

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )  
OF THE COMMISSION STAFF FOR AN ) CASE NO. GNR-T-16-04  
ORDER APPROVING THE DISPOSITION )  
OF TIER 2 FUNDS FROM THE QWEST )  
PERFORMANCE ASSURANCE PLAN ) ORDER NO. 33532  
(QPAP) )**

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On April 27, 2016, Commission Staff filed an Application requesting that the Commission authorize the disbursement of the remaining balance of Tier 2 funds accumulated under Qwest Performance Assurance Plan (QPAP). Staff recommended that approximately \$89,700 of QPAP funds be distributed to two proposed telecommunications projects. Staff also recommended that the Application be processed under Modified Procedure.

On May 5, 2016, the Commission issued a Notice of Application and Notice of Modified Procedure requesting written comments be filed no later than May 26, 2016. Order No. 33520. There were no comments filed in response to the Notice. In this Order we approve the disbursement of the QPAP funds.

**BACKGROUND**

Section 271 of the federal Telecommunications Act of 1996 established procedures for CenturyLink’s predecessor Qwest Corporation (commonly referred to as a Bell Operating Company (BOC)) to obtain authorization from the Federal Communications Commission (FCC) to provide in-region interLATA<sup>1</sup> and interstate telecommunications services. 47 U.S.C. § 271. In particular, Section 271(c)(2)(B) contained a “competitive checklist” that generally provided that Qwest and other BOCs must provide access and interconnection to competitors. Before allowing Qwest to offer telecommunications services in its region, the FCC was also required to find that allowing Qwest to compete in its region against competitors “is consistent with the public interest, convenience and necessity.” 47 U.S.C. § 271(d)(3)(C). To ensure continued

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<sup>1</sup> A LATA (local access and transport area) is a geographic area designed by the United States District Court in the Modification of Final Judgment in the divestiture of AT&T and the Bell Operating Companies (BOCs). The LATAs were created to facilitate the division of assets between AT&T and the BOCs, and to mark the boundaries within which the BOCs could transport calls. As approved by the Court, all of the Qwest local exchanges south of the Salmon River are included in a single LATA, called the Idaho LATA. The eight local exchanges served by Qwest (formerly Pacific Northwest Bell) in northern Idaho are included in the Spokane LATA. The Coeur d’Alene market area exchanges served by Verizon Northwest (now Frontier Communications Northwest) are not associated with either the Spokane or Idaho LATA.

compliance with the competitive checklist, the FCC determined that BOCs should develop and implement a “Performance Assurance Plan” (PAP). As this Commission noted in February 2003, “Qwest’s PAP provides specific standards for [Qwest’s] delivery of services to competitor telecommunications providers and automatic penalties if the standards are not met.” Notice of Modified Procedure (Case No. USW-T-00-03).

Qwest’s PAP (QPAP) was intended to provide economic incentives (i.e., penalties) to encourage Qwest to provide non-discriminatory service to competitive local exchange carriers (CLECs). Order No. 32106 at 1. In the event Qwest failed to meet the performance standards in its QPAP, the Plan required that Qwest make remedial payments to either the affected CLEC or to a Fund established by the applicable state regulatory commission. These payments were divided into two self-executing types. First, Tier 1 payments were made to a particular CLEC if Qwest did not meet the service standards when providing service or access to that CLEC. QPAP § 2.1. Second, if Qwest failed to meet certain other service standards that did not directly impact a particular CLEC, Qwest was required to make Tier 2 payments to two accounts established by the state commission. QPAP § 2.1.1; Order No. 30461 at 3.

Funds from the Tier 2 “special fund” account were used to defray audit and oversight expenses incurred by this Commission in reviewing Qwest’s Section 271 compliance. The Tier 2 “discretionary fund” account was comprised of remedial payments and intended to be used for “competitively neutral Idaho telecommunications initiatives.” QPAP § 11.3.4. Payments to the Tier 2 accounts were discontinued in November 2010. Order No. 32106 at 2-3.

The current balance of the consolidated Tier 2 accounts is \$89,683.50 as of May 1, 2016. Given the discontinuance of Tier 2 payments, Staff asserts there is no longer a need to retain these funds. Consequently, Staff recommended the Commission order the distribution of these funds to the two telecommunications programs identified in greater detail below.

### **THE APPLICATION**

Staff recommended the Commission distribute the balance of the Tier 2 QPAP funds to two programs. The first program would expand the telecommunication operations of the Idaho Suicide Prevention Hotline administered by the Department of Health & Welfare, Division of Behavioral Health. The second program would provide initial funding for the development of certification standards and training at the Idaho Police Officer Standards & Training (POST) Academy for emergency dispatchers assigned to 911 calling centers.

### *A. Idaho Suicide Prevention Hotline*

The Idaho Department of Health & Welfare, Division of Behavioral Health, administers the Idaho Suicide Prevention Hotline. Staff asserted that according to statistics from the Suicide Prevention Action Network of Idaho, suicide is the second leading cause of death for Idahoans age 15-34. Application at 3; Order No. 33520 at 3. In a report issued in April 2016 by the Centers for Disease Control and Prevention (CDC), the National Center for Health Statistics reported that deaths from suicide increased from 1996 to 2014 by 24%, from 10.5 to 13.0 per 100,000 population. *Id.* The average annual percentage increase in suicide mortality shows that the average increase was greater for the period 2006-2014 than for the period 1999-2006. Increases in suicide rates occurred for both males and females in all age groups except persons 75 years and older. The increase for females was greatest for those ages 10-14, and for males between 45-64 years old. *Id.*

The Department of Health & Welfare has identified four special at-risk groups in Idaho. The first of these at-risk groups for suicide is male teenagers between the ages of 15 and 17 years old. Application at 3. According to a recent survey, one in seven Idaho high school students said they had seriously considered suicide. *Id.* According to the Idaho Suicide Prevention Hotline, “Idaho’s overall suicide rate is 52% higher than the national average and the youth[s] age 10-19 is double the national average.” Application at 4, Exh. 1 at 2.

To address this priority at-risk group, the Suicide Prevention Hotline proposed to use QPAP funds to launch a new telecommunications service called “Texts for Life.” This new service is intended to reach people who are more comfortable communicating via text or an on-line chat service. While this new service will be available to all Idaho residents, “the focus is on increasing support for youth and other groups who favor these technologies, such as veterans.” *Id.* Funds from the QPAP program will improve the technological/telecommunications capacity to handle several thousand text messages as well as chats and calls from those in crisis.

The Division of Behavioral Health requested approximately \$44,900 of QPAP funds to improve their telecommunications capacity. *Id.* In particular, the Division proposed to use the money to procure the following equipment and facilities:

1. \$18,000 to build and equip six additional workstations with telephones, computers, power-jack wiring.

2. \$6,000 to improve acoustic dampening between and among the existing responder workstations and the new workstations.
3. \$4,000 for two LED wall displays showing the waiting queue for calls and texts.
4. \$4,000 for ICAROL IT software to provide crisis texts & chat functionality and voice-call management for one year.
5. \$5,000 for access and security systems.
6. \$7,900 for office supplies, other equipment, and administrative management.

Application at 4. The Division asserted that this added telecom functionality will improve efforts to prevent suicides by offering more effective intervention alternatives.

### ***B. Idaho Emergency Communications Training Standards***

The Idaho Emergency Communications Commission (IECC)<sup>2</sup> proposed to utilize \$44,910 of QPAP funding to develop employment and training standards, including certification and recertification requirements, for emergency dispatchers located at public safety call centers (911 centers). Application, Exh. 2.

The Police Officer Standards & Training (POST) Academy has a voluntary dispatcher training program but desires to develop the necessary training standards for employment, training, and certification of emergency dispatchers. *Id.* The IECC estimated the funds necessary to fully develop a mandatory certification program is about \$10,000 per year. Utilizing available QPAP funds would provide the necessary funding for approximately four years while other funding solutions are identified. *Id.* at 2. Funds would be transferred to the IECC and eventually to the POST Academy.

Staff suggested that the available QPAP funds can be put to good use by funding these two telecommunications programs. Staff maintained that its request to fund these programs is competitively and technologically neutral, and in the public interest. Accordingly, Staff recommended the Commission disburse the Tier 2 funds to the Idaho Department of Health & Welfare, Division of Behavioral Services; and to the IECC, POST Academy, which will administer these funds.

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<sup>2</sup> Effective July 1, 2016, the functions of the IECC and the Statewide Interoperability Executive Council (SIEC) are to be consolidated into the Idaho Public Safety Communications Commission. See *Idaho Code* § 31-4815.

## **DISCUSSION AND FINDINGS**

Based upon our review of the Application and the two telecommunications programs, we find that it is reasonable and in the public interest to grant the Application. As noted above, QPAP funds were intended to be used for competitive neutral telecommunications projects. We find the expansion of outreach programs by the Idaho Suicide Prevention Hotline is competitive neutral and in the public interest. As noted in the Application, suicide is the second leading cause of deaths for Idaho citizens between the ages of 15 and 34. Moreover, Idaho's overall suicide rate is 52% higher than the national average and the rate for suicide for youths ages 10 to 19 is double the national average. Application, Exh. 1 at 2. Consequently, we find the proposal to expand the ability to communicate with Idahoans via text or on-line chat service is reasonable and in the public interest. Accordingly, we approve distributing \$45,000 of the QPAP funds to the Department of Health & Welfare, Division of Behavioral Services, so the Idaho Suicide Prevention Hotline can implement the "Texts for Life" proposal.

We also find merit in distributing QPAP funds for the development of employment, training, and certification standards for emergency dispatchers. 911 dispatchers serve as an important link in the delivery of emergency services to all Idaho citizens. Consequently, we direct that the balance of the QPAP funds (approximately \$44,683) be made available to the Idaho Emergency Communications Commission for use by the POST Academy for the development, training and certification of 911 dispatchers.


## **ORDER**

IT IS HEREBY ORDERED that the Application filed by Commission Staff to disburse the balance of the available Tier 2 QPAP fund is granted. We direct the USF Administrator to take the necessary steps to disburse \$45,000 to the Idaho Department of Health & Welfare, Division of Behavioral Services for use by the Idaho Suicide Prevention Hotline as set out above. The Administrator shall distribute the remaining balance of the QPAP funds to the Idaho Emergency Communications Commission to fund the POST Academy's development of the certification standards for emergency dispatchers.

THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in this Case No. GNR-T-16-04 may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order or in interlocutory Orders previously issued in

this case. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 3<sup>rd</sup> day of June 2016.

  
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PAUL KJELLANDER, PRESIDENT

  
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KRISTINE RAPER, COMMISSIONER

  
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ERIC ANDERSON, COMMISSIONER

ATTEST:

  
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Jean D. Jewell  
Commission Secretary

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