



State of North Carolina
Department of Justice

Roy Cooper
Attorney General

December 18, 2015

P. O. Box 629
Raleigh, N.C. 27602

The Hon. Tom Wheeler, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Wheeler:

I am writing to provide the Federal Communications Commission (FCC) with comments regarding the petition filed by Twilio Inc. asking you to rule on certain regulatory aspects of the activities of wireless carriers.

While complex issues regarding technology and communications law are at issue, I write simply to urge the FCC to carefully consider consumer interests and risks of fraud as it considers this petition. In particular, it should consider potential impacts on a consumer's ability to be protected from unwanted spam via text messages.

As North Carolina's Attorney General and top law enforcement officer I know that unwanted text messages, just like unwanted email or phone calls, pose several dangers for consumers.

First, unwanted text messages can facilitate fraudulent activity. A spam text message may employ solicitations or trickery to induce consumers to provide personal information to the sender of the message. For example, a text message may promise a free gift but require the consumer to share bank account information, a credit card number, or a Social Security number for the consumer to be able to be eligible for the "gift." Using the consumer's financial information the spammer can take money from the consumer's bank account or sell the information to identity thieves.

Another ploy uses a spam text message to trick a consumer into clicking on a phony hyperlink in the spam message. Once the consumer clicks the link it installs malware that collects personal or financial information from the consumer's phone, again putting the consumer at risk of theft.

Second, unwanted text messages can lead to unwanted charges on the consumer's wireless phone bill. Under some plans consumers are charged for incoming text messages

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regardless of whether they want them or not. An increase in unwanted text messages can lead to unwanted charges.

Third, text messages take up space on the phone's memory, especially if they contain images or other large data. An increase in the amount of unwanted text messages has the potential to slow the performance of a consumer's phone.

In summary, any change in FCC regulatory policy that resulted in a large increase in the amount of unwanted text messages to consumers has the potential to lead to increased fraud, unwanted charges on a bill, and slower performance on the consumer's mobile device.

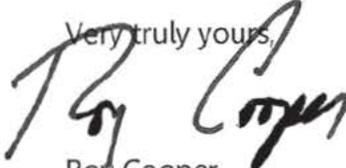
To date, text messaging is generally unpolluted by a large volume of spam as compared to the volume of unwanted telemarketing calls and emails that consumers receive. Many consumers are accustomed relatively spam-free text messaging, and, accordingly, have increasingly used text messages in order to communicate timely or important messages to friends, family members, co-workers and others they know and trust.

Therefore, I respectfully urge the Commission to closely examine the current environment regarding text messaging, the tools and filters currently being used by carriers in an attempt to reduce text messaging spam, and the potential impact that any policy changes being advocated in the petition would have on a carrier's ability to shield its customers from text message spam.

Any new rules that would change the telecommunications landscape in a way that resulted in a significant increase of spam text messages to consumers have the potential to harm the public. Therefore, I request that you take these considerations in mind as you examine the pending petition filed by Twilio.

Thank you for your consideration of these important matters and for your service to our country.

With kind regards, I am

Very truly yours,

Roy Cooper

RAC/sm