

April 10, 2012

Ms. Marlene H. Dortch
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, CG Docket No. 02-278

Dear Ms. Dortch:

I appreciate the difficulty that the Commission has in implementing and enforcing effective rules prohibiting unsolicited telephone solicitations, as required by the Telephone Consumer Protection Act of 1991 (TCPA).¹ In that vein, I read with interest the Report and Order recently adopted in this proceeding.² As a consumer, I certainly agree with the Commission's conclusion that "continued consumer frustration" supports adoption of the 2012 Order.³

I am writing today to call your attention to the fact that notwithstanding the requirements of the rules adopted by the 2012 Order, it will be difficult or impossible to enforce these rules upon those that intentionally flaunt the rules. I fear that these bad actors will simply (continue to) not comply with the requirements, yielding a near impossibility to track them down.

For example, my home telephone number is registered on the Do Not Call registry, and generally, I receive very few commercial unsolicited calls. However, one enterprise has consistently shown complete disregard for the rules and the Do Not Call registry. For example, during the period from April 1 to April 10, 2012, I received no less than six identical calls from an enterprise purporting to lower credit card rates:

Caller ID	CNAM Lookup	Date and Time
13032499700	"Cell Phone CO"	2012-04-03 12:53:05
		2012-04-04 14:30:59
		2012-04-09 16:11:02
16193069089	"Cell Phone CA"	2012-04-09 14:32:08
12152078764	"Cell Phone PA"	2012-04-03 14:06:10
		2012-04-10 10:17:55

¹ 47 U.S.C. § 227.

² *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order (2012) ("2012 Order").

³ *Id.* at 18.

In each case, the call begins with a recorded message offering to lower credit card rates and offers two options, to press '1' to talk with a representative, or to press '9' to be removed from the organization's call list. Selecting '9' does not have any effect, as calls persist. Furthermore, pressing '1' does yield a representative – but universally one who merely hangs up in response to any indication that one is not actually interested in their services. Contrary to the Rules, they will not answer a request for their contact information, company name or location, or any requests to be placed on a 'do not call' list.

This organization is particularly egregious. A brief Internet search for those telephone numbers shows that I am not alone in being effectively harassed by this organization.⁴ Please advise if there is anything that may be done to force this organization to follow the Rules and the requirements of the TCPA.

Sincerely,

/s/

Adam Goldberg
3003 Barkley Gate Ln
Fairfax, VA 22031

⁴ See, e.g., <http://800notes.com/Phone.aspx/1-215-207-8764/2>, <http://800notes.com/Phone.aspx/1-619-306-9089/2>, <http://800notes.com/Phone.aspx/1-303-249-9700/9>.