I recently attended a seminar regarding computer issues that might affect my business. I was surprised to learn some of the ways that computers are utilized to vandalize and damage business interests. One of the methods described involved use of a computer modem or multiple modems programmed to repeatedly call a business number, particular toll-free business numbers charged to the call recipient. This technique is apparently utilized simply as a method of maliciously disrupting and destroying a business.

One of the main targets of the Telephone Consumer Protection Act of 1991 was certainly telemarketing. However, the Act was not narrowly limited to only deal with telemarketing.

The findings contained within the Telephone Consumer Protection Act of 1991 included section (14) indicating that "Businesses also have complained to the Congress and the Federal Communications Commission that automated . . . telephone calls are a nuisance, are an invasion of privacy,and interfere with interstate commerce." Section 227(b)(1)(A) also specifically protects emergency lines, hospital rooms, and lines charged to the call recipient without reference to whether the call is related to telemarketing.

Modems and similar electronic devices are clearly capable of disrupting emergency services, harassing hospital patients, and abusing business lines. A particular service or business is most damaged when a device is programmed to repeatedly call the same number. (E.g., a modem programmed to repeatedly call up 911 or a particular business line.)

In order to implement the intent of section 227(b)(1)(A), any regulations implementing the TCPA should clarify that modems and similar devices are "automatic telephone dialing systems" and that storing of a single telephone number at a time satisfies the requirements of 227(a)(1)(A).

Thank you for your consideration of these comments.