



Guidelines for the Type Approval Of Licence- Exempt Radio Spectrum Devices

GUIDELINES – ECS 02/2013

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1 Introduction

The Utilities Regulation and Competition Authority (URCA) is the body with responsibility under the Communications Act (“Comms Act”) 2009 for regulation of the Electronic Communications Sector in The Bahamas. URCA is responsible, amongst other things, for licensing persons who establish, operate and maintain an electronic communications network or provide a carriage service, including by use of any radio spectrum.

These “Guidelines for the Type Approval of Licence-Exempt Radio Spectrum Devices” are issued pursuant to the exemption provision contained in Section 17 of the Comms Act and are intended to supplement and augment ECS 24/2009¹ Annex G, issued 2 November 2009. The Type Approval process established by these Guidelines is applicable to radio spectrum devices not requiring electronic communications service or networks and is intended to verify that the device complies with standards adopted by URCA.

These Guidelines set out URCA’s process for the consideration of applications for Type Approval.

1.1 Background

Pursuant to the Exemption provisions contained at Section 17 of the Comms Act, namely:

“(3) Persons using radio spectrum may only be exempt from the licensing requirements in this Part provided that —

(a) associated equipment does not or is unlikely to cause significant interference to networks or carriage services operated or provided by a licensee;

(b) the risk of harm or inconvenience to other users is outweighed by the benefits to the public from permitting usage on an unlicensed basis; and

¹ The Spectrum Exemption contained in Annex G of ECS 24/2009 was formally issued by URCA as URCA document reference ECS 09/2009.

(c) URCA is satisfied that such exemption would be compatible with relevant international recommendations and standards.

(4) Any exemption determination made by URCA shall be published, and unless revoked in accordance with any term contained in the exemption or in accordance with this Act or any other law, shall continue in force for such period as may be specified in or determined by or under the exemption”.

In respect of licences and exemption determinations generally, the Comms Act states at Section 18 that:

“(1) An exemption determination exempts a person or class of persons from the requirement of a licence under section 16(1) only in relation to the provision of such network or carriage service or the right to use radio spectrum as may be specified in the exemption determination and subject to the conditions of that exemption determination, if any.

(2) Regardless of their form or content, licences and exemption determinations shall be and have effect as unilateral administrative actions of URCA pursuant to its powers under this Act and not bilateral agreements or contracts”.

On 2 November 2009, having regard to the provisions of s. 17(3) and (4) and s. 18(1) of the Comms Act, URCA issued document reference ECS 24/2009, titled “Final Determination on: Class Licences, Exemptions and Types of Fees”. Paragraphs 6.1 and 6.2 of the said Final Determination stated in respect of Spectrum Exemptions as follows:

“6.1 Subject to paragraph 6.2, the criteria set out in the Spectrum Exemption as contained in Annex G to this Final Determination are final and any person who fulfils such criteria shall be exempt from obtaining a licence under Section 16(1) of the Communications Act, 2009 for Low Power Devices;

6.2 Nothing in the Spectrum Exemption shall relieve any person of any legal requirement to firstly obtain any additional consents, permissions, authorisations or other licences that are necessary for the establishment, operation, maintenance or improvement of a Network or the provision of a Carriage Service”.

Under URCA’s Spectrum Exemption², persons are exempt from the requirement to obtain a spectrum license if the devices being used are “Low Power Devices”³. Notwithstanding this exemption, the low power devices are required to be “type approved” by URCA prior to the importation of the device into The Bahamas. In order to simplify the process for type approval of devices which are likely to have been already approved for use in other jurisdictions in the same region as The Bahamas, URCA has adopted⁴ Part 15 of the Code of Federal Regulation (CFR) 47⁵ established by the FCC, which contain standards for Low Power Devices. The CFR is available at <http://www.fcc.gov/oet/info/rules/>.

These Guidelines are intended to supplement the determination made by URCA in ECS 24/2009, and are of a purely procedural nature. URCA therefore does not consider it necessary to issue a further determination or other regulatory measure to give effect to these Guidelines.

In addition, it should be noted that the Comms Act makes it an offence for anyone to use “any communications equipment for the purpose of interfering with wireless telegraphy.”⁶

1.2 Objective

The objective of these Guidelines is to provide a framework using established procedures which are to cover the following:

- i. persons who can request Type Approval;
- ii. confirm the relevant standard (i.e. CFR 47 of the FCC Part 15); and
- iii. specify the requirements for Type Approval.

1.3 Structure of this Document

The remainder of this document contains the following sections:

- Section 2: Type Approval Process;
- Section 3: addresses repeals and safeguards; and
- Section 4: provides a copy of the Application Form for Type Approval.

² Final Determination On: Class Licences, Exemption and Types of Fees ECS 24/2009 Annex G –Spectrum Exemption.

³ Final Determination On: Class Licences, Exemption and Types of Fees ECS 24/2009 Annex G Section 1.3.

⁴ ECS 15/2009. Guidance on the Licencing Regime Under the Communication Act, 2009. S.3.3 Types of Spectrum Licence, Page 23.

⁵ Final Determination On: Class Licences, Exemption and Types of Fees ECS 24/2009 Annex G Section 1.5.

⁶Section 33 of the Communications Act 2009.

2 What is a Type Approval?

A Type Approval is a certificate granting authorization for the use of a Low Power Device. URCA's process for granting Type Approval is designed to ensure compatibility of Low Power Devices with both licensed and license exempt electronic communication systems operating legally in The Bahamas.

A Type Approval will be issued by URCA where URCA is satisfied that:

- i. the device is designed for efficient use of the radio frequency spectrum and avoid harmful interference with no degradation of service to other users of the spectrum;
- ii. the device conforms to health and safety standards and does not cause harm to the user or other individuals; and
- iii. the electromagnetic emissions does not disrupt the operation of equipment operating nearby.

2.1 Who can apply for a Type Approval?

An application for Type Approval can be made by the manufacturer/producer, dealer or importer of a Low Power Device, or a duly authorized agent acting on behalf of the manufacturer. The manufacturer or producer of a Low Power Device is not required to have a presence in The Bahamas in order to apply for Type Approval. However, Type Approval must be obtained from URCA before a Low Power Device can be imported or used in The Bahamas.

2.2 The Application Procedure for Type Approval

An application for Type Approval must contain the following documentation, at a minimum:

- a completed application form ECS 02 / 2013 (See Annex or obtainable from URCA's web-site) for each make and model;
- a signed and dated Test Report for each device, issued by an accredited Test Laboratory;
- a copy of the FCC's Grant of Equipment Authorization Certification for the device;
- detailed technical specifications of the device;

- a Letter of Authorization, if the application is made by anyone other than the manufacturer; and,
- the Type Approval application fee in accordance with URCA's Fee Schedule in force at the time of the application.

All supporting documentation submitted to URCA in this regard will be treated as confidential. The completed application form and all supporting documents must be submitted to URCA at the following address:

Chief Executive Officer
Utilities Regulation and Competition Authority
UBS Annex Building
East Bay Street
P.O. Box N-4860
Nassau, The Bahamas

An Application will not be processed unless ALL requested information is received within 30 calendar days. If after thirty calendar days requested information is not received, application request will be cancelled. A Type Approval will be issued in the name of the manufacturer (Same as the named Manufacturer on the FCC Equipment Grant Authorization) without exception. A separate application is required for each make and model for which the applicant is seeking Type Approval.

2.3 Technical Information

The grant of Type Approval is based on URCA receiving a submission which contains suitable test reports and other supporting documents demonstrating compliance with the required standards.

The device for Type Approval must bear the same model number of the test report including the following:

- i. An index or table of contents;
- ii. A declaration of conformity⁷ issued by the manufacturer;

⁷See Section 2.4 below for the contents of a declaration of conformity.

- iii. Technical/operational documentation including a brief explanation describing how the device is intended to be used;
- iv. Identification of any radio interfaces, antennas or connection points for antennas and radio spectrum range EIRP power;
- v. Any software or firmware which may affect compliance or have an effect on radio frequency emissions;
- vi. The description shall give sufficient information on the equipment in the event the equipment is an interface card or module for installation in host equipment;
- vii. Circuit diagrams, printed circuit board (PCB) layouts, parts list and other design and construction information; and,
- viii. Photographs or illustrations in sufficient detail showing external features and internal layout.

2.4 Declaration of Conformity

A declaration of conformity must be submitted, issued by the manufacturer of the device on company letterhead or company stationery and signed by an authorised representative of the manufacturer, confirming that the device complies with the relevant standards (e.g., radio, health and safety, EMC, etc.). The manufacturer need not submit any sample equipment unless specifically requested to do so.

Information that is to be included in the declaration of conformity is as follows:

- a. A unique identification number;
- b. The name and contact address of the issuer;
- c. Clear statement of the name, type, date of production or model number of the product, etc;
- d. A statement of conformity;
- e. A complete list of product standards;
- f. Date of issue;
- g. Signature, name and function of the authorized person acting on behalf of the issuer; and
- h. Name and address of the accredited Testing Laboratory.

2.5 Markings

Low Power Devices entering The Bahamas must be clearly marked showing the following information:

- a) The manufacturer's Name;
- b) Model, Type Number;
- c) Serial Number; and
- d) Approval Number (i.e., the FCC's Equipment Grant identifier).

2.6 Revocation of Type Approval

The Type Approval may be revoked by URCA in the following instances;

- i. The low power device has undergone one or more changes and as a result does not comply with the applicable standards that were in effect at the time the equipment was approved by URCA⁸; or
- ii. In the event of a Policy change to the Guidelines⁹; or
- iii. The Low Power Devices is being used in such a way so as to permit or enable the establishment and operation of a broadcast radio or television station¹⁰; or
- iv. The device is known to cause harmful interference to other licensed electronic communication systems.

In the event URCA receives a complaint against the holder of a Type Approval or has reason to believe that such person is in breach of the Conditions in the Spectrum Exemption or these Guidelines, URCA shall notify the original applicant and any other affected parties (e.g., the manufacturer/producer, dealer or importer of the Low Power Device, or the agent of the manufacturer) of the purported breach and follow the enforcement provisions in Part XVII of the Comms Act regarding the issuance of enforcement Orders and Determinations. In the event that URCA issues a Final Determination with or without an Order revoking the Type Approval, notification of revocation of the Type Approval will be published on URCA's website along with the reasons for the cancellation and notify the original applicant and any other affected parties. Upon cancellation of the Type Approval, further use of the device in The Bahamas is unlawful.

⁸ FCC CFR Part 15.29(d)

⁹ S.120(3) CA

¹⁰ ECS 15/2009. Guidance on the Licensing Regime Under the Communication Act, 2009. S.3.3 Types of Spectrum Licence, Page 23.

2.7 Fees

An application fee is required payable to URCA on receipt of each Type Approval request. The application fee charged by URCA in respect of an application for Type Approval is set out in URCA's Fee Schedule published annually, which is available for download from URCA's website at www.urbahamas.bs.

The validity period of the Type Approval is for the life of the Low Power Device provided the Type Approval is not revoked as in s.2.6 or surrendered by the applicant.

3. Repeal and Safeguard

These Guidelines shall remain in effect until amended, repealed or replaced. Users of devices are reminded that the Comms Act makes it an offence for anyone to use “any communications equipment for the purpose of interfering with wireless telegraphy.”¹¹

¹¹Section 33 of the Communications Act 2009.

Annex

Application Form for Type Approval

APPLICATION FOR TYPE APPROVAL OF LOW POWER DEVICE

PART A: PARTICULARS OF APPLICANT

Company Name:

Company Address:

Email address:

Mailing Address:

Zip Code:

Phone:

Fax:

PART B: DETAILS OF THE EQUIPMENT

Name of the Manufacturer:

Address of the Manufacturer:

Brand Name:

Model No:

Trade Name:

RF channel spacing:

Type of Modulation:

Year of Manufacture:

RF Output:

Operating Frequency range:

a. Transmit: _____ MHz

b. Receiver: _____ MHz

FCC CFR 47 Part 15 Equipment Authorization

FCC Identifier:

FCC Equipment Class:

Purposed use of Equipment:

PART C: DOCUMENTATION

A completed application form signed & stamped

FCC's Grant of Equipment Authorization Certificate

Technical Specification

Product User's manual

Letter of Authority, if other than
Manufacturer

Signed & dated Test Reports issued by an accredited Test Lab

Safety Report(s)

Electromagnetic Compa

Internal & External

Photo of DUT

Any other document

DECLARATION OF APPLICANT

[I/we] hereby certify that all information provided above and the document(s) attached hereto are true and correct and [I/we] shall comply with policies and procedures on Type Approval as outlined in the Utilities Regulation and Competition Authority (URCA) Guidelines.

Signature of applicant: _____

Date: _____