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FCC Proposes to Align U.S. Regulations at 13.56 MHz with European and Canadian Regulations along with other Part 2, 15 & 18 Changes.

Responding favorably to a petition filed by The National Council for Information Technology Standardization Technical Committee B10, the U.S. Federal Communications Commission (FCC) has issued a Notice of Proposed Rule Making (NPRM) setting forth its tentative decision to change Section 15.225 of the FCC Rules, 47 C.F.R. § 15.225, to allow RFID interrogators operating at 13.56 MHz to transmit data more effectively over longer localized ranges. The improvement may be the difference in communicating for up to one meter instead of a few centimeters. The Committee is accredited by the American National Standards Institute to develop national standards for identification cards and related devices.

The proposal is based, in part, on the radio field strength limits set forth in EN 300 330, a standard developed by the European Telecommunications Standards Institute (ETSI). If the FCC takes the next step and amends its rules, the proposal would allow the same equipment to be approved both in the United States and in Europe even though the proposal is not identical to the ETSI standard. This would mark a major step forward in the regulatory structure for short range devices such as proximity cards known as “smart cards”, vicinity cards and smart labels used to facilitate electronic commerce, asset tracking, and access control.

The Proposal. Acting favorably upon Committee B10’s petition, the FCC has proposed to allow equipment that would operate at 13.56 MHz to produce field strengths at 30 meters measurement distance of up to 84 dBuV/m within the band 13.553 - 13.567 MHz; up to 50.5 dBuV/m within the bands 13.410 – 13.553 and 13.567 – 13.710 MHz; up to 40.5 dBuV/m in the bands 13.110 – 13.410 and 13.710 – 14.010 MHz, and up to 29.5 dBuV/m outside of 13.110 - 14.010 MHz. By contrast, the current rule limits field strength within the 13.553 - 13.567 MHz band to no more than 80 dBuV/m and restricts emissions outside of that band to no more than 29.5 dBuV/m. The current rule also prohibits any modulation sidebands from falling within certain spectrum that is very near the 13.553 - 13.567 MHz band. The net effect of the current regulations is to limit data transfer rates and to restrict range, while making it impossible to achieve in the United States the performance levels that are possible in Europe, Canada, and Australia.

FCC Seeks Comments. In its NPRM released on October 15 in ET Docket No. 01-278, the FCC invites comments on the proposed rules. This latest round of comments and reply comments follows by nearly three years the FCC’s earlier solicitation of comments on Committee B10’s petition. After analyzing those comments and consulting with federal users of the radio spectrum, the Commission voted to move forward with the NPRM. The NPRM also contains many other proposals for amendment of the FCC regulations, primarily involving Part 15 of the Rules. A copy of the NPRM may be downloaded from http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-01-290A1.pdf Paragraphs 19 through 24 of the NPRM address the B10 proposal. A summary of the NPRM is expected to be published in the *Federal Register* before the end of November 2001. Comments will be due 75 days after *Federal Register* publication. Replies to the comments will be due 105 days after *Federal Register* publication. **Note: Supporting comments are very important. Unless the FCC continues to receive support for the proposal, the agency may conclude not to enact the regulations it has proposed.**

Points to Make. Comments should emphasize *why* it would be in the public interest for the FCC to amend its rules to afford RFID developers more flexibility. The comments should explain the applications that radio frequency devices could serve under the proposed limits but not under the current regulations. Comments might also explain the desirability of internationally compatible standards for radio frequency ID devices. Additionally, the comments might address how systems operating under the revised regulations could improve homeland security and aid in economic recovery. The comments should also set forth any changes that the commenter believes should be made in the proposed rules and why. Finally, the comments should explain why this proposal to amend the regulations pertaining to RFID at 13.56 MHz should be finalized promptly without being delayed the FCC's consideration of the other issues raised in the NPRM.

How to File. Comments may be submitted on paper or electronically and may be in either letter or pleading form. The easiest way to file comments is to use the FCC's Electronic Comments Filing System (ECFS) via the internet at <http://www.fcc.gov/e-file/ecfs.html> and click on "File a Comment" button. The ECFS offers options for uploading WORD, WordPerfect, and PDF files or for sending short informal comments as an email. The "proceeding" to specify on the ECFS is 01-278. The ECFS is easy to use, but it does not allow filers simply to attach a document to an email. Electronically filed comments may be submitted until 12 midnight Eastern Time on the due date. All comments, reply comments, and letter will be posted on the ECFS for downloading.

If in letter form, the comments should be addressed to Ms. Magalie Roman Salas, Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, DC 20554, which is the headquarters of the FCC. Letters or pleadings sent by FedEx or UPS can be sent to the same address but should use the ZIP Code 20024 instead of 20554. The letter, which may be single spaced, must refer to ET Docket No. 01-278 at the beginning. An original and four copies of the comments should be sent to the Office of the FCC's Secretary for delivery not later than the deadline for comments. Any replies should be delivered to the office by not later than the reply deadline. *Note: it is not sufficient to have comments and replies simply postmarked by these dates; the documents must be received by the due date.*

Documents that are hand-delivered will no longer be accepted at the FCC's headquarters because of security concerns. Instead, such documents must be hand-delivered to the FCC's special mail facility, which is located away from the FCC's headquarters. Check the FCC's webpages at www.fcc.gov for the latest hand delivery procedures. Note that the FCC recommends that comments be filed electronically.

If submitted in pleading form, the comments must be double spaced, sent to the FCC's Secretary at the address shown above or filed electronically. A sample of the style for comments and replies is also available by email or fax from the information contact shown below.

For more information, contact [name], [phone number], [fax number] [email address].