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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20541

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: Assessment and Collection of Regulatory Fees for
Fiscal Year 1995, MD Docket No. 95-3
Personal Communications Industry Association
Ex Parte Communication

Dear Mr. Caton:

On March 29, 1995, R. Michael Senkowski and Richard E. Wiley of Wiley, Rein & Fielding and Mark J. Golden, Vice President - Industry Affairs, Personal Communications Industry Association ("PCIA"), met with Andrew S. Fishel and his staff concerning views expressed in PCIA's comments in the above-referenced docket. In addition, the attached document summarizing PCIA's views was distributed and formed the basis for discussion.

Pursuant to Section 1.1206(a)(1) of the Commission's Rules, an original and one copy of this letter are being filed with your office. If any questions arise concerning this notification, please call me at 202-429-7245.

Respectfully submitted,

Katherine M. Holden
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cc: Andrew S. Fishel

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**THE COMMISSION SHOULD NOT REQUIRE PART 22 PAGING
LICENSEES TO BEAR A DISPROPORTIONATE SHARE OF THE
INCREASED REGULATORY FEE BURDEN**

- Congress has required the Commission to recover 93 percent more through regulatory fees in fiscal year 1995 than in fiscal year 1994.
- Regulatory fee payors thus could reasonably expect to pay a fiscal year 1995 fee that is about double the amount paid in fiscal year 1994.
- Under that line of reasoning, Part 22 paging licensees could expect to see their regulatory fees increase from \$0.06 per subscriber to \$0.12 per subscriber.
- Instead, the Commission has proposed in the *Regulatory Fees Notice* to increase its Part 22 paging fees from \$0.06 *per subscriber* to \$0.13 *per unit*. This change in fee basis from subscriber to paging unit, combined with the increase in the fee amount itself, translates into a *five to ten fold increase* (instead of a doubling) in the regulatory fees to be paid by each Part 22 paging provider.
- Most of this disproportionate, unjustified increase results from the redefinition of the Part 22 paging payee basis from "subscriber" to "unit." Although the *Notice* states that a per unit fee regimen is more equitable than a per subscriber fee regimen, the Commission has not explained the rationale for this conclusion.
- Commission activities in the areas of enforcement, policy and rulemaking, user information services, and international as related to Part 22 paging do not warrant a five to ten fold increase in user fees, especially as compared to the increase in regulatory fees for other services.
- The redefinition of the payee basis also is inconsistent with Congress's selection of subscriber (and not paging unit) as the basis for measuring the regulatory fees to be collected from each Part 22 paging licensee for fiscal year 1994.
- The Commission accordingly should set the fiscal year 1995 regulatory fees for Part 22 paging licensees at \$0.12 per subscriber.