

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554**

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| In the Matter of |) | |
| |) | |
| Rules and Regulations Implementing the |) | CG Docket No. 02-278 |
| Telephone Consumer Protection Act of 1991 |) | |
| |) | |
| Targeting and Eliminating Unlawful |) | CG Docket No. 21-402 |
| Text Messages |) | |
| |) | |

COMMENTS OF REACH

Responsible Enterprises Against Consumer Harassment, a Mutual Benefit Corporation (REACH), on behalf of its direct-to-consumer marketing, lead generation, and performance marketing members, thanks the Commission for the opportunity to comment on the important issue of blocking text messages¹. We are further grateful the Commission has specifically requested feedback² on the basis for text message blocking³, protections against erroneous blocking⁴, as well as provider liability for erroneous blocking⁵.

¹ Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, CG Docket No. 02-278; Targeting and Eliminating Unlawful Text Messages, CG Docket No. 21-402; (“Notice”).

² As a preliminary matter, REACH questions whether the Commission has the legal authority to issue rules on text message blocking, and concurs with the comments of the National Federation of Independent Business, Feb 12, 2024 <https://www.fcc.gov/ecfs/search/search-filings/filing/102122785902414>. We submit these comments in the event the Commission does not withdraw its previous orders on the subject matter.

³ Second Report and Order, Second Further Notice of Proposed Rulemaking in CG Docket Nos. 02-278 and 21-402, and Waiver Order in CG Docket No. 17-59 (“Second Robotext NPRM”), paras. 75-77.

⁴ Ibid, para. 80.

⁵ Ibid, para. 78.

After careful consideration of the issues raised in the Second Robotext NPRM, REACH requests the Commission to (1) require providers to use content-neutral reasonable analytics as the basis for blocking text messages and prohibit blocking based solely on a speaker, (2) clearly articulate that blocking legal, consented text messages is a violation of law, and (3) clarify that providers can be held vicariously liable for illegal blocking.

I. Blocking Must Be Based on Content Neutral Reasonable Analytics.

Senders of text messages must often work with intermediaries to gain access to carrier networks in order to be able to send their text messages. This allows any number of parties to indiscriminately block legal, consented text messages, as well as deny valid speakers access to the US telecommunications infrastructure. Carrier and intermediate codes of conduct explicitly disallow text messages based solely on the speaker, even if the speaker has received consent from the recipient and otherwise complies with TCPA and wireless best practices⁶. REACH members have personally seen their text messages blocked based solely on who is sending a text message, and have been told by providers, that providers will not do business with them based solely on the industry in which they work.

⁶ For example, see 10DLC Forbidden Content (<https://www.10dlc.org/en/shaft>), Twilio Forbidden Message Categories (<https://support.twilio.com/hc/en-us/articles/360045004974-Forbidden-Message-Categories-in-the-US-and-Canada-Short-Code-Toll-Free-and-Long-Code>), the T-Mobile Code of Conduct (<https://www.t-mobile.com/support/public-files/attachments/T-Mobile%20Code%20of%20Conduct.pdf>), and the AT&T Code of Conduct (https://www.10dlc.org/att_code_of_conduct_062020.pdf). These documents demonstrate that entities knowingly and willfully illegally block messages related to valid, legal businesses, unilaterally and without justification, with no recourse to challenge the prohibitions. As such, these represent content-based restrictions violative of the First Amendment to the U.S. Constitution. Copies of each the above documents are provided in the appendix.

A. Blocking Text Messages Based On The Speaker Harms Consumers.

The indiscriminate (and illegal) blocking has harmed customers of REACH members. REACH members and their customers have been harmed when providers refused to deliver important informational and transactional messages to their existing customers. These text messages could be related to paperwork that needed to be completed, items required for review to complete an application, alert customers to potential fraud, or otherwise service an account. Blocking such text messages results in direct financial harms to consumers, as failures to be notified has resulted in late fees, additional charges, higher interest rates, or losses associated with an inability to act on time sensitive offers.

B. Blocking Text Messages Based on The Speakers Is Not Analytics, And Is Not Reasonable.

REACH acknowledges, and supports blocking text messages based on an objective, good-faith belief that a text message is illegal. The Commission's rules permit blocking based on reasonable analytics⁷, and examples of such analytics have been presented to the Commission.⁸

⁷ *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, WC Docket No. 17-97, Declaratory Ruling and Third Further Notice of Proposed Rulemaking, 34 FCC Rcd 4876, 4884 n.47 (2019) (2019 Call Blocking Declaratory Ruling), para. 35. “*reasonable analytics (includes) factors, such as: large bursts of calls in a short timeframe; low average call duration; low call completion ratios; invalid numbers placing a large volume of calls; common Caller ID Name (CNAM) values across voice service providers; a large volume of complaints related to a suspect line; sequential dialing patterns; neighbor spoofing patterns; patterns that indicate TCPA or other contract violations; correlation of network data with data from regulators, consumers, and other carriers; and comparison of dialed numbers to the National Do Not Call Registry.*”

⁸ See Transaction Network Services Ex Parte Feb 09, 2024 <https://www.fcc.gov/ecfs/search/search-filings/filing/102082868414774>

Additional measures could include checking texts for malformed URLs⁹, links to cybersquatted domains¹⁰, or links to known malicious sites¹¹.

However, the blocking currently being done by the carriers and their intermediaries considers NONE of these factors. They are blocking text messages based solely on a speaker's participation in a particular industry, which requires ZERO analytics. It is at its root a discriminatory practice that is not only unfair, but deceptive, as such blocking does nothing to address illegal scam text messages. This "blocking as a matter of policy" is patently unreasonable, as the blocking is not based on analytics – reasonable or otherwise.

C. The Commission's Current Approach Is Antithetical To Its Mission, As It Incentivizes Privatization Of The Nation's Public Communications Infrastructure, And Further Harms Consumers.

Companies faced with an inability to communicate with their customers via carrier networks must seek out alternatives. This drives businesses to use private platforms like WhatsApp, Skype, Telegram, etc, that may run over the same networks of the carriers who are blocking text messages. These alternative platforms are largely unregulated, and do not afford consumers the same level of protection as using carriers who are required to protect consumer information under the Customer Proprietary Network Information (CPNI) rules¹².

⁹ URLs that include special characters or sequences that evade scanners, but change how a link is loaded and facilitate cross-site scripting (XSS), SQL injection, buffer overflow, and other known cyberattacks.

¹⁰ The practice of registering, trafficking in, or using an internet domain name, with a bad faith intent to profit from the goodwill of a trademark belonging to someone else.

¹¹ Such information is readily available from numerous sources, including, but not limited to the (free) Cybersecurity and Infrastructure Security Agency (CISA) division of the US government. See <https://www.cisa.gov/topics/cyber-threats-and-advisories>.

¹² 47 CFR §64.2001 et seq.

Businesses want to ensure communications with consumers are secure, and do not want to force their customers into a situation where their data is implicated in a Cambridge Analytica type event because the (regulated) carriers refused to deliver their text messages. The Commission’s current rules allow providers to block text messages with impunity, which ultimately drives traffic to potentially less secure channels, and puts the privacy and security of consumer at greater risk – with the tacit endorsement of the Commission.

The Commission should be concerned with the ongoing flight to OTT services and the destabilization of our nation’s wireless carrier infrastructure resulting from businesses being unable to safely and reliably communicate with customers. There is no graver risk to this nation’s telecommunication platforms than the wholesale abandonment of traditional switch networks for OTT services—yet that migration is happening now, in real time, and in well-documented fashion.¹³

II. Blocking Legal, Consented Text Messages Is a Violation Of Law.

The Communications Act makes it illegal to “unreasonably” deny telecommunications services.¹⁴ While this Commission has determined text messages are not telecommunications services, REACH respectfully submits this was erroneous and will not be afforded deference in litigation.¹⁵ Thus the Commission should assure SMS communications are not blocked in an unreasonable fashion based upon reliance on its rules.

¹³ WhatsApp Business, <https://business.whatsapp.com/products/business-platform>, last accessed Feb. 25, 2024.

¹⁴ The Communications Act of 1934, 47 U.S.C. §151

¹⁵ *Petition for Declaratory Ruling on Regulatory Status of Wireless Messaging Service*, 84 Fed. Reg. 5008 (Feb. 20, 2019).

Blocking consented messages—particularly those that are blocked solely on the basis of content—is illegal and unreasonable. It violates the First Amendment as an impermissible licensing scheme.¹⁶ It also flies in the face of recent Supreme Court precedent interpreting the TCPA to require content neutrality.¹⁷

The illegal blocking by providers also represents an intentional interference with prospective economic advantage. REACH members have been harmed by provider actions, and will continue to suffer harm moving forward, as provider conduct prevents performance or makes performance more difficult and expensive – for businesses and ultimately consumers.

Again, REACH acknowledges, and supports blocking text messages based on an objective, good-faith belief that a text message is illegal. The Commission has afforded providers flexibility in determining the likelihood a text message is illegal, but the providers have not implemented such methods. Regulation premised on providers having the flexibility to solve a problem is only effective if providers are held liable when their methods fail. Allowing flexibility without accountability for falling short is no different from the absence of regulation. As such, the Commission should clearly articulate that blocking legal, consented text messages is a violation of Section 201 of the Communication Act, a violation of the First Amendment to the U.S. Constitution, as well as violative of state law analogs¹⁸. As such providers who illegally block text messages shall be subject to statutory, actual, and compensatory damages in amounts adequate to compensate the losses incurred by a particular business or consumer.

¹⁶*FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 226, 110 S. Ct. 596, 605, 107 L. Ed. 2d 603 (1990) (... a licensing scheme creates the possibility that constitutionally protected speech will be suppressed where there are inadequate procedural safeguards to ensure prompt issuance of the license.).

¹⁷ *Barr v. Am. Ass'n of Pol. Consultants, Inc.*, 140 S. Ct. 2335, 2346, 207 L. Ed. 2d 784 (2020).

¹⁸ For example, Cal. Bus. & Prof. Code § 17200 *et seq.*

Furthermore, as the dates on which providers first illegally blocked text messages are likely to be relevant to persons litigating claims against providers for their losses, we encourage the Commission to be mindful about what it calls a new rule or a new obligation, as opposed to clarifying existing obligations to permit legal, consented text messages to be sent over provider networks.

III. Providers Can Be Vicariously Liable for Illegally Blocking Text Messages.

The Commission requires providers to implement dispute resolution measures around blocking. However, such measures are ineffective, as the confederated nature of the text messaging environment makes it difficult to determine who is doing the blocking. This lack of transparency inevitably leads to a lack of accountability.

REACH members who have disputed blocking have been unable to obtain satisfactory resolutions, as the various players in the ecosystem simply “pass-the-buck.” Intermediaries say they are blocking due to the carrier rules; carriers say they are not blocking and the issue must be addressed with the intermediaries – despite the explicit statements from carriers such as “*Service Providers, Aggregators and Inter-carrier Vendors are expected to enforce restrictions on their own networks to prevent these types of content at the intake source*¹⁹.” All parties appear to ultimately be hiding behind the Commission’s rules to block text messages they simply don’t like, to the detriment of not just businesses, but the consumers who rely on those businesses.

The harms identified above cannot happen without the coordinated efforts of the carriers and providers. The causal chain is clear, and the harms to business and consumers will continue to grow, as providers are shielded from liability by obfuscation of responsibilities hidden in an ever-extended supply chain.

¹⁹ See AT&T Code of Conduct, p.7 (https://www.10dlc.org/att_code_of_conduct_062020.pdf).

Therefore, the Commission should clarify that while a single provider may not generally “block” text messages, it nonetheless may be held vicariously liable under federal common law principles of agency for violations of law that are committed by third-parties that are blocking text messages under that provider’s policies. Such a position is consistent with previous Commission orders²⁰, and are necessary to ensure providers will not continue to unlawfully harm business and consumers, as well as deprive them of their fundamental First Amendment rights.

IV. Conclusion

For the reasons described above, REACH respectfully urges the Commission to (1) require providers to use content-neutral reasonable analytics as the basis for blocking text messages and prohibit blocking based solely on a speaker, (2) clearly articulate that blocking legal, consented text messages is a violation of law, and (3) clarify that providers can be held vicariously liable for illegal blocking.

Respectfully submitted,

REACH

By: /s/ Eric J. Troutman
President

26 February 2024

²⁰ In the Matter of The Joint Petition Filed by DISH Network, LLC, the United States of America, and the States of California, Illinois, North Carolina, and Ohio for Declaratory Ruling Concerning the Telephone Consumer Protection Act (TCPA) Rules (“Vicarious Liability Ruling”), CG Docket No. 11-50, May 9, 2013, para. 48. “*We clarify that, while a seller does not generally initiate calls made through a third-party telemarketer, it nonetheless may be vicariously liable under federal common law agency-related principles for violations of either section 227(b) or 227(c) committed by telemarketers that initiate calls to market its products or services.*”

APPENDIX A

Illegal blocking: 10DLC Forbidden Content²¹

🏠 / shaft

Forbidden Content

Forbidden message categories and SHAFT for SMS and MMS

Forbidden Content

SMS is a highly regulated channel and is subject to stringent rules, regulations, and carrier requirements. Certain message content is prohibited and wireless carriers will reject SMS and MMS messages containing prohibited content by default. Other use cases are subject to additional requirements, like age-gating procedures. If your business sends messages containing any of the types of prohibited content listed below, SMS may not be the appropriate channel to reach your customer base.

SMS Prohibited Content

The following message categories are prohibited for SMS and MMS:

- High-risk financial services
- Third-party lead generation
- Debt collection and forgiveness
- “Get rich quick” schemes or Multi-level marketing
- Illegal substances
- Gambling
- Sex, hate, alcohol, firearms, and tobacco (SHAFT)

Below, we discuss these categories in more detail.

| Category | Examples | Notes |
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²¹ Screenshots from <https://www.10dlc.org/en/shaft>, accessed 18 February 2024.

| Category | Examples | Notes |
|--------------------------------------|---|---|
| High-risk financial services | <ul style="list-style-type: none"> ▸ Payday loans ▸ Short term high-interest loans ▸ Third-party auto loans ▸ Third-party mortgage loans ▸ Student loans ▸ Cryptocurrency | <p>“Third-party” means originating from any party other than the one which will service the loan.</p> <p>SMS messages featuring financial investment advice or tips, as well as information on loans and refinancing options, are prohibited. Carriers also prohibit messages with links to donation sites.</p> <p>Legitimate financial institutions may use SMS in accordance with certain restrictions, and often leverage text alerts for suspicious card activity, appointment reminders, and other transactional messages.</p> |
| Third-party lead generation services | <ul style="list-style-type: none"> ▸ Companies that buy, sell, or share consumer information. | <p>Buying, selling, or sharing of consumer data is strictly prohibited. The business that obtained consent is the only business authorized to send SMS.</p> <p>“Cold” outreach is the solicitation of business from potential customers who have had no prior contact with the business and is strictly prohibited.</p> |
| Debt collection or forgiveness | <ul style="list-style-type: none"> ▸ Third-party debt collection ▸ Debt consolidation ▸ Debt reduction ▸ Credit repair programs | <p>Almost all debt consolidation and forgiveness efforts are prohibited for SMS and MMS.</p> <p>Regarding debt collection, the business owed the debt can send payment reminders to late payers, personalized messages with account details, and follow up on payment confirmations. However, a third party cannot attempt to collect the debt for you via SMS and MMS.</p> |

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| <p>"Get rich quick" schemes or Multi-level marketing</p> | <ul style="list-style-type: none"> ▶ Work-from-home programs ▶ Risk investment opportunities ▶ "Get rich quick," "build your wealth," and "financial independence" offerings ▶ Multi-level marketing, network marketing and pyramid schemes | <p>Multi-level marketing (MLM) products, services, or content commonly associated with unsolicited commercial messages (spam) are prohibited.</p> <p>This is different from outreach about employment as a result of compliant opt-in practices, messages from brokerages to their members, investment news alerts, or other investment-related messages.</p> |
| <p>Illegal substances</p> | <ul style="list-style-type: none"> ▶ Marijuana/Cannabis ▶ CBD/THC ▶ Prescription drugs ▶ Vaping | <p>Cannabis is federally illegal in the United States. Cannabis businesses will not be permitted to use SMS/MMS messaging in the US, regardless of message content.</p> <p>CBD is federally legal, but is not legal in some US states, so US carriers do not permit messaging related to CBD.</p> <p>Offers for drugs that cannot be sold over-the-counter in the US/Canada are forbidden.</p> |
| <p>Gambling</p> | <ul style="list-style-type: none"> ▶ Casino apps ▶ Gambling websites | <p>While gambling traffic is prohibited on Toll Free, it is allowed on Short Code, or Long Code, as long as proper age gating procedures are in place.</p> |
| <p>"S.H.A.F.T." use cases</p> | <ul style="list-style-type: none"> ▶ Sex ▶ Hate ▶ Alcohol ** ▶ Firearms ** ▶ Tobacco * | <p>* While Tobacco traffic is prohibited on Toll Free, it is allowed on Short Code, or Long Code, as long as proper age gating procedures are in place.</p> <p>** Firearms and Alcohol traffic is allowed on Toll Free, Short Code, and Long Code, as long as proper age gating procedures are in place.</p> <p>Vaping-related traffic is prohibited.</p> |

SHAFT

SHAFT is a handy acronym to help you remember types of content which is either forbidden or subject to special rules.



S: Sexually inappropriate content

H: Hate speech or profanity

A: Alcohol

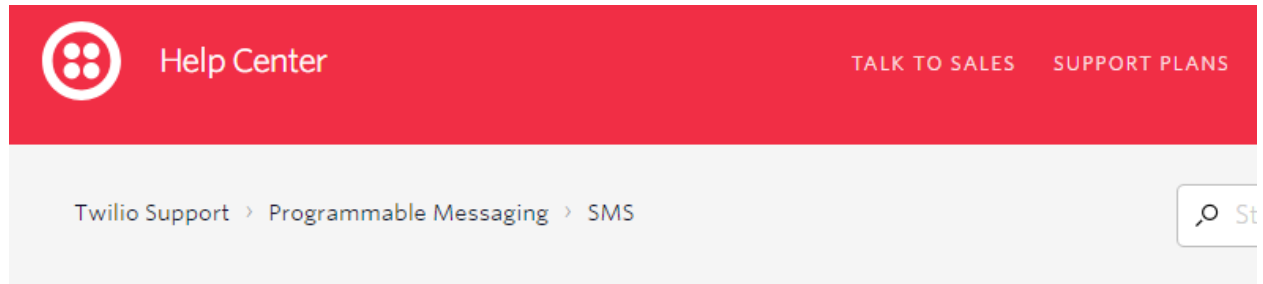
F: Firearms, and depictions or endorsements of violence

T: Tobacco (including vaping), or endorsement of illegal or illicit drugs, including marijuana and cannabis

In addition to the above, the promotion of gambling is not allowed.

APPENDIX B

Illegal blocking: Twilio's Forbidden Message Categories²²



Forbidden Message Categories in the US and Canada (Short Code, Toll-Free, and Long Code)

The messaging use cases described below are strictly prohibited on SMS and MMS platforms in the United States and Canada. These guidelines apply to **Short Code**, **Toll-Free**, and **Long Code** messaging under the new **A2P 10DLC** system. We want to ensure that our messaging services remain compliant with regulations and carrier requirements.

At Twilio, we prioritize compliance and aim to provide clear guidelines to ensure seamless communication while upholding regulatory standards. If you have any questions or need further clarification, our dedicated support team is here to assist you. Feel free to reach out to us for any assistance you may require by submitting a customer support ticket.

For comprehensive details on preventing your Twilio messages from being filtered or blocked, please refer to the guide: [How do I prevent my Twilio messages from being filtered \(blocked\)](#).

Forbidden Use Cases

Certain types of messages are not allowed, and we take these restrictions seriously to maintain a safe and reliable messaging environment for all users. It is essential to refrain from engaging in the following activities listed in the table below. Please note that these forbidden use cases are not only related to the content of the message but the business type itself.

²² Screenshots from <https://support.twilio.com/hc/en-us/articles/360045004974-Forbidden-Message-Categories-in-the-US-and-Canada-Short-Code-Toll-Free-and-Long-Code>, accessed 18 February 2024.

Additional Restrictions

Even if your specific use case is not listed as prohibited, certain message content may still be subject to restrictions. For instance, the use of shared or free public URL shorteners is not permitted and will lead to filtering. Ensure that when using a shortened URL it is company branded.

Forbidden message categories for SMS/MMS in the US/Canada

| Category | Examples | Notes |
|--|---|--|
| High-risk financial services | <ul style="list-style-type: none">• Payday loans• Short term high-interest loans• New loan soliciting• Third-party loans• Student loans• Cryptocurrency• Stocks and investing platforms | <p>"Third-party" means originating from any party other than the one which will service the loan.</p> <p>Examples of third-party loans could include: auto, mortgage, personal, etc.</p> <p>First party loan content is acceptable if it is not promotional messaging.</p> <p>No businesses that solely operate in stocks, investing, or cryptocurrency are allowed to send SMS traffic. If there is a mixed use case where that is a partial aspect of the business it may be approved based on the other use case content.</p> |
| Third-party lead generation services and marketing | <ul style="list-style-type: none">• Companies, NGOs or political campaigns that buy, sell, or share consumer information.• Affiliate lending | <p>Any third-party use cases are strictly forbidden.</p> <p>Consent must be obtained directly from end-users.</p> <p>Political use case customers sending SMS messages are not able to use voter registration databases to collect consent and outreach end-users.</p> |

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| Third-party lead generation services and marketing | <ul style="list-style-type: none"> • Companies, NGOs or political campaigns that buy, sell, or share consumer information. • Affiliate lending • Affiliate marketing • Deceptive marketing | <p>Any third-party use cases are strictly forbidden.</p> <p>Consent must be obtained directly from end-users.</p> <p>Political use case customers sending SMS messages are not able to use voter registration databases to collect consent and outreach end-users.</p> <p>Any business with a terms of service or privacy policy that mentions sharing or selling consumer data/opt-in information is considered noncompliant.</p> |
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| Debt collection or forgiveness | <ul style="list-style-type: none"> • Third-party debt collection • Debt consolidation • Debt reduction • Debt relief • Credit/debt repair | <p>"Third-party" means originating from any party other than the one who is owed the debt. For example, a hospital could send messages regarding bills for its own patients, assuming they provided opt-in to receive that messaging.</p> <p>While third party debt collection is not permitted, a debt collection business that has direct consent from end-users to send related content may do so.</p> <p>Debt consolidation, debt reduction and credit repair programs are prohibited regardless if there is first-party consent.</p> |
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| "Get rich quick" schemes | <ul style="list-style-type: none"> • Deceptive work-from-home programs • Risk investment opportunities • Pyramid schemes • Mystery Shopping • Multi Level Marketing (MLM) | <p>This is different from outreach about employment as a result of compliant opt-in practices, messages from brokerages to their members, investment news alerts, or other investment-related messages.</p> |
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| Illegal substances/articles | <ul style="list-style-type: none"> • Cannabis • CBD • Kratom • Paraphernalia products • Vape/E-cigs • Fireworks | <p>Cannabis, CBD, Kratom, or drug paraphernalia product businesses are prohibited from utilizing SMS/MMS messaging on Twilio in the US and Canada, regardless of content. These restrictions apply regardless of the federal or state legality. All use cases for these are disallowed from sending SMS whether it contains cannabis content or not, even for 2FA purposes it is not permissible for such entities.</p> |
| Prescription drugs | <ul style="list-style-type: none"> • Drugs that require a prescription | <p>Offers for drugs that cannot be sold over-the-counter in the US/Canada are forbidden regardless if the business is a licensed professional.</p> |
| Gambling | <ul style="list-style-type: none"> • Casino apps • Websites that offer gambling • Sweepstakes • 50/50 Raffles • Contests • Betting/Sports picks | <p>Gambling traffic is prohibited in the US and Canada on all number types (Toll Free, Short Code, Long Code).</p> <p>Sweepstakes are allowed on Short Code but need to go through a special review.</p> <p>Bingo related messages are allowed on an approved Short Code.</p> |
| "S.H.A.F.T." use cases and electronic smoking devices | <ul style="list-style-type: none"> • Sex • Hate • Alcohol • Firearms | <p>Alcohol traffic is allowed on Toll Free, Short Code, and Long Code in the US, as long as proper age gating procedures are in place. Age gating means that website users must input their date of birth. It cannot be a yes or no question.</p> <p>Firearms, Tobacco, Vape, and E-cigarettes are not allowed on Toll Free, Short Code, or Long Code regardless of age gating.</p> |

"S.H.A.F.T." use cases and electronic smoking devices

- Sex
- Hate
- Alcohol
- Firearms
- Tobacco
- Vape/E-ciggs

Alcohol traffic is allowed on Toll Free, Short Code, and Long Code in the US, as long as proper age gating procedures are in place. Age gating means that website users must input their date of birth. It cannot be a yes or no question.

Firearms, Tobacco, Vape, and E-cigarettes are not allowed on Toll Free, Short Code, or Long Code regardless of age gating.

All age-gated content into Canada must be blocked across Toll Free, Short Code, and Long Code. The only way to send age-gated traffic into Canada (even with proper age-gating) is to receive a special carrier exemption. Allowed age gated content in Canada include: pocket knives, lighters, and non-alcoholic beverages

Notice: Any use cases that violate Twilio's [Acceptable Use Policy](#) or [Messaging Policy](#) are also not allowed on Twilio's platform, regardless of number/sender type or destination country.

My use case is listed as forbidden. What can I do?

If your use case is listed above as forbidden for SMS and MMS messaging in the US, you may be able to use another Twilio product to reach your recipients.

APPENDIX C

Illegal blocking: T-Mobile Code of Conduct (excerpt)²³

5 PROHIBITED CAMPAIGN CONTENT

5.1 Unlawful, Unapproved, or Illicit Content

No messaging programs can run on the T-Mobile that may promote unlawful, unapproved, or illicit content, including but not limited to:

- SPAM;
- Fraudulent or misleading messages;
- Depictions or endorsements of violence;
- Inappropriate content;
- Profanity or hate speech;
- Endorsement of illegal drugs

Programs must operate according to all applicable federal and state laws and regulations. In addition, the content must be legal across all 50 states. All content must be appropriate for the intended audience. Additional legal and ethical obligations apply when marketing to children under age 13, and such programs might be subject to additional review by T-Mobile.

Aggregators and Message Senders are expected to enforce restrictions on their networks to prevent onboarding these types of content. If determined to support any of the following restricted content T-Mobile reserves the rights to all, and not limited to, the following actions:

- Suspension of sending rights for provisioned application address or campaign;
- Restriction of onboarding new message campaigns;
- Suspension of provisioning rights for new application address; and/or
- Suspension of all network services on the T-Mobile network

5.2 Disallowed Content

The following content categories are considered deceitful and nuisance campaigns which may result in high volumes of SPAM complaints on the T-Mobile network. Due to these issues, we will no longer support any campaign under the following categories, regardless of any prior approval. Messaging use cases that support the disallowed content outlined below may request an official exception in writing by T-Mobile through an official T-Mobile exception approval process. Any exception that existed before September 1, 2020, should be considered invalid.

| | |
|------------------------------|--|
| High-Risk Financial Services | <ul style="list-style-type: none">• Payday Loans• Non-Direct Lenders• Debt Collection |
| Debt Forgiveness | <ul style="list-style-type: none">• Debt Consolidation• Debt Reduction• Credit Repair Programs |
| Illegal Substances | <ul style="list-style-type: none">• Cannabis• Illegal Prescriptions |

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| Work & Investment Opportunities | <ul style="list-style-type: none">• Work from Home Programs• Job Alerts from 3rd Party Recruiting Firms• Risk Investment Opportunities |
| Other | <ul style="list-style-type: none">• Gambling• Any other illegal content• Lead generation indicate the sharing of collected information with third parties• Campaign types are not in compliance with the recommendations of or prohibited by the CTIA Short Code Monitoring Handbook, Version 1.7, or later.• Campaign types not in compliance with the recommendations of or prohibited by the CTIA Messaging Principles and Best Practices – 2019 version |

²³ Screenshots from <https://www.t-mobile.com/support/public-files/attachments/T-Mobile%20Code%20of%20Conduct.pdf>, accessed 18 February 2024.

APPENDIX D

Illegal blocking: T-Mobile Code of Conduct (excerpt)²⁴

August 14, 2020

Prohibited Campaign Types

SMS A2P SMS Messaging may not be used for affiliate lead and/or commission generation. AT&T may block and/or terminate messaging campaigns and/or accounts which AT&T, at its sole discretion, determines to be affiliate-related. Additionally, the types of campaigns listed below are prohibited. Effective immediately, no new campaigns of the nature below will be approved for provisioning. Existing campaigns of this nature on dedicated Short codes will be terminated in Early Q1 2019 with the exact date to be determined and communicated.

Any exceptions require written AT&T approval.

- Loan advertisements with the exception of messages from direct lenders for secured loans
- Credit repair
- Debt relief
- Work from home, 'secret shopper,' and similar advertising campaigns
- Lead generation campaigns that indicate the sharing of collected information with third parties
- Campaign types not in compliance with the recommendations of or prohibited by the CTIA Short Code Monitoring Handbook, Version 1.7 or later.

If a Message Sender is observed sending any of the above-listed disallowed content, then an account review may be performed by AT&T or its agents. This review can result in the suspension of sending rights for a provisioned phone number or short codes; restriction of high-throughput access; suspension of provisioning rights for new phone numbers or short codes; and/or suspension of all network services.

Service Providers, Aggregators and Inter-carrier Vendors are expected to enforce restrictions on their own networks to prevent these types of content at the intake source.

²⁴ Screenshots from https://www.10dlc.org/att_code_of_conduct_062020.pdf, accessed 18 February 2024. Highlights in original.