

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

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MAY 26 1992

Federal Communications Commission
Office of the Secretary

In the Matter of

The Telephone Consumer Protection
Act of 1991

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CC Docket No. 92-90

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COMMENTS

GTE Service Corporation, on behalf of
its domestic, affiliated telephone,
equipment, and service companies

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May 26, 1992

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TABLE OF CONTENTS

	SUMMARY	Page	iv
I.	BACKGROUND	Page	1
II.	DISCUSSION	Page	3
	A. DEFINITIONS	Page	3
	The FCC needs to use its technical expertise and clearly characterize what types of equipment or systems are intended to be included within the scope of the TCPA and the FCC's Rules.	Page	3
	B. PROHIBITED USES OF AUTO DIALERS	Page	6
	After clarifying the technical definitions, the FCC should clarify the prohibited uses of auto dialers.	Page	6
	C. EXCEPTIONS TO PROHIBITED USES OF AUTO DIALERS	Page	8
	GTE supports the FCC's Proposed Exemptions.	Page	8
	D. AUTO DIALER SOLICITATIONS TO BUSINESSES	Page	10
	The privacy interests of businesses are different than the privacy interests of residential consumers.	Page	10
	E. TECHNICAL AND PROCEDURAL STANDARDS	Page	10
	GTE agrees with the FCC's Technical Standards.	Page	10
	F. TELEPHONE SOLICITATION TO RESIDENTIAL SUBSCRIBERS	Page	11
	Although the TCPA requires the FCC to explore alternatives to restrict residential telephone solicitation, the FCC has discretion to choose what, if anything, to implement.	Page	11

GTE opposes the concept of a national database as not justified. Page 12

While some network technologies can assist in screening unwanted calls, network blocking via the numbering plan would not work. Page 15

Directory markings do not work. Page 16

GTE does support industry-based or company-specific do-not-call lists. Page 16

It is not clear that the time-of-day proposal is warranted either. Page 17

III. CONCLUSION Page 17

SUMMARY

The FCC has proposed Rules and Exemptions to implement the Telephone Consumer Protection Act of 1991 ("TCPA"). GTE believes clear definitions of what equipment and operations are intended to be covered and which are exempted are critical. With clear definitions the Commission can then address its Rules to regulate the conduct and equipment that seems to be causing the problem. GTE believes the record demonstrates that legitimate telemarketing plays a vital role in the Nation's economy. However, GTE also understands the plea of a vocal minority that their privacy concerns need to be addressed.

GTE believes that the FCC's proposals for the most part strike the proper balance. GTE supports the FCC's proposed exemptions and offers language to clarify the various situations. With respect to the privacy interests of businesses, GTE agrees the current proposals balance the issues of business privacy and commercial free speech.

Although TCPA requires the FCC to seek comment on alternative methods to control telephone solicitation to residential subscribers, GTE supports allowing live solicitation unless the customer is in an industry-specific do-not-call list, such as the one maintained by the Direct Marketing Association. GTE opposes the concept of a national database. For GTE's operations this would add cost with no countervailing benefit. GTE also believes some network technologies can assist in screening unwanted calls, but does not believe the North American Numbering Plan is an appropriate method.

It has been demonstrated that directory markings are ineffective as a control measure. The one control method supported by the bulk of the industry that generated the \$435,000,000,000 in sales, with minimal FCC complaints, is the use of company-specific or industry-specific databases. Even time-of-day restrictions could eliminate some desired, beneficial calls. GTE urges the FCC to implement the minimum requirements of TCPA. It can monitor the industry response and determine if more controls are necessary as a result of continuing abuses. Reputable telemarketers already do many of the things the FCC is proposing; it is unclear how well the abuses will be controlled without active enforcement. However, in the name of controlling the abuses of others, GTE cannot condone adding costs to its customers.

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COMMENTS

GTE Service Corporation, on behalf of its domestic affiliated, telephone, equipment, and service companies ("GTE"), offers its Comments in response to the FCC's Notice of Proposed Rulemaking ("NPRM" or "Notice") released April 17, 1992, FCC 92-176. In the Notice, the FCC proposes to amend its Rules to implement the Telephone Consumer Protection Act of 1991 ("TCPA"), Public Law 102-243. The TCPA restricts the use of automatic telephone dialing systems and telephone facsimile machines for telemarketing purposes. The TCPA allows the Commission to define the contours of statutorily permissible exemptions to the prohibitions of the statute. (NPRM, para. 1) The FCC is seeking Comments on its tentative proposals.

I. BACKGROUND

Section 227 is added to the Communications Act of 1934 by the TCPA. This Section defines such terms as "automatic telephone dialing system," "telephone facsimile machine," "telephone solicitation," and "unsolicited advertisement;" and provides restrictions on the use of automated telephone equipment; technical and procedural standards; and methods of enforcement.

The TCPA prohibits any person to make any call (other than a call made for emergency purposes or made with the prior express consent of the called party) using any automatic telephone dialing system or artificial or prerecorded voice:

- (i) to any emergency telephone line;
- (ii) to the telephone line of any guest room or patient room of a hospital, health care facility, elderly home, or similar establishment; or
- (iii) to any telephone number assigned to a paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service, or any service for which the called party is charged for the call.

There is also a prohibition on initiating any telephone call to any residential telephone line using an artificial or prerecorded voice to deliver a message without the prior express consent of the called party, unless the call is initiated for emergency purposes or is exempted by rule or order by the FCC. Unsolicited advertisements sent by facsimile machine, computer, or other device to a facsimile machine are prohibited. Automatic telephone dialing systems are also not to engage two or more lines of a multi-line business at a time.

Technical standards for use and manufacturing specifications are proposed for facsimile equipment and artificial or prerecorded voice systems. Additionally, the FCC is given discretion to consider other alternative means of reducing telemarketing abuses as well as the ability to carve out some exemptions from the statutory prohibitions. Among the alternatives to restrict telephone solicitation the FCC proposed for comment are:

- (i) national or regional databases of persons who object to receiving solicitations;
- (ii) network technologies that enable called parties to avoid calls from certain numbers;

- (iii) company-generated "do-not-call-me" lists;
- (iv) special directory markings; and
- (v) time-of-day restrictions.

(NPRM, para. 27)

Since GTE controls GTE Telephone Operating Companies ("GTOCs"); a directory company; cellular and other wireless companies; as well as business units that perform telemarketing; GTE has many interests affected by the TCPA and the FCC's proposals. To facilitate the Commission's review of its Comments, GTE will Comment on issues in the order in which the Commission addressed them in its Notice.

II. DISCUSSION

A. DEFINITIONS

The FCC needs to use its technical expertise and clearly characterize what types of equipment or systems are intended to be included within the scope of the TCPA and the FCC's Rules.

Although the TCPA has provided definitions for some of the equipment or systems intended to be covered by the TCPA, these definitions are not without some ambiguity and in need of clarification or interpretation by the FCC. An "automatic telephone dialing system" is defined as equipment which has the capacity to store or produce telephone numbers to be called (using a random or sequential number generator) and to dial such numbers. (See Section 227(a)(1)). This terminology could encompass a telephone, PBX, or central office with a speed calling feature; a personal computer that has a modem and a dialing program; Predictive Dialers that mechanize many live telemarketing operations by having machines perform dialing and then cutting over to a live operator; or Autodialers that dial and then deliver a canned message. It could

also include Voice Mail or E-Mail systems that store a number to dial to alert a user that a message has been received, or Public Pay Telephone Voice Messaging Systems that allow a caller to "store" the number just dialed, and "record" a message for later delivery to the called party. Additional equipment may also fit within the definition. The lack of specificity provides uncertainty as to what systems were intended to be covered.¹ GTE believes the TCPA restrictions were intended to be directed only at the type of equipment used in telemarketing operations and for telephone solicitations. For example, at NPRM para. 15, the Commission discusses the use of Predictive Dialers in debt collection to improve efficiency. Generally, after dialing, the call is transferred to a live operator, although "predictive dialers sometimes deliver a recorded message to a small percentage of called parties when all live operators are busy." (*Id.*) The Commission concludes: "[T]his is a non-telemarketing use of auto dialers not intended to be prohibited by the TCPA." (*Id.*) The Commission further concludes that such calls will not be covered under its proposed Rules, because they fall under one or more exemptions.

The FCC should make the same determinations or clarifications for the other auto dialing systems listed by GTE. However, the FCC should not base its analysis solely on its statutory exemption discretion under Section 227 (b)(2)(B), since that proviso only covers (b)(1)(B) calls to residential lines. If a Pay Telephone Voice Messaging call were made to a hospital line to advise a spouse that the caller caught the earlier plane, or a caller used speed dialing to call a

¹ In its early-filed Comments, the CUNA Mutual Insurance Group ("CUNA") was also concerned about the "loose terminology" used in defining autodialing. CUNA asks that: "The FCC should invest time in researching autodialing technologies and formulate a clear definition so there is no misunderstanding of what the FCC is proposing." (CUNA, p. 1) Electronic Information Systems, Inc. ("EIS") in its early-filed Comments, makes a similar point. "The definition of an 'autodialer,' as stated by the U.S.C. section 227, is ambiguous." (EIS, p. 1) "Therefore, there is no perceptual difference between predictive dialing, and manual dialing. The fact that the process is automated is irrelevant from the standpoint of the telephone consumer." (*Id.*, p. 2)

cellular number, GTE believes some parties could argue these are "automatic telephone dialing system" calls to lines or numbers covered under Section 227 (b)(1)(A). As a practical matter, a dispute may never arise because the called party probably consents to receipt of the call, even if such consent were not "prior express consent."

GTE understands the concern over autodialers that include prerecorded messages and that do not release the line, and supports regulating their use. However, in any instance where the FCC will allow a "live" operator call, GTE urges the Commission to allow Predictive Dialers or similar automation to make such operations efficient -- using the same reasoning as the FCC's debt collection analysis. If there is no privacy or other intrusion by a live-operator-dialed call, then the fact that a more efficient method is to allow machine dialing with transfer to a live operator should not raise any TCPA privacy concern.

Similarly, the definition of "telephone facsimile machine" needs to be interpreted to clarify business applications such as retrieval from an imaging system. If a subscriber queries an imaging database to retrieve some information for delivery via FAX, it may not be a problem to place identifying information on a cover page. However, the FCC's proposed technical rule would require identifying information on each query or message. Again, GTE believes such applications were not intended to be covered by TCPA, but the definitions could be interpreted broadly enough to cover such business applications.

B. PROHIBITED USES OF AUTO DIALERS

After clarifying the technical definitions, the FCC should clarify the prohibited uses of auto dialers.

In its Notice, the FCC often uses the shortened term "auto dialer" to mean the statutorily defined term "automatic telephone dialing system," or to refer to equipment that uses an artificial or prerecorded voice. Since TCPA imposes different restrictions on automatic telephone dialing systems versus equipment that sends artificial or prerecorded voice, it is important to use terms that maintain the distinctions. The dialing function itself does not appear to give rise to any problems. The FCC Notice points out that the real issues are the machine-delivered messages and the inability of the calling equipment to disconnect and release the called party's line. It appears auto dialing per se, is not a problem for any instance where a live call could be made, but proper equipment disconnect and use of recorded messages in some applications are problems.²

Where the Commission intends to bar use of prerecorded messages, it should clearly indicate it. If the FCC intends the term "auto dialer" to encompass only equipment that automatically dials and uses prerecorded messages, it should define the term accordingly.

With respect to Section 64.1100(a)(1), the FCC should clarify what is required to evidence "prior express consent of the called party." For example, if a person provides his or her cellular number as the number to call to reach them, then GTE assumes this indicates prior consent so that a call to that number is not prohibited under the subparagraph. Similarly, if the person indicated they

² In other applications, recorded messages are very useful. In para. 11 the FCC notes that recorded messages to advise employees of a late opening time due to weather, or the use of such messages by catalog or delivery companies to confirm the arrival, shipment, or delivery of a product "are an efficient method to communicate a message to a large number of people."

could be reached on their 800 number, this would not be a prohibited call even though the called party is charged, because consent was given with the release of the number. Similarly, if a cellular carrier calls its customers (there is no air time charge for such calls) to monitor customer satisfaction, service quality or other matters, the FCC could determine that as a rebuttable presumption such calls were within the consent provision. If a cellular customer objected to such calls, then a "do-not-call-list" control could be used.

GTE also recommends changing Section 64.1100(a)(1)(iii) to include "other radio common carrier services" since TCPA includes this class in the statutory language. Further, GTE would like to specifically list the air-to-ground services which are particular radio-based common carrier services. Section 22.521 service is currently two-way, and the 800 MHz air-to-ground service under Part 22, Subpart M will also have two-way capabilities soon. Telemarketing calls to such radio common carrier services should be prohibited under the FCC Rule.

As a practical matter, there may be some problem in identifying the lines or numbers that fall into the prohibited classes. Although a telemarketer could use the White and Yellow Page directories to identify emergency lines and health care lines, there are generally no directories for the mobile services. Cellular NXX codes would allow blocking of entire groups of numbers, however, some of the other numbers for paging, etc. may not be readily apparent. If this prohibition is to be implemented, a method of identifying the restricted numbers -- without impacting customer proprietary information -- needs to be determined.

C. EXCEPTIONS TO PROHIBITED USES OF AUTO DIALERS

GTE supports the FCC's Proposed Exemptions.

In para. 10-17 the Commission proposes to exempt certain calls from the TCPA restrictions. The overall intent of Section 227 is to protect consumers from unrestricted telemarketing. However, as Congress and the FCC note (para. 24), unsolicited sales calls generated \$435,000,000,000 in sales in 1990. Thus, it is clear many, many consumers find such contacts beneficial and purchase the goods and services offered. At the same time, companies do not want to waste time or resources contacting individuals who are not interested in their products or services, who have no intention of buying anything on an unsolicited basis, and who feel such calls invade their privacy. Thus, the FCC notes that the TCPA requires "that individuals' privacy rights, public safety interests, and commercial freedoms of speech and trade must be balanced in a way that protects the privacy of individuals and permits legitimate telemarketing practices." (NPRM, para. 9)

The FCC proposes to exempt certain residential calls from the TCPA prohibitions. These include:

- (i) non-commercial calls (i.e., civic institutions; local, state, or federal governments; political campaigns; and other non-commercial institutions);
- (ii) commercial calls that do not transmit an unsolicited advertisement;
- (iii) calls by tax exempt, nonprofit organizations;
- (iv) calls to former or existing clientele; and
- (v) emergency auto dialer calls.

GTE supports each of the proposed exemptions. In each case, the FCC notes that Congress identified these areas for possible exemptions.

Recognizing that the Commission may refine these exemptions based on the record in this docket, GTE would like to specifically have the Commission consider calls made to consumers for market research purposes as either non-commercial since the primary thrust is research, or as commercial calls that do not transmit an advertisement. The specific exemption category is not important unless the FCC decides not to have one of these exemptions in the final Rule.

With respect to the exemption for prior or current business relationship, GTE asks that FCC clarify that this exemption applies to all business units of a company. Thus, if a customer has a relationship with GTE via one of its subsidiaries, that relationship encompasses contacts by other GTE businesses that may be offering complementary products or services. Most customers consider large corporations like AT&T, IBM, Xerox, or GTE as unitary entities. If there is a proper business relationship, customers welcome the calls from related organizations.³ Given the competition in the telecommunications industry and customers who switch back and forth between vendors frequently, the FCC should allow "prior business relationship," also. This allows a competitive response to win the customer back. Contact should be allowed under this exemption unless the customer has indicated that future contact is not desired.

³ The FCC should also allow these entities to hire "agents" to make the calls for them. The agent would disclose the identity of the party in interest. CUNA (p. 2) also believes, that trade associations which offer similar services as their members should be able to contact a member's customers, current or former, if permission for the contact is obtained from the association member. GTE would support this clarification.

D. AUTO DIALER SOLICITATIONS TO BUSINESSES

The privacy interests of businesses are different than the privacy interests of residential consumers.

The FCC notes that Congress has already provided TCPA coverage for calls that could compromise health and safety. Calls to mobile subscribers are also covered. There are also restrictions on unsolicited material being sent to a business's FAX machines and telemarketing calls tying up more than one line are prohibited. The only remaining issue to balance is the privacy right of one business versus the commercial speech rights of other businesses. GTE believes the interests of businesses are already adequately covered by the provisions noted and the FCC does not need to include any further regulations.

However, similar to the issue of identifying the numbers for Section 64.1100(a)(1) purposes, a method of identifying the lines or numbers for a multi-line business needs to be developed. White Pages directory information may only indicate the main number, but may not indicate the number of lines, or the numbers associated with those other lines.

E. TECHNICAL AND PROCEDURAL STANDARDS

GTE agrees with the FCC's Technical Standards.

GTE agrees with the Commission's proposed revisions to Part 68 to implement the technical requirements for facsimile equipment and automatic dialing systems that deliver a recorded message. GTE believes most facsimile equipment on the market already is capable of complying with this requirement. For older equipment that does not comply, the FCC should clarify that it can still be used, provided the sender includes the required date/time and identifying information on the cover sheet. Although new equipment will indicate the

information automatically, older equipment can still comply via a FAX cover sheet.

The FCC may also wish to clarify how this requirement to identify the FAX line in all cases will reconcile with CallerID regulations that allow the sending of "Private" calls. If a blocking mechanism is used to suppress display of CallerID from a non-published line sending a FAX, what sense does it make to have the telephone number printed on the FAX?

F. TELEPHONE SOLICITATION TO RESIDENTIAL SUBSCRIBERS

Although the TCPA requires the FCC to explore alternatives to restrict residential telephone solicitation, the FCC has discretion to choose what, if anything, to implement.

The TCPA requires the FCC to consider the need to protect residential telephone subscriber's privacy rights to avoid receiving "telephone solicitations" to which they object. The TCPA does not require the FCC to adopt any specific alternative. As stated in the NPRM (para. 22), "telephone solicitation" does not include a call or message:

- (i) to any person with that person's prior express invitation or permission;
- (ii) to any person with whom the caller has an established business relationship; or
- (iii) by a tax-exempt, nonprofit organization.

The FCC notes that the bulk of the complaints received by the FCC are in the auto dialer area as opposed to live solicitations. (NPRM, para. 23) In 1991, 757 FCC complaints related to auto dialers while only 74 complaints related to live solicitations. Since 1990 sales from unsolicited calls were \$435,000,000,000,

and since 30,000 businesses have 300,000 solicitors calling 18,000,000 Americans every day (TCPA, Section 2), this is clear evidence that telemarketers are doing a good job of targeting only customers who desire their products or services. The FCC also notes that state laws regulating telemarketing practices are not preempted by TCPA and over half of the states have laws or regulations controlling telemarketing. (NPRM, para. 26 and TCPA, Sec. 2) GTE supports allowing live residential solicitation unless the customer has indicated a desire from an earlier call that they do not want further solicitations or they are in a do-not-call database.

Notwithstanding the limited amount of FCC complaints, the FCC is required by TCPA to review alternatives to restrict residential telephone solicitation. Among the alternatives to restrict telephone solicitation the FCC proposed for comment are: (i) national or regional databases of persons who object to receiving solicitation; (ii) network technologies that enable called parties to avoid calls from certain numbers; (iii) company-generated "do-not-call-me" lists; (iv) special directory markings; and (v) time-of-day restrictions. (NPRM, para. 27)

GTE opposes the concept of a national database as not justified.

As GTE has noted, companies who make unsolicited calls want to target customers who are likely to buy their products or services. Given the impressive sales figures cited, they seem to be achieving that goal and contributing significantly to the American economy. At the same time, companies realize that some individuals do not want such calls, and often these people will never buy a product or service on an unsolicited basis. It is a waste of a company's time and resources to even call such an individual.

While the majority of GTE's telemarketing activities are to contact current customers, and, thus, would not be "telephone solicitation" under these proposed alternatives, GTE also makes other contacts. GTE is a member of the Direct Marketing Association ("DMA") and subscribes to its guidelines. One of DMA's guidelines is to not call individuals who have indicated that they do not want direct telemarketing contacts. DMA maintains for its members a list of approximately 400,000 people who have indicated to DMA under its Telephone Preference Service ("TPS") that they do not wish to be called.⁴ For GTE's telephone companies -- the GTOCs -- this means any outbound telemarketing program is "scrubbed" against the DMA data. Additionally, if the GTOCs are marketing "enhanced services" GTE's policy is to comply with the spirit of Open Network Architecture ("ONA") Customer Proprietary Network Information ("CPNI") safeguards and, thus, no calls would be made to non-published customers by GTOC enhanced services telemarketing efforts. GTE's policy goes one step further, and even if the call were for regulated services or customer premises equipment, GTE does not knowingly call its non-published customers. Finally, GTOCs scrub against an in-house database of any customers who indicated they did not want telemarketing contact.

As stated, it is in GTE's and its customers' best interests to not make telemarketing calls where they would be resented. Other GTE business units are also members of DMA and it is their policy to scrub against the DMA database or to require by contract that lists provided by other companies for their use to have been scrubbed against the DMA TPS. Since they are not telephone companies, they do not have ONA safeguards or non-published customers. It is GTE's understanding that most large telemarketers are members of DMA and

⁴ It is GTE's understanding that other companies can also purchase copies of the DMA TPS list. The DMA TPS also provides a mechanism to verify names and telephone numbers and remove them when no longer required to be included.

follow similar practices. This may explain why the sales figures are so high and the FCC complaint numbers so low. However, there may be some smaller telemarketers who do not follow such practices and, therefore, create the "problem" that TCPA is supposed to fix.

A national database program beyond what GTE is currently doing could add costs with no corresponding benefits. Since GTE participates in DMA and has in-house databases, its customers and others have the benefits the national database is supposed to provide. As a legal matter, GTE would not even have to check such a national database to call any of its millions of customers because of the preexisting business relationship.

Although Florida has a state database program, the Wall Street Journal recently quoted Henry Hodges, who works in the "No Sales Solicitations Call List" division of Florida's Agriculture and Consumer Affairs department, as saying: "A lot of folks get off the list after they find" they still get lots of unsolicited calls.⁵ The same would be true under TCPA. Given the statutory exemptions, it is questionable how effective such a database would be as a legal matter. Companies who as a policy matter do not make such calls, do not need a national database.⁶

Since President Bush has urged federal agencies to minimize federal regulations -- especially as here were they would be ineffective -- GTE can see no reason why the FCC would pursue this alternative. The President is also

⁵ See Wall Street Journal, May 19, 1992, p. B6, "Congress's Cure for Junk Calls Faces a Skeptical FCC." ("WSJ Article")

⁶ Another problem with such a national database is the fact that it would be yes/no for all telemarketing calls. By having individual in-house databases, consumers can exercise choice in determining who that want to receive a call from. The WSJ Article also notes that there could be a privacy problem. "Presumably, some people who don't want to be called wouldn't want to be on a list that was accessible to the entire telemarketing industry, as well as to government agencies." Also see Privacy Times, May 7, 1992, p. 4, "FBI Relies on Direct Marketer's Database; May Seek to Expand Use."

quoted in the NPRM as stating the FCC should implement "the requirements of the [TCPA] ... at the least possible cost to the economy." (NPRM, para. 29, footnote omitted, emphasis added) A national database is not even a requirement of TCPA, but an option.⁷

While some network technologies can assist in screening unwanted calls, network blocking via the numbering plan would not work.

In para. 30 of the Notice the Commission questions whether network technologies can assist in screening unwanted calls. GTE believes CallerID service as described in CC Docket No. 91-281 is an example of a network technology very useful in screening unwanted calls -- especially from an abusive telemarketer. The Commission is well aware of the problems that deployment of this service is experiencing. With respect to the suggestion to put all telemarketers in one prefix (i.e., NXX) it is not clear how that would work unless used with CallerID, or some other blocking or screening service. Given the number of companies that do a lot of or a little telemarketing, it is not clear that the North American Numbering Plan has sufficient resources to even try to consider such an approach. There would also be the costs of central office switch conversions that would need to be recovered from subscribers including residential subscribers. Since Congress envisioned these alternatives being paid for by the telemarketers, it is not clear whether such an approach would be authorized under TCPA.

⁷ In its early-filed Comments, the Altoona Mirror expressed its concern by stating: I urge [the FCC's Secretary] and those at the FCC charged with implementing provisions of the Telephone Consumer Protection Act of 1991 to use large measures of common sense. Perhaps even larger measures than the drifters (sic) and supporters of the legislation did. We may soon legislate our country right out of business. (Altoona Mirror, p. 2)

Directory markings do not work.

GTE also believes directory markings will not work. This was tried in Florida and proved ineffective. The telephone directory is often not the primary customer contact list used for telemarketing calls. At best it is only one of many sources. Directories also only come out once a year, thus, the reissue is not frequent enough to put people on or off the list. Directories also cover a finite geographic area that may not match the geographical area of the telemarketing campaign. Since many telemarketers are interstate operators, there is the issue of how they would get local directories. Since White Pages directory information is gathered and maintained by the telephone companies, this approach would add costs that raise telephone rates unless a mechanism to have the telemarketers cover the expenses was developed. If this data was forced to be part of the "free" directory, then the costs would need to be recovered from the ratepayers, and TCPA prohibits cost recovery from residential customers.

GTE does support industry-based or company-specific do-not-call lists.

As GTE has already indicated, it uses the DMA TPS list and its own in-house lists. Thus, GTE supports the industry self-policing mechanism. Reputable telemarketing firms do not want to waste their resources calling people who do not want to be called, and they already maintain such lists. Whether the FCC should mandate other firms to use the same approach is questionable. GTE does not support any proposal that would raise its costs -- costs with no benefits is hard to swallow. It is questionable whether the FCC could force companies to join DMA to gain access to the DMA TPS or otherwise

require use of DMA's property. Fly-by-night companies would probably disregard any FCC directives and would end up an enforcement problem.

It is not clear that the time-of-day proposal is warranted either.

As the Commission noted (NPRM, para. 33), reputable telemarketers do not call consumers at weird hours as a matter of business etiquette. Thus, a regulation setting the hours is not necessary. If the FCC were to consider this alternative, then it would need to allow some flexibility. While 9:00 AM to 9:00 PM seems reasonable at first blush, a telemarketing campaign to offer a special price on feed to farmers, may not be resented even if the calling needed to take place before the farmer left for the fields in the early morning. A targeted approach to a defined customer group could always be reasonable. Again, given the success with current marketing programs and the small number of FCC complaints, it is not clear any further alternatives other than the mandatory provisions of TCPA are warranted. The FCC can start off at the minimum and revisit the area later if it determines more control is necessary or will be effective.

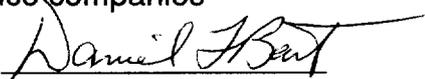
III. CONCLUSION

The Commission should implement the minimum requirements of TCPA, and save any additional burdens if it determines that Congressional intent is not being achieved. Reputable telemarketers already do many of the things the FCC is considering, and it is doubtful whether mandating these things will have much affect on the abusers. To the extent that there are localized problems, states are free to tailor local remedies. GTE sees no need for any of the alternate regulatory mechanisms and believes current data on file at the FCC

demonstrates the effectiveness of current telemarketing practices and the steps taken by companies like GTE to address concerns. In the name of preventing the abuse of others, costs should not be added to the GTE ratepayer.

Respectfully submitted,

GTE Service Corporation, on
behalf of its domestic affiliated
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service companies

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I, Jennifer R. McCain, hereby certify that copies of the foregoing "Comments" of GTE Service Corporation have been mailed by first class United States mail, postage prepaid, on the 26th day of May, 1992 to the following parties:


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