

## **General Questions for Comment**

1. Any minimal opportunity to purchase products or services from home the consumers may lose is greatly outweighed by the benefit of freedom from annoying prerecorded telemarketing calls and abandoned calls. The consumer can almost certainly purchase such products or services from home by calling the company or online, and will be much happier without so many dropped and prerecorded calls.
6. Depending on how expensive the prerecorded telemarketing machinery is, the Rule may either harm or hurt small businesses. If it is expensive machinery, then small businesses stand to gain because they likely use in-person telemarketers or other methods of advertising. If the machinery is less expensive than hiring in-person telemarketers, the Rule will harm small businesses by forcing them to hire in-person telemarketers. Considering that small businesses likely want to build business and use in-person telemarketing to do so, this Rule will probably help small businesses by taking away a competitive edge of bigger businesses.

## **Specific Questions for Comment**

1. No, the Commission should not prohibit all prerecorded telemarketing calls in the TSR because consumers can easily hang up when they hear it is a recording, and the consumer may actually chose to purchase the service or product. It may be a First Amendment violation to restrict businesses from generally advertising to the public via telephone calls. Most phones have caller ID now, and consumers can register on the "Do Not Call" list. The proposed rule strikes a good compromise between business interests and those of the called consumers.
2. No, prerecorded calls are not generally taken as violations of privacy rights. They are similar to general fliers or advertisements on television- untargeted and therefore less intrusive. If anything seems to be a violation of the right to privacy, it is the release of a personal home phone number, not necessarily the message received.
3. Consumers who do not want to be called by telemarketers do not have a preference for in-person telemarketers. These consumers are generally annoyed by all telemarketing calls and do not want to be contacted at all.
5. There is no privacy invasion (see Comment 2 above); it is simply annoying to have blank messages left on a machine. There is a similar annoyance to receiving the call, except it is more annoying to have to delete cluttering messages.
6. No, it does not affect intrusiveness whether the consumer answers the phone or gets an answering machine message.
7. Some possible problems with prerecorded messages on answering machines are: these messages go towards a limited storage capacity and tend to be obnoxiously lengthy; because of this length, older machines may actually use more tape to record the message

and it may be difficult to get to the end of the message; if the telemarketing message is left and takes up all the memory or storage space, the consumer may lose important messages; and the home phone line is tied up for a longer time while lengthy messages are left. It is not generally a problem that a consumer has to pay for the message left, whether it is on an answering machine or a cellphone voicemail system.

9. The Rule should be limited to one single campaign, as telemarketing corporations may run several campaigns at once, and it is not fair to the several businesses that may hire the telemarketers. For telemarketers who only work for the same corporation on various campaigns, however, the restriction should apply to all campaigns. Otherwise, the corporation has an incentive to change the purpose/wording/etc. of the campaign and immediately call the same consumer back.

15. Postcards are less intrusive than telemarketing, and more helpful in that the consumer has something to hold and keep with the information on it. Consumers would avoid abandoned calls, and could call in themselves if they wanted to speak with a customer service representative. This is even more likely considering the consumers are already customers of the particular company in this question. Perhaps talking to a real person is more effective in some cases, but the customer would rather call in by choice than deal with abandoned and prerecorded calls. Telemarketing may actually cause the company to lose business, so the costs of postcards and other forms of advertisement are well worth it since telemarketing is so obnoxious and current customers are probably comfortable calling in their orders.