

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CONSUMER EDUCATION FOR TELEPHONE) CASE NO.
SOLICITATION AS REQUIRED BY HOUSE BILL) 2007-00506
430)

O R D E R

During the 2007 regular legislative session, the General Assembly enacted House Bill 430 ("HB 430"). HB 430, which became effective on June 26, 2007, produced major changes to Kentucky's version of the unsolicited telemarketing prevention program, known generally as the "Zero Call List." Prior to the enactment of this bill, Kentucky's Zero Call List was maintained by Kentucky's Office of the Attorney General. However, HB 430, now codified as KRS 367, authorized the transfer of all numbers on the Kentucky list to the national Do Not Call Registry, as maintained by the Federal Trade Commission.

Additionally, HB 430 requires this Commission to produce consumer education materials describing telemarketing laws and consumers' rights thereunder. KRS 367.46994(5) is relevant to this Commission. It provides:

The Public Service Commission shall require that, once a year, telephone companies under the jurisdiction of the Public Service Commission shall include the customer education material or portions thereof, at the discretion of the companies, in either the billing inserts, billing messages, or in the Customer Guide pages of their telephone directories.

In compliance with this statute, we issue this Order. This is the Commission's second time to produce consumer education materials regarding telemarketing laws. In 2002,

during the regular session of the General Assembly, House Bill 47 was enacted and codified into KRS Chapter 367. It required this Commission to develop consumer education materials and mandated that those materials be placed in consumer telephone bills.¹ Under HB 430, the Commission is still required to develop such materials and require telephone utilities to provide the materials, or portions thereof, to their customers. KRS 367.46994(4) details the contents of the consumer education materials to be produced by the Commission. The statute states that the Commission's consumer education materials shall:

- (a) Describe Kentucky's telemarketing laws;
- (b) Describe the consumer's rights and responsibilities regarding the receipt of telephone solicitation;
- (c) Explain how consumers can apply to be placed on any federal Do Not Call Registry established by the Federal Communications Commission and the Federal Trade Commission;
- (d) Explain how to apply to be placed on company-specific and industrywide no-solicitation calls lists, including those lists provided by the Direct Marketing Association (DMA) and the Telephone Preference Service (TPS); and
- (e) Describe how a consumer can file a complaint if the consumer receives calls after being placed on the Do Not Call Registry established by the Federal Communications Commission and the Federal Trade Commission.

Moreover, KRS 367.46994(5) obligates the Commission to order all telephone companies under its jurisdiction to include the customer education materials, or portions thereof, in their billing inserts, billing messages, or customer guide pages of their telephone directories. Appendix A of this Order contains the brochure that the Commission will make available to the public to educate consumers on how to prevent unwanted telemarketer solicitations. The Commission finds that the brochure, or

¹ See Case No. 2002-00233, Consumer Education for Telephone Solicitation as Required by House Bill 47 (Ky. PSC July 12, 2002).

portions thereof, as provided in Appendix A, should be used by all telephone companies to notify their customers about how they may place their residential or wireless telephone numbers on the national Do Not Call Registry, as maintained by the Federal Trade Commission. All jurisdictional telephone companies shall comply with the requirements of this Order no later than September 1, 2008 and every year thereafter, in accordance with KRS 367.46994(5).

The Commission HEREBY ORDERS that:

1. All telecommunications companies under the Commission's jurisdiction shall be served with a copy of this Order.

2. No later than September 1, 2008, and every year thereafter, all telecommunications utilities under the jurisdiction of this Commission shall comply with the requirements as outlined in this Order; Appendix A, which is attached hereto and incorporated herein; and KRS 367.46994 for the production and distribution of consumer education materials.

3. The Commission's July 12, 2002 Order in Case No. 2002-00233² is hereby superseded.

4. Within 20 days of the date of this Order, any person objecting to the requirements contained in this Order shall file written objections.

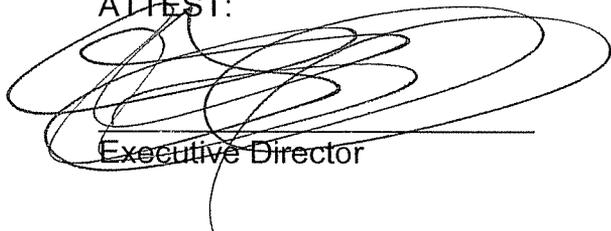
5. If no objection is filed with the Commission within 20 days of the date of this Order, this Order shall be effective 20 days from the date of its issuance without further Order of this Commission.

² Case No. 2002-00233, Consumer Education for Telephone Solicitation as Required by HB 47.

Done at Frankfort, Kentucky, this 5th day of February, 2008.

By the Commission

ATTEST:



Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2007-00506 DATED FEBRUARY 5, 2008

ABOUT THIS PUBLICATION

The Kentucky General Assembly enacted legislation making it easier for Kentucky residential telephone customers to reduce unwanted calls from telemarketers.

This brochure answers some of the most common questions about Kentucky's telemarketing law, including:

- How do I get on the no-call list?
- How does the list work?
- Who can still call me?
- How do I file a complaint?

PAID FOR WITH STATE FUNDS



TO FILE A COMPLAINT, PLEASE

CONTACT:

OFFICE OF THE
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE

SUITE 200

FRANKFORT, KENTUCKY 40601

nocall.ky.gov

1-866-877-7867

PSC
PUBLIC SERVICE
COMMISSION
OF KENTUCKY

211 SOWER BOULEVARD

POST OFFICE BOX 615

FRANKFORT, KENTUCKY 40602-
0615

psc.ky.gov

(502) 564-3940

Fax (502) 564-3460

1-800-772-4636



KENTUCKY'S "NO CALL" LIST

*A Consumer's Guide to
Reducing Unwanted
Telemarketing Calls*



Kentucky Public Service Commission

What is the Kentucky No Call list?

It is a list of the residential and wireless telephone numbers of Kentuckians who want to reduce the number of unwanted telemarketing calls they receive.

Is there a National Do-Not-Call Registry?

Yes, there is a National Do Not Call Registry. The national registry has always been maintained by the Federal Trade Commission. In 2007, Kentucky's General Assembly mandated that the numbers previously placed on Kentucky's no call list would be transferred to and maintained by the Federal Trade Commission.

Prior to June 2007, if your number was placed on the Kentucky no call list, it has now been automatically transferred and placed on the national do not call registry. After June 2007, any Kentuckian who needs to do a new registration of their telephone number can simply contact the Federal Trade Commission. Any telemarketer who calls a registrant whose telephone number is on the list can be prosecuted by the Kentucky Attorney General's Office and fined up to \$5,000.00 per violation, unless the telemarketer falls within one of the exceptions in the law.

Will I get any telemarketing calls if I'm on the "No Call" list?

The law allows certain telemarketers to continue to call consumers on the "No Call" list. The exceptions include calls from:

- Telemarketers who have a prior or existing business relationship with you.
- Telemarketers who have received an express request from you to call.

- Telemarketers with whom you have an existing debt or contract.
- Telemarketers soliciting only donations for charities. (If you want to be removed from the charity's list simply state so when the telemarketer calls you.)

How do I sign-up for the "No Call" list?

You may contact the Federal Trade Commission through its website, www.donotcall.gov or by calling 1-888-382-1222 (TTY 1-866-290-4236).

Do I have to sign-up on the "No Call" list more than once?

No. Unless your telephone number changes you will remain on the list. Previously, the registration of any telephone number on the list expired after 5 years. But the Federal Trade Commission recently decided that it will not remove any numbers from the list pending final approval by the U.S. Congress to make registration on the Do Not Call registry permanent.

What is done with the information I provide for the list?

The information provided is kept confidential and used only to compile the list. The only information on the list is your home or wireless telephone number. Only your telephone number will be provided to telemarketers to prevent them from calling you. It is a crime for anyone to use your information for any reason other than preventing unwanted telemarketing calls.

How long after I sign up do telemarketers have to stop calling me?

Telemarketers have 31 days from the date that you register your number to stop calling you.

Does a telemarketer have to stop calling me if I tell them I want no more calls?

Yes. Federal and state rules require companies to place you on their own do-not-call list at your request. The companies are required to leave you on their list for at least 10 years. If the calls do not stop, you may file a written complaint with the Federal Communications Commission, the Kentucky Attorney General's Office or file suit in federal court. For more information about federal laws governing telemarketing, visit the FCC Web site at www.fcc.gov/cgb/consumerfacts/tcpa.html.

How and when can I file a complaint?

If you get a call from a telemarketer that is not within one of the exceptions, you can file an online complaint with the Federal Trade Commission at www.donotcall.gov or by calling the complaint hotline at 1-888-382-1222. You may also file online complaints through the Kentucky Attorney General's Office at www.nocall.ky.gov, by calling the complaint hotline at 1-866-877-7867, or by mailing a written complaint form to the Office of the Attorney General at 1024 Capital Center Drive, Suite 200, Attn: No Call, Frankfort Kentucky 40601. You will need to provide at least one of the following:

- Name of the telemarketing company
- Telephone number of the telemarketing company

It also is helpful to provide the date and time of the call and any other identifying information (name, address) about the caller.

Is there any cost to get on the list?

There is no charge for consumers to get on the list.