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**Before the  
Federal Communications Commission  
Washington DC 20544**

<b>In the matter of</b>	<b>CG Docket No. 02-278</b>
<b>Notice of Public Rulemaking to harmonize FCC and FTC telemarketing regulations</b>	<b>Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991</b>
	NPRM FCC 10-18

**Gerald Roylance's Supplemental Reply Comments re  
Harmonizing FCC regulations**

There is very little objective evidence about consumer privacy in the FCC record. Congress stated that consumers felt that prerecorded calls invaded their privacy. The FTC stated that consumers hate prerecorded calls.

I came across a presentation about errors and omissions liability insurance<sup>1</sup>. The presentation addressed TCPA concerns. It cites consumer reaction to marketing learned from a June 2004 nation survey by Privacy and American Business:

- 87% of consumers had asked a company to remove their name and address from marketing lists, an increase of 29% since 1999.
- 81% had asked a company not to sell or give their name and address to another company, up 28 percent from 1999.

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<sup>1</sup> Media/Professional Insurance, *Loss Prevention for Direct Marketers: Tips, Tools, and Taboos*, [https://register.kcdma.org/events/pdfs/kcdma\\_luncheon\\_meeting\\_may\\_07.ppt](https://register.kcdma.org/events/pdfs/kcdma_luncheon_meeting_may_07.ppt)

- 65% of online users, more than 94 million people, reported that they decided not to register at a website because they deemed the privacy policy too complicated or unclear.

The survey is six years old, but it shows that consumers value their privacy. The survey shows that consumers do not want even live intrusions. The last statistic, 65%, shows that the majority consumers are leery about how companies will use information.

I'd also like to be clear about the FCC's inquiry about opting out of all prerecorded calls. I believe the FCC should allow anyone to opt out of prerecorded messages. The proposed rules only address do-not-call requests (and hence only telemarketing calls), but including an automated opt out in all prerecorded messages would allow anyone to revoke consent that they had mistakenly given. Such mistakes may be the result of fine print, technical language, or euphemisms used in the original express consent.

/s/ Gerald Roylance