



National Newspaper Association
Washington Programs
PO Box 5737
Arlington, VA 22205
(703) 534-1278
(703) 534-5751 (fax)
NNAWashington@nna.org
www.nna.org

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Office of the Secretary
Federal Trade Commission

Comments on Monthly Registry Access
Project No. R411001
Submitted electronically

These comments are submitted on behalf of the National Newspaper Association (NNA) to provide comment on the Federal Trade Commission's proposed amendments to its Telemarketing Sales Rule, 16 CFR Part 310.

I. Background

The National Newspaper Association is the oldest and largest community newspaper association in the country. The NNA represents 2,500 community newspapers nationwide. Most are family-owned and operated, and have circulation under 10,000 copies in a typical issue. They specialize in local news and advertising, and they provide the mortar that holds small towns, suburbs and urban communities together. Newspapers use telemarketing to sell subscriptions and other products and services to customers, both to individuals and to local businesses. They may also use telemarketing for such simple exercises as contacting the advertiser in the classified columns to find out whether the used bicycle has been sold yet, the golf clubs remain available for sale or the child care query is yet unfulfilled—and to inquire whether the advertiser wishes to renew the small classified ad. Although many telemarketing campaigns are purely intrastate matters, many also cross state lines—either in reaching existing or potential customers or through use of out-of-state telemarketing consultants.

II. "30 Days" versus "Monthly"

While the phrase "30 days" is a more precise term than "monthly," NNA believes that the term monthly provides for greater flexibility, especially for the smallest of its members. Many of NNA's members are family owned and operated newspapers in small communities. These papers often have only a handful of staff who are already stretched too thin producing a newspaper every week or every day. Some of these newspapers do not even use computers to maintain their calling lists. Downloading a copy of the list and manually trying to find all of the phone numbers would be an overly burdensome task, but even checking groups of ten phone numbers at a time through the Interactive Phone Search can be a cumbersome task. It is easier to make sure that a task is done in a month, rather than making sure it is done every "30 days" because not all months are uniform. It

would be very easy for a small firm to lose track of a month with 31 days, and update their list a day late. However, this day could cost the paper up to \$11,000. Requiring newspapers to scrub their lists every “30 days” puts an undue burden on the smallest papers as they try to provide important services to their communities. Requiring them to scrub “monthly” would give them the flexibility needed to make sure the job is done and avoid facing expensive penalties.

III. Effective Date

NNA proposes that the change to monthly registry access be enacted April 1, 2005. Companies have only been required to scrub their lists twice since the Do-Not Call List went into effect. Many small newspapers are still working on major database overhauls to accommodate the list on a 90 day basis. Additional time is needed to become more familiar with the system and establish the best ways to handle the task at hand. This is particularly important for the smallest papers who must dedicate a significant percentage of their already small workforce to maintain accurate records. NNA believes that at least an additional year is the appropriate amount of time needed to establish best practices in dealing with the Do-Not-Call Registry.

IV. Conclusion

NNA feels that the phrase “monthly” rather than “30 days” provides greater flexibility for the small newspapers that are already struggling with keeping their calling lists in compliance with the Do-Not-Call rules. Additional time is also necessary for these papers to establish best practices in handling the Do-Not-Call compliance. The change to “monthly” scrubbing should not be made until April 1, 2005.

Respectfully submitted,



Jeffrey Carson
Assistant Manager of Government Relations