



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

November 20, 2015

Dear Chairman Wheeler,

I am writing you today to respond to Twilio's FCC petition regarding treating SMS as a Title II service. I disagree that SMS should be treated as Title II as most problems cited by Twilio have already been solved by private market forces in the industry. Additionally, declaring SMS as Title II would remove the ability for the SMS ecosystem to catch spam which hurts the consumer.

The core complaint by Twilio and other petition responders such as OneReach, ShowingTime, ClearCare, Peachd, and CareMessage is that their messages get arbitrarily blocked. The carriers have solved this problem through the creation of the E2P (enterprise-to-person) SMS services. Twilio and the other filers have the choice to use the E2P ecosystem today. Most filers simply don't know it exists, thus this is more of a market awareness problem than a need for Title II treatment.

Twilio and the other responders currently use the P2P (person-to-person) SMS ecosystem to send their commercial traffic. That set of P2P connectivity has volumetric spam algorithms in place as a first line of defense against spam which is what Twilio and other filers are referring to as "arbitrary blocking". The volumetric technique is not compatible with commercial traffic which can accidentally get blocked because the high volume can trigger a volumetric filter.

Zipwhip has worked with the wireless carriers over the last 2 years to help solve this problem. The solution exists today and is known as E2P texting. Any provider who uses the P2P ecosystem, Twilio included, has the option to move to the E2P ecosystem to gain a higher class of service where volumetric spam catching no longer occurs.

We request that the FCC look much deeper into what is really going on in the SMS ecosystem and take caution at Twilio's petition.

Sincerely,

John Lauer  
CEO  
Zipwhip, Inc.  
[jlauer@zipwhip.com](mailto:jlauer@zipwhip.com)  
(206) 582-3770