

BEFORE THE

Federal Communications Commission
WASHINGTON, D.C. 20554

In the Matter of)
Adoption of a Mandatory)
FCC Registration Number)

MD Docket No. 00-205

To: The Commission

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JAN 29 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

REPLY COMMENTS OF THE FEDERAL COMMUNICATIONS BAR ASSOCIATION

The Federal Communications Bar Association ("FCBA") hereby submits reply comments with respect to the Notice of Proposed Rulemaking, FCC 00-421, released December 1, 2000 ("NPRM") in the above-captioned proceeding.*

* The FCBA is a non-profit, non-stock corporation organized under the laws of the District of Columbia, and has been in existence since 1936. The FCBA's membership consists of over 3,300 attorneys and other professionals involved in the development, interpretation and practice of communications law and policy. These Reply Comments were approved by the FCBA's Executive Committee, its elected board of directors. As in the case of other comments filed on behalf of the FCBA, the views expressed in these Reply Comments do not necessarily reflect the views of each and every FCBA member. No FCBA members who are employees of the FCC participated in the preparation of these Reply Comments. In addition, one member of the Executive Committee, who is an employee of the FCC, did not participate in the Committee's discussion or consideration of these Reply Comments or in the vote to authorize their filing.

In this proceeding, the Commission has solicited comment on its proposal to make mandatory the use of a unique identifying number called the FCC Registration Number (“FRN”) through the Commission Registration System (“CORES”) by all persons and entities doing business with the Commission. The Commission plans to require use of the FRN in all FCC-related submissions involving the payment of money to the government (e.g., auction-related payments, feeable applications, annual regulatory fee payments, and civil forfeiture payments). The FCC envisions that its planned implementation of mandatory FRN use will significantly enhance the efficiency and reliability of its fee collections.

The FCBA is sympathetic with the Commission’s desire to address identified problems in its fee collection system (NPRM at n. 7) and shares the Commission’s interest in developing and implementing simple and efficient mechanisms and procedures by which the FCC can track compliance with relevant payment obligations and other legal requirements by those doing business with the Commission. The FCBA urges the Commission, however, not to impose any new FRN requirements without also taking a simultaneous, comprehensive look at its proposal in the context of the other “numbers,” “passwords,” and “identifiers” already in use at the Commission, and coupling any addition of a new mandatory FRN with a corresponding simplification of these increasingly complicated requirements, considered in the aggregate.

The FCBA has reviewed comments filed in response to the NPRM by the National Association of Broadcasters (“NAB”), Cingular Wireless LLC (“Cingular”), Verizon Wireless (“Verizon”), and others. A concern voiced in the NAB comments is that the FCC is proposing to

implement the FRN against a patchwork quilt of various other numbers and identifiers that regulated entities must already keep track of and use in various contexts. NAB points out, for example, that broadcasters must contend with multiple, separate registration schemes for antenna structure registration, call sign reservations, consolidated database system (CDBS) filings, and broadband licensing system submissions. NAB Comments at 2. Broadcasters must also use the Universal Licensing System (ULS), which has its own unique passwords and identification numbers, for auxiliary authorizations and use unique facility identification numbers in various FCC submissions. See also NAB Comments at n. 7 for citations to identification requirements imposed by other FCC Bureaus. Other commenters urge the Commission not to require use of both the FRN and the separate Taxpayer Identification Number (“TIN”). See Cingular Comments (urging elimination of the collection of TIN information) and Verizon Comments (advocating the use of TIN’s, not FRN’s). The consistent concern voiced in these comments, shared by the FCBA, is that the FRN appears to be a piecemeal solution set in a regulatory context that only becomes increasingly complex. The FCBA urges the Commission to use the FRN rule making proceeding as a vehicle to implement a comprehensive simplification of these multiple, and multiplying, requirements.

In this regard, the FCBA applauds the Commission’s promise in the NPRM that its proposed FRN rules “will reduce the number of identifiers used by public entities in an effort to simplify their interaction with the Commission.” NPRM at ¶ 6. At the same time, the FCBA is concerned that the NPRM cautions in paragraph 8 that “[w]hile the FRN will be used with all FCC licensing and filing systems, it will not replace . . . license numbers, certification numbers, or

numbers in authorization of service documents.” Id. at ¶ 8. Elsewhere the NPRM states that under the CORES system, the FCC will still routinely collect TIN information, yet require the use of the separate FRN in many contexts. The FCBA believes that entities regulated by the Commission would greatly benefit from a more comprehensive, consistent approach that first outlines the scope of the problem created by multiple numbers, passwords and identifiers and then clearly identifies specific simplification benefits and reductions in the number of identifiers and passwords that regulated entities must use. As it stands, any such benefits are difficult to discern from the NPRM.

The FCBA also comments on two particular issues within the scope of the NPRM. First, given the complexity of these issues and the potential for confusion and mistake in the implementation of FRN use, the FCBA does not support the NPRM’s proposed draconian penalties (e.g., application dismissal) for failure to properly submit an FRN (NPRM at ¶ 23) and requests that a reasonable opportunity be afforded for the correction of mistakes. See NAB Comments at 4; Cingular Comments at 6; Verizon Comments at 4-6. Second, the FCBA requests that upon any implementation of the FRN proposal, a copy of all FCC correspondence that relates to a matter involving an FRN should be sent as a matter of routine to the affected licensee’s identified authorized representative.

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The FCBA joins other commenters in urging the Commission to take a step back from the specifics of its FRN proposal and place it in a context that allows for a comprehensive solution to the problem of proliferating identifiers, a solution that would be simple to understand

and implement. The FCBA, through its committees, would appreciate the opportunity to work with the Commission and its Staff, much as it did with respect to the recent phase-in of mandatory CDBS filings, to craft such a comprehensive, pragmatic solution to these issues.

Respectfully submitted,

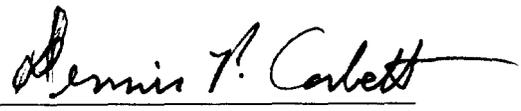
FEDERAL COMMUNICATIONS BAR
ASSOCIATION

By: 
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President

COMMITTEES:

ACCESS TO RECORDS
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PRACTICE

January 29, 2001

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