

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 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 Secretary, Federal Communications Commission

**CRITICAL MESSAGING ASSOCIATION  
COMMENTS ON FURTHER NOTICE OF PROPOSED RULEMAKING**

THE CRITICAL MESSAGING ASSOCIATION (CMA), by its attorney, respectfully submits its comments to the Federal Communications Commission in response the Commission's Second Report and Order and Further Notice of Proposed Rulemaking (FNPR) in the captioned proceeding, adopted and released August 3, 2017, and published at 82 Fed. Reg. 41580 (September 1, 2017). In summary, CMA opposes mandatory additional coverage requirements for geographic licensees after the initial license term. In support thereof, CMA respectfully states:

**Introduction and Background**

In the report and order portion of the FNPR, the Commission adopted uniform requirements (with limited exceptions) for licensees in substantially all of the non-broadcast wireless radio services that seek renewal of their station licenses. The essential structure of the new renewal regimen is a two-pronged approach. A licensee may either certify that it meets a "safe harbor" standard for renewal, in which case the renewal application will be processed and grant-

ed routinely. Alternatively, if a licensee does not certify that it meets the “safe harbor” standard, it must submit detailed information concerning its operations under the license during the license term and the Commission will make a case-by-case determination as to whether the license should be renewed. If a license is not renewed, the spectrum is simply returned to the Commission for relicensing; competing applications and comparative renewal hearings are abolished.

The Commission also addressed certain other matters in the report and order portion of the FNPR, including the adoption of uniform rules for determining when a licensee has permanently discontinued service, and the consequence of permanent discontinuance; tweaks in the rules governing geographic partitioning and spectrum disaggregation; and the transition to the new license renewal rules.

In the FNPR itself, the Commission requests comments on various options for imposing new construction obligations on geographic area licensees, ostensibly “to encourage investment in wireless networks, facilitate access to scarce spectrum resources, and promote the rapid deployment of mobile services to rural Americans”. (FNPR at ¶100). The options identified for consideration include “(1) applying any new obligations on a prospective basis only to new licenses issued in the future; (2) establishing an ‘opt-in’ framework to facilitate additional buildout; or (3) applying any new obligations prospectively to all existing and future licensees of flexible geographic licenses.” (*Id.*).

#### Interest of Petitioner

CMA is the national trade association representing the interests of the critical messaging industry (historically known as the paging industry) throughout the United States. As wireless services have evolved over approximately the last two decades, the critical messaging industry has increasingly concentrated on serving the specialized, emergency alerting needs of health care providers, first and second responders, and other customers employing critical, time-sensitive

messages using a point-to-point protocol that cannot be duplicated by broadband networks.

CMA members include a representative cross-section of carriers operating messaging networks licensed by the Commission under Parts 22, 24 and 90 of its rules, as well as equipment suppliers and other vendors to the carrier industry. As licensees of the Commission's Part 22, 24 and 90 wireless radio services, CMA's members would be subject to and directly affected by any new construction obligations adopted in the captioned proceeding.

#### Comments on Further Notice

CMA respectfully submits that imposing new construction obligations on geographic area licensees after the initial term is inconsistent in fundamental ways with the economic philosophy underpinning the concept of geographic licensing, and therefore such new obligations should not be adopted. One of the core attributes of geographic licensing is the notion that licensees should have the flexibility to adjust the scope of their service offerings in response to market demand. Imposing artificial new construction and operation obligations is the antithesis of allowing licensees to respond to market demand, and should be rejected on that basis.

CMA believes Commissioner O'Rielly stated another essential point very well in his statement to accompany the FNPR:

Licensees made decisions based on the rules at the time and bid accordingly. To consider altering these requirements for licensees is beyond bad faith. We certainly wouldn't have generated the auction bids or revenues we did had participants been on notice, in advance of the auction, that we can alter the terms and conditions, and we risk our sound auction policy, not to mention years of litigation, in the process.

CMA agrees with Commissioner O’Rielly and urges the Commission to abandon any imposition of new construction obligations for geographic area licensees.

Respectfully submitted,

CRITICAL MESSAGING ASSOCIATION

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