

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

In the Matter of )
Rules and Regulations Implementing the ) CG Docket No. 02-278
Telephone Consumer Protection Act of 1996 )
Staples, Inc. and Quick Link Information Services, )
LLC Petition for Expedited Declaratory Ruling )
and for a Cease and Desist Order )

ORDER

Adopted: June 3, 2005

Released: June 3, 2005

By the Acting Chief, Consumer & Governmental Affairs Bureau:

1. In this Order, we grant a request to withdraw a Petition for Expedited Declaratory Ruling and Cease and Desist Order filed by Staples, Inc. and Quick Link Information Services, LLC (Petitioners).1 On May 3, 2004, the Petitioners requested a ruling from this Commission: (1) that challenges to the validity of Commission rules and orders must be adjudicated in federal rather than state court; (2) that facsimile transmission of an advertisement from a sender to a recipient with whom the sender has an established relationship does not violate the Telephone Consumer Protection Act of 1991 (TCPA);2 and (3) that Petitioners' facsimile transmission of an advertisement on March 18, 2003 to Mattison R. Verdery (Verdery) did not violate the TCPA.3 Petitioners also requested that the Commission issue a cease and desist order enjoining further prosecution by Verdery of a suit filed in Georgia state court against the Petitioners.4

2. On May 18, 2005, the Petitioners requested that its petition for expedited declaratory ruling and cease and desist order in this matter be withdrawn.5 The Petitioners noted that, on April 14, 2005, a request filed by Verdery for dismissal of the complaint was approved in the Superior Court of Richmond County, Georgia effectively bringing this matter to a close.6

1 Staples, Inc. and Quick Link Information Services, LLC, Petition for Expedited Declaratory Ruling and for a Cease and Desist Order, CG Docket 02-278, filed May 3, 2004 (Petition).

2 Telephone Consumer Protection Act of 1991, Pub. L. No. 102-243; 105 Stat. 2394 (1991), codified at 47 U.S.C. § 227. The TCPA amended Title II of the Communications Act of 1934, 47 U.S.C. § 201 et seq.

3 Petition at 1-2.

4 Petition at 1-2.

5 Letter from E. Ashton Johnston, Counsel for Petitioners, to Marlene H. Dortch, FCC, dated May 18, 2005 (Staples Letter).

6 Staples Letter at 1 and Attachment – Dismissal Order, Superior Court of Richmond County, State of Georgia, Civil Action File No. 2003-RCCV-728 dated April 14, 2005.

3. Accordingly, pursuant to Sections 0.361 and 1.2 of the Commission's rules, 47 C.F.R. §§ 0.361 and 1.2, IT IS ORDERED that the request to withdraw the Petition for Expedited Declaratory Ruling and for a Cease and Desist Order filed by Staples, Inc. and Quick Link Information Services, LLC in CG Docket No. 02-278 IS GRANTED and the Petition for Expedited Declaratory Ruling and for a Cease and Desist Order IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Monica S. Desai  
Acting Chief  
Consumer & Governmental Affairs Bureau