

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

In the Matter of	)	
	)	
Request by Kellogg Corporation	)	File No. _____
For Waiver of Section 15.101	)	
of the Commission's Rules	)	

To: Chief, Office of Engineering and Technology

**REQUEST FOR WAIVER**

Kellogg Company ("Kellogg"), pursuant to Section 1.3 of the Federal Communications Commission's ("FCC" or "Commission") rules,<sup>1</sup> hereby requests a waiver of Section 15.101,<sup>2</sup> which requires unintentional radiator devices, including Class B devices, to obtain equipment verification prior to being marketed or distributed to the public. Grant of this request is consistent with the intent of the rule because the low-powered novelty device in question poses no risk of harmful interference. Further, grant of this request will make available to the public a novelty device that would otherwise be cost-prohibitive with the extensive testing required to obtain equipment verification. Because of the time-sensitive nature of this project, the Commission's early and favorable response will be greatly appreciated.

**BACKGROUND**

Kellogg, headquartered in Battle Creek, Michigan, is a food company with an emphasis on cereal and snack foods. Kellogg owns a number of popular cereal brands including Corn Flakes, Frosted Flakes, Rice Krispies, Special K, Pringles, and Pop-Tarts. In order to connect

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<sup>1</sup> 47 C.F.R. § 1.3.

<sup>2</sup> 47 C.F.R. § 15.101.

with consumers, Kellogg's products frequently feature promotional material with content from entertainment features from popular media.

Kellogg is in the implementation phase of developing a cutting-edge promotional feature. The promotion consists of a limited-edition cereal box with a seven inch video screen affixed within the box itself.<sup>3</sup> The box serves as a frame for the screen, allowing consumers to stand the box upright and watch video content while eating cereal. Specifically, the product consists of a cardboard box and connected fold-out panel with promotional material, a seven-inch video player, and a charging cable. The promotional material is thematically and graphically related to a soon-to-be released feature film and the video contains pre-loaded content consisting of clips of the film. Because the video content consists of clips from a PG-13 rated movie, the box is not promoted as a children's product. Rather, Kellogg will use the product to be marketed as a novelty item for avid fans of the film to enjoy and to keep as a collector's item, since only a very small number of these novelty videos will be sold to the public via the internet. A similarly small number will be retained by Kellogg and used in conjunction with promotional events connected with the release of the film.

The video players are manufactured by Wealth Land Electronics Limited, located in Guangdong Province, China. Wealth Land Electronics Limited is a small company that predominately makes novelty items. Kellogg's supplier, Structural Graphics, LLC, has contacted Wealth Land Electronics Limited for specification sheets for the product and received documentation that is primarily in Chinese.<sup>4</sup> As a small company, Wealth Land Electronics Limited does not have the resources or capability to conduct the tests required to support verification of the novelty device, and testing by an independent lab would be costly and time

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<sup>3</sup> See Appendix A for a mock-up of the product design.

<sup>4</sup> See Appendix B for the video player specification information.

consuming. Additionally, the marketing of the device is time-sensitive since it must precede the film's release date in early June. In order for promotion to be effective, Kellogg would need to begin marketing the product in May. Taken together, the impending launch date in May, as well as the limited number of novelty products to be made publicly available and the operating characteristics of the device indicate that the only efficient and prudent course is to request a waiver of the Part 15 equipment verification rules.

**WAIVER OF PART 15 IS WARRANTED BECAUSE THE  
RISK OF HARMFUL INTERFERENCE IS NEGLIBLE**

The video player is a low-powered device that has no connectivity with other devices. While the specification sheets do not contain the power consumption of the entire device, the speaker has a power output of only 2W. Section 15.103(h) exempts devices with frequencies that are (i) lower than 1.705 MHz and (ii) do not operate from AC power lines or contain provisions for operation while charging.<sup>5</sup> We are unable to determine whether the product qualifies under this exemption because we cannot evaluate whether there is a block against device functionality while charging.<sup>6</sup>

Absent qualifying for an exception under Section 15.103, compliance with Part 15 equipment verification presents an equally impractical option for Kellogg. This promotional product is scheduled to be marketed in May to precede with the release of a major film in June. The timeline required to find a testing facility, send the product for testing, obtain the testing results, and verify the results with FCC regulations would exceed the time available before the movie release. Because missing the release date would frustrate the purpose of the promotion, Kellogg does not have the ability to send the product for testing this late in the development

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<sup>5</sup> 47 C.F.R. § 15.103(h).

<sup>6</sup> See Appendix C containing the specification information of the charging cable.

schedule. Additionally, testing would be a considerable expense that would far exceed the promotional benefit of the relatively inexpensive video players which will be sold on the internet for less than the cost Kellogg has incurred in producing them.

While this novelty product is, at worst, just above the borderline of qualifying for Section 15.103 exemptions, the functionality of the device aligns with the purpose of the exempted devices. The video players pose virtually no risk of harmful interference due to their low power output. As noted, the product is not connected to any other communications system or to any network and the power output is extremely low. Even if used in close proximity to other communications devices, the novelty device is far more likely to receive interference than to cause it.

The potential for interference is mitigated by the intended use of the device. Since the video screens are embedded into the box design, they are intended to be watched in the home while the viewer is eating the companion cereal or cookie product. The limited use of the devices establishes that they are unlikely to be in an environment where interference could pose a risk.

### **GRANT OF THE REQUESTED WAIVER IS IN THE PUBLIC INTEREST**

The Commission assesses waiver requests according to the standards set out in *WAIT Radio v. FCC*.<sup>7</sup> While the Part 15 Standards undeniably serve an important public interest goal, the Commission has recognized, in Part 15 matters, as with other rules, the rule is not immutable and that waiver is appropriate where literal and rigid application is unnecessary to protect the policy goals inherent in the underlying rules: the Part 15 rules are designed to ensure that “there is a low probability that these unlicensed devices will cause harmful interference to authorized

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<sup>7</sup> 418 F.2d 1153 (D.C. Cir. 1969). *See also 2002 Biennial Regulatory Review*, 18 FCC Rcd 13620 at para. 85 n.130 (2003) (citing *Wait Radio* as “setting out criteria for waivers of Commission rules.”).

users.”<sup>8</sup> In this case the risk that the novelty device will cause harmful interference is non-existent and the device would otherwise not be marketable due to the high cost of testing and verification requirements. Because there is virtually no risk of interference from such a low-powered, unconnected device, the device aligns with the low-powered exemptions of § 15.103. The requested waiver therefore fits easily into the boundaries of situations warranting waiver and the Kellogg request can and should be granted as promptly as possible.

Respectfully Submitted,

*/s/ James A. Barnett, Jr.*

James Arden Barnett, Jr., Esq., Rear Admiral  
USN (retired)  
Ian D. Volner, Esq.

VENABLE LLP  
600 Massachusetts Ave., N.W.  
Washington, D.C. 20001  
(202) 344-8281  
[jbarnett@venable.com](mailto:jbarnett@venable.com)  
[idvolner@venable.com](mailto:idvolner@venable.com)  
*Counsel for Kellogg Corporation*

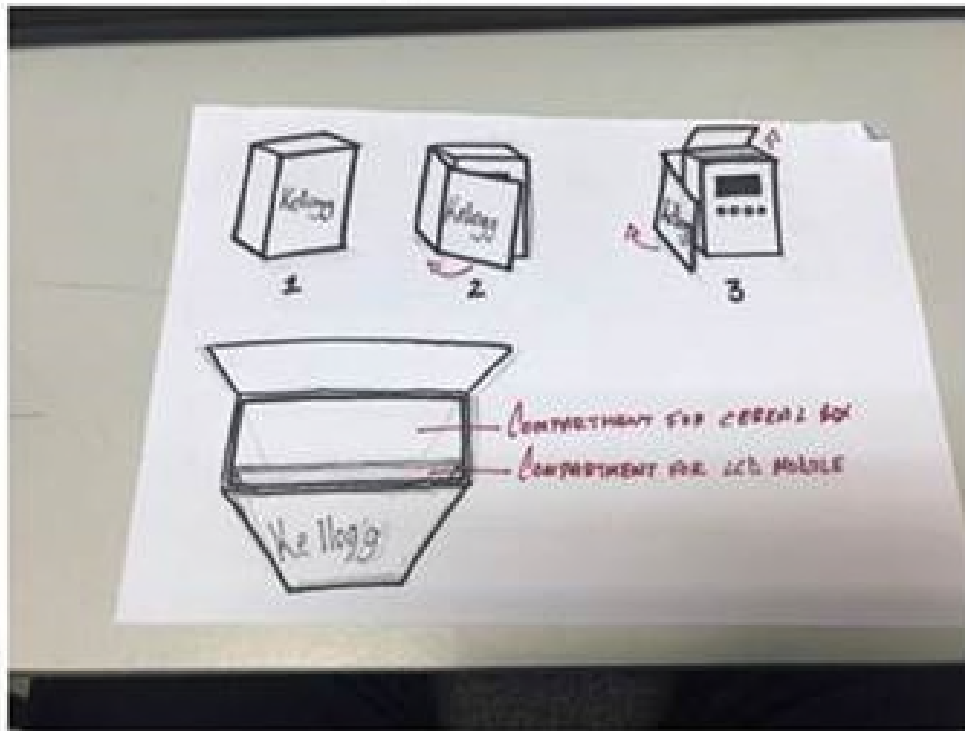
April 17, 2018

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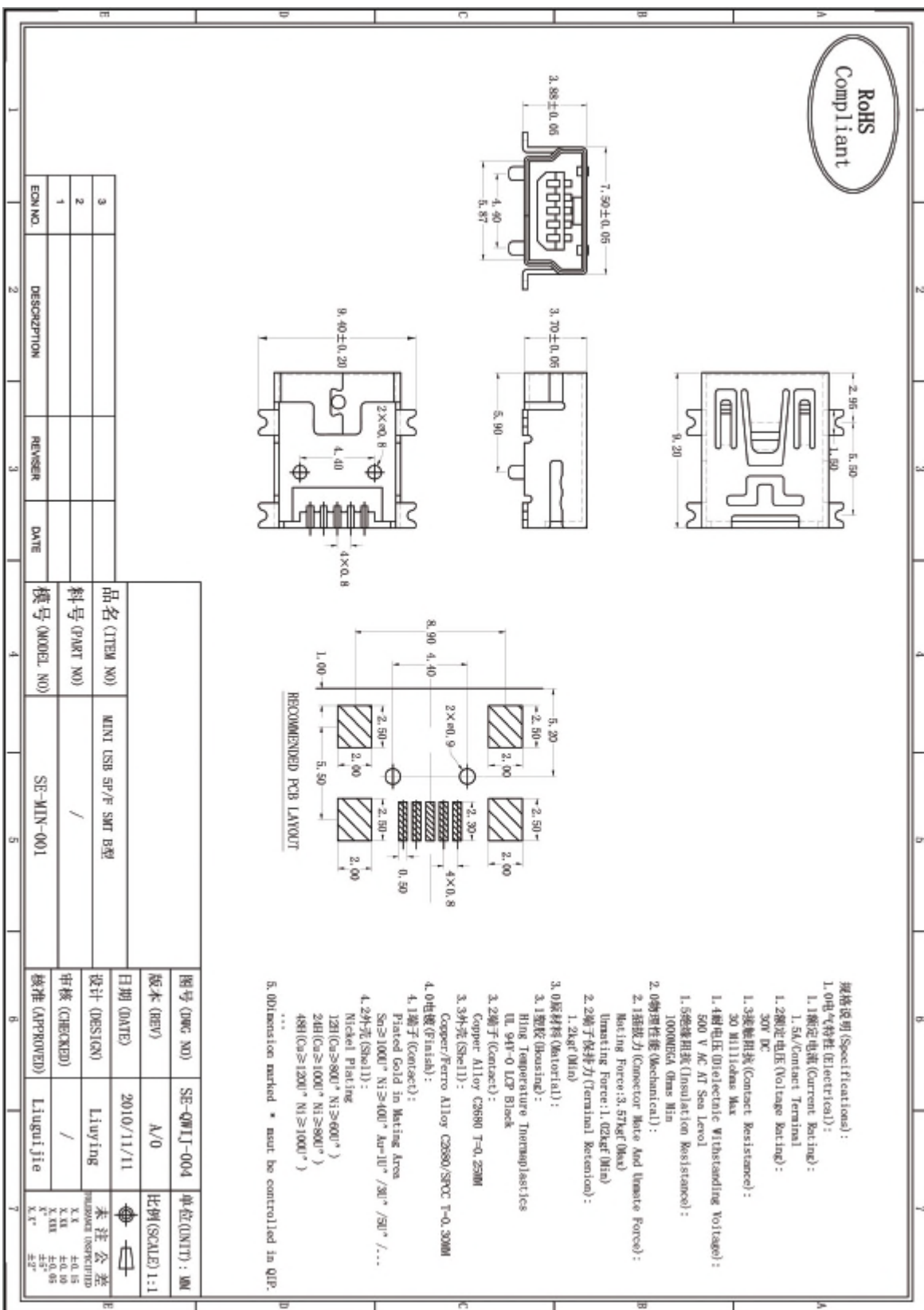
<sup>8</sup> See *Multispectral Solutions, Inc. Request for Waiver of Section 15.250 of the Commission's Rules*, Order, 22 FCC Rcd 9831 (2007) (“Multispectral solutions”).

## Appendix A

### Box Concepts



## **Appendix B—Device Specification**



设计规则

ATJ-2293A的GPIO的应用

Sheets List

1 GPIO  
2 MAU  
3 MEMORY  
4 Analog  
5 4.3LED  
6 7LED  
6 POWER

GPIOX(NAME)	Driving Capability(mA)	Initial State	Application Module	Remark
GPIO28(GPIO028)	9	2	ADC_NET08B	PANEL(GPIO048)
GPIO27	9	2	USB_OTG_OTG	SP7-MODE
GPIO28	9	2	WIFI4EN	
GPIO29	9	2	LCD Backlight Drive	
GPIO30	9	2	WIFI wake	SP7_SS
GPIO31	9	2	CHARGE_DET	
LMAC0	7	7	ADC_NET08B	
GPIO20	9	2	蓝牙耳机	
GPIO21	10	2	EXTIOIN_DET	TP_DET
GPIOA02C_SQ10	9	2	I2C_SQ1K	FM
GPIOA102C_SQ1A1A	9	2	I2C_SQ1A	FMUAPR01_TX
GPIOA21WMD_CEEB0	10	2	TP_DET	NAVIOIN0R_CEEB0
GPIOA01WMD_FIB0	10	2	TP_DET	NAVIOIN0R_FIB0
FMCLK	7	7	FMCLK	21MHz T27000Hz
GPIO3	10		PA_CTRL	
GPIOA10WMD_D00			MC_DET	

深圳市嘉合科技有限公司

ATJ-2293A

Document Number  
V100-RGB-V02

Rev

REV1.0

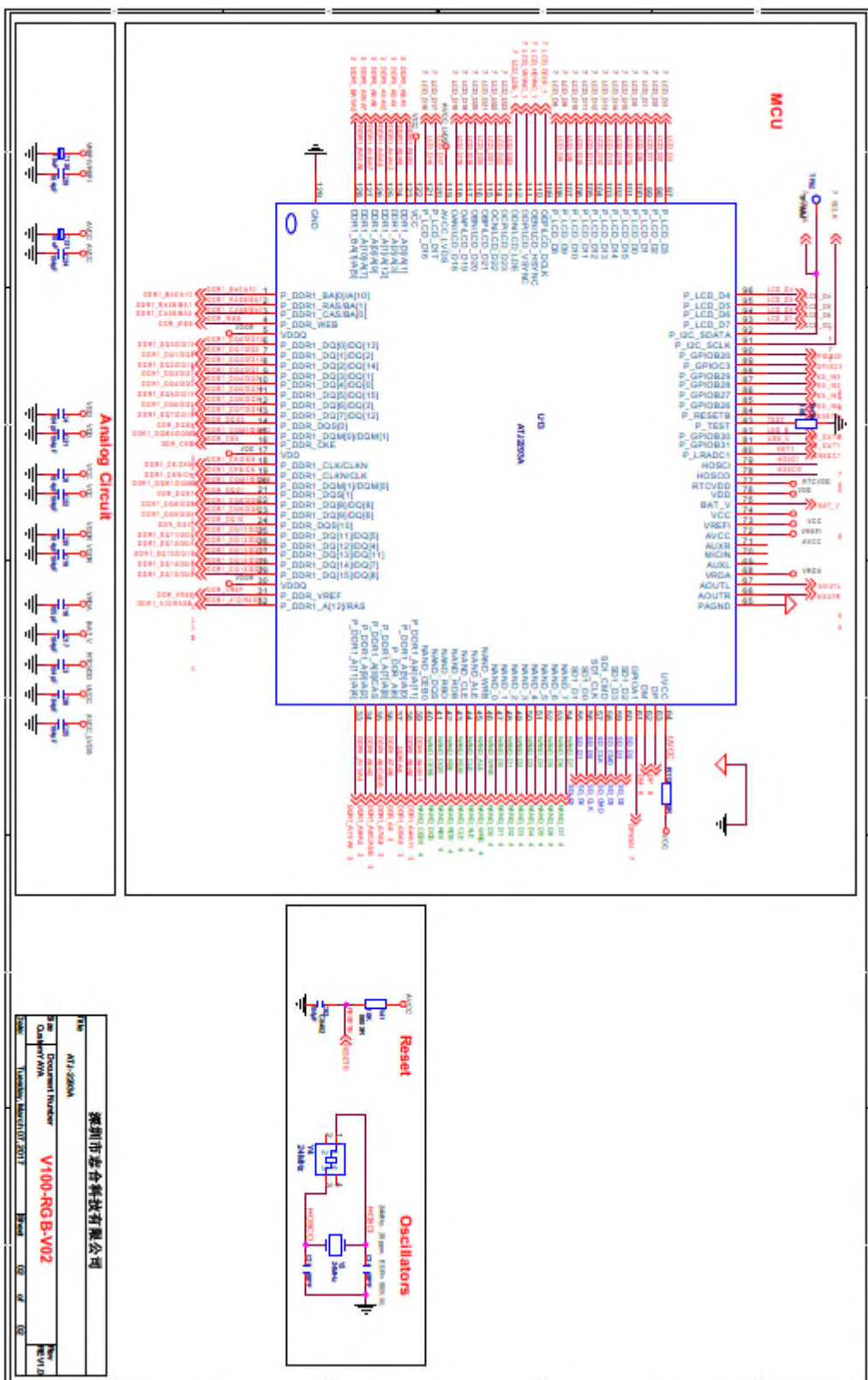
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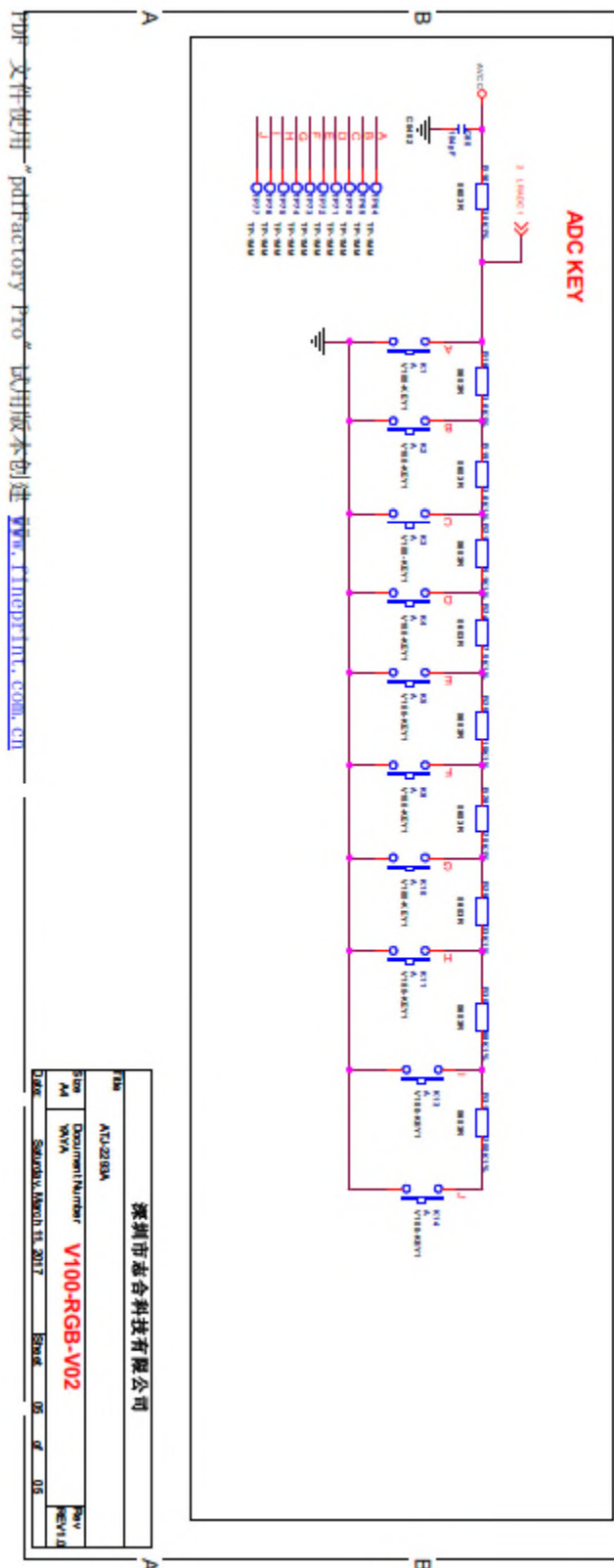
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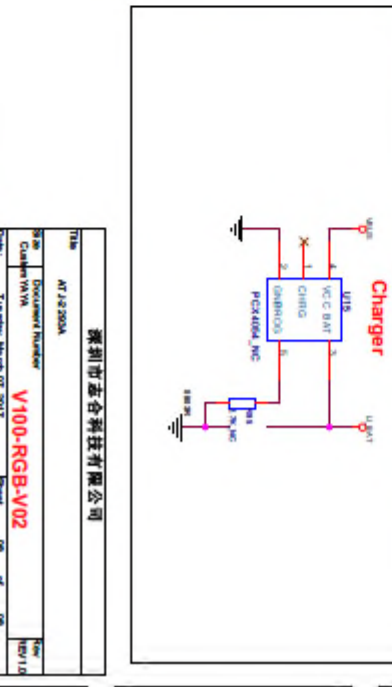
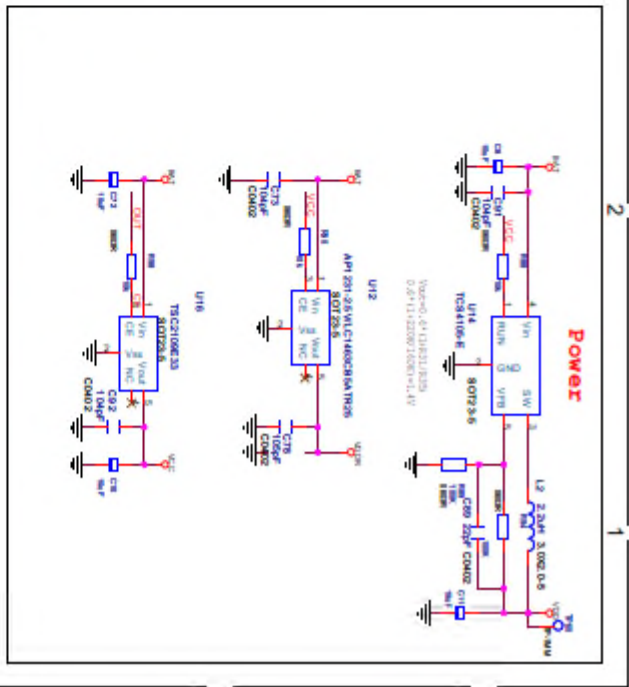
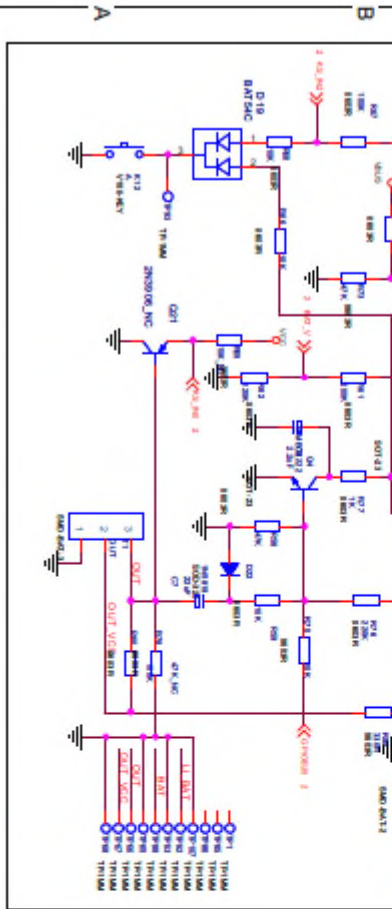
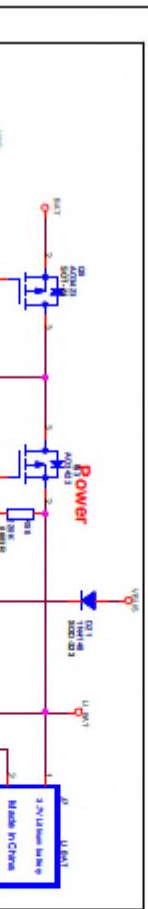
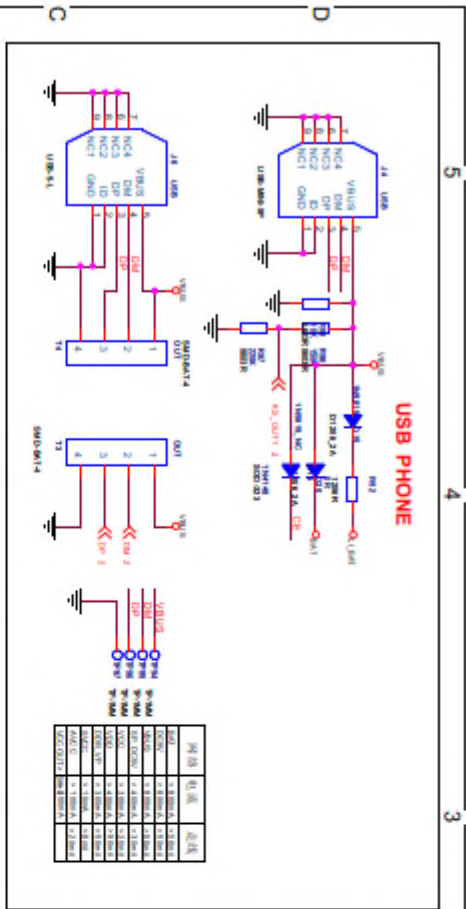












## Appendix C—Charging Cable Specification

# 承 认 书

## SPECIFICATION FOR APPROVAL

客 户

CUSTOMER : 道格拉斯

客户料号:

CUS P/N. :

品 名:

DESCRIPTION: USB对MINI 500mm 黑色 4芯 (OD:3.5 7/0.10)

样品图号:

DWG NO: 1022100076

日 期

版本:

DATE: 2018-3-27

REV.: A0

承认书一式三份 确认后签名, 并返回一份。

PLEASE RETURN TO US COPY OF "SPECIFICATION FOR APPROVAL" WITH YOUR APPROVED SIGNATURES.

### \*\*\* 供应商栏 (Supplier) \*\*\*

制作 ( DRAWN BY )	审核 ( CHECKED BY )	批准 (APPROVED BY)
Mark		

### \*\*\* 客户栏 (Client) \*\*\*

确认 (Confirm)	审核 ( CHECKED BY )	批准 (APPROVED BY)

### 深圳市线之嘉电子有限公司 (总部)

电话:0755-23128885 23128886 传真:0755-23128881

地址:深圳市宝安区西乡固戍航城大道光电研发大厦 14 楼 13A02

东莞市众舜实业有限公司 (生产基地)

电话: 0769-87886005 87887005 传真: 0769-87880005

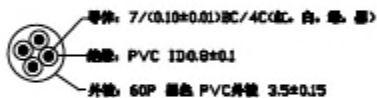
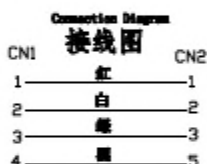
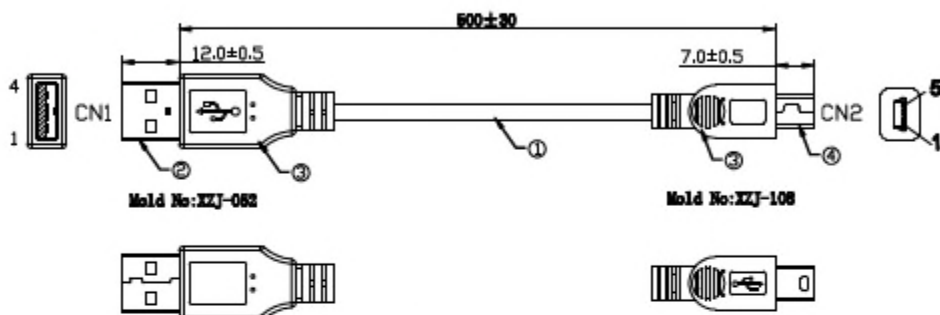
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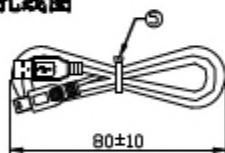


线之嘉  
XIANZHJIA

# 深圳市线之嘉电子有限公司 生产图纸



## 扎线图



## 技术要求:

1. 线径及长度尺寸按图纸左下角所示。
2. 成型件不可有严重溢胶毛边、缺料、变形、压、黑线、流纹、料花、杂色发黄等外观不良。连接插头不能变形、划伤、压伤、短少针等外观不良。
3. 测试条件:  
耐压: DC300V 0.1S; 导通电阻: 3Ω; 绝缘电阻: 5MΩ  
瞬态短路时间: 0.6S。
4. 单PCS成品按上面扎线方式扎线。

线径长度尺寸			
线径长度		600±2	
CN1		CN2	
尺寸公差范围	尺寸公差	尺寸公差范围	尺寸公差
导体直径	±0.01	导体直径	±0.01
绝缘直径	±0.01	绝缘直径	±0.01
外被直径	±0.01	外被直径	±0.01
最小尺寸图:		最小尺寸图:	
品名	数据线	规格	7/0.10±0.013BC/4C(红, 白, 绿, 蓝)
规格	USB-A to USB-B 300mm 蓝色 4C	料号	1022100076

NO.	名称	料号	规格	用量	单位	供应商
⑤	扎带	3051300029	60P 蓝色 PVC 捆扎带 1-4mm	1	PCS	永兴
④	插头	3041800010	USB-A to USB-B 300mm 蓝色 4C	1	PCS	
③	胶料	3051400014	4P 蓝色 300mm	0.012	KG	三丰
②	插头	3041200005	A to B 300mm (蓝色)	1	PCS	
①	线材	3012200066	7/0.10±0.013BC/4C(红, 白, 绿, 蓝) ID0.8 外被 60P 蓝色/PVC	500	mm	
NO.	名称	料号	规格	用量	单位	供应商
版本	变更内容	确认	审核	制作		
A0	料号初版发行				2017.10.20	Mark
A1	更改模具编号				2017.11.02	Mark