

I would like to comment on Proceeding 02-278, and, specifically, on unsolicited commercial faxes and exemptions for existing business relationships.

I am a small business owner with a fax machine in my home office. I am constantly bombarded by unsolicited and unwanted faxes advertising home mortgages, travel/time shares, stock touts, and many other products and services. Each and every one of these faxes uses a variety of mechanisms to hide the sender of the fax (both the business doing the advertising and the fax-blaster sending the fax). All recent faxes trace back to Fax.com and fail to disclose the sending fax number, the id of the faxer, the name of the company that is advertising the product or services, or any other identifying information (e.g., real estate license number for a loan broker). If one calls the removal number, no identification is given, there is no real person on the line, and the removal process does not work. If one calls the interest number to complain, the person answering the phone refuses to identify himself or herself or to correctly identify the name/address/phone number of the advertising party.

I am not discussing an isolated incident; this exact same scenario plays out every time that I receive an unsolicited advertising fax—and I receive far more unsolicited faxes than the total of faxes I want. My fax machine will not deal with more than one fax at a time, so the unsolicited faxes deny me business access to my own fax machine, as well as improperly transferring the cost of unwanted advertisements to me. I have never, ever received an unsolicited fax that I wanted to receive.

The plain language of the TCPA is clear, as is the legislative history--there is not and has never been an EBR exemption for unsolicited faxes. The FCC was in error and overstepped its charter in once ruling that there was an EBR exemption for unsolicited commercial faxes. The FCC is correct in making their ruling follow the law; this portion of the proceeding should certainly not have been delayed and should be implemented immediately.

The law on unsolicited faxes has been clear for twelve years, and the sleazy advertisers and fax blasters that use unsolicited faxes to advertise while attempting to hide their identity should stop whining and comply with the law.