



June 1, 2018

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Presentation, WC Docket No. 18-28; CC Docket No. 95-155

Dear Ms. Dortch:

Scott Bergmann and Matthew Gerst of CTIA and outside counsel Adam Krinsky met with Jay Schwarz of Chairman Pai's office on May 30, 2018 and with Amy Bender of Commissioner O'Rielly's office on May 31, 2018 regarding the draft Declaratory Ruling and Notice of Proposed Rulemaking in the above-captioned proceedings.¹

During the meeting, CTIA highlighted that the text messaging ecosystem remains a trusted (i.e. least polluted) communications medium among consumers because text messaging providers, including wireless carriers, actively manage their platforms to protect consumers from unwanted messages. Recognizing the value of messaging, businesses are increasingly embracing messaging as a new way to communicate with consumers, and this includes text-enabling their toll free telephone numbers so consumers can text their business using a toll free number associated with that business.

In 2017, CTIA published the *Messaging Principles and Best Practices* that describes the steps that the wireless industry takes to ensure that consumers continue deriving value from text messaging – both by keeping messaging a trusted environment and by creating opportunities for new and enhanced messaging services for businesses.² With regard to toll free telephone numbers, CTIA's

¹ Text-Enabled Toll Free Numbers *et al.*, WC Docket No. 18-28 & CC Docket No. 95-155, *Draft Declaratory Ruling and Notice of Proposed Rulemaking*, FCC-CIRC1806-08.

² CTIA, *Messaging Principles and Best Practices* (Jan. 19, 2017), available at <https://api.ctia.org/docs/default-source/default-document-library/170119-ctia-messaging-principles-and-best-practices.pdf>.



Messaging Principles and Best Practices makes clear that the subscriber who has been assigned a toll free telephone number for voice services should have “sole authority to control additional services associated with that [toll free number,]” including text enabling.³

Consistent with the *Messaging Principles and Best Practices*, CTIA noted that the draft Declaratory Ruling would establish that a toll free subscriber has exclusive authority to authorize the text enabling of its toll free telephone number. As the Commission moves forward with a Notice of Proposed Rulemaking, CTIA encouraged it to recognize that messaging is an information service and, consistent with the agency's narrow jurisdiction over such services, it should consider how best to maintain the innovation occurring in the messaging marketplace.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed in ECFS. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

/s/ Scott K. Bergmann

Scott K. Bergmann
Senior Vice President, Regulatory Affairs
CTIA

cc: Jay Schwarz
Amy Bender

³ *Id.* at 12.