

October 22, 2004

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Federal Trade Commission
FACTA Prescreen Rule
P.O. Box 1030
Merrifield, VA 22116-1030

Re: FACTA Prescreen Rule, Project No. R411010

Dear Sirs/Madams:

Thank you for the opportunity to comment on the proposed prescreen, opt-out disclosure rules. These comments are submitted on behalf of the Progressive group of insurance companies ("Progressive"), which together comprise the third largest provider of privacy passenger automobile insurance in the United States.

The Commission has invited comment on whether marketers should be prohibited from including additional information in the long notice and, if not, what restrictions would be appropriate. Many times, the various legal disclosures required in direct mail are included together so that all important consumer information can be found in one place. Progressive, for instance, must disclose the legal names of its individual underwriting companies, provide a short form privacy notice, etc. Requiring the long-form opt-out notice to appear on a page separate from these other disclosures will simply increase the size and cost of the mailing, without providing any consumer benefit that is not already achieved through the layered notice approach. Therefore, Progressive encourages the Commission not to prohibit marketers from including additional information in the long notice.

The Commission has invited comment on whether the long notice should be required to appear in the same document as the short notice. Progressive agrees with the Commission's view that it is unnecessary to require both notices to appear in the same document as long as the marketer notifies the consumer about where to find the long notice.

The proposed rule sets forth type size requirements for both the short- and long-form notices, and includes instructions for providing the notices in electronic marketing materials. However, in electronic offers, the marketer can only control the size of the text relative to the size of other text in the materials. The marketer cannot ensure that it will appear as a designated size font on the recipient's computer or printer, since this is subject to the individual user's computer and printer settings. We suggest, instead, that the Commission revise the rule to specify specific font size requirements only for printed materials. For electronic marketing materials, the font requirements should be stated as relative to the font size of the principal text of the advertising, such as larger or larger by 2 points, smaller, etc.

Progressive appreciates the opportunity to comment on the proposed Rules.

Sincerely,



Peter J. Albert
Associate General Counsel