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Federal Communications Commission
Office of the Secretary

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May 5, 1992

Office of the Secretary
Federal Communications Commission
1919 M st. N.W.
Washington, DC 20554

92-90 /

Re: The Telephone Consumer Protection Act of 1991
Notice of Proposed Rulemaking - Comments

The following comments concern Public Law 102-243, new Section 227, Communications Act of 1934.

Section 227(a)(3)(B) and (C) exempts calls by businesses that have an established relationship with the person being called, and tax exempt nonprofit organizations. Senate Report 102-177, in preparation for Public Law 102-243, mentioned "This exemption means that calls made by a for-profit entity that is hired by a nonprofit entity to place calls on behalf of the nonprofit entity are not covered by this bill."

My comments concern the opposite of the above quoted sentence, the situation when a for-profit entity hires a nonprofit entity to place calls on behalf of the for-profit entity. The nonprofit entity is not covered by Public Law 102-243. The same holds true for businesses that have an established business relationship with the party being called. Businesses with an established relationship are able to call on behalf of third person nonrelated businesses. I feel this is an area set for significant abuse, and foresee a proliferation of tax exempt nonprofit organizations, with this law in the present form.

This writer suggests the Commission propose specific restrictions on certain calls exempted by Section 227(a)(3), to the Congress, as provided for in Section 227(c)(1)(D).

Please let me know if you need further information.

Sincerely,

Barrett M Kemp
Barrett M. Kemp

cc: U.S. Senator Bentsen
Mr. Kevin Jones

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