

July 8, 2002

Dear Sirs:

At the suggestion of Eileen Harrington during the Telemarketing Sales Rule Forum earlier this month, I am providing additional information related to Missouri's experience with our No Call law so that the Commission will have the most up-to-date information possible when it considers how to proceed. I am also forwarding some additional information provided by other States in this area.

First, as of June 14, 2002, this office has registered 979,461 residential telephone lines in the Missouri No Call Database. We anticipate continued enrollment over the summer as we traditionally provide consumer educational information, including on-site computerized No-Call enrollment, at county and regional fairs across the State. As of this date we have taken 76 enforcement actions, resulting in 70 Assurances of Voluntary Compliance and 2 Judgments; 4 actions are currently pending. The State of Missouri has recovered \$580,000 in penalties and costs through these actions.

Since the National Association of Attorneys General submitted their Comments in this matter earlier this Spring, 4 more States have adopted Do Not Call database laws: Kansas, Oklahoma, Minnesota, and Vermont, bringing the number of States with database laws to 25, with 18 now in effect and 7 in the process of being established.<sup>1</sup>

Like Missouri's No Call Database, these State No Call databases continue to be highly popular among citizens: more than 7.5 Million residential telephone numbers are now included in the several State databases, representing more than twice that number of consumers. As noted in our earlier comments, many thousands of consumers have been contacting those States which are still designing their databases in an effort to enroll. State enforcement actions also continue as the several States provide an effective means for their citizens to not be interrupted by telephone solicitations they have indicated they do not wish to receive -- more than 270 enforcement actions to date with more than \$1.5 Million in fines collected or other redress recovered.

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<sup>1</sup> States with No Call database laws: Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Idaho, Indiana, Kentucky, Louisiana, Maine, Missouri, New Jersey, New York, Oregon, Tennessee, Texas, and Wyoming have No Call database systems in effect; California, Kansas, Minnesota, Oklahoma, Pennsylvania, Vermont, and Wisconsin are presently implementing database systems.

As pointed out in the Comments submitted by the National Association of Attorneys General, we view telemarketing as an invasion of privacy *when* consumers express their desire not to be contacted by solicitors in their homes. Such unwanted telemarketing calls are an intrusion into the privacy of those consumers. Missouri and other States, have fought to re-establish and preserve consumers' right to privacy in their homes. We continue to urge the Commission to view consumers' desire for privacy as paramount in its continued consideration of the Telemarketing Sales Rule.

Very truly yours,

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