



Federal Communications Commission
Washington, D.C. 20554

August 9, 2013

Mr. Mark E. Crosby
President/CEO
Enterprise Wireless Alliance
Suite 630, 8484 Westpark Drive
McLean, VA 22102

Re: Regulatory Obligations of Private Mobile Service Providers
CC Dkt. 96-115, WT Dkt. No. 96-198, CG Dkt. Nos. 10-145, and 10-213

Dear Mr. Crosby:

This correspondence addresses your letter dated March 15, 2013, directed to the Commission's General Counsel on behalf of the Enterprise Wireless Alliance (EWA).

According to your letter, EWA's members include several hundred Part 90 licensees that provide, on a for-profit basis, private mobile service to business enterprise and public safety entities, and whose systems are not interconnected with the public switched network. You state that such non-interconnected service qualifies as private mobile service (PMS) under Section 332 of the Communications Act, 47 U.S.C. §332, and, accordingly, that a provider of such non-interconnected PMS cannot be "treated as a common carrier" and cannot be made subject to the requirements applicable to telecommunications service providers.

Your letter states that "EWA intends to advise its members that if they are providing non-interconnected PMS, the Communications Act prohibits their regulation as common carriers and, therefore, as providers of telecommunications service, which the FCC has stated is common carriage." Your letter does not, however, request any specific relief or other action from the Commission; nor does it identify any particular controversy.

We note that EWA sent a similar letter to the Office of General Counsel in 2011, asking whether wireless carriers that provide certain non-interconnected wireless communication capabilities to business enterprise and public safety entities must file annual Customer Proprietary Network Information (CPNI) certifications. The General Counsel responded that your members' obligation to comply with Section 222 of the Act, 47 U.S.C. §222, and our CPNI rules turns on a case-by case assessment of whether they are "telecommunications carriers." The same appears to be true in the instant case regarding compliance with common carrier regulation generally.

Accordingly, in the absence of more specific information about the Part 90 licensees identified in your March 15, 2013 letter, the particular services they provide, enumeration of all the regulatory obligations you may have in mind, and more specific circumstances that present concrete issues that need to be resolved, we regret that we are not in a position to comment on the views expressed in your letter.

Sincerely,

A handwritten signature in black ink, appearing to read "R. S. Noel", written over the typed name.

Roger S. Noel
Chief

Mobility Division
Wireless Telecommunications Bureau