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CHAIRMAN

Federal Communications Commission

Washington, D.C.  
August 29, 2003

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SEP 11 2003

FEDERAL COMMUNICATIONS COMMISSION

The Honorable Ted Strickland  
U S House of Representatives  
336 Cannon House Office Building  
Washington, D.C 20515

Dear Congressman Strickland

Thank you for your May 30, 2003, letter regarding the Commission's rulemaking proceeding involving the Telephone Consumer Protection Act of 1991 ("TCPA"). In your correspondence, you describe your concern with the potential effects any new rules might have on jobs and the economy, and urge the Commission to conduct a thorough economic impact analysis of the proposed regulations before taking action. We did not receive your letter until August 4, 2003. However, I would like to take this opportunity to update you on the Commission's actions in this proceeding.

On July 3, 2003, the Commission released a *Report and Order* adopting revisions to the rules implementing the TCPA, and establishing, along with the Federal Trade Commission ("FTC"), a national do-not-call registry. Independent of the rules promulgated by the FTC, the Commission undertook its own rulemaking proceeding during which we considered thousands of comments from consumers, businesses, and state governments. During this review process, as required by the TCPA, we compared and evaluated the advantages and disadvantages of certain alternative methods to protect consumer privacy, including the use of special network technologies, special directory markings, and company-specific do-not-call lists, and determined that such options were either too costly for telemarketers, or ineffective to assist consumers with avoiding unwanted telephone solicitations. We also considered the potential impact that the national do-not-call registry might have on small businesses and entities that telemarket on a local or regional basis. We attempted to minimize any adverse impact the new rules might have on small businesses by: 1) ensuring that a portion of the national do-not-call registry (up to five area codes) is available without charge, 2) reducing the do-not-call record retention rate from ten to five years, and 3) declining to require businesses to maintain a website or toll-free number for do-not-call requests or confirmation of such requests by consumers. Our analysis of do-not-call list "scrubbing" costs indicates that these will be modest expenses for most businesses.

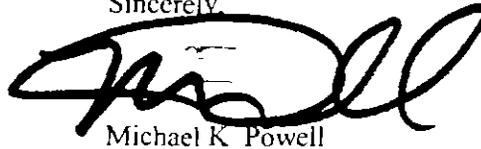
Ultimately, the record confirmed that modifications to our existing rules were warranted if consumers are to continue to receive the protections that Congress intended when it enacted the TCPA. Based on Congress' directives in the TCPA and the Do-Not-Call Act, the substantial record developed in this proceeding, and on the Commission's own enforcement experience, I

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believe that the Commission's rules strike a balance between maximizing consumer privacy protections and avoiding imposing undue burdens on telemarketers.

I appreciate your comments on this matter. We have placed a copy of your correspondence in the public record for this proceeding. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Powell", written over a horizontal line.

Michael K. Powell

TED STRICKLAND  
6TH DISTRICT OHIO

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May 30, 2003

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000Z 9000 '03 Michael K. Powell  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20544

*UCB  
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Telemarketing  
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Dear Mr. Chairman:

I am writing to you about the Federal Communication Commission's (FCC) Further Notice of Proposed Rulemaking In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 (TCPA). At the outset, I want to acknowledge the FCC's continuing and very important work on behalf of consumers in promulgating, reviewing, and enforcing rules to implement the TCPA and in striking an equitable balance between the interests of preventing deceptive and abusive telemarketing.

Although I strongly support efforts to eliminate abusive telemarketing practices and to protect individual privacy, and also support the concept of a nationwide do-not-call list, I feel equally strongly that the potential negative impact of the rules recently promulgated by the Federal Trade Commission ("FTC") on jobs and the economy has not been adequately analyzed. Many aspects of these rules go far beyond what is necessary and will burden an already heavily regulated industry that is an important source of jobs in communities across the country. I urge the FCC to perform a thorough economic impact analysis of any new rules; to seek less damaging and burdensome alternative options that still achieve everyone's goals of protecting consumers, and not merely to follow the FTC's lead.

More than six million people—almost a thousand in my congressional district—are employed in telemarketing and related industries. With sector growth more than twice the overall national job growth rate, the teleservices industry provides many positive employment contributions. The industry plays a significant role in providing jobs for people that cannot or choose not to work in jobs with "traditional" hours. Many of these employees are women (with over a quarter being single working mothers), minorities, retirees, and students who need opportunities for flexible and stable employment, as well as a chance to learn new job skills. I have heard from many of my constituents whose livelihoods depend on this industry that they are concerned for their future.

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Mr Michael K. Powell  
May 30, 2003  
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With so many jobs at stake, I urge the FCC to conduct a thorough economic impact analysis of the proposed regulations before taking any *action*. If amendments or additions to existing regulations are deemed desirable after conducting an examination of the economic impact, then they ought to be considered. Thank you for our time and consideration. Please feel free to contact me if you have any questions

Sincerely,

A handwritten signature in cursive script that reads "Ted Strickland".

Ted Strickland  
Member of Congress