Permit But Ask Procedures and TCB Exclusion Lists

TCB Workshop
October 7, 2009

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Office of Engineering and Technology
Federal Communications Commission
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.
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