



August 22, 2016

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, NW
Washington, DC 0554

Re: Ex Parte Presentation, WT Docket No. 08-7

Dear Ms. Dortch:

On August 18, 2016, Tom Power, David Diggs, Scott Bergmann and Matthew Gerst of CTIA met with staff of the Commission's Wireless Telecommunications Bureau, including Pramesh Jobanputra, Karen Sprung, Matt Warner and Jennifer Salhaus with regard to the above-captioned proceeding.

CTIA highlighted that the text messaging ecosystem remains a trusted (i.e. "least polluted") communications medium because text messaging providers, including carriers, have actively managed their platforms to protect consumers from spam or nuisance messages. CTIA presented information from a recent report by CloudMark, a messaging spam containment vendor, that clearly demonstrates the real-world threats to messaging's status as a trusted communications medium.

As CloudMark's report demonstrates, messaging traffic generated by NUVOs ("network unaffiliated virtual operators") like Twilio includes a disproportionate share of "suspicious" messages, including spam. Indeed, while NUVOs originated less than 10% of messaging traffic reviewed by CloudMark, their traffic disproportionately accounted for over 37% of messages that were blocked as "suspect."¹ While allowing "suspect" messages to travel carrier networks without

¹ Cloudmark, Security Threat Report, 16Q2 (August 10, 2016) *available at* <https://blog.cloudmark.com/2016/08/10/cloudmarks-security-threat-report-2016-q2/>; See also, *Where does text message spam come from? NUVOs*, Maria Korolov, CIO



oversight might generate increased revenues for NUVOs like Twilio (and even for wireless carriers), consumers would likely be subjected to billions of unwanted texts every year. For this reason alone, the Commission should reject Twilio's call for imposing Title II common carrier regulation on SMS and its call to invalidate the consumer protection measures that prevent these massive quantities of unlawful and unwanted mobile messaging from reaching and harming consumers today.

CTIA also discussed the efforts of its Messaging Working Group (MWG) to develop guidelines and best practices that enable consumers and enterprises to exchange messages with other consumers and enterprises, while investing all messaging stakeholders with the responsibility to protect consumers from unwanted or harmful traffic. In the meeting, CTIA described the MWG's progress in crafting safeguards to protect against spam, including efforts to develop mechanisms for blocking abusive or unwanted messages, consumer reporting, communication among service providers, and identifying repeat spam offenders. CTIA noted that consensus will require messaging stakeholders to collaborate on the implementation of these guidelines and best practices to facilitate innovative messaging services in ways that protect consumers from harmful and unlawful spam traffic.

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
Vice President, Regulatory Affairs
CTIA

(August 15, 2016) available at <http://www.cio.com/article/3107240/security/where-does-text-message-spam-come-from-nuvos.html>.