



CHAIRMAN

Federal Communications Commission

Washington, D.C.

October 3, 2003

H. Robert Wientzen, President and CEO
The Direct Marketing Association, Inc.
1111 19th Street, N.W., #1100
Washington, DC 20036

Dear Mr. Wientzen:

I appreciate the Direct Marketing Association's efforts to comply voluntarily with a vital portion of our request for information regarding the Do-Not-Call list. This cooperation will help advance the goal of honoring the wishes of consumers who do not wish to receive telemarketing calls.

We regret, however, that you have declined to provide a copy of the national Do-Not-Call Registry database. We do not agree with your suggestion that providing the FCC with the database would subject you or your members to FTC enforcement action. To the contrary, the FTC certification form permits "any data" in the Registry to be provided for "compliance with the provisions of the FTC and FCC regulation of telemarketing or otherwise to prevent telephone calls to telephone numbers on the National Registry." This is precisely the use the FCC will make of the data. We also do not agree that you or your members would be violating Judge Nottingham's September 29 order, which is directed only at the FTC.

Accordingly, I request that you reconsider your decision not to provide the FCC with the database. As I said in my previous letter, providing this list will allow us to join together in achieving our common goal of ensuring respect for consumer preferences.

In any event, the FCC remains committed to taking all appropriate legal steps to ensure that we can vigorously enforce our rules.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael K. Powell", written in a cursive style.

Michael K. Powell