



**OFFICE OF ADVOCACY
U.S. SMALL BUSINESS ADMINISTRATION
WASHINGTON, DC 20416**

November 18, 2003

By Electronic Filing

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
TW-A325
Washington, DC 20554

RE: Notice of an *Ex Parte* Presentation in a Non-Restricted Proceeding In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 (CG Dkt. No. 02-278)

Dear Ms. Dortch:

The Office of Advocacy, U.S. Small Business Administration (“Advocacy”), by its undersigned representative and in accordance with Section 1.1206 of the rules of the Federal Communication Commission (“FCC” or “Commission”), hereby respectfully submits this *ex parte* notification for the aforementioned proceeding.

Advocacy hosted a roundtable Monday, November 18, 2003 on the economic impacts of the fax advertising provisions in the Federal Communications Commission’s (FCC) final order for the “Do-Not-Call” rules. Commonly referred to as the “Do-Not-Fax” provisions, the fax advertising provisions potentially affect the use of fax communications by small businesses and the membership organizations that represent them. The number of small entities, as well as the volume and nature of the fax communications affected by the rule, are the subject of much debate.

Advocacy staff in attendance were the Honorable Thomas M. Sullivan, Chief Counsel for Advocacy; Suey Howe, Director for Interagency Affairs; Radwan Saade, Regulatory Economist; Eric E. Menge, Assistant Chief Counsel for Telecommunications; Rebecca Kraft, Writer/Editor; and Jim Henderson, Regional Advocate. FCC staff members Erica McMahon and Helen Hillegass of the Consumer and Government Affairs Bureau, and Kim A. Johnson of the Office of Management and Budget also attended the roundtable. A list of the small entities representatives and other participants is attached.

Consistent with the requirements for a regulatory flexibility analysis, the roundtable participants discussed the number of small entities affected by the FCC’s fax advertising restrictions, the economic impacts of the current restrictions and of the new restrictions in the final order, including but not limited to, recordkeeping costs and professional services needed, and any

regulatory alternatives that reduce small entity impacts while fulfilling the agency's objectives. Advocacy is currently compiling a summary of the roundtable and will supplement this filing in the next few days.

If you have any questions regarding this filing, please contact me at 202-205-6533 or by e-mail at eric.menge@sba.gov. Thank you.

Sincerely,

/s/ _____

Eric E. Menge
Assistant Chief Counsel for Telecommunications

Office of Advocacy
U.S. Small Business Administration
409 Third Street, S.W.
Washington, DC 20416
202-205-6533

Attachment:
Participant List for Fax Advertising Roundtable November 17, 2003

cc:
Erica McMahon, Consumer and Governmental Affairs Bureau
Helen Hillegass, Consumer and Governmental Affairs Bureau
Carolyn A. Fleming, Office of Communications Business Opportunities

Advocacy Fax Advertising Roundtable
November 17, 2003
Participants

American Express and its Small Business Franchisees -- Antonella Pianalto
American Society of Association Executives -- Chris Merida
American Society of Travel Agents -- Barbara O'Hara and Burton Rubin
Credit Union National Association -- Catherine Orr and Mary Dunn
Halprin, Temple, Goodman & Maher -- Joel Bernstein
IH Counsel -- Taylor Monfort
International Foodservice Distributors Association -- Jonathan Eisen
Mortgage Brokers Association -- Rod Alba
National Association of Realtors -- Mary Antoon, Jeanne Delgado, Iona Harrison,
and Lynn King
National Association of Wholesaler-Distributors -- Jade West
National Association of Women Business Owners -- Amanda Perl
National Automobile Dealers Association -- Paul Metrey
National Federation of Independent Business -- Lara Chamberlain and Andrew Langer
National Grocers Association -- Tom Wenning
National Newspaper Association -- Jeff Carson and Tonon Rush
Senate Committee on Small Business and Entrepreneurship, Majority Staff -- Marc Freedman
Senate Committee on Small Business and Entrepreneurship, Democratic Staff -- Nigel Stephens
U.S. Chamber of Commerce -- Giovanni Coratolo and Michael Zaneis
Washington Policy Associates -- Melissa Moskal
Wiley, Rein & Fielding -- John Kamp
Yellow Page Integrated Media Association -- Amy Healy