



PUBLIC NOTICE

Federal Communications Commission
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CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU SEEKS COMMENT ON AMERIFACTORS FINANCIAL GROUP, LLC PETITION FOR EXPEDITED DECLARATORY RULING UNDER THE TELEPHONE CONSUMER PROTECTION ACT OF 1991

CG Docket Nos. 02-278 and 05-338

Comment Date: August 17, 2017

Reply Comment Date: September 01, 2017

With this Public Notice, we seek comment on a petition for expedited declaratory ruling filed by Amerifactors Financial Group, LLC (Amerifactors).¹ Amerifactors requests that the Commission “issue a declaratory ruling that the [Telephone Consumer Protection Act (TCPA)] does not apply to fax advertisements that the recipient receives through online fax services or on a device other than a telephone facsimile machine.”²

We seek comment on this and any other issues raised by the *Petition*.

Pursuant to section 1.2 of the Commission’s rules,³ interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

¹ Petition for Expedited Declaratory Ruling of Amerifactors Financial Group, LLC, CG Docket Nos. 02-278 and 05-338 (filed July 13, 2017) (*Petition*).

The TCPA is codified at 47 U.S.C. § 227. The Commission’s implementing rules are codified at 47 CFR § 64.1200. Among other things, the TCPA and/or the related rules prohibit the use of a telephone facsimile machine, computer, or other device to send an unsolicited advertisement to a telephone facsimile machine unless the unsolicited advertisement is from a sender with an established business relationship with the recipient and the sender obtained the number of the facsimile machine as specified in the TCPA and the rules. 47 CFR § 64.1200(a)(4).

² *Petition* at 32.

³ 47 CFR § 1.2.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Ex Parte Rules. This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁴ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must: (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made; and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission's rules.⁵ In proceedings governed by section 1.49(f) of the rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be

⁴ See *id.* §§ 1.1200 *et seq.*

⁵ *Id.* § 1.1206(b).

filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf).⁶ Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Additional Information. For further information, contact Nellie Foosaner of the Consumer and Governmental Affairs Bureau, at (202) 418-2925 or Nellie.Foosaner@fcc.gov.

⁶ *Id.* § 1.49(f).