



Federal Communications Commission
Washington, D.C. 20554

April 20, 2018

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

Re: Request of Bentley UK For Partial Waiver of Section 20.21(f) of the Rules

Dear Mr. Olson:

Pursuant to Section 1.925¹ of the Commission's rules, the Mobility Division of the Wireless Telecommunications Commission hereby grants Bentley UK (Bentley) a limited waiver of Section 20.21(f)² of the Commission's rules, as applied to the "Bentley Inductive Phone Charger" (the Bentley Cellphone Booster). The Bentley Cellphone Booster is a type of Consumer Signal Booster that Bentley plans to install in Bentley 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 Bentley states that, because the electronics for the Bentley Cellphone Booster are installed by Bentley at the factory in England, "part beneath the center console, and primarily between the body and interior panels," the consumer has no physical access to the subject components, and therefore has no ability to read any advisories on the device or its packaging.⁵ As a result, Bentley 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 Bentley Cellphone Booster-equipped cars, Bentley instead proposes to highlight the advisory notice language in a separate form that describes the car's telecommunications-related features that

¹ 47 CFR § 1.925.

² 47 CFR § 20.21(f).

³ 47 CFR § 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, 29 FCC Rcd 1260 (WTB 2014).

⁴ 47 CFR § 20.21(f)(1)(iii)-(iv). 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.* at § 20.21(f)(1)(i)-(ii).

⁵ Letter from Jeffrey H. Olson, Attorney for Bentley UK, to Roger Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, March 12, 2018, at 2 (Bentley Waiver).

⁶ *Id.* at 1.

dealers would give to the customer as part of the final delivery process.⁷ This additional page specifically would explain the operation of the Bentley Cellphone Booster and recite Section 20.21(f)(1)'s required advisory language exact language in its entirety.⁸ Bentley states that it also will include the language mandated by Section 20.21(f)(1) 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 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.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 Bentley Cellphone Booster 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 Bentley Cellphone Booster as described in the Bentley Waiver and its attachments.

⁷ *Id.* at 2.

⁸ *Id.* at 2. Section 20.21(f)(1) 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 CFR § 20.21(f)(1).

⁹ Bentley Waiver at 2.

¹⁰ 47 CFR § 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, para. 119 (2013).

¹² See *id.* at 1705, para. 121.

¹³ Letter to Jeffrey H. Olson, Counsel to Audi AG, from Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, FCC (Feb. 20, 2014), <https://www.fcc.gov/signal-boosters-vehicles-waivers>; Letter to Laura Stefani, Counsel to Kathrein Automotive GmbH & Co. KG, from Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, FCC, 31 FCC Rcd 7061 (WTB 2016); Letter to William K. Coulter, Counsel for Porsche Cars North America, Inc., from Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, FCC (Aug. 7, 2017), <https://www.fcc.gov/signal-boosters-vehicles-waivers>.

Accordingly, this waiver is specifically conditioned on the following:

- (1) This waiver is limited to the Bentley Cellphone Box signal booster only as installed in vehicles during manufacture.
- (2) Bentley, distributors, and retailers of vehicles offering the signal booster are jointly responsible for ensuring that customers taking possession of a vehicle with the signal booster installed are provided an advisory notice in marketing materials, owner's manuals, and 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) Bentley 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.
- (4) This waiver is subject to the outcome of the *Signal Boosters Second Further Notice of Proposed Rulemaking*.¹⁵

We also note that to the extent Bentley's Cellphone Booster 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,



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

¹⁴ 47 CFR § 20.21(f)(1)(iv)(A)(I).

¹⁵ 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*, Second Report and Order and Second Further Notice of Proposed Rulemaking, FCC 18-35, para. 33 (Mar. 23, 2018).