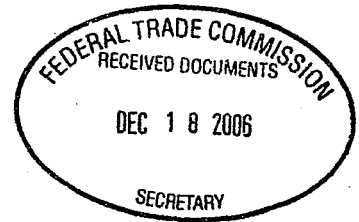


12/12/2006



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

RE: Prerecorded Call Prohibition EBR Telemarketing, Project No. R411001

I appreciate the ability to comment on this matter. I am currently remodeling my kitchen. One of the products that I am using in this project was offered to me by a company that I had recently expressed an interest in via the web. The company sells Flooring at extremely low costs. This company sent a pre-recorded sales message to my home one evening, the message was clear in that they would match or beat any competitor's price. I happened to be in a hurry that evening so I simply wrote down the companies contact information which was offered in the recording. When it came time to purchase flooring I ended up making my purchase from the company that called me with a pre-recorded sales message. This call saved me time and money. I later learned from the owner of the flooring company that the FTC has proposed a new rule that would have prohibited the "sales" call because of the unrealistic "written permission" rule that would have made this companies call campaign impossible. A rule that hurts business and consumers is a bad rule.

As a side note the "Older Persons Commission" (OPC) organization that I belong to regularly contacts me via pre-recorded messages with both alerts and offers. I like this and find great benefit in receiving these calls.

I tried to research this issue and have come to find that two agencies have conflicting rules. FCC allows calls to those with an established business relationship and FTC proposes written authorization. Conflicting Rules? Confusing?

The FTC's proposal would interfere with my privacy rights to get calls from those that I wish to receive calls from?

I am very much opposed to the FTC's proposal that would require written authorization to receive pre-recorded telemarketing calls from the businesses and Non profit organizations that I have an Established Business Relationship with. I am aware of the burden this would place on these businesses and I believe this burden would cause most of if not all of the businesses that call me to simply discontinue sending these calls.

Pre recorded sales calls provide a great benefit to businesses and consumers and it is outrageous that the FTC would even consider interfering with the relationship between a business and its customers.

I would ask the Commission to either adopt the EBR exception contained in the TCPA that creates an exception for pre-recorded calls sent by companies that have an EBR with the person they are calling or continue its forbearance towards businesses that send pre-recorded messages to those with an EBR beyond January 2, 2007.

Sincerely,

Mr. David R. Stroud