

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

To the Commissioners,

Thank you for your efforts to put a damper on the untenable amount of spam that flows through all our email boxes. However, as both an end-user and a small-business 'merchant,' I'm concerned about the proposed requirements for sellers to continually check, maintain, and monitor suppression lists.

Basically, as currently written, this approach does serious harm to the legitimate (online) small business owner, whereas a spammer will never go to the trouble or expense outlined in this proposal. In short, I feel this matter needs to be discussed much more and understood much better before it gets frozen into law.

Requirement of the use of suppression lists will seriously damage many of the legitimate publications available on the net. My specific concern is for harm to publishers who require permission from the consumer prior to adding them to any list.

They're not who CAN-SPAM was designed to put out of business, but this requirement will very likely have that effect.

The other big problem that still appears unresolved is figuring out the consumer's intention when he or she unsubscribes from a list, a list which may have included numerous unrelated advertisers or affiliates. The law as currently proposed seems to require some byzantine back-tracking and guessing that really is not practicable. Again, it will do nothing to stop spammers but it can easily overwhelm the resources of small-time entrepreneurs who are trying to go 'by the book.'

I was quite surprised at the potential problems this ruling could involve, problems falling squarely on the shoulders of legitimate marketers and business people. I urge you, please, in the strongest possible terms to reconsider its implementation in light of these problems,

Respectfully,

Blake Kritzberg, Small Business Owner
Coudersport, Pennsylvania, US

