

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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

**REPLY COMMENTS
OF THE
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA” or the “Alliance”), in accordance with Section 1.415 of the Federal Communications Commission (“FCC” or “Commission”) rules and regulations, respectfully submits its reply comments in the above-entitled proceeding.¹ In its comments in this proceeding, EWA agreed with the FCC’s tentative conclusion that it was time to revisit the procedures used to assess regulatory fees, procedures that have not been re-evaluated for a decade and a half. EWA believes that a recalibration of regulatory costs based on current full-time employees (“FTEs”) devoted to the Private Land Mobile Radio (“PLMR”) services will result in a fair and equitable regulatory fee allocation to those services.

PCIA-The Wireless Infrastructure Association (“PCIA”) also filed comments that addressed the PLMRS regulatory fee obligation. PCIA, like EWA, focused on the PLMR regulatory fees and the parties agree that those fees need to be revisited based on the smaller number of PLMR licenses today than were present in 1994.

EWA explained that the reduction in PLMR authorizations is a reflection of changes in the FCC’s licensing policies. Those changes permit multiple PLMR users to operate under a single FCC license. They allow PLMR licensees to operate multiple facilities under one licensed

¹ *In The Matter of Assessment and Collection of Regulatory and Collection of Regulatory Fees for Fiscal Year 2008; Further Notice of Proposed Rulemaking, MD Docket No. 08-65; RM No. 11312; FCC 73 FR 50201 (August 26, 2008) (“FNPRM”).*

call sign. They also enable PLMR entities to deploy systems that are licensed “by rule” rather than through the issuance of individual authorizations. Thus, EWA emphasized that the reduction in PLMR licenses is not, and should not be viewed as, a reflection of any diminution of the PLMR community’s reliance on and need for wireless communication solutions.

PCIA does not suggest otherwise, but its use of the term “declining industry” in reference to PLMR might be susceptible to misinterpretation. It is clear from the filing that PCIA uses that label as a term of art, one that indicates a decline in the number of total FCC licenses, a critical factor in assessing regulatory fees, rather than as a suggestion that the entities that comprise the PLMR community are in decline, either in their businesses or in their use of telecommunications in support of their primary activities.

PCIA has recommended a specific analysis that the FCC should follow in determining that the PLMR services are a “declining industry,” and states that a reduction in regulatory fees properly would flow from such a finding. EWA recommended that the Commission focus on the undoubtedly smaller number of FTEs dedicated to PLMR activities in 2008 than were assigned to them in 1994 to reach that same result. In the end, EWA cares only that the Commission re-evaluate its regulatory fee procedures with an accurate understanding of the resources it devotes to this industry segment and assess PLMR users accordingly, irrespective of whether the FCC concludes that the PLMR services are a “declining industry” in the very limited and specific sense that the term is used by PCIA.

EWA hopes to work closely with the FCC in the review of its regulatory fee assessment procedures to ensure that they allocate the funds to be recovered in a reasonably equitable fashion among all FCC constituent groups, including the many PLMR users represented by EWA.

Respectfully submitted,

ENTERPRISE WIRELESS ALLIANCE

/s/ Mark E. Crosby
President/CEO
8484 Westpark Drive, Suite 630
McLean, Virginia 22102
(703) 528-5115

Counsel:

Elizabeth R. Sachs
Tamara Davis-Brown
Lukas, Nace, Gutierrez & Sachs, Chartered
1650 Tysons Blvd., Ste. 1500
McLean, VA 22102
(703) 584-8678

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