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United States Senate

WASHINGTON, DC 20510

August 2, 2002

Timothy J. Muris
Chairman
Federal Trade Commission
600 Pennsylvania Ave. NW
Washington DC 20580

Dear Mr. Commissioner:

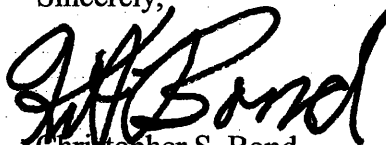
It is my understanding the FTC plans to establish a national "do-not-call" list to halt telemarketing calls to households that have put their phone number on the list. I support an effort by the Commission to respond to complaints of consumers and limit abusive telemarketing practices. While promulgating such a rule, however, it is important for the Commission to recognize telemarketing practices used by legitimate businesses to provide service to customers and ensure that any rule balances protecting privacy with such business practices.

The current draft rule includes an exception for individuals who have chosen to receive marketing calls on a company-by-company basis or to "opt-in" to receive marketing calls. The exception does not include an allowance for existing customer relationships. The rule would prohibit retailers from contacting customers with whom they have preexisting or longstanding relationships to alert them of upcoming promotions, the arrival of preferred merchandise or to assess the satisfaction of a recent purchase. This is not only standard practice for certain retailers, it is a level of service expected by many customers.

Several states have recognized there is a difference between calls from unknown solicitors and a call from a company with which one has a standing relationship and incorporated this distinction in their state rule. For retailers, being able to contact customers is important for success and building a reputation for excellence. For consumers, it is a level of service that is often expected from retailers.

It is important for the rulemaking to strike a balance between protecting consumers while not harming legitimate business practices that customers expect. As you finalize the rule, it is important to consider this distinction and preserve a role for legitimate business practices. I appreciate your attention to this matter and I urge the Commission to consider this issue.

Sincerely,



Christopher S. Bond