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EX PARTE MEMORANDUM

November 14, 2013

Marlene H. Dortch, Secretary
Federal Communications Commission
445 – 12th Street, SW, Room TW-A325
Washington, DC 20554

Re: Assessment and Collection of Regulatory Fees for Fiscal Year 2013, MD Docket No. 13-140; Procedures for Assessment and Collection of Regulatory Fees, MD Docket No. 12-201; Assessment and Collection of Regulatory Fees for Fiscal Year 2008, MD Docket No. 08-65

Dear Ms. Dortch:

On November 13, 2013, the undersigned, representing the Critical Messaging Association (CMA), met with Roland Helvajian, Office of Managing Director, and Mika Savir, Enforcement Bureau, to discuss CMA's proposal for revising the CMRS Messaging Services regulatory fee beginning in FY 2014.

After first reviewing the significant changes in the critical messaging industry over the past 15 years and the Commission's revisions to the CMRS Messaging Services regulatory fee during that time, CMA stated that the current issue for the Commission to consider is the allocation of the regulatory fee revenue within the Wireless Bureau regulatory fee revenue requirement, and, more specifically, the allocation between the CMRS Mobile/Cellular Services fee and the CMRS Messaging Services fee. CMA stated its understanding that while Full Time Employees (FTEs) were recently recomputed among the operating bureaus of the Commission, including the Wireless Bureau, there is no allocation of FTEs within the Wireless Bureau based on current data. As a result, CMA contended that current allocation of revenue requirements between the two CMRS fee categories is obsolete and reflects an over-allocation of revenue requirements to the CMRS Messaging Services category.

In the absence of better data, CMA argued that the CMRS Messaging Services fee should be set at approximately one-seventh of the CMRS Mobile/Cellular Services fee, which is approximately the ratio of the Average Revenue Per Unit (ARPU) generated by critical messaging units in service compared to mobile/cellular units in service. CMA further argued that the reduction in CMRS Messaging Services fee that would result from apportioning the fee based on this ratio is appropriate in light of the fact that the Commission regulation of the critical messaging industry is almost entirely in the auction process, which is excluded from regulatory fee calculations, and in the ULS site-by-site licensing process, which generates both application filing fee revenue and

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multi-year regulatory fee revenue. CMA also suggested that employing such a ratio likely would be more cost effective than attempting to measure the allocation of FTEs between CMRS Messaging Services and CMRS Mobile/Cellular Services within the Wireless Bureau, given the disparities involved.

At the Commission's request, CMA also addressed the issue of a possible alternative CMRS regulatory fee, such as one based on revenues. CMA stated that it likely would be difficult to determine the appropriate percentage that should be applied to critical messaging, and likely would not offer an advantage over the current fee structure based on units in service.

Respectfully submitted,

s/Kenneth E. Hardman

cc: Roland Helvajian
Mika Savir