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Federal Trade Commission
Office of the Secretary
Room 159-H
PO Box 1030
Merrifield, VA 22116-1030

April 14, 2004

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

To the Commissioners,

I support your efforts to help reduce the horrendous volume of unsolicited commercial messages via e-mail. However, I am concerned about the proposed requirement for merchants to maintain suppression lists.

There are quite a few problems and a burdensome cost to this requirement. Ironically, the majority of the cost will fall upon complaint companies and their customers, rather than the "SPAMmers" themselves.

Requirement of the use of suppression lists will seriously damage many of the legitimate publications available on the net. Specifically, legitimate publishers who, in compliance with good Net form, require permission from the consumer prior to adding them to any list will likely suffer irreparable damages.

In addition to the cost to legitimate businesses, there's a good chance that this legislation will cause problems for consumers because of the problem of properly knowing their intent (also known as "Reading Their Minds") when they unsubscribe from a list.

Additionally, the suppression lists might very well make their way (through theft, hacking, etc.) to spammers, which would create more spam instead of less.

Like most small businesses, I was in favor of the CAN-SPAM goal since I get in the neighborhood of 100-200 SPAM messages a day. After reading it, however, I was concerned about the potential problems that this ruling could involve for me and other small businesses like mine.

Like many, I was "forced" to start my own business when the layoffs following 9/11 started and have managed to support myself and my family with this business. I currently

provide temporary employment for a few people and I should be able to provide permanent employment for a few more soon.

I'm afraid that myself and other similar small businesses that survive on a low overhead by using the Net to communicate with customers will have to close our doors and turn away the people who rely on us for jobs if we are forced to maintain suppression lists and be responsible for everyone who sends an email to our customer base.

If you could please take a look at the enforcement of this rule with an eye to we small businesspeople and our situation, I'm sure a viable solution can be arrived at.

Respectfully,

A handwritten signature in black ink, appearing to read 'Daniel R. Sweet', written over a horizontal line.

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