

Final Rule

LSA Document #11-583(F)

DIGEST

Amends [11 IAC 1-1-1](#) concerning the applicability of definitions. Amends [11 IAC 1-1-3](#) concerning the definition of "division". Amends [11 IAC 1-1-5](#) concerning the definition of "person". Amends [11 IAC 1-1-6](#) concerning the definition of "residential telephone number". Amends [11 IAC 1-1-7](#) concerning the definition of "residential telephone subscriber". Amends [11 IAC 1-1-8](#) concerning the definition of "telephone privacy list". Adds [11 IAC 1-1-4.5](#) concerning the definition of "Indiana identification number" and [11 IAC 1-1-4.7](#) concerning the definition of "interconnected VOIP service". Effective 30 days after filing with the Publisher.

[11 IAC 1-1-1](#); [11 IAC 1-1-3](#); [11 IAC 1-1-4.5](#); [11 IAC 1-1-4.7](#); [11 IAC 1-1-5](#); [11 IAC 1-1-6](#); [11 IAC 1-1-7](#); [11 IAC 1-1-8](#)

SECTION 1. [11 IAC 1-1-1](#) IS AMENDED TO READ AS FOLLOWS:

[11 IAC 1-1-1](#) Applicability

Authority: [IC 4-6-9-8](#); [IC 24-4.7-3-7](#)

Affected: [IC 24-4.7-2](#)

Sec. 1. The definitions set forth at [IC 24-4.7-2](#), as supplemented in this rule, apply throughout this ~~title~~ **article and [11 IAC 2](#)**.

(Consumer Protection Division of the Office of the Attorney General; [11 IAC 1-1-1](#); filed Jan 18, 2002, 5:00 p.m.: 25 IR 1854; readopted filed Jun 9, 2008, 11:27 a.m.: [20080702-IR-011080326RFA](#); filed Jul 9, 2012, 2:56 p.m.: [20120808-IR-011110583FRA](#))

SECTION 2. [11 IAC 1-1-3](#) IS AMENDED TO READ AS FOLLOWS:

[11 IAC 1-1-3](#) "Division" defined

Authority: [IC 4-6-9-8](#); [IC 24-4.7-3-7](#)

Affected: [IC 24-4.7-2-4](#)

Sec. 3. As used in this ~~title~~, **article and [11 IAC 2](#)**, "division" refers to the consumer protection division of the office of the attorney general.

(Consumer Protection Division of the Office of the Attorney General; [11 IAC 1-1-3](#); filed Jan 18, 2002, 5:00 p.m.: 25 IR 1854; readopted filed Jun 9, 2008, 11:27 a.m.: [20080702-IR-011080326RFA](#); filed Jul 9, 2012, 2:56 p.m.: [20120808-IR-011110583FRA](#))

SECTION 3. [11 IAC 1-1-4.5](#) IS ADDED TO READ AS FOLLOWS:

[11 IAC 1-1-4.5](#) "Indiana identification number" defined

Authority: [IC 4-6-9-8](#); [IC 24-4.7-3-7](#)

Affected: [IC 24-4.7](#)

Sec. 4.5. As used in this article, [11 IAC 2](#), and [IC 24-4.7](#), "Indiana identification number" means a number that is:

- (1) assigned to, or issued or used in connection with, telecommunications service provided to a consumer; and**
- (2) associated with an Indiana account by the provider of the telecommunications service.**

(Consumer Protection Division of the Office of the Attorney General; [11 IAC 1-1-4.5](#); filed Jul 9, 2012, 2:56 p.m.: [20120808-IR-011110583FRA](#))

SECTION 4. [11 IAC 1-1-4.7](#) IS ADDED TO READ AS FOLLOWS:

[11 IAC 1-1-4.7](#) "Interconnected VOIP service" defined

Authority: [IC 4-6-9-8](#); [IC 24-4.7-3-7](#)

Affected: [IC 24-4.7](#)

Sec. 4.7. As used in this article and [11 IAC 2](#), and for the purposes of [IC 24-4.7](#), "interconnected VOIP service" means a service that:

- (1) enables real-time, two-way voice communications;
- (2) requires a broadband connection from the user's location;
- (3) requires Internet protocol-compatible customer premises equipment (CPE); and
- (4) permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

(Consumer Protection Division of the Office of the Attorney General; [11 IAC 1-1-4.7](#); filed Jul 9, 2012, 2:56 p.m.: [20120808-IR-011110583FRA](#))

SECTION 5. [11 IAC 1-1-5](#) IS AMENDED TO READ AS FOLLOWS:

[11 IAC 1-1-5](#) "Person" defined

Authority: [IC 4-6-9-8](#); [IC 24-4.7-3-7](#)

Affected: [IC 24-4.7](#)

Sec. 5. As used in this title, article and [11 IAC 2](#), and for the purposes of [IC 24-4.7](#), "person" means any of the following:

- (1) An individual.
- (2) An incorporated or unincorporated organization.
- (3) An association. or
- (4) Any other legal entity.

(Consumer Protection Division of the Office of the Attorney General; [11 IAC 1-1-5](#); filed Jan 18, 2002, 5:00 p.m.: 25 IR 1855; readopted filed Jun 9, 2008, 11:27 a.m.: [20080702-IR-011080326RFA](#); filed Jul 9, 2012, 2:56 p.m.: [20120808-IR-011110583FRA](#))

SECTION 6. [11 IAC 1-1-6](#) IS AMENDED TO READ AS FOLLOWS:

[11 IAC 1-1-6](#) "Residential telephone number" defined

Authority: [IC 4-6-9-8](#); [IC 24-4.7-3-7](#)

Affected: [IC 24-4.7](#)

Sec. 6. As used in this title article and [11 IAC 2](#), and for the purposes of [IC 24-4.7](#), "residential telephone number" means a **landline, wireless, prepaid wireless, or interconnected VOIP service telephone** number held or used by a residential telephone subscriber. ~~that terminates at that subscriber's place of residence.~~

(Consumer Protection Division of the Office of the Attorney General; [11 IAC 1-1-6](#); filed Jan 18, 2002, 5:00 p.m.: 25 IR 1855; readopted filed Jun 9, 2008, 11:27 a.m.: [20080702-IR-011080326RFA](#); filed Jul 9, 2012, 2:56 p.m.: [20120808-IR-011110583FRA](#))

SECTION 7. [11 IAC 1-1-7](#) IS AMENDED TO READ AS FOLLOWS:

[11 IAC 1-1-7](#) "Residential telephone subscriber" defined

Authority: [IC 4-6-9-8](#); [IC 24-4.7-3-7](#)

Affected: [IC 24-4.7-2-2](#)

Sec. 7. As used in this title **article and [11 IAC 2](#)**, and for the purposes of [IC 24-4.7](#), "residential telephone subscriber" means an individual **who:**

(1) ~~who has subscribed~~ **subscribes** to telephone service terminating at that individual's residence, or the individual's spouse; or

(2) for whose use another person subscribes to telephone service terminating at the individual's place of residence. **associated with the individual's residential address, including:**

(A) landline;

(B) wireless; or

(C) interconnected VOIP service; or

(2) is a user or purchaser of prepaid wireless calling service described in [IC 24-4.7-2-2\(b\)](#).

The term includes the individual's spouse.

(Consumer Protection Division of the Office of the Attorney General; [11 IAC 1-1-7](#); filed Jan 18, 2002, 5:00 p.m.: 25 IR 1855; readopted filed Jun 9, 2008, 11:27 a.m.: [20080702-IR-011080326RFA](#); filed Jul 9, 2012, 2:56 p.m.: [20120808-IR-011110583FRA](#))

SECTION 8. [11 IAC 1-1-8](#) IS AMENDED TO READ AS FOLLOWS:

[11 IAC 1-1-8](#) "Telephone privacy list" defined

Authority: [IC 4-6-9-8](#); [IC 24-4.7-3-7](#)

Affected: [IC 24-4.7-3](#)

Sec. 8. As used in this title, **article and [11 IAC 2](#)**, "telephone privacy list" refers to the no telephone sales solicitation listing published by the division under [IC 24-4.7-3](#).

(Consumer Protection Division of the Office of the Attorney General; [11 IAC 1-1-8](#); filed Jan 18, 2002, 5:00 p.m.: 25 IR 1855; readopted filed Jun 9, 2008, 11:27 a.m.: [20080702-IR-011080326RFA](#); filed Jul 9, 2012, 2:56 p.m.: [20120808-IR-011110583FRA](#))

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