



PUBLIC NOTICE

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OFFICE OF ENGINEERING AND TECHNOLOGY ADDRESSES MISCONCEPTIONS ABOUT FCC FORM 740 ELECTRONIC FILING REQUIREMENTS

ET Docket No. 15-170

The purpose of this Public Notice is to reassure parties they can file FCC-required information electronically with U.S. Customs and Border Protection (CBP) using the ACE-Entry Summary or any other process that may be designated by CBP until the waiver provisions of a recent Order issued in ET Docket 15-170 take effect on July 1, 2016.

On October 19, 2015, the Commission released an *Order* that temporarily waived the requirements of rule sections 2.1203 and 2.1205 requiring the submission of information in connection with the importation of Radio Frequency (RF) devices, effective July 1, 2016.¹ The paper form used to file this information is FCC Form 740, although the vast majority of filings are made electronically through an importation filing system – the Automated Commercial System (ACS) – administered by CBP. In explaining the basis for the waiver, the Commission observed that CBP is transitioning to a new electronic filing system, called the Automated Commercial Environment (ACE), which will ultimately replace ACS.² Because the information associated with FCC Form 740 has not been accommodated in this new system, the discontinuation of ACS would result in a significant increase in paper-based filings and would create significant burdens for importers and the agencies involved. The Commission was and is in the process of considering eliminating the Form 740 information requirement, and determined to waive the requirement as of July 1, 2016 (the date that CBP has indicated it will shut down ACS and no longer be able to electronically collect this information), while the Commission considers whether to maintain, modify, or eliminate its requirement.³

The Commission's characterization in the Order of CBP's ACS as the current system used for filing Form 740 information has been misinterpreted by some affected parties. To file FCC data in ACS, filers use the ACE-Entry Summary to submit the FCC-required information electronically into the ACS platform. The use of the ACE-Entry Summary for filing FCC-required information does not result in the FCC data being filed in the ACE system; when a filer enters this information via the ACE-Entry Summary, the information is directed to and placed in the ACS system.

Some parties have erroneously inferred from the *Order's* discussion of ACE's technical limitations in accommodating the filing of FCC Form 740 information that the Commission was prohibiting the filing of this information in CBP's old system (ACS) if it entailed use of the ACE-Entry

¹ *Amendment of Parts 0, 1, 2, 15 and 18 of the Commission's Rules regarding Authorization of Radiofrequency Equipment*, Order, 30 FCC Rcd 11827 (2015) (*Order*).

² *Order* at 1. See also <http://www.cbp.gov/trade/automated/>.

³ The *Order* recognized that the July date could be rendered moot if the Commission takes further action in the docket.

Summary. In fact, the Commission did not establish any prohibitions regarding the use of the ACE; the *Order* simply observed that the ACE system does not have the technical capability to accept FCC Form 740 information. Moreover, the details of the process for accessing the systems, including whether a filer would use the ACE-Entry Summary to make the required filing in the ACS, were not relevant. The Commission's *Order* only discussed use of the two systems in general terms, with the focus on the fact that, as a technical matter, FCC Form 740 information could be filed electronically in ACS but not in the ACE system. And what the *Order* established as a result is clear: Form 740 filings would continue to be required until July 1, 2016, filers could continue to file the Form electronically before that date in the ACS (regardless of what steps CBP's processes required for placing the Form 740 information into the ACS), and as of July 1, 2016, any obligation to file the Form would be suspended and the requirement waived until December 31, 2016.

For further information regarding this matter, contact Jamison Prime at (202) 418-7474, e-mail jamison.prime@fcc.gov.

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