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July 30, 2004

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Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: Notice of Ex Parte Presentations, CG Docket No. 04-53

Dear Ms. Dortch:

On Wednesday, July 28, 2004, Elizabeth Blackston, Assistant Attorney General from the Illinois Attorney General's office, Brad Schuelke, Assistant Attorney General from the Texas Attorney General's office, and Dennis Cuevas, NAAG Consumer Protection Project Manager and Counsel, spoke via telephone with Jay Keithley, Richard Smith, Genaro Fullano, Leon Jackler, Erica McMahon, and Ruth Yodaiken, from the Consumer & Governmental Affairs Bureau, regarding the Commission's implementation of the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 ("Can Spam Act.").

In particular, Ms. Blackston, Mr. Schuelke, and Mr. Cuevas reiterated the position of the NAAG Comments submitted to the FCC on April 30, 2004, and signed by 45 Attorneys General and the Hawaii Office of Consumer Protection. Specifically, the Comments advise the FCC to construe the provisions of the CAN SPAM Act to cover as many wireless technologies as possible, including computer-initiated text messages; require an affirmative opt-in by consumers, on a sender-by-sender basis, to receive MSCMs; consider governing principles for methods by which consumers can later opt-out of MSCMs from a sender; accept suggested mechanisms by which MSCM senders can determine whether e-mail addresses to which messages are sent will be displayed on wireless devices, so that such senders could remove those addresses from their address lists and comply with the CAN SPAM Act; and decline to exempt commercial mobile service providers from the requirement to obtain express prior authorization before sending MSCMs to their customers.

Pursuant to Section 1.1206 of the Commission's Rules, this letter is being

electronically filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

/s/

Dennis P. Cuevas  
NAAG Consumer Protection  
Project Manager and Counsel