

Supplemental Material on AOR 2012-17



Further Request for Additional Information
Theodore Lutz to: Engle, Craig, Kappel, Brett
Cc: Kevin Dealey, Amy Rothstein

06/06/2012 01:14 PM

Dear Messrs. Engle and Kappel:

We have been asked to obtain additional information in connection with the advisory opinion request that you submitted on behalf of Red Blue T, ArmourMedia, and m-Qube (AOR 2012-17).

1) Precisely what information would be provided to recipient political committees regarding the proposed contributions via text message? For example, would a political committee receive the wireless user's phone number and the dollar amount and date of the contribution? What other information would be provided? Who would provide that information to the recipient political committee -- the aggregator or someone else?

2) Would it be possible for the recipient political committee to receive MORE information about the wireless user than is currently contemplated, and exactly what information would that be? In other words, is it technically feasible for the recipient political committee to be provided with, for example, the name and address of the contributor or, if that is not technically feasible, with just the contributor's name?

Please respond by email. Your response may be treated as a supplement to the advisory opinion request; as such, it may be placed on the public record.



Request for Additional Information

Engle, Craig

to:

TLutz@fec.gov

06/06/2012 04:43 PM

Hide Details

From: "Engle, Craig" <Engle.Craig@ARENTFOX.COM>

To: "TLutz@fec.gov" <TLutz@fec.gov>,

History: This message has been forwarded.

Theo: thank you for your questions.

On behalf of Brett Kappel and the requestors, below are the finalized answers which we would like the Commission to consider and place on the public record.

1. m-Qube's messaging and billing gateway is connected directly to the messaging and billing interfaces of all of the nation's wireless carriers. It "aggregates" those connections in a single gateway, which, if its advisory opinion request is approved, it will now make available through its real-time, secure, high-speed interface to political committee customers. m-Qube's political committee customers will receive exactly the same information that m-Qube itself receives about each message and billing event on the political committee's short code, as it is handled at the m-Qube carrier gateway.

For web-opt-in donations the information consists of:

URL of cell-phone-submit page and URL of PIN-submit page,

- IP address (if available) of the browser that loaded those pages,
- time and date of the page views and interactions, including donor's entry of their cell phone number, and donor's entry of the PIN number,
- For the "PIN" message (the text message to the submitted phone number containing a unique one-time number), as for all messages between handsets and the political committee – time and day, 10-digit phone number, carrier and message contents
- The actual phone number entered on cell-submit page and the actual PIN number entered on the same web page;
- m-Qube's result of comparing the PIN sent to the handset and the PIN entered on the web page
- For "Welcome" (billing acknowledgement, and all messages to and from handsets), as for all messages between handsets and the political committee – time and day, 10-digit phone number, carrier and message contents;
- Contents and time and date of the technical billing acknowledgement from the carrier to the m-Qube gateway.

For "MO" (mobile-originating text message) Opt-Ins, this information includes:

- All messages between the short code and all handsets including time and day, 10-digit phone number, carrier ID and message contents; namely:
- That same information for the MO message from the handset back to the short code;

- Same information for the MT (mobile terminating) message back to the handset with the "YES" prompt;
- Same information for the "YES" MO back to the short code from the handset;
- Same information for the "Welcome" (billing acknowledgement) to the handset.
- Contents and time and date of the technical billing acknowledgement from the carrier to the m-Qube gateway.

Note that under either form of opt-in, the message contents would include (1) the amount of the contribution, (2) the fact that the contributor clicked "YES" or "Y" in response to the question regarding whether they agreed to have the contribution charged to their wireless carrier bill, and (3) the fact that the contributor clicked "YES" or "Y" to the affirmation question indicating their eligibility to contribute.

2. It is not possible for the aggregator to provide the recipient political committee with more information about the wireless user than is currently contemplated in our request. The carriers provide the aggregators with no information about the donors other than the status of sent and received messages and success or failure of premium SMS billing. So the only information available to m-Qube is the information that the donor himself inputs.

Namely: for a web opt-in, the donor provides his cell phone number on a web page permitting the political committee to send him a PIN message, and in an MO opt-in, the donor has texted the committee a keyword, indicating that he wishes to receive messages at his cell phone number to carry out a donation. By sending that MO message, the donor has provided the committee with his phone number.

We are not aware of any capability at an aggregator or a carrier that connects any name and address (such as a billing name and address) with a phone number at the time the individual makes a texted donation, or premium billing, takes place. To the best of our knowledge, no carrier allows outside merchants to have access to their subscribers' names or addresses. It is possible, however, that the political committees will seek more information from their donors directly, either on the donation web page, or in a text message interview. But those are separate communications between the political committee and its donors, and m-Qube would not be privy to that information gathering.

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