

FCC Reconsiders New Consumer Signal Booster Rules, Proposes Further Relaxation for Provider-Specific Boosters

Chip Yorkgitis

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On Tuesday, September 23, the Federal Communications Commission (“FCC” or “Commission”) released an [Order](#) reconsidering certain provisions of its February 2013 order adopting a new regulatory framework for consumer and industry use of wireless signal boosters. A companion Further Notice of Proposed Rulemaking (“FNPRM”) seeks comment on whether to remove a “personal use” restriction on the operation of certain kinds of signal boosters. Comments will be due 30 days after Federal Register publication and reply comments 20 days later.

The [February Signal Booster Order](#) adopted new technical, operational and registration requirements for two classes of signal boosters – Consumer and Industrial. For Consumer signal boosters, the FCC adopted design and manufacturing requirements (the Network Protection Standard or NPS) which must be met before such boosters could be used, with the consent of licensed commercial mobile radio service, CMRS, providers. The major CMRS carriers agreed to blanket consent by registration of qualified Consumer Boosters. The Commission adopted different technical parameters for two categories of Commercial Boosters: Wideband Consumer Signal Boosters (that operate across multiple carriers) and Provider-Specific Consumer Signal Boosters.

First, in the Order, the Commission agreed with the petition for reconsideration filed by a group called the Wi-Ex Petitioners and streamlined its equipment certification process for Wideband Consumer Signal Boosters by amending certain technical requirements related to downlink noise and gain limits. Second, the Commission agreed with a widely supported joint statement proposing revised technical rules for the manufacture and operation of mobile Provider-Specific Consumer Signal Boosters. The joint statement was filed after successful negotiations between the group that petitioned for reconsideration (the Verizon Petitioners) and a company called Nextivity that had opposed the petition. The rules are modified to require all mobile Provider-Specific Consumer Signal Boosters to meet the same noise limits as mobile Wideband Consumer Signal Boosters. The FCC also modified the applicable kitting and labeling requirements. With one exception, the rules will take effect 30 days after publication in the Federal Register.

In the Further Notice, the FCC seeks comment regarding whether it should relax the rules for Provider-Specific Consumer Signal Boosters and drop the “personal use” restriction applicable to them. The Commission is considering this rule modification given that the booster user will have obtained consent from its CMRS provider, which presumably will allow the carriers to adequately

control booster use without continued need for the restriction. (The “personal use” restriction also applies to Wideband Consumer Signal Boosters, but no change for this category is proposed).