

December 7, 2012

**Ex Parte**

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

*Re: PS Docket Nos. 11-153 and 10-255*

Dear Ms. Dortch:

On December 6, 2012, I spoke separately with Charles Mathias, Special Counsel to Chairman Genachowski, Angela Giancarlo, Chief of Staff & Senior Legal Advisor to Commissioner McDowell, Louis Peraertz, Legal Advisor to Commissioner Clyburn, and David Goldman, Senior Legal Advisor to Commissioner Rosenworcel, about the above-referenced proceeding. I suggested that, in addition to considering the important jurisdictional and technical questions concerning the application of any FCC text-to-911 rules to over-the-top texting mechanisms, the Commission should also make explicit in its forthcoming Further Notice of Proposed Rulemaking that any proposed definition of covered applications includes only software that: (1) is installed on a device that determines the user's location using a technology that meets the enhanced 911 requirements set forth in 47 C.F.R. § 20.18(h); and (2) independently enables the user to send text-based messages to and receive text-based messages from any valid North American Numbering Plan telephone number via the short message service protocol.

Pursuant to the Commission's rules, this letter is being submitted for inclusion in the public record of the above-referenced dockets.

Sincerely,



Paul Margie  
*Counsel to Apple Inc.*

cc: Charles Mathias  
Angela Giancarlo  
Louis Peraertz  
David Goldman