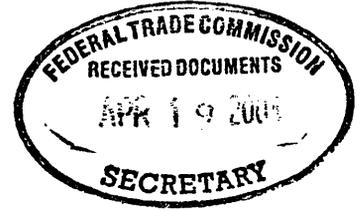


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Re: CAN-SPAM Act Rulemaking, Project No. R411008

To the Commissioners,

I applaud your efforts to curb the problem of unsolicited bulk email. However, I am concerned about the proposed requirement for merchants to maintain suppression lists.

There are so many problems and costs associated with this idea, and so much damage done to consumers and businesses alike, that I feel I must urge you to consider this matter most carefully.

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.

They're not who CAN-SPAM was designed to put out of business, but this requirement will very likely have that effect.

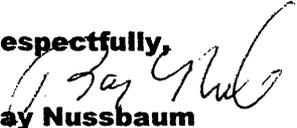
There's also the potential for significant harm to consumers, because of the problem of properly knowing their intent when they unsubscribe from a list. On top of that, these suppression lists could easily fall into the hands of spammers, leading to more spam instead of less.

Furthermore, these lists will not have any impact on most of the unsolicited email sent. 98% of the SPAM sent is from a small percentage of unscrupulous individuals, selling fraudulent products, using false routing information, stolen email addresses, and automated computers with no valid return address. These individuals don't care about the current law, and will pay no attention to the registry or suppression lists. The lists will merely burden a small percentage of legitimate businesses that are already doing everything possible to comply with the statute. In short, the rate of fraudulent SPAM will remain the same, but consumers and legitimate businesses will be significantly harmed. In addition, it is not practical to think that the email addresses will remain secure under the proposed arrangement. The FTC Chairman has indicated the same concern. The answer to the problem is better enforcement of the current law, not new and burdensome regulations.

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I was quite surprised at the potential problems this ruling could involve, and urge you in the strongest possible terms to reconsider its implementation in light of these problems,

Respectfully,


Ray Nussbaum

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