

Supplement to
AOR 2002-09



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August 5, 2002

Via Fax and First Class Mail

Ruth Heilizer
Federal Election Commission
Office of General Counsel
999 E Street, NW
Washington, DC 20463

Re: Target Wireless Request for an Advisory Opinion

Dear Ms. Heilizer:

This letter is in response to the questions you raised concerning Target Wireless' request for an advisory opinion on whether political advertising via SMS technology is analogous to other means of political advertising that are excepted from the disclaimer requirement.

First, you asked how likely it would be that two messages sent simultaneously would be received in tandem. The chance that two SMS messages would be received in tandem by an individual subscriber is extremely remote. Also, as SMS technology becomes more popular in the United States, more SMS text messages will be generated and sent by millions of subscribers continuously throughout the day. When this growth occurs, as witnessed in Europe, there is an even smaller likelihood that two SMS messages sent together would ever be received back-to-back. The result of sending SMS text messages that exceed 160 characters is known as truncated messaging, where messages stop and start in the middle of words and sentences. In short, a sender of two SMS text messages should not expect nor believe it likely that the second message would be received immediately following the first. Even if it were possible that two messages could be delivered to subscribers in tandem, consumer subscribers would then be required to expend minutes from their monthly calling plans to facilitate this, as explained in detail below.

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- 2 -

Secondly, you asked how consumers are billed for each SMS message they receive. The contracts that consumers enter into with wireless networks for SMS messages operate just like contracts consumers enter into for wireless cellular service. Essentially, consumers agree to pay a flat price for a certain number of minutes per month to the carrier of their choice (Sprint, AT&T, etc.). These minutes include both SMS texting, sometimes referred to as data, as well as voice. Thus, any additional follow-up message would be impracticable for two reasons. First, it would most likely not be received in tandem with the first message, and second, consumers would have to bear the cost of the second follow-up message by using their minutes.

Finally, you asked who has set the 160 character limit. Neither the political advertisers (political parties, candidates, etc.), the content provider (CNN, FOX, etc.), nor the wireless networks (Sprint, AT&T, etc.) have set the limit of 160 characters per SMS message. The limit is set by the current technology. I have attached three articles from various technology websites that state that SMS messages are limited to 160 characters. If you wish, I can give you affidavits from experts in the field that SMS technology is only capable of sending messages no longer than 160 characters.

I hope these answers are helpful. Please let me know if you have any additional questions.

Sincerely,



Diana Hartstein
Attorney for Target Wireless



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Short Message Service

Last modified: Tuesday, March 12, 2002

Short Message Service (SMS) is the transmission of short text messages to and from a mobile phone, fax machine and/or IP address. Messages must be no longer than 160 alpha-numeric characters and contain no images or graphics.

Once a message is sent, it is received by a Short Message Service Center (SMSC), which must then get it to the appropriate mobile device.

To do this, the SMSC sends a SMS Request to the home location register (HLR) to find the roaming customer. Once the HLR receives the request, it will respond to the SMSC with the subscriber's status: 1) inactive or active 2) where subscriber is roaming.

If the response is "inactive", then the SMSC will hold onto the message for a period of time. When the subscriber accesses his device, the HLR sends a SMS Notification to the SMSC, and the SMSC will attempt delivery.

The SMSC transfers the message in a Short Message Delivery Point to Point format to the serving system. The system pings the device, and if it responds, the message gets delivered.

The SMSC receives verification that the message was received by the end user, then categorizes the message as "sent" and will not attempt to send again.

The number of mobile-phone users expects to reach 500 million worldwide by 2003, and with the help of SMS, 75 percent of all cellular phones will be Internet-enabled.

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For internet.com pages about Short Message Service **CLICK HERE**. Also check out the following links!

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Web site provides information, news and resources for those interested in SMS.

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Bité phon

Mobile nu

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Short Message Service

What is SMS?

SMS (Short Message Service) is a very convenient way of sending and receiving texts (no longer than 160 symbols) between GSM handsets.

Bité GSM Short Message Service centre number: +370 699 50115.

Bité GSM Short Message Service via operator number: 1589.

How to send a Short Message?

If you wish to send a short message you have two alternatives:

- Start pressing the keyboard of your handset entering the text of the message in an ordinary way
- Call short access number 1589, dictate the message and the operator will send it for you

How to send a Short Message in an ordinary way?

First of all, it is necessary to prepare the handset.

According to the directions in the user manual set the following parameters:

- Enter the number for Short Message Service Centre: +37069950115
- Check what message type is set for sending. The screen should display Text or Standard type. (In some handsets the message type is called "Protocol". In this case set the protocol identifier on 0).

It is only necessary to set the above parameters in your handset once.

Once these parameters are set, the message can be sent as follows:

- Enter the text of your message (you may save the entered text with the help of the phone menu in order to have it on your SIM Card and use it in the future).
- Key in recipient's phone number. It has to be any mobile phone number (with international code in front) of the subscriber to whom you intend to send the message: +370699NNNNN.



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CONTACT INFO:

SMS sending via 1589

Bité GSM Service Short number 11 Mobile +370 699 Phone No. +370 Fax No. +370 5 2

Bité GSM Call Center Short number 15 Mobile +370 699 Phone No. +370

E-mail: info@bite

Bite - Short Message Service

Note: The order of performing items 1 and 2 above depends upon the type of the handset. Please check your handset user manual.

- Send the message by following the handset instructions
- If everything is correct, then the screen of the handset will display a note certifying the sending of the message, e. g. "Message sent".
- If the sending fails, then the screen of the handset will display something like "Unsuccessful" or "Message failed", etc. Please repeat the sending.

Attention! Received messages are being preserved in the SIM Card that has the room for 50 messages. If there is no room, then no new messages can be received (except the Voice Mail notification message # is stored), therefore please do not forget to erase messages that you do not need. The handset informs about the over filling of the memory by the blinking envelope sign on the screen.

Short message delivery notification

Dial "!" (exclamatory mark) symbol in front of your message text. You will receive the notification message "Message received" when your message has been delivered successfully.

Received message "Can't receive the message" means that:

- the message wasn't delivered in 5 days
- SMS function is forbidden for receiver's handset in the main exchange
- receiver's handset doesn't have a short message function

How to send a Short Message via operator?

So, from now on, in order to send a short message for any mobile subscriber:

- just dial 1589
- tell the telephone number of subscriber for whom message is addressed
- dictate the message you are intending to send for the subscriber

If you receive a message sent via the operator, you will see the following number of the sender:

"Sender: +37069940136". This is the number of the operator.

If replying to the message you will use the function "Reply", don't forget to enter the real number of the recipient instead of the number +37069940136. Otherwise your message will go to the operator.

A call via operator rating principles:

- A call is charged from the third second of connection.
- The price is invariable (i. e. the same rate applies peak, off-peak, weekends and holidays time).
- The call duration rate is standard. The first minute full, then by half-minute intervals.
- Free of charge minutes in the price plans do not include those calls. Otherwise, however, your call is rated during free of charge time.
- The price doesn't depend on the size of the bill for calls, as it is in Bite V and V+ price plans. The rate is always constant - 1 LTL.

Note. According to the GSM standard, mobile handsets can not accept a message longer than 160 symbols. If your message does get into the limit of 160 symbols, the operator will ask you to rephrase the message. Usually it takes much less than a minute to dictate a message. With one call you can send one message to one recipient.

The following handsets can only receive short messages (they cannot send

Bite - Short Message Service

messages):

- Motorola Flare
- Ericsson 198
- Ericsson 318
- Ericsson 337
- Nokia 1610 (older version of the programme)
- Siemens S3 and S3+

How to read the received message?

The handset announces the arrival of the message by a "beeping" sound, and the envelope sign appears, or, a text announces the new message in the display.

You have to use the "menu" of the handset in order to read the message. Once the message is read, the envelope sign disappears from the screen. You should also know that all received short messages are saved in the memory of the SIM Card.

Currently, Bite GSM SIM Cards have enough room for 50 short messages (some cards have room for 16 short messages).

We advise you to erase the message (except the Voice Mail notification message) once you have read it.

Why? Any mobile handset accepts messages only if there is room for it in the memory of the SIM Card. If there is no room for a new message, it is being repeated 4 times every 15 minutes. If still no room is found for the new message in the memory of the SIM Card, it is being repeated more rarely: 6 times every hour, and then 6 times every 2 hours. Also, the message is attempted to be delivered every time you connect to Bite GSM network. The message will be automatically deleted after 5 days of delivery failure.

How much does the SMS service cost?

Receiving SMS	Free				Service
	Payment plan				
Sending SMS (Lt/message)	Bite A1, A2, A3	Bite B1, B2	B3	"Bite O" and "Bite O2"	LASAS
Peak hours	0.40	0.38	0.30	0.30	0.19
Off-peak hours	0.20	0.20	0.20	0.20	0.19
Sending SMS via operator (Lt/minute)	1.00				

Peak hours: 8.00 a.m. - 8.00 p.m.

Off-peak hours: 8.00 p.m. - 8.00 a.m., weekends and holidays



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SMS Short Message Service

When you need to keep in contact, but you can't make or take a voice call.

Short Message Service (SMS) allows you to send and receive text messages on your cellphone. SMS is designed to become the cellphone equivalent of paging or e-Mail, allowing you to send and receive up to 160 character text messages.

It is ideal for personal and business applications, and is extremely user-friendly.

How does it work?

Most cellphones allow for the sending and receiving of SMS messages (see your handset guide to check your model or see our list of compatible phones to see if your phone is equipped to handle SMS messaging).

To set up SMS on your cellphone:

Select Message or Mail menu.
Find option saying 'Message Settings' and/or 'Message Centre Number' and select.
Contract Price Plan. Enter +27 83 100 0002 and save.
Pay as you Go. Enter +27 83 100 0113 and save.
SMS will be automatically activated on the MTN Network.

To send SMS messages:

Select Message or Mail menu on cellphone.
Find option saying 'Write Messages' and select.
Type in message using cellphone keypad, maximum length 160 characters.
Select options and/or [send / OK / Yes].
Key in cellphone number of person you're sending message to.
Press [send / OK / Yes].

To receive SMS messages:

When an SMS message is sent to you, you'll be notified by:
A sound on your cellphone (depending how your cellphone is set up).
A display screen envelope (the same as your Voicemail envelope).
A display screen text message reading "Message Received" or just "Message".
You will then have the option of reading it.

Picture messages.

* Remember...

Not all cellphones support SMS. Check your manual or ask your Service Provider if you are not sure about your cellphone.



with all Contract Price Plans



with Pay as you Go

Send an SMS from your browser >>>

The Message Centre number for Contract Price Plan users is:
+ 27 83 100 0002

The Message Centre number for Pay as you Go users is:
+ 27 83 100 0113

MTN Personal Solutions - SMS Short Message Service

Ringtone messages. Only available with certain cellphones. Consult your handset manual

Delivery Reports.

What are the benefits?

- Stay in contact even when you can't make or take a call
- Saves time
- Saves money
- Convenient
- Easy to use
- Send pictures with your messages (only with certain cellphones)
- Receive delivery reports (only with certain cellphones)

What does it cost?

SMS Text messages		88c
Picture messages		Up to R2.58
Ringtone messages		Up to R1.72
Delivery reports	- Price Plans	Charged per Service Provider
	- Pay as you Go	88c

How can I get it?

This is a standard service with all MTN Subscribers, all you need to do is set yourself up as described above and you're ready to send and receive messages.

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