

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

In the Matter of)	
)	
Amendment of Parts 0, 1, 2, and 15 of the)	ET Docket No. 13-44
Commission’s Rules regarding Authorization of)	RM-11652
Radiofrequency Equipment)	
)	
Amendment of Part 68 regarding Approval)	
of Terminal Equipment by)	
Telecommunications Certification Bodies)	

To: The Commission

**COMMENTS OF HUAWEI TECHNOLOGIES, INC. (USA) and
HUAWEI TECHNOLOGIES CO., LTD.**

Huawei Technologies, Inc. (USA) and Huawei Technologies Co., Ltd. (collectively “Huawei”)¹ submit these comments in support of the petitions filed by the Telecommunications Industry Association (“TIA”) and Motorola Solutions, Inc. (“Motorola”)² with the Federal Communications Commission (“FCC”) requesting clarification and/or reconsideration of provisions in the Commission’s December 2014 *Report and Order*³ on requirements for

¹ Huawei Technologies, Inc. (USA), based in Plano, Texas, is a subsidiary of Huawei Technologies Co., Ltd., headquartered in Shenzhen, People’s Republic of China. Huawei is a global leader of information and communications technology (“ICT”) solutions. Continuous innovation based on customer needs drives our more than 170,000 employees globally—including 1,500 employees in the United States—in order to enhance customer experiences and create maximum value for telecommunications carriers, enterprises, and consumers. The company’s vision is to enrich life and improve efficiency through a better connected world. See <http://www.huawei.com/en/>.

² See *Petitions for Reconsideration of Action in Rulemaking Proceeding*, Public Notice, ET Docket 13-44, Report No. 3030 (rel. Oct. 22, 2015); *Petition for Clarification and/or Reconsideration of the Telecommunications Industry Association*, ET Docket No. 13-44 (filed July 13, 2015) (“TIA Petition”); *Petition for Clarification and Partial Reconsideration of Motorola Solutions, Inc.*, ET Docket No. 13-44 (filed July 13, 2015) (“Motorola Petition”).

³ See *In the Matter of Amendment of Parts 0, 1, 2 and 15 of the Commission’s Rules regarding Authorization of Radiofrequency Equipment; Amendment of Part 68 regarding Approval of Terminal Equipment by Telecommunications Certification Bodies*, Report and Order, FCC 14-208, ET Docket No. 13-44, RM-22652 (rel. Dec. 30, 2014) (“*Report and Order*”).

equipment testing laboratories under the FCC’s equipment authorization program. As a foreign-based manufacturer of radiofrequency (RF) equipment and supplier in the United States primarily to small and medium-sized carrier customers through its U.S. subsidiary, Huawei is directly impacted by the revisions made to the equipment authorization program rules.

Specifically, Huawei will be impacted with changes that limit FCC’s acceptance of accredited testing laboratories located in a country that does not have a Mutual Recognition Agreement (“MRA”) with the United States to only those labs accredited by an organization recognized by the Commission for performing accreditation in the country where the laboratory is located.⁴

Huawei concurs with the petitions that: insufficient detail has been provided on the process for recognizing laboratory accreditation bodies in non-MRA countries; uncertainty prevails for testing laboratories in non-MRA countries previously accredited by an FCC-recognized accreditation body located in a different country than the laboratory; and, until such time as the FCC provides clarification or new provisions to address these matters, the compliance date should be extended to avoid unnecessary disruptions in suppliers’ ability to meet carrier customer demand.⁵

Huawei believes that the public interest would be served by the reconsideration or expeditious clarification of the rules. That is, the Commission should ensure that suppliers, such as Huawei, can continue to test their equipment in accredited testing laboratories located in non-MRA countries—particularly laboratories that were accredited by an FCC-recognized accreditation body located in, for example, the United States—and fulfill the needs of their

⁴ *Report and Order* ¶ 48.

⁵ *See* TIA Petition at 7-11; *and see* Motorola Petition at 3, 6-8.

customers without interruption or disruption caused by the lack of clarity on the manner in which such laboratories can maintain and obtain FCC-recognition of their accreditation.⁶

Huawei greatly appreciates the FCC’s efforts to modernize the equipment authorization program, ensuring that its rules continue to effectively prevent harmful interference at a time when “America’s appetite for wireless broadband technology is surging.”⁷ The effectiveness of the FCC’s equipment authorization program has been essential to the introduction of new and innovative products and solutions in the wireless space, along with “the development of opportunistic technologies to enable dynamic shared access to spectrum.”⁸ With even more dynamic spectrum capabilities on the horizon through the research, development and commercialization of fifth-generation—or 5G—wireless services, FCC’s efforts to devise and implement a more efficient and robust authorization program will generate tremendous benefits throughout the mobile broadband ecosystem, including for consumers. Consequently, Huawei fully supports the underlying premise for revising the rules such that, “Requiring all laboratories that test equipment to the certification and DoC procedures under any rule part to be accredited is

⁶ Provisions in the *Report and Order* set forth requirements for the recognition of new accreditation bodies that apply regardless of whether an. *See* Report and Order ¶ 48. However, as noted in the Motorola Petition, establishing new accreditation bodies in non-MRA countries will be a “complex undertaking” and may be “infeasible without further guidance on what ultimately will be required, even if there exist sufficient human and technical resources.” Motorola Petition at 5-6. Given that “the rules do not provide a process for such recognition” of accredited laboratories in non-MRA countries, Huawei believes that such laboratories accredited by an accreditation body recognized by the FCC and either in the United States or another country with an MRA in place, should have the ability to continue testing equipment in order to demonstrate compliance with technical standards subject to Certification or to Declaration of Conformity under FCC rules, at least until clarification or reconsideration is provided. *Report and Order* ¶ 48.

⁷ *See Amendment of the Commission’s Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, Report and Order and Second Further Notice of Proposed Rulemaking, FCC 15-47, GN Docket No. 12-354 (rel. April 21, 2015) ¶ 9.

⁸ *See Id.* ¶ 10.

essential to maintaining the reliability of and confidence in [the] certification program in the face of increasingly complex technology and devices.”⁹

Huawei has operated a listed-FCC equipment testing laboratory at its global headquarters in Shenzhen, Longgang District of China for the past 15 years. The lab was first accredited in 2004 and maintains accreditation from the American Association of Laboratory Accreditation (A2LA), an FCC-recognized Test Firm Accrediting Body, based in Frederick, Maryland. The Huawei lab—known as Huawei’s Global Compliance and Testing Center (“GCTC”)—is accredited to be in compliance with ISO/IEC 17025 for the testing and certification of certain wireless equipment consistent with FCC requirements. Huawei only tests its own equipment in the lab and does not provide testing services to other manufacturers. Accreditation was obtained by the Huawei lab upon a rigorous review by A2LA of the lab’s “functions and capabilities, including the technical competence of its staff and quality assurance methods,” and “onsite inspections.”¹⁰ Huawei is proud to have achieved and maintain accreditation for the GCTC by this leading FCC-recognized U.S.-based accreditation body.

Under the rules promulgated by the FCC in December 2014, however, Huawei’s accredited testing laboratory is in a state of ambiguity given that accreditation of testing laboratories outside the United States is acceptable only if: a) the laboratory has been accredited by a foreign designating authority and recognized by the FCC under terms of a government-to-government MRA; or b) if the laboratory is located in a country that does not have an MRA with the United States, it must be accredited by an organization recognized by the FCC for

⁹ *Report and Order* ¶ 45.

¹⁰ *See Amendment of Part 68 regarding Approval of Terminal Equipment by Telecommunications Certification Bodies*, Notice of Proposed Rulemaking, 28 FCC Rcd 1627 (2013) ¶ 49 (describing requirements for testing laboratory accreditation) (“Proposed Rule”).

“performing accreditation in the country where the laboratory is located.”¹¹ Huawei’s testing laboratory is located in a country—China—that does not have an MRA with the United States; and despite the fact that Huawei’s testing laboratory is accredited by an FCC-recognized accreditation body—a body based in the United States but not recognized for performing accreditations in China—Huawei is unable to continue testing its equipment in its own accredited laboratory without reconsideration or clarification by the FCC of these rules.¹² As explained in the TIA Petition, “accrediting bodies... willing to provide accreditation to laboratories in non-MRA countries do not currently have a Commission identified arrangement in place to provide these services to those laboratories.”¹³

As further discussed in the TIA Petition, the new rules will affect a broad range of manufacturers and suppliers of RF information and communications technology (ICT) equipment.¹⁴ Huawei is not the only affected foreign manufacturer/supplier, nor the only manufacturer/supplier located in China, affected by the revisions contained in the *Report and Order*. More than six years ago, the FCC recognized the nature of the “worldwide ICT ecosystem through the development of software, devices, applications, semiconductors and network equipment.”¹⁵ Since that time, our world has become even more interconnected and the ICT ecosystem significantly more global. Huawei relies extensively on suppliers from countries

¹¹ See 47 C.F.R. § 2.948(f)(2).

¹² Huawei recognizes that the company would also be able to continue to test its equipment in its own laboratory if China and the United States enter into an MRA or a Chinese Designating Authority is recognized by the FCC and the Huawei lab is re-accredited by such Designating Authority. Huawei does not expect that all of this can transpire within the specified time set forth in the rules as described earlier, nor necessarily within the two-year period proposed in the petitions. See *Supra* note 5; TIA Petition at 6; and Motorola Petition at 6-8.

¹³ See TIA Petition at 7.

¹⁴ See *Id.* at 3-4.

¹⁵ See FCC, CONNECTING AMERICA: THE NATIONAL BROADBAND PLAN (2010) at 59.

outside of China, including for some of the most advanced components from U.S. suppliers, to incorporate into our own equipment.¹⁶ Limitations on the ability of manufacturers and suppliers to evaluate conformity assessment of their RF products for availability in one market, particularly the U.S. market, would have a rippling effect throughout the ecosystem. Huawei is confident that without compromising the integrity of FCC's equipment authorization program or the value of MRAs between countries, the ICT ecosystem will benefit from clarification by the Commission on the re-accreditation of already accredited testing laboratories located in non-MRA countries, such as Huawei's GCTC.

Again, Huawei fully supports the Commission's determination that the increasing complexity of products on the market and the testing requirements for those products demands that testing be performed by accredited testing laboratories in order to ensure a high level of quality and confidence in the test results.¹⁷ Respecting that the Commission has also determined that its rules will allow for the recognition of accredited testing laboratories in countries that do not have an MRA with the United States under certain conditions—namely, that such labs will eventually be able to obtain accreditation from an FCC-recognized accreditation body in the same country—Huawei urges the Commission to act on the petitions to implement policies for the re-certification of accredited laboratories in non-MRA countries. Further, in the interim, Huawei supports the proposals made in the petitions¹⁸ to extend the compliance date until implementation procedures are established for the re-accreditation of such testing laboratories.

¹⁶ See HUAWEI, CYBERSECURITY PERSPECTIVES: 100 REQUIREMENTS WHEN CONSIDERING END-TO-END CYBERSECURITY WITH YOUR TECHNOLOGY VENDOR at 23 (2014), available at: http://www.huawei.com/en/cyber-security/hw_401493.

¹⁷ See *Report & Order* ¶ 46.

¹⁸ See TIA Petition at 10-11; and see Motorola Petition at 8.

Respectfully submitted,

HUAWEI TECHNOLOGIES CO. LTD AND
HUAWEI TECHNOLOGIES, INC. (USA)

/s/ Timothy Jeffries

Timothy Jeffries
Director, North America Regulatory
& Spectrum Policy
(469) 277-5912
timothy.jeffries@huawei.com

Dennis J. Amari
Director, Federal and Regulatory Affairs
875 15th Street, NW, Suite 825
Washington DC 20005
(202) 289-6510
dennis.amari@huawei.com

December 15, 2015