

November 8, 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. CG 02-278

Dear Ms. Dortch:

This letter memorializes a meeting that took place on Thursday, November 8, 2012, between Priscilla Delgado Argeris (Legal Advisor to Commissioner Rosenworcel), and SoundBite Communications, Inc. executives Bob Leahy (Chief Operating Officer and Chief Financial Officer), John Tallarico (Vice President of Product Management), and Monica Desai, counsel to SoundBite. The purpose of the meeting was to discuss SoundBite's Petition for Expedited Declaratory Ruling ("Petition").¹

During the meeting, SoundBite discussed the need for the Commission to act quickly to clarify that in the narrow circumstance when a subscriber sends a text message choosing to opt-out of receiving future text messages, and a one-time immediate reply is sent back via text to confirm the opt-out, that single confirmation message is not a violation of the Telephone Consumer Protection Act ("TCPA")² or Section 64.1200 of the Commission's rules.³ SoundBite emphasized that expeditious action is particularly needed in light of the tremendous pressure mounting on the company caused by existing pending litigation and the uncertainty of future TCPA liability over one-time, opt-out confirmation texts.

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

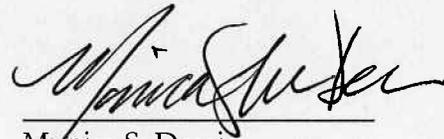
² Telephone Consumer Protection Act of 1991, 47 U.S.C. § 227 (2000 & Supp. 2005) ("TCPA").

³ 47 C.F.R. § 64.1200.

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SoundBite reiterated the points made in an ex parte letter filed earlier in the week,⁴ and highlighted a very recent federal court decision squarely addressing and supporting the position taken by SoundBite in its Petition, using “common sense” as the basis for its decision.⁵

Respectfully submitted,



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⁴ SoundBite Ex Parte Filing (November 7, 2012).

⁵ *Ryabysbchuck v. Citibank*, Case No. 11-CV-1236 – IEG(WVG)(S.D. Cal. 2012).