

DOCKET FILE COPY ORIGINAL

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

RECEIVED

JUL 28 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
1998 Biennial Regulatory Review --)
Amendment of Parts 2, 25 and 68 of the)
Commission's Rules to Further Streamline)
the Equipment Authorization Process for)
Radio Frequency Equipment, Modify the)
Equipment Authorization Process for)
Telephone Terminal Equipment, Implement)
Mutual Recognition Agreements and Begin)
Implementation of the Global Mobile)
Personal Communications by Satellite)
(GMPCS) Arrangements)

GEN Docket No. 98-68

MOTION TO ACCEPT LATE-FILED COMMENTS

The Telecommunications Industry Association ("TIA") intended to file Comments with the Federal Communications Commission in GEN Docket No. 98-68 on July 27, 1998. Unforeseen word processing and reproduction malfunctions prevented the document's completion by the time that FCC Secretary's office closed. TIA formally requests acceptance of the attached filing, "Comments of Telecommunications Industry Association."

Respectfully submitted,


Daniel Bart
Vice President, Standards and Technology
TIA
(July 28, 1998)

No. of Copies rec'd 0211
List # 1000
081

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

In the Matter of)
)
1998 Biennial Regulatory Review --)
Amendment of Parts 2, 25, and 68 of the)
Commission's Rules to Further Streamline)
the Equipment Authorization Process for) GEN Docket No. 98-68
Radio Frequency Equipment, Modify the)
Equipment Authorization Process for)
Telephone Terminal Equipment, Implement)
Mutual Recognition Agreements and Begin)
Implementation of the Global Mobile)
Personal Communications by Satellite)
(GMPCS) Arrangements)

COMMENTS

Telecommunications Industry Association

Matthew Flanigan, President
Dan Bart, Vice President, Standards
and Technology

Allen Groh, Chair, Technical and
Regulatory Reform Task Force
Pierre Adornato, Chair, TR41.2
Anh Wride, Chair, TR41.9
Tom Brackey, Chair, Satellite
Communications Division

2500 Wilson Blvd, Suite 300
Arlington, VA 22201

July 27, 1998

703-907-7703

Table of Contents

Page No.

SUMMARY.....	iii
COMMENTS.....	1
The FCC should consider moving mature radio technologies products and low-power devices to Suppliers' Declaration of Conformity ("SDOC") process in future proceedings (Paragraph 11).....	2
The Commission should provide concrete qualification criteria for Telecommunications Certification Bodies ("TCBs") and Testing Laboratories (Paragraph 12).....	3
The Commission should allow for other appropriate accrediting bodies (Paragraph 14).....	4
The Commission should provide for adequate due-process protection for TCBs in enforcement and monitoring of TCB standards and performance (Paragraph 15).....	4
The Commission should implement its program in such a way as to ensure uniformity, equivalence, access to information, clarity with respect to subcontracting, and mandated surveillance activities (Paragraph 17).....	5
The Commission should be flexible regarding delegation of responsibilities to the TCBs (Paragraph 18).....	7
The Commission should allow accelerated TCB certification of equipment through the use of joint public-private sector working groups (Paragraph 19).....	7
The Commission should retain its capability to evaluate telecommunications equipment until a competitive market for equipment certification is established (Paragraph 20).....	8
The Commission should conform to international terminology and streamline product identification (Paragraph 2).....	9
The Commission should develop uniform forms for transmission of test data through industry fora (Paragraph 24).....	9
The Commission should provide for a 30-day comment period prior to recognition of any foreign TCB (Paragraph 30).....	10
With respect to administration of the U.S.-EU MRA, the Commission should ensure an active role for the private sector and protect TCBs through proper due process (Paragraph 31).....	11

The Commission should allow for bi-lateral agreements on mutual recognition of equipment certification (Paragraph 33).....11

The Commission should continue its leadership role in the negotiation and implementation of MRAs (Paragraph34-36).....12

The GMPCS-Memorandum of Understanding (“MoU”)and arrangements (Paragraphs 37-46)13

The Commission should consider TCBs as part of its Initial Regulatory Flexibility Analysis (“IRFA”) (Paragraph 34-36).....15

CONCLUSION.....15

APPENDIX A.....1

SUMMARY

The Telecommunications Industry Association is a full-service national organization with membership of over 900 large and small companies which provide communications and information technology products, materials, systems, distribution services and professional services in the United States and countries abroad. TIA represents the telecommunications industry in association with the Electronic Industries Alliance. This filing is meant to incorporate the views of all of the Association's departments and product-oriented divisions.

TIA has actively supported the United States ("U.S.") government in its negotiation of both the European Union ("EU") Mutual Recognition Agreement ("MRA") and the Asia Pacific Economic Cooperation ("APEC") Mutual Recognition Arrangement ("MRA"). TIA stands ready to continue this support in the implementation of these MRAs and the negotiation of MRAs in the Americas and other regions.

As with the ET Docket No. 97-94, TIA urges the FCC to continue a review of products subject to its regulation to identify those mature technologies which have a good track record for compliance or are low-power devices and move them, as appropriate, towards a system of Suppliers' Declaration of Conformity ("SDOC") in future proceedings. This streamlining, however, must be accomplished recognizing the private sector's desire to facilitate acceptance of U.S. products by foreign markets.

TIA agrees with the intent of the Commission's proposed Section 2.962(b)(3) requiring International Organization for Standardization/International Electrotechnical Commission ("ISO/IEC") Guide 25 compliance, and has offered amendments which are

intended to clarify the scope of accreditation, remove unnecessary burdens, and minimize costs.

TIA agrees that ISO Guide 65 should be the primary criteria for the qualification of certification bodies. However, the Guide must be applied in its entirety so that such qualification can be accepted both domestically and internationally. A partial application of the Guide will lead to the preclusion of the universal acceptance of such a qualification.

TIA believes that existing private sector organizations should not be precluded from playing a role in the accreditation of certification bodies. TIA believes that the National Institute of Standards and Technology ("NIST") should, in accordance with procedures, allow other appropriate qualified accrediting bodies to accredit Telecommunications Certification Bodies ("TCBs") and testing laboratories.

TIA believes that the FCC must select a uniform method by which authorized private certification bodies are identified once those organizations have fulfilled all of the appropriate requirements to be a TCB. In addition, TIA suggests that the FCC provide a current list of all such authorized bodies, accessible to manufacturers, consumers, foreign customs officials, other foreign regulatory agencies, and the general public available in both electronic and hard copy so as to remain up-to-date.

The Commission should be flexible regarding delegation of responsibilities to the TCBs. TIA encourages the FCC to develop a joint public-private sector working group that will include accrediting organizations both public and private, prospective telecommunications certification bodies, laboratories and manufacturers in order to make the transition to private certification as efficient as possible.

The Commission should retain its capability to evaluate telecommunications equipment until a competitive market for equipment certification is established.

TIA disagrees with the FCC decision to distinguish separately between certification and registration. Because no such distinction exists in MRAs, TIA believes that the FCC should do away with the use of the term "registration" and expand the definition of "certification" to include all activities whose purpose is to evaluate test results and provide approval for a product to enter the marketplace and/or for connection to the network.

TIA recommends that the Commission should provide for a 30-day comment period prior to recognition of any foreign TCB. TIA requests that, in formulating the Joint Sectorial Committee ("JSC"), the U.S. Federal authorities ensure an active role for U.S. private sector organizations -- including manufacturers and testing bodies -- for example, as specified in Section 7(3.1) of the U.S.-EU MRA.

The Commission should allow for bi-lateral agreements on mutual recognition of equipment certification. TIA approves of the approach laid out by the FCC regarding its process for granting permission for bodies in MRA partner countries to certify equipment subject to Parts 2, 15, and 18, and to register equipment in conformance with Part 68, as being consistent with the existing and future mutual recognition agreements.

TIA applauds the efforts of the FCC in assisting with the successful conclusion of MRAs with the EU and APEC partners and encourages the FCC's continued cooperation with other U.S agencies as mutual recognition agreements are developed in additional regions of the world.

TIA supports the Commission's proposals with regard to interim certification of GMPCS equipment. TIA agrees with the Commission that the GMPCS-MoU implementation proceeding should, among other things, focus on the appropriate technical requirements for all types of GMPCS terminals. However, LSC's comments, which raise alternative standards to those proposed by National Telecommunications and Information Administration ("NTIA's") in RM-9165, should not be considered in this docket.

TIA believes that the FCC, in implementing this streamlining process, may need to take into account the effects of rules not only on small manufacturers, but also on small companies in the testing and certification sectors.

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

In the Matter of)
)
1998 Biennial Regulatory Review --)
Amendment of Parts 2, 25, and 68 of the)
Commission's Rules to Further Streamline)
the Equipment Authorization Process for) GEN Docket No. 98-68
Radio Frequency Equipment, Modify the)
Equipment Authorization Process for)
Telephone Terminal Equipment, Implement)
Mutual Recognition Agreements and Begin)
Implementation of the Global Mobile)
Personal Communications by Satellite)
(GMPCS) Arrangements)

COMMENTS

The Telecommunications Industry Association ("TIA")¹ hereby submits these
Comments in response to the FCC's Notice of Proposed Rulemaking ("NPRM") in the

¹ The Telecommunications Industry Association is a full-service national organization with membership of over 900 large and small companies which provide communications and information technology products, materials, systems, distribution services and professional services in the United States and countries abroad. TIA represents the telecommunications industry in association with the Electronic Industries Alliance. This filing is meant to incorporate the views of all of the Association's departments and product-oriented divisions. In particular, TIA's Technical Regulatory Reform Task Force; TR-41.2, Conformity Assessment Engineering Subcommittee; TR41.9, Terminal Attachment Programs Engineering Subcommittee; and the Satellite Communications Division worked together to assure the broadest range of industry views on the issues raised in the NPRM could be brought together -- particular taking into account the impact on the testing community. The goals of the TIA participants who contributed to this document are to support the U.S. government in effecting the regulatory reform necessary to comply with the terms of mutual recognition agreements in place and being negotiated; provide expert technical advice to the U.S. government; reform when appropriate; and provide broad industry support through alliances with domestic and international associations.

matter of the 1998 Biennial Regulatory Review -- Amendment of Parts 2, 25, and 68 of the Commission's Rules to Further Streamline the Equipment Authorization Process for Radio Frequency Equipment, Modify the Equipment Authorization Process for Telephone Terminal Equipment, Implement Mutual Recognition Agreements and Begin Implementation of the Global Mobile Personal Communications by Satellite ("GMPCS") Arrangements, released May 18, 1998, GEN Docket 98-68, FCC 98-62, 63 Fed. Reg. 31685 (June 10, 1998).

TIA has actively supported the United States ("U.S.") government in its negotiation of both the European Union ("EU") Mutual Recognition Agreement ("MRA") and the Asia Pacific Economic Cooperation ("APEC") Mutual Recognition Arrangement ("MRA"). TIA stands ready to continue this support in the implementation of these MRAs and the negotiation of MRAs in the Americas and other regions.

TIA comments follow the format of the NPRM referring to the relevant paragraphs and numbers and responding to areas where the FCC seeks input. In addition, TIA offers amendments to Appendix A, which are also discussed in its Comments where appropriate. The amendments proposed by TIA to Part 2 contained herein (see Appendix A) are identical to amendments proposed to Part 68. No new amendments to Part 25 have been proposed.

I. The FCC should consider moving mature radio technologies products and low-power devices to a Suppliers' Declaration of Conformity ("SDOC") process in future proceedings (Paragraph 11).

As with the ET Docket No. 97-94, TIA urges the FCC to continue a review of products subject to its regulation to identify those mature technologies which have a good

track record for compliance or are low-power devices and move them, as appropriate, towards a system of SDOC in future proceedings. This streamlining, however, must be accomplished recognizing the private sector's desire to facilitate acceptance of U.S. products by foreign markets.

II. The Commission should provide concrete qualification criteria for Telecommunications Certification Bodies ("TCBs") and Testing Laboratories (Paragraph 12).

TIA agrees with the intent of the Commission's proposed Section 2.962(b)(3) requiring International Organization for Standardization/International Electrotechnical Commission ("ISO/IEC") Guide 25 compliance, and has offered amendments (see the attached Appendix A) which are intended to clarify the scope of accreditation, remove unnecessary burdens, and minimize costs.

TIA agrees that ISO Guide 65 should be the primary criteria for the qualification of certification bodies. However, the Guide must be applied in its entirety so that such qualification can be accepted both domestically and internationally. A partial application of the Guide will lead to the preclusion of the universal acceptance of such a qualification.

An important concern as the FCC moves forward is the status of both independent and manufacturer test labs which can now submit test results for certain equipment (e.g., under Parts 22, 68, 90, etc.) without formal Guide 25 accreditation. TIA therefore requests the FCC to indicate whether such labs will be authorized to continue testing this equipment under a "grandfather clause." The grandfathering period begin with the adoption of the order and not exceed 24 months.

TIA supports the Commission's suggestion that TCBs be required to participate in consultative activities identified by the Commission for establishing a common understanding and interpretation of applicable regulations. TIA believes that in many cases, TIA's Formulating Groups would be an appropriate forum for these activities. For example, the scope of TIA Engineering Subcommittee TR-41.9 includes interpretations of Part 68 terminal attachment requirements and it has worked constructively with the Commission for the last eight years. Other forums outside the TIA may offer similar opportunities.

III. The Commission should allow for other appropriate accrediting bodies (Paragraph 14).

The FCC proposes that TCBs be accredited by the National Institute of Standards and Technology ("NIST") under the National Voluntary Conformity Assessment Systems Evaluation ("NVCASE") program and invites comments regarding such accreditation. The FCC also requests comments on its being an alternative to NIST for accreditation of TCBs. TIA believes that existing private sector organizations should not be precluded from playing a role in the accreditation of certification bodies. TIA believes that NIST should, in accordance with procedures, allow other appropriate qualified accrediting bodies to accredit TCBs and testing laboratories (see Sections 2.960(a) and 68.230(a)).

IV. The Commission should provide for adequate due-process protection for TCBs in enforcement and monitoring of TCB standards and performance (Paragraph 15).

TIA believes that the role of the FCC is to provide oversight and direction, but not to the extent that it would adversely impact on the streamlining effect of privatizing the

process. TIA supports the concept that disciplinary action taken against a TCB should not affect previously certified equipment provided the equipment continues to conform to existing regulations. In addition, TIA supports due-process provisions for TCBs. New due-process provisions have been proposed for addition to Sections 2.962(g) and 68.232(g).

V. The Commission should implement its program in such a way as to ensure uniformity, equivalence, access to information, clarity with respect to subcontracting, and mandated surveillance activities (Paragraph 17).

The Commission states that it recognizes that there are a number of details with respect to the designation of TCBs for certification of product compliance that must be addressed before TCBs can be allowed to certify equipment. TIA believes that the FCC must select a uniform method by which authorized private certification bodies are identified once those organizations have fulfilled all of the appropriate requirements to be a TCB. In addition, TIA suggests that the FCC provide a current list of all such authorized bodies, accessible to manufacturers, consumers, foreign customs officials, other foreign regulatory agencies, and the general public available in both electronic and hard copy so as to remain up-to-date.

Further, TCB grants must be exactly equivalent to FCC grants under this proposal. Traditionally, manufacturers have relied on an FCC grant to facilitate export of their products to foreign markets. Foreign customs officials and other regulators recognize and accept such FCC grants as a matter of course. TIA proposes the following ways to achieve exact equivalence:

1. The TCB grant shall state that the TCB is FCC designated; and

2. The FCC publishes a letter on FCC letterhead listing current TCBs for use by the exporter (see amended Sections 2.962(d)(3) and (f) and Sections 68.232(d)(3) and (f)).

In regard to sub-paragraph (f), TIA would like to clarify its understanding that "subcontractors" may include applicants' own testing facilities. TIA has proposed an amended Sections 2.962(f)(1) and 68.232(f)(1) regarding information that the TCB will provide to the Commission upon equipment certification. TIA believes this should be sufficient for maintaining the database. If the Commission feels that it needs additional information following certification, the FCC can request a complete copy of the certification grant from the applicant. TIA will be willing to work with the Commission to refine this proposal.

In regard to sub-paragraph (h), TIA is concerned about the status of certification requests under Part 68, for which there is currently no electronic filing option. The existing centralized database maintained by the FCC should be rethought in conjunction with the need to accommodate multiple certification bodies in different economies. Given the proposed new certification scheme, TIA would like to take this opportunity to offer to work with the FCC on the proposed "common database" in order to develop a system that is viable, easily accessible, and meets the needs of both the public and private sectors. In addition, TIA notes that if the maintenance of the database will be the sole responsibility of the FCC, then the Commission must identify and allocate the appropriate human, financial, capital, and other resources to keep the system current and functional.

TIA supports the FCC proposal in new Sections 2.960(f)(3) and 68.230(f)(3), as amended in these Comments. However, TIA requests that the FCC clarify that such surveillance that is mandated will not place a burden on industry that is greater than the certification system used at present.

VI. The Commission should be flexible regarding delegation of responsibilities to the TCBs (Paragraph 18).

The Commission states that while it proposes to empower TCBs with the authority to certify equipment, it believes that certain functions related to certification should not be delegated by the Commission. TIA agrees that there are certain functions that should not be delegated to TCBs (e.g., TCBs may not waive FCC rules or take enforcement action). However, TIA believes that TCBs should be allowed to authorize transfers of control of grants of certification and perform re-registration that they are currently allowed to perform. TIA also agrees that TCBs must refer to the FCC any matters of non compliance they become aware of. TIA believes that Guidelines on TCBs' authority to certify equipment should be part of the regulations as reflected in TIA's Comments above.

VII. The Commission should allow accelerated TCB certification of equipment through the use of joint public-private sector working groups (Paragraph 19).

TIA encourages the FCC to develop a joint public-private sector working group that will include accrediting organizations both public and private, prospective telecommunications certification bodies, laboratories and manufacturers in order to make

the transition to private certification as efficient as possible. Additionally, TIA suggests that the 24-month period identified in this provision be considered a maximum, and that the FCC should maintain the flexibility to reduce the duration of the transition if appropriate. In particular, the transition period of this rulemaking must mesh appropriately with the transition periods of recently adopted MRAs.

VIII. The Commission should retain its capability to evaluate telecommunications equipment until a competitive market for equipment certification is established (Paragraph 20).

Initially, TIA suggests that the FCC maintain the capability to evaluate telecommunications equipment. Nevertheless, TIA believes that the certification system must ultimately reside solely within the private sector realm so as to eliminate confusion and unnecessary complexity. It is TIA's belief that a two-tier system would be ineffectual in achieving the goal of streamlining. However, TIA recommends that the FCC retain its certification authority until a competitive market for equipment certification is established, for example, when two or more TCBs are accredited with adequate capacity to handle the projected load. Additionally, TIA requests that the FCC proactively foster competition so as to produce the most efficient and cost-effective private sector certification system possible.

If for certain types of equipment no private sector certification bodies show interest in becoming accredited, then the FCC will, by necessity, have to retain its current system for that equipment. TIA recommends that the FCC remain as certifier until such time as an adequate number of certification bodies for a particular type of equipment arises, and a competitive market for equipment certification can be ensured.

IX. The Commission should conform to international terminology and streamline product identification (Paragraph 22).

The Commission seeks comment on the specific activities that certification bodies in the United States should be empowered to perform on behalf of domestic manufacturers and suppliers with respect to Part 68 certification and registration of products marketed in the United States, and specifically whether certification bodies should be permitted to perform conformance assessment, certification, and registration activities. TIA disagrees with the FCC decision to distinguish separately between certification and registration. Because no such distinction exists in MRAs, TIA believes that the FCC should do away with the use of the term "registration" and expand the definition of "certification" to include all activities whose purpose is to evaluate test results and provide approval for a product to enter the marketplace and/or for connection to the network. Additionally, TIA feels that the unique Part 68 FCC identifier is in itself duplicative to other identifiers, costly, and burdensome to both the Commission and the industry. Also, once authority to certify equipment is delegated to others, this identifier would be difficult to administer.

X. The Commission should develop uniform forms for transmission of test data through industry fora (Paragraph 24).

TIA is opposed to the mandatory use of existing Form FCC 730 methodology for the transmission of test data to the designated certification bodies for equipment certification purposes. TIA suggests instead that certification bodies should participate in

industry activities such as TIA's previously identified industry Formulating Groups, such as Engineering Subcommittee TR-41.9, and other committees where uniform forms for transmission of test data can be developed. TIA strongly believes, however, that the certification document issued by the TCB be in the same format as the current FCC grant in order to facilitate access into markets traditionally accepting FCC grants as evidence of compliance (see proposed text for Sections 2.962(f)(1) and 68.232(f)(1)).

XI. The Commission should provide for a 30-day comment period prior to recognition of any foreign TCB (Paragraph 30).

It is TIA's understanding that, under the U.S.-EU MRA, NIST-designated laboratories are necessary only to establish competence to test for the radio and terminal attachment directives of the EU. In order to keep costs down, TIA believes that NIST's oversight of conformity assessment bodies should take into account existing accreditations, either through private or public accrediting organizations. Further, TIA has provided a new procedure for recognition for foreign TCBs. New language has been proposed for Sections 2.962(e) and 68.232(e) that address this issue. The Commission originally addressed this issue in Sections 2.962(d)(1) and 68.232(d)(1). TIA feels that this issue should be addressed as a separate subsection to differentiate it from domestic TCBs.

XII. With respect to administration of the U.S.-EU MRA, the Commission should ensure an active role for the private sector and protect TCBs through proper due process (Paragraph 31).

TIA requests that, in formulating the Joint Sectorial Committee (“JSC”), the U.S. Federal authorities ensure an active role for U.S. private sector organizations -- including manufacturers and testing bodies – for example, as specified in Section 7(3.1) of the U.S.-EU MRA.

In development of its policies regarding ongoing compliance of certification bodies, TIA requests that the U.S. Government refer to specific language regarding due process that is included in the U.S.-EU MRA. The MRA should remain the ultimate authority and any guidance documents should be developed so as to be consistent with the agreement. TIA does not believe that it will be necessary for the FCC to develop any new additional requirements regarding compliance of such bodies. TIA has developed due-process protections consistent with existing MRAs for domestic application. The proposed amendments protect TCBs and applicants from arbitrary and capricious claims regarding TCB competence or product noncompliance (see proposed new Sections 2.962(g) and 68.232(g)).

XIII. The Commission should allow for bi-lateral agreements on mutual recognition of equipment certification (Paragraph 33).

TIA approves of the approach laid out by the FCC regarding its process for granting permission for bodies in MRA partner countries to certify equipment subject to Parts 2, 15, and 18, and to register equipment in conformance with Part 68, as being

consistent with the existing and future mutual recognition agreements. However, this language should be amended to include the addition of economies entering into bi-lateral agreements with the U.S. pursuant to the framework of the APEC Mutual Recognition Arrangement and other potential agreements.

XIV. The Commission should continue its leadership role in the negotiation and implementation of MRAs (Paragraphs 34 - 36).

TIA applauds the efforts of the FCC in assisting with the successful conclusion of MRAs with the EU and APEC partners and encourages the FCC's continued cooperation with other U.S agencies as mutual recognition agreements are developed in additional regions of the world.

TIA feels that the continued leadership of the FCC will be crucial to the development of MRAs with additional regions. Specifically, governments participating in the Santiago Summit of the Americas approved the development of an Americas Telecom MRA, and the Interamerican Telecommunication Commission ("CITEL") has already begun the process by which a consensus document will be developed. That process must include participation by the FCC at all appropriate stages if it is to be successful in achieving the goals of industry and in encouraging the broadest possible participation by countries throughout the region.

XV. The GMPCS –Memorandum of Understanding (“MoU”) and arrangements (Paragraphs 37 - 46).

TIA supports the Commission’s proposals with regard to interim certification of GMPCS equipment. It has been the experience of TIA member companies that FCC equipment certification is recognized in numerous countries around the world and, therefore, will facilitate the implementation of GMPCS systems. As a signatory of the GMPCS-MoU, TIA also urges the Commission to move quickly to initiate its proceeding on domestic implementation of the Arrangements. TIA agrees with the Commission that the GMPCS-MoU implementation proceeding should, among other things, focus on the appropriate technical requirements for all types of GMPCS terminals.

With respect to the interim technical requirements applicable to Big Low Earth Orbit (“LEO”) terminals discussed in paragraphs 43-45 of the NPRM, TIA notes that on June 26, 1998, LSC, Inc. (“LSC”) filed “Comments on Protection for Global Positioning Systems (“GPS”)/GLONASS Radionavigation Systems” in response to the NPRM. LSC argues that the out-of-band emission limits referred to by the Commission at paragraphs 44-45 of the NPRM “will likely prove inadequate for protecting GPS and GLONASS radionavigation systems from excessive desensitization.” LSC Comments at 1. These arguments, and the proposals LSC presents for increased protection to the GPS, are simply inappropriately raised in the context of this proceeding and should be disregarded. If considered here, they would unnecessarily complicate a proceeding that is focused on establishing a process to permit interim certification of GMPCS equipment, and they

would indefinitely delay global distribution of mobile earth terminals – and global implementation of satellite services generally.

In the NPRM, the Commission stated that GMPCS equipment voluntarily submitted for certification would have to meet all of the relevant Part 25 and Part 1 standards concerning frequency range, tolerance, out-of-band emission, spurious emission limits to protect GPS, and radiation hazards. NPRM at para. 45. The Commission noted that several international and domestic organizations have proposed requirements for protecting radionavigation systems, beyond those included for GPS in Section 25.213 of the Rules, concerning both suppression of emissions below 1610 MHz and preventing harmful interference from Big LEO systems operating in the adjacent 1610-1626.5 MHz band. Id.

In September 1997, the National Telecommunications and Information Administration (“NTIA”) petitioned the Commission to amend Part 25 to incorporate additional limits to protect Global Navigation Satellite System (“GNSS”) equipment operating within the 1559-1605 MHz radionavigation satellite service band. The NTIA suggested that, for Mobile Satellite Service (“MSS”) mobile earth terminals operating in the 1610-1660.5 MHz band, out-of-band signals must ultimately be limited to –70 dBW/MHz for wide band emissions and –80 dBW/700 Hz for narrow band emissions in the 1559-1605 MHz range. The Commission stated that it “will initiate a separate rule making to consider the NTIA proposal.” NPRM at para. 44. The Commission also stated that it “will be conditioning . . . interim approval for GMPCS terminal equipment operating in the band 1610-1626.5 MHz on the ability for the application to meet the

strictest out-of-band emission limit proposed at this time, specifically, NTIA's out-of-band emission limit[s]” NPRM at para. 45.

The issues circumscribed by the NTIA petition and which will be addressed in the Commission's forthcoming Notice of Proposed Rulemaking in response to RM-9165 are intended to resolve any out-of-band emission questions concerning protection to GNSS, including GPS. Nothing in the Commission's discussion in the current NPRM solicits or requires discussion concerning the adequacy of current or proposed GNSS protection standards. Those issues are specifically reserved for the Notice of Proposed Rulemaking that will be issued in response to RM-9165. Accordingly, LSC's comments, which raise alternative standards to those proposed by NTIA's in RM-9165, should not be considered in this docket.

XVI. The Commission should consider TCBs as part of its Initial Regulatory Flexibility Analysis (“IRFA”) (Paragraphs 34 - 36).

TIA believes that the FCC, in implementing this streamlining process, may need to take into account the effects of rules not only on small manufacturers, but also on small companies in the testing and certification sectors.

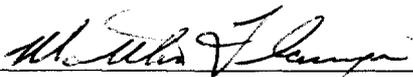
CONCLUSION

Streamlining the equipment certification process while maintaining safety to consumers, users, and the public switched network has important positive consequences for the U.S. economy. Decreasing the time to market benefits both industry and

consumers alike by providing new technologies to end users more quickly and at lower cost. Along this line, TIA encourages the FCC to allow the use of a supplier's declaration of conformity, as opposed to certification only by type testing, for many more categories of equipment. Modifying the FCC's process to enable participation in mutual recognition agreements also enhances U.S. manufacturers' access to the international marketplace. TIA strongly supports the Commission's effort in this NPRM and applauds the streamlining of the equipment authorization process with the goal of eliminating delays in the time to market caused by lengthy, duplicative, or unnecessary testing and review.

Respectfully submitted,

Telecommunications Industry Association

By: 

Matthew Flanigan, President
Dan Bart, Vice President, Standards
and Technology

Allen Groh, Chair, Technical and
Regulatory Reform Task Force
Pierre Adornato, Chair, TR41.2
Anh Wride, Chair, TR41.9
Tom Brackey, Chair, Satellite
Communications Division

2500 Wilson Blvd, Suite 300
Arlington, VA 22201

July 27, 1998

703-907-7703

APPENDIX A (As Amended by TIA)

PROPOSED RULE CHANGES

Title 47 of the Code of Federal Regulations Parts 2, is proposed to be amended as follows:

1. The authority citation for Part 2 continues to read as follows:

AUTHORITY: Sections 4, 302, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154, 154(i), 302, 303, 303(r), and 307, unless otherwise noted.

2. A new Section 2.960 is added to read as follows:

Section 2.960 *Designation of Telecommunication Certification Bodies (TCBs)*

Parties other than the Commission may be designated to ~~approve~~ certify equipment. These parties will be referred to as "Telecommunication Certification Bodies" or TCBs. Certification of equipment by a TCB must be based on an application with the all the information specified in this part. The TCB must process the application to determine whether the product meets the FCC requirements and must issue a written grant of equipment authorization.

(a) The Federal Communications Commission is the Designating Authority for designating TCBs in the United States to approve equipment subject to certification. The FCC will require TCBs to be accredited by qualified accrediting organizations operating to the requirements of Guide 61 and Guide 58 as appropriate. ~~The National Institute of Standards and Technology (NIST) under its National Voluntary Conformity Assessment Evaluation (NVCASE) program to show compliance with the Commission's qualification criteria for TCBs. NIST may, in accordance with its procedures, allow other appropriately qualified accrediting bodies to accredit TCBs and testing laboratories.~~ TCBs must comply with the requirements in §2.962 of this Part.

(b) In accordance with the terms of a Mutual Recognition Agreement or Arrangement (MRA), bodies outside the United States will be permitted to ~~authorize~~ certify equipment in lieu of the FCC. The authority designating these telecommunication certification bodies must meet the following criteria.

(1) The organization accrediting the prospective telecommunication certification body shall be capable of meeting the requirements and conditions of ISO/IEC Guide 61.

(2) The organization assessing the telecommunication certification body shall appoint a team of qualified experts to perform the assessment covering all of the elements within the scope of accreditation. For assessment of telecommunications equipment, the areas of expertise to be used during the assessment shall include, but not be limited to electromagnetic compatibility and telecommunications equipment (wired and wireless).