

COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004-2401
TEL 202.662.6000
FAX 202.662.6291
WWW.COV.COM

WASHINGTON
NEW YORK
SAN FRANCISCO
LONDON
BRUSSELS

September 8, 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 September 8, 2004, various members of the Fax Ban Coalition, including Lynn King of the National Association of Realtors; Mike Zaneis of the U.S. Chamber of Commerce; Steven Emmert of Reed Elsevier Inc.; Jim Rock, representing American Society of Association Executives; Stephanie Zalewski, a legal intern, and the undersigned met with Matt Brill, Legal Advisor to Commissioner Abernathy; and on September 7, 2004, the undersigned met with Scott Bergmann, Legal Advisor to Commissioner Adelstein. 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 given to both Messrs. Brill and Bergmann. 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. Matt Brill
Mr. Scott Bergmann

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.