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)
Commission Auto Dialer Rules & Regulations can be found at:

Title 291 NAC Ch. 11

Available on Commission’s website:

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)