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October 14, 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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MAIL BRANCH

Office of the Secretary
Federal Communications Commission
Attn: Docket No. 92-90
1919 M Street, N. W.
Washington, D.C. 20554

Please note that we are totally against the Docket No.92-90, Telephone Consumer Protection Act of 1991. As you are aware, the Real Estate Industry is in dire straights now and this regulation could bury us.

Crime is high and people are hesitant to open their doors. Telephone solicitation is an extremely important tool if we are to survive. Please put your efforts into regulations to improve our economy, not destroy it.

Cordially,

Real Estate Agent/Broker

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MAIL BRANCH

October 15, 1992

Office of the Secretary
Federal Communications Commission
Attn: Docket No. 92-90
1919 M Street, N.W.
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To the Secretary:

It is of great concern to me that restrictions may be put on telephone solicitations. It is vital to my business in particular and the residential real estate industry in general. The fastest and most productive way to generate leads is through the utilization of the telephone.

Please take this citizen's opinion into consideration when you are making this critical decision.

Sincerely,

Susan Foreman

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MAIL BRANCH

October 7, 1992

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D. C. 20554
Attn: Docket No. 92-90

Re: Telephone Consumer Protection Act of 1991

Dear Sirs:

It has come to my attention that the Federal Communications Commission is drafting a regulation to restrict person-to-person solicitations to residential homes. I am writing to let you know how important "cold calling" is to my business.

"Cold calling" is my way to reach the general public and let them know, adverse to what they are reading and hearing from the news media, that Real Estate is still one of the best investments they can make today. It is also a means to let the people know the market activity in their neighborhood, thereby continuing to keep real estate active, which definitely stimulates the economy.

We, in the Real Estate field, are very courteous in our calling. "Cold calling" is one of the most important aspects of our business. It would be devastating if this regulation were to pass.

Please give this careful consideration.

Sincerely,



15 October 1992

John C. Hennesse, KJ4KB
Regulatory Information Specialist
Amateur Radio Relay League
225 Main Street
Newington, CT 16111

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FCC MAIL ROOM

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

John:

Thank you for your 9 October response to my PR Docket 92-136 comments. The packet network has also provided me feedback (from a rough draft similar to the one you read). From your and packeteers' comments, it is now clear to me that in future efforts, brevity is more important than context in order to keep attention on what really matters. Forgive me for two embarrassing misreadings of the current 97.113; I think you caught one of them. However, I do want to reemphasize three points:

1) Regarding your third paragraph, Amateur Radio being a useful tool is no reason to break its charter. Useful? Helpful? Productive? Educational? Service minded? Three government agencies you named, you, I, and many other amateurs all agree that these are great goals, but they should be VOLUNTARY. Don't convince me of one idea to sneak in another! I am opposed to compensation exemptions for teachers or certain control operators of club stations^a.

Some feedback from the packet network encourages me to clarify that normal teacher salary should never be threatened by the current 113(b). A teacher is not transmitting messages for hire. The salary would be paid *whether or not* any Amateur Radio QSOs were conducted, so it would be hard to demonstrate that passing messages is what the salary is for!

How about me in the military? I intend to run classes and QSO demos while on duty, for personnel on duty (AFR 700-17, PA2-6c encourages this). Current 113 allows this; it needs no special exemption.

2) Not addressed in your reply is that PERSONAL COMMUNICATION as a justification for *anything* is a perversion of Amateur Radio. Proponents of the new 97.113 seem willing to harness the power of this notion to evoke support while being cognizant that it is hostile to the charter of Amateur Radio. It is a *pervasive* reason used by the FCC to justify their Notice, and the ARRL appears to support this use of the concept^b. Anybody requesting change to "give amateur operators [1] more flexibility to serve the public as well as to [2] enhance their personal communication capabilities" is at *least* 50% wrong and inasmuch as serving the public conflicts with the voluntary, non-commercial charter of Amateur Radio, error exceeds 50%.

When defending non-definition of the term "regular basis," ARRL counsel

a. Does anybody other than the ARRL utilize this exemption?

b. Reference the footnote on page 8 of Chris Imlay's 1 October comments.

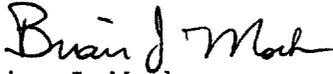
uses allocation of radio frequencies to other radio services as an indication of intended non-use of Amateur Radio frequencies^c. With that in mind, please reconsider my point that 95.401 specifically and intentionally charters an alternate service to fulfill personal communication needs.

3) Why are the proposed paragraphs (c) and (d) listed as primary prohibitions? That's not what they are! Shouldn't they be under (a)(1) like in the current 97.113?

4) Let's properly use what we've got! For example, the current 97.113 allows the sale of amateur radio apparatus as an exception to not facilitating "...the business or commercial affairs of any party." 97.113(a)(1) is one of two exceptions to the otherwise applicable 97.113(a). Advertising one time sales of anything, e.g. my cat, certainly isn't business or commercial, so it is not currently forbidden. The proposed 97.113 would prohibit this. More restrictive?

However, consensus on the packet network disagreeing with both of my above conclusions. Where are these extra-regulatory perceptions coming from? I stand behind ARRL counsel on this one: Interpretation needs to be correct^d, the rules don't need to be changed. I am strongly against introducing the concept that a new rule is intended to be only a guideline^e. Compare this with the proper distinction that 97.1 provides principles and the rest should provide rules.

Sincerely,



Brian J. Mork
6006-B Eaker St
Fairchild, WA 99011
(509) 244-3764

cc: Chris Imlay
Booth, Freret, & Imlay
1233 20th Street, NW
Washington, DC 20036

✓ Office of the Secretary
Federal Communications Commission
Washington, DC 20544

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- c. 1 October comments of Chris Imlay, line 15 of footnote 4.
 - d. Imlay's comments, lines 8 and 13 on page 2.
 - e. Imlay's comments, line 14 of page 6.

East County Office
2916 Jamacha Road
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 **McMillin Realty**
A CORKY MCMILLIN COMPANY

October 7, 1992

Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Docket No. 92-90, Telephone Consumer Protection Act of 1991

Dear Mr. Secretary,

I am a real estate professional in the city of San Diego, state of California, and I am writing you this letter to give you some insight on the importance of "Cold-Calling" or person-to-person solicitations and the impact it would have on my business and in our industry if this particular type of prospecting was stopped or restricted.

As a real estate professional I depend on telephone prospecting to make my business prosperous. It is a very important and productive way to prospect for new clients, which makes up 35% of my business. I have spent many dollars in educating myself on this subject and feel very strongly on how this system of prospecting gives direct and immediate results. I know that most other people in my profession feel the way I do.

My family and I depend on my business and I cannot let them down. I do not, and will not support any legislation that will directly hurt my business. I also cannot support anyone or group that is responsible or in favor of this regulation.

Thank you for your valuable time.

Sincerely,



McMillin Realty

MEMBER

PHH Homeequity Relocation Service

San Diego Board of REALTORS®, Carlsbad Board of REALTORS®, Coronado Board of REALTORS®, East San Diego Board of REALTORS®

La Jolla Real Estate Brokers Association, Point Loma/Ocean Beach Realty Association, San Diego Board of REALTORS®, Rancho-Temecula-Murrieta Board of REALTORS®
Multiple Listing Service, California Association of Realtors, National Association of Realtors



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"FIVE SIERRA LOCATIONS"

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MAIL BRANCH

October 7, 1992

Office of the Secretary
Federal Communications Commission
Attn: Docket No. 92-90
1919 M Street, N.W.
Washington, D.C. 20554

Reference: Docket No. 92-90
Telephone Consumer Protection Act of 1991

Dear Federal Communications Commission:

It has come to my attention that your commission is drafting a regulation to restrict person-to-person solicitations to residential homes. This legislation should not be passed.

"Cold" calling, in the real estate profession is very important, if not vital, to our business and the real estate industry. Not only does "cold" calling benefit real estate agents and brokers, but it also benefits buyers, sellers and the real estate economy as a whole. When people do not want to talk to you, they can simply hang up; but that happens very, very seldom.

I strongly urge you not to pass Docket No. 92-90, Telephone Consumer Protection Act of 1991.

Yours truly,

WESTSIDE LAND OFFICE


Marshall Sanchez

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MAIL BRANCH

October 9, 1992

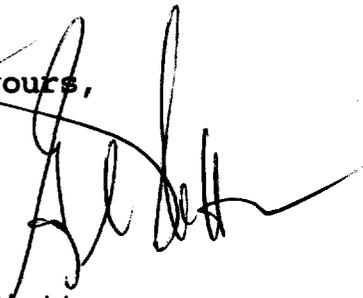
Office Of The Secretary
Federal Communications Commission
1919 M Street N.W.
Washington D.C. 20554

Dear Secretary:

I am writing to you regarding Docket No. 92-90, the Telephone Consumer Protection Act of 1991. The use of the telephone is critical in my business, cold calling is a daily activity and a generator of a majority of my income as well as that of my peers.

Please do not let this measure pass!

Sincerely yours,



George A. Niotta
Realtor
Prudential California Realty