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May 7, 2024

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

**Re: *Ex Parte* Presentation of VON Coalition;
CG Docket Nos. 21-402, 02-278, and 17-59**

Dear Ms. Dortch:

On May 3, 2024, the undersigned, as outside counsel to the Voice on the Net Coalition (“VON”), met via video conference with the following officials from the Commission’s Consumer and Governmental Affairs Bureau: Mark Stone, Deputy Bureau Chief; Aaron Garza, Legal Advisor; Wesley Platt, Chief, Consumer Policy Division (“CPD”); Kristi Thornton, Deputy Chief, CPD; Jerusha Burnett, Attorney Advisor, CPD; and Mika Savir, Attorney Advisor, CPD (collectively, the “Meeting Participants”). During the meeting, we discussed and elaborated upon points made in VON’s comments and reply comments in response to the *Second Further Notice of Proposed Rulemaking* in the above-referenced proceeding.¹ We also shared the attached presentation.

The purpose of the meeting was to discuss VON’s core proposal in this proceeding: that the Commission require and oversee a process whereby a neutral, third-party entity is selected to vet application-to-person (“A2P”) traffic on a technology-neutral basis, with policies applied equally to all traffic regardless of whether the traffic in question is initiated via a Unified Communications as a Service (“UCaaS”) platform or directly on a mobile network operator (“MNO”) network. By engaging in this common-sense level of oversight, the Commission would further the goal of protecting consumers, combatting unlawful text messages, and promoting competition in the marketplace for communications services.

To provide context for VON’s interest in the proceeding, we began the meeting by explaining the ways in which small businesses, nonprofit organizations, government agencies, and enterprises of all sizes rely on UCaaS platforms like those offered by VON members. Using a single interface like the one depicted on Slide 2 of the attached presentation (titled “What is a

¹ See *In re Targeting and Eliminating Unlawful Text Messages*, Second Report and Order and Second Further Notice of Proposed Rulemaking, FCC 23-107 (Dec. 18, 2023); Comments of The Voice on the Net Coalition (Feb. 26, 2024); Reply Comments of The Voice on the Net Coalition (Mar. 11, 2024).

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UCaaS platform?”), individuals within an organization can access video conferencing, PSTN calling, SMS/MMS texting, instant messaging, and collaboration tools for sharing documents and the like. That interface can easily be accessed by everyone in the organization from their workstations, home laptops, mobile phones, and other devices.

As discussed, customers of UCaaS platforms increasingly seek to use that unified interface to text to and from their existing, trusted business telephone numbers, both within their organizations and with customers and other constituencies. Unfortunately, VON members and the organizations they serve have experienced substantial difficulty in helping these organizations communicate via texting due to inefficiencies and imbalances in the current system for vetting text messages. VON members’ experience of the current ecosystem is depicted on Slide 3 (titled “Current Ecosystem...”).

In particular, UCaaS customers must complete a multi-step process for registering text messaging “campaigns” with The Campaign Registry (“TCR”), which involves the payment of fees, the disclosure of competitively sensitive information, and in some circumstances weeks of waiting for a response, before they can send a single text. TCR functions as a gatekeeper for all traffic sent over third-party UCaaS platforms, and any traffic that has not been registered with TCR will be blocked. This is true even when the texts at issue are wholly conversational in nature, like SMS exchanges between coworkers or a text from a medical office to a patient about the rescheduling of an appointment. To be clear, the vetting role currently played by TCR is an important one and *could* be beneficial to both senders and recipients of non-conversational SMS and mass-messaging campaigns. But lack of public oversight over this process gives a single private entity an outsized role, making the consequences of any error or imbalance in its processes, even if unintentional, substantial.

By comparison, each MNO decides unilaterally whether to vet a given sender’s text messages on its platform, and if so, the policies, procedures and timelines that will apply. While MNOs have asserted that their review processes are as thorough as TCR’s slower and less predictable one, there is no way to verify those claims.² MNOs also do not appear to subject their own business customers’ texts to vetting for conversational, person-to-person (“P2P”) traffic—conferring an artificial advantage in the marketplace over third-party UCaaS platforms, which today are required to subject such conversational traffic to TCR’s processes for A2P traffic.

We emphasized that VON *supports* reasonable vetting of text messaging traffic, but for all providers. Indeed, with effective and consistent policies applied industrywide, *more* and better vetting is likely to occur, not less. The critical change that VON seeks is for the Commission to step in and oversee the selection of a neutral, third-party entity that will administer policies that apply equally across the industry and not just to “third party” senders.

² See Reply Comments of CTIA at 8-9 (Mar. 11, 2024) (suggesting that the purpose of TCR “is to ensure that non-mobile network operator (‘MNO’) text senders apply the same standards the MNOs themselves apply”).

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In VON’s view, this limited but important step by the Commission will better serve the goal of reducing unlawful text messages. MNOs would of course continue to play a vital role in reducing unlawful text messages. The sole change is that they would be subject to the same policies and procedures as other senders. This approach also will increase the likelihood that the party tasked with neutral vetting operates efficiently and effectively, given that MNOs themselves will experience that entity’s vetting processes and be motivated to encourage improvements—thereby aligning the incentives of MNOs, UCaaS providers, and consumers. Slide 4 of the attached presentation (titled “Proposed Ecosystem...”) demonstrates how the proposed uniform system for vetting A2P traffic could work.³

We concluded our presentation by addressing some mistaken claims in the record. For example, we made clear that the majority of VON members’ customers are nonprofits, small businesses, and other entities that use text messages for non-marketing purposes (*e.g.*, conversations between employees, appointment reminders, and responding to customer service inquiries). Painting every communication sent over a UCaaS platform as “non-consumer” and thus implicitly less deserving of an efficient and effective vetting process ignores the role these organizations play in their communities. We also emphasized that, contrary to certain claims in the record, VON has *not* advocated for a “content-neutral” blocking standard.⁴ In fact, the technology-neutral approach proposed by VON would eliminate loopholes in the current system, not create them. It would ensure that safeguards apply uniformly to A2P text messaging and that P2P messaging is treated as P2P traffic whether initiated directly on an MNO network or via a UCaaS platform.

Please direct any questions to the undersigned.

Respectfully submitted,

_____/s/_____
Matthew S. DelNero
Yaron Dori

Counsel to the VON Coalition

cc: Meeting Participants

³ The VON representatives suggested that the Industry Traceback Group (“ITG”) could serve as a model for a neutral registration entity, not because VON is proposing traceback of text messages, but because the Commission played a similar role in selecting and ensuring the accountability of the industry-led ITG.

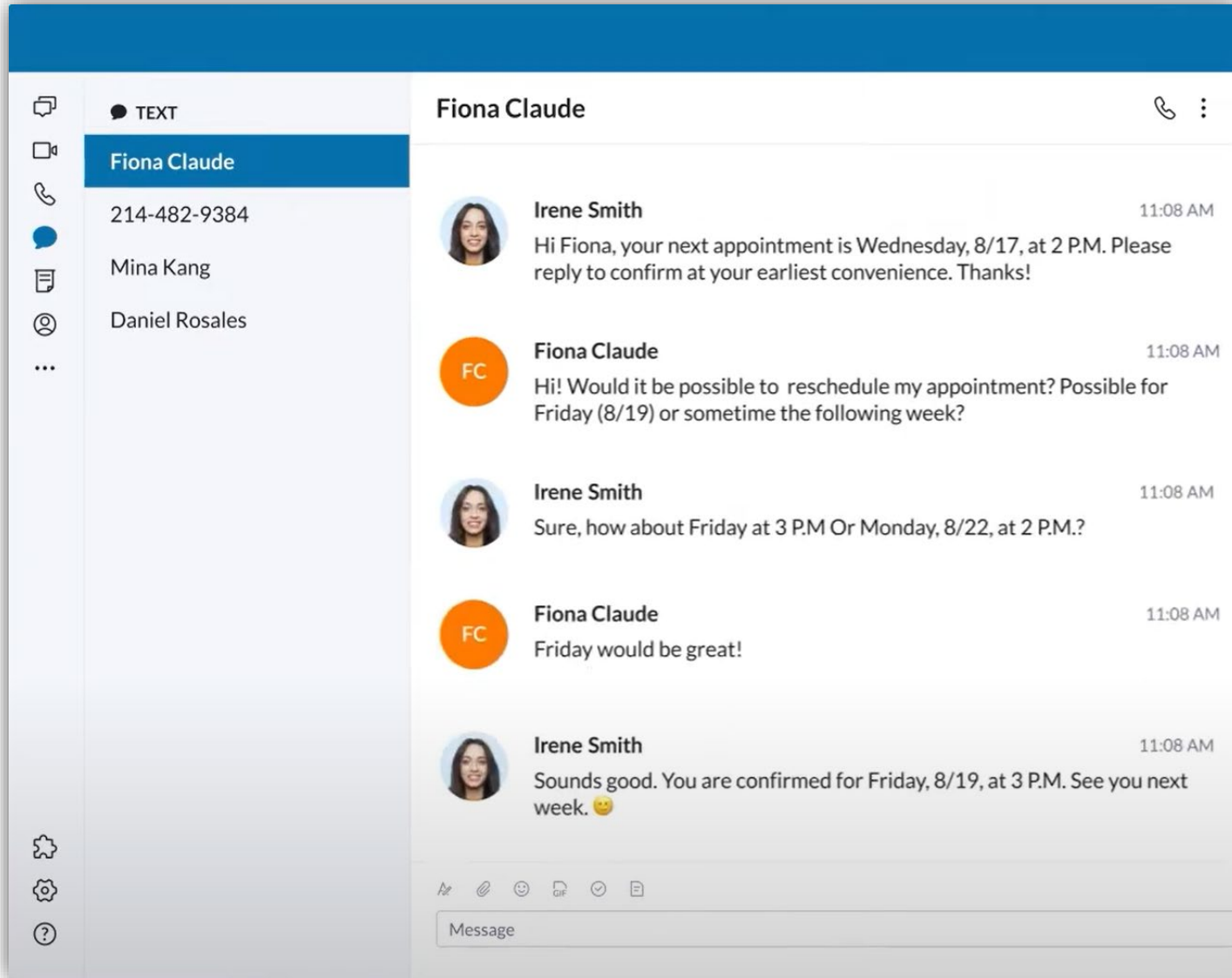
⁴ See, *e.g.*, *Ex Parte* Letter of CTIA (April 5, 2024), at 2 (discussing the shortcomings of a “content-neutral” blocking standard).

Promoting Effective and Universal Text Messaging Safeguards

Presentation of VON Coalition

May 3, 2024

What is a UCaaS Platform?



SMS/MMS

Voice

Video Conferencing

Fax

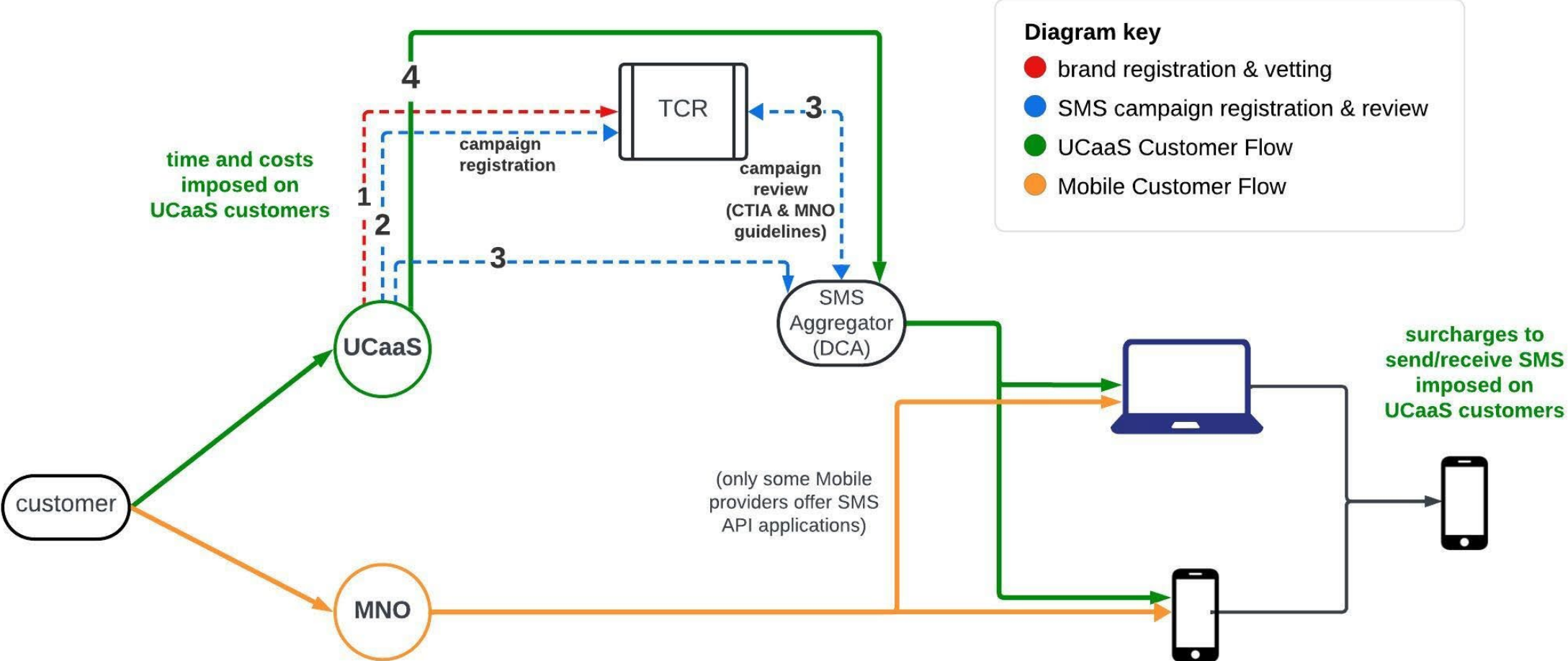
Direct Messaging

Email

Scheduling

Document Editing

Current Ecosystem: No FCC Oversight, Potential Gaps in Vetting



Proposed Ecosystem: Light-touch FCC Oversight, Consistent Vetting

