

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

SEP - 6 1994

FEDERAL COMMUNICATIONS COMMISSION
DEPARTMENT OF COMMERCE
OFFICE OF SECRETARY

In the Matter of)
)
Revision of Part 2 of the) ET Docket No. 94-45
Commission's rules relating to the) RM-8125
marketing and authorization of)
radio frequency devices)

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To: The Commission

**Comments of the TIA Mobile and Personal Communications
Private Radio Section**

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Introduction

The Mobile and Personal Communications Private Radio Section of the Telecommunications Industry Association (“TIA”) hereby submits its Comments to the FCC’s Notice of Proposed Rulemaking (“Notice”) in the above-captioned proceeding. In this proceeding, the Commission seeks to stimulate economic growth by 1) permitting products to be developed on a cooperative basis by manufacturing and retailers and by 2) decreasing the time for products to reach the marketplace. The members of TIA represent manufacturing companies who are pioneering the design and implementation of the next generation of land mobile radio equipment and who will be directly impacted by the marketing regulations and equipment authorizations set forth by the Commission. TIA is pleased that the Commission has undertaken the effort to harmonize, review, and revise these rules, and TIA applauds these efforts. TIA ultimately believes that, if adopted, these rules will serve to stimulate the market for RF devices.

1. TIA Concurs with the Proposed Section 2.803 Rules

Under Section 2.803 of the FCC’s rules, radio frequency devices may be advertised or displayed at trade shows or exhibitions prior to equipment

authorizations provided that the advertised product and display is accompanied by a notice that states that the product has not been authorized. As manufacturers, the ability to display non type-accepted products at trade shows and exhibits is essential and necessary for widespread product introduction. Businesses, public safety officials, industrial users, and other customers must be kept abreast of the latest offerings in product design and performance. Many of these RF devices are simultaneously undergoing field testing and while the actual application for type acceptance may have been filed with the FCC, the actual grant of equipment authorization may not be issued in time for various trade shows.

Most trade associations have yearly trade shows and thousands of products are demonstrated to business and industry. While it is appropriate to have proper placards on non-authorized equipment to distinguish these products from those which have been authorized by the FCC, it is critical that non-authorized products be shown at trade shows and demonstrations so that the industry can make educated decisions as to which equipment will best meet the needs of their business. Furthermore, at many trade shows, products are demonstrated and exhibited, but the sale of equipment is not permitted. TIA supports the FCC's revisions to Section 2.803 which permits

the advertisement or display of RF equipment at trade shows provided the product is accompanied by a notice that states the product has not been type accepted.

2. Non-Authorized Devices Should Be Permitted at Customers Sites to Evaluate Product Performance and Determine Acceptability

The TIA strongly supports the Commission's proposal to allow the operation of all types of RF devices prior to equipment authorization at the sites of business, commercial, industrial, scientific, and medical users. The FCC would make this allowance with the provision that any devices be designed with the intent of complying with all applicable regulations. Currently, for a manufacturer to field test a non type-accepted radio, a request for a Special Temporary Authorization ("STA") must be filed with the FCC. The person who will have control of the radio, usually the customer actually testing the radio, must sign the request to be filed with the Commission. STAs are usually granted for a specific period of time and often have to be renewed if the testing has not been completed. All testing occurs on licensed channels and, in nearly every situation, equipment is designed with the intent of complying with all applicable regulations. This proposal, which would allow the operation of RF devices at customer sites, is beneficial for

everyone: the manufacturers benefit because they can more expeditiously move their products into field testing; the beta site customers benefit from reduced paperwork and from new technology and products; the FCC benefits from the reduction of unnecessary paperwork; and the end-customers benefit because products come to market more quickly and with less overhead expense. TIA strongly supports the elimination of the need to acquire STAs for testing unauthorized equipment at customers' sites.

3. Harmonization of Marketing Rules Must Apply to All RF Devices

The Notice states that the proposed changes should harmonize the marketing rules for all RF devices regardless of the FCC rule part under which they operate. TIA believes that for these rules to have an substantial and realizable impact on equipment, *they must apply to all rule parts, including devices subject to type acceptance.* To exclude devices operated under Parts 21, 22, 74, 78, 80, 87, 90, 94, 95 and specific devices under Parts 73 and 97 would cripple the impact of these rules. As discussed, there is a strong rationale for these proposed changes to apply to all RF devices. Private radio, cellular, PCS, and cordless phones would not be afforded the

same treatment as other RF devices. TIA strongly encourages the Commission to ensure that all RF devices are governed by these rules.

4. Manufacturers of Equipment Cannot Be Responsible for Equipment Compliance when it is Modified By Others

The Commission wisely proposes that any party who modifies an authorized device becomes the party responsible for ensuring compliance of the modified device and for retaining measurement data demonstrating compliance. For private radio systems, it is a well-known fact that equipment shipped to end-users is sometimes subsequently modified by customers and non-standard peripherals are attached to that equipment. This can be expected because equipment is readily altered, and, in certain cases, equipment is customized through software and hardware changes which can affect compliance to performance standards. Furthermore, integration of many pieces of individual equipment are grouped together in a system-level configuration, and tracking non-compliance to an individual manufacturer would be nearly impossible. It would also be unrealistic to attempt to hold manufacturers responsible for equipment that is configured incorrectly. Incorrect configuration could move the equipment outside of the required specification. Based on field inquiries and on internal monitoring of customer

inquiries, it is estimated that a significant number of private land mobile base stations are modified in the field. While manufacturers provide equipment tuning procedures to customers that ensure compliance with applicable standards, manufacturers cannot enforce compliance with these standards. Therefore, the Commission is correct in identifying the responsible party as the party who subsequently modifies an authorized device.

5. Operation of RF Devices at Trade Shows is Necessary and in the Public Interest.

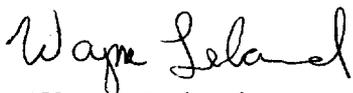
TIA supports the EIA/CEG Petition proposal which would permit all RF devices to be operated at trade shows. TIA believes that this allowance would create an important avenue for the introduction of new products without increasing the potential for harmful interference to radio users. Under existing rules, RF radio equipment can only be operated at trade shows if an STA is obtained from the Commission. Private land mobile products are often operated at trade shows; however, they are operated at very low power as not to cause harmful interference. TIA opposes the NAB proposal that demonstration of RF devices at trade shows be coupled with the requirement to perform preliminary interference testing and that a certification of such testing accompany the demonstration device. This NAB proposed requirement would effectively eliminate any operation of RF devices at trade

shows prior to authorization. Thus, TIA supports the EIA/CEG and FCC recommendations as proposed at Section 2.803(e)(2) that RF devices may be operated for demonstration at trade shows, provided the appropriate notice is conspicuously displayed.

Conclusion

In summary, TIA believes that 1) radio frequency devices should be permitted to be displayed and operated at trade shows or exhibitions prior to equipment authorizations provided that these devices are properly marked; 2) non-authorized devices should be permitted at customer sites to evaluate product performance and to determine acceptability; 3) harmonization of marketing rules should apply to all RF devices; and 4) manufacturers of equipment cannot be responsible for equipment compliance when others modify that equipment. TIA applauds the Commission for its attention to these matters and urges the Commission to adopt the above rules in order to stimulate the RF market.

Respectfully Submitted,



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September 6, 1994