

MEMO# 4431

January 18, 1993

FCC ISSUES INDUSTRY BULLETIN AND CONSUMER ALERT CONCERNING NEW TELEMARKETING RULES

January 18, 1993 TO: BROKER/DEALER ADVISORY COMMITTEE NO. 4-93 COMPLIANCE COMMITTEE NO. 1-93 DIRECT MARKETING COMMITTEE NO. 3-93 OPERATIONS MEMBERS NO. 7-93 SEC RULES MEMBERS NO. 9-93 SALES FORCE MARKETING COMMITTEE NO. 3-93 SHAREHOLDER COMMUNICATIONS COMMITTEE NO. 2-93 UNIT INVESTMENT TRUST COMMITTEE NO. 2-93 RE: FCC ISSUES INDUSTRY BULLETIN AND CONSUMER ALERT CONCERNING NEW TELEMARKETING RULES

As we previously informed you, the FCC recently adopted rules implementing the Telephone Consumer Protection Act ("Act"). (See Memorandum to Broker/Dealer Advisory Committee No. 32-92, Compliance Committee No. 21-92, Direct Marketing Committee No. 42-92, Operations Members No. 42-92, SEC Rules Members No. 54-92, Sales Force Marketing Committee No. 43-92, Shareholder Communications Committee No. 34-92 and Unit Investment Trust Members No. 54-92, dated October 28, 1992.) Among other things, the rules require telemarketers to establish "do-not-call" lists to ensure that telephone solicitations will not be made to the residences of persons who have requested not to be called. Enclosed for your information are an Industry Bulletin and a Consumer Alert recently issued by the FCC concerning the Act and the new rules. These documents are designed to answer questions industry members and members of the public, respectively, may have about the new requirements. Please note that, as indicated in a footnote in both the Industry Bulletin and the Consumer Alert, a recent lawsuit filed in federal district court in Oregon affects only the section of the Act that prohibits calls to residential telephone subscribers using artificial or prerecorded messages. The lawsuit does not affect the portion of the Act and rules thereunder relating to live telephone solicitations. Those rules became effective on December 20, 1992 and remain in effect. Frances M. Stadler Assistant Counsel Attachments