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Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street SW, Room TWB-204
Washington, DC 20554

RE: Comments of TSI Telecommunication Services Inc.
In the Matter of Rules and Regulations Implementing the Telephone Consumer
Protection Act of 1991, CC Docket No. 02-278 and 92-90.

Dear Ms. Dortch:

TSI Telecommunication Services Inc. (TSI) is a global supplier of interoperability solutions to more than 300 telecommunications operators throughout North America, Latin America, Asia-Pacific and Europe. TSI offerings include SS7 intelligent network services, database services, fraud and carrier access billing solutions, and other service bureau applications. TSI is based in Tampa, Fla., U.S.A. TSI believes technical solutions exist that will meet the spirit and intent of the Telephone Consumer Protection Act of 1991 (TCPA). TSI advocates a technical solution using signaling services and advanced intelligent network (AIN) solutions to create a "do-not-solicit" database for use by telemarketers and consumers. By incorporating such a solution, the following benefits will be realized:

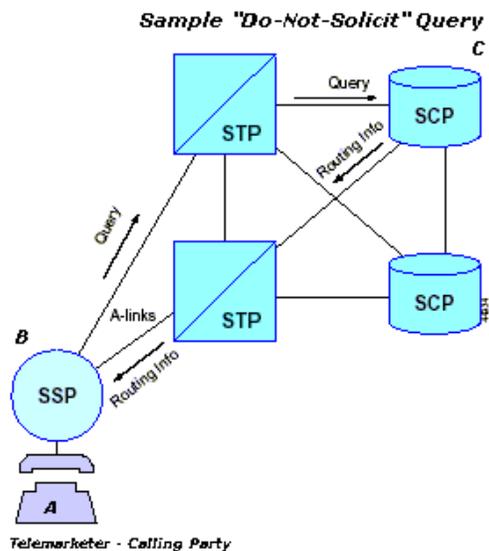
- Low cost/Automated solution for Telemarketers.
- Non-intrusive solution for the telephone subscriber.
- Streamlined reporting and administration for the FCC.
- Flexibility for subscriber in granting access (time of day and who can call).

Regulators are challenged to implement the TCPA and to develop an understandable process for consumers to have numbers placed on a "do-not-solicit" list or in a "do-not-solicit" database. In addition, regulators must consider the needs of telemarketers. TSI believes the FCC should consider the use of signaling services and the development of a "do-not-solicit" database to facilitate compliance with TCPA. TSI believes a technical solution using advanced intelligent network (AIN) services provides regulators the flexibility to implement the law while consumers gain additional control over types of solicitation they receive.

Federal law first recognized the nuisance of telemarketing in 1991. The Telephone Consumer Protection Act (TCPA), the first and still the most important federal legislation regulating telemarketing, found that "[m] any customers are outraged over the

proliferation of intrusive, nuisance calls to their homes from telemarketers.” The TCPA authorized the FCC to bar telemarketers from calling consumers who registered their phone numbers with a nationwide do-not-solicit list—and prohibited telemarketers from soliciting any consumers during the night or early morning. An intense lobbying campaign by the direct marketing industry convinced the FCC to adopt a similar but less consumer friendly version of the do-not-solicit approach. In place of a national do-not-solicit list, the FCC issued regulations providing that when a consumer asks a specific telemarketer to stop calling, the telemarketer is legally bound to comply with the request.

An independent (third-party) service bureau using signaling and AIN services provides all telecommunications consumers (wireline, wireless, CATV and satellite) access to a technical solution. In addition, signaling and AIN services will help Telemarketers curb the number of calls to consumers that choose not to be solicited. The following technical data outlines this concept...



- A.** Telemarketer attempts a call.
- B.** Originating SSP suspends the call to query the "do-not-solicit" database to determine if called party accepts call from telemarketers.
- C.** If yes, call processing continues with call terminating to dialed number. If no, call is not completed. Telemarketer receives voice prompt indicating that the number dialed does not accept solicitations.

Costs for a "do-not-solicit" database service is contingent on its management and location in the network. The database must be updated and maintained. Cost recovery for maintaining, updating, and managing the database must be prescribed by the FCC or FTC. In addition, several states have created their own "do-not-solicit" lists. These state laws mirror Congress's assessment of the problem as well as its problem-solving approach. Jurisdictional issues and coordination with the States need to be addressed. Regulators must agree on the "do-not-solicit" approach – requiring consumers to opt-in (instead of opt-out) or creating a nationwide list. In addition, regulators must agree to a process that consumers will understand – this will drive the design and implementation of a database solution.

The current legislative efforts to combat this telemarketing abuse—promoting "do-not-solicit" statutes—forces consumers to make an unreasonable all-or-nothing choice: either

they register on the state's "do-not-solicit" list and thereby opt out of all for-profit telemarketing calls or they remain subject to potentially unlimited telemarketing harassment. "Do-not-solicit" statutes have already been passed by several states and are in the works in more. The FTC has just proposed promulgating a national "do-not-solicit" registry that would give every U.S. citizen this all-or-nothing choice. While the "do-not-solicit" registries are improvements over the status quo, they may be unnecessarily limiting telemarketing freedom. Instead of prohibiting telemarketers from calling people on the "do-not-solicit" list, telemarketers could call anyone—as long as they were willing to pay the person's (potentially infinite) price. Even without the "do-not-solicit" statutes, many people have privately opted out of the pools by making their numbers unlisted or by immediately hanging up on all such calls. Enterprising businesses continue to devise new ways to detect and terminate telemarketing intrusions (i.e. TeleZapper). As rules are developed there must be some flexibility, giving telemarketers the option of compensating consumers represents a new way for the most beneficial parts of the telemarketing industry to overcome consumer resistance. For example, J.D. Power might welcome the opportunity to compensate survey respondents so that the polling firm could produce more representative samples. We think that a technical solution must be flexible to accommodate certain exceptions; with proper regulatory guidance, a network solution would meet that test.

Again, technical solutions are available using signaling and AIN services to achieve compliance with the spirit and intent of the TCPA. TSI supports the following implementation scheme – government regulators develop the process for consumers to have numbers entered in a "do-not-solicit" database, regulators support the use of a third-party provided technical solution using signaling services and advanced intelligent network (AIN) services to implement. This solution will allow the FCC and FTC to move forward on implementation of the TCPA. We welcome questions and comments regarding this solution. If you need additional information, please contact Dave Robinson at 813-273-3307.

Very truly yours,

Dave Robinson
Strategic Marketing
TSI TELECOMMUNICATIONS SERVICES, INC