

SEPARATE STATEMENT OF COMMISSIONER KATHLEEN Q. ABERNATHY

Re: Fax.com Apparent Liability for Forfeiture, File No. EB-02-TC-120 (released August 7, 2002).

I strongly support this Notice of Apparent Liability and hope that other fax broadcasters will take notice that the Commission will strictly enforce the Telephone Consumer Protection Act. As set forth in detail in the NAL, Fax.com appears to have founded its business on the practice of sending unsolicited faxes in flagrant violation of the TCPA. The record also suggests that Fax.com deliberately misled consumers regarding the company's requirements and consumers' rights under the TCPA. Despite repeated warnings from the Commission and numerous consumer complaints, the company appears to have made no effort to mend its ways. As a result, many consumers have been harassed in their homes and had their businesses disrupted by unwanted fax solicitations — and, adding insult to injury, were forced to pay for this privilege.

This NAL makes clear that the Commission will not tolerate such conduct; indeed, we propose to punish Fax.com to the maximum extent of our statutory authority. When I became a Commissioner, I pledged to protect consumers by stringently enforcing the Communications Act and the Commission's rules. I am proud that the Commission is taking this responsibility seriously and sending such a strong signal that companies cannot violate the law with impunity.