

E. BENJAMIN NELSON
NEBRASKA

FEDERAL TRADE COMMISSION **United States Senate**

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CONG. COURTESY BRANCH

March 26, 2002

Mr. Timothy J. Muris, Chairman
Federal Trade Commission
Room 159
600 Pennsylvania Avenue, NW
Washington, D.C. 20580

Dear Chairman Muris,

I am writing to you concerning the proposed Telemarketing Sales Rule (TSR) changes you recently announced and the significant impact these provisions will have on a vital industry that is important to both the Nebraska and the national economy.

As you know, the teleservices industry in the United States employs over six million people, many in the state of Nebraska, who process millions of transactions for satisfied customers each year. The teleservices industry is an integral part of our commerce and trade. The FTC, to the extent provided by law, should continue efforts to identify and hold accountable those firms engaged in inappropriate and illegal activities. However, in addressing issues that exist in the industry, you should not create rules that make it burdensome for the many legitimate and law abiding teleservices firms to conduct business.

I am concerned about proposed rules that dramatically change the way a teleservices firm handles calls from those who place an inbound call and who may be interested in a related product or service. Further, banning the use of preacquired account information for customer purchases, rather than dealing with those that abuse the availability of such information, seems excessive.

Several states, including Nebraska, have implemented their own version of a Do Not Call (DNC) list and the industry itself maintains such a list. The FTC has not explained how such a national list would work or who would fund it. In addition, past Congressional intent on this subject has been directed to the FCC as the responsible agency, not the FTC.

Finally, the FTC does not have jurisdiction over many entities such as banks, federal credit unions, long-distance telephone companies, airlines, and most insurance companies. Intrastate calls are also not regulated by the FTC. As a result, the proposed rule will further fragment an industry based on who you do and do not regulate. This is unfair to the many legitimate teleservices companies and their employees.

The telemarketing industry is already heavily regulated. In your attempts to address legitimate concerns by the public regarding abuses in the industry, I ask that you not punish those who comply with the law and cause economic hardship for the millions of American workers and consumers who participate in the teleservices industry.

Sincerely,

E. Benjamin Nelson
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