

## Comments on 5.9 GHz KDB Guidance

Submitted by Broadcom, Inc.

Broadcom suggests below two changes to the draft 5.9 GHz KDB that will more clearly align the KDB with the FCC's *5.9 GHz Order* and with the KDB guidance for adjacent bands.

### E-Labeling

The draft KDB does not address the use of electronic labels. E-labeling is an important mechanism for manufacturers to provide information about devices to consumers and the government without attaching a physical label that could prove cumbersome for some devices. This is why the FCC's E-labeling rules broadly permit eligible devices to display information electronically, including "the FCC Identifier, any warning statements, or other information that the Commission's rules would otherwise require to be shown on a physical label attached to the device." 47 C.F.R. § 2.935(a). In the 6 GHz KDB (Pub. No. 987594, D01 v01r02), OET explicitly noted that "E-labelling is permitted on devices qualifying for e-labelling." For consistency, we respectfully request that OET add this same language to the 5.9 GHz KDB in Section 4, page 4, to facilitate the use of E-labeling on devices that qualify, including on devices for which certification could be sought to operate in both the 5.9 GHz and 6 GHz bands.

### Waiver Process for Existing Devices

The draft 5.9 GHz KDB does not mention the waiver process outlined in footnote 180 of the *5.9 GHz Order*. That process allows manufacturers seeking a permissive change to enable operation in U-NII-4 of equipment authorized for U-NII-3 to obtain a waiver if such manufacturers are unable to comply with the labeling requirement for indoor-only devices set forth in 47 C.F.R. § 15.403 (definition for "Indoor Access Point"). *Use of the 5.850-5.925 GHz Band*, First Report and Order, Further Notice of Proposed Rulemaking and Order of Proposed Modification, 35 FCC Rcd 13,440, 13,469 n.180 (2020) (*5.9 GHz Order*). The *5.9 GHz Order* states that "if the equipment [for which a permissive change is sought] otherwise meets the rule criteria for indoor equipment (i.e., power cord, integrated antenna, non-weatherized enclosure), a quick and favorable determination of good cause to grant the waiver request should be possible." *5.9 GHz Order*, 35 FCC Rcd. at 13,469 n.180. The Commission found such waiver requests would be "in the public interest," stated they would be "treat[ed] expeditiously," and "encourage[d] [such] manufacturers to file for a waiver of [the labeling] requirement along with their application for permissive change." *5.9 GHz Order*, 35 FCC Rcd. at 13,469 n.180.

For clarity, Broadcom respectfully requests that OET add in Section 10 of the draft KDB (page 8) a reference to the labeling waiver contemplated in the Order. Specifically, at the end of paragraph 2 of Section 10, OET could add: "Manufacturers that are unable to meet the labeling requirement but wish to seek a C2PC may submit with their application a request for waiver of the labeling requirement. A quick and favorable determination of good cause to grant the waiver request should be possible."

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