

**ADMINISTRATIVE COUNCIL FOR TERMINAL ATTACHMENTS (ACTA)**

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**Contribution**

**TITLE:                      Test Procedure Filing requirement for RPs using SDoC**

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**PURPOSE:                Discussion / Action by the ACTA**

**DISTRIBUTION TO:      All**

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**ABSTRACT**

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One of ACTA's requirements for SDoC filing is that a copy of the test procedures used to make measurements must be supplied to the ACTA. The authority for this comes from 47 CFR 68.324 (e)(2). However, the complete text of CFR 68.324 (e)(2) reads "A copy of the Supplier's Declaration of Conformity shall be provided to the Administrative Council for Terminal Attachments along with any other information the Administrative Council for Terminal Attachments requires; *this information shall be made available to the public.*" (Italics added for emphasis).

Manufacturers object that making their test procedures available to the public can violate trade secret and intellectual property rights. Additionally, test procedures serve no useful purpose to ACTA, so manufacturers ask that the requirement be eliminated.

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One of the requirements for SDoC filing is that a copy of the test procedures used to make measurements must be supplied to the ACTA. The authority for this comes from 47 CFR 68.324 (e)(2), which requires RPs to submit to ACTA "... any other information the Administrative Council for Terminal Attachments requires; ...".

During a discussion in a TIA TR 41.11 meeting some manufacturers noted that the ACTA database was open to the public and providing test procedures could violate their rights to intellectual property and trade secrets. Several ACTA members in attendance assured them that ACTA would only release the information to proper authorities in the event of legal action. As a result, TIA-TSB-129A includes a statement that ACTA will not make test procedures for RPs using SDoC available to the public. (See TSB-129A Par 6.3)

However the complete text of CFR 68.324 (e)(2) reads as follows:

**"§68.324 Supplier's Declaration of Conformity requirements**

(e) ...

(2) A copy of the Supplier's Declaration of Conformity shall be provided to the Administrative Council for Terminal Attachments along with any other information the Administrative Council for Terminal Attachments requires; this information shall be made available to the public." (Underline added for emphasis)

The test procedures are currently not accessible on the ACTA website, but a review of the ACTA Guidelines & Procedures does not contain any provision for keeping them confidential. Indeed, by denying public access to test procedures, ACTA is in violation of FCC rules.

To escape the dilemma of violating FCC rules by keeping test procedures confidential or violating the rights of RPs by making them public, it is recommended that ACTA eliminate the requirement for RPs using SDoC to provide test procedures to ACTA.

In addition to solving the dilemma, it should be pointed out that there are other reasons for not requiring the submission of test procedures:

1. RPs using SDoC are already required to keep a copy of their test procedures and make them available to the FCC upon request. (47 CFR §68.346)
2. The FCC does not allow ACTA to set technical requirements for TTE, and test procedures are an inseparable part of technical requirements; so ACTA cannot make judgments about the acceptability of the submitted procedures.
3. The ACTA has no need for test procedures. They do not help publish technical requirements, define labeling, specify information to the user, or maintain the list of approved equipment.

For reference, the applicable sections from the ACTA Guide, TIA-TSB-129A, and 47 CFR Part 68 are included below.

## ***Guidelines & Procedures for submittal of information to ACTA***

### 5 Supplier's Declaration of Conformity Filings

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#### 5.3 Filing Utilizing SDoCs

Responsible Parties utilizing a SDoC must provide the following information for all types of filings (*i.e.*, original, modification, notice of change, re-approval):

...

6) Copy of Part 68 Test Procedures: Unless previously submitted and on file, a copy of the test procedures used to verify conformity must be submitted. Any deviations from these test procedures must be noted.

## ***Telecommunications Telephone Terminal Equipment U. S. Network Connections Regulatory Approval Guide TSB-129-A***

### 6.3 Test Procedures

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Under the SDoC method, the Responsible Party must ensure a copy of the procedures used to test TTE for conformance to the technical criteria is on file with the ACTA. This requirement applies whether the Responsible Party does the testing itself or relies on results provided by an independent laboratory. The ACTA will consider these procedures confidential and will not disclose them except in cases of legal compulsion or in support of an FCC regulatory enforcement action.

In all cases, the procedures used should be referenced in the test report and any deviations or exceptions noted (see FCC rules, 47CFR Section 68.326(a)(3)).

## ***47 CFR***

§68.324 Supplier's Declaration of Conformity requirements

(e) ...

(2) A copy of the Supplier's Declaration of Conformity shall be provided to the Administrative Council for Terminal Attachments along with any other information

the Administrative Council for Terminal Attachments requires; this information shall be made available to the public.

§68.346 Description of testing facilities

(a) Each responsible party for equipment that is subject to a Supplier's Declaration of Conformity under this part, shall compile a description of the measurement facilities employed for testing the equipment. The responsible party for the Supplier's Declaration of Conformity shall retain a description of the measurement facilities.

(b) The description shall contain the information required to be included by the Administrative Council for Terminal Attachments