

**Mayer | Brown**  
1999 K Street, N.W.  
Washington, DC 20006-1101  
United States of America  
  
T: +1 202 263 3000  
F: +1 202 263 3300  
mayerbrown.com

March 19, 2019

**Angela E. Giancarlo**  
Partner  
T: +1 202 263 3305  
AGiancarlo@mayerbrown.com

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Re: P2P Alliance Petition for Clarification  
Notice of *ex parte* presentation, CG Docket No. 02-278

Dear Ms. Dortch:

On March 18, 2019 and on behalf of the P2P Alliance (“Alliance”), Howard Waltzman and I from Mayer Brown, along with the following members of the P2P Alliance—Roddy Lindsay, CEO, Hustle, Inc.; Latoia Jones, Vice President, Hustle, Inc.; and Mia Hunsicker, Co-founder and CTO, Opn Sesame LLC—met with Commissioner Geoffrey Starks and his legal advisor, Michael Scurato. In our meeting, we introduced the P2P Alliance, a coalition of peer-to-peer (“P2P”) text messaging service providers and users of P2P texting platforms. We explained that P2P texting allows organizations to communicate with students, employees, neighborhood residents, voters, and customers through individualized, person-to-person text messages that provide individuals with timely, relevant information.

Consistent with the Alliance’s pending petition,<sup>1</sup> we requested that the Commission take action to clarify that use of P2P text messaging is not subject to the Telephone Consumer Protection Act of 1991<sup>2</sup> because such messages are manually sent from one individual to another. P2P text messaging requires one person to actively and affirmatively transmit each message one-at-a-time to each recipient. And, thereafter, the sender and the recipient both benefit from the ability to continue their unique dialogue.

Also on March 18, I explained to Michael Scurato that recipients of P2P text messages receive their individual messages in the same format as any other traditional text message; *i.e.*, the recipients see a 10-digit telephone number. I also explained that each P2P message can be transmitted from an application on the sender’s mobile device or via a web portal. Regardless

---

<sup>1</sup> See *Consumer and Governmental Affairs Bureau Seeks Comment on the P2P Alliance Petition for Clarification Under the Telephone Consumer Protection Act*, Public Notice DA 18-547 (rel. May 23, 2018).

<sup>2</sup> 47 USC § 227.

Ms. Marlene H. Dortch

March 19, 2019

Page 2

of which option the sender selects, each message is individually and manually sent from the single sender to a single recipient.

Pursuant to Section 1.1206(b) of the Commission's rules, I am filing this notice electronically in the above-referenced docket. Please contact me directly with any questions.

Sincerely,

/s/

Angela E. Giancarlo

*Counsel to P2P Alliance*

cc: Michael Scurato