



Audit and Compliance Issues

October 7-9, 2008

TCB Workshop



Surveillance Testing

- In adopting rules to streamline the Equipment Authorization Process and establish Telecommunications Bodies the FCC established guidelines for TCBs to conduct surveillance
 - 5% of grants must be sampled
 - 1% of grants with RF safety
 - The Commission will send out letters in October regarding the requirement to submit surveillance report
 - Reminders are sent after 30 days
 - After second 30 days Accreditor is notified
 - PDF Format only
 - Applicant must comply with TCB request for samples
 - TCB should advise applicants/grantees
 - It's a TCB Requirement to Perform Post Grant Testing



Surveillance Testing

- In order for the Commission to evaluate the TCB surveillance program, we ask that each TCB upload this information to the FCC web site within 30 days. The information provided should include:
 - 1) The date range that the surveillance report covers.
 - 2) The number of Certifications performed during the last year.
 - 3) The number and percentage of products subjected to surveillance testing and which were subject to RF Exposure requirements.
 - 4) The scope, FCCID and Form 731 confirmation number of each product.
 - 5) A description of how the 5% (and 1% if applicable) were selected and,
 - 6) A compliance/non-compliance summary.

- Please prepare this information as a PDF file and submit via the web by selecting the link Submit Surveillance Report after logging into the FCC TCB Electronic Filing Site.

- Surveillance testing needs to be completed in the reporting year



Surveillance Testing

- The Surveillance testing program is a requirement for Guide 65 compliance
- Grantees should be aware that they should have production samples available
 - TCBs should have a program to inform applicants/grantees at time of certification
- TCBs should have a test plan to ensure samples tested meet FCC surveillance requirements and the required samples are called in and properly tested.



Further TCB Issues

- Complaints of applicants changing TCBs after being told by a diligent TCB that there are problems with their application
- Several complaints have been received by FCC
- Actions have been taken with regard to specific complaints including blocking of Grantee Codes



Other Issues

- Failure to meet EMI requirements or RF safety requirements – (Applicant)
 - TCB should be reviewing that applicant is following FCC guidance

- Missing or Wrong FCC ID

- DFS U-NII device granted by TCB before FCC tested the composite portion
 - TCB must not grant till notice from FCC via the filing that we are ready to grant our portion of the composite



Other Issues

- Devices must comply with the letter of the Rule
 - Devices approved under 15.241 can only be used for medical telemetry equipment
 - Devices approved under 15.237 can only be used for auditory assistance
- Unlicensed transmitters require that they be tested, approved and marketed in the same manner
 - Device
 - Antenna (must test with all antennas that device will be marketed with)
 - Amplifier
 - Includes all modular approvals



Other Issues

- **Device is not subject to Certification**
 - Part 87 ELTs (406 MHz)
 - Full Service Broadcast transmitters
 - Certain wildlife transmitters
 - And many others

- **Violations in FCC Confidentiality policy**
 - Marketing device while confidentiality is active
 - Not notifying FCC when confidentiality is to be ended
 - We have treated these as Enforcement matters and passed on to the FCC Enforcement Bureau (Note: This is not a TCB review issue; for information only. This is a grantee issue)



Other Issues

- Requests for Technical Information (RT) and for Samples (RS) often take more than 30 days for response to the FCC
 - We block the grantee code for failure to respond to FCC correspondence

- **GENERAL OBSERVATION** – Applications are not always being reviewed carefully by some TCBs – relatively small errors are not being caught



Recent FCC-EB Actions

- NOTE: Enforcement Bureau is very active with fines; forfeitures; and other sanctions
- Consent Decree (XM/Sirius) \$17.4/\$2.2 Million for 15.239 and other violations
- NAL (IDT- Failure to File documents)
- Affirmed Sanction (Against Verizon – marketing violation)
- Increase Fines for failure to pay (Allegations against a Broadcast Station)
- NAL (Extreme Leads) \$1.377 Million for unsolicited advertising over wireless facsimile)
- Consent Decree (Several TV manuf.) \$3.4 Million for DTV V-chip violations
- NAL/NAF (Precor) \$739,900 for violations of importation rules regarding DTV
- An average of about 20 NAL/NOFs per month with fines bet. a few thousand dollars and in excess of \$100,000.

See <http://www.fcc.gov/eb/> and <http://eb.fcc.gov/sed/sedweb/> to see ongoing forfeitures or to file a marketing compliant with the FCC Enforcement Bureau



Possible FCC Sanctions

- Dismissals
- Fines and Forfeitures
- Seizure of equipment (In rem)
- Revocation of FCC ID
 - < 30 days by staff
 - > 30 days by Commission
- Letter ordering grantee to cease marketing and/or importing improperly approved equipment
- Letter of Admonishment
- Negotiated Agreement – Consent Decree



To Report Violations

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