

ADMINISTRATIVE COUNCIL FOR TERMINAL ATTACHMENTS (ACTA)

MEETING DATE: June 9, 2004

TITLE: Proposed Guidelines for a Transfer in Responsibilities

SOURCE*: Brian Krasney - ACTA Secretariat

PURPOSE: Discussion and Decision

DISTRIBUTION TO: ACTA Council

Abstract

This contribution provides suggested guidelines for Responsible Parties acquiring a RPC with one or more associated filings where the acquiring Responsible Party (the “successor”) assumes responsibilities for equipment which currently have the original Responsible Party’s information and / or branding on respective SDoC or TCB Certificate.

Introduction

The Secretariat proposes new guidelines for a transfer in responsibility of RPC that will increase the amount of information available to the consumer, and increase the accuracy of the information in the Part 68 database.

NOTICE

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Background

The Secretariat received an SDoC from an acquiring Responsible Party (the “successor”) that requested ACTA upload the new SDoC to the AOF.

The new SDoC contained the branding and name of the new Responsible Party, and provided May 13, 2004 as the terminal approval date. There was no reference to the previous SDoC, the company name on the previous SDoC, or the original approval date of September 12, 2003 on the new SDoC.

The Secretariat discussed the situation with the Responsible Party, and decided there are larger implications involved and therefore submits the issue to ACTA for consideration.

Currently, when an RPC transfer request is made, the Secretariat ensures that the requirement in section 3.2 of Guidelines and Procedures are received. The Secretariat then edits the Responsible Party’s information for the associated RPC in the part 68 database.

Once this database edit is complete, all records containing the acquired RPC indicate the successor’s information in the AOF. While viewing such a record, if an AOF user views the SDoC or TCB Certificate of the record, the user will see a discrepancy between the Responsible Party in the AOF and the Responsible Party listed on the SDoC or TCB certificate.

Guidelines and Procedures (Revision 2.5) does not include a procedure for replacing SDoC or TCB Certificate.

Recommendation

In order to enable the ACTA to handle requests of the above nature appropriately, the Secretariat recommends that the ACTA adopt the below guidelines for a successor to follow for products still being produced and marketed going forward:

For SDoC:

Where the acquiring Responsible Party (the “successor”) assumes responsibility for products which currently have the original Responsible Party’s information and / or branding on respective SDoC):

The Responsible Party (the “successor”) shall make the following changes to its SDoC (while maintaining the remainder of the original text of the original):

- 1) Add the new branding and / or company name information (replacing the information of the previous Responsible Party)

- 2) Add an “updated date of issue” above the original terminal approval date (this is the date at which the acquiring Responsible Party is confirming the original declaration made by the acquired Responsible Party or TCB Certificate).
- 3) The Responsible Party (the “successor”) shall provide this new SDoC to the ACTA. Upon being received by the ACTA, the Responsible Party must begin packaging the updated SDoC with its product and make it available on their website.

For TCB Certificates: (Proposed process for products still being produced and marketed)

- 1) Responsible Party (successor) shall obtain a revised TCB Certificate or issue a SDoC reflecting the successor as the RP.
- 2) Successor or TCB will file with ACTA; include new TCB Certificate or SDoC.

For SDoC and TCB Certificates:

New SDoCs and TCB Certificates will contain the following text “This SDoC (or TCB Certificate) replaces and supersedes the SDoC (or TCB Certificate) previously issued by (former Responsible Party or original TCB) on (original approval date).”

On receiving new SDoC or TCB Certificate, ACTA has several options:

- 1) Replace most recent filing of all existing SDoCs & TCB Certificates with new SDoCs & TCB Certificates for products still being produced and marketed.
- 2) Replace most recent filing of all existing SDoCs & TCB Certificates.
- 3) Separately track and make available information of the transfer of Responsibility (i.e. company names of parties involved with an association to new SDoC).
- 4) Maintain & display both old & new version of SDoC or TCB Certificate. NOTE: Requires significant programming and cost.

Secretariat Recommendation:

The Secretariat strongly recommends option #1. Option # 1 enables the ACTA to maintain accurate information of all products currently being produced and marketed. The ACTA will continue to maintain the original information for products no longer being produced and marketed. Of the options presented, it adds the least amount of labor for all parties involved.

Other Considerations

Where an acquiring Responsible Party (the “successor”) gains TTE filings for which there are no SDoCs or TCB Certificates in the part 68 database (Legacy Filings):

- 1) The successor shall provide an SDoC for the latest of each filing that indicates the product conformed to the technical criteria at the time it was originally filed with the FCC.
- 2) ACTA May require the Successor to provide a SDoC or TCB Certificate for the product at the time of its next filing ; e.g. Notice of Change, Modification, etc.