

DOCKET FILE COPY ORIGINAL

1-866-418-0232

RECEIVED

August 07, 2003

SEP - 2 2003

Federal Communications Commission
Office of the Secretary

Dear Ms. Marlene S. Dortch:

RE: CG Docket No. 02-278

As member of the CCIM Institute (Certified Commercial Investment Member), an affiliate of the National Association of REALTORS® (NAR), I am writing to convey my wholehearted support for NAR's Request for Emergency Stay of Facsimile Advertisement Rules in the above referenced docket. The FCC's unexpected decision to remove the "established business relationship" exception from the unsolicited fax advertisements rules severely interferes with my day-to-day business as a commercial real estate professional. Furthermore, the rules hinder the types of communication that my national organization, CCIM Institute, and local CCIM Chapters routinely send via facsimile, including information on conventions or continuing education classes, which is a benefit that I expect as a dues paying member.

NAR in its Request for Emergency Stay of Facsimile Advertisement Rules outlined the detrimental impact that these rules will have on its over 900,000 members and on the operations of over 3.5 million professionals in the real estate industry. In addition, please consider the 7,500 CCIMs, part of the 125,000 commercial real estate representatives nationwide, who complete over 156,000 transactions annually, representing more than \$400 billion in the economy.

I echo NAR's position and emphasize that it will be extremely difficult to obtain the required written consent to send faxes to my customers, vendors and commercial real estate colleagues in the timeframe set by the FCC. It will also be difficult for my local Chapter and CCIM Institute to seek and obtain written consent from their respective membership in less than thirty days, in order to prevent an interruption in their ability to fax important information about upcoming conferences, promotions and other events. As a CCIM and REALTOR® member, I rely on this timely and effective means of communication. It is unreasonable to think that an association can seek and obtain consent from even 7,500 members let alone the 1 million members NAR must contact by August 25, 2003.

Today, the many thousands of transactions in U.S. commercial real estate require communication via facsimiles to ensure a timely and successful transaction. An effective date of August 25, 2003 could potentially delay many of these transactions. To secure the appropriate written consent will significantly impact property owners' and investors' ability to move promptly in a competitive commercial real estate markets. It will take time to adapt to this new requirement

and businesses will have to amend current practices to gain this new consent from consumers and vendors.

It is in this regard that I urge the FCC to stay the effective date of the unanticipated and unprecedented fax rules for one year so that the required written consent form can be incorporated into the annual dues billing cycle. This is the most effective method for providing express written consent to CCIM Institute, NAR and my local CCIM Chapters. The stay is also essential in order to institute the required compliance procedures for fax communications with my clients and other businesses to ensure minimal disruptions in commercial real estate transactions.

Thank you for your consideration and time regarding this matter.

Sincerely

Richard C. Helman, SEOR
Broker
Preferred Real Estate Advisors, Inc

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Dear Ms. Marlene S. Dortch:

**Federal Communications Commission
Office of the Secretary**

RE: CG Docket No. 02-278

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Thank you for your consideration and time regarding this matter.

Sincerely



Jim McNearney
Cornish + Carey Commercial
Sacramento, CA

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August 07, 2003

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SEP - 2 2003

Federal Communications Commission
Office of the Secretary

Dear Ms. Marlene S. Dortch:
GM REALTY ADVISORS INC.
Corporate Real Estate Advisors
Licensed Broker

RE: CG Docket No. 02-278

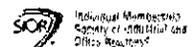
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NAR in its Request for Emergency Stay of Facsimile Advertisement Rules outlined the detrimental impact that these rules will have on its over 900,000 members and on the operations of over 3.5 million professionals in the real estate industry. In addition, please consider the 7,500 CCIMs, part of the 125,000 commercial real estate representatives nationwide, who complete over 156,000 transactions annually, representing more than \$400 billion in the economy.

I echo NAR's position and emphasize that it will be extremely difficult to obtain the required written consent to send faxes to my customers, vendors and commercial real estate colleagues in the timeframe set by the FCC. It will also be difficult for my local Chapter and CCIM Institute to seek and obtain written consent from their respective membership in less than thirty days, in order to prevent an interruption in their ability to fax important information about upcoming conferences, promotions and other events. As a CCIM and REALTOR® member, I rely on this timely and effective means of communication. It is unreasonable to think that an association can seek and obtain consent from even 7,500 members let alone the 1 million members NAR must contact by August 25, 2003.

Today, the many thousands of transactions in U.S. commercial real estate require communication via facsimiles to ensure a timely and successful transaction. An effective date of August 25, 2003 could potentially delay many of these transactions. To secure the appropriate written consent will significantly impact property owners' and investors' ability to move promptly in a competitive commercial real estate markets. It will take time to adapt to this new requirement

GM REALTY ADVISORS INC. Corporate Real Estate Advisors
P.O. Box 6268 • Hillsborough, NJ 08844 • (908) 281-9100 • Fax (908) 281-9159



and businesses will have to amend current practices to gain this new consent from consumers and vendors.

It is in this regard that I urge the FCC to stay the effective date of the unanticipated and unprecedented fax rules for one year so that the required written consent form can be incorporated into the annual dues billing cycle. This is the most effective method for providing express written consent to CCIM Institute, NAR and my local CCIM Chapters. The stay is also essential in order to institute the required compliance procedures for fax communications with my clients and other businesses to ensure minimal disruptions in commercial real estate transactions.

Thank you for your consideration and time regarding this matter.

Sincerely,



George P. Molloy, SIOR
President

(908) 281-9100



DOCKET FILE COPY ORIGINAL

02-278

FACSIMILE TRANSMITTAL COVER SHEET

DATE: 8/18/03

TO: MARLENE Dortch

FAX NO.: 866-418-0232

FROM: PAT TRUMBELLO

FAX NO.: (630) 353-0600 # of PAGES: 2 (including cover sheet)

If you do not receive all pages, please call us at 630-353-0400 immediately.

REMARKS: Urgent For Your Review Reply ASAP

Emergency stay for FCC
Facsimile Advert.

The information contained in this facsimile is intended only for the use of the individual named above. If you have received this communication in error, please notify us by telephone or mail.



a division of technical training consultants, inc

August 6, 2003

Dear Ms. Marlene S Dortch:

RE: CG Docket No. 02-278

As a member of the Institute of Real Estate Management (IREM), I am writing to convey my wholehearted support for the National Association of REALTORS™ (NAR) Request for Emergency Stay of Facsimile Advertisement Rules in the above referenced docket. The FCC's unexpected decision to remove the "established business relationship" exception from the unsolicited fax advertisements rules severely interferes with my day-to-day business as a property manager. Furthermore, the rules hinder the types of communication that my national and local IREM associations routinely send via facsimile, including information on conventions or continuing education classes, which is a benefit that I expect as a dues paying member.

NAR, in its Request for Emergency Stay of Facsimile Advertisement Rules, has outlined the detrimental impact that these rules will have on its over 900,000 members and on the operations of over 3.5 million professionals in the real estate industry. I echo NAR's position and emphasize that it will be extremely difficult to obtain the required written consent to send faxes to my customers, vendors and real estate colleagues in the timeframe set by the FCC. It will also be difficult for IREM and my local IREM chapter to seek and obtain written consent from the over 16,000 IREM members in less than thirty days, in order to prevent an interruption in their ability to fax important information about upcoming conferences, promotions and other events. As an IREM member, I rely upon this timely and effective means of communication. It is unreasonable to think that an association can seek and obtain consent from almost 1 million members by August 25, 2003.

Communicating via facsimile is instrumental to ensuring that vacant property is quickly and efficiently filled; any delay in this process means lost revenue for the property owner. An effective date of August 25, 2003 is unreasonable and could delay the leasing of available space, exacerbating the effects of an already slow rental market. It will take time to adapt to the new requirements regarding unsolicited facsimile advertisements; businesses will have to amend current practices to gain this new consent from consumers and vendors.

It is in this regard that I urge the FCC to stay the effective date of the unanticipated and unprecedented fax rules for one year so that the required written consent form can be incorporated into IREM's annual dues billing cycle. This is the most effective method for providing express written consent to IREM and my local IREM chapter. The stay is also essential in order to institute the required compliance procedures for fax communications with my clients and other businesses to ensure minimal disruptions in real estate transactions.

Thank you for your attention and consideration to this matter.

Sincerely,

TTC Realty Group

A handwritten signature in cursive script that reads "Patricia L. Trombello".

Patricia L. Trombello, CPM

701 Warrenville Road, Suite 201

Liste, Illinois 60532-1376

630.353.0400

Facsimile: 630.353.0600



August 07, 2003
 Don O'Toole Commercial Real Estate Brokerage

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Dear Ms. Marlene S. Dortch:

SEP - 2 2003

RE: CG Docket No. 02-278

Federal Communications Commission
 Office of the Secretary

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Today, the many thousands of transactions in U.S. commercial real estate require communication via facsimiles to ensure a timely and successful transaction. An effective date of August 25, 2003 could potentially delay many of these transactions. To secure the appropriate written consent will significantly impact property owners' and investors' ability to move promptly in a competitive commercial real estate markets. It will take time to adapt to this new requirement

2102 S. Yellow Wood • Mesa, Arizona 85212
 (480)786-6046 • Mobile (480)540-7400 • Fax (480)786-6444

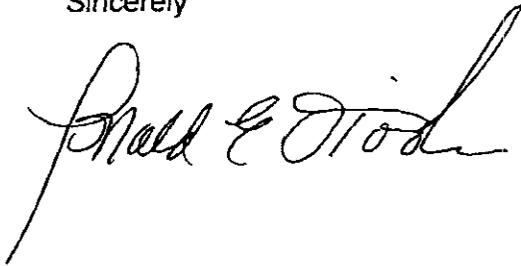


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Thank you for your consideration and time regarding this matter.

Sincerely

A handwritten signature in black ink, appearing to read "Donald E. Toole". The signature is written in a cursive style with a large, sweeping initial "D".

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Office of the Secretary

August 07, 2003

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by fax 1:866:418-0232

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541 734 5643 P.01/02

REMAX IDEAL PROP.

AUG-18-2003 10:31

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Thank you for your consideration and time regarding this matter.

Sincerely



DAVID M. PRITCHETT

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SEP - 2 2003

Reconsideration Filing

Filed by: Jon T Hamilton, JHA Telemanagement, Inc.

On Behalf of: Beautyrock, Inc and JHA Telemanagement, Inc.

Docket#: 02-278

Federal Communications Commission
Office of the Secretary

In modifying the TCPA of 1991 to match the TSR modified by the FTC in 2003, there have been some inconsistencies we believe need to be corrected. Specifically, we are asking for reconsideration of and clarification for the parts of the rule dealing with the abandonment rule and playing of a recorded message as part of the abandonment process. The FCC appears to have provided for an existing relationship exemption whereas the FTC's version does not.

Beautyrock, Inc. would like to point out the following:

- About 1 year ago, Beautyrock changed from simply abandoning calls when a Representative was not available to using an "on-hold" message, whereby a customer now gets a message that tells him/her who it is that is calling and asks them to hold for a few seconds.
- Beautyrock made this change simply because the company believes that any abandon rate is unacceptable. Abandons are rude, scare some more vulnerable people and are unnecessary from an efficiency point of view. The 3% rule does not fix the problem.
- Under the old 5% abandon industry guideline, the Company abandoned an average of 200,000 people per month. Using the "on-hold" message, they now abandon no one!
- On average, the wait time for a live representative is only 11 seconds. And, fewer than 3% of those who get the message hang up on it.
- Since instituting this system, the number of complaints about the message is so small as to be statistically uncountable. A greater number actually thank the caller for letting them know who was calling.
- This system puts the control in the hands of the consumer instead of the telemarketer. The customer knows who is calling and can decide to hold or hang up. Those who might have been frightened by an abandon no longer have cause for concern.
- Finally, if Beautyrock is forced to count these non-abandons as abandons, productivity will decrease by an average of 20% and this will increase costs to our customers and inevitably to the consumer.

We respectfully request that the FCC file with Congress a reconsideration request for the FTC to modify its rule to match that FCC's and exempt telemarketers who call existing customers, as defined by both the TCPA and TSR modifications, from counting an "on-hold message in the 3% abandonment calculation. [An "on-hold" message differs from the current language in that a Representative does get on the telephone in all cases within an average 11 seconds with a maximum of 30 seconds.]

We further request that every attempt be made by the Agencies to come to an agreement on this wording prior to implementation of the new and onerous wording is schedules to take effect. We believe that the Agencies have a mandate from Congress to make the two rules compatible and owe this duty to both business and consumers. Having two conflicting sets of rules is not an acceptable solution for either business or consumers.

Thank you for your reconsideration.

cc: The FTC – Eileen Harrington
The FCC – Margaret Egler, Richard Smith and Erica McMahon
The DMA – Jerry Cerasale and Mike Faulkner



The FCC Acknowledges Receipt of Comments From ...

Jon Hamilton

...and Thank You for Your Comments

Your Confirmation Number is: '2003818032420

Date Received: Aug 18 2003

Docket: 02-278

Number of Files Transmitted: 1

DISCLOSURE

This confirmation verifies that ECFS has received and accepted your filing. However, your filing will be rejected by ECFS if it contains macros, passwords, redlining, read-only formatting, a virus or automated links to source documents that is not included with your filing.

Filers are encouraged to retrieve and view their filing within 24 hours of receipt of this confirmation. For any problems contact the Help Desk at 202-418-0193.



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CORPORATE REAL ESTATE SERVICES
P.O. BOX 3314 • HAMILTON, NJ 08619-0314
FAX: (609) 584-1919 • TEL: (609) 584-0900

August 19, 2003

Dear Ms. Marlene S. Dortch:

RE: CG Docket No. 02-278

RECEIVED

SEP - 2 2003

Federal Communications Commission
Office of the Secretary

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Today, the many thousands of transactions in U.S. commercial real estate required communication via facsimiles to ensure a timely and successful transaction. An effective date of August 25, 2003 could potentially delay many of these transactions. To secure the appropriate written consent will significantly impact property owners' and investors' ability to move promptly in a competitive commercial real estate markets. It will take time to adapt to this new requirement and businesses will have to amend current practices to gain new consent from consumers and vendors.

It is in this regard that I urge the FCC to stay the effective date of the unanticipated and unprecedented fax rules for one year so that the required written consent form can be incorporated into the annual dues billing cycle. This is the most effective method for providing express written consent to the NAR. The stay is also essential in order to institute the required compliance procedures for fax communications with my clients and other businesses to ensure minimal disruptions in commercial real estate transactions.

Thank you for your consideration and time regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph R. Ridolfi". The signature is fluid and cursive, with a large initial "J" and "R".

Joseph R. Ridolfi, Broker

DOCKET FILE COPY ORIGINAL

August 07, 2003

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SEP - 2 2003

Federal Communications Commission
Office of the Secretary

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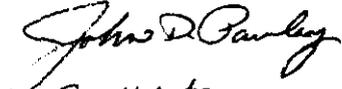
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Thank you for your consideration and time regarding this matter.

Sincerely


Candidate
270-737-4534

DOCKET FILE COPY ORIGINAL

August 6, 2003

Ms. Marlene S. Dortch, Secretary
Federal Communications Commission (FCC)
Fax: (866) 418-0232

RE: CG Docket No. 02-278

Dear Ms. Dortch,

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NAR in its Request for Emergency Stay of Facsimile Advertisement Rules has outlined the detrimental impact that these rules will have on its over 900,000 members and on the operations of over 3.5 million professionals in the real estate industry. I echo NAR's position and emphasize that it will be extremely difficult to obtain the required written consent to send faxes to my customers, vendors and real estate colleagues in the timeframe set by the FCC. It will also be difficult for my local board, state association, and national association to seek and obtain written consent from their respective membership in less than thirty days, in order to prevent an interruption in their ability to fax important information about upcoming conferences, promotions and other events. As a REALTOR® member, I rely on this timely and effective means of communication. It is unreasonable to think that an association can seek and obtain consent from almost 1 million members by August 25, 2003.

Today, there are over 2 million U.S. homes in the sales pipeline. Communicating via facsimiles is instrumental to ensuring a timely and successful transaction. An effective date of August 25, 2003, can potentially delay the majority of these transactions. To secure the appropriate written consent will significantly impact homebuyers' and home sellers' ability to move promptly in highly competitive housing markets. It will take time to adapt to this new requirement; businesses will have to amend current practices to gain this new consent from consumers and vendors.

It is in this regard that I urge the FCC to stay the effective date of the unanticipated and unprecedented fax rules for one year so that the required written consent form can be incorporated into the annual dues billing cycle. This is the most effective method for providing express written consent to NAR and my state and local REALTOR® associations. The stay is also essential in order to institute the required compliance procedures for fax communications with my clients and other businesses to ensure minimal disruptions in real estate transactions.

Sincerely,



Address: 1600 Jersey Avenue
North Brunswick, NJ 08902

Sep 02 2003 21:16:25 Via Fax

-> FCC/OSEC 2024188187 1 TO Dear Ms. Marle Page 001 Of 001

September 02, 2003

Dear Ms. Marlene S. Dortch:

RE: CG Docket No. 02-278

RECEIVED & INSPECTED

SEP - 2 2003

FCC - MAILROOM

As member of the NATIONAL ASSOCIATION OF REALTORS® (NAR), I am writing to convey my wholehearted support for NAR's Request for Emergency Stay of Facsimile Advertisement Rules in the above referenced docket. The FCC's unexpected decision to remove the established business relationship exception from the unsolicited fax advertisements rules severely interferes with my day-to-day business as a real estate professional. Furthermore, the rules hinder the types of communication that my national, state and local REALTOR® associations routinely send via facsimile, including information on conventions or continuing education classes, which is a benefit that I expect as a dues paying member.

NAR in its Request for Emergency Stay of Facsimile Advertisement Rules has outlined the detrimental impact that these rules will have on its over 900,000 members and on the operations of over 3.5 million professionals in the real estate industry. I echo NAR's position and emphasize that it will be extremely difficult to obtain the required written consent to send faxes to my customers, vendors and real estate colleagues in the timeframe set by the FCC. It will also be difficult for my local board, state association, and national association to seek and obtain written consent from their respective membership in less than thirty days, in order to prevent an interruption in their ability to fax important information about upcoming conferences, promotions and other events. As a REALTOR® member, I rely on this timely and effective means of communication. It is unreasonable to think that an association can seek and obtain consent from almost 1 million members by August 25, 2003.

Today, there are over 2 million U.S. homes in the sales pipeline. Communicating via facsimiles is instrumental to ensuring a timely and successful transaction. An effective date of August 25, 2003, can potentially delay the majority of these transactions. To secure the appropriate written consent will significantly impact homebuyers and home sellers' ability to move promptly in highly competitive housing markets. It will take time to adapt to this new requirement; businesses will have to amend current practices to gain this new consent from consumers and vendors.

It is in this regard that I urge the FCC to stay the effective date of the unanticipated and unprecedented fax rules for one year so that the required written consent form can be incorporated into the annual dues billing cycle. This is the most effective method for providing express written consent to NAR and my state and local REALTOR® associations. The stay is also essential in order to institute the required compliance procedures for fax communications with my clients and other businesses to ensure minimal disruptions in real estate transactions.

Thank you for your attention and consideration in this matter.

Sincerely,

David Elya
47381 Van Dyke
Shelby Township, MI 48317-3363

Sep 02 2003 14:55:09 Via Fax

-> FCC/OSEC 202408187 RECEIVED & INSPECTED Ms. Marle Page 001 Of 001

September 02, 2003

Dear Ms. Marlene S. Dortch:

RE: CG Docket No. 02-278

SEP - 2 2003

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Sincerely,

John R. Ehrhart
374 Ivanhoe Court
Langhorne, PA 19047-3018