

EX PARTE OR LATE FILED

COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004-2401
TEL 202 662 6000
FAX 202 662 6281
WWW COV COM

WASHINGTON
NEW YORK
LONDON
BRUSSELS
SAN FRANCISCO

ORIGINAL

March 31, 2004

BY HAND DELIVERY

Ms Marlene H Dortch
Secretary
Federal Communications Commission
445 12th Street, S W
Washington, D.C. 20554

RECEIVED

MAR 31 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: *Ex Parte* Presentation Regarding CG Docket No. 02-278 (Unsolicited Facsimile Advertising Rules)

Dear Ms Dortch:

Representatives of the American Bar Association ("ABA"), America's Community Bankers ("ACB"), American Society of Association Executives ("ASAE"), American Society of Travel Agents ("ASTA"), The McGraw-Hill Companies ("McGraw-Hill"), Mortgage Bankers Association of America ("MBA"), National Association of Realtors ("NAR"), Newspaper Association of America ("NAA"), National Multi Housing Council ("NMHC"), Reed Elsevier Inc., and Xpedite on Tuesday, March 30, met with Consumer and Governmental Affairs Bureau Chief K. Dane Snowden, and staff members Richard Smith, Gene Fullano, Erica McMahon and June Taylor to discuss the pending petitions for reconsideration in the above captioned docket regarding unsolicited facsimile advertisements.

Representing ABA was R Larson Frisby, Janet Frank represented ACB, James Rock and Chris Merida represented ASAE, Paul Ruden and Barbara O'Hara represented ASTA, Melissa Pedri represented McGraw-Hill, Vicki Vidal represented MBA, Lynn King represented NAR, Paul J. Boyle represented NAA, Jeanne Delgado represented NHMC, Steven M Emmert and Angela Murphy represented Reed Elsevier Inc, Lee Provow and Jim Katz represented Xpedite, and the undersigned also attended the meetings.

The group explained how the various industries and businesses they represent depend heavily on facsimiles to communicate within their respective industries. The group advocated for the FCC to reinstate the established business relationship for faxes and, in the alternative, to permit a more flexible means of obtaining express consent. Further, the group supported a revised definition of what constitutes a commercial advertisement. The representatives from Xpedite commented on the breadth of the use of faxes in conducting businesses and the primacy of business-to-business faxes.

No of Copies rec'd 013
List ABCDE

COVINGTON & BURLING

Ms. Marlene H Dortch

March 31, 2004

Page 2

An original and three copies of this *ex parte* letter are being filed with the Secretary's Office in compliance with the Commission's rules.

Respectfully submitted,



Gerard J Waldron
COVINGTON & BURLING
1201 Pennsylvania Ave, N.W
Washington D.C. 20004-2401
(202) 662-6000

cc: Mr. K Dane Snowden
Mr. Gene Fullano
Mr Richard Smith
Ms Erica McMahon
Ms June Taylor
Ms. Lynn King
Ms. Janet Frank
Ms. Vicki Vidal
Mr. Jim Rock
Mr Chris Merida
Ms. Angela Murphy
Mr. Larson Frisby
Ms Melissa Pedri
Mr Paul J Boyle
Ms. Barbara O'Hara
Mr. Paul Ruden
Mr Lee Provow
Mr. Jim Katz