

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Report on FCC Process Reform) GN Docket No. 14-25
)

**COMMENTS OF
THE CONSUMER ELECTRONICS ASSOCIATION**

The Consumer Electronics Association (“CEA”)¹ hereby comments on the Report on FCC Process Reform (“Report”) released February 14, 2014 in the above-captioned proceeding.² CEA commends the Chairman and the Process Reform staff working group for its efforts to further the goal of having the Commission operate in the most effective, efficient and transparent way possible. Expediting Commission action, streamlining processes, and facilitating stakeholder involvement in the FCC’s mission promotes regulatory certainty, may reduce regulatory burdens associated with outdated and unnecessary requirements, and enables and encourages investment and innovation in the industry. The Commission should strive to achieve each of the goals identified in the *Public Notice*:

- *Improving the efficiency and effectiveness of the FCC’s decision-making process.*
- *Processing items before the agency more quickly and more transparently.*
- *Streamlining agency processes and data collections.*
- *Eliminating or streamlining outdated rules.*
- *Improving interactions with external stakeholders.*
- *Maximizing the Commission’s tools and resources.*
- *Modernizing the Commission’s information technology infrastructure.*³

¹ CEA is the principal U.S. trade association of the consumer electronics and information technologies industries. CEA’s more than 2,000 member companies lead the consumer electronics industry in the development, manufacturing and distribution of audio, video, mobile electronics, communications, information technology, multimedia and accessory products, as well as related services, that are sold through consumer channels. Ranging from giant multinational corporations to specialty niche companies, CEA members cumulatively generate more than \$208 billion in annual factory sales and employ tens of thousands of people.

² See *FCC Seeks Public Comment on Report on Process Reform*, Public Notice, DA 14-199 (Feb. 14, 2014) (“*Public Notice*”).

³ *Id.* at 1-2.

The Report recommends more than 150 process reform action items, covering a wide range of topics. CEA will address a handful of those that are of particular interest to its members.

The Commission should Enhance Coordination with NTIA regarding Spectrum Issues (Recommendation 1.14)

The Commission should pursue Recommendation 1.14 to work with NTIA staff to identify additional measures the organizations can implement to facilitate and enhance their coordination on spectrum issues. The FCC's coordination with NTIA should be enhanced at all stages of the process. Initially, the organizations should collaborate early to identify Federal spectrum that could potentially be made available for commercial use, based on the nature and scope of operations in the target band and adjacent bands. Once a spectrum band has been identified, NTIA and the FCC should coordinate closely in the development of licensing rules to govern commercial operations in the band based on the type of operations anticipated. Where spectrum is being relinquished and reallocated for exclusive commercial use, the FCC and NTIA should discuss the timing of the transition, the information that should be provided in agency transition plans, and technical rules that would enable commercial operation during the transition. Where spectrum is made available on a shared basis with Federal incumbents, the FCC and NTIA should have detailed discussions regarding the parameters of both Federal incumbent operations and commercial (in terms of location, time, frequencies and network architecture) and should work to enable commercial operation to the maximum extent possible while protecting Federal users. As we have seen in the context of the Commission's 3.5 GHz rulemaking proceeding, more accurate descriptions of anticipated operations in the band can result in significantly reduced coordination zones. Finally, the FCC and NTIA should have

streamlined procedures in place to handle coordination requests for commercial operations within established protection zones, and to address and resolve issues of interference.

Multi-Stakeholder Groups Should be Employed Broadly to Assist the FCC in Identifying, Narrowing and Evaluating Issues (Recommendation 3.1)

Recommendation 3.1: The FCC should consider the expanded use of multi-stakeholder groups to identify, narrow and help resolve issues. As the Report notes, these mechanisms can help inform the FCC’s policy development process. Multi-stakeholder groups formed pursuant to the Federal Advisory Commission Act have assisted the Commission in evaluating a myriad of issues. For example, the Technological Advisory Council has assisted the FCC on several technical issues including receiver performance, the technology transition of our nation’s telecommunications systems, and cloud security; the Consumer Advisory Committee has provided valuable consumer-focused input regarding technology transitions, implementation of the National Broadband Plan, billing, universal service, and m-health initiatives; and the Communications Security, Reliability and Interoperability Council III has provided recommendations to the Commission on such important matters as Next Generation 911, 911 location accuracy and network security. The FCC should implement Recommendations 3.1.1 and 3.1.2 to identify the multi-stakeholder groups already assisting the Commission with its policy-setting role, and should actively consider the issues pending before the Commission and whether and how those groups may assist in narrowing the issues and advancing the debate.

The Commission Should Modernize and Simplify HAC Reports (Recommendation 5.16)

The FCC should modernize Hearing Aid Compatibility (“HAC”) reports filed on FCC Form 655 and make their preparation more user-friendly. In particular:

- the Form 655 should be modified so that it will accept cut-and-paste narrative answers and accept all characters and symbols;

- error messages that appear when a filer is attempting to validate a section of its draft report should identify the error; and
- the FCC's electronic system should provide filers a copy of their last report to edit, rather than require all information to be re-entered.

Filers typically circulate drafts of the Form 655 to many people within their respective organizations to ensure the accuracy and completeness of the filing. To allow reviewers to provide edits, the narrative answers often are circulated in Word format. However, once those edits are incorporated into the final Word document, the Form 655 often does not allow the Filer to simply copy and paste that revised narrative from a Word document into the form. Moreover, the automated system does not identify the nature of the particular error to the filer. Because it is not clear what the specific error is, the filer may need to re-key the entirety of the sometimes lengthy narrative text, which increases the chance for typographical errors. Additionally, it appears – although it is not clear – that certain symbols included within the website addresses for a filer's hearing aid compatibility/accessibility web page may cause error messages. To avoid receiving this type of error message, filers might complete the Form 655 by providing only the URL for the company's main website (which typically does not include symbols), instead of identifying the address for the specific web page dedicated to hearing aid compatibility and accessibility information. The need for filers to do this type of work-around to avoid ambiguous error messages from the electronic filing system does not serve the public interest because it increases the amount of time required to complete the report and can make it more difficult for consumers reviewing a company's Form 655 to locate the company's hearing aid compatibility information.

On a related issue, some have suggested that all handsets should be required to be HAC-compliant. That request, however, is outside the scope of the instant proceeding. The request raises substantive issues, as opposed to the procedural issues being addressed in the context of

this reform proceeding. That substantive issue can be addressed only in a rulemaking proceeding initiated by the Commission.

The Equipment Authorization and Labeling Processes Should be Updated and Streamlined (Recommendations 5.19, 5.40, 5.41, 5.42)

The FCC should modernize its electronic Equipment Authorization System (“EAS”). While the narrow focus of Recommendation 5.19 is aimed at assisting the FCC’s Enforcement Bureau in taking aggressive action against non-compliant equipment, the FCC also should streamline the equipment authorization process to encourage innovation and investment that is so critical to the economy, and to facilitate the rapid introduction of devices in response to consumer demand. EAS should be made more user-friendly and transparent in terms of application preparation and processing, and in terms of the public’s ability to check the status of equipment authorizations.⁴ The Commission should solicit input from all stakeholders in designing, and before implementing, changes to EAS. In terms of equipment applications being processed by OET, additional and more extensive updates on the status of applications should be provided and updates should be provided on a daily basis. As the FCC moves to 100% of applications being processed by Technical Certification Bodies (“TCBs”), TCBs should be provided more authority and should be allowed to grant applications during a government shut-down, subject to Office of Engineering and Technology (“OET”) reconsideration for 30 days after the government re-opens.

As proposed in Recommendation 5.40, the FCC should relax the types of equipment that require FCC or TCB certification. There are many low power transmitter technologies, such as

⁴ For example, in checking the OET website for a particular equipment authorization ID number, the person searching must separately enter a grantee code, which the instructions indicate are the “first three or five characters of the FCC ID,” and a product code. In most cases, however, a consumer trying to check the FCC ID would not know whether the grantee code consists of the first three, the first four, or the first five characters of the FCC ID; and the EAS search would be unsuccessful. The EAS system should provide an option to search by entering the entire FCC ID without breaking it into a grantee code and product code.

Wi-Fi, which are mature technologies that can be approved under the Declaration of Conformity procedures, time-tested procedures that do not require FCC or TCB prior approval but yet are subject to rigorous testing and record-keeping requirements. The FCC could designate a subset of low power transmitter products for a pilot program. Additionally, the FCC should allow TCBs to certify handsets as hearing aid-compatible under the 2011 standard (today all such handsets must undergo the Permit-But-Ask (“PBA”) procedure that slows down TCB approvals).

The FCC should update the labeling and FCC identification requirements governing authorized equipment consistent with Recommendation 5.41. The Telecommunications Industry Association (“TIA”) filed a petition for rulemaking in August 2012 requesting that the Commission allow optional electronic labeling (or “e-labeling”) for all wireless devices in order to avoid the increasingly high costs and logistical challenges associated with the Commission’s existing physical labeling requirements.⁵ CEA filed comments supporting the option of electronic labeling because the physical labeling requirement has become increasingly challenging for wireless device manufacturers as mobile devices shrink and the number of required markings increase.⁶ E-labeling is easily accomplished with today’s technology and is consistent with consumer expectations. E-labeling also promotes environmental sustainability, as it would reduce the amount of printed and physical materials. The FCC also should permit optional electronic displays of all other required and voluntary consumer disclosures. For example, the FCC should permit e-labeling for the following disclosures: Part 15 disclosures required pursuant to Sections 15.19, 15.21, and 15.105 of the FCC’s rules; hearing aid

⁵ Telecommunications Industry Association Petition for Rulemaking, RM-11673 (filed Aug. 6, 2012) (“Petition”); *Consumer and Governmental Affairs Bureau Reference Information Center Petitions for Rulemaking Filed*, Public Notice, Report No. 2960 (CGB rel. Sept. 5, 2012).

⁶ See Comments of the Consumer Electronics Association, RM-11673 (Oct. 5, 2012).

compatibility disclosures required for certain wireless handsets pursuant to Section 20.19(f); and voluntary disclosures of Specific Absorption Rate information for wireless devices.

With respect to FCC IDs associated with certificated equipment, the FCC should modify its rules to allow approval of a device containing all possible frequency bands and air interfaces under one FCC ID even if some manufactured devices will have some frequencies and air interfaces turned off or removed.

The FCC should implement Recommendation 5.42 and provide automatic confidential treatment to those equipment authorization application exhibits eligible either for short-term or long-term confidentiality. This procedural change would serve the public interest because an inadvertent failure to affirmatively request confidentiality for a particular exhibit can cause significant financial and competitive harm to a manufacturer if proprietary information is erroneously disclosed.

The FCC Should Simplify FRN Administration in Consultation with Stakeholders

The Report does not address the mechanics related to the administration and maintenance of FCC Registration Numbers and associated passwords. However, consistent with the aim of streamlining various licensing processes, the Commission should simplify the process for a company to update the password associated with its FRN, in order to enable it to submit time-sensitive filings notwithstanding the absence of particular individuals with access to password information. Specifically, the Commission should explore automating its current process for resetting a FRN password/personal security question so that a re-set can be achieved in a couple of hours instead of what now sometimes takes multiple days. In implementing any such changes, the FCC should work with stakeholders in order to balance the needs for expedition and security.

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