

**STATEMENT OF
COMMISSIONER BRENDAN CARR**

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

Today, we take the very commonsense step of clarifying that SMS and MMS text messaging services are, like WhatsApp, like Snapchat, like iMessage, not Title II services. This is clearly the right answer as a matter of law and of policy, as we've heard from a broad cross-section of commenters: from state attorneys general, to consumer advocates like the American Consumer Institute, to non-partisan think tanks like the Free State Foundation. In fact, today's decision marks no sea change. It simply codifies the status quo—one that has allowed innovative messaging services to launch and compete with one another to meet consumer demand.

Yet, none of that—not the facts, not the law—none of that matters to those interested in the partisan politics of dissent. Instead, they describe this decision as “radical” and “Orwellian.” But false and apocalyptic rhetoric is simply standard fare for this crowd. When Congress passed the broadband privacy resolution, they told us that ISPs would start selling our web browsing histories. That claim was false then, and it's false now. When the FCC adopted our net neutrality decision last year, they told us that ISPs would have free rein to dictate our online experiences, ending the Internet as we know it. That claim was false then, and it's false now. So when we confirm that SMS text messages, like WhatsApp messages, are not Title II telecom services, it is no surprise that these same groups trot out their “sky is falling” rhetoric again. And it is no surprise that their claims will be proven false once again.

Tomorrow, like today, our text messages will go through. We will have the clarity that heavy-handed government regulation will not apply. And we help providers ensure that the scourge of robocalls do not become the curse of robotexts. This will encourage the continued investment and innovation in these and future services that Americans want.

So, for my part, I want to thank the staff of the Wireless Telecommunications Bureau for your work on the item. It has my support.