



PUBLIC NOTICE

Federal Communications Commission
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**CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU SEEKS COMMENT
ON PETITION FOR AN EXPEDITED CLARIFICATION AND DECLARATORY
RULING FROM REVOLUTION MESSAGING, LLC**

CG Docket No. 02-278

Comments Due: November 23, 2012

Reply Comments Due: December 10, 2012

With this Public Notice, we seek comment on the petition for an expedited clarification and declaratory ruling filed by Revolution Messaging, LLC.¹ Revolution Messaging asks the Commission to clarify that the Telephone Consumer Protection Act (TCPA)² and the Commission's related rules³ apply to users of Internet-to-phone text messaging technology and similar technologies involving the storage and automatic dialing of wireless telephone numbers.⁴ Revolution Messaging states that such a ruling would make clear that Internet-to-phone text messaging technology is a type of "automatic telephone dialing system" under the Commission's rules and is therefore subject to the prohibitions in the TCPA and the Commission's related rules.⁵

Pursuant to sections 1.415 and 1.419 of the Commission's rules,⁶ interested parties may file comments and reply comments on or before the respective dates indicated on the first page of this Notice. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.

¹ See Petition for Expedited Declaratory Ruling, CG Docket No. 02-278, filed by Revolution Messaging, LLC on Jan. 19, 2012 (*Petition*).

² Codified as 47 U.S.C. § 227.

³ 47 C.F.R. § 64.1200.

⁴ *Petition* at 1, 10-14.

⁵ *Id.* at 15-16.

⁶ 47 C.F.R. §§ 1.415, 1.419

- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.
- All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁷ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

⁷ *Id.* §§ 1.1200 *et seq.*

FOR FURTHER INFORMATION CONTACT: Richard D. Smith, Consumer and Governmental Affairs Bureau, Federal Communications Commission, (717) 338-2797 or richard.smith@fcc.gov.

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