

FOURSQUARE

568 Broadway, 10th Floor, New York, NY 10012

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

November 16, 2015

Re: Comment regarding petition seeking a declaratory ruling clarifying the regulatory status of mobile messaging services (WT Docket No. 08-7)

Dear Chairman Wheeler:

We, Foursquare Labs, Inc. 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.

At Foursquare, we create technology to help people explore the world. People use our products to discover great places, find the best experiences around them, and turn every day into a game.

We have two consumer applications used by more than 55 million people: Foursquare, which helps people find the best places nearby with personalized city guides, and Swarm, a playful way to keep up with friends. Both apps are powered by the Foursquare Location Cloud, a location platform and geo-technology calibrated by user-generated and crowdsourced data. Our location platform also powers Pinpoint, a full-service advertising stack that helps marketers connect the digital and physical worlds with the most accurate location data on the market.

Foursquare was founded in New York City, and has offices in San Francisco, Chicago, and London.

Foursquare uses text messaging to confirm user identity on mobile as well as send users contextually relevant content about places near a user. This year, carriers have begun blocking more and more text message traffic. There are periods where Foursquare has seen 100% of the messages being blocked by certain carriers. This has significant impact on Foursquare's services. When identity verification texts are blocked users are unable to use Foursquare's services because they cannot confirm their identity. When contextual relevant content is blocked, it results in Foursquare being unable to provide its service to users in a manner the user expects, which reflects negatively on the company.

Chairman Wheeler
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The current carrier practices regarding the blocking of messages arbitrarily are harmful to businesses and consumers. This same behavior would be a direct violation 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.

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 black ink that reads "Brian R. Chase". The signature is written in a cursive style with a large, prominent initial "B".

Brian Chase
General Counsel
Foursquare Labs, Inc.