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SAN FRANCISCO SEOUL SHANGHAI WASHINGTON

Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 6000

Via ECFS

September 16, 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 September 12, 2024, the undersigned, as outside counsel to the Voice on the Net Coalition (“VON”), and Rachel Petty, Vice President and Associate General Counsel of RingCentral, also on behalf of VON, met via video conference with Carmen Scurato, Legal Advisor, Consumer and Public Safety for Chairwoman Jessica Rosenworcel. During the meeting, we discussed and elaborated upon points made in VON’s comments, reply comments, and *ex parte* filings in response to the *Second Further Notice of Proposed Rulemaking* in the above-referenced proceeding.¹

The purpose of the meeting was to discuss VON’s core proposal in this proceeding: that the Commission oversee a process whereby a third-party entity is selected to vet non-conversational traffic on a technology-neutral basis, with policies applied equally regardless of whether the non-conversational traffic is initiated via a Unified Communications as a Service (“UCaaS”) platform or a mobile network operator (“MNO”) network. By engaging in this common-sense level of oversight, the Commission would further the goals 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 explained 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, 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

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); *Ex Parte* Letter of The Voice on the Net Coalition (May 7, 2024).

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be accessed by everyone in the organization from their workstations, home laptops, mobile phones, and other devices.

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. In particular, there is one set of policies for messaging initiated on a UCaaS platform, and a different set of practices for messaging initiated directly on an MNO network.

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. 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. 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 today, this process applies only to customers of some types of providers.

By comparison, each MNO decides unilaterally whether to vet a given sender so that it may send 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 to vetting for conversational 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 non-conversational 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 third-party entity that will administer policies that apply equally across the industry and not just to “third party” senders, ensuring that like traffic be treated alike regardless of whether it originates on a UCaaS platform or on an MNO network.

We also addressed some mistaken claims in the record.

First, VON does not seek to “restrict” industry-led spam-prevention efforts;³ to the contrary, VON asks that the Commission oversee this important industry function and ensure

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

³ See *Ex Parte* Letter of CTIA (Aug. 30, 2024), at 3.

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that these efforts are applied consistently regardless of how a message is originated. The result of consistent application of anti-spam policies will be to *reduce* the likelihood that consumers are exposed to spam and scam text messages, not increase it. 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.

Second, VON's proposal for Commission oversight and consistent policies around vetting would not "unnecessarily raise the bar" for the sending of legitimate conversational text messages, especially those sent by individual consumers.⁴ All that would happen is that *all* non-conversational traffic by business customers would be vetted by the same entity and according to the same policies, and a consistent definition would be used to determine which types of traffic are "non-conversational" and thus subject to that vetting process. To the extent that critics of VON's proposal believe these vetting policies to be too burdensome to apply to their own business subscribers' traffic, the answer is not to leave the policy unchanged but applied only to UCaaS providers' subscribers. The answer instead is to make the policy apply evenly and adjust it so that it achieves its intended purpose.⁵ In fact, a consistent vetting policy should increase the likelihood that the party tasked with 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.⁶

The VON representatives concluded the meeting by encouraging the Commission prioritize the topic of vetting in its work on targeting and eliminating unlawful text messages. At a minimum, as a next step the Commission should seek public input and comment to ensure that it has a full understanding of the ways that messages are, or are not, vetted, and any gaps or imbalances in the current system.

Please direct any questions to the undersigned.

Respectfully submitted,

/s/
Matthew S. DelNero
Counsel to the VON Coalition

cc: Carmen Scurato

⁴ *Id.* at 3, n.10.

⁵ *Id.* at 3.

⁶ 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.