Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Junk Fax Prevention Act of 2005	)	CG Docket No. 02-278
	)	
Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991	)	CG Docket No. 05-338
	)	
Petitions for Declaratory Ruling and Retroactive Waiver of 47 C.F.R. § 64.1200(a)(4)(iv) Regarding the Commission's Opt-Out Notice Requirement for Faxes Sent with the Recipient's Prior Express Permission	)	

JOSEPH T. RYERSON & SON, INC.'S OPPOSITION TO APPLICATION FOR REVIEW

To: Office of the Secretary

Attention: The Commission
Consumer and Governmental Affairs Bureau

Blaine C. Kimrey
bkimrey@vedderprice.com
Bryan K. Clark
bclark@vedderprice.com
VEDDER PRICE P.C.
222 N. LaSalle St.
Chicago, IL 60601
T: (312) 609-7500
F: (312) 609-5005

Attorneys for Joseph T. Ryerson & Son, Inc.

Dated: October 21, 2015

Pursuant to Section 1.115(d) of the Commission's rules, Joseph T. Ryerson & Son, Inc. ("Ryerson"), through its counsel, respectfully files this opposition to the Application for Review filed on September 28, 2015, by a group of TCPA plaintiffs represented by Anderson + Wanca (the "Applicants").[1] Although Ryerson is not specifically referenced in the Application for Review, Ryerson was one of the 117 petitioners granted a retroactive waiver by the Consumer and Governmental Affairs Bureau's August 28, 2015 Order. Thus, Ryerson objects to Applicants' Application for Review, which asks the Commission to vacate all 117 waivers.[2]

As an initial matter, none of the Applicants is an aggrieved party with standing to challenge the waiver granted to Ryerson. Section 1.115(a) of the Commission's Rules provides that applications for review may only be filed by persons aggrieved by the actions taken under delegated authority. "[T]o be aggrieved, a party must establish a direct economic or other connection between its interest and the complaint of grant of the applications." *In the Matter of Application of Gray Television Licensee, Inc.*, 23 FCC Rcd 644 (F.C.C. 2008). None of the Applicants is engaged in litigation with Ryerson, and none of the Applicants has established (or could establish) that it would suffer a direct injury if Ryerson's waiver was allowed to stand. Thus, Applicants should not be allowed to seek vacatur of all 117 waivers because they lack standing to challenge the vast majority of them. For this reason alone, Applicants' Application for Relief should be denied.

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[1] Per a motion filed by Ryerson on October 13, 2015, with the consent of applicants' counsel, Ryerson requested a two-week extension of its obligation to respond to the Application for Review because Ryerson's counsel was not aware until October 13, 2015 that the Application for Review had been filed.

[2] To the extent any other applications seek to vacate the waiver granted to Ryerson, Ryerson opposes those applications as well.

As to the substance of Applicants' arguments, these have been repeatedly addressed by the Commission and in numerous filings with the Commission, including Ryerson's June 4, 2015 Petition for Waiver and Ryerson's July 17, 2015 Reply Comments. To date, 12 parties have filed responses in opposition to various applications for review of the August 28, 2015 order.[3] The various arguments against Applicants' position embodied in these filings can be summarized as follows: (1) the Commission has authority to waive violations of the TCPA regulations, (2) the record supports a "presumption of confusion" with respect to the opt-out requirements and (3) it is not appropriate for the Commission to engage in individual fact-finding to determine whether each petitioner was confused about the opt-out requirements. Rather than repeat these arguments again (which are by now well known to the Commission), Ryerson incorporates by reference its Petition for Waiver, Reply Comments, and the 12 other oppositions that have been filed in response to the Applications for waiver (as well as any similar filings by other similarly situated respondents in the future).

For the foregoing reasons, as set forth more fully in the referenced pleadings, the Commission should deny Applicants' Application for Review.

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[3] *See* oppositions filed by ACT, Inc., Esaote North America, Inc., American Association for Justice, Houghton Mifflin Harcourt Publishers, Inc., ASD Specialty Healthcare, Inc., Sunwing Airlines, Inc., McKesson Corporation, Amicus Mediation & Arbitration Group, Inc., Alma Lasers, Inc., Essendant, Inc., Medversant Technologies, LLC, and Philadelphia Consolidated Holding Corp.

Dated: October 21, 2015

VEDDER PRICE, P.C.

By: */s/ Blaine C. Kimrey*

Blaine C. Kimrey
bkimrey@vedderprice.com
Bryan K. Clark
bclark@vedderprice.com
222 N. LaSalle St.
Chicago, IL 60601
T: (312) 609-7500
F: (312) 609-5005

Attorneys for Joseph T. Ryerson & Son, Inc.

CERTIFICATE OF SERVICE

I, Blaine C. Kimrey, hereby certify that on this 21st day of October, 2015, a true and correct copy of the foregoing was served by email and U.S. mail to the following parties:

Brian J. Wanca, Esq.
Glenn L. Hara, Esq.
David Max Oppenheim, Esq.
Anderson + Wanca
Suite 760
3701 Algonquin Road
Rolling Meadows, IL 60008

/s/ Blaine C. Kimrey
An attorney for Joseph T. Ryerson & Son, Inc.