

# COVINGTON

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March 9, 2023

*Via ECFS*

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
45 L Street, N.E.  
Washington, D.C. 20554

**Re: Notice of Ex Parte Presentation; Targeting and Eliminating Unlawful Text Messages, CG Docket No. 21-402; Implementing the Telephone Consumer Protection Act, CG Docket No. 02-278**

Dear Ms. Dortch:

Earlier today, representatives of QuinStreet, Inc. (“QuinStreet”), met by video conference with Justin Faulb, Chief of Staff and Legal Advisor to Commissioner Starks, to discuss the draft *Report and Order and Further Notice of Proposed Rulemaking* in the above-referenced dockets that is scheduled to be considered at the Commission’s next open meeting on March 16, 2023. These same representatives also met by video conference yesterday with Adam Cassaday, Legal Advisor to Commissioner Simington, and, separately, with Carmen Scurato, Legal Advisor to Chairwoman Rosenworcel; and on March 7, 2023, with Danielle Thumann, Legal Advisor to Commissioner Carr. The representatives of QuinStreet who attended these meetings were, in addition to the undersigned, Marty Collins, QuinStreet’s Chief Legal & Privacy Officer, and Andrew Smith of Covington & Burling LLP, outside counsel to QuinStreet.

In each of these meetings, QuinStreet focused on the portion of the draft *Notice of Proposed Rulemaking* that proposes to amend the definition of “prior express written consent.” QuinStreet noted that any approach to consent ultimately proposed and adopted by the Commission should continue to enable consumer choice and website site owner flexibility, including because many high-quality site owners are small- and medium-sized businesses. QuinStreet also noted that it supports the Commission’s initiative to reduce unwanted calls and texts, and it discussed the Federal Trade Commission’s previous work regarding performance marketing, which resulted in the issuance of a staff report titled “Follow the Lead,” available at <https://www.ftc.gov/reports/follow-lead-workshop-staff-perspective>.

Any questions concerning this submission should be addressed to the undersigned.

Respectfully submitted,

*Yaron Dori*

Yaron Dori  
Counsel to QuinStreet, Inc.

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cc: Adam Cassady, Office of Commissioner Simington  
Justin Faulb, Office of Commissioner Starks  
Carmen Scurato, Office of Chairwoman Rosenworcel  
Danielle Thumann, Office of Commissioner Carr