

Gerald Roylance
1168 Blackfield Way
Mountain View, CA 94040-2305
June 8, 2011

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

In the matter of	CG Docket No. 11-050
Petitions filed by Dish Network, LLC, et al for Declaratory Ruling concerning the Telephone Consumer Protection Act	DA 11-594
	Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991

Gerald Roylance's Late Comment re Dish Network Petition

One issue that was raised in these proceedings was that companies could easily discover that their third party telemarketers were using prerecorded calls. All the seller has to do is ask its new customers how they were contacted. The method can have minimal burdens. Random sampling could be used.

The FTC settled a case against ADT Security for ADT's resellers for violating the Telemarketing Sales Rule.¹ As part of the consent decree, ADT would, for a period of five years, randomly check 10 percent of its new clients.² As part of that check, ADT would determine if the client was initially contacted by an outgoing telephone call. If the client were, then a further investigation would determine whether the outbound call violated the Telemarketing Sales Rule. A prerecorded call would violate the TSR. In addition, ADT would perform a due diligence investigation of each of its authorized dealers.

The settlement also shows that there is nothing untoward about companies such as Dish being responsible for the independent marketing companies that it uses.

/s/ Gerald Roylance

¹ <http://www.ftc.gov/os/caselist/0423091/adtsecurity.shtm> is an index page that includes links to the FTC complaint and the consent decree.

² <http://www.ftc.gov/os/caselist/0423091/071120adtorder.pdf> at (V)(C) page 15.