



The Order addresses numerous petitions for rulemaking, exemption, clarification, declaratory ruling, and other relief that were filed in FCC CG Docket No. 02-278 and WC Docket No. 07-135. Each of these petitions raised issues under the Telephone Consumer Protection Act, 47 U.S.C. § 227, and the FCC's implementing regulations. Vibes participated in those proceedings as a member of a Coalition of Mobile Engagement Providers. The Coalition filed a Petition for Declaratory Ruling in CG Docket No. 02-278 on October 17, 2013. The FCC subsequently sought public comment on the Coalition's request. Vibes also participated by commenting on other petitions in those proceedings.

Vibes now seeks relief from certain portions of the Order, which exceed the FCC's jurisdiction and authority, violate the Administrative Procedure Act, are arbitrary, capricious, and an abuse of discretion, and are otherwise contrary to the law. Among other things, the Order:

- unreasonably interprets the statutory term “automatic telephone dialing system”;
- misinterprets the TCPA's exemption for calls made with the “prior express consent of the called party” in a way that penalizes callers when consumers change their phone numbers and provides an illusory one-call exemption for calls to reassigned numbers; and
- creates an unlawful and unworkable standard for determining whether consent to receive calls has been revoked.

The FCC has compounded these errors by applying its flawed statutory interpretation to text messages with no regard for the important differences between phone calls and text messages.

Vibes therefore asks that this Court set aside the FCC's decision as unlawful and grant further appropriate relief.

Respectfully Submitted,



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Dated: September 4, 2015

UNITED STATES COURT OF APPEALS  
FOR DISTRICT OF COLUMBIA CIRCUIT

SEP - 4 2015

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FOR THE DISTRICT OF COLUMBIA CIRCUIT

UNITED STATES COURT OF APPEALS  
FOR DISTRICT OF COLUMBIA CIRCUIT  
FILED SEP - 4 2015  
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VIBES MEDIA, LLC

Petitioner,

v.

FEDERAL COMMUNICATIONS  
COMMISSION and  
THE UNITED STATES  
OF AMERICA

Respondents.

Docket No. 15-1311

ORIGINAL

**RULE 26.1 CORPORATE DISCLOSURE STATEMENT  
FOR VIBES MEDIA LLC**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Circuit Rules 26.1 and 28, Vibes Media LLC (“Vibes”) submits this corporate disclosure statement. Vibes, based in Chicago, Illinois, is a leading provider of text message-based marketing technology and services. Vibes has no parent corporation, and no publicly held corporation owns 10 percent or more of Vibes’ stock.

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Petition for Review and Corporate Disclosure Statement have been served by hand, this 4th day of September, 2015, upon the following parties:

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