

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of

)	
Consumer Technology Association Petition)	
Expand Marketing Opportunities for)	RM-11857
Innovative Technologies)	

**COMMENTS OF
THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Telecommunications Industry Association (“TIA”) respectfully submits these comments in the above-referenced proceeding.¹ As both an advocacy organization and a standard-setting body, TIA represents hundreds of global manufacturers and vendors of information and communications technology (“ICT”) equipment and services that are supplied to infrastructure owners and operators, enabling network operations across all segments of the economy.² TIA’s members include ICT manufacturers and suppliers, network operators and service enablers, distributors, and system integrators. TIA’s members design and manufacture the innovative connected ICT devices that must meet the Commission’s equipment authorization and import regulations. To that end, TIA was pleased to see the Commission issue a Public Notice for comment on the Consumer Technology Association (“CTA”)’s Petition seeking the

¹ 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) (“Public Notice”).

² TIA is the leading trade association for the ICT industry, representing companies that manufacture or supply the products and services used in global communications across all leading technology platforms. TIA represents its members on the full range of policy issues affecting the ICT industry and forges consensus on voluntary, industry-based standards.

Commission's evaluation of the impact its marketing and importation rules on emerging ICT technologies.

TIA agrees with Commissioner O'Rielly's characterization of the Commission's existing equipment authorization and importation rules prohibiting the pre-sale or conditional sale of radiofrequency devices as "past its prime in today's commercial marketplace."³ Although these rules may have made sense when they were passed fifty years ago, they no longer reflect the rapid pace of innovation and explosive demand that ICT device manufacturers and vendors experience in today's markets. To that end, TIA supports CTA's Petition to modernize these rules and supports the Commission's efforts to revise their rules to make them more suitable to the current ICT market.

TIA supports the Petition's proposal to revise parts 2.803⁴ and 2.1204⁵ of the Commission's rules. CTA correctly argues that the Commission's rules requiring pre-approval for marketing and importation can lead to lengthy delays in the approval process that can impede ICT companies from efficiently bringing innovative technology and devices to market.⁶ To that end, TIA would support the Commission adopting a waiver to parts 2.803 and 2.1204 of its rules as it advances the necessary process of updating these regulations. By enacting a rulemaking and a waiver simultaneously, the Commission can grant industry immediate relief from these outdated regulations while new ones are implemented.

While it undergoes this rulemaking process, the Commission should take this as an opportunity to review additional existing equipment authorization rules that could be

³ Commissioner Michael O'Rielly, *Kickstarting the FCC's Product Marketing & Import Rules*, Jun. 2, 2020 (available at <https://www.fcc.gov/news-events/blog/2020/06/02/kickstarting-fccs-product-marketing-import-rules>).

⁴ 47 C.F.R. Part 2.803.

⁵ 47 C.F.R. Part 2.1204.

⁶ CTA Petition at 6.

streamlined. For instance, in 2015 the Commission issued a Notice of Proposed Rulemaking that included several proposals to revise the Commission’s existing rules for equipment authorization.⁷ In 2017, the Commission issued a First Report and Order addressing self-approval procedures, labeling, importation rules, and measurement procedures that were raised in the Equipment Authorization NPRM.⁸

The First Report and Order issued almost exactly three years ago did not purport to address all of the proposals raised in the Equipment Authorization NPRM, instead pledging to “address at a later time other proposals from the [Equipment Authorization] NPRM.”⁹ While TIA supports the changes made in the First Report and Order, the unanswered proposals do offer the Commission a path to further streamlining their equipment authorization rules, such as allowing permissive changes¹⁰ or relocating the rule governing certification of modular transmitters to Part 2 of the Commission’s rules.¹¹ TIA has raised these issues with the Commission’s Office of Engineering Technology in recent years, as these are issues that remain important to the ICT industry.¹² To that end, TIA urges the Commission to use this rulemaking opportunity as a stage to finally address the outstanding proposals from the Equipment Authorization NPRM.

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In the Matter of Amendment of Parts 0, 1, 2, 15, and 18 of the Commission’s Rules regarding Authorization of Radiofrequency Equipment *Notice of Proposed Rulemaking* (ET Docket No. 15-170) (rel. Jul. 21, 2015) (“Equipment Authorization NPRM”)

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In the Matter of Amendment of Parts 0, 1, 2, 15, and 18 of the Commission’s Rules regarding Authorization of Radiofrequency Equipment *First Report and Order* (ET Docket No. 15-170) (Jul. 14, 2017) (First Report and Order).

⁹ *Id.* at ¶ 1.

¹⁰ Equipment Authorization NPRM at ¶ 54.

¹¹ *Id.* at ¶ 39.

¹² *See ex.* Notice of Ex Parte filed by the Mobile Wireless Forum and the Telecommunications Industry Association, September 5, 2019.

By acting favorably on the CTA petition and the long-outstanding proposals raised by the Equipment Authorization NPRM, the Commission can further its goals of modernizing its existing rules and removing unnecessary regulatory barriers to ICT innovation.

Respectfully submitted,

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