

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

In the Matter of	)	
	)	
Amendment of Parts 1, 2, 22, 24, 27, 90 and 95	)	WT Docket 10-4
Of the Commission's Rules to Improve Wireless	)	
Coverage Through the Use of Signal Boosters	)	
	)	
Request by Kathrein Automotive GmbH & Co. KG	)	DA 15-834
For Waiver of Section 20.21 of the	)	
Commission's Rules	)	

REPLY COMMENTS OF AT&T

AT&T Services Inc., on behalf of itself and its affiliates (“AT&T”), hereby submits reply comments to the Federal Communications Commission’s (“FCC” or “Commission”) request for comment on the petition<sup>1</sup> of Kathrein Automotive GmbH & Co. KG (“Kathrein”). Kathrein seeks a waiver for equipment certification of, and permission to market, a signal booster without meeting the Commission’s anti-oscillation and labeling requirements.<sup>2</sup> The signal booster in question, which Kathrein refers to as a “compensator,” is a device for the amplification of mobile phone signals in vehicles. Kathrein requests the waiver on the ground that its compensator is inherently oscillation proof and thus complies with the intent of the rule. In addition, because of how the device will be installed in consumer’s cars, Kathrein also seeks relief from the mitigation and labelling requirements as well. For the reasons that follow, AT&T urges the Commission to deny Kathrein’s request for a waiver of the rules.

**1. The Signal Booster Rules Are the Result of Significant Effort to Develop Technical Requirements That Meet the Needs of Multiple Parties. Those Rules Should be Respected and Followed.**

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<sup>1</sup> Hereafter, “Kathrein Petition.”

<sup>2</sup> Specifically, 47 C.F.R. § 20.21(e)(5) and § 20.21(t)(1)(3) and (4).

The signal booster proceeding was contentious and the resulting rules are the product of a great many written and technical submissions as well as face-to-face to meetings over an extended period of time. Carriers were, and continue to be, concerned about the potential of signal boosters to disrupt their customers' communications.

Given the hard work and negotiation needed to arrive at a compromise, AT&T is unwilling to countenance a deviation from the technical rules that resulted from that proceeding. Those rules provide carriers with some basic assurance that consumer boosters will operate in a manner that does not produce harmful interference to wireless customers. A key part of that assurance are the compliance checks to which signal boosters must conform. To create an exception to the hard won technical regime so early in the regulatory process strikes AT&T as imprudent because there are undoubtedly other manufacturers who are also ready to make similar claims, thereby putting the rules at risk of being swallowed by exceptions.

Kathrein itself does not claim that it cannot comply with the rule, only that it does not think it should have to do so. AT&T believes that the compliance procedure adopted by the Commission with the support of wireless carriers should be followed to ensure that wireless customers' service will not suffer degradation or harm.

## **2. Kathrein's Request for a Waiver of the Commission's Labeling Rule Should be Denied.**

Kathrein also seeks a waiver of the Commission's labeling rule.<sup>3</sup> This rule requires that booster manufacturers provide consumers with specific consumer advice about the booster. The rule requires this information to be presented in four ways: 1) in on-line, point of sale marketing materials; 2) on print or on-line owner's manuals or installation instructions; 3) on the device packaging; and 4) on the device label. Kathrein argues that these methods are inapplicable to its

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<sup>3</sup> 47 C.F.R. § 20.21(f).

device because the compensator will be sold to automobile manufacturers who will install the device in cars, typically in locations inaccessible to consumers.<sup>4</sup> As a remedy, Kathrein proposes

[T]hat it provide an advisory notice to the automobile manufacturers, who would then ensure that the language is placed in all on-line, point of sale marketing materials and on print or on-line owner's manuals. As a condition of the waiver, Kathrein will bind automobile manufacturers by contract to ensure that their dealers provide this notice to the consumer.<sup>5</sup>

AT&T appreciates the labeling problems that Kathrein faces as a result of the compensator's form factors and the means of its distribution. However, other products with similar limitations of installation and accessibility, such as premium sound systems or GPS maps, provide their consumers with manuals and live instruction by arrangement with the auto-makers and their dealers. AT&T urges the Commission to require Kathrein to follow this approach so that whenever a consumer takes delivery of an auto outfitted with a compensator, the car buyer will be handed the manual and given an overview of the device's operation and the consumer's responsibilities. AT&T would be willing to support the waiver of the Commission's labeling rule if, like Audi, dealers give the notice to consumers on a separate page at the time of delivery in addition to the Kathrein proposal.

Finally, the printed consumer materials and the overview of the device's operation should prominently explain to the car buyer how to shut down the device if it is causing harmful interference. No matter how unlikely Kathrein views such an event, it is, from a carrier's point of view, essential that a signal booster can be turned off quickly and easily if it is causing harmful interference to wireless communications. As the Commission knows, this was one of the key concerns of wireless carriers during the negotiations because almost all wireless carriers have

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<sup>4</sup> "Because the Kathrein compensator will be sold only to resellers (automobile manufacturers) rather than directly to consumers, and because the compensator is installed in locations not accessible to consumers, Kathrein seeks waiver of this rule." Kathrein Petition at 9.

<sup>5</sup> Kathrein Petition at 9-10.

had unhappy experiences locating a malfunctioning consumer signal booster and then trying to take it out of operation. This requirement is critical to the regulatory regime adopted to introduce signal boosters into the wireless space and AT&T urges the Commission not to undercut the rule.

#### CONCLUSION

For the forgoing reasons, AT&T urges the Commission to deny Kathrein's request for a waiver of 47 C.F.R. § 20.21(e)(5) and § 20.21(t)(1)(3) and (4) of the FCC's rules.

Respectfully submitted,



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