

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 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

ALCATEL-LUCENT COMMENTS

1. On July 17, 2015, the Commission adopted the subject Notice of Proposed Rulemaking (Proposal) to help it to “... *keep pace with the accelerating introduction of an ever expanding breadth of devices and products into the market place.*”¹ The comment and reply comment dates originally set as September 9, 2015 and September 22, 2015, were extended to October 9, 2015 and November 9, 2015, respectively by Mr. Julius P. Knapp, Chief of the Office of Engineering and Technology on August 25, 2015.²
2. The comments submitted herein are on behalf of Alcatel-Lucent (ALU), a large manufacturer of telecommunication equipment. ALU has manufacturing, marketing and test facilities in the United States. ALU commends and supports most of the Proposal in this second recent proceeding to updated and modernize the FCC equipment authorization program.

Nevertheless, ALU has comments to specific parts of the Proposal. Specifically, our

¹ See paragraph 1 of the Noticed of Proposed Rulemaking in this proceeding, *30 FCC Rcd 7725, 80 FR 46900*

² Order, DA 15-296

comments concern: (1) the new SDOC procedure; (2) responsible party requirements; (3) changes to certified equipment; (4) identification of equipment; (5) automatic and long term confidentiality of certain information; (6) certification of modular equipment; and TCB sample testing.

3. **Retain lab accreditation for equipment subject to SDOC.** In section A of the Proposal, the Commission intends to combined the verification and Declaration of Conformity (DOC) equipment authorization procedures on the grounds that: (1) both are self-approval procedures; (2) the test procedures are now adequately documented; and (3) there is minimal compliance concerns. While ALU agrees with combining these procedures into a new procedure to be called Supplier's Declaration of Conformity (SDOC), we strongly disagree with that part of the Proposal to remove the requirement for use of an accredited laboratory for testing equipment subject to DOC. In fact, we believe that this proposal is going in the wrong direction sending a signal that the Commission no longer cares about equipment subject to verification and DOC. In fact, such equipment has gotten more complex and the test procedure more complicated requiring the use of accredited laboratories, who have shown the necessary expertise to test such equipment. A laboratory in which there is no Mutual Recognition Agreement or Arrangement (MRA)³ should not be allowed to test equipment subject to SDOC. Allowing laboratories to perform tests without accreditation and an MRA in place places US accredited test laboratories at a disadvantage. There could very well be a number of both domestic and international laboratories who no longer will see the necessary of maintaining adequate facilities and personnel for testing such equipment.

³ See 47 CFR 2.948 that set forth the conditions for accepting test data from accredited test laboratories outside the United States under the terms of an MRA.

Moreover, there should be some accountability that equipment subject to SDOC is capable of complying with FCC requirements.

4. **Responsible party.** ALU agrees with and supports the Commission’s proposal “... *to require that all applications for certification include the contact information of a party located in United States that is responsible for compliance.*”⁴ However, we believe that the requirement should be in the Rules, as well as, in the application for certification to make it clear that the manufacturer or importer is responsible for compliance of the imported equipment. In the case, when a foreign entity ships a device without an intervening importer, we agree that entity should be held responsible the same as the importer. ALU also agrees that the sanctions for importing non-compliant equipment shall be strengthened and enforced. These actions would make for a more even playing field for all manufacturers and at the same protect consumers.

5. **Changes to certified equipment.** ALU agrees with and supports the proposal to update its rules for permissive changes to certified equipment.⁵ Specifically, we commend the concept of deleting the present benchmark of *electrically identical* with a new standard of that considers how the device differs from what was evaluated at the time of certification. The previous benchmark based on hardware-based RF devices with large, discrete components are difficult to apply to modern equipment, which is often designed with Large Scale Integration (LSI) components and software control functions to modify RF parameters. The new proposal continues with two types of permissive, but now clarifies when a Class I and

⁴ See *supra*, paragraph 75

⁵ See *supra*, paragraphs 47-57

Class II are required based new capabilities of the device or increase or decrease of the emissions. We support the proposed revision § 2.1043; however, it would helpful if clarification was added to state how the concepts of *family of product* and *modular transmitters* were handled under the new permissive change rules. We can envision manufacturer's seeking permissive changes to modular and family of devices. We recommend that both concepts be permitted as permissive changes.

6. **Family of products under single FCC ID.** ALU supports the Commission's proposal to permit a single FCC ID for a family of products that have similar design and operating characteristics as discussed in paragraphs 38 and 55 of the Proposal. We also believe that products with similar design, but operate in different frequency bands, should be permitted to be included in the same family. The reason for this is that a manufacturer often designs a product for one or multiple customers which own and/or operate in different frequent spectrum. These products usually have similarity in their electrical, physical and functional design and share the same block diagram, external photos and user's installation manual. If a single FCC ID is allowed, less filing work including the submitted exhibits will be required.

7. **Identification of equipment.** Although not included in the proposal, ALU recommends that §2.925(b)(1) be revised as follows: "... the FCC identifier assigned to any receiver section (if certified) shall be preceded by the term RX FCC ID ..." Most receivers are no longer certified and as a result the present language is confusing.⁶

⁶ See *supra*, § 15.101 of Appendix A of the Proposal

8. **Confidentially of certain information.** ALU agrees with the proposal to provide long-term confidentially automatically for certain application exhibits for all equipment authorizations.⁷ However, we believe the proposal does not go far enough. This proposal should also include certain internal photos and manuals for commercial products sold separately from the product. Internal photographs required on the components side of circuit boards with shielding removed should be provided automatic long term confidentially. These photographs disclose information and layout of components or parts used on the board, which are in fact trade secrets and should be automatically and indefinitely withhold from public inspection. With the help of high resolution digital cameras, some critical information on the board layout and design including parts used can be revealed by the internal photos with shielding removed. Some may even possibly reverse engineer a schematic or partial schematic from circuit board photos. Due to this concern, many manufacturers had purposely reduced the photo resolution and block the information on critical components used on the board. The schematics and parts list have been proposed by the Commission to be included in the list for automatic long-term confidentiality. Therefore, the exhibit required for the internal photos on the components side of circuit boards with shielding removed should be included in the list which is granted for long-term confidentiality automatically as well. Otherwise, some manufacturers may still choose to block critical information revealed on internal photos to protect their IP. This not only compromises the Commission's requirement, but also does not serve the purpose of requiring internal photos.

⁷ See *supra*, paragraphs 80-89

9. We also believe that the product manual, particularly for commercial products, submitted with the application, but which is not included with the product purchase and customers have to specifically order to obtain, and for products that are not available to general public and license is needed for operating the product, should be included in the list which is automatically and indefinitely withheld from public inspection. Site preparation, installation, operation instructions and maintenance are part of the “User’s manual”. These manuals are expensive to prepare and user may not pay the manufacturer if it is available free of charge from the FCC web-site.
10. **Certified modular devices.** ALU applauds the Commission’s proposal to codify the present procedures for modular transmitters. The new rules clarify the conditions for certifying a modular transmitters.⁸ Once a modular transmitter is approved, it may be used in variety of applications subject to certain conditions. For example, if a certified modular transmitter is installed in a host and if the modular transmitter is installed in compliance with all the conditions tested and established as part of certified modular transmitter’s grant of certification, a new certification would not be required for the resulting end product. ALU supports the Commission proposal to designate the certified modular transmitter grantee or the host provider as responsible for the end products that can be created by consumers who purchase such equipment.⁹ We agree that limits/conditions should be placed on the grant of certification to ensure that the transmitter module tested complies with the expected variation of the consumer product. The user’s manual should also clearly state the conditions and limitations (e.g., collocation applications and minimum separation distance from other

⁸ See § 2.1042 of Appendix A of the Proposal

⁹ See *supra*, paragraphs 60-68 of the Proposal

antennas) for compliance. We also support the proposal that a new certification would not be required for the end product as long as a certified modular transmitter is installed in an end product in accordance with the instruction or condition given in its certification grant. Many host provider applications may install an available certified modular wireless transmitter into the ending device to enable the connectivity instead of designing own transmitter. The Commission's proposal will reduce the certification cost and efforts for the end products.

11. **TCB sample testing.** As noted in paragraph 7 of the Proposal, a TCB is required pursuant to 2.962(g) to conduct post-market testing of a percentage of sample among all the devices that they certified. ALU believes that a TCB should post-market sample large products as well as small products to ensure a level playing field. This could be accomplished by witness testing at the manufacturer's facilities or at its own facility.

12. ALU commends the Commission on this well thought-out proposal and respectfully requests that its comments be considered in this proceeding.

Respectfully submitted,



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