

AUTOMATIC DIALING-ANNOUNCING DEVICES ADMINISTRATIVE FINING POLICY

Unauthorized Usage

- Any person operating an automatic dialing-announcing device (ADAD) to transmit calls to Nebraska citizens without a permit or registration shall be subject to an order to cease and desist and administrative penalties.

Late-Filed Scripts

- An ADAD registration script will be considered late when it is not filed within 24 hours following the time the ADAD began to transmit calls playing the script.
- An ADAD permit script will be considered late when it is not filed within 5 business days following the time the ADAD began to transmit calls playing the script.
- In the event the 24 hour or 5 day period falls on a weekend or holiday, the script shall be due the next business day.

Penalty

- Unauthorized usage of an unregistered or unpermitted ADAD, a late-filed script and/or other violation of the Act and Commission rules will be subject to administrative penalties including fines and processing fees.

Processing Fees

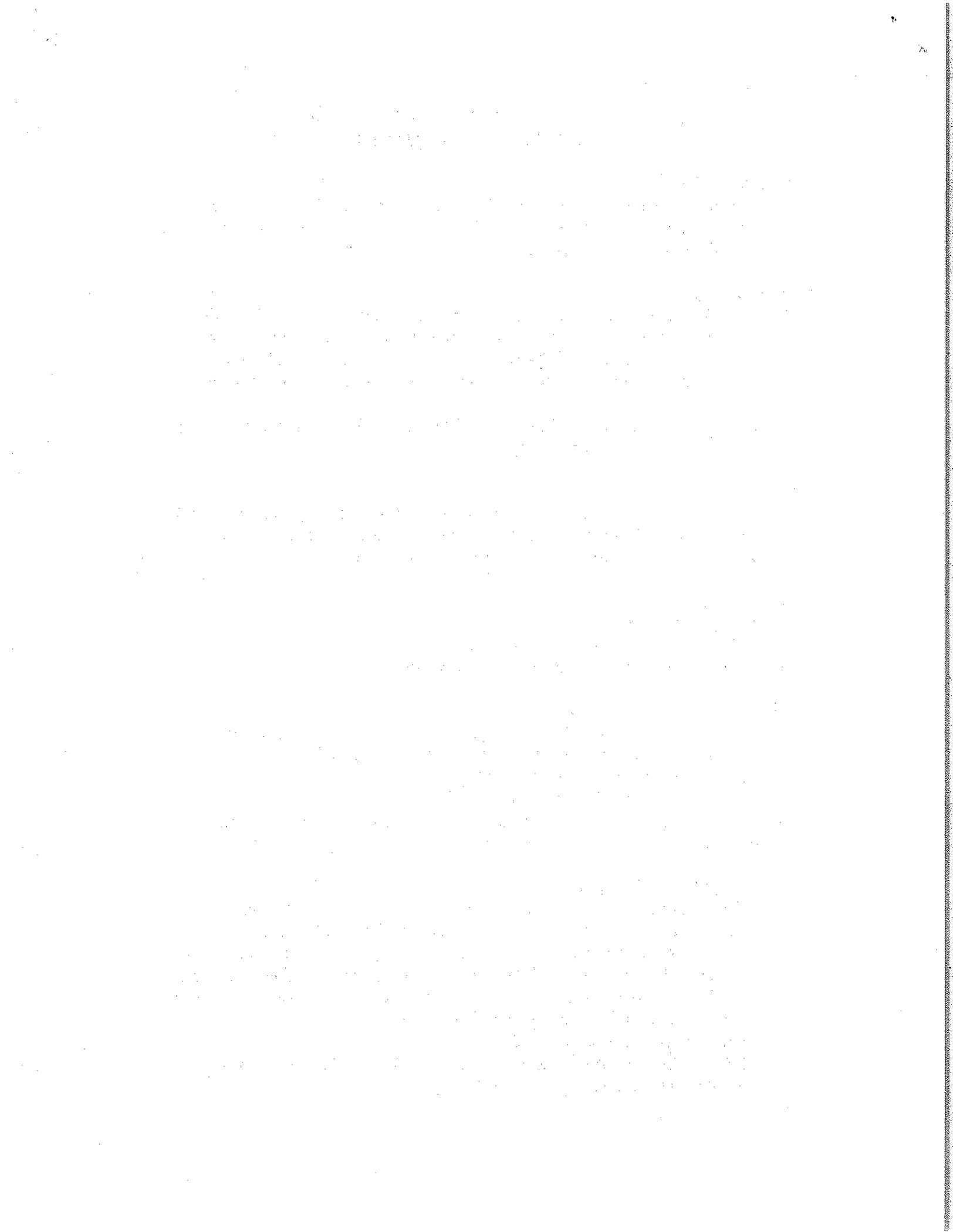
- \$100 per violation.
- Only one processing fee per occurrence.
- Payable to the NPSC Communications Department.

Administrative Fine (1st Offense)

- Fifty dollars (\$50) for each day a script is considered late, per day of unauthorized transmittal of messages without a valid registration or permit, and per other violation of the Act and Commission Rules.
- Additional fines may be proposed.
- All fines will be payable to the Nebraska Public Service Commission and deposited in the common school fund.

Administrative Fine (2nd Offense)

- Upon the opening of a second complaint against the same ADAD operator or amending a complaint due to continued alleged violations of the Act and Commission Rules during the 2 years the permit/registration is in effect.
- One hundred and fifty dollar (\$150) for each day a script is considered late, per day of unauthorized transmittal of messages without a valid registration or permit, and per other violation of the Act and Commission Rules.
- Additional fines may be proposed.
- All fines will be payable to the Nebraska Public Service Commission and deposited in the common school fund.



Administrative Fine (3rd Offense)

- Upon the opening of a third complaint against the same ADAD operator or amending a complaint a second time due to continued alleged violations of the Act and Commission Rules during the 2 years the permit/registration is in effect.
- One thousand dollar (\$1000) fine and revocation of the registration or permit held by the ADAD operator.
- Additional fines may be proposed.
- All fines will be payable to the Nebraska Public Service Commission and deposited in the common school fund.

Waiver

The Commission may issue a waiver in lieu of a penalty for registrants and/or permit holders that:

- Have not previously had any other violations of the Act and Commission rules unless it has grounds to believe an operator has willfully violated the Act and Commission Rules.
- Provide information regarding reasonable exigent circumstances resulting in the violation of the Act and Commission rules and do not have a history of violating the Act and Commission Rules.

Settlement and Hearing

- An ADAD operator has thirty (30) days from the date the complaint was received to stipulate with the department in order to settle the complaint.
- If the complaint is not settled the matter will be set for hearing.

