



Federal Communications Commission
Washington, D.C. 20554

August 7, 2017

William K. Coulter
Counsel for Porsche Cars North America, Inc.
The Coulter Group PLLC
1775 Eye Street, N.W., Suite 1150
Washington, DC 20005

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

Dear Mr. Coulter:

Pursuant to Section 1.925¹ of the Commission's rules, we hereby grant Porsche Cars North America, Inc. (Porsche) a limited waiver of Section 20.21(f)² of the Commission's rules as applied to the "Porsche Phone Box" (Phone Box), which is a type of Consumer Signal Booster that Porsche plans to offer in its 2018 model year vehicles.

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, 2014,³ include specific advisories concerning the device "on the outside packaging of the device" and "on a label affixed to the device."⁴ Porsche states that, because the Phone Box is installed by Porsche 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.⁵ As a result, Porsche 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."⁶

For Phone Box-equipped cars, Porsche 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.⁷ This additional page would specifically explain the operation of the Phone Box and

¹ 47 C.F.R. § 1.925.

² 47 C.F.R. § 20.21(f).

³ 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).

⁴ 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.*

⁵ Letter from William K. Coulter, Counsel for Porsche Cars North America, Inc., to Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, FCC, July 25, 2017 at 1-2 (Porsche Waiver Request).

⁶ *Id.* at 1.

⁷ *Id.* at 2.

recite the exact language mandated by Section 20.21(f)(1)(i) in its entirety.⁸ Persche 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.⁹

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 rules(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.¹⁰

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.¹¹ The Commission also believed consumers should be informed about the impact of signal boosters on E911 calls.¹² 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).¹³ 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 Porsche Waiver Request and its attachments.

Accordingly, this waiver is specifically conditioned on the following:

- (1) This waiver is limited to the Porsche Phone Box signal booster only as installed in vehicles during manufacture.
- (2) Porsche, distributors, and retailers of vehicles offering the signal booster are jointly responsible for ensuring that consumers taking possession of a vehicle with the signal booster installed are provided an advisory notice in marketing materials, owner's manuals, and

⁸ *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).

⁹ Porsche Waiver Request at 2.

¹⁰ 47 C.F.R. § 1.925(b)(3).

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

¹² See *id.* at 1705 ¶ 121.

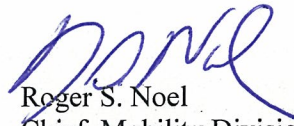
¹³ We have similarly granted waiver to other applicants for signal boosters in automobiles. See, e.g., Letter to Jeffrey H. Olson, Counsel to Audi AG, from Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, FCC (rel. Feb. 20, 2014); Letter to Laura Stefani, Counsel to Kathrein Automotive GmbH & Co. KG, from Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, FCC, DA 16-709 (rel. June 24, 2016).

separately at vehicle delivery (*e.g.*, on a separate sheet given to the consumer). The advisory notice must include the following language with respect to the signal booster: "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."¹⁴

- (3) Porsche must provide a copy of this waiver to manufacturers, distributors, and retailers of vehicles offering the signal booster, confirming that manufacture, distribution, or sale without providing the advisory notice is a violation of FCC rules.

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

¹⁴ 47 CFR § 20.21(f)(1)(iv)(A)(I).