Comerica

Comerica Incorporated

P.O. Box 75000
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January 13, 2006

Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: CG Docket No. 05-338 - Junk Fax Prevention Act

Dear Sir or Madam:

The following comments are provided on behalf of Comerica Incorporated, a $54 billion bank holding company located in various states including California, Florida, Michigan, and Texas. Comerica appreciates the opportunity to comment on this proposal.

Background

The Junk Fax Prevention Act of 2005 imposes new requirements relating to unsolicited facsimile advertisements. The following are our comments regarding the duration of the exception for an "established business relationship" (herein called "EBR") and acceptable cost-free mechanisms for a recipient to transmit a request to opt-out as requested by the Commission in the December 19, 2005, Federal Register.

Duration of Established Business Relationship

In general, we agree that the duration of an established business relationship as defined by the Federal Trade Commission of 18 months following a purchase or transaction and three months after an application or inquiry does strike an appropriate balance between industry practices and consumers' privacy interests. However, in regards to sending facsimile messages, there are circumstances that should extend the exception longer than those time frames. For example, as a financial institution in the mortgage lending business, it is industry custom and practice to fax our rate sheets to realtors and mortgage brokers in our markets. Since our fax cover sheets provide the recipients the opportunity to opt-out of receiving these faxes, we propose that the established business relationship continue in these circumstances for as long as faxes are being sent on a regular continuous basis (i.e. weekly, monthly, as rates change). If recipients do not want to continue receiving faxes they can opt-out at any time. Therefore, continuing to send these faxes after the general time period for the established business relationship would be a reasonable expectation of the recipient. Needless to say, in circumstances such as the previous, by requiring companies such as Comerica to continuously re-establish a relationship or obtain permission would be burdensome and costly.

Acceptable Cost-Free Mechanisms for a Recipient to Opt-Out

We also agree with the commission that a toll-free telephone number, a toll-free facsimile number, a website, or an email address for receiving do-not-fax requests all should be acceptable mechanisms to comply with the requirement to offer a cost-free mechanism for a recipient to transmit a do-not-fax request. We also believe that offering one of those mechanisms meets the requirement.

If there are those who believe that a website or email are not cost free because everyone does not have access, we would propose that there are public access points where the internet may be accessed such as a local library. Also, it is reasonable to assume that all businesses do have Internet access. Moreover, if an individual or an organization is able to afford the cost associated with receiving faxes, be it vis-à-vis a fax machine or a

computer, than such an individual or organization can afford the cost of internet access. Therefore, a website or email address should be an acceptable mechanism for businesses at a minimum.

Conclusion

Comerica commends the Federal Communications Commission for their efforts in implementing a system that will be advantageous to consumers and businesses. Thank you again for the opportunity to comment on this important issue.

Sincerely,

Martha K. DenBaas
Vice President
Corporate Public Affairs

Intesar A. Elder
Assistant Vice President
Corporate Legal