

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion,)
to designate the Federal Trade Commission's)
do-not-call registry as the Michigan)
do-not-call list.)
_____)

Case No. U-13753

At the April 17, 2003 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Laura Chappelle, Chairman
Hon. David A. Svanda, Commissioner
Hon. Robert B. Nelson, Commissioner

OPINION AND ORDER

On December 20, 2002, Governor John Engler signed into law 2002 PA 612 (Act 612) amending the Home Solicitation Sales Act, 1971 PA 227, MCL 445.111 to MCL 445.117. Act 612 operates to regulate certain telephone solicitations, prescribes penalties and remedies for violations, and directs the Commission to establish a state do-not-call list. This law became effective March 31, 2003.

Act 612 prescribes that within 120 days after its effective date, or by July 29, 2003, the Commission must either establish a state do-not-call list or designate a vendor to maintain such a list. Beginning 90 days after the Commission establishes a do-not-call list or designates a vendor to maintain the list, telephone solicitors are prohibited from making telephone solicitations to residential telephone customers whose names and numbers are on the list.

Act 612 also states that if a federal government agency establishes a federal do-not-call list, within 120 days after the establishment of that list, the Commission shall designate the federal list as the state do-not-call list.

With the recent amendments to its Telemarketing Sales Rule, 16 CFR Part 310, the Federal Trade Commission (FTC) established a national do-not-call registry. The FTC's registry development process is well underway and there is ample reason to believe that the list will be available in the near future. The FTC has contracted with a vendor for the list, received approval for over \$18 million in funding for the registry, and announced the implementation timeline. Internet and telephone registration for the federal list is scheduled to begin in July 2003. Telemarketers and other sellers will be able to access the registry beginning in September 2003 and enforcement of the federal do-not-call provisions will commence in October 2003.

The Federal Communications Commission (FCC) is also working on a rule that would establish a federal do-not-call list under the Telephone Consumer Protection Act of 1991, codified at 47 U.S.C. § 227. The FCC's authority to regulate telephone solicitations is greater than the FTC's authority. On March 11, 2003, President Bush signed into law an Act requiring the FCC to issue its final rule by September 7, 2003 and to coordinate with the FTC to maximize consistency between the rules. Do-Not-Call Implementation Act, Pub. L. No. 108-10, 117 Stat. 557 (2003).

The Commission believes that using the national do-not-call registry as the Michigan do-not-call list will promote efficient government by reducing the unnecessary duplication of resources. Use of the federal list also benefits customers by permitting them to obtain protection against both intrastate and interstate telephone solicitations with just one registration.

The Commission FINDS that:

- a. Jurisdiction is pursuant to 2002 PA 612, MCL 445.111 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACCS, R 460.17101 et seq.
- b. The FTC established a federal do-not-call registry and that list should be designated as the Michigan do-not-call list.

THEREFORE, IT IS ORDERED that the Federal Trade Commission's do-not-call registry is designated as the Michigan do-not-call list.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26.

MICHIGAN PUBLIC SERVICE COMMISSION

(S E A L)

/s/ Laura Chappelle
Chairman

By its action of April 17, 2003.

/s/ David A. Svanda
Commissioner

/s/ Dorothy Wideman
Its Executive Secretary

/s/ Robert B. Nelson
Commissioner

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Suggested Minute:

“Adopt and issue order dated April 17, 2003 designating the Federal Trade Commission’s do-not-call registry as the Michigan do-not-call list, as set forth in the order.”