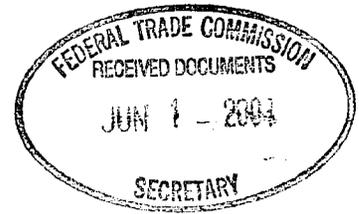




ORIGINAL



June 1, 2004

Federal Trade Commission
Office of the Secretary
Attn: TSR Fee Rule, Project No. P034305
Room H-159 (Annex K)
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Re: Telemarketing Sales Rule Fees
69 FR 23701

Dear Madam or Sir:

America's Community Bankers ("ACB")¹ welcomes the opportunity to comment on the Notice of Proposed Rulemaking by the Federal Trade Commission (the "Commission") to raise the Telemarketing Sales Rule ("TSR") fees that entities must pay for access to the National Do-Not-Call Registry (the "DNCR").² Specifically, the Commission is proposing to increase the charge for each telephone area code of data, i.e., names and telephone numbers listed, within the DNCR from \$25 to \$45. The maximum amount that would be charged to any single entity would increase from \$7,375 for 300 area codes to \$12,375 for 280 area codes.

The proposed rule also would maintain the *de minimus* exception for entities that access five or fewer area codes of data, while certain "exempt" organizations would continue to have free access to the DNCR.

ACB Position

ACB supports the efforts of the Commission to administer the DNCR in an efficient and cost-effective manner. We also seek to limit, whenever possible, imposing unnecessary costs or other burdens on companies that engage in legitimate telemarketing activities, particularly on a more limited basis. ACB notes, for example, that a relatively small percentage of the firms that have accessed the DNCR actually have paid for access to the entire registry.

¹ America's Community Bankers represents the nation's community banks of all charter types and sizes. ACB members pursue progressive, entrepreneurial and service-oriented strategies in providing financial services to benefit their customers and communities.

² 69 Fed. Reg. 23701 (April 30, 2004).

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Accordingly, ACB supports the Commission's proposal to maintain an exception for any entity that accesses five or fewer area codes of data within the DNCR. This should help reduce the cost of compliance with the TSR, particularly for small businesses, such as community banks and other enterprises, that may engage in limited telemarketing activities within a particular geographic area. We urge the Commission to maintain this exception.

With respect to "exempt" organizations, ACB supports the Commission's proposal to continue providing these entities with free access to the DNCR. Exempt organizations include those companies that are not subject to the TSR, including entities that engage in raising charitable contributions or political fundraising, as well as entities engaged solely in calls to persons with whom they have an established business relationship, or from whom they have obtained an express written agreement to call. Maintaining free access for these organizations will help ensure that non-covered companies that seek to maintain good customer relationships will be able to continue their voluntary efforts to respect the wishes of persons who have registered with the DNCR.

Conclusion

ACB supports the Commission's efforts to implement a reasonable, cost-based fee structure for access to the DNCR. If you have any questions, please contact the undersigned at (202) 857-3122 or via email at mbriggs@acbankers.org; or Charlotte M. Bahin, Senior Vice President for Regulatory Affairs, at (202) 857-3121 or via email at cbahin@acbankers.org.

Sincerely,

A handwritten signature in black ink that reads "Michael W. Briggs". The signature is written in a cursive, flowing style.

Michael W. Briggs
Chief Legal Officer