

**SEPARATE STATEMENT OF
CHAIRMAN MICHAEL K. POWELL**

Re: Rules and Regulations Implementing the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CG Docket No. 04-53), et al., Order. (Adopted August 4, 2004).

When Congress passed the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN-SPAM Act), they were responding to consumers increasingly frustrated by wading through an overwhelming number of commercial messages cluttering their inboxes. With today's Order, the Commission shields consumers' wireless devices from these unsolicited, costly, and sometimes indecent messages.

This Order strikes an effective balance between protecting consumers from unwanted messages while minimizing the burdens on senders of such messages. By prohibiting all commercial messages to wireless phones and PDAs absent affirmative consent from the consumer, Americans can now use their wireless devices freely, without being bothered by unwanted and annoying messages. Further, the creation of a domain name registry of wireless e-mail addresses makes sender compliance easy and inexpensive.

I look forward to continuing our partnership with the Federal Trade Commission in implementing Congress's directive to protect American consumers from unwelcome and irritating spam.

STATEMENT OF COMMISSIONER
MICHAEL J. COPPS

August 4, 2004

RE: In the Matter of Rules and Regulations Implementing the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003; Rules and Regulation Implementing the Telephone Consumer Protection Act of 1991, CG Docket Nos. 04-53 and 02-278, Order in CG Docket No. 04-53 (Order).

This is a good item. I'm glad that we're taking steps to give consumers the power to stop wireless spam. And I'm pleased that we follow Congress's wise decision to require opt-in permission before marketers can send spam to wireless devices. Hopefully we can put in place rules and a system that will make the law's vision a reality.

My only hesitation here is our decision to allow companies to obtain opt-in approvals that are not in writing. Oral approvals are harder to verify and may pose problems for us in the future. We'll need to monitor that. But overall this item addresses an important consumer issue in a positive way and I'm happy to vote "Aye."