

FCC's REQUEST FOR PUBLIC COMMENT: DA 15-1348 - PETITION FOR DECLARATORY RULING FILED BY JOSEPH T. RYERSON & SON, INC. C No. 02-278 & CG No. 05-338

The TCPA and CAN-SPAM Act's both have very significant penalties for abusers. I believe that the CAN-SPAM Act can also include criminal penalties with prison time as well.

It would seem to me that the Ryerson petition is attempting to address significant technology changes that have occurred over the last 5 years regarding digital communications.

I too receive unsolicited email and occasionally a random fax which I clearly never requested, etc. They are a nuisance, there is no doubt. What I'm not clear on is why anyone would be opposed to classifying a digital communication message that they received via email (either by choice of subscribing to paid or free e-fax services, or by subscribing to paid or free email services) as e-mail and thus governed by the CAN-SPAM Act. In reviewing the CAN-SPAM Act, it appears that the penalties to the sender can be much more substantial with possible criminal penalties and prison time. So, I am in absolute favor of Ryerson's petition to classify digital communications that originate in digital format and are received in digital e-mail format as e-mail and thus covered by the CAN-SPAM Act.

Also, if I understand the petition correctly, Ryerson is asking for the FCC to agree that the only time the TCPA can govern a fax communication is if said communication originates as a fax as defined by the statutory definition. It is also my understanding that the statutory definition of a facsimile machine is very specific and clear that whatever device or system that originates the transmission, must have the capability or capacity to do so over standard telephone lines (known as public switched telephone network or PSTN). I agree with Ryerson that in order for the TCPA to have any jurisdiction over an analog or digital transmission, the transmission must originate from a machine or system that meets the statutory definition of a facsimile machine.

Any digital communication that has been received by a fax machine or e-fax (via email), must have been originated by a machine or system via a standard telephone line (PSTN/POTS, etc.) in order to be covered by the TCPA. As unfortunate as that may seem to some, Congress would have to amend the TCPA in order to change the definition of a "facsimile machine" if they want to extend the TCPA to have oversight over TCP/IP (Internet Protocol) forms of digital communication.

I support the Ryerson petition with the simple understanding that a fax is a fax and an email is an email.

Thank you very much for the opportunity to comment.

Sincerely,

Mark Gregg