



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,

On behalf of the Bay Area Council, thank you for the opportunity to provide comments to the Federal Communications 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, or autodialer. For the reasons set forth below, we support the Petition and request that the Commission clarify accordingly.

The Bay Area Council is a regional, CEO-led business and economic policy association in the San Francisco-Silicon Valley Bay Area. Founded in 1945, the Council is dedicated to growing the Bay Area economy and solving the region's most difficult challenges. The Bay Area Council is one of an increasing number of organizations that uses or is considering using P2P text messaging to improve communications with its members about events, membership, and political discourse around campaigns and initiatives.

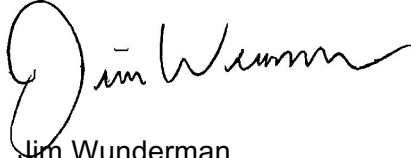
As the P2P Alliance describes in the Petition, P2P text messaging is not conducted using an autodialer, nor does P2P equipment constitute an autodialer. Every message sent using a P2P platform is sent by an individual, who manually dials each number and transmits each message one-at-a-time to a single 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 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.” The Bay Area Council does not, and would not, send P2P text messages for any of these purposes. On the contrary, the attractiveness of P2P text messaging for groups like the Bay Area Council is that it can help increase participation in the democratic process.

Furthermore, this important information is conveyed through a means that individuals expect and prefer. The platform allows voters and stakeholders to engage in the political process more directly than ever before, by communicating directly with campaigns and political organizations.

P2P text messaging provides the Bay Area Council with new ways to communicate with the most valued members of our community - our members. We ask that the Commission approve the Petition.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Wunderman". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jim Wunderman  
President & CEO  
Bay Area Council