

Shawn M. Casey, Esquire

April 13, 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, the vagueness in the Act's language and some of the proposed requirements concern me.

In particular, I believe the proposed requirement for merchants to maintain suppression lists is a disaster. Businesses are going to suffer from outrageous costs associated with implementing and managing these lists. Consumers are certainly going to bear the brunt of many of these costs which will be passed along to them.

Frankly, many legitimate businesses will be forced to stop using any form of email promotion - even to their own opt-in customers - because of their inability to comply with such a requirement.

The requirement of the use of suppression lists will also seriously damage many of the legitimate publications available on the net. These provide valuable resources for businesses and consumers, but they will be irreparably harmed by this requirement.

In reading the legislative history, it's clear that the CAN-SPAM Act was not designed to injure real business people. The Act is intended to give the government and email service providers the tools they need to fight the deluge of unsolicited email that comes from people who are clearly violating any reasonable Acceptable Use Policy that an Internet Service Provider might have.

These are the bad guys. Not the business people that are simply trying to operate and promote a real business with a real address that's responsive to opt-in rules and remove requests.

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

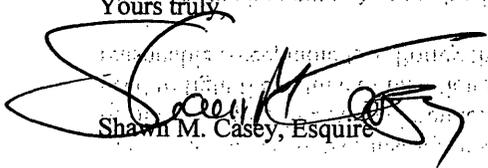
RE: The address requirement. My understanding is that this requirement is not so much so that recipients can send physical mail to request removal from a list, but so that law enforcement agencies could have a simple method to contact senders.

In an age when many people work from their homes, many of them do not receive mail at home because they (especially women) do not want to give out their home address. These are still legitimate businesses and the purpose of the Act will be served by allowed P.O. boxes and commercial mail boxes to meet the address requirement.

Further, any sender who intends to violate the Act is quite unlikely to provide any legitimate address that would lead the authorities straight to his place of business.

I am quite concerned about the potential problems these issues raise and urge you - in the strongest possible terms - to take action that will minimize these problems while still achieving the aims of the Act.

Yours truly,



Shawn M. Casey, Esquire