

## ARTICLE 2. PROVISION OF LISTING OF TELEPHONE NUMBERS NOT TO BE SOLICITED

### Rule 1. Applicability

#### 11 IAC 2-1-1 Applicability

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3

Sec. 1. This article governs the division's provision of the telephone privacy list. *(Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-1-1; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1856)*

### Rule 2. Consumer Registration with the Telephone Privacy List

#### 11 IAC 2-2-1 Manner of consumer registration

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-2

Sec. 1. A consumer who resides in Indiana may request that his or her residential telephone number or numbers be added to the telephone privacy list by submitting a request in any manner provided by the division, or by the agent with which the division has contracted under IC 24-4.7-3-2, which may include any of the following:

- (1) Completing a written form designed by the division, or the agent with which the division has contracted under IC 24-4.7-3-2, for the purpose of recording a consumer's request to be placed on the telephone privacy list.
- (2) Calling a toll-free number established by the division, or by the agent with which the division has contracted under IC 24-4.7-3-2, for the purpose of recording a consumer's request to be placed on the telephone privacy list, and providing all the information requested.
- (3) Accessing the appropriate Internet site established by the division, or by the agent with which the division has contracted under IC 24-4.7-3-2, for the purpose of recording a consumer's request to be placed on the telephone privacy list and inputting the proper data requested by the Web site prompts.
- (4) Submitting a request in any other format that the division or the agent with which the division has contracted under IC 24-4.7-3-2 may from time to time establish.

*(Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-2-1; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1856)*

#### 11 IAC 2-2-2 Required information for consumer registration

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3

Sec. 2. Any method of registering with the telephone privacy list shall require the consumer to provide, at a minimum, the following information:

- (1) The consumer's name.
- (2) The residential telephone number or numbers the consumer wishes to register with the telephone privacy list.
- (3) The consumer's address.

*(Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-2-2; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1856)*

#### 11 IAC 2-2-3 Deadline for telephone numbers' inclusion in next quarterly publication of telephone privacy list

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-1

Sec. 3. The telephone numbers of properly completed requests for registration with the telephone privacy list shall become part of the telephone privacy list in the quarter following the deadline for receipt of registration requests according to the following schedule:

<u>Calendar Quarter</u>	<u>Receipt Deadline</u>
January–March	November 1

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April–June	February 1
July–September	May 1
October–December	August 1

*(Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-2-3; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1856)*

**11 IAC 2-2-4 Consumers' revocation of registration**

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-2

Sec. 4. A consumer may remove his or her residential telephone number or numbers from the telephone privacy list by submitting a revocation notice for the number or numbers to the division or the agent with which the division has contracted under IC 24-4.7-3-2. Such request may be submitted in any manner established by the division as described in section 1 of this rule, and must contain at least the information required in section 2 of this rule. *(Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-2-4; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1857)*

**11 IAC 2-2-5 Information provided to consumers added to the telephone privacy list**

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-1; IC 24-4.7-3-2; IC 24-4.7-4

Sec. 5. Utilizing mail, e-mail, or other appropriate methods, the division shall communicate to consumers whose residential telephone numbers have been added to the telephone privacy list:

- (1) that the residential telephone number has been added to the telephone privacy list;
- (2) general information about the telephone privacy act; and
- (3) procedures for changing or removing their residential telephone numbers from the telephone privacy list.

*(Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-2-5; filed Jun 17, 2002, 4:28 p.m.: 25 IR 3702)*

**Rule 3. Registration with the Telephone Privacy List by Persons Not Consumers, but Holding or Controlling Residential Telephone Numbers Used by Consumers**

**11 IAC 2-3-1 Registration by persons not consumers**

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3

Sec. 1. A person who is not a consumer, but who subscribes to residential telephone numbers used by consumers, may register such numbers with the telephone privacy list in any manner established by the division as described in 11 IAC 2-2-1. *(Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-3-1; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1857)*

**11 IAC 2-3-2 Prohibition against registration of nonresidential telephone numbers**

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-1; IC 24-4.7-3-2

Sec. 2. A person described in section 1 of this rule may not register telephone numbers that are not residential telephone numbers. *(Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-3-2; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1857)*

**Rule 4. Consumers and Persons Submitting More than 10 Residential Telephone Numbers for Registration with the Telephone Privacy List**

**11 IAC 2-4-1 Registration of more than 10 telephone numbers**

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-1; IC 24-4.7-3-2

Sec. 1. A consumer, or a person described in 11 IAC 2-3-1, may register more than ten (10) residential telephone numbers with the telephone privacy list if the consumer or person provides:

- (1) the consumer's or person's name;
- (2) the residential telephone numbers the consumer or person wants to register with the telephone privacy list; and
- (3) the consumer's or person's address;

in any manner established by the division for registering more than ten (10) such numbers. (*Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-4-1; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1857*)

**Rule 5. Removal of Telephone Numbers from the Telephone Privacy List**

**11 IAC 2-5-1 Division's authority to purge nonresidential telephone numbers**

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-1; IC 24-4.7-3-2

Sec. 1. The division shall purge or shall direct the agent with which it has contracted pursuant to IC 24-4.7-3-2 to purge from the telephone privacy list any number that it learns is not a residential telephone number. The division shall remove the relevant telephone number from the telephone privacy list according to the same schedule used for adding residential telephone numbers to the telephone privacy list. (*Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-5-1; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1857; filed Jun 17, 2002, 4:28 p.m.: 25 IR 3702*)

**11 IAC 2-5-2 Division's authority to purge telephone numbers no longer assigned to consumer**

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-1; IC 24-4.7-3-2

Sec. 2. The division shall purge or shall direct the agent with which it has contracted pursuant to IC 24-4.7-3-2 to purge from the telephone privacy list a residential telephone number if the division learns that the number is no longer assigned to the consumer who registered the number. The division shall remove the relevant telephone number from the telephone privacy list according to the same schedule used for adding residential telephone numbers to the telephone privacy list. (*Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-5-2; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1857; filed Jun 17, 2002, 4:28 p.m.: 25 IR 3702*)

**11 IAC 2-5-3 Purging registered telephone number upon consumer's revocation notice**

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-1; IC 24-4.7-3-2

Sec. 3. The division shall purge or shall direct the agent with which it has contracted pursuant to IC 24-4.7-3-2 to purge a residential telephone number of a consumer who submits the revocation notice described in 11 IAC 2-2-4. Upon receiving such revocation notice, the division shall remove the relevant telephone number from the telephone privacy list according to the same schedule used for adding residential telephone numbers to the telephone privacy list. (*Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-5-3; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1857; filed Jun 17, 2002, 4:28 p.m.: 25 IR 3702*)

**11 IAC 2-5-4 Annual purging of the telephone privacy list**

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-1; IC 24-4.7-3-2

Sec. 4. Annually, the division shall use reasonable efforts to identify and remove the following from the telephone privacy

list:

(1) Telephone numbers disconnected since the date of initial registration.

(2) Any telephone number no longer assigned to a consumer who has registered the number with the telephone privacy list. *(Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-5-4; filed Jun 17, 2002, 4:28 p.m.: 25 IR 3702; errata filed Aug 30, 2002, 9:58 a.m.: 26 IR 35)*

#### **Rule 6. Access to the Telephone Privacy List**

##### **11 IAC 2-6-1 Fee for obtaining telephone privacy list**

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-1

Sec. 1. (a) The fee for obtaining the telephone privacy list on CD-ROM or via download from the telephone privacy Web site is seven hundred fifty dollars (\$750). The person paying this fee is entitled to four (4) consecutive quarterly publications of the telephone privacy list.

(b) The fee for obtaining the telephone privacy list in printed hard copy format is the fee established under subsection (a), plus fifteen cents (\$0.15) per page. *(Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-6-1; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1857; filed Sep 3, 2002, 3:30 p.m.: 26 IR 6)*

##### **11 IAC 2-6-2 Requirements for obtaining telephone privacy list**

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-1; IC 24-4.7-3-2

Sec. 2. A person may obtain a copy of the telephone privacy list established under IC 24-4.7-3 by:

(1) paying the fee set forth at section 1 of this rule; and

(2) providing the information requested by the division or by the agent with which the division has contracted pursuant to IC 24-4.7-3-2.

*(Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-6-2; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1858)*

##### **11 IAC 2-6-3 Division's provision of telephone privacy list in printed form**

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-1; IC 24-4.7-3-2

Sec. 3. The division shall make a printed copy of the telephone privacy list available for purchase by persons complying with section 2 of this rule. *(Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-6-3; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1858)*

##### **11 IAC 2-6-4 Division's provision of telephone privacy list in nonprinted form**

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-1; IC 24-4.7-3-2; IC 24-4.7-4

Sec. 4. The division may make the telephone privacy list available for purchase in other forms by persons complying with section 2 of this rule if the division determines that such additional forms will further the efficient dissemination of the telephone privacy list and encourage compliance with IC 24-4.7-4 or this title. *(Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-6-4; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1858)*

##### **11 IAC 2-6-5 Information contained in published telephone privacy list**

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-1; IC 24-4.7-3-2; IC 24-4.7-4

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Sec. 5. The telephone privacy list published by the division, regardless of its form, shall not contain names, addresses, or other identifying information beyond the residential telephone numbers that telephone solicitors are prohibited from calling under IC 24-4.7-4. (*Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-6-5; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1858; filed Sep 3, 2002, 3:30 p.m.: 26 IR 6*)

**11 IAC 2-6-6      Unauthorized duplication or dissemination of telephone privacy list prohibited**

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-1; IC 24-4.7-3-2

Sec. 6. A person obtaining a copy of the telephone privacy list shall not disseminate, duplicate, distribute, transmit, or photocopy the list to third parties without the prior written consent of the division. For the purpose of this section, a subsidiary in which a person has a majority ownership interest shall not be considered a third party. (*Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-6-6; filed Sep 3, 2002, 3:30 p.m.: 26 IR 6*)

**Rule 7.      Inclusion of National Database into Telephone Privacy List**

**11 IAC 2-7-1      Inclusion of national database into telephone privacy list**

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-1; IC 24-4.7-3-2; IC 24-4.7-4-3

Sec. 1. If, pursuant to 42 U.S.C. 227(c)(3), the Federal Communications Commission establishes a single national data base of telephone numbers of subscribers who object to receiving telephone solicitations, the division shall include the part of such single national data base that relates to Indiana in the data base established under IC 24-4.7-4-3. (*Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-7-1; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1858*)

**Rule 8.      Use of the Telephone Privacy List**

**11 IAC 2-8-1      Telephone solicitors' use of the telephone privacy list**

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7

Sec. 1. A telephone solicitor shall not use the telephone privacy list, or the information accepted by the division in compiling it, for any purpose other than complying with IC 24-4.7, in a proceeding or action brought under IC 24-4.7, or with this title. (*Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-8-1; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1858*)

**11 IAC 2-8-2      Limits to commercial use of telephone privacy list**

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7

Sec. 2. A person shall not use the telephone privacy list, or the information accepted by the division in compiling it, for any commercial purpose other than telephone solicitations made in compliance with IC 24-4.7 and this title. (*Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-8-2; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1858*)

**Rule 9.      Change of Telephone Area Code or Prefix, or Both**

**11 IAC 2-9-1      Presumption in the event of change of telephone area code or prefix, or both**

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-2-3; IC 24-4.7-3-1; IC 24-4.7-4-1

Sec. 1. A consumer whose residential telephone number has been placed on the telephone privacy list shall be deemed to

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intend that the number remain on the list in the event that the Indiana utility regulatory commission or other governmental entity having authority gives final approval to a change of telephone area code or prefix, or both, affecting the consumer's residential telephone number. (*Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-9-1; filed Jun 17, 2002, 4:17 p.m.: 25 IR 3703*)

**11 IAC 2-9-2 Dual listing of residential telephone numbers during transition**

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-2-3; IC 24-4.7-3-1; IC 24-4.7-4-1

Sec. 2. When the division receives from the Indiana utility regulatory commission or other governmental entity having authority, a list of telephone area codes or prefixes, or both, that will change because of final regulatory approval of a new telephone area code or prefix, or both, it shall revise the next published telephone privacy list to include the consumer's residential telephone number under both the old area code or prefix, or both, and under the new area code or prefix, or both. This dual listing shall be published in the telephone privacy list for so long as a telephone solicitor may reach the consumer by directly dialing either number. (*Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-9-2; filed Jun 17, 2002, 4:17 p.m.: 25 IR 3703*)

**11 IAC 2-9-3 Removal of original numbers from list once transition is complete**

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-2-3; IC 24-4.7-3-1; IC 24-4.7-4-1

Sec. 3. At such time as a consumer's residential telephone number can be reached directly only by dialing one (1) telephone area code or prefix, the division shall cause the former telephone number to be deleted from the next published edition of the telephone privacy list. (*Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-9-3; filed Jun 17, 2002, 4:17 p.m.: 25 IR 3703*)

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