Attachment A
Docket No. 19-046-R
Order No. 3
Page 1 of 11

ARKANSAS
PUBLIC SERVICE COMMISSION

ANTI-SPOOFING RULES

Last Revised: xx/xx/20xx
Order No. XX
Docket No. 19-046-R
Effective: xx/xx/20xx
### ANTI-SPOOFING RULES

**ADMINISTRATIVE HISTORY**

<table>
<thead>
<tr>
<th>Docket</th>
<th>Date</th>
<th>Order No.</th>
<th>Subject Matter of Docket/Order</th>
</tr>
</thead>
<tbody>
<tr>
<td>19-046-R</td>
<td>xx/xx/20xx xx</td>
<td></td>
<td>Adoption of Rules</td>
</tr>
</tbody>
</table>
ANTI-SPOOFING RULES

Table of Contents

Section 1. Definitions
   Rule 1.01 Definitions

Section 2. Jurisdiction
   Rule 2.01 Applicability
   Rule 2.02 Purpose and Scope

Section 3. Purpose and Scope
   Rule 3.01 Filings
   Rule 3.02 Contents of the Report
   Rule 3.03 Signature Required
   Rule 3.04 Service of the Report
   Rule 3.05 Protective Order of Non-Disclosure

Section 4. Resolution of Disputes
   Rule 4.01 Complaints
   Rule 4.02 Procedures
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


(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 Rule 1.054.

(f) Person


(g) Provider


(h) Report

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

(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


(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 3.02**  
**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 which is jurisdictional to the Commission 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 act or thing done or not done by any Provider, in violation, or claimed violation, of any law which the Commission has jurisdiction to administer, or of any Commission order or Rule 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.

(e) The burden of proof to establish a prima facie case pursuant to Rule
4.01(a) is upon the Complainant. Once the Complainant has established a prima facie case, the burden of proof shall shift to the respondent to prove by a preponderance of the evidence that it has complied with the statutes and Commission rules and orders complained of.
State of Arkansas
92nd General Assembly
Regular Session, 2019

By: Senator J. Dismang
By: Representative Penzo

For An Act To Be Entitled

AN ACT TO REGULATE TELECOMMUNICATIONS SERVICE PROVIDERS AND THIRD-PARTY SPOOFING PROVIDERS; TO REQUIRE THAT A TELECOMMUNICATIONS SERVICE PROVIDER AND THIRD-PARTY SPOOFING PROVIDER ARE HELD ACCOUNTABLE FOR CERTAIN ACTIVITIES; TO IMPOSE CRIMINAL PENALTIES ON CERTAIN SPOOFING ACTIVITIES; AND FOR OTHER PURPOSES.

Subtitle

TO REGULATE TELECOMMUNICATIONS SERVICE PROVIDERS AND THIRD-PARTY SPOOFING PROVIDERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative findings and intent.
(a) The General Assembly finds that:
(1) The citizens of this state are being negatively affected by illegal robocalls from telemarketers and from others seeking to perpetrate scams on them;
(2) While these illegal robocalls are frustrating for most, the robocalls are costly and dangerous for far too many Arkansans;
(3) An alarming number of illegal robocalls originate from scammers using automatic telephone dialing systems to send out thousands of phone calls per minute with fictitious or misleading names or telephone numbers displaying on unsuspecting consumers’ telephone caller identification
service;

(4) These scammers are engaging in insidious schemes and targeting seniors and other vulnerable groups by soliciting personal information such as credit or debit card information and Social security numbers;

(5) Displaying fictitious or misleading names or telephone numbers, or "spoofing", is the predominant means by which a robocaller protects their identities and entices consumers to answer the telephone; and

(6) Spoofing is the gateway for illegal robocalls and scams.

(b) It is the intent of the General Assembly:

(1) To protect the citizens of this state from being spoofed by receiving illegal robocalls from telemarketers and from others seeking to perpetrate scams on unsuspecting or vulnerable citizens;

(2) To provide the citizens of this state who use a caller identification service with accurate information about the identities and locations of callers;

(3) To encourage telecommunications providers to swiftly implement technologies that will allow telecommunications providers to identify and stop illegal calling practices; and

(4) That this act be construed as broadly as possible to ensure that the citizens of this state are protected from the negative impact of illegal robocalls and to ensure that scammers and complicit telecommunications providers are held criminally accountable.

SECTION 2. Arkansas Code § 4-88-107(a)(11), concerning displaying a fictitious or misleading name or telephone number, is amended to read as follows:

(11)(A) Displaying or causing to be displayed a fictitious or misleading name or telephone number on an Arkansas resident’s telephone caller identification service.

(B) Subdivision (a)(11)(A) of this section does not apply to the transmission of a caller identification service by a telecommunications provider that complies with § 23-17-122.

SECTION 3. Arkansas Code § 4-88-108 is amended to read as follows:

4-88-108. Concealment, suppression, or omission of material facts.
(a) When utilized in connection with the sale or advertisement of any goods, services, or charitable solicitation, the following shall be unlawful:

(1) The act, use, or employment by any a person of any deception, fraud, or false pretense; or

(2) The concealment, suppression, or omission of any material fact with intent that others rely upon the concealment, suppression, or omission;

(3) Displaying or causing to be displayed a fictitious or misleading name or telephone number on an Arkansas resident’s caller identification service; or

(4) Using a third party to display or cause to be displayed a fictitious or misleading name or telephone number on an Arkansas resident’s caller identification service.

(b) Subdivision (a)(3) of this section does not apply to the transmission of a caller identification service by a telecommunications provider that complies with § 23-17-122.

SECTION 4. Arkansas Code § 4-99-108(c), concerning information to be provided to each prospective purchaser, is amended to read as follows:

(c)(1) No telephonic seller under this section A person making or transmitting a telephone solicitation shall not display or cause to be displayed a fictitious or misleading name or telephone number on an Arkansas resident’s telephone caller identification service.

(2) Subdivision (c)(1) of this section does not apply to the transmission of caller identification service by a telecommunications provider that complies with § 23-17-122.

SECTION 5. Arkansas Code § 4-99-302(b), concerning prohibitions as used concerning caller identification blocking by telephonic sellers, is amended to read as follows:

(b)(1) It is a violation of this subchapter for any a person making or transmitting a telephone solicitation by any method to display or cause to be displayed a fictitious or misleading name or telephone number on an Arkansas resident’s telephone caller identification service.

(2) Subdivision (b)(1) of this section does not apply to the
transmission of caller identification service by a telecommunications provider that complies with § 23-17-122.

SECTION 6. Arkansas Code § 5-63-204(a)(1), concerning automated telephone solicitation, is amended to read as follows:

(a)(1) It is unlawful for any person to use a telephone for the purpose of offering any goods or services for sale, or for conveying information regarding any goods or services for the purpose of soliciting the sale or purchase of the goods or services, or for soliciting information, gathering data, or for any other purpose in connection with a political campaign when the use involves an automated system for the selection and dialing of telephone numbers and the playing of recorded messages when a message is completed to the called number.

SECTION 7. Arkansas Code § 5-63-204(b), concerning automated telephone solicitation, is amended to read as follows:

(b) Any person who violates any provision of this section upon conviction is guilty of a Class B misdemeanor and shall be punished accordingly Class D felony.

SECTION 8. Arkansas Code Title 5, Chapter 63, Subchapter 2, is amended to add an additional section to read as follows:

5-63-205. Misleading caller identification information — Exemptions — Penalties.

(a) It is unlawful for a person, in connection with a telecommunications service, to cause a caller identification service to transmit misleading or inaccurate caller identification information if the purpose is to defraud, cause harm, or wrongfully obtain anything of value.

(b) It is unlawful for a person, in connection with a telecommunications service, to cause a caller identification service to transmit misleading or inaccurate caller identification information unless the person has verified that the caller has a right to use the name and the phone number displayed.

(c) It is unlawful for a telecommunications service to permit or cause a caller identification service or device to display the name or telephone number of the recipient.
(d) It is unlawful for a person to use 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 for any purpose.

(e) This section does not prohibit:

(1) An authorized activity of a law enforcement agency;

(2) Any investigative, protective, or intelligence activity of a law enforcement agency, including a law enforcement agency of the United States, another state, or a political subdivision of another state, an intelligence agency of the United States, or a protective services shelter or facility, including without limitation a domestic violence shelter, from transmitting or causing to be transmitted, an inaccurate telecommunications number;

(3) A telecommunications service from blocking or restricting the name or phone number from being displayed by caller identification equipment or devices; or

(4) Any activity pursuant to a court order that specifically authorizes the use of caller identification manipulation.

(f) A violation of this section is a Class D felony.

SECTION 9. Arkansas Code Title 23, Chapter 17, Subchapter 1, is amended to add an additional section to read as follows:

23-17-122. Annual certification.

No later than June 30 annually, a telecommunications provider may seek a determination by the Arkansas Public Service Commission that the telecommunications provider has implemented current and applicable technologies to identify and block telecommunications that violate § 4-88-107(a)(1), § 4-88-108(a), § 4-99-108(c), or § 4-99-302(b), as applicable, taking into consideration applicable state and federal laws, federal regulations, and costs.

/s/J. Dismang

APPROVED: 4/3/19
A Bill

For An Act To Be Entitled
AN ACT TO AMEND THE LAW PROHIBITING SPOOFING; TO
AMEND THE LAW REGULATING TELECOMMUNICATIONS SERVICE
PROVIDERS AND SPOOFING PROVIDERS; TO DECLARE AN
EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle
TO AMEND THE LAW PROHIBITING SPOOFING; TO
AMEND THE LAW REGULATING
TELECOMMUNICATIONS SERVICE PROVIDERS AND
SPOOFING PROVIDERS; AND TO DECLARE AN
EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 5-63-205, as enacted by Acts 2019, No. 677,
is amended to read as follows:

5-63-205. Misleading caller identification information — Exemptions —
Penalties.
(a) It is unlawful for a person, in connection with a
telecommunications service, to cause a caller identification service to
transmit misleading or inaccurate caller identification information if the
purpose is to defraud, cause harm, or wrongfully obtain anything of value.
(b) It is unlawful for a person, in connection with a
telecommunications service, to cause a caller identification service to
transmit misleading or inaccurate caller identification information unless
the person has verified that the caller has a right to use the name and the
phone number displayed.
(c) It is unlawful for a telecommunications service to permit or cause a caller identification service or device to display the name or telephone number of the recipient.

(d) It is unlawful for a person to use 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 for any purpose.

(e) This section does not prohibit:

   (1) An authorized activity of a law enforcement agency;

   (2) Any investigative, protective, or intelligence activity of a law enforcement agency, including a law enforcement agency of the United States, another state, or a political subdivision of another state, an intelligence agency of the United States, or a protective services shelter or facility, including without limitation a domestic violence shelter, from transmitting or causing to be transmitted, an inaccurate telecommunications number;

   (3) A telecommunications service from blocking or restricting the name or phone number from being displayed by caller identification equipment or devices; or

   (4) Any activity pursuant to a court order that specifically authorizes the use of caller identification manipulation; or

   (5) A telecommunications provider or other person from transmitting or causing to be transmitted an inaccurate telecommunications telephone number for a legitimate business purpose.

(f) This section does not apply to a telecommunications provider that complies with § 23-17-122.

(g) A violation of this section is a Class D felony.

SECTION 2. Arkansas Code § 23-17-122, as enacted by Acts 2019, No. 677, is amended to read as follows:

23-17-122. Annual certification.

(a) As used in this section, "provider" means an entity that provides a telecommunications service, a Voice over Internet Protocol, commonly known as "VoIP", service, a commercial radio service, or a similar service.

(b) No later than June 30 annually, a telecommunications provider may seek a determination by Beginning July 1, 2019, and annually thereafter, a
provider shall file with the Arkansas Public Service Commission documentation demonstrating that the telecommunications provider has implemented current and applicable technologies to identify and block telecommunications that violate § 4-88-107(a)(1), § 4-88-108(a), § 4-99-108(c), or § 4-99-302(b), as applicable, taking into consideration applicable state and federals laws, federal regulations, and costs.

(c)(1) The commission shall promulgate rules necessary to implement this section.

(2)(A) When adopting the initial rules to implement this section, the final rule shall be filed with the Secretary of State for adoption under § 25-15-204(f):

(i) On or before July 1, 2020; or
(ii) If approval under § 10-3-309 has not occurred by July 1, 2020, as soon as practicable after approval under § 10-3-309.

(B) The commission shall file the proposed rule with the Legislative Council under § 10-3-309(c) sufficiently in advance of July 1, 2020, so that the Legislative Council may consider the rule for approval before July 1, 2020.

(d) The commission shall have exclusive jurisdiction to hear and determine all complaints regarding a provider's compliance with this section.

(e) A provider filing documentation under subsection (b) of this section shall be deemed to be in compliance with this section until the provider is subject to a final order issued by the commission finding the provider has failed to implement current and applicable technologies according to subsection (b) of this section.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the practice of illegal robocalls from telemarketers and from others seeking to perpetrate scams on the public to mislead and defraud the public is growing; that addressing misleading and fraudulent spoofing of telephone calls will protect the lives, health, and welfare of the state's residents; and that this act is immediately necessary because the Arkansas Public Service Commission should be immediately authorized to adopt and implement appropriate rules as provided in this act. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace,
health, and safety shall become effective on:

  (1) The date of its approval by the Governor;

  (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

  (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

APPROVED: 4/16/19