

In the Matter of )  
 )  
DELETE, DELETE, DELETE ) GN Docket No. 25-133  
 )  
To: The Commission

The Federal Communications Commission (“FCC”) request for comments on deregulatory initiatives that, among other objectives, would eliminate rules that impose unnecessary regulatory burdens and discourage robust spectrum utilization has elicited almost one thousand filings and numerous recommendations that warrant FCC consideration. EWA identified several Part 90 rules that require waivers or concurrences that slow and add cost to the licensing process without any concomitant public interest benefit. It also endorsed the recommendations of the National Wireless Communications Council (“NWCC”) of which EWA is a member.

The Comments reveal areas where there is significant support for more modernized, less burdensome regulations. One is the recommendation that the FCC consider changes to compliance with the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA). Virtually all commenters associated with construction of facilities to support wireless infrastructure sought relief in this area, as current compliance requirements are both costly and time-consuming. These matters

are also under consideration in RM-12003 where the legal issues undoubtedly will be vetted fully.<sup>1</sup>

The Part 90 rule changes recommended by EWA and certain of those proposed by the NWCC would be responsive to the position of the Small Business Administration, Office of Advocacy (“SBA”) that “strongly encourages the FCC to use all vested authority to ensure that more spectrum is allocated more efficiently to small entities.”<sup>2</sup> While small businesses rely on commercial wireless networks for certain communications needs, many also need their own systems to meet specialized coverage, operational, and security requirements. Allowing the coordinated assignment of narrowband and wideband spectrum allocated under 47 C.F.R. §§ 22.503 (VHF/UHF Paging), 90.601 et seq. (SMR), 90.701 et seq. (220 MHz), 80.475 et seq. (AMTS), and 95.1901 et seq. (218- 219 MHz) that had been auctioned, but either was never purchased or has been recovered and remains unused as proposed by the NWCC, would provide opportunities for some small businesses. Otherwise, it is likely that spectrum will remain in the FCC’s inventory for the foreseeable future, unavailable to the typically smaller private entities for which it is well-suited.

EWA’s proposals would streamline the process for making 800 MHz spectrum available for business, governmental and public safety entities, and would also eliminate the concurrence requirement for certain VHF and UHF channels, thus avoiding licensing

---

<sup>1</sup> *Wireless Telecommunications Bureau Seeks Comment on CTIA Petition for Rulemaking*, Public Notice, RM-12003, DA 25-290 (rel. Mar. 31, 2025).

<sup>2</sup> SBA Comments at 5.

delays and costs for enterprise entities, a significant number of which qualify as small businesses.

Additionally, EWA questions the rationale for Rule Section 90.179 that prohibits public safety entities from sharing Part 90 stations licensed to Industrial/Business (“I/B”) entities on spectrum below 800 MHz except on a non-profit, cost-shared basis. In the past decades, non-interconnected commercial dispatch networks have been deployed throughout the country by I/B entities. There may be situations where these networks would provide the coverage that a public safety entity needs and allow it to avoid the cost of building duplicative facilities while further maximizing use of that network. That outcome is not likely to be promoted if service needs to be provided without cost. The economic arrangement between the public safety entity and the commercial provider should be up to the parties, not determined by FCC rule.

One rule that certainly could be deleted without risk is Rule Section 1.924(d) that requires applicants in Puerto Rico to notify the Arecibo Observatory of their proposed use. The Observatory collapsed on December 1, 2020. The National Science Foundation announced in 2022 that it would not be rebuilt. The FCC will also need to address Q. 27 on the Form 601 Schedule D, which requires an applicant to certify that the Observatory has been notified and to specify the date of notification.

One of the recommendations of the Association of American Railroads (“AAR”) is consolidation of individual railroad licenses in the 160.215 MHz to 161.565 MHz band into a single nationwide, ribbon license to allow railroads to maximize control of this spectrum for which railroads were provided primary use status when the I/B channels

were consolidated in the late 1980s, but not exclusive use. It is unclear how such a “ribbon” license would be defined geographically. If it should be treated as effectively a nationwide license that precludes the use of that spectrum by non-railroad entities in areas where there are no rail tracks or areas that provide enough geographic separation to avoid interference to trains with narrow coverage requirements, the channels will be unavailable for other users in many parts of the country. That would not be consistent with the FCC’s efforts to maximize spectrum utilization. If the FCC believes a ribbon system would promote efficiency, the ribbon should be carefully and publicly defined so non-railroad entities have access to it outside that defined area.

Finally, EWA supports the comments of the Government Wireless Technology & Communications Association (“GWTCA”) in which a number of no longer relevant rules are identified for proposed elimination. While these rules are not burdensome but ignored, clearing away this type of regulatory underbrush is always beneficial.

EWA looks forward to working with the FCC on this deregulatory initiative.

Respectfully submitted,

**ENTERPRISE WIRELESS ALLIANCE**

A handwritten signature in black ink that reads "Robin J. Cohen". The signature is written in a cursive, flowing style.

Robin J. Cohen  
President/CEO  
13221 Woodland Park Road, Suite 410  
Herndon, VA 20171  
(703) 528-5115  
[robin.cohen@enterprisewireless.org](mailto:robin.cohen@enterprisewireless.org)

April 28, 2025