

of the complaint against some of the defendants on a determination that they were “service providers” not liable under the TCPA for sending the unsolicited faxes.

We interpret the TCPA differently and hold that private causes of action may be brought in Superior Court under the Act without the need for enabling legislation in the District of Columbia. As the TCPA provides a legal basis for appellant’s claims, the trial judge’s dismissal of the complaint for failure to state a claim was legal error. We also reverse as premature the trial court’s dismissal on the alternative ground that some of the defendants acted only as “service providers,” and therefore are not liable under the Act. The complaint alleged otherwise and, in the absence of discovery, the trial court did not have the information necessary for a full appraisal of their roles and activities in the development and distribution of the unsolicited faxes. Accordingly, we reverse and remand the case for further proceedings.

I.

The complaint alleges that from 1997 to 2001, Investors’ Alert, Inc., a company that publishes a newsletter with stock tips titled “Investors’ Alert,” sent out as many as 50,000 unsolicited faxes a day to a wide number of facsimile machines, including those used by appellant and other members of the purported class.¹ According to the complaint, the newsletters are written by Thomas E. Loyd under the company names Loyd Financial Consulting and Access Financial Consulting. A typical newsletter describes a company and predicts that its stock will soon jump in price. The complaint alleges that the purpose behind the stock tips was to raise the price of Loyd’s low-value stocks, which he would then sell *en masse*. This is known as a “pump and dump” stock

¹ The trial court deferred class certification issues.

