

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Rules and Regulations Implementing the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003	)	CG Docket No. 04-53
	)	
Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991	)	CG Docket No. 02-278
	)	

**DIRECT MARKETING ASSOCIATION AND E-MAIL SERVICE  
PROVIDER COALITION REQUEST TO WITHDRAW THEIR  
PENDING JOINT PETITION FOR LIMITED WAIVER**

The Direct Marketing Association (“DMA”) and the E-Mail Service Provider Coalition (“ESPC”) respectfully request to withdraw their pending Joint Petition for Limited Waiver<sup>1</sup> in the above-captioned proceedings, in accordance with Federal Communications Commission rules.<sup>2</sup>

Our March 1, 2005 petition rested on the fact that there were a substantial number of wireless e-mail addresses on the Commission’s Wireless Domain Name List that were associated with individuals who previously had asked to receive commercial e-mail messages from the sender.<sup>3</sup> It is our understanding that several of the domains on this List have been revised to solely reflect mobile service commercial messages (“MSCMs”).

For this reason, at this time, a waiver of Commission rule 47 C.F.R. § 64.3100 is no longer necessary. Therefore, the DMA and ESPC respectfully request that the Commission grant their request to withdraw the Joint Petition for Limited Waiver. The DMA and ESPC look forward to working with the Commission on implementing the policy goals of the MSCM rules

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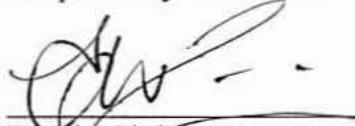
<sup>1</sup> *Rules and Regulations Implementing the Controlling the Assault of Non-Solicited Pornography and Marketing Act*, CG Docket 04-53, Joint Petition for Limited Waiver (filed March 1, 2005).

<sup>2</sup> 47 C.F.R. § 1.8.

<sup>3</sup> Joint Petition at 2 and n.6.

while ensuring the benefits associated with MSCMs, as Congress intended, continue under the CAN SPAM Act.

Respectfully Submitted



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