

MAY 13 2016

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FOOT & ANKLE
SPECIALISTS**

www.cortezfootandankle.com

Dr. Saul Ladd
(emeritus)

Dr. Alan F. Katz

Dr. Richard N. Berkun

Dr. C.J. Addison

Dr. Robert D. Katz

Dr. Philip J. Baldinger

Dr. Garrett L. Harte

Dr. Scott Handley

Diplomates, American Board
of Podiatric Surgery

Fellows, American College
of Foot and Ankle Surgeons

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The Honorable Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-A325
Washington, DC 20554

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Re: Petition of Buccaneers Limited Partnership for Retroactive
Waiver 47 CFR § 64/1200(a)(4)(iv) CG Docket Nos. 02-
278 and 05-338 Filed April 28, 2016

Dear Secretary Dortch:

I am the office manager for an extremely busy medical practice located in Bradenton, Florida. Because we are providers of medical services and procedures governed by the federal privacy laws referred to as HIPPA, we are required many times through the course of a business day to use our facsimile machine to send and receive medical records, medical information, medical billing and other patients' medical records. Our practice requires the use of the regular United States Mail or facsimile transmissions because internet email communications are not properly secure so as to protect confidential information relating to our patients.

For a number of years prior to 2009 our practice would receive unsolicited facsimile advertisements for goods or services being offered by third parties with whom our medical practice had no relationship. Not only was the arrival of these facsimile advertisements annoying because they prevented us from using our facsimile machine for legitimate purposes associated with the doctors' practices, but it also galled us that we were being required to provide the printer, the paper and the toner to print out an ad for someone who did not think enough of us as a potential customer to send their ad at their own expense by the United States Mail or by purchasing space in our local newspaper.

In August of 2009 we received an advertisement sent through our facsimile machine (printed with our paper and toner) from the Buccaneers football team in Tampa offering us the opportunity to purchase tickets for the Buccaneers' football games. Not only was there no legitimate business reason for the Buccaneers to be contacting a medical practice using our business facsimile machine, the advertisement did not contain the information that would have allowed me, as the office manager, to

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advise the Buccaneers ticket sales office that we did not wish to receive such advertising literature in the future. I did not think that much about my annoyance at this imposition on our office facilities and staff the rest of the year of 2009. However, when we received two more facsimile advertisements from the Buccaneers again in May and June of 2010, the medical practice thought that enough was enough and investigated filing a claim against the Buccaneers in order to stop them from continuing to harass us with their ads trying to sell their over-priced tickets to our busy doctors. It was then that I learned that Dr. Addison's brother had previously filed a lawsuit against the Buccaneers in Tampa seeking damages on behalf of all the businesses that had received these unwanted advertisements, and therefore believed that it was already too late, and frankly unnecessary, to file a separate suit on behalf of Cortez Foot & Ankle Specialists.

I wish to register our offices objection to any request by the Buccaneers seeing a waiver of the requirements that they were supposed to follow in 2009 and 2010 when they were taking advantage of our facilities, equipment and supplies to print their advertisements. To the extent that our medical practice advertises its services to the community, we are required to follow the law and pay the providers of those advertising services a fair price. While it might be nice to save that money by preparing a one-page advertisement for the podiatric and surgical services we provide to individuals in Manatee and Sarasota County, and sending that by facsimile to all the businesses and households in the area, we understand that practice is in violation of the law and therefore it is not an approach that we would have thought to use, even before 2009. Certainly the Buccaneers should have realized that there were legal ways to advertise their product and they should have followed the law, and especially provided the recipients of their unwanted advertisements the ability to tell them to stop.

Sincerely,

Julie Wicks
Office Manager