

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

GEN. Docket No. 87-212

In the Matter of

Amendment of Part 2 of the  
Commission's Rules Regarding  
Equipment Authorization Procedures

### REPORT AND ORDER

Adopted: December 15, 1988; Released: January 5, 1989

By the Commission:

#### INTRODUCTION

1. By this action, the Commission amends the equipment authorization requirements in Part 2 of its Rules. This action simplifies equipment identification and labeling standards, reduces application filing requirements, and improves the efficiency of the Commission's equipment sampling procedures.

#### BACKGROUND

2. As part of the Commission's equipment authorization process, all approved equipment must be identified with a label that includes an FCC Identifier (FCC ID).<sup>1</sup> The existing identification requirements were adopted in order to provide for a systematic method to identify equipment which has been approved by the Commission. The FCC ID consists of three elements: 1) grantee code; 2) manufacturer code; and 3) equipment number/product code.<sup>2</sup> In addition, the identification label must be formatted in a prescribed manner and must specify the country of origin if different from the United States.<sup>3</sup> Under the current rules a change in the FCC ID necessitates the filing of a new application for equipment authorization with the Commission regardless of the reason for the change. Also the change or addition of trade names under which an authorized device will be marketed requires the filing of a new application by the grantee of the equipment authorization.<sup>4</sup> The rules further provide that the Commission may, from time to time, request samples of equipment for which an equipment authorization has been granted.<sup>5</sup> These samples are tested for compliance with the Commission's technical standards. In addition, the equipment authorization rules require that the administrative data filed by the grantee in association with individual equipment authorizations be kept current.

3. In the *Notice of Proposed Rule Making (Notice)* in this proceeding, the Commission observed that as a consequence of the proliferation of electronic equipment and changes in manufacturing practices over the years, the present authorization program requirements appear to have become too complex and burdensome for both the grantees and the Commission.<sup>6</sup> In an effort to remedy

these problems, we proposed to simplify the equipment identification rules and to eliminate unnecessary application filing requirements. Specifically, we proposed to modify the FCC ID, delete the requirement for a grantee to re-apply for an equipment authorization when trade names for a device are changed or added, and to relax the formatting standards for equipment authorization labels. We also proposed to strengthen the FCC equipment sampling program and to revise certain aspects of the administrative provisions of the equipment authorization rules. Comments were filed by 22 parties and reply comments were filed by 3 parties. A list of the parties filing comments and reply comments is contained in appendix A.

#### DISCUSSION

##### *Identification*

4. *Deletion of the manufacturer code.* In the *Notice*, we observed that where it was once common for a grantee to employ a single manufacturer to fabricate a product, it is now more common for a grantee to employ several different manufacturing sources and to change these sources frequently. This practice allows a grantee to obtain the best price for the manufacture of a given device, thereby enabling it to offer the device to consumers at a lower price. We also observed that the requirement to apply for a new authorization each time manufacturing sources are changed now appears to be burdensome for grantees and causes them delays in shifting production sources. We indicated that since the grantee is the party responsible for the technical compliance of marketed equipment, there appeared to be no regulatory need for identifying the manufacturer.

5. Most of the commenters support the deletion of the manufacturer's code from the FCC ID. However, some believe that by requiring the placement of the manufacturer code on a device, manufacturers will be more likely to produce equipment that complies with the Commission's technical standards. Other commenters believe that the Commission's enforcement program would be hindered by the inability to cross reference the manufacturer code in cases where a single manufacturer produces defective devices for multiple grantees or when trying to isolate an individual manufacturer of defective equipment where the grantee employs several manufacturers to fabricate the same device. Linear Corporation (Linear), in its comments suggests that the Commission not abandon the identification of manufacturers, but instead have the grantee uniquely mark devices to indicate the manufacturer. The Commission then could collect the information through a simple notification procedure. Linear believes that in many cases the grantee is in a poor position to control the quality of devices for which it has obtained equipment authorization and that the deletion of the manufacturer code will distance the manufacturer from the Commission's enforcement abilities.

6. We continue to believe that the manufacturer code requirements impose substantial burdens on grantees of equipment authorizations. We also are not persuaded by the statements of some commenters that display of manufacturer identification on devices is necessary to induce manufacturers to comply with our technical standards. Section 2.931 of our Rules states that the responsibility for the compliance of equipment marketed under an equipment authorization rests with the *grantee* of the au-

thorization. Thus, grantees are responsible for monitoring the equipment produced under contract by third party manufacturers for compliance with the rules. There has been no evidence presented in this proceeding to indicate this rule is not sufficient by itself to ensure that electronic equipment complies with the applicable technical standards or that the manufacturer code requirements serve to increase compliance in this regard.

7. Cross reference of the manufacturer code to identify potential non-compliant devices produced by the same manufacturer may of course be possible. However, this procedure has not generally been necessary for the accomplishment of our enforcement efforts. If necessary, the identity of the manufacturer of a particular device could be obtained from the grantee through the unit's serial number. Thus we see no need to require grantees to separately mark equipment with the grantee's own internal code to identify the manufacturer as suggested by Linear. Furthermore, our rules provide that in the case of non-compliant equipment the Commission can require the grantee to investigate the matter and report the results to the Commission.<sup>7</sup> Therefore, we conclude that the manufacturer code is not necessary for enforcement purposes.

8. In view of these conclusions, we are deleting the manufacturer code requirements. In the future the three spaces in the FCC ID that follow the grantee code may be used by applicants as part of the product code. However, applicants need not assign a 14 character equipment product code; indeed they are encouraged to use the minimum number of spaces they consider necessary to adequately identify their products. For record purposes, the three characters in the existing equipment FCC ID's that identify the manufacturer will now be considered part of the equipment product code.<sup>8</sup>

9. *Trade Names.* The *Notice* proposed to permit grantees to market approved equipment under any trade name without submitting additional filings as long as the equipment is marked with the appropriate FCC identification label. The commenters generally support this proposal. Linear, while supporting the concept of the proposal to delete the application filing requirement when changing or adding trade names, suggests that the Commission continue to collect trade name information through an informal procedure such as the filing of a notification. Linear believes that trade name information is beneficial to the Commission's ability to control the marketing of non-compliant devices.

10. As we observed in the *Notice*, some grantees supply the same device for marketing under as many as 30 different trade names. Our experience with the equipment identification rules indicates that it is not necessary to require filing of separate applications for authorization of equipment when new trade names are added for identical equipment. Differences among such equipment usually extend only to cabinet changes and front panel name changes and have no bearing on the devices compliance with our technical standards. Moreover, the filing requirements are administratively burdensome to the Commission and grantees alike and contribute to delays in the equipment authorization process. We also find no need for routine collection of this information in our enforcement activities. We can obtain a list of trade names under which a device is marketed on an *ad hoc* basis as need. We disagree with Linear that it is desirable to continue to collect trade name information through an informal no-

tification procedure. While such an approach would avoid delays imposed by the current requirements, the only effective administrative difference between an application filing and an informal written notification, would be that no filing fee would be required with an informal notification. Neither the grantee's nor the Commission's burden would be significantly reduced if an informal reporting procedure were to be adopted. The grantee would have to compile and mail the information, and the Commission would have to maintain records of the information. Therefore, we are amending the Rules to eliminate the existing requirement that grantees file for a new authorization when trade names are changed or added and to add a new Section 2.924 that specifically permits grantees to market approved equipment under any trade name without additional filings as long as the equipment is electrically identical within the purview of a class one permissive change, and is marked with the appropriate FCC identification label.<sup>9</sup>

11. *Format of identification label.* We proposed to permit only alphanumeric characters in the FCC ID. This proposal was intended to avoid a particular problem of confusion that often arises in identification of equipment. We observed that positive identification of equipment is difficult in many cases because blank spaces and punctuation marks often are displayed on equipment in a different manner than they appear in the Commission's record for that equipment. Several commenters argue that there is need to separate the various data elements in the FCC ID by a punctuation mark for administrative reasons. Several of these parties request that punctuation marks such as the dash or hyphen (-) and the virgule (/) be permitted. Although we continue to believe that it is necessary to restrict equipment numbers to alphanumeric characters for the reason stated above, we recognize that the grantees have legitimate needs for some form of punctuation mark to be used in the equipment identification number. However, because we continue to believe the use of punctuation marks should be kept to a minimum, we believe only one punctuation mark should be permitted. Accordingly, since the dash is the most distinct punctuation mark, we are revising the rules to specify that only alphanumeric characters and the dash (-) are permitted to be used in the equipment identification number.

12. The current rules require that a grantee or trade name be displayed on the identification label of authorized equipment.<sup>10</sup> The trade name displayed on the label must be indicated on the application for authorization of the equipment. The rules also specify the format of the identification label and require that the FCC information on the label must be circumscribed by a line. The rules further provide that equipment must not be marked so to appear to have more than one trade name. These requirements were originally adopted to avoid possible confusion of FCC identification with other information on the device. Due to the small size of some equipment, compliance with these requirements is not always easily achieved. In addition, the requirement that a device not be marked so as to appear to have more than one trade name often leads to confusion and delay in processing applications. Brand names or commercial names that appear on authorized equipment in many instances are different from the trade name that appears on the FCC label. This gives rise to questions in the authorization process about whether the device is marked so as to appear to have more than one trade name. In such cases,

application processing is delayed until the matter is resolved. In the *Notice*, we proposed to delete the requirement that the grantee name or trade name appear on the FCC identification label, to delete the requirement that the FCC identification label be circumscribed by a line, and to permit FCC labels to be combined with other labels that are required to be placed on the device. The commenters support these proposals.

13. In view of our finding above that routine display of trade names is not necessary for our regulatory activities, we see no need to continue to require trade names as part of the FCC identification. Hence, we conclude that it is no longer necessary to require the display of trade names on the FCC identification label. With the elimination of the requirement for display of trade name on the label, there is no need to continue to require that devices be marked so as not to have more than one trade name.

14. We also find no need to continue to require that the FCC information on the label be circumscribed by a line. With the elimination of the requirement for display of trade name and, as discussed below, country of origin on the label, the only element remaining that would be circumscribed by a line is the FCC ID. As this element also must be prefaced by "FCC ID:", it is readily discernible from other information on the FCC label and information on any other labels that may be on the device. The FCC ID does not require the additional highlighting provided by a circumscribing line. Therefore, it is no longer necessary to separate the FCC label from other labels, i.e. labels which attest to safety testing, electric codes and power requirements.

15. Accordingly, we are amending the rules to reflect that the display of the grantee name or trade name on the FCC identification label is no longer required. However, grantees will have the option of displaying the grantee or trade name on the FCC identification label if they choose to do so. Further, the rules are amended to reflect that the FCC identification label need not be circumscribed by a line and that it may be combined with other labels that are required to be affixed to the device. However, we will continue to require that the label displaying the FCC identification be external and permanently affixed to the equipment so that it may readily be seen at the time of purchase. These modifications to the rules will provide grantees flexibility to avoid affixing several labels to a device and will facilitate the labeling of small devices.

16. *Country of origin of equipment.* As stated in the *Notice*, the requirement to specify the country of origin on the identification label was added to the current FCC equipment identification program at the request of the United States Customs Service (USCS).<sup>11</sup> However, we are concerned that the appearance of the country of origin on the identification label may be misleading. Our rules do not define the term "country of origin." They do not specify, for instance, whether equipment assembled in the United States from imported parts is to be classified as being of domestic or foreign origin. However, the Commission traditionally considers only the final place of assembly as the country of origin. We have been informed that the USCS, in determining the country of origin of a device, considers the country or countries of origin of its parts and the proportions of such parts in the device. In view of the differences between our approach and that of USCS and the fact that the USCS has its own system of regulations concerning the labeling of foreign products, we proposed to delete this requirement from our rules.

17. Most commenters support the deletion of the country of origin as an equipment identification element on the identification label. However, some commenters argue for the retention of the country of origin requirement. The thrust of their argument is that prospective buyers can readily use the label to identify equipment that is not made in the United States. Multi-Elmac contends that the FCC requirement for indicating country of origin should be retained because the USCS has provisions such as the "Ultimate purchaser" clause which would allow foreign goods to be imported into the United States without being labeled as to the country of origin.<sup>12</sup> Multi-Elmac argues that American manufacturers and consumers have the right to expect that all products marketed in the United States will carry information regarding the product's country of origin.

18. While we understand the commenters concern regarding adequate labeling of equipment not produced in the United States, we also observe that the USCS is the Federal Government agency with primary responsibility for matters regarding the labeling of products with their country of origin. We believe the issue of whether to require that the country of origin be specified on imported products for purposes of general consumer information should more appropriately be left to the agency that has direct responsibility over the labeling of imported goods. We see no need at this time to maintain country of origin labeling requirements for communications policy purposes. Accordingly, we are amending our rules to delete the requirement to indicate the country of origin on the FCC label.

#### *Equipment sampling by the Commission.*

19. As indicated in the *Notice*, the Commission engages in equipment sampling to ascertain if the devices being marketed conform to the specifications set forth in their applications for equipment authorization. However, because the current rules do not specify a time limit for grantees to respond to our requests for samples, our sampling program suffers delays in detecting and halting the marketing of non-compliant equipment. In the *Notice* we proposed to impose a 30 day time limit for responses to requests for equipment samples. Some commenters indicate that administrative delay often occurs in large organizations and to allow for this it would be more reasonable to provide a 60 day response time. Other commenters state that in some cases lack of inventory would not permit grantees to respond in such a short period of time. They indicate that some grantees only manufacture the amount of product required to fill orders. Most commenters suggest that in these instances the rules should allow the respondent to provide either the requested equipment or a written response within the prescribed time frame.

20. After review of the comments, we are persuaded that 60 a day time period for submission of samples is more appropriate than the proposed 30 days. This longer time period will provide ample time for grantees to complete any of their own internal procedures that may be involved in submitting a sample of a particular device. We also do not believe the additional time will substantially impede or hinder the effectiveness of our sampling program, as there is no *a priori* reason to expect that a given device selected for testing is not in compliance with the Rules. We recognize that in many instances a grantee may not have adequate inventory on hand to submit a

sample on short notice. Because a 60 day period also will provide more than adequate time for grantees in such situations to arrange to provide a unit for testing, we do not believe that there is any reason to allow submission of a letter as response in lieu of the requested equipment sample. Such an alternative would unnecessarily undermine the intent of the rule, *i.e.*, the timely submission of an equipment sample for testing. Accordingly, we are adopting a new requirement that equipment selected for testing must be submitted within 60 days of the date receipt of the request. Failure to supply the requested equipment within the allotted time frame may result in administrative sanctions as may be appropriate, or may include a halt in the processing of any applications that the grantee may have before the Commission until the matter is resolved. In some circumstances, for example where there is harmful interference or concern about the operation of equipment involving safety of life or property, the Commission may specify a shorter time period for grantees to submit equipment samples. Alternatively, the Commission may, upon good cause shown, consider requests for extension of time from grantees.

21. Currently we request a sample by letter and in most cases allow the grantee to select and ship a sample of the requested equipment. In some cases, the Commission has requested that several representative units of a device be made available from which a sample is then selected. In the *Notice*, we requested comment on a proposed procedure to be used by the Commission for selecting a specific unit of equipment for verification of compliance. Under the proposed procedure, the grantee would provide a specific unit chosen from inventory by a Commission representative.

22. The commenters generally oppose this proposal for revising the sampling procedure, arguing that it would be subject to several potential problems. Some parties submit that they do not maintain inventories from which a sample could be selected. Also, commenting parties express concern that if a unit of equipment were selected from a type of equipment not manufactured in large quantities, the grantee might experience difficulties in filling orders. Other commenters cite security procedures that would make it difficult for a FCC representative to enter and remove samples from production or storage facilities. Some commenters state that if they did not have the opportunity to furnish a complete system for testing, the sample unit might be tested in a configuration other than the one for which the equipment authorization was obtained. They state that under such conditions the sample unit may not perform the same as it would if configured as when originally tested for compliance. The comments indicate that in some cases dealing with systems, a single production or storage facility may not have all the components necessary to furnish a representative system for testing.

23. While we are not convinced that the issues raised by the commenters are insurmountable, we are persuaded not to adopt the proposed sampling procedure at this time. The logistical problems the commenters raised in response to this proposal could present a substantial burden to grantees. We conclude that in the absence of evidence indicating that the samples submitted by grantees are not representative of the devices being marketed the burden that would be imposed by having Commission

representatives select samples is not warranted. Thus, we will continue to use our current procedure for obtaining equipment samples for test purposes.

#### *Miscellaneous requirements.*

24. The *Notice* also proposed several administrative changes to the equipment authorization rules. The first was to add a new Section 2.910 to the rules to indicate the correct mailing address for submission of equipment samples and/or test data to the Commission.<sup>13</sup> Commenters supported this proposal as a means to facilitate the submission process. We are adding the new Section 2.910 to the rules as proposed.

25. The second administrative proposal was to modify Section 2.934, which currently addresses changes in the name of a grantee, by requiring that changes in the name and/or address of a grantee be filed with the Commission no later than 30 days after the change occurs.<sup>14</sup> As some of the commenters noted, the *Notice* erroneously proposed that notification would be required 30 days before the change was effective. Section 2.934 currently allows grantees 60 days to file a change of name and is silent on changes of address. Commenters did not oppose this proposal. We are modifying Section 2.934 as proposed. These changes will enable the Commission to maintain more accurate records of grantee name and address information.

26. The third proposal was to revise Section 2.954 to clarify that the identification used on equipment subject only to verification is not to be of a type and format that could be confused with the FCC Identifier used on certified, notified, type accepted, or type approved equipment.<sup>15</sup> There was no opposition to this proposal. We are revising Section 2.954 as proposed. This modification will avoid possibly mistaking verified equipment for equipment which have been approved under one of the other types of equipment approval procedures.

27. The final administrative proposal was to revise Sections 2.1043(b) and (d), which address permissive changes in certificated equipment, to more accurately reflect the proposed changes in the FCC equipment labeling requirements.<sup>16</sup> These rule sections are being modified to correspond to the changes in FCC labeling requirements discussed above. The change in Section 2.1043(b) eliminates reference to changes in model number. The change in Section 2.1043(d) is to replace the reference to the "name and model number" of a device with a reference to the "identification" of a device.

#### *Other issues raised by commenters.*

28. Several commenters recommended changes in the Commission's Rules and current practices which were not proposed in the *Notice*. One suggestion was to amend those aspects of Part 68 dealing with the registration form of equipment authorization in order to be consistent with the amendments to Part 2 which we are adopting in this proceeding. Another suggestion was to change the Commission's practice of pre-grant sampling of personal computers. There was also a request to permit the marketing of devices prior to receiving Commission authorization under the permissive change rules. We find these proposals to be beyond the scope of this proceeding and, therefore, are not acting on them herein.

**PROCEDURAL MATTERS**

29. Pursuant to 5 U.S.C. 601 et seq., the Final Regulatory Flexibility Analysis has been prepared.

**I. Need and purpose of this action:**

The regulations adopted herein are intended to relieve applicants for equipment authorization from unnecessary application filings and increase the grantee's flexibility when labeling equipment. The administrative and equipment sampling rule adopted herein are intended to increase the efficiency of our equipment authorization and sampling procedures.

**II. Summary of Issues Raised by the public comments in response to the Initial Regulatory Flexibility Analysis:**

No Comments were received that specifically addressed the Initial Regulatory Flexibility Analysis in this proceeding. Moreover, our action today imposes no new reporting or record keeping requirements. There should be a savings to the grantees of approximately 26,400 hours by the elimination of application filing requirements in this proceeding as well as \$ 700,000 in filing fees.

**III. Significant Alternatives:**

The Commission considered all the alternatives in this proceeding, and considered all timely filed comments directed to the various issues in the *Notice*. After carefully weighing all aspects of this proceeding, the Commission has adopted the most reasonable course under the mandate of the Communications Act of 1934, as amended. The only significant alternative would be to retain the current rules and, in the case of response to equipment sampling requests, require a quicker response. For the reasons given in this order, we believe these alternatives would unnecessarily impose additional costly regulatory burdens on the industry.

**PAPERWORK REDUCTION ACT STATEMENT**

30. The proposal contain herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to decrease the information collection burden which the Commission imposes on the public. This proposed reduction in information collection burden is subject to approval by the Office of Management and Budget as prescribed by the Act.

**ORDERING CLAUSES**

31. Accordingly, IT IS ORDERED, that pursuant to the authority of Sections 4(i), 302 and 303(r), Part 2 of Chapter I of Title 47 of the Code of Federal Regulations IS AMENDED as set forth in the Appendix B below, effective February 21, 1989.

32. IT IS FURTHER ORDERED that this proceeding is TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Donna R. Searcy  
Secretary

**APPENDIX A****List of Commenters****Initial Comments**

1. American Telephone and Telegraph
2. Compaq Computer Corporation
3. Computer and Business Equipment Manufacturers Association
4. Craig, Mr. Dana B.
5. Digital Microwave Corporation
6. Door Operator and Remote Control Manufacturers Association
7. Electronic Industries Association, Consumer Electronics Group
8. General Electric Mobile Communications Business
9. Global-Wulfsberg System Division of Sundstrand Data Control, Inc.
10. GTE Service Corporation
11. Hanttula, Mr. David M.
12. Harmon Industries, Inc.
13. Harris Corporation -- Farinon Division
14. Heron, Burchette, Ruckert and Rothwell
15. Hewlett Packard
16. International Business Machines Corporation
17. Linear Corporation
18. Met Electrical Testing Company
19. Motorola, Inc.
20. Multi- Elmac Corporation
21. Rockwell International Corporation
22. Toshiba Corporation

**Reply Comments**

1. Compaq Computer Corporation
2. General Electric Mobile Communications Business
3. Motorola, Inc.

**APPENDIX B**

Part 2 of Chapter I, Title 47 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 2 is revised to read as follows:

**Authority: Sec. 4, 302, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154, 302, 303, and 307, unless otherwise noted.**

2. All authority citations contained in Subparts I, J, and K are deleted.

3. A new Section 2.910 is added to read as follows:

**Section 2.910 Submittal of equipment authorization application or information to the Commission.**

(a) Applications and Fees for equipment authorization shall be submitted to the FCC, 1919 M Street North West, Washington D.C. 20554 -1300, unless otherwise directed.

(b) Any information or equipment samples requested by the Commission pursuant to the provisions of Subpart J of this Part shall, unless otherwise directed, be submitted to the FCC, Authorization and Evaluation Division, 7435 Oakland Mills Road, Columbia, MD 21046.

4. A new Section 2.924 is added to read as follows:

**Section 2.924 Marketing of electrically identical equipment under multiple trade names and models or type numbers under the same FCC Identifier.**

The grantee of an equipment authorization may market devices having different model/type numbers, or trade names without additional authorization provided such devices are electrically identical within the purview of a class one permissive change and the equipment bears an FCC Identifier validated by a grant of equipment authorization. See Section 2.932.

5. In Section 2.925, paragraph (a) is revised, and the last sentence in paragraph (b)(1) is removed, to read as follows:

**Section 2.925 Identification of equipment.**

(a) Each equipment covered in an application for equipment authorization shall bear a nameplate or label listing the following:

(1) FCC Identifier consisting of the two elements in the exact order specified in Section 2.926. The FCC Identifier shall be preceded by the term "FCC ID:" in capital letters on a single line, and shall be of a type size large enough to be legible without the aid of magnification.

EXAMPLE: FCC ID: XXX123.

XXX - Grantee Code

123 - Equipment Product Code

(2) Any other statements or labeling requirements imposed by the rules governing the operation of the specific class of equipment, except that such statement(s) of compliance may appear on a separate label at the option of the applicant/grantee.

(3) Equipment subject only to registration will be identified pursuant to Part 68 of this chapter.

(b) \* \* \*

(1) Separate FCC Identifiers may be assigned to a device consisting of two or more sections assembled in a common enclosure, but constructed on separate sub-units or circuit boards with independent frequency controlling circuits. The FCC Identifier assigned to any transmitter section shall be preceded by the term "TX FCC ID:", the FCC Identifier assigned to any receiver section shall be preceded by the term "RX FCC ID:" and the identifier assigned to any remaining section(s) shall be preceded by the term "FCC ID:".

\* \* \* \* \*

6. In section 2.926, paragraphs (a),(b),(c) and (d) are revised as follows:

**Section 2.926 FCC Identifier.**

(a) A grant of equipment authorization issued by the Commission will list the validated FCC Identifier consisting of the grantee code assigned by the FCC pursuant to paragraph (c) of this section, and the equipment product code assigned by the grantee pursuant to paragraph (d) of this section. See example provided in Section 2.925.

(b) The grantee code assigned pursuant to paragraph (c) of this section is assigned permanently to applicants/grantees and is valid only for the party specified as the applicant/grantee in the code assignment(s).

(c) A grantee code will have three characters consisting of Arabic numerals, capital letters, or combination thereof. A prospective grantee or his authorized representative may submit a written request to the Commission for assignment of a grantee code at any time. However, it is preferred that grantee codes be requested prior to filing applications for equipment authorization. If a grantee code is not requested in advance, one will be assigned at the time an application is received by the FCC Laboratory and the applicant will be notified to make any necessary label revisions in order to comply fully with application procedural rules.

(1) After assignment of a grantee code each grantee will continue to use the same grantee code for subsequent equipment authorization applications. In the event the grantee name is changed or ownership is transferred, the circumstances shall be reported to the Commission so that a new grantee code can be assigned, if appropriate. See Sections 2.934 and 2.935 for additional information.

(d) The equipment product code assigned by the grantee shall consist of a series of Arabic numerals, capital letters or a combination thereof, and may include the dash or hyphen (-). The total of Arabic numerals, capital letters and dashes or hyphens shall not exceed 14 and shall be one which has not been previously used in conjunction with:

(1) The same grantee code, or

(2) An application denied pursuant to Section 2.919 of this chapter.

\* \* \* \* \*

7. In Section 2.929 paragraph (b)(3) is removed.

8. Section 2.934 is revised to read as follows:

**Section 2.934 Change in name and/or address of grantee.**

Whenever there is a change in the name and/or address of the grantee of an equipment authorization, written notice of such change(s) shall be submitted to the Commission within 30 days after the grantee starts using the new name and/or address. See Section 2.910 (b).

9. A new Section 2.946 is added to read as follows:

**Section 2.946 Penalty for failure to provide test samples and data.**

(a) Any party holding a grant of equipment authorization issued by the Commission, or who markets equipment subject to the provisions of this chapter shall provide test sample(s) or data upon request by the Commission. Failure to comply with such request within 60 days may be cause for forfeiture, pursuant to Section 1.80 of Part 1 of this chapter, or other administrative sanctions such as suspending action on any applications for equipment authorization submitted by such party while the matter is being resolved.

(b) In the case of equipment involving harmful interference or safety of life and property, the Commission may specify that test samples be submitted within less than 60 days, but not less than 14 days. Failure to comply within the specified time period will be subject to the sanctions specified in paragraph (a).

(c) The Commission may consider extensions of time upon submission of a showing of good cause.

10. Section 2.954 is revised to read as follows:

**Section 2.954 Identification.**

Devices subject only to verification shall be uniquely identified by the person responsible for marketing or importing the equipment within the United States. However, the identification shall not be of a format which could be confused with the FCC Identifier required on certificated, notified, type accepted or type approved equipment. The importer or manufacturer shall maintain adequate identification records to facilitate positive identification for each verified device.

11. Section 2.1035 is removed.

12. In Section 2.1043, paragraphs (b) and (d) are revised to read as follows:

**Section 2.1043 Changes in certified equipment.**

\* \* \* \* \*

(b) Two classes of permissive changes may be made in certificated equipment without requiring a new application for and grant of certification. Neither class of change shall result in a change in identification.

\* \* \* \* \*

(d) A modification which results in a change in the identification of a device with or without change in circuitry requires a new application for, and grant of certification. If the changes affect the characteristics required to be reported, a complete application shall be filed. If the characteristics required to be reported are not changed the abbreviated procedure of Section 2.933 may be used.

13. Section 2.1300 is revised to read as follows:

**Section 2.1300 Cross reference.**

The general provisions of this part. Sections 2.909, 2.923, 2.927, 2.935, 2.936, and 2.946 shall apply to applications for and grants of registration for telephone terminal equipment pursuant to Part 68 of this Chapter.

**FOOTNOTES**

<sup>1</sup> This identification system was implemented in the *Report and Order* in GEN. Docket 20790, 45 R R 2d 349 (1979), and amended in the *Order* in GEN. Docket 20790, FCC 81-98, 46 FR 21012 (April 8, 1981).

<sup>2</sup> See 47 C.F.R. Section 2.926. The format of the FCC ID is:

FCC ID: XXXYYY123

where: XXX = Grantee Code (3 alphanumeric characters)

YYY = Manufacturer Code (3 alphanumeric characters)

123 = Product Code (1 to 11 alphanumeric characters)

<sup>3</sup> See 47 C.F.R. Section 2.925.

<sup>4</sup> See 47 C.F.R. Sections 2.925 and 2.933.

<sup>5</sup> See 47 C.F.R. Section 2.957.

<sup>6</sup> See *Notice of Proposed Rule Making* in GEN. Docket 87-212, 2 FCC Rcd 3637 (1987).

<sup>7</sup> See 47 C.F.R. Section 2.937.

<sup>8</sup> On August 23, 1988, the President signed the Omnibus Trade and Competitiveness Trade Act (P.L. 100 - 418). Section 1380 (b)(1)(A) of the Act states:

Any product of a foreign country that is subject to registration or approval by the Commission may be entered only if-

(i) . . . .

(ii) The information which is required on Federal Communications Commission Form 740 is provided to the appropriate customs officer at the time of such entry in such form and manner as the Secretary of the Treasury may prescribe.

Removal of the manufacturers code from the FCC Identifier will not materially change FCC Form 740, nor adversely affect the Secretary's ability to use it. In fact a separate block on Part I of the Form requires the manufacturer's name and address.

<sup>9</sup> See 47 C.F.R. Section 2.932.

<sup>10</sup> See 47 C.F.R. Section 2.925.

<sup>11</sup> See *Report and Order* in GEN Docket 20790, 45RR 2d at 353.

<sup>12</sup> See 19 U.S.C. Section 1304(a)(3)(H)(1987). This exception allows an importer, in certain circumstances, to acquire products from foreign markets and sell them in the United States without including their country origin on the label.

<sup>13</sup> See 47 C.F.R. Section 2.910.

<sup>14</sup> See 47 C.F.R. Section 2.934.

<sup>15</sup> See C.F.R. Section 2.954.

<sup>16</sup> See 47 C.F.R. Section 2.1043(b) and (d).