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02-278

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Washington, D.C. 20554

CGB

SEP 15 2003

Control No. 0302566/kah

The Honorable Don Sherwood
U. S. House of Representatives
1146 Northern Boulevard
Clarks Summit, PA 18411

RECEIVED

SEP 29 2003

Federal Communications Commission
Office of the Secretary

Dear Congressman Sherwood:

Thank you for your letter on behalf of your constituent, Donald R. Craul, regarding his concerns over unsolicited faxes being sent to his fax machine. Although the Commission does not adjudicate individual complaints of this type, we do closely monitor such complaints to determine whether independent enforcement action is warranted.

The Commission has rules concerning unsolicited telephone marketing calls and unsolicited advertisements to facsimile machines in accordance with the Telephone Consumer Protection Act (TCPA). These rules require entities that make telephone solicitations to maintain "do-not-call" lists. Complaints received by the Consumer & Governmental Affairs Bureau regarding alleged TCPA violations are forwarded to the Enforcement Bureau, which may take enforcement action against alleged violators. The Commission has issued numerous citations against violators of the TCPA and the Commission's telemarketing rules. These enforcement actions can eventually result in monetary penalties of up to \$11,000 per violation.

We are enclosing a copy of the TCPA and the Commission's rules, along with information that explains the Commission's efforts to protect consumers from receiving unsolicited telephone marketing transmissions to which they object, and the actions consumers can take to reduce the number of solicitation calls placed to their homes. Mr. Craul may also wish to note that, under the TCPA, consumers may bring a private lawsuit in state court to recover damages, if otherwise permitted by the state's laws or rules of court.

On September 18, 2002, the Commission released a Notice of Proposed Rulemaking (NPRM) in CG Docket No. 02-278, seeking comment on whether it should change its rules that restrict telemarketing calls and unsolicited fax advertisements, and if so, how. The NPRM sought comment on the option to establish a national do-not-call list, and how such action might be taken in conjunction with the national do-not-call registry rules adopted by the Federal Trade Commission (FTC) and the numerous state do-not-call lists. In addition, the Commission sought comment on the effectiveness of the TCPA's unsolicited facsimile

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advertisement rules, including the Commission's determination that a prior business relationship between a fax sender and recipient establishes the requisite consent to receive advertisements via fax. The Commission received over 6,000 comments from individuals, businesses, and state governments on the TCPA rules.

The record in this proceeding, along with our own enforcement experience, demonstrated that changes in the current rules are warranted, if consumers and businesses are to continue to receive the privacy protections contemplated by the TCPA. As explained in the Commission's Report and Order released on July 3, 2003, the record indicated that many consumers and businesses receive faxes they believe they have neither solicited nor given their permission to receive. Consumers emphasized that the burden of receiving hundreds of unsolicited faxes was not just limited to the cost of paper and toner, but includes the time spent reading and disposing of faxes, the time the machine is printing an advertisement and is not operational for other purposes, and the intrusiveness of faxes transmitted at inconvenient times, including in the middle of the night.

As we explained in the Report and Order, the legislative history of the TCPA indicates that one of Congress' primary concerns was to protect the public from bearing the costs of unwanted advertising. Therefore, Congress determined that companies that wish to fax unsolicited advertisements to customers must obtain their express permission to do so before transmitting any faxes to them. The amended rules require all entities that wish to transmit advertisements to a facsimile machine to obtain permission from the recipient in writing.

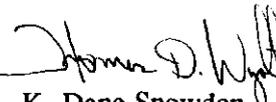
The Commission's amended facsimile advertising rules were initially scheduled to go into effect on August 25, 2003. However, based on additional comments received since the adoption of the July Report and Order, the Commission, on its own motion, determined to delay the effective date of some of the amended facsimile rules, including the elimination of the established business relationship exemption, until January 1, 2005. The comments filed after the release of the Report and Order indicate that many organizations may need additional time to secure this written permission from individuals and businesses to which they fax advertisements. Enclosed is a copy of the Commission's Order on Reconsideration, released on August 18, 2003.

We invite Mr. Craul to visit the Consumer & Governmental Affairs Bureau's Internet web site at <http://www.fcc.gov/cgb> for additional information. In addition, he may wish to view the Enforcement Bureau's web site at <http://www.fcc.gov/eb/tcd/working.html> for recent Commission TCPA enforcement actions. Information on telephone-related issues is also available to the public by calling the Commission's Consumer Center toll free at 1-888-CALL-FCC (TTY users: 1-888-TELL-FCC) or "Fax on Demand" at 202-418-2830. The Commission has available an e-mail service designed to apprise consumers about developments at the Commission, to disseminate consumer information materials prepared by the Commission to a wide audience and to invite comments from other parties on Commission

regulatory proposals. This free service enables consumers to subscribe and receive FCC fact sheets, consumer brochures and alerts, and public notices, among other consumer information. To subscribe, an individual would send an e-mail to subscribe@info.fcc.gov and in either the subject line or body of the message put: subscribe fcc-consumer-info first name last name (substitute their first and last name, for example, "subscribe fcc-consumer-info John Doe").

We appreciate your inquiry. Please do not hesitate to contact us if you have further questions.

Sincerely,


For K. Dane Snowden

Chief

Consumer & Governmental Affairs Bureau

Enclosures

DON SHERWOOD
10TH DISTRICT, PENNSYLVANIA
ASSISTANT MAJORITY WHIP
APPROPRIATIONS COMMITTEE
SUBCOMMITTEES:
LABOR, HEALTH AND HUMAN
SERVICES AND EDUCATION
HOMELAND SECURITY
INTERIOR

RECEIVED & INSPECTED
AUG 28 2003
FCC - MAIL ROOM

Congress of the United States
House of Representatives
Washington, DC 20515-3810

August 22, 2003

- 1223 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-3731
FAX: (202) 225-8594
- 1146 NORTHERN BOULEVARD
CLARKS SUMMIT, PA 18411
(570) 585-8190
FAX: (570) 586-8538
- 330 PINE STREET, SUITE 202
WILLIAMSPORT, PA 17701
(570) 327-8161
FAX: (570) 327-9359
- 106 ARCH STREET
SUNBURY, PA 17801
(570) 286-1723
FAX: (570) 286-1725
- DISTRICT WIDE TOLL FREE:
1-888-366-7210

COB
Policy-TCPA
2566

Federal Communications Commission
Office of Congressional and Public Affairs
1919 M Street NW
Washington, DC 20554

RE: Donald R. Craul
Maple Hill Farms
PO Box 648
Lewisburg, PA 17837

Dear Sir or Madam:

Enclosed please find a copy of correspondence recently received from my constituent, Donald R. Craul, concerning a fax he recently received from a person claiming to be the wife to the late leader of the National Union for The Total Independence of Angola.

As Mr. Craul requests, I am reporting this unsolicited fax to your office and request for information on how to cease such unsolicited communications.

Any information you can provide to assist me with a response to my constituent will be greatly appreciated. Thank you for your time and assistance in this matter.

Sincerely,

Don Sherwood
Don Sherwood
Member of Congress

DLS:ph
Enclosure

28 AUG 2003 RCUD

FACSIMILE COVER PAGE

To: Dear Gilton
 Sent: 8/18/2003 at 4:23:54 PM
 Subject: Bloomsburg Chamber Information

From: Eleanor Stokley
 Pages: 3 (including Cover)

To MOOSE
514-0791

Chamber Member:

In lieu of E-biz Weekly, this special fax communication includes information on the next Business After Hours, a last minute reminder about the September ChamberPack mailing and a Fax Consent Form that needs to be completed and sent back to the Chamber before next Monday.

Home Hospice Hosts Next After Hours
The next Business After Hours will be on Wed., Sept. 17th hosted by Columbia Montour Home Hospice at Maria Hall. Learn more about the facility and event with the attached flyer and register today.

Just a Couple of Spots Available in the September ChamberPack
Deadline for placing your insert in the September ChamberPack is Monday, September 1st. There are only a very few spaces available including the highly-visible back cover. ChamberPack is a cost-effective way to promote your products, services and special fall promotions to other member businesses. Space is reserved on a first-come, first-served basis. Call the Chamber today at 784-2322 if interested.

Return Fax Consent Forms Today
 As you read in last week's E-biz, a new rule issued by the Federal Communications Commission could dramatically change how the Chamber can communicate with members. The FCC released new regulations that ban corporations, nonprofit organizations, and individuals from sending certain information by fax without express written permission from the recipient—including current members and others with whom the organization has "an established business relationship." The new regulations will become effective next Monday, August 25. If you have not already sent in your completed consent form, please use the attached copy and fax it back to the Chamber at (570)794-2061 today so that we can continue to provide you with information such as E-biz Weekly, program registrations and special events in a timely, efficient manner.

Thank You,

Fred Gaffney
 Dir. of Marketing and Communications
 Bloomsburg Area Chamber of Commerce
 www.bloomsburg.org

To: Don Sherwood
 Re: Your 8-18 letter
 Is this the / an answer?

DENSE
Are you aware of this??
(M) 8-20-03
fax'd 2:50 hrs,

The DA "MOOSE" Crow
Maple Hill Farms
8-21-03
fax'd 08:53 hrs.



MAPLE HILL FARMS

OFFICE: P.O. BOX 648, LEWISBURG, PA 17837-0648
 PHONE & FAX 570-524-0791
 Donald R. "Moose" Craul

NURSERY: WILLIAM PENN DRIVE & AIRPORT ROAD, LEWISBURG, PA 17837
 PHONE & FAX 570-524-0791
 Jeff Craul

PLANTATION: R.R. 3, BOX 357, WELLSBORO, PA 16901-9468
 PHONE & FAX 570-724-1792
 Dave Craul

To: The Hon. Don Stenwood
 Childs Summit Fax 586-853
 From: Moose Craul - Maple Hill Farms.
 Subj: Unwanted Fax?
 Good Morning Don -
 Can you or how do I report these off shore boxes to FCC? They have no cancellation. No!

as you can see I tried to fax them - but report no. out of sync etc etc
 I will be happy to report or write to FCC or whoever - if you will advise. The Moose
 He need a National Fax deletion registry list. like 800 in PA



Pennsylvania's Oldest-New Nursery - Founded 1955
 Growers of fine Fir, Spruce, Pine and Deciduous Trees
 Plantation 10 miles southeast of Wellsboro, PA



TO: THE PRESIDENT

ATT: Dear friend

I wish to introduce myself to you. I am ROSA JONAS SAVIMBI. I am the wife to the late leader of the National Union for The Total Independence of Angola (UNITA) Jonas Savimbi. My husband who was killed during combat action against government force in the Central Eastern Province of Moxico, Angola on the 22nd Of Feb 2002. I have the sum of Forty eight million United States dollars. This money was realized from Diamond Royalties that was paid to my late husband Jonas Savimbi (UNITA) From Diamond Companies Mining These Precious Stones In The Areas We Controlled In Angola. UNITA has been in Control of some part of Angola for more than three decade. As a result of the death of my husband Jonas Savimbi. The government of president Santos has asks UNITA to lay down their arms and surrender. But were reliably informed that president Santos will embark on ethnic cleansing on the members of UNITA if we are Captured.

Consequently, I left Angola with members of my family through the borders of a neighboring Country on exile, with the help of my brother in law Robert Savimbi we were able to arrange the \$100 Million USD (ONE HUNDRED MILLION US DOLLARS) in 5 trunks boxes and took it along with us to Mauritius.

The boxes of money has been lodged, as photo material and artifacts on behalf of a foreigner with a security company for safe keeping here and Nobody knows that this money belongs to the UNITA. I solicit for your assistance and cooperation in getting the funds overseas from Mauritius.

At the conclusion of this business you will be given 35% of the total amount while 60% will be for me and My family while 5% will be for expenses both parties may incur in the course of making this transaction Successful. I wish to assure you of a good business relationship and all logistic is in place for the successful conclusion of this business deal. On receipt of your positive response I shall forward to you more details on the exact role which is required of you for the successfully conclusion of this transaction's we look forward to your earliest response.

Through my telephone and fax numbers, Robert will be there to attend to your call as I have handed over the transaction to him due to health reasons but I will always be there. I hope to meet you soon.

My phone number is dial your country international dialing out code then 873 763 705 024 While my fax number is 873 763 705 026. Same dialing system my email address is robertsavimbi2@hotmail.com. I expect your response.

MADAM ROSA JONAS SAVIMBI

Fax No
No Good
w or w/o
the 1
8-17-03
1810 hrs

I am referring to FCC,
Take us off your
list 370-524-0791