

Petition for Reconsideration of CG 02-278

AUG 27 2003

To whom it may concern,

Federal Communications Commission  
Office of the Secretary

Thanks to the FCC for addressing this issue and to legitimate advertisers in advance for their compliance. This is a particularly vexing problem and needed to be covered by comprehensive and fair proceedings.

### Reason for Petition for Reconsideration:

Paragraphs 185 thru 203 do cover fairly adequately the problem at issue, as far as they go. But there is an *entire class* of fax calls that are *not* addressed. That is faxes, automated and manual, whether solicited or not, which ring to a *voice only* number. This situation can occur through several paths, including:

- 1 a typographical error on the part of the sender, (or receiver, when authorizing transmissions)
- 2 a reassignment of the telephone number by either the TELCO or PBX
- 3 a change in use by the receiver from dual voice/fax use to voice only

These calls are particularly annoying to homes because these faxes are transmitted late at night. I personally have been woken up many early mornings by these calls; often no doubt by the same sender, at 5 minute intervals over long periods.

But these calls are no less a nuisance during normal hours to homes and business alike.

The difficulty arises from the fact that one can not get the information to remove oneself from the sender's call list/database or scratchpad without acquiring a fax machine and attaching it to the line as the calls are coming in. This puts an unreasonable burden on the recipient.

### Requested Remedy:

- 1 All advertising fax calls, including those solicited, and therefore legal under the Rule, must show in the CallerID the TOLL-FREE VOICE number that can be called to remove a number from the list. It is perfectly fine that the removal be an automated attendant; but it must be voice activated. NOT fax back.
- 2 Any number must be AUTOMATICALLY removed after 2 unsuccessful send attempts for any reason except a busy signal. This will stop even legal transmissions that go to a wrong number even by purely accidental circumstances. I believe this is advantageous to senders, as it will mitigate the rage of unintended recipients by making the calls a one-shot event rather than a long term, and thus actionable occurrence.

I believe that this requirement, though it sounds complex, is actually very simple as most of the targeted transmissions are sent from computers, and therefore some simple software could be written to flag non-responsive numbers in the database to automate this function. Any burden attendant on setup for this is minor compared to the fines for even accidental transmissions.

I hope the industry will act favorably on this request.

Thank you,  
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