

Telemarketing Rulemaking - Comment

FTC File No. RA411001

TELEMARKETERS ARE A HASSLE AND I WISH THAT A LAW
IS PROPOSED TO END THEIR PERSISTENT AND INTRUSIVE PHONE CALLS.

Sincerely

Anthony Cannon

[REDACTED]
[REDACTED], PA [REDACTED]

2-4-02

PL PUT ME ON "DO NOT CALL LIST"

I AM BOTHERED BY ALL THIS
INTERRUPTION. I AM A SENIOR

CITIZEN AND MANY A

I AM WAITING FOR A DOCTOR'S
CALL

IT INTERFERES VERY MUCH AS

AN INVASION OF PRIVACY

THESE CALLS COME AS EARLY AS

9:30 AM, 8:30 PM; 7 A WEEK

"TELEMARKETING RULEMAKING -
COMMENT FTC FILE NO. R411001

T you

Mrs Helen Carey



Mrs. Helen Carey

PA

Copies were sent to:

Consumer Response Center
F.T.C.
Washington D.C. 20580

30 January 2002

From: RALPH R. CARUTHERS

[REDACTED]
[REDACTED], CA [REDACTED]

F.C.C.
Consumer Complaints
Washington D.C. 20554

To: FTC, Office of the Secretary
Room 159
600 Pennsylvania Ave. N.W.,
Washington, D.C. 20580

Telephone Preference Service
Direct Marketing **Service**
P.O. Box 9014
Farmingdale, N.Y. 11735

1. I have been inundated with unrequested and unwelcome telephone calls, daily, from individuals, businesses, corporations, charities, etc. These calls are interrupting, aggravating, and annoying. I never buy any thing over the phone unless I initiate the call. I frequently inquire from these people how they obtained my phone number and the usual reply is "from a list", No one claims to know the originator of the "LIST" or a name or office that I may contact to have my name removed from the "LIST",
- a, One individual told me to dial I-800-OFF LIST, which I did. The OFF LIST people claimed to be a non profit organization, however, they wanted a \$25.00 membership fee and annual fee of \$20.00. My reply to this was that I did not pay or ask to have my name on any "LIST", so why should I pay them to get it removed?
3. In addition to my home phone [REDACTED] there is another resident phone where people are calling and asking for me, It is an unlisted number at my wife's cousin's widow's home and she is practically bedridden, requiring full time nursing care, This number is:
Archer Zamloch
[REDACTED], CA [REDACTED]
4. Any information that you can provide me to help stop or at least slow down the proliferation of these unsolicited phone calls would be greatly appreciated,.

Respectfully yours,

Ralph R. Caruthers
RALPH R. CARUTHERS

30 January 2002

From: RALPH R. CARUTHERS

[REDACTED]
[REDACTED] CA [REDACTED]

To: FTC, Office of the Secretary
Room 159
600 Pennsylvania Ave, N.W.,
Washington, D.C. 20580

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Ralph R. Caruthers
RALPH R. CARUTHERS

February 1, 2002

Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue NW, Room 159
Washington, DC 20580

RE: Telemarketing

Gentlemen:

I would like to add my comments to your proposed solution of a centralized national "Do Not Call" registry. Years ago I thought I had put my name on a registry for no telemarketing solicitation **and** have wondered the last **two** years if that was not being honored. I read **an** article in this morning's edition of the Topeka Capital-Journal with the suggestion that your office be contacted in regard to the proposal.

In listening to my co-workers and my own personal experiences, I do not believe telemarketers respect the 9:00 a.m. to **9:00**p.m. restriction. I also find it very irritating to race **to** my phone to pick up the receiver only to find a dial tone. I know most of the time it is one of those situations where the automated dialing system is being **used** and the first one to pick up is "it."

I do not have caller ID **and** cannot block the telemarketing calls but my first question when I suspicion I **am** receiving one is, "If this is a telemarketing call, I do not **accept** them. I do not wish to be contacted again." I do not give the caller a chance to explain even though it might be **something** of interest **to** me.

Please give serious consideration to activating a "Do Not Call" registry. I think telemarketing has outlived its usefulness **and** mailing information is less intrusive.

Sincerely,



Patricia Casper

KS

[REDACTED]
New Jersey
January 23, 2002

FTC, Office of the Secretary
Room 159
600 Pennsylvania Avenue, NW
Washington, O.C. 20580

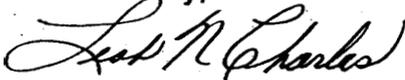
Re: Telemarketing Rulemaking - Comment
FTC File No. R411001

Dear Sir/Madam:

National news last evening notified the public that action might be taken by the Federal Government to preclude telemarketing organizations from contacting the public by telephone. My daily newspaper also printed the address of your office in today's paper.

I very much support any action by the government that can eliminate these "nuisance" calls. Please add my name to any list that you have that does not want to be contacted by these companies ever. Hopefully, your office can end this practice.

Yours truly,



Leah N. Charles

MD
February 2, 2002
February 2, 2002

Office of the Secretary
Room 159
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Gentlemen:

This is in response to the article in the Washington Post, dated January 30, 2002, entitled, "Hate Telemarketers? Tell It to the FTC." I fully support the Federal Trade Commission's solution to this ongoing **nuisance** by **initiating** a centralized national "Do Not Call" registry.

Telemarketers invade my home on a daiiy basis. **They** constantly interrupt **our** dinner, homework time with **our** children, **family** time, household chores, etc. **As an** example, two weeks ago, within **a** five day period, a realtor **called** wanting to **sell our** home and three telemarketers **also** called regarding refinancing **our** home mortgage, all of them opening the conversation by asking what **our** current mortgage rate is. We are **bombarded** with the **usual** calls for home **security systems**, waterproofing leaky basements, and window replacement. **These** telemarketers always use the sales pitch that they are going to be in our neighborhood on **a specified** day, and, **of course**, they have already set up **a** time frame for us to **meet** with them. Like thousands of other households, we have tried a variety of tactics to discourage the telemarketers, such **as** politely telling them that we are not interested and to please put us on their "Do not call list," **hanging** up on them, or walking away from the phone while they continue with their pitch until **they realize** that **no** one is there to listen to them.

The Federal Trade Commission has my support in silencing the obnoxious telemarketing industry. **And** the sooner the better!

Sincerely,


Sharon Clifford

Jan. 31, 2002

FTC.
DO NOT CALL

Please set up a centralized,
national Do Not Call registry.
I pay for my telephone service!

As a handicapped senior, I
need to do away with unwanted
calls. They usually disturb
me when I am trying to rest
or prepare a meal. It is
difficult to go to the telephone -
sometimes there is no one
there.

I need help! I pay the
bill! Why should telemarketers
have any rights to my
telephone service?

Thank you,
Mrs. Emily Comer

[REDACTED]
[REDACTED] NA [REDACTED]

Page 77

January 31, 2002

FTC

Office of Secretary

Room 159

600 Pennsylvania Ave NW

Washington, D.C. 20580

Florence Compaine

[Redacted]
[Redacted] PA [Redacted]

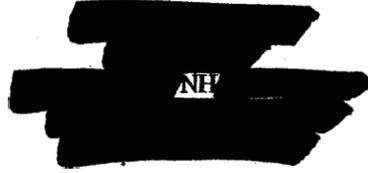
I would appreciate very much if you can take my name off the national ^{do not call} telemarketing list.

I am very annoyed and angry when the phone rings but I'm in the middle of something, letters or in the bathroom and those calls come in.

Thank you,
Mrs Florence Compaine
Madison Home - 1021

[Redacted]
[Redacted] PA [Redacted]

VERNE B. CROSIER



January 28, 2002

Office of the Secretary
Federal Trade Commission, Room 159
600 Pennsylvania Avenue NW
Washington, DC 20580

Dear Sir:

I am writing this letter in Comment to the proposed FTC amendment to the Telemarketing Sales Rules to create a national "Do Not Call" registry.

Surely, there can only be two groups of people opposed to this measure: telemarketers and people who have such an impoverished personal life that telemarketers are welcomed.

That being said, I would like to add my favorable approval to what I suspect is an overwhelming response in favor of this proposed amendment. Ordinarily, I would be loathe to encourage more government regulation of commercial activity, but this particular activity is so odious, intrusive of privacy and frequently the cause of fraudulent and deceptive sales efforts that regulatory response is needed.

In *direct* response to the areas your agency has asked to provide comment, the following are **mine**.

How long should a telephone number remain on the national "do not call" registry?

As long as I control the number on the "do not call" registry. Obviously if I move and the number is assigned to someone else, the "do not call" prohibition would not be maintained. There is always the possibility (however remote) that the next user of the number wants to be interrupted in the middle of a meal or some other activity to listen to a sales "spiel." The current 10 year limitation is unrealistic: I don't keep logs of whom I must renotify after 10 years that I wish to continue to be on a "do not call" list. I have had my current phone number for over 15 years and hope to have it for a good long time in the future.

Who should be permitted to request that a telephone number be placed on the "do not call" registry? Should requests from the line subscriber's spouse or adult child be permitted? Should third parties (outside the FTC) be permitted to collect and forward requests to be put on the "do not call" registry?

There is **no** explicit property right to a phone number, but Verizon and other local phone carriers permit others to be listed against the **number**. **To** permit other people **to** control whether or not a number is added to the “do not *call*” registry, a person would **need** to be also listed against the **number**. Alternatively, local telephone Carriers **could** have **an** authorization **filed** by the **primary number** User authorizing another person to make decisions about service **on** the phone.

“**Co-listing**” and **filed authorizations** would afford roommates and others sharing a phone number **a means** to protect themselves from telemarketing. Additionally, a filed authorization would permit other responsible parties to control telemarketing **access** while being, in fact, listed against **a** different number. This would **allow** adult **aged** children of elderly phone **users** to control **and** limit **abuses** by telemarketers.

Allowing organizations such as Junkbusters (www.junkbusters.com) to **act as** agents to add **phonenumbers** to a “do not call” registry would be covered by a filed authorization as mentioned above.

The principal **to** have such authority needs **to** be guided either **by an** explicit relationship to the phone number in question by “**co-listing**” or **an** explicit authorization by the primary subscriber.

What security measures are appropriate and necessary to ensure that only those people who want to place their telephone numbers on the “do not call” registry can do so? Should consumers be able to verify that their numbers have been placed on the registry? If so, how?

As with placing a “pick freeze” on a phone number to prevent long distance carrier “slamming,” the process is quite simple. First, the call must originate from the phone number requesting placement on the “do not call” registry. With caller id technology, verification that the *call* is originating **fi** on the number in question is simple.

Verifying that the caller is authorized to place the order for “do not call” registry is as simple as asking **a** few critical questions. **Who** are **you**? How **much** was the charge on last month’s bill? What is *your* middle name or some other identifying word (pet’s name, nickname, youngest child’s name, etc.)? (Mother’s maiden **name** has become **a** universal identifier and is becoming, useless **as a** “hidden” identifier.)

Consumer verification *can* include internet verification at either the phone company’s web site or **a national** listing service (may I suggest www.dncftc.gov?). Non-internet **connected** consumers could simply call their service provider and, after supplying appropriate identification information, verify their **status** as they do with “pick freeze” status.

Should the “do not call” registry be an “all or nothing” option or should it instead allow consumers to specify the days or time of day that they are willing to accept telemarketing Calls?

Administration of such “graded service” could be a problem. Telemarketers would need to have a rather elaborate control system to make sure originating calls (often within different time zones than the destination call) met the criteria for the particular destination phone number. This would be a major objection from the telemarketers and would, justifiably, make adherence to a national “do not call” registry hard to manage. Limiting “graded services” to a tightly defined set of limitations would be necessary. An example would be that calls could be made with the subscriber’s permission to the destination number between 9:00 am to 4:00 pm weekdays (time defined by the destination number, not the originating number) and/or between 7:00 pm and 9:00 pm weekdays.

Allowing a wide variety of limitations other than “all or nothing” make administration and enforcement difficult or even useless. Limited choices of a very tightly defined range seems to be the only practical approach to meet the needs of consumers and telemarketers.

The proposed rule would permit consumers or donors who place their name and telephone number on the “do not call” registry to provide express verifiable authorization to specific sellers or organizations to make calls to them. How will this requirement affect those entities with which a consumer or donor has a preexisting relationship?

This centers on the marketing effort known as “cross selling.” If I have a commercial relationship with a company or organization, does this permit telemarketers to call me and solicit me for different services or donations.

Permitting “cross selling” is the narrow edge of the wedge to defeat “do not call” registration. If I have a credit card with Chase Bank, may they call me to offer me another card with travel benefits? If I gave money to the SPCA, can they call me to donate money to greyhound adoption efforts?

To give this regulation any “teeth,” cross selling can’t be an excuse to defeat the “do not call.” Marketers may only call about existing or previous relationships specific to the number subscriber. In the examples given above, Chase could call me to offer electronic payment on my account because it constitutes an extension of an existing relationship. They could not call me about other banking services (certificates of deposit, personal or home loans) even if they maintain they would be “bundled” with my credit card.

The SPCA could not call me about donating to similar animal welfare program because they are not directly related to the original call for donation even if it was a collateral effort.

Other comments and suggestions

Automated phone calls and “calling from the book:” Calls which begin with a recorded sales pitch and require a response from the recipient before the subscriber gets to a “live” person to inform them that they wish to be removed from the calling list should be explicitly prohibited and result in heavy fines. Ranglely Resorts in Maine does this to me regularly.

People **who are making calls** by merely dialing **numbers** as they **appear** in the phone book cannot **be used as an** excuse for not being able to place a number on a "do not call list." Fosters Daily **Democrat** in Dover NH does this regularly. [Somehow they h o w I am not subscribed to their paper, but they can't put me on a "do not call list."]

Charitable Callers: Under the current regulations, these telemarketing **calls** are permitted, but **this** has to be addressed. Currently charitable solicitations are not prohibited under the **Telemarketing Sales Rule**. However, charitable organizations often use telemarketing organizations that **make** the **calls** and **turn** over a percentage of the **funds raised**, after a **usually hefty fee**, back to the charity. There **needs** to be rules that **say** third party **fund** raisers **must** be raising funds for true non-profit charitable organizations and that a significant portion of the funds (**80%** or higher) must be **turned** over to the **charity**. The rules need to be modified **so** that recipients of such calls **may**, by **mail**, receive a copy of the 501(c) (3) certificate of the **charity** and a **report** of funds raised by the most recent **effort** on the part of the telemarketers and the percentage of **funds forwarded** to the charity.

Merely **saying** that the organization in question is non-profit is not sufficient to exempt the organization or telemarketer from the "do not call" prohibition. There are a number of companies **who** present themselves as "non-profit" credit counseling **services** who are merely "fronts" for **loan** companies who refinance people overwhelmed with debt at usurious rates. So-called charitable solicitations must be both non-profit **and** charitable as defined by the Internal Revenue Service and capable of being proven by production of a 501 (c) (3) certificate and that the fund raising efforts result in a significant portion of the funds being forwarded to the charity. Otherwise, the telemarketer will be bound by the same rules as other telemarketers and, in addition, must reveal at the beginning of the call that they do not meet the guidelines as an exempt charitable caller,

Unsolicited Faxes: As with email spam, this needs to meet the same standards as voice calls to private residences. In addition, however, a fax telemarketer may not "test" lines by making **calls** to test for the fax guard tone (usually done very late at **night** or in the **early** morning hours).

Burden of Proof: How will an individual prove that a prohibited **call** has been placed? If the **telemarketer makes the call from a "blocked" line** or a line pool that registers as "unavailable" or "out of **area**," there is not proof on a caller id device that the call has ever been made. Additionally, unless a person makes a photograph of the caller id display, how can it be established that a prohibited call has been made? To help consumers, telemarketers might be **required** to use identifiable numbers (no "unavailable" or "out of area" **lines** would be permitted) **and** the mere notation of time, originating call number and offending telemarketer would be sufficient to meet burden of violation of the regulation. All elements, however, would be needed to prevent false charges.

Penalties and fines: Penalties and fines need to be both graded (lower for the first offense in a lifetime, higher with subsequent offenses) and payable both to the FTC (for administrative expense) and to the subscriber on the "do not call list." This will allow for honest mistakes (even automated machines misdial numbers) but send a clear message that future "mistakes" will be

costly. In addition, fines and penalties need to be split to cover the cost of administering the list at the FTC (make the violators pay for it, not the taxpayers) as well as compensating consumers for the violation of their privacy (and possibly their generosity or gullibility).

Allowed calls: Calls from common carriers (phone companies and airlines) should be added and **not** be exempt. They are often the worst offenders. Additionally, sales **that are** presumptively exempt **because** they do business only within the state should **also** be included. They receive payment for their services through the US Postal Service and, **therefore, are engaged in** interstate commerce and should likewise be covered. It is irrelevant if they **fall Under** ordinary state regulation, they are using a fiction to **perpetuate** telemarketing intrusion.

General comments: The fact that the FTC is proposing a national "do not call" registry demonstrates that telemarketers have **abused** the technology of telephony to a **degree that** national regulations to prevent **further** abuse is **necessary**. I have notified all the principal credit bureaus **that** I do not want to be solicited **as well as** the Direct Marketing **Association,** but the **calls** continue. I thought of buying a Telebuster™ but found **all** I needed to do **was** precede **my** phone answering machine message with the three tones that signal a line is no longer in service, and the **calls** continue to come in. I have used the script provided by Junkbusters and authorized them **to notify list** managers that I **wish** to be removed from their lists and the calls still come in. How much more do I have to do to stop unwanted telephone solicitation short of removing my phone from service?

Considering how aggressively I try to stop (apparently unsuccessfully) telemarketers, I **can** well imagine how the elderly, less aggressive and uninformed are imposed upon **by** telemarketers. The time has come to respond to this intrusive, (at least) deceptive and often fraudulent practice **and** allow phone users to return to using their phones for their original purpose: to assist in communicating with others on their own terms and for their own purposes.

Thank **you** for the opportunity of responding to your proposed regulations. Given the probable avalanche of response to this proposed regulation, I doubt my comments will have much additional weight in the rule making process, but I appreciate the effort to develop a national "do not call" registry.

Sincerely,


Verne Crosier

Ken León-Dermota
[REDACTED]
[REDACTED] D.C. [REDACTED]

January 30, 2002

Office of the Secretary
Room 159
Federal Trade Commission
600 Pennsylvania Avenue NW
Washington DC 20580

Dear Secretary:

I have awaited this moment for **decades**. I **need** to tell you: Telemarketing **must** stop! You **must** allow the "do not call" list. Here's **why**:

1. **As** a journalist for a major wire **service**, I work **odd shifts**, I also work at home we have **a** baby and **my** wife works. You **can see** where I'm **going** with this.

Telemarketers disrupt the equanimity of our household. However, the **stay** beyond the **reach** even of the most patient person.

I have told telemarketers not to call back They tell me it will take 6 - 8 weeks to take me **off** the list. **Well**, aren't we in the 21st **Century**?

Or, I get a recording that gives me another telephone number **to** call, where I have to Listen to another pitch for their product and then I **get** to **cross** my number **off** their list.

However, they often do not remove my name!

Unforgivable, however, are the autodialer calls which **ring** several phones **at** once and attend the first person **who** answers **and hangs up on me!** **How do I know this is what's going** on? Because I have **two** telephone lines with sequential **numbers** Often one will **ring**, then **the** other immediately after I don't answer the first – **and** all I get is a dial tone.

That way, I do not even get the chance to tell the telemarketers **to** take me **off** the list.

This is clearly **an abuse**. And **since** the telemarketers have taken it upon themselves to prevent me from remediating the situation – either within 6 - 8 weeks or they don't **answer** the phone at all – I

must ask you to develop a "do not call" list as soon as possible.

I have done everything humanly possible to avoid the telemarketers: I don't ever place my real phone number on a form without asking if the number is given out. And in many cases, I just give my fax number so I won't be pestered. Still, the telemarketers get me.

They have been clearly abusive, have taken advantage of me in ways that I have been unable to remedy with years of trying. If a person such as me who takes plenty of care to avoid such calls is still pestered, obviously something else must be done.

If the telemarketers believe this is a free speech issue, then hear this: as the recent *Playboy* decision established before the Supreme Court, the government should seek a solution that creates the least infringement upon free speech. Fair enough. If the telemarketers had offered another, less onerous way to stop these calls, I have not heard it. If they want to enjoy their freedom of expression, all they would have had to do is to give me a way to let them express themselves while leaving me alone. They have not done that.

The *Playboy* decision permitted the Playboy Channel to more completely scramble its signal rather than allow the municipality to ban the channel altogether so as to infringe on

I have been telling telemarketers not to call me

Telemarketers are such outlaws that they don't permit

Sincerely,

-KEN DERMOTA

DON J. DONCHI

MARYLAND

1/30/02

FTC

The proposed NATIONAL "DO NOT CALL" registry is a wonderful idea. I've tried to terminate these calls and "OPT OUT" through every means possible for years. Most annoying are the repeat callers who persistently ignore my pleas to be placed on a "do not call" list.

It seems to me that people who wish to receive these calls and take advantage of telemarketers' offers will still be free to do so.

Let's make this long overdue proposal a reality.

Dr. T. J. Donchi

Office of the Secretary, Room 159
Federal Trade Commission
600 Pennsylvania Ave, NW
Washington, DC 20580

re: **Do Not Call Registry**

I am in favor of a national Do Not Call Registry.



Vivian Downs

February 5, 2002

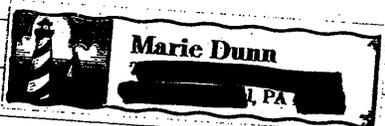
Vivian A. Downs

[REDACTED]
[REDACTED], Md [REDACTED]

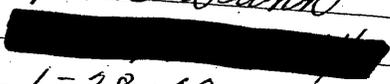
Telemarketing Rule Making Comment:

F.T.C. File No. R411001.

Please remove my name from all
Telemarketing



Marie Dunn



1-28-02

February 4, 2002

FTC Office of the Secretary
Room 159
600 Pennsylvania NW
Washington, DC 20580

Re: Telemarketing Rulemaking - Comment
File No. R411001

Gentlemen:

I am very glad to **see** that you are considering doing something about telemarketers. It is time that someone **comes** to the rescue of all **Americans who** are constantly annoyed by these people.

We very often get **as many as** eight or nine calls a day starting **as** early as eight **o'clock** in the morning **and** lasting until nine **thirty** at night. We have calls every twenty minutes during the time we are eating dinner. This is extremely annoying. We can not **even** eat a **meal** without **having to** leave the table several times to answer the telephone while the food gets cold. It seems like I haven't had **a** hot meal in years.

We have written to Direct Marketing and asked them to remove both of **our** names from their **data** base. For about **a** month the calls became less but did not stop. **Since** that time the calls have **been as** frequent **as** before we **wrote so** that is not **a** solution to the problem **as** claimed **by** Mr. Louis Mastria and Mr. H. Robert Wientzen. They do **as** they wish **ignoring** the requests of people **who** write to them.

I think Americans should have the right to decide whether they want these calls or not and that the profit **statements of advertising**, marketing and sales groups should not **be** given priority over our right to privacy. After all, we have a telephone in our home for our convenience not theirs.

Sincerely,

George H. Eckenroth

George H. Eckenroth

Lynda Eckenroth

Lynda Eckenroth

██████████
██████████ PA ██████████

Janis Ernst

MD



Office of the Secretary
Room 159
Federal Trade Commission
600 Pennsylvania Ave., N.W.
Washington, DC 20580

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January 31, 2001

Dear Mrs. Secretary:

The centralized national "Do Not Call" registry is a wonderful idea.

We strongly support it being set up as soon as possible.

Yours truly,
Janis Ernst
Donald W Ernst

Mr. & Mrs. Donald Ernst

MD

**Telephone Preference Service
Direct Marketing Association
Box 9014
Farmingdale, New York 11735-9014**

October 9,2000

Gentlemen:

Please add my name and phone numbers to the “do not call” list.

Thank You

Louis N. Fanelli

**[REDACTED]
[REDACTED] Pa. [REDACTED]**

**Phone Numbers [REDACTED]
[REDACTED]**

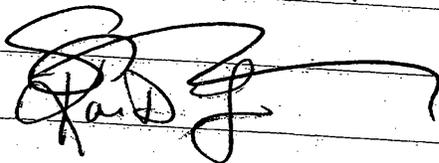
Telemarketing Rulemaking - Comment

FTC File # R 4/1/001

Comment:

Please do everything possible to limit the ability of telemarketers to disrupt our daily lives and routines with unwanted and harrassing solicitations. I know of no individual who objects to this and imagine it will only be opposed by telemarketing companies. We have encountered telemarketers who were not only rude, but threatened us. Since we have no idea who is on the other end, and they obviously have our phone #, we simply hang up and live with the aggravation.

Steve & Karen Fairlie



RUBIN, GLICKMAN AND STEINBERG

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

PENNSYLVANIA