



November 21, 2012

Received & Inspected

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

NOV 27 2012

FCC Mail Room

re: Petition of Communication Innovators for Declaratory Ruling
Regarding Non-Telemarketing Use of Predictive Dialers

Dear Ms. Dortch:

The Direct Marketing Association (DMA) files these comments supporting the petition of Communication Innovators (CI) of June 7, 2012 regarding the use of predictive dialers for non-telemarketing purposes. DMA is the world's largest trade association dedicated to advancing and protecting responsible data-driven marketing. Founded in 1917, the DMA represents thousands of companies and nonprofit organizations that use and support data-driven marketing practices and techniques in all channels of communications, including the telephone.

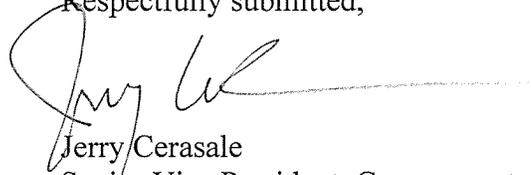
As CI stated in its petition predictive dialers reduce the expenses of businesses using the telephone to place outbound calls for telemarketing and non-telemarketing purposes. One DMA member has said that a predictive dialer allows operators to be on the line with customers for 15 more minutes per hour. That indicates the importance of predictive dialers to American businesses and, eventually, American consumers in terms of lower prices. As more and more American households eliminate land-line telephone service—currently one-third of American households—restrictions on use of predictive dialers to make non-telemarketing calls to mobile phones will reverse the cost savings of those dialers for businesses and consumers.

DMA believes that CI strikes the correct balance in its petition to allow predictive dialer use for non-telemarketing calls to cell phones without the need for prior express consent. DMA agrees with the FCC that telemarketing calls, including those initiated *via* predictive dialers, should not be made to cell phones without consent, but to apply that restriction on predictive dialer initiated informational calls to cell phones harms both businesses and consumers. No longer would one-third of Americans receive calls that appliance deliveries will be delayed, that the cab is on the way, that the flight is delayed, that the appointment has been changed, etc. Allowing those calls without the necessity of obtaining prior express consent helps the consumer without opening the floodgates of telemarketing calls to cell phones. CI's additional restriction that the predictive

dialer not have the capability to dial random or sequential calls adds a further layer of protection for consumers.

DMA asks the Commission to issue a declaratory ruling in the manner requested by CI.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jerry Cerasale", with a long horizontal line extending to the right.

Jerry Cerasale
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