



NATIONAL ASSOCIATION
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REGULATORY & INDUSTRY
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February 28, 2008

The Honorable Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: WT Docket No. 08-07; DA 08-78

Dear Secretary Dortch:

The National Association of REALTORS® (NAR) appreciates the opportunity to comment on the Petition for Declaratory Ruling seeking to clarify that text messages and short codes are subject to the Commission's non-discrimination rules.

NAR's 1.3 million members increasingly rely on digital technologies, including text messaging, to provide their clients with property information critical to completing real estate transactions. In fact, innovative new businesses such as *CellA House* and services such as ClearSky Mobile's iCODE rely on text messaging to provide services to REALTORS® and real estate consumers. NAR believes that text messaging has become integral to the global communications network both as a replacement for and a complement to more traditional voice communications. Therefore, NAR believes that text communications should enjoy the same non-discrimination protections that content carried by cable and DSL operators enjoy.

The FCC's August 2005 Policy Statement on Broadband Internet Access sets forth that "consumers are entitled to the lawful Internet content of their choice." We believe that this petition presents the FCC with the ability to exercise its regulatory authority to ensure that specific cases of discriminatory behavior on broadband networks are responded to in an appropriate manner. Unless the FCC exercises proper regulatory authority, additional overbroad burdensome legislation may result.

Consumers must enjoy unfettered lawful access to communications networks regardless of the technology employed. As a result, we urge the FCC to employ its enforcement powers under its net neutrality principles to declare that refusing to provision a short code or otherwise blocking a text message because of the content of the speech it contains, or because the party seeking the service is a competitor is "unjust and unreasonable" discrimination in violation of law.

Thank you for the opportunity to comment on this very important issue. If you have any questions or concerns, please do not hesitate to contact Scott Rinn at (202) 383-7508, srinn@REALTORS.org.

Sincerely,

A handwritten signature in blue ink that reads "Joseph M. Ventrone".

Joseph Ventrone
Vice President,
Regulatory and Industry Relations