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April 16, 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:

Unsolicited bulk email is a problem for all of us. However, I am very concerned about any requirements that prevent legitimate merchants from reaching customers who have requested their information.

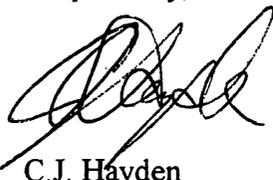
No merchant should be required to maintain or subscribe to "suppression lists." The requirements of the act should very simply provide that it is not permissible to email people with whom you have no prior relationship, have not expressed an interest in your company's products or services, or have requested to be removed from your company's mailing list.

There are so many problems and costs associated with the suppression lists idea, and so much potential damage done to legitimate businesses, that I must urge you to oppose this provision. Requiring the use of suppression lists will seriously damage many legitimate merchants and publishers. The vast majority of legitimate merchants, including myself, require permission from the consumer prior to adding them to any list.

We are not the ones who CAN-SPAM was designed to put out of business, but this requirement will very likely have that effect. Why penalize those who are already respecting the privacy of consumers by imposing this onerous and expensive provision, which will no doubt be ignored by the most egregious bulk mail violators anyway?

I urge you in the strongest possible terms to reconsider implementing the suppression list provision.

Respectfully,



C.J. Hayden

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