



Pillsbury Winthrop Shaw Pittman LLP
1200 Seventeenth Street, NW | Washington, DC 20036 | tel 202.663.8000 | fax 202.663.8007

Glenn S. Richards
tel 202.663.8215
glenn.richards@pillsburylaw.com

April 25, 2016

VIA ECFS

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

Re: WT Docket No. 08-7 - Notice of Ex parte Communication

Dear Ms. Dortch:

On April 21, 2016, Darah Franklin, Craig Lennon, and Alex Weisen of Google, Brendan Kasper, of Vonage, Marlo Go Stroud and Vincent Paquet of Dialpad (both by phone), Joseph Cohen of Pillsbury, and the undersigned (all on behalf of the Voice on the Net Coalition or "VON") met with Pramesh Jobanputra, Jennifer Salhus, Karen Sprung and Matt Warner of the Wireless Telecommunications Bureau, Kristi Thompson of the Enforcement Bureau, Timothy May (by phone) and David Siehl of the Public Safety and Homeland Security Bureau, Melissa Kirkel of the Wireline Competition Bureau, and John Adams of the Consumer and Government Affairs Bureau, to discuss VON's filings in the above-referenced docket.

In particular, VON discussed the disparate treatment of carrier and non-carrier messaging services by the wireless carriers. VON stated that the short code use case approval process is unpredictable, untimely, not uniformly applied and pricing is excessive. Carriers reject program briefs based on ambiguities and discrepancies in industry rules and best practices, and on the basis of policies unilaterally applied by individual carriers. The approval process can take months and applicants must continue to pay the monthly lease fees during the review period.

VON further expressed its concerns with the CTIA Messaging Guidelines process. Specifically, it has been slow to adapt to changes in the rapidly-developing market for non-carrier messaging services, including texts to toll-free numbers. There is also no enforcement mechanism for the guidelines and individual carriers impose different criteria, including more stringent volumetric filters. VON addressed concerns about spam messages, but suggested that there is no evidence that non-carrier messaging providers are particularly at fault, and noted that industry is developing solutions to prevent blocking of spam that does not also block wanted messages.

VON reiterated that it is not seeking a regulatory solution and that it opposes Title II classification for messaging services. VON did ask FCC staff to request that the carriers specifically respond to the numerous concerns raised by parties in this docket. In addition, VON recommended that the FCC urge CTIA to toughen the Messaging Guidelines to include

Ms. Marlene Dortch

April 25, 2016

Page 2

accountability by asking members to become actual signatories to the guidelines and make an annual certification of their commitment to following the guidelines. That certification could be made via a public filing to Chief of the Wireless Telecommunications Bureau.

VON also offered to organize a FCC-sponsored working group that would include the wireless carriers and the providers of non-carrier messaging services. The goal would be to have interested parties work together in a constructive setting to create voluntary, truly enforceable messaging guidelines. By having the FCC facilitate this process, VON expects that the level of cooperation would increase considerably as compared to the CTIA messaging working group.

Should none of these voluntary solutions be workable, VON restated the position in its comments and reply comments that that the Commission can use its Title I and Title III authority to impose nondiscrimination and no blocking requirements on wireless carriers.

Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

By: _____ /s/

Glenn S. Richards

Counsel for the Voice on the Net Coalition

CC (via email): Pramesh Jobanputra
Jennifer Salhus
Karen Sprung
Matt Warner
Kristi Thompson
Timothy May
David Siehl
Melissa Kinkel
John Adams