

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

In the above-captioned Notice of Proposed Rule Making ("NPRM"), the Commission proposes updating and simplifying its equipment authorization rules.<sup>1</sup> Pursuant to Section 1.415 of the Commission's Rules,<sup>2</sup> the Fixed Point-to-Point Communications Section, Network Equipment Division of the Telecommunications Industry Association (the "Section"),<sup>3</sup> hereby replies to certain comments on the NPRM.<sup>4</sup>

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<sup>1</sup>The NPRM appeared in the Federal Register on May 5, 1997. 62 FR 24383 (May 5, 1997).

<sup>2</sup>47 C.F.R. §1.415 (1997).

<sup>3</sup>The Telecommunications Industry Association is the principal industry association representing fixed point-to-point microwave service ("FS") radio manufacturers. Members of the Section 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 systems for the provision of important and essential telecommunications services.

<sup>4</sup>Attachment A lists the parties filing comments on the NPRM and the abbreviations used for such parties herein.

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In its comments, the Section generally supported adoption of the proposed rules.<sup>5</sup> This support is echoed throughout the comments by other parties.<sup>6</sup>

Specifically, the Section supported adoption of the Commission's proposal that, instead of Notification, Part 101 FS transmitters would be subject to the Declaration of Conformity ("DoC") self-authorization procedure.<sup>7</sup> However, while it did not oppose the Commission's corollary proposal to eliminate the Radio Equipment List of transmitters that have been type accepted or notified for operation by the various radio services,<sup>8</sup> to ensure that comparable data are available, the Section suggested that the Commission continue to require that the data, previously included on the Radio Equipment List, are made available to frequency coordinators.

Adoption of the DoC procedure for FS transmitters is in the public interest:

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 [interference] 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. 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.<sup>9</sup>

Nevertheless, as detailed below, certain, limited revisions to the Commission's proposals are needed. To ensure that the DoC procedure meets the Commission's goal of refining the equipment

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<sup>5</sup>Section at 2-3.

<sup>6</sup>See Rockwell at 2-3; Alcatel at 2; ITI at 1-3; CEMA at 2; H-P at 1; Ericsson at 1-2; Ford at 1.

<sup>7</sup>NPRM at ¶ 18.

<sup>8</sup>NPRM at ¶ 13.

<sup>9</sup>Section at 4 (footnote omitted).

authorization program to benefit manufacturers and encourage development of innovative products, without significantly retarding market entry into U.S. and foreign markets, in addition to adopting the proposals made in its comments, the Section recommends that:

- FS radio manufacturers must be allowed to test for DoC compliance on their premises without meeting applicable lab accreditation requirements. This exemption from accreditation is justified because FS manufacturers have been testing to Type Acceptance and Notification specifications without consequential problems and because significant unnecessary cost and delay would be avoided. Furthermore, there is absolutely no reason to require accreditation because, unlike unlicensed PCs and other consumer devices initially subject to the DoC procedures, the FS radios are used exclusively in licensed systems located in a controlled, industrial environment.
- A mechanism to document the DoC (e.g., a "registered DoC") should be established to prove compliance for marketing in other countries.

**MICROWAVE TRANSMITTERS SHOULD BE SUBJECT  
TO THE DoC PROCEDURE, BUT APPLICABLE  
TESTING PROCEDURES SHOULD BE RELAXED**

Pursuant to Section 2.948(d) of the Commission's Rules, the party performing the measurements for a DoC must be accredited based upon the International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) Guide 25 and the accrediting organization must have Commission approval.<sup>10</sup> If FS transmitters become subject to the DoC, this accreditation requirement could force manufacturers to discontinue their historical self-testing, which has been conducted to qualify for a Type Acceptance or Notification grant, and to outsource the testing. This new requirement is unnecessary. Instead, FS radio manufacturers should be allowed to test for DoC compliance at their own facilities without being accredited.<sup>11</sup>

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<sup>10</sup>47 C.F.R. §2.948(d) (1997).

<sup>11</sup>The Commission suggests this alternative. NPRM at ¶ 12.

There is no risk that exempting FS radio manufacturers from the DoC accreditation requirement would unduly compromise this equipment authorization program.

The Commission has no reason to believe that the manufacturers' laboratories currently performing certification testing are not capable of continuing to perform the tests that they have performed for more than a decade. There is simply no basis for burdening this industry with the cost, expense and general nuisance associated with a mandatory accreditation program. To the extent that accreditation is deemed by any particular manufacturer to add value to its test laboratory -- i.e., that accreditation establishes that its lab is better qualified than one that is not accredited -- positive marketplace forces will create the appropriate incentives, without government intervention, to achieve those benefits. On the other hand, requiring a manufacturer's test facility to meet artificial standards for accreditation purposes may require many changes that add nothing to the adequacy or validity of the test results but do adversely affect the manufacturing facility.<sup>12</sup>

Generally, FS radio manufacturers are ISO 9001 accredited or they successfully have met comparable testing requirements. Under these circumstances, allowing FS manufacturers to perform the DoC testing at their own facilities, without being accredited under the criteria prescribed in Section 2.948(d), should satisfy the Commission's concerns and should ensure continued interference-free operation of these radios.

Application of the accreditation requirement to FS radios is inappropriate. When the DoC procedure was established, it was limited to personal computers and their peripherals.<sup>13</sup> For these widely deployed consumer products, requiring testing at an accredited facility was understandable.

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<sup>12</sup>ITI at 6 n.7. Rockwell takes this proposal one step further by advocating that the Commission permit manufacturers of FS radios and other devices subject to notification to use the verification procedure instead of the DoC procedure. Rockwell at 5 ("[i]n cases of equipment where the risks of harmful interference and non-compliance are considered low, . . . it makes economic sense for the Commission to rely on manufacturers to ensure the compliance of their own equipment . . . without . . . the use of accredited testing labs") (footnotes omitted).

<sup>13</sup>Equipment Authorization Requirements for Personal Computers, 3 CR 1, 6 (1996).

These computing devices were not subject to any other licensing or operating rules, so the accreditation requirement properly was imposed as a necessary safeguard against harmful interference.

To the contrary, FS radios only are used in licensed commercial systems. Interference avoidance is essential for such licensed FS operations, and the applicable operating rules (now Part 101) impose stringent safeguards against such problems occurring. Indeed, for years, FS radio manufacturers have conducted on-site product tests for compliance with Type Acceptance or Notification requirements without causing any problems.

The testing that would be required to qualify for a DoC is not complicated (i.e., it involves only testing of simple characteristics, such as frequency stability, power output, and bandwidth) and certainly should not necessitate using costly accredited labs. No additional time is needed for compliance testing by FS manufacturers because such testing is built into the design process. By contrast, using outside testing takes between 12-24 additional months and costs between an additional \$10,000 to \$250,000.<sup>14</sup>

Imposing the DoC accreditation requirements on FS radios would make matters much worse. Such labs are limited in number, which would delay testing and product roll-out even further.<sup>15</sup>

Given the inescapable fact that time-to-market is critical in this competitive industry, and given the essential role that FS radios are, and will be, playing in emerging wireless markets, these

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<sup>14</sup>This testing typically is conducted to qualify for marketing products in other countries under their guidelines. Such standards and procedures are well-established. Using the DoC criteria would not contribute to global harmonization of FS radio testing protocols because such criteria are inconsistent with the norms adopted in many countries.

<sup>15</sup>ITI at 10.

delays will be intolerable.<sup>16</sup> Not only would prices be increased and product introduction be delayed, innovation would be disrupted because manufacturers would have an incentive to avoid the need for new equipment approval. Thus, the Section strongly urges the Commission to exempt FS radio manufacturers, testing devices at their own facilities, from the patently unjustifiable DoC accreditation requirement.

### **THE DoC PROCEDURE MUST NOT IMPEDE GLOBAL MARKETING OF FS RADIOS**

The Commission's DoC requirements also could impact international trade. Certain aspects of the DoC program -- the lack of formal documentation (i.e., Commission authorization grant) and the accreditation requirement -- must be relaxed so that this problem could be avoided or minimized.

In its comments, the Section expressed concern about the Commission's proposed elimination of the Radio Equipment List because, among other attributes, it "is useful in selling product in . . . overseas markets as it helps document that the proposed microwave radio products have been duly authorized by the Commission."<sup>17</sup> This problem is exacerbated by the fact that the DoC constitutes a self-approval procedure and does not result in any official Commission action. To mitigate the impact of losing the list, the Section recommended that "[a] procedure should be established that would permit frequency coordinators to obtain, in a timely fashion, the information formerly provided . . . ."<sup>18</sup>

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<sup>16</sup>Imposing the DoC accreditation requirement on FS radio manufacturers is totally inconsistent with the Commission's goals in the NPRM and in its recently released draft Strategic Plan. See Public Notice, FCC Invites Public Comment on its Strategic Plan (Mimeo No. 75332, July 18, 1997). These goals include expediting new product introduction and reducing unnecessary regulatory burdens on manufacturers.

<sup>17</sup>Section at 5.

<sup>18</sup>Section at 6.

Other parties share the Section's concern regarding the impact that the Commission's proposal would have on U.S. equipment exports.<sup>19</sup> Motorola declares that the DoC "does not, in the view of all administrations, necessarily carry with it the official stamp of approval by the Commission."<sup>20</sup>

As a cure for this problem, Motorola

urges the Commission to establish a voluntary mechanism whereby companies that need to rely upon their own declaration of conformity in order to export product to nations that will only recognize an FCC grant may register their DoC with the Commission and receive from the Commission a grant of equipment authorization recognizing that the DoC has been registered by the applicant. The approach could be referred to as a *Registered DoC*.<sup>21</sup>

The Section supports adoption of Motorola's proposal because it would complement its own proposal to make the data from the Radio Equipment List publicly available.

With the emerging worldwide need for FS networks to support wireless technologies, it is important that the Commission minimize overseas barriers to entry by U.S. manufacturers. Under the current DoC accreditation requirement, testing labs

that are located outside of the United States . . . will be accredited only if there is a mutual recognition agreement between that country and the United States that permits similar accreditation of U.S. facilities to perform testing for products marketed in that country.<sup>22</sup>

Unfortunately, these reciprocal accreditation requirements are counter-productive:

[T]he introduction of international trade issues into the test laboratory accreditation requirement of the DoC procedure has prevented this authorization procedure from being successful as it needs to be.<sup>23</sup>

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<sup>19</sup>See H-P at 1-2; ITI at 10-12; Motorola at 15-16.

<sup>20</sup>Motorola at 15.

<sup>21</sup>Motorola at 16 (footnote omitted).

<sup>22</sup>Note to Section 2.948(d) of the Commission's Rules. 47 C.F.R. §2.948(d) (1997).

<sup>23</sup>H-P at 1.

Thus, the Section recommends that the Commission take any steps necessary to ensure that this reciprocity requirement does not delay overseas product marketing.

### 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. To achieve these goals, the Commission must exempt FS radio manufacturers, testing product on their premises, from the DoC accreditation requirement; establish the "registered DoC" procedure; provide that the Radio Equipment List data are made available to frequency coordinators; and eliminate trading gridlock attendant on the DoC accreditation reciprocity requirement. The record of this proceeding strongly supports adoption of these proposals.

Respectfully submitted,

FIXED POINT-TO-POINT COMMUNICATIONS  
SECTION, NETWORK EQUIPMENT DIVISION, OF  
THE TELECOMMUNICATIONS INDUSTRY  
ASSOCIATION

By:



DENIS COUILLARD, CHAIRMAN  
ERIC SCHIMMEL, VICE PRESIDENT OF TIA  
2500 Wilson Boulevard, Suite 300  
Arlington, Virginia 22201  
(703) 907-7700

Of Counsel:

By:



Robert J. Miller  
Emily S. Barbour  
Gardere & Wynne, L.L.P.  
1601 Elm Street, Suite 3000  
Dallas, Texas 75201  
(214) 999-3000

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**ATTACHMENT A**

**PARTIES FILING COMMENTS ON  
EQUIPMENT AUTHORIZATION RULEMAKING**

Alcatel Network Systems, Inc. ("Alcatel")  
Consumer Electronics Manufacturers Association ("CEMA")  
Ericsson Inc. ("Ericsson")  
Ford Motor Company ("Ford")  
Hewlett-Packard Company ("H-P")  
Information Technology Industry Council ("ITI")  
Metricom, Inc.  
Motorola, Inc. ("Motorola")  
National Electrical Manufacturer's Association  
Rockwell International Corporation ("Rockwell")  
Telecommunications Industry Association  
    Technical and Regulatory Reform Tax Force  
Time Warner Cable ("TW")  
Uniden America Corporation ("Uniden")

## CERTIFICATE OF SERVICE

I, Cris Cary, hereby certify that a true and correct copy of the foregoing Reply Comments was sent this 15th day of August, 1997, via first class mail, postage prepaid, to the following parties:

Linda C. Sadler, Esq.  
Director, Governmental & Regulatory Affairs  
Rockwell International Corporation  
1745 Jefferson Davis Highway  
Arlington, Virginia 22202

Jonathan L. Weil, Esq.  
Senior Attorney  
Hewlett-Packard Company  
3000 Minuteman Road  
Andover, Massachusetts 01810

Richard Barth  
Director of Telecommunications  
Strategy and Regulations  
Motorola, Inc.  
1350 Eye Street, N.W.  
Washington, D.C. 20005

James R. Haynes  
Chief Engineer  
Uniden America Corporation  
216 John Street, P. O. Box 580  
Lake City, South Carolina 29560

Timothy Feldman, Esq.  
Vice President, Government Affairs  
National Electrical Manufacturers Association  
1300 N. 17th Street, Suite 1847  
Rosslyn, Virginia 22209

Dan Bart, Esq.  
Vice President, Standards and Technology  
Telecommunications Industry Association  
2500 Wilson Boulevard, Suite 300  
Arlington, Virginia 22201

Mark Mollon, Esq.  
Ford Motor Company  
911 Parklane Towers East  
Dearborn, Michigan 48126

David C. Jatlow, Esq.  
Young & Jatlow  
2300 N Street, N.W., Suite 600  
Washington, D.C. 20037  
Counsel for Ericsson Inc.

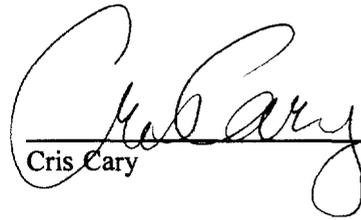
Gary Klein, Esq.  
Vice President, Government and Legal Affairs  
Consumer Electronics Manufacturers Association  
2500 Wilson Boulevard  
Arlington, Virginia 22201

Jeffrey S. Cohen, Esq.  
Wilkinson, Barker, Knauer & Quinn  
1735 New York Avenue, N.W.  
Washington, D.C. 20006-5209  
Counsel for Information Technology Industry Council

Arthur H. Harding, Esq.  
Fleischman and Walsh, L.L.P.  
1400 Sixteenth Street, N.W., Suite 600  
Washington, D.C. 20036  
Counsel for Time Warner Cable

M. Tamber Christian, Esq.  
Ginsburg, Feldman & Bress, Chtd.  
1250 Connecticut Avenue, N.W.  
Washington, D.C. 20036-2600  
Counsel for Metricom, Inc.

Date: August 15, 1997

  
Cris Cary