



The Honorable Tom Wheeler, Chairman
Federal Communications Commission
445 12th Street, SW, Washington, DC 20554

November 6, 2015

Dear Chairman Wheeler:

We, ClearCare, Inc. ("ClearCare") are writing in support of the petition filed on August 28, 2015, asking the Commission to declare that messaging services are governed by Title II of the Communications Act.

This letter describes how ClearCare uses text messaging to reach consumers and the impact of the current practices by wireless providers to our business.

About ClearCare

ClearCare is a San Francisco-based software company that offers the world's first front- and back-office solution for private duty home care agencies primarily for seniors. ClearCare's web and mobile platform for scheduling, integrated telephony, two-way caregiver messaging, and marketing makes the business of home care administration intuitive, efficient, and paper-free. With a number of home care systems on the market, over 2,000 local and national home care agencies have chosen ClearCare's best-of-breed system for its innovation, ease of use, and point-of-care transparency. We are a leading system provider to this extremely fragmented and rapidly growing market for our aging population. As customers attest, the results include more efficient operations, lower administrative costs, growth in new clients and referrals, increased profits, lower turnover, and higher quality care.

ClearCare uses text messaging in the following ways:

- Our customers are administrators of home care agencies who rely on text messaging to reliably communicate with and notify their caregivers about important information. Our product provides functionality around these text messages for ease of use and auditing capabilities.
- We send text messages on behalf of our customers to their agencies to remind the caregivers of their scheduled shifts, provide directions to the client's home, and other timely alerts such as missed clock in alerts.
- Our customers rely heavily on these messages and pay us to deliver them. It is really important to our business that we can reliably send each and every message.

If our messages don't get delivered serious things can happen:

- **Client Impact:** A caregiver may miss their shift, which could mean that the senior citizen could miss critical care that they need. Caregivers are responsible for everything from preparing meals to giving reminders to take medications.
- **Caregiver Impact:** A caregiver may miss important scheduling instructions, hurting their ability to perform their tasks.



- **Administrator and Agency Impact:** If an administrator doesn't receive an alert that the caregiver missed a clock in to a shift they cannot take the necessary actions to insure critical care doesn't get missed.
- **ClearCare Impact:** Frustration and distrust from our users about the reliability of our product costs us money and harms our reputation with consumers. Our customer support group gets overloaded with calls and complaints just around messaging which severely negatively impacts customer satisfaction. There is also the risk of potential claims for refunds of Fees for breach of our performance warranty.

Impact of Current Carrier Practices

The current carrier practices regarding the blocking of messages haven't kept pace with innovation are arbitrary and discriminatory at best, and would be direct violations of Title II if applied to Internet access, voice or IP messaging. Title II classification of messaging would foster technological innovation and competition among businesses, developers and organizations. Most importantly: it is a consumer right.

ClearCare understands the challenges of spam and the annoyance it causes to consumers. But if the measures taken also block legitimate and important messages to be received the solution is unacceptable.

Forcing traffic onto the short codes product is likewise unacceptable. ClearCare cannot use short codes because they don't support the concept of threaded conversations that we implement with a unique from and to number.

We urge the Commission to support innovation and ensure consumer choice by declaring that messaging services are governed by Title II of the Communications Act.

Sincerely,

A handwritten signature in blue ink, appearing to read "Agnes Pak", is positioned above the printed name.

Agnes Pak
General Counsel