

Comment on AOR 2012-31

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Re: Comments on Advisory Opinion Request 2012-31

Dear Commissioners:

Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless") submits the following comments in support of AT&T's request for clarification of Advisory Opinion 2012-28. Specifically, AT&T has sought clarification that a different and lower rate for political contributions would not be an impermissible in-kind contribution. As you are aware, Verizon Wireless had independently filed its own request for clarification on this point, but withdrew it when the Commission posted for comment at AT&T's request.

In Advisory Opinion 2012-28, the Commission stated that if wireless service providers deviate from normal business practices when implementing text message contribution campaigns, such practices could constitute impermissible in-kind contributions. The Commission concluded that wireless service providers could therefore charge their usual and normal commercial rates applicable to premium text messaging.

There are, however, significant differences between political contributions made by premium text message and commercial transactions paid for by premium text message. Most notably, political contributions made by premium text message do not involve a purchase of goods or services. Verizon Wireless believes that the unique nature of these political contributions could justify a new and lower rate structure for them and that this new rate structure would not constitute an in-kind contribution.

Advisory Opinion 2012-28 appears to prohibit wireless service providers from establishing a new and lower rate structure for political contributions without running afoul of the Commission's prohibition on in-kind contributions. Therefore, Verizon Wireless supports the request that the Commission clarify whether wireless service providers are permitted to establish a new rate structure applicable solely to political contributions made via premium text message.

Sincerely,

William B. Petersen

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