

TENNESSEE REGULATORY AUTHORITY



460 James Robertson Parkway
Nashville, Tennessee 37243-0505

MEMORANDUM

To: Docket 13-00095

From: Stacy Balthrop, Compliance Officer
Shiva K. Bozarth, Legal Counsel

Date: June 20, 2013

Re: Request to appoint a Hearing Officer to initiate a show cause proceeding against a do not fax violator

Recommendation:

Request that this matter be placed upon the agenda of the next scheduled Authority Conference to request that a hearing officer be appointed in this matter.

Background:

The Consumer Services Division ("CSD") alleges that during the period of February 2, 2011, and May 2, 2013, Open Business Directory, Ltd. sent twelve (12) unsolicited faxes to five (5) Tennessee consumers and or businesses in violation of TENN. CODE ANN. § 65-4-501– 506 also known as the Do-Not-Fax law (Exhibit 1).

Recommendation:

Because Open Business Directory, Ltd. has failed to comply with the Do-Not-Fax law, the Investigative Staff consisting of Charles Pemberton, Slayde Warren, Stacy Balthrop, and Shiva Bozarth, recommends that the Tennessee Regulatory Authority place this matter on the agenda for the next Authority Conference and request that a hearing officer be appointed.

Exhibit 1

File No.	Date of Fax	Product Offering
11-0022	2/3/11	Directory Services
11-0030	2/3/11	Directory Services
11-0038	3/8/11	Directory Services
11-0039	3/9/11	Directory Services
11-0062	3/9/11	Directory Services
11-0172	9/27/11	Directory Services
12-0011	2/23/12	Directory Services
12-0012	1/18/12	Directory Services
12-0064	9/20/12	Directory Services
12-0070	10/25/12	Directory Services
13-0008	2/12/13	Directory Services
13-0015	5/2/13	Directory Services