

Cohen, Dippell and Everist, P.C.

Before The
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
Consumer and Governmental Affairs Bureau)	
Seeks Comment on Petitions Concerning the)	CG Docket No. 02-278
Commission's Rule on Opt-Out Notices on)	CG Docket No. 05-338
Fax Advertisements)	

Comments
On Behalf of
Cohen, Dippell and Everist, P.C.

The following comments are submitted on behalf of Cohen, Dippell and Everist, P.C. ("CDE") and is in response to the Public Notice released by the Federal Communications Commission on July 25, 2014. CDE and its predecessors have practiced before the Federal Communications Commission ("FCC") for over 75 years in broadcast and telecommunications matters. The firm or its predecessors have been located in Washington, DC since 1937 and performed professional consulting engineering services to the communication industry.

The undersigned is licensed as a Professional Engineer in the District of Columbia and has been in continuous employment with this firm or its predecessors for over fifty (50) years.

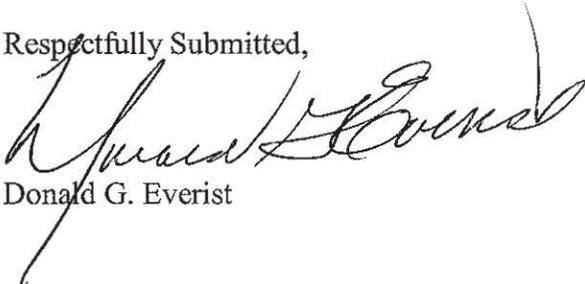
The declaratory ruling, requested by the various parties, is seeking clarification of Section 64.1200(a)(4)(iv) regarding "solicited" faxes. For CDE, the question is the meaning of the term "solicited."

For CDE, our fax number is publicly available for the express purpose of communicating with potential and existing clients. It is not publicly available for anyone sending information to the firm advertising their product. As indicated, in the earlier filing dated May 9, 2014 in this proceeding, we are the regular recipient of unsolicited faxes while this firm continues to be on the FCC's opt-out notification list.

The various parties issue according to the FCC Public Notice¹ is that this raises First Amendment concerns. This firm also has First Amendment rights not to receive unwanted faxes which have no relationship to its business. Further, to notify an unwanted fax originator that we do not wish further contact with them is a technique used by the originator for other purposes, such as validating the fax number and other contact information. This is an unwelcomed event.

Cohen, Dippell and Everist, P.C. urges the FCC to continue to maintain and enforce its rules (Section 64.1200(a)(4)(iv)) on the Opt-Out fax rules.

Respectfully Submitted,



Donald G. Everist

DATE: August 8, 2014

¹Public Notice dated July 25, 2014, DA 14-1057