April 25, 2016

VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Notification of Ex Parte, WT 08-7

Dear Ms. Dortch

On April 21, 2006, CallFire, Inc. ("CallFire") conducted an ex parte meeting with Commission Staff in the above-referenced proceeding. Commission Staff attendees included Pramesh Jobanputra, Jennifer Salhus, Karen Spring, Kristi Thompson, and Matt Warner. Michael Hazzard of Arent Fox, LLP and I also attended the meeting. I distributed the attached presentation, which served as the basis of discussion. The Commission should take action to clarify that messaging is always has been a Title II common carrier service and grant Twilio's petition.

Sincerely,

/s/

TJ Thinakaran
Co Founder & Chief Operating Officer

Attachment

CallFire

WT Docket 08-7
April 21, 2016

Agenda

- CallFire overview

- The Commission should grant Twilio's Petition

- The Commission's TCPA framework works to minimize unsolicited messages (i.e., spam)

- Regulatory inaction is harming consumers, competition, and the development of the mobile economy

CallFire

CallFire

- Next generation telecom carrier based in Santa Monica, California
  - Voice, messaging, and application services
  - Software technology company
  - Over 10 years in business
  - Federal, state, and international licenses and registrations
- Business practices based on complying with the rules
- What is good for the consumer is good for CallFire

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- Zero-tolerance policy for "spammers and scammers"
- Sophisticated network management practices in place
  - Proactive monitoring of accounts
  - Algorithms used to identify potential service and network misuse
  - Suspend and investigate policy strictly enforced
  - Rigorous education practices for employees and subscribers

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The Commission should grant Twilio's petition

- Text messaging is the most prevalent form of communications today

- The Commission already has brought messaging into Title II
  - Voice and text "calls" equally brought into the TCPA, section 227 of the Communications Act (a Title II provision)
  - Interconnected text applications must support 911

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The Commission's TCPA regs protect against spam

- The Commission's TCPA regulations set forth an anti-spam, consumer consent framework that is working

- Messages that consumers want are not spam

- 2015 Order provided substantial additional clarity
  – Consent/revocation further defined
  – Consumers (not carriers) fully empowered to block unwanted calls
  – "Stop" works

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The Commission's TCPA regs protect against spam

- Substantial enforcement mechanisms exist to discourage unsolicited messages
  - Private right of action; statutory bounty of $500-$1500 "per call"
  - Commission inquiries/investigations and forfeiture power
  - Legal/litigation risks encourage compliance investment
- CallFire and others invest in compliance
  - Network management/fraud detection
  - Employee and customer education
- Compliance protects good businesses, like CallFire

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The Commission's TCPA protects against spam

- Other Title II provisions should equally apply, e.g.,
  - Nondiscriminatory interconnection
  - Number portability
  - Proper routing
  - No carrier blocking, choking, or filtering
- Consumers rightly expect their messages to go through, just like other calls; consumers can block unwanted calls
- Protect the ubiquity and seamlessness of the PSTN

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Regulatory inaction is creating material harm

- Consumers are being harmed
  - Short Codes don't work on all mobile operators
  - Carrier blocking affects all parties on a shared Short Code
  - Public safety issue for campus wide alerts
  - Erratic long code blocking without notice or knowledge
- Competition is being harmed
  - Number portability is unpredictable
  - Routing changes without authority
  - Discrimination against providers and innovative use cases

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Regulatory inaction is creating material harm

- Innovation is being harmed
  - Short code functionality limited
  - Long code functionality artificially constrained
  - Valid uses of messaging routinely blocked
    - Two-factor authentication
    - Banking alerts
    - University network outage alerts
    - At least four churches blocked using long codes

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