

April 13, 2004

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,

First, I want to 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.

There are a number of challenges and costs associated with this approach which will impact both the consumer and businesses alike. Therefore, I am writing this letter to urge you to consider this matter very carefully. The last thing you want to do is through out the baby with the bath water.

The proposed requirement for the use of suppression lists will seriously damage many of the legitimate publications available on the Internet. My biggest concern is the potential harm this proposed ruling will have to publishers who already require permission from the consumer before adding them to any list. They have followed appropriate "netiquette" by having established a relationship first.

I do not believe they are the ones who CAN-SPAM was designed to put out of business, but this requirement will very likely have that effect.

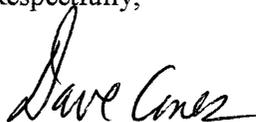
There's also the potential for significant harm to consumers, because of the problem of properly knowing their intent when they unsubscribe from a list. Many times, consumers accidentally click on the wrong link in an email and unsubscribe from a list. I have done that many times myself.

Another concern is that when you see a product or service that you really know will help someone, your proposed regulation will penalize the consumer for sending information to a friend via email. That is like telling someone who sees a movie that it is illegal to say anything about it to any one without checking with the government movie knowledge database. If your friend is on the list and doesn't want to know about the great movie you just saw, you are out of luck.

Another major concern is that these suppression lists could easily fall into the hands of spammers. In essence, you will be providing a spammer's dream come true. Spammers love to suck emails out of any list they can and these lists will be like bees swarming to honey. It seems that all this ruling will do is punish the regular users, both personal and business, of the Internet and reward the ones it was intended to stop.

With all the potential damage and limitation of personal rights to the individual and small business owner that this ruling could involve, I urge you in the strongest possible terms to reconsider its implementation.

Respectfully,



Dave Cones
Oklahoma USA