

User Fee - Telemarketing Rulemaking - User Fee Comment FTC File No. R41101

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To: FTC.SERIOUS("userfee@ftc.gov")
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Subject: Telemarketing Rulemaking - User Fee Comment FTC File No. R41101

RE: Telemarketing Rulemaking - User Fee Comment FTC File No. R41101

The National Consumers League (NCL), which has been an active participant in the review of the Telemarketing Sales Rule, is pleased to comment on the Federal Trade Commission's (the Commission) proposal concerning users fees that will be assessed if a national "do-not-call" registry is implemented. NCL is a private, nonprofit consumer advocacy organization. The Commission correctly recognizes that the cost of operating such a registry should be borne by those that solicit consumers by telephone, not by consumers who are trying to defend themselves against unwanted calls. NCL believes that the Commission has proposed a reasonable fee structure and would like to offer the following specific observations in that regard.

User Fee to be Charged by Area Code

NCL agrees that it is sensible to charge telemarketers based on the number of area codes in which they plan to solicit. This approach would ensure that telemarketers' expenses in connection with the registry are proportionate to the scale of their campaigns. A flat rate would not be fair to small-scale telemarketing operations.

No Charge for One to Five Area Codes

NCL believes that free use of data for one to five area codes is appropriate for small telemarketers that wish to conduct limited campaigns. However, the Commission should explicitly prohibit telemarketers that avail themselves of these "free" area codes from being able to "buy-up" additional area codes during the same twelve-month period. Telemarketers should also be explicitly prohibited from making multiple requests for five free area codes during the same twelve-month period. These prohibitions are necessary to prevent telemarketers from unfairly obtaining free service from the registry.

Fee to Gain Access to National Registry on Behalf of Others

Anyone who wishes to gain access to the registry on behalf of sellers or telemarketers should be required to pay the appropriate user fees for those entities. If list brokers are allowed to access the registry, their payments should be based on the number of clients they represent. Charging them only for the total number of area codes they obtain would be unfair to telemarketers that do not use list brokers and would undermine the economic viability of the registry. List brokers should be required to pay additional fees for each new client they serve.

NCL appreciates the ability to provide the consumer perspective on these issues. Thank you very much for your consideration.

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