

NetBrainer LLC

April 14, 2004

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

To the Commissioners,

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.

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.

Personally, I feel that the consumer has a lot more control over unwanted email than over most other forms of unsolicited advertising. Judicious use of spam filters and the "delete" key are all that I have found necessary. Every day, I throw away piles of unsolicited junk mail delivered by the US Post Office. When I open statements to pay bills, they are often accompanied by unsolicited advertisements. My new checks arrived from the bank yesterday, accompanied by ads for more checks and checkbook accessories. I can't count how many times over the years I've been approached by friends who are promoting the latest network marketing scheme. Annoying? Yes! But advertising is the life blood of any business. It seems to me that those of us who rely on the internet to conduct *legitimate* business will be severely handicapped by CAN-SPAM.

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

000450

of that, these suppression lists could easily fall into the hands of spammers, leading to more spam instead of less.

I am very concerned about the potential problems this ruling could involve, and urge you in the strongest possible terms to reconsider its implementation in light of these problems,

Respectfully,

A handwritten signature in black ink, appearing to read 'Carolyn Schweitzer', with a long horizontal flourish extending to the right.

Carolyn Schweitzer DDS
President NetBrainer LLC
Massachusetts, United States