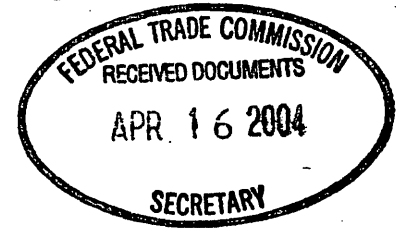


Federal Trade Commission/Office of the Secretary
Room 159-H
600 Pennsylvania Avenue, N.W.
Washington, D.C.
20580



Tuesday, April 13, 2004

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

Dear Respected and Honorable FTC Commissioners,

Your efforts to curb unsolicited bulk email are appreciated and to be lauded. However, I have strong concerns about the proposed merchant requirements to maintain suppression lists.

The act has an incredible number of problems and extremely high costs for the merchant and subsequently for the consumers, so much so that I know I must urge you to consider this matter very carefully.

Suppression lists will in fact damage or irreparably harm and seriously hurt those many legitimate publications available on the net especially the independent or individual, small and medium sized publishers.

The harm to publishers, who are already conducting double opt-in permission requirements from the consumer before they are added to any list, will seriously be harmed. The legitimate publisher is just that, legitimate.

The mini-courses, newsletters, notices, and ezines are services and products that people continually opt-in for and as most use double confirmations and clear and obvious notices on how to be removed from the list, a suppression list will only enhance consumer dissatisfaction and delay in service.

I would be more than happy to enter into a debate on the merits of internet publishing, but this is not the forum or venue for such a discussion.

The legitimate publisher is not who the CAN-SPAM was developed or designed for stopping, these are not the people you want to put out of business are they? Yet, the suppression list action will very likely have that effect.

Hundreds and thousands of free-enterprise loving Americans will be harmed unintentionally with such a suppression requirement. All age groups will be affected, and a cloud of mistrust will forever haunt both the publishers and the government for creating such an over-compensatory action as the suppression action.

Consumers will be subject to potentially significant harm because of the idea of intent being properly known when they unsubscribe from a list. Consumers depend on their publishers for business purchases, up to date information in specialized target or niche areas. Hobbies, personal relations, entertainment, even the soothing effects of general gossip is a known psychological pacifier.

Suppression list will not be any safer than any other server or website local on the internet and a suppression list seems to me to be a clear invitation to get the spammers to make all types of attempts (probably successful) to get the lists - which leads to even more spam.

It is a simple fact that most people will enter websites out of curiosity and

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freely post their names to places where spammers have software that can easily retrieve those names. Plus it is a fact that people will intentionally visit so called unvisited sites and freely give out their credit cards and other information and then claim that the subscriptions they made are indeed false.

This happens at all ages and walks of life. People should be educated not penalized. I myself have email addresses that never receive spam because I simply do not give the email address out to any but legitimate publishers who request double opt-in.

In the same vein I have spam blockers at the server and I can easily white list friends and associates and newsletters and ezines. It only takes 5 seconds to hit the all clear and delete button. Spam is then gone.

Apparently government records show that 8% of the receivers of spam actually respond and purchase the products offered. Everyone has hit an intriguing subject line and opened it and followed it to various websites. People are adult enough to be able to say no. They do not have to continue their actions.

We can not say that any particular field is reprehensible, the human mind created the field and it is pursued by the interested and curious.

It is not hard for people to not respond. We as Americans especially, built and thriving on freedom concepts, do not need such things as suppression lists that harm only the consumer and the legitimate publishers.

The ruling, suppression list ruling, could involve tremendous problems, at least the potential for more problems than the proverbial can of worms is great, in cost to the publisher and consumer.

Education on how not to respond and how to create safe lists and use of personal filters is an appropriate solution.

The creation of a special opt-in filter on the client side is much more practical, this is also more cost effective.

Education dear commissioners, not government suppression lists is the key here.

I urge you with my most heartfelt feelings and clear business rationale to reconsider implementation of such an action in illumination of these problems

Respectfully,
Rick Adair
Kansas, USA

