



Eko Devices, Inc.  
1212 Broadway, Suite 100  
Oakland, CA 94612 USA  
ekohealth.com

## Covered Equipment Certification Attestation Letter

21 Feb, 2023

Nemko North America, Inc.  
303 River Road  
Ottawa  
K1V 1H2  
Canada

ATTN.: Reviewing Engineer

FCC ID: 2ANB3-E8

Eko Devices Inc. ("the applicant") certifies that the equipment for which authorization is sought is not "covered" equipment prohibited from receiving an equipment authorization pursuant to section 2.903 of the FCC rules.

Note: If the equipment for which the applicant seeks authorization is produced by any of the entities identified on the current [Covered List](#), the applicant should include an explanation on why the equipment is not "covered" equipment.

Eko Devices ("the applicant") certifies that, as of the date of the filing of the application, the applicant is not identified on the Covered List as an entity producing "covered" equipment.

Signed:

A handwritten signature in black ink, appearing to read "P. Yan".

2/21/2023

Printed name: Philip Yan  
Title: Head of Quality  
Company Name: Eko Devices Inc.  
Date: 21 Feb, 2023



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## U.S. Agent Designation for Service of Process - Certification Attestation Letter

21 Feb, 2023

Nemko North America, Inc.  
303 River Road  
Ottawa  
K1V 1H2  
Canada

ATTN.: Reviewing Engineer

FCC ID: 2ANB3-E8

Per section 2.911(d)(7) of the FCC rules, Eko Devices Inc. ("the applicant") certifies that the equipment for which authorization is sought is designated to the **following U.S. agent\* for service of process:**

Company Name: Eko Devices Inc.  
Physical U.S. Company Address: 1212 Broadway, Oakland CA 94536  
Agent name: Eko Devices Inc  
Agent Email Address: 1212 Broadway, Oakland CA 94536  
FRN: 0026749465

The above contact person accepts the obligation for service of process.

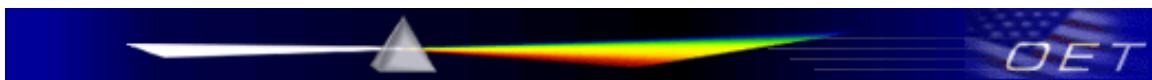
The applicant accepts to maintain an agent for no less than one year after the grantee has terminated all marketing and importation or the conclusion of any Commission-related proceeding involving the equipment.

**Applicant Signed:**

**OR      Agent Signed: Same as Applicant**

 2/21/2023  
Signed:  
Printed name: Phillip Yan  
Title: Head of Quality  
Company Name: Eko Devices Inc.  
Date: 21 Feb, 2023

\* the applicant must designate a contact located in the United States for purposes of acting as the applicant's agent for service of process, regardless of whether the applicant is a domestic or foreign entity. An applicant located in the United States may designate itself as the agent for service of process.



January 24, 2023

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

**PROTECTING AGAINST NATIONAL SECURITY THREATS TO THE  
COMMUNICATIONS SUPPLY CHAIN THROUGH THE EQUIPMENT  
AUTHORIZATION PROGRAM**

**I. INTRODUCTION**

On November 25, 2022, the FCC released FCC [22-84<sup>1</sup>](#), a Report and Order, Order, and Further Notice of Proposed Rulemaking on “Protecting Against National Security Threats to the Communications Supply Chain through the Equipment Authorization Program.” In the Report and Order portion of FCC 22-84, the Commission adopted new FCC requirements to protect the nation’s networks and supply chains from equipment (“covered” equipment) that poses an unacceptable risk to national security or the safety of U.S. persons. Specifically, the Commission adopted rules that prohibit equipment authorization for “covered” telecommunications equipment and video surveillance equipment produced by entities identified on the Commission’s Covered List, which is periodically updated.<sup>2</sup> See the [Covered List](#) for more details.

The rules prohibiting authorization of “covered” equipment, adopted in the Report and Order portion of FCC 22-84, immediately become effective once the rules are published in the Federal Register.

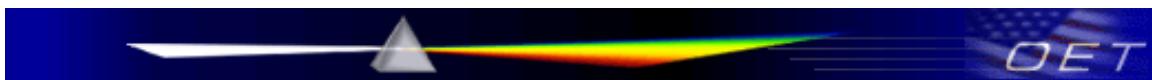
The current Covered List identifies the following telecommunications and video surveillance equipment, produced by certain entities, as “covered” equipment:

- “Telecommunications equipment” and “video surveillance equipment” produced by Huawei Technologies Company (Huawei) or ZTE Corporation (ZTE), or by any subsidiaries or affiliates of such entities;
- “Telecommunications equipment” and “video surveillance equipment” produced by Hytera Communications Corporation (Hytera), Hangzhou Hikvision Digital Technology Company (Hikvision), or Dahua Technology Company (Dahua), or by any subsidiaries or affiliates of such entities, “for the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purpose.”

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<sup>1</sup> <https://www.fcc.gov/document/fcc-amends-equipment-authorization-program>

<sup>2</sup> The Commission’s [Covered List](#) is published by the Public Safety and Homeland Security Bureau and posted on the Commission’s website. This Covered List, which is periodically updated, identifies particular equipment, produced by particular entities, that constitutes “covered” equipment. <https://www.fcc.gov/supplychain/coveredlist>



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Until the date that the new rules become effective, in FCC 22-84 the Commission adopted an interim “freeze” Order (paragraphs 264-66) on equipment authorizations that prohibits TCBs from approving authorization of any equipment produced by Huawei, ZTE, Hytera, Hikvision, or Dahua, or by any of their respective subsidiaries or affiliates.

## II. Questions and Answers:

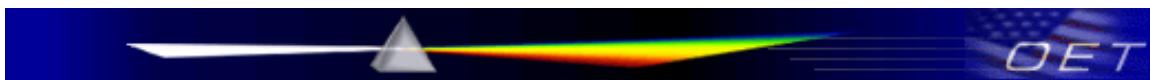
1. **Do the new rules require new information to be submitted as part of the equipment authorization process?** Yes, upon the rules becoming effective, additional information will be required with every equipment authorization submission. These include the following:
  - a. *Certifications concerning “covered” equipment.* Section 2.911(d)(5)(i)-(ii) of the rules require two certifications by the applicant at the time that the application for equipment authorization is filed with the TCB. These certifications can be submitted together in one submission.
    - i. The applicant for equipment authorization must provide a written and signed certification that the equipment for which it seeks an equipment authorization is not prohibited from receiving an equipment authorization pursuant to section 2.903. Section 2.903 (a) prohibits authorization of “covered” equipment. Accordingly, the applicant must submit a written and signed certification that the equipment for which it seeks authorization is not “covered” equipment.

The applicant should provide the information required by section 2.911(d)(5)(i) as an attachment to their equipment authorization application (the attachment should be uploaded as a PDF document to the exhibit type “Attestation Statements” with the description text identifying it as the section 2.911(d)(5)(i) filing), and do so in a manner similar to the following example:

*[Insert applicant name] (“the applicant”) certifies that the equipment for which authorization is sought is not “covered” equipment prohibited from receiving an equipment authorization pursuant to section 2.903 of the FCC rules.*

The applicant must sign this certification.

If the equipment for which the applicant seeks authorization is produced by any of the entities identified on the current Covered List, the applicant should include an explanation on why the equipment is not “covered” equipment.



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- ii. The applicant for equipment authorization must provide a written and signed certification that includes an affirmative or negative statement as to whether the applicant is identified on the Covered List, established pursuant to section 1.50002, as an entity producing “covered” equipment. Entities identified on the current Covered List as producing “covered” equipment include Huawei, ZTE, Hytera, Hikvision, and Dahua, and their subsidiaries and affiliates. If the applicant is any one of these identified entities, it must include a written and signed certification in the affirmative; if the applicant is not any one of these entities, it must include a written and signed certification in the negative.

The applicant should provide the information required by section 2.911(d)(5)(ii) as an attachment to their equipment authorization application (the attachment should be uploaded as a PDF document to the exhibit type “Attestation Statements” with the description text identifying it as the section 2.911(d)(5)(ii) filing), and do so in a manner similar to the following example:

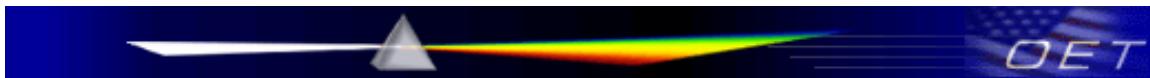
*[Insert applicant name] (“the applicant”) certifies that, as of the date of the filing of the application, the applicant [is / is not] identified on the Covered List as an entity producing “covered” equipment.*

The applicant must sign this certification.

- b. *Certification designating a U.S. agent for service of process.* As required by section 2.911(d)(7), the applicant must designate a contact located in the United States for purposes of acting as the applicant’s agent for service of process, regardless of whether the applicant is a domestic or foreign entity. An applicant located in the United States may designate itself as the agent for service of process.

In either scenario, the designation of the U.S. agent for service of process should be provided as an attachment to the equipment authorization application (the attachment should be uploaded as a PDF document to the exhibit type “Attestation Statements” with the description text identifying it as the section 2.911(d)(7) filing). The applicant must provide a written certification, which must:

- i. Be signed by both the applicant and designated agent for service of process, if the agent is different from the applicant.
- ii. Acknowledge the applicant’s consent and the designated agent’s obligation to accept service of process.
- iii. Provide a physical U.S. address and email for the designated agent.



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- iv. Acknowledge the applicant's acceptance to maintain an agent for no less than one year after the grantee has terminated all marketing and importation or the conclusion of any Commission-related proceeding involving the equipment.

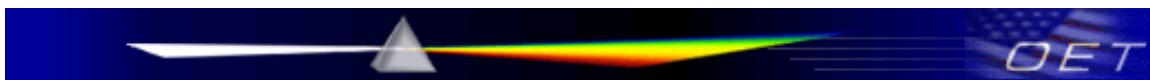
**2. How should TCBs address applications for authorization of telecommunications equipment and video surveillance equipment produced by Hytera Communications Corporation (Hytera), Hangzhou Hikvision Digital Technology Company (Hikvision), or Dahua Technology Company (Dahua), or by any subsidiaries or affiliates of such entities?** At this time, TCBs must not grant authorization of any telecommunications or video surveillance equipment produced by any of these entities. Before any such grant will be permitted, further Commission approval is required.

In FCC 22-84 (paragraphs 177), the Commission prohibits authorization of telecommunications and video surveillance equipment produced by Hytera, Hikvision, or Dahua, or by any subsidiaries or affiliates of such entities, “[f]or the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes.” The FCC will only conditionally approve authorization of this equipment after certain conditions are met. In FCC 22-84 (paragraph 180), the Commission provides that *before* the Commission will permit equipment authorization of such telecommunications and video surveillance equipment, Hytera, Hikvision, and Dahua first must seek and then obtain Commission approval of their respective plans associated with marketing or sale of such equipment that will ensure that this equipment will not be marketed or sold for any of the prohibited purposes. If and when the Commission approves authorization of telecommunications and video surveillance for any of this equipment, this guidance will be updated.

**3. Are all applicants required to submit certifications regarding “covered” equipment for all equipment authorization applications?** Yes, the certifications are required for all applications received after the effective date of the rules, regardless of the type of equipment or whether the equipment is produced by an entity identified on the Covered List as producing “covered” equipment.

**4. Can the certifications provided to the FCC for compliance with section 2.911(d)(5) and 2.911(d)(7) requirements be confidential upon submission to the FCC?** No. These certifications are not confidential.

**5. How does the Commission define subsidiaries and affiliates?** The new rules, at section 2.903(c), define affiliate and subsidiaries. The term “affiliate” means

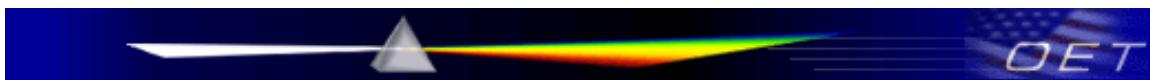


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an entity that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another entity; for purposes of this paragraph, the term ‘own’ means to have, possess, or otherwise control an equity interest (or the equivalent thereof) of more than 10 percent. The term “subsidiary” means any entity in which another entity directly or indirectly (1) holds de facto control or (2) owns or controls more than 50 percent of the outstanding voting stock.

- 6. What is “telecommunications equipment”?** FCC 22-84 (paragraph 195) provides that telecommunications equipment means any equipment used in fixed or mobile networks that provides advanced communications service, provided the equipment includes or uses electronic components. This encompasses any equipment that can be used in such a fixed or mobile broadband network to enable users to originate and receive high quality voice, data, graphics, and video telecommunications using technology with connection speeds of at least 200 kbps in either direction. Additional guidance on telecommunications equipment is set forth in FCC 22-84.
- 7. What is ”video surveillance equipment”?** FCC 22-84 (paragraph 205) provides that video surveillance equipment includes any equipment that is used in fixed and mobile networks that provides advanced communications service in the form of a video surveillance service, provided the equipment includes or uses electronic components. This encompasses any equipment that can be used in such a fixed or mobile broadband network to enable users to originate and receive high quality voice, data, graphics, and video telecommunications using technology with connection speeds of at least 200 kbps in either direction. Additional guidance on video surveillance equipment is set forth in FCC 22-84.
- 8. How should a Telecommunications Certification Body (TCB) proceed if there is a reasonable basis for questioning the certifications concerning “covered” equipment?**

Pursuant to TCB responsibilities under section 2.962(f)(1), TCBs are expected to evaluate all applications to ensure compliance with Commission requirements. These requirements now include prohibiting authorization of “covered” equipment, and TCBs are expected to exercise appropriate diligence to prohibit granting of “covered” equipment. Since TCBs are responsible for prohibiting authorization of “covered” equipment, TCBs should not rely solely on the applicant’s certification. If, in evaluating an application for compliance with this prohibition, the TCB has reason to believe that the subject equipment is or may be “covered,” the equipment should not be authorized, the TCB should not process the application.



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The TCBs also should notify the FCC of any certification regarding “covered” equipment that the TCB believes may not be accurate with respect to whether the equipment is produced by an entity identified on the Covered List or whether the equipment is not “covered.” With regard to these issues, TCBs should submit a Knowledge Database (KDB) inquiry to the FCC at [www.fcc.gov/KDB](http://www.fcc.gov/KDB) including information about the equipment, information about the applicant, a description of how the TCB evaluated the information for compliance and the TCB’s specific question(s). The KDB categories for “covered” equipment questions are – First Category: Covered Equipment, Second Category: Covered Equipment.

- 9. What should a TCB do if it grants an equipment authorization but later concludes that the equipment is “covered” equipment or otherwise should have been prohibited from equipment authorization?** Each TCB should have documented procedures in place to ensure that all requirements are evaluated and found to be compliant before issuing any equipment authorization. In cases where a TCB concludes that an equipment authorization was improperly granted, the TCB should immediately submit a KDB inquiry explaining the issue to the FCC and the FCC will review the information, and if appropriate, set the equipment authorization grant aside and dismiss the application.
- 10. What actions can the FCC take regarding TCBs that grant equipment authorizations for “covered” equipment?** The FCC will review each such occurrence on a case-by-case basis to determine what action is appropriate. Pursuant to TCB responsibilities under section 2.962(f)(1), TCBs are expected to evaluate all applications to ensure compliance with Commission requirements. These requirements include prohibiting authorization of “covered” equipment, and TCBs are expected to exercise appropriate diligence to prohibit granting of “covered” equipment. In the event that a TCB grants an authorization of equipment that is later determined to be “covered” equipment, the FCC will review each such occurrence on a case-by-case basis to consider the circumstances of the grant and to determine whether any action may be called for or appropriate.
- 11. When a TCB completes a Form 731 application will there be a separate scope for “covered” equipment?** No, there will not be a separate scope created for “covered” equipment.