Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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

COMMENTS OF THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION

I. INTRODUCTION AND STATEMENT OF INTEREST

The Telecommunications Industry Association ("TIA")[1] hereby submits comments under the Federal Communications Commission's ("Commission") Public Notice[2] ("PN") seeking public input on the Commission's Report on FCC Process Reform ("Report").[3] Based on a request for public input from Chairman Wheeler,[4] TIA previously submitted input to inform this Commission[5] and we commend the Commission for examining opportunities for process

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1 TIA is a trade association based in the Washington, DC area which represents the global information and communications technology ("ICT") manufacturer, vendor, and supplier community through policy advocacy and standards development. For more on TIA's policy priorities and activities, see http://tiaonline.org/policy.

2 *See FCC Seeks Comment on Report on Process Reform*, GN Docket No. 14-25 (rel. Feb. 14, 2014) ("PN").

3 *See* Federal Communications Commission, *Report on FCC Process Reform from the Staff Working Group led by Diane Cornell* (Feb. 14, 2014), *available at* http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0214/DA-14-199A2.pdf.

4 *See* Diane Cornell, *A Call for Input: Improving Government Efficiency at the FCC*, Official FCC Blog, Nov. 18, 2013, http://www.fcc.gov/blog/author/Diane%20Cornell.

5 *See* Letter from Danielle Coffey, Vice President of Government Affairs, TIA, to the Honorable Thomas Wheeler, Chairman, Federal Communications Commission, ET Docket No. 13-44; RM-11652; RM-11673 (Dec. 2, 2013).

improvement throughout the agency at such a critical time for the information and communications technology ("ICT") industry manufacturer, vendor, and supplier community that TIA represents. Below, TIA provides responses to various proposed process reform recommendations in the Report, and we urge the Commission to move forward as quickly as possible with efforts to improve its processes.

II. TIA VIEWS ON VARIOUS COMMISSION PROPOSED PROCESS REFORM RECOMMENDATIONS

I. WORK WITH NTIA TO ENSURE A SMOOTH FCC-NTIA COORDINATION PROCESS (RECOMMENDATION 1.14)

The Report, proposing responsibility for the Commission's Office of Engineering and Technology ("OET") in consultation with the Wireless Telecommunications Bureau ("WTB") and International Bureau ("IB"), contains a proposed recommendation that:

> NTIA and FCC staff should work together to determine if there are additional measures that could be taken that would facilitate coordination between NTIA and the FCC on spectrum issues of mutual concern. For example, the FCC could identify as early as possible certain issues and a recommended outcome in memo form, which would then be presented to NTIA and affected agencies to seek advice on bottom line issues and address concerns in a timely manner.[6]

TIA appreciates this recommendation from the Commission, and believes that designating a particular office or bureau to facilitate coordination between FCC and the

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TIA's response to the Ms. Cornell's initial request for public input on Commission process reform is also available at http://transition.fcc.gov/process-reform/comments/TIA.pdf.

[6] Report at 13.

National Telecommunications and Information Administration ("NTIA") and the Interdepartment Radio Advisory Committee ("IRAC") is a good idea as it provides clear ownership of communications and information. OET has traditionally had the lead role with the IRAC at the FCC, and has excelled at advancing the goals of the FCC as part of that process. Further, OET has traditionally worked with both the Wireless and International Bureau on ITAC issues. Accordingly, TIA supports the FCC's recommendation to formalize OET's role with regard to NTIA and the IRAC.

However, TIA does not support further requirements placed on the FCC coordinator role, such as initiating coordination using "memos" that state "recommended outcomes." The issues to be addressed here are varied and the FCC coordinator should have the flexibility to engage the coordination process in a way that makes sense for each issue. For example, there could be adjacent channel issues where the specific outcome may not be clear going in to the conversation other than the FCC seeks to minimize interference; in cases of proposed sharing spectrum co-channel, the specific mitigation techniques to be deployed may not be clear at the start of the coordination process.

II. MODERNIZE HEARING AID COMPATIBILITY COMPLIANCE PROCESS, INCLUDING ENHANCED AUTOMATION OF REPORTS (RECOMMENDATION 5.16)

The Report, proposing responsibility for the Commission's Wireless Telecommunications Bureau ("WTB") and Office of Engineering and Technology ("OET"), contains a recommendation that:

> WTB should update the Hearing Aid Compatibility ("HAC") compliance process to accelerate review and minimize manual processing of reports. The manufacturer and service provider reports both provide information for consumers and enable staff to monitor compliance with the hearing aid compatibility rules. WTB staff is working with IT contractors to improve the accessibility of HAC rating information in OET's equipment authorization database, and specifically to further automate connections between this database and the HAC reporting system. Such automation will enable filers to complete their reports more quickly and reliably, as well as ease the burden on FCC staff of verifying the reports' accuracy. We note that the need for hearing aid compatibility reports could potentially be eliminated in the future if all new handset models were required to meet HAC standards. The FCC should explore this possibility as well.[7]

TIA supports the FCC updating the reporting and compliance process to reduce the burden on manufacturers and ensure the FCC has accurate information. TIA's member companies are committed to providing accessibility for the disabled populations to ICT products and services, including by working with all stakeholders to improve HAC of telephones. TIA believes there has been success realized under the current HAC rules, and in many cases manufacturers have exceeded regulatory requirements. We note that as the FCC equipment authorization database has much of the material that must be included in such reports an automatic linkage to that data to populate the HAC reports will minimize any errors an improve accuracy and reduce the burden on the FCC staff verifying the reports.

While TIA supports increased efficiency to HAC reporting requirements, we note that expanding the application of HAC rules to all air interfaces gives rise to serious technical feasibility concerns which include various aspects of testing, a lack of necessary industry testing standardization, as well as a lack of availability of required testing equipment and related

[7] Report at 68.

software. TIA opposes such a blanket proposal that would ignore not only physics-based limitations, but that manufacturers have worked for over a decade in good faith to improve HAC, as well as that the existing application of HAC regulations has resulted in a global gold standard in the area of improved access to mobile phones for those with hearing disabilities. Furthermore, TIA believes that discussion regarding the possible requirement for all new handset models meeting HAC standards is outside of the scope of this process reform effort, and should be further considered in a rulemaking to fully evaluate the impact on industry of expanding the scope of devices that require HAC compliance.

III. MODERNIZE THE EQUIPMENT AUTHORIZATION SYSTEM (RECOMMENDATION 5.19)

The Report, proposing primary responsibility for the OET working with others in the Commission, proposes to recommend that:

> OET should explore upgrading and modernizing the Equipment Authorization System to take aggressive action against use of non-compliant products. The Equipment Authorization System (EAS) does not provide adequate support to the field staff to perform their jobs in a timely manner. At the same time the complexity of modern RF transmitters and the increasing use of devices by consumers require easily understandable information for use by general public.[8]

[8] Report at 69.

TIA supports this recommendation and encourages the Commission to take active steps to improve the EAS for the benefit of all stakeholders – Commission staff, manufacturers, and consumers. Specifically, we urge the following modest improvements be made to the EAS:

- Only the most recent version of a grant should be accessible through the EAS. This will allow stakeholders utilizing the database to more easily obtain the current version of a grant without having to sift through outdated records. For older grants, TIA recommends they be archived for retrieval if needed (e.g., would only satisfy a search query if an "Include Archived Grants" option were proactively selected by the searcher).
- For Part 15 device grants, EAS query results should include the various antenna families and antenna gains of the device. Providing this information would reduce the burden on parties seeking to determine whether an antenna they plan to use is covered by the grant.
- Class II grants should list non-confidential changes.
- Documents the FCC always requires to be confidential should automatically be organized within the EAS database so that they are not accessible to the general public.

IV. RELAX THE EQUIPMENT CERTIFICATION PROGRAM (RECOMMENDATION 5.40)

The Commission's report proposes, with primary responsibility on the OET, to recommend that:

> The Current rules require that prior to marketing (selling or offering to sell) or importing, shipping or distributing a radiofrequency (RF) device it must be properly authorized or must be exempted from such requirements as specified in the rules (§ 2.803). The Equipment Authorization Procedures (Subpart J Part 2) specifies different approval processes, allowing the vast majority of devices to be self-certified either by the manufacturer or by the use of accredited test labs. The devices incorporating RF transmitters, on the other hand, are generally subject to certification requirements which require approval from the FCC or Technical Certification Bodies (TCBs) authorized by the Commission to process and issue grants on its behalf. OET should explore proposals to relax the equipment certification program, including permitting more self-approval by the manufacturers, permitting TCBs to have greater authority to issue grants, or allowing manufacturers to self-certify devices (including HAC devices that meet the 2011 ANSI standard), provided that whatever changes the Commission makes will not affect the Commission's oversight over the certification program or compromise compliance with the technical rules, consequently avoiding interference in the market.[9]

TIA supports this recommendation and reiterates our priority that the Commission consider permitting Supplier Declarations of Conformity ("SDoCs") for non-Permit But Ask ("PBA") and non-exclusion list products as an alternative means by which an ICT manufacturer may demonstrate compliance with Commission rules to streamline the process ICT manufacturers must go through to get products to market. We have also previously put forward that the Commission could alternatively designate a subset of product approvals as a pilot program. The benefits of such an allowance include flexibility and objective treatment for

[9] Report at 77-78.

manufacturers in where to have their products tested, high compliance levels, and lower administrative costs. The appropriate allowance of SDoCs would also lend to the mutual recognition agreements ("MRAs") among trading partners and widespread recognition of another country's conformity assessments, further reducing associated costs. Based on a long-standing record of compliance, many classes of products have proven to hold very low risk exists for violating the Commission's rules primarily because they are built to meet consensus technical standards, allowing the Commission be assured that it can take this step to allow for more rapid availability of products into the marketplace at reduced cost to stakeholders, including consumers. TIA has been largely supportive of the steps proposed in the open proceeding to streamline the equipment authorization process,[10] and we specifically support the Commission's consideration of the use of SDoCs under this proceeding.

[10] *See* Amendment of Parts 0, 1, 2, and 15 of the Commission's Rules regarding Authorization of Radiofrequency Equipment Amendment of Part 68 regarding Approval of Terminal Equipment by Telecommunications Certification Bodies, ET Docket No. 13-44, RM-11652, (rel. Feb. 15, 2013). *See also* Comments of TIA, ET Docket No. 13-44, RM-11652 (Jun. 17, 2013).

V. UPDATE LABELING AND IDENTIFICATION OF APPROVED PRODUCTS (RECOMMENDATION 5.41)

The Commission proposes, with responsibility falling to the OET working with others within the Commission, that:

> Currently the certification rules require that a label showing a FCC Identifier (FCC ID) should be affixed on the product. The FCC ID is issued at the time of approval and identifies a responsible party as well as the unique product. With the modern manufacturing processes and devices including approved transmitters from multiple parties, the current requirements are becoming difficult to manage for the device manufacturers. OET should explore increased use of electronic labels (eLabel) on devices which have a display screen. The Commission should also consider a more flexible regimen in how FCC IDs are assigned to devices which have variations in base implementations. A streamlined labeling and tracking procedure would help manufacturers who have to develop products for multiple sectors.[11]

TIA supports this recommendation. The U.S. market benefits greatly from the competitive nature of the global ICT equipment market. This environment presents unique challenges to ensuring governments, consumers, and other stakeholders to readily determine whether a device has been properly certified, and to obtain additional information about a device as efficiently as possible. Historically, the use of physical markings or labels have played a key role in providing this important information, but the continuous evolution of industrial design (*e.g.* smaller smartphones) and multiple regulatory environments has led to increased costs and difficulty in ensuring all relevant markings or labels are affixed in an efficient and convenient manner for the user of the device. The consensus view of the ICT manufacturer

[11] Report at 78.

community is that an effective solution to this problem is the non-exclusive use of electronic labeling for RF-emitting and terminal ICT equipment, which allows consumers and other users access to easily readable and prominently displayed information about each device. In order to address concerns related to U.S. customs enforcement, TIA supports putting needed information on packaging labels that includes required regulatory markings and other important information including proper device care, electronic recycling programs, and warranties.

TIA submitted a petition for rulemaking to the Commission urging for the non-exclusive allowance of eLabeling in early August of 2012.[12] From a procedural standpoint, the TIA eLabeling Petition, since being placed on Public Notice by the FCC, has seen no opposing statements from any stakeholder constituency. Elsewhere, the EU Parliament is considering the inclusion of an electronic labeling allowance in its revision of the radio and telecommunication terminal attachment equipment ("R&TTE") Directive. Furthermore, in addition to other existing

[12] *See* Petition for Rulemaking, Telecommunications Industry Association, RM No. 11673 (Aug. 6, 2012) ("TIA eLabeling Petition"), *available at* http://bit.ly/1aE5Vn5.

efforts in the allowance of electronic labeling internationally,[13] 3GPP[14] has recently completed a revision of standard interfaces which provide a means of displaying electronic labels.[15]

TIA submits to the Commission that this process reform effort presents a chance for the Commission to lead through the non-exclusive allowance of eLabeling along with a select few others.[16] While status quo labeling requirements continue to remain in place, ICT manufacturers have continued to develop and release products for consumers and enterprise, including mobile, push-to-talk, and portable phones; tablets; personal wireless routers; base station equipment; other wireless devices; and terminal equipment, all under the outdated burden of the existing labeling rules. TIA maintains that archaic physical labeling requirements for ICT equipment have little benefit to consumers, device certifiers, and customs officials compared to eLabeling, which enhances accessibility of equipment information. Inaction in this area withholds the consumer benefits of eLabeling from the general public, and has resulted in unneeded cost in implementing these outdated rules. Inaction has inhibited innovation in the development of ICT products and services.

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[13] For example, The Australian Communications and Media Authority's four device and equipment labelling notices have been amended to allow suppliers the option of using electronic labelling as an alternative to the traditional labelling of the surface of the device. *See* http://www.acma.gov.au/Industry/Suppliers/Supplier-resources/Record-keeping/electronic-labelling-equipment-types-i-acma.

[14] 3GPP is an alliance of telecommunications standard development organizations that provides members with an environment to produce reports and specifications that define 3GPP technologies. *See* http://3gpp.org/About-3GPP.

[15] *See* Samsung, NEC, Nokia, RIM, Motorola Mobility, "Adding to the presentation of e-marking", S 1-122440, 3GPP TSG-SA WG I Meeting #59, Chicago, USA, 30 July-3 August 2012. 3GPP has specified the use of MMI Command *#07# within 3GPP TS 22.030 for the purposes of displaying this regulatory information.

[16] TIA notes that eLabeling is currently allowed in Australia, Japan, the United Arab Emirates, and an allowance for this option is very likely forthcoming from the Canadian government.

VI. HOLD APPLICATION INFORMATION CONFIDENTIAL AUTOMATICALLY (RECOMMENDATION 5.42)

The Commission proposes that OET be responsible for addressing the following recommendation:

> Currently, the rules permit applicants to request the Commission to hold certain proprietary or business specific information confidential. The applicant is required, however, to explicitly make a request for confidentiality at the time of filing, and the request has to be balanced with the Commission's obligation to make information available publicly as soon as practicable. OET should explore modifying the permit application process to grant confidentiality automatically, disclosing information to the public only if the applicant explicitly permits it.[17]

TIA supports the inclusion of this recommendation in the Commission's report. The current "default" setting in the EAS for those exhibits that are eligible for confidentiality is for it not to be applied. We recommend that the FCC change their EAS system default to ON for all of those exhibits, with a pre-populated with the 180-day expiration date (the maximum) for those covered by Short Term Confidentiality. The applicant would still have to submit the Confidentiality Request, as required by FCC rules.

We believe that all applicants request Permanently Confidentiality for key exhibits, and it's likely that most (probably all) applicants ask for Short Term Confidentiality, and for the longest possible time. The process for the applicant would, therefore, be unchanged from

[17] Report at 78.

current practice. That for the TCBs would also be unchanged, except that they would accept the new default setting in the EAS. TCBs would appreciate saving the mouse clicks,

TCBs would also find it unusual if they processed an application without confidentiality, and thus they would be encouraged them to check back with the applicant to make sure that this is what was intended.

Lastly, while we support the consideration of this recommendation under the Commission's existing docket for streamlining the device approval process, we note our belief that the above could be done without a rule change; just a modification to the EAS system.

III. CONCLUSION

We thank the Commission for its public consultation and urge the careful consideration of the positions of the ICT manufacturer and vendor community offered above.

Respectfully submitted,

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