

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC. 20554**

**In the Matter of** )  
 )  
**Rules & Regulations** ) **CG Docket No. 02-278**  
**Implementing the Telephone** )  
**Consumer Protection Act** )  
**of 1991** )  
 )  
 )  
 )

**To: The Commission**

**COMMENTS of Nickolaus E. Leggett  
N3NL Amateur Radio Operator**

The following are comments from Nickolaus E. Leggett, an amateur radio operator (Extra Class licensee – call sign N3NL), inventor (U.S. Patents # 3,280,929 and 3,280,930 and one invention patent pending), and a certified electronics technician. I am writing these comments in response to the Commission’s request for comments on updating the telemarketing rules.

**National Do-Not-Call List**

I support the Federal Trade Commission’s concept of a national do-not-call list that would apply to all telemarketing in the United States. This would be the most effective way to allow citizens to block or allow telemarketing activity in their homes. The alternative of company-specific do-not-call lists has not been effective, and I am still being impacted by numerous telemarketing calls despite my asking **all** of them to put me on their do-not-call lists.

### **Theft of Service**

Telemarketing automated messages are filling up my answering machine that I purchased for the purpose of handling important family messages including messages from my aged mother. This problem constitutes theft of service from my private answering machine that is my private property. If I ever suffer severe damages due to this theft of service and blocking of family messages, I will bring civil suit against the telemarketing organizations involved.

### **Freedom of Speech**

Some people defend telemarketing as corporate freedom of speech. However, they forget that there are limits on freedom of speech. I cannot run into my neighbors' homes yelling advertisements or political slogans. So why should telemarketing corporations be allowed to invade my home with their messages? In this regard, the Commission should study the emerging legislation regulating spam (unwanted mass email) transmissions on the Internet.

### **Privacy and the American Future**

Privacy is very important to Americans. The importance of privacy is increasing with the increased corporate invasion of privacy due to interconnected databases and new technology such as Internet spyware that monitors individual Internet usage. In the future, there may even be less privacy due to actions taken by the new Department of Homeland Security in its massive profiling efforts. This trend worries many Americans including myself.

The Commission should work with the Federal Trade Commission to establish a national do-not-call list to allow citizens to control the entry by telemarketing organizations into their private homes.

**Respectfully submitted,**

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**September 18, 2002**