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

In the Matter of	)	
Amendment of Parts 0, 1, 2, 15 and 18 of the Commission's Rules regarding Authorization of Radiofrequency Equipment	)	ET Docket No. 15-170
Request for the Allowance of Optional Electronic Labeling for Wireless Devices	)	RM-11673

To: The Commission

COMMENTS OF GARMIN INTERNATIONAL, INC.

Garmin International, Inc. ("Garmin"), by its attorneys, hereby submits its comments in response to the Notice of Proposed Rulemaking ("NPRM") in the above-captioned proceeding.[1] For the last 25 years, Garmin has been a worldwide leader in satellite navigation, setting the bar for personal navigation devices by creating superior products essential to its customers' lives. The company designs, develops, manufactures, and markets a diverse family of handheld, portable, wearable, and fixed-mounted GPS-enabled products for the automotive/mobile, outdoor/fitness, marine, and general aviation markets. Garmin generally supports the Commission's efforts to update its rules governing the evaluation and approval of RF devices.

Garmin's comments will highlight four areas addressed in the NPRM: the combination of the Declaration of Conformity ("DoC") and verification processes, confidentiality for

[1] Notice of Proposed Rulemaking, Amendment of Parts 0, 1, 2, 15 and 18 of the Commission's Rules regarding Authorization of Radiofrequency Equipment (ET Dkt. No. 15-170), FCC 15-92, released July 21, 2015, 80 Fed. Reg. 46,900 (Aug. 6, 2015). These comments are timely filed pursuant to the extension granted by the FCC in Order, FCC 15-956, released Aug. 25, 2015, 80 Fed. Reg. 52,714 (Sept. 1, 2015).

commercially sensitive information, e-labeling reforms, and importation regulation. Proposed changes in these areas, which will streamline the equipment approval process and lessen regulatory burdens on device manufacturers, will help ensure that the FCC's equipment authorization scheme keeps pace with innovation and does not dampen U.S. manufacturers' competitiveness and deter the expansion of their businesses.

Unifying Self-Approval Processes. Garmin supports merger of the DoC and verification processes into one single procedure.[2] This proposal will simplify equipment authorization regimes, reduce confusion concerning the appropriate applicable process, and help ensure compliance with the FCC's rules. No longer requiring the use of an accredited testing laboratory will save both money and time, allowing manufacturers' resources to be focused on design and innovation initiatives.

Garmin does quibble, however, with the decision to call the single self-approval process "Supplier's Declaration of Conformity" or "SDoC." Garmin instead prefers retention of the term "Declaration of Conformity" or "DoC." Garmin does not believe this nomenclature will cause confusion in the future, because test reports will make clear which process is being used.

Currently, the DoC process requires use of an FCC logo on the equipment identification label, principally so consumers can identify equipment that meets the FCC's regulations, whereas no such logo is required for equipment subject to verification.[3] Garmin supports the FCC's proposed elimination of the required use of the specific logo, instead proposing that all devices within the scope of Part 2 would have to be labeled with the compliance statement currently specified in Section 15.19(a).[4] In Garmin's view, few buyers or consumers rely on this

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[2] NPRM ¶¶ 24-32.

[3] *See* 47 C.F.R. §§ 15.19(b) and 18.209.

[4] NPRM ¶ 31 and ¶ 94 n. 168.

logo as a mark of device approval. From a consumer perspective, addressing the issue with the compliance statement on the device (if there is sufficient space) or in the product manual or a package insert is more than adequate.

Confidentiality of Certification Applications. In its NPRM, the FCC proposes different procedures for short-term and long-term confidentiality. For short-term confidentiality, the FCC proposes to codify the procedures it has had in place for over a decade, granting short-term confidentiality for 45 days upon an applicant's request, with extensions available for up to a total of 180 days.[5] The FCC currently also requires an applicant to identify the specific exhibits associated with an application for certification for which short-term protection is requested; going forward, the FCC does not propose to grant confidentiality to information such as test reports and test set-up information that demonstrates compliance with FCC technical rules.[6] As an alternative to codifying its current practices, the FCC asks whether short-term confidentiality should be conferred automatically for some or all exhibits without specific requests from applicants.[7]

Garmin fully supports the FCC's alternative proposal for automatic short-term confidentiality. As the FCC notes, in reality, short-term confidentiality has become the *de facto* process for ensuring market-sensitive information remains protected prior to equipment becoming publicly available. In the NPRM, the FCC asks what application exhibits should automatically be protected under short-term confidentiality. Garmin supports automatic short-term confidentiality for the types of exhibits listed in KD 726920 – namely, block diagrams,

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[5] *See* Public Notice, OET Equipment Authorization System Upgrade Permits Electronic Submitting of Short-Term Confidentiality Requests, 19 FCC Rcd 10647 (OET, 2004), which sets forth the procedures.

[6] NPRM at ¶¶ 84-85.

[7] *Id.* at ¶ 86.

schematics, test set-up photos, user's manuals, internal photos, parts lists/tune-up information, and operational descriptions.[8]

With respect to long-term confidentiality, Garmin takes a similar position. In the NPRM, the FCC proposes to provide long-term confidentiality automatically for the following types of exhibits: schematics, block diagrams, operational descriptions, and parts lists/tune-up information.[9] Garmin supports the FCC's proposal because today the vast majority of equipment authorization applications are accompanied by long-term confidentiality requests for certain exhibits, and such requests are routinely granted. Garmin would also like to make explicit that the list of covered information would also include tuning parameters and software operation of the device.[10]

Electronic Labeling. As directed by the recently adopted Enhance Labeling, Accessing, and Branding of Electronic Licenses Act of 214 ("E-LABEL Act"),[11] the FCC's NPRM proposes to codify electronic labeling procedures that the agency has already been permitting in certain circumstances, thereby extending them to more devices.[12] Under the proposals, RF devices with integrated displays would generally be allowed to electronically display any labels required by the FCC's rules, such as the FCC ID required by the certification rules as well as other information that the FCC's rules require be placed in a physical label on a device.

Garmin spends extensive resources ensuring compliance with the labeling required in the FCC's equipment authorization rules and generally supports electronic labeling and the specific

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[8] *Id.* at ¶ 85.

[9] *Id.* at ¶ 88.

[10] *Id.* ¶ 87 n. 154.

[11] *See* E-LABEL Act, PUB. L. NO. 113-197 (Nov. 26, 2014).

[12] NPRM at ¶¶ 93-107.

requirements that the FCC proposes in the NPRM for its implementation.[13] Garmin believes that these changes will save resources without jeopardizing consumer education or compliance.

Garmin also supports the FCC's suggestion in the NPRM that the agency allow devices that rely on a wireless or remote connection and have no electronic display capability themselves to use an electronic label that is accessible via a connected device, such as a smartphone, a web interface, or other network connection.[14] Garmin has had success with electronic labeling in contexts other than FCC requirements, such as in providing serial numbers and software versions via remotely connected devices with displays, and it urges the FCC to broaden its e-Labeling initiatives.[15]

Importation Issues. In the NPRM, the FCC addresses a number of changes to its equipment authorization rules related to importation issues.[16] Garmin supports the adoption of any changes that would eliminate or lessen filing burdens associated with the FCC's importation rules. In particular, Garmin supports the FCC's proposal to eliminate the Form 740 filing requirement.[17] Garmin cannot point to any benefits that would flow from continuing to collect the Form 740 information or any harms to the FCC's equipment authorization objectives that would result from its elimination. As the NPRM notes, much of the Form 740 information is collected by U.S. Customs and Border Protection in the routine information CBP collects for all

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[13] *See id.* ¶¶ 97-106.

[14] *Id.* at ¶ 102.

[15] The E-LABEL Act does not prevent the FCC from broadening the e-label rules in this way. While the E-LABEL Act requires the FCC to adopt rules permitting e-labeling for devices with integrated displays, it does not include any provision that prevents the FCC from extending e-labeling to other devices. Indeed, it includes a specific savings clause that states that it "shall not be construed" to affect the authority set forth in 47 U.S.C. § 302a "to provide for electronic labeling of devices." PUB. L. NO. 113-197, § 4.

[16] NPRM ¶¶ 116-126.

[17] *Id.* at ¶ 119-121.

imported goods.[18] Given that, continued submission of FCC Form 740 declarations is unnecessary as a deterrent to illegal importation.[19]

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In conclusion, Garmin commends the FCC for its thorough review of possible reform of many of its equipment authorization procedures and urges the FCC promptly to adopt the changes discussed above.

Very truly yours,

GARMIN INTERNATIONAL, INC.

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[18] *Id.* at ¶ 119.

[19] *Id.* at ¶ 121.