



Telecommunications Bulletin

Customer Service Center (CSC)

Volume: CSC 14 – 07
October 23, 2013

Joe Anderson, CSC Manager
Theresa Starling, Telecom Manager

THE CELLULAR “DO NOT CALL” REGISTRY Update

Due to recent questions and issues brought to our attention, and to improved information available from the Federal Trade Commission and Federal Communications Commission, CMS is issuing this bulletin to make sure its customers are properly informed regarding the Do Not Call Registry. This bulletin builds on the information published in previous bulletins [see last page] and provides a more detailed look at what the Do Not Call Registry is and what it does, as well as what your responsibilities are as individual cell phone users.

Placing your cell phone number on the National Do Not Call Registry will reduce the number of unsolicited calls you receive but it does not assure that you will not get any unsolicited calls. **It is incumbent upon the individual to register a complaint when violations occur.** There are instructions below explaining how to register a complaint if you continue to receive automated “robocalls” or calls from individuals, companies, or other organizations.

The National Do Not Call Registry is managed by the Federal Trade Commission (FTC), the nation’s consumer protection agency. It is enforced by the FTC, the Federal Communications Commission (FCC), and state law enforcement officials.

Despite viral email, there is no new cell phone database.

Consumers may place their cell phone number on the National Do Not Call Registry to notify marketers that they don't want to get unsolicited telemarketing calls.

The truth about cell phones and the Do Not Call Registry is:

- The government is not releasing cell phone numbers to telemarketers.
- There is no deadline for registering a cell phone number on the Do Not Call Registry.
- Federal Communications Commission (FCC) regulations prohibit telemarketers from using automated dialers to call cell phone numbers without prior consent. Automated dialers are standard in the industry, so most telemarketers are barred from calling consumers' cell phones without their consent.

-
-
- There is only one Do Not Call Registry, operated by the Federal Trade Commission (FTC), with information available at donotcall.gov. There is no separate registry for cell phones.
 - The Do Not Call Registry accepts registrations from both cell phones and land lines. To register by telephone, call 1-888-382-1222 (TTY: 1-866-290-4236). You must call from the phone number that you want to register. To register online (donotcall.gov), you will have to respond to a confirmation email.
 - If you have registered a mobile or other telephone number already, you don't need to re-register. Once registered, a telephone number stays on the Do Not Call Registry until the registration is canceled or service for the number is discontinued.
 - Once you register, telemarketers covered by the National Do Not Call Registry have up to 31 days from the date you register to stop calling you.
 - Placing your number on the National Do Not Call Registry will stop most telemarketing calls, but not all. Because of limitations in the jurisdiction of the FTC and FCC, calls from or on behalf of political organizations, charities, and telephone surveyors would still be permitted, as would calls from companies with which you have an existing business relationship, or those to whom you've provided express agreement in writing to receive their calls. However, if you ask a company with which you have an existing business relationship to place your number on its own do-not-call list, it must honor your request. You should keep a record of the date you make the request.
 - By purchasing something from a company, you establish a business relationship with the company. As a result, even if you put your number on the National Do Not Call Registry, that company may call you for up to 18 months after your last purchase or delivery from it, or your last payment to it, unless you ask the company not to call again. In that case, the company must honor your request not to call. If they subsequently call you again, they may be subject to a fine of up to \$16,000.

An established business relationship with a company also will be created if you make an inquiry to the company, or submit an application to it. This kind of established business relationship exists for three months after the inquiry or application. During this time, the company can call you.

If you make a specific request to that company not to call you, however, then the company may not call you, even if you have an established business relationship with that company. You should keep a record of the date you make the request.

- If your **area code “splits,”** you do not have to re-register it with the National Do Not Call Registry. The number with the new area code will be registered for you during the 90-day period when both the old and new area codes work. This is known as the Permissive Dialing Period.

Read all the Frequently Asked Questions (FAQs) at
<http://www.consumer.ftc.gov/articles/0108-national-do-not-call-registry>

TIP: Are you on the Do Not Call list and still getting robocalls you don't want? According to the FTC, you should hang up. Pressing any number can lead to more calls.

Submitting A Complaint

1. You may file a complaint if you received an unwanted call after your number was on the National Registry for 31 days.
2. You may also file a complaint if you received a call that used a recorded message instead of a live person (whether or not your number was on the Registry).

Reminder: Even if your number is registered, some organizations may still call you, such as charities, political organizations, and telephone surveyors. For a full description of who may still call you, please consult our [Consumer FAQs](#).

Debt collectors may also continue to call you whether your number is on the Registry or not. If you have a complaint about a debt collector, please [Click Here](#) to file your complaint. For more information about your rights regarding debt collectors [Click Here](#).

If you have additional questions or concerns regarding the State's cellular service and the products, plans, and options available, please do not hesitate to contact us:

Communications Solution Center (CSC) 800-366-8768 [Local 217-524-4784]

Option 5: Purchase Telecom Products / Services

Sub Option 2: Wireless-Cellular, Paging, and Blackberries

[Previous CMS Bulletin]

The Department of Central Management Services (CMS) has issued Bulletins regarding industry rumors of a published national cellular telephone directory. We have continued our investigation regarding what protections and safeguards are available to cellular users — both consumers and business users.

CMS has been in contact with the Federal Communications Center in Gettysburg, PA (FCC) and received more detailed analysis of the situation. Essentially, the Telephone Consumer Protection Act [Title 47 U.S.C. 227 (b), commonly known as TCPA] applies to consumers and not businesses or governmental bodies. While this legislation offers greater protection to private consumers, the rules state (with certain exceptions) that it is unlawful for any person to make any telemarketing call to any wireless telephone number. With inclusion of that language, the FCC holds that a business subscriber would also have protection. The FCC has interpreted 'ANY PERSON' to include any nonprofit entity, political caller, survey-taker, or religious caller.

The TCPA strictly prohibits live solicitation calls to wireless numbers using an auto dialer. The Act does not, however, prohibit all live solicitation calls (those for emergency purposes, calls made with prior express consent of the cellular owner, or calls from an entity with an established business relationship with the wireless subscriber).

In response to growing complaints over unwanted solicitations, The National Do-Not-Call Registry was established for consumers to register their home and cellular telephone numbers. The Registry, as a consumer-based tool, was designed with input restrictions. There is no programming that allows for a large export of data for mass-registration; thus, CMS cannot send any text or data file of all state cellular numbers. Agency coordinators attempting to enter cellular numbers for all their subscribers have discovered the Registry prohibits entry of large blocks of numbers from one email account. Therefore, if agencies and/or individual state wireless users are concerned about the disruption and minutes of use caused by unwanted solicitations, we recommend that each cellular user take advantage of the National Do-Not-Call Registry.

If after registry on the Do Not Call List, any of your agency's cellular users experience difficulties with unwanted solicitations, the following remedies are available:

- 1) File a private suit in Illinois court.
- 2) File a complaint with the State's Attorney and Better Business Bureau.
- 3) File a complaint with the FCC.