

In the Matter of) DISCONTINUED BY
)
Amendment of Section 15.117(g)(3))
of the Commission's Rules Relating) ET Docket No. 95-144
to the Filing of UHF Noise) RM-8484
Figure Performance Measurements)

NOTICE OF PROPOSED RULE MAKING

Adopted: September 5, 1995 ; Released: September 12, 1995

Comment Date: October 12, 1995

Reply Comment Date: October 27, 1995

By the Commission:

INTRODUCTION

1. By this action, the Commission proposes to eliminate the requirement that parties who manufacture, import, or market television receivers file reports concerning the UHF noise figure performance of recently-introduced models. It appears that this requirement has become obsolete and unduly burdensome. This proposal responds to a Petition for Rule Making filed by the Consumer Electronics Group of the Electronic Industries Association ("EIA/CEG").

BACKGROUND

2. In 1962, Congress enacted the All Channel Receiver Act.¹ This legislation authorized the Commission to require that all television receivers shipped in interstate commerce, or imported into the United States, for sale or resale to the public be capable of receiving all channels allocated to television broadcasting. At that time, the capabilities provided in TV sets for tuning and receiving the UHF television service were significantly less than those for the VHF television service. Under the authority provided in the All

¹ See All Channel Receiver Act of 1962, Pub. L. No. 87-529, 76 Stat. 150 (1962), 47 U.S.C. 303(s).

Channel Receiver Act, the Commission adopted a number of technical standards to increase parity between the UHF and VHF television services.² One element of these standards was a maximum UHF noise figure for television receivers.³ The noise figure is a technical measure for one of the factors that influences how well a television receiver displays a weak signal. Reducing the UHF noise figure of television receivers increases the quality of UHF reception.

3. Television receivers are subject to the equipment verification procedure set forth in Part 2 of the Commission's rules before they may be legally marketed in the United States.⁴ In general, this procedure requires the manufacturer or importer to demonstrate compliance with the technical standards contained in Part 15, Subpart B, of the Commission's rules, through testing and record keeping, but does not require an application or information to be filed with the Commission. The technical standards require, among other things, that the UHF noise figure of any television receiver not exceed 14 dB.⁵ The responsible party must measure the noise figure of a sufficient number of UHF channels of the test sample so that they are reasonably certain of compliance for each channel.⁶ In the year following the introduction of new models, the responsible party must compile the actual UHF noise figure performance of units of that model and submit this data to the Commission.⁷

DISCUSSION

4. In its petition, EIA/CEG states that requiring the compilation and submittal of UHF noise figure measurement data, after a receiver has been verified as compliant with the Commission's rules, is unnecessary and inconsistent with the verification procedure for equipment authorization. According to EIA/CEG, when the Commission decided that television receivers should be subject to verification instead of certification, it reasoned that liberalizing the equipment authorization procedures would not create excessive noncompliance. EIA/CEG states that verification has had no negative repercussions on compliance and that television receivers, in fact, have high levels of compliance with the 14 dB requirement by comfortable margins.

² See First Report and Order in Docket 14760, All Channel Television Receiver Rules, 27 FR 11698 (November 28, 1962).

³ The current UHF noise figure requirements are contained in 47 CFR § 15.117(g).

⁴ See 47 CFR § 15.101(a).

⁵ See 47 CFR § 15.117(g).

⁶ See 47 CFR §§ 15.117(g)(1) and 15.117(g)(2).

⁷ See 47 CFR § 15.117(g)(3).

5. EIA/CEG therefore argues that the submission of measurement data regarding UHF noise figures is an unnecessary burden. It maintains that eliminating the UHF noise figure filing requirement will promote efficiency, "but will not in any way diminish the Commission's--and industry's--commitment to the objective of the All-Channel Receiver Act."⁸ On this basis, EIA/CEG requests that we delete the requirements for the submission of UHF noise figure measurement data. EIA/CEG does not suggest that we delete or otherwise alter the UHF noise figure requirement itself. EIA/CEG's petition was put out for public comment, and no comments were filed in response.

6. We tentatively agree with EIA/CEG that requiring manufacturers and importers to file UHF noise figure measurement data after television receivers have been verified as being compliant is no longer warranted. These requirements are an administrative burden and are inconsistent with the concept of our verification procedure. Indeed, there are no similar filing requirements for other products subject to the verification procedure. Furthermore, our rules already provide that the manufacturer or importer is responsible for continued compliance with the standards after the device has been verified for compliance.⁹ Viewership of UHF television stations has grown dramatically since we first adopted the UHF noise figure filing requirements. With over 800 UHF stations currently in operation, requiring the submittal of measurement data seems no longer to be necessary to ensure the quality of UHF television reception. Market forces have taken over; a poorly designed television receiver likely would fail in today's market. In addition, technological developments since 1962 have resulted in solid state devices that greatly facilitate meeting our requirements and the UHF noise figure measurements that we have received confirm EIA's contention that most television receivers comply with the 14 dB noise figure requirement by comfortable margins.

7. Accordingly, we propose to eliminate the requirement for submission of UHF noise figure performance measurement data to the Commission. Specifically, we propose to delete Section 15.117(g)(3) of the rules.¹⁰ All television receivers shipped in interstate commerce or imported into the U.S. for sale or resale to the public would remain subject to the 14 dB noise figure. Compliance with this requirement would be maintained through the verification process; such routine follow-on testing as the manufacturer or importer believes is necessary and random Commission sampling. We believe this action will reduce the regulatory burden on manufacturers and importers of television receivers, which could potentially result in a reduction in price to the consumer and thus is in the public interest. Also, eliminating the filing requirement would reduce the administrative burden on the government.

⁸ EIA/CEG Petition at ¶14.

⁹ See 47 CFR § 2.909.

¹⁰ See 47 CFR § 15.117(g)(3).

PROCEDURAL MATTERS

8. This is a non-restricted notice and comment rule making proceeding. Ex parte presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules. See generally 47 CFR Sections 1.1202, 1.1203, and 1.1206(a).

9. Initial Regulatory Flexibility Analysis. As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the Notice of Proposed Rule Making, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Secretary shall send a copy of this Notice of Proposed Rule Making, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. § 601 et seq. (1981). The IRFA follows:

A. Reason for Action: This proposed action would eliminate certain obsolete filing requirements from the Commission's rules.

B. Objective: The objective of this proposal is 1) to reduce the regulatory burden on manufacturers and importers of television receivers and 2) to make the Commission's rules regarding the submittal of measurement data and equipment authorization consistent.

C. Legal Basis: The proposed action is authorized under Sections 4(i), 302, 303(e), 303(f), 303(r), and 303(s) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 302, 303(e), 303(f), 303 (r), and 303(s).

D. Reporting, Recordkeeping, and Other Compliance Requirements: This proceeding proposes to eliminate a reporting requirement.

E. Federal Rules Which Overlap, Duplicate, or Conflict With These Rules: None.

F. Description, Potential Impact, and Number of Small Entities Involved: The action proposed in this proceeding would result in an elimination of the requirements for measurement information to be compiled and submitted to the Commission. The administrative burden associated with the compilation and filing of measurement data is particularly burdensome on small manufacturers.

G. Any Significant Alternatives Minimizing the Impact on Small Entities Consistent with Stated Objectives: None.

10. Comment Dates. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. Sections 1.415 and 1.419, interested parties may file comments on or before October 12, 1995 and reply comments on or before October 27, 1995. To file formally in this proceeding you must file an original and four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the F.C.C. Reference Center, Room 239, 1919 M Street, N.W., Washington. DC.

11. The proposed action is authorized under Sections 4(i), 302, 303(e), 303(f), 303(r), and 303(s) of the Communications Act of 1934, as amended 47 U.S.C. Sections 154(i), 302, 303(e), 303(f), 303(r), and 303(s).

12. For further information regarding this Notice of Proposed Rule Making, please contact Kimberly Baum, Office of Engineering and Technology, at (202)776-1606.

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton
Acting Secretary