

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Process Reform for Executive Branch)	IB Docket No. 16-155
Review of Certain FCC Applications and)	
Petitions Involving Foreign Ownership)	
)	

COMMENTS OF INCOMPAS

INCOMPAS, by its undersigned counsel, submits these Comments in response to the Commission’s Public Notice wherein the International Bureau seeks comment on Executive Order 13913, Establishing the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (the “Committee”).¹

INCOMPAS, the preeminent national industry association for providers of Internet and competitive communications network services, previously filed in the docket, supporting specific timeframes to be set for Team Telecom reviews. For purposes of these comments, INCOMPAS focuses on the Executive Order’s timeframes for the review of an application for a license or transfer of a license referred by the FCC to the Committee which is 120 days for an initial review and an additional 90-day secondary assessment if the Committee determines that the risk to national security or law enforcement interests cannot be mitigated by standard mitigation measures.

INCOMPAS strongly supports the Administration’s and the Commission’s goal of establishing ways to streamline and speed the foreign ownership review process and increase

¹ *International Bureau Refreshes Record in Executive Branch Review Process Proceeding (IB Docket 16-155); Adds Executive Order 13913 into Record and Seeks Comment*, FCC Public Notice, IB Docket No. 16-155, DA 20-452 (April 27, 2020).

transparency while continuing to ensure that any national security, law enforcement, foreign policy, and trade policy concerns receive consideration. To achieve this objective, it is critical that the process be more transparent, timely and predictable. Setting a firm, transparent and appropriate deadline for the completion of the Committee's review is critical to maintaining a regulatory environment conducive to network investment and deployment, and to the efficient and effective administration of the Commission's duties. As others in this docket have noted and INCOMPAS highlighted earlier in the proceeding, the lack of transparency and uncertain timeframes that today accompany the Team Telecom review process likely have delayed and deterred domestic and foreign investment in cables landing in the United States, and in the long run could contribute to decisions to land international submarine cables in Canada or Mexico rather than in the United States.²

Given the longstanding familiarity with the facts and issues that have arisen in foreign ownership reviews over the last two decades, a 120-day review period should be sufficient for an initial review to assess any national security or law enforcement implications stemming from reportable foreign ownership, with an additional 90-day process for those applications where the Committee determines that the risk to national security or law enforcement interests cannot be mitigated by standard mitigation measures. If the Committee does not raise concerns or request additional time for its review within the initial 120-day period, then the Commission should deem the review complete and without objection from the Committee, and the Commission should proceed to act on the application or petition accordingly.

² See INCOMPAS Comments, IB Docket No. 16-155 at 5 (filed Aug. 18, 2016).

INCOMPAS continues to urge the Commission to address the other issues we raised in the proceeding that also will ensure that the Committee's review process is more transparent, timely and predictable.³

Respectfully submitted,

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June 18, 2020

³ See generally *id.*; INCOMPAS Reply Comments, IB Docket No. 16-155 (filed Sept. 2, 2016); and; and INCOMPAS Notice of Ex Parte Presentation, IB Docket No. 16-155 (filed Nov. 2, 2016).