

Cohen, Dippell and Everist, P.C.

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)	RM-11652
Authorization of Radiofrequency)	
Equipment)	
Amendment of Part 68 Regarding Approval)	
of Terminal Equipment by)	
Telecommunications Certification Bodies)	

Reply Comments
on Behalf of
Cohen, Dippell and Everist, P.C.

The following reply comments are respectfully submitted by the consulting engineering firm of Cohen, Dippell and Everist, P.C. ("CDE") and is in response to the Notice of Proposed Rulemaking released by the Commission on February 15, 2013. CDE and its predecessors have practiced before the Federal Communications Commission ("FCC") for over 75 years in broadcast and telecommunications matters. The firm or its predecessors have been located in Washington, DC since 1937 and performed professional consulting engineering services to the communications industry.

The undersigned is licensed as a Professional Engineer in the District of Columbia and has been in continuous employment with this firm or its predecessors for over fifty (50) years.

This firm has reviewed comments filed in this proceeding including Telecommunications Industry Association, Hewlett-Packard Company, CISCO and National Association of Broadcasters.

This firm is very concerned with the possible non-compliance with the pertinent FCC Rules particularly with electronic devices that are for general public's purchase and use. These devices in the hands of the consumer may be operated when the person is a passenger on an airplane. The question of public safety is raised if the device is non-compliant with the FCC Rules and in use inside an aircraft. This firm in its comments provided information which strongly suggests there are electronic devices that do not comply with the FCC Rules. In the opinion of the undersigned, based on experience, consumer electronic devices non-compliance is growing and is widespread.

A further concern of a recent issue was faced by this firm when responding to a question of whether or not a shortwave transmitter was compliant with Section 73.756 of the FCC Rules. The well recognized transmitter manufacturer is not located in this country and multiple efforts were made to ascertain if this transmitter was compliant. This included contacting the FCC staff and using the FCC manufacturer contact information. That FCC manufacturer contact information was used repeatedly with no corresponding response. This firm used its considerable industry contacts to reach this off-shore transmitter manufacturer. Again, no response.

Certification and Post Market Issues

This raises several very important questions:

1. How will the Commission handle an inquiry to an electronic device that is covered by this rulemaking if the off-shore supplier is unresponsive or non-existent?

2. How will the Commission handle an inquiry if the so-called big-box retailer is no longer in business?
3. How will the Commission handle an inquiry if the Telecommunication Certification Body ("TCB") is no longer in business?

Summary

Many of the comments look appropriate on paper, which assumes all parties are still available--the manufacturer, TCB and retail outlet. However, how does the Commission address the compliance issue of the electronic device with widespread distribution when the Commission finds that either the manufacturer, the TCB, the outlet distributor or the internet outlet source is no longer available or in business?

Respectfully Submitted,

COHEN, DIPPELL AND EVERIST, P.C.


Donald G. Everist, PE

President

DC No. 5714

July 31, 2013

Date