



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 31, 2018

The Honorable Eliot L. Engel
U.S. House of Representatives
2462 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Engel:

I write in response to your letter regarding the Commission's December 12, 2018 Declaratory Ruling that classified text messaging as an information service under Title I of the Communications Act. The Commission's decision makes clear that wireless providers are authorized to continue their efforts to stop unwanted text messaging through robotext-blocking, anti-spoofing measures, and other anti-spam features, as it relates to Short Message Service (SMS) and Multimedia Messaging Service (MMS).

Text messaging has become a critical communications option for American consumers, with 1.77 trillion messages exchanged in 2017. Wireless messaging has become a trusted form of communication for millions of Americans in large part because wireless providers have taken measures to prevent spam and other unwanted or malicious traffic from clogging consumers' phones.

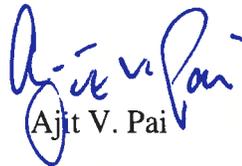
The Commission's decision to classify SMS and MMS as information services is correct as a legal matter, as outlined in the Declaratory Ruling's painstaking analysis of the statutory terms and the nature of text messaging. It is also sound policy. The FCC shouldn't make it easier for spammers and scammers to bombard consumers with unwanted texts. And we shouldn't allow unwanted messages to plague wireless messaging services in the same way that unwanted robocalls flood voice services. But that's precisely what would have happened if we would have classified text messaging services as telecommunications services and subjected them to common-carrier regulation under Title II, as mass-texting companies and others petitioned us to do.

Notably, our approach was also consistent with the views expressed by a spectacularly broad range of entities, including a bipartisan group of 20 state attorneys general, the National Organization of Black Elected Legislative Women, the National Organization of Black County Officials, the National Black Caucus of State Legislators, NENA: The 9-1-1 Association, and the National Association of Neighborhoods. (Even one of the *petitioners* didn't take issue with our decision on the merits; it just suggested changes to the Commission's description of its services before the Commission's vote, but made clear that these changes "do not affect the analysis or

conclusion reflected in the draft order.”¹) For these reasons, we adopted a pro-consumer approach and classified SMS and MMS as information services.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,



Ajit V. Pai

¹ Letter from Rebecca Murphy Thompson, Head, Communications Policy, Twilio Inc., to Marlene H. Dortch, Secretary, FCC, WT Docket No. 08-7, at 1 (filed Dec. 6, 2018), [https://ecfsapi.fcc.gov/file/1206212915792/2018-12-06%20Twilio%20Ex%20Parte%20\(WT%2008-7\)%20.pdf](https://ecfsapi.fcc.gov/file/1206212915792/2018-12-06%20Twilio%20Ex%20Parte%20(WT%2008-7)%20.pdf).