



Federal Communications Commission
Washington, D.C. 20554

August 9, 2013

Seyong Park
President and CEO
Intelibs
1500 Stony Brook Road, Suite 385
Stony Brook, NY 11794

Re: Request for Limited Waiver to Permit Certification of Two Industrial Signal Boosters

Dear Mr. Park:

Pursuant to section 1.925 of the Commission's rules, we hereby grant Intelibs, Inc. (Intelibs), a limited waiver of the prohibition in paragraph 133 of the *Signal Boosters Report and Order*,¹ to permit action on Intelibs's certification applications for two multi-carrier Industrial Signal Boosters: DBSRU-CP (FCC ID No. Z69D01T4JX2) and DBC-RU-10W-AWS (FCC ID Z69D01T4X3) (collectively "Intelibs 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 weeks from now.

Intelibs seeks equipment certification for 250 units of the DBSRU-CP device and 100 units of the DBC-RU-10W-AWS device. Intelibs describes these devices as multi-carrier fiber DAS remote units, which will be used to serve a state university system in the coming academic year.⁴ Intelibs states that the Intelibs Industrial Signal Boosters will be sold to Verizon Wireless and T-Mobile to improve coverage and unload macro cell traffic that is causing capacity constraints on the university campus.⁵ Intelibs requests that the Intelibs Industrial Signal Boosters be limited to (1) sales to Verizon Wireless or T-Mobile or a third party installer acting on their behalf; (2) installation by or on behalf of one of these

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 Intelibs Waiver Request at 2.

⁵ *Id.*

carriers; and (3) operation under the control of one of these licensees or a successor licensee in the same manner.⁶

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 Intelibs Industrial Signal Boosters to Verizon Wireless, T-Mobile or a third party installer acting on their behalf, 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 Intelibs Industrial Signal Boosters will facilitate the deployment of advanced wireless services. However, absent a waiver such boosters would not be available because Intelibs 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 applications for the Intelibs Industrial Signal Boosters under our existing rules. Intelibs 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 250 units of the DBSRU-CP device and 100 units of the DBC-RU-10W-AWS device (1) may only be sold to Verizon Wireless, T-Mobile or a third party installer acting on their 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 such wireless providers; and (3) must be operated under the control of Verizon Wireless, 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 Intelibs wishes to market the Intelibs Industrial Signal Boosters beyond the scope of this waiver or 90 days after the signal booster rules become effective (whichever occurs first), Intelibs 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

⁶ *Id.*