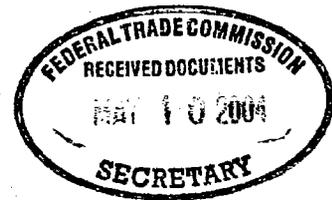


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April 30, 2004

Federal Trade Commission
Office of the Secretary
Room H159 (Annex K)
600 Pennsylvania Avenue, N.W.
Washington, DC 20580

RE: TSR Fee Rule, Project No. PO34305

To Whom It May Concern:

We wish to comment on the FTC's intention to increase the fee for access to the National Do Not Call Registry from \$7,375 to \$12,375.

We support sound and fair laws. We have complied with all of the federal telemarketing regulations by implementing new technologies, and by implementing controls, auditing and reporting processes to ensure compliance, all at great expense. Our commitment is to honesty and integrity in all of our business activities in dealing with our clients' customers.

We believe that the FTC has acted unfairly and without regard to certain hardships that its recent and proposed regulations have brought and will bring to bear on small to medium sized teleservices companies such as ours. It is our belief that sufficient regulation already pre-existed the implementation of the wave of recently enacted legislation. The problems that consumers experienced were due by and large to non-enforcement of existing laws. Had enforcement been adequate, additional laws and their costs of administration and maintenance could have been avoided. This is the message that the teleservices industry has tried to convey to the FTC in its prior notices of proposed rule making activities.

The new regulations have already placed burdensome implementation and ongoing maintenance costs and stresses on our industry. After a short "healing and recovery" period, the rules are tweaked to inflict a new set of burdens and costs. This pattern of behavior has been observed at the federal and state levels.

A \$5,000 or 68% increase in less than one year is outrageous, unprecedented, and unnecessary. If this rate of increases continues, the cost of the list can jump to \$50,000 or more in less than three years; because as registrations increase so do the administration costs. This action is unfortunate, particularly by a federal agency whose job is to protect; not gouge; and which is funded in part by business and industry tax dollars. With this proposed huge increase in such a short period of time, it raises the question whether the FTC knowingly and strategically set a "low ball" original fee to avoid greater opposition from businesses; only to later raise the price of the registry after the industry was locked into the process. Based on its actions one has to question if the FTC's intent is to destroy a legitimate industry.

Of the approximately 52,000 telemarketers, fewer than 6,000 have paid for access to the registry. 45,000 access 5 or less area codes from the registry and do not pay a fee. These non-pays place an unfair burden on the 6,000 who do pay for access. We believe that everyone who makes outbound telemarketing calls ought to pay their fair share of the registry's costs. The cost of 5 area codes that, according to the FTC, many companies access would be only \$125 under the present fee structure. This is hardly an unaffordable amount considering the revenue that is generated from their calling activity. Rather than levying heavier fees on those of us who pay for access, we urge you to require that everyone making outbound calls pay for access to the registry, regardless of their status.

Consumers will best be served by ridding the marketplace of the criminals who use the telephone as their weapon of choice. This can come about only by enforcement against this element. We urge that the FTC use restraint in setting higher fee amounts; and instead ensure that all who perform outbound telemarketing pay their fair share for access to the registry.

Thank you for considering our comments.

Very truly yours,



Owen A. O'Neill
Compliance Officer