



October 2, 2015

Submitted to: Federal Communications Commission's Web site: <http://apps.fcc.gov/ecfs/>

Federal Communications Commission
Attn: Mr. Brian Butler
Office of Engineering and Technology, Room 7-A267
445 12th Street SW
Washington, DC 20554

Subject: ET Docket No. 15-170; RM-11673, Equipment Authorization and Electronic Labeling for Wireless Devices

Dear Mr. Butler:

The Computing Technology Industry Association (CompTIA) is a non-profit trade association serving as the voice of the information technology industry. With approximately 2,000 member companies, 3,000 academic and training partners and nearly 2 million IT certifications issued, CompTIA is dedicated to advancing industry growth through educational programs, market research, networking events, professional certifications and public policy advocacy. Thank you for the opportunity to provide comments on this this proposed rule which includes updates to the rules that govern the evaluation and approval of RF devices. CompTIA has the following comments on the importation rules.

1. Importation Declaration

CompTIA members agree with the Federal Communication Commission's (FCC) proposal to discontinue the submission of the Form 740. However, we do not agree that doing so under the current proposal will achieve the FCC's policy goal to reduce substantial administrative burdens if the FCC's elimination of Form 740 simply shifts the burden of compliance to importers under Customs and Border Protection's (CBP) regulatory regime.

The Commission stated in the proposed rule, "compliance with our importation rules is implicitly addressed by the information already required by CBP." If the FCC is committed to eliminating administrative burdens for the Commission and for U.S. importers, the Commission should consider removal of § 2.1203 in its entirety as it results in duplicative data collection at "point of

import” and at “point of sale,” and places a significant burden on imported products that is not similarly borne by products that are manufactured domestically. Elimination of collection of these data elements would better achieve the Commission’s goal to substantially reduce the administrative burdens placed on industry, CBP and the FCC. CompTIA also notes that Importers are not always the responsible party for compliance with the FCC rules, therefore, the enforcement of the FCC rules should be the responsibility of the manufacturer, or the responsible party as defined under 47 CFR § 2.1073.

Additionally, it must be noted that CompTIA members are receiving conflicting information on exactly what data elements CBP will collect for compliance with the FCC rules once Form 740 is eliminated. CompTIA members request that the Commission provide the list of elements that importers would be required to submit to CBP to comply with FCC requirements under the proposed rule, so that industry can provide informed feedback regarding how this new rule would impact Industry’s administrative burden. Moreover, CompTIA members believe that Industry should be involved in any dialogue between FCC and CBP to determine the parameters and implementation of any changes to the current data collection regime, as industry has significant information and experience to contribute, including with respect to the construction of trusted trader programs that can greatly facilitate trade by rationalizing data collection. Finally, CompTIA cautions that any change to the current process and forms required at the border should be undertaken with sufficient consultation, coordination and testing to ensure that there will be no glitches in shipment processing.

In the event that the Commission determines it is not feasible at this time to completely eliminate § 2.1203, CompTIA recommends the Commission consider a further reduction in the elements of the proposed §2.1203 that could reduce the administrative burden for the Importer. The Importers are not always the manufacturer or the responsible party, but the burden of reporting the condition of the device, or in many cases locating the FCC ID number in situations when importing a device that has already obtained a grant certification, becomes an administrative burden on the Importer. As an example, CBP allows importers to apply Section 321 on low value importations under \$200 USD without the necessary product research required for purposes of CBP reporting. This regulation was put into place by CBP to reduce the administrative processing burden for both CBP and Importers. However, under the current FCC rules, Importers are required to submit product regulatory details regardless of value. This process undermines opportunity for the importer the benefit of Section 321 and must file an informal import declaration in order to research and declare FCC details at the time of transaction, regardless of value.

Therefore, CompTIA proposes to remove § 2.1203 (a) and (b) and keep a revised version of §2.1203 (c) of the FCC rules, whereby the Importer, consignee or its designated customs broker are required to maintain and produce importation records to CBP or to the FCC either on a semi-annual or upon request basis. CBP or the FCC should consider issuing certain benefits to this requirement to partners participating in established trusted trader practices or programs.

CompTIA believes this practice is aligned with the Commission's equipment authorization and importation requirements while supporting industry's endeavor to better enable and streamline its international trade activity.

[PROPOSED REVISION: §2.1203(c) *The Importer or ultimate consignee, or their designated customs broker must provide, upon request, made within one year of the date of entry, documentation on how an imported radio frequency device was determined to be in compliance with Commission requirements*].

Finally, CompTIA strongly recommends that the Commission partner with CBP to modify its existing rules, so that they are aligned. This includes periodic reporting, elimination of the transactional data collection, synchronizing FCC guidelines based on the Harmonized Tariff Schedule and provide exceptions to the FCC reporting requirements on low value, under \$200 importations.

2. Changes to Certified Equipment

In various areas of the Notice and under 47 CFR § 2.1073, the Commission defines "Responsible Party" as the manufacturer or the party responsible for the approval, certification or verification of the FCC technical standards. Under the current rules, the responsible party may market devices having different model/type numbers or trade names without additional authorization from the Commission, provided that the devices are "electrically identical" and the equipment bears an FCC ID validated by a grant certification. However, under the FCC Importation rules, it is currently the responsibility of the Importer, consignee or its designated customs broker to report the FCC ID on grant certified devices at the time of import.

In the NPRM, the Commission recommends the responsible party to include a US contact name. CompTIA proposes that in addition to the US contact information, the Commission should also require the manufacturer or responsible party to provide updated model numbers, device names, part numbers or trade names that are applied to existing FCC ID validated by a grant certification. The Commission should further enter the updated information onto the FCC ID database and made available to the public to enable Importers a system to view and validate manufacturer's model for grant certifications. In such situations, the manufacturer's model number should be sufficient information to be reported at the time of import for FCC importation purposes.

Enforcement should be made against the manufacturer or the responsible party for failure to report updated part numbers, model and tradenames applied to existing FCC ID validated by a grant certification.

CompTIA further recommends the FCC make very clear obligations on the importer only when the importer is the manufacturer. Importer status alone is not sufficient to result in a “responsible party” status under the Commission requirements.

3. Modification of Customs Bonded Warehouse Requirement

The use of a foreign trade zone or bonded facility for devices prior to the issuance of provisional grants of certification is highly favorable with the industry. The Commission should retain § 2.1201(c). In addition, to help reduce importer’s operating cost of a bonded facility, the Commission should consider allowing importers the option to manage the importation of such unauthorized devices in the importer’s facility. We also recommend enforcement of the FCC rules should be similar to the record keeping requirements enforced today with foreign trade zones or bonded facilities. Importer self-management and self-regulation will maximize supply chain efficiency while safeguarding legitimate regulatory objectives set out by the FCC.

4. Increasing the Number of Trade Show Devices

CompTIA agrees with the Commission’s proposal to increase tradeshow limit, however, the Commission should consider raising the import limit to 800 for all tradeshow and demonstration purposes and combine §2.1204(a)(4)(i) and §2.1204(a)(4)(ii) onto a single section to help reduce the importer’s administrative burden to determine if the imported tradeshow device is under a licensed spectrum or other.

5. Devices Imported for Personal Use

CompTIA requests the Commission raise the allowable number of personal devices to 10 devices as a result of the increasing number of linked or interconnected devices such as smartphone, tablet, laptop, smartwatch, smart bracelet and other wearables consistent with rapid technological growth. The Commission should amend the entry to allow for individual use to include any activity undertaken by an individual or corporation that where the device(s) is not intended for transfer or sale.

6. Proposed language change § 2.1204(a)(1)

CompTIA members are aligned with the Commission’s proposal to modify existing language under § 2.1204(a)(1), however; due to the proposed change to allow import prior to the issuance of a grant of certification, industry proposes to modify language under § 2.803(a). We recommend the FCC add, **§ 2.803(a)(3); *In the case of device that has been issued a provisional grant of certification, such devices may be imported prior to the issuance of a grant of certification.***

Thank you once again for the opportunity to provide comments on this proposed rule.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Montgomery". The signature is written in a cursive style with a large, looping initial "K" and a long, sweeping underline.

Ken Montgomery
Vice President, International Trade Regulation & Compliance