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*Squire, Sanders & Dempsey*FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Telephone (202) 626-6600

Cable Squire D

Telecopier (202) 626-6780

Direct Dial Number

(202) 626-6717

*U.S. Offices:**Cleveland, Ohio
Columbus, Ohio
Jacksonville, Florida
Miami, Florida
New York, New York
Phoenix, Arizona**Counsellors at Law
1201 Pennsylvania Avenue, N.W.
P.O. Box 407
Washington, D.C. 20044-0407**International Offices:**Brussels, Belgium
Prague, Czechoslovakia*

December 4, 1992

BY HANDDonna R. Searcy, Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554Re: CC Docket No. 92-90: Report of Ex Parte Meeting

Dear Ms. Searcy:

On Thursday, December 3, acting on behalf of our client, the Consumer Electronics Group of the Electronic Industries Association ("EIA/CEG"), I met with Abraham Leib and Suzanne Hutchings, both of the Common Carrier Bureau, to discuss a petition for stay and a petition for reconsideration filed by EIA/CEG and the Telecommunications Industry Association ("TIA") in the above-referenced docket. Most of the information discussed in the meeting was already on the public record in the form of the two petitions and the accompanying affidavits. The following additional points were also discussed:

I suggested that the Bureau representatives focus separately on the questions (1) whether the December 20 manufacturing deadline for facsimile machines should, in the public interest, be deferred, and (2) whether, as a legal matter, the deadline can be deferred. As to the public interest analysis, I emphasized (a) the unprecedented brevity of the interval between the adoption of the regulation and the deadline date, (b) the many millions of dollars of increased costs and lost revenues that manufacturers would suffer if the deadline is not deferred, (c) the injury that would be caused to consumers by a precipitous interruption of the supply of affordable facsimile machines, and (d) the lack of any conflict between the requested deferral and the public policy objectives of the underlying statute. On the legal issue, I highlighted (a) congressional reliance on the Commission to develop the specific terms and

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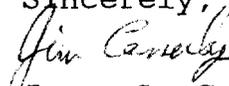
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Donna R. Searcy, Secretary
Federal Communications Commission
December 4, 1992
Page 2

conditions of the rule governing manufacture of fax machines (in contrast to the self-executing nature of other related requirements), (b) congressional awareness of the Commission's authority under Section 1.3 to suspend, revoke, amend or waive its regulations, (c) the Commission's ability to interpret the statute and the regulation so as to apply only to new models of fax machines, and (d) the agency's authority to suspend enforcement of its regulation.

This letter and the attached copy are furnished for inclusion in the public record in compliance with Section 1.1206(a)(1) of the Commission's rules. Please let me know if you have any questions.

Sincerely,



James L. Casserly

cc: Abraham Leib
Suzanne Hutchings