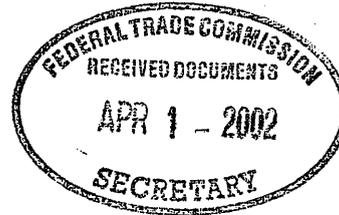




Office of the Vice President  
for University Development  
and President, The Ohio State  
University Foundation  
March 29, 2002

307 Fawcett Center  
2400 Olentangy River Road  
Columbus, OH 43210-1027  
Phone 614-292-2970  
FAX 614-292-4998

Office of the Secretary  
Federal Trade Commission  
600 Pennsylvania Avenue  
Washington, DC 20580



Dear Secretary:

As Vice President for University Development for The Ohio State University, my office is responsible for contacting our alumni and friends for charitable contributions. Due to the nature of our program, we contact our constituency through telemarketing. Individuals are asked to make a charitable gift to Ohio State, which generally is made up of many small gifts from our donors. While we currently have an in-house telemarketing program in place, we have in the past used outside telemarketing vendors. The Ohio State University is made up of many fundraising units who may find the need to use an outside vendor to reach their constituents.

We are opposed to amending the Telemarketing Sales Rule by creating a national Do Not Call registry that would prohibit calls by some organizations. We ask why, if someone asks not to be called, telephone companies, banks, religious organizations, and politicians, are excluded, but not other nonprofits? Where is the line drawn? Where does this put higher education that relies on fundraising from its constituents?

At Ohio State, we have a Do Not Call registry in place to exclude those individuals who do not want to be called. These people are excluded for our solicitation effort. Our telemarketing program calls existing donors to attempt to upgrade, and we call lapsed donors to reinstate them. Therefore, we are calling individuals with whom we have a pre-established relationship, but have no practical way of gaining their approval to be called. The only way to raise funds for The Ohio State University is to ask our donors for support. The FTC proposal, with its "opt-in" advance approval to receive calls even though we have a pre-established relationship, would prevent us from asking our best donors.

We believe there should not be a national Do Not Call list, but if there is, nonprofits should be excluded. We appreciate your consideration of our position on this matter.

Sincerely,

Jerry A. May  
Vice President for Development  
and President, The Ohio State  
University Foundation