

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Pivotal Commware Request for Waiver of Industrial) WT Docket No. 19-272
Signal Booster Labelling Rules)
)

To: Wireless Telecommunications Bureau

COMMENTS OF T-MOBILE USA, INC.

T-Mobile USA, Inc. (“T-Mobile”)¹ hereby responds to the Wireless Telecommunications Bureau’s *Public Notice*² seeking comment on Pivotal Commware’s (“Pivotal”) request³ for a waiver of the Industrial Signal Booster labeling requirements set forth in Section 20.21(f) of the Commission’s rules. As discussed below, T-Mobile agrees that the Industrial Signal Booster labeling requirements should not apply to Pivotal’s Echo 5G Subscriber device (“Echo”). However, because the device is akin to a Consumer Signal Booster, Pivotal should be required to comply with the labeling requirements for Consumer Signal Boosters when marketing and selling the device.

INTRODUCTION

T-Mobile has participated actively in the Commission’s wireless signal booster proceeding from the outset and has strongly supported rules that would protect networks from

¹ T-Mobile USA, Inc. is a wholly-owned subsidiary of T-Mobile US, Inc., a publicly-traded company.

² *Wireless Telecommunications Bureau Seeks Comment on Pivotal Commware Request for Waiver of Industrial Signal Booster Labelling Rules*, Public Notice, DA 19-928 (rel. Sept. 18, 2019).

³ Pivotal Commware Request for Waiver of Section 20.21(f), WT Docket No. 19-272 (filed Sept. 16, 2019) (“Pivotal Waiver Request”).

interference while, at the same time, allowing for the development and use of a variety of types of signal boosters.⁴ T-Mobile was among the parties that negotiated a consensus proposal, which included a network protection standard, to permit expansive signal booster deployment without significantly increasing the risk of harmful interference to commercial wireless networks.⁵ The Commission adopted rules consistent with this approach and consumers now have access to a wide range of consumer signal boosters.

In adopting the new rules, the Commission divided signal boosters into two categories: consumer and industrial.⁶ The Commission concluded that labeling requirements “are particularly beneficial in this proceeding where we have classified signal boosters into two distinct categories - Consumer and Industrial” and thus adopted specific labeling requirements for each category of signal booster to ensure that they are operated correctly and to minimize the potential for interference.⁷ The Commission rejected suggestions that labeling requirements are

⁴ See, e.g., *Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission’s Rules to Improve Wireless Coverage Through the Use of Signal Boosters*, Order on Reconsideration and Further Notice of Proposed Rulemaking, 29 FCC Rcd 11563, 11568 (2014) (“*FNPRM*”) (citing Letter from Michiel Lötter, Nextivity, Inc., Steve B. Sharkey & Eric Hagerson, T-Mobile USA, Inc., Sean Haynberg, V-COMM, L.L.C., John T. Scott, III & Andre J. Lachance, Verizon Wireless, and Russell D. Lukas, Wilson Electronics, Inc., to Marlene H. Dortch, Secretary, FCC, WT Docket No. 10-4 (filed June 8, 2012)).

⁵ *FNPRM*, 29 FCC Rcd at 11568-69.

⁶ See *Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission’s Rules to Improve Wireless Coverage Through the Use of Signal Boosters*, Report and Order, 28 FCC Rcd 1663, 1664-65 (2013) (“*R&O*”).

⁷ *Id.* at 1705; see also *id.* at 1680 (noting that the public interest requires subscribers to use consumer boosters in accordance with labeling requirements); *id.* at 1704 (noting that the labeling requirements were designed to “remind signal booster operators of their legal responsibilities, facilitate coordination with providers, and assist in interference prevention”); *id.* at 1706-07.

unnecessary for signal boosters tested and approved by the FCC.⁸ Pivotal now seeks a waiver of *all* labeling requirements for the Echo, which it categorizes as an Industrial Signal Booster.

As discussed below, T-Mobile agrees that the Echo should not be subject to the Industrial Signal Booster labeling requirements. However, rather than grant a waiver of these requirements, the Commission should clarify that the device is a Consumer Signal Booster subject to the rules governing such devices, including labeling requirements. In any event, given the Commission-recognized importance of labeling in the signal booster context, Pivotal should not be granted a blanket waiver of *all* signal booster labeling requirements. Instead, if the device is not classified as a Consumer Signal Booster, Pivotal should be granted a waiver of the Industrial Signal Booster labeling requirements but be required to comply with the labeling requirements for a Consumer Signal Booster when selling and marketing the Echo.

I. THE ECHO SHOULD BE SUBJECT TO THE LABELING REQUIREMENTS FOR CONSUMER SIGNAL BOOSTERS

The Echo should be classified as a Consumer Signal Booster – rather than an Industrial Signal Booster – subject to the labeling requirements for such devices. A Consumer Signal Booster is defined as a “bi-directional signal booster that is marketed and sold for use without modification,” with all other signal boosters classified as Industrial Signal Boosters.⁹ According to the Commission, Industrial Signal Boosters generally are “devices that are designed for installation by licensees or qualified installers” and “typically [are] designed to serve multiple users simultaneously and cover larger areas such as stadiums, airports, office buildings, hospitals, tunnels, and educational campuses.”¹⁰

⁸ *Id.* at 1706-07.

⁹ *See* 47 C.F.R. § 20.3.

¹⁰ *R&O*, 28 FCC Rcd at 1665.

Based on these definitions, the Echo – which will be available only to CMRS licensees to provide to their consumer customers¹¹ – more closely resembles a Consumer Signal Booster than an Industrial Signal Booster. For example, unlike an Industrial Signal Booster, the device is not designed to be installed by a professional, but rather will be provided to consumers “with instructions on how to self-install the Device on a window.”¹² The devices also are designed to operate “at very low radiated power levels” and do not act as “high-power outdoor signal boosters used in network and enterprise operations” like typical Industrial Signal Boosters.¹³ In fact, the 5G Echo product datasheet clearly shows that these devices are intended to be used in single family residences and not in larger venues where one would find Industrial Signal Boosters.¹⁴

Based on the foregoing, the Commission should classify the Echo as a Consumer Signal Booster subject to the labeling rules applicable to those devices.

II. IT WOULD BE INAPPROPRIATE TO EXEMPT THE ECHO FROM ALL LABELING REQUIREMENTS

As noted above, the Commission has previously concluded that labeling requirements are essential for minimizing the potential for signal boosters (i) to cause interference and (ii) to be operated incorrectly. T-Mobile thus opposes a blanket waiver of all signal booster labeling requirements. The better course would be to subject the Echo to the Consumer Signal Booster labeling requirements, either by classifying the device as a Consumer Signal Booster or by

¹¹ Pivotal Waiver Request at 1-2.

¹² *Id.* at 2.

¹³ *Id.* at 4.

¹⁴ Pivotal Commware, *Echo 5G Subscriber 28 GHz Datasheet*, <https://pivotalcommware.com/wp-content/uploads/2019/06/Echo-5G-Subscriber-FINAL.pdf>.

conditioning any waiver of the Industrial Signal Booster rules on compliance with the Consumer Signal Booster labeling requirements.

CONCLUSION

For the reasons set forth above, rather than waive the signal booster labeling requirements as Pivotal requests, the Commission should clarify that the Echo is a Consumer Signal Booster subject to the labeling requirements for such devices.

Respectfully submitted,

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