

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Amendment of Part 15 of the Commission's Rules
Regarding Unlicensed Personal Communications
Service Devices in the 1920-1930 MHz Band
ET Docket No. 10-97

ORDER

Adopted: August 13, 2014

Released: August 14, 2014

By the Chief, Office of Engineering and Technology:

I. INTRODUCTION

1. By this Order, pursuant to the authority delegated by the Commission, we amend Sections 15.31(a)(2) and 15.38(b)(2) of the Commission's rules to reference the 2013 version of the American National Standards Institute (ANSI) C63.17 standard, Methods of Measurement of the Electromagnetic and Operational Compatibility of Unlicensed Personal Communications Service (UPCS) Devices, ANSI C63.17-2013. This version of the standard supersedes ANSI C63.17-2006, which contains measurement procedures for verifying the compliance of UPCS devices (including wideband voice and data devices) that operate in the 1920-1930 MHz frequency band with applicable requirements regarding radiofrequency (RF) emission levels and spectrum access procedures in Part 15 Subpart D of the Commission's rules.

II. BACKGROUND

2. The 1920-1930 MHz band is allocated to Fixed and Mobile services on a primary basis and is designated for use by UPCS devices on an unlicensed basis. Under the Commission's rules, the 1920-1930 MHz band may be used for both asynchronous (generally data) and isochronous (generally voice) UPCS devices. In order to limit the influence of and interference potential from UPCS devices to adjacent-channel, co-channel, and adjacent-band devices, the Commission's rules limit UPCS devices' emissions bandwidth, peak power, and in-band and out-of-band emissions. To facilitate the sharing of

1 See Amendment of Part 15 of the Commission's Rules Regarding Unlicensed Personal Communications Services Devices in the 1920-1930 MHz Band, ET Docket No. 10-97, 27 FCC Rcd 3645, 3651 ¶ 13 (2012) (UPCS Band R&O).

2 See 47 C.F.R. §§ 2.106, 15.301. Currently, the most widespread use of the 1920-1930 MHz UPCS band is for cordless telephones. See "DECT Solutions" at http://www.dect.org.

3 See 47 C.F.R. § 15.319(b). As a general condition of operation, UPCS devices using the 1920-1930 MHz band may not cause harmful interference to authorized services, must accept interference that may be caused by the operation of an authorized radio station, another intentional or unintentional radiator, industrial, scientific, and medical (ISM) equipment, or an incidental radiator, and, if causing harmful interference, must cease operation upon notification by the Commission. See 47 C.F.R. § 15.5(b) and (c).

4 See 47 C.F.R. §§ 15.319(c), (d), and (e), 15.323(a) and (d).

channels in the UPCS band, the Commission's rules require use of a "listen-before-transmit" protocol or "spectrum etiquette." This is commonly referred to as the "least-interfered channel access method," and specifies a process of channel monitoring before a UPCS device selects a channel for transmitting.<sup>5</sup>

3. As part of its equipment authorization process, the Commission uses measurements of UPCS devices in accordance with the procedures in ANSI C63.17-2006 to determine compliance with the technical requirements in Part 15 Subpart D of the rules.<sup>6</sup> Parties making compliance measurements on UPCS devices subject to the requirements of Part 15 Subpart D are required to use the measurement procedures in ANSI C63.17-2006,<sup>7</sup> which is incorporated by reference in Section 15.38(b)(2) of the Commission's rules.<sup>8</sup> On October 9, 2013, The Institute of Electrical and Electronics Engineers (IEEE) published ANSI C63.17-2013, which supersedes ANSI C63.17-2006.<sup>9</sup> ANSI Accredited Standards Committee C63® (ASC C63®) has requested that the Commission update its rules to replace current references to ANSI C63.17-2006 with the updated ANSI C63.17-2013 standard, and incorporate by reference the ANSI C63.17-2013 standard into the Commission's rules.<sup>10</sup>

### III. DISCUSSION

4. To help ensure that the UPCS device rules continue to reflect the most appropriate industry standards, in 2012, the Commission delegated to the Chief, Office of Engineering and Technology (OET), the authority to approve for use new versions of the ANSI C63.17 standard for methods of measurement of the electromagnetic and operational compatibility of UPCS devices to the extent that the changes do not raise major compliance issues.<sup>11</sup>

5. As part of the same decision, the Commission modified the least-interfered channel access method to promote increased use and efficiency of operations in the 1920-1930 MHz band.<sup>12</sup> These modifications eliminated the 50 dB above thermal noise least-interfered channel monitoring threshold and reduced the minimum number of channels that must be monitored, thereby enabling UPCS devices to access additional usable time and spectrum windows.<sup>13</sup> ANSI C63.17-2013 supersedes ANSI C63.17-2006 to reflect these changes to the least-interfered channel access method.<sup>14</sup> ANSI ASC C63® asserts that incorporation by reference of the 2013 version of ANSI C63.17 into the Commission's rules

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<sup>5</sup> After monitoring the required minimum number of channels, UPCS devices may use the combined time and spectrum windows with the lowest signal level. See 47 C.F.R. § 15.323(c)(1)-(12). See *UPCS Band R&O*, 27 FCC Rcd at 3645 (providing additional background).

<sup>6</sup> See 47 C.F.R. § 15.31(a)(2). Under the Commission's equipment authorization rules (47 C.F.R. Part 2, Subpart J), UPCS devices operated in or marketed for use in the United States must be certified. 47 C.F.R. § 15.305.

<sup>7</sup> See 47 C.F.R. §§ 15.31(a)(2), 15.313.

<sup>8</sup> See 47 C.F.R. § 15.38(b)(2).

<sup>9</sup> See ANSI C63.17-2013 at ii, viii, available at <http://www.webstore.ansi.org>.

<sup>10</sup> See *Ex Parte* Comments, ET Docket No. 13-44, RM-11652, from Mr. Daniel Hoolihan, Chairman, American National Standards Institute Accredited Standards Committee C63®, dated Jan. 8, 2014 (ANSI ASC C63® Jan. 8, 2014 *Ex Parte* Comments), at 2, 5.

<sup>11</sup> See *UPCS Band R&O*, 27 FCC Rcd at 3651 ¶ 13.

<sup>12</sup> See *id.*, 27 FCC Rcd at 3645.

<sup>13</sup> See *id.*, 27 FCC Rcd at 3647-3649 ¶¶ 5-9.

<sup>14</sup> See ANSI C63.17-2013 at viii.

will facilitate the implementation of the improved services that the Commission anticipated in its 2012 decision, and thus will serve the public interest.<sup>15</sup>

6. Because the relaxed UPCS device least-interfered channel monitoring method that the Commission adopted in 2012 removed a maximum signal monitoring threshold and requires that fewer channels be defined and monitored, UPCS-band products that have already been authorized continue to be in compliance with our technical rules. UPCS device manufacturers simply have additional flexibility to produce UPCS devices that operate in accordance with the revised criteria.<sup>16</sup> Significantly, the Commission made no changes to the UPCS device power and emissions limits in its 2012 decision. Because ANSI C63.17-2006 was updated in 2013 only to reflect the revised least-interfered channel access method the Commission adopted in 2012, but otherwise did not alter the methods used to measure compliance with the Part 15 Subpart D technical requirements or the power and emissions limits measured, we conclude that updating ANSI C63.17-2006 with the 2013 version of ANSI C63.17 in the Commission's rules will not raise any major compliance issues for UPCS device manufacturers. Thus, consistent with the *UPCS Band R&O*, we amend Sections 15.31(a)(2) and 15.38(b)(2) of the rules to reference the 2013 version of the ANSI C63.17 standard, ANSI C63.17-2013, by which UPCS devices must be measured for compliance with the technical requirements in Part 15 Subpart D of the rules. These updates will become effective 30 days after a summary of this Order is published in the Federal Register.

#### IV. PROCEDURAL MATTERS

##### A. Regulatory Flexibility Certification

7. The Regulatory Flexibility Act (RFA)<sup>17</sup> requires that agencies prepare a regulatory flexibility analysis for notice-and-comment rulemaking proceedings, unless the agency certifies that "the rule will not have a significant economic impact on a substantial number of small entities."<sup>18</sup> We hereby certify that these rule revisions will not have a significant economic impact on a substantial number of small entities for the following two reasons: (1) The action updates the version of the standard by which UPCS devices must be measured for compliance with the technical rules in Part 15 Subpart D of the Commission's rules, and the updated version of the standard only reflects the Commission's revision to the UPCS device least-interfered channel access method, and does not contain any revised measurement procedures or revised power or emissions limits, and (2) UPCS-band products that have already been authorized continue to be in compliance with our technical rules, and UPCS device manufacturers have the option to produce UPCS devices that operate in accordance with the revised least-interfered channel access criteria in Part 15 Subpart D of the Commission's rules to access additional available channels. The Commission will send a copy of this Order, including this certification, to the Chief Counsel for Advocacy of the Small Business Administration.<sup>19</sup> In addition, the Order (or a summary thereof) and certification will be published in the Federal Register.<sup>20</sup>

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<sup>15</sup> See ANSI ASC C63® Jan. 8, 2014 *Ex Parte* Comments at 5.

<sup>16</sup> *Id.* at 3649 ¶ 9.

<sup>17</sup> See 5 U.S.C. § 604. The RFA, *see* 5 U.S.C. § 601 *et seq.*, has been amended by the Contract With America Advancement Act of 1996, Pub. L. No. 104-121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

<sup>18</sup> See 5 U.S.C. § 605(b).

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

**B. Paperwork Reduction Analysis**

8. This Order does not contain any new or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13.

**C. Congressional Review Act**

9. The Commission will send a copy of this Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. §801(a)(1)(A).

**V. ORDERING CLAUSES**

10. Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r), that this Order in ET Docket No. 10-97 is hereby ADOPTED.

11. IT IS FURTHER ORDERED that Part 15 of the Commission's rules IS AMENDED as set forth in Appendix A. These rule revisions will take effect 30 days after a summary of the Order is published in the Federal Register.

12. IT IS FURTHER ORDERED that the Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

13. IT IS FURTHERED ORDERED that the Commission SHALL SEND a copy of this Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

14. This action is taken under delegated authority pursuant to Sections 0.31(i) and 0.241(i) of the Commission's rules, 47 C.F. R. §§ 0.31(i) and 0.241(i).

FEDERAL COMMUNICATIONS COMMISSION

Julius P. Knapp  
Chief, Office of Engineering and Technology

APPENDIX A

Final Rules

For the reasons discussed above, the Federal Communications Commission amends Title 47 of the Code of Federal Regulation, Part 15, to read as follows:

Part 15 – RADIO FREQUENCY DEVICES

1. The authority citation for Part 15 continues to read as follows:

**AUTHORITY:** 47 U.S.C. 154, 302a, 303, 304, 307, 336, and 544a.

2. Section 15.31 is amended by revising paragraph (a)(2) to read as follows:

**§ 15.31 Measurement standards.**

(a) \* \* \*

(1) \* \* \*

(2) Unlicensed Personal Communications Service (UPCS) devices are to be measured for compliance using ANSI C63.17-2013: “Methods of Measurement of the Electromagnetic and Operational Compatibility of Unlicensed Personal Communications Services (UPCS) Devices” (incorporated by reference, see § 15.38). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

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3. Section 15.38 is amended by revising paragraph (b)(2) to read as follows:

**§ 15.38 Incorporation by reference.**

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(b) \* \* \*

(2) ANSI C63.17-2013: “Methods of Measurement of the Electromagnetic and Operational Compatibility of Unlicensed Personal Communications Services (UPCS) Devices,” 2013, IBR approved for § 15.31.

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