



EX PARTE OR LATE FILED

VIA COURIER

September 3, 1998

Magalie Roman Salas, Esq.
Secretary, Federal Communications Commission
1919 M Street, NW Room 200
Washington DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: *Ex Parte Notification: Biennial Review -- Amendment of the Commission's Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services, NPRM, WT Docket No. 98-20; Request to Include PCIA's July 31, 1998 Letter in the Commission's Ongoing ULS Decisionmaking Process*

Dear Ms. Salas:

Attached is a letter that the Personal Communications Industry Association ("PCIA") is submitting today to Mr. Daniel B. Phythyon, Chief, Wireless Telecommunications Bureau ("WTB"), with copies to Rosalind K. Allen, Deputy Chief, WTB, Steve Weingarten, Chief, Commercial Wireless Division ("CWD"), WTB, and Diane Conley, Deputy Chief, CWD, WTB, regarding the captioned Universal Licensing System ("ULS") proceeding. On August 21, 1998, WTB issued a Public Notice asking for comment on PCIA's July 31, 1998 Letter, which seeks regulatory relief from certain ULS rule sections. The letter submitted today urges WTB to include PCIA's request on the ULS rule sections in the Commission's ULS decisionmaking process, regardless of whether comments are filed on PCIA's Letter in a manner that is timely for incorporation into the that proceeding.

Pursuant to section 1.1206(b) of the Commission's rules, two copies of the letter are being provided for inclusion in the public record. *Id.* § 1.1206(b). If you have any questions regarding this matter, please call me at 703-739-0300.

Sincerely,

A handwritten signature in cursive script that reads "Mary M. McDermott".

Mary McDermott
Chief of Staff and Senior Vice President, Government Relations

cc: Daniel B. Phythyon, Rosalind K. Allen, Jeannine Poltronieri, Steve Weingarten, and Diane Conley

ADRIE



Personal
Communications
Industry
Association

VIA COURIER

September 3, 1998

Mr. Daniel B. Phythyon
Chief, Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, NW, Room 5002
Washington DC 20554

Re: *Biennial Review -- Amendment of the Commission's Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services, NPRM, WT Docket No. 98-20 Request to Include PCIA's July 31, 1998 Letter in the Commission's Ongoing ULS Decisionmaking Process*

Dear Mr. Phythyon,

As you know, on July 31, 1998, the Personal Communications Industry Association ("PCIA") submitted a letter to the Wireless Telecommunications Bureau ("Bureau"), pursuant to Section 11 of the Communications Act, as amended,¹ requesting removal or streamlining of certain regulations currently imposed on wireless carriers ("July 31 Letter").² The July 31 Letter provided three lists of rule sections for removal or streamlining, including, in relevant part, rule sections that have been the subject of comment in the Commission's captioned Universal Licensing System ("ULS") proceeding.³

¹ 47 U.S.C. § 161.

² Letter from Mary McDermott, Senior Vice President and Chief of Staff, Government Relations, PCIA, to Mr. Daniel B. Phythyon, Chief, Wireless Telecommunications Bureau (July 31, 1998) (*Section 11 Wireless Telecommunications Bureau Biennial Review Removal or Streamlining of Regulations*) ("July 31 Letter").

³ *Id.* at A-1 to A-5. The other rule sections listed in the July 31 Letter included administrative rules that may be eliminated or modified by the Commission without prior notice and comment rulemaking proceedings, and rule elimination and streamlining proposals that may require notice and comment prior to final Commission action. *Id.* at B-1 to C-5.

In response to the July 31 Letter, on August 21, 1998, the Bureau issued a *Public Notice* generally seeking comment on the July 31 Letter and specifically stating that the Bureau “will incorporate comments on the PCIA Letter into the record of our ULS . . . proceeding.”⁴ The Bureau further noted that seeking comments on the July 31 Letter “will not delay any streamlining action that the Bureau or the Commission may elect to take without further notice and comment.”⁵ Finally, the Bureau established a single comment period with a deadline of 15 days from Federal Register Publication of the *Public Notice*.⁶

PCIA applauds both the Bureau’s and the Commission’s efforts in trying to release its decision in the ULS proceeding this month, September 1998. ULS will provide an important opportunity to reduce both the amount of time spent and costs incurred in filing applications. ULS will also afford easier access to Commission database information and conserve Bureau resources in processing electronically filed applications.

PCIA is encouraged by the Bureau’s prompt response to our July 31 Letter. However, we have a timing concern with the Bureau waiting until comments are filed on the July 31 Letter’s list of ULS rule sections to incorporate PCIA’s requests into the ULS proceeding. As of September 2, 1998, the *Public Notice* had not yet appeared in the Federal Register. As a result, comments may not be received until the latter part of September, which may well be after a ULS decision is released. As stated in the July 31 Letter, the rule changes that PCIA lists on issues raised in the ULS proceeding are not controversial. Yet adopting these changes will lessen the day-to-day administrative burdens on wireless carriers and streamline the process. The Commission will also benefit because these changes will allow it to make the most efficient use of its resources.

PCIA submits this *ex parte* letter to urge the Bureau to include PCIA’s request on the ULS rule sections at the first opportunity in the Commission’s decisionmaking. There is no need to wait for comments on PCIA’s July 31 Letter. Inclusion of PCIA’s request in the ongoing proceeding will result in an efficient use of Commission resources and provide timely and important information to the industry on whether the Commission intends to remove or streamline these currently effective rules. PCIA emphasizes that if the Bureau needs additional information on the ULS rule sections included in the July 31 Letter, PCIA is ready and willing to provide that information upon request.

⁴ *Wireless Bureau Seeks Comment on July 31, 1998 Letter From Personal Communications Industry Association Proposing Streamlining of Wireless Regulations, Public Notice*, DA 98-1687 at 2 (Aug. 21, 1998) (“*Public Notice*”).

⁵ *Id.*

⁶ *Id.*

If you have any questions regarding this matter, please call me at 703-739-0300.
Pursuant to section 1.1206(b) of the Commission's rules, two copies of this letter are being
provided for inclusion in the public record. *Id.* § 1.1206(b).

Sincerely,

A handwritten signature in black ink that reads "Mary McDermott". The signature is written in a cursive, flowing style.

Mary McDermott

Senior Vice President & Chief of Staff, Government Relations

cc: Rosalind K. Allen
Jeannine Poltronieri
Steve Weingarten
Diane Conley