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March 10, 2005

## **Via Electronic Filing**

Mr. Jay Keithley  
Acting Chief  
Consumer and Governmental Affairs Bureau  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

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

Dear Jay:

Thank you for the opportunity to discuss earlier this week the pending Petitions for Reconsideration filed in this docket as they pertain to the Commission's do-not-fax rules. As we discussed, reinstatement of the "established business relationship" (EBR) rule is vitally important for large organizations, because obtaining consent (oral or written) from thousands, or for many organizations participating in this proceeding, hundreds of thousands, of members of the organization is a daunting task. It is daunting, time consuming, expensive, and as the comments in this proceeding have made abundantly clear, contrary to the clear expectations of persons who willingly join these organizations. If the Commission decides for whatever reason not to reinstate the EBR rule, it must understand that organizations with substantial membership will require *at least* a year to obtain the necessary consent. It is simply not practical to suggest that an organization such as the National Association of Realtors, with one million members, can call each member to obtain that consent. Instead, that consent will be obtained in the next round of the membership renewal process, which for NAR is an annual event.

For all of these reasons, we urge the Commission to reinstate the EBR and to consider carefully and deliberately how implementation of its rules will affect the myriad businesses and

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Ms. Marlene H. Dortch

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organizations which routinely uses faxes to communicate with their customers and members.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerard J. Waldron". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Gerard J. Waldron  
*Counsel to NAR*

cc: Mr. Christopher Libertelli  
Ms. Jessica Rosenworcel  
Mr. Matthew Brill  
Mr. Daniel Gonzalez  
Mr. Scott Bergmann  
Ms. Erica McMahon  
Ms. Marlene H. Dortch