

and or entities that act as a telemarketer, as stated by the FCC in a decision in

one of its Orders clarifying its regulations: "*Decision. Our rules generally*

establish that the party on whose behalf a solicitation is made

responsibility for any violations." In the Matter of Rules and Regulations

Implementing the Telephone Consumer Protection Act of 1991, 13,

Memorandum Opinion and Order, 10 FCC Rcd 12391 (1995). This

clarification prevents the excuse "*it was not us, it's not our fault*", that could

be used by Defendant to try to escape liability under the statute.

6. Defendant is liable for all violations contained herein this Complaint based upon the abovementioned citation in conjunction with, it was Defendant's products and or services that were being solicited upon Plaintiff even though a retailer of Defendant did the solicitation. Defendant is equally liable as a matter of factual occurrence and as a matter of law. Clearly, the solicitation was made on behalf of Defendant and Defendant "*bears ultimate responsibility for any violations*" made by entities soliciting Defendant's products and or services.
7. Defendant called Plaintiff at (952)-890-7358 which is Plaintiff's residential telephone number. (See Attached Exhibit 2)
8. Defendant called Plaintiff at Plaintiff's residence in which Defendant violated 47 U.S.C. § 227 (b)(1)(B) & 47 C.F.R. § 64.1200.(a)(2), (See Exhibit 3, CD, Track 1)
9. Defendant has violated 47 U.S.C. § 227 (b)(1)(B).
10. According to 47 U.S.C. § 227 (b)(1)(B): "*It shall be unlawful for any person within the United States to initiate any telephone call to any residential phone*

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Docket 81704 Document 2021-0906-1X 102-005673

line using an artificial or prerecorded voice to deliver a message without the prior express consent of the called party, unless the call is initiated for emergency purposes or is exempted by rule or order by the Commission under paragraph (2)(B) ”.

11. Defendant has violated 47 C.F.R. § 64.1200.(a)(2).
12. According to 47 C.F.R. § 64.1200.(a)(2): *No person may: Initiate any telephone call to any residential telephone line using an artificial or prerecorded voice to deliver a message without the prior express consent of the called party, unless the call is initiated for emergency purposes or is exempted by sec. 64.1200(c).*
13. The TCPA is divided into two sections, live telephone solicitations and automated solicitations. For a consumer to have a private right of action under live telephone solicitations, they must be called more than once within a twelve month period. For a consumer to have a private right of action under automated solicitations (i.e. facsimile transmittal solicitations and prerecorded messages), they only need to be called once.
14. Under 47 U.S.C. § 227 (b)(1) et seq.: *“It shall be unlawful for any person within the United States to:”* . This wording doesn’t state that *“it shall be unlawful only after the first call”*, it explicitly states that *“It shall be unlawful”* period.
15. Plaintiff contacted multiple Consumer Rights Attorneys on this very issue in which they concluded the same about the abovementioned citation, prerecorded messages as well as junk faxes only need one solicitation for there to be a private right of action.

16. The TCPA has two sections on private right of action, the first only covers automated telephone solicitations (47 U.S.C. § 227 (3) et seq.) and the second only covers live telephone solicitations (47 U.S.C. § 227 (5) et seq.).
17. During the illegal prerecorded message, Defendant and or their agent, failed to state Defendant's address, telephone number, as well as his complete name which is required by 47 C.F.R. § 64.1200.(d)(4). (*Identification requirements*) (*See Attached Exhibit 3, CD, Track 1*) Defendant has violated 47 C.F.R. § 64.1200.(d)(4)
18. According to 47 C.F.R. § 64.1200.(d)(4): *Identification of sellers and telemarketers. A person or entity making a call for telemarketing purposes must provide the called party with the name of the individual caller, the name of the person or entity on whose behalf the call is being made, and a telephone number or address at which the person or entity may be contacted. The telephone number provided may not be a 900 number or any other number for which charges exceed local or long distance transmission charges.*
19. Defendant has violated 47 C.F.R. § 64.1601(e)(1). (*See Attached Exhibit 1*). As of January 29, 2004, telemarketers are required by rules to transmit caller ID information when making telemarketing calls, regardless of their calling system. These requirements also apply to companies with whom the called party has an established business relationship. The caller ID information must include the name of the telemarketer (when available by the telemarketer's carrier) and can include any number associated with the telemarketer or party on whose behalf the call is made, that allows the consumer to identify the caller. This includes a number assigned to the telemarketer by its carrier, the

specific number from which a sales representative placed a call, the number for the party on whose behalf the telemarketer is making the call, or the seller's customer service number. *Any number supplied must permit an individual to make a do-not-call request during regular business hours for the duration of the telemarketing campaign.*

20. Plaintiff attempted several times to call Defendant's phone number provided on Plaintiff's identification system (1-800-778-0532) only to receive a disconnection notice from the operator. *(See Attached Exhibit 3, CD, Track 2)*
21. According to 47.C.F.R. § 64.1601(e)(1): "*(e) Any person or entity that engages in telemarketing, as defined in section 64.1200 (f)(7) must transmit caller identification information. (1) For purposes of this paragraph, caller identification information must include either CPN or ANI, and, when available by the telemarketer's carrier, the name of the telemarketer. The telephone number so provided must permit any individual to make a do-not-call request during regular business hours.*"
22. On or about July 19th 2004, Plaintiff contacted Defendant via telephone requesting to be added to Defendant's database/list and to receive a written copy of Defendant's "Do Not Call" policy. *(See Exhibit 4, CD)*
23. Plaintiff called Defendant on four separate occasions at 1-800-388-1899 and 1-800-535-1929 in which Plaintiff was hung up on by Defendant. *(See Attached Exhibit 4, CD, Tracks 1, 2, 3 &4)*
24. Defendant's actions were egregious, irresponsible and careless, with total disregard of the TCPA, FCC and other related federal telemarketing laws.

25. Plaintiff need only ask for such documentation once, during the first contact, however, Plaintiff went above and beyond his duty to request such information only to be hung up on four times.
26. Plaintiff's request are rights given to him under 47 C.F.R. § 64.1200 (d)(1), (d)(2) and (d)(3) and such request must be obeyed and adhered to otherwise the violating party will be held liable under these same sections.
27. The FCC has published an opinion letter regarding making DNC policies available. Staff opinion letter from Geraldine A. Matisse, Chief, Network Services Division, Common Carrier Bureau, FCC, to Janice M. Parker, Assistant Attorney General, Consumer Fraud Bureau, Chicago, IL, June 11, 1996. The FCC letter states that *"We find nothing in our rules that would limit disclosure of the do-not-call policy to any person or circumstance. For example, persons who have been solicited by a business or entity have the right to obtain that entity's written do-not-call policy in order to confirm that entity's compliance with our rules. . . . Additionally, we believe that failure to provide a do-not-call policy is a prohibited act under the TCPA."* (See Attached Exhibit 5)
28. Agency letters interpreting their own regulations are to be given deference: *"provided an agency's interpretation of its own regulation does not violate the constitution or a federal statute, it must be given 'controlling weight unless it is plainly erroneous or inconsistent with the regulation'". Stinson v. United States, 508 U.S. 36, 45 S.Ct. 1913, 1919, 123 L.Ed.2d 598 (1993) (internal quotations and citations omitted).*

29. The FCC regulations are an expansion of the TCPA laws, offering more in-depth analysis and explanation of the rules, laws, provisions and prohibitions. The requirement to provide a DNC policy is not in the TCPA law itself. It is only in the FCC regulations. The FCC letter illustrates that a violation of the FCC's regulations - here the failure to provide a "Do Not Call" policy upon demand is a violation of the TCPA.
30. Courts have specifically granted damages for violations of the FCC regulations. In *Szefczek v. Hillsborough Beacon*, 668 A.2d 1099 (N.J. Super. 1996), the court stated that it *"finds that plaintiff has properly stated a claim under this section, for defendant's violation of the FCC regulations, specifically § 64.1200(d)(2) and (3) . . .* The court later noted that *"Defendant's conduct clearly violates (d)(3) of the regulations . . . [and in addition] defendant violated § 64.1200(d)(2), entitled 'Training of personnel engaged in telephone solicitation.'"* There is simply no question that there are violations of the FCC regulations which are actionable, and for which damages can be awarded.
31. Plaintiff's "Do Not Call" policy request was not adhered to by Defendant. Plaintiff's request to receive written verification that Plaintiff is now included on Defendant's database/list was not adhered to by Defendant. Plaintiff never received any correspondence from Defendant stating that the abovementioned requests were complied with.
32. As of yet, Plaintiff has not received the aforementioned items as required by 47 C.F.R. § (d)(1) and (d)(3).

33. According to 47 C.F.R. § (d)(1): *"Written policy. Persons or entities making telephone solicitations must have a written policy, available upon demand, for maintaining a do-not-call list"*.
34. Plaintiff's demand was to have Defendant's "Do Not Call" policy sent to him within five days. Courts have concluded that a reasonable person would expect and interpret "upon demand" to mean within five days although a strong case could be made for demanding the "Do Not Call" policy via next day deliver based upon the interpretation of "upon demand" through state motor vehicle licensing statutes as stated below. Plaintiff only requested that such items be mailed within five days.
35. The words "on demand" are critical to the interpretation of this law. It is the same wording used in Minn.Stat. §171.08 requiring a person to provide their driver's license to a police officer upon demand.
36. According to Minn.Stat. §171.08: *"Licensee to have license in possession. Every licensee shall have the license in immediate possession at all times when operating a motor vehicle and shall display it upon demand of a peace officer, an authorized representative of the department, or an officer authorized by law to enforce the laws relating to the operation of motor vehicles on public streets and highways"*.
37. Defendant has violated 47 C.F.R. § 64.1200.(d)(2).
38. According to 47 C.F.R. § 64.1200 (d)(2): *"Training of personnel engaged in telephone solicitation. Personnel engaged in any aspect of telephone solicitation must be informed and trained in the existence and use of the do-not-call list."*

39. Defendant clearly demonstrated their lack of compliance with the TCPA and FCC rules by failing to train personnel to comply with Plaintiff's wishes to send Plaintiff a copy of Defendant's "Do Not Call" policy as well as written verification that Plaintiff is included on Defendant's database/list. Plaintiff called Defendant on four separate occasions to request the abovementioned only to have Defendant egregiously hang up on Plaintiff in direct violation of the TCPA and FCC Regulations. Defendant is clearly negligent by failing to properly train "*personnel engaged in any aspect of telephone solicitation*" as prescribed by 47 C.F.R. § 64.1200.(d)(2).

Causes of Action

Count 1:

Violations of:

47 U.S.C. § 227 (b)(1)(B), 47 C.F.R. § 64.1200 (a)(2), 47 C.F.R. § 64.1200 (d)(1), 47 C.F.R. § 64.1200(d)(2), 47 C.F.R. § 64.1200. (d)(3), 47 C.F.R. § 64.1200.(d)(4) and 47 C.F.R. § 64.1601.(e)(1).

40. Plaintiff incorporates by reference paragraphs and all preceding paragraphs as though fully stated herein.
41. The foregoing acts and omissions of the Defendant constitute multiple and distinct violations of 47 U.S.C. § 227 (b)(1)(B), 47 C.F.R. § 64.1200.(a)(2), 47 C.F.R. § 64.1200 (d)(1), 47 C.F.R. § 64.1200.(d)(2) and 47 C.F.R. § 64.1200.(d)(3), 47 C.F.R. § 64.1200.(d)(4) and 47 C.F.R. § 64.1601.(e)(1) against the Plaintiff.

42. Defendant willfully and knowingly violated the above said provisions as a matter of factual occurrence and as a matter of law. Plaintiff seeks statutory / treble damages in the amount of \$7,500 for Defendant's willful and knowing acts as detailed below.
43. The TCPA provides private citizens a private right of action for treble damages *"If the court finds that defendant willfully or knowingly violated the regulations."* 47 U.S.C. § 227(3)(C). Plaintiff need only prove Defendant's actions were done willfully or knowingly, not both. Plaintiff alleges Defendant's actions were done willfully ("willful") or knowingly ("knowing") as the FCC defines and interprets these terms at 47 U.S.C. § 312(f). This code section does not define knowing, but does define willful as: *The term 'willful', when used with reference to the commission or omission of an act, means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this chapter or any rule or regulation of the Commission authorized by this chapter or by a treaty ratified by the United States.* Thus, by statute there is no intent requirement for an FCC violation to be "willful." There is no restriction limiting the application of this definition to FCC licensees or common carriers.
44. The term "knowingly" has been interpreted as "knew or should have known", July 27, 1999 opinion letter from the FCC which discusses the definitions of the terms "willfully" and "knowingly." Letter to Robert Biggerstaff from Glenn T. Reynolds, Common Carrier Bureau, FCC, July 27, 1999. Courts normally give significant deference to such letters. *See e.g. Coca Cola Co. v. Atchison, Topeka, and Santa Fe R.R. Co., 608 F.2d 213 (5th Cir, 1979)*

holding that agency opinion letters *"although less authoritative than regulations or formal decisions, are entitled to be 'weighted carefully' and to 'great deference' if they state a reasonable conclusion."*

45. The 1934 Communications Act was amended in 1982 to provide a statutory definition of "willful" for use in the Act. The plain statutory language in 47 U.S.C. § 312(f) unambiguously states that "willful" does not include an intent requirement. The Congressional purpose behind § 312(f) is confirmed in the statutory history: "willful" means that the licensee knew that he was doing the act in question, regardless of whether there was an intent to violate the law. *H.R. Conf. Rep. No. 765, 97th Cong., 2nd Sess. (1982), 1982 U.S.C.C.A.N. 2261 at 50-51.*
46. Section 227 is just one of numerous sections of Title 47 of the U.S. Code that contain the word "willful" or "willfully," and to which the definition in 47 U.S.C. § 312(f) applies. *See 47 U.S.C. §§ 21, 220(e), 227, 303(m)(1), 312(f), 333, 339(a), 362, 386, 501, 502, 503, 507, 510(a), 553, 554(f)(1), 605(e)(1) & (2), 606(h), and 612.* It does not matter that Congress did not specifically define "willfully" in section 227 or any of these other sections, since Congress already did so in section 312(f), and stated that this definition applies to other sections of the Communications Act. Similarly, the terms "knowing" or "knowingly" are located in numerous provisions throughout Title 47 of the U.S. Code. *See 47 U.S.C. §§ 37, 202, 205(b), 223(a) and (b), 226(b)(1)(G), 227, 231(a), 303(m), 312, 325(a), 339(a), 501, 502, 503, 509(a), 510(a), 554(f)(2), 605, 606(h).* Of particular note is 47 U.S.C. § 231(a), which

distinguishes between prohibiting conduct done knowingly in § 231(a)(1), and provides additional penalties for conduct done intentionally in § 231(a)(2).

47. *See also 47 U.S.C. § 503(b)(1).* The Commission has the authority under this section of the Act to assess a forfeiture against any person who has “*willfully or repeatedly failed to comply with any of the provisions of this Act or of any rule, regulation, or order issued by the Commission under this Act*”. A party need not have known that it was acting unlawfully to support a finding of willfulness under section 503(b) of the Act. That section requires only a showing that the party knew it was doing the acts in question. *See Southern California Broadcasting Co., 6 FCC Rcd 4387 (1991).* For the reasons stated above, § 503(b) only requires a showing that the party knew it was doing the acts it in fact did.
48. Defendant willfully and knowingly used a predictive dialer / “automatic telephone dialing system” to call Plaintiff and connect both parties once a connection was established. Defendant willfully and knowingly used voice broadcasting software to deliver an illegal prerecorded message to Plaintiff’s residence.
49. Defendant’s willful and knowing intent was to, call Plaintiff using a predictive dialer / “automatic telephone dialing system”, and deliver an unsolicited prerecorded message using voice broadcasting software.
50. As a result of the above said violations, Plaintiff is entitled to statutory / treble damages of \$1,500 (\$500 x 3) pursuant to 47 U.S.C. § 227 et.seq.

51. Defendant willfully and knowingly failed to provide Plaintiff with a written copy of their "Do Not Call" policy in direct violation of 47 C.F.R. § 64.1200.(d)(1) after Plaintiff made four requests.
52. As a result of the above said violations, (47 C.F.R. § 64.1200.(d)(1)), Plaintiff is entitled to statutory / treble damages of \$1,500 (\$500 x 3) pursuant to 47 U.S.C. § 227 et.seq.
53. Defendant willfully and knowingly failed to properly train "*personnel engaged in telephone solicitation*" in direct violation of 47 C.F.R. § 64.1200.(d)(2).
54. As a result of the above said violations, (47 C.F.R. § 64.1200.(d)(2)), Plaintiff is entitled to statutory / treble damages of \$1,500 (\$500 x 3) pursuant to 47 U.S.C. § 227 et.seq.
- 55.. Defendant willfully and knowingly failed to provide Plaintiff written verification that Plaintiff is included on Defendant's "Do Not Call" database/list and upon information and belief, failed to include Plaintiff altogether and failed to maintain its "Do Not Call" database/list.
56. As a result of said violations (47 C.F.R. § 64.1200.(d)(3)), Plaintiff is entitled to statutory / treble damages of \$1,500 (\$500 x 3) pursuant to 47 U.S.C. § 227 et.seq.
57. Defendant willfully and knowingly failed to provide Plaintiff with Defendant's address and telephone number as well as the complete name of its agent during the illegal prerecorded message.
- 58.. As a result of the above said violations, Plaintiff is entitled to statutory / treble damages of \$1,500 (\$500 x 3) pursuant to 47 C.F.R. § 64.1200. et.seq.

59. The TCPA provides relief on a “per violation” basis as stated in 47 U.S.C. § 227 (3) et.seq. and 47 U.S.C. § 227 (5) et.seq. which states “for each such violation”. Defendant willfully and knowingly committed five distinctive and separate violations which are actionable under the TCPA as a matter of factual occurrence and as a matter of law.
60. In *Szefczek v. Hillsborough Beacon*, 668 A.2d 1099 (N.J. Super. 1996), Szefczek illustrates that each violation of a subsection of the FCC's TCPA regulations is a separate actionable offense. To hold otherwise would render the regulations null. This concept has been recognized in other statutes: “The regulatory scheme at issue here clearly states discrete harms. A person who complies with some of the manual requirements, for example, but fails to furnish a copy to the FAA, is subject to a fine for that one discrete violation. It would be anomalous to reward the person who totally ignores the manual requirements by concluding that he, too, is subject to but a single fine when he simultaneously violates several regulations.” Other juries have found multiple violations. See, e.g., *United States v. Lockheed L-188 Aircraft*, 656 F.2d 390, 393 (9th Cir. 1979) (\$165,000 in fines for 552 separate violations of Part 121 regulations). *FAA v. Landy*, 705 F.2d 624, 543 (2nd Cir. 1983). Landy, which references a requirement to furnish a manual to the FAA, is analogous to the instant dispute, in which Defendant violated the FCC requirement to furnish Plaintiff a “Do No Call” policy upon Plaintiff's demand.

Prayer For Relief

- 14 -

PX0168-016

Wherefore, Plaintiff respectfully prays that this court enter the following
Judgment, in Plaintiff's favor:

Count 1:

Relief Sought For:

47 U.S.C. § 227 (b)(1)(B), 47 C.F.R. § 64.1200.(a)(2), 47 C.F.R. §

64.1200.(d)(1), 47 C.F.R. § 64.1200.(d)(2), 47 C.F.R. §

64.1200.(d)(3) and 47 C.F.R. § 64.1200.(d)(4) and 47 C.F.R. §

64.1601.(e)(1) violations.

- for an award of statutory / treble damages of \$7,500, for Plaintiff, for violations of 47 U.S.C. § 227 (b)(1)(B), 47 C.F.R. § 64.1200.(a)(2), 47 C.F.R. § 64.1200.(d)(1), 47 C.F.R. § 64.1200.(d)(2), 47 C.F.R. § 64.1200.(d)(3), 47 C.F.R. § 64.1200.(d)(4), 47 C.F.R. § 64.1601.(e)(1) against the Defendant,
- for a written copy of Defendant's "Do Not Call" policy pursuant to 47 C.F.R. § 64.1200.(d)(1).
- for written verification that Plaintiff is now included on Defendant's "Do Not Call" database/list pursuant to 47 C.F.R. § 64.1200.(d)(3).

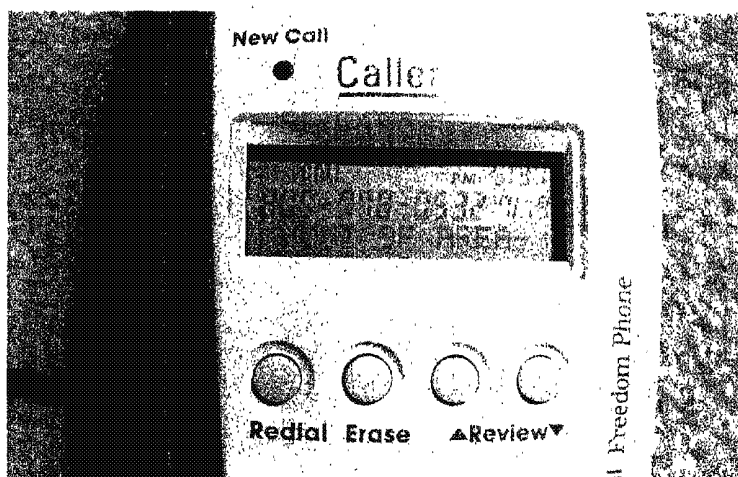
Such Other Relief

- for such other and further relief as may be just and proper.

Dated: 7-26-04

Signed By: Ryan Swanberg

Ryan Alan Swanberg
Consumer Rights Advocate
13050 Harriet Ave S # 247
Burnsville, MN 55337
(952)-736-7998
Pro Se



FTC/ECHOSTAR000806

EXHIBIT:

1

Confidential-US v. Dish

Dish-00004705

PX0168-018

JA006425
005290

SLC_ DNC_Investigation_0007307
TX 102-005687



RYAN SWANBERG
Bill Date: Jun 10, 2004
Account No: 952 890-7358 216

www.qwest.com

Balance Forward	New Charges	Total Amount Due	Due Date for New Charges
\$107.71	\$50.32 ^c _r	\$57.39	Jun 30, 2004

Account Summary

▼ Previous Balance

Charges		269.46
Adjustments		121.75 ^c _r
Payment	Thank you for your payment	40.00 ^c _r
Balance Forward		\$107.71

▼ New Charges

Qwest		50.32 ^c _r
<i>For questions call 1-800-244-1111</i>		
Total New Charges		\$50.32^c_r
TOTAL AMOUNT DUE		\$57.39

WHY CRAWL AROUND THE INTERNET WHEN YOU CAN FLY?
Qwest Choice® DSL with MSN® Premium
To learn more or order online, visit www.qwest.com/getdsl.

Qwest, PO Box 173826, Denver, CO 80217-3826

EXHIBIT: 2

PX0168-019

FTC/ECHOSTAR000807

JA006426

005291

Dish-00004706

SLC_ DNC_Investigation_0007308

TX 102-005688

Exhibit 3

Track 1 :

Agent : Hello? Hello? Excuse me sir? Excuse me sir?

Track 2

(You hear the operator)

pre-recorded message

Transcribed from CD recording

PX0168-020

Confidential-US v. Dish

FTC/ECHOSTAR000808

JA006427

005292

Dish-00004707

SLC_ DNC_Investigation_0007309

TX 102-005689

transcribed from CD recording

Exhibit 4

Track 1

Agent: Thanks for calling, how can I help you?

Customer: Is your website Dish TV.com?

Agent: Correct.

Customer: My name is Ryan Swanberg and I have received a telephone marketing call from your company.

Agent: Umhm.

Customer: Now I would like to be added to your do not call list.

Agent: We don't have one.

Customer: How can you not have a do not call list?

Agent: I don't know...we just ain't got one.

Customer: So, I take it you don't have....excuse me sir? Sir?

Track 2

Agent: Is this regarding your free satellite system?

Customer: Ah yes, is this Dish TV Now.com...is that your website?

Agent: Yes

Customer: It is? Um I would like to be added to your do not call list.

Agent: Can you give me your number starting with area code first?

Customer: 952-890-7358

Agent: K

Customer: And the other one is 952-736-7998 and I have a couple of additional requests with that. I would like a copy of your do not call policy as well as rate verification included on your database do not call list. I would like those items mailed to me within 5 days as well.

Agent: ok.

Customer: Do you have my address? Excuse me sir? Excuse me sir?

- call disconnected -

Track 3

Agent: Hello this is regarding free satellite system.

Customer: Uh yes...I made a do not call request and I was hung up on this person before me and I need to be provided with a written copy of your do not call policy as well as rate verification included on your database do not call list.

Agent: Sir we do not do that...let me give you Dish Network's main number.

Customer: Is this not Dish TV Now?

Agent: Yes it is, but we really don't track do not call.

Customer: Oh no ma'am. It's actually...it's telemarketer or a company that uses this telemarketing service and must have a company specific do not call policy available upon demand. And currently...hello? Ma'am?

- call disconnected -

Track 4

Agent: Thank you for calling. This is regarding your free satellite system?

Customer: Uh no this is not actually, I was just hung up on by an agent of your company. Your website is Dish TV Now.com correct?

PX0168-021

FTC/ECHOSTAR000809

JA006428

005293

Dish-00004708

SLC_ DNC_ Investigation_0007310

TX 102-005690

Agent: No, we are not.

Customer: Everybody's telling me you are, but you're website is Dish TV Now.com.
Am I getting confused or what is your web address? Ma'am?

— disconnected —

PX0168-022

Confidential-US v. Dish

FTC/ECHOSTAR000810

JA006429

005294

Dish-00004709

SLC_ DNC_Investigation_0007311

TX 102-005691

Federal Communications Commission
Washington, D.C. 20554

June 11, 1996

Janice M. Parker
Assistant Attorney General
Consumer Fraud Bureau
100 West Randolph
12th floor
Chicago, Illinois 60601-3175

Dear Ms. Parker:

I am writing in response to your December 7, 1995 letter requesting that the Commission issue an opinion clarifying certain sections of the Commission's rules implementing the Telephone Consumer Protection Act of 1992 (TCPA). Specifically, you asked whether a private individual has a right to obtain a copy of a telemarketer's do-not call policy, and under what circumstances are they entitled to do so.

In your letter you stated that an Illinois consumer alleges that Household Credit Services and Household International (Household) failed, upon request, to provide him with a copy of their do-not call policy. You also state that the consumer had not received a telemarketing call from Household. Household's position, as reflected in its December 6, 1995 letter to your office, is that while the FCC and state Attorneys General are entitled to receive a copy of the do-not call policy, private individuals do not have such a right. Household believes that because the TCPA authorizes consumers to file state court actions for certain telemarketing acts - and failure to provide a do-not call policy is not one of the prohibited acts - the consumer is not entitled to receive Household's policy. Household additionally states that the consumer filed his complaint against Household International, Inc. and Household Retail Services, but that neither of these entities engage in telemarketing. Household does indicate that several other of its affiliate companies do engage in telemarketing and thus do maintain written policies.

The TCPA recognizes the legitimacy of the telemarketing industry but notes that unrestricted telemarketing could be an intrusive invasion of privacy and, in some instances, a risk to public safety. One of the Commission's tasks with regard to implementing the TCPA was to consider which method would best accommodate telephone subscribers who do not wish to receive unsolicited advertisements, including live voice solicitations, while not unduly hampering the telemarketing industry.

After considering a number of options, the Commission concluded that company-specific do-not-call lists would be the most effective, least costly, and most easily implemented means of curbing unwanted telephone solicitations. ¹ In the *Notice of Proposed Rulemaking*, the Commission stated that under a do-not call list framework a company that does engage in telemarketing would be required to produce evidence of compliance

EXHIBIT:

5

PX0168-023

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TX 102-005692

with this requirement in the event of a complaint.² The Commission noted that such lists would satisfy the statutory requirements of the TCPA because such lists were already voluntarily maintained by many telemarketers and allow residential subscribers to selectively halt calls from telemarketers.³ Similarly, telemarketers with do-not-call lists are required to have written do-not call policies. The *Report and Order*, however, did not specifically say what evidence would have to be produced to confirm compliance.

We find nothing in our rules that would limit disclosure of the do-not-call policy to any person or circumstance. For example, persons who have been solicited by a business or entity have the right to obtain that entity's written do-not call policy in order to confirm that entity's compliance with our rules. In one case, a failure to provide a copy of the written policy was held actionable where a consumer had been called more than once within a 12 month period in violation of the telemarketer's do-not call rules.⁴ Thus, even where a company does not solicit a particular consumer, we find nothing in our rules that limits a company's duty to disclose its policy if it does engage in telephone solicitation. Additionally, we believe that failure to provide a do-not-call policy is a prohibited act under the TCPA.

I hope that this information is helpful.

Sincerely,

/s/ Geraldine A. Matisse

Geraldine A. Matisse
Chief, Network Services Division
Common Carrier Bureau

PX0168-024

FTC/ECHOSTAR000812

JA006431

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Dish-00004711

SLC_ DNC_ Investigation_0007313

TX 102-005693

CODE OF FEDERAL REGULATIONS: RESTRICTIONS ON TELEMARKETING AND TELEPHONE SOLICITATION

CODE OF FEDERAL REGULATIONS
TITLE 47--TELECOMMUNICATION
CHAPTER I--FEDERAL COMMUNICATIONS COMMISSION
SUBCHAPTER B--COMMON CARRIER SERVICES
PART 64--MISCELLANEOUS RULES RELATING TO COMMON CARRIERS
SUBPART L--RESTRICTIONS ON TELEMARKETING AND TELEPHONE
SOLICITATION

Current through August 5, 2003; 68 FR 46431

§ 64.1200 Delivery restrictions.

(a) No person or entity may:

(1) Initiate any telephone call (other than a call made for emergency purposes or made with the prior express consent of the called party) using an automatic telephone dialing system or an artificial or prerecorded voice,

(i) To any emergency telephone line, including any 911 line and any emergency line of a hospital, medical physician or service office, health care facility, poison control center, or fire protection or law enforcement agency;

(ii) To the telephone line of any guest room or patient room of a hospital, health care facility, elderly home, or similar establishment; or

(iii) To any telephone number assigned to a paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service, or any service for which the called party is charged for the call.

(2) Initiate any telephone call to any residential line using an artificial or prerecorded voice to deliver a message without the prior express consent of the called party, unless the call,

(i) Is made for emergency purposes,

(ii) Is not made for a commercial purpose,

(iii) Is made for a commercial purpose but does not include or introduce an unsolicited advertisement or constitute a telephone solicitation,

(iv) Is made to any person with whom the caller has an established business relationship at the time the call is made, or

(v) Is made by or on behalf of a tax-exempt nonprofit organization.

(3) Use a telephone facsimile machine, computer, or other device to send an unsolicited advertisement to a telephone facsimile machine,

(i) For purposes of paragraph (a)(3) of this section, a facsimile advertisement is not "unsolicited" if the recipient has granted the sender prior express invitation or permission to deliver the advertisement, as evidenced by a signed, written statement that includes the facsimile number to which any advertisements may be sent and clearly indicates the recipient's consent to receive such facsimile advertisements from the sender.

(ii) A facsimile broadcaster will be liable for violations of paragraph (a)(3) of this section if it demonstrates a high degree of involvement in, or actual notice of, the unlawful activity and fails to take steps to prevent such facsimile transmissions.

(4) Use an automatic telephone dialing system in such a way that two or more telephone lines of a multi-line business are engaged simultaneously.

(5) Disconnect an unanswered telemarketing call prior to at least 15 seconds or four (4) rings.

(6) Abandon more than three percent of all telemarketing calls that are answered live by a person, measured over a 30-day period. A call is "abandoned" if it is not connected to a live sales representative within two (2) seconds of the called person's completed greeting. Whenever a sales representative is not available to speak with the person answering the call, that person must receive, within two (2) seconds after the called person's completed greeting, a prerecorded identification message that states only the name and telephone number of the business, entity, or individual on whose behalf the call was placed, and that the call was for "telemarketing purposes." The telephone number so provided must permit any individual to make a do-not-call request during regular business hours for the duration of the telemarketing campaign.

The telephone number may not be a 900 number or any other number for which charges exceed local or long distance transmission charges. The seller or telemarketer must maintain records establishing compliance with paragraph (a)(6) of this section.

(i) A call for telemarketing purposes that delivers an artificial or prerecorded voice message to a residential telephone line that is assigned to a person who either has granted prior express consent for the call to be made or has an established business relationship with the caller shall not be considered an abandoned call if the message begins within two (2) seconds of the called person's completed greeting.

(ii) Calls made by or on behalf of tax-exempt nonprofit organizations are not covered by

paragraph (a)(6) of this section.

(7) Use any technology to dial any telephone number for the purpose of determining whether the line is a facsimile or voice line.

(b) All artificial or prerecorded telephone messages shall:

(1) At the beginning of the message, state clearly the identity of the business, individual, or other entity that is responsible for initiating the call. If a business is responsible for initiating the call, the name under which the entity is registered to conduct business with the State Corporation Commission (or comparable regulatory authority) must be stated, and

(2) During or after the message, state clearly the telephone number (other than that of the autodialer or prerecorded message player that placed the call) of such business, other entity, or individual. The telephone number provided may not be a 900 number or any other number for which charges exceed local or long distance transmission charges. For telemarketing messages to residential telephone subscribers, such telephone number must permit any individual to make a do-not-call request during regular business hours for the duration of the telemarketing campaign.

(c) No person or entity shall initiate any telephone solicitation, as defined in paragraph (f)(9) of this section, to:

(1) Any residential telephone subscriber before the hour of 8 a.m. or after 9 p.m. (local time at the called party's location), or

(2) A residential telephone subscriber who has registered his or her telephone number on the national do-not-call registry of persons who do not wish to receive telephone solicitations that is maintained by the federal government. Such do-not-call registrations must be honored for a period of 5 years. Any person or entity making telephone solicitations (or on whose behalf telephone solicitations are made) will not be liable for violating this requirement if:

(i) It can demonstrate that the violation is the result of error and that as part of its routine business practice, it meets the following standards:

(A) Written procedures. It has established and implemented written procedures to comply with the national do-not-call rules;

(B) Training of personnel. It has trained its personnel, and any entity assisting in its compliance, in procedures established pursuant to the national do-not-call rules;

(C) Recording. It has maintained and recorded a list of telephone numbers that the seller

may not contact;

(D) Accessing the national do-not-call database. It uses a process to prevent telephone solicitations to any telephone number on any list established pursuant to the do-not-call rules, employing a version of the national do-not-call registry obtained from the administrator of the registry no more than three months prior to the date any call is made, and maintains records documenting this process; and

(E) Purchasing the national do-not-call database. It uses a process to ensure that it does not sell, rent, lease, purchase or use the national do-not-call database, or any part thereof, for any purpose except compliance with this section and any such state or federal law to prevent telephone solicitations to telephone numbers registered on the national database. It purchases access to the relevant do-not-call data from the administrator of the national database and does not participate in any arrangement to share the cost of accessing the national database, including any arrangement with telemarketers who may not divide the costs to access the national database among various client sellers; or

(ii) It has obtained the subscriber's prior express invitation or permission. Such permission must be evidenced by a signed, written agreement between the consumer and seller which states that the consumer agrees to be contacted by this seller and includes the telephone number to which the calls may be placed; or

(iii) The telemarketer making the call has a personal relationship with the recipient of the call.

(d) No person or entity shall initiate any call for telemarketing purposes to a residential telephone subscriber unless such person or entity has instituted procedures for maintaining a list of persons who request not to receive telemarketing calls made by or on behalf of that person or entity. The procedures instituted must meet the following minimum standards:

(1) Written policy. Persons or entities making calls for telemarketing purposes must have a written policy, available upon demand, for maintaining a do-not-call list.

(2) Training of personnel engaged in telemarketing. Personnel engaged in any aspect of telemarketing must be informed and trained in the existence and use of the do-not-call list.

(3) Recording, disclosure of do-not-call requests. If a person or entity making a call for telemarketing purposes (or on whose behalf such a call is made) receives a request from a residential telephone subscriber not to receive calls from that person or entity, the person or entity must record the request and place the subscriber's name, if provided, and telephone number on the do-not-call list at the time the request is made. Persons or entities making calls for telemarketing purposes (or on whose behalf such calls are made) must honor a residential subscriber's do-not-call request within a reasonable time from the date such request is made. This period may not exceed thirty days from the date of

such request. If such requests are recorded or maintained by a party other than the person or entity on whose behalf the telemarketing call is made, the person or entity on whose behalf the telemarketing call is made will be liable for any failures to honor the do-not-call request. A person or entity making a call for telemarketing purposes must obtain a consumer's prior express permission to share or forward the consumer's request not to be called to a party other than the person or entity on whose behalf a telemarketing call is made or an affiliated entity.

(4) Identification of sellers and telemarketers. A person or entity making a call for telemarketing purposes must provide the called party with the name of the individual caller, the name of the person or entity on whose behalf the call is being made, and a telephone number or address at which the person or entity may be contacted. The telephone number provided may not be a 900 number or any other number for which charges exceed local or long distance transmission charges.

(5) Affiliated persons or entities. In the absence of a specific request by the subscriber to the contrary, a residential subscriber's do-not-call request shall apply to the particular business entity making the call (or on whose behalf a call is made), and will not apply to affiliated entities unless the consumer reasonably would expect them to be included given the identification of the caller and the product being advertised.

(6) Maintenance of do-not-call lists. A person or entity making calls for telemarketing purposes must maintain a record of a caller's request not to receive further telemarketing calls. A do-not-call request must be honored for 5 years from the time the request is made.

(7) Tax-exempt nonprofit organizations are not required to comply with 64.1200(d).

(e) The rules set forth in paragraph (c) and (d) of this section are applicable to any person or entity making telephone solicitations or telemarketing calls to wireless telephone numbers to the extent described in the Commission's Report and Order, CG Docket No. 02-278, FCC 03-153, "Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991."

(f) As used in this section:

(1) The terms automatic telephone dialing system and autodialer mean equipment which has the capacity to store or produce telephone numbers to be called using a random or sequential number generator and to dial such numbers.

(2) The term emergency purposes means calls made necessary in any situation affecting the health and safety of consumers.

(3) The term established business relationship means a prior or existing relationship formed by a voluntary two-way communication between a person or entity and a residential subscriber with or without an exchange of consideration, on the basis of the

subscriber's purchase or transaction with the entity within the eighteen (18) months immediately preceding the date of the telephone call or on the basis of the subscriber's inquiry or application regarding products or services offered by the entity within the three months immediately preceding the date of the call, which relationship has not been previously terminated by either party.

(i) The subscriber's seller-specific do-not-call request, as set forth in paragraph (d)(3) of this section, terminates an established business relationship for purposes of telemarketing and telephone solicitation even if the subscriber continues to do business with the seller.

(ii) The subscriber's established business relationship with a particular business entity does not extend to affiliated entities unless the subscriber would reasonably expect them to be included given the nature and type of goods or services offered by the affiliate and the identity of the affiliate.

(4) The term facsimile broadcaster means a person or entity that transmits messages to telephone facsimile machines on behalf of another person or entity for a fee.

(5) The term seller means the person or entity on whose behalf a telephone call or message is initiated for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person.

(6) The term telemarketer means the person or entity that initiates a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person.

(7) The term telemarketing means the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person.

(8) The term telephone facsimile machine means equipment which has the capacity to transcribe text or images, or both, from paper into an electronic signal and to transmit that signal over a regular telephone line, or to transcribe text or images (or both) from an electronic signal received over a regular telephone line onto paper.

(9) The term telephone solicitation means the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person, but such term does not include a call or message:

(i) To any person with that person's prior express invitation or permission;

(ii) To any person with whom the caller has an established business relationship; or

(iii) By or on behalf of a tax-exempt nonprofit organization.

(10) The term unsolicited advertisement means any material advertising the commercial availability or quality of any property, goods, or services which is transmitted to any person without that person's prior express invitation or permission.

(11) The term personal relationship means any family member, friend, or acquaintance of the telemarketer making the call.

(g) Beginning January 1, 2004, common carriers shall:

(1) When providing local exchange service, provide an annual notice, via an insert in the subscriber's bill, of the right to give or revoke a notification of an objection to receiving telephone solicitations pursuant to the national do-not-call database maintained by the federal government and the methods by which such rights may be exercised by the subscriber. The notice must be clear and conspicuous and include, at a minimum, the Internet address and toll-free number that residential telephone subscribers may use to register on the national database.

(2) When providing service to any person or entity for the purpose of making telephone solicitations, make a one-time notification to such person or entity of the national do-not-call requirements, including, at a minimum, citation to 47 CFR 64.1200 and 16 CFR 310. Failure to receive such notification will not serve as a defense to any person or entity making telephone solicitations from violations of this section.

(h) The administrator of the national do-not-call registry that is maintained by the federal government shall make the telephone numbers in the database available to the States so that a State may use the telephone numbers that relate to such State as part of any database, list or listing system maintained by such State for the regulation of telephone solicitations.

[57 FR 53293, Nov. 9, 1992; 60 FR 42069, Aug. 15, 1995; 68 FR 44177, July 25, 2003]

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47 C. F. R. § 64.1200
47 CFR § 64.1200

Telephone Consumer Protection Act of 1991
47 U.S.C. 227

§ 227. Restrictions on use of telephone equipment

(a) Definitions

As used in this section--

(1) The term "automatic telephone dialing system" means equipment which has the capacity--

(A) to store or produce telephone numbers to be called, using a random or sequential number generator; and

(B) to dial such numbers.

(2) The term "telephone facsimile machine" means equipment which has the capacity (A) to transcribe text or images, or both, from paper into an electronic signal and to transmit that signal over a regular telephone line, or (B) to transcribe text or images (or both) from an electronic signal received over a regular telephone line onto paper.

(3) The term "telephone solicitation" means the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person, but such term does not include a call or message (A) to any person with that person's prior express invitation or permission, (B) to any person with whom the caller has an established business relationship, or (C) by a tax exempt nonprofit organization.

(4) The term "unsolicited advertisement" means any material advertising the commercial availability or quality of any property, goods, or services which is transmitted to any person without that person's prior express invitation or permission.

(b) Restrictions on use of automated telephone equipment

(1) Prohibitions

It shall be unlawful for any person within the United States--

(A) to make any call (other than a call made for emergency purposes or made with the prior express consent of the called party) using any automatic telephone dialing system or an artificial or prerecorded voice--

(i) to any emergency telephone line (including any "911" line and any emergency line of a hospital, medical physician or service office, health care facility, poison control center, or fire protection or law enforcement agency);

(ii) to the telephone line of any guest room or patient room of a hospital, health care facility, elderly home, or similar establishment; or

(iii) to any telephone number assigned to a paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service, or any service for which the called party is charged for the call;

(B) to initiate any telephone call to any residential telephone line using an artificial or prerecorded voice to deliver a message without the prior express consent of the called party, unless the call is initiated for emergency purposes or is exempted by rule or order by the Commission under paragraph (2)(B);

(C) to use any telephone facsimile machine, computer, or other device to send an unsolicited advertisement to a telephone facsimile machine; or

(D) to use an automatic telephone dialing system in such a way that two or more telephone lines of a multi-line business are engaged simultaneously.

(2) Regulations; exemptions and other provisions

The Commission shall prescribe regulations to implement the requirements of this subsection. In implementing the requirements of this subsection, the Commission--

(A) shall consider prescribing regulations to allow businesses to avoid receiving calls made using an artificial or prerecorded voice to which they have not given their prior express consent;

(B) may, by rule or order, exempt from the requirements of paragraph (1)(B) of this subsection, subject to such conditions as the Commission may prescribe--

(i) calls that are not made for a commercial purpose; and

(ii) such classes or categories of calls made for commercial purposes as the Commission determines--

(I) will not adversely affect the privacy rights that this section is intended to protect; and

(II) do not include the transmission of any unsolicited advertisement; and

(C) may, by rule or order, exempt from the requirements of paragraph (1)(A)(iii) of this subsection calls to a telephone number assigned to a cellular telephone service that

are not charged to the called party, subject to such conditions as the Commission may prescribe as necessary in the interest of the privacy rights this section is intended to protect.

(3) Private right of action

A person or entity may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State--

(A) an action based on a violation of this subsection or the regulations prescribed under this subsection to enjoin such violation,

(B) an action to recover for actual monetary loss from such a violation, or to receive \$500 in damages for each such violation, whichever is greater, or

(C) both such actions.

If the court finds that the defendant willfully or knowingly violated this subsection or the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B) of this paragraph.

(c) Protection of subscriber privacy rights

(1) Rulemaking proceeding required

Within 120 days after December 20, 1991, the Commission shall initiate a rulemaking proceeding concerning the need to protect residential telephone subscribers' privacy rights to avoid receiving telephone solicitations to which they object. The proceeding shall--

(A) compare and evaluate alternative methods and procedures (including the use of electronic databases, telephone network technologies, special directory markings, industry-based or company-specific "do not call" systems, and any other alternatives, individually or in combination) for their effectiveness in protecting such privacy rights, and in terms of their cost and other advantages and disadvantages;

(B) evaluate the categories of public and private entities that would have the capacity to establish and administer such methods and procedures;

(C) consider whether different methods and procedures may apply for local telephone solicitations, such as local telephone solicitations of small businesses or holders of second class mail permits;

(D) consider whether there is a need for additional Commission authority to further restrict telephone solicitations, including those calls exempted under subsection (a)(3) of

this section, and, if such a finding is made and supported by the record, propose specific restrictions to the Congress; and

(E) develop proposed regulations to implement the methods and procedures that the Commission determines are most effective and efficient to accomplish the purposes of this section.

(2) Regulations

Not later than 9 months after December 20, 1991, the Commission shall conclude the rulemaking proceeding initiated under paragraph (1) and shall prescribe regulations to implement methods and procedures for protecting the privacy rights described in such paragraph in an efficient, effective, and economic manner and without the imposition of any additional charge to telephone subscribers.

(3) Use of database permitted

The regulations required by paragraph (2) may require the establishment and operation of a single national database to compile a list of telephone numbers of residential subscribers who object to receiving telephone solicitations, and to make that compiled list and parts thereof available for purchase. If the Commission determines to require such a database, such regulations shall--

(A) specify a method by which the Commission will select an entity to administer such database;

(B) require each common carrier providing telephone exchange service, in accordance with regulations prescribed by the Commission, to inform subscribers for telephone exchange service of the opportunity to provide notification, in accordance with regulations established under this paragraph, that such subscriber objects to receiving telephone solicitations;

(C) specify the methods by which each telephone subscriber shall be informed, by the common carrier that provides local exchange service to that subscriber, of (i) the subscriber's right to give or revoke a notification of an objection under subparagraph (A), and (ii) the methods by which such right may be exercised by the subscriber;

(D) specify the methods by which such objections shall be collected and added to the database;

(E) prohibit any residential subscriber from being charged for giving or revoking such notification or for being included in a database compiled under this section;

(F) prohibit any person from making or transmitting a telephone solicitation to the telephone number of any subscriber included in such database;

(G) specify (i) the methods by which any person desiring to make or transmit telephone solicitations will obtain access to the database, by area code or local exchange prefix, as required to avoid calling the telephone numbers of subscribers included in such database; and (ii) the costs to be recovered from such persons;

(H) specify the methods for recovering, from persons accessing such database, the costs involved in identifying, collecting, updating, disseminating, and selling, and other activities relating to, the operations of the database that are incurred by the entities carrying out those activities;

(I) specify the frequency with which such database will be updated and specify the method by which such updating will take effect for purposes of compliance with the regulations prescribed under this subsection;

(J) be designed to enable States to use the database mechanism selected by the Commission for purposes of administering or enforcing State law;

(K) prohibit the use of such database for any purpose other than compliance with the requirements of this section and any such State law and specify methods for protection of the privacy rights of persons whose numbers are included in such database; and

(L) require each common carrier providing services to any person for the purpose of making telephone solicitations to notify such person of the requirements of this section and the regulations thereunder.

(4) Considerations required for use of database method

If the Commission determines to require the database mechanism described in paragraph (3), the Commission shall--

(A) in developing procedures for gaining access to the database, consider the different needs of telemarketers conducting business on a national, regional, State, or local level;

(B) develop a fee schedule or price structure for recouping the cost of such database that recognizes such differences and--

(i) reflect the relative costs of providing a national, regional, State, or local list of phone numbers of subscribers who object to receiving telephone solicitations;

(ii) reflect the relative costs of providing such lists on paper or electronic media; and

(iii) not place an unreasonable financial burden on small businesses; and

(C) consider (i) whether the needs of telemarketers operating on a local basis could be met through special markings of area white pages directories, and (ii) if such directories

are needed as an adjunct to database lists prepared by area code and local exchange prefix.

(5) Private right of action

A person who has received more than one telephone call within any 12-month period by or on behalf of the same entity in violation of the regulations prescribed under this subsection may, if otherwise permitted by the laws or rules of court of a State bring in an appropriate court of that State--

(A) an action based on a violation of the regulations prescribed under this subsection to enjoin such violation,

(B) an action to recover for actual monetary loss from such a violation, or to receive up to \$500 in damages for each such violation, whichever is greater, or

(C) both such actions.

It shall be an affirmative defense in any action brought under this paragraph that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent telephone solicitations in violation of the regulations prescribed under this subsection. If the court finds that the defendant willfully or knowingly violated the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B) of this paragraph.

(6) Relation to subsection (b)

The provisions of this subsection shall not be construed to permit a communication prohibited by subsection (b) of this section.

(d) Technical and procedural standards

(1) Prohibition

It shall be unlawful for any person within the United States--

(A) to initiate any communication using a telephone facsimile machine, or to make any telephone call using any automatic telephone dialing system, that does not comply with the technical and procedural standards prescribed under this subsection, or to use any telephone facsimile machine or automatic telephone dialing system in a manner that does not comply with such standards; or

(B) to use a computer or other electronic device to send any message via a telephone facsimile machine unless such person clearly marks, in a margin at the top or bottom of each transmitted page of the message or on the first page of the transmission, the date and

time it is sent and an identification of the business, other entity, or individual sending the message and the telephone number of the sending machine or of such business, other entity, or individual.

(2) Telephone facsimile machines

The Commission shall revise the regulations setting technical and procedural standards for telephone facsimile machines to require that any such machine which is manufactured after one year after December 20, 1991, clearly marks, in a margin at the top or bottom of each transmitted page or on the first page of each transmission, the date and time sent, an identification of the business, other entity, or individual sending the message, and the telephone number of the sending machine or of such business, other entity, or individual.

(3) Artificial or prerecorded voice systems

The Commission shall prescribe technical and procedural standards for systems that are used to transmit any artificial or prerecorded voice message via telephone. Such standards shall require that--

(A) all artificial or prerecorded telephone messages (i) shall, at the beginning of the message, state clearly the identity of the business, individual, or other entity initiating the call, and (ii) shall, during or after the message, state clearly the telephone number or address of such business, other entity, or individual; and

(B) any such system will automatically release the called party's line within 5 seconds of the time notification is transmitted to the system that the called party has hung up, to allow the called party's line to be used to make or receive other calls.

(e) Effect on State law

(1) State law not preempted

Except for the standards prescribed under subsection (d) of this section and subject to paragraph (2) of this subsection, nothing in this section or in the regulations prescribed under this section shall preempt any State law that imposes more restrictive intrastate requirements or regulations on, or which prohibits--

(A) the use of telephone facsimile machines or other electronic devices to send unsolicited advertisements;

(B) the use of automatic telephone dialing systems;

(C) the use of artificial or prerecorded voice messages; or

(D) the making of telephone solicitations.

(2) State use of databases

If, pursuant to subsection (c)(3) of this section, the Commission requires the establishment of a single national database of telephone numbers of subscribers who object to receiving telephone solicitations, a State or local authority may not, in its regulation of telephone solicitations, require the use of any database, list, or listing system that does not include the part of such single national database that relates to such State.

(f) Actions by States

(1) Authority of States

Whenever the attorney general of a State, or an official or agency designated by a State, has reason to believe that any person has engaged or is engaging in a pattern or practice of telephone calls or other transmissions to residents of that State in violation of this section or the regulations prescribed under this section, the State may bring a civil action on behalf of its residents to enjoin such calls, an action to recover for actual monetary loss or receive \$500 in damages for each violation, or both such actions. If the court finds the defendant willfully or knowingly violated such regulations, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under the preceding sentence.

(2) Exclusive jurisdiction of Federal courts

The district courts of the United States, the United States courts of any territory, and the District Court of the United States for the District of Columbia shall have exclusive jurisdiction over all civil actions brought under this subsection. Upon proper application, such courts shall also have jurisdiction to issue writs of mandamus, or orders affording like relief, commanding the defendant to comply with the provisions of this section or regulations prescribed under this section, including the requirement that the defendant take such action as is necessary to remove the danger of such violation. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond.

(3) Rights of Commission

The State shall serve prior written notice of any such civil action upon the Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Commission shall have the right (A) to intervene in the action, (B) upon so intervening, to be heard on all matters arising therein, and (C) to file petitions for appeal.

(4) Venue; service of process

Any civil action brought under this subsection in a district court of the United States may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or wherein the violation occurred or is occurring, and process in such cases may be served in any district in which the defendant is an inhabitant or where the defendant may be found.

(5) Investigatory powers

For purposes of bringing any civil action under this subsection, nothing in this section shall prevent the attorney general of a State, or an official or agency designated by a State, from exercising the powers conferred on the attorney general or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(6) Effect on State court proceedings

Nothing contained in this subsection shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of such State.

(7) Limitation

Whenever the Commission has instituted a civil action for violation of regulations prescribed under this section, no State may, during the pendency of such action instituted by the Commission, subsequently institute a civil action against any defendant named in the Commission's complaint for any violation as alleged in the Commission's complaint.

(8) "Attorney general" defined

As used in this subsection, the term "attorney general" means the chief legal officer of a State.

Added by Pub. L. 102-243, § 3(a), 105 Stat. 2395 (Dec. 20, 1991); amended by Pub. L. 102-556, Title IV, § 402, 106 Stat. 4194 (Oct. 28, 1992), and Pub. L. 103-414, Title III, § 303(a)(11), (12), 108 Stat. 4294 (Oct. 25, 1994).



Results Oriented Sales Specialists

June 4, 2004

Ryan A. Swanberg
13050 Harriet Ave S #247
Burnsville, MN 55337

Dear Mr. Swanberg,

As you requested, enclosed you will find a copy of Ross Marketing, Inc.'s "Do Not Call" policy. I sincerely apologize for any inconvenience our phone call may have caused you. We will honor your request to be placed on our "Do Not Call" list following the procedures outlined in our Do Not Call policy.

Sincerely,

A handwritten signature in black ink that reads "Mike Day". The signature is written in a cursive style with a large, looping "D" at the end.

Mike Day
Client Services

Enclosure: Do Not Call Policy

CORPORATE OFFICE
1395 Stamy Road
Hiawatha, Iowa 52233
Ph: 319.294.8080
Fax: 319.294.8111

2214 Main Street, Suite A
Cedar Falls, Iowa 50613
Ph: 319.266.5881
Fax: 319.266.5932

425 Bailey Avenue
New Hampton, Iowa 50659
Ph: 641.394.6364
Fax: 641.394.2995

PX0168-041

FTC/ECHOSTAR000829

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SLC_ DNC_Investigation_0007330

TX 102-005710

ROSS MARKETING, INC. DO NOT CALL POLICY

It is Ross Marketing, Inc.'s policy that if any customer requests not to receive any future calls from a company we represent we will honor that request in the following manner:

1. If at any time during an outbound call a customer indicates that they do not wish to receive any future calls from the client we represent the representative must record the telephone number and name of the customer. This information will be secured in the database.
2. Upon completion of step number one, the customer will be informed that their name and telephone number are being placed in the "Do Not Call" database of the client we are representing. Their name and phone number will remain in the "Do Not Call" database until such time as they contact the company, and that, should they move or change their telephone number they would be responsible for contacting the company to ensure that they will not receive any telephone solicitations from the client company. It may take up to 30 days for a "Do Not Call" request to go into effect.

In the event that a customer indicates that they do not wish to receive any future calls from Ross Marketing, Inc. we will honor that request in the following manner:

1. If at any time during an outbound call a customer indicates that they do not wish to receive any future calls from Ross Marketing, Inc., the representative must record the telephone number and name of the customer. This information will be secured in Ross Marketing, Inc.'s company- wide "Do Not Call" database.
2. Upon completion of step number one, the customer will be informed that their name and telephone number are being placed in the Ross Marketing, Inc. database. Their name and telephone number will remain in the "Do Not Call" database until such time as they contact the company, and that, should they move or change their telephone number they would be responsible for contacting Ross Marketing, Inc. to ensure that they will not receive any telephone solicitations from Ross Marketing, Inc. It may take up to 30 days for a "Do Not Call" request to go into effect.

1-1-2004

PX0168-042

Confidential-US v. Dish

FTC/ECHOSTAR000830

JA006449

005314

Dish-00004729

SLC_ DNC_ Investigation_0007331

TX 102-005711

Teleservices, LLC dba Intelesure

Do Not Call Policy and Procedure

Included in the procedural training at Teleservices, LLC dba Intelesure, is a fully informative section that presents the telemarketing laws regulated by the Federal Communications Commission. The training consists of, but is not limited to, the Do Not Call List[®].

Each representative must adhere to the regulations as stated in the Telephone Consumer Protections Act. Failure to comply with, or disregarding, the regulations will result in immediate action toward the offending representative(s). The severity of the consequences will be thoughtfully arbitrated through management and acknowledged by the independent contractor in a neutral conference. A probationary period may be requested by management or the use of the independent contractors services may be terminated at that time.

In the event that a consumer on the Do Not Call List is unknowingly contacted, Teleservices, LLC dba Intelesure will promptly remove any consumer who requests to be removed from the current calling list. The consumers name, address, phone number, and day on which the request was given will be noted and saved in a company database. The consumer will be immediately deleted from the calling list and transported into a continual database of Do Not Call numbers.

Each newly obtained call list is electronically compared to the updated Do Not Call List for duplicate numbers. In the even that a Do Not Call number is found on a new list, the number will be effectively removed so that the consumer will not receive additional phone solicitations from Teleservices, LLC dba Intelesure.

PX0168-043

FTC/ECHOSTAR000831

JA006450

005315

Dish-00004730

SLC_ DNC_Investigation_0007332

TX 102-005712



2045 Hallmark Drive
Suite Five
Sacramento, CA 95825.2207

Phone 916/974.6969
800/909.2626
Fax 916/974.6974

May 19, 2004

Mr. Ryan Alan Swanberg
13050 Harriet Ave S #247
Burnsville, MN 55337

Re: "Do Not Call" Request

Dear Mr. Swanberg,

Thank you for your request to be added to the Direct Marketing Partners consumer "Do Not Call List" and your demand for a copy of the Direct Marketing Partners written "Do Not Call Policy."

The following is in response to your request and demand dated May 18, 2004:

1. Direct Marketing Partners is a business-to-business direct marketing company and currently does not engage in consumer telemarketing programs.
2. A search of our most recent telemarketing campaign databases and phone logs indicates that we have NOT called a person with your name, address or phone numbers as listed on your fax.
3. Please find attached a copy of our written "Do Not Call Policy" as demanded.
4. Please consider this letter as verification that you have been added to our consumer "Do Not Call List."

Regards,

Direct Marketing Partners (DMP) "Do Not Call" Department

PX0168-044

FTC/ECHOSTAR000832

JA006451

005316

Dish-00004731

SLC_ DNC_ Investigation_0007333

TX 102-005713

Direct Marketing Partners (DMP) Do Not Call Policy

Direct Marketing Partners (DMP) is a business-to-business direct marketing company. However, it is possible that DMP could engage in a consumer campaign in the future, or inadvertently contact a person at a residential phone number, so in the interest of respecting the privacy of all consumers, DMP has established the following Consumer Do Not Call Policy.

DMP respects the privacy of all consumers. If you do not want to receive direct marketing communications regarding DMP, or DMP representation of our client's products or services, request to be placed on Direct Marketing Partners' Do Not Call List ("Do Not Call List") or Do Not Mail List ("Do Not Mail List") (collectively the "Do Not Call/Mail Lists"). Allow up to thirty (30) days after you have made your request for your name to be removed from any sales/marketing programs currently underway.

How to Be Placed on Direct Marketing Partners' Do Not Call/Do Not Mail Lists

1. If you receive a call from a Direct Marketing Partners sales/marketing person, ask to be placed on the "Do Not Call List" and provide the sales/marketing person with the following:

Name
Address
Telephone Number(s) (including area codes)

And/or

2. Submit your request for placement on the Do Not Call List and/or Do Not Mail List by calling the main phone number for Direct Marketing Partners at 916-974-6969 and speaking to a representative. State that you wish to be placed on the Do Not Call List and/or Do Not Mail List. You will need to provide the representative with the following:

Name
Address
Telephone Number(s) (including area codes)

And/or

3. Submit your request for placement on the Do Not Call List and/or Do Not Mail List in writing and include your name, address and telephone number(s) along with a statement indicating that you would like to be placed on the Do Not Call List and/or Do Not Mail List. Send your written request to:

Direct Marketing Partners
2045 Hallmark Ste 5
Sacramento, CA 95825
Attn: Do Not Call List

We will maintain the telephone number(s), address and name on our Company Do Not Call List and/or Do Not Mail List for five (5) years. If a person's name, telephone number(s) and/or address changes, another request must be submitted to have the new number and/or address added to our Company Do Not Call List or Do Not Mail List. Any questions concerning Direct Marketing Partners Do Not Call Policy may be directed to the company address listed in #3.

Last updated May 2004.

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PX0168-045

FTC/ECHOSTAR000833

JA006452

005317

Dish-00004732

SLC_DNC_Investigation_0007334

TX 102-005714

Telenational Marketing



International Headquarters Omaha Nebraska USA

June 9, 2004

Ryan Alan Swanberg
13050 Harriet Avenue So., # 247
Burnsville, MN 55337

Dear Mr. Swanberg:

It is my understanding that on May 22, 2004, you requested via a phone call and E-mail to our sales department to be added to Telenational Marketing's "Do Not Call" list. Confirmation of your request to be added to our "Do Not Call" list was E-mailed to you on May 27, 2004.

At the same time you requested a copy of Telenational Marketing's written "Do Not Call" Policy. I have enclosed a copy of our policy as well as a copy of our e-mail to you confirming you have been added to our "Do Not Call" list.

Telenational Marketing is primarily an inbound Direct Response Center focusing on information and product requests via 800 numbers. Rest assured if and when we engage in Outbound Telemarketing your name will be removed along with those who have signed up at the State and Federal level.

Sincerely,

Mark Blankenau
President

Enc.

2918 North 72nd Street • Omaha, Nebraska 68134-5107 • 402-548-1100

PX0168-046

FTC/ECHOSTAR000834

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Dish-00004733

SLC_ DNC_Investigation_0007335

TX 102-005715

DO NOT CALL POLICY

Telenational Marketing respects the privacy of all consumers. We will comply with all state and federal laws concerning privacy rights of consumers.

Request to be put on Do Not Call List:

Requests may be made by phone (402) 548-1125 or by mail to:

Telenational Marketing
2918 N 72 St.
Omaha, NE 68134

When we receive your request, your telephone number is added to our "Do Not Call" list within one week.

We will maintain the telephone number(s), address, and name on our "Do Not Call" list for a period of five (5) years.

In the event that a consumer, which is contacted by our agents, requests to be added to our "Do Not Call" list, his/her name, address, phone number and day the request is made will be promptly forwarded to the Operations Manager. The Operations Manager is responsible for having the information added to our "Do Not Call" list and for maintaining the list.

Telemarketers Procedures:

Every employee of Telenational Marketing who makes telephone calls on behalf of Telenational Marketing clients is required to undergo training on "Do Not Call" requirements and procedures.

These procedures are stated in the Telephone Consumer Protections Act and every effort is made to comply.

Policies and procedures are reviewed and updated periodically.

It is not our practice to offer written confirmation of the "Do Not Call" fulfillment. However, in the event that a consumer request a copy of our corporate "Do Not Call" policy, the agent will contact the Operations Manager and a copy will be sent to the requesting party in a timely manner.

As you requested, the following is a copy of the Do Not Call policy for America's Choice Readers Service. This policy is current as of 03/10/2004.

Consumers who wish to receive a copy of our Do Not Call policy or who wish to be placed on our company's Do Not Call list may do so by contacting us:

By mail:
P. O. Box 89
Great Falls, MT 59403

By phone: 800-288-4941
By email: dncpolicy@americanreader.com
Web site: <http://www.americanreader.com>

Upon receipt of a Do Not Call policy request we will mail the policy promptly to the consumer by regular US mail provided the complete mailing information is provided. Upon receipt of a request for a phone number to be placed on our Do Not Call list it will be placed on our list within 5 business days from the date of the request. Further, it will take up to a total of 10 days from the receipt of your request to completely remove a phone number from all our calling lists. Please keep in mind that by placing your number on our Do Not Call list you may be excluded from certain offers that are presented by telephone in the future.

At a minimum, a request to be placed on our Do Not Call list must include a legible phone number that is to be placed on the list. We prefer all requests to be placed on our Do Not Call list include the full and complete requestor's information.

If a consumer's number has been placed on our Do Not Call list and the consumer changes their phone number or establishes any new phone numbers at their location it is the consumer's responsibility to contact us at the above listed location to place their new number(s) on our Do Not Call list.

If you have an existing business relationship with us, by placing your name on our Do Not Call list, you are simply excluding your number from future calls and offers by telephone. Being on our Do Not Call list does not affect your status as our customer. Your number will remain on our Do Not Call list for 10 years from the time you place the number on the list or update it.

Telephone Representatives are trained on our Do Not Call policies at the time of their initial training. Further, Telephone Representatives are retrained on our Do Not Call policy every 6 months.

In the unlikely event a consumer receives a phone call from our company after they have requested to be placed on the Do Not Call list, an internal investigation will be performed upon receipt of the report.

Please keep in mind that placing your phone number on our Do Not Call list only excludes our company from calling you and does not exclude other telephonic solicitors. This is not a global Do Not Call list.

We sincerely appreciate the opportunity to have served you and if we can be of any further assistance please do not hesitate to contact us.

Best regards,

America's Choice Readers Service

PX0168-048

FTC/ECHOSTAR000836

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Dish-00004735

SLC_DNC_Investigation_0007337

TX 102-005717

ON-SITE TM DO NOT CALL POLICY

Revised: June 9, 2004

1. All consumer based lists are to be "scrubbed" on a current basis against the National Do Not Call Registry prior to purchase.
2. An ON-SITE TM DO NOT CALL LIST containing the individual's name, company name (if applicable), address, and phone numbers as well as the date of request is to be created and maintained on an on-going basis.
3. If during any campaign, either a business or a consumer requests that we cease calling, we are to add that record to the ON-SITE TM DO NOT CALL LIST.
4. Once purchased, all new consumer and business lists are to be run against the ON-SITE TM DO NOT CALL LIST prior to beginning any new campaign. Any numbers that are found are removed from the campaign database so that they are not called.
5. We are not to call consumers before 9 am EST or after 9 pm EST.
6. Since we do not utilize predictive dialers so we will not automatically abandon any consumer call. However, every telemarketer must take care to insure that any dialed consumer number ring at least 4 times prior to hanging up.
7. All outgoing calls must contain our caller ID information and all telemarketers are to announce their first name in the call introduction.
8. To the best of our knowledge, we will never make false or misleading statements nor do we misrepresent any of the products or services we are contracted to sell.
9. We will never interfere with any consumer's right to be placed on a do not call list.

PX0168-049

FTC/ECHOSTAR000837

JA006456

005321

Dish-00004736

SLC_ DNC_Investigation_0007338

TX 102-005718



Innovative Telebusiness Solutions

DO NOT CALL POLICY

Bolder Calls follows the Code of Ethics of the Direct Marketing Association in regards to ethical telemarketing. Article 12 of the Code, Restricted Contacts, states the following:

"Telephone marketers should remove the name of any customer from their telephone lists when requested by the individual. A telephone marketer should not knowingly call anyone who has an unlisted or unpublished number except in instances when the number was provided by the customer to that marketer."

Bolder Calls also abides by the tenets of the Federal Trade Commission's telemarketing regulations, which state that it is an abusive telemarketing act or practice and a violation of the regulations to initiate "an outbound telephone call to a person when that person previously has stated that he or she does not wish to receive an outbound telephone call made by or on behalf of the seller whose goods or services are being offered."

If a Bolder Calls employee places a call to a person who requests that we place them on our "do not call" list, the telemarketer enters a call result on the person's record of "do not call" and updates the database. New calling lists received from our clients are de-duplicated against the database to ensure the same individuals are not called again. We also regularly furnish a list of "do not call" requests to our clients so they can update their own internal databases.

Bolder Calls currently subscribes to the "do not call" lists maintained by Colorado, Kansas, Missouri, Montana, Oklahoma, Oregon, Tennessee, Wisconsin, the National No Call list maintained by the FTC and the Direct Marketing Association's No Call List.

3300 Arapahoe Ave., #213, Boulder, CO 80303
303-415-9830 • 303-415-9025 fax • 800-379-3438 toll free • www.boldercalls.com

PX0168-050

FTC/ECHOSTAR000838

JA006457

005322

Dish-00004737

SLC_ DNC_Investigation_0007339

TX 102-005719



Customer Contact Center
Beacon Global Services
14 Catherine Street

5/12/2004

RE: Do Not Call Policy Request. Ref#: 53-4

Recently you asked our company to provide you with a copy of our "Do Not Call" Policy.
The Following information represents our "Do Not Call" policy at the time of your request:

"Do Not Call" Policy

Policy last updated: 04/01/04
Policy version #: 4

If a consumer requests a copy of our "Do Not Call" policy, we will send a copy via U.S. mail or electronic mail.

Consumers may request, by telephone or in writing, that our company stop calling them and place their name on a "Do Not Call" list. Although we may ask for your name, address and telephone number, we will accept your request even if you only provide your telephone number. You have a right to have calls stopped and to be put on our "Do Not Call" list even if you are still a customer.

When we receive your request, your telephone number is added to our "Do Not Call" list within 5 business days. In some cases it may take up to 2 business days for your telephone number to be removed from other company wide calling lists. Your request will stay on our list for at least 5 years. If you move, change your telephone number, or add an additional telephone number, you must provide us with the new telephone number in order for us to prevent calls to that number. We will not share the information you provide with anyone except affiliated companies or subsidiaries without your prior written permission.

We may perform telemarketing services for other companies. In this case, we will also forward our updated "Do Not Call" list(s) to these companies on a monthly basis, unless the client requests otherwise or refuses to accept these updates from us.

All employees that engage in outbound telephone solicitation are trained in this policy and made aware of these procedures before they are allowed to place calls to consumers. Managers, supervisors, or trainers review the policy with these employees monthly.

The Direct Marketing Association (DMA) offers a free service to consumers called the "Telephone Preference Service" (TPS), which will typically reduce, but not eliminate the number of telemarketing calls received. Consumers may have their name added to the TPS at no charge by sending a written request to the DMA. Your written request must include your name, complete address, telephone number and signature, and should be sent to: DMA Telephone Preference Service; PO Box 9014; Farmingdale, NY 11735. The DMA states that the TPS is updated quarterly and it may take up to three months after your name is entered before you begin to see a reduction in calls. To learn more about this service, visit <http://www.the-dma.org/consumers>.

The methods and procedures in this "Do Not Call" policy are reviewed by our company quarterly.

Sincerely,

Owen Murray
Manager of Operations

Beacon Global Services Corporation, Poughkeepsie, NY 12601 • Telephone: (845) 473-1137 Fax: (845) 625-2122

FTC/ECHOSTAR000839

PX0168-051

JA006458

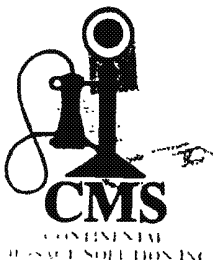
005323

Dish-00004738

Confidential-US v. Dish

SLC_ DNC_Investigation_0007340

TX 102-005720



"DO NOT CALL" POLICY

If a consumer requests a copy of our "Do Not Call" policy, we will send a copy via U.S. mail or electronic mail.

Consumers may request, by telephone or in writing, that our company stop calling them and place their name on a "Do Not Call" list within 5 business days.

A consumer request will stay on our list for at least 10 years. If they move, change their telephone number, or add an additional telephone number, they must provide us with the new telephone number in order for us to prevent calls to that number.

All employees that engage in outbound telephone solicitation are trained in this policy and made aware of this policy before they are allowed to place calls to consumers.

Managers, supervisors, or trainers review the policy with these employees quarterly.

If the consumer notifies us that they have received a telephone call from us after they have already requested to be placed on the "Do Not Call" list, we will apologize for the intrusion and have a manager or supervisor investigate. The manager or supervisor will also confirm that the telephone number is on the "Do Not Call" list.

The methods and procedures in this "Do Not Call" policy are reviewed by the Compliance Manager quarterly.

614.224.4534

614.464.4730

800.369.8908

41 S. GRANT AVE.
COLUMBUS
OHIO
43215

FTC/EHOSTAR000840

PX0168-052

JA006459

005324

Dish-00004739

SLC_ DNC_ Investigation_0007341

TX 102-005721



PARKER, MURRAY & ASSOCIATES, INC.

Ryan Alan Swanberg
13050 Harriet Ave S #247
Burnsville, MN 55337
952.890.7358
952.736.7998

Monday, May 24, 2004

Dear Mr. Swanberg:

As per your request, I have placed the two above phone numbers in our national "Do Not Call" list.

In addition, you requested our "Do Not Call" Policy: "Parker, Murray & Assoc., Inc. applies the state and national "Do Not Call" lists that apply to its clients. These lists are updated regularly and the calling software we use is expressly designed to prevent numbers from being called that are on these lists. In addition, all employees receive training regarding the Do Not Call requirements, and make every effort to comply."

Should you need further information or have any questions, please do not hesitate to call me at 504.523.4408 and I can be reached at extension 204.

Kindest Regards,

Marsha Johnson Ferguson
Vice-President

Keeping People in Touch With People

1820 St. Charles Ave., Suite 203 New Orleans, LA 70130
(800) 825-4284 (504) 523-4408 (504) 523-3450

FTC/ECHOSTAR000841

PX0168-053

JA006460

005325

Dish-00004740

SLC_ DNC_Investigation_0007342

TX 102-005722

Ryan Alan Swanberg
Consumer Rights Advocate
13050 Harriet Ave S #247
Burnsville, MN 55337
952-736-7998



November 4th, 2003

Echostar Satellite Corp. / Dish Network
Attn.: Legal Department
5701 S. Santa Fe. Dr.
Littleton, CO 80120

VIA U.S. MAIL

Re: ~~Ryan Swanberg~~ v. Echostar Satellite Corp. / Dish Network

RULE 408 SETTLEMENT COMMUNICATION

To the Above:

Please be advised that I Ryan Swanberg have drafted a Complaint to sue Echostar Satellite Corp. / Dish Network regarding violations of the US Code Title 47, Sec.227 et. seq., 16 CFR § 310 et.seq. and Minn. Stat. § 325E. 312 et. seq. claims against your organization arising out of a telemarketing sales call on October 6th 2003.

Please review the enclosed draft Complaint for the legal and factual basis for my claims. It is to be filed in state court if this matter is not settled. Prior to filing suit, I'm offering a single attempt at settlement.

Contact me to discuss this matter. If I have not heard from your organization by **November 13th 2003**, I will assume that you are not interested in a settlement of this matter and I will place it into immediate suit in court. I will vigorously pursue all of my legal rights under the US Code Title 47, Sec.227, 16 CFR § 310 et.seq. and Minn. Stat. § 325E. 312 et. seq. as well as under other applicable federal and state law in the pursuit of my claims against your organization.

I look forward to hearing from you and or your litigation counsel in the very near future. For your information as of the date of this letter I have not notified any Consumer Rights Attorneys, members of the media or any state (MN or CO State Attorney General) or federal (Federal Trade Commission) regulatory agencies.

Very Truly Yours,

A handwritten signature in cursive script that reads "Ryan Swanberg".

Ryan Swanberg, Consumer Rights Advocate

FTC/ECHOSTAR000842

PX0168-054

JA006461

005326

Dish-00004741

Confidential-US v. Dish

SLC_DNC_Investigation_0007343

Docket 81704 Document 2021-0906-1 **TX 102-005723**

<p>Ryan Swanberg,</p> <p>Plaintiff,</p> <p>v.</p> <p>Echostar Satellite Corp. / Dish Network,</p> <p>Defendant.</p>	<p>Complaint</p> <p>Pro Se</p>
---	--

Confidential-US v. Dish

7. Defendant's unidentified agent then barraged Plaintiff with the following statements: *"You would have to be stupid to not take this deal. You are too uptight and paranoid. Since you don't want this offer, I guess you are stupid".*
8. The abovementioned comments violate many provisions of 16 CFR § 310 et. seq. and 47 U.S.C. 227 et. seq.
9. During the brief unsolicited conversation, Defendant's agent failed to state her identity as well as Defendant's address and phone number which is required by 47 U.S.C. 227 et. seq.
10. Defendant has violated Minn. Stat. 325E. 312 et. seq.
11. Defendant called Plaintiff's home and interfered with Plaintiff's caller I.D. by blocking Defendant's business name and telephone number from the caller identification device.
12. According to Minn. Stat. 325E. 312 subd. 3 : *"No caller who makes a telephone solicitation to a residential subscriber in this state shall knowingly use any method to block or otherwise deliberately circumvent the subscriber's use of a caller identification service."*

Causes of Action

Count 1.

Violations of 47 U.S.C. 227 et. seq.

13. Plaintiff incorporates by reference paragraphs and all preceding paragraphs as though fully stated herein.

14. The foregoing acts and omissions of the Defendant constitute multiple and distinct violations of 47 U.S.C. 227 et.seq., 16 CFR § 310 et.seq. and Minn. Stat. 325E. 312 et.seq. against the Plaintiff.
15. As a result of said violations, Plaintiff is entitled to statutory damages of \$1,500 pursuant to 47 U.S.C. 227 et.seq..

Prayer For Relief

Wherefore, Plaintiff respectfully prays that this court enter the following Judgment, in Plaintiff's favor:

Count 1: 47 U.S.C. 227 and CFR 16 § 310 violations.

- for an award of statutory damages of \$1,500.00, for Plaintiff, for violations of 47 U.S.C. 227 et. seq. and CFR 16 § 310 et.seq., against the Defendant,

Such Other Relief

- for such other and further relief as may be just and proper.

Dated: 11-4-03

Signed By: Ryan Swanberg

Ryan Alan Swanberg
13050 Harriet Ave S # 247
Burnsville, MN 55337
(952)-736-7998
Pro Se

EXHIBIT 112

EXHIBIT 112

JA006465
005330

TX 102-005727

From: Oberbillig, Mike
Sent: Tuesday, January 30, 2007 5:25:30 PM
To: Werner, Bruce
Subject: FW: Satellite Systems Network OE Tool # 821970

From: Ahmed, Amir
Sent: Thursday, July 29, 2004 1:41 PM
To: Mills, Mike; Oberbillig, Mike
Cc: Spreitzer, Jim
Subject: RE: Satellite Systems Network OE Tool # 821970

You guys need to spend time with Alex on the whole program. Make sure he understands the exception process. Make sure he does not just give us apartment sales. I am hearing a lot of complaints on Sat Systems on telemarketing calls to customers.

-----Original Message-----

From: Mills, Mike
Sent: Thursday, July 29, 2004 12:25 PM
To: Oberbillig, Mike; Ahmed, Amir
Cc: Spreitzer, Jim
Subject: RE: Satellite Systems Network OE Tool # 821970

Mike --

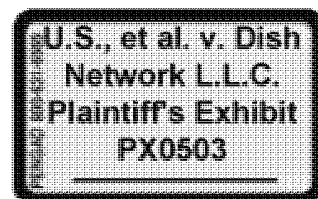
Get me the deals they don't think they're getting credit for and we'll check it out. Whatever they have done through the exceptions line, they will get paid for.

Mike

-----Original Message-----

From: Oberbillig, Mike
Sent: Thursday, July 29, 2004 12:23 PM
To: Ahmed, Amir
Cc: Spreitzer, Jim; Mills, Mike
Subject: RE: Satellite Systems Network OE Tool # 821970

Amir,



PX0503-001

Confidential - U.S. v. DISH

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005331
DISH11-029658

SLC_DNC_Investigation_0013015

TX 102-005728

spoke with Alex again and he likes the increased economics. His only complaint with the OE tool is that it goes down often, and when they call in the deals he claims that they never receive credit for them. I requested a spread sheet of the deals he has called in, so we can see if we have a breakage somewhere in this process.

Thanks

MJO

-----Original Message-----

From: Ahmed, Amir

Sent: Monday, July 19, 2004 7:51 PM

To: Ahmed, Amir; Spreitzer, Jim; Oberbillig, Mike; Miller, Erik

Cc: Hinson, Matthew; Mills, Mike; Novotny, Dana

Subject: RE: Satellite Systems Network OE Tool # 821970

Mike and Jim,

Please call Alex in the morning and give them some good news. We are increase Satellite Systems Network OE activation payment from **\$150.00 to \$175.00** effective immediately.

Also, effective immediately we will pay Satellite Systems Network a \$25.00 bonus on all primary activations with DVR attachment.

Also, Satellite Systems Network will receive a \$15.00 bonus for any DHA with 24 month commitment activation starting August 1. I want you to call Alex tomorrow and pitch DHA24 with all the benefits of the DHPPP program for the consumer. It is free for the consumer; make sure they understand all the benefits.

I do not want to lose anymore business to DTV, please execute and get them pitching DVR and DHA 24.

Please confirm when you have spoken to both accounts and make sure the proper people behind driving sales understand.

Erik Miller, please confirm when you have changed the activation payment from **\$150.00 to \$175.00** and have **added the \$25.00 bonus on DVR** activation via the OE Tool for Satellite Systems Network.

If Satellite Systems Network activates on DHA with DVR, their economics increases from \$150.00 to \$200.00. Effective, August 1, if they sell DHA 24 with DVR, their economics increase by another \$15.00. Please close the deal

PX0503-002

Confidential - U.S. v. DISH

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005332

DISH11-029659

SLC_ DNC_Investigation_0013016

TX 102-005729

and get Alex excited. I want minimum 2500 activations in August.

Thanks,

Amir

EXHIBIT 113

EXHIBIT 113

JA006469
005334

TX 102-005731



DANA E. STEELE, ESQ.
Direct Dial No. (303) 723-1621
Direct Fax: (303) 723-2571

September 14, 2004

Ryan Swanberg
13050 Harriet Ave. S. #247
Burnsville, MN 55337

Re: Your Letter dated July 26, 2004

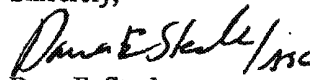
Dear Mr. Swanberg:

Thank you for your letter dated July 26, 2004, and the attached materials sent to Dish Network ("Dish"). Your draft complaint alleges that you received a telemarketing call on July 19, 2004 from Dish TV Now. In response to your letter, we have researched your claim with Dish's compliance department and our report confirms that no contact was made by Dish to the phone numbers (952) 736-7998 and (952) 890-7358. In a further attempt to respect your wishes, the above numbers have been placed on Dish's internal "Do Not Call" list, and I have attached a copy of our Do Not Call policy for your records.

While we regret any inconvenience Dish TV Now's call may have caused, Dish does business with many independent retailers and each retailer is solely responsible for their own actions. Please be assured that we will forward a copy of your letter and complaint to Dish TV Now so that they will have an opportunity to resolve this issue directly with you.

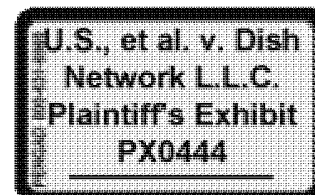
If there is anything else you need from us, or if you have any questions, please feel free to contact me.

Sincerely,


Dana E. Steele
Corporate Counsel

cc: Trey Yelverton, Dish TV Now (w/enclosures)

9601 S. Meridian Boulevard • Englewood, CO 80112
Tel: (303) 723-1600 • Fax: (303) 723-1699



FTC/EHOSTAR000772

Confidential-US v. Dish

PX0444-001

JA006470
0058360004671

SLC_DNC_Investigation_0012900
TX 102-005732

Do Not Call List

08/03/04 01:34 PM

Phone No	9528907358	Search Criteria
Account No		
Contact Date	From	To

Member Info

Phone Number	Csq Account No	First Name	Last Name	Created Date	Created By	Dnc Member Id

No Call List

Do Not Solicit	Dnc List Name	Us State Code	Dnc List Us State Code	Effective Date	Expiration Date	Created By

Contact Log

Contact Date	Contact System	Contact Type	Media Type	Phone/Email No	Acct No	Contact Reason Code	Contact Result Code

PX0444-002

JA006471
005336

SLC_ DNC_Investigation_0012901
TX 102-005733

Do Not Call List

08/04/04 07:44 AM

Phone No	9527367998	Search Criteria
Account No		
Contact Date	From	To

Member Info

Phone Number	Csq Account No	First Name	Last Name	Created Date	Created By	Dnc Member Id

No Call List

Do Not Solicit	Dnc List Name	Us State Code	Dnc List Us State Code	Effective Date	Expiration Date	Created By

Contact Log

Contact Date	Contact System	Contact Type	Media Type	Phone/Email No	Acct No	Contact Reason Code	Contact Result Code

FTC/ECHOSTAR000774

PX0444-003

JA006472
005337

ECHOSTAR SATELLITE CORPORATION

"DO-NOT-CALL" POLICY

**IN COMPLIANCE WITH THE
TELEPHONE CONSUMER PROTECTION ACT OF 1991
(T.C.P.A.)**

AND

**THE TELEMARKETING AND CONSUMER FRAUD
AND ABUSE PREVENTION ACT OF 1994**

AND

ACCOMPANYING REGULATIONS

(Revised June 1, 2002)

FTC/ECHOSTAR000775

PX0444-004

JA006473

D05880004674

Confidential-US v. Dish

SLC_ DNC_Investigation_0012903

TX 102-005735

ECHOSTAR DO-NOT-CALL POLICY

I. INTRODUCTION

EchoStar has implemented this Do-Not-Call Policy in order to protect the privacy rights of consumers and to promote compliance with applicable laws and regulations. EchoStar intends to honor the request of any person who opts not to receive telephone solicitations.

II. DO-NOT-CALL POLICY

EchoStar maintains a list of phone numbers of persons who have indicated that they do not wish to receive solicitation calls. The phone number of any person who informs EchoStar that he or she does not wish to receive solicitation calls is placed on EchoStar's Do-Not-Call list. A request may be communicated by means of: 1) inclusion on an official state or federal Do-Not-Call list; 2) advising an EchoStar Customer Service Representative by phone; or 3) advising EchoStar in writing. Oral requests should be made by calling EchoStar's Customer Service Center at 1-800-333-DISH. Written requests should be sent to: EchoStar Satellite Corporation, Attention: Do Not Call, P.O. Box 9008, Littleton, Colorado 80120. All EchoStar employees who conduct outbound solicitation calls will be instructed on company policy and provided with guidance on how to add numbers to EchoStar's Do-Not-Call list.

A. STATE DO-NOT-CALL LISTS

It is Echostar's policy to obtain all state Do-Not-Call lists, and to not call the phone numbers on state Do-Not-Call lists. EchoStar's Do-Not-Call list will be updated within 30 days of receipt of the state Do Not Call list, or such shorter time if required by state law.

FTC/ECHOSTAR000776

B. COMMUNICATION

WHAT TO SAY WHEN A PARTY REQUESTS TO BE ADDED TO OUR DO-NOT-CALL LIST:

"Mr.(s) _____, please excuse this call, I will have your phone number removed from our calling list immediately."

WHAT TO SAY IF A PERSON REQUESTS A COPY OF OUR "DO-NOT-CALL" POLICY:

"Mr.(s) _____, we will be happy to send a copy of our Do-Not-Call policy to you. Please let me confirm your address and we will mail you a copy. Thank you for your interest."

C. UPDATING THE DO-NOT-CALL LIST

1. DISH Network Customers

If a DISH Network customer calls in to request exclusion from solicitations, the inbound Customer Service Representative will input a "Do Not Call" code onto the customer's account. If an outbound Customer Service Representative receives a Do-Not-Call request from a DISH Network customer, the Customer Service Representative will mark the account in the dialer. Data is downloaded from each dialer and updates each customer's account with a "Do Not Call" code. Coded accounts, whether marked manually by an inbound Customer Service Representative or by download, are excluded from any future dialing list.

2. Non-Customers

A Customer Service Representative who receives a non-customer's request to be excluded from solicitations will mark that record as "Do Not Call" and provide his or her coach with the phone number(s) to be placed on the Do Not Call list. Each coach sends out a list of all such requests at the end of each shift, which are then added into the outbound dialers and EchoStar's Do Not Call database.

III. OTHER CALLING REQUIREMENTS

In addition to any specific training, instruction or other requirements, all EchoStar employees placing outbound solicitation calls must comply with the following:

- 1) Calls may only be placed between the hours of 8:00 a.m. and 9:00 p.m., local time of the called party.
- 2) Use of an artificial or prerecorded voice to deliver a message to any residential phone line is prohibited.
- 3) When making a call, provide the potential customer with your name and that you are calling on behalf of "DISH Network."
- 4) Advertisements may not be transmitted by any device to a telephone facsimile machine unless the person receiving the facsimile has given prior express invitation or permission to receive it.

IV. SAMPLE LETTER

Date

Name

Address

Dear _____:

Enclosed please find a copy of EchoStar's Do-Not-Call policy. We thank you for taking the time to examine this policy. If you have any questions or concerns, please feel free to contact us in writing at:

EchoStar Satellite Corporation
P.O. Box 9008
Littleton, Colorado 80120

or by telephone at (800) 333-DISH.

We are sorry for any inconvenience we may have caused, and if we can be of service to you in the future, please do not hesitate to contact us.

Sincerely,

EchoStar Satellite Corporation

FTC/ECHOSTAR000778

JA006476

0050400004677

Confidential-US v. Dish

PX0444-007

SLC_ DNC_ Investigation_0012906

TX 102-005738

EXHIBIT 114

EXHIBIT 114

JA006477
005342

TX 102-005739

From: Oberbillig, Mike
Sent: Tuesday, January 30, 2007 5:28:57 PM
To: Werner, Bruce
Subject: FW: Satellite Systems Network

From: Spreitzer, Jim
Sent: Wednesday, September 15, 2004 1:45 PM
To: Ahmed, Amir
Cc: Oberbillig, Mike
Subject: RE: Satellite Systems Network

He is out hiring people for DISH this week and expanding the program.

he is contacting advertising agencies this week- commercials will be developed.

We will have our own pod there (Dish).

THANKS for the approval.

It will happen.

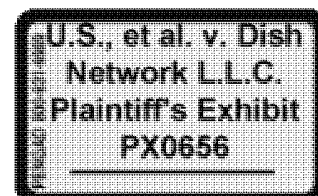
End of Oct 1000

End of Nov 2000

End of Dec 2500

-----Original Message-----

From: Ahmed, Amir
Sent: Tuesday, September 14, 2004 9:24 PM
To: Spreitzer, Jim
Subject: FW: Satellite Systems Network



Go get him. Need activations and please tell Alex that I have worked my ass off to get him additional economics. I have also had to deal with all his issues related to sales etc... Need incremental activations starting tomorrow. The \$200.00 activation payment is good until 1/31/05. He will also receive \$25.00 for DVR/HD attachments. He will also receive \$15.00 for DHA24. he will also receive \$50.00 for activations in NRTC areas.

PX0656-001

Confidential U.S. v. DISH

JA006478
005343
DISH5-0000126144
SLC_ DNC_Investigation_0007388
TX 102-005740

-----Original Message-----

From: DeFranco, Jim

Sent: Tuesday, September 14, 2004 7:23 PM

To: Ahmed, Amir

Subject: RE: Satellite Systems Network

Proceed. Send me a current spread sheet with all the current special economics.

-----Original Message-----

From: Ahmed, Amir

Sent: Tuesday, September 14, 2004 6:54 PM

To: DeFranco, Jim

Subject: Satellite Systems Network

Jim,

Satellite Systems Network is averaging 350 activations per month on the OE Tool. However, they are averaging 9,000 activations per month for DTV. After speaking to Spreitzer, increasing their activation payment from \$175.00 to \$200.00 until January 31, 2005 will get us incremental 2500-3500 activations per month starting in October. I am requesting the same economics as we provide for E-Management, Today's, Marketing Guru and Dish Pronto.

Satellite Systems Network current economics:

\$175.00 activation fee

\$25.00 DVR/HD bonus

Request:

Increase activation payment to \$200.00 until January 31, 2005

\$25.00 DVR/HD bonus

PX0656-002

Confidential U.S. v. DISH

JA006479

005344

DISH5-0000126145

SLC_ DNC_Investigation_0007389

TX 102-005741

EXHIBIT 115

EXHIBIT 115

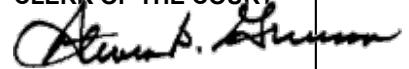
JA006480
005345

TX 102-005742

INTENTIONALLY OMITTED

JA006481
005346

TX 102-005743



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18 *Attorneys for Special Litigation Committee of*
19 *Nominal Defendant DISH Network*
20 *Corporation*

21 **DISTRICT COURT**

22 **CLARK COUNTY, NEVADA**

23 PLUMBERS LOCAL UNION NO. 519 PENSION
24 TRUST FUND and CITY OF STERLING
25 HEIGHTS POLICE AND FIRE RETIREMENT
26 SYSTEM, derivatively on behalf of nominal
27 defendant DISH NETWORK CORPORATION,

28 Plaintiffs,

v.

CHARLES W. ERGEN; JAMES DEFRANCO;
CANTEY M. ERGEN; STEVEN R.
GOODBARN; DAVID MOSKOWITZ; TOM A.
ORTOLF; CARL E. VOGEL; GEORGE R.
BROKAW; JOSEPH P. CLAYTON; and GARY
S. HOWARD,

Defendants,

DISH NETWORK CORPORATION, a Nevada
corporation,

Nominal Defendant

CASE NO.: A-17-763397-B
DEPT. NO.: XI

**VOLUME 6 OF APPENDIX TO
THE REPORT OF THE SPECIAL
LITIGATION COMMITTEE OF
DISH NETWORK CORPORATION**

HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
Phone: (702) 222-2500 ♦ Fax: (702) 669-4650

01:23902277.1

<u>Ex.</u>	<u>Date</u>	<u>Description</u>	<u>Page No.</u>
116	11/04/2004	Florida Department of Agriculture and Consumer Services, Department Press Release	5347
117	12/31/2004	EchoStar Retailer Agreement with DISH TV Now, Inc.	5349
118		Intentionally Omitted	5382
119	01/25/2005	Letter from D. Caplan to K. Myers, et al.	5384
120	02/18/2005	Email from S. Kramer to Feedback	5387
121	04/12/2005	Letter from M. Gutierrez to S. Schackmann	5390
122	04/28/2005	Letter from M. James to D. Moskowitz	5392
123	05/27/2005	Email from M. Williams to J. Medina, et al.	5394
124	07/21/2005	Civil Investigative Demand	5397
125	07/28/2005	Email from J. Anderson to E. Myers	5408
126	08/11/2005	Verified Complaint, <i>Connor v. Star Satellite, LLC</i> , Case No. 05-SC-86-1748 (S.C. Small Claims. Ct.)	5413
127	08/12/2005	Letter from D. Steele to D. Myers	5419
128	09/22/2005	Letter from D. Steele to R. Deitch	5422
129	09/30/2005	Email from M. Oberbillig to A. Ahmed, et al.	5426
130	10/19/2005	EchoStar Retailer Agreement with American Satellite Inc.	5434
131	10/25/2005	Email from A. Ahmed to E. Myers, et al.	5467
132	10/26/2005	Letter from A. Ahmed to E. Meyers et al.	5470
133	10/27/2005	Email from M. Oberbillig to A. Ahmed, et al.	5472
134	11/03/2005	Email from M. Mills to E. Myers, et al.	5477
135	11/23/2005	Email from M. Oberbillig to J. Nenejian, et al.	5480
136	11/29/2005	Email from M. Oberbillig to A. Tehranchi, et al.	5482
137	12/20/2005	Retailer Audit Notification & Summary – DISH TV Now, Inc.	5485
138	12/22/2005	Email from M. Mills to A. Ahmed	5488

DATED this 27th day of November 2018.

By /s/ Robert J. Cassity
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9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134

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Rodney Square, 1000 North King Street
Wilmington, DE 19801

*Attorneys for the Special Litigation Committee of
Nominal Defendant DISH Network Corporation*

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of November 2018, a true and correct copy of the foregoing **VOLUME 6 OF APPENDIX TO THE REPORT OF THE SPECIAL LITIGATION COMMITTEE OF DISH NETWORK CORPORATION** was served by the following method(s):

☒ Electronic: by submitting electronically for filing and/or service with the Eighth Judicial District Court's e-filing system and served on counsel electronically in accordance with the E-service list to the following email addresses:

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Attorneys for Defendants

By: /s/ Valerie Larsen
An Employee of Holland & Hart, LLP

EXHIBIT 116

EXHIBIT 116

JA006485
005347

TX 102-005747

Florida Department of Agriculture and Consumer Services



Charles H. Bronson, Commissioner

Department Press Release

11-04-2004

Liz Compton

850-488-3022

comptol@doacs.state.fl.us

Bronson Takes Action in Telemarketing Case

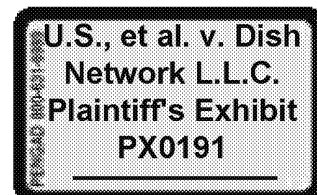
TALLAHASSEE - Florida Agriculture and Consumer Services Commissioner Charles H. Bronson has obtained a \$25,500 civil penalty against a company for violations of the state's Do Not Call list. The Orange County Circuit Court has ordered Vitana Financial Group, Inc. to pay the penalty plus court costs of \$190.50 and issued a permanent injunction against the firm to prohibit future calls to consumers on the Do Not Call list.

The Department took action following 19 complaints from citizens around the state against Vitana Financial Group, Inc. doing business under the name Direct Satellite. In addition to calling consumers who are on Florida's Do Not Call list, the company also used recorded messages, which is against state law. The calls began in January 2003 and continued until February 2004.

"I think the hefty penalties should act as a deterrent to businesses that choose to ignore our Do Not Call law," Bronson said. "It is clearly not in anyone's best interest to call citizens on the list who have taken the step to sign up to protect their privacy."

The Department administers the Do Not Call law, which requires businesses to purchase the list of names of consumers who have signed up for the program which began in 1991. Since then, about half of the nation's 50 states have adopted similar programs, and the federal government began its "Do Not Call" program last October. However despite the creation of the federal list, the state program continues to prove itself. Florida consumers value their privacy and look to the Department to shield them from unwanted phone calls and recorded messages. In turn, the Department remains committed to its responsibility to ensure these privacy rights are protected.

Consumers who are interested in getting more information about Florida's program can call the department's toll free hotline - **1 800 HELP FLA (435-7352)** - or visit its website at www.800helpfla.com. Application forms also can be obtained by calling the number or visiting the website.



PX0191-001

Confidential-US v. DISH

JA006486

005348

DISH5-0000012396

SLC_DNC_Investigation_0007366

Docket 81704 Document 2021-0906-1X 102-005748