



National Wireless Communications Council

February 23, 2023

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, N.E.
Washington, D.C. 20554

**Re: WT Docket 20-186
Ex Parte Letter**

Dear Ms. Dortch:

The National Wireless Communications Council ("NWCC") (previously the Land Mobile Communications Council ("LMCC")) reaffirms its strong support for the proposals in the CTIA-USTelecom Petition for Rulemaking and Declaratory Ruling Regarding Certain Pro Forma Transactions ("Petition").¹ As stated in its previous comments, the NWCC considers this a "common-sense proposal that will reduce regulatory burdens on FCC staff and licensees while complying fully with the directives of the Communications Act of 1934, as amended."²

Recent *ex parte* filings from AT&T Services, Inc. ("AT&T") confirm that conclusion and document the number of filings that could have received streamlined treatment or been avoided entirely if rules had been adopted consistent with the proposals in the Petition.³ Its detailed analysis of the ULS filings in this category offers a compelling argument for prompt action on the Petition.

In fact, as noted in the AT&T letters, only a very small fraction of the *pro forma* assignments/transfers it reviewed involved itself, Verizon, and T-Mobile. The great majority were filed by licensees of private systems, many of them NWCC constituents, that do not provide a commercial communications service to the public, are not subject to foreign ownership limitations, and are not reviewed for purposes of avoiding undue concentration in the telecommunications arena. LMCC's comments in this proceeding noted that these entities are required to identify their ownership when applying for licenses only when the spectrum involved was assigned through

¹ See LMCC Comments, WT Docket No. 20-186 (July 24, 2020).

² *Id.* at 1.

³ AT&T *ex parte* letters (dated February 2, 2023 and February 6, 2023).

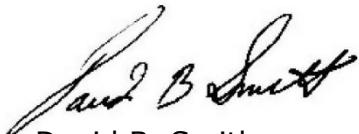
the competitive bidding process, a relatively rare occurrence. It is difficult to see what public interest is served by requiring these entities to prepare and FCC staff to review what can be complex, lengthy applications dictated by internal business considerations that have nothing to do with their spectrum holdings or their qualifications as FCC licensees since those qualifications do not change in *pro forma* situations.

In the NWCC's opinion, there is a compelling rationale for eliminating a filing requirement entirely as the FCC did when eliminating certain filing requirements for licensees in the Cable Television Relay Service.⁴ However, modifying the rules to provide for a 30-day post-closing notification filing, as already permitted for certain licensees under the FCC's forbearance authority,⁵ or adopting a "deemed granted" approach as it has in the satellite services⁶ would be preferable to the current burdensome process.

The NWCC supports the changes proposed in the Petition and AT&T's urgent request that the FCC proceed rapidly to implement the changes proposed therein.

Respectfully submitted,

National Wireless Communications Council



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⁴ See Amendment of Part 78 of the Commission's Rules Concerning Licensing Procedures and Reporting Requirements in the Cable Television Relay Service, Report and Order, 100 FCC 2d 1136, ¶ 12 (1985).

⁵ See Federal Communications Bar Association's Petition for Forbearance from Section 310(d) of the Communications Act Regarding Non-Substantial Assignments of Wireless Licenses and Transfers of Control Involving Telecommunications Carriers, Memorandum Opinion and Order, 13 FCC Rcd 6293, ¶ 2 (1998).

⁶ See Comprehensive Review of Licensing and Operating Rules for Satellite Services, Second Report and Order, 30 FCC Rcd 14713, 14809, ¶ 305 (2015) ("Satellite Streamlining Order") (stating pro forma applications involving non-common carrier satellite licenses would be "deemed granted" one business day after filing).