

## Federal Communications Commission

## §2.911

(b) Certification attaches to all units subsequently marketed by the grantee which are identical (see §2.908) to the sample tested except for permissive changes or other variations authorized by the Commission pursuant to §2.1043.

[39 FR 5919, Feb. 15, 1974, as amended at 39 FR 27802, Aug. 1, 1974; 63 FR 36597, July 7, 1998]

### §2.908 Identical defined.

As used in this subpart, the term *identical* means identical within the variation that can be expected to arise as a result of quantity production techniques.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 23249, Apr. 24, 1981]

### §2.909 Responsible party.

The following parties are responsible for the compliance of radio frequency equipment with the applicable standards:

(a) In the case of equipment which requires the issuance by the Commission of a grant of equipment authorization, the party to whom that grant of authorization is issued (the grantee) If the radio frequency equipment is modified by any party other than the grantee and that party is not working under the authorization of the grantee pursuant to §2.929(b), the party performing the modification is responsible for compliance of the product with the applicable administrative and technical provisions in this chapter.

(b) In the case of equipment subject to authorization under the verification procedure, the manufacturer or, in the case of imported equipment, the importer. If subsequent to manufacture and importation, the radio frequency equipment is modified by any party not working under the authority of the responsible party, the party performing the modification becomes the new responsible party.

(c) In the case of equipment subject to authorization under the Declaration of Conformity procedure:

(1) The manufacturer or, if the equipment is assembled from individual component parts and the resulting system is subject to authorization under a

Declaration of Conformity, the assembler.

(2) If the equipment, by itself, is subject to a Declaration of Conformity and that equipment is imported, the importer.

(3) Retailers or original equipment manufacturers may enter into an agreement with the responsible party designated in paragraph (c)(1) or (c)(2) of this section to assume the responsibilities to ensure compliance of equipment and become the new responsible party.

(4) If the radio frequency equipment is modified by any party not working under the authority of the responsible party, the party performing the modifications, if located within the U.S., or the importer, if the equipment is imported subsequent to the modifications, becomes the new responsible party.

(d) If, because of modifications performed subsequent to authorization, a new party becomes responsible for ensuring that a product complies with the technical standards and the new party does not obtain a new equipment authorization, the equipment shall be labelled, following the specifications in §2.925(d), with the following: "This product has been modified by [insert name, address and telephone number of the party performing the modifications]."

[54 FR 17712, Apr. 25, 1989, as amended at 61 FR 31045, June 19, 1996; 62 FR 10470, Mar. 7, 1997; 62 FR 41880, Aug. 4, 1997]

### APPLICATION PROCEDURES FOR EQUIPMENT AUTHORIZATIONS

### §2.911 Written application required.

(a) An application for equipment authorization shall be filed on a form prescribed by the Commission.

(b) Each application shall be accompanied by all information required by this subpart and by those parts of the rules governing operation of the equipment, and by requisite test data, diagrams, etc., as specified in this subpart and in those sections of rules whereunder the equipment is to be operated.

## §2.913

(c) Each application including amendments thereto, and related statements of fact required by the Commission, shall be personally signed by the applicant if the applicant is an individual; by one of the partners if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association: *Provided, however*, That the application may be signed by the applicant's authorized representative who shall indicate his title, such as plant manager, project engineer, etc.

(d) Technical test data shall be signed by the person who performed or supervised the tests. The person signing the test data shall attest to the accuracy of such data. The Commission may require such person to submit a statement showing that he is qualified to make or supervise the required measurements.

(e) The signatures of the applicant and the person certifying the test data shall be made personally by those persons on the original application; copies of such documents may be conformed. Signatures and certifications need not be made under oath.

(f) Each application shall be accompanied by the processing fee prescribed in subpart G of part 1 of this chapter.

(g) *Signed*, as used in this section, means an original handwritten signature; however, the Office of Engineering and Technology may allow signature by any symbol executed or adopted by the applicant with the intent that such symbol be a signature, including symbols formed by computer-generated electronic impulses.

[39 FR 5919, Feb. 15, 1974, as amended at 39 FR 27802, Aug. 1, 1974; 52 FR 5294, Feb. 20, 1987. Redesignated at 54 FR 17712, Apr. 25, 1989; 63 FR 36598, July 7, 1998]

### **§2.913 Submittal of equipment authorization application or information to the Commission.**

(a) All applications for equipment authorization must be filed electronically via the Internet. Information on the procedures for electronically filing equipment authorization applications can be obtained from the address in paragraph (c) of this section and from

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the Internet at <https://gullfoss2.fcc.gov/prod/oet/cf/eas/index.cfm>.

(b) Unless otherwise directed, fees for applications for the equipment authorization, pursuant to §1.1103 of this chapter, must be submitted either electronically via the Internet at <https://gullfoss2.fcc.gov/prod/oet/cf/eas/index.cfm> or by following the procedures described in §0.401(b) of this chapter. The address for fees submitted by mail is: Federal Communications Commission, Equipment Approval Services, P.O. Box 979095, St. Louis, MO 63197–9000. If the applicant chooses to make use of an air courier/package delivery service, the following address must appear on the outside of the package/envelope: Federal Communications Commission, c/o Lockbox 979095, SL–MO–C2–GL, 1005 Convention Plaza, St. Louis, MO 63101.

(c) Any equipment samples requested by the Commission pursuant to the provisions of subpart J of this part shall, unless otherwise directed, be submitted to the Federal Communications Commission Laboratory, 7435 Oakland Mills Road, Columbia, Maryland, 21046.

[69 FR 54033, Sept. 7, 2004, as amended at 73 FR 9030, Feb. 19, 2008]

### **§2.915 Grant of application.**

(a) The Commission will grant an application for certification if it finds from an examination of the application and supporting data, or other matter which it may officially notice, that:

(1) The equipment is capable of complying with pertinent technical standards of the rule part(s) under which it is to be operated; and,

(2) A grant of the application would serve the public interest, convenience and necessity.

(b) Grants will be made in writing showing the effective date of the grant and any special condition(s) attaching to the grant.

(c) Certification shall not attach to any equipment, nor shall any equipment authorization be deemed effective, until the application has been granted.

[39 FR 5919, Feb. 15, 1974, as amended at 48 FR 3621, Jan. 26, 1983; 62 FR 10470, Mar. 7, 1997; 63 FR 36598, July 7, 1998]