Before the

Federal Communications Commission

Washington, D.C.

In the matter of )

)

Rules and Regulations Implementing the )

Telephone Consumer Protection Act of 1991 ) CG Docket Number 02-278

)

Junk Fax Prevention Act of 2005 ) CG Docket Number 05-338

)

Petition for Expedited Declaratory Ruling of )

Amerifactors Financial Group, LLC )

COMMENTS

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# Introduction and Summary

These comments are to the Petition for Expedited Declaratory Ruling filled by Amerifactors Financial Group, LLC[[1]](#footnote-1), which I oppose.

I comment as a user of a fax service. I believe the sending of an unsolicited commercial fax is in violation of the Telephone Consumer Protection Act[[2]](#footnote-2) regardless of whether the fax is received on a standard fax machine or a on computer.

The fax service assigned me an individual unique telephone number to which faxes are sent over a standard telephone line. The fax service’s computer receives the fax and then sends me an email with the fax as an attachment.

# Fax calls which go to a computer are made without knowledge of whether they go to a computer or fax machine.

The sender of an unsolicited fax to a fax service sent the fax without knowing whether the fax was going to the recipient’s fax machine (and printed on paper) or to a computer. In doing so the sender is violating the act and accepting any penalties for such violation.

# Fax calls to a computer involves costs to the fax service and to the recipient

Each fax sent to a fax service involves costs. The fax service must obtain telephone lines and size their equipment based, on part, on the number of faxes that the service receives. Unsolicited faxes add to this cost. The cost must, of course, be passed along to the recipient.

# Faxes emailed to the recipient takes the recipients time

Each fax that is received on behalf of the recipient must result in an email to the recipient. The recipient must open the email to find out who it is from and if it is an unwanted commercial fax.

# Unsolicited faxes to a fax service are spam, in violation of the CAN-SPAM act

A fax sent to a fax recipient who uses a fax service will normally be sent from the fax service by way of email. If the fax is unsolicited the email may be considered spam, in violation of the CAN-SPAM act.[[3]](#footnote-3) Unlike most spam, which quickly can be read and deleted the unsolicited fax email must be opened and the attached fax must be opened.

# Conclusion

I urge the Commission to deny the petition by Amerifactors and to consider faxes received by computer fax services to be the same as faxes received by individual fax machines.

Respectfully submitted

/s/John A. Shaw

1. Petition for Expedited Declaratory Ruling, filed on July 13, 2017, by Amerifactors Financial Group, LLC,(“Amerifactors”) to dockets CG 02-278 and CG 05-338 (“petition”) [↑](#footnote-ref-1)
2. The Telephone Consumer Protection Act of 1991 (“TCPA”), Pub. L. No. 102-243, 105 Stat. 2394 (1991), 47 U.S.C. § 227. [↑](#footnote-ref-2)
3. The Controlling the Assault of Non-Solicited Pornography And Marketing Act of 2003 (“CAN-SPAM Act”), ‎ Pub.L.No. 108-187, 117 Stat. 2699 (2003), 15 U.S.C. § 7701-7713; 18 U.S.C. § 1037, and 28 U.S.C. § 994 [↑](#footnote-ref-3)