



National Black Justice Coalition

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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:

The National Black Justice Coalition (NBJC) 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"). For the reasons set forth below, we support the Petition and request that the Commission clarify accordingly.

NBJC is a civil rights organization dedicated to the empowerment of Black lesbian, gay, bisexual, transgender, queer and same gender loving (LGBTQ/SGL) people, including people living with HIV/AIDS. As America's leading national Black LGBTQ/SGL civil rights organization focused on federal public policy, NBJC has accepted the charge to lead Black families in strengthening the bonds and bridging the gaps between the movements for racial justice and LGBTQ/SGL equality. NBJC is one of an increasing number of organizations that use P2P text messaging to communicate with its core constituency of Black LGBTQ/SGL people, other partner organizations and the broader public to spread the word in an efficient manner about how to get involved with the work of the organization and efforts nationally to advance intersectional public policies.

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 NBJC sends 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," 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" 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 NBJC sends to its core constituency and other supporters) are not “telephone solicitations.” The TCPA defines a “telephone solicitation” as “initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person.” NBJC does not send P2P text messages for any of these purposes. On the contrary, the P2P text messages that NBJC sends are an extremely effective means of empowering people with the knowledge and skills to competently participate in the democratic process. NBJC sends P2P text messages to mobilize our core constituency and other supporters around issues via public policies at all levels of government and within the private sector.

Furthermore, this important information is conveyed through a means that individuals expect and prefer. Where, in the past, NBJC would communicate with its core constituency and other 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 NBJC’s core constituency and other supporters with the information they want or need in the manner in which they wish to receive it. The platform allows voters to engage in the political process more directly than ever before, by communicating directly with campaigns and political organizations.

P2P text messaging has provided NBJC with a new way to communicate with the most valued members of our community - our core constituency and other supporters. We ask that the Commission approve the Petition.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Johns", with a stylized flourish at the end.

David J. Johns
Executive Director
National Black Justice Coalition