



Permit But Ask Procedures and TCB Exclusion Lists

**TCB Workshop
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Overview

- Permit-but-Ask Procedure
 - Background
 - Review Status
 - Changes
- TCB Exclusion List Update
 - KDB 628591 TCB Exclusion List



Permit-but-Ask Procedures - Background

- Allows TCBs to approve devices where there are no standard review procedures that have been developed with guidance from the FCC
- Permit case-by-case approvals where FCC oversight is necessary
- Permit approvals when there is a need for some pre-grant approval testing
- Permit approvals and improve TCB review consistency



PBA Procedure

- KDB 388624 provides details:
 - List of devices subject to approval
 - Procedures for test labs and manufacturers to obtain guidance prior to testing a device
 - Procedures for TCB to obtain guidance when evaluating specific parts of the application
 - TCB receives preliminary guidance to ensure that the testing has been done following the appropriate procedures
 - TCB get subsequent approval for issuing a grant



Why Multi-step procedure?

- Guidance on test procedures prior to performing tests on a device will avoid delays and need to repeat testing
- Provide a consistent understanding of the approval requirements when multiple parties are involved – manufacturer testing, independent lab testing, TCB evaluation/testing and TCB decision on certification.
- A final opportunity for the FCC to ensure that there is a consistent understanding and application of the approval requirements.



How to speed up approvals? - Manufacturers

- Manufacturers should seek approvals for planned product configurations early in design phases
- Manufacturers considering modules should be considering compliance issues for OEMs
 - Early considerations of design constraints for compliance issues would allow FCC to be more proactive
 - Plans for novel form factors, numbers of colocated transmitters, shared antennas should be brought up as early in approval stages
- Encourage industry groups to come to common agreements on standards



How to speed up approvals? – Test Labs

- Test labs need to understand the underlying operational characteristics of new technology and regulatory compliance concerns
 - Early consultations on test options for special cases prior to completion of tests would minimize later problems
- Test labs should recognize that blind copying of some other procedure may be lead to later problems
 - Ensure that the situations are really comparable



How to speed up approvals? - TCBs

- TCBs need to ensure their role is clear in the process
 - Consulting, testing or reviewing functions need to be clearly identified
 - Review of test results should include all the aspects of the application and not just rely on the FCC guidance for specific area
- TCB decision on certification must be a clearly separate function
 - Must ensure that the entire filing meets the FCC requirements including the additional guidance provided by the FCC
 - FCC will only review relevant documents for PBA; TCB must review all the documents prior to filing for certification
 - Failure to do a thorough review and following instructions is a big problem TCBs can help address
- If issues with decision, contact eastech@fcc.gov
 - (and not your “favorite” engineer – several people are involved in processing a PBA)



TCB Exclusion List

- KDB 628591 provides details
 - Reminder that certain regulatory and administrative functions continue to be performed by the FCC only
 - The TCB Exclusion List identifies items not qualified for certification by a TCB
 - FCC will continue to include certifying new or unique equipment for which rules or requirements do not exist or for which application of the rules is not clear
 - Applications for equipment types excluded from TCB processing should be submitted directly to the FCC for Certification



TCB Exclusion List (cont'd)

- In general TCBs may not:
 - grant waivers of Commission rules
 - certify equipment where FCC rules do not apply
 - act on rules that are unclear
 - authorize transfer of grantee control
 - interpret the FCC rules
- Certification is not permitted for devices:
 - subject only to the Verification or Declaration of Conformity procedures of part 2 subpart J
 - not subject to FCC equipment authorization



Recent Changes to Exclusion List

- Added to Exclusion list
 - Television Band Devices (TVBD) (Part 15 Subpart H)
- Changes to Exclusion list:
 - Certain devices subject to Part 90Z (3650 MHz) rules
 - Devices complying with the requirements for restricted contention based protocol
 - Note: Devices complying with the requirements for restricted contention based protocol are excluded.
 - Software Defined Radios which are not subject to any other restrictions
 - Certain devices requiring SAR evaluation for simultaneous transmission



Recent Changes to PBA List

- Recent Additions to PBA List (published)
 - Long Term Evolution (LTE) devices.
 - 802.20 / iBurst / HC-SDMA
 - 3GPP2 EV-DV
 - Special requests for permanent confidentiality
- Additions proposed (draft)
 - Part 90 Z devices with restricted protocols
 - Software Defined Radios
 - Certain portable devices tested under KDB 447498 section 2
 - Certain transmitters requiring SAR evaluations for simultaneous transmission
- Deletions proposed (draft)
 - 3G Transmitters requiring SAR evaluations for Rel. 6 HSPA



Wrap-up

- New Permit-but-Ask and TCB Exclusion Lists in draft for comment
- These will become effective in 30 days once we have resolved comments
- TCBs must ensure compliance with FCC rules and policies during review and approval
 - TCB failure for following PBA policies may lead to immediate dismissal of grant
- Please ask for guidance from OET/Lab whenever anything whatsoever is unclear
- We continue to find ways to streamline the process