



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

August 22, 2016

U-NII DEVICES TRANSITION PLAN

Question 1: What are the effective dates for the U-NII rules adopted by the Commission in ET Docket No. 13-49 (R&O FCC 14-30 and MO&O FCC 16-24)?

Answer 1: The U-NII rules in the Report and Order (ET Docket No. 13-49) became effective on June 2, 2014. These rules were amended by the MO&O and became effective on May 6, 2016. Grants of certification for devices operating under the new U-NII rules, can be issued as of the effective date of the rules. In adopting the rules, the Commission also established a transition time period during which devices approved under Section 15.407(b)(4)(ii) may no longer be marketed, manufactured or imported. Section 15.407(b)(4)(ii) states “Devices certified before March 2, 2017 with antenna gain greater than 10 dBi may demonstrate compliance with the emission limits in Section 15.247(d), but manufacturing, marketing and importing of devices certified under this alternative must cease by March 2, 2018. Devices certified before March 2, 2018 with antenna gain of 10 dBi or less may demonstrate compliance with the emission limits in Section 15.247(d), but manufacturing, marketing and importing of devices certified under this alternative must cease before March 2, 2020.”

Certification grants under Section 15.407(b)(4)(ii) will have either note code 48 or 49. See Q&A #6.

General Guidance: All equipment authorization filings (for new FCC ID or permissive change) for U-NII devices must be under the New Rules. Grants for devices under the New Rules must use Note Codes 38, 48 or 49.

Permissive Change: Section 2.1043 addresses the conditions for Class II and Class III permissive changes for equipment that has not been modified through changes in hardware. Such changes are permitted by software only. KDB Publication 178919 provides additional guidance on permissive changes. In the following questions and answers, references to Class II permissive changes also include Class III permissive changes for software defined radios (SDR), unless specifically noted otherwise.

NOTE: Permissive changes for approval under the New Rules for devices that were approved under the Old Rules must include a statement in the cover letter that the device under the Old Rules was not marketed or sold after June 2, 2016.

Question 2: Can a device presently approved under the Old Rules in Section 15.247 (i.e., equipment class DTS) operate under the New Rules for U-NII-3 devices (i.e., using equipment class NII)?

Answer 2: Yes, a Class II permissive change filing is required to demonstrate compliance with the New Rules for U-NII-3 devices. The application is made under equipment class NII. The procedure for

adding the new equipment class to the filing is described in KDB Publication 178919 D02. See also Answer 7 for more information on filing requirements.

Question 3: Do we have to update filings for all operating devices?

Answer 3: No, if the device is not currently being marketed. If the device approved under the Old Rules is currently marketed, manufactured, imported, or sold then it must comply with the New Rules and have an updated grant.

Question 4: If a device was previously certified in only one U-NII sub-band, can it be approved for additional U-NII sub-bands? Can the manufacturer file this change as a permissive change?

Answer 4: Yes, the device must demonstrate compliance with the New Rules in the additional sub-bands, including the security requirements.

Question 5: Is it possible for a device approved under the Old Rules in the U-NII-3 band to be approved for operation in the additional 25 MHz recently added to the U-NII-3 band?

Answer 5: Yes, this requires a Class II or Class III permissive change filing to demonstrate compliance with the New Rules. Compliance must be shown for operation in the entire U-NII-3 band. It is not permitted to mix the provisions of the Old Rules and the New Rules within a U-NII sub-band.

Question 6: What are the grant conditions, comments, or note codes for devices approved under the New Rules?

Answer 6: The following note codes should be used on grants for devices approved under the New Rules.

For all filings (new and permissive changes) for all sub-bands supported by the device and operating under the New Rules including the requirements of Section 15.407(b)(4)(i):

- **Note Code 38:** This device has shown compliance, in all grant-listed U-NII sub-bands, with the new rules for U-NII devices adopted under Docket No. 13-49 and may be marketed, manufactured, or imported after the June 1, 2016 transition deadline.

For all filings (new and permissive changes) for all sub-bands supported by the device and operating under the New Rules including the requirements of Section 15.407(b)(4)(ii):

- **Note Code 48:** The device has been approved under § 15.407(b)(4)(ii) for antenna gains greater than 10 dBi and cannot be manufactured, marketed, sold or imported after March 2, 2018.
- **Note Code 49:** The device has been approved under § 15.407(b)(4)(ii) for antenna gains of 10 dBi or less and cannot be manufactured, marketed, sold or imported after March 2, 2020.

Question 7: What are the minimum test data and information requirements for Class II permissive change applications?

Answer 7: The following guidelines are provided for what test data and information needs to be included in permissive change filings for devices originally approved under the Old Rules.

NOTE: Permissive changes applications under the New Rules for devices that were approved under the Old Rules must include a statement in the cover letter that the device under the Old Rules was not marketed or sold after June 2, 2016.

In the following provisions, (*) denotes that software security requirements are as described in KDB Publication 594280 D02.

a) Changes in operations in U-NII-1 Band:

- 1) For all devices where the authorized power levels are increased, or for fixed devices to operate outdoors according to the New Rules, a full test report and including a description of software security (*) must be provided.
- 2) For fixed devices where there is no increase in authorized power level an attestation with description of software security (*) must be provided.
- 3) For mobile and portable client devices where there is no increase in authorized power, no submission is required for allowing operation outdoors.

b) Changes in operations in U-NII-2A and U-NII-2C Bands:

- 1) For all devices where there are changes in power levels, a full test report with including compliance with EMC, DFS and software security description (*) as listed in KDB Publication 905462 (Section B) must be provided.
- 2) For devices to be authorized to operate in the TDWR band, a full test report showing compliance with DFS tests (see KDB Publication 905462 D02) and software security description (*) must be provided.

c) Changes in operations in U-NII-3 Band:

- 1) For devices previously authorized under Section 15.407 Old Rules to be modified to operate under the New Rules, a full EMC test report and software security description must be provided.
- 2) For devices previously authorized under Section 15.247 to be modified to operate under the New Rules with changes in total power, a full EMC test report and software security description must be provided.
- 3) For devices previously authorized under Section 15.247 to be modified to operate under the New Rules and the technical requirements of Section 15.407(b)(4)(i) with no changes in total power, a test report including the following must be provided:
 - i) Band-edge measurements;
 - ii) Band Power;
 - iii) High and Low channel emissions;
 - iv) Power Spectral Density Measurements; and
 - v) Software Security description
- 4) For devices previously authorized under Section 15.247 to be modified to operate under the New Rules and the technical requirements of Section 15.407(b)(4)(ii) with no changes in total power or hardware changes, the following must be provided:
 - i) Test report showing compliance with Section 15.247(d) emission limits. Alternatively, if there are no hardware changes, an attestation that the device is applying under Section 15.407(b)(4)(ii) and that the emission limits comply with Section 15.247(d) for all antenna configurations.

- ii) A list of all approved antennas with gain of 10 dBi or less, or list of antennas with gain 10 dBi or greater. Acknowledgement of the appropriate restrictions for the appropriate antennas. The specific condition of marketing will be based on the highest gain antenna permitted with the device.
- iii) The instructions, for modular transmitters, to be provided by grantee to their customers to ensure the specific marketing restrictions, including transition dates, for each antenna/device configuration are clearly explained.

Question 8: Does the U-NII deadline of June 1, 2016 apply to U-NII devices under the Old Rules that, during a warranty period, are repaired, refurbished, or replaced?

Answer 8: As long as the repaired, refurbished, or replacement device is identical to and has the same FCC identifier of the original device, the transition date does not apply, as long as, and contingent on that the device is not sold to third-parties or to the original party, and is supplied only to the original party under the warranty of the original device. The importation restriction (Part 2 Subpart K) does not apply to such a device, and it can be imported into the U.S. if needed.

Question 9: Will the FCC allow a change-in-ID of a U-NII device that was authorized only under the Old Rules?

Answer 9: No. It is now passed the deadline. All filings must meet the new rules.

Change Notice

06/03/2014: 926956 D01U-NII Transition Plan v01 is replaced by 926956 D01U-NII Transition Plan v01r01. Updated text of the note codes in question 15 and added a new question 16 on permissive change applications.

10/17/2014: 926956 D01U-NII Transition Plan v01r01 is replaced by 926956 D01U-NII Transition Plan v01r02. Clarified text in answers 1, 7 and 9.

10/19/2015: 926956 D01 U-NII Transition Plan v01r02 is replaced by 926956 D01 U-NII Transition Plan v01r03. Added new question and answers 17 and 18. Other editorial-only cleanups done across the document.

01/07/2016: 926956 D01 U-NII Transition Plan v01r03 is replaced by 926956 D01 U-NII Transition Plan v01r04. Revised answer 2 with new transition date.

04/07/2016: 926956 D01 U-NII Transition Plan v01r04 is replaced by 926956 D01 U-NII Transition Plan v01r05. Revised answers to address U-NII-3 rule changes adopted in FCC 16-24.

04/08/2016: 926956 D01 U-NII Transition Plan v01r04 and v01r05 are replaced by 926956 D01 U-NII Transition Plan v01r06. Revised answers to address U-NII-3 rule changes adopted in FCC 16-24. Fixed error in Q3 in v01r05.

08/22/2016: 926956 D01 U-NII Transition Plan v01r06 is replaced by 926956 D01 U-NII Transition Plan v02. Updated to reflect that the changes related to the transition date June 2, 2016.