4/23/2012

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

Draft Laboratory Division Publications Report

Title: Permit But Ask List

Short Title: Permit But Ask List

Reason: To clarify what items are covered by the Permit But Ask Procedure.

Publication: 388624

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

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. The Permit But Ask List, attachment 388624 D02 v10r01, 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 v09r02 provides the Permit But Ask Procedures.

Attachment List:

388624 D01 Permit But Ask Procedure v09r02

388624 D02 Permit But Ask List v11

This draft is only available for comment for proposed changes to an existing Knowledge Data Base publication. Users seeking guidance must use the published version currently available under KDB Publication 388624. The Commission plans to publish a revised document to be effective June 1, 2012.

Attachment 388624 D02 Permit But Ask List v11

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:

1. Devices designed to transmit simultaneously in multiple channels in single or multiple frequency bands or those using new "carrier aggregation techniques", excluding cellular base stations or where specific guidance has been proved. For example, devices using these techniques according to the 3GPP standard.

2. All devices that are capable of transmitting simultaneously in more than one Part-15 band between 5 and 6 GHz (*i.e.,* in two or more of the four U-NII bands or in the 5.8 GHz 15.247 band and at least one U-NII band) are subject to Permit But Ask provisions. This includes devices marketed as IEEE Std 802.11ac™ or "pre-standard" IEEE Std 802.11ac™.

3. 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).

4. 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).

5. Broadband devices operating under Part 27 Subpart N or Part 90 Subpart AA (700 MHz Public/Private Partnership).

B. RF Exposure Evaluation – Equipment authorization requests for devices requiring SAR or MPE considerations and subject to one or more of the following conditions:

1. All Time-Division Duplex (TDD) implementations, unless guidance is available in the *published KDB procedures*.[1]

2. 3GPP

[1] See KDB Publication 447498 for RF Exposure *published KDB procedures*.

(i) Release 7: E-EDGE and HSPA$^+$ using 16 QAM or higher modulation in the uplink.

(ii) Release 8 or higher, except for most Long Term Evolution (LTE) devices when tested according to KDB Publication 941225 D05.[2]

3. 3GPP2

(i) CDMA 2000 1x EV-DO, Rev. B or higher.

(ii) CDMA 2000 1x EV-DV, Rev. C or higher.

(iii) CDMA 2000 1x Rev. E (1x Advanced).

4. WiMax implementations that are not fully compliant to IEEE 802.16e and evaluated in accordance with procedures in KDB Publication 615223; including those using:

(i) AMC zone;

(ii) Other than 5 ms frames;

(iii) More than 18 UL symbols in a frame.

5. IEEE 802.20 / iBurst / HC-SDMA

6. Modules and peripheral transmitters with SAR greater than or equal to 1.2 W/kg subject to the "RF Exposure evaluation guidance for modules and peripheral transmitters" section of KDB Publication 447498.

7. Implanted transmitters with maximum total available output power ≤ 1.0 mW.

8. When simultaneous transmission SAR measurement (enlarged zoom scan measurement and volume scan post-processing) is required.

9. Regardless of SAR test exclusion or measurement requirements, when the simultaneously transmitted signals are coherent.

10. When non-standard phantom is used for SAR 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 *published KDB procedures*. For example, phantom configurations and test procedures for extremity SAR in hands, wrists, feet or ankles are only available for a limited number of exposure conditions.

11. When occupational handheld push-to-talk (PTT) radios are tested with respect to the procedures in KDB Publication 643646 and the highest reported SAR is > 6.0 W/kg.

12. The available test procedures do not readily support the form factor, design or implementation of a product or device.

13. Wrist-worn devices that are not tested with a flat phantom or according to KDB Publication 447498 requirements.

14. When SAR test guidance is unavailable for uplink MIMO and other transmit antenna diversity configurations.

[2] In some cases a PBA is required for devices incorporating LTE capabilities as described in KDB 941225 D05.

15. When dynamic antenna tuning is applied to optimize transmission efficiency for wide range frequency operations or other operating requirements.

16. When a power reduction feature is used to reduce the transmit power, except when the *published KDB procedures* are applicable for the specific implementation (e.g., KDB 941225).

17. When a proximity sensing feature is used to reduce the transmit power, except when the *published KDB procedures* are applicable for the specific implementation (e.g., KDB 616217).

18. When a low duty factor analysis report is required to qualify for SAR test exclusion or reduction.

19. When *published KDB procedures* are unavailable for mobile and portable devices designed to transmit simultaneously using multiple channels in single or multiple frequency bands or those using new "carrier aggregation techniques", for contiguous or non-contiguous channels. For example, devices using these techniques according to the 3GPP, 3GPP2 or IEEE Std 802.11ac.

20. Technologies operating with channel bandwidths or transmission bands where the SAR probe calibration and tissue-equivalent dielectric medium may not fully support such wide band measurements.

21. 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:

1. 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.

2. Devices subject to Part 90Z rules for operation in the 3650-3675 MHz band supporting restricted contention based protocol (KDB Publication 552295).

3. Devices requesting approval as Software Defined Radio (SDR) subject to Section 2.944 (KDB Publication 442812).

4. Class II permissive changes for devices that have not been approved as Software Defined Radio (SDR), but the grantee intends to authorize certain approved third parties to change the circumstances under which the transmitter operates by distribution of the software to field deployed devices (KDB Publication 178919).

5. Transmitters operating under the special provisions of spectral efficiency (KDB 579009)
   (i) Section 90.203(j)(4) with channel bandwidths of greater than or equal to 12.5 kHz operating in either multi-bandwidth modes, or
   (ii) Section 90.203(j)(5) for special provisions of spectrum efficiency standards, or
   (iii) Section 90.203(j)(7) for one way paging channel standards, or
   (iv) Section 90.203(j)(8) for slower data rate where case-by-case consideration is necessary.

Change Notice

06/tbd/2012: 388624 D02 Permit But Ask List v11 replaces 388624 D02 Permit But Ask List v10
Several changes have been made to the document to clarify the types of devices subject to the PBA review process.