



January 28, 2011

Donald S. Clark
Secretary
600 Pennsylvania, Ave. NW
Room H-113 (Annex Q)
Washington, DC 20580

Re: Federal Trade Commission's Telemarketing Sales Rule
RIN 3084-AB19

Dear Secretary Clark:

Quicken Loans Inc. (Quicken Loans) is pleased to submit its comments on the Federal Trade Commission's (FTC) advanced notice of proposed rulemaking regarding telemarketing sales rules (RIN 3084-AB19). By way of background, Quicken Loans is an independent Detroit, Michigan-based conventional and FHA retail residential mortgage bank. We have been in business since 1985, and have approximately 4,000 employees. We do business in all 50 states and are one of the nation's five largest retail mortgage lenders, one of the five largest FHA mortgage lenders, and the largest online lender. We closed over \$28 billion in retail mortgages in 2010.

Quicken Loans appreciates the efforts of the Federal Trade Commission (FTC) to enforce the Telemarketing Sales Rule (TSR), as well as the efforts to further expand on the provisions to adjust with technology as malevolent companies find ways to maneuver in and around the existing regulations. We believe that as companies find ways to skip or avoid the current regulations, that the FTC should use their enforcement authority to go after the bad actors in the marketplace. While we believe the FTC is once again looking to take meaningful steps toward eliminating companies looking to skirt existing rules, we have concerns that the FTC may be looking for an approach that is too broad in the marketplace. We believe that strong amendments to the current TSR would be much more beneficial to consumer safety than unproven and potentially broad-based regulation. These amendments could specifically address the issues that deceptive companies are using to gain access to the consumer in illegal ways.

As a company that states our company name and direct number when using called ID services, we have concerns that further changes to the system may become burdensome to companies who already heed the current regulation. Instead of trying to produce more regulation that could force



companies to include more information when a consumer is called, we believe it is important that companies first be held completely accountable for following the existing TSR. We believe that companies need to be required to display a valid company name that has been verified by either the FTC or the FCC and a number in which a consumer can reach the company directly if they wish to return the call. We have encountered situations where companies have hidden their names, numbers, or both when calling a consumer, and will claim to be Quicken Loans or associated with Quicken Loans when the call is answered. Unfortunately, we believe this is something that happens quite often in the market with other companies, as well. Therefore, we believe that if strong enforcement or regulatory amendments are made to protect legitimate companies, that the FTC could further protect the consumer without massive changes to the existing TSR. We believe that caller ID services are still widely used by consumers in America. Because of this, we believe that is extremely important that the FTC focuses their attention on strong enforcement of the current TSR, and that they only amend the current TSR as needed to weed out fraudulent activities.

Additionally, we believe that something of a safe harbor should exist for companies who have always complied with the current TSR. Quicken Loans has always followed existing regulations and has worked hard to provide consumers with reliable and safe information. With the existence of the do-not-call list, the FTC has already taken a grand step in stopping unsolicited contact from companies. The FTC should be directing their efforts to making sure all companies are in compliance with the do-not-call list before changing rules entirely. Therefore, we believe that companies that have been in full compliance with the TSR and the do-not-call list be granted a safe harbor from any new broad-based regulation.

As far as what information should be required to be displayed by a calling company, we believe that the suggestions laid out by the FTC all take needed steps in trying to end fraudulent activity. We believe that the number transmitted to a consumer should be a publicly available in directories as the number of the seller. We also believe that the number should be based with the area code where the principal location of the business is housed. Additionally, it is important that the number is answered by a live representative or automated service that states the identity of the seller, and that a consumer is allowed prompt and easy communication with a live representative after calling.



Quicken Loans believes that telephone service providers also play a large role in the safety of the consumer as it relates to the TSR. Quicken Loans has encountered situations in which companies have registered their name with directory assistance services as "Quicken Loans," but have based their operations in different states or countries, completely unrelated to our company. This clearly creates problems when a consumer calls a directory assistance service asking for "Quicken Loans" and is then connected to a fraudulent company based in another country claiming to be associated with our company. We believe that telephone service providers do not actively investigate the creation of company listings to verify that the company is indeed a real company and not masquerading as another. We believe that amending the TSR to make it mandatory that telephone service providers investigate the identity of companies wanting to be listed with directory assistance would go a long way in ending fraudulent behavior in this arena.

In summary, we believe the FTC is taking the needed steps to root out fraudulent activity as it relates to the current TSR. We believe that stronger enforcement is executed and meaningful and thoughtful changes are made to the current regulation, that the consumer will have another level of security in knowing who they are dealing without the chance of being deceived. It is imperative that time and attention be paid to the current regulation to close any existing holes or gaps before issuing new regulation.

We thank you for this opportunity in allowing us to comment. Should you have any further questions, please feel free to contact me at (313) 373-7474 or at BillEmerson@quickenloans.com.



William Emerson
CEO
Quicken Loans