

**ORIGINAL**

**From:** Steve Tilson <steve\_tilson@yahoo.com>  
**To:** <access@fcc.gov>, <fccinfo@fcc.gov>, <tranteam@fcc.gov>  
**Date:** 12/18/00 11:18AM  
**Subject:** Internet Electronic Mail Interception

00-30

My personal email is being intercepted by MyPoints.com according to the text of an error message I received recently:

"<atilson@tampabay.rr.com>... Deferred: Connection refused by mpmlbx06.mypoints.com."

I did not authorize mypoints.com, some form of internet marketing agency, to intercept email destined for my Road Runner account.

Apparently, mypoints.com had technical difficulties Friday. Had mypoints.com not had technical difficulties I would have never discovered the unauthorized interception of my electronic communications.

My research thus far indicates there may be no law in the United States forbidding anyone, except law enforcement, from intercepting and acquiring information on the public through electronic mail.

I find the timing of the incident interesting given the sudden surge of UDP penetration attempts and attacks by internet service organizations on my personal computer since the FTC approved the AOL-Time Warner merger. I understand the need for surveys and network mapping in conjunction with a merger and acquisition of network assets. I do not understand what justifies the interception of my email by a marketing agency. To intercept and reroute email is clearly outside of the range of allowable activities when the interceptor is not part of the destination's communications network. Given the likelihood of mypoints.com to be acquiring intelligence for profit oriented purposes makes it highly likely there is an ongoing commission of illegal communications intercepts being conducted as a matter of common business practices by organizations such as mypoints.com.

I am not nor will I become a customer of AOL given the reputation for privacy intrusion and bulk mail abuse by the AOL organization. Unfortunately this means I must give up Cable Modem internet access as there will never be any cable carrier other than Time Warner (AOL) in my area.

My opinion is that the FTC is unqualified to render a decision on the AOL/Time Warner merger given the highly technical nature of the matter. I recommend the FCC pay a little more attention to detail on this

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issue. I also strongly recommend the FCC sponsor strong and enforceable laws governing communications privacy in the United States. Given the amount of money involved I am certain only a Federal Agency can cause such strong legislation to become law. In light of the impending economic disasters associated with US companies failure to abide by European and Canadian laws, I recommend the United States enact laws that expressly forbid predatory practices commonly used by US organizations to acquire information on individuals and citizens of the United States of America.

Steven W. Tilson  
United States Citizen

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**CC:** <bkennard@fcc.gov>, <sness@fcc.gov>, <hfurchtg@fcc.gov>, <mpowell@fcc.gov>, <gtristan@fcc.gov>