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Office of the Secretary
Docket Number CC-92-90
Federal Communication Commission
1919 M Street, N.W.
Washington, D.C. 20554

EX PARTE OR LATE FILED

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Dear Sirs/Madame:

As an attorney who works in the area of consumer protection, I am very disturbed by the failure of the Federal Communications Commission to honor the intentions of the 1991 Telephone Consumer Protection Act (TCPA). The TCPA was enacted in direct response to the myriad of problems created by the telemarketing industry. Amongst these problems were intrusions upon private homelife and businesses by automatic telemarketing. The FCC's attempt to nullify the enactment of the TCPA is a direct assault upon this landmark consumer protection statute. The FCC's loose interpretation of the TCPA to regulate sends a clear message to private citizens that the federal government has no intention of protecting them in their homes or in the marketplace.

To loosely define "prior business relationship" is to once again allow private citizens to be assaulted by the more unscrupulous members of the business community. With the free exchange of personal information in the computer age, it would be very hard to verify whether or not a prior business relationship has actually existed. A consumer may make a one time purchase at a store and find themselves on a mailing list for life. This does not mean that the consumer would necessarily want to have that one time purchase create an ongoing business relationship.

The FCC's suggestion that telemarketing calls benefit consumers is in many ways greatly flawed. Picture the situation where an elderly person gets solicited on the telephone by telemarketer. Through high pressure tactics and outrageous promises, that elderly person may now found himself or herself swindled out of thousands of dollars in an investment scam. Had they not been the recipient of this unwanted telephone solicitation the elderly person would still have their savings.

The devastation of individuals who have been ripped off by unscrupulous telemarketing investment scams is heart breaking.

The very reason for a three day cooling off period in door to door solicitation sales in California is to protect consumers who have been subjected to unscrupulous business tactics. However, in a situation where there have been telephone solicitations with high pressure tactics and one gives away their checking account number or charge account number over the phone, there is no three day cooling off period. The person has immediately been harmed and will not have the luxury of further reflection. The FCC will be doing a great disservice to hundreds of thousands and possibly millions of people by loosely interpreting the TCPA. With the speed of wire transfers in the computer age, it does not take long for unscrupulous telemarketers to cash in on the fruits of their scams.

I urge the FCC to revise these proposed regulations and impose strict limits on telemarketers' ability to invade the private lives of citizens. By upholding the purpose of TCPA, private citizens will receive the greater protection to which they are entitled and have asked the government to provide.

Yours,

KIMERY A. SHELTON
Consumer Protection, Fair Housing
Civil Rights Unit,
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KAS:vc

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