



60 PLUS ASSOCIATION

AMERICAN ASSOCIATION OF SENIOR CITIZENS

James L. Martin
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National Spokesman

June 18, 2018

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FCC Mail Room

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:

60 Plus Association ("60 Plus") 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 For the reasons set forth below, we support the Petition and request that the Commission clarify accordingly.

60 Plus is a 25-year-old nonpartisan organization that promotes solutions to seniors' issues. 60 Plus is one of an increasing number of organizations that use P2P text messaging to communicate with its members. 60 Plus will use P2P text messaging to more effectively share information with its members.

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 60 Plus 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,"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

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¹ Petition for Clarification of The P2P Alliance, CG Docket No. 02-278 (filed May 3, 2018) ("Petition").

² Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Declaratory Ruling and Order, CG Docket

produce telephone numbers to be called, using a random or sequential number generator”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 60 Plus sends to its members) 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.”⁴ 60 Plus does not send P2P text messages for any of these purposes. On the contrary, the P2P text messages that 60 Plus sends are an extremely effective means of empowering voters and increasing participating in the democratic process. 60 Plus sends P2P text messages to notify their senior members of progress regarding urgent issues and how to effectively voice their opinions. Furthermore, this important information is conveyed through a means that individuals expect and prefer. Where, in the past, 60 Plus would communicate with its members 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 members 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 60 Plus with a new way to communicate with the most valued members of our community - our seniors. We ask that the Commission approve the Petition.

Most Sincerely,



James L. Martin
Founder/Chairman



Saulius “Saul” Anuzis
President

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³ 47 U.S.C. § 227 (a)(1).

⁴ 47 U.S.C. § 227(a)(4); *see also* 47 C.F.R. § 64.1200(f)(14).