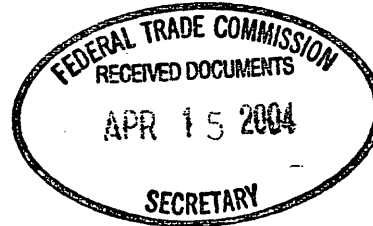


Executive Insight  
Effortless Excellence

# Bill Marvin

## The Restaurant Doctor<sup>SM</sup>

000753



April 14, 2004

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

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

To the Commissioners,

I applaud your efforts to curb the problem of unsolicited bulk email. However, I am concerned about the proposed requirement for merchants to maintain suppression lists.

The Internet has become a great equalizer for the small business, but there are more problems and costs associated with this idea than the typical small business can cope with. Requiring the use of suppression lists will put many legitimate web-based businesses out of business. It will punish me if subscribers to my e-letters want to forward a copy to their friends (one of the main ways my circle of influence grows.)

My specific concern is for harm to publishers who require permission from the consumer prior to adding them to any list. They are not who CAN-SPAM was designed to put out of business, but this requirement will very likely have that effect. 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.

There is always the risk that these suppression lists could easily fall into the hands of spammers, leading to more spam instead of less, much as I have actually seen an increase in the spam I receive since the CAN-SPAM legislation went into effect.

There may be a problem here, but a suppression list is not the way to solve it. Please reconsider its implementation in light of these problems.

Respectfully,

William R. Marvin



Effortless, Inc.

PO Box 280 • Gig Harbor, WA 98335 • (800) 767-1055/(253) 858-9255  
Fax: (888) 767-1055/(253) 851-6887 • e-mail: bill@restaurantdoctor.com • www.restaurantdoctor.com