

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

In the Matter of	)	
	)	
Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission’s Rules to Improve Wireless Coverage Through the Use of Signal Boosters	)	WT Docket No. 10-4
	)	
Wireless Telecommunications Bureau Seeks Comment on ClearRF Request of Waiver of March 1, 2014 Signal Booster Compliance Deadline	)	DA 13-2465
	)	

**VERIZON WIRELESS COMMENTS**

Verizon Wireless opposes ClearRF’s request for waiver to extend the deadline by all which consumer signal boosters sold must comply with the Commission’s new technical standards.<sup>1</sup> ClearRF has had more than a year to come into compliance. Extending the deadline will result in the sale and use of more signal boosters that do not meet the Commission’s standards and will likely result in more harmful interference to wireless networks. ClearRF does not provide any valid reason why the March 1, 2014 deadline should not apply. As such, its request should be denied.

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<sup>1</sup> Waiver Request to Allow ClearRF’s FCC Approved Signal Boosters to be Sold Beyond March 1, 2014, WT Docket 10-4, filed December 9, 2013 (“ClearRF Waiver Request”). ClearRF supplemented its original waiver request in a waiver supplement letter dated December 20, 2013 (“ClearRF Supplement”).

## I. BACKGROUND

In February 2013, the Commission adopted technical, operational and marketing rules for consumer and industrial signal boosters.<sup>2</sup> The Commission adopted “network protection standards” for consumer signal boosters comprised of “a series of technical safeguards designed to minimize the potential for Consumer Signal Boosters to cause interference to wireless networks.”<sup>3</sup>

The Commission also adopted certification and marketing rules for consumer boosters.<sup>4</sup> The rules provide that as of the release date of the Booster Order the Commission will no longer certify consumer signal boosters that do not comply with the new rules. The Commission also adopted a deadline after which consumer boosters sold in the United States must meet the new technical standards. In order to allow time for manufacturers to produce boosters that comply with the new rules and to get them certified, the deadline was set as March 1, 2014.<sup>5</sup> Originally, the Commission proposed, and Verizon and others supported, a marketing restriction deadline set six months after the effective date of the rules.<sup>6</sup> Some, however, expressed serious concerns that even a six-month transition period would result in manufacturers flooding the market with

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<sup>2</sup> *Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission’s Rules to Improve Wireless Coverage Through the Use of Signal Boosters*, Report and Order, 28 FCC Rcd 1663 (2013) (“Booster Order”).

<sup>3</sup> *See id.* at ¶ 44. The network protection standards are codified at 47 C.F.R. §§20.21(e).

<sup>4</sup> *Id.* at ¶ 133.

<sup>5</sup> *Id.*

<sup>6</sup> *Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission’s Rules to Improve Wireless Coverage Through the Use of Signal Boosters*, Notice of Proposed Rulemaking, 26 FCC Rcd 5490 (2011) (“Booster NPRM”), at ¶ 63; Verizon Wireless Comments, WT Docket No. 10-4, filed July 25, 2010, at 16; Wilson Comments, WT Docket No. 10-4, filed July 25, 2010, at 9.

discounted non-compliant boosters leading to more instances of harmful interference.<sup>7</sup> Ultimately, the Commission adopted a longer transition period – giving booster manufacturers more than a year from the release of the order before they were required to market only compliant signal boosters.<sup>8</sup> The longer transition period was deemed necessary to give the Commission, its test labs, and Telecommunications Certification Bodies (“TCBs”) more time to develop booster certification and test procedures, to give manufacturers more time to develop compliant products, and for the products to be certified and produced.<sup>9</sup>

## II. DISCUSSION

ClearRF seeks a waiver to allow it alone to continue to market non-compliant consumer signal boosters to customers until at least August 31, 2014, but preferably to December 31, 2014.<sup>10</sup> In support of its request, ClearRF argues (1) that its existing boosters include some of the safeguard features required under the new rules; (2) that certification of its products under the new rules was delayed due to a mis-interpretation of one of the new requirements by a test lab; (3) that certification was delayed by the October government shut-down in that Commission staff was not available to help resolve the issue with the test lab; and (4) that there is a lengthy time period between the time when products are certified and when they can be made available for sale to the public.<sup>11</sup> ClearRF has not provided sufficient justification for a waiver of the March

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<sup>7</sup> See Letter from Jeanine Poltronieri, AT&T, Inc. to Marlene H. Dortch, Secretary, FCC, WT Docket No. 10-4, filed July 20, 2012, at 6.

<sup>8</sup> Booster Order at ¶ 133.

<sup>9</sup> *Id.* at note 297.

<sup>10</sup> *Id.* at 1.

<sup>11</sup> ClearRF Supplement at 1-3.

1, 2014 transition period deadline and, indeed, relies on factors that the Commission considered and accounted for in the Booster Order.

Commission rules provide that waivers may be granted for good cause shown or when: (i) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and a grant of the requested waiver would be in the public interest; or (ii) in view of the unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome, or contrary to the public interest.<sup>12</sup> ClearRF has failed to meet this standard.

The purpose of the March 1, 2014 marketing deadline is to “encourage manufacturers to quickly transition to devices that meet the new rules, providing near-term equipment options for licensees and consumers.”<sup>13</sup> The rule strikes a balance between allowing some time to transition to new boosters, while keeping that time as short as possible to protect against interference caused by non-compliant boosters. As discussed below, ClearRF has had ample time to develop consumer signal boosters that meet the new requirements and submit applications for certifying those boosters. Accordingly, applying the current deadline to ClearRF would not frustrate the purpose of the rule. To the contrary, the purpose of the rule would only be frustrated by extending that deadline by six to ten months, as requested by ClearRF. Doing so would upset the balance struck by the Commission and enable non-compliant boosters to continue to be sold 18

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<sup>12</sup> 47 C.F.R. §§ 1.3, 1.925.

<sup>13</sup> Booster NPRM at ¶ 63. *See also*, Booster Order at ¶¶ 132-133.

months or more after the rules were adopted, thus prolonging the time in which boosters more likely to cause interference can be sold to the public.<sup>14</sup>

ClearRF argues that a waiver is appropriate because circumstances have occurred that prevent it from being able to meet the deadline. It states that test lab interpretation issues and the fact that Commission staff was not available to help resolve those issues during the two-week government shut-down in October resulted in those issues not being resolved until late November.<sup>15</sup> These circumstances, however, are not “unique or unusual.” In fact, the Commission foresaw that issues would arise in developing test procedures and accounted for them in establishing the transition deadline at March 1, 2014. In deciding to give manufacturers more than one year to transition their product lines instead of the proposed six month period, the Commission noted it would take some time for the FCC Lab to develop test procedures, to communicate those procedures to the test labs and TCBs, and for the Commission to give feedback to the TCBs prior to their acting on certification requests. The Booster Order stated that “[b]ased on our experience in implementing new technical requirements for various types of equipment we anticipate that this will take until late fall.”<sup>16</sup> Thus, the Commission anticipated the very types of issues that ClearRF experienced and built additional time into the transition period to accommodate them. In fact, by ClearRF’s own admission, the test procedures were completed in late Fall. Indeed, it appears that the crux of ClearRF’s request is that it does not

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<sup>14</sup> While ClearRF argues that its boosters contain features that “negate unnecessary noise on the spectrum,” ClearRF Supplement at 1, the existing ClearRF boosters have not been tested against the new rules so there is no way of knowing the extent to which those boosters protect against harmful interference.

<sup>15</sup> ClearRF Supplement at 1-3.

<sup>16</sup> Booster Order at FN 297.

believe that time between finalization of the test procedures in late Fall and the implementation of the marketing restriction in March is sufficient to get products to market. That is an issue, however, that should have been raised in a reconsideration petition rather than a waiver request.

Moreover, the time needed to complete test procedures and obtain certifications has not prevented other booster manufacturers from meeting the deadline. Recently, in conjunction with the CES 2014 Show, a number of booster manufacturers were asked to provide a status on their development of consumer signal boosters in advance of the March 1, 2014 deadline. Each of the manufacturers questioned (Cellphone-Mate, Wilson Electronics, zBoost, and SmoothTalker) indicated that they expect to have products certified under the new technical standards in advance of the March 1, 2014 deadline.<sup>17</sup> Indeed, Cellphone-Mate indicated it “plans to ship its ‘multi-faceted’ product in January 2014,” while SmoothTalker stated that its “entire product lineup under the new rules will be ready to ship to market by the March 1, 2014 deadline. . .”<sup>18</sup> These statements demonstrate that the transition timeframes adopted by the Commission were appropriate and that booster products certified under the new rules will be on the market by March 1. ClearRF has failed to demonstrate any special circumstances that explain why it failed to have its products ready to be certified and sold and has therefore failed to justify its waiver request.<sup>19</sup>

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<sup>17</sup> Jason Knott, *Looming FCC Cell Signal Booster Deadline Is Big Customer Service Opportunity*, CEPro, January 6, 2014, available at: [http://www.cepro.com/article/looming\\_fcc\\_cell\\_booster\\_registration\\_deadline\\_is\\_big\\_customer\\_service\\_oppo/](http://www.cepro.com/article/looming_fcc_cell_booster_registration_deadline_is_big_customer_service_oppo/).

<sup>18</sup> *Id.*

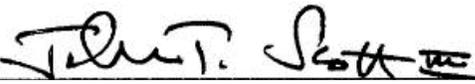
<sup>19</sup> For example, ClearRF does not explain why its reported test issue was resolved on November 22, yet it still had not filed for FCC Certification as of December 20. *See* ClearRF Supplement at 1.

**III. CONCLUSION**

For the reasons stated above, the Commission should deny ClearRF's request for waiver of the March 1, 2014 deadline for marketing consumer signal booster that do not comply with the new Commission rules.

Respectfully submitted,

VERIZON WIRELESS

By: 

John T. Scott, III  
Andre J. Lachance  
VERIZON  
1300 I Street, N.W.  
Suite 400-West  
Washington, D.C. 20005  
(202) 515-2412

Attorneys for Verizon Wireless

Michael E. Glover  
*Of Counsel*

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