

FR400 FCC - Overview of TCB Application and Certification Process at Northwest EMC, Inc.

NOTICE: This description is for informational purposes only, and does not amend or modify the TCB / Client contract in any way.

Note: Throughout this document, the term "TCB" is used in reference to both activities performed as a Telecommunication Certification Body under FCC rules and as a foreign Certification Body under Industry Canada procedures.

1.0 Background

- 1.1 For years, transmitter manufacturers have been burdened by lengthy FCC processing times. The application process was so complex, that it often required an in-house expert to shepherd the transmitter through regulatory hurdles. Internationally, in comparison with other regulatory agencies, the FCC was becoming increasingly unique in its system of product authorizations. Eventually it was realized that the FCC certification process was not in harmony with international mutual recognition agreements (MRAs).
- 1.2 In response, the FCC devised an alternate authorization process that is intended to remedy these problems. In Docket 98-68 (12/17/98), Telecommunication Certification Bodies (TCBs) were introduced. Without replacing the existing FCC approval process, the new process uses private entities (designated by the FCC) to issue transmitter and telecom certifications. Manufacturers have the choice of using either the FCC or TCBs to certify products. TCBs function like the FCC by certifying a product based on the test results of one representative sample. The TCB authorization process also parallels the product certification processes in other countries – an essential step in the MRA process. The FCC rules governing TCB designation and operation are found in 47 CFR 2.960 and 2.962 (FCC rules can be downloaded at www.access.gpo.gov).
- 1.3 The initial group of TCBs were designated by the FCC on June 1, 2000.
- 1.4 The Industry Canada (IC) rules governing Foreign Certification Bodies (FCBs) may be downloaded from <http://strategis.ic.gc.ca/spectrum>.

2.0 TCB Advantages

- 2.1 The TCB authorization process offers manufacturers more than one approval body to select from. TCBs provide a faster, more convenient option than the FCC's authorization process. Competition between TCBs will keep costs low and processing times fast. The FCC anticipates they will be able to direct more resources towards enforcement. Ideally, if the FCC can provide adequate enforcement, the competitive playing field will be leveled against those who have been shortcutting the regulatory process.

3.0 TCB Activities

3.1 TCBs certify devices in accordance with FCC and/or IC rules and policies. They will issue written grants of certification based upon applications that contain the same information currently required by FCC/IC rules. The grantee remains responsible to the FCC/IC for compliance. TCBs may either perform the testing themselves, or accept and review test data from manufacturers or other laboratories. However, TCBs are responsible for the accuracy of the test data, and are expected to perform laboratory audits before accepting test data. TCBs verify that all FCC labeling requirements are met, including the FCC ID. Upon successful review of the application, the TCB submits an electronic copy of the application and a completed Form 731 to the FCC; immediately, the FCC posts a TCB grant of equipment authorization on their website (www.fcc.gov/oet/). For marketing in Canada, after the application is submitted Industry Canada's Certification and Engineering Bureau will record the details of the certification in the Radio Equipment List . TCBs can also approve permissive changes, regardless of who originally certified the equipment. The FCC and IC require TCBs to perform post-market audits of equipment they certify.

3.2 Northwest EMC is designated by NIST and recognized by the FCC as a Telecommunication Certification Body. Northwest EMC, Inc and Northwest EMC certification body are funded entirely by testing and certification activities.

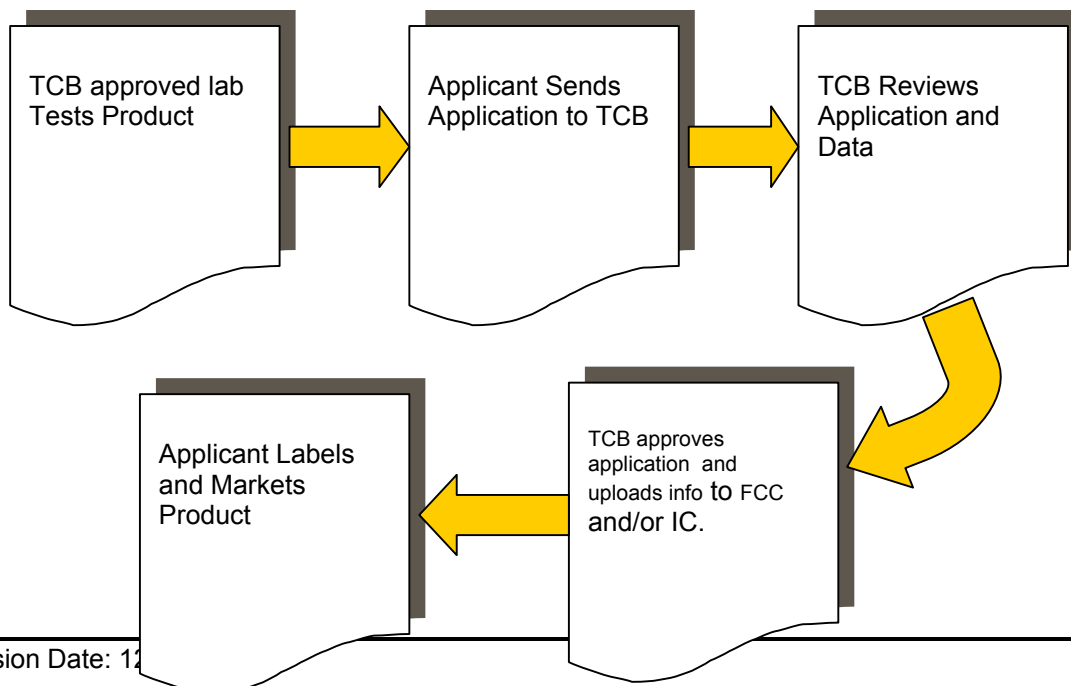
4.0 TCB Prohibitions

4.1 TCBs are prohibited from the following activities:

- Granting waivers to FCC/IC rules and regulations
- Certifying new technologies where FCC/IC rules do not exist
- Certifying products that require SAR / MPE evaluation
- Enforcing FCC/IC rules
- Granting transfers of control of Certifications
- Imposing their own requirements.

4.2 All TCB actions are subject to regulatory review. In cases of dispute, the appropriate regulatory body (FCC or IC Certification and Engineering Bureau) will be the final arbiter.

5.0 Process Flow



6.0 Scope of Accreditation

6.1 Northwest EMC has been accredited by ANSI, designated NIST and recognized by the FCC and IC as a Certification Body for the following products:

6.2 Unlicensed Radio Frequency Devices for FCC

- Low power transmitters operating on frequencies below 1 GHz (Excluding spread spectrum devices), emergency alert systems, unintentional radiators, and consumer ISM devices subject to certification).
- Low power transmitters operating on frequencies above 1 GHz (Excluding spread spectrum devices).
- Unlicensed personal communication systems.
- Unlicensed National Information Infrastructure devices and low power transmitters using spread spectrum techniques.

6.3 Licensed Radio Service Equipment for FCC

- Personal mobile radio services in 47 CFR parts 22 (cellular), 24, 26, 27)
- General mobile radio services in 47 CFR parts 22 (non cellular), 74, 90, 95, 97)
- Maritime and Aviation Radio Services in 47 CFR parts 80 and 87
- Microwave Radio Services in 47 CFR Parts 21, 74 and 101.

6.4 Industry Canada Radio Scope (A)

7.0 Application Process

7.1.1 When a client contacts Northwest EMC for services as a TCB, they are directed to the RFQ for transmitters on the Northwest EMC website.

Once the RFQ is completed, the client can be quoted for testing and TCB certification (with a condition "Subject to TCB eligibility and review by NWEMC TCB committee"). The quote is sent along with the following documents:

- FR400 (Overview of TCB Application and Certification Process)

7.2 A member of the TCB committee will review the client information to ensure that the requirements are clearly defined and understood and that the product falls under the scope and capability of the TCB. The TCB committee member will also determine if the product is for original certification, an amendment to an existing certification, or a modification to an existing product, which may need re-evaluation. This review will enable the TCB committee to direct to the client the appropriate materials for the type of certification or services desired. The following documents will be sent to the client:

- FR410 TCB and/or FR410 IC Application Forms. (In addition to requesting company and product information, these documents also contain verbiage that constitutes our certification agreement. Item #39 of FR410 TCB and item #45 of FR410 IC explain the rights and responsibilities of the applicant and the commitment of Northwest EMC to act as a certification body under the authority of the FCC and/or IC.)
- One of the following equipment checklist depending on the type of product being assessed:
 - FR412 "Technical Information for the Certification for Part 15 Devices
 - FR413 "Technical Information for the Certification of Licensed Transmitters"

If a subcontractor is to be used for any of the product evaluation, the client will be informed and will sign an agreement for the work to be subcontracted.

- 7.3 After the client information package and quote are sent to the customer, the individual who will evaluate the product application for grant is assigned. No members of the committee responsible for the evaluation of the application may perform testing of the product or approve test reports for the product.
- 7.4 The client will be required to comply with the provisions of the certification program and abide by all points of the contract to which they have agreed. The client will not make claims regarding product certification which exceed the scope for which certification has been granted. Further, the client will not use its product certification in such a manner as to bring the certification body into disrepute.
- 7.5 For applications involving modifications of existing products, the TCB committee will determine the extent of the re-evaluation necessary. Information previously provided to the FCC and/or IC may be requested from the client.

8.0 Testing

- 8.1 Testing may take place at any test lab which has been accredited for the scope of the testing requirements. Test data is then provided to the certification committee for review and evaluation.

9.0 Evaluation

- 9.1 The products will be evaluated against the standards covered by the scope of the application. A test report assessing the product conformity with the certification requirements will be provided to the certification body. Results of the evaluation will be provided to the client, identifying any non-conformities of the product. When remedial action has been taken by the client to bring the product into compliance with the standards, only the non-conforming part of the initial evaluation need be repeated.

10.0 Grant of Certification

- 10.1 For marketing in the USA, the TCB committee will up-load a completed Form 731, all required exhibits, and any requests for confidentiality to the FCC's TCB website. The FCC will immediately post a grant of certification on the FCC website. The rights and responsibilities pertaining to the certificate are explained in the CFR; the device may be marketed immediately upon posting of the grant of certification on the FCC website.

For marketing in Canada: the TCB committee will upload all required exhibits and request for confidentiality to the Industry Canada (strategis.gc.ca) website. The Certification and Engineering Bureau will record the details of the certification in the Radio Equipment List (REL); the device may be marketed upon publication in the REL.

- 10.2 The supplier may use the certification only to indicate compliance to specific standards, and shall not make reference to said certification in any misleading manner.

11.0 Complaints and Appeals

- 11.1 In the event that a customer has a complaint or a disagreement with the findings of the certification body, the complaint or appeal may be filed with the certification body by informing the committee via written notification either email or letter. The letter must detail the portion of the evaluation and the finding in dispute. Three members of the certification committee shall consider the appeal and a formal written reply to the customer shall be generated, detailing the finding and whether the original decision is upheld or overturned.

- 11.2 In the event the original decision is upheld, the customer may elect to accept or reject the finding. If the finding is accepted, then the customer may respond to the finding by providing the necessary information which would result in a positive certification decision. If the finding is rejected then the governing agency who granted authority to the certification body shall be arbitrator of the dispute and the decision made by that body shall decide the outcome.

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