



Federal Communications Commission  
Washington, D.C. 20554

February 20, 2014

Jeffrey H. Olson  
St. Ledger-Roty Neuman & Olson, LLP  
1250 Connecticut Avenue, N.W.  
Suite 200  
Washington, DC 20036

Re: Request for Partial Waiver of Section 20.21(f) of the Rules

Dear Mr. Olson:

Pursuant to Section 1.925<sup>1</sup> of the Commission's rules, we hereby grant Audi AG (Audi), a limited waiver of Section 20.21(f)<sup>2</sup> of the Commission's rules as applied to the "Audi Phone Box" (Phone Box), which is a type of Consumer Signal Booster that Audi plans to offer as an option in the 2014 Audi A3.

Section 20.21(f)(1) requires that Consumer Signal Booster manufacturers, distributors, and retailers ensure that all signal boosters marketed on or after April 30, 2014,<sup>3</sup> include specific advisories concerning the device "on the outside packaging of the device" and "on a label affixed to the device."<sup>4</sup> Audi states that, because the Phone Box is installed by Audi and housed entirely inside the car by the time it reaches the consumer, the consumer has no access to the device or its outside packaging, and therefore has no ability to read any advisories on the device or its packaging.<sup>5</sup> As a result, Audi argues that compliance with those specific portions of Section 20.21(f) "will not achieve the goals sought by the Commission in adopting that rule."<sup>6</sup>

For Phone Box-equipped cars, Audi instead proposes to include a separate page with its customary telecommunications-feature form that dealers must give to the customer as part of the final delivery process.<sup>7</sup> This additional page would specifically explain the operation of the Phone Box and

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<sup>1</sup> 47 C.F.R. § 1.925.

<sup>2</sup> 47 C.F.R. § 20.21(f).

<sup>3</sup> 47 C.F.R. § 20.21(f)(1) requires implementation of the rule by March 1, 2014. The Wireless Telecommunications Bureau, however, extended the deadline until April 30, 2014, to allow for adequate review and testing of these devices and to allow others to complete testing of their devices and apply for certification. *See* 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, *Order*, WT Docket No. 10-4, DA 13-2465 (Feb. 11, 2014).

<sup>4</sup> 47 C.F.R. § 20.21(f)(1). Section 20.21(f)(1) also requires that these advisories be included "in on-line, point-of-sale marketing materials" and "in any print or on-line owner's manual and installation instructions." *Id.*

<sup>5</sup> *See* Letter from Jeffrey H. Olson, Attorney for Audi AG, to Roger Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, Feb. 18, 2014, at 1-2 (Audi Waiver).

<sup>6</sup> *Id.* at 1.

<sup>7</sup> *See id.* at 2.

recite the exact language mandated by Section 20.21(f)(1)(i) in its entirety.<sup>8</sup> Audi states that it will also include the language mandated by Section 20.21(f)(1)(i) in all relevant on-line and point-of-sale marketing materials, as well as in the section of the owner's manual providing operating instructions.<sup>9</sup>

Section 1.925 of the Commission's rules states that waivers may be granted if it is shown that: (i) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or (ii) in view of the unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.<sup>10</sup>

We find that the underlying purpose of Section 20.21(f)(1) would not be served by strict application here. When the Commission adopted Section 20.21(f)(1), it stated that the labeling requirement was the "best method to inform consumers about which devices are appropriate for their use and how to comply with our rules," as well as to decrease interference to wireless networks.<sup>11</sup> The Commission also believed consumers should be informed about the impact of signal boosters on E911 calls.<sup>12</sup> Because consumers would lack access to the actual Phone Box device or packaging, we find that the alternative approach described above better meets the Commission's public interest goals in enacting Section 20.21(f)(1). We therefore waive only the portions of Section 20.21(f)(1) that specifically relate to placing advisories concerning the device "on the outside packaging of the device" and "on a label affixed to the device," and only as relates to the manufacture, distribution, and sale of the Phone Box as described in the Audi Waiver and its attachments.

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<sup>8</sup> *See id.* at 2. Section 20.21(f)(1)(i) requires the following language: "This is a CONSUMER device. BEFORE USE, you MUST REGISTER THIS DEVICE with your wireless provider and have your provider's consent. Most wireless providers consent to the use of signal boosters. Some providers may not consent to the use of this device on their network. If you are unsure, contact your provider. You MUST operate this device with approved antennas and cables as specified by the manufacturer. Antennas MUST be installed at least 20 cm (8 inches) from any person. You MUST cease operating this device immediately if requested by the FCC or a licensed wireless service provider. WARNING. E911 location information may not be provided or may be inaccurate for calls served by using this device." 47 C.F.R. § 20.21(f)(1)(i).

<sup>9</sup> *See* Audi Waiver at 2.

<sup>10</sup> 47 C.F.R. § 1.925(b)(3).

<sup>11</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, *Report and Order*, 28 FCC Rcd 1663, 1704 ¶ 119 (2013).

<sup>12</sup> *See id.* at 1705 ¶ 121.

We also note that to the extent Audi's Phone Box signal booster is manufactured, distributed, and sold in compliance with this waiver, the relevant manufacturers, distributors, and retailers are in compliance with Section 20.21(f)(1).

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

Sincerely,

A handwritten signature in black ink, appearing to read "R. S. Noel", with a long, sweeping horizontal stroke extending to the right.

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