



PUBLIC NOTICE

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CONSUMER & GOVERNMENTAL AFFAIRS BUREAU ANNOUNCES AUGUST 1st EFFECTIVE DATE OF AMENDED FACSIMILE ADVERTISING RULES

CG Docket Nos. 02-278 and 05-338

On April 5, 2006, the Commission adopted a Report and Order and Third Order on Reconsideration amending the rules on unsolicited facsimile advertisements as required by the Junk Fax Prevention Act of 2005. *See* Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991; Junk Fax Prevention Act of 2005, CG Docket Nos. 02-278 and 05-338, FCC 06-42 (rel. April 6, 2006) (Report and Order). A summary of the Report and Order was published in the Federal Register at 71 FR 25967 (May 3, 2006). Specifically, the amended rules: (1) codify an established business relationship (EBR) exemption to the prohibition on sending unsolicited facsimile advertisements; (2) provide a definition of an EBR to be used in the context of unsolicited facsimile advertisements; (3) require the sender of a facsimile advertisement to provide specified notice and contact information on the facsimile that allows recipients to “opt-out” of any future facsimile transmissions from the sender; and (4) specify the circumstances under which a request to “opt-out” complies with the Junk Fax Prevention Act.

In the Report and Order, the Commission indicated that those rules containing information collection requirements under the Paperwork Reduction Act required approval by the Office of Management and Budget (OMB) before they become effective. On July 19, 2006, the Commission received approval from OMB. Therefore, as announced in the Federal Register on July 26, 2006 (71 Fed. Reg. 42297), the amended facsimile rules will become effective on August 1, 2006.

For further information, contact Erica H. McMahon, Consumer Policy Division, Consumer & Governmental Affairs Bureau, (202) 418-0346.

The Report and Order can be downloaded at <http://www.fcc.gov/cgb/policy/>.