



Nebraska Public Service Commission  
Automatic Dialer Seminar

A How-To Guide to Placing  
Robo-calls

March 8, 2016

# What is an Automatic Dialing-Announcing Device?

An Auto Dialer is any device that:

- Randomly selects and dials a telephone number  
and
- 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.

# What are Robo Calls?

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

# 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

# Rules & Regulations

Commission Auto Dialer Rules & Regulations can be found  
at:

Title 291 NAC Ch. 11

Available on Commission's website:

[www.psc.nebraska.gov](http://www.psc.nebraska.gov)

# Who does the ADAD Apply to?

- In Nebraska, any person using an Auto Dialer to place calls to Nebraska citizens, with some limited exceptions, must be authorized to do so by the Commission.
- The location of the Auto Dialer is irrelevant.

# Permit vs. Registration

- Nebraska law has 2 categories of licenses:
  - ❖ 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)

# Permits

- Only applies to those doing telephone solicitations (telemarketing)
- 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



# 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

# Exceptions to Registrations

- The ADAD Act includes 4 exceptions to registration
- No registration required if meet one of the four following exceptions

# #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

# 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.

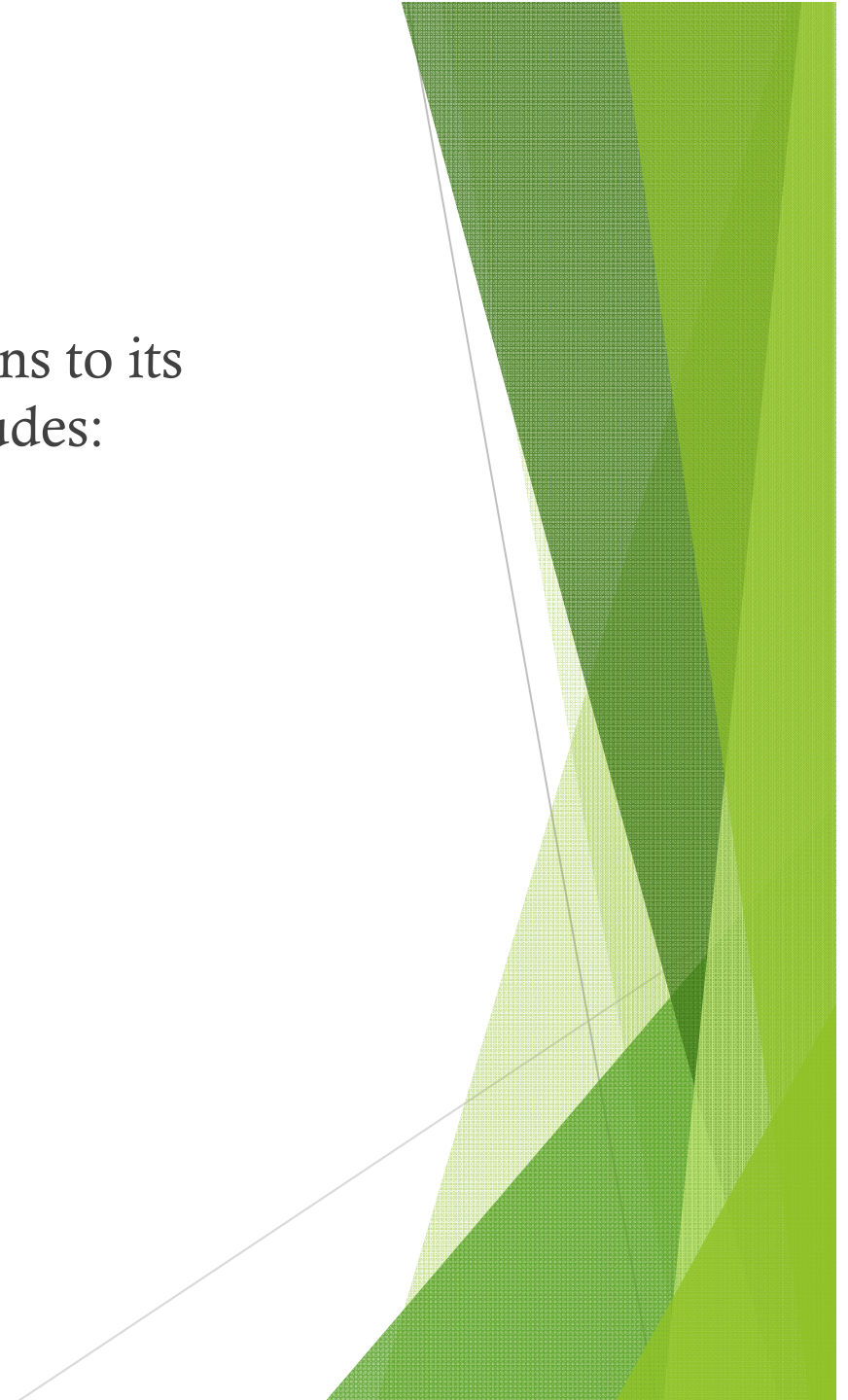
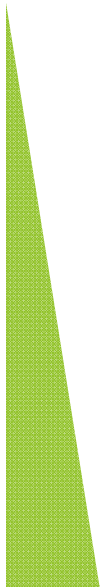
## Personal Example:

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

## #2 Schools

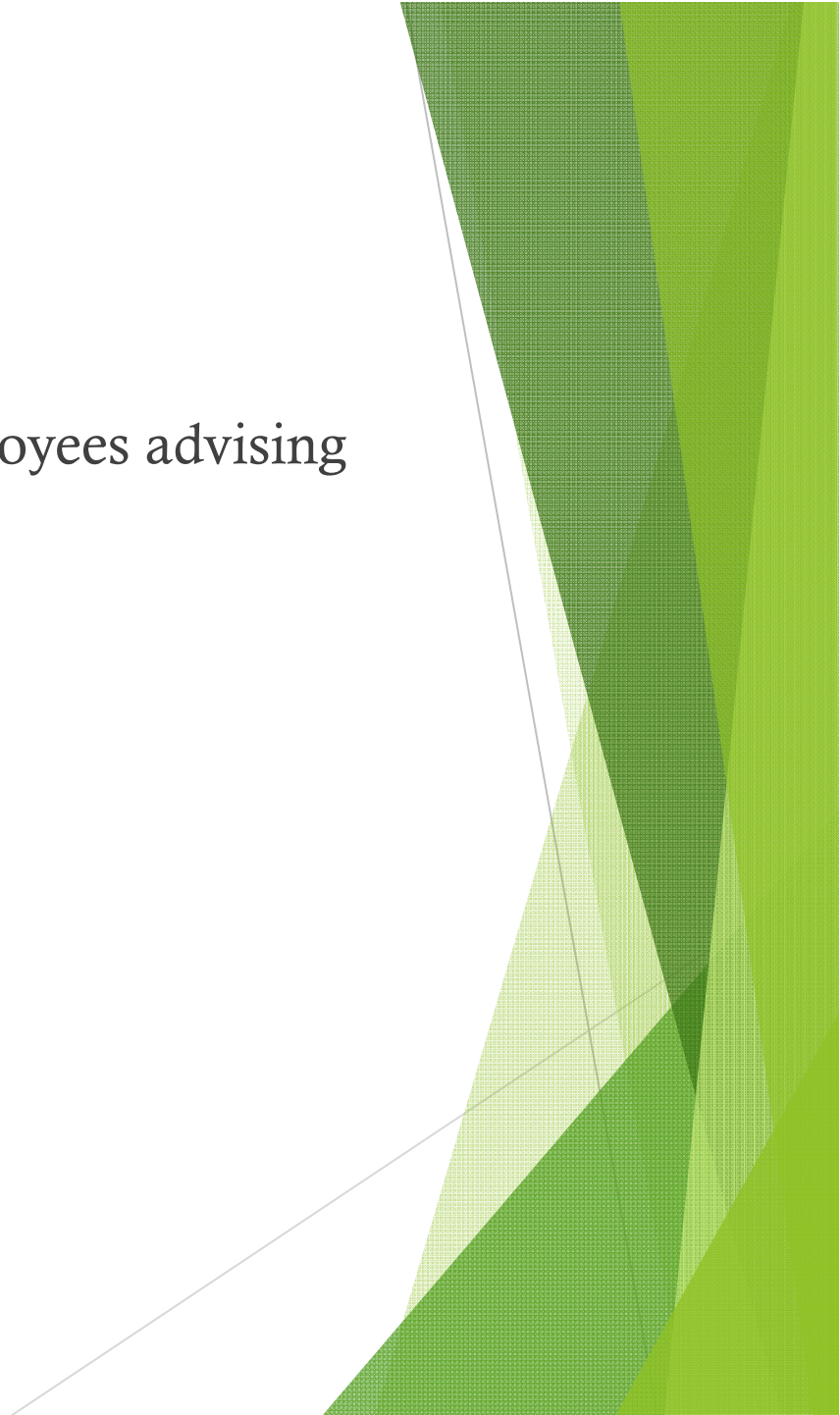
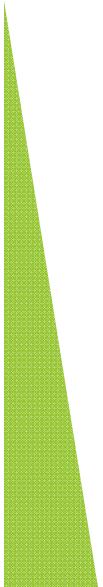
Messages from educational institutions to its students, parents, or employees, includes:

- Elementary
- Secondary
- Postsecondary



# #3 Employers

- Message from employers to employees advising of work schedules



# #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

# 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.**



# 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)