

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Completing the Transition to Electronic Filing,) WT Docket No. 19-212
Licenses and Authorizations, and Correspondence)
in the Wireless Radio Services)

NOTICE OF PROPOSED RULEMAKING

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By the Commission: Commissioner O’Rielly issuing a statement.

I. INTRODUCTION

1. The Commission has made significant strides in recent years toward modernizing its legacy filing, communications, and information retention systems by improving electronic access to data and digitizing Commission communications in a wide variety of services. These efforts have improved public access to data, decreased costs for consumers, improved transparency and accessibility for a variety of users, significantly improved administrative efficiency, and saved substantial amounts of paper annually.1 This Notice of Proposed Rulemaking (Notice) continues and builds upon the Commission’s modernization efforts. Specifically, this Notice proposes to make all filings to the Universal Licensing System (ULS) completely electronic; expand electronic filing and correspondence elements for related systems; and require applicants to provide an e-mail address on the FCC Forms related to these systems. This item also seeks comment on additional rule changes that would further expand the use of electronic filing and electronic service. Together, these proposals will facilitate the remaining steps to transition these systems from paper to electronic, reducing regulatory burdens and environmental waste, and making interaction with these systems more accessible and efficient for those who rely on them.

II. BACKGROUND

2. ULS and Supporting Systems. The Commission manages applications for all wireless radio licenses through the ULS. Other systems accept filings and work in tandem with the ULS: the Antenna Structure Registration (ASR) System, the Tower Construction Notification System (TCNS), and the Electronic Section 106 (E-106) System. The ASR System ensures that physical structures used for

1 See, e.g., Wireless Telecommunications Bureau Implements Enhancements to the Commission’s Universal Licensing System and Antenna Structure Registration System and Adopts Final Procedures for Providing Access to Official Electronic Authorizations, Public Notice, 29 FCC Rcd 15252 (WTB 2014) (2014 Electronic Authorization Public Notice) (providing electronic access to official ULS and ASR authorizations); Wireless Telecommunications Bureau and Homeland Security Bureau Announce Elimination of Certain Paper Notices as an Initial Step Toward Providing Electronic Access to Correspondence Notices Currently Generated by the Commission’s Universal Licensing System and Antenna Structure Registration System, Public Notice, 31 FCC Rcd 9816 (WTB and PSHSB 2016) (2016 Electronic Correspondence Public Notice) (eliminating several categories of ULS and ASR correspondence); Electronic Delivery of MVPD Communications et al., Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 11518, 11521, para. 8 (2018) (noting, among others benefits, the positive environmental aspect of fewer paper mailings in the context of MVPD notices sent to subscribers).

wireless radio operations that are above a certain height or in close proximity to airports do not pose a hazard to aircraft. The TCNS and E-106 Systems advance the goal of the National Historic Preservation Act (NHPA) to protect historic properties, including Tribal religious and cultural sites. Specifically, the TCNS provides a mechanism for Tower Notifiers (applicants seeking to build a tower or collocate on a tower or consultants/entities representing them) to notify and communicate with Indian Tribes and Native Hawaiian Organizations (NHOs) regarding a proposed construction or collocation, and the E-106 System works in conjunction with TCNS to enable real-time information referral and communication among the Commission, Tower Notifiers, and State Historic Preservation Officers (SHPOs).² Collectively, these systems provide an efficient and transparent means to accept, review, and dispose of the Commission's wireless radio applications.

3. Today, the majority of applications filed in the ULS are electronic, as required by rule.³ Exceptions exist for the following services: (i) part 90 Private Land Mobile Radio services for shared spectrum, spectrum in the public safety pool below 746 MHz, and spectrum in the public safety allocation above 746 MHz, except those filed by FCC-certified frequency coordinators; (ii) part 97 Amateur Radio Service, except those filed by Volunteer Examination Coordinators; (iii) part 95 General Mobile Service and Personal Radio Service, excluding 218-219 MHz service; (iv) part 80 Maritime Services, excluding VHF 156-162 MHz Public Coast Stations; (v) part 87 Aviation Services; (vi) part 13 Commercial Radio Operators (individual applicants only); and (vii) certain part 101 licensees who also fall under the exempted groups.⁴ Similarly, the overwhelming majority of ASR applications are filed electronically; however, applicants have the choice to file manually or electronically.⁵ TCNS is an electronic-only system, so all interactions with it are electronic by design.⁶ However, TCNS is a voluntary system; Tower Notifiers can, but are not required to under any Commission rule, use TCNS as the vehicle to fulfill their obligation to identify and contact Indian Tribes and NHOs.⁷ Similarly, while Tower Notifiers can provide information to SHPOs via certain FCC Forms, there is no requirement that they use the E-106 system to submit these forms or otherwise file them electronically.⁸

4. *Correspondence with Applicants/Licensees.* While the Commission corresponds electronically with applicants and licensees in some instances, there remains a large amount of paper communication generated by the ULS and its supporting systems. Across these systems, the relevant applications and FCC Forms provide an opportunity, but do not require, users to provide an e-mail address as part of their contact information. The Wireless Telecommunications and Public Safety and Homeland Security Bureaus (the Bureaus) by practice send correspondence generated by these systems to applicants and licensees, such as copies of licenses, reminder letters, and other courtesy notices. The Bureaus send thousands of these letters via U.S. Postal Mail each year.

² Tower Notifiers can electronically submit the FCC Forms 620 or 621 to SHPOs using the E-106 System, and SHPOs can use the system to comment and access filings.

³ 47 CFR § 1.913(b).

⁴ *Id.* §§ 1.913(d)(1)(i)-(vii).

⁵ *See id.* §§ 17.4, 17.7.

⁶ *See FCC Announces Voluntary Tower Construction Notification System to Provide Indian Tribes, Native Hawaiian Organizations, and State Historic Preservation Officers with Early Notification of Proposed Tower Sites*, Public Notice, 19 FCC Rcd 1998 (2004).

⁷ *See id.*

⁸ *See The Wireless Telecommunications Bureau Announces the Introduction of a Streamlined Process and Automated System to Expedite the Commission's Review of Proposed Construction Projects*, Public Notice, 23 FCC Rcd 13560 (WTB 2008) ("E-Section 106 is a voluntary system designed to save users time and resources by automating and expediting the exchange of information and correspondence in the Section 106 process.").

III. DISCUSSION

A. Mandatory Electronic Filing

5. *ULS and ASR.* In 1998, the Commission adopted mandatory electronic filing for some applications and related filings in the ULS.⁹ In doing so, it noted many benefits to mandatory electronic filing, including streamlining Wireless Radio Services (WRS) application processing, affording parties a quick and economical process to file applications, and making licensing information quickly and easily available to interested parties and the public.¹⁰ At the same time, the Commission recognized that “some wireless services applicants or licensees might lack access not only to high quality telephone lines but also computers capable of submitting their applications electronically.”¹¹ It thus adopted several exemptions to mandatory electronic filing for a limited group of filers in services that were not subject to licensing by auction¹² and that consisted “primarily of individuals, small businesses, or public agencies that may lack resources to convert quickly to electronic filing.”¹³ The Commission noted that it would review this issue in the future and extend mandatory electronic filing if it found that it was “operationally feasible and cost effective.”¹⁴

6. Given the drastic changes that have occurred with regard to the ubiquity of the Internet and increased personal computer access, we find it unlikely that electronic filing remains infeasible or cost-prohibitive for the previously exempted types of filers, or that they lack resources to file electronically. We therefore propose to eliminate section 1.913’s exemptions to mandatory electronic filing.¹⁵ We seek comment on this proposal.

7. We note, however, that while the vast majority of ULS applications today are submitted electronically, some are still manually filed, largely from exempted filers.¹⁶ Last year, for example, the Commission received about 5,000 manually filed applications out of about 425,000 total applications.¹⁷ We seek comment on whether our underlying assumptions about the ease of electronic filing for the previously exempted filers are valid. Are there still categories of individuals or entities for which electronic filing may pose enough of a burden to outweigh the benefits, such as small entities, individuals

⁹ *Biennial Regulatory Review—Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101 of the Commission’s Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services, et al.*, Report and Order, 13 FCC Rcd 21027, 21040-43, paras. 21-25 (1998) (*1998 ULS Report and Order*); 47 CFR § 1.913(b).

¹⁰ *1998 ULS Report and Order*, 13 FCC Rcd at 21040, para. 20.

¹¹ *Id.*

¹² See 47 CFR § 1.913(d)(1)(i)-(vii) (allowing manual filing for ULS Forms 601, 603, 605, and 608 for select operators).

¹³ See *1998 ULS Report and Order*, 31 FCC Rcd at 21044, para. 27. At the time the order was adopted, the Commission remained concerned that that electronic filing might impose undue burdens for these people or entities because they “may have limited resources or technical expertise” or “lack access to the necessary computer hardware and software.” See *id.* at 21043, para. 26.

¹⁴ See *id.* at 21044, para. 27.

¹⁵ 47 CFR § 1.913(d).

¹⁶ We note that there are a few limited categories of submissions that the ULS cannot handle electronically and that must be filed and processed manually: two-step transactions, subleases, leases contingent on assignments, and STAs in certain market-based services.

¹⁷ About one-third of these manual filings are from Private Land Mobile Radio filers, and about one-third are Amateur Radio Service filings. Manually filed applications also include those from filers who sought and received a waiver of the electronic filing rule, or whose applications fall in the limited category that cannot be processed electronically in ULS.

with disabilities, or low-income individuals? If so, are any exemptions still warranted? Or is the Commission's waiver process sufficient to handle such instances?

8. We also propose to mandate electronic filing in the ASR System, which currently allows electronic filing of antenna structure registrations via FCC Form 854, but no Commission rule mandates electronic filing.¹⁸ We propose to revise sections 17.4 and 17.57 to specifically require electronic filing.¹⁹ As with filings to the ULS, we anticipate that there are many benefits to relying exclusively on electronic registrations, with few costs to ASR registrants.²⁰ We anticipate that electronic submission is less, not more, burdensome for applicants, as the Commission receives very few manual ASR submissions each year, evidencing that this option is unnecessary for the overwhelming majority of registrants. Notably, out of the 7,000 applications filed in the ASR System last year, only 15 were filed manually. We seek comment on this proposal, and on whether there remains a reason to allow paper filings in the ASR System under limited circumstances. If so, is the Commission's waiver process the appropriate vehicle to address such instances?

9. For both the ULS and ASR Systems, we seek comment on the amount of time we should provide for filers to prepare for the transition to mandatory electronic filing. Would six months be sufficient lead-time for licensees/applicants and registrants to convert their practices to electronic filing? Are there differences between the entities previously exempted from electronic ULS filings and entities that submit ASRs manually that might warrant different timelines for the respective transitions?

10. We also seek comment on whether the Commission's rules for filing electronic pleadings related to applications filed in the ULS and the ASR System—e.g., petitions to deny, petitions for reconsideration, applications for review, and status reports—also should be revised to require electronic filing. Most pleadings already can be filed electronically via the “Submit Pleading” link in ULS.²¹ We seek comment on whether to make electronic submission of ULS and ASR-related pleadings mandatory, to the extent they are not already.²² Additionally, some general Commission rules that apply to ULS and ASR applications as well as to other proceedings require service on other parties, and service must be manual, unless the party agrees otherwise.²³ Should we revise these service requirements to permit a

¹⁸ The general instructions to Form 854 provide that the application can be mailed or delivered to the Commission. The part 17 rule on antenna structure registration is silent as to whether filing of the Form 854 can be electronic, manual, or both. See 47 CFR §§ 17.4, 17.7.

¹⁹ See Appx. A, Proposed Rules. We also take this opportunity to correct a typographic error in sections 17.4(c)(1)(ii) and 17.4(c)(1)(iv), which incorrectly refers to “paragraph I(C)(1)-(3)” and instead should refer to “I(E)(1)-(3)” for the definition of “Substantial increase in the size of the tower” in the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas, 47 CFR Pt. 1, Appx. B, Section I(E)(1)-(3).

²⁰ By “registrants,” we mean those applying for a new ASR registration, those seeking to make changes to an existing ASR registration, or owners that already have an ASR registration.

²¹ See FCC, Universal Licensing System, <https://www.fcc.gov/wireless/systems-utilities/universal-licensing-system> (link under “Filing” to “Submit a Pleading”) (last visited Sept. 4, 2019). Similarly, a request for environmental review can be filed electronically on the ASR Applications and Environmental Notice webpage. See FCC, ASR Manager, Applications on Environmental Notice, <https://wireless2.fcc.gov/ASRManager/service/nationalNoticeReport.faces> (link to “File Environmental Request”) (last visited Sept. 4, 2019).

²² For example, environmental reviews are not mandatory electronic filings. See 47 CFR § 17.4(c)(5)(ii).

²³ For example, petitions for reconsideration must be served on all parties to the proceeding, and the Commission's rules require that service be in paper form. See 47 CFR §§ 1.106 (petitions for reconsideration, and subsequent pleadings, in non-rulemaking proceedings must be served on parties to the proceeding); 1.47(d) (documents that are required to be served must be served in paper form, even if documents are filed in electronic form with the Commission, unless the party to be served agrees to accept service in some other form). Similarly, pleadings following the submission of a request for environmental review require paper service. See 47 CFR § 17.4(c)(5)(i) (“The interested person or entity shall serve a copy of its Request on the prospective ASR applicant pursuant to §1.47 of this chapter.”).

party to serve pleadings on other parties electronically? For proceedings in which all electronic filings are publicly available, does electronic filing itself provide sufficient notice to parties interested in the proceeding that it should be sufficient to constitute service on other parties? Should we also require or encourage that requests by members of the public for environmental review of ASR towers, and pleadings or comments related to those requests, be filed and/or served electronically? Or should we exempt certain members of the public, some of whom may, for example, live in remote areas with limited electronic or Internet access, from mandatory electronic filing and/or service when they wish to file requests for environmental review or other complaints and participate in pleading cycles? Is the Commission's waiver process an appropriate vehicle to address such instances? What are the costs and benefits of each option?

11. *TCNS and the E-106 System.* Tower Notifiers that choose to use TCNS file proposed construction notices electronically. What steps could we take to encourage Tower Notifiers to use TCNS to fulfill their obligation to notify and respond to Indian Tribes and NHOs? Under the Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process (NPA), Indian Tribes and NHOs may elect to receive notices and associated information from TCNS in accord with their reasonable communications preference, which may include U.S. or Express Mail.²⁴ What would incentivize Tribes and NHOs to receive information and complete their reviews electronically using TCNS, and what steps can the Commission take to remove barriers, make it easier, or otherwise encourage them to do so?

12. As part of the state historic review process of tower proposals, Tower Notifiers can provide information to State Historic Preservation Officers (SHPOs) electronically by submitting the relevant FCC Forms using either the Commission's electronic system (E-106) or a SHPO-created database. Tower Notifiers also have the option to send these forms and other communications via U.S. or Express mail. We propose to require that Tower Notifiers that chose to use the E-106 System submit FCC Forms 620 and 621 electronically,²⁵ and that all of the Tower Notifiers' communications associated with the review process be made electronically. We seek comment on this approach. Because E-106 is an electronic system, all filings made by SHPOs in response to tower proposals into the system are inherently electronic. However, SHPOs are not required to use the system,²⁶ and a large number of them do not: currently, just 19 out of 59 SHPOs review tower projects via this system.²⁷ We seek comment on what steps we could take to encourage SHPOs to participate in our electronic system and complete their reviews without the need for paper mail. Are there any scenarios where E-106 users might need to communicate with physical mail? We seek comment on any other changes we could make to the E-106 system itself or the review process that could reduce or eliminate the use of paper.

13. *Other Issues To Consider.* Are there other situations involving the ULS and ASR System that we have not considered where electronic filing could be used? If a rule is silent on how a filing or communication should be made in connection with ULS, ASR, TCNS, or E-106, should we (subject to the limitations discussed herein) revise the rule to require an electronic filing or communication? Are there other conforming or related rule changes that the Commission should consider to facilitate these transitions? Are there other implementation issues we should consider? For example, do we need to make any changes with regard to how we handle confidential information submitted to these systems, including sensitive information submitted by Tribes? Are there any accessibility-related issues we should

²⁴ The NPA requires the Commission and our applicants to communicate in a manner consistent with the reasonable wishes of Indian Tribes or NHOs. 47 CFR Part 1, Appx. C § IV(C), (D) and (E). For more details on the NPA and the Commission's TCNS process, see <https://www.fcc.gov/wireless/systems-utilities/tower-construction-notifications>.

²⁵ Whether they submit an FCC Form 620 versus FCC Form 621 depends on the nature of the project.

²⁶ As with TCNS, use of E-106 is voluntary. The system was designed to save users time and resources by automating and expediting the exchange of information and correspondence in the Section 106 process.

²⁷ This number is inclusive of states, territories, and the District of Columbia.

be aware of that could impact our finalizing the transition to electronic filings? We note that we will continue to meet our requirement to provide accommodations for people with disabilities,²⁸ and seek comment on how best to ensure compliance with the requirements of Sections 504 and 508 of the Rehabilitation Act of 1973, or any other relevant statute, in requiring electronic filing.

14. Currently, if an application that is required to be filed electronically is manually filed without a waiver request, the Commission's practice has been to dismiss the application as defective. We propose, and seek comment on, using the same approach going forward.

B. E-Mail Address for Applications, Registrations, and Notifications

15. It is currently optional—not mandatory—for applicants, licensees, registrants, Tower Notifiers, and people who otherwise use these systems to provide an e-mail address on the relevant FCC Forms submitted to these systems. Through this optional process, we have an e-mail address on file for roughly 60% of the more than 2.2 million active WRS licenses.²⁹ To increase this number and finalize our transition to electronic correspondence and outgoing notices from these systems, we propose to require inclusion of an e-mail address on all applications and associated FCC Forms for ULS, ASR, and TCNS/E-106. To accomplish this goal, we propose to update the respective electronic FCC Forms to require inclusion of an e-mail address going forward. This change will be implemented as soon as feasible, based on completing any requisite updates to our electronic systems, and on any necessary Paperwork Reduction Act approval from the Office of Management and Budget.

16. We note that section 1.934 of our rules allows us to dismiss an application as defective if it is “incomplete with respect to required answers to questions.”³⁰ Thus, once inclusion of an e-mail address is mandatory on the respective FCC Forms, the Commission may dismiss as defective an application if an e-mail address is not included. We also propose to amend section 1.923(i) of the Commission's rules—which requires applications to specify a U.S. Postal Mail address—to require that applications also specify an e-mail address, and seek comment on this proposal.³¹ Alternatively, should we remove section 1.923(i) as unnecessary, given that the appropriate FCC Forms will require both U.S. Postal Mail and e-mail addresses going forward? Should we also require an e-mail address on all pleadings related to applications and filings in these systems? Are there other rule changes that may be warranted to make furnishing an e-mail address mandatory within these systems? For example, section 1.5 of the Commission's rules requires licensees and applicants for a license to provide the Commission with an address where the Commission can direct correspondence.³² Should we revise this rule, or others, to reference e-mail addresses?

17. We also seek comment on how to ensure that applicants, licensees, and registrants keep their e-mail addresses up-to-date. Are changes to the Commission's existing rules about keeping contact

²⁸ 29 U.S.C. § 794; *see also* Federal Communications Commission, Section 504 Programs & Activities Accessibility Handbook, 4th Edition (2014), available at <https://www.fcc.gov/general/section-504-handbook>; *Amendment of Part 1, Subpart N of the Commission's Rules Concerning Non-Discrimination on the Basis of Disability in the Commission's Programs and Activities*, Order, 18 FCC Red 4034 (2003).

²⁹ This includes WRS licenses for which there is a licensee e-mail address, a point-of-contact e-mail address, or both.

³⁰ 47 CFR § 1.934(a)(2)(d).

³¹ *See id.* § 1.923(i) (“Unless an exception is set forth elsewhere in this chapter, each applicant must specify an address where the applicant can receive mail delivery by the United States Postal Service. This address will be used by the Commission to serve documents or direct correspondence to the applicant.”); *see also* Appx. A, proposing revisions to this rule.

³² 47 CFR § 1.5.

information current sufficient to encompass e-mail addresses?³³ Should the Commission add “change of an e-mail address” to the non-exhaustive list of minor modifications in section 1.929(k)?³⁴ What changes to our rules might we need to ensure that entities with registered antenna structures in the ASR System keep e-mail addresses current?³⁵ Should we require ASR users to keep their contact information, including e-mail addresses, current at all times? Are there reasons why we should not adopt such a requirement? Are there other ways to ensure that the Commission has accurate, up-to-date e-mail addresses associated with applications, licenses, and registrations across these electronic systems? Are there other ways to provide convenient means and appropriate incentives to ensure we have accurate, up-to-date e-mail addresses? Notwithstanding that our WRS licensing data is public, are there possible privacy issues related to the collection of e-mail addresses, and if so, how could we best address them? Currently, e-mail addresses provided to ULS are publicly available, with certain exceptions.³⁶ Should we continue using this approach going forward?³⁷

C. Electronic Notices, Correspondence, and Alerts

18. *ULS and ASR.* The Bureaus took steps in 2014 and 2016 to reduce the amount of paper correspondence generated by the ULS and ASR System. First, the Bureaus converted to official electronic records for authorizations, mailing hard copies of such authorizations only when an entity “opted in.”³⁸ Second, they eliminated several categories of notices generated by these systems and sent to users through the U.S. Postal Service.³⁹ The Bureaus cited several benefits to electronic correspondence, including saving money in terms of staff resources, paper supplies, and mailing costs, and eliminating the risk of notices getting lost or damaged in delivery.⁴⁰

19. Despite these initial steps, the ULS and ASR System still generate thousands of authorizations and letters each year that are sent via U.S. Postal Mail. Notwithstanding that official copies can be accessed electronically and downloaded, the Bureaus printed and mailed over 60,000 specifically requested hard copy authorizations each year for the past three years. In about 80% of these instances, the relevant Bureau had an e-mail address on file for the entity to which it mailed the hard copy authorization. We propose to eliminate requests for the Bureaus to mail hard copies of these

³³ For example, section 1.65 places responsibility on applicants to ensure “the continuing accuracy and completeness of the information furnished in a pending application.” 47 CFR § 1.65; *see also id.* §§ 1.929(k) (requiring licensees making minor license modifications to a license, such as an address change, to notify the Commission by filing FCC Form 601 within 30 days); 1.947(b) (requiring licensees to make minor modifications to station authorizations as a matter of right without prior Commission approval).

³⁴ *See id.* § 1.929(k) (listing, among others, “address and/or telephone number changes” as a minor modification to a WRS license).

³⁵ *See, e.g., id.* § 17.57 (requiring notification to the Commission within five days of any change in ownership information for an entity with a registered antenna structure).

³⁶ The public facing ULS masks e-mail addresses, phone numbers, and fax numbers connected to licenses in the Amateur Radio Service, Aircraft Radio Service, Commercial Radio Operators Services, Ship Radio Service, and the General Mobile Radio Service (GMRS).

³⁷ If the Commission were to continue masking e-mail addresses for certain categories of licensees, how would that affect electronic service of documents on third parties?

³⁸ *See 2014 Electronic Authorization Public Notice*, 29 FCC Rcd at 15258-59.

³⁹ *See 2016 Electronic Correspondence Public Notice*, 31 FCC Rcd at 9816-17 (eliminating paper correspondence notices that provided information about Bureau actions that did not require a response from a system user and the information from those notices was available by other means in the ULS or ASR System).

⁴⁰ *See id.*, 31 FCC Rcd at 9819.

authorizations, given that users can access and download their official authorizations, leases, and registrations from the ULS and ASR System at any time.⁴¹

20. In addition to authorizations, the Commission prints and mails hard copies of thousands of letters from the ULS and ASR System to licensees/applicants and registrants each year. For example, in 2018, the Commission printed more than 20,000 dismissal letters; more than 13,000 return letters; over 8,000 cancellation letters; about 4,000 termination letters; and roughly 4,500 letters notifying owners of registered towers of an application to change ownership. Ninety percent (90%) of the time, the Bureaus had an e-mail address on file for the entities receiving these letters. We propose to send these types of letters electronically using the e-mail address on file (once applicants/licensees and registrants are required to update their contact information to include e-mail addresses, as discussed in Part B above). We seek comment on this proposal, and on whether there is a need to maintain U.S. Postal Mail-delivered correspondence for certain categories of notices, or to certain types of recipients. Should the Commission maintain an option for licensees, applicants, and registrants to receive paper letters on a case-by-case basis? Is the Commission's waiver process sufficient to deal with any case-specific need for paper mailings? What are the costs and benefits of maintaining this option?

21. We also seek comment on the various implementation issues raised by transitioning to e-mail correspondence. For example, how many e-mail addresses should we allow on file for each licensee, applicant, registrant, Tower Notifier, or other user of systems affected by these proposed changes? Should the user be able to designate which e-mail address is the "primary" address for all, or for certain types, of correspondence, or should all notices be sent to every e-mail address on file? Must the e-mail include the actual substance of the communication (e.g., an electronic copy of a dismissal letter), or could the e-mail simply alert the user to log-in to the respective system to check an electronic mailbox or administrative tab that hosts the electronic correspondence? What other vehicles of electronic communication might be an option? We note, for example, that some court systems rely on online portals for electronic communications. Commenters arguing in favor of a specific vehicle or approach to e-mail delivery should address the costs, benefits, and feasibility of the Commission implementing the approach.

22. Today, about 10% of the letters we deliver by U.S. Postal Mail are returned as undeliverable. When this occurs, the Bureaus will check for any error (e.g., misspelling) and attempt to send the letter a second time. Should we use the same practice for e-mails that get bounced back as undeliverable (i.e., attempt to deliver twice)? If not, what approach might make sense for undeliverable electronic mail? Should there be an alert in the ULS and ASR System to let users know that a notice was sent to their on-file e-mail address, with an electronic copy also available within those systems? Should the Bureau provide instructions or other assistance to licensees and applicants in advance of this transition, to help ensure that the recipient's e-mail program will not block or filter Commission e-mails? What should be the consequence if an entity is not aware of a notice or other communication from the Bureaus because it failed to ensure its e-mail program will not block or filter Commission e-mails or failed to keep its e-mail address current? Are there other technical issues we should keep in mind as we transition to electronic correspondence?

23. The Bureaus also print and mail more than 60,000 hard copy courtesy letters a year, such as letters reminding licensees of important dates like renewal and construction deadlines. We seek comment on whether courtesy letters remain necessary or could be eliminated. If recipients continue to find them helpful, should we transition to sending courtesy letters via e-mail, or would a different method of online alerting be more efficient or useful to convey important deadlines? For example, would it be helpful to receive online alerts about important deadlines in a tab or mailbox within the ULS and ASR System? If we were to start using an online alerting mechanism, are there additional categories of alerts that we should include, besides important deadlines and, for the ASR System, tower ownership changes? If so, what kind of additional alerts would be beneficial? Should the Commission send notifications to

⁴¹ See generally 2014 *Electronic Authorization Public Notice*.

ASR applicants completing the environmental notification process,⁴² such as determinations, dispositions, and Findings of No Significant Impact (FONSIs), by electronic means only? If so, should there be an option within the system for applicants to print all or some of these notifications?

24. What is the appropriate timeframe for the transition of the ULS and ASR System to electronic correspondence and electronic alerts? How long after the Commission requires an e-mail address associated with its applications should it begin using the on-file e-mail addresses for notices and correspondence?

25. *TCNS and E-106 System.* The Bureaus printed and mailed nearly 38,000 letters last year related to the TCNS/E-106 historic preservation process. Within the limits of the NPA, which allows Indian Tribes and NHOs to choose their preferred form of communication with the Commission and Tower Notifiers, we seek comment on how to incentivize the use of electronic correspondence with Indian Tribes and NHOs to the maximum extent possible in connection to their involvement with these systems, and on what steps the Commission could take to remove barriers that might prevent their doing so. We seek comment on the same implementation, technical, and mechanical issues discussed above with respect to the ULS and ASR System. We also seek comment on the appropriate amount of time to allow for this transition.

IV. PROCEDURAL MATTERS

26. *Ex Parte Presentations.*—This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁴³ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

27. *Comment Period and Filing Procedures.*—Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs>.

⁴² 47 CFR § 17.4(c).

⁴³ *Id.* §§ 1.1200 *et seq.*

- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one active docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

28. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

29. People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

30. *Availability of Documents.*—Comments, reply comments, and *ex parte* submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, S.W., Room CY-A257, Washington, D.C. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

31. *Initial Regulatory Flexibility Analysis.*—As required by the Regulatory Flexibility Act,⁴⁴ the Commission has prepared an Initial Regulatory Flexibility Analysis (“IRFA”) of the possible significant economic impact on small entities of the policies and rules addressed in this *Notice*. The IRFA is set forth in Appendix B. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines for comments on the *Notice*, and should have a separate and distinct heading designating them as responses to the IRFA.

32. *Initial Paperwork Reduction Analysis.*—This document contains proposed modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (“OMB”) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. § 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

V. ORDERING CLAUSES

33. IT IS ORDERED, pursuant to the authority found in sections 1, 4(i), and 303 of the Communications Act of 1934, 47 U.S.C. §§ 151, 154(i), and 303, that this *Notice of Proposed Rulemaking* IS HEREBY ADOPTED.

34. IT IS FURTHER ORDERED that, pursuant to applicable procedures set forth in sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file

⁴⁴ 5 U.S.C. § 603.

comments on the *Notice of Proposed Rulemaking* on or before 30 days after publication in the *Federal Register* and reply comments on or before 45 days after publication in the *Federal Register*.

35. IT IS FURTHER ORDERED that the Commission's Consumer & Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A
Proposed Rules

The Federal Communications Commission proposes to amend Parts 1 and 17 of Title 47 of the Code of Federal Regulations as follows:

PART 1— PRACTICE AND PROCEDURE

1. The authority citation for part 1 continues to read as follows:

Authority: 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461, unless otherwise noted.

2. Amend Section 1.913 to remove and reserve paragraph (d), as follows:

§1.913 Application and notification forms; electronic and manual filing.

* * * * *

(d) [Removed and reserved]

* * * * *

3. Amend Section 1.923 by revising paragraph (i) to read as follows:

§1.923 Content of applications.

* * * * *

(i) Unless an exception is set forth elsewhere in this chapter, each applicant must specify **an e-mail address** and a United States Postal Service address for the Commission to serve documents or direct correspondence to the applicant.

PART 17— CONSTRUCTION, MARKING, AND LIGHTING OF ANTENNA STRUCTURES

4. The authority citation for part 17 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 303, 309.

5. Amend Sections 17.4(b), (c)(1)(ii), (c)(1)(iv), and (e) to read as follows:

§17.4 Antenna structure registration.

* * * * *

(b) Except as provided in paragraph (e) of this section, each owner of an antenna structure described in paragraph (a) of this section must file FCC Form 854 with the Commission. **FCC Form 854, and all related amendments, modifications, and attachments, including environmental assessments, shall be filed electronically.** Additionally, each owner of a proposed structure referred to in paragraph (a) of this section must submit a valid FAA determination of “no hazard.” In order to be considered valid by the Commission, the FAA determination of “no hazard” must not have expired prior to the date on which FCC Form 854 is received by the Commission. The height of the structure will be the highest point of the structure including any obstruction lighting or lightning arrester. If an antenna structure is not required to be registered under paragraph (a) of this section and it is voluntarily registered with the Commission after the effective date of this rule, the registrant must note on FCC Form 854 that the registration is voluntary. Voluntarily registered antenna structures are not subject to the lighting and marking requirements contained in this part.

* * * * *

(c)(1)(ii) For a reduction in height of an antenna structure or an increase in height that does not constitute a substantial increase in size as defined in paragraph I(E)(1)-(3) of Appendix B to part 1 of this chapter, provided that there is no construction or excavation more than 30 feet beyond the existing antenna structure property;

* * * * *

(c)(1)(iv) For replacement of an existing antenna structure at the same geographic location that does not require an Environmental Assessment (EA) under §1.1307(a) through (d) of this chapter, provided the new structure will not use a less preferred lighting style, there will be no substantial increase in size as defined in paragraph I(E)(1)-(3) of Appendix B to part 1 of this chapter, and there will be no construction or excavation more than 30 feet beyond the existing antenna structure property;

* * * * *

6. Amend Section 17.57 to read as follows:

§17.57 Report of radio transmitting antenna construction, alteration, and/or removal.

The owner of an antenna structure for which an Antenna Structure Registration Number has been obtained must notify the Commission within 5 days of completion of construction by filing FCC Form 854-R and/or dismantlement by filing FCC Form 854. The owner must also notify the Commission within 5 days of any change in structure height or change in ownership information by filing FCC Form 854. **FCC Forms 854 and 854-R, and all related amendments, modifications, and attachments, shall be filed electronically.**

APPENDIX B

Initial Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),¹ the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in this *Notice of Proposed Rulemaking (Notice)*. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *Notice*. The Commission will send a copy of the *Notice*, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).² In addition, the *Notice* and IRFA (or summaries thereof) will be published in the Federal Register.³

A. Need for, and Objectives of, the Proposed Rules

2. The Commission has made significant strides in recent years toward modernizing its legacy filing, communications, and information retention systems by improving electronic access to data and digitizing Commission communications in a wide variety of services. These efforts have improved public access to data, decreased costs for consumers, improved transparency and accessibility for a variety of users, and significantly improved administrative efficiency. The *Notice* continues and builds upon the Commission's modernization efforts. Specifically, the *Notice* proposes to make all filings to the Universal Licensing System (ULS) and Antenna Structure Registration (ASR) System completely electronic;⁴ expand electronic filing and correspondence elements for its Tower Construction Notification System (TCNS) and Electronic Section 106 Filing (E-106)⁵ System, to the extent permissible under applicable law;⁶ and require applicants to provide an e-mail address on the FCC Forms related to these systems. The *Notice* also seeks comment on additional rule changes that would further expand the use of electronic filing and electronic service. Together, these proposals will facilitate the remaining steps to transition these systems from paper to electronic, reducing regulatory burdens and making interaction with these systems more accessible and efficient to those who rely on them.

¹ See 5 U.S.C. § 603. The RFA, 5 U.S.C. §§ 601–612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

² See 5 U.S.C. § 603(a).

³ See *id.*

⁴ The ULS is the official record of licenses in the wireless radio services (WRS), and the vehicle used for interested parties to apply for and receive wireless licenses. The ASR System works in tandem with ULS to ensure that physical structures used for WRS that are above a certain height or in close proximity to airports do not pose a hazard to aircraft.

⁵ The TCNS provides a mechanism for Tower Notifiers (applicants seeking to build a tower or collocate on a tower or consultants/entities representing them) to notify Indian Tribes and NHOs of proposed tower construction or proposed collocation, and for Indian Tribes and NHOs to respond to such notifications. The TCNS advances the goal of the National Historic Preservation Act (NHPA) to protect historic properties, including Tribal religious and cultural sites. The E-106 System works in conjunction with TCNS and enables real-time referral of information and communication among the Commission, Tower Notifiers, and State Historic Preservation Officers (SHPOs). Tower Notifiers can electronically submit the FCC Forms 620 or 621 to SHPOs using the E-106 System, and SHPOs can use the system to comment and access filings.

⁶ The Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process (NPA) requires the Commission and our applicants to communicate in a manner consistent with the reasonable wishes of Indian Tribes or Native Hawaiian Organizations (NHOs). 47 CFR Part 1, Appx. C § IV(C), (D) and (E). Indian Tribes and NHOs may indicate their preferences for how the Commission and applicants should communicate with them, which may include U.S. Postal Mail.

B. Legal Basis

3. The proposed action is authorized pursuant to Sections 1, 4(i), and 303 of the Communications Act of 1934, 47 U.S.C. §§ 151, 154(i), and 303.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

4. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.⁷ The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”⁸ In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.⁹ A small business concern is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.¹⁰

5. *Small Businesses, Small Organizations, and Small Governmental Jurisdictions.* Our action may, over time, affect small entities that are not easily categorized at present. We therefore describe here, at the outset, three broad groups of small entities that could be directly affected herein.¹¹ First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the SBA’s Office of Advocacy, in general a small business is an independent business having fewer than 500 employees.¹² These types of small businesses represent 99.9 percent of all businesses in the United States, which translates to 28.8 million businesses.¹³

6. Next, the type of small entity described as a “small organization” is generally “any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.”¹⁴ Nationwide, as of August 2016, there were approximately 356,494 small organizations based on registration and tax data filed by nonprofits with the Internal Revenue Service (IRS).¹⁵

⁷ 5 U.S.C. § 603(b)(3).

⁸ *Id.* § 601(6).

⁹ 5 U.S.C. § 601(3) (incorporating by reference the definition of “small business concern” in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

¹⁰ 15 U.S.C. § 632.

¹¹ *See* 5 U.S.C. § 601(3)-(6).

¹² *See* SBA, Office of Advocacy, “Frequently Asked Questions, Question 1—What is a small business?,” https://www.sba.gov/sites/default/files/advocacy/SB-FAQ-2016_WEB.pdf (June 2016).

¹³ *See* SBA, Office of Advocacy, “Frequently Asked Questions, Question 2—How many small businesses are there in the U.S.?,” https://www.sba.gov/sites/default/files/advocacy/SB-FAQ-2016_WEB.pdf (June 2016).

¹⁴ 5 U.S.C. § 601(4).

¹⁵ Data from the Urban Institute, National Center for Charitable Statistics (NCCS) reporting on nonprofit organizations registered with the IRS was used to estimate the number of small organizations. Reports generated using the NCCS online database indicated that as of August 2016 there were 356,494 registered nonprofits with total revenues of less than \$100,000. Of this number, 326,897 entities filed tax returns with 65,113 registered nonprofits reporting total revenues of \$50,000 or less on the IRS Form 990-N for Small Exempt Organizations and 261,784 nonprofits reporting total revenues of \$100,000 or less on some other version of the IRS Form 990 within 24 months of the August 2016 data release date. *See* <http://nccsweb.urban.org/tablewiz/bmf.php>, where the report showing this data can be generated by selecting the following data fields: Show: “Registered Nonprofit Organizations”; By: “Total Revenue Level (years 1995, Aug to 2016, Aug)”; and For: “2016, Aug” then selecting “Show Results”.

7. Finally, the small entity described as a “small governmental jurisdiction” is defined generally as “governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.”¹⁶ U.S. Census Bureau data from the 2012 Census of Governments¹⁷ indicates that there were 90,056 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States.¹⁸ Of this number there were 37,132 general purpose governments (county,¹⁹ municipal, and town or township²⁰) with populations of less than 50,000 and 12,184 special purpose governments (independent school districts²¹ and special districts²²) with populations of less than 50,000. The 2012 U.S. Census Bureau data for most types of governments in the local government category shows that the majority of these governments have populations of less than 50,000.²³ Based on this data we estimate that at least 49,316 local government jurisdictions fall in the category of “small governmental jurisdictions.”²⁴

8. *Wireless Telecommunications Carriers (except Satellite)*. This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and

¹⁶ 5 U.S.C. § 601(5).

¹⁷ See 13 U.S.C. § 161. The Census of Government is conducted every five (5) years compiling data for years ending with “2” and “7.” See also Program Description Census of Government <https://factfinder.census.gov/faces/affhelp/jsf/pages/metadata.xhtml?lang=en&type=program&id=program.en.COG#>

¹⁸ See U.S. Census Bureau, 2012 Census of Governments, Local Governments by Type and State: 2012 - United States-States. <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG02.US01>. Local governmental jurisdictions are classified in two categories - General purpose governments (county, municipal and town or township) and Special purpose governments (special districts and independent school districts).

¹⁹ See U.S. Census Bureau, 2012 Census of Governments, County Governments by Population-Size Group and State: 2012 - United States-States. <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG06.US01>. There were 2,114 county governments with populations less than 50,000.

²⁰ See U.S. Census Bureau, 2012 Census of Governments, Subcounty General-Purpose Governments by Population-Size Group and State: 2012 - United States – States. <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG07.US01>. There were 18,811 municipal and 16,207 town and township governments with populations less than 50,000.

²¹ See U.S. Census Bureau, 2012 Census of Governments, Elementary and Secondary School Systems by Enrollment-Size Group and State: 2012 - United States-States. <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG11.US01>. There were 12,184 independent school districts with enrollment populations less than 50,000.

²² See U.S. Census Bureau, 2012 Census of Governments, Special District Governments by Function and State: 2012 - United States-States. <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG09.US01>. The U.S. Census Bureau data did not provide a population breakout for special district governments.

²³ See U.S. Census Bureau, 2012 Census of Governments, County Governments by Population-Size Group and State: 2012 - United States-States - <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG06.US01>; Subcounty General-Purpose Governments by Population-Size Group and State: 2012 - United States–States - <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG07.US01>; and Elementary and Secondary School Systems by Enrollment-Size Group and State: 2012 - United States-States. <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG11.US01>. While U.S. Census Bureau data did not provide a population breakout for special district governments, if the population of less than 50,000 for this category of local government is consistent with the other types of local governments the majority of the 38, 266 special district governments have populations of less than 50,000.

²⁴ *Id.*

wireless video services.²⁵ The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees.²⁶ For this industry, U.S. Census data for 2012 show that there were 967 firms that operated for the entire year.²⁷ Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1,000 employees or more.²⁸ Thus, under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities.

9. The Commission has determined from data available in its Universal Licensing System (ULS) that there are approximately 1,095 unique licensees corresponding to more than 40,000 licenses in the Wireless Radio Services that could be affected by this *Notice*, as of February 21, 2019.²⁹ The Commission does not know how many licensees in these bands are small entities, as the Commission does not collect that information for these types of entities.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

10. The proposed actions in the *Notice*, if adopted, may impose reporting, recordkeeping and other compliance requirements on small entities as well as other licensees. For example, the *Notice* proposes to eliminate the remaining exemptions to mandatory electronic filing in the ULS and mandate electric filing in the ASR System. While this would not create additional compliance or recordkeeping requirements for licensees and applicants, it would nonetheless alter the compliance vehicle for those who currently file such applications manually. The Commission anticipates, however, that this change would minimize, not increase, burdens on small entities as well as other applicants, licensees, and registrants, and seeks comment in the *Notice* on this assumption and approach. The Commission also seeks comment on whether to maintain exemptions to electronic filing for small entities and other certain categories of applicants (discussed below), and on whether its waiver process is sufficient to handle any such instances on a case-by-case basis. Currently, when an application that is required to be filed electronically is filed manually, unless the filing is accompanied by a request for waiver, the application is dismissed as defective. Going forward, the Commission proposes to use the same approach, requiring that a waiver request be included with manual filings, and seeks comment on this proposal.

11. The Commission also proposes to expand the electronic filing of forms related to its Tower Construction Notification System (TCNS) and Electronic Section 106 (E-106) System. Specifically, the Commission proposes to mandate that Tower Notifiers that choose to use E-106 submit FCC Forms 620 and 621 electronically, and that all of the Tower Notifiers' communications associated with the Section 106 review be made electronically, and seeks comment on this proposal. Since E-106 is almost entirely electronic already, the Commission therefore anticipates little or no change for current E-106 users from this requirement.

²⁵ U.S. Census Bureau, 2012 NAICS Definitions, "517210 Wireless Telecommunications Carriers (Except Satellite)." See <https://factfinder.census.gov/faces/affhelp/jsf/pages/metadata.xhtml?lang=en&type=ib&id=ib.en/ECN.NAICS2012.517210>.

²⁶ 13 CFR § 121.201, NAICS code 517210.

²⁷ U.S. Census Bureau, 2012 *Economic Census of the United States*, Table EC1251SSSZ5, Information: Subject Series: Estab and Firm Size: Employment Size of Firms for the U.S.: 2012 NAICS Code 517210. https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ5/naics~517210.

²⁸ *Id.* Available census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is for firms with "1000 employees or more."

²⁹ See <http://wireless.fcc.gov/uls>. For the purposes of this IRFA and consistent with Commission practice for wireless services, the Commission estimates the number of licensees based on the number of unique FCC Registration Numbers.

12. The Commission further proposes requiring an e-mail address to be included on the various FCC Forms submitted to ULS, ASR, E-106, and on the information that can be submitted to TCNS. To accomplish this goal, the Commission proposes to update the respective electronic FCC Forms to require inclusion of an e-mail address. To comply with the proposed change, applicants, licensees, and registrants would be required—rather than having the option—to enter an e-mail address when completing these FCC Forms. Therefore, going forward, both a U.S. Postal Mail address and an e-mail address would be required. The *Notice* seeks comment on whether to require an e-mail address on all pleadings related to applications and filings in these systems, and inquires how to ensure that applicants and licensees keep their e-mail addresses up to date.

13. Transitioning to e-mail presents various implementation issues that need to be addressed, including how many e-mail addresses should be allowed on file for each user; whether the user should be able to designate which address is the “primary” e-mail or all or certain types of correspondence; what content should be conveyed in the e-mail; how the Commission can best ensure that e-mails are delivered and received; and what the consequences should be for a notice is not seen given lack of up-to-date email, spam filtering, or other roadblocks. Some of these issues could create additional compliance requirements and the Commission seeks comment on these issues.

14. Additionally, the Commission proposes to finalize its transition to electronic correspondence by sending electronically notices and letters generated by the ULS and ASR System that are sent currently via hard copy to applicants, licensees, and registrants. As part of the transition, it proposes to stop allowing requests for the Bureaus to mail hard copies of authorizations, leases, and registrations, given that users can access and download their official copies from the ULS and ASR Systems at any time. Thus, small entities and other applicants, licensees, and registrants would be required to electronically access these documents. Finally, the *Notice* seeks comment on whether courtesy letters to applicants, licensees, and registrants, e.g., letters reminding of a renewal deadline, remain necessary, and if so, if such letters should be sent via e-mail or through some other electronic alerting mechanism.

15. The Commission does not expect that its proposed rules will require small entities to hire attorneys, engineers, consultants, or other professionals to comply, but cannot quantify the cost of compliance with the proposed changes and compliance obligations raised herein. Based on its prior experience with mandatory electronic filing for some applications and other filings in ULS, the requirement has been beneficial, affording parties a quick and economical process to file applications. Moreover, while some small businesses may have been among the limited group of filers that were exempted from mandatory electronic filing requirements adopted in 1998 due to concerns of a lack of access to high-quality telephone lines and computers capable of submitting their applications, in light of the drastic changes in access to advanced wireless services and the diversity in electronic devices that can be utilized to access the Internet, the Commission does not believe that electronic filing remains infeasible or cost-prohibitive for the previously exempted filers, or that they lack resources to file electronically. Notwithstanding, the Commission seeks comment on whether its underlying assumptions about the ease of electronic filing for small entities and other previously exempted filers are valid, and whether electronic filing may pose enough of a burden to outweigh the benefits for these entities. The information received in comments should help the Commission identify and evaluate relevant matters for small entities, including any compliance costs that may result from the proposals in the *Notice*.

E. Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

16. The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for

small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof for small entities.”³⁰

17. The Commission does not believe that its proposed changes will have a significant economic impact on small entities. In order to better assess the impact of the proposed requirements on small entities and to evaluate how to minimize such impact, in the *Notice* the Commission seeks comment on whether there remains a need to maintain exemptions from mandatory electronic filing, for small entities and/or other individuals and entities that are currently exempt from this mandate. The Commission also seeks comment on whether there are differences between entities exempted from electronic ULS filings, and that submit ASRs manually, that might warrant different timelines for the respective transitions to electronic filing. Additionally, the *Notice* seeks comment on alternative approaches to sending letters electronically via e-mail, such as online alerting via the ULS and ASR systems or other alternative approaches.

18. While the Commission remains cognizant of the limits of the Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process (NPA), which allows Indian Tribes and NHOs to select a reasonable communications preference, which may include U.S. Mail, it seeks comment on how to incentivize and encourage the use of electronic correspondence with Indian Tribes and NHOs to the maximum extent possible in connection to their involvement with these systems, and on what steps the Commission could take to remove barriers that might prevent their doing so. It also seeks comment on the same implementation, technical, and mechanical issues discussed with respect to the ULS and ASR Systems including on the appropriate amount of time to allow for this transition

19. The Commission expects to consider more fully the economic impact on small entities following its review of comments filed in response to the *Notice* and this IFRA, and has not at this time ruled out any alternative approaches. The Commission’s evaluation of the comments filed in this proceeding will shape the final conclusions it reaches, the final alternatives it considers, and the actions it ultimately takes in this proceeding to minimize any significant economic impact that may occur on small entities.

F. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules

20. None.

³⁰ 5 U.S.C. § 603(c)(1)-(4).

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Completing the Transition to Electronic Filing, Licenses and Authorizations, and Correspondence in the Wireless Radio Services, WT Docket No. 19-212.*

Since joining the Commission in 2013, I have championed efforts to move the Commission from yesterday's burdensome paper processes to today's modern and efficient electronic communications methods. The Commission has implemented many of these ideas, including permitting e-labeling, relying on electronic authorizations and databases instead of paper authorizations and documents, and utilizing e-mail communications rather than snail mail in several instances. I am pleased that the Chairman has circulated this item to seek comment on further implementing these recommendations by converting additional functions in the Wireless Telecommunications Bureau's (WTB) Universal Licensing System and related systems from paper to digital formats. By making the vast majority of WTB filings electronic, requiring e-mail addresses on the applicable FCC forms, and eliminating the remaining correspondence sent by mail, the Commission would reduce not only its administrative costs, but also those of its licensees, and enhance the efficiency and transparency of the Commission's processes. I approve.