

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

**RECEIVED**  
MAR 31 2020  
BUREAU OF  
LEGISLATIVE RESEARCH

# ARKANSAS PUBLIC SERVICE COMMISSION



## ANTI-SPOOFING RULES

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

Attachment A  
Docket No. 19-046-R  
Order No. 3  
Page 2 of 11

## ANTI-SPOOFING RULES

### ADMINISTRATIVE HISTORY

<u>Docket</u>	<u>Date</u>	<u>Order No.</u>	<u>Subject Matter of Docket/Order</u>
19-046-R	xx/xx/20xx	xx	Adoption of Rules

## ANTI-SPOOFING RULES

### Table of Contents

### PAGE

#### **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

Formatted: Font: Not Bold

#### **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**

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. §§

Attachment A  
Docket No. 19-046-R  
Order No. 3  
Page 5 of 11

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 RPPule 1.054.

(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.

Attachment A  
Docket No. 19-046-R  
Order No. 3  
Page 6 of 11

Attachment A  
Docket No. 19-046-R  
Order No. 3  
Page 7 of 11

## **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;



Attachment A  
Docket No. 19-046-R  
Order No. 3  
Page 9 of 11

- (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.

Formatted: Font: Georgia, 12 pt

Formatted: Normal

Formatted: Indent: Left: 0"

Formatted: No underline

## 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~~

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

~~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.~~

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: S3/20/19

# A Bill

SENATE BILL 514

5 By: Senator J. Dismang  
6 By: Representative Penzo  
7

## For An Act To Be Entitled

9 AN ACT TO REGULATE TELECOMMUNICATIONS SERVICE  
10 PROVIDERS AND THIRD-PARTY SPOOFING PROVIDERS; TO  
11 REQUIRE THAT A TELECOMMUNICATIONS SERVICE PROVIDER  
12 AND THIRD-PARTY SPOOFING PROVIDER ARE HELD  
13 ACCOUNTABLE FOR CERTAIN ACTIVITIES; TO IMPOSE  
14 CRIMINAL PENALTIES ON CERTAIN SPOOFING ACTIVITIES;  
15 AND FOR OTHER PURPOSES.  
16  
17

## Subtitle

18 TO REGULATE TELECOMMUNICATIONS SERVICE  
19 PROVIDERS AND THIRD-PARTY SPOOFING  
20 PROVIDERS.  
21  
22  
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
25

26 *SECTION 1. DO NOT CODIFY. Legislative findings and intent.*

27 *(a) The General Assembly finds that:*

28 *(1) The citizens of this state are being negatively affected by*  
29 *illegal robocalls from telemarketers and from others seeking to perpetrate*  
30 *scams on them;*

31 *(2) While these illegal robocalls are frustrating for most, the*  
32 *robocalls are costly and dangerous for far too many Arkansans;*

33 *(3) An alarming number of illegal robocalls originate from*  
34 *scammers using automatic telephone dialing systems to send out thousands of*  
35 *phone calls per minute with fictitious or misleading names or telephone*  
36 *numbers displaying on unsuspecting consumers' telephone caller identification*



1 service;

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

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

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

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

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

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

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

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

24  
25 SECTION 2. Arkansas Code § 4-88-107(a)(11), concerning displaying a  
26 fictitious or misleading name or telephone number, is amended to read as  
27 follows:

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

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

34  
35 SECTION 3. Arkansas Code § 4-88-108 is amended to read as follows:  
36 4-88-108. Concealment, suppression, or omission of material facts.

1           (a) When utilized in connection with the sale or advertisement of any  
2 goods, services, or charitable solicitation, the following ~~shall be~~ is  
3 unlawful:

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

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

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

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

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

18  
19           SECTION 4. Arkansas Code § 4-99-108(c), concerning information to be  
20 provided to each prospective purchaser, is amended to read as follows:

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

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

28  
29           SECTION 5. Arkansas Code § 4-99-302(b), concerning prohibitions as  
30 used concerning caller identification blocking by telephonic sellers, is  
31 amended to read as follows:

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

36                   (2) Subdivision (b)(1) of this section *does not apply* to the

1 transmission of caller identification service by a telecommunications  
2 provider that complies with § 23-17-122.

3  
4 SECTION 6. Arkansas Code § 5-63-204(a)(1), concerning automated  
5 telephone solicitation, is amended to read as follows:

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

14  
15 SECTION 7. Arkansas Code § 5-63-204(b), concerning automated telephone  
16 solicitation, is amended to read as follows:

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

20  
21 SECTION 8. Arkansas Code Title 5, Chapter 63, Subchapter 2, is amended  
22 to add an additional section to read as follows:

23 5-63-205. Misleading caller identification information – Exemptions –  
24 Penalties.

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

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

34 (c) It is unlawful for a telecommunications service to permit or cause  
35 a caller identification service or device to display the name or telephone  
36 number of the recipient.

1 (d) It is unlawful for a person to use a third party to display or  
2 cause to be displayed a fictitious or misleading name or telephone number on  
3 an Arkansas resident's telephone caller identification service for any  
4 purpose.

5 (e) This section does not prohibit:

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

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

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

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

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

20  
21 SECTION 9. Arkansas Code Title 23, Chapter 17, Subchapter 1, is  
22 amended to add an additional section to read as follows:

23 23-17-122. Annual certification.

24 No later than June 30 annually, a telecommunications provider may seek  
25 a determination by the Arkansas Public Service Commission that the  
26 telecommunications provider has implemented current and applicable  
27 technologies to identify and block telecommunications that violate § 4-88-  
28 107(a)(1), § 4-88-108(a), § 4-99-108(c), or § 4-99-302(b), as applicable,  
29 taking into consideration applicable state and federal laws, federal  
30 regulations, and costs.

31  
32  
33 /s/J. Dismang

34  
35 APPROVED: 4/3/19



1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1986

5 By: Representative Penzo  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW PROHIBITING SPOOFING; TO  
9 AMEND THE LAW REGULATING TELECOMMUNICATIONS SERVICE  
10 PROVIDERS AND SPOOFING PROVIDERS; TO DECLARE AN  
11 EMERGENCY; AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

14 TO AMEND THE LAW PROHIBITING SPOOFING; TO  
15 AMEND THE LAW REGULATING  
16 TELECOMMUNICATIONS SERVICE PROVIDERS AND  
17 SPOOFING PROVIDERS; AND TO DECLARE AN  
18 EMERGENCY.  
19  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

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

26 5-63-205. Misleading caller identification information – Exemptions –  
27 Penalties.

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

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



1 (c) It is unlawful for a telecommunications service to permit or cause  
2 a caller identification service or device to display the name or telephone  
3 number of the recipient.

4 (d) It is unlawful for a person to use a third party to display or  
5 cause to be displayed a fictitious or misleading name or telephone number on  
6 an Arkansas resident's telephone caller identification service for any  
7 purpose.

8 (e) This section does not prohibit:

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

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

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

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

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

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

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

28  
29 SECTION 2. Arkansas Code § 23-17-122, as enacted by Acts 2019, No.  
30 677, is amended to read as follows:

31 23-17-122. Annual certification.

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

35 ~~(b) No later than June 30 annually, a telecommunications provider may~~  
36 ~~seek a determination by~~ Beginning July 1, 2019, and annually thereafter, a

1 provider shall file with the Arkansas Public Service Commission documentation  
2 demonstrating that the telecommunications provider has implemented current  
3 and applicable technologies to identify and block telecommunications that  
4 violate § 4-88- 107(a)(1), § 4-88-108(a), § 4-99-108(c), or § 4-99-302(b), as  
5 applicable, taking into consideration applicable state and federal laws,  
6 federal regulations, and costs.

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

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

12 (i) On or before July 1, 2020; or

13 (ii) If approval under § 10-3-309 has not occurred  
14 by July 1, 2020, as soon as practicable after approval under § 10-3-309.

15 (B) The commission shall file the proposed rule with the  
16 Legislative Council under § 10-3-309(c) sufficiently in advance of July 1,  
17 2020, so that the Legislative Council may consider the rule for approval  
18 before July 1, 2020.

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

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

26  
27 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
28 General Assembly of the State of Arkansas that the practice of illegal  
29 robocalls from telemarketers and from others seeking to perpetrate scams on  
30 the public to mislead and defraud the public is growing; that addressing  
31 misleading and fraudulent spoofing of telephone calls will protect the lives,  
32 health, and welfare of the state's residents; and that this act is  
33 immediately necessary because the Arkansas Public Service Commission should  
34 be immediately authorized to adopt and implement appropriate rules as  
35 provided in this act. Therefore, an emergency is declared to exist, and this  
36 act being immediately necessary for the preservation of the public peace,

1 health, and safety shall become effective on:

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

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

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

8  
9  
10 **APPROVED: 4/16/19**  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36