

SUMMARY

Kristin Brooks Butler took her own life in 1998 after a long battle with bipolar disorder, leaving behind her husband, Reese Butler. Determined to create a legacy for his wife and to prevent similar tragedies, Mr. Butler took the proceeds of her life insurance policy and the proceeds from the sale of their home and founded the Kristin Brooks Hope Center (“KBHC”). Prior to that time, hundreds of local organizations sponsored “hotlines” and other suicide prevention counseling services, but there was no national organization to tie these groups together and coordinate their message. Reese Butler corrected that.

To mend this flaw in the American suicide prevention fabric, Mr. Butler started 888-SUICIDE to serve as a national hotline that same year. He organized the hundreds of small local organizations into a connected national group by routing calls received by the national number to the appropriate local counseling center based on the originating location of the inbound call. The following year, in 1999, KBHC and Mr. Butler expanded the service to the even more recognizable 800-SUICIDE. In the eight years since KBHC was founded, Mr. Butler added 12 more help lines to this network, including 877-SUICIDA, 877-VET2VET, 800-GRADHLP, 800-PPDMOMS, 800-442-HOPE (the Hope Center’s signature hotline), and many more. Collectively, these help lines have handled more than two million calls and saved thousands of lives.

In early December 2006, SAMHSA submitted a request to the FCC asking the Commission to unilaterally order the transfer of five of KBHC’s hotlines to SAMHSA. On January 22, 2007, the Wireline Competition Bureau, in disregard of the Commission’s own rules, the toll free industry guidelines, and the SMS/800 Tariff, granted the Order in part, reassigning three of KBHC’s numbers (1-800-SUICIDE, 1-888-SUICIDE, and 1-877-SUICIDA) to

SAMHSA for the period of one year. The WCB took this action based on unsupported or outdated assessments by SAMHSA of KBHC's financial situation and KBHC's disputes with its telecommunications carrier.

The *800-SUICIDE Order* is flawed procedurally in four important ways. *First*, there was no record to support its conclusion that the reassignment was needed to ensure an orderly transition of service without interruption. *Second*, there was no record evidence about KBHC's finances to support the conclusion that any threat to the continued availability of the suicide prevention hotlines existed. *Third*, no record evidence existed to support the proposition that KBHC's finances were even relevant to the potential loss of this critical public service. *Finally*, the order was beyond the authority delegated to the Wireline Competition Bureau. Commission rules grant the WCB authority to act only on requests which do not present novel questions of fact, law, or policy. The involuntary reassignment of a number from a private charity to a government agency is unprecedented in toll free number administration.

The *800-SUICIDE Order* is also flawed constitutionally. The reassignment of these numbers constitutes a government "taking." While traditional property rights do not attach to phone numbers, the right to use these numbers has an inherent value that the courts have recognized. Any taking must be done in a manner that provides for an adequate hearing, judicial oversight, and just compensation. Here, no such safeguards existed.

Finally, the *Order* is not in the public interest. It is the policy of the current administration to encourage the privatization of social services wherever possible. KBHC created these lines and built value in them through advertising. To forcibly remove them from KBHC and give them to the federal government, regardless of the government's intentions, would send a chilling message to non-profit organizations that provide critical public services.

