



TELECOMMUNICATIONS
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July 14, 2013

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth St., S.W.
Washington, DC 20554

Re: ET Docket No. 13-44; GN Docket No. 14-25; RM-11652; RM-11673

Dear Ms. Dortch:

The Telecommunications Industry Association (TIA), representing approximately 400 participating companies that manufacture or vend information and communications technology (ICT), submits this ex parte to communicate our support of the Commission Office of Engineering and Technology Laboratory's (OET Labs) continuing efforts to improve the Commission's device approval process. Specifically we wish to communicate that we support and value the Lab's providing crucial guidance to industry on technical compliance with Commission rules through its Knowledge Database (KDB) process, and that we believe the Commission holds clear authority to provide this important guidance to industry.

The vast majority of the devices produced by TIA members are directly impacted by the Commission's device approval process. Generally, TIA appreciates the Commission's efforts to improve and evolve the device approval process given the changes in radio frequency devices, technologies, and manufacturing methods. We believe that the Commission's equipment approval process has been an overall success and have provided increased certainty to innovators of ICTs, and we continue to work with the Commission on this shared priority.

A very successful component of the Commission's device system is the KDB portal and its transparent means of drafting and finalizing technical guidance for manufacturers, Telecommunications Certification Bodies (TCBs), and other stakeholders.¹ In the KDB process, not only are stakeholders able to submit inquiries directly to the Commission Lab staff, but the OET Labs regularly seek comment on and publish equipment authorization procedures and measurement guidance in the form of KDB publications in response to questions and issues they become aware of that have an impact across the industry. In these publications the OET Labs provide non-binding staff guidance on complying with Commission requirements. KDB publications are immensely useful to stakeholders, and the OET Labs process for the development of guidance has proven to be transparent, responsive, and timely while also providing the flexibility for needed revisions as technology and testing procedures develop. TIA supports the KDB process, regularly engages in it by submitting our views on numerous draft KDB publications, and plans to continue to do so.

Lastly, TIA wishes to reinforce that the Commission has clear authority to develop KDB publications as an important guidance component of the equipment authorization process. Section 302 of the Communications Act of 1934, as amended, states that the Commission may, consistent with the public interest, convenience, and necessity, make reasonable regulations governing the interference potential of devices which in their operation are capable of emitting radio frequency energy by radiation, conduction, or other means in sufficient degree to cause harmful interference to radio communications.² It further states that no person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated under this section.³ This allowance in the Communications Act has enabled the Commission to establish and administer an authorization program to ensure that equipment reaching the market complies with the technical requirements, the KDB process being a key part of this. Indeed, the

¹ See <https://apps.fcc.gov/oetcf/kdb/index.cfm>.

² See 47 U.S.C. § 302a(a).

³ See 47 U.S.C. § 302a(b).

Commission has long ago noted that it has the authority to alter its equipment authorization program to facilitate the reduction of burdens on stakeholders based on its goal of “benefit[ing] both large and small manufacturers and encourage the development of innovative products that best meet consumer’s needs.”⁴

In conclusion, we submit our support for the Commission’s KDB process, both from a policy and legal perspective. As the Commission examines its operations, we urge that the KDB process continue to maintain its current characteristics that we describe above. We also urge the Commission to contact TIA with any questions or concerns regarding the industry’s viewpoint on this important process moving forward.

Respectfully submitted,

TELECOMMUNICATIONS INDUSTRY ASSOCIATION

By: /s/ Brian Scarpelli
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Director, Government Affairs

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⁴ See *Modifications of Parts 2 and 15 of the Commission's Rules for Unlicensed Devices and Equipment Approval*, Second Report and Order, 22 FCC Rcd 8028, at ¶ 13 (2007).