

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
The Telephone Consumer)
Protection Act of 1991)
)

CC Docket No. 92-90

RECEIVED

MAY 26 1992

Communication Commission
Office of the Secretary

COMMENTS OF THE AMERITECH OPERATING COMPANIES

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I. INTRODUCTION AND SUMMARY

The Ameritech Operating Companies¹ submit these Comments in response to the Commission's Notice of Proposed Rulemaking ("NPRM") in the above-captioned docket. The purpose of the NPRM is to obtain comments on the Commission's proposed rules implementing the Telephone Consumer Protection Act of 1991, 47 U.S.C. § 227 ("Act"), which was enacted on December 20, 1991. In general, the Ameritech Operating Companies support the Commission's proposed rules. They fairly balance the privacy concerns of consumers with the increasing sophistication of the telecommunications network. The proposed rules, however, should be revised to specifically incorporate an exemption for voice message delivery services, as contemplated in the legislative history. Further, the Commission should clarify that automated operator services utilized to provide consumers more options, not for "commercial" purposes, are covered by the proposed exemptions. The

¹ The Ameritech Operating Companies are: Illinois Bell Telephone Company; Indiana Bell Telephone Company, Incorporated; Michigan Bell Telephone Company, The Ohio Bell Telephone Company and Wisconsin Bell, Inc. These entities are occasionally referred to as "the Companies" in these Comments.

Commission should also clarify that automatic meter reading services are not prohibited by the Act.

Overall, the proposed technical and procedural standards applicable to facsimile machines, automatic telephone dialing systems (“autodialers”) and artificial or prerecorded messages are reasonable in light of the concerns to be addressed. Certain aspects of the identification standards, however, also require clarification.

Controlling telephone solicitation of residential subscribers is an important, but difficult, objective. Each of the five (5) regulatory alternatives discussed in the NPRM² presents its own set of advantages and disadvantages. An effective solution to this complex problem may require a multifarious approach. Nonetheless, balancing the benefits and burdens to all parties concerned, the Companies believe that the proposal which is most equitable and feasible is “do not call” lists developed by the telemarketing industry.

II. THE EXCEPTIONS IN THE ACT FAIRLY BALANCE COMMERCIAL NEEDS AND THE PRIVACY RIGHTS OF CONSUMERS.

To address consumer complaints concerning intrusive telephone solicitations, Congress passed the Act, which, *inter alia*, prohibits the use of autodialers or artificial or prerecorded messages for calls to emergency telephone lines, the telephone line of any hospital room or similar establishment, or telephone numbers where the cost of the call is paid by the recipient.³ This

² The five regulatory alternatives are a national database, telephone network technology, special directory markings, industry-based or company specific “do not call” lists and time of day restrictions. NPRM at 12-15.

³ 47 U.S.C. § 227 (b) 1 (A).

provision requires telemarketers to delete all calls to the above-noted categories from their autodialers.

The Act also prohibits telephone calls to residential phone lines using an artificial voice or prerecorded message without consent, unless an exemption applies.⁴ It does, however, recognize that telemarketing is a legitimate business that offers valuable benefits to the many consumers who make purchases by telephone. Accordingly, Congress authorized the Commission to exempt from the general prohibitions of the Act certain categories of telephone calls that do not infringe upon the residential privacy rights of consumers.⁵

Essentially, the proposed rules exempt from the prohibitions of the Act, the following categories of telephone calls: 1) noncommercial calls, 2) commercial calls that do not contain an advertisement, 3) calls to present or former clients, 4) calls by tax-exempt organizations and 5) emergency calls.⁶ The Companies endorse these exemptions. They have been precisely drawn to protect the privacy of residential consumers and the legitimate interest of telemarketers and other companies that use autodialers or prerecorded messages.

One category of calls, noncommercial calls, was appropriately exempted because it was not the primary source of the consumer complaints that led Congress to enact this legislation. Examples of noncommercial calls cited by the Commission in the NPRM are calls from civic organizations, governmental agencies or political organizations.⁷ Many of these calls contain information that most consumers appreciate receiving. Although these calls may be a slight

⁴ 47 U.S.C. § 227 (b) 1 (B).

⁵ 47 U.S.C. § 227 (b) 2.

⁶ Proposed Rules, Part 64, Subpart K, § 64.1100 (c).

⁷ NPRM at 4.

inconvenience at times, the overall public policy value of calls by these institutions outweighs the inconvenience. The Commission's decision to exempt noncommercial calls preserves the ability of civic and political organizations to reach large segments of the population in a relatively inexpensive manner.

Use of prerecorded messages to convey commercial information not constituting an advertisement is a widespread and useful business practice. As noted in the NPRM, many companies use autodialers and/or prerecorded messages to inform customers of the status of an order or similar service reminders.⁸ In our fast-paced society, consumers undoubtedly appreciate receiving such information promptly. Autodialers and prerecorded messages perform a worthwhile function in this capacity. Calls not containing an advertisement are devoid of the commercial element that the Act is designed to regulate, and should be exempted from the prohibitions of the Act.

The legitimate business objectives of maintaining, or expanding, an existing business relationship are preserved by the proposed exemption for telephone calls to existing or former clients. In many instances, consumers benefit from information received from companies with whom they are currently, or have in the past, conducted business. Examples are calls advising of the expiration of a warranty, of new products, of sales promotions or of a new account manager. Although consumers should have the ability to restrict the

⁸ NPRM at 4. The NPRM implies that the prohibition in 47 U.S.C. § 227 (b) (1) (A) on use of autodialers bars autodialed calls to a residential line, unless such call falls within a specific exemption. Neither the Act, nor the proposed rules, refer to autodialers in the restriction on calls to residential lines. Both refer only to artificial or prerecorded voice messages. Moreover, the definition of an autodialer in the Act does not include as a component of such a system, an artificial voice or prerecorded message. The Commission should clarify this ambiguity.

number of telephone solicitations they receive, the Commission must not unduly restrict the free flow of commerce. The Commission correctly assessed economic realities by proposing the exemption for calls to existing or former clients.

The Companies also support the Commission's definition of a business relationship as one consisting of a "voluntary two-way" communication.⁹ This benchmark ensures that telephonic "cold calling" will be minimized. A "voluntary two-way" communication is a reasonable standard. Requiring more, such as an exchange of consideration, would effectively ban thousands of legitimate calls. With the voluntary two-way communication standard, consumers will be protected from the most annoying sales calls -- those from a company with whom the consumer has never done business. Furthermore, customers still have the option of informing the business entity that they no longer wish to be called. In which event, the customer's request should be honored, and the customer's name placed on that companies' "do not call" list.

Another category of calls appropriately exempted are calls placed by tax-exempt nonprofit organizations. These organizations and the funds they raise provide significant societal benefits. A major factor influencing passage of the Act was the burgeoning problem of commercial solicitations. Obviously, calls placed by nonprofit organizations are not inspired by the objective of making money for personal gain. Moreover, these calls are usually placed by live operators making them somewhat less offensive to consumers.¹⁰ Congress and the Commission correctly concluded that tax-exempt nonprofit organizations should not be subject to the general prohibitions of the Act.

⁹ NPRM at 6.

¹⁰ Congressional Record, November 26, 1991, H. 11312.

The proposed definition of the term “emergency” will ensure that the public is informed of important information in a timely manner. The definition is admittedly broad, as dictated by the legislative history, but any other definition could put public health and safety at risk during a crisis. The Ameritech Companies endorse the proposed definition.

In summary, the Commission’s proposed rules strike a reasonable balance between residential telephone privacy rights and other legitimate public policy concerns, such as the free flow of commerce. According to the legislative history, sales of \$435,000,000,000 were generated by telemarketing in 1990.¹¹ Clearly, a substantial number of consumers respond positively to telephone solicitations. The proposed exemptions preserve telemarketing as a viable sales channel for thousands of businesses.

III. THE COMMISSION’S CONCLUSIONS REGARDING USE OF AUTOMATIC DIALERS FOR DEBT COLLECTION ARE CORRECT.

The Ameritech Operating Companies agree with the conclusions of the Commission concerning use of autodialers for debt collection. These calls do not offer products or services and, significantly, the business relationship has already been formed. The call is commercial in nature, but is a valid extension of an existing business relationship, and does not adversely affect the privacy concerns the Act seeks to protect. The proposed rules protect the ability of businesses to use reasonable efforts to collect debts.

The Ameritech Operating Companies, like many other companies, use predictive dialers for collection purposes. Predictive dialers automatically dial a set of predetermined numbers with the intent that a live service representative

¹¹ Telephone Consumer Protection Act, Finding number (4).

will be available when the called party answers the phone. These devices improve the efficiency of collection operations by reducing dialing time and eliminating the need for company representatives to handle busy/no answer calls.

To reduce the likelihood of a customer receiving a recording, the Companies have the ability to control the pace of calling. Even at the slowest dialing pace, however, there is a two percent (2%) chance that a customer answering our call will not be connected immediately to a representative. When that occurs, the customer will hear a recorded voice say, "Please hold for an important message from _____ Bell Telephone Company." If the customer hangs up before a representative comes on the line, the line is automatically released.

With protections such as these and the existing laws regulating collection practices, consumers are well protected against intrusive debt collection practices.

IV. VOICE MESSAGE DELIVERY SERVICES SHOULD BE SPECIFICALLY EXEMPTED.

One of the principal objectives of the Act is to protect the privacy of consumers from unwanted commercial solicitations by telephone. Voice message delivery services, which arguably are prohibited by a literal reading of both the proposed rules and the Act, do not infringe upon the consumer's right to be undisturbed by commercial messages, and, consequently, should be specifically exempted from the prohibitions of the Act.

Public Telephone Message Delivery Service ("PTMDS") is one such voice message delivery service currently being developed in the Ameritech region. This service would allow a caller using a public telephone to record a message in the caller's voice if the called number is busy or no one answers. When the

called party answers, the system delivers the prerecorded message. Delivery of the message would be attempted for a designated period of time at predetermined intervals. If the message is not delivered within the designated period of time, it is automatically deleted from the system.

The primary purpose of PTMDS is to facilitate personal communications. For example, this service could be invaluable for airline passengers who need to inform someone of a change of plans while on a short layover. Other pay telephone users will also find PTMDS to be a valuable service. The success of the call waiting feature and the widespread use of answering machines clearly indicate that subscribers do not like to miss telephone calls. The Commission should specifically exempt this and similar voice messaging services from the prohibitions in the Act.¹²

Such an exemption would be consistent with, and probably is mandated by, the legislative history of the Act. Congressman Markey, in fact, essentially directed the Commission to exempt voice message delivery services. He said:

I fully expect the Commission to grant an exemption, for instance, for voice messaging services that forward calls. ... [V]oice messaging is a benefit to consumers and should not be hindered by this legislation.¹³

This position was echoed by Congressman Lent:

¹² In Illinois, for example, the Automatic Telephone Dialer Act, Public Act 87-0275, ILL. ANN. STAT., Ch. 121 1/2, ¶ 2620, contains the following exemption:

Nothing in this Act shall prohibit a telephone company from providing a service that is utilized for relaying messages for private purposes, including but not limited to, voice messaging services or message delivery services.

¹³ Congressional Record, November 26, 1991, H 11310.

[The Act] explicitly recognizes that there are certain classes and categories of calls that consumers do not mind, and in fact would probably like to receive. ... [T]he bill grants the FCC the latitude to exempt certain services that telephone companies presently offer, or in the future are likely to offer, to send messages and other important information.¹⁴

Moreover, such services have already been authorized by the Commission,¹⁵ and are currently being offered, or will be offered soon, by at least two Regional Bell Operating Companies -- Bell Atlantic and BellSouth.¹⁶ It would be incongruous for the Commission to now implement rules that place the legality of such services in question. To eliminate this possibility, the proposed rules should be amended to specifically exempt voice message delivery and similar services from the prohibitions of the Act.¹⁷

PTMDS is not intended as a business service or for commercial use. If it were improperly used for commercial purposes, the Act gives State Attorneys General the right to bring civil actions against companies accused of violating the Act.¹⁸

The exemption sought by the Companies also seeks clarification that voice message delivery services are exempt from Section 64.1100 (d) of the proposed

¹⁴ Id. at 11312.

¹⁵ See, e.g., In the Matter of Bell Atlantic Telephone Companies' Request for Waiver to Offer Coin Message Delivery Service, 6 FCC Rcd at 3400, (released June 4, 1991).

¹⁶ Id. at 11311.

¹⁷ The Companies recognize that there are strong arguments supporting the conclusion that voice messaging services are covered by the proposed language for Title 47, Part 64, Subpart K § 64.1100 (c), excluding from the definition of a telephone call, a call made "by, or on behalf of, a caller" for a noncommercial purpose or calls for a commercial purpose not containing an advertisement. Nevertheless, the widespread consumer and industry interest in voice message delivery services justify a specific exemption.

¹⁸ 47 U.S.C. § 227 (f).

rules. This section requires that artificial or prerecorded messages clearly state at the beginning of the message the identity of the business, individual or entity making the call and during or after the message state the telephone number or address of such business or individual. In the context of voice messaging, this is an ambiguous requirement. It is unclear whether the local operating company or the person leaving the message, or both, should be identified. The telephone number or address of the local telephone company is posted on every public telephone instruction card and is also on the monthly telephone bill of most consumers. The person leaving the message will, presumably, identify himself. Therefore, further identifying information is unnecessary.

V. THE COMMISSION SHOULD CLARIFY THAT AUTOMATED OPERATOR SERVICES AND AUTOMATIC METER READING SERVICES ARE COVERED BY THE EXISTING EXEMPTIONS.

A. Systems Used for Automated Operator Services Are Not "Commercial" in Nature

Automated Alternative Billing Service ("AABS") is a service that allows a person to place a collect call or to have a telephone call billed to a third party. In either instance, a prerecorded voice asks the person answering the phone if he or she will pay for the call.¹⁹ These recordings are used to facilitate placement of personal telephone calls. In addition to maximizing consumer choice, the cost

¹⁹ The following is an example of what the customer hears with the AABS system:

"This is _____ Bell Telephone Company. A call is being placed to another number by (calling party name). Please answer the following question yes or no. Will you pay for the call?"

After the customer responds yes, it says: "You have accepted the call. Please hang up now."

After the customer responds no, it says: "You have refused the charges. Please hang up now."

efficiencies gained by the use of AABS reduces the telephone companies' operating costs and results in an overall savings for consumers.

The AABS system should not be prohibited by the Act or rules, because the call is not used for a commercial purpose, accordingly, it is not a "telephone call" as defined in the proposed regulations. Further, even if it were construed as a "commercial" call, it does not include the transmission of an unsolicited advertisement and, therefore, is not within the ambit of the proposed regulations. Additionally, the call is not "initiated" by the AABS system (arguably, a prerecorded or artificial voice), it is "initiated" by a human being dialing a telephone number. For all these reasons, prerecorded messages used by a telephone company to provide automated operator services would appear to be exempt from the prohibitions of the Act.

Also, the proposed rules should be clarified to indicate that the identification requirements of Section 64.1100 (d) do not apply to AABS or similar automated operator systems utilized by local telephone companies. All such messages identify the local telephone company, and to require further information would be an unnecessary burden. As a public utility, consumers already know their local telephone company and can easily obtain direction from the local utility commission, if they encounter a problem with the telephone company.

B. Consent Obtained By the Utility Performing Automatic Meter Reading Services Removes Such Service From the Prohibitions of the Act

An Automatic Meter Reading System ("AMRS") consists of a utility companies' computer and a software package containing a database to track and store the meter readings of its customers. The utility's computer dials through the telephone network, and submits a meter reading request to the access control

equipment located in an appropriately equipped central office. The access control equipment receives the meter reading request from the utility and establishes a connection to a meter interface unit ("MIU") installed on a subscriber line. The meter reading connection is made by dialing the subscriber's number through a central office test trunk. Once this connection has been established, the access control equipment sends an alert tone to the MIU, initiating the meter reading process. It is the responsibility of the utility to maintain the software equipment which contains the telephone number/premises address database. In addition, the utility must obtain its customer's telephone number, and the customer's consent, prior to implementing this service for that customer.

This requirement is contained in all of the state tariffs where AMRS is offered. Such consent would clearly satisfy the requirements of the Act. Another factor supporting an exemption for AMRS is that it is nonintrusive -- the customer is not even aware at the time that the line is being used. This and similar services were not intended to be prohibited by Congress.

VI. THE PRIVACY RIGHTS OF BUSINESSES ARE ENSURED BY THE ACT AND PROPOSED REGULATIONS.

Businesses have articulated a legitimate concern with the proliferation of unsolicited facsimile messages, and this concern has been addressed by the Act and the proposed rules which ban such transmissions. Any concern about the use of autodialers has also been adequately addressed by the proposed rules prohibiting calls to emergency lines and to lines where the called party would incur the expense of the call. Moreover, the proposed rules require an autodialer to disengage within five (5) seconds after a hang-up. This will keep business lines open. A business enterprise, as an active participant in the "stream of

commerce," has significantly less compelling privacy rights than individuals in their homes. The privacy rights of businesses have not been unduly compromised by the Act or the proposed rules. Consequently, to further restrict the use of autodialers to businesses would be an unwarranted interference with interstate commerce.

VII. ADDITIONAL REGULATION OF "LIVE" TELEPHONE SOLICITATIONS IS UNWARRANTED.

The Ameritech Operating Companies oppose any additional restriction of live telephone operator solicitation for the following reasons:

- The number of complaints received by the Commission is very small. According to the legislative findings contained in the Act, thirty thousand (30,000) businesses use telemarketing, 300,000 solicitors make 18 million calls per day, but there were only 74 complaints in 1990.²⁰
- The costs for the suggested restrictions could not be justified given the relatively small scope of the problem.
- It is not in the public's interest to eliminate the consumers' options to purchase goods and services from telemarketers.
- Someone in a legitimate business should not be prohibited from calling someone else.

The legislative history of the Act conclusively established that consumers are most upset about autodialers using a prerecorded message.²¹ The perceived "loss of control" in such a situation provoked many of the complaints to the Commission. This has been addressed in the proposed rules. Specifically, the number of unsolicited prerecorded calls should be reduced and the rules require all autodialers to disengage within five (5)

²⁰ Telephone Consumer Protection Act, Finding number (2).

²¹ Id. at (10).

minutes after a hang-up. The more egregious practices complained of by consumers will be substantially reduced or eliminated. Accordingly, additional restrictions on live telephone solicitations are not necessary.

VIII. NUMEROUS OPTIONS ARE AVAILABLE TO CONSUMERS WHO WISH TO REDUCE OR ELIMINATE UNWANTED TELEPHONE CALLS.

Information suggesting ways to minimize unsolicited telephone calls is widely available. The white pages directories distributed by the Ameritech Operating Companies already contain information on how consumers can handle unwanted calls by asking to be placed on "do not call" lists maintained by the Direct Marketing Association. Of course, there is also the option to just hang up. Various newspaper and magazine articles on the subject of unwanted calls have included similar advice. For example, an article in USA TODAY on May 6, 1992 (copy attached), described some of the options available to consumers to protect themselves from unwanted calls.

The first line of defense, however, for any consumer is to obtain a nonlisted or nonpublished number. In a growing number of areas, Caller ID is also available to help people manage their incoming calls. With Caller ID, a subscriber has the option not to answer the phone if the calling number is not recognized. Answering machines are another way consumers can monitor their calls. According to LINK Resources' 1991 Residential Telecommunications Survey, almost 47 percent of households have an answering machine.

In sum, there are a myriad of options available to consumers to reduce or eliminate unsolicited telephone calls. Additional federal regulation is simply unnecessary.

IX. THE COSTS AND RESPONSIBILITY FOR SOLUTIONS SHOULD BE BORNE BY THE TELEMARKETING INDUSTRY.

The costs and burdens of any further restrictions on telephone solicitations should be borne by the telemarketing industry, and not by consumers or local telephone companies. The telemarketing industry is by far the greatest beneficiary of the popularity of telemarketing. Of the alternatives suggested by the Commission, "do not call" lists developed by the telemarketing industry present the best solution. To further improve the effectiveness of such lists, the Commission could require live solicitors to identify themselves at the beginning of the call, and provide a number or address so that a customer could request exclusion from any future solicitations. If the telemarketing firm identifies itself immediately, it also gives the customer the option to just hang up.

Intuitively, the idea of a national database of individuals who do not want to receive unsolicited telephone calls appears to be a straightforward solution to the problem of unsolicited telephone calls. Close analysis of this idea, however, reveals many significant obstacles. First, it would be a mammoth and complex undertaking, not unlike presubscription for long distance carriers. This process took many months and the cost was substantial. Consumers would have to be given notice of the opportunity to be in the database, and the database would have to be continuously updated. Second, the Commission's tentative conclusion of no federal support for a national database and the prohibition on passing this cost on to consumers would force such costs on the telemarketing industry or the local exchange companies. The Companies cannot endorse any proposal that would force them, and indirectly their customers, to bear the expense of establishing or operating such a database. Third, as suggested by the Commission, a national database may only be of marginal value because of the

lag time in establishing and updating it. Fourth, consumers would still receive calls exempted from the prohibitions in the Act. Finally, the notion of being included in a national database that would be available for sale to thousands of organizations may be anathema to the very individuals the Act seeks to protect -- those who value highly their privacy.

The Ameritech Operating Companies do not believe that creating a regional or national database is a feasible solution, unless Congress provides an adequate funding mechanism. Considerable resources would be required to establish and maintain such a database in a manner that would provide appreciably more protection to consumers. Another implication of this regulatory alternative would be the establishment of an additional bureaucracy at a time when the national direction is toward less regulation. The Companies have investigated the concept of national databases in the past for other purposes. In each case, the national database approach proved to be very complex and costly. Local operating companies should be allowed to focus their resources on improvements to the network and services provided over that network. Involvement in developing and maintaining a database, of questionable value, does not further these objectives.

For all of the above reasons, local or company specific "do not call" lists must be considered a major part of the solution to this problem. Such lists already exist in all five Ameritech Operating Companies. Consumers who wish to be included in such lists need only follow the directions in the front of the white pages. These lists are available for sale to telemarketers. This approach has the added advantage of local businesses being more responsive to the consumers in the area they serve.

The Ameritech Operating Companies have also considered "special directory listings," whereby customers who do not want to be solicited would

have an asterisk next to their names in the directory. There are at least two major flaws with this approach. First, it probably creates in the minds of consumers the appearance of protection, while the actual value of such markings is debatable. This is particularly true because most telemarketers do not use telephone directories to identify prospects. Telemarketers obtain their lists from many different sources. Secondly, the expense of having to reformat all of the white page directories in order to include such a marking could be prohibitive.

The Commission correctly noted the significant disadvantages and limited benefit of time of day restrictions. The Companies support the Commission's tentative conclusions on this option.

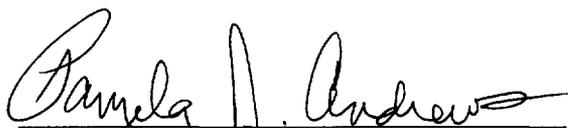
The Commission also sought comment on a suggestion to establish a special prefix or a national prefix to be assigned to the telemarketing industry. At this time, no such prefix is available, and, if it were, this does not appear to be the best utilization of the finite numbering resources. Further, assigning a prefix to all telemarketers would eliminate consumer choice. It would be impossible to differentiate those telemarketing entities that provide information of interest to a particular consumer. There would be no selectivity -- either a consumer would receive calls from an unlimited number of telemarketers or he would receive none.

X. CONCLUSION

The proposed rules provide consumers additional protection against unsolicited telephone calls. The Ameritech Operating Companies respectfully request that the Commission specifically exempt voice message delivery services from the prohibitions of the Act. Further, the Companies request that the Commission clarify that prerecorded messages used for automated operator services and automatic meter reading services are exempt from the Act. No

additional regulation of live operators or of calls to businesses appears to be necessary. The Commission should not adopt a regulatory plan to control residential telephone solicitations which requires the local operating companies to manage or participate in a regional or national database of "do not call" individuals.

Respectfully submitted,

A handwritten signature in black ink that reads "Pamela J. Andrews". The signature is written in a cursive style with a horizontal line underneath it.

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"USA TODAY hopes to serve as a forum for better understanding and unity to help make the USA truly one nation."

—Allen H. Neuharth
Founder, Sept. 15, 1982



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Today's debate is on **UNWANTED PHONE CALLS** and how far government should go to protect people from them.

Don't turn Uncle Sam into a junk-call cop

OUR VIEW With autodialers hung up, consumers don't need a federal nanny to turn down a phone sales pitch.

Weary of answering your telephone only to get a recorded sales pitch?

Fearful of having your line tied up by a tape that goes on after you hang up?

Well, some relief is at hand. This month, the Federal Communications Commission is taking comments on rules to implement the Telephone Consumer Protection Act by this fall.

The much-needed rules will ban auto-dialed calls to emergency lines and require autodialers to free your line within five seconds after you hang up. And commercial autodialed calls to your home will need your consent.

Such recorded calls now generate 90% of FCC telemarketing complaints.

But some privacy advocates want to make a federal case out of the other 10%.

They want to curb live calls through a federal "don't call me list" or by corraling the USA's 300,000 telemarketers into a single exchange which consumers could block — at their own expense.

The FCC shouldn't waste taxpayers'

money pursuing those options. If we want cheaper government, we can't demand protection from every annoyance.

Unwanted sales calls can be that. Wanted ones are a service, as \$435 billion worth of annual phone sales show.

Either way, the phone's ring is no worse than one aggravation it has pretty much replaced — the knock at the door by door-to-door salesmen.

Consumers can protect themselves without turning Uncle Sam into a junk-call cop.

They can ask their phone companies not to sell their number to telemarketers. Many will do it on request.

They can be placed on a "don't call list" of the largest telemarketing association by writing:

*Telephone Preference Service
c/o Direct Marketing Association
11 W. 42nd St.*

*P.O. Box 3861
New York, N.Y. 10163-3861*

And they can say no.

No one called the cops to close the door when the Avon lady or Fuller Brush man knocked.

We can more easily say no to telemarketers by just hanging up.