

**Re: CAN-SPAM Act Rulemaking, Project No. R411008**

April 15, 2004

To the Commissioners,

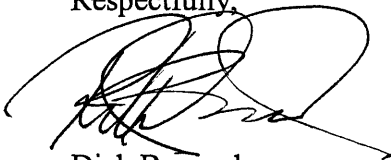
Unsolicited bulk email is at the very least trying, and at its worst, unbelievably offensive and harmful. You have my hearty support for your efforts with the CAN-SPAM Act, with one qualification, the requirement for legitimate internet merchants to maintain suppression lists that will very likely have to be distributed to other marketers and advertisers.

This is a bad idea.

CAN-SPAM purportedly is structured to attack the problem of spam at its source, the spammer. Suppression lists distributed to internet merchants will absolutely fall into the hands of spammers. You can count on it. Remember, these are the folks who use opt-out return email addresses to verify our email addresses as valid, and hence worthy of yet more spam. Make no mistake, this provision requiring merchants to maintain such lists will increase the problem of spam dramatically, and justifies opposition to the entire act on this basis alone if it is left in place. Beware the law of unintended consequences.

I urge the Commissioners to reconsider this aspect of the act and remove this requirement completely. As a businessman, spam affects me daily, heavily and negatively. Please do not make the problem worse for all of us.

Respectfully,



Dick Bernard

Manakin Sabot, Virginia USA