California Medical Association, the Los Angeles County Medical Association, and the California Nurses Association sent to the Commission comment letters that raised substantially identical issues, on June 17 and July 21, 2003.
4. Different models of routing calls to collaborating I&R providers may serve different counties best.
5. The Commission should not impose any particular model of routing calls to I&R providers, nor should it attempt to impose a requirement to collaborate on potential I&R providers.
6. The Commission should defer heavily to the judgment and expertise of county government for the selection of the county's comprehensive I&R provider.
7. The Los Angeles County Board of Supervisors discussed the application of INFO LINE at its meetings on August 12, 2003, and again on September 23. In letters to the Commissioners on September 24, 2003, the Board of Supervisors expressed strong support for the Commission to grant INFO LINE's application.
8. For future 2-1-1 applications, the Commission should consider requiring the endorsement of the county's or counties' board(s) of supervisors as part of the application of an I&R provider for authority to use the 2-1-1 dialing code in a county or group of counties.
9. NexCare's September 25 position statement does not identify any factual, legal, or technical errors in the draft resolution mailed September 2, 2003.

THEREFORE, IT IS ORDERED that:

1. The Information & Referral Federation of Los Angeles County, Inc., dba INFO LINE of Los Angeles is granted the authority to use the 2-1-1 abbreviated dialing code to provide information and referral (I&R) services to all of Los Angeles County.
2. This authority is granted for an indefinite term, and can be contested by letter to the Executive Director or by formal application to the Commission. Any process to contest, revise, or rescind this authority shall provide notice to all affected parties and an opportunity to be heard.
3. The Commission will issue a ruling requesting comments on whether to modify D.03-02-029 in order to require the endorsement of the county's or counties' board(s) of supervisors as part of the application of an I&R provider for authority to use the 2-1-1 dialing code in a county or group of counties, and on whether the Commission should be involved in handling potential complaints regarding the quality of service provided by a 2-1-1 I&R provider.
4. If INFO LINE fails to implement 2-1-1 dialing within a year after the Commission's approval of INFO LINE and the needed tariffs of the telecommunications service providers ordered in Ordering Paragraphs 3, 4, and 7 of D.03-02-029, then, barring further Commission action, the certification of INFO LINE shall lapse so that another I&R provider may apply to offer service in a service territory containing Los Angeles County.

This Resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on October 16, 2003. The following Commissioners approved it:

/s/ WILLIAM AHERN

WILLIAM AHERN
Executive Director

MICHAEL R. PEEVEY
President

CARL W. WOOD

LORETTA M. LYNCH

GEOFFREY F. BROWN

SUSAN P. KENNEDY

Commissioners