

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

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In the Matter of)
)
Amendments of Parts 2, 15, 18 and Other) ET Docket No. 97-94
Parts of the Commission's Rules to Simplify)
and Streamline the Equipment Authorization)
Process for Radio Frequency Equipment)

COMMENTS OF
THE CONSUMER ELECTRONICS MANUFACTURERS ASSOCIATION

The Consumer Electronics Manufacturers Association ("CEMA") hereby responds to the Notice of Proposed Rulemaking ("*Notice*") which the Commission issued in the above-captioned proceeding on March 27, 1997.¹ In the *Notice*, the Commission proposes a number of amendments to Parts 2, 15, 18 and other parts of the Commission's rules ("Rules"). These amendments are intended to simplify the existing equipment authorization process, deregulate the authorization requirements for certain types of equipment, and provide for the electronic filing of applications for equipment authorization.

CEMA is the principal trade association of the U.S. consumer electronics industry. CEMA's members design, manufacture, and sell a wide variety of consumer electronics equipment, including television receivers, cable set-top boxes, VCRs, camcorders, audio equipment, cordless telephones, and personal computers.

¹ See *Amendment of Parts 2, 15, 18, and Other Parts of the Commission's Rules to Simplify and Streamline the Equipment Authorization Process for Radio Frequency Equipment*, ET Docket No. 97-94 (rel. Mar. 27, 1997) ("*Notice*").

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CEMA fully supports the Commission's goal of simplifying and streamlining its equipment authorization processes. The Commission is to be commended for its deregulatory proposals, which will significantly reduce the regulatory burdens placed on industry while at the same time benefitting the American public by encouraging innovation and ensuring that new products can be introduced more rapidly into the marketplace.

While the vast majority of the proposed amendments set forth in the *Notice* are regarded favorably by CEMA's members, CEMA wishes to call attention to a small number of proposals that will not serve the Commission's stated goal of reducing the regulatory burden faced by industry. These proposals are as follows:

- **The Amendment of Section 2.946 of the Rules to Require Provision of a Sample to the Commission Within 14 Days of Request**

Section 2.946 currently requires any party who markets equipment subject to the Rules to provide a test sample upon request by the Commission within 60 days. In the *Notice*, the Commission proposes that the 60-day period be reduced to 14 days.² This proposed change is premised on the Commission's assumption that when a product is available on the U.S. market, 60 days following an official request is an unreasonable time for the Commission to wait for the submittal of a sample.³

CEMA recognizes that, with the *Notice's* proposed increase in the use of self-certification procedures, the Commission wishes to ensure its continued effective oversight of

² See *Notice* at ¶ 15.

³ *Id.*

the equipment on the market. We emphasize that CEMA's members historically have and will continue to respond to FCC requests for equipment samples by locating and providing the requested item as rapidly as practicably possible. However, given the practical delays that may be encountered in locating a specific unit for provision to the FCC, CEMA disagrees that a 60 day maximum waiting period is unreasonable. If, for example, a given model is not in current production at the time of the Commission's request for a sample, the process of locating that unit in the field, retrieving it, and providing it to the FCC could take significantly longer than the two weeks proposed by the Commission. Therefore, CEMA urges the Commission not to reduce the 60-day period currently allowed in Section 2.946.

- **The Requirement that Television Interface Devices Must Undergo "Certification" Rather Than the Less Burdensome "Verification" Procedure**

The *Notice* proposes relaxing the requirements from "Certification" or "Notification" to the "Declaration of Conformity" procedure for Part 15 receivers and television interface devices including video cassette recorders and video games.⁴ While this regulatory relaxation is welcome, CEMA suggests that, consistent with the goals of this proceeding, the Commission should allow television interface devices to be subject to the even less burdensome "Verification" procedure.

As the Commission states in the *Notice*, "verification . . . is appropriate for equipment that has an excellent record of compliance, where the measurement methods are well known and understood, and it is relatively easy to determine the party responsible for

⁴ *Id.* at ¶ 18(a).

compliance."⁵ We believe that television interface devices, such as video cassette recorders and video games, amply meet these criteria. In addition, many television interface device models are repeatedly upgraded with minor modifications and reintroduced to the market. "Verification" would substantially expedite the upgrade process for these models, while at the same time decreasing the burden on both manufacturers and the Commission.

- **The Discontinuation of the Certification Procedure for Personal Computer Equipment**

Under the proposed revisions to the equipment authorization requirements, existing application procedures -- including the acceptance of applications for Certification of personal computer equipment now eligible for treatment under Declaration of Conformity -- will be discontinued after a two-year period.⁶

While CEMA recognizes that the intent of the *Notice* is to reduce regulatory burdens on manufacturers, we suggest that, in certain instances, some personal computer manufacturers may prefer the option of undergoing Certification rather than utilizing the Declaration of Conformity procedure. For example, a manufacturer with an expedited delivery schedule may receive faster Commission approval by self-testing its equipment and submitting an application under the Certification procedure than it would by relying on accredited outside test laboratories (which often have limited time availability) as required when submitting for approval under a Declaration of Conformity. In addition, for many companies the use of in-house testing and the payment of the Certification fee may be significantly more economical than

⁵ *Id.* at ¶ 12.

⁶ *Id.* at ¶ 22.

the use of an accredited outside testing laboratory.⁷ Therefore, CEMA urges the FCC to allow manufacturers the flexibility to use the Certification as well as the Declaration of Conformity procedures.

For all of the reasons set forth above, and to most effectively promote the Commission's deregulatory and pro-consumer goals, CEMA urges the Commission to make the suggested changes to the proposed amendments set forth in the *Notice*.

Respectfully submitted,

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⁷ In order to alleviate the time and expense obstacles presented by accredited laboratories, the Commission should seriously consider allowing Declaration of Conformity testing to be performed by all certified laboratories on file with the Commission, as is allowed for the testing required under Part 68. If that option is not acceptable, the Commission may wish to explore how best to encourage other currently unaccredited test laboratories to receive accreditation.