

FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

March 27, 2001

DA 01-763

In Reply Refer to: 2000C1-RSN

Jay Kitchen, President
Personal Communication Industry Association
500 Montgomery Street, Suite 700
Alexandria, VA 22314-1561

Laura Smith, President and CEO
Industrial Telecommunications Association
1110 North Glebe Road, Suite 500
Arlington, VA 22201

Dear Mr. Kitchen and Ms. Smith:

This responds to your March 16, 2001, "Joint Request for Waiver" (request) of Section 1.913(b) of the Commission's Rules, 47 C.F.R. § 1.913(b), to extend the Universal Licensing System (ULS) mandatory deadline for electronically filing Land Mobile Phase I applications requiring frequency coordination from March 20, 2001, until September 20, 2001. For the reasons described below, we are granting a short extension of the deadline to ITA and PCIA, until April 20, 2001, so that the Bureau may fully consider the issues set forth in your request without causing undue disruption to the application filing process.

In your request you claim that two technical issues associated with the implementation of ULS necessitate a waiver. First, you state that problems with "Taxpayer Identification Number" (TIN) mismatches will result in an increased number of returned applications. You point out that an increase in returns is a drain on coordinator resources and has the potential to interfere with coordinator responsibilities. Second, you ask that we establish a "SuperUser Account" for frequency coordinators. You claim that, without a SuperUser Account capability, ULS only provides a partial benefit to the application process.

Section 1.913 requires that applications submitted by a frequency coordinator on behalf of an applicant be filed electronically effective July 1, 1999, or six months after the Commission begins use of ULS to process applications in a particular radio service, whichever is later. The Commission began use of ULS for the Land Mobile Phase I radio services on September 19, 2000. As a result, mandatory electronic filing went into effect for the following radio services on March 20, 2001: 220 MHz (excluding non-nationwide public safety/mutual aid), 929-930 MHz Paging Site-Specific Channels, Location and Monitoring Service (LMS), Specialized Mobile Radio (SMR), and 218-219 MHz (previously IVDS). Note that for the remaining Land Mobile Phase I radio services (220 MHz non-nationwide public safety/mutual aid and Broadcast Auxiliary) individual applicants are not subject to mandatory electronic filing. Further, license applications for the Land Mobile Phase I services submitted by frequency coordinators on behalf of applicants on or after March 20, 2001, must be filed electronically.

The issues raised in your request require detailed discussion in order to determine their scope, effect, and merits. In the meantime, strict application of 1.913(b) in this instance could result in dismissal of applications filed by applicants through PCIA and ITA in good faith. Therefore, we find good cause to temporarily waive the rule in this instance. Accordingly, Section 1.913 is waived to permit ITA and PCIA to continue filing applications involving the Land Mobile Phase I radio services manually until

April 19, 2001. In addition, we waive Section 1.913(b) of the Commission's Rules insofar as it applies to any manually submitted Land Mobile Phase I radio service applications filed by PCIA and ITA between March 20, 2001, and the date of this letter which have not otherwise been acted on by the Wireless Telecommunications Bureau.

In this connection, we note that this waiver does not extend the mandatory electronic filing deadline for other frequency coordinators or for Land Mobile Phase I applicants. Further, this waiver does not extend the deadline for mandatory use of FCC Forms 601 and 603 for any party.

This action is taken pursuant to the authority delegated in sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

Sincerely,

Roger S. Noel
Chief, Licensing and Technical Analysis Branch
Commercial Wireless Division
Wireless Telecommunications Bureau