

April 12, 2010

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

RE: Notice of *Ex Parte* presentation in:

WT 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 April 9, 2010.

Present at the meeting were: Harold Feld, Legal Director, PK; Michael Weinberg, Staff Attorney, PK; Louis Peraetz, Acting Legal Advisor, Wireless, International, and Public Safety, Office of Commissioner Clyburn FCC.

PK urged the Commission to expeditiously resolve its pending text message petition. PK noted that the recent incident involving Sprint and Catholic Relief Services was not evidence of Sprint's intention to do harm to either Catholic Relief Services or the people of Haiti. Instead the incident, and Sprint's response, vividly illustrated the shortcomings of the current short code system. Rules and lines of communication are unclear, which inevitably leads to unnecessary over-blocking of text message programs. Innovators hoping to use the text messaging and short code platform are often reluctant to do so because of the uncertainty in the provisioning of short codes.

PK also discussed the TCPA's inclusion of text messaging in its "call" category and, while recognizing that this designation is not controlling as to regulatory classification, noted that it suggested that Title II classification of text messages would be proper.

Additionally, PK pointed out that resolving the status of text messages might provide a model for other statutory classifications in light of recent court decisions.

Finally, PK reminded the Commission that it should be a straightforward process to define the regulatory status of text messages, thus freeing the Commission to move on to examining problems with the short code market.

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: Louis Peraetz