

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State
John Thurston
500 Woodlane, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Public Service Commission

Department N/A

Contact Rick Leeper E-mail rick.leeper@arkansas.gov Phone 501-682-5765

Statutory Authority for Promulgating Rules ACA 23-17-122(c)

Rule Title: APSC Anti-Spoofing Rules

Intended Effective Date
(Check One)

- Emergency (ACA 25-15-204)
- 10 Days After Filing (ACA 25-15-204)
- Other _____
(Must be more than 10 days after filing date.)

	Date
Legal Notice Published	<u>Jan 5 & Jan 12, 2020</u>
Final Date for Public Comment	<u>Feb 20, 2020</u>
Reviewed by Legislative Council	<u>May 15, 2020</u>
Adopted by State Agency	<u>Mar 17, 2020</u>

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Danielle Hoefer	danielle.hoefer@arkansas.gov	29 May 2020
<small>Contact Person</small>	<small>E-mail Address</small>	<small>Date</small>

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

501-682-5765 danielle.hoefer@arkansas.gov

Phone Number E-mail Address

Attorney for General Staff

Title

29 May 2020

Date

ARKANSAS PUBLIC SERVICE COMMISSION



ANTI-SPOOFING RULES

Last Revised: 3/17/2020
Order No. 3
Docket No. 19-046-R
Effective: 05/15/2020

ANTI-SPOOFING RULES

ADMINISTRATIVE HISTORY

<u>Docket</u>	<u>Effective Date</u>	<u>Order No.</u>	<u>Subject Matter of Docket/Order</u>
19-046-R	5/15/20	3	Adoption of Rules

ANTI-SPOOFING RULES

Table of Contents

		PAGE
Section 1.	Definitions	
Rule 1.01	Definitions	4
Section 2.	Jurisdiction	
Rule 2.01.	Applicability	6
Rule 2.02.	Purpose and Scope	6
Section 3.	Purpose and Scope	
Rule 3.01	Filings	6
Rule 3.02	Contents of the Report	6
Rule 3.03	Signature Required	7
Rule 3.04	Service of the Report	7
Rule 3.05	Protective Order of Non-Disclosure	7
Section 4.	Resolution of Disputes	
Rule 4.01.	Complaints	7
Rule 4.02	Procedures	8

ANTI-SPOOFING RULES

Section 1. Definitions

Rule 1.01 Definitions

The following definition shall apply throughout the Anti-Spoofing Rules (ASRs) except as otherwise required by the context and any references to the ASRs shall include these definitions:

(a) **Caller Identification Service**

A service offered by a Provider that provides caller identification information to a device capable of displaying the information.

(b) **Commercial Radio Service**

Commercial Mobile Service as defined in Ark. Code Ann. § 23-17-403.

(c) **Commission**

The Arkansas Public Service Commission.

(d) **Complainant**

A Person who initiates a Docket before the Commission by filing a complaint pursuant to Rule 4.01.

(e) **Party**

(1) Any Person who is:

(A) a Complainant;

(B) named as a respondent in a complaint filed pursuant to Rule 4.01;

(C) an Intervenor;

(D) otherwise specifically designated by Commission order as an official Party to any Docket.

(2) The Attorney General of Arkansas, acting pursuant to Ark. Code Ann. §§ 23-4-301, *et seq.*, upon filing a "notice of intent" to participate as a Party in any Docket.

- (3) The Staff where Staff is participating as a Party in any Docket pursuant to RPP 1.05.

- (f) Person
As defined in Ark. Code Ann. § 23-1-101.

- (g) Provider
As defined in Ark. Code Ann. § 23-17-122.

- (h) Report
Documentation filed with the Commission containing information seeking to demonstrate that the Provider has complied with Ark. Code Ann. § 23-17-122(b).

- (i) RPPs
The Commission's *Rules of Practice and Procedure*.

- (j) Spoofing
Displaying or causing to be displayed a fictitious or misleading name or telephone number on an Arkansas resident's telephone caller identification service or using a third party to display or cause to be displayed a fictitious or misleading name or telephone number on an Arkansas resident's telephone caller identification service.

- (k) Staff
Commission employees who may collectively participate in and appear as a Party in investigations at and Dockets before the Commission. Staff includes the Executive Director and the Tax Division Director of the Commission and employees who report to those directors.

- (l) Telecommunications Services
As defined in Ark. Code Ann. § 23-17-403.

- (m) Voice over Internet Protocol Service
As defined in Ark. Code Ann. § 12-10-303.

Section 2. General Provisions

Rule 2.01 Applicability

These ASRs shall apply to Providers who provide a Telecommunications Service, a Voice over Internet Protocol Service, a Commercial Radio Service, or a similar service pursuant to Ark. Code Ann. § 23-17-122.

Rule 2.02 Purpose and Scope

These ASRs establish procedures for Providers to file Reports and for the Commission to address complaints filed pursuant to Rule 4.01.

Section 3. Reports

Rule 3.01 Filings

(a) A Provider shall file annually with the Commission, on or before July 1 of each year, a Report consisting of documentation demonstrating the Provider has implemented current and applicable technologies to identify and block telecommunications that violate Ark. Code Ann. §§ 4-88-107(a)(11), 4-88-108(a), 4-99-108(c), or 4-99-302(b), taking into consideration applicable state and federal laws, federal regulations, and costs.

(b) All Reports shall be filed in Docket No. 19-027-A.

(c) All filings shall conform to the Commission's RPPs.

Rule 3.02 Contents of the Report

A Provider's Report shall at a minimum contain:

(a) the Provider's contact information, including its name and address;

(b) if different from the most recent Report, the name, title, business address, telephone number, facsimile number, if any, electronic mail address, if any, and other contact information of the Person(s) the Provider designates to receive all process and official correspondence from the Commission.

(c) if different from the most recent Report, the name, title, address, telephone number, facsimile number (if any), and electronic mail address (if any) for at least one (1) but no more than two (2) individuals selected by the Provider to receive official service in this Docket;

- (d) a list of the types of services provided, and for each type of service provided:
 - (1) a detailed and complete description of the technology being used by Provider in order to identify and block telecommunications that violate Ark. Code Ann. §§ 4-88-107(a)(11), 4-88-108-(a), 4-99-108(c), or 4-99-302(b), as applicable;
 - (2) how the Provider has taken into consideration applicable state and federal laws, federal regulations, and costs;
 - (3) whether the technology being used is the most current and applicable technology available and if so, an explanation supporting this statement;
 - (4) if the technology is not the most current and applicable technology, an explanation why the most current and applicable technology is not being used; and
 - (5) future plans to install additional or different technology, along with the dates the company expects to have the installation of any additional or different technology completed.

Rule 3.03 **Signature Required**

The Report shall be signed under oath by the Provider's Chief Executive Officer or other responsible corporate or business officer, attesting to the truth and accuracy of the contents of the Report.

Rule 3.04 **Service of Report**

The Provider is not required to serve its Report on any other Party in Docket No. 19-027-A.

Rule 3.05 **Protective Order of Non-Disclosure**

A Provider may file a written motion requesting that the Commission enter a Protective Order of Non-Disclosure. The process for obtaining a protective order is set out in RPP 4.04.

Section 4. Resolution of Disputes

Rule 4.01 **Complaints**

- (a) Any Person challenging a Provider's compliance with Ark. Code Ann. § 23-

17-122, including the sufficiency of a Report filed under Section 3 of these ASRs, or any other act under Ark. Code Ann. § 23-17-122 shall do so in the form of a complaint. The complaint shall fully and clearly set out any alleged violation of Ark. Code Ann. § 23-17-122 or any ASRs committed by any Provider, and the exact relief desired. The complaint shall contain facts and information sufficient to fully apprise the Commission and the respondent of the facts and issues involved and to enable the respondent to prepare its answer to the complaint.

- (b) Complaints shall be docketed and shall comply with the pleading and service requirements set forth in Section 3 of the RPPs except as specified by these ASRs.

Rule 4.02 Procedures

- (a) Upon the filing of a complaint, the Secretary of the Commission shall immediately serve a copy thereof upon each respondent along with the Summons in RPP Appendix 9-1 and notify each respondent that the complaint must be answered in writing within twenty (20) days after the date of service and that in case of failure to answer, an order may be entered against the respondent for the relief demanded in the complaint. The Commission may, for good cause shown, require the answer to be filed within a shorter time or extend the time in which an answer may be filed.
- (b) Respondent's answer shall contain a specific denial of such material allegations of the complaint as are controverted and a statement of any new matter constituting a defense. If respondent has insufficient information to specifically admit or deny an allegation, respondent may so state and deny the allegation upon that ground.
- (c) Any respondent failing to answer within the period prescribed shall be deemed in default and all relevant basic facts stated in said complaint shall be deemed admitted, unless the Commission waives the default for good cause shown.
- (d) The Commission's RPPs shall apply except as provided herein.