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March 19, 2014

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Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: **Ex Parte Notice – Retail Industry Leaders Association (“RILA”), Petition for Declaratory Ruling in CG Docket No. CG 02-278**

Dear Ms. Dortch:

This letter documents two conversations on March 19, 2014, between Monica Desai of Patton Boggs LLP, counsel to the Retail Industry Leaders Association (“RILA”), and each of the following individuals from the Federal Communications Commission: Nicholas Degani, Legal Advisor, Wireline to Commissioner Ajit Pai, in person; and Adonis Hoffman, Chief of Staff and Senior Legal Advisor, Media to Commissioner Mignon L. Clyburn, by teleconference.

In each of the conferences, Ms. Desai discussed the points raised in RILA’s Petition for Declaratory Ruling and subsequent comments and reply comments,¹ regarding its request that the Commission declare that the Telephone Consumer Protection Act rules effective October 16, 2013,² do not apply to isolated, immediate, one-time responses to consumer-initiated requests for text offers (“on demand text offers” or “on demand texts”), where such communications: (1) are proactively initiated by the consumer, not a telemarketer, (2) consist of isolated, one-time only messages sent immediately in response to a consumer’s specific request, and (3) contain only the specific information requested by the consumer.

¹ Retail Industry Leaders Association, *Petition for Declaratory Ruling*, CG Docket No. 02-278 (filed Dec. 30, 2013); *Comments of the Retail Industry Leaders Association*, CG Docket No. 02-278 (filed Feb. 21, 2014); *Reply Comments of the Retail Industry Leaders Association*, CG Docket No. 02-278 (filed Mar. 10, 2014).

² See *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, FCC 12-21, ¶ 20 (rel. Feb. 15, 2012); see also 47 C.F.R. § 64.1200 *et al.*

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Respectfully submitted,



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cc:

Nicholas Degani

Adonis Hoffman