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MEMORANDUM

March 6, 2003

TO:

FROM: Gardner F. Gillespie
C. Jeffrey Tibbels

RE: **Draft Nevada Established Business Relationship Exemption
Language**

As noted in our earlier memoranda, the federal government and every state but one have exempted existing business relationships in general or cable operators specifically from their "do not call" statutes. In addition, federal law requires Cox and other parties engaged in telemarketing to honor requests of customers that they not receive telemarketing calls and to maintain an internal "no-call" list. Cox sends its customers a notice annually of their right to be placed on that internal no-call list.

Cox proposes the following language in any do not call bill. The language exempts established business relationships, subject to compliance with federal requirements for maintaining internal no call lists and with a requirement for annual notice to customers of their right to be included in the internal list.

1. The following shall not be considered an unsolicited sales call violating this Act:

1. A sales call by telephone by a [seller] to a [consumer] with whom that [seller] has an established business relationship, and that [consumer] has not stated that he or she does not wish to receive such sales calls.

(a) An established business relationship is a relationship between a [seller] and a [consumer]

based on the [consumer's] purchase, rental, or lease of the [seller's] goods or services, or a financial transaction between the [consumer] and [seller], within the eighteen (18) months immediately preceding the date of a sales call.

(b) Any [seller] subject to the established business relationship exemption as defined in this Subsection must comply with state and federal requirements for maintaining internal do-not-call records listing the telephone numbers of [consumers] who have requested that the [seller] make no further sales calls. [Sellers] must be able to provide this list to the [Division] upon request.

(c) At least once annually, a [seller] subject to the established business relationship exemption shall provide notice, in the form of a separate, written statement, to each existing [customer]:

(1) That the [customer] may elect to be placed on the [seller's] internally maintained do-not-call list;

(2) That the [seller] is providing the notice pursuant to this Subsection; and

(3) That the [customer] may contact either the [seller's] customer service department or the [Division] for further information. The notice will provide the current address, telephone numbers and email addresses for both the [seller] and the [Division].

Please let us know if you have any additional questions.