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Small Entity Compliance Guide

Operation of Part 15 Auditory Assistance Devices in the 72-73 MHz, 74.6-74.8 MHz, and 75.2-76 MHz Bands

Report and Order
FCC 13-59
ET Docket No. 10-26
Released: May 2, 2013

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the new rules adopted in the above-referenced FCC rulemaking docket(s). This Guide is not intended to replace the rules and, therefore, final authority rests solely with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide may, perhaps, not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide, where appropriate. Any decisions regarding a particular small entity will be based on the statute and regulations.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation; the FCC will consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or to clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

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Compliance Requirements for Operation of Part 15 Auditory Assistance Devices in the 72-73 MHz, 74.6-74.8 MHz, and 75.2-76 MHz Bands

1. Objectives of the Proceeding

In the *Report and Order* adopted in May 2013 in ET Docket No. 10-26, the Commission modified the definition of “auditory assistance device” in Section 15.3 of its rules to permit these devices to be used by anyone at any location for simultaneous language interpretation (simultaneous translation), where the spoken words are translated continuously in near real time. In addition, the Commission lowered the limit of Part 15 auditory assistance devices’ unwanted emissions (emissions that occur outside of the necessary bandwidth of the transmitting system) to the Section 15.209 limits that are applicable to other unlicensed devices. In the *Report and Order*, the objectives of the Commission were to expand the permissible uses of Part 15 auditory assistance devices beyond solely providing auditory assistance to persons with disabilities (*e.g.*, amplification of sounds for the hard of hearing and audio description for the blind) to include simultaneous translation; limit the potential degradation of reception of VHF TV channels 2-4 (54-72 MHz) and 5-6 (76-88 MHz) that could otherwise result from unwanted Part 15 auditory assistance device emissions stemming from the added use of those devices for simultaneous translation; and improve the reception of VHF TV service. The Commission also intended to harmonize the definition of “auditory assistance device” in Part 15 of its rules with the definition of “auditory assistance communications” in Part 95 of its rules.

To facilitate the transition to the lower unwanted emissions limits without unduly impairing the availability or cost of Part 15 auditory assistance devices or imposing undue burdens on manufacturers, translation service providers, or the public, the Commission established transition periods after the effective date of the new rules in this proceeding for manufacturers to design and produce Part 15 auditory assistance devices that comply with the Section 15.209 emissions limits for equipment approval and manufacturing, marketing, and importation purposes. The Commission also grandfathered Part 15 auditory assistance devices that are already installed or in use for the life of the equipment.

2. Regulations and Policies that the Commission Modified

▪ Permissible Uses of Part 15 Auditory Assistance Devices

- The Commission revised Section 15.3 of its rules to expand the permissible uses of Part 15 auditory assistance devices. In pertinent part, Section 15.3 was revised to read as follows:

(a) Auditory assistance device. An intentional radiator used to provide auditory assistance communications (including but not limited to applications such as assistive listening, auricular training, audio description for the blind, and simultaneous language translation) for:

(1) Persons with disabilities. In the context of the Part 15 rules, the term “disability,” with respect to the individual, has the meaning given to it by section 3(2)(A) of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12102(2)(A)), *i.e.*, a physical or mental impairment that substantially limits one or more of the major life activities of such individuals;

(2) Persons who require language translation; or

(3) Persons who may otherwise benefit from auditory assistance communications in places of public gatherings, such as a church, theater, auditorium, or educational institution.

▪ **Limits on Unwanted Emissions from Part 15 Auditory Assistance Devices**

- In the *Report and Order*, the Commission reduced the level of the limit on unwanted emissions for Part 15 auditory assistance devices (*i.e.*, emissions radiated on any frequency outside of the 200 kilohertz necessary bandwidth specified in Section 15.237(a) of the Commission’s rules) to the limits specified for other unlicensed (*i.e.*, Part 15) devices’ unwanted emissions. The rule setting out these generally applicable unwanted emissions limits is Section 15.209 of the Commission’s rules, which is reproduced below. Beginning 18 months after the effective date of the new rules (January 12, 2015), equipment approval will not be granted for Part 15 auditory assistance devices with unwanted emissions that do not meet the Section 15.209 emissions limits. Beginning 3 years after the effective date of the new rules (July 11, 2016), Part 15 auditory assistance devices whose unwanted emissions do not meet the emissions limits of Section 15.209 may not be manufactured or imported for sale or use in the U.S. However, there is no limit on the marketing of Part 15 auditory assistance devices manufactured or imported prior to the end of the 3-year transition period. In addition, Part 15 auditory assistance devices that have already been installed or are in use prior to the end of the 3-year transition period may continue to be operated without a cut-off date without having to meet the Section 15.209 emissions limits. Until the end of the 3-year transition period, Class II permissive changes (*see* 47 C.F.R. Section 2.1043(b)(2)) will be permitted for Part 15 auditory assistance devices certified prior to the 18-month transition date, as well as their continued manufacture, marketing, installation, and importation. After the end of the 3-year transition period, Class II permissive changes will not be permitted for such devices nor will their manufacture, marketing, installation, or importation.

Section 15.209 Radiated emission limits; general requirements.

(a) Except as provided elsewhere in this subpart, the emissions from an intentional radiator shall not exceed the field strength levels specified in the following table:

Frequency (MHz)	Field strength (microvolts/meter)	Measurement distance (meters)
0.009-0.490	2400/F (kHz)	300
0.490-1.705	24000/F (kHz)	30
1.705-30.0	30	30
30-88	100 **	3
88-216	150 **	3
216-960	200 **	3
Above 960	500	3

** Except as provided in paragraph (g), fundamental emissions from intentional radiators operating under this section shall not be located in the frequency bands 54-72 MHz, 76-88 MHz, 174-216 MHz or

470-806 MHz. However, operation within these frequency bands is permitted under other sections of this part, e.g., §§ 15.231 and 15.241.

(b) In the emission table above, the tighter limit applies at the band edges.

(c) The level of any unwanted emissions from an intentional radiator operating under these general provisions shall not exceed the level of the fundamental emission. For intentional radiators which operate under the provisions of other sections within this part and which are required to reduce their unwanted emissions to the limits specified in this table, the limits in this table are based on the frequency of the unwanted emission and not the fundamental frequency. However, the level of any unwanted emissions shall not exceed the level of the fundamental frequency.

(d) The emission limits shown in the above table are based on measurements employing a CISPR quasi-peak detector except for the frequency bands 9-90 kHz, 110-490 kHz and above 1000 MHz. Radiated emission limits in these three bands are based on measurements employing an average detector.

(e) The provisions in §§ 15.31, 15.33, and 15.35 for measuring emissions at distances other than the distances specified in the above table, determining the frequency range over which radiated emissions are to be measured, and limiting peak emissions apply to all devices operated under this part.

(f) In accordance with § 15.33(a), in some cases the emissions from an intentional radiator must be measured to beyond the tenth harmonic of the highest fundamental frequency designed to be emitted by the intentional radiator because of the incorporation of a digital device. If measurements above the tenth harmonic are so required, the radiated emissions above the tenth harmonic shall comply with the general radiated emission limits applicable to the incorporated digital device, as shown in § 15.109 and as based on the frequency of the emission being measured, or, except for emissions contained in the restricted frequency bands shown in § 15.205, the limit on spurious emissions specified for the intentional radiator, whichever is the higher limit. Emissions which must be measured above the tenth harmonic of the highest fundamental frequency designed to be emitted by the intentional radiator and which fall within the restricted bands shall comply with the general radiated emission limits in § 15.109 that are applicable to the incorporated digital device.

(g) Perimeter protection systems may operate in the 54-72 MHz and 76-88 MHz bands under the provisions of this section. The use of such perimeter protection systems is limited to industrial, business and commercial applications.

3. General Technical Requirements for Part 15 Auditory Assistance Devices Remain Unchanged

Except for the tighter unwanted emissions limits, the other administrative and technical requirements applicable to operation of Part 15 auditory assistance devices in the 72-73 MHz, 74.6-74.8 MHz, and 75.2-76 MHz bands remain unchanged. The general operational and technical requirements for Part 15 auditory assistance devices are contained in Sections 15.1, 15.3, 15.5, 15.15, and 15.237 of the Commission's rules.

A copy of the *Report and Order* is available at http://transition.fcc.gov/Daily_Releases/Daily_Business/2013/db0502/FCC-13-59A1.pdf, 28 FCC Rcd 6658. The Commission's Rules (47 Code of Federal Regulations (47 C.F.R.)) are available at http://wireless.fcc.gov/index.htm?job=rules_and_regulations