



03/29/16

Via Electronic Filing

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-A325
Washington, DC 20554

Re: Notice of *Ex Parte* Presentation; CG Docket No. 02-278

Dear Ms. Dortch,

TextPower, Inc., urges the FCC to issue a declaratory ruling as requested in the EEI Petition, and further advocated by the National Rural Electric Cooperatives Association (NRECA) in their *ex parte* filing dated February 15, 2016, as expeditiously as possible so that rural electric cooperative members are not deprived of the most effective means of communication.

TextPower, Inc., provides both individualized and bulk high-speed text messaging notifications for rural electric cooperatives around the country. Our service integrates with the utility's outage management software and facilitates the sending and receiving of text messages in the event of a power outage, impending storm, street closures and other items of an informational or emergency nature. It is essential to reach as many people as quickly as possible in situations like those.

The perceived uncertainty surrounding the issue of "prior consent" in the Petition for a Declaratory Ruling (Edison) is particularly vexing for these utilities. They want to use text messaging to the largest group of customers possible but recognize that getting specific consent from each one is a laborious and protracted process. Furthermore, they need assurances that if they do send text messages to their customers which contain exclusively informational or emergency content they will not be viewed as being in violation of the TCPA.

It is for those reasons that TextPower strongly encourages the Commission to issue the requested Declaratory Ruling. Circumstances unique to utilities strongly suggest its benefits:

- TextPower's customers, which comprise both large and small electric cooperatives, have a need to effectively and speedily communicate with their members whenever an



emergency situation arises. Phone calls to landlines, or even to wireless phones, are costly, time-consuming and largely ineffective because many people will not answer a phone call unless it is very convenient.

- Our utility customers have told us, because their members have told them, that text messaging is the most desired form of communication because it is fast, unobtrusive and cuts through the clutter of other mobile communication methods. In fact, 95% of all text messages are read within three minutes - a fact which is even more relevant when important information such as power outage status or even storm warnings are being communicated to utility cooperative members.

- When given a choice more than 80% of members choose text messaging as their preferred form of communication from their utility company.

- In power outage scenarios, which may engender life-threatening situations such as dialysis machinery, power generators for climate control for livestock, etc., other forms of communication such as desktop computers and even landline telephones may not function. Text messages do not suffer from the same limitations and have proven to be invaluable in natural disasters.

- In urgent and potentially deadly situations such as a precautionary boil water notice, speed is of the essence. Text messaging can inform more than 10,000 per minute making it the fastest method available.

- Electric cooperatives are, by definition, owned by the membership so keeping costs down is essential to them. Text messaging is the lowest cost method of delivering information of an urgent or emergency nature.

The Commission has already concluded that a consumer's release of their telephone number constitutes prior express consent for informational text messages. Grant of EEI's Petition would merely restate this finding and give utilities confidence that they may send informational text messages to their customers without fear of running afoul of the Commission's regulations.

Respectfully submitted,

/s/Scott Goldman

Co-Founder and CEO
TextPower, Inc.