# 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.

# Georgia Public Service Commission

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

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

### I. APPLICANT

| | | | | | |
|---|---|---|---|---|---|
| NAME OF COMPANY | Citizens for Free Enterprise | | | | |
| ADDRESS 1 | 15355 East Colfax Avenue | | | | |
| ADDRESS 2 | Unit #110789 | | | | |
| CITY | Aurora | STATE | CO | ZIP CODE | 80042 |
| TELEPHONE | (470) 725-6669 | FAX | | | |

| EMPLOYEE DESIGNATED TO RECEIVE AND RESPOND TO COMMISSION REQUESTS: | | | | | |
|---|---|---|---|---|---|
| NAME | Garrison Belk | TITLE | State Director | | |
| ADDRESS 1 | 1743 Jefferson Drive | | | | |
| ADDRESS 2 | | | | | |
| CITY | Atlanta | STATE | GA | ZIP CODE | 30350 |
| TELEPHONE | (910) 833-2733 | FAX | | | |
| EMAIL ADDRESS | gbelk@citizensforfreeenterprise.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.

## II. AUTOMATIC DIALING AND ANNOUNCING DEVICE

| LOCATION OF ADAD EQUIPMENT: | | | | | |
|---|---|---|---|---|---|
| ADDRESS 1 | 515 E Crossville Rd | | | | |
| ADDRESS 2 | Suite 150 & 160 | | | | |
| CITY | Roswell | STATE | GA | ZIP CODE | 30075 |
| TELEPHONE | (470) 403-4736 | FAX | | | |

| | |
|---|---|
| NAME OF LOCAL EXCHANGE CARRIER THAT PROVIDES TELEPHONE SERVICE FOR ADAD(S): | Campaign Sidekick |
| LIST ALL TELEPHONE NUMBERS FROM WHICH OUTBOUND ADAD CALLS WILL BE MADE: | (470) 403-4736 |
| NUMBER OF ADADS TO BE USED BY APPLICANT: | One "Campaign Sidekick" software package |

LIST ALL ADAD EQUIPMENT TO BE USED BY APPLICANT (MANUFACTURERS, MODELS, ETC.)

Citizens for Free Enterprise will use the Campaign Sidekick calling software to make telephone calls to likely voters in Georgia. The Campaign Sidekick call software includes a dialer to landlines and cellphones that allows live callers to speak with call recipients. If a call recipient does not answer the telephone call, the Campaign Sidekick call software allows the live caller to leave a pre-recorded message after hearing a call recipient's voicemail prompt.

EXPLAIN THE PURPOSE(S) FOR WHICH ADAD(S) WILL BE USED:

Citizens for Free Enterprise will use the Campaign Sidekick calling software to make calls to encourage Georgians to vote in Georgia elections. The Campaign Sidekick call software includes a dialer to landlines and cellphones that allows live callers to speak with call recipients. If Citizens for Free Enterprise receives a permit from the Georgia Public Service Commission, then Citizens for Free Enterprise will be able to activate a feature of Campaign.Sidekick that allows its live callers to leave a pre-recorded message after hearing a call recipient's voicemail prompt.

PROVIDE THE MESSAGE(S) THAT WILL BE DELIVERED TO CALLED PARTIES USING ADAD(S):

Hello, this is [caller's name] with Citizens for Free Enterprise, our phone number is (470) 403-4736. I wanted to let you know that state records indicate you may not be registered to vote. We'd like to urge you to verify your registration status to ensure your voice counts.

If you are like me then you are deeply concerned about the direction of our country. Government leaders are more worried about being politically correct than they are about keeping our economy strong and helping the working people of this country succeed. Last year's U.S. Senate race was decided by less than 1%. If you're like me then you're concerned about the direction of our country which is why we need good people to register to vote. You can verify your status by visiting www.sos.ga.gov.

Again, this is [caller's name] with Citizens for Free Enterprise, you can reach us at (470) 403-4736. This call was paid for by Citizens for Free Enterprise and not authorized by any candidate or candidate's committee. www.citizensforfreeenterprise.com

| 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: |
|---|
| Citizens for Free Enterprise has gathered phone numbers in its non-profit political activities. |

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

| | | | | |
|---|---|---|---|---|
| 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: |
|---|
| Because Citizens for Free Enterprise is a non-profit political organization and the purpose of the calls is non-commercial, and not to conduct a poll or solicit information, Citizens for Free Enterprise is not required to comply with Paragraphs 5, 6, and 7 of Commission Rule 515-12-1-.32. |
| |
| |
| |
| |

## III. AFFIDAVIT

| OFFICER OR ATTORNEY / AGENT | | | | | |
|---|---|---|---|---|---|
| NAME | Garrison Belk | | | | |
| TITLE | State Director | | | | |
| ADDRESS 1 | 1743 Jefferson Drive | | | | |
| ADDRESS 2 | | | | | |
| CITY | Atlanta | STATE | GA | ZIP CODE | 30350 |

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

6/5/23
DATE

SUBSCRIBED AND SWORN TO ME THIS
5th DAY OF June 2023.

Vivian Alfred Okoro
NOTARY PUBLIC Vivian Alfred Okoro

(SEAL)

VIVIAN ALFRED OKORO
NOTARY PUBLIC
Fulton County
State of Georgia
My Comm. Expires Dec. 10, 2024

## 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.