

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

In the Matter of   )  
   )  
Report on Process Reform   ) GN Docket No. 14-25  
   )

**COMMENTS OF CTIA – THE WIRELESS ASSOCIATION®**

CTIA – The Wireless Association® (“CTIA”) submits these Comments in response to the Commission’s Staff Working Group Report on FCC Process Reform.<sup>1</sup> CTIA commends Chairman Wheeler and the Staff Working Group for their efforts to consider ways to improve the general functioning of the Commission so it may better serve the public. CTIA welcomes this opportunity to work with the Commission and other stakeholders to “further[] the goal of having the agency operate in the most effective, efficient and transparent way possible.”<sup>2</sup> In particular, CTIA makes the following points:

- Implementing many of the Report’s general recommendations, such as providing more certainty about the Commission’s processes, expanding the use of multi-stakeholder mechanisms and improving the FCC website, would enhance the overall efficiency and effectiveness of the agency.
- Modernizing the Commission’s equipment-related processes, including those relating to interference detection and mitigation, equipment certification and labeling, and hearing aid compatibility reporting, would benefit the FCC, interested stakeholders and consumers.
- The pending rulemakings to revise tower and lighting regulations and to harmonize the licensing model for 800 MHz Cellular services are ripe for action.

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<sup>1</sup> *Report on FCC Process Reform*, Staff Working Group Led by Diane Cornell (Feb. 14, 2014) (“Report”), attached to *FCC Seeks Comment on Report on Process Reform*, Public Notice, GN Docket No. 14-25, DA 14-199 (rel. Feb. 14, 2014).

<sup>2</sup> *Id.* at 3.

## DISCUSSION

Many of the recommendations set forth in the Report would enhance the efficiency and effectiveness of the Commission's decision-making process and improve interactions with external stakeholders, and CTIA supports the generalized recommendations that are aimed at doing so. For example, Recommendation 1.1 and many others are premised upon providing interested stakeholders more certainty regarding the processes of the Commission's business, whether it be in the context of rulemakings, processing of individual petitions and applications, or otherwise. The Commission would do well to establish expectations for Commission business. CTIA also encourages the FCC to embrace Recommendation 3.1, which suggests expanding the use of multi-stakeholder mechanisms to help the Commission keep up with changes in technology and the marketplace. CTIA agrees with the Report's view that "FCC staff should consider whether there are circumstances in which expanded use of such mechanisms would be beneficial."<sup>3</sup> Further, as suggested in Recommendations 4.25 and 4.26, the Commission should harmonize the structure and presentation of information and staff contacts across all webpages for the various Bureaus and Offices, which will make the Commission's website more user-friendly and organized. This effort should include stakeholder input.

CTIA also takes this opportunity to express support for certain recommendations in the Report that specifically relate to commercial mobile providers and the mobile marketplace. For example, CTIA supports the proposal that the Enforcement Bureau ("EB") "continue to modernize its interference detection and mitigation efforts" as set forth in Recommendation 5.5.<sup>4</sup> The FCC and private sector share a common goal in identifying and resolving interference problems and mitigation efforts, and CTIA welcomes opportunities where EB staff and carriers

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<sup>3</sup> *Id.* at 36.

<sup>4</sup> *Id.* at 64.

can work together to further that goal. However, CTIA cautions against any proposal that would require wireless carriers to grant EB access to their internal databases that track interference, even on a confidential basis. Any such approach should be strictly voluntary.

CTIA agrees with Recommendation 5.16 that the hearing aid compatibility (“HAC”) compliance process should be modernized. CTIA encourages the Wireless Telecommunications Bureau to accelerate review of HAC reports, and to continue its “efforts to improve accessibility of HAC rating information in [the Office of Engineering and Technology’s] equipment authorization database, and specifically to further automate connections between this database and the HAC reporting system.”<sup>5</sup> The FCC should not, however, consider requiring all new handset models to meet HAC standards to eliminate the need for HAC reports. Such an action would be a controversial, substantive change in the HAC rules and would go far beyond process reform.

The FCC also should follow through with Recommendation 5.19 regarding modernizing its equipment authorization system.<sup>6</sup> CTIA agrees that the current system is not particularly user friendly and does not provide adequate support for OET field staff. Upgrading and modernizing the system would help OET take aggressive action against use of non-compliant products.

In addition, the Commission should act promptly to revise its tower and lighting regulations as proposed in Recommendation 5.32. As the Report notes, “existing regulations have not kept pace with changes implemented by the FAA or with technology advances in the remote monitoring of tower lighting.”<sup>7</sup> The present rulemaking to update tower and lighting

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<sup>5</sup> *Id.* at 68.

<sup>6</sup> *Id.* at 69.

<sup>7</sup> *Id.* at 74.

regulations was initiated in 2010 and is ripe for action.<sup>8</sup> The Commission should therefore quickly move ahead to modernize the Part 17 rules, eliminate unnecessary rules, and reduce inconsistencies within the Commission's rules.

The Commission also should take action in its pending rulemaking to revise the licensing model for 800 MHz Cellular services, as suggested in Recommendation 5.35.<sup>9</sup> Consistent with the coalition filings made in April and November, 2013 and February and March, 2014 by CTIA, NTCA – The Rural Broadband Association, and the Rural Wireless Association, the Commission should issue an Order expeditiously converting the current site-based coverage areas to geographic market areas based on each licensee's currently-authorized cellular geographic service area.<sup>10</sup> The wireless industry believes this conversion to geographic area licenses is far more practical than an overlay auction approach, which would be impractical, counterproductive and infringe upon licensee rights. Moreover, it would harmonize the 800 MHz Cellular service with similar mobile services including PCS, AWS, and 700 MHz services. CTIA welcomes the opportunity to quickly resolve this proceeding.

CTIA supports Recommendation 5.40 to explore proposals to relax the equipment certification program, including “permitting more self-approval by the manufacturers, permitting

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<sup>8</sup> *2004 and 2006 Biennial Regulatory Reviews -- Streamlining and Other Revisions of Parts 1 and 17 of the Commission's Rules Governing Construction, Marking and Lighting of Antenna Structures*, Notice of Proposed Rulemaking, 25 FCC Rcd 3982 (2010).

<sup>9</sup> Report at 75; *Amendment of Parts 1 and 22 of the Commission's Rules with Regard to the Cellular Service, Including Changes in Licensing of Unserved Area*, Notice of Proposed Rulemaking and Order, 27 FCC Rcd 1745 (2012).

<sup>10</sup> Letter from Brian M. Josef, CTIA, to Marlene H. Dortch, FCC, WT Docket No. 12-40, RM-11510 (Apr. 17, 2013); Letter from Brian M. Josef, CTIA, Jill Canfield, NTCA – The Rural Broadband Association, and Caressa D. Bennet, Rural Wireless Association, to Marlene H. Dortch, FCC, WT Docket No. 12-40, RM-11510 (Nov. 15, 2013); Letter from Brian M. Josef, CTIA, to Marlene H. Dortch, FCC, WT Docket No. 12-40, RM-11510 (Feb. 11, 2014); Letter from Brian M. Josef, CTIA, Jill Canfield, NTCA – The Rural Broadband Association, and Caressa D. Bennet, Rural Wireless Association, to Marlene H. Dortch, FCC, WT Docket No. 12-40, RM-11510 (Mar. 21, 2014).

TCBs to have greater authority to issue grants, or allowing manufacturers to self-certify devices (including HAC devices that meet the 2011 ANSI standard).”<sup>11</sup> As evidenced during the 2013 Federal government shutdown, disruptions in the certification process can affect the roll out and availability of equipment and devices. More flexibility could help avoid such disruptive delays, ensure that equipment certifications move smoothly, and help new devices to market. Importantly, the Commission would retain its oversight in any such reform and be able to continue to oversee and vigilantly police compliance with technical requirements and interference issues.

As suggested in Recommendation 5.41, the Commission should explore enabling the FCC Identifier (FCC ID) to be displayed using electronic labels (eLabels) on devices that have a display screen, rather than printing the FCC ID on the device.<sup>12</sup> The Commission also should consider whether to allow other required notices and disclosures (*e.g.*, those related to HAC) to be provided to consumers electronically. Such measures would help manufacturers better manage labeling and notification requirements in light of technological innovations and changes in the equipment market and manufacturing processes.

Moreover, CTIA supports Recommendation 5.42 to explore modifying the equipment application process to provide for confidentiality of certain propriety or business specific information automatically, rather than requiring applicants to seek confidential treatment on a case-by-case basis.<sup>13</sup> Such applications routinely contain such sensitive and confidential information, and an automatic grant of confidentiality would be administratively less burdensome on applicants and Commission staff. This also would be consistent with the

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<sup>11</sup> Report at 77-78.

<sup>12</sup> Report at 78.

<sup>13</sup> *Id.*

Commission's treatment of proprietary and business information submitted in other contexts, such as certain carrier-specific information submitted in the Form 477, Form 499, and international reports.<sup>14</sup>

## CONCLUSION

The Commission should implement the Report's recommendations consistent with the comments above. CTIA looks forward to working with the Commission and other stakeholders to enhance the agency's overall efficiency and effectiveness.

Respectfully submitted,

CTIA – THE WIRELESS ASSOCIATION®

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<sup>14</sup> See 2014 Telecommunications Reporting Worksheet Instructions, FCC Form 499-A at 32 (Jan. 2014) (instructing filers to check a box on the form requesting confidential treatment of information in lieu of submitting a separate request for confidentiality); *Modernizing the FCC Form 477 Data Program*, Report and Order, 28 FCC Rcd 9887, 9921 (2013) (continuing to allow Form 477 filers to check a box on the form to request confidential treatment of certain data); *Reporting Requirements for U.S. Providers of International Telecommunications Services*, Second Report and Order, 28 FCC Rcd 575, 611, 613 (2013) (adopting an abbreviated checkbox process for filers of international reports to indicate that the submitted data is confidential and deferring the need to provide justification for confidential treatment until another party requests access to the data).