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

In the Matter of	)	
	)	
Procedures for Assessment and Collection of Regulatory Fees	)	MD Docket No. 12-201
	)	
Assessment and Collection of Regulatory Fees for Fiscal Year 2008	)	MD Docket No. 08-65

To: The Commission

COMMENTS
OF THE
ENTERPRISE WIRELESS ALLIANCE

The Enterprise Wireless Alliance ("EWA" or the "Alliance"), in accordance with Section 1.415 of the Federal Communications Commission ("FCC" or "Commission") rules and regulations, respectfully submits its comments in the above-entitled proceeding.[1] EWA is pleased that the FCC is proposing to update its regulatory fee assessment process. This process has not been re-evaluated since originally implemented in 1994, almost twenty years ago, but light years away when considering the seismic changes in the regulatory landscape during that twenty-year period. The Commission is correct that "a comprehensive analysis of all the substantive and procedural aspects of our regulatory fee program [is warranted] in light of the current state of the communications industry."[2] The Alliance supports this FCC effort and looks

[1] *In The Matter of Assessment and Collection of Regulatory Fees and Assessment and Collection of Regulatory Fees for Fiscal Year 2008*; Notice of Proposed Rulemaking, MD Docket Nos. 12-201 and 08-65, 27 FCC Rcd 8458 (July 17, 2012) ("NPRM" or "Notice").
[2] *Id*. at ¶ 2.

forward to regulatory fees that meet the Commission's criteria of fairness, administrability, and sustainability.[3]

EWA represents a broad alliance of business enterprise users, service providers, radio dealers and technology manufacturers, many of which hold licenses in the Part 90 radio services. While a substantial percentage of the Alliance's members also utilize spectrum regulated under other FCC rules, both licensed and unlicensed, the spectrum authorized under Part 90 typically represents the core of their communications facilities. For this reason, EWA and its members have a keen interest in the FCC's investigation of its regulatory fee structure generally and, in particular, in the portion of the covered costs presumed to be attributable to the Part 90 Private Land Mobile Radio ("PLMR") services.

Historically, the FCC has considered two basic components in setting regulatory fees. First, the Commission allocates a portion of the total collection target established by Congress for that year among the various regulatory fee categories, a calculation that is based on the number of full-time employees ("FTEs") of the FCC devoted to each fee category. Second, the FCC allocates the amount attributable to each fee category among the regulatees within the class based on an objective measure such as call signs, subscribers or revenues. PLMR licensees pay an annual regulatory fee for each call sign, which fee is assessed in advance for the full term of the authorization upon the issuance of the license and any renewal thereof.

In previous comments on this subject, EWA expressed concern about what had been a steady percentage increase in PLMR regulatory fees. While noting that the annual PLMR per call sign assessments were relatively modest, the Alliance expressed doubt that they accurately reflected the FTEs engaged in PLMR licensing and ancillary regulatory activities since the FCC had significantly streamlined its licensing processes. EWA also reminded the Commission that

[3] Id. at ¶¶ 14-16.

the vast majority of activities conducted in the Wireless Telecommunications Bureau had become increasingly unrelated to PLMR interests and impact since 1994, a trend that has only accelerated with the FCC's emphasis on broadband services.

EWA is pleased to note that, even under the current regulatory fee assessment process, the FCC in 2012 reduced both categories of PLMR regulatory fees by a substantial percentage. The FY 2012 regulatory fee was decreased for "Shared Use" licenses at 30-470 MHz from $200 to $150 ($15 per year for a ten-year license) and for Exclusive Use licenses at 470-512, 800, and 900 MHz from $400 to $350 ($35 per year for a ten-year license). These reductions are a positive step in recalibrating PLMR regulatory fee obligations to reflect more accurately the FCC resources devoted to licenses in these categories.

While these fee reductions are welcome and appropriate, the Alliance continues to support a more global rethinking of the regulatory fee process. It endorses the FCC's goal of adopting a program that allocates the burden fairly among regulatees, minimizes the administrative burden on regulatees and the FCC alike, and provides sufficient flexibility to preserve an equitable distribution in a constantly evolving industry. It generally agrees with the approaches proposed in the NPRM and looks forward to working with the FCC and other categories of regulatees to develop an optimal process for achieving those objectives while also meeting the statutory mandate that requires regulatory fee collection.

Respectfully submitted,

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