

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
21 st Century Fax(es) Ltd.)	File No. EB-00-TC-174
a.k.a. 20 th Century Fax(es))	
)	
Apparent Liability for Forfeiture)	NAL/Acct. No. X3217-009

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: December 4, 2000

Released: December 7, 2000

By the Commission:

I. INTRODUCTION

1. In this Notice of Apparent Liability for Forfeiture (NAL), we find that 21st Century Fax(es) Limited (21st Century Fax)¹ apparently willfully or repeatedly violated section 227 of the Communications Act of 1934, as amended (Act), and the Commission's rules and orders, by sending unsolicited advertisements to telephone facsimile machines on 152 separate occasions.² Based on the facts and circumstances surrounding these apparent violations, we find that 21st Century Fax is apparently liable for forfeiture in the amount of \$1,107,500.³

¹ 21st Century Fax(es) Ltd. lists several addresses on its faxes including 532 LaGuardia Place, PMB 201, New York, New York 10012 and 331 West 57th Street, New York, NY 10019. According to Dun & Bradstreet Business Information Report, 21st Century Fax's address is 260 Hillsdale Ave, Santa Clara, California 95051. *See* Dun & Bradstreet Business Information Report, October 4, 2000.

² *See* 47 U.S.C. § 227; 47 C.F.R. § 64.1200(a)(3); *see also Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Report and Order*, 7 FCC Rcd 8752, 8779, ¶ 54 (1995) (*TCPA Report and Order*) (stating that Section 227 of the Act prohibits the use of telephone facsimile machines to send unsolicited advertisements).

³ 47 U.S.C. § 503(b)(1). The Commission has the authority under this section of the Act to assess a forfeiture against any person who has "willfully or repeatedly failed to comply with any of the provisions of this Act or of any rule, regulation, or order issued by the Commission under this Act . . ." *See also* 47 U.S.C. § 503(b)(5) (stating that the Commission has the authority under this section of the Act to assess a forfeiture penalty against any person who is not a common carrier so long as (A) such person is first issued a citation of the violation charged; (B) is given a reasonable opportunity for a personal interview with an official of the Commission, at the field office of the Commission nearest to the person's place of resident; and (C) subsequently engages in conduct of the type described in the citation).

II. BACKGROUND

2. On March 8, 2000, in response to several consumer letters indicating that 21st Century Fax had sent unsolicited advertisements to consumers' telephone facsimile machines, the Commission staff issued a citation to 21st Century Fax, pursuant to section 503(b)(5) of the Act.⁴ The staff cited 21st Century Fax for allegedly using a telephone facsimile machine, computer, or other device to send unsolicited advertisements to another telephone facsimile machine, in violation of section 227 of the Act and the Commission's rules and orders. The unsolicited advertisements offer consumers the opportunity to vote on several opinion polls by calling certain fax numbers at a cost of \$2.95 per minute. The citation, which the staff served by certified mail, return receipt requested, informed 21st Century Fax that subsequent violations could result in the imposition of monetary forfeitures of up to \$11,000 per violation and included copies of 14 consumer letters that formed the basis of the citation. The citation informed 21st Century Fax that within 21 days of the date of the citation, it could either request a personal interview at the nearest Commission field office, or could provide a written statement responding to the citation. The Commission received a signed return receipt evidencing 21st Century Fax's receipt of the citation on March 17, 2000.

3. On March 20, 2000, the Commission received a written response from 21st Century Fax in which the company stated that its acts did not contravene the TCPA because all of the faxes it sent allegedly originated outside of the United States.⁵ The company submitted no proof supporting this claim, however. On March 28, 2000, Commission staff met with representatives from 21st Century Fax at the company's request. During that meeting, the staff again notified 21st Century Fax that it is unlawful to send unsolicited advertisements to telephone facsimile machines, as defined by the Telephone Consumer Protection Act (TCPA) and the Commission's rules.⁶ In a letter dated April 12, 2000, 21st Century Fax stated that it had implemented a system that would allow fax recipients to delete their names from its database and that it planned to resume faxing advertisements, which it had temporarily ceased following receipt of the citation.⁷

⁴ See 47 U.S.C. § 503(b)(5) (authorizing the Commission to issue citations to non-common carriers for violations of the Act or of the Commission's rules and orders).

⁵ Section 227(b)(1)(c) of the Act provides that "[i]t shall be unlawful for any person *within the United States*" to send unsolicited fax advertisements. (Emphasis added.)

⁶ See 47 U.S.C. § 227; 47 C.F.R. § 64.1200(a)(3).

⁷ Letter from Miss Sarah Lee, Call Centre Manager, 21st Century Fax Ltd., dated April 12, 2000. During the March 8, 2000 meeting with the Commission staff, 21st Century Fax stated that it had temporarily stopped its transmission of faxes after receiving the citation.

4. Despite the citation's warning that subsequent violations could result in the imposition of monetary forfeitures, the Commission received several consumer letters stating that 21st Century Fax had continued to engage in such conduct after receiving the citation.⁸ We base our action here on this information from consumers alleging that 21st Century Fax sent unsolicited advertisements on or after March 8, 2000.⁹

5. The Koch Industries Letter. Janet L. Heck, Attorney for Koch Industries, Inc. (Koch), states that 21st Century Fax faxed 78 unsolicited advertisements to Koch from May 15, 2000 to July 12, 2000.¹⁰ Ms. Heck states that after receiving the unsolicited advertisement on May 15, 2000, and before June 22, 2000, Koch employees called 21st Century Fax and requested that 21st Century Fax remove Koch's fax numbers from their database. Ms. Heck further states that Koch employees received a message that Koch's fax number would be removed within 7 to 10 days. Despite 21st Century Fax's response, Ms. Heck states that the company continued to fax unsolicited advertisements to Koch. Ms. Heck further states that employees contacted the website registrant for 21st Century, AT&T, ICN Corporation,¹¹ Bell Atlantic (now Verizon Communications) and Southwestern Bell (now SBC Telecommunications, Inc.) in order to obtain information about 21st Century Fax. Ms. Heck states that Koch then sent a letter to ICN on June 23, 2000 requesting that they cease transmission of the unsolicited facsimile advertisements. Ms. Heck states that on July 5, 2000 Koch received a letter from 21st Century Fax indicating that Koch's numbers were deleted from its database. Despite this response, Koch continued to receive unsolicited facsimile advertisements.¹² Koch subsequently contacted the Federal Bureau of Investigation (FBI) and requested its assistance. The FBI contacted the Commission regarding Koch's complaint. Ms. Heck states that neither she nor anyone else at Koch ever gave 21st Century Fax permission or

⁸ See Attachment A.

⁹ We note that evidence of additional instances of unlawful conduct by 21st Century Fax may form the basis of subsequent enforcement action.

¹⁰ See Declaration of Janet Heck, Attorney, Koch Industries, Inc. Ms. Heck states that Koch received unsolicited advertisements via facsimile from 21st Century Fax on the following dates: (1) one on May 15, 2000; (2) ten on June 22, 2000 between 9:48 a.m. and 2:04 p.m.; (3) thirteen on June 23, 2000 between 10:02 a.m. and 4:15 p.m.; (4) nineteen on June 26, 2000 between 10:00 am and 6:19 p.m.; (5) eight on June 27, 2000 between 8:00 am and 1:17 p.m.; (6) three on June 28, 2000 between 9:17 a.m. and 12:20 p.m.; (7) one on June 29, 2000 at approximately 10:52 a.m.; (8) two on July 6, 2000 between 5:00 p.m. and 6:21 p.m.; (9) seven on July 7, 2000 between 8:54 a.m. and 5:50 p.m.; (10) six on July 10, 2000 between 10:54 a.m. and 4:10 p.m.; (11) six on July 11, 2000 between 12:21 p.m. and 6:52 p.m.; and (12) two on July 12, 2000 between 8:24 a.m. and 9:19 a.m.

¹¹ In the Citation issued to 21st Century Fax, the Commission notes that it obtained information indicating that ICN Corporation (ICN) is the subscriber for 1-800-606-5720, an opt-out number that appears on 21st Century Fax's advertisements. The Commission further notes that ICN is listed as the customer of the 800 number account in the underlying carrier's business customer database.

¹² *Id.*

an invitation to send these advertisements, and that Koch does not have an established business relationship with 21st Century Fax.¹³

6. The I.E.C.C. Letter. John Levine, Owner, I.E.C.C., states that 21st Century Fax sent 5 unsolicited advertisements to I.E.C.C.'s fax machine on May 27, 2000, June 8, 2000, July 17, 2000, August 2, 2000, and September 7, 2000.¹⁴ Mr. Levine states that neither he nor anyone else at I.E.C.C. authorized 21st Century Fax to send the advertisements and that I.E.C.C. does not have an established business relationship with 21st Century Fax.

7. The Honorable Bob Goodlatte Letter. Representative Bob Goodlatte, Member (Virginia), U.S. House of Representatives, states that 21st Century Fax sent an unsolicited advertisement to his Roanoke District Office fax machine in October 2000.¹⁵ Representative Goodlatte states that neither he nor anyone else at his Roanoke District Office gave 21st Century Fax prior express permission or invitation to send advertisements to his fax machine and that he does not have an established business relationship with 21st Century Fax. Representative Goodlatte previously requested Commission action in December 1999 stating that 21st Century Fax sent unsolicited advertisements to his home fax machine in September 1999 and in December 1999.¹⁶

8. The other faxes. The remaining consumer letters supporting this NAL are factually similar to the allegations in the consumer letters described above.¹⁷ In each case, the consumer states that 21st Century Fax used a telephone facsimile machine to send an unsolicited advertisement to the consumer's telephone facsimile machine. In each case, the consumer states that 21st Century Fax (a) was not authorized to send the unsolicited facsimile to the consumer's fax machine, and (b) does not have an established business relationship with the consumer.

III. DISCUSSION

A. Violations Evidenced in the Letters.

¹³ *Id.*

¹⁴ *See* Declaration of John Levine, Owner, I.E.C.C.

¹⁵ *See* Declaration of The Honorable Bob Goodlatte, Member, U.S. House of Representatives, State of Virginia.

¹⁶ For purposes of this NAL, a forfeiture amount is only proposed for the unsolicited facsimile advertisement received by Representative Bob Goodlatte after March 8, 2000, the date the Commission issued a citation to 21st Century Fax.

¹⁷ *See* Attachment A (listing the consumer letters that form the basis for this NAL). We have obtained declarations from all consumers listed in Attachment A.

9. Section 227(b)(1)(C) of the Act prohibits any person from using “a telephone facsimile machine, computer, or other device to send an unsolicited advertisement to a telephone facsimile machine.”¹⁸ An unsolicited advertisement is defined as “any material advertising the commercial availability or quality of any property, goods, or services which is transmitted to any person without that person’s prior express invitation or permission.”¹⁹ The Commission has determined, however, that an established business relationship demonstrates consent to receive telephone facsimile advertisement transmissions.²⁰ The mere distribution or publication of a telephone facsimile number does not confer invitation or permission to transmit advertisements to a particular telephone facsimile machine.²¹

10. As discussed above, each facsimile transmission upon which this NAL is based offered consumers the opportunity to participate in a poll at a cost of \$2.95 per minute. We find that these facsimiles clearly fall within the definition of an “advertisement.” Additionally, 21st Century Fax appears to have sent each facsimile transmission without the prior express invitation or permission of the recipient. The record indicates that none of the consumers at issue had an established business relationship with 21st Century Fax. The record further indicates that 21st Century Fax continued to send facsimiles to one consumer who specifically requested that 21st Century Fax refrain from sending additional unsolicited facsimiles. Such evidence, along with the consumers’ declarations, demonstrates that 21st Century Fax did not have any prior express permission or invitation to send the facsimile transmissions.

B. Forfeiture Amount.

11. We conclude that 21st Century Fax apparently willfully or repeatedly violated the Act and the Commission’s rules and orders by using a telephone facsimile machine to send unsolicited advertisements to other telephone facsimile machines. 21st Century Fax apparently did not cease its unlawful conduct even after the Commission staff issued a citation warning that it was engaging in unlawful conduct and could be subject to monetary forfeitures.²²

¹⁸ 47 U.S.C. § 227(b)(1)(C). Section 227 defines a telephone facsimile machine as “equipment which has the capacity (A) to transcribe text or images, or both, from paper into an electronic signal and to transmit that signal over a regular telephone line, or (B) to transcribe text or images (or both) from an electronic signal received over a regular telephone line onto paper.” *Id.* § 227(a)(2). This blanket prohibition applies to all unsolicited advertisements transmitted by telephone facsimile machines. The Act does not permit the sending of unsolicited advertisements by facsimile to either business or residential telephone facsimile machines.

¹⁹ 47 C.F.R. § 64.1200(f)(5).

²⁰ *See Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Memorandum Opinion and Order*, 10 FCC Rcd 12391, 12408, ¶ 37 (1995) (*TCPA Memorandum Opinion and Order*).

²¹ *Id.*

²² Although 21st Century Fax asserted in its response to the citation that its conduct did not violate section 227 because none of its faxes originate within the United States, it has yet to submit any proof in support of this claim. In the absence of any record on this issue, we are not in a position to evaluate any hypothetical legal and factual issues that may be raised by facsimiles originating outside the United States.

Accordingly, a proposed forfeiture is warranted against 21st Century Fax for its apparent willful or repeated violations of section 227 of the Act and of the Commission's rules and orders regarding the faxing of unsolicited advertisements.

12. Section 503(b) of the Act authorizes the Commission to assess a forfeiture of up to \$11,000 for each violation of the Act or of any rule, regulation, or order issued by the Commission under the Act by a non-common carrier or other entity not specifically designated in section 503 of the Act.²³ In exercising such authority, we are to take into account "the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require."²⁴

13. Although the *Commission's Forfeiture Policy Statement* does not establish a base forfeiture amount for violating the prohibition on using a telephone facsimile machine to send unsolicited advertisements, we have previously considered \$4,500 per unsolicited fax advertisement as an appropriate base amount.²⁵ We apply that base amount to each of 75 of the apparent violations. We find that the other 77 apparent violations justify a higher proposed forfeiture because Koch specifically notified 21st Century Fax to cease its unlawful conduct and refrain from faxing additional unsolicited advertisements, but 21st Century Fax willfully and repeatedly continued to do so. We believe that assessing a higher forfeiture amount is warranted based on the nature and gravity of the violations and the continued need to ensure compliance with section 227 of the Act and the Commission's rules and orders.²⁶ Accordingly, for 77 of its 78 apparent violations involving Koch, we find 21st Century Fax apparently liable in the amount of \$10,000 for each such violation.²⁷ This results in a proposed total forfeiture of \$1,107,500. 21st Century Fax shall have the opportunity to submit evidence and arguments

²³ Section 503(b)(2)(C) provides for forfeitures up to \$10,000 for each violation by cases not covered by subparagraphs (A) or (B), which address forfeitures for violations by licensees and common carriers, among others. See 47 U.S.C. § 503(b). The Commission amended its rules by adding a new subsection to its monetary forfeiture provisions that incorporates by reference the inflation adjustment requirements contained in the Debt Collection Improvement Act of 1996, Pub. L. 104-134, Sec. 31001, 110 Stat. 1321, enacted on April 26, 1996. Thus, the maximum statutory forfeiture pursuant to section 503(b)(2)(C) increased from \$10,000 to \$11,000. See *Amendment of Section 1.80 of the Commission's Rules*, 12 FCC Rcd 1038 (1997).

²⁴ 47 U.S.C. § 503(b)(2)(D); *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines, Report and Order*, 12 FCC Rcd 17087, 17152-17101, ¶ 27 (1997), *recon. denied*, 15 FCC Rcd 303 (1999) (*Forfeiture Policy Statement*).

²⁵ See *Get-Aways, Inc., Notice of Apparent Liability For Forfeiture*, 15 FCC Rcd. 1805 (1999); *Get-Aways, Inc., Forfeiture Order*, FCC 00-67 (released March 2, 2000); see also *Tri-Star Marketing, Inc., Notice of Apparent Liability For Forfeiture*, FCC 00- 219 (released June 22, 2000).

²⁶ See *Tri-Star Marketing, Inc., Notice of Apparent Liability For Forfeiture*, FCC 00- 219 (released June 22, 2000).

²⁷ *Id.*

in response to this NAL to show that no forfeiture should be imposed or that some lesser amount should be assessed.²⁸

IV. CONCLUSION AND ORDERING CLAUSES

14. We have determined that 21st Century Fax apparently violated section 227 of the Act and the Commission's rules and orders by using a telephone facsimile machine, computer, or other device to send the 152 unsolicited advertisements identified above. We have further determined that 21st Century Fax is apparently liable for forfeitures in the amount of \$1,107,500.

15. Accordingly, IT IS ORDERED, pursuant to section 503(b)(5) of the Act, as amended, 47 U.S.C. § 503(b)(5), and section 1.80 of the Commission's rules, 47 C.F.R. § 1.80, that 21st Century Fax(es) Ltd. IS HEREBY NOTIFIED of an Apparent Liability for Forfeiture in the amount of \$1,107,500 for willful or repeated violations of section 227(b)(1)(C) of the Act, 47 U.S.C. § 227(b)(1)(C), sections 64.1200(a)(3) and 64.1200(f)(5) of the Commission's rules, 47 C.F.R. §§ 64.1200(a)(3), 64.1200(f)(5), and the related orders described in the paragraphs above.

16. IT IS FURTHER ORDERED, pursuant to section 1.80 of the Commission's rules, 47 C.F.R. § 1.80, that within thirty (30) days of the release of this Notice, 21st Century Fax(es) Limited SHALL PAY the full amount of the proposed forfeiture²⁹ OR SHALL FILE a response showing why the proposed forfeiture should not be imposed or should be reduced.

²⁸ See 47 U.S.C. § 503(b)(4)(C); 47 C.F.R. § 1.80(f)(3).

²⁹ The forfeiture amount should be paid by check or money order drawn to the order of the Federal Communications Commission. Reference should be made on 21st Century Fax, Inc.'s check or money order to "NAL/Acct/ No. X3217-009." Such remittances must be mailed to Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482.

17. IT IS FURTHER ORDERED that a copy of this Notice of Apparent Liability for Forfeiture SHALL BE SENT by certified mail to 21st Century Fax(es) Limited, 532 LaGuardia Place, PMB 201, New York, New York 10012.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas
Secretary

Attachment A

- (1) Janet L. Heck, Attorney for Koch Industries, Inc. (Koch), Request for Commission Action (July 16, 2000) (stating that Koch received 78 unsolicited facsimile advertisements from 21st Century Fax);
- (2) Brian A. Twitchell, Owner of C-Prompt Computer Service (C-Prompt), Request for Commission Action (May 26, 2000) (stating that C-Prompt received 2 unsolicited advertisements by fax from 21st Century Fax on May 3, 2000, and May 17, 2000);
- (3) William D. Schneider, Request for Commission Action (July 12, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 1 unsolicited advertisement to his fax machine on June 7, 2000);
- (4) John Levine, Owner, I.E.C.C., Request for Commission Action (August 3, 1999) (stating that 21st Century Fax faxed 5 unsolicited advertisements to I.E.C.C.'s fax machine on May 27, 2000, June 8, 2000, July 17, 2000, August 2, 2000 and September 7, 2000);
- (5) Lawrence N. Finch, Request for Commission Action (June 21, 2000) (stating that he received 3 unsolicited advertisements by facsimile from 21st Century Fax on June 20, 2000, In July 2000, and on August 15, 2000);
- (6) Janice Singleton, Ad Review Specialist, Better Business Bureau of Asheville and Western North Carolina (Better Business Bureau), Request for Commission Action (May 26, 2000, September 12, 2000) (stating that the Better Business Bureau received 4 unsolicited advertisements from 21st Century Fax on May 11, 2000, May 19, 2000, August 21, 2000 and September 12, 2000);
- (7) Jeffrey C. Honig, Request for Commission Action (July 10, 2000, July 31, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 3 unsolicited advertisements to his fax machine on June 19, 2000, July 26, 2000 and in August 2000);
- (8) Fred Gottfried, President, Ashland Scale Company, Inc. (ASCI), Request for Commission Action (August 17, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 1 unsolicited advertisement to ASCI's fax machine on August 15, 2000);
- (9) David Riggs, Computer Specialist, Smithsonian Institute-Office of Information Technology (SIOIT), Request for Commission Action (May 10, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 2 unsolicited advertisements to SIOIT's fax machine on April 20, 2000 and May 3, 2000);
- (10) Samuel J. Semel, President, Chemung Electronics, Inc., Request for Commission Action (July 12, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send

2 unsolicited advertisements to Chemung Electronics Inc.'s fax machine in July 2000 and on September 13, 2000);

- (11) Ronald J. Gadow, Owner, Hemingway Printers, Inc., Request for Commission Action (July 13, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 1 unsolicited advertisement to Hemingway Printers, Inc's fax machine on July 7, 2000);
- (12) T.A. Wells, Request for Commission Action (May 15, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 1 unsolicited advertisement to his fax machine in May 2000);
- (13) George J. Rocheleau, Request for Commission Action (May 22, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 1 unsolicited advertisement to his fax machine in May 2000);
- (14) Robert Chartener, Request for Commission Action (July 10, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 1 unsolicited advertisement to his fax machine on June 30, 2000);
- (15) Tony Leonhardt, Request for Commission Action (July 24, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 1 unsolicited advertisement to his fax machine on July 18, 2000);
- (16) Judith L. Morgan, Owner, Morgan & Associates, Request for Commission Action (September 6, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 4 unsolicited advertisements to Morgan & Associates' fax machine on June 30, 2000, August 7, 2000, August 10, 2000 and September 12, 2000);
- (17) James N. Falkenberg, Request for Commission Action (August 10, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 2 unsolicited advertisements to his fax machine in July 2000);
- (18) Thomas J. Mott, Request for Commission Action (August 7, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 5 unsolicited advertisements to his fax machine in July 2000 and September 2000);
- (19) Lewis Rosenberger, Regional Manager, KSB, Inc., Request for Commission Action (July 6, 2000, August 2, 2000 and October 1, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 5 unsolicited advertisements to KSB's fax machine on June 28, 2000, June 29, 2000, July 31, 2000, September 26, 2000 and September 28, 2000);
- (20) Carmen M. McGee, Request for Commission Action (August 22, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 4 unsolicited advertisements to

her fax machine on August 10, 2000, August 15, 2000, September 15, 2000 and September 20, 2000);

- (21) Arthur K. Salomon, Request for Commission Action (September 6, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 2 unsolicited advertisements to his fax machine in August 2000 and on September 12, 2000);
- (22) Roger Arrick, Owner, Arrick Robotics, Request for Commission Action (May 31, 2000, July 28, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 3 unsolicited advertisements to Arrick Robotics's fax machine in May 2000, July 2000 and September 2000);
- (23) Susan Ajemian, Property Administrator, The Regency Group, Inc. (TRGI), Request for Commission Action (May 8, 2000, September 21, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 4 unsolicited advertisements to TRGI's fax machine in May 2000, on May 5, 2000, on September 20, 2000 and on October 26, 2000);
- (24) Larry Steiner, General Manager, Spectrum Home Entertainment (Spectrum), Request for Commission Action (July 3, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 1 unsolicited advertisement to Spectrum's fax machine in June 2000);
- (25) Tom Mulhern, Request for Commission Action (June 6, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 2 unsolicited advertisements to his fax machine on May 24, 2000 and June 1, 2000);
- (26) Francis M. Simonds, Jr., Request for Commission Action (September 6, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 1 unsolicited advertisement to his fax machine in August 2000);
- (27) Dennis J. Blahofski, President, db enterprise, Request for Commission Action via Avonne M. Seals, Assistant Attorney General, Office of the Illinois Attorney General, (May 24, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 1 unsolicited advertisement to db enterprise's fax machine in May 2000);
- (28) Warren Ford, Owner, The Mail Center (TMC), Request for Commission Action (August 22, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 1 unsolicited advertisement to TMC's fax machine in August 2000);
- (29) Jack Crobaugh, President, Jack Crobaugh & Associates (JC&A), Request for Commission Action, (May 26, 2000) (stating that 21st century fax used a telephone facsimile machine to send 2 unsolicited advertisements to JC&A's fax machine on May 10, 2000 and May 23, 2000);

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- (30) Mrs. John R. Dixon, Request for Commission Action (August 16, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 1 unsolicited advertisement to her fax machine on July 27, 2000);
- (31) Ygal Giramberk, Owner, Corporate International Operations, Request for Commission Action (June 23, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 1 unsolicited advertisement to Corporate International Operations' fax machine in June 2000);
- (32) James L. McCormick, Request for Commission Action (August 1, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 2 unsolicited advertisement to his fax machine in July 2000);
- (33) Dewitt Foster, Owner, Stockbrokers Training School (STS), Request for Commission Action (July 23, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 1 unsolicited advertisement to STS' fax machine in June 2000);
- (34) Mark A. Kruchowsky, Owner, Animal Aid Veterinary Medical Center (AAVMC), Request for Commission Action (July 5, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 1 unsolicited advertisement to AAVMC's fax machine on June 20, 2000);
- (35) Vernon J. Schryver, Request for Commission Action (June 11, 2000, July 24, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 3 unsolicited advertisements to his fax machine on June 5, 2000, July 24, 2000 and September 5, 2000);
- (36) Kevin Orlin Johnson, President, Pangaeus Companies, Request for Commission Action (June 20, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 1 unsolicited advertisement to Panageus Companies' fax machine in June 2000); and
- (37) The Honorable Bob Goddlatte, Member (Virginia), U.S. House of Representatives, Request for Commission Action (October 24, 2000) (stating that 21st Century Fax used a telephone facsimile machine to send 1 unsolicited advertisement to his Roanoke District Office fax machine in October 2000).