June 22, 2018

Marlene Dortch

Secretary

Federal Communications Commission

445 12th Street, SW

Washington, DC 20554

**Re: Petition for Clarification filed by The P2P Alliance, CG Docket No. 02-278**

Dear Ms. Dortch:

Fearless Mobile Strategies appreciates the opportunity to provide comments to

the Federal Communications Commission (“Commission”) regarding the petition recently filed

by the P2P Alliance requesting clarification that peer-to-peer (“P2P”) text messaging is not

subject to the Telephone Consumer Protection Act (“TCPA”) restrictions on calls to wireless

phone numbers that are made using an automatic telephone dialing system (“autodialer”).[[1]](#footnote-1) For

the reasons set forth below, we support the Petition and request that the Commission clarify

accordingly.

Fearless Mobile Strategies is an agency that uses mobile messaging and SMS to communicate with donors, supporters, and constituents for nonprofits, advocacy organizations, political campaigns and committees, and political action committees. Fearless Mobile Strategies is one of an increasing number of organizations that use P2P text messaging as part of its

interactive, multichannel marketing strategies to enable clients to reach supporters.

As the P2P Alliance describes in the Petition, P2P text messaging is not conducted using

an autodialer, nor does P2P equipment constitute an autodialer. Every message that Fearless Mobile Strategies faciliates using a P2P platform is sent by an individual, who manually dials

each number and transmits each message one at a time to a single recipient. P2P text messages

cannot be transmitted “without human intervention,”[[2]](#footnote-2) meaning that such messages are not sent

using an autodialer. Nor does a P2P platform include equipment that “has the capacity … to store

or produce telephone numbers to be called, using a random or sequential number generator”[[3]](#footnote-3)

Thus, P2P text messages are not made using an autodialer, and P2P equipment itself does not

constitute an autodialer. We urge the Commission to clarify as such in response to The P2P

Alliance’s petition.

Additionally, P2P text messages (like the ones Fearless Mobile Strategies

sends to its clients’ supporters are communications that recipients want and expect. These

communications are routine, and are the “normal, expected, and desired business

communications” that the Congress did not intend to inhibit when it drafted the TCPA.[[4]](#footnote-4)

P2P text messaging is an important means of communication between Fearless Mobile Strategies and its clients’ supporters, allowing Fearless Mobile Strategies to

easily and effectively communicate with these individuals in a manner such individuals expect

and prefer. Where, in the past, Fearless Mobile Strategies would communicate with its

clients’ supporters through email (which is often ignored) or phone calls (which are often

disruptive to the recipient), P2P text messaging allows us to communicate with the same

individuals in a manner that does not disrupt their daily lives, while increasing the likelihood that

they will take note of the communication. In other words, P2P text messaging allows

organizations like ours to provide clients’ supporters with the information they want or need in

the manner in which they wish to receive it.

P2P text messaging has provided Fearless Mobile Strategies with a new way to

communicate with the most valued members of our community - our clients’ supporters. We ask

that the Commission approve the Petition.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Kim Cubine

Fearless Mobile Strategies, Inc.

2000 N 15th Street, Suite 550 Arlington, VA 22209

1. Petition for Clarification of The P2P Alliance, CG Docket No. 02-278 (filed May 3, 2018) (“Petition”). [↑](#footnote-ref-1)
2. Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Declaratory Ruling and Order, CG Docket No. 02-278, 30 FCC Rcd 7961, 7975, ¶ 14 (2015) (“2015 Order”). [↑](#footnote-ref-2)
3. 47 U.S.C. § 227 (a)(1). [↑](#footnote-ref-3)
4. GroupMe, Inc./Skype Communications S.A.R.L., Declaratory Ruling, CG Docket No. 02-278, 29 FCC Rcd 3442, ¶ 8 (2014) [↑](#footnote-ref-4)