

April 12, 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:

WT Docket 08-7  
CSR-7902-Z  
CS Docket No. 97-80  
GN Docket No. 09-51

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; David Goldman, Legal Advisor, Office of the Chairman, 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 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.

Additionally, PK expressed concern about recent reports that the Commission is considering incorporating the Evolution waiver into existing rules. PK noted that such a decision would undermine reform efforts by allowing "basic" set top boxes to operate a high level of functionality. This would decrease consumer incentive to consider alternative set top boxes and undermine independent developers who have relied on existing Commission rules.

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: David Goldman