



Federal Communications Commission
Washington, D.C. 20554

June 10, 2013

Stefan Eisenwinter
CommScope, Inc.
Industriering 10
86675 Buchdorf
Germany

Re: Request for Waiver to Permit Certification of Andrew Wireless Systems Models ION-U H17P2; ION-U EU H19P2, and ION-U LP RU Industrial Boosters for use by T-Mobile U.S.A., Inc.

Dear Mr. Eisenwinter:

Pursuant to section 1.925 of the Commission's rules, we hereby grant CommScope, Inc., on behalf of its wholly owned subsidiary, Andrew Wireless Systems gmbH (Andrew), a limited waiver of the prohibition in paragraph 133 of the *Signal Boosters Report and Order*,¹ to permit action on certification applications for three models (4,200 total units) of Industrial Signal Boosters: ION-U H17P2 (FCC ID No. XS5-UH17P2); ION-U EU H19P2 (FCC ID No. XS5-UEUH19P2), and ION-U LP RU (FCC ID No. XS5-U7885L1719P) (collectively "the Andrew Industrial Signal Boosters").

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.² 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.³ The labeling requirement will not become effective, however, until approved by the Office of Management and Budget several months from now.

CommScope seeks equipment certification for 4,200 units of the Andrew Industrial Signal Boosters to be used as part of T-Mobile's upgrade of its recently acquired MetroPCS network.⁴ CommScope states that this equipment is necessary to provide advanced high-speed mobile broadband service to MetroPCS's legacy customers.⁵ CommScope states that the Andrew Industrial Signal Boosters will be installed on behalf of T-Mobile and operated under its control.⁶ CommScope notes that Andrew

¹ 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*).

² *Id.*

³ *Id.* at 1702, ¶ 110.

⁴ CommScope Waiver Request at 1.

⁵ *Id.* at 3.

⁶ *Id.* at 1.

was poised to file equipment certification applications in April but was told by a Telecommunications Certification Body (TCB) that the applications could not be accepted because the devices did not comply with the labeling requirement in the new rules and the fact that the labeling rule was not yet effective.⁷

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 Andrew Industrial Signal Boosters to T-Mobile for installation on behalf of T-Mobile and operation under T-Mobile's control, 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 there is an immediate need for the Andrew Industrial Signal Boosters to facilitate the deployment of advanced, high-speed mobile broadband to MetroPCS's legacy subscribers. However, absent a waiver such boosters would not be available because CommScope 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 equipment certification applications for the Andrew Industrial Signal Boosters under our existing rules. CommScope 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 4,200 Andrew Industrial Signal Boosters (1) may only be sold to T-Mobile or a third party installer acting on T-Mobile's behalf, *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 T-Mobile; and (3) must be operated under the control of T-Mobile or a successor licensee in the same manner. We grant the requested waiver to the extent provided herein.

We note that to the extent you wish to market the Andrew Industrial Signal Boosters beyond the scope of this waiver and after the signal booster rules become effective, you 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

⁷ See *id.* at 2. Andrew subsequently filed one application for ION-U LP RU with the Commission, but that application cannot be processed in light of the prohibition in paragraph 133 of the *Signal Boosters Report and Order*. *Id.*