

March 4, 2010

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St. SW  
Washington, DC 20554

RE: Notice of *Ex Parte* presentation in: WC Docket 08-7

Dear Ms. Dortch:

On behalf of Public Knowledge, this letter is to provide information relating to discussions between Public Knowledge (PK) and a member of the Commission's staff on March 4, 2010.

Present at the meeting were: Harold Feld, Legal Director, PK; Michael Weinberg, Staff Attorney, PK; and John Giusti, Chief of Staff, Commissioner Copps, FCC.

PK reviewed the contents of its text message petition and urged quick Commission resolution. If the Commission prefers to address the issues presented in the petition separately, PK urged the Commission to declare SMS text messaging a Title II service and then move forward with an investigation into the short code market. There is no need to refresh the record in order to clarify the status of SMS text messages, as the technology underlying SMS text messages has not changed significantly since the original petition comments, nor has its marketing to the public.

Finally, PK noted that the declaration of SMS text messages as a Title II service is not the same as a finding that there are any unjust or unreasonable practices occurring within that market. Such a finding would require additional Commission action and investigation, above and beyond the straightforward classification process.

In accordance with the FCC's *ex parte* rules, this document is being electronically filed in the above-referenced dockets today.

Sincerely,

\_\_\_\_\_/s/\_\_\_\_\_  
Michael Weinberg  
Staff Attorney  
Public Knowledge

CC: John Giusti