

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of )  
 )  
Rules and Regulations Implementing the ) CG Docket No. 02-278  
Telephone Consumer Protection Act of 1991 )

To: Secretary, Federal Communications Commission

**PETITION FOR RECONSIDERATION**

Marketlink, Inc. (Marketlink), pursuant to Section 1.429 of the Federal Communications Commission’s (“Commission”) rules,<sup>1</sup> hereby respectfully submits this Petition for Reconsideration of the Commission’s February 15, 2012 Report and Order in the above-captioned proceeding.<sup>2</sup>

Marketlink respectfully requests the Commission delete the requirement for sellers to provide an automated, interactive opt-out mechanism during abandoned call messages (Abandoned Call Opt-Out Provision)<sup>3</sup> within the Telephone Consumer Protection Act (TCPA). This requirement was not included in the proposed rule and/or subject to public commentary.

The 2012 Report and Order stated the provision would not be “especially burdensome or pose extraordinary technical issues” and “industry comments uniformly represent that interactive technology is affordable and widely available.” These are not true statements for Marketlink.

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<sup>1</sup> 47 C.F.R. § 1.429.

<sup>2</sup> See *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Report and Order, 27 FCC Rcd 1830 (2012).

<sup>3</sup> See *id.* at Appendix A, which redesignates 47 C.F.R. § 64.1200(a)(6) as 47 C.F.R. §64.1200(a)(7) and adds the automated opt-out mechanism requirement.

The technology does not exist within our dialing platform. Marketlink uses predictive dialing technology, not technology used for prerecorded messages. Predictive dialing technology is not the same as the technology used for prerecorded messages as the purpose of the technology is different. Our intent is to talk to live consumers, not to play a recorded message, thus an extensive Interactive Recording System is not available through our dialing platform.

Marketlink requested the technology be developed for our three predictive dialers. The abandonment message opt-out feature has now been developed in a non-standard research and development manner. Thus, it has not been tested in a proper environment. Marketlink has no guarantee that this feature will work as intended. In addition, the feature will cost Marketlink \$84,000. This is approximately 6.2% of any given monthly revenue for us. This is burdensome and costly for us to implement. Because dialing technology has advanced so much over the past few years, Marketlink abandons approximately 0.33% of the calls we dial, or 1.3% of our live connects. This feature would service few consumers nor provide much overall benefit.

Respectfully submitted,



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July 11, 2012