



May 16, 2025

VIA ECFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

**Re: Promoting the Integrity and Security of Telecommunications Certification Bodies,
Measurement Facilities, and the Equipment Authorization Program, ET Docket No.
24-136**

Dear Ms. Dortch,

On May 14, 2024, J. David Grossman and Rachel Nemeth of CTA and the undersigned counsel of INCOMPAS (“the association representatives”) met virtually with Thomas Struble, Senior Legal Advisor, and Sara Rahmjoo, Legal Advisor, in Commissioner Nathan Simington’s Office. On May 15, 2025, the association representatives conducted separate virtual meetings with Edyael Casaperalta, Legal Advisor to Commissioner Anna M. Gomez, Justin Faulb, Chief of Staff and Legal Advisor for Wireline and National Security to Commissioner Geoffrey Starks, Adam Chan, National Security Counsel to Chairman Brendan Carr, and Dana Shaffer and Jamie Coleman of the Office of Engineering and Technology. During these meetings, the association representatives discussed the public draft of the *Report and Order and Further Notice of Proposed Rulemaking* in the above-referenced proceeding which is scheduled for a vote at the Commission’s May Open Meeting on Thursday, May 22, 2025.¹

In the meeting, the association representatives signaled their respective organization’s support for the national security goals of the *Draft Report and Order and FNPRM*. The Commission’s efforts to prohibit recognition of testing facilities that are owned by, controlled by, or subject to the direction of prohibited entities offers the manufacturers and telecommunications providers that our organizations represent the necessary assurances that the agency is taking important steps to reinforce the equipment authorization process and “build a

¹ *Promoting the Integrity and Security of Telecommunications Certification Bodies, Measurement Facilities, and the Equipment Authorization Program*, ET Docket No. 24-136, Report and Order and Further Notice of Proposed Rulemaking, FCC CIRC2505-01 (“*Draft Report and Order and FNPRM*”).

more secure and resilient supply chain” that will continue to allow our members to quickly bring products to market.²

At the same time, CTA and INCOMPAS expressed concern that the proposed rules could have a material impact on the pace of the certification process if a significant number of testing facilities were to have their recognition revoked by the Commission once the *Report and Order* goes into effect. According to the associations’ members, considerable testing and certification is conducted in non-domestic facilities and U.S. companies will need ample time to identify alternative testing facilities and arrange for products to undergo certification. In some cases, this may entail breaking a commercial agreement with a testing facility that has had its recognition revoked by the Commission. An immediate prohibition on the use of a testing facility could also leave a company’s current product testing stranded until an alternative is arranged. These problems could be exacerbated by a lack of capacity in labs that retain their recognition under the current proposal which could ultimately limit device availability for Americans.

To address this concern, the association representatives urged the Commission to seek additional information as part of the *Further Notice of Proposed Rulemaking* and designate authority to the Office of Engineering and Technology (“OET”) to determine an appropriate timeframe for implementation. To prevent a significant backlog of the certification process, the Commission must take into account what the replacement of testing facility capacity will entail. Specifically, the Commission should determine the available excess capacity in recognized labs and compare that with the amount of increase in demand that will be caused by the Commission’s actions in the instant proceeding. That difference is the amount of lab supply that will need to be created among approved labs to avoid a certification shortfall and potential delay. In the *FNPRM*, the Commission should also seek input from existing lab owners to determine how long it will take to meet the demand needs of manufacturers. Based on this data, OET can determine an implementation timetable that will allow domestic manufacturers to take the necessary steps to extricate themselves from restricted test facilities.

The association representatives also suggested that the Commission maintain a publicly available list of testing facilities that are prohibited under the new rules. Such a list would be an important resource for America’s device manufacturers, particularly given the high probability that testing facilities may be added or removed based on ownership.

If you have any questions about this filing, please feel free to contact me.

Respectfully submitted,

/s/ Christopher L. Shipley

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² See *Draft Report and Order and FNPRM* at para. 8.

cc: Adam Chan
Thomas Stuble
Edyael Casaperalta
Justin Faulb
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