



Federal Trade Commission
Office of the Secretary
Room 159-H
600 Pennsylvania Ave., N.W.
Washington, DC 20580

Re: CAN-SPAM Act Rulemaking, Project No. 41108 – Do-Not-Email Registry

Dear Mr. Secretary:

On behalf of APC (Nasdaq: APCC), I am responding to the request for public comments on the proposed National Do-Not-Email Registry. APC believes that a registry, if enacted, would have a negative impact on our business and industry. More importantly, we believe that such a registry would not solve the spam problem, and would divert significant taxpayer resources away from the primary focus of enforcing the CAN-SPAM Act.

Following review of the Request For Information and Advanced Notice of Public Rulemaking, APC believes these issues should be considered prior to implementing a National Do Not Email Registry.

1. All individuals who receive communications via e-mail from APC have provided consent to receive our information. There are currently no exemptions in the proposal for pre-existing business relationships. Such an exemption for email consented by recipients would be necessary to ensure the continued efficacy of email communications.
2. We strongly believe that reducing spam is in our company's best interests. However, if such a registry fell into unscrupulous emailers' control and used for spam, this would further exacerbate the problem and hurt our business.
3. Many of the proposed processes for establishing a registry, such as using a third party forwarding service, would place an undue burden on my business and hamper our abilities to use email efficiently and expeditiously.
4. One of the proposed processes for establishing a registry includes a domain-wide opt-out. Such a process may lead to significant amounts of our permission-based email being erroneously filtered, deleted, or sent to the FTC as a violation of the registry.
5. Our company believes that there are many technical, self-regulatory solutions being proposed, such as sender authentication systems, that coupled with legal enforcement can effectively solve the spam problem in the coming years without the need for such a registry.

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As a strong advocate of Business-to-Business email marketing, APC relies on this medium to send our existing customers regular email newsletters on industry trends, new product releases, and special events in their area. Implementing a Do-Not-Email Registry would have serious ramifications which would be detrimental to our entire email marketing program.

I sincerely hope my comments will dissuade you from implementing a Do-Not-Email Registry, as APC believes that such an initiative is not only unworkable but will have a negative impact on our business, and potentially the U.S. economy. Please feel free to contact me directly should you wish to discuss this matter further. Thank you very much for your attention.

Signed,

A handwritten signature in black ink, appearing to read 'Matthew Wolcott', written over a horizontal line.

Matthew Wolcott
Email Marketing Manager
American Power Conversion