

October 24, 2012

VIA ECFS

EX PARTE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

Re: *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, CG Docket No. 02-278*

Dear Ms. Dortch:

On October 22, 2012, Scott Goodstein of Revolution Messaging, LLC and the undersigned met with Zac Katz, Elizabeth Andrion and Lyle Elder to discuss Revolution Messaging's petition for expedited clarification and declaratory ruling filed in the above-referenced proceeding.¹ During the meeting, Mr. Goodstein explained that political campaigns have been sending unsolicited text messages to mobile devices using Internet-to-phone text messaging technology, in apparent violation of Section 227 of the Communications Act. Mr. Goodstein shared the attached screen shots, which are examples of unsolicited text messages recently sent using Internet-to-phone technology. We also explained that it is critical that the Commission act on the Petition as soon as possible so that political campaigns understand clearly the extent to which the terms of Section 227 and the Commission's implementing rules apply to texts sent using Internet-to-phone technology as well as texts sent using similar types of technology.

¹ See Revolution Messaging's Petition for an Expedited Clarification and Declaratory Ruling, CG Docket No. 02-278 (Jan. 19, 2012) ("Petition").

Please do not hesitate to contact me at (202) 303-1111 if you have any questions or concerns about this submission.

Respectfully submitted,

/s/ Thomas Jones

Counsel for Revolution Messaging, LLC

cc: Zac Katz
Elizabeth Andrion
Lyle Elder

Enclosure

Messages

romneywins6...

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Oct 3, 2012, 6:10 PM

Romney Defeats Obama in Debate!

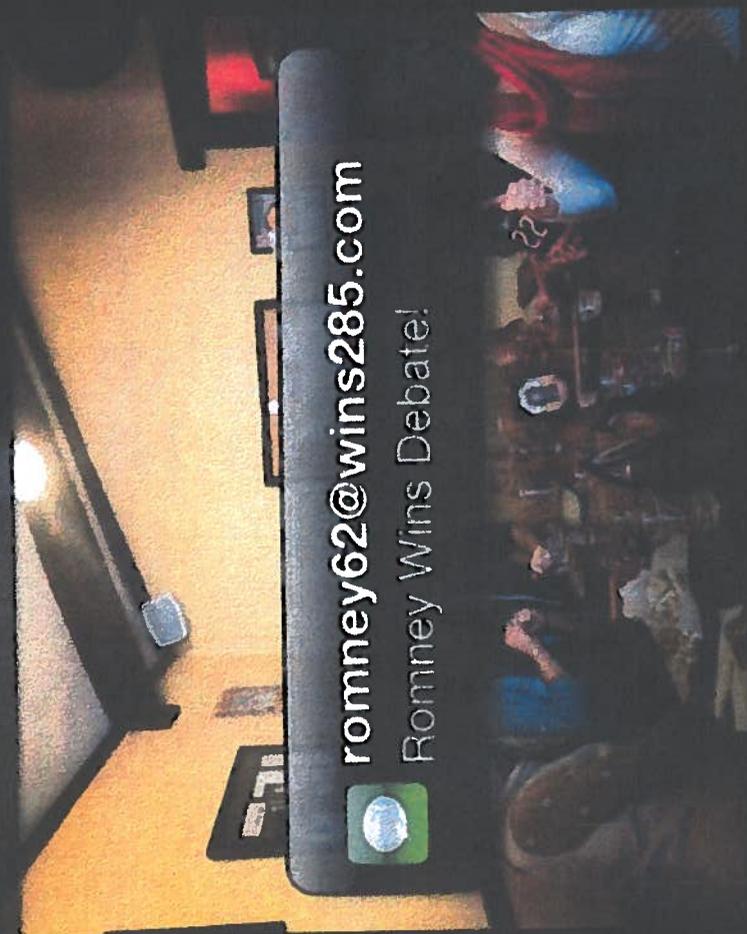


Text Message

Send

10:12

Tuesday, October 16



 romney62@wins285.com

Romney Wins Debate!



slide to unlock



Collin Burton

47 minutes ago via mobile
near Washington



Talk about intentional misinformation: This text was sent to a Republican friend last night, 30 minutes before the debate was over. Disgusting.

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