

June 17, 2003

**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation by Lorman Education Services  
In the Matter of Rules and Regulations Implementing the Telephone  
Consumer Protection Act of 1991, CG Docket No. 02-278

Dear Ms. Dortch:

On June 16, 2003, Charles Gregorich of Lorman Education Services (“Lorman”), along with Richard Firestone of Arnold & Porter, counsel for Lorman, met with Commissioner Adelstein and Scott Bergmann to discuss the above-referenced proceeding. During the meeting, Lorman discussed issues raised in its filing in this docket, including the following:

- The FCC should adopt a rule explicitly stating that an established business relationship (“EBR”) constitutes express invitation or permission to transmit advertisements by facsimile, at least when the recipient voluntarily gives the sender a fax number in the course of that relationship and the recipient has not asked the sender to stop;
- The parties to an EBR expect to be in communication;
- The recipient knows the sender and how to contact the sender;
- The sender has an incentive to please the recipient;
- The recipient would retain ultimate control ;

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- Any person who transmits advertisements by facsimile should be required to maintain a company-specific “do-not-fax” list;
  - Company-specific do-not-fax lists put the recipient in control;
  - Company-specific do-not-fax lists do not present identity problems that would compromise their effectiveness; and
  - Company-specific do-not-fax lists would not unreasonably burden commerce.

Pursuant to Sections 1.1206(b)(2) and 1.49(f) of the Commission’s rules, this Notice is being filed electronically. Copies are also being provided to Commission personnel, including those who attended the meeting.

Sincerely,

/s/ Richard M. Firestone

Richard M. Firestone

Counsel to Lorman Education Services

cc: Commissioner Jonathan S. Adelstein (by e-mail and hand delivery)  
Mr. Scott Bergmann (by e-mail and hand delivery)