

Rules Impacting Marketing, Packaging, and Labelling of Consumer Boosters Clear OMB Hurdle

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Today, the Federal Communications Commission (FCC) announced in the [Federal Register](#) that July 7, 2015, is the effective date for new consumer booster marketing and labelling rules adopted in its September 2014 reconsideration order which had to first undergo review and approval by the Office of Management and Budget (OMB). The remaining rules modified in the reconsideration order, which we covered in an [earlier blog post](#), became effective on December 28, 2014.

In brief, consumer signal boosters certified for fixed indoor operation only must be labeled to notify consumers that such devices may only be used in fixed, in-building locations. Verizon sought the additional labeling requirement to ensure that purchasers of fixed consumer signal boosters understood the use restrictions, and specifically do not install or operate such boosters outside or in vehicles where the CMRS provider was concerned the boosters might interfere with their commercial network operations. The FCC agreed. As a consequence, every fixed consumer signal booster, whether wireless provider-specific or wideband, manufactured or imported on or after **July 7, 2016**, must be accompanied by the statement "This device may be operated **ONLY** in a fixed location for in-building use" in four specific ways: (1) in on-line point-of-sale marketing materials, (2) in any print or on-line owner's manual and installation instructions, (3) on the outside packaging of the booster, and (4) on a label permanently affixed to the booster. While manufacturers and importers will have to bear the bulk of this informational burden, on-line retailers selling fixed consumer boosters will want to take note in designing their websites as well as any companies rebranding consumer boosters.

In the Further Notice of Proposed Rulemaking accompanying the September 2014 reconsideration order, the FCC asked whether it should relax its rules for provider-specific consumer signal boosters by dropping the "personal use" restriction now applicable to them. The Commission is still considering whether to make this rule change, which would likely expand the deployment of the boosters under the FCC regulations. (The "personal use" restriction also applies to wideband consumer signal boosters, but no change for this category is currently under consideration.)