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

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	)	ET Docket No. 97-94

To: The Commission

REPLY COMMENTS OF METRICOM, INC.

Metricom, Inc. ("Metricom"), by its attorneys, pursuant to § 1.415 of the Commission's rules, hereby submits these Reply Comments in response to Comments filed in the Notice of Proposed Rule Making issued in the above-referenced proceeding.[1/]

I. THE COMMISSION CAN STREAMLINE THE EQUIPMENT AUTHORIZATION PROCESS WITHOUT ELIMINATING ITS REVIEW OF APPLICATIONS

1. As explained in its Comments, Metricom supports the Commission's efforts to streamline the equipment authorization process. However, Metricom disagrees with the Commission's proposal to streamline the equipment authorization process by eliminating the need for prior Commission approval for most types of equipment. As Motorola noted in its Comments, "The equipment authorization program serves as an important tool for domestic

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[1/] 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, Notice of Proposed Rule Making ("Notice"), FCC 97-84, rel. March 27, 1997; 62 Fed. Reg. 24383 (May 5, 1997).

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spectrum management. By evaluating equipment before it reaches the market, the Commission can prevent potential compliance problems. ... [T]he post market resolution of interference is generally more expensive and less efficacious than achieving the requisite measure of compliance through the equipment authorization program."[2]

2. Motorola offered several methods through which the Commission can streamline the equipment authorization process simply by eliminating "front-end delays." For example, Motorola noted that it can take up to ten days (and sometimes longer) for an application to make its way through Mellon Bank and on to the FCC Laboratory ("FCC Lab") in Columbia, Maryland for processing.[3] Several commenters recommended methods by which the Commission could significantly reduce this delay. Uniden, for example, asserted that applications for equipment authorization could be sorted at Mellon Bank and then sent directly to the FCC Lab rather than passing through Washington, DC.[4] Uniden also suggested that the Commission could require applications for equipment authorization to be submitted directly to the FCC Lab and the corresponding fees submitted to Mellon Bank.[5] Motorola recommended the Commission develop a method by which it could utilize an automated method

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[2] Comments of Motorola, Inc., p. 14.

[3] Id., p. 5. See also, Comments of Ericsson Inc., p. 8 ("there is often a 'disconnect' between the transmission of the filing fees and applications from Mellon Bank to the FCC resulting in delay in the processing of applications").

[4] Comments of Uniden America Corporation, pp. 4-5.

[5] Id., p. 5.

to accurately match payments received by Mellon Bank with applications filed directly at the FCC Lab.[6] Metricom supports these recommendations for reducing the front-end delay associated with filing applications for equipment authorization.

II. THE COMMISSION SHOULD NOT INCREASE THE TYPES OF EQUIPMENT SUBJECT TO SELF-CERTIFICATION

3. Several Commenters supported the Commission's proposed methods of streamlining the equipment authorization process and recommended the Commission streamline the process even more than proposed in the Notice. Ericsson, for example, recommended the Commission exempt analog mobile and portable devices and associated base stations used in Part 22 cellular services and Part 90 private mobile radio services from type acceptance/certification and notification procedures.[7] Likewise, Ford recommended the Commission "go further in reclassifying other devices away from the certification category and require only a DoC [Declaration of Conformity]."[8]

4. Metricom disagrees with these proposals as contrary to the public interest and to Congress' intent under Section 302a of the Communications Act and the public interest.[9] These proposals, as well as those of the Commission to eliminate prior Commission review of applications for equipment authorization, would likely

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[6] Comments of Motorola, Inc., p. 6.

[7] Comments of Ericsson, Inc., p. 5.

[8] Comments of Ford Motor Company, p. 2.

[9] See, e.g., Computer Systems, 738 F.Supp. at 31, citing 1968 U.S.C.C.A.N. at pp. 2487-2488.

result in the Commission expending more time and resources in attempting to remedy interference problems caused by non-complying equipment that has entered the marketplace than it would in continuing to process applications for equipment authorization. Metricom fully understands the desire to further streamline equipment authorization procedures. Unfortunately, however, not all companies manufacturing equipment have sufficient knowledge of the Commission's rules. Therefore, a reasonable balance must be maintained, in the public interest, to assure that non-conforming equipment is not introduced into the marketplace. This is critical because non-conforming equipment in commercial operation will be extremely difficult to locate and shut down. Accordingly, the Commission should not adopt the proposals to eliminate prior Commission review of applications for equipment authorization.

III. THE COMMISSION SHOULD MAKE ELECTRONIC FILING OPTIONAL

5. Commenters in this proceeding uniformly supported the Commission's proposal to allow applications for equipment authorization to be filed electronically. However, several Commenters pointed out some important considerations that the Commission must consider when implementing electronic filing requirements. Ericsson, for example, pointed out the following problems with the Commission's proposal for electronic filing that need to be addressed:

- 57.5 Mb of information would be transmitted in a typical type acceptance application, which, based on an average

transmission speed of 10 kb per second, could take 13 hours to transmit electronically;

- The Commission's proposal does not contain adequate safeguards to ensure the confidentiality of material contained in electronically filed applications;
- Bifurcation of electronically filed applications and their associated fees will result in disconnects of information, thereby causing delays in processing applications; and
- The discrepancy between what information is required by the Commission's Rules and what information is requested in ad hoc inquiries by Commission staff, and the lack of consistency thereof, may result in a longer application processing time.[10/]

6. In addition, the Information Technology Industry Council ("ITI") pointed out that equipment manufacturers who remain subject to the Commission's prior approval process could face even further delays in obtaining equipment authorization if they were required to rely on an untested electronic filing process.[11/] Accordingly, ITI recommended the Commission conduct a thorough trial period prior to imposing a mandatory electronic filing procedure.[12/] Similarly, while recognizing that electronic filings are preferable for the future, Uniden recommended the Commission continue to

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[10/] Comments of Ericsson Inc. pp. 6-9.

[11/] Comments of the Information Technology Industry Council, pp. 9-10.

[12/] Id., p. 9.

accept paper applications for those applicants who do not currently have the technology necessary to prepare electronic filings.[13]

7. Metricom supports the Commission's efforts to decrease the application processing time by allowing applications for equipment authorization to be filed electronically. However, Metricom agrees with ITI and Uniden that the Commission should continue to accept paper applications at least until it has completed a thorough trial period for electronic filings. This trial period would allow the Commission time to address the concerns with electronic filing raised by Ericsson and any additional concerns that may arise.

IV. CONCLUSION

8. The commenters in this proceeding unanimously support the Commission's intent to streamline the equipment authorization process. However, in streamlining this process, the Commission should maintain the role established for it by the Communications Act of 1934, as amended -- reviewing equipment for compliance with the Commission's Rules before allowing the equipment to enter the marketplace. Several commenters recommended methods the Commission can undertake to streamline the equipment authorization process without removing itself from the process. If the Commission chooses to remove itself from the equipment authorization process for most types of equipment, as it proposed in the Notice, it would likely expend more time and resources in attempting to locate the source of noncomplying equipment and attempting to remedy inter-

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[13] Comments of Uniden America Corporation, p. 6.

ference problems caused by the noncomplying equipment than it would in continuing to review equipment authorization applications prior to allowing the equipment to enter the marketplace.

9. In addition, the commenters in this proceeding have demonstrated several problems with the Commission's proposal to require all equipment authorization applications electronically. Accordingly, the Commission should encourage applicants to begin adjusting their application filing procedure to electronic means, but also allow applicants to continue to file paper applications. Once applicants notice they can receive an equipment authorization faster by filing electronically, while also not having to be concerned about confidentiality or other potential problems with electronic filing, they will most likely rely on electronic filing without being forced to do so.

WHEREFORE, Metricom urges the Commission to take further action in this proceeding in accordance with the views expressed in its Comments and Reply Comments.

Respectfully submitted,

METRICOM, INC.

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Dated: August 18, 1997