

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

In the Matter of)
)
Amendment of Parts 1, 22, 24, 27, 74, 80, 90,) WT Docket No. 10-112
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)

To: The Commission

**REPLY TO APCO OPPOSITION TO
EWA REQUEST FOR CLARIFICATION**

The Enterprise Wireless Alliance (“EWA” or “Alliance”), in accordance with Section 1.429(a) of the Federal Communications Commission (“FCC” or “Commission”) rules and regulations, respectfully submits its Reply to the Opposition (“Opposition”) filed by the Association of Public-Safety Communications Officials-International, Inc. (“APCO”) in response to EWA’s Request for Clarification (“Clarification Request”) in this proceeding. The Opposition objects to the Clarification Request in which it says EWA “question[s] the Commission’s judgement rather than seek clarification on how to comply with the revised renewal procedures.”¹

APCO seemingly has misread the Clarification Request and misunderstood its purpose. It is correct that EWA disagrees with the Commission’s decision to carve out a public safety exemption from a licensing requirement that has been applied even-handedly to all Part 90 licensees for decades. But that decision was made, and EWA has not asked the FCC to reconsider it.

¹ Opposition at 1.

What EWA has requested is an explanation of the legal significance of the public safety exemption. Other site-based wireless licensees will be required to certify affirmatively when filing a renewal application that they are continuing to operate their systems consistent with the most recently filed construction notification and that there has been no permanent discontinuance of operation. Geographic licensees will have to certify that they have satisfied applicable interim or final performance requirements and also that they are continuing to use the licensed facilities at or above their previously reported levels to meet their identified communications requirements. If public safety licensees are exempt from making those certifications, what, if anything, are they representing to the FCC when they file a renewal application?

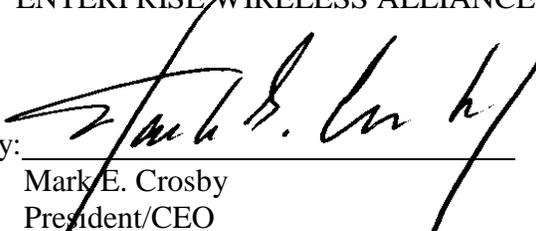
In fact, it is surprising that APCO itself did not request clarification in order to respond to public safety inquiries. Like APCO, EWA works with public safety entities on a regular basis and already has been asked about the significance of the exemption. It also has received questions from members who provide wireless sales and services to public safety entities. EWA assumes APCO has received or will receive the same question. Both organizations may be asked more generally whether no longer operating facilities may be included in a renewal application. EWA would have assumed the answer to that question is no, but it is uncertain given the public safety exemption.

It may be that the FCC intends the exemption to apply only to the act of electronically answering the renewal certification questions that are to be added to the Form 601, without altering the obligation to comply with the substance of the certification requirements. Or the exemption may signify a substantive distinction between the renewal filings of public safety versus other wireless licensees.

Because the Commission's decision does not explain the meaning of the exemption, EWA respectfully requests clarification of this issue.

Respectfully submitted,

ENTERPRISE WIRELESS ALLIANCE

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February 20, 2018

CERTIFICATE OF SERVICE

I, Linda J. Evans, with the law firm of Lukas, LaFuria, Gutierrez and Sachs, LLP, hereby certify that I have, on this 20th day of February, 2018 caused to be forwarded by electronic mail, as well as first-class mail, postage prepaid, a copy of the foregoing Reply to APCO Opposition to EWA Request for Clarification to the following:

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