

LAND MOBILE COMMUNICATIONS COUNCIL

January 20, 2014

Office of the Secretary
Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Reply Comments
Engineers Frequency Advisory Committee, LLC
Request to be Certified as a Frequency Advisory Committee
WP Docket No. 14-235 (DA 14-1729)

Dear Madame Secretary:

The Land Mobile Communications Council (“LMCC”) appreciates this opportunity to file Reply Comments in the above-referenced matter.¹ The FCC has requested comment on the Engineers Frequency Advisory Committee, LLC (“EFAC”) request to be certified as a frequency advisory committee (“FAC”) for Part 90 Business/Industrial (“B/I”) and Public Safety (“PS”) Radio Service Pools.² As suggested in LMCC’s recommendations responding to ACD Telecom’s request to be certified as a PS FAC,³ this proposal presents yet another opportunity for the FCC to clarify certain aspects of FAC-certification criteria.

LMCC stated in the ACD Comments that one of the fundamental requirements for receiving FCC-certification as a FAC is that the entity must be “representative” of the applicants and licensees it serves. This has been interpreted consistently by FACs to mean that they are to be overseen by and responsible to the entities for whom they provide frequency coordination services. That does not appear to be the corporate structure on which EFAC has based its certification request.

In the opinion of the LMCC, FACs must have a representative governance structure that directly and independently oversees the development and implementation of all FAC-related policies and procedures. EFAC is a newly formed company whose

¹ Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Seek Comment on Request of Engineers Frequency Advisory Committee, LLC, to be Certified as a Part 90 Frequency Coordinator, WP Docket No. 14-235, *Public Notice*, DA 14-1729 (rel. Dec. 2, 2014).

² Engineers Frequency Advisory Committee, LLC Request for Certification (filed Nov. 4, 2014).

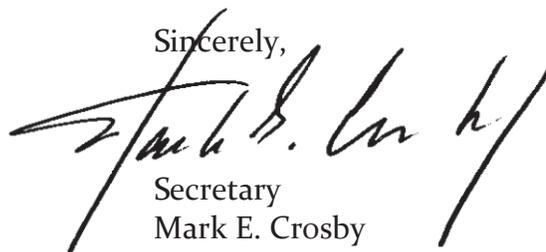
³ See LMCC letter dated Nov. 20, 2014, in response to ACD Telecom, LLC Request to be certified as a Frequency Advisory Committee in PS Docket No. 14-148 (DA 14-1292) (“ACD Comments”).

members⁴ are business colleagues that collectively provide a variety of technical and engineering services to B/I and PS entities. Notwithstanding claims of neutral oversight through the formation of “advisory committees,” it appears that these advisory committees will be chosen by these very same business partners whose activities they are supposedly overseeing.

Whether its FAC activities are performed entirely by FAC employees or contracted to others, the FAC governing body must be accountable for ensuring that the Commission’s standards for representativeness, non-discrimination, technical expertise, and nationwide coordination capability are fully satisfied. FCC certification of an entity that does not have an independent governance structure would undermine the credibility of the entire frequency coordination process upon which the Part 90 spectrum is made available.

We appreciate the opportunity to address this important issue, as the FCC considers requests from entities that seek FCC certification as a Part 90 FAC.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark E. Crosby". The signature is fluid and cursive, with a large initial "M" and a long, sweeping tail.

Secretary
Mark E. Crosby

⁴ Tusa Consulting Services, Blue Wing Services and Shulman Rogers Gandal Pordy & Ecker, P.A.