

ANNUAL REPORT TO CONGRESS FOR FY 2003 AND 2004

PURSUANT TO THE DO NOT CALL IMPLEMENTATION ACT  
ON IMPLEMENTATION OF  
THE NATIONAL DO NOT CALL REGISTRY



NATIONAL  
DO NOT CALL  
REGISTRY

SUBMITTED BY THE  
FEDERAL TRADE COMMISSION  
SEPTEMBER 2005

# FEDERAL TRADE COMMISSION

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## I. INTRODUCTION

The Do Not Call Implementation Act (“DNCIA”)<sup>1</sup>, signed into law on March 11, 2003, mandates, *inter alia*, that the Federal Trade Commission (“FTC” or “Commission”) and the Federal Communications Commission (“FCC”) each transmit to Congress an annual report on the National Do Not Call Registry for fiscal years 2003 to 2007, inclusive. Specifically, the DNCIA requires that these annual reports provide the following information:

- (1) an analysis of the effectiveness of the Registry;
- (2) the number of consumers who have placed their telephone numbers on the Registry;
- (3) the number of entities paying fees to access the Registry and the amount of such fees;
- (4) an analysis of the progress of coordinating the operation and enforcement of the National Registry with similar registries established and maintained by various States;
- (5) an analysis of the progress of coordinating the operation and enforcement of the National Registry with the enforcement activities of the FCC; and
- (6) a review of the FTC’s enforcement proceedings under the Telemarketing Sales Rule (“TSR”), 16 C.F.R. Part 310.

As discussed in this Report, the National Do Not Call Registry is, by virtually every available measure, an effective consumer protection initiative. The Registry opened ahead of schedule, and successfully accommodated a very high volume of consumer registrations and business requests for data. During FY 2003 and FY 2004, more than 64 million telephone numbers were registered, and the available data shows that compliance with the National Do Not Call Registry provisions of the Amended TSR is high, and that, as a result, consumers are receiving fewer unwanted telemarketing calls.

This Annual Report from the FTC provides an overview of the operation of the National Do Not Call Registry for FY 2003, ended September 30, 2003, and FY 2004, October 1, 2003-September 30, 2004.<sup>2</sup>

## II. ANALYSIS OF THE EFFECTIVENESS OF THE NATIONAL DO NOT CALL REGISTRY

When the National Do Not Call Registry was established, the Commission set out three separate measures by which the project's success could be judged:

- (1) having the system fully operational in calendar year 2003;
- (2) ensuring that the system could enroll approximately 60 million telephone numbers during the first year of operation; and
- (3) reducing unwanted telemarketing calls to consumers who sign up for the Registry, the ultimate goal of the Registry. Each of these measures is discussed in turn below.

### *HAVING THE NATIONAL DO NOT CALL REGISTRY OPERATIONAL IN 2003*

On January 29, 2003, the FTC published the amended TSR, which established the "do not call" rules and the requirements for the National Registry.<sup>3</sup> One month later, the FTC entered into a contract with AT&T Government Solutions, Inc. to provide the services to develop, implement, and operate the National Registry.<sup>4</sup> The contract outlined a four-part system to accomplish the following objectives:

- (1) allow consumers to register their preference not to receive telemarketing calls at the registered telephone numbers;
- (2) allow telemarketers and sellers to access the telephone numbers included in the National Registry and to pay the appropriate fees for such access;
- (3) gather consumer complaint information concerning alleged do not call violations automatically over the telephone and the Internet; and
- (4) allow FTC, State, and other law enforcement personnel access to consumer registration, telemarketer access, and complaint information maintained in the Registry.

On June 27, 2003, less than four months after entering into the contract with AT&T Government Solutions and slightly ahead of the FTC's announced schedule, the National Registry began to register consumer telephone numbers. Consumers can register their telephone numbers through two methods: either by

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calling a toll-free number from the telephone line they wish to register, or over the Internet. The process is fully automated, takes only a few minutes, and requires consumers to provide minimal personally identifying information.<sup>5</sup>

On September 2, 2003, the telemarketer component of the National Registry became available, as scheduled. Telemarketers and sellers can access registered telephone numbers, and pay the appropriate fee for that access, if any, through an Internet website dedicated to that purpose. The only information about consumers that companies receive from the National Registry is the registered telephone number. Those numbers are sorted and available for download by area code. Companies may also check a small number of telephone numbers at a time via interactive Internet pages.

As of October 1, 2003, the consumer complaint mechanism of the National Registry was ready to be placed into operation.<sup>6</sup> Consumers who receive unwanted telemarketing calls may register a complaint via either a toll-free telephone number, using an interactive voice response system, or via the Internet. To conduct investigations, law enforcement officials also may access data in the National Registry, including consumer registration information, telemarketer access information, and consumer complaints.

With the implementation of the consumer complaint mechanism, the National Registry was fully operational in October 2003, well before the end of the calendar year.

### *ENROLLING APPROXIMATELY 60 MILLION TELEPHONE NUMBERS*

Based on the experiences of the various States with do not call registries, the FTC needed to ensure that the National Registry could enroll as many as 60 million telephone numbers during the first year of operation. The National Registry met that level of demand.

From the outset, the National Do Not Call Registry was enormously popular. Within four days of the initial launch, more than 10 million telephone numbers were registered. After the first 40 days of operation, more than 30 million numbers were registered. As of June 2004, one year after opening registration to the public, the National Registry contained more than 62 million telephone numbers.<sup>7</sup>

## ***REDUCING THE NUMBER OF UNWANTED TELEMARKETING SOLICITATIONS***

The Commission believes that the fundamental goal of the National Do Not Call Registry – to provide consumers with a simple, free, and effective means to limit unwanted telemarketing calls should they so choose – has been realized. The results of two surveys conducted after implementation of the National Registry showed that a large majority of respondents who had placed their telephone numbers on the Registry reported receiving fewer telemarketing calls as a result. One survey was conducted by Harris Interactive®, which surveyed nearly 3,400 adults in January 2004. That survey found that 92% of those who signed up for the National Registry had received fewer telemarketing calls since signing up, and 25% stated that they had received no telemarketing calls. The other survey was conducted by Customer Care Alliance, which surveyed 850 adults nationwide between February and April, 2004. In this survey, the 60% of respondents who had registered their primary home telephone number on the National Registry reported that they had experienced an 80% reduction in the volume of telemarketing solicitations since registration.<sup>8</sup>

The National Registry complaint data also provide some information as to the effectiveness of the Registry. As of September 30, 2004, the FTC had received 579,856 complaints, which is less than one percent of the total number of telephone numbers on the National Registry at that time. This is indicative of both a high degree of compliance by telemarketers and a meaningful reduction in unwanted calls for consumers who have registered their telephone numbers.<sup>9</sup>

### **III. NUMBER OF CONSUMERS WHO PLACED THEIR TELEPHONE NUMBERS ON THE NATIONAL DO NOT CALL REGISTRY DURING FY 2003 AND FY 2004**

Americans enthusiastically embraced the National Do Not Call Registry. As previously stated, in the first four days following the launch of the Registry on June 27, 2003, more than 10 million numbers were registered. As of September 30, 2003, a mere 13 weeks after the opening of consumer registration, a total of 51,968,777 telephone numbers were included on the National Registry.<sup>10</sup> By the end of FY 2004, the National Registry included a total of 64,288,175 registered telephone numbers.<sup>11</sup>



#### IV. NUMBER OF ENTITIES PAYING FEES FOR ACCESS TO THE NATIONAL DO NOT CALL REGISTRY DURING FY 2003 AND FY 2004

A total of 1,968 entities paid for access to the National Do Not Call Registry as of September 30, 2003. The total amount of fees paid in FY 2003 was \$5,238,900.<sup>12</sup> During FY 2004, a total of 7,734 entities paid fees totaling \$14,008,654 for access to the National Registry.<sup>13</sup>

Certain entities can access data from the National Registry without having to pay a fee. These include entities that access five or fewer area codes of data in a year, as well as entities that are exempt from the “do not call” requirements of the Amended TSR, but that voluntarily access the National Registry in order to avoid calling consumers who do not wish to receive telemarketing calls.<sup>14</sup> In FY 2004, 64,168 entities accessed five or fewer area codes at no charge, and 1,469 “exempt” entities obtained free access.

#### V. ANALYSIS OF PROGRESS COORDINATING THE OPERATION AND ENFORCEMENT OF THE NATIONAL DO NOT CALL REGISTRY WITH STATE DO NOT CALL REGISTRIES

At the time the FTC announced its intention to create a National Do Not Call Registry, more than two dozen States had some form of do not call list. As noted in the Statement of Basis and Purpose for the Amended TSR,<sup>15</sup> the FTC has worked diligently with the States that have do not call lists to further the goal of having a single National Do Not Call Registry. Such a National Registry allows consumers to effect their preference not to receive telemarketing calls by going to a single governmental agency, and streamlines the process for businesses, allowing them to have a single point of contact to obtain the list of all consumer telephone numbers that they should not call.

The dialogue with States regarding coordination of do not call efforts continued throughout FY 2003 and FY 2004. During that time period, seven States with established State do not call registries stopped collecting consumer registrations at the State level.<sup>16</sup> Instead, they have relied upon the National Registry to enforce their State laws. Another ten States that did not have a State

registry in place at the time enacted laws that “adopted” the National Registry as the State registry for State law purposes.<sup>17</sup> In addition, seventeen States that operated or continue to operate do not call lists contributed their data to the National Do Not Call Registry in FY 2003 and FY 2004, with over 12.6 million telephone numbers transferred by those States.<sup>18</sup> As of FY 2004, eight States had not shared their registries with the National Registry.<sup>19</sup>

## VI. ANALYSIS OF THE PROGRESS OF COORDINATING THE OPERATION AND ENFORCEMENT OF THE NATIONAL DO NOT CALL REGISTRY WITH THE FCC

The FTC and the FCC have worked closely to coordinate their efforts to enforce the National Do Not Call Registry. In 2003, the two agencies signaled their commitment to cooperate and ensure efficient enforcement of their respective do not call rule provisions with a Memorandum of Understanding.<sup>20</sup> The staff of the agencies began preliminary discussions in FY 2003 – even before the effective date of the do not call rules – about enforcement strategies that would avoid unnecessary duplication, signal to industry their strong commitment to mandating compliance, and promote cooperation in investigations. Coordination continued throughout FY 2004, with regular meetings to discuss issues pertaining to do not call enforcement, including review of the agencies’ respective enforcement priorities.

## VII. REVIEW OF THE FTC’S ENFORCEMENT PROCEEDINGS

Enforcement of the do not call regulations in the Amended TSR could not begin until October 2003. However, in FY 2003 the FTC did file one matter related to the National Registry. In that case, the FTC alleged that Ken Chase, doing business as Free Do Not Call List.org and National Do Not Call List.us, falsely claimed that, for a fee, he could arrange for consumers’ telephone numbers to be placed on the National Registry.<sup>21</sup> A stipulated permanent injunction, requiring the defendant to refund all fees collected from consumers and prohibiting such misrepresentations in the future, was entered on December 3, 2003.<sup>22</sup>

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In FY 2004, based upon review of complaints in its database, the FTC filed seven cases related to the National Do Not Call Registry against the following principal defendants:

- ☎ **Vector Direct Marketing, LLC** allegedly engaged in the unauthorized billing of consumers for purported do not call protection services and for the removal of personal information from telemarketers' files. The company also falsely claimed that, for a fee, it would perform those services.<sup>23</sup>
- ☎ **Telephone Protection Agency, Inc.** allegedly misrepresented that it could register consumers with the FCC's national registry when, in fact, the FCC had no such list at the time. The FTC's complaint also alleged that the defendants billed consumers without their authorization, and misrepresented to consumers that they would notify every known telephone and mailing list company not to sell or lease the consumers' information to anyone.<sup>24</sup>
- ☎ **National Consumer Council** allegedly misrepresented material facts regarding a purported debt negotiation service; initiated or caused others to initiate telephone calls to numbers on the National Registry as well as to persons who had made a company-specific request not to be called; and initiated or caused others to initiate telephone calls to consumers within a given area code without first paying the required access fee for data from the National Registry for that area code.<sup>25</sup>
- ☎ **Internet Marketing Group** and a host of other corporate and individual defendants allegedly misrepresented material facts in the sale of business ventures and violated the Commission's Franchise Rule, which requires provision of timely, complete, and accurate disclosure statements and earnings claims. In addition, the defendants were charged with initiating or causing others to initiate telephone calls to numbers on the National Do Not Call Registry.<sup>26</sup>
- ☎ **Debt Management Foundation Services** allegedly violated various provisions of the Amended TSR, including the following: making misrepresentations about their debt management services; billing without the express informed consent of customers; initiating or causing others to initiate telephone calls to numbers on the National Registry; and initiating telephone calls to consumers within a given area code without first paying the requisite

fee to access the National Registry. In addition, the defendants allegedly failed to provide required privacy disclosures and violated credit repair laws.<sup>27</sup>

☎ **4086465 Canada, Inc.**, a corporation doing business as International Protection Center and Consumer Protection Center, allegedly misrepresented, inter alia, that for a fee they could arrange for consumers' telephone numbers to be placed on the National Registry.<sup>28</sup>

☎ **Braglia Marketing Group ("BMG")**, a timeshare telemarketer, allegedly initiated or caused others to initiate telephone calls to hundreds of thousands of numbers on the National Registry, abandoned calls, or caused others to abandon calls, and initiated telephone calls to consumers within a given area code without first paying the required access fee.<sup>29</sup> This was the first case in which the FTC and the Department of Justice sought civil penalties from defendants for alleged do not call violations.

## VIII. CONCLUSION

As of the close of FY 2003, the National Do Not Call Registry was operational, successfully accepting consumer registrations and allowing businesses to obtain access to Registry data. Despite the short interval between publication of the amended final Rule and the roll-out of the National Registry, the system was up and running as scheduled, accommodating millions of consumer registrations and thousands of business requests for access to the data efficiently and effectively. More than 64 million telephone numbers were registered in FY 2003 and FY 2004. Data from surveys and analysis of complaints about do not call violations strongly suggest that compliance with the National Do Not Call Registry provisions of the Amended TSR is high, and that consumers are receiving fewer unwanted telemarketing calls.

## ENDNOTES

1. Pub. L. No. 108-10 (2003).
2. Because the National Registry became fully operational less than one month prior to the close of FY 2003, the Commission determined that combining the required reports for FY 2003 and 2004 would provide the most comprehensive overview of the Registry's operation for the period. Despite the submission as a single document, this Report provides separate data for each year in response to each question.
3. 68 Fed. Reg. 4580, 4628 (Jan. 29, 2003).
4. The FTC was able to act in such a rapid manner because of the extensive research conducted during the rulemaking proceeding, which included contacting the States with their own registries, issuing a Request for Information to contractors capable of assisting the agency in developing the Registry, and issuing a Request for Quotes to selected vendors. *Id.* at 4638.
5. In the case of registration by telephone, the only personally identifying information provided is the telephone number to be registered. In the case of Internet registration, a consumer must provide, in addition to the telephone number(s) to be registered, a valid email address to which a confirmation email message is sent. Once the confirmation is complete, however, the email address is hashed and made unusable. Thus, only consumers' telephone numbers are maintained in the database.
6. Due to litigation brought by industry challenging the constitutionality of the Do Not Call Registry, full Registry operation was enjoined from late September until early October, 2003. Ultimately, the constitutionality of the Registry was upheld by the Court of Appeals. See Mainstream Marketing Servs., Inc. v. Federal Trade Comm'n, 358 F.3d 1228 (10<sup>th</sup> Cir. 2004), cert. denied, 2004 WL 2050134 (U.S. Oct. 4, 2004)(No. 03-1552).
7. As of August 18, 2005, enrollment exceeded 100 million registered numbers. See Statement of Federal Trade Commission Chairman Deborah Platt Majoras on the 100 Millionth Number on the National Do Not Call Registry, available at: [www.ftc.gov/opa/2005/08/dncstatement.htm](http://www.ftc.gov/opa/2005/08/dncstatement.htm).
8. As the Commission stated in a letter to the Government Accountability Office in January, 2005, "quantitative measurement of the effectiveness of a program based on "before and after" snapshots is often difficult, particularly in situations like the Do-Not-Call program where only anecdotal evidence of a baseline for the "before" figures exists. Nonetheless, when reports from consumers, the media, and professional surveyors consistently conclude that the DNC Registry effectively and successfully protects registered consumers against invasions of their privacy by most commercial telemarketing calls, it is reasonable to infer that the program is working as intended." Letter from FTC to Mr. Paul L. Jones, Director, Homeland Security and Justice, U.S. Government Accountability Office, January 18, 2005.
9. The general complaint distribution also tends to suggest that the industry compliance rate is high. Relatively few companies receive a large number of consumer complaints, and those companies are priority targets for investigation by the FTC. Conversely, many more companies receive a small number of complaints, which is not suggestive of a pattern or practice of violations. For example, in June 2004, the Commission reported that "[s]ince October 2003, consumers submitted 428,764 complaints. In sorting the complaint data, the FTC found that there were more than 130,000 company names against which complaints were lodged. Only about 200 of those had 100 or more complaints each." See National Do

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Not Call Registry Celebrates One-Year Anniversary, available at: [www.ftc.gov/opa/2004/06/dncanny.htm](http://www.ftc.gov/opa/2004/06/dncanny.htm). The “company name” is the name as it was reported by the consumer or taken by the complaint center. Therefore, there may be variations on what appear to be the same company name, e.g., company X may be listed as “X Co”, “X Co.”, and “X Company.” The 130,000 company names are based on a unique company name provided by the consumer as it was input into the system; names that might appear to be related are not consolidated in the complaint database. However, during any law enforcement investigation, staff typically determines whether, in fact, such similarly identified entities are related or comprise a single entity.

10. Of these, 10,456,956 registrations were transferred by States that added their State do not call registry data to the National Registry.
11. The FY 2004 total of 64,288,175 represents the total number of unique telephone numbers that were registered at any time since inception. A telephone number that was registered in FY 2003 and again in FY 2004 is only counted once in this total. A telephone number that was registered in FY 2003 or FY 2004 but subsequently deleted or removed from the National Registry, is also counted once in this total. Of the total registrations during FY 2004, 2,176,697 were additional numbers transferred by States that added their State do not call registry data to the National Registry. In total, 12,633,653 numbers were transferred by States to the National Registry as of the end of FY 2004.
12. Telemarketers could access the National Registry as of September 1, 2003. Accordingly, the fees paid in FY 2003 reflect only one month of operation. In FY 2003, the Commission imposed an annual fee of \$25 for each area code of data requested from the National Registry, with the first five area codes of data provided at no cost, and the maximum annual fee for accessing the entire National Registry was \$7,375. See 68 Fed. Reg. 45134 (July 31, 2003) for a discussion of the number of entities that accessed the National Registry, the fees, and how the fee amounts were calculated. These FY 2003 fees were in effect for the annual period beginning on September 1, 2003 and ending on August 31, 2004. Thus, the FY 2003 fees were in effect for the last month of FY 2003 and for eleven months of FY 2004.
13. In 2004, the annual fee per area code was raised to \$40 (with the first five area codes again provided at no cost) and the maximum annual fee for accessing the entire National Registry was \$11,000. See 69 Fed. Reg. 45580 (July 30, 2004) for a discussion of the number of entities that accessed the National Registry (including the approximate number of entities that paid fees to access the entire Registry as of July 2004), the fees, and how the fee amounts were calculated. These FY 2004 fees were in effect for the annual period beginning on September 1, 2004 and ending on August 31, 2005. Thus, the FY 2004 fees were in effect for the last month of FY 2004 and for eleven months of FY 2005.
14. Such “exempt” organizations include entities that engage in outbound telephone calls to consumers to induce charitable contributions, to raise funds for political purposes, or to conduct surveys. They also include entities engaged solely in calls to persons with whom they have an established business relationship or from whom they have obtained express written agreement to call, pursuant to the Amended TSR, 16 C.F.R. 310.4(b)(1)(iii)(B)(i) or (ii), and who do not access the National Registry for any other purpose.
15. 69 Fed. Reg. at 4638.
16. Those States are: Alabama; Connecticut; Kansas; Maine; New York; Oregon; and Vermont.
17. Those States are: Arizona; California; Illinois; Michigan; Montana; New Hampshire; Nevada; New Mexico; North Dakota; and South Dakota.

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18. The States that have transferred registrations to the National Registry are: Alabama; Arkansas; California; Colorado; Connecticut; Florida; Georgia; Idaho; Kansas; Kentucky; Massachusetts; Maine; Minnesota; New York; North Dakota; Oklahoma; and Pennsylvania.
19. Those States are: Indiana; Louisiana; Mississippi; Missouri; Tennessee; Texas; Wisconsin; and Wyoming.
20. Attached as an Appendix.
21. FTC v. Ken Chase, No. C03-2139 (N.D. Cal., filed May 6, 2003).
22. A copy of this Stipulated Permanent Injunction can be found on the FTC's website at [www.ftc.gov/os/2003/12/031209chasedncstip.pdf](http://www.ftc.gov/os/2003/12/031209chasedncstip.pdf).
23. FTC v. Vector Direct Marketing, LLC, No. CV04 0095 PHX SMM (D. Ariz., filed Jan. 15, 2004). A stipulated permanent injunction was entered against the defendants in June 2004. A copy of this Stipulated Permanent Injunction can be found on the FTC's website at: [www.ftc.gov/os/caselist/vectordirect/040629stipvectordirect.pdf](http://www.ftc.gov/os/caselist/vectordirect/040629stipvectordirect.pdf).
24. FTC v. Telephone Protection Agency, Inc., No. 5:04cv49 (W.D.N.C., filed April 21, 2004). A preliminary injunction is in place in this matter, and proposed settlements are pending district court approval.
25. FTC v. National Consumer Council, No. SACV04-0474CJC (JWJX)(C.D. Cal., filed Apr. 23, 2004). A stipulated permanent injunction was entered in this matter in FY 2005.
26. FTC v. Internet Marketing Group, No. 3:04-0568 (M.D. Tenn., filed June 28, 2004). A preliminary injunction is in place in this matter, and litigation is ongoing.
27. FTC v. Debt Management Foundation, 8:04-CV-1674-T-17-MSS (M.D. Fla., filed July 20, 2004). A stipulated permanent injunction was entered in this matter in FY 2005.
28. FTC v. 4086465 Canada, Inc., No. 1:04CV1351 (N.D. Ohio, filed July 19, 2004). A preliminary injunction is in place in this matter, and litigation is ongoing.
29. FTC v. Braglia Mktg. Group, No. CV-S-04-1209-DWH-PAL (D. Nev., filed Aug. 30, 2004). A stipulated permanent injunction was entered in this matter in FY 2005.

*Federal Trade Commission*



## APPENDIX: FCC - FTC MEMORANDUM OF UNDERSTANDING

### **FCC - FTC Memorandum of Understanding Telemarketing Enforcement**

Whereas the Telephone Consumer Protection Act of 1991, 47 U.S.C. § 227, directs the Federal Communications Commission (FCC) to address invasive, costly, and potentially dangerous interstate and intrastate telemarketing practices;

Whereas the Telemarketing and Consumer Fraud and Abuse Protection Act, 15 U.S.C. § 6101-6108, directs the Federal Trade Commission (FTC) to address fraudulent, deceptive, and abusive interstate telemarketing practices;

Whereas the Do-Not-Call Implementation Act of 2003, Pub.L. 108-10, §§ 1-4, Mar. 11, 2003, 117 Stat. 557, and the National Do-Not-Call Registry Act of 2003, Pub.L. 108-82, § 1, Sept. 29, 2003, 117 Stat. 1006, authorize a national do-not-call registry to be maintained by the FTC and direct the FCC to adopt, after consultation and coordination with the FTC, complementary rules that maximize consistency with the rules promulgated by the FTC;

Whereas the FCC and the FTC have adopted rules implementing these statutory provisions;

and

Whereas there are overlaps in FCC and FTC regulation of major telemarketing activities:

Therefore, it is hereby agreed that:

The FCC and the FTC will work together in a cooperative and coordinated fashion to implement consistent, comprehensive, efficient, and non-redundant enforcement of federal telemarketing statutes and rules.

It is further agreed that:

The agencies will meet at least quarterly to discuss matters of mutual interest; and

The FTC will provide the FCC with Do-Not-Call Registry data through the Consumer Sentinel system; and

The agencies will make available to each other consumer complaints regarding possible violations of federal telemarketing rules; and

The agencies will endeavor to avoid unnecessarily duplicative enforcement actions; and

The agencies will engage in joint enforcement actions, when necessary, appropriate, and consistent with their respective jurisdictions; and

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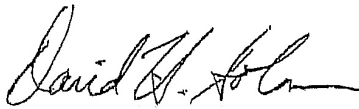
The agencies will coordinate public statements on joint cases; and

The persons signing below and their successors shall be deemed Designated Liaison Officers for purposes of implementation of this Memorandum of Understanding.

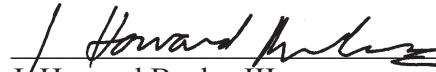
This Memorandum of Understanding, when executed or acted upon by both parties, shall continue in effect until it is modified by mutual consent of both parties or terminated by either party upon thirty (30) days advance written notice.

For the Federal Communications Commission:

For the Federal Trade Commission:



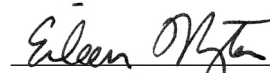
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David H. Solomon  
Chief, Enforcement Bureau



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J. Howard Beales III  
Director, Bureau of Consumer Protection



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K. Dane Snowden  
Chief, Consumer & Governmental Affairs Bureau



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Eileen Harrington  
Associate Director for Marketing Practices





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