

JONES DAY

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November 9, 2017

BY UNITED STATES MAIL

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

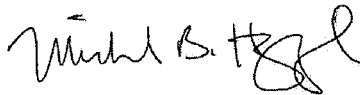
**Re: Request for Confidential Treatment
WC Docket No. 95-155 and WT Docket No. 08-7**

Ms. Salas:

In accordance with 47 C.F.R. § 0.459 of the Commission's rules, I am writing to request that the attachment to enclosed letter be given confidential treatment. I am submitting this request as an accommodation to Zipwhip, Inc., who believes the attachment document is entitled to confidential treatment. I am also filing this letter and my ex parte letter of November 7, 2017 with the attachment redacted via ECFS.

Please contact me if you have any questions or need additional information.

Sincerely,



Michael B. Hazzard

cc: Joel Rabinovitz (by electronic mail)

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November 6, 2017

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Notification of Ex Parte Meetings
WC Docket No. 95-155 and WT Docket No. 08-7

Dear Ms. Dortch:

On November 2, 2017, I conducted three ex parte meetings in the above-referenced proceedings. My first meeting was with Linda Oliver and Terry Cavanaugh of the Office of General Counsel. My second meeting was with Jay Schwarz, Wireline Advisor to Chairman Pai. My third meeting was with Ann Stevens of the Wireline Competition Bureau. Ms. Stevens was joined by the following Commission Staff members: Sherwin Siy, Alex Espinosa, William Anderle, Michael Janson, Pramesh Jobanputra, Heather Hendrickson (by teleconference), and Daniel Kahn (by teleconference).

Along with me, Rich Scanlon (CSF/Aerialink), Chris Currie (CSF/Aerialink), Noah Rafalko (Midori Interactive), Greg Fernandez (THE telco), Bob McCausland (West Corp.), David Greenhaus (800 Response), Emily Emery (Twilio), Brad Hermann (Call 'em All), Terry Hsaio (Hook Mobile), and Jeff Pulver (MoNage) attended all three meetings. Doug Gardner (Twilio) attended the meetings with the Office of General Counsel and with Jay Schwarz. Jim King (Signal One) and Greg Rogers (Bandwidth.com) by teleconference attended the meetings with Jay Schwarz and Ann Stevens and her team.

During the meetings, we advocated for the Commission's grant of Somos' pending petition for declaratory ruling. Somos has been successfully administering toll free numbers ("TFNs") as a neutral party pursuant to the Commission's RespOrg-based framework. By granting Somos' petition, the Commission would fold texting into the long-standing, well-

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understood, fair, and successful system that has been the foundation of TFN services for many years.

As in the case of voice services, Somos administers a provider-neutral, state-of-the-art registry for text messaging to TFNs. However, another provider, Zipwhip, is attempting to force the industry unwillingly to use its registry by leveraging its position in the call flow. In contrast to Somos, Zipwhip is not neutral. Rather, Zipwhip competes with the company meeting attendees as a provider of toll free texting. Further, Zipwhip has exclusive agreements with the nation's major wireless operators, pursuant to which Zipwhip kicksback to the mobile operators portions of the revenue received from providers for toll free text messages transited by Zipwhip to and from the mobile operators' networks.

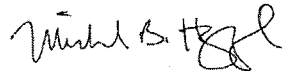
Zipwhip's effort to leverage its kickback arrangements with the mobile operators into a registry is damaging the growth of toll-free texting service. Several of the attendee companies described circumstances where Zipwhip without the RespOrg's or the consumer's permission hacked TFNs and text-enabled them in Zipwhip's registry. Zipwhip apparently has even used this technique to track text messages to businesses that have no idea their TFNs have been text-enabled by Zipwhip, and then used to market services to the customers. By virtue of its integrated relationship with the mobile operators, Zipwhip also has the ability to know with certainty the identity of all of its competitors' customers and also the content of all of their messages. This creates serious confidentiality, privacy, and data security concerns. This also creates network reliability problems. Zipwhip has had at least one major network outage, which due to its exclusivity with the mobile operators, caused the entire sector to be shut down for a material period of time. A document describing this outage, attached hereto, was provided during the Bureau meeting. Absolutely none of this would be acceptable to the Commission for any form of voice services, and it similarly should not be acceptable for toll free texting services.

Grant of the Somos petition by the Commission would be a step in the right direction. Somos' registry provides an authoritative source on each TFN's assignment and

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includes well-established test and validation criteria that have been used successfully for years as demonstrated by the virtual nonexistence of TFN slamming. Accordingly, the Commission should grant Somos' petition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael B. Hazzard", with a stylized flourish at the end.

Michael B. Hazzard

Attachment

cc: Jay Schwarz
Linda Oliver
Terry Cavanaugh
Ann Stevens
Sherwin Siy
Alex Espinoza
William Andrie
Michael Janson
Pramesh Jobanputra
Heather Hendrickson
Daniel Kahn

**ATTACHMENT
REDACTED FOR
PUBLIC INSPECTION**