

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

_____)	
In the Matter of)	
)	
SAMHSA Petition for Permanent Reassignment)	CC Docket No. 07-271
of Three Toll Free Suicide Prevention Hotline)	
Numbers)	
)	
Toll Free Service Access Codes)	CC Docket No. 95-155
)	
_____)	

To: The Commission

COMMENTS OF THE KRISTIN BROOKS HOPE CENTER

Danny E. Adams
Todd D. Daubert
J. Isaac Himowitz
KELLEY DRYE & WARREN LLP
3050 K Street, NW, Suite 400
Washington, DC 20007
(202) 342-8400
(202) 342-8451 (facsimile)
dadams@kelleydrye.com

Counsel for Petitioner
KRISTIN BROOKS HOPE CENTER

December 7, 2007

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

_____)	
In the Matter of)	
)	
SAMHSA Petition for Permanent Reassignment)	CC Docket No. 07-271
of Three Toll Free Suicide Prevention Hotline)	
Numbers)	
)	
Toll Free Service Access Codes)	CC Docket No. 95-155
)	
_____)	

COMMENTS OF THE KRISTIN BROOKS HOPE CENTER

The Kristin Brooks Hope Center (“KBHC”), by its attorneys, hereby submits these comments in the above referenced docket opposing the Substance Abuse and Mental Health Service Administration’s (“SAMHSA”) Petition for Permanent Reassignment of Three Toll Free Suicide Prevention Hotline Numbers (“the Petition”).¹ KBHC believes that Commission consideration of any permanent transfer of the suicide prevention hotline numbers is premature and legally barred until the Commission first resolves the objections raised by KBHC in its Application for Review² of the Wireline Competition Bureau’s order temporarily transferring control of the suicide prevention numbers to SAMHSA.³ The SAMSHA Petition

¹ U.S. Dep’t of Health and Human Svcs. Substance Abuse and Mental Health Svcs. Admin. Petition for Permanent Reassignment Of Three Toll Free Suicide Prevention Hotline Numbers, *In the Matter of Toll Free Service Access Codes*, CC Docket No. 95-155 (filed Nov. 20, 2007) (hereinafter “SAMHSA Petition” or “Petition”).

² KBHC Application for Review, *In the Matter of Toll Free Service Access Codes*, CC Docket No. 95-155 (filed Feb. 21, 2007) (Attachment A).

³ *In the Matter of Toll Free Service Access Codes*, Order, 22 FCC Rcd 651 (2007) (hereinafter “800-SUICIDE Order” or “Order”) (granting the request of the SAMHSA to reassign temporarily three toll free numbers utilized as suicide prevention hotlines from KBHC to SAMHSA).

cannot be granted without having the direct and immediate effect of denying the KBHC Application for Review. Therefore, as a matter of law the Commission must first resolve the issues raised by KBHC in its Application for Review before any grant of the SAMHSA Petition.^{4,5} In fact, a more appropriate procedural approach would be to consider the SAMHSA Petition in the same docket as the KBHC Application for Review, which has been pending before the Commission for several months. In view of the fact that the key underpinning of the *WCB Order* temporarily reassigning the numbers was the state of KBHC's finances, and that many months have passed since those facts were discussed, the Commission should issue a Public Notice to refresh the record prior to taking any permanent action on the Application or the SAMHSA Petition. A temporary extension of the prior reassignment for that purpose could provide the necessary time for this important exercise.

BACKGROUND AND INTRODUCTION

The Kristin Brooks Hope Center

The Kristin Brooks Hope Center is a private, non-profit organization dedicated to suicide prevention. H. Reese Butler founded KBHC as a means of paying tribute to his wife and as a way of providing hope to others struggling with depression shortly after his wife, Kristin Brooks, committed suicide in 1998. Initially funded by the sale of his home and the funds from his wife's life insurance, KBHC has grown in size and scope, and now operates numerous help lines that provide critical counseling services to people in need through the use of toll free

⁴ *Ashbacker Radio Corp. v. FCC*, 326 U.S. 327, 330-33 (1945) (requiring the Commission to address mutually exclusive claims together).

⁵ Because SAMHSA's and KBHC's use of the suicide prevention hotlines is mutually exclusive, *see id.*, any communications between SAMHSA and the FCC should be reported as an *ex parte* communication in the appropriate dockets. Currently, no such communication has been reported in either docket. However, KBHC has filed a Freedom of Information Act request with both the FCC and SAMHSA, and will report what it learns from these requests to the Commission. FCC FOIA Control No. 2008-107; SAMHSA FOIA Control No. 2008-144CM.

