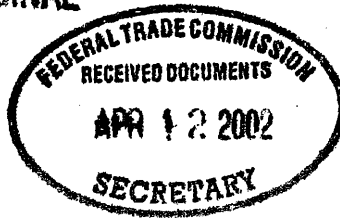


experian

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April 10, 2002

Office of the Secretary
U.S. Federal Trade Commission
Room 159
600 Pennsylvania Avenue, NW
Washington, DC 20580

Re: Telemarketing Rulemaking – Comment. FTC File No. R411001

Dear Mr. Secretary:

Experian Marketing Information Solutions, Inc., a global leader in the information services industry, appreciates the opportunity to provide comments on the FTC's proposed rule to amend the Telemarketing Sales **Rule**, 16 **CFR** Part 310. One specific information service Experian provides is a suppression service for telephone numbers that appear on a myriad of current do-not-call files. These files include 15¹ state do-not-call files, the Direct Marketing Association's (DMA) Telephone Preference Service (TPS) file, and Experian's own internal file of individuals who have requested not to be included in telemarketing solicitation offers.

Experian supports comments of the DMA

Experian **has** reviewed the final comments **provided** by the Direct Marketing Association relating to the proposed rule to amend the Telemarketing Sales Rule and concurs with all comments made by **DMA**. In general, we believe the **FTC's** proposed rule **is** seriously flawed in many respects and that the DMA has done a good job of articulating problems with the proposed rule.

FTC's 'do-not-call' proposal is flawed

Experian believes the DMA's TPS file provides consumers with ample choice if they want to end or diminish the number **of** telemarketing calls to their home². We fail to **see** how an additional file administered by the **FTC** will decrease unwanted calls. **As**

¹ 21 states have laws mandating state do-not-call files. Three states, California, Colorado and Wisconsin, do not yet have the **do-not-call** files available. Three states, Alabama, Kentucky and Louisiana, only provide the do-not-call files to **the** telemarketer. Information services providers like Experian are only able to **obtain** do-not-call files in 15 **of** the states.

² The DMA's **TPS** file **is** the **best** solution for providing consumers **with** a mechanism to exercise choice to limit all telemarketing calls, including legitimate, non-abusive, non-deceptive telemarketing calls because 1) the service is free to all consumers; 2) all 5000+ DMA members are required to **use** the TPS suppression

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proposed, the “federal” do-not-call file will be riddled with so many loopholes that few calls will actually fall within the jurisdiction of the FTC’s do-not-call file. The four largest industry sectors that employ telemarketing as an advertising medium – common carriers, financial services corporations, non-profit organizations and small business who make intrastate calls – do not even fall under the jurisdiction of the **FTC’s** proposed do-not-call file. Unfortunately, the burden of using this new file will fall primarily with legitimate marketers³ who are placing calls to existing customers. The FTC’s proposed do-not-call file would impose unduly harsh punishment on those legitimate marketers who already play by the rules in accordance with the **DMA TPS**.

When viewed through this lens, the do-not-call file is almost sinister in its approach to consumer protection. By creating a “federal” do-not-call file, the uninformed, unsuspecting public will sign-up assuming phone calls to their homes will cease or be dramatically diminished. In fact, it will mostly only stop calls from those companies with which the customer has chosen to do business. Unfortunately, once consumers begin to understand that their heightened expectation is not fulfilled, they will become even more cynical and suspicious of telemarketing.

Therefore, Experian respectfully requests that FTC abandon its proposed rule to establish a federal do-not-call **file**. The public would be better served if FTC provided more educational guidance to consumers about how to sign up on the DMA file, which provides consumers with a much more robust opportunity for choice than that which can be created under FTC’s existing authority.

Thank you for the opportunity to comment on the proposed rule to amend the Telemarketing Sales Rule. Experian greatly hopes that our comments will be considered and acted upon.

Sincerely,

A handwritten signature in cursive script that reads "Tony Hadley".

Tony Hadley
Director, Government Affairs

file as a requirement of membership; 3) there are no exemptions for certain commercial or not for profit organizations; 4) it applies to all intra and interstate telemarketing activities.

³ Congress specifically limited the scope of the FTC’s rulemaking authority to abusive and deceptive practices, with no authority over legitimate commercial free speech.