

My law firm has prosecuted over 3000 cases regarding the TCPA and JFPA, and defendants routinely argue that an established business relationship (EBR) exists, notwithstanding the "relationship" was merely a telemarketing call, two or three years ago.

The FCC must state, with specificity, what is the length of an established business relationship (EBR), or the junk faxers will continue to abuse the law.

Further, the Defendants attempt to use the EBR as a shield to protect themselves, notwithstanding they have been requested by the Plaintiffs to stop faxing advertisements. As such, the FCC should require a specific written authorization prior to any advertising being sent, where such authorization is only valid for a specific period of time, i.e. 18 months.

After prosecuting over 3000 of TCPA claims, it is clear that Fax blasters will use every possible technique to continue their advertising and the FCC must do everything possible to protect the public. The current laws under the TCPA and the JFPA are difficult for the lay person to understand, and thus, it should be clearly set forth, by the FCC, what is an what is not permitted.

For example, for the opt out clause, it appears that a free service must be available, 24 hours per day, 7 days per week for recipients to opt out of receiving advertising, but it should also require a number available for both the advertiser and the fax blaster so that Consumers may be removed from both of the firm's databases. As fax blasting companies attempt to thwart Congressional intent to limit fax advertising, if both numbers are mandatory, more consumers would be protected thus, limit these types of solicitations.