

Nebraska Public Service Commission  
Automatic Dialing-Announcing  
Devices Review

A How-To Guide to Placing  
Robo-calls

April 5, 2012



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What is an Automatic Dialing-Announcing Device?

An Auto Dialer is any device that:

1. Randomly selects and dials a telephone number;
2. Plays a recorded message.

**\*\*Note\*\*** – If a live person is involved, either in dialing the number or playing the recorded message, it is not considered an Auto Dialer call.

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What are Robo Calls?

Calls made with an Auto Dialer have  
been dubbed informally  
“Robo Calls.”

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## The Law

Auto Dialers are regulated in Nebraska pursuant to the Automatic Dialing-Announcing Devices Act (ADAD Act)  
Neb. Rev. Stat. §§ 86-236 – 86-257

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## Who does the ADAD Apply to?

In Nebraska, any person using an Auto Dialer to place calls to Nebraska citizens, except for some specific exceptions, must be authorized to do so by the Commission.

The location of the Auto Dialer is irrelevant.

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## Permit vs. Registration

➤ Nebraska law has 2 categories of authorities:

- Permits -- for those using Auto Dialers for the purpose of soliciting business (i.e. Telemarketers.)
- Registrations -- for those using Auto Dialers for any purpose other than solicitations (i.e. Political calls, Non-profit fundraising)

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## Permits

- › Only applies to those doing telephone solicitations
- › Solicitation is defined as: encouraging the purchase or rental of, investment in, property, goods, or services
- › Has a \$500 application fee
- › Must maintain a "Do Not Call List"
- › Have five days to submit script changes
- › Good for 2 years

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## Registrations

- › Calls for purposes other than solicitations
- › No application fee
- › Not required to maintain a "Do Not Call List"
- › Have 24 hours to submit script changes
- › Good for 2 years

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## Exceptions to Registrations

The ADAD Act does include four exceptions to registration

No registration required if meet one of the four following exceptions

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## #1 Business or Personal Relationship

- > Established: prior or existing relationship formed by voluntary two-way communication, with or without consideration, not previously terminated by either party.
- > Must be sufficient contact between parties to evidence relationship
- > Personal is limited to calls from individuals with whom the called party has a personal or at least firsthand relationship.
- > Registering to vote, voting, making a donation are NOT sufficiently established relationships

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## Relationship Examples

### Business Examples:

- > Insurance Company calling current policy holders about past due premiums or other insurance products
- > Drug stores calling to inform customers orders are ready for pick-up
- > Doctor offices calling patients to remind and confirm appointments.

### Personal Example:

- > A Church or religious organization calling members about service time changes
- > Charity groups reminding volunteers of project start times

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## #2 Schools

Messages from educational institutions to its students, parents, or employees, includes:

- >Elementary
- >Secondary
- >Postsecondary

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### #3 Employers

Message from employers to employees  
advising of work schedules

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### #4 Political Subdivisions

Messages from a political subdivision.

- > i.e. - Severe weather alerts, construction information

Political Subdivisions include:

- > Villages
- > Cities of all classes
- > Counties
- > School Districts
- > Learning Communities
- > Public Power Districts
- > All other units of local government

\*Does NOT include contractors with political subdivisions

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### Who needs a Registration?

- > The person operating an Auto Dialer must hold a registration
- > Those contracting with a third party to place Auto Dialer calls on their behalf do NOT need a registration, however, **they must ensure the third party is properly registered.**

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## Registration Applications

- Applicants must fill out an application form provided by the Commission
- There is one form for both Permits and Registration, the applicant simply indicates which kind of authority is sought
- Applications must include a sample script or a description of the type of scripts the applicant intends to run
- Application forms are available on the Commission's website: [www.psc.nebraska.gov](http://www.psc.nebraska.gov)

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## Application Process

- File the completed and signed application form with the Commission. (No fee required for registrations)
- Commission staff will process the application and assign the application a docket number. All Auto Dialer authorities are given AD docket numbers.
- If all requirements are met, the Commission will enter an order approving the application at its next meeting
- The order serves as the official Registration for the Auto Dialer (Good for 2 years)

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## Message Requirements

- State at the **beginning** of the message the identity of the person or group responsible for the message;
- A phone number or address, other than of the device, of person making call, includes email addresses; and
- Only transmit calls between the hours of 8 a.m. and 9 p.m., time determined by called party's location

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### Filing Scripts

- > Scripts for registrations must be filed no later than **24 hours** from the time the message ran.
- > Scripts can be filed before the call runs.
- > Scripts are placed in the appropriate registration or permit holder's file.

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### Will the Commission look at the content of my message?

The Commission only reviews scripts for the limited purpose to ensure statutorily required information is included.

The Commission does not review scripts for content of the messages.

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### Will my scripts be kept confidential?

Scripts are **public records**

They will be made available for public inspection upon the receipt of a public records request.

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### How do I file a script?

- ◆ Scripts can be filed with the Commission via
  - ◆ email
  - ◆ fax
  - ◆ snail mail (must be received by deadline).
  - ◆ in person during business hours

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### Script Filing Information

- ◆ Email to:  
[nichole.mulcahy@nebraska.gov](mailto:nichole.mulcahy@nebraska.gov) and  
[susan.horn@nebraska.gov](mailto:susan.horn@nebraska.gov)
- ◆ Fax to:  
(402) 471-0254, Attn: Communications Department
- ◆ Mail to:  
The Nebraska Public Service Commission  
300 The Atrium  
1200 N Street  
Lincoln, NE 68508

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### Do I need to file a script we have used before?

- Scripts only need to be filed once. If a script has been previously filed, it does not need to be filed again. Only new or changed scripts are required to be filed within 24 hours.

\*If it has been more than 2 years since the script was run, the script must be filed under the new AD Docket Number.

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What if my script is basically the same with minor variations. Do I need to file a copy of each one?

No, a sample script indicating the information that will change and an explanatory statement about how each one will be slightly different is sufficient.

Example: This message is for [insert name]. Please remember to vote in the Primary election this Tuesday.

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### Liability

Both the Auto Dialer operator and anyone who contracts with an Auto Dialer to make calls on their behalf are jointly and severally liable to ensure the provisions of the Act are followed.

Applies to both Registrations and Permits

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### Questions?

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## Contact Information

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