

(TCPA.,), 47 U.S.C. 227 et seq.

¹D_e, $\mathbf{r}_{\mathbf{k}}$ R, $\mathbf{r}_{\mathbf{k}}$ a P, $\mathbf{r}_{\mathbf{k}}$ G, $\mathbf{r}_{\mathbf{k}}$ F, $\mathbf{r}_{\mathbf{k}}$ a B, $\mathbf{r}_{\mathbf{k}}$ O, $\mathbf{r}_{\mathbf{k}}$; V $\mathbf{r}_{\mathbf{k}}$ (F, $\mathbf{r}_{\mathbf{k}}$, $\mathbf{r}_{\mathbf{k}}$), 16 CFR P, $\mathbf{r}_{\mathbf{k}}$ 436. ²S $\mathbf{r}_{\mathbf{k}}$ $\mathbf{r}_$

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<sup>8</sup> 60 FR \pm 43842 (, \pm 16 CFR 310 (1995)).

<sup>9</sup> 16 CFR 310.4().

<sup>10</sup> 16 CFR 310.3(a)(1).

<sup>11</sup> 16 CFR 310.3(a)(3).

<sup>12</sup> 16 CFR 310.4(,), a 310.4()(1)().

<sup>13</sup> 16 CFR 310.3(a)(2).

<sup>14</sup> 16 CFR 310.4(a)(2).

<sup>14</sup> 16 CFR 310.4(a)(2).

<sup>15</sup> 16 CFR 310.4(a)(2).

<sup>16</sup> T a R<sup>6</sup> \pm R P \pm a \pm \pm A,\pm

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T D \pm C a R \rightarrow), 16 CFR Pa\pm 308.

<sup>17</sup> 16 CFR 310.6(a)(,).
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³⁰ P . L. 107, 56, 115 St. 272 (O, t. 26, 2001).

³¹S, ,a, -1011()(2)() a **t**•! **t**! ISR , , , **i f t a a i** :: đ a , ; , ; , ; ; , a , , ; ; , a , , P . L. 107, 56 (Q, ; . 26, 2001). ³²67 FR 4492 (Ja. 30, 2002).

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F. The Amended Rule.

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³⁹15 U.S.C. 6102(a)(3)(A).

^{37 15} U.S.C. 6108.

³⁸ 15 U.S.C. 6102(a)(1) a (a)(3).

⁴¹S, t. 6105() , t. t. a -6105(a), a. . . :

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, 1 A NORMAN J. SINGER, SUTHERLAND STATUTES & STAT. CONSTR. -22:34 (@ 2002), citing, inter alia, Brothers v. First Leasing, 724 F.2 789 (@ C .1984); Republic Steel Corp. v. Costle, 581 F.2 1228 (@ C .1978); Am. Airlines, Inc. v. Remis Indus., Inc., 494 F.2 196 (2 C .1974); Kirchner v. Kansas Tpk. Auth., 336 F.2 222 (10 C .1964); Nat'l Ctr. for Preservation Law v. Landrieu, 496 F. S .716 (D.S.C. 1980); Conoco, Inc. v. Hodel

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⁵⁷ See, e.g., PAF NPRM **±** 1; AOP S . **±** 1; C • a a S . **±** 1.

⁶⁸ 67 FR ± 4407 (citing 60 FR ± 43843, citing FTC v. Miller, 549 F.2 452 (7; C . 1977) a Official Airline Guides), see • ± 62 a •

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⁹⁶ See a R —310.2(), a đ

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⁹⁸67 FR 🛔 4499.

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¹⁰⁰ 15 U.S.C. 6106(4).

¹⁰¹ 15 U.S.C. 6106(4) (a -1011()(3) * USA PATRIOT A, *, P . L. 107, 56 (Q, *. 26, . 2001)).

 102 P··· R -310.2().

- ¹⁰³NASCO NPRM **g** 6.
- ¹⁰⁴H A Ba NPRM **d** 12.
- ¹⁰⁵ DMA N P \ddagger NPRM \ddagger 5, 6. See also N \ddagger P \ddagger G $a \ddagger$ NPRM \ddagger 41.

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- ¹⁰⁷ R C . . NPRM **±** 3.
- ¹⁰⁸ B•• C **!** NPRM **#** 2.
- ¹⁰⁹ Id.
- ¹¹⁰ Id. # 2,3.
- ¹¹¹Ma, D NPRM # 2. See also AFP NPRM # 5.
- a, ¹¹⁴ NAAG NPRM **a** 52; NASCO NPRM **a** 5, 6. ¹¹⁵ Id.
- $^{116}\,15~{\rm A}$. J $\,$. 2 $\,$ Charitie $-\!60$ (2002).

117 NAAG NPRM 🛃 52. See also NASCO NPRM 🛔 5,6.

- ¹¹⁸ Id.

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¹³⁷ See A., **3** NPRM **3** 3.4.

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¹⁸² See, e.g., PMA NPRM **±** 9.

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184 DMA NPRM # 40; PMA NPRM # 10; SIIA NPRM 🛃 3.

185 ERA NPRM # 12; PMA NPRM # 10; SIIA NPRM 🛃 3.

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^a, ^b 2002 T . II **a** 221, 22.

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²⁶⁴ Id. # 4512, 14.

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²⁶² See 67 FR 4513 14, citing NAAG RR **‡** 11 12. ²⁶³ Id. **‡** 4514.

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²⁶⁸ T R A P T See 16 CFR 425.2(a)(1). , 10 ट्रं• SBP a ू[®] a ् \$: • 1• 1 , a -- 310.2(), Pa 12 2 , a , 270 16 CFR 310.3(a)(1). ²⁷¹T G *n* 1. 1. 1 2 Č2 ! A.S 1 1 đ1 ,1 đ٦ -310.4(a)(5), a ş a : ę -310.4(a)(6) a! R.A. · · · a a i er est 2 . er e a a "a• . ang 1 a ! • 1.00 as a ! 1 a a 4 1 ÷ 7,3 2 2 2 22 a, 1 e t, Pa en ÷.

§310.3(a)(2) — Prohibited misrepresentations in the sale of goods or services 310.3(a)(2) 🕴 📢 🥙 S,t a e te, ta R ٩ te ar a ! ٩ . đ a r, ia d a i r r:tast; a đ٦ a; ٩ tarate, n đ a et , te ; a d a a , t tanagtetorit River Lanagtetorit River ٩ ! n 10 87 a a "t ₽ ,, ; a ! ٩ at a nt a **• • !•** ; a æ 17 aa "na đ ! t;a ar ٦. 1 * a da ? ? , a da ? * C a da ?²⁷³ a ! / a : , 1 !a 1.0 a! ! 2, a 🖏 7 . R 2 netar 21 , a R I Y NPRM, G 7 1 7 • R ! . . . <u>h</u>.)T ห็ R ง ห้ง ะ 3(310 . 21 1

278 DOJ NPRM # 4; LSAP NPRM # 7, 8; NAAG NPRM # 55; NCL NPRM # 6. See also J 2002 T.II # 104; a , ... -310.3(a)(1)() a. 🚬 -

²⁷³ See 16 CFR 310.3(a)(2). 274 P \cdot R -310.3(a)(2)(). 275 See 1 256 a.

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²⁸⁷ Id.

²⁸¹ P. . . R -310.(3)(a)(3), 67 FR ± 4542. ²⁸² TILA, 15 U.S.C. 1601 et seq. (, * ± FCBA a ; , ± 15 U.S.C. 1637 et seq.), a R⁶ ± , 12 CFR a; 226. ²⁸³ EFTA, 15 U.S.C. 1693 et seq., a R⁶ ± E, 12 CFR a; 205.

²⁸⁴ See J 2002 T . III **a** 4, 52.

²⁸⁶ See 67 FR ± 4507.

³³⁹ See, e.g., AFSA NPRM **‡** 17, 18; CCC NPRM **‡**

a tá ³⁵² See J 2002 T . III **‡** 42 43 (NAAG).

³⁵³ Id. # 44 (MPA).

³⁵⁴ Id. # 48, 49 (NAAG).

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G n \$ ¢ ! ?e NPRM • • 2.366 B 2 AARP . + đ 10 1 **đ** ! 8 Ŧ 8 0 a, * <u>* *</u> * •! a a ą, ٩ ٩ 1, a a 0 G ** * * 883 ħ ₽ a e^a ! ٩ a ę (*1 .367 a+ +! a ! đ NACAA an G FF **** ; ħ a ! a a, ٦ .368 •!a a R 1 a NAAG a æ a 1 đ٦ ヽ<u>ナ</u> ♥ <u>ナ</u> **!**•!a e 1e : t a 0 a! a a •! đ ş ie n a a a 0 •, :, a a٩ 11 đ ! ę a! " 1 110 a ... * đ٦ U St at + * * \$,\$ æ \$ n! \$ 75 đ a :0 a a 0 ar rtan 🕫 a 1 a a N a ₹, ß ę đ 370 * 8 !

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- 368 NACAA NPRM # 8.
- ³⁶⁹NAAG NPRM **a** 56.
- ³⁷⁰ Id. (the et be date to the tart a set of a det at a transfer to the tart at tart at the tart at tart at
- ³⁷¹60 FR **a** 43852.

\$310.3(c) — Credit card laundering

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\$310.3(d) — Prohibited deceptive acts or practices in the solicitation of charitable contributions

P • a ! ! -1011()(1) ! USA PATRIOT A, t, t G ... • NPRM t R * Ŧ ! d1 ntar r n ata ! * • .³⁷⁵ T R * a ¢ a $\frac{-310.3()}{\sqrt{2}}$, : : !a • ٩ 11 •. F •!,! æ \mathbf{n} ê * まし a! a a۴ a ٩ • • a .* -310.3()(4). T G •! d! 1 • 1) đ a a 🕫 ! a +! + а a . S 🔉 310.3()(6), R Ş * ş ş 1 d 1 a . A a 1.0 a a a æ 1 ŧ **F** F -310.6()(7),**!** G đ ! R 13 ## J.

 372 See 67 FR \ddagger 4509, .155. See also FTC v. Allstate Bus. Distrib'n. Ctr., Inc., N . 00 10335AHM (CTX) (C.D. C a. 2001); FTC v. Sweet Song Corp., N . CV 97 4544 LGB () (C.D. C a. 1997); FTC v. Walton (/ / aP a, F . S .), N . CIV98 0018 PCT SMM (D. A . J a. 1998). 373 See 67 FR \ddagger 4509. 374 Id

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³⁷⁶ A R -310.3()(1) (7).

 379 See Thompson Med. Co., 104 F.T.C. 648, 818 (1984), aff'd 791 F.2 $\,$ 189 (D.C. C $\,$. 1986), cert. denied, 479 U.S. 1086 (1987).

³⁸⁰67 FR **±** 4510.

³⁶⁶ ARDA NPRM **‡** 6.

³⁶⁷ AARP NPRM **#** 8.

³⁷⁷ USA PATRIOT A, : --1011()(1).

³⁷⁸ See Cliffdale Assocs., Inc., 103 F.T.C. 110, 165, appeal dismissed sub nom., Koven v. FTC, N . 84, 5337 (11: C . 1984).

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³⁸¹ AARP, NPRM **a** 4.

- 382 NCL NPRM # 2.
- ³⁸³ Id. 👌 5.
- ³⁸⁴ Id.
- ³⁸⁵ Ma , A, We , NPRM **‡** 5.
- 386 NAAG NPRM # 53. See also NASCO NPRM # 7.
- ³⁸⁷ NAAG NPRM **g** 53.

³⁹⁰ 15 U.S.C. 6102(a)(3). ³⁹¹ See KENNETH CULP DAVIS & RICHARD J. PIERCE, JR., ADMINISTRATIVE LAW TREATISE

ara).

³⁸⁸ Id.

³⁸⁹15 U.S.C. 6102(a)(1) (

³⁹² 15 U.S.C. 6102(a)(3)(A) (). ar a ³⁹³ 15 U.S.C. 6102(a)(3)(B). ³⁹⁴ 15 U.S.C. 6102(a)(3)(C).

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⁴¹⁷ See, e.g., ERA/PMA S . **#** 14 15; PMA NPRM **#** 14; J 2002 T . II **#** 183 (ERA). See also

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⁴¹⁹ See, e.g., FTC v. J.K. Publ'ns, Inc., 99 F. S **.** ٦ a ••). I

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⁴²⁴ See 67 FR **a** 4512, 14.

425 See, e.g., FTC v. Smolev, N . 01 8922 CIV LOCH (S.D. F a 2001); FTC v. Technobrands, Inc., N . 3:02, 00086 (E.D. Va 2002); NAAG NPRM # 30, .73; I . . . S . . passim.

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⁴²⁷ NAAG NPRM # 30; NCL NPRM # 7. See also

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⁴³⁰ See 67 FR **‡** 4512, 14; **a** J 211, 12 (E. H**a** .) (O • **‡** 2002 T . II a at + 2 d 2 G en alle al 22 1 , a . at 18 1 1 1 11 ,, a et Atra t at K.W. t.e ato a l 20 Wie en a a a ei ng, 11 æ 1 5 5, 11 1 1 1 av a .. at a a tat

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431 See 67 FR 🛃 4512, 14. M 🦄 passim.

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433 ABA NPRM # 8; B A NPRM # 7; Ba 0 NPRM # 2 3; CBA NPRM # 9; D . NPRM # 5. See also CMC NPRM # 14 (W .

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⁴⁵⁴ 67 FR **‡** 4513.

⁴⁵⁵ See, e.g., J 2002 T. II **t** 196 (T) (T , t a P e, tet a tida...e da en a...tet dt ant ant et di pet terreant patal to pet et a a s å a :,, a a٦

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458 NAAG NPRM 🛃 31 (F G ! ą.*• ٦ a, Î. đ٦ F tt dt a, F ta t * Ka an tuber : N a * * •

459 See, e.g., FTC v. Corporate Mktg. Solutions, N . CIV 02 1256 PHX RCB (D. A . J 8. 2002); FTC v, Capital Choice, N . 02 21050 CIV U & B & (S.D. F a A . 15, 2002); FTC v. Fin. Servs. of N. Am., N . 00792 (GEB) (D.N.J.

9, 2000); FTC v. SureCheK Sys., Inc., N 1:97 CV 2015 JTC (N.D. Ga J 9, 1997); FTC v. Thornton Communications, Inc., N . 1 97 CV ⁴⁶⁰ See, e.g., FTC v. New World Servs., Inc., N 2047 (N.D. Ga

CV 00 625 (GLT) (C.D. Ca. J 5, 2000); FTC v. Hold Billing, Lt ., N . SA 98 CA 0629 FB (W.D. T. J 15, 1998).

 461 See, e.g., FTC v. Lubell, $N_{\rm obs}$. 3, 96, CV, 80200 (S.D. I a D, . 1996); FTC v. Disc. Travel, N. 88 113 CIV, FM 15C (M.D. F a A $^{\circ}$. 8, 1988); Citicorp Credit Servs., 116 F.T.C. 87 (1993).

462 See, e.g., FTC v. Andrews, N . 6:00 CV 1410 ORL 28 B (M.D. F a. O, t. 2000); FTC v. First Capital Consumer Membership Servs., N . 00 CV 0905C(F) (W.D.N.Y. Q, 23, 2000); FTC v. Consumer Repair Servs., Inc., N . 00 11218 CM(R) (C.D. Ca. O, t. 23, 2000); FTC v. Capital Card Servs., N . CV 00 1993 PHX EHC (D.
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463 See, e.g., FTC v. Diversified Mktg. Servs. Corp., N. 1:96 CV 615 FM. (W.D. O a Ma. 12, 1996); FTC v. Windward Mktg., N. 1:96 CV 615 FM. (N.D. Ga Ma 26, 1996); FTC v. S.J.A. Soc'y, N . X97 0061 (E.D. V a Ma 1997).

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⁴⁸² ABA, NPRM **#** 8, 9; ABIA, NPRM **#** 4; CMC, NPRM **#** 9, 10; MBNA, NPRM **#** 6. ⁴⁸³ See e.g. DMA, NPRM **#** 20, 40 (

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⁵¹⁰ See SBC S . **#** 8 10; J 2002 T . II **#** 80 83. See also G NPRM **#** 37; DMA NPRM **#** 49; G M ***** a NPRM **#** 28; Ara, *** *** S ***** 7.

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⁵¹⁸ EPIC NPRM **#** 12; SBC S . **#** 8,9; J 2002 T . II 🛃 80 81 (SBC).

NPRM # 3. But see EPIC NPRM # 11_12. $\begin{array}{c} 5^{22} See, e.g., ABA NPRM \pm 9; C, & ADM \\ NPRM \pm 1; IMC NPRM \pm 9; L, NPRM \pm 6; T , NPRM \pm 3; Am, \pm S, \pm 7; \\ ATA, S, \pm 17. \end{array}$

⁵¹² See, e.g., N **?** NPRM **#** 25 (• ⁵¹² See, e.g., N ½ NPRM ± 25 (; ; ; a a c); D a A , a S ., A; A ± 1 (° a ; P , a c); F C a NPRM ± 1 (° a ; P , a c); F C a a (⁵¹³ SBC S . **‡** 8.

⁵²³ ATA S . **‡** 16; SBC S . **‡** 13.

⁵⁴⁰ AARP, NPRM **#** 5; EPIC, NPRM **#** 11; M, C

 576 See, e.g., EPIC NPRM # 4; NCL NPRM # 8.

 577 See, e.g., G
 , , , , NPRM # 1, 2, 3; DC

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 29; NYSCPB NPRM # 1; T
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 10; T
 # PUC NPRM # 1, 2; V

 a NPRM # 1;
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 25. See also AARP NPRM # 1; NCL NPRM # 1

 26. SEE also AARP NPRM # 1; NCL NPRM # 9 10;

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604 See, e.g., ERA NPRM **a** 28, 36; MPA NPRM **a** 34 35; N NPRM **#** 2; NATN NPRM **#** 2; NPRM **#** 3; S ^C S **:** • NPRM **#** 2; NPRM **#** 2; NPRM **#** 2; TRC NPRM # 2.

NPRM 🛃 ⁶⁰⁵ See, e.g., ATA NPRM **±** 23, 25; N 2; NATN NPRM & 2; NSDI NPRM & 3; 606 See, e.g., ATA NPRM # 23 25; N NPRM # 2; NATN NPRM 🛃 2; NEMA NPRM 🛃 4; NSDI

⁶⁰⁷ EPIC NPRM **a** 19.

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608 See, e.g., ATA NPRM **±** 24.

609 15 U.S.C. 6108.

⁶¹⁰ See, e.g., ATA NPRM **‡** 21 25; C **a! ‡**, NPRM **‡** 3; DMA NPRM **‡** 7, 8; ERA NPRM **‡** 5, 28; F ; NPRM **d** 2; G M ; a NPRM **d** 21,23; L NPRM **d** 45; MPA NPRM **d** 34,35; N NPRM **d** 2; NATN NPRM **d** 2; NSDI NPRM **d** 3; Pa, . 11, NPRM **d** 2 3; PMA, NPRM **d** 6; S . NPRM **d** 2 3; PMA, NPRM **d** 6; S . NPRM **d** 2; T . NPRM **d** 2; T . NPRM **d** 2; T . Stan NPRM **d** 2; TRC NPRM **d** 2; W . NPRM **d** 2. ⁶¹¹DMA a a <u></u>^{*} <u></u>^{*} 5,000 • . DMA NPRM

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⁶¹²67 FR **±** 4497.

⁶¹³Ra, Menalaaa, talti te; NK et, tarta2 a, • . See Missouri No Call Tops 1 Million Three Days Before One-Year Anniversary of Law, W ... , On Hold: Gagging the Telemarketers,

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WALL ST. J., A . 11, 2002, & A2. See also NAAG NPRM 🛃 4, .3. ⁶¹⁴ See generally J 2002 T. I ± 110 21.

ara it tt <u>;;</u>,).

 G^{16} DMA, T Fa, a Pa, O (1) T a ? U ? S d e O (2) (DMA e? D) d 1.

617 See id. See also NATN NPRM # 1; NSDI NPRM # 2; S ,, ++ Ma ; + NPRM # 2; S S ; + NPRM # 1.

⁶¹⁸DMA.; , see : 616 a

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619 T DMA et etet at e per A 162 g, tha a H a g nd ha A na A na H a n A 162 g, tha a a H a 30 n ta atha a A 11 f a 30 n ta atha a 11 f a 30 n ta atha atha 11 f a 30 n ta atha 11 f a А : • " t i " ar et a., . DMAet 2. Tet an det ditt i a tenan tena ett nt a arte at eante t da n na eter . Id. d 4. See also 2. T

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⁶²⁰ See NATN, NPRM **d** 1; NSDI, NPRM **d** 2; S , , , , , , Ma **d** 2; S **b** 3 **d** 4 NPRM **d** 1; T **b** a, , , NPRM **d** 2; TRC NPRM # 1; T NPRM # 1; T NPRM # 2; S NPRM # 2; TRC NPRM # 2; 3. H ; G a art riat # ; a fa ft a art riat #

⁶²¹ See, e.g., A a (Ma. 22, at 1, M⁶, 1712); Ca (Ma. 6, at 1, M⁶, 951); D (Ma. 21, at 2, M⁶, 1622). See also, e.g., ACI T

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651 AARP, S . # 3. ⁶⁵² See J 2002 T . I **z** 278 82 (G •

> S: , see 1 142 a.). ⁶⁵⁷ DMA N Po t NPRM # 2. See also N t Po t G at NPRM # 6. 658 See, e.g., ACE NPRM # 1; ADA NPRM # 1; BC, e.g., MCL MI M, J, MDA MI N, M, J, R C, MPRM **d** 3; B C **f** NPRM **d** 2; C **i** L aNPRM **d** 1; L S a NPRM **d** 1; Ma, D NPRM **d** 2; NPR NPRM **d** 4; 5; FOP, NPRM **d** 3, 4; P , A C F NPRM **d** 4;

⁶⁵⁹ N : , , P : C a : , NPRM & 9.

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655 See, e.g., DMA N P ; NPRM # 16; N ; P ; G a ; NPRM # 7. See also R C ... NPRM # 3; APTS NPRM # 2; 3; C L aNPRM # 1; F G NPRM # 1; Ca a FFA NPRM # 1; Z; L aS , ; NRPM # 1; HRC NPRM # 1 2; L aS , ; NRPM # 1; NPRM # 1; P H a; NPRM # 2; NC NPRM # 1: NPR NPRM # 2; AST NPRM # 5; FOP

⁶⁵⁵ See, e.g., DMA N P 1 NPRM # 16; N 1

664 See, e.g., H & Ba G & a NPRM # 4, 5; DMA N P ? NPRM # 7; N ? F P ? G a ? NPRM # 15.

NPRM # 19.

662 Id. 🛔 18, 19. ⁶⁶³H A Ba G a NPRM # 2. See also, e.g., APTS NPRM # 3; N ! R P ! G a !

661 N : P : G a : NPRM # 10.

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⁶⁶⁷ Id. ₫ 566. 668 Bd. of Trs. of State Univ. of N.Y. v. Fox, 492 U.S. 469, 480 (1989).

666 447 U.S. 557 (1980).

P. 1 Gat. 241.

665 See, e.g., DMA N P. 1 NPRM 2 5, 6; N 1

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 ⁶⁹² See KENNETH CULP DAVIS & RICHARD J.

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⁷¹⁷ 15 U.S.C. 6101 et seq.

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⁷¹⁸67 FR **±** 4524.

⁷¹⁹67 FR **±** 4522. 720 ABA NPRM **±** 12; ATA NPRM **±** 32; CADM NPRM # 31; NAA NPRM # 14; P # C: NPRM # 3; PMA NPRM # 30; T D ;: NPRM # 2.

- 722 J 2002 T . I 🛃 211 (CCC); T NPRM 🛔
- 11; ATA S . **d** 11; M S **d** 13; 14. ⁷²³ NASUCA NPRM **d** 12; 13; S **f** NPRM **d** 4, 7; ATA S . **d** 11; M S **d** 13; 14.

- 724 PRC NPRM # 3.
- ⁷²⁵ 67 FR **#** 4523.
- ⁷²⁶ AARP NPRM **±** 9.
- ⁷²⁷ 67 FR **±** 4523; T **a** PUC NPRM **±** 5;
- We a NPRM # 5. ⁷²⁸ PRC **a** 3.

- 732 67 FR # 4522 24; AARP NPRM # 9; NAAG NPRM # 47; NACAA NPRM # 10; PRC NPRM # 3.
- 733 J 2002 T . II \pounds 27 (NAAG). See also NAAG NPRM # 47; M, K a S . # 2. ⁷³⁴ J 2002 T . I # 212 13 (CCC). But see J
- 2002 T . I 🛔 222 23 (EPIC).
- 735 AFSA NPRM # 16; S ! NPRM # 7, 8. ⁷³⁶ See K G NPRM **±** 6; PCIC NPRM **±** 2.

NPRM **#** 11; 1 (NPRM **#** 9. ⁷³⁰ J 2002 T . I **#** 211 (CCC), BBA NPRM **#** 12; A **a * a** NPRM **#** 4; A *** *** NPRM **#** 5; AFSA NPRM **#** 16; Ca *** a** O NPRM **#** 6; Ga ***** NPRM **#** 2; PMA NPRM **#** 30; PCIC NPRM **#** 2; PMA VISA NPRM 🛃 12; M S a 14. But see EPIC NPRM 🛔 23.

731 ACA NPRM # 8, 9; ARDA NPRM # 15; ANA

729 ABA NPRM # 12; ACA NPRM # 9; ATA ⁷²⁹ ABA NFKM **4** 12; ACA NFKM **4** 9; ATA NPRM **4** 30; A, **a**, **b**, NPRM **4** 3; Ca **t** a O NFRM **4** 6; D a A , a NFRM **4** 24 25; DMA NPRM **4** 44; ERA NFRM **4** 40 41; Ga **12**; NPRM **4** 4; I **1**, **1**, NPRM **4** 6 7; M **1** • NPRM **4** 10; MPA NFRM **4** 29 30; NAA NFRM **4** 13, 15; T NPRM **4** 11; T NPRM **4** 9. ⁷²⁰ 2002 T L **4** 211 (CCC): ABA NFRM **4**

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⁷³⁷ T ea an , , , an 62 t 6^{2} , 6^{2} , 737 T ea an , , , an 62 t 6^{2} , 737 6^{2} , 738 67 FR t 4524.

⁷³⁸ 67 FR ± 4524. ⁷³⁹ ACA NPRM ± 9 10; ATA NPRM ± 30; DMA NPRM ± 43 44; ERA NPRM ± 40. DMA, ERA, a PMA a⁶ ; ±; FTC a a; ; * ⁶ ± ³ see DMA NPRM ± 4, 42 48; ERA NPRM ± 38 40; PMA NPRM ± 29 30. S , a , DMA, ERA, a PMA a⁶ ; ±; ⁴ ± ⁶ ± ⁴ ± ⁵ ± ⁶ ± ⁴ ± ⁵ ± ⁶ ± ⁴ ± ⁵ ±

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⁷⁸⁷ 47 CFR 64.1200()(2).

⁷⁹⁰ See, e.g., ARDA NPRM # 13; B A NPRM # 6; NACAA NPRM # 9; V NPRM # 4.6. But see CATS NPRM # 2; P # , NPRM # 5.6 (, at 2; P # , NPRM # 5.6 (, at 2; P # , NPRM # 5.6 (, at 2; P # , NPRM # 5.6

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⁷⁹⁶ See, e.g., ABA NPRM ± 12; AFSA NPRM ± 9 10; ARDA NPRM ± 13; Ca ± a O NPRM ± 5, 6; G NPRM ± 38; D , NPRM ± 3; H · · A NPRM ± 8; H · C ± NPRM ± 13; H · F a, NPRM ± 13; HSBC NPRM ± 2; N ± NPRM ± 26; NFIB NPRM ± 2; NRF NPRM ± 16. See also J 2002 T. I ± 234, 72.

⁷⁹⁷ See, e.g., ABA, NPRM **±** 12; AFSA, NPRM **±** 9 10; ARDA, NPRM **±** 13; C**a ± a** O NPRM **±** 5,6; G NPRM **±** 38; D**•**, NPRM **±** 3; HSBC NPRM **±** 2; N **±** NPRM **±** 26; NFIB NPRM **±** 2; NRF, NPRM **±** 16. See also J 2002 T. I **±** 234 72.

⁷⁹⁸ See, e.g., ABA, NPRM # 12; AFSA, NPRM # 9, 10; ARDA, NPRM # 13; Ca * a O NPRM # 5,6; G NPRM # 38; D , NPRM # 3; H · A A NPRM # 8, 10; H · C * NPRM # 13, 15; HSBC, NPRM # 2; N * NPRM # 26; NFIB NPRM # 2; NPF, NPRM # 16. See also J 2002 T . I # 234,72.

⁷⁹⁹ See J 2002 T . I **±** 237, 39.

⁸⁰¹ See 16 CFR 310.4(,). ⁸⁰² See, e.g., Ha B; (Ma⁶, 197); R B a (Ma⁶, 452); R; C, (Ma⁶, 3762); E a H Da (Ma⁶, 9941); SSMBOYLE (Ma⁶, 14401); W a NPRM ± 4 . ⁸⁰³ See, e.g., j Ha ⁶ j (Ma⁶, 1644); J G a (Ma⁶, 3504); A a B , W (Ma⁶, 3513); B a N (Ma⁶, 4225); h a469 (Ma⁶, 3513); B a N (Ma⁶, 27184). ⁸⁰⁴ See, e.g., S (Ma⁶, 12060) (St a a, a, a); OMEGA217 (S a, a, a); Da M ag (Ma⁶, 13726) (S a, a, a); Le aHa a (Ma⁶, 13726) (S a, a, a); Le aHa a (Ma⁶, 13726) (S a, a, a); Le aHa a (Ma⁶, 13726) (S a, a, a); Le aHa a (Ma⁶, 13726) (S a, a, a); Le aHa a (Ma⁶, 13726) (S a, a, a); Le aHa a (Ma⁶, 13726) (S a, a, a); Le aHa a (Ma⁶, 13726) (S a, a, a); Le aHa a (Ma⁶, 13726) (S a, a, a); Le aHa a (Ma⁶, 13726) (S a, a, a); Le aHa a (Ma⁶, 13726) (S a, a, a); Le aHa a (Ma⁶, 13726) (S a, a, a); Le aHa a (Ma⁶, 13726) (S a, a, a); Le aHa a (Ma⁶, 13726) (S a, a, a); Le aHa a (Ma⁶, 13726) (S a, a); Le aHa a (Ma⁶, 13726) (S a, a); Le aHa a (Ma⁶, 13726) (S a, a); Le aHa a (Ma⁶, 13726) (S a, a); Le aHa a (Ma⁶, 13726) (S a); Le aHa a (Ma⁶, 13726) (S a); Le aHa a (Ma⁶, 13726) (S a); Le aHa a); Le a]; Le aHa a); Le aHa a

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⁸¹⁷ 67 FR **±** 4526 (, **:** ⁶ **:** [•] **a** SBP). ⁸¹⁸ NASUCA NPRM **±** 15; P**±** , NPRM **±** 4.

⁸⁰⁹ See NAAG NPRM # 47.
 ⁸¹⁰ See ASTA NPRM # 2.
 ⁸¹¹ ASTA NPRM # 2.
 ⁸¹² See T NPRM # 9. 10.

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§ 310.4(d)(4) — Sweepstakes disclosure

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⁸²⁰ Id. 39 U.S.C. 3001()(3)(A)(II).

821 NAAG NPRM # 54, 55; NACAA NPRM # 6, 7; NCL NPRM 👌 4. See also J 2002 T . II 👌 105 15.

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822 PMA NPRM # 4.8.

823 PMA NPRM # 5, 7; ARDA NPRM # 14, 15. See also J 2002 T . II a 106, 108 (PMA a ARDA et a t at a straight). ⁸²⁴J 2002 T. II **d** 106 07. ARDA **a** ARDA NPRM **d** 14 15 **a** J 2002 T. II **d** 108. ⁸²⁵T ⁸aaa R. ₫ —310.4()(4)• <u></u> ⁸²⁶ 16 CFR 310.4()(4); 60 FR **‡** 43856. ⁸²⁷ 60 FR **a** 43856 57.

828 TSR G a, G a 15. See also 60 FR **\$** 43856.

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\$310.4(e) - Required oral disclosuresin charitable solicitations

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829 See 67 FR # 4522 (., USA

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- ⁸³¹P R -310.4(); see also 67 FR # 4522 (⁸²² C R + 4500 P (2014) ⁸²² C R + 4500 P (2014) ⁸²² C R + 4500 P (2014)

- ⁸³²67 FR **g** 4522.
- ⁸³³ 67 FR **#** 4522, 4539.

⁸¹⁹ Ar : ! NPRM: G 1 1 ě. "a* a Ι ٢ a ູ້ຮ a ! ! ٦ ٦ : ! a . : an ! a to ner et ,te esten nat t a t t t ta tate a tt . I t . F a R • ..., a a 1 . a đ t d a ente ee 3 G : <u>۱</u> :: ź æ ,, ** a 1 11 toth ha or . I to a v ga that h , a 🏞 a "at ana! a r : ħ o ! a di ei ei • 0 R. e. e tret frene per estena reattet 1 2 . . ađ 🕫 ٦ 223 2 1 13 . 1 ses to e p na et e : d: 10 ° ú

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⁸⁶²DaA, aNPRM # 28; S NPRM # 1; W • a NPRM # 6.1 a to , see generally CURE NPRM; CCA NPRM; UNICOR NPRM; EPI NPRM; a EPI S

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⁸⁶⁵ EPI S . **d** 1.

⁸⁶⁶ P • W P • ⁶ a • , I ± • ⁷ Å₂, • • P • a I • ± , ⁷ GAO/GGD 99 146, , : EPI NPRM ± 13, .18. See also EPI S . ± 1 (A e e sai a reci esta de etd e est d etd a ses). ् व đ

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⁸⁶⁸ EPI NPRM **d** 2, 3, 9.

869 CCA NPRM # 2; EPI NPRM # 3, 14

870 EPI NPRM 👌 3.

⁸⁷¹ D a A , a NPRM # 28; S NPRM # 1; W • a NPRM # 6. See also J 2002 T . III # 115, 57.

⁸⁷² EPI NPRM **±** 10.

873 CURE NPRM # 1; EPI NPRM # 13, 14. See *also* J 2002 T . III 115 57.

⁸⁷⁴ See generally CURE NPRM; CCA NPRM; EPI NPRM; a UNICOR NPRM. See also j 2002 T. III a 115,57.

⁸⁷⁵ Id.

⁸⁷⁶ CCA, NPRM **‡** 1. See also EPI NPRM **‡** 5 8; and generally CURE NPRM; **a** UNICOR NPRM. See also J 2002 T. III **‡** 115,57.

877 EPI NPRM # 5,8. See also J 2002 T . III # 115 57.

⁸⁷⁸ See 67 FR # 4510, 12.

⁸⁷⁹ AARP NPRM **±** 9, 10.

⁸⁸⁰ Id. (, , P NAAG, , a P). 1 1 1 ° a

⁸⁸¹ AARP, NPRM **4** 9, 10.

⁸⁸² See NACAA NPRM **±** 10, 11.

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⁸⁸³60 FR **±** 30415.

- ⁸⁸⁵DOJ NPRM **‡** 7.
- ⁸⁸⁶ Id.
- ⁸⁸⁷ Id. ⁸⁸⁸ Id.

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E. Section 310.5 — Recordkeeping

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889 See, e.g., FTC v. Fed. Data Servs., N . 00 6462 $CV F P A (S.D. F_a A . 3, 2000)$ (State 1 a P t t Ja . 9, 213, CIV002017PHXEHC (D. A , 0, 2. 25, 2000) (9 d a , 2 , 2 , 2001); FTC v. Story d/b/ a Network Publ'ns., N . 3 99CV0968 L (N.D. T . A . 25, 1999) (S at J 6, 2000). ⁸⁹⁰ 16 CFR 310.5. ⁸⁹¹67 FR **±** 4527, 28. ⁸⁹²67 FR **a** 4528. $\begin{array}{c} & & & & & \\ & & & & & & \\ & & & & & & \\ & & & & & & \\ & & & & & & \\ & & & & & & \\ & & & & & & \\ & & & & & & \\ & & & & & & \\ & & & & & & \\ & & & & & & \\ & & & & & & \\ & & & & & & \\ & & & & & & \\ & & & & & & \\ & & & &$ aa t

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⁸⁹⁴ ARDA NPRM **a** 17. ARDA **; a b**, 895 DMA N Prit NPRM # 16.

⁸⁹⁶ 60 FR **±** 43857.

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⁸⁹⁷ Id.

⁸⁹⁸ K a n pitre. Spir 310.5(a)(3) a e i a i ap pitre i i i a i e a i ap pitre i i i a i e a i ap pitre i i a i e a i ap pitre i a i e i pa i i a i e pitre i a i e pitre a a e i i R i e pitre a a e i i R i e pitre a a e i i R a t per roata e pter e.T. G * a •! d a · • • • ħ t R ata h, at + at e en tate ga ee at e en tate tret d nd te R te Ta, t Pentat de a a ! ranto at e -310.5(a)(1), it da e etata i a te book etata i ti da e etata i a te book etata i a te book etata i ti di to te obook etata etata i etata i to te obook etata etata i et a , t, a t • • -310.5(a)(1), t

⁸⁸⁴ Id.

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F. Section 310.6 — Exemptions

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- ⁸⁹⁹ NEMA, NPRM **4** 8, 10.
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⁹²² NAR NPRM # 3.4. See also ICFA NPRM # 1.

- ⁹⁵³DSA NPRM **8** 9. ⁹⁵⁴ Id.

- ⁹⁴⁴ NCL NPRM **±** 12. ⁹⁴⁵ EPIC NPRM **±** 25 26. ⁹⁴⁶ 60 FR 🛃 43860. 946 60 FR # 43860. 947 T G a to the star, at the star, a
- 949 Id. See also EPIC NPRM # 25 (\$ \$ \$ #

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 ⁹⁵¹ See, e.g., FTC v. Smolev., N. 01 8922 CIV LOCH (S.D. F a 2001); New York v.
 MemberWorks, Inc., Are a., De, t a., (A * 2000); Minnesota v. MemberWorks, Inc., N. MC99 010056 (‡ Det. M. J 1999);
 Minnesota v. Damark Int'l, Inc., N C8 99 10638,
 Are a., De, t a., (Ra e G t Det. Q. D., .3, 1999); FTC v. S.I.A. Soc'y, Inc., N .2:97
 CM 472 (E.D. Va Ma 31, 1997).
 ⁹⁵² See a R --310.3 (a)(1) (), 310.4 (a)(7), a 310.4 (). 310.4(a)(7), a 310.4().

a⁶ • . F • ; , ; 6 R : : N 0 æ a 🕐 ٩ . 5 g G ; 1 .1 FF 1 883 ₽ a ... R a S V t ٩ ! a ! a : ş G ٩ 8. 883 a ! •,! ŧ ٩ . ş TSR a a , ! ! **! •**,**!** F 00 ! a

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⁹⁵⁹ Tarrir, in a Eata i comma a --310.6()(4) ar a R

⁹⁶⁰ 60 FR **a** 43860.

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⁹⁶³ NAAG NPRM **±** 59 60.

⁹⁶⁴ Id.

⁹⁶⁵ T

^{966 60} FR ★ 43860. 967 See, e.g., United States v. Prochnow, N . 1 02, 917 (N.D. G & 2002). 968 See

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- 982 P. a tonitan, ata s tonitan, d tonitan 983 NCL NPRM # 12.
 - 984 Id.

- $\begin{array}{c} 992 \, T \\ & a \\ &$

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- 999 NFC NPRM **a** 4 5.
- Pa Prie

- 11. $^{1002}\,\rm NAAG$ NPRM \clubsuit 60; NCL NPRM \clubsuit 11.
- ¹⁰⁰¹ See, e.g., NAAG NPRM & 60; NCL NPRM &

¹⁰⁰³ See, e.g., G , at NPRM **4** 5; G NPRM **4** 30 32; ICC NPRM **4** 1, 2; N **1** NPRM **4** 23, 24; R E NPRM **4** 5; SBC NPRM **4** 2, 13; SIIA NPRM **4** 1, 2; YPIMA NPRM **4** 5, *See also* J

¹⁰⁰⁴ See, e.g., N ¹ NPRM ² 23; SBC NPRM ² 3; SIIA NPRM ² 1 2. J 2002 T . III ² 210 20,

¹⁰⁰⁵ See, e.g., N ⁺ NPRM ⁺ 23; SIIA NPRM ⁺ 12. See also J 2002 T . III ⁺ 213, 1446 • •

2002 T . III a 210, 20, 222, 23, 226.

222, 23, 226.

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⁹⁹⁷ Id.

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 ¹⁰⁰⁸ See, e.g., SBC, NPRM # 15; SIIA, NPRM # 2.

 See also J
 2002 T. III # 213 14, 217 18, 224.

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G. Section 310.7 — Actions by States and Private Persons.

S .: 310.7 ! · · a a 1 10 gite a F n ! 0 a.! · • đ a R a ? A, 1021 I ٦ Т NPRM, G 11 FF 7. : t : 1 10 1 :: \$.? a : a R \$; \$^{,‡} G a! • ! •! đ •, a đ TSR.¹⁰²² T G 883 đ • 3 !a a ? R : 1) * \$50,000 n 1 ` !a 1 ٦a ê. : at h ŧ đ ß R ; a 2): n ! ! R at +, at,, a tre đ a 🕫 at a se at .1023 T G R 11 ţ đ ! ! a٩ 11 æ ! * \$ A,*, a Т <u>*</u> G ¢ ! aŠ ee h ^ℓ •• ↑ a ca , a ^{1.1024} W! ^ℓa ↑! <u>* 1</u> \$ a٩ 1 € 1 a e,t G ! 1 11 1 1 1 **!**• **F F**

- ¹⁰²³ 67 FR 🛔 4533.
- ¹⁰²⁴ Id.

<u>, • •</u> • 10 • 1 đ٦ ,_ca : N°n Ca ID 🖪 ß 11 1 ٩ 1 1 h ! a, · ą, a 1,110 * , a •.¹⁰²⁵ a \$\$. 0 Т G 20 1 1 er e ħ * NPRM, a * , **t**. 1026 : a n a

H. Section 310.8 — Fees.

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I. Section 310.9 — Severability.

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J. Rulemaking Review Requirement.

T e a R ż ztaR R 0 art ! đ ¢aR.T λ. R ٩ a 1:0 t a a G 883 a P a٦ ț∙ R • • a • 5 1 **a** ! a ! ħ :: 3 ar a å 11,11 ŧ 1 ! đ ş ar a٩ ! 1 1 ! no ete a 3 2° a R 102 a! . T G 883 ! d! ″ a ` R ŧ ! N ! , a 0 neea A ! t ! * a \mathbf{n}

¹⁰²⁵ Id.

1026 S `e a 1 a Co t R 10 See AARP, NPRM ± 10 (10 +. , t); EPIC NPRM # 27 (18 + a at i i a t ß 6 1:21 0 te a "a, a a : đ 11 • <u>*</u>). G Т G * a : TSR 🖈 139, a \$200 !a ł G a a! a ! ! ! a! \mathbf{a} R 1 a ţ a a . a a a ! ! ĕa ≯! . I a a , æ 123 : t.a 2 a . . :: R ,<u>†</u> G a 5 e 11 et dt a e , a a : at a : : R 110 N #3

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1027 15 U.S.C. 6108.

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¹⁰²¹ 15 U.S.C. 6103 (**? ***) a 6104 (∖ ₫ n r).

¹⁰²² 67 FR at 4532 33.

/W. 68, N. 19/W e a, Ja a 29, 2003/R e a R[®] a e

ata i ka di e 11 a 1 : t: . • a nart A r F a . ! : ٩ ą, 8 et .1041 đ٦ 1 !, a // a a * • • Rat ٩. ,**!** N ete NAM a ١. a, a! .¹⁰⁴² a۴ٌ a!,, n a ħ • 10 . ٩. , a ! a en ata Na ti !t ≠ a ۰ i^g đ٦ n ! đ٦ a . 2 3 ٩ 1 1 0 rt a Pa a ! 1 a t a en nae Pt , a a ! •!a .¹⁰⁴³ K , APTS a **! ₫** 75 o !! ! ٠ ؛

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1041 A R -310.6(a). R --310.4()(1)(). ^{1042}A ¹⁰⁴³ H A Ba G. a NPRM # 2. H A Batt d ta ta tra d Batt d ta tra tra d batt d ta tra tra d batt d ta tra d batt d tra d ba a teko ta tee joe. Tea le arta a HBCe ¹⁰⁴⁴ APTS NPRM **#** 3,4.

¹⁰⁴⁵ R C , NPRM **d** 3, 4.

ð₹.¹⁰⁴⁶ H a! N n t 1 . ! d! ₹ 8 11 8 na a 1 1 đ a Ŧ a ş a!,, a ş a .¹⁰⁴⁷ J 12 \$. ,**!** G 88 N ħ æ !a 1 ** đ٦ 11 ng, ヽ !a **F F** a a! 🔪 đ٦ ! : હ્વ હ 0 ٩ n #1 +, 0 1 a 0 , a . ! đ a • ! a a a ! ! a . a ! . ٩, 2 a a • ā 1 đ .3 a) ١. $.^{1048}$ **a**w? ! \ đ٦

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¹⁰⁴⁶ 67 FR 🛔 4508. ¹⁰⁴⁷ See, e.g., J 2002 T . III **‡** 32 33 (NAA). ¹⁰⁴⁸ See a R -310.3(a)(3)(), a en een nit dingen ang ¢ti M ¹⁰⁴⁹ M S **1**7. A it tanet i to to a strange S art sist talt rint er astration active Gradient er • † đ a đ٢ a 60 t a 90• 💦 a te, a.I a,:,: : : : : eart a s ant atte : * * ٦ t ta a 11 a) A. .

¹⁰⁵⁰ MPA NPRM **‡** 24.

¹⁰⁵¹ Id. **a** 19.

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¹⁰⁵² ABA NPRM **±** 8; As **a ±** NPRM **±** 3, 4;

B A NPRM # 7; C at NPRM # 7. ¹⁰⁵³J 2002 T . I **‡** 211 (CCC); PMA NPRM **‡**

30; PCIC NPRM 🛃 2.

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¹⁰⁶⁹ 16 CFR 1.83. See also National Citizens Comm. for Broad. v. FCC, 567 F.2 1095, 1098 .3 (D.C. C . 1977).

¹⁰⁶⁶ 15 U.S.C. 6102(a)(1). ¹⁰⁶⁷ 42 U.S.C. 4321 et seq. ¹⁰⁶⁸ 16 CFR 1.81, 1.82.

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PART 3 0—TELEMARKETING SALES RULE

S ... 310.1 S ş d1 + ! ≠ a!. 310.2 D 12 0. a ż 🤻 310.3 D, ? ? a.** 1 ĕ 310.4 A ·* 🚬 2 a ! a.*** 310.5 R 10 . 310.6 E 17 5. 310.7 A te et et e a đ 310.8 R . : F A AN PER , a . 6. 310.9 S a ? .

15 U.S.C. 6101, 6108.

§310.1 Scope of regulations in this part.

T a 2° G F a a A P 2° A, 2° , 15 U.S.C. 6101 6108, a a

§ 310.2 Definitions.

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(,) Billing information a∮ a đα ta a a a han era than n hea n •1 *,* , a a. a a, ? ? ? ? a and the that () Caller identification service a 🕫 ar in that rat a ! ! . <u>N</u> , a , a , a a!!a aaa, a * !! 1 st rare : : * , a , a • a a ot to the top e † () Cardholder a • a ~ ħ an that e ٩ !, a 1 a! 🔪 * • a, a

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¹⁰⁷⁵ 16 CFR 1.83. *See also National Citizens Comm. for Broad. v. FCC*, 567 F.2 1095, 1098 .3 (D.C. C . 1977).

tt Ta R[¢] a R Peatht T Dense a te ta ^kh et t a Det Re te Ant 1992, 16 tt te, een tt te CFR Pat 308, provided, tt ta een a ^kt CFR Pat 308, provided, ,t t • -310.4(a)(1), (a)(7),

provided, ,t dt e t -310.4(a)(1), (a)(7), (), a (,); $\begin{array}{c} -310.4(a)(1), (a)(7), (b), a (b); \\ (3) T (b), a (c), a (c$

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§310.7 Actions by states and private persons.

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² See Statement of Basis and Purpose # 97,98. I a the first state of the state o

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