



**Before the
FEDERAL TRADE COMMISSION
Washington, DC 20580**

**COMMENTS OF
DIALAMERICA MARKETING, INC.**

TELEMARKETING SALES RULE – COMMENT

MONTHLY REGISTRY ACCESS, PROJECT No. R411001

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I. Introduction

DialAmerica Marketing Inc. (DialAmerica) welcomes the opportunity to provide the Federal Trade Commission (Commission) with comments regarding the notice of proposed rulemaking on the amendment of the Telemarketing Sales Rule. Our comments specifically focus on the desire to have a set monthly schedule for downloading the National do-not-call Registry (Registry) along with providing consumers with a copy of this schedule and how it relates to their sign-up and effective date for the cessation of non-exempt calling.

II. "Thirty (30) days" versus "Monthly"

DialAmerica believes the best approach for consumers and business compliance with the proposed amendment regarding the Registry is to utilize a set monthly schedule. This can be accomplished without concern for telemarketers that might attempt to subvert the intent of the Registry as suggested by the Commission. As an example, we suggest a requirement that companies must download and implement an updated version of the Registry between the first and fifteenth of every month. This will allow companies two weeks time to comply as well as give companies a consistent set schedule to incorporate as a regular business practice. At the same time, utilizing a 15-day window to download and implement the Registry will help to reduce any constraints on the system since not every company will need to download on the same date.

The thirty (30) day suggestion by the Commission could present confusion and allow for inadvertent mistakes by companies. Having a set monthly schedule is more beneficial than having to count days between downloads. Businesses are primarily run on a calendar cycle basis and not a thirty-day basis. Utilizing our suggestion above would allow for companies to maintain consistency by incorporating a scheduled monthly download, as well as prevent companies from having to download and implement a copy of the Registry more than once per month. Under the Commission's suggestion of utilizing thirty-days as a requirement for having an updated version of the Registry in place, businesses will need to download the file at least twice per month to allow enough time for implementation by the end of thirty-days. This doesn't even take into consideration that seven months of the year contain thirty-one days.

Additionally, with a set monthly schedule as suggested, the Commission could provide a chart for consumers with the downloading requirement and provide them with more specific information as to when their registration on the list would be in effect. This could also be utilized as a method for the Commission to educate consumers and avoid unnecessary research into complaints that are not valid (as an example, see attached chart from the frequently asked questions section of the Colorado No-Call Program at www.coloradonocall.com).

Chart copied from the Colorado No-Call Program website.

Q. What is the schedule for updating the list?

A. See the chart below.

If You Sign-Up Between the Following Dates:	Telemarketers Must Update Their Lists By:	Complaints or Private Legal Actions May Be Filed On or After:
January 1 - March 31	April 30	May 1
April 1 - June 30	July 31	August 1
July 1 - September 30	October 31	November 1
October 1 - December 31	January 31	February 1

Although this chart is representative of a quarterly update of the Colorado No-Call Program, this chart could easily be adjusted and utilized for the Registry with a monthly schedule (see below).

If You Sign-Up Between the Following Dates:	Telemarketers Must Update Their Lists By:	Complaints or Private Legal Actions May Be Filed On or After:
January 1 – January 31	February 15	February 16
February 1 – February 29	March 15	March 16
March 1 – March 31	April 15	April 16
April 1 – April 30	May 15	May 16
May 1 – May 31	June 15	June 16
June 1 – June 30	July 15	July 16
July 1 – July 31	August 15	August 16
August 1 – August 31	September 15	September 16
September 1 – September 30	October 15	October 16
October 1 – October 31	November 15	November 16
November 1 – November 30	December 15	December 16
December 1 – December 31	January 15, 2005	January 16, 2005

III. Conclusion

Although the term “thirty (30) days” may be more precise than the term “monthly”, DialAmerica believes that the Commission should set a regular schedule for businesses to download and implement the Registry. As stated above, a uniform monthly schedule will help businesses maintain compliance and consumers understand the effective compliance date. A chart similar to the one from the Colorado No-Call website would provide an educational opportunity that should help reduce consumer confusion. Creating this uniformity will assist the Commission and any other enforcement agency in following-up on legitimate consumer complaints.