



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

FOR IMMEDIATE RELEASE:
January 5, 2004

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FCC FINES FAX.COM OVER \$5 MILLION FOR SENDING “JUNK FAXES”

Washington, D.C. – Today, the Federal Communications Commission imposed a forfeiture of \$5,379,000 against Fax.com, Inc., for faxing unsolicited advertisements to consumers in violation of the Telephone Consumer Protection Act (TCPA) and the Commission’s rules. Fax.com operates as a “fax broadcaster,” faxing messages on behalf of others for a fee. This is the largest single fine ever imposed by the Commission for violation of the TCPA.

The Commission found that Fax.com had violated the TCPA and the Commission’s rules on 489 separate occasions. The Commission imposed the maximum permissible forfeiture of \$11,000 for each of these violations in light of the fact that “Fax.com’s primary business activity itself constitutes a massive on-going violation” of the TCPA. The Commission rejected Fax.com’s arguments that the TCPA’s junk fax ban is unconstitutional, and that the amount of the forfeiture was excessive.

In addition to the forfeiture, the Commission ordered Fax.com to file a report within 30 days indicating whether it has come into compliance with the TCPA and FCC rules prohibiting junk faxes. The Commission indicated that this report, along with any consumer complaints, will be used to determine whether additional enforcement action should be taken against Fax.com, or the companies on behalf of whom Fax.com sends unsolicited fax advertisements.

Action by the Commission on December 31, 2003, by Order of Forfeiture (FCC 04-2).
Chairman Powell, Commissioners Abernathy, Copps, Martin, and Adelstein.

– FCC –

File No. EB-02-TC-120

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