

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

In the Matter of )  
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Technological Advisory Council Technical )  
Inquiry into Reforming Technical Regulations ) ET Docket No. 17-215  
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COMMENTS OF THE INFORMATION TECHNOLOGY INDUSTRY COUNCIL (ITI)

The Information Technology Industry Council (ITI)<sup>1</sup> welcomes the opportunity to provide comments to the FCC’s Technological Advisory Council (TAC) on the above referenced proceeding. ITI supports the efforts of the Office of Engineering and Technology (OET) to examine its technical rules to determine where updates are necessary to streamline requirements so that they meet regulatory objectives while minimally impacting the latest communication technologies and markets.

ITI’s comments address three rules: The prohibition of marketing equipment prior to authorization under 47 CFR Section 2.803, EMC testing for IT equipment based on ANSI C63.4, and RF exposure limits and test methods.

**Prohibition of marketing equipment prior to authorization**

FCC radio frequency rules for equipment requiring authorization prohibit the marketing<sup>2</sup> of the radio frequency equipment prior to its authorization (47 CFR Section 2.803). Although there are exceptions that allow for limited marketing for pre-production units or trade show display or exhibition, the FCC rules appear to prohibit a large scope of sale/lease and advertising activities that companies may wish to conduct prior to authorization. For example, this broad prohibition would appear to restrict the ability of companies to conduct certain advertising activities intended to gauge supply for devices prior to import and to establish a fair method to allocate high-demand products. This seems illogical if the FCC rules are designed to ensure that unauthorized products do not interfere with radio frequency channels since many

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<sup>1</sup> ITI is the global voice of the tech sector. We advocate for public policies that advance innovation, open markets, and enable the transformational economic, societal, and commercial opportunities that our companies are creating. Our members represent the entire spectrum of technology: from internet companies, to hardware and networking equipment manufacturers, to software developers. Visit <http://www.itic.org/> to learn more. Follow us on Twitter for the latest ITI news @ITI\_TechTweets.

<sup>2</sup> Marketing is defined as “sale or lease or offering for sale or lease, including advertising for sale of lease, or importation, shipment, or distribution for the purpose of selling or leasing or offering for sale or lease.”

marketing activities occur prior to import – before products are even in country and before they could interfere with RF channels.

ITI asks the TAC to recommend that the Commission reconsider this rule and support changes that will preserve its regulatory objectives, while minimizing interference with companies' marketing, advertising, and sales strategies for RF products. One such alternative would be to apply the prohibition on marketing of unauthorized products at the time of import, but not before. Before import, these products pose no actual risk of interference with RF channels in the U.S. This change would also align the U.S. with other countries that make RF rules effective when products enter the country and are capable of interfering with RF channels (i.e., at point of import).

### **EMC/EMI testing**

ITI notes that the United States is the only country in the world that utilizes a unique emissions test standard for EMC testing for IT equipment (ANSI C63.4). The rest of the world accepts testing done to IEC/CISPR standards CISPR 22 and CISPR 32. Given the federal and international obligations of U.S. agencies to adopt international standards when applicable,<sup>3</sup> ITI asks the Commission to evaluate these EMC requirements and answer questions including:

- How significant is the risk to customers or communications in the U.S. by allowing manufacturers the option of testing only to the robust, scientifically proven CISPR standards?
- Is the environment in the U.S. so different from the rest of the world that it justifies the high costs of testing a product twice for radio frequency emissions (once to C63.4 and once to CISPR standards)?

In consideration of these factors, ITI recommends that the TAC urge the FCC to allow the option for testing computers and peripherals to CISPR 22 and/or CISPR 32 requirements and eliminate the need for repetitive testing to both the U.S. and international standards. If, upon further review, the FCC determines that C63.4 includes vital requirements that are missing from the CISPR standards, then ITI would recommend that the U.S. push for these additions and necessary changes to be made to the international standards, which could then be adopted in the U.S. Without this reform, the FCC's requirement to test only to C63.4 will continue to add unnecessary cost and delay in getting IT products to the market for US manufacturers and create an unintentional technical barrier to trade for the rest of the world.

### **RF exposure limits and test methods**

Finally, ITI asks that the TAC encourage the Commission to complete its work on the Notice of Inquiry for ET Docket No. 13-84 on radio frequency emissions (RFE), including harmonizing limits for specific absorption rate (SAR) to currently published international guidelines and standards. Currently, the FCC sets unique SAR requirements that require additional testing beyond international limits and test standards. Given the potential benefits of international alignment with these requirements, ITI recommends that the Commission consider harmonizing RF exposure limits, standards and test methods

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<sup>3</sup> See OMB Circular No. A-119 -- Federal Register (Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities) and U.S. obligations under the WTO-Technical Barriers to Trade Agreement.

where possible. We also recommend that the FCC establish procedures through the KDB process for spatial and time averaging for RFE compliance.

## **Conclusion**

We are grateful to the Commission for its consideration of the above comments and for its ongoing work to improve and modernize the approval process for radiofrequency equipment, as the continued development and adoption of innovative technologies will require innovative regulatory approaches.

Respectfully submitted,  
Information Technology Industry Council (ITI)

By: /s/ Josh Rosenberg

Josh Rosenberg  
Director, Global Policy  
Information Technology Industry Council  
1101 K. St. NW Suite 610  
Washington, D.C. 20005