

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

In the Matter of)	
)	
Promoting Expanded Opportunities for Radio)	ET Docket No. 10-236
Experimentation and Market Trials under Part 5 of)	
the Commission's Rules and Streamlining Other)	
Related Rules)	
)	
2006 Biennial Review of Telecommunications)	ET Docket No. 06-155
Regulations – Part 2 Administered by the)	
Office of Engineering and Technology (OET))	

ERRATUM

Released: March 21, 2013

By the Chief, Office of Engineering and Technology:

On January 31, 2013, the Commission released a Report and Order, FCC 13-15, in the above captioned proceeding. This Erratum amends the Report and Order as indicated below:

1. Paragraph 127 is corrected to read as follows:

“In consideration of the comments, we will add a provision to the rules in Section 2.805(e)(2) to permit general operation of any RF device subject to certification, but that has not yet been certified, without the need for an experimental license, provided that the device is operated as part of a trade show or exhibition demonstration and at or below the maximum power level permitted under our Part 15 rules. Current rules provide such an exception only for devices designed to operate under Parts 15, 18, or 95, and we are keeping this exception. Expanding this exception to devices designed to operate under any other rule part, but capping the power level for demonstration purposes of those other devices to the Part 15 levels²²⁵ will reduce burdens on manufacturers, as they will no longer need to obtain an experimental license or STA, or operate under a third party's service license to conduct such demonstrations. Further, this expansion will increase opportunities for manufacturers to demonstrate their products, with little potential for increasing interference, as emissions at Part 15 levels are currently permitted. We do not find it necessary to restrict such use to indoor only or to preclude in-motion operations. We observe that the current exceptions do not include such restrictions, and we have not received any interference complaints. However, we will not allow RF devices operating under this provision to be used beyond trade shows or exhibitions. Trade show and exhibition schedules and operating hours are known and generally occur in confined areas, and often have their own frequency coordinators, so any instance of harmful interference can be identified and remedied quickly. In contrast, unrestricted use of uncertified devices at any location, even at the Part 15 levels, could increase the likelihood of interference to authorized spectrum users without any such ability for quick remediation. Accordingly, we find that our revised rules strike an appropriate balance between the benefits of enhanced opportunities for manufacturers of RF devices to demonstrate their products and the potential costs of harmful interference to authorized Commission radio services.

2. Footnote 225 is corrected to read as follows:

“General requirements for Part 15 radiation emission limits are shown in the table of Section 15.209(a), and restricted bands of operation are listed in Section 15.205(a). *See* 47 C.F.R. §§ 15.209(a) and 15.205(a).”

This Erratum also amends **Appendix B** of the Report and Order as indicated below:

3. Section 2.803 is corrected as follows:

- in the section heading, replace “products” with “devices”
- in paragraph (b), replace the word “product” with “device”
- in paragraphs (1) through (3), listed below “(b) *General rule*”, replace the word “product” with “device” and the word “products” with “devices”
- in paragraphs (2), (i), (ii) and (iii), listed below “(c) *Exceptions*” replace the word “product” with “device” and the word “products” with “devices”
- the following sentences of paragraphs (B) and (C) are corrected to read as follows:
“(B) the following notice is included with the kit:”
“(C) the kit is labeled with the following legend:” and
- in paragraph (d), replace the word “products” with “devices”

4. In paragraph 12, Section 2.805 is corrected in its entirety to read as follows:

“§ 2.805 Operation of radio frequency devices prior to equipment authorization.

(a) *General rule.* A radio frequency device may not be operated prior to equipment authorization unless the conditions set forth in (b), (c), (d) or (e), below, are met. Radio frequency devices operated under the provisions below may not be marketed (as defined in § 2.803(a)) except as provided elsewhere in this chapter. In addition, the provisions of subpart K continue to apply to imported radio frequency devices.

(b) Operation of a radio frequency device prior to equipment authorization is permitted under the authority of an experimental radio service authorization issued under Part 5 of this chapter.

(c) Operation of a radio frequency device prior to equipment authorization is permitted for experimentation or compliance testing of a device that is fully contained within an anechoic chamber or a Faraday cage.

(d) For devices designed to operate solely under Parts 15, 18, or 95 of this chapter without a station license, operation of a radio frequency device prior to equipment authorization is permitted under the following conditions, so long as devices are either rendered inoperable or retrieved at the conclusion of such operation:

- (1) The radio frequency device shall be operated in compliance with existing Commission rules, waivers of such rules that are in effect at the time of operation, or rules that have been adopted by the Commission but that have not yet become effective; and

(2) The radio frequency device shall be operated for at least one of these purposes:

(i) Demonstrations at a trade show or an exhibition, provided a notice containing the wording specified in § 2.803(c)(2)(iii) is displayed in a conspicuous location on, or immediately adjacent to, the device; or all prospective buyers at the trade show or exhibition are advised in writing that the equipment is subject to the FCC rules and that the equipment will comply with the appropriate rules before delivery to the buyer or to centers of distribution; or

(ii) Evaluation of performance and determination of customer acceptability, during developmental, design, or pre-production states. If the device is not operated at the manufacturer's facilities, it must be labeled with the wording specified in § 2.803(c)(2)(iii), and in the case of an evaluation kit, the wording specified in § 2.803(c)(2)(iv)(C).

(e) Operation of a radio frequency device prior to equipment authorization is permitted under either paragraph (e)(1) or (e)(2) below, so long as devices are either rendered inoperable or retrieved at the conclusion of such operation:

(1) The radio frequency device shall be operated in compliance with existing Commission rules, waivers of such rules that are in effect at the time of operation, or rules that have been adopted by the Commission but that have not yet become effective; and

(i) Under the authority of a service license (only in the bands for which that service licensee holds a license) provided that the licensee grants permission and the licensee continues to remain responsible for complying with all of the operating conditions and requirements associated with its license; or

(ii) Under a grant of special temporary authorization.

(2) The radio frequency device shall be operated at or below the maximum level specified in the table in section 15.209(a) of this chapter for at least one of these purposes:

(i) Demonstrations at a trade show or an exhibition, provided a notice containing the wording specified in § 2.803(c)(2)(iii) is displayed in a conspicuous location on, or immediately adjacent to, the device; or all prospective buyers at the trade show or exhibition are advised in writing that the equipment is subject to the FCC rules and that the equipment will comply with the appropriate rules before delivery to the buyer or to centers of distribution; or

(ii) Evaluation of performance and determination of customer acceptability, during developmental, design, or pre-production states. If the device is not operated at the manufacturer's facilities, it must be labeled with the wording specified in § 2.803(c)(2)(iii), and in the case of an evaluation kit, the wording specified in § 2.803(c)(2)(iv)(C)."

5. Section 2.1204, in paragraph (3), replace "frequency product" with "frequency device", replace the word "products" with "devices"; and in paragraph (ii) replace "product" with "device".

6. Section 5.51, at the end of paragraph (a), replace the word "product" with "device".

7. Section 5.54, under paragraph (e), replace “(i)” and “(ii)” with “(1)” and “(2)” and correct the new paragraph (1) to read as “testing of radio frequency devices, and”.

8. Section 5.302, at the end of the first paragraph, correct “their end products, that meets the following requirements:” to read as “ its end products. Each applicant must meet the following requirements:”.

9. Section 5.303 is corrected to read as follows:

“§ 5.303 Frequencies.

Licensees may operate in any frequency band, except for the following:

- (a) Frequency bands at or below 38.6 GHz that are designated as restricted in Section 15.205(a) of this chapter; and
- (b) Frequency bands above 38.6 GHz that are listed in footnote US246 of the Table of Frequency Allocations in Section 2.106 of this chapter.”

10. Section 5.503, in the second line, replace “product” with “device”.

FEDERAL COMMUNICATIONS COMMISSION

Julius P. Knapp
Chief, Office of Engineering and Technology