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August 27, 2004

VIA ELECTRONIC FILING

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

Re: Oral *Ex Parte* Communications, CC Docket No. 02-278

Dear Ms. Dortch:

On August 26, 2004, various members of the Fax Ban Coalition, including Marcia Salkin of the National Association of Realtors; Jon Eisen of the International Foodservice Distributors Association; Mike Zaneis of the U.S. Chamber of Commerce; Jim Katz of Xpedite Systems, Inc.; Steven Emmert of Reed Elsevier Inc. and Ron Plessner of Piper Rudnick LLP, its counsel; Jim Rock, representing American Society of Association Executives, and the undersigned, acting as counsel to the Fax Ban Coalition, met with Dane Snowden, Jay Keithley, Richard Smith and Erica McMahon with the Consumer & Governmental Affairs Bureau; Messrs. Zaneis, Emmert, Waldron and Ms. Salkin met with Jessica Rosenworcel, Legal Advisor to Commissioner Copps; and Messrs. Zaneis and Waldron and Ms. Salkin met with Dan Gonzalez, Legal Advisor to Commissioner Martin. During these meetings, we discussed the Fax Ban Coalition's August 10, 2004 Petition for a Six-Month Extension of the Stay of the rules adopted in this proceeding, and we emphasized the points in the attached sheet, which was distributed at the meetings. We urged prompt action on the Petition.

If you have any questions, please contact the undersigned.

Sincerely,


Gerard J. Waldron
Counsel to Fax Ban Coalition

Enclosure

cc: Mr. K. Dane Snowden
Mr. Jay Keithley
Mr. Richard D. Smith
Ms. Erica McMahon
Mr. Daniel Gonzalez
Ms. Jessica Rosenworcel

**Fax Ban Coalition Request for Extension of Stay of EBR Rules
CG Docket No. 02-278**

- Petition for Extension of Stay filed August 10, 2004 by 622 companies and organizations.
- Rules will go into effect on December 31, 2004.
- Several petitions for reconsideration are still pending.
- Compliance with the FCC's rules needs to begin immediately to be ready for December 31, 2004 deadline.
- Compliance is time consuming and costly for companies and organizations.
- Congress is actively considering legislation to reinstate EBR.
- Public interest will be served by extension: potentially wasted compliance costs will be avoided, and no interest will be harmed since the rules have not been effect for twelve months and there have been few EBR-based complaints.