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
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

- 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
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
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
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
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
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
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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