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Federal Communications Commission
Office of the Secretary

Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street NW
Washington, D.C. 20554

Reference: CC Docket No. 92-90

Dear Ms. Searcy:

I'm writing to you on behalf of the more than 170 daily and weekly newspapers who are members of The Ohio Newspaper Association. Their combined circulation is approximately four million.

It is the position of this organization that your rulemaking on telemarketing practices should take into account the special circumstances of newspapers and the limited uses they are making of automated dialing.

In each case in which an Ohio newspaper is using automated dialing, a live operator is on the line and the calls are being made before 9 p.m. These calls are typically for developing new customers or following up with previous customers who dropped their subscriptions.

While these telephone functions do not involve a prerecorded voice, such a recording would certainly be helpful and cost efficient for billing reminders to current customers.

For these reasons, we believe that prerecorded voice calls made for billing purposes should be exempt from prohibition on these types of calls. We further believe that the national database of telephone subscribers who do not wish to be called is not necessary and should not be included in the rules. We believe a system of self-policing by newspapers in their calling practices is a more realistic approach.

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In a related matter, you should be aware that a bill in the Ohio General Assembly which had a similar provision for a "no-call" data bank died just a few months ago because of an admission by several state officials that maintenance of the data base would be unwieldy. More significantly, the chairman of the House Utilities Committee and several of his fellow committee members stated that they felt the legislation was unnecessary because of evidence that most telemarketers were restricting themselves.

That bill was Amended Senate Bill 93 which was never voted out of the Ohio House of Representatives Public Utilities Committee.

I appreciate your attention to the concerns of newspaper publishers as you proceed with your rulemaking.

Sincerely,



Frank E. Deane
Executive Director