



Federal Communications Commission
Washington, D.C. 20554

April 2, 2020

Robert S. Koppel
Lukas, LaFuria, Gutierrez & Sachs, LLP
8300 Greensboro Drive, Suite 1200
Tysons, VA 22102

DA 20-371

Re: Request of Molex, LLC for Limited Waiver of Section 20.21(f)

Dear Mr. Koppel:

By this letter, the Mobility Division of the Wireless Telecommunications Bureau addresses the request for a waiver of section 20.21(f)(1) Consumer Signal Booster labeling requirements filed by Molex, LLC (Molex).¹ For the reasons discussed below, we grant Molex a limited waiver of the Consumer Signal Booster rules,² as applied to the Molex compenser (Device).

Section 20.21(f)(1) of the Commission's rules 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 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.⁵

On December 17, 2019, Molex filed a request for a waiver of the Consumer Signal Booster labeling requirement under section 20.21(f)(1) of the Commission's rules.⁶ The Device is a type of Consumer Signal Booster that Molex intends to offer vehicle manufacturers, who will install and embed the product within their vehicles.⁷ Molex explains that, because the Device is installed by the vehicle

¹ Letter from Robert S. Koppel, Counsel to Molex, LLC, to Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, FCC at 1 (Dec. 17, 2019) (Molex Waiver Request). "Consumer Signal Booster" is defined in the FCC's rules as "[a] bi-directional signal booster that is marketed and sold for use without modification." See 47 CFR § 20.3.

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 et al.*, 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.* § 20.21(f)(1)(i), (ii).

⁵ 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) (*2013 Signal Booster R&O*).

⁶ Molex Waiver Request at 1.

⁷ *Id.*

manufacturer and embedded inside the vehicle by the time it reaches the consumer, the consumer has no access to the Device or its packaging.⁸ As a result, Molex argues that strict compliance with the labeling requirement would not achieve the goals sought by the Commission in adopting that portion of the rule.⁹

Molex instead proposes to provide an advisory notice to consumers at vehicle delivery, as well as in the vehicle's marketing materials and owner's manuals.¹⁰ The advisory notice would include the exact language mandated by section 20.21(f)(1)(A) in its entirety.¹¹ Molex further proposes to provide a copy of the waiver to manufacturers of vehicles offering the booster to confirm that manufacture, distribution, or sale without providing the advisory notice is a violation of the Commission's rules.¹²

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.¹³

We find that the underlying purpose of section 20.21(f)(1) would not be served by strict application here. The Commission adopted section 20.21(f)(1) in order "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.¹⁴ Because consumers would lack access to the Device or its packaging, we find that the alternative approach described above better meets the Commission's public interest goals in enacting section 20.21(f)(1), and provides adequate notice to the consumer as intended. We therefore waive only the portions of section 20.21(f)(1) that 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 Device as described in Molex's request and attachments.

This waiver is specifically conditioned on the following:

- (1) This waiver is limited to the Molex Device only as installed in vehicles during manufacture.
- (2) Molex, together with any manufacturers, distributors, and retailers of vehicles offering the Device are jointly responsible for ensuring that consumers taking possession of a vehicle with the Device 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

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.* at 2.

¹¹ Molex Waiver Request at 2. Section 20.21(f)(1)(A) 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)(A)(I). The Device does not require the labeling set forth in section 20.21(f)(1)(A)(2) because it is not certified for fixed indoor operation. See 47 CFR § 20.21(f)(1)(A)(2).

¹² Molex Waiver Request at 2.

¹³ 47 CFR § 1.925(b)(3).

¹⁴ See 2013 *Signal Booster R&O*, 28 FCC Rcd at 1704, para. 119 (2013).

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- (3) Molex must provide a copy of this waiver to manufacturers, distributors, and retailers of vehicles offering the Device to confirm that manufacture, distribution, or sale without providing the advisory notice is a violation of FCC rules.
- (4) A copy of this waiver must be included in the application for certification of the Device.

We also note that, to the extent Molex's Device 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 CFR §§ 0.331, 1.3, 1.925.

Sincerely,

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

¹⁵ 47 CFR § 20.21(f)(1)(iv)(A)(I).