



Enterprise  
Wireless  
Alliance®

8484 Westpark Drive, Suite 630  
McLean, VA 22102  
Fax: 703.524.1074

17750 Creamery Road, Suite 10B  
Emmitsburg, MD 21727  
Fax: 717.337.9157

800.482.8282  
[www.EnterpriseWireless.org](http://www.EnterpriseWireless.org)

December 24, 2013

**VIA ELECTRONIC MAIL:** [roger.sherman@fcc.gov](mailto:roger.sherman@fcc.gov)

Roger C. Sherman, Acting Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: Request for Extension of Temporary Waiver  
Part 90 Conditional Licensing Authority Above 470 MHz**

Dear Mr. Sherman:

On September 26, 2013, the Wireless Telecommunications Bureau (“WTB”) granted a request from the Enterprise Wireless Alliance (“EWA”) to permit applicants for new or modified stations in the 470-512 MHz, 806-824/851-866 MHz, and 896-901/935-940 MHz bands to operate under the Federal Communications Commission (FCC) Part 90 conditional licensing rules while their applications are pending.<sup>1</sup> Those rules, codified at Rule Section 90.159(b), allow Part 90 applicants for frequencies below 470 MHz to begin operating their proposed stations while their applications are pending at the FCC, subject to certain conditions. EWA requested a temporary waiver to extend this same conditional licensing authority to the bands specified in the Order because a very significant number of narrowband-related applications had caused a substantial, temporary increase in the WTB Part 90 application processing time. The waiver relief was granted only to applicants with WTB radio service codes filed on or before December 31, 2013.

The WTB processing staff is to be commended for their efforts to reduce the Part 90 processing time, and there has been meaningful improvement in the six months since EWA’s original request was filed. Nevertheless, the situation remains largely unchanged. The Federal Government shutdown this past October obviously had a negative impact on all FCC activities, including the WTB Part 90 processing time, and undoubtedly impeded efforts to make even greater inroads into the backlog caused by narrowbanding. EWA is optimistic that an additional six months of waiver relief, until June 30, 2014, will permit the WTB staff to achieve a processing time that is consistent with user needs and with the prior speed-of-service.

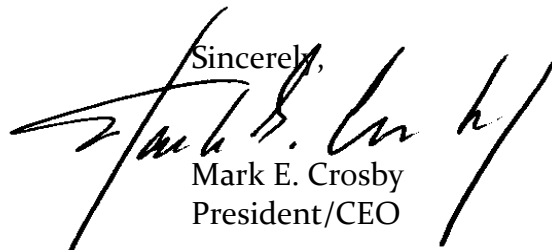
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<sup>1</sup> In the Matter of Enterprise Wireless Alliance, *Order*, DA 13-1989 (rel. Sept. 26, 2013) (“Order”).

To the best of EWA's knowledge, approval of the waiver has not produced any complaints of interference or other regulatory issues and there is no reason to anticipate that an six additional months will present any such problems. In fact, the obvious benefits of extending conditional licensing to the 470-512 MHz, 806-824/851-866 MHz, and 896-901/935-940 MHz bands on a temporary basis has prompted the Land Mobile Communications Council ("LMCC") to agree to prepare a Petition for Rulemaking in which it will request a permanent rule change to include those bands in the FCC's conditional licensing authority for both Industrial/Business and Public Safety applicants. The LMCC expects to file that Petition in the first quarter of 2014.

For the reasons described herein, EWA requests that the WTB proceed promptly to extend the temporary waiver relief requested herein until June 30, 2014 for WTB radio service codes applications in the bands specified above.

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)  
Scot Stone (via email)  
Terry Fishel (via email)