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**IDAPA 31
TITLE 51
CHAPTER 02**

31.51.02 - AUTOMATIC DIALING AND ANNOUNCEMENT DEVICES (ADADS) RULES

000. LEGAL AUTHORITY (RULE 0).

These rules are adopted under the general legal authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code, and the Telecommunications Act of 1988, Chapter 6, Title 62, Idaho Code, and the specific authority of Sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, 61-520, 62-606, 62-612, and 62-616, Idaho Code, with regard to service. (7-1-93)

001. TITLE AND SCOPE (RULE 1).

This title of this chapter is "Automatic Dialing and Announcement Devices (ADADs) Rules." It covers all use of automatic dialing and announcement devices to or from local exchanges in Idaho. (7-1-93)

002. WRITTEN INTERPRETATIONS -- AGENCY GUIDELINES (RULE 2).

For rulemakings conducted before July 1, 1993, written interpretations to these rules in the form of explanatory comments accompanying the order of proposed rulemaking and review of comments submitted in the order adopting these rules are maintained in the files of the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. The Commission Secretary may be contacted in writing at the Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074, or may be reached by telephone at (208) 334-0300. For rulemakings conducted after July 1, 1993, written interpretations to these rules in the form of explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules and review of comments submitted in the rulemaking decision adopting these rules are published in the issues of the Idaho Administrative Bulletin proposing or adopting the rules. (7-1-93)

003. ADMINISTRATIVE APPEALS (RULE 3).

There are no administrative appeals under these rules. (7-1-93)

004. PUBLIC RECORDS ACT COMPLIANCE (RULE 4).

All requests for waivers of these rules are public records subject to inspection, examination and copying under the Public Records Act. All informal complaints concerning compliance with these rules are investigatory records exempt from disclosure under the Public Records Act. All formal complaints concerning compliance with these rules are public records subject to inspection, examination and copying under the Public Records Act. (7-1-93)

005. DEFINITION (RULE 5).

01. Automatic Dialing and Announcement Devices (ADADS). "Automatic dialing and announcement devices (ADADs)" are devices programmed automatically to dial customers and to provide an unsolicited message. Nothing in these rules applies to requested or contracted automatic announcements for return calls, notification-of-termination-of-service warnings from telephone companies, or security, paging or alarm systems subscribed to by a customer. (7-1-93)

006. CITATION (RULE 6).

The official citation of these rules is IDAPA 31.51.02.000 et seq. For example, this rule is cited as IDAPA 31.51.02.006. In documents submitted to the Commission or issued by the Commission, these rules may be cited by their short title of Automatic Dialing and Announcement Devices Rules (ADAD) and the parenthetical rule number. For example, this rule may be cited as ADAD 6. (7-1-93)

007. EFFECTIVE DATE -- HISTORY OF RULES (RULE 7).

The Commission adopted predecessors to these rules in 1985. They were most recently codified at IDAPA 31.D.6. They were readopted and reformatted by rulemaking decision in docket number 31-5102-9301, effective July 1, 1993. The history of rulemaking proceedings preceding the initiation of the publishing of the Idaho Administrative Bulletin and the Idaho Administrative Code is available from the Commission Secretary. (7-1-93)

008. -- 100. (RESERVED).

**AUTOMATIC DIALING AND ANNOUNCEMENT DEVICES (ADADS)
RULES 101 THROUGH 200**

101. DISENGAGEMENT OF ADADS (RULE 101).

ADADs that do not automatically disengage the called party's line when the called party hangs up the receiver are absolutely prohibited, except when the called party has previously consented to receive the ADAD calls and to allow the line to be engaged in this manner. (7-1-93)

102. PROHIBITIONS ON CERTAIN USES OF ADADS (RULE 102).

01. Hours of Prohibition. ADADs are prohibited from making unsolicited calls before 9:00 a.m. or after 9:00 p.m. in the called party's local time. (7-1-93)

02. Calling Certain Numbers Prohibited. ADADs are prohibited from calling public safety numbers (e.g., police, fire and emergency services). Except as allowed by Rule 5, ADADs are prohibited from unsolicited calling to unlisted, unpublished or inward WATS numbers. ADADs are prohibited from calling more than one (1) number held by a given party. (7-1-93)

103. CHARGES FOR ADADS (RULE 103).

ADADs must pay measured or message business service rates when either is available or flat rates reflecting their intensive use of the telephone network when measured and message services are not available. (7-1-93)

104. CUSTOMERS OPERATING ADADS (RULE 104).

All customers operating ADADs must notify the telephone company(ies) providing local services to the exchanges in which they originate and terminate their calls and estimate how intensively the ADAD is expected to use local access lines. (7-1-93)

105. -- 999. (RESERVED).

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