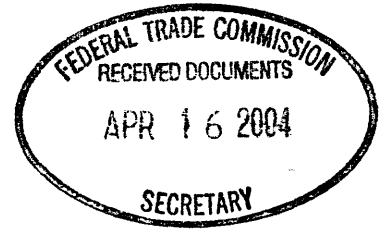


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EVERGREEN
Credit Reporting, Inc.

April 13, 2004

Federal Trade Commission
Office of the Secretary
Room 159-H (Annex C)
600 Pennsylvania Ave NW
Washington, DC 20580



Re: FACTA Free File Disclosures Proposed Rule, Matter No. R411005 –

Specifically Re: Section 610.2 (g) of the proposed rule governing the possible use of the centralized source for other communications, including marketing or advertising

Ladies and Gentlemen,

I am the President and Owner of Evergreen Credit Reporting, Inc. a corporation founded in 1994 that operates from Nevada as a “consumer reporting agency” as defined by the Fair Credit Reporting Act (FCRA). Evergreen’s current business involves selling 3 Bureau Merged Credit Reports and Credit Report Monitoring products directly to consumers, primarily through its web site at Creditreporting.com.

Background of Evergreen

Evergreen is a small business with annual sales of less than \$2 million, however, we compete directly with the 3 nationwide consumer reporting agencies Equifax, Experian and Trans Union, and their subsidiaries, in selling 3 Bureau Credit Reports and Credit Report Monitoring products directly to consumers.

In the month of March 2004, we helped over 10,000 consumers to obtain their credit reports. Our Standard 3 Bureau Credit Report starts at \$29.90, and provides toll-free customer service for consumers to file disputes with their creditors if there are inaccurate items in their credit report.

Specific Comment Regarding the Proposed Rule that may Allow Marketing or Advertising on the Centralized Source for Free Annual Credit Reports Section 610.2(g)

Evergreen is absolutely **opposed to allowing advertising and/or marketing by the national consumer reporting agencies**, also referred to herein as the 3 National Credit Bureaus, through the centralized source, because:

1. *FACTA does not specify there should be advertising and marketing on the centralized source, and none should be implied or allowed. The proposed FTC rule should prohibit such activities.*

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The centralized source was mandated by law to assist consumers to obtain their FREE annual credit report. That part is clear and embodies the objective of the law. Allowing the 3 National Credit Bureaus to advertise and market their other consumer products on the centralized source does not support this objective of the law. It actually confuses and contradicts the original purpose of the centralized source to provide the FREE annual disclosure. In addition it also confuses consumers who expect a government mandated site for a FREE product, not a site potentially dominated by other offers from the same companies mandated by law to implement a FREE site.

Allowing advertising by private companies at the centralized source specified by the Federal law also implies endorsement of their products by the government. This is certainly not the case.

The only information and links on the centralized site that should be present or imply endorsement from the Federal government should be information and links directly from the Federal Trade Commission. The FTC is not only capable of educating the consumer about credit report laws and related topics, they are responsible for advising and protecting the consumer on these issues.

- 2. The proposed rule to allow advertising and marketing from the 3 National Credit Bureaus will seriously jeopardize the existing free market system in place for consumers to obtain their credit report and related products from private companies.*

At present consumers who are not currently eligible for a free credit report, can order their credit report and related credit monitoring products from numerous sources not owned by the 3 National Credit Bureaus. Yahoo's directory alone lists over 100 web site sources for consumers to order their report, and this search site is certainly not a comprehensive list. The point is that this is a competitive industry of numerous small and larger providers of credit report products to consumers. Giving the 3 National Credit Bureaus a significant competitive advantage in this industry by allowing them to advertise and market on the centralized source, is an unfair advantage not consistent with the FTC's authority. It will also have material adverse economic effects on small and large companies who do not have similar access to the site.

In the long run consumers will also be hurt by having fewer choices and possibly higher prices for these products than under the existing free market environment.

In fact the 3 National Credit Bureaus already have sufficient advantage over competitors in this industry without giving them preferential advertising and marketing on the centralized source. They own the credit data in the credit reports. Competitors must pay the 3 National Credit Bureaus to obtain the credit information. If you deny the 3 National Credit Bureaus the ability to advertise, market and sell their products on the centralized site, they will still participate in any revenue from the sales of such products to consumers by their competitors. They collect revenue on virtually any sale of a credit report, whether it is directly to the consumer through their own companies, or if it passes through a competitor first, such our own company and many others.

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Rather than give the 3 National Credit Bureaus unfair preference under the law versus their competitors, it is more reasonable to prohibit such an advantage and to encourage the existing free market where consumers can decide for themselves where to purchase their credit report products.

Summary

In summary Evergreen believes strongly that FACTA was passed to protect consumers and their credit report rights. Therefore, we implore the FTC to adopt a rule that directs the 3 National Credit Bureaus to design and build a centralized site that facilitates the consumer's right to a FREE credit report without other distracting or contradicting sales offers. Evergreen also believes the only other information that should be on this FREE site would come from the FTC to educate consumers about the law, their rights under the law, and about other credit report issues.

Furthermore we implore the FTC to avoid granting unfair sales and marketing advantages in the credit report industry to the 3 National Credit Bureaus who already control the industry sufficiently. Granting them any more control and advantage will materially weaken the existing competitors in this market, including our own company.

Sincerely,



Charles R. Burnett
President