



Federal Communications Commission  
Washington, D.C. 20554

August 9, 2013

Maureen R. Jeffreys  
Arnold & Porter LLP  
555 12<sup>th</sup> St. NW  
Washington, D.C. 20004

Re: Request for Limited Waiver to Permit Certification of Industrial Boosters for Marketing to Commercial Users

Dear Ms. Jeffreys:

Pursuant to section 1.925 of the Commission's rules, we hereby grant Corning MobileAccess (CMA), a limited waiver of the prohibition in paragraph 133 of the *Signal Boosters Report and Order*,<sup>1</sup> to permit action on CMA's certification application for 200 units of Industrial Signal Booster, Part numbers GX-C85P19L70A17-40 and GX-C85P19L70A17-40-DC (FCC ID No. OJFGXCPLA-40) (collectively "GX High Power Remote").

In order to promote a rapid transition to signal boosters that meet the new rules adopted in the *Signal Boosters Report and Order*, the Commission determined that as of the release date of the *Report and Order*, it would no longer act on applications for equipment certification that did not comply with the new rules.<sup>2</sup> Among its new rules, the Commission required Industrial Signal Boosters to be labeled to ensure that such devices were operated only by licensees or with licensee consent and to avoid purchase and misuse by consumers.<sup>3</sup> The labeling requirement will not become effective, however, until approved by the Office of Management and Budget several months from now.

CMA seeks equipment certification for 200 units of the GX High Power Remote, which it states is used to provide advanced wireless services to large venues where a DAS is installed.<sup>4</sup> CMA states that it will provide these devices to wireless carriers and enterprise customers to install and use in large venues such as hospitals and hotels.<sup>5</sup> CMA states that after installation, wireless carriers will be able to connect directly to the DAS system.<sup>6</sup> CMA states that during the pendency of the waiver, the GX High Power Remote will remain under CMA's control until the devices are installed at the enterprise customer's large venue and at no point in the distribution chain from CMA to such enterprise customers will the devices be

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<sup>1</sup> Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission's Rules to Improve Wireless Coverage Through the Use of Signal Boosters, 28 FCC Rcd 1663, 1709-1710, ¶ 133 (2013) (*Signal Boosters Report and Order*).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at 1702, ¶ 110.

<sup>4</sup> CMA Waiver Request at 2.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

available for purchase directly by consumers.<sup>7</sup> After installation, the GX High Power Remotes will be operated, supervised, and controlled by the licensed wireless carriers connecting to the DAS.<sup>8</sup>

We find that the underlying purpose of section 20.21(f) of the Commission's rules and paragraph 133 of the *Signal Boosters Report and Order* would not be served by application here. By limiting sale of the GX High Power Remote to wireless providers and other enterprise customers with large venues for use by wireless providers who will operate, supervise and control the devices, the underlying purpose of the labeling requirement in section 20.21(f) is met. Consumers will not have access to unlabeled equipment. Further, we find that a waiver under these circumstances is in the public interest because the GX High Power Remote will facilitate the deployment of advanced wireless services. However, absent a waiver such boosters would not be available because CMA is unable to comply with the labeling rule because the rule has yet to take effect. Accordingly, we grant a limited waiver of the prohibition in paragraph 133 of the *Signal Boosters Report and Order* to permit acceptance and action on the equipment certification application for the GX High Power Remote under our existing rules. CMA need not comply with section 20.21(f) of the Commission's rules because this rule is not yet effective. However, we condition the waiver in the following respects: the 200 units of the GX High Power Remote (1) may only be sold to wireless providers and other enterprise customers for use in large venues, *i.e.*, these devices may not be offered or sold to members of the general public; (2) must be installed by or on behalf of such wireless providers and other enterprise customers; and (3) must be operated under the control of one or more licensed wireless providers. We grant the requested waiver to the extent provided herein.

We note that to the extent CMA wishes to market the GX High Power Remote beyond the scope of this waiver or 90 days after the signal booster rules become effective (whichever occurs first), CMA may submit a permissive change application for the devices which would include label information and certify that the devices comply with the new signal booster rules, *i.e.*, they comply with the new labeling rule.

Action taken pursuant to 47 C.F.R. §§ 0.331, 1.3, 1.925.

Sincerely,

  
Roger S. Noel  
Chief, Mobility Division  
Wireless Telecommunications Bureau  
Federal Communications Commission

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<sup>7</sup> *Id.*

<sup>8</sup> *Id.*