

DEC 09 2002

DOCKET FILE COPY ORIGINAL

Dear Sirs
Please do not let them change
FCC Update NO 02-278.
I really enjoy it the way it is
Thank you.

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Mary Black
2110 S Gertrude St
South Bend, IN 46613-1526

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p. richter



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Use the

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Thank you
OFFICE OF THE DIRECTOR
OF THE
DEPARTMENT OF
EDUCATION
11/14/02

Director

DOCKET FILE COPY ORIGINAL

November 25, 2002

Office of the Secretary
FEDERAL COMMUNICATIONS COMMISSION
445 12th St. S.W.
Washington, D.C. 20554

Dear Sir or Madam:

CG Docket No. 02-278

I urge you to take steps to curb the excesses of the telecommunications industry. My family now receives more unwanted phone calls from telemarketers than personal phone calls. Particularly annoying are those calls where no one is there when you answer--the result of automatic dialing of several phone numbers at the same time.

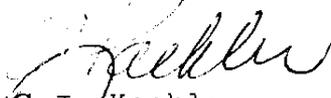
We have never purchased anything on the basis of a phone solicitation.

In my view the solution is to establish a national "do not call" registration list with stiff penalties for companies which call despite the prohibition. This would also benefit telemarketers because they would know it is pointless to call people on the list (likemysself, who is not going to buy under any circumstances).

Please do something. This is absurd.

Thank you.

Cordially'



C.J. Koehler
13523 Dokter Place
Homer Glen, IL 60441

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National Association of Independent Insurers

444 North Capitol Street, N.W., Suite 801, Washington, D.C. 20001

JULIE LEIGH GACKENBACH
ASSISTANT VICE PRESIDENT
GOVERNMENT RELATIONS

December 9, 2002

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DEC - 9 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Commission's Secretary
Office of the Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, Maryland 20743

RE: Comments of the National Association of Independent Insurers on Proposed
Rulemaking CG Docket No. 02-278

Dear Sir/Madam:

The National Association of Independent Insurers (NAII) offers the attached comments on proposed rulemaking CG Docket No. 02-278 to amend the Telephone Consumer Protection Act of 1991 (TCPA). The NAII is a leading property and casualty trade association representing over 715 member companies, writing more than \$98 billion in premium annually and comprising over 31 percent of the total market share. NAII member companies write all lines of coverage in all 50 states and the District of Columbia and utilize a variety of distribution systems and marketing techniques.

On behalf of our member companies, NAII respectfully submits the following comments and asks that they be made part of the official record.

Regulation of Insurance

In the proposed rulemaking the Federal Communications Commission (FCC) solicits comments on whether the commission should use its authority under the TCPA to extend requirements to entities, such as insurers, that fall outside the jurisdiction of the Federal Trade Commission.

Following a 1944 **Supreme** Court decision in *U.S. v. South-Eastern Underwriters Ass'n*, 322 U.S. 533 (1944), which threatened the precept of state regulation of insurance, Congress enacted the landmark McCarran-Ferguson Act (McCarran-Ferguson), 15 U.S.C. §§ 1011 *et seq.*

McCarran-Ferguson declares Congress' intention that the states have jurisdiction over the regulation of insurance and provides that "No **Act** of Congress shall be construed to invalidate,

impair, or supersede any law enacted by any State for the purpose of regulating the business of insurance, unless such act specifically relates to the business of insurance." 15 U.S.C. § 1012(b) Property and casualty insurance is one of the most extensively regulated businesses in the economy. Although a primary concern of regulators is solvency, state insurance regulations also provide significant consumer protections. State insurance codes prohibit a variety of unfair trade practices, such as rebating, deceptive advertising, inequitable claim settlement and unfair discrimination. Violations are punishable by fines, court injunction, suspension or revocation of license.

Unlike some other less regulated industries, individuals have a ready and accessible venue for resolving complaints of inappropriate actions by insurance companies. State insurance departments maintain complaint divisions and any individual may seek redress through the specific state insurance department. In addition, state regulators themselves review insurer practices through periodic market conduct examinations. The strong regulatory oversight exercised by state regulators provides ample protection for American consumers.

Expansion of oversight authority by the FCC to the marketing practices of insurers would be an inappropriate incursion on state regulatory authority without significantly enhancing consumer protection. Few complaints have been lodged against property and casualty insurers for privacy violations and there is no evidence to warrant the expansion of federal oversight. State regulators are capable of initiating and enforcing market conduct regulations with respect to insurers, including limitations on the use of telemarketing.

Do-Not-Call List

The commission requested comments on the establishment of a national Do-Not-Call list. The commission considered the establishment of such a national database in implementing regulations. In declining to establish a national Do-Not-Call list the commission acknowledged the cost and difficulty of establishing and maintaining such a list. The commission also noted that creation of such a list could jeopardize the security of proprietary information and the privacy of unpublished telephone numbers.

The same concerns acknowledged by the commission ten years ago remain equally valid today. Creation of a national registry would be costly and maintenance of the list in a timely and reasonably accurate manner will be difficult.

The frequency of changes in telephone numbers would present significant and costly problems. A significant percentage of telephone numbers change each year necessitating frequent and consistent updates to maintain the accuracy of any database. As a result, insurers seeking to use telemarketing as a form of marketing would be required to frequently access the revised database and update their records. The cost of such action would be significant and result in increased insurance costs for all Americans. Additional restrictions, such as limitations on the use of predictive dialers or pre-acquired account information, would likewise result in increased costs and reduced choice for American consumers.

Established Business Relationship

The TCPA implementing regulations provide exemptions for “established business relationships.” The commission correctly concluded that solicitations by businesses with which the individual has a prior business relationship does not adversely affect the consumer’s privacy interests. Established business relationship exemptions are essential in any regulations restricting marketing practices. In enacting the landmark Gramm-Leach-Bliley Act, PL 106-102 (11- 12-99). Congress imposed significant new restrictions on the use by financial institutions, including insurance companies, of customer information. However, Congress permitted the use and disclosure of such nonpublic personal information to “perform services for or functions on behalf of the financial institution, including marketing of the financial institution’s own products or services, or financial products or services offered pursuant to Joint agreements between two or more financial institutions that comply with the requirements imposed by the regulations prescribed under section 504 [15 U.S.C. § 6804], if the financial institution fully discloses the providing of such information and enters into a contractual agreement with the third party that requires the third party to maintain the confidentiality of such information.” 15 U.S.C. § 6802(b)(2).

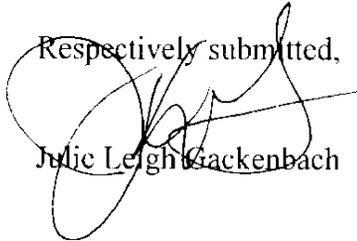
Even as Congress was enacting the nation’s premier privacy statute, lawmakers recognized the legitimate need of financial institutions to market to existing customers and concluded that such activities did not threaten the privacy of individuals. The commission should not seek to impose any further restrictions on marketing to consumers with which the business has an established business relationship.

Conclusion

NAII strongly opposes any attempt by the commission to extend its regulatory oversight in this area over insurers. McCarran-Ferguson grants exclusive jurisdiction over insurance regulation to the states and each state has adequate oversight and supervision capabilities to protect the privacy of consumers. NAII also opposes the application of a national Do-Not-Call list to insurers. NAII strongly supports established business relationship exemptions from marketing restrictions.

NAII appreciates the opportunity to comment on the pending proposed rulemaking. On behalf of our more than 715 member companies and their hundreds of millions of policyholders, we urge the FCC to refrain from expanding jurisdiction under the TCPA to insurers, imposing national Do-Not-Call database restrictions on the highly regulated insurance industry, or restricting existing established business relationship exemptions. If you have any questions, please feel free to contact me at (202) 639-0473: julie.gackenbach@nail.org or Terry Tyrpin at (847) 297-7800; terry.tyrpin@nail.org.

Respectfully submitted,


Julie Leigh Gackenbach

CG 02-278

DOCKET FILE COPY ORIGINAL

NOV 09 2002

November 20, 2002

FCC
445 12th Street
Washington, DC 20554

This letter is to express concerns of a proposed rule change for a national "do not call" list I believe that consumers **should** be made aware **of their rights** under the **current** laws

I believe that **preemption** is necessary to **make** clear one set *of* rules, that **all** companies can adhere to By doing **thus**, the consumer **will** still not receive **unwanted** telemarketing calls It will also **give** legitimate businesses one set of guidelines to follow - vs each state **having** **unique** and specific regulations

I hope the **commission** will realize the needs of the consumer and **set** national regulations that businesses can comply with Preemption of the proposed **rule** is necessary to guarantee that there is no **confusion** **by** consumers **and** businesses alike. because of state's different policies

Sincerely,



Sally Sharp
7802 Brynwood Lane
Louisville, KY 40291

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John & Paula Giordano
7581 Olde Sturbridge Trail
Clarkston, MI 48348
(248) 625-5927

November 27, 2002

OFFICE OF THE SECRETARY
Federal Communications Commission
445 12th Street S.W
Washington, D.C. 20554

Docket Number: CC Docket No. 02-278

Dear Sir or Madam:

I am writing this letter because I read in my local paper that you are interested in receiving comments from the public regarding the current telemarketing rules. I receive telemarketing calls both at home and work and while many comply with the rules; many more certainly don't.

The rules may state that telemarketers must provide their name, the name of their organization and a phone number but most will not - especially those calling at work. It has been my experience that when faced with a disinterested party, many telemarketers resort to foul language and then slam the phone down. Most telemarketers have blocked numbers so you can't even call back to register a complaint. I had one man who was selling copier supplies call back three times in succession and shout obscenities at our receptionist and then myself. I think telemarketers should not be permitted to block their phone numbers for caller ID purposes.

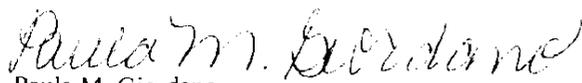
I also do not want telemarketers to be able to call on Sundays at any time and I think they should not be able to call your home before 10:00 am.

There is also the issue of automated faxes by telemarketers. Many provide a phone number that you can call or fax to have your name removed from their database but more than half of them don't. I think they should be required to provide a valid phone or fax number on their faxes so you can call and have your name removed. (Several we have received list a non-working number.)

I realize that most political organizations are exempt from some of the rules but I have to say that this past election campaign was absolutely annoying. In one evening we received as many as 10 automated phone calls from candidates and their parties, It's enough to be bombarded with campaign ads on your television and radio but it's really aggravating when your answering machine is full of campaign messages to the point that friends and family can't leave a message!

Thank you for your consideration

Sincerely,


Paula M. Giordano

CG 02-278

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DEC 09 2002

November 20,2002

FCC
445 12th Street
Washington, DC 20554

This letter is to express concerns of a proposed rule change for a national "do not call" list I believe that consumers should be made aware of theu rights **under** the current laws

I believe that preemption is necessary **to** make clear one set of **rules**, that all **companies** can adhere to By doing this, the consumer will still not receive unwanted **telemarketing** calls **It** will also give legitimate businesses one set of guidelines to follow - vs. each state having **unique and** specific regulations.

I hope the commission will realize the needs of **the** consumer **and set** national regulations that businesses can comply with. Preemption **of** the proposed rule is necessary to guarantee that there is no confusion **by** consumers and businesses alike, because **of** state's different policies.

Sincerely,



Dave Morrison
8006 Canna Drive
Louisville, KY 40258

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DEC - 9 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Nov 18. 2002

DEC 11 2002

Federal Communications Commission
445 - 12th Street S W
Washington, DC 20554

Re FCC proceeding%-278

This letter is to voice our concern regarding the current telephone no-call list law My husband and I are strongly in favor of the law and do not want it " gutted or watered down **If anything, it should be made stronger to protect the public from harassing telemarketers.**

Telephones are for the convenience of the homeowners, not for telemarketers, advertisers, or charity groups

Patsy

Ralph

Ralph & Patsy Ballard
14494 Osborne Road
Bremen, IN 46506

11/18/02 10:00 AM rec'd
11/18/02

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DEC 0 Y 2002

From: Fred Fluchel
To: Dan Rumelt
Date: 11/25/02 9:16PM
Subject: Telemarketing, CG Docket No. 02-278#

By Order of the Commission on the Judiciary
11/25/02

Telemarketing is a right we in America have for advertising an item, whether it is a for profit item or non profit item, it is a right that needs to be addressed by both sides of the issue. Radio and television advertise both for profit and non profit, but these advertisements are paid for by the company or organization, these advertisement can be eliminated in the home by the use of an ,Off- On, switch. The telephone is a communication device that allows me to receive a call from my senior citizen Mother if she requires help, it allow\$ me to call 911 for any emergency that may arise at my household. The telephone should not be a device that allows someone the right to invade my privacy, to explain to me why I need this particular product or service, or a recording to why I should vote for some certain person. These phone calls can at times be recorded to a voice mail box, which is also for my private **use**.

This past election. November 2002, caused me not to forward any telephone call to any location for the sake of the cost of each phone call, only to hang up on the recording. On a recent trip to help some one, my home telephone was forwarded to my cell phone, each telemarketing phone call received cost me money and aggravation at 70 MPH.

Telemarketing may be a right that businesses have to advertise their product, I would like to know where my right not to receive advertisement for business, political, religious or any cause that one might feel I should be a member of when I am the person paying for there advertisement regardless if I desire the product or not.

Unlike the radio and television I must stop whatever I am doing to answer the phone to get free aggravation, and for a shift worker, with senior parents that rely on you for help when needed, this does not make for a comfortable situation.

I believe the time has come where telemarketing has to stop. The telephone is no longer a luxury. it is a tool of life. This tool is being abused from both private and public people. These are no doubt the same people that refuse to give a homeless person a dollar for food, and tell him in so many words to "get a job" Any information on placing me on a national do not call list, I would appreciate.

Thank You. Fred Fluchel

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From: PJS Business
To: Dan Rumelt
Date: 11/27/02 11:29PM
Subject: Telemarketing (take 2)

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DEC 09 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF DOCUMENTS

Dear Dan Rumelt:
drumelt@fcc.gov
Ref CG Docket No. 02-2781

Nice article in the Cirus County Chronicle 11/24/02 about telemarketing

I would like to make several comments on that subject. I would like to see the exemptions removed for the tax-exempt, non-profit organizations and political organizations. The reason is that during the last election campaign, we were inundated with political telemarketing calls and in many cases had to answer the phone and no one was there - indicating that it was a computer dialed call. Who can we complain to to stop those calls?

All of those calls show no consideration to us and are invasions of our privacy. (Having an unlisted number can't prevent this either).

It is obvious that telemarketers' computers make those calls because it is CHEAP for them to do it. But it puts a burden on us, the receiver of those calls, to service them NOW - even if we don't care about what they have to say or offer, and regardless of what we were doing.

I beg to differ with K. Dane Snowden of your organization that "telemarketing is a legitimate means of reaching consumers". Baloney! My family has never accepted anything offered by any telemarketer!

If the telemarketers want to make their message available to us, let it be done first by asking our permission to be interrupted. Use newspapers, mail, TV or billboards, but don't invade our privacy by using the telephone.

You, the FCC, should be a steward for the public you are supposed to serve. Please let us retain our freedom!

Paul J. Sakson
e-mail:businessOnesignia.net

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02-278

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DEC 09 2002

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20541

November 19, 2002

Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Commission:

I am responding to the proceeding of "02-278" and wish to express our concerns as citizens of the United States but also as tax payers and parents. We have taken advantage of the "No Call" list in Indiana and have been pleased with the results. This has eliminated 99.9% of the telemarketing that used to take place at our home. We have enjoyed knowing when the phone rings it is someone who knows us or not trying to sell us anything! With children in the home, it is a concern these days knowing whom they are talking to.

After hearing that the FCC may be implementing a national call registry, we realize this would provide less consumer protection than what we already have. We wish to express our satisfaction with the present "No Call" list in Indiana and hope nothing will change it.

Our Attorney General, Steve Carter warns us that a possible result of FCC action could be more telemarketing calls for Indiana. We DO NOT want this! The present "No Call" list has been great!

Sincerely
Concerned taxpayers, and citizens,

Jack and Debbie Hopkins

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11-18-02

CG 02-278

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Dear Sir,

my husband & I are on the 'no-call' list from telemarketers. We do not want the fed. govt. to consider gutting it! We pay for our phone services. Telemarketers invade our privacy. Please keep the no-call list in effect.

DEC 09 2002

Sincerely,

Hazel Baynara
2741 York Rd.
So. Bend, In. 46614

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COMMUNICATIONS DIVISION

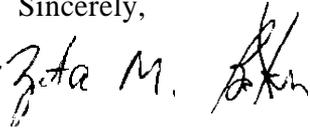
November 13, 2002

FCC
445 - 12th St.
Washington, DC 20554

This letter is regarding the proposed rule change for a national do not call list. I support the change to ensure consumers are aware of their rights under the current law and are aware of the protections available to them

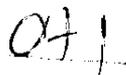
Preemption is necessary to establish one set of rules that a legitimate business can follow. This will allow the consumer to thwart unwanted telemarketing calls and a business will have one set of guidelines to follow instead of the complexities of multiple states with multiple rules.

I ask the commission to take into consideration the balance of consumers' needs and the practical reasoning of a business to adhere to the guidelines. Preemption of the proposed rule is necessary to insure that there is no confusion with the different guidelines set forth by individual states.

Sincerely,

Zita M. Baker

Confirmed

NOV 13 2002

File of Do Not Call List ABC.pdf 

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CG-02-278

DOCKET FILE COPY ORIGINAL

November 20, 2002

FCC
445 12th St
Washington, DC 20554

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DEC 09 2002

This letter is **to** express concerns of a **proposed rule change** for a **national "do not call"** list. I believe **that** consumers should **be made** aware of their rights under the current laws.

I believe that **preemption** is necessary to make clear **one set of rules, that** all companies can adhere to. By doing this the **consumer will still** not receive unwanted **telemarketing** calls. It will also give legitimate business's one set of **guidelines to follow, vs** each state having **unique and** specific regulations.

I hope the **commission** will realize the needs of the consumer and set **national regulations** that business's **can** comply with. **Preemption of the proposed rule** is necessary to guarantee there **is** no confusion **by** consumers **and** business's alike, because of states different policies.

Sincerely,



Stephanie Graves
721 High St
Fort Wayne, IN 46808

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CE 02-278

DOCKET FILE COPY ORIGINAL

Jeff Wiley
1315 N Combs Rd
Greenwood, In 46143

November 14, 2002

FCC
445 12th Street
Washington,DC 20554

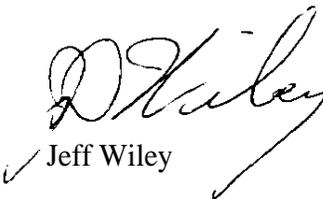
DEC 09 2002

This letter is to provide my personal views on a proposed rule change for a national do not call list I would like you to know that I am in full support to ensure consumers are aware of their rights under current law and aware of the protections available to them

After looking at current legislation and proposed and after careful reasoning I have come to the conclusion that preemption is necessary to establish one set of rules, that a legitimate business can follow By doing so the consumer will stem the tide of unwanted Telemarketing calls and a business will have one set of national guidelines to adhere to vs Those of multiple states with multiple rules

I urge the commission to take into consideration the balance of consumers needs and the practical reasoning of a business to adhere to the guidelines It is my conclusion Pre-emption of the proposed rule is necessary to ensure that there is no confusion of the differing guidelines set forth in different states

Sincerely,


Jeff Wiley

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DEC 04 2002

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06 02-278

DOCKET FILE COPY ORIGINAL

DEC 09 2002

November 13, 2002

FCC
445 12TH Street
Washington DC 20554

This letter is to comment on the proposed rule change for a national "do not call list". I fully support the consumers' rights to be protected under the current law.

However, after further consideration I believe that preemption is necessary due to the fact that many states have different rules to go by. I feel one standard set of rules nationwide that a legitimate business can follow will not only protect the consumers from unwanted telemarketing calls, it would also help businesses from violating rules unknowingly.

I urge the commission to consider the consumers needs and establish a practical set of guidelines for businesses to adhere to, to end the confusion of so many different guidelines imposed by different states.

Thank you,

Chet Dulin
2776 Tulip Ln
Hobart IN 46342

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06 02-278

CUSTOM MORTGAGE INC.
SCOTT A. CALVIN
1712 N MERIDIAN ST SUITE 300
INDIANAPOLIS, IN 46202

GOVERNMENT 10, 2002

DEC 0 2002

FCC
445 12th Street
Washington, DC 20554

Dear Sir or Madam:

I would like to comment on the proposed rule change for a **National Do Not Call List**. I am involved in an industry that uses telemarketing, and we wish to have all consumers to be aware of their rights, and the protections available to them. After consideration of the proposed rule, I believe that we need to have a set of rules consistent throughout the Country *not just on a State level*. We operate and will continue to operate within the guidelines, but we do service consumers in several states. Obviously when people move there would be issues with different rules depending on the State, and Businesses that work in different States would understand the Laws based on one set of rules, *not many*. I strongly urge the commission to help it standardize the process, which is practical for both consumers and Businesses. You cannot have a loser if everyone benefits from the Law.

Sincerely,



Scott A. Calvin
Mortgage Consultant

Confirmed

DEC 03 2002

Distribution Center:

1712 N MERIDIAN ST STE 300 • INDIANAPOLIS, IN • 46202
PHONE: 317-920-5400 • FAX: 317-920-5445

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November 12, 2002

DEC 09 2002

FCC
445 Twelfth Street
Washington, DC 20544

To Whom It May Concern

I am writing to express my opinion of the pending legislation regarding a national telemarketing bill (~~CG 02-278~~). I would be completely in favor of a law which mandates federal procedures for telemarketing companies

Many states made telemarketing unlawful in the past few years. However, given the economic climate in our country today, I do not understand how any elected official could support a law that serves to directly effect business in a negative way. Companies who employ telernarketers do so because they are an effective way to increase business. They also supply jobs for many people

Additionally, I think a law that would create a level playing field between all the states would be preferable to each state making their own laws. This would serve to regulate intrastate calls better. Additionally, the federal government would do a much better job than each individual state in communicating exactly what a consumers rights are when being called by telernarketers. There would be ambiguity as well. I hope you will consider doing the best things for American businesses as it pertains to the pending federal telemarketing law

Sincerely,



Scott Schieber
7795 Leaview Drive
Columbus, OH 43235

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11/13/2002

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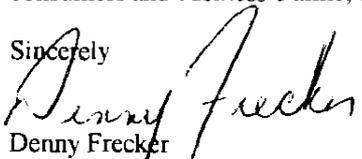
FCC
445 12th St
Washington, DC 20554

This letter is to express concerns of a proposed rule change for a national "do not call" list. I believe that consumers should be made aware of their rights under the current laws

I believe that preemption is necessary to make clear one set of rules, that all companies can adhere to. By doing this the consumer will still not receive unwanted telemarketing calls. It will **also** give legitimate business's one set of guidelines to follow, vs. each state having unique **and** specific regulations.

I hope the commission will realize the needs of the consumer and **set** national regulations that business's can comply with. Preemption of the proposed **rule** is necessary to **guarantee** there **is** no confusion by consumers and business's alike, because of states different policies.

Sincerely



Denny Frecker
7152 Eagle Rd
Indianapolis, In 46278

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CG 02-278

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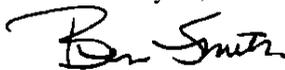
FCC
445 12TH Street
Washington, DC 20554

This letter is to provide comment on a proposed rule change for a national "do not call list." I am in full support to ensure consumers are aware of their rights under current law and aware of the protections available to them

After careful reasoning I have come to the conclusion that preemption is necessary to establish one set of rules that a legitimate business can follow. By doing this the consumer will thwart unwanted telemarketing calls and a business will have one set of guidelines to follow vs. the complexities of multiple states with multiple rules.

I urge the commission to take into consideration the balance of consumers' needs and the practical reasoning *of* a business to adhere to the guidelines. It is my conclusion preemption of the proposed rule is necessary to ensure that there is no confusion of the 'differing guidelines set froth by the different states

Thank you,



Ben Smith
5080 W 24th Ave
Gary, IN 46406

DEC 04 2002
AT

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CG 02-078

DOCKET FILE COPY ORIGINAL

November 14, 2002

DEC 09 2002

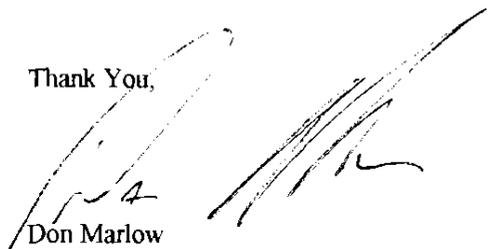
Fcc
445 12th st
Washington, DC 20554

Im writing this letter **on** a proposed rule change for a national do not call list. i am in **full** support to ensure Consumers are aware of their **rights** under current law and **aware** of the protections to them.

After careful reasoning I **have** came to the conclusion **that** preemption is necessary to establish one Set of rules that a legitimate **business** can **follow** By doing **this** the consumer **will thwart** unwanted Telemarketing calls and a business will **have** one **set of** guidelines to follow **vs. the** complexities of Multiple states with multiple **rules**.

I urge the commission to take into consideration the balance of consumer needs and the practical Reasoning of business to **adhere** to the guidelines. In conclusion of the proposed **rule** is necessary To ensure that there **is** no confusion of the differing guidelines set forth by different **states**.

Thank You,



Don Marlow

Confirmed

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