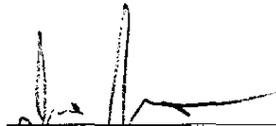Declaration of Jed Alpert

I, Jed Alpert, declare as follows:

1. I have been involved in the text and mobile messaging industry for nine years.

2. I am the Co-founder and Chief Strategy Officer for Mobile Commons.

3. Mobile Commons has been in business for three years.

4. Mobile Commons provides a software platform to businesses and nonprofits, which allows them to easily implement mobile applications that integrate text, web, and voice with their overall communication strategy.

5. A short code is a five or six digit number used for text-based services.

6. Each short code must be individually registered with each individual wireless carrier. This process is called "aggregation."

7. It is complicated, expensive, and time consuming to lease and aggregate a short code.

8. Mobile Commons has a number of shared short codes it has already acquired and aggregated available for use by its customers.

9. Many organizations prefer to use a shared short code because using an existing shared short code is significantly less expensive and faster than implementing a new code.

10. With a shared short code, organizations are given a specific term ("keyword") to publicize but are not the only organization using the actual short code. For example, an environmental organization might tell supporters to text "GREEN" to 12345 while a public health department might tell the public to text "FLU" to the same 12345 short code. Based on the texted term, Mobile Commons can correctly differentiate why the individual has texted that code.

11. A program brief is a detailed description of how a short code will be used.

12. In my experience a program brief is filed when a short code is first aggregated with the carriers.

13. This brief covers all potential uses of the short code and almost never requires updating.

14. Catholic Relief Services (CRS) is the international humanitarian agency of the US Catholic Community.

15. Shortly after the recent earthquake in Haiti CRS activated a relief effort to assist . victims.

16. OpenMarket is a short code aggregator.

17. Short code aggregators serve as an intermediary between wireless carriers and text messaging platforms.

18. There are about seven carrier-approved aggregators and the carriers require that mobile platforms go through them rather than directly with the carriers.

19. Among other services, short code aggregators often help draft applications, suggest effective ways to present proposals to wireless carriers, and generally guide users though the short code process.

20. Aggregators are dependent on having strong and semi-exclusive relationships with each carrier.

21. It is not in the aggregators' commercial interests to push back against carriers in support of any individual service.

22. A text to give donation program allows a mobile phone user to text a keyword to a short code and have a donation charged to that user's phone bill

23. Carriers limit text to donations at either $5 or $10.

24. Carriers prevent recipient organizations from sending donors additional information via text message.

25. A text to call program allows a mobile phone user to text a keyword to a short code, receive a message back that contains a number to call or ask for text reply which will thus initiate a voice call from the recipient organization back to that donor.

26. Once the caller is connected with the organization, the organization has the opportunity to describe its program, offer volunteer opportunities, offer help to someone who reaches out for help, and take a donation.

27. There is no limit to the size of a donation given through a text to call program.

28. On January 12, 2010 an earthquake struck Haiti.

29. On or about January 16, 2010 CRS contacted Mobile Commons about a text to call donation program in support of CRS' Haitian relief program.

30. On January 16, 2010 Mobile Commons launched a text to call donation program.

31. On January 19, 2010 OpenMarket communicated to me that Sprint intended to shut off the shared short code used by CRS unless the text to call program was terminated.

32. I requested that OpenMarket provide me with a written declaration of Sprint's intent.

33. After much back and forth OpenMarket told me that Sprint was upset that Mobile Commons had not filed a program brief for the CRS program.

34. OpenMarket informed me that Sprint had agreed to delay shutting off our short code until it had reviewed the program brief.

35. Mobile Commons has never before been asked to file a program brief after a short code has been aggregated.

36. On January 22, 2010 Mobile Commons received a general notice from OpenMarket that all text message-related fundraising programs required per-program, per-carrier approval.

37. This is the first such demand for per-program, per-carrier approval I have ever seen.

38. I understand this requirement grants carriers sole discretion as to the contents of a properly opted into text message, as well as the ability to reject a program for any reason.

39. Granting carriers sole discretion to arbitrarily deny text message programs will have a chilling effect on innovation in this market.

40. On January 26, 2010 Mobile Commons filed a detailed program brief with OpenMarket.

41. On February 17, 2010 I was notified by OpenMarket that Sprint had formally rejected the CRS text to call program.

42. As a result, if I do not close the program within 40 days of receiving the notice Sprint intends to block access to my short code on the Sprint network.

43. If my short code is blocked by Sprint no program using it will be able to access Sprint customers.

44. This is true even if customers have opted into a program that relies on the short code.

45. Even if Sprint were to reverse its decision, I would not recommend that a customer promote a similar campaign in the future for fear of it being similarly disrupted.

46. I believe the ongoing uncertainty created by this decision will prevent innovation from occurring because of the investment risk to customers.

47. I expect that as this incident becomes known in the industry, other businesses that help businesses and non-profits design and implement campaigns will be similarly reluctant to create innovative text message programs.

Jed Alpert
March 15, 2010