

ADMINISTRATIVE COUNCIL FOR TERMINAL ATTACHMENTS (ACTA)

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TITLE: Database Issue with Re-Certification Applications

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PURPOSE: Decision

DISTRIBUTION TO: Council Members, Sponsors, Secretariat

ABSTRACT

VTech has recently experienced a problem in adding new model numbers to an existing approval number after allowing a Re-Certification/Re-Approval filing by another Responsible Party who wished to have its own identification number. Discussions with database manager Mark Cassarino indicate submissions for re-certification for another party trigger changes that prevent additional filings against the old identification number. This implementation is consistent with one of the reasons listed in the Submission Guidelines document for doing a re-certification, but not for others.

While the ACTA Secretariat quickly took care of the problem using special case treatment when it was brought to their attention, a permanent general solution is needed. Either the way in which the database is implemented needs to be changed, the instructions in the Submission Guidelines need to be modified, or both.

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Background

VTech uses one of two Responsible Party Codes (RPCs) on most of its products. Those sold under the VTech brand name typically have VTech Telecommunications Ltd. (EW7) as the RP, and those sold under the AT&T brand name typically have Advanced American Telephones (6BX) as the RP. Advanced American Telephones is actually VTech Innovation L.P. d/b/a Advanced American Telephones.

We recently had the occasion to do a re-certification/re-approval filing for one of our EW7 products to obtain a 6BX approval number for it. This was done under the provision that allows a vendor to obtain "its own product identification number for marketing reasons (with permission of the original responsible party)." [See discussion below.] When we subsequently tried to do a notice filing to add another model number to the original EW7 filing, we were informed that we could not do so because Advanced American Telephones (6BX) was now the RP and not VTech Telecommunications Ltd. (EW7).

Our regulatory engineer got me involved, and I was able to quickly resolve the issue with the help of the ACTA secretariat. My understanding from discussing the issue with database manager Mark Cassarino is that the database is set up such that further filings against the old approval number are blocked once a re-certification/re-approval filing is made. He was able to resolve our particular problem by re-designating the new 6BX approval number for the AT&T branded product as an original filing rather than a re-certification/re-approval filing against the original product. This allowed the block prohibiting additional filings against the original EW7 approval number to be removed.

Discussion

Appendix A of the "Guidelines & Procedures for submittal of information to ACTA for inclusion in the database of approved Telephone Terminal Equipment ("TTE")" (Submission Guidelines) provides instructions for each of the numbered items on the submittal form. The instructions for Item 14, Filing Status, read as follows concerning re-certification/re-approval filings:

Re-certification/re-approval applications are required for limited cases requiring the processing of a new filing. They can include:

- (a) Changes in the network address signaling code (e.g., changing from a T to an E), for products using the historical FCC Registration Number format;
- (b) Establishing a new classification for equipment (e.g., a change to a MF classification based on a previously approved KF system);
- (c) Adding a new manufacturer; when manufacturing/distribution rights are transferred to another party;
- (d) When a vendor wants its own product identification number for marketing reasons (with permission of the original responsible party)
- (e) When changing from the FCC Reg. number format to the ACTA "US" number format.

Note: Re-certification/Re-approval filings result in a new product identification number. Products using the historical FCC Reg. number will be required to change over to the ACTA "US" number.

Cases (a) and (b) are somewhat rare. They would be expected to result in a new approval number for the same responsible party (RP). While the RP could change all future products so that they conform to the new address signaling code or equipment classification, it is conceivable that the RP might wish to also continue making products using the old address signaling code or equipment classification. As a simple example, suppose the RP is making products that will either dial pulse or tone dial for vendor A (address signaling code E). Suppose the RP has the opportunity to sell a cost reduced version of the product that only provides tone dialing (address signaling code T) to Vendor B and, therefore does a re-approval filing to get a new approval number for this derivative product. Now suppose the RP has an additional opportunity to sell products of the original design to Vendor C under a different trade name and model number. The RP needs to be able to do a Notice Filing against the original approval number in order to do this.

Case (c) actually has two sub-cases. Adding a new manufacturer was a frequent use for re-certification filings in the past (before the FCC went to MUL listings). It was quite common to simultaneously submit an original filing and one or two recertification filings for alternate manufacturers because separate approval numbers were required for each manufacturer. That need has essentially disappeared under today's procedures where manufacturers can be added or changed without notification (the MUL concept). The second part of case (c) seems to be the most likely reason for wanting to prevent additional filings against the old approval number after a new number is obtained as a result of a re-certification/re-approval filing. If the manufacturing and distribution rights for a product are transferred to another party (assuming an exclusive transfer of all future rights in the product), then no further filings should be expected against the old approval number.

Case (d) is much like cases (a) and (b), except that it is much more likely to occur. An RP may get a product approved and then offer it for sale to Vendor A. If Vendor A does not wish to have the identity of its supplier listed in the database, it may choose to seek its own approval number and become a new RP (with the approval of the original RP). However, the original RP is not giving up its rights to the product, it is merely allowing Vendor A to become the RP for the products it sells. The original RP may then have the opportunity to sell the same product to Vendor B, who wants a similar arrangement. This requires the ability to make another re-certification/re-approval filing against the approval number issued to the original RP. Or the original RP may wish to now add a new model number under its own approval number for Vendor C, who is not concerned about the original RP being identified in the database. In either case, it is necessary for the original RP to be able to continue to make filings against its original approval number.

Case (e) is one in which the RP probably would not want to make additional filings against the old FCC approval number, but there is no fundamental reason why it should be prevented from doing so.

Required Action

A permanent solution to the problem must be implemented so that it is a documented part of the process. Ad hoc solving of the problem when brought to the attention of the secretariat cannot be depended upon as personnel change and time marches on.

One possibility is to modify the design of the database so that re-certification/re-approval filings do not automatically preclude future filings from being made against an existing approval number, at least in most cases. This may require considerable database work, but would make the database consistent with industry's understanding of the purposes for re-certification/re-approval filings.

Another possibility is to change the Submission Guidelines to effectively eliminate re-certification/re-approval filings. Most of the cases discussed above would have to be moved to reasons for an original filing, which seems inconsistent with the word "original," or a new filing category would have to be created.

Perhaps the best solution would be to delete case (c) above and create a new filing category called "transfer of ownership" that causes the database to act as it does now for "re-certification/re-approval." The database would still have to be modified so that re-certification/re-approval filings do not prevent future filings against the existing approval number. One might hope that this is as simple as not setting a flag when "re-certification/re-approval" is selected as the type of filing.