



December 15th, 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:

Thank you for this opportunity for MP Marketing Services Inc. to comment on the FTC's proposed denial of Voice Mail Broadcasting Corporation's request for a new safe harbor to permit pre-recorded voice messages to those with an established business relationship.

MP Marketing Services, located in Bartlett, Illinois, specializes in targeted database and event marketing. We are a small business with four full-time employees and two freelance contractors. We work with clients to re-screen & re-activate existing segments of their database by providing announcements about upcoming events or new information about opportunities that might be of interest to the person being called. Client databases are primarily made up of people who submitted an inquiry in response to a client television broadcast, direct mail or internet campaigns, thereby creating the pre-existing business relationship.

Because of its proven effectiveness and cost efficiency, we use interactive pre-recorded messages for most of our contact programs. We have been placing these calls since 2001 and ensure that our messages comply with the rules and regulations for identification and use of the Federal Do Not Call List. Over this time, we and our clients have received and honored many requests to be added to a company specific DNC list with virtually no complaints from individuals receiving these calls.

We believe the wide acceptance of these pre-recorded messages to existing business relationships is due to three factors:

- Clear identification of who is calling, why they are calling and how the phone number was obtained (specifically from a consumer request for information from a previous television, direct mail or internet campaign).
- Respondents can press a touch-tone button to speak with a live representative to RSVP to an event, request additional information, ask a question, or get onto the company specific DNC list. They can leave a recorded message for follow-up.
- The pre-recorded calls provide information, usually about an upcoming event or new information available, and never attempt to directly sell a product or service.

Though our clients hope that the respondent will attend the event, or request additional information and then decide whether to purchase their goods or services, the call itself is not a sales call. In our experience with actual consumers this is an important distinction...especially for consumers that require a longer time period to make a specific purchasing decision.

A ban on interactive pre-recorded messages as currently defined in the proposal would severely damage our business and the people we employ. Other methods of reaching segments of our client's database are much less cost-effective. A ban would force our clients to go to other vendors who already offer direct mail and live telemarketing... which we do not.

We believe that many of the consumer complaints the Commission hears about are driven by companies who disregard the current rules about established business relationships, proper identification, Do Not Call list requirements and company opt-out options.

We request that the FTC grant a safe-harbor to allow interactive pre-recorded calls to established customers and prospective customers provided that the messages meet the current identification and DNC requirements, as well as an up-front opt-out option to allow the consumer to be automatically added to the company's Do Not Call list simply by pressing a touch-tone.

We believe that this opt-out option is the best way to protect consumer privacy while still allowing those consumers interested to still receive valuable and relevant pre-recorded messages. There is industry research to support that consumers prefer recorded messages with an effective opt-out to the company Do Not Call list over a live telemarketer call that is not required to contain the same disclosure.

We also know from experience that when an opt-out option is introduced to an existing business relationship there is a low opt-out rate. In recent campaigns run only 9% - 11% of those that listened to the message opted out to the company Do Not Call list. We believe this is primarily due to the relevancy of the message relative to the existing business relationship.

Overall, we believe that research and actual results show that when there is a valid existing business relationship the relevance and value of the pre-recorded messages yields a low opt-out rate while allowing consumers no longer interested to be placed on a company Do Not Call list.

Many of our clients' customers and database leads originate from a consumer calling in and responding to television ads. Having to get written permission to receive pre-recorded calls is in effect a double opt-in as they already responded to the television ad and requested information about the product. Requiring written consent would also be difficult and expensive to implement especially for individuals who responded through a #800 phone number. One result is that consumers would be denied the chance to receive information about events and opportunities that they might find important or of interest. Of course, companies will still continue to market to consumers who express interest, but with higher costs, they will provide consumers with less information and choice. By adding in a clear, quick opt-out option, consumers will have control over which messages they receive without the burden of having to fill out a form.

We also request that the FTC hold off on the proposed January 2, 2007 deadline until 6 months after its final rule is published. If the final decision rule against interactive pre-recorded calls, our existing relationships with clients will be irreparably damaged if they are forced to even temporarily re-allocate budget money and look for other marketing alternatives.

In summary, our experience is that consumers do not object to interactive pre-recorded calls that provide key identification information and an easy opt-out option, thus putting the call recipient in control. We strongly urge the FTC to allow a safe-harbor allowing interactive pre-recorded telemarketing calls to established business relationships (EBR), provided that the calls meet all existing TSR identification requirements and include an upfront DNC option where the call recipient can be added immediately and automatically to the company's own DNC list. We request that the requirement of written consent be removed in lieu of the up-front DNC opt-out proposal. We also request that the FTC maintain its current forbearance policy until 6 months after publishing final rules.

We thank you for your consideration.

Sincerely,

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