

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

In the Matter of)
NCTA – The Internet & Television Association)
Protecting Against National Security Threats to) ET Docket No. 21-232
the Communications Supply Chain through the)
Equipment Authorization Program)
Petition for Expedited Waiver to Permit Targeted)
Class I and Class II Permissive Hardware Changes)
to Covered Routers)

ORDER

Adopted: June 9, 2026

Released: June 9, 2026

By the Chief, Office of Engineering and Technology:

I. INTRODUCTION

1. By this Order we partially grant the request of NCTA – The Internet & Television Association (NCTA) for a waiver of Sections 2.932(b) and 2.1043(b) of the Commission's rules to permit its members 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,1 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 NCTA members’ customers, while still fulfilling the rules’ national security and public safety purpose.

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 2025.2 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

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).4 Applying 47 CFR §§ 2.932(b) and 2.1043(b) to Covered Routers had the effect of prohibiting

1 NCTA – The Internet & Television Association, Petition for Expedited Waiver to Permit Targeted Class I and Class II Permissive Hardware Changes to Covered Routers, ET Docket No. 21-232 (filed June 2, 2026) (NCTA 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 (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 June 2, 2026, NCTA filed a request for a waiver of Sections 2.932(b) and 2.1043(b) of the Commission's rules on behalf of its ISP members to permit their suppliers to make two types of necessary Class I and Class II hardware changes to consumer-grade routers in order to substitute substrate materials and memory modules.⁷ NCTA indicated these changes would otherwise comply with the Class I and Class II permissive change requirements in Section 2.1043, and that the hardware changes (i) would not improve performance or capability or alter the functionality of the previously-authorized device; (ii) will not be used to market the device as a distinct model; and (iii) will not involve swapping a U.S.-produced component for a foreign produced component.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 NCTA's request for waiver for its member's suppliers meets the waiver standard because of the specific facts in the waiver request. These include the unavoidable supply-chain shortages requiring the substitution of substrate components, volatile, and non-

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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 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 NCTA Waiver Request.

⁸ *Id.*

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).

volatile memory in existing, certified router designs to prevent disruptions in the availability of broadband for NCTA's ISP members.¹² Moreover, this waiver does not undermine the national security and public safety purpose of the rule, given that, among other facts, the hardware 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 NCTA's waiver request for a period of one year, until June 9, 2027, for the limited purpose of NCTA's member's¹⁴ suppliers, making hardware Class I and Class II permissive changes to substitute substrate materials and memory modules in its previously certified routers 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 NCTA on June 2, 2026 IS GRANTED consistent with the terms of this Order. This action is effective upon release of this Order.

FEDERAL COMMUNICATIONS COMMISSION

Andrew Hendrickson
Chief, Office of Engineering and Technology

¹² NCTA Waiver Request at 8-11.

¹³ NCTA Waiver Request at 12.

¹⁴ The terms of this Order will apply to NCTA members listed in Appendix A.

Appendix A
NCTA Members

Charter Communications
Cox Communications
Comcast NBCUniversal
GCI Cable
Mediacom Communications Corporation
Midco
Sjoberg's, Inc.