

July 9, 2020

BY ELECTRONIC FILING

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: *Consumer Technology Association Petition to Expand Marketing Opportunities for Innovative Technologies, RM-11857***

The Telecommunications Industry Association (“TIA”), together with the Computing Technology Industry Association (“CompTIA”), Engine, INCOMPAS, The Internet Association, the Information Technology Industry Council (“ITI”) and TechFreedom (collectively, the “Joint Commenters”) support the above-referenced request of the Consumer Technology Association (“CTA”)<sup>1</sup> to initiate a rulemaking or, in the alternative, waive certain Federal Communications Commission (“FCC” or “Commission”) rules, to expand opportunities for marketing innovative technologies in the United States. The Joint Commenters are global manufacturers and vendors of information and communications technology (“ICT”) equipment and services, trade associations representing such manufacturers and vendors, and users and consumers of such equipment.

Like the devices described in the Petition, the devices that Joint Commenters design and manufacture incorporate 5G, Wi-Fi, and small cell technologies, *inter alia*, and thus must meet the Commission’s equipment authorization and importation regulations. These devices are especially important at the present time, as Americans have rapidly shifted to working, learning, and receiving medical care from home during the current global health crisis.

The Commission—and the U.S. government more generally—should support efforts to deploy such technologies on a timetable that keeps pace with rapid innovation and explosive demand. As the Petition correctly points out, the race to 5G is being slowed in part by two outdated and unnecessary equipment marketing and importation rules:

- 1) First, Joint Commenters agree with CTA that the “decades-old prohibition on conditional sales [to consumers] fails to reflect today’s tightly-timed development cycles.”<sup>2</sup>
- 2) Second, Joint Commenters agree that the Commission’s rules on the importation of radiofrequency devices are ill-suited for today’s marketplace, which requires “pre-

---

<sup>1</sup> Consumer Technology Association, Petition for Rulemaking or, in the Alternative, Waiver to Expand Marketing Opportunities for Innovative Technologies, RM-11857 (filed June 2, 2020) (“Petition”); *see also* Public Notice, Consumer & Governmental Affairs Bureau Reference Information Center Petition for Rulemakings Filed, Report No. 3150 (rel. June 9, 2020) (inviting comment on the Petition).

<sup>2</sup> Petition at i.

marketing activity” such as imaging, packaging, and preparing devices for retail display.<sup>3</sup> Preparing for a global product launch is an intense, multistep process. Yet, the current rules offer only a limited ability to import devices prior to FCC authorization to undertake these activities.

The Commission can address the first constraint by permitting conditional sales to consumers through a rulemaking proceeding or, in the alternative, a waiver. This will offer many benefits to consumers and to America’s global leadership on 5G, including affording manufacturers an earlier opportunity to gather more accurate information about consumers’ intent to purchase and, thus, to demonstrate demand to potential funders. Similarly, with respect to the second constraint, permitting importation of a limited number of devices for pre-marketing activity will increase speed to market, give manufacturers more flexibility in structuring their supply chains, and enable devices to be on display upon authorization, ultimately benefiting American consumers and the U.S. economy.

Importantly, as the Petition explains, the Commission can pursue these actions without weakening or altering the FCC’s existing safeguards, which protect against safety risks to consumers and harmful interference.<sup>4</sup> Further, the Petition observes that if a manufacturer does not deliver a device (or, in the event the equipment is not authorized, a refund) where a customer remitted some consideration, the FTC and state consumer protection agencies can act to redress such harms.<sup>5</sup> Thus, the Commission can take the steps outlined in the Petition to directly further the FCC and Administration priorities of deploying 5G technologies without a risk of harm.

---

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 15-17.

<sup>5</sup> *Id.* at 17-18.

The Joint Commenters thus urge the Commission to move expeditiously to bring the benefits of expanded marketing opportunities to the U.S. marketplace.

Respectfully submitted,

Dileep Srihari  
Vice President & Senior Policy Counsel  
CompTIA



Evan Engstrom  
Executive Director  
Engine



Angie Kronenberg,  
Chief Advocate and General Counsel  
INCOMPAS



Amy Murphy  
Director of Federal Affairs  
The Internet Association



Stephanie Barrett  
Director of Policy, Product Regulatory  
Information Technology Industry Council



James Dunsten  
General Counsel  
TechFreedom



Colin Andrews  
Director, Government Affairs  
Telecommunications Industry Association

