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

In the Matter of	)	
	)	
Amendment of Parts 1 and 22 of the Commission's Rules with Regard to the Cellular Service, Including Changes in Licensing of Unserved Area	)	WT Docket No. 12-40
	)	
	)	RM No. 11510
	)	
	)	
Amendment of the Commission's Rules with Regard to Relocation of Part 24 to Part 27	)	
	)	
Interim Restrictions and Procedures for Cellular Service Applications	)	
	)	
Amendment of Parts 0, 1, and 22 of the Commission's Rules with Regard to Frequency Coordination for the Cellular Service	)	
	)	
	)	
Amendment of Part 22 of the Commission's Rules Regarding Certain Administrative and Filing Requirements	)	
	)	
Amendment of the Commission's Rules Governing Radiated Power Limits for the Cellular Service	)	RM No. 11660
	)	
	)	
Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 to Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services	)	WT Docket No. 10-112
	)	
	)	
	)	
	)	
	)	
2016 Biennial Review of Telecommunications Regulations	)	WT Docket No. 16-138
	)	

To: The Commission

REPLY COMMENTS
OF THE
ENTERPRISE WIRELESS ALLIANCE

The Enterprise Wireless Alliance ("EWA" or "Alliance"), in accordance with Section 1.45 of the Federal Communications Commission ("FCC" or "Commission") rules, respectfully submits its reply comments regarding the Second Further Notice of Proposed Rulemaking in the above-identified proceeding.[1] Specifically, the Alliance supports the comments filed by the Critical Messaging Associations ("CMA") regarding the Commission's proposal to delete certain Part 22 Subpart C rules (Operational and Technical Requirements) that apply not only to Cellular systems, but to licenses authorized under Subpart E, Paging and Radiotelephone Service. A number of EWA members use Subpart E channels either in private internal communications systems or for the provision of commercial two-way dispatch service. The burdens imposed by unnecessary, obsolete requirements weigh even more heavily on licensees of these relatively small systems than they do on nationwide Cellular carriers that have regulatory departments charged with ensuring compliance with even the most obscure FCC regulatory obligations.

The Alliance agrees that the following rules no longer serve a useful purpose and should be deleted:

Sections 22.301 and 22.303. These provisions require Part 22 licensees to make their stations and their station records (whatever is included in that term) available upon FCC request; to retain technical and administrative information regarding modifications of their facilities as part of those station records; and to maintain a current copy of their license at every control point or identify the location at which the license is available.

First, as noted by the Commission, all licensees are required to allow FCC inspection of their operations.[2] There is no need for a specific Part 22 rule to affirm that Commission

[1] Amendment of Parts 1 and 22 of the Commission's Rules with Regard to the Cellular Service, Including Changes in Licensing of Unserved Area, et al., WT Docket No. 12-40 et al., *Second Report and Order, Report and Order, and Second Further Notice of Proposed Rulemaking*, 32 FCC Rcd 2518 (rel. Apr. 24, 2017) ("Further Notice").
[2] 47 U.S.C. § 303(n).

authority. The rest of these rules clearly were adopted prior to competitive bidding and the resulting geographic licenses, and prior to implementation of the FCC's electronic Universal Licensing System ("ULS"). ULS makes available instantaneously to the FCC and the public the most current license information for all Part 22 systems. A physical copy of a license can never be more and could be less up-to-date than ULS data. In a world of electronic recordkeeping, maintaining paper licenses is administratively wasteful and unnecessary. In fact, the Commission wisely no longer mails paper copies of authorizations unless expressly requested to do so by the licensee.[3] The rules also were designed for a licensing scheme wherein facilities were authorized on a site- and frequency-specific basis. Subpart E spectrum now is licensed on a geographic basis without identification of individual facilities. Any technical information relating to the transmitters of the few remaining site-based systems can be located in ULS. There is no need for or benefit to requiring that it also be maintained in paper form in the stations records, given the ease with which license data can be accessed in the FCC's website.

Section 22.321. EWA agrees with the Commission and CMA that this provision establishing Equal Employment Opportunity ("EEO") recordkeeping and reporting requirements is unnecessary in light of Rule Section 1.815, which obligates all common carriers with 16 or more full-time employees to submit Form 395 annually, thereby providing essentially identical information. Deleting this rule section will avoid the confusion that arises as to whether entities that use this spectrum in private internal communications systems, nonetheless, are classified as "Public Mobile Service licensees" for purposes of this filing requirement. It also will do away with subsection (c), a rule that requires all such licensees to report annually whether any EEO complaints were filed against them, irrespective of the number of employees in the company.

[3]Wireless Telecommunications Bureau Implements Enhancements to the Commission's Universal Licensing System and Antenna Structure Registration System and Adopts Final Procedures for Providing Access to Official Electronic Authorizations, WT Docket No. 14-161, *Public Notice*, 29 FCC Rcd 15252 (2014).

This filing obligation serves no useful purpose. EEO complaints are rarely, if ever, filed against a licensee with fewer than 16 employees, and EWA is not aware that the FCC has ever had to take any action in response to a filing under this rule. The rule can be deleted without any adverse public interest impact.

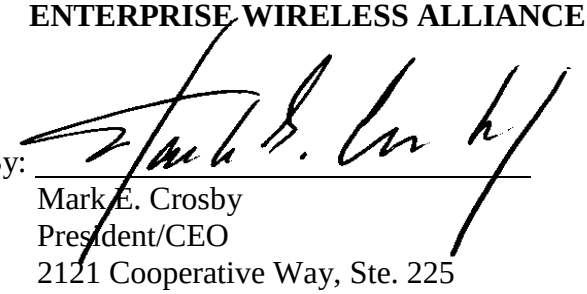
Section 22.325. EWA also agrees with the FCC and with CMA that the control point obligation in this section is no longer necessary, in light of automatic and remote monitoring facilities. Licensees have every incentive to ensure that their facilities are operating properly and in compliance with FCC requirements. The Commission no longer needs to prescribe how licensees must accomplish that task.

Section 22.143(a). Although not raised in the Further Notice, the Alliance recommends that the FCC also delete this provision. The rule states that applicants for Part 22 spectrum "may begin construction of a facility 35 days after the date of the Public Notice listing the application for that facility as acceptable for filing." There undoubtedly was good cause for this restriction when adopted, although what that cause was and why 35 days was deemed effective to address it is unknown to EWA, and likely unknown to current FCC staff.[4] To the best of the Alliance's knowledge, the rules governing other wireless services do not have comparable dates defining when construction of a facility can begin. The rest of Section 22.143 puts applicants on notice that they assume the risk of constructing prior to grant, should their application not be approved. When that construction takes place should not be of concern to the FCC, provided that all requirements applicable to the deployment of communications facilities are satisfied.

[4] In the world of paper application processing and paper filings submitted by mail, 35 days may have represented a 30-day public notice period, plus five days for receipt of any mailed oppositions to an application.

Respectfully submitted,

ENTERPRISE WIRELESS ALLIANCE

By: 

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