

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

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2005 JAN 21 P 1:42

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Public Service Commission TITLE NUMBER: 150 CSR 29

CITE AUTHORITY WV Code § 24-8-2

AMENDMENT TO AN EXISTING RULE: YES NO

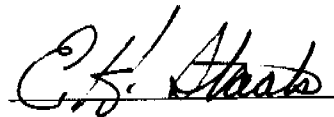
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 29

TITLE OF RULE BEING PROPOSED: Rules for Statewide Telephone
Information and Referral 211 Service

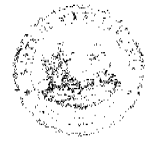
THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.



Authorized Signature

Public Service Commission

Richard E. Hitt, General Counsel



201 Brooks Street, P.O. Box 812
Charleston, West Virginia 25323

Phone: (304) 340-0317
FAX: (304) 340-0372

January 21, 2005

Judy Cooper, Director
Administrative Law Division
Secretary of State's Office
Building 1, Suite 157K
1900 Kanawha Blvd. E.
Charleston, WV 25305-0771

Hand Delivery

Ms. Felicia Sutherland
West Virginia Legislature
Rule Review Committee
Building 1, Room MB-49
1900 Kanawha Blvd. E.
Charleston, WV 25305-0771

Hand Delivery

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2005 JAN 21 P 1:42
WEST VIRGINIA
SECRETARY OF STATE

Re: WV 211 Information and Referral System;
150 C.S.R. 29

Dear Judy & Felicia:

Today I spoke with Felicia who indicated the Legislative Rule Committee had not received the PSC modifications concerning the referenced rulemaking subsequent to the Legislative Rule Committee's adoption of counsel's modifications.

By letter dated August 4, 2004, addressed to West Virginia Rule Review Committee to the attention of Ms. Connie A. Bowling, Attorney for the Committee, the PSC hand delivered the rule with modifications, as requested by the committee, with a copy to the Secretary of State's office. I understand that neither one of you received this document. I have attached a copy of the August 4, 2004 letter.

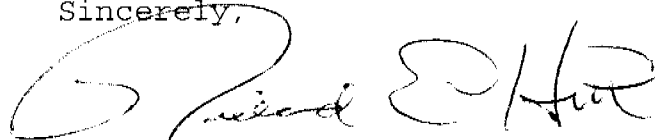
In any event, I have enclosed for your use eleven copies of the rule as modified in a clean version. I understand that the Secretary of State's office will keep one of these copies and that ten copies will be forwarded to the Legislative Rule Review Committee. In addition, I have included fifteen copies of a fiscal

Re: PSC Legislative Rules 211
Referral Service
150 CSR 29

note although a fiscal note was submitted on March 1, 2004, and fifteen copies of Form 4 indicating that the modifications have been made. I will have all of this material hand delivered to the Secretary of State's office which I understand will retain what they need and then forward the copies to the Legislative Rule Review Committee.

Should there be any problems, please bring them to my immediate attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard E. Hitt", written in a cursive style.

Richard E. Hitt
General Counsel
West Virginia Bar I.D. No. 1743

REH/cbd
Enclosures
HACDODD\WPDOCS\RICKMISC\COOPER46.wpd

Public Service Commission
Of West Virginia

201 Brooks Street, P.O. Box 812
Charleston, West Virginia 25323



Phone: (304) 340-0300
FAX: (304) 340-0325

August 4, 2004

West Virginia Legislature
West Virginia Rule Review Committee
Bldg. 1, Room MB-49
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

ATTENTION: Ms. Connie A. Bowling, Esquire

Re: PSC Legislative Rules 211 Referral Service; 150 CSR 29

Dear Connie:

Enclosed are revised copies of the proposed rules of the Public Service Commission dealing with the provision of statewide telephone information and referral 211 service. The amendments to the Rule make the technical changes that you communicated to me. Attachment A is a clean copy of the Rule with the requested changes and Attachment B is a strike through and underlined version.

Should there be any problems please bring them to my immediate attention.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Hitt", written over a large, stylized flourish.

RICHARD E. HITT
General Counsel
WV BAR # 1743

REH/mh
Enclosures

cc: Judy Cooper
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TITLE 150
LEGISLATIVE RULE
PUBLIC SERVICE COMMISSION

2005 JAN 21 P 1:43

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 29

RULES FOR STATEWIDE TELEPHONE INFORMATION
AND REFERRAL 211 SERVICE

§150-29-1. General.

1.1. Scope - This rule governs the establishment and operation of a statewide "211" Information and Referral call system in West Virginia.

1.2. Authority: W. Va. Code § 24-8-2.

1.3. Filing Date:

1.4. Effective Date:

§150-29-2. Definitions.

2.1. This rule adopts, and incorporates herein, the definitions of terms set forth in Section 1.7 of the Commission's Rules and Regulations for the Government of Telephone Utilities, C.S.R. §150-6-1.7.

2.2. "AIRS" - Alliance for Information and Referral Systems. A national accrediting and professional oversight organization regulating the provision of I & R services and the training and operational requirements applicable to I & R providers.

2.3. "I & R" - Information and referral.

2.4. "I & R provider" - An individual or entity that furnishes, upon request and without charge to the caller, I & R services to individuals regarding community-based resources, such as social services and charities that provide housing, medical care, human services, financial assistance, and other social services that are available in the area served by the I & R provider. I & R providers furnish a comprehensive informational link between individuals seeking the afore-enumerated services and appropriate providers of such services.

2.5. "I & R specialist" - An individual employed by an I & R provider that provides I & R services directly to callers.

2.6. "Statewide 211 system" - The system for providing access, via the 211 dialing arrangement, to a single call center, or functional equivalent, that provides callers with centralized I & R services, including, as appropriate, links to regionalized I & R services statewide. The statewide 211 system shall be implemented by utilizing a single, toll-free 8XX number, with all telecommunications carriers translating and routing 211 calls to the 8XX number assigned to the statewide 211 call center.

2.7. "211" - The three digit, abbreviated dialing arrangement designated by the Federal Communications Commission for use as the universal access number for contacting local, regional, or statewide I & R service providers.

2.8. "211 Collaborative" - A private, non-governmental West Virginia incorporated association whose members are drawn from local I & R providers, including call centers, and other stakeholders (e.g., social services and charitable organizations, governmental agencies and educational institutions) in the state.

2.9. "211 Provider" - A private, non-governmental entity, either stand-alone or part of a larger organization, selected by the 211 Collaborative and having responsibility for the operation and management of the statewide 211 system. The 211 Provider shall provide I & R services to members of the public who dial 211. Any I & R provider may petition the 211 Collaborative to be considered to be chosen the 211 Provider in West Virginia.

§150-29-3. The 211 Collaborative.

3.1. The 211 Collaborative shall provide direction and oversight over the operation of the statewide 211 system established in West Virginia in accordance with the May 15, 2002, task force report in WVPSC Case No. 01-0689-T-GI and this rule.

3.2. The 211 Collaborative shall include I & R providers, including call centers, representatives of social services and charitable organizations, governmental agencies, public service answering points, educational institutions, and the public. In addition, the 211 Collaborative shall include, at all times, one (1) non-voting representative of the 211 Provider.

3.2.a. The 211 Collaborative shall maintain with the Commission, at all times, a list of its members, either in written form or in electronic format, which shall be revised as the 211 Collaborative's membership changes.

3.2.b. The 211 Collaborative shall maintain with the Commission, at all times, a current copy of the 211 Collaborative's articles of incorporation and by-laws, either in written form or in electronic format.

3.3. The 211 Collaborative shall ensure that the 211 Provider adheres to national standards established by AIRS regarding I & R operations, program development and the training and conduct of I & R specialists.

3.4. Within sixty (60) days of the effective date of this rule, the 211 Collaborative shall prepare written procedures governing the 211 Collaborative's monitoring and oversight of the statewide 211 system's operation, as well as written procedures governing the process and standards for selecting the 211 Provider. The 211 Collaborative shall maintain with the Commission, at all times, a current copy of the written procedures set forth in this subsection, either in written form or in electronic format.

3.5. All documents and other materials required to be maintained with the Commission pursuant to this section, shall be accessible on the Commission's official Internet website.

3.6. The 211 Collaborative shall reasonably assist the 211 Provider in complying with the requirements of this rule.

§150-29-4. The 211 Provider.

4.1. Selection of an Initial 211 Provider.

4.1.a. The 211 Collaborative shall submit its written decision, together with supporting documents, selecting an initial 211 Provider to the Commission within one-hundred twenty (120) days of the effective date of this rule. No Commission approval of the 211 Collaborative's decision is required for the 211 Provider to begin providing service.

4.1.b. The Commission shall cause notice of the 211 Collaborative's decision selecting an initial 211 Provider to be published, statewide within ten (10) days following receipt of such decision and supporting documents.

4.2. Term of 211 Provider; Removal of 211 Provider.

4.2.a. The 211 Collaborative may, in its discretion, fix or otherwise limit the 211 Provider's term of service.

4.2.b. The 211 Collaborative may, for cause, remove the 211 Provider at any

time during the 211 Provider's term of service. "Cause" shall be construed to mean: (1) the 211 Provider's material non-performance of any obligation established as part of its selection by the 211 Collaborative; (2) the 211 Provider's violation of any Commission rule, regulation or order relating to the operation of the statewide 211 system; or (3) malfeasance or fraud on the 211 Provider's part. The 211 Collaborative shall submit its written decision removing the 211 Provider to the Commission within ten (10) days of such decision.

4.2.c. In the event the 211 Provider's term of service expires, or if the 211 Provider is removed pursuant to this subsection, the 211 Collaborative shall take action to designate a successor 211 Provider prior to the expiration of the current 211 Provider's term or effective date of the 211 Provider's removal, if possible.

4.2.d. If the 211 Provider determines to cease operating the statewide 211 system, the 211 Provider shall provide written notice to the 211 Collaborative and the Commission at least ninety (90) calendar days prior to its intended date of cessation of operation as the 211 Provider.

4.3. Selection of Subsequent 211 Providers.

4.3.a. In the event the 211 Provider's term of service expires, or if the 211 Provider is removed pursuant to subsection 2 of this section, or if the current 211 Provider ceases to operate the statewide 211 system for any reason, the 211 Collaborative shall solicit and review applications from qualified I & R providers, including call centers, seeking to operate the statewide 211 system.

4.3.b. The 211 Collaborative shall provide public notice by publication at least once in a newspaper, duly qualified by the Secretary of State, published and of general circulation throughout the state, and by other appropriate means, advising I & R providers that the 211 Collaborative is soliciting applications for selection of a 211 Provider.

4.3.c. The 211 Collaborative shall submit its written decision selecting a subsequent 211 Provider, together with supporting documents, to the Commission within thirty (30) days of such decision.

4.3.d. The Commission shall cause notice of the 211 Collaborative's decision selecting a subsequent 211 Provider to be published, statewide, within ten (10) days following receipt of such decision and supporting documents.

4.4. The 211 Collaborative shall have final operational authority over changes in the 211 Provider, and shall submit to the Commission a plan for continuation of the statewide 211 system under the circumstances set forth in subsection 2 of this section.

4.5. The Commission, or its designated representative, shall mediate any dispute involving the selection or removal of the 211 Provider, upon the filing of a petition requesting mediation with the Commission by either the 211 Collaborative, the 211 Provider or an aggrieved applicant for selection as the 211 Provider.

4.6. The 211 Provider shall not charge a fee to I & R providers or to community-based resources, such as social services and charities that provide housing, medical care, human services, financial assistance, or other social services, for participation in the statewide 211 system.

§150-29-5. Standards Applicable to the 211 Provider.

5.1. Operation of the statewide 211 system shall be the responsibility of the 211 Provider.

5.2. The 211 Provider shall be responsible for obtaining funding, implementing procedures, and meeting target dates for commencing its operation of the statewide 211 system.

§150-29-6. Review of the Statewide 211 System.

6.1. The Commission may, at its discretion, periodically review the 211 Provider's operations in implementing a statewide 211 system. At such time, the Commission may utilize its staff or may contract the review to an organization familiar with I & R operations.

6.2. Pursuant to its authority in W.Va. Code § 24-2-7, the Commission may, by order, fix reasonable acts, practices, services or rules relating to the provision of 211 statewide.

§150-29-7. Charges, Availability and Participation.

7.1. Calls from landline telephones to 211 shall be free of charge to the caller, including calls made over public and semipublic telephones. Wireless carriers may elect to charge for calls over their systems to 211. Inmate facilities may block access to 211 by inmates. For purposes of access charges and other intercarrier compensation associated with the completion of 211 calls within the state, 211 calls shall be treated in the same manner as all other end user calls are treated.

7.2. All telephone companies providing telecommunications within the state shall reasonably cooperate in implementing any non-recurring network modifications (*e.g.*, central office switch translations) required in order for end users to access the statewide 211 system.

Providers of Telecommunications Relay Service, and all providers of public and semipublic telephone service, shall likewise reasonably cooperate in implementing the statewide 211 system.

7.3. Initial capital and non-recurring costs associated with implementing network modifications required in order for end users to access the statewide 211 system, including central office switch translations, shall be absorbed by participating telephone companies and other entities set forth in subsection 2 of this section: Provided, however, that telephone companies and other entities set forth in subsection 2 may petition the Commission to recover such costs, which the Commission may grant upon a showing of good cause. Provided further, that wireless carriers are not required to obtain Commission approval to recover such costs.

7.4. Additional costs associated with participating in the statewide 211 system not described in subsections 2 and 3 of this section, may not be imposed by landline carriers absent a lawful order of the Commission.

7.5. Within one-hundred eighty (180) days of the effective date of this rule, calls to the statewide 211 system shall be answered by an I & R specialist, in a timely manner, on a 24-hours per day, 7-days per week basis.

§150-29-8. Complaints.

8.1. Complaint Log. The 211 Provider shall keep a complaint log of consumer-reported problems concerning the operations of 211.

8.1.a. The complaint log shall include the complainant's name, address and telephone number, the date and nature of the complaint, the date the complaint is considered resolved, and the disposition of the complaint. Such complaints shall be resolved by the 211 Provider and reported in the complaint log.

8.1.b. Copies of the log shall be sent to Commission Staff and the 211 Collaborative at least quarterly.

8.1.c. The complaint log shall be maintained in electronic format suitable for transmittal as an email attachment or via other electronic means, consistent with federal or state privacy laws.

8.2. Informal complaints regarding the statewide 211 system, filed with the Commission pursuant to C.S.R. §150-1-6.1, shall be referred to the 211 Provider for response and resolution in accordance with the requirements of said rule.

8.3. Formal complaints regarding the statewide 211 system, filed with the Commission pursuant to C.S.R. §150-1-6.2, shall be dealt with in accordance with established Commission rules, regulations and orders, including the requirement of an order from the Commission to the 211 Provider to respond to the Commission within ten (10) working days of receipt of a formal complaint.

8.4. The 211 Collaborative shall conduct a quarterly review of formal and informal complaints regarding the provision of 211 statewide and shall take appropriate action to correct legitimate issues identified from the complaints. The 211 Collaborative shall also consider suggestions regarding the statewide 211 system submitted to it by any interested party as part of the 211 Collaborative's quarterly review.

8.5. The 211 Collaborative shall cooperate with representatives of the West Virginia Enhanced 9-1-1 Council regarding matters relating to the statewide 211 system that are of concern to the Enhanced 9-1-1 Council's members.

§150-29-9. 911 Referral and Phone Directories.

9.1. All emergency calls received by the 211 Provider shall be transferred to the appropriate 911 Public Safety Answering Point (PSAP) as expeditiously as possible, unless such transfer would result in loss of the call or would otherwise unduly jeopardize the physical or mental health, or the safety, of the caller. In the event an emergency call is not transferred to 911, the 211 Provider shall immediately contact the appropriate 911 PSAP and seek advice regarding how to deal with the situation.

9.2. In each telephone directory provided to West Virginia telephone service subscribers as a primary directory, a listing for 211 shall appear on the directory page which contains non-emergency numbers listings for emergency services providers.

§150-29-10. Statewide 211 Database.

10.1. As part of its duties, the 211 Provider shall be responsible for creating, maintaining and updating an electronic database of all community-based social and other services providers within the state. The 211 Provider shall consult with the 211 Collaborative in fulfilling its duties under this Section.

10.2. The 211 Collaborative shall establish procedures whereby community-based social and other services providers may directly submit information to the 211 Provider for inclusion in the database referred to in subsection 1 of this section.

10.3. The database shall be updated by the 211 Provider at least semi-annually. The

211 Collaborative may, in consultation with the 211 Provider, require the database to be updated more frequently.

10.4. The statewide 211 system's database created, maintained and updated in accordance with this Section shall, at all times, be considered the exclusive intellectual property of the 211 Collaborative. Upon any change in 211 Provider, as set forth in section 4 of this rule, the statewide 211 system's database shall be returned to the 211 Collaborative.

10.5. The 211 Collaborative shall keep the Commission apprized of all decisions or actions undertaken pursuant to subsections 1 through 4 of this section.