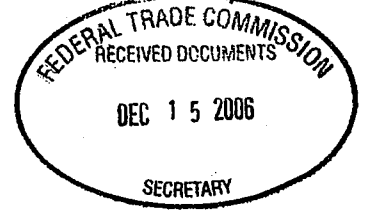


November 1, 2006



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

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

TO WHOM IT MAY CONCERN:

It is my understanding that the telemarketing industry or certain companies within that industry petitioned the FTC so that the industry as a whole can be allowed to make prerecorded sales calls to consumers with whom they have an established business relationship.

I do not want to receive any prerecorded messages from any company that I have done business with, so I oppose adding a new safe harbor provision. If I want additional services or products from a company I will contact them. Despite industry assertions, I do not believe that allowing this would preserve the good will of the customer-- it would not preserve my good will.

I believe the industry is trying to curtail the Telemarketing Sales rules and force the consumer to take additional steps to protect their privacy. This would be like going back to receiving calls before the existence of the Do Not Call Registry--calls received at the consumer's residence without their consent.

The FTC is correct in assuming that if a new safe harbor provision is enacted that the frequency of the lower-cost prerecorded messages would increase. I think this would become intrusive and thus the protection of the National Do Not Call Registry would certainly become illusory.

In addition, I have read nothing that indicates how long these pre-recorded messages would last. If my answering machine picks up a call, will the call end when my preset message time is up? If not, will the autodialer call my number again because the company did not deliver their entire message thus tying up valuable message time?

Appropriately, the Commission believes that a consumer should have the opportunity to assert their seller specific Do Not Call rights during the prerecorded message, but the industry is against that.

If the telemarketing industry really believes people want to hear their prerecorded sales messages, why are they so opposed? To me this just indicates that the goal is to erode the privacy rights of the customer in order to try and make more money.

The industry has indicated that for the customer to be connected to a live operator to assert their rights is too costly. Again, the telemarketing industry wants all the advantages of selling, but wants the customer to do the work to assert their Do Not Call rights.

Another industry suggestion was to put a toll free number at the end of the prerecorded sales message and allow the customer to be able to have the message replayed so they can copy down the number they need to call to opt out of future prerecorded calls. This suggestion is ludicrous. Does the telemarketing industry really think that forcing the customer to listen to the message again will preserve the customer's good will?

The telemarketing industry is trying to find a new way to sell and is giving assurances that they will self regulate and not abuse their customers. The reason we have a National Do Not Call Registry is because the industry refused to regulate itself and abused consumers by ignoring their requests not to be contacted.

It is my feeling that providing the industry a new safe harbor provision will just invite abuse. I think the industry will also be encouraged to devise new petitions to make further inroads to dissolve the rights and privacy of consumers and continue a quest to weaken Telemarketing Sales rules as much as possible.

I recently received a catalog from a company that I have not done business with for at least 6 years. I think granting this new safe harbor will also prompt the telemarketing industry to become creative concerning their customer base.

Please do not allow this proposed additional safe harbor provision. Allowing prerecorded sales calls to established customers would be a very real disservice to consumers.

Sincerely yours,

(Mrs.) Laurel Barker