

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

In the Matter of)
)
Amendment of Parts 0, 1, 2, 15 and 18 of the) ET Docket No. 15-170
Commission’s Rules regarding Authorization of)
Radiofrequency Equipment)

ORDER

Adopted: June 2, 2017

Released: June 2, 2017

By the Chief, Office of Engineering and Technology:

1. For the reasons discussed below, we extend through September 30, 2017 waivers of Sections 2.1203 and 2.1205 of the Commission’s rules that were previously granted by Commission Order in this docket. Our action continues the suspensions of information collection requirements associated with FCC Form 740 and the importation of Radio Frequency (RF) devices that were due to expire on June 30, 2017.¹

2. Section 2.1203 of our rules states that no RF device may be imported unless the importer or ultimate consignee (or their designated customs broker) declares that the device meets the conditions of entry set forth in our importation rules. Section 2.1205 addresses the filing of this declaration.² A Notice of Proposed Rulemaking (*NPRM*) in the instant docket proposes to update the rules that govern the evaluation and approval of RF devices.³ Among the changes being considered by the Commission are proposals to eliminate the requirement to file FCC Form 740 by amending Section 2.1203 and removing Section 2.1205.⁴

3. Section 2.1205 directs parties to submit FCC-required import information in conjunction with their filings with the U.S. Customs and Border Protection (CBP), and the vast majority of such filings are made electronically through CBP’s filing system. The *Waiver Order* was prompted by CBP deploying a new filing system that could not accept the FCC-required importation information electronically.⁵ Noting that the pending rulemaking proceeding could ultimately result in the elimination, modification, or retention of the section 2.1203 and 2.1205 requirements, the Commission found good cause to

¹ Amendment of Parts 0, 1, 2, 15 and 18 of the Commission’s Rules Regarding Authorization of Radiofrequency Equipment, ET Docket No. 15-170, *Order*, 30 FCC Rcd 7725 (2015) (*Waiver Order*). Amendment of Parts 0, 1, 2, 15 and 18 of the Commission’s Rules Regarding Authorization of Radiofrequency Equipment, ET Docket No. 15-170, *Order*, 31 FCC Rcd 12916 (OET 2016) (*Waiver Extension Order*).

² 47 C.F.R. §§ 2.1203 and 2.1205.

³ Amendment of Parts 0, 1, 2, 15 and 18 of the Commission’s Rules Regarding Authorization of Radiofrequency Equipment, ET Docket No. 15-170, *Notice of Proposed Rulemaking*, 30 FCC Rcd 7725 (2015).

⁴ *Id.* at 7766-67, paras. 117-121 and proposed 47 C.F.R. § 2.1203 (Appx. A).

⁵ *Waiver Order* at 11828, para. 4. See also *Office of Engineering And Technology Addresses Misconceptions About FCC Form 740 Electronic Filing Requirements*, Public Notice, ET Docket 15-170, 31 FCC Rcd 21 (OET, Jan. 6, 2016).

temporarily waive the filing requirements associated with these rules.⁶ The Office of Engineering and Technology (OET) subsequently extended the waiver period until June 30, 2017.⁷

4. As the subject rulemaking remains under active consideration, the burdens associated with the use of paper filing without an electronic option continue to be significant, and the Commission has been able to work with CBP to obtain the information it needs in the absence of Form 740 filings, the reasons supporting the original waivers remain valid and a short time extension is warranted. This Order only affects the manner in which the Commission collects the information about imported RF equipment that is associated with the requirements of Sections 2.1203 and 2.1205. In the event the Commission decides to require importers to submit some or all of the information currently required by Sections 2.1203 and 2.1205, it can still set forth appropriate revised filing procedures. The general proscription against importation of non-authorized equipment, Section 2.1204,⁸ continues to remain fully in effect.

5. Accordingly, IT IS ORDERED, pursuant to authority delegated to the Office of Engineering and Technology by the Commission, that the waivers of Sections 2.1203 and 2.1205 of the Commission's Rules and Regulations, 47 C.F.R. Sections 2.1203 and 2.1205, that were originally granted by the Commission on October 16, 2015, ARE HEREBY EXTENDED through September 30, 2017.

FEDERAL COMMUNICATIONS COMMISSION

Julius P. Knapp
Chief, Office of Engineering and Technology

⁶ *Waiver Order* at 11829, para. 6. Section 1.3 of the Commission's rules provides that "[a]ny provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown." *See* 47 C.F.R. § 1.3.

⁷ *Waiver Extension Order*.

⁸ 47 C.F.R. § 2.1204.