

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Parts 2 and 15 of the) ET Docket No. 95-19
Commission's Rules to Deregulate the)
Equipment Authorization Requirements for)
Digital Devices)

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**COMMENTS OF THE CONSUMER ELECTRONICS GROUP
OF THE ELECTRONIC INDUSTRIES ASSOCIATION**

The Consumer Electronics Group of the Electronic Industries Association ("EIA/CEG") hereby submits the following comments in response to the Notice of Proposed Rulemaking ("*Notice*") which the Commission issued in the above-captioned proceeding on February 7, 1995.¹ In the *Notice*, the Commission has proposed to streamline the equipment authorization process for personal computers with a view towards speeding the authorization of equipment and reducing the burdens of regulation.

¹ See *Amendment of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment Authorization Requirements for Digital Devices*, Notice of Proposed Rulemaking, ET Docket No. 95-19, FCC 95-46 (released Feb. 7, 1995) [hereinafter "*Notice*"].

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I. INTRODUCTION

EIA/CEG is the principal trade association of the consumer electronics industry. EIA/CEG members design, manufacture, import, distribute, and sell a wide array of consumer electronics equipment, including television receivers and videocassette recorders ("VCRs"). Virtually every American who watches video programming does so on products produced by EIA/CEG member companies. EIA/CEG members therefore have a major interest in how the Commission regulates other radio frequency devices, such as personal computers, that could potentially interfere with the reception of video signals. An inappropriate change in the Commission's policies regarding equipment authorization could adversely affect the performance of EIA/CEG members' products, as well as the public's ability to receive video programming.

II. THE COMMISSION SHOULD STREAMLINE THE EQUIPMENT AUTHORIZATION PROCESS AS PROPOSED BY THE NOTICE, BUT WITH CERTAIN ADDITIONAL CHANGES.

In general, EIA/CEG supports the Commission's proposal to replace its existing certification process for personal computers and personal computer peripherals with a Declaration of Conformity ("DoC") regime. Under the Commission's existing rules, personal computer manufacturers must obtain certification of compliance from the Commission before marketing or importing their products. This certification process is arduous at best. It requires the preparation and submission of a written application and test report, as well as the payment of a fee. Moreover, the Commission's laboratory may request additional information or a sample device from manufacturers, the net effect of which is to prolong the equipment authorization process and delay the introduction of new equipment.

The *Notice* proposes to replace the existing certification process with a streamlined DoC procedure.² Under this new procedure, a manufacturer or supplier would test the equipment in question and include a DoC in its product literature that identifies the product, indicates compliance with Part 15 of the Commission's rules, identifies the compliance test report by date and number, and names the party responsible for ensuring compliance.³

The Commission's proposed change in the equipment authorization process for personal computers will save manufacturers both time and money. The DoC process will decrease regulatory delays and thereby accelerate the introduction of new products. In this regard, the *Notice* correctly points out that product cycles in the computer and consumer electronics industry have shortened so that delay of even a month is significant.⁴ The DoC process will also decrease compliance costs, and thus lower the prices of new equipment for consumers. As recent marketplace experience clearly demonstrates, lowering the cost of computing equipment leads to significantly greater market penetration, which means that more consumers are able to enjoy the benefits of owning a personal computer. Because of these benefits, EIA/CEG supports the Commission's DoC proposal. However, if the Commission is to be successful in achieving its stated goals of facilitating the introduction of new equipment and minimizing the burdens on manufacturers, the proposed authorization process should be modified in two respects.

² *See id.* ¶ 6.

³ *Id.*

⁴ *Id.* ¶ 4.

NVLAP. The *Notice* proposes that the testing of equipment subject to the DoC process be performed by a laboratory accredited by the National Institute of Standards and Technology ("NIST") under the National Voluntary Laboratory Accreditation Program ("NVLAP").⁵ This requirement will likely cause significant delays in DoC testing because of the limited number of NVLAP-accredited laboratories; currently, there are only about such 20 laboratories.⁶ This number of laboratories is insufficient to perform the massive amount of testing required for DoC compliance. As a consequence, the delays caused by the NVLAP requirement could be even more burdensome than the current certification process. The Commission should therefore not impose this requirement.

At the present time, there are approximately 500 laboratories that have filed test site descriptions with the Commission and produce the test data that are submitted with equipment authorization applications.⁷ Although the Commission has proposed a transition period to allow these laboratories to obtain NVLAP accreditation, the two-year period proposed by the Commission is wholly inadequate.⁸ NVLAP accreditation will be particularly difficult

⁵ *Id.* ¶ 8.

⁶ *Id.* ¶ 9.

⁷ *Id.* ¶ 3.

⁸ *Id.* ¶ 9. If the Commission does require NVLAP accreditation, a transition period of at least four years should be permitted. The Commission's proposed two-year phase in period is overly optimistic. More time will be necessary for sufficient numbers of laboratories to obtain accreditation.

and time-consuming for laboratories in other countries.⁹ This, in turn, will have a significant, negative impact on the ability of foreign manufacturers to import their equipment into the United States, to the detriment of U.S. consumers.

Given the problems which a NVLAP-accreditation requirement will create, and given the Commission's failure to explain why its experience with the 500 laboratories currently on its test site list has led it to a NVLAP-accreditation requirement, the Commission should not require such accreditation. If accreditation is deemed necessary, the Commission should consider allowing private sector accreditation, as well as accreditation by NVLAP. Such a change would more rapidly expand the number of accredited laboratories and thereby mitigate the adverse consequences of the Commission's proposed NVLAP-accreditation requirement.¹⁰

DoC Contents. The *Notice* proposes that the DoC include the following information: "1) identification of the specific product covered by the declaration (e.g., by trade name and model number); 2) a statement that the product complies with Part 15 of the FCC Rules; 3) identification of the compliance test report by date and number; and 4) identification by name, address and telephone number of the manufacturer, importer or other party located within the United States that is responsible for ensuring compliance."¹¹ Similar requirements

⁹ In this regard, EIA/CEG submits that the *Notice* underestimates the difficulties that NIST will encounter in arranging for NVLAP-like accreditation of foreign laboratories. *See id.*

¹⁰ *See id.* ¶ 8 n.12.

¹¹ *Id.* ¶ 6.

would apply to DoCs used by parties integrating systems with authorized components.¹² EIA/CEG submits that requiring all of this information is both needless and burdensome.

The only information that a DoC ought to contain is a notice that the equipment complies with Part 15 and the identification of the party responsible for ensuring compliance. The purpose of the DoC, after all, is to provide consumers and the Commission with assurance that the equipment in question complies with all relevant interference protection requirements, and to identify the party which the Commission and consumers should hold accountable if the equipment does not meet the Commission's standards. Mandating the production of additional information, such as the test date and number, will not aid consumers, nor will it assist the Commission in holding the appropriate parties responsible for improper compliance. Moreover, requiring this additional information will needlessly burden suppliers and delay the availability of new equipment.¹³ The responsible party identified by the DoC, however, should be required to maintain all of the information identified by the *Notice* and make it available to the Commission and consumers on request.

In evaluating its proposed DoC requirements, the Commission should keep in mind that the parties most likely to pose a risk of noncompliance are entities that assemble personal computer systems a few at a time. A DoC that identifies custom assemblers will enable the Commission to hold the proper party responsible for violating the Commission's rules.

¹² *Id.* ¶ 18.

¹³ A DoC that must include the date and number of the test report will delay the availability of products because manufacturers will not be able to package their products until the official test report becomes available.

Manufacturers of complete personal computer systems, by contrast, generally build large quantities of the same product and are well known to the Commission. A DoC is not nearly as necessary in their case. The Commission should therefore consider reducing the authorization requirements for fully assembled personal computers to a notification or verification procedure.

III. THE COMMISSION SHOULD RETAIN VERIFICATION PROCEDURES FOR CONSUMER ELECTRONICS EQUIPMENT.

The Commission has requested comment on whether equipment that is currently subject to verification procedures, such as consumer electronics equipment, should be required to comply with the proposed DoC requirement.¹⁴ As explained by the *Notice*, "[v]erification is a self-approval process where the manufacturer tests the device, retains a record of the result, labels the product as compliant and places information in the user instruction manual to provide guidance on how to correct radio interference."¹⁵ The verification procedure is therefore inherently less burdensome than the proposed DoC regime. EIA/CEG submits that any proposal to increase the regulatory burdens on consumer electronics equipment requires some justification. The *Notice* provides none.

The consumer electronics industry has manufactured and distributed equipment pursuant to the Commission's verification procedures since verification was first authorized. The dearth of any complaints that consumer electronics manufacturers have violated the Commission's equipment authorization rules is compelling evidence that verification is sufficient

¹⁴ *Id.* ¶ 13.

¹⁵ *Id.* ¶ 13 n.16 (citing 47 C.F.R. §§ 15.3(k), 15.101 (1994)).

to ensure compliance with the requirements of Part 15. Indeed, as recently as last May, the Commission found that the verification process "is sufficient to ensure that TV receivers, VCRs and similar consumer electronics equipment comply with our technical requirements."¹⁶ Nothing has transpired since the Commission made this finding that warrants revisiting this conclusion. The Commission should therefore continue to rely on verification procedures for consumer electronics equipment.

IV. CONCLUSION

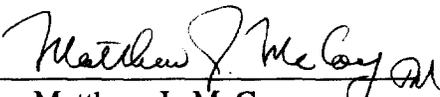
For all of the reasons set forth above, the Commission should adopt its proposed DoC regime. The Commission, however, should not require the use of NVLAP laboratories for testing and the DoC itself should be limited to essential information. Additionally, the

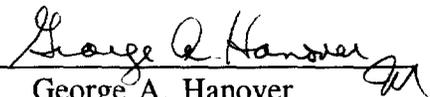
¹⁶ *Implementation of Section 17 of the Cable Television Consumer Protection and Competition Act of 1992*, 9 FCC Rcd 1981, 2002 (1994).

Commission should retain the current verification procedures for non-computer consumer electronics equipment.

Respectfully submitted,

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