

SEPARATE STATEMENT OF COMMISSIONER KATHLEEN ABERNATHY

In re: US Notary, Inc. Apparent Liability for Forfeiture, Forfeiture Order, File No. EB-00-TC-011 (adopted October 3, 2001).

I support today's Forfeiture Order holding US Notary monetarily liable for distributing unsolicited faxes. However, I write separately to emphasize the continued importance of vigorously enforcing this and other statutory mandates.

The fundamental duty of the FCC is to implement statutes promulgated by Congress. In 1992, Congress recognized the need to provide relief to consumers plagued by unsolicited fax advertising by enacting the Telephone Consumer Protection Act.¹ Unfortunately, the Commission did not bring its first enforcement action under the TCPA's ban on unsolicited faxes for 7 years.²

I am heartened that in recent years the FCC has begun to enforce its rules more regularly. Today, by imposing a \$90,000 forfeiture on US Notary, we further demonstrate that eliminating unsolicited faxes is a priority of this Commission. I also want to take this opportunity to encourage consumers to complain to the offending companies and the Commission after receiving unsolicited faxes.

For the sake of consumers and the entities we regulate, it is imperative that we enforce our rules vigorously and dependably. Otherwise, we simultaneously ignore our statutory duty to uphold the public interest and leave a cloud of doubt over how seriously this Commission takes its rules.

¹ Pub. L. 102-556, Title IV, § 402, 106 Stat. 4194 (1992) (codified at 47 U.S.C. § 227(b)(1)(c)).

² See *Get-Aways, Inc.*, File No. ENF-99-TC-001, Notice of Apparent Liability, 15 FCC Red 1805 (1999).