



Tamara Preiss
Vice President
Federal Regulatory and Legal Affairs

1300 I Street, NW, Suite 500 East
Washington, DC 20005
Phone 202.515.2540
Fax 202.336.7922
tamara.preiss@verizon.com

December 6, 2018

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

**RE: Petitions for Declaratory Ruling on Regulatory Status of
Wireless Messaging Service, WT Docket No. 08-7**

Dear Ms. Dortch:

On December 3, 2018, William Johnson, Tamara Preiss, and William Wallace of Verizon met with Erin McGrath, Legal Advisor to Commissioner Michael O’Rielly. On December 4, 2018, the same Verizon representatives met separately with Nirali Patel, Wireline Advisor to Chairman Ajit Pai, and Jamie Susskind, Chief of Staff for Commissioner Brendan Carr. In all three meetings, we discussed the Commission’s *Draft Declaratory Ruling* in the above-referenced docket.¹

We expressed support for the decision to classify SMS and MMS as “information services” not subject to Title II regulation.² This classification will enable mobile providers to continue to deliver a trusted messaging platform for consumers that, in contrast to voice networks, remains virtually spam-free.³ Currently, Verizon’s messaging systems handle billions of mobile originating and mobile terminating messages each month. And while a relatively small percentage of total messages are filtered out as spam, this filtering capability allows our customers to enjoy their messaging applications without repetitive unwanted invitations to apply for loans or access adult content, for example. The information service classification, and the light-touch federal regulatory framework

¹ See *Petitions for Declaratory Ruling on Regulatory Status of Wireless Messaging Service*, WT Docket No. 08-7, Draft Declaratory Ruling, FCC-CIRC1812-04 (Nov. 21, 2018) (“*Draft Declaratory Ruling*”).

² See *id.* ¶ 49.

³ See Comments of Verizon, WT Docket No. 08-7, at 6-8 (Nov. 20, 2015).

associated with that classification,⁴ will provide flexibility to allow these messaging platforms to continue to thrive and for consumers to benefit from continued innovation.

We explained that the analysis supporting the classification of SMS and MMS logically extends to successor protocols such as the Rich Communications Suite or Service (RCS). As the Commission notes, RCS represents the “next generation” of SMS and is “an IP-based asynchronous messaging protocol.”⁵ Its technical characteristics are thus similar to SMS and MMS, and RCS will offer consumers even more information processing capabilities.⁶ A service with even more powerful information processing characteristics than SMS and MMS, and that represents the “next generation” of SMS/MMS, falls within the same regulatory classification for the same reasons expressed in the text.⁷

Pursuant to Section 1.1206(b) of the Commission’s Rules, this letter is being filed in the above-referenced docket via the Electronic Comment Filing System. Should you have any questions, please contact the undersigned.

Sincerely,



cc: (via e-mail)

Nirali Patel
Erin McGrath
Jamie Susskind

⁴ See, e.g., *Vonage Holdings Corporation: Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission*, 19 FCC Rcd 22404, ¶ 21 (2004) (citing *Amendment of Section 64.702 of the Commission’s Rules and Regulations (Second Computer Inquiry)*, Final Decision, 77 FCC 2d 384, ¶ 127 (1980)); *Restoring Internet Freedom*, Declaratory Ruling, Report and Order and Order, 33 FCC Rcd 311, ¶¶ 194-196 (2018); *Appropriate Regulatory Treatment for Broadband Access to the Internet Over Wireless Networks*, Declaratory Ruling, 22 FCC Rcd 5901, ¶ 28 (2007) (“*Wireless Broadband Declaratory Ruling*”).

⁵ See *Draft Declaratory Ruling* n. 28.

⁶ See *id.* (RCS’s “advanced messaging features allow users to, among other things, use mobile banking services, share high-resolution photos and files, track locations and interact with chatbots”).

⁷ See, e.g., *Wireless Broadband Declaratory Ruling* ¶¶ 22-28 (adopting “information service” classification for Broadband Internet Access over wireless networks, “consistent with the Commission’s classification of broadband Internet access services provided over cable, wireline, and BPL networks”).