

ADAD CEASE AND DESIST LETTERS FREQUENTLY ASKED QUESTIONS (FAQ)

If you have received a letter from the Public Utility Commission (PUC) informing you to immediately cease and desist operating your Automatic Dial Announcing Device(s) (ADAD(s)) because your permit has expired, please review this page for a list of Frequently Asked Questions (FAQs) before attempting to contact the PUC.

Q: Why did I receive a letter informing me to stop using my ADAD until I submitted an application for a new ADAD registration? I have been operating my registration now for some period of time with no problems and no complaints from the Commission.

A: In May of 2004, the Commission reviewed its records of ADAD registrants to identify those registrants who had failed to renew their ADAD permits as required under the Commission's rules. As a result of its review, the Commission Staff found that many ADAD registrants had failed to renew their permits as required. Under the current rules, persons holding an ADAD permit must renew their permit annually. Failure to do so means the registration has expired.

Q: I never received any notice from the PUC telling me that I had to renew my application.

A: When you originally applied for an ADAD registration, registrants attested under oath that they had read all the laws and regulations relating to ADADs, that they understood them, and would abide by them. The PUC was not required under law to notify registrants to renew their certificates. Under the law, registrants are responsible for knowing the legal requirements related to their registrations. In addition, the renewal requirement has been in the Commission's rules since the rules were adopted. A registrant's failure to know or understand the law does not excuse failure to comply with the law.

Q: The letter I received informed me that I have to submit an application for a completely NEW registration. I already have a permit. Can't I just submit a renewal application?

A: No. Under the Commission's rules, expiration of your ADAD permit means it is no longer valid. Therefore, you are treated as a new registrant and must file an application for a new registration, including the fee of \$50 for new registrations. Once you submit an application for a new registration, you will receive a new permit (with a new permit number) which must be renewed annually.

Q: Once I submit my application for new registration, can I go ahead and begin using my ADAD again?

A: No. Simply submitting an application with the appropriate fee does not mean that you now have a permit. The appropriate Public Utility Commission Staff needs ample time to review your application and to issue a new permit to you. You will receive a new permit in the mail

within approximately 2 weeks of submitting your correct and complete application. Until you receive your permit, you are not permitted to operate your ADAD.

Q: What if I have a question about how to fill out the application?

A: If you have a question about how to fill out the application form, do NOT contact the PUC. Staff members cannot advise you about the law or how to fill out an application. You should do your best to complete the application correctly and to supply all the information requested. If you make a mistake, or forget to include the proper fee, the application will be sent back to you requesting the information that is required. In addition, Staff will be processing hundreds of new applications related to this matter and will not be able to assist each and every caller with questions.

Q: What happens if I choose not to seek a new ADAD permit?

A: It depends. If you no longer wish to operate your ADAD, then as long as you do not use it to make phone calls in this State, you do not need a permit, and there is no need for you to apply for a new registration. However, if you wish to continue using an ADAD to make phone calls in this State, then you must have a permit. Failure to operate the ADAD without the permit is a serious violation. It could result in your being convicted of a Class A misdemeanor, in addition to having to paying serious monetary penalties to the Public Utility Commission, another state agency, or the Office of the Attorney General of Texas.

Q: What if I believe that I have a currently valid ADAD permit? Am I still required to submit a new application for registration?

A: No. If you believe that the letter you received was sent to you in error, you must write to the Public Utility Commission of Texas, ATTN: Jennifer Luckey, 1701 N. Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326. You must submit written proof of a currently valid ADAD registration. Such proof must be in the form of a copy of your current valid permit. Absent that, you do not have a valid permit and must apply for a new one.

Q: Can I fax my application form?

A: No. Your completed registration form must be filed with the Central Records Division of the PUC per the instructions on the new application form. Address information can be found in the upper left corner of the registration form.

Q: Where can I get a copy of the Commission's rules on ADADs?

A: You can access the Commission's rules on ADADs by visiting the Commission's website at www.puc.state.tx.us. Once there, scroll down to RULES AND LAWS on the menu and open the SUB-RULES TELECOM link. Section 26.125 is the section relating to Automatic Dial Announcing Devices (ADAD).