



NATIONAL AUTOMOBILE DEALERS ASSOCIATION
8400 Westpark Drive • McLean, Virginia 22102
703/821-7040 • 703/821-7041

Legal & Regulatory Group

May 31, 2006

Via E-Mail

Federal Trade Commission
Office of the Secretary
Room H-135 (Annex D)
600 Pennsylvania Avenue, NW
Washington, D.C. 20580

Re: TSR Fee Rule, Project No. P034305

Dear Sir/Madam:

The National Automobile Dealers Association (“NADA”) submits the following comments in response to the Federal Trade Commission’s (“Commission”) Notice of Proposed Rulemaking requesting comment on its proposal to amend the Telemarketing Sales Rule (“TSR”) to revise the fees charged to entities accessing the National Do Not Call (“DNC”) Registry. 71 Fed. Reg. 25,512 - 25,516 (May 1, 2006).

NADA represents approximately 20,000 franchised automobile and truck dealers who sell new and used vehicles and engage in service, repair and parts sales. Our members employ more than 1.3 million people nationwide. A significant number of our members are small businesses as defined by the Small Business Administration.

NADA strongly supports the Commission’s proposal to continue allowing all entities accessing the national registry to obtain the first five area codes of data for free. As we have commented in the past, our members are unlike professional telemarketing companies that place numerous calls within a single area code. Instead, like other small businesses, most automobile dealerships tend to make telemarketing calls on a much smaller scale. Removing the five area code exemption would disproportionately impact small businesses as they would pay the same per area code fee as larger telemarketers, that place a much heavier volume of calls to phone numbers registered within these area codes. We believe that allowing free access to the first five area codes is an “appropriate compromise,” as the Commission has stated in prior fee rules.

We thank you for the opportunity to comment on this matter.

Sincerely,

Smitha Koppuzha,
Staff Attorney