



**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

December 12, 2003

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND FACSIMILE

Mr. Randolph H. Elkins
Senior Vice President
Law and Business Affairs
Time-Life, Inc.
2000 Duke Street
Alexandria, VA 22314
Fax: 703-838-7474

RE: EB-03-TC-071

Dear Mr. Elkins:

This is an official **CITATION**, issued pursuant to section 503(b)(5) of the Communications Act of 1934, as amended (the Act), for violations of the Federal Communications Commission's rules that govern telephone solicitation.¹

It has come to our attention that your company, or an entity acting on behalf of your company, delivered telephone solicitations to residential telephone lines despite previous do-not-call requests by members of the households.² One complainant, Mr. Plotts, alleges that your employee called his home within one minute after he requested that the employee place his number on a do-not-call list.³ Section 64.1200(e) of the Commission's rules requires entities that make telephone solicitations to residential telephone subscribers to follow certain procedures to ensure that the subscribers are able to stop such solicitation calls. Specifically, entities that engage in telephone solicitation must (1) develop written policies for maintaining a do-not-call list and make such written policies available upon demand; (2) inform and train their personnel engaged in any aspect of telephone solicitation about the existence and use of the do-not-call list; (3) place consumers who request not to receive telephone solicitations on the do-not-call list; and

¹ 47 U.S.C. § 227; 47 C.F.R. § 64.1200. References to the Commission's rules in this citation are to the rules as they existed at the time of the facts at issue here.

² See attached complaints, IC nos. 03-W6261598, 03-W5946896, 02-N85773.

³ See attached complaint, IC no. 02-N85773

(4) honor each do-not-call request for ten years from the time the request is made.⁴ In addition, the Commission has found that it is unlawful to call a residential telephone line to deliver a telephone solicitation if any member of the household has made a do-not-call request.⁵

Under the Act and the Commission's rules, a telephone solicitation is "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." Calls that are made either by tax-exempt nonprofit organizations or to any person who has provided prior express invitation or permission to call or has an established business relationship with the caller are not considered telephone solicitations.⁶

The attached information provided to the Commission indicates that your company failed to honor do-not-call requests that were made by or on behalf of residential telephone subscribers. That action violated section 64.1200(e)(2)(vi) of the Commission's rules.

Subsequent violations of the Commission's rules and orders of the type described herein may result in the imposition of monetary forfeitures not to exceed \$11,000 for each such violation or each day of a continuing violation.⁷

Pursuant to section 503(b)(5) of the Communications Act, you may request a personal interview at the Commission office nearest to your place of business. The nearest office appears to be the FCC headquarters location at 445 - 12th St., S.W., Washington, D.C. 20554. You can contact the FCC headquarters location by telephone at 202-418-7320. You must schedule the interview to take place within 30 days of the date of this citation. You should be prepared to discuss when your company recorded the do-not-call request(s) referenced in the attached consumer correspondence and why your company failed to honor such request(s). You also will be expected to discuss your procedures for training your company's telephone solicitors as to do-not-call responsibilities, and to specify what steps your company has taken to ensure future compliance with the Commission's do-not-call rules. Finally, you must supply a copy of your company's written do-not-call policy as required by section 64.1200(e)(2)(i) of the Commission's rules. Alternatively, you may submit a written statement addressing the specified topics, and attaching your company's written do-not-call policy, to the following address within 30 days of the date of this citation:

Kurt A. Schroeder
Deputy Chief
Telecommunications Consumers Division
Enforcement Bureau
Federal Communications Commission

⁴ 47 C.F.R. § 64.1200(e) (2002).

⁵ *Consumer.Net v. AT&T, Order*, 15 FCC Rcd 281, 298 (1999).

⁶ 47 U.S.C. § 227(a)(3); 47 C.F.R. § 64.1200(f)(3)(2002).

⁷ See 47 C.F.R. § 1.80(b)(3).

445 - 12th Street, S.W.
Washington, D.C. 20554

You should reference EB-03-TC-071 when corresponding with the Commission.

If you request a meeting, reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Please allow at least 5 days advance notice; last minute requests will be accepted, but may be impossible to fill. Send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau:

For sign language interpreters, CART, and other reasonable accommodations:
202-418-0530 (voice), 202-418-0432 (tty)

For accessible format materials (braille, large print, electronic files, and audio format): 202-418-0531 (voice), 202-418-7365 (tty)

As required by the Privacy Act of 1974, 5 U.S.C. § 552(a)(e)(3), you are hereby notified that the Commission's staff will use all relevant material information to determine what, if any, enforcement action is required to ensure your compliance with the Commission's rules. This will include any information that you disclose in your interview or written statement.

Finally, you should be aware that the knowing and willful making of any false statement or the concealment of any material fact in reply to this citation is punishable by fine or imprisonment under 18 U.S.C. § 1001.

Thank you in advance for your anticipated cooperation.

Sincerely,

Kurt A. Schroeder
Deputy Chief
Telecommunications Consumers Division
Enforcement Bureau
Federal Communications Commission

Enclosures