



February 26, 2004

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

Re: Project No. R411001 Monthly Registry Access,
69 Federal Register 30, 7329-7333 (February 13, 2004)

Dear Sir or Madam:

The Maryland Association of Realtors® (MAR) appreciates this opportunity to comment on the Federal Trade Commission's proposed amendments to the Telemarketing Sales Rule (TSR) Do-Not-Call Safe Harbor provision, 16 CFR310.4(b)(3)(iv) that require more frequent updating of calling lists against the National Registry. MAR is a voluntary membership association with more than 23,000 members who are engaged in all aspects of the residential and commercial real estate industry. Our members have a significant interest in the outcome of this proposed rule.

We believe that a monthly requirement to update call lists is ambiguous; a thirty days standard is clearer. It is important that our members can be certain about how to comply with the requirement.

However, we believe it is still unclear as to whether our members will be required to download the Do-Not-Call list every thirty days or if accessing the new numbers added in the previous thirty days will be sufficient. Compliance would be quicker and cheaper if new numbers are the focus rather than the entire list. The FTC should also consider how a caller should document compliance when the caller is using the interactive search feature of the Registry, as interactive users do not receive documentation of their compliance at the conclusion of a search.

We agree with the FTC that sellers and telemarketers will need an extended period of time to modify their systems and procedures to comply with the requirement to "scrub" call lists every thirty days. An effective date should be far enough into the future to ensure that the Registry is free from technological problems. Our members are reporting difficulty in registration, accessing information once a password is provided and in troubleshooting. At present, the FTC only provides assistance to registered sellers by responding to emails, and the stock answer is sometimes not responsive to the question or problem encountered. Sellers need ample time to establish and refine their processes for scrubbing call lists. Approximately two thirds of our members are agents or brokers in small firms or offices with five or fewer agents. Because of their small size,

they are particularly sensitive to increases in the cost of maintaining their businesses. We ask that the FTC adopt an effective date that provides for a lengthy period for small businesses to plan, budget and absorb the costs. MAR recommends that a rule requiring more timely call list updates become effective not less than one year after publication of a final rule in the Federal Register.

Thank you for the opportunity to present the views of the Maryland Association of Realtors®.

Sincerely,

Mary C. Antoun
Chief Executive Officer