

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

To the Commissioners,

Unsolicited bulk email is certainly a problem for everyone who uses the Internet. At the same time, email is the critical communication medium for companies of all sizes. The proposed requirement for merchants to maintain suppression lists would only punish innocent business people while leaving spammers free to pursue their business as usual. Here are my key points:

1. What the CAN-SPAM Act, politicians, regulatory bodies, and the average Internet user all seem to miss in this situation is the fact that spammers (just like terrorists of all types) don't play by the same rules as the rest of us. If they did, they would be easy to catch and put out of business.

The reason they are hard to catch is that they co-op other people's computers using a process called spoofing which makes an email appear to come from a legitimate email address. There are 100's of thousands if not millions of "spoofed" email addresses and unprotected computers in the US and around the world that act as forwarding stations for spam, virus attacks, and hacker exploits. All without their owners knowing about it - I might add.

2. Major spammers reportedly send a million or more emails a day. So if you want to regulate the email and spam - you go to the thirteen primary Internet Servers in the US and to the larger Internet Service Providers. All internet traffic including spam passes thru these servers. You can certainly see and track email volumes of that size at the primary server and ISP level. That has to be the focal point of any intelligent attack on the SPAM problem.

3. ISP's also make money from SPAM since they charge for the bandwidth used to send the SPAM. Any regulation attempting to address the SPAM issue has to make it financially unrewarding for an ISP to provide SPAMMERS with this necessary bandwidth.

The concept of a suppression list is simply a bad idea - adding to mounting difficulty of maintaining a business presence on the Internet. You will never fix the SPAM problem by regulating its victims.

Respectfully


Steve Beard
