



December 15, 2006

Federal Trade Commission  
Office of the Secretary  
Room H-159 (Annex K)  
600 Pennsylvania Avenue, N.W.  
Washington, DC 20580

**RE: "TSR Prerecorded Call Prohibition and Call Abandonment Standard Modification, Project No. R411001"**

Ladies and Gentlemen:

MinutePoll LLC appreciates this opportunity to comment on the proposed amendment to the Federal Trade Commission's ("Commission") Telemarketing Sales Rule (TSR) that would prohibit the use of prerecorded telemarketing calls unless a consumer consented to such calls by express prior written agreement.

## **I. INTRODUCTION AND SUMMARY**

MinutePoll urges the Commission to reconsider the imposition of an opt-in requirement for prerecorded calls placed within an existing business relationship in light of survey evidence supplied with these comments that shows that 68% of consumers prefer prerecorded calls that give consumers quick control to opt-out, as opposed to calls from live operators which are not required to contain similar up-front disclosures. Such calls are plainly not "coercive" and limiting the frequency of placing such calls to an individual customer would ensure that they are not "abusive" of privacy either. The proposed rule would have a severe effect on small businesses that have relied on the Commission's previous policy of forbearance. It would not achieve the Commission's goals, would unnecessarily burden consumers who prefer prerecorded messages, and would cause significant harm to small businesses who will not be able to compete effectively in the radically different regulatory climate of the proposed rule.

In the event that the Commission adopts an opt-in approach, we urge it to modify the inflexible written consent standard set forth in the NPRM to account for other ways that customers may provide consent, for example when customers voluntarily place a call to a call center to request additional information. Furthermore, we ask that the Commission adopt a transition period to permit smaller companies such as ours, that would need to transform our

business model completely, to come into compliance without losing our business to larger competitors who are already diversified or who can absorb the transition costs more easily.

MinutePoll, LLC, founded in 1996, specializes in automated telephone and Internet surveys. MinutePoll is part of Leo J. Shapiro and Associates, a fifty-year-old company that was, and continues to be, one of the pioneers in consumer market research. Several of our clients use prerecorded messages as an efficient, cost effective, and favorably received method of communicating information about upcoming events to people with whom they have an Existing Business Relationship (“EBR”).

Because we broadcast mostly interactive messages that invite people to attend an event, and do not directly induce or solicit the purchase or sales of goods or services, these messages are likely informational in many instances. We are nevertheless concerned that the proposed rule would exert a serious chilling effect on our use of prerecorded calls to communicate with EBR customers. The calls offer upfront, touch-tone choices allowing the recipient to speak to a live operator or leave a recorded message. Based on our success in gathering positive responses for our clients, we believe that consumers see a distinction between: (1) a call providing information on a topic of interest, coupled with interactive contact options affording the recipient control over this and future calls, and (2) a “coercive” sales call that offers the consumer no choices.

## **II. ALTERNATIVE TO THE NPRM’s PROPOSAL**

MinutePoll shares the Commission’s goals of protecting consumer privacy and expanding consumer choice with regard to telemarketing calls.

We believe that the best way to achieve these goals, as well as to implement the statutory mandate to protect consumers from calls that are “coercive” or “abusive” of privacy, is to require a convenient, automated consumer opt-out near the start of every prerecorded telemarketing call, while limiting the number of prerecorded calls that a seller may place to each phone number. This approach would require that telemarketers using prerecorded calls within an EBR:

- (1) briefly identify the nature of the EBR at the outset of the call;
- (2) quickly afford the recipient the opportunity to opt-out of the current call and future calls from the same seller with the push of a button near the start of the call; and
- (3) place prerecorded calls to a customer no more frequently than every 30 days and maintain records regarding the frequency of such calls to establish compliance.

This approach would not only eliminate any “coercion” from such calls -- because consumers could interact with calls by ending both the call and ending the existing business relationship with the seller with the push of a button -- it would also give consumers far more information about why they received the prerecorded calls and far more control over prerecorded calls than they can exercise over live calls. Furthermore, limiting the frequency of such calls would eliminate any doubt that they might be “abusive” of the customer’s privacy, as compared

to live calls, and would put to rest the concern reflected in the NPRM that the volume of prerecorded calls may somehow “mushroom” in the future.

We believe that this approach contains greater consumer choice and privacy protections than the VMBC approach put out for comment in the Commission’s November 2004 NPRM, and that it is more narrowly tailored to the statutory interests the Commission is following than the written consent requirement put forward in the October 2006 NPRM.

### **III. SURVEY EVIDENCE DEMONSTRATES THAT CONSUMERS WOULD PREFER PRERECORDED CALLS THAT OFFER CONSUMERS A CLEAR CHOICE TO OPT-OUT OVER LIVE OPERATOR CALLS THAT DO NOT OFFER THAT CHOICE.**

In Question B. 2, the NPRM asks: “Is the Commission correct in its understanding that a reasonable consumer would consider prerecorded telemarketing ... calls ... to be coercive or abusive of his or her right to privacy?”<sup>1</sup> And in Question B. 1, the NPRM asks whether the Commission should impose an outright ban on prerecorded calls. 71 Fed. Reg. at 58733.

A market research survey conducted by MinutePoll and submitted with these comments sheds important light on these questions, and demonstrates that the alternative described above would better serve the interests of consumers.

Between October 10-12, 2006, MinutePoll conducted a scientific, national online survey to measure consumer preferences and awareness of choices regarding prerecorded and live telemarketing calls. We used a projectable sample with a margin of error of +/- 5%, following the same techniques employed throughout the market research industry. The survey is attached to these comments as Exhibit A.

The survey shows that while 82% of consumers are on the national “do not call” list (Exhibit A, Question #2), a bare majority of these consumers even knows that the law permits them to receive calls from companies who have an EBR with the consumer. (Exh. A, Q#3). And a majority of consumers never exercised their company-specific opt-out right. (Exh. A, Q# 4). This strongly suggests that the sort of clear notice of the opt-out right suggested in our alternative would significantly benefit EBR customers by making them aware of that choice.

When asked in the abstract whether they preferred live operator or prerecorded calls (essentially the question that most consumer commenters responded to), 70% of users answered that they preferred live operator calls, whereas a significant minority, 30%, preferred prerecorded calls. (Exh. A, Q#1) This significant minority may not be organized to file comments with the

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<sup>1</sup> Question B.2 of the NPRM asks whether the Commission is correct that a reasonable consumer would consider pre-recorded telemarketing sales calls . . . to be coercive or abusive of his or her right to privacy?” within the meaning of 15 U.S.C. § 6102(a)(3). See 71 Fed. Reg. at 58733.

FTC, but unlike the record of consumer comments received, identifies a scientifically determined subset of all consumers.

However, when presented with the choice of receiving a prerecorded call with a convenient opt-out instead of a live operator call with no up-front opt-out option, **68% preferred the prerecorded call**. (Exh. A, Q#5). Nearly 80% below age 50 preferred the prerecorded call. (Exh. A, Q# 5). Specifically, we asked consumers the following question:

*A new rule being considered by the Federal government would require that prerecorded messages start out by giving you a choice of either hearing the message or pressing a key or calling a toll free number to be added to that company's own "Do not Call list". Calls from live operators would not be required to do this. If pre-recorded calls were required to give you a quick option to get on the calling company's "Do not Call list", would you prefer the calls you receive from businesses and stores to be...*

This question reflects the real policy choice presented by the NPRM. From our knowledge of the market that we serve, we are certain that requiring a consumer opt-in for prerecorded calls will cause a major increase in live operator calls that do not inform consumers of their opt-out rights, much less provide a highly convenient way to exercise that right. While consumers in the abstract prefer to receive live operator calls, this survey evidence demonstrates that they would prefer the alternative presented in these comments to the solution advanced by the NPRM. By contrast, the proposed rule would impose a written opt-in consent burden on consumers who wish to be contacted by prerecorded calls and on companies that wish to contact these customers in this manner.

The survey also shows that when prerecorded calls are *required* to be interactive with an easy-opt out option near the *start* of the call, consumers feel empowered and prefer this option. Forty-seven percent of consumers who preferred the recorded call with the opt-out option said that their primary reason for this choice was the ability to “Get them to stop calling/get off the list.” (Exh. A, Q #5). We can expect that consumers **will** avail themselves of this opportunity to get off the company’s calling list.

In addition, we ran several interactive prerecorded messaging campaigns to EBR consumers where we included a company specific DNC option immediately after the introduction and required identification of the calling party and purpose of the call. The DNC was a simple “Press 9 to be placed on our Do Not Call List” and came 14 seconds into the message. Overall, 8-10% of respondents chose this option. The easy opt-out shows that most consumers do not mind a targeted message when the EBR is clearly expressed, and for those that do not wish to receive the calls, they can, and will avail themselves of the option.

Both the survey and empirical market data, show that the outright ban that is the subject of Question B #1 would plainly run counter to the preferences of a very significant number of consumers.

#### IV. THE NPRM'S CONCLUSIONS JUSTIFYING ADOPTING AN OPT-IN CONSENT REQUIREMENT ARE NOT SUPPORTED BY THE RECORD AS A WHOLE

The rationale set forth in the NPRM for adopting the opt-in restriction appears to be based on five main assumptions that:

- prerecorded calls are “coercive and abusive” *per se*;
- prerecorded calls raise concerns about tying up phone lines and creating “health and safety” risks;
- the EBR requirement does not provide enough of a deterrent to marketers to restrain them from placing large numbers of prerecorded calls;
- changes in technology, absent new restrictions, will greatly increase prerecorded telemarketing call volume; and
- prohibiting prerecorded calls without written permission will result in fewer overall telemarketing calls to consumers.

MinutePoll respectfully submits that the NPRM’s analysis overlooks several critically important facts bearing on whether a convenient opt-out would better serve the purposes of the statute.

##### 1. Prerecorded Calls Are Not *Per Se* Coercive or Abusive.

The Telemarketing and Consumer Fraud and Abuse Prevention Act directs the Commission to “include in [the TSR] a requirement that telemarketers may not undertake a pattern of unsolicited telephone calls which the reasonable consumer would consider coercive or abusive of such consumer’s right to privacy.” 15 U.S.C. 6102 (a) (3) (A). The NPRM suggests that they are, citing consumer comments objecting to the fact that “they could not tell a prerecorded message to put them on the seller’s Do Not Call list, as they could with a sales representative.” 71 Fed. Reg. at 58721 The NPRM also highlights consumer comments suggesting that exercising Do Not Call rights is “impractical” because doing so requires enduring lengthy messages and is often ineffectual. *Id.*

The alternative proposed in these comments directly addresses these criticisms of an opt-out rule for prerecorded telemarketing calls placed within an EBR and better serves the statutory interests than an opt-in requirement for three reasons: First, by explaining to consumers why they received the call and that the consumer may opt-out of receiving such calls, it would better educate customers regarding their privacy rights under the TSR. Second, it would eliminate all coercion by empowering customers to control receipt of further calls from the seller with the push of a button. Third, it would avoid abuse of a consumer’s privacy by limiting the number of prerecorded calls that a customer could receive from a seller.

We respectfully submit that the proposed rule does not ask the correct question from which potentially coercive or abusive practices can accurately be judged. The survey evidence set forth in Exhibit A shows that **68%** of consumers actually **prefer** to receive prerecorded



messages that offer them convenient control over the receipt of future messages, instead of live operator messages that are not required to do so, as is the case under current law.

In concluding that “consumers overwhelmingly consider prerecorded telemarketing calls coercive and abusive of their right to privacy,” 71 Fed. Reg. at 58726, the NPRM conflates the reasonable expectations of two separate and distinct subsets of consumers – EBR consumers who will continue to receive live operator calls if the proposed rule goes into effect -- and all other consumers. The NPRM also makes the assumption that all calls which are part of a “campaign” necessarily include direct sales messages. While an ordinary consumer may rightly construe certain prerecorded telephone calls to be coercive or abusive, an EBR consumer may welcome and indeed *expect to receive* prerecorded telephone calls from certain entities, such as the educational institutions we serve, as the empirical evidence set forth in Exhibit B shows.

The proposed rule suggests that “consumers” are a homogeneous collection of individuals with identical views about the utility of prerecorded telephone calls. The survey evidence we present as Exhibits A and B to these comments shows that this is not true. What the proposed rule fails to recognize is that a consumer’s response to such prerecorded telephone calls depends upon the consumer’s relationship with the business entity initiating the call, the content of the call, and whether it affords consumers a convenient choice over receiving future calls from the seller. Prerecorded calls are definitely not *per se* coercive or abusive of privacy.

## **2. The Evidence of Health and Safety Threats Is Anecdotal and this Concern Would be Fully Addressed by the Alternative**

By providing an upfront notice and ability for customers immediately to end the call and opt-out of further messages, any concerns about isolated instances of prerecorded calls tying up a phone line so that emergency calls cannot get through would be completely avoided. *See* 71 Fed. Reg. at 58723.

In fact, the record does not indicate that prerecorded calls last any longer or occur any more frequently than live operator calls. Therefore this concern appears unrelated to the choice before the Commission.

## **3. Losing the Right to Telemarket within an Existing Customer is a Major Deterrent against Abuse in a Strong Opt-out System**

The NPRM’s assumption that mandating more expensive means of placing calls is necessary to avoid a large increase in the volume of such calls, 71 Fed. Reg. at 58724, is misplaced for two reasons. If it is easy for consumers to opt-out, marketers will be reluctant to jeopardize the EBR because more than 80% of consumers are on the national do not call list. Furthermore, because of the likely high rate of opt-outs with a properly implemented opt-out regime, marketers will have a strong reason to expect a much greater number of consumers availing themselves of the DNC option than if they were doing live calls. Even companies that obtain leads or who do business frequently with consumers, and therefore have an ongoing EBR, will be concerned about losing the right to contact a consumer forever, and will modify their use of prerecorded telemarketing messages.

The NPRM notes that the Commission is concerned about non-compliance by some companies. We respectfully submit that this is a problem regardless of whatever rule the Commission adopts. In fact, a complete ban or express written consent opt-in rule would severely punish companies that are in compliance, while being disregarded by bad actors.

#### **4. Changes in Technology Do Not Suggest a Large Increase in Prerecorded Calls.**

The NPRM's assertion that prohibiting prerecorded telemarketing calls is necessary to stave off increased call levels as VoIP technology becomes more prevalent, 71 Fed. Reg. at 58723, ignores that equipment and facilities charges, not transmission expenses, are already a significant cost factor in telemarketing expenses. This is because long distance rates for high-volume users are already extremely low. Using VoIP will not significantly lower equipment and facilities costs for telemarketers and will not engender a significant increase in call volume over today's levels.

Furthermore, VoIP is already widely deployed today, and has not produced a "flood of prerecorded telemarketing messages" that some commenters warned of.

#### **5. Subjecting Prerecorded Calls to an Opt-in Requirement May Well Have Unintended Consequences that Do Not Benefit Consumers.**

The NPRM appears to assume that the opt-in rule proposed in the NPRM will reduce annoying calls to consumers.

Based upon MinutePoll's experience in the marketplace, we are certain that imposing an opt-in consent requirement for prerecorded calls will result in a substantial increase in live operator calls placed to EBR customers from lower cost providers. Because of the wide variation in the cost of labor worldwide and the low cost of international calling, the lowest cost sources of labor for these calls are in Third World countries with populations that speak English. MinutePoll is confident that an opt-in consent requirement for prerecorded calls would result in consumers receiving increases in live operator calls from call centers outside of the U.S. that may be more difficult for customers to understand and to exercise opt-out rights with, than prerecorded calls placed from the U.S.

## **V. THE PROPOSED RULE WOULD HAVE A SERIOUS ADVERSE EFFECT ON SMALL BUSINESSES**

In Question A.6, the NPRM asks how "the proposed Rule [would] affect small business entities with respect to costs, profitability, competitiveness, and employment." And in Question B. 15, the NPRM asks: "Do small businesses and other sellers have alternatives that are equally or more effective and economical than live [or prerecorded] telemarketing, such as postcard or email announcements?" 71 Fed Reg. at 58733.

Based upon our experience in the marketplace, we believe that the proposed rule would drive up marketing costs for small businesses collectively by raising the costs of telemarketing. For small businesses in the telemarketing industry, it would have a severe, disproportionate effect because these businesses do not have the resources from other lines of business to offset the loss of revenue, nor do they have sufficient scale to operate a large cost-effective live call center.

Postcards and email announcements have much less impact, and typically generate a much lower response and are most appropriate for other communications programs or as a complement to an active contact telephone campaign. Attempting to replace a telemarketing campaign with passive communications would greatly increase the costs to industry, and ultimately to consumers.

First, there are a significant number of small businesses such as ours that focus on providing prerecorded messages because they are more cost efficient and, in some instances, are more effective. Our business relies on being able to provide this service, along with our advice and expertise to our clients. We have determined that MinutePoll would be required to charge clients ten times our current rates per lead if we were required to replace prerecorded calls with live operators. We estimate that the regulations as proposed would reduce our revenue **by 85%**.

Second, MinutePoll expects that the proposed rule would require the termination of most of our existing employees, all of whom work in the United States. We would need to attempt to use live operators to replace the prerecorded messages. However, to be even remotely competitive, we would likely be forced to outsource the vast majority of our labor force to call centers in foreign countries. While this would comply with the TSR as amended, we strongly doubt that this result would be a favorable one for U.S. consumers, whom we are convinced would prefer a clear, understandable recorded voice to a live operator calling from another country.

Third, we see that larger competitors will have significant advantages through economies of scale in handling the costs of the proposed rule that we and other smaller businesses may be unable to absorb.

The likely effect of the proposed rule will be industry consolidation, since only the largest direct marketers have the capacity to absorb the costs that the Commission's proposed rule would impose. The reduced competition would increase costs in this market segment, raising our clients' costs and potentially increasing costs paid by consumers for their goods and services.

By contrast, the convenient IVR technology opt-out solution that we propose makes it quite easy to empower the recipient of a prerecorded phone call to press a touch-tone digit (and a second touch-tone digit for confirmation) that will automatically add the person's phone number to the company's own DNC list. This system is quick and does not require the respondent to make another phone call to speak with a company representative. Virtually all Interactive Voice Response (IVR) systems have the ability to alter the selection of messages played based on user input and to enter data in a database based on the result of the call. Therefore, implementing an



automated DNC solution is simply a matter of programming. While the costs will vary based on the type of system employed, we believe that the cost will be very low relative to the benefit to the telemarketer in most instances. To the extent that some industry commenters may have indicated otherwise in comments filed with the Commission in response the November 2004 NPRM, this is not the case today.

## **VI. IF THE COMMISSION IMPOSES AN OPT-IN REQUIREMENT, IT IS CRITICAL THAT IT ALLOW FORMS OF CONSENT OTHER THAN WRITTEN CONSENT.**

The written consent requirement in the proposed rule would not work in the context of customers who choose to communicate via telephone with a seller and call in to speak with a customer service representative. It would impose a heavy and unjustified burden on consumers who wish to receive information via prerecorded calls.

For example, most of the people who make inquiries to our clients do so by voluntarily calling a toll-free number in response to a television ad. The person calls our client specifically to receive more information for a long sales cycle purchase – usually enrollment in a vocational school -- that requires extensive information and counseling to choose the right institution. This sort of business model -- which already requires consumers to opt-in to receive prerecorded calls -- would be crippled by the NPRM's "written opt-in" requirement. Based upon our experience in the marketplace, we are convinced that customers who have already opted in once over the phone to receive prerecorded calls will not engage in a second, out of band communication to opt-in yet again. If these customers were required to wait for a letter to appear and then fill it out, or find an Internet connection and go to a website to fill out a form, most would be deterred from obtaining the information they desire.

In addition, maintaining paper records with written consent is expensive and increasingly difficult. Virtually all written correspondence for marketing these days must be entered into a database and the original is discarded to avoid storage costs. Being able to locate a specific written request would be especially burdensome and expensive. Nor is there any evidence in the record explaining why an Internet opt-in is more meaningful than a verbal opt-in given over the telephone.

## **VII. A SIX-MONTH GRACE PERIOD TO COME INTO COMPLIANCE IS ESSENTIAL**

The proposed written consent requirement for prerecorded calls in the Commission's October 4, 2006 NPRM is a dramatic change from the Commission's November 17, 2004 decision to forbear from enforcement actions against companies that use prerecorded calls subject to a company-specific opt-out. 69 FR 67287 (Nov. 17, 2004). Understanding that forbearance could be withdrawn, our company and others relied on the Commission's forbearance decision, basing our businesses on placing these prerecorded calls with an EBR. We

reasoned that if the FTC were to change course, it would provide a reasonable timeframe for any transition.

As would any business, we constantly search for new services we can offer our clients or other ways to expand our business. Since the publication of the October 4, 2006 NPRM, we have accelerated these efforts. We have determined that simple alternatives are not viable for our particular business. Live operator calling, a potential substitution, is more expensive per lead and not attractive to our clients. Even if it were, we are not cost competitive with larger firms which own integrated call centers. Direct mail is less effective in the markets we serve. We are working on other concepts which will take some time to refine, prove their viability and market.

It is critical that the Commission afford businesses at least six months from the publication of the Final Rule to come into compliance. Our experience in this, and other businesses, is that a normal development and sales cycle for new products is 9 to 12 months. During this time we develop new concepts, test them, measure results and refine execution. We must then allow time for clients to evaluate the concept, conduct their own tests and then commit funds and ramp up to match their expenditure rates of the current programs.

Adopting a shorter compliance deadline would irreparably harm smaller businesses, since most small businesses operating in this arena would lose a substantial percentage or all of their client base within weeks of being unable to place calls. Their clients would likely flock to larger telemarketers that are already well-positioned to oversee telemarketing campaigns with live operators. This would produce greater concentration in the telemarketing industry and would favor larger firms that already use live operators or that can better bear the costs of placing calls through live operators. A six-month forbearance period from the issuance of a Final Rule mandating an opt-in to prerecorded calls would provide an opportunity for companies such as ours to maintain current client relationships and revenue flow while working to develop new methodologies that are compliant with the Commission's Rule.

Even if the Commission decides to amend the rule in a way that permits the sort of limited safe harbor advocated in our comments, a six-month transition period is necessary to protect small businesses from disruption, significant loss of revenue, and damage to hard-won, existing contracts and relationships. If the Commission declines to provide any safe harbor, this additional time will provide small businesses with the opportunity to develop other lines of business.

## **VIII. CONCLUSION**

MinutePoll firmly believes that a limited safe harbor for prerecorded calls to EBR consumers is consistent with the Commission's underlying objectives where such calls afford the recipient the opportunity to quickly and effectively opt-out of such messages, and prevent abusive volumes of calls. The proposal we have outlined above addresses the privacy concerns broached by the Commission and promotes consumer choice in a fashion that a rigid, opt-in requirement would not.

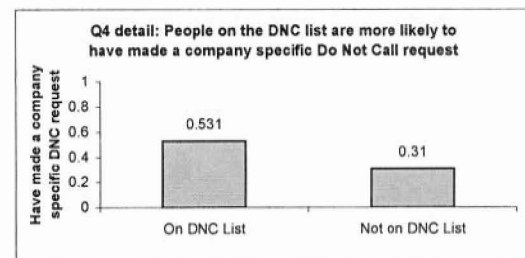
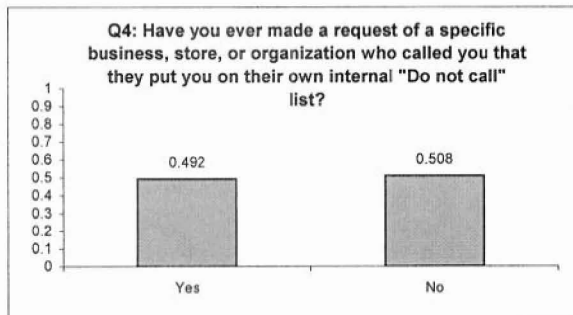
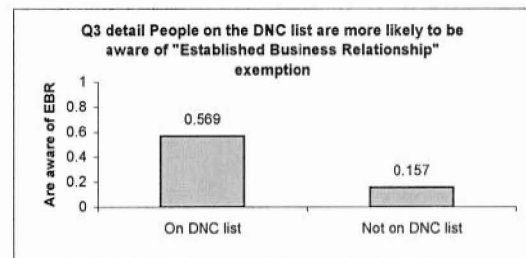
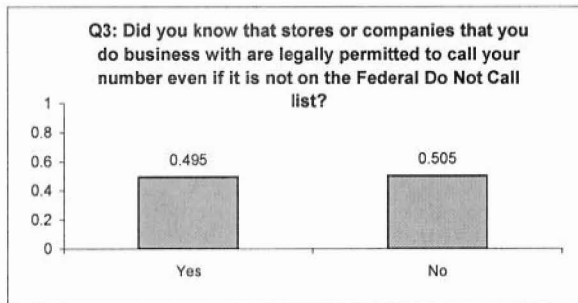
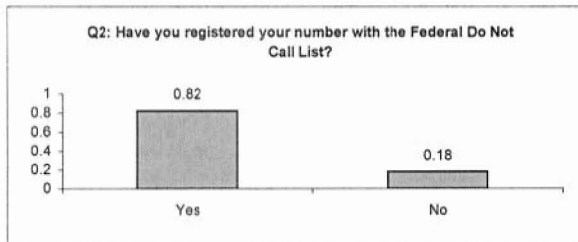
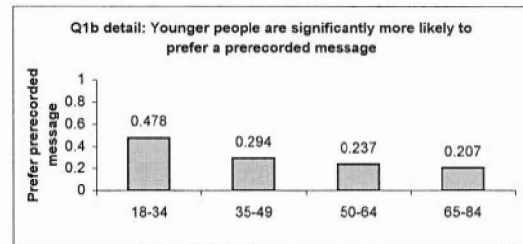
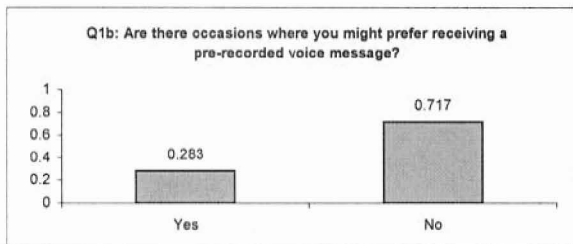
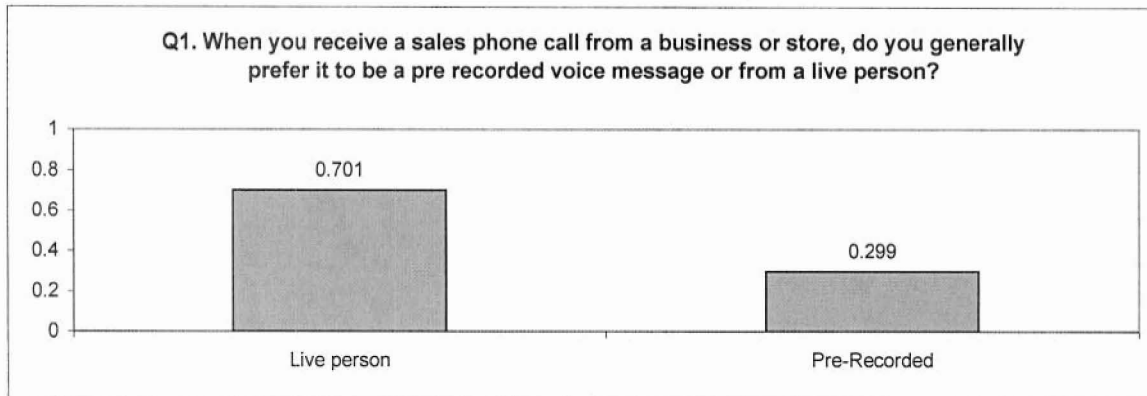
Should the Commission decide to ultimately publish its rule without significant modification, it is critical that the Commission allow telephonic consent and continue its policy of forbearance for at least 180 days subsequent to the publication of the final Rule.

Sincerely,

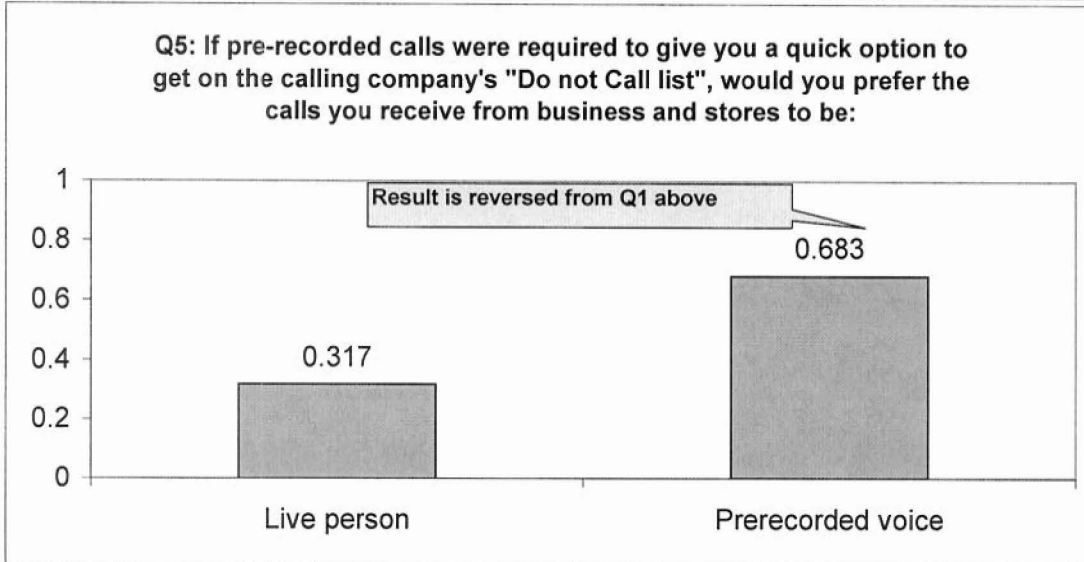
Joel Margoese  
President  
MinutePoll, LLC

# Exhibit A: Results of National Survey on Do Not Call Preferences

Results from online survey conducted Oct 10-12, 2006 using randomized National Sample.  
 Results based on 388 interviews. Margin of Error is +/- 5%



A new rule being considered by the Federal government would require that pre recorded messages start out by giving you a choice of either hearing the message or pressing a key or calling a toll free number to be added to that company's own "do not call list". calls from live operators would not be required to do this. If pre-recorded calls were required to give you a quick option to get on the calling company's "do not call list", would you prefer the calls you receive from businesses and stores to be...?



**Details**

Following are summaries of respondents "open ended" responses where they explained why they answered certain questions as they did.

**What are the advantages of a pre-recorded voice message over talking to a live person?**  
(Asked of people who Prefer Pre-recorded messages generally or on some occasions)

54%	Able to hang up on it
16%	Quicker and to the point of the call
7%	Do not have to talk to a human
7%	No pressure to buy something
7%	Don't have to respond/reply
3%	Clarity of language/Easier to Understand
6%	Other
4%	None/Don't know/no answer

*Note: Responses exceed 100% due to multiple responses from some participants*

**Why would you prefer to talk to a live person?**

(Asked of people who still prefer live, even if recorded messages have a DNC opt-out)

47%	Prefer to talk to people
16%	Accuracy/Easier/Faster
11%	Get them to stop calling/get off the list
7%	Busy/Don't want to be bothered
23%	Other/None/Don't know/no answer

*Note: Responses exceed 100% due to multiple responses from some participants*

**Why would you prefer a prerecorded message**

(Asked of people who prefer prerecorded messages with a DNC opt-out)

33%	Get them to stop calling/get off the list
20%	Accuracy/Easier/Faster
16%	Can hang up easier/without guilt
14%	Busy/Don't want to be bothered
11%	Less pressure to buy something
7%	Don't want to talk to people
10%	Other/None/Don't know/no answer

*Note: Responses exceed 100% due to multiple responses from some participants*



## Exhibit B: Do Not Call Opt-Out Test

Minutepoll conducted a prerecorded telemarketing campaign to consumers with an EBR. Everyone who answered the phone was given a brief greeting identifying the caller, explaining the purpose of the call and why the person was called (the EBR). They were then (14 seconds into the call) offered a chance to be added to the company specific DNC list via a touch-tone.

