



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: The Commission

FROM: Commission Secretary's Office *Reef*

DATE: September 4, 2012

SUBJECT: Late Supplemental Comment on Draft AO 2012-30
(Revolution Messaging, LLC)

Attached is late submitted supplemental comment from Jan Witold Baran and Caleb P. Burns, counsel, on behalf of CTIA – The Wireless Association.

Attachment



**Wiley
Rein**

1776 K STREET NW
WASHINGTON, DC 20006
PHONE 202.719.7000
FAX 202.719.7040

7925 JONES BRANCH DRIVE
MILLAN, VA 22102
PHONE 703.905.2800
FAX 703.905.2820

www.wileyrein.com

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September 4, 2012

Jan Witold Baran
202.719.7330
jbaran@wileyrein.com

BY HAND DELIVERY AND FAX (202.208.3333)

Federal Election Commission
Office of the Commission Secretary
999 E Street, NW
Washington, DC 20463

Re: Comments to Draft Advisory Opinion 2012-30

Dear Commissioners:

On behalf of CTIA – The Wireless Association® (“CTIA”), we are submitting these additional comments to the drafts of Advisory Opinion 2012-30.

These comments supplement our initial comments filed August 23, 2012, in which we raised concerns regarding the proposed allowance for shared short codes by multiple political committees. We are writing today to share an additional, though related, concern over the confusion that can result from shared short codes. When political committees are required to use a single, dedicated short code as required by Advisory Opinion 2012-17 (m-Qube I), the records and payments to each political committee are clearly distinguishable by the short code associated with the political committee. As explained in the request for the m-Qube I Advisory Opinion:

The one-short-code-per-political-committee rule also ensures that at all times political contributions are absolutely segregated from all other mobile content and services on a subscriber's phone bill, and throughout the payment process, through to the political committee's receipt of funds.

Though sharing short codes is a practice used by some in the industry to spread the cost of leasing a short code among multiple content providers – in this case political committees – it is a practice that has resulted in payment, recordkeeping, and other compliance errors and is currently under examination by CTIA. By requiring the use of a single short code, as the Commission did in the m-Qube I Advisory Opinion, the potential legal violations that can result from the confusion inherent in sharing short codes should be significantly reduced.



Federal Election Commission
September 4, 2012
Page 2

As stated in our initial comments, CTIA is raising these issues to assist the Commission with its evaluation of whether shared short codes for political contribution text messaging campaigns complies with the Federal Election Campaign Act, as amended. If the Commission approves the practice, CTIA and the wireless service providers must still make a business judgment about whether sharing short codes in this context is an acceptable industry practice.

Sincerely,

A handwritten signature in black ink, appearing to read "Jan Baran".

Jan Witold Baran
Caleb P. Burns

cc: Office of General Counsel (FAX 202.219.3923)