

**Federal Communications Commission
Office of Engineering and Technology
Laboratory Division Public Draft Review**

Draft Laboratory Division Publications Report

Title: Permit But Ask procedure & Permit But Ask List

Short Title: Permit But Ask procedure & Permit But Ask List

Reason: To make significant change to previous guidance.

Publication: 388624

Keyword/Subject: Section 2.962, TCB Procedure, Permit But Ask

First Category: Telecommunications Certification Bodies Procedures

Second Category: TCB Equipment Authorization Process

Third Category:

Question:

What devices require FCC permission for a TCB to issue a grant of equipment authorization, and what are the procedures to obtain permission?

Answer:

The attached documents are relevant to the FCC "Permit But Ask" procedure. Attachment 388624 D02 Permit But Ask List v10 provides the current list of devices that require FCC permission for a TCB to issue a grant of equipment authorization, and attachment 388624 D01 Permit But Ask Procedure v09 provides the Permit But Ask Procedures.

Attachment List:

[388624 D01 Permit But Ask Procedure v09](#)

[388624 D02 Permit But Ask List v10](#)

This draft is only available for comment for proposed changes to an existing Knowledge Data Base publication. Users seeking an interoperation or guidance must use the published version currently available under [KDB Number 388624](#)

Attachment 388624 D01 Permit But Ask Procedure v09

**Federal Communications Commission
Office of Engineering and Technology
Laboratory Division**

Permit But Ask Procedure

Overview

In establishing the requirements for Telecommunications Certification Bodies (TCBs), the Commission stated that it intended to allow TCBs to certify a broad range of equipment; however, certain functions should continue to be performed by the Commission. To expedite the transition of responsibilities from the Commission to the TCBs we have established the Permit But Ask (PBA) procedure. The PBA process is intended to enhance the authorization approval process for certain types of applications where the Commission has only issued partial guidance, or where Commission oversight over the approval process is still considered necessary.

This document provides information on how applicants, manufacturers and test firms can use the KDB inquiry process to seek additional guidance; and how TCBs can use the PBA procedures to obtain final approval from the Commission prior to issuing a Grant of Equipment Authorization. The PBA procedure for TCBs applies to finalizing the authorization approval for devices identified in the PBA List.¹ In many cases, the FCC has issued interim guidance for these devices and the PBA process is a confirmation that the appropriate aspects of the test procedure(s) have been applied during the testing. In other cases, parties such as test firms, manufacturers, etc. request that the FCC provide specific guidance on their device(s) prior to testing the device(s) and submitting data to a TCB for final approval and issuance of a Grant of Equipment Authorization. Parties submit requests for guidance to the FCC through the KDB Inquiry system, and then submit test results to a TCB with the KDB Inquiry documentation for final approval from the Commission for the TCB to issue the Grant.

The time from initial guidance request to issuance of a Grant can be lengthy, depending on the complexity of the device, the maturity of the device technology, the necessity for multiple guidance requests for a single authorization, etc. Each entity involved in the PBA process can minimize the time for authorization to market a device by submitting complete, well-organized and understandable documentation when seeking initial guidance; and also when submitting all the documentation in the application filing to a TCB. The TCB is responsible for ensuring that the entire FCC Form 731 Application for Equipment Authorization (Form 731) submitted under the PBA procedure is reviewed and is in accordance with FCC rules, policies and other specific guidance.

Manufacturer / Test Laboratory Testing Guidance for Evolving Technologies

¹ Refer to Attachment 388624 D02 Permit But Ask List in this KDB Publication for a list of devices subject to PBA.

The following steps are provided to assist manufacturers and test laboratories in preparing the equipment authorization submission for TCB review for items on the PBA List. We have identified two alternative procedures that may be followed.

- 1) In many cases, testing or submission guidance has been published for many of the devices on the PBA List. The guidance describes a general test procedure, test reduction(s) or the type of information needed for review and approval of the application. When submitting a request for equipment authorization to a TCB under these circumstances, it is not necessary to contact the FCC to substantiate compliance with the published guidance. You should provide sufficient information to the TCB to ensure that the TCB can confirm that the grantee has followed the published guidance. In addition to the routine application information, provide the following to the TCB:
 - a) The KDB Publication Number of the publication that includes the guidance that was followed;
 - b) Documentation of how the guidance applies to the circumstances, and to the specific device to be authorized. The TCB will upload this documentation as part of the application; either as a Cover Letter exhibit or an Operational Description exhibit if confidentiality is an issue. Guidelines for confidentiality requests are in KDB Publication Number 726920.
- 2) In some cases additional FCC input is necessary because guidance for the device on the PBA List has not been issued, there are device specific issues not addressed in the published guidance, or a test procedure different from the published guidance is proposed. Under these circumstances, you should follow the guidelines below when preparing to submit an application for equipment authorization to a TCB:
 - a) Submit a KDB Inquiry under the 1st Category “Measurement Procedure Guidance for Evolving Technologies” and the applicable KDB Inquiry 2nd Category (selected from the pull down) requesting FCC guidance for the test methods and measurements related to the evaluation of the device;
 - b) Submit separate KDB inquiries for different issues (defined by the KDB Inquiry 2nd Category pull down) on the PBA List;
 - c) Continue dialogue with the FCC until all the guidance issues have been resolved;
 - d) After testing is complete, submit the application to the TCB with the following information:
 - i) The KDB Inquiry Tracking Number for each guidance given by the FCC that is related to each unique area on the PBA List that applies to the device;
 - ii) A complete copy of each KDB Inquiry correspondence;
 - iii) A copy of all attachments associated with each KDB Inquiry;
 - iv) A description of how the device meets the guidelines in the specific KDB Inquiry;
 - v) Instructions to the TCB to upload Form 731 attachments into an Operational Description exhibit if the information is considered confidential. KDB Inquiry Tracking Numbers are confidential, therefore request Form 731 upload by the TCB of any attachment containing a KDB Inquiry Tracking Number into the Operational Description exhibit (which is eligible for

Long Term Confidentiality). Similarly, exhibits which are not typically held confidential should not include the KDB Inquiry Tracking Number (i.e. Test Reports, Cover Letters, etc.) A Cover Letter exhibit requesting confidentiality is required (see KDB Publication Number 726920).

TCB Permit But Ask Guidance

The TCB is responsible for ensuring a Form 731 application is complete, and therefore that guidance received from the FCC has been followed.

- 1) As a TCB, you should follow the below application submittal process:
 - a) Affirm that the entire application is acceptable, and that all FCC guidance in the submitted KDBs has been followed;
 - b) Enter all information into the Form 731 including all information received above under **Manufacturer / Test Laboratory Testing Guidance for Evolving Technologies** items 1) b) or 2) d) as applicable. Note that the KDB Inquiry Tracking Numbers are confidential; therefore upload copies of KDB Inquiries as a confidential Operational Description exhibit.
 - c) Access the KDB from within the TCB login on the OET/TCB Electronic Filing Web site and submit a KDB Inquiry under the Permit But Ask 1st Category. Select the most appropriate 2nd Category from the pull down list. In the text box of the KDB Inquiry, include all KDB Inquiry Tracking Numbers under which the FCC issued guidance. Retain this single, new KDB Inquiry Tracking Number for subsequent correspondence with the FCC. Enter the PBA KDB number into the Form 731 application.
 - d) Using the PBA KDB Inquiry Tracking Number (1) c)), submit a final Reply to Inquiry Response. The message in this inquiry response should include the Form 731 Confirmation Number (TC#), FCC ID and a declaration that the Form 731 has been submitted and is ready for FCC review.
 - e) After a review of the Form 731, the KDB Inquiry and all uploaded exhibits for consistency with the PBA guidance and equipment authorization requirements, the FCC reviewer will modify the application to permit the Grant to be issued, and inform the TCB through the KDB (under the same PBA KDB Inquiry Tracking Number) that the Grant can be issued.
 - f) Note that the expectation is that as a TCB you will address all compliance issues and authorization requirements with the Grantee or the Grantee's representative prior to submitting the PBA KDB Inquiry request and the Form 731. Therefore, the FCC review required prior to approval to issue the authorization should be minimal.
 - g) To encourage a complete review of PBA submittals, we will continue to automatically delete all applications that are not granted within 30 days of initial upload. All issues must therefore be

resolved within 30 days of application submittal. If the application is deleted under these circumstances, you must submit a new PBA KDB Inquiry and upload the Form 731 again.

Special Circumstances

- 1) **Permissive Changes** – It is not necessary for manufacturers or test firms to file additional inquiries, or for TCBs to file additional PBA KDB requests for an application for a permissive change to a device previously approved by a TCB **if earlier guidance is fully applicable**. All permissive change rules apply to the device, and the device must therefore be electrically identical to the device previously approved under a PBA. Therefore, no changes that affect the PBA should be present; and any device specific test procedures or evaluation conditions must remain applicable to the modified device. The reviewing TCB must ensure that the original guidance continues to apply to the current application..
- 2) **Change in Identification** – If the Change in ID is requested by the original grantee, no additional documentation is required. If the Change in ID is requested by a new grantee, the new grantee must document the concurrence of the original grantee in order to receive authorization to market.
- 3) **Previously issued KDB guidance** – a grantee or the grantee’s representative may use guidance established in a former KDB inquiry in requesting approval to issue an authorization, provided that the KDB Inquiry Number is specifically identified, and the TCB is provided documentation (by the original grantee or the grantee’s representative) as described in **Manufacturer / Test Laboratory Testing Guidance for Evolving Technologies** items 1) b) or 2) d) as applicable. The TCB must ensure that the guidance continues to be applicable to the current device.
- 4) **Sharing of KDB Inquiry Tracking Numbers** – We do not advocate the sharing of information between grantees. A grantee may reference, and apply, the guidance given for one device to other devices that they are responsible for, if the guidance is fully applicable to the other devices. The TCB must ensure that such KDB references include all the necessary information for the final review. Whenever a party chooses to share a KDB Inquiry among other applicants, test firms, manufacturers, and TCBs, care should be taken to ensure that KDB Inquiry Tracking Numbers and proprietary information that might be imbedded in the original KDB Inquiry are safeguarded.

Change Note:

**10/tbd/2011 388624 D02 Permit But Ask Procedures v09 replaces 388624 D02 Permit But Ask Procedures v08
388624 D02 Permit But Ask Procedures v08 represents a significant change to previous guidance.**

Attachment 388624 D02 Permit But Ask List v10

**Federal Communications Commission
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Permit But Ask List

In establishing the requirements for the Telecommunications Certification Body (TCB) program, the Commission stated that while it intended to allow TCBs to certify a broad range of equipment, certain functions should continue to be performed by the Commission. In order to certify certain types of equipment for which the Commission has not yet established specific guidelines or where there is a need to provide case-by-case guidance, the Commission has established a “Permit But Ask (PBA)” procedure (KDB Publication 388624 D01).

In general a TCB needs to follow the PBA Procedures when the required test procedures, test equipment, or requirements necessary to configure, support or test a device have not been established. This may be the case when: the available test procedures do not readily support the modulation or radio parameters of the device, such as for multiple transmissions or wideband waveforms; the required test procedures need modification for testing a device; or an alternative measurement procedure is proposed.

The following types of devices are subject to a PBA review, prior to equipment authorization by a TCB:

- a) **EMC/Radio Parameters** – Equipment authorization requests for devices subject to one or more of the following conditions:
 - i. Devices applying or aggregating multiple carriers in single or multiple frequency bands.
 - ii. Devices operating in the 2.3 GHz band under WCS and SDARS rules adopted by the Commission in FCC 10-82 (adopted May 20, 2010).
 - iii. Devices subject to Part 25 rules under the terms of license (SAT-MOD-20101118-00239) with waiver terms granted in DA 11-133 and adopted January 26, 2011 (KDB Publication 273109).
 - iv. Devices operating under Part 27 Subpart N or Part 90 Subpart AA (700 MHz Public/Private Partnership).
- b) **SAR Evaluation** – Equipment authorization requests for devices requiring SAR considerations and subject to one or more of the following conditions:
 - i. 3GPP
 - (1) Release 7: E-EDGE or HSPA⁺ using 16 QAM or higher modulation in the uplink
 - (2) Release 8 or higher, including LTE and other 3GPP implementations.
 - ii. 3GPP2
 - (1) CDMA 2000 1x EV-DO, Rev. B or higher.

- (2) CDMA 2000 1x EV-DV, Rev. C or higher.
 - (3) CDMA 2000 1x Rev. E (1x Advanced).
 - iii. WiMax implementations that are not fully compliant to IEEE 802.16e and evaluated in accordance with procedures in KDB Publication 615223; including those using
 - (1) AMC zone;
 - (2) Other than 5 ms frames;
 - (3) More than 18 UL symbols in a frame.
 - iv. IEEE 802.20 / iBurst / HC-SDMA
 - v. Modules and peripheral transmitters with SAR greater than or equal to 1.2 W/kg subject to KDB publication 447498 item 2).
 - vi. When simultaneous transmission SAR measurement (volume scan) is required.
 - vii. When non-standard phantom is used for testing. Devices requiring, or tested with, a phantom; or test configurations that are not specified in IEEE Standard 1528-2003, OET Bulletin 65 Supplement C-0101 or the specific FCC test procedures. For example, standard phantoms have not been established for testing extremity SAR in hands, wrists, feet or ankles.
 - viii. Occupational PTT radios – when occupational push-to-talk (PTT) radios are tested with respect to the procedures in KDB 643646 and the highest reported SAR is > 6.0 W/kg.
 - ix. The available test procedures do not readily support the form factor, design or implementation of a product or device.
 - x. When features such as power reduction, proximity or power sensing are used to reduce the transmit power.
 - xi. When a low duty factor analysis is provided to justify SAR test exclusion or reduction.
 - xii. Devices applying or aggregating multiple carriers in single or multiple frequency bands.
 - xiii. Wireless charging applications described in KDB Publication 680106 D01, except for wireless charging battery covers used as clients in handsets that meet all the requirements in KDB Publication 648474 D03.
- c) **Special circumstances** – Devices for which the FCC has determined special circumstances exist requiring that additional FCC oversight be provided through the PBA process:
- i. Request for permanent confidentiality for exhibits not typically held confidential, when exceptional circumstances exist requiring confidentiality – for example, for external photos or for other exhibits not eligible for Long Term Confidentiality as noted in KDB Publication 726920 D03.
 - ii. Devices subject to Part 90Z rules for operation in the 3650-3675 MHz band supporting restricted contention based protocol (KDB Publication 552295).
 - iii. Devices requesting approval as Software Defined Radio (SDR) subject to Section 2.944 (KDB Publication 442812).

Change Notice

10/24/2011: 388624 D02 Permit But Ask List v10 replaces 388624 D02 Permit But Ask List v09r04

Changes from the last version of this publication include the following:

- Introductory text revised to include general information on test equipment and test procedures
- Added item in paragraphs a) and b) for aggregated carrier devices
- Added item in paragraph a) for 700 MHz Public/Private Partnership
- Item b) i) was modified for clarification only
- Item b) ii) was modified to include CDMA 2000 Rev. E (1x Advanced)
- Item b) iii) was modified
- Item b) x) was modified to remove UMPC mini-tablets and personal wireless routers (hot spots) and to clarify text
- Added item for wireless charging applications
- Item c) i) was modified
- Items c) iv) and v) moved to paragraph a)

