

ORIGINAL

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

REC-107-10

JUL - 5 1995

In the Matter of )  
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Amendment of Parts 2 and 15 of the )  
Commission's Rules to Deregulate the )  
Equipment Authorization Requirements )  
for Digital Devices )

FEDERAL COMMUNICATIONS COMMISSION  
RECORDS SECTION

ET Docket No. 95-19

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To: The Commission

**REPLY COMMENTS OF XEROX CORPORATION**

Xerox Corporation hereby submits its reply to the comments filed in response to the Commission's Notice of Proposed Rulemaking in the above-captioned proceeding.<sup>1</sup> By that Notice, the agency proposes to streamline the equipment certification requirements for personal computers and peripherals by revising its rules to require companies only to test a product for compliance and to include a Declaration of Conformity ("DoC") in the written materials provided with the product.

Xerox is a leading manufacturer of electronics devices, including printers and other computer peripherals, regulated under Parts 2 and 15 of the Commission's rules. It commends the agency's effort to improve its authorization process and urges the Commission to adopt its proposal with the modifications suggested below.

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<sup>1</sup> Amendment of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment Authorization Requirements for Digital Devices, ET Docket No. 95-19, Notice of Proposed Rulemaking, 60 Fed. Reg. 15,116 (March 22, 1995).

**A. The FCC Should Implement A Declaration of Conformity Procedure As Modified to Address Industry Concerns**

Xerox agrees with the comments submitted by the Information Technology Industry Council ("ITI") and others that the FCC should expeditiously adopt its proposal to replace its certification procedures with a requirement for companies to test their equipment and declare the conformity of that equipment with the FCC's rules and regulations.<sup>2</sup> The proposal will allow manufacturers to meet more quickly consumer demand for innovative and improved electronic equipment.<sup>3</sup> It also will afford manufacturers greater protection of proprietary information now typically submitted to the FCC in their applications for certification.

Xerox nevertheless urges the agency to modify its proposal in several respects. First, Xerox suggests that the FCC clarify that the DoC program applies only to Class B digital devices subject to certification, (i.e., personal computers and personal computer peripherals) and not to devices that are currently subject to verification. Such an approach will eliminate the likely confusion regarding what devices are to be accorded DoC treatment.

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<sup>2</sup> "Comments of the Information Technology Industry Council," filed June 5, 1995 ("ITI Comments").

<sup>3</sup> In this regard, Xerox disagrees with Sony that the DoC would delay the introduction of new products. "Comments of Sony Electronics, Inc.," filed June 5, 1995, at i, 4 ("Sony Comments"). Sony does not explain the basis for its conclusion and, in fact, Xerox believes the new process would shorten the time for new product introduction by a month or more.

Verification procedures have worked well to ensure against harmful interference and should not be replaced with DoC procedures.

Second, Xerox urges the agency to clarify, as ITI suggests,<sup>4</sup> that the DoC may be included either in the owners manual or as a separate document shipped with the product. Moreover, the FCC should allow the DoC to take the form of either a complete Declaration of Conformity or a reference to the complete DoC. An option that permits companies to refer to the DoC in materials other than the owners manual reduces the burdens associated with the DoC requirements without undermining the agency's objectives. Many parties have noted that owners manuals are often printed well in advance of equipment production and that they cannot afford the lead times associated with printing the DoC in their manuals, especially for devices with increasingly shorter life-cycles.<sup>5</sup> Requiring the DoC information to be placed in the manual would therefore hamper rather than enhance the introduction of products. Allowing companies to make the complete DoC available upon request -- rather than including the information in user documentation -- would serve both the needs of the industry as well as the FCC's goals. In fact, such practice is similar to that currently employed by manufacturers to make Grants of Equipment Authorization available by request.

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<sup>4</sup> ITI Comments at 10.

<sup>5</sup> See, e.g., ITI Comments at 10, note 8; "Comments of Compaq Computer Corporation," filed June 5, 1995, at 3-4.

While Xerox endorses a DoC program, it strongly objects to the filing approach suggested by several parties.<sup>6</sup> A filing requirement would fail to reduce the burdens on manufacturers without decreasing the risk of interference. Indeed, any process involving a filing would be similar to the certification process that the FCC has proposed to eliminate and would contain many of the same deficiencies, such as the marketing delays and release of proprietary information. For the same reasons, Xerox disagrees with the recommendations of Carl T. Jones and the Association of Federal Communications Consulting Engineers ("AFCCE") to apply the FCC "notification" procedure as an alternative to the DoC procedure.<sup>7</sup>

Fears that the FCC's DoC approach eliminates the "up-front mandatory testing requirement, essentially leaving it to the discretion of the manufacturer or supplier"<sup>8</sup> are unfounded. Fraudulent declarations expose parties to perjury and criminal penalties, which by themselves deter such activity.

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<sup>6</sup> "Comments of Carl T. Jones Corporation Re: FCC Public Notice Date February 7, 1995," filed June 5, 1995; Letter from Scott Wang, President, Compliance Engineering Services, Inc., to Office of the Secretary, FCC (June 2, 1995); "Comments of the Association of Federal Communications Consulting Engineers Re: FCC Public Notice Date February 7, 1995," filed June 5, 1995; Letter from Wendy Fuster, CCITL Head, Coalition of Concerned Independent Testing Laboratories, to William F. Caton, Secretary, FCC (June 5, 1995).

<sup>7</sup> Carl T. Jones Comments at 3; AFCCE Comments at 2-3.

<sup>8</sup> Carl T. Jones Comments at 3.

Furthermore, the FCC's new program should free staff resources for random sampling and other enforcement measures that should also curtail such fraud.

**B. Test Facility Accreditation Imposes Unnecessary and Undesirable Burdens on Manufacturers**

Xerox strongly supports the position of ITI and many other parties that independent accreditation is unnecessary.<sup>9</sup> As Sony indicates, the NVLAP accreditation would be burdensome and costly and would not provide greater reliability.<sup>10</sup> Moreover, the proposal does not recognize a significant difference between independent test laboratories and manufacturer test facilities. Manufacturers, unlike independent laboratories, must sign the DoC and are accountable for their products. Manufacturers are therefore self-motivated to ensure their facilities are adequate to test products for compliance. The costs in fees and delays in obtaining independent site accreditation should not be imposed on such manufacturers.

Indeed, Xerox assumes full responsibility for product compliance with multinational EME requirements and places great emphasis on the maintenance of its facilities and equipment to ensure it meets FCC site attenuation and calibration requirements. Xerox urges the agency to maintain

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<sup>9</sup> ITI Comments at 14 et seq.; "Comments of Texas Instruments Incorporated," filed June 5, 1995, at 5-7; Compaq Comments at 7-8.

<sup>10</sup> Sony Comments at 4-8.

its current site registration process for Class B digital devices. This process has worked well and is entirely adequate.

Xerox submits that test facility accreditation should be employed only as a means of achieving international reciprocity. Contrary to Sony's position, accreditation is necessary in other countries.<sup>11</sup> For example, there is a large number of products which in the European Economic Area require testing by "Notified Bodies" and "Competent Bodies." Accreditation also is becoming more common throughout other parts of the world.<sup>12</sup> Xerox therefore encourages the Commission to work with other countries to achieve a reciprocity agreement for mutual acceptance of test data. In fact, the VCCI in Japan currently accepts FCC site registration without further testing. The standard for acceptance should be published for review by interested parties, however, before accreditation is imposed upon test facilities. In the meantime, accreditation should remain a voluntary decision.

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<sup>11</sup> Sony Comments at 7-8.

<sup>12</sup> Letter from Walter A. Poggi, President RETLIF Testing Laboratories, to William F. Caton, Secretary, FCC (May 29, 1995).

**C. The FCC Should Modify and Adopt  
Its Proposal For Modular Assembly**

Xerox agrees with ITI and others that the agency should implement a program to allow for the testing and sale of modular components.<sup>13</sup> This program, like the DoC program, will enhance the ability of companies to introduce innovative products to consumers.

Nevertheless, Xerox recommends that the FCC modify its proposal in several respects. First, the FCC should include I/O modules in its definition of modular components. Modules -- such as fax modems, graphics cards, and printer interface cards -- should be permitted to be marketed separately after obtaining modular approval.

Second, the agency should establish specific requirements for such approval. Clear and detailed test procedures are needed to ensure test repeatability and reliability, in much the same way as the ANSI C-63.4 standard does today.

Third, manufacturers should be directed to provide adequate documentation with each modular component that explicitly indicates any restriction on its use -- such as the need to use shielded cables or a specific enclosure -- to ensure compliance of the final system. This approach is

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<sup>13</sup> See, e.g., ITI Comments at 21-27; "Comments of the Unisys Corporation" filed June 5, 1995, at 3-4.

similar to that used by Underwriters Laboratories ("UL") in which components are "Recognized" for use in a specific product environment.

Last, the FCC's rules on modular assemblies should encompass all "modular digital devices," not simply "modular computers" as used in the Commission's Notice of Proposed Rulemaking. This would avoid confusion regarding what products, such as printers and other peripherals that are often comprised of modular components, are covered under the approach. As noted above, however, the DoC procedures should apply only to Class B modular digital devices subject to certification (i.e., personal computer and peripherals) and not to devices subject to verification.

**D. FCC Labels Should Be Simplified to Accommodate Industry Realities**

Xerox concurs with ITI and others that the FCC should revise its labelling requirements to reflect changes in the industry.<sup>14</sup> As electronic equipment becomes smaller -- and label textual material required by the FCC or other agencies increases -- it is more difficult to find space on a device for a label. Thus, Xerox supports the use of a pictorial logo, and possibly the manufacturer's I.D. code, on the FCC label. Adoption of such a labelling rule

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<sup>14</sup> ITI Comments at Exhibit A; "Comments of International Business Machines Corporation," filed June 5, 1995, at Exhibit A.

would reduce the space required while at the same time conveying informative, clear and concise information to users and the Commission.

Xerox further agrees with ITI that the logo for systems should be different from the logo for components.<sup>15</sup> This approach -- similar to the UL practice of having Recognized Components and Listed systems -- will assist users and the FCC in distinguishing the two types of construction.

On the other hand, Xerox opposes the suggestions of parties that the current warning statement on the label be retained along with a pictorial logo.<sup>16</sup> As noted above, space on devices is becoming increasingly limited. Thus, placing a pictorial logo along with text would be virtually impossible. The logo alone would be adequate, as evidenced by the use of the European CE marking and the UL and CSA logos. Any special warning notices or user advice could continue to be required in the owners manual.

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<sup>15</sup> ITI Comments at 24-27.

<sup>16</sup> See, e.g., Letter from Jeff Chen, Vice General Manager, Taiwan Tokin EMC Eng. Corp. to Secretary, FCC (April 18, 1995); Letter from Eric Harslem, Senior Vice President, Product Group, Dell Computer Corporation, to Office of the Secretary, FCC (April 14, 1995).

E. Conclusion

Adoption of the rules as proposed in this proceeding should significantly reduce the burden of the FCC's certification procedures on manufacturers and the Commission, while maintaining an effective program to minimize interference to radio communications. Xerox recommends, however, that the Commission consider the modifications suggested above that will enhance the proposal by allowing companies more quickly to introduce innovative and improved products to meet consumer demand.

Respectfully submitted,

XEROX CORPORATION

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