

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554**

In the Matter of	)	
	)	
Assessment and Collection of Regulatory Fees	)	MD Docket No. 08-65
for Fiscal Year 2008	)	RM No. 11312
	)	

To: The Commission, *en banc*

**COMMENTS OF  
AMERICAN ASSOCIATION OF PAGING CARRIERS  
ON NOTICE OF PROPOSED RULEMAKING**

THE AMERICAN ASSOCIATION OF PAGING CARRIERS (AAPC), by its attorney, respectfully submits its comments to the Federal Communications Commission in the captioned proceeding, in response to the Notice of Proposed Rulemaking and Order (the “NPRM”), FCC 08-126, released May 8, 2008. In summary, AAPC agrees that retaining the previous fee of \$0.08 per unit for CMRS Messaging Service is appropriate, as proposed in ¶5 of the NPRM, and likewise supports the Commission’s proposal in ¶30 of the NPRM to again eliminate the identification of individual CMRS call signs in the fee payment process, allowing CMRS providers to instead report aggregate subscriber levels for fee payment purposes.

As its comments in response to the NPRM, AAPC respectfully states:

In this proceeding the Commission seeks to establish the schedule of regulatory fees for FY 2008 so as to recover a minimum of \$312,000,000 as mandated by Congress. Of principal importance to AAPC, the Commission proposes to maintain the CMRS Messaging fee at \$0.08 per unit, the level initially established for FY 2002, and solicits comments on the proposal.

(NPRM at ¶5).

AAPC is the national trade association representing the interests of paging carriers throughout the United States. AAPC's members include a majority of the paging operators with nationwide licenses under Parts 22, 24 and 90 of the Commission's rules; a representative cross-section of operators of regional and local paging systems licensed by the Commission; as well as equipment suppliers and other vendors to the carrier industry. Paging services are classified as CMRS Messaging services for purposes of the Commission's schedule of regulatory fees; thus, the issues raised in ¶¶5 and 30 of the NPRM directly affect AAPC's members.

With respect to the proposal to maintain the CMRS Messaging fee at \$0.08 per unit, AAPC believes that holding the line at previous levels is the appropriate action the Commission should take under the principles set forth in Section 9 of the Communications Act, 47 U.S.C. §159.<sup>1</sup> In FY 2002, when the Commission increased the CMRS Messaging fee from \$0.05 per unit to \$0.08 per unit over the objection of the paging industry, Commissioner Copps pointed out in his concurring statement:

[T]he Commission does not address when or how it would adjust regulatory fees to take into account changes to the cost of regulating various services. The paging industry argues that it faces a 60 percent per unit increase in regulatory fees this year due to a declining subscriber base, notwithstanding reduced regulatory resources devoted to paging. Today's order . . . fails to address the underlying concern about revisions to the Commission's methodology. I take some comfort, however, that the Commission plans to have in place a new accounting system in the near future . . .<sup>2</sup>

In 2003 the Commission decided to maintain the CMRS Messaging fee at the FY 2002 level based on "unique circumstances" applicable to the paging industry,<sup>3</sup> noting that "The Commission is completing design work on a new cost accounting system. As part of this proc-

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<sup>1</sup> Section 9(b)(1) requires the Commission to "determin[e] the full-time equivalent number of employees performing [fee-recoverable] activities . . . , adjusted to take into account factors that are reasonably related to the benefits provided to the payor of the fee by the Commission's activities".

<sup>2</sup> *Assessment and Collection of Regulatory Fees for Fiscal Year 2002 (Report and Order)*, 17 FCC Rcd 13202 (FCC 2002) (concurring statement of Commissioner Copps).

<sup>3</sup> *Assessment and Collection of Regulatory Fees for Fiscal Year 2003 (Report and Order)*, 18 FCC Rcd 15985, 15992 at ¶¶21-22 (FCC 2003).

ess, we are evaluating methodologies for capturing data relevant to the regulatory fee setting process.”<sup>4</sup>

To date the Commission has not, however, altered its methodology for annual revisions to the regulatory fee schedule; and the “unique circumstances” applicable to the paging industry in 2003 still prevail. Under these circumstances, absent the Commission determining whether the fee for the paging industry properly should be *reduced*, as the industry believes it should, AAPC respectfully submits that maintaining the fee at the existing level is the reasonable and appropriate action the Commission should take again this year.

Separately, the NPRM notes that for 2006 the Commission “streamlined the CMRS payment process by eliminating the requirement for CMRS providers to identify their individual call signs when making their regulatory fee payment, requiring instead for CMRS providers to pay their regulatory fees only at the aggregate subscriber level without having to identify their various call signs” (NPRM at ¶30). The NPRM requests comment on the Commission’s proposal to continue the practice again in 2008. (*Id.*)

While the transition to geographic licensing under Part 22 has reduced somewhat the number of call signs licensed to paging carriers, it nonetheless remains the case that having to identify subscriber levels by call sign would be burdensome to the paging industry and would serve no useful public purpose. Therefore, AAPC strongly supports the Commission’s proposal to continue to allow reporting of aggregate subscriber levels for fee payment purposes.

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<sup>4</sup> *Id.* at ¶21 & n. 31.

Accordingly, for the reasons stated above, the American Association of Paging Carriers respectfully urges the Commission to maintain the CMRS Messaging fee at \$0.08 per unit, as proposed in ¶5 of the NPRM, and to continue its previous practice of allowing CMRS providers to report aggregate subscriber levels without identifying individual call signs, as proposed in ¶30 of the NPRM.

Respectfully submitted,

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