

Federal Trade Commission  
FACTA Free Reports  
Post Office Box 1031  
Merrifield, VA 22116-1031  
USA

001055  
~~001055~~

To the Commissioners

This is serious business, but 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.

There are so many problems and costs associated with this idea, and so much damage done to consumers and businesses alike, that I feel I must urge you to consider this matter most carefully. It also affects the free enterprise and it will be very hard to give any offer to my customers which I have in my address list and that I have gathered for so many years now.

All of my customers that I send offer to have asked for the information by e-mail and therefore I send my answer to them by e-mail. But my lists are for my eyes only, which are my business advantages. Requirement of the use of suppression lists will seriously damage many of the legitimate publications available on the net. My specific concern is for harm to publishers who require permission from the consumer prior to adding them to any list. They're 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. On top of that, these suppression lists could easily fall into the hands of spammers, leading to more spam instead of less. I was quite surprised at the potential problems this ruling could involve, and urge you in the strongest possible terms to reconsider its implementation in light of these problems.

If I have to work after these rules in the future I will have to go back to "snail-mail" again and that will be a setback of almost 15 years. Further more it will make my products more expensive because I have to and all the sending cost to the products. There must be another way of dealing with this problem. Please ask the software experts if they have solutions to these problems other than to make my address lists open for everyone.

Respectfully,

*Bengt Sandgren*  
Bengt O. Sandgren

[Redacted signature block]

001055

March 30, 2004

Federal Trade Commission  
Office of the Secretary  
Room 159-H (Annex D)  
600 Pennsylvania Ave, N.W.  
Washington, D.C. 20580

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

Dear Sir/Madam:

As a member of the NATIONAL ASSOCIATION OF REALTORS® (NAR), I appreciate this opportunity to comment on the Federal Trade Commission's proposal on the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN SPAM Act). As an independent businessperson who is forced to deal with a flood of offensive and fraudulent e-mails in my in-box each day and as one who sends e-mail in the course of my real estate business, I have a significant interest in the outcome of this rulemaking process.

While I support the Commission's efforts to control fraudulent, misleading and abusive unsolicited e-mails and e-mailing practices, I am concerned that the establishment of a Do-Not-E-mail Registry goes too far and will result in penalizing small businesses for engaging in legitimate e-mail communications with past clients and consumers living in the neighborhoods that they serve. Real estate brokers and agents commonly use e-mails to share information about issues and changes in local real estate markets that impact their past and potential future clients largest family asset, their homes. Such e-mails are an important part of our efforts to serve past clients and to cultivate an ongoing personal relationship with consumers living in the communities in which we live and work so that at a future time when they require real estate brokerage services they will look to us for our help.

Last year, REALTOR®-owned businesses were subjected to several new federal regulations (Do-Not Call and Do-Not-Fax regulations, CAN SPAM provisions), which have greatly impacted the ordinary course of business between real estate professionals and our customers. I believe that a Do-Not-E-mail Registry would have a significant economic impact on REALTOR-owned small businesses by imposing additional compliance costs, not to mention the potential for loss of revenues as a result of further restrictions on business-to-consumer communications.

Once again, I urge you to closely consider whether the disputable consumer benefits of a Do-Not-E-mail Registry and the potential risk to privacy of a central depository of legitimate e-mail addresses outweigh the onerous and costly compliance burdens on millions of small businesses, which are critical to the viability of our economy.

Sincerely,

DWIGHT E. HATHAWAY

[Redacted signature block]