

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

In the Matter of)	
)	
Completing the Transition to Electronic Filing,)	WT Docket No. 19-212
Licenses and Authorizations, and Correspondence)	
In the Wireless Radio Services)	

To: The Commission

**COMMENTS
OF THE
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA” or “Alliance”), in accordance with Section 1.415 of the Federal Communications Commission (“FCC” or “Commission”) rules, is pleased to submit its comments in response to the Notice of Proposed Rulemaking in this proceeding.¹ EWA strongly favors the Commission’s efforts to further facilitate a transition from paper to electronic exchanges between the FCC and its constituents, whether involving the filing of FCC applications or correspondence from and to the Commission. As we approach the third decade of the 21st century, it is well time to embrace a fully digital ecosystem for FCC wireless matters.

I. INTRODUCTION

EWA agrees that the Commission has made very significant strides in modernizing many of its legacy systems, in particular its wireless application filing and processing systems and the availability of data generated from them. The pre- and post-Universal Licensing System (“ULS”) worlds are light-years apart in terms of accessibility, both for inputting data and extracting useful and accurate information from what others have filed. The Alliance submits approximately 12,000 wireless applications each year on behalf of its customers and uses ULS

¹ *Completing the Transition to Electronic Filing, Licenses and Authorizations, and Correspondence in the Wireless Radio Services*, WT Docket No. 19-212, Notice of Proposed Rulemaking, 84 FR 51502 (Sept. 30, 2019) (“NPRM”).

data every day to coordinate applications and to advise prospective applicants about their wireless communications options. While ULS has begun to suffer from the aging process and EWA recommends that updating it be among the FCC's highest priorities, it still is vastly superior to the prior paper filing system and to many of the FCC's other licensing databases.

But as noted in the NPRM, more can be done to improve efficiency for the Commission and users and to enhance accessibility and transparency of data for the public. Given the virtual ubiquity of Internet access, either through personal computers or venues such as libraries or even Kinkos, EWA supports the following changes to the FCC rules and processes.

II. ELECTRONIC TRANSMISSION SHOULD BE THE STANDARD FOR ALL WIRELESS APPLICATION FILINGS, AUTHORIZATIONS, AND CORRESPONDENCE.²

A. Mandatory Electronic Filing

The great majority of ULS applications are submitted electronically already. There are only a small number of "exempted filers."³

When the ULS was implemented and electronic filing was introduced in 1998, the Internet was in its relative infancy. Many Private Land Mobile Radio ("PLMR") applicants were not yet computer-savvy, particularly smaller businesses and public safety entities. Recognizing that, the Commission created exemptions for certain categories of PLMR users, including certain public safety applicants. It also exempted applications for most Part 80 Maritime Services and several other applicant classes.

Nonetheless, most "exempted" PLMR applications are filed electronically because they require prior coordination by FCC-certified Frequency Advisory Committees ("FACs") such as EWA, FACs have been required to submit the applications they coordinate electronically since

² The Alliance's Comments focus on ULS-related activities, but its recommendations are intended to encompass the Antenna Structure Registration ("ASR") System, the Tower Construction Notification System ("TCNS"), and the Electronic Section 106 (E-106) System, as applicable.

³ NPRM at ¶ 3.

ULS was implemented. Other applicants that are permitted to file paper applications elect to file electronically because they find it easier and more error-proof than preparing a paper application.

Still, the NPRM notes that approximately one-third of the 5,000 manually filed applications in 2018 were submitted by PLMR entities. In EWA's opinion, these applications impose an unnecessary burden on the FCC's application processing personnel. The Alliance still receives paper coordination requests from a small number of its customers and can confirm that translating that information into a ULS-acceptable application can be a time-consuming task. One of the benefits of ULS is that, in most cases, it prevents the submission of an incomplete or fundamentally flawed application. Errors are caught during the filing process so the information received by the FCC is generally sufficient to allow a determination as to whether the request otherwise complies with FCC requirements.

Twenty years have passed since the Commission chose to smooth the transition from paper to electronic filings for certain categories of applicants. In EWA's opinion, it is time for exempted classes of users to begin filing their applications electronically. The six-month period proposed in the NPRM should be ample to allow those parties to switch to a filing process that is used by many thousands of their peers. EWA, and it is sure other FACs and organizations that interact regularly with exempted user classes, will assist in this transition by notifying those parties of the change and providing assistance as needed. Of course, if a particular entity has a specific reason for requiring additional time or for being allowed to file paper applications indefinitely, it is free to request a waiver of that requirement.

EWA agrees that pleadings related to applications filed in ULS and in the ASR system should be submitted electronically. Service on the affected party still should be required even if the electronic filing is publicly available, and the service copies of those filings should also be delivered electronically. Some licensees have hundreds or a thousand or even many thousands

of licenses and file substantial numbers of applications. They cannot check ULS or the other electronic filing systems daily to see if a pleading has been submitted related to one of those licenses or applications. Personal service still should be required, albeit through electronic delivery.

EWA also urges the FCC to update ULS to permit electronic filing of subleases, leases contingent on assignments, two-step transactions, and STAs in certain market-based services.⁴ Manual filing of sublease applications is particularly burdensome and, in the Alliance's experience, discourages more extensive use of secondary market opportunities, which is contrary to FCC and Congressional objectives.⁵ Allowing electronic filing of these applications will also eliminate the current burdensome and time-consuming process of paying for paper submissions and requesting return proof of filing. Today this entails submitting the original application and payment of FCC filing fees through US Bank, which then mails the original application with confirmation of payment to the FCC staff responsible for keying it into the ULS. This essential step must be completed before application processing can begin and currently takes a week or more. During that period, the application remains in regulatory limbo, submitted but not processable or viewable in the ULS.

B. Mandatory E-Mail Addresses

All applicants, licensees and other parties that use the FCC's wireless electronic systems for any type of filing should be required to provide one e-mail address to be used for all official communications, the "primary" e-mail address described in the NPRM.⁶ In 2019, an e-mail address is, for most purposes, equivalent to or perhaps even more reliable and relevant than a

⁴ NPRM at n. 16.

⁵ See, e.g., *Partitioning, Disaggregation, and Leasing of Spectrum*, Notice of Proposed Rulemaking, WT Docket No. 19-38, FCC 19-22 (rel. Mar. 15, 2019).

mailing address. Parties should be required to keep their e-mail addresses current, just as they are obligated to update their mailing addresses when that information changes.

EWA is not aware that its members who include e-mail information on their applications have experienced problems of any significance with unwanted solicitations or other communications. In fact, most such solicitations continue to be delivered to their mailing addresses through the USPS. Parties with privacy concerns are free to establish a separate e-mail address for FCC purposes only. This will not guarantee freedom from undesired contacts, but today's firewalls and other filters should keep these problems to a minimum.

Parties that include secondary "contact" information on their applications should be required to include an e-mail address for that party as well for the reasons discussed in Subsection C below.

C. Electronic Notices, Correspondence, and Alerts

EWA supported the FCC's decision to stop sending hard copies of licenses except to licensees that specifically request them as well as eliminating USPS mailing of other notices.⁷ Mailing hard copies of those documents was an unnecessary cost for the government and environmentally unsound. For the same reasons, it endorses the NPRM proposal to stop mailing hard copies of authorizations upon request from licensees, authorizations that can be downloaded from the ULS and ASR system.

The Alliance also supports the FCC's proposal to begin sending its other routine correspondence - dismissal letters, return letters, cancellation letters, termination letters, as well

⁶ NPRM at ¶ 21.

⁷ See *Wireless Telecommunications Bureau Implements Enhancements to the Commission's Universal Licensing System and Antenna Structure Registration System and Adopts Final Procedures for Providing Access to Official Electronic Authorizations*, Public Notice, 29 FCC Rcd 15252 (WTB 2014); *Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Announce Elimination of Certain Paper Notices as an Initial Step Toward Providing Electronic Access to Correspondence Notices Currently Generated by the Commission's Universal Licensing System and Antenna Structure Registration System*, Public Notice, 31 FCC Rcd 9816 (WTB and PSHSB 2016).

as the extremely helpful notices of upcoming construction and renewal deadlines, and other communications – by e-mail rather than through the postal service. Correspondence should be sent to the primary e-mail address designated by the party, with a copy to the e-mail address of the secondary contact, if any. As with electronic filings, parties that can demonstrate a unique hardship from such a change should request a waiver of the normal requirement.

The e-mail should include the substance of the communications and not simply a notice that the user should log-in to the system and download a copy, at least until ULS and perhaps other filing systems have been updated. ULS can be stubbornly uncooperative in terms of user access. There are times when it is simply inaccessible. In other instances, it takes an inordinate amount of time to access the necessary information.

The FCC should continue sending the courtesy notices about upcoming deadlines, although by e-mail rather than hard copies. These notices are beneficial to users and the FCC. In EWA's experience, they reduce significantly the number of parties that inadvertently fail to submit their construction notifications or file renewal applications. This, in turn, reduces the number of Petitions for Reconsideration and Special Temporary Authorization requests the FCC must process. This system works well and should be maintained.

EWA would prefer to see these alerts sent by e-mail to the party involved, rather than being noted in a tab or mailbox within ULS and the ASR system. Again, ULS, at least, is not always accessible, and it can be extremely frustrating for a party to have to continue trying to log-in to download the substance of the notification. This is particularly the case for parties with large numbers of authorizations, particularly in services where construction and renewal deadlines are assigned on an authorization-specific basis and are entirely random throughout the year, rather than those services where most licenses have the same build-out and renewal dates.

The conversion to this process will need to track the requirement that all licensees designate a primary e-mail address for FCC correspondence, a requirement EWA encourages the Commission to adopt as soon as practical.

III. CONCLUSION

Electronic communications between the FCC and its constituents should be the standard in the third decade of the 21st century. It is only the rarest of Americans who do not use the Internet daily for business and personal activities. Those parties can be accommodated through waiver relief while the rest of the wireless community migrates to fully electronic interactions with the Commission.

Respectfully submitted,

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