

KATHRYNE CULVER

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April 16, 2004

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. Most permission-based lists include a method to opt-out of receiving emails if a consumer later changes his mind about receiving the content.

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.

I am most concerned about spammers who "harvest" legitimate email addresses and many times, send out offensive emails under this form of identity theft. I have personally received "undeliverable mail" notices to messages I have no knowledge of and never sent, yet my email address was used for this purpose.

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,



Kathryne Culver