



NEWS

Federal Communications Commission
445 12th Street, S.W.
Washington, D. C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

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See *MCI v. FCC*, 515 F.2d 385 (D.C. Cir. 1974).

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NEWS MEDIA CONTACT:
Bruce Romano, 202-418-2124
Bruce.Romano@fcc.gov

FCC ADOPTS SWEEPING CHANGES TO EXPERIMENTAL RULES

Washington, D.C. -- The Federal Communications Commission today makes significant changes to its Part 5 Experimental Radio Service (ERS) by creating a more flexible framework to support the rapid pace of technological innovation and to further implement the recommendations of the Commission's March 2010 National Broadband Plan. These changes add three new types of experimental licenses and revise and streamline existing rules and procedures for experimenting, testing, and marketing radio frequency (RF) devices, while protecting incumbent licensees from interference.

Today's Report and Order (R&O) expands upon and complements the existing ERS structure, in which the Commission issues individual licenses for each experiment. The new licenses will provide innovators greater flexibility in how they conduct research and development by permitting them to modify existing experiments and conduct new experiments within a broad range of frequencies, emissions, and power levels at defined geographic locations under a single license. By eliminating the process of applying and waiting for approval of each individual experiment, these new licenses will reduce the regulatory burden on licensees. This flexibility will promote creativity and accelerate the introduction of new products to the marketplace. Specifically, these new licenses are:

- ***Program experimental license:*** This license will allow colleges, research laboratories, health care institutions, and manufacturers that have demonstrated experience in RF technology to conduct ongoing series of research experiments and tests.
- ***Medical testing license:*** This license will be available to health care facilities with RF expertise to assess newly developed RF based medical devices for patient compatibility, electromagnetic compatibility and to conduct clinical trials at patients' homes or in other geographic areas that are not within the health care licensee's control.
- ***Compliance testing license:*** This license will provide Commission-recognized laboratories the flexibility to undertake RF product compliance testing under the Commission's equipment authorization procedures.

Along with this new flexibility, the Commission will also ensure that critical services (*i.e.* commercial mobile radio services, emergency notifications, and public safety radio services) are protected by requiring experimenters using this new expanded authority to provide notice to such licensees, and to develop a specific plan to avoid harmful interference to those operations. Further, as with current experimental licenses, experimentation under these new licenses must be conducted on a non-interference basis. Finally, the Commission will create a new web-based registration system to track and manage individual experiments for program and medical testing licenses.

Additionally, the R&O consolidates all experimental radio provisions into Part 5 of the Commission's Rules by creating a new subpart for broadcast experiments and eliminating the developmental licensing rules that are scattered across multiple Commission rule parts. The Commission today also clarifies, simplifies, and expands the existing ERS rules that provide for market trials, including allowing a greater number of RF devices to enter the U.S. for testing and evaluation purposes. Finally, by modifying, clarifying, and eliminating other rules, the R&O reduces administrative burdens on experimenters and benefits the public by promoting greater experimentation.

Action by the Commission January 31, 2013, by Report and Order (FCC 13-15). Chairman Genachowski, Commissioners McDowell, Clyburn, Rosenworcel, and Pai with separate statements issued by Chairman Genachowski, Commissioners McDowell, Clyburn, Rosenworcel, and Pai.

For further information, contact Ira Keltz (202-418-2470; ira.keltz@fcc.gov) or Rodney Small (202-418-2452; rodney.small@fcc.gov).

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