
Comerica Incorporated

May 26, 2004

Federal Trade Commission
Office of the Secretary
Room H-159 (Annex K)
600 Pennsylvania Ave, NW
Washington, DC 20580



Re: **TSR Fee Rule, Project No. P034305**

Dear Sir or Madam:

The following comments are provided on behalf of Comerica Incorporated, a \$53 billion bank holding company located in various states including California, Florida, Michigan, and Texas. Comerica appreciates the opportunity to comment on this proposal.

Background

An amendment to the Telemarketing Sales Rule (TSR) established a National Do Not Call Registry. On July 29, 2003 the Commission issued a Final Rule further amending the TSR to impose fees on entities accessing the National Do Not Call Registry. The FTC is issuing this NPRM to amend the fees charged to entities accessing the National Do Not Call Registry.

Calculation of Proposed Revised Fees

Given the fact that over 87 percent of the entities accessing the National Do Not Call Registry accessed five or fewer area codes at no charge and another 2 percent are exempt entities, 11 percent of the entities accessing the registry will incur the entire cost of the Registry. This allocation is not equitable.

We agree with the Commission that the exempt organizations that voluntarily utilize the Registry should not be charged. However, we do not agree that a charge of at most \$160 per year (based upon your figures of \$32 times 5 area codes) is overly burdensome to any business regardless of size. The fact that there will be additional resources required on the part of the Registry to process additional payments, does not outweigh the need for equitable distribution of cost across all entities.

Although Comerica has a major presence in only four states, we took the conservative route and purchased all area codes. Please bear in mind that just because an entity has purchased the entire Registry, it is not necessarily accessing telephone numbers in at least 280 area codes. We do not contact individuals in most states, but felt it was prudent to purchase the entire Registry at a cost of \$7,375 per year. If we are to bear a disproportionate cost and an increase in fees in one year of 68 percent, we will be forced to reevaluate our decision.

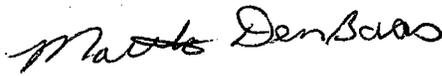
Conclusion

Comerica commends the Federal Trade Commission for their efforts in implementing a system that will be advantageous to consumers and businesses. Thank you again for the opportunity to comment on this important issue.

Sincerely,



C. Vance Borngesser
Vice President
Corporate Legal



Martha K. DenBaas
Vice President
Corporate Public Affairs