

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

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

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

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

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