

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC**

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| In the Matter of:                          | ) |                      |
|  | ) |                      |
| Petition of Buccaneers Limited Partnership | ) | GC Docket No. 02-278 |
| For Retroactive Waiver of 47 C.F.R. §      | ) | GC Docket No. 05-338 |
| 64.1200(a)(4)(iv)                          | ) |                      |
|  | ) |                      |

**SUPPLEMENT TO REPLY COMMENTS OF BUCCANEERS LIMITED PARTNERSHIP**

The Buccaneers Limited Partnership (“BLP” or “Petitioner”), by and through its undersigned counsel, hereby submits this Supplement to its Reply Comments filed on May 20, 2016.<sup>1</sup> BLP’s Reply Comments address the comments of Cin-Q Automobiles, Inc. and Medical Chiropractic Clinic, Inc. and Timothy Condon to BLP’s Petition for Retroactive Waiver of 47 C.F.R. Section 64.1200(a)(4)(iv) (the “Opt-out Requirement”) filed on April 28, 2016 (the “Petition”)<sup>2</sup>. This Supplement addresses two letters regarding BLP’s Petition filed by Cortez Foot & Ankle Specialists and the Law Officers of Phyllis J. Towzey (the “Commenters”) that were posted to the above-captioned docket after the filing deadline.<sup>3</sup>

Both letters assert that BLP sent unsolicited fax advertisements to the Commenters, and oppose granting BLP a waiver of “the requirements they were supposed to follow in 2009 and

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<sup>1</sup> Reply Comments of Buccaneers Limited Partnership, GC Docket Nos. 02-278, 05-338 (filed May 20, 2016) (the “Reply Comments”).

<sup>2</sup> Petition of Buccaneers Limited Partnership for Retroactive Waiver of 47 C.F.R. § 64.1200(a)(4)(iv), CG Docket Nos. 02-278, 05-338 (filed Apr. 28, 2016) (“Petition”).

<sup>3</sup> Letter of Julie Wicks, Office Manager, Cortez Foot & Ankle Specialists to Marlene H. Dortch, Secretary, Federal Communications Commission (received May 13, 2016) (posted in CG Docket Nos. 02-278, 05-338 May 17, 2016) (“Cortez Letter”); Letter of Phyllis J. Towzey, Law Offices of Phyllis J. Towzey, to Marlene H. Dortch, Secretary, Federal Communications Commission (May, 12, 2016) (posted in CG Docket Nos. 02-278, 05-338 May 17, 2016) (“Towzey Letter”).

2010”.<sup>4</sup> To the extent the Commenters did, in fact, receive unsolicited fax advertisements as they attest, which is a question of fact for the relevant court to decide, any liability under the TCPA with regard to those faxes will be unaffected by granting the subject waiver. Because these Commenters do not assert any argument regarding why BLP should not be granted a waiver of the Opt-out Requirement for solicited fax advertisements, or provide any information relevant to that inquiry, there is no need to address these letters further.<sup>5</sup>

For all the reasons stated in the Reply and the Petition, the Bureau should find the BLP Petition in the public interest and grant it for the same reasons that similarly situated parties were previously granted retroactive waivers of the Opt-out Requirement for solicited fax advertisements. BLP respectfully requests that the Bureau grant the requested retroactive waiver of the Opt-out Requirement for the 2009 and 2010 Faxes (as defined in the Petition and in the Reply Comments) that were sent by FaxQom, USA Datalink, DMI Marketing, 127 High Street, Rocket Messaging and potentially others.

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<sup>4</sup> Cortez Letter at 2; Towzey Letter at 4.

<sup>5</sup> In addition, it should be noted that Cortez Foot & Ankle Specialists is not a disinterested party. As indicated in the Cortez Letter, Michael Addison, the brother of Dr. C.J. Addison who is a member of Cortez Foot & Ankle Specialists, is local counsel to Cin-Q Automobiles, Inc. and Medical Chiropractic Clinic, Inc. in a TCPA case against BLP in which the plaintiffs seek class certification. *See* Cortez letter at 2 (noting that Dr. Addison’s brother has sued BLP based on the subject faxes). As counsel for the plaintiffs in that case, Michael Addison could potentially receive significant legal fees, a result his brother would presumably favor.

Dated: May 26, 2016

Respectfully submitted,

/s/ Jennifer L. Richter

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