BILL NELSON
FLORIDA

United States Senate

WASHINGTON, DC 20510–0905

December 6, 2004

The Honorable Deborah Majoras
Federal Trade Commission
Office of the Secretary
Room H-159 (Annex K)
600 Pennsylvania Avenue, N.W.
Washington, DC 20580

Re: Comments on Prerecorded Message EBR Telemarketing, Project No. R411001

Dear Madam Chairman:

I have a long standing interest in consumer protection and privacy and I am submitting these comments on the above referenced docket. This docket is important since it could lead to further erosion of consumer privacy.

As you know, the Federal Trade Commission (FTC) is proposing amending the Telemarketing Sales Rule (TSR) to allow companies to deliver prerecorded messages to customers with whom they have an established business relationship. Currently, telemarketers may only use prerecorded messages in instances where a live representative is not available. These calls must comprise less than three percent of telemarketing calls. Your agency is seeking comment as to whether this proposed rule change constitutes good policy.

I urge the Commission not to amend the rules as they now stand. The FTC took great steps in creating the rules and enforcing those rules after Congress mandated the creation of a National Do Not Call Registry. The FTC rules already contain an exception for live calls to customers with whom a business has an established relationship. I urge the FTC not to expand this exception to cover prerecorded calls to these customers. Consumers must be protected against further and steady erosion of their privacy rights with unsolicited calls into their homes.

With emerging new phone technology, such as voice over Internet, telemarketers may be able to exploit this new proposed exception and flood consumers' computer in-boxes with digital voice messages. In an era of ever increasing communications, the government must do all that it can to keep unwanted communication out of our homes.

In addition, please know that my formal comments will follow before the comment period closes on January 10. If you have any questions related to my comments, please contact Michael Sozan, a member of my staff, at 202-224-8749.

Sincerely,

Bill Nelson

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