

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

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In the Matter of)
)
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)

DOCKET FILE COPY ORIGINAL

ET Docket No. 97-94

To: The Commission

COMMENTS

Pursuant to Section 1.415 of the Commission's Rules,¹ the Fixed Point-to-Point Communications Section, Network Equipment Division of the Telecommunications Industry Association (the "Section"),² hereby comments on the Commission's above-captioned Notice of Proposed Rule Making ("NPRM").³

In the NPRM, the Commission proposes updating its equipment authorization rules. The Section applauds the Commission. These proposals will continue the Commission's recent ongoing efforts to expedite introduction of product into the marketplace, while maintaining appropriate

¹47 C.F.R. §1.415 (1997).

²The Telecommunications Industry Association ("TIA") is the principal industry association representing fixed point-to-point microwave service ("FS") radio manufacturers. Section members serve, among others, companies, including telephone carriers, utilities, railroads, state and local governments, and cellular carriers, licensed by the Commission to use private and common carrier bands for provision of important and essential telecommunications services. Separate comments on behalf of TIA also will be submitted regarding different aspects of the NPRM.

³The NPRM appeared in the Federal Register on May 5, 1997. 62 FR 24383 (May 5, 1997).

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safeguards against harmful RF interference ("RFI").⁴ Thus, as detailed below, the Section generally supports adoption of the proposed rules.

**THE SECTION SUPPORTS THE COMMISSION'S
GOALS IN ADOPTING THE NPRM**

The Commission's equipment authorization rules clearly have served the public interest. Manufacturers of FS equipment have benefitted substantially.

Given rapid technological change and marketplace needs, the Commission correctly recognizes that further refinements to its equipment authorization program are necessary to ensure that it remains vital. Appropriately, to "benefit both large and small manufacturers and encourage development of innovative products that best meet consumer's needs[,]" the Commission

proposes to amend Parts 2, 15, 18 and other rule parts to: 1) simplify our existing equipment authorization processes; 2) deregulate the equipment authorization requirements for certain types of equipment; and 3) provide for electronic filing of applications for equipment authorization. These actions will greatly reduce the complexity and burden of the Commission's equipment authorization requirements. Further, these steps will improve the efficiency of the equipment authorization process so that products can be introduced to the market more rapidly.⁵

Specifically, the Commission, in the NPRM, proposes several changes of particular interest to FS radio manufacturers:

- Declaration of Conformity for microwave transmitters -- To relax the equipment authorization requirements for Part 101 FS transmitters, the Commission proposes that, instead of type notification, these radios would be subject to the Declaration of Conformity ("DoC") self-authorization procedure.⁶ The Section supports adoption of this proposal.

⁴See Amendment of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment Authorization Requirements for Digital Devices, 11 FCC Rcd 17915 (1996).

⁵NPRM at ¶ 1.

⁶NPRM at ¶ 18.

- Elimination of Radio Equipment List -- The Commission currently maintains a Radio Equipment List of transmitters that have been type accepted or notified for operation by the various radio services. It proposes discontinuing this list.⁷ While the data on the Radio Equipment List are valuable, if FS transmitters become subject to the DoC procedure, the Section does not oppose its elimination. However, to ensure that comparable data are available, it would be helpful if the Commission establishes a procedure to provide the data, previously available on the Radio Equipment List, to frequency coordinators. At a minimum, the Commission must not take any action to eliminate the requirement, under Section 101.103(d)(2)(ii) of its Rules,⁸ to include equipment information in the prior coordination notice ("PCN"). Moreover, if the Commission decides to maintain the type notification requirement for FS transmitters, the PCN data could substitute for the information provided in the Radio Equipment List.

MICROWAVE TRANSMITTERS SHOULD BE SUBJECT TO THE DECLARATION OF CONFORMITY PROCEDURE

Under current requirements, FS microwave transmitters cannot be marketed or operated until the Commission issues a notification grant.⁹ This procedure is used for equipment "where there is a reasonably good likelihood of compliance."¹⁰

In the NPRM, the Commission declares that the need for "submittal and review of equipment authorization applications . . . is no longer warranted for certain equipment where the technical requirements are met with little difficulty, the test methods are widely understood, interpretive questions arise infrequently, and there has been an excellent record of compliance."¹¹ Based upon these criteria, the Commission proposes "[r]elax[ing] the requirements for Part 101 point-to-point

⁷NPRM at ¶ 13.

⁸47 C.F.R. §101.103(d)(2)(ii) (1997).

⁹47 C.F.R. §2.803 (1997).

¹⁰NPRM at ¶ 6.

¹¹NPRM at ¶ 18.

microwave transmitters from notification to the DoC procedure."¹² The Commission's DoC, which it implemented relatively recently, is a "self-approval procedure that . . . calls for the manufacturer or importer of the equipment to make measurements or take other necessary steps to ensure that the equipment complies with the appropriate technical standards."¹³

The Section supports the proposal to impose the self-authorization DoC procedure instead of the notification procedure, which requires prior Commission approval. First, FS transmitters clearly meet the Commission's standard for relying upon self-approval because they have incurred little, if any, authorization or compliance problems. Moreover, with advances in digital technology, this nominal risk of RFI would be reduced even further. Second, this change in authorization procedure would be consistent with the goals of Part 101 to reduce or eliminate unnecessary regulatory burdens on FS manufacturers and users and to speed-up implementation of service.¹⁴ Third, given the increasing amount of band sharing between FS and satellite users, the DoC procedure would establish some parity between these services because satellite equipment does not require prior Commission approval.

¹²NPRM at ¶ 18.

¹³NPRM at ¶ 6. See also 47 C.F.R. §2.906 (1997).

¹⁴Reorganization and Revision of Parts 1, 2, 21, and 94 of the Rules to Establish a New Part 101 Governing Terrestrial Microwave Fixed Radio Services, Report and Order, 11 FCC Rcd 13449, 13452-53 (1996). The Commission also is considering changing its equipment authorization program to a "paperless" system by establishing electronic filing procedures. NPRM at ¶ 23. Obviously, if the DoC procedure for FS transmitters is adopted, filing would not be required. Nevertheless, the Section supports the concept of electronic filing. Moreover, if the DoC procedure for FS transmitters is not adopted, the Section would like electronic filing available for any applications or other materials that would have to be filed.

FS MANUFACTURERS NEED THE DATA PROVIDED IN THE RADIO EQUIPMENT LIST

In addition to having FS transmitters authorized under the DoC procedure, in the NPRM, the Commission proposes several other changes to its requirements. These changes could result in elimination of the Radio Equipment List:

We recognize that these proposed changes raise a number of additional issues. The Commission currently maintains a Radio Equipment List of transmitters that have been type accepted or notified for operation in the various radio services. This list was begun in the early days of the type acceptance program. The rules for the authorized services often state that the licensee must employ equipment on the Radio Equipment List. In recent years the list has been maintained by printing supplements, rather than by reprinting the entire list. Alternative means are now available to check whether equipment has been authorized and for what services. In proposing to drop the notification requirement for certain transmitters used in the authorized services, there will no longer be a means to include such equipment on the Radio Equipment List. However, the manufacturer could simply provide the user with information indicating the rules with which the equipment complies. We are therefore proposing to discontinue maintenance of the Radio Equipment List. If there continues to be a need for this list, we would include on the list all certificated equipment other than equipment operating under Parts 15 and 18.¹⁵

The information included on the Radio Equipment List has proven very useful to FS radio manufacturers for several reasons. First, it enables manufacturers to keep current on all available radios. Second, it provides quality control assurance to users. Finally, the list is useful in selling product in certain overseas markets as it helps document that the proposed microwave radio products have been duly authorized by the Commission.

The Section understands that, with the changes to the equipment authorization requirements proposed in the NPRM, the data used to compile the list virtually will be eliminated. Moreover, compiling the list is an administrative burden, and the costs to continue this project outweigh the

¹⁵NPRM at ¶ 13 (footnote omitted).

benefits. Since FS manufacturers would not have to apply for Commission authorization if the DoC procedure is adopted, the list no longer would be useful. Thus, if the DoC procedure is approved for FS manufacturers, the Section does not oppose elimination of the Radio Equipment List.

Even though the Commission's proposal to eliminate the Radio Equipment List is acceptable if the DoC procedure is applied to FS transmitters, the information that has been provided therein should not become totally unavailable. A procedure should be established that would permit frequency coordinators to obtain, in a timely fashion, the information formerly provided in the Radio Equipment List. For example, pursuant to Section 101.103(d)(2)(ii) of the Commission's Rules, data about proposed radio equipment must be included in a PCN.¹⁶ With this information, frequency coordinators can compile information that is comparable to the information included on the Radio Equipment List. Thus, at a minimum, the Section urges the Commission to maintain the PCN requirement regarding the equipment proposed. Furthermore, if the DoC procedure is not adopted, these data from the PCN process could be used to substitute for the data previously included on the Radio Equipment List.

CONCLUSION

The Section supports the Commission's equipment authorization program and its ongoing efforts to ensure that the program remains viable and consistent with current manufacturer and user needs. Adopting the proposal to relax authorization requirements for FS transmitters by permitting

¹⁶47 C.F.R. §101.103(d)(2)(ii) (1997).

the self-approval DoC procedure is in the public interest and will improve this program significantly.

It would enable FS manufacturers to meet market demand on a timely basis with innovative product.

Respectfully submitted,

FIXED POINT-TO-POINT COMMUNICATIONS
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