

Federal Communications Commission
Office of Engineering and Technology

Title: Permit But Ask Procedure

Short Title: Permit But Ask

Reason: This document is under Draft Review to replace the current attachment 388624 D01 Permit But Ask v06r03 of Publication,.

Draft For Review: 388624

Keyword: Telecommunications Certification Bodies Procedures

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 document 388624 D01 Permit But Ask v07 provides the current list and procedures for devices that need FCC permission for a TCB to issue a grant of equipment authorization.

Attachment List: [388624 D01 Permit But Ask v07 Published on: Date](#)

Attachment 1 (388624 D01 Permit But Ask v07)

Permit But Ask Procedure

Laboratory Division

This document identifies the types of devices subject to a Permit But Ask (PBA) Telecommunications Certification Body (TCB) / FCC review prior to equipment authorization; describes a procedure whereby test firms, manufacturers, or responsible parties (per Section 2.909 - parties responsible for compliance of radio frequency equipment) may obtain FCC guidance for testing of these devices; and outlines a PBA approval process for TCBs to receive the endorsement of the FCC for measurement procedures, test methods, test equipment, etc. used to demonstrate compliance of these devices with the rules. For any Form 731 application filing submitted under the PBA procedure, it remains the responsibility of the TCB to ensure that the entire filing is in accordance with FCC rules and policies.

1) Permit But Ask Conditions

- a) **EMC/Radio Parameters** – Equipment authorization requests for devices for which acceptable test equipment or test procedures required to determine compliance have not been established for EMC or radio parameter measurements.
- 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 HSPA+ – when 16 QAM is used in the uplink
 - (2) Release 8 LTE
 - (3) Release 9 or higher
 - ii. 3GPP2
 - (1) Ev-Do – Revision B or higher
 - (2) Ev-Dv
 - iii. 802.16e / WiMax
 - iv. 802.20 / iBurst / HC-SDMA
 - v. Section 2 of KDB Publication 447498 – when $SAR \geq 1.2$ W/kg
 - vi. When simultaneous transmission SAR evaluation is required
 - vii. Non-standard or Irregular Phantoms – devices requiring or tested with phantoms 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. Test Equipment – the acceptable test equipment, accessory or requirements necessary to configure, support or test a device for SAR compliance has not been established or unavailable; or
- ix. Test Procedure – the acceptable test procedures required to configure or test a device have not been established or unavailable
- c) **Special circumstances** – Devices for which the FCC has determined special circumstances exist that require additional FCC oversight be provided through the PBA process:
 - i. Request for permanent confidentiality for exhibits, such as internal photos and users manual, which may require additional justification to determine eligibility.
 - ii. Transmitter devices subject to Part 90Z rules for operation in the 3650-3675 MHz band supporting restricted contention based protocol
 - iii. Transmitter devices requesting approval as Software Defined Radio (SDR) subject to Section 2.944.

2) **FCC Guidance to Test Firms, Manufacturers & Responsible Parties Preliminary to PBA (Permit But Ask Guidance for Non-TCBs)**

In order to expedite equipment authorization, test firms, manufacturers and responsible parties that plan to apply for equipment authorization through a TCB for the listed devices, may request FCC guidance in the test methods and measurements (or other issues) related to the evaluation of the device. Ideally, such guidance should be requested before testing begins. The information provided by the FCC may then be provided to the TCB, and may expedite the PBA TCB/FCC Review. To receive FCC guidance, the following process shall be followed:

- a) The test firm, manufacturer or responsible party shall access the FCC Knowledge DataBase (KDB) at www.fcc.gov/labhelp, and use the “Submit a KDB Inquiry” under the “Miscellaneous” category on the frame-bar to submit a request for FCC. The following information is required:
- b) For the Inquiry Category, the First Category must be “Permit But Ask Guidance for Non-TCBs”, and appropriate Second and Third Categories should be selected;
- c) In the Subject box, identify the applicable PBA condition(s) (EMC/Radio Parameters, Evaluation of SAR, or Other);
- d) In the message text box, provide the following:
 - i. Identify the Rule part(s) under which authorization for the device will be requested;
 - ii. Describe the device, the reason for filing and the guidance sought, and the equipment class(es) of the device;
 - iii. Identify the applicable description associated with the selected PBA Condition(s) - test procedures and/or test equipment; 802.16e; etc.
- e) If the filing is based on test procedures for which there are no established standards, describe the proposed test procedure. If the proposed test procedure is a modification of an acceptable procedure, indicate the test procedure and the proposed changes;
 - i. If the proposed test procedure is based on a previously approved procedure, include the KDB Inquiry Tracking Number associated with the approval. Care should be taken in

sharing KDB Inquiry Tracking Numbers among other applicants, test firms, manufacturers, or TCBs, to ensure that proprietary information that might be imbedded in the KDB Inquiry is appropriately safeguarded.

- f) Information obtained in this preliminary guidance from the FCC should be submitted to the TCB, along with any additional information requested by the TCB.

3) FCC Guidance to TCBs for PBA

A TCB is responsible for ensuring that guidance is received from the FCC for testing of the devices on the PBA Conditions list, and submitted through the following process. That guidance may be initially requested by the test firm, manufacturer, or responsible party according to the guidelines above; or the guidance shall be requested as part of a KDB Inquiry initiated as follows:

- a) The TCB shall access the KDB from within the TCB login on the OET/TCB Electronic Filing Web site, and use the “Submit a KDB Inquiry” under the “Miscellaneous” category of the frame-bar, to submit a PBA request. This KDB Inquiry is unique to the TCB PBA process, and therefore any KDB Inquiry Tracking Number obtained via #2 above should not be used. The following information is required for the KDB submittal:
 - i) For the Inquiry Category, the First Category must be “Permit But Ask Inquiry” and appropriate Second and Third Categories should be selected;
 - ii) In the Subject box, identify applicable PBA Condition (EMC/Radio Parameters, Evaluation of SAR, or Other);
 - iii) In the message text box, provide the following:
 - (1) Identify the Rule part(s) under which authorization for the device will be requested;
 - (2) Describe the device, the reason for filing and the guidance sought for the Permit But Ask inquiry, and the equipment class(es) of the device;
 - (3) Identify the applicable description associated with the selected PBA Condition - test procedures and/or test equipment; 802.16e; etc.
 - iv) If the filing is based on test procedures for which there are no established standards, describe the proposed test procedure. If the proposed test procedure is a modification of an acceptable procedure, indicate the test procedure and the proposed changes;
 - v) If the proposed test procedure is based on a previously approved procedure, include the KDB Inquiry Tracking Number associated with the approval. Care should be taken in sharing KDB Inquiry Tracking Numbers among other applicants, test firms, manufacturers, or TCBs, to ensure that proprietary information that might be imbedded in the KDB Inquiry is appropriately safeguarded.
 - vi) If the submittal is based on a “FCC Guidance to Test Firms, Manufacturers & Responsible Parties Preliminary to PBA” KDB Inquiry described above, include both the KDB Inquiry Tracking Number and a copy of the KDB Inquiry.
- b) The TCB shall submit the Inquiry and retain the KDB Inquiry Tracking Number assigned. The FCC will correspond using this Inquiry Tracking Number, and will request additional

information, decline the request, or give the TCB permission to finalize the Form 731 application.

- c) After the TCB receives permission to finalize the Form 731, the TCB should perform the following:
 - i) Enter all Form 731 information, including upload of required application exhibits (ensure that the Form 731 information and exhibits are consistent with the referenced PBA guidance);
 - ii) Respond to the questions in the Related OET KnowledgeDataBase (KDB) Inquiry section of the Form 731 by checking the “Yes” radio button and entering the KDB Inquiry Tracking Number;
 - iii) Note that the TCB cannot select the “Accept Grant” button until the application has been reviewed by the FCC.
- d) When the Form 731 application is finalized, and the application is ready for FCC review, perform the following:
 - i) In the KDB system, the TCB shall submit a “Reply to FCC Response ”using the initial KDB Inquiry Tracking Number and:
 - (1) Include the TCB application confirmation number (TC #) and FCC ID in the message box;
 - (2) Note in the message box that the Form 731 application has been submitted, and is ready for FCC review;
- e) The FCC will review the Form 731 application and the KDB Inquiry for consistency with the PBA guidance. If the Form 731 application is acceptable, the FCC engineer will modify the application to permit the grant to be issued, and inform the TCB through the KDB (under the same KDB Inquiry Tracking Number) that the Grant can be issued.
- f) The TCB may grant the application.

Change Note:

388624 D01 Permit But Ask v06 replaces 388624 D01 Permit But Ask v05

Change 1

The following items were added to the list of devices b) Evaluation of SAR:

ii) Long Term Evolution (LTE) devices.

iv) 802.20 / iBurst / HC-SDMA was added to the Permit But Ask list, item 1 Evaluation of SAR, as item b (iii)

Change 2:

1 c) Other

Has been changed to:

1 c): Special circumstances: i) Special requests for permanent confidentiality have been added to the Permit But Ask procedure.

388624 D01 Permit But Ask v06r01 replaces 388624 D01 Permit But Ask v06

1) b) Evaluation of SAR item (ii) 3GPP2 EV-DV was added

388624 D01 Permit But Ask v06ro2 replaces 388624 D01 Permit But Ask v06r01

Date entry in previous version (V06r01) 10/02/2008 was incorrect and replaced with the current date published 9/1/2009

388624 D01 Permit But Ask v06ro3 replaces 388624 D01 Permit But Ask v06r02

Corrected spelling error in Change Note: **388624 D01 Permit But Ask v06 replaces 388624 D01 Permit But Ask v05** from “The following items were added to the lost of devices” to “The following items were added to the list of devices”

388624 D01 Permit But Ask v07 replaces 388624 D01 Permit But Ask v06r03