

October 31, 2018

The Federal Communications Commission  
445 12<sup>th</sup> St SW  
Washington, DC 20554

## PETITION FOR RECONSIDERATION

The National Society of Professional Engineers, Association of Communication Engineers, American Council of Engineering Companies, American Society of Civil Engineers, American Society of Mechanical Engineers, American Institute of Chemical Engineers, and IEEE-USA submit the following comments regarding the role of licensed professional engineers in areas regulated by the Federal Communications Commission.

### The FCC Should Continue to Require the Use of Appropriately Licensed Professionals

First, we applaud the FCC recognition of the licensed professional engineer's role in many critical orders over the past several years. We note the precedent of requiring licensed professional engineers for critical communications infrastructure that has been set at the federal level by agencies such as the FCC, United States Department of Agriculture, and National Telecommunications and Information Administration. Additionally, many state and local authorities require licensed professional engineers for these very same critical infrastructure projects.

As these agencies have experienced, the use of a well-qualified licensed professional engineer in critical infrastructure projects, such as broadband build-out, will greatly increase the likelihood that the proposed project can be built as designed and will meet the program's requirements at the estimated cost. Use of the licensed professional engineer during the planning process and deployment will result in government funds being used appropriately and efficiently. Furthermore, the protection of public life, health, and welfare is the foundation for licensing engineers.

We strongly encourage the FCC to continue requiring licensed professional engineers on projects that are so critical to our nation.

### The FCC Should Use the Terminology "Professional Engineer" Only in a Manner Consistent with State Laws and Regulations

We also believe it is extremely important to point out that the designations of "engineer" and "professional engineer" are specifically defined in state and territorial licensing laws and regulations. The use of these designations is limited to persons who are appropriately licensed by the state/territory or as provided under the terms of state and territorial licensure laws and regulations. The term "professional engineer" has been a legally designated title in state and territorial engineering licensing laws in the US since the enactment of the first engineering licensing statute in Wyoming in 1907.



In FCC Public Notice DA 18-186<sup>1</sup>, the FCC established its own standard for a “qualified engineer,” which recognized the existence of state and territorial licensed professional engineering requirements:

“For purposes of certification, a qualified engineer need not meet state professional licensing requirements, such as may be required for a licensed Professional Engineer, so long as the individual possesses the requisite technical knowledge, engineering training, and relevant experience to validate the accuracy of the submitted data.”

Establishing, monitoring, and enforcing a new federal standard for engineering knowledge raises significant challenges and, therefore, we strongly encourage the FCC to continue using the licensed professional engineer designation and requirement to ensure that qualified individuals and firms are leading this effort. Use of the PE designation and requirement will also reduce the amount of time required by the FCC to ensure this requirement of knowledge, training, and experience is actually met.

In the recent FCC Public Notice DA 18-887<sup>2</sup>, there is a reference to a “professional engineer,” but without the requirement of licensure:

“While it is not necessary that the **professional engineer** certifying the network diagram have a Professional Engineer license, the certification should describe the **professional engineer’s** qualifications such that the certifier’s expertise is apparent.”

Using the term “professional engineer” in Commission rules and communications in a manner that directly conflicts with state and territorial licensing laws and regulations creates significant confusion and will ultimately result in unlawful use of an engineering title that violates state and territorial licensing laws and regulations.

The professional engineer license demonstrates an engineer’s commitment to professional standards of engineering practice and ethical conduct and shows that the individual has the necessary education, experience, and qualifications to provide engineering services to the public, as established by law.

We request that the FCC remedy any confusion caused by DA 18-887 by removing or revising the statement that a licensed professional engineer does not have to have an engineering license.

Going forward, we ask that the Federal Communications Commission continue to require the use of the licensed professional engineer and to use the definition of “professional engineer” found in state law to avoid the unlawful use of an engineering title.

If you have any further questions, please contact Mark Massman, P.E., president at the Association of Communication Engineers, at [mmassman@rvwinc.com](mailto:mmassman@rvwinc.com) or Stephanie Hamilton, manager, government relations and advocacy at the National Society of Professional Engineers, at [shamilton@nspe.org](mailto:shamilton@nspe.org).

Sincerely,



Michael Aitken, P.E., F.NSPE  
NSPE President



Mark Massman, P.E.  
ACE President

---

<sup>1</sup> Procedures for the Mobility Fund Phase II Challenge Process, Public Notice, DA 18-186

<sup>2</sup> FCC Public Notice DA 18-887: “Connect America Fund Phase II Auction (Auction 903) Closes Winning Bidder Announced” <https://docs.fcc.gov/public/attachments/DA-18-887A1.pdf>



Said Jahanmir  
ASME President



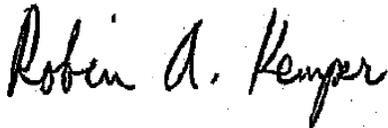
Linda Bauer Darr  
ACEC President & CEO



Sandra L. Robinson  
IEEE-USA President



June C. Wispelwey  
AIChE Executive Director and CEO



Robin A. Kemper, P.E., LEED AP, F.SEI, F.ASCE  
President, American Society of Civil Engineers

---

Founded in 1934, the National Society of Professional Engineers ([www.nspe.org](http://www.nspe.org)) serves more than 31,000 members and the public through 52 state and territorial societies and over 400 chapters. Through education, licensure advocacy, leadership training, multidisciplinary networking, and outreach, NSPE enhances the image of its members and their ability to ethically and professionally practice engineering.

Founded in 1950, the Association of Communication Engineers (<http://ace-engineers.com>) represents licensed professional engineers working in the telecommunications sector throughout the country.

With roots dating back more than 100 years, the American Council of Engineering Companies ([www.acec.org](http://www.acec.org)) is the oldest and largest business association of engineering companies. It is organized as a federation of 52 state and regional councils with national headquarters in Washington, DC, comprising thousands of engineering practices throughout the country.

The American Society of Civil Engineers ([www.asce.org](http://www.asce.org)) represents more than 150,000 members of the civil engineering profession in 177 countries. Founded in 1852, ASCE is the nation's oldest engineering society.

Founded in 1880, the American Society of Mechanical Engineers ([www.asme.org](http://www.asme.org)) is a not-for-profit membership organization that enables collaboration, knowledge sharing, career enrichment, and skills development across all engineering disciplines, toward a goal of helping the global engineering community develop solutions to benefit lives and livelihoods.

The American Institute of Chemical Engineers ([www.aiche.org](http://www.aiche.org)) is the world's leading organization for chemical engineering professionals, with more than 60,000 members from more than 110 countries.

Created in 1973, the IEEE-USA (<https://ieeusa.org>) serves the nearly 180,000 U.S. members of the global IEEE by being the technical professional's best resource for achieving lifelong career vitality and by providing an effective voice on technically sound policies that promote U.S. prosperity.