

My experience with telemarketers and junk-faxers suggests that they widely and purposely violate the law. The following comments all refer to companies with whom I have no relationship (business or otherwise).

I have received numerous pre-recorded messages from telemarketers, many of whom give no identifying information for the company calling. I have even received these calls on my cell phone. When the calls do contain enough information to contact the company, I do so. I have been repeatedly told unsolicited pre-recorded telemarketing calls are legal, some have claimed to have specific permission from the FCC to make these calls, some have claimed that the calls were cleared by the American Bankers Association.

I have received telemarketing calls at 6 AM the morning (including two from the same caller after I pointed out the violation of the TCPA and asked to be put on the DNC list), and I been told that was not a violation of the TCPA.

On most occasions when I have asked for information required by the TCPA, such as being put on a DNC list or demanding a copy of the telemarketer's written DNC policy, the caller immediately hangs up without giving the required information or promised to send me the DNC but never does so. I have to assume these are purposeful activities.

Junk-faxers routinely send unsolicited faxes to my private (and unlisted) fax machine. I have sued one in Small Claims Court, who is now appealing based on the argument that the TCPA is unconstitutional. They refused to even communicate with me until I brought suit.

The TCPA should be expanded to include unsolicited commercial e-mail. Like faxes, the cost is borne by the consumer in terms of increased fees for internet usage, wasted time, and filled mailboxes (causing important business and personal messages to go undelivered). I am also personally offended by the e-mail messages with an apparently innocuous return address and subject which, when opened, contain photos of graphic sexual acts. Given the widespread forging of headers and misrepresentation in these messages, I'm certain these images are widely distributed to (and viewed by) children.

I have seen the argument that spam filters eliminate the problem of spam. This is a specious argument, since spam filters are not free and are another expense pushed onto the recipient of the message and spammers regularly forge headers and give misleading subjects to messages specifically to foil spam filters.

Consumer protections should require opt-in permissions for telemarketers, junk-faxes, and spam. At very least, there should be a national database allowing consumers to opt out of any or all of these forms of abuse. Telemarketers, junk-faxers, and spammers should be required to properly and correctly identify themselves immediately in an communication. Forging headers on spam should be illegal and heavily penalized.

The penalties specified in the TCPA appear to be too low to have any material effect on illegal telemarketing activity. The penalties should be significantly higher such that the private right of action could be used effectively to discourage this activity.

The telemarketers, junk-faxers, and spammers are both a major inconvenience and a source of significant out-of-pocket cost and lost business opportunities to their targets. I hope that you will provide better mechanisms to prevent these intrusions and expenses for those who do not wish to bear them. I also

encourage you to significantly increase penalties for the majority of telemarketers and junk-faxers that violate even the current law to aid in enforcement consumer protections.

Thank you.

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