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June 22, 2012

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VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Notice – SoundBite Communications, Inc., Petition for Expedited Declaratory Ruling in CG Docket No. 02-278

Dear Ms. Dortch:

On June 20, 2012, Monica Desai, counsel to SoundBite Communications, Inc. (“SoundBite”), contacted Kim Mattos, assistant to Sean Lev (Acting General Counsel, Federal Communications Commission), by e-mail to request a meeting with Mr. Lev regarding SoundBite’s pending Petition for Expedited Declaratory Ruling.¹ Marcus Maher (Assistant General Counsel, Office of General Counsel) and Raelynn Remy (Attorney-Advisor, Office of General Counsel) were copied on the e-mail correspondence.

Ms. Desai provided context for her meeting request by explaining that SoundBite has requested that the Commission clarify that the Telephone Consumer Protection Act (“TCPA”) is not violated in the narrow case when a subscriber opts out of receiving future text messages from an organization, and that organization sends a one-time, immediate confirmation that the subscriber has been opted out. Ms. Desai explained in the meeting request that allowing organizations to send this type of confirmation message is good policy, as reflected by the fact that even the FCC – along with a wide range of other government entities, political campaigns, and non-profit organizations, including the Obama campaign, the Romney campaign, USA.gov, and Consumers Union – send the same type of opt-out confirmation messages. Ms. Desai emphasized that this narrow issue has

¹ *SoundBite Communications, Inc.*, Petition for Expedited Declaratory Ruling, CG Docket No. 02-278 (filed Feb. 16, 2012).

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multi-billion dollar ramifications as a result of class action lawsuits, through which plaintiff lawyers are attempting to extract millions of dollars from companies such as SoundBite by claiming that such one-time confirmation messages violate the TCPA. It is urgent that the Commission act expeditiously. While the Commission waits to act, the financial burden on SoundBite is growing as it is forced to defend itself against these harassing and extortion class action lawsuits.

As background information, Ms. Desai provided copies of the following documents.

- 1) SoundBite's Comments, dated April 30, 2012;
- 2) SoundBite's Reply Comments, dated May 15, 2012; and
- 3) SoundBite's Notice of Ex Parte, dated June 8, 2012.

Respectfully submitted,



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cc: Marcus Maher
Raelynn Remy