

August 21, 2003

**FCC EXTENDS THE EFFECTIVE DATE OF FAX
ADVERTISING RULES UNTIL JANUARY 1, 2005**

The Federal Communications Commission (“FCC”) has delayed until January 1, 2005 the effective date of its new rule that requires the sender of an unsolicited fax “advertisement” to have the prior written consent of the recipient. The new rule, which amends the FCC’s telemarketing and facsimile advertising rules pursuant to the Telephone Consumer Protection Act of 1991 (“TCPA”) and was scheduled to take effect on August 25, 2003, affects tax-exempt organizations and trade associations, among many others, because of the breadth of the definition of “unsolicited advertisements.”

The extension keeps in effect, until January 1, 2005, existing TCPA rules that require persons or organizations that transmit unsolicited fax advertisements to have an established business relationship or prior express permission from the fax recipient. After January 1, 2005, fax transmitters must obtain express written consent, including signatures, from fax recipients regardless of whether they have established business relationships. Tax-exempt organizations and trade associations that fax to members will not be exempted from this requirement.

The FCC has stated that the extension gives organizations more time to comply with the new rules and to obtain written consent and signatures from parties to whom they wish to fax. It will also allow the FCC time to consider any petitions for reconsideration received by August 25, 2003 and other filings that may be made on this issue.

This action does not change the effective date for the other telemarketing and faxing rules adopted on June 26, 2003. This action also does not change the October 1, 2003 effective date for the national “Do-Not-Call” registry.

If you have any questions or want further information, please contact Melinda Agsten, 203.498.4326 / magsten@wiggin.com, or Amanda Littell at 203.498.4529 / alittell@wiggin.com.