

LAW OFFICES
STEIN, MITCHELL & MEZINES
L.L.P.
1100 CONNECTICUT AVENUE, NORTHWEST
WASHINGTON, D. C. 20036

GLENN A. MITCHELL
JACOB A. STEIN
GERARD E. MITCHELL
ROBERT F. MUSE
DAVID U. FIERST
RICHARD A. BUSSEY
PATRICK A. MALONE
ROBERT L. BREDHOFF
CHRISTOPHER H. MITCHELL
ANDREW M. BEATO
LAURIE A. AMELL
ANDREW T. WISE
DENIS C. MITCHELL

OF COUNSEL
GEORGE ANTHONY FISHER
RETIRED
BASIL J. MEZINES

August 5, 2004

TELEPHONE: (202) 737-7777
TELECOPIER: (202) 296-8312
www.SteinMitchell.com

FILED ELECTRONICALLY

Ms. Marlene H. Dortch
Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-A325
Washington, DC 20554

***Re: Ex Parte Presentation
CG Docket No. 02-278***

Dear Ms. Dortch:

Pursuant to the Federal Communication Commission's ("Commission") *ex parte* presentation rules, 47 C.F.R. § 1.1200 *et seq.*, this letter serves as notice of meetings on August 3 between representatives of ACA International, Inc., and the Commission. In attendance on behalf of ACA were Rozanne Anderson, Vice President and General Counsel, and Andrew Beato, of Stein, Mitchell & Mezines, LLP. In separate meetings, the Commission was represented by (1) Commissioner Jonathan Adelstein, and Scott K. Bergmann; and (2) K. Dane Snowden, Jay C. Keithley, Richard Smith, Erica McMahon and June Talyor.

During the meetings, the participants discussed the Commission's amendments to the rules implementing the Telephone Consumer Protection Act of 1991 ("TCPA"), including ACA's Petition for Reconsideration and Clarification filed with the Commission on August 25, 2003. ACA also raised concerns about the TCPA's impact on the ability to attempt to collect debts by use of an automated dialer.

August 5, 2004
Page 2 of 2

ACA explained to the Commission staff that the TCPA prerecorded message requirements contradict Section 805(b) of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692c(b), which prohibits the disclosure of the existence of a debt to persons other than the debtor. We also discussed the possibility that the automated dialer restrictions might interfere with the placement of telephone calls initiated for a debt collection purpose.

In accordance with the 47 C.F.R. §1.49(f), this *ex parte* letter will be filed electronically for inclusion in the public record of the above-referenced proceedings pursuant to 47 C.F.R. § 1.1206(b)(2).

Very truly yours,

A handwritten signature in black ink, appearing to read "Andrew M. Beato". The signature is fluid and cursive, with a large initial "A" and "M".

Andrew M. Beato
ACA Federal Regulatory Counsel

Rozanne Andersen
ACA International