

August 21, 2003

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th 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 August 20, 2003, Richard Firestone of Arnold & Porter, counsel for Lorman Education Services (“Lorman”), spoke with Matthew Brill of Commissioner Abernathy’s office. Lorman reiterated that the proposal presented in its Comments and Reply Comments in this docket remains the most reasonable response to the various competing interests involved, and is fully consistent with the direction of Congress. In particular, Lorman continues to recommend:

- That 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; and
- That any person who transmits advertisements by facsimile should be required to maintain a company-specific “do-not-fax” list.

Lorman also urged the Commission, should it decide not to implement Lorman’s proposal, to maintain a level playing field. In particular, Lorman noted that the advertising activities of non-profit and membership organizations cannot be

