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June 4, 2013

VIA ELECTRONIC MAIL: Ruth.Milkman@fcc.gov

Ruth Milkman, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Prioritization of Pending Part 90 Applications

Dear Ms. Milkman:

The FCC's January 1, 2013 narrowbanding requirement triggered the filing of an extraordinary number of Part 90 applications in 2012 and into 2013. Some licensees simply modified their authorizations to reflect narrowband compliance, but a very substantial number met their obligation by investing in improved digital technologies that required more significant modifications of their licenses. As an FCC-certified Frequency Advisory Committee (FAC) that has handled a substantial number of these applications, the Enterprise Wireless Alliance (EWA) appreciates that their volume surpassed the normal processing capacity of both FACs and the Wireless Telecommunications Bureau (WTB) licensing staff in Gettysburg. Given what EWA understands is a continuing influx of WTB applications, it may take some time for the FCC staff to drive its average processing time back down to the approximately 60 days that had been the norm for a number of years.

EWA appreciates that the WTB licensing staff is doing all that it can to reduce its backlog and will continue to assist them in any way possible. In the meantime, however, there is one step the FCC could take that would ameliorate the situation substantially.

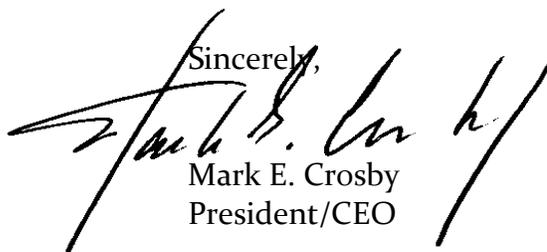
FCC Rule Section 90.159 provides for the conditional licensing of a very significant number of Part 90 systems in the bands below 470 MHz (and non-commercial paging systems at 929-930 MHz), excluding those that propose systems above Line A, that require FAA approval, that will significantly affect the environment pursuant to Section 1.1307, or that require a waiver. Entities are permitted to begin operating in accordance with the terms of their applications if those applications have

been coordinated by a FAC and have been pending at the FCC for at least 10 business days.

There is no comparable provision for systems above 470 MHz. Thus, applicants proposing identical new systems or changes in the operating parameters of existing systems are permitted to operate almost immediately if their systems are below 470 MHz, but must wait more than five months if they operate above that band. For example, a licensee proposing to upgrade from analog to digital equipment, thereby requiring a modification of its emission designator, can deploy its new technology 10 business days after its below-470 MHz application is filed, yet must wait many months if the system is in the 470-512 MHz, 800 MHz, or 900 MHz bands.

EWA believes that conditional licensing is appropriate for all Part 90 bands. It intends to request that the FCC modify its rules to permit this flexibility above 470 MHz where the rules related to channel assignments, if anything, are less complex than those in the lower bands. In the interim, however, it urges the FCC to create a separate queue for processing applications in bands where conditional licensing is not yet authorized. Since this would involve the expedited, but still sequential, processing of all applications in those bands, there is no risk that any applicant would be disadvantaged. In fact, this approach would be comparable to the FCC's decision to handle narrowbanding-only applications outside of the normal processing queue. EWA appreciates that even this approach will not put below and above 470 MHz applicants on an even playing field in terms of when they may place their facilities in operation. It may not result in a 45-60 day processing time in the short-term; but, any reduction in the current more than five-month processing time would promote the more effective use of these important bands for Part 90 land mobile licensees and would be welcomed by licensees operating in them.

Please feel free to contact me if you have any questions about this request.

Sincerely,

Mark E. Crosby
President/CEO

cc: Roger Noel (via email)
Terry Fishel (via email)