Teleperformance USA

December 5, 2002

TO: Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

FROM: Tim Casey

RE: **CG Docket No. 02-278** Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991

While I support the FCC's intent to ensure consumer privacy and interests, I strongly oppose many of the initiatives currently under consideration as a means to achieve that goal. The measures will impose unnecessary burden and costs on my company and our clients and will effectively reduce consumer choice / access to a variety of products and services that our major clients can only offer based on the cost efficiencies of telemarketing as a sales channel.

The type of offers include home, auto, life, accident & casualty insurance, consumer and business lines of credit, credit protection services, student loan consolidation and financial services, credit rebuilding programs, debt consolidation programs, home equity loans to name only a few.

There are approximately 8,000 employees in our company which represents only a minute fraction of the number of people whose jobs, and livelihoods, represent the telemarketing industry. Careful consideration to the impact on the industry should be given to avoid disastrous ramifications to employment across the U.S.

Specific to the initiatives that I oppose and my position on them:

STATE-RUN DO NOT CALL LISTS
A mandated do-not-call list for each and every state, in addition to the federal company specific do-not-call list, **places an unnecessary burden** on the teleservices industry that will become increasingly costly and time consuming. This will directly impact my job in a negative way as well as the jobs of the 8,000 employees that work in our company.

I believe the current federal do-not-call list requirement (the Direct Marketing Association's Telephone Preference Service) adequately protects consumers from unwanted telephone solicitations. I oppose blanket state do-not-call lists while supporting the federal company-specific approach.

I oppose blanket state do-not-call lists on three fundamental grounds; (1) they unnecessarily duplicate existing federal law which already provides consumers the ability to have their names placed on a do-not-call list; (2) blanket lists deprive the consumer of choice. Under the federal company-specific program, individuals who may not wish to receive calls for one product are free to accept calls for products or services they might have an interest in; (3) the state lists do not deliver what they promise. The sponsors of such legislation typically portray their bills as a way for consumers to end all telemarketing calls. The multitude of exemptions they include, however, ensures that calls will continue. Lawmakers create, in essence, an elite group of favored organizations and businesses which have exclusive access to the consumer. States that have enacted such laws generally experience an initial sign-up rush, followed by a leveling off once consumers realize the ineffectiveness of such laws. Consumers do not renew at the same rate for this same reason. The end result is another government bureaucracy implementing another ineffective program at considerable cost to the taxpayer, another governmental burden on business, and increased costs for the consumer who is the real loser.

PREDICTIVE DIALERS

Predictive dialing devices are used our telemarketing company, Teleperformance USA. This technology is essential to make our operation cost effective by increasing productivity. Increased efficiency in marketing products and services over the phone through the use of predictive dialers helps to reduce costs and ultimately saves consumers money. Many of our national financial services, insurance and telecommunication clients could not offer many products if the return on investment models did not remain stable or improve. Any legislation that would render this technology unusable would result in significant, unacceptable, cost increases to business and, ultimately reduce the range of products & services available to consumers.

I oppose legislation that would mandate a "zero" abandonment rate. I do not endorse a set abandonment rate standard, because I believe that each company should utilize the lowest possible rate commensurate with effective marketing. The optimum rate will vary according to the specific program, the product being offered, the target audience, and the time of day the call is made.

FURTHER RESTRICTIONS ON CALLING HOURS

The hours during which telephone solicitations may be made is crucial to the success of each telemarketing business. Any restriction during prime business hours, such as blocking out 5 - 7 p.m. would severely impact the ability of marketers to conduct legitimate business.

I believe that the current calling hours restrictions outlined in the Telemarketing Sales Rule (TSR) and Telephone Consumer Protection Act (TCPA) represent a fair balance between the concerns of the consumer and the interests of business.

I strenuously oppose any attempt to further restrict the hours of operation mandated in federal legislation. As legal precedent has shown in attempts to restrict the hours of business operation in other industries, such proposals are constitutionally suspect.

CALLER ID

An extraordinary, perhaps impossible, burden would be placed on my company and our national clients if we were to be required to display a name and number on consumer Caller ID boxes without regard to whether such a requirement was technically or financially feasible. Attempting to meet an unattainable standard would impose ruinous financial burdens on industry with a commensurate negative impact on employment and business income and taxes.

I do not oppose legislation that would prohibit telemarketers from deliberately blocking Caller ID services. Legitimate businesses want the consumer to know who they are. Only unethical persons would deliberately seek to block the Caller ID signal for purposes of deception or to mislead consumers.

I oppose legislation that would mandate that every telemarketing call display a number on Caller ID boxes as this is technologically impossible given the limitations inherent in current state-of-the-art common carrier equipment.

I support a federally mandated study of the technological issues and costs involved with developing the capability to display Caller ID information in every region of the country.

Regards.

Tim Casey

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