



Control Number: 39488



Item Number: 1

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Echelon Building II, Suite 200
9430 Research Boulevard, Austin, TX 78759
phone: 512-338-0473, fax: 512-346-0822

June 10, 2011

Mr. James Galloway, Central Records Filing Clerk
Public Utility Commission of Texas
1701 N. Congress Avenue
Austin, Texas 78711

Re: Tariff Control No. 39488 Application of Coleman County Telephone Cooperative, Inc. for Administrative Member Services Tariff Revisions

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FILING CLERK

Dear Mr. Galloway:

On behalf of Coleman County Telephone Cooperative, Inc. ("Applicant"), I am submitting an original and ten (10) copies of the Applicant's Member Services Tariff revision to incorporate additional language regarding Automatic Dial Announcing Devices. Amendments to the Federal Trade Commission's ("FTC's") Telemarketing Sales Rule have rendered the existing tariff inconsistent with current federal requirements. In addition, the numbering sequence has been revised.

Thank you for your attention to this matter. Please file-stamp the additional copies and return them via the courier. Any questions or comments may be directed to me at the above-listed address and telephone number.

Sincerely,

Cindy Neugebauer
Authorized Representative for
Coleman County Telephone Cooperative, Inc.

Enclosures

cc: Ms. Leanna Jones, Office Manager
Coleman County Telephone Cooperative, Inc.

HEADQUARTERS:

7852 Walker Drive, Suite 200, Greenbelt, MD 20770
phone: 301-459-7590, fax: 301-577-5575
internet: www.jsitel.com, e-mail: jsi@jsitel.com

Egandale Corporate Center, Suite 310
1380 Corporate Center Curve, Eagan, MN 55121
phone: 651-452-2660, fax: 651-452-1909

6849 Peachtree Dunwoody Road
Building B-3, Suite 200, Atlanta, Georgia 30328
phone: 770-569-2105, fax: 770-410-1608

547 South Oakview Lane
Bountiful, UT 84010
phone: 801-294-4576, fax: 801-294-5124

COLEMAN COUNTY TELEPHONE COOPERATIVE, INC.

Proposed Member Services Tariff Revisions

Tariff Control No. 39488

June 10, 2011

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MEMBER SERVICES TARIFF

GENERAL RULES AND REGULATIONS

VIII. ESTABLISHMENT AND USE OF SERVICE FACILITIES (Continued)

K. Use of Automatic Dial Announcing Devices (Continued)

1. Requirements for Use (Continued)

b. The device is not to be used for random number dialing or to dial numbers by successively increasing or decreasing integers and may not simultaneously engage two or more lines of a multi-line business;

c. The message conveyed by the device, or a message delivered by a human, must be in a single language and must state within the first 30 seconds of the call the nature of the call and the name, address, and call-back telephone number other than the ADAD number of the person, company, or organization making the call. If used for debt collection purposes or if a live operator introduces the call, this provision does not apply;

d. The device must disconnect from the called person's line not later than 5 seconds after either party hangs up or if the device cannot disconnect within that period, a live operator must introduce the call and receive the called person's consent;

e. The device must comply with the line seizure requirements as set forth in 47 CFR 68.318(c).

f. No calls shall be made to emergency telephone numbers of hospitals, fire departments, law enforcement offices, medical physician or service offices, health care facilities, poison control centers, "911" lines, other entities providing emergency service, any guest room or patient room of a hospital, health care facility, elderly home, or similar establishment, any telephone numbers assigned to paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier, or any service for which the called party is charged for the call;

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P.O. Box 608, Santa Anna, TX 76878

Effective:

MEMBER SERVICES TARIFF

GENERAL RULES AND REGULATIONS

VIII. ESTABLISHMENT AND USE OF SERVICE FACILITIES (Continued)

K. Use of Automatic Dial Announcing Devices (Continued)

1. Requirements for Use (Continued)

g. For calls terminating in the State of Texas, the device is not to be used to call:

(1) on a Sunday before noon or after 9 p.m., or before 9 a.m. or after 9 p.m. on a weekday or a Saturday, when the device is used for solicitation; or

(2) at any hour that collection calls would be prohibited under the Federal Fair Debt Collection Practices Act, 15 U.S.C. Section 1692 et seq., when the device is used for collection purposes.

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MEMBER SERVICES TARIFF

GENERAL RULES AND REGULATIONS

VIII. ESTABLISHMENT AND USE OF SERVICE FACILITIES (Continued)

K. Use of Automatic Dial Announcing Devices (Continued)

1. Requirements for Use (Continued)

h. Violation of any portion of this section shall subject the user to prosecution for a Class A misdemeanor as set forth in the Public Utility Regulatory Act, § 55.138 and subject the user to Commission administrative penalties.

i. If during a call, a cross-promotion or reference is made to any sponsor-provided service where the caller will incur a charge to place the call, the estimated time and rate must be stated.

2. The Cooperative may disconnect or refuse to connect service to a person using or intending to use an automatic dial announcing device if the Cooperative determines that the device is causing network harm.

3. The Cooperative shall disconnect service to a person upon a determination and notice by the Commission that the person is violating this section. Where the Telephone Cooperative receives Commission notice that a court or qualified agency has suspended a permit as allowed in state-issued licenses for failure to pay child support, the Telephone Cooperative shall in these instances disconnect immediately. The Cooperative may reconnect service to the person only upon a determination by the Commission that the person will comply with the Commission's rules as set forth in this section.

Except for immediate disconnection as noted above, the Cooperative shall give written notice, by mail or hand delivery, if practicable, to the person using the device of its intent to disconnect service not later than the third day before the date of disconnection, except that if the device is causing network congestion or blockage, the notice may be given by telephone or hand delivery, if practicable, on the day before the date of disconnection.

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MEMBER SERVICES TARIFF

GENERAL RULES AND REGULATIONS

VIII. ESTABLISHMENT AND USE OF SERVICE FACILITIES (Continued)

K. Use of Automatic Dial Announcing Devices (Continued)

4. This section does not apply to the use of an automatic dial announcing device relating to an emergency or a public service approved by the emergency management coordinator of the county in which the call was received or where a public or private primary or secondary school system attempts to account for truant students.

5. Anyone applying for a permit to use one or more devices shall use a Commission form and pay the Commission-prescribed fee for each permit issued.

In accordance with Substantive Rule 26.125, Automatic Dial Announcing Devices (ADADSS), an ADAD operator must obtain a permit from the Public Utility Commission of Texas and give written notice specifying the type of device to be connected to each telecommunications utility over whose system the device is to be used.

Additional details regarding permits for automatic announcing devices may be obtained from the Public Utility Commission of Texas, 1701 N. Congress Ave., P. O. Box 13326, Austin, TX 78711.

6. Upon receiving a complaint related to the use of automatic dial announcing devices, the Cooperative will record and forward such complaint to the Commission within three business days of receipt and so inform the complainant.

MEMBER SERVICES TARIFF

GENERAL RULES AND REGULATIONS

VIII. ESTABLISHMENT AND USE OF SERVICE FACILITIES (Continued)

L. Indemnification

The customer indemnifies and saves harmless the Cooperative against claims, losses, suits for injury to or death of any persons, or damage to any property which arises from the use, placement or presence of Cooperative equipment, facilities and associated wiring on the customer's premises and further, the customer indemnifies and saves harmless the Cooperative against claims for libel, slander or the infringement of copyright arising directly or indirectly from the material transmitted over the facilities of the Cooperative or the use thereof by the customer; against claims for infringement of patents arising from combining with or using in connection with facilities furnished by the Cooperative, and apparatus, equipment and systems provided by the customer; and against all other claims arising out of any act or omission of the customer in connection with the services or facilities provided by the Cooperative.

IX. PAYMENT OF CHARGES FOR SERVICES AND FACILITIES

A. Billing and Payment for Service

1. The customer is responsible for payment of all charges for exchange service and equipment furnished the customer and toll messages (including special service billing charges) originating at the customer's station, and for all toll messages received at the customer's station on which charges have been reversed with consent of the person called.