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Federal Trade Commission
CAN-SPAM Act
Post Office Box 1030
Merrifield, VA
22116-1030

Re: CAN-SPAM Act Rulemaking, Project No. R411008

To the Commissioners,

While I applaud your efforts to curb the problem of unsolicited bulk email, I am at the same time, concerned about the proposed requirement for merchants to maintain suppression lists. Your proposed regulations would effectively kill my small business and I do not send nor have I ever sent UCE.

I have several Opt-in only newsletters that provide useful articles along with one or more short text based ads for various affiliate programs. These affiliate program ads are all related to products that would be of interest to the readers of my newsletters. I have also opted-in myself to a number of such newsletters. There is no way to know the reason why someone unsubscribes from one of my newsletters or if I unsubscribe from someone else's newsletters. Was it because we simply were no longer interested in the primary content of the newsletter, did not like the writing style of the author, or was it because of a particular ad?

In almost all cases of newsletter or ezine subscribers, they unsubscribe because they are no longer interested in the content, do not find the content useful any longer, or dislike the writing style of the authors, not because of any particular ad that might be contained in the newsletter or ezine. I have never unsubscribed from a newsletter or ezine because of an ad. Nor do I know anyone else who has unsubscribed from a newsletter or ezine because of a particular ad. I have on one occasion unsubscribed because an ezine became mostly filled with ads and had very little content of value, but even then it was not because of any particular ad.

Those of us who have small businesses that depend on the use of legitimate opt-in newsletters or ezines would be destroyed buy the proposed regulations. There is no way a small business could effectively manage the requirements.

There are so many problems and costs associated with this idea, and so much damage done to consumers and businesses alike, that I feel I must urge you to consider this matter most carefully.

Requirement of the use of suppression lists will seriously damage many of the legitimate publications available on the net. My specific concern is for harm to publishers who require permission from the consumer prior to adding them to any list.

They're not the people that CAN-SPAM was designed to put out of business, but this requirement will very likely have that effect. Small businesses are the backbone of American commerce. The proposed implementation of CAN-SPAM misses the mark in that it will drive a stake in the heart of legitimate opt-in emailers while doing nothing to stop real SPAM.

There's also the potential for significant harm to consumers, because of the problem of properly knowing their intent when they unsubscribe from a list. On top of that, these suppression lists could easily fall into the hands of spammers, leading to more spam instead of less.

Please protect legitimate small businesses that rely on legitimate opt-in email without making the regulations so onerous as to effectively drive them out of business. I know that the proposed implementation would certainly drive me out of business as there is no way I could meet its time consuming and costly requirements although I have never sent SPAM in my life.

I was quite surprised at the potential problems this ruling could involve, and urge you in the strongest possible terms to reconsider its implementation in light of these problems.

Respectfully,



George Dodge
Virginia, USA