

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

In the Matter of)
AT&T Services, Inc.)
Petition for Expedited Waiver of Sections) ET Docket No. 21-232
2.932(b) and 2.1043(b) of the Commission's)
Rules to Permit Targeted Class I and Class II)
Permissive Hardware Changes to Covered Routers)

ORDER

Adopted: May 15, 2026

Released: May 15, 2026

By the Chief, Office of Engineering and Technology:

I. INTRODUCTION

1. By this Order we partially grant the request of AT&T Services, Inc. (AT&T) for a waiver of Sections 2.932(b) and 2.1043(b) of the Commission's rules to permit AT&T's suppliers to make two types of necessary hardware Class I and Class II permissive changes to consumer-grade routers, which are now on the Covered List, for a period of one year. We find that grant of the waiver will serve the public interest by preventing potential disruptions in the availability of broadband for AT&T's customers.

II. BACKGROUND

2. On October 28, 2025, the Commission adopted revisions to its rules at 47 CFR §§ 2.932(b) and 2.1043(b), which went into effect in December 2025. These revisions exclude "equipment prohibited from authorization pursuant to § 2.903," i.e. equipment on the Covered List, from the equipment certification procedures allowing for Class I permissive changes to authorized equipment.

3. On March 23, 2026, the FCC added to the Covered List "Routers produced in a foreign country, except routers which have been granted a Conditional Approval by DoW or DHS" (Covered Routers). Applying 47 CFR §§ 2.932(b) and 2.1043(b) to Covered Routers had the effect of prohibiting

1 AT&T Services Petition for Expedited Waiver of Sections 2.932(b) and 2.1043(b) of the Commission's Rules to Permit Targeted Class I and Class II Permissive Hardware Changes to Covered Routers, ET Docket No. 21-232 (filed May 11, 2026) (AT&T Waiver Request).

2 In the Matter of Protecting Against National Security Threats to the Communications Supply Chain through the Equipment Authorization Program, ET Docket No. 21-232, Second Report and Order and Further Notice of Proposed Rulemaking, ¶ 55 (rel. Oct. 29, 2025), 90 Fed. Reg. 53227 (Nov. 25, 2025) (rules effective Dec. 26, 2025).

3 47 CFR §§ 2.932(b), 2.1043(b).

4 Public Safety and Homeland Security Bureau Announces Addition of Routers Produced in Foreign Countries to FCC Covered List, WC Docket No. 18-89, Public Notice, DA 26-278 (Mar. 23, 2026) (Routers Public Notice). For the current version of the Covered List and Conditional Approvals, see Federal Communications Commission, List of Equipment and Services Covered By Section 2 of The Secure Networks Act, https://www.fcc.gov/supplychain/coveredlist. The term "Routers" is defined by National Institute of Standards and Technology Internal Report 8425A to include consumer-grade networking devices that are primarily intended for

(continued....)

all permissive changes, even software and firmware security updates that would otherwise mitigate harm to U.S. consumers. As a result, OET announced a waiver of those prohibitions, permitting Covered Routers to continue to receive software and firmware Class I permissive changes that mitigate harm to U.S. consumers until January 1, 2027.⁵ On May 8, 2026, OET extended that waiver through January 1, 2029, and expanded it to include software and firmware Class II permissive changes that mitigate harm to U.S. consumers.⁶ Hardware or other permissive changes to Covered Routers are not included in these waivers and are still prohibited under the Commission's rules.

4. On May 11, 2026, AT&T filed a request for a waiver of Sections 2.932(b) and 2.1043(b) of the Commission's rules to permit its suppliers to make two types of necessary Class I and Class II hardware changes to consumer-grade routers.⁷ On May 14, 2026, AT&T filed an *Ex Parte Letter*, which emphasized that the hardware changes to the Covered Routers contemplated under AT&T's waiver request would not: improve performance or capability of a previously authorized device; be used to market a previously authorized device as a new model; alter a previously authorized device's functionality; or involve swapping a U.S.-made part for a non-U.S. made part.⁸

III. DISCUSSION

5. We are authorized to grant a waiver under Section 1.3 of the Commission's rules if the petitioner demonstrates good cause for such action.⁹ Good cause, in turn, may be found and a waiver granted "where particular facts would make strict compliance inconsistent with the public interest."¹⁰ To make this public interest determination, the waiver cannot undermine the purposes of the rule, and there must be a stronger public interest benefit in granting the waiver than in applying the rule.¹¹

6. We find that partially granting AT&T's request for waiver for AT&T's suppliers meets the waiver standard because of the specific facts in the waiver request and *ex parte letter*. These include the unavoidable supply-chain shortages and the public interest need to prevent disruptions in the availability of broadband for AT&T's customers.¹² Moreover, this waiver does not undermine the national security and public safety purpose of the rule, given that, among other facts, the hardware

residential use and can be installed by the customer. Routers forward data packets, most commonly Internet Protocol (IP) packets, between networked systems.

⁵ Office of Engineering and Technology and Technology Announces Waiver of Prohibitions on Certain Class I Permissive Changes to Covered Routers, *Public Notice*, DA 26-286 (Mar. 23, 2026).

⁶ Office of Engineering and Technology and Technology Announces Extension and Expansion of Waiver of Prohibitions on Software and Firmware Permissive Changes to Certain Covered UAS, UAS Critical Components and Routers, *Public Notice*, DA 26-454 (May 8, 2026).

⁷ AT&T Waiver Request.

⁸ AT&T Services Petition for Expedited Waiver of Sections 2.932(b) and 2.1043(b) of the Commission's Rules to Permit Targeted Class I and Class II Permissive Hardware Changes to Covered Routers, *Ex Parte Filing*, ET Docket No. 21-232 (filed May 14, 2026) (AT&T *Ex Parte*).

⁹ 47 CFR § 1.3. See also *ICO Global Communications (Holdings) Limited v. FCC*, 428 F.3d 264 (D.C. Cir. 2005); *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

¹⁰ *Northeast Cellular*, 897 F.2d at 1166; see also *ICO Global Communications*, 428 F.3d at 269 (quoting *Northeast Cellular*); *WAIT Radio*, 418 F.2d at 1157-59.

¹¹ See, e.g., *WAIT Radio*, 418 F.2d at 1157 (stating that even though the overall objectives of a general rule have been adjudged to be in the public interest, it is possible that application of the rule to a specific case may not serve the public interest if an applicant's proposal does not undermine the public interest policy served by the rule); *Northeast Cellular*, 897 F.2d at 1166 (stating that in granting a waiver, an agency must explain why deviation from the general rule better serves the public interest than would strict adherence to the rule).

¹² AT&T Waiver Request at 4-9.

changes will not improve performance or capability or alter the functionality of the previously-authorized device; will not be used to market the device as a distinct model; and will not involve swapping a U.S.-produced component for a foreign produced component.¹³

7. We therefore partially grant AT&T's waiver request for a period of one year, until May 15, 2027, for the limited purpose of AT&T's suppliers making hardware Class I and Class II permissive changes to substitute substrate materials and memory modules in its previously certified routers of its suppliers that are now on the Covered List, so long as they are otherwise consistent with the regulations in 47 CFR § 2.1043. The prohibitions in 47 CFR §§ 2.932(b) and 2.1043(b) remain in effect for all other hardware modifications to covered equipment.

IV. ORDERING CLAUSES

8. Accordingly, pursuant to authority delegated in Sections 0.31, 0.241 and 1.3 of the Commission's rules, 47 CFR §§ 0.31, 0.241, and 1.3, and Sections 4(i), 302, 303(e), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 302a, 303(e), and 303(r), IT IS ORDERED that the Request for Waiver filed by AT&T on May 11, 2026 IS GRANTED consistent with the terms of this Order. This action is effective upon release of this Order.

FEDERAL COMMUNICATIONS COMMISSION

Andrew C. Hendrickson
Chief, Office of Engineering and Technology

¹³ AT&T *Ex Parte* at 1.