



PUBLIC NOTICE

Federal Communications Commission
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**OFFICE OF ENGINEERING AND TECHNOLOGY SEEKS COMMENT ON
AXON ENTERPRISE, INC. REQUEST FOR WAIVER OF SECTIONS 15.247(a) AND 15.247 (d)
OF THE COMMISSION'S RULES FOR OPERATING IN THE 5725 – 5850 MHz BAND**

ET Docket No. 24-40

Comment Date: March 7, 2024
Reply Comment Date: March 22, 2024

By this public notice, we seek comment on a request by Axon Enterprise, Inc. (Axon) to waive Sections 15.247(a) and 15.247(d) of the Commission's rules to permit Axon to market three analog wireless devices that transmit at power levels allotted only to digital modulated spread spectrum devices and to exceed the out of band (OOB) emission limits in the rules.¹

Axon requests a waiver of the Commission's rules to market three investigation and surveillance devices to law enforcement.² Axon states the devices, an aerial vehicle (drone), a ground vehicle, and a pole-mounted/stand-alone camera, are intended to provide law enforcement with real-time information in dangerous situations and to reduce safety risks.³ Axon states that to meet law enforcement's need for continuous and reliable video feeds, the devices must use analog signal modulation. Axon further states that the Commission's rules for analog wireless devices authorized to operate in the 5725-5850 MHz band, however, limit the power levels to a level too low to meet the needs of law enforcement.⁴

Section 15.247 of the Commission's rules contains the technical requirements for operating within the 902-928 MHz, 2400-2483.5 MHz, and 5725-5850 MHz bands.⁵ Subpart 15.247(a) limits the applicability of these technical requirements to frequency hopping and digitally modulated intentional radiators.⁶ As use of analog modulation in these bands does not comply with Commission rules, Axon seeks a waiver of section 15.247(a) to allow operation of the three devices under the broader technical limits contained in section 15.247.⁷

¹ Axon Enterprise Inc. Request for Waivers of Section 15.247 of the Commission's Rules for Intentional Radiators, ET Docket No. 24-40 (filed Dec. 5, 2023), <https://www.fcc.gov/ecfs/search/search-filings/filing/120570136329> (*Axon Waiver Request*).

² *Axon Waiver Request* at 1. We also note that Axon has requested any waiver be applicable to its subsidiaries. See *Axon Waiver Request* at 5, n.4.

³ *Axon Waiver Request* at 2-3, 13.

⁴ *Axon Waiver Request* at 4-5. See also 47 CFR § 15.209 and 15.249.

⁵ 47 CFR § 15.247.

⁶ 47 CFR § 15.247(a).

⁷ *Axon Waiver Request* at 5.

Section 15.247(d) of the rules limits OOB emissions of spread spectrum or digitally modulated intentional radiators.⁸ Axon states that to meet the technical parameters that law enforcement requires, the devices need to operate at levels that exceed the limits found in section 15.247(d).⁹ Consequently, Axon seeks a waiver of section 15.247(d).¹⁰

We seek comment on Axon's Waiver Request. To develop a complete record on the issues presented by this request, this proceeding will be treated, for *ex parte* purposes, as "permit-but-disclose" in accordance with Section 1.1200(a) of the Commission's rules, subject to the requirements under Section 1.1206(b). Axon filed its petition electronically as a non-docketed proceeding in the Commission's Electronic Comment Filing System. We have opened a new docket, **ET Docket 24-40** to facilitate consideration of this request and have moved Axon's submission into this docket. Parties should file all comments and reply comments in **ET Docket 24-40**.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.¹¹
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

⁸ 47 CFR § 15.247(d).

⁹ *Axon Waiver Request* at 5. The rules (47 CFR § 15.247(d)) provide two required levels of attenuation. Radiators must be attenuated by at least 20 dB. However, if the transmitter complies with the conducted power limits based on the use of RMS averaging over a time interval, the attenuation required shall be 30 dB. Axon's devices fall under the latter category and must, therefore, be attenuated by 30 dB.

¹⁰ *Id.*

¹¹ See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (OMD 2020).

Parties should also send a copy of their filings to Damian G. Ariza, Office of Engineering and Technology, Federal Communications Commission, 45 L Street, N.E., Washington, D.C. 20002, or by e-mail to damian.ariza@fcc.gov.

Documents associated with this docket will be available for public inspection through the Commission's ECFS.

By the Chief, Office of Engineering and Technology

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