Georgia Public Service Commission

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

APPLICATION FOR PERMIT TO USE AUTOMATIC DIALING AND ANNOUNCING DEVICE (ADAD)

Please file the completed application electronically at https://psc.ga.gov/alternative-efile/.

Please also mail one (1) hard copy of the application and any attachments to:

Ms. Sallie Tanner
Executive Secretary
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA 30334-5701

Questions regarding filing procedures should be directed to Sallie Tanner at (404) 463-7747 or stanner@psc.ga.gov.

Questions regarding the application should be directed to Erica Wilson at (404) 651-9402 or ewilson@psc.ga.gov.

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APPLICATION FOR PERMIT TO USE AUTOMATIC DIALING AND ANNOUNCING DEVICE (ADAD)

I. APPLICANT

NAME OF COMPANY	CarMax Business Services, LLC d/b/a CarMax Auto Finance				
ADDRESS 1	225 Chastain Meadows Court				
ADDRESS 2	Suite 210				
CITY	Kennesaw	STATE	GA	ZIP CODE	30144
TELEPHONE	770-795-4750	FAX	770-423-7980		

EMPLOYEE DESIGNATED TO RECEIVE AND RESPOND TO COMMISSION REQUESTS:					
NAME	Emily Hill	TITLE	Paralegal II		
ADDRESS 1	225 Chastain Meadows Court				
ADDRESS 2	Suite 210				
CITY	Kennesaw	STATE	GA	ZIP CODE	30144
TELEPHONE	770-79204750	FAX			
EMAIL ADDRESS	Emily_hill@carmax.com				

NOTE: FAILURE TO NOTIFY THE COMMISSION, IN WRITING, WHEN THERE IS A CHANGE IN THE CONTACT PERSON OR ADDRESS(ES) LISTED IN THIS APPLICATION WILL RESULT IN CANCELLATION OF THE APPLICATION OR SUBSEQUENT PERMIT.

Internal Use Only

II. AUTOMATIC DIALING AND ANNOUNCING DEVICE

LOCATION OF ADAD EQUIPMENT:					
ADDRESS 1	225 Chastain Meadows Court				
ADDRESS 2	Suite 210				
CITY	Kennesaw	STATE	GA	ZIP CODE	30144
TELEPHONE	770-792-4750	FAX			

NAME OF LOCAL EXCHANGE CARRIER THAT PROVIDES TELEPHONE SERVICE FOR ADAD(S):	Verizon
LIST ALL TELEPHONE NUMBERS FROM WHICH OUTBOUND ADAD CALLS WILL BE MADE:	Please see attached completed list.
NUMBER OF ADADS TO BE USED BY APPLICANT:	5

LIST ALL ADAD EQUIPMENT TO BE USED BY APPLICANT (MANUFACTURERS, MODELS, ETC.)
Audiocodes Serial No. FTI1232402; Registration No. AC1ISNANMED2KDC – (production)
Audiocodes Serial No. FTI12336071; Registration No. AC1ISNANMED2KDC – (production)
Audiocodes Serial No. FTI1725385; Registration No. AC1ISNANMED2KDC – (production)
Audiocodes Serial No. DTI1914180; Registration No. AC1ISNANMED2KDC – (disaster recovery)
Sagoma Serial No. CCP30047973130002; Registration No. CISPR22, EN55022 – (Q&A)

EXPLAIN THE PURPOSE(S) FOR WHICH ADAD(S) WILL BE USED:
3 devices that can act as the production dialer
1 QA device for testing purposes
1 device for Disaster Recovery

PROVIDE THE MESSAGE(S) THAT WILL BE DELIVERED TO CALLED PARTIES USING ADAD(S):
Early, Late, Bilingual, High Risk, and Misc Rep Record Messaging: Hi, this is <associate's name> from CarMax Auto Finance. Please return my call at 1-800-337-3612. You can reach me between the hours of 8am-10pm Monday through Friday and 9am-6pm Saturday, Eastern Time. Thank you.
Recovery Department Rep Recorded Messaging: This is CarMax Auto Finance. Please return this call at 1-800-337-3612. You can reach us between the hours of 8am-10pm Monday through Friday and 9am-6pm Saturday, Eastern Time. Thank you.
High Risk-Special States Rep Recorded Messaging: This is CarMax Auto Finance. Please return this call at 1-800-337-3612. You can reach us between the hours of 8am-10pm Monday through Friday and 9am-6pm Saturday, Eastern Time. Also, if you would like to contact us by mail, our address is PO Box 440609 Kennesaw, GA 30160. Thank you.

Internal Use Only

EXPLAIN HOW THE DATABASE OF PHONE NUMBERS TO BE DIALED BY THE ADAD(S) WAS OBTAINED AND TO WHAT GROUP(S) THE ADAD MESSAGES WILL BE DIRECTED:
We obtained the phone numbers from our customers via Credit Application at the point of sale, via our website when customers update their profile, or orally when we speak with the customer.

HAS THE APPLICANT REGISTERED WITH THE FEDERAL TRADE COMMISSION TO ACCESS THE NATIONAL DO NOT CALL REGISTRY?	YES		NO	X

We are an exempt organization because we only use these ADAD devices to contact customers who have an established relationship with us.

PLEASE READ COMMISSION RULE 515-12-1-.32: AUTOMATIC DIALING AND ANNOUNCING DEVICE EQUIPMENT (ATTACHED). DOES THE APPLICANT AGREE TO COMPLY WITH ALL PROVISIONS OF THIS RULE?	YES	X	NO	

PLEASE INDICATE THE MANNER IN WHICH THE APPLICANT PLANS TO OBTAIN PRIOR EXPRESS CONSENT FROM THE INDIVIDUALS BEING CALLED IN ORDER TO COMPLY WITH PARAGRAPHS (5), (6), AND (7) OF COMMISSION RULE 515-12-1-.32:
We obtain prior express consent via A) language in our Retail Installment Contract noting customer providers consent to call on numbers provided; B) Terms of Use/Alert on website letting the customer know they consent to contact; and C) asking the customer "May we contact you at this number" when we receive a new phone number from our customer.

III. AFFIDAVIT

OFFICER OR ATTORNEY/ AGENT:					
NAME	Jon Daniels				
TITLE	Senior Vice President				
ADDRESS 1	225 Chastain Meadows Court				
ADDRESS 2	Suite				
CITY	Kennesaw	STATE	GA	ZIP CODE	30144

THE INDIVIDUAL NAMED ABOVE (HEREINAFTER, "APPLICANT") PERSONALLY APPEARED BEFORE THE UNDERSIGNED, AN OFFICER DULY AUTHORIZED TO ADMINISTER OATHS. THE APPLICANT, AFTER FIRST BEING DULY SWORN, DEPOSES AND CERTIFIES THAT HE OR SHE HAS READ THE APPLICATION AND KNOWS THE CONTENTS THEREOF, AND THAT THE STATEMENTS MADE HEREIN ARE TRUE TO THE BEST OF HIS OR HER KNOWLEDGE AND BELIEF.

APPLICANT FURTHER AGREES TO ABIDE BY ALL APPLICABLE LAWS UNDER THE STATE OF GEORGIA, AS CODIFIED IN THE OFFICIAL CODE OF GEORGIA ANNOTATED; ALL APPLICABLE RULES AND REGULATIONS OF THE GEORGIA PUBLIC SERVICE COMMISSION; AND ALL FINDINGS, CONCLUSIONS, TERMS, AND CONDITIONS SET FORTH IN PERTINENT COMMISSION ORDERS.

UNDER PENALTIES OF PERJURY, APPLICANT DECLARES THAT THE STATEMENTS MADE IN THE FOREGOING APPLICATION, INCLUDING ACCOMPANYING STATEMENTS AND ATTACHMENTS ARE TRUE, COMPLETE, AND CORRECT. I UNDERSTAND THAT ANY FALSE OR MISLEADING INFORMATION IN, OR IN CONNECTION WITH, MY APPLICATION MAY BE CAUSE FOR DENIAL OR LOSS OF CERTIFICATE.

SIGNATURE OF AFFIANT

2/21/23
DATE

SUBSCRIBED AND SWORN TO ME THIS
23rd DAY OF February, 2023.

Amy C. Billings
NOTARY PUBLIC

AMY C BILLINGS NOTARY PUBLIC CHEROKEE COUNTY, GEORGIA MY COMMISSION EXPIRES OCTOBER 16, 2025 (SEAL)

Internal Use Only

GPSC Rule 515-12-1-.32

Automatic Dialing and Announcing Device Equipment

(1) As used in Utility Rule 515-12-1-.32, the phrase "ADAD equipment" shall mean any device or system of devices that is used, whether alone or in conjunction with other equipment, for the purpose of automatically selecting or dialing telephone numbers and disseminating pre-recorded messages to the numbers so selected or dialed.

(2) Any person desiring to use ADAD equipment in this state shall make application for a permit to the Georgia Public Service Commission on forms prescribed by the Commission and shall pay the administrative fee assessed by that agency for such permit. Permits shall be renewed biennially as prescribed by the Commission and upon payment of a renewal fee. Permits shall be subject to suspension or revocation for any violation of Commission Rules or O.C.G.A. §§ 46-5-27 and 46-5-23.

(3) Upon receipt of an application for an ADAD equipment permit, the Commission may, in its discretion, conduct a hearing on the application. In the event that a hearing is scheduled by the Commission, notice thereof shall be given to the applicant at least ten days in advance of the date assigned for the proceeding. After considering the application, the Commission may approve it as filed, approve it with conditions or deny it in its entirety. Upon approval of the application, a permit shall be issued in the form identified as "Permit to Use Automatic Dialing and Announcement Devices."

(4) Persons using ADAD equipment for the purpose of advertising or offering for sale, lease, rental, or as a gift any goods, services, or property, either real or personal, primarily for personal, family, or household use or for the purpose of conducting polls or soliciting information must do so under the following conditions:

(a) Consent shall be received prior to the initiation of the calls as specified in paragraphs (5), (6), and (7).

(b) No calls will be placed between the hours of 9:00 p.m. and 8:00 a.m.

(c) Equipment used to place such calls shall be equipped with an automatic clock and calendar device which will operate, even in the event of power failure, to prevent unattended operation in violation of the time limitations set forth herein.

(d) No numbers will be called in either sequential or random fashion. Sequentially placed calls refer to those calls automatically dialed by successively increasing or decreasing integers, or similar methods. Randomly placed calls refer to those calls automatically dialed to a telephone number where no prior relationship exists between the calling and the called party.

(e) The telephone number given to the called party to contact must be one which during normal business hours must be promptly answered in person by a person who is an agent of the person on whose behalf the calls are made and who is willing and able to provide information on the call.

(f) The equipment shall be programmed or utilized in such a manner as to automatically disconnect a called party's line not later than ten seconds after the called party fails to give consent for playing a recorded message or hangs up.

(g) Within 25 seconds after the called party answers and at the conclusion of the call, the name and telephone number of the individual or firm making or paying for the call, including but not limited to the name of the individual or firm on whose behalf the call is made, must be clearly stated.

(h) No calls will be placed to persons or firms whose telephone numbers have been omitted from directories published by local exchange companies serving these customers at the request of such persons or firms.

(i) No calls will be placed to organizations providing emergency services including, but not limited to, hospitals, nursing homes, fire departments, and law enforcement agencies.

(5) Any person wishing to receive telephone calls through the use of ADAD equipment shall give his or her written permission to the person using, employing or directing another person to use, or contracting for the use of such ADAD equipment.

(6) This consent will be valid for two years from the date on which it is executed unless sooner withdrawn. A record of such written consent must be maintained by the person to whom consent is given, and made available to the Commission or its authorized representative during normal business hours and following reasonable notice. This consent shall be withdrawn fifteen days following receipt of the letter of withdrawal.

(7) A person may give consent to a call made with ADAD equipment when a live operator introduces the call and states an intent to play a recorded message. This consent applies only to one particular call and shall not constitute prior consent to receive further calls through the use of such ADAD equipment.

(8) Persons authorized to operate or use Automatic Dialing and Announcing Device equipment are not subject to the restrictions set forth in subparts (4)(b), (c), (d), (e), (f), and (g) of Utility Rule 515-12-1-.32 in instances in which:

(a) Calls are made with ADAD equipment by a nonprofit organization, or by an individual or entity, using such calls other than for commercial profit-making

purposes, and the calls do not involve the advertisement or offering for sale, lease, or rental of goods, services, or property;

(b) Calls made with ADAD equipment relate to payment for, service of, or warranty coverage of previously ordered or purchased goods or services; or

(c) Calls made with ADAD equipment relate to collection of lawful debts.

(9) Any person who operates or uses Automatic Dialing and Announcing Devices in violation of the provisions set forth in Utility Rule 515-12-1-.32 will be subject to disconnection of telephone service if the violation does not cease within 10 days from the date of notification to that person.

(10) No person authorized to operate or use Automatic Dialing and Announcing Device equipment shall do so in a manner that violates the requirements of the state or federal "Do Not Call" rules and laws.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.32
Authority: O.C.G.A. Secs. 46-5-23, 46-5-27.
History. Original Rule entitled "Automatic Dialing and Announcing Device Equipment" adopted. F. July 14, 2003; eff. Aug. 3, 2003.
Amended: F. Feb. 16, 2004; eff. Mar. 7, 2004.

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