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September 9, 1997

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: ET Dkt. No. 97-94
Ex Parte Presentation

Dear Mr. Caton:

On August 21, 1997, George M. Kizer, a Senior Radio Product Manager for Alcatel Network Systems, Inc. ("Alcatel"), made an ex parte presentation concerning the above-referenced Notice of Proposed Rule Making ("NPRM") to Karen Rackley, Hugh Van Tuyl, and John Reed of the Commission's Office of Engineering and Technology ("OET").

The NPRM involves Commission proposals to amend Parts 2 and 15 of its rules to allow manufacturers to self-declare compliance with applicable equipment authorization standards. One of these proposals involves subjecting radio transmitter equipment authorization tests (referenced in Part 2 and detailed elsewhere in the Commission's Rules, such as in Part 101) to the Declaration of Conformity ("DoC") self-authorization procedure. While Alcatel generally supported adoption of this proposal in its comments on the NPRM, it opposed requiring testing for compliance to be conducted at accredited laboratory facilities instead of at the manufacturers' own facilities. As detailed below, Mr. Kizer addressed these same concerns during his August 21 meeting with OET.

Under its proposal, the Commission would require a radio transmitter manufacturer using the DoC procedure, such as Alcatel, to test the equipment for compliance in a laboratory accredited by A2LA, NIST or NVLAP. Alcatel supports this accreditation requirement for Part 15 compliance of unlicensed RF devices (e.g., receivers). However, Part 2 applies to Notification and Type

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Acceptance testing for licensed fixed point-to-point terrestrial microwave service ("FS") transmitters. This accreditation requirement for FS transmitters is unnecessary and is counter-productive.

The intent expressed by the Commission in the NPRM is to create procedures which would produce test results that organizations outside the United States would recognize. The need to achieve this objective is questionable because, while testing is standardized in Europe, it is not standardized in most other countries. Moreover, even though testing in Europe is standardized, the Commission's proposal regarding Part 2 requirements would not be consistent with such standards.

European regulatory agencies require two (2) types of authorization for radio transmitters:

- Authorization to Sell -- This authorization is standardized throughout the EEC. It is applicable to Part 15-type devices. The procedure requires the manufacturer of electronic equipment to certify the equipment for CE marking. The manufacturer must prove compliance to EMC Directive (EEC/89/336 amended EEC/92/31 and 93/68) and the Low Voltage Directive (EEC/73/23 amended EEC/93/68). The EMC Directive is similar to Part 15 of the Commission's Rules. The Low Voltage Directive is equivalent to UL approval. Use of accredited labs would facilitate CE certification of United States manufactured Part 15 equipment and thus should be implemented.

- Authorization to Operate -- This Type Approval ("TA") process, similar to the Commission's Part 2 transmitter authorization procedure, is not standardized within Europe. Each country has its own agency for this process. With a couple of minor exceptions, no country accepts the tests or procedures of any other country. Testing must be approved country-by-country. To force U.S. manufacturers to use accredited labs for transmitter authorization testing would accomplish no useful purpose. Indeed, tests conforming to Commission requirements would not comply with European TA requirements.

Furthermore, imposing accreditation requirements for transmitter equipment authorization testing (e.g., Part 101) would not work because such labs typically are incapable of performing the requisite testing. The tests required by the Commission for transmitter authorization (frequency stability over -20 to +50 degrees C, over 85% to 115% power variations, measuring output transmitter power) are well beyond the scope and capability of most laboratories authorized to make computer EMC measurements. For example, Alcatel's transmitters weigh over 300 pounds and stand 7 feet tall. Such devices can not be accommodated by most labs, which have small computer-sized chambers.

The lab approval process does not address areas relevant to the transmitter authorization process. Alcatel and other manufacturers are the most qualified to perform these tests. They have been doing this successfully for 40 years with no known problems. Moreover, if a problem were to occur, it readily can be addressed because the transmitters are licensed and the responsible manufacturer is listed in license and coordination data.

Should there be any questions concerning this matter, kindly contact the undersigned counsel for Alcatel.

Sincerely,

Robert J. Miller

RJM/dwm

cc: All parties of record
Julius Knapp
Karen Rackley
Hugh Van Tuyl
John Reed

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