

5835 Sahler Street
Omaha, NE 68104
April 14, 2004

Re: CAN-SPAM Act Rulemaking, Project No. R411008

To the Commissioners,

I appreciate your efforts to curb the problem of unsolicited bulk email. I feel this spam is hurting us all who are trying to run legitimate businesses. However, I am concerned about the proposed requirement for merchants to maintain suppression lists.

I am new to this area but in talking with other who have been involved and are up on this, I am told that there are so many problems and costs associated with this idea and that much damage would be done to consumers and businesses alike. Therefore I urge you to consider this matter most carefully.

From my understanding the requirement of the use of suppression lists will seriously damage many of the legitimate publications available on the net. My specific concern is for harm to publishers who require permission from the consumer prior to adding them to any list.

It seems that because of the craftiness of the spammers and scammers this is an ongoing and difficult thing to deal with. We need to put those people out of business and not those who are trying to run an honest business. They're not who CAN-SPAM was designed to put out of business, but this requirement will very likely have that effect.

There's also the potential for significant harm to consumers, because of the problem of properly knowing their intent when they unsubscribe from a list. Another thing, which would be a windfall for the spammers is that these suppression lists could easily fall into their hands, leading to more spam instead of less.

Another area that is frustrating to the consumer is signing up for one newsletter or information and then getting numerous other solicitations that you did not sign up for. Then it takes considerable effort to get off those additional lists. They seem to go on and on. I would prefer the original company to be responsible, if you opt out of their list, to have to be linked to the companies they have passed you email address on to, to get you off those lists at the same time. If you specifically asked to additional information or ezines for different information, then it should be your responsibility to each individual ones.

I do not believe that forwarding information on to a friend should be punished. It should be that friends responsibility to subscribe or not. But not to have the privilege to review something that a friend feels may be of value, I feel, is denying that persons freedom to make his own decisions.

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It seems that there are potential problems this ruling could involve, and urge you in the strongest possible terms to reconsider its implementation in light of these problems,

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Mosher". The signature is written in a cursive, slightly slanted style.

Steve Mosher
Nebraska, USA