



Federal Communications Commission
Office of Engineering and Technology
Laboratory Division

August 14 , 2020

PRE-APPROVAL GUIDANCE PROCEDURE

I. INTRODUCTION

In establishing the requirements for Telecommunications Certification Bodies (TCBs), the Commission allowed TCBs to certify equipment; however, certain equipment authorization functions continue to require oversight by the Commission. Section 2.964 specifies Pre-Approval Guidance (PAG) procedures for continuing the Commission oversight where compliance review procedures are not fully developed.¹ The PAG procedure permits the equipment authorization approval process for certain types of applications where there is no existing Commission guidance, where the Commission has only issued partial guidance, or where Commission oversight of the approval process is still considered necessary, for example, for nascent technologies.

The PAG procedure for TCBs applies to finalizing the equipment authorization approval for devices identified in the PAG List.² Three classes of applications for equipment authorization subject to PAG review are specified, as described below.

A. **Devices subject to special conditions where the authorization procedures to be used must be approved by the FCC *prior* to approval by a TCB**

For devices in this class there is no published guidance, or it may be unclear how the FCC rules apply to the technology in question. In these cases the Commission must make the determination on procedures used to demonstrate compliance with the FCC Rules. This guidance must be obtained by a TCB through the KDB Inquiry system prior to an approval, so that the TCB knows how to properly evaluate the test procedures and results as part of its initial review.

B. **Devices for which a sample must be submitted to the FCC for pre-approval testing prior to approval by a TCB**

For devices in this class, there may be a requirement for the Commission to test all devices that use a specific technology, or the technology may be so new that Commission oversight is required to ensure that new rules and test procedures are being applied. Test samples are to be submitted to the OET Laboratory only upon request by the Commission, which reserves the right to waive sample submittal at its discretion.

¹ Equipment authorizations that required oversight were initially authorized through a process known as Permit But Ask (PBA). In FCC Report and Order 14-208, the Commission adopted the PBA process as the Pre-Approval Guidance (PAG) procedure.

² Refer to KDB Publication 388624 D02 Pre-Approval Guidance List for a list of devices subject to PAG.

C. Devices for which there are new or unique operation or installation issues which are subject to FCC review prior to approval by a TCB

Specific guidance on the evaluation of a device is required because complete guidance for the type of device on the PAG List has not been issued by the Commission. Examples include devices where there are device-specific issues not addressed in the published equipment authorization guidance, or a test procedure different from the published guidance is proposed for use in demonstrating compliance.

For all devices requiring specific guidance, parties must submit requests for guidance to the FCC through the KDB Inquiry system, and then submit test results to a TCB along with the KDB Inquiry documentation for evaluation and review by the TCB.

It is the responsibility of the manufacturers and test laboratories to submit 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 FCC Form 731 Application for Equipment Authorization (Form 731) is complete and is in accordance with FCC rules, policies and other specific guidance, and that all exhibits have been reviewed. Incomplete forms and exhibits will significantly delay the PAG process.

II. MANUFACTURER / TEST LABORATORY TESTING GUIDANCE PRIOR TO SUBMISSION TO TCB

A. Published guidance is available for a device

In most circumstances it is not required for manufacturers or test laboratories to submit KDB inquiries prior to submitting an equipment authorization application to a TCB. If testing or submission guidance has been published for the devices subject to PAG, it is not necessary to contact the FCC for further guidance. However, sufficient information must be provided to the TCB to ensure that the TCB can confirm that the grantee (or the test laboratory on their behalf) has followed the published guidance. In addition to the routine application information, the applicant needs to provide the following to the TCB:

- (1) The KDB publication number of the document that includes the guidance that was followed; and
- (2) Documentation of how the guidance applies to the circumstances, and to the specific device to be authorized. The TCB subsequently will upload this documentation as part of the application; either as a Cover Letter exhibit or as an Operational Description exhibit (if confidentiality is requested). Guidelines for confidentiality requests are found in KDB Publication 726920.

B. Additional guidance is needed for a device

In some cases, the published guidance may not be directly applicable for a particular device. In these cases a manufacturer or a test lab may seek additional guidance from the FCC. The following procedure is to be used when additional FCC guidance is necessary, prior to submitting an equipment authorization application to a TCB for PAG processing.

- (1) Submit a KDB Inquiry requesting FCC guidance for the test methods and measurements to be used for the evaluation of the device, selecting the most appropriate KDB categories for the device. The subject line should indicate the topic and that the question is for a future PAG submission.
- (2) Submit separate KDB Inquiries for different issues. When submitting a KDB Inquiry, select the applicable category in the KDB Inquiry 2nd Category pull down menu, to further identify the topic.

- (3) Continue dialogue with the FCC via the KDB Inquiry until all issues have been resolved and the required guidance has been provided.
- (4) After testing is complete using the guidance provided by the Commission, submit the application to the TCB with the following information:
 - a. The KDB Inquiry Tracking Number for each guidance topic given by the FCC that is related to each unique area on the PAG List applicable to the device. For devices that have multiple KDB inquiries submitted under different KDB inquiries, a summary of all applicable inquiries should also be provided to the TCB for submission to FCC;
 - b. A complete copy of each KDB Inquiry correspondence;
 - c. A copy of all applicable attachments associated with each KDB Inquiry;
 - d. A description of how the device meets the guidelines in the specific KDB Inquiry; and
 - e. For information that is considered confidential, provide instructions to the TCB to upload Form 731 attachments into the Operational Description exhibit type.

NOTE: KDB Inquiry Tracking Numbers are considered to be confidential. Any attachments showing a KDB Inquiry Tracking Number may be uploaded by the TCB into the Operational Description exhibit type (which is eligible for Long Term Confidentiality). Similarly, attachments 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 726920).

III. TCB PRE-APPROVAL GUIDANCE

A TCB shall use the following procedure for approving equipment on the Commission's Pre-Approval Guidance list.

- A. The TCB shall complete the review of the application in accordance with the Commission's, *i.e.*, affirm that the entire application is acceptable, and that all FCC guidance has been followed, including any guidance given to applicant prior to their filing the application. Based on the review, the TCB shall identify all the items subject to PAG.
- B. The TCB shall electronically submit the application and all exhibits to the Commission by using the Form 731 Application link available when logged into the FCC TCB electronic filing website, along with a KDB Inquiry request for FCC review and approval to grant the application. When the TCB submits a Form 731 where Pre-Approval Guidance is applicable, the question on the Form 731 regarding "Is there a KDB inquiry associated with this application?" shall be marked Yes, the PAG inquiry tracking number shall be entered in the box on the form, and all of the supporting information applicable for the FCC to provide testing or approval guidance and finalize the authorization approval should be submitted.

Note (1): For composite applications where at least one portion of the composite filing is authorized using the PAG process, all Form 731s submitted should be submitted using the PAG process described in section III B, to prevent a portion of the composite filing from being automatically deleted if the PAG process isn't completed with 30 days.

Note (2): Enter all information into the Form 731 including all information received per section II Manufacturer / Test Laboratory Testing Guidance Prior to Submission to TCB.

- C. *Note (3): KDB Inquiry Tracking Numbers are considered to be confidential, therefore any information uploaded by the TCB for the application that contains a KDB Inquiry Tracking Number should be qualified for upload into the Operational Description exhibit type or other appropriate exhibit type 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 726920)*When an application has multiple PAG Inquiries, a summary identifying all the PAG items must be provided. In addition, the PAG tracking number will be entered in the 731 related inquiry field. The TCB should not Grant the application until all PAG items have been confirmed in the text as being approved.³
- D. After a review of all of the information for consistency with all guidance and equipment authorization requirements and a determination of compliance, the Commission will give its concurrence for the TCB to grant the application by changing the internal status of the application to permit the grant to be issued and inform the TCB, via the KDB Inquiry, then the grant can be issued. Otherwise, the Commission will advise the TCB if additional information or equipment testing is required, or if the equipment cannot be certified because it does not comply with the Commission’s rules.
- Note: The FCC expects that the TCB will address all compliance issues and authorization requirements with the Grantee or the Grantee’s representative prior to submitting the Form 731, which will minimize the FCC review required prior to final approval.*

IV. SPECIAL CIRCUMSTANCES

A. Permissive Changes

It is not necessary for manufacturers, test firms, or TCBs to file additional KDB Inquiries or PAG requests for permissive changes on devices previously processed under the pre-approval process if the earlier guidance remains fully applicable; however, the TCB must re-open by replying in the original PAG KDB to request FCC review of the subsequent permissive change application and enable it to be granted. When a TCB issues a grant for this type of device, the question on the Form 731 regarding “Is there a KDB inquiry associated with this application?” shall be marked Yes, the PAG inquiry tracking number shall be entered on the Form 731, and all of the supporting information should be submitted. All permissive change rules apply to the device; therefore the device must be electrically identical to the device previously approved under a PAG. Also, no changes that affect the PAG should be present; and any device-specific test procedures or evaluation conditions must remain applicable for the modified device. The reviewing TCB must ensure that the original guidance continues to apply to the current application. If a permissive change leads to requiring guidance for a new function(s), the TCB must follow the regular PAG procedures using a new KDB Inquiry Tracking Number.

B. Change in Identification

- (1) If a change in FCC ID is requested by the original grantee for a device subject to an original PAG, no additional documentation is required. However, when a TCB issues a grant for this type of device, the question on the Form 731 regarding “Is there a KDB inquiry associated with this application?” shall be marked Yes, the original PAG inquiry tracking number shall be entered on the Form 731, and all of the regular supporting information should be included with the Form 731 submission. The TCB must also re-open the original PAG to request FCC review of the change-in-identification application

³ TCB should confirm in the correspondence field that all the PAG items have been reviewed and approved to prevent granting a device, in the event an FCC reviewer inadvertently selects the Radio button approving the entire PAG.

and enable the device to be granted. No permission letter for the same grantee is required.

- (2) If the change in FCC ID is requested by a new grantee with the same TCB for a device subject to an original PAG, the above procedure may be used. However, the new grantee must obtain permission of the original grantee to receive authorization to market.
- (3) If the change in FCC ID is requested by a new grantee with a different TCB, then a new PAG must be submitted with the specific reason for the PAG. Depending on the circumstance, additional information may be required.⁴ Also, the new grantee must obtain permission of the original grantee to receive authorization to market.

C. Previously issued guidance

A grantee or the grantee's representative may use guidance established in a prior 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 section II Manufacturer / Test Laboratory Testing Guidance Prior to Submission to TCB. The TCB must ensure that the guidance continues to be applicable to the current device. When the TCB issues a grant for this circumstance, the question on the Form 731 regarding "Is there a KDB inquiry associated with this application?" shall be marked Yes, the PAG inquiry tracking number shall be entered on the Form 731, and all of the supporting information should be submitted. The TCB must re-open by replying in the original PAG KDB to request FCC review of the new application and enable it to be granted.

D. PAG Reuse

The process for reuse of a PAG item requires to first initiate a PAG procedure with the request for reusing⁵ one of the items chosen among those specified in Section III Reuse List⁶ of KDB Publication 388624 D02 Pre-Approval Guidance List. PAG reuse can be utilized by a TCB only after obtaining FCC approval.

Specific steps for this process are as follows:

- (1) The initial PAG must identify⁷ all the PAG items requesting reuse, but only chosen among items from Section III Reuse List of KDB Publication 388624 D02 Pre-Approval Guidance List.⁸
- (2) Multiple FCC IDs that refer to variants of the same hardware, and that include the same set of PAG items, may be submitted under a single PAG KDB tracking number.

⁴ PAG items are requested for various reasons. For example, the same device, like SDR, a PAG is or may be based on the grantee's internal security procedures and/or factory process that do not automatically transfer to a new Grantee.

⁵ A reuse request is done in the initial PAG.

⁶ Reuse can only be authorized for those items on the Reuse List of KDB Publication 388624 D02 that are referred to as "reuse items".

⁷ PAG items are the items in KDB Publication 388624 D02 Pre-Approval Guidance list in Section II. The PAG reuse items are a separate subset of these PAG items and are on a separate list III Reuse List in KDB Publication 388624 D02 Pre-Approval Guidance list.

⁸ TCB may request reuse in the initial PAG only for items that are on the reuse list. If not specifically requested and approved, no item can be considered for PAG reuse.

(continued....)

- (3) In addition to the standard PAG items being reviewed and approved, FCC staff will also review the items requesting reuse, and if the conditions are deemed acceptable,⁹ approval for reuse will be granted as part of the PAG KDB approval.
- (4) For later use of the approved PAG reuse item(s), the TCB is permitted to grant the FCC ID(s) as long as there are no other additional PAG items that not approved for reuse associated with that FCC ID.
- (5) The TCB must also submit a Reuse Notification KDB Inquiry¹⁰ for each new FCC ID(s) granted using a PAG reuse item.¹¹
 - a. If the new FCC ID(s) are only associated with one PAG reuse item, then the following information is required in the Reuse Notification Inquiry: the reuse PAG item, FCC ID(s), associated TC numbers, and the original PAG (Seed PAG) for which the approval of PAG reuse was granted. The Reuse Notification inquiry must select the first Category as “PAG Reuse Notification,” and the appropriate second subcategory (e.g., DFS , HAC, Antenna tuning).
 - b. If the new FCC ID(s) included multiple reuse items, then the TCB must identify: each reuse item, the new FCC ID(s), associated TC numbers, and the original PAG KDB tracking number(s). The Reuse Notification inquiry must select as the first category “PAG Reuse Notification” and as the second category “Multiple Reuse.”
- (6) The TCB must enter the reuse notification inquiry tracking number in the Form 731 related inquiry field for each FCC ID for which grant is being sought. Then, only if there are no other PAG items associated with any of those FCC IDs, the TCB may proceed to issue the grant approval.
- (7) If there are other PAG items (not approved for reuse) associated with any of the FCC IDs being considered, the TCB may not issue the grant approval until all the other PAG items are also approved by the FCC. In this case, the PAG tracking number for that FCC ID takes precedent over the reuse notification tracking number and must be entered in the related inquiry field of the Form 731.
- (8) The same reuse notification inquiry can be reopened for adding additional FCC IDs.

E. Sharing of PAG KDB Inquiry Tracking Numbers

The FCC discourages the sharing of PAG KDB content and 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. The TCB must submit a new PAG KDB to request FCC review of the new application and enable it to be granted. When the TCB issues a grant where this situation is applicable, the question on the Form 731 regarding “Is there a KDB inquiry associated with this application?” shall be marked Yes, the new PAG inquiry tracking number shall be

⁹ Approval of PAG reuse will require additional FCC staff review, to demonstrate that the same procedure, description and/or method has been identified for reuse. Approval may identify restrictions and/or limitations to specific grantees, descriptions and/or type of equipment. Unless otherwise stated, the PAG reuse approval is only for the same Grantee.

¹⁰ Category “PAG Reuse Notification,” Subcategory “DFS PAG Reuse,” “Dynamic Antenna Tuning PAG Reuse,” “HAC T-Coil Reuse, Multiple Reuse.”

¹¹ Multiple FCC IDs may be used in the Reuse notification if all the FCC IDs are referring to the same original PAG inquiry (“seed PAG”).

entered on the Form 731, and all of the supporting information including that from the preceding other PAG KDB should be submitted. Care should be taken to ensure that KDB Inquiry Tracking Numbers and proprietary information that might be embedded in the original KDB Inquiry are safeguarded, whenever a party chooses to share KDB Inquiry content with other applicants, test firms, manufacturers, and TCBs.

CHANGE NOTICE

06/26/2015: 388624 D01 Pre-Approval Guidance Procedures v11 replaces 388624 D01 Permit But Ask Procedure v10. The document has been revised to address the changes to the new Pre-Approval Guidance procedure established in Report and Order FCC 14-208.

10/16/2015: 388624 D01 Pre-Approval Guidance Procedures v11r01 replaces 388624 D01 Permit But Ask Procedure v11. Clarified language about using previously approved PAG KDB guidance.

04/25/2019: 388624 D01 Pre-Approval Guidance Procedures v11r02 replaces 388624 D01 Pre-Approval Guidance Procedures v11r01. Added allowance for PAG Reuse.

06/06/2020: 388624 D01 Pre-Approval Guidance Procedures v11r03 replaces 388624 D01 Pre-Approval Guidance Procedures v11r02. Clarification added for: section III B and added section III C for multiple PAGs, IV C for Change in ID and section IV D for PAG Reuse.

08/14/2020: 388624 D01 Pre-Approval Guidance Procedures v11r04 replaces 388624 D01 Pre-Approval Guidance Procedures v11r03. Clarification added to IV. SPECIAL CIRCUMSTANCES Section D. PAG Reuse.