

Congress of the United States
Washington, DC 20515

March 11, 2005

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street, NW
Washington, DC 20554

Dear Chairman Powell:

As members of the Indiana delegation, we are writing you regarding the petition filed by the Consumer Bankers Association (CBA) asking the Federal Communications Commission to preempt sections of Indiana's Telephone Privacy Law. If successful, this petition would remove protections enjoyed by over three million Indiana residents under the privacy law.

Indiana's privacy law is one of the strongest and most popular in the nation, attracting participation by more than 1.6 million households and providing protection for over 3.6 million Hoosiers, nearly 60% of Indiana's population. Nearly 98% of these households have experienced a reduction in unwanted calls since the adoption of the law, bringing the average number of calls per week down from more than twelve to less than two.

Indiana's law is more stringent than the national law, which exempts businesses with whom a consumer has had a transaction within the eighteen months. Indiana's law allows consumers the option to accept calls by providing consent in advance to vendors of their choice, allowing consumers to permit calls from businesses with whom they have an established relationship without yielding their residential privacy to all vendors. The petition by the CBA seeks to undermine this provision by asking the FCC to preempt this section of Indiana's law and permit businesses exempted under the national law to contact Indiana residents, regardless of their preferences. One of the primary reasons for the success of the Indiana law is its lack of exemptions, and approval of this petition would significantly weaken the Indiana law, to the detriment of Hoosiers. Furthermore, the preemption of Indiana's law is likely to have a similar impact on the residents in a number of other states who currently benefit from similar state-initiated protections.

In our view the Congressional intent of the Do Not Call Implementation Act was to provide a nationwide minimum standard of protection for all Americans, while allowing states that choose to exceed the standard to do so. States are allowed to

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maintain laws that are stricter than national standards in health, safety, environment, infrastructure, etc. We ask you to uphold states' rights to have more stringent laws than the national standards and deny the petition by the CBA.

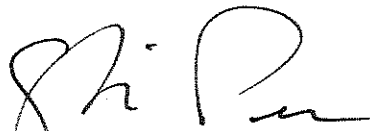
Preemption of a state law is a serious matter and should only be done with the utmost deliberation, allowing all interested parties to participate in the process. We are concerned that an expedited process has limited debate on this important issue and we urge the FCC to reopen the public comment period so that all interested parties have the opportunity to fully voice their views.

When considering this petition, we urge the Commission to move with the utmost caution in order to protect Indiana's law and give every consideration to the privacy interests of Indiana residents. Thank you for your consideration.

Sincerely,



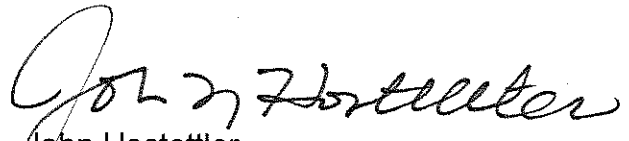
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