

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION**

**NASHVILLE, TENNESSEE**

**July 5, 2024**

**IN RE:** )  
)  
**RULEMAKING TO AMEND TENN. R. & REGS. 1220-** )  
**04-11 ET SQ. TO INCORPORATE REFERENCES FOR** )  
**UNSOLICITED TEXT MESSAGES IN ACCORDANCE** )  
**WITH PUBLIC CHAPTER 126 WHICH AMENDED** )  
**TENN. CODE ANN § 65-4-401 (2023)** )

**DOCKET NO.**  
**23-00030**

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**ORDER APPROVING ADOPTION OF PROPOSED DNC/DNT RULE**

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This matter came before the Tennessee Public Utility Commission (“Commission”) with all Commissioners voting, during a regularly scheduled Commission Conference held on May 20, 2024.<sup>1</sup> On April 4, 2023, Governor Lee signed into law Public Chapter 126 (“PC 126”), which amends Tenn. Code Ann. § 65-4-401, to prohibit unsolicited telephone calls to include and incorporate similar prohibitions for unsolicited text messages. The provisions for unsolicited text messages do not alter existing law related to unsolicited telephone calls, but simply expands the law to include text messages under the regulatory scheme in this area.

**PROCEDURAL HISTORY**

During the May 8, 2023 Conference, the Commission voted to initiate a rulemaking proceeding to implement PC 126. Subsequently, the Commission published with the Tennessee Secretary of State on January 22, 2024 a Notice of Rulemaking Hearing containing the proposed rule. On January 30, 2024, the Commission published a Notice requesting comments on the

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<sup>1</sup> Commissioner Kenneth C. Hill joined the Conference electronically as noticed in *Notice of Electronic Participation During Commission Conference and Commissioner Meeting*. (May 9, 2024).

proposed rule. The Commission did not receive any written comments on the proposed rule. The Commission conducted a Rulemaking Hearing on the proposed rule on March 21, 2024 with no party appearing to tender comments on proposed rule.

### **THE PROPOSED RULE**

In drafting the proposed rule, the Commission pursued two objectives when modifying the existing Do-Not-Call rule. First, the Commission sought to incorporate the statutory prohibition concerning unsolicited text messages, which was straightforward as the language used in PC 126 largely parallels the existing Do-Not-Call law and existing Do-Not-Call rules. Lastly, the Commission sought to streamline rules concerning its management of the Do-Not-Call and Do-Not-Text regulations. The Do-Not-Call rules have been largely unmodified since their adoption in the early 2000s.<sup>2</sup>

The Do-Not-Call program rules adopted in the early 2000s codified a “paper-based” approach to conducting business with solicitors purchasing access to the Do-Not-Call list. The Commission’s approach modified and/or deleted rule sections that included outdated business practices. The Commission’s changes allow it to implement the rule more efficiently and provides a better customer experience for solicitors as they comply with the rule. No party opposed the proposed rule, as drafted.

### **FINDINGS AND CONCLUSION**

During the regularly scheduled Commission Conference held on May 20, 2024, the Commissioners voted unanimously to adopt the proposed rule attached to the Notice of Rulemaking Hearing filed with the Secretary of State on January 22, 2024. Further, the

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<sup>2</sup> Certain updates and deletions of outdated portions of the Do Not Call rules were promulgated in 2019, as confirmed in Docket No. 18-00087

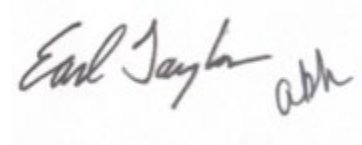
Commissioners directed Staff to prepare the rules and related information for final review and approval of the appropriate state governmental entities.

**FOR THE TENNESSEE PUBLIC UTILITY COMMISSION:**

**Chairman Herbert H. Hilliard,  
Vice Chairman David F. Jones,  
Commissioner Robin L. Morrison,  
Commissioner Clay R. Good,  
Commissioner David Crowell,  
Commissioner Kenneth C. Hill, and  
Commissioner John Hie concur.**

**None dissent.**

**ATTEST:**

A handwritten signature in dark ink, appearing to read "Earl Taylor" with a stylized flourish or initials "abh" to the right.

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**Earl R. Taylor, Executive Director**