

**Title 23. Public Utilities and Regulated Industries**  
**Chapter XVI. Arkansas Public Service Commission**  
**Subchapter A. Generally**  
**Part 468. Anti-Spoofing Rules**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Last Revised: 3/17/2020

Order No. 3

Docket No. 19-046-R

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"ADMINISTRATIVE HISTORY

Order

Docket	Date	No.	Subject Matter of Docket/Order
19-046-R	5/15/2020	3	Adoption of Rules"

**Subpart 1. General Provisions**

**23 CAR § 468-101. Applicability.**

This part 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 Arkansas Code § 23-17-122.

**Authority.** Arkansas Code §§ 23-17-122, 23-2-305.

**Codification Notes.** This section was promulgated as Rule 2.01 prior to codification in the Code of Arkansas Rules.

**23 CAR § 468-102. Purpose and scope.**

This part establishes procedures for providers to file reports and for the Arkansas Public Service Commission to address complaints filed pursuant to 23 CAR § 468-301.

**Authority.** Arkansas Code §§ 23-17-122, 23-2-305.

**Codification Notes.** This section was promulgated as Rule 2.02 prior to codification in the Code of Arkansas Rules.

**23 CAR § 468-103. Definitions.**

The following definitions shall apply throughout this part except as otherwise required by the context, and any references to this part shall include these definitions:

(1) "Caller identification service" means a service offered by a provider that provides caller identification information to a device capable of displaying the information;

(2) "Commercial radio service" means the same as commercial mobile service as defined in Arkansas Code § 23-17-403;

(3) "Commission" means the Arkansas Public Service Commission;

(4) "Complainant" means a person who initiates a docket before the Arkansas Public Service Commission by filing a complaint pursuant to 23 CAR § 468-301;

(5) "Party" means:

(A) Any person who is:

(i) A complainant;

(ii) Named as a respondent in a complaint filed pursuant to 23 CAR § 468-301;

(iii) An intervenor; or

(iv) Otherwise specifically designated by Arkansas Public Service Commission order as an official party to any docket;

(B) The Attorney General, acting pursuant to the Consumer Utilities Rate Advocacy Division Act, Arkansas Code § 23-4-301 et seq., upon filing a notice of intent to participate as a party in any docket; or

(C) The staff, where staff is participating as a party in any docket pursuant to 23 CAR § 462-105 of the Rules of Practice and Procedure;

(6) "Person" means the same as defined in Arkansas Code § 23-1-101;

(7) "Provider" means the same as defined in Arkansas Code § 23-17-122;

(8) "Report" means documentation filed with the Arkansas Public Service Commission containing information seeking to demonstrate that the provider has complied with Arkansas Code § 23-17-122(b);

(9) "RPPs" means the Arkansas Public Service Commission's Rules of Practice and Procedure, 23 CAR pt. 462;

(10) "Spoofing" means:

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

(B) 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;

(11)(A) "Staff" means Arkansas Public Service Commission employees who may collectively participate in and appear as a party in investigations at and dockets before the Arkansas Public Service Commission.

(B) Staff includes:

(i) The Executive Director of the Arkansas Public Service Commission;

(ii) The Director of the Tax Division of the Arkansas Public Service Commission; and

(iii) Employees who report to those directors;

(12) "Telecommunications services" means the same as defined in Arkansas Code § 23-17-403; and

(13) "Voice over internet protocol service" means the same as defined in Arkansas Code § 12-10-303.

**Authority.** Arkansas Code §§ 23-17-122, 23-2-305.

**Codification Notes.** This section was promulgated as Rule 1.01 prior to codification in the Code of Arkansas Rules.

## **Subpart 2. Reports**

### **23 CAR § 468-201. Filings.**

(a) A provider shall file annually with the Arkansas Public Service 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 Arkansas Code § 4-88-107(a)(11), § 4-88-108(a), § 4-99-108(c), or § 4-99-302(b), taking into consideration applicable:

- (1) State and federal laws;
- (2) Federal regulations; and
- (3) Costs.

(b) All reports shall be filed in Docket No. 19-027-A.

(c) All filings shall conform to the Arkansas Public Service Commission's Rules of Practice and Procedure, 23 CAR pt. 462.

**Authority.** Arkansas Code §§ 23-17-122, 23-2-305.

**Codification Notes.** This section was promulgated as Rule 3.01 prior to codification in the Code of Arkansas Rules.

### **23 CAR § 468-202. Contents of the report.**

A provider's report shall at a minimum contain:

- (1) The provider's contact information, including its name and address;
- (2) 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 or persons the provider designates to receive all process and official correspondence from the Arkansas Public Service Commission;
- (3) 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; and
- (4) A list of the types of services provided, and for each type of service provided:
  - (A) A detailed and complete description of the technology being used by the provider in order to identify and block telecommunications that violate Arkansas Code § 4-88-107(a)(11), § 4-88-108(a), § 4-99-108(c), or § 4-99-302(b), as applicable;
  - (B) How the provider has taken into consideration applicable:
    - (i) State and federal laws;
    - (ii) Federal regulations; and
    - (iii) Costs;
  - (C) Whether the technology being used is the most current and applicable technology available and, if so, an explanation supporting this statement;
  - (D) If the technology is not the most current and applicable technology, an explanation of why the most current and applicable technology is not being used; and
  - (E) 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.

**Authority.** Arkansas Code §§ 23-17-122, 23-2-305.

**Codification Notes.** This section was promulgated as Rule 3.02 prior to codification in the Code of Arkansas Rules.

**23 CAR § 468-203. 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.

**Authority.** Arkansas Code §§ 23-17-122, 23-2-305.

**Codification Notes.** This section was promulgated as Rule 3.03 prior to codification in the Code of Arkansas Rules.

**23 CAR § 468-204. Service of report.**

The provider is not required to serve its report on any other party in Docket No. 19-027-A.

**Authority.** Arkansas Code §§ 23-17-122, 23-2-305.

**Codification Notes.** This section was promulgated as Rule 3.04 prior to codification in the Code of Arkansas Rules.

**23 CAR § 468-205. Protective order of nondisclosure.**

(a) A provider may file a written motion requesting that the Arkansas Public Service Commission enter a protective order of nondisclosure.

(b) The process for obtaining a protective order is set out in 23 CAR § 462-404 of the Rules of Practice and Procedure, 23 CAR pt. 462.

**Authority.** Arkansas Code §§ 23-17-122, 23-2-305.

**Codification Notes.** This section was promulgated as Rule 3.05 prior to codification in the Code of Arkansas Rules.

### **Subpart 3. Resolution of Disputes**

#### **23 CAR § 468-301. Complaints.**

(a)(1) Any person challenging a provider's compliance with Arkansas Code § 23-17-122, including the sufficiency of a report filed under 23 CAR § 468-201 et seq. or any other act under Arkansas Code § 23-17-122, shall do so in the form of a complaint.

(2) The complaint shall fully and clearly set out:

(A) Any alleged violation of Arkansas Code § 23-17-122 or this part committed by any provider; and

(B) The exact relief desired.

(3) The complaint shall contain facts and information sufficient to:

(A) Fully apprise the Arkansas Public Service Commission and the respondent of the facts and issues involved; and

(B) 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 Subpart 3 of the Rules of Practice and Procedure, 23 CAR pt. 462, except as specified by this part.

**Authority.** Arkansas Code §§ 23-17-122, 23-2-305.

**Codification Notes.** This section was promulgated as Rule 4.01 prior to codification in the Code of Arkansas Rules.

#### **23 CAR § 468-302. Procedures.**

(a )(1) Upon the filing of a complaint, the secretary of the Arkansas Public Service Commission shall immediately:

(A) Serve a copy thereof upon each respondent along with the summons in Appendix 9-1 of the Rules of Practice and Procedure, 23 CAR pt. 462; and

(B) Notify each respondent that:

(i) The complaint must be answered in writing within twenty (20) days after the date of service; and

(ii) In case of failure to answer, an order may be entered against the respondent for the relief demanded in the complaint.

(2) The Arkansas Public Service Commission may, for good cause shown:

(A) Require the answer to be filed within a shorter time; or

(B) Extend the time in which an answer may be filed.

(b)(1) Respondent's answer shall contain a:

(A) Specific denial of such material allegations of the complaint as are controverted; and

(B) Statement of any new matter constituting a defense.

(2) 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 Arkansas Public Service Commission waives the default for good cause shown.

(d) The Arkansas Public Service Commission's Rules of Practice and Procedure shall apply except as provided herein.

**Authority.** Arkansas Code §§ 23-17-122, 23-2-305.

**Codification Notes.** This section was promulgated as Rule 4.02 prior to codification in the Code of Arkansas Rules.