



**Statement to
FTC's TSR Public Forum
2002 June 5**

My name is Abraham Chen, Founder of Avinta Communications, Inc. in Sunnyvale, CA. Being a system engineering company, we probably look at a situation from a slightly different angle.

The complexity of TSR issues caught our attention. What we have discovered about the rule making contemplated by FTC is that it consists of two major parts:

1. The disturbance and intrusion to a party's peaceful time at his/her own property, by making a telephone call.
2. The deceptive and abusive tactics during a sales session, once a telephone connection is established.

What is interesting is that if we look at the first part, in a generic sense without the context of Telemarketing, it is actually the same issue as "stalker" and "obscene" phone calls, etc. that FCC has been regulating and enforcing. Together, these would be categorized as unwanted calls.

Along this line, it becomes apparent that much of the opposing views related to National Do Not Call Registry (NDNCR) could be defused by improving the compatibility among communication equipment, instead of relying on specific regulations.

That is, "enterprises" have been using Private Branch eXchange (PBX) for many years. Most of them have upgraded to use Private Automatic Branch eXchange (PABX - Where "Automatic" is the abbreviation from "Automated attendant".) for their daily business. One of the untold hidden benefits of PBX and PABX is that unwanted callers have very little chance to get through to individual workers, because they would be blocked by an attendant, either a human being or an automated machine.

On the other hand, "small businesses" who can not afford either type of the above telephone switching / routing equipment fall into the same category as the "residential consumers" who have been using the traditional Plain Old Telephone Set (POTS). Note that this consequence is based on technical characterization of Customer Premise Equipment (CPE), not in the legal or business sense contemplated by TSR, not even according to the conventional definition of local telephone service tariffs.

Since enterprises have been in "peaceful coexistence" with Telemarketing industry for all this time, it would be prudent to ask if "small businesses" and "residential consumers" could be equipped with the equivalence of enterprises' PABX? If so, issues related to the first part, (not only telemarketing, but also stalker and obscene calls, etc. as well) could be fundamentally avoided.

Avinta Communications, Inc.
756 San Aleso Avenue
Sunnyvale, CA, U. S. A.
94085-1445
TEL: (408) 734-5295
FAX: (408) 734-5296
Website: www.Avinta.com



This may sound like a blue sky dream. The fact is that it had already become realistic since 1997, Because, U.S. Pat. No. 5,596,631 has provided a very economical solution. However, not only it takes a long time for the general public to become aware of a new technology, they have also been so irritated by the current confusions and frustrations that their minds are almost shut to any new products in this area. If this barrier is not broken down, the measures contemplated by NPRM will continue to be unnecessarily complicated.

To empower the general public through disseminating advanced information, a central clearing facility should be set up, such that all of available

- A. State Laws and Regulations,
- B. LXC (Local eXchange Carrier) Services and
- C. Retail Products

can be presented at a single location with an uniform comparison to allow consumers to do their own study. For example, the wide range of consumer experiences of this subject across the nation is likely due to the variations of Regulations and Services among different States. It was apparent that even FTC staff were not familiar with the differences.

Consumer issues are always very diversified that “one for all” approach would have a hard time to address the variations of consumer preferences. For example, the currently allowed calling hours from 8 AM to 9 PM would be exactly wrong for those who work on evening or night shifts. If these kinds of factors are accommodated in NDNCR, the fine grain sophistication in it would make NDNCR nearly impossible to manage. However, if an individual consumer has his/her own PABX, the settings on it will be no one else’s concern.

By utilizing the power of Internet, the general public can be educated with up-to-date knowledge to make their own decisions. I urge this panel to review this alternative, instead of continuing on with efforts in a track that was formed from a technology base that is at least several decades outdated.

Of course, this suggestion is more focused on relieving the first part of TSR issues. The second part, abusive and deceptive sales tactics, would still need FTC’s concentrated efforts.

Thank you for your attention.