

Mr. Kenneth Stoller  
American Insurance Association  
District of Columbia  
United States

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

Re: AIA Comments on TSR Fee Rule, Project No. P034305

Dear Sir or Madam:

The American Insurance Association (AIA) is a national trade association based in Washington, DC, representing more than 400 prominent U.S. property/casualty insurers that write nearly \$90 billion in premium annually. These insurers offer every kind of property/casualty insurance, including all commercial and personal lines, and conduct business in every U.S. insurance regulatory jurisdiction. We are pleased to have this opportunity to respond to the FTC's request for comments on the proposed amendments to the Telemarketing Sales Rule (TSR) increasing the fees charged to entities accessing the National Do-Not-Call Registry.

AIA respectfully takes issue with the concepts underlying the fee collection process and its directly proportional relationship to the growth of the use of the registry. Generally speaking, programs such as the registry should be financed either by their direct beneficiaries or the government. The notion of requiring regulated entities to underwrite the costs of a program from which they do not benefit -- indeed, one which subjects them to considerable potential liability for failure to comply -- is at best counterintuitive, and at worst unfair and illogical. To then compound the burden on those regulated entities by increasing fees to keep up with usage demands that the program imposes upon them is even more problematic.

While the fee increase contemplated by this particular proposal might not appear unreasonable when considered in a vacuum, there are no assurances that additional increases will not be proposed in the future. This is especially troublesome in view of the fact that state do-not-call registries, whose existence is affirmatively sanctioned by the TSR, also charge fees for access to the very lists that regulated entities must use in order to avoid significant penalties. Accordingly, AIA requests that the proposed fee increase be withdrawn; or, in the alternative, that the TSR be amended to prohibit or restrict future fee increases.

Should you have any questions, please feel free to call me at (202) 828-7167.

Respectfully submitted,

Kenneth A. Stoller  
Counsel