



Federal Communications Commission
Washington, D.C. 20554

June 17, 2013

Joshua J. Whittman
Compliance Engineer
ADC Telecommunications, Inc.
1187 Park Place
Shakopee, MN 55379

Re: Request for Waiver to Permit Certification of ADC Telecommunications, Inc. FSN-W4-752121-1-HP Industrial Boosters for use by Verizon Wireless

Dear Mr. Whittman:

Pursuant to section 1.925 of the Commission's rules, we hereby grant ADC Telecommunications, Inc. (ADC), a limited waiver of the prohibition in paragraph 133 of the *Signal Boosters Report and Order*,¹ to permit action on a certification application for Industrial Signal Booster model number FSN-W4-752121-1-HP (FCC ID: NOO-F0689-011) ("the ADC Industrial Signal Booster").

In order to promote a rapid transition to signal boosters that meet the new rules adopted in the *Signal Boosters Report and Order*, the Commission determined that as of the release date of the *Report and Order*, it would no longer act on applications for equipment certification that did not comply with the new rules.² Among its new rules, the Commission required Industrial Signal Boosters to be labeled to ensure that such devices were operated only by licensees or with licensee consent and to avoid purchase and misuse by consumers.³ The labeling requirement will not become effective, however, until approved by the Office of Management and Budget several months from now.

ADC seeks equipment certification for an Industrial Signal Booster to be used by Verizon Wireless (Verizon) to enhance wireless coverage in NFL stadiums.⁴ ADC states that the ADC Industrial Signal Booster is necessary in the near term because installation must be completed in July prior to the start of the NFL pre-season in August to ensure that the general public attending events in FedEx Field (Washington Redskins) and Metlife Stadium (New York Giants) will have adequate coverage in these state-of-the-art venues.⁵ ADC states that these devices will be sold only to Verizon and will be "operated, serviced, and controlled under the supervision of Verizon Wireless."⁶

¹ Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission's Rules to Improve Wireless Coverage Through the Use of Signal Boosters, 28 FCC Rcd 1663, 1709-1710, ¶ 133 (2013) (*Signal Boosters Report and Order*).

² *Id.*

³ *Id.* at 1702, ¶ 110.

⁴ ADC Waiver Request at 1.

⁵ *Id.*

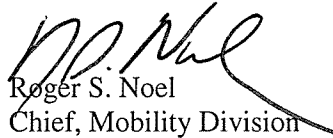
⁶ *Id.*

We find that the underlying purpose of section 20.21(f) of the Commission's rules and paragraph 133 of the *Signal Boosters Report and Order* would not be served by application here. By limiting sale of the ADC Industrial Signal Booster to Verizon for installation on behalf of Verizon and operation under Verizon's control, the underlying purpose of the labeling requirement in section 20.21(f) is met. Consumers will not have access to unlabeled equipment. Further, we find that a waiver under these circumstances is in the public interest because there is an immediate need for the ADC Industrial Signal Booster to facilitate the deployment of reliable communications in major NFL stadiums prior to the start of the NFL pre-season. However, absent a waiver such boosters would not be available because ADC is unable to comply with the labeling rule because the rule has yet to take effect. Accordingly, we grant a limited waiver of the prohibition in paragraph 133 of the *Signal Boosters Report and Order* to permit acceptance and action on the equipment certification application for the ADC Industrial Signal Booster under our existing rules. ADC need not comply with section 20.21(f) of the Commission's rules because this rule is not yet effective. However, we condition the waiver in the following respects: the ADC Industrial Signal Booster (1) may only be sold to Verizon or a third party installer acting on Verizon's behalf, *i.e.*, these devices may not be offered or sold to members of the general public; (2) must be installed by or on behalf of Verizon; and (3) must be operated under the control of Verizon or a successor licensee in the same manner. We grant the requested waiver to the extent provided herein.

We note that to the extent you wish to market the ADC Industrial Signal Booster beyond the scope of this waiver and after the signal booster rules become effective, you may submit a permissive change application for the device which would include label information and certify that the device complies with the new signal booster rules, *i.e.*, it complies with the new labeling rule.

Action taken pursuant to 47 C.F.R. §§ 0.331, 1.3, 1.925.

Sincerely,


Roger S. Noel
Chief, Mobility Division
Wireless Telecommunications Bureau
Federal Communications Commission