

**Before the
FEDERAL TRADE COMMISSION
Washington, DC 20580**

**COMMENTS OF
DIALAMERICA MARKETING, INC.
TELEMARKETING RULEMAKING – USER FEE COMMENT**

FTC File No. R411001

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Telemarketing Rulemaking – User Fee Comment

The proposed user fees for a national do-not-call registry, should one be implemented, would be of excessive cost to DialAmerica. The interpretation of the user fees as written in the Notice of Proposed Rulemaking (NPR) would require DialAmerica to purchase the national do-not-call registry for each client or separate seller (NPR section 310.9, page 5). DialAmerica estimates the annual cost for all of our clients (700) to be \$2.1 million. The Commission states the necessity of raising \$3 million during FY 03 (NPR section 310.9, page 5). DialAmerica alone would cover 70% of the \$3 million target based upon the proposed user fees. In addition, our estimation of \$2.1 million does not include the costs associated with the management and implementation of the registry.

DialAmerica strongly disagrees with the position that the Commission will be providing a “thing of value” to telemarketers regarding the national do-not-call registry (NPR section 310.9, page 2). As one of the leaders in the industry, we do not believe that any other telemarketing company would perceive the registry as a “thing of value”. The management of tracking user fees for area codes that each individual client calls for a sales campaign would be an extremely burdensome task for larger telemarketers. DialAmerica has experience working with clients that have smaller than average lead bases requiring calling on a national level throughout the year. The burden of passing the cost of \$3,000 for the national do-not-call registry to these clients would severely impact the profitability of the sales campaign.

DialAmerica believes that only the consumer would perceive a benefit to subscribing to a national do-not-call registry and therefore should bear the cost if one is implemented.

When consumers sign-up for a do-not-call registry, does the Commission believe their intention is to benefit the telemarketing companies? Clearly these consumers see a value for themselves by signing up for the do-not-call registry.

In conclusion, the proposed user fees as written appear **NOT** to be well thought out regarding the costs that would be imposed on large and small business as well as the difficulties created with attempting to manage the area codes that each client or specific seller would need to contact during the course of the year. DialAmerica believes that costs do not need to be passed to either the telemarketer or the consumer for a national do-not-call registry. The solution of requiring telemarketing companies to deliver Caller ID information would create the ability to hold marketers accountable to the company specific do-not-call lists and eliminate the need for a national do-not-call registry all together.